

Supervising the Female Offender According to a Gender Specific Case Plan

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Supervising the female offender according to a gender specific case plan

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A GINORMOUS thanks goes out to my "editor," Kori Merrill.

## **Abstract**

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### **Statement of the Problem**

According to The Sentencing Project (n.d.) “the number of women in prison, a third of whom are incarcerated for drug offenses, is increasing at nearly double the rate for men” (Para 1). Though the rates are greater than before, females continue to only make up a small amount of the total offender population. For example, in 2004, the National Criminal Justice Reference Service (NCJRS) (n.d.) reported prison inmates were only comprised of 6.9% females. The same could be found outside of the prison system. The NCJRS indicated in 1995, 10% of parolees were female and this only increased to 12% in 2004. Concerning those on who were not sentenced to prison, but were placed under probation supervision, the number of females increased slightly from 21% in 1995 to 23% in 2004.

Though the number of women who are sent to prison is drastically less than that of men, there is a still a need to understand the characteristics of a female offender and how to supervise them accordingly as they present problems contrary to that of men. For example, female offenders are more prone to have been victims of sexual and physical abuse.

They also are more likely than men to have not completed schooling, most often due to a pregnancy; a health related need which plagues women and is of no concern to male offenders. Additionally, prior to their incarceration, women tend to be primary caretakers of their children and ultimately have to work towards reintegration with their children upon their release back into the community, if allowed. Concerning employment, though female offenders are likely to have held previous periods of employment, the majority of jobs yielded pay less than \$6.50 per hour (Conley, C. 1998); barely enough to support a woman plus her children.

Lastly, according to Conley (1998), women are more apt to serve a prison sentence for a drug related crime; to have committed their crime in order to obtain money or drugs; and are more likely than men to have used drugs in the month preceding the offense as well as at the time of the offense.

### **Methods of Approach**

A majority of the data will be retrieved from various state Department of Corrections websites which can address programming and case management in the institution as well as in the community. Additionally, information will be gathered from two established websites, The Sentencing Project and the National Criminal Justice Reference Service. Other articles which are found as links from the two aforementioned websites, and that are credible, will also be utilized for purposes of this document.

### **Anticipated Outcomes**

It is assumed that many state correctional websites will, in one way or another, acknowledge the need to supervise female offenders in the community differently than male offenders or cater to the needs of female offenders while in the prison system. It is believed that most states, which do recognize the difference between male and female inmates/ offenders, will site the Minnesota female case management model as a guide to their respective form of managing the female offender.

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## **I. Introduction: Acknowledging the increase of female offenders in the criminal justice system, the problems female offenders face which differentiate them from male offenders and gender responsive case planning**

According to The Sentencing Project (n.d.) “the number of women in prison, a third of who are incarcerated for drug offenses, is increasing at nearly double the rate for men”. Though the rates are greater than before, females continue to only make up a small amount of the total offender population. For example, in 2004, the National Criminal Justice Reference Service (NCJRS) (n.d.) reported prison inmates were only comprised of 6.9% females. The same could be found outside of the prison system. The NCJRS indicated in 1995, 10% of parolees were female and this only increased to 12% in 2004. Concerning those who were not sentenced to prison, but were placed under probation supervision, the number of females increased slightly from 21% in 1995 to 23% in 2004.

Though the number of women who are sent to prison and who are on community supervision is drastically less than that of men, there is still a need to understand the characteristics of a female offender and how to supervise them accordingly as they present problems contrary to that of men. For example, female offenders are more prone to have been victims of sexual and physical abuse. They also are more likely than men to have not completed schooling, most often due to a pregnancy; an issue specific to women and is of little concern to male offenders. Additionally, women tend to be primary caretakers of their children prior to their incarceration and ultimately have to work towards reintegration with their children upon their release back into the community on parole supervision. Though female offenders are likely to have held previous periods of employment, the majority of jobs they worked yielded pay less than \$6.50 per hour (Conley, 1998); barely enough to support a woman plus her children. Lastly, according to Conley (1998), women are more apt to serve a prison sentence for a drug related crime; to have committed their crime in order to obtain money or drugs; and are more likely than men to have used drugs in the month preceding the offense as well as at the time of the offense.

As mentioned before, there are certain characteristics a female offender presents and these issues most often contribute to the offender’s involvement within the criminal justice system. These cannot be dismissed or overlooked when supervising this population in the

community and must be addressed in order to combat the underlying reason a female may commit a criminal offense. They must also be acknowledged and dealt with in order to assist the offender in being successful within the institution as well as in the community.

A more recent trend to address the differences between male and female offenders has prompted the creation of gender-responsive strategies, a project taken on by the National Institute of Corrections to improve relevant policies and practices regarding the supervision of women in the criminal justice system. Research from this project has found that gender does make a difference and current practices amongst criminal justice agencies do not always reflect this. Guiding principles regarding these strategies have been developed and the aim of authors is to promote the change to those in managerial positions in the criminal justice system. The research and development of the strategies also encourage those who directly supervise offenders to acknowledge the aforementioned issues, and learn how they can be catalysts to a female offender's destructive behavior. More specifically, those who endorse the new strategies recommend the use of specialized case planning as it pertains to each female offender's risks and needs. The authors assert that it should be a goal of those entities who will be supervising the offenders to promote a comprehensive case management style to encompass objectives as it pertains to issues which impinge on female offenders.



## **II. Literature review: Identifying typical characteristics of the female offender, Outlining problems that plague female offenders, as opposed to male offenders, and Gender Responsiveness Strategies**

### **A. Typical characteristics of female offenders**

In examining information contained on numerous states' Department of Corrections' websites, it was determined that little information exists pertaining specifically to female offenders. Of the states who did offer information about offender demographics, it was about the whole offender population that included both males and females. However, some states, in special reports, did focus on female offenders and characteristics relevant only to their sex.

According to the *National Profile of the Female Offender (n.d.)*, the Florida Department of Corrections (DOC) compiled data in 2000-2001 and reported the average age of a female offender was 35 years old. Florida DOC also reported that the majority of these women were economically disadvantaged; a majority had serious drug use issues; over half were physical abuse victims; more than one third had previously been sexually abused; less than one third of the women held a high school education; a quarter of the women were unemployed during the three years preceding their prison sentence; and most women were serving a sentence for murder, larceny, theft, drug offenses or robbery.

In 2000, Brad Douglas completed research on female offenders for the West Virginia Division of Corrections and found similar results as Florida DOC. It was determined that almost half of the female offenders did not have a high school education; the majority of women were aged 30-39; over two-thirds of the female offenders had been sexually or physically abused; 85% of the women had at least one child; the majority were unemployed at the time of their offense; and over half self-reported that they were under the influence of alcohol or drugs at the time of their offense.

In an older study, *Profile of the Female Offender Population (n.d.)*, research found that the majority of female offenders under the jurisdiction of the District of Columbia were between the ages of 26 to 35 years old; the bulk of women were unemployed at the time they were

arrested; more than 50% of these women did not have a high school education; and over half of the women who were on parole were supervised for drug related offenses.

Even though statistics from California Department of Corrections do not include a profile of female prison inmates, this report (*Characteristics of Female Offenders: Past and Present*, 2008) reinforces the fact that most female offenders are typically imprisoned for non-violent related offenses. According to a report in 2008, California's DOC reported that between 1997 and 2006, the number of violent female parolees remained steady at 25% of the female offender population, leaving a balance of 75% non-violent female offenders on parole during that time. It should be noted that the DOC indicated that those on parole for drug related offenses reached almost 50% in 1998. That number since declined, but drug offenses remained high at 30% in 2006.

## **B. Problems plaguing female offenders**

Clearly, a pattern is emerging amongst the states. Female offenders typically in their 30's, are on supervision or in prison for a non-violent offense, have been victims of physical or sexual abuse, and are poorly educated. It also appears as if many women lack stable employment, have children to care for, and have alcohol or drug related dependencies. These are issues that plague female offenders while in prison and in the community and can inhibit the offender from maintaining a crime free lifestyle.

One of the biggest concerns for females, whether or not they are offenders, is the fact that in a domestic situation, a female is more inclined to be the victim. According to The Advocates for Human Rights, statistics show that victims as high as 95% of all domestic violence related incidences are females (*Prevalence of Domestic Violence*, n.d.). Other research shows that 85% of women are the victims of a domestic act and that one out of every four women will experience some aspect of domestic violence in her lifetime such as economic abuse, psychological abuse, emotional abuse or physical abuse. Victims of domestic violence can face a wide array of symptoms as a result of either one occasion or repeated instances. Females may suffer from depression, develop low self-esteem or begin to abuse alcohol and drugs (*Domestic Violence*

*Facts*, n.d.). As stated before, a large number of the female offenders polled in West Virginia and Florida were reported as having been victims of physical abuse.

Equally concerning is the issue of sexual abuse. According to the Nations Center for Victims of Crime, women are three times more likely to be sexually assaulted than males (*Child Sex Abuse*, n.d.). A more alarming statistic from the National Coalition Against Domestic Violence indicates that one in every six women is a victim of an attempted or a completed rape (*Domestic Violence Facts*, n.d.). Similar to victims of domestic violence, victims of sexual abuse can experience depression and low self-esteem. Additionally, they can become sexually provocative, can become pregnant, and can contract sexually transmitted diseases (*Child Sex Abuse*, n.d.). Most upsetting is that according to the Rape, Abuse, and Incest National Network, females are 13 times more likely to abuse alcohol and 26 times more likely to engage in illegal drug use as a result of being victims of a sexual assault than men are (*Who Are the Victims?* (n.d.)). Again, as referenced above, rather large numbers of female offenders within the correctional departments in Florida and West Virginia were victims of sexual abuse.

It was briefly mentioned above that depression can occur in victims of domestic and sexual abuse. Though mental health was not listed as a characteristic amongst female offenders in Florida, West Virginia, or Washington DC, it is important to the note the correlation between victimization and mental health and the difference between men and women. According to the World Health Organization, women are twice more likely to suffer from unipolar depression than men (Gender and Women's Mental Health, n.d.). Women can also experience more intense mental health problems besides depression. The Nation Center for Victims of Crime indicates that women who suffer at the hands of sexual abuse can possibly develop multiple personalities and approximately one-fifth of victims can develop psychological disorders such as Post Traumatic Stress Disorder (*Child Sex Abuse*, n.d.). Other mental health problems that are common for females and which are not necessarily the result of trauma, can include the following: Anxiety disorders, Attention Deficit Hyperactivity Disorder, bipolar disorder, borderline personality, eating disorders, post-partum depression, and schizophrenia. These problems appeared prevalent as evidenced in 2005, when 73% of female offenders were

identified by the Sentencing Project as having a mental health problem, as opposed to only 18% of male offenders that year (*Women in the Criminal Justice System Briefing Sheets*, 2007).

Two other problem areas which yielded high rates among female offenders in Washington DC and Florida were education and employment. Many offenders in general, meaning both male and female, are uneducated upon their incarceration; however, the following statistics reveal that women are more likely than men to present a lack of education at the time of their imprisonment, thus causing instability within the realm of employment. Of all women polled, the Sentencing Project found that as of 1998, 44% of state female inmates had not completed high school, 60% of the women did not hold full time employment at the time of these arrest, and 37% of the females reported their monthly income as being less than \$600. In comparison 40% of men were not employed fulltime and only 28% of male offenders had a similar monthly income Furthermore, upon transition into the community, only four in every ten female offenders are able to secure employment within the first year of their release (*Women in the Criminal Justice System Briefing Sheets*, 2007).

Concerning a biological characteristic of female offenders, only West Virginia DOC revealed data concerning the average number of children born to female offenders. In 2007, the Sentencing Project published a series of information pertaining to women who are in the criminal justice system, including one document regarding female offenders as mothers. Research within this document indicated that at least two thirds of incarcerated women were mothers and over half of these female offenders did not see their children during routine visitations. Other information compiled indicated only 28% of the children of the imprisoned women lived with their respective fathers; leaving the children to live with a relative, foster home, or friend (*Women in the Criminal Justice System: Mothers in Prison*, n.d.).

Lastly, West Virginia DOC addressed the issue of alcohol or drug use amongst female offenders. They noted that a high percentage of females were under the influence at the time of their arrest. The Sentencing Project also noted that in 1998, 40% of female offenders reported being under the influence at the time of their crime, compared to 32% of men who reported the same thing. Finally, data from the Bureau of Justice Statistics revealed that 47.6% of federal

female prisoners and 59.3% of state female inmates surveyed in 2004 indicated that they had used drugs in the month preceding their offense (Women, Girls, Families, and Substance Abuse, n.d.).

While Washington DC's and California's DOC did not show statistics of drug usage, their reports showed high numbers of women who were convicted of possessing drugs, whether it be for financial reasons or personal use. According to the Sentencing Project, in 1998, 33% of female offenders reported that the commission of their offense was for the purpose of obtaining money to purchase drugs.

### **C. Gender Responsive Strategies**

In an article written for the US Department of Justice's National Institute of Corrections, Barbara Bloom, Barbara Owen and Stephanie Covington (2005) indicate that the qualities and experiences mentioned before can contribute to a woman's criminality and can impede their success while serving prison or jail time or while they are on community supervision (2005). In hopes to address issues pertaining to female offenders, they indicated it is imperative that criminal justice systems be responsive to the differences in gender and thereby coined the phrase "Gender Responsiveness." The authors define this, within the context of the criminal justice system, as being knowledgeable about "the realities of women's lives, including the pathways they travel to criminal offending and the relationships that shape their lives" and it "means creating an environment through site selection, staff selection, program development, content, material that reflects the understanding of the realities of women's lives and addresses the issues of the participants. Gender responsive approaches are multidimensional and are based on theoretical perspectives that acknowledge women's pathways into the criminal justice system. These approaches address social (e.g., poverty, race, class, and gender inequality) and cultural factors, as well as therapeutic interventions. These interventions address issues such as abuse, violence, family relationships, substance abuse and co-occurring disorders. They provide a strength-based approach to treatment and skill building. The emphasis is on self-efficacy" (Bloom, et al, 2005, p.2).

For purposes of explaining how gender responsiveness can be utilized within the criminal justice system, Bloom, et al (2005) composed *Guiding Principles for Implementing Gender Responsive Strategies for Women Offenders* as it applies to those who are employed within these types of agencies. The authors posit that it is important to recognize the challenges female offenders face in order to create gender appropriate policies and procedures for purposes of managing each gender within various stages of the justice system. Specifically for female offenders, the authors explain it is important to recognize that the aforementioned issues that affect female offenders are typically overshadowed because the justice system is primarily composed of male offenders. Second, it is imperative that criminal justice professionals evaluate their current policies and procedures to determine if they only cater to the dominant male population or if they have programming and case management that differentiates between the genders. Within their research, the authors found that many divisions of the criminal justice system do not retain any written policies with regards to supervising or managing a female offender.

Bloom, et al (2005) insist that not only should those entities without such practices be revamped, but gender differences must be taken into consideration at every step of the justice system, specifically when evaluating the types of crimes that are committed, an offender's arrest, when the offender's bail is set, when sentencing occurs, and during any period of subsequent community supervision or incarceration. The authors also note that gender needs to be taken into consideration especially when a female offender has reached the point of being classified and assessed both in the institution or while being supervised in the community. Again, the authors beg the question if criminal justice professionals are using instruments contoured towards male offenders or if female clients are being assessed and classified differently. The authors believe these instruments are unlikely to "assess the specific needs of women offenders and tend to over classify women, placing them at higher levels of custody or supervision than necessary...and do not assess the specific needs of women that are tied to their pathways of offending" (Bloom, et al, 2005, p.4). Next, the authors' research finds that after a classification and an assessment is made, and when programs and services are recommended or ordered, there is a grave shortage of programs tailored specifically for women. Lastly, the authors state that once gender responsive strategies are employed and in order for these policies and procedures to work as intended,

criminal justice professionals must be prepared adequately to work with the female population. They suggest that trainings should include framework on how to “develop constructive attitudes and interpersonal skills necessary for working with women” (Bloom, et al, 2005, p.4).

Overall, the authors believe that should special consideration for women be the focal point during all interactions with the criminal justice system, the chances for a female offender to become a productive citizen will increase while the likelihood that they reoffend will decrease.

In a second article written for the US Department of Justice’s National Institute of Corrections, Linda Sydney (2005) takes a similar stance as the previous authors regarding gender responsive strategies for female offenders. She too believes that with the increase of women offenders in the criminal justice system, the focus should be to not only acknowledge the differences between the sexes but also devise more effective policies and procedures which will aid in a female offender’s success while in the criminal justice system, specifically when supervised within the community.

Outside of an institution, a female’s case can be managed by court services prior to a trial, during the trial stages, just before sentencing, and after sentencing. A female offender’s case can also be managed by a probation or parole agent if the court orders this. Similar to the other authors, Sydney (2005) believes that gender responsiveness would involve “creating a corrections environment that reflects an understanding of the realities of women’s lives” (Sydney, 2005, p.3). She further indicates that gender responsiveness does require an intervention process that incorporates the following aspects (Sydney, 2005, p.4):

- Acknowledge and accommodate differences between men and women.
- Assess women’s risk levels, needs, and strengths and construct supervision case plans accordingly.
- Acknowledge the different pathways through which women enter the community corrections system.
- Recognize the likelihood that women offenders have a significant history of victimization.
- Build on women’s strengths and values, including recognizing that relationships are important to women.
- Acknowledge and accommodate the likelihood that women are primary caregivers to a child or other dependent.

As mentioned before, a key to utilizing gender responsiveness strategies is to recognize various ways women end up in the criminal justice system. One prominent theory Sydney (2005) suggests is the Pathways Theory. This theory proposes that women are influenced to commit crimes out of an attempt to battle poverty or to survive abuse. It can also be related to an offender's trouble with substance abuse. As stated before, women typically commit property crimes or drug related crimes in which they steal to reduce the level of poverty; they may engage in prostitution to financially support themselves; or they may commit both types of crimes as well as to support their own drug habit and many women who are users run the risk of being found in possession of drugs while in police presence. The pathways theory also suggests that because women desire to feel connections with others, their criminality may be strongly influenced by significant people they keep close to them.

Sydney (2005) also includes relational theory that expounds on the last part of the pathways theory. The relational theory posits that men view maturity as their ability to become independent and live in a self-sufficient environment whereas women want just the opposite. Instead, women feel an immense need to create or form connections with other humans. As mentioned before, a women's desire to stay connected to certain people can influence her propensity to engage in criminal activity. Sydney (2005) also notes that past abuse may inhibit a woman from forming connected relationships. Instead of relying on healthy human contact, women turn to unhealthy relationships like prostitution or drug use to fill the void.

A third theory that Sydney (2005) makes mention of is the trauma theory. This theory suggests that women who suffer at the hand of physical, emotional, and psychological abuse may experience symptoms immediately, while these occurrences may not take place until later in life. Either way, women who do ultimately end up exhibiting symptoms of abuse can become involved in the criminal justice system as a result. Many women act out sexually and can take up prostitution or they turn to drug use to avoid experiencing and acknowledging the feelings they have when they are not under the influence of illicit substances.

Lastly, addiction theory strictly relates to women who tend to commit drug related offenses or other crimes committed to support their drug use. A woman's drug use can be the



result of abuse and victimization as indicated in the trauma theory, but drug use can also manifest as the result of societal and cultural issues women experience when they are confined to play certain roles. Additionally, drug use can be compounded by low self-esteem.

Keeping these theories in mind, Sydney (2005) provides information that may prove useful for those within the justice system who create policies which can affect women offenders and those who supervise female offenders directly. Using guiding principles like Bloom, et al (2005), Sydney (2005) explains in depth how these principles can offender guidance for criminal justice professionals, specifically supervising agencies.

Sydney (2005) indicates that the first guiding principle is to acknowledge that gender does make a difference amongst offenders. For criminal justice management staff, the author indicates it is their position to allocate enough staff and resources to address gender responsiveness within the agency. Management staff are also responsible for devising policies and programs that are gender responsive, not gender specific. Management is then responsible for creating and enforcing training for supervising staff regarding the implementation of gender responsiveness.

The second principle revolves around creating a gender responsive environment for women offenders. Sydney (2005) indicates that a female offender's safety should be taken into consideration and they should be treated with dignity and respect. The author indicates that in order to create a safe environment, criminal justice management should direct staff how to appropriately deal with female offenders and dictate what are appropriate verbal, non-verbal, and physical means of having contact with female offenders. As for supervising staff, within the community they should assist offenders in securing safe housing; staff should offer information to the offenders in a timely and accurate fashion; staff should relay expectations clearly to offenders; staff must impose the least restrictive supervision interventions which meets the objective of each women's supervision including effective case-planning; and lastly, staff should address issues of past, present and future violence in the offender's life.

Guiding principle three keeps in mind the fact that it is important to women to stay connected to others through meaningful relationships. Sydney (2005) insists that this detail cannot be left out when developing case plans and relevant programming. These relationships are especially true when it comes to female offenders and their children. Sydney (2005) suggests that management create opportunities for “group supervision” (p 13) where women offenders can connect with other offenders, learn from them and build a support system with them. The author believes it is also imperative that management train staff to be empathetic and develop supportive, yet professional relationships with their female offenders. Supervisory staff, like probation and parole agents should learn of each respective female offender’s biological and non-biological relationship they deem important and consider these when case planning to include goals of setting up support not only for the offenders, but for their children.

The fourth principle focuses on addressing mental health issues, substance abuse, and trauma as a part of an offender’s supervision. Sydney (2005) states that management should provide required training to staff regarding the issues female offenders face and should contract with outside vendors who can provide gender specific programming. Management should also implement tools, like motivational interviewing, and reinforce the use of these tools in order to ascertain an offender’s characteristics that can assist in successfully completing programming. Pertaining to probation and parole staff, they would be responsible for making treatment as part of the offender’s case planning and should make gender specific and gender responsive referrals to outside programs.

The fifth guiding principle is designed to work with offenders and provide them an opportunity to improve their socioeconomic standing. Sydney (2005) explains that female offenders who cannot fend for themselves economically run the risk of binding themselves to unhealthy partners or even abusive partners in exchange for financial stability. She states that if able, management should devise programs that provide vocational training and education for female offenders not only in traditional female trades, like cosmetology, but for other trades dominated by men. Probation and parole agents can assist female offenders in the realm through appropriate case planning. Sydney (2005) stated that agents should take into consideration a female offender’s capabilities of paying financial obligations owed to the court or to the

correction's agency and these payments should be structured accordingly. Also, an agent should recognize that childcare responsibilities may impede offenders from attending such training or school and they should work with the offender to provide childcare at the same time. Management would be responsible for potentially contracting with other vendors to provide such assistance.

Finally, principle number six advocates for female offenders to become involved in any and all services available in the community, such as faith based communities, self-help groups, welfare agencies, healthcare agencies, and transportation organizations. Agents can make referrals if needed or agents can simply explore such options with the offenders and offer information accordingly. Again, Sydney (2005) points out that agents should devise an individualized case plan for each female offender as it pertains to agencies and systems the offender is already involved in as well as other placement in other agencies which agents deem appropriate. The agent should make referrals if needed, and assist the offender with information regarding each agency or system, and maintain collateral contacts with the designated agencies and systems that the offender is involved with.

Overall, Sydney (2005) offered a great deal of information for those in managerial positions as well as those in supervisory staff roles that can assist in effectively supervising a female offender. A majority of these principles and skills can be implemented and learned by staff; however, some of the things Sydney (2005) would like management and staff to devise and met out are not realistic from a financial aspect. Not all correctional agencies are fiscally sound and therefore may not have the funds to allocate certain programming or services to assist female offenders in their rehabilitation. Sydney (2005) indicated that there are going to challenges to applying gender responsive strategies to current practices. Not only are budgets a concern, but she also indicates that criminal justice professionals may be resistant to such change and not embrace it.

The following table summarizes pertinent approaches and tactics Bloom, et al (2005) and Sydney (2005) have noted in their articles. The table addresses important steps to take into account supervising female offenders in the criminal justice system.

<p>Acknowledging issues that affect female offenders differently from male offenders</p>	<ul style="list-style-type: none"> <li>● Victims of domestic violence</li> <li>● Victims of sexual abuse</li> <li>● Mental Health issues</li> <li>● Lack of employment history/ income</li> <li>● Limited education levels</li> <li>● Alcohol and drug usage</li> <li>● Bearing/rearing children</li> </ul>	<p>Bloom, et al (2005) Sydney (2005)- Guiding principle #1</p>
<p>Understanding pathways</p>	<ul style="list-style-type: none"> <li>● Pathways theory</li> <li>● Relational theory</li> <li>● Trauma theory</li> <li>● Addiction theory</li> </ul>	<p>Bloom, et al (2005) Sydney (2005)</p>
<p>Designing accurate instruments/ assessments</p>	<ul style="list-style-type: none"> <li>● There is a need to include scoring methods concerning the aforementioned issues as well as the pathways.</li> <li>● Level of classification should reflect a female's needs/risks</li> </ul>	<p>Bloom, et al (2005)</p>
<p>Changing policy and procedure accordingly</p>	<ul style="list-style-type: none"> <li>● Implementing processes and practices to reflect the changes in supervision of female offenders within the agency</li> </ul>	<p>Bloom, et al (2005)</p>
<p>Creating a gender responsive environment</p>	<ul style="list-style-type: none"> <li>● Educate staff who supervise female offenders about the new processes and practices</li> <li>● Train staff about how to interact with female offenders</li> <li>● Train staff about how to accept and deal with individual issues female offenders face</li> </ul>	<p>Bloom, et al (2005) Sydney (2005)- Guiding principles #2 and #3</p>

<p>Affording offenders the opportunity for counseling or treatment</p>	<ul style="list-style-type: none"> <li>• Construct programs designed for female offenders only</li> <li>• Create programs which address the aforementioned issues female offenders face</li> <li>• Training staff to make appropriate referrals to agency programs or outside organizations</li> </ul>	<p>Bloom, et al (2005) Sydney (2005)- Guiding principles #4, #5, and #6</p>
<p>Supervising female offenders according to a comprehensive case plan</p>	<ul style="list-style-type: none"> <li>• Devise case plans which incorporate goals female offenders wish to accomplish while on community supervision</li> </ul>	<p>Sydney (2005)</p>

### **III. Theoretical Framework- Feminist Theory**

The premise of feminism revolves around the belief that both sexes should be economically, socially and politically equal and the goal of feminism is to convey the history of female subordination, to promote the importance of women, and to encourage gender equality. In the early 1800's a movement was created based on this belief in hope of promoting this change and such change was successful. For example, in 1920, women were given the right to vote alongside their male counterparts. A more modern feminist movement occurred in the 1960's when more women joined the work force, divorce became a more utilized practice, and research began to be collected regarding domestic violence, a type of abuse that was originally ignored by the criminal justice system.

From this movement, three primary feminist theories evolved: Liberal feminist theory, Marxist theory, and Radical feminism. First, in the 1970's, Freda Adler created the liberal feminist theory that posed that women were subjected to inequality due to sexism imposed by men. Based on this, Adler attempted to show a correlation between the economic and social role of a woman in society and rates of female crime. Second, Marxist feminism argues that the work force is divided based on gender roles, leaving men to have more power in a capitalist society than women, resulting in gender inequality. In relation to crime, Siegel (1998) writes, "Since capitalism renders women powerless, they are forced to commit less serious, non-violent, self-destructive crimes, such as abusing drugs" (p.243). Lastly, radical feminism is based on the principle that females commit crimes due to "male supremacy (patriarchy), the subsequent subordination of women, male aggression and the efforts of men to control females sexually (p.243)."

When references are made about feminist theories in the present time, Meda Chesney-Lind's name is often associated with the subject. Chesney-Lind is a well-known advocate for women and girls who find themselves in the criminal justice system and she has published many documents arguing for the need to further investigate the relationship between females and their motive to commit crimes.

While she does not propose any theories of female criminality, she instead writes about the inadequacies of past histories and the need for future research from a feminist perspective.

Concerning inadequacies, Chesney-Lind contends that there are three major problems that gender can create for criminologists. First, many of the past theories concerning criminality only pertain to men and cannot adequately explain the same relationship between women and crime; this is known as the generalizability problem. Conklin (2007) offers the same sentiment in his book, *Criminology*, saying that most theories regarding crime have been devised around statistics compiled about male offending and have been done so by male criminologists. Regarding this subject, Conklin (2007) quotes Chesney-Lind as saying, “criminologists should begin to appreciate that their discipline and its questions are a product of white, economically privileged men's experiences” (p.169). The second problem Chesney-Lind proposes concerns gender ratio and the third concerns the amount of sexism contained in previous theories of female crime and how female offenders are treated in the criminal justice system. As for future research obtained by feminist criminologists, Chesney-Lind maintains a stance that these researchers must be proficient in the schools of modern and post-modern feminist theory in order to produce beneficial studies about women and crime.

Pertaining to her own research, once again, Chesney-Lind has not fashioned a feminist theory, but does argue pertinent points in her own studies. Her area of expertise includes the study of “Criminology with a specific focus on girls' delinquency and women's crime; issues of girls' programming and women's imprisonment; youth gangs; the sociology of gender with an emphasis on women and systems of social control; and victimization of women and girl” (*Curriculum Vitae- Meda Chesney Lind* n.d.).

She argues that sexism, race, and poverty are characteristics that curse females who commit crimes. But more so, a very important issue Chesney-Lind writes about is female offenders as victims of sexual or physical abuse and the correlation to committing criminal acts. She indicates in her article, *Girls' Crime and Woman's Pace: Toward a Feminist Model of Female Delinquency*, that many women who attempt to escape from the abuse they have suffered run away and “once on the streets they are forced further into crime in order to survive” (p.22)

by committing petty acts such as stealing, or exchanging sexual favors for money or other entities, as well as substance abuse. Chesney-Lind notes in her article that both the abuse and the aforementioned crimes are committed by women at a young age and then “as adults, the women continue in these activities since they possess truncated educational backgrounds and virtually no marketable occupational skills” (p. 23).

For purposes of this paper and concerning female prison inmates, in her article, *What about Feminism? Engendering Theory-Making in Criminology*, Chesney-Lind sadly points out that when female prison populations in the 1980's and 1990's increased, "there was virtually no information about the women being jailed with the exception of media hype about violent, drug dependent women of color in conflict with the law" (Paternoster and Bachman, 2001, p288). Of the little research that has been conducted regarding female prisoners Chesney-Lind indicates there has been a helpful conclusion and is quoted as saying, “Research on the backgrounds of adult women in prison underscores the important links between women’s childhood victimization and their later criminal careers” (Chesney-Lind, 1989, p.23).

Ending this section of the paper is advice offered by Chesney-Lind in reference to future research regarding females and the association with their criminality: "Criminology must begin to do more than consider gender as a variable” (Paternoster and Bachman, 2001, p.290). Instead, one must theorize gender and thus this requires additional research to be completed in the context of linking "observed patterns of women's victimization, women's offending, and women's experience with the criminal justice system within the context of patriarchy” (Paternoster and Bachman, 2001, p.290).



#### **IV. Recommendations: Minnesota Department of Corrections Advisory Task Force on Female Offenders- Female Offender Case Planning and Case Management.**

Linda Sydney (2005) and Bloom, et al (2005) referenced many reasons why gender responsive strategies are valid and they also cited many ways to implement the policy changes as well as tips on how to keep those who supervise female offenders engaged in the supervision of women in the criminal justice system. But it was Sydney (2005) who went into great detail about how females could benefit from these strategies within the community. It was also she who mentioned several times that when managing an offender's case in the community, it is essential to accurately calculate a women's risk level, gauge a female offender's needs, and most importantly, to generate a comprehensive case plan based on these risks and needs the offender presents.

Influenced by Bloom, et al (2005) and Sydney (2005), Minnesota's Office of Planning for Female Offenders developed a preliminary gender specific case plan in 2002. Since then, subcommittees contributed more information in order to complete a comprehensive case plan which was finalized in 2006. According to a memorandum (n.d.), the Commissioner indicated that the Minnesota Department of Corrections Advisory Task Force on Female offenders and the Evidence-Based Practices Policy Team endorsed the recommendations of the case planning and thereby sent it out to other corrections practitioners, urging "field services agencies in Minnesota to adopt these recommendations and to design and implement related outcome measures as important steps to providing effective, gender responsive supervision."

According to the Minnesota Department of Corrections Advisory Task Force on Female Offenders, the following case planning is used to supervise adult female offenders. Coupled with the utilization of risks and needs assessments and motivational interviewing the task force believes there could be a behavior change among clients. They claim the following case planning model is designed to "enhance public safety, build competence, and facilitate offender accountability" all while recognizing "that gender and culturally responsive issues must be utilized in planning and implementing supervision services" (*Female Offender Case Planning and Case Management*, n.d., p.1). The task force maintains that this case planning allows agents to be flexible and creative when completing the case plan while basing the premise of the supervision

on the needs and risks of the female offenders. The task force even goes so far as to recommend that if a probation or parole agent is interested in working solely with female offenders, agencies should accommodate specialized caseloads. Whether it be a specialized caseload or not, the task force encourages all agents to be well-versed regarding information about outside agencies who cater to female related issues.

Knowing the aforementioned information will aid in making the case planning process run smoothly. The process is actually a client directed plan, but can involve family and other supportive persons. The plan emphasizes an offender's strengths and will address both court ordered goals, but also other goals the offender wishes to complete or that the agent feels are necessary. It is essential that the number of goals within the case plan be limited and that the steps needed to achieve the goals are clear, concise, and ordered according to priority. The agent is encouraged to be part of the community resources that the offender is involved in, if an option, and the agent is also encouraged to use progressive sanctions with incarceration being the last resort.

Essentially, the case plan is comprised of three sections in which each address a different objective. The first section has to do with "build[ing] competency in risk/needs areas by utilizing community resources" (*Female Offender Case Planning and Case Management*, n.d., p.4). The purpose of this objective is for female offenders to become involved in treatment or programming which teaches them the fundamental coping skills in each area they need to address. For example, referrals should be made, or offender should involve themselves in counseling pertaining to substance abuse, cognitive interventions, and trauma. The offender could benefit from trainings about assertiveness, financial planning, education, job readiness, and parenting. The offender could also receive education about housing resources, health related issues, and mentoring programs.

The second objective deals with "demonstrate[ing] efforts to repair harm to crime victims and the community" (*Female Offender Case Planning and Case Management*, n.d., p. 5). In this case, women are encouraged to mend any wrongdoings if they have a victim by writing a letter of apology, completing community service, paying restitution, and volunteering/paying it

forward. Additionally, women are encouraged to restore connections with their children if the consequences of their crime created problems within that relationship.

The last objective involved “building connections in the community and utilizing community resources” (*Female Offender Case Planning and Case Management*, n.d., p. 5). The purpose of this objective is to have the offender develop long-term healthy relationships with those who may have assisted them throughout the first goal. For example, women may have forged a relationship with a sponsor she may have found at a substance abuse program or meeting. Offenders are encouraged to develop relationships within a religious community or through other professional systems, or among those assisting them with educational or vocational training.

With these objectives in mind, the agent completes the first section of the case plan which includes demographic information about the offender as well as their risks and needs scores. The agents also noted any concerns or barriers an offender might encounter. The agent concludes this section by noting strengths the offender possesses, any positive influences, the conditions of their respective supervision, and summarizing any prior interventions utilized with the offender. The remainder of the case plan is filled out with the offender and relates to their goals. The first long-term goal is identified, the length of the first goal is determined (between six to twelve months), and an end date is issued. It is then determined which objective this goal is going to accomplish (i.e. Building competencies, repairing harm to victims, or building connections with the community). The agent and the offender are asked to come up with incentives for completing the first goal and also address what barriers they foresee happening. Next, a short-term goal is identified as it relates to the long-term goal, as well as the length of time it will take to complete it (between 30-60 days). Next, the agent and offender make note of up to five action steps that need to be taken within the first 30 days and the target dates for each step. The agent and offender also note who is responsible for completing each step and what community resources can be utilized to achieve each step. The task force indicates that when completing these action steps, agents should remind offenders the steps should be small, measurable, attainable, realistic and timely (SMART). Also, the agents should be aware of the offender’s “Stage of Change”

(*Female Offender Case Planning and Case Management*, n.d., p. 11) which consists of Pre-contemplation; Contemplation; Preparation; Action; Maintenance; and Relapse.

As stated before, Minnesota followed the advice of Bloom, et al (2005) and Sydney (2005) by following important steps needed to make changes within the criminal justice system in order to supervise female offenders according to their risks and needs:

<ul style="list-style-type: none"><li>• Acknowledged the differences between male and female offenders</li></ul>
<ul style="list-style-type: none"><li>• Developed a task force to research this subject</li></ul>
<ul style="list-style-type: none"><li>• Devised a gender responsive case plan accordingly</li></ul>
<ul style="list-style-type: none"><li>• Implemented the case plan into current programming/case management</li></ul>
<ul style="list-style-type: none"><li>• Instructed staff to utilize the case plan</li></ul>
<ul style="list-style-type: none"><li>• Shared the research and case plan with other criminal justice agencies</li></ul>

## **V. Conclusion**

As evidenced by statistics, it is clear that female offenders are entering the criminal justice system at higher rates than before. Efforts have been made by theorists and female advocates to explain why women commit crimes since the 1970's. Advances have also been made to explain how female offenders differ from male offenders, who have always dominated the criminal justice system, specifically in stages of incarceration and community supervision. Historically, case management, as well as risks/needs assessments or evaluations of offenders, have been contoured to male offenders and continue to be utilized by criminal justice agencies. However, within the past decade, efforts to change this have come in the form of gender responsive strategies as outlined in this document. In essence, authors like, Bloom, et al (2005) and Sydney (2005) suggest that criminal justice agencies review how female offenders differ, accept this and pledge to change procedures, policies and practices accordingly. Subsequent steps can then be taking to accommodate female offenders when it comes to their case management in the community. Criminal justice agencies, like that of Minnesota's Department of Corrections, began this practice in early 2000 by forming a task force, gathering information about female offenders, and then creating a separate case plan for this gender. Unfortunately, information regarding the effectiveness of this case planning was not found in the research but it does not mean agencies should not take a chance on this new style of management; especially since ideas like these regarding female offenders are in their infancy.



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