

Working
with
**Female
Offenders**

A GENDER-SENSITIVE
APPROACH

Katherine van Wormer

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Working with Female Offenders

A Gender-Sensitive Approach

KATHERINE VAN WORMER



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PREFACE

In the summer of 1974 I was given free rein at Alabama's Julia Tutwiler Prison for Women to do research for my dissertation on gender role behavior within a unisexual environment. My primary aim was to study intimacy among women, the prison families they form, and masculine roles that some of the inmates adopt. My hidden agenda, though, unknown to the administrators or my dissertation committee, was to work toward prison reform. If conditions were sufficiently bad, my plan was to seize the opportunity to later make those conditions public.

I achieved the first goal at the Julia Tutwiler Prison—I learned about the close-knit relationships and gender role behavior in an all-female environment, but there was no need to pursue the second. The physical environment left much to be desired: 30 women were crammed into each cell and forced to endure the Alabama heat without much ventilation or air conditioning. Yet the social environment was, for the most part, as good as could be expected. The people who worked there, except the one male officer, were kind and attentive to the women's needs. The warden was innovative and nurturing toward her charges. The stories I heard from staff and inmates during those hot summer afternoons behind bars were alternately harrowing and moving; the most memorable were downright funny. The theme of the humor was getting one over on the authorities or some of the sexual antics taking place. But beyond the humor loomed the personal tragedies borne of poverty and abuse that had brought so many of the women to this wretched place. In the end, my dissertation was just another dull quantitative thesis. But the memory of my sojourn with

the women of Julia Tutwiler Prison has stayed with me forever.

At the time of my prison research, some of the women who did well were being transferred into community residential centers. And progressive programs, such as university courses for credit, were offered to staff and inmates in the evening. Many of us—prison reformers and correctional staff—thought without voicing it that prison reform was right around the corner. Who among us then would have had even an inkling that in the next quarter century or so, after years of “zero tolerance” for drug use and crime, that conditions at Julia Tutwiler (as elsewhere) would grow infinitely worse? Who would have believed that the population in the same old facility would triple in size? Or that a death row would be built there? Or that men would fill most of the staff positions? Who would have believed life sentences being handed down for conspiracy to sell drugs? Who would have thought that over 30 years later I would be writing the book that I did not feel I needed to write then?

That experience is only one incentive for writing this book. The other concerns a gap in the literature on innovative programming for female offenders. The material on correctional counseling is vast but not widely dispersed, while the material on correctional counseling with females is seriously limited. There is a need to synthesize and organize what is known about gender-specific programming from journal articles and workshops so that it is available in a readable form in one source. I experienced this need first as an instructor of criminal justice preparing students to enter the field of corrections and more recently as I taught counseling skills as a professor of social work. Now I have a chance to write the book to fill a gap in the literatures of both counseling and criminal justice.

From a gender-sensitive, feminist perspective, this book explores the special needs of girls and women within a system designed by men for male offenders. This book is timely in light of promising developments that are taking place at every level of the criminal justice system, the trend toward meaningful treatment and away from mandatory prison terms for drug offenders (see Greene and Pranis, 2006).

ORGANIZING FRAMEWORK AND RATIONALE

This volume is organized around this question: How can the criminal justice system be reshaped and reconceptualized to address the needs of offenders who are often themselves victims of abuse (early childhood and otherwise)? The focus of this book is on girls and women. In the belief that interventions that benefit women (e.g., parenting training and stress management) can also benefit men, I urge others to pursue the task of adapting the motivational techniques and restorative strategies presented in this book to the often-overlooked needs of boys and men who have gotten into trouble with the law.

An underlying assumption of this book is that the current male-oriented processes and predominant criminal thinking/behavioral therapies are flawed in themselves and not appropriate to the populations on which they are used. A related assumption with which few would disagree is that today's heavy reliance on incarceration takes a toll on the family and community and does little to promote rehabilitation. Relevant to female offenders, an alternative approach is needed, one that corresponds to what we know about female growth and development and about the mental and substance use disorders so prevalent among members of this population.

This book is geared not for professional counselors alone but also for persons who work or plan to work in some capacity—as correctional officers, counselors, lawyers—with female offenders and who desire to learn about evidence-based, gentler approaches for work with girls and women in trouble with the law. Probation officers, who increasingly are expected to engage in case management, should find the treatment guidelines of some use as well. *Working with Female Offenders* thus can serve as a professional handbook, as a textbook, or as supplemental reading in a variety of college courses related to corrections and to women’s issues. Criminal justice students can benefit by learning the hands-on skills—anger management, motivational interviewing, conflict resolution, listening skills, for example—and social work students can benefit from a familiarity with the setting and preparation for work with involuntary clients.

Working with Female Offenders has as its major purpose to offer a gender-based framework that incorporates elements of motivational enhancement from psychology, a strengths perspective from social work, and restorative justice from criminal justice, a framework that can be tailored to the study of women involved at various levels of the criminal justice system. These concepts are rapidly gaining momentum within the criminal justice circles (especially in probation and other community corrections work), but they are not articulated in an integrated fashion for a wider criminal justice audience. This book aims to fill the gap in the literature of both the helping professions and criminal justice. Although counseling and social work provide the direct skills and knowledge, criminal justice provides the field, the milieu, within which these methods are to be applied. To help prepare people for work in the field of corrections, chapters are devoted to the nature of female crime and to the institutional settings in which much

of the female-specific programming is designed to take place.

Despite the fact that most people who seek counseling are female, there are practically no comprehensive guidebooks available to help mental health practitioners understand the unique physical, emotional, and sociocultural issues affecting women. This book joins the very few recent books in existence on counseling techniques designed especially for women, such as Kopala and Keitel's (2003) *Handbook of Counseling Women* and Sanville's (2003) *Therapies with Women in Transition*. If books on gender-specific therapy and treatment are rare, manuals on counseling female offenders are rarer still. *Counseling Women in Prison* by Jocelyn Pollock (1998) and *Assessment and Treatment of Women Offenders* by Kelley Blanchette and Shelley Brown (2003) are notable exceptions and welcome additions to the literature. A major contribution to the literature is the publication offered by the National Institute of Corrections developed by Bloom, Owen, and Covington (2003), which describes the background characteristics of women offenders, presents the rationale for gender-responsive treatment, and offers specific guidelines for using gender-responsive strategies.

According to a recent report from the National Institute of Justice, today's criminal justice workers are expected to do much more than client referral; they are expected to utilize case management techniques to help their clients get integrated into the community (law-abiding community). Criminal justice practitioners and students, therefore, can benefit by gaining familiarity with basic counseling skills, such as anger management, conflict resolution, and listening skills, and practitioners trained in counseling and social work can benefit from gaining familiarity with the setting and preparation for work with involuntary clients.

A second major objective of this book is to critically examine relevant correctional policies and practices, including the treatment of girls in the juvenile justice system and the different treatment modalities that are being used today, the relevance of restorative justice to female crime victims, and the treatment of women in prison in the context of human rights issues.

A CAUTIOUS OPTIMISM

I write this book in a spirit of guarded optimism. My optimism stems largely from the conscious realization of the obvious: The pendulum has swung so far in one direction—to the punitive right—that there is no other way for it to go but downward toward the other side. Alternative interventions such as drug courts for first-time drug offenders are cropping up everywhere, bolstered by federal and state funding. At the same time, there is a new impetus toward treatment, especially for persons placed on probation. For parolees, there is considerable funding for reentry into society. In Iowa, for example, the numbers of persons under correctional supervision have risen far faster than the capacity to contain them. Offender substance abuse treatment is in big demand. Meanwhile, the victims' assistance movement continues to gain strength and momentum across the country, creating more opportunities for practitioners to work with victims and their families. Recent initiatives are taking place to promote healing of victims and their families through victim-offender conferencing.

FEATURES OF THE BOOK

Based on the knowledge provided in this book, readers should acquire an understanding of the dynamics of female gang delinquency and adult violent and nonviolent criminality, a global perspective on crime and punishment and treatment innovations, and an understanding of the pathways to crime across the life course. From a practice standpoint, readers of this volume will become familiar with innovative programs from across the United States, Canada, and Britain, such as those designed for new mothers and their infants in prison and effective gender-based programs for girls in detention.

This book offers these features:

- A detailed rationale for the use of a gender-sensitive framework for counseling female offenders on matters specific to their gender, such as sexual trauma and battering
- Practical guidelines for case management interventions, teaching skills of communication, assertiveness, and anger and stress management for female offender populations
- A focus on the pathway to addiction problems among girls and treatment to help them reduce the harm to themselves and others
- Illustrations from firsthand narratives by women who have been there
- Attention to international human rights issues and inclusion of documentation from international organizations such as Human Rights Watch
- Boxed readings on such topics as mothers who have killed their children, prison homosexuality, drug smuggling, and AIDS in prison

- Up-to-date statistics on criminal activity and imprisonment from such sources as the Bureau of Justice Statistics and Statistics Canada

Unique to this book compared to others in the field is:

- The inclusion of a chapter on the theoretical foundation for a gender-specific approach
- A biopsychosocial approach to female crime and delinquency
- Linking the antifeminist backlash in society to punishment of women in trouble with the law
- Inclusion of the latest scientific information on biological factors (e.g., brain research) in criminal behavior
- A critique of the criminal thinking/behavioral model that is widely used in criminal justice and substance abuse treatment circles in comparison with a gendered, strengths-based approach
- Outlining the techniques of motivational enhancement for female offenders

Because there is much we can learn from other countries, we explore innovative victim/offender programs in Canada, New Zealand, Britain, as well as the United States; become familiar with victim/assistance programs; survey the techniques of the strengths/empowerment approach for work with women clients in many capacities; and study the rudiments of substance abuse counseling for helping female offenders with addictions problems. Statistical documentation is provided whenever possible concerning the nature of female crime and victimization and the effectiveness of programs geared toward offender/victim populations.

ORGANIZATION OF THE BOOK

Working with Female Offenders is divided into four sections of one to four chapters each.

The journey we will be taking in the book follows Carol Gilligan's scheme for personal growth and development; the progression is from pathways to delinquency and crime, to work on issues of relationship and self-concept, to the healing that is integral to restorative justice strategies.

After an overview, Part I focuses on the principles of gender-sensitive counseling. Chapter 1 makes the case for gendered female offender treatment. Informed by the theoretical framework of Gilligan's relational theory, the chapter makes the case for a gender-specific approach for meeting the needs of female offenders. Arguments for a gender-specific approach are based on biological and developmental research that pinpoints male-female differences. The second part of the chapter introduces relevant concepts that will serve to guide the remaining chapters of the book.

Part II has as its major concern pathways to crime for juvenile and adult female offenders. Chapters 2 and 3 are concerned with the nature of girls' offending and women's involvement in crime. The pathways to crime (e.g., via addiction, criminal connections often through their partner) are described, as are gender-sensitive programs for girls, including restorative justice innovations.

Part III takes us into the parameters of the women's prison with attention to challenges of working in a total institutional setting. In order to provide empirical documentation of the unique needs of women inmates, I conducted a mail survey of 82 federal and state prison

facilities in the United States that incarcerate women. The results are presented in Chapter 4. Other topics discussed in this chapter are boundary issues between staff and inmate, mental health care needs, and inmate-to-inmate relationships. Human rights standards are discussed in terms of professional treatment and pitfalls.

The two chapters of Part IV are devoted to specific skills for empowerment and addiction counseling. Chapter 6 develops a five-stage gender-sensitive empowerment model to address the needs of women on probation, parole, and in detention. The focus is on establishing a working relationship with involuntary clients, developing a language of strengths, and enhancing motivation for treatment. Chapter 7 concludes the book with a detailed discussion of feeling work with an emphasis on recovery from past victimization and trauma. That there is no clear dichotomy between victim and offender is a major underlying assumption of this chapter and this book. Over half of the women in prison are victims of early childhood sexual and/or physical abuse. The link to crime might have come via substance abuse or self-destructive relationships with abusive criminal men. Healing is a major theme. Because of the incredibly heavy occurrence of substance abuse in female involvement in crime and victimization, addictions treatment content is integrated throughout the text. Counseling approaches directed toward helping victims reclaim their lives as survivors are provided. My knowledge and special interest in the healing powers of restorative justice strategies inform these two treatment chapters as well as discussions of work with juvenile offenders. *Working with Female Offenders* offers these features:

- Presentation of a strengths/empowerment/restorative framework for counseling women in crisis
- Attention to the impact of the feminist movement and antifeminist backlash with regard to legal issues of

special relevance to women as women

- Delineation of the basic precepts of restorative justice for holding offenders directly accountable to their victims
- The offering of practical guidelines for teaching skills of anger management, communication, and stress management from a gender-specific perspective
- The sharing of narratives from personal interviews with female offenders and correctional counselors
- Documentation of the claim that the war on drugs is a war on women of color
- Special attention to such controversial topics as prison homosexuality, AIDS in prison, girls in the gang, and women on death row
- Up-to-date statistics on crime and punishment from government resources such as the Bureau of Justice Statistics, the Office of Juvenile Justice and Delinquency Prevention, and Statistics Canada
- Infusion of content on strengths-based, motivational enhancement, and attention to evidence-based research on treatment intervention protocols

Central to *Working with Female Offenders* is the argument that on both the policy and practice levels, the time is ripe for change, for a radical restructuring of our court and correctional systems, for a focus more on accountability of the offender to the community and victim, and for a deemphasis on punishment and revenge in favor of helping people turn their lives around. The need for restructuring is evidenced in high recidivism rates within the system that are perhaps related to the denial of the salience of gender roles, power imbalances, and other social constructs that are at the root of many problems affecting women's criminal behavior. Women face unique challenges and have needs that call for counseling strategies tailored to fit gender-specific challenges. With regard to gender-sensitive

treatment, we should never underestimate the power of an approach based on strengths and possibility rather than on the probability of failure. A philosophy based on hope and optimism may not change all or even most people. But, in the final analysis, it is the only thing that will effect change. The belief that people can and do change is a guiding theme of this work. The challenge to embark on such a change effort is a big one.

So let us begin . . .

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ABOUT THE AUTHOR

Katherine Stuart van Wormer is a native of New Orleans. She was active in two civil rights movements: one in Chapel Hill, North Carolina, and the other in Belfast, Northern Ireland. After teaching English for three years in Northern Ireland, van Wormer got a PhD in sociology from the University of Georgia; her dissertation was on the gender role behavior at the women's prison in Alabama. In 1983, van Wormer returned to graduate school to get an MSSW from the University of Tennessee-Nashville. Van Wormer worked as a substance abuse counselor in Washington State and Norway for four years. The author of 14 books, van Wormer most recently has authored or coauthored *Woman and the Criminal Justice System* (Allyn & Bacon); *Death by Domestic Violence: Preventing the Murders and the Murder-Suicides* (Praeger); *Human Behavior and the Social Environment, Micro Level and Macro Level* (two-volume set, Oxford University Press); *Addiction Treatment: A Strengths Perspective* (Cengage); and *Restorative Justice Across the East and the West* (Casa Verde), all published from 2007 to 2009. Katherine van Wormer has taught extensively in academic departments of sociology, criminal justice, and social work. The framework adapted for the current book is at the intersection of these three fields.

Part I

GENDER-SENSITIVE VERSUS GENDER-NEUTRAL

Chapter 1

A GENDERED APPROACH

In emphasizing voice, I have tried to work against the dangers I see in the current tendency to reduce psychology to biology or to culture, to see people as either genetically determined or socially engineered and thus without the capacity for voice or resistance.

—Carol Gilligan (2009, January)

Women comprise a minority of those in the criminal justice system, just 6.9% of the prison population and 12.9% of the jail population (West & Sabol, 2009). Women make up 23% of persons on probation, and 12% of those on parole (Bureau of Justice Statistics, 2009b). Their rate of increase has been about twice that of the increase of males in confinement. Nevertheless, women are still a small minority of the total incarcerated population, and they are receiving treatment in a system run by men and designed for men.

According to government statistics, girls were 15% of juvenile offenders in residential placement (Snyder and Sickmund, 2006). Females in detention make up 14% of those who were charged with delinquent offenses and 40% of those in placement for status offenses (e.g., running away). Probably due to changes in law enforcement patterns

in making arrests for domestic violence situations (as explained in the report), the female arrest rate has increased since 1994 while the male rate has declined.

Although gender-specific programming is coming into its own within juvenile institutions, at the adult level, traditional approaches abound. Within the adult corrections, a focus on equality that is equated with sameness lingers—this misunderstanding of the true spirit of equality often results in identical treatment models for men and women. We might do better to speak of equity or fairness rather than equality in the treatment accorded to diverse populations. An emphasis on equity rather than equality would entail a consideration of differences. From an equity principle, when people are in like circumstances, they should be treated alike, but when their circumstances are different, then equity and fairness may require differential treatment. This is what we learn from Rawls (1971), author of the definitive document on justice.

The reason that a gendered approach is crucial to the treatment of females within the criminal justice system is because girls are different from boys—physiologically, psychologically, and socially, and in more or less the same way, women are different from men.

In her argument for juvenile reform, Francine T. Sherman (2005) summarizes male-female differences:

Adolescent girls who are in the justice system differ from boys developmentally in their focus on relationships; their internalized responses to trauma in the form of depression, self-mutilation, and substance use; and their externalized responses to trauma in the form of aggression. In addition, the pathways girls take into the justice system differ from those of their male counterparts in the prevalence and type of trauma, family loss, and separation they experience....

Girls are more likely than boys to be detained for minor offenses and technical violations and are more likely than boys to be returned to detention for technical violations. Running away and domestic violence, both common in the lives of girls, tend to result in their detention and system involvement. All of these differences demand particular attention in criminal justice reform. (p. 16)

The fact that female offenders are seen as less of a security risk than male offenders opens the door to the possibility of a more flexible approach, one that is even community rather than institutional centered. Consider the next contrasting vignettes from the popular press. The first shows the personal dimension of our one-size-fits-all sentencing structure. The second confirms the value of suiting the punishment to the individual.

CONTRASTING CASE HISTORIES

One of the real-life stories told by organizers at the third annual Mothers in Prison, Children in Crisis rally was that of Sally Smith (Wirpsa, 1998). The rally was part of a national campaign advocating alternative programs for women convicted of drug-related violations. Among the facts presented were these: Women are the fastest-growing population in prisons and jails; the majority had been sentenced for nonviolent crimes; and two-thirds of female inmates are mothers of dependent children. One such woman, caught up in the current draconian anti-drug laws is Sally Smith.

Sally had lived every moment in absolute terror of her husband. Sometimes she was beaten with a baseball bat

and furniture and hospitalized; other times she was locked in a closet until her visible wounds healed. Her abuser was a drug dealer. When caught, he was able to reduce his sentence by implicating his wife as a conspirator. This is how Sally Smith came to be sentenced to life without parole under Michigan's mandatory minimum sentencing laws (Families Against Mandatory Minimums, 1997). This is not an isolated case, as any visit to a women's prison will confirm.

Sherri Lechner's story, highlighted in *Ozarks Magazine* by Ross (2006) is more uplifting, and typical of cases that are referred to a drug court. Drug court is a fairly recent development that provides close supervision and intensive treatment in lieu of imprisonment. A native of the Ozarks, Sherri had the miserable childhood typical of most addicts. Neglected for the most part by her father, Sherri was taken by him to live in Texas because her mother was going to prison there on a drug charge. In the six years she spent in Texas, she was molested multiple times by a relative and a family friend and was introduced to alcohol, cocaine, and methamphetamines at about age 10, also by a family member.

After failing the eighth grade, Sherri returned to Springfield, Missouri, where she lived with her brother, Mike, in a neighborhood known for drug activity, called "the Holler" on the west side of town. Her mother came and went, often "on the run."

Within a year, at age 15, Sherri became pregnant. She did not use during her pregnancy. After the birth of her daughter, her drug use escalated from smoking meth crystals to daily intravenous use. She sent her child to live with a friend because, she said, her drug life and relationship with a man were more important.

In trouble for drug possession and related crimes, Sherri prayed to become pregnant again so she could get off drugs. Her prayers were answered. Then to avoid going to prison, she agreed to go through Judge Calvin Holden's drug court. It took two and a half years, but she finally graduated from the rigorous program in 2002. Sherri occasionally tells her story at graduation for the drug court class. She now works as a substance abuse technician at the same treatment center where she had once been a patient. She is working toward her GED. She married her boyfriend after he was released from prison, where he earned his GED and read the Bible. He works as a truck mechanic and began classes at Ozark Technical Community College last fall, working toward a degree in social work.

In the stories of these two women, one can find the interconnection between social policy and women's victimization, in the first instance, and between social policy and women's salvation, in the second. These examples, moreover, provide a stark contrast between progressive and standard sentencing practices, a contrast that relates to differing correctional philosophies. Sherri was given her life back including career planning and she did not lose custody of her children; Sally, however, became one of the many hidden victims of the nation's crackdown on drug use. Nor was she helped by falling in the clutches of the gender-neutral laws that prescribe equality of punishment for women linked with male criminals, the circumstances notwithstanding.

Another theme that transcends these vignettes is the fact that when mothers are sent away to prison, the stage is set for a pattern of shame and victimization that often passes through the generations. But if preventive measures are taken, as happened in Sherri's case, this pattern can be arrested. A second theme that emerges here is the role of a

drug-using boyfriend in a woman's life, setting in motion a downward spiral into lawbreaking and punishment.

In this book, we examine such programs with a focus on their implications for female victims of crime and the offenders. The task of this chapter is to make a convincing case for specialized programming for girls and women who are in the correctional system. The subject of this chapter is therefore gender, with a focus on the female. Our starting point is an overview of research on the biology of gender and gender differences relevant to female offending. A consideration of right-brain/left-brain differences that relate to gender also is provided. We also explore how these differences are played out in behavior, both in the classroom and in pathways to crime.

We examine also the basic principles on which the programming is based, principles that go under the rubric of restorative justice. This chapter discusses the concepts that underlie this form of justice and build on them to formulate a paradigm that links progressive thinking in social work, the strengths approach, to its counterpart in criminal justice, the restorative justice model.

BIOLOGICAL FACTORS

A biological approach accepts that there are fundamental differences between male and female and that these differences interact with cultural norms to influence differences in male/female criminality. Traditional and liberal (as opposed to radical) feminists who stress gender equality tend to disparage biological research, as Pollock (1999) suggests, because the theories hark back to the days when women were told they must fill their natural role as "mother of the species" and work in the home. The focus on sex