

## WOMEN IN CALIFORNIA PRISONS: HIDDEN VICTIMS OF THE WAR ON DRUGS

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As the number of California prisoners surged past the 100,000 mark in April of 1991, women became the hidden victims of the state's zeal for incarceration. California now has the dubious distinction of having the most women prisoners in the nation as well as the world's largest women's prison.

Between 1980 and 1993, the number of women incarcerated in California increased 450 percent, from 1,316 to 7,232 as of June 30, 1993.<sup>1</sup> Women now account for 6.3 percent of the total California prison population, compared to a national average of 5.7 percent.<sup>2</sup>

The increases seen in the number of women in California prisons are lodged within larger shifts in the criminal justice response to women offenders. Since 1980, the number of women imprisoned in the United States has tripled and now, on any given day, over 90,000 women are incarcerated in U.S. jails and prisons. Percentage increases in the number of women incarcerated have surpassed male rates of increase for every year except one since 1980. At year end 1992, there were 50,493 women incarcerated in federal and state prisons. The rate of women's imprisonment grew from six per 100,000 in 1925 to 37 per 100,000 in 1992.<sup>3</sup> The rate of imprisonment for California women is approximately 45 per 100,000.

### Getting Tough on Women

Without any fanfare, the "war on drugs" has become a war on women, and it has clearly contributed to the explosion in women's prison populations. One out of three women in U.S. prisons in 1991 were doing time for drug offenses (up from one in 10 in 1979).<sup>4</sup> While the intent of get tough policies was to rid society of drug dealers and so called king-pins, over a third (35.9%) of the women serving time for drug offenses in the nation's prisons are serving time solely for "possession."

The percentage of women incarcerated for drug offenses in California more than doubled between 1984 and 1993 and now over one-third of all the women in California prisons are serving sentences for drug offenses. Women serving time for "possession" and "possession for sale" constitute the majority of women doing time for all drug offenses.

Additionally, many women parolees are returned to prison for technical parole violations, because they fail to pass random drug tests; of the six thousand women sent to prison in California in 1993, approximately one-third (32%) were imprisoned due to parole violations.

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California state prisons were incarcerated for property offenses of which "petty theft with a prior" is the most common offense. This generally includes shoplifting and other minor theft. One woman in ten in California prisons is doing time for petty theft. One woman in four is incarcerated for either simple drug possession or petty theft with a prior.

The increasing incarceration rate for women in the State of California, then, is a direct result of short-sighted legislative responses to the problems of drugs and crime-responses shaped by the assumption that the criminals they were sending to prison were brutal males. Instead of a policy of last resort, imprisonment has become the first order response for a wide range of non-violent and petty offenses and women offenders have been disproportionately swept up in this trend. This politically motivated legislative response often ignores the fiscal or social costs of imprisonment. Thus, the legislature has missed opportunities to prevent women's crime by cutting vitally needed social service and educational programs to fund ever increasing correctional budgets.

The characteristics of women behind bars in California suggests that their crimes have not gotten more serious, but that incarceration is being used where non-incarcerative approaches were once utilized. A study found that the proportion of California women who received prison sentences for the commission of felonies increased from 54 percent to 79 percent between 1978 and 1987.<sup>5</sup> It appears that the California criminal justice system is ever more willing to incarcerate women.

In California, determinate and mandatory sentencing are supposedly gender blind, but mandatory sentencing, particularly for drug offenses, has significantly affected women's incarceration. Additionally, California's determinate sentencing law has markedly increased the sentence lengths for women, especially for violent offenses.<sup>6</sup> The "get tough on crime" movement in the U.S. has cast its net far and wide and women are

being swept up in greater numbers. The escalation in women's imprisonment is largely and indirectly a consequence of a society that is hooked on punishment.

Female prisoners in California are a predominantly non-violent population, with over two-thirds of imprisoned women serving sentences for drug and property crimes. Many criminal justice experts argue that most of this population does not pose a serious threat to public safety and could be supervised in less costly and more effective community settings.

### Characteristics of Women in California Prisons

Who are the women doing time in California prisons? A 1993 study<sup>7</sup> based on a representative sample (N=297) of female prisoners housed in California's three women's prisons and the California Rehabilitation Center (which is co-correctional), reveals that these women tend to be drawn from those groups of women who are among the most vulnerable: women of color, the economically marginalized, and the victims of physical and sexual abuse.

Over half (54.6%) of the women in California's prisons are serving their first prison sentence, and they are generally locked up for less serious crimes than their male counterparts. They are disproportionately African American and Hispanic; and they have significant histories of drug dependency and physical and sexual abuse. When asked about their reasons for committing the offense for which they were currently incarcerated, over one-third of the respondents reported a drug related motivation and an additional 15 percent reported "economic pressures."

Details from this profile amplify the picture that emerges from the state's figures in important ways. First, the data confirm the relatively minor nature of the offenses that triggered the women's imprisonment. Second, the data provide information on the social factors that, in many instances, propelled them into the petty offenses for which they are now incarcerated. Finally,

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the profile totals up the costs to all - the woman prisoner, her children, and the taxpayers - resulting from the increasing reliance on prison as a response to women's offending.

### Offense Profile

In 1989 women accounted for 87,519 (14.8 percent) of the 590,285 felony arrests in the State. In 1991, they accounted for 77,692 (14.4 percent) of the 541,346 felony arrests. But while the number of women arrested for felonies in California declined substantially, the rate at which female felons were sent to prison increased dramatically. The rate of new admissions of women to the state's prison system for felony offenses increased from 2.91 per 100,000 in 1980 to 11.31 in 1991, an increase of 289 percent. In contrast, the rate of new admissions for men increased from 44.8 per 100,000 in 1980 to 113.5 in 1991, an increase of 153 percent.<sup>8</sup>

As is the case nationally, the profiles of imprisoned women in California suggest that they are not being incarcerated because of an increase in the seriousness of their offenses. In fact, the proportion of women imprisoned in California for violent offenses has actually decreased during the last decade. In 1982, 32.7 percent of the women admitted to prison were incarcerated for violent crimes, compared to 16 percent in 1992. In contrast, the number of women admitted to prison for drug offenses increased significantly, from 14.2 percent of admissions in 1982 to 42.2 percent in 1992.<sup>9</sup>

The vast majority of women behind bars in California during June 1993 were there for non-violent offenses. Nearly 72 percent of women prisoners were serving sentences for drug and property offenses. As of June 30, 1993, 23.9 percent of female prisoners in California were serving sentences for violent crimes, compared to 32.2 percent for the nation as a whole. Fully, 34.1 percent were serving sentences for property crimes, 37.8 percent were serving sentences for drug offenses, and 4.2 percent were serving sentences for other offenses, including escape, driving under the influence, and arson. (See Graph I)

Male prisoners, by contrast, are nearly twice as

likely to be serving sentences for violent offenses as female prisoners (43.9% vs. 23.9%). Female prisoners are substantially more likely than their male counterparts to be serving sentences for drug offenses (37.8% vs. 23.8%).<sup>10</sup> (See Graph II)

The median time served for females in California prisons was estimated to be 10 months in 1991 as compared to 19 months in 1980.<sup>\*\*</sup> It appears that California prisons are functioning similar to jails, that is, they are primarily housing non-violent female prisoners for one year or less.

### Demographic Profile of Women in California Prisons

The typical woman in California prisons is 32 years old, and she is a member of a minority group. Over half of the women in prison are African American (35%) and Hispanic (16.6%); over one-third are White (35.9%); and Other (13%).<sup>11</sup> Female prisoners appear to be better educated now than in the past, but the overall educational level is still low. Nearly 40 percent of the respondents reported that they did not complete high school. Many women cite pregnancy as a reason for dropping out of school.

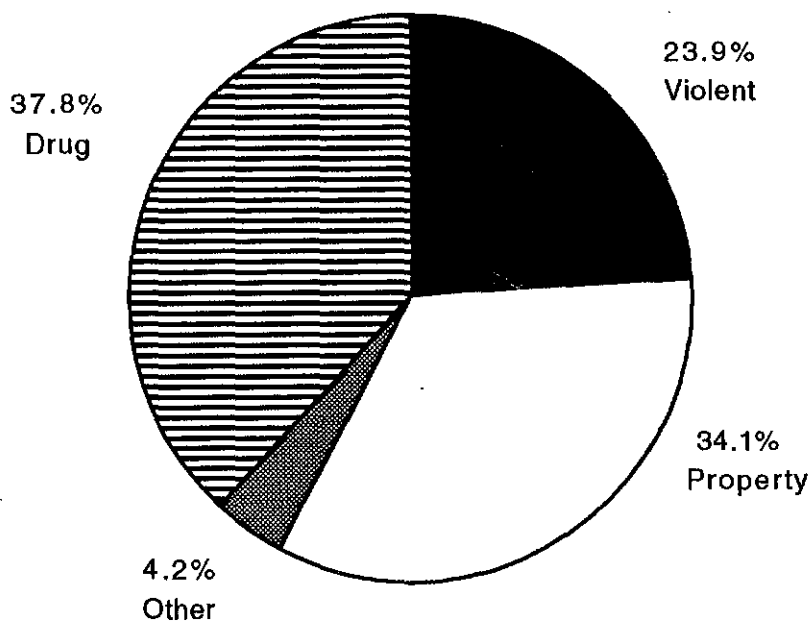
*I had to quit school when I got pregnant there was so much going on. There was no one to take care of my kids. You have to really worry who you leave your kids with. (Personal interview, imprisoned woman.)*

### Physical, Sexual and Emotional Abuse: Lives of Pain

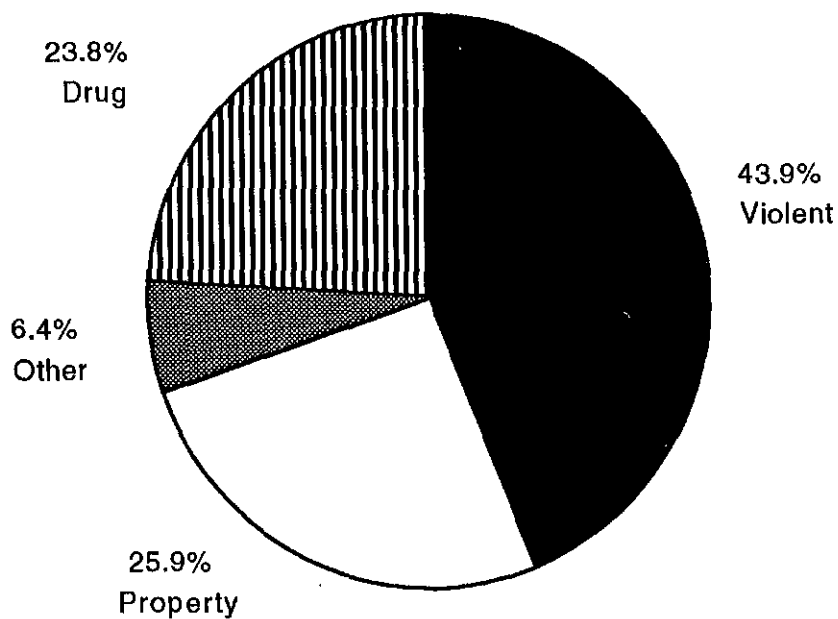
Nearly all (80%) of the women in California's prisons have experienced some form of abuse either as girls or as women. About one-third (29%) reported being physically harmed as a child, and 60 percent indicated physical abuse in adulthood, primarily perpetrated by spouses or partners. About one-third (31%) of the respondents indicated sexual abuse as a child and slightly under one-fourth (23%) of the sample reported sexual abuse in adulthood. Forty percent indicated experiencing emotional abuse or neglect as a child and nearly half (48%) of those interviewed reported emotional abuse in adulthood.

<sup>\*\*</sup> It should be noted that these time served data include only time served for women who have been released. Since there is an increasing proportion of women serving longer sentences, including life sentences, who have not yet been released, the numbers may give the false impression that overall, women are serving shorter sentences. What in reality is happening is that some women, swept in on relatively minor charges, are churning through the system relatively rapidly, and others are serving extremely long sentences and not showing up in time-served data.

**Graph I  
Offense Distribution  
Women**



**Graph II  
Offense Distribution  
Men**



## Drugs and Alcohol

Perhaps in response to the pain in their lives, drug and alcohol use begins at an early age for these women. About three quarters of the sample reported drinking alcohol well before age 18 and over half (59%) of the sample reported using drugs at 18 or younger. About 85 percent of the respondents indicated using alcohol at some time in their lives, with 28 percent indicating that it had been a problem for them. Sixty-three percent reported using powder cocaine at some time in their lives, with 41 percent indicating problem use. Half of the respondents reported crack cocaine use over the course of their lives with one-third reporting problem use. Just under half of the respondents indicated past heroin use, with 27 percent indicating that heroin use had become a problem. About 37 percent reported injecting heroin and cocaine together (speedballs) with one-quarter indicating problem use. Almost half indicated use of a needle to inject drugs at some point in their lives. Just over one-third of the respondents reported ever using amphetamines, with 19 percent reporting problem use. About 40 percent reported using prescription drugs to get high, with half of those reporting problem use. The vast majority (77%) of the respondents reported use of marijuana at some time in their lives, but only 11 percent felt that this use posed a problem.

## Juvenile Arrest History

Not surprisingly, over half (54.6%) of these women had run away or left home, but only 21.8 percent of the sample had been declared a status offender. Slightly less than one-half of those interviewed reported any history of juvenile arrests. Somewhat less than that appeared in juvenile court as a minor and just a third of the respondents received probation as a result of their court appearance. About 32 percent reported spending time in juvenile hall and less than ten percent indicated a Youth Authority commitment.

Many women prisoners reported family involvement in the criminal justice system.

Almost three-fourths reported having family members that had been arrested. Of these, siblings (brothers at 57% and sisters at 28%) were the relatives most often arrested. In terms of jail or prison, 63 percent reported having relatives that had been incarcerated. Similar to arrests, these were mostly siblings.

## Economics and Women's Crime

The majority of the women in California's prisons are low income and underemployed (over half stated that they had never worked at any time). Of those who worked in the year prior to incarceration, 37 percent worked at a "legitimate job," 22 percent reported some form of public support and 16 percent indicated making money from drug dealing or sales. Another 15 percent reported illegitimate income, such as prostitution, shoplifting or other illegal activities.

*When I talk to my kids, they have told me "please don't steal, we can do without," but my kids never did without. I stole for need. I would go into a store and open a package to get diapers. (Personal interview, imprisoned woman.)*

Drug dealing was mentioned by almost half of the respondents as a secondary form of support to "legitimate work." Approximately one-third of those surveyed indicated that they had been involved in prostitution at some time in their lives.

## Imprisoned Mothers

*It's not only me who suffers, it's the kids too. My children and my family were sentenced along with me. (Personal interview, imprisoned woman.)*

The majority of California's female prison population is single, with 42.9 percent of the sample stating that they had never been married. Almost 80 percent of the women reported having an average of two dependent children. Of the 7,232 women incarcerated in California as of June 30, 1993, approximately 5,786 were mothers of

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a conservatively estimated 11,571 children. Of those with children, over half had lived with all or some of their children prior to arrest.

Studies spanning several decades have focused on the detrimental effects of incarceration on the mother/child relationship. Lack of contact between imprisoned mothers and their children negatively effects the ability of imprisoned women to maintain their relationships with their children while incarcerated and reunify with them after release from prison. Separation from children is often considered to be one of the most damaging aspects of prison for women.

Women prisoners have difficulty maintaining written and telephone contact with their children, and visitation is also more difficult for incarcerated mothers and their families. A recent national study conducted by the National Council on Crime and Delinquency found that over half of the children of women prisoners never visited their mothers during incarceration. Nearly two-thirds of the non-visiting children lived over 100 miles from the prison where their mothers were incarcerated.<sup>12</sup> (See Table I) Women with long sentences who are incarcerated far from their children's homes are at a greater disadvantage in the reunification process. This is particularly true for women with children in foster care, where the inability of imprisoned mothers to meet court-mandated family reunification requirements for contact and visitation with their children can result in termination of the mother's parental rights.

By getting tougher on women offenders in general, the system has become more rigid, sacrificing the flexibility to consider alternatives to incarceration for women with young children. While law makers and judges have shown women that they will receive the same consequences (or worse) as men for their offenses, they have also systematically punished their children.

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### Women's Prisons

*I think they should not have eight people in a room. It wasn't set up to be that way and it is not helping anyone. It's housing bodies...and it's not right. You all have to live in that room. (Personal interview, imprisoned woman.)*

**Table I**

Distance of the Child's Residence  
From the Mother's Place of Incarceration

Miles	Number (742 children)	Percent %
0 - 20	65	8.8
21 - 100	221	29.8
Over 100	456	61.5

Source: Why Punish the Children? NCCD, 1993

In 1984, the California Department of Corrections (CDC) embarked upon the most expansive prison construction program in the nation. From June 1984 to October 1992, the CDC completed construction of a total of 35,816 new prison beds. This includes 33,316 for males and 2,500 for females. Even with the massive prison construction that has taken place, the California prison system is filled to 180 percent of its designed capacity. As the state increased the size of its prison population, there has been no significant decrease in crime rates and most Californians continue to express that crime is their primary concern.

The evidence suggests that the huge increase in California's prison population has done little to improve the lives of prisoners or the quality of life in many of our communities. Our reliance on imprisonment includes both financial as well as social costs. Beyond the cost of construction and operation involved in housing over 7,700 women in California state prisons, there is the additional burden of supporting their children while they are incarcerated. Also, the social costs of further marginalizing a population due to lack of

job skills (and jobs) and continuing drug dependency are incalculable, but remain a direct consequence of our current imprisonment policies.

The Department of Corrections operates three prisons exclusively for women, with a combined design capacity of 3,426 beds. The California Institution for Women (CIW) located in Corona, opened in 1952 and has a design capacity of 1,026 and as of April 10, 1994, housed 1,731 women (69% over capacity). The Central California Women's Facility (CCWF) located in Chowchilla, opened in 1990 and has a design capacity of 2,000 and housed 3,706 women (85% over capacity). It is the largest women's prison in the world. The Northern California Women's Facility located in Stockton, opened in 1987 and has a design capacity of 400 and housed 773 women (93% over capacity). The California Rehabilitation Center located in Norco, opened in 1962 and houses male and female felons and civil addicts. It has a design capacity of 500 females and housed 827 women (65% over capacity).<sup>13</sup> (See Table II) An additional 2,200 bed women's prison is currently being constructed across from CCWF.

Designed to serve the predominantly male prisoner population, most correctional agencies have failed to address the multi-dimensional problems faced by women. For example, the California Institution for Women failed to even employ a gynecologist for several years during the 1980's. Issues such as health care, especially prenatal care, education, job training, substance abuse, homelessness and maintaining mother-child relationships continue to challenge correctional systems throughout the country.

Although there has been some effort at introducing institutional programs dealing with drug dependency, unemployment, parenting, and physical and sexual abuse, the true solution to these problems lies beyond the prison walls.

While the majority of women in California prisons have histories of drug dependency, the availability of drug treatment for these women is limited at best.

The CDC lacks a clearly defined and universally available continuum of programs and services for women from prison to parole. The federally funded Forever Free Program at the California Institution for Women is currently the only

Table II

Facility	Capacity	Population	Over Capacity
CIW	1,026	1,731	69%
CCWF	2,000	3,706	85%
NCWF	400	773	93%
CRC	500	827	65%

CIW - California Institution for Women in Corona  
 CCWF - Central California Women's Facility in Chowchilla  
 NCWF - Northern California Women's Facility in Stockton  
 CRC - California Rehabilitation Center in Norco

Source: CA Department of Corrections

such intensive drug treatment program for women prisoners in the state corrections system with an aftercare component in the community. It has room for only 120 out of the more than 7,700 women prisoners in the system. Other programs have equally few slots, waiting lists and crowded quarters.

Even these few institutionally-based programs are at risk from the fall-out from overcrowding that is threatening the elimination of such programs due to budget cuts and diversion of funds into housing the rising population. For example, according to the Assembly Ways and Means Committee, only three percent of all California prisoners have any drug or alcohol treatment available to them, including voluntary Alcoholics/Narcotics Anonymous programs.

Additionally, community-based programs for women under supervision of the CDC, such as the Community Prisoner Mother Program (also called the "Mother Infant Care Program") are severely limited in space and location. Restrictive eligibility criteria and other factors often result in under-utilization of even these few potentially beneficial programs.

### Reducing Women's Imprisonment Through Effective Community-Based Strategies and Programs

The expansion of the female prison population has been fueled primarily by increased rates of incarceration for drug offenses, not by commitments for crimes of violence. The majority of women in California prisons are sentenced for non-violent crimes which are a direct product of the economic marginality of the women who find their way through the revolving prison doors.

*Women's share of the nation's prison population, measured in either absolute or relative terms, has never been higher.*

Changes in criminal justice policies and procedures over the last decade have clearly contributed to the dramatic growth in the female prison population. Mandatory prison terms and sentencing guidelines are gender blind and in the crusade to get tough on crime, criminal justice policy makers have gotten disproportionately tough on women, drawing them into jails and prisons in unprecedented numbers.

Most of these female prisoners are poor, undereducated, unskilled, victims of past physical and/or sexual abuse, and single mothers of at least two children. They enter the criminal justice system with a host of unique medical, psychological and financial problems.

The data summarized in this report suggest that many such women may be better served in the community, due to the decreased seriousness of their crimes and the treatable antecedents to their criminality.

A growing number of states are beginning to explore non-incarcerative strategies for women offenders. Commissions and task forces charged with examining the impact of criminal justice policies on women are recommending sentencing alternatives and expansion of community-based programs that address the diverse needs of women who come into conflict with the law.

In California, the Commission on Female Inmate and Parolee Issues<sup>14</sup> examined the needs of women offenders. The Commission's upcoming report is based on three central concepts: 1) Women inmates

differ significantly from males in terms of their needs and these gender-specific needs should be considered in planning for successful reintegration into the community; 2) Women are less violent in the community and in prison, and this fact provides opportunities to develop non-prison based programs and intermediate sanctions without compromising public safety; and 3) Communities need to share the responsibility of assisting in this reintegration by providing supervision, care and treatment of women offenders.

Overcrowding and overuse of women's prisons can be avoided by planning creatively for reduced reliance on imprisonment for women. A moratorium on the construction of women's prisons and a serious commitment to the decarceration of women would be a good beginning. Dollars spent locking up women could be better spent on services that would prevent women from resorting to crime. As one female prisoner commented:

*You can talk to them about community programs. I had asked my P. O. for help but his supervisor turned him down. I told him that I was getting into a drinking problem, asked if he could place me in a place for alcoholics but he couldn't get permission. I was violated with a DUI - gave me eight months. I think people with psychological problems and with drug problems need to be in community programs. (Personal interview, imprisoned woman.)*

There are a range of effective residential and non-residential community-based programs serving women offenders throughout the U.S. Bloom and Austin (1992) reviewed limited program evaluation data and found the following common characteristics that appeared to influence successful program outcomes: Continuum of care design; clearly stated program expectations, rules and sanctions; consistent supervision; diverse and representative staffing; coordination of community resources; and access to ongoing social and emotional support. They also suggested that promising approaches are multi-dimensional and deal with women's issues specifically.<sup>15</sup>



## Detention vs. Prevention

The United States now imprisons more people than at any time in its history, and it has the world's highest incarceration rate.<sup>16</sup> On any given day, over a million people are locked up, and an unprecedented number of prison cells are being planned. As a result, the fastest growing sector of state and local economies, nationally, is correctional employment which increased 108 percent during the last decade while total employment increased by just 13.5 percent.<sup>17</sup>

Women in conflict with the law have become the hidden victims of the nation's imprisonment binge. In California, the state with the world's largest prison for women, the number of women in that and the other state prisons for women continues to soar. Women's share of the nation's prison population, measured in either absolute or relative terms, has never been higher. Women were four percent of the nation's imprisoned population shortly after the turn of the century. By 1970 the figure had dropped to three percent. By 1992, however, more than 5.7 percent of those persons incarcerated in the country were women. In California in 1993, women were 6.3 percent of those in prison.

Is this increase in women's imprisonment being fueled by a similarly dramatic increase in serious crimes committed by women? The simple answer is no. As this report has shown, the proportion of women in prison for violent crimes has dropped steadily and the numbers of women incarcerated for petty drug and property offenses has soared. Skyrocketing increases in women's imprisonment are due to changes in law enforcement practices, judicial decision-making, and legislative mandatory sentencing guidelines, rather than because of a shift in the nature of the crimes women commit. As a nation, we face a choice. We can continue to spend our shrinking tax dollars on the pointless and costly incarceration of women guilty of non-violent drug and property crimes, or we can seek other solutions to the problems of drug dependent women. Given that so many of the women in prison in California are driven

to drug use because of poverty and abuse, the real issue before us is **detention or prevention?**

We do indeed know what to do about crime, particularly crime committed by women. Any review of the backgrounds of women in prison in California and elsewhere immediately suggests better ways to address their needs. Whether it be more funding for drug treatment programs, more shelters for the victims of domestic violence, or more job training programs, the solutions to their problems are known. The question remains: Do we as a society have the courage to admit that the war on drugs (and women) has been lost and at a great price? The hidden victims of that war have seen their petty offenses criminalized and their personal lives destroyed. Is this our only choice?

We think not. By focusing on strategies that directly address the problems of women on the economic and political margins and away from expensive and counterproductive penal policies, we could stop the senseless waste of California's scarce tax dollars. To do this, we must begin now to demand changes in public policy so that the response to women's offending is one that addresses human needs rather than the short-sighted objectives of politicians who cannot see beyond the next sound bite or election.

The decarceration of the majority of imprisoned women would not jeopardize public safety, and the re-investment of money saved in programs designed to meet women's needs will enrich not only their lives, but the lives of many other women who are at risk for criminal involvement. Finally, by moving dollars from women's prisons to women's services we will not only help women we also help their children. In the process, we are also breaking the cycle of poverty, desperation, crime, and imprisonment rather than perpetuating it.

*Is this increase in women's imprisonment being fueled by a similarly dramatic increase in serious crimes committed by women? The simple answer is no.*

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