Women Offenders: Developing an Agency-wide Approach

Curriculum

Instructor's Guide

National Institute of Corrections

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Introduction

Women Offenders: Developing an Agency-wide Approach, is a four and a half day, 36 hour educational training that focuses on policy, operations, and management issues associated with working with women offenders.

The Instructor's Guide contains useful information for trainers of this curriculum. A "Training Agenda" is listed in the introduction with the time for each topic and a listing of breaks.

Next is the "Teaching Tips" section which offers suggestions for the instructor including getting to know your audience, how to use the curriculum, teaching as a team, instruction tips, handling difficult people, answering questions, and working with guest presenters. It also includes a checklist of things to remember when setting up the training room. The rest of the curriculum includes the "Lesson Plans" for each of the 20 modules and includes speaking notes.

It is NIC's intent that the trainers of these materials be experienced in the field and knowledgeable about content in order to maintain the integrity of the curriculum. If you need information on "training the trainers" sessions or available speakers, please contact the National Institute of Corrections.

The **goal** of the *Women Offenders: Developing an Agency-wide Approach* curriculum is: To prepare participants to develop an agency-wide approach to working with women offenders in their jurisdiction.

The overall **learning objectives** for the curriculum are to:

1. **Give information.** Help participants build capacity (increase their knowledge and ability) regarding managing and responding to issues of women offenders at the policy, operational and programmatic levels. Participant teams will be provided with useful tools, resources and information on how to access available research and practice on key components of an agency-wide response.

2. **Describe how to use the information.** Help participant teams develop an approach that improves agency-wide responses to women offenders.
    a. Provide participant teams with tools to assess organizational readiness, stakeholder involvement, develop a vision of a desired future for their agency regarding women offenders and analyze the gaps between the current environment and the desired future.
    b. Identify for participants the aspects of agency policy and practice that should be reviewed and included in a comprehensive gender-responsive agency-wide plan including:

- Classification
- Supervision and operational practice
- Program services and interventions
- Training
- Litigation and sexual misconduct
- Lessons learned from other approached to planning for women offenders

3. **Teach how to influence the agency or organization with the information.** Provide participant teams with information to influence their agencies regarding gender-responsive policies and practices.

   a. Ensure that participants can understand and articulate the rationale for addressing women offenders in policy and practice.
   b. Provide participants with strategies on how to be effective advocates for change for a non-dominant group and/or on a non-dominant issue, including marketing and addressing political realities.

The objectives for each individual module are listed at the beginning of that module.

Agenda for NIC Agency-wide Approach Training

Time	Topic
8:00 – 9:15	**Introduction** (1 hr 15 min) Welcome (by facilitator) Faculty Introductions Participant Introductions Welcome (by NIC) Training Goals Review Agenda Training Logistics
9:15 – 9:25	Break
9:25 – 10:10	**Module 1: Why focus on Women Offenders?** (45 min) Definitions Benefits
10:10 – 10:55	**Module 2: Critical Issues for Women Offenders** (45 min) 5 Critical Issues: 1. History of trauma and abuse 2. Substance abuse 3. Race and culture 4. Economic marginalization and poverty 5. Incarcerated mothers and their children Video: *We Are Not Who You Think We Are* Gender Responsive Principles- Handout and discussion
10:55 – 11:05	Break
11:05 – 12:00	**Module 3: Personal Beliefs** (1 hr 25 min) How personal beliefs affect our thinking Activity
12:00 – 1:00	Lunch
1:00 – 1:30	Personal beliefs - continued
1:30 – 2:15	**Module 4: Organizational Values** (2 hr) How values affect our thinking as an organization Activity
2:15 – 2:25	Break
2:25 – 3:40	How values affect our thinking as an organization - continued
3:40– 3:50	Break
3:50– 4:15	Journal, evaluation and debrief
4:15 – 4:30	Walk to reception
4:30 – 5:30	Reception
DAY 2	
8:00 – 8:15	Recap and questions from Day 1
8:15 – 9:15	**Module 5: Gender Differences and Relational Theory**

	(1 hr)
9:15 - 9:25	Break
9:25 – 9:55	**Module 6: History of Women Offenders** (30 min)
9:55– 10:40	**Module 7: Who are the Women Offenders and What are their Pathways to Crime?** (1 hr 25 min)
10:40 – 10:50	Break
10:50 – 11:30	Who are the women/pathways - continued
11:30 – 12:00	**Module 8: Women's Prison Culture** (30 min)
12:00 – 1:00	Lunch
1:00 – 1:45	**Module 9: Agency-wide Approach Model** (45 min)
1:45 – 2:15	**Module 10: Organizational Change Readiness** (1 hr 30 min) Activity: Administer tool
2:15 – 2:25	Break
2:25 – 3:25	Scoring tool and discussion
3:25 – 3:35	Break
3:35 – 4:45	**Module 11: Stakeholder Mapping** (1 hr 10 min)
4:45 – 5:00	Journal, evaluation and debrief
DAY 3	
8:00 – 8:15	Recap and questions from Day 2
8:15 – 9:15	**Module 12: Mission and Vision** (2 hrs 30 min) Activity: Developing a mission
9:15 – 9:25	Break
9:25 – 10:25	Activity: Developing a vision
10:25 – 10:55	Activity: Gallery Tour
10:55 – 11:05	Break
11:05 – 12:00	**Module 13: Data Gathering** (55 min)
12:00 – 1:00	Lunch
1:00 – 2:00	**Module 14: Assessment and Classification** (2 hrs)
2:00 – 2:10	Break
2:10 – 3:10	Assessment and classification - continued
3:10 – 3:20	Break
3:20 – 4:45	**Module 15: Supervision, Operational Practices and Training** (1 hr 25 min) Institutional Issues Community Issues Training
4:45 – 5:00	Journal, evaluation and debrief
DAY 4	
8:00 – 8:15	Recap and questions from Day 3
8:15 – 8:45	**Module 16: Program Approaches** (30 min) Interventions Initiatives

	Activity: Examining your own programs
8:45 – 9:45	**Module 17: Legal Issues** (2 hours) General/litigation
9:45 – 9:55	Break
9:55 – 10:55	Staff sexual misconduct
10:55 – 11:05	Break
11:05 – 12:00	**Module 18: Gap Analysis** (1 hour 30 min) Activity #1 – Identify what must change
12:00 – 1:00	Lunch
1:00 – 1:35	Activity #2 – Identify three goals
1:35 – 2:20	**Module 19: Political Realities and "Marketing"** (1 hr 15 min**)** Political realities
2:20 – 2:30	Break
2:30 – 3:00	Marketing
3:00 – 5:00	**Module 20: Action Plan** (4 hrs 35 min) Action Planning by teams and journaling
6:00 – 8:00	Banquet
DAY 5	
8:00 – 8:15	Recap and questions from Day 4 Address unanswered parking lot issues
8:15 – 9:15	Action plan team report out (15 minutes per team)
9:15 – 9:25	Break
9:25 – 10:45	Action plan team report out
10:45 – 11:00	Wrap up, evaluations, certificates

PowerPoint® ("PP") Master List

DAY 1

Introduction
PP – Training Goals and Objectives
PP – Common Ground/Definitions

Module 1: Why Focus on Women Offenders?
PP – Why Focus on Women Offenders?

Module 2: Critical Issues for Women Offenders

Module 3: Personal Beliefs

Module 4: Organizational Values

DAY 2

Module 5: Gender Differences and Relational Theory
PP – Gender Differences

Module 6: History of Women Offenders
PP – History of Women Offenders

Module 7: Who are the Women Offenders and What are their Pathways to Crime?
PP - Who are the Women Offenders and What are their Pathways to Crime?

Module 8: Women's Prison Culture
PP - Women's Prison Culture

Module 9: Agency-wide Approach Model
PP - Agency-wide Approach Model

Module 10: Organizational Change Readiness
PP - Organizational Change Readiness

Module 11: Stakeholder Mapping
PP - Stakeholder Mapping

DAY 3

Module 12: Mission and Vision

PP - Mission and Vision

Module 13: Data Gathering
PP – A Few Thoughts about Data

Module 14: Assessment and Classification
PP - Assessment and Classification

Module 15: Supervision, Operational Practices and Training
PP – Supervision Strategies for Women in Institutional Settings
PP – Supervision Strategies for Women in the Community
PP - Training

DAY 4

Module 16: Program Approaches
PP – Program Approaches

Module 17: Legal Issues
PP – Legal: Sexual Misconduct

Module 18: Gap Analysis
PP – Gap Analysis

Module 19: Political Realities and Marketing
PP – Marketing

DAY 4 & 5

Module 20: Action Plan
PP – Action Plan Guide

Teaching Tips

Selecting Trainers

- When selecting speakers for the training, consider the following criteria to ensure a consistently representative faculty:
    1. Content Expertise
    2. Effectiveness as a speaker
    3. Diversity (race, gender, age, ideas)
    4. Functional area (jails, prisons, community corrections, courts)
    5. Credibility
    6. Availability
    7. Reliability
    8. Technologically competent with PowerPoint®
    9. New (inviting people beyond the regular trainers)
    10. Someone from the local site in addition to national presenters
    11. Commitment to and interest in the topic of women offenders

- Have speakers provide current "bios" for their introductions and for inclusion in the participant notebook. As new speakers come in to the training midweek, do not forget to introduce them.

Prior to the Training

- Request that teams do preparation prior to the training. Here is a sample letter to send to participants:

> *As helpful preparation prior to attending "Women Offenders: Developing an Agency-wide Approach", we recommend that at least one member of your team meet with your agency's top administrator/CEO to ensure support for the core purpose of this training program, to understand what product is expected as a result of this experience, and to gain your CEO's input on questions 1 and 2 listed below.*
>
> *We also require your team to meet together prior to the training program to answer the following questions:*
>
> 1. *What are your organizations values regarding women offenders? How are these values expressed? Are the informal expressions of organizational values different from the written values (i.e., mission and goal statements) and if so, why?*
> 2. *What motivated you to apply for this training program?*

3. *Describe the current planning process in your agency.*
4. *What experience have you had as an agency in developing system-wide approaches?*
5. *What information do you currently have about women offenders in your jurisdiction? How are women classified in your agency? What assessment tools are used?*

Please prepare a written summary of the team's meeting and the comments from your CEO, and come to the training program prepared to share your responses with the other participants. To get the most out of this training program, it is suggested that you bring with you:

1. *A copy of your pre-training meeting minutes*
2. *A copy of your agency's mission statement*
3. *Any classification or assessment forms you currently utilize with women offenders*
4. *Brochures or information for a resource table (25-45 copies)*

- Encourage participants to bring materials and program information for the training resource table.

- Be sure all equipment and audiovisual materials (i.e., video) have been ordered in advance.

- Check to be sure the "logistics" are arranged (i.e., food for lunches and breaks, special needs, parking, printing of materials, nametags, contracts).

Setting Up the Training Room

- The suggested audience size for the training is between 25-45 people. The audience is made up of jurisdictional teams of three people including a policy person to allocate resources and two high level implementers.

- The training room should accommodate team tables and chairs with six to eight participants per table (e.g., oblong, round, Chevron layout). The tables should be big enough so someone does not have to have their back to the instructor. The arrangement should promote the highest level of interaction.

- Room size is important. The room should be large enough to accommodate the group comfortably where participants have easy access to get in and out of their chairs without disturbing others, and not be too cramped. Rooms too large can make the setting cold and impersonal.

- Be sure there is a table set up to be a “resource table” for participants to share information on their programs.

- Be sure all audio-visual materials (slides, overheads) and equipment (projector, easel pad, paper, pens) are in the room and working. The resources needed for each module are listed at the beginning of that module.

- Each participant should have an unobstructed view of the front of the room, be able to see the speaker, easel and pad, audio-visual screen, and other training aids.

- Good ventilation and room temperature is important for an effective and comfortable training environment. The room should have windows and/or natural light.

- Make sure restrooms are located nearby and easily accessible.

- The lighting in the room should be able to dim or turn off for showing PowerPoint® slides and/or overheads.

- Be sure arrangements have been made for refreshments (e.g., water, coffee, tea, soda, non-caffeine alternatives, juice) for the morning and afternoon each day.

- Good acoustics are also important to facilitate good communication. If the room is too large or not sound proof to outside noises, it may not be an effective training location. A lapel microphone may be an option for some speakers so they can be heard while still being able to move around the room.

- Be sure the training room meets the Americans with Disabilities Act (ADA) standards and accommodates any special needs of participants and speakers.

Knowing your Audience

- The target audience for this training is people interested in women offender issues. This could include policymakers, administrators, researchers, planners, superintendents and anyone who works with or influences policies affecting women offenders.

- Know your audience in your training. Find out who they are, what they want to know and learn, their level of experience, and any politics or particular group

dynamics among the players. Some trainers may wish to develop pre-training questionnaires to help gather this information. Understand and learn as much as you can ahead of time about their issues, concerns and demographic profile of the women offenders they serve. Time is also set-aside at the training itself to discuss this information with participants.

- Encourage all trainers to look at the "Parking Lot issues" before they speak and try to address issues relevant to their topic area.

Using the Curriculum

- The five lesson plan modules may be arranged in a variety of ways although the suggested format for the training is teaching the modules in the numeric sequence spread over five days (8:00 am to 5:00 pm the first four days, 8:00 am – 11:00 am the last day) plus a one-hour lunch period each day. There are two 15-minute breaks scheduled, one in the morning and one in the afternoon. You may find, however, that more breaks are needed. One suggestion is to take a five to 10 minute break approximately every hour. Some trainers may choose to keep the whole group together for all modules while others may wish to keep the group together for the main presentations and then break into smaller groups for specialized topics. Talking to the training sites ahead of time and getting background information will help determine which approach is right for that particular site.

- The lesson plans are laid out in a two-column table. The left column, "Topic and Time", lists the main topic or activity for that section and the amount of time it takes, on average, to cover that topic. The right column, "Talking Points", gives the content and speaking notes for that topic. Many instructors find after presenting the materials several times, they simply use the left hand column and glance at the talking points as needed.

- Notes to the instructor are in *red italics.*

- Each module includes: (1) general information as to what sites need to be doing as they address their women offender issues and (2) the collective wisdom of the trainers who have worked with women offenders – what worked, what did not work, and, most importantly, how to encourage a systemic approach to working effectively with women offenders. You may want to enhance the sections with experiences in your own jurisdiction. However, do not make the training just about your experience in your city or county. Use personal examples but balance with information from other locations as well.

- Throughout the curriculum, there are lists of "examples." These are examples of typical responses from participants in past trainings so the instructor has a sense of what to expect from the exercise or questions he/she is posing. Additionally,

the examples can be useful prompts for the instructor to stimulate further discussion among the participants.

- All individual or small group activities have the word "Activity" written in **bold** in the lesson plans. General discussion questions to the full group are not listed as an "activity."

- Adult learning models suggest that for maximum attention and retention, "non-lecture" activities be interjected approximately every ten minutes. Therefore, the curriculum is designed to be interactive, with instructor-generated questions for participants, some small group discussion, etc.

- Keep in mind that people learn in different ways. According to Harvard educator Howard Gardner in "Frames of Mind: The Theory of Multiple Intelligences", people fall into one or more of the following learning types:
  1. *Linguistic learner* (values books, likes to talk about things he/she has read, good memory, enjoys interactive activities, highly verbal);
  2. *Logical-mathematical learner* (curious about how things work, mentally computes measurements and formulas, enjoys challenging brain teasers and strategies, needs rational explanations and logic);
  3. *Spatial learner* (reads tables, diagrams more easily than text, enjoys artistic pursuits, sees clear visual images, prefers illustrated reading material
  4. *Bodily-kinesthetic* (physically active, finds it difficult to sit for long periods, likes working with hands, needs to practice skills rather than reading or hearing about them);
  5. *Musical learner* (sometimes hums, sings, or taps sounds while concentrating, too quiet is annoying, enjoys listening to music while doing things, has a rhythmic way of speaking or moving);
  6. *Interpersonal learner* (enjoys socializing with others, is sought out by others for advice and counsel, enjoys group activities, prefers to talk over problems with another person rather than solving them by him/herself, shows leadership in groups).

- It is suggested that instructors allow six to eight hours for reading and comprehending the materials prior to the training. This is crucial in order for the instructor to feel comfortable with and absorb the information. Instructors should be able to present the materials with the PowerPoint® slides serving as a guide and not have to read their notes.

- The instructor is encouraged to enhance the learning experience by tailoring information and data to the conditions of the specific jurisdictions of the participants. Additionally, giving real examples from your own experience, emphasizing interactive training methods that encourage participants to share their experiences and remain actively engaged, can make the training meaningful for everyone.

PowerPoint® Program and Handouts

- The method of presentation for the training includes lecture with visual aids (PowerPoint® and/or overhead transparencies), and group interactions with the instructor involving mutual inquiry, shared experiences and personal observations.

- If you choose not to use this format, the PowerPoint® slides can be copied onto transparencies for use with an overhead projector. It is always a good idea to make transparencies as a back up in case the PowerPoint® equipment does not work. The PowerPoint® slides are to enhance and clarify your presentation, not vice versa. Do not read or talk "to" the slides. Use a remote to forward the slides so you are not limited to remain at the equipment the whole time you are teaching. Practice using the equipment before the training. You may want to have a team member forward the slides while you talk so that you do not have to worry about talking and working the equipment.

- Whenever there is a handout, an icon of a hand along with the handout number will appear in your "Instructor's Guide."

Teaching as a Team

- Since you will be training in teams, spend some time in advance talking (i.e., conference calls, meeting) to the other team members regarding how to divide up the sections, teaching methods and styles of delivery, as well as "sharing the stage."
    1. Do all the team members feel comfortable if another team member interjects examples or ideas into another team member's section?
    2. How will all the team members get the same background information on participants, key issues, etc.?
    3. Determine goals and procedures for breakout sessions.
    4. Determine who leads discussions.
    5. Have a back-up plan in case a team member is unable to do the training at the last minute.
    6. Some teams may find it is useful to select a "team leader" who is the main person who introduces the next speaker, providing a common thread throughout the training.

- Schedule a pre-training meeting or conference call with all team members a few weeks prior to the training to agree on how the training will be conducted.

- Have a team meeting the day before the training at the site location to finalize the training details and logistics.

- If you are using PowerPoint® for your presentation, you may want to have one of the team members operate the projector for you as you speak.

- At the end of each training day, meet together as a team, debrief the training and review daily evaluations and suggestions:

    1. Discuss if the level of information and delivery style is appropriate;
    2. Discuss overall strengths and weaknesses;
    3. Review and discuss participant daily evaluations;
    4. At the end of the entire training, provide each team member with a copy of the participants' written evaluations.

Teaching to Maximize Effectiveness

- Arrive at the training room at least 45 minutes before the session begins. This allows time for instructors to be sure that all the PowerPoint® equipment is there and functioning and that the appropriate room arrangements have been made.

- Tape on the wall two or three large blank pages from the easel pad for "Parking Lot" issues and questions.

- Make a sign or ask participants to turn off the ringers on their pagers and cellular phones (use less disruptive notification systems such as vibration or digital display).

- Review your own commitment and passion for the topic. Move around the room as you talk. Convey your energy about the work to your audience. Do you believe what you are saying?

- Be supportive, non-judgmental, and give compliments to participants: "That's a good question. I am glad you raised that…"

- Keep language simple, clear and avoid jargon. If acronyms or abbreviations are used, explain what they mean (BJA, NIC, etc.).

- Encourage participants to share their own experiences while at the same time, keep the pace moving along.

- Help participants who have difficulty presenting information by asking, "Is this an accurate summary of what you are saying…?"

- After you answer a question from a participant, ask them, "Does that answer your question?", "Do you agree?", or "Has that been your experience as well?"

- Avoid passivity by participants. Always try to get clear answers from them and make sure that you fully understand the comments made. Ask for clarification if necessary. Encourage participants to be succinct in voicing their comments and concerns.

- Continually remind participants that the information presented during this training is a combination of specific strategies and concrete examples as well as a philosophical change in the "way of doing business." The programs are not "cookie-cutter" that can be transferred exactly from one prison, jail, or program to another. Each jurisdiction is unique, with particular issues, demographics, crime characteristics, personalities, and existing structures. Many of the Critical Issue concepts, however, such as using data and research on gender to guide policy and actions, are transferable. Encourage participants to ask questions. Pose scenarios for the jurisdictions or for the different functional areas.

- Do not take things personally or become defensive. Encourage participants to think critically and to challenge how policy affects programs, and why women offender programs do what they do. Participants may challenge and ask questions about your policies, programs and experiences as well.

- During the first break, seek honest feedback from a trusted audience member. Ask for their perception of the training, from room temperature, pace, appropriateness of information, presentation style, to level of participant's interest and engagement. Make adjustments as needed.

- Allow adequate time for moving into small group exercises and make certain there is adequate space for the small groups.

- Many activities involve writing ideas on an easel pad. Be sure you can do this easily and still facilitate/instruct. Also, write large and legibly. If this is difficult, ask someone else on the faculty to write on the easel pad as you talk.

- Be flexible… issues arise, coffee is late, pagers go off, audio-visual equipment stops working, people cough, egos emerge, guest speakers get stuck in traffic, someone forgets the nametags and participants have their own agendas. When you anticipate these things before they occur, some can be avoided, but some simply cannot. Just keep going, recognizing that the best-laid plans sometimes have to be adjusted. Always have a back-up plan. A prepared trainer can go with the flow and still successfully present the materials.

Handling Difficult People

- Be sure your values and emotions are in check prior to teaching. The audience is a microcosm of the community. Anticipate challenging questions such as, "what

about men?", "this is too feminist", "this is special treatment for women", and develop a response that is compelling. Communicate your responses so that they are heard and understood by a variety of people from a variety of backgrounds.

- Encourage participants to "think outside the box" and create an atmosphere of learning, and to consider new ways to approach things to bring about better results. Help participants to use training as an opportunity to reflect on desired outcomes and how best to reach them.

- During the training, manage the discussion and do not let one or two people dominate. Start a session by saying: "I would like to start this discussion by inviting people who have not spoken to give us their thoughts." It is important that different viewpoints get expressed. Possible responses to difficult, controlling or domineering people include:

    1. Politely interrupting them with a statement such as, "Can we put that on the back burner for the moment and return to it later?" or "If it is all right, I would like to ask if we can discuss that on the break. There's another important point we still need to discuss and we are running a little short of time."

    2. You can also jump in at a pause with "That's a good point, let's hear from some of the others" or redirect the conversation. "We have had several comments in support of this idea, are there different viewpoints in the room?" This gives the control of the training back to the instructor.

- A good instructor allows everyone a chance to speak and facilitates opportunities for less vocal people in all parts of the room to be heard. If people do not participate in discussions or appear to have their minds elsewhere, call on them by name to give an answer, opinion, or recount an experience. However, do it in a way that does not put the person on the spot. Then praise the person for responding.

- If a participant is belligerent or rude, walk closer to the person, even standing next to them.

- If a discussion escalates and becomes highly emotional, divert the conversation away from the people participating before it gets out of hand. "I think we all know how John and Bob feel about this. Now, does anyone else have a comment?" or validate their feelings or emotional reactions by saying something such as, "clearly this is a very emotional and difficult issue with differing viewpoints." Intense emotions can also be a good indicator of major issues in the system (which is made up of people and values). You may want to give extra time for discussion to see if some clarity or understanding can come out of it.

- As you go along, register steps of agreement and disagreement with participants. “Am I correct in assuming we all agree (or disagree) on this point?” or “you may simply agree to disagree on certain issues since each jurisdiction is unique.”

- If you need to control the person who “knows it all”, acknowledge the person’s contribution and then ask others in the group for their opinion of the person’s statement.

- If you have a person who “knows their job and doesn’t want to be told how to do it”, explain that he or she is just the individual you are looking for, that the training is to exchange ideas and points of view that will benefit everyone, and that their experience will be valuable to all. Make this person a resource and give them “responsibility” for others’ learning while keeping it under control and accurate.

- When a discussion gets off track, say: “Your point is an interesting one, but it is a little different from the main issues here, perhaps we can address your issues during the break or after the session”, or, “We will be talking about that later in Module X. Your points are very interesting, could you hold those thoughts until we get to that module?”

- If a person speaks in broad generalizations ask, “Can you give us a specific example on that point?”, or, “ Your general idea is a good one, but I wonder if we can make it even more concrete. Does anyone know of a case where… ?”

- If a person in the group states something that is incorrect (yet no one addresses the misinformation due to the person’s status), avoid direct or public criticism. You can graciously correct the information or use indirect methods to set the record straight such as analyzing a similar case or situation in another jurisdiction where the correct information is given. You may also want to talk to the person at the break and share the correct information.

- Generally, try not to interrupt participants. Be respectful and listen. Be open yet firm and manage the discussion keeping in mind what is best for the whole group.

Answering Questions

- Anticipate the types of questions participants might ask and plan how to handle them. Before you talk, prepare a list of questions you are most likely to get and prepare your answers. You can also use these questions to stimulate group discussions throughout your presentation. Make sure your questions are designed to get thoughtful reactions to specific points. Do not ask questions that can be answered by a “yes” or “no” response. Open-ended questions generate better audience participation.

- Questions from participants are a good indication of the level of their awareness, attention and interest in your subject. Questions have value in helping you to clarify, modify or fortify points or to test an idea for its potential. Remember that answering a question is impromptu. Pause if you need to, relax, maintain your poise, keep your answers short and to the point, and give the short answer first (e.g., yes/no) then explain why.

- Some correctional issues or questions involving women offenders may border on giving legal advice. Be clear about when it is appropriate to refer a question to a lawyer in the group, research it later and get back with the answer, or simply say it is a legal matter that they will need to check with counsel in their own state.

- If you do not know the answer to a question, acknowledge that fact, offer to find the information or check with the audience to see if anyone knows the answer. Not all questions have to be answered. Sometimes the most effective response is one that allows the audience to keep thinking about the issue or concern. Some instructors keep a running list of questions or issues on a displayed easel pad ("Parking Lot" issues) and come back to the questions throughout the training.

- When a person asks a question, restate the question for the entire group and direct your answer to the audience, not the individual questioner. Make sure everyone has heard the question.

- Rephrase questions that are unclear or rambling.

- Diffuse emotional questions by politely asking for clarification.

- Avoid a one-to-one conversation/argument with a participant.

- The curriculum includes data and numbers that were current at the time of this printing. You are encouraged to update the statistics before a presentation.

Inviting Guest Presenters

- You may find that you want to include guest speakers for some of the modules. Have personal contact ahead of time with the speakers to articulate your expectations and to describe the audience so that their information is targeted appropriately. For example, if women offenders are going to participate in a panel discussion, give them written guidelines with key talking points or topics.

- Talk to guest speakers ahead of time about how they would like to be introduced. If a guest speaker has handouts, make arrangements for printing and distribution.

- Have water available for speakers and microphones, if needed.

Lesson Plan: Introduction and Module 1

Introduction and Module 1

Time: 1 hour 15 minutes (Introduction)
45 minutes (Module 1)

Learning Objectives:

Participants will:

1. Get an overview of the training agenda, goals, objectives and expectations for the week.
2. Understand why it is important to focus on women offenders

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Topic & Time	Talking Points
Introduction Welcome participants Time: 5 minutes	**Welcome** *Welcome everyone to the National Institute of Corrections "Women Offenders: Developing an Agency-wide Approach" training.*
Have faculty and participants introduce themselves Time: 30 minutes	**Introduction of Faculty** *Introduce yourself and other training faculty.* **Participant Introductions** Let's go around the room and do self-introductions. In addition to the usual name, title and professional affiliation, I would like you to share in one minute or less, why you are here, and one thing about yourself that is interesting and that is not visible by looking at you. In a prior training, one person said he trained tigers for a zoo several years ago, another person collected old quilts, another was a skydiver, and another person lived in a jungle in the Peace Corps. This is a good way for you

	to learn something new about your co-workers. *You may want to start this activity by sharing something about yourself to model the type of response you want. Start with the faculty sharing and then participants. Over the next five days, incorporate some ideas gleaned from their introductions such as a spirit to try new things, desire to help people, etc. into the lessons.* *Some examples from past trainings of why people come to the training include:* • *We want to examine our policies* • *We are looking for the best programs that we can implement* • *We want to improve service delivery and reduce recidivism* • *We want to understand the problems and issues better so we can get a better handle on everything* • *I was mandated to come to this, no choice* • *Our state is just now looking at omen offender issues* • *I keep hearing that women are hard to work with and I want to know why* • *We just opened a new women's facility* • *I want to network with others in the field* • *We want to learn how to have programs in and out of prison for women*
NIC representative gives welcome and describes available resources Time: 25 minutes	The National Institute of Corrections (NIC) welcomes you to the "Women Offenders: Developing an Agency-wide Approach" training. We know you will have a terrific week and we look forward to a productive time together. NIC is committed to effectively addressing women offenders' issues and supporting those who work with women offenders. This training is a testament to that commitment. In 1989, NIC held a "Special Topic Training" on the issues of women offenders inviting practitioners from all over the country to share their concerns. Although there was much anecdotal information about women offenders, few jurisdictions had made an effort to find out: • Who the woman offender really is • How she is being sanctioned • What community resources are available to meet her needs In NIC's view, judges should not be faced with only two options for women: sending a woman to prison or releasing her without supervision. George Keiser, Chief of the Community Corrections Division, stated that, "there must be a better, more effective solution with a range of options to match the range of risk for women."

	As a result of that training and the concern of NIC policymakers that women offender issues had been too long ignored, NIC initiated a major project entitled "Intermediate Sanctions for Women Offenders." This project was designed to find effective solutions that enhanced the success of women offenders under community supervision. The project was modeled after the larger Intermediate Sanctions Project (all offenders) begun a few years earlier and was based on a policy development process. The policy development process reflected NIC's belief that a broad-based, policy-driven, data-informed decision-making process was most effective in developing intermediate sanctions for all offenders. Many jurisdictions began to contact NIC for assistance in implementing gender-responsive programming that would enhance the success of women offenders in jail and in the community. The policy development process will be explained in more detail during this training week. Since the early 1990's, NIC has worked with three states and 12 local jurisdictions whose specific goals and outcomes were different but who were engaged in the same policy process. Two of the most important lessons learned were: 1. There is a significant difference in the psycho-social development and life experiences of men and women offenders 2. Gender-responsive interventions are critical in working effectively with women offenders Why should NIC focus on women offenders? Aren't there more male offenders and aren't they more "dangerous" to society? In this training we will explore what it means to work with a non-dominant population and why, when you do understand the gender-based needs, programs are more successful. There are a number of reasons why paying attention to women offenders is important and is an area where corrections can actually make a difference. <u>1. Lack of past response and the cycle of crime.</u> Unfortunately, we have not responded well as a system in the past to women offenders' issues even though we sometimes think we have (and there is always room for improvement). We have applied male models to women's programs and policies. If a woman does not recidivate, we may see that as a success but research shows she is very likely to be living in poverty, back to using drugs, living in an unhealthy or abusive environment and raising kids… the next generation we will see through our doors.

	2. Small numbers. Women offenders have traditionally been ignored because they were small in numbers. However, because the number of women offenders is small (compared to men), it is a "manageable population." It is relatively easy to learn about their lives and understand what is going on for them. Consequently, we should be able to understand more easily what the system should do to respond effectively. However, it can't be ignored that proportionately, women are entering the corrections system at a faster rate than men and the time is right for intervention. 3. Similar background issues. Most women offenders have abuse histories or violence in their lives; substance abuse; poverty; racism; and are the caregivers of their children - - the critical issues we will be talking about. Knowing that, it is exciting to think there are treatment strategies that are gender-responsive and effective. We know the critical issues, we know the strategies - - the time is right to make changes and apply them. 4. Timing is right for change. There are several factors that influence why the timing is right to focus on women offenders A. Increased public attention. As women offender issues get more attention, groups such as Human Rights Watch, Amnesty International, the media and the general public will all be watching what is going on. B. Budget funding needs. State budgets are changing. In about a quarter of all the states, more of the state budget went to prisons than to higher education. C. Distinction between "special" and "different" needs. With this attention and competition for monies, it is our responsibility to educate the public, policy makers, and co-workers that we are not talking about *special* needs for women, we are talking about *different* needs. With older male offenders, we have to pay attention to prostate cancer. Doing that is not a special need, it is a different need. Same with older women and menopause. With women offenders, their socialization, experiences and pathways to crime are different - - how they respond in the world is different. In December 1999, 200 people came to the National Symposium on Women Offenders in Washington, DC to identify the issues for women

offenders. NIC wants to institutionalize the success – what works for women.

Available NIC Documents

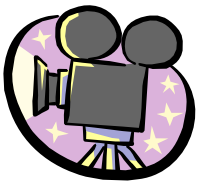
NIC has developed a system-wide approach to the issues of women offenders. The following are some of the initiatives and documents that have sprung up as the result of NIC's initial attention to these issues: *(describe each document)*

- Gender-Responsive Research and Practice: Guiding Principles *Expand on the description of this document since it is core to all the work that is being done. Available on the website.*
- Improving Community Responses to Women Offenders
- Critical Issues in Managing Women Offenders: A Policy Perspective training
- Women Offenders: Developing an Agency-wide Approach training
- Operational Practices for Women Offenders training
- Staff Sexual Misconduct with Inmates training
- Video Conferences on Women Offenders (and available on video tape)
- Descriptive Analysis of Community Corrections Supervision Strategies for Women Offenders
- Mental Health and Women in Prison
- Short-term technical assistance to agencies on women offenders
- Prison Health Care for Women

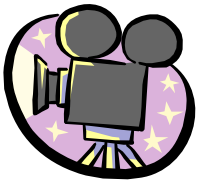
There is also a document in your materials entitled, Technical Assistance, Information and Training for Adult Corrections. This lists all upcoming training and technical assistance opportunities.

Information on these initiatives and documents can be found on the web site: www. NICIC.org (Women offender link: Services, Special Topics, Women Offenders) or by calling 1-800-877-1461. *Write web site and phone number on easel pad.*

Many of you might like to take a tour of the NIC Information Center that is right next to our training room here in Longmont, Colorado. If you would like to take a tour, talk to me at the break *(or pass around a sign-up sheet with times). You may want to have a representative from the Information Center give a brief welcome and orientation to what is available at the Center.*

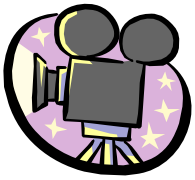
	In summary, we are in a time when so many of our legal theorists and institutions are focused on gender equality – how to define it, how to achieve it. So the question, "Why focus on women offenders?", is a legitimate one for NIC and for local jurisdictions. The timing is ripe for self-evaluation regarding our gender-responsiveness… and then to make positive changes.
Describe training goals Time: 3 minutes  #1 *"Training Goals"*	The **goal** of the "Women Offenders: Developing an Agency-wide Approach" is: to prepare participants to develop an agency-wide or systemic approach to working with women offenders. The three overall learning **objectives** for the curriculum are to: 1. **Give information.** Help participants build capacity (increase their knowledge and ability) regarding managing and responding to issues of women offenders at the policy, operational and programmatic levels. Participant teams will be provided with useful tools, resources and information on how to access available research and practice on key components of an agency-wide response. 2. **Teach how to use the information.** Help participant teams develop an approach that improves agency-wide responses to women offenders. Provide participant teams with tools to assess organizational readiness, stakeholder involvement, develop a vision of a desired future for their agency regarding women offenders and analyze the gaps between the current environment and the desired future. Identify for participants the aspects of agency policy and practice that should be reviewed and included in a comprehensive gender-responsive agency-wide plan including: • Classification • Supervision and operational practice • Program services and interventions • Training • Litigation and sexual misconduct • Lessons learned from other approaches to planning for women offenders 3. **Teach how to influence the agency or organization with the information.** Provide participant teams with information to

	influence their agencies regarding gender-responsive policies and practices. Ensure that participants can understand and articulate the rationale for addressing women offenders in policy and practice. Provide participants with strategies on how to be effective advocates for change for a non-dominant group and/or on a non-dominant issue, including marketing and addressing political realities. The curriculum will help jurisdictions develop effective responses and strategies for women offenders by providing: • Information on the key critical elements of effective policies regarding women offenders; • Information, stories and "lessons learned" from a variety of correctional programs through the country; • Facilitation to participants to help them begin their initial planning for women offenders in their jurisdiction; • A training atmosphere that fosters open exchange and exploration among participants The *product* you will go home with at the end of the week is an *action plan.* Everything you will be doing this week will be a building block or a piece of that plan.
Describe expectation of writing in their daily "learning journals" Time: 1 minute #2 *"Learning Journal"*	One thing that will help you with your Action Plan process is to jot down your ideas every day. One way to do that is to write in your "learning journal." We will try to give the last 15 minutes of each day for you to do that. Blank pages for journaling notes are provided in the participant's notebook in the front. Write your thoughts, feelings, and "brainstorming ideas" on the paper provided in the participant notebook. We will be covering a great deal of information and this will be one good way to keep track of it.
Review agenda and logistics. Time: 5 minutes	*Review training agenda including break and lunch schedule noting that the break times vary slightly each day. Indicate the location of restrooms, telephones and address any special needs. If the training is in Longmont, Colorado, encourage people to drink plenty of water due to the altitude and dryness. Ask participants to turn off the audible ringers on their pagers and cell phones (suggest less disruptive notification systems such as vibration setting).*

 "Agenda"	*Refer participants to the participant notebook for tjhe agenda.* If you need a break earlier than listed in the schedule, please just let us know or just take a break if you need one, stand up and stretch your back, etc.
Discuss courtesies and listening objectives Time: 1 minute  #3 *"Training Session Courtesies"*	There may be varying opinions on issues throughout the day. We ask that you respect and listen to others. Speak to be understood and listen to understand. Use "I" statements and avoid "put-downs" of others. We need to acknowledge that some of us may just need to agree to disagree but we will do it in an atmosphere of caring and courtesy. *You may want to write these and other group norms/courtesies on an easel pad. Ask if the group has any they want to add or use the one PowerPoint® slide with some courtesies listed.*
Describe participant notebook. Time: 2 minutes	*Describe all the sections of the participant notebook and indicate that they will be referred to throughout the week. Suggest participants write their names on their notebooks.* *If there is a resource table, invite participants to add materials from their programs. Ask if anyone brought information for the table and allow them to announce what they brought.* *Mention that there are biographies highlighting the expertise of the faculty in the front of the notebook right after the agenda.*
Describe how "parking lot" issues will be handled. Time: 1 minutes	Throughout the training, blank sheet(s) of easel pad paper will be taped on the wall. This page is referred to as a "parking lot" where issues and questions "park" until they can be addressed. As issues and questions arise that are not appropriate to address at that time or further information needs to be gathered, they will be written on this paper. Over the next few days, we will refer back to the "parking lot" to ensure the issues and questions are being addressed within the appropriate module. *Some examples of parking lot issues might include:* • *Should you have a policy on hugging?* • *How do you talk to staff and offenders about boundary issues?*

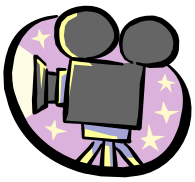
	• *Almost all of our training is regarding security yet 90% of my job is getting along with and managing people.* • *I want to talk about philosophy – what rights/power does the state have over people – punishment/sanctions for wrong/illegal actions, but does the state have the responsibility to treat, re-train, educate?* • *How do we, as a society, set women up to fail? How do we do that in the criminal justice system?*
Encourage audience participation and acknowledge expertise. Time: 1 minute	There is a great deal of expertise in this room and we can all learn from each other's experiences. The training faculty encourages your participation and questions. We are not preaching or teaching – this is a time of information exchange. *You may wish to specify what you and the other instructors prefer (i.e., raise hand, wave name plate, speak out without being called upon). This is left up to the instructor's personal preference.* There will be several activities where we will be asking you to be creative and to brainstorm ideas. There are three ground rules for brainstorming during the training: 1. Every contribution is worthwhile (even weird, way-out, silly or confusing ideas); 2. Suspend judgment (We won't evaluate each other's ideas, we won't censor our own ideas, we will save these ideas for later discussion); 3. We can modify this process before it starts or after it ends, but not while it is underway
Invite participants to sign up if they want to talk about their "promising program approach" on Day 4 Time: 1 minute	On Day 4, we are going to be talking about "promising approaches" around the country. Specifically, what people are doing to create gender-responsive programming for women offenders. If you would like to briefly talk about your program that would be an appropriate time to do that. Please sign up on this sheet so we know who is interested. *Prepare a sign-up sheet ahead of time.*
Break **Time: 10 minutes**	

Module 1: Why Focus on Women Offenders? Discuss "Why should we focus on women offenders?" Time: 10 minutes	Why do you think it is important to focus attention on women offenders? This was briefly covered earlier, so we will only spend 2-3 minutes on this. *Point out common themes that emerge and when these issues are going to be addressed in the training (e.g., "certain community groups will get after us if we don't give women equal time"…. "I am glad you brought that up because we are going to talk about legal issues and policy implications"). Enhance the conversation by identifying other aspects of why it is important to focus on gender-responsive issues in a correctional setting including women who are at home on probation with conditions such as incremental sanctions or day reporting.* *Some examples of participant responses to this activity include:* • *Growing female offender population* • *Women are relational and our programs need to reflect that to be successful* • *Our measurements of success often have not been appropriate for women* • *Females are concerned about equitable pay and opportunity* • *We patronize women* • *If we are gender-responsive, what are the repercussions of doing things differently for males and females?* • *Lawsuits – we need to be proactive, how do we make changes?* • *We need to look at our responses and change* *Get participants to think deeper about some challenging questions and issues. Make this activity lively by walking around the room with a make-believe microphone and posing the following questions as if you were a naïve newspaper or TV reporter.* You are driving to Longmont and stopped along the road by a journalist who asks, "Why are you going to Longmont to focus on women offenders?" Shouldn't we be giving the same resources to men as we give to women? Why should we treat women differently from men? Currently do you have programs that are specifically geared to women offenders?

	What kind of programs are you going to offer to women? Do a lot of your women have substance abuse problems? And the last question, the BIG question, what are the consequences of not being gender-responsive?
Define some of the terms and words that are going to be used this week. Time: 10 minutes  #4 *"Why Focus on Women Offenders?"*	It is important that everyone have a common understanding of the words and terms used when discussing women offenders. The following terms will be used extensively over the next few days: <u>Women offenders</u>: females over the age of 18 who are in jail, prison or on parole/probation. "Female offenders" generally refers to women and girls, both the adult and juvenile population. <u>Sex</u>**:** the biological category of someone being either male or female. It is the differences in body size, muscle development, brain functions, hormones and reproductive organs. <u>Gender</u>*:* in addition to the biological factors, gender includes culturally and socially-ascribed roles and expectations placed on a person because of their sex. Understanding the distinction between sex and gender informs us that many differences between men and women are societally-based (gender) and not biologically determined (sex). <u>Policy</u>***:*** a guiding principle, underlying infrastructure, or a directive for a course of action adopted toward reaching or achieving an objective(s) or goal(s) <u>Pathways:</u> Research suggests that there are patterns, characteristics and risk factors that increase the likelihood that women will go into crime and that these "pathways" differ from men's. For instance, women are at greater risk to have certain experiences due to their sex, such as sexual abuse, rape, and domestic violence (men may have been abused but react to it differently and are more likely to act out, become violent, abusive, etc.); women are more likely to have primary responsibility for the care of their children; more likely to be economically marginalized and live in poverty; and involved in substance abuse. These critical issues for women are the steppingstones along this pathway that often guide them to crime and self-destructive behavior.

	Economically Marginalized: Many women are in or at the edge of poverty. This situation affects their opportunities and creates barriers to getting out of poverty that enhances stress. This is often exacerbated by the fact that women are often the primary caregivers of their children and they make much less on the dollar than their male counterparts in equal jobs. *Briefly define but do not discuss. Salary comparisons, etc. will be talked about later.* The term we will be using in this training is "gender responsive" (rather than gender-specific) since it more accurately reflects an acute, conscious, interactive philosophy in programming. Gender-responsive programs and services can apply to either males or females. However, this training will be focusing on women. Gender-responsive services: those services that are designed to meet the needs of women, that value the female perspective, that celebrate and honor the female experience, that respect and take into account female physical, emotional, cultural, and spiritual factors that empower women to reach their full potential. Gender-responsive services are those that intentionally allow gender to affect and guide services so services match women's needs. The services create a "context" (through program environment and staffing) and provide a "content" (through program materials) that reflect an understanding of women's lives.
Discussion: Ask participants for their reactions to the term: gender-responsive Time: 10 minutes	What underlying values (either good or bad) do you feel or might you expect to be represented by the terms "gender-responsive, "gender-specific", "gender competent" or "gender-appropriate"? The above definition uses the terms "value", "honor", and "celebrate." How does it make you feel when you hear these words either positive or negative? Many people do not have the same reaction so let's talk about that for a bit. Helping these kinds of responses and issues surface helps us in many ways: it challenges our paradigm regarding the kind of staff who work with women offenders in the organization; it also forces us to examine what kind of "climate" we create in our communities, jails, or prisons and how that relates to safety and what motivates women to change. *Facilitate a group discussion regarding these terms. Sometimes there is*

	anger or negative feelings towards these issues and it is important to address them early in the training. *Some examples include:* • *Supportive* • *Safe* • *Suicide prevention practices* • *Different performance/outcome measures* • *Relationship oriented* • *Available* • *Allow expression* • *Female only* • *Non-judgmental empowerment* • *Self-esteem* • *Caring* When you go back and advocate for change for women offenders, you may come up against labels used derogatorily (e.g., "feminist"). See these individuals who use these labels as "unschooled minds" that need educating.
Describe how "equal" does not mean "identical" policies and programming Time: 5 minutes	How can something be "equal" but different? What really constitutes "equal treatment"? Equality, in terms of programming, does not mean the programs have to be "identical", but rather the services and programs *mean the same* to each gender. We need to provide a range of appropriate services for each gender to help them change. It is easier if you do the exact same program. But… if your goal is to have "effective programs", identical programs may not get you to your goal. Some professionals in the field have asked, "Is Equal Treatment Fair Treatment?" Often if something is declared "genderless" or "gender-neutral" it is still "male." It is based on the research (which is predominately male), and although not labeled as such, promotes masculine needs, values, behaviors and view of the world. For instance, the current information on heart disease is now showing that symptoms and dynamics for women are very different than for men yet all the information and programs in the past have used male subjects and gotten male results. The past information was not as effective, relevant or pertinent to women. Man and women are more similar than different. But if we do not attend to those differences, there will be ramifications and the programs will not be as effective as they could be.

Summarize the issues raised about why focus on women offenders Time: 10 minutes  #5 *"Gender-Specific Programming for Female Offenders: What is it and Why is it Important?"*	*Show PowerPoint® program.* **Slide #1** Why should we focus on women offenders? To be successful. To better reach our goal and the goals of the women to help them lead productive lives on the outside. **Slide #2** 1. Benefits to the women 2. Benefits to society (stops the cycle, most women have children) 3. Benefit to the organization (management, legal) **Slide #3 –Benefits to Women** •More research has emerged about women and what works – there are significant differences from male counterparts •HIV, dual diagnosis, other medical issues on the rise for women •Community interventions are more likely to have a positive result for women **Slide #4 – Benefits to Society** •Potential for breaking the cycle of crime. Women are raising the next generation: What do we want them to look like? •Children of female offenders: significantly poorer, experience major separation •Economic cost to society to house women offenders and address their children's issues **Slide #5 - Benefits to the Organization** •Increased numbers of women in the CJS yet still small enough to be manageable •Traditional measurements for success don't always work for women – need to change •Women affect multiple systems •If we get it "right" with the women, it can benefit male offender population •Reduces litigation **Slide #6 - Timing is Right for Change** If we don't pay attention to women, who will? It's the RIGHT thing to do. **Slide #7 - Question** •If we are primarily concerned about public safety, why pay attention to women at all? They are typically non-violent, property offenders who are not risks to our community.

	Slide #8 – Question •Why build a facility for women when the numbers are so small and it takes resources away from other populations? **Slide #9 – Question** • What's so different about women anyway? **Slide #10 – Question** •Shouldn't we be giving the same resources to men? **Slide #11 – Question** •Why shouldn't women be treated just like the men?

Lesson Plan: Module 2

Module 2
Critical Issues for Women Offenders

Time: 45 minutes

Learning Objectives:

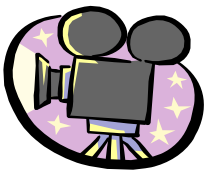
Participants will:

1. Understand the pathways women take to self destructive behavior and criminality
2. Understand the impact of trauma and abuse on women offenders
3. Understand the impact of substance abuse on women offenders
4. Understand the impact of poverty on women offenders
5. Understand the impact of race/culture on women offenders
6. Understand the issues for incarcerated women who have children and the impact on their children

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 2: Critical Issues for Women Offenders Introduce the concept of five critical issues for women offenders Time: 5 minutes #6 *"Five Critical Issues Facing Most Women Offenders"*	For the next 45 minutes, we will discuss the five critical issues facing women offenders. This will just be an overview. However, NIC offers a one-week class on "Critical Issues on Managing Women Offenders." If you are interested in learning about these issues in much more depth, you are encouraged to attend that training. The five critical issues are: 1. History of trauma and abuse 2. Substance Abuse 3. Economic marginalization and poverty 4. Race and culture 5. Incarcerated mothers and their children

Show video, "We are Not Who you Think We Are" Time: 15 minutes 	We are now going to watch a short video made at the Bedford Hills Women's Correctional Facility. It is entitled, "We are Not Who You Think We Are." Think about these five critical issues as you watch the video. Even though most women offenders have often experienced these five critical issues, we still need to hold women accountable for their actions. Having said that, if we ignore these five critical issues in our programming, we will not help these women heal, make life changes and be productive citizens. We will discuss the video when it concludes. *Watch the video and discuss.*
Discuss the critical issues facing women offenders Time: 25 minutes #7 *"BJS – Intimate Partner Violence"*	*Optional: Have an expert panel discuss the five critical issues.* As policy makers, everything that you do, you write, you create, and you model must incorporate an acknowledgement of these five critical issues. If you don't, you are not being gender responsive nor are you developing programs and strategies that are effective. **<u>Critical Issue #1: History of Trauma and Violence</u>** Rather than being faceless offenders, imprisoned women are whole persons, with past histories and choices and past traumas about which they had very little choice. Family and intimate violence is often at the core of their life stories – and may be a key component leading to present circumstances. Experiences of trauma *increase* the likelihood of being involved with the criminal justice system. Knowledge of prior victimization histories among *incarcerated* women is essential: (1) when offering intervention *during* their incarceration, (2) when intervening with their *children and families* (3) when planning for their *release*. In addition, this understanding is critical in designing new criminal justice policies for the future. Recent in-depth studies reveal that the *majority* of incarcerated women have experienced physical and sexual abuse *prior* to becoming incarcerated (Browne, Miller, & Maguin, 1999). This trauma is not limited to personally suffering violence, but includes witnessing violence involving other family members or people close to them in their lives. While both males and females are at risk for violence by intimates in childhood, teenage girls and adult women are at much higher risk for continued violence by intimates than are teenage men

	and boys. A handout you have in your notebook shows prevalence figures from recent studies of a nationally representative sample of women and of a representative sample of women incarcerated in the general population of a large state's maximum-security prison. Women in this study ranged in age from 18 to 59 years, with an average age of 32. About half (49%) were African American, one-quarter (25%) were Hispanic, and 13% were white non-Hispanic. Nearly 80% were mothers. This sample is similar to national data on *all* women in State prisons in average age (31years nationally), percent black (45% nationally), and number who had children (78%). However, the sample has a higher proportion of Hispanics (25% vs. 14%) than the national average In this study, *over two-thirds* (70%) of incarcerated women had experienced *severe physical violence* from at least one caretaker during childhood. *Over half – 59%* **–** had experienced *sexual molestation* as a child, often severe; 41% of the entire sample had experienced some kind of penetration while growing up. Three-quarters (75%) had been severely physically assaulted by an intimate partner. When all forms of violence were combined, only 6% had *not* experienced serious physical or sexual assault. Other studies have similar findings (Owen & Bloom, 1995; Snell, 1994; Sheridan, 1996). Parallels between long-term effects of violence by intimates and predominant reasons for women's incarceration during the 1980s and 1990s make an understanding of imprisoned women's prior trauma histories particularly important. For example, research indicates that female victims of child sexual molestation – or of severe physical child abuse by parental figures – are at significantly higher risk for alcohol and drug abuse as teenagers and adults than women who have not had these experiences. This effect holds even when other high-risk factors, such as the presence of alcoholic parents in the home, are taken into account (Covington & Surrey, 1997; Miller, Downs, & Testa, 1993; Straus & Kantor, 1994; Windle, Windle, Scheidt, & Miller, 1995). Girls from physically or sexually abusive homes also are more at risk of <u>separation</u> from their families due to out-of-home placements or running away, and then become at increased risk of involvement in drug- or prostitution-related activities (Chesney-Lind, 1997).

Another consistently found aftereffect of childhood sexual molestation is a vulnerability in some survivors to re-victimization or involvement with abusive intimates (Browne & Finklehor, 1986; Beitchman et al, 1992). Drug use also increases the likelihood of relationships with intimates who are violent – both toward the women and others – and who are involved in a variety of other criminal activities. Increased exposure to violent intimates increases the risk of defensive or violent acts by women in protection of themselves or a child (Browne, 1987), as well as the likelihood that women will be present or will otherwise have "certain knowledge" when a crime is committed by an intimate and will therefore be charged with and convicted of that crime.

Thus, some of the long-term effects of victimization by family members play important roles in the events for which women are locked up.

Failure to identify a history of physical or sexual trauma can have serious consequences for the appropriateness and effectiveness of intervention and treatment for incarcerated women. Diagnoses may be incomplete and programs may fail for unknown reasons. For example, sometimes women who cut themselves in response to trauma, such as past abuse, may be treated simply as they made a “suicide attempt” rather than getting to the root of the issue.

Some questions to ask women *in the context of other assessments* to screen for past experiences with violence include:

When you think about your growing up years, did any adult in your household or any other adult relative or caretaker ever:

1. kick you or hit you with a fist?
2. hit or try to hit you with an object?
3. beat you up (multiple blows)
4. burn or scald you?
5. choke you?
6. threaten you with a knife or gun?
7. use a knife or gun on you?
8. force you to do sexual things you didn't <u>want</u> to do, or do sexual things to you?

Similar questions can be asked about teenage and adult intimate partners as well.

If you have a client population that is returning home, you may also

	want to ask: • Do you feel apprehensive about returning to your relationship? • Is the apprehension related to a fear of being physically hurt or threatened? • Do you know what a restraining order is, or how to get one? • Do you know of resources to help protect you and your children in the area where you will be living? • Would you like some referrals or other information? There may be community resources that you, as a professional, could partner with to provide assistance to a woman who has a past trauma history or who fears violence from a current or ex- partner. Understanding and then addressing trauma is a vital part of programming in criminal justice settings: 1. *First,* there are many triggers in incarcerated settings that may recall earlier experiences with abusive family members or partners**:** Pat and body cavity searches, the tremendous power difference between incarcerated women and those in charge, control by others over the woman's whereabouts and activities, the necessity of responding immediately and without dispute to orders, lack of personal privacy – that those in power can do sudden searches of a woman's living area as well as her body, stigma, and the isolation of being locked in. 2. *Second,* incarcerated women's behavior is often more understandable if staff have training regarding trauma histories and their outcomes. Post-trauma effects may manifest themselves in depression, fear, anger, self-isolation, sexualizing of relationships, or defensive aggression against others. Post-trauma effects also may affect a woman's ability to screen for and develop healthy, non-abusive relationships. 3. *Third,* findings on long-term effects of sexual molestation or severe physical violence in childhood suggest that prior trauma histories play a critical role in the incidents of suicide attempts and self-harm so often seen among incarcerated women. Attempts to 'medicate' these behaviors away, or to repeatedly treat outcomes after the fact, without attempting to heal underlying trauma usually are chronically unsuccessful. 4. *Fourth,* issues of recidivism come into play here as well**:** If left un-addressed post-trauma effects – often part of the pathway

leading *to* incarceration – would be expected to markedly worsen the prognosis for a successful return to life outside correctional settings upon release.

The Good News is that:

- There are programs already successfully tested with incarcerated women, so patterns to follow in constructing interventions for survivors of family violence, at least within a prison setting, already exist.

- There are empirical studies that demonstrate strong positive effects on recidivism of interventions that deal directly with victimization histories among incarcerated women. Interventions that lower recidivism become cost-effective.

A study conducted by the New York State Department of Corrections found dramatic short-term effects on *recidivism* for incarcerated women who had participated in an in-prison program for survivors of family violence (Canestrini 1994). This program was comprehensive and included educational activities, support groups, and individual counseling. In addition, small groups addressed issues of survivors of child abuse, child sexual molestation, and partner violence, as well as those of women who had killed adult partners and women with child-related crimes. The study followed up 220 consecutive women who had participated in the Program and who were subsequently released into the community.

After 21 months, women with 6-12 months in the Program had less than *half* the recidivism rate (10% vs. 24%) as women released during the same period who did not participate in the program, even when type of crime, second felony offender status, ethnicity, and age at release were taking into account. Women with less than 6 months in the Program had the second highest rate of return (19% vs. 24% for women who did not participate). This study illustrates the potential gain that proactive interventions dealing directly with histories of victimization might provide.

Finally, interventions that are effective in enabling mothers – 78% of incarcerated women – to deal more successfully with their lives, both in their families and in the community, become *preventions* for their children.

Time spent in an incarcerated setting provides an opportunity for direct

	responses to women with trauma histories that could alleviate some of their suffering while imprisoned, and markedly improve their potential for success when they return to the community. If a woman has experienced abuse, it drastically increases the likelihood that she will abuse alcohol and other drugs. In one study of women: • 74% of addicted women report a history of sexual abuse • 52% report a history of physical abuse • 72% report a history of emotional abuse (Covington & Kohen, 1984) Additionally, addicted women were found to have been abused sexually, physically, and emotionally by more perpetrators, more frequently and for longer periods of time, and they experienced more incidents of incest and rape, than non-addicted women. (Covington & Surrey, 1997) Violence, trauma and addiction are correlated in study after study. The issues are complex but patterns of behaviors emerge: • Trauma increases the likelihood of interaction with the criminal justice system (Covington, 1998); • The experience of stigma can be traumatizing; • Childhood and current abuse increases a woman's risk of substance abuse (Miller, 1991); • Trauma is not limited to personally suffering violence but includes witnessing violence involving other family members or people close to them in their lives; • Substance abusing men are often violent towards women and children and substance abusing women are particularly vulnerable targets for violence; • While both male and female children are at risk for abuse, females continue to be at risk for interpersonal violence in their adolescence and adult lives. The risk for males to be abused in teenage and adult relationships is far less than for females. (Covington & Surry, 1997) Many women offenders have experienced domestic violence or witnessed it when they were young. The types of questions to ask women assessment questions for domestic violence: 1. Have you ever been hit or threatened in the last year?

	2. Have your children ever been hit or threatened in the last year? 3. Have you ever been kicked? 4. Have you ever sustained bodily injury – bruises, cuts, broken bones, etc? 5. Do you know what a restraining order is? 6. Do you want more information? Responses that you can give to the women include: • I am afraid for your safety • I am afraid for the safety of your children • It will only get worse • I am here for you when you are ready • You deserve better than this If you have a client population that is returning home, you may want to ask the following questions: 1. Do you feel apprehensive about returning to your relationship? 2. Is the apprehension related to a fear of being physically hurt? Stress that "we" need to develop a safety plan and find some additional resources. There are community resources you may be able to partner with to provide assistance for a women who is fearful of or has experienced domestic violence. As was mentioned before, trauma is a deep-seated issue for many incarcerated women. Some later effects most associated with trauma histories include: depression, anxiety disorders –including panic disorder, substance abuse or dependence, and post-traumatic stress disorder. Experiences with even *one* type of abuse as a child greatly increases the risk that a woman will later develop post-traumatic stress disorder. Women who experience *both* severe violence by childhood caretakers *and* childhood sexual molestation have the highest risk of all. If a woman has post-traumatic stress disorder, she may be experiencing some of the following symptoms during her incarceration**:** • Nightmares and flashbacks • Avoidance of stimuli associated with the event, even if the event was long ago • Estrangement and disconnection • Numbing of general responsiveness, <u>or</u> • Exaggerated responsiveness, such as hyper vigilance and

exaggerated startle responses
- Loss of time awareness, and severe memory gaps or disturbances.

Acute PTSD may last up to 90 days and then often remits. If chronic PTSD develops, it may recur at later points in life and may be reactivated by later events (DSM IV).

Addressing trauma is an important part of a program in criminal justice settings because:

1. Standard procedures such as seclusion, restraints, and searches can be re-traumatizing for women;

2. Women offender's behavior is often understandable if staff have training regarding trauma (depression, anxiety, fear, anger). Some trauma manifests itself in isolation, sexualizing their relationships, etc.;

It impacts her ability to choose and have healthy relationships in and outside of correctional settings.

In Judith Herman's book, *Trauma and Recovery* (1992), she offers a framework that considers trauma a disease of disconnection and presents a three-stage model for trauma recovery: safety; remembrance and mourning; and reconnection. The addiction recovery needs to be maintained throughout the three stages of the trauma treatment. The three stages are:

Stage 1: Safety
Stage one focuses on the present and caring for and protecting oneself. Addicted women who have experienced trauma often feel unsafe in their own body and do not trust other people. Reassuring women offenders that they are now in a safe environment free from physical or sexual harassment can be challenging in a correctional setting. Group treatment settings need to create a therapeutic environment. Counselors can also teach women to feel safe internally by using relaxation techniques (i.e., self-soothing methods) to alleviate anxiety. This is a good alternative to turning to substances or engaging in disruptive behavior in jails or prisons to reduce pain, depression or fear.

Herman indicates that trauma survivors who are working on safety issues need to be in a single sex/homogenous recovery group. Women generally do not want to talk about the physical or sexual abuse in groups that include men. "Twelve-step" programs focus on immediate

#8 *"Creating Gender-Specific Treatment for Substance Abusing Women and Girls"*	self-care in a supportive, structured, safe environment and may be an appropriate format for stage 1 and beginning recovery. **Stage 2: Remembrance and Mourning** Stage two focuses on the trauma that occurred in the past by having women share their stories of trauma and by giving them permission to mourn the loss of innocence, their childhood, a past life, and/or their own self. The risk of relapse during this time is high but can be minimized through discussing and anticipating the feelings, planning coping strategies, and developing self-soothing/relaxation mechanisms. **Stage 3: Reconnection** Stage three focuses on developing hope, a future, and a new self. These groups are more likely to be less structured and heterogeneous with both males and females. For many women, especially those incarcerated, this work can only occur after several years of recovery. **<u>Critical Issue #2: Substance Abuse</u>** Substance abuse is a critical issue for many women offenders. It is encouraging to note that there is a growing body of research on the most effective treatment approaches with addicted women. The research suggests that clinical services for substance abuse that address women's specific issues are more effective for women than are traditional programs that were originally designed for men. What is needed is a fresh, comprehensive, integrated approach based on a theoretical foundation that can be applied to any setting (including corrections) or any format (individual, group, or family therapy). One of the key theoretical components that must be incorporated into effective treatment for women is addressing the many issues surrounding a woman living in a male-based society. Only recently have treatment providers embraced the need for in-depth knowledge about women addicts as a critical part of developing effective programming. How else can treatment be "responsive"? Much of the information presented in this section on substance abuse was developed by Dr. Stephanie Covington who has authored many books and articles on the topic and developed the substance abuse curriculum, *Helping Women Recover* (Covington, 1999) **2. Women and Substance Abuse** • One in three women in a US prison are serving a sentence for a drug conviction (Bureau of Justice Statistics, 2000). In 1979, it

	was one in 10 women.
	
	• Nationwide, the number of women arrested for drug offenses increased by 89% from 1982 to 1991.
	
	• The criminal justice system as a whole has experienced a 300% increase since 1980 in the number of drug-abusing women incarcerated in local, state, and federal facilities.
	
	• Drug violators make up 61% of the women in federal prisons (up from 38% in 1986), 21% of the women in state facilities (up 9%) and 23% of those in local jails (up from 9%).
	
	• Illicit drug use detected by urinalysis among arrested women in 20 cities nationwide was 66% in 1993, in some cities more than 75% tested positive.
	
	• Few women offenders receive treatment for their drug abuse. 71% had never been in treatment and only 4% were in treatment at the time of arrest.
	
	• Drug offenders typically return to criminal patterns of behavior after release unless their drug addiction is addressed while incarcerated or immediately upon release.
	
	• In a study done in the Las Colinas Detention Facility in California, 37% of the women said that alcohol was their drug of choice, 21% said heroin, 24% crystal methamphetamines, and 18% cocaine.
	
	• In California prisons, nearly 80% of women have experiences some form of abuse. 29% report being physically abused as children, and 60% as adults, usually by their partners. 31% experienced sexual abuse as a child and 23% as adults; 40% reported emotional abuse as a child and 48% as an adult.
	
	  • 80% of women in state prisons has sexual abuse history
	
	  • 50% of women were under the influence when they committed their crime
	
	  • Women get addicted to alcohol and drugs much faster and more intensive than men because of their physiology

Characteristics of Drug-Using Arrestee Women in the US

Demographics

African-American	47.7%
Hispanic Surname	21.8%
Euro-American	30.5%

Source of Income

Welfare	29.9%
Prostitution	22.7%
Dealing	3.4%
Other	43.8%
Full-time or part-time work	18.2
Any illegal income	40.6%

Charge

Drug-related	20.5%
Prostitution	29.2%
Violent	12.1%
Non-violent	38.2%

Addiction is rarely a single-dimensional issue for women. It is multi-layered, encompassing her personal history, the impact of institutions in her world (school, church, work, social services, criminal justice), her relationships, economics, social context, and race and cultural factors. If approaches are to be effective, therefore, they too must be multi-dimensional - - taking all these interconnected layers into account. It is a public health issue, a societal issue and a criminal justice issue.

Everyone has a story to tell and a life full of joy, sorrow, adventures, and hardships. Yet one striking pattern emerges with addicted women in corrections.

These women have two common elements in their life histories:

1. Lack of healthy relationships in their lives;

2. Some sort of experience with trauma (e.g., physical and/or sexual abuse, poverty, racism) (Covington, 1999). We will be talking in more detail about trauma a little later in the panel.

These two common elements are complex and become intertwined as coping mechanisms develop and lifetime patterns emerge. The combination of these two elements creates it's own set of issues that

need to be considered when assisting a woman into recovery and back to the community.

Covington has also identified that addiction can be defined as, "a chronic neglect of self in favor of something or someone else." This neglect of self includes patterns of repetition/compulsion that reinforces self-destructive behavior (Covington, 2000).

Addicted men and women often display their sense of self in very different ways. Many who work with addicted men see them as self-focused. A treatment provider's confrontation techniques are often applied to dismantle this false, inflated, grandiose sense of self. Alcoholics Anonymous has described these male behaviors as "inflated self ego" and "grandiosity."

Addicted women, however, generally display low self-esteem and a diminished sense of self. This is in part because they have neglected their true selves in favor of other people and their drug(s) of choice. Because these gender differences are so distinctive, the correctional treatment techniques must reflect those differences.

So, we need to ask some tough questions in order to understand a woman's psychological development and therefore, be gender-responsive:

- How does a woman addict shift from a chronic neglect of self to a healthy care of self?
- How does a woman shift from constriction to expansion and growth?
- How does a woman grow and recover? (Covington, 2000)

Critical Issue #4: Economic Marginalization and Poverty

Since 1980, the number of women entering US prisons has increased by almost 400%, roughly double the increase for males. The adult female jail population has grown seven percent since 1990, compared to a 4.5 percent increase for males. These women are disproportionately women of color and poor.

Poverty is a pathway to crime for women, more so than for men. Even with great progress in the United States, economic opportunities open to women are different than they are for men. Women earn 74% of what men earn for similar jobs. African-American women earn 67% of what men earn for similar jobs (US Census Bureau, 1996).

A woman's economic status affects whether a woman can make bail in

	order to stay out of jail. A survey of female jail inmates in the US found that over 60% of women were unemployed when arrested while less than 1/3 of male inmates were unemployed (Collins & Collins, 1996). In a study of female pre-trial jail detainees, the majority of subjects were non-violent offenders who had been jailed because they could not pay bail for misdemeanors (Teplin, Abram, & McClelland, 1996). A woman's economic status affects whether a woman can make bail in order to stay out of jail. A survey of female jail inmates in the US found that over 60% of women were unemployed when arrested while less than 1/3 of male inmates were unemployed (Collins & Collins, 1996). In a study of female pre-trial jail detainees, the majority of subjects were non-violent offenders who had been jailed because they could not pay bail for misdemeanors (Teplin, Abram, & McClelland, 1996). Typically, women experience less income, power, medical and legal treatment while having more family and household obligations than men (Epstein, 1988) These contextual factors are a reality for women and exemplify a few of the many differences between men and women. Women's lack of access to adequate income coupled with the lack of affordable child care, show how many of these crimes for which women are incarcerated in mass numbers are economically motivated. It is true that these non-violent crimes are often "paper crimes", credit card offenses, etc. In spite of the fact that these crimes are largely economically motivated, it is important not to jump to the conclusion that poverty breeds crimes, but rather to understand that the government criminalized its enemies. Is prison the most humane and economical solutions to the growing number of women in the criminal justice system? Economics and health are linked. Women under criminal justice supervision are often in poor health due to alcohol/drug abuse, have inadequate health care and specific health care needs. Incarcerated women are three times more likely to be HIV-infected than incarcerated men. Women also have high rates of STDs such as syphilis and the Human Papilloma Virus (HPV) and cervical cancer. Poor women have not had good health care nor have they received much information about self-care. • For every $1.00 earned by a man, in an equivalent job a white woman earns $.75, a black woman .$63, and an Hispanic woman earns $.56. These amounts have not changed much over the past few years. • Women (and women offenders) experience less income, power, medical and legal access than men.

- Poverty is a pathway factor for women
- Women's economic status affects whether she can make bail

Critical Issue #4: Race and Culture

Racial disparity is a factor in arrests, pretrial treatment and sentencing of women offenders. Almost two million people are currently locked up in the immense network of US prisons and mails. More than 70% of the people imprisoned in the United States are people of color.

Women of color, especially African-Americans, are disproportionately incarcerated in the United States. Racial issues appear to be a key factor in the population explosion in women's prisons. In 1999, African-American women were nearly eight times more likely to be incarcerated than white women (Bureau of Justice Statistics, 2000).

African-American women have experienced the greatest increase in the percentage of offenders incarcerated for drug offenses. So, the war on drugs has become a war on women of color. According to a project on sentencing conducted by Mauer and Huling, between 1986 and 1991, the number of women in state prisons for drug offenses increased by 828% for African- American women, by 328% for Latinas, and 241% for white women (Mauer and Huling, 1995).

"Triple jeopardy" is the term used for the intersection of race, class and gender (Bloom, 1996). All three may impact the probability as to whether or not a woman ends up being incarcerated and how she is treated in the justice system. Low income, African-American women are the fastest growing population in prisons. Between 1980-1992, there was a 278% increase while the overall inmate population increased 168%.

Historical trauma response is present in many cultures. A Native American woman may feel the separation from her children in prison is like the reservation system or forced boarding schools. We need to know our own values and understand our culture. Policies and practices need to acknowledge and incorporate race and culture in order to be effective.

Because many women of color feel so much distrust, they rarely ask for help. Ignoring racial issues in a correctional setting and being blind to the intersecting issues of race, class and gender will only stifle a program from helping women reach their full potential.

Culturally-responsiveness is critical. How many of you listen to people

#9 *"BJS – Incarcerated Parents and Their Children"* #10 *"Web links-Information on Mother-Child Issues in Corrections"*	with your heart and eyes open regarding race and culture? What are the cultural needs of the women you work with? Identify a woman's race, language, ceremonies, spirituality, family and children (including child-rearing/parenting practices, ("cradle-board teachings" in Indian Country), relationships with elders, extended families). Help validate her race and culture. Help her not feel invisible. • Women of color are disproportionately incarcerated. Racial disparity is a factor in arrests, pretrial treatment and sentencing of women offenders • Race and poverty issues are related **<u>Critical Issue #5: Incarcerated Mothers and their Children</u>** Women offenders are often in a quandary regarding their roles as: woman, prisoner, and mother. Many corrections officials agree that the role of mother is the most deeply felt and causes the most pain, joy and motivation for women. Nearly 80% of women in prison are parents compared to 59.6% of men. A significantly large percentage of mothers (78%) than fathers (50.5%) lived with their children before entering prison. 2/3 of incarcerated women have children under the age of 18 years (Smith, 1991). When fathers are sent to prison, 88.5% of their children remain with their natural mothers. However, only 22.1% of the children of women sent to prison remain with their fathers, grandparents (53.1%), particularly grandmothers, are the most common caregivers for children during a mother's incarceration. A mothers' incarceration affects not only women individually but their families. Furthermore, in order to gain access to education, medical care, and social services, these must be requested by the legal guardians of the child. Thus, for grandparents or other relatives who are caring for the children of incarcerated women it is difficult to meet the demands of obtaining social services and support that are necessary for the well being of children. Additionally, these children bear the burden of separation from their mothers and other siblings as well as having to experience changes is care giving. Many women feel tremendous guilt about being absent from their children's lives and worry about whether they will still have custody when they get out (Bloom & Steinhart, 1993). Since there are not as many women's correctional facilities, many women serve time many miles away from their children.

	The number of children with a mother in prison nearly doubled between 1991 and 1999 in the US (Bureau of Justice Statistic, 2000). Other issues for women offenders with children include: • Family relationships change • Child welfare issues • Separation from and concern about the well-being of one's children is considered to be one of the most damaging aspects of prison for women (Baunach, 1985; Bloom & Steinhart, 1993). • In some cases, the forced separation between the woman and her child results in a permanent termination of the parent-child relationship (Gentry, 1995). • 54% of the children never visit their incarcerated mothers (Bloom & Steinhart, 1993; McGowan & Blumenthal, 1978, Bureau of Justice Statistics, 2000). • Most women in prison and jails are mothers • Most women offenders have primary care for their children • Mother-child separation is one of the most significant issues for women offenders
Break **Time: 10 minutes**	

Lesson Plan: Module 3

Module 3
Personal Beliefs

Time: 1 hour 25 minutes

Learning Objectives:
Participants will:

1. Understand how personal beliefs about women offenders affect attitudes and behaviors in the workplace.

Resources Needed:
Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Topic and Time	Talking Points
Module 3: Personal Beliefs Introduce the module Time: 2 minutes	The purpose of Module 3 is to help participants understand how personal beliefs about women offenders affect attitudes and behaviors in the workplace.
Discuss how beliefs affect our thinking about women offenders Time: 13 minutes	What are your personal beliefs about women offenders that *you* bring to this training and to your work? If your personal beliefs are different from your organizations, then you will not be able to be effective. Do they line up or don't they? If they don't, then what can be done? First, I would like the faculty to talk a moment about their personal beliefs. Then, I invite you to talk about personal values. *Invite participants to share their values. Discuss and write key words representing the beliefs on easel pad.* *Examples of beliefs might include:* *Women offenders are sluts*

	Women offenders are vicious and back-biting *Women offenders value their children over all else* *Women offenders make bad decisions about men in their lives*
Activity: Personal Beliefs Time: 40 minutes #11 *"Activity Questions"*	*I would like you to spend some time thinking about the personal values expressed by other members of your team. Break into your teams, remain here in the room, and take 35 minutes to discuss these three things:* 1. *Your personal values around working with women offenders* 2. *Where these values generally fit into your life* 3. *The major concerns your have about yourself in developing and implementing a plan to manage women offenders* *Identify the challenges that different values bring to an effort. Then talk about the positive results that accrue from having different values represented around the table. After lunch, we will discuss your ideas and some additional questions as we explore our personal beliefs and how it can impact our work.*
Lunch **Time: 1 hour**	
Continue discussing personal beliefs in the large group Time: 30 minutes	*After lunch, reconvene participants to the large group. Have groups report-out. Then continue the discussion with the following questions.* 1. What do people in your organization say about women offenders? 2. What if the values of your team are contrary to the values of your organization? 3. Where do organizational values come from? (From the top down) 4. How do you know what your organizational values are? Where we put the resources tell us something.

	5. *Why is it important to know what your organization's values are as you move through this week?* This piece becomes critically important as we move through the week, particularly into the piece of work known as political realities Now, we will do an activity where participants will go to breakout rooms to consider their organization's values.

Lesson Plan: Module 4

Module 4
Organizational Values

Time: 2 hours

Learning Objectives:
Participants will:

1. Understand how organizational values about women offenders affect attitudes and behaviors in the workplace.

Resources Needed:
Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Topic and Time	Talking Points
Module 4: Organizational Values Define values Time: 10 minutes	We are now shifting from "personal beliefs" to "organizational values." What we say and feel should not be different from what we do. If your personal beliefs are different from your organizations, then you will not be able to be effective. Do they line up or don't they. If they don't, then what can be done? What is a "value?" A value is defined as "the ideas, customs, and beliefs of a group toward which people have an affective regard; values may be positive or negative. Values are: • Intangible • Have power to affirm, motivate, unite • Ideals • Crucial for leaders • Other things? *Write ideas on easel pad* Values, and hence the culture, in a correctional setting is central to the direction of the organization and the effectiveness of any program. *Give some real life examples of values within organizations (e.g., police and firefighters on September 11th, some corporate executives).*

Activity: Organizational Values Time: 35 minutes #12 *"Organizational Values Discussion Questions"*	We want you to be open and feel safe this week to express yourself, try out new ideas, and stretch your thinking. We are not keeping a record of this. If you need to think and talk critically about your organization, that is fine. We want you to come up with solutions. Even within your team, we want you to feel trust and comfort talking with your colleagues. As you remember, you were asked to do some specific tasks before coming to this training. For this activity, we need you to get out your notes from your conversation with your CEO and look at the answers to the questions you asked. *Have participants break into their teams but stay in the room. They will have 35 minutes to talk about these questions before reconvening back to the large group. Have each team select a recorder and reporter. They will be reporting out after lunch.* • How are your organization's beliefs about women offenders articulated? • How are those values demonstrated by behavior? • How are women offenders spoken about in meetings (e.g., words of ownership, "my girls", "my women")? What kind of language is allowed in your organization when people talk about women offenders? • What are the subtle and not so subtle messages that we give about women offenders? How does your agency relate to the community? Not just looking at the problem areas but the strengths as well. • How is all of that reflected in your organization's behaviors? How does your agency view the differences between men and women? • What are my organization's central values and beliefs about women offenders? People in my agency would have this to say about women offenders … • Does your agency have a policy about women offenders? • What if your personal beliefs conflict with organizational values?
Break **Time: 10 minutes**	

Continue discussing organizational values Time: 1 hour 15 minutes	*Read aloud one question at a time and have small groups respond and discuss*. *Examples from past participants include:* • *The core values in the organization are often based on the beliefs of a few in power positions* • *There are unstated values that may be in conflict with the official/written organization's values* What value exists in corrections but is never written down? "You don't snitch on your fellow co-workers." Does anyone ever state that? No. Is it powerful? Yes. What are the core values that you identified in your small groups? *Have each small group report out on the core values (what they discussed and what they learned from the pre-training CEO interview).* *Examples of core values include:* • *Focus on families* • *Don Andrew's data told us to focus on high risk offenders and case-bank low risk offenders but this does a disservice to many women offenders* • *Agency offers gender-responsive training* • *Obvious gender responsive services are missing* • *More women now in upper, policy, DOC positions* • *Strong work ethic –so women do same work, same opportunities* • *Value and assumption that women will respond similarly to the same opportunities as men* • *There is "lip service" to women's programs –most money goes to men's facilities* • *Strategic plan that addresses male and female offenders – some issues and the same, and some are separated out* Currently, most women's institutions get pressure constantly to run and function like a men's institution – thus valuing the male perspective more than the female. What if our correctional system was based on women's values (their issues and perspectives) as the norm rather then men's? How would men's institutions be different?

	Solicit ideas from participants. Bring out some examples to show how absurd this would be – and how non-gender responsive we are when we base correctional policy and decisions (which are based on values) on the opposite gender and their needs. Examples include: • Men need more time for relationship building and sharing feelings • Ceremonies/rituals/ceremonies will be held regarding life milestones • Men will learn cosmetology • Men need time to talk more and express themselves • Men need more time with their children • *Men don't need weight lifting equipment* • *We need to give men twice as much toilet paper* • *Men will be issued one size bra and underpants* • *Men's meal serving sizes will be reduced and have fewer calories* • *Men will have classes on how to juggle parenting, kids and holding a job* • *In men's treatment groups on relationships, they will focus on not needing a woman in their lives to be successful on the outside* • *Men will be required to take health care classes which will cover eating disorders, reproductive health* • *Men will be offered classes on empowerment and speaking up for themselves and their needs* What if your personal values conflict with organizational values? *Examples include:* • *Focus on what you can change* • *Find others who feel similarly and develop a strategy to make change (e.g., establish a committee, change legislation, work your way up into a power position where you can make change)* Values and leadership are tightly intertwined. I suggest you look at <u>On Leadership</u> a book by John Gardner. He focuses on values and says that leaders need to do these things regarding values: 1. Renew 2. Reinterpret 3. Revitalize 4. Celebrate 5. Make explicit

Debrief the day and encourage participants to complete evaluation. Allow time to write in journal. Time: 25 minutes	*Have them take some time to write in their Learning Journal. Capture some of your own observations about what you learned today.* *Give each participant or table 3 x 5 index cards. Have participants write what worked from the day or what could use some improvement including "creature comforts." Turn them in at the front when they leave. A comprehensive evaluation of the training is in their notebooks and will be turned in on the last day.*
End of training for Day 1	
Reception **Time: 1 hour**	

Lesson Plan: Module 5

Module 5
Gender Differences and Relational Theory

Time: 1 hour (plus 15 minute morning welcome)

Learning Objectives:

Participants will:

1. Recognize the differences in societal roles and expectations due to gender
2. Understand the importance of relationships in women's lives

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Recap and answer questions from Day 1 Time: 15 minutes	*Recap Day 1.* *Discuss feedback and comments from the daily evaluation.* *Have people number off by 1-2-3.* Look around the room and see who has the same number as you. Between now and the Thursday night banquet, I want you to get together with this new group and plan a talent/entertainment (e.g., music, skit, use your natural talents).

Module 5: Gender Differences and Relational Theory **Activity:** Describe the differences between males and females in correctional settings	The research literature and data collected through national focus groups have identified six gender-distinct differences that affect correctional goals. Men and women offenders differ in these ways: 1. Pathways to offending and community reintegration 2. Offense patterning, specifically in terms of violence and substance abuse behaviors 3. Behavior and needs while confined to prison and jails and while on community supervision 4. Impact of and response to treatment, programs and services 5. Background histories of trauma for girls and women 6. Connections to children and family

Time: 20 minutes	Men and women are more similar than they are different. But if we do not attend to the differences in our planning, policy and programs, we will be less effective. What are some differences between men and women that you have seen in your work in corrections? We don't want to stereotype because not all women are alike, just as not all men are alike. Yet, there may be some common themes. *Draw a vertical line down the middle of the easel chart creating two columns. Write "men" at the top of one column, and "women" at the top of the other column. Write the following characteristics down in the appropriate column as you discuss them.* *The following are typical responses from past trainings:* ***1. Structure*** *For males:* • *Most males work better in a "hierarchical" structure (linear, military genesis/corrections; males form their identity primarily in relation to the greater world, the rules of that world, their place in the structure, and ways to advance or gain power within that structure).* *For females:* • *Most females work best in a structure that allows for human relations to develop, in other words, she likes "relational" structures (need connections; on probation she may re-offend due to the isolation – she chooses to offend so she can keep a connection to the probation officer, other women in her treatment program, etc.;* • *Many females do care about gaining power but they do it through relationships since they form their identity in relation to and with other people; often create a "family" in the institution, judge their world and environment by how well they get along with others, etc.).* • *They may challenge rules because they have to understand the "value" of it - - the "why" or "who" made the rule. This has programming and policy implications. A woman who is in treatment programs in the institution, for instance, is not allowed to talk to anyone once she is out of the program. She may set herself up to fail because she is leaving relationships that are significant to her.*

2. Problem-solving

For males:

- *Solve it and the male will feel better*

For females:

- *Talk about it and process it, and the female will feel better. Personalizing tasks/treatment and other activities may be a more effective approach for women.*

3. Power

For males:

- *Competitive; aggressive; power over someone else. This starts very young. For instance, three young boys at a ball field may say,"I can hit a ball to that tree", another boy says "I can hit it to the sky" and the third boy says, "I can hit the ball to God".*

For females:

- *More collaborative with a network of connections. Generally females are not socialized to be competitive (although they may be competitive with other females for male attention). Two young girls may say, "My mommy wears contact lenses like your mommy does" looking for connection not "better than" or "power over" the other person.*

4. Relation to Others

For males:

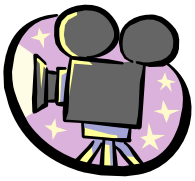
- *Team/group activities/gangs*

For females:

- *Need relationships; may do things in groups but also need one-on-one time to talk, or do activities*

By focusing on the differences between women and men, we need to be careful that we do not develop responses that reinforce gender stereotypes (e.g., women are characterized as powerless victims and men are characterized as violent victimizers). In order to plan for gender-responsive policy and practice, differences in the behavior of women and men while under supervision and how they respond to programs and treatment needs to be understood. Neither behavior is right or wrong, better or worse… there are simply differences.

There are many good books available on male and female communication and learning differences. Two books by Deborah Tannen, You Just Don't Understand, and 9 to 5, are excellent regarding male and female communication. A book by Michael Gurien entitled,

	Boys and Girls Learn Differently, is an excellent resource in helping to identify some of the learning differences and commonalities.
Discuss key issues from "Gender Differences and Relational Theory" PowerPoint® show Time: 40 minutes 	Just as your organization has personal beliefs and attitudes regarding women offenders, here are some things on gender research that set the stage for some organizational and personal attitudes: **Slide #1:** Gender research in the last quarter century: • Jean Baker Miller, 1976 ~ Primary motivation for females is not autonomy, but a sense of connection and interdependence. • Carol Gilligan, 1982 ~ Identity in relation to others versus identity in relation to the world (In Another Voice) • Deborah Tannen, 1990 ~ On gender communication styles, connection and common ground versus problem solving and status. If this interests you, I highly recommend reading two books she wrote: 9 to 5, and You Just Don't Understand. **Slide #2:** **Kohlberg's Stages of Moral Development** • Stage 1 ~ avoid punishment • Stage 3 ~ pleasing and helping others. Good intentions • Stage 4 ~ obligation to rules • Stage 6 ~ follow rules and moral choice or feel guilty **Slide #3:** **Motivation** • Ethics of Justice (a male doesn't visit his parole officer, knows it is wrong, and takes the consequences) • Ethics of Caring (a female chooses a relationship over the rule and argues why it was justified) **Slide #4:** Differences between males and females (average) Females… • focus is on connectedness and interdependence • relationships are central • work to avoid isolation Males… • focus is on independence and autonomy • rules and status are central

- often uncomfortable with intimacy

Slide #5:

Social Context

If we don't examine women offenders' reality in the context of women in general, and particularly marginalized women, we will never really be gender responsive.

Slide #6:
In women's' lives, attachment, interdependence and connectedness to relationship are critical issues which form the foundation of female identity (Carol Gilligan)

Slide #7:
•Patriarchal Culture
•We live in a society that puts a higher value on being male than female
Women are taught to find someone
Men are taught to be someone

Slide #8:
Here is a Calvin Klein ad that was pulled due to public pressure and bad press

Slide #9:
Here is an ad for Diesel… and the relevance here is what?

Slide #10:
Here is an ad for make-up … she looks abused.

Slide #11:
Here is a fashion spread for Details. It was in a men's magazine.

Slide #12:
Here is an ad that was actually rejected, showing men.

Slide #13:
This one is pretty self explanatory – for pool products.

Slide #14:
A nude woman advertising a Palm Pilot

Slide #15:
Here is an ad for insulating products – it uses a "father/daughter" sexual

angle.

Slide #16:
Versace used a model without clothes… to sell clothes.
Slide #17:
Fetish, the name of a cologne, has an interesting shape of its bottle. Additionally, the location of the product between her breasts was not done by accident.

Slide # 18
Stephanie Covington's perspective on "Relational Theory"
Relationships important to "sense of self"
•Psychological development
connecting (female) vs. separation (male)
•True connections are:
mutual & empathetic
creative & energy-releasing
empowering

Slide #19:
Dysfunctional Relationships.

- Develop as a result of histories of physical, sexual and emotional abuse
- Substance abuse
- Multiple marginalization
- Results in disconnections
- Still, for women ANY relationship is more important than NO relationship

Slide #20:

Women's Problems Tied to Disconnection

- From families
- From intimate relations
- **From society at large**

Slide #21 and #22:

How are Disconnections Experienced?

- In their pathways to imprisonment:

	Abuse as girls & women Relations with own children Isolation of drug use • While in prison: Separated from defining relationships Shame over leaving children Violating traditional gender expectations Slide #23: **Solutions** • Teach women they can still be personally and professionally successful and still maintain relationships. (Joan Belknap) • Choose between a relationship and a relationship, not between a rule and a relationship • Teach women to assess 'useful' relationships
Break **Time: 10 minutes**	

Lesson Plan: Module 6

Module 6
History of Women Offenders

Time: 30 minutes

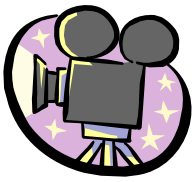
Learning Objectives:

Participants will:

1. Gain knowledge about the history of how society treated women offenders and how that relates to today

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 6: History of Women Offenders Time: 25 minutes 	*Start PowerPoint® program.* **Slide #1:** How far have women offender issues come over the years? How has the system changed in responding to women's critical issues? Are there common patterns and themes through the years? Who was the first female offender? Eve, of course! The PowerPoint program, "How Far Have We Come? Appreciating the History: Major Events for Women and Corrections", was developed by Elaine DeCostanzo with the ground work by Mara Dodge, University of Illinois and Kay Harris, Temple University. The quotes in yellow are taken from actual documents and reports. It is not made up - - it is a real part of our history. I would like you to listen critically as we walk through this history and ask ourselves, "how far have we come"? Much of this history is from the book, Partial Justice, by Hahn-Rafter.

	We include history in this curriculum, not to make you all historians, but to see how our attitudes, policies, and behaviors are intergenerational. Here is the history of corrections' response to women offenders. **Slide #2** "Fear not! I do not exact vengeance for evil, but compel you to be good. My hand is stern, but my heart is kind." Sign over the door of the first prison for women: Spinhuis prison, 1645 in Amsterdam, Holland **Slide #3:** The target population of the early prisons for women were poor, "disrespectful" women and girls but soon held women who "could not be kept to their duties by parents or husbands." They had separate dormitories for prisoners, drunks, prostitutes and "those whipped in public." **Slide #4:** (1776) The London Bridewell gaol, for example, was run as a highly profitable brothel. By the 19th century, most women who committed petty offenses were sentenced to local institutions. "Access is by a trap-door from the pavement. You go down ten steps to vaulted dungeons for the criminals, both eight feet high. One, 'the Pit', measured fourteen feet by twenty-one, with one window measuring two inches by fourteen. This held up to nineteen prisoners. **Slide #5:** Women offenders were treated differently according to their crimes. • Petty offenders were held in local jails, prisons and workhouses • More serious offenders suffered physical punishment or death • Many women were transported to the colonies **Slide #6:** Early 19th Century – Prisons for Women Established • Women were reportedly easier to manage when removed to a

	distance from men. • "The spirit of reckless stubbornness and bravado dies within them when they know that they are out of sight, hearing and notice of their fellows of the other sex." **Slide #7:** Said the directors of one London prison: "The gentler sex, as a whole are superior in virtue to the sterner sex; but when woman falls, she seems to possess a capacity almost beyond man, for running into all that is evil." **Slide #8:** The Role of Middle Class Women Prison Reformers - • Women were thought more likely to develop an abiding trust in their benefactors and… • Give enduring loyalty to the higher ideal of femininity exemplified by the Lady Visitor • High moral standards, modesty, passivity, & altruism **Slide #9:** Segregation of the Sexes Largely due to Campaigning by Middle-Class Women • Elizabeth Fry, like other Quaker women, was shocked by the "blaspheming, fighting, dram- drinking, half-naked women" and the conditions of "riot, licentiousness, & filth" in which they were held in London's Newgate jail. • She led a group of like-minded women intent on reform of the conditions and the women themselves **Slide #10:** Convict Prisons Established • Most states established central prisons for felons soon after joining the Union • After 1820 states built penitentiaries with massive walls and wings of individual cells **Slide #11:** Joliet Women's Prison: 1896-1933 **Slide #12:** Welcome to Joliet. **Slide #13:** Domestic Science Classroom

	State Industrial Farm, Muncie, PA, 1920 **Slide #14:** Auburn State Prison **Slide #15:** First Separate Prison for Women in US • 1835 – Mt. Pleasant Female Prison, NY • The only prison for 'women only' in this country until 1870's • Labored under monotonous regimen of sewing, button-making and hat-trimming **Slide #16:** Young Women Sewing State Industrial Farm, Muncie, PA, 1920 **Slide #17:** Two Philosophies of Corrections – The Silent System The Separate System **Slide #18:** Auburn System – Silent • Special problem for women because • "Women are naturally more sociable and more excitable than men, so silence might be more damaging to their nervous system." • "Women lack self control, so enforcing silence will require even more supervision." **Slide #19:** Pennsylvania System – Separate • Prisoners held in separate cells where they worked, ate and slept alone • Separation particularly suitable for women: • "Women are passive, more resigned, even naturally sedentary, so staying in their cells all day is not a hardship" • Women experienced beating and sexual assault by male officials **Slide #20:** People of Color before Civil War • Black women extremely over represented in the Northeast & Midwest prisons • In the South, few Blacks of either sex held in prison: Slaves

	were disciplined by their owners and only free Blacks were "eligible" for public punishment **Slide #21:** People of color after the Civil War • Proportions of Blacks, including Black women, continuously grew in the prisons of the Northeast and Midwest. • Previously white prisons of the South became overcrowded with newly freed Blacks **Slide #22:** Here is a picture of a segregated cottage. **Slide #23:** Separation of Female Prisoners from Male Prisoners • When women formed part of the general prison population: confined in large rooms or individual cells, but not further isolated • Sometimes separate quarters of men's prisons, such as attics, or an upper floor **Slide #24:** Reformatory Movement • Founded by middle and upper-middle class women, to rescue unfortunate or 'fallen women' • Set 'wayward women' on the path to middle class ideals of propriety • Extended government control to those women guilty of 'moral offenses' for which men were not confined **Slide #25:** Influence of Women's Prison Reform Movement Move to country because rural life is a moral life **Slide #26:** Who were the Women in Reformatories? • Working class; parents typically blue collar • Young (15-21) and single (70%) • White (95%) • Misdemeanant offenses: 80% for public order (intoxication, waywardness) • Often 'rebels'

	Slide #27: Rebels… • Against double standard of sexual morality • Against their families and husbands • Against public standards of conduct: • Smoking • Frequenting saloons • Dating sailors **Slide #28:** Typical Offenses of Women in Reformatories • Lewd and lascivious carriage • Stubbornness • Idle and disorderly conduct • Drunkenness • Vagrancy • Fornication • Serial premarital pregnancies • Keeping bad company • Adultery • Venereal disease • Relative disapproves of her behavior and reports her **Slide #29:** Women's Lounge, Municipal House of Detention, Philadelphia, 1920 **Slide #30:** 1920 – Shakopee Reformatory for Women in Minnesota • Largest percentage were there for crimes against chastity; adultery, bigamy and procuring females to enter a house of ill repute • Rules included: sleeves could not be rolled up stockings could not be rolled down one letter home per week neat everything on your plate silence except at meals **Slide #31:** Women's Prison System since 1935 • 1930-1959 two or three new prisons per decade • 1960's ~ seven more opened • 1970's ~ seventeen opened

	• 1980's ~ 34 opened; populations increased and crowding worsened. • 1990-1995 ~ 35 women only and seven for men and women co-located **Slide #32:** Those Who Ignore History… • Class, race, sexual orientation, sexual behavior all influence how women are viewed and treated. • In general, women in the system are still disproportionately: Black, poor, perceived as non-heterosexual or heterosexually unappealing, unfeminine. **Slide #33:** And so we come full circle ... back to the question where we began ... How Far Have We Come? *End PowerPoint® Program*
Discuss themes and patterns about women offenders that were present historically as well as today Time: 5 minutes	What are some of the themes you observed that have occurred over the past 200 years yet are still present today? Why is this important for us to know? *Write ideas on easel pad.* *Examples from past trainings include:* • *History shows us the tendency to widen the net. That is, bring more women into the criminal justice system for lesser crimes.* • *History raises questions for us such as did any of those models (e.g., reformatories) work? Define "work", "success."* • *Prisons have historically been trying to improve women as domestic folks.* • *Prisons have also tried to make women offenders into "proper women."* • *There is redemption through training for women.* • *History has attempted to control women's sexual activity and use them as a cheap source of labor.* • *Females in corrections are an "afterthought" to men's issues.* • *The call for correctional leadership for incarcerated women's issues has been similar through the years.* • *Historically, corrections programs worked with incarcerated women to get them ready for the outside world, now many women grow old in prison.* • *Sexual exploitation has been more exposed in recent years.*

Lesson Plan: Module 7

Module 7
Who are the Women Offenders and What are their Pathways to Crime?

Time: 1 hour 25 minutes

Learning Objectives:

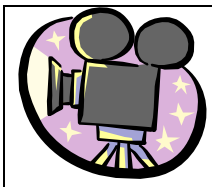
Participants will:

1. Understand the profile of women offenders
2. Understand women's pathways to crime
3. Understand the connection between population growth of women offenders and drug offenses
4. Understand the connections between abuse, drugs and crime for women
5. Understand the implications for systems planning

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 7: Who are the Women Offenders and What are their Pathways to Crime? Time: 45 min	*Start PowerPoint® program.* **Slide #1** <u>Why profile women prisoners?</u> Two big stories: Growth & Drug Offenses Characteristics of women prisoners Pathways to Imprisonment The connection: abuse--drugs--crime Implications for Agency Planning **Slide #2** <u>What kind of information do we have about our population?</u> • What kind of programs do we have that address these issues? • For prisoners? • For staff?

	• What are we missing? • What do we need to know to initiate data-based planning? • How are we going to find out?
#13 *"BJS – Women Offenders"*	**Slide #3** <u>Why profile women prisoners?</u> • Women's pathways to prison & needs are different • Women offenders represent different challenges to supervision than do men • Good planning acknowledges that difference
#14 *"BJS – Profile of Jail Inmates"*	**Slide #4** <u>Where were women offenders serving time in 1998.</u> • Almost 64,000 women were in local jails • 721,000 women were on local probation • just over 9,000 women were in federal custody • 75,000+ women were in State prisons • 82,000 women were on parole
	Slide #5 • By December 1999: 90,668 women were serving time in State or Federal prisons (an increase of about 6,000 since 1998 & up from about 12,000 in 1980)
	Slide #6 • The female prisoner population has more than doubled since 1990
	Slide #7 • During 1999, the number of women in State & Federal prisons increased 4.4%, outpacing the 3.3% for men for the 4th year in a row...
	Slide #8 Here is a graph that visually shows the numbers
	Slide #9 Who has the most women locked up? *(have participants guess)*

	Slide #10 • Texas @ 12,502 • California @ 11,368 • BOP @ 9,913 • (other states with high rates include Oklahoma & Louisiana) **Slide #11** <u>The impact of growth on your system</u> • The consequence of not planning • What happens in the next 3, 5 or 10 years? **Slide # 12** <u>Who are the women in prison?</u> • 48% African-American (13% of the general population in 2000 census) • Mostly young • 39% HS graduates • Almost half never married **Slide #13** <u>Race and Ethnicity make a difference…</u> • Female incarceration rates reveal racial & ethnic disparities: • Black, non-Latina women are twice as likely as Latina women and nearly 8 times more likely than white women to be in prison in 1999. **Slide #14** <u>What else do we know?</u> • 60% unemployed at time of arrest • More than 1/3 had incomes of less than $600 per month • Most had children **Slide #15** <u>Women offenders and their children</u> • 70% of women have at least one child under 18 • 233,600 children have an incarcerated mother • For the children of federal prisoners, if dad is locked up , 92% of the children continue in their mother's care - - if it is the mom, only 26% stay in the father's care (74% in mother's care) **Slide #16**

	Who is taking care of these kids? • More than half of the women report that their minor children are living with grandparents • About 25% of the minor children live with the child's father • Almost 10% live in foster or group homes **Slide #17** Women offenders and physical health • Health issues are going to be enormous • Conventional health issues PLUS exposed to infectious diseases (e.g., STDs, HIV, Hepatitis B & C) • Pregnancy & reproductive needs • Small numbers but big problems • Backgrounds of risky behaviors and inadequate health care practices **Slide #18** Women offenders and mental health • 22% of women in jail diagnosed with post-traumatic stress disorder • 75% of women with serious mental illness have co-occurring substance abuse disorders • About 23% of all women in State Prisoners are receiving medication for emotional disorders **Slide #19** Pathways to imprisonment • Women's crimes embedded in the conditions of their lives • Impact of gender, race & class • Multiple marginality **Slide #20** Past Convictions • Priors: 65% Female, 77% Male • Both adult & juvenile: 16% Female; 31% Male • Men more likely to have higher number of prior convictions • Women more likely to be on probation prior to imprisonment **Slide #21** Offense Characteristics • Drug Offenses account for half of the rise in number of women

	in prison compared to one third for the number for men • In the last 10 years, the arrest rate for women has increased by about 32% but imprisonment rate by 159% • In 1979, violent female offenders were 1/2 of the population, in 1997 just over ¼
Break **Time: 10 minutes**	
Continue with PowerPoint® and discussion Time: 38 minutes	**Slide #22** <u>Lives before Prison</u> • Multiplicity of abuse • Family & personal relationships • Spiraling marginality & subsequent criminality **Slide #23** <u>Multiplicity of Abuse</u> • Physical & sexual abuse as girls and women • High percentage by family members & intimates • Violent offenders have higher rates of abuse • See BJS "Women Offenders" 1999 **Slide #24** <u>Victimization and Abuse Histories</u> • Childhood histories & adult lives • More likely to become delinquent than non-abused girls • Several studies show enormous lifetime prevalence **Slide #25** <u>Victimization and Abuse Histories</u> • Women in prison are 3 times more likely to have an abuse history than male prisoners • Abused women are much more likely to be incarcerated for a violent offense than women without this background • Nearly 1/3 of women serving a sentence for murder were convicted of killing a husband/ex-husband **Slide #26** <u>Angela Browne's Study</u>

- "Prevalence & Severity of Lifetime Physical & Sexual Victimization Among Incarcerated Women", *International J. of Law & Psychiatry* volume 22, no. 3-4: pages 301-322 (1999)
- Out of 150 women interviewed, 70% reported severe physical violence from caretaker as children – abuse was done as often by a female caretaker as a male in the home
- Almost 60% reported sexual abuse
- 75% reported violence from adult intimate
- Only 6% said they had no violence or sexual abuse

Slide #27

Differences in Female and Male Offense Patterns

	Females	Males
Violent	27%	48%
Property	26%	21%
Drug	35%	19%
Public Order	10%	9%
Other	2%	3%

Slide #28

Abuse, Drugs and Crime

- Abused girls more likely to leave home and thus at risk for drug & prostitution activities
- Sexual abuse & sexualization
- Higher risk for prostitution in later life
- Later involvement with violent intimates
- Implications for continuing abuse; defensive violence; accomplice to other violent crime
- Drug use as survival & self-medicating
- Drug use highly related to crime in women

Slide #29

Drugs and Crime

- About half the women prisoners interviewed said they were under the influence of drugs or alcohol when committing their offense
- Nearly 1 in 3 reported committing their offense to obtain money to buy drugs
- Half described themselves as daily drug users

Slide #30

The Drug Culture – Not a Great Place for Women

- Male dominated
- Violent & dangerous

- Unequal opportunity employer
- Sex for drugs
- Re-victimization

Slide #31
The Drug-Crime Connection for Women
- Introduced to both by males typically
- Mandatory sentencing effecting women in unforeseen ways
- Onset in women faster & deeper
- Onset of drugs first, crime usually follows closely
- Dual diagnosis relationship
- Role of self-medication & trauma

Slide #32
More about the Drug-Crime Connection
- As drug use increases, crime increases
- Poly/multiple drug users have higher rates of crime
- Drug/Property crimes most prevalent
- Living "la vida loca" and the fast life
- Over half report drug use prior to incarceration
- Gender-responsive treatment works

Slide #33
Think about…
- How these characteristics shape your system? Your institutional culture?
- Implications for program & service development? Staff & management development?
- What happens in the next 3, 5 or 10 years?

Slide #34
Service and Program Issues
- Multiple physical & mental health
- Program needs
  - Substance abuse
  - Vocational training & education
  - Trauma & abuse issues
- Parity vs. recognizing the differences

Slide #35
What are the Implications for agency planning?

	Slide #36 How can we plan for… • Growth • Offense patterning • Children & family issues • Program needs: Drug Problems Abusive backgrounds Vocational & educational training • Health & mental health issues? **Slide #37** Staff and Training Issues • Communication • Staff sexual misconduct • Cross- gender searches • Professional relationships Differences between men & women **Slide #38** What are our Priorities? • Are we ready for agency planning for female offenders? What can we do about these issues? • How can we order these competing demands? • How to set goals & objectives? **Slide #39** How can we "make the case"? • How to develop & share data/information • How to engage others within agency within government within the community within the population who else? *End PowerPoint® program.*
Mention bibliographies in participant notebook Time: 2 minutes	After the last tab in your participant notebook, you will find two bibliographies. If you want more information on women offenders and their pathways to crime, I encourage you to take a look at the resources listed there.

"Bibliographies"	

Lesson Plan: Module 8

Module 8
Women's Prison Culture

Time: 30 minutes

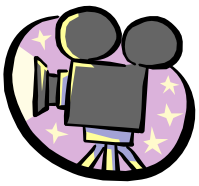
Learning Objectives:

Participants will:

1. Understand the dynamics of prison culture for women in order to develop effective policies

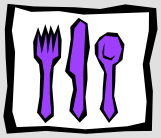
Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 8: Women's Prison Culture Discuss women's prison culture issues on PowerPoint® slides Time: 30 minutes  #15 *"BJS – Women in Prison"*	Much like when we discussed "organizational values" in order to write effective policies you must understand the culture in which women exist. In this module, we will specifically focus on prison culture and how male and female prisons differ. *Begin PowerPoint® program.* **Slide #1** Women's Prison Culture • How is it different from men's prison culture? • What is its impact on our jobs? **Slide #2** Women's Prison Regime •Infantalize •Feminize •Medicalize •Domesticize •Discipline **Slide #3** Women Do their Time Differently From Men •Crimes different

	•Violent behavior different •Physical plant different •Relations with staff & other inmates different •Needs are different •What else? **Slide #4** <u>Lives Before Prison Shape Life in Prison</u> •Past physical & sexual abuse •Children & destructive relationships with men •Drug use & its damage –Shame & guilt –The trauma of the drug world **Slide #5** <u>Theories of Relational Development</u> •Relationships important to "sense of self" •Psychological development Connecting (female) vs. separation (male) •True connections are: mutual and empathetic creative and energy-releasing empowering **Slide #6** <u>Women's Problems are Tied to Disconnections</u> •From families •From intimate relations •From society at large **Slide #7** How have women in prison experienced these disconnections? •In their pathways to imprisonment: –Abuse as girls & women –Relations with own children –Isolation of drug use •While in prison: –Separated from defining relationships –Shame over leaving children –Violating traditional gender expectations **Slide #8** Destructive Relationships •Addiction –Covington: "characterized by obsession, compulsion, non-mutuality &

	an imbalance of power” –Drug-using world: connections & other users •Abusers –Why women stay •Prostitution & pimps •Other criminals **Slide #9** <u>Psychological Aspects</u> •Female offenders as biologically and psychologically *abnormal* (“sick”) •Higher rates of psychotropic drug prescriptions in women’s (than men’s) prisons •Women’s higher rates of self-mutilation •Fewer family members visit women prisoners **Slide #10** <u>Relationships in Prison</u> •Women develop personalized relationships in prison •Relations with other prisoners & the prison family •Relations with staff •Relations with significant others outside the prison **Slide #11** <u>Relationships with Staff</u> •Most staff are male •Research on staff relations in male prisons •Cooperative relations •Conflict relations •Gender relations **Slide #12** <u>Time and Place</u> •Influence of type of facility & housing unit •Critical places in the prison: –the room/dorm/cell –the work place –the day room & the yard •Programming: –imposing individualized & personalized structure on impersonal world of the prison **Slide #13** <u>Prison Culture, In the Mix</u> •Women adjust to prison in complex ways

	•Negotiating the prison world –“juice”; respect & reputation –The Convict Code: different for women •Styles of doing time: avoiding & looking for trouble •Avoiding trouble: getting a program; staying away from “being messy” •The mix: looking for trouble –Relationships; fighting; gossip & drugs **Slide #14** <u>Strengths of Imprisoned Women</u> •Survival & coping •Flexible & open to change •Desire to reunify with children •Reflect on “why” when given tools –respond to gender-based programming –can develop communication & relationship skills inside *End PowerPoint® Program.*
Lunch  **Time: 1 hour**	

Lesson Plan: Module 9

Module 9
Agency-wide Approach Model

Time: 45 minutes

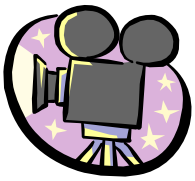
Learning Objectives:

Participants will:

1. Understand the elements of a good agency-wide approach to planning

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 9: Agency-wide Approach Model Discuss the Agency-wide Approach Model that is the basis for this training Time: 45 minutes 	*Begin PowerPoint® program.* **Slide #1:** One Model for an Agency-wide Approach To Planning for Women Offenders **Slide #2:** Why engage in Agency-wide Planning? • Provides shared sense of purpose (consensus building) • Stimulates future-oriented thinking • Provides a framework that guides choices: rational, information-based decision-making **Slide #3:** • Orients the system toward results & outcomes • Establishes on-going policy development & evaluation process • Provides a vehicle for public information and education • Promotes networking and a shared understanding **Slide #4:** Introducing the "Cheshire Cat"… • Alice: Would you tell me please which way I ought to go from here?

	• Cat: That depends a good deal on where you want to get to • Alice: I don't much care where … • Cat: Then it doesn't matter which way you go! **Slide #5:** Here is a cartoon from Dilbert. "Is your project done yet?" "I can't do a plan until you tell me the strategy." "My strategy is to make you do a plan." "Sometimes the leadership just radiates from my body." **Slide #6:** Environmental Scan **Describe it, highlighting all the aspects depicted in the bubbles on the slide** **Slide #7:** Getting ready… • Consider *how* the process is to be conducted • Consider & identify: • Agency readiness • People to involve • Sequence of actions **Slide #8:** Getting Ready: Agency Readiness… • How ready is my organization to undergo change? • How can I contribute to that readiness? **Slide #9:** Getting Ready: The People • Which different staff persons must we include in each stage of the process? • Who will be on the planning team? • Who will facilitate the process? Internal or external consultant? **Slide #10:** Getting Ready: The Process •How long a time period will we allocate to the process? • How many work sessions? • Where will sessions take place? • Deliverables at each stage? • Who will research & develop the required data?

	Slide #11: Critical Success Factors • Those few critical things which *must go right* for the plan to succeed • In what one, two, or three areas would *failure to perform* impede the success of this plan for women offenders in your jurisdiction? **Slide #12:** Develop a strategy to ensure achieving your Critical Success Factors •Include judges in planning group •Involve other human service partners •Review legislative mandates **Slide #13:** Identify Individual and Organizational Values • What are *my* strong, central values & beliefs about women offenders? • What are *my agency's* strong, central values & beliefs about women offenders? **Slide #14:** Formulate the Mission **Slide #15:** Mission statement answers • *What* programs or services are to be provided? • *How* will the organization go about providing the programs or services? • *Who* are the clients that receive the programs or services? **Slide #16:** Mission statement should • Be Clear and understandable • Be brief enough to keep in mind • Clearly specify organization's business • Reflect distinctive competence or role of the agency • Allow flexibility, yet not be so broad that it lacks focus • Serve as a template • Reflect the common values and beliefs • Be Realistic • Be a source of energy!! **Slide #17:** Stakeholder mapping • *Customers:* Those who receive direct services from the organization • *Primary Stakeholders:* Nonmembers of an organization who *directly* impact how the system functions

Slide #18:
Envision the Future

- Vision is a concise declaration of the direction that an agency is planning to take into the *preferred* future
- Begin by scanning your environment, externally & internally

Slide #19:
Beginning the environmental scan

Slide #20:
Environmental scan – the pieces

- National models and best practices
- Political realities
- Our agency
- Women offenders

Slide #21:
Environmental scan – women offenders

- What do we need to know about the women offenders in our jurisdiction?
- Where does that information exist? How do we access it?
- If it does not exist, how will we collect it ... or get along without it?

Slide #22:
Environmental scan – women offenders

- Who are the women in the system?
- How did they get here?
- What happens to them while they are here?
- What happens to them after they leave?
- What is their support system?
- What is their best hope for themselves?
- What is the system's responsibility to them? To their families? To their communities?

Slide #23:
Environmental scan – the organization
What do we know about our agency's

- Resources
- Climate
- Communications

… that would *assist or impede* our agency's leadership in determining our future course of action?

	Slide #24: Environmental Scan – the political environment • What are the attitudes of our elected officials about women offenders? • What are the attitudes of our community about women offenders? • Are there community-based groups advocating for the rights of women offenders? • How can we collaborate with them? **Slide #25:** Environmental scan – national models and best practices • What other jurisdictions are trying to do something similar to what our agency is trying to do? • Are there lessons to be learned from them? • What does the literature say about Best Practice in these approaches? **Slide #26:** Envision the future - • What is our shared vision of a preferred future for the women offenders in our jurisdiction? • How will we enlist others to generate this shared vision? • How will *you* become a mentor and coach to facilitate the involvement of others? **Slide #27:** Conduct gap analysis **Slide #28:** Considering what we now know about • Our vision for the women offenders in our jurisdiction • Profile of the women • Our stakeholders • Existing programs and services **Slide #29:** What is the difference between what the agency has now and what it needs to have in the future in order to achieve our shared vision? **Slide #30:** Develop goals – • *Broad areas of emphasis* that need to be addressed to implement the vision and mission • Few in number, typically 3 or 4 • First steps in the "road map" for transforming the vision into action

	Slide #31: Goals – answer the questions • What do we want our agency to accomplish with women offenders in our jurisdiction in the next ten years? • How do we close the gap between what exists in the agency today & what we want in the future? • What direction shall we take? **Slide #32:** Desired long-term outcomes • A high-level measure that allows an agency *to determine its degree of success* in achieving its associated goal • A *broad result* that an agency plans to achieve in the longer term, three to five years in the future • At least one desired long-term outcome for each goal **Slide #33:** Develop objectives • Objective: a statement of what is to be achieved over a *specified period of time* and *by whom.* • An objective is the transformation of a goal into a *measurable* action **Slide #34:** The "so what" test • Is the Objective time-limited? • Do we know who is responsible? • Can we measure the impact? • It passes the test! **Slide #35:** Develop and implement operational plans Operational plan specifies: • Action steps • Deliverables • Time-line • Responsibility • Other resources needed **Slide #36:** Implement the plan… celebrate **Slide #37:** Track, monitor, evaluate • What systems are already in place to monitor plan milestones?

	• How will we establish an Early Warning System to notify us when an event may go off track? Or a stakeholder may introduce a new priority? • How will we conduct formal evaluations of the effectiveness of our new system? **Slide #38:** Why plan? If you always do what you always done, You'll always get what you always got. Moms Mabley *End PowerPoint® program.*

Lesson Plan: Module 10

Module 10
Organizational Change Readiness

Time: 1 hour 30 minutes

Learning Objectives:

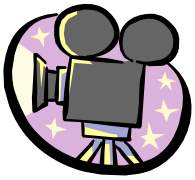
Participants will:

1. To assess the readiness of participant's own organization for change regarding women offender issues.

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 10: Assessing Organizational Change Readiness Administer organizational readiness tool Time: 30 minutes #16 "Organizational Readiness Tool"	*You are responsible for selecting and ordering, if necessary, an organizational readiness tool for this module. You will need one tool per person. There are many good tools to use just be sure it is applicable to a criminal justice setting and environment. Do your homework when selecting a tool - - go to the internet, talk to managers, order samples to try out, etc. Allow adequate time to order the tools and have them shipped to the training. A few examples of producers/publishers of these tools include (but are not limited to):* *1. Jones and Bearley* *2. Hertzberg and Likert* *3. Organization Transitions, Inc.* *4. Sloan and Gerard* *5. Hubbard and Hubbard* *6. George Washington University – Center for the Study of Change* *7. Reid London House/Workforce Development Solutions; Campbell Organizational Survey* We want to look at how ready your organization is today for change. Why is this important? Because working with women offenders is different than working with men offenders and often changes need to occur in your organization to even begin to address issues of gender responsivity.

	Distribute the organizational readiness tool to each individual. Have them stay in the room and complete the form. Tell them they will have 20 minute and will get a five minute warning before the time is up.
Break **Time: 10 minutes**	
Give information on how to score the tool and discuss Time: 10 minutes	*Describe how to score the tool by reading information in the Organizational Change Readiness tool instructor's guide. Remind participants that improvement is the goal and criticism of their organization is OK.*
Discuss the elements of organizational change readiness Time: 20 minutes 	*Begin PowerPoint® program.* Assessing Organizational Change Readiness **Slide #1** <u>Five Dimensions of Organizational Change Readiness</u> 1. Structural 3. People 4. Systemic 5. Climatic 6. Technological **Slide #2** <u>Structural Readiness</u> • Structural Readiness: the ability to keep a clear vision and to reorganize quickly and easily in response to external change and opportunity. • What is one example of external change related to women offenders that happened in your jurisdiction this past year? • How did your agency respond? • In what ways was your agency's clarity of values, vision, and sense of direction challenged?

	Slide #3 <u>Technological Readiness</u> • Technological Readiness: the ability to remain current and innovative in exploiting material resources & know- how • Does your agency have an information technology plan? • How tied is it to the agency's overall development plan? • How does your agency use technology to support programs & services for women offenders? **Slide #4** <u>Climatic Readiness</u> • Climatic Readiness: Having an internal ambiance that supports people and planned- change efforts. • How does your organization react to people who challenge the process? • How does your organization support conflict resolution? **Slide #5** <u>Systemic Readiness</u> • Systemic Readiness: Having systems in place that scan and provide information necessary to monitor the effects of change. • How frequently does your organization survey staff – formally or informally – about their concerns? • How do leaders "take the pulse" of the organization? **Slide #6** <u>People Readiness</u> • People Readiness: Having leaders and other employees who can work together within an environment that is ambiguous and in flux. • How does our organization prepare employees for leadership positions and roles? • How does our organization support work teams? End PowerPoint® program. In your teams in the time remaining, discuss your scores. Look at each dimension one at a time. What do your scores reflect in your organization?

Break **Time: 10 minutes**	

Lesson Plan: Module 11

Module 11
Stakeholder Mapping

Time: 1 hour 10 minutes

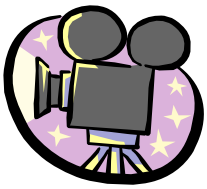
Learning Objectives:

Participants will:

1. Understand the important role stakeholders play in developing an agency-wide approach
2. Learn how to identify stakeholders inside and outside the organization

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Recap yesterday and give overview of today Time: 10 minutes	*Answer any questions from Day 2.* *Review goals and agenda for Day 3.*
Module 11: Stakeholder Mapping Describe what is meant by stakeholder mapping Time: 15 minutes 	This morning we are going to be talking about identifying stakeholders – those people who are involved with or have an influence on policy or procedures affecting women offenders. *Begin PowerPoint® program.* **Slide #1** Stakeholder mapping **Slide #2** •A method to assess impact of a plan •A method for the management of change •A method to gain support for a plan •A method for enhancing the development of a plan **Slide #3** Step 1: State the organizational objective

	Slide #4 Step 2: Brainstorm stakeholders **Slide #5** Step 3: Characterize their attitude toward planned change **Slide #6** Step 4: Identify Their Power With Respect to the Implementation of the Plan **Slide #7** Step 5: Conditions, who influences whom? **Slide #8** Step 6: Rethink Solutions to Increase Implementation Chances **Slide #9** Step 7: Strategies
Activity: Stakeholders Time: 41 minutes #17 *"Stakeholders"* #18 *"Stakeholder Evaluation Worksheet"*	In your participant notebook, please get out handout #17 and #18. Break into your teams and answer the questions. You will have about 30 minutes. *After 30 minutes, reconvene teams and debrief in the large group for about 11 minutes.* **Slide #10** Activity: In Your Jurisdictional Team, fill out the sheets/handouts; Identify the Most "Difficult" Stakeholders, and Role Play a Discussion With That Person(s) *End PowerPoint® program.*
Break **Time: 10 minutes**	

Lesson Plan: Module 12

Module 12
Mission and Vision

Time: 2 hours and 30 minutes

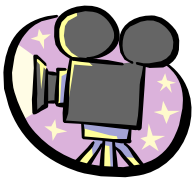
Learning Objectives:

Participants will:

1. Understand steps to develop clear mission and vision statements for their agencies

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 12: Mission and Vision Define and discuss a program's "mission" Time: 1 hour 	*Begin PowerPoint® program.* Developing Mission and Vision **Slide #1** <u>Formulate a mission</u> **Slide #2** <u>What programs and services are provided</u> How will the organization go about providing the programs or services? Who are the clients that receive the programs or services? **Slide #3** <u>A mission statement should…</u> • Be Clear and understandable • Be brief enough to keep in mind • Clearly specify organization's business • Reflect distinctive competence or role • Allow flexibility, yet not so broad that it lacks focus • Serve as a template • Reflect the common values and beliefs

	• Be Realistic • Be a source of energy!! There are many creative things you can do with a mission statement. NIC prints their mission on the back of their business cards. The YWCA in Minneapolis is "Empower girls and women. Eliminate racism." It needs to be visible and inspirational. **Slide #4** <u>Stakeholder Mapping</u> • Customers: Those who receive direct services from the organization • Primary Stakeholders: Nonmembers of an organization who *directly* impact how the system functions **Slide #5** <u>Sample Mission Statement</u> We are committed to preventing crime and repairing harm caused by crime. We promote: • Public Safety and crime prevention in the community; • Accountability and opportunity for positive change of the offender; • Justice for the victims; • Respectful treatment for all involved. **Slide #6** <u>Developing a Mission</u> - **Activity** • Pretend that you are the newly appointed Director of Women's Services • Your first task is to *articulate a Mission Statement* for the new Division of Women's Services • Break up into teams of 4-5 people. • You have 30-40 minutes for this activity Activity: Break participants into their teams. After 30-40 minutes, reconvene the participants back to the large group. Discuss the mission statements from the groups. Then, continue with the PowerPoint® program.
Break **Time: 10 minutes**	
Define and discuss a program's "vision"	**Slide #7** <u>Envision the Future</u>

Time: 1 hour	Vision is a concise declaration of the direction that an agency is planning to take into the preferred future **Slide #8** <u>Envision the Future</u> • What is our shared vision of a preferred future for the women offenders in our jurisdiction? • How will we enlist others to generate this shared vision? • How will you become a mentor and coach to facilitate the involvement of others? **Slide #9** <u>Sample Vision Statement</u> Women offenders will have access to gender-responsive programs and services designed to keep them crime-free and become assets in their communities. **Slide #10** <u>Developing a Vision</u> Begin by considering those items from the Environmental Scan that you consider to be the most critical; e.g., • Profile of women offenders • Political realities • National models • Best practice Then … **Slide #11** <u>Developing a Vision</u> – **Activity** 1. Draw a picture representing your vision of a preferred future for women offenders in your jurisdiction 2. Describe your Vision in words 3. Break into your teams 4. You have 40 minutes End PowerPoint® program. Activity: Break participants back into their teams to write their vision statements and to visually create a picture of their vision and mission statements. Each team will need easel pad paper and colored felt pens. They will have about 30-40 minutes.

Activity: Gallery Walk Time: 30 minutes	*Reconvene the participants back to the large group.* *Set up a "gallery" of all the team's easel pad drawings around the room or hallway.* *Have participants break into their "skit" groups to form clusters to walk around to the easel pad drawings for the gallery walk. This means that each group will have one member from each state team. They will have 3 minutes at each station. While at the station, the representative from the state will explain the mission and vision statements and drawings.*

Lesson Plan: Module 13

Module 13
Data Gathering

Time: 55 minutes

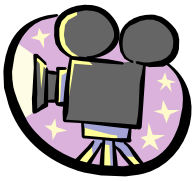
Learning Objectives:

Participants will:

1. Understand the importance of data in making results-based, good decisions about women offenders since you can't target the critical issues until you know what the critical issues are)

Resources Needed:

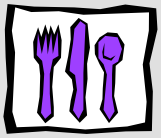
Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 13: Data Gathering Introduce the concept and importance of data gathering Time: 55 minutes  #19 *"Overview of Information Types, Sources and Uses"*	**Introduction to Data Gathering** Individual case data When you think about data, what do you think of? Examples: • Basic demographics • You want to know about current offense • Criminal history • Information related to sanctioning and treatment aims • Offender behavior and performance • Housing assignments, security levels, risk decisions, work release, treatment plans *Start PowerPoint® program.* **Slide #1** <u>A Few Thoughts about Data</u> **Slide #2** <u>Why talk about Data?</u> • Good data: empirical foundation for good programs

#20 *"Beyond Recidivism: Perspectives on Evaluation of Programs for Female Offenders in Community Corrections"*	• Good programs target women's critical issues • You cannot target critical issues without knowing what they are **Slide #3** What questions are you trying to answer? • What do you need to know in order to make good policy & management decisions? • Consult your agency's mission statement, strategic/operational plans, & goals • How does your data collection flow out of and connect to those plans and goals? **Slide #4** Three types of data • Individual Case Information • Relational Databases • Aggregate Data **Slide #4** Individual Case Information • Basic demographics • Current offense • Criminal history • Information related to sanctioning & treatment aims • Offender behavior & performance • Outcomes **Slide #5** How do we use Case Information? • To make decisions about an individual offender at various points in CJ system • Case management: Developing treatment plans Monitoring progress **Slide #6** **Important Questions about Case Information** • How often is information updated? • Is the information current as of the sampling date or as of the last time it was updated?

	• Is historical information retained in the record? How? **Slide #7** Relational Databases Several types of information re: individual offenders which can be cross-referenced: 1. Snapshot • specific offender populations at a single point in time (number of women on NY probation caseloads today) 2. Cross-section • offenders who pass through a particular decision point over a period of time (# women who entered Buffalo jails last month) **Slide #8** How do we Use Relational Databases? Strategic Planning & policy development: • How many women convicted of drug possession are in NY prisons? • Are return-to-prison rates higher for younger or older drug offenders? • How many work-release beds does NY need to accommodate the number of women leaving prison in FY2005? **Slide #9** Important Questions about Relational Databases • How are items of information defined? • How much information is unknown or missing? • Do frequencies and percentages reported in analyses exclude cases for whom data is missing or unknown? (i.e., "adjusted") **Slide #10** Aggregate Data • Counts or rates of people, cases or events • "System snapshot" is counted at a single point in time • "Trend" is counted at intervals over a period of time **Slide #11** How do we Use Aggregate Data? • Workload Monitoring: "How many women were supervised by Mary Miller last year?" • Budget development: How much will it cost to feed the women in NY prisons next year? • Strategic Planning: How can we reduce the number of women entering NY jails and

	prisons? **Slide #12** <u>Important Questions about Aggregate Data</u> • Are data reported as numbers or rates? • Is the information current as of sampling date, or as of the last time it was updated? • How large is the population on which the rate is calculated? • Are data separately reported for populations of interest? **Slide #13** <u>Critical Questions to Ask</u> • Where did the data come from? • How accurate or complete is it? • How current is it? (if not current, it won't inform you about your population today) • How are the data elements defined? (for instance, what is a successful termination? It varies from jurisdiction to jurisdiction) • Have definitions changed over time? (crimes change by law changes) • Are you looking at numbers or rates? (numbers are a count, rates are a relationship to a number; crime per 100,000 population is a rate) Are we comparing rates or numbers of men to women? • How large is the population on which the rate is calculated? Sometimes we generalize too much and it gives an unrealistic picture – anytime you see a study always ask, "how many women in the study?" Were they large enough numbers to generalize to the full group? Be critical consumers!) **Slide #14** <u>And for our purposes…</u> • Where are the women? • How many total? • How many by category? • Are the numbers in the sample large enough to generalize to larger groups? **Slide #15** <u>Final Thought…</u> Be a critical consumer of information. Remember, you are the expert.

	Example/story: A study was done on escape history and it found that 98% of escapees had the "risk factor" that was a predictor that said they would escape. The researcher was so excited what she had discovered that but when she talked to the data entry person, she said that she should not get so excited. The data entry person said when someone escapes they go back to their files and write in the risk factor that they are an escape risk. Always question data. End PowerPoint® program. What do you need in terms of data/information? What do you already know that you will need? *Examples:* • *Number of children woman has* • *Success of treatment* • *Prior treatment* • *Prior drug use* • Prior income • *History of trauma, abuse* • *History of mental health* • *Mental health diagnosis* • *Vocational history- employment* • *Educational history* • *Last medical care, medicines, medical history* Many things are about the woman herself. What else do you need to know about "the system?" *Examples:* • *How long do most women stay?* • *How long do women stay who have drug issues?* • *What do we know about laws in our state? What laws have changed?* • *What laws help or hinder (e.g., Termination of Parental Rights (TPR), Adoption Safe Families Act (ASFA), Temporary Assistance to Needy Families (TANF))?* Remember, "information is data endowed with relevance and purpose."
Lunch 	

Time: 1 hour	

Lesson Plan: Module 14

Module 14
Assessment and Classification

Time: 2 hours

Learning Objectives:

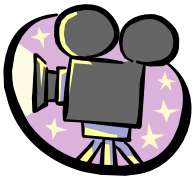
Participants will:

1. Understand the importance of gender-responsive and female-normed and validated assessment and classification systems
2. Learn the basic principles of objective classification and assessment
3. Gain insight to the current classification issues, e.g., gender-responsive, LSI
4. Assess their external and internal classification systems and their needs assessment process according to national standards; and
5. Obtain quick and easy indicators for monitoring and assessing their classification systems.

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Topic & Time	Talking Points
Module 14: Assessment and Classification Ask participants what questions they have about assessment and classification Time: 10 minutes	Seven states have received technical assistance for updating their classification system for women offenders. NIC has other projects regarding intake policies, assessments and classifications. Reports are available through NIC. What questions do you have right now about risk and classifications? *Write responses on easel pad.* *Examples:* *Adult probation, supervision levels, planning* *Program participation* *They don't classify females in jails*

	Special needs of women *Are the risk and needs assessment tools appropriate for females* *Is AIMS (internal classification systems for housing) good for women?* *We want to develop a gender-specific system* **Substance abuse classification instrument for probation and parole**
Describe assessment and classification issues Time: 50 minutes 	*Begin PowerPoint® program.* **History of Classification** • Clinical – unstructured and interview resulting in classification based upon professional judgments • Objective – mostly static risk predictors, prior convictions, escapes, etc. • Just Desserts – classification tools include both static and dynamic factors, e.g., programming and adjustments – what have they been doing in the past six months; sort of behavioral modification; if things go bad, you get what you deserve – what you have done most recently is the predictor • Dynamic – classification tools based upon factors that can and do charge; factors can change **Static Predictors** • Current offenses • Prior criminal history • Age at first conviction • Drug abuse history • Prior escapes • Employment prior to incarceration (women) **Dynamic Predictors** • Education (women) • Family/marital relations (women) • Criminal associates • Criminal values • Disciplinary record (women) • Program participation (women) • Current age (women) Never use "just" a static instrument – it isn't a predictor. Use a combination of static and dynamic and be sure you test it on your population. Instruments should be 85% predictive – "overrides" are OK, but should not be relied upon. You need to review how often they are used.

You are strapped by the data you collect. You need to stay focused internally.

Initial Classification Factors

- History of prison violence
- Severity of Prior Convictions
- Escape History
- Alcohol/Drug Abuse
- Detainer/Open Charges
- Number of Prior Felony Convictions
- Stability Factors: Age, education, employment at arrest
- Time to Serve

Reclassification Factors:

- History of Institutional Violence
- Severity of Current Conviction
- Severity of Prior Convictions
- Number of Prior Felonies
- Program Participation/Work Assignment
- Escape History
- Disciplinary infractions – number and severity
- Time to Serve
- Age

Common Objective Classification Factors:

Classification Factors	Male	Female
Severity of Current Crime	Yes	No
Other Offenses/Bail Status	No	No
Escape/Abscond History	No	No
Current Age	Yes	Yes
# Felony Convictions	No	No
Severity of Criminal History	Yes	Yes
Institutional Misconduct History	Yes	Yes
Time Served	No	No
Treatment/Work Assignment	Yes	Yes
Total Score	Yes	Yes
Final Initial Custody Level	Yes	No
Final Reclassification Level	Yes	Yes

LSI – instrument designed for risk to community. But some use it for institutional risk for males and females. Many use it for planning by looking at criminogenic needs. The problems are: it is not designed for predicting institutional behavior; it has good power and information; normed on male populations not females; it doesn't tap into relationships, family/children, history of abuse/trauma, the differences about how males/females abuse

Activity: Assessing your Procedures #22 *"Assessment of Your Intake and Needs Assessment Process"* #23 *"Assessment of Your External Classification System"* #24 *"Assessment of Your Internal Classification System"* #25 *"Assessment of Your Risk Assessment System"*	substances and other female issues. You need to ask, "What is this instrument telling me and what am I wanting it to do?" Reliability. If you don't have reliability you can't have validity. How is the scoring done? Is that reliable too? You should do periodic auditing too. There are four handouts in the notebook: "Assessment of Your Intake and Needs Assessment Process form" (#22) "Assessment of Your External Classification System" (#23), "Assessment of Your Internal Classification System" (#24) and "Assessment of Your Risk Assessment System" (#25). I want you to break into your teams and take 20 minutes to walk through the classification assessment tools to examine your system. Teams can choose whether they assess their external or internal classification system, or their intake and needs assessment process. *Reconvene break out groups back to the full group. Discuss what the groups learned about their own jurisdictions.* What did you find were some of the biggest issues your agency has regarding assessments, data, instruments, and classification issues? Some of these forms you may want to share with your colleagues. *Examples:* *Lack of female inmate needs data (mental/medical in particular)* *Lack of automation (it is a problem, but not an excuse – it is not an insurmountable barrier)* *No validation on current info and data* *No reliability or unsure of reliability* *Predictability of assessments* *None of our instruments are designed from women; they are not gender-specific* *Need to assess anti-social/criminal attitudes and associates (need more sophisticated, standardized tool)*
Break	

Time: 10 minutes	
Continue discussing classification and assessment Time: 1 hour	**Classification Options** • Validate system for female offenders • Modify classification items to "fit" population (look at current offense; age; differentiate among infractions (verbal vs. physical assaults of staff); escape history (women have more walk-aways to check on kids, boyfriend, but not escapes from more secure settings); employment – this may not be as big a factor for women as men; Time to serve) • Mental Health, especially depression** • Overly dependent, dysfunctional relationships • Parenting: needs skill development, single parent, maintenance of custody • Other family relationships and responsibilities • Victims of trauma (incest, domestic violence)** • Substance abuse • Self-esteem/self-efficacy • Vocational training • Education **History of Classification** Dynamic classification – LSI-R • Criminal History • Education/employment** • Financial • Quality of Family/Marital Relationships** • Residential Stability • Use of Leisure Time** • Companions • Substance Abuse • Mental Health** • Criminal Attitudes** **History of Classification** Assessment of Systems **Subjective-** • Unreliable • Poor predictive power • Time consuming

History of Classification
Assessment of Systems
Objective-

- Reliable, if proper training
- Low to Moderate Predictive Power
- Fast, efficient

History of Classification
Assessment of Systems
Dynamic-

- Unreliable
- Time consuming (1 - 1.5 hours for interview)
- Predictive power unknown for institutional adjustment, primarily tested for white males

Classification Issues
Classification System that Works for Men but not for Women

Custody Level	% Predatory Infractions	
	Males	Females
Maximum/Close	35%	5%
Medium	15%	10%
Minimum	0%	6%

More Classification Issues
More Classification that Works for Men but not for Women

Custody Level	% Serious Infractions	
	Males	Females
Maximum/Close	26%	8%
Medium	19%	11%
Minimum	2%	15%

Classification Issues
Over-Classification of Female Offenders

Custody Level	% Institutional Infractions	
	Males	Females
Maximum	80%	35%
Medium	50%	25%
Minimum	20%	20%

Classification Issues
Other Classification Problems:

- High Rates of Discretionary Over-rides

- Untrained staff - drives up misconducts
- Systems not validated for women offenders
  - NIC 2000 Assessment - 32 states have not validated their classification system for females
- Limited research on women offenders
- Inappropriate housing/facility design
- Inadequate and irrelevant programming

Classification Issues

Disparity in the Enforcement of Rules

Type of Infraction	% Committing Infraction	
	Males	Females
Major	16%	33%
General	26%	42%
Minimum	19%	29%

Assessment of Your System

With the members of your home team, complete:

- External Classification Checklist
- Internal Classification Checklist
- Intake and Needs Assessment Process Checklist

Identify the most critical issues for your systems

Assessment of Your System

- Validate system on female inmates
- Modify classification items to "fit" population:
  - Current offense - circumstances of crime, e.g., –Accessory, Domestic abuse, support self/children
  - Age - Different pattern for aging and deviance
  - Differentiate among infractions - predatory, major

Assessment of Your System

- Escape History - walk away vs. escape with force
- Employment - @ initial -- child rearing not considered; @ re-class -- inadequate # of slots
- Time to serve - too short for women's sentences

Classification Options

- Modify system to "fit" population
  - Adjust scale cut-points
  - Adjust items weights
  - Adjust timing of reclassification
- Build dynamic factors into instruments
  - NIC Assessment - 92% report that women have different needs

	16% States have gender-responsive needs assessment process • Validate needs assessment instruments How to objectively measure? Opportunity to address needs – availability of programming <u>Classification Options</u> • Develop classification systems that address female institutional operational issues • Use community custody or public risk • Develop internal classification to separate predator & prey, increase compatibility • Create a comprehensive system that links community and institutional risk & needs **Classification Options: How do I know which option to pursue?** • Self-Assessment: Questions to Consider • What do I want my classification system to do? • What does my system do currently? • Is the current system reliable? • Is the current system valid for both the female and male populations? • Where are the weak points - initial, re-class, short timers, over-rides? **Classification Options** Critical Classification Goals for Women: • Identify needs critical for women offenders • Facilitate gender-responsive programming • Place in least restrictive options • Enhance women's involvement w/their children • Promote transition to community **Classification Options** Problem: Over-classification of Women: • Change scale cut-off points • Change weight of factors, e.g., If domestic violence - reduce score If accessory (manipulation by co-defendant)- reduce score **Classification Options** Problem: Over-classification of Women: Redefine operational definitions • Employment – child care = type of employment • Escape – differentiate among type of escape (w/force, walk away) • Disciplinary – identify institutional predatory offenses • Time to serve – rescale categories: 0 - .99 year, 1 - 2.99 yr,

	• Parole returnees – place in previous custody level or use re-class **Re-Classification Options** • Problem: Facilities do not differentiate among custody levels 35 states do not differentiate among custody levels for women in at least one facility – classification becomes meaningless exercise • Ask: What do I want from my classification system? Consider: External = community risk (public safety) Internal = separate predators & prey, compatibility Internal = planning for programming and release **Classification Options** • Problem: Majority score as minimum, i.e., classification instruments seem a waste of time • Option: Presumption of Minimum Custody Develop classification screening protocol - woman is assigned to minimum, unless … -Violent offense(s) or history of violence, except if abused –History of predatory misconduct –Sentence more than 10 years –Felony detainer -History of escape with force or violence, If yes, classify on external classification instrument **Classification Options** Problem: Classification Should Direct Treatment Option 1: Add Gender-responsive items to Need Assessments • Abuse/trauma, domestic violence* • Mental illness* • Parenting, single parent • Co-dependent relationships • Job skills* • Education **Classification Options** Problem: Classification Should Direct Treatment Option 2: Add Gender-responsive needs to custody instrument • Advantages to Combining Risk and Needs: –Concentrates intensive services in specific settings –Prioritizes needs - intensive services go to high need/risk offenders –May better predict woman's threat to public safety **Classification Options**

	• Caveats: –Needs testing, development of dynamic scales –High needs should not automatically place in maximum –Must have opportunity to address needs and move to lower her custody level, i.e., least restrictive Validate and test all changes. This is not optional! If you find that women are more likely to be written up, it is often because it is easier to watch 70 women vs. 1,000 women. The population is written up more and more major infractions. This is a signal (not necessarily the conclusion) that women are over-classified due to "over-enforcement." Disciplinary infractions also drive classification of male offenders. So, be sure that the classification system is assessing the risk of the offender and is not an indicator of another problem. There are also different standards for males (more tolerant of certain behaviors than for women), So more women are in maximum for lesser behaviors then men. Women get more over-rides in order to get them into where staff want them to be – who is being over-riden and for what reasons. It is a sign that the system or tool isn't working. Classification tools have not been systematically validated for women offenders. If it hasn't been validated for the past 3-5 years, it is time to do it again. 32 states have never validated their systems (NIC study). Bottom line: Whatever you do, you must validate it for your population. End PowerPoint® program.
Break **Time: 10 minutes**	

Lesson Plan: Module 15

Module 15
Supervision, Operational Practices and Training

Time: 1 hour 25 minutes

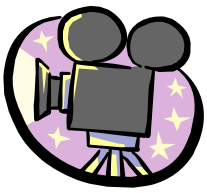
Learning Objectives:

Participants will:

1. Understand the issues in supervising women in institutional settings
2. Understand the issues in supervising women in community settings
3. Understand why training is critical to effective gender-responsive programming

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 15: Supervision, Operational Practices and Training Discuss supervision and operational practices in institutional settings Time: 35 minutes 	This module will look at three issues: 1. supervision and operational practices in institutional settings 2. supervision and operational practices in the community 3. training You are encouraged to sign up for the 36 hour NIC Operational Practice training. We want to highlight key points to trigger your thought process and help you see things through a gender lens as you do your daily work. Kathy Hawkes-Sawyer is head of the Federal Bureau of Prisons, overseeing 160,000 inmates. There is one full time female policy director. They did an environmental scan and determined there were two main problems: 1. They needed a strategic plan (director did a video for all staff) 2. The bureau needed work on prevention and intervention of sexual assault and abuse *Optional: Show BOP video (8 minutes)*

They came up with 23 recommendations for the department so they could be more gender-responsive. The big issues surrounded cross-gender pat searches that are generally done for looking for contraband (guns, drugs). 40 states do not allow this at present. Texas decided they would try to control contraband in other ways. Emergency pat searches only. They sent this to administration and they shot it down. Most of the recommendations have not been done. The administrator was not involved in the environmental scan or the "process" to understand the real issues.

Begin PowerPoint® program.

Slide #1
Supervision strategies for women in institutional settings.
There are many things we do with women offenders in our operational practices that are not the most effective, but we still do them. Why? Because it is easier, we have always done it that way, or that is what we do for *all* (aka "male") offenders. In this module, we are going to explore our operational practices in both the institutional setting and in the community. Let's start with the institutional setting and elements of developing policies and practices regarding managing women offenders – setting up appropriate and different programs for females based on their unique needs

Equality does not mean identical. As you pursue the issue You can apply a similar policy it just might not be done the same.

"All inmates must have their hair not covering their ears if they are going to school as part of their program."

"All inmates must be transported in state issued clothing… jumpsuits"
Jumpsuits are not good or cost-effective – women have to get completely undressed to go to the bathroom which can cause cross-gender supervision issues, privacy, etc. When male institution staff don't see these things as a problem, then say, "I will write policy based on my women offender population and just pass it on to you all to implement. You won't mind applying our policies in your male institution, right?"

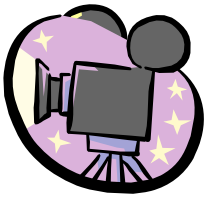
Slide #2
Inmate Management.

- You can't manage what you don't know
- You can't manage what you don't understand

	• You can't manage what you don't care about **Slide #3** Understand the Issues. • Profile of the Inmate Offender • Women are not Men • How the Female Does Time • Gender Responsive Programs • Unique Not Special **Slide #4** Women are not men. • Should we treat all inmates the same? An inmate is an inmate… • Recognizing the differences • Impact on the way we manage them **Slide #5** Operational Issues • Staffing • Key Control • Assignments • Procedures/Post Orders • Monitoring Systems • Grievances • Inmate Discipline **Slide #6** Operational Issues • Inmate Clothing • Grooming Standards • Dress Code • Contraband • Property **Slide #7** Staffing • Hiring/Training/Orientation • Review • Assignment Procedures • Sign In/Out Procedures • Rotation Policies • Post Locations • Post Orders

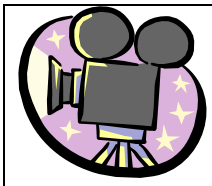
	• Gender of Staff **Slide #8** Procedures • Procedures Clearly Written • Reviewed Regularly • Easily Accessible • Address Critical Issues • Inmate Movement • Inmate Supervision **Slide #9** Property • How much is allowed • Where and how stored • Red Flag Issues **Slide #10** Appropriate Facilities • Privacy Issues & Maintain Security • Search Requirements • Medical Needs • Children - Visiting Needs • Property/Clothing Storage **Slide #11** Dedicate time now. **Slide #12** Gender-responsive Training • Understanding Women's Lives • What Are The Differences? • Why Do We Care? • What Skills Do We Need? **Slide #13** Communications • Difference between Men and Women • Men Want to Control • Women Want to be Heard … Even when no one wants to listen **Slide #14** First Steps…

	• Train Staff Gender Responsive Training • Train Inmates Gender Responsive Issues **Slide #15** Lives before prison shape lives in prison • Past physical & sexual abuse • Children & destructive relationships with men • Drug use & its damage • Shame & guilt • The trauma of the drug world **Slide #16** Implications for Operational Practice • Staff training & retraining: addressing difference • Cross-gender supervision • Policies about searching; showers & other privacy issues • Sexual misconduct **Slide #17** Relations with Significant Others Outside Prison • Children & the importance of family • Spouse/significant other locked up • Difficulties in these relations • Implications for operational practice: Visits; mail & phone calls Contacts with social service agencies Handling family crises **Slide #18** Ironies of Imprisonment for Women • Almost always, physically safer than on streets • Drug-free environment & structured daily life • Clearer minds & time to reflect on lives & actions • Program Opportunities **Slide #19** Strengths of Imprisoned Women • Survival & coping • Flexible & open to change • Desire to reunify with children • Reflect on "why" when given tools respond to gender-based programming

	can develop communication & relationship skills inside *End PowerPoint® program*
Discuss supervision and operational practices in community settings Time: 30 minutes 	*Begin PowerPoint® program* **Slide #1** Supervision Strategies for Women in the Community **Slide #2** The goal is to assist women offenders to be successful on probation and supervised release **Slide #3** Challenges to Probation • Women not being successful and getting revoked • Women failing treatment or treatment not available • Internalized shame and incompetence • Many conditions of probation/parole to fulfill • Staff burn-out **Slide #4** Three areas to Consider… • Policy • Practices (SOP) • Practical Barriers **Slide #5** Policy • Do you have gender responsive policies? • Are new policies reviewed for impact on women? • Do you have a gender responsive policy statement? • What is your sentencing policy as it relates to women? • Is your office policy about case management or surveillance? **Slide #6** Practices • Assessment and evaluation • Case Management • Aftercare

	Slide #7 Assessment and Evaluation • Risk—Offense profile • Needs Substance Abuse Mental Health Trauma Medical **Slide #8** Relational Model • Case management • Safe and Supportive environment • Home visits • Childcare • Transportation • Housing • Skill-building **Slide #9** Case Planning • Individualized Treatment and Supervision • Risk and Need • Strengths-Based • Community Linkages • Wrap-around services • Accountability and Responsibility **Slide #10** Barriers within Case Planning • Period Immediately After Release is Critical • Strong Family and/or Network Involvement • Housing • Employment • Treatment • Children, Family • Medical/MH Issues **Slide #11** Case Management • Patience • Less Authoritarian

	• Active Listening • Clear Communication • Empowerment Model • Confidentiality, Trust **Slide #12** Case Management • Small Caseloads • Female Offender Caseloads • Empowerment vs. Medical/Clinical Models • Case Manager Model • Treatment Teams • Relevant, Timely Aftercare Planning **Slide #13** Aftercare • Continuum of Community-Based Services • Maintenance of Support Network • Place-Based Strategies • Mentor Relationship • Peer Support **Slide #14** Attributes of a Probation/Parole Officer • Comfortable with gender, race and cultural differences • Knowledge of programs and services in the community • Respectful of and knowledgeable about the issues of women offenders **Slide #15** Remaining Questions • Cross gender supervision • Caseload sizes *End PowerPoint® program*
Discuss training issues Time: 15 minutes	Why is training important? *Examples of responses:* • *Liability* • *Effective program* • *Less problems*



Quoting Steven Covey again, begin with the end in mind, even with training. Why are you doing it? What end result do you want with your staff and with your organization?

Begin PowerPoint® program

Slide #1
Training

Staff need three things in training: knowledge, skills and abilities ("KSA's").

Are people going to be going through the basic training or get specialized training? Should there be a baseline of information and training that all staff get regarding women offenders? California and Florida have developed an 8 hour curriculum for women offenders. If the training is in an academy, the knowledge should be testable, quantifiable and measurable. Does the training cover issues on community corrections, jails and prisons?

Rather than a "separate" training on women offenders such as 1 hour out of 8 weeks, which is typical in academies, incorporate examples within *each* module of training. Such as, "this is an issue in male institutions and this is the issue in women's institutions." Once again, it is a philosophy and a way of not having women offenders' issues as an afterthought, an add-on or less important.

Slide #2
Requirements of a Good Training Program

- Support from leadership and policy requirements
- Adequate resources
- Effective, well focused curricula
- Relevant input and accurate feedback

Slide #3
Important Training Issues: Working with Women Offenders

- Commitment of resources (time and money)
- Supplemental or replacement/separate
- Single instance or repetitive?

	• Specific issues vs. General knowledge **Slide #4** Training Programs Available for an Agency Plan • External resources and programs • Internal programs • "Self-study" materials • Other communications **Slide #5** Examples of Specific Problems/Issues for Training • Sexual abuse/sexual harassment • Pat search method and procedure • Requirements of litigation or settlements • Policy, operational, program changes **Slide #6** General Training: From Knowledge to Application • Understanding female offenders • Communication and gender differences • Gender responsive programs and services • Security and management of women in prison **Slide #7** Qualities of a Good Training Plan • Integral to agency mission, budget, policies • Responsive to agency's problems and issues • Emphasize women are different, not difficult • Feedback loop and evaluation component **Slide #8** Being "Gender Responsive" as a Response to: • Facility design and housing • Changing and developing policies and procedures • Inmate programs, services and activities • Staff/inmate communication • Security and inmate discipline **Slide #9** Common Challenges Inherent in Developing a Training Plan • Shortage of resources • Staff and agency reluctance or resistance

	• More disagreement about women offenders • Developing training programs with curricula *End PowerPoint® program*
Give homework assignment due tomorrow Time: 5 minutes	For your "homework" assignment due tomorrow, get a newspaper and circle or cut out every article that relates to crime, prisons, jails, and/or community corrections. We are going to be talking about marketing at the end of the day tomorrow.

Lesson Plan: Module 16

Module 16
Program Promising Approaches

Time: 30 minutes (plus 15 minutes to recap from previous day and questions)

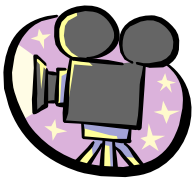
Learning Objectives:

Participants will:

1. Understand the elements of sound, gender-responsive programs
2. Have an opportunity to hear about model gender-responsive programs from around the country

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Recap from previous day and answer questions. Time: 15 minutes	Yesterday we covered the importance of having a clear gender-responsive mission and vision, why and how to do data gathering, assessment and classification issues and examined supervision, operational practices and training. Are there any questions?
Module 16: Program Promising Approaches Time: 15 minutes 	*(Optional activity)* *At the participant's table, have them take about 7-8 minutes to answer these questions –* *1. What are the characteristics of women offenders?* *2. Implications: If women are (fill in the blank)……then what program approach makes sense?* *Begin PowerPoint® program* **Slide #1**

	Promising Program Approaches **Slide #2** Learning Objectives… To learn about "success stories" by examining… • Policy and programming practices with successful outcomes • What they did and why they did it **Slide #3** Program Design • Women's needs and values may be different than men's • Staff have shared values, vision and mission • Women's societal role, expectations and pressures are different than men's • Women are relational Connectedness Interdependence Avoid isolation **Slide #4** Program Structure • Expanding community players – linkages and assistance from outside the facility • Increasing the number and range of community sanctions • Drawing on participation of beneficiaries • Design highly structured services • Evolutionary and flexible **Slide #5** Program Content • Creating culturally-relevant programs that value multiculturalism • Establishing ownership of innovations by staff and participants • Looking at the relationships in women's lives • Teaching women they can have relationships and not lose self • Incorporating a holistic approach to women's needs • Emphasizing family preservation **Slide #6** Program Administration • Generating good data and use the data in decision making • Operating with gender-responsive policies • Having gender-responsive caseloads

	• Having well-trained and competent staff • Having healthy staff-administrative interaction • Having effective evaluation mechanisms and 'quality assurance' feedback loops **Slide #7** Program Evaluation • Using quantitative and qualitative data • Understanding multiple objectives may be difficult to measure • Understanding cause and effect may be difficult to measure • Acknowledging the inevitable lag time between input and impact • Officially recognizing staff for time consuming, life supporting interactions with participants **Slide #8** Sanctions need to be… • Policy-driven • Based on sound information • Focused on outcome • Implemented reasonably • Monitored and evaluated for outcome results **Slide #9** One female-friendly approach **Slide #10** Restorative Justice • The fabric of communities is the weaving of relationships • Crime harms relationships, thus weakening community • Our response to crime needs to attend to the relationships and rebuild or strengthen community fabric **Slide #11** Community Responsibility • The entire community bears some responsibility for all of its members • Communities are responsible for supporting victims, holding offenders accountable and allowing offenders to make amends • Communities are responsible for addressing underlying causes of crime **Slide #12** Restorative Justice Main Values • Program/community safety is critical • All human beings have value - ensure that everyone's needs are met (to feel cared about, to feel important & to belong)

	• Those involved in conflict are involved in resolution • Meaningful accountability ~ everyone has a voice in this **Slide #13** Restorative Justice Main Values • Community learns from conflict: people gain new skills to avoid future problems and examine mutual responsibility • Emphasis on restoring those who have been harmed, those who did the harm, and the program/community • Reintegrate persons harmed and persons who committed harm **Slide #14** Framework for Blending Female Development Theory with Restorative Justice Philosophy Restore women to their relationships, their communities and to themselves. Intervene with women as victims and offenders **Slide #15** Success Stories **Slide #16** Hamilton County – Cincinnati, Ohio **Slide #17** Cook County Department of Women's Justice Services – Chicago, Illinois **Slide #18** Aid to Children of Imprisoned Mothers (AIMS) – Atlanta, Georgia **Slide #19** Maximizing Opportunities for Mothers to Succeed (MOMS) – Oakland, California **Slide #20** Project Re-connect – St. Paul, Minnesota **Slide #21** Genesis II for Women – Minneapolis, Minnesota **Slide #22** Mothers Reading – South Carolina **Slide #23** ARC Community Corrections – Madison, Wisconsin

	Slide #24 Women's Prison Association – New York, New York **Slide #25** Re-entry Metro – Minneapolis, Minnesota **Slide #26** Women's Residential Correctional Facility – Des Moines, Iowa **Slide #27** Neil J. Houston House - Roxbury, Massachusetts **Slide #28** Helping Women Recover (curriculum) **Slide #29** Policies and Programs in Your Jurisdiction • What are some promising programs and policies in your jurisdiction? • What would you change to make your programs and policies better… more promising, based on what you have learned today? *End PowerPoint® program*
Discuss attributes of parole and probation officers who work with women Time: 3 minutes	**Attributes of Probation/Parole Officer** We have talked about aspects of successful programs, but what about the "human" aspects that make a program successful? For instance, what attributes do you need for a probation or parole officer? *Examples of responses:* • *Need to be comfortable with gender, race and cultural differences* • *Cross-gender supervision in community corrections* What do you think about having a male parole officer with a female parolee? *Examples of responses:* • *These women need a good male role model who won't abuse them* • *Women will try to manipulate him* • *I feel strongly both ways* • *It depends upon the personality of the male officer*

	• *Start with a female officer and develop trust – that is what she needs* • *Match up woman with the right person, male or female* • *Not all female staff get along with other females* • *Ideally, all staff male or female, should be trained in helping all types of inmates, male/female, any race/culture, etc.*
Activity: Examining your programs Time: 12 minutes	*Break participants into their teams and discuss their local programs and services.* Answer these questions as a team: 1. Are your programs gender-responsive? 2. Do they meet the elements we just discussed?

Lesson Plan: Module 17

Module 17
Legal Issues

Time: 2 hours

Learning Objectives:

Participants will:

1. Understand legal issues and steps to avoid circumstances leading to litigation and sexual misconduct in women's prisons
2. Learn why it is important to focus on staff sexual misconduct
3. Review your own management and operational practices and the relationship to staff sexual misconduct
4. Learn why sexual misconduct is under reported
5. Learn to identify the prison/jail culture that creates or allows staff sexual misconduct to occur

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Topic & Time	Talking Points
Module 17: Legal Issues and Women Offenders Introduce module Time: 2 minutes #26 *"Legal Issues and Women Offenders"*	In this module, we are going to be talking about a few key legal issues and women offenders. We will start by talking about some general legal issues and then after the break, talk about staff sexual misconduct. Some of the issues in managing women offenders concern litigation and have legal ramifications. The important thing is to be knowledgeable, proactive and responsive. There is a liability risk if you neglect to train, inform and supervise. If you do not pay attention and get sloppy, that is when there are legal problems. We should not minimize the threat of litigation but we should not maximize it either. Depending on the nature of the suit, both staff and

	inmates are potential litigants. In this module, we will be talking about the most frequently discussed issues legal issues in four categories: 1. Equal protection and access issues 2. Due process 3. Women, pregnancy and children 4. Staffing and Supervision First we will need to address the larger legal framework in which these questions arise. How many of you have been sued? What were the issues? Examples: hiring; searches; falsified information in pre-sentence investigation; negligence that lead to death of an offender; death of a fetus; deliberate indifference (medical); cross-gender supervision; sexual misconduct; parity case.
Discuss *Turner* and Prisoners Litigation Reform Act (PLRA) Time: 7 minutes	After the wave of prison reform cases that began in the 1970s, courts became more cautious about interfering in the day-to-day activities of penal institutions. This shift, requiring deference to the decisions of prison administrators, was mandated on a national basis by *Turner v. Safley*, 482 U.S. 78 (1987). *Turner* established that when a prison regulation impinges on inmates constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interests 482 U.S. at 89. *Turner* is grounded on the belief that courts are not suited to manage prisons and that administrators should be given full reign to create innovative responses. ***Turner*** identified four criteria for determining the constitutionality of prison regulations: 1. Is there a valid rational connection between the prison regulation and the legitimate governmental interest? 2. Are there alternative means of exercising the right that remain open to inmates? 3. What impact will accommodation of the constitutional right have on guards, other inmates and allocation of prison resources? 4. Are there ready alternatives that permit accommodation of the right at "de minimis" cost to valid penological interests? The Court recently reaffirmed the use of the *Turner* standard in *Shaw v. Murphy*, 121 S. Ct. 1475 (2001), a case alleging First Amendment rights, right of access to the courts and due process rights. As a

	result, courts do not second-guess prison administrators or require them to justify why they did not adopt other alternatives. However, one open issue is whether the *Turner* standard applies to jails, since pretrial detainees cannot be punished, meaning that penological rationales such as rehabilitation are not relevant. The general standard for measuring the constitutionality of regulations aimed at detainees is found in *Bell v. Wolfish*, 441 U.S. 520 (1979), which permits restrictions that are an incident of some other legitimate governmental purpose, such as to assure that the individual will be present for his trial, or to maintain security and order at the institution. **The Prison Litigation Reform Act** (PLRA) was enacted due to the concern that prisoners were bringing many frivolous actions. PLRA governs all civil litigation, whether in federal or state court, with respect to conditions in a federal, state, or local prison that are alleged to violate a federal right. 18 U.S.C.3626(a)(1)(A), (d) and (g)(2) and (5). It provides that a court shall not grant or approve any prospective relief unless it is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. 18 U.S.C. 3626(a)(1)(A). The act also limits attorneys' fees. The Supreme Court recently held in *Martin v. Hadix*, 527 U.S. 343 (1999), that PLRA limits attorney fees for post-judgment monitoring services performed after PLRA's effective date, but does not limit fees for monitoring performed before that date. Prisoners also must exhaust their remedies before they can sue. In *Booth v. Churner*, 121 S. Ct. (May 29, 2001), a unanimous Supreme Court held that under 42 U.S.C. 1997e(a), an inmate seeking only money damages must complete any prison administrative process capable of addressing the inmate's complaint and providing some form of relief, even if the process does not make specific provision for monetary relief. The PLRA imposes another substantial restriction on obtaining relief by conditioning any recovery for mental or emotional injury on a showing of physical injury. 42 U.S.C. 1997(e)(c). Finally, PLRA requires prisoners to pay filing fees and prohibits prisoners from proceeding in forma pauperis if they have brought three prior frivolous actions or appeals. The combined impact of PLRA and *Turner* has dramatically reduced the feasibility and efficacy of both prison reform litigation and individual prisoner suits. While this has the potential to worsen prison conditions and decrease services, it also leaves administrators free to introduce innovative programs designed to aid rehabilitation. Thus,

	while anyone can sue for anything, the most likely prisoners to sue are those who are complaining about egregious circumstances, or those who are undaunted by being assessed filing costs. In addition, former prisoners whose suits are not barred by statutes of limitations and staff are other potential litigants. It should also be noted that every jurisdiction adopts its own laws and policies to dictate sentencing and correctional issues. Therefore, specific questions can only be answered definitively by reference to the applicable state or federal legal standards. However, to the extent that the United States Supreme Court has spoken on a topic, states cannot provide lower protections to its prisoners. In contrast, by state constitution, statute or policy, they can provide inmates with greater protection than that afforded by the federal constitution.

Discuss equal protection and equivalent access to programs and services legal issues Time: 10 minutes	<u>Category #1: Equal Protection Issues/Equivalent Access to Programs and Services</u> *Do the same facilities, programs, and services have to be offered to men and women?* Because there are so many more men than women in prison, providing equivalent facilities and services for women has always posed an issue for administrators. A number of the early prison reform suits addressed such inequalities. Since *Reed v. Reed*, 404 U.S. 71, 76 (1971), gender issues have typically received heightened scrutiny in equal protection analysis. Classifications must be reasonable, not arbitrary, and must rest upon some fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike. In a prison setting, this can be satisfied by showing that the classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives. The pre-*Turner* case law found male and female inmates to be similarly situated for equal protection analysis, applied the heightened scrutiny test by comparing programs and typically found substantial disparities. Financial arguments were rejected as a reason justifying poorer conditions and programming for women due to their smaller numbers. Relief was afforded based on concepts of parity: substantially equivalent in substance, if not form. In contrast, post-*Turner* case-law has generally required a threshold showing that the women are similarly situated to the male population based on prison population, security classification level, types of crime committed, length of sentence and special characteristics. In addition,

	the rational relationship test is applied unless the plaintiff shows purposeful or intentional discrimination because of the plaintiff's gender. Cases reject any burden on the state to provide a gender-neutral basis for the discrepancy. If policy is neutral, disparate impact alone does not suffice to invalidate classification without a showing of discriminatory purpose. The focus is on the process by which programming decisions are made. Therefore, program comparisons are rejected. The anomalous result is that the more unequal the men's and women's prisons are, the less likely it is that this court will consider differences in the prison experiences of men and women unconstitutional. While no litigants have challenged sex-segregated prisons, it should not follow that women may be segregated into unequal facilities. Because the Supreme Court has not addressed unequal treatment of women in prison, it is unclear whether heightened scrutiny for gender discrimination survives *Turner.* It has been suggested the focus should be on purpose of programming, which is directed to preparing both populations for release into the community. Therefore, the appropriate factors include custody levels, length of sentence, purpose of incarceration and ability to benefit from a program, not the number of inmates at the institution and their special characteristics, which are dictated by sex segregation. One case that has received wide attention is *West v. Va. Dept. of Corrections*, 847 F. Supp. 402, 407 (W.D. Va. 1994), which held that the absence of any equivalent to placement in a male boot camp that could result in a shorter sentenced violate equal protection. *West* applied a heightened scrutiny standard in analyzing the equal protection claim. In general, proactive administrators should strive for parity based on fairness as well as rehabilitative rationales. *Can women prisoners raise Sex Discrimination Claims Under Title IX in addition to those based on Equal Protection?* Title IX, 20 U.S.C. 1681a, prohibits sex discrimination in any educational program or activity receiving Federal assistance. Thus, by definition it does not apply to the Federal Bureau of Prison, but only to states. The comparison of programs in Title IX litigation has been measured against the entire prison system. While it is unclear if a comparison between similarly situated prisons will satisfy Title IX, practically it is difficult to identify similarly situated male and female institutions. Title IX provides several advantages for female inmates. In contrast to

	equal protection litigation, the trend has been to reject a threshold showing that the female and male populations are similarly situated. Moreover, some courts have applied strict scrutiny to Title IX claims, which is even more demanding than heightened scrutiny applied to gender based discrimination. In addition, Title IX requires equality of programs, rather than parity. However, this difference is somewhat elusive. While women must have reasonable opportunities for similar studies and must have an equal opportunity to participate in programs of comparable quality, judges have not required gender-integrated classes in prisons or strict one-for-one identity of classes or as many classes in a small women's prison as in the larger men's prisons. The extension of Title IX to recreation and paying jobs has met with mixed success, depending on relationship to educational and vocational program. *Jeldness v. Pearche*, 30 F.3d 1220 (9th Cir. 1994), held that the award of merit pay to men, but not to women, participating in the same vocational training course n the same location violated Title. IX. The application of Title IX in prison cases is currently in doubt. *Alexander v. Sandoval*, 121 S.Ct. 1511, (2001), recently held that there is no private right of action to enforce disparate-impact regulations promulgated under Title VI of Civil Rights Act of 1964. The Court interpreted prior Title IX case law as providing private actions only in cases of intentional discrimination. As a result, it is likely that private claims would also be barred in disparate impact cases under Title IX. Such a restriction would virtually eliminate the use of Title IX in prison cases, since courts typically focus the following questions: 1. Is there a disparate gender impact? 2. Is there no substantial justification for difference? 3. Is there an equally effective alternative that would have a less discriminatory impact? While the presence of Title IX has provided an incentive for creating educational programs for women, its absence does not eliminate the overarching goal of reaching parity in programs for female prisoners. **Can female prisoners be given gender responsive programming or services not provided to men?** It is ironic, that while women have traditionally been placed in a prison system based on a male model for facilities, programs and services, providing them with gender responsive programming is viewed by some as inappropriate from an equal protection perspective. There are two ways to approach this issue: one based on heightened scrutiny and the other on *Turner's* rational basis test. In the current legal framework, there is reason to believe that either type of challenge is unwarranted.

	Preliminarily, the PLRA makes litigation on such issues less likely to be brought by prisoners or their advocates. However, to the extent that such programming affects job opportunities for staff members, Title VII litigation claiming sexual discrimination remains a possibility. Under *Turner,* courts routinely defer to correctional administrators who need only demonstrate the rehabilitative rationale for the programming. In addition, in jurisdictions where courts have rejected program-to-program analysis for purposes of establishing that male and female populations are similarly situated, equal protection litigation has become virtually un-winnable, despite even blatant disproportionality. Ultimately, parity, not identity of programs, is the focus, even when the male and female populations are similarly situated. If heightened scrutiny is applied, the administrator must show that gender responsive programming serves important governmental objectives (better likelihood of rehabilitating women) and are substantially related to the achievement of these objectives. Thus, the only question would be whether a stereotypical view of women is the basis for the programming, rather than supportable reasons for why such programming works. For example, the underlying reasons for women engaging in substance abuse often flow from their previous sexual or physical abuse. Thus, the response to an equal protection challenge based on gender responsive substance abuse treatment is that until the underlying causes for substance abuse are addressed in programming, such women are unlikely to forsake drugs. Concerning programs available only to women, *Smith v. Bingham*, 914 F.2d 740, 742 (5th Cir. 1990), *cert. denied,* 499 U.S. 910 (1991), denied a claim of sex discrimination brought by a male inmate who was precluded from attending vocational classes only open to females. Security claims dictated the result. *Smith* noted that the challenge would have failed applying either *Turner* or heightened scrutiny. If a job description for a gender responsive program specifies that only women are qualified for certain positions, staff members or their union may challenge the restriction. This could occur if a female therapist is designated because administrators have found that women prisoners relate better to them. This same type of issue has arisen when prisons have attempted to limit the role of male officers in female institutions to avoid cross-gender supervision and sexual misconduct. Such employee complaints are based on Title VII, which prohibits sexual discrimination in employment. However, *Tharp v. Iowa Department of Corrections*, 68 F.3d 223 (8th Cir. 1995), *cert. denied,* 517 U.S. 1135 (1996), held that a prison employer may, without violating Title VII

	adopt a reasonable gender-based job assignment policy that is favorable to women employees if it imposes only minimal restrictions on male employees. Similarly, *Robino v. Iranon*, 145 F.3d 1109 (9th Cir. 1998), held that a policy of assigning only females to certain posts imposed a de minimus restriction on male employees. To the extent that a colorable Title VII claim was raised, *Robino* held that gender was a bona fide occupational qualification (BFOQ) to accommodate the privacy interests of female inmates. Note: while courts give deference to decisions of prison administrators in a Title VII context, they balance the rights of employees. Therefore, the *Turner* standard appears to play a role in determining whether the sex discrimination is a BFOQ, even though not directly determinative. See *Torres v. Wisconsin Department of Health and Human Services*, 859 F. 2d 1523 (1988), *cert. denied*, 489 U.S. 1017 (1989). In the therapist example, the response to a Title VII challenge by male staff is twofold: 1. The restriction is de minimus because it affects only one or two slots in a prison system that includes many such slots (for these purposes slots in male facilities can be included, since the focus is job opportunity within the correctional setting); and 2. Gender is a BFOQ because effective therapy for the women to aid their rehabilitation is dependent upon the therapist's gender. However, BFOQs are difficult to justify and must be carefully considered. In addition, a BFOQ may ultimately disadvantage female staff in the overall correctional system if the same arguments regarding gender-responsiveness apply to male prisoners. If litigation is brought, it may require discovery and a full record before any defendant's claim of qualified immunity can be determined. In other words, equal protection litigation is very fact bound. As a result, summary judgment, rather than a motion to dismiss is often the more likely procedural vehicle to end the case.
Discuss due process legal issues Time: 10 minutes	**Category #2: Due Process** **Women's prisons are often located far from home, depriving them of the opportunity to meet with their attorney's and families as often as men. Is this a basis for a constitutional challenge?** Because of the smaller number of incarcerated women than men, and the hesitancy to place women in male facilities, there are typically less

	institutional choices available to women than men. Therefore, it is not uncommon for women to be located further from home than men. While this might seem ripe for an equal protection challenge, as the previous discussion has indicated, such claims often fall prey to penological realities. For example, in *Pitts v. Thornburgh,* 866 F.2d 1450 (D.C. Cir. 1989), the court applied heightened scrutiny in a case challenging general budgetary and policy choices made over decades that resulted in women prisoners being sent out of the District of Columbia. *Pitts* reasoned that unlike *Turner,* the basic policy decision whether to provide a local women's prison facility "does not directly implicate either prison security or control of inmate behavior, nor does it go to the prison environment and regime." However, despite heightened review, the court upheld closing the local women's institution to provide more housing for men because it satisfied a substantial governmental interest of alleviating overcrowding in men's institutions. The unhappy result for the women was their serving their sentences in West Virginia. The Supreme Court's view of due process in a prison setting has not proved useful to prisoners because "lawful incarceration brings about the necessary withdrawal or limitation of many privileges and rights, a retraction justified by the considerations underlying our penal system." *Jones v. North Carolina Prisoners' Labor Union, Inc.*, 433 U.S. 119, 125 (1977). *Meachum v. Fano*, 427 U.S. 215, 225 (1976) held that due process did not create a liberty interest in prisoners to be free from intrastate prison transfers, even from a medium to maximum security facility, because this was within the normal limits or range of custody which the conviction has authorized the State to impose. Thus, a prisoner has no inherent constitutional right to be confined in a particular prison or to be held in a specific security classification See also *Olim v. Wakinekona*, 461 U.S. 238, 245-46 (1983) (interstate transfer). In *Froehlich v. Wisconsin Department of Corrections*, 196 F.3d 800 (7th Cir. 1999), the children of an incarcerated mother sued to prohibit her transfer to an out of state prison. Judge Posner rejected their Eighth Amendment challenge based on cruel and unusual punishment as frivolous because the state is not punishing the children. In other words, the incidental infliction of hardship on a person not convicted of a crime is not punishment within the meaning of the Eighth Amendment. However, the transfer was viewed as insensitive, and while recognizing that such an accommodation is not constitutionally imposed on prison officials, the judge noted "it may be a moral duty." The underlying question raised by the imprisonment of women far from

	home is whether many of them who are nonviolent and serving lengthy terms under harsh drug laws can be rehabilitated in community correctional facilities located closer to their homes. In that way they would be able to maintain family ties and be more likely to obtain training and jobs that would assist their re-entry after release. If prison administrators consider such inmates as good risks for community based programs without jeopardizing public safety, the chance of obtaining such options is increased. Several urban areas have created coordinating councils among all of the agencies involved in the criminal justice system to more fairly deal with women offenders. **Research has indicated that women are given penalties for behavior in prison that is minor and is not considered a violation of the rules in a men's prison. These penalties may prolong their incarceration or put them in solitary confinement more frequently. Is this a due process violation?** *Sandin v. Conner*, 515 U.S. 472, 484 (1995), clarified due process analysis in prisoner cases. First, a state may create liberty interests protected by due process. However, these interests will generally be limited to freedom from restraint which, "while not exceeding the sentence in such an unexpected manner as to give rise to protection by the Due Process Clause of its own force, . . . nonetheless imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life." In *Sandin*, discipline in segregated confinement did not present a due process claim, because there was no liberty interest in remaining in the general prison population and free of disciplinary or administrative segregation. Therefore, discipline by prison officials "falls within the expected perimeters of the sentence imposed by a court of law." 515 U.S. at 485. It should be noted that the particular burdens imposed by segregation in *Sandin* were not great, and facts that implicate atypical significant deprivations or inevitably affect the duration of sentence could arguably still present a due process claim. Thus, in relation to women prisoners, allegations of particularly brutal isolation and sensory deprivation for women who act out or attempt suicide in the general population may raise due process as well as eighth amendment and equal protection concerns. The higher percentage of mentally ill female inmates has been well documented. In general, the interrelation of mental healthcare and security needs is a subject that calls for more attention. Women appear to be place in solitary confinement for less egregious behavior than men, some of which is directed at themselves rather than others. Yet confinement appears to increase their violent behavior against themselves and imposes devastating psychological

	effects on many women. Proactive administrators should consult with their mental health professionals to determine whether isolation is an appropriate response for the behavior in question.
Discuss women, pregnancy and children legal issues Time: 15 minutes	**<u>Category #3: Women, Pregnancy, and Children</u>** **Are jails and prisons required to provide visitation? If not, are they inflicting hardship not only on the mother but on the children as well?** *Block v. Rutherford*, 468 U.S. 576 (1984) upheld a blanket prohibition to contact visits of pretrial detainees as an entirely reasonable, non-punitive response to the legitimate security concerns identified, and therefore consistent with the Fourteenth Amendment. The decision specifically noted, We do not in any sense denigrate the importance of visits from family or friends to the detainee. Nor do we intend to suggest that contact visits might not be a factor contributing to the ultimate reintegration of the detainee into society. We hold only that the Constitution does not require that detainees be allowed contact visits when responsible, experienced administrators have determined, in their sound discretion, that such visits will jeopardize the security of the facility. 458 U.S. at 589. The denial of contact visits for prisoners has been upheld by *Toussaint v. McCarthy,* 801 F.2d 1080 (9th Cir. 1986), *cert. denied,* 481 U.S. 1069 (1987) and *Bazzetta v. McGinnis*, 124 F.3d 774 (6th Cir. 1997). Similarly, the denial of prison access to a particular visitor "is well within the terms of confinement ordinarily contemplated by a prison sentence," *Kentucky Dept. of Corrections v. Thompson*, 490 U.S. 454, 461(1989). However, in his concurring decision in *Thompson*, Justice Kennedy recognized that Nothing in the Court's opinion forecloses the claim that a prison regulation permanently forbidding all visits to some or all prisoners implicates the protections of the Due Process Clause in a way that the precise and individualized restrictions at issue here do not.” One court found a total ban on visits with children violated the First Amendment right to freedom of association. *Valentine v. Englehardt,* 474 F. Supp. 294, 295 (D.N.J. 1979). At a minimum, prison administrators should consider the negative effect on rehabilitation caused by restricted visitation, since women’s ties with their children have been recognized as a strong motivation for reducing recidivism.

Typically, the impact of limited visitation on children and families is not factored into the legal analysis, although it is undoubted that the children, particularly those raised by single mothers, face hardship that is exacerbated by the inability to interact on a personal level. However, particular restrictions on visitors may run afoul of *Turner* or may be evaluated by a stricter standard of review (see *Procunier v. Martinez*, 416 U.S. 396, 413-14 (1974)). For example, *Burgess v. Lowery*, 201 F.3d 942, (7th Cir.), *cert. denied*, 121 S. Ct. 156 (2000), affirmed the trial court's denial of a defendant's qualified immunity claim because it was clearly established that visitors have a Fourth Amendment right not to be strip searched in absence of reasonable suspicion that they are carrying contraband.

A ban on non-contact visits with family and children was recently been rejected under *Turner*. *See Bazzetta v. McGinnis*, --- F.Supp.2d ----, 2001 WL 521473 (E.D.Mich., Apr 19, 2001). Restrictions on visits by children should be reviewed to determine if they can withstand a challenge. For example, since longer visits for young children may be the only way to ensure that children can visit and bond with their mothers, if minor accommodations can accomplish this goal, a one size fits all visiting schedule may be questionable under *Turner*. Similarly, requiring that children be brought by a legal guardian unduly limits visitation. Other individuals can bring the child even if their own individual visit would not be permitted. See *Bazzetta v. McGinnis*, 2001 WL 521473 (E.D Mich. 2001) (finding visitor restrictions concerning family members violated constitutional rights of prisoners).

Is restraining a pregnant about-to-deliver woman legal when it can endanger her or her child?

Restraints on pregnant women have been the subject of worldwide attention. Amnesty International, Human Rights Watch and the United Nations Special Rapporteur on Violence Against Women have all questioned this practice. In particular, Amnesty International has recommended legislation, regulation, policies and practices to reflect a commitment to protect inmates against such abuse. It also considers the routine use of restraints on pregnant women, particularly on women in labor, a cruel and unusual practice that rarely can be justified in terms of security concerns because it endangers the woman and her unborn child, and also constitutes a violation of international standards. Whether an Eighth Amendment violation can be stated depends on a finding that such conduct involves the unnecessary and wanton infliction of pain. *Estelle v. Gamble*, 429 U.S. 97 (1976).

To demonstrate an Eighth Amendment violation requires both an objective and subjective component.

1. The injury is objectively and sufficiently serious, denying "the minimal civilized measure of life's necessities" if

    a. it results in the 'unnecessary and wanton infliction of pain,'
    b. is 'grossly disproportionate to the severity of the crime warranting imprisonment,' or
    c. results in an 'unquestioned and serious deprivation of basic human needs."

2. The official has a sufficiently culpable state of mind demonstrating deliberate indifference when

official knew of and disregarded an excessive risk to inmate safety or

official must be aware of facts from which an inference could be drawn substantial risk of harm exists and he must draw the inference

Women Prisoners of District of Columbia Dept. of Corrections v. District of Columbia, 93 F.3d 910, (D.C. Cir. 1996), *cert. denied*, 520 U.S. 1196 (1997), noted that the District Judge had found the use of physical restraints on pregnant women to violate the Eighth Amendment, a finding that was not challenged by the defendant on appeal. The court order in that case provided that:

- Defendants shall use no restraints on any woman in labor, during delivery, or in recovery immediately after delivery.

- During the last trimester of pregnancy up until labor, the defendants shall use only leg shackles when transporting a pregnant woman prisoner unless the woman has demonstrated a history of assaultive behavior or has escaped from a correctional facility.

At a minimum, prison administrators should question the necessity of physical restraints in individual cases, since most pregnant women, particularly those nearing labor, are not flight risks. In addition, the use of restraints may factor into a claim for inadequate medical care for a pregnant inmate. See, e.g., *Calloway v. City of New Orleans*, 524 So.2d 182 (La. Ct. App. 1998) (affirming liability against sheriff, but reducing award of damages).

Does a pregnant prisoner have a right to obtain a non-therapeutic

	abortion, and if so must the state pay for it? It is well settled that a woman has a right to obtain an abortion without undue interference from the state before viability of the fetus. See *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992); *Roe v. Wade*, 410 U.S. 113 (1973). However, liability over a state's refusal to permit a pregnant detainee or prisoner access to abortion services has met with mixed results. Several courts have issued injunctions against regulations requiring court-ordered releases for inmates to obtain nontherapeutic elective abortions. For example, *Monmouth County Correctional Institutional Inmates v. Lanzaro*, 834 F.2d 326 (3d Cir. 1987), *cert. denied*, 486 U.S. 1006 (1988), found a county order requiring inmates to secure court-ordered releases to obtain abortion while in county's custody was unconstitutional. In addition, to extent that the county's regulation requiring inmates to obtain their own financing for abortion impinged upon inmate's right to make abortion choice, regulation was unconstitutional. In the absence of alternative methods of funding, *Lanzaro* found that the County must assume the cost of providing inmates with elective, nontherapeutic abortions. *Doe v. Barron*, 92 F. Supp.2d 694 (S.D. Ohio, 1999), granted a Temporary Restraining Order to a female prisoner requesting access to pregnancy termination services after the director of the correctional center refused to provide access without a court order. However, *Doe* did not involve any request to fund the abortion. Courts have been less willing to assess damages than to require access. In *Victoria W v. Larpenter*, 2001 WL 263080 (E.D. La. 2001), the court dismissed an action brought under 42 U.S.C. 1983 on the basis of qualified immunity, in a case where the sheriff's policy required a court order authorizing the abortion and refused to pay for the cost of transportation and security as well the abortion. *Victoria W* distinguished *Lanzaro* because Louisiana law prohibited the expenditure of public funds for abortions. Such funding bans are legal. See *Webster v. Reproductive Health Services*, 492 U.S. 490, (1989) (a statutory ban on use of public employees and facilities for performance or assistance of nontherapeutic abortions did not contravene the Constitution). While *Victoria W* recognized that denial of abortion could be considered a serious medical need for purposes of an Eighth Amendment violation, it also dismissed that claim based on qualified immunity because it did not find the law on that point to be clearly established at the time in question. Similarly, *Bryant v. Maffucci*, 923 F.2d 979 (2d Cir. 1991), *cert. denied*, 502 U.S. 849 (1991), affirmed a grant of summary judgment in a 1983 action where the pretrial detainee failed to establish that the

	delay in scheduling the abortion was result of anything more than mere negligence on the part of correctional authorities. In other words, negligence did not establish a deprivation of due process. The plaintiff's Eighth Amendment claim failed because the facility's procedure for termination only required a written request, not permission from either the department of correction or the court. *Gibson v. Matthews*, 926 F.2d 532 (6th Cir. 1991), also held that officials were entitled to qualified immunity, and their actions did not rise to level of constitutional violation concerning negligent failure to provide an abortion. Again, the grant of qualified immunity rested on the lack of a clearly established constitutional right at the time of the abortion request. While *Victoria W* left open whether the regulation requiring a court order for the elective procedure was constitutional, several of the mentioned cases either explicitly or implicitly reject such requirements. Administrators should review their own regulations carefully to determine if they hinder an inmate's right to choose to terminate her pregnancy. It is only a matter of time before qualified immunity claims will be rejected for policies requiring court orders. Even if a facility is not required to pay for the abortion, policies that require inmates to pay for transport and security may be suspect. *Do harsh sentencing policies combined with statutes terminating parental rights of incarcerated women violate due process or the Eighth Amendment ban on cruel and unusual punishment?* Enactment of harsh drug laws, mandatory minimums and repeat offender statutes has resulted in more women being incarcerated for longer sentences. The majority of incarcerated women are mothers, many who are raising their children alone. Single mothers who are incarcerated are more likely to have their parental rights terminated than male prisoners who are fathers because the children of male inmates overwhelmingly reside with their natural mothers. In contrast, the children of female inmates are more likely to reside with grandparents or other family members, friends, or foster care providers. Termination of parental rights is a major issue for incarcerated mothers. *Lassiter v. Dept. of Social Services*, 452 U.S. 18 (1981), rejected any requirement that a state must provide a parent with an attorney in termination proceedings, although some states provide an attorney for the court appearance. The difficulty for incarcerated parents to contact social workers, child protection agencies and others responsible for parental rights determinations can be daunting without an attorney. Attempts to require the state to provide such legal advice, if not

	otherwise legislatively mandated have not proved successful. *Glover v. Johnson*, 75 F.3d 264 (6th Cir.), *cert. denied,* 519 U.S. 816 (1996), held that the fundamental right of access to courts did not require the state to provide legal assistance for inmates in connection with custody matters. State statutes concerning the termination of parental rights vary widely. While a few are based solely on incarceration for a stated time, most have additional requirements that are based on the timelines established by the Adoption and Safe Families Act of 1997 (ASFA). However ASFA has imposed an incredibly costly collateral consequence of incarceration for single mothers who are incarcerated more than 15 months. Now not only do they lose their liberty, but they may face early termination proceedings if their children are placed in non-kinship foster care. Moreover, Welfare reform has made it more difficult for relatives to receive funding for children in their care without a finding that the child is subject to he jurisdiction of dependency court. Yet state involvement increases the likelihood of eventual termination. ASFA tightened the timeline for parental termination that existed in most states at the same time that sentences were also increasing. As a result, the vast majority of incarcerated mothers may face termination proceedings. This is particularly true in federal court, which does not "ordinarily" permit "family ties" as an appropriate reason to lower a sentence. In other words, many of the nonviolent drug offenders who would have been sentenced to probation or community correctional facilities in the past, now face lengthy incarceration and the possible loss of parental rights. While ASFA only became fully operative in 1999, anecdotally there are already stories of terminations for children who have no families waiting to adopt them, or who may be realistically non adoptable. Such children will remain in foster care without any real possibility of adoption, but without the ability of their relatives to obtain assistance to maintain family ties or their mothers to reunify with them after their release. It is also likely that the low percentage of foster care placements for children of incarcerated mothers reported in prisoner surveys is actually substantially higher because many of the relatives caring for the children are actually providing kinship placements. Ironically, when children age out of foster care, some of them locate and return to their mothers who long ago had their parental rights terminated.

	While ASFA and termination statutes are not unconstitutional, they impact both the incarcerated mothers and their children. Typically, the mother feels guilty about the disruption to her child's life caused by her incarceration, and depressed about her potential loss of contact with her child. This may have a negative impact on her rehabilitation. Although the child is not punished according to the Eighth Amendment, which applies only to prisoners, in reality, the child's world may be devastated. Not only do children lose contact with their mother, but they also may be separated from siblings and placed in unsatisfactory living circumstances, whether with family, friends, or even in foster care placements. Ultimately, such children are at risk of becoming involved in the juvenile or adult correctional system. Programs to prevent intergenerational criminality have only recently begun to receive any widespread attention. Yet without reconsidering the sentencing alternatives open to incarcerated mothers and their impact on parental rights terminations, mothers and children will continue to suffer penalties that are not meted out to males.
Discuss staffing and supervision issues Time: 12 minutes	**Category #4: Staffing and Supervision Issues** *What is the law concerning cross-gender supervision and searches?* Many lawsuits involving women offenders stem from cross-gender supervision. Administrators must balance competing institutional claims with privacy interests of women offenders. Philosophical Underpinnings "We must not exaggerate the distance between us, the lawful ones, the respectable ones, and the prison and jail population; for such exaggeration will make it too easy for us to deny that population the rudiments of humane consideration" Chief Judge Posner, concurring and dissenting from a request for an en banc rehearing in *Johnson v. Phelan*, 69 F.3d 144, (7th Cir. 1995), *cert. denied*, 519 U.S. 1006 (1996). Consider these basic questions… • Do prisoners retain privacy rights in prison? • Do prisoners have a right to be free from unreasonable searches in prison? • Is there a reason to treat male prisoners differently from female prisoners? • Do women have a greater expectation of privacy than men? • Are there important governmental objectives served by providing women inmates with greater privacy rights than men?

- What are the rights of employees?
- What are the institutional concerns?

Do prisoners have a general right to privacy?

The Fourth Amendment says "the right of people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated…"

Privacy to decide personal matters has been found under the penumbra of the First Amendment, e.g., marriage, procreation, abortion, family relationships, child rearing, education

In contrast,

- Inmates have no reasonable expectation of privacy in their cells. *Hudson v. Palmer*, 468 U.S. 517 (1984)

- Inmates can be subjected to visual body-cavity inspections *Bell v. Wolfish*, 441 U.S. 520 (1979)

Based on *Hudson* and *Bell*, most federal courts recognize that under the Fourth Amendment a convicted prisoner maintains some reasonable expectations of bodily privacy while in prison, particularly where those claims are related to forced exposure to strangers of the opposite sex, even though those privacy rights may be less than those enjoyed by non- prisoners. See *Cornwell v. Dahlberg*, 963 F.2d 912, 916 (6th Cir.1992); *Moore v. Carwell*, 168 F.3d 234, 236-37 (5th Cir.1999); *Peckham v. Wisconsin Dept. of Corrections*, 141 F.3d 694, 697 (7th Cir.1998) (narrowing *Johnson v. Phelan*, which held that "the Fourth Amendment does not protect privacy interests within prisons."); *Fortner v. Thomas*, 983 F.2d 1024, 1030 (11th Cir.1993); *Covino v. Patrissi*, 967 F.2d 73, 78 (2nd Cir.1992).

Such rights are subject to *Turner's* reasonably relationship test. Therefore observation must be more than inadvertent, occasional, casual and/or restricted to be actionable. In addition, qualified immunity may bar liability. See *Cookish v. Powell*, 945 F.2d 441 (1st Cir. 1991); *Somers v. Thurman*, 109 F.3d 614, 618-19 (9th Cir.1997); *Fortner v. Thomas*, 983 F.2d 1024, 1030 (11th Cir.1993).

Many of the cases involve **male** prisoners. For example:

- *Grummett v. Rushen*, 779 F.2d 491 (9th Cir. 1985)

Male inmates brought a class action challenging the prison policy

of allowing female officers to view them in various stages of nudity. They claimed that this viewing violated their right to privacy.

The Ninth Circuit Court of Appeals affirmed the district court's grant of summary judgment for the state, concluding that, under the Fourteenth amendment, the prisoners' right to privacy was not violated and that the state had chosen the least intrusive means to further the stat's interest in security.

Important: The female guards only saw the men in casual observation and from a distance.

The court was concerned about providing female guards with equal employment opportunities. A greater value which superceded the male prisoners right to privacy.

- *Kent v. Johnson*, 821 F.2d 1220 (6th Cir. 1987), held that the male inmates' claim could not be dismissed out of hand and remanded to the district court which applied Turner to find in favor of the prison.

- *Johnson v. Phelan*, 69 F. 3d 144 (7th Cir. 1995), dismissed male pretrial detainee's action based on female guards' observation of him while naked for failure to state a claim.

- *Timm v. Gunter*, 917 F 2d 1093 (8th Cir. 1990), held that surveillance of male prisoners while nude by female guards violated no privacy interest and must yield to prison's security needs.

The Courts apparently think that women have a greater expectation of privacy than men

- *Forts v. Ward*, 621 F. 2d 1210 (2d Cir. 1980). Female inmates challenged male guards' placement in their housing units during night-time shifts. The court took as a given that women had a constitutional expectation of privacy. Women would be provided suitable sleepwear and permitted to cover cell windows for 15 minute intervals.

- *Lee v. Downs*, 641 F. 2d 1117 (4th Cir. 1981), upheld a jury verdict on behalf of a woman inmate who had been forced to disrobe in the presence of male guards.

- *Torres v. Wisconsin Department of Health and Human Services*, 859 F. 2d 1523 (1988), *cert. denied*, 489 U.S. 1017 (1989), held that the state could exclude male guards from its female prisons in order to promote female prisoners' rehabilitation without violating the male staff's employment rights if it could show that the BFOQ was "reasonably necessary to furthering rehabilitation." Privacy was key concern in reassignments.

- But see *Cain v. Rock*, 67F.Supp.2d 544 (D. Md. 1999), which upheld a cross-gender guarding policy, and rejected Section 1983 liability where the plaintiff failed to establish that the policy was the direct cause of her alleged sexual assault.

What is the law concerning cross-gender strip searches and pat downs?

Note: Results differ depending on whether the inmate is male or female. Assuming non-egregious facts, cross-gender searches by females of male inmates tend to be upheld, while cross-gender searches by male guards have a greater chance of being struck down. This relates to differing expectations of privacy and concerns that female correctional employees will be denied employment opportunities if they are routinely excluded from jobs in male prisons.

Cases involving Male Inmates:

- Inmates can be subjected to visual body-cavity inspections *Bell v. Wolfish*, 441 U.S. 520 (1979)

- *Grummet v. Rushen*, 779 F.2d 491 (9th Cir. 1985). Female officers allowed to conduct searches of male inmates including the groin area. These searches were reasonable because:
- They were done briefly while inmates were fully clothes (and)
- They were performed in a professional manner.

- *Timm v. Gunter*, 917 F.2d 1073 (8th Cir. 1990), *cert. denied*, 501 U.S. 1209 (1991). Cross-gender pat searches of male inmates by female correctional officers did not violate male inmates' privacy rights and a prohibition on these searches would impede internal security and diminish the effectiveness of the search.

- *Madyun v. Franzen*, 704 F. 2d 954 (7th Cir.), *cert. denied*, 464 U.S. 996 (1983). No violation of First Amendment, Fourth Amendment or Equal Protection when female guards conduct pat searches of male inmates.

	• No Fourth Amendment violation because no requirement that female guards examine genital area; • No First Amendment violation given the state's important governmental interest in security and equal employment opportunities for women staff; • While female inmates are only searched by female staff, no Equal Protection violation for different treatment. Found that state had legitimate interest in maximizing employment opportunities for female staff. • *Somers v. Thurman*, 109 F. 3d 614 (9th Cir.), *cert. denied*, 522 U.S. 852 (1997). Reversed a lower court's denial of guard's motion for summary judgment based on qualified immunity. At the time of the alleged incident, male prisoners did not have a clearly established Fourth or Eighth amendment right to be free from visual body cavity searches and visual supervision by female staff. *Cases involving Female Inmates:* • **Jordan v. Gardner, *986 F. 2d 1521 (9th Cir. 1993) (en banc). Found that a Washington state policy that allowed male prisoners to conduct a pat search on women inmates violated the women's* Eighth Amendment *right to be free from cruel and unusual punishment where the cross gender searches were random, non-emergency, suspicionless and conducted on women offenders who had prior histories of abuse and would be likely to feel re-victimized by the intimate contact of their breasts and genitals by male guards.*** • **Colman v. Vasquez, *2001 WL 388915 (D.Conn. 2001). Refused to dismiss Fourth and Eighth Amendment claims on qualified immunity grounds where males conducted pat searches on female inmate designed to special unit for victims of sexual abuse.*** • **Carlin v. Manu, *72 F.Supp.2d 1177 (D. Or. 1999). At summary judgment, officers were entitled to qualified immunity for strip searches by female officers in the presence of male guards because practice was not clearly unlawful at the time.*** • *Foote v. Spiegel*, 118 F.3d 1416 (10th Cir. 1997). Strip searches of a female jail inmates without reasonable suspicion resulted in

an officer being denied qualified immunity.

- *Kelly v. Foti*, 77 F.3d 819, 822 (5th Cir. 1996). Strip search of arrestees charges with minor offense is permissible only if official has individualized suspicion that arrestee is hiding weapons or contraband; accord *Skurstenis v. Jones*, 236 F.3d 678 (11th Cir. 2000); *Chapman v. Nichols*, 989 F.2d 393 (10th Cir.1993).

What precautions should be taken to avoid lawsuits resulting from sexual harassment, sexual misconduct or cross-gender supervision?

Farmer v. Brennan, 511 U.S. 825 (1994):"being violently assaulted in prison is simply not 'part of the penalty that criminal offenders pay for their offenses against society.'"

Most suits will be based on 1983 claims of First, Fourth, Eighth and Fourteenth Amendment violations. For municipal liability, an official policy or custom must be alleged that deprives a person of a federally protected right. Failure to adequately supervise can be actionable if the policy was adopted with deliberate indifference to the known or obvious possibility of sexual assaults. The municipality must also have actual or constructive knowledge of the inappropriate practice.

Precautions include:

- Establishing clear policies concerning inappropriate conduct
- Conducting training of staff concerning sexual misconduct and cross gender supervision
- Establishing protocols for investigating claims and ensuring against retaliation
- Not ignoring prisoner complaints as they provide notice to the municipality if the correctional officer commits further misconduct

Note: A number of courts hold that an inmate's "consent" to an officer's sexual misconduct is not a defense. e.g., *Carrigan v. Delaware*, 957 F. Supp. 1376 (D.Del. 1997)(sexual intercourse between guard and inmate is per se violation of Eighth Amendment, whether or not consensual; discussion of consent and qualified immunity).

Could same sex supervision lessen the likelihood of sexual misconduct or privacy claims arising from cross-gender supervision?

- While sexual misconduct may occur between same sex staff and inmates too, the most visible claims are by males supervising female inmates.

- The prevention of sexual misconduct serves legitimate prison interest in security and rehabilitation.

- Historical, cultural and psychological reasons that women may feel more violated and/or intimidated by cross-gender supervision than men.

- Cross-gender supervision and sexual misconduct may violate standards of international law.

Does same sex supervision violate the rights of employees of the opposite sex? Is it a bona fide occupational qualification (BFOQ) for certain positions that the employee be female or male?

While it is difficult to obtain a BFOQ for intentional discrimination based on gender, BFOQs on this basis have been permitted in correctional settings. Privacy and rehabilitation concerns must be documented, as well as security interests.

- *Dothard v. Rawlinson*, 433 US 321 (1977), upheld gender restrictions that prohibited hiring of female guards in contact positions in an all male maximum security prison, finding that gender was BFOQ based on need to protect women guards from assaults by male prisoners.

- *Tharp v. Iowa Department of Corrections*, 68 F.3d 223 (8th Cir. 1995), *cert. denied*, 517 U.S. 1135 (1996), held that a prison employer may, without violating Title VII adopt a reasonable gender-based job assignment policy that is favorable to women employees if it imposes only minimal restrictions on male employees.

- *Robino v. Iranon*, 145 F.3d 1109 (9th Cir. 1998), held that a policy of assigning only females to certain posts imposed a de minimus restriction on male employees. To the extent that a colorable Title VII claim was raised, gender was a bona fide occupational qualification (BFOQ) to accommodate the privacy interests of female inmates.

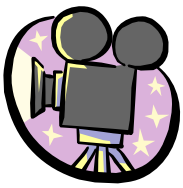
- *Torres v. Wisconsin Department of Health and Human Services*,

	859 F. 2d 1523 (1988), *cert. denied*, 489 U.S. 1017 (1989), held that the state could exclude male guards from its female prisons in order to promote female prisoners' rehabilitation without violating the male staff's employment rights if it could show that the BFOQ was "reasonably necessary to furthering rehabilitation." State is **not** required to show objective evidence, either from empirical studies or otherwise, displaying the validity of their theory. Proper evaluation is on totality of the circumstances as contained in the entire record. Decision of penal administrators is entitled to substantial weight when the product of a reasoned decision-making process, based on available information and experience. The fact that program is considered a reasonable approach by other professional penologists is a significant consideration. • *Rider v. Commonwealth of Pennsylvania*, 850 F. 2d 982 (3d Cir.), *cert. denied*, 488 U.S. 993 (1988), upheld dismissal based on res judicata grounds that state court had held that being female was a BFOQ for monitoring women prisoners. Note: *Carl v. Angelone*, 883 F.Supp. 1433 (D.Nev. 1995), held that an administrator could not base a claim of qualified immunity on an affirmative defense of BFOQ. In that case, issue of fact precluded summary judgment on BFOQ defense. In *Carl*, there were no factual findings that a large percentage of female prisoners would suffer psychological pain or harm upon being physically searched by men or that prison's security was not dependent upon cross-gender clothed body searches.
Discuss how to best address legal issues regarding women offenders in an organization Time: 1 minutes	Establishing a gender sensitive policy that addresses potentially litigious issues requires thought. Be clear about the interests you are trying to serve and be sure that the policy is narrowly tailored to meet those interests: security, rehabilitation, simple decency, past trauma of women inmates, affirmative action for women staff. 1. Get legal analysis 2. Try to enlist the support of your union 3. Try to defuse the opposition of your union 4. Involve mental health staff in documenting the presence of trauma in your female population. 5. Determine if security is dependent upon cross-gender searches.
Re-cap and summarize module to this point Time: 3 minutes	This module covered legal concerns for managing women offenders. The critical legal issues for women offenders include: • Under an equal protection analysis, parity of facilities, programming and services for women offenders is the goal. • Gender-responsive programming is an appropriate

	correctional response. • Restrictions on access to abortion services such as court approval should be eliminated. However, the inmate may not be entitled to public funds to pay for the abortion. • Restricted visiting and parental rights termination proceedings are significant to women inmates and may adversely affect their rehabilitation even if such policies and laws are not unconstitutional. • There are differences between men's and women's rights to privacy - essentially women's employment rights supercede men's right to privacy and women offender's rights to privacy extend farther than men's right to privacy. . • Cross-gender supervision can be appropriate, but case law is stricter about male correctional officers doing pat searches with female inmates, than female correctional officers doing pat searches with male inmates. • Be proactive to lessen chances of sexual misconduct litigation. Establish protocols and follow them; institute training, consider how best to deploy male staff.
Break **Time: 10 minutes**	

Discuss staff sexual misconduct with inmates Time: 38 minutes # 27 *"The Daily Dozen"*	I want you to begin to… 1. Get a national perspective on the issue of sexual misconduct 2. Learn why it is important to focus on staff sexual misconduct 3. Review your own management and operational practices and the relationship to staff sexual misconduct 4. Learn why sexual misconduct is under reported 5. Learn to identify the prison/jail culture that creates or allows staff sexual misconduct to occur 6. Learn to identify effective correctional policies and procedures 7. Understand key/critical issues regarding sexual misconduct 8. Identify the strengths and weaknesses in their own operations and management system (through individual action plans) I encourage you to sign up for the week-long "NIC Staff Sexual Misconduct with Inmates" training that is held every year.

#28 *"Red Flags"*	During the past five years, several publications have occurred that have heightened everyone's awareness. Human Rights Watch, "Too Familiar: Sexual Abuse of Women in US Prisons" (1996). Can get excerpts on internet. 1997 filed a civil Michigan and Arizona Departments failed to sufficiently protect women. This was not a suit from outsiders. No Where to Hide (on Michigan) Human Rights Watch. 1999, Not Part of My Sentence: Violation of Human Rights. Amnesty International. All DOC directors got a congressional report (spurred on my Rep. Holmes) in June 1999, Women in Prison: Sexual Misconduct by Correctional Staff and they were asked to respond. *Begin PowerPoint® Program.* • **Definition.** So, what is "sexual misconduct"? Sexual Misconduct has different definitions in different contexts. For this training and in your work, we are going to use the definition that sexual misconduct is, "any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, visitor or agency representative. This includes acts or attempts to commit such acts including but not limited to sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy. Sexual misconduct also includes, but is not limited to, conversations or correspondence which suggest a romantic or sexual relationship between an inmate and any party mentioned above." • **Consequences.** Some people might ask, "so, what is wrong with two people being attracted sexually to each other in a work setting… what is the harm? Isn't it just human nature for people



	to be attracted and fall in love?” Staff sex misconduct affects everyone in negative ways - it pits staff against staff, staff against administrator, community/media against the institution, etc. The consequences are much greater than what is included in the statute. Perhaps the biggest issue is that sexual misconduct is a security risk for the institution. The inmates involved get special favors or treatment and the roles between inmate and staff become blurred. It also creates stress and trauma or those involved; undermines the public’s support of correctional personnel; exposes the agency and staff to liability; creates a hostile work environment; compromises professionals; victimizes the already vulnerable and is a misuse of authority; violates the law; diminishes legislative support for funding and reforms; and creates mistrust within the facility. Many agencies have a “zero tolerance” policy and tough consequences. The agency’s policy needs to clearly identify prohibited behaviors, articulate the mechanisms for mandatory reporting of allegations, and include a strong commitment to staff training. • **Not a woman’s issue.** Sexual misconduct is not a “woman’s issue” although it did first emerge publicly in women’s facilities. Sexual misconduct occurs between male staff –female inmate, male staff – male inmate, female staff – male inmate, female staff – female inmate. Yet, what does the press focus on? Sex in women’s prisons? You bet. Is there a double standard? You bet. • **Occurs at all levels.** Sexual misconduct occurs in all levels of institutions and correctional programs. Each facility is at risk. You cannot put your head in the sand anymore on this topic. I

	say "give me 16 hours in your institution" and I will find it (3 shifts). The only surprise is that we are surprised – as individuals, as administrators and institutions. • **Inmate and staff profiles.** There are many characteristics that can influence a person's response to sexual misconduct. The risk for involvement in sexual misconduct with staff is rarely random. Inmates bring life experiences with them that greatly influence the level of risk for involvement. Understanding the inmate profile (e.g., abuse backgrounds) is helpful for administrators who are trying to develop preventative measures and policies. Understanding staff profiles and when staff may be vulnerable (e.g., divorce, financial circumstances, no training, sexualized culture in the institution) is also important. *End PowerPoint® program.*
Activity: Sexual Misconduct and Your Institution Time: 20 minutes	*Have participants break into small groups of 4-6 people each group and select a recorder and reporter. Have the groups answer the following questions:* *1. What have you/your agency done regarding sexual misconduct?* *2. What things does your agency still need to do, or you may want to do.* *After 15 minutes, reconvene the full group. Write group responses on the easel pad by dividing it with a line down the middle and "current" written at the top and "need" at the top of the other column.* *Question #1 Examples:* *We have training* *We have policies (but not sure what they are)* *We do investigations* *We have laws* *Our staff is sensitive to the issues of sexual misconduct* *Sexual misconduct is covered in our ethics training too* *Grievances go directly to the director and sealed* *Warden talks about this at orientation*

	Everyone gets a training on ethics and sexual harassment *Question #2 Examples:* • *We need to review our policies – they are there, but not taken seriously* • *We need to look at our trainer (needs to be creditable)* • *Need to review training issues and content of training* • *We need to look at our investigation process* • *We need to look at our laws and if they are comprehensive* • *We need to get information to the inmate population too – we have only talked to staff* • *Our department only targets people "going down the road" but it needs to be for everyone* • *Need to have staff "sign" that they received the policy on sexual misconduct* • *Our laws don't match the definition of sexual misconduct (our law says "carnal knowledge" and is pretty vague)* *Remind groups to keep their notes from this activity. It may be helpful information when you put together your action plans.*
Summarize module Time: 2 minutes #29 *"Sexual Misconduct in Prisons: Laws, Remedies, and Incidence"*	We have looked at a number of legal issues regarding women offenders. The important thing is to know what you can and cannot do. Many times we are stifled from doing good gender-responsive programming because we have "heard" it is illegal to do or we are not cognizant of the legal implications of our staffing and policies. We need to keep current on what the law and court decisions are saying.
Break **Time: 10 minutes**	

Lesson Plan: Module 18

Module 18
Gap Analysis

Time: 1 hour 30 minutes

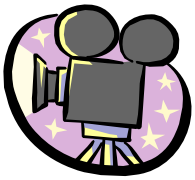
Learning Objectives:

Participants will:

1. Identify what needs to change in their organization in order to be more gender responsive
2. Develop three goals for their jurisdiction based on the gaps they identify

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 18: **Gap Analysis** Time: 20 minutes 	<u>Start PowerPoint® program</u> **Slide #1** Gap Analysis **Slide #2** What is the difference between what the system has now and what it needs to have in the future in order to have your shared vision? **Slide #3** <u>What is in our "Vision Statement?"</u> …what we want the agency to become, the programs and services we want to provide to women – compared with what exists in the agency today **Slide #4** <u>Gap Analysis</u> To begin: • Create as complete an inventory as possible of existing programs and services for women offenders • Include both facility-based and community-based programs, and transitional processes where appropriate

	Slide #5 • Identify your agency's existing policies and practices concerning women offenders. **Slide #6** <u>Considering What We Now Know about…</u> • Our vision for the women offenders in our jurisdiction • Profile of the women • Our stakeholders • Existing programs and services **Slide #7** <u>Identify what Must be Changed to Create this Agency of the Future.</u> There are three columns of issues: 1. Programs and services we want to have (vision) 2. Programs and services we have now 3. Programs and services we need to change **Slide #8** Those areas of identified change from the foundation of our goals **Slide #9** <u>Example of Gap Analysis</u> • Vision: Women offenders will have access to gender-responsive programs and services designed to keep them crime-free and productive members in their communities. • Existing: Programs based on empirical evidence re: what works for *male* offenders • Gap: Programs based on empirical evidence re: what works for *women* offenders
Activity: What must change? **Time:** 35 minutes	**Slide #10** <u>Team Activity</u> • Revisit your Vision • Consider your existing programs and services for women offenders • Consider your existing policies and practices concerning women offenders • Identify *what must change* to achieve your vision • You have 30 minutes <u>Break participants into their teams for this activity. After 30 minutes, reconvene teams back to large group. Briefly</u>

	discuss "what must change?" **Slide #11** Develop Goals • Broad areas of emphasis that need to be addressed to implement the vision and mission • Few in number, typically 3 or 4 • First steps in the "road map" for transforming the vision into action **Slide #12** Answer the Questions • What do we want our agency to accomplish with women offenders in our jurisdiction in the next ten years? • How do we close the gap between what exists in the system today & what we want in the future? • What direction shall we take? **Slide #13** Possible Goal Arenas • Policy Changes • Legislative Action • Training/ Education • Public Outreach • Improved Information Systems • New Partnerships • Service Creation • Program Changes **Slide #14** Sample Goal Establish gender-responsive mental health assessment and services for women in our jail **Slide #15** Desired long-term outcomes • A high-level measure that allows an agency to determine its degree of success in achieving its associated goal • A broad result that an agency plans to achieve in the longer term, three to five years in the future. • At least one desired long-term outcome for each goal **Slide #16** Example of Desired Long-term Outcome

	• Women offenders in the jail assessed to have mental health problems will receive appropriate program placement & services.
Lunch **Time: 1 hour**	
Activity: Identify goals to close the gap Time: 25 minutes	**Slide #17** <u>Team Activity</u> • Consider those things that must change in order to achieve your vision • Identify three goals that will move you towards your Vision by closing the gap • Break into groups of 5-6 people • You have 25 minutes Break participants into their teams. After 25 minutes, reconvene teams back to large group. Discuss the three goals. End PowerPoint® program.
Summarize gap analysis Time: 10 minutes	*Discuss the key points that emerged from the team activities.*

Lesson Plan: Module 19

Module 19
Political Realities and Marketing

Time: 1 hr 15 min

Learning Objectives:

Participants will:

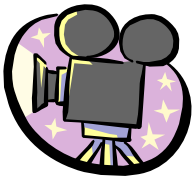
1. Identify the political realities in their jurisdictions in order to work more effectively within that framework to make change

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Module 19: Political Realities and Marketing Define "political realities" Time: 10 minutes	What is meant by "we have political realities to deal with?" What is a definition of "political realities? *Write ideas on easel pad. Examples include:* • *Something you don't have control over or there are limitations.* • *You have to work to influence or change* • *Political realities are fluid and ever-changing* "Political entities" include a group or organization that has an influence on you or your agency. An "external political entity" might include national, international (e.g., Human Rights Watch, Amnesty International), state or local community groups. "Internal entities" include supervisors, colleagues, unions, or offenders. "Political Issues" include: • financial/budget (to privatize or not, budget cuts) • policy/practice • philosophy/values (political climate, legislature, death penalty opponents) • Others (offender escapes and kills a citizen; abuse occurs in the prison

	and a story appears in the paper) What does “advocate” mean? *Ask for responses. Examples include:* • *It is a dirty word* • *Pejorative* • *We can educate others but not take the offenders’ side* • *It is too offender-oriented if we advocate* • *Somebody has to speak on their behalf – they need resources* What does it mean to be an advocate for women offenders? *Ask for responses. Examples include:* • *Lone voice* • *Frustrating* • *Rewarding* • *The right thing to do*
Activity: Identifying you Political Realities Time: 35 minutes	Break up participants into small groups/teams for 25 minutes and answer these questions: *Write the questions on the easel pad.* 1. What are the political realities in your jurisdiction? 2. Identify the political entities and the political issues you encounter. Discuss in the large group for 10 minutes.
Break **Time: 10 minutes**	

Discuss homework assignment Time: 5 minutes	How are you going to "sell" or market your ideas once you get back? To management, to co-workers, to line staff, to the public? For the next half hour, we are going to talk about marketing and getting the message out. Did everyone do their homework assignment? Tell me about some of the news clippings you cut out from yesterday's or today's newspaper. *Discuss the "message" that is communicated in these articles and, if it reflects negatively on the agency or organization, how it might have been handled differently. What were they trying to communicate? Were they successful?*
Discuss "marketing" ideas Time: 25 minutes 	*Begin PowerPoint® program.* There are 13 rules for marketing. *Discuss each one or get response from the participants.* 1. **Targeting.** Internal and external. Who are you trying to reach? 2. **Be number "one."** It is always best to be the leader. 3. **Turn negatives into positives.** It is doing a "spin" but believing it too. 4. **Build on trends.** Know your market. Read the paper. Take advantage of current events. 5. **Be prepared to validate.** Specific names, addresses, cite publications. 6. **Less is more.** Articulate benefits. Don't confuse. Say it in 10 seconds. 7. **Create a common language.** Share common language among stakeholders. Use the same terminology. 8. **Set a timeframe.** Accumulation of data, analysis of data, recommendations for change, implementation of changes, follow-up and evaluation. 9. **Publicity.** Part of marketing. Gain visibility in print and news media. Leverage and impact. Implies credibility, prestige, and influence. 10. **Don't be a publicity hog.** Good press coverage is an incentive. Share the glory. Ensure public credit for stakeholders. 11. **Public relations staff**. Utilize their expertise. Internal stakeholder. Benefits of positive publicity. No PR person? Then become educated about the media, capitalize on current stories and trends. 12. **No surprises**. Initiative can place agency in limelight. Prepare your boss for possible criticism. Keep superiors informed of all communication with media. If you are not comfortable in a leadership role, or you are not in the position to take the risk, then find another stakeholder. 13. **Content**. Have something to say and say it well. *End PowerPoint® program.*

Lesson Plan: Module 20

Module 20
Action Plan

Time: 4 hours 35 minutes (plus 15 minute wrap-up)

Learning Objectives:

Participants will:

1. Have an opportunity with their team to share what they are going to be doing when they return to their jurisdiction and to receive feedback from faculty and others to improve their action plan.

Resources Needed:

Easel pad and pens
Overhead projector
PowerPoint® player/machine (Lap top and LCD projector)
Screen

Topic & Time	Talking Points
Module 20: Action Plan Activity: Team work on Action Plan Time: 2 hours	In your participant notebook, you will find your "Action Plan" form. Gather all your notes your journal entries, your easel pad materials, and work in your teams this afternoon to develop an action plan. You will have about two hours to work on your plan with your team. You are encouraged to meet outside the class as well.
End of Day 4 **Banquet and skits in evening**	

Start of Day 5	
Recap an Questions from Day 4 Time: 5 minutes	
Address "Parking Lot" issues Time: 10 minutes	*Review the parking lot issues that have been accumulating throughout the week and that are written on the easel pad paper and posted on the wall.*
Action planning team report-out Time 1 hour	
Break **Time: 10 minutes**	
Action planning team report-out Time: 1 hour 20 minutes	
Wrap up, evaluation, certificates Time: 15 minutes	*Conclude training.* *Summarize key points and highlights from the week.* *Ask if anyone has anything to add or say.* *Hand out evaluations for participants to complete.* *Hand out NIC training completion certificates.*