



The Challenges Facing Incarcerated Women and Paths Toward Reform

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The United States is a **significant driver** of women incarceration rates globally—only 4-percent of women live in the United States, but confines a quarter of the world’s incarcerated women. The rapidly increasing rates of women who are incarcerated is a concern for policymakers and the public. Since the 1980s, the number of women behind bars has increased by **585%**. Although women have less extensive criminal histories than men, oftentimes their crimes are a means to **cope** with life challenges that include poverty, unemployment, significant physical or sexual abuse, and behavioral health struggles. **Tennessee** found that over 70% of women incarcerated are booked with misdemeanors as their most serious offense, most often a failure to appear to court. When women do commit extreme violence, it is typically in response to extreme circumstances. Women are oftentimes needing to balance other systems such as child welfare, immigration, and housing courts. Incarceration **destabilizes** women’s lives and leads to poorer outcomes upon reentry, trapping them in these systems longer.

Unique Challenges While Incarcerated

Jail and prison systems are not designed to meet the needs of its women population. Unique **experiences** women face while incarcerated are higher rates of physical and mental health concerns, higher rates of substance use disorders, motherhood and pregnancy, and sexual victimization.

Over half of incarcerated women reported having a current medical condition, and there are double the rates of reported mental health issues compared to incarcerated men. With the high rates of mental health disorders to include Post Traumatic Stress Disorder (PTSD), mood disorders and personality disorders, this can lead to maladaptive coping in women that lead to violence offences both prior and during incarceration. These settings are not created to be trauma-informed and can often retrigger women with histories of trauma or cause PTSD-symptoms which can result in additional punishments such as segregation time.

Nearly **80% of women in jail** are mothers. Jail environments create barriers and challenges to staying in touch with, and having meaningful visits with, their children. Visitation in a jail setting is often behind glass and women are unable to have physical contact with their children. Jails also often lack funding for adequate reproductive care that result in delays in menstrual products, little to no contraceptive care, and limited knowledge or access to prenatal or abortion services.

Women are also at higher risk for sexual victimization during their time in jail. The **Prison Rape Elimination Act (PREA)** is intended to protect incarcerated people from victimization from other inmates or staff. PREA was created in 2003 and mandated research specifically on prison rape. It also created the National Prison Rape

Elimination Commission that drafted standards for facilities to eliminate prison rape. As of **April 2025**, the U.S. Department of Justice defunded the PREA Resource Center which forced facilities to find other ways to access training, guidance, and support for PREA compliance. Advocates raise concern about the impact on people incarcerated due to the lack of services and information on preventing sexual violence in facilities.

Challenges Upon Reentry

There are challenges in returning to the community for all those who have been incarcerated. However, women experience additional challenges upon community reentry because incarceration creates **disadvantages** for women that extend beyond their time behind bars.

Parenting women resume taking care of their children upon **reentry**, which can be difficult when balancing home-life and supervision requirements. They may also need to navigate child-welfare systems and ensure they have stable employment and housing for them and their families. If they lack reliable housing, women may stay in unhealthy environments to meet this need.

Financial instability upon release can also lead to recidivism related to poverty, such as theft or selling drugs, which keeps them trapped in the cycle of poverty and incarceration. Finding stable employment with a criminal record is challenging. Many licenses or certificates required for female-dominated jobs run background checks that may create barriers. Even when women find employment, systemic factors like the gender pay gap keeps wages lower compared to men.

Women also experience barriers when it comes to state benefits and healthcare. Many women rely on the Supplemental Nutrition Assistance Program or Temporary Assistance for Needy Families benefits, however, having criminal records may bar women from obtaining these needed programs. Women also face difficulties in obtaining appropriate healthcare services which can lead to poorer physical and mental health outcomes overall.

Policies that Prevent the Cycle

Trauma-informed and gender responsive **interventions** are needed to prevent women from entering the system entirely. Interventions that target the root causes of why women enter the system are critical.

- **Women need access and availability to programming while incarcerated.** Women often have limited access and availability to evidence-based programming while incarcerated, as compared to men. For example, **Texas** offers few educational or education programs even though they incarcerate the most women compared to other states.
- **Early interventions can prevent girls from ever having contact with the criminal legal system.** For example, positive development programs that focus on building resilience, healthy relationships, and youth-mentoring programs. Other prevention **strategies** include creating expansive gender-responsive community resources that address girls' safety and needs as alternatives to incarceration. Programs such as **Big Brothers Big Sisters of America** promote positive development and decrease criminal behavior in youth.
- **Other methods of diversion can happen at every step of the criminal-legal system.** Policies that focus on moving police and prosecutors away from enforcing arrest and prosecution of low level

crimes, such as thefts and petty drug offenses, can work towards lowering the number of women incarcerated. Seattle was the founder of Law Enforcement Assisted Diversion (LEAD) program that focuses on early diversion at contact with law enforcement. LEAD equips law enforcement with discretion to divert individuals to community-based services instead of jail.

- **When women do enter the system, policies should be tailored to their needs.** For example, expanding the use of gender or women courts can be useful in working with defendants on specific needs such as parenting and child care, mental health and substance use treatment, and housing and employment. **Diversion** from incarceration can look like house arrest, electronic monitoring, and speciality courts. **Hawai'i's Girls Court** leads the way in the United States in diversion where it is focused on gender-specific programming. This speciality court has been highly successful and in 2022, Hawai'i had no young women under 18 in juvenile detention, improved academic performance, provided holistic counseling and services, and addressed root causes into the criminal justice system.

Women who have contact with the criminal justice system face unique challenges both behind bars and in the community due to gender-specific experiences. Trauma-informed interventions need to focus to prevent women and girls from entering the system by looking at ways to promote rehabilitation over retribution.