

## **Intermediate Sanctions for Women Offenders: A Lesson in Criminal Justice Policy-Making**

*by Larry Muse, Assistant Chief Probation Officer, Hamilton County Probation Department, Cincinnati, Ohio*

**T**he increasing number of women involved in the criminal justice system and the lack of gender-specific programs and services to meet their needs have prompted criminal justice professionals in Hamilton County to examine the county's sanctioning and supervision process in terms of gender. Under a technical assistance grant from the National Institute of Corrections and under the authority of the Hamilton County Community Corrections Board, the Hamilton County Intermediate Sanctions for Women Task Force began meeting in July 1997.

The overall mission of the task force was to establish an ongoing process for policy development and evaluation designed to improve women's services in the local Hamilton County criminal justice community. Its major objective was to design gender-responsive policies, programs, and services to achieve more successful sanctioning outcomes for women offenders.

### **How the Task Force Functioned**

Municipal Court Judge John A. West chaired the task force and played a key leadership role in bringing court and community agencies to the table in discussions of the problems to be addressed if women offenders were to be better served. Judge West brought to the position both formal authority and the ability to persuade and engage others outside the criminal justice system in this process. He has been effective in providing preliminary agendas for each meeting and arranging for different speakers/agencies to share information on the issues from their perspectives.

The task force grew to a membership of 26 over time, and it is indicative of the members' commitment to the team that there were never fewer than 18 in attendance at the monthly meetings.

The group decided early on to attempt to map the decision-making process in the justice system in order to determine what decisions are made about women, who has the authority to make the decisions, and what factors influence those decisions. Meetings offered a safe forum for discussion of the issues. There was a consensual confidentiality agreement among members, who determined early in the process not to publicize the committee's efforts in the press.

### **Changes Implemented to Date**

In response to what the task force learned about women offenders in our community (see Figure 1, page 31), Hamilton County made five main changes in the ways we sanction and serve these offenders.

**Figure 1. Task Force's Profile of Women Inmates (N = 43)**

- Average age is 36.
- 74 percent have children under 18 years of age.
- 60 percent of those with children have lost custody of their children.
- Most reported that they were living with family or a friend at the time of arrest.
- Almost all are chemically dependent (Drug of choice—crack, 53 percent; alcohol, 42 percent)
- 28 percent have never been in treatment for chemical dependency.
- 60 percent have been in prior inpatient treatment.  
Implication: We need to intervene earlier and we need better early assessments.
- 74 percent have been employed fewer than 6 months out of the past year.
- Those employed report an income of less than \$5,000 during that time.  
Implication: This is a poverty-stricken population.
- 51 percent reported past physical abuse, and 37 percent reported past sexual abuse.  
Implication: There is a high rate of victimization among these women.
- Most had multiple prior misdemeanor convictions (an average of 10)
- 53 percent had a prior felony.
- 28 percent have done prison time.
- Most have been on probation more than once.

**1) We initiated a centralized assessment of all women who are in jail.** Pretrial Services and jail staff formed a partnership to improve the assessment process. They have expanded and redesigned an intake area to be staffed jointly within the jail itself. As part of an early triage assessment process, Pretrial Services began doing mental health screens on all women inmates at the time of arrest.

The sheriff, the court, Pretrial Services, Central Clinic, probation, and Talbert House (a local program services agency) have worked together to dedicate an entire floor of a jail facility that had previously been occupied by men as a comprehensive women's assessment facility. Women housed there will be given a complete chemical dependency assessment, as well as an evaluation of their other needs, and will then be referred to appropriate community agencies. For those who are in jail on a pre-trial basis, the evaluation will be shared with the sentencing judge prior to sentencing, so that the sentencing process can be more focused. Because a number of pre-trial women are charged with felonies, this evaluation will be delivered to the Common Pleas Court as well as to Municipal Court. This program will serve more than 1,000 women a year.

**2) We changed many procedures to make them responsive to the needs of women offenders.** The jail administrator has revised the jail intake search procedure to guarantee greater privacy to women. Intake searches had previously taken place in a crowded open area, with resulting embarrassment to the women being processed.

The Probation Department has adopted a "rapid PSI" (presentence investigation) to reduce the length of time women are held and the number of their court appearance depth evaluation immediately upon their intake into the system.

The Probation Department has also begun to provide bus tokens for women who are unable to afford bus fare to report to the department or to treatment as ordered.

In addition, the department has obtained funding to provide training in construction skills for women in the Probation Community Services Unit. This will help graduates of the program obtain jobs at a reasonable wage.

**3) We developed policies and programs to assist chemically dependent and mentally ill women offenders, particularly those who are dually diagnosed.** Additional assessment has been implemented to enable Pretrial Services to identify mentally ill offenders. The screening instrument used is Basis 32, the Behavior and Symptom Identification Scale, which is a very quick screen for detecting significant mental distress that may indicate the presence of an illness that calls for treatment intervention. This process will help to identify women who need more in-depth evaluation immediately upon their intake into the system.

Central Clinic, a not-for-profit mental health agency with a 30-plus-year history with the Municipal Court, conducted a pilot study of women inmates. In the study, women were administered a number of psychological assessments, followed by an in-depth clinical interview. The study found that a significant percentage of the women were dually diagnosed and that many of them had never been diagnosed as mentally ill prior to the clinical assessment. A service contract is being negotiated to provide ongoing in-depth mental health assessments for women.

In general, the task force has encouraged member agencies to adopt the Stephanie Covington model of program implementation.

**4) We implemented an integrated Management Information System.** The new Court Management System (CMS) database is being expanded to include the newly designed probation database. We anticipate that the Pretrial Services database will become a part of CMS within the next 2 years. This addition will provide a constantly updated profile for offenders who are active in the system.

In addition, the court has developed an administrative rule providing that a person actively under probation supervision who is arrested on a new offense will appear on that offense before the same judge who placed him/her on probation. This rule is designed to provide continuity and familiarity with each offender's problems.

The availability of additional data to more participants in the system makes possible more responsive fine-tuning of women's program needs within the system. For example, Pretrial Services was able to share with the municipal court judges data which showed that women released on own-recognition bonds were as likely to appear for their next court date as those with low cash bonds.

**5) We began involving municipal judges in women offender issues.** The court has become sensitive to the fact that many routine issues in sentencing placed an unfair burden on women, given their poverty level. For example, in the past, judges would routinely give offenders a required \$100 bond to motivate them to appear for their next hearing. Many women could not make this minimal bond and were being held in jail until their next court date. Judges have changed this practice.

Judges have also stopped routinely ordering women offenders to pay fines through probation, subject to probation violation for those unable to pay. The court has asked the Probation Department to focus on criminogenic issues such as chemical dependency and to offer voluntary referral to other community agencies for housing, employment, or parenting assistance. This has changed the practice of giving women too many mandatory conditions of probation.

In addition, the court has asked the task force to develop a special arraignment docket to meet the needs of mentally ill offenders. The goal was to create a slower moving docket process, with provisions for mental health assessments and links with existing mental health case managers, so that the court would have more information about the offender and the resources that exist in the community as an alternative to incarceration. A collaboration between the court, public defender, prosecutor, Pre-trial Services, jail, probation, the Mental Health Board, and Central Clinic made possible needed medications as soon as possible.

### **The Work Continues**

Although the NIC technical assistance grant has now ended, the task force is committed to continue meeting to maintain its progress in making systemic changes on issues related to women offenders.

For further information, contact Larry Muse, Assistant Chief Probation Officer in the Hamilton County Adult Probation Department in Cincinnati, Ohio. He can be reached at (513) 852-3930 or by e-mail at [LMuse@cms.hamilton-co.org](mailto:LMuse@cms.hamilton-co.org). ■