

FINANCIAL MARGINALIZATION, HOUSING ACCESS, TRANSPORTATION, AND EMPLOYMENT: INTERSECTIONAL CONSIDERATIONS IN WOMEN’S REENTRY

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I. INTRODUCTION

The U.S. carceral system has a vast scope that includes close to two million individuals incarcerated in state, local, and federal facilities, as well as immigration detention centers, juvenile facilities, and other carceral institutions. Additionally, three million people are under probation or parole supervision.¹ In particular, women’s system involvement has continued to rise over the past few decades.² The U.S. women’s state prison population rose by 834% over the last 40 years, making women the fastest-growing incarcerated population.³ In contrast to system-involved men, three out of four system-involved women are on probation.⁴ A recent report by the Bureau of Justice Statistics reported that, in 2020, more than 700,000 women were on probation and an additional 100,000 were on parole following a prison term.⁵ These statistics identify a unique situation for system-impacted women—one that necessitates a deliberate focus on reentry and reintegration.

In addition to a focus on gender, intersectional feminist scholars advocate for criminological research that explores the intersections between social

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¹ Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2022*, PRISON POL’Y INITIATIVE (Mar. 14, 2022), <https://www.prisonpolicy.org/reports/pie2022.html> [<https://perma.cc/Z22N-T8X4>].

² Aleks Kajstura, *Women’s Mass Incarceration: The Whole Pie 2019*, PRISON POL’Y INITIATIVE (Oct. 29, 2019), <https://www.prisonpolicy.org/reports/pie2019women.html> [perma.cc/6ALS-PGFM].

³ Wendy Sawyer, *The Gender Divide: Tracking Women’s State Prison Growth*, PRISON POL’Y INITIATIVE (Jan. 9, 2018) https://www.prisonpolicy.org/reports/women_overtime.html [<https://perma.cc/AA2P-2QSV>].

⁴ Kajstura, *supra* note 2.

⁵ BUREAU OF JUST. STAT., U.S. DEP’T OF JUST., NCJ 303102, PROBATION AND PAROLE IN THE UNITED STATES, 2020 19–20, 24–25 (2021).

locations, which include race, gender, class, and so on.⁶ It is well known that mass incarceration disproportionately impacts minoritized individuals, which further explicates how racial disparities are present throughout the criminal legal system.⁷ Thus, for system-involved, minoritized women, it is unsurprising that they face additional hardships due to their social location as women *and* minoritized individuals.

Generally, system-involved women face barriers to reentry.⁸ However, minoritized women's reentry experiences are especially difficult due to their intersecting identities and the stigma associated with criminal legal system involvement.⁹ To better understand women's reentry generally as well as the unique experiences of minoritized women, an overview of the current research is presented alongside recommendations for addressing women's reentry through policy and practice. This paper begins with an overview of minoritized women's experiences in the criminal legal system, followed by a discussion on

⁶ See, e.g., Amanda Burgess-Proctor, *Intersections of Race, Class, Gender, and Crime: Future Directions for Feminist Criminology*, 1 FEMINIST CRIMINOLOGY 27 (2006); see also Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 UNIV. OF CHICAGO LEGAL F. 139 (1989); see also Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STANFORD L. REV. 1241 (1991); see also Keren Gueta, *Exploring the Promise of Intersectionality for Promoting Justice-Involved Women's Health Research and Policy*, 8 HEALTH & JUST. 1 (2020); see also Hillary Potter, *Intersectional Criminology: Interrogating Identity and Power in Criminological Research and Theory*, 21 CRITICAL CRIMINOLOGY 305 (2013).

⁷ The term "minoritized" is used to highlight the fact that Black, Indigenous, and other people of color (BIPOC) do not choose their minority status. Rather, they are forced into it. By labeling BIPOC as "minorities," it is implied that they comprise less than 50% of a certain group, which is not always the case (Smith, 2016). The Sentencing Project; Sawyer, *supra* note 1; THE SENTENCING PROJECT, REPORT TO THE UNITED NATIONS ON RACIAL DISPARITIES IN THE U.S. CRIM. JUST. SYS. (April 19, 2018), <https://www.sentencingproject.org/reports/report-to-the-united-nations-on-racial-disparities-in-the-u-s-criminal-justice-system/> [perma.cc/T626-UTQU]; MICHELLE ALEXANDER, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS 32 (2010).

⁸ When using the term "reentry" in this paper, we acknowledge that some system-involved individuals were never fully integrated into the system to begin with due to their social locations and placements in the social hierarchy. We take this into account throughout our paper. See generally BARBARA BLOOM ET AL., GENDER RESPONSIVE STRATEGIES: RESEARCH, PRACTICE, AND GUIDING PRINCIPLES FOR WOMEN OFFENDERS (2003); Barbara Bloom, Barbara Owen & Stephanie Covington, *Women Offenders and the Gendered Effects of Public Policy*, 21 REV. POL'Y RSCH. 31, 41 (2004); see Beth E. Richie, *Challenges Incarcerated Women Face as They Return to Their Communities: Findings from Life History Interviews*, 47 CRIME & DELINQ. 368 (2001).

⁹ Kim M. Blankenship, Ana Maria del Rio Gonzalez, Danya E. Keene, Allison K. Groves, & Alana P. Rosenberg, *Mass Incarceration, Race Inequality, and Health: Expanding Concepts and Assessing Impacts on Well-Being*, 215 SOC. SCI. & MED. 45, 51 (2018); see Elizabeth Hinton, LeShae Henderson & Cindy Reed, *An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System*, VERA INST. JUST. (2018); see also Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, THE SENTENCING PROJECT (2021); Jason M. Williams, Sean K. Wilson & Carrie Bergeson, "It's Hard out Here if You're a Black Felon": A Critical Examination of Black Male Reentry, 99 PRISON J., 437, 438 (2019); ALEXANDER, *supra* note 7, at 181–82.

the pervasive financial marginalization they encounter. Then, the work continues by identifying three more specific aspects of financial marginalization: housing, transportation, and employment. The paper concludes with implications for minoritized women in the criminal legal system and current efforts to address these barriers.

Gender is a social construction, which complicates discussions of gender and reentry. Judith Lorber espoused that the construction of gender begins once an individual is assigned a sex category at birth.¹⁰ A gender status is subsequently displayed through actions and behaviors that are attached to their gender. By creating and abiding by gender statuses and norms, a stratification system develops and allows individuals who deviate from the “norm” of their gender to be sanctioned formally or informally.¹¹ Addressing the construction of gender is relevant to system-involved women’s reentry for several reasons. First, the criminal legal system operates in strictly a binary way when it comes to gender, meaning individuals are most often categorized as “men” or “women.”¹² Transgender, nonbinary, and other gender-fluid individuals often are stripped of their identities and find themselves left out of criminal legal system reform or reentry programs generally. This presents difficulties for scholars and practitioners to understand the experiences of transwomen in the system, which further prevents them from accessing services and support. The current review attempts to highlight research that includes the experiences of more than just cisgender women as it relates to reentry, and highlights opportunities for increased research exploring the experiences of populations who do not identify as the gender they are assigned at birth.

II. WHY FOCUS ON MINORITIZED WOMEN?

As previously mentioned, women comprise the fastest-growing section of the incarcerated population, even though their overall offending levels are lower than men, and transgender women are especially overrepresented in prisons and jails.¹³ The rise in the women’s incarceration rate is tied to the use of “tough on crime” policies, mandatory minimum sentencing, the war on drugs, and reducing community mental health care funding, all of which disproportionately impacted

¹⁰ See Judith Lorber, *The Social Construction of Gender*, in RECONSTRUCTING GENDER: A MULTICULTURAL ANTHOLOGY (Estelle Disch ed., 1991).

¹¹ *Id.*

¹² Carrie L. Buist & Codie Stone, *Transgender Victims and Offenders: Failures of the United States Criminal Justice System and the Necessity of Queer Criminology*, 22 CRITICAL CRIMINOLOGY 35, 39 (2014).

¹³ See JOANNE BELKNAP, *THE INVISIBLE WOMAN: GENDER, CRIME, AND JUSTICE*, Sage Publications (5th ed., 2020); Sawyer, *supra* note 3; CTR. FOR AM. PROGRESS & MOVEMENT ADVANCEMENT PROJECT, *UNJUST: HOW THE BROKEN CRIMINAL JUSTICE SYSTEM FAILS TRANSGENDER PEOPLE* (2016).

minoritized women.¹⁴ System-involved women's characteristics are uniquely distinct from system-involved men. For example, they are more likely to be incarcerated for drug or property offenses rather than violent offenses, which are more common among men.¹⁵ It is also common for system-involved women to have histories of trauma, abuse, victimization, mental health issues, social marginalization, and economic marginalization, all of which are salient considerations for reentry.¹⁶

Incarcerated women are also more likely to be under-educated and under-skilled, economically marginalized, and mothers or primary caregivers.¹⁷ They disproportionately experience trauma and victimization, experience mental health disorders, have substance abuse dependencies and have serious health problems.¹⁸ Regarding struggles with mental health, many women experience anxiety, depression, and PTSD as a result of prior abuse they experienced.¹⁹ Because of the commonalities among system-involved women, researchers have identified common pathways that lead women into and out of the criminal legal system.²⁰

These experiences are also shared by transwomen who experience discrimination throughout their lives, which may cause them to have lower

¹⁴ Bloom, *supra* note 8; see ANDREA RITCHIE, *INVISIBLE NO MORE: POLICE VIOLENCE AGAINST BLACK WOMEN AND WOMEN OF COLOR* 58–60 (2017).

¹⁵THE SENTENCING PROJECT, *INCARCERATED WOMEN AND GIRLS* 4 (2023), <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/> [<https://perma.cc/3VAS-9M3H>].

¹⁶ *Id.*

¹⁷ BLOOM, *supra* note 8; see Merry Morash, Deborah A. Kashy, Miriam Northcutt Bohmert, Jennifer E. Cobbina & Sandi W. Smith, *Women at the Nexus of Correctional and Social Policies: Implications for Recidivism Risk*, 57 BRITISH J. CRIMINOLOGY 441 (2017); see also Kajstura, *supra* note 2.

¹⁸ Jennifer R. Scroggins & Sara Malley, *Reentry and the (Unmet) Needs of Women*, 49 J. OFFENDER REHAB. 146, 147–49 (2010); Edelyn Verona, Brett Murphy, & Shabnam Javdani, *Gendered Pathways: Violent Childhood Maltreatment, Sex Exchange, and Drug Use*, 6 PSYCH. OF VIOLENCE 124, 131 (2016); BUREAU OF JUST. STAT., U.S. DEP'T OF JUST., NCJ 213600, *MENTAL HEALTH PROBLEMS OF PRISON AND JAIL INMATES* 1–3 (2006); See Deborah Wilmoth, *Mental Health Needs of Women in Prison: An International Perspective with an Australian Angle*, 1 INT'L J. PRISONER HEALTH 249 (2005); MERRY MORASH, *WOMEN ON PROBATION AND PAROLE: A FEMINIST CRITIQUE OF COMMUNITY PROGRAMS & SERVICES* 116–28 (Northeastern Univ. Press 2010); BUREAU OF JUST. STAT., U.S. DEP'T OF JUST., NCJ 213530, *DRUG USE AND DEPENDENCE, STATE AND FEDERAL PRISONERS*, 2004 3 (2006).

¹⁹ Shannon M. Lynch, April Fritch & Nicole M. Heath, *Looking Beneath the Surface: The Nature of Incarcerated Women's Experiences of Interpersonal Violence, Treatment Needs, and Mental Health*, 7 FEMINIST CRIMINOLOGY 381, 382 (2012); Wilmoth, *supra* note 18.

²⁰ See Miriam Northcutt Bohmert et al., *Impacts of Conviction and Imprisonment for Women*, in HANDBOOK ON THE CONSEQUENCES OF SENTENCING AND PUNISHMENT DECISIONS 161–172 (Beth Huebner & Natasha Frost eds., 2018); see Tim Brennan, Markus Breitenbach, William Dieterich, Emily J. Salisbury & Patricia van Voorhis, *Women's Pathways to Serious and Habitual Crime: A Person-Centered Analysis Incorporating Gender Responsive Factors*, 39 CRIM. JUST. & BEHAV. 1481 (2012); Tim Brennan & Eugenie Jackson, *Women's Pathways: Replication and Generalizability Across State Prison Systems*, 49 CRIM. JUST. & BEHAV. 1323, 1326 (2022); see also Kathleen Daly, *Women's Pathways to Felony Court: Feminist Theories of Lawbreaking and Problems of Representation*, 2 S. CAL. REV. L. WOMEN'S STUD. 11–52 (1992).

levels of support.²¹ Because of this, many trans women experience family rejection and homelessness, which further isolates them and increases their likelihood of police contact.²² Once involved with the system, trans individuals are often mistreated, especially by the police; oftentimes, this mistreatment occurs through police profiling, the policing of their gender, misgendering trans individuals, and blatant discrimination and mistreatment.²³ It is clear that trans individuals undergo negative and discriminatory experiences prior to and during their involvement in the criminal legal system, making their reentry more difficult especially for minoritized trans individuals.

Although the above research explains the position of system-involved women generally, it does not address the unique experiences of women that are also racially minoritized. It is widely known that minoritized individuals are overrepresented in the criminal legal system.²⁴ Much of their overrepresentation is due to disparate practices found across many segments of the criminal justice system, and these practices are often caused by implicit bias and stereotyping, structural disadvantage in communities, and disparate policies and practices.²⁵ Further, tough-on-crime policies and harsher punishment laws disproportionately impact minoritized individuals, and often lead to the over-incarceration of people of color.²⁶

The war on drugs, the criminalization of poverty, and the shift toward broken windows policing practices greatly impacted the representation of Black women in the criminal legal system.²⁷ As a result, some scholars consider these practices to be extensions of discriminatory practices like slave codes and Jim Crow laws.²⁸ Because Black women tend to bear the brunt of racist and discriminatory practices, scholars started using the phrase “The New Jane Crow” to describe Black women’s experiences in the criminal legal system.²⁹

²¹ See generally Jaime M. Grant, Lisa A. Mottet & Justin Tanis, *TRANSGENDER DISCRIMINATION SURVEY*, NAT’L CENTER FOR TRANSGENDER EQUALITY AND NAT’L GAY AND LESBIAN TASK FORCE (2010); RITCHIE, *supra* note 14.

²² CTR. FOR AM. PROGRESS & MOVEMENT ADVANCEMENT PROJECT, *supra* note 13; RITCHIE, *supra* note 14.

²³ CTR. FOR AM. PROGRESS & MOVEMENT ADVANCEMENT PROJECT, *supra* note 13, at 1; RITCHIE, *supra* note 14, at 148–54.

²⁴ Sawyer & Wagner, *supra* note 1; Jeffery Ulmer, *Race, Ethnicity, and Sentencing*, 26 OXFORD RSCH. ENCYCLOPAEDIAS, CRIMINOLOGY AND CRIM. JUST. 1, 1–2 (2018); ALEXANDER, *supra* note 7, at 9..

²⁵ Hinton, Henderson, & Reed, *supra* note 9, at 7–9; Nellis, *supra* note 9, at 13–16.

²⁶ ALEXANDER, *supra* note 7, at 142; Hinton, Henderson, and Reed, *supra* note 9, at 2; Ulmer, *supra* note 24, at 13–14.

²⁷ RITCHIE, *supra* note 14, at 58–60.

²⁸ ALEXANDER, *supra* note 7, at 249; Yvonne D. Newsome, *Border Patrol: The U.S. Customs Service and the Racial Profiling of African American Women*, 7 J. OF AFR. AM. STUD. 31, 32 (2003); RITCHIE, *supra* note 14, at 63.

²⁹ Michele Goodwin, *The New Jane Crow: Women’s Mass Incarceration*, JUST SECURITY (July 20, 2020), [<https://perma.cc/3P32-WBPB>].

Like Black women, Hispanic/Latiné³⁰ women are overrepresented in the criminal legal system. The overrepresentation of Hispanic/Latiné individuals can be traced back to public misconceptions about the link between crime and immigration that have since been debunked.³¹ Despite that, Hispanic/Latiné men and women experience racial disparities within the criminal legal system. Compared to White women, Latiné women are imprisoned at a 1.3 times higher rate.³² Still, much is unknown about the racial disparities Hispanic/Latiné individuals face in the criminal legal system due to the severe lack of data. Often, Hispanic/Latiné people are included in the same category as White individuals, masking their overall representation in the system.³³

Like Black and Latiné women, Native women are also overrepresented in the carceral system. In 2010, they made up 0.7% of the U.S. female population but 2.5% of the women in prisons and jails.³⁴ More recent data showed that Native people's incarceration rate in jails is double the rate of White people, and this disparity grows when examining prisons.³⁵ These disparities are particularly apparent among many states located in the upper Midwest region of the U.S., such as South Dakota, where Native Americans are incarcerated in jails at 9.3 times the rate of Whites and 5.8 times the rate of Whites in prisons.³⁶ Indeed, Native people comprise 9% of the population in South Dakota, but 41% of the population in jails and 33% in prisons. In Kansas, Native Americans are incarcerated in prisons at 2.5 times the rate of Whites.³⁷ In the federal carceral, Native people are especially overrepresented, as they make up less than 1% of the U.S. population but 2.1% of the federal incarceration population. Ties between the territories of Native Nations and the carceral contribute to this disparity. In these areas, state laws typically do not apply, which causes crimes to be prosecuted at the federal level only and ultimately leads to harsher sentencing.³⁸ Similar to Hispanic/Latiné people, Native people's true

³⁰ Samantha Chery, *A guide to how words like Hispanic and Latinx came about*, THE WASHINGTON POST (Oct. 1, 2022), [https://perma.cc/AUB2-DU6P]. The term "Latiné" is used as a gender-neutral term for individuals originating from countries in Latin America. The "é" ending is more grammatically aligned with gender-neutral endings used in the Spanish language. This is an important designation as it acknowledges and affirms gender nonconforming individuals.

³¹ Amelia Vorphal, *How Are Hispanic Individuals Represented in the Criminal Justice System?*, CSG (Oct. 12, 2021), [https://perma.cc/DL2F-V8Z3]; Michael T. Light, Jingying He, & Jason P. Robey, *Comparing Crime Rates Between Undocumented Immigrants, Legal Immigrants, and Native-Born US Citizens in Texas*, 117 PROCEEDINGS OF THE NAT'L ACAD. SERV. 32340, 32345 (2020).

³² Niki Monazzam & Kristen M. Budd, *Incarcerated Women and Girls*, THE SENTENCING PROJECT (Mar. 2023), [https://perma.cc/H4LE-BCKN].

³³ Sarah Eppler-Epstein, Annie Gurvis, & Ryan King, *The Alarming Lack of Data on Latinos in the Criminal Justice System*, URBAN INSTIT. (Dec. 2016), [https://perma.cc/2QE4-QFND].

³⁴ Leah Wang, *The U.S. criminal justice system disproportionately hurts Native people: The data, visualized*, THE PRISON POLICY INITIATIVE (Oct. 8, 2021), [https://perma.cc/8SNN-PLWF].

³⁵ *Id.*

³⁶ *Incarceration Trends in South Dakota*, VERA INSTIT. OF JUST., [https://perma.cc/FAT6-CU4D].

³⁷ *Incarceration Trends in Kansas*, VERA INSTIT. OF JUST., [https://perma.cc/A329-XH69].

³⁸ Wang, *supra* note 34.

representation in the criminal legal system is difficult to capture due to lacking data collection methods and data sources.³⁹

Taken together, minoritized women in the criminal legal system are in precarious situations, as shown by the research. However, there is still much to uncover about their experiences in the criminal legal system. One aspect warranting further exploration involves their reentry experiences. Additionally, much of the current reentry work lacks an intersectional approach exploring how racially/ethnically minoritized women's experiences are impacted by their intersecting identities, which is why scholars call for more intersectional research.⁴⁰ The current law review intends to examine this phenomenon through a review of existing research.

III. FINANCIAL MARGINALIZATION

After system involvement, individuals face barriers to their economic security and mobility that are potentially lifelong due to their criminal record.⁴¹ Experiencing the precariousness of economic marginalization is dangerous, especially for those entangled in the criminal legal system. One reason for this is that it often prevents people from being able to meet community supervision requirements such as finding and maintaining housing and employment, as well as paying fines and fees.⁴² Additionally, some supervision requirements like drug testing and attending programs require that the individual under supervision cover those costs, furthering their economic marginalization.⁴³ Therefore, maintaining financial stability is especially important for system-involved individuals. However, the reality is that, realistically, many are unable to do this due to their criminal record, previous financial instability, and current financial situation.

A recent report by the Center for American Progress revealed that the criminal legal system contributes to wealth inequality and the racial wealth gap

³⁹ *Id.*

⁴⁰ Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 UNIV. OF CHICAGO LEGAL FORUM, 139, 140 (1989); Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STANFORD L. REV. 1241, 1243–44 (1991); Keren Gueta, *Exploring the Promise of Intersectionality for Promoting Justice-Involved Women's Health Research and Policy*, HEALTH AND JUST. 1, 2 (2020).

⁴¹ Rebecca Vallas & Sharon Dietrich, *One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records*, CTR. FOR AM. PROGRESS (Dec. 2, 2014), [<https://perma.cc/SJN5-QCFC>].

⁴² Alex Jones, *Correctional Control 2018: Incarceration and Supervisions by State*, PRISON POL'Y INI. (Dec. 2018), [<https://perma.cc/TYG7-2WJ7>].

⁴³ Breanne Pleggenkuhle, *The Financial Cost of a Criminal Conviction*, 45 CRIM. JUST. & BEHAV. 121, 122 (2018).

in the United States.⁴⁴ The main causes of these issues are overcriminalization and mass incarceration. It is well known that system-involved men and women will experience collateral consequences because of their convictions. These collateral consequences often impact employment opportunities, subsequently impacting people's earnings and financial status.⁴⁵ In fact, 9 out of every 10 U.S. employers use background checks in hiring, which increases the number of jobs that system-involved people are ineligible for.⁴⁶ Further exhibiting the extent of financial marginalization caused by system involvement, formerly incarcerated people experience a 52% reduction in subsequent earnings, aggregating to an excess of \$372 billion dollars in lost wages per year.⁴⁷ Making matters worse, the cost of legal financial obligations (LFOs; e.g., fines and fees) are increasing, decreasing individuals' ability to save money.⁴⁸

Additionally, within households with a currently or previously incarcerated family member, the household has around 50% less wealth than households unaffected by incarceration.⁴⁹ Consequently, these households more often experience financial insecurity. For example, in 2019, 22.6% of households with a currently or previously incarcerated family member could not afford to pay their bills.⁵⁰ However, only 14.5% of households unaffected by incarceration could not afford their bills.⁵¹ Households experiencing the effects of incarceration are more likely to be denied loan applications as well, which extends their inability to create long-term wealth. In 2019, this was true for 23.4% of households experiencing the effects of incarceration.⁵²

For system-involved women specifically, experiencing financial and economic marginalization is common, and women experience gender-related differences for earnings, type of employment, and education.⁵³ Previous research consistently documents a relationship between high financial need and offending.⁵⁴ For example, a recent study of 304 women on community

⁴⁴ Christian E. Weller, Akua Amaning, & Rebecca Vallas, *America's Broken Criminal Legal System Contributes to Wealth Inequality*, CTR. FOR AM. PROGRESS (Dec. 13, 2022), [https://perma.cc/S786-476G].

⁴⁵ *Americans with Criminal Records*, THE SENTENCING PROJECT, (2022) [https://perma.cc/SMB9-GMMQ]; Vallas & Dietrich, *supra* note 41.

⁴⁶ Weller, Amaning & Vallas, *supra* note 44, at 2.

⁴⁷ Terry-Ann Craigie, Ames Grawert & Cameron Kimble, *Conviction, Imprisonment, and Lost Earnings: How Involvement with the Criminal Justice System Deepens Inequality*, BRENNAN CTR. FOR JUST., (Sept. 15, 2020), <https://www.brennancenter.org/our-work/research-reports/conviction-imprisonment-and-lost-earnings-how-involvement-criminal> [https://perma.cc/9B4T-SBT5].

⁴⁸ Weller, Amaning & Vallas, *supra* note 44, at 2.

⁴⁹ *Id.*

⁵⁰ *Id.* at 3.

⁵¹ *Id.*

⁵² *Id.*

⁵³ Morash, Kashy, Bohmert, Cobbina & Smith, *supra* note 17, at 455–456; Bloom, Owen & Covington, *supra* note 8, at 11.

⁵⁴ Kathleen Daly, *Women's Pathways to Felony Court: Feminist Theories of Lawbreaking and Problems of Representation*, 2 S. CAL. REV. OF L. & WOMEN'S STUD. 11, 24 (1992); Kirk

supervision found that over a several-year period, change in financial need predicted subsequent recidivism.⁵⁵ Specifically, women whose financial need decreased had a lower likelihood of rearrest and conviction relative to women whose financial need increased.⁵⁶ Another study of 500 women released from federal prison found that unemployment was related to shortened time to recidivism, and mixed-gender studies have found similar results.⁵⁷ Wooditch and colleagues found a relationship between lower levels of recidivism and an increase in income over a six-month period.⁵⁸ Similarly, Cohen and colleagues found that a combined measure of education and employment was related to lower recidivism.⁵⁹

Although the previously mentioned studies explain the link between financial marginalization and recidivism, they do not explain how minoritized system-involved women's financial marginalization differs because of their intersecting identities. Generally, it is known that women's financial marginalization is compounded by their other social locations, which is why feminist scholars stress the importance of considering how gender and other social locations intersect to increase disadvantage for certain women.⁶⁰ For example, LGBT individuals have a higher poverty rate (21.6%) than cisgender, heterosexual individuals (15.7%); within that group, transgender people's

Heilbrun, David Dematteo, Ralph Fretz, Jacey Erickson, Kento Yasuhara & Natalie Anumba, *How "Specific" Are Gender-Specific Rehabilitation Needs? An Empirical Analysis*, 35 CRIM. JUST. & BEHAV. 1382, 1390 (2008); Alexander M. Holsinger, Christopher L. Lowenkamp & Edward J. Latessa, *Ethnicity, gender, and the Level of Service Inventory-Revised*, 31 J. OF CRIM. JUST. 309, 315 (2003); Kristy Holtfreter, Michael D. Reisig & Merry Morash, *Poverty, State Capital, and Recidivism Among Women Offenders*, 3 CRIM. & PUB. POL'Y 185, 196, (2004); Lisa Maher and Kathleen Daly, *Women in the Street-Level Drug Economy: Continuity or Change?*, 34 CRIMINOLOGY 465, 465–492 (1996).

⁵⁵ Merry Morash & Deborah A. Kashy, *The Relevance of Women's Economic Marginalization to Recidivism*, 49 CRIM. JUST. & BEHAV. 330, 330 (2022).

⁵⁶ *Id.*

⁵⁷ Leigh E. Greiner, Moira A. Law & Shelley L. Brown, *Using Dynamic Factors to Predict Recidivism Among Women: A Four-Wave Prospective Study*, 42 CRIM. JUST. & BEHAV. 457, 457 (2015).

⁵⁸ See Alese Wooditch, Liansheng Larry Tang & Faye S. Taxman, *Which Criminogenic Need Changes Are Most Important in Promoting Desistance From Crime and Substance Use?* 41 CRIM. JUST. & BEHAV. 276, 276–299 (2014).

⁵⁹ See Thomas H. Cohen, Christopher T. Lowenkamp & Scott W. VanBenschoten, *Does Change in Risk Matter? Examining Whether Changes in Offender Risk Characteristics Influence Recidivism Outcomes*, 15 CRIMINOLOGY & PUB. POL'Y 263, 263–296 (2016).

⁶⁰ Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. OF CHI. LEGAL FORUM, 139, 139–167 (1989); Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1241–1299, (1991); Keren Gueta, *Exploring the Promise of Intersectionality for Promoting Justice-Involved Women's Health Research and Policy*, 8 HEALTH & JUST. 1, 1–10 (2020).

poverty rate is highest at 29.4%.⁶¹ After considering racial identity, LGBT people, who were also a part of racial/ethnic minoritized groups, had significantly higher poverty rates than white LGBT people.⁶²

A national survey of 6,450 transgender and gender non-conforming people found that much of the sample lived in extreme poverty, making them four times as likely to have a household income of less than \$10,000 in comparison to the general population.⁶³ They also faced considerable economic insecurity, employment discrimination, housing discrimination, and criminalization.⁶⁴ Sixty-three percent of the sample reported experiencing a serious act of discrimination that impacted their quality of life and their emotional or financial stability.⁶⁵ Linking this back to the criminal legal system, transgender individuals often experience the carceral production of poverty. This is done through laws criminalizing drug use and sale, homelessness, immigration, prostitution, and HIV.⁶⁶ The laws function to criminalize transgender individuals' survival mechanisms and earning strategies, and for transgender individuals of color, their race and gender are often criminalized as well. Another mechanism that produces poverty occurs through administrative policies that use binary gender systems and privilege those who ascribe to traditional gender norms. These policies are often seen in services that provide help for individuals experiencing poverty and homelessness, and when transgender people seek out these services, they are often met with resistance in the form of policing, arrest, and even eviction. This is especially true for minoritized transgender women, once again displaying how intersecting identities impact system experiences.⁶⁷

Minoritized women are often impacted by additional structural factors such as poverty, lack of childcare, lack of affordable housing, and a lack of employment opportunities in addition to being impacted by the collateral consequences of system involvement. In fact, studies show that Black and Hispanic households impacted by incarceration encounter more difficulties in economic mobility than white households.⁶⁸ The impact of these structural

⁶¹ M.V. Lee Badgett, Soon Kyu Choi & Bianca D.M. Wilson, *LGBT Poverty in the United States: A Study of Differences Between Sexual Orientation and Gender Identity Groups*, UCLA SCHOOL OF L. WILLIAMS INST. 39 (October 2019).

⁶² *Id.*

⁶³ Jaime M. Grant, Lisa A. Mottet & Justin Tanis, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, NATIONAL CENTER FOR TRANSGENDER EQUALITY AND NATIONAL GAY AND LESBIAN TASK FORCE 1, 2 (2011), https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf [<https://perma.cc/4SA5-A5RD>].

⁶⁴ *Id.* at 3–4.

⁶⁵ *Id.* at 8.

⁶⁶ *Unjust: How the Broken Criminal Justice System Fails Transgender People*, CENTER FOR AMERICAN PROGRESS AND MOVEMENT ADVANCEMENT PROJECT 1, 7 (May 2016), <https://www.lgbtmap.org/file/lgbt-criminal-justice-trans.pdf> [<https://perma.cc/82QJ-V433>].

⁶⁷ Dilara Yarbrough, *The Carceral Production of Transgender Poverty: How Racialized Gender Policing Deprives Transgender Women of Housing and Safety*, 25 PUNISHMENT & SOC'Y 141, 145 (2021).

⁶⁸ Weller, Amaning & Vallas, *supra* note 44, at 3.

factors and low economic mobility becomes more serious, considering that they are often associated with crime and recidivism.⁶⁹ Because financial insecurity greatly impacts households affected by incarceration generally, it is unsurprising that its impact is more salient for Black and Hispanic households. In 2019, over a quarter of Black (29.2%) and Hispanic (26.3%) households impacted by incarceration stated that they were unable to pay all their bills, but less than a quarter of White households (19.1%) in the same situation experienced not being able to pay their bills.⁷⁰

Research has shown that Black and other minoritized system-involved people encounter the most difficulty in gaining employment and accessing safety-net benefits. One reason for this involves the communities that minoritized individuals often live in. For example, Black individuals were found to disproportionately reside in areas with high levels of concentrated disadvantage, which includes experiencing high unemployment and job scarcity.⁷¹ Black individuals often return to economically disadvantaged areas following prison release, which lessens their access to social capital and resources necessary for college.⁷² Likewise, the barriers system-involved women face in the labor market are often obscured, and this is especially true for minoritized system-involved women.⁷³

The experience of system-involved minoritized women and their experiences with financial marginalization support the argument that overcriminalization and mass incarceration contribute to the U.S. racial wealth gap. A plethora of research further illustrates this point. Out of all families impacted by incarceration, families of color more often experience negative economic outcomes than white families.⁷⁴ A recent report found that Black households with an incarcerated family member had a median wealth of \$1,101.⁷⁵ In comparison, Hispanic and White households experiencing the same

⁶⁹ Katie Ropes Berry, Stephanie Kennedy, Margaret Lloyd, Christopher Veeh & Stephen Tripodi, *The Intersectional Effects of Race and Gender on Time to Reincarceration*, 33 JUST. QUARTERLY 132, (2018).

⁷⁰ Weller, Amaning & Vallas, *supra* note 44, at 3.

⁷¹ Paul E. Bellair & Brian R. Kowalski, *Low-Skill Employment Opportunity and African American-White Difference in Recidivism*, 48 J. OF RESEARCH IN CRIME & DELINQ. 176, 176–208 (2011); Jennifer E. Cobbina, Merry Morash, Deborah A Kashy & Sandi W. Smith, *Race, Neighborhood Danger, and Coping Strategies Among Female Probationers and Parolees*, 4 RACE & JUST. 3, 3–28 (2014).

⁷² Jennifer E. Cobbina, *From Prison to Home: Women's Pathways In and Out of Crime* (2009) (Ph.D. dissertation, University of Missouri – Saint Louis) (ProQuest); Marie Pryor & Douglas E. Thompkins, *The Disconnect Between Education and Social Opportunity for the Formerly Incarcerated*, 38 AM. J. OF CRIM. JUST. 457, 457–79 (2013).

⁷³ See Susila Gurusami, *Working for Redemption: Formerly Incarcerated Black Women and Punishment in the Labor Market*, 31 GENDER & SOC'Y 433, 433–56 (2017).

⁷⁴ Weller, Amaning & Vallas, *supra* note 44, at 3.

⁷⁵ *Id.*

phenomenon had a median wealth of \$3,200 and \$15,330, respectively.⁷⁶ Not to mention, a substantial part of the racial wealth gap is correlated with criminal legal interactions. For example, statistical correlate models found that around 20% of the captured difference between Black and White households was attributed to system interactions.⁷⁷ The captured difference between Hispanic and White households was as large as 40%, presenting more evidence of how the racial wealth gap and the criminal legal system are intertwined.⁷⁸

Taken together, the current research demonstrates a strong link between criminal legal system involvement and financial marginalization, especially for minoritized women. When individuals are sent to jail or prison, household incomes tend to drop sharply, and families become more likely to be unable to meet their basic needs as well as accrue LFOs. Stretching the point further, families experiencing incarceration accrue more debt by having to pay the high commissary costs jails and prisons charge and the cost for visitation and phone calls. Visitation and phone calls alone were found to push over 1 in 3 families into debt.⁷⁹ Thus, there is a clear tie between system involvement, gender and race, and financial marginalization. To deepen the discussion on financial marginalization, the next sections review specific aspects affecting financial marginalization, including housing, transportation, and employment.

IV. HOUSING

Access to housing during reentry is central to the successful reintegration of individuals exiting carceral settings, in part because it facilitates a range of positive outcomes that include successful compliance with the conditions of supervision and desistance.⁸⁰ Individuals released from prisons and jails without stable housing are at increased risk of homelessness, disrupting their ability to participate in treatment or obtain employment, and is associated with subsequent recidivism and reincarceration.⁸¹ In addition to homelessness, individuals exiting prisons and jails encounter elevated rates of housing insecurity, often moving multiple times in the first year after release.⁸² Such instability, which

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.* at 4.

⁸⁰ Thomas P. LeBel, *Housing as the Tip of the Iceberg in Successfully Navigating Prisoner Reentry*, 16 CRIMINOLOGY & PUB. POL'Y 899, 891 (2017); Caterina Gouvis Roman & Jeremy Travis, *Taking Stock: Housing, Homelessness, and Prisoner Reentry*, URBAN INSTIT. 1, 7 (2004) [<https://perma.cc/GMW3-62MU>].

⁸¹ See Valerie A. Clark, *The Effect of Community Context and Post-Release Housing Placement on Recidivism: Evidence from Minnesota*, MINNESOTA DEP'T OF CORRECTIONS, 5 (2015) [<https://perma.cc/9UY7-K6EP>]; Stephen Metraux & Dennis P. Culhane, *Homeless Shelter Use and Reincarceration Following Prison Release*, 3 CRIMINOLOGY & PUB. POL'Y 139, 139 (2004).

⁸² Christy A. Visher & Shannon M.E. Courtney, *One Year Out: Experiences of Prisoners Returning to Cleveland*, THE URBAN INST. 1, 2 (2007); Lucius Couloute, *Nowhere to Go: Homelessness among formerly incarcerated people*, PRISON POL'Y INITIATIVE, 3 (2018) [<https://perma.cc/GT9X-UYYX>].

disrupts the accumulation of social and financial capital that can facilitate reintegration, is associated with an increased odds of rearrest.⁸³

Stable housing provides a platform from which individuals can access opportunities central to reducing criminogenic risk, including stable employment, behavioral health treatment, and supportive social networks. As such, the lack of housing during reentry poses a threat to reintegration.⁸⁴ Despite this, system-impacted individuals encounter a range of individual and systemic barriers when seeking suitable housing, including stigma in the private rental market, policies that restrict access to public housing support, and the negative impact of justice involvement on employment, income, and financial capital.⁸⁵ As a result, most former prisoners depend on others for housing during reentry, including family members and subsidized, temporary supports—such as halfway houses, homeless shelters, or residential treatment centers.⁸⁶

System-impacted women encounter gender-specific barriers to obtaining suitable housing during reentry, in part due to economic marginalization. For example, when compared to men, formerly incarcerated women experience elevated rates of homelessness and housing instability.⁸⁷ In a sample of men and women exiting jail, Fedock found that women were more likely to be homeless both prior to arrest and after release.⁸⁸ Despite this, the author concluded that jail interventions for reentering inmates focus on male-centered programming targeting criminal thinking to the exclusion of interventions addressing the role of structural disadvantage in recidivism, including lack of access to suitable housing. Similarly, studies of system-impacted women show that many experience housing instability prior to incarceration, with more than two-thirds moving at least once in the year before an arrest.⁸⁹ As a consequence, women often negotiate reentry while living in the same unsuitable housing situations that may have contributed to criminal justice contact in the first place.

During reentry, women must contend with the additional burden of having a criminal history, which compounds their economic marginalization by adding another form of stigma that further restricts access to conventional social

⁸³ Le Bel, *supra* note 80 at 891.

⁸⁴ Jack Tsai & Robert A. Rosenheck, *Conceptualizing Social Integration Among Formerly Homeless Adults With Severe Mental Illness*, 40 J. CMTY. PSYCH. 456, 465 (2012).

⁸⁵ Jocelyn Fontaine, *Examining Housing as a Pathway to Successful Reentry: A Demonstration Design Process*, THE URBAN INSTIT. 1, 1 (2013) [<https://perma.cc/25BE-AE8P>]; Nancy G. La Vigne, Christy Visher & Jennifer Castro, *Chicago Prisoners' Experiences Returning Home*, THE URBAN INSTI. 1, 5 (2004) [<https://perma.cc/KJ6P-L5KH>]; Roman & Travis, *supra* note 80, at 11.

⁸⁶ La Vigne, Visher & Castro, *supra* note 85 at 7; Clark, *supra* note 81 at 5.

⁸⁷ Couloute, *supra* note 82, at 1.

⁸⁸ Gina Fedock, Lauren Fries & Sheryl Pimlott Kubiak, *Service Needs for Incarcerated Adults: Exploring Gender Differences*, 52 J. OFFENDER REHAB 493, 501 (2013).

⁸⁹ Marilyn Brown and Barbara Bloom, *Reentry and Renegotiating Motherhood: Maternal Identity and Success on Parole*, 55 CRIME AND DELINQ. 313, 317 (2009).

opportunities and supports.⁹⁰ For example, Smoyer found that women who were stably housed at the time of their arrest lost those housing assets as the result of time spent in jail and were not able to recover them even a year after release.⁹¹ Rather, the experience of incarceration was characterized as setting women on a “trajectory of housing instability.”⁹² In large part, this was the result of housing policies that restrict eligibility access for individuals with a criminal history. Because many women are only able to obtain independent housing prior to jail through reliance on public subsidies, eligibility restrictions for persons with a criminal history have a disproportionate and gendered impact by virtue of rendering women ineligible for supports that are a primary vector through which they achieve stable housing.

For system-impacted women, economic marginalization creates a situation of enhanced dependency on formal and informal relationships to obtain housing. However, system-impacted women’s social networks often, themselves, experience substantial poverty, which limits their ability to provide safe and stable housing.⁹³ Furthermore, system-impacted women are more likely than men to grow up in households characterized by gender-specific criminogenic risk, including family members with a criminal record, parental substance use, physical and sexual abuse, and time spent in foster care.⁹⁴ Such family histories complicate those relationships, and therefore those households, as a source of social support, including housing assistance. Smoyer surmises that this may be one reason that relatively fewer women than men live with family during reentry, as found in studies with samples comprised mostly of men.⁹⁵ Research also suggests that family members may attach greater stigma to the criminal behavior of women relative to men and, therefore, be unwilling to provide material support, in the form of housing, during reentry.⁹⁶ Despite such difficulties, living with family members during reentry is associated with reduced recidivism for women and enhancing the capacity of families to provide support may be an appropriate use of correctional resources.⁹⁷

An important source of family support for men during reentry comes in the form of a female significant other with whom the former prisoner lives after release.⁹⁸ This type of living arrangement can provide both material and

⁹⁰ Le Bel, *supra* note 80, at 894; Roman & Travis, *supra* note 80, at 10.

⁹¹ Amy B. Smoyer, Danya E Keene, Maribel Oyola, & Ashley C. Hampton, *Pin-pong Housing: Women’s Post-Incarceration Trajectories*, 36 *AFFILIA: J. OF WOMEN AND SOCIAL WORK* 336, 336 (2021).

⁹² *Id.* at 348.

⁹³ Solveig Spjeldnes & Sata Goodkind, *Gender Differences and Offender Reentry: A Review of the Literature*, 48 *J. OFFENDER REHAB.* 314, 322 (2009).

⁹⁴ *Id.* at 318.

⁹⁵ Smoyer, et. al, *supra* note 91, at 347; cf. La Vigne, et. al, *supra* note 86, at 6.

⁹⁶ Brown & Bloom, *supra* note 89, at 320.

⁹⁷ Beth M. Huebner & Breanne Pleggenkuhle, *Residential Location, Household Composition, and Recidivism: An Analysis by Gender*, 32 *JUST. Q.* 818, 820-21 (2013); Aaron Gottlieb & Melissa Mahabir, *Women and Incarceration: Introducing a Gendered Lens into Smart Decarceration*, 67 *SOCIAL WORK* 155, 158 (2022).

⁹⁸ La Vigne, *supra* note 75, at 8.

emotional support to men during reentry and is associated with reduced recidivism.⁹⁹ In comparison, women are less likely to live with a significant other after release from prison or jail, which limits housing opportunities by increasing the cost of finding and maintaining housing. In addition, system-impacted women are more likely than men to experience intimate partner violence over the course of their lifetime, with some studies showing as many as 90% of incarcerated women have experienced physical and emotional violence from a male partner.¹⁰⁰ During reentry, many women encounter economic, social and institutional pressure—from community supervision agents—to return to an abusive partner as the only viable source of stable housing.¹⁰¹ Brown and Bloom found that system-impacted women encounter substantial pressure to reside with abusive partners after incarceration because they are not able to make enough money to provide suitable housing for themselves and their children.¹⁰² For women on parole, the abusive partner's residence may be the only housing situation approved by her parole officer, although living with a male intimate partner is not protective against recidivism for women in the same way it is for men.¹⁰³

The majority of system-impacted women have children under the age of 18 and are more likely than their male counterparts to be a primary caregiver for dependent children.¹⁰⁴ In contrast to men, children and fulfillment of the parental role is a robust predictor of desistance for women, although material deprivation threatens their ability to provide suitable housing, among other resources.¹⁰⁵ For many women during reentry, however, they are moving into households that have been caring for their children while they were incarcerated and those households may be characterized by material and social constraints that undermine the successful fulfillment of the role of mother.¹⁰⁶ For example, those households may have exhausted scant resources in caring for the system-impacted women's children and not able to provide ongoing support. Brown and Bloom also found that reentering women struggle to reclaim the role of mother when moving into households with other adults who have functioned as parents and mentors to their children.¹⁰⁷ Isolation from the role of motherhood is

⁹⁹ James Bonta & D.A. Andrews, *The Psychology of Criminal Conduct* (Routledge 2017); *SI*.

¹⁰⁰ Shilo St. Cyr, et. al, *Intimate Partner Violence and Structural Violence in the Lives of Incarcerated Women: A Mixed-Method Study in Rural New Mexico*, 18 INT. J. ENVIRON. RES. PUB. HEALTH 1, 6 (2021).

¹⁰¹ *Id.* at 11.

¹⁰² Brown & Bloom, *supra* note 89, at 314.

¹⁰³ *See generally* Beth M. Huebner & Breanne Pleggenkuhle, *supra* note 97.

¹⁰⁴ Spjeldnes & Goodkind, *supra* note 93, at 321.

¹⁰⁵ Huebner & Pleggenkuhle, *supra* note 97, at 836.

¹⁰⁶ Brown & Bloom, *supra* note 89, at 326–28.

¹⁰⁷ *Id.* at 325.

especially acute for women whose children are in state custody and who must find approved housing in order to be reunited.¹⁰⁸

For system-impacted women of color, the difficulty of obtaining suitable housing during reentry is additionally complicated by overlapping stigma related to race and ethnicity, and criminal history.¹⁰⁹ In particular, women of color are more impacted by housing discrimination than White women or men of color.¹¹⁰ This includes discrimination from landlords, real estate agents, lenders and even public housing authorities; as a result, women of color have fewer housing assets and opportunities and are more likely to live in economically marginalized communities.¹¹¹ Residing in impoverished neighborhoods means that women of color have less access to supportive structures, such as employment and treatment opportunities, that facilitate successful reintegration, and also have greater exposure to criminogenic community structures as well as over-policing.¹¹² Research suggests that justice involvement is uniquely disruptive to the housing stability of women of color. Prior to incarceration, women of color were more likely to be stably housed than White women, but in the 12-months after release, they were less likely to have suitable housing.¹¹³ For some White women, being incarcerated, and subsequent connection to services, actually served to stabilize their housing situation; this was not true for women of color. Individuals of color are also more likely to experience elevated recidivism when living in impoverished neighborhoods less likely to be impacted by protective factors such as affluence.¹¹⁴

As the result of such discrimination, Burch contends that services for justice-involved women of color must contend with the fact that the concept of reentry is based on the “false assumption of prior integration”.¹¹⁵ In particular, measures of reentry success have tended to focus on the role of individual behavior as a cause of recidivism. This lens obscures the larger, structural issues that imperil the successful reintegration of women and, particularly, women of color. Safe and stable housing, which women of color are structurally excluded from regardless of justice involvement, must be a part of any correctional intervention that seeks to reduce recidivism by reducing exposure to gender-specific criminogenic factors such as victimization, poverty, and untreated

¹⁰⁸ See generally Melissa Burch, *(Re)entry From the Bottom Up: A Case Study of a Critical Approach to Assisting Women Coming Home from Prison*, 25 CRITICAL CRIMINOLOGY 357 (2017); Juliana van Olphen, et. al, *Nowhere to go: How stigma limits the options of female drug users after release from jail*, 4 SUBSTANCE ABUSE TREATMENT, PREVENTION, AND POL'Y, 10.

¹⁰⁹ Le Bel, *supra* note 83, at 896–97.

¹¹⁰ George Lipsitz, “*In an Avalanche Every Snowflake Pleads Not Guilty*”: *The Collateral Consequences of Mass Incarceration and Impediments to Women’s Fair Housing Rights*, 59 UCLA L. REV. 6, 1764 (2012).

¹¹¹ *Id.* at 1749.

¹¹² Janet Garcia-Hallett, “*We’re Being Released to a Jungle*”: *The State of Prisoner Reentry and the Resilience of Women of Color*, 99 THE PRISON JOURNAL 459, 460–61 (2019).

¹¹³ Smoyer, et. al, *supra* note 81, at 346–47.

¹¹⁴ Susan McNeeley, *Do Ecological Effects Vary by Gender, Race, or Housing Type?* 64 CRIME & DELINQ. 782, 792 (2018).

¹¹⁵ Burch, *supra* note 108, at .

behavioral health problems.¹¹⁶ Overall, because women with marginalized identities are far less likely to be able to find and maintain stable housing in areas with access to services, there often exists an increased need for accessible transportation.

V. TRANSPORTATION

Transportation is a relevant need for reentering individuals as it serves several purposes relevant to successful reentry. First, transportation serves as a gateway to service engagement.¹¹⁷ Research has established that reentering adults often face barriers receiving treatment for mental health disorders (including substance use disorders) due to transportation inaccessibility.¹¹⁸ In addition, transportation is necessary for obtaining and maintaining employment.¹¹⁹ As such, the consequences of unreliable or inefficient transportation are related to employment and mental health service access, making transportation a key contributor to financial instability for re-entering individuals. In particular, safe and timely transportation is a necessary element of reentry. Often, reentering individuals must navigate various supervision requirements, including attending supervision meetings and random drug tests, which necessitates consistent and reliable transportation access.¹²⁰ Meeting the challenge of accessing mandated and personal services requires dependable access to a car, reliable public transportation, or housing that is near to both service providers and supervision offices.¹²¹

Women are disproportionately affected by transportation deprivation, and that transportation deprivation leads to outcomes related to financial marginality. For example, car ownership is the strongest predictor of gaining and maintaining employment for low-income single mothers, as reliable transportation results in

¹¹⁶ Susan Starr Sered & Maureen Norton-Hawk, *Beyond Recidivism and Desistance*, 16 FEMINIST CRIMINOLOGY 165, 181 (2021). Michele Staton, Megan Dickson, Martha Tillson, Matthew Webster, & Carl Leukefeld, *Staying out: Protective Factors Among Rural Women Offenders*, 29 WOMEN & CRIMINAL JUSTICE 368, 11 (2019).

¹¹⁷ Audrey Begun, Theresa Early, & Ashleigh Hodge, *Mental Health and Substance Abuse Service Engagement by Men and Women During Community Reentry Following Incarceration*, 43 ADMINISTRATION AND POLICY IN MENTAL HEALTH 207, 212.

¹¹⁸ Hung-En Sung, Annette M. Mahoney, & Jeff Mellow, *Substance Abuse Treatment Gap Among Adult Parolees: Prevalence, Correlates, and Barriers*, 36 CRIMINAL JUSTICE REV. 40, 50 (2011).

¹¹⁹ Evelyn Blumenberg, *En-gendering Effective Planning: Spatial Mismatch, Low-Income Women, and Transportation Policy*, 70 J. OF THE AMERICAN PLANNING ASSOCIATION, 269, 269 (2004); see generally J.S. Onésimo Sandoval, Robert Cervero, & John Landis, *The Transition From Welfare-to-Work: How Cars and Human Capital Facilitate Employment for Welfare Recipients*, 31 APPLIED GEOGRAPHY 352.

¹²⁰ Miriam Northcutt Bohmert, *The Role of Transportation Disadvantage for Women on Community Supervision*, 43 CRIMINAL JUSTICE AND BEHAVIOR 1522, 1523–24.

¹²¹ Bloom, Owen, Covington, & Raeder, *supra* note 8, at 82. .

better employment attendance.¹²² In addition, difficulties associated with transportation can result in increased levels of stress, which can result in mental health problems and reduced labor productivity.¹²³ As such, transportation can have direct consequences on women's financial and economic well-being.

Although overlooked in correctional research, transportation is likely to be an important influence in the lives of women with system involvement in particular. A few prior studies have identified transportation as a challenge that women reentrants face after release from carceral settings.¹²⁴ In an in-depth qualitative study, interviewed women who lived in low-income communities, identified women's needs for treatment for substance abuse, physical and mental illness, and post-traumatic stress disorder; overwhelmingly, women identified transportation as a ubiquitous need as it affected their ability to procure these needed services.¹²⁵ A study of women on probation and parole found that women often navigated service providers that spanned across counties.¹²⁶ The distance between the locations was fragmented, and women found keeping supervision appointments difficult as a result of inconsistent transportation access. Finally, using interviews with 75 women on probation and parole, Northcutt Bohmert (2016) found that nearly one half of all women in the sample reported transportation as one of their top three concerns, with many reporting a constellation of transportation issues including car problems, inadequate bus access, and transportation costs.¹²⁷ Taken in tandem, these studies illustrate the severe and multifaceted needs associated with transportation for this particular population.

Though there has been very little research focusing on explicitly on system-impacted, racially minoritized women and their access to transportation, there is evidence to support that this population is particularly impacted by transportation deprivation. First, this population more often lives in

¹²² Lichtenwalter, S., Koeske, G., & Sales, E. (2006). Examining transportation and employment outcomes: Evidence for moving beyond the bus pass. *Journal of Poverty*, 10(1), 93–115. https://doi.org/10.1300/J134v10n01_05; Thomas E. Lambert, *The Poor and Transportation: A Comment on Marlene Kim's "The Working Poor: Lousy Jobs or Lousy Workers?"* 32 *J. OF ECONOMIC ISSUES*, 1140, 1140–1141.

¹²³ Georg Gottholmseder, Klaus Nowotny, Gerald Pruckner, & Engelbert Theurl, *Stress Perception and Commuting*, 18 *HEALTH ECONOMICS*, 559, 559 (2009). ; Jacobson, B. H., Aldana, S. G., Goetzel, R. Z., Vardell, K. D., Adams, T. B., & Pietras, R. J. (1996). The relationship between perceived stress and self-reported illness-related absenteeism. *American Journal of Health Promotion: AJHP*, 11(1), 54–61. <https://doi.org/10.4278/0890-1171-11.1.54>.

¹²⁴ Morash, supra note 17, at 1141; Northcutt Bohmert, supra note, 110, at 1523.; see generally Beth Richie, *Challenges Incarcerated Women Face as They Return to Their Communities: Findings From Life History Interviews*. 47 *CRIME & DELINQUENCY*, 368; Scroggins & Malley, supra note 18, at 150.

¹²⁵ See generally Richie, supra note 114.

¹²⁶ MERRY MORASH, *WOMEN ON PROBATION AND PAROLE: A FEMINIST CRITIQUE OF COMMUNITY PROGRAMS & SERVICES* 14 (Northeastern Univ. Press 2010).

¹²⁷ Miriam Northcutt Bohmert, *The Role of transportation disadvantage for women on community supervision*. 43 *CRIM. JUST. AND BEHAV.* 1522,1531 (2016).

neighborhoods characterized by high crime rates and fewer resources.¹²⁸ This means minoritized women with system involvement may disproportionately report feeling unsafe standing at bus stops or being able to walk from place to place, making transportation options particularly limited.¹²⁹ Second, system-impacted women of color are less likely to report receiving transportation assistance from their friends and family while looking for work than their white counterparts.¹³⁰ This points to systemic transportation inequities that affect women's financial marginalization through their ability to find and maintain work.

VI. EMPLOYMENT

Though unemployment and subsequent job searches are difficult for many people, they are especially arduous for individuals with a history of incarceration.¹³¹ People returning from carceral settings face exceptional difficulty finding employment due to gaps in labor force participation, a lack of technological literacy due to access restrictions during incarceration, discrimination by employers, and other related issues.¹³² Despite these difficulties, employment is a crucial element of reentry and reintegration, and the financial strains of unemployment are especially burdensome when paired with the fees associated with supervision. In addition, finding and maintaining work has been identified as an instrumental factor in promoting successful

¹²⁸ See generally Jennifer E. Cobbina, Merry Morash, Deborah A. Kashy & Sandi W. Smith, *Race, neighborhood danger, and coping strategies among female probationers and parolees*, 4 RACE & JUST. 3 (2014); Joan Petersilia, *What Works in Prisoner Reentry—Reviewing and Questioning the Evidence*, 68 FED. PROB. (SPECIAL ISSUE) (2002); Beth Richie, *Challenges incarcerated women face as they return to their communities: Findings from life history interviews*, 47 CRIME & DELINQ. 368 (2001).

¹²⁹ Jennifer E. Cobbina, Merry Morash, Deborah A. Kashy & Sandi W. Smith, *Race, neighborhood danger, and coping strategies among female probationers and parolees*, 4 RACE & JUST. 3, 12 (2014).

¹³⁰ Ariel Roddy, *Structural and agentic contributors to justice- and substance-involved women's employment: A feminist analysis* (2022) (Ph.D. dissertation, Michigan State University) (ProQuest).

¹³¹ See generally Karsten I. Paul & Klaus Moser, *Unemployment impairs mental health: Meta-analyses*, 74 J. VOCATIONAL BEHAV. 264 (2009).

¹³² Robert Apel & Gary Sweeten, *The impact of incarceration on employment during the transition to adulthood*, 57 SOC. PROBS. 448, 449 (2010); Bruce Western, Jeffrey R. Kling, & David F. Weiman, *The labor market consequences of incarceration*, 47 CRIME & DELINQ. 410, 413 (2001); Ali Ahmed & Elizabeth Lång, *The employability of ex-offenders: A field experiment in the Swedish labor market*, 6 IZA J. LB. POL'Y 1, 17 (2017); Stijn Baert & Elsy Verhofstadt, *Labour market discrimination against former juvenile delinquents: Evidence from a field experiment*, 47 APPLIED ECON. 1061, 1070 (2015); Devah Pager, Bruce Western, & Bart Bonikowski, *Discrimination in a low-wage labor market: A field experiment*, 74 AM. SOCIO. REV. 777, 794 (2009).

reentry outcomes for previously incarcerated and reentering populations.¹³³ However, system-involved women have reported disproportionately worse employment outcomes relative to their male counterparts, and are more affected by their criminal records compared to men when it comes to labor market success.¹³⁴ These factors contribute to gender-based inequality across individuals with system involvement.

System-involved women face gender-specific disadvantages that affect their ability to find and maintain employment. More than male counterparts, women in the criminal justice system have high rates of mental illness, including substance dependence, and individuals with mental illness are less likely to find and keep employment, either as a result of physical symptoms or discrimination faced in the labor market.¹³⁵ Compared to men, women in the criminal justice system are also more likely to act as primary or sole caregivers to children and to support family members in need of homecare.¹³⁶ Assisting relatives and providing and procuring childcare are time-consuming tasks that can limit the time and energy available to find and keep a job.¹³⁷ Finally, compared to similarly situated men, system-involved women have more human capital deficits (i.e., defined as lack of skills or knowledge with economic value). As a

¹³³ Richard B. Freeman, *Crime and the employment of disadvantaged youths* (Nat'l Bureau of Econ. Rsch. 1, 21 Working Paper No. 3875, 1991); SARAH LAGESON & CHRISTOPHER UGGEN, *How work affects crime—and crime affects work—over the life course*, in HANDBOOK OF LIFE-COURSE CRIMINOLOGY: EMERGING TRENDS AND DIRECTIONS FOR FUTURE RESEARCH 208 (Chris Gibson & Marvin Krohn eds., 2013); Petersilia, *supra* note 128, at 21–22; Beth Richie, *Challenges incarcerated women face as they return to their communities: Findings from life history interviews*, 47 CRIME & DELINQ. 368, 377 (2001); See Christopher Uggen, *Work as a turning point in the life course of criminals: A duration model of age, employment, and recidivism*, 65 AM. SOCIO. REV. 529 (2000); Christy Visser et al., *Ex-offender employment programs and recidivism: A meta-analysis*, 1 J. EXPERIMENTAL CRIMINOLOGY 295, 296–97 (2005).

¹³⁴ Kamala Mallik-Kane & Christy Visser, *Health and prisoner reentry: How physical, mental, and substance abuse conditions shape the process of reintegration*, THE URBAN INST. 14 (2008); Dario Sciuilli, *Conviction, gender and labour market status*, 20 APPLIED ECON. LETTERS 1117 (2013).

¹³⁵ See Megan E. McPhail, Donna Falvo, & Eileen J. Burker, *Psychiatric disorders in incarcerated women: Treatment and rehabilitation needs for successful community reentry*, 43 J. APPLIED REHAB. COUNSELING 19 (2012); See Coral Sirdifield, *The prevalence of mental health disorders amongst offenders on probation: A literature review*, 21 J. MENTAL HEALTH 485 (2012); See Michele Staton-Tindall, Kathi Harp, Alexandra Minieri, Carrie Oser, J. Matthew Webster, Jennifer Havens, Carl Leukefeld, *An exploratory study of mental health and HIV risk behavior among drug-using rural women in jail*, 38 PSYCHIATRIC REHAB. J. 45 (2015); See Christina Cregan, Carol T. Kulik, Hugh T. J. Bainbridge, *Differences in well-being among people with disabilities in paid employment: Level of Restriction, Gender and Labour Market Context*, 51 SOC. POL'Y & ADMIN. 1210 (2017); See E. Kevin Kelloway, *Mental health in the workplace: Towards evidence-based practice*, 58 CANADIAN PSYCH. 1 (2017).

¹³⁶ BUREAU OF JUST. STAT., U.S. DEP'T OF JUST., NCJ 222984, SPECIAL REPORT: PARENTS IN PRISON AND THEIR MINOR CHILDREN 5 (2008).

¹³⁷ Jeanne Flavin, *Employment counseling, housing assistance... and Aunt Yolanda?: How strengthening families' social capital can reduce recidivism*, 3 CRIMINOLOGY & PUB. POL'Y 209, 213 (2004); Judith Berman, *Women Offenders Transition and Reentry: Gender-Responsive Approaches to Transitioning Women Offenders from Prison to the Community* 10 (Monograph, Center for Effective Pub. Pol'y for the Nat'l Inst. of Corrections, 2005), <https://www.cmcainternational.org/wp-content/uploads/2019/10/Women-offender-transition-nd-reentry.pdf>.

result, women lack resume competitiveness in the labor market, and often must participate in additional educational or vocational programs to find stable employment.¹³⁸ This makes women's employment-related needs unique relative to men with system involvement.

Furthermore, relative to White individuals, individuals with marginalized racial identities have specific challenges related to finding employment. One reason for this is because residential segregation in housing is a key driver of the association of race and employment.¹³⁹ The relationship between segregation and employment opportunity, referred to as spatial mismatch, identifies that unemployment is higher among racially minoritized individuals because of the lack of economic opportunity in the places where these individuals live. For example, a study of Black, White, and Latiné Los Angeles workers found that residential segregation had a stronger effect than social networks and job search methods on job search quality, which was found to be correlated with employment outcomes.¹⁴⁰ Given the overrepresentation of Black and Hispanic/Latiné individuals on probation and parole, spatial mismatch may produce an extra burden on these groups both in cities and outside of cities as they attempt to find and maintain employment.

In addition to experiences of segregation, constrained social networks and low social capital are related to negative employment outcomes, a relationship that has been well-documented in the general population.¹⁴¹ Though there has been little research into how social capital relates to employment for system-impacted women, tangential lines of research suggest that social capital may be especially relevant to outcomes in this population.¹⁴² Employers often depend on employment references from trusted sources disproportionately for system-impacted applicants because of their criminal history, making social capital in the form of references or job information critical.¹⁴³ However, research focused on low-income Black men and women looking for work confirms that social capital deficiencies are related to the mobilization of social capital.¹⁴⁴ In other

¹³⁸ Kathleen J. Bergseth, Katie Richardson Jens, Lindsey Bergeron-Vigessa, & Thomas D. McDonald, *Assessing the needs of women recently released from prison*, 21 *WOMEN & CRIM. JUST.* 100, 102–03 (2011); Emily J. Salisbury & Patricia Van Voorhis, *Gendered pathways: A quantitative investigation of women probationers' paths to incarceration*, 36 *CRIM. JUST. & BEHAV.* 541, 562 (2009).

¹³⁹ John F. Kain, *The spatial mismatch hypothesis: Three decades later*, *HOUS. POL'Y DEBATE*, 371, 391 (1992).

¹⁴⁰ See Michael Stoll & Steven Raphael, *Racial differences in spatial job search patterns: Exploring the causes and consequences*, 76 *ECON. GEOGRAPHY* 201 (2000).

¹⁴¹ Ted Mouw, *Social capital and finding a job: Do contacts matter?*, 68 *AM. SOCIO. REV.* 868, 890–91 (2003).

¹⁴² See Salisbury, *supra* note 138.

¹⁴³ See generally Christy A. Visher & Vera Kachnowski, *Finding work on the outside: Results from the "returning home" project in Chicago*, *THE URBAN INST.* (2006).

¹⁴⁴ Sandra Smith, *"Don't put my name on it": Social capital activation and job-finding assistance among the black urban poor*, 111 *AM. J. SOCIO.* 1, 2 (2005).

words, even when information related to a job applicant is available and contacts can influence hires, they often do not. This is a reflection of the precarious nature of employment for many individuals with marginalized racial identities and criminal histories.

As with many areas of research, less attention is paid to system-involved minoritized women regarding employment. Because women with minoritized racial identities are affected by interlocking, systematic oppressions that affect their economic livelihood, it is likely that the above difficulties are especially exacerbated for this population.¹⁴⁵ The few studies that exist acknowledge several relevant disparities for system-involved women of color. For example, research has shown that minoritized women reentrants have difficulty finding work because of hurdles related to social capital mobilization in job-finding.¹⁴⁶ Further, minoritized women with system involvement experience increased levels of discrimination from employers, especially relative to White women with system involvement. Using an experimental framework, Decker and colleagues (2015) found that men with criminal records were about twice as likely to receive job interviews than women with otherwise identical applications, and White women with criminal records receive 11 percent more interviews than Black women without criminal records.¹⁴⁷ Finally, minoritized women with system involvement experience employment disadvantages as a result of economic opportunity in their neighborhood. A recent study of system-involved women found that the number of jobs per capita within two miles of women's census tract of residence mediated the relationship between racial identity and unemployment; in other words, women of color on probation and parole experienced higher levels of economic isolation due to the vestiges of housing discrimination, which increased the likelihood of unemployment. Further, this relationship was moderated by transportation access, illustrating the indelible connection between housing, transportation, and employment for minoritized women with system involvement.¹⁴⁸

VII. DISCUSSION

As illustrated in the previous sections, system-involved women with minoritized racial identities face exceptional barriers that exacerbate their financial marginality. These barriers include, but are not limited to, housing, transportation, and employment. Though obstacles to each of these resources uniquely contribute to women's financial marginality, there is a compounding

¹⁴⁵ See Jason Williams, Zoe Spencer, & Sean K. Wilson, *I am not your felon: Decoding the trauma, resilience, and recovering mothering of formerly incarcerated Black women*, 67 CRIME & DELINQ. 1103 (2020).

¹⁴⁶ Sandra S. Smith, *Mobilizing Social Resources: Race, Ethnic, and Gender Differences in Social Capital and Persisting Wage Inequalities*, 41 THE SOCIO. Q. 509, 530–31 (2000).

¹⁴⁷ Scott Decker, Natalie Ortiz, Cassia Spohn, & Eric Hedberg, *Criminal stigma, race, and ethnicity: The consequences of imprisonment for employment*, 43 J. CRIM. JUST. 108, 109 (2005).

¹⁴⁸ See Ariel Roddy, Merry Morash, & Miriam Northcutt Bohmert, *Spatial mismatch, race and ethnicity, and unemployment: Implications for interventions with women on probation*, 68 CRIME & DELINQ. 2175 (2022).

effect if any one resource is sufficiently inaccessible. That is, the interconnectedness of housing, transportation, and employment point to potential sources of cumulative disadvantage—or the process through which initial (dis)advantages and (in)access to resources exacerbate inequality over time.¹⁴⁹

Our review of current research illustrates the prevalence of cumulative disadvantage for system impacted minoritized women. Research has identified that public transportation is less accessible in low-income areas, where reentering women of color are most likely to live.¹⁵⁰ These areas are also often characterized by a lack of employment opportunity, which is related to an increased likelihood of unemployment for system-involved women.¹⁵¹ Though this barrier can be mitigated for individuals with access to personal vehicles, system-involved minoritized women are less likely to have a valid driver's license than White women.¹⁵² As such, the cycle of financial marginalization is perpetuated by systemic disparities driven by racism.

The findings of this review have several policy-relevant implications. First, the finding of barriers unique to women highlights the importance of gender-responsive reentry programming that reflects women's lived experiences.¹⁵³ As such, women leaving carceral settings should be given appropriate resources to improve their financial outcomes. Interventions of this nature include providing Section 8 vouchers that cover costs of living in areas with increased job availability, programs that help in overcoming housing discrimination so women can move to areas with available jobs, job development in economically depressed areas, and increasing public transit access.¹⁵⁴ In addition, extending the access of safety net programs, especially for people convicted of drug and other offenses would improve access to resources for this population, which

¹⁴⁹ See Robert K. Merton, *The Matthew Effect in Science, II: Cumulative Advantage and the Symbolism of Intellectual Property*, 79 *ISIS* 606, 606–23 (1988) (discussing the concept of cumulative disadvantage in depth).

¹⁵⁰ Jennifer E. Cobbina, Merry Morash, Deborah A. Kashy & Sandi W. Smith, *Race, Neighborhood Danger, and Coping Strategies Among Female Probationers and Parolees*, 4 *RACE AND JUST.* 3, 6 (2014).

¹⁵¹ See Ariel L. Roddy, Merry Morash & Kayla M. Hoskins, *An Exploration of Employment-Related Personal Projects Undertaken by Women on Probation and Parole*, 16 *FEMINIST CRIMINOLOGY* 3, 3–25 (2021) (discussing employment-related challenges for women on probation and parole).

¹⁵² Miriam Northcutt Bohmert, *The Role of Transportation Disadvantage for Women on Community Supervision*, 43 *CRIM. JUST. & BEHAV.* 1522, 1524 (2016).

¹⁵³ Nena Messina, Christine E. Grella, Jerry Cartier & Stephanie Torres, *A randomized experimental study of gender-responsive substance abuse treatment for women in prison*, 38 *J. OF SUBSTANCE ABUSE TREATMENT* 97, 97–107 (2009); Emily M. Wright, Patricia Van Voorhis, Emily J. Salisbury & Ashley Bauman, *Gender-Responsive Lessons Learned and Policy Implications for Women in Prison: A Review*, 39 *CRIM. JUST. & BEHAV.* 1612, 1627 (2012).

¹⁵⁴ See Mark Alan Hughes, *A mobility strategy for improving opportunity*, 6 *HOUS. POL'Y DEBATE* 271–97 (1995) (discussing the concept of mobility strategy and the framework to address impoverished communities).

could in turn improve outcomes for individuals who are unable to access such resources through their social networks.¹⁵⁵

For many staff who want to improve services for women and women of color, they often do not know where to begin to create sustainable, systemic change in their organization, or which practices and interventions can assist in getting started. Both the National Institute of Corrections (NIC) and the Center for Effective Public Policy's National Resource Center on Justice-Involved Women (NRCJIW) have been leaders in disseminating evidence-based and promising intervention strategies for returning women and their families. Much of this work is based on the major principles of gender-responsive strategies developed by the NIC twenty years ago, as shown in Table 1.¹⁵⁶

¹⁵⁵ SCOTT W. ALLARD, *OUT OF REACH: PLACE, POVERTY, AND THE NEW AMERICAN WELFARE STATE* 116 (Yale University Press 2008).

¹⁵⁶ Barbara Bloom, Barbara Owen, Stephanie Covington & Myrna Raeder, *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*, U.S. DEP'T OF JUST., NATIONAL INSTITUTE OF CORRECTIONS (June 2003), <https://info.nicic.gov/nicrp/system/files/018017.pdf> [<https://perma.cc/MK6F-4HN3>].

Table 1. Gender-Responsive Principles when Intervening with Justice-Involved Women.¹⁵⁷

Principle	Description
Gender	Correctional scholars and practitioners must acknowledge that gender matters. Gender shapes personal experiences and creates distinct contexts for reentry and desistance (i.e., the process of disengaging from offending).
Environment	Given women's histories of abuse and trauma, creating an environment based on safety, respect, and dignity is imperative.
Relationships	Because women place a high value on their relationships, correctional entities must promote healthy connections to children, family, significant others, and the community. Relational needs with the self are paramount before attending to relationships with others.
Services and Supervision	Substance misuse, trauma, and mental health needs must be addressed through holistic, culturally relevant services and appropriate supervision.
Socioeconomic Status	Due to women's decreased access to human and social capital relative to men, particularly for women of color, they must be given opportunities to improve their socioeconomic status. More than simply improving vocational skills, these include enhancing women's self-efficacy and increasing access to housing and transportation.
Community	An integrated, collaborative network between correctional agencies and community service providers are essential to provide a comprehensive cadre of services for reentry and preentry.

There are many specific programs and interventions that integrate gender-responsive principles shown to be effective at reducing the psychosocial needs

¹⁵⁷ *Id.*

that increase women's justice re-involvement. For a detailed review of several of these interventions, readers are encouraged to review *Adopting a Gender-Responsive Approach for Women in the Justice System: A Resource Guide* published by The Council of State Governments Justice Center.¹⁵⁸ One such program listed with the National Registry of Evidence-based Programs and Practices is the Boston Consortium Model (BCM), which is a trauma-informed, substance use intervention designed for low-income, women of color. BCM holistically treats co-occurring substance use and mental health disorders among women with trauma histories and is specifically designed for Black and Hispanic women. A quasi-experimental study demonstrated its effectiveness at reducing substance use behaviors, mental health symptoms, post-traumatic stress symptoms, and HIV sexual risk behaviors, while increasing perceived power in intimate relationships.¹⁵⁹

There is also evidence that gender-responsive programs are more effective than those claiming to be gender-'neutral.' A meta-analysis drew from 37 studies (38 effect sizes) investigated the effectiveness and impact of both gender-responsive and gender-'neutral' interventions among justice-involved women on recidivism rates.¹⁶⁰ Findings showed that gender-responsive interventions were more successful in reducing women's offending.¹⁶¹ A more recent meta-analysis that includes additional effect sizes and provides deeper analysis of conditions of treatment (e.g. institutional vs. community) reifies much of what many staff working with women have known for decades: *Using gender-responsive principles with justice-involved women in programming is more likely to produce successful outcomes for women.*¹⁶²

Finally, before triaging returning women to appropriate gender-responsive interventions, accurate assessment of their risk factors, psychosocial needs, and strengths is necessary. Risk assessments are critical tools that have incredible implications for correctional clients. Both during intake at the beginning of her sentence and upon release from prison or jail, risk assessment will dictate many decisions on her behalf. These include, for example, the level of surveillance and supervision she will be under by community corrections personnel, and the various community services and programs for which she can qualify given her

¹⁵⁸ Elizabeth Fleming, Allison Upton, Felicia Lopez Wright, Sarah Wurzburg & Becki Ney, *Adopting a Gender-Responsive Approach for Women in the Justice System: A Resource Guide*, THE COUNCIL OF STATE GOVERNMENTS JUST. CTR (2021), <https://csgjusticecenter.org/wp-content/uploads/2021/08/Adopting-Gender-Responsive-Approach-for-Women-in-Justice-System.pdf> [https://perma.cc/3T9D-TYVP].

¹⁵⁹ Hortensia Amaro, Jianyu Dai, Sandra Arévalo, Andrea Acevedo, Atsushi Matsumoto, Rita Nieves & Guillermo Prado, *Effects of Integrated Trauma Treatment on Outcomes in a Racially/Ethnically Diverse Sample of Women in Urban Community-Based Substance Abuse Treatment*, 84 J. OF URB. HEALTH 508, 508–22 (2007).

¹⁶⁰ Renée Gobeil, Kelley Blanchette & Lynn Stewart, *A Meta-Analytic Review of Correctional Interventions for Women Offenders: Gender-Neutral Versus Gender-Informed Approaches*, 43 CRIM. JUST. & BEHAV. 301, 301–22 (2016).

¹⁶¹ *Id.*

¹⁶² Summers, L., Long, J., & Pemberton, S. (under review). Examining the effectiveness of interventions for criminal justice-involved women: A meta-analytic review.

psychosocial needs. Thus, the importance of getting an accurate assessment of an individual's risks/needs/strengths is crucial for success on post-release supervision because what may not get identified on an assessment will never get addressed in treatment or services.

Nevertheless, accurate assessment of women's psychosocial needs routinely does not occur. For decades, there has been an ongoing debate in the academic discourse regarding the effectiveness of male-derived risk/needs assessment instruments with justice-involved women.¹⁶³ Male-based risk/needs assessments are widely used among community corrections agencies with justice-involved women upon reentry. Some scholars indicate these instruments are gender-'neutral'¹⁶⁴ and are as effective in predicting women's recidivism compared to men's recidivism, and that they adequately capture the major psychosocial risk factors for criminal behavior for both men and women.¹⁶⁵

However, a great deal of scholarship, particularly using an instrument specifically designed for justice-involved women, strongly challenges this argument. The Women's Risk Needs Assessment (WRNA) is the only validated, peer-reviewed risk/need/strength assessment specifically designed from the ground up by and for justice-involved women.¹⁶⁶ Developed over twenty years ago through funding provided by the NIC, this instrument has shown to more adequately reflect women's psychosocial needs and strengths and improve prediction of women's reoffending.¹⁶⁷ For instance, many of the financial needs upon reentry for women are about far more than simply gaining employment. Before women can secure financial and employment stability, they often must

¹⁶³ Blanchette, K., & Brown, S. L. 48 (2006). *The assessment and treatment of women offenders: An integrative perspective*. Wiley; *see, e.g.*, Tim Brennan & James Austin, *Women In Jail: Classification Issues*, U.S. DEP'T OF JUST., NAT'L INST. OF CORR. (1997), <https://nic.gov/women-jail-classification-issues> [<https://perma.cc/SHC3-JGJ4>]; Salisbury, E. J., Boppre, B., & Kelly, B. (2016). Gender-responsive risk and need assessment: Implications for justice-involved women. In F. S. Taxman (Ed.), *Handbook on Risk and Need Assessment: Theory and Practice* (Volume 1). New York: Routledge; *see also* Jennifer Skeem, John Monahan & Christopher Lowenkamp, *Gender, Risk Assessment, and Sanctioning: The Cost of Treating Women Like Men*, 40 L. & HUM. BEHAV. 580, 580–93 (2016); *see also* Patricia Van Voorhis, Emily M. Wright, Emily Salisbury & Ashley Bauman, *Women's Risk Factors and Their Contributions to Existing Risk/Needs Assessment: The Current Status of a Gender-Responsive Supplement*, 37 CRIM. JUST. & BEHAV. 261, 261–88 (2010).

¹⁶⁴ A similar discourse is occurring around the (in)effectiveness of race-'neutral' risk/needs assessment for racially minoritized justice-involved people (e.g., *see* Goel et al., 2021).

¹⁶⁵ Bonta, J., & Andrews, D. A. (2017). *The psychology of criminal conduct*. Routledge; Kate Anya Geraghty & Jessica Woodhams, *The predictive validity of risk assessment tools for female offenders: A systemic review*, 21 AGGRESSION & VIOLENT BEHAV. 25, 25–38 (2015).

¹⁶⁶ *Women's Risk Needs Assessment*, UNIV. UTAH, <https://socialwork.utah.edu/research/ucjc/wrna/index.php> [<https://perma.cc/7KHB-A8BK>]; *See* VAN VOORHIS, *supra* note 163.

¹⁶⁷ *See* VAN VOORHIS, *supra* note 163; Emily J. Salisbury, Patricia Van Voorhis & Georgia V. Spiropoulos, *The Predictive Validity of a Gender-Responsive Needs Assessment*, 55 CRIME & DELINQUENCY 550, 550–85 (2009); *See* WRIGHT, *supra* note 153.

first work on an inadequate sense of self-efficacy to pursue financial independence separate from intimate partners. Many women will also need to determine how children will be cared for during employment. They may also need to consider how past and/or ongoing trauma and victimization is contributing to their daily life functioning. In reality, none of these nuanced gendered needs are adequately captured in gender-‘neutral’ assessments, whereas they are measured with the WRNA. These needs and strengths are proving critical for understanding women’s success upon reentry and overall desistance from crime.¹⁶⁸

The WRNA has been implemented in over eighty jurisdictions across the United States, as well as several countries (i.e., Singapore, England, Czech Republic, and Namibia) among both institutional and community corrections populations of women.¹⁶⁹ Moreover, the WRNA is a recommended instrument in various toolkits and manuals surrounding the implementation of gender-responsive correctional strategies. For instance, the United Nations Office of Drugs and Crime (UNODC) recently listed the WRNA as a recommended instrument for prison classification to support the UN’s Bangkok Rules for the treatment and custody of women internationally.¹⁷⁰

VIII. CONCLUSION

Gender and racial disparities exist at every point in the criminal legal system, and many agencies operate with policies, practices, and procedures that view treatment as gender-‘neutral’ regardless of the wealth of evidence that points to the unique differences across gender.¹⁷¹ The purpose of this review was to catalogue the barriers faced by racially minoritized system-involved women in their transitions back into the community post-incarceration. The review elucidated the many obstacles related to the financial marginalization of this population, and highlighted the considerations of housing, transportation, and employment access. Though there exist several efforts that make considerable strides in addressing these concerns, substantial inequalities for minoritized system impacted women endure. Increased policy efforts and research are necessary to advance the interests of women of color in the justice system, a largely underserved community in this context. When viewed through the lens of cumulative disadvantage, the consequences of inadequate social policy are especially dire.

¹⁶⁸ See Elanie Rodermond, Candace Kruttschnitt, Anne-Marie Slotboom & Catrien CJH Bijleveld, *Female desistance: A review of the literature*, 13 EUR. J. OF CRIMINOLOGY 3, 3–28 (2016); Salisbury, E. J., Belisle, L., Cowell Mercier, M., & Prince, K. (under review). A randomized controlled trial of community health specialists within gender-responsive probation supervision.

¹⁶⁹ See UNIV. UTAH, *supra* note 166.

¹⁷⁰ UNITED NATIONS OFFICE ON DRUGS AND CRIME, HANDBOOK ON THE CLASSIFICATION OF PRISONERS (2020).

¹⁷¹ See Maureen Buell & Julie Abbate, *Same is not equal: Policy and practice for justice-involved women*, AMERICAN JAILS MAGAZINE, Jan./Feb. 2020.