

Women's Experiences of Abuse as a Risk Factor for Incarceration: A Research Update

Melissa E. Dichter in consultation with Sue Osthoff

Women who have engaged in activities that have been criminalized, or those falsely accused of criminalized activities, may face further vulnerability to arrest and incarceration due to law enforcement policies and practices that are coercive, biased, and/or insensitive to women's experiences of violence. Women and girls of color, who are immigrants, and/or who are oppressed by poverty may be particularly subject to such policies and practices.

Applied Research papers synthesize and interpret current research on violence against women, offering a review of the literature and implications for policy and practice.

VAWnet is a project of the
National Resource Center on
Domestic Violence.

Introduction

Women who have experienced abuse in childhood or adulthood, including child maltreatment, sexual molestation or assault, or intimate partner violence, are more likely to become incarcerated than women who have not experienced abuse. This association between experience of abuse and incarceration is not a mere coincidence. Experience of abuse can lead to increased risk of arrest and incarceration through both direct and indirect pathways. Understanding these pathways and risk factors for incarceration can inform approaches to working with, and on behalf of, women and girls who have been incarcerated or who are at risk of incarceration.

Strategies that women use to cope with the effects of and survive in the face of violence and abuse include behaviors that have been deemed criminal, such as fighting back, use of illegal drugs, and theft. Additionally, abusers may entrap women into crime through coercion enforced through threats of violence, and may manipulate the legal system to falsely accuse their partners of criminal activity. Women who have engaged in activities that have been criminalized, or those falsely accused of criminalized activities, may face further vulnerability to arrest and incarceration due to law enforcement policies and practices that are coercive, biased, and/or insensitive to women's experiences of violence. Women and girls of color, who are immigrants, and/or who are oppressed by poverty may be particularly subject to such policies and practices.

Mary Gilfus (2002) described six pathways from victimization to incarceration for women and girls that she organized under three overarching processes: criminalization (abused and runaway girls, prostituted ["street"] women, addiction and drug offenses), entrapment (economic offenses, women arrested for harming others), and enforcement violence (all the harms, especially to already marginalized or vulnerable people, that result from enforcement of policies, laws, and institutional practices) (Bhattacharjee, 2001). She acknowledges that her list is not exhaustive and the pathways often converge and overlap.

Gilfus' (2002) paper points to early seminal work in this field, including writings by Bhattacharjee (2001); Browne, Miller, and Maguin (1999); Chesney-Lind (1997); Daly (1994); and Richie (1996). The theories and recognition of processes linking victimization to incarceration have not changed in the past 12 years. However, additional research has provided newer statistics on the proportions of incarcerated women and girls who have experienced abuse, as well as greater insight into and examples of the pathways that link women's and girls' experiences of abuse to later incarceration. This update provides an overview and summary of relevant research that has been published since 2002.

Rates of Abuse among Incarcerated Women

Research indicates that incarcerated women and girls have experienced high rates of violence and abuse in their lifetimes, prior to incarceration. The proportion of incarcerated women that has experienced past abuse varies by study. Gilfus (2002) reported on the large, national, government-sponsored surveys that sought to identify victimization history among incarcerated women. In these surveys, about 40-60% of incarcerated women reported experiences of childhood or adulthood abuse prior to incarceration. In particular, analysis of data from the National Crime Victimization Survey (Greenfeld & Snell, 1999) revealed that 44% of women on probation or incarcerated in jail or prison reported experiencing physical or sexual assault in their lifetimes, with the highest rate among women incarcerated in prison (41% probation, 48% jail, 57% prison). Using data from government surveys of people incarcerated in state or federal prisons, local jails, and adults on probation, with nationally-representative samples, and with data collected through hour-long interviews, Harlow (1999) reported a range of 39.9% (federal prison prisoners) to 57.2% (state prison prisoners) of women reporting having ever been abused before their incarceration; these proportions were significantly higher than the proportion of men reporting prior abuse (7.2%-16.1%). These government data have not been replicated in more recent years.

As Gilfus (2002) and others (e.g., Browne et al., 1999) have described, smaller studies not conducted by (although possibly funded by) the government, have identified much higher proportions of participants reporting experience of interpersonal violence and abuse prior to incarceration. The difference in the rates of those reporting violence is likely due to methodological considerations. For example, asking behaviorally-specific questions (e.g., about being "hit") rather than using value-laden and unclear terms (e.g., being "abused") and using broader and more contextualized measures (e.g., including psychological violence, stalking, and other forms of violence, and addressing the threatening impact of behavior) may generate higher and more specific reporting. Respondents may also be more willing to disclose violence in research not directly collected by government agencies.

Multiple studies of victimization experiences (including intimate partner violence, childhood maltreatment, and sexual violence in childhood or adulthood) among incarcerated women have been published since 2002; findings from recent studies are summarized here. Note that each of these studies finds reported rates of victimization higher than those reported in the government surveys.

Green, Miranda, Daroowalla, and Siddique (2005) conducted interviews with 100 women incarcerated in Prince George's County, Maryland (80% awaiting trial, 20% serving a sentence). Of the women interviewed, 90% reported having experienced some form of interpersonal trauma in their lifetimes to date; 62% reported that they experienced childhood interpersonal trauma (48% sexually molested, 26% physically abused, 25% neglected); 71% reported intimate partner violence; and 58% reported having been raped. Similar studies found similar rates, with some variation in the ways that experiences were categorized (e.g., any sexual violence in childhood or adulthood vs. physical or sexual violence in childhood). In life history interviews with a random sample of 115 women incarcerated in jails in multiple states, DeHart and colleagues (2014) found that more than three-quarters (77%) of the women interviewed reported having experienced intimate

partner violence (including physical violence, use of a weapon, and rape from an intimate partner); 86% reported having experienced sexual violence in childhood or adulthood; and 60% reported experience of physical or psychological abuse from a caregiver before the age of 18. Among a random sample of 403 women incarcerated in Georgia, Cook, Smith, Tusher, and Raiford (2005) found that more than three-quarters (78.4%) of the women reported that they had experienced physical violence from an intimate partner; 27.3% reported sexual abuse in adulthood; 26.6% reported sexual abuse in adolescence; 38% reported experiencing physical child abuse; 42.9% reported childhood sexual abuse by someone at least five years older; and 14.1% reported childhood sexual abuse by a same-age peer.

Severson, Postmus, and Berry (2009) conducted interviews with women in prison and women in the community in a Midwestern state. They found that incarcerated women reported higher rates of experience of intimate partner violence, sexual violence, and childhood maltreatment compared to women in the community. All of the incarcerated women interviewed reported having experienced psychological violence from an intimate partner; over 95% reported experience of physical intimate partner violence (IPV). Eighty-one percent of the incarcerated women reported experiencing sexual coercion, 54% experienced attempted rape, and 73% reported having been raped. Fifty-four percent reported childhood physical abuse and 68% reported childhood sexual abuse. Higher rates of victimization found in this study compared with other studies may be due to study recruitment methods that identified the study as focusing on victimization and attracted research volunteers who were more likely to have experienced (and to disclose) violence.

Warren and colleagues (2002), Belknap and Holsinger (2006), and Tripodi and Pettus-Davis (2013) all focused specifically on experience of victimization in childhood. Among women incarcerated in a maximum security prison in Virginia, more than half (55%) reported experiencing rape, sexual assault, or incest, and 39% reported physical assault, before the age of 18 (Warren et al.,

2002). Among women scheduled for release from state prisons in North Carolina, 64.2% reported any sexual or physical victimization as a child (52.8% physically victimized, 43.9% sexually victimized) (Tripodi & Pettus-Davis, 2013).

Belknap and Holsinger (2006) surveyed 163 girls housed in an institutional setting for delinquent girls in Ohio and reported on abuse perpetrated by family and non-family members. Girls reported high rates of abuse: 66.3% reported verbal abuse from family members, 55.2% reported verbal abuse from non-family members, 74.8% reported physical abuse from family members, 65.0% reported physical abuse from non-family members, and 58.9% reported experience of sexual abuse (22.7% sexual abuse from family and 52.8% sexual abuse from non-family). The majority (55.8%) of the detained girls reported that they viewed their experience of abuse as directly leading to their detention. This study also included a survey of a sample of 281 institutionalized delinquent boys in Ohio. In each of the categories of abuse, reported rates of abuse were higher among girls compared to boys, with the most striking difference in the reported experience of sexual abuse (58.9% girls vs. 18.5% boys).

McDaniels-Wilson and Belknap (2008) present extensive findings on sexual victimization experiences reported by 391 women incarcerated in Ohio (including minimum, medium, and maximum security), based on survey responses to the Sexual Abuse Checklist and the Sexual Experiences Survey. They include measures ranging from “legal coercion” – reflecting behaviors that may be abusive but not necessarily deemed criminal, such as verbal pressure to engage in unwanted to sexual activity (reported by 71.6% of the participants) – to “illegal completed penetration” (reported by 59.8% of the participants). Additionally, they report on sexual abuse in both childhood (50.1% reported any childhood sexual abuse) and adulthood, as well as by the gender of the perpetrator and relationship of the victim to the perpetrator, and a breakdown of age in childhood in which abuse was experienced.

Leigey and Reed (2010) examined data from the Survey of Inmates in State and Federal Correctional Facilities, a nationally representative study from the Bureau of Justice statistics, focusing on victimization experiences among women serving life sentences. Nearly 78% of women serving life sentences reported experience of physical abuse in childhood or adulthood and nearly 60% (59.6%) reported experiencing sexual abuse in childhood or adulthood. Life-sentenced women were more likely than women sentenced to less-than-life to report lifetime sexual abuse (59.6% vs. 40.4%), sexual IPV in adulthood (19.2% vs. 8.4%), physical child abuse (23.2% vs. 15.3%), and physical IPV in adulthood (54.5% vs. 41.5%). Women sentenced to life were also more likely than men sentenced to life to report sexual abuse in childhood or adulthood (59.6% vs. 7.7%), and physical IPV in adulthood (54.5% vs. 3.5%).

Pathways from Victimization to Incarceration

Gilfus (2002) described pathways from victimization to incarceration for women and girls. More recent studies involving interviews and focus groups with women who have experienced abuse have provided case examples to further illustrate and create a more nuanced understanding of these pathways. Experience of violence can increase women's risk for criminal offending and can also increase women's and girls' risk of being arrested and incarcerated. Details of the direct and indirect pathways, supported by recent research findings, are presented below.

Direct Pathways

One direct pathway from abuse to incarceration is when a woman uses violence in direct response to her experience of violence or abuse, to protect herself or others, or to otherwise fight back. For example, DeHart (2008) presented a case of a woman who had killed her husband after he had raped, and then threatened further violence against, her young daughter. In focus groups with incarcerated women, Pritchard, Jordan, and Jones (2014) heard stories of women who, despite their attempts to receive help, did not get adequate protection and thus were led to protect themselves

through use of violence. Women in an emergency domestic violence shelter interviewed by Moe (2004) described using violence to "fight back" against abusive partners.

Other research (e.g., Hirschel & Buzawa, 2002; Loy, Machen, Beaulieu, & Greif, 2005; Miller & Meloy, 2006; Swan & Snow, 2002) has highlighted that women's use of violence is often in response to their own victimization. However, using violence to protect oneself or others (such as children) from further violence may not be recognized by police, courts, or juries as consistent with the classic definition or perception of self-defense. It may not be clear that the violence was used in response to violence or a threat of violence, particularly in cases of IPV when there may be a longstanding and ongoing threat that is reinforced symbolically and not necessarily easily identifiable to an outside party (Dichter, 2013; Osthoff, 2002). Women who have experienced battering have spoken about a particular "look in his eyes," for example, that conveys an imminent threat based on past behavior. Osthoff and Maguigan (2005) discuss the tension in being able to recognize an individual as having both agency and victimization and the tendency to view individuals as either helpless victims (who have no agency) or as perpetrators (who are not victims) (see also Goodmark, 2008), again making it difficult for the legal system to identify these women as having acted in self-defense.

Another direct pathway from victimization to incarceration is coercion by an abusive partner to participate in crime or to take the blame for crime one hasn't committed. Dutton and Goodman (2005) and Stark (2007) provide an explanation of how coercive control develops in the context of intimate violence. In DeHart's (2008) study, women incarcerated in a maximum-security prison described engaging in theft and robbery under duress from abusive caregivers or partners. DeHart (2008) also presents the example of a woman who spoke about accepting blame for her partner's criminal activity due to fear of further violence from him. In interviews with women incarcerated in jails in five U.S. states, DeHart and colleagues (2014) and Moe

(2006) heard women's stories of abusive partners using threats of violence to coerce them into using or selling drugs and into commercial sex work. In research with women in a county jail in North Carolina, Fuentes (2013) heard similar stories of women being coerced into crime, or into taking the blame for their partners' crimes, due to fear of credible threats of future violence. As described by Miller and Meloy (2006) and Moe (2007), women may also face charges of child endangerment or maltreatment when they are unable to safely protect their children from an abusive partner.

Research has also identified cases in which abusive partners falsely accuse women of criminal activity and manipulate the criminal legal system to entrap women into arrest and incarceration (Finn & Bettis, 2006; Pollack, Battaglia, & Allspach, 2005; Wolf, Ly, Hobart, & Kernic, 2003; also see Richie, 1996). Rajah, Frye, and Haviland (2006) refer to such cases as "retaliatory arrest" and provided case examples of batterers manipulating the legal system to have their partners arrested. Other studies (e.g., Dichter, 2013; Miller & Meloy, 2006; Pritchard et al., 2014) have reported cases of batterers proactively calling the police in order to point to the partner as the primary aggressor, injuring themselves and claiming that the injuries were due to the partner's violence, and taking advantage of their more savvy knowledge of the criminal legal system and the woman's more distressed state due to experience of trauma. The abusive partner may attempt to create bias against the woman by portraying her as a "bad actor," claiming that she is aggressive, abusing drugs or alcohol, and/or is mentally unstable (Dichter, 2013; Miller & Meloy, 2006; Pollack et al., 2005; Pritchard et al., 2014; Wolf et al., 2003). Women who have little experience with the criminal system may be convinced to plead guilty in an attempt to avoid potentially worse outcomes from going to trial (Miller & Meloy, 2006; Osthoff & Maguigan, 2005). In cases of immigrant women, partners may take advantage of a woman's immigration status and/or cultural or language differences to further increase her vulnerability.

Indirect Pathways

Experience of victimization can also place women and girls at risk for incarceration through indirect pathways. Violence and abuse, especially from a caregiver or partner, often lead to both psychological trauma and social isolation, depleting social and personal resources. The effects of these impacts may then lead to increased risk of engagement in criminalized activities and increased vulnerability to arrest, prosecution, and sentencing to incarceration.

Bender (2010) explains that children who are abused may run away from home to escape further violence or may be kicked out of their homes. DeHart (2014) also found a statistically significant association between experience of childhood abuse and running away in adolescence; participants in DeHart's study spoke about running away to escape ongoing violence. Running away and homelessness can then lead to disengagement from school and association with criminalized activities of drug use or sale and commercial sex work, all of which is associated with delinquency and later criminal activity. Living on the streets and in other public places further increases visibility to police and vulnerability to arrest for delinquency and criminalized behaviors (Chapple, Johnson, & Whitbeck, 2004).

Victimization in childhood can also lead to mental health problems, substance abuse, and problems in school due to stress and trauma negatively impacting concentration, as well as moving schools and/or missing school due to being moved to different placement settings. In addition to running away and homelessness, youth who are abused are at increased risk of early pregnancy, drug and alcohol use, depression, low self-esteem, and internalizing self-destructive behaviors, as well as externalizing aggressive or anti-social behaviors (Bender, 2010). Combined with a lack of family support faced by many who are abused in childhood, youth may grow up to have limited opportunities for "legitimate" work in adulthood, leading to an increased risk of criminalized activity for economic survival.

DeHart and colleagues (2014) found a statistically significant association between experience of IPV in adulthood and women's engagement in property crimes, drug offenses, and commercial sex work. Women and girls may use drugs as a mechanism of self-medicating to cope with psychological and physical pain caused by violence and then be arrested and incarcerated for drug-related offenses, including attempts to gain financial resources to support a violence-related drug addiction (DeHart, 2008; Moe, 2006). IPV can impose impediments to employment and financial independence, leading women to seek alternative means of economic resources. Abusive partners may directly interfere with women's ability to work through prohibition under threat of violence, creating barriers to transportation, and impacting physical and mental health and functioning (see Swanberg, Logan, & Macke, 2005, for a review of the intersections between IPV and employment). Based on her extensive qualitative research with women incarcerated in a county jail in North Carolina, Fuentes (2013) described experience of violence leading to poor mental health (post-traumatic stress disorder, depression, drug/alcohol addiction), which negatively impacted women's ability to maintain legal employment and imposed additional costs (e.g., for purchase of drugs), and, thus, led to criminalized attempts to secure economic resources. Moe (2004) and Ferraro and Moe (2003) also presented examples of women who had experienced abuse turning to fraud or theft, drug sales, and prostitution to gain financial resources to escape further violence and provide for their children.

Implications

The recent research findings in the area of victimization as a pathway to incarceration are consistent with earlier literature and provide additional statistical findings about the rates of violence experienced among incarcerated women and girls, as well as further insight into the pathways described by Gilfus (2002) and others. We see from this research that the majority of incarcerated women and girls report (sometimes extensive) histories of violence and abuse prior to their incarceration.

Additionally, we see that violence in childhood or adulthood can erode protective factors, including health, family and social networks, community integration, education, employment, housing, sobriety, and self-esteem; this reduction in social, human, and economic capital increases girls' and women's vulnerability to incarceration.

The research must be considered within the context of methodological variations and limitations. Research on experience of interpersonal violence depends on individuals' self-report of past experiences. As mentioned previously, there is variation in the content, wording, and range of questions asked, which may impact the study findings. Additionally, results may be impacted by who asks the questions and how the questions are asked (e.g., face-to-face, by telephone, on paper). And, as participation in such studies is voluntary, we need to consider who is recruited to participate in the study and who volunteers to do so.

Despite methodological limitations, the research provides useful insight into the ways in which victimization can lead to incarceration and an estimate of the extent of victimization experiences among incarcerated populations. What we do not yet know from research is how best to prevent incarceration among women and girls who have experienced victimization. Ideally, of course, violence against women and girls would be prevented. However, for those women and girls who do experience victimization, we may be able to use the research to inform programs, services, and policies to further prevent incarceration. As Gilfus (2002) discussed, policies, advocacy, and services need to provide accessible, appropriate, and effective support to assist women and girls who have experienced violence and are, or are at risk for being, incarcerated.

Increased and improved protection, support, and opportunity may help to reduce girls' and women's engagement with criminal activity. Timely, sufficient, and effective response to requests for assistance, and early intervention to prevent violence escalation may help to avoid women's need to use violence as

defense. Increasing access to economic resources would reduce a need to rely on criminalized means of gaining financial resource and dependence on abusive partners. Women and girls also need support in order to escape abusive caregivers or partners without being left homeless.

Recognizing the context of abuse and victimization is critical to understanding girls' and women's actions and experiences, particularly with regard to involvement in the criminal legal system. Women's and girls' motivations and needs are largely driven by attempts to seek safety and security. And, batterers may use the criminal legal system as a tool in controlling and abusing their partners, including getting women ensnared in the system, even when they have not engaged in illegal acts. When women are accused of or charged with crimes, possible experience of abuse, coercion, and system manipulation must be taken into account in arrest, charging, prosecuting, defense strategy, sentencing, and probation and parole decisions; those decisions must also be informed by an understanding and recognition of the direct and indirect effects of victimization and cumulative trauma. The criminal legal system needs to evaluate each case to identify false accusation, abusive coercion, or justified self-defense; it needs to properly investigate and to hear evidence about experiences of victimization.

For those women who serve time pre-trial or get sentenced to prison, services in these correctional settings are important to assist women with healing from the trauma of victimization. Additionally, community-based supports can be useful to women in jail and prison as well as to those reentering the community post-release from incarceration. Such services may help with recovery, as well as with establishing economic freedom and independence outside of detention so that they are not dependent on others who may be abusive and to assist with avoiding future incarceration. In doing this work, Pollack

(2013) cautions us to take care not to problematize women's victimization in a way that further limits their freedom by imposing paternalistic "monitoring." Pollack also emphasizes that, in focusing on individual women's experiences and behaviors, we must not overlook or discount the broader sociocultural environment, including deep-rooted systems of sexism, racism, and other forms of oppression.

The following resources produced by advocacy organizations are designed to assist advocates in working with women who have experienced violence and may have been incarcerated:

Bible, A. (2011). Issues to consider when facilitating groups with battered women in jail or prison. Philadelphia, PA: National Clearinghouse for the Defense of Battered Women. Available online: www.ncdbw.org/NCDBW-groups-prisons-jails-March-2011.pdf.

Cross, C. (2013). Victimized again: How the reentry process perpetuates violence against survivors of domestic violence. Philadelphia, PA: National Clearinghouse for the Defense of Battered Women. Available online: www.ncdbw.org/CC%20NCDBW%20paper--%207-31-14%20clean.pdf.

Kubiak, S., Sullivan, C. M., Fries, L., Nnawulezi, N., & Fedock, G. (2011). Best practice toolkit for working with domestic violence survivors with criminal histories. Michigan Coalition Against Domestic and Sexual Violence. Available online: www.mcadsv.org/projects/Toolkit/Files/Best_Practice_Toolkit_Entire_Document.pdf.

National Clearinghouse for the Defense of Battered Women. (2009). Working with battered women in jail: A manual for community-based battered women's advocates. Philadelphia, PA: Author. Available online: www.ncdbw.org/NCDBW-jail-manual.pdf.

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Suggested Citation: Melissa E. Dichter (2015). *Women's Experiences of Abuse as a Risk Factor for Incarceration: A Research Update*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence. Retrieved from: <http://www.vawnet.org>

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3605 Vartan Way • Harrisburg, PA 17110 • 800.537.2238 x5 • TTY: 800.553.2508 • Fax 717.545.9456

Notice of Federal Funding and Federal Disclaimer. The production and dissemination of this publication was made possible under Grant #90EV0410 from the U.S. Department of Health and Human Services, Administration for Children and Families, Family and Youth Services Bureau, Family Violence Prevention and Services Program. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.

In Brief: Women's Experiences of Abuse as a Risk Factor for Incarceration: A Research Update

Melissa E. Dichter in consultation with Sue Osthoff

This paper provides an update to Mary Gilfus' (2002) publication on the pathways from victimization to incarceration among women and girls, based on the relevant research published in the past 12 years. This research provides additional findings about the extent of victimization experienced by women and girls under correctional control, and a deeper understanding of the ways in which experience of victimization can lead to incarceration. Understanding these pathways and risk factors for incarceration can inform approaches to working with, and on behalf of, women and girls who have been incarcerated or who are at risk of incarceration.

Research Findings

- Recent research finds that the vast majority of incarcerated women reported having experienced some form of interpersonal trauma in their lifetimes prior to their incarceration. Experiences of physical or sexual violence in childhood are reported by approximately 60-70% of incarcerated women or girls. Experiences of adulthood intimate partner violence are reported by approximately 70-80% of incarcerated women.
- There are multiple pathways from victimization to incarceration among women and girls:
 - Many of the behaviors that lead to arrest and incarceration of women and girls – including running away/fleeing, self-medicating with drugs to dull psychological and physical pain, and using violence in defense or retaliation – are strategies that women and girls use for coping with and escaping violence and abuse.
 - Victimization can lead to economic strain and limited opportunities for financial independence, leaving women and girls to engage in criminalized activities such as drug sales, commercial sex work, and theft or fraud.
 - Abusive partners or caregivers may coerce women and girls into criminalized activity (such as violence, theft, commercial sex work, drug sale), or into taking the blame for such activities, under threat of further violence.
 - Abusive partners may also falsely accuse women of engaging in criminalized activities and manipulate the criminal legal system to have women arrested and incarcerated.
 - Criminal legal system policies and practices may fail to recognize the relevance of victimization in the context of women's and girls' behaviors and experiences. Additionally, bias and prejudice may increase vulnerability to incarceration among women and girls who are homeless, experiencing mental distress, and using substances, all of which are associated with victimization, as well as those who are marginalized through race, ethnicity, immigration status, and other demographic factors.

Conclusions

Recognizing the context of victimization is critical in understanding girls' and women's actions and experiences, particularly with regard to involvement in the criminal legal system. In cases of women accused of or charged with crimes, it is important to assess for abuse, coercion, self-defense, and system manipulation, and to understand and recognize direct and indirect effects of victimization and cumulative trauma. Timely, sufficient, and effective protection and support interventions may help to reduce women's engagement with criminal activity. Additionally, thorough and sensitive individualized case assessment can help to avoid unjustified or misapplied incarceration. Services in correctional settings, and to assist women post-release from correctional settings, may help girls and women achieve recovery and independence.

Notice of Federal Funding and Federal Disclaimer. The production and dissemination of this publication was made possible under Grant #90EV0410 from the U.S. Department of Health and Human Services, Administration for Children and Families, Family and Youth Services Bureau, Family Violence Prevention and Services Program. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.