

Women in Texas' Criminal Justice System

Highlights from a Two-Part Report Series by the Texas Criminal Justice Coalition



QUICK FACTS

#1 Texas ranks first in women's incarceration, with more women behind bars in Texas than any other state

12,508 Number of women incarcerated in Texas' state corrections system

64% of women in Texas' state corrections system who are incarcerated for a nonviolent offense, mostly drug possession or delivery

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

26% of women incarcerated in Texas' state corrections system who are Black, though comprising approximately 6% of Texas' overall population

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

The Texas Criminal Justice Coalition produced a two-part report series to examine the unique circumstances of women, including the underlying causes of their incarceration, their growth in incarceration over time, and their experiences while incarcerated. Throughout these reports, we share the findings of a survey we conducted of incarcerated women in 2014. More than 430 women completed the survey, providing extensive and detailed information about themselves prior to and during incarceration.

These reports shine a light on an otherwise **understudied** and **underserved** population, and we invite you to read them in full at www.TexasCJC.org/womens-justice. On that webpage, you will also hear from women who have been personally impacted by Texas' criminal justice system, and you can learn more about our partner organizations and those that serve system-impacted women.

The information in this booklet is excerpted from our reports. We urge you to use this information to push for reforms that will safely reverse the trend of women cycling through Texas' criminal justice system.

Contact: Lindsey Linder, J.D. | (512) 441-8123, ext. 110 | LLinder@TexasCJC.org

★ Donate to our Justice for Women campaign at www.TexasCJC.org/donate ★

A Growing Population: The Surge of Women into Texas' Criminal Justice System

In the first report in our series, we explore the concerning increase in the number of justice system-involved women in Texas, and we recommend programs and policies that can reverse this trend and effectively redirect women away from the criminal justice system.

- **Female incarceration in the Texas Department of Criminal Justice increased 908% from 1980-2016, compared to an increase in the male population of 396%.**
- **From 2009-2016, Texas reduced its men's prison population by 8,577 while backfilling its prisons with 554 women.**
- **The number of women in Texas jails awaiting trial — totaling around 6,300 — has grown 48% since 2011, even as the number of female arrests in Texas has decreased 20% over that time period.**

Highlights from the Texas Criminal Justice Coalition's Survey of Incarcerated Women

- **52%** reported that their total household income, before taxes, immediately before entering TDCJ was less than \$10,000 per year.
- **55%** reported having been diagnosed with a mental illness.
- **58%** reported having been sexually abused or assaulted as a child. 68% of these women were first abused when they were 10 years old or younger, with 31% being abused for the first time when they were 5 years old or younger.
- **82%** reported having experienced domestic violence or dating abuse.
- **25%** reported having been forced to exchange sex for money, food, or basic needs before entering TDCJ.
- **12%** reported having spent time in the foster care system.
- **81%** reported having children.

Drivers of Female Incarceration & the Impact on Families

A multitude of factors have contributed to the growing rate of female incarceration: poverty and unemployment; lack of education and stable housing; lack of treatment for mental illness; tough-on-crime prosecution of drug crimes; psychological, sexual, and physical trauma; and overly broad conspiracy and accomplice laws, which women are more likely to be swept up by.

As of 2016, women in the Texas Department of Criminal Justice (TDCJ) represented 8.5% of the total incarcerated population, up from 7.7% in 2009. Although this is a small portion of the prison population, their incarceration creates profound ripple effects in their families and within their communities. In Texas, more than 10,000 women in TDCJ are mothers. Incarcerating them — even for short periods — removes them from their children and partners, can cause job loss and eviction, risks loss of custody of a child, and makes later access to employment, education, and housing all the more challenging, given a criminal record.

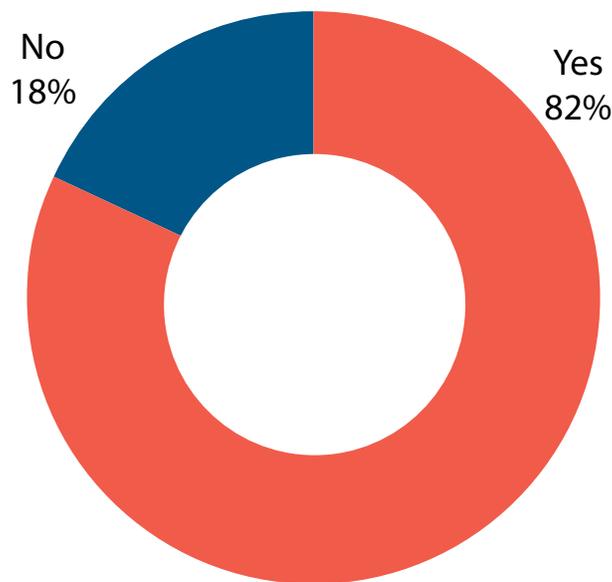
Recommendations

The entire community benefits when we are able to properly serve and rehabilitate those who come into contact with the criminal justice system. And **crime survivors and voters on both sides of the political aisle agree that being smart on crime means addressing the root causes of a person's criminality, rather than simply warehousing them for lengthy periods of time and releasing them with virtually no supports.** Adjusting our practices to respond appropriately to women's needs is essential if we are to stop and reverse the growth of women in the system.

The Texas Criminal Justice Coalition urges local and state officials to adopt the recommendations below, which will hold women accountable while helping them heal and allowing them to remain in their communities and with their families — critical steps to improving public safety and reducing costs associated with incarceration. These recommendations are important for women at risk of entering the justice system, women already on probation who want to live successfully in the community, and women on parole who seek to avoid re-incarceration.

- 1. Invest in community-level supports that account for extensive trauma histories.** More than half of women who responded to our survey had been physically or sexually abused, and 82% had experienced domestic violence. Survivors of violent crime and abuse need healing services, and by facilitating recovery within communities, women can remain with their families and support groups before challenges escalate to criminal justice system involvement.

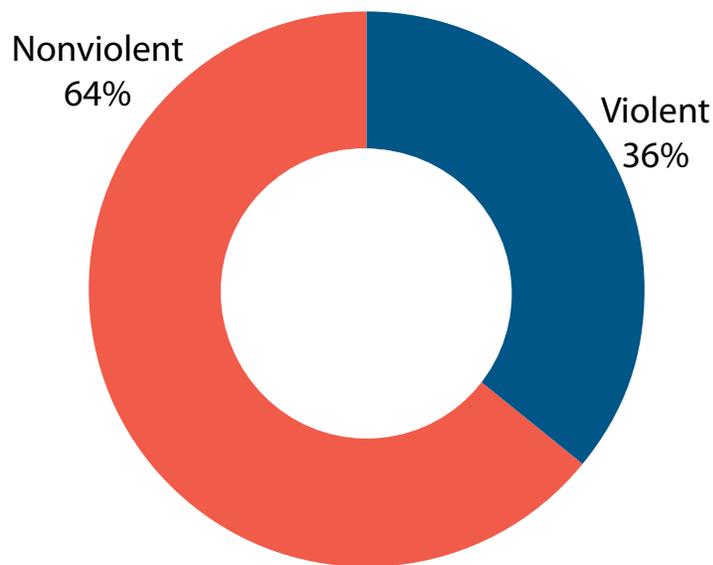
Have you ever experienced domestic violence or dating abuse?



- 2. Utilize diversion programs to hold women accountable while preventing them from escalating deeper into the justice system.** Diversion programs address underlying trauma and behavioral issues through behavioral health, substance abuse, and other treatment services, rather than through incarceration. Such programs can be tailored to particular communities and can include restorative justice approaches that empower women to stop harming themselves and others in the community, or policies that allow police officers to immediately redirect individuals with low-level drug or prostitution offenses into community-based services. This is especially beneficial for pregnant women or women with primary custody of minor children.
- 3. Provide specialized treatment options for women on probation.** While prevention and diversion programs are preferable to justice system involvement, especially for low-level offenses, many women in Texas are placed on probation. To best help women on probation live successfully and productively in the community, Texas should strengthen the ability of probation departments to provide specialized treatment options — especially for women diagnosed with drug addiction or mental health issues, and women with past trauma. To ensure that the largest number of women possible can take advantage of appropriate, specialized programming, probation departments should administer a gender-specific assessment to identify women’s particular needs.

- 4. Reform the bail system to stop punishing poverty.** Many bail systems do not take into account a person's indigency and, as such, they force people who otherwise pose no threat to the public to remain incarcerated until trial. This is particularly problematic for women, as poverty is a significant factor for justice system-involved women. Texas counties should adopt a risk assessment tool that more accurately measures a person's risk to the community, increase the use of personal bonds, and apply a presumption of pretrial release for low-risk individuals.
- 5. More effectively address the needs of women with drug offenses.** Of all women incarcerated in TDCJ, nearly 30% (3,600 women) are incarcerated for a drug offense, and the average sentence length for women with a drug offense is 9 years — which comes with the price tag of \$202,455 per woman. Policy-makers at state and local levels must support front-end investments in effective programs for the large population of women struggling with substance abuse. An astonishing 92% of all voters and 88% of GOP primary voters agree that Texas' current system is not working for people with drug addiction who continually cycle in and out of jail, never recovering from addiction, and putting a strain on law enforcement.

The Majority of Women in TDCJ are Incarcerated for Nonviolent Offenses



“Put simply, we know that when we incarcerate a woman we often are truly incarcerating a family, in terms of the far-reaching effect on her children, her community, and her entire family network.”

– U.S. Attorney General Loretta Lynch

An Unsupported Population: The Treatment of Women in Texas' Criminal Justice System

In the second report in our series, we explore the unique issues facing system-impacted women, including the challenges they face within prison facilities, and we recommend programs and policies that treat women with dignity and increase the likelihood that they can successfully rejoin their families and communities.

- **70% of women incarcerated in the Texas Department of Criminal Justice (TDCJ) have been identified as suffering from a substance abuse disorder. Only 21% of women responding to our survey reported receiving substance abuse treatment inside TDCJ.**
- **52% of women reported having 2-3 children, and more than 30% reported having more than 3 children. Nearly half of women reported that they never see their children, and 27% reported that they see their children once per year or less.**
- **196 women gave birth in TDCJ in Fiscal Year 2016, and as of December 2017, the most common offense of record among pregnant inmates was drug possession.**
- **While inside TDCJ, women reported a lack of access to health care and basic hygiene items, including sanitary pads, tampons, and toilet paper.**
- **Incarcerated women in Texas have access to an Associate degree plan and certifications in two occupations: office administration and culinary arts/hospitality management. In contrast, men have access to an Associate, Associate of Applied Science, Bachelor's, or Master's degree plan, as well as certifications in 21 occupations. Additionally, women have access to 21 technical education courses, while men have access to 48 courses.**

Recommendations

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

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

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

– Jasmine Heiss, Reimagining Women's Incarceration



1. Invest in in-prison programs and tools that address women's unique needs.

Ensure access to gender-specific, recidivism-reducing programming that improves the reentry transition: TDCJ and county jail administrators should implement treatment and trauma-informed programming in all-female settings, and the treatment curriculum should address many of the common barriers to success for women leaving confinement: how to shoulder parenting responsibilities, avoid abusive relationships, handle money, and address health issues. Where possible, treatment programs should be part of a comprehensive continuum of care that continues after each woman's release from custody.

Utilize gender-specific risk and needs assessments to ensure particular issues are addressed: A gender-specific risk assessment should factor in trauma and abuse, mental illness, substance use, self-esteem, dysfunctional relationships, and parental responsibilities.

2. Improve conditions of confinement for women to ensure they are treated with dignity.

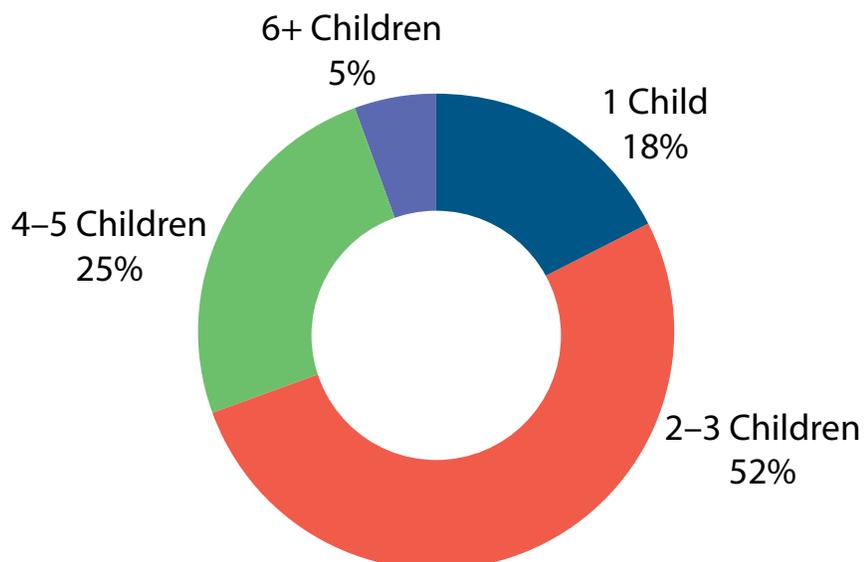
Better assess the needs of pregnant women, and ban shackling while pregnant: TDCJ is required to report various data points related to pregnant inmates. Lawmakers and agency personnel must use the information to implement policies that will effectively address the unique challenges facing pregnant inmates. Separately, Texas must take additional steps to ban shackling of women while pregnant in prison or jail.

Improve the time that mothers can spend with newborn children: TDCJ should expand the BAMBI program, which allows a mother and her infant to bond in a residential facility for up to 12 months, with longer stays considered on a case-by-case basis. Providing more mothers with the opportunity to bond with their newborns in a safe and secure environment will promote healthy growth and development, socialization, and psychological development during the infant's formative years.

Increase access to quality health care: TDCJ must ensure that women have regular access to mental health care, an imperative component in rehabilitation. Similarly, TDCJ should rethink policies or practices that may deter women from seeking necessary health care services.

Increase access to quality hygiene products: Texas should provide all female inmates with an amount of toilet paper, tampons, and sanitary pads sufficient to provide for their health care and hygiene needs. Without enough of these products, women are forced to barter and trade with other women.

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



Provide nutritious food and allow more access to water: Women are less likely to be physically healthy and more likely to require health care services in TDCJ without nutritious food and plenty of water.

Reduce sexual and physical violence against incarcerated women: 24% of women who responded to our survey reported feeling “not very” or “not at all” safe in TDCJ. Texas has an obligation to ensure that anyone placed under the supervision of a state or local facility is not subjected to physical or sexual violence. It should ensure full compliance with the Prison Rape Elimination Act in all state and county corrections facilities, publish transparent accounts of assaults in “live time,” and create an independent oversight body for all TDCJ and county jail facilities.

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

–Destiny, child of an incarcerated mother

3. Remove barriers to family unity. The separation of a woman and her children can be deeply traumatizing, resulting in serious mental, physical, and emotional health issues among children, and impacting a women’s later likelihood of reoffending.

Eliminate costly charges for phone calls from prison: Cost is an unfortunate factor in a woman’s ability to communicate with her loved ones. Texas ranks 47th in the nation in affordability of a 15-minute prison phone call. TDCJ should allow mothers to call their children on a regular basis at no cost.

Create more welcoming, family-friendly visitation areas: Some incarcerated mothers are only able to see their children through a glass partition. And in many Texas counties, face-to-face visitation has been eliminated altogether, with video visitation instead being the only visitation option. Corrections facilities should allow mothers to engage in play and interact in a meaningful way with their children. Texas also should explore the possibility of allowing mothers in prison to earn periodic, overnight stays with their children.

4. Better prepare women for release from incarceration.

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

than men. State and local officials must invest in programming and resources that give women the tools for a successful transition.

Provide pre-release programming: Women who will soon be transitioning out of confinement should undergo particularized pre-release programming with specific components, including economic planning; training in parenting, communication skills, and cognitive thinking; provision of basic information on legal rights in regard to reuniting with children, and on dealing with domestic violence; referrals to other agencies for assistance with housing and areas of particular importance to women with children; and support services and emergency assistance for basic necessities.

Provide linkage to child welfare agencies: TDCJ should enter into inter-agency agreements with relevant child welfare agencies to increase the likelihood of family reunification upon a woman’s release from incarceration.

Improve aftercare and parole assistance: After a woman’s release from confinement, TDCJ should provide aftercare and follow-up, building upon pre-release training and skills building. Furthermore, the Parole Division should encourage parole officers to tailor supervision methods based on the gender of the parolee, especially critical in regards to helping female parolees find safe, stable employment.

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





Visit www.TexasCJC.org/womens-justice to hear from system-impacted women!



Hannah Overton



Evelyn Fulbright



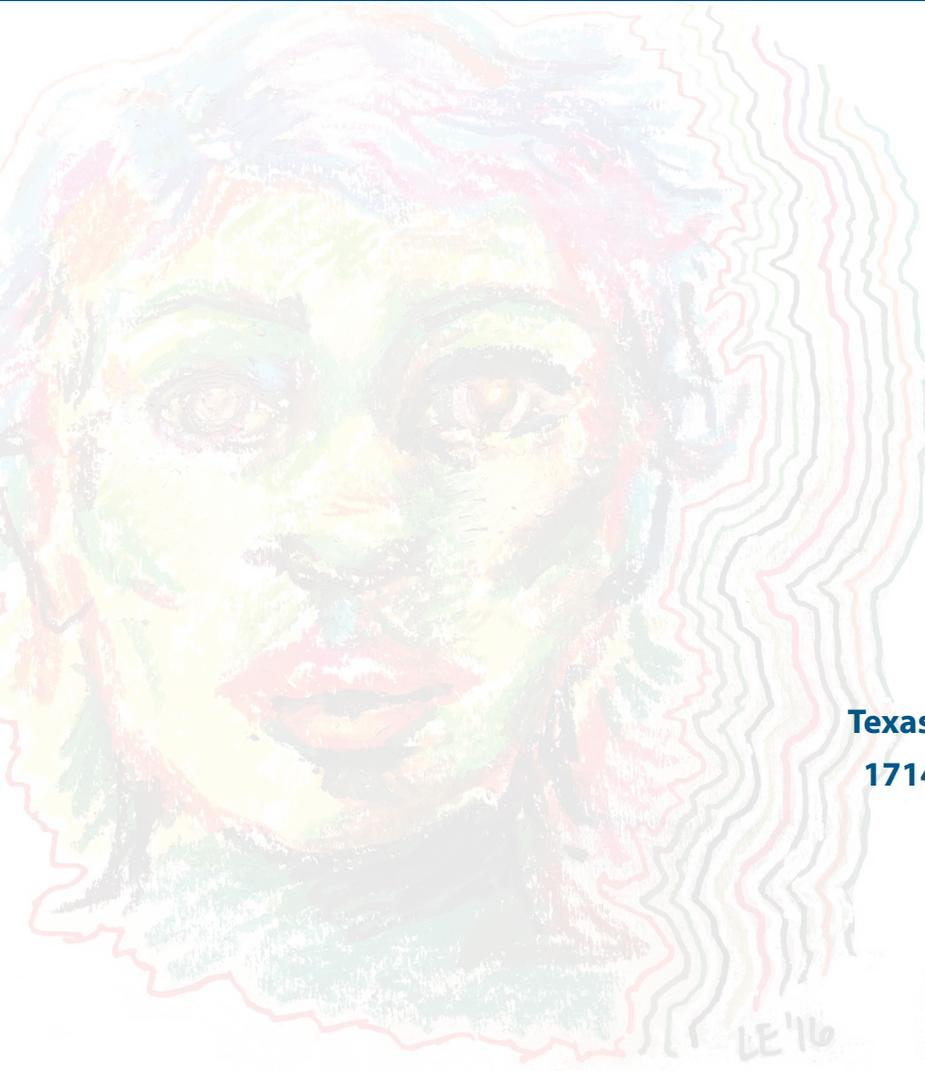
Angelica Rangel



Destiny Harris



Lauren Johnson



Texas Criminal Justice Coalition

1714 Fortview Road, Suite 104

Austin, Texas 78704

(512) 441-8123

LLinder@TexasCJC.org

www.TexasCJC.org



**TEXAS CRIMINAL
JUSTICE COALITION**