Advancing Women's Justice

What We Should Know, But Don't

February 2026

In its first set of findings and policy recommendations, the Women's Justice Commission identified urgent opportunities to improve outcomes for women at the earliest stages of the criminal justice system—the points at which decisions can redirect or entrench system involvement. Drawing on the best available evidence, the report documented key trends in women's involvement in the justice system, the distinct needs and experiences of justice-involved women, and policing, pretrial, and sentencing practices.

Yet even as jurisdictions consider and implement innovations, decision-makers are operating with significant blind spots: **Critical gaps in data and evidence obscure understanding of how women move through the system, how early-stage decisions shape long-term outcomes, and which interventions are most effective**. Criminal justice research and administrative data systems have historically focused on men, rarely disaggregating by sex or measuring gender-relevant factors such as primary caregiving responsibilities, trauma exposure, or pregnancy. As women's incarceration and supervision patterns shift, these data limitations are not just a technical inconvenience; they are a barrier to effective policy.

With targeted investment to close these gaps, policymakers and practitioners can make informed decisions backed by the necessary evidence to design, evaluate, and scale strategies that are effective and responsive to women's circumstances.

This research agenda supplements the Women's Justice Commission's first policy report. It outlines strategic gaps in policing, pretrial, and sentencing data and identifies actionable pathways for researchers, funders, and system leaders to strengthen the evidence base. A similar distillation of key research gaps will follow the Commission's second, forthcoming policy report on corrections and reentry.

Disaggregated Data by Race and Ethnicity

Data on justice-involved women are rarely broken down by race or ethnicity, and justice system data on race and ethnicity are rarely broken down by sex. Enhancing stakeholder understanding of how various stages in the criminal justice process affect women from different racial and ethnic groups is a necessary part of designing well-informed prevention and intervention strategies. Although this publication focuses on key opportunities for investing in sex-specific research more broadly, the Commission continues to support efforts for enhanced justice system data that are disaggregated by both sex and race.

To learn more about findings and recommendations from the Women's Justice Commission and other Council on Criminal Justice projects on justice-involved women of different racial and ethnic groups, see the following:

- Stronger Families, Safer Communities: Improving Outcomes for Women at the Front End of the Justice System provides a set of findings and policy recommendations for improving outcomes for women at early stages of the justice system, including race-specific findings where data are available.
- Women's Justice: By the Numbers presents key trends related to women in the criminal justice system, including data on race and ethnicity where available.
- Racial and Ethnic Disparities in Female Imprisonment in the U.S. examines imprisonment trends and disparities for Black, Hispanic, and White women.

Key Recommendations

Policing

Improve understanding of the use and effectiveness of alternatives to arrest for women who do not pose a serious threat to public safety

Jurisdictions across the country have expanded alternatives to arrest to redirect people toward behavioral health and social supports when it is safe to do so.[1] Such alternatives include co-responder models, law enforcement-assisted diversion, and community-based

crisis responses. Despite the proliferation of these approaches, there is little systematic evidence on how alternatives to arrest function for women specifically.[2]

Women's contact with law enforcement has grown in recent decades, challenging traditional assumptions about women's role in the criminal justice system and underscoring the need for police responses that reflect evolving patterns of risk and need.[3] In 2024, women accounted for 27% of adult arrests, almost double their share in 1980.[4] Women are also disproportionately arrested for lower-level and nonviolent offenses and are more likely than men to have co-occurring behavioral health needs, trauma histories, and socioeconomic needs.[5]

Understanding what works, and for whom, at the earliest point of system contact is essential to reducing unnecessary and deeper justice involvement, and key to improving outcomes for individuals and public safety.

Research questions include:

- How prevalent is the use of alternatives to arrest for women across offense types and jurisdictions, and what training do officers receive on implementation?
- Which components of co-responder and crisis response models are most effective in addressing women's mental health, substance use, and trauma-related needs?
- How effective are domestic violence co-responder models in reducing unnecessary arrests of survivors, and how do these models affect referrals to victim services and coordination between law enforcement and community-based providers?
- How do women's outcomes (e.g., recidivism, housing, income) differ following arrest compared to after alternative responses? Do these effects differ for women who are primary caregivers?
- How do community-led approaches compare to law enforcement-led responses in their impact on public safety and long-term stability for women in crisis?

Pretrial

Improve understanding of pretrial release and services for women whose

risk can be managed effectively in the community

As the share of women experiencing justice system contact has grown over time, the need for pretrial decision-making that reflects their distinct circumstances has become more urgent.[6] More than 60% of women in jails are detained pretrial, often due to an inability to meet the financial conditions governing their release.[7] Research often shows that pretrial detention and overly restrictive release conditions, when not needed to ensure public safety, can produce significant, negative safety and health outcomes.[8] Women detained pretrial are particularly likely to experience housing instability, job loss, and family disruption, especially when they are primary caregivers.[9]

Despite ongoing efforts to improve the outcomes of pretrial processes, there is little evidence on how these processes affect women specifically.[10] Understanding women's unique risks and needs is essential to designing pretrial systems that reduce unnecessary detention, support accountability, and help women and families maintain stability.[11]

Research questions include:

- How do current pretrial risk assessment practices affect women, including over- or under-classification and access to supportive services?
- How can pretrial risk assessments more accurately assess women's risks and strengths to guide pretrial release decisions, conditions, and service referrals?
- Which pretrial services and release conditions promote success for women, and which create unnecessary barriers and burdens? How do these interventions affect public safety outcomes?
- Which pretrial supports most effectively support women's court appearance and compliance with pretrial release conditions (e.g., court reminders, transportation, childcare, virtual hearings)?

Sentencing

Improve understanding of diversion and sentencing options that account for women's distinct experiences and circumstances

Justice-involved women often face complex challenges, ranging from high rates of trauma exposure to mental health and substance use disorders and primary caregiving responsibilities.[12] Many of these challenges may be exacerbated by incarceration. Alternatives, such as diversion programs, problem-solving courts, and probation, are widely used to promote public safety while addressing the underlying needs driving criminal behavior.[13]

Despite the growing use of these alternatives, there has been little research examining how they impact women specifically.[14] A deeper understanding of women's experiences and outcomes related to alternatives to incarceration is essential to reducing recidivism, strengthening families, and preserving community stability.

Research questions include:

- How prevalent is the use of diversion and alternative sentencing options for women, and how do eligibility requirements shape access?
- Which community supervision and diversion conditions support success for women, and which create unnecessary barriers? How do these conditions affect public safety outcomes?
- Which features of problem-solving courts and community-based sentences are most effective for improving both public safety and community stability outcomes for women?

Improve understanding of mitigating factors that account for women's distinct experiences and circumstances

Courts may consider mitigating factors such as trauma histories, primary caregiving responsibilities, and behavioral health needs in sentencing decisions.[15] Between 2016 and 2025, for example, five states passed laws allowing the consideration of histories of domestic violence in sentencing and resentencing decisions. Considering these factors can reduce sentence length and advance more equitable outcomes, while simultaneously promoting public safety.

The use of mitigating factors remains inconsistent, however, and there is limited evidence on how these decisions shape women's experiences during custody or outcomes after release.[16] Understanding how mitigating factors operate in practice and shape women's lives post-

sentencing is critical to informing sentencing policies and practices that advance justice and public safety.

Research questions include:

- How frequently are mitigating factors like primary caregiving responsibilities or trauma history considered and applied in women's sentencing decisions?
- Which mitigating factors are most strongly associated with improved outcomes for women during custody and after release?
- How do shorter custodial sentences affect women's institutional experiences and reentry outcomes?

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Endnotes

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