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# Battered Women Offenders in the Criminal Justice System

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## Analysis of Needs and Response For Multnomah County, Oregon

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*Multnomah County Family Violence Coordinating Council*

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## OVERVIEW

Despite the relatively high percentage of women involved in the criminal justice system who are also victims of domestic violence, there are few services specifically geared to help them. In 2000, the Family Violence Coordinating Council formed a committee<sup>1</sup> to make recommendations about how we can improve our community's response to battered women offenders in the criminal justice system. This report looks at national and local data, the services available to and barriers faced by battered women offenders, and makes specific recommendations to improve our response.

For purposes of this report, women offenders in the criminal justice system include adult women on pre-trial release, incarcerated (either pre- or post-sentencing), and women on probation, parole, or post-prison supervision. The term women offenders is sometimes used to indicate adult women who have been convicted of a crime and are under supervision by the criminal justice system.

The report describes the needs of adult women who have been victims of domestic violence. It also describes and analyzes the response by the criminal justice system in Multnomah County. It recognizes that while the criminal justice system holds women accountable for their criminal actions, it also has an opportunity to intervene in and provide services to victims of domestic violence.

Women offenders in the criminal justice system frequently are also victims of domestic violence and/or sexual assault. National and local studies report a significant amount of prior abuse of these women.

- Nearly six in ten (57%) women in State prisons had experienced physical or sexual abuse in the past. Almost half (48%) in local jails report prior physical or sexual abuse. Just over a third of imprisoned women had been abused by an intimate partner in the past; and just under a quarter reported prior abuse by a family member. Forty-one percent of women on probation nationally report prior physical or sexual abuse.<sup>2</sup>
- A recent study found that 85% of women offenders on probation in Lane County, Oregon reported experiencing at least one type of physical domestic violence.<sup>3</sup>
- Numerous studies have shown that approximately 90% of women in the sex trade have been battered by a member of their family, and more than 70% have been sexually abused between the ages of 3 and 14. Sixty-eight percent had been repeatedly raped, and 82% of prostituted women reported that customers had assaulted them, 88% had been physically threatened, and 83% had been threatened with a weapon.<sup>4</sup>

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<sup>1</sup> The committee consisted of representatives from the criminal defense bar, corrections, community corrections, health care, domestic violence victim advocacy agencies and others who work with women offenders.

<sup>2</sup> *Women Offenders*, October 2000, by Lawrence A. Greenfeld and Tracy L. Snell, US DOJ NCJ175688.

<sup>3</sup> "Experiences of Domestic Violence Among Women on Probation or Parole in Lane County, Oregon" Jean Daugherty and J. Mark Eddy, 2002

<sup>4</sup> "One Judicial Perspective on the Sex Trade" by Kay Tsenin, Judge, Superior Court of San Francisco. Research on Women and Girls in the Justice System. NIJ Research, Vol. 3. 2000.

- The Indiana Department of Corrections found that over half (53%) of female inmates were victims of physical abuse; about one-quarter were victims of incest and rape as a juvenile (23%) or of sexual abuse as an adult (22%).<sup>5</sup>

Women’s criminal involvement frequently occurs through relationship with family members, significant others or friends, and the pathway into crime for the vast majority of female offenders begins with physical and/or sexual abuse both as children and adults.<sup>6</sup> For example, battered women may have acted against a partner who had abused them. They may have used drugs because they are forced to by the perpetrator, or to "self-medicate" to relieve the symptoms of trauma, past or present. The abuser may have forced them into prostitution or into other crimes.<sup>7</sup> The Lane County study found that 29% of women on probation or parole reported that they committed a crime because they were threatened by a partner.<sup>8</sup>

It is clear that an appropriate, effective response to battered women offenders needs to address issues relating to abuse. However, women offenders, including those with current or past abuse problems, have significant other problems. The US Department of Justice study “Women Offenders” found the following<sup>9</sup>:

- Approximately one half of women offenders in state prisons had been using alcohol, drugs or both at the time of the offense. Thirty percent described themselves as daily users of drugs and 25% as daily users of alcohol.
- Female prisoners generally had difficult economic circumstances. Only four in ten reported being employed full-time prior to incarceration. Thirty-seven percent had incomes of less than \$600/month and 30% had received welfare prior to incarceration.
- Forty to forty-five percent of women under supervision by the criminal justice system did not complete high school.
- Seven in ten women under supervision by the criminal justice system have minor children. Nationally, this means that there are 1.3 million children whose mothers are under some form of supervision by the criminal justice system.

“Overwhelmingly, women are incarcerated for nonviolent offenses, primarily for violating laws that prohibit the sale and possession of specific drugs. Some investigators have argued . . . that drug sales and other nonviolent crimes are ‘survival crimes’ that women commit to earn money, feed a drug-dependent habit, or escape terrifying intimate relationships and brutal social conditions. Incarcerated women typically have a history of unmet social, educational, health and economic needs, in addition to a history of victimization.”

Exploring the Link Between Violence Against Women and Women’s Involvement in Illegal Activity” by Beth E., Richie, Ph.D., University of Illinois at Chicago Research on Women and Girls in the Justice System, NIJ, Research Forum, USDOJ, Sept. 2000

<sup>5</sup> “Indiana Department of Corrections Women Classification Study,” 1993, by James Austin, Luiza chan and William Elms, National Council on Crime and Delinquency

<sup>6</sup> “Perspectives on Sentencing Women Offenders: Oregon Successes,” Spotlight on Adults, Oregon Judicial Department Conference, December 8, 2000, Elyse Clawson, Director Multnomah County Department of Community Justice.

<sup>7</sup> *Compelled to Crime: the Gender Entrapment of Battered Black Women*, 1996, by Beth Richie, pp 151-152. Routledge, New York. See also Stewart, S.H., "Alcohol Abuse in Individuals Exposed to Trauma: A Critical Review," *Psychological Bulletin*, 1996, Vol 120, No. 1, 83-112.

<sup>8</sup> “Experiences of Domestic Violence Among Women on Probation or Parole in Lane County, Oregon” Jean Daugherty and J. Mark Eddy, 2002

<sup>9</sup> *Women Offenders*, October 2000, by Lawrence A. Greenfeld and Tracy L. Snell, US DOJ NCJ175688

- Women of color are over-represented in the criminal justice system. Although nearly 2/3 of women under probation supervision are white, nearly 2/3 of those confined in local jails and State and Federal prisons are minority – Black, Hispanic and other non-white races.

## Women in the Multnomah County Criminal Justice System

The data presented above suggest that battered women are a significant proportion of women offenders in the criminal justice system (25-50%). Local data indicate that more than a quarter of women under probation supervision report being emotionally or physically abused, usually by a close friend, family member or intimate partner.<sup>10</sup> Beyond that, we have very little specific information about the number or percentage of women in the Multnomah County criminal justice system who are also current or past victims of domestic violence.

Each year, there are approximately 8,000 bookings of women into the Multnomah County jail system. This is approximately 20% of all bookings (41,886 in 2000). The primary charges against women are generally non-violent charges. The largest category of primary charges (27%) is “Other Charges” which includes holds and sanctions. The next largest category of primary charges (26%) is Alcohol and Drugs, followed by Property crimes (20%). Behavioral crimes as the primary charge accounted for 7% of the women. Behavioral crimes included forgery, prostitution, and obstruction of government administration.”<sup>11</sup> On July 1 2002, there were 707 women in state prisons in Oregon. This is 6.2% of the total prison population.<sup>12</sup>

There were approximately 600 women arrested by the Portland Police Bureau for domestic violence (15% of all arrests) in 1999.<sup>13</sup> By 2001, this number had risen to over 850 women, or about 19% of all domestic violence arrests in Portland.<sup>14</sup>

The Department of Community Justice reports that in December 2000, there were 511 women on post-prison supervision or parole and 1,713 on probation. Women were 21% of all offenders on probation/post-prison supervision at that time. Women convicted of drug offenses (44.3%) and property crimes (30%) made up almost three-quarters of all women on probation or post-prison supervision. Of the 2,224 women on supervision,

- 388 were assigned to gender specific caseloads;
- 721 were assigned to general field caseloads or other specialized caseloads (gangs, mental health, DUII, Domestic Violence or other)
- 1,115 low-risk females were assigned to Centralized Team Supervision, a type of limited monitoring for new criminal activity and completion of conditions of supervision.<sup>15</sup>

<sup>10</sup> Data from Multnomah County Department of Community Justice; Initial Intake and Assessment Form, 2001

<sup>11</sup> Data provided by the Multnomah County Sheriff's Office

<sup>12</sup> [http://mscfprod1.iservices.state.or.us/doc/population/inmates\\_query.cfm](http://mscfprod1.iservices.state.or.us/doc/population/inmates_query.cfm)

<sup>13</sup> *An Evaluation of the Multnomah County Criminal Justice Response to Intimate Partner Violence Executive Summary*, November 2000, Multnomah County Local Public Safety Coordinating Council, November 2000.

<sup>14</sup> Data from the Portland Police Bureau Family Services Division.

<sup>15</sup> Data provided by the Multnomah County Department of Community Justice

The Oregon Department of Corrections, reports that on July 1, 2002, there were 1,756 women on probation, post prison supervision or “local control” in Multnomah County. They comprised 22% of all offenders and 84% were convicted of property crimes (36.2%) or drug offenses (47.6%).<sup>16</sup>

## SERVICES CURRENTLY AVAILABLE

This committee found that there are only limited services available to help victims of domestic violence while they are in jail, on probation or parole or awaiting trial. The following is a list of services specifically for women offenders.

### Specific Services for Survivors of Domestic Violence or Abuse

- Women’s Agenda, the YWCA, Department of Community Justice and the Tualatin Valley Centers provide groups for women in the domestic violence Deferred Sentencing Program (DSP). These agencies frequently identify these women as victims of domestic violence and thus provide specific information and support about victimization and recovery.
- Currently, the Day Reporting Center (DRC) in collaboration with DCJ’s DV Unit has a domestic violence support group for women offenders in the community (probation, parole, Restitution Center, etc.).
- DCJ’s DV Unit has graduate students from the PSU Graduate School of Social Work part of the year doing individual case management and counseling, and conducting groups for women offenders and victims of male domestic violence offenders.
- DCJ has contracted with Tualatin Valley Centers to provide “HERO for Kids” program of services and counseling for families and children ages 6 – 14 who have been impacted by domestic violence.

### Minimum Recommended Components for Programs Addressing Domestic Violence

- Ask about past and current relationships, specifically asking about violence, coerced sexual behaviors, threats or fear.
- Respond with support and in a non-blaming way.
- Make referrals to domestic violence groups, safe housing, restraining orders or other needed services.
- Ask about their children, assist in planning to address their safety and the impact of witnessing domestic violence or being abused.
- Assist with safety planning.
- Provide information about healthy, non-violent relationships and safe sex.
- If appropriate, make home visits, and observe or ask about relationships.
- If the partner/abuser is also under DCJ supervision, assure that responses to domestic violence are coordinated and do not unfairly penalize the victim.

<sup>16</sup> [http://mscprod1.iservices.state.or.us/doc/population/caseload\\_query.cfm](http://mscprod1.iservices.state.or.us/doc/population/caseload_query.cfm), July 1 2002. “Local control” is a status created by Senate Bill 1145 in January 1997. SB 1145 shifts responsibility for offenders sentenced to prison for 12 months or less from DOC to the counties. Local Control sentences may be served in a variety of ways, including jail and/or community-based sanctions.

- DCJ's Family Services Unit provides family therapy, individual counseling, victim assistance and service linkage for female offenders.
- Three programs – Lotus, New Options, and Lola Green Baldwin Foundation – provide services to prostituted women. Not all of their clients are court-mandated.

### Gender Specific Services

There are also several services in the criminal justice system specifically for women. All of these services represent excellent opportunities to intervene in domestic violence; however, most do not provide specific domestic violence intervention:

- The Department of Community Justice (DCJ) provides specialized probation/parole supervision to approximately 17% of all women offenders.
- The DCJ ADAPT and Transitional Housing programs are specifically for pregnant and parenting women, and address the concerns of battered women. The ADAPT program supervises a caseload of 25 to 30 pregnant offenders. The Transitional Services Unit provides transitional housing to 15-18 women offenders with children.
- The recently opened Coffee Creek Correctional Facility (CCCF) houses virtually all of the State's female inmates. The facility's Turning Point program provides gender-specific, intensive residential treatment for 50 women. In Focus, a gender-specific pre-release alcohol and drug day treatment program, emphasizes parenting skills. The WICS program (Women in Community Service) is a life skills course for women nearing release. Each of these programs has a domestic violence component. CCCF staff are working towards solidifying a 12-week pre-release program that will have a domestic violence component. A domestic violence program is under consideration and staff are reviewing possible program structure, design and content.
- The YWCA Transitional Opportunities Project (TOP) screens its clients, who are women coming out of jail or prison, for domestic violence history and refers them to the YWCA Counseling Center domestic violence treatment group or other service providers. TOP also offers a cognitive behavioral change program that addresses the issue of domestic violence.

### New Services

During the course of its work, the committee was able to develop three new services for battered women:

- Members of the committee initiated support/ educational domestic violence groups for women at Inverness Jail and

***Domestic Violence Awareness Class Curriculum, Inverness Jail, Spring 2001***

1. Physical and Emotional Abuse
2. Sexual Abuse and Resources
3. Batterers and the Cycle of Abuse
4. Post Traumatic Stress Disorder
5. Self-Esteem
6. Healthy Communication and Boundary Setting
7. Journals
8. Safety Plan

at the Justice Center. The Curriculum used for the Inverness Jail groups is in the shaded box. For more information or a copy of materials used, contact [joyce.m.hall@co.multnomah.or.us](mailto:joyce.m.hall@co.multnomah.or.us).

- Volunteers of America Family Center AmeriCorps staff began working one-on-one with women in Inverness Jail one day a week.
- Women in jail had been unable to call domestic violence emergency shelters or crisis lines. Members of the committee were able to re-establish the ability of women in jail to call domestic violence shelters and programs and assure that all shelters will accept charges for calls from women in jail.

Other community based services, such as emergency shelters, support groups and other advocacy services, are available to women leaving jail or on probation. However, there were none that were tailored to the needs of this population.

## Other Barriers to be Addressed

Battered women offenders in the criminal justice system face significant barriers and frequently have specific additional needs for services beyond those relating to domestic violence or to their criminal involvement.

- There is a need for additional detoxification and treatment facilities for women. Programs must address the specific needs of battered women, including the current and future safety concerns of women in in-patient and out-patient programs.
- Many women offenders have open cases with Department of Human Services (DHS) Child Welfare (formerly SCF). Additional services to assist women offenders in meeting the Adoption and Safe Families Act requirements are needed.
- Mental health counseling is difficult to find, and services that are appropriate for domestic violence victims are even more difficult to find.
- Women offenders in the criminal justice system also tend to be poor, to have low-paying jobs or to be on welfare. Thus, they may need job training, or education and assistance in obtaining economic stability.
- Women offenders who are victims of domestic violence have difficulty obtaining long-term shelter/safe housing. They may have had housing problems in the past either because of an abusive partner or criminal behavior and therefore may not be eligible for low rent public housing.
- Women offenders in the criminal justice system who have children require additional services. Women need to have safe and stable care for their children while in jail, need to be able to get their children to school, and to be able to advocate well for their children.

Some of the children need specific, intensive services including hospitalization for mental health problems.

- Women may have a range of legal problems that need to be addressed, including outstanding warrants, child custody orders, parenting time/visitation orders, restraining orders or evictions.

Being charged with a crime can make it difficult for victims to get domestic violence services. Current domestic violence services may be inappropriate or difficult for women offenders to utilize. Some examples of barriers that women offenders face in getting appropriate domestic violence services include:

- Women offenders often do not identify themselves as domestic violence victims. They may have been convinced that they are the problem or “the abuser” in the relationship, regardless of the situation or they may be in denial about the severity of the abuse. Thus, many women do not seek services for domestic violence victims.
- Domestic violence victim shelters all have requirements that women be “clean and sober” and so are frequently not accessible to women offenders with alcohol and drug abuse/use problems.
- Domestic violence program staff receive little or no training and information on how the corrections system works to assist their clients who are also offenders.
- Current domestic violence support groups for victims do not generally address the needs of women who are also involved in the criminal justice system. Some women offenders are hesitant to go to or may feel unwelcome at groups for non-offenders.

The following areas of concern relate to the criminal justice system response to victims of domestic violence who are charged with or convicted of crimes.

- Obtaining bail funds is difficult because women are frequently poor. However, release from jail is important for their children’s stability.
- Women offenders in the criminal justice system do not consistently get information

***A Nationwide survey of programs for women offenders identified 242 innovative programs for further study. These promising programs share the following attributes:***

- Well-trained and dedicated staff who care about the welfare of women and their families and who serve as positive role models for program participants
- Women-only programming
- Program materials focused on skills development and meeting women’s particular needs
- Willingness to tailor approaches to meet individual needs
- Treatment with appropriate controls
- Use of peer support and development of peer networks
- Formal recognition of participant achievement
- Options for women who fail

The Women’s Prison Association: Supporting Women Offenders and Their Families. NIJ Program Focus, US DOJ

about or referrals to existing domestic violence programs in the community.

- There are no specific guidelines or protocols for probation/parole office (PPO) supervision of women that include information about domestic violence and abuse and appropriate responses to minimize retraumatization and maximize safety.
- The National Clearinghouse for the Defense of Battered Women notes that pleas to or convictions for crimes of domestic violence can have “long-term, adverse consequences that may seriously harm them and their children.”<sup>17</sup> They cite reduction of employment options, public benefits such as TANF-funded programs, public housing, custody determinations, immigration status, scholarship and/or school admission, and voting rights and other civil rights.

## SUMMARY AND RECOMMENDATIONS

This report has found that there are a significant number of battered women offenders in the criminal justice system and very few services to meet their needs. Their presence represents an important opportunity for Law Enforcement Officers, Corrections Counselors and Officers, Probation and Parole Officers, court-mandated program staff and others associated with the criminal justice system to intervene with and assist these women.

Successful intervention in domestic violence and prevention of future involvement in the criminal justice system require that we address domestic violence and their other needs, such as A&D treatment, economic supports/autonomy, children’s issues.

The following recommendations are intended to increase the competency and the capacity of the criminal justice system, affiliated agencies and domestic violence victim services in providing safety and support for victims of domestic violence. The recommendations fall into three general areas:

1. Increasing competency of staff in the criminal justice system and community-based agencies to identify and respond to the specific needs of battered women offenders in the criminal justice system.
2. Increasing services in the criminal justice system specifically designed to assist victims of domestic violence, and
3. Assuring an appropriate response to battered women across all agencies involved in the criminal justice system.

### Increasing competency of workers to respond

- Assure that Probation/Parole Officers and Corrections Counselors and Officers who work exclusively with women receive in-depth training on domestic violence (see box below for recommended content).

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<sup>17</sup> The Impact of Arrests and Convictions on Battered Women, February 2001, National Clearinghouse for the Defense of Battered Women.

- Assure that all other PPO's, probation counselors, Corrections Counselors and Officers, corrections health staff, discharge planners, court-mandated service providers and others who interact with women offenders receive basic information about domestic violence, its impact and appropriate responses.
- Provide information to the community-based domestic violence victim services programs on how the criminal justice system works and the specific needs of battered women who are involved in the criminal justice system.
- Provide cross training opportunities for staff of criminal justice system and of domestic violence victim services programs. Take advantage of existing trainings, workshops or conferences to cross train criminal justice system and domestic violence staff on the needs of battered women in the criminal justice system.
- Training for defense bar and Oregon Department of Human Services Child Welfare workers is needed to assure that women are appropriately advised of the ramifications of pleas to or convictions for violent crimes, especially as they relate to future custody determinations.
- Educate judges, DA's, and criminal defense lawyers about the links between criminal behavior and coercion in relationships to assure appropriate sentencing and services for offenders.

***Recommended Competency for PPO's, Corrections Counselors and Officers and others associated with the criminal justice system:***

- Dynamics of domestic violence
- Issues of trauma, retraumatization
- Identification of domestic violence and assessment of level of danger or lethality
- Supportive responses
- Safety planning
- Resources available

Increasing services specifically designed to assist victims of domestic violence in the criminal justice system

- Develop or maintain domestic violence education groups at four or more sites, including one in Spanish (Inverness Jail, Justice Center, Day Reporting Center and one or more Probation/ parole offices).
- Maintain and expand number of women offenders on specialized PPO caseloads for women offenders.
- Provide domestic violence specialists with resources to assist women throughout the criminal justice system, especially in jails, pre-adjudication venues and Drug Court.
- Provide a full-time victim advocate position for the DCJ Domestic Violence Unit to coordinate community-based, contracted, and in-house services for partners of offenders and for women convicted of domestic violence.

- Assure that programs for women and battered women are culturally competent and when needed, culturally specific.

### Assuring an appropriate response to battered women across all agencies involved in the criminal justice system

- Assure that all agencies in the criminal justice system have protocols and practices in place so that all women offenders in the criminal justice system are screened for domestic violence and that an appropriate response is in place if a woman discloses domestic violence. This should include the jail assessment, pre-trial evaluation, PPO centralized intake, mandated services, defense bar, mental health services.
- Establish communication links among the pertinent agencies, Departments, units and staff, including: Corrections Health, Corrections, domestic violence community based programs, DCJ and others so that battered women offenders in the criminal justice system receive the assistance they need as they are moved through the system and into the community.
- Collect, analyze and distribute better data on the life situation and case outcomes of battered women, and study the women arrested for domestic violence to improve law enforcement practices and procedures for identification of primary perpetrators.
- Include information about domestic violence (e.g., safety planning, accessing resources) in plans for discharge from jail, probation or A&D treatment. Include issues relating to abuse and to the specific needs of women offenders in the Multnomah County Training and Employment Program for Ex-Offenders (leaving CCCF).
- Develop specific protocols for DCJ PPOs supervising women about violations that involve contact between women and men and about coordination with PPOs of male offenders or with the jail personnel for safety planning, danger/lethality assessments, authorization of contact with the abuser, and sanctions.
- Develop protocols to prevent the abuser from obtaining information about the location or release date of a victim of domestic violence.
- Develop a protocol to review Portland Police Bureau domestic violence arrest statistics and to select and review selected cases to assure that Bureau procedures and protocols have led to appropriate decisions made regarding arrest of women at domestic violence incidents.

## COMMITTEE PARTICIPANTS

The Family Violence Coordinating Council thanks the following people for their participation on the committee and/or their assistance in the development of this report.

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