



**MINNESOTA ACTION PLAN  
FOR FEMALE OFFENDERS**

**FEBRUARY 2002**

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*developed by*

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Advisory Task Force on Female Offenders



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## INTRODUCTION

Women and girls are at the intersection of numerous social systems such as public health, human services, criminal and juvenile justice, housing, education, employment, and treatment services. The degree to which women's and girls' gender and cultural needs are recognized, acknowledged, and met in these systems can either interrupt or perpetuate the intergenerational cycle of crime, poverty, chemical dependency, and abuse.

One of the primary focuses of the Planning for Female Offender Unit (PFO), the Advisory Task Force on the Female Offender, and the Interagency Adolescent Female Subcommittee (IAFS) is to improve outcomes for women and girls involved in the criminal and juvenile justice systems. To that end, this document was created to:

- ◆ Provide a road map to guide funders, policy-makers, practitioners, counties, and judicial districts to develop and implement gender and culturally-responsive services for girls and women.
- ◆ Assist the Department of Corrections (DOC) in integrating the recommendations in this report relevant to gender and culturally-responsive services for women and girls into the DOC *8 Point Plan*.

The PFO Unit, Task Force, and IAFS are dedicated to promoting and advocating for gender and culturally-responsive services for girls and women in the criminal and juvenile justice systems. We recognize the racial and gender disparities within the criminal and juvenile justice systems and advise correctional administrators and direct service staff to intentionally address these disparities in delivery of services.

A parity statute was passed in Minnesota in 1981 (amended in 1991 to include juvenile females) that states:

*MS 241.70, subd. 1: Adult women charged with or convicted of crimes, and juvenile females charged with an offense that would be a crime if committed by an adult or adjudicated delinquent, shall be provided a range and quality of programming substantially equivalent to programming offered male persons charged with or convicted of crimes or delinquencies. Programs for female offenders shall be based upon the special needs of the female offenders.*

A continuum of care law for juvenile females was passed in 1994:

*Minnesota Laws 1994, Chapter 636, Art 1, Sec. 5, Subd. 7: The commissioner of corrections shall collaborate with the commissioners of human services, health, jobs and training, planning, education, public safety, and with representatives of the private sector to develop a comprehensive continuum of care to address the gender-specific needs of juvenile female offenders.*

Rather than advocating for “special services” for women and girls, the Task Force concurs with Bloom, Owen, and Covington (2001) when they say: “While criminal justice

systems should strive for humane treatment for all offenders, consideration of male and female pathways into criminality, their differential response to custody and supervision, and their differing program needs can lead to better outcomes for both men and women offenders.”

Bloom and Covington (1999) define *gender-responsive* as “creating an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women’s lives and addresses the issues of the women participants.” Lindgren (1996) defined *gender-specific programming* for juvenile females as “Comprehensive programming which addresses and supports the psychosocial developmental process of female adolescents, while fostering connection within relationship in the context of a safe and nurturing environment.”

Being *culturally-responsive* means recognizing, acknowledging, and honoring differences and similarities within the varying cultural communities that girls and women represent in our systems. It also means that administrators and direct service staff reflect the ethnicity, race, and cultures of the populations served as well as ensuring culturally and linguistically-appropriate services. One of our goals should be to help girls and women “walk in multiple worlds” and navigate the differing cultures with which they come in contact (Ms. Foundation 2001).

As we speak of culture in this document, we go beyond race and ethnicity to acknowledge and include economic status, religion and/or spiritual faith, and sexual orientation. There are unique aspects to each of these cultural communities with regard to differing values, beliefs, language, and behavioral norms. In each of the DOC’s *8 Point Plan* focus areas, it is critical that cultural barriers, particularly language barriers, are intentionally addressed.

We want to ensure that the “best practices” included in the DOC plan intentionally consider the gender and cultural needs of girls and women, as well as those of boys and men. “Promising” program models designed specifically to meet gender and cultural needs of women and girls should be integrated into all DOC strategic planning. The following are recommendations of the PFO Unit, Advisory Task Force on Female Offenders, and the IAFS to the DOC and counties regarding implementation of correctional policy, practices and services for girls and women in Minnesota.

## **AUTOMATED AND VALIDATED RISK TOOLS**

A primary issue in correctional services that guides funding allocation, policy, and services is assessment tools. We recognize that the science of actuarial tools for risk assessment and the application of correctional interventions have advanced our knowledge of effective correctional practices. However, we remain gravely concerned that assessment tools and interventions do not sufficiently reflect gender and culturally-specific needs. While the new knowledge may have validity for these populations, we believe more accurate, responsive, and cost-effective alternatives are potentially available. The American Bar Association and the National Bar Association 2001 report on girls in the juvenile justice system encourages the juvenile justice system to “reevaluate risk and other assessment

practices for their gender sensitivity, and recommend alternatives that more adequately identify the competencies and needs of at-risk and delinquent girls.” For these reasons, the PFO Unit, Task Force, and IAFS are committed to exploring and investing in further knowledge expansion in these areas to better reflect the needs of women and girls.

### *Issues*

The PFO Unit, Task Force, and IAFS are concerned about existing risk-assessment tools being used in correctional services to assess or classify girls and women for a number of reasons:

- ◆ Current research on girls and women was not taken into consideration in the development of existing assessment tools.
- ◆ These tools may reflect factors which are less potent predictors of recidivism for females and females from communities of color and do not sufficiently reflect strengths.
- ◆ These tools have not been normed on Minnesota female offenders or females from different racial and ethnic communities that may differ from those of their male counterparts.
- ◆ The corresponding need areas are not correlated with adequate intervention strategies that address female needs.

### *Recommendations for the DOC and Counties*

1. Assessment tools address girls’ and women’s strengths and needs from a comprehensive framework (in addition to risks).
2. Norm the LSI-R/YLSI on girls and women in general, as well as females from different racial and ethnic backgrounds.
3. Encourage counties to pilot the LSI-R/YLSI gender-supplemental questions developed by Jane Ollenburger, Ph.D., California State Polytechnic University-Pomona, and Jen Wright, Probation Supervisor, St. Louis County, Minnesota.

### *PFO Unit, Task Force, and IAFS Strategies*

1. Continue collaboration with Jane Ollenburger and Jen Wright on their project with supplemental questions for the LSI-R/YLSI to use in assessing girls and women and developing effective case plans. Educate stakeholders on this work and the results of the project.
2. Work closely with a metro-area county pilot project using this supplemental tool.
3. Educate policy-makers on the ways in which existing assessment tools now used in correctional services could be improved to be more gender and culturally-responsive.
4. Research the existence of assessment tools that are both gender and culturally-responsive for girls and women.
5. Promote and advocate for assessment tools to be seen as only one aspect of an overall comprehensive assessment of the risks and needs of girls and women.

# COGNITIVE/BEHAVIORAL PROGRAMMING

## *Issues*

The PFO Unit, Task Force, and IAFS raise the following issues related to some cognitive/behavioral programming utilized in correctional services for girls and women:

- ◆ Many cognitive curricula currently being used have not been validated on females in general or females from different racial and ethnic communities.
- ◆ Cultural differences and needs were not taken into consideration in the development of these interventions.
- ◆ Current research on girls and women was not taken into consideration in the development of cognitive/behavioral interventions and programming.
- ◆ Cognitive/behavioral programming for girls and women has the potential to uncover therapeutic issues such as sexual abuse, other trauma, and mental health issues without having an avenue for therapeutic intervention and resolution.
- ◆ While cognitive/behavioral programming has value for girls and women if it intentionally considers the gender and cultural needs of females, it should not be mandated as the only intervention for women and girls as it is not a comprehensive approach.

## *Recommendations for the DOC and Counties*

1. Gender-separate cognitive/behavioral program development and implementation for girls and women should be encouraged and supported by administrators and funders.
2. Training for facilitators of these interventions should include understanding gender and cultural issues for women and girls.
3. Ensure that cognitive/behavioral program facilitators have available therapists and other trained professionals to refer girls and women to when therapeutic issues arise in group.
4. Cognitive/behavioral interventions should be utilized only as one part of a comprehensive approach to working with girls and women.

## *PFO Unit, Task Force, and IAFS Strategies*

1. Through training and technical assistance, promote cognitive skills programming as just one component of a comprehensive approach for girls and women.
2. Assess/review Marilyn Van Dietsen's cognitive/behavioral intervention for women for gender and cultural responsiveness. Make recommendations accordingly.
3. Collaborate on the development of a cognitive/behavioral curriculum for girls.
4. Offer training on gender and culturally-responsive services for female offenders to staff who facilitate cognitive/behavioral program interventions.
5. Develop and implement a guide for facilitators of cognitive/behavioral programs on how to address girls' and women's therapeutic issues that arise in group.

# CASE PLANS

## *Issues*

The PFO Unit, Task Force, and IAFS believe a comprehensive approach is essential for working with girls and women. The following are our reservations related to some of the current case plan models used in correctional services for girls and women:

- ◆ Case plans are generally not comprehensive, strength-based, and reflective of the gender and cultural needs of girls and women.
- ◆ Many agents' case plans could be improved through training on gender and cultural issues for girls and women.
- ◆ Case plan development is generally not done in collaboration with girls and women as well as other community providers.
- ◆ Case plans are recommended for “high-risk offenders.” This may exclude case planning for many girls and women who are classified as “intermediate” or “low risk” for re-offending but have high needs for services. Risk level should be a major factor considered in development of case plans; however, this approach to prioritizing correctional services translates into insufficient attention to girls and women offenders with high needs.
- ◆ Cognitive/behavioral programming interventions could be improved to be more effective for girls and women from a gender and cultural responsiveness framework.
- ◆ Case plans could do more to intentionally focus on preventing future cycles of antisocial behavior in the children of girls and women in the correctional system.

## *Recommendations for the DOC and Counties*

1. Agents receive training on gender and cultural responsiveness as well as how best to address gender and cultural issues for women and girls in case planning.
2. The development of case plans should continue to be based on need as well as risk and should be strength-based.
3. Case plans are developed with the assistance and participation of girls and women.
4. Case planning involves collaboration with women, girls, their families, and community providers. It is essential to establish linkages among and between women, girls, their families, and community resources.
5. Case plans include strategies for women and girls to make amends to their victims.
6. Case plans include strategies for girls and women to address their own victimization and childhood trauma.
7. Agents articulate in the case plan a means of collaborating with agencies that work with the girls' and women's families to develop a plan for preventing future cycles of antisocial behavior of their children.

### *PFO Unit, Task Force, and IAFS Strategies*

1. Provide training for agents on gender and cultural issues and implications for case planning.
2. Through training and technical assistance, articulate primary issues that need to be addressed in the case plan development and implementation process for women and girls. Examples include: chemical abuse/dependency, sexual and physical abuse recovery needs, mental health issues, the centrality of relationships, economic self-sufficiency, education, historical trauma, mother/child issues.
3. Respond to parent/children issues for girls and women; make recommendations in case plans for meeting the needs of the children in order to interrupt the intergenerational cycle of crime, poverty, chemical dependency, and abuse.
4. Research, gather, and disseminate information on gender and culturally-responsive case plan models/formats for girls and women.

## **RESTORATIVE JUSTICE**

### *Issues*

The PFO Unit, Task Force, and IAFS fully embrace restorative justice values and practices and believe restorative justice is a particularly appropriate approach for girls and women. The framework for restorative justice involves relationships, healing, and community — very much in keeping with female psychosocial developmental theory and the values and beliefs of many racial and ethnic cultures. The following are issues to consider:

- ◆ As with any intervention within correctional services, there is a potential risk for the restorative justice movement to reflect societal gender, race, and class bias.
- ◆ Communities of color may perceive limited access to restorative justice practices.
- ◆ Ways of “acknowledging the harm” and “repairing the harm” may be different for women and girls in general, as well as for women and girls from communities of color.

### *Recommendations for the DOC and Counties*

1. Provide training on gender and cultural issues, to include discussion of the culture of survival, sexism, racism, historical trauma, classism, and homophobia.
2. Practitioners, funders, and policy-makers should partner with communities of color regarding the development, implementation, and evaluation of restorative justice programs. This should include collecting demographic data on all participants and practitioners.
3. Work with underserved communities to eliminate barriers to accessing restorative justice programs.

### *PFO Unit, Task Force, and IAFS Strategies*

1. Offer training to restorative justice practitioners on gender and culturally-responsive services for women and girls.
2. Collaborate with leading restorative justice researchers to address issues of girls, women, and communities of color within restorative justice practices and research.
3. Seek funding for the Minnesota Correctional Facility (MCF)-Shakopee and community correctional institutions housing women (i.e., jails) to integrate restorative justice projects such as victim-offender mediation, conferencing, and community circles of support.

## **PRIMARY SERVICES**

### *Issues*

The PFO Unit, Task Force, and IAFS would like to see “gender” and “culture” integrated throughout the *DOC 8 Point Plan*. Issues related to primary services include:

- ◆ There are no minimum standards related to gender and culturally-responsive primary services for girls and women.
- ◆ Girls and women are oftentimes required to participate in coed programming groups. In many cases, coed services are thought to be ineffective and detrimental interventions for girls and women.
- ◆ The majority of juvenile residential facilities are coeducational with minimal, if any, gender separation for education, recreation, and counseling groups.
- ◆ Staff providing primary services could improve service efficacy for women and girls if they receive training on gender and cultural issues and the implications for service delivery.
- ◆ Cross-gender staff supervision in residential services is oftentimes problematic for girls and women; i.e., because of abuse histories, privacy issues, perceived risk of re-traumatization, and potential for sexual harassment/misconduct by staff.
- ◆ Risks, needs, and protective factors for girls and women are not adequately identified and addressed in primary services.
- ◆ When girls and women do not succeed in traditional male-designed services and interventions, they are often “blamed” by the system and deemed “not amenable to treatment.”

### *Recommendations for the DOC and Counties*

1. Establish service guidelines for gender and culturally-responsive primary services for girls and women.
2. Promote gender-separate programming and services with residential and community-based service providers through training and technical assistance.

3. Require that DOC-licensed juvenile facilities have female staff providing direct supervision of girls in residential care in situations which may degrade or invade the privacy of a resident (including unclothed body searches, dressing/undressing, showering, using the toilet, nighttime sleeping, and medical situations that require privacy).
4. Reflect the race/ethnicity of the population served by staff in all residential and community-based services.
5. Train administrators and line staff in cross-gender supervision, cultural and gender needs of females, and communicating with women and girls from diverse communities.
6. Mandate staff training on physical/sexual abuse and domestic violence for community-based and institution staff in juvenile and adult services.
7. Promote alternatives to detention and incarceration for girls.
8. Evaluate the effectiveness of the residential program for state-commit girls for gender and cultural responsiveness within a restorative justice framework and develop a corresponding plan.

### ***PFO Unit, Task Force, and IAFS Strategies***

1. Publish and disseminate information on “promising” programming models for girls and women.
2. Promote gender and culturally-responsive primary services for girls and women, such as substance abuse treatment, sexual and physical abuse, domestic violence, and sex offender services through PFO technical assistance, Minnesota Conference on Adolescent Females (MCAF), and the PFO Regional Representative Program.
3. Articulate and promote the need for early targeting of interventions for girls and women in the justice system.
4. Seek and promote funding for primary services for girls and women.
5. Provide support, training, and technical assistance to counties, PFO Model Programming grantees, and other service providers who work with girls and women in community and residential-based services on gender and culturally-responsive services.
6. Provide networking and collaborative opportunities for judicial districts, counties, institutions, and community agencies.

## **SUPERVISION WORKLOAD STANDARDS**

### ***Issues***

Women and girls have issues and needs that differ from their male counterparts. Girls and women tend to be the primary caretakers of their children who also have multiple needs. The degree to which the needs of women, girls, and their children are met can either interrupt or perpetuate the intergenerational cycle of crime, poverty, chemical dependency, and abuse. The following are issues related to these differences:

- ◆ Working with women and girls demands more of a practitioner’s time, energy, and frequent contacts because of their multiple issues including histories of trauma, family relationships, and primary caretaker responsibilities.
- ◆ Working with women and girls requires specialized training and knowledge of gender and culturally-specific community resources.

### *Recommendations for the DOC and Counties*

1. Develop and implement all-female probation and supervised release caseloads wherever feasible.
2. Cap caseloads for girls and women at 40, recognizing that an ideal caseload is 30 or less for high risk/high need clients.
3. Address the time requirements for case management of girls and women; i.e., through time studies.
4. Ensure appropriate level of supervision based on individual needs in addition to risk scores on assessments.
5. Assist counties in developing their own capacity for training agents on gender and culturally-responsive services for girls and women.

### *PFO Unit, Task Force, and IAFS Strategies*

1. Articulate the benefits of a gender-specific probation/parole caseload.
2. Recruit county agents who have all-female caseloads to educate other counties on the benefits of all female probation caseloads.
3. Offer training on gender and culturally-responsive services for girls and women.
4. Work with the ten judicial district teams from the DOC 2000 Woman Offender Symposium to assist with their goals and encourage them to implement an all-female probation caseload where appropriate.
5. Promote and seek funding for case management team models; i.e., teams consist of corrections, institution, and community partners.

## **TRANSITION/AFTERCARE SERVICES**

### *Issues*

The PFO Unit, Task Force, and IAFS support the DOC’s focus on transition and after-care services. As stated previously, women and girls have issues and needs that differ from their male counterparts. This requires that transition and aftercare services reflect these differences. Some of the issues related to existing transition and aftercare services for girls and women include:

- ◆ The number one issue facing women coming out of prison and jails is finding safe, supportive, and affordable housing for themselves and their children. For many girls leaving residential care in the juvenile system, this is also true.

- ◆ There are counties who place girls in residential care and remove probation officer (PO) oversight; therefore, no one from the county is involved with treatment plans, and the PO has no contact with the girl until she returns to the community. This means there is no continuity, which negatively impacts successful transition back into the community.
- ◆ There is limited, if any, funding for aftercare services in the community for women and girls who have completed primary treatment programs.
- ◆ Currently there are limited resources or services for transition and aftercare for women serving lengthy sentences in jails and the MCF-Shakopee.

### *Recommendations for the DOC and Counties*

1. The primary PO, case manager, or agent remains the active supervising agent post-adjudication/sentencing from the time of entering placement/institution through transition and aftercare.
2. Primary POs or case managers ensure that women and girls in residential care make a connection with community providers while they are still in the facility and prior to their release.
3. Girls, women, and their support people are involved in the development of transition and aftercare plans.
4. Require aftercare services from treatment programs.
5. Girls in the juvenile justice system and juvenile girls sentenced to adult prison or awaiting sentencing in jail should have Individual Education Plans (IEPs) developed and implemented while in placement.
6. Increase funding for recidivism reduction project for women coming out of the MCF-Shakopee.
7. Provide additional funding for community-based agencies to provide intensive transition and aftercare services for women in the MCF-Shakopee who are first or second-time offenders, as well as for those women serving lengthy sentences in jails and the MCF-Shakopee.

### *PFO Unit, Task Force, and IAFS Strategies*

1. Provide technical assistance to PFO Model Programming grantees to develop and implement transition and aftercare services for adult and juvenile females.
2. Provide technical assistance to the PFO Recidivism Reduction grantee to provide transition and aftercare services for repeat offenders at the MCF-Shakopee.
3. Promote funding for transition and aftercare services for girls and women in the juvenile and criminal justice systems.
4. Provide technical assistance and support to the ten judicial district teams from the DOC 2000 Woman Offender Symposium to specifically address transition and aftercare needs for girls and women.

# OUTCOME MEASURES

## *Issues*

There is a need for empirical research in the area of gender-responsive services; all programs providing service for girls and women should be encouraged to evaluate their work.

- ◆ Many gender and culturally-specific programs are under-funded and do not have resources to devote to outcome evaluation.
- ◆ Research has rarely broken down data and data analysis by gender and race by gender.
- ◆ Often, women and girls are rolled into aggregate data, making it difficult to assess salient information about women and girls in the criminal and juvenile justice systems as well as determine the impact of assessment tools and intervention services for females.
- ◆ Outcome measures rarely account for differences in desirable results for men/boys and women/girls; e.g., recidivism data should be separated.
- ◆ Women and girls are not often asked for their input into their programming needs and for evaluation of services received.

## *Recommendations for the DOC and Counties*

1. Separate all data by race, ethnicity, and gender by race and ethnicity.
2. Track and break down costs of correctional services by gender.
3. Articulate goals, methods, and measurements for/by all programs.
4. Articulate what is meant by “success” for girls and women and identify barriers to success specific to women and girls.
5. Include positive change, strengths, and competency development of recidivists and non-recidivists in outcomes, measures, and indicators.
6. Ask, listen, and integrate women and girls’ input on their programming needs and for evaluation of services received.

## *PFO Unit, Task Force, and IAFS Strategies*

1. Disseminate information regarding programs serving girls and women who have developed gender and culturally-sensitive performance outcomes, measures, and indicators.
2. Work with the DOC Research, Evaluation, and Technical Assistance (RETA) Unit to provide technical assistance to PFO grantees and other programs serving girls and women to develop gender and culturally-sensitive tools, performance outcomes and measures, and self-evaluation methods. Technical assistance could include capacity-building training so that knowledge is integrated into the overall agency.
3. Work with the DOC, counties, and other stakeholders to create databases on girls and women to include breaking out demographic data by race and race by gender when doing comparisons with males. Disseminate data and analysis on females done by the DOC RETA Unit.

4. Work with the DOC RETA Unit to create a database of statewide outcomes for girls and women.
5. Educate funders on gender and cultural issues for girls and women as they relate to requests for proposals, grant awards, and evaluation of programs.
6. Develop and implement a model survey process for the DOC, counties, and PFO Model Programming grantees to ask, listen, and integrate women and girls' input into their overall programming and for evaluation of services.

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