



WRITTEN TESTIMONY

**SUBMITTED BY ANA YANEZ-CORREA, PH.D.
EXECUTIVE DIRECTOR
TEXAS CRIMINAL JUSTICE COALITION**

REGARDING INTERIM CHARGE 8:

Monitor the implementation of legislation addressed by the Senate Committee on Criminal Justice, 82nd Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Specifically, monitor the following: ... Overall care of female inmates...

SENATE CRIMINAL JUSTICE COMMITTEE

4 SEPTEMBER 2012

TEXAS CRIMINAL JUSTICE COALITION

The Texas Criminal Justice Coalition works with peers, policy-makers, practitioners, and community members to identify and promote smart justice policies that safely reduce the State's costly over-reliance on incarceration – creating stronger families, less taxpayer waste, and safer communities.

CONTACT INFORMATION

Dr. Ana Yáñez-Correa, Executive Director

Phone: (w) 512-441-8123, ext. 109; (m) 512-587-7010

acorrea@criminaljusticecoalition.org

www.criminaljusticecoalition.org/public_policy_center/interim_charges

Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition (TCJC). I appreciate this opportunity to present testimony on the Committee's interim charge to "*Monitor the implementation of legislation addressed by the Senate Committee on Criminal Justice, 82nd Legislature, Regular and Called Sessions, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Specifically, monitor the following: ... Overall care of female inmates....*" Programming, services, and treatment that are specifically tailored and developed for women are critical to the overall rehabilitative mission of the Texas Department of Criminal Justice (TDCJ) to adequately prepare individuals to successfully reintegrate into their respective communities as productive and contributing members of society. We are counting on the leadership and ongoing dedication of this Committee to ensure female inmates are provided the necessary care and services they need.

INTRODUCTION

Given that most individuals in Texas prisons will one day be released to the community—in FY 2011 alone, over 70,000 individuals were released from a TDCJ facility¹—it is imperative that the State invest in programming and resources to help prepare individuals reentering the community. Importantly, services implemented in prison institutions must be carried forward post-release, thereby ensuring that care is continued and that an exiting individual will have a better chance at succeeding. Texas' criminal justice system has historically had little programming specifically tailored and developed for women, with inmate populations in Texas having always been dominated by men. Recently, TDCJ submitted a self-evaluation form to the Sunset Advisory Commission for review. In it, TDCJ lists a number of specialized programming for rehabilitation; at least half are gender exclusive, limited only to males. This includes a number of *Education Programs*, some *Substance Abuse Programs*, some educational opportunities, the *In-Prison DWI Recovery Program*, etc.²

With a growing female population, and a myriad of offenses, needs, and challenges facing women in prison, Texas must begin investing more in women-specific programming and expand participation eligibility requirements. Moreover, although there are less overall women inmates, proportionally speaking, women have a higher release rate than men; most women are projected to be released from a TDCJ facility.

Of the 11,202 female inmates currently on hand in a TDCJ facility, not including those enrolled in a Substance Abuse Felony Punishment (SAFP) Facility, the vast majority are serving a sentence of less than 10 years. The most significant population, 2,577, are serving a sentence less than two years, while the next largest number of inmates, 1,118, are serving a sentence of five years.³ Drug-related offenses compose the largest percentage of the female population in a TDCJ facility.⁴ All of these factors are important to consider when contemplating how we equip individuals for the transition out of a facility and what tools we provide them to ensure successful reintegration into the community.

POLICY RECOMMENDATIONS

- (1) Ensure rehabilitative measures meet the needs of TDCJ's growing female population by examining the requirements and exclusions from program participation, by further investing in gender-specific programming, and improving standards among in-prison, women-focused treatment programs—especially for women who suffer from substance abuse, mental health issues, and/or trauma.**

Given the many needs of system-involved women, TDCJ must be given all necessary resources to effectively provide gender-specific programming and services.

- It is imperative that the requirements for program participation are evaluated and amended to ensure the maximum level of participation.
- Increasing the range of in-house and post-release community-based services for females, including those that increase parent-child interaction, will better ensure responsiveness to gender-specific issues.
- For incarcerated women, correctional facilities 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.⁵ Where possible, the treatment curriculum should address many of the common barriers to success for women leaving confinement: how to successfully shoulder parenting responsibilities, avoid abusive relationships, handle money, and address health issues.
- Where possible, treatment programs should be part of a comprehensive continuum of care that continues after each woman's release from custody. These programs should address the many complicated physical, emotional, and social factors that affect women's abuse and recovery.⁶ In specific regard to trauma, the National GAINS Center for People with Co-Occurring Disorders in the Justice System asserts, "Women with trauma histories are encouraged to develop skills needed to recover from traumatic experiences and build healthy lives. These may include cognitive, problem-solving, relaxation, stress coping, relapse prevention and short-or long-term safety planning skills."⁷
- 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.⁸ 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.⁹

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

(2) TDCJ should target pre-release populations and ensure post-release follow-up.

- Women transitioning out of confinement should undergo particularized pre-release programming with specific components, including economic planning; training in parenting, communication skills, and cognitive thinking; assistance in building self-esteem and strengthening self-care skills; 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.
- In addition to offering such programming, TDCJ should enter into inter-agency agreements with relevant child welfare agencies to increase the likelihood of family reunification upon release.
- After a woman's release from confinement, TDCJ should provide aftercare and follow-up—key to ensuring successful reentry. Building upon prerelease training and skills building will decrease the likelihood of recidivism and strengthen families.

(3) Texas must provide TDCJ with the resources necessary to further strengthen programming for pregnant inmates, increase the time allowed for new mothers to spend with their infants, and improve the ability of incarcerated mothers to interact with their children.

In Fiscal Year 2011 there were 208 inmate births. As of 31 July 2012, TDCJ has identified 59 inmates who are expecting mothers.¹⁰ Research shows that, besides benefiting their children, women inmates' maintenance of family ties can help reduce their own recidivism. According to the Urban Institute, "women who reported higher levels of help from their families were less likely to return to prison in the first year following release."¹¹ Furthermore, "When asked what they were most looking forward to upon release from prison, the single largest response among women was reuniting with children." This finding led the Urban Institute to call women's relationships with their children "a compelling motivator for reentry success."¹² **Investments that help inmates maintain family ties can both assist in reducing recidivism and potentially mitigate damage to children from their mother's incarceration.**

Programs to strengthen and improve a mother's relationship with her child(ren) fit into what is already known about successful approaches to reducing recidivism. In terms of crime-reduction potential, this is an area that has been long ignored and under-resourced. It is highly likely that, because of long-term institutional neglect, significant anti-recidivism gains could be had for relatively small investments in encouraging maintenance of family ties by inmates.

The state has two overriding interests that should encourage it to maximize women's interaction with their children (except in cases where the child has been victim of an abusive relationship): (1) Stronger family ties can reduce recidivism rates for parents upon reentry from prison, and (2) Minimizing collateral damage to children of incarcerated parents can reduce

crime in the future,¹³ particularly if the state focuses scarce criminal justice resources on diverting youth in this risk group from crime.

(4) Texas should enable the Parole Division to implement specialized programming and interventions for women on parole.

Policy-makers in Texas must address the specific needs of the 8,000 women on parole.¹⁴ **Many incarcerated and previously incarcerated women have a history of physical and sexual abuse, psychiatric disorders and other mental health issues, and substance dependence.** Furthermore, as discussed above, women tend to have a more difficult time with reentry and higher recidivism rates than men.¹⁵

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.¹⁶ Other researchers have discovered similar results using gender-specific post-release treatment models.¹⁷

- For greatest post-release outcomes, the Parole Division would benefit from policies that encourage parole officers to tailor supervision methods based on the gender of the parolee.
- Furthermore, the Division should match parolees with officers of the same gender – a feasible recommendation considering over half of the parole officer workforce is female.¹⁸ Currently, volunteers conduct the only gender-specific programming available to parolees.¹⁹

Greater investments in gender-specific programming and strategies will effectively curb recidivism, ultimately reducing prison and jail populations and costs.

CONCLUSION

Again, thank you for this opportunity to present testimony on such an important issue. Improving availability and access to much needed programming and treatment for women is critical to ensuring that they can achieve success when reentering the community. Additionally, providing programming and services specifically tailored to meet the unique needs of women will improve overall outcomes with respect to rehabilitation and lowered recidivism. With your continued commitment and dedication, this Committee will play a crucial role in improving TDCJ's programming for women, will increase rehabilitation efforts, and will improve outcomes for many system-involved women.

ENDNOTES

¹ Texas Department of Criminal Justice (TDCJ), *Statistical Report Fiscal Year (FY) 2011*, p. 34.

² TDCJ, *Self Evaluation Report: Submitted to the Texas Sunset Advisory Commission*, 31 August 2011, pp.56-60, available at <http://www.sunset.state.tx.us/83rd/cj/ser.pdf>.

³ TDCJ Executive Services, in email correspondence with Travis Leete, Policy Attorney, Texas Criminal Justice Coalition (TCJC), 30 August 2012; information available upon request.

⁴ *Ibid.*

⁵ Colleen Clark, Ph.D., “Addressing Histories of Trauma and Victimization through Treatment,” The National GAINS Center for People with Co-Occurring Disorders in the Justice System, September 2002, pp. 2, 3. Note additionally: “Gender-specific programs may be more effective for female offenders, particularly those with histories of trauma and abuse.” From National Institute on Drug Abuse (NIDA), *What are the unique treatment needs for women in the criminal justice system?*, available at <http://www.drugabuse.gov/publications/principles-drugabuse-treatment-criminal-justice-populations/what-are-unique-treatment-needs-women-in-criminal-j>.

⁶ *Ibid.* (“Incarcerated women in treatment are significantly more likely than incarcerated men to have severe substance abuse histories, as well as co-occurring physical health and psychological problems [...]. Approximately 50 percent of female offenders are likely to have histories of physical or sexual abuse. Women are also more likely than men to be victims of domestic violence. Past or current victimization can contribute to drug or alcohol abuse, depression, post-traumatic stress disorder, and criminal activity.”).

⁷ Clark, *supra* note 5, at 3.

⁸ Nancy LaVigne, Lisa E. Brooks, and Tracey L. Shollenberger, “Women on the Outside: Understanding the Experiences of Female Prisoners Returning to Houston, Texas,” Urban Institute Justice Policy Center, June 2009, p. 3.

⁹ *Ibid.* at 3.

¹⁰ TDCJ Executive Services, *supra* note 3.

¹¹ LaVigne, *supra* note 8, at 8.

¹² *Ibid.* at 10.

¹³ Steve Christian, “Children of Incarcerated Parents,” National Conference of State Legislatures, March 2009, p. 1 (“Research suggests that intervening in the lives of incarcerated parents and their children to preserve and strengthen positive family connections can yield positive societal benefits in the form of reduced recidivism, less intergenerational criminal justice system involvement, and promotion of healthy child development.”).

¹⁴ Bloomberg, “A Simple, Cost-Free Remedy for the Hard-Core Unemployed,” August 8, 2011, available at <http://bloomberg.com/news/2011-08-25/a-simple-cost-free-remedy-for-the-hard-core-unemployed-view.html>.

¹⁵ Nancy LaVigne, *supra* note 8, at 3.

¹⁶ Clark, *supra* note 5.

¹⁷ Begun, Rose, and Lebel, *Intervening with Women in Jail*.

¹⁸ As of July 2012, 878 of the 1,529 parole officers working in the Parole Division (57%) are female. Stuart Jenkins, Director, Texas Department of Criminal Justice Parole Division, in email correspondence with Sarah V. Carswell, Policy Researcher, Texas Criminal Justice Coalition, 23 July 2012

¹⁹ Jenkins, in email correspondence with Sarah V. Carswell, *supra* note 18.