

Legislative Commission on the Economic Status of Women
Public Hearing on Female Offenders and the Criminal Justice System
9:00 AM, November 16, 2004
State Capitol, St. Paul

Members present: Senator Linda Berglin, Representative Karen Clark, Senator Leo Foley, Representative Mindy Greiling, Representative Joel Hoppe, Senator Becky Lourey and Senator Sandra Pappas.

Members absent: Senator Julianne Ortman, Representative Connie Ruth and Representative Barb Sykora.

Staff present: Diane Cushman, Cheryl Hoium, and Michelle Pryce

Handouts: *Status Report on Women in the Minnesota Legislature, 2005 (LCESW publication)*
Women Coping in Prison (University of Virginia)

The following is a summary of the discussion that took place at the meeting.

Senator Pappas called the meeting to order at 9:15 AM.

Dan Storkamp, the Director of Information Technology, Minnesota Department of Corrections
Handout: Minnesota Females in the Justice System 1970-2000

Storkamp presented a 30-year overview of female offenders and crime in Minnesota.

Arrests/Apprehensions

The percent of female arrests/apprehensions increased 325% between 1971 and 2000, compared to a 184% increase for males. The percentage of arrests/apprehensions of females for Part II offenses (such as drugs, DWI, weapons, forgery, fraud, stolen property, liquor laws, etc.) climbed dramatically from 43% to 76% of arrests/apprehensions over this time period, while male arrests/apprehensions for these offenses climbed from 69% to 84%. Arrests/apprehensions for Part I offenses (murder, rape, robbery, aggravated assault, burglary, larceny, auto theft and arson) and Juvenile offenses declined for both females and males.

There had been a large drop in the percent of female arrests/apprehensions for prostitution, from 91% to 53% over the 1971 to 2000 time period. There was a smaller decrease of female juvenile apprehensions, from 45% to 39%. The percentages of female arrests/apprehensions for forgery/fraud and for Part I property arrests both increased. The percent of female arrests/apprehensions for narcotics/drugs remained the same at 16 percent.

The percent of DWI/DUI arrests/apprehensions that were female more that tripled from 6% to 21% as did the percent of stolen property arrests, which increased from 6% to 19%. The percent of Part I violent arrests/apprehensions that were female doubled from 8% to 16% and nearly doubled for vandalism, from 7% to 13% and for weapons arrest/apprehensions, which rose from 4% to 7%.

Probation

The percent of probation cases that were female rose from 18% to 21% between 1985 and 2000. The numbers of females and males on probation both increased: 293% for females and 213% for males.

Jail Populations

Females accounted for 17% of jail populations in 2000, up from 12% in 1985. The number of females increased 239% over that time period, compared to 131% increase for males.

Prison Populations

The percent of the prison population that is female doubled from 3% in 1985 to 6% in 2000 and was also 6% in July of this year (2004). The increase in the number of females between 1985 and 2000 was 349%, compared to 149% for males. The increases between 2000 and July of this year (2004) were 42% for females and 41% for males.

As of July 1, 2004, the largest proportion of females was in prison for drug offenses (39%). That compares to 24% of males, the second largest category for them. The second largest category for females is person offenses (33%), which is the largest category for males (51%).

Department of Corrections

In 2004 females accounted for 38% of the employees of the Department of Correction. The largest category of females is correctional officers (29%), followed by MAPE (Minnesota Association of Professional Employees, which include case managers and probation officers) at 21% and clerical employees (19%).

Discussion

Senator Foley asked for a county breakdown of the data to get a better picture. He would like to know the increase for the rural areas.

Senator Berglin wondered what percent of male drug offenders were for meth and how that would compare to the approximately 50 percent rate for females.

Storkamp said the percent is about the same (one half). About 1,800 were drug offenders, and about 860 of those were meth offenses. .

Senator Pappas said is it important to take into account the population growth and would like a comparison of the crime rate per population.

Senator Pappas noted that the Commission will be touring the Shakopee prison in December and other committee members and legislators will be invited to join the tour.

Senator Lourey requested that any available information on the income of offenders be provided to the Commission.

Senator Lourey moved to receive a \$500 grant from the U.S. Department of Labor for hosting a conference in July. Motion prevailed.

Barbara Tombs, Executive Director, Minnesota Sentencing Guidelines Commission

Handout: Presentation on Female Offender Sentencing Trends

Overview of Females Sentenced for Prison and Non-prison Terms

The number of female offenders sentenced rose from 1,434 to 2,465 between 1991 and 2003. This increase follows the male pattern although at a lower rate. In 2003 almost two-thirds (65%) of the females were white, compared to 61% of males and over one-fifth (22%) were black compared to 25% of the male population. Native Americans accounted for 8% of females sentenced, compared to 6% of the male population. Hispanics were 3% of the females and 6% of the males. The other category was 2% for both females and males. The average age of females rose from 29.5 in 1991 to 32 in 2003. Males are slightly younger and their average age also rose, from 28 in 1991 to 30.5 in 2003

Offense Type Data

Property offenses account for the largest group of females sentenced, although this area decreased from 65% to 56% between 1999 and 2003. Those sentenced for drug offenses increased from 19% to 29% during this time. Person and other offenses (failure to register, fleeing a police officer, felony possession, DWI) have remained at about the same level. The male trend is similar, with a decrease in sentencing for property (burglary, credit card fraud, theft) and person (robbery, rape, murder, assault) crimes and an increase for drug and other (especially failure to register and DWI) offenses.

Incarceration Data

The number of females incarcerated in jails and prisons has increased. The percentage of female offenders committed to jails rose from 58% in 1991 to 72% in 2003. The average length of stay increased from 74 to 83 days.

Senator Berglin noted that the increase for females incarcerated in jails might partially be explained by the change in sentencing where those with a sentence of six months or less serve their time in the local jail rather than in prison.

Tombs continued her testimony on Incarceration Data.

There is an increase in the use of jails and of prisons for sentencing females between 1991 and 2003. Almost two-thirds (64%) of female offenders were incarcerated in either prisons or jail in 1991. That rose to over four-fifths (83%) in 2003. The percentage of females committed to prisons has almost doubled, from 6% in 1991 to 11% in 2003.

The percentage of males committed to jails and prisons rose only slightly from 89% to 92% over this time period. There was a slight decrease (from 67% to 65%) in the sentencing of males to jails and a slight increase (22% to 27%) in the sentencing of males to prison.

The percent of females receiving no jail or prison time dropped dramatically, from 36% to 17%. There was a slight drop for males, from 11% to 8%.

Imprisonment Rate by Offense Type

Imprisonment of females for person offenses decreased from 22% to 17% between 1999 and 2003.

Imprisonment of females for drug offenses has varied over the years. It was 15% in 2003 and 16% in 1999. The other category is growing due to the DWI laws. Property has remained at about the same level over the years.

Prison Sentence Duration

Average prison sentence length of females sentenced to prison has varied over the years. Forty months is the longest and was reached in both 1994 and 1997. Prison sentences for person crimes averaged 73 months in 2003, up from 60 in 1991. Drug sentences are up and down. Sentences for other crimes are starting to increase and that trend is expected to continue. There has been little change in the lengths of sentences for property crimes.

Most Frequent Offenses by Gender

Early in the 1990s theft (26.7%) and drugs (22.1%) were the most frequent offenses for which females were sentenced to prison. In 2003 drugs (38.1%) is the largest category for females, followed by theft (13.4%). The same pattern can be seen in male sentencing during this time. In 1991 males were most often sentenced for burglary (19.5%) followed by theft (18.6%). In 2003 drugs (30.8%) were the largest category for males, followed by assault (9.6%).

Discussion

Senator Foley commented that offenses involving property and drugs might be where the individual committed several offenses at the same time, for example in order to get money for drugs someone might commit burglaries or shoplifting.

Tombs noted that the longest sentence is recorded if there are 2 or more sentences. Sentences for drugs have increased. For females, drugs, theft and check forgery have been the top three crimes in each of the years and are closely correlated.

Senator Lourey noted that assault decreased for women (from 8.1% to 4.5%), but increased for men (not in the top five offenses in 1991 but second at 9.6% in 2003) and wondered why.

Tombs noted that criminal sexual conduct has been in the top five crimes for men over the years, but does not show up on the female listing. It is predominately a male-driven offense.

Senator Lourey wondered if this was due in part to the law change relating to those who perpetrate women going into prostitution.

Tombs said that would be hard to determine, but that crimes of criminal sexual conduct are committed primarily by males.

Average Conditional Jail Time for Female Offenders

The number of days females were sentenced to jail has varied over the years. It was 74 days in 1991 and rose to 83 in 2003, perhaps due in part to females serving sentences of 60 months or less in jails instead of prison.

Prison Admission

The largest group of female offenders (44%) were initial commitments to prison. The next largest group was of probation revocation (37%), persons who were initially sentenced to probation but violated the terms of their probation. The remainder (19%) were supervised release returns, persons who had been in prison but returned because of a violation of the terms of their supervised release.

Departure Rates

Dispositional departures are where the person was sentenced to prison and but received probation, or vice versa. There are two types of durational departures, aggravated (get more time) or mitigated (get less time).

Mitigated dispositional departure rates have consistently been higher for females than males. Courts have used a non-prison option for females at a higher rate than for males. The types of offenses that women have been sentenced for are a little less severe and are less violent than the types of crimes for which males are sentenced.

Mitigated durational departure rates are very close for males and females and have varied over the years.

Aggravated durational departure rates are consistently higher for males than for females.

Senator Foley asked whether there are any anticipated significant changes related to recent court decisions.

Tombs responded that she believes that there will be some changes in how aggravated durational departures are imposed. The Sentencing Guidelines Commission is looking closely at that issue. There are some proposed changes to the sentencing grid that may address some of the concerns in this area.

Mitigated dispositional departure rates for drug offenses have consistently been above 50% for females. The departure rate for person crimes committed by females is significantly high. This may be due to domestic abuse issues. For property crimes the rate is rather stable. The other category is up and down.

Mitigated durational departure rates have seen a significant increase in the other category. Less females are going to prison for less of a sentence.

Aggravated durational departure rates for females for drugs have been consistent, but the other offenses have varied.

Methamphetamines

In 2000, which was the first year the impact of methamphetamines was felt in sentencing, there were 2,596 drug crimes sentenced. There were 509 males sentenced for other meth (trafficking, selling, possession, etc.) and 23 for meth labs. Females had 146 convictions for other meth and 10 convictions for meth labs. In 2003 males were sentenced for 1,125 other meth and 258 for meth labs. There were 298 females sentenced for other meth and 52 for meth labs.

Senator Berglin noted that growth has consistently been going up, but we can't yet tell if and when it will level off.

Tombs noted that is hard to predict. She came from Kansas, which had the problem before Minnesota. It took from 5 to 7 years for convictions to level off.

Senator Foley asked about recidivism and treatment.

Tombs responded that there has been an increase in probation revocation and a decrease in options for locals to deal with this population due to funding cuts.

Rick Hillengass, Warden, Shakopee Prison for Women

Michele Kopfmann, Associate Warden of Operations, Shakopee Prison for Women

History of Incarceration Facilities for Female Offenders

Hillengass gave a brief history of incarceration facilities for female offenders in Minnesota. Before 1920 women were housed in the Territorial Prison at Stillwater, then beginning in 1915 at Stillwater prison. In 1915 the first funding was allocated for a prison for women. In 1920 Shakopee opened. In 1986 the current facility opened. It was built for 132 offenders on the site of the farm, which was across the street from the original facility.

In 1994 two additional housing units were added, each housing 45 offenders. The segregation unit was expanded slightly and a 10-bed mental health unit was added and an industry unit was also added. Between 1999 and 2001 most of the effort at double bunking was done to increase capacity. At that time most of general population was double-bunked. There are buildings with individual rooms which were originally built as singles, but are now doubles. In 2000, there was a new living unit added for 62 offenders, which became the treatment unit. In 2003 some day spaces were converted to housing to increase capacity by 94 beds. The current capacity is 550. The population yesterday was 448.

Senator Berglin noted that the day spaces have no lavatory facilities and wondered how those needs are being met.

Hillengass said there are restrooms, lavatory and shower facilities, in a hallway that leads to the old wing lounges that are now housing. They follow the standards set by federal government. It is an issue because the unit can't be locked at night. That is also the case for the newer living units that were created. The bathrooms for that are also down the hall.

In 2004 they reopened a unit for 48 offenders. It was formerly an apartment style transition area for those about to leave the prison.

Management of Facility

There is no fence or security perimeter around the facility except for a hedge. There are a range of offenders, and the buildings are very close to the community, surrounded by houses and a grade school. They have a good relationship with the community.

Control of offenders is important. Buildings are locked most of the time. Offenders sign in and out. There is camera surveillance both inside and outside the buildings and tapes from the cameras.

Staff monitor movement and are responsive to offenders in a professional, casual manner. Staff include professional and psychological personnel and case managers who are trained to help offenders solve problems without leaving the facility.

There is programming for offenders including cognitive restructuring, anger management, parenting, critical thinking and relationship programs that help offenders deal with issues in a productive manner.

The segregation unit is used for women who consistently disobey rules or disobey significant rules. There is little movement or opportunity to leave the facility. The Department of Corrections has a rulebook that all offenders, male and female, must conform to.

Senator Berglin wondered what has happened since some of the activities and dining space was taken for housing.

Hillengass said those present issues. Many of the spaces they have were built for 132 offenders. Some areas, such as the visiting and dining areas and the kitchen, have been expanded and remodeled. There are four lunch and dinner periods. Now and again they run up against the systems. They need to figure out how to expand, how to make those facilities work better for the number of offenders.

Senator Berglin asked how they manage the activities space to serve that many women.

Hillengass noted they have increased some space and also use timing to utilize existing space to the maximum, for example evening programming. The treatment unit has some additional space that can be used for treatment and other programming, but it is a juggling act to make sure they can use the space they have.

There is a gender difference in managing offenders. Many offenders have a history of being controlled. Many have a history of abuse and trauma and are used to a great deal of control by other people. That puts them in a situation where they don't challenge the control element. There is not the daily challenge of who is in control. They are much more accepting than male offenders.

Issues of Female Offenders

Women are less physical and more verbal than men. Women involve everyone in their issues and share their lives and concerns. Staff must know boundaries between being useful and productive and not getting personally involved. There are greater health concerns and the need for more health care. They need to deal with pregnancy on a regular basis. The number of pregnant women goes up and down, but varies from 8 to 17, which was the highest.

There are far greater family, child care and parenting issues. Many will have custody when they get out, so they need to stay connected to their children. They try to assist the women to do this.

Women tend to live and do time by relationship building, with staff and other offenders. These relationships are often like the unhealthy relationships they had outside prison.

Senator Foley asked Hillengass to comment on the safety of offenders.

Hillengass said offenders are told of risks and dangers in any facility, from other offenders and from staff. There have been very few staff problems in Minnesota and there have been few issues. There is a good safety record for offenders and staff. There have been very few exploitation episodes.

Senator Berglin asked what the maximum capacity is.

Hillengass said the capacity is 551, including all beds: general population beds, treatment beds, 23 segregation beds and 10 mental health beds. They would be at capacity without the temporary beds.

Senator Berglin noted that we have not peaked out on the number coming into the system because of methamphetamine crimes and wondered whether we will have enough room for the anticipated increase in population.

Hillengass said we are facing an increasing population and will reach the maximum sooner than earlier anticipated. The treatment unit that opened in 2000 was designed for twice the number of beds that it has now. Another 62 beds could be added.

Senator Berglin said last session there were proposals to increase sentences, but the impact on the women's prison was not discussed. If those proposals were adopted, what would happen at Shakopee? There has not been a department request for bonding for Shakopee.

Hillengass said there have been recent discussions about expansion at Shakopee. Whether there would be an increase of the Shakopee capacity would depend on what was passed.

Dennis Benson, Deputy Commissioner, Minnesota Department of Corrections

Bills left on the table from last session are causing concern for both the male and female sides. There will be both females and males coming into the system under meth crimes. There will be additional women coming into the system.

The department has let money to do pre-design for the 62-bed expansion at Shakopee. That will be in the next bonding cycle. Beyond that they are pushed for space for the female offenders and the options are not good. Renting beds is not a good option and there are not a lot of female beds available. There is property across the road where the old facility was located, but they haven't explored the feasibility of expanding over there. The 100 beds they have and the 62 bed expansion will buy time to come up with a longer range plan if sentencing continues to be enhanced.

Senator Lourey mentioned she toured a Challenge Incarceration Program. All but one of the men were there for meth and they talked of the value of treatment. The warden there said the success rate is very high with very low recidivism. She asked whether this type of program would be a viable program for women and would it be less expensive than prison beds?

Dennis Benson said there is a CIP (Challenge Incarceration Program) for women at Thistledeew. It is a challenge to keep 24 beds full, although that is happening. There are 24 beds for 450 female offenders and there are 100 beds for 7,600 male offenders. The program gets people out of prison sooner and the recidivism is very low. There are many first time meth offenders incarcerated. The offenders have said they needed incarceration so the treatment would work and a thirty-day program would not be enough. They are looking at a meth treatment for juveniles at Thistledeew.

Senator Berglin wanted clarification on the year of the department's bonding request for additional treatment beds at Shakopee.

Dennis Benson indicated the bonding would be for the 2006 bonding cycle.

Senator Lourey wondered if the cost of meth treatment is less expensive than longer prison sentences for meth.

Dennis Benson said that when you factor in prison bed days saved, it is much less expensive. For the combined per diem it is between \$55 and \$60 per day. When you factor in the days saved due to early release compared to an average departmental per diem of \$75 to \$76 per day.

Michelle Kopfmann

Voluntary Programming

When offenders enter prison the case managers utilize a Level of Service Inventory. It is an assessment tool that indicates areas of needs of the offender. There are 10 domains including leisure, alcohol and drug problems, emotional/personal, attitudes and orientation, accommodation, financial and companion. The offender gets scores in the areas and can choose from programming that is voluntary.

Mandatory Programming

There are two examples where offenders are given directives and there are consequences for not participating in programming. Those two areas are chemical assessment and sex offender. Not participating can result in extended incarceration.

Education

Education includes access to the library. Last quarter there were 632 offender library visits. Currently offered are Adult Basic Education, GED preparation, diploma program, community college classes and college correspondence classes (paid for by the offender), certificates and/or diplomas in office support are offered. Within six months they anticipate offering a vocational program in cosmetology. Approximately 100 offenders and over 300 children participate in the Reading is Fundamental program.

Employment

Offenders work in office and industry. Examples include market research, textiles, general services and data processing.

Restorative Programming

An example of restorative programming is victim impact where offenders participate in victim/offender mediation. They currently have two sunshine service dogs assigned to four offenders. They do the first six months of training. The dogs will be companion dogs for the disabled. Trainers assist offenders with the training of the dogs. The transitional conferencing is another restorative program. A volunteer works with the offender and with family members or whoever is the community is upon release.

Family and Marital

This area is addressed in several areas. One is through the parenting program and the access the offenders have to their children. A program is the Anthony unit, which has a trundle bed in the room. Children under 11 can come and stay on a Friday night. The offender has to be discipline free and be working on their case plan and some of the other programs. Another active group is the mothers of teens support group. That group has a waiting list. There are two groups. The teens come once a month and visit on Saturdays. They spend time with

their mother and other teens whose mothers are incarcerated. The other group is Girl Scouts Beyond Bars (*see testimony of Lynn Vincent and Jenny Brayman below*).

Representative Greiling asked why mental health treatment is not a mandatory directive.

Kopfmann said those are department directives. Pat Orud will discuss more of the mental health.

Louise Wolfgramm, President, AMICUS

Handouts: Partners Building New Lives

Girls' Restorative Justice Program

Sisters Helping Sisters

AMICUS began in 1967 as a way to end the revolving door in corrections. Over the years they have created programs that are community driven, relationship based, culturally specific and gender responsive. Their core values are caring, community, transformation, responsibility and respect. Their primary partner is the Department of Corrections. The programs Girl's Restorative Justice Program and Sisters Helping Sisters have been funded by the Department of Public Safety. They are demonstrations of models that may have promise.

Girl's Restorative Justice Program, which operates out of Woodland Hills in Duluth, started after Sauk Center closed in 1999. These are girls committed to the Commissioner of Corrections and potentially would end up in Shakopee if there is not a successful intervention in their lives. The program recognizes that relationships are primary in the girls' decision-making process. The girls come from very messy, complex life situations. They work with them to determine what issues caused them to be in correctional facilities or out-of-home placement, what drives their behavior and what relationships are bound up in those behaviors that need to be addressed. They need a safe space, including for emotional well-being. The girls' group is important to learn about the effect of trauma on their lives and what a healthy relationship is. As they learn, they are cared about and recognized as a victim and an offender. They begin to identify what is necessary to get to the bottom of their issues and begin the healing process. The same process happens with the family members. They help the girl to negotiate relationships.

Sisters Helping Sisters operates out of the Women's Correctional Facility at Shakopee. It is a program is during the last 120 days before release. It would be best to be involved from day one. How time in prison is spent impacts how time after release is spent. Offenders are assigned a mentor if they want. Mentors come from all walks of life. The mentor is trained for 10 intensive hours. They work with the AMICUS staff. A case manager works with the woman to begin planning for release. All issues are covered. A group (personal empowerment) is helpful to them to help them begin to think about the importance of their plan. They have support from a variety of people as they transition.

Representative Clark asked why they do wait until the end.

Wolfgramm answered that funding is a problem. It is staff intensive and they are looking for more funding.

Representative Clark asked what their source of funding is.

Wolfgramm said their funding is about half from private foundations and the other half is public from the

Department of Public Safety.

Senator Berglin noted that in 2003 the House proposed eliminating all the AMICUS funding. That did not happen but there was a reduction in the state funds.

Representative Greiling asked what the role of the Regional Treatment Centers is. Does this mean there is not a mental health assessment until the last three months?

Wolfgramm stated they don't have anything to do with the mental health assessments of the women. She was referring to the residential treatment center at Woodland.

Senator Lourey wondered if they work with other residential treatment centers other than Woodland Hills.

Wolfgramm said they only work with Woodland and with girls on probation in Ramsey County.

Patricia Orud, Correction Director of Behavioral Health, Minnesota Department of Corrections
Handout: Backgrounder: Mental Health Services

Orud described the clinical picture of offenders. Between 40 and 50 percent of the women at Shakopee have been diagnosed with a severe mental illness (bi-polar, schizophrenia, major depressive spectrum and borderline personality disorder). They are mostly on medication. Other women are on psychiatric medications with lesser disorders (adjustment, generalized anxiety and other depressive disorders). About twenty to twenty-five percent of incarcerated males have this diagnosis.

There is a significant involvement of mental health services in Shakopee. Of great concern are the women who are non-compliant with assessment and treatment plans and medications. There is a civil commitment process, but that is rarely used.

The women are relationship based. About 11 percent have been diagnosed with a borderline personality disorder. This often results in intense attachments and severe dysfunction in relationships. It is often involved in their crimes as they affiliate with people that live a criminal lifestyle and get them into trouble. Very few have an anti-social disorder. About 11 percent of incarcerated males have an anti-social personality disorder. That is a much more criminal approach to life versus a relationship approach.

Of the female offenders that entered Shakopee in the last three months, 90 percent were diagnosed with a chemical dependency problem, either abuse or dependency. Of those only 10 percent did not admit to anything. They come in with underlying trauma, mental illness in addition to substance abuse. Alcohol was the drug of choice for 50 percent of the women, 30 percent amphetamines, 20 percent cannabis and 24 percent cocaine. The amphetamine usage has increased, although it may not be their first drug of choice, it is part of the poly-drug abuse they have engaged in.

The women come in with much trauma, including physical, sexual, emotional and verbal, and are very dependent. They reenact that trauma in prison. Staff work to help the women to correct the habilitation they experienced before they arrived at Shakopee.

Offenders have a constitutional right to mental health services. They need to have that to be safe and to keep others safe. They have complex, multiple problems. Staffing is higher at Shakopee than at the adult male facilities. They have 3 licensed mental health professionals, there are corrections program therapists and managers who are licensed psychologists and also provide direct care. There are 62 chemical dependency beds. They also run a sex offender program, which today has 6 participants. That ranges from zero to 12 participants. Programming is run on a therapeutic community model. It is assumed the women will live a lifestyle of recovery. They provide a residential treatment service to develop stability and ability to manage their mental illness or offenders can live there in the evening and utilize the other programs in the facility. They attempt to base the treatment options on the individual offender. They need to address the complexity of issues the offenders present. Eleven percent of mental health contacts in the system were at Shakopee, which has six percent of offenders.

There is great interest in the chemical dependency treatment programs. There are short- and long-term programs. The transition and services in the community are crucial to recovery. There are initiatives that plan for the transition to the community. Senator Berglin introduced the mental health discharge planners. Clinical social workers take the treatment and transition plans and work with others to assist the offender when released.

Many female offenders with mental health issues have co-occurring disorders with three to five diagnoses. All need to be addressed for success after release.

They work with other agencies, including the Department of Public Safety and the Department of Human Services, to build links to the community. There is funding for chemical dependency treatment and consultation in developing programs so there is a continuum of care from the prison to the community. Those that do not have a lot of life skills and ability to cope with change when moving into the community need those supports.

Senator Foley asked what happens to mental health services for children of the inmates during their mother's incarceration.

Orud responded that the Department does not have children's program.

Representative Clark asked what happens when the family needs treatment when there is no service through the prison.

Orud responded that there is limited involvement of family. There is not treatment for the family. They are brought in to all programs as they are the support system for the offenders.

Representative Clark said she was not necessarily referring to treatment, but some family involvement.

Orud responded that there are funding and legal limits.

Representative Clark asked what percentage complete chemical dependency treatment.

Orud responded that about 75 to 80 percent complete the program. Many leave without completing the program for many reasons. They have the choice to complete treatment, there are incentives and penalties. For

the transition there are several approaches including AMICUS, mental health discharge workers and case worker involvement. The barrier in the community is resources.

Representative Greiling asked how many take 30 days and don't take mental health, how many people recommended for mental health treatment and chose not got get it, and what is the cost of the Jarvis civil commitment?

Orud responded that on average if someone is engaged in a mental health activity it is rare for a female not to follow it. There was one female in civil commitment last year. An average commitment is \$3,000 to \$5,000. It is generally for a limited time and not for the length of incarceration. Many women with mental health issues do well in the prison as it is a stable situation for them.

Representative Greiling asked whether a judge could sentence someone to take medication and not have to go through the short-term commitment process.

Orud responded that there are both civil and criminal processes.

Senator Berglin asked how many are in aftercare programs.

Orud said she will get those numbers for mental health and chemical dependency.

Senator Berglin asked what percent of the 50 percent of the population are found disabled by Social Security before they leave prison.

Orud said she did not have that information but would provide it.

Senator Lourey asked what number should be in aftercare.

Orud said all offenders leaving with a mental illness, chemical dependency or sexual perpetration problems should be in aftercare.

Kimberly Greer, Chair, Female Offender Task Force

Handout: Minnesota Action Plan for Female Offenders

The Advisory Task Force on Female Offenders began in 1981 and includes a range of members with an interest in women and girls. There was a Planning for Female Offender unit at the department of Corrections comprised of three staff, one focused on women, another on girls and the third was support staff. That unit was eliminated in 2003. The Task Force worked with this unit over the years. The Task Force exists because of statute, but they needed to define their role after the planning unit was eliminated. Since the elimination of the unit the Task Force has been working on issues that the Planning for Female Offender unit would probably be working on if it still existed.

The Task Force is working with a professor in Cincinnati on a gender responsive risk needs assessment. The Level of Supervision Inventory previously mentioned was based on men and validated on men. Many feel that there needs to be a female assessment tool that is more responsive in determining what women's risk and needs are. They are also coordinating the second annual conference on women offenders next month. This

conference draws attention to the issues of women and girls and also fills the training gap that now exists due to the elimination of the female offender planning unit in the department. Their report, *One Less Bed*, is available on the Department of Corrections website. It focuses on ways to shorten sentences of offenders at Shakopee without endangering the public. Their priority is to have at least one position at the department for female planning to coordinate female offender programming. She said that women matter and are often overlooked in the system. Prudent policy requires resources to transform policy into practice.

Mary Scully-Whitaker, Justice Consultant

*Handouts: Women Offenders: National Perspective of Best Practice Gender Responsive Policy
Women's Stories
Research, Practice and Guiding Principles for Women Offenders*

Scully-Whitaker said it is important to remember the women on probation. In Minnesota there are about 25,000. The focus of the hearing has been on prison, which is a very small percentage of those in the system. In order to keep them in the community there must be the resources to address the needs women on probation have that got them into crime.

Good gender responsive policy requires acknowledging gender differences, targeting women's pathways to crime and developing gender responsive policy and practice. It is important to compare women offenders to women instead of male offenders. Women are relational, not into autonomy and independence, and are into connections. Self-identity is based on relationships, not status, and the way women connect and talk with others is different from men. Women: relationship; Men: rule. Much of the research has been done on men, so it is important to look behind the research to find out who did the research and on whom. Many women have gotten into crime because of their relationships with men or with drugs and alcohol.

Females who are in corrections are on the economic edges. They may have a GED but are often unemployed or under-employed. For girls there is often poor school performance. Program and policy need to be targeted resource-wise to those areas.

Offenders have trauma which needs to be treated in order to get women to be contributing members of society. Substance abuse and mental health issues also need good treatment. Women tend to become chemically dependent more quickly and more deeply than men.

Many of the women are victims. They need to be treated for this while being held accountable for their behavior. If the trauma is not treated they feel that life happens to them. In order to own their own behavior they need to be held accountable and have trauma treatment.

Women are less violent in prison and respond differently to supervision in the community. Different strategies are needed, for example child-friendly probation officers.

Often evidence-based practice is based on male research. The booklet "Gender-Responsive Strategies" provides literature, research and policy review, with information on offenders and women in general.

Good practice means acknowledging that gender makes a difference. It is important to create safety because if a woman is not feeling physically and emotionally safe she will not work on the things she needs to work on.

Promoting healthy relationships is important. Good policy and programming require culturally relevant, appropriate services for substance abuse and mental health. Many women have large liabilities in the area of economic self-sufficiency. There are some very good programs in prison, but if that does not get nurtured and get some infrastructure during the transition phase there will be many revocations. When developing programs, they need to be based on solid theoretical foundation, built on women's pathways to crime, relational theory, trauma theory, and gender-responsive substance abuse treatment. To be effective there needs to be different strategies for women and men. They need to be based on theories relevant to women that are strength-based. There needs to be well-trained staff that reflect the offender population so there are female role models. It requires a variety of interventions and programs. Housing, transportation and child care are barriers. It is important to enhance the mother's relationship with her children. We need to understand the psycho-social development of women, the importance of connections and relationships and that survival skills learned in childhood are not useful as adults and need to be unraveled. The ultimate goal is to improve outcomes. The barriers to success are at the end of the slide presentation.

Lynn Vincent and Jenny Brayman, Cannon Valley Girl Scout Council

Handouts: Girl Scouting Beyond Bars: Year One Evaluation

Mothers with Fabulous Daughters

Vincent described this national scouting program, Girl Scouting Beyond Bars, which involves 39 Girl Scout Councils in 17 states. Between 400 and 450 girls have been served through the program. The main benefit of the program is quality time together. There have been good outcomes from this program, for example in their relationships, increased self-esteem, confidence in a variety of skills, and a better future. The retention rate of the girls in scouting is about 75 percent after the mothers leave prison.

Brayman said their program is three years old and they receive a \$63,000 grant from the Department of Justice. They have had one and one half years of programming and have served 25 girls and have a waiting list. They will need to diversify their funding pool. The benefits of the program are reflected in the goals. The handouts include information on evaluation of the program, including survey results.

The program provides the opportunity for girls to visit their mothers once a month. Transportation is often a barrier to that and this program provides that. Girls reconnect with their mothers and also with siblings.

Representative Greiling asked how long the waiting list is.

Brayman said it is currently 3 girls.

Representative Clark asked what public funding they have.

Brayman responded that 75% of the cost is public funding from the Department of Justice. The girls sell cookies and other products. They need additional funding. The program will receive \$25,000 during the next round of funding, about half of what is needed.

Senator Pappas asked about the no touch policy in the prison.

Brayman answered that there is that policy but they have been able to work out a compromise of doing hair as an allowed touch.

Senator Lourey thanked them for their powerful presentation and asked to be invited to a badge ceremony.

Representative Clark asked if the program is statewide.

Vincent replied that the girls are from all over the state and that bringing the girls to the prison is one of the barriers in expanding the number of girls who can be served.

Senator Pappas asked how many visits per year the girls make.

Brayman answered 1 per month.

Senator Pappas announced that the Commission will hold a meeting in December.

The meeting was adjourned at noon.