The Impact of a Graduated Sanctions Model on Female Probationers: Does this Program Affect Women and Men the Same?

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Introduction

Era of Mass Incarceration

(Alexander, 2012)

The U.S. has the largest prison population

- **2.2 million people behind bars (Kaeble & Cowhig, 2018)**
- **Highest per-capita incarceration rate**
  - **1 in every 110 people being incarcerated (Glaze & Kaeble, 2018; Liptak, 2008).**

Community Corrections

Of the 6 million + people in the correctional system

- **68% are under community supervision**
- **32% are incarcerated (Glaze & Kaeble, 2018).**
  - **1 in every 31 adults in the U.S. are either on probation or parole (Pew).**

Women on Probation

Approximately 85% of female defendants are sentenced to probation (Fernando-Rodriguez, Curry & Lee, 2006).

- The offenses that women commit are generally non-violent and less severe than their male counterparts.

25% of all probationers are women (Kaeble, 2016).

Women are more likely to have probation/parole revoked due to technical violations (Morash, 2010).

Categories of Justice-Involved Women

- Daly (1992) Five Pathways women typically take to engaging in crime that differ from men.
  - 1. **Street Women**: Fled abusive households and survived on the streets by engaging in drugs, prostitution, theft, etc.
  - 2. **Battered Women**: Involved in extreme victimization from violent partners, resulting in their own involvement in crime.
  - 3. **Harmed & Harming Women:** Experience extreme sexual and/or physical abuse which lead to delinquency and adult offending.
  - 4. **Drug-Centered Women:** Involved in a pattern of using and trafficking of drugs, usually in collaboration with an intimate partner.
  - 5. **Economically Motivated Women:** Women who commit crime for economic gain such as fraud, theft, and embezzlement.

Theoretical Perspectives

- **Chivalry Hypothesis**
  - Sentencing advantages (i.e., dependent children) (Daly, 1989; Griffin & Wooldredge, 2006; Koons-Witt, 2002)
    - **Focal Concerns Theory**
      - Blameworthiness, protection from the community, practical restraints and consequences (Steffensmeier, 1980).
- **Evil Woman Hypothesis**
  - Sentencing disadvantages
    - Double Violation: Breaking the law & gender norms (Daly & Tonry, 1997, Crew, 1991; Nagel & Hagan, 1983; Tillyer et al., 2015).

KS Graduated Sanctions: HB 2170

Passed in 2013: changes to graduated sanctions for technical violations

- **<u>Pre-HB 2170</u>:**
  - Range from verbal reprimand to long prison stays.
- **<u>Post-HB 2170</u>**
    - Quick dip
      - Prison sanction
        - Revocation

- Project HOPE and similar programs failed to apply gender in their analysis.

Purpose Statement & Hypothesis

- This project examines the impact of the graduated sanctions program (HB 2170) on probationers and specifically takes into account gender.

- Hypothesis
  - H1: Female defendants who have a PV hearing for technical violations will have a higher chance of receiving an imprisonment disposition during the Post HB 2170 time period compared to the Pre HB 2170 time period compared to men.

Methods: Data Source, Sample & Analytic Strategy

- **Data Source: KSSC's Probation Violation Journal Entry Database.**
- **Sample: N= 45,343 PV cases for technical violations**
  - **Male N=34,015**
  - **Female N=11,328**
  - **Includes all PV hearing outcomes between 7/1/2008 to 6/30/2018.**
    - **Five years before and after implementation of HB 2170.**
- **Analytic Strategy: Logistic regression.**

Descriptive Statistics

	Overall		Male		Female	
Dependent Variable	**N**	**Percent**	**N**	**Percent**	**N**	**Percent**
Imprisonment						
Out	26,604	58.7%	19,369	56.9%	7,235	63.9%
In	18,739	41.3%	14,646	43.1%	4,093	36.1%
	45,343		34,015		11,328	
Independent Variables	**N**	**Percent**	**N**	**Percent**	**N**	**Percent**
Gender	45,343		34,015	75.0%	11,328	25.0%
Criminal History Score						
Nongrid	2,477	5.5%	2,088	6.1%	389	3.4%
I	8,180	18.0%	5,729	16.8%	2,451	21.6%
H	7,602	16.8%	5,191	15.3%	2,411	21.3%
G	5,750	12.7%	3,869	11.4%	1,881	16.6%
F	3,184	7.0%	2,268	6.7%	916	8.1%
E	5,990	13.2%	4,327	12.7%	1,663	14.7%
D	2,871	6.3%	2,469	7.3%	402	3.5%
C	5,726	12.6%	4,841	14.2%	885	7.8%
B	2,129	4.7%	1,906	5.6%	223	2.0%
A	1,434	3.2%	1,327	3.9%	107	0.9%
	45,343		34,015		11,328	
Offense Severity						
Nongrid	2,484	5.5%	2,098	6.2%	386	3.4%
Drug	14,126	31.2%	10,164	29.9%	3,962	35.0%
Less serious	25,620	56.5%	19,123	56.2%	6,497	57.4%
Moderate	2,829	6.2%	2,367	7.0%	462	4.1%
Serious	284	0.6%	263	0.8%	21	0.2%
Total	45,343		34,015		11,328	
Supervising Agency						
Court Services	8,744	19.3%	6,327	18.6%	2,417	21.4%
Community Corrections	36,574	80.7%	27,672	81.4%	8,902	78.6%
	45,318		33,999		11,319	

Descriptive Statistics

	Overall		Male		Female	
Independent Variables	**N**	**Percent**	**N**	**Percent**	**N**	**Percent**
Type of Counsel						
Other	4,047	9.1%	3,209	9.7%	838	7.5%
Appointed	40,276	90.9%	30,012	90.3%	10,264	92.5%
Total	44,323		33,221		11,102	
HB 2170 Implementation Status						
Pre	19,361	42.7%	14,964	44.0%	4,397	39%
Post	25,982	57.3%	19,051	56.0%	6,931	61%
	45,343		34,015	100.0%	11,328	
PV Hearing in Major Four Counties						
No	26,864	59.2%	20,269	59.6%	6,595	58%
Yes	18,479	40.8%	13,746	40.4%	4,733	42%
	45,343		34,015		11,328	
Failure of UA						
No	25,149	55.5%	19,361	56.9%	5,788	51.1
Yes	20,194	44.5%	14,654	43.1%	5,540	48.9
Total	45,343		34,015		11,328	
Probation Duration						
1-12 Months	18,962	43.7%	14,315	43.9%	4,647	43.20%
13-18 Months	12,922	29.8%	8,708	26.7%	4,214	39.20%
19-24 Months	8,507	19.6%	7,096	21.8%	1,411	13.10%
25 or > Months	2,967	6.8%	2,484	7.6%	483	4.50%
	43,358		32,603		10,755	
Underlying Prison Term						
Minimum Months	1		1		3	
Maximum Months	247		247		178	
μ	18		19		12	

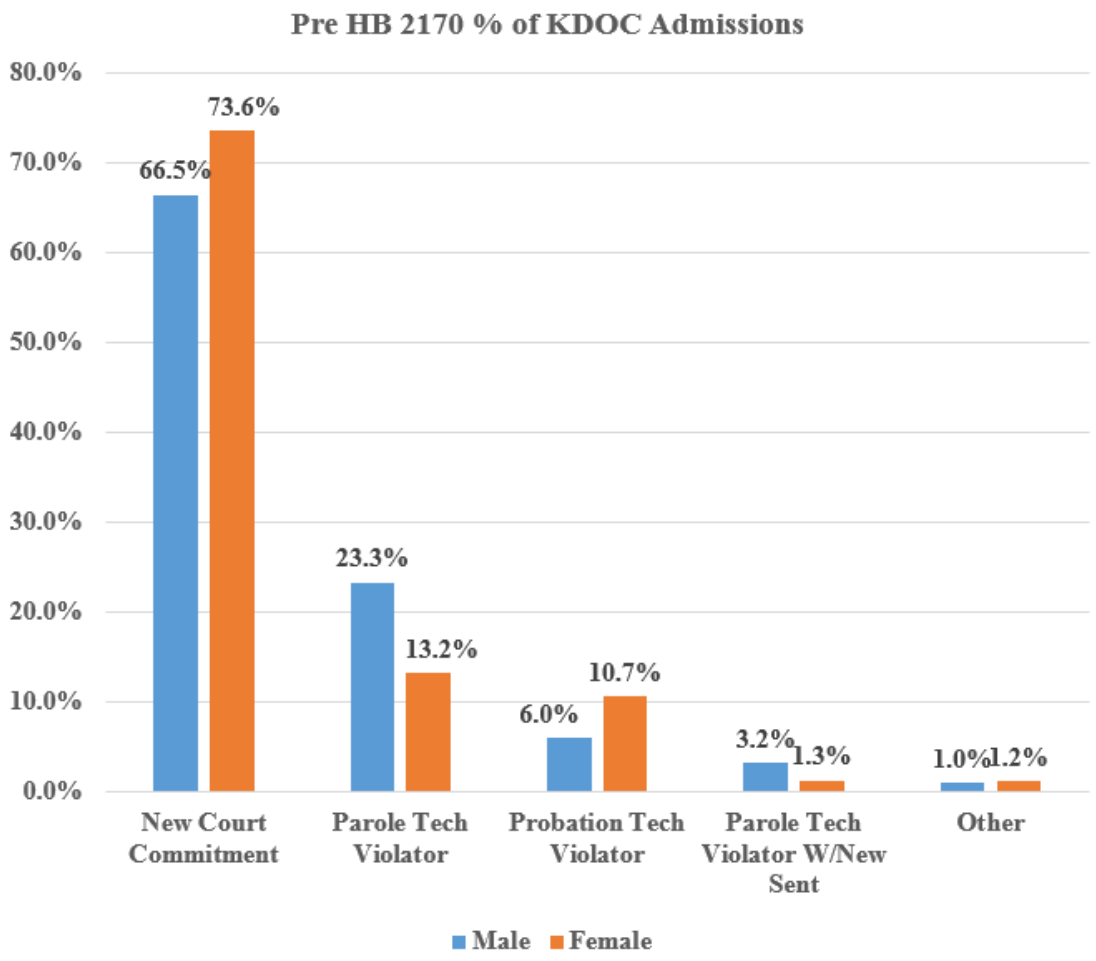
Logistic Regression Results

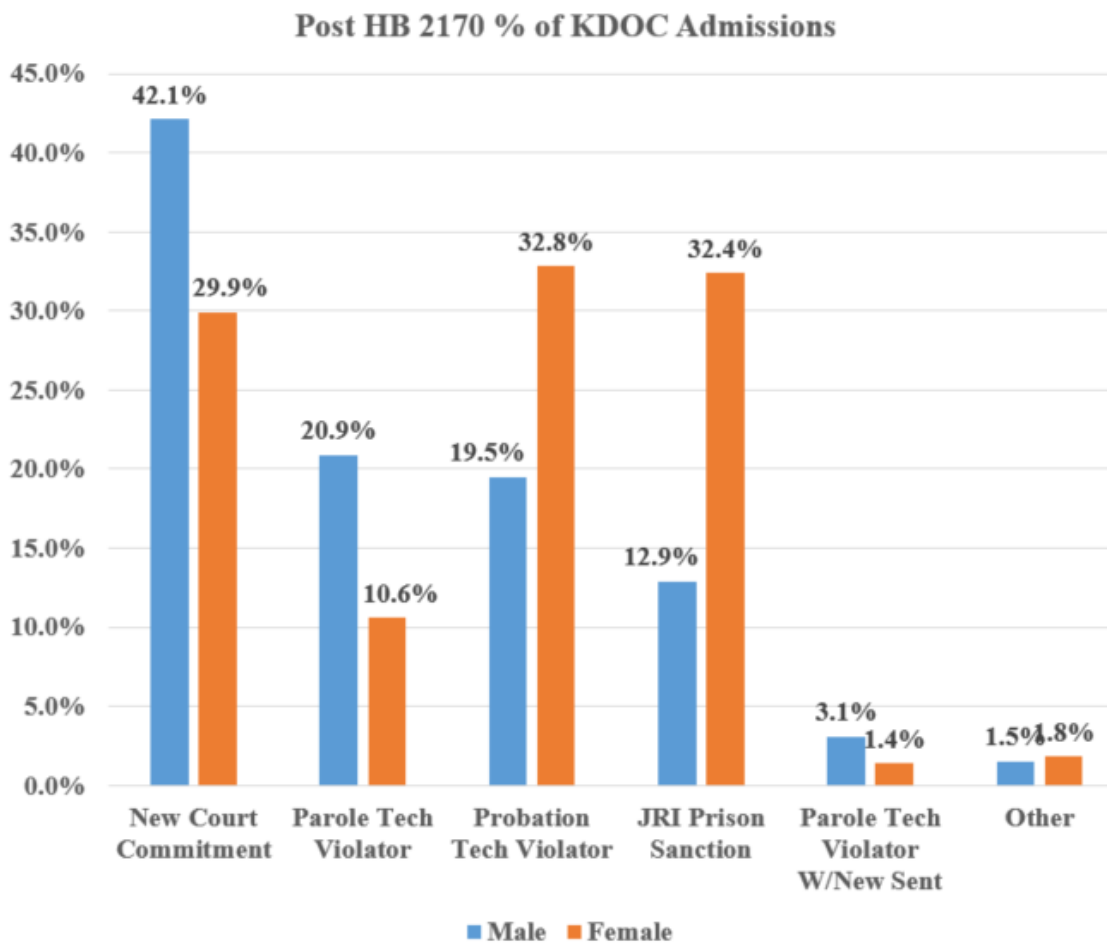
	Overall		Male		Female	
Variables	**S.E.**	**Odds Ratio**	**S.E.**	**Odds Ratio**	**S.E.**	**Odds Ratio**
Criminal History Score	0.005	1.053***	0.006	1.050***	0.012	1.047***
Serious Offense	0.141	1.149	0.149	1.113	0.471	1.332
Moderate Offense	0.056	1.043	0.062	1.063	0.132	0.925
Drug Offense	0.027	0.954	0.032	0.932	0.054	0.972
Nongrid Offense	0.060	1.513***	0.065	1.454***	0.159	1.388*
Community Corrections	0.032	3.219***	0.036	2.983***	0.067	4.101**
Court Appointed Counsel	0.038	1.511***	0.042	1.520***	0.089	1.539**
Post-HB 2170	0.021	1.105***	0.024	1.028	0.044	1.220***
PV Hearing in Major Four Counties	0.021	0.757***	0.024	0.775***	0.044	0.712***
Failure of UA	0.021	0.986	0.024	0.980	0.042	1.039
Probation Term 13-18 Months	0.026	1.051**	0.030	1.066*	0.049	1.055
Probation Term 19-24 Months	0.031	1.045	0.035	1.036	0.074	0.980
Probation Term 25 or < Months	0.071	1.066	0.078	1.042	0.182	1.063
Underlying Prison Term	0.001	1.000	0.001	1.000	0.003	1.002
Female Post-HB 2170	0.025	0.851***				
Constant	0.050	0.159***	0.056	0.184	0.114***	0.098***
-2 Log Likelihood		54884.634		41883.106		12956.493
Cox & Snell R Square		0.061		0.052		0.076
Nagelkerke R Square		0.082		0.07		0.104
Observations		42,376		31,847		10,529

*p<.05; **p<.01; ***p<.001

Key Findings

- **Full Model**
  - Overall, defendants are **more likely (B=1.105***)** to be incarcerated for technical violations in the Post HB-2170 era.
  - **Female probationers are not more likely (B=0.851***)** to be incarcerated for technical violations during post-HB 2170 era.
- **Male Model**
  - **No statistical difference** in Post-HB incarceration.
- **Female Model:**
  - **Women are more likely (B=1.220***)** to be incarcerated for technical violations during the post HB-2170 era.





Gender Disparity in Prison Admissions

Pre and Post HB 2170 Dispositions

Pre HB 2170 PV Hearing Dispositions				
Dispositions	Male		Female	
	N	Percent	N	Percent
Probation extended	5626	37.6	2028	46.1
Probation revoked, defendant ordered to serve orig sentence	5433	36.3	1206	27.4
Probation revoked & reinstated	2438	16.3	754	17.1
Probation revoked, defendant ordered to serve modified sentence	917	6.1	235	5.3
No violation determined/probation not revoked	417	2.8	119	2.7
Drug treatment for up to 18 months	111	0.7	52	1.2
Assigned to conservation camp	15	0.1	1	0.0
Violation sanctions ordered to serve county jail days	4	0.0		
KDOC drug treatment program min. 120 days	2	0.0	2	0.0
Probation revoked, court revoked becuase defendant absconded or new crime state reasons in box #3	1	0.0		
Total	14964	100.0	4397	100.0

Post HB 2170 PV Hearing Dispositions				
Dispositions	Male		Female	
	N	Percent	N	Percent
Violation sanctions ordered to serve county jail days	6728	35.3	2588	37.3
Probation revoked, defendant ordered to serve orig sentence	4206	22.1	1270	18.3
Probation extended	2854	15.0	1235	17.8
Violation sanctions ordered to serve 120 days in KDOC	1878	9.9	703	10.1
Violation sanctions ordered to serve 180 days in KDOC	1184	6.2	363	5.2
Probation revoked, defendant ordered to serve modified sentence	991	5.2	311	4.5
Probation condition modified?	413	2.2	173	2.5
Probation revoked & reinstated	409	2.1	139	2.0
No violation determined/probation not revoked	315	1.7	119	1.7
Drug treatment for up to 18 months	37	0.2	25	0.4
Probation revoked, court revoked becuase defendant absconded or new crime state reasons in box #3	27	0.1	3	0.0
Probation revoked, court revoked because of public safety or offender welfare, state reasons in comment box	9	0.0	2	0.0
Total	19051	100.0	6931	100.0

FY 2019 KDOC Admissions

Admission Type	Male	Percent	Female	Percent
New Court Commitment	1746	33%	236	21%
Probation Condition Violator	1065	20%	337	30%
Prison Sanction	866	16%	320	29%
Probation Violator With New Sentence	313	6%	42	4%
Probation Violator With New Conviction	56	1%	12	1%
Parole/Post-release Condition Violator	967	18%	135	12%
Parole/Post-release Violator With New Sentence	171	3%	11	1%
Other	93	2%	18	2%
Total Admission	5277	100%	1111	100%

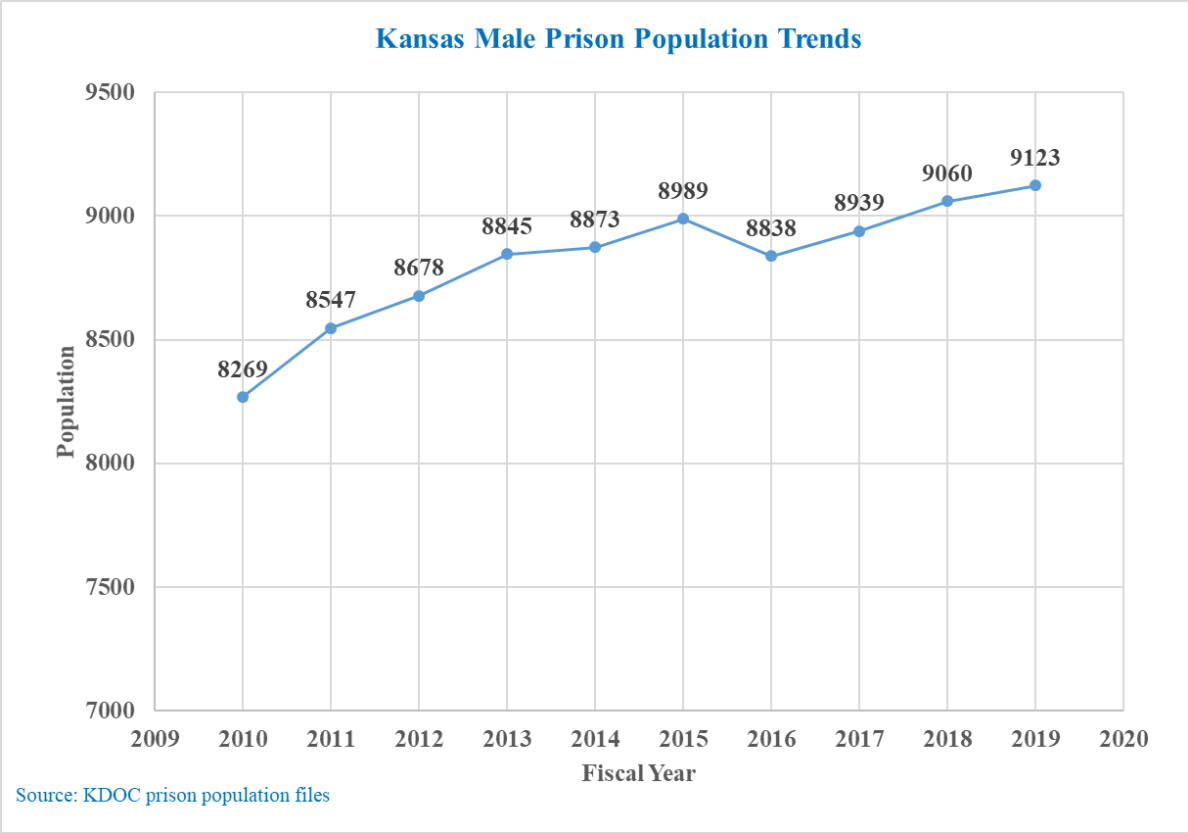
Male End of FY KDOC Population

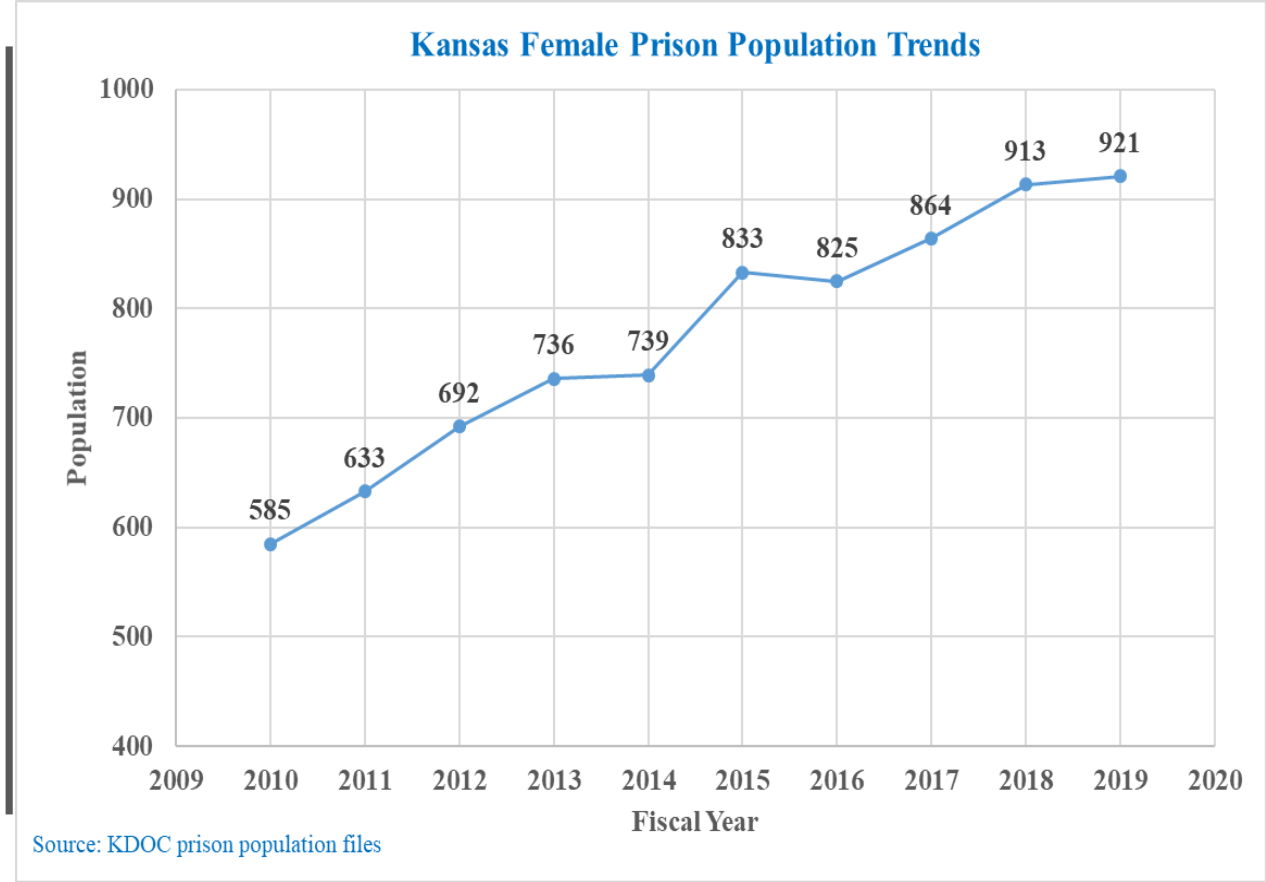
FY	2009		2019		
Latest Admission Type	Number	Percent	Number	Percent	Percent Change
New Court Commitment	5,032	62.7%	6,053	66.3%	20%
Sanction from Probation	-	0.0%	98	1.1%	N/A
Proba Condition Violator	1,255	15.6%	1,047	11.5%	-17%
Proba Viola w/New Sentence	227	2.8%	700	7.7%	208%
Compact Inmate received	69	0.9%	60	0.7%	-13%
Parole Condition Violator	680	8.5%	425	4.7%	-38%
Parole Viola w/New Sentence	616	7.7%	608	6.7%	-1%
Parole to Detainer w/New Sentence	27	0.3%	49	0.5%	81%
CR Condition Violator	39	0.5%	5	0.1%	-87%
CR w/New Sentence	37	0.5%	17	0.2%	-54%
KS Inmate Returned from Another Jurisdiction	23	0.3%	2	0.0%	-91%
Non-Violator Return With New Sentence	15	0.2%	49	0.5%	227%
Other	1	0.0%	10	0.1%	900%
Total	8,021	100.0%	9,123	100.0%	14%

Female End of FY KDOC Population

FY	2009		2019		
Latest Admission Type	**Number**	**Percent**	**Number**	**Percent**	**Percent Change**
New Court Commitment	323	55.6%	497	54.0%	54%
Sanction from Probation	0	0.0%	39	4.2%	N/A
Proba Condition Violator	152	26.2%	245	26.6%	61%
Proba Viola w/New Sentence	43	7.4%	72	7.8%	67%
Compact Inmate received	4	0.7%	3	0.3%	-25%
Parole Condition Violator	41	7.1%	32	3.5%	-22%
Parole Viola w/New Sentence	12	2.1%	20	2.2%	67%
Parole to Detainer w/New Sentence	2	0.3%	3	0.3%	50%
Non-Violator Return With New Sentence	4	0.7%	10	1.1%	150%
Total	581	100.0%	921	100.0%	59%

Prison Population by Gender





Discussion

Results display truth in the chivalry hypothesis & focal concerns theory.

Limitations

Future Research

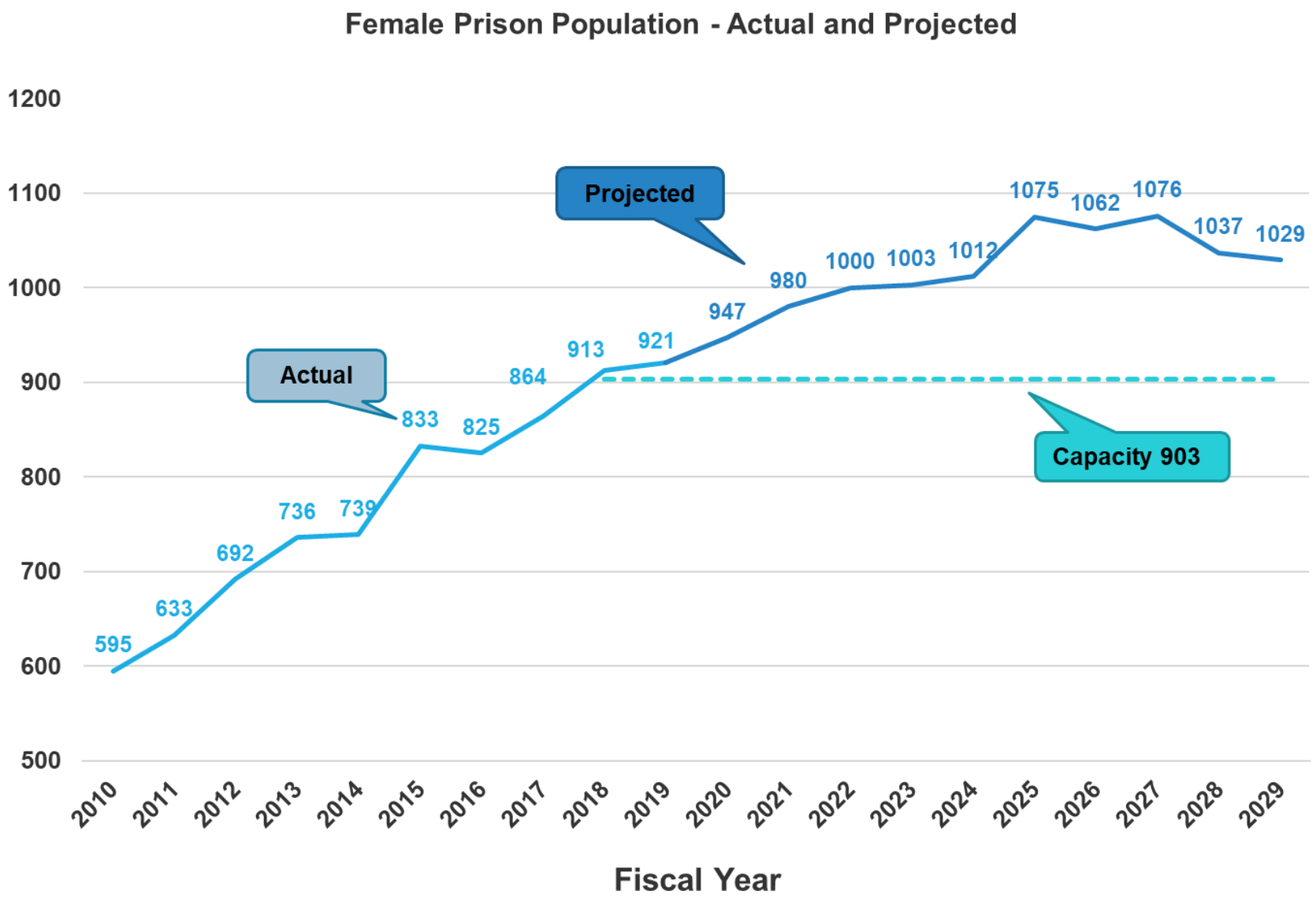
Policy Recommendations

- Gender-Responsive Risk and Need Assessment
  - Gender-neutral assessments like the LSI-R tend to overclassify women because they're not measuring the risk/needs most relevant to women.
    - Often based on male-centric base that fails to capture gender-specific needs that can be used for case planning and treatment interventions.

Policy Recommendations

- Women's Risk Need Assessment (WRNA)
  - Starts “from the women up”.
    - Accounts for the fact that women’s life experiences are fundamentally different than men's.
- WRNA process includes a collateral case file review, semi-structured interview, self-report survey and case management plan.
  - More accurately predicts women's risk for misconducts and recidivism.
- Example: If a woman was unable to work because of child caretaking responsibilities, she is not considered not “fully unemployed”, but rather partially employed.
  - Scored as a partial risk in the employment/financial scale rather than full risk.
- Dr. Boppre at WSU is a certified WRNA trainer.

KSSC Female Prison Population Projection



The End

Thank you!