Women in Prison

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Contributed by:
Natalie Sokoloff[2]

At the beginning of the 21st century American women are increasingly facing a trend of mass incarceration that follows the monumental expansion of incarceration rates of U.S. citizens in the last three decades of the 20th century. This period has been labeled as one of “equality with a vengeance.” Women, so to speak, have had “the book thrown at them” for demanding equality in the courts, at school and work, and in the home. Thus, despite the fact that our prisons and punishments are ill-designed to rehabilitate the violent male offender, women have had the same harsh sentences applied to them in a conservative punishment era that intensified under the burden of “mandatory minimums,” “three-strikes” laws, and “truth-in-sentencing” laws. All such laws have had the effect of incarcerating more people, for longer periods of time, with less options for parole or rehabilitation. As with men, the social factors involved in crime have been ignored and women have been swept into the penal dragnet without regard for the fact that they are primarily non-violent drug and economic (theft, forgery, petty larceny) offenders.

One Million Women

Let us look at the way in which the numbers of women in prison have increased in the last three decades of the 20th century and at how this increase has specifically impacted minority groups of women. The early 1970s witnessed the systematic “mass imprisonment” of certain populations (especially young Black men, more than one-third of whom are under the control of the criminal justice system today). How has this expansion of the prison population impacted the experience of women in prison, and how has it affected Black and Latina woman differently than white women.

At the beginning of 1970, there were only 5,600 women in prison, nationally. In fact, between 1936 and 1975, the number of women incarcerated in state and federal prisons in the U.S. fluctuated between 5,000 and 8,000 prisoners. By 1980 there were still fewer than 12,500 women in State and Federal prisons. But over the next two decades that number rose seven-fold to 94,336. Since 2001 the women prisoner population has grown to the current total of 167,000 women. Including those on probation and parole, almost 1 million women are currently under the control of the criminal justice system in the U.S.

This growth was at least partly made possible by a huge prison-building program. Between 1930 and 1950 only 2 or 3 prisons opened across the country for women every ten years. Each decade saw greater increases in the numbers of women’s prisons: 7 new units in the 1960s, 17 in the 1970s, 38 in the 1980s, reaching a total of 104 by 1995. Today, during a period of fiscal crisis,
Race/Ethnic Impact

The reality of this growth, however, is that there is a differential impact by race as to which groups of women end up in prison. Although almost half of the female prison population is Black, only 13 percent of the U.S. female population is Black (This is similar to the rate for men in prison). Overall, Black women are 7 times more likely than white women to be incarcerated, and in 15 states African American women are incarcerated at rates 10 to 35 times greater than white women. In New York, nearly 9 out of 10 female prisoners are Black or Latina. Despite their small numbers in the population overall, Native Americans are nevertheless ten times more likely than whites to be imprisoned.

Women in prison are among the most oppressed and vulnerable populations in the U.S. Women prisoners are typically young (in their mid-30s), poor (35 percent earned less than $600 per month), heads of households (75 percent), with limited education (less than 40 percent completed high school), mothers of young children (70 percent), and not infrequently homeless (up to 40 percent in some urban areas). In addition, about 50 percent of women in prison have serious, long-term substance abuse problems and are in poor health. These women often have HIV complications, asthma, diabetes, hypertension, STDs and reproductive health problems (Freudenberg 2001), and are the victims of childhood abuse and continued abuse in adult life (57 percent women prisoners were abused physically and/or sexually at least once in the past).

Most women are taken into custody today for the same kinds of crimes for which women have always been arrested: nonviolent larceny - theft, forgery, fraud, and prostitution—with the critical addition since the 1980s of drug possession and sales. Only a small percentage of women are arrested for violent crime, with three-fourths arrested for simple assaults. And less than one-third of women are incarcerated for violent crime of any kind.

However, when women are offenders in violent crime, victims report over half the women offenders were white and just over one-third were black. Moreover, victims describe an equal percent of white and black women robbing them (40 percent each) or committing an aggravated assault against them (43 percent each). Yet, from incarceration statistics, one would never know this because African American women are portrayed and punished as the primary violent, female offenders.

The War on Drugs

Overall, women’s incarceration for drug offenses has increased from 10 percent of all women prisoners to 38 percent. In the Federal prison system, two out of three women are in prison for drug offenses, most of whom are women of color. Because these women often have the lowest positions in drug organizations, they typically have little information on the drug operation with which to bargain with when faced by zealous prosecutors.

Women are much more likely to be given mandatory minimum sentences – and for smaller amounts of drugs such as crack, which carries a punishment ten times longer than powder cocaine, a drug more typically used by the white population. The War on Drugs has become a “War on Poor Black Women,” who now comprise more than 50 percent of the women’s prison population– yet they represent only 12 percent of the general female population in the U.S. The
explanation for much of the increase in women's incarceration is that criminal justice system policies have changed, not women's conduct.

When women are incarcerated for violent offenses, the offenses tend to be of a much less serious nature than those of men. Only recently have these behaviors been defined as "offenses." For example, nearly 3 in 4 violent victimizations committed by women offenders are simple assaults (compared to about one-half of men's assaults). Moreover, what previously might have been viewed as a shove between a mother and daughter can translate now into a violent criminal offense. Laws put into effect to protect battered women now lead to three times as many women and girls being arrested than a decade earlier. With "mandatory arrests" for domestic violence the battered woman herself is often arrested along with the batterer. This is called "boot strapping" or "net widening," and it brings more and more women into prison for lower levels of crimes, but especially so-called violent crimes.

Many sociologists and criminologists have found that crime tends to reflect the role that "economic disadvantage" plays in a person's criminal career. So too does gender matter in the forces that propel women into criminal behavior. While it is true that both incarcerated men and women have histories of sexual and physical violence against them in a family setting, this seems to be more prevalent and longer-lasting in the lives of women than men who end up in prison. For example, 43 percent of women, but only 12 percent of men report abuse at least once prior to their current imprisonment; women's prior physical (33.5 percent) and sexual (34 percent) abuse is much greater than men's (10 percent and 5 percent respectively); and while 32 percent of the women started being abused as girls and continued to be abused as adults, only 11 percent of the men report abuse as boys, and, most importantly, this abuse did not continue into adulthood.

Most women convicted of murder or manslaughter have killed husbands or boyfriends who repeatedly and violently abused them. In New York, one study showed that in 1986, 49 percent of the women committed to prison for homicide had been victims of abuse by that person at some point in their lives and 59 percent who killed someone close to them were being abused at the time of the offense. In a more recent study of 84 Black women in prison, among those women who committed homicide, domestic violence was directly involved in 40 percent of the cases.

The Prison Industrial Complex
Once again, it is inadequate to discuss women in prison without taking into account the racialized nature of women’s incarceration. One sociologist writes that in order to deal with the issues confronting women in prison we need a global perspective that examines the demise of minority inner city communities and rural white communities as a result of factories and other businesses moving overseas for cheaper labor. The result is the unemployment of large numbers of poor inner-city residents of color and poor, whites in rural areas, which leads to both increased crime rates and increased incarceration rates. At the same time, this process exploits, through very low wages, women and men in other countries throughout the developing world, while incarcerated men and women in the U.S. work for similarly low wages in prison industries. Simultaneously, the sociologist, Julia Sudbury, argues, a “pro?table relationship between politicians, corporations, the media and state correctional institutions ... generates the racialized use of incarceration as a response to social problems rooted in the globalization of capital.” The prison industrial complex, combined with the globalization of the War on Drugs, according to Sudbury, has led to the incarceration of poor women of color from around the globe in U.S., Canada, and many European countries.

As former prisoner Angela Davis reminds us, Black women, incarcerated in the U.S. at a rate eight times greater than white women and four times greater than Latinas have become “victims of racist and sexist discrimination.”

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