

The Future of Dignity:



Insights from the Texas Women's Dignity Retreat

March 2020

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Women's Dignity Retreat

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The Texas Criminal Justice Coalition advances solutions and builds coalitions to end mass incarceration and foster safer communities.

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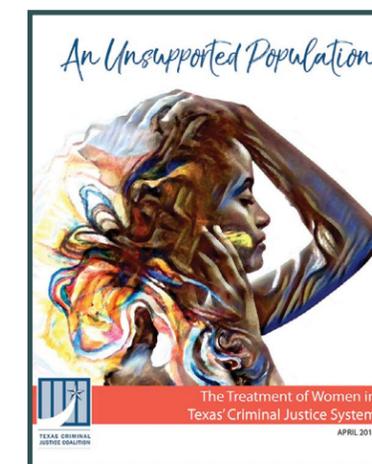
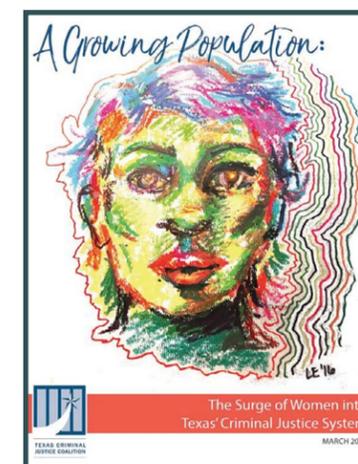
The Herstory of Women’s Justice in Texas

For the past 30 years, the number of women incarcerated in America has grown exponentially, increasing at nearly twice the rate of men’s incarceration.¹ With only five percent of the world’s female population, the United States accounts for nearly 30 percent of the world’s incarcerated women.²

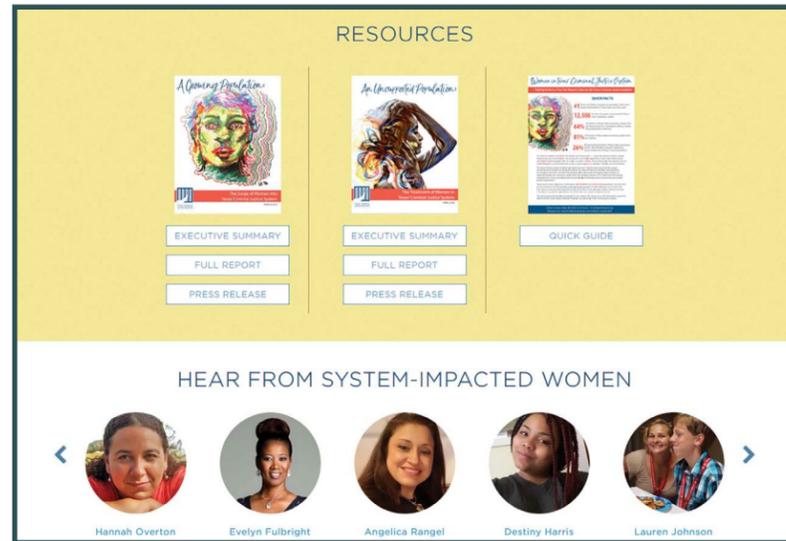
Texas has contributed greatly to this surge in incarcerated women, with one of the top 10 highest female incarceration rates in the country.³ Regarding growth over time, female incarceration in the Texas Department of Criminal Justice (TDCJ, the state’s corrections system) increased 908 percent from 1980–2016, compared to an increase in the male population of 396 percent.⁴ In other words, female incarceration in Texas has increased at more than twice the rate of male incarceration over the past 40 years.

Alarming, a more recent spike in system-involved women has occurred as Texas has lowered its population in TDCJ, and Texas now incarcerates more women by sheer number than any other state.⁵ From 2009–2018, Texas reduced its men’s prison population by 10,179 while backfilling its prisons with 122 women.⁶ As of 2018, women incarcerated in TDCJ numbered 12,076, representing 8.3 percent of the incarcerated population,⁷ up from 7.7 percent in 2009.⁸ Additionally, the number of women serving 10 years or more in Texas increased over 50 percent from 2005 to 2014.⁹ And the rise in female incarceration is not exclusive to prisons. The number of women in Texas jails awaiting trial has grown 48 percent since 2011, even as the number of female arrests in Texas has decreased 20 percent over that time period.¹⁰

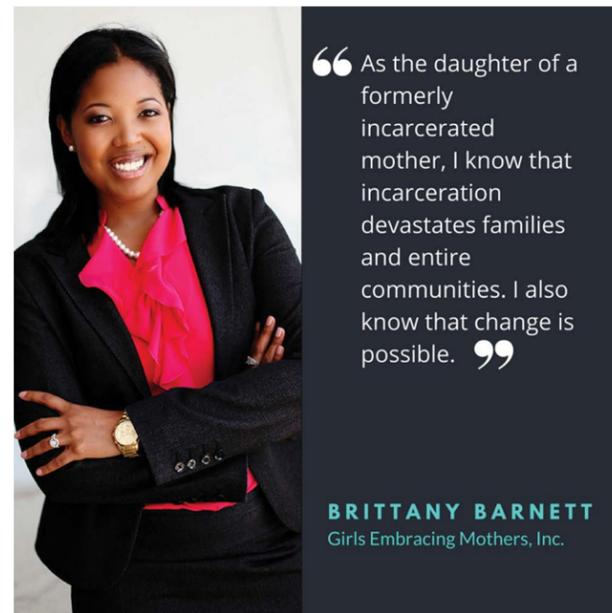
The issues facing incarcerated women are complex, as are the underlying causes of their incarceration. However, **because women comprise only a small portion of the overall incarcerated population, their needs are largely disregarded in larger justice reform conversations.** One of the predominant obstacles to reform has been the lack of data on who these women are and how they become entangled in the system. To help bridge this gap, the Texas Criminal Justice Coalition (TCJC) launched the “**Justice for Women**” campaign in March 2018, starting with a two-part report series on women in Texas’ justice system.



These two reports, which incorporated the results of our survey of more than 430 women incarcerated in Texas prisons, explored the concerning increase in the number of justice system-involved women in Texas and examined the unique issues they face prior to and during incarceration. TCJC accompanied the reports with a **webpage** dedicated to women’s justice, which includes stories of women impacted by Texas’ justice system—stories that have been critical to reform.



TCJC also partnered with **Brittany Barnett** (Founder and President, Girls Embracing Mothers) and **Lauren Johnson** (Criminal Justice Outreach Coordinator, ACLU of Texas) to establish a statewide coalition of system-impacted women and advocates, which has worked alongside many other passionate individuals and groups calling for women’s justice.



In June 2018, TCJC co-hosted **Women Unshackled: The Next Step** with the Coalition for Public Safety. This event brought together 200 individuals from throughout the country—bipartisan lawmakers, notable policy experts, impacted individuals, justice system practitioners, and advocates. Panelists and attendees, including keynote speaker Jenna Bush Hager, **discussed** the growth of women in the justice system and identified solutions that would both stem women’s flow into incarceration and fundamentally change the experience of incarcerated women to one rooted in dignity.



Then, during Texas' 2019 Legislative Session, our women's coalition partnered with state senators and representatives to advance women's justice legislation, with eight women's justice bills ultimately being signed into law by the Governor.

NOTE: The bills with asterisks below were priority bills on TCJC's legislative agenda.

WOMEN'S JUSTICE BILLS

State-Level Reforms

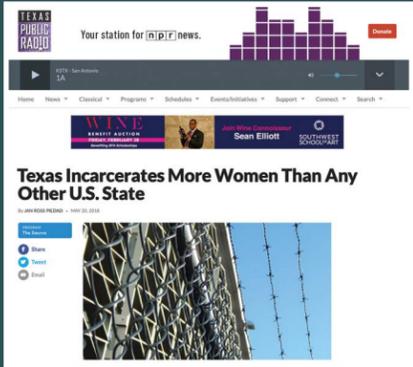
- *****HB 650** [White, Kick, Howard, Neave, Meza | Sponsor: Whitmire] Relating to inmate of the Texas Department of Criminal Justice. *Signed by the Governor; effective on 9/1/2019 | Bill analysis*
- *****HB 812** [White | Sponsor: Whitmire] Relating to the amount of the health care services fee paid by certain inmates. *Signed by the Governor; effective on 9/1/2019 | Bill analysis*
- *****HB 1374** [Hernandez, Neave, Guillen | Sponsor: Whitmire] Relating to grants for the development and operation of pretrial intervention programs for pregnant defendants and defendants who are the primary caretaker of a child. *Signed by the Governor; effective immediately, 6/14/2019 | Bill analysis*
- *****HB 3227** [Howard, Jarvis, Johnson, Allen, White | Sponsor: Huffman] Relating to the availability of and access to certain programs and services for persons in the custody of the Texas Department of Criminal Justice. **NOTE:** This bill includes an ammendment to increase access to peer support services for individuals incarcerated in the Texas Department of Criminal Justice. *Signed by the Governor; effective on 9/1/2019 | Bill analysis*
- **HB 405** [Minjarez, Howard, Hinojosa, Ortega, Cecil Bell | Sponsor: Kolkhorst] Relating to designating June as Neonatal Abstinence Syndrom Awareness Month. *Signed by the Governor; effective on 9/1/2019 | Bill analysis*
- **SB 436** [Nelson | Sponsors: Price, Rose, Minjarez, Sheffield, VanDeaver] Relating to statewide initiatives to improve maternal and newborn health for women with opioid use disorder. *Signed by the Governor; effective immediately, 6/7/2019 | Bill analysis*

County-Level Reforms

- *****HB 1651** [Mary González, White, Charles "Doc" Anderson | Sponsor: Alvarado] Relating to the care of pregnant women confined in county jail. *Signed by the Governor; effective on 9/1/2019 | Bill analysis*
- *****HB 2169** [Allen, Rosenthal, Wu, Ramos, Neave | Sponsor: Whitmire] Relating to reporting concerning female prisoners who are confined in county jails and to the provision of feminine hygiene products to female prisoners. *Signed by the Governor; effective on 9/1/2019 | Bill analysis*

BREAKING NEWS

The efforts of the campaign have been covered nationally by Mother Jones, The Atlantic, The New York Times, The Texas Tribune, The Texas Observer, Austin Monthly Magazine, Spectrum News, The Dallas Morning News, Texas Public Radio, and other outlets.



Timeline of the Justice for Women Campaign

March 2018

TCJC released the first report in a groundbreaking **two-part report series** on women's justice in Texas— ***A Growing Population: The Surge of Women into Texas' Criminal Justice System***— on International Women's Day 2018.

April 2018

TCJC released the second report in our women's justice series, ***An Unsupported Population: The Treatment of Women in Texas' Criminal Justice System***.

August 2018

TCJC co-hosted a women's justice **town hall** at the Texas Capitol with the **ACLU of Texas** as part of the **National Council for Incarcerated and Formerly Incarcerated Women and Girls'** national convening; this event brought together women impacted by the justice system and leaders committed to engaging in gender-responsive reform efforts.



January–June 2019

TCJC partnered with legislators during Texas' 2019 Legislative Session to file bills that would address the needs of incarcerated women, with many members of the women's coalition testifying before the House and Senate and seeing a total of **eight women's justice bills signed into law by the Governor**.

October 2019

TCJC co-presented at the 2019 National Council for Incarcerated and Formerly Incarcerated Women and Girls' **FREE HER Conference** on expanding the definition of dignity.



November 2019

TCJC participated in an enlightening portrayal of women's incarcerated experience as part of ***Ain't No Orange in Texas: The Variety Show***, which debuted at the 2019 East Austin Studio Tour.

March 2018

TCJC launched a **webpage dedicated to women's justice**, which includes stories of women impacted by the justice system.



June 2018

TCJC co-hosted **Women Unshackled: The Next Step** with the **Coalition for Public Safety**.



November 2018

TCJC hosted an **exhibit** at the Texas Conference for Women, featuring data and stories from our Justice for Women campaign, alongside **Katie Ford** (Executive Director, Truth Be Told), **Lauren Johnson** (Criminal Justice Outreach Coordinator, ACLU of Texas), and **Annette Price** (then-Statewide Coordinator, Texas Advocates for Justice).

March 2019

TCJC and our partners marched to the steps of the Texas Capitol on International Women's Day 2019. This event included a press conference and healing circle, and was followed by participants meeting with every member of the Legislature in support of pending women's justice legislation.



November 2019

TCJC and the women's coalition gathered at Mo-Ranch in Hunt, Texas, for the first-ever Texas Women's Dignity Retreat, where we celebrated the incredible progress made by the campaign, built community, and planned for next steps.

Texas Dignity Retreat

To close out 2019's progress on our Justice for Women campaign, TCJC and the women's coalition took to the mountains—or, more accurately, the hills! Over three days in November, nearly 60 formerly incarcerated women, advocates, and service providers gathered at **Mo-Ranch** in Hunt, Texas, for the first-ever Texas Women's Dignity Retreat.

The goal of this retreat was to celebrate the incredible progress made by our campaign, build community, and plan for next steps in women's justice. We laughed, bonded, and established tangible priorities for the future.

Friday, November 8:

We gathered at beautiful Mo-Ranch for the weekend! After arrival, we had a welcome party, where we shared stories, got to know our fellow women better, and toasted s'mores on the fire.



Partner Spotlight

Free Texas Battered Women

works to end the incarceration of battered women who defend themselves and their children, including by seeking clemency for these women. The organization also supports incarcerated battered women in their reentry.

Saturday, November 9:

Cathy Marston, Founder and Director of Free Battered Texas Women, led a morning yoga session, which featured our brand-new yoga mats!

Next, **Elizabeth Gillette**—a double-certified master naturalist—led us on a hike through the trails of the Mo-Ranch campus.



Saturday, November 9 (cont):

After lunch, **Murphy Anne Carter**, Director and Creative Writing Instructor at Freehand Arts Project, led a guided art class, providing participants with an avenue to self-reflection and healing.

Then we all gathered together for a visioning session, where we exchanged ideas, frustrations, and hopes, and hammered out shared priorities for the future of women's justice in Texas.



Partner Spotlight

Freehand Arts Project

is a nonprofit organization dedicated to bringing creative arts classes to people incarcerated in Texas jails and prisons. The program strives to address the deep wounds found in the justice system by providing a safe avenue for self-reflection, the opportunity to develop emotional awareness, and a supportive community. Classes give incarcerated individuals the experience of control and introspection through art, allowing them to engage in the world more confidently and authentically.

Currently, Freehand Arts Project serves women at Travis County Correctional Complex, providing creative writing, poetry, and visual arts programming.

Saturday, November 9 (cont):

That night, **Katie Ford**, Executive Director of Truth Be Told, led an open mic, where participants shared poetry, original writing and music, dancing, and more.



Partner Spotlight

Truth Be Told fulfills a documented service gap in the correctional system by offering gender-responsive programs and safe community to women during and after incarceration. Through courses that offer healing through storytelling, expressive arts, life skills, and self-care tools, Truth Be Told speaks directly to the unique risk factors that lead women into the system: elevated rates of trauma, addiction, and histories of childhood abuse. It envisions a society where all justice-involved women are restored to integrity, thereby breaking the cycle of incarceration.

Sunday, November 10:

We had our final moments together the next morning, when we shared our thoughts from the weekend and hopes for the future in a fun and impactful closing “snowstorm” activity.



This word cloud was created using attendees' "snowstorm" activity responses.

Together
we are
unstoppable

Connection
humility
hope
empowerment
sisterhood

I'll remember the
strength
& **resilience**
of all the women
who shared their

stories

— **Together** —
we have so much

POWER —

Women are
powerful
& **resilient**

beings

This feeling of
connection
will be a
sustaining

force

home with me

LOVE

I am taking

Visioning Session Insights

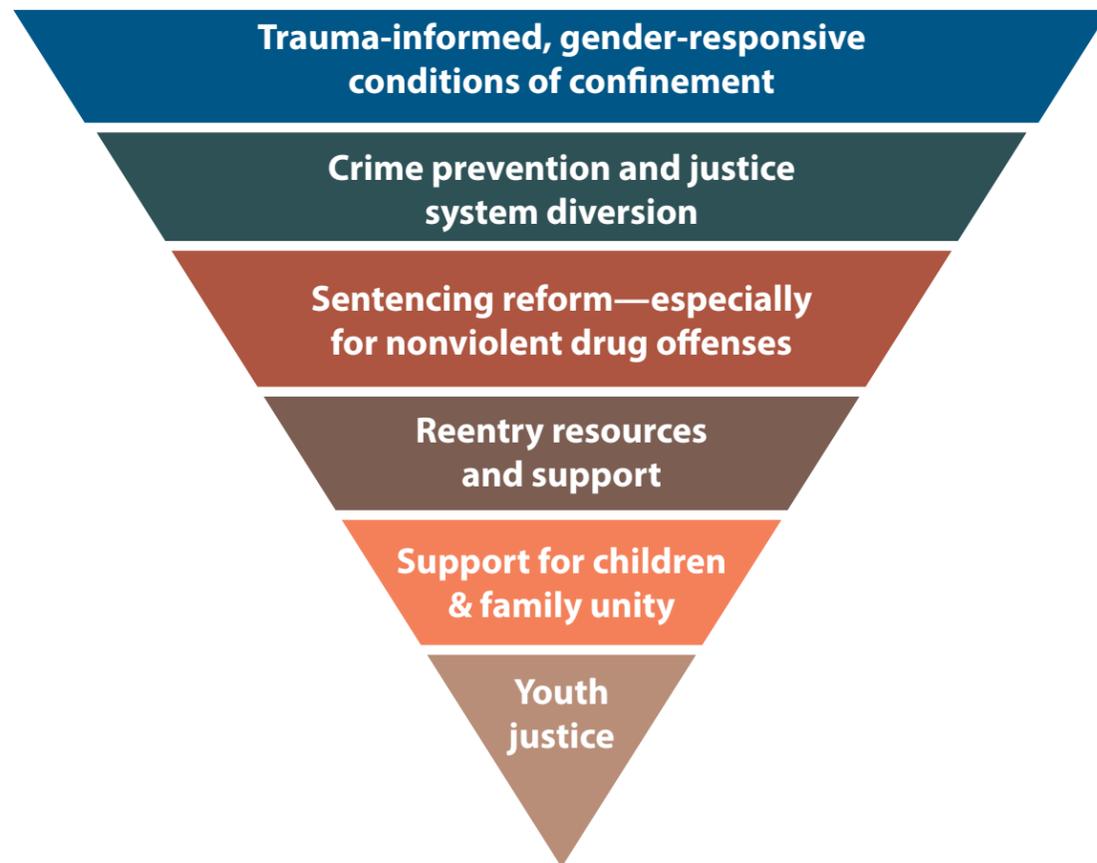
90% have had direct experience with the justice system

1 in 5 have been impacted by the incarceration of a parent

55% identify as a crime survivor

32% have lost a loved one to violence

During the visioning session, after participants had an opportunity to openly discuss their reform ideas with the group, they wrote their policy priorities on post-it notes, which we arranged into categories on the wall. Participants had three stickers each to cast “votes” on the policy priorities they felt were most urgent. Based on participants’ votes, six predominant categories emerged:



At the conclusion of the visioning session, participants completed written evaluations, which allowed them to provide more detailed information about the discrete policy reforms they would like to see undertaken within the broader reform categories. The following recommendations are based on the feedback received during the visioning session and from the written evaluations.

ONE: Trauma-informed, gender-responsive conditions of confinement

Note: TCJC and our partners seek to prevent incarceration and help women remain with their families and in their communities. However, given the large number of women currently incarcerated in Texas, addressing the needs of incarcerated women also remains a high-priority reform.

The differences between incarcerated women and men point to the need for gender-based programs and services that can address women’s underlying causes of system involvement and prepare them for a successful reentry to the community. **Despite the increase in the number of incarcerated women over time, most local jurisdictions across the country, including in Texas, have not significantly shifted their practices or policies to better address the factors that send women into the justice system, nor do they address women’s unique needs while incarcerated:**¹¹ “As a result, from the time they are arrested and booked into jail, women must live in facilities designed for men, and they must navigate programs and procedures that were developed from studies about what works for men without accounting for the reality of women’s lives.”¹² Women in the justice system are truly an overlooked population, and the failure to address their specific needs has dire consequences, not only for incarcerated women, but also for their families and communities.

The Texas Department of Criminal Justice (TDCJ) and county jail administrators must continue to invest in trauma-informed and gender-responsive programs and tools that address women’s unique needs.¹³

In addition, to further improve conditions of confinement for women in prisons and jails, participants of the visioning session emphasized the need for the following reforms:

- Provide dignity and trauma training and accountability for correctional officers.
- Improve the quality of healthcare—including prenatal, postpartum, gynecological, and mental health care—by reducing waitlists and eliminating fees imposed on incarcerated people and their families.
- Provide more nutritional food and a sufficient amount of time for women to safely eat their meals.
- Retrofit all prisons and jails with air conditioning.
- Eliminate solitary confinement and administrative segregation.
- Establish an Office of the Independent Ombudsman (OIO) for TDCJ to provide oversight of grievances and ensure compliance with all federal and state laws.

TWO: Crime prevention and justice system diversion

Per TCJC’s survey of incarcerated women (the findings of which are detailed in our **2018 report series**), the most common pre-incarceration themes show that life for many of these women included substance use, domestic violence, and sexual assault (in childhood and while as an adult)—all drivers into incarceration. Histories of complex trauma and attempts to self-medicate due to trauma were also common themes, as

was poverty. In fact, 52 percent of women reported their total household income, before taxes, immediately before entering prison was less than \$10,000 per year and, nationally, a higher percentage of women than men reported incomes of less than \$600 per month prior to their incarceration.¹⁴ Economic disadvantages reduce people's access to already-limited supportive services in the community.

To lower the number of women backfilling Texas' prisons and jails as male populations decrease, state and local policy-makers must prioritize front-end investments in effective, community-based support programs, especially for the large population of women struggling with substance abuse. Substance use disorder is inherently a public health issue that should be addressed in the community, not through costly and unnecessary incarceration.

However, many of the current alternatives to incarceration are also failing women. Per a separate survey by TCJC of women in Woodman State Jail, which largely houses those with drug or property offenses, the majority of women (55 percent) had initially been placed on probation but were unable to meet the conditions and had been revoked to jail. Women responding to the survey were revoked on probation at two and a half times the rate of their male counterparts. Many women specifically cited challenges relating to costly probation fees (71 percent responded that probation simply costs too much). Given women's struggles with poverty, this is unsurprising. Women respondents also noted that extraneous probation conditions made compliance too challenging, especially while also caring for children.

Also problematic, as noted above, even women attempting to avoid the justice system altogether have challenges accessing help for substance use disorder in Texas: "People who are low income and struggling with substance use disorder must wait more than two weeks for intensive residential treatment, four weeks for outpatient treatment, and almost five weeks for Medication-Assisted Treatment." People in need of co-occurring substance abuse and psychiatric treatment must wait almost four weeks for specialized services.¹⁵

The state and local jurisdictions should reduce corrections spending and pivot funding towards community-based programs that help people get back on their feet. With treatment and support, substance use disorder is manageable and recovery is possible. It is especially critical to provide women—who are often the primary caretakers of children¹⁶—with the tools to safely manage addiction issues and live productive lives in the community.

In addition, to further expand opportunities for crime prevention and justice system diversion, participants of the visioning session emphasized the need for the following reforms:

- Expand trauma and victims' services prior to contact with the justice system.
- Stop criminalizing survivors of human trafficking and domestic violence.
- Reform the bail and indigent defense systems to stop punishing poverty and keep more women in the community.
- Give communities the resources to develop localized approaches to public health and safety, which will address the root causes of system involvement and reduce incarceration.

THREE: Sentencing reform—especially for nonviolent drug offenses

Due to decarceration reforms enacted in Texas over the past several years, the state's incarceration rate is dropping, eight prisons have closed, and the state's crime rate is at its lowest level since the late 1960s.¹⁷ Yet despite these strides, Texas still incarcerates more than 145,000 people in prisons and state jails annually—many for nonviolent offenses¹⁸ that could be better addressed through community-based treatment and supervision. **Women in TDCJ for nonviolent offenses far outpace men, with 64 percent of women compared to 42 percent of men incarcerated for a nonviolent offense.**¹⁹

The War on Drugs has contributed greatly to nonviolent female incarceration rates, especially given that women are more likely than men to be treated with prescription pain medication, like opioids, at higher doses and for longer periods than men.²⁰ As a result, women have become dependent on opioids at nearly twice the rate as men.²¹

Furthermore, although designed to target members of illicit drug organizations, conspiracy and accomplice laws are some of the most egregious examples of the drug war's harsh treatment of women:²² "Activities such as living where drugs are sold, being present during a drug sale, or counting money are considered part of a drug trafficking conspiracy, and are therefore eligible for harsh mandatory minimums."²³ But in reality, women's choices are constrained as a result of familial and/or financial circumstances. According to one recent study, "Women will often remain in relationships with men involved with drugs because of the fear of assault, unequal power dynamic, relationship dependency, and a commitment to keeping the family together, even if it puts her at a heightened risk of prosecution and incarceration."²⁴ In Texas, approximately 3,600 women are incarcerated for nonviolent drug offenses, and their average sentence length is nine years²⁵—which comes with the price tag of \$202,455 per woman.²⁶

The Texas Legislature should lower penalties for minor drug offenses so more women can take drug-related educational courses or engage in community service rather than be incarcerated.

An astonishing 92 percent of all voters and 88 percent of GOP primary voters agree that Texas' current system is not working for people with drug addiction; such individuals simply cycle in and out of jail, never recovering from addiction, and put a strain on law enforcement.²⁷ **A national survey of crime victims similarly found that the majority of victims prefer more spending on prevention and rehabilitation over lengthy prison sentences.**²⁸ Crime survivors and voters on both sides of the political aisle agree that being "smart on crime" means addressing the root causes of a person's system involvement, rather than simply warehousing them for lengthy periods of time and releasing them with virtually no supports.

Missed Opportunity

HB 1389

During Texas' 2019 Legislative Session, Representative Senfronia Thompson filed HB 1389, which would have required courts to consider a person's status as the primary caretaker of a minor child or minor children at sentencing.

The specific consideration of primary caregiver status can prevent unnecessary incarceration, reduce the stress that incarceration places on children and families, and save on incarceration costs.

Unfortunately, while HB 1389 passed the House nearly unanimously, it failed to receive a hearing in the Senate.

Missed Opportunity Followed by a Step in the Right Direction

HB 3078

During Texas' 2019 Legislative Session, Representative Senfronia Thompson filed HB 3078, which would have established a specialized panel of experts under the Board of Pardons and Paroles to:

1. advise the Governor regarding grants of clemency to persons who were under duress or coerced into committing offenses that were a direct result of, or incident to, trafficking and/or intimate partner violence; and
2. permit the Governor to grant clemency based upon the recommendations by this Panel.

Unfortunately, despite passing both the House and the Senate unanimously, Governor Abbott vetoed HB 3078.

However, following the veto, the Governor reconsidered concerns raised by HB 3078 and, in February 2020, rolled out a new clemency application specifically for survivors of human trafficking or domestic violence. In a press release announcing the new application process, Governor Abbott stated he was grateful to be working towards "a stronger justice system that promotes redemption, restoration, and transformation." This is a vital opportunity for restoration for system-impacted survivors and an exciting step in the right direction.

Programs and services that hold women accountable while helping them heal—and allowing them to remain in their communities and with their families—are critical to long-term cost savings in reduced incarceration, as well as to increased public safety.

But the disparate impact of drug sentencing and enforcement policies is only one area where women are being uniquely impacted. Additional sentencing-related reforms are required to ensure meaningful reductions in women's incarceration. Participants of the visioning session emphasized the need for the following reforms:

- Take primary caretaker status into consideration during sentencing to keep mothers united with their families.
- Expand the number of offenses for which individuals can earn time off their period of incarceration through "good conduct time" credits (credits for good behavior, diligence in prison work, and attempts at rehabilitation).
- End de-facto life sentences for people under 18 by ensuring that all such individuals are eligible for parole after, at most, 20 years served (also referred to as "Second Look").
- End Texas' overly broad "Law of Parties,"²⁹ an accomplice law that holds a person criminally responsible for a felony committed by someone else—even if there was no intent to commit that particular felony, and even if that felony occurred accidentally—but it arose out of another offense that the person knew was taking place.

FOUR: Reentry resources and support

TDCJ staff must treat the 12,000 women in Texas prisons with dignity, release those with unnecessarily long sentences, and prepare women for a safe, successful release from incarceration, including by providing pre-release programming, linking women to child welfare agencies, and improving aftercare and parole assistance.

Where possible, the pre-release treatment curriculum should address many of the common barriers to success for women leaving confinement: how to shoulder parenting responsibilities, avoid abusive relationships, handle money, and address health issues. Program staff must regularly evaluate the requirements for program participation and amend those requirements to ensure the maximum level of participation. Furthermore, where possible, treatment programs should be part of a comprehensive continuum of care that continues after each woman's release from custody.

Additionally, participants of the visioning session emphasized the need for the following reentry-related reforms:

- Grant additional clemency applications to women incarcerated for committing offenses as a direct result of, or incident to, trafficking and/or intimate partner violence.
- Expand peer support services (both prior to, during, and after incarceration) to help women grow and succeed.
- Increase the availability of safe transitional housing for women leaving incarceration.
- Provide relief from the collateral consequences of a criminal record by continuing to remove occupational licensing restrictions, expanding access to expunctions and orders of nondisclosure, and providing pathways to de-registration for those convicted of a sex-related offense.

A Step in the Right Direction

In September 2019, TDCJ unveiled³⁰ a first-of-its-kind women's reentry program designed to help incarcerated women address and heal from trauma, as well as connect with jobs that will be awaiting them upon their release. The program is limited in size—with only 31 women in the inaugural class—and it starts late—during the last 12 weeks of a participant's sentence—but it is a step in the right direction.

FIVE: Support for children and family unity

Although women comprise a small, albeit growing, portion of the prison population, their incarceration creates profound ripple effects in their families and within their communities. Nationally, around 62 percent of women in prison report being parents of minor children,³¹ and **81 percent of women in Texas prisons are mothers.**³²

Children are better able to thrive when their mother remains in their lives; otherwise, losing a parent to incarceration can result in serious mental, physical, and emotional health issues. Yet despite the benefits of parent-child interaction,³³ **incarcerated women are likely to be isolated from their children due to limitations on visitation, costly prison phone fees, and great distances (often hundreds of miles) between children and the prison units.**³⁴

81%
of women in Texas' state
corrections system are
mothers.



A Step in the Right Direction

In August 2018, the Texas Board of Criminal Justice unanimously voted in favor of a new phone contract that cut the cost of calls for incarcerated people and their families by 77 percent, from 26 cents per minute to 6 cents per minute.³⁵ The new contract also extended the allowable length for calls from 20 minutes to 30 minutes. As of September 2018, a 30-minute phone call costs around \$1.80, instead of the previous \$7.80.

Many of the negative effects of parental incarceration can be nullified if children are considered and accounted for in policies and practices.³⁶ Research also shows that, **besides benefiting their children, women’s maintenance of family ties can help reduce their own recidivism.** According to the Urban Institute, women reporting higher levels of family support were less likely to return to prison.³⁷

To support family unity and wellness, participants of the visioning session emphasized the need for the following reforms:

- **Expand the Baby and Mother Bonding Initiative (BAMBI) in TDCJ, which allows a mother and her infant to bond in a residential facility for up to 12 months.**
- **Devise systems to enable postpartum women to express breast milk for their babies and to breastfeed them directly.**
- **Create more welcoming, family-friendly visitation areas for children that allow mothers to engage in play and interact in a meaningful way with their children.**
- **Consider the distance of a unit from a woman’s family during sentencing.**

And again, because so many of the women who come into contact with Texas’ justice system are mothers, it is especially important that Texas help these women address the underlying causes of their system involvement through behavioral health, substance abuse, or other treatment programming, rather than through incarceration. The incarceration of a parent is destabilizing and traumatic. Women must be able to remain in their communities, where they can continue caring for their children while receiving tools to help them succeed and contribute.

SIX: Youth justice

As the spotlight shines more harshly on youth incarceration and the **harms that system involvement cause children and their families**, measures are being piloted and implemented throughout Texas to ensure that children can reach their full potential. Participants of the visioning session emphasized how critical it is to address youth justice issues while simultaneously addressing issues facing women in the adult justice system.

One specific area of concern is the “adultification” of Black girls. In a recent study from Georgetown Law, survey respondents were more likely to feel that Black girls in particular were more “adult,” were less “innocent,” and require less nurturing, support, comfort, and protection than white girls of the same age.³⁸ Perhaps as a result of this adultification, Black girls are suspended six times more frequently than white girls

in school. This tragic overrepresentation of certain students in disciplinary actions is seen in referrals to law enforcement and arrests as well; Black students, who comprise 15 percent of student enrollment nationally, represent 31 percent of students referred to law enforcement or arrested.³⁹ This practice of forcing students out of the classroom and into the justice system, known as the “school-to-prison pipeline,” **means a Black girl in high school today could be incarcerated in an adult prison tomorrow.** This is especially true in Texas, where 17-year-olds are automatically considered adults for all criminal justice purposes (one of only three states in the country that still treats 17-year-olds as such).⁴⁰

In efforts to create better outcomes for kids, participants of the visioning session emphasized the need for the following reforms:

- **Expand the use of safe, proven strategies to address underlying trauma and behavioral issues, particularly through specialized diversion programming rather than incarceration.**
- **Raise the age of juvenile jurisdiction to include 17-year-olds (also referred to as “Raise the Age).**
- **Interrupt the school-to-prison pipeline by investing in alternatives to zero-tolerance discipline policies, like restorative justice programs in schools.**
- **End the adultification of Black girls by improving cultural competence through implicit bias and gender-responsive trainings.**

Conclusion

For too long, women’s unique needs have gone unaddressed and unaccounted for in the justice system, leading to surges in the population of incarcerated women at an alarming rate, as well as inadequate treatment and supports for incarcerated women. Finally, with the success of our Justice for Women campaign, the tides are turning, and Texas has begun the hard work of undoing some of the damage caused by failed policies and practices.

Yet still, there is work to be done to significantly reduce the number of women under correctional control, and to repair families.

The voices of women directly impacted by Texas’ justice system must be at the forefront of local and statewide conversations around women’s justice. Our visioning session allowed these women to share the issues that they find most critical and that state and local officials should prioritize. Policy-makers should take note of these reforms and collaborate with directly impacted women to address harms being done.

Together, we can ensure that Texas women and families are supported, communities are healthier and safer, and incarceration is rare.



In 2012, Black girls were suspended from school 6 times more frequently than white girls.

Endnotes

1. The Sentencing Project, *Incarcerated Women and Girls (November 2015)*, <https://www.sentencingproject.org/wp-content/uploads/2016/02/Incarcerated-Women-and-Girls.pdf>.
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