

Applying Restorative Concepts to the Re-entry Process for Women Kathleen FitzPatrick, LCSW

At a time in American society when unprecedented numbers of citizens are incarcerated, a significant and little observed phenomenon is the process of returning to the community after months or years in prison. While we may have an idea of rehabilitation occurring during imprisonment, the reality seems to be quite different. Incarceration is predominantly a punishment, a denial of freedom and family life, a forced coexistence with others who have transgressed against the laws of society in a culture of its own. This experience makes a deep impact on the emotional, mental and physical status of inmates, who often bring many other difficulties in with them, such as substance abuse, histories of various types of abuse, criminal thinking, dysfunctional patterns of relating to others, mental illness, emotional problems and more. Many prisoners learn trade skills during their incarceration but may lack the credentials needed to obtain employment in the outside world. Some prisons offer program that help inmates improve their functioning in other aspects of their lives, yet release to the community often occurs with little support to the individual who may be facing a dramatically changed society without the tools and knowledge to negotiate it successfully.

Although women comprise the minority of incarcerated individuals (4.4% in New York State, 7% nationally, according to the Women in Prison Project, 2006, www.correctionalassociation.org), their needs are significant, gender specific and often overlooked. Women recovering from incarceration experiences may feel that they are judged more harshly than men in a society that expects females to “know better,” while tacitly accepting that males are more likely to act out. Women often struggle to regain their stability and relationships post-incarceration with insufficient support and resources. Because the criminal justice system in the United States is generally adversarial, based on punishment and retribution, the punishment mentality continues in the social stigmatization that follows incarceration, along with difficulties with employment, housing, substance abuse and family relationships.

The successful re-integration of women leaving prison or jail and returning to the community requires many levels of support that are often lacking. Upon release, women may find themselves with \$40 and the clothes on their backs, forced to seek temporary shelter at facilities for the homeless. All parolees, male and female, face the challenges of meeting complicated parole conditions, attending various treatment programs and meetings, qualifying for social services, locating suitable housing, reconnecting with their families and searching for employment. Women on parole are disadvantaged in many ways, by their histories and experiences. A high level of support over a sufficient time period is needed to assist them in changing their lives so that they can become self-sufficient members of the community who make a meaningful contribution to society.

In New York, the number of women in prison has increased dramatically by almost 645% from 1973 to 2006. In 2006, nearly 30,000 women were in corrections custody or supervision in the State or City (Women in Prison Project, 2006). As stated in the Women's Prison Association Practice Brief: Mentoring Women in Reentry, "Women who are making the transition from prison or jail to the community must achieve stability in multiple areas of their lives: criminal justice compliance, maintaining sobriety, reunifying with family members, establishing and maintaining a home, and gaining employment. Establishing and receiving support from healthy relationships with other adults can be helpful as women navigate these challenges." (October, 2008, www.wpaonline.org) Re-entering women may have histories of problem relationships and manipulative relational patterns that can be as difficult to overcome as substance abuse and mental health issues. They are more likely than males to have one or more children who are usually in care of a family member or in foster care (men's children typically reside with their mothers), placing incarcerated women at greater risk for losing custody of their children under federal regulations. Women have lower incomes than men, tend to have unpaid caregiver responsibilities and have fewer employment opportunities. As many as 90% of incarcerated women have endured physical and/or sexual abuse and violence (Women in Prison Project, 2006).

The most recent New York State statistics indicate that offenders released from the Department of Correctional Services (DOCS) returned for a new felony 2.7% within one year, 7.7% within two years and 10.9% within three years. The percentages are higher for returns for rule violations: 16.4% within one year, 26.8% within two years and 30.3% within three years. (Offender Re-Entry, 2008 Crimestat Update, June 10, 2009, from www.criminaljustice.state.ny.us/pio/annualreport/offender_reentry.pdf.) Statistics are not differentiated according to gender in this report. Eight out of 10 incarcerated women are convicted for nonviolent crimes (Women in Prison Project, 2006).

Formerly incarcerated women describe some unique factors that affect females differently than males. Often, men's wives, girlfriends and families maintain contact and support with them during and after incarceration, visiting them in prison and preparing a receptive home upon release. Women often lose their partners during their prison terms. Relationships with children are frequently disrupted while other family members care for them. Women may have patterns of unhealthy relationships. While the stigma that clings to them in the estimation of others is a significant issue, even greater is the loss of self-esteem and self-confidence that many women experience. The effects of incarceration may also produce institutionalization, causing formerly incarcerated people to wish to return to the predictable prison environment rather than attempt to struggle with the temptations, disorientation and constant stress of the outside world.

Restorative concepts have an important role to play in supporting a successful re-entry process for women and can assist significantly in meeting the needs women feel during this difficult time. First, a commitment

to receive these women back into the community by developing the needed resources and ensuring that women effectively connect with them is needed at the local, state and federal levels of government along with the agencies and services to provide programs and resources. At an organizational level, the values of restorative approaches can inform the way services are designed and delivered. The traditional justice system today rarely offers opportunities for offenders to repair the harm caused by their crimes, however ex-offenders can contribute in a unique way to the provision of services to their newly released sisters. There is no substitute for someone who has “been there” and knows the experiences and challenges a re-entering woman faces, first hand, when working with the re-entering population.

Support groups for re-entering women, run by and for re-entering women offers a powerful demonstration of encouragement and example. In such a group, women can receive the benefit of the experiences of others who have been through what they are experiencing and vicariously see the light at the end of the tunnel. There is much work to be done to challenge persistent criminal thinking, prison mentality and old dysfunctional habits that led to the incarceration in the first place. Doing the hard work of “tough love” is restorative, bringing the woman back to a pre-offending mindset, supporting her to meet her parole conditions, however difficult this may be, and beginning to establish a renewed outlook going forward.

Family reunification circles use the circle process to help women, children and families reconnect after the often traumatic and alienating experience of separation of a family member’s incarceration. Participation in this very human and often highly sensitive process clarifies, renews and restores the essential communication and positive regard needed for families to function effectively in a challenging world. Self-concept may need to change; women may continue to think of themselves as “criminals” after they have paid their “debt to society,” met their parole conditions and successfully returned to the community. We need language that acknowledges the integrity of hard work done to change one’s life and re-establish a credibility as a law abiding and trustworthy citizen. This type of work can help break the cycles of abuse, neglect and failure that can lead to a family pattern of offending and incarceration.

Addressing stigma is a broad social issue for re-entering women and men. Just as there were movements to address civil rights for racial and ethnic minorities, GLBT people, those with substance abuse problems and disabled people, we now have the opportunity to work toward the restoration of those who have offended and been incarcerated. The re-entry process is fraught with challenges obtaining adequate housing and meaningful employment when a person has a significant legal history. Ex-felons on probation can not vote, nor can they work in certain professions. It may be time to begin to question the ways in which society legally discriminates against people, many of whom have worked very hard to overcome enormous barriers in their lives.

Many ex-offenders reoffend and return to prison. Some return due to minor parole violations and even errors made in the system. Many are set up to fail due to the lack of support and treatment needed to succeed. Restorative values can lead to more effective ways of maximizing the potential of women and men to return to society and contribute the wisdom and capability they have gained by surviving their lives and taking control of their options. Women bring a particular tendency to develop relationships and networks that can promote the development of the kinds of programs and services needed in this field. Both formerly incarcerated women and concerned professional and community women can join together to develop the knowledge base and practical experience to meet the needs of this marginalized population. Collaborating, relating and creating together, as women do, we can take hands with those who have been lost, and now become found.