

# SUPERVISING IS DIFFERENT FOR WOMEN

**Mary K. Stohr**

This is a story I often tell my students because it was an instance when merely my gender made such a difference in others' aggressive behavior in the correctional environment. The scene is a male prison control room. The sergeant is a very capable man who believes in the power of talking, as in "talking inmates down" from anger and aggression rather than the use of brute force. An inmate has been called to the office for the purpose of throwing him in segregation for suspicion that he has been "bulldogging"; I reported him for taking other inmates' desserts at dinner (actually the other inmates gave him their desserts when he came up to stand by their tables). The sergeant admits him to the control room, with two other male officers present in case there is trouble. And there is trouble. This inmate, we'll call him Casey, is huge—as large as a door with muscles bulging in his arms. Despite his size, he is not known to be the smartest of men and is prone to anger. The sergeant is wielding all his verbal skills to reason with Casey, to no avail, and Casey refuses to enter segregation willingly. Once Casey's fists are balling against his sides and he backs away from the sergeant and up against a wall, the sergeant

balling against his sides and he backs away from the sergeant and up against a wall, the sergeant begins calling in reinforcements.

A male counselor and I are in the back room watching this through a glass window (the sergeant wanted me out of the way in case the inmate directed his anger at me, as I was the one who reported him). We know the prison is understaffed, however, and when we can see things are getting out of hand, I move into the control room and face Casey. I don't say a word, but my plan is to grab and hold one of his limbs as we jointly wrestle him into segregation. But this plan doesn't become necessary as Casey takes one look at me, unclenches his fists, and puts his hands out in front of him for the handcuffs. He goes peacefully to segregation. I am stunned, the sergeant is stunned, and the male correctional officers are staring at me as if I had some magic mojo, when all I had was the fact that I am female. I don't know why, but Casey didn't want to fight with or in front of a woman, and for that I was very grateful!

## **INTRODUCTION: WOMEN AND CORRECTIONS**

**LO 10.1** State the history of women in corrections.

As far back as anyone can remember, there have been fewer women and girls incarcerated or under correctional supervision than there have

been men or boys. Of course, there have been

under correctional supervision than there have been men or boys. Of course, there have been exceptions for some particular crimes (e.g., prostitution for women and girls or status offending for girls), but correctional populations have always included more male inmates.

Although the percentage of women and girls in those populations has increased in recent years, it is still true that the vast majority of those under correctional supervision in the United States are male.

What this numerical “minority” status for girls and women has meant is that institutions and programming have been, and still are, typically geared toward boys and men. As discussed in [Chapter 2](#), the first prisons were built for men, although sometimes sections of them were set aside for women. The U.S. history of institution building illustrates this fact. What Young (1994) found from her research on the construction of juvenile facilities in the southern United States following the Civil War was that males, particularly white males, were much more likely to have juvenile prisons constructed specifically for them than were females. Women and girls accused (and thus placed in jails) or sentenced (and thus placed in jails or prisons, depending on whether they were accused or sentenced and if the latter for how long) were much more likely to do their time in male facilities. Initially those facilities were bridewells or poorhouses, but later they were separate sections of jails and prisons

facilities were bridewells or poorhouses, but later they were separate sections of jails and prisons or completely distinct facilities and houses of refuge (Baunach, 1992; Belknap, 2001; Chesney-Lind & Shelden, 1998; Kerle, 2003; Pollock, 2002b, 2014; Rafter, 1985).

Part of what shaped the treatment of women and girls in the past was the numerical fact that they accounted for fewer offenders and inmates than men and boys. As those numbers have increased, however, and as feminist beliefs regarding the value of women and girls have changed attitudes, concerns about how girls and women are treated as clients and what their needs are have reshaped correctional practice. This is also true with regard to female staff and their rights. We will begin with a brief history of the female correctional experience.

## **The History of Women in Prisons**

As mentioned in [Chapter 2](#), the first American correctional facility—though it is not generally acknowledged as the first American prison—to hold felons only was the New York Newgate Prison in Greenwich Village, New York City. Opened in 1797, it had a separate wing for female inmates where they were housed in a group setting. As Rafter (2009) noted, although they had no matron, putting the women together helped provide protection from “lascivious turnkeys” or guards (p. 51). All indications are that the women at Newgate washed and sewed for

turnkeys” or guards (p. 51). All indications are that the women at Newgate washed and sewed for the prison (while the male inmates were engaged in production of goods for sale) and were situated close to other inmates.

When Newgate Prison closed and the inmates were scheduled for transfer to the congregate but silent and strict-discipline prisons of Auburn and Sing Sing, neither prison wanted to take the women, stating that they were difficult to manage (Rafter, 2009). While the matter was debated, the female inmates from New York City were held at the city’s Bellevue Penitentiary, where the conditions in terms of food, housing, supervision, and classification were poor. Moreover, the silent requirement so popular at the men’s prisons could not be enforced because of the congregate housing and the lack of a female matron. When a cholera epidemic hit the prison, 8 women died and 11 escaped (Rafter, 2009).

The New York women outside of New York City were sent to the new Auburn Prison in 1825 (Rafter, 2009). However, their treatment there was also subpar, as they were housed in a cramped, unventilated attic above the kitchen without a matron until one was hired in 1832. Because of the congregate nature of their living and working conditions (they were engaged in sewing), it was once again difficult to enforce the silence requirement.

After the lash was used to discipline an inmate

After the lash was used to discipline an inmate who was 5 months pregnant (she had gotten pregnant while in prison) and the inmate later died, the state constructed a separate prison at Mount Pleasant for the women in 1839; this was the first women's prison in the United States (Rafter, 2009). Though it was close to the Sing Sing Prison and was in part administered by it, the Mount Pleasant Prison had its own buildings, staff, and administrator. This prison was built behind Sing Sing and overlooked the Hudson River. It was an Auburn-like building with Auburn- and Sing Sing-like sensibilities. It had a room for lectures and a chapel and a nursery. The matron's quarters were also in the prison.

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**Mount Pleasant Prison:** First prison constructed for women in the United States. Built in 1839 close to the Sing Sing (New York) prison for men, it was in part administered by Sing Sing but had its own buildings, staff, and administrator.

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Ohio's development of prison facilities for women was similar to New York's (Rafter, 2009). At first women there were held in less secure facilities along with the men. Then, in 1834, Ohio built an Auburn-like prison called the Ohio Penitentiary, and in 1837 the state began housing the women in separate quarters from the men. However, the standards for prison operation in Ohio were even worse than in ~~New York~~, and disease and

standards for prison operation in Ohio were even worse than in New York, and disease and corruption were rampant. The annex specifically for the women became crowded and fell into serious disrepair. The women had no matron and thus discipline was nonexistent; moreover, they were subject to sexual attacks by male staff.

Among Tennessee prisons, the first of which opened in Nashville in 1831, there was a progressive attitude toward standards and care, more like the New York model (Rafter, 2009). Women, however, were imprisoned in such small numbers before the Civil War that they were housed with the men and worked with them in mines and on railroads. There were no matrons to protect them, and there were no separate accommodations for women in Tennessee prisons until the 1880s. At this time, they were placed in small, overcrowded quarters in the Nashville Prison, with no room for work or exercise.

**Photo 10.1** A prison officer examines the knitting of an inmate.

Trinity Mirror/Mirropix/Alamy Stock  
Photo

## Race in Early Prisons

Maryland opened its first prison, the Maryland State Penitentiary, in 1811 in Baltimore (Young, 2001). It housed the women in a congregate

2001). It housed the women in a congregate fashion in the same prison with the men until 1921, although the genders were separated. At first the races were not separated, but by the 1830s, Black men and white men were separated at the prison, and later so were the women. As Maryland was a border state—separating the slaveholding South from the free North before the Civil War—administrators of its penitentiary wrestled with issues of slavery and free and enslaved Black people. The research on incarcerated Black women indicates that they were disproportionately incarcerated in the Northeast and Midwest before the Civil War, but few Black people, either male or female, were incarcerated in the South before the war. After the war, however, Black men and women were also disproportionately incarcerated in all prisons, but particularly in southern prisons, where slavery-like treatment and work requirements were imposed (Oshinsky, 1996; Rafter, 2009; Young, 2001).

In her study of the Maryland State Penitentiary between the years of 1812 and 1869, Young (2001) found that 72% of the incarcerated women were Black and that as the Civil War drew to a close, the proportion of Black women only increased. This was also true regarding the incarceration of Black women around the time of the Civil War, especially during the antebellum stage, in Texas, Kansas, and Missouri. It is possible that a Maryland law passed in 1858 that made Black

Maryland law passed in 1858 that made Black women who committed larceny subject to “sale” rather than prison resulted in less incarceration of Black women before the Civil War in that state (Young, 2001).

Both Black and white women in the United States in the 19th century tended to be incarcerated for property crimes, particularly larceny (Rafter, 2009; Young, 2001). Very few women were incarcerated for violent crimes—only about 3% to 4% (Young, 2001). White women did tend to be incarcerated for “offenses against morality” more than Black women, perhaps because they were more “visible” to the police in white areas of town or the police were more attentive to them (Young, 2001). But there were also convictions for other felonies, miscellaneous offenses, and vagrancy. Young (2001) also found that Black female inmates were required to serve a greater proportion of their sentences than were white female inmates, and they tended to be pardoned less and die while incarcerated more often than white female inmates.

## **Discipline in Women’s Prisons**

As with the male prisons during the 1800s, methods of discipline moved from the severe to the soft, depending on the availability of supervision, the facilities, the number of women incarcerated, and the inclinations of the keepers. Rafter (2009) reported that rarely was the lash used at the Mount Pleasant Prison for women, but the oak was used all of the time. At the Ohio



used at the Mount Pleasant Prison for women, but the gag was used all of the time. At the Ohio prison, for instance, by the 1870s the discipline of women was quite severe, and women were beaten or placed in solitary confinement to enforce it (Rafter, 2009). By 1880, the “hummingbird” punishment was used in Ohio; this “forced the naked offender to sit, blind-folded, in a tub of water while steam pipes were made to shriek and electric current was applied to the body” (Rafter, 2009, p. 53).

## Hiring of Female Matrons

A serious problem for many of the first prisons was the absence of female matrons to supervise and in some cases protect the women. Writing in 1845 (reprinted in 1967) after visiting several primarily male facilities that housed women, the reformer Dorothea Dix noted that matrons had been hired in several prisons where women were housed (e.g., Connecticut Prison, Sing Sing, Eastern State Penitentiary, Maryland Prison) but not in many county jails or other prisons.

## Houses of Refuge for Girls and Boys

Developed in tandem with the adult prisons were juvenile facilities in larger states for delinquent, neglected, abandoned, and abused children.

Houses of refuge were part of the Jacksonian movement (named after President Andrew Jackson) of the early 1800s to use institutions as the solution for social problems. The first was

Jackson) of the early 1800s to use institutions as the solution for social problems. The first was opened in New York in 1825, the second in Boston in 1826, and the third in Philadelphia in 1828 (Beaumont & Tocqueville, 1833/1964, p. 136). Their stated purpose was to remove impressionable youth, mainly boys but also girls, from the contamination that association with more hardened adult prisoners might bring. As Harris (1973) commented, such facilities for younger inmates had existed in Europe, particularly Holland, since the 17th century. The difference she noted between the American experiment with houses of refuge and the Dutch experiment was that the Dutch houses were used only for the delinquent and those thought likely to become so without intervention, and they were devised to achieve reform among their inmates.

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From the first, the American house of refuge was a private institution. Such institutions were developed through private charity and

a private institution. Such institutions were developed through private charity and subscription and were operated by people hired by private subscribers. The states sanctioned their development this way and paid "some pecuniary assistance" to them, but they had no part in their administration (Beaumont & Tocqueville, 1833/1964, p. 137).

The early American houses of refuge were to be a mix of prison and school. The keepers in such houses were guardians, and such guardianship continued until a child reached the age of 20. In some of the houses, the children were separated at night and worked or went to school together during the day. In others, they were in congregate situations both at night and during the day. The requirement of silence imposed on adult institutions of the time was not visited on the children, as it was thought to be impossible to keep them completely quiet. In the New York and Philadelphia houses, the children worked in a shop making shoes or cloth and as carpenters for 8 hours a day and spent another 4 hours in school. In the Boston house, they spent only 5.5 hours in the workshop, 4 hours in school, and 1 hour in religious study, and there were a few hours for play (Beaumont & Tocqueville, 1833/1964, p. 142). The workshops in the houses were operated by private contractors. Notably, the girls did all of the domestic work around the houses, including the cleaning, cooking, and sewing of clothes for themselves and the boys.

The discipline used in the houses varied from

sewing of clothes for themselves and the boys. The discipline used in the houses varied from deprivation of recreation, to solitary confinement, to restrictions on food and water, and sometimes the use of corporal punishment or the use of stripes (lashes with a leather belt).

Because the children placed in houses of refuge were not always sent there for punishment, it was thought that their time should be indeterminate, as a magistrate could not tell at the beginning how long it would take to reform or correct a child. It was left to those who operated the institutions to decide when a child was ready to leave. Moreover, if a child did not do as well as was hoped when released and was still younger than 20, the staff at the institution were still their guardians and had the right to call the child back.

Beaumont and Tocqueville (1833/1964) acknowledged that these absolute rights to deprive liberty might lead to abuse, but they pointed out that judges and parents did have some rights to oversee and protest the incarceration of these children in the courts.

In a recidivism study of the New York House of Refuge conducted by Beaumont and Tocqueville (1833/1964) in 1831, the authors found that of more than 500 children released, more than 200 had been "saved from infallible ruin" (p. 151). As to the other 313 children released, the authors found that their behavior since release was either doubtful, "bad," or "very bad" (p. 151). Of course, lacking a control group for these releasees, it is

doubtful, “bad,” or “very bad” (p. 151). Of course, lacking a control group for these releasees, it is difficult to know how to interpret these findings, but it was an admirable attempt by these French observers to try to find evidence as to the effectiveness of such early houses of refuge.

Dorothea Dix (1845/1967), whose own research is described more fully in earlier chapters, also visited houses of refuge in Boston, New York, Philadelphia, and Baltimore, as well as a farm school for children on Long Island. Her impression of these facilities, 14 years after Beaumont and Tocqueville visited some of them, was generally favorable. She liked that the children were employed in useful work, that the facilities were clean, and that the children were generally in good health. She noted that many houses of refuge provided schooling, training, and apprenticeships that would allow the children to succeed once they were able to leave. Some of the reports from the facilities she reviewed indicated that children as young as 6 were incarcerated in these houses and a possible offense that led to placement was being “stubborn” or “idle,” along with other more common but usually minor criminal offending (Dix, 1845/1967, p. 91). Boys were often apprenticed to farmers and girls to domestic work once they reached their age of majority and so were able to leave the institution.

## **Growth in Numbers of Women and Girls**

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## and Girls

As mentioned in the foregoing, the number of incarcerated and supervised women under the correctional umbrella has rarely been larger, but this was not always so. In the past, the number of female inmates and supervisees was proportionately smaller. For instance, we know from U.S. Census Bureau reports that women constituted 3% or 4% of state and federal prison populations from 1910 through the 1970s (Cahalan, 1986, p. 65). In 1980, that number had risen to 5% and has only increased since. If you add in reformatories, women and girls accounted for, on average, about 5% of those incarcerated in correctional facilities from 1910 through 1959 (p. 66). Anywhere from 5% to 9% of jail inmates were female from 1910 to 1983 (p. 91). Juvenile institutions averaged about 21.2% female residents (aged 15–19) from 1880 to 1980 (p. 130). Unfortunately, a gender breakdown of parolees and probationers is not available, but given the overall increase in the percentage of incarcerated women generally and women and girls on probation or parole currently, it is likely that historically they were not as subject to the criminal justice system as they are today either.

The best explanation for the historically small number of female offenders in the U.S. criminal justice system (compared with men and boys) has been the fact that they commit fewer street crimes that would garner this distinction. Most murders, robberies, rapes, burglaries, and even

murders, robberies, rapes, burglaries, and even larcenies are committed by men and boys (Federal Bureau of Investigation, 2018). Even among corporate or white-collar and environmental crimes, the more likely offender is male, if for no other reason than the fact that more men are in a position to commit such crimes than women. As mentioned in other sections, the drug war of the past 40 years has brought more female offenders into the system, which has resulted in their greater proportional growth among correctional populations, but even with this sort of offense they are in the clear minority.

## **CURRENT FIGURES ON THE NUMBER OF WOMEN AND GIRLS IN CORRECTIONS**

**LO 10.2** Describe the current state of women in the correctional system for both those incarcerated and those employed in it.

Meeting the needs of both women who are incarcerated and women who are working in the correctional system today is the focus of this section.

### **Female Correctional Clients**

By any measure, however, the number of women and girls as inmates or supervisees in corrections has grown exponentially over the past 3 decades, ~~with some notable declines in some populations~~

has grown exponentially over the past 3 decades, with some notable declines in some populations more recently. In 2000, women made up 11.4% of jail populations, but by 2018, that figure was almost 16% (Zeng, 2019, p. 6; Zeng, 2020, p. 6). In 2000, women made up 6.4% of prison populations, and by 2018, that figure was at almost 8% (Bronson & Carson, 2019, p. 3; Carson, 2020, p. 3). In the past decade, as male incarceration in jails and prisons has decreased markedly, female incarceration has risen in both (though there have been some decreases in the number of women in prisons since 2016). Girls confined in residential facilities increased from 13.6% of all juveniles in 1997 to 15.1% in 2003, and by 2015, their numbers had stabilized at 15% of that population, with a greater percentage of them held for status offenses and in private facilities than boys (Carson & Anderson, 2016; Hockenberry, 2018, p. 11).

Perhaps the largest growth in the number of women or girls, as far as correctional populations are concerned, has come in probation. Women constituted 22% of probation and 12% of parole caseloads in 2000, and by 2016 those percentages had increased to 25% of probation and 13% of parole (Kaeble, 2018, pp. 17, 24; Kaeble & Bonczar, 2017). Although some of these percentage increases seem small, in the case of probation they represent thousands of women, as total caseloads in 2016 included 3.6 million people (Kaeble, 2018, p. 1). For girls on probation,

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people (Kaeble, 2018, p. 1). For girls on probation, the increases in the last two decades of the 20th century and the first decade of the 21st century do not even seem small. In 1985, girls constituted 19.3% of juveniles on probation, and by 2004 that percentage had grown to 27.2% and remained at 27% by 2009 (Livsey, 2012, p. 2; Puzzanchera & Kang, 2007). However, along with boys, the number of girls on probation has been in decline, especially from 2008 to 2015 (Hockenberry & Puzzanchera, 2018). Explanations for these increases and decreases in women or girls' presence in correctional populations are likely multifaceted. Incarceration and community supervision generally reached a peak in this country in 2007 and 2008 and has been in decline since for any number of reasons related to age, cost concerns (particularly as related to the recession), less of an appetite for harsh punishments, legalization and medicalization of marijuana, and so on (see Garland et al. 2014, and [Chapter 13](#) of this book for a discussion of decarceration). Therefore, as with men, we can expect that the incarceration of women would decrease (though it hasn't so much for adult women). But explaining the increases in female incarceration, when they do not track with the decreases in male populations, is perhaps more difficult and a subject in need of research. As indicated by the data contained in [Figure 10.1](#), the overall number of women under correctional control remained steady from 2010 to 2017, though this masks the fact that there have been

control remained steady from 2010 to 2017, though this masks the fact that there have been decreases in their probation and prison numbers and increases in their representation in jails and on parole. Despite this increase, the majority of inmates for all correctional populations are still largely male, as shown in [Figure 10.2](#).

### Description

**Figure 10.1** Growth of Female Correctional Population

*Source:* Bureau of Justice Statistics.

### Description

**Figure 10.2** Percentage of Male Versus Female Inmates, 2017

*Source:* Bureau of Justice Statistics.

## **Female Staff**

The employment of female correctional officers has not increased as steeply or steadily as has the number of women and girls under correctional supervision. As already mentioned, women were employed to a limited degree as matrons to work with female inmates in some of the earliest prisons and jails (Pollock, 2002b; Stohr, 2006; Zupan, 1992). However, they did not make significant inroads into the correctional

make significant inroads into the correctional profession until the Civil Rights Act of 1964 was amended in 1972, and women began using that law to sue in courts to gain employment in both female and male correctional institutions.

According to the Bureau of Labor Statistics (2014, p. 4), in 2013 women occupied about 27% of correctional officer jobs in jails and prisons. As of 2005, only 13% of correctional officers in federal prisons were women, but 48% of correctional officers in private prisons were (Stephan, 2001, p. 8; Stephan, 2008, p. 4). As mentioned in [Chapter 8](#), it is probably no coincidence that the prisons that pay the most (federal) employ the fewest women as officers, and the prisons that pay the least (private) employ the most.

Staff demographic statistics regarding probation and parole officers for adults and children are not always readily available. According to a recent Bureau of Justice Statistics report, 49% of all state-level parole agency staff are women, but this figure includes all staff, not just parole officers (Bonczar, 2008, p. 3). Unfortunately, the Bureau of Justice Statistics does not supply this level of information regarding probation officers at the state or federal level. However, the Bureau of Labor Statistics (2019, p. 3) reported that in 2018 almost 57% of probation officers and correctional treatment specialists in the country were women.

## **Feminism**

Female staff would not be employed at the level

Female staff would not be employed at the level they are, and female inmates would not have the attention and programming they do (albeit usually less than men and boys), if not for the sustained efforts of feminist scholars and practitioners agitating for their rights and their needs (Pollock, 2002b, 2014; Rafter, 1985; Smykla & Williams, 1996; Stohr, 2006; Young, 1994; Zimmer, 1986, 1989; Zupan, 1992). As indicated by Rafter (1985), the proponents of change in female corrections in the last half of the 1800s and first half of the 1900s tended to be of two minds, as represented by the moralists and the liberal feminists.

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**Liberal feminists:** People who believe that the problem for girls and women involved in crime lies more with the social structure around them (e.g., poverty and lack of sufficient schooling or training, along with patriarchal beliefs) and that the solution lies in preparing them for an alternative existence so that they do not turn to crime.

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There were those *moralists*, who were sometimes *social feminists*, as Rafter (1985) termed them, who believed that women and girls involved in the criminal justice system were in effect morally impaired and therefore in need of religious and social remedies (prayers, efforts to keep them chaste, etc.). Women were crudely classified by ~~these moralists as either~~ “good,” and

keep them chaste, etc.). Women were crudely classified by these moralists as either “good,” and thus acting in conformance with societal expectations for their gender role (labeled the *madonna*), or “bad,” and thus acting in opposition to their expected gender role (labeled the *whore*). This conceptualization and limited view of the possibilities for women and girls and focus on sexuality were also shaped by social class and race or ethnicity. Those women who were of a higher class and who were white were believed to more closely approximate the madonna category—until, that is, they violated societal expectations that they be docile homemakers with nary a thought in their heads. Should they violate both these expectations regarding their gender role *and* social and legal prohibitions against the commission of crime, then they were **double deviants**. Rather than just being deviants, as men and boys who committed crimes were, women and girls involved in crime were also deviants in terms of societal gender role expectations (Belknap, 2001). Women of lower classes, and particularly women of color, were not expected to attain this madonna status. Women in the lower and even in the working classes—which described most women in the late 1800s and early 1900s—often worked outside of the home in farms, small shops or factories because they had to in order to help support their families; thus, the belief—really a myth—that most women used to work only in the home applied only ~~to middle class and wealthier~~

most women used to work only in the home applied only to middle-class and wealthier women, not to the majority of women. Women of color, who were disproportionately represented in the lower classes both then and now, were seen as more sexual in nature, perhaps as a justification for their exploitation in this manner, and so could not even aspire to a madonna status (Belknap, 2001).

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**Double deviants:** Women and girls who are deviant because they engage in crime and because they have violated societal gender role expectations.

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There were others—those who espoused a *liberal feminist perspective*—who believed that the source of the crime problem for female offenders lay more with the social structure around these women and girls (e.g., poverty, lack of sufficient schooling or training, patriarchal beliefs; Daly & Chesney-Lind, 1988). Liberal feminists believed that the solution to female crime lay in preparing those inclined to engage in it for an alternative existence—for work—and sometimes this involved “traditional women’s work” so that they would not turn to crime (Rafter, 1985). Some of these early feminists believed, as liberal feminists do today, that men and women are inherently equal, and as such, women and girls are entitled to the same rights, liberties, and considerations (e.g., in corrections this would be

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girls are entitled to the same rights, liberties, and considerations (e.g., in corrections this would be programming, quality of institutions, and equal employment as staff) as men and boys (Belknap, 2001; Daly & Chesney-Lind, 1988).

The moralists triumphed, though not completely, in the argument over what lay at the heart of female criminality. As a consequence, we have had more than a century of correctional operation that has tended to be overly concerned with the sexuality of women and girls (Giallombardo, 1966; Hefferman, 1972; Owen, 1998; Rafter, 1985).

Another consequence of this triumph was that reform efforts were directed at training female inmates to be proper wives and mothers while forgetting that as members of the lower classes, they would need to make a living for themselves and their children once they reentered their communities. Despite this morals-of-the-fallen-woman focus—the soiled dove, if you will—feminist women and men were able to agitate for and sometimes get separate facilities for women and girls and other services (e.g., educational and job training) that were geared toward helping women and girls become independent and self-supporting in the free world (Hawkes, 1998; Yates, 2002).

One societal obstacle to achieving equal treatment in corrections has been **patriarchy**. Patriarchy involves the attitudes, beliefs, and behaviors that value men and boys over women and girls (Daly & Chesney-Lind, 1988). Members

behaviors that value men and boys over women and girls (Daly & Chesney-Lind, 1988). Members of patriarchal societies tend to believe that men and boys are worth more than women and girls. They also believe that women and girls, as well as men and boys, should have certain restricted roles to play and that those of the former are less important than those of the latter. Therefore, education and work training that help one make a living and attain better pay are more important to secure for men and boys than for women and girls, who are best suited for more feminine—and by definition in a patriarchal society, less worthy—professions. Feminist scholars have determined that many cultures even today hold such beliefs and engage in the practices that derive from them.

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**Patriarchy:** Involves attitudes, beliefs, and behaviors that value men and boys over women and girls (Daly & Chesney-Lind, 1988). Members of patriarchal societies hold the belief that men and boys are worth more than women and girls and also believe that women and girls, as well as men and boys, should have certain restricted roles to play and that those of the former are less important than those of the latter. Education and work training that help one make a living and better pay are more important to secure for men and boys than for

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In the United States, much effort has been expended over the centuries by both male and female feminists to address the patriarchal belief system, and there has been some success in this regard (Dworkin, 1993; Martin & Jurik, 1996; Morash, 2006; Whittick, 1979). In terms of corrections, feminists have been instrumental in pushing for more and better programming for incarcerated and supervised women and girls, for a reduction in the incarceration of girls for status offenses, for increased attention to the sexual abuse of incarcerated women and girls, and for the greater employment of women in adult male and female correctional institutions.



## **FEMALES IN CORRECTIONS: NEEDS, PROGRAMMING, ABUSE, AND ADJUSTMENT**

**LO 10.3** Explain the special challenges faced by women and girls in corrections.

### **Needs and Programming**

In an article published in *American Jails*

In an article published in *American Jails Magazine*, Ney (2014, pp. 8–10) succinctly summarized some of the basic facts and differences between men and women in jails, with substantial application to prisons:

1. “Women pose a lower safety risk than men.”  
What this means is that women do not riot, they don’t assault one another or staff as much, and when they do, they do less damage. They are less likely to be incarcerated for violent offenses.
2. “Women’s pathways to criminal justice are different than men’s.” They are much more likely to be prior victims of abuse and to be impoverished before incarceration than men. They are more likely to have substance abuse problems and to have this problem intertwined with abuse and mental illness.
3. “Women’s engagement in criminal behavior is often related to their connections with others.” They commit crimes with crime partners, and usually those are the men in their lives.
4. “Women entering jails and prisons often report histories of victimization and trauma, and continue to be vulnerable to victimization within correctional settings.” This history makes them more susceptible to substance abuse, mental illness, and targeting by predators as future victims.
5. “Correctional policies and practices have largely been developed through the lens of managing men, not women.” This means that

managing men, not women.” This means that the risk, needs, and responsivity (RNR) issues so key to constructing programming that “works” are not adequately addressed for women.

6. “Jail and prison classification systems can result in unreliable custody designations and over-classification of female inmates.” As a result, women will be held in more secure facilities and sections of facilities than is necessary.
7. “Gender-informed risk assessment tools can more accurately identify women’s risk and needs.” Some research is indicating that assessment might be more accurate—and thus result in more effective programming—if it fits the reality of women rather than men.
8. “Women are more likely to respond favorably when jail (and prison) staff members adhere to evidence-based, gender-responsive principles.”
9. “Transition and reentry from jail to the community can be challenging for women.” Reentry programming should therefore be geared to address their particular needs, which are often similar to men’s but not always.
10. “The cost of overly involving women in criminal justice is high.” Not only are we incarcerating or overly supervising people who are in less need of it, we are stymieing the ability of these women to grow and develop in a prosocial manner, we are depriving children of their mothers, and ~~we are costing the taxpayers~~

manner, we are depriving children of their mothers, and we are costing the taxpayers approximately twice the amount of money it takes to incarcerate men for someone who is usually less of a threat to the community.

As a practical matter, then, if not just because women and girls have historically been valued less by this society (patriarchy) but perhaps because crime has generally been the purview of men and boys, correctional facilities and correctional practices have tended to focus on men. This focus led to disparate treatment that disadvantaged women and girls from the beginning and resulted in little concern for their needs then or now, as Ney's (2014) summary indicates (Muraskin, 2003).

Yet women and girls are more likely to have mental and physical health problems than incarcerated men and boys (Morgan, 2013; Schaffner, 2014). They are also more likely to have substance abuse problems than their male counterparts. Moreover, they have the same kinds of educational and job training deficits and needs as men and boys (Gray, Mays, & Stohr, 1995; Morash, Haarr, & Rucker, 1994; Owen & Bloom, 1995; Pollock, 2002b). Their need for gainful employment is likely as great as, if not greater than, that of men and boys because they most often have to support themselves and their children, whereas fewer men had custody of their children before they were incarcerated (Owen, 2006); about ~~70%~~ of women have custody of their

children before they were incarcerated (Owen, 2006); about 70% of women have custody of their children at the time of their incarceration (Henriques, 1996, p. 77). Moreover, a greater percentage of women—perhaps as high as 60%—were the victims of sexual abuse in their past, and this is likely to negatively shape their self-concept and their relations with others, thus necessitating more programming (Belknap, 2001; Blackburn, Mullings, & Marquart, 2008; Comack, 2006; Morash, 2006; Pollock, 2002b).

Assuming that policymakers would not want women and girls to reenter the system if for no other reason than they cost much more to incarcerate (because of their needs and a reduction in economies of scale—separate female institutions house fewer inmates but require almost the same number of administrative and support staff as much larger male institutions), one would think that all of their needs would be met with adequate programming and health care. Unfortunately, this has been far from the case in most jurisdictions. Although there has been some recognition by the federal government of the need to develop programming that fits the needs of women and girls, it is unclear how much this has spread to state and local facilities (Morash, 2006; Morgan, 2013; Schaffner, 2014).

Although most of these needs are far from met in correctional environments, and far less than a ~~majority of women are~~ involved in meaningful

correctional environments, and far less than a majority of women are involved in meaningful programming, Pollock (2002b) noted that some states have made renewed efforts to address the needs of women and girls for educational, vocational, parenting, and substance abuse issues and their histories of past victimization. However, the numbers of these programs and their quality (very few are rigorously evaluated in terms of desired outcomes) leave much to be desired (Pollock, 2002a). In a longitudinal study of prison industries in federal women's prisons, Richmond (2014) found that involvement in this work had no effect on reducing rearrest or recommitment to federal prison. Richmond speculated that this lack of effect might be because the work program was not suited to women and their needs. In a review of 155 programs designed to meet the reentry needs of women on community supervision in the 10 largest metropolitan areas, Scroggins and Malley (2010, p. 146) found that the programs were inadequate. The sad truth is that most women and girls who need programming in corrections are not able to access it, or if they are, it is sometimes of dubious worth (Morgan, 2013).

Researchers find that women and girls have programmatic needs and styles that determine whether some rehabilitative approaches are more effective than others (Loper & Tuerk, 2006; Staton-Tindall et al., 2007; Wright, Salisbury, & Van Voorhis, 2007; Smith, 2017). One type of

programming with particular relevance for

Van Voorhis, 2007; Smith, 2017). One type of programming with particular relevance for women, given that most have physical custody of their children prior to incarceration, is parenting programs. Loper and Tuerk (2006) found in their research on such programming that it is delivered in several prisons, but its purported value in terms of helping mothers and fathers become better parents has not been rigorously studied (see also Pollock, 2002a; Surratt, 2003). Craig (2009), in her historical-to-the-present review of mother and child programs in prisons, found that many states and localities have had programs in which infants or very small children may stay with their mothers, at least initially. However, most correctional facilities where women are housed do not have such programs, and the qualifications for their use, even in states that have them, vary widely.

In an interesting study of male and female inmates in 20 substance abuse treatment programs, Staton-Tindall and colleagues (2007) found the women reported more psychosocial dysfunction (e.g., anxiety, depression), less criminal thinking (e.g., coldheartedness, entitlement, irresponsibility), and greater involvement in programming (e.g., willingness to participate and receptivity to input) than did the men. The authors maintained that these findings support other research indicating that programming for women must be shaped to fit their abuse histories and mental health needs.

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their abuse histories and mental health needs.

Relatedly, in a study of 272 incarcerated women offenders in Missouri, Emily Wright and her colleagues (2007) found that “gender-responsive” problems related to parenting, childcare, and self-concept affect prison misconduct. Brown (2006), in her study of native and nonnative Hawaiian women imprisoned in Hawaii, developed the alternative but parallel idea of “pathways” women traverse that can lead to crime. A pathway strewn with violence, trauma, and addiction, coupled with discrimination on the basis of race, gender, and class, is more likely to end in criminal engagement for women. Such a pathway, Brown explained, may be related to poorer treatment outcomes for incarcerated women.

The health care needs of incarcerated women are tied up in needs specific to gender and in the particular pathway that many poor women tread. Women in jails and prisons have numerous gynecological and obstetrical as well as psychological or psychiatric health ailments that are more specific to their gender, along with health problems that are common to all genders. As the health care needs of poor women and children in communities are going unmet, it is not surprising that similar circumstances apply to incarcerated women. Predictably, then, Moe and Ferraro (2003) found from their interviews of 30 women incarcerated in an Arizona jail that although basic needs were met in this jail, when the care required was of the long-term, extensive,

the care required was of the long-term, extensive, or individualized type, it was lacking.

In Focus 10.1:

### Orange Is the New Black (or Not)

The popular Netflix show *Orange Is the New Black* loosely features the sometimes hilarious and sometimes tragic experience of one woman (Piper) in jails and then a federal prison as a result of her drug courier involvement. In later episodes in the first and second seasons, the experiences and life circumstances of several women in the same prison as Piper are also chronicled. The color orange in the title refers to the traditional color of the jumpsuit given to women (and men) in American jails (but rarely prisons), though in reality, their garb in jails varies depending on their security level and the preferences of the facility, typically from orange, to white, to yellow, to red, to striped jumpsuits of various colors against a white background. And in prisons, it is more likely that you'll find the female inmates in jeans and T-shirts than in orange (or other colored) jumpsuits. Of course, the color black in the title refers to the classic color for women's wear (basic black), so

jeans and T-shirts than in orange (or other colored) jumpsuits. Of course, the color black in the title refers to the classic color for women's wear (basic black), so the title *Orange Is the New Black* might signify that imprisonment of women and the attendant orange wear is becoming much more common in our everyday lives than is the basic black of a woman in the free world. Or put another way, as per this show and the statistics cited in this chapter, prison is becoming a much more common experience for women, even white women with an upper middle-class background like Piper, but particularly for all of the working-class or poor women of color as well as those who are white, who are also featured in the show.

## Discussion Questions

1. Why has the number of women in jails and prisons increased (metaphorically making orange the new black)?
2. Why do you think shows about imprisonment are so popular these days?

## Abuse

Unfortunately, abuse does not necessarily end at the corrections door. One of the primary reasons

~~that women and girls were removed from facilities~~

the corrections door. One of the primary reasons that women and girls were removed from facilities for men and boys in the 1800s and 1900s and female staff were hired to supervise them was that they were targets of sexual abuse by correctional staff and male inmates (Henriques & Gilbert, 2003). Although separation from male inmates has reduced this abuse, sexual abuse by male staff—despite likely being much less prevalent than it once was, partly because of the inclusion of more female staff—has not been eliminated.

One of the authors of this volume had occasion to serve as an expert witness for the plaintiffs in a civil suit in 2004 against a city in New Mexico whose judge and a few correctional officers for the local jail were involved in the sexual abuse of female inmates (*Salazar et al. v. City of Espanola et al.*, 2004). The male judge and a few male correctional staff had an arrangement whereby female offenders whom the judge found attractive would be placed in the jail (whether their alleged offenses merited it or not), and then the judge would have access to them when they were sent over to “clean” his chambers. Inevitably, he would make passes at them, using the threat of more jail time, denied privileges, or a lengthened sentence as a way to coerce them into sexual activity with him. Meanwhile, a few of the correctional staff were harassing the female inmates by watching and commenting on their bodies as they showered, making sexual

bodies as they showered, making sexual advances toward them, and touching them inappropriately. Two male officers were even involved in removing some women from their cells and having sex with them in the control room at night when no one else was around. There were no female staff on duty at the time of these sexual assaults and this abuse. Thanks to the concerted efforts of several ex-inmates and their attorneys, the judge was convicted of rape, and the judge, correctional staff, and city lost a million-dollar lawsuit (*Salazar et al. v. City of Espanola et al.*, 2004). See [Figure 10.3](#).

### Description

#### **Figure 10.3** Prevalence of Sexual Victimization Among Adult Inmates

*Source:* Beck, Berzofsky, Caspar, and Krebs (2013). Most recent data available upon publication.

In an even bigger case, *Tracy Neal v. Michigan Department of Corrections*, the plaintiffs alleged more than two decades of sexual abuse of female inmates in Michigan prisons (Culley, 2012, p. 206). The testimony as to the abuse was compelling, and the combined jury verdicts in the case awarded \$30 million to the plaintiffs and a settlement of \$100 million.

Unfortunately, sexual abuse by male staff of female inmates is not limited to adult facilities. In

female inmates is not limited to adult facilities. In 2003, the American Civil Liberties Union investigated reports of abuse by male staff of juvenile girls in the Hawaii Youth Correctional Facility and reported that male staff had observed the girls using the toilet and showers, made comments about their bodies, and threatened to rape them. In fact, several girls did have sex with the officers in exchange for cigarettes (Chesney-Lind & Irwin, 2006). A year later, one officer pleaded guilty to three counts of sexual assault and to threatening a female ward. A key circumstance that came out in the American Civil Liberties Union report was that there were no female officers on duty at night when much of the abuse of the girls took place (see also Fleisher & Kreinert, 2009). See [Figure 10.4](#).

### Description

#### **Figure 10.4** Prevalence of Sexual Victimization Among Juvenile Inmates

*Source:* Beck et al. (2013). Most recent data available upon publication.

Such abuse is particularly damaging when one considers that about half of incarcerated women and girls have experienced some form of sexual abuse in the past (Gray et al., 1995; Henriques & Gilbert, 2003). In recognition of this fact, the Ninth Circuit Court—though not the Supreme Court—put ~~some restrictions on body~~ searches of

Ninth Circuit Court—though not the Supreme Court—put some restrictions on body searches of female inmates by male staff, noting that such searches may serve to revictimize women with sexual abuse histories (*Jordan v. Gardner*, 1993).

Efforts to reduce sexual abuse in correctional institutions have centered on ensuring that staff have the proper training and are supervised sufficiently to prevent abuse. Moreover, the value of disciplinary measures to reinforce appropriate practices cannot be overstated. Clearly, staff who violate the rights of their charges in a way that is as serious as sexual abuse should be fired and prosecuted, and there is some evidence emanating from the reporting required by the Prison Rape Elimination Act of 2003 that this may be occurring (see the discussion of this legislation in preceding chapters on jails and prisons). In addition, the hiring of more female officers to cover living units is another way that correctional agencies have worked to keep sexual predators from gaining access to relatively powerless female victims.

There is no question that lawsuits have been successful in spurring some of these needed changes in correctional practice. But the problem with lawsuits is that their application is hit or miss at best, and the success of plaintiffs is always iffy. For instance, though the *Neal* case was ultimately a success, it took a 15-year battle to get the abuse to stop (Culley, 2012). Therefore, the best preventive ~~measures are those~~ that focus on

the abuse to stop (Culley, 2012). Therefore, the best preventive measures are those that focus on hiring competent people, training them to behave professionally, supervising them carefully, rewarding them when they behave professionally, and punishing them (up to and including firing and prosecuting them) when they do not behave professionally.

## **Adjustment, Misconduct, and Pseudo-Families**

Women's adjustment in corrections is associated with their sometimes problematic personal relationships, separation from children, and greater propensity for mental health problems, as well as the fact that in prisons women tend to be charged with infractions for more minor offenses (Owen, 2006). As Van Tongeren and Klebe (2010) found in their study of female inmate adjustment in a maximum security prison in Colorado, adjustment is a multidimensional concept that encompasses an inmate's particular circumstances and environment as well as their criminal thinking and adoption of the prison subculture. For instance, in a study of co-occurring disorders (CODs; mental illness and substance use disorder) of women inmates in Pennsylvania prisons, Houser and Welsch (2014) found that those inmates with CODs were more likely to engage in misconduct than inmates without CODs.

Beyond the mental illness and substance use disorders some women in prison have, another

Beyond the mental illness and substance use disorders some women in prison have, another circumstance they often find themselves in is being far from family and friends. There is still only one women's prison in most states, and it is often located away from the urban centers where most of the women are from. As a result, it is difficult to maintain familial relationships and friendships when a woman has a lengthy sentence. Poor families find it much more difficult to visit their incarcerated family members, as they do not have reliable or inexpensive transportation available. Moreover, incarcerated women do not usually have legal access to cell phones or computers to contact family and friends. The pay phones they do have access to are expensive for poor families, who must pay for the collect calls (even local calls). As many of these women are incapable of writing a letter and their children may be unable to read or be unreachable to them, the ability to maintain contact is further impaired. The separation from children is particularly acute as the mothers lose control over their children's housing and care. Often the children are placed with family members who have histories of abuse or in the foster care system, which in most states is overwhelmed (Child Welfare Information Gateway, 2018; Sharp & Marcus-Mendoza, 2001).

**Photo 10.2** Visits by family members are much appreciated by inmates of correctional

appreciated by inmates of correctional facilities.

AP Photo/Dan Marschka

As with men, women incarcerated or supervised in corrections must grapple with the pains associated with that status and find some way to adjust to its strictures. Early researchers in women's prisons (e.g., see Giallombardo, 1966) reported on the formation of pseudo-families as a way for women to meet their needs for companionship, support, and love as well as sexual gratification. It was thought that women were importing these familial roles from traditional family structures and playing them out in the prison setting. In any given pseudo-family, there were inmates who took on the roles of fathers, mothers, grandmothers, daughters, aunts, and cousins. More recent research has shown that some women do indeed form "families" while in prison, but the strength of these relationships is perhaps more casual than was first reported (Owen, 1998). Moreover, as might be expected, women incarcerated for longer periods of time and who are farther from their release dates may be more likely to maintain their pseudo-familial relations than those who are not as immersed in the subculture because of a shorter incarceration.

Ethical Issue:

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## What Would You Do?

You are a female probationer living in the community. Your probation officer keeps coming on to you, but you aren't interested. Last week, at a family birthday, you had a beer, and the next day, your officer ordered a urinalysis. It came back "dirty" for alcohol. Now, your probation officer is saying that in exchange for sexual favors, he won't violate your probation. What do you think you should do? What are the likely consequences of any action you take?

## Policy and Research:

### Gender Pathways to Community Corrections, Jails, and Prisons

For several years now criminal justices and criminologists have been researching and writing about the types of circumstances and choices that typify the life course of someone entangled in the criminal justice system. For girls and women, such circumstances include childhood poverty, low levels of education, poor neighborhoods and schools, abuse and neglect as a child

and abuse as an adult, mental illness

schools, abuse and neglect as a child and abuse as an adult, mental illness, substance abuse, and involvement with criminally engaged partners (Bloom, Owen, & Covington, 2003; Brown, 2006; DeHart, 2008; Owen, 1998; Simpson, Yahner, & Dugan, 2008). The effect of victimization on subsequent offending for such women is clear: Those who experience more victimization as children are also more likely to be involved in the criminal justice system—including corrections—earlier and are more likely to continue their own criminal engagement into adulthood.

### Discussion Questions

1. Why would victimization as a child and as an adult lead to more involvement in crime?
2. Are men and women likely to differ in their pathways to crime? Why, or why not?
3. What can be done to change the path to criminal involvement for girls and women?



## FEMALE CORRECTIONAL OFFICERS

**LO 10.4** Discuss the challenges that female staff

**LO 10.4** Discuss the challenges that female staff have overcome in corrections and how they did so.

An increasing number of women are entering the field of corrections. They have particular challenges they will face and need to overcome in this occupation.

## Overcoming Employment Obstacles

As with the accused and convicted in the system, women have always constituted a minority in terms of correctional staff (as discussed earlier). Although one would expect that women might constitute a greater percentage of staff given their representation in the larger community, the current figures actually represent a significant improvement over 30 or 40 years ago. At that time, women—with the exception of matrons in women's and girls' facilities, who worked for lower pay than men working in male facilities—were prohibited by practice, tradition, or law from working in the more numerous men's and boys' correctional institutions or in probation and parole.

Although they were often prohibited from having official and paid roles in working with correctional clients, women were true partners in the work in America's early and rural jails. Ruddell and Leyton-Brown (2013, p. 270) found in their content analysis of newspaper articles in rural areas from 1900 to 1970 that sheriffs' wives in

content analysis of newspaper articles in rural areas from 1900 to 1970 that sheriffs' wives in what were termed *mom-and-pop jails* "admitted and supervised arrestees, thwarted jail escapes, apprehended escapees, and challenged lynch mobs."

However, as mentioned earlier, it was not until the Civil Rights Act of 1964 was passed and amended in 1972 that women were given the legal weapon to sue for the right to work and be paid and be promoted in all prisons, jails, detention centers, juvenile facilities, and halfway houses as well as in community corrections. Many women did, in fact, sue; they had to if they wanted the same kinds of jobs and promotional opportunities then available only to men in corrections, policing, and law (Harrington, 2002; Hawkes, 1998; Stohr, 2006; Yates, 2002). As a result of this agitation and advocacy, slowly the available jobs and promotional opportunities became open to these pioneering women, resulting in the more diverse correctional workforce we see today. See [Figure 10.5](#).