

# CHAPTER 1: Women and Crime

## CHAPTER OUTLINE

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### SCOPE OF THE PROBLEM: WOMEN IN THE CRIMINAL JUSTICE SYSTEM

Women Judicial Clients and Substance Abuse

### GENERAL PATTERNS OF CRIMINAL CONDUCT AMONG WOMEN

The Nature of Female Crimes

Characteristics of Female Judicial Clients  
*The Impact of Diversity on Women, Crime, and Substance Abuse*

### RISK FACTORS AND DYNAMIC PREDICTORS OF CRIMINAL CONDUCT IN WOMEN

Female Incarceration and Illicit Drug Use

Comparing Alcohol and Other Drug Use Patterns of Men and Women

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### THEORIES OF FEMALE CRIME

### IMPLICATIONS FOR TREATMENT AND POLICY: WHAT FACTORS REDUCE RECIDIVISM AMONG FEMALE JUDICIAL CLIENTS?

### CHAPTER REVIEW

## LEARNING OBJECTIVES

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- ▶ To describe the population of women judicial clients and the nature of the crimes that women generally commit
- ▶ To examine common characteristics of female judicial clients
- ▶ To elucidate the relationship between alcohol- and other drug-related behaviors and criminal conduct in women
- ▶ To identify factors that place women at risk for engaging in substance abuse and criminal conduct, and to explore each of these factors regarding the frequency and general trends within them
- ▶ To examine the impact of diversity among women and their rates of imprisonment
- ▶ To explore the factors involved in relapse and recidivism among women

## SCOPE OF THE PROBLEM: WOMEN IN THE CRIMINAL JUSTICE SYSTEM

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Women make up a fast-growing portion of criminal justice populations (Bloom, Owen, Covington, & Raeder, 2003; Covington, 2001; McQuaide & Ehrenreich, 1998; Women's Prison Association, 2003). In the 6 years between 1989 and 1995, there was a 460 percent rise in the female prison population, compared with an increase of 241 percent for men over the same time period. As of June 30, 2006, the number of women under the jurisdiction of state or federal prison authorities increased 4.8 percent from midyear 2005, reaching a total of 111,403. The number of men rose 2.7 percent, totaling 1,445,115 during the same time period (Bureau of Justice Statistics, 2006).

The accelerated rate of growth in the female prison population is due to many factors. It is difficult to determine how much of this growth can be attributed to an actual shift in female behavior or how much is due to changes in law and social policy. Changes in welfare policy have reduced the number of legal alternatives by which women can access financial resources (this is particularly true for women with dependent children). This may underlie some of the increase in the number of imprisoned women (McQuaide & Ehrenreich, 1998). Increased severity in response to drug-related charges and sentencing has also had a disproportionate impact on women as compared to men (Covington, 2001; Kassebaum, 1999; McMahon, 2000; Phillips & Harm, 1997). Substance abuse is strongly linked to probation, imprisonment, and parole violation among women (Covington, 2001). These and other factors are believed to have led to triple the number of incarcerated women in the past decade (Covington, 2001).

### Women Judicial Clients and Substance Abuse

Substance abuse is the most commonly diagnosed disorder among female judicial clients. Close to 80 percent of female judicial clients have substance abuse problems, and many fall into the category of having severe and long standing problems (Kassebaum, 1999). Nearly 64 percent are classified as drug abuse/dependent and 32 percent as alcohol abuse/dependent (Covington, 2000). Substance-abusing females are

imprisoned in the United States at 6 to 10 times the rate of American women in general (Covington).

Substance abuse is a significant contributor to criminal behavior in general. Brennan and Austin (1997) found that more than 50 percent of men and women report that drugs or alcohol were involved in the crimes that led to their current imprisonment. Women judicial clients are more likely than their male counterparts to be impaired by drugs at the time of their crimes (Covington, 1998b).

Substance abuse issues are at the top of the list of problems for women judicial clients. Of those women deemed drug dependent, a full 86 percent meet the criteria for residential treatment. At entry into prison, women's drug abuse is generally more advanced and severe than men's at this time and generally requires longer treatment (Covington, 1998b). Drug dependence appears to be one of the major pathways into crime for females. Interviews with female judicial clients who started engaging in criminal activity in their twenties found that many of these women entered into crime as a way to support a drug habit. In most cases, drug abuse began in response to a major life event such as the death of a loved one, depression and grief, or a sharp reduction in financial stability (Pollock, 1998). (For information regarding pathways into crime for females who began their criminal careers as juveniles, see Chapter 4 of this *Guide*.)

### GENERAL PATTERNS OF CRIMINAL CONDUCT AMONG WOMEN

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Pollock (1998) reported that the types of crimes women currently commit are similar to those women have committed in the past. The economic motivations for these crimes remain consistent as well. Many crimes committed by women are economically driven, related to alcohol and other drug (AOD) use, poverty, or both (Covington, 2001). This is supported by the observation that men's crimes are more often affective, while women's crimes are as likely to be committed for instrumental as well as affective reasons (Pollock). Table 1.1 presents a comparison of male and female judicial clients regarding the features of criminal conduct.

Table 1.1

Ten-Year Arrest Trends by Sex, 1996–2005

8,009 agencies; 2005 estimated population 178,017,991; 1996 estimated population 159,290,470

| OFFENSE CHARGED                                | MALE             |                  |                |                  |                |                | FEMALE           |                  |                |                |                |                |
|--|------------------|------------------|----------------|------------------|----------------|----------------|------------------|------------------|----------------|----------------|----------------|----------------|
|  | Total            |                  |                | Under 18         |                |                | Total            |                  |                | Under 18       |                |                |
|  | 1996             | 2005             | Percent change | 1996             | 2005           | Percent change | 1996             | 2005             | Percent change | 1996           | 2005           | Percent change |
| <b>TOTAL<sup>1</sup></b>                       | <b>6,773,900</b> | <b>6,261,672</b> | <b>-7.6</b>    | <b>1,258,168</b> | <b>897,305</b> | <b>-28.7</b>   | <b>1,845,799</b> | <b>1,982,649</b> | <b>+7.4</b>    | <b>445,332</b> | <b>381,643</b> | <b>-14.3</b>   |
| Murder and nonnegligent manslaughter           | 8,572            | 7,114            | -17.0          | 1,290            | 664            | -48.5          | 992              | 875              | -11.8          | 98             | 75             | -23.5          |
| Forcible rape                                  | 18,512           | 14,924           | -19.4          | 3,153            | 2,332          | -26.0          | 233              | 205              | -12.0          | 49             | 60             | +22.4          |
| Robbery  | 73,192           | 60,096           | -17.9          | 22,962           | 15,118         | -34.2          | 7,788            | 7,745            | -0.6           | 2,356          | 1,673          | -29.0          |
| Aggravated assault                             | 260,469          | 224,080          | -14.0          | 36,972           | 28,312         | -23.4          | 54,936           | 57,923           | +5.4           | 9,152          | 8,655          | -5.4           |
| Burglary                                       | 195,124          | 153,888          | -21.1          | 76,490           | 41,672         | -45.5          | 25,674           | 27,085           | +5.5           | 8,758          | 5,744          | -34.4          |
| Larceny-theft                                  | 595,297          | 421,828          | -29.1          | 212,281          | 105,513        | -50.3          | 310,666          | 270,765          | -12.8          | 106,880        | 77,300         | -27.7          |
| Motor vehicle theft                            | 86,405           | 67,522           | -21.9          | 36,188           | 16,172         | -55.3          | 13,913           | 14,638           | +5.2           | 6,769          | 3,583          | -47.1          |
| Arson  | 9,972            | 8,114            | -18.6          | 5,794            | 4,230          | -27.0          | 1,626            | 1,602            | -1.5           | 712            | 685            | -3.8           |
| Violent crime <sup>2</sup>                     | 360,745          | 306,214          | -15.1          | 64,377           | 46,426         | -27.9          | 63,949           | 66,748           | +4.4           | 11,655         | 10,463         | -10.2          |
| Property crime <sup>2</sup>                    | 886,798          | 651,352          | -26.6          | 330,753          | 167,587        | -49.3          | 351,879          | 314,090          | -10.7          | 123,119        | 87,312         | -29.1          |
| Other assaults                                 | 597,763          | 554,044          | -7.3           | 99,610           | 95,555         | -4.1           | 158,366          | 183,431          | +15.8          | 38,240         | 47,402         | +24.0          |
| Forgery and counterfeiting                     | 45,250           | 43,068           | -4.8           | 3,388            | 1,768          | -47.8          | 26,853           | 27,670           | +3.0           | 2,045          | 832            | -59.3          |
| Fraud  | 137,874          | 104,201          | -24.4          | 4,536            | 3,065          | -32.4          | 117,288          | 89,338           | -23.8          | 2,411          | 1,714          | -28.9          |
| Embezzlement                                   | 5,545            | 5,979            | +7.8           | 486              | 419            | -13.8          | 4,607            | 6,108            | +32.6          | 394            | 332            | -15.7          |
| Stolen property; buying, receiving, possessing | 78,156           | 66,459           | -15.0          | 23,140           | 11,540         | -50.1          | 13,676           | 16,312           | +19.3          | 3,507          | 2,362          | -32.6          |
| Vandalism                                      | 163,890          | 139,529          | -14.9          | 78,226           | 54,939         | -29.8          | 26,179           | 28,837           | +10.2          | 9,681          | 8,758          | -9.5           |

| OFFENSE CHARGED                                      | MALE      |           |                |          |         |                | FEMALE  |         |                |          |        |                |
|--|-----------|-----------|----------------|----------|---------|----------------|---------|---------|----------------|----------|--------|----------------|
|  | Total     |           |                | Under 18 |         |                | Total   |         |                | Under 18 |        |                |
|  | 1996      | 2005      | Percent change | 1996     | 2005    | Percent change | 1996    | 2005    | Percent change | 1996     | 2005   | Percent change |
| Weapons; carrying, possessing, etc.                  | 113,685   | 103,184   | -9.2           | 28,657   | 24,052  | -16.1          | 9,331   | 8,870   | -4.9           | 2,410    | 2,782  | +15.4          |
| Prostitution and commercialized vice                 | 20,524    | 14,615    | -28.8          | 303      | 202     | -33.3          | 28,412  | 27,026  | -4.9           | 420      | 668    | +59.0          |
| Sex offenses (except forcible rape and prostitution) | 52,296    | 48,112    | -8.0           | 9,829    | 9,437   | -4.0           | 4,188   | 4,298   | +2.6           | 791      | 1,000  | +26.4          |
| Drug abuse violations                                | 688,006   | 832,707   | +21.0          | 100,568  | 86,895  | -13.6          | 142,678 | 202,137 | +41.7          | 16,832   | 19,255 | +14.4          |
| Gambling   | 5,541     | 2,942     | -46.9          | 528      | 378     | -28.4          | 811     | 504     | -37.9          | 35       | 17     | -51.4          |
| Offenses against the family and children             | 68,211    | 55,393    | -18.8          | 3,089    | 1,894   | -38.7          | 16,248  | 17,230  | +6.0           | 1,750    | 1,173  | -33.0          |
| Driving under the influence                          | 745,658   | 658,705   | -11.7          | 9,191    | 8,187   | -10.9          | 132,069 | 157,538 | +19.3          | 1,809    | 2,363  | +30.6          |
| Liquor laws  | 286,425   | 255,746   | -10.7          | 66,537   | 49,116  | -26.2          | 78,367  | 93,228  | +19.0          | 29,149   | 27,640 | -5.2           |
| Drunkennes   | 391,721   | 284,892   | -27.3          | 12,156   | 6,999   | -42.4          | 55,046  | 50,838  | -7.6           | 2,665    | 2,095  | -21.4          |
| Disorderly conduct                                   | 324,503   | 279,714   | -13.8          | 83,418   | 78,552  | -5.8           | 95,729  | 99,725  | +4.2           | 29,279   | 37,870 | +29.3          |
| Vagrancy   | 12,893    | 13,752    | +6.7           | 1,654    | 1,082   | -34.6          | 3,531   | 3,624   | +2.6           | 344      | 313    | -9.0           |
| All other offenses (except traffic)                  | 1,651,922 | 1,751,008 | +6.0           | 201,228  | 159,156 | -20.9          | 410,986 | 518,699 | +26.2          | 63,190   | 60,894 | -3.6           |
| Suspicion  | 3,209     | 2,211     | -31.1          | 1,118    | 254     | -77.3          | 816     | 358     | -56.1          | 335      | 106    | -68.4          |
| Curfew and loitering law violations                  | 84,194    | 61,069    | -27.5          | 84,194   | 61,069  | -27.5          | 35,213  | 26,589  | -24.5          | 35,213   | 26,589 | -24.5          |
| Runaways   | 52,300    | 28,987    | -44.6          | 52,300   | 28,987  | -44.6          | 70,393  | 39,809  | -43.4          | 70,393   | 39,809 | -43.4          |

Source: Crime in the United States (2006).

\*8,009 agencies; 2005 estimated population 178,017,991; 1996 estimated population 159,290,470

<sup>1</sup> Does not include suspicion.

<sup>2</sup> Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, motor vehicle theft, and arson.

The Uniform Crime/Incident-Based Reporting system uses general offense categories that were developed by the Federal Bureau of Investigation (FBI) to standardize reporting across states. The Index crimes were chosen on the basis of their seriousness and frequency of occurrence, and they are used to gauge trends in the overall volume and rate of crime. The Index crimes defined by the FBI include the following:

### *Violent Crimes*

▮ **Murder.** The willful killing of one human being by another. Excluded from this category are deaths caused by negligence, suicide, or accident, justifiable homicides, and attempts to murder, which are classified as assault.

▮ **Rape.** The carnal knowledge of a person against his or her will. Attempts to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded.

▮ **Robbery.** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

▮ **Aggravated Assault.** The unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm and also includes attempts to commit murder.

### *Property Crimes*

▮ **Burglary.** The unlawful entry of a structure to commit a felony or theft. The use of force to gain entry is not required to classify an offense as burglary.

▮ **Larceny.** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. It includes crimes such as shoplifting, purse snatching, bicycle thefts, and so on, in which no use of force, violence, or fraud occurs. This offense category does not include offenses such as embezzlement, forgery, or bad checks.

▮ **Motor Vehicle Theft.** The theft or attempted theft of a motor vehicle, including automobiles, trucks, buses, motorcycles, and snowmobiles.

## **The Nature of Female Crimes**

In general, women's crimes are AOD-related property crimes such as larceny, shoplifting, or writing bad checks (Covington, 2001). In a study of the California prison system, 71.9 percent of women (versus 49.7 percent of men) were convicted of these types of crimes, reflecting trends nationwide (Bloom, Chesney-Lind, & Owen, 1994). Common criminal offenses among women are prostitution, fraud, and drug-related activities (Pollock, 1998).

Many women are incarcerated for drug-related offenses alone. They are far more likely to be involved in "gender entrapment," that is, caught up with drug-dealing through a relationship with a man (Richie, 1996). Females generally act as subordinates to the males in drug distribution (Davis, Johnson, Randolph, & Liberty, 2005), often taking on the low-status role of the courier (Harper, Harper, & Stockdale, 2002). However, the position of courier puts women at great risk for involvement with the law. When women do engage in drug selling on their own, this activity is far more likely to involve petty sums of money—women's drug selling is on the level of small trade, earning about \$10 per sale. Because of this, they are often involved in as many as 20 transactions per day, both exposing them to a higher risk of detection and supplying minimal financial remuneration in return (Chesney-Lind, 2000).

As shown in Table 1.1, the biggest increase in women's crimes between 1996 and 2005 included embezzlement, buying, receiving, and possessing stolen property, drug abuse violations, driving under the influence, and liquor law violations.

Women's crimes often display a relational component (Richie, 1996), that is, women generally engage in their first crime by helping a male partner to commit an offense (Pollock, 1998). This involvement in criminal conduct then leads women to act on their own. More than 50 percent of women judicial clients have partners who also offend, and 25 percent of their partners are currently serving time (Bloom, Chesney-Lind, & Owen, 1994).

Women's crimes are less violent than are men's. One study found that 11 percent of women inmates were arrested for a violent offense (Jordan, Schlenger,

Fairbank, & Caddell, 1996). Another study found that 10 percent of the arrests and 41 percent of the imprisonment of women were for violent offenses (Dawson, 1994). There has recently been a rise in the rate of arrest for assault by women (increasing from 6 percent in 1988 to 16.5 percent in 1998) (Chesney-Lind, 2000). This increase, however, has closely paralleled policy changes that require mandatory arrest in domestic violence incidents (Chesney-Lind). Arrests of males have also increased dramatically in these situations. Men are arrested for murder at 10 times the rate of women (Bartol, 2002).

Substance abuse appears to be a major factor in violent crime among women. As noted, Bloom et al. (2003) reported that approximately 80 percent of incarcerated women have substance abuse issues. Among women who commit homicide, rates of AOD abuse or dependence were 50 times higher than in the general population (Eronen, 1995). Additionally, violent female judicial clients were found to have personality disorders in conjunction with substance abuse problems (Weizmann-Henelius, Viemero, & Eronen, 2004). The low incidence of violent crime committed by females as compared to males is consistent with recent research regarding women's and men's attitudes toward the use of violence. While men generally perceive the use of aggression as a way of gaining control in their lives, women more generally perceive the use of aggression as a loss of control (Campbell, 1993). These differences may underlie a major difference in the affective consequences of aggression for the perpetrator, in that men are more likely to feel pride in the aftermath of violence, while women are more likely to feel shame and self-blame (Campbell).

Of women who are in prison for a violent offense, about 33 percent have assaulted or killed a relative or partner (Dawson, 1994); 30 percent of men have killed a female partner. Of those who commit homicide, their victims are most likely to be family members: either spouses (41 percent) or children (55 percent) (Dawson). In spousal murder, there has generally been a prolonged history of physical abuse perpetrated by the victim, against whom the woman retaliates (Chesney-Lind, 2000). Fifty-nine percent of the women committed for killing their partners have suffered physical abuse at the hands of their victims (Chesney-Lind, 2000; Huling, 1991). Of the

women who have killed women, anger and/or fights have been cited as instigation. These statistics clearly reflect the relational nature of female crime.

Research in the area of female serial killers appears to be sparse. This lack of research may be because only a very small portion of female judicial clients are serial killers (Arrigo & Griffin, 2004). Though serial murder appears to be rare among women, when it does occur, there are clear features that distinguish it from the crimes of their male counterparts. Women tend to inflict less physical damage on their victim, rarely engage in torture, lure their victims (rather than stalk, which is characteristic of male serial murderers), and use poison (which is rare in men) to inflict death. Women generally stay in one location, whereas male serial killers tend to wander from state to state (Keeney & Heide, 1994). Both male and female serial murderers are likely to come from dysfunctional families as well as to have experienced physical or sexual abuse, or both (Pollock, 1998). Table 1.2 provides a summary of trends in serial murder by women versus men.

### **Characteristics of Female Judicial Clients**

The majority of women in corrections are poor, undereducated, unskilled, and isolated from an adequate support system. Fifty-one percent of incarcerated women have no prior offense, as opposed to 39 percent of males. Fifty percent of women and 37 percent of men had an immediate family member who had been incarcerated. One quarter of imprisoned women reported physical or sexual abuse by a family member. Forty-two percent of women in prison grew up in homes with only one parent, typically the mother. Nearly 17 percent of women judicial clients lived in foster care or in a group home during their childhood (Bloom, Owen, Covington, & Raeder, 2003).

Female judicial clients are often single parents or have dropped out of school due to pregnancy, and many are involved in dysfunctional relationships with men and abuse substances (Covington, 2001; Reed & Leavitt, 2000; Pollock, 1998). Sixty-four percent of female judicial clients have not completed high school (Curry, 2001). Few have experienced a positive relationship with a man (Pollock, 1998). Most

Table 1.2

| Serial Murder: Characteristics of Female Versus Male Offenders |                                |                                |
|--|--------------------------------|--------------------------------|
|  | Women                          | Men                            |
| Serial murder  | More rare compared to men      | Rare                           |
|  | Less physical damage to victim | More physical damage to victim |
|  | Rarely engage in torture       | Torture common                 |
|  | Lure victim                    | Stalk victim                   |
|  | Use poison                     | Kill with hands/object         |
|  | Stay in one location           | Move around                    |
|  | Dysfunctional family           | Dysfunctional family           |
|  | Physical/sexual abuse          | Physical/sexual abuse          |

Sources: Keeney & Heide (1994); Pollock (1998).

have experienced some form of physical or sexual abuse, either in childhood or as an adult (estimates range from 70 to 90 percent) (Bloom et al., 1994; Coll, Miller, Fields, & Matthews, 1997; Kassebaum, 1999). Many women who commit violent offences have witnessed abuse between their parents, had parents who were AOD dependent and/or engaged in criminal conduct while they were young, and have grown up in poverty (Kassebaum, 1999; Sommers & Baskin, 1993). They are also more likely to suffer from other significant mental health difficulties concurrent with substance abuse (Ditton, 1999) and to be engaged in multiple drug use (Kassebaum & Chandler, 1994; Kerr, 1998).

Compared with their male counterparts, women in prison are generally older (early thirties as compared to male clients, who are, on average, in their late twenties), have less extensive criminal histories, and are more likely to have children. Although both men and women justice clients tend to come from disruptive families of origin, this may be more the case with women (Fletcher, Shaver, & Moon, 1993). Fewer men than women experience financial dependence on a substance-abusing or offending spouse, and they do not experience anything that parallels the extensive

and profound programming that women receive to “stand by your man.” Very few men enter the criminal life based on their relationship with a woman, but many women find men to be their vehicle into crime (Pollock, 1998). Just as women enter crime through their relationships with men, males who commit crime may also embark on their criminal pathways through relationships with other men. It appears that males instigate the lead into crime for both genders.

Women judicial clients are a diverse group: females account for 31 percent of juvenile offenders (Acoca, 1998a; Snyder & Sickmund, 1999); women who are pregnant or have given birth within the past few months account for 25 percent (McMahon, 2000); and women who are suffering under a dual diagnosis number 24 percent (Ditton, 1999). Although women judicial clients come from all cultures and socioeconomic backgrounds, a disproportionate number come from minority populations. In one study, 35 percent were African American, 16.6 percent Latina/Hispanic, 33 percent Anglo American, and 13 percent other minorities (Covington, 2001).

### ***The Impact of Diversity on Women, Crime, and Substance Abuse***

Although much of the research on women and crime has been conducted within prison populations, there are significant ways in which this population may differ from women in general (Pollock, 1998). Paralleling the statistics on men, women who are sentenced to prison are disproportionately from minority populations and are more likely to have family histories of alcoholism, drug abuse, and criminal conduct. They are likely to be less educated than are women judicial clients who are not sentenced to prison time. White women in the middle class do commit crimes (generally shoplifting and embezzlement), and some go to prison, but generally they are sentenced to probation and community service (Pollock).

Minority women are disproportionately imprisoned (Kassebaum, 1999). As discussed by Primm, Osher, and Gomez (2005), nonwhites represent 62 percent of the prison population yet represent only 25 percent of the general U.S. population.

African American women are overrepresented in prison populations. Race is an even stronger predictor of African American female prison terms than those of African American men. In California, African American females comprised 35 percent of the prison population; 17 percent were Latina/Hispanic (Bloom et al., 1994). In a nationwide survey done in 1994, the rate of African American female incarceration was 7 times that of white women (Kassebaum). Between 1986 and 1991 alone, the number of African American female inmates rose by 828 percent (Mauer & Huling, 1995, cited in Kassebaum, 1999). Nationally, African American women comprise 46 percent of all female inmates (Snell, 1994). In a report titled *Compelled to Crime: The Gender-Entrapment of Battered Black Women*, Richie (1996) comments on the disproportionate number of African American and Latina/Hispanic women engaged with the criminal justice system.

## **RISK FACTORS AND DYNAMIC PREDICTORS OF CRIMINAL CONDUCT IN WOMEN**

This part of the chapter presents several factors that place women at greater risk than men for engaging in substance abuse and criminal conduct, and reports frequencies and general trends found in female judicial clients. Further exploration concerning the psychological mechanisms that may be involved is provided in subsequent chapters.

### **Female Incarceration and Illicit Drug Use**

As stated earlier, substance abuse is a major contributor to criminal activity in women, serving either as a motivator to obtain money to support a habit or as a physiological factor that undermines judgment. Sixty-one percent of women in U.S. federal prisons are there for drug-related violations (Snell, 1994). Substance abuse in women is embedded within a complex package of oppressive experience, such as violence and victimization, concurrent poverty, unsafe housing or homelessness, denial of anger, desperation for escape, concurrent mental illness, and lack of an adequate support system.

Of incarcerated women who are currently serving time for drug offenses, 35.9 percent were charged

solely with possession (Covington, 2001). Among the reasons given for the high rate of women in prison is the rise of crack cocaine use among women (El-Bassel, Gilbert, Schilling, Ivanoff, Borne, & Safyer, 1996). A 1991 study of New York State drug-dependent female inmates found that 51 percent had used crack, 28 percent heroin, and 4 percent other drugs. Crack cocaine users were 3 times more likely than other users to have carried out their crimes to obtain money for drugs.

More recent research (National Institute of Justice [NIJ], 2004) shows the powerful impact of the methamphetamine epidemic on female judicial clients. According to data from the Arrestee Drug Abuse Monitoring (ADAM) Program (NIJ, 2004), a median of 4.7 percent of adult male arrestees and 8.8 percent of adult female arrestees tested positive for methamphetamine at the time of arrest in 2003. The adult male samples were compiled from 39 U.S. sites, and the adult female samples were compiled from 25 sites.

It is estimated that women who relapse are 7 times more likely to be rearrested than women who abstain in the months following incarceration (Kassebaum, 1999). Women judicial clients who receive substance abuse treatment are less likely to recidivate than those who do not (Hubbard, Craddock, Flynn, Anderson, & Etheridge, 1997).

### **Comparing Alcohol and Other Drug Use Patterns of Men and Women**

Drinking norms among women in the general public have undergone much change in the past 50 years. The age of onset for alcohol use by women decreased by 2 years from the middle 1960s through the middle 1990s (Markarian & Franklin, 1998). Women judicial clients generally start using alcohol and other drugs in their early teens (Reed & Leavitt, 2000). This is earlier than girls on the average and may be used as a sign of impending risk for abuse and criminal conduct in a girl's development.

The study cited in the Introduction of this *Guide* (see "Empirical Support for Gender-Focused Treatment") comparing large samples of men and women

in the judicial system provides insight into how these two populations differ (Wanberg, 2008). Following is a brief summary of the findings:

▶ The two groups do not differ as to overall AOD involvement; however, within specific drug use categories, men report higher involvement in marijuana and alcohol and women report higher involvement in cocaine and amphetamines.

▶ Women report higher levels of AOD disruption and negative outcomes.

▶ Women indicate higher levels of psychophysical disruptions from AOD use.

▶ Women show significantly greater levels of psychological, family, and economic problems and disruption, based on both self-report and an instrument that uses self-report and judicial scores.

▶ Men show significantly greater involvement in criminal conduct, both in self-report and judicial records.

▶ Although the two groups do not differ as to motivation and readiness for AOD treatment, women are less defensive about reporting personal-emotional issues.

In the Introduction, these data were used to identify guidelines for the treatment of female judicial clients.

The incidence and pattern of AOD-related problems also differ between males and females. Table 1.3 provides a comparison of women and men with regard to AOD problems.

Even though many women are involved with the criminal justice system for their substance abusing behaviors alone, many are there for the commission of much more serious crimes, ranging from larceny to violent assault and homicide (as explored previously in “The Nature of Female Crime”). With regard to these crimes, substance abuse may play a role, but providers are cautioned not to assume that addressing substance abuse issues alone will stop criminal conduct. Criminal behavior in women is related to a wide range of factors such as rage, the need for escape, feelings of revenge, mental illness, and desperation due to poverty and victimization.

Table 1.3

| AOD Problems: Frequencies Among Male Versus Female Judicial Clients |                 |                 |
|---|-----------------|-----------------|
| At Entry Into Corrections   |                 |                 |
|   | Women           | Men             |
| Stage of AOD use  | More advanced   | Less advanced   |
| Severity of AOD use   | More acute      | Less acute      |
| Suicide risk  | Higher          | Lower           |
| Medical complications   | More acute      | Less acute      |
| Correlation Between AOD Activities and Crime                        |                 |                 |
|   | Stronger        | Weaker          |
| Commit crimes under the influence                                   | More frequently | Less frequently |
| Conviction for possession alone                                     | 36%             | 5–15%*          |

Sources: Bartol (2002); Blume (1998).

\*Distinction based on jail versus prison

## Trauma and Criminal Conduct in Women Judicial Clients

The incidence of violent trauma among women judicial clients is much higher than in the general population of women (see Chapters 3 and 4 of this *Guide*). Research shows that 46 percent of all female judicial clients with drug abuse issues had been raped, and as many as 44 percent had suffered incest. More than 90 percent of women offenders in Center for Substance Abuse Treatment (CSAT)-funded programs had experienced either physical or sexual assault at some time in their lives (Kassebaum, 1999). While some male offenders also report sexual assault in childhood, there are several major factors that are necessary to fully understand the extent of these experiences among women and girls. For 31.7 percent of women judicial clients, abuse started during childhood and continued through into adulthood. Although it may be equally disruptive when it does occur, only 10.7 percent of male offenders report such abuse in childhood, and this abuse rarely continues into adulthood. Twenty-five percent of women clients report that their abuse started in adulthood, as opposed to only 3 percent of male offenders. Only

5.3 percent of male offenders report an experience of abuse in adulthood (Chesney-Lind, 2000).

Other studies report that at least 80 percent of female judicial clients have experienced some form of physical or sexual abuse (Bloom et al., 1994; Veysey, DeCou & Prescott, 1998). Acoca and Austin (1996) report that trauma-related victimization is one of the most “universally shared attributes” among incarcerated women (p. 58). Among women who participated in a 1996 National Center on Crime and Delinquency (NCCD) research study, more than 92 percent reported some form of physical, sexual, or emotional trauma in their lives (Acoca, 1998b). A study carried out by the Correctional Service of Canada found that only 14 percent of women offenders in Canadian correctional facilities did not report a history of abuse (Kerr, 1998). This study reports that 81.3 percent had experienced physical abuse, 82.5 percent reported emotional abuse, 76.2 percent reported sexual abuse, and 70 reported having experienced all three types of abuse at some point in their lives.

The devastating effects of sexual assault may be further illustrated in the observation that 26 percent of rape involved three or more rapists acting together. Indeed, 55 percent of convicted rapists admitted participation in a gang rape (Crawford & Unger, 2000). The incidence of violent assault of substance-abusing female judicial clients is even higher (Covington, 2000), as research shows that substance abuse increases women’s level of risk for such assault (Covington, 2000; Markarian & Franklin, 1998; Wilsnack, 1995). Research with adolescent female judicial clients indicates that there is an interaction among trauma and abuse experiences and criminal conduct. Girls frequently enter crime as a means of survival on the streets. Being cast out or running away from abusive homes places many girls into street life with limited skills and few legitimate alternatives for earning money. Involvement in drug selling and prostitution to obtain money to survive often becomes a pathway into the criminal life (Acoca, 1998b).

### **Psychological Issues in the Lives of Female Judicial Clients**

Regarding mental health issues in general (Chapters 3 and 4 of this *Guide* provide detailed analyses of female

mental health issues), women in the judicial system are more likely to suffer from chronic depression, anxiety, and suicidal thoughts than are their male counterparts. Twenty-four percent of female judicial clients have received a mental illness diagnosis (schizophrenia, mania, or major depression) (Ditton, 1999), versus 9.5 percent of males (Bartol, 2002). Nineteen percent of female judicial clients were diagnosed with schizophrenia, bipolar disorder, or chronic depression (Teplin, Abram, & McClelland, 1996). Compared to women in the general population, women judicial clients have higher rates of antisocial personality disorder and borderline personality disorder (Kassebaum, 1999). Kassebaum also reported that 80 percent of women offenders have chronic and severe substance abuse disorders.

Covington (2001) reflects upon four major areas that become disrupted in the lives of female judicial clients:

1. **Disorders of Self.** “The chronic neglect of self in favor of something or someone else” (p. 87)
2. **Unhealthy Relationships.** Involve the use of substances to maintain contact with using partners, to compensate for the absence of relationship, or to deal with the trauma of abuse (Covington & Surrey, 1997)
3. **Sexuality.** Including dysfunction, shame, guilt, fear, sexual abuse, prostitution, and sexual identity issues
4. **Spirituality.** A fragmentation within self, lack of wholeness or connection among body, emotions, social world, and spirituality within the self

Table 1.4 summarizes these mental health factors.

### **Family Relationships Among Women Judicial Clients**

Depending on the type of facility, between 67 and 80 percent of women in correctional settings have children, compared to about 60 percent of male offenders (Covington, 2001; Kassebaum, 1999). These women are often single mothers with primary responsibility for their children and little help with child care from others. Many experience severe guilt and worry over not being with their children or of

Table 1.4

| Mental Health and Criminal Conduct in Women Versus Men |             |             |
|--|-------------|-------------|
|  | Women       | Men         |
| Mental illness diagnosis                               | 24%         | 9.5%        |
| Chronic depression                                     | More common | Less common |
| Anxiety  | More common | Less common |
| Suicidal thoughts                                      | More common | Less common |
| Antisocial personality disorder                        | Less common | More common |
| PTSD   | 34%         | Less common |
| On medication for mental distress                      | More common | Less common |

Sources: Bartol (2002); Covington (2000); Ditton (1999); Kassebaum (1999); Teplin, Abram, and McClelland (1996).

losing custody (Phillips & Harm, 1997). As stated previously, 25 percent of women are either pregnant or have given birth in the months just prior to the time of incarceration (McMahon, 2000). Table 1.5 provides the frequencies of relationships in the lives of women judicial clients.

### Socioeconomic Hardship and Criminal Conduct Among Women Judicial Clients

The majority of women in correctional facilities are poor, undereducated, and unskilled. More than 60 percent of women were unemployed at the time of their arrest, compared to less than a third of their male counterparts (Collins & Collins, 1996). Underemployment, low pay, and unskilled work are also more common among women than among their male counterparts. Even when employed, women judicial clients live in poverty, as their jobs tend to be minimum wage, entry-level positions (Covington, 2001; Pollock, 1998; Reed & Leavitt, 2000). Socioeconomic hardship among women is reflected in the observation that economic factors play a larger role in the motivation of female than male crime (McMahon, 2000; Pollock, 1998).

Homelessness is also a prominent factor in female drug-using judicial clients, especially among female

Table 1.5

| Family and Relationship Issues in the Lives of Women Versus Men Judicial Clients |          |          |
|--|----------|----------|
|  | Women    | Men      |
| Pregnancy/postnatal period   | 25%      | —        |
| Children   | 64%–80%  | 59%      |
| Single parent/little help with childcare   | Majority | Minority |
| Relationships with men:  |          |          |
| Abusive spouse/partner   | 60%      | 5.3%     |
| Partner involved in criminal activity  | > 50%    | Unknown  |
| Partner incarcerated   | 25%      | Unknown  |

Sources: Chesney-Lind (2000); Covington (2001); Curry (2001); McMahon (2000); Pollock (1998).

crack users (found in 12.5 percent crack users versus 5.1 percent of other drug users) (El-Bassel et al., 1996). The exchange of sex for money or drugs also has greater prevalence among crack users than other drug users.

“The widespread practice of exchanging sex for money or drugs...has evolved into a particularly degrading and dangerous form of prostitution” (El-Bassel et al., 1996, pp. 52–53). Prostitution drastically increases the probability of rape. The added dangers of living on the streets for women as compared to men are important factors to consider in understanding the increased trauma experienced by homeless women. Table 1.6 provides a review of these economic factors.

### Relapse and Recidivism

Women generally return to prison less frequently than men, although recidivism rates can be as high as 66 percent. However, there are a number of barriers to a woman’s continued recovery and maintenance of a substance- and crime-free life that can lead to relapse and recidivism upon reentry into the community. These include:

- *Lack of job skills and a criminal history* that carries an added stigma attached to being a female offender produce a low probability of securing the

Table 1.6

| Socioeconomic Hardship and Criminal Conduct in Women and Men* |                   |                   |
|---|-------------------|-------------------|
|   | Women             | Men               |
| Unemployed (at legitimate job)                                | 49%–63%*          | < 33%*            |
| Job skills  | Generally lacking | Generally present |
| On public assistance  | 22%               | Unknown           |
| Prostitution  | 33%               | 15%               |
| Drug selling (involvement)                                    | 16%               | 67%–85%**         |
| Financial dependence on a SA/offending partner                | Common            | Rare              |
| Added stigma of being a female judicial client                | All               |                   |

Sources: Bartol (2002); Bloom, Chesney-Lind, and Owen (1994); Covington (2001); Curry (2001); El-Bassel, Gilbert, Schilling, Ivanoff, Borne, and Safyer (1996); Pollock (1998); Reed and Leavitt (2000).

\*Upon entry into the correctional system

\*\*Distinction based on jail versus prison

economic self-sufficiency that is crucial to maintenance of abstinence (Wilson & Anderson, 1997).

■ *Lack of safe and reliable housing* for women (McMahon, 2000) sets them up for continued exposure to the very risk factors that initially led into substance abuse and criminal behavior.

■ *Social policy* often mitigates a woman's success. Since they generally cannot afford housing without public assistance, they are unable to receive such assistance unless their children are living with them (McMahon, 2000). Phillips and Harm (1997) report that the 1996 felony drug law denies Title IV-A assistance and food stamps to individuals with a history of a drug-related conviction.

■ *A poor state of health* may serve as a significant factor in relapse and recidivism. Women offenders are generally in a poor state of health. Women's mental and physical health often suffers more and differently than men's (Blume, 1998). A Massachusetts study found 35 percent of women offenders to be HIV positive (Covington, 2001). (An added burden of

telescoping in the biological progression of substance-related disease processes within women is covered in Chapter 3 of this *Guide*.)

■ *Women are less likely than men to have a strong support system* to help them meet their many needs and responsibilities upon release (Veysey et al., 1998).

Addressing issues of relapse and recidivism is crucial in effective treatment for women. More than two thirds of female judicial clients are incarcerated for repeat offences, and one third of women who have been released return to prison within three years (Dawson, 1994). Yet we can only speculate on the factors that may be involved in relapse and recidivism for women, as little research has been done to investigate the specific psychosocial dynamics at the root of repeat offending in women. Indeed, even if all of these factors were to be elucidated, few programs have the resources to provide comprehensive care after release, that is, focus attention on the full range of issues confronting women in recovery, such as safe housing, help with child care and parenting classes, job placement, family counseling, and continued education about dealing with cravings and urges (McQuaide & Ehrenreich, 1998).

## THEORIES OF FEMALE CRIME

Androcentric models place the root of criminal conduct in the offender's deeply felt desires for power and control. Such models are not only androcentric in that their major assumptions stem from a male model of development based on separation and autonomy, but they are also ethnocentric in that it is rooted in the traditional Western focus on individualism and self-assertion (geocentricism). Female judicial clients are generally involved in crime for entirely different reasons (Covington, 2000; Pollock, 1998). An important basis for female crime is economic and/or relational motivation. A desire for acceptance from others, the ability to maintain relationships, and conditions of poverty and disempowerment are the most common motivations cited by women for committing their crimes (Pollock). Thus, theories of female criminality must be reconstructed to account for the real-life situations that drive females into crime. Accomplishing this goal requires the deconstruction of assumptions underlying theories of male criminality

and the inclusion of theories of female criminality so that female clients are no longer placed into models that had been developed for men (Bloom, 2000; Chesney-Lind, 2000; Covington, 2000; Kassebaum, 1999; Whitaker, 2000; White, 2001).

The specific characteristics that differentiate female judicial clients from their male counterparts must be extensively applied in developing effective therapy regarding female criminality. Consideration must be given to understanding female psychological development in the context of the real-world circumstances of women offenders' lives. Early theories of female criminality tended to neglect these crucial components. For example, an early stage of theorizing about female crime occurred during the late 1960s to early 1970s, when the United States was experiencing an earlier phase of increased participation of women in crime (Miller, 1986). Two theories emerged that linked the rise in female crime to the then-occurring women's movement: (1) Adler (1975) linked criminality in females to significant changes in female attitudes and behavior to more like those of the male offender population; (2) Simon (1975) linked female crime to women's increased exposure to the workplace, which brought them into contact with the means and opportunity to engage in white-collar crime (Miller, 1986). But there was little evidence to support either of these two assertions.

Simon's (1975) thesis about women's increased exposure to the workplace giving them direct access to opportunities to engage in (white-collar) crime is seriously challenged by the fact that most of the property offenses committed by women at the time were not white-collar crime. Women, then as now, tended to be unemployed and to engage in petty street crime with an economic motivation. In addition, then, as now to a great extent, women's expansion into the workplace was primarily into traditional female arenas such as the service professions, sales, and clerical work, where access to large sums of money is rare. When we look more closely at the specific type of crimes that women committed in each category, a significant pattern begins to emerge. Most fraud by women is credit card fraud, most larceny is shoplifting, and most forgery is on stolen personal checks written for small sums of money (Miller, 1986). Since this type of detail is not found in Federal Bureau of

Investigation (FBI) crime reports, the petty nature of female crime is frequently overlooked. This information is still relevant today, as the nature of female crime has changed little over the past several decades and the economic motivation for female crime has remained constant as well (Pollock, 1998).

Adler's (1975) theory of a dramatic shift in female crime following changes in attitudes brought on by the 1970s women's movement is also flawed. Chronology of events is crucial. The increase in female crime that led to such theorizing occurred before the feminist movement hit most segments of society (Miller, 1986). In addition, the rise in crime appeared only in property offenses; surely if there had been a large-scale shift in attitudes, there would have been a parallel increase in violent crime as well. Simon (1975) and Adler failed to take into account the nature of female judicial clients' lives and the psychological characteristics of the female judicial clients themselves. Service providers with female judicial clients will do well to work within paradigms that take into consideration the important factors that propel women and girls into crime, contribute to recidivism, and undermine chances of recovery.

What is important in theorizing about the etiology of criminal conduct in women is to recognize that there are many causal factors—economic, relational, experience of trauma, and so on. There is no single factor that accounts for the variance to explain criminal conduct in the female judicial population as a whole. And, within the female judicial group, as within the male judicial group, there are different explanatory types and patterns. Understanding the factors that may contribute to criminal conduct within any one female judicial client is an important component of the comprehensive screening and assessment process.

### **IMPLICATIONS FOR TREATMENT AND POLICY: WHAT FACTORS REDUCE RECIDIVISM AMONG FEMALE JUDICIAL CLIENTS?**

This chapter underscores the importance of providing intensive substance abuse treatment as a major component of gender-focused services with female judicial clients. Substance abuse treatment

must be specifically directed to help women judicial clients recognize the relationships among:

- Substance-related activities and increased probabilities of losing their freedom to correctional facilities
- Substance-related activities and increased probabilities of experiencing violent trauma
- Unhealthy relationships, substance abuse, and criminal prosecution in their lives

In addition, substance-related treatment must address:

- The underlying psychological issues (including dual diagnosis) in the lives of female judicial clients
- The underlying psychosocial issues in the lives of female judicial clients
- Destructive patterns within the families and relationships of women
- Economic issues faced by women that may motivate their involvement in illegal substance-related activities

This last issue would be addressed with the goal of helping women to develop constructive alternatives for securing a living.

## CHAPTER REVIEW

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This chapter has described the population of women judicial clients, the nature of women's crime, and the relationship between AOD use and criminal conduct in women. It presented a number of factors found to place women at risk for criminal behavior, and supplied associated statistical information regarding the incidence of these factors among female judicial clients. Addressing both sociocultural and biological issues in the etiology of criminal conduct in women, it developed a platform from which to understand the need for gender-focused programming.

The remaining chapters in Section I further explore vulnerability factors for criminal conduct in women, especially women judicial clients with substance abuse problems. The cognitive-behavioral mechanisms underlying these risk factors are elaborated upon and discussed. Implications for treatment will then be explored in Section II of this *Adjunct Provider's Guide*.