



Ending the Systematic Criminalization of Young Women Born in Poverty

The State of California has made progress towards reforming the criminal justice system. However, repercussions stemming from decades of mass incarceration still remain. The longstanding practice of imprisoning offenders for nonviolent drug and property-related crimes disproportionately impacts the poor and people of color. Young, minority women born in low-income households face a system that fails to address the underlying causes of poverty and incarceration, and instead entraps them into a lifetime of system-involvement.

This paper addresses how the system has failed these women and proposes state-level solutions that when implemented, will empower women to rise above the circumstances and build better pathways into economic stability and lifelong success.

Women commit far fewer violent crimes than men. Then why are so many incarcerated?

As of January 2018, there are over five thousand female inmates in California state prisons. Many prisons are overpopulated—some as much as 150% over the designated capacity. Only 14% of the inmates have been convicted of a violent crime, and the remainder are serving time for crimes associated with poverty that include theft, drug possession, and sex work.

Since the 1980s, legislators have enacted policy that harshly punishes offenses interfering with civilians' "quality of life". In California, individuals repeatedly convicted of drug possession were subject to a minimum three year "sentence enhancement" for each conviction. Other laws enact minimum sentences for repeat convictions of sex work. These policies have led to skyrocketing rates of incarceration among individuals from marginalized communities.

Poverty limits a person's ability to fulfill their material needs, or address concerns about their medical and mental

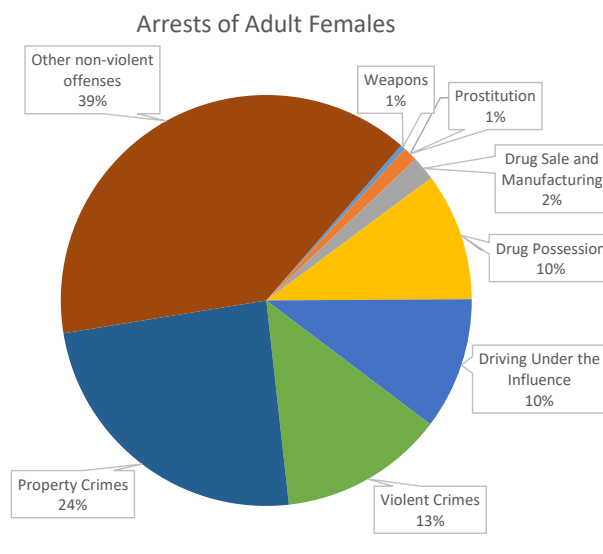
health. Mental illness occurs in higher rates in low-income neighborhoods, due to a combination of factors: stress resulting from the inability to meet basic needs and the frequent exposure to crime. This environment

can trigger symptoms associated with mental illness. Additionally, the lack of access to adequate treatment in combination with these existing factors can exacerbate an existing condition. Many individuals turn to illicit substances as a form of self-medication to cope with trauma or mental health problems. A

2006 report by the US Department of Justice found that nearly three-quarters (73%) of women in state prisons had mental health problems. In addition, more than two-thirds (68%) had been physically or sexually abused.

Once inside of a prison, a woman's options for treatment

are still limited. The report also stated that less than half of the women in state prisons with a history of substance abuse receive treatment, and less than 25% with psychiatric disorders receive mental health services.



Bureau of Justice Statistics, 2014

For many women, system involvement starts long before adulthood

California is home to nearly nine million children—45% of those children are from low-income families. A child’s success depends heavily on the resources and guidance provided by their parents. As a result, children born to low-income families are not always provided with the support necessary for success. They experience greater instability in their lives, they have less access to positive role models, and they are more likely to enter the foster care system. In effect, children who experience poverty are more vulnerable to becoming system-involved.

More likely to get arrested

Children who grow up in low-income families change residences and schools more often, have limited access to positive role models to guide them to make positive choices, and are exposed to higher rates of substance abuse.

Schools in poor neighborhoods face serious obstacles that affect the quality of that education. Since public schools receive significant funding from local taxes, schools that serve low-income areas have limited resources to help high-risk youth. Classrooms are at maximum capacity, materials like textbooks and computers are outdated or in short supply, and student support programs are underfunded. As a result, students don’t receive an adequate education.

In addition, harsher punishments further deter them from completing school. Zero Tolerance Policies

require administrators to enforce punishments regardless of the circumstances. Misconduct such as tobacco possession or insubordination can result in expulsion, and in some cases, schoolyard fights can lead to arrest.

For many youth, the first arrest may not immediately result in juvenile detention, however, being placed on probation is almost certain. The terms of juvenile probation are easy to violate. For example, one can be sent to a detention center for talking back to a parent or for staying out past curfew.

Boys’ criminal activities are influenced by their involvement with antisocial peers. On the other hand, girls’ problematic behaviors, such as running away or drug use, are typically related to coping with a traumatizing home life.

Most girls in detention centers are serving time for non-violent crimes such as drug possession, shoplifting, or a status offense. Status offenses are violations that would not be considered crimes if committed by an adult, such as running away from home.

Studies of male and female delinquent adolescents indicate that boys' criminal activities are influenced by their involvement with antisocial peers. On the other hand, girls' problematic behaviors, such as running away or drug use, are typically related to coping with a traumatizing home life. According to the Office of Juvenile Justice and Delinquency Prevention, "the typical female entering the juvenile justice system is from a minority community, lives in a poor neighborhood with a high crime rate, and has been the victim of physical, sexual, and/or emotional abuse."

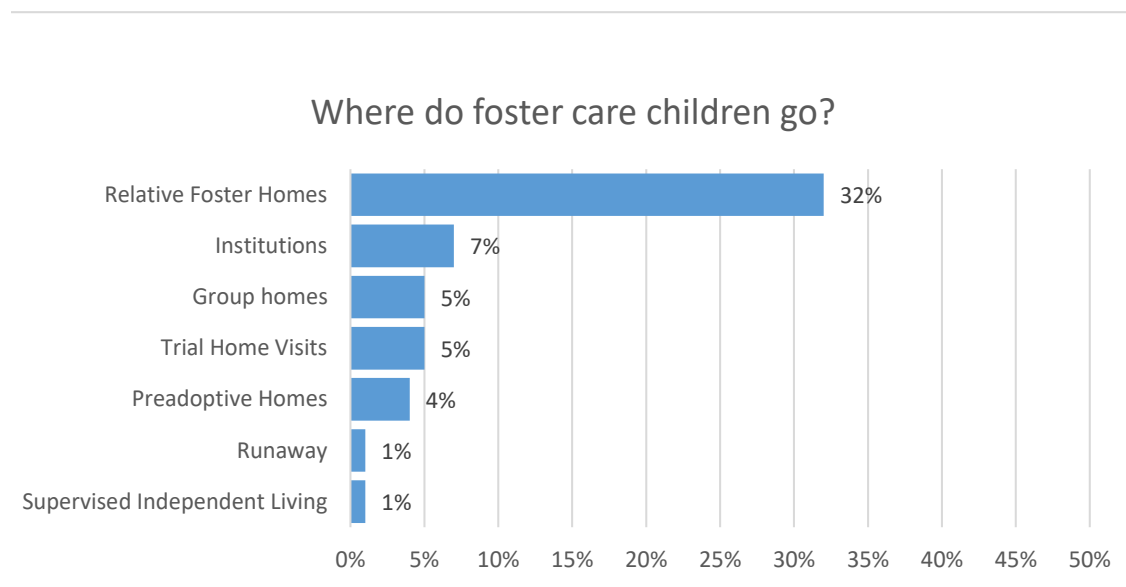
More likely to enter foster care

Over the last twenty years, the number of emergency removals carried out by Child Protective Services has nearly doubled. According to KidsData.org, 81% of removals were for general neglect, which includes

failure to provide adequate supervision. Single parents in low-income households struggle to find constant supervision for their children.

More than one in three children removed from their parents "were later found not to have been maltreated at all" (Chill, 2003, p. 6). Parents find it very difficult to regain custody once a child is removed from them. It is common for children to spend months, even years in the foster care system.

Children in the foster care system experience even more disruption and receive less support. Only half finish high school, and less than 3% complete a four-year degree (Courtney, Dworsky, Brown, Cary, Love, & Vorhies, 2012). Many children who age out of foster care are unprepared to support themselves. As a result, some resort to crime to provide for their basic needs.



Detention only diminishes a person's well-being and potential to get out of the system

Juvenile detention centers exist to keep dangerous youth away from the public and to rehabilitate first-time offenders. While many young women engage in delinquent behavior, most do not benefit from detainment. A report by the Justice Policy Institute reveals that juvenile detention centers negatively impact most youth.

Juvenile detention centers bring together youth who have committed crimes of varying severity—nonviolent with violent and minor offenses with felonies. According to the report, “congregating delinquent youth together increases the likelihood they will re-offend.” The researchers refer to this process as “peer deviancy training,” and reported statistically significant higher levels of substance abuse, difficulties in school, delinquency, violence, and struggle to transition to adulthood.

Additionally, detention can hinder the natural process of “aging out of delinquency”. Studies show that when first-time offenders establish a relationship with a partner or mentor, or find employment, they overcome the influences that led them towards delinquency. Instead, youth in detention centers are removed from society and isolated with a high concentration of offenders, leading them to normalize antisocial behaviors instead

of positive ones.

Worse yet, detention increases the severity of mental illness. Centers have insufficient resources to provide therapeutic services; staff lack the proper training to respond to individuals with mental illness. Too often, staff react inappropriately to suicidal threats and

behavior, such as by placing the youth in isolation. A Special Investigations Division Report of the U.S. House of Representatives found that up to 10% of youth in detention centers were waiting for mental health treatment. One detention administrator testified that, “we are receiving juveniles that

[should be] in an inpatient mental health facility.”

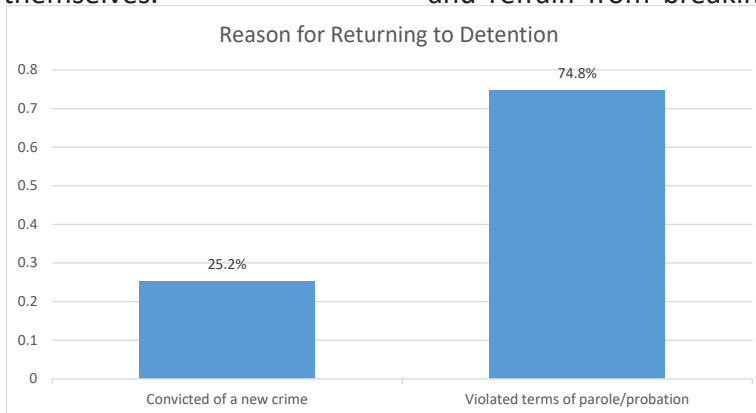
“Peer deviancy training is a process in which peers’ communication about antisocial topics provides encouragement and instruction for how to engage in antisocial behaviors, which in turn promotes these behaviors as normative within the peer group”

Once released, young women struggle to transition to civilian life and more often than not, are arrested again within one year

Upon release, young women have already fallen behind in school, missed opportunities to gain work experience, lost contact with social support networks, and normalized antisocial behaviors. Even if youth participate in remedial programs while detained and then re-enroll in school after release, only 15% graduate high school. This only increases their likelihood of recidivism. The U.S. Department of Education reports that dropouts are 3.5 times more likely than high school graduates to be arrested .

Although a large number of these newly-released young women are legally considered adults, they do not have the necessary resources or skills to live independently. These women have few employment prospects due to limited education, skills, and experience. They are vulnerable to exploitation, homelessness, or turning to dangerous or illegal activities in order to support themselves.

At this point, young women with a mental illness or drug addiction have experienced further trauma during



California Department of Corrections and Rehabilitation, 2014

impossible to comply with for a person with few resources who is in the process of transitioning back into civilian life. These requirements demand a person to participate in intensive supervision programs, regularly report in-person to a probation officer, find housing and employment, not change housing or employment without permission, pay fines, and refrain from breaking other laws. Minor

incidents such as a traffic violation or missing a meeting with the probation officer can result in having to return to court and potentially

detention, but are unlikely to have received treatment or learned the proper coping skills. The stress of struggling to rebuild their lives after detention may cause them to self-medicate with illegal substances.

Finally, probation requirements may be

receive a new sentence.

Young women face incredible difficulties to escape the system. California has one of the highest recidivism rates in the country—over 70% of those released are rearrested within two years (Bird, Grattet, Nguyen, 2017).

In some families, system-involvement spans generations

When a parent is incarcerated for a crime, their children are also punished. In the late nineties, John Hagan, a professor of sociology and law at Northwestern University was among the first to suggest that the effects on children might be “the least understood and most consequential” result of mass incarceration. Nearly two decades later, his prediction has come true. “Almost no children of incarcerated mothers make it through college,” he discovered in his follow up research. “These people are now in early adulthood, and they’re really struggling.”

Mass incarceration disproportionately affects poor families. The incarceration of a parent can mean the loss of the breadwinner in the family. The responsibility of providing support for the material and developmental needs of a child falls on the remaining parent, extended

family, or the foster care system. In any of these situations, children are less likely to receive sufficient guidance and resources for a successful transition into adulthood. As a result, they are less likely to graduate high school and find work to support themselves, and are more likely to experience untreated mental illness in higher rates than the general population. All of these factors demonstrate how children with an incarcerated parent have a higher likelihood of becoming incarcerated themselves.

Today, nearly ten percent of children in California have a parent who is incarcerated (Simmons, 2000, p. 4). Jail intake forms do not ask about children and schools administrators don’t ask about incarcerated parents. Inevitably, these high-risk children “fall through the cracks” and do not receive the support that they need.

The system must change

1. Establish statewide diversion programs for minor and adults convicted of nonviolent offenses as alternatives to incarceration.
2. Offer gender-specific support during and after incarceration through educational and economic opportunities, life skills development, and medical and mental health care.
3. Revise the policies and procedures that have led to high rates of emergency removals even when there is no indication that a child has been mistreated.
4. Fund youth services in low-income schools and neighborhoods to offer counseling for trauma and treatment for drug addiction and mental illness.

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