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CHAPTER ONE

Introduction

THIS BOOK DESCRIBES a study of women's imprisonment in California in the early 1960s and the late 1990s, bridging a period that many scholars argue encompasses some of the most significant changes in penal policy during the last century. Although punishment in general and prisons as a central site of state punishment have long been subjects of both popular fascination and debate in democratic societies, this has been particularly true of the last few decades (see e.g., Beckett 1997; Garland 2001; Pratt 2002). In the United States, this period witnessed the fading of the rehabilitative ideal and the attendant view of the deviant as a product of poor socialization; the politicalization of crime – or what Simon (1997) calls “governing through crime” – and the widening of the criminal justice net to include not only a correctional apparatus anchored in community settings but also increasingly severe custodial sanctions (Bottoms 1983; Cohen 1985). While debate continues as to the precise nature and causes of these transformations in state control, and the most effective way of capturing or understanding these developments (Garland 2003), there is a consensus among scholars that the landscape of criminal punishment was very different at the end of the twentieth century than it had been only four decades earlier.

These changes, both in policy and in practice, have had profound consequences for female offenders. Historically, long-standing assumptions about criminal women and normative femininity have tended to shape both judicial responses to women's law breaking as well as the restrictions imposed on them in carceral settings. As a consequence, women's imprisonment, until recently, was characterized by numerical stability and continuities in forms and ideologies that seemed to transcend political fads and fashions. However, in the last quarter of the twentieth century, women were swept into jails and prisons in record numbers. Between 1965 and 1995 the female imprisonment rate in the United States increased sixfold and at the start of the

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twenty-first century more than 166,000 women were held in U.S. prisons and jails (Kruttschnitt and Gartner 2003). While in absolute numbers the imprisonment binge had a larger impact on males than on females, the rate of growth has been more dramatic for women and it has had a more profound effect on the composition of populations of state prisons for women than prisons for men.¹ As a result of the war on drugs, over the past fifteen years the proportion of women imprisoned for drug offenses almost tripled, while the proportion imprisoned for violent offenses decreased. By contrast, the proportion of men incarcerated for violent crimes has remained relatively constant since 1986 (Kruttschnitt and Gartner 2003: table 3).

These dramatic shifts in both the numbers of incarcerated women and the types of offenses for which they were imprisoned have been accompanied by efforts to alter perceptions of female offenders and the models for their imprisonment. The media and some scholars have placed an exaggerated emphasis on the danger posed by female offenders, constructing their specific incarnation – from the violent outlaw to the pregnant crack addict or teenaged gang-banger – to fit the latest moral panics (Faith 1993). These commentators, however, generally ignore the actual women convicted of crimes – often homeless, impoverished, and addicted – who are more in need of social assistance than social condemnation. Such depictions are also inconsistent with how prison administrators have seen their charges even as new structures of control, different organizational objectives, and carceral spaces for women developed. The maternalistic philosophy that guided women's institutions for most of the past century has been systematically dismantled in favor of ostensibly less gender-stereotypic regimes. The domestic orientation, reinforced through cottage-style architecture and therapeutic management, has been gradually replaced in many jurisdictions by industrial-style modular institutions, gender equity in programming, and regimes that view women offenders as agents responsible for their own rehabilitation (Hannah-Moffat 1995, 2001; Shaw 1992a; Carlen 2002).

As we will show these shifts in imprisonment were particularly evident in California, a state that is known for setting all manner of trends, including those affecting crime and punishment. The sheer scale of the criminal justice system in California, the largest in the free world, means that any innovation in punishment not only has a large net effect in California (Zimring, Hawkins, and Kamin 2001: 17) but also that it often sets precedents for change in other states. Not surprisingly, then, it was California that led the nation in the rehabilitation movement after World War II; it was California that subsequently led the nation in the prisoners' rights movement, racial

¹ Of course, the relative growth in women and men's imprisonment rates are affected by their initial base rates. Because women's initial base rates are substantially smaller than men's, changes in their rates produce larger proportional increases.

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antagonism and violence in prisons, and, subsequently, in a host of reforms (Irwin 1980: xxiii–xxiv), including those that have now been characterized as central components of the “penal harm movement.” These so called reforms include the passage of the nation’s most draconian “Three Strikes Law” and the notorious growth in California’s prison population over the last two decades (see Zimring et al. 2001).

Our research addresses this later movement, but it begins before it emerged. We start when the first large-scale descriptive studies of women in prison were conducted at the height of the rehabilitative era: David Ward and Gene Kassebaum’s study of the California Institution for Women (1965) and Rose Giallombardo’s study of the federal facility at Alderson, West Virginia (1966). Research on the male prison world was flourishing during this period, as scholars vigorously debated the merits of different theoretical perspectives – functionalist, situational functionalist, and importation – designed to explain prisoners’ adaptations to institutional life. The work of Ward and Kassebaum and of Giallombardo not only grew out of this “golden age of prison sociology” (Simon 2000) but also made a significant contribution to it, as the experiences and coping mechanisms of female prisoners, up until that time, were virtually unknown. Today these large-scale studies of imprisonment have all but disappeared from American sociology, although there are selected exceptions (Owen 1998).

The absence of research on prison communities, once viewed by sociologists as a central piece of “institutional analyses” (Jacobs 1977: 1–2), is surprising given both the unprecedented growth in the correctional population (Simon 2000) and the growing scholarly attention devoted to the “new culture of crime control” (Garland 2001), or what scholars have variously termed a postmodern trend in penology, the “new penology,” or the “new punitiveness” (Smart 1990; Feeley and Simon 1992; Reiner 1992; Pratt 2000). Addressing macrolevel changes in penal ideologies and practices, this new scholarship seeks to understand the causes and contradictions in the apparent reconfiguration of crime control during the latter part of the twentieth century. For example, from some scholars we learn that public opinion and values, influenced by a moral panic, have crystallized in a political culture of intolerance of offenders and acceptance of imprisonment as a first-order response to crime (Jacobs and Helms 1996; Caplow and Simon 1999). Others focus on the prison as an institution, arguing that we have seen the emergence of the bureaucratic prison over the last quarter of the twentieth century. Prison authority has been centralized in various departments of corrections that emphasize classification of prisoners and staff training while deemphasizing other methods of informal social control (Adler and Longhurst 1994; Irwin and Austin 1994). Still others cast a wider net, conceptualizing changes in penal policy and the treatment of offenders as a “new penology” evident in the discourse of risk and probability,

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identification and management, and classification and control techniques that measure and assess risk (Feeley and Simon 1992).

Debate also rages over whether we are in fact witnessing a postmodern penal movement, especially among those scholars who study and direct our attention to the front lines of corrections (Haney 1996; Lynch 1998). In this debate, the emphasis has switched to the pragmatics of program implementation and the ways in which this new discourse has been realized, if at all (Garland 1997; Hannah-Moffat 1999; Riveland 1999). Penal sanctions are viewed as uneven and diverse, combining at once elements of discipline (e.g., in boot camps), rehabilitation (in prison industry/enterprise), and incapacitation (warehousing prisoners) (O'Malley 1992, 1999). The application of criminal justice sanctions reflecting this movement is also acknowledged to vary by actors' abilities to absorb new technologies and ideologies surrounding punishment (see e.g., Harris and Jesliow 2000).

We do not focus on this debate or the merits of various conceptualizations of the current changes in criminological discourse and the American penal system, although we see our research contributing to these.² Instead, in this study we direct our attention to what we see as an important omission – the question of whether and how shifts in penalty have affected the daily lives of prisoners, specifically female prisoners. This is where we begin.

The Study Unfolds

The questions of primary concern to us are: (1) what can women's experiences in prison tell us about the practices of punishment over time and in different institutional contexts and (2) during the era of hyperincarceration, how do women do time and what are the relative contributions of their backgrounds and prison experiences in shaping their responses to prison life?

We examine women's prison experiences in three different contexts to determine whether and how shifts in penalty have translated into changes in the experiences of those subject to criminal punishment. These contexts are the California Institution for Women (CIW) in the 1960s, CIW in the 1990s, and Valley State Prison for Women (VSPW) in the 1990s. Our first context is circumscribed by Ward and Kassebaum's research at CIW in the 1960s. We were given access to the data they collected on the female prisoners at CIW in the early 1960s – transcripts of interviews, aggregate survey data, and various prison and Department of Corrections' publications. This provided us with a unique opportunity to conduct a temporal study of women's imprisonment, one that would replicate and build on Ward and Kassebaum's work. As such,

² For excellent discussion of how we might best characterize and understand contemporary penal developments, see Garland (2003) and Simon and Feeley (2003).

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the interviews we conducted at CIW in the late 1990s relied on the same four orienting themes they employed, and our survey included some of the same questions they asked of the female prisoners they studied forty years ago. This methodology allows us to compare women's carceral experiences at two critical times in the recent history of women's imprisonment: the height of the rehabilitative regime and the height of the neoliberal regime. If it is true that we are witnessing a new penal era, then we should see variations over time in the expectations of prisoners, how they are treated, and explicit and implicit messages about who they are. We would also expect these differences to be reflected in how prisoners relate to other prisoners, to the staff, and to the prison regime.

VSPW is the newest and largest prison for women in California; it epitomizes the central elements of the new penology in its preoccupation with danger, security, and efficient management of prisoners. Because it provides a contrast to CIW, the oldest prison for women in California and the prison that perhaps retains the strongest ties to its rehabilitative heritage, a comparison of these two institutions allows us to be more explicit about the ways in which macrolevel shifts in penal policy and ideology shape women's responses to prison within this new punitive era. We know, for example, that policies and ideologies are often subverted, ignored, or manipulated by agents charged with applying them (Haney 1996; Lynch 1998). Demands of running a prison mean that certain organizational requirements take precedence and can be conditioned by traditions and habits. Further, organizational characteristics and processes can change more slowly than policies and discourses as the habits of organizational actors often militate against change. All of these factors suggest that the effects of changes in punishment and penal policy may be conditioned by specific institutional contexts. We draw attention to this possibility in our examination of women's experiences at CIW and VSPW in the 1990s. As Medicott (2001: 210) suggests in her study of suicidal male prisoners, if we want to describe the experiences of individuals, we "must recognize both structure and experience, for the life of an individual cannot be adequately understood without references to the institutions within which his biography is enacted."

But in drawing attention to institutional context, we also acknowledge that the prison is a unique institution, being relatively impermeable to the comings and goings of social life on the outside.³ While activities in the

³ This conceptualization of the prison draws from Goffman's (1961) depiction of prisons as total institutions. We are aware that this perspective has been criticized (Irwin 1970, 1980; Jacobs 1977, 1983), and that prisons have been significantly influenced by various religious and political social movements, and that today televisions and other forms of mass media play a significant role in providing alternative social worlds for prisoners (Jewkes 2002). Yet none of these influences erase the monotony of the temporal and spatial structures of prison life (see Medicott 2001).

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free world are dispersed among different individuals and across public and private spaces, prisons confine virtually all interaction – work, socialization, rest – within their walls to a limited set of actors. In the classic era of prison sociology, this realization led to an important theoretical perspective on prisoner behavior, one that posited that regardless of the particulars of an institution or an individual's biography, prisoner's behaviors could be predicted and explained as a result of living in such a constrained and emotionally deprived environment (Sykes 1958). From this perspective, time and institutional context should matter little. Women's lived prison experiences and their responses to imprisonment should transcend both time and place as the prison's "overwhelming power to punish" (Carlen 1994: 137), which is so integral to its logic and function, overrides the particularities of different penal philosophies and regimes.

Overview

In this book we present the findings of our temporal and cross-institutional study, findings that speak directly to these different perspectives on prisoners' responses to their carceral lives. Chapter 2 sets the stage for our research by describing the social and political environment for women in California over the period of our investigation: 1960–1998. We consider the broader political and legislative shifts that shaped this period (e.g., the demise of rehabilitation and the move to determinant sentencing) as well as the specific factors that bear on women's imprisonment: demographic trends pertaining to women's education, family formation, employment and poverty, and arrest and imprisonment rates, and the perceptions of the female offender. As Garland (2001) has shown, criminal justice policies are intimately tied to perceptions and everyday realities of crime as well as social and economic life. We try to portray how these factors shape women's imprisonment in California.

In Chapter 3, we enter the prisoners' world. We provide a description of how we carried out our research, moving from our initial acquisition of Ward and Kassebaum's data to conducting interviews at CIW and VSPW. We discuss how these interviews helped to shape the content of our prisoner survey and both the successes and problems we encountered in administering the surveys in two vastly different prison environments.

Chapters 4 through 6 provide the central analyses and findings of the study. Chapter 4 focuses only on CIW, contrasting the experiences of imprisonment for women and their reactions to imprisonment in 1963 and 1998. Here we rely heavily on the interviews Ward and Kassebaum conducted and our interviews with prisoners to explore how women responded to other prisoners, the staff, and the prison regime itself in these two time periods. In Chapter 5, we introduce the third context by including VSPW

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in our analysis. We consider the same questions we examined in the previous chapter – how women respond to other prisoners, the staff, and the prison regime – to determine how institutional and temporal variations influence women's prison experiences. The interviews are also supplemented with selected responses to survey items that were included in both Ward and Kassebaum's and our survey. These data allow us to gauge the extent to which prisoners living in these varying contexts shared similar constructions of, and reactions to, prison life. In the final analytic chapter (Chapter 6), we return to a concern central to the golden age of prison sociology and focus on the question of how women do time. While our analysis draws heavily from this earlier period of research, it is also informed and shaped by the more recent scholarship on women's imprisonment and prison adjustment. This work draws attention to how some aspects of women's backgrounds and experiences take on a particular salience in the prison context, ultimately producing different styles of adaptation, resistance, and coping. Here we rely primarily on a quantitative analysis of our survey data enriched by the prisoners' depictions of how they manage their prison time.

In the concluding chapter, we consider both the practical and theoretical implications of this research. Remarkably few studies of women's experiences in prison have been conducted during the past two decades, despite the expansion of women's imprisonment and, as we noted, despite the thriving and sophisticated scholarly literature on penalty. As a result, relatively little is known about the social order of women's prison lives in the 1990s. Is the heightened punitiveness of this era having adverse effects on women prisoners, the vast majority of whom will eventually be released back into the community, and do their adaptations hinge on the specific regime to which they are subject? While this study directly addresses these omissions in the research on female penalty, we believe that it goes further. Both our research design and our larger goals reflect a call issued more than twenty years ago by Jacobs (1983: 32) for more longitudinal and comparative studies of prisons: "these types of macrosociological research . . . may add much to our basic knowledge of the dynamics of total societies. Imprisonment is the keystone of coercive control in modern society. Knowing how the prison and its segments articulate with the larger society will increase our understanding of society's distribution of power, stratification, and system of legal rights and obligations." While we concur, we would add that it will do so only if it systematically addresses the imprisonment of women as well as of men.

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CHAPTER TWO

Women, Crime, and Punishment in California

THE POST-WORLD WAR II period was a time of reform and innovation in the California criminal justice system. Optimism about the system's ability to remold offenders through novel rehabilitative programs and therapeutic regimens was widespread, encouraged by the state's booming economy and its self-image as "America's laboratory for social change" (Cross 1968: 110). Through the 1960s and into the 1970s that optimism was sustained even in the face of rising crime rates, social unrest, and an economic slowdown. But by the late 1970s, California had embarked on a series of legislative initiatives that marked the beginning of an "era of hyper-incarceration" (Simon 2000) in the state. These initiatives gained momentum over the next fifteen years as public faith in the government's ability to deal with social problems declined, the disparity between rich and poor expanded, and the state's population grew increasingly more diverse ethnically and racially.

In this chapter we consider how these political, economic, and social changes shaped women's crimes and criminal punishment in California. We describe how female criminals, traditionally seen as less culpable and more redeemable than their male counterparts, were caught up in the state's expanding crime control complex. To do this, we first provide an overview of trends both in criminal justice policies and in public attitudes toward crime and criminals in California during the last four decades of the twentieth century; and we consider the larger demographic, economic, and social context within which these trends occurred. We then turn our attention to women in California, tracing changes in their demographic characteristics and economic prospects, with particular attention to the types of women at greatest risk of coming into conflict with the law. We also document women's involvement in crime in California between 1960 and 1998. The chapter concludes with a discussion of the major trends in and

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issues surrounding women's imprisonment in California during these four decades.

Crime, Criminal Justice, and Politics in California, 1960 to 1998

California's reputation as a trendsetter for the nation was well-established by the mid-twentieth century and developments in its criminal justice policies over the next forty years both sustained and reflected that reputation. In the 1950s and 1960s, California was the state that, in the words of Jonathan Simon, "went the furthest in attempting to build a scientifically informed and rehabilitative penal system," but by the mid-1970s it became "among the first to repudiate that vision" (Simon 1993: 13). The reasons for that repudiation are complex and still debated, but popular writers and scholarly analysts agree with Abramsky (2002: xvi) that political rhetoric – reinforced by the media's fascination with crime and popular concerns over a decline in morality – was transformed from "a language of inclusion and hope to one of cynicism and fear." This discourse helped to construct a set of justifications for and technologies of punishment that sent increasing numbers of convicted felons to prison. As a consequence, California's prison growth during the 1980s and 1990s put it "in a class by itself," according to Zimring and Hawkins (1994: 83), not just nationally but internationally.

For politicians and criminal justice officials working in the booming California of the early 1960s, growth of this magnitude, at least with regard to imprisonment, was completely unanticipated. Instead, most state officials had their sites set on how to best manage the apparently unending expansion of California's postwar economy and the enormous growth in its population. When David Ward and Gene Kassebaum began their two-year study at the California Institution for Women (CIW) in 1961, the state's population, at more than sixteen million, was poised to exceed that of New York. Immigration from within and outside the United States was diversifying the racial and ethnic composition of the state's population and, together with the postwar baby boom, had helped lower the state's median age to just thirty years. Job opportunities for the state's younger and more heterogeneous workforce were plentiful. As a result of massive federal spending on defense, which fueled the state's aerospace and electronics industries, the state's economy was thriving. The gap between the state's richest and poorest citizens continued the decline that began with the start of World War II, and by 1960 the family poverty rate in California was substantially lower than that for the nation as a whole.

In the election of 1958, the Democratic Party had taken charge of the state's executive office for only the second time since the turn of the century.

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Governor Edmund G. Brown did not, however, propose a radical new direction for state government. Instead, he committed himself to a bipartisan and neoprogressive approach that Governor Earl Warren, a Republican, had established during his ten-year term (1943–1953).¹ Almost fifteen years had passed since Warren had ordered a reorganization of the state's penal system and created the California Department of Corrections (CDC) to centralize and rationalize the management and operations of the state's prisons. Under the new system, headed by Warren's handpicked director, Richard A. McGee, a series of programs emphasizing rehabilitation through individualized treatment was launched. Prisoners were given greater freedoms in exchange for their participation in a comprehensive therapeutic apparatus that featured behavior-modification techniques and group counseling conducted by psychiatrists and trained counselors as well as by chaplains, librarians, educators, correctional officers, and prisoners themselves. McGee, who remained director of the CDC until 1961, was convinced – as were other officials who embraced what Garland terms “penal-welfare principles” – that his rehabilitative goals could be accomplished through such programs both in and outside of prisons and without lengthening the amount of time prisoners served.² As Garland observes (2001: 35), such principles “tended to work against the use of imprisonment, since the prison was widely regarded as counter-productive from the point of view of reform and individual correction.”

McGee and other state correctional officials were not alone in their efforts to build on the state's well-established reputation as a trendsetter in the areas of criminal justice and law. Reform and innovation were also on the agendas of the state's judiciary and law enforcement agencies. In the early 1960s, California was one of the first states to launch a major reform of its penal code, an effort that would continue into the 1970s, although with consequences not initially envisioned by its initiators.³ The California Youth Authority (CYA), which had been established in 1953 with the express

¹ For a discussion of the influence of progressivism in California in the 1940s and 1950s, see Putnam (1994).

² Brian Traugher (1991: 137), a member of the 1990 Blue Ribbon Commission on Inmate Population Management, illustrated McGee's concerns about relying too much on imprisonment with a memo McGee wrote to Governor Brown in March 1964. In the memo, McGee – who in 1961 had been appointed the first director of the state's Youth and Adult Correctional Agency – “excoriated the Adult Authority for failing to sufficiently reduce median time served, but praised the Women's Board of Terms and Parole for having dropped the median time served for women felons in California from twenty-two months to thirteen months. The memo concluded, ‘The Women's Board has saved you, Governor, \$10 million, 500 women and one institution.’”

³ Among those consequences was the lengthening of prison terms and an increase in prison populations that followed on the passage of the Uniform Determinate Sentencing Act in 1976. For more about efforts to reform the California penal code, see Berk, Brackman, and Lesser (1977), and Gordon (1981).