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Mean Lives, Mean Laws

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Oklahoma's Women Prisoners

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This work is dedicated to Gwen, Karen, and Tracy, three wonderful women whose lives have intersected with mine, and in memory of Aline. You have taught me so much. My life is far richer because of you.

Preface

As I was finishing my doctorate, I hoped to teach and conduct research in the area of deviance and gender, bringing a feminist perspective to my work. I was initially more interested in demonstrating gender differences in deviance and less interested in focusing on crime and the criminal justice system. However, three separate but related events led to the research agenda that has culminated in this book, changing the direction of my career.

The first event occurred in February 1996, when I interviewed at the University of Oklahoma for an assistant professor position in the Department of Sociology. My dissertation focused on female injecting-drug users (IDUs), and I was being considered as someone who would specialize in issues related to gender, crime, and deviance. As I was being driven around the Oklahoma City metropolitan area, something occurred which has had a lasting impact on my work. My guide, in an effort to convince me that I would really like being at the University of Oklahoma, proudly announced that Oklahoma had the highest female incarceration rate in the nation. I asked him why, expecting to hear a sociological explanation such as poverty level, lower educational attainment, high rate of drug use, or the lower status of women in the state. Instead, he commented, "Oklahoma has mean women." I was appalled and speechless, but as I returned to Austin, I kept thinking about that statement and what it meant. Having worked as a drug counselor for years prior to obtaining my doctorate, I had firsthand experience, though little data, that suggested that the pathways into addiction and crime were often very different for women and men. Indeed, one of my reasons for wanting to study gender and deviance was to gather hard data that would support (or not support) my real-life experiences. I reached the conclusion that a feminist criminologist was needed in the state of Oklahoma if even academics saw the high female incarceration rate as solely the fault of the women. Therefore, I ended up taking the position at the University of Oklahoma, where I have remained. That incident, juxtaposed with the subsequent years of research, led to the title of this book.

The second event occurred during my first semester on campus. I was contacted by a professor in the Department of Human Relations, Dr. Susan Marcus-Mendoza. She had seen my areas of specialization in a list of incoming

faculty, and she realized we had overlapping interests. At our initial meeting, she suggested that we apply for a small grant from the Oklahoma Criminal Justice Research Consortium, a now defunct association of academics and criminal justice professionals. They wanted a study conducted on the effects of incarceration on families of drug offenders in the state. My suggestion was that we title our proposal, "Gender Differences in the Effects of Incarceration on Families of Drug Offenders," and this proposal was funded. This led to data collection in both men's and women's prisons, a few publications, and a clearer understanding of the issues of women prisoners. I will always be indebted to Susan for reaching out to me. Not only has it led to long-term collaboration and friendship, but it has led to a deep passion for female offenders and their families.

The third event resulted from a report that Susan Marcus-Mendoza and I made to the Oklahoma Sentencing Commission on the effects of incarceration on families of offenders. Representatives of a victim's advocate group protested the focus of our study, arguing that the state should not waste money on the families of offenders but should reserve that money for the families of victims. Again, I was disturbed at the willingness to reject those affected by the incarceration of a family member, particularly the children. The assumption appeared to be that these family members were guilty by association or relationship (and therefore, unworthy). As a result, I began emerging as an advocate for the families of offenders, an "accidental activist." As I learned more about the histories of the women prisoners themselves, I expanded my scholarship and advocacy towards helping improve their situations, as well.

Those three events helped shape my research agenda. Several years later, the Oklahoma Commission on Children and Youth (OCCY) contacted me to replicate and extend the portion of that project that focused on women prisoners and their families. An Oklahoma State Representative, Barbara Staggs, and a State Senator, Debbe Leftwich, had put forth a Joint Resolution (SJR 48, 2004) directing OCCY to conduct a study on the impact of maternal incarceration on the children. OCCY wanted me to conduct the research, and had no issue with my obtaining additional data on the women themselves. This led to several years of research surveying the women prisoners and interviewing caregivers of their children. The research has been life-changing for me, and I became a spokesperson for women prisoners and their children in Oklahoma. Finally, a number of my graduate students have developed an interest in women prisoners, leading to several theses and dissertations and numerous presentations. One former student, Dr. Juanita Ortiz, developed her own project, interviewing women who were incarcerated for a second or subsequent time, and some of her findings are included as a chapter in this book.

The book is grounded in a feminist strain approach. Elements of general strain theory as well as the Adverse Childhood Experiences (ACE) study have been incorporated to further elaborate the pathways model. Additionally, I have tried to locate the high incarceration rate of women in Oklahoma in the legal and social climates of the state and nation. Clearly, to truly understand why Oklahoma imprisons women at such a high rate, we must look beyond the women themselves. Legislators and average citizens, often acting on a fear of crime, are at least as responsible as the incarcerated women for Oklahoma's exorbitant imprisonment rate.

The journey to this stage of my research has involved many people. The Oklahoma Department of Corrections has some incredible administrators, and several have played an enormous role not only in my research but in my understanding of the issues involved. Justin Jones, Director, and Dr. Laura Pitman, Deputy Director for Female Offender Operations (recently renamed Division I), have made access to prisoners available and helped shape my understanding of the women prisoners as well as of policies and laws. Dr. Michael Connelly, former administrator of the Evaluation and Analysis Unit of the Department of Corrections, facilitated both the administration of surveys to the women and locating related data. Lisa Smith, Director of the Oklahoma Commission on Children and Youth, has worked tirelessly with me on producing the annual studies and disseminating our findings. Finally, and most importantly, as a result of showing up at the women's prisons year after year, many women prisoners have found me after their release back into society. Their insights and stories have been invaluable in shaping this book and my research in general. To protect their anonymity, I have used pseudonyms and have not disclosed their names, but I hope they know they have touched my life in indescribable ways. These women are courageous and committed, to improving not only their own lives but the lives of the women still in prison and their families. It is in their honor that I have undertaken this project.

I would like to thank the Oklahoma Department of Corrections, especially Justin Jones, Dr. Laura Pitman, and the Evaluation and Analysis Unit, for allowing me access to the prisons to conduct this research and providing me with additional data. I am indebted as well to the Oklahoma Commission on Children on Youth for their partnership in the research—in the form of material support through grants—that is the foundation of this book.

Mean Lives, Mean Laws

Contents

Illustrations

Figures

Tables

Introduction

OKLAHOMA HAS long led the nation in the rate of female imprisonment. At the time of the writing of this book, the per capita incarceration rate in Oklahoma (135 per 100,000) was double the national rate (67 per 100,000) (Guerino, Harrison, and Sabol 2011). This is not surprising, as Oklahoma also ranks low in indicators related to the well-being of women. For example, Oklahoma ranks 48th in the United States in the percentage of women with health insurance and first in poor mental health among women (Institute for Women's Policy Research 2010). Overall, it ranks 45th out of the states in social and economic autonomy (Institute for Women's Policy Research 2010). Indeed, the status of women in Oklahoma is low enough to motivate a young student in Oklahoma to create a website entitled, Oklahoma Hates Women (n.d.). While Oklahoma does not fare well in the well-being of women, over the past two decades it has dominated the nation in the per capita incarceration of women. Understanding this phenomenon is a major purpose of this book, the culmination of nearly fifteen years of research on Oklahoma's women prisoners and their children.

A few important lessons have emerged from my work. First, most of the women prisoners report childhoods fraught with poverty, abuse, and neglect. One woman talked about growing up with no running water in her home and ongoing sexual abuse at the hands of various male relatives. Not surprisingly, by the time she was in her mid-teens, she was on her own and supported herself through prostitution. She also frequently hooked up with men involved in various criminal activities. That led to her first incarceration, as the get-away driver at a convenience store robbery. She has spent the majority of her adult life in prison, and thus has never acquired the tools that would allow her to live successfully outside of prison, so she does not last long outside of institutions. She recently returned to prison on a parole violation after only eleven months on the outside. Her story, unfortunately, is not unique.

Second, most of the women described lives centered on drugs. Many are addicts, and some were involved in drug manufacturing or distribution. Not surprisingly, many of the women had run away in their teens and become addicted to drugs. However, others reported drug use that began or escalated following a divorce. One woman, a former teacher, became addicted to pain pills following a back injury. Because she was upset about her divorce and loss

of custody of two small children, she began using her prescribed medication to deal with painful emotions. As her drug use escalated, her doctor refused to refill her prescription. She eventually was caught passing a fraudulent prescription, written on a prescription pad she had stolen from her sister, a nurse. Now her children live with their father in another state, she can no longer teach, and she is wondering what she will do upon her release. Other women, upon divorcing, said they began hanging out in bars. They eventually met men involved in the manufacture of methamphetamine. While few of these women became very involved in the methamphetamine trade, many of them found themselves convicted of manufacturing or conspiring to manufacture a controlled substance as a result of their association with men involved in the drug trade. This has often resulted in excessive sentences, including several with life without the possibility of parole. Some have still not received any form of drug treatment.

Third, most of the women in Oklahoma prisons are mothers. For them, imprisonment means separation from their children, often the most important relationships in their lives. More disturbingly, many of the women may not be able to reunite with their children. Their parental rights are often terminated while they are in prison. Those who have not permanently lost their children still face obstacles. Many of the women lack resources to provide for their children once they are released. The children themselves also suffer, and the stories of these children and those who care for them are an important part of this work.

When I first began studying women prisoners, I often met with distrust. Many women did not want to participate in the research, voicing doubts about how the studies could possibly benefit them. However, over the years, policies started changing, in part as a result of research around the country, including my own. The women began writing to me, and the last time I administered a survey, over sixty percent were willing to participate. While this may not seem like a particularly high percentage, it is important to note that this is sixty percent of the entire sample. Some of those who did not participate had been moved or discharged, while others could not participate due to work assignments or restrictions. One year, the women were so glad to see me that I received an ovation at one of the facilities when my students and I arrived to administer the survey. Furthermore, former prisoners began showing up in my office once they were released, and several have become involved in efforts to change laws and policies. I introduced one woman to a progressive state legislator, who hired her as her executive administrative aide. This led to other women working in the legislator's office as part of their community service. Another former prisoner has gone to work in the field of substance abuse treatment and is working on obtaining funding for a program

to assist women transitioning back into the community after incarceration. A number of former women prisoners also formed an informal group they refer to as "Just Us Girls," a play on words, providing support to women returning home from Oklahoma's prisons.

Over time, it became apparent to me that there were both individual and societal reasons for the high incarceration rate. At the individual level, these women have experienced mean lives of abuse and poverty: an important explanation of why so many of them become imprisoned. At the societal level, the state is impoverished, with women and children often faring poorly. Additionally, Oklahoma focuses on harsh punishments for those who offend the collective morality. Women who use drugs and commit crimes are viewed with distrust and disdain.

Drug crimes account for at least half of the new receptions each year, and almost two-thirds of the women in Oklahoma prisons need substance abuse treatment. The high level of drug use among the women can be at least partially explained by their abuse histories. Questions drawn from the Adverse Childhood Experiences (ACE) study help provide a more clear understanding of the relationships between their dysfunctional childhoods, mental health problems, substance abuse, and crime (Felitti et al. 1998). Put simply, most of these women have been abused in many ways and have grown up in households characterized by instability, addiction, mental illness, and violence. As adults, many have re-created the same conditions in their own families. As a result of abuse they have suffered, many have experienced mental health problems and have used drugs to self-medicate.

Additionally, Oklahoma is a poor state. The educational achievement of women is one of the lowest in the nation. Not surprisingly, poverty-induced property crimes account for the majority of the women who are not incarcerated for drug crimes. Chapter 1 focuses on the theoretical foundations that provide the framework for examining the lives of Oklahoma's women prisoners and how their histories of abuse and poverty help explain the high incarceration rate.

However, individual explanations of why these women use drugs and engage in other crimes can only partially explain the high imprisonment rate. Despite the American emphasis on individual responsibility for behaviors, it would be remiss to exclude an examination of the social climate in which this mass incarceration occurs. Oklahoma takes great pride in being tough on crime. While the War on Drugs provides a broader framework for understanding how policies around the country led to mass incarceration, specific laws and policies in Oklahoma—mean laws—have created an atmosphere that has made the state number one in the incarceration of women. Thus, in chapter 2, I examine these laws, Oklahoma laws and policies embedded

in an examination of the broader movement to a more punitive approach in the United States.

Chapter 3 briefly describes the methods used to gather the data on the women prisoners themselves, as well as the caregivers of their children. I conducted several studies over the years. The first studies, in 1997 and 1998, were on gender differences in the effects of incarceration on families of drug offenders. Then in 2004, the Oklahoma State Legislature passed SJR 48, requiring the Oklahoma Commission on Children and Youth to conduct a study showing the effects on children of incarcerating their mothers. Data were collected in 2004, 2005, 2007, 2008, and 2009. The survey instruments included extensive questionnaires about the family histories of the women, with questions on the composition of the households in which they grew up; drug and alcohol use in those households; violence, abuse and neglect in their homes; and their education. The next part of the questionnaires focused on their legal, mental health, and substance abuse histories. The women were also asked about rapes and domestic violence that occurred during adulthood. Additionally, a portion of the studies focused on the children themselves, including placement in foster homes and problems the children experienced both before and during the mother's incarceration. Finally, the women were asked open-ended questions about what they saw as their biggest challenges and needs. Over the course of several years, I also conducted in-depth interviews with the caregivers of the minor children of women prisoners. After this in-depth description of the study, I then focus on the childhood experiences of the women, with attention paid not only to their abuse but also to the dysfunction in their childhood homes. In addition to an emphasis on childhood experiences, the chapter also examines their adult experiences, including abuse and rape, intimate relationships, and their legal histories.

Chapter 4 turns to institutional responses and how the women experience imprisonment. The focus is on what the women experience in prison as well as what programs are available to them. For years, the state utilized Moral Reconation Therapy (Brame et al. 1996), a program developed for work with antisocial personality disorders. It is better suited for more hardcore offenders than most women prisoners. In the past few years, there has been a shift towards woman-sensitive programming to deal with women's past traumas as well as to plan for their reintegration into mainstream society. The chapter will include both the women's experiences and the administrators' perspectives.

Chapters 5 and 6 give two different views of what happens when the women are released from prison. Chapter 5 was written by my former doctoral student, Juanita Ortiz. Dr. Ortiz interviewed women who were serving their second or subsequent incarceration. It is a poignant examination of the problems women face between incarcerations. In contrast, chapter 6 focuses on

interviews of women who have successfully stayed out of prison. It explores problems these women faced on release, followed by descriptions of what they did to minimize the impact of those problems.

In Chapter 7, the focus shifts to the children of the women prisoners and the people who care for those children. When a mother is incarcerated, she is not the only one punished. Her children may suffer, and their care often places emotional and economic burdens on those who care for them. This chapter illuminates the experiences of the children, both from the mothers' perspectives and those of the people caring for their children.

While much of the book has focused on the problems implicit in mass incarceration of women, change is starting to occur, largely due to the scholarship of feminist researchers who have documented the need for woman-sensitive programming and a fresh look at policies. Chapter 8 focuses on some of the positive changes occurring in Oklahoma, many of them mirroring changes around the country. In late 2008, the Oklahoma Department of Corrections (DOC) established the Division on Female Offenders (now renamed Division 1), placing all assessment, treatment, and custody of women offenders under a new deputy director. In addition to the changes within the DOC, many new programs are being provided by private and non-profit agencies as a result of grant money made available for faith-based initiatives and other programming.

Finally, Chapter 9 summarizes the lessons learned from studying Oklahoma's women prisoners and prisons, and examines both theoretical implications and policy implications. While this text focuses on Oklahoma's women prisoners, they are not unique. Instead, this book may hopefully serve as a case study of women prisoners, their problems and their needs. In addition, the goal is to approach the study of female incarceration from a micro/individual level as well as a macro/societal level. Unless we begin to address the problem of over-incarceration of women at both levels, long-term change is unlikely.