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Handbook on the Consequences of Sentencing and Punishment Decisions

Editors: Beth M. Huebner and Natasha A. Frost

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**HANDBOOK ON THE CONSEQUENCES OF SENTENCING
AND PUNISHMENT DECISIONS**

Huebner and Frost



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Edited by Beth M. Huebner and Natasha A. Frost

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IMPACTS OF CONVICTION AND IMPRISONMENT FOR WOMEN

Miriam Northcutt Bohmert, Matthew Galasso, and Jennifer Cobbina

Introduction

“Collateral consequences” are constraints imposed by the state and federal government on individuals who offend as the result of an arrest, conviction, or imprisonment. These additional restrictions are civil consequences of conviction, outside the realm of the criminal process (Johnson, 2001; Pinard, 2010), and are considered indirect penalties of having a felony offense (Pinard, 2006). Generally said to be “unintended,” these consequences continue to impact an individual long after she has served her sentence term. In this chapter, we present a description of the challenges that women involved with the criminal justice system experience—whether as a result of a criminal conviction or incarceration. Of course, women who have not been incarcerated differ from those who have been to jail or prison for an extended period of time. The added burden of being incarcerated pre- or post-conviction (that is, going to jail or prison to either be held, await trial, or to serve a sentence) means these women have spent time away from family, friends, and employment and are likely to have fractured these important networks in ways that have consequences beyond just the conviction.

Over the past 30 years, women have been a fast growing population in corrections—prison incarcerations have increased over 700 percent since 1980 (The Sentencing Project, 2015). In fact, since 2010, the female jail population has been the fastest growing correctional population, increasing by an average annual rate of 3.4 percent (Glaze & Kaeble, 2014). Just from 2009 to 2013, the number of women in jail increased 48 percent (Minton, Ginder, Brumbaugh, Smiley-McDonald, & Rohloff, 2015). Although parole numbers appear to be stabilizing or slightly declining (Glaze & Bonczar, 2009; Maruschak & Parks, 2012), between 2000 and 2010, the female probation population increased by 17 percent, or an average of 1.5 percent annually (Glaze & Kaeble, 2014). On any given day, 1.2 million women are under the authority of the criminal justice system (Kaeble, Glaze, Tsoutis, & Minton, 2016); approximately 1 million are sentenced to community supervision, 111,495 are incarcerated in a state or federal prison (Carson & Anderson, 2016), and another 100,940 are in local jails (Minton et al., 2015).

The typical female involved in the criminal justice system has had a drug or property offense (25 percent and 28 percent, respectively; Carson & Anderson, 2016), is a victim of child and adult sexual and intimate partner violence (Scroggins & Malley, 2010; Verona, Murphy, & Javdani, 2016), exhibits mental health problems (James & Glaze, 2006), is drug or alcohol dependent (Mumola & Karberg, 2006), is unemployed or economically marginalized (Morash, Kashy, Northcutt Bohmert, Cobbina, & Smith, 2015), and is the mother of a minor child (The Sentencing Project, 2015). Black

women are more than twice as likely, and Hispanic women are 1.2 times as likely, as White women to be incarcerated (The Sentencing Project, 2015). Although Black and Hispanic women experience higher rates of imprisonment than White women, the gap has closed dramatically between 2000 and 2014—for example, the rate of imprisonment for Black women fell 47 percent while it increased 56 percent for White women.

Evidence that collateral consequences have impacted women in profound ways is also found in their high rates of recidivism. About 25 percent of women released from prison fail within six months (i.e., have an arrest for a new crime), 33 percent fail within a year, and 68 percent fail within five years of release (Snyder, Durose, Cooper, & Mulako-Wangota, 2016). Similarly, failure rates for individuals on probation or parole have remained consistent over time at approximately 18 to 20 percent (Kaeble & Bonczar, 2016; see Tables 3 and 5). These data indicate women are having a hard time getting their lives back together after conviction and incarceration events. In this chapter, we review the most common collateral consequences experienced after conviction—with attention to how these consequences may be worse for women who have been incarcerated.

Pathways Into Crime

To understand how collateral consequences of conviction and incarceration impact women, it is important to first appreciate the context in which they are occurring. Women involved in the criminal justice system, as is the case with men as well, are not experiencing the punishment of a conviction in isolation. Instead, the penalties accompanying conviction are most often interlaced with a host of other challenges women experienced prior to their most recent criminal justice system involvement. And the new hardships are likely not additive, but rather multiplicative, or interactive to the hardships they are already managing. This sheds light on how the new challenges of a felony conviction or serving time behind prison walls will impact those who already have a criminal conviction.

The gendered pathways paradigm first developed by Kathleen Daly (1992) delineated five main pathways women take to criminal behavior: Harmed-and-Harming, Street, Drug-Connected, Battered, and Other. To develop these pathways, or profiles of women, Daly collected and analyzed 40 women's pre-sentence investigation reports. Until Daly's study, the dominant narrative was that women who engaged in offending behavior were all "street women"—women who had run away from abusive households, had gotten involved in petty hustles, became drug addicted, and engaged in prostitution, theft, or selling drugs to support a drug habit; however, in Daly's study these women only comprised 25 percent of the sample. Instead, the most common type of women (37.5 percent) who engaged in criminal activity were harmed-and harming women who had psychological problems and an inability to cope with current circumstances. Many of these women were abused or neglected as children, used drugs or alcohol, and may become violent when doing so.

Daly's framework has since been refined by others who have confirmed the presence of multiple pathways women take into crime. However, the number and composition of those pathways have varied (Brennan, Breitenbach, Dieterich, Salisbury, & Voorhis, 2012; Chesney-Lind, 1997; B.A. Owen, 1998; Reisig, Holtfreter, & Morash, 2006; Salisbury & Van Voorhis, 2009). For instance, utilizing data from interviews, risk assessments, and criminal history data from 718 women, Brennan and colleagues (2012) identified eight pathways nested in four superordinate pathways: *normal functioning but drug-abusing females* (34.7 percent) who have more positive vocational and educational resources, less poverty and abuse, and fewer mental health problems; *battered women* (23.6 percent) who have experienced lifetimes of physical and sexual abuse but are average in other areas; *socialized subcultural pathways, women* (28.5 percent) who are severely socially marginalized and have serious deficits in education and vocational skills, live in higher crime neighborhoods, have stronger antisocial attitudes, and whose drug use and drug trafficking suggested subcultural crime networks but who did not

experience sexual or physical abuse; and *aggressive antisocial women* (12.9 percent) who had the most extreme risk and need profiles combined with lifelong sexual and physical abuse, antisocial personality, antisocial families, mental health issues, and homelessness.

The gendered pathways model highlights several considerations relevant to the study of collateral consequences. First, the paths women take into crime are diverse—some women may have been pushed into crime by histories of victimization while others entered crime as a result of severe economic marginalization and residence in a high crime neighborhood. Second, as a result, women on each pathway have shared challenges as well as resources at their disposal. Some women need extensive counseling and addiction treatment, others do not; some need educational and vocational training while others do not; some need the safety and opportunities afforded to those who live in better neighborhoods while other women already reside in such places. Thus, types of collateral consequences, and the severity, that women experience as a result of having a conviction, will vary tremendously by the path she took into crime as well as the tools she has available to respond. For example, the normal-functioning female with drug addiction who already has a job and lives in a nice neighborhood will not be as impacted by housing, employment, and social service practices that disqualify those with felony records as a more socially and economically marginalized woman. In short, the collateral consequences outlined in this chapter will not be experienced in the same ways, to the same extent, for all women who have been convicted or incarcerated. This body of research lays the groundwork for understanding how collateral consequences may impact some women more harshly than others. We will review the major collateral consequences in the following sections.

Collateral Consequences

Finding Employment

Even in an era of relative financial stability, finding stable and worthwhile employment can be difficult, especially for those with a felony conviction who may often face restricted access to particular jobs or opposition from employers (Pager, 2003). Mauer (2005, p. 609) noted:

Once a prison term is completed, the transition back to the community is almost always laden with difficulty. What in many cases is a situation of limited connections with the world of work becomes even more problematic with the stigma of imprisonment attached to former offenders. And particularly in an economy increasingly diverging into a high skills/high technology sector and a broad low skill service economy, few offenders have promising prospects for advancing out of the bottom rungs of the job ladder.

Women who have been to prison may have difficulty functioning emotionally and/or interpersonally in the employment setting (Harper, 2011). Employers generally expect their employees to work and communicate well with others, follow instructions, adapt to change, and accomplish organizational goals (Herr & Cramer, 1996; Neff, 1977). In her examination of the role of prisonization on employability for men and women, Harper (2011) found that the development of interactional processes was disrupted as a result of prisonization's psychological impact. Thus, the experiences learned and implemented in prison themselves serve as a collateral consequence to successful prison reentry; these may need to be un-learned or retooled for individuals to find success during reentry.

Moreover, for those who have been incarcerated, employment opportunities are further restricted because many former prisoners typically have few work skills, low levels of education, and limited work history. Between 1991 and 1997, 68 percent of inmates in state prison did not have a high school degree or their General Educational Development (GED; Harlow, 2003). A multi-state

analysis of reentry outcomes revealed that about one-third of women have secured employment six months post-release (Mallik-Kane & Visher, 2008). Lack of childcare, discrimination, and conflict with employers have been identified as primary factors to women's low employment rate following release from prison (Harm & Phillips, 2001; Richie, 2001; Schram, Koons-Witt, Williams, & McShane, 2006).

Yet, employment may serve as a particularly important path out of crime for many women. Holtfreter, Reisig, and Morash (2004) found that economic marginalization is a prominent reason why women commit crimes, suggesting they may have additional deficits in this area that have likely been worsened by new convictions or incarcerations. They suggest that employment may serve as a particularly important path out of crime for many women. The authors point to state-sponsored resources such as employment assistance or childcare as helpful in providing economically marginalized women with the necessary resources to survive without having to commit crime.

The impact of a conviction or incarceration on women's employment is shaped by the economic conditions present in the current historical epoch. Factors such as availability of jobs or social service programs impact women's success. Research by Morash and colleagues (2015) found that changes in the availability of social services (loss of monetary assistance or housing) increased certain types of recidivism for 345 women on probation and parole in one Midwestern state. Women who had high and unmet needs were at greater risk for recidivism, mental illness, and substance abuse, highlighting the relationships between economic context and women's reentry success.

Success in securing employment and navigating economic hardship has also been linked to strong ties and family support. However, women involved in the criminal justice system have what Desmond (2012) has called disposable or weak ties—unstable and short-lived relationships forged with new acquaintances to gain access to needed resources and provide some measure of companionship and comfort. Poor inner-city women often travel in isolated, small social circles, which inhibits them from developing strong social ties that may provide employment opportunities post-release (Reisig, Holtfreter, & Morash, 2002). Further complicating women's ability to obtain or maintain employment is the collateral consequences often tied to driving licenses. At least 16 states require at least a six-month suspension of driver's license for drug possession charges (Cauchon, 2014). The loss of a license and the enormous financial fees required to reinstate the license may compound women's problems obtaining employment (Northcutt Bohmert & DeMaris, 2017). Though employment is one way that formerly incarcerated women can establish a new post-incarceration identity, many find it difficult to secure a decent paying job.

Securing Housing

Finding suitable housing is the lynchpin to successfully transitioning into the free world (Petersilia, 2003; Visher & Courtney, 2006). Bradley and colleagues (2001, p. 7) detail the role that housing plays in shaping the reentry process:

For the returning prisoner, the search for permanent, sustainable housing is more than simply a disagreeable experience. It is a daunting challenge—one that portends success or failure for the entire reintegration process. . . . Housing is the lynchpin that holds the reintegration process together. Without a stable residence, continuity in substance abuse and mental health treatment is compromised. Employment is often contingent upon a fixed living arrangement. And, in the end, a polity that does not concern itself with the housing needs of returning prisoners finds that it has done so at the expense of its own public safety.

A stable home environment provides social and emotional support and structure that is conducive to positive reentry transitions (Sullivan, Mino, Nelson, & Pope, 2002). In their investigation of 570

male and female parolees, Cobbina, Huebner, and Berg (2012) found that women with prosocial relationships with an intimate partner or who had strong ties with their parents had a lower risk for recidivism and re-offense; this effect held regardless of prior criminal history. While finding a place to live is one of the pressing concerns returning prisoners encounter, it is often permeated with numerous barriers.

First, many women have limited personal or private sources of support upon release. As a result, most women returning home from prison will stay with family members; however, evidence suggests that family are less supportive of women who return home than men (Mallik-Kane & Visher, 2008). Moreover, the stay with loved ones may be temporary if their ties have weakened or if her presence poses a threat to housing stability for the family. While some returning prisoners will stay with their extended network of friends and relatives, parole agencies typically prohibit parolees from associating with anyone with a criminal record. This restriction, which includes family and friends who may be willing to take the person in, further limits housing options.

Second, while the private housing market is also available, this option is often cost-prohibitive, as most cannot afford first and last month's rent, plus a security deposit. Most former prisoners leave prison without enough money for a security deposit and those that do provide vouchers may, at the most, provide only a few weeks of housing (Center for Public Policy Research, 2007).

Third, even though public housing is an option, there are a number of policies that have effectively restricted access to public housing for significant numbers of individuals who formerly engaged in crime. Convicted drug and sex felons are prohibited from residing in subsidized housing, which further depletes their housing options (Lutze, Rosky, J.W., & Hamilton, 2014; Wheelock, 2005). Individuals' status as ex-convicts often provides landlords reason to rent to another applicant, even if they do not have a drug or sex offense. Even if they do qualify, waiting lists can be as long as two or three years for subsidized housing (Petersilia, 2001).

Fourth, though homeless shelters are an option for housing, many shelters are often overcrowded with long waiting lists and limit the number of days they can remain in residence. Some do not accept children, which is problematic, especially for women who are trying to mother their children (Petersilia, 2001). Given that shelters may be temporary or restrictive, living with family or friends may be for short periods of time, and rent may be unaffordable, it is not surprising that a proportion of individuals returning home from prison experience homelessness. Approximately 10 percent of people who enter prison have experienced homelessness and it is estimated that at least the same percent will experience homelessness upon their release (Roman & Travis, 2006).

Obtaining Social Services

The 1996 federal welfare law prohibits anyone convicted of a drug-related felony from receiving federally funded food stamps and cash assistance (also known as TANF—Temporary Assistance for Needy Families). This is a lifetime ban for drug felony offenses regardless of whether that person is a minor or a first offender. While states have the option of passing legislation to limit the ban or eliminate it altogether, most states restrict at least some people with drug felony convictions from being eligible for federally funded public assistance and food stamps. The Legal Action Center (2004) reports that 17 states have adopted the federal drug felon ban without modification; 21 states have limited the ban in some way to enable those with drug felony convictions to get public assistance if they meet certain conditions, such as participating in alcohol or drug treatment; 12 states have eliminated the ban entirely, having detrimental effects on those with lower socioeconomic status.

Reductions in assistance to the poor primarily impact female-headed families with dependent children (Bloom, Owen, & Covington, 2004; United States Government Accountability Office, 2005). Specifically, it limits access to economic aid through TANF by setting time limits for receipt of financial assistance and requiring states to involve minimum percentages of welfare caseloads in

work preparation and employment. Research conducted in multiple states showed that sanctions for non-compliance to guidelines primarily affected clients who are Black, have mental illness, limited education and disabilities, and victims of domestic violence and Black clients (Alfred & Chlup, 2009; Monnat, 2010). As already mentioned, many women engaged in offending behavior have the characteristics of those most negatively affected by sanctions; thus, they would be likely to experience the increasingly punitive welfare system.

Moreover, one-quarter of women are serving a sentence of a drug crime (Carson & Anderson, 2016), and 62 percent of state, and 63 percent of federally, incarcerated women are mothers (Glaze & Maruschak, 2008). Prior to incarceration about one-third of mothers in prison were unemployed. Moreover, 36 percent of mothers (and nearly 10 percent of fathers) in prison received welfare benefits prior to imprisonment (Glaze & Maruschak, 2008). Children of incarcerated parents who are denied economic aid are at risk of neglect, experiencing hardships, and having involvement with the criminal justice system due to the prospect of reduced family income support (Allard, 2002).

Managing Child and Family Responsibilities

Criminal records can prohibit women with felony convictions from retaining parental rights. In 1997, Congress passed the Adoption and Safe Families Act (ASFA), which was intended to move children into permanent placement within certain time frames to ensure foster children were not staying in foster care for prolonged periods of time. However, the ASFA guidelines have served as barriers to reunification between imprisoned women and their children. Approximately 52 percent of women in prison reported being single parents, which increases the odds that their children will enter the child welfare system upon their arrest (Glaze & Maruschak, 2008). Moreover, 6 percent of children in foster care entered the system as a result of parental incarceration (Allard & Lu, 2006). Although welfare workers are required to make a "reasonable effort" to reunite children with their parents when children enter the welfare system, the passage of the ASFA in several states shortened the time frame for initiating the process of terminating parental rights for foster children from 15 months to 12 months (Travis, 2003). Since the average time incarcerated women serve in prison is 18 months in prison, most are at risk of losing their parental rights (Christian, 2009).

To prevent the termination of their parental rights, incarcerated women face several challenges. First, it is impossible for women to maintain regular contact with a child in foster care, given her imprisonment. Thus, the onus would be on the child welfare caseworker to arrange for visitation between the child and incarcerated mother. With high caseloads, some may abandon the prospects of reunification with an imprisoned mother even though courts are less likely to terminate the rights of a mother who can demonstrate continual positive contact with her child and involvement in his or her life (Christian, 2009). Second, involvement in children's dependency proceedings (i.e., case planning, hearings, and court orders) demonstrates a willingness to be reunited with children and can help to avoid termination of rights. However, mothers are often dependent on caseworkers for information and guidance to navigate the dependency proceedings. Unfortunately, evidence suggests that caseworkers rarely communicate with parents in prison, inform them of hearings, or involve them in case planning (Christian, 2009).

Living in Disadvantaged Neighborhood Contexts

People in prison are concentrated in a relatively small number of predominantly economically distressed neighborhoods (see, for example, Lynch & Sabol, 2001). For instance, Harding, Morenoff, and Herbert (2013) found that a small proportion of impoverished areas in Michigan tend to house the vast majority of formerly incarcerated female and male individuals. Given the constraints on former

prisoners, they often have little choice but to return to communities that are spatially proximate to criminally involved individuals in their former social network (Holtfreter et al., 2004).

Most women, particularly women of color, return to disenfranchised communities with high levels of crime. These urban areas are characterized by high levels of poverty, segregation, unemployment, and racial isolation (Massey & Denton, 1993; Massey & Fisher, 2010). For instance, in their examination of how women engaged in criminal activity navigate neighborhood crime, Cobbina, Morash, Kashy, and Smith (2014) found that Black women were more likely to describe more crime in their neighborhood and lived in census tracts with higher disadvantage and lower affluence and residential stability than White women. Women of color often reside in economically distressed neighborhoods with limited political, social, and economic resources and consequently often report a lack of access to neighborhood programs and services (Owen & Bloom, 1995; Richie, 2001). Consequently, women of color who return home from prison often report feelings of marginalization within the context of an economically distressed neighborhood, making successful reintegration more difficult.

Drawing on in-depth interviews from 37 women returning to impoverished St. Louis, Missouri, neighborhoods, Berg and Cobbina (2016) examined the intersection of cognitive transformation and ecological context on post-release success; they hoped to learn *how* neighborhoods matter. They found that women returning to the same structurally disadvantaged neighborhood contexts were not predestined to the same outcome. Women's commitments to prosocial identities, when the "upfront work" of thoroughly constructing a plan for change was completed earlier, enabled them to desist from crime despite poor residential contexts. However, the authors did also find that neighborhood effects remained quite powerful. Berg and Cobbina discovered that while neighborhoods did possess illicit lures most also contained prosocial resources. This mixture poses challenges for even the most committed women returning home from prison and makes it difficult to abstain from crime.

Recently, Huebner and Pleggenkuhle (2015), using a large sample of men and women to provide a rigorous test of gender, did just that by examining several contexts: parenting, family support, neighborhood, and residential mobility. Compared to men, women who cared for children were less likely to be reconvicted for a subsequent crime; however, women were more likely to incur a technical violation and fail more quickly than men within four years of release. Living with family was important in helping women desist but was not as important for men. Longer periods of residence, and in more disadvantaged neighborhoods, functioned to increase recidivism for both men and women. However, in their examination of women released from prison, Huebner et al. (2010) found no significant effects of community conditions on recidivism for either African American or White women. Thus, the effect of context at many levels should continue to be examined for women in the criminal justice system.

Promising Reforms and Policies in Collateral Consequences for Justice-Involved Women

Gender-Responsive Programming

Researchers are developing new policies to support women with convictions and incarcerations (Swavola, Riley, & Subramanian, 2016). One promising strategy for addressing the interconnectedness of women's unique needs (substance abuse, trauma, violence, homelessness, caretaking responsibilities) that considers agency as well as her social structural position is gender-responsive programming (Bloom, Owen, & Covington, 2006). Gender-responsive programming acknowledges the following: (1) gender makes a difference; (2) fosters an environment based on safety, respect, and dignity; (3) promotes healthy connections to children, family, significant others and the community; (4) addresses the web of appropriate social services; (5) address economic needs; and (6) improves coordination

between community services (Bloom et al., 2006). Bloom et al. (2006) provide implementation steps for each arena of gender-responsive programming as well as recommend the use of restorative justice techniques and greater focus on community support to accomplish these goals.

Putting these principles to work, the National Institute of Corrections funded the University of Cincinnati to examine existing procedures for classifying women engaged in illicit activity on the basis of risk and needs. Research was conducted in four states (Colorado, Missouri, Minnesota, and Hawaii), including four institutional samples, four probation samples, and one pre-release sample (Van Voorhis, Wright, Salisbury, & Baumann, 2010; Wright, Salisbury, & Van Voorhis, 2007). While the assessments were designed for men and applied to women, with little concern for their appropriateness, the studies found that the original, gender-neutral assessments were valid for women. However, the research also found that they could be improved with the addition of a number of gender-responsive factors that were found to be predictive of institutional misconducts and community recidivism. To further improve how women are treated, the following gender-responsive needs should be assessed: mental health history, depression/anxiety, psychosis, child abuse, adult victimization, relationship dysfunction, parental stress, and housing safety. Strengths should also be examined including self-efficacy, parental involvement, family support, and educational assets.

The National Institute of Corrections has initiated the development of the Women's Offender Case Management Model (WOCMM), which is being used on a specialized caseload of medium- to high-risk adult women in the state of Connecticut. The WOCM approach relies on a team of service providers, family, community supports, and women themselves to identify women's needs, strengths, goals, and required community services (Millison, Robinson, & Van Dietsen, 2010), all of which are vital to the success of women involved in the criminal justice system.

Wrap-Around Services

Several methods of caseload management have focused on providing women with comprehensive wrap-around reentry support. For example, two programs in California provide a variety of wrap-around services such as intensive case management, peer support, primary care, transportation, employment services, parenting classes, and counseling to high-risk women (Bloom, 2015). In providing for women's constellation of needs, wrap-around services should evaluate whether programs are appropriate for women, seek parity, commit to women-appropriate services, consider community, and include family and children (Bloom et al., 2006). Research evaluating the effectiveness of 'wrap-around' curricula for integrated, gender-responsive, trauma-informed treatment services within residential facilities found that, after successful completion, women reported less substance abuse, less depression, and fewer trauma symptoms (e.g., anxiety) (Covington, Burke, Keaton, & Norcott, 2008). Research of similar programs, with women not involved in the criminal justice system but with co-occurring disorders, utilizing meta-analysis of 17 studies and 10 treatment protocols, provides tentative support for the utility of trauma-informed, integrated programming but calls attention to the lack of methodologically rigorous treatment trials; the authors call for additional work in this area (van Dam, Vedel, Ehring, & Emmelkamp, 2012).

At the same time as there is a push to consider women's multiple contexts and to increase programming and services to meet needs holistically, there is also a push to have less intervention in order to improve women's outcomes during reentry (O'Brien & Ortega, 2015; Phelps, 2016). Northcutt Bohmert and DeMaris (2017) examine the experiences of women on probation and parole and find that the wrap-around services provided by attentive and well-meaning supervision agents may create additional hardships for women who have poor transportation. The authors conclude that, although wrap-around services are required to address women's multiple needs, sometimes less services, and less travel, may be appropriate so women are not set up to fail.

Similarly, Phelps (2016) details the ways in which the local, state, and national attempts at smarter correction have involved both expanding and contracting the penal state. For example, increasing the use of diversion options for low-level and drug offenses, in particular, has limited the growth of women's incarceration. However, increased punitiveness on drug offenses has expanded the carceral state. Simplifying the reach of the system, at the macro level, by politicians and criminal justice administrators, as well as on the micro level—in everyday interactions between community supervision agents and service providers—would serve to increase success for women with convictions and incarcerations.

Specialty Courts

Another promising approach is reentry-focused courts that simultaneously consider substance abuse, mental health, homelessness, and past trauma alongside women's sentences. Upon successful completion of court-ordered treatment, these courts have the ability to reduce or dismiss charges. Although reentry courts have been operating in some jurisdictions, predominantly for men, for many years (Fetsco, 2013; Maruna & LeBel, 2002), with some success in reducing new convictions but also associations with higher revocations (Hamilton, 2010), they have not been as widely utilized, or studied, for women. Legal scholars have reviewed, and advocated for, the anticipated benefits of these courts (McGrath, 2012), but rigorous evaluation research is sorely needed to determine the effectiveness of reentry court outcomes for female participants.

Conclusion

Recent empirical work has situated women who commit crimes within the web of factors such as neighborhood context, family environments, and economic climates, which together constrain their agency. Yet, as collateral consequences of imprisonment such as finding employment, securing housing and social services, overcoming transportation problems, and navigating disadvantaged neighborhoods continue to bear down on individuals, developments in research, theory, and policy remain important. Promising new policies such as gender responsive programming, wrap-around services, and specialty courts provide an important intersection of strong theory and rigorous empirical work—in a tangible way that improves the lives of those who have contact with the criminal justice system.

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PART III

Consequences of Sentencing Decisions