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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

Child or Adult Abuse → Mental Illness → Substance Abuse → Offending
Example of a Pathway Women Might Take into the Criminal Justice System

Child Abuse → Run Away → Prostitution

Unhealthy Relationships → Substance Abuse → Offending
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.
Importance of a Research-based Approach
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

<table>
<thead>
<tr>
<th>FTAs</th>
<th>New Arrests</th>
<th>Any Failure</th>
</tr>
</thead>
</table>
| - Criminal History  
- Substance Abuse  
- Trauma  
- Mental Health  
- Homelessness  
- Family Support | - Criminal History  
- Employment  
- Educational Need  
- Substance Abuse | - Criminal History  
- Employment  
- Educational Need  
- Substance Abuse  
- Trauma  
- Mental Health (6 Mo)  
- Homelessness  
- Family Support |
# Needs Related to Pretrial Failure

<table>
<thead>
<tr>
<th>FTAs</th>
<th>New Arrests</th>
<th>Any Failure</th>
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<tbody>
<tr>
<td>Criminal History</td>
<td>Criminal History (6 Mo)</td>
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<tr>
<td>Employment</td>
<td>Employment</td>
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<td>Trauma</td>
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# ION Results for Women (4 and 6 Month Follow-up)

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

- National Resource Center on Justice Involved Women – Becki Ney, 301-589-9383, bney@cepp.com
- Krista S. Gehring, Ph.D., Assistant Professor, University of Houston-Downtown, gehringk@uhd.edu
- 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!

- A recording of this webinar and the PowerPoint presentation will be posted to the NRCJIW website: www.cjinvolvedwomen.org

- Please complete the evaluation survey before you exit!