

Examining Risk Factors for Recidivism and Disparities in Treatment among Female Probationers

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Abstract

This paper discusses racial differences in risk factors and behavioral conditions among 200 women placed on probation between 2011 and 2013. Emphasis is placed on the factors that place these women at a greater risk of recidivism including prior drug abuse, socioeconomic status (employment), and previous felony convictions. Disparities in treatment measures among women on probation, particularly women of color, such as alcohol/drug treatment and mental health counseling treatment are also discussed.

Keywords: Risk Factors, Recidivism, Disparate Treatment, Female Probationers

Background

Rates of female arrests, sentencing and subsequent incarceration have markedly increased in the United States (Scroggins and Malley, 2010; McGee and Gilbert; 2010; Greenfeld and Snell, 1999; Snell, 1991; Gowdy et al., 1998). Additionally, research indicates that women comprise more than 12% of the nation's parolees, many of whom are first-time offenders who had been incarcerated for non-violent offenses (Scroggins and Malley, 2010; Richie, 2000; Gowdy, 1998).

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While self-report data on male and female offending reveal similar patterns regarding drug- and property-related offenses, studies have also shown that abused and neglected females are at a greater risk of becoming repeat offenders as they reach middle adulthood (Herrschaft et al., 2009; McGee and Baker, 2003; Belknap et al., 1997; McClellan and Farabee, 1997; Federle and Chesney-Lind, 1992). McClellan and Farabee (1997), for example, in a study of male and female prisoners, found that female inmates were more likely than males to report childhood maltreatment, and exhibited higher levels of depression and substance abuse during adulthood. Additionally, female abuse victims were more likely to engage in criminality, and often responded to their victimization status with self-blame (McClellan and Farabee, 1997).

While studies of female criminality tend to address background characteristics such as age, marital status, education and employment, less is known about the psychosocial and mental health needs of women in the criminal justice system (McGee and Gilbert, 2010; Arditti and Few, 2008; Spjeldnes and Goodkind, 2009; MacKenzie and Browning, 1999). Further, little emphasis is placed on the conditions of women in prison, many of whom suffer from recall due to repeated trauma and victimization, depression, self-harm and suicidal ideation. Incarcerated women have a history of social, educational and health problems, in addition to being victims of battering and sexual assault prior to arrest (Cobbina, 2010; Arditti and Few, 2008; McClellan and Farabee, 1997; Richie, 2000). Women of color from low-income communities, particularly, continue to bear the burden of punitive philosophies within corrections and have experienced the greatest increase in criminal justice control of all demographic groups (McGee and Gilbert, 2010; McGee and Baker, 2003; Henriques and Jones-Brown, 1998; Mann, 1995; Campbell, 2000; Richie, 1996, 2000).

Regarding racial disparities in sentencing, arrests and subsequent incarceration, compared to white women in prisons and jails, black women face greater problems since they are more likely to be single, living on welfare, and the sole providers of their young children at the time of arrest (McGee, 2000; Mann, 1995; Pollock, 1999; Van Wormer and Bartollas, 2000). The loss of custody and contact with children poses an even greater problem in that the majority of all female inmates have at least one child under the age of 18 (Campbell, 2000; Richie, 1996, 2000; Pollock, 1999; Van Wormer and Bartollas, 2000; MacKenzie and Browning, 1999).

Richie (1996, 2000) argues that the intersection of gender, race, and poverty creates a unique system that leaves many poor black women vulnerable to public and private subordination, including unique subordination within the penal system, particularly where drug-related offenses are concerned.

Since the increase in felony drug charges among females can be viewed primarily as a response to deteriorating economic conditions, many impoverished minority women are forced to engage in drug crimes to survive since they are the primary caretakers of their children (McGee, 2000; Marquart et al., 1999; Cotton-Oldenburg et al., 1999; Bass and Jackson, 1997; Fagan, 1994; Lex, 1994; Logan, 1999; Medrano et al., 1999; Mieczkowski, 1994; and Tortu et al., 2000; Richie, 2000). Issues of treatment among women offenders in order to prevent further crimes are rarely addressed, and studies have shown that more than two-thirds of all women incarcerated are repeat offenders, while one-third return to prison within three years of their release (White, 2012; Olphen et al., 2009; McQuaide and Ehrenreich, 1998). Researchers have argued that higher rates of repeat offending among women of color can be attributed to welfare reform and the reduction of legal sources for supporting poor families. Subsequently, these women are “recycled” through the criminal justice system with little chance for rehabilitation and treatment (Freudenberg et al, 2005; McQuaide and Ehrenreich, 1998; Greenfeld and Snell, 1999; Mumola, 2000; Henriques and Jones-Brown, 1998, Mann, 1995; Sims and Jones, 1997).

Studies have also shown that certain policies to fight drug-related crime have led to sharp increases in the rates of incarcerated women, most of whom were raising children at the time of their arrest. Since racial minorities comprise a larger proportion of the inmate population, the problem of child-care becomes particularly problematic for women of color (McGee and Gilbert, 2010; McGee and Baker, 2002; Imber-Black, 2008; Young and Jefferson-Smith, 2000). Young and Jefferson-Smith (2000), for example, argue that the concept of kinship care, in which grandparents or other relatives raise children, relates more to family preservation as opposed to child placement as mothers are imprisoned. Further, the cumulative effects of poverty, racism, and sexism experienced by many black mothers will ultimately become the experiences of their children, thus creating a new generation of youth at risk. Studies have shown that maternal incarceration is the strongest predictor of future criminal behavior and imprisonment among children.

Issues of stigmatization and guilt also emerge, while research has indicated that many female adolescents will become pregnant as a result of the incarceration of their mothers as research estimates that between 40 to 60 percent of all girls in detention have a mother who has either been arrested or incarcerated (Young and Jefferson-Smith, 2000).

In this article, we focus on several factors that are of concern when studying female probationers, particularly African-American women. Issues central to the current study are the identification of risk factors for recidivism and disparities in treatment between European-American women and African-American women placed on probation. Here we extend previous work using secondary data from sentencing records, probation files, and criminal history files (see McGee and Baker, 2002) on the linkage between race, risk factors and behavioral conditions imposed to primary data comprised of a recent sample of female probationers surveyed over a two-year period across four states. Special attention is paid to differences concerning race, and we hypothesize that these differences will be more salient for African-American females placed on probation when compared to European-American female probationers. Thus, it is expected that greater risk factors and fewer imposed behavioral conditions will be present among African-American women placed on probation. Suggestions for future research and policy implications are also discussed.

Methods

Surveys were conducted between 2011 and 2013 on 200 females placed on probation under supervision. The women were conditionally released from prison and are currently on parole in Virginia, Maryland, District of Columbia, and New York. They were surveyed at community health clinics and drug courts that provided services to ex-offenders across the four states. We obtained informed consent, and research assistants collected surveys from the women who had been detained, and participants received \$10 for each completed survey. For the present study, emphasis is placed specifically on comparisons between European-American female probationers and African-American female probationers (N=200). Prior drug abuse, socioeconomic status (employment), and previous felony convictions are among the risk factors influencing number of behavioral conditions imposed by the court, measured as alcohol/drug treatment and mental health counseling treatment.

Results

Table 1 presents background characteristics of the female probationers in the sample. Results show that at the time of their arrest, most women were between the ages of 35-44 (42%), were either divorced or never married (36% or 35%, respectively), had completed high school (38%), and were unemployed and not looking for work (57%). With the exception of age, African-American women had higher percentages in each category, further suggesting a pattern of cumulative disadvantage prior to arrest as discussed in the literature (Cobbina, 2010; White, 2012; McGee and Baker, 2002; Young and Jefferson-Smith, 2000; Van Wormer and Bartollas, 2000).

Table 2 presents a comparative analysis of risk factors for recidivism and the presence of behavioral conditions imposed by the court among European-American women and African-American women in the sample. The findings are consistent with previous studies which suggest that many of the women processed through the criminal justice system are non-violent, first time offenders (McGee and Gilbert, 2010; Scroggins and Malley, 2010; Campbell, 2000; Richie, 1996, 2000; Pollock, 1999; Van Wormer and Bartollas, 2000). Most women had no prior felony convictions (82.9%). African-American women, however, had more prior felony convictions than did European-American women. Although both groups had no drug abuse history (52.1%), African-American women were less likely to abuse drugs when compared to their European-American counterparts (61.3% and 45.7%, respectively).

Regarding the sentence imposed for first felony arrest, results in Table 2 indicate that, consistent with previous literature addressing the disparities in treatment and rehabilitation among black female offenders (Mann, 1995; Sims and Jones, 1997), African American women had fewer behavioral conditions imposed including drug and alcohol treatment and mental health counseling treatment when compared to European-American women (53.3% and 35.3%, respectively). Among those women receiving alcohol/drug treatment and mental health counseling treatment after their arrest, larger percentages of African American women were unsuccessful with treatment compared to European American women (72.7% and 88.9%, respectively), indicating a greater risk of repeat offending among these women, many of whom are subjected to the harsh realities of poverty, racism, and sexism (Arditti and Few, 2008; Olphen et al., 2009; White, 2010; Imber-Black, 2008; Freudenberg et al., 2005; Richie, 2000).

In general, the findings point more toward the discrepancies in risk factors and treatment measures among African-American women than European-American women placed on probation.

Discussion

The findings of this study support the contention that African-American women have experienced the greatest increase in criminal justice control (Herrschaft et al., 2009; Spjeldnes and Goodkind, 2009; Mann, 1995; Henriques and Jones-Brown, 1998; Richie, 2000; Growdy et al., 2000). Significant racial differences exist with regard to the presence of risk factors and the number of behavioral conditions imposed by the court on female probationers.

Since studies continuously suggest that increased rates of incarceration among African-American women are primarily the result of more aggressive criminal justice policies on drug offenses, it seems plausible that future research should address the unique problems of imprisoned women of color, including institutional and aftercare treatment upon release from prison.

Effective programs in prison can combat physical and psychological problems of women in the prison system. Presently, correctional institutions at a minimum provide legally mandated levels of medical resources and services that only target physical health concerns and not mental health concerns. The programs that are most effective include a combination of substance abuse programs, work training, parenting classes, child visitation programs, work release programs, and education and health care programs (McGee and Gilbert, 2010; Herrscaft et al., 2009; Spjeldnes and Goodkind, 2009). Women inmates also need a strong network of supportive peers and programs that also deal with experiences of child sexual abuse, domestic violence, and negative relationships with men. To effectively reduce recidivism and promote healthy life choices and environments among women in the prison systems upon release, it is imperative to address past histories of victimization while dealing with current behaviors involving drug and alcohol abuse.

The results of this research show that although there are programs that aim to treat the female offender and her addictions, there are fewer that incorporate family reunification, developing parenting skills, and counseling and treatment for mothers and their children.

If the criminal justice system will not provide additional alternatives to incarceration, there must be an increase in funding for gender-specific treatment programs and greater emphasis on family-based correctional programs in order to successfully treat the female offender.

These results have clearly indicated a need for parenting programs, substance abuse treatment, mental health counseling for post-traumatic experiences, vocational/educational training, basic life skills training, and perhaps most importantly, programs for reuniting the mother and child and maintaining contact while she is incarcerated. Only then can we lay the foundation for treating and rehabilitating women in the "concrete womb."

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Table 1. Characteristics of European American and African American Female Offenders on Probation

	% European American Women (N=90)	% African American Women (N=110)	% Total Sample (N=200)
Age***			
18-24	0.0	36.3	20.0
25-34	0.0	18.2	10.0
35-44	71.1	18.2	42.0
45-54	28.9	27.3	28.0
Marital Status***			
Married	31.1	18.2	24.0
Divorced	68.9	9.1	36.0
Separated	0.0	9.1	5.0
Never Married	0.0	63.6	35.0
Education			
Some High School	31.1	27.3	29.0
High School Graduate	40.0	36.3	38.0
Some College or More	28.9	36.4	33.0
Pre-Arrest Employment***			
Employed	51.1	9.1	28.0
Unemployed, Looking for Work	17.8	54.5	15.0
Unemployed, Not Looking for Work	31.1	36.4	57.0

*** p<.001

Table 2: Comparison of Risk Factors and Imposed Behavioral Conditions Among African American and European American Probationers

	% European American Women (n = 90)	% African American Women (n = 110)	% Total Sample (N=200)
Prior Felony Convictions***			
None	85.9	78.7	82.9
One	8.0	12.5	9.9
Two or More	6.1	8.8	7.2
Compliance with Alcohol/Drug Treatment***			
Satisfactory	57.8	27.3	41.0
Unsatisfactory	42.2	72.7	59.0
Compliance with Mental Health Counseling Treatment***			
Satisfactory	54.5	11.1	35.0
Unsatisfactory	45.5	88.9	65.0
Behavioral Conditions Imposed***			
Zero	35.3	53.3	43.0
One	33.4	30.0	31.9
Two	18	9.8	14.5
Three or More	13.3	6.9	10.6
Prior Drug Abuse***			
No	45.7	61.3	52.1
Occasional Abuse	22.7	13.8	19.1
Frequent Abuse	31.6	24.9	28.8

*** p<.001

Appendix

Additional data analyses were conducted using structural equation modeling procedures with the computer program Analysis of Moment Structures (AMOS) 4.01. These procedures allow several hypothesized relationships between measures and variables to be estimated simultaneously (see Arbuckle and Wotke, 1999; Boomsman, 2000; Hatcher, 1994; Kenny, 1999; Kline, 1998; MacCallum et al., 1992; McDonald and Marsh, 1990 and Nichol and Pexman, 1999 for further discussion of structural equation modeling). A latent variable, Risk Factor, consisted of measures of prior drug abuse, employment, and previous felony convictions. First, an overall model (Figure 1) was investigated to determine if Risk Factor predicted the Number of Behavioral Conditions Imposed. To determine an adequate fit of the model to the data, the chi-square, the Tucker Lewis Index (TLI), the Comparative Fit Index (CFI), the Root Mean Square Error of Approximation (RMSEA), and the Standardized Root Mean Square Residual (SRMR) were reported. A subsequent analysis was conducted to determine if there were significant differences existing based on ethnicity, including European-American females ($N = 90$) and African-American females ($N = 110$). This comparison was conducted by holding structural parameter estimates constant across groups.

The overall model demonstrated a good fit to the data. The chi-square was non-significant ($\chi^2 [N = 200] = 5.671, p = .097$) reflecting the good fit with both the TLI and CFI in the excellent range (Figure 1). The RMSEA with its confidence interval and the SRMR were indicative of the excellent fit. All of the parameter estimates were statistically significant.

Based on the excellent results of the overall model, a group comparison was made. Using the same overall model (Figure 1), the sample was divided into two groups based on ethnicity and multi-sample analyses were conducted. The overall model fit the data excellently for both European-American female and African-American female samples (Figures 2 and 3, respectively). Again the chi-square was not statistically significant ($\chi^2 [N = 200] = 3.040, p = .651$) indicative of an excellent fit (see Figure 2). The TLI and CFI supported the excellent fit of the model. The RMSEA with its confidence interval and the SRMR added additional support for the models. All parameter estimates were statistically significant. To determine if the European-American female and African-American female samples differ statistically, the two models were compared by holding parameter estimates constant across analyses. This comparison was accomplished by holding the factor loadings from Risk Factor to the measures of drug abuse, employment, and prior felony convictions and the factor loading from Risk Factor to Behavioral Conditions Imposed invariant across samples. Using a chi-square significance test, the difference between the models was not statistically significant at the .05 level ($\chi^2 [3, N = 110] = 6.304, p = .073$) indicating that the models are significantly different (see Figure 3).

For the European-American females, Risk Factor had a stronger influence (.44) in predicting Behavioral Conditions Imposed than African- American females (.32), suggesting a greater likelihood of treatment measures to prevent recidivism among European-American women at risk for repeat offending when compared to African-American women.

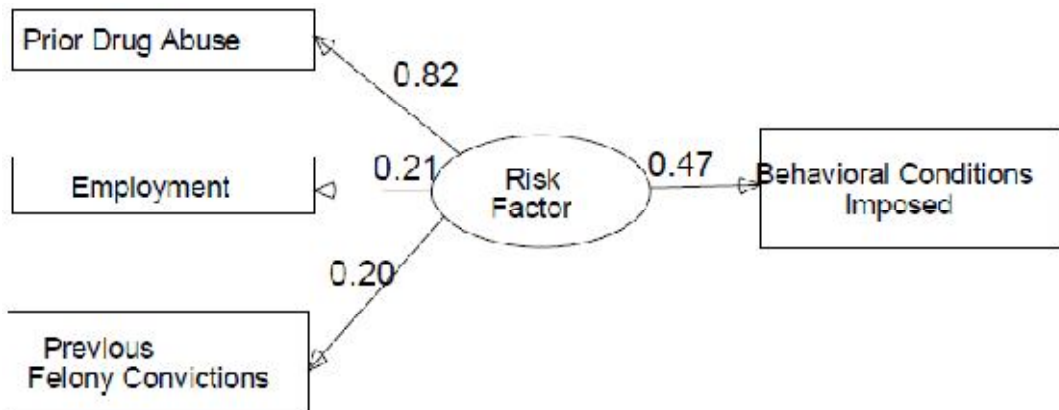


Figure 1 Note: Overall Sample. Chi-square N=200) = 5.671, p=.097; Tucker Lewis Index (TLI).998; Comparative Fit Index (CFI) 1.000; Root Mean Square Error of Approximation(RMSEA) .038; Standardized Root Mean Square Residual (SRMR) .0215

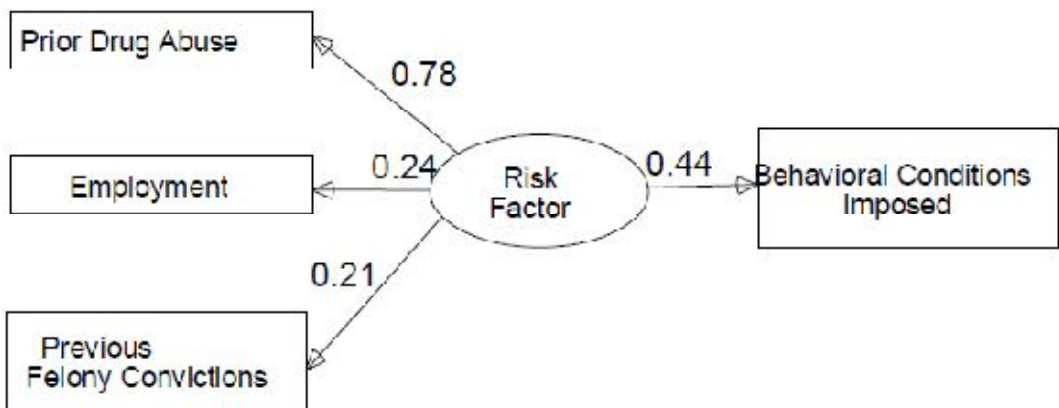


Figure 2 Note: European American Female Sample. Chi-square (4, N=90) = 3.040, p=.651; Tucker Lewis Index (TLI) 1.001; Comparative Fit Index (CFI) 1.000; Root Mean Square Error of Approximation (RMSEA) .000; Standardized Root Mean Square Residual (SRMR) .0152

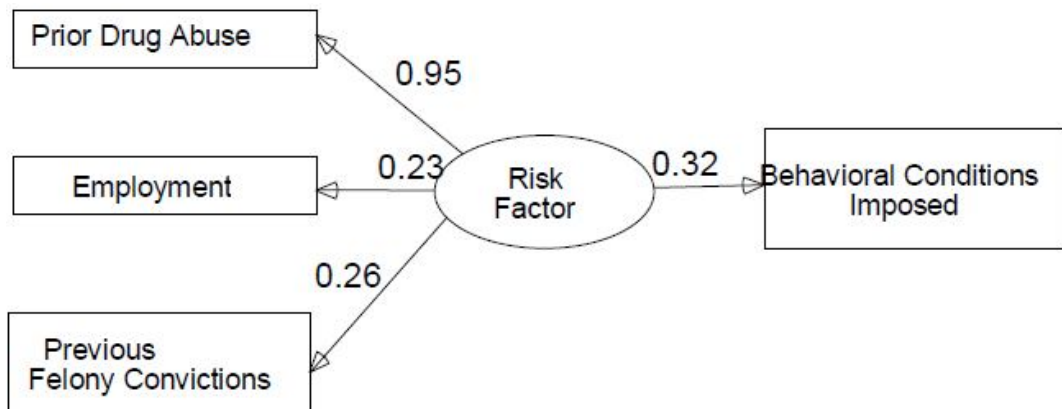


Figure 3 Note: African American Female Sample. Chi-square (4, N=110) = 3.040, $p=.551$; Tucker Lewis Index (TLI) 1.001; Comparative Fit Index (CFI) 1.000; Root Mean Square Error of Approximation (RMSEA) .000; Standardized Root Mean Square Residual (SRMR) .0152