

## WOMEN AND PRISON

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### STATISTICS AND BASIC DATA

The United States incarcerates people at a higher rate than any other nation in the world [29]. Although the overall U.S. prison population declined in 2010 for the first time since 1972 as a result of a decrease in prison admissions, at yearend 2010, more than 1.6 million people were incarcerated in state or federal prisons [14]. If we add people imprisoned in local jails to these numbers, over 2.2 million people—or approximately 1 in every 104 adults—are incarcerated in prisons or jails [11].

More men than women are imprisoned, with incarceration rates for men and women at 938 and 67 per 100,000 male and female residents [14]. However, women's incarceration rates have increased faster than those of men since 1977: the women's prison population grew by 832% between 1977 and 2007, whereas the men's prison population grew 416% during that period [30, 32]. There are over 200,000 women in U.S. prisons; women comprise about 7% of the prison population [14, 32]. More than half a million women and girls are imprisoned around the world, with the U.S. holding about one-third of this population [29].

Who are the women behind bars?

- Imprisoned women are disproportionately racial and ethnic minorities. At yearend 2010, Black women (133 per 100,000 Black female residents) had an imprisonment rate almost three times higher than that of white women (47 per 100,000); Latinas rate of imprisonment fell between that of Black women and white women (77 per 100,000 Latina residents) [14].
- Increasing numbers of prisoners are migrant women, particularly from Central and South America [8].
- Approximately 42% of women in state prisons have not graduated high school [31].
- Between 57 and 75% of imprisoned women experienced physical, psychological, and/or sexual violence before prison, which is higher than the 43% of non-imprisoned women who report violence [23]. Some studies suggest that the percentage of imprisoned women who experienced violence is higher than 75% [26].
- Seventy-three percent of women in state prison (and 55% of men), have been diagnosed with a mental health problem [16].
- Seventy-four percent of women prisoners report that they regularly used drugs prior to their incarceration [20].
- Many incarcerated women have serious physical health problems, including hepatitis, diabetes, and HIV infection.
- Sixty-two percent of women in state prisons are mothers to children under 18 years of age [12].
- Non-heterosexual and gender non-conforming women are more likely to receive lengthier sentences than heterosexual, or gender conforming, women, and once in the system are subject to heterosexism and homophobia [19].
- As of December 2011, there were 58 women on death row, which is 1.8% of the total death row population [5].

### REASONS FOR WOMEN'S INCARCERATION

Why are so many women behind bars, and why has the women's incarceration rate increased so much faster than that of men? Despite the fact that media images have framed imprisoned women as violent and out of control [17], women's high incarceration rates are not a result of rising crimes rates or a "more violent offender" [4].

- At yearend 2010, about one-third of imprisoned women were sentenced for violent crimes. About 56% of imprisoned women were sentenced for drug or property crimes [14].
- Drug offenses are the largest source of growth for the women's prison population. About one-third of women (and one-fifth of men), serve time for drug offenses as compared to 1 in 10 imprisoned women in 1979 [10].
- Mandatory minimum sentences and sentencing guidelines emerged largely from the war on drugs in the 1980s. These measures require judges to hand down lengthy sentences based on the amount of the drug and presence of a weapon, without taking into consideration extenuating circumstances, prior records, context of the crime, abuse that could have led to addiction, or the low-level role that the woman may have played. Although women tend to play minor roles in drug crimes (such as petty sales), women drug offenders are likelier to be arrested, convicted, and incarcerated than they were prior to the war on drugs. Mandatory sentencing and sentencing enhancements eliminated judicial considerations of women's role as primary caretakers of children, so women are removed from their families even if they played a very minor role in the crime.
- Many women became involved in drugs because of economic need or physical coercion by male partners [6].
- Mandatory minimum sentences and sentencing guidelines have been found to disproportionately target Black women [22].
- Other "get tough on crime" measures like Three Strikes have helped to increase the rates of women's imprisonment. In states like California, the third strike need not be a violent felony to get a woman 25 years to life in prison.
- A smaller number of women are incarcerated for killing their abusers in self-defense. Although detailed statistics on this type of crime are unavailable, estimates suggest that between 2,000 and 4,000 women are imprisoned for killing their abusers [28].
- Laws such as the 1986 Immigration Reform and Control Act (IRCA) and the Illegal Immigration Reform and Immigration Responsibility Act (IIRAIRA) have served to criminalize migrant women. IRCA extended the war on drugs to the border,

and IIRAIRA reclassified some minor offenses as aggravated felonies. These laws have helped to sweep migrant women into the war on drugs [6, 8] and have resulted in the separation of migrant women from their children; in some cases, women have been deported after their sentence, and their children are sometimes put into foster care [8].

### **NEGLECT AND VIOLENCE DURING THE PRISON EXPERIENCE**

Once in prison, women's lives continue to be marred by neglect and violence.

- Women have high rates of drug dependency upon imprisonment, yet drug programs are often unavailable [21].
- Educational opportunities would improve women's ability to transition back into society upon release, yet women's prisons have fewer educational and vocational facilities as compared to men's prisons [21]. When courses are available, they are in areas that are underpaid and traditionally relegated to women, such as beautician classes [27].
- Incarcerated women are subjected to routine searches, harassment, and sexual assault by staff.
  - The Prisoner Rape Elimination Act (PREA) was passed in 2003, which sets national standards to prevent sexual assault and rape in U.S. prisons, but rape by correctional officers still occurs [15].
  - The National Inmate Survey found that 2.1% of women prisoners reported sexual activity with correctional staff, and 4.7% reported experiencing sexual victimization from another prisoner [1]. About 82% of imprisoned women who experienced sexual victimization reported that they were pressured or coerced by staff to engage in sexual activity [1].
  - Sexual violence is also emotional; women prisoners are also assaulted by staff's use of denigrating language.
- Physical and mental healthcare is extremely poor in prisons.
  - Medical care is substandard in men's institutions, but compared to men, women entering prisons have higher rates of infective diseases, respiratory and digestive system issues, genitourinary disorders, and skin and musculoskeletal diseases that often go untreated [27].
  - Gynecological care is considered a specialty service and problems often go untreated [10].
  - Women have suffered from—and some have died—of asthma, cancer, and other ailments because they were either refused medical services or received substandard care [9].
  - Women have received unlawful procedures. For example, the California Department of Corrections and Rehabilitation allowed 116 women to be sterilized through post-partum tubal ligations between 2006 and 2010; this violated federal law, which says prisoners cannot give informed consent during pregnancies, and state law, which does not permit California to pay for the sterilization of prisoners [10].
  - Pregnant women frequently labor and give birth in shackles, and receive little or no prenatal or postnatal care. The infant mortality rate among female prisoners is higher than the population at large.
  - Many women are placed on multiple psychotropic drugs at high doses with little counseling [18]. Some are also housed in security housing units or administrative segregation units, where they are confined from 22-24 hours without mental health care.

### **THE EFFECTS OF INCARCERATION ON CHILDREN, FAMILIES AND COMMUNITIES**

The U.S. emphasis on imprisonment has had disastrous consequences for women prisoners, their families, children, and communities.

- Over 60% of children live more than 100 miles away from their mother's place of confinement. This makes visits for children and other family members very challenging, and makes intensive mothering impossible [2].
- The burden of childcare often falls on extended family, including grandparents (53%) or other relatives (26%) [2].
- When imprisoned women are unable to place children with family, those children are placed in foster care. Children of incarcerated mothers make up 7 to 13% of the foster care system [2].
- Under the Adoption and Safe Families Act (ASFA) of 1997, agencies are required to move to "permanency planning"—including termination of parental rights—when children are in foster care for 15 of the previous 22 months [2].
- Children of mothers in state prisons are likelier to be placed in the foster care system than children of incarcerated fathers (9.6% versus 1.8%), because women were the primary caretakers of the children [2].
- Prisoners cannot contribute to their families in terms of finances, time, or presence in their households [3]. They also cannot contribute positively to their communities.
- In the vast majority of states, prisoners cannot vote. In states like Florida, felons are banned from voting for life, affecting local, state, and even national election outcomes.
- Prisoners are counted in the census according to the location of the prison. They therefore raise populations for counties that house prisons. In communities where high numbers of people have been displaced, however, funding for institutions such as schools and hospitals decreases with the decrease in population.

### **TRANSSEXUAL, TRANSGENDER, GENDER NON-CONFORMING, AND GENDER VARIANT PRISONERS**

- Transgender and transsexual people are generally assigned to facilities based on the gender listed on their birth certificate.

- Trans women are therefore housed in men’s institutions and are subjected to sexual harassment, assaults, and rape [7, 24].
- Although little is known about trans immigrants who are held in detention, one report indicates that transgender and gender variant undocumented individuals are deported at higher rates than other undocumented immigrants [7].
- Solitary confinement has been used as the primary way to protect transsexual women from violence in male institutions.
- For those who were on hormone therapy prior to prison, once in prison that therapy is frequently denied [7].
- A Philadelphia-based study showed that compared to the general prison population, transgender and gender variant prisoners spend more time in prison because they are denied parole due to factors such as inability to secure housing or jobs [7].
- Many transgender and gender variant prisoners are locked up for financial offenses, such as prostitution [7].

### PRISON PROGRAMS: EDUCATION AND THE ARTS

Prisoners may obtain their G.E.D. and college education at *some* institutions—and also have access to programs like Alcoholics Anonymous—but other innovative education and arts programs have sprung up around the country. For example, the Prisoner Creative Arts Project (PCAP; <http://www.lsa.umich.edu/english/pcap/>) operates in women’s prisons in Michigan, and produces art created by incarcerated women. The innovative “Inside-Out Prison Exchange Program” (<http://www.insideoutcenter.org/home.html>) connects universities and prisons around the country by allowing undergraduate students to take a course with prisoners; both populations exchange information and read the same materials for a reciprocal learning experience. Writing workshops can also be found in women’s prisons, with an emphasis on individual growth and social analysis [24]. These programs are largely volunteer-run.

### COMMUNITY RESPONSES TO WOMEN’S INCARCERATION

Many grassroots and nonprofit organizations are working to support women in prison and decrease rates of women’s incarceration. They run the gamut from reformists seeking to fix the system already in place to abolitionists seeking to dismantle the prison system, altogether in favor of community alternatives to incarceration. The following groups engage in prisoner support and/or abolition work:

- Incite! Women of Color Against Violence: <http://www.incite-national.org/>  
*Supports anti-violence strategies and prison abolition*
- Critical Resistance: <http://www.criticalresistance.org/>  
*Supports prison abolition*
- The Action Committee for Women in Prison: <http://www.acwip.net/>  
*Engages in prisoner support work, including letter campaigns and help with resources*
- The California Coalition for Women Prisoners: <http://www.womenprisoners.org/>  
*Engages in prisoner support work, including parole support, help with resources, and is committed to de-carceration*
- Correctional Association of New York Women in Prison Project. <http://correctionalassociation.org/WIPP/>. *Addresses the effects of criminal justice policies on women and their families.*
- Hearts on a Wire Collective: [http://www.facebook.com/note.php?note\\_id=10150198323203661](http://www.facebook.com/note.php?note_id=10150198323203661)  
*Provides support for transgender and gender variant prisoners.*
- Transformative Justice Law Project of Illinois: <http://www.tjlp.org/> *Provides services for LGBT and gender non-conforming prisoners and is committed to prison abolition.*
- Women’s Prison Association (WPA): <http://www.wpaonline.org/>  
*Provides re-entry services, residential and family services, and support while in prison*

### ADDITIONAL TEACHING AND COMMUNITY RESOURCES

- The Barnard Center for Research on Women, “Women, Prisons, and Change”: <http://www.barnard.edu/sfonline/prison/>
- Sin By Silence, a film about women who kill their abusers: <http://www.sinbysilence.com/>
- Beyondmedia Education, Women & Prison: A Site for Resistance: <http://womenandprison.org/>
- Razor Wire Women, A Blog About Women, Prison, the Arts, and Activism: <http://razorwirewomen.wordpress.com/>
- The Scholar & Feminist Online: “Children of Incarcerated Parents,” Guest edited by Megan Sullivan, Tanya Krupat, and Venezia Michalsen. <http://barnard.edu/sfonline/children/index.htm>. Recommended reading on or relating to children of incarcerated parents: <http://barnard.edu/sfonline/children/reading.htm>.

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