

WOMEN IN PRISON IN OREGON

DATA, PATHWAYS INTO INCARCERATION, AND
CHARACTERISTICS OF WOMEN PRISONERS.

BEN SCISSORS AND ALICE LUNDELL

ABOUT

OREGON JUSTICE RESOURCE CENTER

OJRC is a Portland, Oregon, 501(c)3 nonprofit founded in 2011. We work to promote civil rights and improve legal representation for communities that have often been underserved in the past: people living in poverty and people of color among them. Our clients are currently and formerly incarcerated Oregonians. We work in partnership with other, like-minded organizations to maximize our reach to serve underrepresented populations, train public interest lawyers, and educate our community on civil rights and civil liberties concerns. We are a client-centered organization that uses integrative advocacy to achieve our goals. This strategy includes focused direct legal services, public awareness campaigns, strategic partnerships, and coordinating our legal and advocacy area to positively impact outcomes in favor of criminal justice reforms.

WOMEN IN PRISON PROJECT

The Women in Prison Project is a program of OJRC. We created the Project as the first and only program in Oregon to exclusively address the needs of women who are intersecting with the criminal justice system. Our goals are to ensure the criminal justice system treats women fairly, protects their health and safety, and makes it possible for them to successfully rejoin their communities when they are released. We do this through integrative advocacy: combining litigation, legislative and other reforms, and other policy and communications initiatives.

For more information, contact Project Director and Attorney, Julia Yoshimoto, at julia@ojrc.org.

“Women’s engagement in crime ... differs from men’s in the type of crime (less violent), in risk factors (the importance of relationships, which can override ... self-preservation), in societal roles (caring for children while balancing competing priorities), in the need for different types of services (counseling for trauma), and in less overall involvement in crime in terms of frequency, prevalence, and seriousness.”¹

Flower, M. Shawn. *Employment and Female Offenders: an Update of the Empirical Research.*

INTRODUCTION

Mass incarceration has at last moved to the top of the agenda not only for those working within the justice system but also for many people outside it. Those caught up in the system would no doubt say this increased awareness has been a long time coming but it is still welcome. What we have seen less of, however, is attentiveness to the mass incarceration of women. Indeed it is arguable that women have been greater victims of the trend toward incarcerating a larger number of Americans since their prison numbers have seen faster growth than men's.²

Oregon is no exception to this trend. Facing Oregon's female prison system is a number of troubling issues, including: facility and housing deficiencies for both women and girls, increasingly untenable costs due to housing and health care issues, a lack of programming, potential human rights violations, and significant racial and ethnic disparities.

National data indicate that "[i]ncarcerated women are disproportionately women of color...from low-income communities who have been subjected to a disproportionately high rate of violence."³

This report seeks to provide the necessary national context for understanding Oregon's incarceration of women. It

"Incarcerated women are disproportionately women of color ... from low-income communities who have been subjected to a disproportionately high rate of violence."³

will also synthesize the various available data, news and academic reports on Oregon trends in the incarceration and treatment of women in prison. The goal is to provide a one-stop destination for anyone seeking up-to-date information on the women in

Oregon's prisons.

It is also important to understand what this report is not. We have confined ourselves to gathering and presenting information on women imprisoned in Oregon, but not those serving time in jail or in community or alternative sentencing programs. Also, we have not sought to put forward solutions to rapid growth in the numbers of women imprisoned in Oregon within this document. We want this report to provide context to the solutions we are proposing to the over-incarceration of women and we want it to remain relevant and useful for as long as possible. We believe this will be easier to achieve by confining this document to highlighting the data we have - and the missing data we need - about Oregon's incarcerated women.

THE NATIONAL PICTURE

WHO ARE OUR WOMEN IN PRISON?

Nationally, our female prison population is made up disproportionately of women of color. In 2014, black women were incarcerated at a rate more than twice that of white women.⁴ The ACLU highlights that 30% of incarcerated women are black, though they are only 13% of the general female population.⁵ Over the past 15 years or so, racial disproportionality in rates of incarceration has seen promising shrinkage. But a significant portion of that decline is due to rapidly increasing rates of incarceration among white women.⁶

Women in prison are overwhelmingly characterized by histories of abuse, mental illness, drug addiction, poverty, low education attainment, or some combination of these factors, many of which are interrelated.⁷ The majority of women in prison also have a history of abuse or trauma, which may include physical, sexual, or intimate

partner abuse, and often begins in childhood.^{8,9}

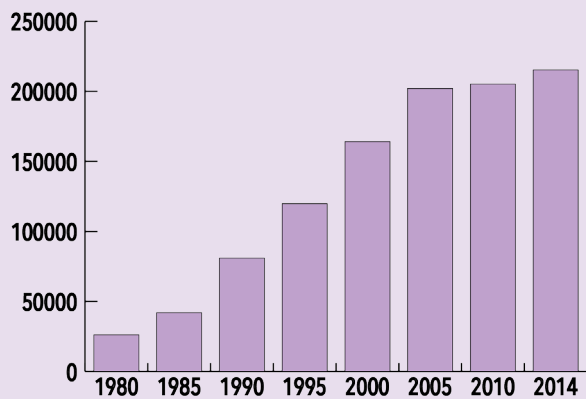
Incarcerated women have greater degrees of morbidity than men and non-incarcerated women, including higher rates of “HIV, cardiovascular disease, and certain types of cancer.”^{10,11} A majority of incarcerated women also have a mental health issue. For example, a Bureau of Justice Statistics report found that 73% of incarcerated women surveyed in state prisons have a mental health issue.¹²

Many of these women have been unable to access the resources they need because of poverty. Research has found that incarcerated women on average have median annual incomes that are 42% lower than those of non-incarcerated women.¹³

Lastly, family and relationships provide further complicating individual risk factors. Most notably, women are more often

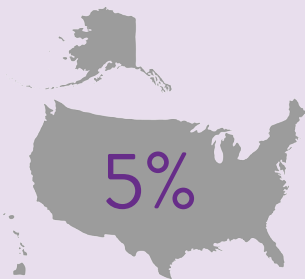
the primary carers of children, which comes with a greater financial burden on mothers. From 1991 to 2008, the “number of children under age 18 with a mother in prison ... [has] more than doubled.”¹⁴ The Bureau of Justice Statistics reported in 2000 that roughly two thirds of women in state prisons have a child under the age of eighteen.¹⁵

DATA ON FEMALE INCARCERATION

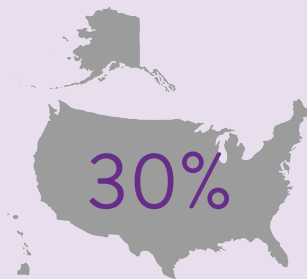


Rise in women's incarceration, 1980-2014¹⁶

Between 1980 and 2014, the number of women incarcerated in the US increased by more than 700%, much faster than the growth in the number of men.¹⁷



Percentage of the world's female population resident in the US.



Percentage of the world's female prison population incarcerated in the US.¹⁸

8x
higher

The current rate of incarceration in the US is “more than eight times higher than it was throughout most of the twentieth century.”¹⁹ Our levels of female incarceration are at historic highs and they are rapidly growing.

UNIQUE PATHWAYS OF WOMEN INTO PRISON

Women intersect with the criminal justice system in ways that are different from men. Although women are being incarcerated at unprecedented rates, they pose a relatively low public safety risk.²⁰ This is underscored by the type of crimes women generally commit: “women in state prisons are more likely than men to be incarcerated for a drug or property offense” and less likely to be incarcerated for a violent crime.²¹ Even within prison, the likelihood of women committing acts of “violence and aggression ... [is] extremely low.”²²

More so than men, women’s “criminal behavior is often related to their relationships, connections, and disconnections with others.”²³

“Women in state prisons are more likely than men to be incarcerated for a drug or property offense” and less likely to be incarcerated for a violent crime.”²¹

Furthermore, histories of abuse and trauma are intimately tied to mental health issues and drug use, both of which are major factors in women following pathways to prison.

In a survey of 491 randomly selected women from rural and urban jails in 2013, the researchers found that “women with [serious mental illness] reported significantly more victimization and more extensive offending histories than women who did not.”²⁴ Research indicates that many women are incarcerated for behaviors resulting from poverty, mental illness, and a history of abuse or trauma, and women’s relationships with others play a central role in offending.

OREGON

INTRODUCTION

The available research shows that Oregon's women in prison are similar in many respects to incarcerated women nationally. There is a significant amount of research on Oregon's incarceration practices and populations, but relatively little that deals with women specifically. This is perhaps not surprising given that men comprise the majority of Oregon's incarcerated population.²⁵ The Oregon Department of Corrections (ODOC) provides data on the incarcerated population in Oregon. Depending on the type of data, the information is updated at varying intervals, is relatively

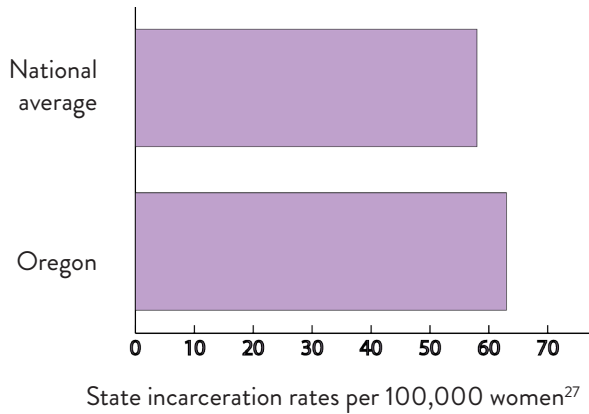
up-to-date, and provides many useful statistics used in this report that are gender-specific. ODOC data provides a snapshot of Oregon's most current incarcerated female population. Other data from various sources provide more analysis of Oregon's incarcerated women. However, there is significant need for more current research and academic commentary on the various pathways to – and policies within – women's intersection with the criminal justice system in Oregon. This section will summarize the available information on Oregon's women in prison, including a review of incarceration trends

and crime types, characteristics of Oregon's incarcerated women, and an overview of Oregon's sole women's prison, Coffee Creek Correctional Facility (CCCCF).

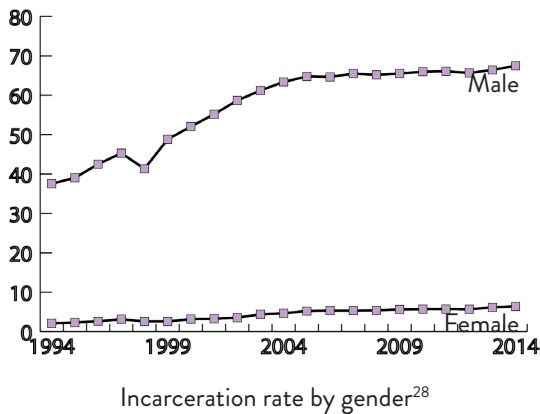
“A lot of the pathways that lead to prison are connected ... more women than men are victimized, and you just see them in a vicious cycle.”²⁶

Heidi Steward, Former Coffee Creek Superintendent

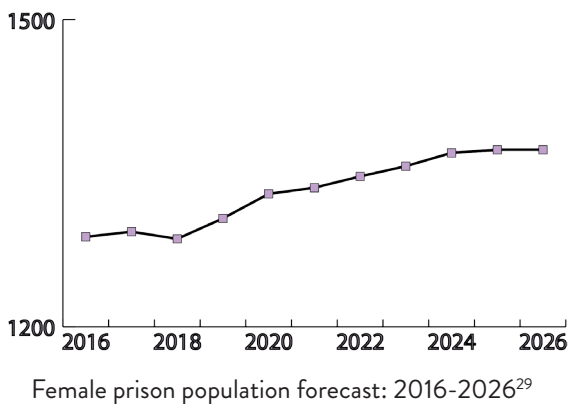
RATE OF FEMALE INCARCERATION IN OREGON: CURRENT AND PREDICTED



As nationally, female incarceration in Oregon has grown at a rate that makes women one of the fastest growing populations in the criminal justice system.



The rate of female incarceration in Oregon tripled between 1994 and 2014, far out-pacing the rate of growth in male incarceration over the same period.



WOMEN'S SENTENCES BY LENGTH AND TYPE



1 in 3 of the women incarcerated at CCCF are serving sentences of 24 months or more.³²



40 women are serving life sentences.³³



10 women are serving life without the possibility of parole³⁴



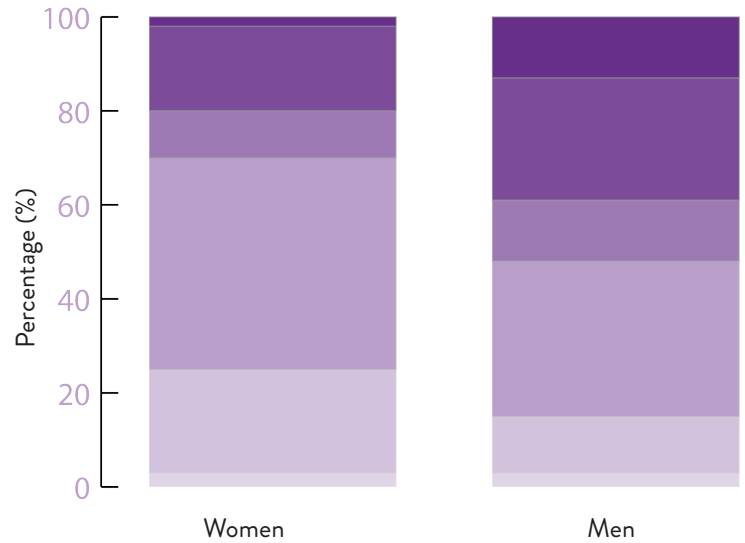
1 woman is on death row at CCCF.³⁵

The most recent forecast of adult female prison population growth shows Oregon is expected to add 83 women over the next ten years (starting April 2016).²⁹ These ten-year forecasts are conducted twice a year. This most recent forecast predicts a slightly higher growth in the adult female prison population. This is explained by “higher-than-expected intakes” of female prisoners.³⁰ Forecasts cannot account for policy changes that may significantly affect prison populations. Overall, women’s incarceration in Oregon seems to be growing at a steady rate and will likely continue to do so over the next decade – barring policy changes that affect how many women we lock up.³¹

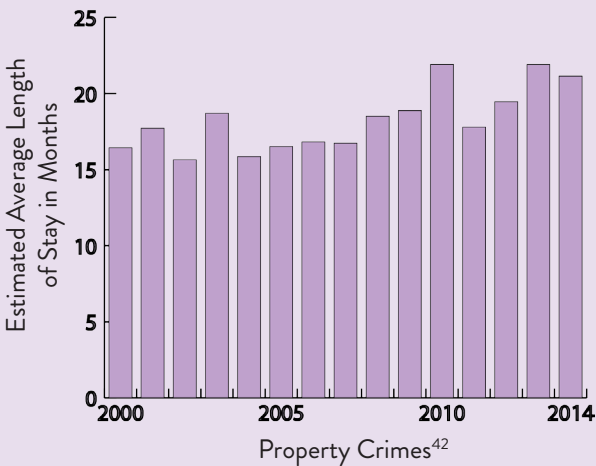
STATISTICS ON CRIME BY TYPE

The most recent data from the Oregon Department of Corrections show that women in Oregon are incarcerated primarily for nonviolent drug and property offenses.³⁶ When nonviolent property and drug offenses are put together, they account for well over half of all admissions to Coffee Creek Correctional Facility.³⁷ In Oregon, property and drug crimes comprise a larger proportion of convictions for women than men.³⁸ Specifically, person and sex offenses put together accounted for only 20% of all prison intakes for women, compared to 39% for men.³⁹

- Driving
- Drug
- Property
- Other
- Person
- Sex



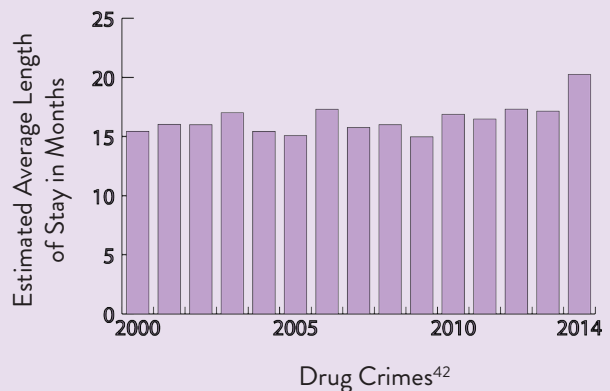
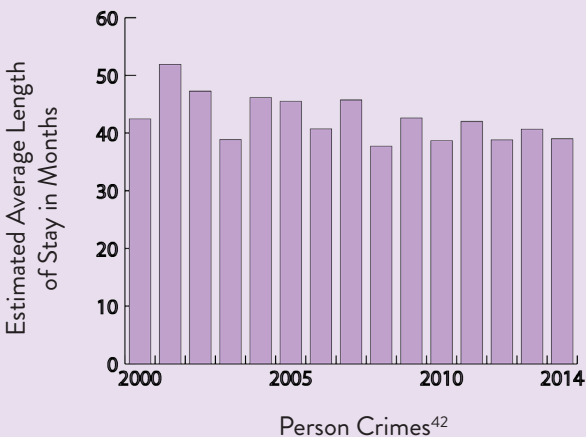
2014 Prison Intakes by Gender and Crime Type



At CCCF, the number of women sentenced for felony property crimes doubled from 2000 to 2011.⁴⁰ As a result of Oregon's creation of harsher penalties for property crimes such as ID theft, more women are being incarcerated for longer periods, including for behaviors that historically would not have been punished with imprisonment.⁴¹

These sentencing trends are reflected in women's average length of stay in prison, which has been increasing over recent years for property and drug crimes and decreasing for violent person offenses.⁴²

Oregon's female supervision population (i.e. probation and post-prison supervision) has remained relatively stable between 2006 and 2015, ranging from about 7000-8000 women.⁴³



CHARACTERISTICS OF INCARCERATED WOMEN

HISTORIES OF ABUSE AND TRAUMA AND THE ROLE OF RELATIONSHIPS

Studies conducted in Oregon in the early 2000s suggested that a significant proportion of women in Oregon's criminal justice system have histories of abuse and trauma. A 2001 study found that at the Multnomah County jail 67% of the women interviewed reported a history of sexual abuse and 79% reported physical abuse.⁴⁴ Heidi Steward, Superintendent of CCCF, says: "A lot of the pathways that lead to prison are connected ... more women than men are victimized, and you just see them in a vicious cycle."⁴⁵

In 2007, another study by Western Michigan University looked at women on probation and parole in Lane County, Oregon. Women who answered affirmatively to a number of abuse-related screening questions were interviewed and their data collected.⁴⁶ The authors concluded that the women appeared to have experienced "intimate terrorism", including both physical and emotional abuse.⁴⁷ Furthermore, the report highlighted that in Lane County, 29% of women on probation or parole reported that they "committed a crime because they were threatened by their partner."⁴⁸ This conforms with past studies of incarcerated women that have found "relationships with men were at the core of their offending behavior."⁴⁹

CHEMICAL DEPENDENCE, DRUG, AND PROPERTY CRIMES

Chemical dependency is a prevalent feature of Oregon's incarcerated women. Drug use and the "problems associated with it are stronger predictors of female rates of criminal activity than male rates."⁵⁰ In 2012, more than 800 of CCCF's incarcerated women had a history of drug dependency or addiction.⁵¹ In 1995, research on Oregon offenders funded by the National Institute of Corrections used extensive qualitative interviews and produced observations from offenders and officers alike "that chemical dependency is a leading cause of criminal activity by women."⁵² A study at Multnomah County Jail conducted in 1999 found that more than half of the respondents reported having used intravenous drugs and more than two thirds had used crack.⁵³ In 2012, an article in the "Willamette Week" newspaper reported that at CCCF, "89% of the inmate population entered prison addicted to drugs or alcohol."⁵⁴

Drug dependency is also a common precursor or causal factor for other crimes. In Oregon, there is a direct connection between chemical dependency and theft (the primary property offense committed by women in this state).⁵⁵ In 2003, then governor Ted Kulongoski stated, "if what I am told is true ... methamphetamine is the driver for between 85 to 90 percent of the property and identity theft crimes in this state."⁵⁶ Speaking of Oregon's high property crime numbers, Eric Mellgren, a Southern Oregon University criminology professor and former police chief said that, "ID theft goes hand-in-hand with meth addiction, and it's popular with women because it's a relatively safe crime."⁵⁷ Chemical dependency is tied to women's abuse and trauma and explains a significant proportion of their offending behaviors.

LOW EDUCATIONAL ATTAINMENT AND UNEMPLOYMENT

Oregon's women in prison have significant educational and employment needs upon entering prison. In 2016, of 1288 women at CCCF, 83 lacked a GED, 130 required "Adult Basic Education", 13 needed an English language program, 596 needed a "skill upgrade", and another 22 were not assessed.⁵⁸ In Oregon in 2012, on entry into prison, more than twice as many women had been unemployed rather than employed.⁵⁹ Of the 302 women who were employed prior to incarceration, only 170 of those were working full-time.⁶⁰

MENTAL HEALTH ISSUES

Mental illness compounds the effects of, and often overlaps with, historical trauma and abuse among imprisoned women. In 2012, the newspaper "Willamette Week", citing DOC statistics, highlighted the fact that for incarcerated women in Oregon, "the vast majority are diagnosed ... as having mental health issues."⁶¹ In 2011, 52 women at CCCF attempted suicide – a rate ten times higher than that of Oregon's male prisoner population.⁶² In 2010, Oregon jails spent about \$3.3 million on medications to treat mental health issues and about \$3.5 million in prisons.⁶³ Available data on the prevalence of mental health issues in incarcerated women in Oregon show rates have remained relatively stable over the past several years. A report by the Oregon Commission for Women found that in 2014, 41% of incarcerated women had a "severe" mental health problem.⁶⁴ By contrast, only 16% had "no reported mental health need."⁶⁵ Today the figure is comparable; as of July 1, 2016, 39% (501 women) within CCCF's population had a "severe mental health issue."⁶⁶

MOTHERS

Oregon's incarcerated female population is composed primarily of mothers. The newspaper "Willamette Week" identified in 2012 that mothers account for 75% of Oregon's women prisoners.⁶⁷ From national data, we can surmise that a majority of these mothers are likely the primary caregivers of their children, most often for children who are still minors at the time of their mothers' incarceration.

A mother's incarceration impacts her children's chances of intersecting with the criminal justice system. A report entitled "Children of Incarcerated Parents Project" and submitted to the Oregon Legislature in 2002 highlights this dynamic on its first page: "[o]ne of the strongest risk factors for juvenile delinquency is a parental history of criminality."⁶⁸

An Oregon Law Review article entitled, "Bending the Bars for Mothers: How Prison Alternatives Can Build a Stronger Oregon," describes some of the current policies around incarcerated mothers with respect to their ability to retain parental rights over their children. The report states that "the State's likely attempt to permanently terminate parental rights based on the length of incarceration" may prevent a mother from maintaining legal guardianship status regardless of her "nonviolent history or desire to parent."⁶⁹ This refers

to the State of Oregon's ability to leverage a woman's sentence against her contention that she should be allowed to parent. In Oregon, "length of imprisonment may still be offered as evidence against a parent" trying to retain custody of their child.⁷⁰ Increased sentence lengths for nonviolent women in the state "may therefore affect the likelihood of termination judgments."⁷¹

JUVENILES

As of July 2015, the Oregon Youth Authority (OYA) held in custody 63 girls, making up around 10% of all the young people in custody in the state.⁷² Both adolescent and older female youth "are a growing proportion of the juvenile offender population in Oregon."⁷³ While the overall rate of incarceration of young people in Oregon is falling, the decline is more pronounced for boys than for girls.⁷⁴

The OYA cites a literature review that found "delinquent activities by females often mask serious ... trauma."⁷⁵ Similar to adult women, girls in the criminal justice system experience significantly higher rates of abuse and exposure to trauma than their male counterparts.⁷⁶ A 2016 audit report by the Oregon Secretary of State entitled "Oregon Youth Authority: Female Youth Offenders Need More Transition Options" highlights that female juvenile offenders in the state have "received little, if any, treatment" for reported histories of victimization and abuse.⁷⁷

The audit report also highlights a deficiency in adequate facilities for girls. Due to inadequate funding, the state is "unable to ... run the full program" for the girls' transition facility, which is intended to provide meaningful support for girls' reentry into society.⁷⁸

COFFEE CREEK CORRECTIONAL FACILITY

OVERVIEW

Coffee Creek Correctional Facility (CCCF) is currently Oregon's only prison for women. The site is in Wilsonville, Ore., in Clackamas County in northwest Oregon, about 20 miles south of Portland.

CCCF is made up of two units: one minimum-security and one medium-security.⁷⁹ The minimum security unit opened in 2001 and the medium-security unit followed a year later. At the time of opening, CCCF was the first new women's prison built for 36 years.⁸⁰

The decision to house women in a new prison came as the State of Oregon was forced to accommodate a growing female prison population. The population was growing in part as a result of policies introduced over the last two decades such as Measure 11 as well as property-crime-related laws that ordered mandatory minimum sentences for certain offenses.^{81 82 83}

Today, CCCF's capacity is 1280 beds to house women prisoners.⁸⁴ CCCF also operates the Coffee Creek Intake Center (CCIC) that temporarily houses men and women. As of 2013, this facility included more than 400 beds for



Aerial view of Coffee Creek Correctional Facility. Source: US Geological Survey "The National Map"⁸⁵

men and roughly 50 for women.⁸⁶ CCCF's minimum- and medium-security units offer a number of programs for women. A full list of programs can be found through the Oregon.gov website by going to the Coffee Creek Correctional

Facility web page. The programs offered fall into the following categories:

- lifeskills programs
- library services
- education services
- behavioral and mental health services
- treatment programs
- transition programs
- parenting and family programs
- religious services and activities cognitive-based programs
- work programs
- Oregon Corrections Enterprises
- several other programs that don't fit into any of these categories.⁸⁷

CONDITIONS AT CCCF: ALLEGATIONS OF ABUSE AND MISCONDUCT

A lawsuit from 2004 accusing two employees – “one a command-level officer” – of having sex with an inmate led to Oregon making sexual intercourse with an inmate a felony offense for a corrections employee or contractor.⁸⁹ Despite this, sexual abuse incidents have persisted.

An audit of CCCF was conducted in 2015 led by a team of three certified US Department of Justice PREA (Prison Rape Elimination Act) monitors. A report was compiled on the staff, general prison conditions, and implementation of PREA standards at CCCF. The audit used “special and randomized” interviews of prisoners and staff alike and found overall that the professionalism of staff, cleanliness of facilities, and implementation of PREA standards were all satisfactory.⁹⁵

There have been other troubling allegations emerging from CCCF in recent years.⁹⁶ In 2015, women who were part of a program that allowed them to pump and store breastmilk for transfer to their babies’ caregivers discovered bags of milk had been mixed up and given to the wrong recipients.⁹⁷ The error was detected by one of the women’s families and the Oregonian reported that the mix-up was attended to “only after inmates figured out what was happening on their own.”⁹⁸

2004

2002

Since CCCF opened, it has been the site of a number of allegations of sexual abuse and misconduct by staff toward inmates. Allegations of abuse and misconduct date back to 2002, just a year after the facility opened, as “The Oregonian” reported in a 2012 article called “Abuse of Women Inmates at Oregon’s Coffee Creek Prison Goes on for Years.”⁸⁸

“The Oregonian” reported on a series of abuses that occurred over a number of years and with multiple staff implicated, resulting eventually in “unprecedented state settlements with 17 victims.”⁹⁰ That same report illustrates constraints on CCCF’s ability to self-monitor that may have allowed misconduct to proliferate at the prison. For example, Paul Golden, who was hired shortly after the two employees accused in the 2004 lawsuit were fired, was investigated but eventually cleared after allegations he was “behaving improperly” with one of the inmates.⁹¹ Golden’s two supervisors, who said that they “never suspected he was abusing inmates” were themselves investigated on sexual misconduct accusations.⁹² Golden’s eventual arrest came only after allegations of misconduct began to accumulate. Speaking to the lack of responsiveness to women’s needs, The Oregonian reports that upon prison staff hearing about possible misconduct, women have sometimes been put in segregated housing typically reserved “for seriously misbehaving inmates” which may deter other women from being forthcoming about staff misconduct.⁹³ The paper also observed that “security weaknesses [such as surveillance of certain parts of the facility] ... remain because prison managers couldn’t get money to fix them.”⁹⁴

2012

2015

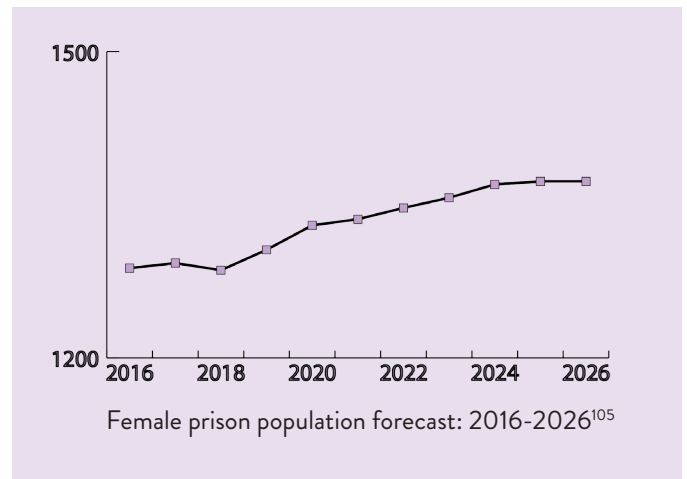
WOMEN PRISONER POPULATION FORECAST AND THE POSSIBLE OPENING OF THE OREGON STATE PENITENTIARY – MINIMUM UNIT

The growing female prison population in Oregon has led to a request by the Department of Corrections in 2016 for funding to open a section for women at the Oregon State Penitentiary (OSP) minimum-security facility in Salem.

From July 2015 to May 2016, the CCCF women’s population was hovering near the threshold and was “over the threshold about 30% of the time.”⁹⁹

Coffee Creek Correctional Facility has been at or over capacity for the past several months since June 2016. A September 1, 2016, Oregon DOC report shows that the female prison population was above CCCF’s maximum population threshold of 1280 by 25 women at a total of 1305.¹⁰⁰

The most recent population forecast from April 1, 2016, predicts a modest overall increase in the female prison population in Oregon over roughly the next year, and an increase of 83 women over the next ten years.¹⁰¹



An analysis by the Oregon Legislative Fiscal Office dated May 2016 that uses prison population forecasts from the Office of Economic Analysis, makes a request for \$10.5 million to fund the opening of 176 beds at OSP Minimum to house women prisoners in response to the growing population.¹⁰²

The money would “repair and equip the facility, fund 81 staff positions, and house women offenders at OSPM.”¹⁰³ The report further estimates that the “[o]perating costs for the biennium are ... \$16,103,724” and that the “agency is currently projecting an operating deficit in 2015-2017 of \$11 million, which increases to \$20.5 million when the unfunded portion of the request [i.e. the \$10.5 million requested for opening OSPM] is included.”¹⁰⁴

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