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The Criminalization of Women

Chuck Munson

Over a million and a half people are forced to live in cages in America; approximately 116,000 of those people are women.

At present there is significantly higher growth in the rate of incarceration of females than of males in the United States. According to U.S. Department of Justice statistics, in 1980 there were 13,269 women imprisoned throughout the U.S.; by 1995 that number reached 68,477; in 1997 that number exceeds 116,000. Studies suggest the common profile of the imprisoned female to be a young, single mother with few marketable skills: a high school dropout who lives below the poverty level. Seventy-five percent are between the ages of 25 and 34, and an estimated; ninety percent have an alcohol or drug-related history.

Eighty percent of women are convicted of non-violent drug or property crimes. The motivation of many of these crimes is often family-related due to the prevalent social and economic conditions of poverty. Many women are charged as accessories to crimes committed by male relatives or companions often without the knowledge of the women.

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Many experts attribute the sharp rise in female incarceration rates to the advent of mandatory minimum sentences for drug law violations. Convictions on offenses for which defendants used to receive probation may now result in decades-long imprisonment or even life without the possibility of parole.

Although a greater number of white women than women of color are arrested, black women are eight times more likely than white women to be sent to prison. It is widely believed that black women are disproportionately represented in the following areas of legal abuse: “over-arrested, over-indicted, under-defended, and excessively sentenced.”

Mothers constitute more than eighty percent of the women in prison.

When mothers do time, their children do time with them. Nationwide an estimated half-million children are separated from their imprisoned mothers. The decades-long sentences, which are now common, can either entirely wipe out the reproductive lives of young female prisoners or prevent them from playing any role in the lives of their children as they grow from infancy to adulthood. Children of incarcerated mothers are more prone to become ensnared in the vicious cycle of musical-chairs foster care, juvenile detention centers, and, ultimately, prison.

Conditions for women in prison are physically and psychologically brutal in ways particular to women’s prisons. Male guards are typically assigned to prisons for females, who have great difficulty in defending themselves physically and legally from sexual coercion and assault, which is common and which routinely results in pregnancy.