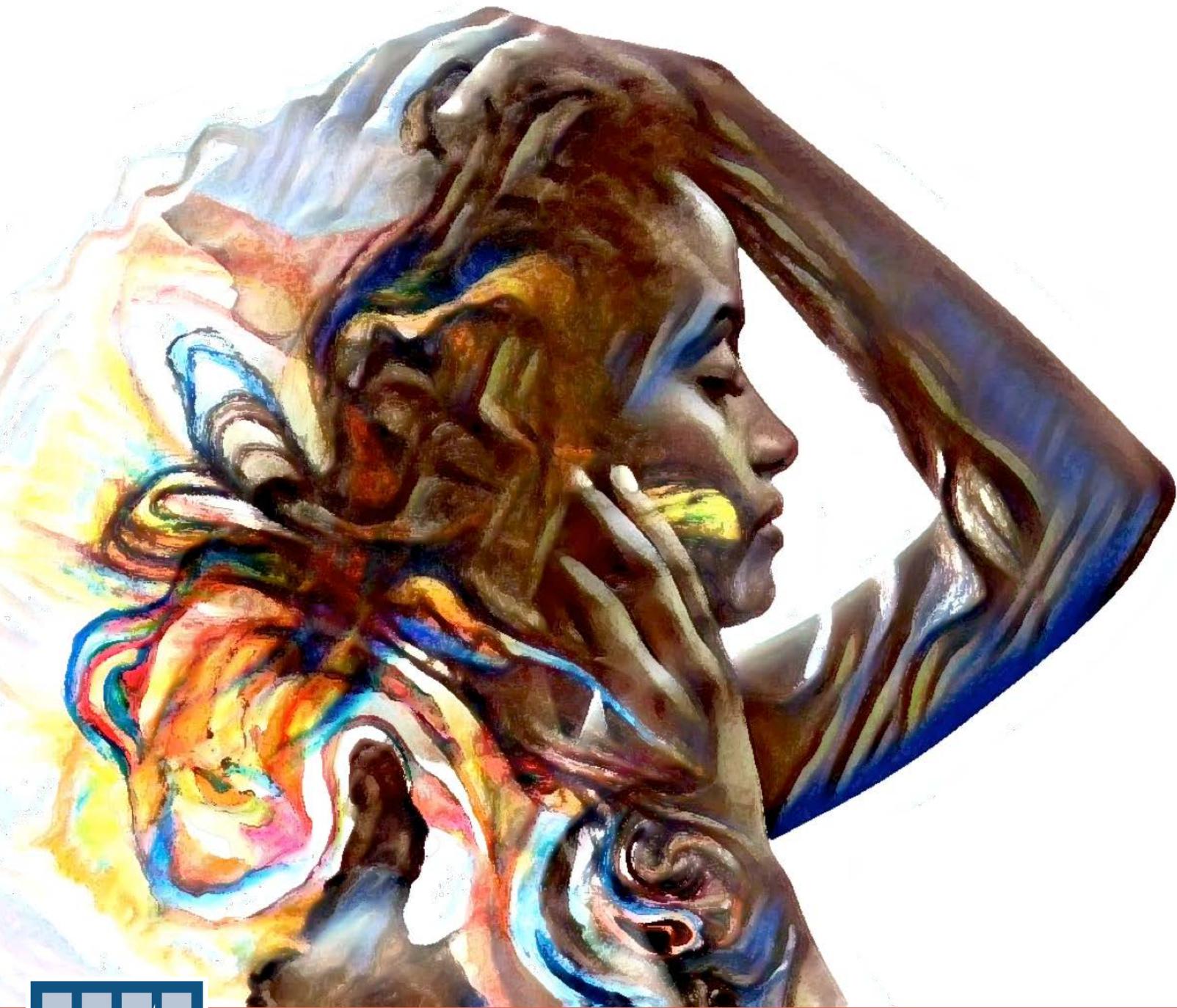


An Unsupported Population:



TEXAS CRIMINAL
JUSTICE COALITION

The Treatment of Women in Texas' Criminal Justice System

APRIL 2018



The Texas Criminal Justice Coalition advances solutions that transform the adult and youth justice systems to support families and foster safe communities.

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An Unsupported Population:

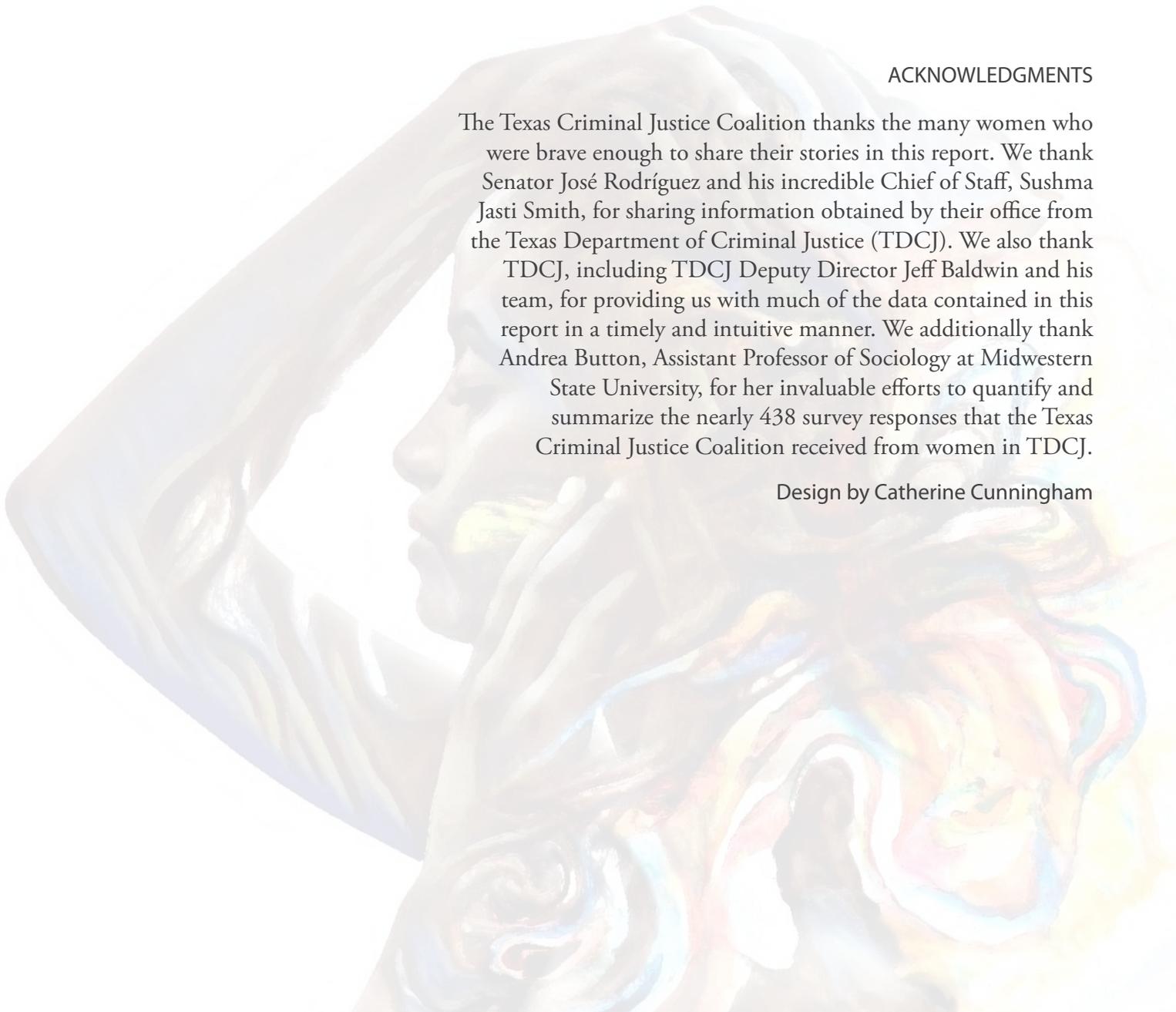
The Treatment of Women in Texas' Criminal Justice System

Lindsey Linder, J.D.

ACKNOWLEDGMENTS

The Texas Criminal Justice Coalition thanks the many women who were brave enough to share their stories in this report. We thank Senator José Rodríguez and his incredible Chief of Staff, Sushma Jasti Smith, for sharing information obtained by their office from the Texas Department of Criminal Justice (TDCJ). We also thank TDCJ, including TDCJ Deputy Director Jeff Baldwin and his team, for providing us with much of the data contained in this report in a timely and intuitive manner. We additionally thank Andrea Button, Assistant Professor of Sociology at Midwestern State University, for her invaluable efforts to quantify and summarize the nearly 438 survey responses that the Texas Criminal Justice Coalition received from women in TDCJ.

Design by Catherine Cunningham



Letter from the Executive Director

The number of women in Texas prisons and jails is increasing exponentially, an alarming trend that has a significant impact on Texas families and communities.

In March, The Texas Criminal Justice Coalition released a report, *A Growing Population: The Surge of Women into Texas' Criminal Justice System*, which examines the growing number of women entering Texas' criminal justice system and offers recommendations for safely reducing this population and helping women thrive in the community.

This report, the second in our two-part series, takes a closer look at the issues facing women who are currently incarcerated. The centerpiece of this report is a survey of women we conducted to learn more about their experiences prior to and during incarceration. As the survey results reveal, it is vitally important for agency staff, corrections system practitioners, and policy-makers to acknowledge and address women's unique needs, to implement policies and practices that treat these women with dignity, to ensure they remain in their children's lives, and to prepare them for a successful return to their families and our communities.

As Jasmine Heiss wrote in *Reimagining Women's Incarceration*, "In my lifetime, we have built an international space station and vastly expanded the capacity of the internet to connect people around the globe. It must also be possible to both stem the flow of women into our nation's prisons and jails and fundamentally change the experience of incarceration to one rooted in dignity. To believe anything else is simply a failure of imagination."

Please join us in fighting for a safe, stable, healthy path for Texas women.

A handwritten signature in black ink that reads "Leah Pinney". The signature is written in a cursive, flowing style.

Leah Pinney, Executive Director

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Introduction

Survey of Incarcerated Women

General Demographics of 438 Survey Respondents

Nearly all women (95%) who completed the survey responded from a prison facility, while 3% were in a Substance Abuse Felony Punishment facility and 2% were in a state jail facility.

The racial breakdown of respondents is as follows: 49% white, non-Hispanic; 22% Black; 20% Hispanic; 3% Native American; and 6% other.

The majority of women were between 35 and 50 years old. 13% were younger than 35 years old, and 30% were older than 50 years old.

In 2014, the Texas Criminal Justice Coalition sent surveys to 1,600 women incarcerated in the Texas Department of Criminal Justice (TDCJ).¹ Over 430 women completed the survey, which included questions about prior victimization, substance abuse, mental health issues, motherhood, and services and safety within TDCJ.

While we provided preliminary findings to legislators and the public, we are now excited to offer more insight from the brave system-involved women who shared their experiences with us.

We partnered with Dr. Andrea Button of Midwestern State University to analyze the survey responses and identify themes among those responses. The most common pre-incarceration themes show that life for many of these women included poverty (in childhood and while as an adult), substance abuse, domestic violence, and sexual assault — all drivers into incarceration. Histories of trauma and attempts to self-medicate due to trauma were common themes.

Another prominent theme was limited family communication options within TDCJ. Many respondents also reported having a sense of dread about reentering the community with a criminal record and without employment. Concerns about recidivism were common, as was a sense of learned helplessness.

As this likely constitutes the largest-ever survey of women incarcerated in Texas, these results are illuminating and they deserve the attention of agency staff, corrections system practitioners, and policy-makers.

It should be acknowledged that there are shortcomings in our survey methodology, particularly with regards to sharing the voices of transgender women. Surveys were sent only to women's prison facilities, failing to account for transgender women who may be incarcerated in men's prison facilities or transgender men who may be incarcerated in women's prison facilities. The Texas Criminal Justice Coalition is hoping to release a separate report, including survey data, that will focus on the challenges LGBTQ people face in Texas' criminal justice system, including the experiences of transgender women.

Texas Criminal Justice Coalition Reports

To ensure that we most effectively shared our women's survey results, the Texas Criminal Justice Coalition prepared a two-part report series, throughout which we also provide information obtained from TDCJ, from formerly incarcerated women, and from people serving incarcerated or formerly incarcerated women. To highlight women's specific needs and circumstances, we offer data related to men for comparison purposes.

We released our first report in March 2018, *A Growing Population: The Surge of Women into Texas' Criminal Justice System*. In that report, we explored the concerning increase in the number of justice system-involved women in Texas, and we recommended programs and policies that can reverse this trend and effectively redirect women away from the criminal justice system.

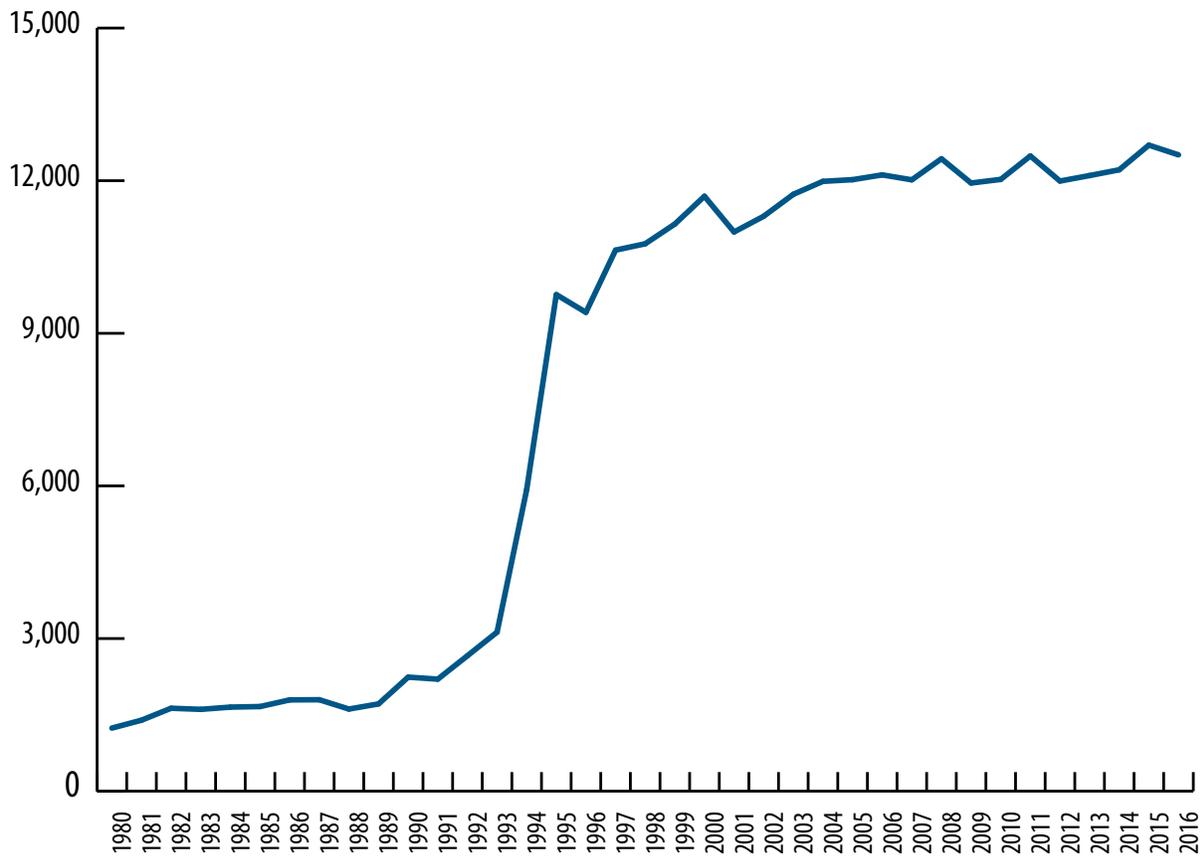
In this second report in the series, *An Unsupported Population: The Treatment of Women in Texas' Criminal Justice System*, we explore the unique issues facing system-impacted women, including the challenges they face within TDCJ facilities, and we recommend programs and policies that treat women with dignity and increase the likelihood that they can successfully rejoin their families and communities.

A Snapshot of Women Incarcerated in Texas' Justice System

Data Shows Significant Growth in Female Incarceration

Texas has one of the top 10 highest female incarceration rates in the country,² and the number of incarcerated women has grown significantly over time. In fact, female incarceration in the Texas Department of Criminal Justice (TDCJ, the state's corrections system) has increased 908% from 1980–2016, compared to an increase in the male population of 396%.³

Texas Female Prison Population Growth, 1980-2016



Texas now incarcerates more women by sheer number than any other state.⁴ From 2009–2016 Texas reduced its men's prison population by 8,577 while backfilling its prisons with 554 women.⁵ As of 2016, women incarcerated in TDCJ numbered 12,508, representing 8.5% of the incarcerated population, up from 7.7% in 2009.⁶

The number of women incarcerated in TDCJ is only slightly less than the total number of women in both

state and federal prisons across the country in 1980.⁷ And 81% of these incarcerated women are mothers.⁸

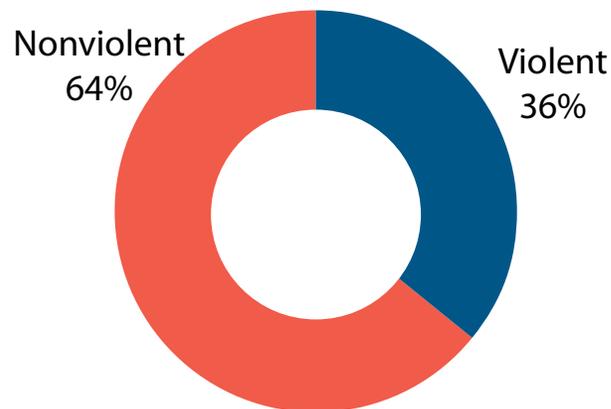
The rise in female incarceration is not exclusive to prisons. The number of women in Texas jails awaiting trial — totaling around 6,300 — has grown 48% since 2011, even as the number of female arrests in Texas has decreased 20% over that time period.⁹ Sadly, there is a significant number of pregnant women in Texas jails, with an average 367 pregnant females booked into Texas county jails each month in 2017.¹⁰

Female Criminality and Experiences Within Confinement

The differences between incarcerated women and men point to the need for gender-based programs and services to address women's underlying causes of criminality and prepare them for a successful reentry to the community.

Women in TDCJ for nonviolent offenses far outpace men, with 64% of women compared to 42% of men incarcerated for a nonviolent offense. The majority of those offenses are for drug possession or delivery. The percentage of women incarcerated for a property offense (22%) also exceeds the percentage of men (14%).¹¹

The Majority of Women in TDCJ are Incarcerated for Nonviolent Offenses



Women in TDCJ additionally outpace their male counterparts when it comes to substance use disorders, with 70% of women identified as suffering from a substance use disorder vs. 58% of men.¹²

Women in TDCJ are far more likely than men to be parents, with a staggering 81% of women in TDCJ having children vs. 68% of men.¹³

Unfortunately, TDCJ does not track information relating to how many women have histories of trauma, such as sexual abuse and domestic violence. However, the Texas Criminal Justice Coalition surveyed hundreds of women incarcerated in TDCJ in 2014; **nearly 60% of respondents had been sexually assaulted and 82% had been victims of domestic violence.**

81%
of women in Texas' state
corrections system are
mothers.



Along with, and perhaps as a result of, these significant trauma histories, justice system-involved women also reported high rates of mental health problems.¹⁴ And prior to entering TDCJ, they had high rates of poverty, low education levels, and low employment rates — all drivers into the criminal justice system, and all pointing to the lack of help for women in the community.

While inside TDCJ, women reported a lack of access to health care, basic hygiene items, and enough food. A quarter reported feeling “not very” or “not at all” safe. Nearly half reported that they never see their children, and one-third reported not feeling close to family or friends. Only small percentages of women reported that TDCJ did “very well” helping them address mental health, substance abuse, housing, or family reunification needs.

A Better Path for Women

It is critical to address the drivers of women into incarceration — especially substance abuse, mental health issues, past victimization, and poverty. Doing so will stop cycle of reoffending and re-incarceration that comes at great expense to taxpayers, families, and communities.

Similarly, it is vitally important to treat incarcerated women with dignity and to prepare them for a safe, successful reentry.

The Texas Criminal Justice Coalition urges local and state officials to adopt the recommendations below, which will give women the tools to address their underlying causes of criminality and increase the likelihood that they can successfully transition back to their families and communities.

- 1. Invest in programs and tools that address women’s unique needs, including gender-specific, recidivism-reducing programming that improves the reentry transition, and gender-specific risk and needs assessments to ensure particular issues are addressed.**
- 2. Improve conditions of confinement for women to ensure they are treated with dignity, including by providing better treatment for pregnant women and new mothers, improving access to quality health care and hygiene products, and reducing violence against incarcerated women.**
- 3. Remove barriers to family unity, including by eliminating costly charges for phone calls from prison, and by creating more welcoming, family-friendly visitation areas.**
- 4. Better prepare women for release from incarceration, including by providing pre-release programming, linkage to child welfare agencies, and improved aftercare and parole assistance.**

For more information about system-involved women in Texas, please see TCJC’s webpage dedicated to women’s justice at www.TexasCJC.org/womens-justice.

Issues Facing Justice-Involved Women

*This section includes various findings from the Texas Criminal Justice Coalition's survey of incarcerated women.*¹⁵

Drivers to Incarceration & Barriers to Reentry

Various factors can increase the likelihood of a person's criminal justice system involvement and, if not addressed while the person is incarcerated, can pose obstacles to a successful reentry to the community. This simply perpetuates the cycle of reoffending and re-incarceration, at great expense to taxpayers, families, and communities.

Low Education Levels

In our survey of incarcerated women, 65% had not graduated from high school or obtained a GED, with 35% completing less than 12th grade before entering TDCJ, and 11% not completing higher than 8th grade.

Sadly, this survey result is not surprising. Studies show that low education levels are linked to higher rates of arrest and incarceration.¹⁶

Lack of Access to Safe, Available Housing

Some surveyed women reported housing problems prior to entering TDCJ, with 40% not renting or owning an apartment or house. 5% of women reported being homeless and living on the street.

It is critical to help women access stable housing, which can prevent offending and a consequent criminal record that will more strictly limit their housing options. Most formerly incarcerated people are forced to rely on their families for housing and support immediately upon release from confinement.¹⁷ Unfortunately, many women do not have that support system to depend on, making it nearly impossible to find housing.¹⁸

Even assuming that a woman does have the financial means to rent, doing so is difficult because the Fair Housing Act does not consider people with criminal records to be a protected class, and **landlords can be legally justified in turning down tenants because of the tenant's criminal history.**¹⁹

Women without the financial resources to rent may still face barriers to public housing, as **many public housing projects have policies against renting to people with criminal histories.**²⁰ As a result, many formerly incarcerated women end up in homelessness.²¹

Unfortunately, when our surveyed women were asked to rate how well they thought TDCJ helped them address their housing needs, 62% responded "not well at all," and only 8% responded "very well."

Poverty

Poverty is a particularly significant factor for justice system-involved women. Per our survey, **47% of women were unemployed immediately before entering TDCJ**, while 8% had non-legal employment. Shockingly, **52% of women reported that their total household income, before taxes, was less than**

\$10,000 per year. This is well below the 2017 federal poverty level for even a single-member household.²² The vast majority (80%) of women reported that their pre-tax income was less than \$30,000 per year.

For women who enter prison in an already precarious financial condition, justice system involvement can push them and their families even further into financial crisis, as they are prevented from contributing (even meager amounts) to their families, and their likelihood of employment on reentry can be slim with a criminal record. The earning potential of this population is also stifled by low education levels.

Black and Hispanic women face the greatest wealth disadvantage. According to a national study, around half of all single Black and Hispanic women have a zero or negative net worth, and **the average household median wealth for all single Black women was \$100, compared to \$41,500 for single white women.**²³

Trauma and Victimization

Studies show that justice system-involved women are more likely to report being physically or sexually abused than their male counterparts.²⁴ In addition to abuse histories during childhood being more prevalent among women,²⁵ the risk of abuse for women continues throughout adolescence and adulthood (whereas the abuse risk for males drops after childhood).²⁶ Not only do these women have higher rates of victimization than incarcerated males, but they also have more extensive victimization histories.²⁷ Additionally, research has shown that women who are sexually abused as children are more likely to be victims of domestic violence as adults.²⁸

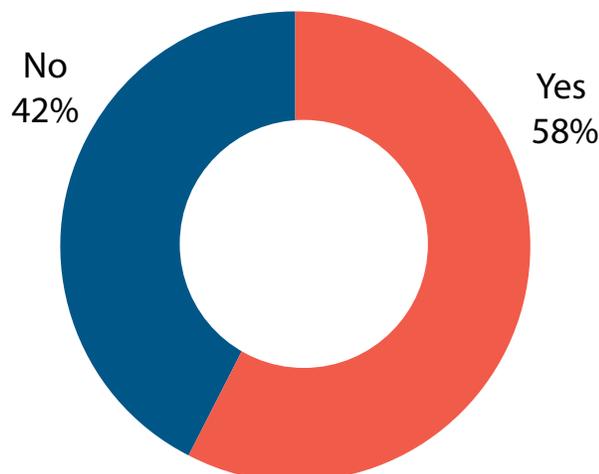
“It starts with helping them find confidence and self-value and hope.”

— Iowa Gov. Kim Reynolds
on the treatment of women in prison

Our survey results bear this out. A staggering number of women responding to our survey reported having been sexually and physically abused or assaulted prior to their incarceration.

In fact, 58% of women reported being *sexually* abused or assaulted as a *child*, with 68% of these women first abused when they were 10 years old or younger, and 31% abused for the first time when they were 5 years old or younger.

Were you ever sexually abused or assaulted as a child?

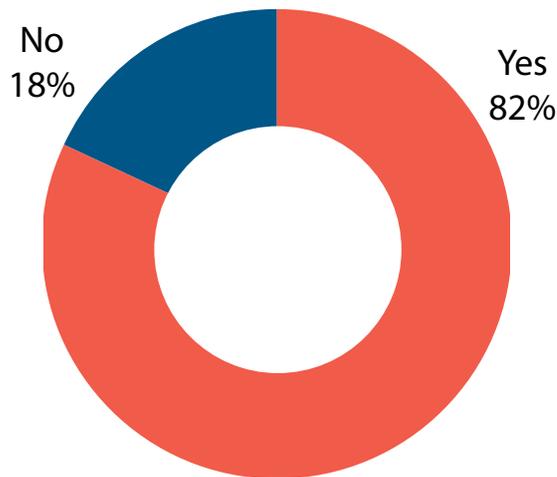


47% of women reported being sexually abused or assaulted as an adult prior to entering TDCJ. Of those women, 50% were abused or assaulted by their spouse or romantic partner, followed by 48% by a stranger.

49% of women reported being *physically* abused as a *child*. 52% were abused by their mother or father. 60% were less than 10 years old the first time they were physically abused.

62% of women reported being physically abused as an *adult* prior to entering TDCJ. 82% reported having experienced domestic violence or dating abuse (either physical, emotional, or sexual harm by a husband, boyfriend, girlfriend, or romantic partner).

Have you ever experienced domestic violence or dating abuse?



Additionally, high rates of poverty were common among the surveyed population, and 1 in 4 women reported that they had been forced to exchange sex for basic necessities at some point before their incarceration.

When asked if they believed the crime they were charged with or convicted of was related to any abuse or violence they had experienced, **48% of women responded that they *did* believe their crime or conviction was related to the abuse they had experienced.**

So high is the rate of prior victimization among incarcerated women that U.S. Senator Cory Booker has called it the “survivor of sexual trauma to prison pipeline.”²⁹

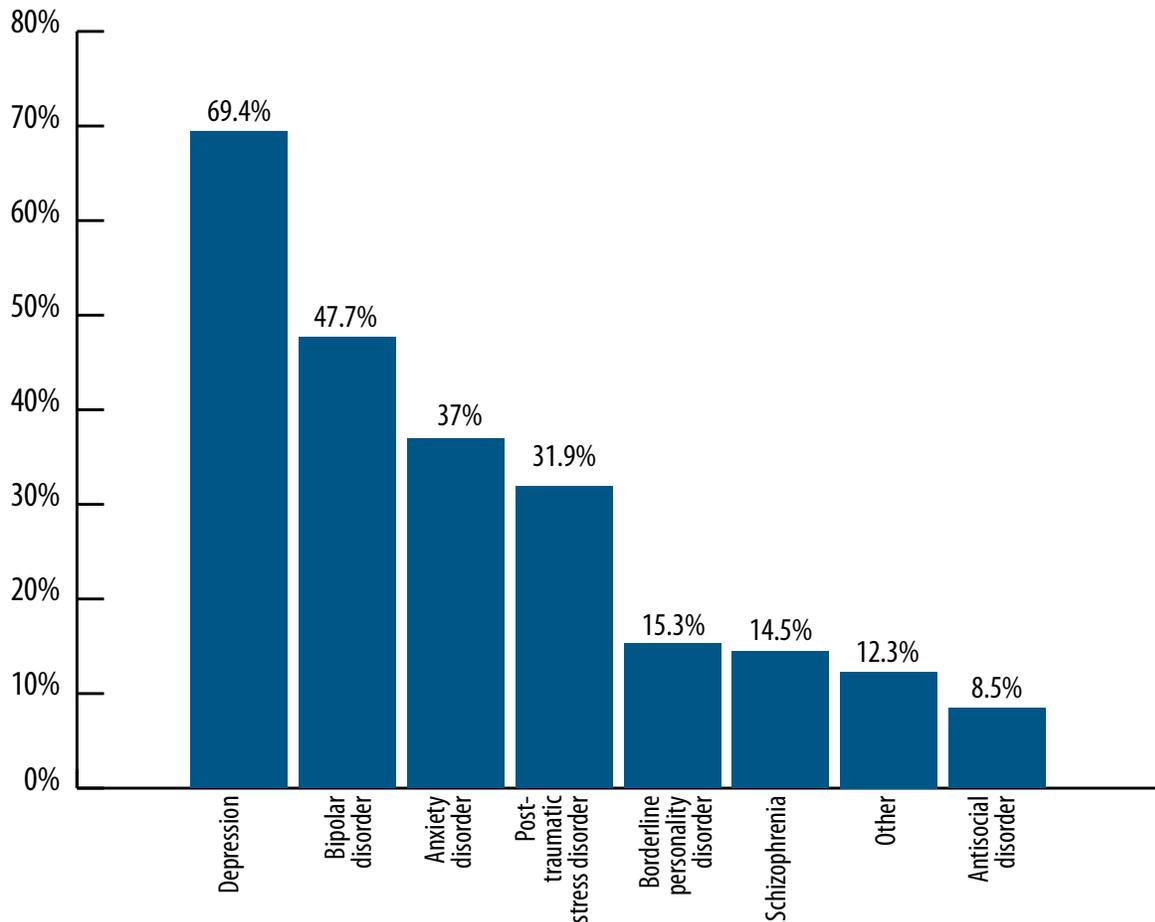
Mental Health and Substance Abuse Issues

Considering the extensive histories of trauma among system-impacted women, it should come as no surprise that the majority of incarcerated women report high rates of mental health disorders and substance abuse.

Studies have shown that about 50% of justice system-involved women meet the criteria for lifetime Post-Traumatic Stress Disorder (PTSD).³⁰ And while mental health problems are common among all incarcerated populations, women are disproportionately affected.³¹

In TDCJ, only 27% of women are on a mental health caseload,³² **although 55% of our surveyed women reported having been diagnosed with a mental illness.** The most common diagnoses for these women are depression, bipolar disorder, anxiety disorder, and PTSD.³³

What were you diagnosed with? (Check all that apply)



Unfortunately, when asked to rate how well they thought TDCJ helped them address their mental health needs, 47% of surveyed women responded “not well at all,” and only 13% responded “very well.”

Women in Texas prisons also report higher rates of substance use disorder than their male counterparts, with **70% of women having been identified as suffering from a substance use disorder**, compared to 58% of men.³⁴ **Yet 53% of surveyed women reported that they had never received substance use treatment before entering TDCJ.**

Furthermore, only 21% of women reported receiving substance abuse treatment inside TDCJ (not including attending Alcoholics Anonymous or Narcotics Anonymous groups). And, as with mental health needs, when women were asked to rate how well they thought TDCJ helped them address their substance abuse needs, 55% responded “not well at all,” and only 12% responded “very well.”

Poor Conditions of Confinement

Poor conditions of confinement, including inadequate access to in-prison programming and services, must be addressed and improved to increase the likelihood of a successful reentry to the community.

Challenges in Accessing Adequate Health Care

The majority of women in the justice system have physical and/or psychological health needs — yet accessing care can be challenging. **34% of surveyed women reported that they requested a medical exam or service from TDCJ that was denied.** Women reported various reasons given by TDCJ for denying their request.

Many women also reported that the required \$100 medical co-pay deterred them from seeking needed care.

When asked how often they were allowed to see a psychiatrist or doctor in TDCJ, only 39% of women reported that they could see a psychiatrist or doctor at least once a month, compared to **61% reporting that they were allowed to see a psychiatrist or doctor 3–4 times per year or less.**

“What am I supposed to do? I just gave birth and am bleeding constantly, and you are saying there is nothing you can do for me?”

– Angelica, in and out of prison for 17 years

Lack of Access to Quality Feminine Hygiene Products

In TDCJ, female inmates are issued 30 sanitary pads and 6 tampons per month. Depending on the week, women receive one or two rolls of toilet paper. According to Hannah Overton, founder of Syndeo Ministries, **“the women always run out of all of these supplies, which then leads to hygiene problems and health risks, which are frankly indescribable.”**³⁵

Our survey respondents agreed. **When asked if they have access to basic hygiene items, 54% of women reported they do not always have access to them when needed.** Many women specified that an insufficient number of tampons and pads are provided to female inmates, and that facilities lack toilet tissue. Many women noted that, while these items may be available for purchase through commissary, they cannot afford to purchase them, and sharing them with others runs the risk of a disciplinary infraction for “trafficking and trading.”

The Texas Criminal Justice Coalition conducted our own evaluation of hygiene products provided to women at TDCJ. We obtained from TDCJ a standard-issue sanitary pad and a standard-issue tampon; Policy Attorney Lindsey Linder conducted a “blue ink” test on both products, comparing them to their



Sample Sanitary Pad and Tampon Obtained from TDCJ

most popular counterparts:

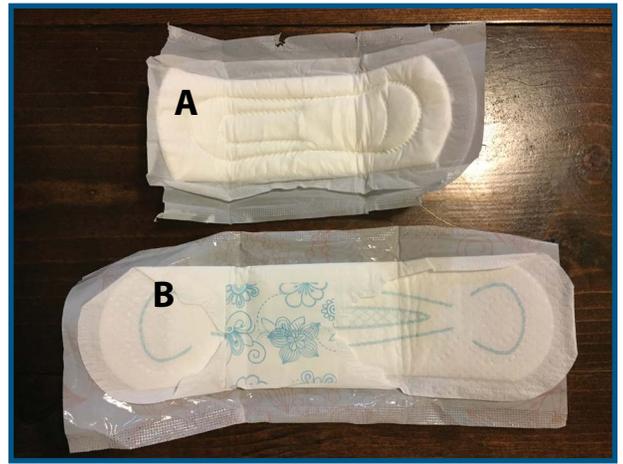
I needed something to compare the TDCJ pad and tampon to, so I looked at Amazon's list of best-selling pads³⁶ and tampons.³⁷ The best-selling pad was Always Radiant for Heavy Flow. Because this product is specifically designed for women with a heavy flow, I did not think it would be fair to compare it to the TDCJ sample. Instead, I chose the second-most popular pad, which was the Always Ultra Thin Overnight pad. I believe it offered a fair comparison to TDCJ's sample pad because those pads should be suitable for use while sleeping.

The best-selling tampon was the Playtex Sport tampon. Again, this was a specialty item for very active use, so I did not think it fair to compare it to the TDCJ sample. Instead, I chose the second-most popular tampon, the Tampax Pearl.

The first thing I noticed when comparing the TDCJ pad to the Always pad was that the TDCJ pad did not have wings. Men may not understand the importance of wings on a pad, but these wings serve two purposes. First, they guarantee that the pad stays securely attached to the underwear, and second, they provide extra protection against leaks. I also noticed that the TDCJ pad was particularly thick compared to the Always pad. This helped explain some survey comments claiming that TDCJ pads felt like a diaper. Although the TDCJ pad was much thicker than the Always pad, the Always pad was much longer. This is likely because the Always pad is designed to catch leaks even while a woman is lying flat, so the pad is longer to cover a larger surface area.

I poured one-third cup of water (with blue food coloring) onto each pad to measure absorption. The TDCJ pad absorbed most of the liquid, but about two tablespoons of liquid leaked off the side. Comparatively, the Always pad absorbed all of the liquid with no leaks.

Regarding the tampons, the first thing I noticed when comparing them was that the TDCJ tampon was cardboard. Men may not understand that cardboard tampon applicators are notoriously painful to insert.



Sample Sanitary Pad Obtained from TDCJ (A) Compared to an Always Ultra Thin Overnight Sanitary Pad (B)



Sample Tampon Obtained from TDCJ (A) Compared to a Tampax Pearl Tampon (B)



Sanitary Pads Obtained From TDCJ

On Amazon's list of most popular tampons, there is not one with a cardboard applicator until number 14 on the list. I also noticed that the Tampax string was braided with cotton to help prevent leaks, but the TDCJ tampon was not.

I submerged both the TDCJ tampon and the Tampax tampon into a bowl of blue water. I tried to measure the water absorbed by each; however, my units of measurement were not small enough to discern a difference. Comparing them after taking them out of the water, they both seemed to absorb around the same amount of liquid.

Seemingly, the predominate differences between the TDCJ feminine products and the popular brands were absorption (particularly when comparing the pads) and comfort. The popular brands were certainly designed with more of a focus on women's bodies.

Inadequate Access to Nutritious Food or to Water

Only 53% of surveyed women reported that they have access to adequate food and water, but they claimed they do not believe the food is nutritious.

31% responded that they do not believe they get enough to eat and often feel hungry.

Being Shackled While Pregnant

Shackling women who are pregnant, in labor, or postpartum is known to be medically unsafe: "Restraining pregnant prisoners at any time increases their potential for physical harm from an accidental trip or fall. This also poses a risk of serious harm to the woman's fetus, including the potential for miscarriage. During labor, delivery and postpartum recovery, shackling can interfere with appropriate medical care and be detrimental to the health of the mother and her newborn child."³⁸

Texas has made strides to prevent shackling. In 2009, Governor Rick Perry signed into law HB 3653³⁹ and HB 3654,⁴⁰ which went into effect on September 1, 2009. HB 3654 required the Texas Commission on Jail Standards to establish minimum standards relating to the health and housing of pregnant women confined to a county jail and to report monthly on the number of pregnant prisoners in county jails across Texas. HB 3653 prohibited TDCJ, the Texas Youth Commission (now the Texas Juvenile Justice Department), and municipal and county jails from using restraints to control the movement of a pregnant woman under certain circumstances.

"I had a fibroid on my uterus, so I had a lot of bleeding. But, the pads are so cheap and they don't absorb well. I would go through three of them a night and still bleed through my clothes onto my sheets. It was so embarrassing and shameful, I would get up early and wash myself, my clothes, and my sheets, even though this was against the rules. I would get in trouble, but I couldn't just stay with my clothes and sheets like that. It made me feel less than a human being, let alone a woman. Even though we are in prison, we are still women."

— Evelyn, incarcerated for 2½ years

"The unit I was housed on had metal buildings, which meant the summer temperatures inside were often above 115 degrees. Many of the women were on heat sensitive medications that reacted to these temperatures. Reactions ranging from rashes to the meds not working properly. There have been over twenty heat related deaths in the past few years."

— Hannah, exonerated after 7 years of incarceration

“Being shackled by the ankles during labor was so incredibly difficult. I’ve had two children since I was released from prison, and their labors were so much easier.”

—Angelica, in and out of prison for 17 years

So currently in Texas, shackling is prohibited during a woman’s labor, delivery, or recovery from delivery,⁴¹ whereas it is permitted while she is otherwise pregnant. And even if a woman is in labor, in delivery, or recovering, shackling may be used if a determination is made that it is necessary to ensure “safety and security” or to prevent escape.⁴²

Motherhood: Inadequate Health Care and Limits on Parental

Sec. 501.066, Texas Government Code. RESTRAINT ON PREGNANT INMATE OR DEFENDANT.

(a) The department may not use restraints to control the movement of a pregnant woman in the custody of the department at any time during which the woman is in labor or delivery or recovering from delivery, unless the director or director’s designee determines that the use of restraints is necessary to:

- (1) ensure the safety and security of the woman or her infant, department or medical personnel, or any member of the public; or
- (2) prevent a substantial risk that the woman will attempt escape.

(b) If a determination to use restraints is made under Subsection (a), the type of restraint used and the manner in which the restraint is used must be the least restrictive available under the circumstances to ensure safety and security or to prevent escape.

Bonding

Nationally, around 62% of women in prison report being parents of minor children,⁴³ and 81% of women in Texas prisons are mothers.⁴⁴

The impact of incarceration on new mothers and pregnant women is significant, in regards to both poor health care and the lack of opportunity for parental bonding.

In Fiscal Year 2016, 196 women gave birth in TDCJ. As of December 18, 2017, TDCJ identified 57 inmates who were pregnant; of these women, 56% were Hispanic, 35% were white, and 19% were Black. The average age of this population was 27.8 years old, with the youngest pregnant inmate at 19 years old and the oldest at 41 years old.

The most common offense of record among pregnant inmates in TDCJ was drug possession. 95% of expectant mothers in TDCJ were being incarcerated for a nonviolent offense.⁴⁵



According to national studies, pregnant inmates are more likely to have complicated and higher-risk pregnancies than women in the general population, resulting in higher numbers of stillbirths, miscarriages, and ectopic pregnancies.⁴⁶ As noted above, our surveyed women reported problems accessing adequate health care — especially dangerous for pregnant women and new mothers.

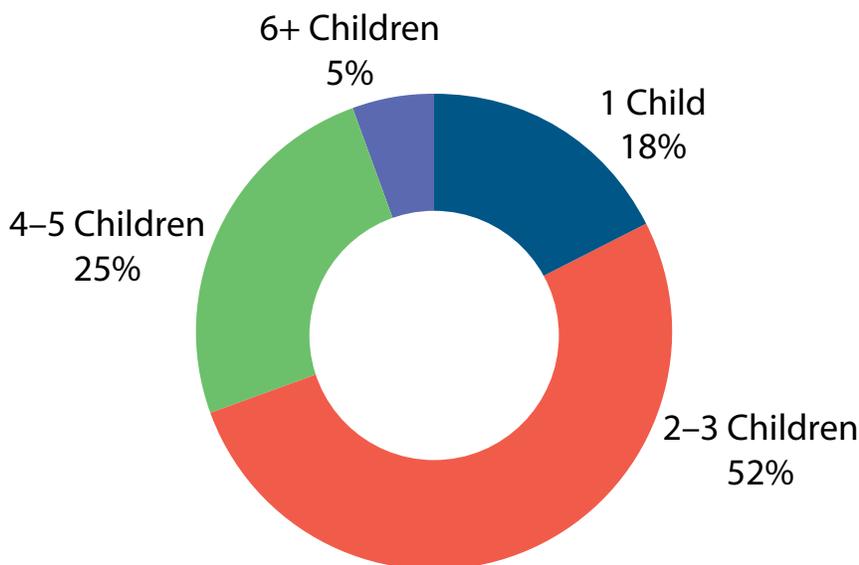
Fiscal Year	Number of Inmates Who Gave Birth
2010	202
2011	208
2012	186
2013	184
2014	200
2015	198
2016	196

Separately, women have reported their newborns being taken from them soon after birth. According to TDCJ, mothers typically have visitation with their newborn for “somewhat less than 2 weeks,” but this varies according to disciplinary history, offense type, and custody level.⁴⁷ This separation of a woman and her child can be deeply traumatizing, especially during the 6 weeks immediately following birth when the mother is particularly vulnerable to postpartum depression.⁴⁸

Barriers to Communicating with Loved Ones

As noted above, 81% of women in Texas prisons are mothers.⁴⁹ The majority of our survey respondents (52%) reported having 2–3 children, and more than 30% reported having more than 3 children.

If you have children, how many children do you have?



“I got to hold her [my newborn] for fifteen minutes, and then they took her. I would wake up hearing babies crying at 3 o’clock every morning. It messed with me so deep, psychologically. It put me in a deep depression. I know I committed a crime and had to serve my time, but I did the wrong, not my child.”

– Angelica, in and out of prison for 17 years

“Women are the backbone to our families. Women are the glue that hold families together. When the mother is not there, it has a snowball effect on kids. The support is broken. The dynamic of the family is shattered. There is no more bonding, no more nurturing. It collapses the family.”

– Annette, incarcerated for 20 years

“Visitation was one of the hardest parts of my mom’s incarceration. I always had to find someone to take me to see her. Even then, I could only see her on a screen. There was no face-to-face visitation. I remember looking at this fuzzy screen and crying. My mom was trying to console me, but she couldn’t even wipe the tears from my eyes. The visits themselves were traumatizing.

– Destiny, child of an incarcerated mother

However, **49% of women reported that they never see their children while incarcerated, and 27% reported that they see their children once per year or less.** Just 14% of women reported seeing their children 3–4 times per year, and fewer than 10% reported seeing their children once per month or more. Not surprisingly, when asked to rate how well they thought TDCJ helped them address their family reunification needs, 71% of women responded “not well at all,” and only 9% responded “very well.”

In part, cost is an unfortunate factor in a woman’s ability to communicate with her loved ones. **Texas ranks 47th in the nation in affordability of a 15-minute prison phone call.⁵⁰ It costs an inmate or their loved ones nearly \$4 for every 15-minute call.⁵¹**

But cost is not the only prohibitive factor when it comes to phone calls. In order for an incarcerated person to be able to sign up to call someone who uses a cell phone, the cell phone owner must agree that they are at least 18 years old, that they will not allow another adult who is not on the approved calling list to speak to the incarcerated person, that they will not forward calls, and that they will not make a 3-way call while the incarcerated person is on the phone.⁵² If a loved one receives an inmate call and another person is present that has not gone through this process, the phone cannot be passed around.⁵³ When going through the approval process, an operator must be able to call the cell phone owner’s phone company, verify the person’s name and address on the account, and wait a few days to verify approval.⁵⁴

Anyone with a prepaid phone is ineligible to receive calls from a TDCJ inmate because the name and address of the owner of the mobile account cannot be verified.⁵⁵ As of spring 2017, approximately 49 million people in the U.S. used a prepaid phone.⁵⁶ None of these people could accept phone calls from an inmate in TDCJ without purchasing post-paid phone service, or using another person’s phone that has successfully gone through the verification process. Comparatively, federal inmates are allowed to call virtually anyone they have a phone number for, and there is no such policy requiring loved ones to register to receive calls.⁵⁷

In addition to issues with phone communication, in-person visitation presents problems. **Some mothers are only able to see their children through a glass partition.** Mothers who are eligible for contact visitation may still find it difficult to engage in meaningful play and bonding with their children, as the visits are limited to sitting inside at a table with many other inmates and visitors.⁵⁸

Worse, **many Texas counties have eliminated face-to-face visitation altogether,** instead using video visitation. This requires computer literacy, which becomes a barrier for many desiring to use the service. Even those with

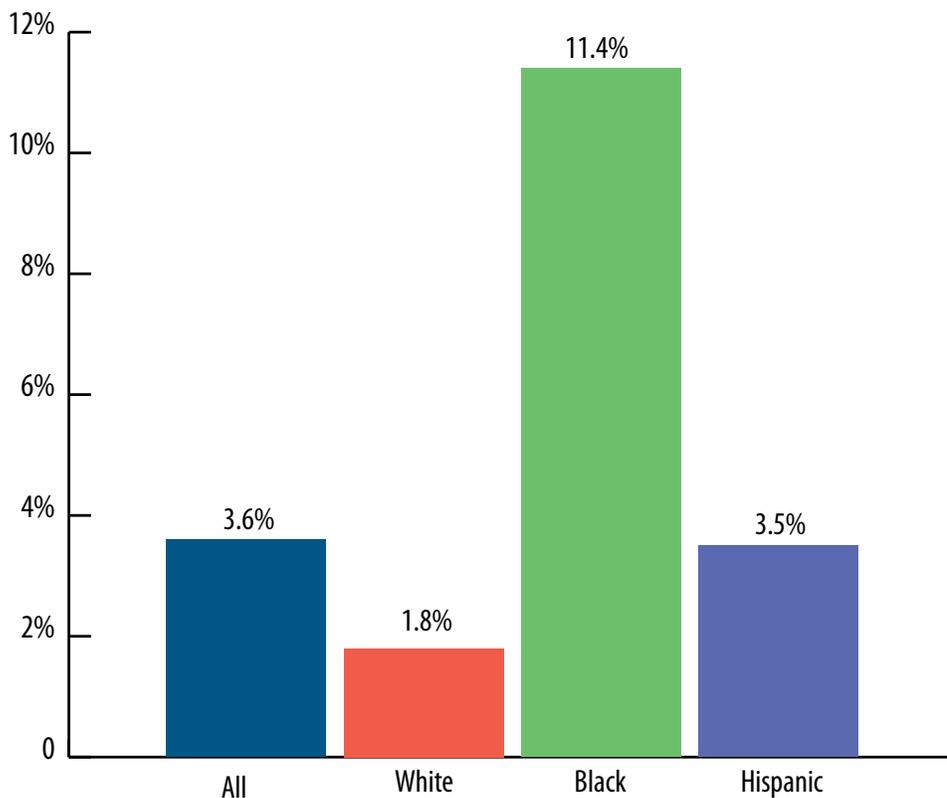
a firm grasp of computer technology report frustration dealing with the many glitches and interruptions of service. Further, these technologies often make eye-to-eye communication impossible, exacerbating the sense of confusion and isolation endured by families when a loved one is incarcerated.

In 2015, the Texas Legislature passed HB 549, mandating that county jails afford prisoners a minimum of two 20-minute, in-person visits per week.⁵⁹ Unfortunately, the bill passed with an amendment allowing counties that already operated facilities with video-only visitation to be exempt from the new law.⁶⁰

Video visitation can be a beneficial *supplement* to in-person visitation, especially for those who live far from an incarcerated loved one, but it is crucial that family members be given the chance to enhance their family bond in a more impactful way. In-person visitation is especially crucial for maintaining relationships between parents and children. The consequences of losing a parent to incarceration are severe and far reaching, including serious mental, physical, and emotional health impacts.⁶¹ These effects, in turn, can increase the likelihood of future incarceration for the child. And, indeed, of our survey respondents, 10% had a mother who had been incarcerated, while 21% had a father who had been incarcerated.

Sadly, parental incarceration disproportionately impacts children of color. Black children are over 6 times more likely to have experienced parental incarceration than white children. One out of every four Black children born in 1990 had a parent in prison or jail by the time the child was 14.⁶²

Likelihood of Parental Incarceration by Race



Source: Original analysis for *The Pew Charitable Trusts* by Bruce Western and Becky Pettit, 2009.

Limited Programming Availability

Women in prison have access to far fewer educational and vocational programs than their male counterparts.

Through TDCJ, incarcerated women in Texas have access to an Associate degree plan and certifications in two occupations: office administration and culinary arts/hospitality management. In contrast, men have access to an Associate, Associate of Applied Science, Bachelor's, or Master's degree plan, as well as certifications in 21 occupations.

Academic and Vocational Programs Offered in TDCJ	
Available to Women	Available to Men
Associate Degree	Associate Degree
	Associate of Applied Science Degree
	Bachelor's Degree
	Master's Degree
Office Administration	Cabinet Making
Culinary Arts/Hospitality Management	Construction Carpentry I
	Construction Carpentry II
	Electrical Technology
	Electronics
	A/C and Refrigeration I
	A/C and Refrigeration II
	Auto Body
	Automotive Technology I
	Automotive Technology II
	Truck Driving
	Welding
	Advanced Welding
	Computer Technology
	Advanced Computer Technology
	Data Processing
	Industrial Design
	Advanced Industrial Design
	Horticulture
	Advanced Horticulture
	Substance Abuse Counseling

Additionally, the Windham School District, which offers academic and vocational courses to men and women incarcerated in TDCJ, provides women access to 21 technical education courses. Comparatively, men have access to 48 courses.⁶³

Technical Education Courses Offered by Windham School District	
Available to Women	Available to Men
Landscape Design, Construction and Maintenance	Landscape Design, Construction and Maintenance
Cabinetmaking CNC	Cabinetmaking CNC
Construction Carpentry	Construction Carpentry
Construction Fundamentals	Construction Fundamentals
Electrical Trades	Electrical Trades
Electronic Systems Technician	Electronic Systems Technician
HVAC Service Technician	HVAC Service Technician
Painting and Decorating	Painting and Decorating
Cook (Apprenticeship)	Cook (Apprenticeship)
Hospitality and Tourism	Hospitality and Tourism
Restaurant Management	Restaurant Management
Specialized Skills in the Hospitality Industry	Specialized Skills in the Hospitality Industry
Business Computer Information System – Access & Outlook	Business Computer Information System – Access & Outlook
Business Computer Information Systems – Word & Excel	Business Computer Information Systems – Word & Excel
Audio Video Entertainment Systems	Audio Video Entertainment Systems
Copper Network Cabling	Copper Network Cabling
Energy Management	Energy Management
Fiber Optic Network Cabling	Fiber Optic Network Cabling
Telecommunications Technology	Telecommunications Technology
Automotive Brakes	Automotive Brakes
VCP-Com and Media Systems – Literacy, Math, Textile, and Textbook Formatting	VCP-Com and Media Systems – Literacy, Math, Textile, and Textbook Formatting
	Horticulture Specialist
	Assembler Technician (Apprenticeship)
	Bricklaying & Masonry
	CNC/CAD
	Combination Welder (Apprenticeship)
	Heating, Ventilation, Air Conditioning and Refrigeration
	Mill & Cabinetmaking
	Piping Trades/Plumbing
	Plumbing Trades

Technical Education Courses Offered by Windham School District	
Available to Women	Available to Men
	Sheet Metal
	Welding
	Printing and Imaging Technology
	Culinary Arts
	Hospitality Services
	CNC Machining
	Major Appliance Service Technology
	Automotive AC/Heating
	Automotive Collision Repair and Refinishing
	Automotive Electronics
	Automotive Engine Performance
	Automotive Fundamentals
	Automotive Technician Specialist (Apprenticeship)
	Diesel Mechanics
	Plant Processing/Warehouse
	Small Engine Repair
	Small Engine Repair – Motorcycle/ATV
	Truck Driving

TDCJ also offers more rehabilitation programs to men than women while incarcerated.

Rehabilitation Programs Offered in TDCJ	
Available to Women	Available to Men
Sex Offender Rehabilitation Programs	Sex Offender Rehabilitation Programs
Corrective Intervention Pre-Release Program	Corrective Intervention Pre-Release Program
Youthful Offender Program	Youthful Offender Program
Prison Entrepreneurship Program (administered by volunteers)	Prison Entrepreneurship Program (administered by volunteers)
Faith-based Dormitories	Faith-based Dormitories
Female Cognitive Pre-Release Program	Pre-Release Therapeutic Community
Baby and Mother Bonding Initiative	Administrative Segregation Diversion Program
Our Roadway to Freedom Program	Administrative Segregation Transition Program
	Serious and Violent Offender Reentry Initiative
	Gang Renouncement and Disassociation Process
	InnerChange Faith-based Freedom Initiative (administered by volunteers)
	Southwestern Baptist Theological Seminary (administered by volunteers)

However, the majority of substance abuse programs offered by TDCJ are available to both men and women.

Substance Abuse Programs Offered in TDCJ	
Available to Women	Available to Men
Substance Abuse Felony Punishment Facility	Substance Abuse Felony Punishment Facility
In-Prison Therapeutic Community	In-Prison Therapeutic Community
State Jail Substance Abuse Program	State Jail Substance Abuse Program
In-Prison Driving While Intoxicated Recovery Program	In-Prison Driving While Intoxicated Recovery Program
	Pre-Release Substance Abuse Program

**Substance abuse volunteer initiatives are also available to both women and men.*

Windham School District (WSD):
Thinking Intentionally About How to Best Serve Incarcerated Women



WSD provides educational and vocational services to men and women incarcerated in TDCJ. In 2017, WSD provided programming to 8,928 females and 50,302 males. WSD Superintendent Dr. Clint Carpenter attributes the high number of female participants to WSD’s efforts to build services around women’s needs, as well as to the price: students do not have to pay for WSD courses and certifications. Dr. Carpenter is hoping to continue to expand the number of programs offered to women.

“Windham recognizes the unique needs of this population. We are expanding high tech training to target those jobs which are higher wages for females, and we have reassigned personnel to seek out and connect with employers looking to fill high skilled jobs. We have formal partnerships with over 100 companies ready to hire high skilled, certified craftspeople and most, if not all, are hoping to bring more female craftspeople on board.” – *Dr. Clint Carpenter, Windham School District Superintendent*

“I never came up on any lists for any of the trade classes in prison. I’m trying to educate myself and learn something different, but all they want to do is lock you up and put you to work. If you won’t give me a chance, I’m going to go back to what I know which was criminal activity. They set me up for failure and I had to fight to overcome those obstacles.”

– Angelica, in and out of prison for 17 years

“There was no preparation for reentry. They gave me a list of resources when I was walking out the door, and many of the organizations didn’t even exist anymore. The need is so much greater than the resources that are available.”

– Evelyn, incarcerated for 2½ years

Despite more limited program options for women in TDCJ and through the Windham School District, our survey respondents did report participation in them, with 71% participating in religious or spiritual programs. But less than half reported participation in programs geared toward future employment, with only 39% participating in education programs, 29% participating in vocational or job training programs, and 29% participating in rehabilitation programs to address addiction and/or mental health problems.

And, in fact, when women were asked to rate how well they thought TDCJ helped them address their employment training needs, 52% responded “not well at all,” and only 19% responded “very well.”

Unfortunately, **14% of women reported not participating in any programs.** Of those who reported not participating in any programs, only 6% did not want to participate.

Abuse in Prison

In addition to the prevalence of prior victimization among justice system-involved women, many women are also victimized during their incarceration. According to a Justice Department study, female prisoners are more likely than males to report being the victim of sexual abuse.⁶⁴ Nationally, women are approximately 7% of the total prison population but 22% of all victims of inmate-on-inmate sexual victimization and 33% of all victims of staff-on-inmate sexual victimization.⁶⁵

In our survey of women, 20% reported that they had been physically abused since entering TDCJ. Of those women, 92% reported that they had been physically abused by another inmate and 15% reported that they had been abused by a correctional officer.

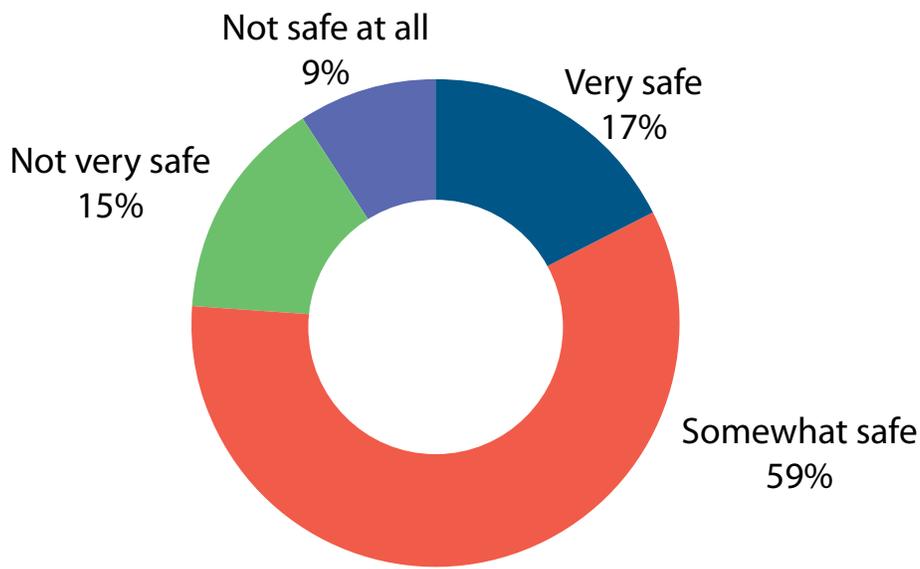
4% of women reported being sexually abused or assaulted since entering TDCJ. Of those women, 78% reported being sexually abused or assaulted by another inmate, compared to 17% reporting being sexually abused or assaulted by a correctional officer. 58% of these women reported that their abuse or assault was never reported to TDCJ’s Safe Prisons program or a unit official.

When asked about feeling safe on a day-to-day basis in TDCJ, only 17% of women reported feeling very safe. Nearly 60% reported feeling only somewhat safe, **15% reported feeling not very safe, and 9% reported not feeling safe at all.**

“During the time I was incarcerated, it was like society had changed 10 years for every year I was away. I didn’t know how to use a cell phone or a gas pump. They just throw you out with no idea how to navigate the world. Society is constantly changing while you’re incarcerated, and there are little to no programs to prepare you for release into that.”

—Annette, incarcerated for 20 years

How safe do you feel on a day-to-day basis in TDCJ?



Recommendations

It is critical to address the drivers of women into incarceration — especially substance abuse, mental health issues, past victimization, and poverty. Doing so will stop cycle of reoffending and re-incarceration that comes at great expense to taxpayers, families, and communities. Similarly, it is vitally important to treat incarcerated women with dignity and to prepare them for a safe, successful reentry.

1. Invest in Programs and Tools that Help Address Women’s Unique Needs

Ensure Access to Gender-Specific, Recidivism-Reducing Programming that Improves the Reentry Transition

“Every story [in prison] seems the same, just a different person. Drug convictions and prostitution, women with extensive trauma histories, women who don’t value themselves or their bodies because of things that happened to them and messed with their self-esteem.”

– Angelica, in and out of prison for 17 years

TDCJ and county jail administrators should implement treatment and trauma-informed programming in all-female settings, where women may feel more nurtured, supported, and comfortable when speaking about issues like domestic violence, sexual abuse and incest, shame, and self-esteem.⁶⁶

Where possible, the treatment curriculum should address many of the common barriers to success for women leaving confinement: how to shoulder parenting responsibilities, avoid abusive relationships, handle money, and address health issues.

It is imperative that program staff regularly evaluate the requirements for program participation and amend those requirements to ensure the maximum level of participation.

Furthermore, where possible, treatment programs should be part of a comprehensive continuum of care that continues after each woman’s release from custody. Given the many needs of system-involved women, TDCJ and county jails must be given all necessary resources to effectively provide gender-specific programming and services.

Programming aimed at reducing recidivism among women is an especially cost-effective approach to crime reduction. Women tend to have a more difficult time with reentry and higher recidivism rates than men.⁶⁶ In fact, according to a study by the Urban Institute of previously incarcerated women returning to Houston:

The unique obstacles that women face during their post-prison reintegration, driven largely by their differences in pre-prison substance use and employment histories, continue to play a role in terms of subsequent criminal behavior. At one year out, women are more likely than men to engage in drug use, to have problems stemming from drug use, and to have partners who drink or use drugs daily. Perhaps not surprisingly, women are almost twice as likely as men to be back behind bars in a year’s time, typically due to a drug related offense or a property offense driven by addiction problems.⁶⁸

To the extent the State and counties can develop effective, recidivism-reduction treatment programs aimed at women, it will likely get a great return on its investment.

Utilize Gender-Specific Risk and Needs Assessments to Ensure Particular Issues are Addressed

Traditional risk and needs assessments that are used to determine a person's programming needs have been faulted for having little pertinence for women. The lack of gender-specific factors makes it difficult for women to be connected with programs that are relevant to their lives: "Correctional policy claims a gender-neutral stance, ignoring the psychological and social literature differentiating men and women's criminological pathways. The misinformed nature of the criminal justice system has only exacerbated the problem of mass incarceration of women."⁶⁹

While risk assessments have some predictive validity for women, the evaluation of gender-sensitive needs will likely produce a higher rate of predictive validity. **The following factors have been identified through theoretical frameworks and evidence-based research as playing crucial roles in a woman's criminality and recovery.**⁷⁰

a. Trauma and Abuse: Some studies have found that as many as 98% of justice system-involved women have trauma histories. The high discrepancy variance between men and women makes trauma and abuse a gender-specific issue, and the prevalence at which women experience abuse should be considered during the development of tools used for their rehabilitation.

b. Mental Illness: While the prevalence for mental illness is high among both genders, women are disproportionately affected,⁷¹ indicating a substantial need for mental health treatment geared toward women.

c. Substance Use: Women in TDCJ report higher rates of substance use disorder than their male counterparts, with 70% of women having been identified as suffering from a substance use disorder, compared to 58% of men.⁷² Given that "the connection between substance abuse and female criminality is incredibly strong, as is its connection to recidivism,"⁷³ it is critical for this issue to be addressed.

d. Self-Esteem: Low self-esteem tends to be a product of abuse, mental health issues, socio-economic status, dysfunctional relationships, and other factors.⁷⁴ Gender-responsive assessments should measure women's self-esteem

Program Spotlight!

Truth Be Told

Truth Be Told fulfills a documented service gap in the correctional system by offering gender-responsive programs and safe community to women during and after incarceration. Through courses that offer healing through storytelling, expressive arts, life skills and self-care tools, Truth Be Told speaks directly to the unique risk factors that lead women into the system: elevated rates of trauma, addiction and histories of childhood abuse. It envisions a society where all justice-involved women are restored to integrity, thereby breaking the cycle of incarceration.

For more information, visit
www.truth-be-told.org



"TDCJ needs to do more of an individual assessment of women. We go through a processing in the beginning, but it needs to be more female based. If they did more of a detailed assessment involving female issues, maybe they could improve the quality of treatment of women in the system."

—Evelyn, incarcerated for 2½ years

Program Spotlight!

Freehand Arts Project

Freehand Arts Project is a nonprofit organization dedicated to bringing creative arts classes to people incarcerated in Texas jails and prisons. The program strives to address the deep wounds found in the justice system by providing a safe avenue for self-reflection, the opportunity to develop emotional awareness, and a supportive community. Classes give inmates the experience of control and introspection through art, allowing them to engage in the world more confidently and authentically.

Currently, Freehand Arts Project serves women at Travis County Correctional Complex, where they provide creative writing, poetry, and visual arts programming.

For more information, visit www.freehandartsproject.org



levels so they can be properly matched with treatment that empowers women to make good decisions and facilitates a greater sense of control in their lives.⁷⁵

e. Dysfunctional Relationships: A study by the American Probation and Parole Association on women's pathways to crime found a link between dysfunctional abusive intimate relationships and an erosion of the woman's self-esteem.⁷⁶ Another study found that living with a criminal partner is a statically strong predictor of recidivism.⁷⁷ Women must learn more about the extent to which they are influenced by the relationships in their lives and learn how to extricate themselves from dysfunctional relationships.

f. Parental Responsibilities: A staggering 81% of women in TDCJ have children, compared to 68% of men,⁷⁸ and women who were primary caretakers of their children prior to incarceration risk having their parental rights terminated.⁷⁹ Because of the sheer number of incarcerated women who have children, they must learn how to maintain healthy, positive relationships.

2. Improve Conditions of Confinement for Women to Ensure They are Treated with Dignity

Better Assess the Needs of Pregnant Women, and Ban Shackling While Pregnant

In 2017, the Texas Legislature passed HB 239, requiring TDCJ to report on the implementation of health care services for pregnant inmates and provide a summary on nutritional standards, housing conditions, physical restraints, and miscarriages experienced by pregnant inmates.⁸⁰ While this is a step in the right direction, **Texas must use the information derived from this legislation to put into place policies that will effectively address the unique challenges facing pregnant inmates across the state.**

Separately, Texas must take additional steps to ban shackling of women while pregnant in prison or jail.

Program Spotlight!

Babies and Mothers Bonding Initiative (BAMBI)

Improve the Time that Mothers Can Spend with Newborn Children

The American College of Obstetricians and Gynecologists and the American Public Health Association strongly recommend allowing women to remain with their infant children for longer hospital stays, in in-custody nursery programs, or through diversion programs.⁸¹

TDCJ should expand the BAMBI program, which allows a mother and her infant to bond in a residential facility for up to 12 months, with longer stays considered on a case-by-case basis.

Providing more mothers the opportunity to bond with their newborns in a safe and secure environment will promote healthy growth and development, socialization, and psychological development during the infant's formative years

Increase Access to Quality Health Care

TDCJ must ensure that women have regular access to a psychiatrist. Access to mental health care is an imperative component in rehabilitation.

Additionally, TDCJ must ensure that the \$100 co-pay for health care does not deter women from seeking necessary services. An incarcerated woman should not have to choose between the health care she needs to be able to focus on her rehabilitation and basic necessities like hygiene products and stamps to communicate with her loved ones.

BAMBI is a program contracted through the University of Texas Medical Branch (UTMB), which subcontracts with Santa Maria Hostel, Inc., and allows a mother and her infant to bond in a residential facility for up to 12 months (longer stays considered on a case-by-case basis).

The mission of BAMBI is to provide an opportunity for mother and child bonding and attachment, which is important to healthy growth and development, socialization, and psychological development during the infant's formative years, while in a safe and secure environment.

The mother receives child development education, life skills, infant first aid and CPR, nutrition, peer recovery, cognitive skills, anger management, and family reunification sessions.

For more information, visit www.santamariahospel.org/the-road-to-recovery/baby-and-mother-bonding-initiative



“I had a hard pregnancy. I had gestational diabetes, and the doctors just want you in and out. When you go to medical appointments, you are shackled at your hands and your feet. You can only go to the doctor once a month. If something comes up, you have to get on a waitlist. They don't care. You're a prisoner, a number. Not a human, not a pregnant woman. The guards think you're using your pregnancy as an excuse, and there is no compassion. When I went into labor, they didn't believe me. You don't get milk, and my teeth started decaying. Sleeping is so much harder on those thin mats. Pregnancy is hard on your body, and they don't take care of those needs. You only have what they give you.”

— Angelica, in and out of prison for 17 years

Program Spotlight!

Syndeo Ministries

Syndeo Ministries was founded by Hannah Overton after she was exonerated in 2015. Hannah spent seven years in a Texas prison for a crime she didn't commit, until she was declared actually innocent and reunited with her five young children.

Syndeo Ministries focuses on helping women who are incarcerated and women transitioning out of prison. During the summer, Syndeo Ministries provides cooling towels to over 2,600 women. During the holidays, they provide full-size hygiene items and other gifts to thousands of women across four Texas prisons.

Syndeo Ministries is in the process of building a bunkhouse that will be home to 25 women transitioning out of Texas prisons.

For more information, visit
www.syndeoministries.com



SyndeoMinistries.com

Lastly, TDCJ must evaluate and expand its current prepartum and postpartum health care services. Pregnant women and their unborn children have many health care needs that are time-sensitive and require more attention than periodic check-ups. Women recovering from labor also have many individualized health care needs. Exceptional health care services should be available to women during their pregnancies and during the months immediately following delivery.

Increase Access to Quality Hygiene Products

Another critical component in treating incarcerated women with dignity means providing them with feminine hygiene products in a quantity and quality that is sufficient to meet their needs.

While TCJC's sanitary products do pose issues with comfort, wear-ability, and absorption, they are also inadequate in number for many women in TDCJ. A woman uses on average 20 tampons per month,⁸² while TDCJ provides 6. **Texas should provide all female inmates with an amount of toilet paper, tampons, and sanitary pads sufficient to provide for their health care and hygiene needs.**

Without enough of these products, women are forced to barter and trade with other women who may have extras (which is technically against TDCJ rules) or suffer leaks through their white clothes and sheets. For women who are already struggling with their self-esteem, allowing women to soil themselves with blood is an unacceptable consequence of TDCJ's failure to prioritize their health care needs.

Provide Nutritious Food and Allow More Access to Water

Providing women in TDCJ with enough nutritious food and with water is absolutely imperative; water is most critical during summer months. Otherwise, women are less likely to be physically healthy and more likely to require health care services in TDCJ. It is more cost-efficient to invest in preventive care by providing nutritional food and plenty of water to all women in Texas prisons.

Reduce Sexual and Physical Violence Against Incarcerated Women

Texas has an obligation to ensure that anyone placed under the supervision of a state or local facility is not subjected to sexual violence. Texas should comply with the following recommendations:

- Fully implement the Prison Rape Elimination Act (PREA) National Standards.
- Convene a task force of state stakeholders and independent experts to assess the current practices and procedures in place to protect against physical and sexual assaults and to publish transparent accounts of these incidents in “live time” so the public can be aware of the incidents nearer in time to their occurrence.
- Establish an Office of the Independent Ombudsman to provide independent oversight of all TDCJ and county jail facilities.
- Provide resources to counties to bring jail facilities into PREA compliance, and provide training and technical assistance to staff of county jail facilities.

3. Remove Barriers to Family Unity

Texas must provide TDCJ with the resources necessary to improve mother-child interaction.

Children are better able to thrive when their mother remains in their lives; otherwise, losing a parent to incarceration can result in serious mental, physical, and emotional health issues. Many of the negative effects of parental incarceration can be nullified if children are considered and accounted for in policies and practices.⁸³ The following are crucial: helping children understand what is happening to their parent, themselves, and their families; enabling them to stay connected with their incarcerated parent; and supporting children throughout the duration of their parent’s incarceration and reentry back into the home and community.⁸⁴ Maximizing visitation opportunities is especially critical when the incarcerated parent was active in the child’s life prior to incarceration.

Program Spotlight!

Girls Embracing Mothers (GEM)

This Dallas-based nonprofit organization works to empower girls with incarcerated mothers to break the cycle of incarceration and lead successful lives with vision and purpose. Attorney Brittany Barnett-Byrd founded GEM, combining her passion for helping others with her experience as the daughter of an incarcerated mother.

For more information, visit www.girlsembracingmothers.org



“When I was incarcerated in Illinois, there was a ‘camp’ for kids every summer. Each weekend of summer 12 incarcerated mothers would be allowed to spend Friday to Sunday ‘camping’ with their kids in a sectioned-off area of the prison. Everyone would sleep in sleeping bags and eat camp food. It was a full weekend of bonding time between mothers and their kids. It was amazing. There should be more of this, and more family reunification programs on a regular basis.”

—Annette, incarcerated for 20 years

Program Spotlight!

Youth Rise Texas

Youth Rise Texas is an Austin-based organization, largely comprised of young women and queer youth of color, who have been impacted by the incarceration or deportation of a parent or caregiver.

Through popular education, mentorship, community organizing, and creative cultural production, Youth Rise is cultivating cutting-edge leadership in the struggle against mass incarceration, while contributing to the movement for racial, economic, and gender justice.

For more information, visit www.youthrisetx.org

Program Spotlight!

Sally's House

Sally's House is a transitional center in Houston that helps women obtain the strength, capability, and means to perform effectively without drugs and alcohol. Since 1999, the 60-bed recovery program has provided individualized care to women recovering from various addictions.

In 2012, the Ann and Hugh Roff Safe Harbor for Women, a 20-bed emergency shelter serving women from all walks of life who find themselves homeless and in need of shelter, was added to the existing Sally's House facility.

Sally's House offers women rescue, an opportunity for a full recovery, and a chance to be restored to the outside world as a person capable of life management and worthwhile work.

For more information, visit salvationarmyhouston.org/sallys-house

Research also shows that, besides benefiting their children, women inmates' maintenance of family ties can help reduce their own recidivism. According to the Urban Institute, women reporting higher levels of family support were less likely to return to prison.⁸⁵ Furthermore, women surveyed by the Urban Institute reported looking most forward to reuniting with their children upon release, leading the Urban Institute to call women's relationships with their children a compelling motivator for reentry success.⁸⁶

TDCJ should remove communication barriers such as costly charges for phone calls from prison, allowing mothers to call their children on a regular basis at no cost.

TDCJ should also create more welcoming, family-friendly visitation areas for children that allow mothers to engage in play and interact in a meaningful way with their children. Texas should explore the possibility of allowing mothers to earn periodic, overnight stays with their children.

It is highly likely that significant anti-recidivism gains could be had for relatively small investments in encouraging maintenance of family ties.

4. Better Prepare Women for Release from Incarceration

The recommendations earlier in this report will each help women better prepare for reentry to their communities and families. However, it is also important to address the needs of women that are more specific to the reentry point, and to the first few weeks after leaving incarceration.

In FY 2016 alone, 11,595 women were released from a TDCJ facility.⁸⁷ Although there are fewer overall female inmates, proportionally speaking, women have a higher release rate than men.

State and local officials must invest in programming and resources that give women the tools for a successful transition. Importantly, services implemented in prison institutions must be carried forward post-release, thereby ensuring that care is continued.

Provide Pre-Release Programming

If they have not been exposed to relevant programming throughout their time in confinement, women who will soon be transitioning out of confinement should undergo individualized pre-release programming with specific components, including economic planning; training in parenting, communication skills, and cognitive thinking; provision of basic information on legal rights in regard to reuniting with children, and on dealing with domestic violence; referrals to other agencies for assistance with housing and areas of particular importance to women with children; and support services and emergency assistance for basic necessities.

Significantly, one group of researchers found that women who receive gender-specific, trauma-informed care while incarcerated are 360% more likely to complete voluntary community-based treatment upon release and 67% less likely to return to prison than women who received gender-neutral or male-based therapeutic care treatment.⁸⁸

Provide Linkage to Child Welfare Agencies

In addition to offering the above programming, TDCJ should enter into inter-agency agreements with relevant child welfare agencies to increase the likelihood of family reunification upon a woman's release from incarceration.

Improve Aftercare & Parole Assistance

After a woman's release from confinement, TDCJ should provide aftercare and follow-up. Building upon pre-release training and skills building will decrease the likelihood of recidivism and strengthen families.

Furthermore, for greatest post-release outcomes, the Parole Division should encourage parole officers to tailor supervision methods based on the gender of the parolee. This is especially critical in regards to helping female parolees find employment. Because of systematic legal and societal barriers, women face significant obstacles in obtaining meaningful employment upon reentry as a result of their criminal record — particularly as it relates to employment that will sustain a family.⁸⁹ Parole officers should vigorously assist women in finding safe, stable employment.

Program Spotlight!

Prison Entrepreneurship Program (PEP)

Described by many as a “mini-MBA” program for the depth of business information it delivers and the rigorous pace the students experience, PEP is dedicated to delivering the nation's best outcomes in the prison reentry field.

PEP provides resources and real-world, values-based business skills to incarcerated individuals so they have the tools, skills, and support structure to pursue healthy, fulfilling, and productive lives after returning to the community.

Recently, PEP launched a women's program at the Lockhart Unit. Their first event took place in early 2018, with about 40 participants and 30 executive volunteers.

For more information, visit

www.pep.org/lockhart-womens-program



Program Spotlight!

Angela House

Angela House was founded in 2001 by Sister Maureen O’Connell, a former teacher, police officer, and chaplain. Sister O’Connell recognized a significant void in services available to women released from prison in Texas. Remarkably, when Sister O’Connell asked incarcerated women what primary factor would have helped them avoid prison, the most prevalent responses indicated a need for a safe and supportive home when returning from prison. In the absence of a supportive home, most women released from prison return to the streets.

Angela House aims to successfully transition women into society after incarceration. From its inception through FY 2016-17, Angela House has served 363 women, all who have come to the home voluntarily.

Angela House has been diligently seeking a pathway to also serve women on parole in Houston, but unfortunately, due to a city ordinance, it is restricted from doing so.

For more information, visit angelahouse.com

Conclusion

With more women incarcerated in Texas than in any other state in the country,⁹⁰ Texas has an obligation to respond to women’s particular needs — both to lessen the traumatic impacts of incarceration on them and their families, and to prevent costly re-incarceration.

Landmark legislation is currently being considered in Congress that would reform the way women are treated behind bars.⁹¹ The Dignity for Incarcerated Women Act would enact common-sense reforms in the federal prison system, related to strengthening parental visitation opportunities, expanding access to health care and hygiene products, and improving the reentry transition through mentorships.

Additionally, the UN recently adopted gender-specific guidance on the treatment of incarcerated women, which included the recommendation of an on-site nursery where mothers could spend meaningful time bonding with their children, more gender-specific occupational training, and a special center for overall psychological well-being.

Texas can be a leader in implementing similar reforms — and in preventing incarceration altogether. Voters, including GOP primary voters,⁹² and crime survivors⁹³ alike are calling for prevention and treatment over incarceration. By giving women the tools to address their underlying causes of criminality, strengthen their families, and join the workforce, we can ensure a safer, thriving Texas for generations to come.

“The drastic increase in the women’s prison population has destroyed communities, torn families apart and done little to promote public safety. This has also had a deep impact on children. In order to create lasting improvements to public safety we have a responsibility to not only reunite women inmates with their families, but to also support the rehabilitation and re-entry of these women inmates into society. In doing so, we must improve the environment in prisons to ensure they are able to maintain a level of dignity and respect.”

– U.S. Senator Kamala Harris

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