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WOMEN AND GIRLS IN THE CRIMINAL JUSTICE SYSTEM

Policy Issues and Practice Strategies

**Edited by
Russ Immarigeon, M.S.W.**



Civic Research Institute

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About the Editor

Russ Immarigeon, M.S.W., received his master's degree from the School of Social Welfare at the State University of New York at Stony Brook. He is the Editor of the periodicals *Women, Girls & Criminal Justice*, *Offender Programs Report* and *VOMA Connections*; Managing Editor of *Journal of Offender Monitoring*; a regular contributor to *Community Corrections Report*, *Crime Victims Report*, and *Corrections Managers' Report*; and co-editor, with Meda Chesney-Lind, of the book series *Women, Crime and Criminology*. Mr. Immarigeon is also co-author, with Meda Chesney-Lind, of *Women's Prisons: Overcrowded and Overused* (National Council on Crime & Delinquency, 1991) and co-editor, with Shadd Maruna, of *After Crime and Punishment: Pathways to Offender Reintegration* (Willan Publishing, 2004). He has contributed articles and book reviews to the major criminal justice journals, including *Contemporary Justice Review*, *Federal Probation*, *Prison Journal*, *Punishment & Society*, and *Criminal Justice*.

Introduction

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

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

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

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

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

For many years, sentenced women were generally ignored or neglected, locked up in male surroundings, or lost among caseloads of men. Subsequently, more attention has been given them, but their numbers are still small compared with men who are imprisoned or under correctional supervision. At the start of the 21st century, however, women offenders and prisoners have perhaps reached the tipping point where they can no longer be shunted aside, left managed—just adequately or at least silently—by staff and officials at individual facilities or offices.

In recent years, newspaper articles from across the United States have reported that women are becoming more noticeable in number within criminal justice and correctional systems. In states as diverse as Arizona, Alabama, Connecticut, Maine, Oklahoma, South Dakota, and Vermont, prison officials and state policy makers have been struggling with the prospects of too many women for too few cells.

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

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

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

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

It is acknowledged by professionals in all disciplines that working with women and girls in the criminal justice system is different than working with men and boys. Advocates, practitioners, scholars, and administrators conclude that many women and girls would be ideal candidates for community-based programs designed to address their specific needs. But there is often disagreement and uncertainty about how to implement alter-

natives. For those incarcerated, corrections professionals face many issues unique to women and girls that affect all aspects of institutional and program management. . . . Academic and other professional journals often fail to cross the divide between those studying the issues and those working directly with women and girls. While more has been done in recent years to address the concerns, needs, and challenges of women and girls in the criminal justice and corrections systems, much more is required, and what is done needs to be more widely disseminated and discussed (Huling & Immarigeon, 2000, p. 1)

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

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

—Russ Immarigeon
October 15, 2005

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