

WOMEN IN THE CRIMINAL JUSTICE SYSTEM: AN OVERVIEW

During the last 20 years, there has been a profound change in the manner in which women are treated within the criminal justice system. This has been a result of more expansive law enforcement efforts, stiffer drug sentencing laws, and post-conviction barriers to reentry that uniquely affect women. In response, the consideration of a gender-specific approach to studying criminal justice policy has moved from a mere footnote to a full-fledged reform movement.

GROWTH OF WOMEN UNDER CORRECTIONAL SUPERVISION

- More than one million women are currently under the supervision of the criminal justice system in the U.S.¹
- More than 200,000 of these women are confined in state and federal prisons or local jails.²
- Expanding at 4.6% annually between 1995 and 2005, women now account for 7% of the population in state and federal prisons.³
- The number of women in prison has increased at nearly double the rate of men since 1985, 404% vs. 209%.⁴
- Women in state prisons in 2003 were more likely than men to be incarcerated for a drug offense (29% vs. 19%) or property offense (30% vs. 20%) and less likely than men to be incarcerated for a violent offense (35% vs. 53%).⁵

RACE AND ETHNICITY

- Black women represent 30 percent of all females incarcerated under state or federal jurisdiction, and Hispanic women 16 percent.⁶
- In 2005, black women were more than three times as likely as white women to be incarcerated in prison or jail, and Hispanic women 69% more likely.⁷

¹ This figure includes an estimated 956,200 women on probation and 93,000 on parole in 2005. See Lauren E. Glaze and Thomas P. Bonczar, *Probation and Parole in the United States, 2005*, Bureau of Justice Statistics, November 2006, at 6-8.

² Paige M. Harrison and Allen J. Beck, *Prison and Jail Inmates at Midyear 2005*, Bureau of Justice Statistics, May 2006, at 8; Paige M. Harrison and Allen J. Beck, *Prisoners in 2005*, Bureau of Justice Statistics, November 2006, at 4.

³ *Prisoners in 2005*, at 4.

⁴ Data calculated from Jodi M. Brown, Darrell K. Gilliard, Tracy L. Snell, James J. Stephan, and Doris James Wilson, *Correctional Populations in the United States 1994*, Table 1.8, p. 8, June 1996, and *Prisoners in 2005*.

⁵ *Prisoners in 2005*, Table 12, at 9

⁶ *Ibid.*, Table 10, at 8.

⁷ *Ibid.*, Table 11, at 8.

FAMILY ISSUES

- The likelihood that children will have parents who are incarcerated is disproportionately linked to race. In 1999, one of every 14 black children had a parent in prison, compared with one in every 125 white children. Black children are almost 9 times more likely than white children to have a parent in prison and Hispanic children are 3 times more likely.⁸

SOCIOECONOMIC ISSUES

- Nearly half (44%) of women in state prisons in 1998 had not completed high school.⁹
- 60 percent of incarcerated women were not employed full-time when they were arrested, and 37 percent had incomes under \$600 in the month leading up to their arrest, compared with 40 percent and 28 percent of men, respectively.¹⁰ Nearly one-third (30%) of women were receiving welfare benefits prior to their arrest.¹¹

PHYSICAL AND MENTAL HEALTH ISSUES

- Women in state prison in 1998 were more likely to report using drugs at the time of their offense than men (40% vs. 32%), and nearly one-third reported that they had committed their offense to obtain money to buy drugs.¹²
- More than half (57%) of women incarcerated under state jurisdiction reported that they had experienced either sexual or physical abuse before their admission to prison.¹³
- Nearly three-quarters (73.1%) of women in state prison in 2005 had a mental health problem, compared to 55% of men in prison.¹⁴
- Women in prison are considerably more likely than men to have been diagnosed with a mental illness. In state prisons in 1998, 23.6% of women were identified as mentally ill, compared to 15.8% of men, while in federal prisons the proportions were 12.5% of women and 7% of men.¹⁵
- In 2004, one of every 42 (2.4%) women in prison was diagnosed as HIV positive, compared to 1 of every 59 (1.7%) men. In New York, one of every seven inmates is diagnosed as HIV positive.¹⁶

⁸ Christopher J. Mumola, *Incarcerated Parents and Their Children*, Bureau of Justice Statistics, August 2000, at 2.

⁹ Lawrence A. Greenfeld and Tracy L. Snell, *Women Offenders*, Bureau of Justice Statistics, December 1999, at 7.

¹⁰ *Ibid.*, at 8.

¹¹ *Ibid.*, at 7-8.

¹² *Ibid.*, at 8-9.

¹³ *Ibid.*, at 8.

¹⁴ Doris J. James and Lauren E. Glaze, *Mental Health Problems of Prison and Jail Inmates*, Bureau of Justice Statistics, September 2006, at 4.

¹⁵ Paula M. Ditton, *Mental Health and Treatment of Inmates and Probationers*, Bureau of Justice Statistics, July 1999, at 3.

¹⁶ Laura M. Maruschack, *HIV in Prisons, 2004*, Bureau of Justice Statistics, November 2006, Table 2, at 3.