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University Grant Program Report
Office of Research and Sponsored Programs
American Indian Female Prisoner's Expressed Need for Reentry Services
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September 26, 2017

Background and Significance

American Indian/Native American (AI/NA) women are disproportionately incarcerated at the Montana Women's Prison (6.5% of the population of the state and 36% of incarcerated women) (Montana Department of Corrections, 2015; Ross, 2016). The colonization processes often label people who are AI/NA as deviant, bad, or inferior, which contribute to poverty, abuse, and institutionalization (Corcoran, 2017; Ross, 1998). Racial profiling and mass incarceration are contemporary issues spurred on by discrimination at the intersections of race, class, and gender (Alexander, 2012; Ross, 1998, 2016). The contemporary context of the over-incarceration of AI/NA women is rooted in several factors. First, AI/NA women experience disproportionate rates of violence and trauma in childhood and adulthood (estimated between one-third and one-half of all women and approximately 90 percent of those who commit violent crimes) (Corcoran, 2017; Deer, 2015; Ross, 1998). Second, AI/NA women often lack access to resources (such as crisis lines, intimate partner violence shelters, and advocates) (Deer, 2015). Third, complicated legal and practical jurisdiction issues result in a lack of accountability for those committing violent crimes targeting AI/NA women and a higher rate of arrests and prosecutions for people who are AI/NA (Deer, 2015; Ross, 1998, 2016). Fourth, AI/NA women may experience internalized oppression and the criminalization of multiple health, mental health, addiction, and community wellness issues that sometimes lead to legal charges resulting in incarceration (Corcoran, 2017; Deer, 2015; Ross, 1998, 2016). For example, a sample of women in prison in Montana about twenty years ago found that the majority of cases involved non-violent charges (60%) where alcohol or drugs were in their system when charged (50%) (Ross, 1998). Some AI/NA women report their criminal records began with coping by running away and using substances, which is an example of the criminalization of issues with wellness (Corcoran, 2017; Ross, 1998). AI/NA women may experience an aggravation of existing trauma in the criminal justice system, yet simultaneously report wanting to break the cycles of abuse (Corcoran, 2017; Deer, 2015; Ross, 1998, 2016). Therefore programs that seek to identify and address issues faced by AI/NA women may decrease patterns of over-incarceration in the future (Corcoran, 2017).

AI/NA individuals reentering the community after incarceration in Montana report difficulty reestablishing themselves in their home communities (such as finding housing, employment, childcare, addressing mental health, as well as getting the driver's licenses and social security) (Michels, 2016). The experiences of parents who were incarcerated can have an impact on the entire family's access to housing and other opportunities due to increased restrictions in housing eligibility criteria that stigmatize people convicted of felonies (Alexander, 2012; Arditti, 2005; Lundgren, Curtis, & Oettinger, 2010; Ross, 2016). Women with substance abuse histories are 10 times less likely to be re-incarcerated within six months if they participate in relational/communal relapse prevention programs and connections to holistic supportive services to address emotional, physical and legal issues (such as stress management supports,

health and mental health care, support in remaining connected to their children, addressing trauma, and access to stable housing) (Matheson, Doherty, & Grant, 2011). Montana House Bill 68 created the Montana Reentry Initiative Task Force to create housing, employment, health, mental health, and substance abuse programs that address reentry issues (Michels, 2016).

The Bronx Defenders are a group of public defenders that have practiced holistic defense since 1997 and whose model has been replicated throughout the United States (Steinberg, 2013). Holistic defense addresses the circumstances leading to criminal charges, the individual consequences (such as exclusion from housing, employment, and public benefits), as well as the family and community consequences (Farrenkopf & Bryan, 2013; Pinard, 2007). Holistic defense emphasizes: (a) listening to gain a depth of understanding the community as well as the legal and non-legal needs and wants of individual served; (b) access to social and legal supports; (c) interdisciplinary communication (such as social workers and lawyers); and (d) problem solving, support, and advocacy (Steinberg, 2013). Holistic defenders have a checklist of possible client needs that assess their housing, employment, mental health and other needs (Steinberg, 2013). For example, some AI/NA that are incarcerated report the desire to reconnect with their culture and family, yet their criminal record limits their housing options. As a result, women may rely on previous connections (family/friends) when they are released and these connections may put them at risk for substance use and re-offense (Michels, 2016).

Objectives

The focus of this community based research project is on gathering information regarding what services could reduce recidivism for female AI/NA who are incarcerated in Montana. Their expressed needs may support programmatic changes to holistic defense programs and creating housing in a recovery village with culturally supportive services. The specific objectives of this project are to interview AI/NA women who are incarcerated in Montana in order to: (a) determine what factors are contributing to their disproportionate involvement in the criminal justice system; (b) identify their broad needs; (c) determining the impact of the disproportionate incarceration of AI/NA women on their families; and (d) what they think would help them be successful in reentry. The study results will be used to inform whether holistic defense and recovery village models may ameliorate the over-incarceration of AI/NA women.

Methods

Community based research techniques with staff from the University of Montana Margery Hunter Brown Indian Law Clinic, the Salish Kootenai Tribal Defenders Office, the American Civil Liberties Union, and the Montana Justice Initiative resulted in developing a semi-structured interview guide with ten themes with one or more question per theme. The interview guide utilized decolonizing research methods focused on remembering, connecting, testimony, celebrating survival, envisioning, restoring, returning, negotiating, protecting, as well as reading and reframing (Tuhiwai Smith, 2008). For example, the connecting themed question asked the interviewee: (a) Who were you raised by?; (b) Did you have a role as a caregiver or provider for anyone prior to your incarceration?; (c) How would you describe the relationships you have with your own children or those you cared for?; and (d) What relationships do you hope to maintain in the future? Five research assistants funded by the project traveled to Billings, Montana to conduct 33 interviews with AI/NA women who were incarcerated in 2017, which is approximately a 46 percent sample rate. The interviews are being transcribed verbatim. The data analysis approach is a modified Giorgi (1993, 1994) phenomenological approach that seeks to understand the lived experience (what) and meaning (how) AI/NA women experience their criminal justice system involvement, the impact on their families, and their board reentry needs.

Data analysis occurred in eight stages: (1) reading and listening to the interview for a holistic sense of interview content; (2) identifying initial in vivo (in their own words) codes; (3) comparing themes across interviews; (4) creating a situated structure for each interview by completing a biopsychosocial and self disclosed Adverse Childhood Experiences assessment for interviewee; (5) clustering interviewees based on similar situated structures; (6) creating a typical structure summary of interview themes by cluster; (7) describing a final essential structure of overall themes and definitions with a synthesis of the variations within and between clusters; and (8) identifying quotes for themes within the essential structure. An inter-rater reliability process occurred after step 2 and will occur again after step 8 (Braun & Clark, 2006; Creswell, 2007; Koch, 1994; Silverman 2006).

Study Results

This pilot project has the potential to inform the development of several programs including: holistic legal defense, housing, and healing communities throughout Montana that rely on legal, health, mental health, and community based scholars and organizations that can support AI/NA females reentering the community after incarceration. The results will be shared with the Rocky Mountain Tribal Leaders Council (RMTLC) to help define factors that contribute to the over-incarceration of AI/NA women, as well as naming barriers to successful reintegration. " RMTLC shall have control of distributing or using this data or information for other purposes," and therefore an initial report of results will be provided to the RMTLC for approval prior to any presentations, peer reviewed journal articles, press releases, policy recommendations, and other reports such as papers.

Funding

Laurie A. Walker received \$5,000 from the University Grant Program (UGP) to hire seven research assistants that traveled to the Montana Women's Prison in Billings, Montana to collect qualitative interviews, which were later transcribed in Missoula, Montana. The Montana Justice Initiative matched the funds, which enabled an extension of the project research assistants into the 2017-2018 academic year. At the close of the UGP funding 33 interviews were collected, 16 interviews were transcribed, and 7 interviews were analyzed through stage 3 of the data analysis process. The Montana Justice Initiative funds will be utilized to fund six research assistants who will continue data collection, transcription, and data analysis.

Acknowledgements

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