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FEMALE OFFENDERS IN PRISON TRENDS AND ISSUES

**PREPARED FOR THE
TEXAS DEPARTMENT OF CORRECTIONS**

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EXECUTIVE SUMMARY

While female offenders represent only a small portion of the total prison population, the problems of the female system could cause serious policy implications for the Texas Department of Corrections (TDC). The repercussions of the current systemwide capacity crisis on the female TDC population are often overlooked. Female admissions are increasing and the unique operational requirements of this growing population must be carefully considered.

This report examines the trends in female prison admissions, population and releases between fiscal years 1984 and 1987. It also examines issues related to capacity and housing, as these issues profoundly affect the operation of the Gatesville and Mountain View TDC units. The sources of the data presented here are the TDC Annual Statistical Reports and computerized data on all prison admissions, the on-hand population and releases from custody collected by TDC and analyzed by the Criminal Justice Policy Council (CJPC).

The following is a summary of the findings of this report:

- Female admissions have increased steadily since 1984. In the period between fiscal years 1984 and 1987 total female admissions increased 72.3%, while the proportion of female admissions to total TDC admissions increased from 6.7% of total admissions in 1984 to 7.6% in 1987.
- In 1987, females admitted to TDC had committed more drug offenses, were slightly older, received longer sentences and had fewer previous TDC incarcerations than females admitted in 1984.
- There has been a "hardening" of the female population as property and first-time offenders are released in order to maintain the population within capacity. The offenders remaining in prison are principally violent offenders with longer sentences and more extensive criminal histories. Therefore, the population on-hand is more difficult to manage and to release.
- The majority of females leaving TDC are released on parole. In 1987, for every female admitted to TDC, one female had to be released.
- There has been a decrease in the average time served by female inmates. In 1984, the average time served for female offenders was 19.5 months compared to 12.8 months in 1987, a 34% decrease in the average time served by female offenders.

The pressures caused by increasing admissions and the hardening of the on-hand population are exacerbated by the very nature of the female system. Every aspect of the female prison population must be kept separate from the male population. Because of this unique operational requirement, a large proportion of female capacity must be dedicated to specialized groups of offenders. Beds set aside for these populations may only be filled by inmates having the appropriate characteristics, limiting the flexibility of the female units. As capacity is reached, the Mountain View and Gatesville units do not have the flexibility of transferring inmates. In addition, the lack of cell beds in the female units has forced TDC to house close custody inmates in dormitories, despite a Ruiz order stipulating that all medium and close custody inmates be housed in cells.

TDC has planned the construction of 200 cell beds for the Gatesville unit. These beds are scheduled for completion in June of 1989. Much of this additional capacity, however, will be taken up by the transfer of close custody inmates to cells and by the placement of unclassified (diagnostic) inmates into cells. While the addition of 200 cell beds will relieve some of the current population pressures, they will provide no long-term solutions to the capacity and housing problems faced by the female units.

The capacity problems of the female units have placed TDC in a precarious position. Slight changes in policy could drastically affect the Gatesville and Mountain View units. For example, probation is utilized as a sanction more frequently for females offenders than for males, while incarceration is used much more frequently for male offenders than females. In 1987, 7.8% of the females arrested were placed on regular probation compared to 5.1% of the males. TDC admissions in 1987 represented 2.4% of female arrests compared to 5.1% of the male arrests. Changes in these sentencing practices could dramatically increase the number of females sentenced to TDC and overload the already strained limits of female capacity. Capacity remains an issue even if no changes affecting present sentencing patterns occur. Capacity will be affected when the present backlog of females awaiting transfer to TDC in county jails is included in the regular flow of female admissions and when the Ruiz requirement that all medium and close custody inmates be housed in cells is met.

In spite of the widespread use of probation for female offenders, there is still a group of females admitted to TDC whose characteristics could make them eligible for intermediate sanctions. In 1987, 16.6% of the female offenders newly admitted to TDC had no prior record of prison or probation and a sentence of five years or less (355 offenders). This group of newly admitted female offenders with no prior record of prison or probation and sentences of five years or less may be seen as a group potentially eligible for intermediate sanctions. Diverting these offenders might slow the increase of female admissions. However, the proper identification and diversion of these offenders at the local level represents a critical issue in the successful implementation of diversionary policies.

I. INTRODUCTION

The first woman was convicted and sent to the Texas prison system in 1854. Since that time, female inmates have represented a small but significant population within the Texas Department of Corrections (TDC). Significant in that the management of female inmates poses unique problems in a system geared for a predominantly male population. Females require specialized services as well as modified vocational and rehabilitative training. Most importantly, females require facilities and housing separate from the male population.

The first TDC unit designated specifically for female offenders began operation in 1911 on the Goree farm. In 1975, female inmates were transferred to the Mountain View unit in Gatesville, Texas. The Gatesville unit, also in Gatesville, Texas, began operating as the second women's unit in 1980. The female population of TDC in 1980 was 1,204 inmates with a system capacity of 1,335 beds. By the beginning of fiscal year 1988, the female capacity of TDC had increased to 1,798 beds while the population had increased to 1,797 female offenders.

This report examines the trends in female prison admissions, population and releases between fiscal years 1984 and 1987. Also examined are issues related to capacity and housing as these issues profoundly affect the operation of the Gatesville and Mountain View units. The data presented here was collected from the Texas Department of Corrections Annual Statistical Reports and from computerized data on all prison admissions, on-hand population and releases collected by TDC and analyzed by the Criminal Justice Policy Council (CJPC). The TDC computerized data used in identifying offenders with no prior record of TDC confinement or prior probations has been adjusted by a 9% reporting error. Prior analysis by the CJPC of a sample of TDC cases matched with DPS "rap sheets" showed that 9% of the cases that TDC reported as having no prior record of TDC confinement or prior probations in fact had a prior record in their "rap sheet" (see: New Admissions to Prison and Intermediate Sanctions: Looking at Eligible Populations CJPC, May 9, 1988).

II. TRENDS AND CHARACTERISTICS OF FEMALE INMATES

A) ADMISSIONS

Female admissions to the Texas Department of Corrections have grown steadily since 1984. Table 1 shows the number of female admissions to TDC by admission type for fiscal years 1984 through 1987. In this period total female admissions increased 72.3%. The majority of females entering TDC are new admissions (direct court commitments or probations violations). New admissions, however, have decreased slightly as a percentage of total admissions since 1984. Revocation admissions (those returning to TDC because of a parole, mandatory supervision or shock probation violation) have, on the other hand, increased. In 1987, revocation admissions accounted for 20.9% of total female admissions as compared to 17.1% in 1984. The proportion of female admissions to total TDC admissions has steadily increased, from 6.7% of total admissions in 1984 to 7.6% in 1987.

Table 1
Female Admissions to TDC by Admission Type,
FY 1984-1987

	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
New Admissions	1295 (82.9)	1464 (80.7)	1775 (80.2)	2130 (79.1)
Revocation Admissions	267 (17.1)	351 (19.3)	437 (19.8)	562 (20.9)
Total Female Admissions	1562 (100.0)	1815 (100.0)	2212 (100.0)	2692 (100.00)
Total Admissions to TDC	23,058	25,365	30,471	35,077
% Female of Total Admissions	6.7	7.1	7.2	7.6

In 1987, the typical female admitted to TDC was between the ages of 29 and 40, was serving a sentence of five years or less for a property offense and had no prior history of TDC incarcerations. Table 2 shows female admissions to TDC by offense category for fiscal years 1984 through 1987. The percentage of admissions for violent offenses has decreased from 18.8% of admissions in 1984 to 15.1% in 1987, while admissions for property offenses decreased from 55.5% to 54.3% during the same period. Admissions for drug offenses have increased dramatically, accounting for 27.2% of admissions in 1987 compared to 17.7% in 1984. This shift in offense type may be the result of the increasing focus of law enforcement on drug offenses.

Table 2
Female Admissions to TDC by Offense Category,
FY 1984-1987

	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Violent	294 (18.8)	307 (16.9)	331 (15.0)	407 (15.1)
Property	866 (55.5)	1089 (60.0)	1244 (56.2)	1462 (54.3)
Drugs	276 (17.7)	331 (18.2)	535 (24.2)	733 (27.2)
Others	67 (4.3)	83 (4.6)	100 (4.5)	83 (3.0)
Missing Data	59 (3.7)	5 (.30)	2 (.10)	7 (.40)
Total Female Admissions	1562 (100.0)	1815 (100.0)	2212 (100.0)	2692 (100.0)

Females admitted in 1987 were older than their counterparts in 1984. Table 3 shows female admissions to TDC by age category for fiscal years 1984 through 1987. The age group making up the largest percentage of female admissions in 1987 was the 29 to 40 year-old group. This age group made up 40.8% of admissions in 1987. In 1984, the most common age group was the 23 to 28 year-olds, which represented 35.8% of admissions. With the exception of the 29 to 40 age-group, all age group categories decreased as a percentage of admissions between 1984 and 1987.

Table 3
Female Admissions to TDC by Age Category,
FY 1984-1987

	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
22 or less	325 (20.8)	310 (17.0)	418 (18.9)	446 (16.6)
23 to 28	559 (35.8)	690 (38.0)	769 (34.8)	955 (35.4)
29 to 40	530 (33.9)	662 (36.5)	839 (37.9)	1098 (40.8)
41 to 52	117 (7.5)	123 (6.8)	157 (7.0)	154 (5.7)
53 and over	31 (2.0)	29 (1.65)	28 (1.36)	38 (1.47)
Missing Data	0	1 (.05)	1 (.04)	1 (.03)
Total Female Admissions	1562 (100.0)	1815 (100.0)	2212 (100.0)	2692 (100.0)

The majority of females admitted to TDC have received sentences of less than five years. Table 4 shows female admissions by sentence category for fiscal years 1984 through 1987. Although 52.9% of females admitted to TDC in 1987 received sentences of less than five years, the proportion of females admitted with sentences of less than five years has decreased. In 1987, the proportion of females with sentences of less than ten years increased to 33.6% of admissions compared to 31.7% in 1984. Those receiving sentences of ten years or more decreased slightly in 1987, accounting for 13.4% of admissions compared to 13.6% in 1984.

Table 4
Female Admissions to TDC by Sentence Category,
FY 1984-1987

	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Less than 5	851 (54.5)	970 (53.4)	1247 (56.4)	1425 (52.9).
Less than 10	495 (31.7)	593 (32.7)	708 (32.0)	903 (33.6)
Ten or more	212 (13.6)	247 (13.6)	255 (11.5)	361 (13.4)
Missing Data	4 (.20)	5 (.30)	2 (.10)	3 (.10)
Total Female Admissions	1562 (100.0)	1815 (100.0)	2212 (100.0)	2692 (100.0)

Between 1984 and 1987 the proportion of females admitted to TDC with no prior history of incarceration increased slightly. Table 5 shows the number and percentage of female admissions by prior record of TDC incarceration. The majority of females, or 88.6% of admissions in 1987, had no prior record of TDC incarceration. The percentage of females with one prior incarceration and those with two or more prior incarcerations decreased during this period, making up 8.4% and 3.0% respectively of 1987 admissions compared to 8.8% and 3.3% in 1984. This does not mean, however, that females admitted to TDC have had no prior contact with the criminal justice system. Historically, females admitted to TDC have had one or more prior probated sentences. In 1987, 70.5% of new female admissions had one or more prior probations.

Table 5

**Female Admissions to TDC by Prior Record of
TDC Incarceration, FY 1984-1987**

	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
None	1373 (87.9)	1563 (86.1)	1961 (88.6)	2385 (88.6)
One	138 (8.8)	193 (10.6)	185 (8.3)	227 (8.4)
Two or More	51 (3.3)	59 (3.3)	66 (3.1)	80 (3.0)
Total Female Admissions	1562 (100.0)	1815 (100.0)	2212 (100.0)	2692 (100.0)

B) ON-HAND POPULATION

The number of female offenders in the on-hand population grew from 1,652 inmates in 1984 to 1,797 in 1987, representing an 8.7% increase. However, the proportion of females on-hand to the total on-hand population has decreased slightly since 1984. This decrease is related to the limited capacity of the Gatesville and Mountain View units of TDC and the depopulation of these units that occurred at the end of fiscal year 1987.

During the period between 1984 and 1987, there has been a "hardening" of the female prison population. Female offenders in 1987 were more violent, were serving longer sentences and had more extensive criminal histories than their counterparts in 1984. This hardening is a result of the increase in the release of non-violent offenders necessary to maintain the prison population within capacity. Property offenders and offenders with no prior convictions are released while violent offenders and those with longer criminal histories remain on-hand.

Table 6 shows the offense category of conviction for the female prison population for fiscal years 1984 through 1987. Violent and drug offenders increased as a percentage of the population between 1984 and 1987, accounting for 37.1% and 20.1% of the 1987 population respectively, compared to 35.6% and 13.2% of the population in 1984. The proportion of property offenders in the population has, on the other hand, decreased. Property offenders accounted for 40.2% of the population in 1987 compared to 45.6% in 1984.

Table 6
Offense Category of Female TDC Population,
FY 1984-1987

	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Violent	588 (35.6)	608 (36.6)	624 (34.8)	667 (37.1)
Property	753 (45.6)	729 (43.8)	758 (42.2)	723 (40.2)
Drugs	218 (13.2)	230 (13.8)	321 (17.9)	362 (20.1)
Other	92 (5.5)	94 (5.6)	88 (4.9)	41 (2.3)
Missing Data	1 (.10)	2 (.20)	3 (.20)	4 (.30)
Female Population as of August 31	1652	1663	1794	1797
% of total TDC Population	4.6	4.5	4.7	4.5

Female offenders in the prison population in 1987 were serving longer sentences than those in 1984. Table 7 shows the sentence length category of the female prison population for fiscal years 1984 to 1987. The proportion of female offenders serving sentences under five years has steadily decreased while the proportion of those serving sentences of less than ten years and ten years and more has increased. In 1987, females serving sentences of less than five years made up 22.7% of the population compared to 33.2% in 1984. The percentage of those serving sentences of less than ten years rose from 31.8% of the population in 1984 to 33.1% in 1987, while the percentage of those serving sentences of ten years and more increased from 35% to 44.2% during the same period. Those serving sentences of five years or less are released very quickly because of current capacity constraints. This practice has lead to an accumulation of inmates on-hand serving longer sentences.

Table 7
Sentence Length Category of Female TDC Population,
FY 1984-1987

	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Less than 5	549 (33.2)	468 (28.1)	493 (27.5)	409 (22.7)
Less than 10	526 (31.8)	555 (33.4)	608 (33.9)	594 (33.1)
Ten or more	577 (35.0)	638 (38.4)	690 (38.5)	794 (44.2)
Missing Data	0 (0)	2 (.10)	3 (.10)	0 (0)
Total	1652 (100.0)	1663 (100.0)	1794 (100.0)	1797 (100.0)

The hardening of the population is also reflected in the increase in the proportion of females with prior TDC incarcerations between 1984 and 1987. Table 8 shows the prior record of TDC incarceration for the female population during this period. The proportion of females with no history of prior TDC incarcerations has decreased from 72.9% in 1984 to 67.5% in 1987. The percentage of those with one prior incarceration as well as those with two or more prior TDC incarcerations increased to 32.5% of the population compared to 27.1% in 1984. Inmates with extensive criminal histories are more difficult to release on parole and, therefore, remain in the population longer.

Table 8
Prior Record of TDC Incarceration of the Female TDC Population,
FY 1984-1987

	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
None	1205 (72.9)	1173 (70.5)	1267 (70.6)	1213 (67.5)
One	276 (16.7)	317 (19.1)	319 (17.8)	361 (20.1)
Two or More	171 (10.4)	173 (10.4)	208 (11.6)	223 (12.4)
Total	1652 (100.0)	1663 (100.0)	1794 (100.0)	1797 (100.0)

The hardening of the female population as seen above poses a critical problem for TDC. Capacity has been maintained through the release of "good" offenders, or those property and first-time offenders serving sentences of five years or less. The offenders that remain in the population are those who have committed violent offenses or those with extensive criminal histories, leaving a population that is more difficult to manage and to release. For the female units the problem is compounded by the fact that the majority of the bedspace is made up of dormitory beds. The inmates remaining in prison are those that require cell housing.

C) RELEASES

Table 9 shows the number of females released from TDC between fiscal years 1984 and 1987. Total female releases have increased 79.4% since 1984, with parole accounting for the majority of releases. Female releases accounted for 8% of total TDC releases in 1987. In 1987, 33,370 inmates were released from TDC, 2,689 of which were females. While a seemingly small number when compared to male releases, the number of female releases in 1987 represented 150% of the female prison population and 99.9% of female admissions. In other words, for virtually every female inmate entering TDC in 1987, one female inmate was released, completely replacing the on-hand population one and a half times. This rapid turnover in the population is directly related to the population pressures of the female TDC units and is reflected in the increase of parole releases between 1984 and 1987. The main forms of release from TDC are parole (a discretionary release) and mandatory supervision (an automatic release when calendar time and good time credits are equal to the sentence of the inmate). Because of the need to release inmates, more and more offenders who otherwise would have remained in prison until release on mandatory supervision are being released earlier on parole.

Table 9
Females Released from TDC by Release Type,
FY 1984-1987

<u>Type</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Parole	540 (36.0)	853 (47.4)	1148 (55.1)	1539 (57.2)
Mandatory Supervision	738 (49.2)	772 (42.9)	744 (35.7)	970 (36.1)
Shock Probation	155 (10.3)	158 (8.8)	178 (8.5)	167 (6.2)
Discharge	66 (4.5)	15 (.9)	12 (.7)	13 (.5)
Total	1499 (100.0)	1798 (100.0)	2082 (100.0)	2689 (100.0)

The need to parole a larger number of inmates early to maintain the population within capacity has resulted in a decrease in the average calendar time served by female offenders released from TDC. Table 10 shows the average time served for females released from TDC by release type for fiscal years 1984 and 1987. In 1984, the average time served by females released from TDC was 19.5 months while in 1987 the average was 12.8 months. The average time served by those released on parole has decreased the most drastically, from an average of 26.3 months served in 1984 to 13.9 months in 1987, a decline of more than a year in time served.

Table 10
Average Time Served by Females Released from TDC
by Release Type, FY 1984 and 1987

<u>Type</u>	<u>1984</u>		<u>1987</u>	
	<u>Months</u>	<u>Years</u>	<u>Months</u>	<u>Years</u>
Parole	26.3	2.19	13.9	1.16
Mandatory Supervision	16.3	1.36	11.8	.98
Shock Probation	5.6	.47	5.0	.42
Discharge	33.9	2.82	82.8	6.90
Total Average	19.5	1.62	12.8	1.07

Table 11 shows the average time served by offense type for all females released from TDC for fiscal years 1984 and 1987. The average time served by females has decreased for all offense types. Historically, female offenders have been viewed as less of a threat to society than male offenders and are likely to be released earlier than males having similar characteristics.

Table 11
Average Time Served by Females Released from TDC
by Offense, FY 1984 and 1987

<u>Offense</u>	<u>1984</u>		<u>1987</u>	
	<u>Months</u>	<u>Years</u>	<u>Months</u>	<u>Years</u>
Homicide	53.0	4.41	40.3	3.36
Kidnapping	40.0	3.33	27.2	2.27
Sexual Assault	25.5	2.13	20.2	1.68
Robbery	30.1	2.50	22.6	1.88
Assault	17.1	1.42	12.1	1.01
Burglary	16.6	1.38	16.2	1.35
Larceny	14.4	1.20	11.4	.95
Theft/Vehicle	13.4	1.11	8.6	.71
Forgery	14.5	1.21	9.7	.81
Fraud	11.7	.98	9.1	.76
Drugs	17.1	1.42	9.6	.80
Sex Offense	39.2	3.26	10.9	.90
Weapon	12.1	1.01	10.8	.90
Traffic/DWI	8.0	.67	6.5	.54
Other	19.3	1.61	12.6	1.05
Total Average	19.5	1.62	12.9	1.07

III. CAPACITY ISSUES

A) CAPACITY LIMITATIONS

The depopulation mandated by the Crowding Stipulation of Ruiz for October 1987 reduced female prison capacity from 1,955 beds to 1,798 beds with a 95% operational capacity of 1,718 beds. Two months before, at the end of fiscal year 1987, the female on-hand population was 1,797 inmates. The population pressures brought about by bedspace limitations are evident throughout the TDC system. For the Mountain View and Gatesville units, however, the problem of capacity is not limited to the bedspace available for female offenders. Population pressures are compounded by the isolated nature of the female population and by a lack of operational flexibility in the female system.

Female offenders must be housed and must receive services separately from male offenders. Because of this, female offenders have their own diagnostic process, their own medical facilities (male offenders in the units neighboring the Gatesville unit use the clinic but are kept separate from the female inmates and are not allowed to stay overnight), their own mentally retarded offender program (MROP), separate vocational and educational training programs and their own industries. This separation directly affects the capacity of the female units, as a large proportion of bedspace must be designated for various specialized populations. Beds designated as diagnostic, MROP, treatment and death row may only be filled by inmates having the appropriate characteristics. All these beds, however, are counted as part of the total female capacity.

The unique operational requirements of the female population limits the flexibility of the Gatesville and Mountain View units. A female offender admitted to TDC may be assigned to one of two units, while a male offender may be admitted to one of 25. The flexibility to transfer an inmate between units is invaluable, especially as a unit becomes overcrowded. Transfers allow the unit to place inmates into the proper custody, protect inmates, separate problem inmates and, most importantly, disperse the population. For the Mountain View and Gatesville units, transfers do not relieve population pressures. As the female units reach capacity, they must release inmates. This is reflected in the large number of female releases in proportion to the female on-hand population. In 1987, for every female inmate admitted to TDC, one was released.

Also affecting female capacity is the inability of the small county jails to deal with female offenders. Admissions to TDC have been scheduled to 150 a day since September 1987. Most county jails are geared toward males offenders and are not able to manage large numbers of females. Only the larger counties have separate female facilities available. Because of this, most counties give scheduling priority for TDC admissions to females. Unable to postpone the admission of offenders until capacity is available, females on-hand must be released to make room for those admitted.

B) HOUSING

The female capacity of TDC is made up almost entirely of dormitory beds. Cell beds account for only 18.7% of total capacity, with the Mountain View and Gatesville units having a combined total of 354 cell beds, as of September 1988¹. This limitation in cell space restricts the Mountain View and Gatesville units in the placement of offenders into housing appropriate to their custody status. Under the original order of the Ruiz settlement, only minimum custody inmates could be housed in dormitory beds. Inmates classified as medium and close custody were required to be housed in cells. At a contempt hearing in the summer of 1986, the Ruiz plaintiff charged that TDC had not made a good faith effort to place all females classified as medium and close custody into cell beds. The court allowed medium custody females to remain in dormitory beds after TDC argued that females are less violent and aggressive than males and do not require cells when classified as medium custody. However, all females classified as close custody were ordered by the court to be placed into cells. Because of the housing limitations of the Mountain View and Gatesville units, at the end of fiscal year 1987, dormitories continued to house almost half of the female inmates classified as close custody.

IV. POLICY CONSIDERATIONS

A) IMPLICATIONS OF TRENDS

As the trend of increasing female admissions continues, the implications of this growth and hardening of the female population must be faced separately from the population as a whole because of the unique operational requirements of this population.

The analysis presented here has shown that female admissions have increased steadily since 1984. In 1987, females admitted to TDC had committed more drug offenses, were slightly older, received longer sentences and had fewer previous TDC incarcerations than females admitted in 1984. There has been a hardening of the female population as property and first-time offenders are released in order to maintain the population within capacity. The majority of females leaving TDC are released on parole. In 1987, for every female admitted to TDC, one female had to be released. The pressure caused by overcrowding led to a decrease in the average time served by female inmates. In 1984, the average time served for female offenders was 19.5 months compared to 12.8 months in 1987, a 34% decrease in the average time served by female offenders. The offenders remaining in prison are those who have committed violent offenses, have longer sentences and more extensive criminal histories, leaving a population on-hand that is more difficult to manage and to release.

¹ Solitary confinement and infirmary cell beds do not count toward total capacity as an inmate is assigned to these beds only temporarily. The Mountain View and Gatesville units had a combined total of 19 solitary cells and one infirmary cell as of September, 1988.

The pressures caused by increasing admissions and the hardening of the on-hand population are exacerbated by the very nature of the female system. Every aspect of the female prison population must be kept separate from the male population. Because of this unique operational requirement, a large proportion of female capacity must be dedicated to specialized groups of offenders. Beds set aside for these populations may only be filled by inmates having the appropriate characteristics, limiting the flexibility of the female units. As capacity is reached the Mountain View and Gatesville units do not have the flexibility of transferring inmates. In addition, the lack of cell beds in the female units has forced TDC to house close custody inmates in dormitories, despite a Ruiz order stipulating that all medium and close custody inmates be housed in cells.

TDC has planned the construction of 200 cell beds for the Gatesville unit. These beds are scheduled for completion in June of 1989. Much of this additional capacity, however, will be taken up by the transfer of close custody inmates to cells and by the placement of unclassified (diagnostic) inmates into cells. While the addition of 200 cell beds will relieve some of the current population pressures, they will provide no long-term solutions to the capacity and housing problems faced by the female units.

B) GROWTH VS. CAPACITY

The capacity problems of the female units have placed TDC in a precarious position. Slight changes in policy could have drastic effects for the Mountain View and Gatesville units.

Historically, females have less contact with the criminal justice system and are afforded more leniency in the disposition of their cases than males. A smaller proportion of the females arrested are sentenced to TDC than their male counterparts. Table 12 shows the proportion of arrests sentenced to regular probation, Intensive Supervision Probation (ISP) and TDC by sex. As a proportion of arrests, the probation sanction is utilized more frequently for females than males while a greater proportion of males are incarcerated than females. Regular probation placements for females in 1987 represented 7.8% of the females arrested compared to 5.1% of the males arrested. On the other hand, TDC admissions represented 2.4% of the females arrested compared to 5.1% of the males arrested. Changes in these sentencing practices could drastically increase the number of females sentenced to TDC. Any alteration in policy or attitude that would result in a larger proportion of females admitted to TDC could be disastrous. For example, if there had been a one percent increase in 1987 in the proportion of females whose arrest led to incarceration, the increase would have caused a 36.2% increase in admissions by adding 977 offenders to the system. Such increases would further exacerbate the problems caused by the lack of female capacity.

Table 12

**Proportion of Arrests Sentenced to Regular Probation,
Intensive Supervision Probation (ISP) and TDC by Sex,
FY 1987**

	<u>Male</u>	<u>Female</u>
Total Arrests	629,847	107,909
Regular Probation* Placements	32,259	8,421
% of Arrests	5.1	7.8
ISP Placements**	5,329	940
% of Arrests	.84	.87
TDC Admissions	32,385	2,692
% of Arrests	5.1	2.4

* Estimated using sample data collected on regular probation intakes in July 1987 by the Criminal Justice Policy Council and the Texas Adult Probation Commission.

** Estimated using case classification data collected on ISP intakes by the Texas Adult Probation Commission.

Capacity remains an issue even if no changes affecting present sentencing patterns occurs. The scheduled admission policy of TDC has created a backlog of female offenders in the county jails. A survey of county jails completed by TDC staff in September , 1988 showed that 536 female offenders were ready and awaiting transfer to prison. While it is unlikely that these females will arrive in the same one-or-two-week period, the phasing in of this backlog in addition to the regularly scheduled admissions will aggravate some of the capacity and housing issues discussed. Additional consideration must be given to those medium custody inmates housed in dormitory beds. The Ruiz order stipulates that only minimum custody inmates may be housed in dormitory beds. While the court has granted TDC an exception for female medium custody inmates, if this exception is rescinded, cell beds would then need to be constructed to house medium custody inmates. As of September 1988, medium custody inmates represented 3.7% of the female population, all of whom were all housed in dormitories. Inmates classified as close custody presently housed in dormitories, but for whom the construction of cell beds has been mandated, accounted for an additional 4% of the population.

C) POSSIBLE DIVERSIONS

In spite of the widespread use of probation for female offenders, there is still a group of females admitted to TDC whose characteristics could make them eligible for intermediate sanctions. Examination of the trends of new prison admissions since 1984 shows that offenders admitted to prison directly from courts or because of a probation revocation (new admissions) are composed of a higher proportion of offenders with no prior record of probation or TDC incarceration. Some of these offenders, particularly those with sentences of five years or less, could be seen as eligible for intermediate sanctions.

Table 13 shows new female admissions to TDC with no prior record of prison or probation and sentences of five years or less by offense category for fiscal years 1984 and 1987. A larger proportion of the females newly admitted to TDC with no prior prison or probation record in 1987 received sentences of five years or less compared to 1984 (69.3% to 58.2%). Those admitted with no prior criminal history and a sentence of five years or less in 1987 had committed a larger proportion of property and drug offenses than in 1984. In 1987, 51% of the new admissions in this category had committed property offenses, and 33.2% had committed drug offenses, compared to 43.4% and 25.8% respectfully in 1984. Violent offenses declined from 20.2% of female admissions in 1984 with no prior criminal history and a sentence of five years or less to 12.3% in 1987. The proportion of females admitted with no prior criminal history increased slightly, from 23.8% of new admissions in 1984 to 24% in 1987.

Table 13

New Female Admissions with no Prior Record of Probation or Prison and a Sentence of Five Years or Less by Offense, FY 1984 and 1987

<u>Offense</u>	<u>1984</u>	<u>1987</u>
Violent	36 (20.2)	44 (12.3)
Property	78 (43.4)	181 (51.0)
Drug	47 (25.8)	118 (33.2)
Other	11 (6.1)	11 (3.0)
Missing Data	8 (4.5)	1 (.5)
Total No Priors, Five Years or Less	180 (100.0)	355 (100.0)
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Total New Admissions with no Prior History	309	512
% of Total No Priors with Five Years or Less	58.2	69.3
Total New Admissions	1295	2130
% New Admissions With No Prior History	23.8	24.0
% New Admissions With No Prior and With Five Years or Less	13.8	16.6

This group of newly admitted female offenders with no prior record of prison or probation and sentences of five years or less may be seen as a group potentially eligible for intermediate sanctions. Diverting this type of offender might slow the increase of female admissions. However, the identification of these offenders for possible diversion at the local level is a critical issue that must be resolved before a diversionary policy can be successfully implemented. This issue has been discussed in more detail in the CJPC report entitled New Admissions to Prison and Intermediate Sanctions: Looking at Eligible Populations (May 9, 1988).