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The Social Impact of Mass Incarceration on Women

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INTRODUCTION

Women in general, and women of color from low-income communities in particular, occupy a set of uniquely vulnerable positions when we consider the social impact of mass incarceration. Women's vulnerability within the prison industrial complex mirrors other settings—including traditional nuclear families, conservative community and cultural groups, occupational hierarchies, and other hegemonic social institutions—in which gender arrangements serve to marginalize some women by limiting access to social resources and undermining women's participation and our power. In the case of incarceration, these issues are further complicated by a racialized justice system designed almost exclusively by and for men. The nature of interaction within this system leaves women directly vulnerable to harsh criminal justice practices that have caused skyrocketing incarceration rates and sets in place a tightly organized system of injustices, disenfranchisement, and social stigmas that leave women the indirect victims of some of the most pernicious effects of the prison industrial complex.

The complex intersection of issues relating to race and gender is seen in a variety of social institutions. In an era of mass incarceration, these effects are magnified, both directly through increased social control and indirectly through their impact on other relationships. Thus, we can now see the interplay among processes that include the divestment of health and human services from low-income neighborhoods, increasingly rigid public policy restrictions that disproportionately affect women, and the expanding penal industry.

To explore these dynamics I will focus on several related areas of concern that suggest that the collateral consequences of mass imprisonment have had a particularly pernicious impact on women both within the criminal justice system and in the broader community. These areas are: the dramatic rise of women's imprisonment growing out of mass incarceration; the effect of mass imprisonment on women's parenting relationships while incarcerated; the effects of these trends on public responses to women's victimization; and, the changing roles of women as community caregivers. A final area, where women's roles have been enhanced as a consequence of mass imprisonment, relates to the growing leadership presence of women as antiprison activists.

INCREASING NUMBER OF WOMEN DETAINED BY THE CRIMINAL JUSTICE SYSTEM

Although designed with a largely male image of the "criminal" in mind, the development of mass imprisonment has taken a particularly heavy toll on women. Each year 3.2 million women are arrested by the police, charged with a crime, removed from their communities, and taken to jail to await a trial or other disposition of their case.[1] Even though some women who are arrested are released within a short time period, approximately 156,000 women are held prior to trial or as sentenced prisoners, representing more than a tripling of the female inmate population since 1985.[2] While the actual numbers are much smaller than their male counterpart, the rate of increase was nearly double that for men in the period 1980 to 1997, 573 percent to 294 percent. This precipitous increase can be attributed to enhanced law enforcement strategies, formal changes in arrest protocols, rigid sentencing policies, as well as actual changes in patterns of crime.[3] Attention to the impact of mass incarceration requires that we look beyond the debates about causation, however, and consider the profile of women detained by the criminal justice system and the community conditions that they face.

Incarcerated women have a history of unmet social, educational,

health and economic needs in addition to a history of victimization.[4] Typically, prior to being arrested they live in neighborhoods where they experience many of the difficulties that have come to be associated with contemporary urban poverty. Less than 40 percent of women in state prisons report they have been employed full-time prior to arrest, and about 35 percent had incomes less than $600 each month. Only 39 percent had a high school diploma or a GED. They come from communities where rates of homelessness have increased substantially, reaching 40 percent in some studies of women detained in U.S. jails.[5]

Not surprisingly, these low-income neighborhoods are often communities of color. Consequently, the racial/ethnic profile of women in jails and prisons represents one of the most vivid examples of racial disparity in our society; by far, the majority of women who are incarcerated in this country are women of color. Nearly two-thirds of those confined in jails or in state and federal prisons are black, Hispanic, or of other (nonwhite) ethnic groups.

Given the dramatic rise in the incarceration of women, we know that over the course of a lifetime, 11 out of 1,000 women will be incarcerated. Here, too, the racial/ethnic dynamics are dramatic. Five out of 1,000 white women can expect to go to prison, compared with 36 of 1,000 black women and 15 of 1,000 Hispanic women.[6]

The majority of incarcerated women have been convicted of nonviolent, economically motivated drug-related offenses that account for the largest source of the total growth among female inmates in the 1990s (35 percent nationally). In some states, these dynamics have been particularly dramatic. In New York State, for example, the number of women arrested for drug offenses increased by 98 percent between 1986 and 1995, convictions increased by 256 percent, and prison sentences by 487 percent.[7] Some scholars have argued that this pattern of illegal behavior is decidedly gendered; that drug sales and other nonviolent crimes are "survival crimes" committed by women to earn money, to feed a drug-dependent life, and to escape both terrifying intimate relationships and brutal social conditions.[8]

The profile of women detained in the criminal justice system suggests

that the increased incarceration of disadvantaged women of color with a history of traumatic experiences for drug-related offenses is senseless and cruel. Being lured into the illegal drug economy in an attempt to earn a living or support an addiction, being threatened or coerced into property crime by fear of abuse, or being denied services because of a felony conviction is evidence of the collateral damage women experience as a result of the growth in the penal state. There is very little that is "just" about incarcerating women who are in conflict with the law because of their social and economic circumstances, and incarceration merely exacerbates the diversion of resources from needed community-based services.

WOMEN PRISONERS AS PARENTS

One of the most significant consequences of mass incarceration for women is the almost irreparable damage done to their role as mothers and their status as parents when they are removed from their communities and detained in correctional facilities. Conservative estimates suggest that 75 percent of women in prison are mothers, and two-thirds have children under the age of eighteen. Currently, 1.5 million children under age eighteen have parents in prison[9]; of these, 125,000 have a mother in prison. These figures actually underrepresent the full scope of the problem in that they do not count women who are nonbiological caretakers of dependent children, women who are arrested while raising their younger siblings, nieces, and nephews, or children in their extended social network.

Conditions of confinement in most correctional facilities pose serious obstacles to parenting. First, there is the obvious: sudden and unexpected forced separation of mothers and children. Then, most state and federal facilities are located long distances from the urban neighborhoods where children of incarcerated women live, making visiting logistically and economically difficult if not impossible. The lack of accessible public transportation, obscure visiting hours, and long waits

present serious barriers to children's visits. In the case of jail visits, the policy trend is to limit contact with visitors, to prohibit children from entering jails altogether, or to otherwise create regulations that interfere with maintaining family bonds. With a few notable exceptions, correctional facilities do little to support mothers in their parenting role despite evidence that suggests that parenting may hold a central place in women's rehabilitation and future success.

Perhaps one of the most blatant examples of the disregard held toward mothering can be found by exploring the treatment of pregnant women who are incarcerated. Between 6 percent and 10 percent of all women entering correctional facilities are pregnant, most with high-risk prenatal conditions. Recognizing that health access in general is shaped by economic status, it may not be surprising that comprehensive reproductive health care is not a priority in most correctional facilities. However, the overt contempt for pregnant women is deeply troubling. In some states until recently, women were forced to deliver babies while in shackles. Most departments of corrections deny regular access to contraception and HIV prevention strategies, and women are almost unilaterally denied abortion services. The serious long-term medical and psychological consequences of neglectful and hostile treatment during pregnancy must be counted as collateral damage associated with mass incarceration.

There are other important aspects of this crisis that warrant attention, including the concrete impact on family systems when women lose custody of their children, the more subtle impact on low-income women of color when motherhood is delegitimized, and, of course, the direct impact of mass incarceration on children.* Those women who are most

* It is important to consider the paradoxical ways that any consideration of mothering, while important to the overall argument in this paper, potentially serves to reinscribe the traditional gender roles that have not always served women well. That is, while barriers to low-income women's mothering is an important aspect of an assessment of collateral damage, focusing on women only as mothers or caretakers of children can be used to erase women's other social roles. Here the attempt is to place a full analysis of women's lives at the center of the discussion of the social consequences of mass incarceration and to discuss mothering as only one aspect of this.

vulnerable to the dimensions of the penal state are also most vulnerable to "child welfare" policies and practices. Thus, for example, a woman of color in a low-income neighborhood may have an open case or a history of child protective involvement with her family. Once she is arrested and detained, she is vulnerable to losing custody of her children. Because women are often the primary caretakers, the result is often placement of their children in a chaotic foster care system.

It should be emphasized that many women in conflict with the law understand their limitations as parents and therefore seek assistance from the system that may result in voluntary termination of parental rights. For the purposes of this discussion, I am distinguishing those situations, where women have initiated termination voluntarily or truly cannot care for their children, from the automatic or coerced termination of parental rights that often accompanies women's arrest and incarceration. A recent ruling by the Illinois Supreme Court illustrates this point, declaring that parents could lose custody of their children based on past jail time. Thus, a woman who went to prison and then, years later, became a parent could have her rights terminated if she ever went to prison again.

The second area of impact on parenting is the more subtle effect that comes when a whole sector of society is robbed of one of its most fundamental social and emotional roles, that of mothering. The combined impact of the rate at which low-income women of color are losing custody of their children and the erosion of citizenship rights resulting from involvement with the criminal justice system has had a devastating impact. This crisis of legitimacy and the serious stigma and shame it causes is one of the most profound aspects of imprisonment today.

This discussion would be incomplete without an examination of the serious impact that delegitimizing the mothering function has on children themselves. Children of incarcerated women are among society's most vulnerable citizens and are the hidden victims of the expansion of the penal state. Their lives are destabilized when they are passed from household to household and when their material needs go unmet as financial resources are absorbed by the costs associated with a family member's incarceration. If they are placed in the foster care system,

there is often little monitoring of the quality of their environment, and there may be a series of disincentives for their foster parents to maintain a relationship with the incarcerated parent. Shame, guilt, anger, and resentment are typical reactions of children to the loss of a parent through incarceration, and the lack of acknowledgment, support, and services may result in long-term consequences for them.

THE VICTIMIZATION OF WOMEN

Ironically, while mass imprisonment is premised on a goal of crime control, low-income women of color who are victims of violence may in fact suffer directly as a result of these policies. This is true for several related reasons. First, because of the devastating incarceration rates for men of color, within these communities concerns for women's safety is often placed in a competitive position for attention. Second, as a result of often-eroding trust between low-income communities and law enforcement agencies, women may be more reluctant to seek help from the justice system. Finally, the punitive orientation of mass imprisonment policies has in many ways blinded us to more comprehensive approaches to the problem of women's victimization.

Mass incarceration not only diverts attention from more constructive approaches to the problem of violence against women, but it also fuels the division between potential allies by constructing false dichotomies that serve to undermine a truly progressive movement for social change. Progress toward that goal, however, cannot be made without sensitivity to the ways that some women of color are victimized by men in their families and neighborhoods and how, in most cases, the perpetrators are not held accountable for their abuse.

The scope of the problem of violence against women has been clearly established as a significant and persistent social issue with serious consequences for individuals, families, and for society as a whole.[10] In the case of domestic or intimate violence, a million women experience violence from a male partner (husband, ex-husband, boyfriend, or former

boyfriend) each year. Although most research has focused on physical abuse, evidence suggests that emotional abuse also has serious psychological consequences for female victims of domestic violence.[11]

A review of the literature on sexual assault reveals a problem of similar proportions. According to the Crime Victims Research and Treatment Center of the National Victim Center, close to 700,000 women are raped every year in the United States, the highest rate of any industrialized nation.[12] The 1998 Violence Against Women Survey found that 17 percent of all women aged eighteen years and older had been raped.[13] Although less well documented, sexual harassment, stalking, and exploitative involvement in the sex industry are also understood to be serious, common, and threatening experiences for women who carry significant physical, emotional, and social consequences.[14]

Women of all races and ethnic backgrounds experience domestic and sexual violence. While less well documented, there is also solid evidence to suggest that the incidence and types of domestic violence in same-sex relationships are comparable to that in heterosexual relationships.[15] However, while the overall rates may be similar, emerging research suggests that variables such as socioeconomic status, cultural background, sexual orientation, and age may influence the impact of domestic violence on different groups of women.[16] Factors such as the limited availability of crisis intervention programs, differential use of weapons during an assault, fear of exposing one's sexuality, and lack of trust of law enforcement agencies may heighten some women's vulnerability to intimate violence.[17]

Beyond a general concern about women's safety and the particular dynamics that complicate seeking help by some women lies the urgent need for a new analysis of violence against women whose experiences fall outside the paradigms that have informed the mainstream literature reviewed above.[18] For, while there is ample evidence to suggest that violence against women is a shared problem across different sectors of society, the particular experiences of some women are not at all represented in the prevailing body of research or the advocacy response to it.

One such population that has not been studied is women of color

from low-income neighborhoods, where the impact of mass incarceration is being most keenly felt. In these communities, a collateral consequence of mass imprisonment may be that relations between law enforcement and the community have become so strained that women have lost faith and confidence in the very societal institutions that should be addressing their needs. For example, women who are abused may be particularly reluctant to call the police, to use mainstream social services, or to report incidence of abuse to agencies because of their marginalized social position, their precarious legal status, or their loyalty to their vulnerable (albeit abusive) partners. If they themselves are involved with illegal activities, then these issues become even more complex; the standard law enforcement response to violence against women simply does not work. Research on workplace violence, for example, does not include places where illegal drug transactions are taking place. Similarly, women involved in prostitution or otherwise working in the sex industry are less likely to report having been raped by a customer or stalked by a pimp. Young women who are truant do not appear in data collected at school regarding sexual harassment, and if a woman is hurt by her crime partner during a robbery or sexually harassed in a place where stolen goods are collected, there is little likelihood that she will call the police.

The Bureau of Justice Statistics has confirmed the work of scholars such as Angela Browne that indicate the need for research on violence against women who are involved in illegal activities.[19] Their research indicates that half of all women in jails and prisons reported having been physically or sexually abused before their imprisonment, a much higher rate than for the overall population. The National Clearinghouse for the Defense of Battered Women reports that more than half of all women in detention have been battered or raped.[20] Higher rates of physical and sexual abuse of women in communities from which the prison population is drawn is important in and of itself; however, when considered within the context of mass incarceration, other important issues emerge.

It has been tempting—given the deadly consequences of violence against women—for some advocates to call for increased law enforcement responses when cases of serial assailants emerge. But, in fact, mass incarceration and the buildup of the prison industrial complex has done little to protect women from abuse, to increase the likelihood of safety in their neighborhoods, or to hold men who batter, rape, stalk, and harass them accountable. Their particular vulnerability is not considered by advocates of mandatory arrest approaches or pro-prosecution efforts that are theoretically designed to decrease the rate of violence against women. In effect, perpetrators of violence against women in low-income communities who may have a substance abuse history, who may be involved in the illegal sex industry, or who may be homeless are typically not held accountable. Law enforcement agencies, neighborhood organizations, and community leaders do not take the issue of violence against these women seriously, in great part because the women, themselves, are not valued. Real safety for women, especially economically marginalized women, will only come through a broad-based approach that recognizes that a criminal justice response is only one of several components to an effective strategy. The additional necessary elements include addressing the economic circumstances of low-income women's lives that constrain their options, providing culturally sensitive social services, particularly housing and employment assistance, and initiating a community dialogue that gives prominence to a search for constructive and empowering responses.

WOMEN AS FAMILY MEMBERS AND COMMUNITY CAREGIVERS

Critics of the prison industrial complex have argued that one of the most significant social consequences of mass incarceration is the destabilization of communities. This impact has typically been considered from the perspective of men being removed and reentering the community and the effect of structural adjustment and labor market shifts on social and human capital in low-income neighborhoods. Few of these discussions focus specifically on women in these communities, except to describe what happens to them when there aren't men available for the

establishment of traditional families. As in the case of responding to the problem of violence against women, framing the argument so narrowly in male-centered terms ignores particular gender relationships and important community dynamics.

In addition to the social, cultural, and economic impact of mass incarceration on mothering and other functions of the nuclear family, high rates of incarceration have altered other aspects of life that have particular effects on women who reside in the communities from which most of the incarcerated population are drawn. Life has become more difficult for the women "at home" (just as it is increasingly difficult for incarcerated women) in a society where criminal/legal systems are viewed as the primary method of resolving health, social, and economic problems. The already overburdened role of caretaker in low-income families is further complicated by the constant threat women face of possible arrest and detention of a family member, chaotic trials, long prison sentences, expensive visits and phone calls from correctional facilities, confusing parole hearings, probation requirements that may involve making a change in household arrangements if more than one family member has a felony conviction, and the ever-present risk of rearrest. Women are busy attempting to shelter their children from dangerous environments, trying to protect them from aggressive law enforcement practices, and keeping themselves out of the state's child protection apparatus.

Thus, in the era of mass incarceration, women must assume new burdens as community caregivers. Some women describe this as the constant work that they are required to do to keep their family members from the long reaches of the criminal justice system. Divestment of community-based services has meant that there are few supports for these gender-specific efforts and, typically, women pick up the slack and must deal with the long-term social and emotional consequences to their communities.

We can see this clearly in the many ways in which women need to cope with the problem of drug abuse. By and large, it isn't agencies but women who are dealing with the consequences of addiction in families and households: women struggling to manage budgets consumed by addictions; women trying to hold families together when ties are weakened by prolonged absence; women attempting to manage the shame and stigma of incarceration; and women trying to prevent children from becoming casualties of the war on drugs.

Not only are these caretaking activities being performed within the context of seriously disadvantaged neighborhoods, but family unions are also seriously weakened by mass incarceration; fewer and fewer adults are available to assume these tasks or to offer emotional or material support for them. Women's contributions are invisible, undervalued, misinterpreted and, in some instances, even criminalized, as in the case of women charged with conspiracy for not cooperating with law enforcement's investigations of their family members.

Women's caretaking roles have historically been undervalued in most sectors of society. Against the backdrop of divestment of basic services in low-income neighborhoods and mass incarceration, women of color are now burdened in ways that have untold costs and consequences.

WOMEN AS ANTIPRISON ACTIVISTS

Along with the impact of mass incarceration on women's victimization, parenting, and the stress and stigma associated with community caretaking, other areas of women's lives have been affected as well. One such effect has been a growing leadership presence of women involved as resisters and activists on issues of penal reform. While low-income women of color occupy an extreme position of structural disadvantage, their struggles, strategies, pain, and triumphs over despair offer key lessons for organizing policy reform.

In the realm of issues related to incarceration, women have assumed key leadership positions, advocating for critical resistance to the prison-industrial complex, sentencing reform, a moratorium on the death penalty, and the development of alternative sanctions. Many of these

campaigns, while they include women's issues, are not specifically focused on gender inequality or disenfranchisement of women of color in low-income neighborhoods. This is also true when looking at the work being done by activists on high profile cases of unjust treatment, false accusations, or other miscarriages of justice. That women have assumed key national leadership roles in various campaigns to interrupt the process of mass incarceration—despite the fact that the kind of gender-specific collateral damage presented in this paper has not always made its way into the discussions of the social consequences of mass incarceration—is noteworthy.

A similar pattern is emerging at another level, where women are active workers in grassroots mobilization efforts to resist the growth of the prison industrial complex. In some places these efforts take the form of protesting local ordinances, challenging budget allocations, passing protective legislation and working on cross-issue collaboration on issues such as prisoner reentry. An essential part of this work has been engagement with those progressive elements of the feminist-based antiviolence movement to provide support for women of color who have been victimized by domestic and sexual violence, challenging patriarchal institutions in communities of color while at the same time demanding respectful attention to the impact of institutional racism on survivors' experience of abuse. This has not been an easy agenda; however, women have been key activists at these crossroads.

The last area of activism and resistance work that is important to note is what I call the daily work of building community. Here I include the work of women who visit jails and prisons as family members or volunteers, accepting responsibility for nonbiological children, and standing with people being released back to their community. I also include here the ways that women who are incarcerated support one another and build community on the inside despite harsh conditions of confinement. This work is not routine, but courageous and exhausting, involving daily efforts to develop trust and support within an ever-expanding penal system.

CONCLUSION

These long-term investments—on a grand national scale and in local or private spaces—offer those attempting to understand the impact of mass incarceration an important glimpse of hope. For against the backdrop of sometimes-extreme victimization, aggressive hostility, rigid public policy, and devaluing of key contributions, women are resisting. The story of collateral damage is seriously incomplete without understanding the particular ways that women are affected by mass incarceration and the ways we are engaged in the process of change.