WOMEN AND GIRLS IN THE CRIMINAL JUSTICE SYSTEM
Policy Issues and Practice Strategies

Edited by
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Introduction

Thirty years ago, according to a *Denver Post* news article, a prison reform advocate told a local audience that, in the reporter’s words, “So few women belong in jails or prison, Colorado would do well to be the first state to shut down such facilities” (Bell, 1975).

In the 1970s, the situation for women and girls involved with local, state, and federal juvenile and criminal justice systems was very different than it is today. In June, 1971, for instance, President Richard M. Nixon told criminal justice, judicial, and law enforcement officials gathered in Williamsburg, Virginia, for the First National Conference on Corrections, “Locking a convict up is not enough.” President Nixon reasoned that prisoners should be given “the keys of education, of rehabilitation, of useful planning, of hope” that are necessary “to open the gates to a life of freedom and dignity.” The purpose of this historic conference, coming less than a handful of years after President Lyndon B. Johnson’s Commission on Law Enforcement and Administration of Justice issued its important reports, was to make meaningful recommendations for prison reform.

At that conference, Edith Elisabeth Flynn, then the associate director of the National Clearinghouse for Criminal Justice Planning and Architecture and later a prominent professor of criminal justice at Northeastern University in Boston, observed that little data was available about women offenders. She stated that the most authoritative volume on women and crime had been published in 1951, 20 years earlier. Furthermore, she added, “This situation did not change with the completion of the most comprehensive study to date on the problem of crime and corrections in the United States. [President Lyndon B. Johnson’s] Commission on Law Enforcement and Administration of Justice did not include a single paragraph or statistic on the female offender, nor could any such material be found in its nine supportive Task Force reports” (President’s Commission on Law Enforcement and Administration of Justice, 1968, p. 113)

The 1960s and 1970s were times when incarcerated women and girls were given scant attention, the conditions of confinement for women and girls were more convenient than constitutional, and treatment intervention programs, as well as the nature of probation and parole supervision, were largely an afterthought.

Now, 30 years later, over 100,000 women are confined in federal and state prisons in the United States. No matter how you look at it, the number of women now incarcerated in the United States is an extraordinary departure from previous periods in our history. Between 1925 and 1980, women were incarcerated in state or federal prisons at a rate of approximately six to 10 per 100,000 persons in our country. Over the next 20 years, that rate grew to approximately 60 per 100,000, a six-fold increase. From 1980 to 2001, women’s proportion of the overall U.S. prison population nearly doubled from 4% to 7%. In federal prisons alone, the number of incarcerated women soared ten-fold, to 10,245 over the 21-year period, 1980-2000; the number of women in local jails increased an astounding 100% to approximately 70,000. in this same time frame (see Kruttschnitt & Gartner, 2003).

For many years, sentenced women were generally ignored or neglected, locked up in male surroundings, or lost among caseloads of men. Subsequently, more attention has been given them, but their numbers are still small compared with men who are imprisoned or under correctional supervision. At the start of the 21st century, however, women offenders and prisoners have perhaps reached the tipping point where they can no longer be shunted aside, left managed—just adequately or at least silently—by staff and officials at individual facilities or offices.
In recent years, newspaper articles from across the United States have reported that women are becoming more noticeable in number within criminal justice and correctional systems. In states as diverse as Arizona, Alabama, Connecticut, Maine, Oklahoma, South Dakota, and Vermont, prison officials and state policy makers have been struggling with the prospects of too many women for too few cells.

At the same time, academics, advocates, policy makers, and practitioners in the field of corrections are broadening their acknowledgement of the importance of developing consciously designed plans, programs, and policies for women offenders. In 2003 and again in 2005, hundreds of men and women from across the country traveled to Maine and to Minnesota for national workshops on women and juvenile offenders, sponsored by the Association of Programs for Women Offenders. In 2004, more than 500 women and men attended the 11th National Roundtable on Women in Prison, which was held in Atlanta, Georgia. In 2005, the Minnesota Department of Corrections and the Association on Programs for Female Offenders convened the 11th National Workshop on Adult & Juvenile Female Offenders, which was held in Bloomington, Minnesota. Two national publications—the Civic Research Institute’s practitioner-oriented newsletter, Women, Girls & Criminal Justice, from which articles in this volume are collected, and the academic journal, Women & Criminal Justice, published by The Haworth Press—are in their seventh and fifteenth years of publication respectively. In 2006, Sage Publications will start publishing Feminist Criminology, a quarterly journal edited by the Division on Women and Crime of the American Society of Criminology. Moreover, national organizations such as the National Institute of Corrections (www.nic.org) have websites that contain extensive resource material on women in community and institutional corrections.

Participants at these conferences, as well as readers of these resource materials, learn that gender matters, a lesson that has been described and discussed through a series of articles, reports, training sessions, and workshops sponsored by various community-based and governmental organizations over the past decade. That’s the primary lesson of an emerging correctional consciousness: Men and women differ biologically, economically, politically, and socially. Whereas men and women share certain characteristics and roles, either individually or collectively, they are also clearly distinct in other respects. These differences are important, for men as well as for women, in any assessment of how criminal justice and corrections agencies can effectively manage or treat offenders in their care or prisoners under their custody or supervision.

Women, Girls & Criminal Justice, a bi-monthly, 16-page publication, first appeared in print in late 1998. In its seventh year at this writing, this periodical has become a leading publication for practitioners and policymakers across the United States who are interested in the development and impact of various programs and policies that affect women and girls. This collection gathers together many of the articles that appeared in the first four years.

In the inaugural issue of Women, Girls & Criminal Justice, Tracy Huling, who initially served as co-editor, and I wrote the following:

It is acknowledged by professionals in all disciplines that working with women and girls in the criminal justice system is different than working with men and boys. Advocates, practitioners, scholars, and administrators conclude that many women and girls would be ideal candidates for community-based programs designed to address their specific needs. But there is often disagreement and uncertainty about how to implement alter-
natives. For those incarcerated, corrections professionals face many issues unique to women and girls that affect all aspects of institutional and program management. … Academic and other professional journals often fail to cross the divide between those studying the issues and those working directly with women and girls. While more has been done in recent years to address the concerns, needs, and challenges of women and girls in the criminal justice and corrections systems, much more is required, and what is done needs to be more widely disseminated and discussed (Huling & Immarigeon, 2000, p. 1)

For that first issue, we solicited articles on gender-specific programming, women imprisoned for killing their abusive spouses, the impact of federal legislation on incarcerated mothers and their children, and the design of drug treatment programs that are sensitive to the cultural and psychosocial needs of women. Subsequently, I have continued to solicit articles from academics, administrators, practitioners, researchers, and others who can address the critically important issues that still challenge those who work with women and girls in the American criminal justice system. In the early issues, especially those mirrored in this volume, too few articles were written by incarcerated or formerly incarcerated women and girls, who also have much to say about the validity, vibrancy, and, indeed, effectiveness of correctional programming. This shortcoming has been rectified in more recent issues.

The articles published here are divided into six parts, covering criminal justice policy, juvenile justice, mothers and children, risk and classification, physical and mental health care, and programs and practices. In the course of compiling these articles, first for the periodical and now for this volume, I have gained a deep sense of gratitude and respect for the work and perspectives described by the many authors who have contributed articles. By now, it is increasingly accepted that the treatment of women and girls in the criminal justice system should never again be an afterthought. Moreover, the work of these many authors suggests that this is a broad and complex field that merits more detailed attention, a task we will continue to pursue in coming years.

—Russ Immarigeon
October 15, 2005

References

Table of Contents

About the Editor ................................................................. iii
Introduction ................................................................. v

PART 1: POLICY MATTERS

Chapter 1: Women’s Prison Reform: Past, Present, and Future
Nicole Hahn Rafter, Ph.D.
Introduction ................................................................. 1-1
Introduction of Prison Reform Into the Penal System ................. 1-1
   The Concept of Reformation ......................................... 1-1
   Penal Institutions as the Target of Reform ......................... 1-2
Backlash Against Idea of Rehabilitation ................................ 1-3
Introduction of Sex-Equality in Prison Programs ....................... 1-3
The Present: Lessons Learned and Positive Signs ..................... 1-4
Future Outlook ............................................................... 1-5

Chapter 2: Is Assisting Female Offenders an Art or Science?
Maeve McMahon, Ph.D.
Introduction ................................................................. 2-2
Innovative Approaches and Diverse Perspectives ....................... 2-2
Community-Based Programs for Offenders .............................. 2-3
Consensus About Female Offenders and Corrections .................. 2-4
   Profiles of Female Offenders ....................................... 2-4
   Limits of Our Information .......................................... 2-5
Shared Perspectives on Female Offenders ............................... 2-6
Dilemmas and Contradictions ............................................. 2-7
   What Is “Good” for Female Offenders? ............................ 2-7
   Holistic Approaches in Repressive Contexts ...................... 2-8
Areas of Dissent ............................................................. 2-10
What Defines “Success” .................................................. 2-10
   Who Is a “Client?” .................................................... 2-10
   Is the Actuarial Approach Most Appropriate for Corrections? 2-10
      One Size Does Not Fit All ....................................... 2-11
      A Misplaced Emphasis on Risk? ................................. 2-11
What Do “Criminogenic” and “Risks” Really Mean? .................. 2-11
      A Faulty Predictor of Violent Recidivism? .................... 2-12
Chapter 3: Penal Policies and Women Inmates in the 1990s
Candace Kruttschnitt, Ph.D. and Rosemary Gartner, Ph.D.

Introduction ................................................. 3-1
The New Penality: The Shift From Rehabilitation to
  Retribution and Risk Management ................. 3-2
    Old School vs. New School Corrections ....... 3-2
    Institutional Differences ....................... 3-3
Striking Similarities in Populations and Criminal Justice Experiences .... 3-4
The Inmate Experience: A Study in Contrasts .......... 3-4
    Women’s Response to Aspects of Doing Time ...... 3-4
    Larger Populations Increase Strain on Inmate and Staff Relations .... 3-5
    Availability of Programs ....................... 3-6
Conclusion ............................................... 3-6

Chapter 4: Prisoner Reentry: Social Capital and Family Connections
Creasie Finney Hairston, Ph.D. and James Rollin, Ph.D.

Introduction ................................................. 4-1
Study of Family Connections During Imprisonment .......... 4-2
Visiting Connections ..................................... 4-2
    Children as a Factor Determining Visits ........ 4-3
    Impact of Prison Policies and Location ........ 4-3
Contacts With Children .................................. 4-4
Returning Home ......................................... 4-4

Chapter 5: Sexually Abused Women in State and Local Correctional Institutions,
1980-2000
Kristine Mullendore, J.D. and Laurie Beever, J.D.

Introduction ................................................. 5-1
Prison Conditions ....................................... 5-2
Correctional Institutions’ Response to Inmate Complaints .......... 5-3
Processes Within the Correctional Institution ........... 5-4
    Lack of Communication ......................... 5-4
    Perceived Failure to Respond .................. 5-4
    Fear of Retaliation and Feelings of Vulnerability .... 5-4
    Reluctance to Report ......................... 5-4
Criminal Justice Responses .......................................................... 5-5
Civil Litigation and Sexual Abuse Cases ........................................ 5-6
   Section 1983 ............................................................................. 5-6
   Diversity and Pendent Claims Based on State Tort Law ............. 5-8
Limited Judicial Remedies ............................................................. 5-8
Mere Non-Compliance With Internal Policies Not Actionable ........ 5-10
State Prohibition of Sexual Relations Between Inmates and Corrections Staff .... 5-11
Conclusion ..................................................................................... 5-12

**Chapter 6: The Impact of the Drug War on Women: A Comparative Analysis in Three States**

*Marc Mauer, M.S.W., Cathy Potler, J.D. and Richard Wolf, J.D.*

**Introduction** ................................................................. 6-1

**New York: Drug-Driven Criminal Justice System Offers Stark Changes for Female Arrestees and Offenders** ................................................................. 6-2
   - Increase in Drug Arrests ....................................................... 6-4
   - Prison Sentences ............................................................... 6-4
   - Impact of Sentencing Policies .............................................. 6-5
**California: Getting Tough on Crime and Greatly Expanding the Prison System** ................................................................. 6-5
   - Increase in Drug Arrests ....................................................... 6-5
   - Prison Sentences ............................................................... 6-6
   - Impact of Sentencing Policies .............................................. 6-6
**Minnesota’s Criminal Justice System Allows for Low Incarceration Levels** ................................................................. 6-7
   - Increase in Drug Arrests ....................................................... 6-8
   - Increase in Drug Convictions .............................................. 6-8
   - Increase in Prison Sentences .............................................. 6-8
**Impact of Sentencing Structure** .............................................. 6-9

**Assessing the Trends** ............................................................. 6-9

**Chapter 7: Exploring Alternatives to Incarceration for Minnesota’s Bulging Women’s Prison Population**

*The Minnesota Department of Corrections’ Alternatives to Incarceration—Female Offenders Committee of the State Advisory Task Force on Female Offenders*

**Introduction** ................................................................. 7-2

**Study Process and Preparation** ............................................. 7-3
   - The Working Group .......................................................... 7-3
   - National Trends .............................................................. 7-3
   - Population Profile Information .......................................... 7-4
**Most Promising Recommendations** ......................................... 7-5
   - Provide a Residential Program for Pregnant Offenders ......... 7-5
   - Expand Challenge Incarceration Program and Use of Gender-Responsive Programming ............................... 7-6
Technical Assistance to Examine Admissions Due to Revocation ................. 7-6
Review and Reduce Sanctions Affecting “Good Time” .............................. 7-8
Support Initiatives to Assist the Mentally Ill/Chemically Dependent ............ 7-11
Areas in Need of Further Study ............................................................. 7-12
Conduct a Flowcharting Study Process ............................................... 7-12
Conduct a Study on Geographic Differences in Sentencing ...................... 7-12
Areas Not Deemed to Be Promising ..................................................... 7-13
Reducing Prison Lengths for Female Offenders .................................... 7-13
Setting Up a Geriatric Care Center or Release Mechanism ...................... 7-13
Diverting Female Offenders From Prison ........................................... 7-14

Chapter 8: Prison Overcrowding in Alabama’s Women’s Prison: Real Solutions for Real Problems
Tim Roche
Introduction ......................................................................................... 8-1
Community Punishment and Corrections Programs .................................. 8-3
Supervised Intensive Restitution ......................................................... 8-5
Pre-Discretionary Leave ..................................................................... 8-8
Work Release ..................................................................................... 8-9

PART 2: JUVENILE JUSTICE ISSUES AND PROGRAMS

Chapter 9: Promoting Justice for Girls in an Unjust System
Francine T. Sherman, J.D.
Introduction ......................................................................................... 9-2
Problems Between Girls and Their Lawyers ........................................... 9-2
Pathways of Girls in the Justice System .............................................. 9-3
  Victimization. .................................................................................. 9-3
  Education Failure .......................................................................... 9-4
  Multiple System Involvement ......................................................... 9-4
Girls’ Experience in the System ........................................................... 9-5
  Poorly Served and Mistreated ......................................................... 9-5
  Development Negatively Impacted .................................................. 9-6
Girls Are Excessively Detained ........................................................... 9-6
How Girls Get Bootstrapped Into the System ....................................... 9-7
Disposition Advocacy for Girls. .......................................................... 9-9
  Using the Adoption and Safe Families Act ...................................... 9-10
  Seeking the Least Restrictive Alternative ....................................... 9-11
Advocacy Throughout the Post-Disposition Phase ................................. 9-12
  Shared Post-Disposition Authority ................................................. 9-12
  Required Agency Reporting ............................................................ 9-13
Chapter 10: Services for Girls: What They Need—What They Get
Kristi Holsinger, Ph.D.
The Mismatch: Delinquent Girls and Programs Designed for Boys .................. 10-1
Study of Girls in Ohio DYS Facilities .......................................................... 10-2
  Study Population ................................................................. 10-2
  Measurement Instrument and Programs Measured .................................. 10-3
Findings ......................................................................................... 10-3
  Demographic Characteristics ....................................................... 10-3
  Desired Programs and Services ................................................... 10-3
  Programs and Services Received .................................................. 10-4
  Programming Gap ................................................................. 10-5
Conclusions ............................................................................... 10-6

Chapter 11: Girls and Relational Aggression: Beyond the “Mean Girl” Hype
Scott K. Okamoto, Ph.D. and Meda Chesney-Lind, Ph.D.
Introduction .................................................................................. 11-1
Concept of Relational Aggression .................................................... 11-2
Practical Implications ...................................................................... 11-2
  Violence Prevention ..................................................................... 11-2
  Effective Intervention Strategies ................................................. 11-3
Relational Aggression as Response to Powerlessness .......................... 11-3

Chapter 12: Difference Doesn’t Mean Difficult: Practitioners Talk About Working
With Girls
Konia Freitas, M.A. and Meda Chesney-Lind, Ph.D.
Introduction .................................................................................. 12-1
Research on Issues in Working With Girls ....................................... 12-2
Girls’ Stress and Pressure ............................................................... 12-3
Are Girls More Difficult to Work With? ......................................... 12-3
Girls and Relationships ................................................................. 12-4
Chapter 13: Working With Girls: The Need for Talk and the Art of Listening
Rebecca Maniglia, M.A.

Introduction .................................................. 13-1
Girls and Talk .................................................. 13-2
   More Than an Information Exchange ................. 13-2
   Impact of Juvenile Justice Systems .................. 13-2
The Role of Listener ......................................... 13-3
   Accounting for Filters .................................. 13-3
   More Than Advice ....................................... 13-4

Chapter 14: “Bad Girls, Bad Girls, Whatcha Gonna Do?”
Lyn Mikel Brown, Ed.D. and Meda Chesney-Lind, Ph.D.

Trivialization of Girls’ Anger .............................. 14-2
Issues of Power and Subordination ...................... 14-2
A Problem of the General Culture ....................... 14-3

Twelve Ways to Prevent Girlfighting and Build Allies Instead ............................ 14-3
   1. Do Your Own Work .................................. 14-3
   2. Read the School Culture Critically ............... 14-3
   3. Encourage Discriminating Tastes in Friendships ............... 14-4
   4. Address Girlfighting When You See It ............ 14-4
   5. Engage Girls’ Anger and Hone a Sense of Fairness and Justice .......... 14-4
   6. Foster Solidarity Between Girls, Between
      Women, Between Women and Girls ................ 14-4
   7. Develop “Hardiness Zones” and Safe Spaces for Girls ............... 14-4
   8. Question the Traditional Romance Story ............ 14-5
   9. Develop Media Literacy ................................ 14-5
   10. Encourage Girls to Play Sports and Build Physical Strength .......... 14-5
   11. Practice Voice, Encourage Activism ................ 14-5
   12. Tell the Truth ...................................... 14-6
CHAPTER 15: ADOPTION AND SAFE FAMILIES ACT OF 1997 AND ITS IMPACT ON PRISONER MOTHERS AND THEIR CHILDREN

Gail T. Smith, J.D.

Introduction ................................................................. 15-1

Fundamental Changes in Foster Care Policy .................................. 15-2
  Push Toward Terminating Parental Rights .................................. 15-2
  Disparate Impact on Prisoner Mothers ..................................... 15-3

State Responses Mirroring the Federal Statute .............................. 15-4

Creating More Offenders: The Path From Child Welfare to Criminal Justice System ........................................ 15-4
  Goal of Increasing Adoptions Not Met ..................................... 15-5
  Separation From Mother Likely to Seriously Affect Children ......... 15-5

Working to Preserve Bond Between Incarcerated Mothers and Children .......................................................... 15-6
  Use of Community-Based Programs ........................................ 15-6
  Providing for Legal Guardianship if Mother Imprisoned ............... 15-6
  Kinship Care Arrangements ............................................... 15-7

Conclusion ........................................................................ 15-7

CHAPTER 16: UNINTENDED VICTIMS OF THE LIFETIME WELFARE BAN FOR DRUG OFFENDERS

Patricia Allard, M.A., LL.B.

Introduction ................................................................. 16-1

Implementation of the Lifetime Welfare Ban .............................. 16-3

Impact of Lifetime Welfare Ban ............................................ 16-4
  Number of Affected Women ............................................... 16-6
  Racial and Ethnic Impact .................................................. 16-6
  Effect on Lives of Women and Children ................................ 16-7
    Lack of Transitional Income ............................................ 16-7
    Inability to Meet Life’s Basic Necessities ......................... 16-8
    Family Dissolution ...................................................... 16-9
    Housing Difficulties ..................................................... 16-9
    Mental Health and Educational Difficulties ...................... 16-10

Understanding Ex-Offender Women’s Employment Hurdles .......... 16-11

Women’s Drug Treatment Prospects ....................................... 16-13

Recommendations ................................................................ 16-14

Conclusion ........................................................................ 16-16

CHAPTER 17: THE IMPACT OF WELFARE REFORM ON WOMEN WITH DRUG CONVICTIONS IN PENNSYLVANIA: A CASE STUDY

Amy E. Hirsch, J.D.

Introduction ................................................................. 17-1

The Women at Issue and the Benefits Ban’s Impact .................... 17-2
Policy Recommendations

- Allow Women Access to Subsistence Benefits
- Increase Outreach, Remove Barriers, and Improve Access to Treatment

Outreach and Treatment Issues Unique to Women

- Support and Services With No Strings Attached
- Gender-Specific Programs
- Improved Integration and Proximity of Court System and Drug/Alcohol Treatment Facilities
- Response to Violence Against Women and Girls
- Increase the Supply of Safe, Affordable Housing
- Assist Women in Getting Education and Job Skills

Conclusion

Chapter 18: Incarcerated Mothers and Their Children: A Decade Long Overview

*Susan M. George, J.D.*

**Introduction**

Population Characteristics

- Generally
- Substance Abuse/Dependence
- Incidence of Single Motherhood
- Drug and Property Offenses
- Other Offenses

The Children of Incarcerated Women

- Economically Disadvantaged
- A Growing Challenge to Social Welfare System

**Conclusion**

Chapter 19: A National Survey of Parenting Programs in Women’s Prisons in the U.S.

*Joycelyn M. Pollack, Ph.D., J.D.*

**Introduction**

Mothers in Prison and Their Children

- High Percentage of Incarcerated Mothers
- Where Children Live During Mother’s Incarceration
- Pregnancy During Incarceration

Difficulties in Maintaining the Mother-Child Bond

- Lack of Mother-Child Contact
- Effect of Separation on Children

Corrections’ Role in Fostering Better Parenting

- Meeting Mothers’ Needs
- Meeting Children’s Needs
Survey Findings .......................................................... 19-6
  Past Surveys .......................................................... 19-6
  Present Survey ........................................................ 19-6
    Special Visiting Areas ............................................. 19-6
    Availability of Furloughs ....................................... 19-6
    Presence and Utilization of Community Facilities ........ 19-7
    Option of Overnight Visitation ................................ 19-7
    Presence of Prison Nurseries .................................. 19-7
    Availability of Other Programs ................................. 19-8
Conclusion ............................................................... 19-8

Chapter 20: Prison Nurseries: New Beginnings and Second Chances
Kelsey Kauffman, Ed.D.
Introduction ............................................................. 20-1
The Ohio Program ....................................................... 20-2
  Promoting the Mother-Child Bond ............................... 20-2
  Positive Responses From Mothers and Administrators .... 20-3
Operational Variations Among Nursery Programs ............ 20-3
  Eligibility of Mothers ............................................. 20-3
  Eligibility of Children ........................................... 20-4
  Length of Stay ...................................................... 20-5
  Integration Into the Prison World .............................. 20-5
  Integration Into the Community ................................. 20-6
Prison Nurseries Serve Critical Needs ......................... 20-7

Chapter 21: Forgotten Victims: The Children of Incarcerated Mothers
Maureen Norton-Hawk, Ph.D.
Introduction ............................................................. 21-1
Study of Incarcerated Mothers and Their Children .......... 21-2
  Research Method .................................................... 21-2
  Results ..................................................................... 21-2
    The Mothers ......................................................... 21-2
    The Children ......................................................... 21-3
Conclusion ............................................................... 21-4

Chapter 22: Mother-Child Programs: Connecting Child Welfare and Corrections Agencies
Susan Phillips, LMSW
Introduction ............................................................. 22-1
Rationale for Corrections-Based Programs .................... 22-2
  Strong Family Relationship and Recidivism ................. 22-2
  Reducing Inter-Generational Effects of Mother’s Incarceration 22-2
Support for Caregivers of Children ........................................ 22-3
Creation of ‘‘Family Matters’’ ............................................. 22-3
Building Cooperative Relationships ................................... 22-3
Conclusion ........................................................................... 22-4

Chapter 23: Summit House: Alternative to Prison for Mothers, Better Future for Kids
Karen V. Chapple, M.A., E. Paula Cox, Ph.D. and Jamie MacDonald-Furches, B.A.
Introduction ........................................................................... 23-1
Making Family and Life-Skills Training Part of Probation .......... 23-2
Summit House Program ......................................................... 23-2
Genesis and Growth of the Program ..................................... 23-2
Growing Pains Overcome .................................................... 23-3
Expansion to Provide Statewide Service ............................... 23-3
New Sentencing Laws Create More Need for Summit-Type Programs ........................................................................... 23-3
How the Residential Programs Work ................................... 23-4
Program Goals ....................................................................... 23-4
Behavior Modification and Empowerment ........................... 23-4
Clear, Tough Standard Requirements .................................... 23-5
Conclusion ........................................................................... 23-5

Chapter 24: Girls and Their Babies: ‘‘Time’’ Together at Florida’s YMCA Character House
Jennifer A. Lynch, B.S.
Using Time Instead of Doing Time ....................................... 24-2
Group Home for Teen Mothers ............................................. 24-2
Program Basics ..................................................................... 24-2
Living Arrangements ................................................................ 24-2
Individualized Treatment Plans ......................................... 24-2
The Program in Practice ......................................................... 24-2
Sarah’s Program Goals .......................................................... 24-2
Learning Appropriate Behavior .......................................... 24-3
Care for the Body and the Mind ............................................ 24-3
Health Care ........................................................................ 24-3
Counseling and Education .................................................... 24-3
Community and Family Involvement ................................... 24-4
Successful Mothers, Healthy Babies .................................... 24-4

Chapter 25: Federal F.O.R.U.M.—Helping Federal Women Prisoners to Stay in Touch With Their Children
Ann Jaede
A Mother’s Incarceration, A Family’s Sentence ....................... 25-1
Children of Incarcerated Mothers Suffer Profound Effects .......... 25-2
Chapter 26: The Alameda County MOMS Program
Kris Anderson and Julie Harmeyer

Hidden Casualties of the War on Drugs ........................................... 26-1
Collaboration Between County and Community Agencies ................. 26-2
Program Goals .................................................................................. 26-2
Addressing the Problems of Mothers in Jail ...................................... 26-3
  Cost-Effective Approach ................................................................. 26-3
  Overcoming the Culture of Custody and Preconceived Notions of Staff . 26-4
  Focus on Bonding Between Mother and Child ................................. 26-4
Curriculum Encourages Inclusion and Continuum of Services ............ 26-6
A Step Toward Making a Difference .................................................. 26-6

PART 4: GENDER-SPECIFIC CLASSIFICATION, RISK ASSESSMENTS, AND PROGRAMMING

Chapter 27: Can Classifying Women Offenders Give Greater Priority to Community Corrections?
Russ Immarigeon, M.S.W.

Issues in Classification of Female Offenders ...................................... 27-1
The Basic Problem: Too Many Women Imprisoned ............................ 27-2
Why Classify? ................................................................................... 27-3
Correctional Objectives vs. Correctional Resources ............................ 27-3
Key Concerns: Timing and Placement .............................................. 27-4
The Problem of Women’s Imprisonment .......................................... 27-4
Why Base Classification on Weaknesses Rather Than Strengths? ........ 27-5
What Does Classification Have to Do With Programming? ................ 27-6
Suggested New Directions for the Classification for Women ................ 27-7

Chapter 28: Questions of Survival in Gender-Specific Projects for Women in the Criminal Justice System
Pat Carlen, Ph.D.

Introduction ...................................................................................... 28-1
Critical Survival Characteristics of Gender-Specific Projects ................. 28-2
Questionable Survival Strategies for Gender-Specific Projects ............. 28-3
  Employment of Ex-Drug Users or Lawbreakers ............................... 28-3
  Protection by an Official or Umbrella Organization Versus
    Independent, Visionary, and Project-Specific Leadership ............... 28-4
  Accountability as Measurement Versus Accountability as Quality ...... 28-5
Conclusion ....................................................................................... 28-6
Chapter 29: Gender Responsive Strategies: Theory; Policy; Guiding Principles and Practices

_Barbara Bloom, Ph.D., Barbara Owen, Ph.D. and Stephanie Covington, Ph.D._

Introduction ...................................................... 29-2

Characteristics of Women in the Criminal Justice System ......................... 29-3
  Women Offender Demographics .................................. 29-3
  Women Offenders’ Backgrounds ................................... 29-4
    Family History .................................................. 29-4
    Abuse History .................................................. 29-4
    Substance Abuse ............................................... 29-4
    Physical Health ............................................... 29-4
    Mental Health .................................................. 29-5
    Children and Marital Status ................................... 29-5
    Education and Employment History .............................. 29-5
  Offense Characteristics ......................................... 29-5

Women Offenders and Criminal Justice Practice and Processes ..................... 29-6
  Assessment and Classification Procedures ................................... 29-6
  Women’s Services and Programs ..................................... 29-7
  Staffing and Training ............................................ 29-7
  Staff Sexual Misconduct .......................................... 29-7

The Context of Women’s Lives: A Multidisciplinary Review of Research and Theory ................................................................. 29-8
  The Pathways Perspective ......................................... 29-8
  Relational Theory and Female Development .................................. 29-9
  Trauma Theory .................................................... 29-9
  Addiction Theory .................................................. 29-9

The Gendered Effects of Current Policy ........................................ 29-10

A New Vision ......................................................... 29-10
  Acknowledge That Gender Makes a Difference .............................. 29-11
  Create an Environment Based on Safety, Respect, and Dignity ............. 29-12
  Develop Policies, Practices, and Programs That Are
    Relational and Promote Healthy Connections ................................ 29-14
  Address Substance Abuse, Trauma, and Mental Health ....................... 29-15
  Improve Women’s Self-Sufficiency by Improving
    Their Economic and Social Conditions ................................... 29-16

Policy Considerations ................................................ 29-18

Implications for Practice ............................................. 29-18
  Building Community Support ...................................... 29-19
  Restorative Justice ................................................. 29-19
Reentry and Wraparound Services ........................................ 29-19
Considerations for Gender-Responsive Programs and Services .......... 29-20
Program Evaluation ................................................................ 29-20
Conclusion ............................................................................ 29-20

Chapter 30: Involving Women Prisoners in Gender-Specific Planning for Girls
Karen A. Woods, M.S.W. and Julie Jenkins, M.A.
Refocusing Services in Michigan ............................................ 30-1
Survey Population and Research Method ................................ 30-2
Findings .................................................................................. 30-2
Prisoner Suggestions for the Criminal Justice System .............. 30-3
Conclusion ............................................................................ 30-4

Chapter 31: Risk Assessment in Canadian Corrections: Some Diverse and Gendered Issues
Margaret Shaw, Ph.D. and Kelly Hannah-Moffat, Ph.D.
Introduction ........................................................................... 31-1
Evolving Approaches to Classification: Classifying Men .......... 31-2
Classifying Women: Emergence of Literature on Female Offender Classification .... 31-3
Risk and Need and the Canadian Model of Women-Centered Prisons ... 31-4
Gender and Diversity Issues .................................................. 31-6
Moral Dimension to Assessment Categories .......................... 31-8
Conclusion ............................................................................ 31-9

Chapter 32: Assessing Female Offenders: Prediction Versus Explanation
Christopher T. Lowenkamp, M.S. and Edward Latessa, Ph.D.
Introduction ........................................................................... 32-1
Studies of Risk Factors and Risk Assessment .......................... 32-2
Meta-Analysis of Predictors of Adult Recidivism .................... 32-2
Meta-Analysis of Male vs. Female Risk Factors ..................... 32-2
Female-Only Studies ............................................................. 32-3
Summary ................................................................................ 32-3
Are Separate Risk Assessment Tools Necessary? ............... 32-4
Differences in Risk Assessment Between Male and Female .... 32-5
Conclusion ............................................................................ 32-7

Chapter 33: Women Offenders and Prison Classification: A Paradox
Patricia Van Voorhis, Ph.D. and Lois Presser, Ph.D.
Introduction ........................................................................... 33-1
Framing Issues ..................................................................... 33-2
Foundation of Classification Systems ................................. 33-2
Relevance of Classification Variables ................................. 33-3
Chapter 34: The Women's Assessment Project

Mary Grace, M.Ed., M.S., Jenny O'Donnell, Psy.D., William Walters, Ph.D., Walter S. Smitson, Ph.D. and Mary Carol Melton

Introduction ................................................................. 34-1
Study Procedures ..................................................... 34-2
Measures ................................................................. 34-2
Findings ................................................................. 34-3
Demographic Characteristics .................................. 34-3
Forensic Status ....................................................... 34-3
Cognitive and Psychiatric Status ......................... 34-4
Trauma History ....................................................... 34-4
Discussion of Findings ............................................. 34-4
Serious Mental Health Problems and Educational Deficits ............ 34-4
Programming Implications ................................... 34-4
Clinical Implications ............................................... 34-5
Discharge Planning .................................................. 34-6

PART 5: DRUG TREATMENT, HEALTH CARE, AND MENTAL HEALTH SERVICES

Chapter 35: Preventing “Violations” Through Drug Treatment

Dorinda L. Welle, Ph.D. and Gregory P. Falkin, Ph.D.

Redefining “Violations” as Victimization .................... 35-1
Expanding the Conceptual Boundary ............................ 35-2
The Trauma Recovery Concept of Sexual Violations .......... 35-2
“Human Rights Violations” ......................................... 35-2
The Demand to Prevent Retraumatization .................... 35-3
Intervening in Cycles of “Violations”: Applying a Trauma Model to Drug Treatment and Corrections Practice .................................................. 35-4
Conclusion ............................................................................................................. 35-5

Chapter 36: Maryland’s Programs for Incarcerated and Community-Based Women With Mental Illness and Substance Abuse Disorders
Joan B. Gillece, Ph.D. and Betty G. Russell, Ph.D.
Introduction ............................................................................................................. 36-1
The Phoenix Project ................................................................................................. 36-2
  Determining Eligibility ......................................................................................... 36-2
  Diversion and Case Management ......................................................................... 36-3
  How the Program Will Be Evaluated ..................................................................... 36-3
The TAMAR Project ................................................................................................. 36-4
  Trauma Issues Among Female Inmates ................................................................. 36-4
  Development of Integrated System of Services ................................................... 36-4
  Services Begin in Detention But Extend to Community ....................................... 36-5
  Clinical Supervision ............................................................................................. 36-5
  Professional Training Component ......................................................................... 36-6
  State-Level Oversight ........................................................................................... 36-6
  How the Program Will Be Evaluated ..................................................................... 36-6
Lessons for Professionals ......................................................................................... 36-7

Chapter 37: Assessing the Needs of Women in Prison-Based Therapeutic Communities
Nena Messina, Ph.D., William Burdon, Ph.D., Michael Prendergast, Ph.D. and Meredith Patten, M.S.
Background ............................................................................................................. 37-1
Study Focused on Women Inmates ........................................................................ 37-2
  Methods and Data Collection .............................................................................. 37-2
  Participants ........................................................................................................... 37-3
  Data Analyses ....................................................................................................... 37-3
Study Results ........................................................................................................... 37-3
  Bivariate Comparisons ......................................................................................... 37-3
  Significance of Variables ...................................................................................... 37-5
Implications for Programming .................................................................................. 37-6

Chapter 38: Women and Self-Harm in Community and Institutional Settings
Cathy Fillmore, Ph.D. and Colleen Anne Dell, Ph.D.
Introduction ............................................................................................................. 38-1
Woman-Centered Research Approach ..................................................................... 38-2
Defining Self-Harm ................................................................................................. 38-2
Origins of and Approaches to Self-Harm ............................................................... 38-4
  Coping and Survival Functions ............................................................................ 38-4
Chapter 39: Female Offenders and Disabilities

Lili Garfinkel

Introduction .............................................. 39-1
Disability Connection to Offender Status ................. 39-2
Abused and Neglected Female Offenders ................. 39-2
  Link to Depression ...................................... 39-2
  Link to Problems in School ............................ 39-3
Mental Health/Behavioral Disorders ....................... 39-3
Juvenile Justice Issues .................................. 39-3
Studies of Outcomes for Young Women With Disabilities .............................................. 39-5
Recommended Strategies .................................. 39-5

Chapter 40: Improving Access to Health Care for California’s Women Prisoners

Nancy Stoller, Ph.D.

Introduction .............................................. 40-1
Health Care Problems of Women Prisoners .................. 40-2
  Looking Beyond the Statistics to Real Impact on Women’s Lives .............................................. 40-2
    “Marie Compton” ....................................... 40-2
    “Kendra Brooks” ....................................... 40-2
    “Jessica Stacy” ....................................... 40-2
Types of Complaints in California ......................... 40-4
  Problems of Access to Care and Medications. ............... 40-4
  Problems Related to the Prison System .................... 40-4
Current Department of Corrections Health Care Practice: Major Findings .............................................. 40-5
Recommendations .......................................... 40-6

Chapter 41: Health Symptoms and the Inability to Engage in Self-Care and Self-Medication for Incarcerated Women

M. Katherine Maeve, R.N., Ph.D.

Introduction .............................................. 41-1
Health Symptoms and Incarceration ......................... 41-2
How Incarceration Undermines Reasonable Self-Care .......... 41-3
CHAPTER 42: The Complex Needs of Mentally Ill Women in County Jails

Diane S. Young, Ph.D. and Liete C. Dennis, M.S.W.

Introduction ................................................. 42-1
Study Setting and Method ............................... 42-2
Demographic, Criminal Offense, and Clinical Characteristics ............................... 42-2
Case Illustrations ........................................... 42-4
   Case #1: “Molly” ........................................... 42-4
   Case #2: “Tanya” .......................................... 42-6
   Case #3: “Lori” ............................................ 42-6
Comprehensive Response Required to Adequately Address Multiple Needs ............... 42-6

PART 6: PROGRAMS AND PRACTICES

CHAPTER 43: The Value of Parole Supervision for Women Leaving Prison

Patricia O’Brien, M.S.W., Ph.D.

Introduction .................................................. 43-1
Study of Factors in Successful Reentry ............................................. 43-2
   Identifying Themes ......................................... 43-2
   Demographics of the Participants ................................... 43-3
   Crime Profiles ................................................. 43-3
   Findings .................................................................. 43-3
Positive Relationships With Correctional Staff Provide One Key to Success ............. 43-3
   Negotiating Terms of Supervision .................................. 43-4
   Having Effective Parole Officer ..................................... 43-5
   Clearly Explaining the Rules of Parole ................................ 43-5
Implications ...................................................... 43-6
Parole Officers Can Also Hinder Success .............................................. 43-7

CHAPTER 44: Challenges Facing Women Released From Prison

Stephanie S. Covington, Ph.D., L.C.S.W.

Reentry Plan Needed ............................................ 44-1
System of Support Needed ........................................ 44-2
   The Problem of Fragmented Services and Requirements .......................... 44-2
   Effective Community-Based Service Strategies for Women Offenders .......... 44-3
   Benefits of Wraparound Services ...................................... 44-3
Summary ......................................................... 44-4
Gender Responsive Program Models for a Community Approach ......................... 44-4
Chapter 45: Client Advocates Use First-Hand Experience to Improve Services

Marilyn Montenegro, Ph.D., L.C.S.W.

Case Example ................................................. 45-1
The Social Worker’s Responsibility ......................... 45-2
Reframing and Building on Strengths ....................... 45-3
Reentry Problems Begin at Prison Gate ...................... 45-3
Case Example Continued: What Was Accomplished? ........ 45-4
Value of First-Hand Experience .............................. 45-5
Conclusion ...................................................... 45-5

Chapter 46: Women and Community Service Orders: The Experience in Scotland

Kathryn Goodwin and Gill McIvor, Ph.D.

Introduction .................................................. 46-2
Study Methods ................................................. 46-2
  Self-Reporting Surveys ....................................... 46-3
  Semi-Structured Interviews .................................. 46-3
Personal Characteristics of Questionnaire Respondents .... 46-3
Sentence Details ............................................... 46-4
  The Community Service Order ............................... 46-4
Offenses of Record ........................................... 46-4
Details of Work Placements ..................................... 46-4
  Community Service Setting ..................................... 46-4
  Type of Work .................................................. 46-4
Successful Completion or Absence From Community Service 46-5
Child Care Arrangements ....................................... 46-5
Women’s Experiences and Attitudes ............................ 46-6
  Impact of Children ............................................. 46-6
  Financial Support for Child Care and Travel ............... 46-6
Employment and the Transition to Working Life ............. 46-7
Chapter 47: Women in Community Corrections in Colorado
Suzanne Gonzalez Woodburn, M.A., Linda Harrison, M.A., and Kim English

Chapter 48: The John P. Craine House: A Community Residential Program for Indiana Women and Their Children
William H. Barton, Ph.D., and Cheryl Justice, M.S.W.
Chapter 49: Alternative Interventions for Women in Ohio

Mary Carol Melton, Mary Grace, M.Ed., M.S., Nancy Schmidtgessling, Ph.D. and Walter S. Smitson, Ph.D.

Introduction .................................................. 49-1
Early Identification .......................................... 49-2
In-Depth Assessment ....................................... 49-2
The Program in Operation ................................. 49-2
  The Core Program ...................................... 49-3
  Transition/Aftercare .................................. 49-4
  Community Reintegration ............................... 49-4

Chapter 50: Day Reporting Program for Women in Pennsylvania

Joyce Dougherty, Ph.D.

Introduction .................................................. 50-1
The Day Reporting Program: An Overview .......... 50-2
  Client Demographics ................................... 50-2
  Impact of Violence/Need for Programming .......... 50-2
  Client Enrollment ...................................... 50-3
  Program Components .................................. 50-3
  Program Impact ....................................... 50-3
Stress Management Programming ....................... 50-3
Working With Emotions: Activities and Evaluation 50-4
  Setbacks/Obstacles ................................... 50-5
  Study Findings ....................................... 50-6
    Is There a Reduction in Stress? .................. 50-6
    Does the Stress Reduction Last? ................. 50-6
    Is Distress Related to Emotional Intelligence? 50-6

Conclusion .................................................. 50-7

Chapter 51: Changing Minds: Going to College at a Maximum-Security Prison


Introduction .................................................. 51-2
Background .................................................. 51-2
Inmates’ Education Needs ................................. 51-3
Bedford Hills’ Response to Loss of Original College Program ........................................... 51-4
Demographics—General Population and Bedford Hills Women in College ........................ 51-5
Study Parameters ........................................... 51-6
  Research Design ....................................... 51-6
  Methods .................................................. 51-6
Impact of College on Crime, Taxes, and Re-incarceration Rates .................. 51-8
Re-Incarceration Rates for Inmates With and Without College-in-Prison 51-8
Cost-Benefit Analysis of Providing vs. Withholding College-in-Prison 51-9
College as a Positive Management Tool in the Prison .......................... 51-10
College Supports Powerful Transformations Within Students and Their Children 51-12
Strengthened Sense of Responsibility ............................................... 51-15
Influence of Mothers’ Educational Pursuits on Children’s Academic Motivation 51-16
Lasting Transitions Out of Prison .................................................... 51-18
Prison vs. Education Debate ......................................................... 51-19
Policy Issues ..................................................................................... 51-20
Addressing the Questions of Community and Student Participation
  in Shaping, Sustaining, and Governing the College Program ............... 51-21
Pre-College and English for Speakers of Other Languages .................. 51-21
Graduation Matters ........................................................................... 51-21
Inmates With Mental Health Problems ............................................. 51-22
Disruption of Moving Women Between Institutions ......................... 51-22
Parole Matters .................................................................................. 51-22
College Education Works for Women Prisoners ............................... 51-23
Role of Corrections Officers ............................................................... 51-23
Need for State Funding ..................................................................... 51-24
Fairness; Effectiveness ...................................................................... 51-24
A National Model? ........................ ....................................................... 51-25

Chapter 52: The Citizens, Victims, and Offenders Restoring Justice Project

Heather Burns, M.S.W.

Introduction ................................................................. 52-1
The Pilot Project .......................................................... 52-2
  Program Structure and Participants ........................................... 52-2
  Program Goals ................................................................. 52-3
Survey Methods and Responses .............................................. 52-3
Initial Pre-Program Responses .................................................. 52-3
  Pre- and Post-Project Surveys Compared ................................. 52-4
    Positive Changes in Attitude .............................................. 52-4
    Positive Expectations Confirmed—Offenders ....................... 52-5
    Victim Expectations Met ............................................... 52-7
Discussion ............................................................................. 52-7
  Integration ................................................................................. 52-7
  Supportive Environment ......................................................... 52-8
  Accountability ........................................................................... 52-8
  Changed Lives ........................................................................... 52-8
Conclusion ............................................................................... 52-9
Index

[References are to page numbers.]

A
A. v. City of New York, 9-17
Abuse
physical. See Physical abuse
self-harm, as cause of, 38-4
sexual. See Sexual abuse
substance. See Substance abuse
ACA. See American Correctional Association (ACA)
A Call for Justice (Puritz), 9-2, 9-15
Actuarial approach in corrections
Canada, 2-10, 31-2–31-3
International Community Corrections Association (ICCA) conference on female offenders, as area of dissent at
assessment tools, objective vs. subjective, 2-13–2-15
“criminogenic,” definition of, 2-11–2-12
emphasis on risk, 2-11
one size does not fit all, 2-11
overview, 2-10–2-11
“risks,” definition of, 2-11–2-12
violent recidivism, attempted suicide as predictor of, 2-12–2-13
ADA. See Americans With Disabilities Act (ADA)
Addiction and Trauma Recovery Integration (ATRIUM) Model of gender responsive programming, 44-5
Addiction theory, 29-9
ADHD, 39-3
Adoption and Safe Families Act (ASFA)
delinquency, effect of foster care on
adoptions, policy to increase number of, 15-5
overview, 15-4–15-5
separation from mothers, 15-5–15-6
foster care policy, changes to
overview, 15-2
parental rights, termination of, 15-2–15-3, 15-4
prisoner mothers, impact on, 15-3–15-4
impact and requirements of, 9-10–9-11, 25-2
mothers and children, impact on
community-based sentencing, 15-6
kinship care arrangements, 15-7
legal guardianship, provisions for, 15-6–15-7
overview, 15-1–15-2
state provisions, 15-4
negative impact of, 44-7
older children, adoptions of, 15-5–15-6
policy to increase number of adoptions, 15-5
state provisions, 15-4
Adoptions
Adoption and Safe Families Act (ASFA) policy
to increase number of, 15-5
older children, of, 15-5–15-6
AFDC. See Aid to Families With Dependent Children (AFDC)
African-Americans, detention rates for, 9-7
Agency models of gender responsive programming, 44-6
Aggression
relational. See Relational aggression
research on, 11-1
Alabama
Julia Tutwiler Prison for Women, report on overcrowding in, 8-1–8-3
Pre-Discretionary Leave (PDL) program, 8-8–8-9
prison overcrowding, solutions for
Alabama Community Punishment and Corrections Act, programs authorized under, 8-3–8-5
community punishment plans, 8-3–8-5
inmates, statistics on, 8-2–8-3
Pre-Discretionary Leave (PDL) program, 8-8–8-9
report on, 8-1–8-3
Supervised Intensive Restitution (SIR) program, 8-5–8-8
work release, 8-9–8-10
Supervised Intensive Restitution (SIR) program, 8-5–8-8
Alabama Community Punishment and Corrections Act, programs authorized under, 8-3–8-5
Allard, Patricia, P3-1, 16-1
Alternative Interventions for Women program, Ohio
assessments, in-depth, 49-2
BASIS-32 test, administration of, 49-2
community reintegration, 49-4–49-5
Core Program, 49-3–49-4
ey early identification, 49-2
overview, 49-1–49-2
program
community reintegration, 49-4–49-5
Core Program, 49-3–49-4
information, 49-2–49-3
transition/aftercare, 49-4
purpose of, 49-2
Structured Clinical Interview for Diagnosis (SCID), 49-2
transition/aftercare, 49-4
American Correctional Association (ACA), 1-2
Americans With Disabilities Act (ADA), rights for youths under 39-4
Anderson, Kris, P3-2, 26-1
Anger, trivialization of girls’, 14-2
Arkansas Dept. of Human Servs. v. State, 9-14
Assessment Instruments. See Canada, Offender Intake Assessment; Canada, risk assessment instruments; LSI-R; Offender Intake Assessment; Risk assessment instruments; Structured Clinical Interview for Diagnosis (SCID); Symptom Checklist 90-Revised (SCL-90-R); Traumatic Events Screening Inventory (TESI)
ASFA. See Adoption and Safe Families Act (ASFA)
Association of Programs for Women Offenders, vi
ATRIUM Model of gender responsive programming, 44-5
Attempted suicide
disabilities on, impact of, 39-2
violent recidivism, as predictor of, 2-12–2-13
Attorneys
girls, issues in representation of, 9-2–9-3
post-disposition phase, access to counsel during, 9-15

B
Barney v. Pulsipher, 5-4, 5-10
Barton, William, P6-1, 48-1
BASIS-32 test
Ohio Alternative Interventions for Women program, 49-2
Women’s Assessment Project study, 34-2
Bedford Hills Correctional Facility (BHCF)
college-in-prison program
benefits for women, 51-23
children, effect of mother’s education on, 51-16–51-17
community and student participation, 51-21
consortium of colleges, participation of, 51-5
corrections officers, role of, 51-23
cost-benefit analysis of, 51-9–51-10
demographic characteristics, 51-3–51-4, 51-5–51-6
disciplinary management tool, as, 51-10–51-12
educational needs, inmates’, 51-3–51-4
effectiveness of, 51-24
English for Speakers of Other Languages (ESOL) program, 51-21
fairness as policy issue, 51-24
funding, need for, 51-23–51-24
generalizable elements of model, 51-25
“giving back” as part of, 51-15–51-16
graduation, importance of, 51-21–51-22
mentally ill inmates, 51-22
mentoring as part of, 51-15–51-16
moving between facilities, effect of, 51-22
national model, as, 51-24–51-25
original program, response to loss of, 51-4–51-5
parole, 51-22–51-23
policy issues
community and student participation, 51-21
corrections officers, role of, 51-23
effectiveness, 51-24
English for Speakers of Other Languages (ESOL) program, 51-21
fairness, 51-24
funding, need for, 51-23–51-24
graduation, importance of, 51-21–51-22
mentally ill inmates, 51-22
moving between facilities, effect of, 51-22
overview, 51-20–51-21
parole, 51-22–51-23
pre-college program, 51-21
women, benefits for, 51-23
positive management tool, as, 51-10–51-12
post-incarceration, effects on, 51-18–51-19
pre-college program, 51-6, 51-21
recidivism rates, 51-8
responsibility, fostering of, 51-15–51-16
study
demographic characteristics, 51-3–51-4, 51-5–51-6
methodology, 51-6–51-7
research design, 51-6
transition from prison
effects on, 51-18–51-19
INDEX

preparation for, 51-12–51-15
women, benefits for, 51-23
Workplace and Community Transition for
Incarcerated Youth Offenders, funding through, 51-3
Bell v. Wolfish, 5-3
Blanchette, Kelly, 2-10–2-15
Bloom, Barbara, P4-1, 29-1
Blueford v. Prunty, 5-7
Boddie v. Schneider, 5-7
Bootstrapping, 9-7–9-9
BOSS (Building Opportunities for Self-Sufficiency) collaboration with MOMS Program, 26-2
Boudin, Kathy, 51-1
Bounds v. Smith, 9-15
Bowen, Iris, 51-1
Brown, Lyn Mikel, P2-1, 14-1
Burdon, William, P5-1, 37-1
Burns, Heather, P6-2

C
Cain v. Michigan Department of Corrections, 33-3 California
California Correctional Women’s Facility (CCWF), health care study, 40-1–40-9
California Institution for Women (CIW)
health care, study of, 40-1–40-9
penal policies, study of, 3-2–3-7
female offenders, Senate Commission report on classifications for, 27-3–27-4
health care for inmates, study of
access to care and medications, complaints of, 40-4
complaints, types of, 40-4–40-5
current practice, findings on, 40-5–40-6
impacts, 40-2–40-4
overview, 40-1–40-2
prison deficiencies, complaints of, 40-4–40-5
problems, 40-2–40-4
recommendations, 40-6–40-9
sexual harassment, complaints of, 40-5
truity stories, 40-2–40-4
unintentional injuries, complaints of, 40-4–40-5
inmate experience
aspects of doing time, responses to, 3-4–3-5
physical plants of prisons, 3-4
programs, availability of, 3-6
staff relations, effect of population increases on, 3-5

MOMS Program, Alameda County. See MOMS Program, Alameda County prison construction, 3-2
prison system differences among institutions, 3-2–3-4, 3-6–3-7
rehabilitation, 3-2
retribution and risk management, 3-2
similarities among institutions, 3-4, 3-6–3-7
statistics on, 3-1
study of female inmates, 3-1–3-7
Prison Treatment Expansion Initiative study, California Department of Corrections (CDOC). See Therapeutic communities (TCs)
Senate Commission report on classifications for female offenders, 27-3–27-4
therapeutic communities (TCs) study. See Therapeutic communities (TCs)
Valley State Prison (VSP), study of
health care, 40-1–40-9
penal policies, 3-2–3-7

War on Drugs
arrests, increases in, 6-5–6-6
determinate sentencing format, 6-2, 6-7
ethnic and racial aspects of, 6-6
prison sentences, increases in, 6-6
statistics on arrests and sentencing from 1986-1995, 6-5

CAMP program. See Community Alternative for Mothers in Prison (CAMP) program, MCF-Shakopee

Canada
actuarial approach in corrections, 2-10
classification process
drawbacks of current, 31-6–31-8, 31-9
gender and diversity issues, 31-6–31-8
men, 31-2–31-3
requirement for, 31-3–31-4
women, 31-3–31-4
implementation model, 2-16
Offender Intake Assessment (OIA), 31-1, 31-4
offenders in, 2-5
risk and need model, 31-3–31-5
risk assessment instruments
drawbacks of current, 31-1–31-2, 31-6–31-8, 31-9
gender and diversity issues, 31-6–31-8
moral dimension, 31-8
Offender Intake Assessment (OIA), 31-1, 31-4
racial issues, 31-7

To order, go to http://www.civicresearchinstitute.com/wgc_book.html and click on “Add to Cart”
Canada, continued
 Task Force on Federally Sentenced Women, 31-4
 Caring capacity, opportunity to increase, 44-2
 Carlen, Pat, P4-1, 28-1
 Carrigan v. Delaware, 5-5

Case law
 A. v. City of New York, 9-17
 Arkansas Dept. of Human Servs. v. State, 9-14
 Barney v. Pulsipher, 5-4, 5-10
 Bell v. Wolfish, 5-3
 Blueford v. Prunty, 5-7
 Boddie v. Schmieder, 5-7
 Bounds v. Smith, 9-15
 Cain v. Michigan Department of Corrections, 33-3
 Carrigan v. Delaware, 5-5
 Covino v. Patrissi, 5-3
 Downey v. Denton County, 5-8
 Farmer v. Brennan, 5-7
 Fisher v. Goord, 5-11–5-12
 Forts v. Ward, 5-3
 Freitas v. Ault, 5-12
 Germany v. Vance, 9-15
 G.F., In re, 9-14
 Gwenette D., In re, 9-17
 Harris v. Zappan, 5-7
 Hovater v. Robinson, 5-6, 5-10
 Hudson v. McMillian, 5-7
 Hudson v. Palmer, 5-2, 5-3
 Isaacs, In re, 9-13
 Jeremy, In re, 9-13
 John L. v. Adams, 9-15
 Jordan v. Gardner, 5-2, 5-10–5-11
 Klinger v. Department of Corrections (Klinger II), 9-18, 9-19
 Martin, State v., 9-5
 Montana v. Spina, 9-17
 Morgan v. Sprout, 9-15
 Morrissey v. Brewer, 9-16
 Newby v. District of Columbia, 5-3
 Poe v. Haydon, 5-7
 Tennessee v. Halton, 9-6
 Thomas v. District of Columbia, 5-7
 Thomas v. Galveston County, 5-5, 5-7
 Timm v. Gunter, 5-2

Toomey v. Clark, 9-17
 Turner v. Safley, 5-2
 Women Prisoners of the District of Columbia, 9-18, 9-19
 Women Prisoners v. District of Columbia, 5-2, 5-8–5-9

Center for Mental Health Services Research (CMHSR). See Maryland, Center for Mental Health Services Research

Center for Substance Abuse Treatment (CSAT), 44-3

Centers for Youth and Families
 cooperative relationships, finding of need for, 22-3–22-4
 “Family Matters” program, 22-3
 lessons learned by, 22-3–22-4
 Challenge Incarceration Program (CIP), Minnesota, 7-6

Chapple, Karen V., P3-2, 23-1

Chemically dependent inmates, proposed Minnesota initiatives to assist, 7-11–7-12

Chesney-Lind, Meda, P2-1, 11-1, 14-1

Chicago Legal Aid to Incarcerated Mothers (CLAIM), P3-1

Children
 See also Motherhood; Mother-child programs
 Adoption and Safe Families Act (ASFA), impact of. See Adoption and Safe Families Act (ASFA) bonding of, 19-5
 contact with mothers, lack of, 4-4, 25-2
developmental effects of mother’s incarceration on, possible, 25-3, 48-3–48-4
effects of mother’s incarceration on Adoption and Safe Families Act (ASFA), impact of. See Adoption and Safe Families Act (ASFA) case study, 25-1–25-4
 contact, lack of, 25-2
developmental effects, possible, 25-3, 48-3–48-4
Incarcerated Mothers and Their Children study. See Incarcerated Mothers and Their Children study
negative behavioral manifestations, 25-2, 48-3–48-4
psychological problems, 25-2, 48-3–48-4
Summit House Program. See Summit House Program

Federal F.O.R.U.M. (Females Organizing and Restoring Unity for Mothers). See Federal F.O.R.U.M. (Females Organizing and Restoring Unity for Mothers)
Incarcerated Mothers and Their Children study. See Incarcerated Mothers and Their Children study
incarcerated mothers with, statistics of, 48-3 lifetime welfare ban for drug offenders, effect of.
See Lifetime welfare ban for drug offenders mother’s education on, effect of, 51-16–51-17 parenting programs, survey of. See Parenting programs, survey of prisoner mothers, impact of Adoption and Safe Families Act (ASFA) on. See Adoption and Safe Families Act (ASFA) prison nurseries. See Prison nurseries psychological problems, 25-2, 48-3–48-4 Summit House Program. See Summit House Program visitation, as factor determining amount of, 4-3, 4-4 War on Drugs, as casualties of, 16-17, 26-2 Child welfare system corrections agencies, connections with. See Mother-child programs juvenile justice system, effect of lack of coordination between, 9-4 CIP Program. See Challenge Incarceration Program (CIP), Minnesota Citizens, Victims and Offenders Restoring Justice Project (CVORJ) goals of, 52-3 integration of offenders and victims, 52-7–52-8 Making Things Right course application process for, 52-6 emphasis of, 52-6, 52-8 observations, 52-2 offenders, accountability by, 52-8 opportunities for change, 52-8 overview, 52-1–52-2 participants integration of, 52-7–52-8 offenders, accountability by, 52-8 opportunities for change, 52-8 overview, 52-2 supportive environment, 52-8 pre- and post-project surveys, comparison of offenders, confirmation of expectations of, 52-5–52-6 victims, meeting of expectations of, 52-7 victims’ attitudes, positive changes in, 52-4–52-5 pre-program responses to surveys, 52-3–52-4 program structure, 52-2 survey methods and responses overview, 52-3 pre- and post-project surveys, confirmation of offenders’ expectations, 52-7 pre- and post-surveys, meeting of victims’ expectations, 52-7 pre- and post-project surveys, positive changes in victims’ attitudes, 52-4–52-5 pre-program responses to surveys, 52-3–52-4 trends, 52-7 CIW. See California Institution for Women (CIW) CLAIM. See Chicago Legal Aid to Incarcerated Mothers (CLAIM) Clark, Judith, 51-1 Classification processes actuarial approach, 31-2 Canadian men, 31-2–32-3 women, 31-2–31-3 female offenders, relevancy to, 33-2 National Institute of Corrections (NIC) study of classification, findings on purpose of, 33-5 classification procedures, findings on, 33-6 classification variables, relevance of, 33-3 disregard for custody classification, findings on, 33-7 existing models, validity of, 33-3–33-4 failure to assess needs of women, findings on, 33-7 findings, 33-5–33-8 foundation of classification systems, 33-2–33-3 gender-specific classification, discouragement of, 33-4 goals of, 33-5 male vs. female classification, findings on, 33-5–33-6 methodology, 33-5 over-classification of women, 33-4, 33-6 prison misconduct by women, 33-2–33-3 purpose of, 33-2 risk factors, relevance of, 33-3 treatment decisions, relevance to, 33-4 validation of systems, findings on, 33-6 objective, 31-2–32-3 Client advocates. See Social workers College-in-prison programs advantages of, 51-2 Bedford Hills Correctional Facility (BHCF) program. See Bedford Hills Correctional Facility (BHCF) college-in-prison program cost-benefit analysis of, 51-9–51-10 Pell grants, 51-2, 51-4
College-in-prison programs, continued
recidivism rates, 51-8
Violent Crime Control and Law Enforcement
Act, effect of, 51-2–51-3
Colorado, system of community corrections in. See
Community corrections, Colorado system of
Commission on Law Enforcement and
Administration of Justice, v
Community Alternative for Mothers in Prison
(CAMP) program, MCF-Shakopee, 7-5–7-6
Community-based programs for female offenders
Center for Substance Abuse Treatment (CSAT)
grants and models, 44-3
fragmented services and requirements, 44-2
gender responsive programming. See Gender
responsive programming
International Community Corrections
Association (ICCA) discussion of, 2-3
John P. Craine House program. See John P.
Craine House program
mothers and children, impact on, 15-6
overview, 48-4
wraparound services
   benefits of, 44-3–44-4
   gender responsive programming, implications for practice of, 29-19
Community-based sentencing, 15-6
Community corrections, Colorado system of
current study
diversion offenders, 47-3
female-only facilities, impact of, 47-5–47-6
female-specific services, lack of, 47-6–47-8
offenders, criminal histories of, 47-3–47-5
practice implications, 47-9–47-10
safety concerns, 47-6
sexual harassment, 47-6
success rates, 47-9
transition offenders, 47-3–47-4
gender, differences in, 47-2–47-5
1985-2000 study, 47-2
1996 study, 47-3
overview, 47-1
program operations and outcomes, 47-2
supportive environment, characteristics of,
47-8–47-9
women's risks and needs, need for programming geared to, 47-8–47-9
Community facilities
Colorado system of community corrections. See
Community corrections, Colorado system of
John P. Craine House program. See John P.
Craine House program
presence and utilization of, 19-7
Summit House program. See Summit House program
Community service orders
effect of, 46-9–46-10
experiences and attitudes, study findings on
actual work, impact of, 46-7–46-8
child care, financial support for, 46-6–46-7
children, impact of, 46-6
employment, 46-7–46-8
improvements, suggestions for, 46-9
policy and practice, implications for, 46-10–46-11
problems encountered, 46-8–46-9
relationships with co-workers, 46-8
travel expenses, financial support for, 46-6
working life, transition to, 46-7
working relationships, 46-8
growth of, 46-2
improvements, suggestions for, 46-9
overview, 46-2
placements
   absence rates, 46-5
   child care arrangements, 46-5–46-6
   choices of, 46-2
   completion rates, 46-5
   gender bias in, 46-8–46-9
   problems encountered at, 46-8–46-9
   settings, 46-4
   work performed, 46-4–46-5
purpose of, perception of, 46-9–46-10
under representation of women, 46-2
study of
   absence rates, 46-5
   child care arrangements, 46-5–46-6
   completion rates, 46-5
demographic characteristics, 46-3–46-4
experiences and attitudes, 46-6–46-11
methodology, 46-2–46-3
offenses committed, 46-4
perception of service, 46-9–46-10
policy and practice, implications for, 46-10–46-11
respondents, personal characteristics of,
46-3–46-4
self-reporting surveys, 46-3
semi-structured interviews, 46-3
sentence details, 46-4
Connections during imprisonment. See Reentry
into society, social capital
Contempt used to change status offenses to
delinquency, 9-7–9-9
Conversations with girls
juvenile justice system, impact on, 13-2–13-3
need for, 13-2
Cooperative relationships, 22-3–22-4
Correctional programs and services
design of, gender inequality in, 10-1–10-2
desire for, 10-6
Ohio Department of Youth Services (DYS) facilities, study of. See Department of Youth Services (DYS) facilities, study of Ohio
options for females, 10-1–10-2
relationship-oriented, 10-6
treatment of females, 10-1–10-2
Correction-based programs, rationale for
family relationships, 22-2
intergenerational effects of incarceration, reduction of, 22-2
recidivism, reduction in, 22-2
Counsel. See Attorneys
Covington, Stephanie, P4-1, P6-1, 29-1, 44-1
Covino v. Patrissi, 5-3
Cox, E. Paula, P3-2, 23-1
Craine House program. See John P. Craine House program
Crime, causes of, 1-5
CSAT. See Center for Substance Abuse Treatment (CSAT)
CVORJ. See Citizens, Victims and Offenders Restoring Justice Project (CVORJ)

D
Day Reporting Program, Pennsylvania
components of, 50-3
demographics, client, 50-2
enrollment, 50-3
funding of, 50-7
impact of, 50-3
overview, 50-1–50-3
stress management programming, Working With Emotions research project
components of, 50-4
evaluation of, 50-4–50-5
findings, 50-6
objectives of, 50-3–50-4
setbacks/obstacles, 50-5–50-6
Symptom Checklist 90-Revised (SCL-90-R), 50-4
Toronto Alexithymia Scale (TAS-20), 50-4–50-5
violence, clients’ view of, 50-2–50-3
Working With Emotions research project, 50-4–50-6
Delinquency lawyers, issues in representation of girls for, 9-2–9-3
Dell, Colleen Anne, P5-1, 38-1
Dennis, Liete, P5-2, 42-1
Department of Youth Services (DYS) facilities, study of Ohio
findings
demographic characteristics, 10-3
programming gap, 10-5–10-6
programs and services, desired, 10-3–10-4
programs and services received, 10-4–10-5
racial disparities, 10-6
measurement instrument, 10-3
programs measured, 10-3
sample, 10-3
study population, 10-2
Depression, 39-2–39-3
Detention rates, 9-6–9-7
Disabilities
ADHD, 39-3
Americans With Disabilities Act (ADA), 39-4
behavioral disorders, 39-3
characteristics, common, 39-2
depression, 39-2–39-3
female offenders
abused and neglected, 39-2–39-3
connection to, 39-2
Individuals With Disabilities Education Act (IDEA), 39-4
juvenile justice, issues for, 39-3–39-4
mental, 39-3
mental illness. See Mentally ill inmates
outcomes for women with, studies of, 39-5
Rehabilitation Act, 39-4
rights of persons with, 39-4
risk factor for female offenders, as, 39-1
school, problems in, 39-3
strategies for dealing with, 39-5–39-6
studies of outcomes for women with, 39-5
suicide attempts, impact on, 39-2
types of, 39-2
Disposition plans, “least restrictive alternatives” for, 9-11
Dougherty, Joyce, P6-1
Downey v. Denton County, 5-8
Drug offenders
See also Substance abuse
lifetime welfare ban for. See Lifetime welfare ban for drug offenders
sentences for, 1-4, 2-9, 26-1
therapeutic communities (TCs). See Therapeutic communities (TCs)
Drug treatment

Project WORTH. See Project WORTH violations through, preventing. See Project WORTH

Drug war. See War on Drugs

Due process requirement in post-disposition phase decision, 9-16

E

Eden Information and Referral collaboration with MOMS Program, 26-2

Education level

prison, relationship of, 51-19–51-20

statistics at time of arrest, 29-5

Education programs

Bedford Hills Correctional Facility (BHCF) college-in-prison program. See Bedford Hills Correctional Facility (BHCF) college-in-prison program

negative impact of, 44-7

Employment

lifetime welfare ban for drug offenders, effect of, 16-12–16-13, 16-16

statistics at time of arrest, 29-5

English, Kim, P6-1, 47-1

Equal protection issues, 9-16–9-18

Equal Rights Amendments

judicial review, standards of, 9-20

states enacting, 9-19–9-20

Ethnic and racial impacts

lifetime welfare ban for drug offenders, 16-7–16-8

War on Drugs, 6-4–6-9

assessment and classification procedures for, 29-6–29-7

assisting, challenges in

context, importance of, 2-16

frames, lenses, and maps, 2-17–2-18

high-risk vs. high-need offenders, 2-16–2-17

mental maps, 2-17–2-18

backgrounds of, 29-4–29-5

characteristics of

backgrounds, 29-4–29-5

demographics, 29-3–29-4

offense, 29-5

overview, 29-3

children of. See Children classification processes. See Classification processes

classifications for

California Senate Commission report on, 27-3–27-4

issues in, 27-1–27-2

problems addressed by, 27-2–27-3

programming, relationship to, 27-6–27-7

proposals for, 27-7–27-8

purpose of, 27-3

strengths perspective, based on, 27-6

timing and placement issues, 27-4–27-5

weaknesses, based on, 27-6

contacts with children, study of, 4-4

criminal justice policy and practice

assessment and classification procedures, 29-6–29-7

characteristics of women, 29-6

services and programs available, 29-7

sexual misconduct, staff, 29-7

staffing and training of personnel, 29-7

decisions affecting, considerations in, 27-5–27-6

demographic characteristics, 29-3–29-4

disabilities, with. See Disabilities

educational status of, 29-5

education level, relationship of, 51-19–51-20

employment history, 29-5

family connections during imprisonment, study of, 4-2

family history, 29-4

gender-responsive classification. See Classification processes

gender-specific policies for. See Gender-specific policies

high-risk vs. high-need offenders, 2-16–2-17

holistic approaches to

need for, 2-6

repressive contexts, in, 2-9

incarceration rates, 48-2

Federal housing policies, negative impact of, 44-7

Female offenders

abuse history, 29-4
International Community Corrections Association (ICCA) research on. See International Community Corrections Association (ICCA) research on female offenders
marital status of, 29-5
mental health of, 29-5
offense characteristics of, 29-5
physical health of, 29-4–29-5
prison policies on visitation, study of impact of, 4-3–4-4
profiles of, 2-4–2-5
programming, relationship of classification to, 27-6–27-7
reentry into society. See Reentry into society
risk assessment instruments. See Risk assessment instruments
Canadian. See Canada
services and programs available to, 29-7
sexual abuse. See Sexual abuse
staffing and training of personnel, findings on, 29-7
statistics on, 48-2
strengths perspective, classifications based on, 27-6
substance abuse history, 29-4
sympathy for, 45-4
visitation, 4-2–4-4
visiting connections during imprisonment, study of, 4-2–4-3
weaknesses of, classifications based on, 27-6

Feminist Criminology, vi
Feminists
backlash against, 2-3
sex-equality in prison programs, 1-3–1-4
Fighting among girls
cultural reasons for, 14-3
prevention techniques, 14-3–14-6
reasons for, 14-2–14-3
Fillmore, Cathy, P5-1, 38-1
Fine, Michelle, P6-2, 51-1
First National Conference on Corrections, v
Fisher, Amy, 5-10, 5-11
Fisher v. Goord, 5-11–5-12
Flat sentencing, 1-3, 1-4
Florida
contempt as bootstrapping technique, 9-7–9-8
YMCA Character House. See YMCA Character House
Flynn, Edith Elisabeth, v
Forts v. Ward, 5-3

Foster care
Adoption and Safe Families Act (ASFA) changes to policy for. See Adoption and Safe Families Act (ASFA)
lifetime welfare ban for drug offenders, effect on women of, 16-9
Foster children
lifetime welfare ban for drug offenders, effect of, 16-9
statistics on, 9-4
Freitas v. Ault, 5-12
Frietas, Konia, P2-1
Furloughs, 19-6–19-7

G
Gaines, Mary, 25-1–25-4
Garfinkel, Lili, P5-1, 39-1
Gartner, Rosemary, P1, 3-1
Gender-responsive classification. See Classification processes
Gender-responsive programming
Addiction and Trauma Recovery Integration (ATRIUM) Model, 44-5
addiction theory, 29-9
agency models, 44-6
considerations for, 29-20
elements of, 29-18
equal protection issues, 9-16–9-18
Equal Rights Amendments, states enacting, 9-19–9-20
female offenders
classifications based on. See Female offenders
criminal justice policy and practice. See Female offenders
findings on, 29-2
Helping Women Recover model, 44-5
Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) requirement for, 9-16
men and women, differences between, 44-7
models
Addiction and Trauma Recovery Integration (ATRIUM) Model, 44-5
agency models, 44-6
Helping Women Recover, 44-5
Our Place, D.C. model, 44-6
Refugee Model, 44-6
Sanctuary Model, 44-5
Gender responsive programming, continued
Seeking Safety, 44-5
Trauma Recovery and Empowerment (TREM) Model, 44-6
need for, 29-2
new vision for, development of
  collaborative services, assist reentry with
  comprehensive, 29-17–29-18
  community supervision, creation of system of, 29-17–29-18
  environment, creation of safe, 29-12–29-13
  gender differences, acknowledgment of, 29-11–29-12
  mental health issues, 29-15–29-16
  overview, 29-10–29-11
  relationships, development of practices and policies to promote healthy, 29-14–29-15
  socio-economic status, creation of programs to improve, 29-16
  substance abuse issues, 29-15–29-16
  trauma issues, 29-15–29-16
Our Place, D.C. model, 44-6
overview, 9-16, 29-2–29-3
pathways perspective, 29-8–29-9
policy considerations, 29-18
practice, implications for
  community support, building, 29-19
  considerations, 29-20
  overview, 29-18–29-19
  program evaluation, 29-20
  reentry programs, 29-19
  restorative justice, 29-19
  wraparound services, 29-19
program evaluation, 29-20
recommendations for, 44-8–44-9
Refugee Model, 44-6
relational theory, female development and, 29-9
research and theories on
  addiction theory, 29-9
  overview, 29-8
  pathways perspective, 29-8–29-9
  relational theory, female development and, 29-9
  trauma theory, 29-9
  women’s lives, understanding context of, 29-8
Sanctuary Model, 44-5
Seeking Safety model, 44-5
staff recruitment, selection and training, 30-2
Title IX challenges, 9-18
trauma-informed services, 44-9
Trauma Recovery and Empowerment (TREM) Model, 44-6
trauma theory, 29-9
War on Drugs, 29-10
wraparound services, implications for practice of, 29-19
Gender-specific policies
  characteristics necessary for survival of, 28-2–28-3
  questionable strategies for survival of
    accountability, 28-5–28-6
    ex-drug users or lawbreakers, employment of, 28-3–28-4
    leadership, 28-4
    project leaders and workers, accountability of, 28-5–28-6
    umbrella organization, membership in larger, 28-4
  survival of
    characteristics necessary for, 28-2–28-3
    problems with, 28-1
    questionable strategies for, 28-4–28-6
George, Susan M., P3-1, 18-1
Germany v. Vance, 9-15
G.F., In re, 9-14
Gillesce, Joan, P5-1, 36-1
Girls
  Adoption and Safe Families Act (ASFA), impact and requirements of, 9-10–9-11
  aggression, relational. See Relational aggression
  Americans With Disabilities Act (ADA), rights under, 39-4
  anger, trivialization of, 14-2
  attorneys representing, issues surrounding, 9-2–9-3
  authority and trust issues, 12-4–12-5
  bootstrapping of, 9-7–9-9
  child welfare system, effect of lack of coordination between juvenile justice system and, 9-4
  choices made by, challenges for practitioners of, 12-5–12-6
  composite case, 9-2
  conversations with
    juvenile justice system, impact on, 13-2–13-3
    need for, 13-2
  delinquency lawyers representing, issues surrounding, 9-2–9-3
  detention rates, 9-6–9-7
  development
    effect of incarceration on, 9-6
    need to understand, 9-3
  difficulties of working with, 12-3–12-4
  disabilities, juvenile justice issues for, 39-3–39-4
INDEX

INDEX I-11

To order, go to http://www.civicresearchinstitute.com/wgc_book.html and click on “Add to Cart”

disposition advocacy for, 9-9–9-11

disposition plans, “least restrictive alternatives” for, 9-11

education failure as risk factor, 9-4

expectations of attorneys, 9-3

family relationships, practitioners dealing with, 12-8–12-9

fighting among. See Fighting among girls

foster children, statistics on, 9-4

gender responsive programming, advocacy for. See Gender responsive programming

Individuals With Disabilities Education Act (IDEA), rights under, 39-4

juvenile justice system. See Juvenile justice system

lawyers representing, issues surrounding, 9-2–9-3

listening to. See Listening to girls

male practitioners working with, challenges for, 11-3, 12-6–12-8

mean girls, 11-1

multiple system involvement, effect of, 9-4

physical abuse. See Physical abuse

post-disposition phase, advocacy during. See Post-disposition phase, advocacy during

Practitioners, youth

programming and resources for, 12-10–12-11

Relational aggression. See Relational aggression

relationships, emphasis on, 12-4, 13-1

relationships, need for, 30-2, 30-3

sexual abuse of. See Sexual abuse

social factors affecting, 9-3

status offenses, bootstrapping of, 9-7–9-9

stress and pressure of, 12-3

Title IV-E reimbursement, 9-10

victimization of, 9-3–9-4

violence perpetrated by, 14-2

Girl Scouts Behind Bars program, 19-8

Goodwin, Kathryn, P6-1, 46-1

Grace, Mary, P4-2, P6-1, 34-1, 49-1

Gwenette D., In re, 9-17

H

Hairston, Creasie Finney, P2

Halfway houses, Colorado. See Community corrections, Colorado system of

Hannah-Moffat, Kelly, P4-2, 31-1

Hardiness zones, development of, 14-4

Harmeyer, Julie, P3-2, 26-1

Harrison, Linda, P6-1, 47-1

Harris v. Zappan, 5-7

Health care for inmates

California study of. See California complaints, 41-1–41-2

incarceration

self-care, effect on, 41-3–41-5

self-medication, effect on, 41-3–41-4

sense of self, effect on, 41-4–41-5

symptoms, relationship between, 41-2–41-3

recommendations

California study of health care for inmates, 40-6–40-9

improvement, for, 41-5–41-6

self-care, effect of incarceration on, 41-3–41-5

self-medication, effect of incarceration on, 41-3–41-4

sense of self, effect of incarceration on, 41-4–41-5

symptoms

incarceration, relationship between, 41-2–41-3

overview, 41-1–41-2

Helping Women Recover model of gender responsive programming, 44-5

Hirsch, Amy E., P3-1, 17-1

Holistic approaches to female offenders need for, 2-6

repressive contexts, in, 2-9

Holistic Model of Self-harm, 38-3

Holistic Model of Self-harm, repressive context, 38-3

Holsinger, Kristi, P2-1, 10-1

Hovater v. Robinson, 5-6, 5-10

Hudson v. McMillian, 5-7

Hudson v. Palmer, 5-2, 5-3

Human rights violations, project WORTH and, 35-2–35-3

Hylton, Donna, 51-1

I

ICCA. See International Community Corrections Association (ICCA)

IDEA. See Individuals With Disabilities Education Act (IDEA)

IDOC. See Illinois Department of Corrections (IDOC)

Illinois Department of Corrections (IDOC)

Incarcerated Mothers and Their Children study.

See Incarcerated Mothers and Their Children study

Immarigeon, Russ, P4-1, 27-1
Incarcerated Mothers and Their Children study children as challenge for welfare system, 18-4–18-5

economic disadvantages, 18-4
Illinois Department of Corrections (IDOC) Offender Tracking System, analysis of, 18-2
overview, 18-2
population statistics
drug offenders, 18-3
Offender Tracking System, analysis of, 18-2–18-4
overview, 18-2
person-related offenders, 18-3–18-4
property offenders, 18-3
single mothers, 18-3
substance abuse/dependence, 18-3
welfare system, challenge for, 18-4–18-5

Indeterminate sentencing, 1-3

Indiana
female offenders, incarceration rates for, 48-2
John P. Craine House program. See John P. Craine House program

Individuals With Disabilities Education Act (IDEA), rights for youths under, 39-4

Intergenerational dysfunction
correction-based programs, effect of, 22-2
study of incarcerated mothers and their children, findings of, 21-4

International Community Corrections Association (ICCA) research on female offenders
actuarial approach in corrections. See Actuarial approach in corrections
art vs. science, underlying debate framed as, 2-18
community-based programs, 2-3
consensus about corrections and female offenders profiles of offenders, 2-4–2-5
statistical information, limitations on, 2-5
dissent, areas of
actuarial approach in corrections. See Actuarial approach in corrections ‘client,’ definition of, 2-10
‘success,’ definition of, 2-10

holistic approaches
need for, 2-6
repressive contexts in, 2-9
innovative approaches, 2-2–2-3
overview, 2-2
perspectives, diversity in, 2-2–2-3
principles articulated at, 2-6
shared perspectives, 2-6
what is “good” for offenders, determining, 2-7–2-9

Isaacs, In re, 9-13
Isolation, juvenile justice system use of, 9-5

J
Jaede, Ann, P3-2, 25-1
Jenkins, Julie, P4-2, 30-1
Jeremy, In re, 9-13

JJDPA. See Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA)

John L. v. Adams, 9-15

John P. Craine House program
alternative to incarceration, as, 48-4–48-5
cost, 48-7
eligibility for, 48-4–48-5
evaluation
methodology, 48-6
results, 48-6–48-7
goals, 48-5
illustrative case, 48-7–48-8
interventions provided, 48-5
objectives, 48-5–48-6
outlook for, 48-8
overview, 48-4–48-5
program outcomes, 48-7
recidivism rates, 48-7
residents assigned to, results for, 48-6–48-7

Johnson, Lyndon B., v

Jordan v. Gardner, 5-2, 5-10–5-11

JRAP. See Juvenile Rights Advocacy Project (JRAP)

Julia Tutwiler Prison for Women. See Alabama, Julia Tutwiler Prison for Women

Justice, Cheryl, P6-1, 48-1

Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA)
gender responsive programming, requirement for, 9-16
valid court order (VCO), prohibition on incarceration of status offenders absent, 9-8

Juvenile justice system
child welfare system, effect of lack of coordination between, 9-4
development, effect on, 9-6
disabled girls, issues for, 39-3–39-4
experiences in, 9-5–9-6
isolation, use of, 9-5, 9-6
mistreatment in, 9-5–9-6
restraints, use of, 9-5, 9-6
re-victimization in, 9-5
sexual assaults in, 9-5

Juvenile Rights Advocacy Project (JRAP), 9-9
K
Kauffman, Kelsey, P3-1, 20-1
Kinship care arrangements, impact on mothers and children of, 15-7
Klinger v. Department of Corrections (Klinger II), 9-18, 9-19
Kruttschnitt, Candace, P1, 3-1

L
Latessa, Edward, P4-2, 32-1
Lawyers. See Attorneys
“Least restrictive alternatives” for disposition plans, 9-11
Legal guardianship impact on mothers and children, 15-6–15-7
Lifetime welfare ban for drug offenders children, effect on
   educational attainment, 16-10–16-11
   emotional and behavioral problems, 16-10–16-11
drug treatment programs, availability of, 16-13–16-14, 16-16
employment, effect on finding stable and legal, 16-12–16-13, 16-16
ethnic and racial impact of, 16-7–16-8
future harms, recommendations to prevent, 16-15–16-16
impact of, 16-6–16-11
implementation of, 16-3–16-6
opt-out option, state’s, 17-2
overview, 16-1–16-3
Pennsylvania lifting of. See Pennsylvania recommendations, 16-15–16-16
repeal of, recommendation for, 16-15
state implementation of
   2001, 16-2–16-3
   2005, 16-4–16-5
women, effect on
   basic necessities, inability to meet, 16-9
   educational attainment of children, 16-10–16-11
   emotional and behavioral problems for children, 16-10–16-11
   family dissolution, 16-9
   foster care, 16-9
   housing difficulties, 16-9–16-10
   transitional income, lack of, 16-8–16-9
   women affected by, 16-2, 16-6–16-7

Listening to girls
   advice, as more than giving, 13-4
   filters, effect of, 13-3–13-4
   importance of, 13-3

Lowenkamp, Christopher, P4-2, 32-1
LSI-R
   criminal behavior and, correlations between, 32-4
   various outcomes and, correlations between, 32-6
Lynch, Jennifer A., P3-2, 24-1

M
MacDonald-Furches, Jamie, P3-2, 23-1
McIvor, Gill, P6-1, 46-1
McMahon, Maeve, P1, 2-1
Maeve, M. Katherine, P5-1, 41-1
Making Things Right course. See Citizens, Victims and Offenders Restoring Justice Project (CVORJ)
Maniglia, Rebecca, P2-1, 13-1
Martinez, Migdalia, 51-1
Maryland
   Center for Mental Health Services research (CMHSR)
      grants, 36-2
      Phoenix Project. See Phoenix Project (Maryland)
      TAMAR Project. See TAMAR Project (Maryland)
substance abusers, programs for
   overview, 36-1–36-2
   Phoenix Project. See Phoenix Project (Maryland)
   TAMAR Project. See TAMAR Project (Maryland)
   programs, 36-1–36-2
Maryland Community Criminal Justice Treatment Program (MCCJTP), 36-2
Mental Hygiene Administration (MHA), 36-1–36-2
mental illness, programs for
   overview, 36-1–36-2
   Phoenix Project. See Phoenix Project (Maryland)
   TAMAR Project. See TAMAR Project (Maryland)
   programs, 36-1–36-2
Mauer, Marc, P2, 6-1
MCF-Shakopee prison. See Minnesota
Mean girls, 11-1
Melton, Mary Carol, P4-2, P6-1, 34-1, 49-1
Mentally ill inmates
   Bedford Hills Correctional Facility (BHCF)
      college-in-prison program, as policy issue for, 51-22
   challenges for assessing and treating, 42-1–42-2
   depression, 39-2–39-3
Maryland programs. See Maryland
Mentally ill inmates, continued
Minnesota initiatives to assist, proposed, 7-11–7-12
New York county jail study
case illustrations, 42-4–42-6
clinical characteristics, 42-2–42-4
demographic characteristics, 42-2–42-4
DSM-IV Axis I Disorders identified in, 42-4, 42-5
Mental Health Unit (MHU), 42-2, 42-4, 42-5
methodology, 42-2
multiple needs, response required to
address, 42-6–42-7
Phoenix Project. See Phoenix Project
(Maryland)
statistics on, 42-1
TAMAR Project. See Tamar Project (Maryland)
Messina, Nena, P5-1, 37-1
Michigan
Gender Specific Task Force, 30-1
Scott Correctional Facility study
findings, 30-2–30-3
population and research method, 30-2
suggestions of inmates, 30-3–30-4
Minnesota
alternatives to incarceration, State Advisory
Task Force on Female Offenders recommenda-
dtions for
areas in need of further study,
7-12–7-13
Challenge Incarceration Program (CIP),
expansion of, 7-6
chemically dependent inmates, initiatives to
assist, 7-11–7-12
Community Alternative for Mothers in
Prison (CAMP) program, 7-5–7-6
dispositional departures, 6-9
MCF-Shakopee prison
alternatives to incarceration, at, study of.
See alternatives to incarceration, State
Advisory Task Force on Female
Offenders recommendations for
Citizens, Victims and Offenders Restoring
Justice Project (CVORJ). See Citizens,
Victims and Offenders Restoring Justice
Project (CVORJ)
Community Alternative for Mothers in
Prison (CAMP) program, 7-5–7-6
probation revocation, technical assistance
for examination of admissions due to,
7-6–7-8
promising recommendations, 7-5–7-12
reduction in prison terms, 7-13
sanctions affecting “good time,” 7-8–7-10
study process and preparation, 7-2–7-5
unpromising recommendations, 7-13–7-14
working group, 7-3
Challenge Incarceration Program (CIP),
expansion of, 7-6
chemically dependent inmates, initiatives to
assist, 7-11–7-12
Citizens, Victims and Offenders Restoring
Justice Project (CVORJ). See Citizens,
Victims and Offenders Restoring Justice
Project (CVORJ)
Community Alternative for Mothers in Prison
(CAMP) program, 7-5–7-6
probation revocations, 7-6–7-8
War on Drugs
arrests, increases in, 6-8
Challenge Incarceration Program (CIP), 7-6
convictions, increases in, 6-8
dispositional departures, 6-9
ethnic and racial aspects of, 6-8–6-9
prison sentences, increases in, 6-8–6-9
sentencing guidelines system, 6-2, 6-7, 6-9
Minorities, 2-5
MOMS Program, Alameda County
BOSS, collaboration with, 26-2
collaborating agencies, 26-2
continuum of services, 26-5–26-6
corrections staff and law enforcement, over-
coming preconceived notions of, 26-4
cost-effective approach to decarceration, 26-3–26-4
“crash course” modules, 26-5–26-6
curriculum, focus of, 26-5–26-6

To order, go to http://www.civicresearchinstitute.com/wgc_book.html and click on “Add to Cart”
Eden Information and Referral, collaboration with, 26-2
goals of, 26-2–26-3
mother-child bond, 26-4–26-5
outlook for, 26-6
problems of mother in jail, addressing
corrections staff and law enforcement,
overcoming preconceived notions of, 26-4
cost-effective approach, 26-3–26-4
culture of custody, overcoming, 26-4
mother-child bond, 26-4–26-5
Second Chance, Inc., collaboration with, 26-2
Montana v. Spina, 9-17
Montenegro, Marilyn, P6-1, 45-1
Morgan v. Sprout, 9-15
Morrissey v. Brewer, 9-16
Mother-child programs
caregivers of children, support systems for
care of children, support systems for
cooperative relationships, building of,
22-3–22-4
“Family Matters” program, 22-3
overview, 22-2
correction-based programs, rationale for. See Correction-based programs, rationale for
Day Reporting Program, Pennsylvania. See Day reporting program, Pennsylvania
examples of, 48-4
“Family Matters” program, 22-3
(Females Organizing and Restoring Unity for Mothers)
John P. Craine House program. See John P. Craine House program
MOMS Program, Alameda County. See MOMS Program, Alameda County
overview, 22-1–22-2
parenting programs, survey of. See Parenting programs, survey of
Pennsylvania Day Reporting Program. See Day reporting program, Pennsylvania
prison nurseries. See Prison nurseries
Summit House Program. See Summit House Program
YMCA Character House. See YMCA Character House
Motherhood
Adoption and Safe Families Act (ASFA),
impact of. See Adoption and Safe Families Act (ASFA)
children
Adoption and Safe Families Act (ASFA)
on, impact of. See Adoption and Safe Families Act (ASFA)
Incarcerated Mothers and Their Children study. See Incarcerated Mothers and Their Children study
Incarcerated Mothers and Their Children study. See Incarcerated Mothers and Their Children study
prison nurseries. See Prison nurseries
Mother Read program, 19-8
Motiuk, Larry, 2-10–2-15
Mullendore, Kristine, P2
N
Naquan J., In re, 9-8, 9-9
National Clearinghouse for Criminal Justice Planning and Architecture, v
National Institute of Corrections (NIC), study of classification processes. See Classification processes
National Roundtable on Women in Prison, vi
National Workshop on Adult & Juvenile Female Offenders, vi
Newby v. District of Columbia, 5-3
New York
Bedford Hills Correctional Facility (BHC) college-in-prison program. See Bedford Hills Correctional Facility (BHC) college-in-prison program
mentally ill inmates, county jail study of. See Mentally ill inmates
Rockefeller Drug Laws, 6-2
War on Drugs
arrests, increases in, 6-4
convictions, increases in, 6-4
ethnic and racial aspects of, 6-4–6-5
prison sentences, increases in, 6-4–6-5
Rockefeller Drug Laws, 6-2
sentencing policies, impact of, 6-5, 6-6–6-7
statistics on arrests and sentencing from 1986-1995, 6-2
NIC. See National Institute of Corrections (NIC)
Nixon, Richard M., v
North Carolina Summit House Program. See Summit House Program
Norton-Hawk, Maureen, P3-1, 21-1
Nurseries, prison. See Prison nurseries
O
Objective classification processes, 31-2
O’Brien, Patricia, P6-1, 43-1
O’Donnell, Jenny, P4-2, 34-1
Offender Intake Assessment (OIA), 31-1, 31-4
Ohio
Alternative Interventions for Women program. See Alternative Interventions for Women program, Ohio
Department of Youth Services (DYS) facilities, study of. See Department of Youth Services (DYS) facilities, study of Ohio
Hamilton County Probation Department
Women’s Assessment Project. See Women’s Assessment Project study
Ohio Reformatory for Women (ORW) prison nurseries. See Prison nurseries
Women’s Assessment Project. See Women’s Assessment Project study
OIA. See Offender Intake Assessment (OIA)
Okamoto, Scott K., P2-1, 11-1
One Strike Initiative, implementation of, 16-9, 16-15
OPTIONS program, 17-6
ORW. See Prison nurseries, Ohio Reformatory for Women (ORW)
Our Place, D.C. model of gender responsive programming, 44-6
Overnight visitations, 19-7
Owen, Barbara, P4-1, 29-1

P
Parenting programs, survey of children
  living arrangements for, 19-2–19-3
  percentage with mothers in prison, 19-2
  separation on, effect of, 19-4–19-5
  community facilities, presence and utilization of, 19-7
  correctional systems, role of
    children’s needs, meeting, 19-5–19-6
    mothers’ needs, meeting, 19-5
  findings
    overview, 19-8
    past surveys, of, 19-6
    present survey, of, 19-6–19-8
  furloughs, availability of, 19-6–19-7
  Girl Scouts Behind Bars program, 19-8
  mother-child contact, 19-3–19-4
  Mother Read program, 19-8
  overnight visitation option, 19-7
  participation rate, 19-2
  pregnancy during incarceration, 19-3
  prison nurseries, 19-7–19-8
  special visiting areas, 19-6

Parole
  See also Reentry into society
  Bedford Hills Correctional Facility (BHCF)
  college-in-prison program, as policy issue for, 51-22–51-23
  violation of, drug use as. See Project WORTH
Parole officers
  post-incarceration study. See Post-incarceration study
  rules of parole, explanation of, 43-5–43-6
Partial Justice: Women, Prisons and Social Control (Rafter), P1
Pathways perspective for gender responsive programming, 29-8–29-9
Patten, Meredith, P5-1, 37-1
Pell grants for college-in-prison programs, 51-2, 51-4
Penitentiaries. See Prisons
Pennsylvania
  Day Reporting Program. See Day Reporting Program, Pennsylvania
drug treatment outreach programs
  access to, 17-5
court system, integration of treatment facilities and, 17-6
education, provide opportunity for, 17-8
gender-specific programs, 17-6
housing, providing safe and affordable, 17-8
job skills, provide opportunity to acquire, 17-8
lack of, 17-5
physical abuse, dealing with drug use in response to, 17-6–17-7
sexual abuse, dealing with drug use in response to, 17-6–17-7
support and services, 17-5
treatment facilities, integration of court system and, 17-6
violence, dealing with drug use in response to, 17-6–17-7
lifetime welfare ban for drug offenders, lifting of
  overview, 17-2
  policy recommendations, 17-4–17-5
  statistics of offenders, 17-2–17-4
study, 17-2–17-8
subsistence benefits, providing access to, 17-4–17-5
OPTIONS program, 17-6
Program for Women and Families in Allentown.
  See Day Reporting Program, Pennsylvania
INDEX

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform Act)
lifetime welfare ban for drug offenders. See Lifetime welfare ban for drug offenders
Section 115. See Lifetime welfare ban for drug offenders
Temporary Assistance for Needy Families (TANF), time limits and work requirements
on welfare recipients under, 16-1
Phillips, Susan, P3-2, 22-1
Phoenix Project (Maryland)
case management, 36-3
diversions, 36-3
eligibility, 36-2–36-3
evaluation of, 36-3
lessons for professionals, 36-7
Mobile Crisis Unit (MCU), 36-3
overview, 36-2
Physical abuse
common characteristic of offenders, as, 9-3–9-4, 29-4
disabled persons, of, 39-2
drug use in response to, 17-6–17-7
offenders as victims of, 2-4, 2-5
self-harm, as cause of, 38-4
PICS. See Post-Incarceration Syndrome (PICS)
Poe v. Hayden, 5-7
Pollack, Joycelyn M., P3-1, 19-1
Post-disposition phase, advocacy during
counsel, access to, 9-15
due process, 9-16
particular placements, power to order, 9-13–9-14
shared authority
state approaches to, 9-12–9-13
tension created by, 9-14–9-15
Post-incarceration study
correctional staff, relationships with
importance of, 43-3–43-4
supervision, negotiating terms of, 43-4
crime profiles, 43-3
demographic characteristics, 43-3
elements of successful reentry, identification of, 43-2
findings, 43-3
implications of, 43-6–43-7
parole officers
effective, importance of, 43-5
hindering success of parolees, 43-7
negative characteristics of, 43-7
rules of parole, clear explanation of, 43-5–43-6
Post-Incarceration Syndrome (PICS), 45-4
Potler, Cathy, 6-1
Poverty, 2-4, 2-5
Powerlessness, as response to relational aggression, 11-3–11-4
Practitioners, youth
attitudes and experiences of, 12-2
authority issues, 12-4–12-5
choices made by girls, challenges of, 12-5–12-6
choosing to become, reasons for, 12-9–12-10
complaints of, common, 12-2
difficulties of working with girls, 12-3–12-4
frustrations of, 12-11
issues for, research on, 12-2–12-3
male practitioners working with girls, challenges for, 11-3, 12-6–12-8
programming and resources for girls, 12-10–12-11
relationships, girls’ emphasis on, 12-4
stress and pressure, girls’, 12-3
suggestions of, 12-11
training, 12-9
troubled family relationships, dealing with, 12-8–12-9
trust issues, 12-4–12-5
working environment, 12-6
Pre-Discretionary Leave (PDL) program, Alabama, 8-8–8-9
Pregnancy, parenting program survey of, 19-3
Prendergast, Michael, P5-1, 37-1
Pre-release planning, 44-1–44-2
Presser, Lois, P4-2, 33-1
Prison Litigation Reform Act (PLRA), 5-8
Prison nurseries
long term effects of, questions regarding, 20-7
needs served by, 20-6–20-7
Ohio Reformatory for Women (ORW) program
birthting support person, 20-2
mother-child bond, promotion of, 20-2
overview, 20-2
positive responses to, 20-3
overview, 20-1
parenting programs survey, 19-7–19-8
variations among
children, eligibility of, 20-4
community, integration with, 20-6
European prisons, 20-4–20-6
general prison population, integration with, 20-5
length of stay, 20-4–20-5
mothers, eligibility of, 20-3
Prison reform

- concept of reformation, introduction of, 1-1–1-2
- conference on, results of, 1-2–1-3
- current programs, 1-4–1-5
- future, vision for, 1-5–1-6
- historical overview, 1-1–1-4
- lessons learned, 1-4–1-5
- rehabilitation. See Rehabilitation
- targets of, 1-2–1-3

Prisons

- Alabama. See Alabama
- California. See California
- college-in-prison programs. See College-in-prison programs
- early, 1-2
- Minnesota prison population, recommendations to reduce. See Minnesota, alternatives to incarceration, State Advisory Task Force on Female Offenders recommendations for New York. See New York population, effect of War on Drugs on growth of, 6-1–6-9
- reforms. See Prison reform
- War on Drugs, effect of, 6-1–6-9
- women’s. See Women’s prisons

Privacy, lack of, 5-2–5-3

PRLA. See Prison Litigation Reform Act (PLRA)

Probation

- See also Reentry into society
- demographic characteristics, 29-4
- Minnesota, probation revocations in, 7-6–7-8
- violation of, drug use as. See Project WORTH

Program for Women and Families in Allentown, Pennsylvania. See Day Reporting Program, Pennsylvania

Project WORTH

- cycles of violations, intervening in, 35-4
- human rights violations, 35-2–35-3
- retraumatization, demand to prevent, 35-3–35-4
- sexual violations, trauma recovery for, 35-2
- victimization, violations as, 35-1–35-2

Recidivism

- assessment tools, objective vs. subjective, 2-13–2-15
- college-in-prison programs, 51-8
- correction-based programs, effect of, 22-2
- John P. Craine House program, 48-7
- predictors of, meta-analysis of, 32-2
- rates, 4-1
- Summit House Program, data from, 48-4
- violent recidivism, attempted suicide as predictor of, 2-12–2-13
- YMCA Character House, rates of graduates of, 24-2

Reentry into society

- See also Parole; Probation
- Alternative Interventions for Women program, Ohio, 49-4–49-5
- Bedford Hills Correctional Facility (BHCF) college-in-prison program
- effects of, 51-18–51-19
- preparation provided by, 51-12–51-15
- caring capacity, opportunity to increase, 44-2
- categories of needs, common, 44-6–44-7
- child support debt, 45-1, 45-4–45-5
- community-based programs for female offenders. See Community-based programs for female offenders
- community support system, need for
- Center for Substance Abuse Treatment (CSAT) grants and models, 44-3
- children, needs of mothers of, 44-2
- fragmented services and requirements, 44-2
- wraparound services, 44-3–44-4
- current social climate, issues in, 44-6–44-7
- focus group findings, 44-9
- gender responsive programming. See Gender responsive programming
- obstacles to, 44-2
- Ohio Alternative Interventions for Women program, 49-4-49-5
- post-incarceration study. See Post-incarceration study
- pre-release planning, 44-1–44-2
- problems, source of, 45-3–45-4
- recidivism rates, 4-1
- recommendations for, 44-8–44-9
- restorative model of justice, use of, 44-2
- social capital
- children as factor determining visits, study of, 4-3
- contacts with children, study of, 4-4
- family connections during imprisonment,
study of, 4-2
offenders without strong, 4-5
offenders with strong, 4-4–4-5
overview, 4-1–4-2
prison policies on visitation, study of
impact of, 4-3–4-4
visiting connections during imprisonment,
study of, 4-2–4-3
social climate, issues in current, 44-6–44-7
successful, elements of, 44-10
Reformation, introduction of concept of, 1-1–1-2
Refugee Model of gender responsive programming,
44-6
Rehabilitation
abandonment of, 1-4
backlash against idea of, 1-3
philosophy of, 1-3
Summit House Program, 23-4
Rehabilitation Act, rights for youths under, 39-4
Relational aggression
concept of, 11-2
frequency of, 11-2
intervention strategies, 11-3
powerlessness, as response to, 11-3–11-4
practical implications, 11-2–11-3
violence intervention, 11-2–11-3
Relational theory, female development and, 29-9
Relationships
family relationships, practitioners dealing with,
12-8–12-9
female development, effect on, 29-9
gender responsive programming, development
of new vision for, 29-14–29-15
girls’ need for, 30-2, 30-3
importance of, 12-4, 13-1–13-2
Reorientation, points of, 1-1
Restorative justice
Citizens, Victims and Offenders Restoring
Justice Project (CVORJ). See Citizens,
Victims and Offenders Restoring Justice
Project (CVORJ)
community support, as element in building,
29-19, 44-2
reentry into society, use in, 44-2
Restrains, juvenile justice system use of, 9-5
Ricardo, In re, 9-8
Risk assessment instruments
Canadian. See Canada
decision-making, effect on, 32-1
empirical, 32-1
female youthful offenders, studies of, 32-3
LSI-R
criminal behavior and, correlations
between, 32-4
various outcomes and, correlations
between, 32-6
male vs. female
differences in, 32-5–32-7
risk factors for, meta-analysis of, 32-2–32-3
meta-analysis
female youthful offenders, of, 32-3
male vs. female risk factors, of, 32-2–32-3
recidivism, of predictors of, 32-2
recidivism, meta-analysis of predictors of, 32-2
risk factors, correlations between criminal
behavior and, 32-4
separate tools, necessity for, 32-4–32-5
studies of
female youthful offenders, 32-3
male vs. female risk factors, meta-analysis
of, 32-2–32-3
recidivism, meta-analysis of predictors of,
32-2
Roberts, Rosemarie A., 51-1
Roche, Tim, P2, 8-1
Rockefeller Drug Laws, New York, 6-2
Rollins, James, P2
Russell, Betty, P5-1, 36-1
S
Sanctuary Model of gender responsive program-
ing, 44-5
Schmidtgoessling, Nancy, P6-1, 49-1
SCID. See Structured Clinical Interview for
Diagnosis (SCID)
SCL-90-R. See Symptom Checklist 90-Revised
(SCL-90-R)
Scotland. See Community service orders
Scott Correctional Facility study. See Michigan
Searches, 5-3
Second Chance, Inc. collaboration with MOMS
Program, 26-2
Section 1983 claims for sexual abuse, 5-6–5-7
Seeking Safety model of gender responsive
programming, 44-3
Self-harm
abuse as cause of, 38-4
alternatives to, creative, 38-5–38-6
approaches to, 38-4
childhood experiences and, relationship
between, 38-1, 38-4
Self-harm, continued
community risk factors, 38-6
concerns surrounding, 38-1
coping and survival functions, 38-4–38-5
creative alternatives to, 38-5–38-6
defined, 38-3
future research, directions for, 38-8–38-9
guidelines for person working with women who, 38-8
helpful responses to, 38-6–38-7
Holistic Model of, 38-3
institutional risk factors, 38-6
needs of women who commit, 38-5
origins of, 38-4
policy recommendations for person working with women who, 38-8
punitive approach to, 38-7
recommendations for person working with women who, 38-7–38-8
risk factors, 38-6
suggestions for, 38-8
support systems, 38-5–38-6
unhelpful responses to, 38-7
woman-centered research approach, 38-2
working with women who commit, 38-7–38-8

Sentencing
community-based sentencing, 15-6
drug offenders, for. See Drug offenders
flat sentencing, 1-3, 1-4
indeterminate sentencing, 1-3
Summit House Program structured sentencing laws, effect of, 23-3–23-4
Sentencing Project “Gender and Justice: Women, Drugs and Sentencing Policy” report
key findings, 6-3
overview, 6-1

Sex-equality in prison programs, 1-3–1-4

Sexual abuse
common characteristic of offenders, as, 9-3–9-4, 29-4
disabled persons, of, 39-2
drug use in response to, 17-6–17-7
inmates, of. See Sexual abuse of inmates
offenders as victims of, 2-4, 2-5, 9-2
self-harm, as cause of, 38-4
trauma recovery for, 35-2

Sexual abuse of inmates
acceptance of, 5-3
Barney v. Pulsipher, 5-4, 5-10
Bell v. Wolfish, 5-3
Blueford v. Prunty, 5-7
Boddie v. Schnieder, 5-7

Carrigan v. Delaware, 5-5
civil litigation
advantages of using, 5-6
causes of action, 5-6–5-8
Section 1983 claims, 5-6–5-7
state tort laws, diversity and pendent claims based on, 5-8
complaints of, response to correctional institutions’. See correctional institutions’ response to complaints of criminal justice, 5-5–5-6
confinement claims, 5-7
criminal rights, violations of, 5-6–5-8
correctional institutions’ response to complaints of failure to respond, 5-4
fear of retaliation, inmate, 5-4
grievance processes, failure to communicate, 5-4, 5-12–5-13
options available, 5-3
processes within, 5-4–5-5
reports of, inmate reluctance to file, 5-4–5-5
vulnerability, inmate feelings of, 5-4
corrections staff, state prohibition on, 5-11–5-12
Covino v. Patriessi, 5-3
criminal justice policy and practice, 29-7
criminal justice response to complaints of, 5-5–5-6
delinquent girls, 9-5
Downey v. Denton County, 5-8
expected risk of, 5-2
Farmer v. Brennan, 5-7
fear of retaliation, inmate, 5-4
Fisher v. Goord, 5-11–5-12
Forts v. Ward, 5-3
Freitas v. Ault, 5-12
Fisher v. Goord, 5-11–5-12
Harris v. Zappan, 5-7
Hovater v. Robinson, 5-6, 5-10
Hudson v. McMillian, 5-7
Hudson v. Palmer, 5-2, 5-3
Jordan v. Gardner, 5-2, 5-10–5-11
judicial remedies, 5-8–5-10
Newby v. District of Columbia, 5-3
noncompliance with internal policies, 5-10–5-11
overview, 5-1–5-2
Poe v. Haydon, 5-7
prison conditions, 5-2–5-3
proposed reforms, 5-12–5-13
reforms, proposed, 5-12–5-13
remedies, judicial, 5-8–5-10
reports of, inmate reluctance to file, 5-4–5-5
response to complaints of by criminal justice,
risk of, noncompliance with internal policies in cases of knowledge of, 5-10–5-11
Section 1983 claims, 5-6–5-7
state tort laws, diversity and pendent claims based on, 5-8
Thomas v. District of Columbia, 5-7
Thomas v. Galveston County, 5-5, 5-7
Timm v. Gunter, 5-2
Turner v. Safley, 5-2
vulnerability, inmate feelings of, 5-4
Washington Corrections Center for Women (WWCW), 5-10–5-11
Women Prisoners v. District of Columbia, 5-2, 5-8–5-9
Shaw, Margaret, P4-2, 31-1
Sherman, Francine T., P2-1, 9-1
Smart, Pamela, 51-1
Smith, Gail T., P3-1, 15-1
Smitson, Walter, P4-2, P6-1, 49-1
Social capital. See Reentry into society
Social workers
case study, 45-1–45-3, 45-4–45-5
first-hand experience, value of, 45-5
responsibilities of, 45-2–45-3
strengths of client, reframing and building on, 45-3
Special visiting areas, survey of, 19-6
State v. Martin, 9-5
Status offenses
bootstrapping, 9-7–9-9
contempt to, bootstrapping, 9-7–9-9
valid court order (VCO), Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA)
prohibition on incarceration of status offenders absent, 9-8
STEP. See Systematic Training for Effective Parenting (STEP)
Stern, Vivien, 2-4
Stoller, Nancy, P5-1, 40-1
Structured Clinical Interview for Diagnosis (SCID), 34-2–34-3, 49-2
Study of incarcerated mothers and their children findings, 21-4
“forgotten victims,” 21-1
intergenerational dysfunction, 21-4
methodology, 21-2
research method, 21-2
results, 21-2–21-4

Substance abuse
See also Drug offenders
common characteristic of offenders, as, 29-4
gender responsive programming, development of new vision for, 29-15–29-16
Incarcerated Mothers and Their Children study population statistics, 18-3
Suicide, attempted
disability, impact of, 39-2
violent recidivism, as predictor of, 2-12–2-13
Summit House Program
behavior modification and empowerment model, 23-4–23-5
benefits of, 23-5
creation of, 23-2–23-3
goals of, 23-2, 23-4
growth of, 23-3
overview, 23-2
participants, 23-5–23-6
purpose of, 23-2
recidivism rates, 48-4
rehabilitation program, 23-4
standard requirements, attainment of, 23-5
structured sentencing laws, effect of, 23-3–23-4
Supervised Intensive Restitution (SIR) program, Alabama, 8-5–8-8
Surveillance, 5-2–5-3
Symptom Checklist 90-Revised (SCL-90-R), 50-4
Systematic Training for Effective Parenting (STEP), 19-6

T
TAMAR Project (Maryland)
clinical supervision, 36-5–36-6
community treatment groups, 36-5
evaluation of, 36-6
integrated system of services, development of, 36-4–36-5
lessons for professionals, 36-7
oversight, state-level, 36-6
professional training, 36-6
trauma issues addressed by, 36-4
TANF. See Temporary Assistance for Needy Families (TANF)
TAS-20. See Toronto Alexithymia Scale (TAS-20)
TCs. See Therapeutic communities (TCs)
Temporary Assistance for Needy Families (TANF)
negative impact of, 44-7
welfare recipients, time limits and work requirements on, 16-1
Tennessee v. Halton, 9-6
TESI. See Traumatic Events Screening Inventory (TESI)

Therapeutic communities (TCs)
California Department of Corrections (CDOC)
Prison Treatment Expansion Initiative study analyses of data, 37-3
bivariate comparisons, 37-3–37-5
data collection, 37-2–37-3
demographic characteristics, 37-3, 37-4
focus of, 37-2
methods utilized, 37-2
participants, 37-3, 37-4
programming, implications for, 37-6–37-7
results, 37-3–37-5
variables, significance of, 37-5
traditional programs, 37-1

Thomas v. District of Columbia, 5-7
Thomas v. Galveston County, 5-5, 5-7
Timm v. Gunter, 5-2
Title IV-E reimbursement, 9-10
Title IX challenges to gender responsive programming, 9-18

Tonisha G., In re, 9-9
Toomey v. Clark, 9-17

Toronto Alexithymia Scale (TAS-20), 50-4–50-5
Torre, Maria Elena, 51-1

Transitional assistance, 16-13

Trauma
drug treatment and corrections practice,
application of trauma model to, 35-4
inmates, issues among, 36-4
recovery concept of sexual violations, 35-2
retraumatization, prevention of, 35-3–35-4

Trauma-informed services, 44-9

Trauma Recovery and Empowerment (TREM)
Model of gender responsive programming, 44-6

Trauma theory, gender responsive programming and development of new vision for, 29-15–29-16
overview, 29-9

Traumatic Events Screening Inventory (TESI), 34-2

TREM Model. See Trauma Recovery and Empowerment (TREM) Model of gender responsive programming

Turner v. Safley, 5-2

U

Upegui, Debora, 51-1
Wolf, Richard, 6-1
Women, Girls & Criminal Justice, vi
Women Prisoners of the District of Columbia, 9-18, 9-19
Women Prisoners v. District of Columbia, 5-2, 5-8–5-9
Women’s Assessment Project study
abuse history of participants, 34-4
cognitive and psychiatric status of participants, 34-3, 34-4
demographic statistics, 34-3
discharge planning, effect of findings on, 34-6
educational underachievement, findings on, 34-4, 34-5
findings, 34-3–34-6
forensic status of participants, 34-3
measures utilized, 34-2–34-3
mental health problems, findings on, 34-4, 34-5
trauma history of participants, 34-4
Women’s prisons
Alabama, overcrowding in. See Alabama
Bedford Hills Correctional Facility (BHCF). See Bedford Hills Correctional Facility (BHCF) college-in-prison program
California Institution for Women (CIW). See California
college-in-prison programs. See College-in-prison programs
first, 1-3
Julia Tutwiler Prison for Women, overcrowding in. See Alabama, Julia Tutwiler Prison for Women
MCF-Shakopee prison
alternatives to incarceration at, study of. See Minnesota, alternatives to incarceration, State Advisory Task Force on Female Offenders recommendations for Community Alternative for Mothers in Prison (CAMP) program, 7-5–7-6
Minnesota prison population, recommendations to reduce. See Minnesota, alternatives to incarceration, State Advisory Task Force on Female Offenders recommendations for nature of, 1-5
offenders, profiles of, 2-4–2-5
parenting programs, survey of. See Parenting programs, survey of population
effect of War on Drugs on growth of, 6-1–6-9
statistics, 2-4–2-5, 18-1–18-2
searches, 5-3
surveillance in, 5-2–5-3
Valley State Prison (VSP). See California
War on Drugs, effect of, 6-1–6-9
Woodburn, Suzanne Gonzalez, P6-1, 47-1
Woods, Karen, P4-2, 30-1
Work furlough programs, 45-1, 45-3–45-4
Working With Emotions research project. See Day Reporting Program, Pennsylvania
Workplace and Community Transition for Incarcerated Youth Offenders funding of Bedford Hills Correctional Facility (BHCF) college-in-prison program, 51-3
Work release program, Alabama, 8-9–8-10
Wraparound services
benefits of, 44-3–44-4
gender responsive programming, implications for practice of, 29-19
WRAT-3. See Wide Range Achievement Test (WRAT-3)
WWCW. See Washington Corrections Center for Women (WWCW)
Y
YMCA Character House
behavior management system, 24-3
community services, involvement of, 24-4
counseling and education, 24-3–24-4
family involvement, 24-4
goals of, 24-2–24-3, 24-4
health care, 24-3
living arrangements, 24-2
overview, 24-2
program basics, 24-2
recidivism rates, 24-2
treatment plans, 24-2
Young, Diane, P5-2, 42-1
Youth practitioners. See Practitioners, youth