



## Women in County Jails Don't Benefit from Incarceration Reform

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The United States incarcerates women at a **rate** of 112 per 100,000, second only to El Salvador, the world's leader in women's incarceration rates. Within the United States, jails house pretrial detainees or individuals serving short sentences, while prisons house convicted individuals serving long sentences. Despite nearly **half** of all incarcerated women being in jails, discussions about carceral reform frequently center around prisons. This focus masks the realities of women in jails, where short-term detention creates distinct and even more serious harms. As a result, many reform proposals fail to reach a large number of incarcerated women and may even exacerbate the disruptions they experience. To address this policy gap, future reform should center jails as a primary location of intervention, and tailor policy to meet the needs of women cycling through short-term detention.

### How Jail Stays Harm Women

Jails harm women in distinct and overlooked ways. The average length of stay for a woman in jail is **19 days**, compared to 36 for a man. A short stay in jail is **no less disruptive than a long one**. In fact, short stays can be even more destabilizing because they are long enough to impact employment, housing, and family responsibilities yet too short to access important programs and support services, such as counseling and reentry planning, that could mitigate negative outcomes. Women often enter the criminal justice system with **needs** that jails are **not equipped** to address, specifically trauma, health, and caregiver needs.

Even short periods of incarceration can trigger a snowball effect due to existing policies, including suspension or termination of housing and employment; disruptions to health insurance and medication; parenting and family instability; and reliance on the **foster care system**. In the 1970s, 73% of U.S. counties housed **zero** women in their jails, meaning these facilities were not built with women's needs in mind. As a result, classification and other **assessments** used to house and manage jail detainees fail to account for gender differences. Women are frequently classified as higher risk than is warranted by their behavior, effectively barring access to education, vocational, and substance use/mental health disorder programming, as well as work assignments, as these are typically reserved for lower-risk individuals.

The structural limitations of jails further limit access to services. Because jails are funded at the county level, resources for services and programming are limited and are prioritized for long-term populations. As a result, individuals held for a short time, such as pretrial detainees, receive little or no support. This gap significantly impacts incarcerated women, who have **higher rates of need** than men: 60% were not employed full-time at the time of admission, 82% have experienced drug or alcohol dependence, and 75% report symptoms of mental illness. With this, even a short stay can exacerbate existing challenges without providing meaningful intervention.

Women's roles as **caretakers** mean even brief jail stays can be devastating and **destabilizing** for families. Women are far more likely to be sole caretakers of minor children before detention, and those children are immediately impacted when a mother is jailed. Children of incarcerated mothers are more likely to enter foster care, burdening families with reunification requirements. Short stays in jail with unpredictable release dates can exacerbate the barriers to reunification, as it limits access to parenting and rehabilitation counseling programs and undermine the parent-child relationship through restrictive visitation and costly phone communication policies. In some cases, short-term jail detention can even cause permanent family separation under the Safe Adoption and Families Act, which compels some states to pursue termination of parental rights when a child has been in foster care for 15 of the past 22 months. The law does not carve out an exception for parental incarceration.

## State Carceral Reforms Often Overlook County Jail Detainees

Reform efforts remain largely **focused** on prisons, overlooking the realities of jails and, in some cases, aggravating the challenges incarcerated women must navigate. Efforts to reduce incarceration, improve programming, and promote rehabilitation, though well-meaning, are often designed with long-term prison populations in mind. When applied to shorter, more unstable, and less resourced jail settings, these policies produce unintended and inequitable outcomes.

For example, California's Public Safety Realignment Act (which diverts low-level offenders from prisons to jails and probation) **increased** the number of women housed and sentenced in jails, where access to programs and services is limited. In New Jersey, the Dignity for Primary Caretaker Parents Act **expanded visitation** opportunities between parents and children, but did not attach appropriations to assist jails in physically accommodating increased visitation, meaning many women simply do not benefit. Similarly, the state's **Fair Release and Reentry Act** fails to account for the rapid release and special needs of women, contributing to disruptions in healthcare, including interruptions to reproductive and prenatal services due to statutory suspensions of Medicaid **benefits**.

## Reforming County Jails to Better Serve Women

Women's incarceration rates have rebounded to pre-pandemic levels. To mitigate this growing crisis, carceral policy discussions must target reform at the jail level and prioritize decarceration, rather than redistribution, of the population.

- **Diversion must occur at the earliest point of entry to the criminal justice system.** Prearrest diversion policies such as **LEAD** (Law Enforcement Assisted Diversion) allow law enforcement officers to divert low-level offenders to mental health, substance abuse, or other community programs aimed at addressing the root causes of criminal behavior. These programs help women avoid entering jail and reduce recidivism while improving housing, health, and employment outcomes.
- **Bail and detention policies must account for caregiving responsibilities.** Treating the pretrial process as **gender neutral** creates a de facto family policy that has a lasting impact on children's health and well-being. Expanding access to pretrial release for primary caretakers and modifying community supervision will mitigate these harms while reducing incarceration and increasing compliance.
- **Adopt a "one court, one judge" integrated court model.** Specialty courts such as recovery, mental health, or veteran's courts attempt to solve problems contributing to criminal activity by combining

treatment and case management services with judicial proceedings. They typically adopt a **one-size-fits-all model**, however, and women have lower completion rates. An integrated model presents the framework for civil, family, and criminal matters to be managed simultaneously by a multidisciplinary team to solve complex problems without relying on incarceration.

- **Strengthen jail-based programs and services when detention cannot be avoided.** Parenting support, case management, and reentry that begins upon admission are necessary to address the systemic disruptions incarceration imposes upon women. In the absence of access and early intervention, women will continue to cycle through the justice system without the necessary tools to stabilize family connections, housing, employment, and treatment.

Without targeted reforms at the local level, where women are likely to be held, policies will continue to disrupt families, interrupt women's access to care, and perpetuate a cycle of incarceration. Placing county jails at the center of reform discussions is necessary to reduce harm and substantially decrease the number of women behind bars.