



Justice Center
THE COUNCIL OF STATE GOVERNMENTS



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Gender-Responsive Services and Equitable Diversion Access

June 28, 2023 2:00–3:30 p.m. ET | Center for Effective Public Policy

Session Outline

- I. Welcome and Introductions
- II. Responding to the Needs of Women and Nonbinary People in the Criminal Justice System
- III. What Is Gender Equity and Gender Justice?
- IV. Questions and Answers

Speakers

- Erica King, *Senior Manager, Center for Effective Public Policy, National Resource Center on Justice-Involved Women*
- Felicia López Wright, *Project Manager, CSG Justice Center*
- Kristie Puckett, *Gender Justice Policy Advisor, Center for Effective Public Policy, National Resource Center on Justice-Involved Women*
- Dr. Jazmone Wilkerson, *Project Manager, CSG Justice Center*

Erica King, MSW

Senior Manager to the Center for Effective Public Policy National Resource Center on Justice-Involved Women

- Focus on gender equity and evidence-based practices for the last 20+ years
- Development of gender-responsive and trauma-informed interventions:
 - Living Safely and Without Violence
 - Creating Regulation and Resilience (CR/2)
 - Creating Calm: The Resiliency Builder Series
- Builds pathways with women and girls to build personal and political change strategies
- Develops and aligns partnerships with directly impacted women, data innovation strategies, and system stakeholders to accelerate safety and well-being

Kristie Puckett, MA

**Gender Justice Policy Advisor to the Center for Effective Public Policy
National Resource Center on Justice-Involved Women**

- A (dis)organizer and civil rights activist who uses direct experience with poverty, drug addiction, domestic violence, and incarceration to impact gender justice at the local, state, regional, and national levels
- Chair, Women in Incarceration Workgroup for the North Carolina State Reentry Council Collaborative
- Commissioner, North Carolina Commission on Racial & Ethnic Disparities in the Criminal Justice System (NC CRED)
- Dogwood Award Recipient for her tireless advocacy for incarcerated pregnant women



The Center for Effective Public Policy (CEPP) is working to build a world where justice ensures strong, healthy communities for everyone.

For over 40 years, CEPP has helped practitioners, policymakers, and communities reimagine a justice system that works for all through training, resources, and team-building.

Visit our website at cepp.com to learn more.



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National Resource Center on Justice-Involved Women

The National Resource Center on Justice-Involved Women (NRCJIW) is an initiative of CEPP that addresses the needs of women involved in the justice system. The NRCJIW inspires change by equipping agencies, advocates, and justice-involved women with information and technical assistance that promotes the use of gender-responsive and trauma-informed policies and practices.

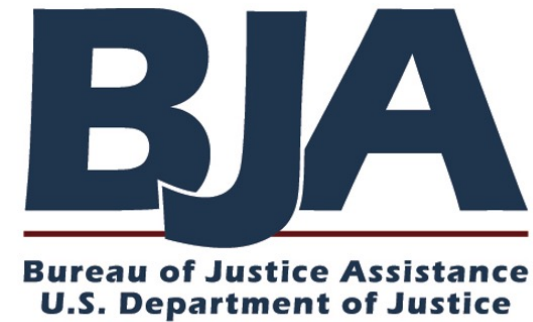
Visit our website at cjinvolvedwomen.org to learn more.

C ≡ P P

U.S. Department of Justice Bureau of Justice Assistance

Mission: BJA's mission is to provide leadership and services in grant administration and criminal justice policy development to support state, local, and tribal justice strategies to achieve safer communities. BJA works with communities, governments, and nonprofit organizations to reduce crime, recidivism, and unnecessary confinement, and promote a safe and fair criminal justice system.

Karhlton F. Moore, BJA Director



<https://bja.ojp.gov/>



The Council of State Governments Justice Center

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

How We Work

- We bring people together
- We drive the criminal justice field forward with original research
- We build momentum for policy change
- We provide expert assistance

Our Goals

Break the cycle of incarceration

High rates of recidivism increase taxpayer costs, diminish public safety, and tear apart families and communities. We work with partners inside and outside of government to reduce crime and incarceration among youth and adults in contact with the justice system.

Advance health, opportunity, and equity

Efforts to make communities safer and healthier are hampered by insufficient behavioral health services, barriers to economic mobility, homelessness, lack of support for victims, and racial and gender inequity. We bring people from diverse systems and perspectives together to improve policy and practice related to these challenges.

Use data to improve safety and justice

Data holds the power to help us understand and change justice systems for the better. And yet, states and counties still know far too little about how their systems perform. Our work transforms information into meaningful insights for policymakers.

Equity and Inclusion Statement



The Council of State Governments Justice Center is committed to advancing racial equity internally and through our work with states, local communities, and Tribal Nations.



We support efforts to dismantle racial inequities within the criminal and juvenile justice systems by providing rigorous and high-quality research and analysis to decision-makers and helping stakeholders navigate the critical, and at times uncomfortable, issues the data reveal. Beyond empirical data, we rely on stakeholder engagement and other measures to advance equity, provide guidance and technical assistance, and improve outcomes across all touchpoints in the justice, behavioral health, crisis response, and reentry systems.

Justice and Mental Health Collaboration Program

The Justice and Mental Health Collaboration Program (JMHCP) promotes innovative cross-system collaboration and provides grants directly to states, local governments, and federally recognized Indian Tribes. It is designed to improve responses to people with mental health conditions and substance use disorders who are involved in the criminal justice system.

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Goals for the Presentation

- Expand our framework beyond gender to include race, sexuality, and other identities.
- Provide an overview of gender-responsive principles and trauma-informed approaches.
- Define intersectionality theory and how it can be applied to support equity and inclusion.
- Increase opportunities to effectively engage, connect, and serve all women.

Team Introductions

Let's make a chat waterfall:

- Please share your name, role and agency, and pronouns in the chat and respond to the following question:

What can we do to together to reduce the influx of women and nonbinary people in the criminal justice system?

Women Globally—A Losing Position

- Across disciplines, women have been under-represented in research.
- There are differences:
 - What gets researched
 - Dosage
 - Expression of symptoms
 - Outcomes

Amy Westervelt, "The Medical Research Gender Gap: How Excluding Women from Clinical Trials is Hurting our Health," *The Guardian*, April 30, 2015, accessed June 1, 2022, <https://www.theguardian.com/lifeandstyle/2015/apr/30/fda-clinical-trials-gender-gap-epa-nih-institute-of-medicine-cardiovascular-disease>; Tim Evans and Daisy Mafubelu, *Women and Health: Today's Evidence Tomorrow's Agenda* (Geneva: World Health Organization, 2009).

Women under Criminal Justice Control

Setting	Population Size
State Prisons	72,000
State Jails	76,000
Federal Prisons and Jails	14,000
Probation	885,000
Parole	114,140

"Mass Incarceration: The Whole Pie 2023," Prison Policy Initiative, accessed June 2, 2023, https://www.prisonpolicy.org/reports/pie2023.html?c=pie&gclid=CjwKCAjwpuajBhBpEiWA_Ztfhe7qZn1KzqS_bxQ6Ik7R4JFh2vE_ztrkug9hIZjVj4Z69rXP-UU5fhoCJsEQAvD_BwE; "Probation and Parole in the United States, 2020," Bureau of Justice Statistics, accessed June 2, 2023, <https://bjs.ojp.gov/library/publications/probation-and-parole-united-states-2020>.

Definitions of Nonbinary and Transgender

Nonbinary (gender nonconforming)

- A person who views their gender identity as one of many possible genders beyond strictly female or male.

Transgender

- A person whose gender identity (internal sense of self) is incongruent with that person's biological sex (physical body).

"LGBTQ+ Glossary Nonbinary," PFLAG, accessed June 2, 2023, <https://pflag.org/glossary/>; "GLAAD Media Reference Guide," GLAAD, accessed June 2, 2023, <https://www.glaad.org/reference/trans-terms>.

Transgender and nonbinary people are overrepresented in the justice system.

- Transgender individuals are over-represented in the criminal justice system.
- Nonbinary people experience restrictive housing and solitary confinement more than the general population and are almost 4X more likely to be victims of sexual violence.
- Health care needs are often inadequately resourced and safety rights are often not upheld, which can lead to acute mental health, substance use, suicide, and early mortality in prisons and jails.

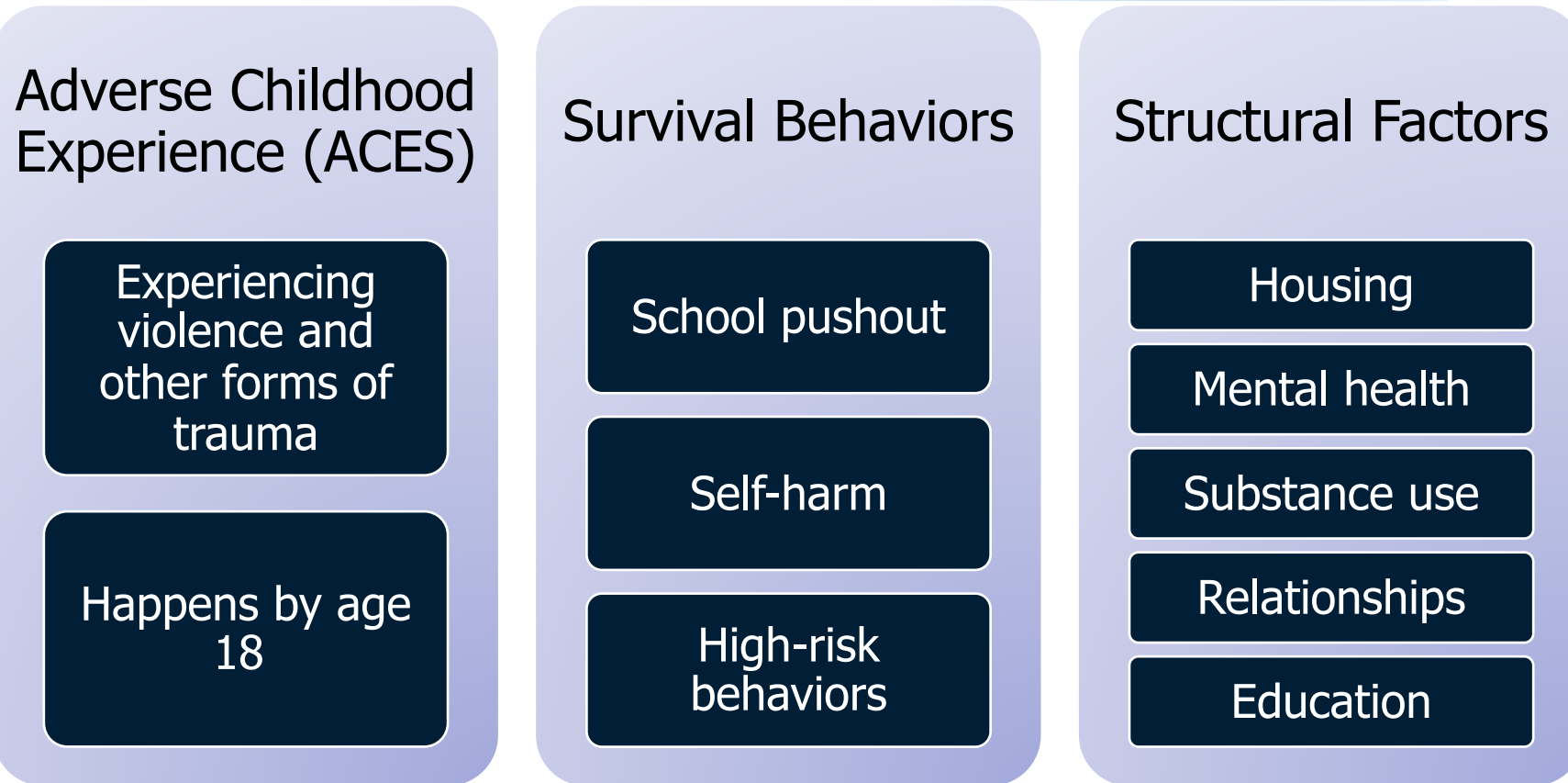
Valerio Baćak et al., "Incarceration as a Health Determinant for Sexual Orientation and Gender Minority Persons," *American Journal of Public Health Criminal Justice* 108, no. 8 (2018): 994, doi:10.2105/AJPH.2018.304500; Kami A. Kosenko and Elizabeth A. Nelson, "Identifying and Ameliorating Lesbian, Gay, Bisexual, and Transgender Health Disparities in the Criminal Justice System," *American Journal of Public Health* 108, no. 8 (2018): 970, doi: 10.2105/AJPH.2018.304537.

Women in Pretrial—A Losing Position

- Fastest growing justice population
- Women pose little risk to public safety; once in the system, many women experience poverty and related pathways to crime.
- Reentry and supervision needs are complex.
- Less likely to get bail; more technical violations and disciplinary reports
- Severe consequences for children

For sources, see slide 49.

Women have unique pathways into the criminal justice system.



Elizabeth Fleming et al., *Adopting a Gender-Responsive Approach for Women in the Justice System: A Resource Guide* (New York: The Council of State Governments Justice Center, 2021).

Women have salient criminogenic risk factors that are barriers to justice.

“Gender Neutral”

- Antisocial attitudes
- Antisocial peers
- Emotional/personal
- Behavioral history (such as aggression and substance use)

Salient Factors for Women

- Poverty
- Childhood victimization and abuse
- Unhealthy intimate relationships
- Mental health issues
- Education and employment
- Lack of safe, affordable housing

D.A. Andrews, James Bonta, and R.D. Hoge, “Classification for Effective Rehabilitation: Rediscovering Psychology,” *Criminal Justice and Behavior* 37, no. 1 (1990): 19–52, <https://doi.org/10.1177/0093854890017001004>; Patricia Van Voorhis et al., “Women’s Risk Factors and Their Contributions to Existing Risk/Needs Assessment: The Current Status of a Gender-Responsive Supplement,” *Criminal Justice and Behavior* 37, no. 3 (2010): 261–288, <https://doi.org/10.1177/0093854809357442>.

Why gender justice matters: gender-based violence is prevalent.

Interpersonal and Structural Trauma

- Justice-involved women experience high prevalence rates of childhood victimization and trauma.
 - As high as 90 percent for women
- Until recently, these factors were not assessed in gender neutral standardized assessments.

Niki A. Miller and Lisa M. Najavits, "Creating Trauma-informed Correctional Care: A Balance of Goals and Environment," *European Journal of Psychotraumatology* 3, no. 1 (2012): 17246–17248, <https://doi.org/10.3402/ejpt.v3i0.17246>; Patricia Van Voorhis, "On Behalf of Women Offenders: Women's Place in the Science of Evidence-based Practice," *Criminology and Public Policy* 11, no. 2 (2012); 111–145, <https://doi.org/10.1111/j.1745-9133.2012.00793.x>.

Reflection Activity

What are the consequences of failing to understand and assess trauma:

- To you as a professional?
- To the people your program serves?

What are some of the best strategies to use your discretion to reduce harm and support women?

Why Gender-Responsive Diversion Matters

- Ignoring gender has inflicted many psychological and physical hardships on women with criminal justice involvement (such as shackling women during labor; failing to provide women with free hygiene products, etc.).
- **A large percentage of women with criminal justice involvement have children.**
 - 80 percent of women in jail are mothers; most are primary caretakers.

Dan Levin, "As More Mothers Fill Prisons, Children Suffer 'A Primal Wound,'" *The New York Times*, December 28, 2019, accessed May 18, 2022, <https://www.nytimes.com/2019/12/28/us/prison-mothers-children.html>.

Lack of gender-responsive diversion impacts community supervision.

- Over 1 million women under community supervision
- Probation is the most underfunded of agencies in the criminal justice system.
- Case load sizes vary dramatically across agencies.
- Intensity and dosage vary across agencies.
- Risk level varies.
- Needs vary, and among the highest need cases there is increased likelihood of trauma, mental health, and substance use issues.

For sources see slide 50.

Community Supervision with Women: Frequently Used Conditions

Standard Conditions:

- Obey all laws.
- Report as directed to a probation officer.
- Pay all court-ordered fines, fees, and restitution.
- Maintain employment, school, or vocational training.
- Do not use or possess illegal drugs or weapons.
- Attend treatment as directed.

Discretionary Conditions

- Submit to warrantless searches without probable cause (called a search condition).
- Do not travel outside the county or state without permission.
- Stay away from certain places and people (like victims and accomplices).
- Complete community service or classes like anger management, parenting, or theft awareness.
- Submit to alcohol or drug testing.
- Submit a DNA sample.
- Submit to GPS (global positioning system) monitoring.

For sources see slide 50.

Community Supervision: The Issues for Women

Program and service needs might include the following:

- Housing stability
- Employment and education
- Financial
- Medical
- Mental health
- Substance use
- Parenting
- Intimate partner violence

Financial obligations might include the following:

- Supervision fees
- Court costs
- Urinalysis tests
- Electronic monitoring
- Fines
- Treatment and special services

For sources see slide 50.

The Current Gender-Responsive Landscape

Expand risk/need model	Gender-responsive assessment—risk, need, and strength assessments for women
Gender-responsive core practices and interventions	Trauma-informed, relational, strengths-based, culturally responsive
Gender-responsive programs	Meta-analysis of programs supports use of GR programs
Develop gender-responsive policies	Gender Responsive Policies and Practices Assessment—GRPPA-CV.

Elizabeth Fleming et al., *Adopting a Gender-Responsive Approach for Women in the Justice System: A Resource Guide* (New York: The Council of State Governments Justice Center, 2021).

Exploring Gender-Responsive Supervisory Practices

Four Promising Options to Enhance Outcomes

- Match intensity of SERVICE with need and review reporting requirements.
- Shift supervision approach—application of GR and TI practices during all interactions.
- Develop intermediate responses to behavior including positive and gender-responsive incentives, treatment, and non-“incarcerative” sanctions.
- Reduce the use of technical violations.

The Pew Charitable Trusts, [“States Can Shorten Probation and Protect Public Safety”](#) (Washington, DC: The Pew Charitable Trusts, 2020); “Gender-Responsive Policy and Practice Assessment-Community Version (GRPPA-CV),” National Resource Center on Justice Involved Women, accessed September 7, 2022, <https://cjinvolvedwomen.org/gender-responsive-policy-and-practices-assessment-in-community-agencies>.

Progress with Gender Responsivity in Criminal Justice

We now have a significant and growing body of research that focuses on justice-involved women.

- Risk, need, and strengths assessment
- Case work
- Programs
- Policies and practices assessment

Gender-Responsive Principles

- Trauma-informed
- Relational
- Strengths-based
- Culturally responsive

James Bonta and Donald A. Andrews, *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation 2007-06* (Ottawa, Canada: Public Safety Canada, 2007).

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Gender Equity in Pretrial: What Could Gender Justice Look Like?

Equity is about creating fair access and opportunity for women and nonbinary people in the pretrial space.

“The quality of being fair, unbiased, and just; ensuring that everyone has access to the resources, opportunities, power, and responsibility they need to reach their full, healthy potential, as well as making changes so that unfair differences may be understood and addressed. Equity-based solutions often involve a strategy of different or tailored treatment to ensure fairness and justice.”

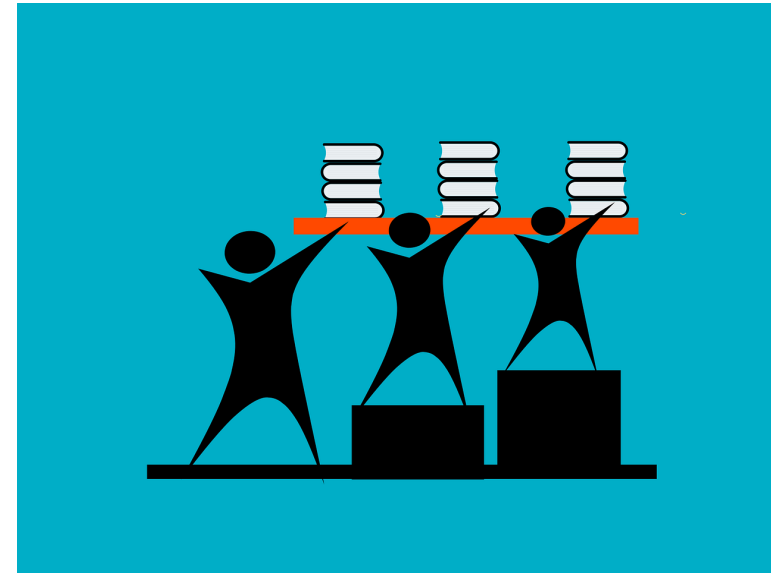


Image by [mohamed Hassan](#) from [Pixabay](#)

Substance Abuse Mental Health Services Administration, *Promoting Equity and Reducing Disparities in IECMHC Systems and Programs: Glossary and Definitions* (Rockville, MD: Substance Abuse Mental Health Services Administration, 2017), https://www.samhsa.gov/sites/default/files/programs_campaigns/IECMHC/promoting-equity-reducing-disparities-iecmhc-systems-prgms-gloss-definitions.pdf.

Social Expectations

“Women with a prison record are seen as having committed two offenses, one against the law and one against social expectations of how women are supposed to behave.”

Tara Opsal, “It’s Their World, so You’ve Just Got to Get Through’: Women’s Experiences of Parole Governance,” *Feminist Criminology* 10, no. 2 (2014) 188–207, <https://doi.org/10.1177/1557085114539723>.

Gender Matters: Moving toward Justice

- *Equity* is about creating fair access and opportunity for everyone (across many identities).
- We can't create an equitable system unless we understand, accept, and invest in the needs of Black and Brown women and nonbinary people in communities.

Intersectionality as a Way of Seeing

- Intersectionality focuses our attention on how multiple factors of discrimination and oppression function synergistically.
- It can help us identify specific policies, processes, and laws that operate unfairly and have negative effects across people's life experiences.

Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics," *University of Chicago Legal Forum* 1989, no. 1, article 8 (1989) 139–167, <http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8>.

Intersectionality as a Way of Seeing

Risk Factors and Barriers

- Policies and practices often fail to capture the impact of structural and systemic factors that pose barriers to success.

What Does this Mean?

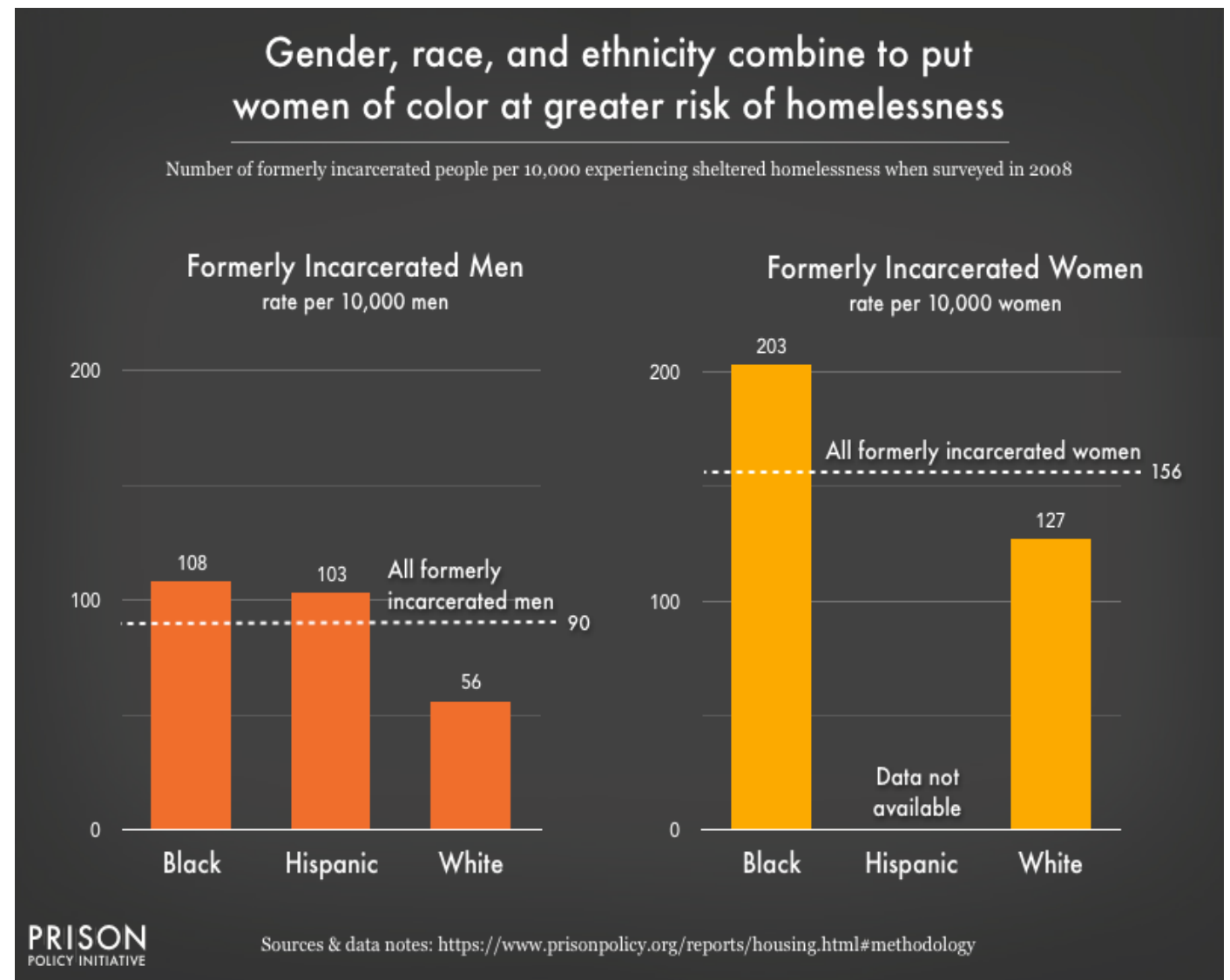
- We emphasize individual factors that are predictive of crime (focus on individual choice and responsibility).
- Disregard structural factors like racism, safe housing, finances, criminal records, substance misuse, medical, etc.

Specific Needs: An Example

What does this graph tell you about homelessness and

- Women who are incarcerated?
- Black women who are incarcerated?

How can we use this information?



Lucius Couloute, "[Nowhere to Go: Homelessness Among Formerly Incarcerated People](#)" (Northampton, MA: Prison Policy Initiative, 2018). Image used with permission from Prison Policy Initiative.

Summary

Gender matters, and so does race, sexuality, and other identities.

- Identity—such as being a woman, or Black or poor does not make the individual more vulnerable. Instead, it is the discrimination and inequities faced by an individual that create vulnerability.
- When we work intentionally to understand, accept, and value different identities, we are better prepared to incorporate different perspectives (multiple voices) to ensure inclusivity and equity.

Lead with Trauma-Informed Principles

- **Safety:** Ensuring physical and emotional safety for clients and staff
- **Trustworthiness:** Maximizing trust; ensuring clear expectations and consistent boundaries
- **Choice:** Making choice and control a priority
- **Collaboration:** Sharing power with staff and clients; working together
- **Empowerment:** Working intentionally to build resilience (personal and social resources)

Roger D. Fallot and Maxine Harris, *Creating Cultures of Trauma-Informed Care* (Washington, DC: Community Connections, 2009), 1–19.

Applying What We Have Learned

- Always lead with respect.
- Consider how your own race, class, culture, gender, sexual orientation, gender identity, etc. might shape your perceptions.
- Be willing to interrogate your own thinking and potential biases.
- Insert dignity for the other person wherever you can.

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Questions and Answers

Sources for Slide 25

- Merry Morash et al., "Technical Violations, Treatment and Punishment Responses, and Recidivism of Women on Probation and Parole," *Criminal Justice Policy Review* 30, no. 5 (2017): 788, <https://journals.sagepub.com/doi/pdf/10.1177/0887403417723425>.
- Sarah E. Abbott, "Chapter 2: Mental Illness and Jail Diversion Compassionate Justice for the Mentally Ill: The Advocates/Framingham Police Model," in *And Justice for All: Families and the Criminal Justice System: Groves Monographs on Marriage and Family*, ed. Tessa Le Roux and Libby Balter Blume (Michigan: Michigan Publishing, University of Michigan Library, 2015).
- The Pew Charitable Trusts, *Probation and Parole Systems Marked by High Stakes, Missed Opportunities: A Chartbook* (Philadelphia: The Pew Charitable Trusts, 2018), https://www.pewtrusts.org/-/media/assets/2018/09/probation_and_parole_systems_marked_by_high_stakes_missed_opportunities_pew.pdf.

Sources for Slides 31–33

- The Pew Charitable Trusts, *States Can Shorten Probation and Protect Public Safety* (Washington, DC: The Pew Charitable Trusts, 2020).
- The Pew Charitable Trusts, *Probation and Parole Systems Marked by High Stakes, Missed Opportunities: A Chartbook* (Washington, DC: The Pew Charitable Trusts, 2018).
- Michael P. Jacobson et al., *Less Is More: How Reducing Probation Populations Can Improve Outcomes* (Cambridge, MA: Harvard Kennedy School Program in Criminal Justice Policy and Management, 2017).

Additional Resources

- *Adopting a Gender-Responsive Approach for Women in the Justice System: A Resource Guide*
- A Process Evaluation Of The Women Offender Case Management Model, Implemented By The Connecticut Court Support Services Division
- Collaborative Case Work with Justice-Involved Women
- Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics

Additional Resources

- [Glossary of Terms: Race, Equity and Social Justice](#)
- [The Urgency of Intersectionality](#)
- [What is Intersectional Feminism? A Definitive Guide](#)
- [Women Offender Case Management Model: Outcome Evaluation](#)
- [Women's Risk Factors and Their Contributions to Existing Risk/Needs Assessment The Current Status of a Gender-Responsive Supplement](#)

Contact Information

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Thank You!

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For more information, please contact Felicia at fwright@csg.org

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