

A Systematic Review of Women Involved in the Criminal Justice System: Intersections with Intimate Partner Violence and the Child Welfare System

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Abstract

In 2017 there were approximately 1.3 million women in the United States involved in the criminal justice system (i.e., in jails, prisons, or on probation or parole). Many women who are in the correctional system have experienced high rates of trauma, such as child maltreatment, intimate partner violence, and mental illness. Such experiences contribute to higher rates of incarceration, as well as a higher likelihood of involvement with the child welfare system. To date, research has examined justice-involved women's own experiences with the child welfare system, finding women with early experiences in foster care had higher rates of re-incarceration. Additionally, justice-involved women may experience higher rates of child welfare involvement with their own children. An estimated 60 percent of women in prison have a child under the age of 18, and previous research has found incarceration increases the likelihood of mothers losing custody of their children.

In the current study, we will conduct a systematic review to examine how women's involvement in the criminal justice system intersects with the child welfare system. Additionally, we will examine programs designed to help stabilize the lives of justice-involved mothers and their children. We aim to synthesize the current literature of these intersecting systems and to illuminate ways the systems can become better coordinated. This review also could inform and guide the criminal justice system in strengthening supports to women offenders who are mothers, and who have had a history of child welfare involvement.

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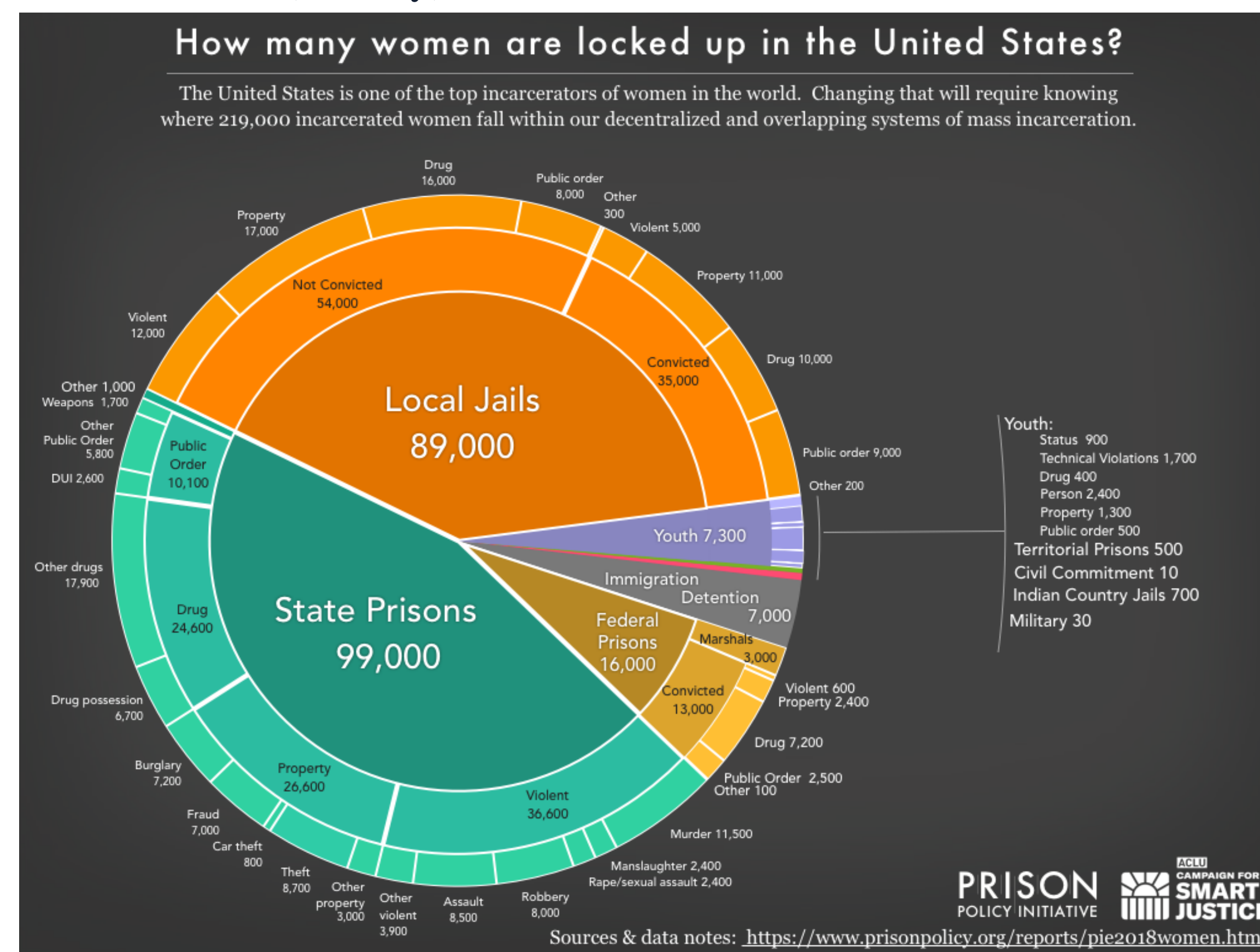
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BACKGROUND

In the United States, approximately 219,000 women were incarcerated in 2018

- Childhood victimization and intimate partner violence are prevalent among women involved in the criminal justice system
- Four out of five incarcerated women are mothers – two-thirds have a child under 18
- Mothers are often the primary caregiver to children prior to their incarceration – when mothers are incarcerated, children are forced into out-of-home placements (foster care, kinship care, other residential care)
- According to the United States Government Accounting Office, in 2009 there were more than 14,000 children entering out-of-home care as a result of parental incarceration (Greene, Haney, Hurtado 2000)



Theory of Gender Entrapment implies ways an individual is led into compromising acts. In analyzing racial demographics, this theory helps to understand the context of violence in intimate relationships

- Relationship between poverty, economic crimes, and violence against women
- Escalation of violence and increased vulnerability

Recommendation in research focusing on demographics around social identities (e.g., race, class, sexuality, etc.)

Link with Child Welfare System

- Policies such as the War on Drugs and the Safe Families and Adoption Act have changed how the criminal justice system and child welfare services interact
- American policies have made it more likely for women, especially women of color, to be incarcerated while they have children
- Studies have primarily focused on the impact of maternal incarceration on their children, but have largely ignored the impact on the mothers themselves
 - Maternal incarceration is associated with several negative outcomes in children, including depression, anxiety, delinquency, etc.
- Because of the disparate impact American policies have on African American women, they perpetuate racial inequalities across generations
- Far more African American women are incarcerated than white women, leading to their children disproportionately facing the negative outcomes that impact economic and social outcomes

In the current study, we conducted a systematic review to examine how women's involvement in the criminal justice system intersects with intimate partner violence and the child welfare system. Additionally, we will examine the programs designed to help stabilize the lives of justice-involved mothers and their children.

METHOD

Systematic Review Process

For the systematic review, we each focused on a subject area among women involved in the criminal justice system, including:

- Intimate partner violence
- Child welfare involvement
- Programs and policies for mothers who are incarcerated

As shown in the Figure below, each of these three searches yielded the following results:

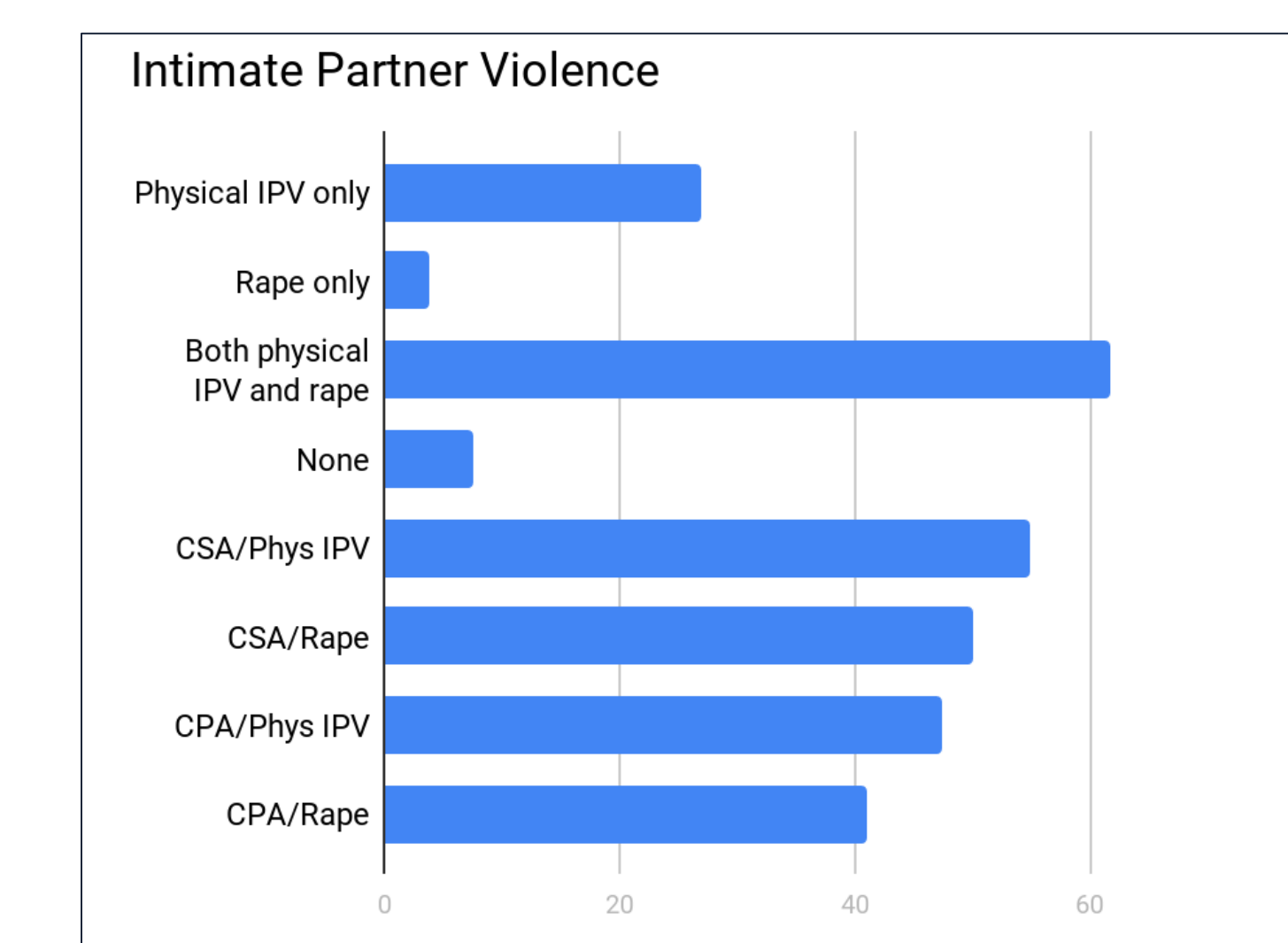
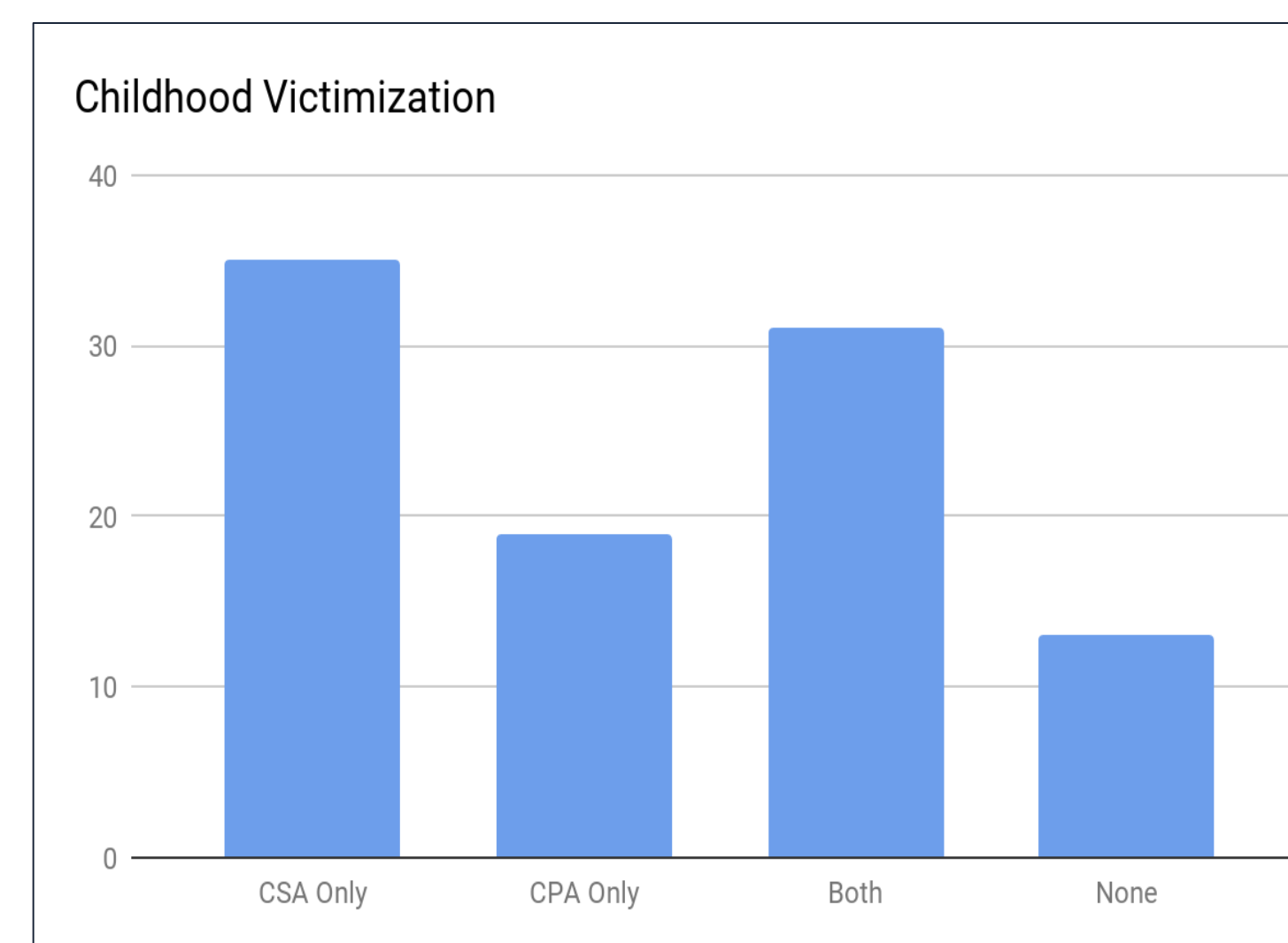
	LEYDA	SHAMEEM	BRADLEY
# ARTICLES : SEARCHES	11,678	1,096	140
# ABSTRACTS REVIEWED	61	86	80
# FULL TEXT REVIEW	28	36	19
# STUDIES INCLUDED IN REVIEW	9	30	16

FINDINGS

Intimate Partner Violence (IPV)

Across articles, prevalence of childhood victimization and adulthood intimate partner violence victimization was high:

- Two articles focused on community corrections and probation/parole leaving it inconclusive on the connection of IPV for those groups
- Out of the 30 articles analyzed none discussed IPV or dating violence in same sex relationships or any clarification of transgender women and girls being impacted by IPV and dating violence
- Three out of the 30 articles focused on the Juvenile Justice System, which created a disproportionate focus on young adolescents in the criminal justice system. Particularly, a relationship to delinquency and dating violence



FINDINGS

Child Welfare Involvement

- Two longitudinal and four cross-sectional studies all conducted in the United States. Mixture of survey, interview, and administrative data
- 11.73% of 16,043 incarcerated men and women in the United States Survey of Inmates in State and Federal Facilities, spent time in foster care (Marotta 2017)
- “8% to 14% of children reported to child welfare agencies came from families with probationed parents, of those, 96% were children with probationed mothers” (Miller, Orellana, Johnson, Kruse, Anderson-Nathe 2013)
- 56% of substantiated child maltreatment cases are referred for prosecution, of which 26% resulted in incarceration (Berger, Cancian, Cuesta, Noyes 2016)
- “At least 4.5% of foster children are in out of home placement due to parental incarceration and 10% of incarcerated mothers have a child in foster homes or other state care” (Hayward, DePanfilis 2007)
- Incarceration and involvement with child protective services can become intergenerational - “Our empirical analysis finds that formerly incarcerated women with their first foster care placement during their early-teens (ages 10-14 years) are about 50% more likely to be re-incarcerated than the average former female inmates in the sample” (Jung & LaLonde, 2015)

Programs and Policies

- A systematic review of programs for incarcerated mothers by Tremblay and Sutherland found for programs aimed at incarcerated mothers:
 - Studies were of overall lower quality than most by the Jadad and Minors Scales
- “Nearly all” of the studies were performed in a correctional facility and took the form of group sessions. Only one study reviewed included children
- The goals of these programs focused on improving the abilities of the mothers to parent and care for their children while incarcerated and after release
- These programs on the whole did little to alleviate parental stress in the study's aftermath
- Studies focused on programs' impact on the children of incarcerated mothers, rather than on the mothers themselves

CONCLUSIONS

- Victimization is high among women involved in the criminal justice system, though we need to expand this research to younger age groups and to include sexual and gender minorities
- We need more research on incarcerated mothers and mothers under community supervision with CPS-involved children as there was an underwhelming amount of research found in this review
- Research on policies and programs related to incarcerated mothers have overwhelmingly focused on the children of the mothers, ignoring the lives and impacts on the mothers themselves

This review can inform and guide the criminal justice system in strengthening supports to women offenders who have experienced victimization, are mothers, and who have had a history of child welfare involvement.

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