

Women's Mass Incarceration: The Whole Pie 2017

By Aleks Kajstura
October 19, 2017

With growing public attention to the problem of mass incarceration, people want to know about women's experience with incarceration. How many women are held in prisons, jails, and other correctional facilities in the United States? And why are they there? While these are important questions, finding those answers requires not only disentangling the country's decentralized and overlapping criminal justice systems, but also unearthing the frustratingly hard to find and often altogether missing data on gender.

This report provides a first-of-its-kind detailed view of the 219,000 women incarcerated in the United States, and how they fit into the even larger picture of correctional control. Since 2014, the Prison Policy Initiative has quantified the number of people incarcerated in the United States, and calculated the breakdown of people held by each correctional system by offense in an annual Whole Pie: Mass Incarceration report. This report, done in collaboration with the ACLU's Campaign for Smart Justice, finally provides similar data on women incarcerated in the United States. We break the data down to show the various correctional systems that control women, and to examine why women in the various systems of confinement are locked up.

In stark contrast to the total incarcerated population, where the state prison systems hold twice as many people as are held in jails, *incarcerated women are nearly evenly split between state prisons and local jails.*

The explanation for exactly what happened, when, and why does not yet exist because the data on women has long been obscured by the

larger picture of men's incarceration. The disaggregated numbers presented here are an important first step to ensuring that women are not left behind in the effort to end mass incarceration.

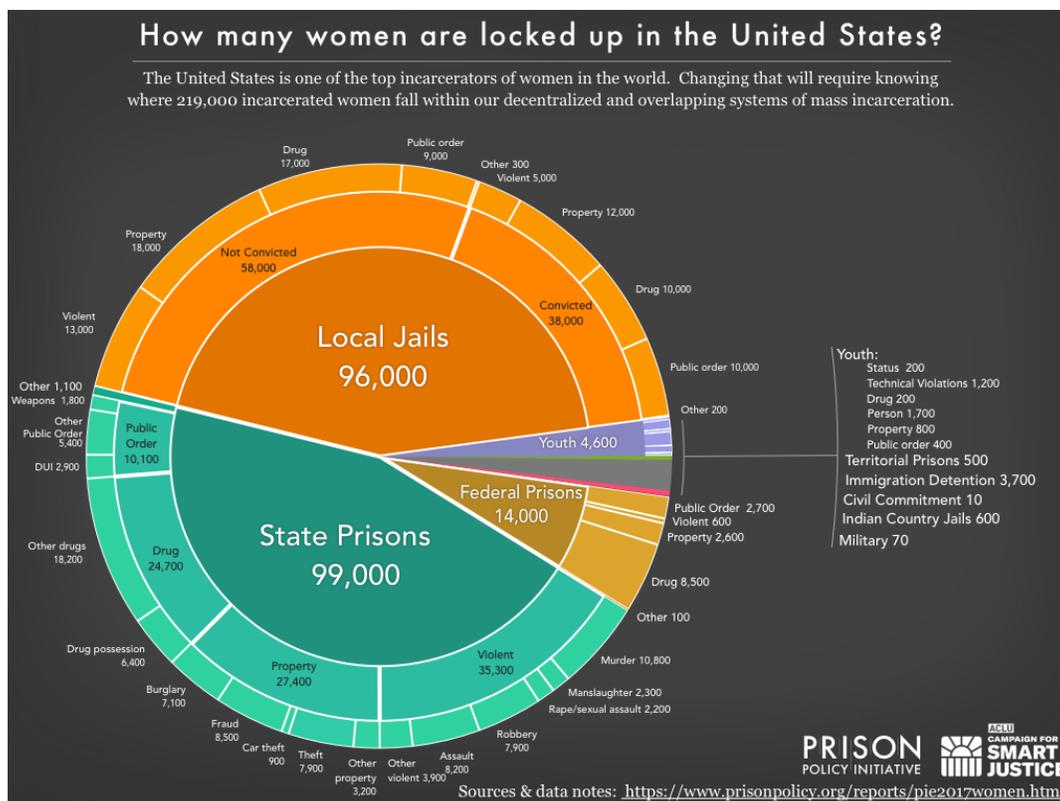
Women are disproportionately stuck in jails

A staggering number of women who are incarcerated are not even convicted: more than a quarter of women who are behind bars have not yet had a trial. *Moreover, 60% of women in jail have not been convicted of a crime and are awaiting trial.*

Avoiding pre-trial incarceration is uniquely challenging for women. The number of unconvicted women stuck in jail is surely not because courts are considering women, who are generally the primary caregivers of children, to be a flight risk. The far more likely answer is that incarcerated women, who have lower incomes than incarcerated men, have an even harder time affording cash bail. A previous study found that women who could not make bail had an annual median income of just \$11,071. And among those women, Black women had a median annual income of only \$9,083 (just 20% that of a white non-incarcerated man). When the typical \$10,000 bail amounts to a full year's income, it's no wonder that women are stuck in jail awaiting trial.

Even once convicted, the system funnels women into jails: About a quarter of convicted incarcerated women are held in jails, compared to about 10% of all people incarcerated with a conviction.

So what does it mean that large numbers of women are held in jail - for them, and for their families? While stays in jail are generally



shorter than in stays in prison, jails make it harder to stay in touch with family than prisons do. Phone calls are more expensive, up to \$1.50 per minute, and other forms of communication are more restricted - some jails don't even allow real letters, limiting mail to postcards. This is especially troubling given that 80% of women in jails are mothers, and most of them are primary caretakers of their children. Thus children are particularly susceptible to the domino effect of burdens placed on incarcerated women.

Women in jails are also more likely to suffer from mental health problems and experience serious psychological distress than either women in prisons or men in either correctional setting.

Ending mass incarceration requires looking at all offenses

The numbers revealed by this report enable a national conversation about the policies that impact incarcerated women held in various facilities, and also serve as the foundation for discussions to change the policies that lead to incarcerating women in the first place.

All too often, the conversation about criminal justice reform starts and stops with the question of non-violent drug and property offenses. While drug and property offenses make up more than half of the offenses for which women are incarcerated, the chart reveals that all offenses, including violent offenses that account for roughly a quarter of all incarcerated women, must be considered in the effort to reduce the number of incarcerated women in this country. This new data on women underlines the need for reform discussions to focus not just on the easier choices but on choices that can lead to impactful policy changes.

The tentacles of mass incarceration have a long reach

Even the "Whole Pie" of incarceration above represents just one small portion (16%) of the women under correctional supervision. Again, this is in stark contrast to the general incarcerated population (mostly men), where a full third of those under correctional control are in prisons and jails.

Three out of four women under control of the correctional systems are on probation. Probation is often billed as an alternative to

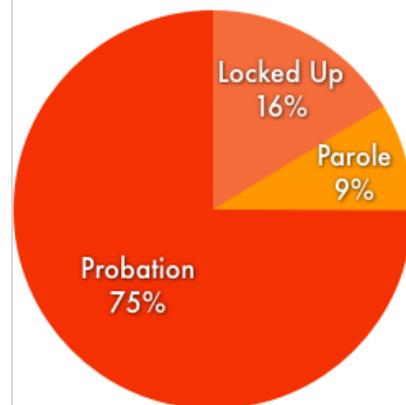
incarceration, but instead it is frequently set with unrealistic conditions that undermine its goal of keeping people from being locked up. For example, probation often comes with steep fees, which, like bail, women are in the worst position to afford. Failing to pay these probation fees is often a violation of probation. Childcare duties further complicate probation requirements that might require

meetings with probation officers, with no extra money to spend on babysitters or reliable fast transportation across town. All of these issues make women particularly vulnerable to being incarcerated not because they commit crimes, but because they ran afoul of one of the burdensome obligations of their probation supervision.

The picture of women's incarceration is far from complete, and many questions remain about mass incarceration's unique impact on women. Based on our analysis in this report we know that a quarter of incarcerated women are unconvicted. But is that number growing? And how does that undue incarceration load intersect with women's disproportionate caregiving burdens to impact families? Beyond these big picture questions there are a plethora of detailed data points that are not reported for women by any government agencies, such as the simple number of women incarcerated in U.S. Territories.

While more data is needed, the data in this report lends focus and perspective to the policy changes needed to end mass incarceration without leaving women behind.

Correctional Control of Women



About the author

Aleks Kajstura is Legal Director of the Prison Policy Initiative. Her previous publications on women's incarceration include States of Women's Incarceration: The Global Context.

About the Prison Policy Initiative

The non-profit non-partisan Prison Policy Initiative was founded in 2001 to expose the broader harm of mass criminalization and spark advocacy campaigns to create a more just society. The organization is most well-known for its big-picture publication Mass Incarceration: The Whole Pie that helps the public more fully engage in criminal justice reform.

About the ACLU Campaign for Smart Justice

The ACLU's Campaign for Smart Justice is an unprecedented, multiyear effort to cut the nation's jail and prison populations by 50% and challenge racial disparities in the criminal justice system. The Campaign is building movements in all 50 states for reforms to usher in a new era of justice in America.

For the footnotes and data sources to this report, see prisonpolicy.org/reports/pie2017women.html

To receive more cutting edge research and advocacy, join our newsletter at prisonpolicy.org/subscribe/