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Implementing Gender-Informed Strategies at the Pretrial Stage: Research to Practice

June 25, 2015

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Poll Question: Who's Participating Today?

- Community Corrections
- Courts
- Educators/Researchers
- Jails/Prisons
- Law Enforcement
- Medical/Mental Health
- Pretrial
- Substance Abuse Providers
- Victim Advocates

National Resource Center on Justice Involved Women (NRCJIW)

- Funded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance in partnership with the National Institute of Corrections.
- ***Primary Goal: Provide resources and tools to professionals to equip them to be more successful in their work with justice-involved women.***
- Administered by the Center for Effective Public Policy in partnership with Orbis Partners, University of Cincinnati, Women's Prison Association, CORE Associates, The Moss Group and SAMHSA's National Center on Trauma-Informed Care.

Primary Activities

- Targeted Technical Assistance
- Training and Webinars on Key Topics
- Policy and Practice Briefs
- Innovator Series
- E-newsletter

See our website at:

www.cjinvolvedwomen.org

Today's Agenda

- Provide information about the latest research supporting gender-responsive pretrial risk and needs assessments.
- Aid in understanding how to apply evidence-based, gender-responsive tools and practices helpful to achieving better pretrial outcomes for justice-involved women.
- Share details for assessing and identifying areas within agencies where gender-responsive strategies can be employed at the pretrial stage.
- Q&A

NRCJIW Pretrial Pilot

- Invited pretrial agencies to apply for TA to implement gender-responsive approaches to pretrial screening and services.
- Demonstrate how evidence-based, gender-responsive practices can be helpful in achieving better outcomes for justice-involved women.
- Provided support and training to identify and more accurately target risk/need factors for women at the pretrial stage
- Increase research data and inform others

Krista S. Gehring, Ph.D.

- Assistant Professor at the University of Houston-Downtown
- Graduated from the University of Cincinnati where she worked on the Women's Risk Needs Project
- Research interests include women offenders; gender-responsive policies, practices, and programs; risk/needs assessment and classification
- Authored recent article, *Needs and Pretrial Failure: Additional Risk Factors for Female and Male Pretrial Defendants*, published in the *Journal of Criminal Justice and Behavior*



Mary Ellen Still

- Director, Dutchess County (NY) Office of Probation and Community Corrections
- Chairperson for the Dutchess County Criminal Justice Council
- Served as past Chair of a committee on Women Involved in the Criminal Justice System
- Strong interest and long history implementing gender-responsive initiatives





Characteristics of Justice-Involved Women

Offense Profiles

- The number of women under criminal justice supervision has risen disproportionately to arrest rates.
- Women have not become more violent as a group.
- Drug offenses represent the largest source of population growth for women, as opposed to violent offenses for men.

Gender Differentials

- IN OFFENSE PATTERNS – Women’s crimes:
 - Occur at much lower than male rates.
 - Are predominantly petty theft, low-level drug use and sales, minor fraud and prostitution.
- WHILE IN CUSTODY – Women present with:
 - Lower levels of violence; higher rates of disciplinary write-ups.
 - Relationships with staff and other offenders.
 - Responsibilities for children and other family members.
 - Gender-based treatment needs while in custody and during transition to community.

Women in the Criminal Justice System

- The increase has slowed, but women offenders are still outpacing male offenders.
 - (2000-2009: Women offenders grew by 23.7% vs. 15.8% for men.)
- More than 1.3 million women are currently under criminal justice supervision in the U.S.
- Women now comprise 18% of the total number of offenders under criminal justice supervision.

Reasons for the Increase in Women

- The War on Drugs
- “Tough on Crime” Policies
- Reduced Funding for Mental Health



Justice Involved Women

- Early 30s
- Drug related crimes
- Undereducated/unskilled
- Poverty
- Unemployed
- Disproportionately women of color
- Mothers to minor children
- Substance abuse problems
- Health problems
- Mental health problems
- Victims of physical and/or sexual abuse



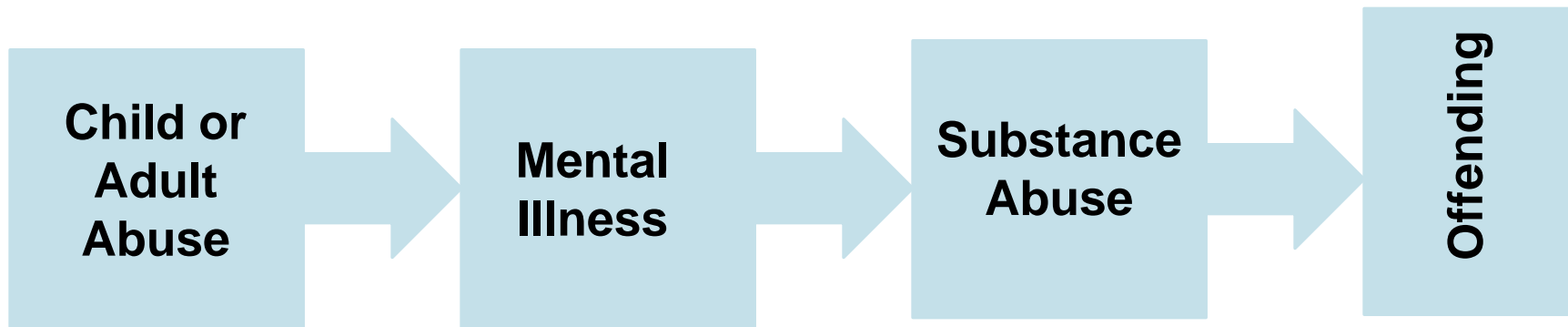
Pathways Perspective

- Suggests women enter the criminal justice system through different pathways than men.
- Examines the lives of women prior to incarceration.
- Looks at how experiences shape pathways to offending.

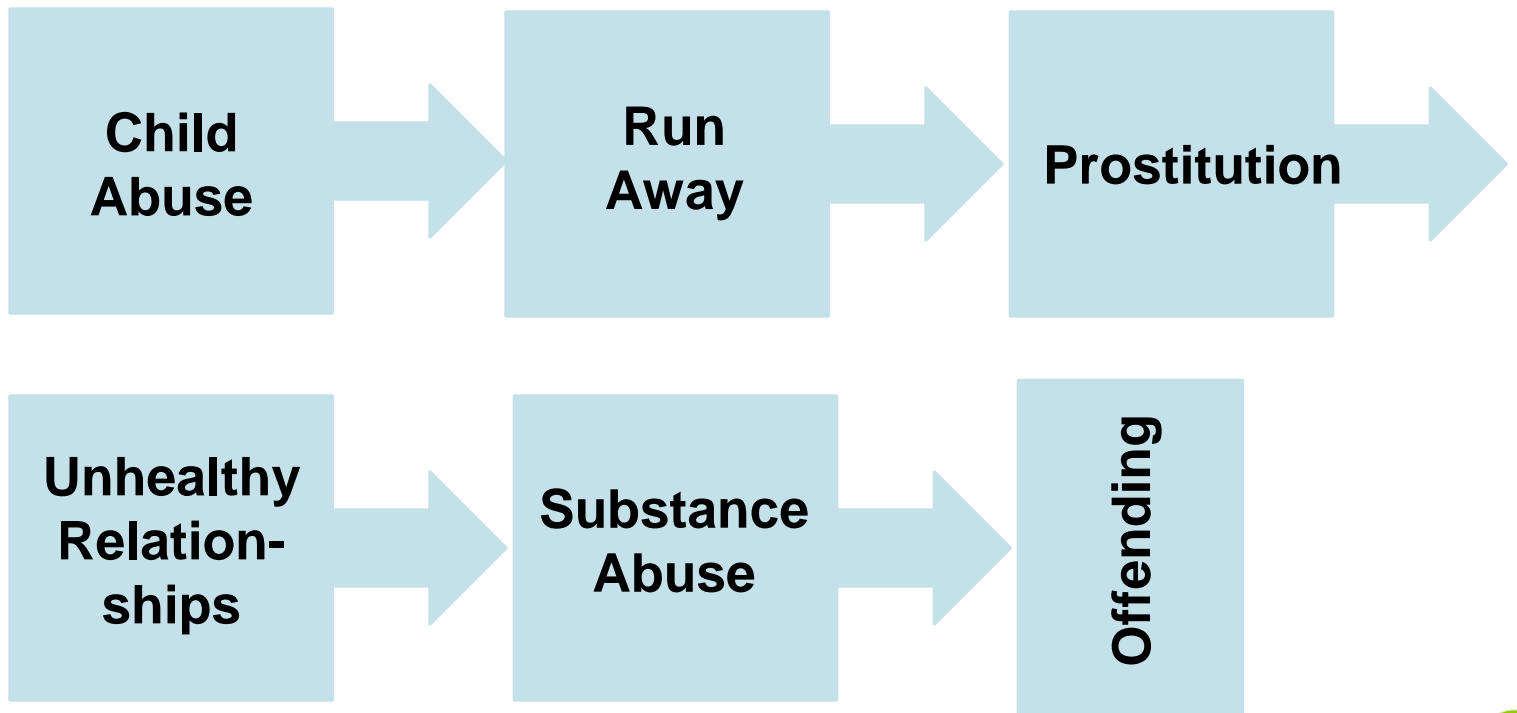
Components of Pathways Perspective

- Histories of Personal Abuse
- Mental Illness
- Substance Abuse
- Economic and Social Marginality
- Homelessness
- Relationships

Example of a Pathway Women Might Take into the Criminal Justice System



Example of a Pathway Women Might Take into the Criminal Justice System



What Happens When Policies and Practices Don't Meet the Needs of Women?

- Goals of the criminal justice system are compromised
 - System designed for behavior of men does not work for women.
- Creates unnecessary problems for systems
 - Such as litigation, unwanted publicity, etc.
- Wasted opportunity to improve outcomes for women

Pretrial Focus on Needs is Recent

- Pretrial service agencies began in the 1960s and 1970s to facilitate pretrial release as an alternative to bail.
- Since then:
 - Deinstitutionalization of the mentally ill and inability of CMHCs to provide adequate services to severely mentally ill;
 - Greater awareness of child abuse and domestic violence;
 - Emerging drug problem and the “War on Drugs”;
 - Welfare reform;
 - Economic changes and shifts in the dynamics of poverty.
- Sociopolitical shifts have brought many more seriously troubled individuals to the attention of pretrial service agencies.

Polling Question: Does your agency use gender-informed assessment instruments?

- Yes
- No

In what capacity does your agency use gender-informed assessment instruments?

- As a risk and needs tool
- As a risk tool only
- As a needs tool only
- N/A

The Importance of Assessments



- Informs diversion decisions and other pretrial release options (Risk Levels and Specific Needs).
- Judges are more likely to support alternatives if they have assessment-based information on risk and needs.
- Addressing these needs (both gender-neutral and gender-responsive) could reduce the likelihood of pretrial failure.

Assumptions of the Assessments

- The main goal is to address needs related to adverse outcomes.
- The needs are gender-responsive and gender-neutral.
- Identification of needs is assessment-based.
- Identified needs are addressed through case management and evidence-based programming.
- Assessment/case plans can transition to other correctional agencies.

Advantages of Pretrial Services



- Unique gatekeeping function with many opportunities to serve troubled individuals.
- Some women may be identified for the first time in their lives as having serious mental health, substance abuse, trauma, housing, childcare, safety, and other issues.
- Many of these issues may be addressed by key community services.

Advantages of Pretrial Assessments



- Informs pretrial supervision (Risk Levels and Specific Needs).
- Guides programing during jail terms and pretrial supervision.
- Needs screens can prevent over-assessing.
- Assessments can guide work at later decision points.



National Institute of Corrections/University of Cincinnati Collaboration

- Endeavored to create an evidence-based, gender-responsive screening and treatment intervention process that would reduce the high incidence of pretrial detention and incarceration of women.
- Unable to conduct construction validation; pretrial component was not funded.
- In April 2007, Hamilton County, OH began to use the tool for program referrals.
- Administered tool to both women and men.
- 2009 validation funding provided to the University of Cincinnati by The Health Foundation of Greater Cincinnati.

State of Research and Its Challenges

- Studies do not provide an overview of pretrial as a system.
- Pretrial populations pose unique sampling problems:
 - Population mobility and complexity;
 - Short terms;
 - Timing.
- Most are actually studies of jail populations.
- Low base rates on outcome variables.
- Some controversy.

Gehring Research

- Variation of the Women's Risk and Needs Assessment (WRNA) in Hamilton County, Ohio
 - *Inventory of Need Pretrial Screening Tool*
- Dr. Gehring looked at both male and female pretrial defendants (N=266). We are focusing on the findings for women.
- Pretrial, not jail population:
 - Were these needs related to pretrial failure?
 - FTAs
 - New Arrests
 - Any Failures
 - Did these needs differ for men and women?

Needs in the Study

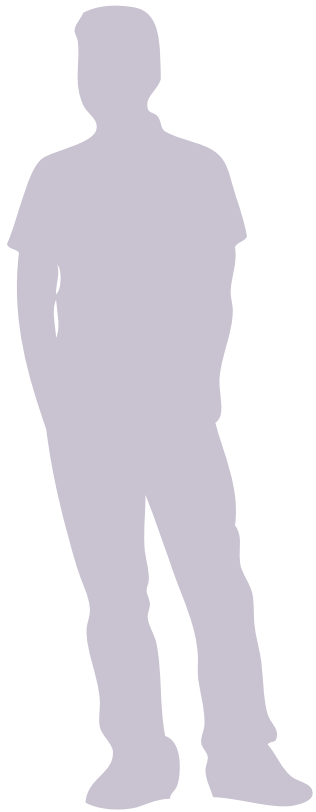
Gender-Neutral

- Criminal History (risk)
- Employment
- Educational Need
- Substance Abuse

Gender Responsive

- Abuse
- Trauma
- Mental Health
- Homelessness
- Family Support

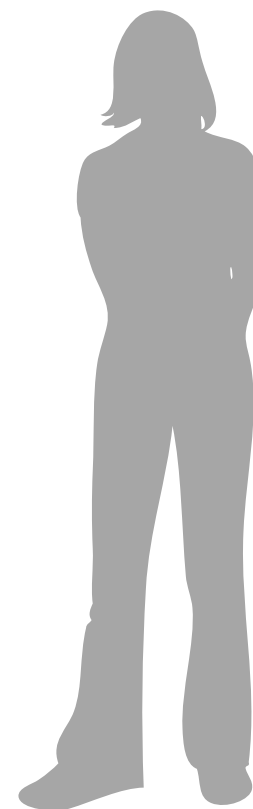
Prevalence of Needs

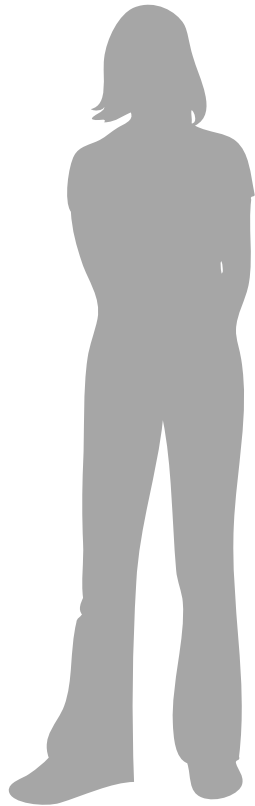


- Criminal history
- Substance abuse

Prevalence of Needs

- Abuse
- Trauma
- Mental health (i.e., mood disorders)
- Housing safety
- Children





Pretrial women were significantly more likely to score as low risk (51%) than men (33%).

Needs Related to Pretrial Failure

FTAs

- Criminal History
- Substance Abuse
- Trauma
- Mental Health
- Homelessness
- Family Support

New Arrests

- Criminal History
- Employment
- Educational Need
- Substance Abuse

Any Failure

- Criminal History
- Employment
- Educational Need
- Substance Abuse
- Trauma
- Mental Health (6 Mo)
- Homelessness
- Family Support



Needs Related to Pretrial Failure

FTAs

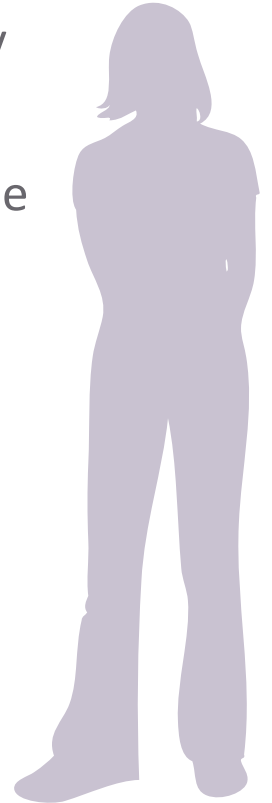
- Criminal History
- Employment
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- Abuse
- Trauma
- Mental Health
- Homelessness
- Family Support

New Arrests

- Criminal History (6 Mo)
- Employment
- Substance Abuse
- Abuse
- Mental Health
- Homelessness

Any Failure

- Criminal History
- Employment
- Substance Abuse
- Abuse
- Mental Health
- Homelessness
- Family Support



ION Results for Women (4 and 6 Month Follow-up)

Inventory of Need	FTAs		New Arrests		Any Failure	
	4 mo. r AUC	6 mo. r AUC	4 mo. r AUC	6 mo. r AUC	4 mo. r AUC	6 mo. r AUC
Women						
Hamilton County, OH (N=103)	.48*** .89	.48*** .89	.23*** .67	.18** .60	.40*** .78	.35*** .73
Men						
Hamilton County, OH (N=163)	.28*** .72	.27*** .70	.22*** .71	.24*** .70	.32*** .73	.33*** .71

Overall...

Gender-Neutral Scales

- Men
 - ☑ New arrests
 - ☑ Any failures
- Women
 - ☑ FTAs
 - ☑ Any failures

Gender-Responsive Scales

- Men
 - ☑ FTAs
- Women
 - ☑ FTAs
 - ☑ New arrests
 - ☑ Any failures



Implementing Gender- Informed Strategies at the Pretrial Stage

Research to Practice:
Dutchess County, NY's Experience

BACKGROUND

- Dutchess County – mid size county located in mid-Hudson Valley
- Office of Probation has a Pretrial Services Unit that screens and monitors defendants
- Applied for technical assistance to provide gender-specific strategies at earliest possible stage
- Department, County Executive, Legislature and Criminal Justice Council supportive of gender-specific programming

GETTING STARTED

- Began with general introduction for all stakeholders (CJC)
- Followed by training for Pretrial Unit and other CJ agencies
- Collaborative process with NRCJIW and CEPP
- Feedback and discussion about ION as well as ongoing support
- IT part of process from the beginning
- Strong/Dedicated leadership and committed staff

PRETRIAL ION

- “HOW TO” Manual
- Centralized and accessible to all staff completing IONS
- Describes process, procedures, data entry and referral resources
- Clarify ION’s role as supportive—not a sanction or condition

PROCESS

- Refined the ION with associated risk scores
- Working with IT Department, designed computer program to capture data and identified “who” would enter data
- Centralized process
- Linked assessment scores (Proxy and COMPAS) to ION
- Established protocol to track re-arrests
- Established monthly QA (Don’t Assume)

CHALLENGES

- How to capture data
- Time needed to complete ION and enter data
- Determining “best” place in process to use ION
- How to link assessment, ION and outcomes electronically
- Making protocols part of daily procedures

BENEFITS

- Early identification of needs correlated to pretrial success
- More effective collaboration with referral agencies
- Referral agencies had the benefit of needs identification early in the process
- Women often felt empowered by the information/eager to help other women
- Probation Officers recognized benefits of early assessment/referrals
- Unit acted as a team/Solution focused
- New Women's Center ideally positioned to accept referrals (DCJS)
- Trauma issues identified and addressed
- Women developed rapport with staff and more trust in system

RECOMMENDATIONS

- Inform and involve key stakeholders
- Assess data needs early to prevent retroactively trying to capture information
- Work with IT staff ASAP to develop plan
- Train staff in Motivational Interviewing (MI) to ensure consistency/buy-in
- Integrate process into daily procedures
- Create a “how to” manual
- Establish Quality Assurance
- Adapt model to your jurisdiction
- Flexibility!

SUMMARY

- TA from CEPP and NRCJIW key to successful project
- Pretrial uniquely situated to help women from initial contact with system
- Developing gender-informed practices helps promote better outcomes for women

Conclusion

- The number of women under criminal justice supervision has risen disproportionate to arrest rates.
- Pretrial stage presents unique opportunities to help women at the initial contact with system.
- Women present unique risk and needs; addressing these needs (both gender-neutral and gender-responsive) could reduce the likelihood of pretrial failure.

For More Information...

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- Mary Ellen Still, Director, Dutchess County (NY) Office of Probation and Community Corrections, 845-486-2600, probation@dutchessny.gov
- Tom Morris, Dutchess County (NY) Deputy Director, Office of Probation and Community Corrections, 845-486-2600, tmorris@dutchessny.gov

Questions?





Thank you!

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- Please complete the evaluation survey before you exit!