

FACE THE FACTS: WOMEN, GIRLS & PRISON

Women are the fastest growing segment of the incarcerated population.

- More than *one million* women are behind bars or under the control of the criminal justice system in the United States.¹
- The number of women in prison has increased at nearly double the rate of men since 1985.²

Women and girls of color are significantly overrepresented in the criminal justice system.

- Two-thirds of women in prison in the United States are women of color.³
 - 89% of women receiving drug convictions are women of color,⁴ although women of color make up only 25% of the female population.
 - Youth of color are treated more harshly than White, non-Hispanic youth for the same type and severity of offenses at every critical point in the justice system, from detention and formal processing in juvenile court, to sentencing and incarceration in juvenile and adult correctional facilities.⁵
- *The District of Columbia has two jail facilities: the D.C. Jail and the Correctional Treatment Facility which, combined, hold over 3,500 men and women.⁶ 89% of these inmates are black, although only 60% of the overall D.C. population is black.⁷*

Many women enter the criminal justice system as adolescents.

It's tough growing up around there. There are drug dealers everywhere you go and girls that want to fight you for no reason. It was fighting and drugs, everywhere you go . . . My father is schizophrenic . . . once my friends came over and my dad went crazy in the hallway. He opened the door and started screaming at them. I got upset and spoke up. I said, "They're not disturbing no one, there's no reason to act like that." He slapped me across the face hard, it left a mark for a while. I don't know what got into me but I went and got a knife, I didn't stab him or anything but my mom didn't know how to react to it so she called the police and they came and arrested me. And because the situation happened at home, they don't want to send you home so they sent me to an NSD [non-secure detention facility] instead. I feel like I didn't even fit in there. I'm not the type of girl who's out on the street smoking or whatever. I was just there because of my father's schizophrenia. Once my sister came to the facility to see me. She saw me with my hands behind my back, with a jumper on, and she started crying. – Marisol, 15 years old

- Nationally, more than 96,000 juveniles are in the custody of juvenile justice agencies.⁸
- Girls are the fastest growing segment of the juvenile justice population in spite of an overall national drop in juvenile crime.⁹
- 430,000 young women under age 18 were arrested in 2000, making up 28% of juvenile arrests that year.

Poverty and lack of education are the most significant predictors of women's involvement in the criminal justice system.

- 40% of women in prison held no job prior to incarceration. Of those who had jobs, two-thirds reported never earning more than \$6.50 an hour.¹⁰

- Nearly 30% of women prisoners were receiving public assistance before arrest, compared to 8% of men prisoners.¹¹
- The risk of becoming an offender is increased three times for a girl if she has poor grades or was expelled from school.¹²
- 44% of women in state prison have neither graduated from high school nor received a GED.¹³
- **Only 31.5% of women in D.C. prisons claim to have either graduated from high school or received their GED. That is almost 25% lower than the national average.**¹⁴

The vast majority of women and girls in correctional settings have been victims of violence prior to their incarceration including domestic violence, rape, sexual assault, and child abuse.

My mother, when I was young, was always abusing me. She was doing drugs and everything, and my grandparents got custody of me. Then my grandmother passed away. I started bugging out, I started using weed, coke, liquor, I'd get it from friends, people selling on the corner, wherever. – Bless L., incarcerated at 14 years old

- 79% of women in federal and state prisons report physical abuse and over 60% report past sexual abuse.¹⁵
- Women in prison are 3 to 4 times more likely than male prisoners to have experienced abuse, whether as a child or adult.¹⁶
- 90% of the women who are in prison today for killing their husbands or boyfriends did so to protect themselves from violence by him.

National studies indicate that the rates of depression and post-traumatic stress disorder are higher among girls than boys in the justice system.

- Girls have higher rates of depression and are more likely to attempt suicide than boys are during adolescence. Low self-esteem, negative body image, and substance abuse are also common problems for adolescent females. Suicide attempts and self-mutilation are particularly problematic for female juveniles who are incarcerated, in part due to the characteristics of a detention environment such as seclusion and loss of privacy.¹⁷

Many incarcerated women need mental health services.

- 23% of women in state prisons are identified as having a mental illness compared to 16% of men; in federal prisons, 12% of women have been diagnosed with mental illness compared to 7% of men.¹⁸
- Despite their greater mental health needs, women in prison often get lower quality mental health care than their male counterparts. Very few prison systems provide counseling. Women attempting to access mental health services are routinely given medication without any opportunity to undergo psychotherapeutic treatment.

Once in prison, many women and girls are subjected to further violence at the hands of prison guards. This conduct often goes unpunished.

*Michelle Baker, who was incarcerated at the Ohio Reformatory for Women from 1995 to 2000, reported that corrections staff members regularly traded make-up, perfume, and fast food for sex. She said that if family members complained to the Highway Patrol about an inmate's sexual abuse, the inmate would be locked up incommunicado in the hole, stripped of basic privileges, and forbidden to talk to anyone inside or outside of the prison.*¹⁹

- The Bureau of Justice Statistics' national survey of 146 state and federal prisons found 38,600 instances of reported staff sexual misconduct.²⁰

- Even though custodial sexual misconduct is a criminal offense, the Bureau of Justice Statistics found that only 36% of prison staff implicated in substantiated incidents of sexual misconduct were referred for prosecution. 55% were discharged, and 9% were disciplined but not discharged.²¹
- In 2004, authorities reported 1,156 allegations of staff-on-youth sexual violence in juvenile correctional facilities.²²
- Approximately 34% of sexually violent offenses in state-operated juvenile facilities were against girls, although girls accounted for only 11% of children in custody.²³

Many women are forced to sever relationships with their children once incarcerated.

I want to tell other mothers that I know the pain they're feeling; the awfulness that comes because we don't know where our children are, the anxiety that comes around certain dates like birthdays knowing we can't call to say 'I love you.' I know the loss of joy in those days, because they're not things to celebrate without our children. I know, because we're all facing the same problem of not being able to see our children due to the fact that we're convicted and it is more painful to not see our children, or have the chance to talk to them than the sentence we have to serve.²⁴

- Nationally, 75% of women in prison are mothers. Two-thirds of these women are mothers to children under the age of eighteen. At the time of arrest, 72% of these women were living with and caring for their children.²⁵
- One-third of incarcerated mothers were the sole parent living with their children in the month prior to their arrest.²⁶
- Over 1.5 million children have a parent in prison, more than 8.3 million children have a parent under correctional supervision, and more than one in five of these children are under five years old.²⁷
- Over half of female prisoners have never had a visit from their children.²⁸

Federal and state drug laws and policies over the past twenty years have had a significant impact on the number of women incarcerated and their access to drug treatment.

Dorothy Gaines, a 42-year-old widow with three children, entered the national spotlight in 2000 when President Clinton granted her clemency from a 19½-year prison sentence imposed upon her conviction for conspiracy to deliver crack cocaine. Dorothy's journey to that moment began with an intimate relationship with a man who was addicted to crack cocaine. With her encouragement, he entered treatment. Unfortunately, once he left treatment, Dorothy's boyfriend relapsed. When federal agents raided the home they shared, officers found no drugs or weapons on the premises. Yet both were arrested and charged with conspiracy to deliver cocaine based on her boyfriend's alleged involvement in a large-scale drug operation as a driver. Charges against Dorothy were initially dismissed, but several defendants in the conspiracy made a deal with the prosecutor to reduce their own sentences by providing information to assist in the prosecution of others. They alleged that Dorothy had delivered small packages of cocaine to local street sellers. Based on their testimony Dorothy was charged and convicted of conspiracy to distribute the total quantity of drugs involved in the drug operation, and served six years in prison before she was granted clemency.²⁹

- Women generally play very minor roles in drug crimes, serving as small-scale carriers, seller, or couriers (also known as “mules”). Because the scope of women's involvement is often limited, they often have little information to trade in plea bargain arrangements, and are as a result disproportionately subject to mandatory minimum sentences.

- Between 1986 and 1999, the number of women incarcerated nationally in state facilities for drug-related offenses increased by 888%, far outpacing the rate of growth in the number of men imprisoned for similar crimes.³⁰

The over-incarceration of women and girls for drug-related crimes has drastically reduced their access to drug treatment.

Dawn was sentenced to a five-year mandatory minimum sentence for conspiracy to distribute methamphetamine. She began using drugs when she was 16, was smoking or snorting methamphetamine on a daily basis by the age of 20, and began selling drugs bought from her boyfriend to support her habit. Though her involvement in drug activity was limited to isolated, small-scale sales to support her own drug habit, when Dawn and her boyfriend were caught Dawn was not able to provide the government with any information to assist in the prosecution of others, and therefore was subject to the five-year mandatory minimum sentence.

- Nearly 75% of women in the criminal justice system were using drugs prior to their arrest, yet only 25% of state and federal prisoners and 17% of people on probation receive any kind of drug treatment.³¹
- It costs a state 7 times more to imprison a woman than to provide her with drug treatment services.³²

The prevalence of emotional, physical, and sexual violence against women is a significant contributing factor to women's use of illegal drugs.

You get high because you're suffering, because you have a lot of problems, because you are in pain, because things aren't going the way you wish they would and you have no way out. Drugs don't really make it any better, but for the moment, it does.³³

- 89% of women prisoners who report having been abused before arrest state that they used drugs regularly before their imprisonment.³⁴
- The number of violent assaults a woman sustains in her lifetime is directly correlated with the severity of her drug and alcohol dependency.³⁵

The criminalization of prostitution imprisons women and girls who need social services.

- Many prostitutes are poor or homeless, have substance abuse problems, are the victims of physical and sexual violence, and want to leave prostitution.
- 80–90% of adolescent prostitutes have been sexually abused before becoming prostitutes.
- Policies that focus on diversion or providing social services to help women leave prostitution are far more effective than policies that focus on criminalization and incarceration.

Many young people fail to receive adequate representation in youth courts. Girls in particular are likely to waive their right to counsel.

I always waive my right to an attorney because it's easier and quicker than waiting for somebody who won't care about my case anyhow.³⁶

GET INFORMED, GET INVOLVED

The District of Columbia has not had a prison since 2001; felons are sent into the Federal prison system.³⁷ If citizens of D.C. cannot assist in funding and voting for in-prison rehabilitation, we must do what we can once prisoners are released. We must help them reintegrate into society.

* **Write to your local councilmember to support DC Bill 18-136**, that would prohibit local DC employers, housing and educational institutions from discriminating against ex-offenders.

* **Write to your representative in Congress to support & cosponsor H.R. 1466- Major Drug Trafficking Prosecution Act of 2009.** It will eliminate mandatory minimums for all drug convictions!

* **Volunteer with or donate to organizations that provide resources** to incarcerated and formerly incarcerated women, women and girls who have experienced violence, children with parents in prison, and at-risk youth. For listings of these organizations, see below and go to www.aclu.org/wordsfromprison

***Volunteer at a women's prison to help support greater visitation opportunities** so that mothers can maintain contact with their children and families.

***Volunteer, donate, or learn more about women prisoners** through Women and Prison: A Site for Resistance: www.womenandprison.org.

***Volunteer with or donate to organizations** fighting to end mandatory minimum sentences such as Families Against Mandatory Minimums, www.famm.org, the ACLU of the National Capital Area, www.aclu-nca.org, and the National ACLU, www.aclu.org.

ORGANIZATIONS OF INTEREST

Volunteer! Donate! Get Involved in the Community! Get Involved with the Cause!

American Civil Liberties Union (ACLU)

Website: www.aclu.org

The ACLU is our nation's guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and liberties that the Constitution and laws of the United States guarantees everyone in this country. Founded in 1972 by Ruth Bader Ginsburg, the ACLU Women's Rights Project (WRP) has been a leader in the legal battles to ensure women's full equality in American society. WRP addresses issues affecting women and girls in the criminal justice system, violence against women and economic justice through litigation, legislative advocacy and public education and seeks to incorporate an international human rights framework into all of our efforts.

American Civil Liberties Union (ACLU) of the National Capital Area

Website: www.aclu-nca.org

Phone: 202-457-0800

The ACLU of the National Capital Area is a non-profit membership organization dedicated to protecting and defending the Bill of Rights and plays a leadership role in the criminal justice reform movement in the Nation's Capital and Prince George's and Montgomery Counties in Maryland.

National ACLU Women's Rights Project

Website: www.aclu.org/womensrights

Phone: 212-549-2644

The Women's Rights Project advocates for those who have been victimized by gender bias through litigation, community outreach, and public education. Major areas of focus include violence against women, employment rights, education access, and criminal and juvenile justice reform.

Families Against Mandatory Minimums

Website: www.famm.org

Phone: 202-822-6700

1612 K Street NW, Ste. 700

Families Against Mandatory Minimums is the national voice for fair and proportionate sentencing laws. We shine a light on the human face of sentencing, advocate for state and federal sentencing reform, and mobilize thousands of individuals and families whose lives are adversely affected by unjust sentences.

Girls' Justice Initiative

Website: www.girlsjusticeinitiative.org

Phone: 202-452-0010

The Girls' Justice Initiative is a national collaboration dedicated to promoting equity and justice for girls involved in the juvenile justice system.

Mandatory Madness

Website: www.MandatoryMadness.org

An organization dedicated to abolishing mandatory minimums.

Stop Prisoner Rape (SPR)

Website: www.spr.org

Phone: 213-384-1400

SPR works nationally to end sexual violence against men, women, and youth in all forms of detention through advocacy and education.

Women's Prison Association (WPA)

Website: www.wpaonline.org

Salvation Army- Adult Rehabilitation Center

Capital HQ: 2626 Pennsylvania Ave. NW

Website: www.salvationarmyusa.org

Phone: (202) 756-2658

119 adult rehabilitation Centers nationwide.

Treatment Resources & Facilities

Volunteer! Donate! Help someone you know! Help the Community!

Cataada House- Clinical and Spiritual Growth Center

802 Rhode Island Ave, NE

Phone: (202)832-8336

Addiction Rehabilitation

Community of Hope

www.communityofhopedc.org

2250 Champlain St. NW

Phone: (202) 232-9022

Intake Hours: Walk-in M,T,W 9-11am and 1-3pm

Addiction Rehabilitation

Federal City Recovery Services

920 Bellevue Street SE

(202) 562-4939

Residential short-term sober living(30 days), Residential long-term substance abuse treatment (30+ days). Transitional housing, residential treatment, Detox, outpatient prevention center.

So Others Might Eat (SOME)

Website: www.some.org

60 O St. NW and 71 O St. NW

Phone: (202) 797-8806

Be a part of the 13,700+ volunteers who help cook and serve food, tutor children or run activities

Samaritan Inns Intensive Recovery Program

Website: www.samaritaninns.org

1640 Columbia Rd. NW (2nd. Floor)

Phone: (202)328-2433 or (202)328-1731

Provides structured housing and rehabilitative services. 28-day intensive treatment program.

Calvary Women's Services

Website: www.calvaryservices.org

Phone: (202) 783-6651

E-mail: cwsvolunteers@aol.com

Help teach classes or give pro bono legal advice!

Miriam's House

Website: www.miriamshouse.org

P.O. Box 73618

Washington, DC 20056

Phone: (202)-797-7797

A residence for homeless women with AIDS

N Street Village

Website: www.nstreetvillage.org/index.cfm

1333 N Street NW

Phone: (202) 939-2076

Has a day center and night shelter for women.

Emergency Resources for Women**Help Women in Need!****Coalition for the Homeless**

1234 Massachusetts Ave., NW

Phone: (202) 347-8870

Emergency Shelter, residential transitional housing, substance abuse counseling, and employment services.

DC Emergency Hotline

Phone: (202)399-7093 or 1(800)535-7252

Has hourly tally of available beds at recognized shelters in DC and provides transportation.

DC Rape Crisis Center Hotline

Phone: (202) 333-RAPE or (202) 332-2192

National Sexual Assault Hotline (RAINN)

Website: <http://www.rainn.org>

Phone: (800) 656-HOPE or (800) 656-4673

Services: Professional Education, Practical Assistance, Hotline, Individual or Group Counseling, Support Groups, Crime Victim Assistance Advocacy, Legal/Criminal Justice System Advocacy, Community Education.

Endnotes

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- ⁴ Marc Mauer, Cathy Potler & Richard Wolf, *Gender and Justice: Women, Drugs, and Sentencing Policy*, The Sentencing Project. November 1997.
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- ²² *Fact Sheet: Girls in the Juvenile Justice System*. Human Rights Watch. 2006. Available at <http://hrw.org/reports/2006/us0906/us0906factsheet.pdf>
- ²³ *Id.*
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- ²⁷ *Women in the Criminal Justice System: Mothers in Prison*. The Sentencing Project. May 2007.
- ²⁸ *Id.*
- ²⁹ *Stories: The Story of Dorothy Gaines*. ACLU, The Brennan Center and Break the Chains. February 20, 2005.
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