

Women's Mass Incarceration: The Whole Pie 2018

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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? How is their experience different from men's? 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 detailed view of the **219,000 women incarcerated in the United States**, and how they fit into the even broader picture of correctional control. This 2018 update to our inaugural *Women's Whole Pie* report pulls together data from a number of government agencies and calculates the breakdown of women held by each correctional system by specific offense. The report, produced in collaboration with the ACLU's Campaign for Smart Justice, answers the questions of why and where women 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 much more **evenly split between state prisons and local jails**. This has serious consequences for incarcerated women and their families.

Women's incarceration has grown at twice the pace of men's incarceration in recent decades, and has disproportionately been located in 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 scale of men's incarceration. The disaggregated numbers presented here are an important step to ensuring that women are not left behind in the effort to end mass incarceration.

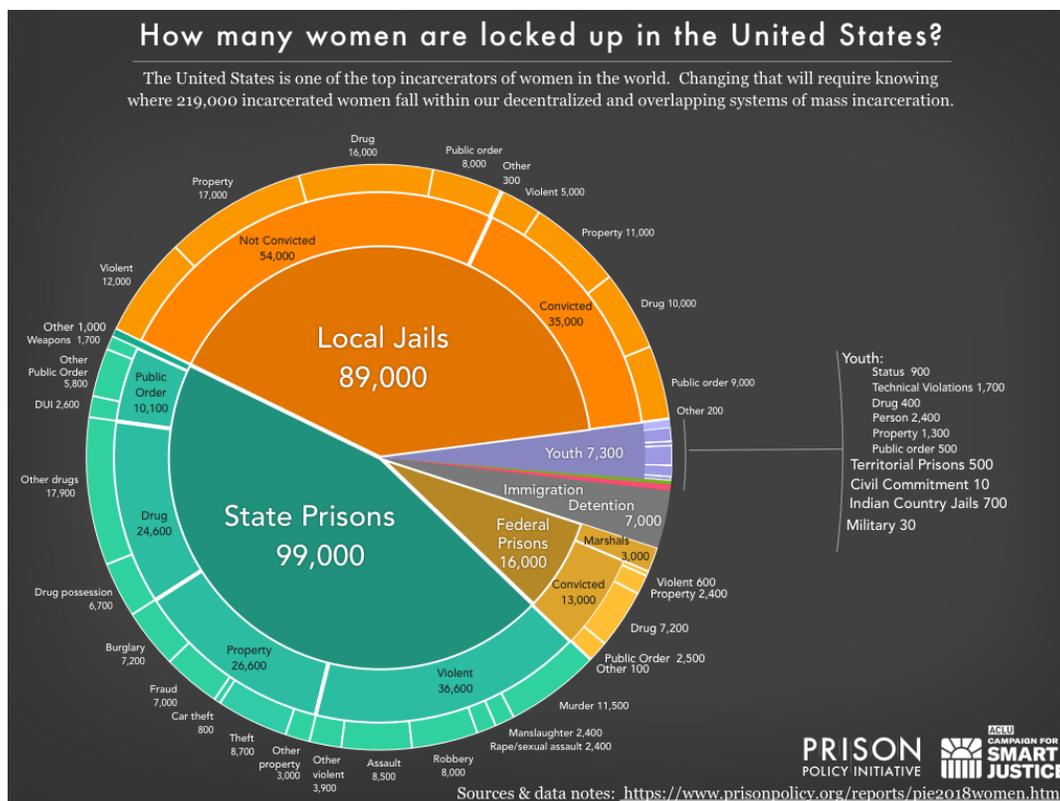
Jails loom large in women's incarceration

Looking at the big picture shows that a staggering number of women who are incarcerated are not even convicted: a quarter of women who are behind bars have not yet had a trial. Moreover, 60% of women under local control **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. When **the typical bail amounts to a full year's income for women**, 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 re-



stricted - some jails don't even allow real letters, limiting mail to post-cards. 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. Compounding the problem, jails are particularly poorly positioned to provide proper mental health care. (Though that is certainly not to say that prisons are always better at meeting women's needs.)

Ending mass incarceration requires looking at all offenses - and all women

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 the 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.

Furthermore, even among women, incarceration is not indiscriminate. A recent study revealed that **a third of incarcerated women identify as lesbian or bisexual**, compared to less than 10% of men. The same study found that lesbian and bisexual women are likely to receive longer sentences than their heterosexual peers. And **Black and American Indian women** are markedly overrepresented in prisons and jails: Incarcerated women are 53% White, 29% Black, 14% Hispanic, 2.5% American Indian and Alaskan Native, 0.9% Asian, and 0.4% Native Hawaiian and Pacific Islander.

Even incarceration represents just one small portion (17%) of the women under correctional supervision, which includes **over a million women on probation and parole**. Again, this is in stark contrast to the general incarcerated population (mostly men), where a third of all people under correctional control are in prisons and jails.

Three out of four women under control of any U.S. correctional system 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 often include meetings with probation officers, especially for women with no extra money to spend on babysitters or reliable transportation across town. All of these issues make women particularly vulnerable to being incarcerated not because they commit crimes, but because they run 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. But while more data is needed, the data in this report lends focus and perspective to the policy reforms needed to end mass incarceration without leaving women behind.

Correctional Control of Women

