

Gender Responsive Justice

Why gender-responsive justice?

The number of incarcerated individuals has greatly increased over the past decades while the proportion of women and girls in that population has grown, making clear the need for justice systems that respond to the needs of women and girls. As Congress addresses criminal and juvenile justice reform, the public conversation should include a discussion of 1) why and how the pathways of women and girls into the justice system are different than for men; and 2) the importance of adequate services, safety, and supports to address women's needs.

How are women and girls different, and what do they need?

- Most women and girls are incarcerated for non-violent crimes, including drug or property offenses. Most of them have a history of sexual abuse or other trauma.
- One study found that 45% of justice-involved girls had 5 or more Adverse Childhood Experiences, compared to 28% of justice-involved boys.
- Women in state prison are more likely to have minor children than incarcerated men, and they are more likely to be the primary caregiver prior to incarceration.
- Many women (estimates vary) are pregnant when admitted to prison or jail.

Recognizing the different pathways of women and girls to justice-system involvement, many corrections officials at the local, state, and federal levels have responded by adapting their approach. However, because this issue is not always visible to policymakers, the availability of gender-specific programs and policies, and related funding for those programs vary widely.

What is Psychology's role in this issue?

Psychologists understand and study trauma and its effects, and can leverage this knowledge to ensure gender-responsive policies are developed with trauma in mind. Gender-responsive policies informed by psychological science currently exist, but they need to be prioritized and adequately funded; evaluated, to create a menu of evidence-based approaches; implemented with fidelity; and brought to scale.

Starting in 2015, APA, our members, and other stakeholders have worked to raise awareness of the fact that incarcerated pregnant adolescents and women are frequently restrained or shackled during pregnancy and labor. These efforts resulted in an [APA fact sheet](#), a [consensus statement](#) with selected groups, and the development of legislative language to address this issue at the federal level. Language developed with APA's input was included in House prison reform legislation approved by the Judiciary Committee in February 2016.

We continue to work closely with APA members and congressional champions to identify additional opportunities for advocacy for justice-involved women and girls. As we do so, we recognize that the Administration has the power to identify priorities within existing laws and funding streams.

We urge Members of Congress and the Administration to prioritize women's issues.

Our members have identified key areas in which the Congress and the Administration can support the unique needs of women and girls in the justice system:

Provide equitable resources to female offenders.

Many resources available in male-serving institutions are not offered in female-serving institutions or are not adapted for female inmates. This includes parenting programs, training, and education. Policies are needed to ensure that shared staff in co-located institutions are shared equitably, and that administrators have access to consultation for gender-specific issues.

Prioritize women's health care.

Women cycling through the justice system need access to reproductive health care, including safe and supportive care throughout pregnancy and childbirth. Trauma-informed therapy, substance abuse treatment, and system-wide education is also imperative. Learning to care for themselves can provide women with increased capacity to break the cycle of incarceration and to care for their families upon release.

Provide gender-responsive, trauma-informed care when appropriate and protect against further retraumatization during incarceration.

Correctional officers and administrators recognize the need for non-traditional approaches with women and girls, and have developed programs and policies to respond to those needs. However, support and funding is needed to bring those programs to scale.

Ensure access to vocational programs.

Women tend to have shorter sentences than men, and as such are likely to return to the workforce more quickly. Vocational programs enable inmates to develop work habits and learn skills, and should be available equitably to both men and women and include a full-range of opportunities.

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