

Gender-Specific Probation and Parole: a Literature Review

INTRODUCTION

The terms “gender-specific” or “gender-responsive” are used interchangeably in criminology and criminal justice literature. During the 1990 decade, the term “gender-specific programming” as it applied to juvenile females, was described as “comprehensive programming which addresses and supports the psychosocial developmental process of female adolescents, while fostering connection within relationship in the context of a safe and nurturing environment” (Gaarder, Rodriguez, and Zatz 2004). The notion of gender-specific programs was based on themes involving, a safe and nurturing environment, and the importance of relationships, connections, and comprehensive services offered to the individual. More recently, the literature identifies gender-specific programming in management-type phrases. Gender-responsive as defined by the often cited writers Bloom and Covington (2000) is “creating an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women’s lives and addresses the issues of the women participants.” In 1992, “gender-specific” terminology was used in the laws related to juvenile justice and delinquency. The 1992 reauthorization of the Juvenile Justice and Delinquency Prevention Act highlighted the need for designing “gender-specific” programs for delinquent girls (Greene, Peters, & Associates 1997).

This paper introduces the reader to the field of corrections dealing with gender responsive programming. From a definition of gender related terms, we move to describing the differences between men and women found in current criminal justice literature. Describing differences include understanding gender characteristics and a look at recent statistics. National and statewide data for New Mexico will help to clarify how women

are involved in crime differently from men. Next we look at the contemporary trends and components for gender-responsive programs. Studying gender-specific probation and parole models is our ultimate task, so we conclude by reviewing probation and parole programs specifically designed for women. Our critique will apply a “gender-lens” of best practices to recent programs.

WOMEN IN CRIME

The U.S. Bureau of Justice Statistics (BJS) reported at the end of 2004 females accounted for a quarter of felony property offenders, 18 percent of drug crimes, 10 percent of violent crimes, and only 4 percent of weapon offenses (Durose and Langan 2007). At yearend 2005, almost 1 in 4 probationers nationwide were female. Women represented a slightly larger percentage of the probation population in 2005 than in 1995, up 2 percent. Women represented 23 percent of all adults on probation in 2005 (956,200), up from 21 percent in 1995. In contrast, at the end of 2005 women on parole represented 12 percent of the total parole population, up 2 percent since 1995. In a nationwide report by BJS, in 2004 New Mexico reported the third largest total increase (11.5% and 14.9%) in the number of adults on probation and parole (Glaze and Bonczar 2006). Mental illness effects a high percentage of females in jails and prisons. Female inmates in prisons and jails had higher rates of mental health problems than male inmates (Prisons: 73% of females to 55% males; jails: 75% to 63%). BJS reported in 2005, females were three times more likely to have been diagnosed with a mental disorder than male inmates (23% to 8%). BJS also reported by midyear 2005, females state prisoners who had a mental health problem were three times more likely than those without to: have a substance addiction, have a current or past violent offense, have used cocaine or crack in the month before arrest, have been

homeless in the year before arrest, report past physical or sexual abuse, and have 3 or more prior sentences to probation or incarceration (James and Glaze 2006).

Offender statistics from the NM Corrections Department (NMCD) describe that in 2004, males and females were dissimilar in the types of crimes they committed. Higher percentages of males (46.9%) committed violent crimes compared to females (29.9%), and a higher percentage of females (39.9%) were incarcerated for drug crimes compared to males (19.2%) (New Mexico Sentencing Commission 2005). In 1996, approximately 15 percent of the probationers and parolees under supervision in New Mexico were female. More specifically, females represented approximately 17.4% of probationers and 14.7% of all parolees in New Mexico (New Mexico Criminal and Juvenile Justice Coordinating Council 1998). On November 1, 2006, the NM Corrections Department, Probation and Parole Division reported to the NM Legislature that 13,567 individuals were on parole and probation in New Mexico. This number included regular supervision, special programs and offenders under NM supervision in other states (NM Legislative Finance Committee 2007).

Incarceration rates are growing faster for women than for men. At midyear 2005, the percent increase in female prisoners under the jurisdiction of State or Federal authorities was almost twice that of male prisoners. The female prison population increased 4.6% to reach 111,403, while the male prison population increased 2.7% to reach 1,445,115. This growth is part of a larger trend between 2000 and 2006, when the female prison population grew 3.3% on average, compared to a 2.0% growth in the male prison population. Women made up 7.2% of the prison population on June 30, 2006, compared to 6.1% at yearend 1995 (Sabol, Minton, and Harrison 2007; Chesney-Lind 2000; National Criminal Justice Reference Service - In the Spotlight 2007; Bloom, Owen, Covington, Raeder 2003). The NMCD reports that in New Mexico, between 1995 and 2004, the rate of females in prison grew an average of 11%, while the male population increased 6% (New Mexico Corrections Department 2007). Several reasons are given in the literature for the change in rates for men and women. Some charge government policies and changes in the law for the difference in rates. For example, state legislatures have mandated prison terms for lower level drug offenses which impacts women offenders at a higher rate than men. Some writers call this type of policy a war on women rather than a war on drugs. (Chesney-Lind 2000; Lapidus et al. 2005). For others the growth in incarceration rates

for women is due to policies and to women becoming caught in a revolving door. The cycle can begin with drug use to escape economic pressures or mental illness, to involvement in the justice system and being unable to meet probation or parole conditions that lead once again, to drug use and a cyclical circumstance. (Bloom et al. 2003). The notion of a revolving-door and the associated trauma in relationships, has given rise to the suggestion that women make their own pathways into crime, paths that are different from men.

WOMEN UNDER COMMUNITY SUPERVISION

Recent national probation/parole data for females is limited. It has been stated that in 2005, women represented 23% (956,200) of all adults on probation (Glaze and Bonczar 2006). Nationally, in 2000 BJS reported 844,697 women were on probation and 87,063 were on parole. This represented a 76% increase over the previous decade when 480,642 women were under community supervision. During 2000, more than 60% of the women on probation were White, 27% were African American, and 10% were Hispanic. The median age of women on probation was 32 years old, most (60%) had a high school education, 40% were single, and 72% had minor children (Greenfeld and Snell 2000).

Women who have not been incarcerated but who are on probation in a community setting face different problems than women who are incarcerated. Women in both categories must contend with the blemish of having been arrested and found guilty in the criminal judicial system. Women on probation must deal with daily limited economic resources, the pressures associated with being a single parent, limited community services or programs, the dilemma of possibly having too many agencies providing similar services, or inadequate and fragmented treatment or community resources. For the woman on probation/parole the situation becomes a balance of meeting her conditions of probation with limited time for reporting, employment, child care, housing, and transportation access to and from required treatment appointments. Each separate obstacle becomes an issue a woman on probation must overcome to keep from violating her probation/parole (Bloom, et al. 2003; Chesney-Lind 2000).

DIFFERENCES BETWEEN MEN AND WOMEN OR UNDERSTANDING GENDER-BASED CHARACTERISTICS

Literature exploring the involvement of women in the criminal justice system begins with describing the distinction between women and men and the need for programs created solely for women. Joanne Belknap in her book, *The invisible woman: Gender, crime, and*

justice, writes that women take different pathways into crime than men. This point is made in numerous articles related to women and crime (Simpson 1989; Daly 1994; Brown 2006). Because gender makes a difference in the particular path that one takes into crime, gender must also be taken into account in the response to one's path to recovery from criminal behavior (Reisig et al. 2006). Among women the most common pathways to crime are based on survival from physical abuse, poverty, and abusing drugs. Pollock (1998) makes the point that women have histories of sexual or physical abuse that seem to be at the beginning of a path to delinquency, addiction, and criminality (Pollock 1998).

A national survey of imprisoned women, found that women in prison had experienced higher rates of physical and sexual abuse than males in prison (43% to 12.2%). Additionally, researchers found that men are abused early in life but not as adults, whereas women are abused early in life and later, as adults (Snell and Morton 1994). Similar findings were made in the year 2000 edition of *Women in Prison* by BJS. (Greenfeld and Snell 2000). For women a life course pathway of abuse leads to delinquency and future difficulties in relationships. The traumatic nature of abuse, chaotic family life, involvement in negative relationships, and drug use are conditions that can mark a woman's path into crime.

BEING GENDER RESPONSIVE: PROGRAMS SPECIFICALLY FOR WOMEN

The correctional system was designed primarily for men, incorporating assumptions about typically male behaviors, experiences, and criminal pathways (Berman 2005). Studies measuring risk-assessment tools have found that these tools rely on male-centered theories of crime and delinquency and as a result do not account for factors that lead women into crime or re-offending (Reisig, Holtfeter and Morash 2006). The obvious differences between men and women have caused researchers to look at different ways to effectively treat women. In the field of substance abuse treatment, researchers have realized the limitations of treatment and the importance of addressing women's issues of trauma and victimization (Hanson 2002). Researchers in the field of corrections are following the lead of health care professionals by responding to the differences between men and women. The American Correctional Association (2006) revised policy in 2006, specifying that programs must be designed and implemented to meet the needs of the female population, rather than simply import services designed for males.

The most influential and often cited approach to gender-responsive treatment for women offenders is the, *Gender Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*, a 2003 monograph in several volumes published by the National Institute of Corrections and authored by Bloom, Owen, Covington, and Raeder. For the authors, there are six guiding principles to insure correctional agencies provide gender responsive management. (Brown 2007)

1. Gender makes a difference for correctional policy and practices. Differences must be acknowledged by policymakers. Currently there is little support for changing practices based on the gender needs of women.
2. The correctional system must create an environment that is safe, respectful, and dignified. This guideline would free women from sexual and other forms of abuse by correctional staff and others. For women, behavioral changes are unlikely to occur unless the environment is free of trauma.
3. Correctional agencies must promote healthy relationships within facilities and outside in community supervision settings. The criminal behavior of most women can best be understood in the context of unhealthy relationships, i.e., abusive dysfunctional families and childhood, abusive adult partners, and substance abuse.
4. As described earlier, women's paths into crime involve abuse, trauma, substance abuse, and mental illness. Correctional services and supervision programs for women must effectively address these pathway issues.
5. Women are economically marginalized with little education, job skills, or employment histories (O'Brien and Young 2006; Greenfeld and Snell 2000). A research study of a sample of 134 female felony offenders from locations in Oregon, Minneapolis, and St. Paul, Minnesota found that state-sponsored support to address short-term needs (e.g., housing) reduced the odds of these women recidivating by 83%. The study found that not only do community corrections officers who make available state resources promote women's empowerment; they are also less likely to have clients who re-offend. The more self-sufficient a woman can be, the greater are her chances for success (Holtfreter, Reisig, and Morash 2004).
6. While state-sponsored support might not be available in sufficient quantities in rural communities to meet a single mother and criminal offenders' needs, the more self-sufficient a woman can be, the greater are her chances for

success. The sixth principle addresses community support. To keep women from re-offending, corrections agencies must join with public and private community organizations to ensure there is adequate support for the woman to be successful. This means safe child care services should be available. Adequate transportation services and assistance should be accessible for the woman to meet reporting requirements and obtain health care services.

Correctional programs that can meet the six guiding principles can potentially succeed in assisting the woman offender on a pathway out of crime.

Research suggests women have an increased ability to succeed if they are given the following services while still incarcerated: effective substance abuse treatment, adequate health care in prison such that women are not released suffering from untreated medical problems, diagnosis and treatment for mental health issues, counseling to address past issues of violence suffered and potential post-traumatic stress disorder as well as to break the cycle of violence, education and job training, access to housing upon release, and assistance with family reunification (Richie 2001; Travis 2005).

CRITIQUE OF PROGRAMS USING THE BEST PRACTICES "GENDER-LENS"

This section represents an appraisal of current and recently implemented programs for women. The programs are a mixture of services for women under community supervision who have not been incarcerated and services for women who are reentering the community after incarceration.

ARC Community Services, Madison, Wisconsin

ARC Community Services, Inc. is a private, not-for-profit, 501(c)3 agency providing innovative, women responsive, strengths-based, family focused, community-based wraparound services since 1976, to women and their children/families. The agency provides integrated, multi-disciplinary services in the family context particularly the mother/child, in order to foster healthy family functioning and family intactness and reduce out-of-home placements of young children and to assist in stopping the cycle of family violence, abuse and neglect as well as to provide for the development of safe, economically viable, constructive lifestyles. The agency has developed a program based on best practices and in response to the needs of women at risk for criminal

activity and/or substance abuse. Embedded within ARC's 11 specific programs are treatment components focusing on the special needs of women. They form a holistic approach to women specific treatment that is culturally and gender sensitive. These additional elements include a family-centered-context of service delivery, a focus on domestic abuse, trauma and self-esteem, providing comprehensive medical services, wraparound case management, and women as service providers and positive role models. Four of the ARC programs are designed specifically for women on probation and/or parole (ARC Community Services, Inc. 2007).

Female Offender Case Planning and Case Management, Minnesota Department of Corrections, 2006

The Minnesota Department of Corrections Advisory Task Force on Female Offenders, created a comprehensive model to assist field officers in supervising adult female probation clients. The model stresses the importance of training officers to acknowledge gender differences and an awareness of female offenders' pathways to crime. The model also provides training in client-directed case planning to help the client build capacities to change in the context of trusting, healthy relationships. Officers are given goals to achieve for each client. The model is not a "cookie cutter" approach to supervision, but realizes that individualized planning for each client is the best approach for case management. The model offers template forms for the officer to use but the forms are flexible enough for individual client case planning (Minnesota Department of Corrections Advisory Task Force on Female Offenders 2006).

Cook County's Gender-Responsive Treatment Model, 1999

Since the early 1990s, the Cook County Department of Corrections in Chicago, IL, has faced a jail crowding crisis. Spurred by the need to find alternatives to incarceration, The Cook County Sheriff began a Female Furlough Program that allows women to spend evenings at home and report to the jail the following morning. During this same time, two local universities studied the female jail population in Cook County and discovered the profile of women in the jail verified the women's pathways to criminal behavior that was evident in national studies. In response to this information, the sheriff created the Female Offender Advisory Council. The Council worked with other agencies to develop a collaborative process for dealing with female offenders.

In 1999, the sheriff consulted with Dr. Bloom and Dr. Covington to recommend criteria for the sheriff to evaluate treatment providers. The evaluation form is based on a scoring system that rates treatment contractors by 1) Treatment theory; 2) Gender-responsiveness; 3) Treatment modalities; and 4) Cost. The Sheriff's Office has created The Department of Women's Justice Services that oversees three programs, Drug Treatment Beds, Sheriff's Female Furlough Program, and Maternity Objectives Management Program. The Department also provides cross-training to staff and assessment for the programs for quality and compliance (McDermott 2000).

Women Offender Case Management Model (WOCMM)

Orbis Partners, Inc. developed a case management model to serve as a guide in the delivery of gender-responsive case management services for women who are incarcerated or under probation/parole supervision. The goals of the model are to reduce repeat offending among women involved in the criminal justice system and improve the health and well-being of the women and their families. In creating the WOCMM, the six guiding principles identified by Bloom, Owen, Covington, and Raeder (2003) were applied. Orbis Partners identified nine core practices in implementing the WOCMM:

1. Provide a comprehensive case management model that addresses the complex and multiple needs of women in conflict with the law;
2. Recognize all women have strengths that can be mobilized;
3. Ensure the collaborative involvement of women to establish desired outcomes;
4. Promote services that are "limitless";
5. Match services in accordance with risk level and need;
6. Build links within the community;
7. Facilitate WOCMM through the establishment of a multi-disciplinary "Case Management Team;"
8. Monitor progress and evaluate outcomes;
9. Implement procedures to ensure program integrity.

The goal was to create a comprehensive gender-specific case management model that utilizes a "best practices" treatment design. The model developed by the Orbis Partners has yet to be evaluated (Orbis Partners, Inc. 2006).

Forever Free Substance Abuse Program (California Institution for Women)

The Forever Free program of the California Institution for Women is overseen by the California Department of Corrections and Rehabilitation. The program began in 1991 as a demonstration project sponsored by the Center for Substance Abuse Treatment. Originally for women, the program has been expanded to include men approaching parole. Participants spend 20 hours per week in programming and 20 hours per week in the prison work program over the course of 4-6 months. The goal of the program is to reduce the number of in-prison disciplinary actions, substance abuse use and re-incarceration following release from prison. Program services include assessment, treatment planning, individual and group substance abuse counseling, relapse prevention, problem solving, parole planning, 12-step groups, urine testing and case management. The curriculum emphasizes relapse prevention and cognitive-behavioral skill building and is designed to assist women in identifying the symptoms of withdrawal and relapse and teach the skills and strategies needed to deal with them. The program is designed as a comprehensive program and includes specific women's issues: self-esteem and addiction, anger management, assertiveness training, healthy versus disordered relationships, physical and sexual abuse, post-traumatic stress disorder, co-dependency, parenting, sex, and health.

Although evaluation studies varied in their outcome measure and use of comparison groups, all found program participants had better outcome results than their comparison samples (Prendergast, Wellisch, and Wong 1996; Prendergast, and Wellisch 2002; Hall et al. 2004). Using disciplinary actions and parole revocation as outcome measures, and using one year post-prison release as the following up period, Prendergast et al (1996) compared 3 groups: Forever Free graduates who entered a community based residential program following release from prison; Forever Free graduates who did not enter a community based residential program, and; women who applied to Forever Free, but did not enter the program. Outcome measures included drug use, parole outcome, treatment experiences, needs and services received. Findings showed women who participated in the community based residential program had lower self-reported drug use and higher levels of successful parole discharge than women in the comparison groups. In a subsequent study, Prendergast et al (2002) compared a sample of Forever Free participants with participants in a substance abuse education program conducted at the same prison. They were interested in comparing outcomes in parole

performance, drug use, employment and psychological functioning. They found that one year after release from prison, participants in the Forever Free program had a lower recidivism rate, a lower level of drug use and a higher level of employment (Pettway 2006).

Women's Prison Association (WPA), New York

WPA is a service and advocacy organization helping women and their families who have criminal justice histories. WPA programs help women obtain work, housing, and health care, rebuild their families, and participate in community life. WPA provides direct assistance to approximately 2,500 women and their families each year. WPA offers an integrated continuum of services to criminal justice-involved women in response to five gender-specific areas: livelihood, housing, family, health and well-being, and criminal justice compliance. WPA programs are based in jails and prisons, as well as in the community. They help women at different stages of involvement with the criminal justice system address their current needs and plan for their futures.

WPA programs address each client's individual needs and strengths, dealing with the client as a whole person. They stress self-reliance through the development of independent living skills; self-empowerment and peer support; and client involvement in the community. Programs are designed to reduce the use of incarceration and to help criminal justice-involved women make decisions that support, strengthen and enrich their own lives, and their family members.

Housing

Sarah Powell Huntington House Family Reunification

Residence: SPHH houses 37 mothers (18 of them in single units) who live with their children. It offers daycare, counseling for children and mothers, as well as extensive assistance in finding permanent housing. There is also education about housekeeping/parenting skills, as well as substance abuse programs, health education, and workshops that assist women in utilizing the services provided by the community (day care, education, etc).

Permanent Housing: The Sunflower House in east NY houses 8 women who are sober and employed who pay rent and share the housekeeping duties. The women are required to attend classes on budgeting and building maintenance as well as attend house meeting where they all make decisions together. They are encouraged to utilize services of the community

such as counseling, health care, etc, as well as participate in community service projects.

Assistance

Housing Placement and Retention Assistance: The staff works with each woman individually in filling out housing applications and preparing to appeal being turned down (because most initially are). The women also take classes on budgeting, simple house repair, parenting, and basic living skills as well as how to be a good neighbor.

Employment Readiness, Placement and Retention Assistance: Each woman is helped individually to prepare her resume, practice interviews, and prepare truthful answers to questions about her involvement with the criminal justices system. Staff continues to follow up to see how employment is going and provide assistance in making long-term career goals.

Mentoring: This service addresses the issue that in prison inmates are not given the opportunity to make any decisions. In the community these women have to make every decision. The ex-offender is assigned a trained mentor based on interests and future goals. The mentor and client meet while the client is still in prison but as she transitions back into society the relationship is supposed to just be two adults who can help each other with decisions, goals and self-esteem.

Supportive Counseling for Women with HIV:


Counseling is offered to the women with HIV as well as inviting family members and friends of the woman to attend workshops that educate and provide productive coping techniques to help everyone affected by HIV.

HIV Counseling and Testing: This offers testing and helps the inmate to decide what treatments to take and who to disclose the information to (<http://www.wpaonline.org/services/reunification.htm>).

SUMMARY

In the past decade, crime rates involving females have increased. Women are more likely to be arrested for property crimes and drug related offences. Women in prison report high rates of mental health problems and are almost three times more likely to have been diagnosed with a mental disorder by a mental health professional in the last 12 months. Incarceration rates are growing faster for women than for men. Changes in government policies and laws, and trying to escape economic pressures or mental illness, are given as reasons for the increase in female incarceration rates. Current literature supports the notion that woman take different paths into the criminal justice system than men. These pathways to crime are based on survival from physical abuse, poverty, and abusing drugs. Once a woman is in the system a cycle of programmatic

obstacles are in place that will keep her from escaping the system.

Current thinking suggests the correctional system was designed for men, incorporating assumptions about typically male behaviors, experiences, and criminal pathways. Differences between men and women have caused researchers to look at different ways to effectively treat women. Programs for women should be designed to meet the needs of women not simply import services designed for men. Current best practices include six guiding principles that must be in any program for women if the program is to succeed. Our review of program from around the United States, suggests some programs have been organized and are administered using the six guiding principles in the literature. A thoughtful comprehensive statewide strategy should be developed to incorporate the six principles into the New Mexico Probation and Parole system. 

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