

Alternatives to Incarceration and Community-based Programs for Justice-involved Women

KEY PROGRAM INDICATORS AND COST-BENEFIT ANALYSIS CONSIDERATIONS FOR DECISIONMAKERS

INTRODUCTION

As the number of justice-involved women (JIW) rises internationally at a percentage rate that outpaces their male counterparts, practitioners, policy makers, and researchers continue to identify and address women's pathways to criminality. In addition, the international criminal justice community continues to advocate for the use of gender-responsive, community-based alternatives to incarceration.

Alternatives to incarceration (ATI) are post adjudication sentencing options other than time in prison or jail. They can repair harm suffered by victims, provide benefits to the community, treat the drug-addicted or those with mental health struggles, and rehabilitate offenders. They also reduce prison and jail costs. Some widely used alternatives include

drug courts or treatment, mental health treatment, home confinement, halfway houses, fines and restitution, and community service. Options such as these acknowledge the benefits to women who are often victims themselves of abuse, behavioral health conditions, substandard education, and

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poverty. The community is safer when it comes to reducing incarceration costs and lowering recidivism rates, strengthening families, and supporting economic productivity.

At a time when resources are stretched in many parts of the world, there is increased emphasis on cost-effective decision making at every level of the criminal justice system. And while alternatives to incarceration for women have shown promising results, there is still relatively little by way of clearly established program criteria and reliable quantitative data or user-friendly tools with which to assess the investment, using some form of cost-benefit analysis (CBA). The International Corrections and Prison Association (ICPA) recognizes the need for community-based programs to have improved tools and methods to articulate the benefits of these programs compared to their costs as one important way to communicate and expand opportunities to implement gender-specific community-based programs.

In response, ICPA has developed this guide for criminal justice policymakers, practitioners, program providers, and funders to outline considerations and identify resources to advance this critical practice. Informed by existing research and best practices in gender-responsive, community-based services and supervision, this guide serves as a starting point for developing a framework for evaluating the value of gender-specific, community-based programs, grounded in CBA methodologies.

The guide is divided into four parts:

Setting the Stage: Overview of Supporting Research and Guiding Principles for Genderresponsive Community-based Alternatives

 Provides supporting research and trends driving the international adoption of gender-informed practices and community-based programs for justice-involved women

Understanding the Basics: Cost-benefit Analysis and Alternative Approaches

- Addresses a methodology for assessing these practices and programs, including the following:
 - A high-level overview of the CBA process
 - The overall advantages and challenges associated with applying CBA to criminal justice, particularly with respect to monetizing gender responsiveness
 - Alternatives to CBA, such as cost-effectiveness analysis (CEA)

Getting Started: Recipe for Success

• Includes questions to ask and other considerations to prepare for a CBA or CEA

Broadening the Scope: Additional Resources to Use in Making Effective Investments

• Provides additional resources to inform gender-responsive program decisions

The scope of this guide is to examine high-level methods and considerations when evaluating costs and benefits for gender-specific, community-based programs. Extensive research specific to gender-responsive practices, programs, services, and alternatives to incarceration for justice-involved women already exist. This guide is not meant to be an exhaustive review of that research, but rather to build on available research to inform possible CBA considerations to advance the field. The research is summarized broadly and includes citations and resources for further reading. This guide assumes that, in most cases, the desired goal is to find an appropriate alternative to incarceration for women if it supports the safety and well-being of women and the community. It helps the reader understand and navigate the landscape of female offending and how challenging that can be to monetize.

The United Nations Office on Drugs and Crime (UNODC) Toolkit on Gender-Responsive Alternatives to Incarceration compiles supporting research and is well-cited throughout this guide. It is a foundational piece for practitioners when considering enhanced communitybased alternatives for women.

ICPA recognizes that community-based alternatives to incarceration and community-based programs for women vary greatly based on culture, religion, resources, politics, demographics, geography, customs, and much more. And while one size does not fit all, this guide can be a starting point to support the case that when we invest in women, we are investing in our communities, families, and economies.

SETTING THE STAGE: SUPPORTING RESEARCH AND GUIDING PRINCIPLES FOR GENDER-RESPONSIVE COMMUNITY-BASED ALTERNATIVES

Research continues to support robust social and economic arguments against incarcerating female offenders who pose little or no real danger to public safety, based on the types of crimes they commit and their underlying reasons for committing them. Global studies emphasize the need for gender-responsive, community-based alternatives to incarceration

Women represent approximately 7 percent of the global prison population; however, the number of women and girls in prison worldwide has increased by 53 percent since 2000. Thirty-five percent of women globally are in prison for drug-related offenses compared to 19 percent of men. for justice-involved women, including women in pre-trial detention. Incarcerated women are at greater risk for violence while in confinement and after confinement. They are often the primary caretaker for children, and they have unique medical and mental health risks, including high risk pregnancy and higher rates of selfharm and suicide while incarcerated. These risks can be difficult to quantify

but reflect the high stakes of over incarcerating women and signify the need for community-based alternatives grounded in gender-responsive practices (United Nations Office on Drugs and Crime, March 2020).

Although men still comprise the majority of justice-involved individuals, women have become the fastest growing segment of the correctional population worldwide. While females comprise less than 10 percent of the global prison population, their numbers have far outpaced men over the past two decades, increasing by more than 50 percent when compared to incarcerated males by around 20 percent.¹ Additionally, a large majority of these women find themselves caught up in the "system" after being arrested and imprisoned for non-violent offenses that could be appropriately addressed with community-based services and supervision.

With the rise of women involved in the justice system, researchers over the last 30 years have documented the significant divergence between male and female offenders with respect to criminal histories, risk factors, and life circumstances—viewed as different pathways to crime. Understanding pathways to the criminal justice system for both men and women is vital to ensuring appropriate system responses to supervision, services, and programming to support positive outcomes for justice-involved individuals.

¹ Thailand Institute of Justice (2020). Global Prison Trends 2020. <u>Global-Prison-Trends-2020-Penal-Reform-International-Second-Edition.pdf</u>

Pathways for women typically include a combination of gender-based violence, substance use disorders, mental illness, and poverty. The UNODC Toolkit on Gender-Responsive Non-Custodial Measures cites the driving factors behind women imprisonment globally as including discrimination, poverty, drug-related offenses, gender-based violence against women, trafficking in persons, criminalization of sexuality and reproduction, and mental health. Further, the toolkit emphasizes the economic and social cost of imprisonment for women during pretrial detention.



Figure 1: Leading factors to women imprisonment UNDOC Toolkit on Gender-responsive Non-custodial Measures (2020)

Since almost all women enter the justice system with some level of trauma or past victimization, it is imperative to respond with trauma-informed approaches, as well address specific needs, such as economic, social, emotional, and physical conditions. In addition to trauma-related mental health issues, socio-economic life circumstances are significant barriers for women to acquire the education or job training they need to support themselves and their dependents. For example, a 2012 study of female offenders in South Africa found that more than half of the women interviewed reported becoming engaged in criminal activity out of the need to provide for their families. At the same time, an estimated 40 percent of women convicted for drug-related offenses in Mexico were forced to commit these crimes after being coerced by a boyfriend or husband.²

Women are also far less likely to commit violent crimes. Recent statistics compiled by the IZA Institute of Labor Economics show that only 6 percent of the female prison population in the United States and around 10 percent in Italy have been incarcerated for violent offenses. Also, when women do engage in violence, the offenses they commit are most often against an abusive husband or partner, as demonstrated by one study in Kyrgyzstan revealing that 70 percent of women jailed for killing a significant other had experienced longstanding physical or financial abuse.³

² Ibid.

³ Ibid.

Based on the most current understanding of trends and research on justice-involved women, including pathways to crime, type of offending, and family responsibilities, there has been a growing movement for jurisdictions to consider alternatives to incarceration for women that do not pose a safety or security threat to themselves and their communities.

Evidence-based and Gender-responsive Services and Supervision

While the attributes, life circumstances, and needs of justice-involved women vary significantly from those of their male counterparts, criminal justice policies and practices worldwide are still overwhelmingly based on male models of supervision. In addressing this issue, research in the corrections field has emerged around the efficacy of evidence-based, gender-responsive services and supervision. A 2016 meta-analysis⁴ conducted by Canadian researchers from Carleton University examined 37 studies representing 22,000 women offenders on whether interventions had an effect on reducing recidivism, as well as whether gender-informed and gender-neutral interventions differed in their effectiveness. Findings suggest that gender-informed interventions were significantly more likely to be associated with reductions in recidivism. By focusing on the existing research, practitioners can narrow down program considerations by women's needs.

Meta-analysis findings also empirically support historical qualitative research indicating that women and girls are more likely to respond well to gender-informed approaches if their backgrounds and pathways to offending are associated with gendered issues. This meta-analysis, among other supporting research, reinforces the types of interventions necessary to treat women's needs and address their pathways to criminal justice involvement. Studies of this type provide crucial momentum to advancing the data available in the field of female offending and care and elevate the knowledge to a point where additional analyses, such as a CBAs, can be performed with increased regularity.

Guidance and Research on Alternatives to Incarceration for Women

International Standards

To reflect the ever-growing global need for non-custodial alternatives to incarceration, the United Nations adopted its *Standard Minimum Rules for Non-custodial Measures* in 1990. Known as the Tokyo Rules, it provides a set of principles with which to promote the safe use of non-custodial measures and sanctions, based on the premise that alternatives to imprisonment can be both effective and "to the best advantage of both the offenders and society." With that in mind, this key international standard addressed such issues as prison

⁴ Gobeil, R., Blanchette, K., & Stewart, L. (2016). A Meta-Analytic Review of Correctional Interventions for Women Offenders. Criminal Justice and Behavior, 43(3), 301–322. <u>https://doi.org/10.1177/0093854815621100</u>

overcrowding and human rights within the context of criminal punishment, while promoting an ideology of offender rehabilitation and reintegration.

Twenty years later, the United Nations (UN) adopted its Rules for the Treatment of Women *Prisoners and Non-custodial Measures for Women Offenders* (known as the Bangkok Rules), in response to the rapidly growing female prison population worldwide. This set of 70 rules encourages the use of gender-specific, non-custodial alternatives to pre-trial detention and post-trial incarceration. Having since been adopted by 193 UN member countries, these rules recognize the distinctive needs of justice-involved women, as well as the unduly negative impact of imprisonment on their rehabilitation and on their family responsibilities and relationships.

Individual countries have also implemented their own gender-responsive policies and standards. For instance, in 2017, Bahrain introduced the Alternative Penalties and Procedures law, authorizing courts to use alternatives to incarceration, whenever possible, including community service, court-ordered treatment programs, and victim restitution.

ICPA's Core Principles of Gender Responsiveness

In keeping with internationally accepted standards, ICPA supports female-centered community-based alternatives to incarceration as a primary rehabilitation option for justice-involved women. ICPA adopted the Five CORE Principles of Gender Responsiveness (outlined in the table below), created by Alyssa Benedict for the Women's Justice Institute, based in the United States.

GUIDING PRINCIPLE	DESCRIPTION
RELATIONAL	Programs and services must be designed to acknowledge the importance of mutual, empathic, and empowering relationships for inspiring women to forge and sustain healthy connections in every area of their lives, including those among children and families.
STRENGTHS-BASED	Gender-responsive programs and services should focus on strengths (rather than deficits), talents, and assets, while recasting "negative" coping behaviors as survival behaviors and restoring healthy power and control.
TRAUMA-INFORMED	Given the unique impact of trauma on justice-involved women and girls, trauma- informed practices have been found especially effective. They help prevent triggering reactions, build capacity for positive coping behaviors, and empower abuse survivors to successfully manage mental health issues.
CULTURALLY	Cultural attitudes toward women and familial institutions, crime, and punishment
RESPONSIVE	vary from one part of the world to another. Thus, culturally responsive services ensure that practitioners value diversity, have the tools to manage its dynamics, and can adapt to the cultural contexts of the communities they serve.
HOLISTIC	Holistic programs and services acknowledge the larger framework of a woman's life circumstances, as well as her individual thoughts, feelings, behaviors, and decision-making skills. As such, these interventions are designed to promote healthy and life-sustaining skills and behaviors by addressing uniquely inter- connected needs with a complement of wraparound services.

Community-Based Alternatives to Incarceration for Justice-Involved Women

There is a wide range of community-based, non-custodial alternatives to incarceration that serve to meet the unique rehabilitation needs of non-violent female offenders in many parts of the world. Below is an overview of frequently used options.

Suspended Sentences (with or without community supervision)

As a good choice for expectant and custodial mothers, suspended sentencing remains among the most commonly used non-custodial sanctions, particularly in African countries, such as Gambia, Kenya, Malawi, Nigeria, and Tanzania. Moreover, 15 of the 38 European nations regularly suspend sentences for drug-related, non-violent offenses.⁵

Typically, suspended sentencing involves imposing a prison sentence, but deferring its implementation for some period, during which the offender must meet certain conditions before final disposition—with or without community supervision. When using this approach for female offenders, it is important to ensure that they are not asked to comply with requirements that are beyond their economic means or family obligations. Likewise, intensive supervision increases the odds that a low-risk female offender will end up incarcerated for a technical violation, such as failure to show for a probation check-in simply because of job or parenting demands.

Community Treatment Orders

Gender-responsive, trauma-informed community treatment programs work particularly well as an alternative to incarceration for justice-involved women with a variety of behavioral health issues, including substance use disorder (SUD) and post-traumatic stress disorder (PTSD). However, care should be taken to ensure they are invested in the outcome. It's important to 1) obtain informed consent; 2) avoid using punitive measures for non-compliance, such as electronic monitoring or prison terms; and 3) choose holistic, community-based (rather than single-focus residential) programs whenever possible, which align well with individual risk and need.

One good example is the community-based Women's Center in Northamptonshire, England. This program furnishes mental health treatment in conjunction with holistic support services that promote educational attainment and stable employment, healthy relationships, and resilient lifestyles. To date, program outcomes show that by comprehensively addressing their unique pathways to crime within a community setting, justice-involved women are more likely to engage with treatment and less likely to reoffend.

⁵ Thailand Institute of Justice (2020). Global Prison Trends 2020.

Community Service

Community service—court-ordered, unpaid work performed by an offender for a public or non-profit entity—has long been recognized as an alternative sanction for less serious, non-violent offenses. When used appropriately, it offers an option for justice-involved women that is both strengths based and relational.

In taking a gender-responsive approach, a growing number of countries prioritize placements that are close to home, respectful of job and family responsibilities, and closely aligned with individual skills. In addition, community service supervisors should be proficient in gender-specific responses, using strategies like Kenya's induction clinics, which provide training around the Bangkok Rules, and such useful skills as building relationships and managing diversity.

Home Confinement

Home confinement has been found to be effective as a non-custodial sanction for pregnant women or those with dependent children. In Argentina, for example, this approach has significantly reduced the number of custodial mothers in prison.⁶ Typically, it requires remaining in one's home (or a suitable alternative abode) during specified hours, with exceptions for employment, childcare obligations, or medical treatment.

Restorative Justice

Another effective alternative to imprisonment is restorative justice. It is a holistic and relational alternative that brings offenders and victims, community, and justice system members together to repair safely and appropriately the damage caused by a specific offense. These community programs achieve their identified goals through such means as sentencing circles, victim/community restitution (e.g., fines or wage garnishments), victim-offender mediation, and formalized community service. Moreover, they employ trained facilitators to ensure safe, voluntary, and reasonable participation on everyone's part.

To secure optimal outcomes for justice-involved women, there are a few variables to consider when implementing a restorative justice program. Given the impact of cultural attitudes on conflict and negotiation, facilitators should be chosen with cultural sensitivity in mind, including spoken language. Likewise, the process must allow plenty of time for reaching an agreement, given the importance of cultivating relationships when working with women. Programs should also have solid referral procedures to and partnerships with relevant community service providers to address any other underlying issues. There is

⁶ Penal Reform International (2014). Women in criminal justice systems and the added value of the UN Bangkok Rules. <u>Added-value-of-the-Bangkok-Rules-briefing-paper final.pdf (penalreform.org)</u>

some concern that restorative justice is not always a gender-responsive alternative so care should be given when employing it.

In summary, using community-based alternatives to incarceration, whenever possible, helps support the following outcomes:

- Avoids separating families, particularly mothers from their children
- Reduces both prison overcrowding and the high cost of incarceration
- Addresses the trauma-related mental health needs of most non-violent female offenders by avoiding the damage of imprisonment
- Lowers recidivism rates among female returning citizens.

UNDERSTANDING THE BASICS: COST-BENEFIT ANALYSIS AND ALTERNATIVE APPROACHES

Criminal justice policymakers, practitioners, and funders alike want to ensure that they are implementing gender-responsive programs and services that produce desired outcomes and provide both a healthy return and an optimal value on investment (ROI and VOI respectively). Traditionally, many program evaluations use cost-benefit analysis to measure both; however, there are other analysis options that can be used to compare the effects or benefits of a program when the outcomes can be difficult to quantify or data are not available to estimate the monetary benefit. This section compares these approaches, and discusses their similarities, strengths, and weaknesses.

What is Cost-benefit Analysis?

CBA is a quantitative and objective methodology used to conduct a comprehensive economic assessment of the financial and social costs and benefits associated with a proposed program or service to use as a baseline for comparing it to an alternative program or service.

Put simply, it involves calculating the real or perceived benefits in monetary terms resulting from a program or service, as well as the average costs of its operation—all of which are calculated by a common unit of measurement and currency over a specified time period.

Because much female-initiated crime and common female pathways to criminality do not contain inherent risks to a community in terms of violence or danger, what is the absolute cost of female offending? The proposed intervention's estimated total monetary benefit is then divided by its projected monetized cost over time to produce a cost-benefit ratio. If that ratio is positive (more than 1), the project is economically feasible, and therefore, worthy of investment; if negative (less than 1), it may cost more than it is worth in terms of positive outcomes. CBAs or similar analyses can be used to make

policy decisions, inform future program models, and help program providers make the case for future investment and support by local governments, non-governmental organizations (NGOs), and other investors.

	COST CATEGORIES
Direct/Tangible/Variable	Expenses directly associated with both criminal activity and the program or service delivery, which are easy to identify and quantify on a per unit basis and will likely vary over time, as numbers increase or decrease, and community needs change.
Indirect/Intangible/Fixed	Expenses indirectly associated with both criminal activity and program or service delivery, which are difficult to identify and quantify and will remain relatively constant, pending any changes in circumstance (e.g., inflation rates rise, crime rates increase or decrease, technology deployment reduces staff needs).
	BENEFIT CATEGORIES
Direct/Tangible	Benefits directly derived from program or service delivery that are easily quantifiable and measurable and can be documented objectively, using generally acceptable statistical methods.
Indirect/Intangible	Benefits derived from the impact of program or service delivery that are hard to precisely identify and quantify in monetary terms and must be documented subjectively, using an acceptable form of estimated valuation.

Costs and benefits are generally divided into categories as shown below:

CBA is sometimes referred to as a "second-generation" evaluation tool because it relies on assessing projected outcomes to establish the causal link between an investment and its impacts. However, it involves more than simply inputting data into a common set of formulas. Indeed, there is no one-size-fits-all template, and each analysis must be tailored to the investment being studied.

CBAs conducted in the criminal justice field are typically components of an impact evaluation, which explores the effects of a new program or service on participant outcomes. In doing so, these applied CBAs calculate the costs of an alternative intervention, assign a monetary value to its benefits (outcomes), and then compare those costs and benefits to the existing intervention (or "business as usual").⁷

At the same time, while CBA results are expressed as a mathematically calculated ratio of average costs to average benefits, criminal justice outcomes are more variable in nature given changing circumstances and the uncertainty of human behavior. Consequently, it is important to conduct a sensitivity analysis—also known as a "what-if" analysis—which assesses the impact of potential variabilities on program or service outcomes.

⁷ Roman, J. (2013, September). COST-BENEFIT ANALYSIS OF CRIMINAL JUSTICE REFORMS. National Criminal Justice Reference Service; Office of Justice Programs. <u>https://www.ncjrs.gov/pdffiles1/nij/241929.pdf</u>

CBA Strengths and Limitations

CBA comes with both strengths and limitations when applied to the criminal justice setting, a few of which are discussed below.

Strengths

- At a time when criminal justice systems are juggling multiple, competing priorities, CBA offers a rational, evidence-based decision-making process that circumvents the Often negative impact of opinion, bias, or community politics. In doing so, it forces decisionmakers to objectively assess interventions under consideration.
- Given the complex nature of criminal justice interventions, CBA helps streamline and clarify the decision-making process by reducing the variables to costs versus benefits.
- Expressing both costs and benefits in terms of monetary value, using common currency, provides a convenient framework for comparing dissimilar alternatives (i.e., incarceration is different from supervised community service).
- By conducting CBA, regional and local programs can share quantifiable justification for future investment and expansion of effective programs for women to local governments, NGOs, and other organizations.

Limitations

- It can be challenging to assign monetary value to intangible costs and benefits, which are by nature ambiguous and hard to define. This increases the decisionmaker's risk for inaccurate assessment.
- Criteria for gender-specific variables to incorporate into a CBA is not well-defined or researched.
- Likewise, it is tough to predict the impact of changing circumstances or human behavior on an intervention's long-term feasibility, which can also skew a CBA's statistical accuracy.

More sophisticated CBAs that examine each category of spending and savings could yield important information about a program's success or failure. For instance, significant savings in public safety costs may require significant investment in treatment costs, but potential benefits may be missed if you look only at overall estimates.

- Many programs do not have the human resources or capacity to track outcomes long term, which is necessary in calculating a traditional CBA.
- CBA removes the human element from the decision-making process. In the case of gender-responsive, community-based alternatives, there is a moral component to consider given the negative effect of incarceration on most female offenders.

- The CBA process can be labor intensive and time-consuming, often requiring specialized expertise that is cost prohibitive or hard to find.
- In some cases, program effectiveness is not meant to be measured solely by cost and benefit in monetary terms. The value of human life, reintegration with family, improved self-worth, and safety are fundamental human needs that transcend a traditional CBA.

Alternative Approaches to CBA

Although CBA has become increasingly more popular as a methodology for assessing criminal justice resource allocation, an argument can also be made for other methodologically appropriate evaluation methods, such as a cost-effectiveness analysis (CEA), as an alternative or complimentary approach to evaluating an intervention's overall benefit, particularly when benefits are difficult to monetize because of regional, cultural, and economic circumstances.

While CBA and CEA may share similarities, they are, in fact, two clearly distinctive methodologies, in that they emphasize different perspectives. CBA assesses whether economic benefits outweigh the economic costs of a given intervention, while CEA focuses comparing the relative costs of achieving a specific outcome using different activities. Consequently, where CBA calculates the ratio of benefits to cost, CEA computes the ratio of cost to outcome.

Method	Costs	Effects	Evaluation Question
Cost-effectiveness analysis	Monetary units	Natural units (life-years gained, burns prevented, etc.)	Comparison of interventions with same objective
Cost-benefit analysis	Monetary units	Monetary units	Are the benefits worth the costs?

CBA is typically considered a more comprehensive analytical technique, given that it monetizes all costs and benefits into a common currency—economic benefit. But in the case of criminal justice, where benefits are harder to quantify monetarily, CEA can serve as a useful tool for comparing relative cost to desired outcome—often social in nature—of two or more alternative interventions. Thus, in choosing the right methodology, there are a few issues to consider:

• CEA is most useful before an intervention has been implemented, as it enables decisionmakers to compare two different courses of action—for example, the value of replacing a "usual" practice with a "best" practice intervention.

- CEA can also be used to build counter-factual scenarios, comparing the effectiveness of the proposed intervention to alternatives that might be similar in approach.
- CEA may be more appropriate than CBA, depending on the ease with which benefits can be monetized.

Like CBA, CEA also has its limitations. CEA focuses on only one outcome, rather than multiple benefits, as with CBA. In comparing one intervention to another, the CEA process may have to rely on data from a different country or region (particularly in the case of "best practice" interventions), which can be influenced by such variables as culture and demographics. Outcomes can also be difficult to measure accurately when multiple activities are integrated into one intervention (i.e., incarceration that includes vocational training and SUD treatment).

GETTING STARTED: RECIPE FOR SUCCESS

In preparing to conduct either a CBA or CEA with which to evaluate a gender-responsive, community-based program or service, it is important to do the following:

- Collect information based on research-informed standard assumptions
- Develop a series of relevant questions to ask with respect to cultural, demographic, and accessibility factors that influence costs and benefits
- Select an effective framework to use for the analysis.

Standard Assumptions

Although CBA methodologies or models may vary to some extent, they all begin with a similar series of research-informed principles and standard assumptions, as outlined below, to use in identifying costs and benefits pertinent to criminal justice programming.

Costs

- There is a calculable associated cost of offending borne by two primary stakeholder groups—taxpayers and victims—frequently standardized by country or region and type of crime.
- The average costs of crime to taxpayers are derived using local data to estimate the current allocation of criminal justice resources. These costs include the likelihood of using these resources when a crime occurs (e.g., incarceration) over a period of years (e.g., length of stay).
- The total costs to victims of crime include loss of life (where applicable); other direct, out-of-pocket personal or property losses; and psychological consequences, such as reduced feelings of security, which can be difficult or even impossible to quantify.
- Tangible costs to both stakeholder groups might include medical and mental health care expenses, property damage and losses, offender supervision, and lost wages. Conversely, intangible costs frequently place a dollar value on expenses incurred in the aftermath of crime, such as pain and suffering of victimization.
- While it is difficult to quantify intangible costs, three methods are typically used to calculate them:
 - analyzing civil jury awards to crime victims around pain and suffering to determine the average value placed on harm associated with different crimes;
 - 2. surveying random samples of individuals around how much they would be willing to pay to avoid victimization; and

3. assessing the relationship between neighborhood crime rates and average housing prices.

Benefits

The calculated benefits of a given program or service can accrue to individuals other than taxpayers, victims, and offenders, such as family members and whole communities. Tangible benefits might comprise reduced crime and recidivism rates, fewer incarcerations for non-violent female offenders with children, or decreased prevalence of serious mental illness (SMI) and SUD among female offenders. Intangible benefits can include increased feelings of security among community members or the long-term economic benefits from interventions that enhance job skills development.

Although difficult to quantify, intangible benefits can be assigned a monetary value by using weighted estimation. The first step is to identify a list of projected intangible benefits realized from the program or service under consideration and then assigning an estimated cost saving to relevant stakeholders for each item on the list. For example, you might estimate that reducing recidivism by some amount would result in a cost savings of x dollars, given the known costs associated with increased crime rates. The next step is to estimate a percentage likelihood of that savings for each benefit and multiplying the cost savings amount by the percentage likelihood to produce a weighted estimated monetary value. So, if lowering recidivism by 50 percent results in a savings of 1.2 million USD and the likelihood of that happening is 30 percent, the weighted value is 360,000 USD.

Below are some initial questions that can help users identify the study design most feasible for a program or intervention evaluation.

Articulate Program Goals and Outcomes and Select Appropriate Evaluation

- Define the intervention and target population
- Identify what primary and secondary data exist for evaluation purposes
- What are the stated outcomes for the program?
- What are the criteria for participants in the program?
- What are the staff qualifications for program implementation?
- What are the program components?
- What gender-specific need(s) is the program addressing?
- What is the planned duration of the program for a participant?
- What is the per person cost for the program?
- How do I know my program is meeting outcomes? What current measures are being used?

- Attendance
- Understanding
- o Skills
- o Behavior
- Education/Vocation
- Attitudes/Values
- Re-offending
- Family re-unification
- Job or housing attainment
- What barriers exist to track long-term outcomes?

Agencies should consider the cultural and demographic factors of not only the woman but also the community at large when making determinations of what factors to include in the calculations of costs and benefits. Some questions one can ask may include the following:

- How does our region fare with respect to such demographic factors as educational attainment, income rates, employment, age, race, and gender?
- Is there a reasonable amount of local or regional data or a tool to use in qualifying the effects of trauma on justice-involved women and their children for the purpose of assessing costs and benefits? For example, what is the prevalence of SMI and SUD among women experiencing intimate partner violence (IPV), and how does it affect a family's economic stability, as measured by lost income, or increased medical expenses? Likewise, will the proposed community-based program or service generate quantifiable benefits for female offenders and their families by providing access to treatment and support that heightens economic self-sufficiency through enhanced employability and improved behavioral health?
- What are the post-conviction barriers to community reentry that uniquely affect women, such as access to housing, social isolation, criminal records, and lack of support leading to higher rates of poverty and employment, and limited access to healthy relationships? What are the associated costs incurred as a result of these barriers, as well as the benefits derived from addressing them?
- Is the proposed program or service fully accessible to women of all abilities and socio-economic circumstances? And if not, what might be done to ensure that it is?
- What are the costs associated with accessing necessary services, such as transportation, childcare, or lost wages because of limited service hours, and do the quantifiable benefits outweigh these costs?

• Will there be additional pressure on the current system's capacity for screening and following up with participants to ensure compliance?

Choosing an Appropriate CBA Framework

While there are several CBA models currently used for evaluating criminal justice programs and services (see Appendix B), they all follow the same basic steps, as illustrated below:

CBA STEPS

Step 1: Create a Workgroup.

Create a team to conduct the CBA and support this process. If possible, consider including

- Subject matter experts in gender-responsive strategies and alternatives to incarceration
- Statisticians practiced in qualitative and quantitative evaluation, with an emphasis on CBA

Step 2: Frame the Problem or Opportunity.

- Define the problem you are trying to solve or the opportunity for improvement.
- Determine who has a stake in the outcome.
- Create a set of goals and objectives to achieve, along with a framework for measuring success.
- Identify potential programs or services that might work to achieve desired outcomes.
- Explore both currently and potentially available funding sources.

Step 3: Identify and Quantify Likely Costs and Benefits.

- Make a list of all potential direct and indirect, tangible, and intangible costs and benefits for each stakeholder group.
- Assign a monetary value to each, using appropriate objective and subjective methodologies.
- Calculate both total cost and total benefit per unit of service delivery over a specified period of time.
- Repeat the process for at least one other gender-responsive alternative program or service.

Step 4: Calculate the Cost-Benefit Ratio.

- Divide the total cash benefit by the total cash cost for both the proposed intervention and the selected alternative to produce a cost-benefit ratio for each.
- Compare the two ratios for the purpose of assessing optimal economic feasibility.

Step 5: Conduct a Sensitivity Analysis.

- Identify key uncertainties and risks (i.e., changes in assumptions or variations in estimates).
- Analyze their impact on desired outcomes.
- Document your findings.

Step 6: Report CBA Outcomes.

- Create a written outcomes report that is accessible and transparent.
- Include a clearly articulated set of recommendations, based on CBA findings.

As discussed previously, if the elements are not available for a CBA, a CEA can be a powerful tool, if deployed strategically under the right conditions. For instance, a large urban area in Europe or North America wishes to adopt the most cost-effective intervention for reducing recidivism by 30 percent among women who have committed property crimes. In doing so, experts might compare the usual practice of traditional incarceration with the best practice of a holistic, gender-responsive, community-based treatment program, using the following basic steps for performing a CEA:

CEA STEPS

Step 1: Choose an Outcome for Comparison.

• Identify a desired outcome that can be accurately measured for each intervention.

Step 2: Measure the Outcome.

- Identify two groups of, for example, 300 female returning citizens who have all committed the same property crime, resulting in two different punitive interventions (incarceration versus treatment program).
- Measure the number of returning citizens in each group who do not reoffend within two years of completing each intervention.

Step 3: Calculate the Costs.

• Complete total cost of each intervention over a specified period of time, including both direct and indirect expenses.

Step 4: Divide the Cost by the Outcome for each Activity.

- Divide the total costs by the outcome. For example, divide the cost of incarceration by the number of citizens who do not reoffend for each intervention to obtain a per person cost.
- Compare the two results. The lower per-person expense is the most cost-effective intervention.

BROADENING THE SCOPE: ADDITIONAL RESOURCES TO USE IN MAKING EFFECTIVE INVESTMENTS

TITLE	DESCRIPTION
Community Service and Probation for Women: Lessons and Recommendations Based on a Study in Kenya	Published by Prison Reform International, this research report focuses on the benefits of gender-sensitive community sanctions that are common to female offenders not only in Kenya but also in other countries around the world. <u>https://cdn.penalreform.org/wp- content/uploads/2016/12/PRI-Kenya-report-summary- briefing_WEB_rev.pdf</u>
Toolkit on Gender- responsive Non-custodial Measures	A collaborative effort, published by the United Nations Office on Drugs and Crime in collaboration with the Thailand Institute of Justice, this toolkit is designed to provide guidance around applying non- custodial sanctions to justice-involved women and the gender-sensitive application of criminal justice policies and procedures. <u>https://www.unodc.org/documents/justice-and-prison-reform/20- 01528 Gender Toolkit_complete.pdf</u>
Cost-benefit Analysis and Justice Policy Toolkit	Prepared by the Vera Institute of Justice, this publication will help criminal justice analysis navigate the CBA methodology, with the goal of making better policy and program decisions. <u>https://www.vera.org/downloads/Publications/cost-benefit-analysis-</u> <u>and-justice-policy-toolkit/legacy_downloads/cba-justice-policy-</u> <u>toolkit.pdf</u>
Measuring the Costs of Crime	Prepared for the U.S. Department of Justice National Criminal Justice Reference Service, by Mark Kleiman, Jonathan Caulkins, and Peter Gehred, this report discusses various methodologies for measuring the costs of crime, all of which are useful for performing a CBA. <u>https://www.ncjrs.gov/pdffiles1/nij/grants/246405.pdf</u>
Measuring the Costs and Benefits of Crime and Justice	This academic book chapter, written by Mark Cohen, reviews techniques for estimating the costs and benefits of criminal justice programs, within the context of conducting both CBAs and CEAs. https://www.researchgate.net/publication/246795338 Measuring the Costs_and_Benefits_of_Crime_and_Justice
Implementing Alternatives to Incarceration for Women in Rural Communities	This case study researched and written by Evelyn McCoy and Megan Russo examines how a rural county in the United States (Campbell County, Tennessee) designed and implemented a gender-responsive alternative to incarceration for justice-involved women there. <u>https://www.urban.org/sites/default/files/publication/99168/alterna</u> <u>tives for incarcerated women 1.pdf</u>

Examples of CBA Guides

WSIPP Method⁸

Since the 1990s, the Washington State (USA) legislature has directed the Washington State Institute for Public Policy (WSIPP) to identify "evidence-based" policies. The goal is to provide Washington state policymakers and budget writers with a list of wellresearched public policies that can, with a high degree of certainty, lead to better statewide outcomes coupled with a more efficient use of taxpayer dollars. WSIPP has developed a three-step process to draw conclusions about what works and what does not to achieve outcomes of legislative interest.

- 1. It systematically assesses all high-quality studies from the United States and elsewhere to identify policy options that have been tested and found to achieve improvements in outcomes and results for justice involved persons by conducting a meta-analysis.
- It determines how much it would cost Washington state taxpayers to produce the results found in Step 1 and calculates how much it would be worth to people in Washington State to achieve the improved outcomes and compares the benefits and costs of each policy option as monetary expressions.
- 3. It assesses the risk in the estimates to determine the odds that a policy option will at least break even. It is important to note that the benefit-cost estimates pertain specifically to Washington State.

WSIPP publishes a corresponding 224-page technical documentation that describes the computational procedures used in its CBA model.

The current version of WSIPP's model approaches the crime valuation question from two perspectives. First, it computes the value to taxpayers if a crime is avoided and then estimates the value to would-be victims of crime if that crime is avoided. In addition to computing the monetary value of avoided crime, it estimates the number of prison beds and victimizations avoided when crime is reduced.

In this example, data from a CBA performed on Community-based therapeutic communities is displayed below. Participants live in residential units within the community that provide a continuous therapeutic environment. Treatment involves a highly structured therapeutic environment, peer support and peer accountability intended to teach

⁸ Washington State Institute for Public Policy (2018). Wa.Gov. <u>https://www.wsipp.wa.gov/BenefitCost</u>

participants prosocial norms and behaviors. It excludes evaluations of programs targeting persons with co-occurring mental health and substance use disorders. Participants in the programs in this meta-analysis remained in community-based therapeutic communities for 2 to 21 months with treatment on weekdays and live-in staff.

This example, while brief, provides a general idea of the numerous data elements and assumptions necessary for a CBA to be performed.

Benefit-	Cost Sumn	nary Statistics Per Participant	
Benefits to:			
Taxpayers	\$3,247	Benefits minus costs	\$6,825
Participants	\$473	Benefit to cost ratio	\$2.71
Others	\$5,381	Chance the program will produce	
Indirect	\$1,708	benefits greater than the costs	59 %
Total benefits	\$10,810		
Net program cost	(\$3,985)		
Benefits minus cost	\$6,825		

Table 3

Table 4

Detailed Monetary Benefit Estimates Per Participant						
Affected outcome:	Affected outcome: Resulting benefits: ¹ Benefits accrue to:					
		Taxpayers	Participants	Others ²	Indirect ³	Total
Crime	Criminal justice system	\$2,560	\$0	\$4,846	\$1,280	\$8,686
	Labor market earnings associated with illicit drug abuse or dependence	\$133	\$312	\$0	\$0	\$444
Illicit drug use disorder	Health care associated with illicit drug abuse or dependence	\$520	\$81	\$535	\$260	\$1,396
	Mortality associated with illicit drugs	\$35	\$81	\$0	\$2,161	\$2,276
Program cost	Adjustment for deadweight cost of program	\$0	\$0	\$0	(\$1,993)	(\$1,993)
Totals		\$3,247	\$473	\$5,381	\$1,708	\$10,810

¹In addition to the outcomes measured in the meta-analysis table, WSIPP measures benefits and costs estimated from other outcomes associated with those reported in the evaluation literature. For example, empirical research demonstrates that high school graduation leads to reduced crime. These associated measures provide a more complete picture of the detailed costs and benefits of the program.

²"Others" includes benefits to people other than taxpayers and participants. Depending on the program, it could include reductions in crime victimization, the economic benefits from a more educated workforce, and the benefits from employer-paid health insurance.

³"Indirect benefits" includes estimates of the net changes in the value of a statistical life and net changes in the deadweight costs of taxation.

Table 5

Detailed Annual Cost Estimates Per Participant					
Annual cost		Year dollars	Summary		
Program costs	\$3,783	2016	Present value of net program costs (in 2018 dollars)	(\$3,985	
Comparison costs	\$0	2016	Cost range (+ or -)	10 %	

WSIPP also provides a four-page short-form technical document that assists the user in understanding both the benefit-cost model formula to calculate the results on a perparticipant basis, as well as an explanation on how to interpret the benefit-cost findings displayed on WSIPP's website. That document can be accessed <u>here</u>, and is contained in the list of references.

CJRI Method

Similarly, the CBA method provided by the Crime and Justice Research Institute (CJRI) follows a similar approach. First, it aims to estimate a standard cost of crime. It used the traditionally offense categories that correspond to the United States' FBI Uniform Crime Report (UCR) Part I crimes. The seven Part I offense classifications included the violent crimes of murder and nonnegligent manslaughter, rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft.

Crime Type	Cost Per Crime	Crimes Per Year	Crime Costs (Millions)	Change In Number of Crimes	Changes In Crime Cost (Millions)
Murder	\$8,649,216	312	\$2,698.56	2.6	\$22.51
Rape	\$217,866	903	\$196.73	0	\$0
Robbery	\$67,277	12,217	\$821.92	65.09	\$4.38
Aggravated Assault	\$87,238	10,638	\$928.04	27.96	\$2.44
Burglary	\$13,096	18,435	\$241.42	67.03	\$0.88
Larceny	\$2,139	57,414	\$122.81	0	\$0
Motor Vehicle Theft	\$9,079	18,391	\$166.97	72.83	\$0.66
Aggregate Crime Cost		\$5,176.45	Change in Crime Costs	\$30.87	
Dollar Year Adjustment					1.05
Crime Costs in Dolla	ars (Millions)		\$5,435.27	Change in Crime Costs (Millions)	\$32.41
				Value of One Officer	\$361,501

Table 6⁹

From these 7 offense types, standardized costs are derived that represent the total cost of the crime type to the stakeholders. As with the WISPP model, CJRI divides stakeholder groups between those who bear the cost of responding to the crime (e.g., taxpayers in the

⁹ 1776 Main Street Santa Monica, & California 90401-3208 (n.d.). Calculator Shows the Cost of Crime and Value of Police. Www.Rand.Org. Retrieved September 14, 2020, from <u>https://www.rand.org/well-being/justice-policy/centers/quality-policing/cost-of-crime.html</u>

United States), as well as the cost associated to those that are directly impacted as a consequence of the crime having been committed (e.g., the victim). These costs are estimated on an individual, annualized and lifetime basis, as well as the cost of crime to the crime victim, and, where applicable, adjusted for inflation or current currency value in international frameworks (see Table 6 and Table 7 for examples). These costs are derived from tangible system costs and costs beyond the pretrial period, such as postconviction placement. Costs are calculated based on budget data from the local county or jurisdiction and can be supplemented when needed by other available local data, state, or national data.

Table	7
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Taxpayer and Victimization Costs of Crime in 2011 Inflation Adjusted Dollars						
			Тахрау	er Costs	_	
				Aggravated		
	Homicide	Sex	Robbery	Assault	Property	Other
Arrest (per arrest)	\$701	\$701	\$701	\$701	\$701	\$701
Conviction (per conviction)	\$159,340	\$19,628	\$10,316	\$5,100	\$210	\$210
Probation (annual cost)	\$2,570	\$2,570	\$2,570	\$2,570	\$2,570	\$2,570
Post-Prison Supervision (annual cost)	\$4,139	\$4,139	\$4,139	\$4,139	\$4,139	\$4,139
Dept. of Corrections (annual cost)	\$14,235	\$14,235	\$14,235	\$14,235	\$14,235	\$14,235
Jail (annual cost)	\$15,697	\$15,697	\$15,697	\$15,697	\$15,697	\$15,697
	Victimization Costs					
Out of Pocket (per victimization)	\$768,347	\$5,788	\$3,437	\$9,064	\$2,002	n/a
Quality of Life (per victimization)	\$8,794,894	\$206,498	\$5,184	\$13,997	\$0	n/a

For example, using these data, if a jurisdiction wishes to know the impact of releasing high-risk defendants from jail prior to trial, it can calculate the cost savings to the jail while also accounting for the risk that the defendant will commit a new crime. The results of the analysis will demonstrate whether the cost of additional crime would outweigh the benefit of decreased incarceration. To do this, a jurisdiction must be able to provide current local data on the following:

- Pretrial screening and supervision
- Length of time on pretrial release
- Court processing costs (including costs for prosecution, defense, and warrant administration)
- Jail incarceration costs
- Dispositions by type
- Costs and lengths of stay for probation, prison, and parole
- A risk profile for the local pretrial population.

Alternatives to Incarceration and Community-based Programs for Justice-involved Women

The initial data calculations in the model present the cost benefit of "business as usual" in the jurisdiction—demonstrating the fiscal impact of current decision making regarding pretrial release and detention. Subsequently, the model can be used to demonstrate the impact of policy changes. What if more high-risk defendants were held, and more low risk defendants released? What if lengths of stay in jail were reduced for low-risk defendants? The more specific programs and jurisdictions can be with their data, the more

policy options they can explore by leveraging that data to determine efficacy.¹⁰ As with the WISPP example, the data needed to accurately derive the costs and benefits require a substantial investment and detailed planning and cannot be overstated. However, both provide examples to encourage stakeholders to think critically about the number of factors and steps that must be determined before embarking on a CBA.

Vera Model¹¹

The Vera model, which is the most user friendly, employs a five-step approach to consider in the development and production of a program-based CBA.

- Assess the impacts of the investment. Does the policy or program work? Does it accomplish the desired end, such as reducing recidivism? What other impacts does it have? If the initiative cannot be directly evaluated, has a similar initiative been shown to work?
- Measure the costs of the investment. What does it cost to launch and operate the policy or program?
- Measure the costs and benefits of the investment's impacts. What is the dollar value of the investment's impacts? Who benefits from the program? Who bears the costs? Criminal justice investments affect many groups, including taxpayers, victims, and program participants. What is the magnitude of the effect for each relevant group?
- Compare costs and benefits. Over the long term, do the benefits outweigh the costs? Does the investment deliver higher or lower returns than other options?
- Test the reliability of the results. Analysts must make assumptions to predict the expected costs and benefits. What are the implications if the assumptions are changed or the estimates are varied? Would different information change the bottom-line results drastically, slightly, or not at all?

¹⁰ A Cost-Benefit Model for Pretrial Justice (n.d.). Retrieved September 14, 2020, from <u>https://www.cjinstitute.org/assets/sites/2/2014/08/27C CJI Pretrial C-B Model May 2015.pdf</u>

¹¹ Ibid

The Vera model was designed to function as a toolkit for organizations looking to conduct a CBA. It offers practical tips and strategies integrated into the same basic steps outlined in both the WSIPP and CJRI models. For example, it stresses the collaborative nature of CBAs and highlights the importance of establishing working relationships with people who can supply data and review analysis. Suggestions to organizations looking to perform a CBA include the following:

- Work closely with the policy's evaluators and convene an advisory panel to ensure that you have access to the best available data and can benefit from reviewers who have a range of knowledge and expertise.
- Convene an advisory panel with diverse representation to guide and review your analysis. Do not hesitate to include individuals affected by the investment who are known to be either advocates or opponents. Strive to include all viewpoints.
- Once data are collected, use spreadsheet or statistical programs to make calculations.
- Test your assumptions and report your results.
 - Summary metrics should include net present value (NPV) benefit-cost ratio (BCR) and return on investment (ROI). The formula for these results is displayed below.



CONCLUSION

Community-based programs to serve the unique needs of justice-involved women have evolved tremendously since the passage of the Bangkok Rules. Data exist that empirically and qualitatively describe the trends and profiles of justice-involved women internationally. Justice analysts are increasingly called upon to produce CBAs to support the growing demand for them by researchers, practitioners, elected and appointed officials, and the public. It is important that organizations develop an understanding of the types of data and steps necessary to perform justice CBAs. This guide summarizes the basic principles and the extant research to date around the issue.

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APPENDIX A: STARTING SMALL

STEPS	CONSIDERATIONS	NOTES
How does my program address a gender-specific need?	 What gender-responsive issue is being addressed? 	Examples: Family reunification, mental health, trauma, parenting, job skills, education, housing, etc.
What are successful outcomes?	 Define intended outcomes. How do you know you are being successful? 	Criteria for success is an important measure to quantify benefits.
Translate outcomes into monetary measures based on local data and assumptions	 Soft and hard outcomes. Outcomes may include: Woman remaining in the community Providing family care instead of incarceration Job skills to support job market/productivity Stability for children, eliminate incarceration cycle 	 While these costs are hard to quantify, they can be estimated or given weights based on unique social importance, significance in the community, and cultural norms unique to each country or site. Start with making educated guesses.
Long-term effects	 Can you track long-term outcomes? If so, can you quantify them? If a woman stays out of the criminal justice system over the next three years, you can calculate court costs, child cost, etc. 	• Define long term. What is the long-term expectation for carceral outcomes? How recidivism is measures in community confinement settings should mirror what is currently being used for assessment.
Calculate costs to operate your program	 Facility costs (rent) for building/site Staffing Equipment Staff training Administrative costs Housing costs (if woman lives at your program site) Utilities (water/electricity) 	• Who bears the cost?
Calculate the cost of imprisoning a woman based on available country data	• What are known costs associated with incarceration?	 Labor data on women's overall impact to the country's economy is a tangible metric. Information on the number of women acting as sole or joint childcare provider, or other female-dominated professions, such as healthcare and education, also provide useful information on the cost of removing a woman's contribution to the community.