

Editorial, "Women in Prison," *America*, May 29, 2006

Although the number of women prisoners is far smaller than the number of men, the rate of incarceration for women is rising at a much faster rate than for men. Over 200,000 women are now behind bars throughout the country, most of them African American and Hispanic. And according to the nonprofit Sentencing Project, Hispanic women are incarcerated at nearly twice the rate of white females and black women at four times the rate. Nonviolent drug offenses are the primary reason for the high rates of female incarceration, especially through the so-called mandatory minimum sentences of the war on drugs.

What especially distinguishes female from male prisoners is the issue of children. The majority of women behind bars were the primary care providers for their offspring at the time of their arrest. "Many never see their children while imprisoned," Suzanne Jabro, C.S.J., told *America*, "because there is seldom anyone to bring them for visits." Sister Jabro is executive director of the California-based group Women in Criminal Justice. "When a man is incarcerated, his wife or girlfriend often bring his children," she said, "but when the mother is the one who is incarcerated, the father may be incarcerated also, or may not even have primary care of the children. Frequently it is the grandmother who is the care provider," she added, "and she may be already overwhelmed with her additional responsibilities." For women, the overall need for health care is more complex because of gynecological issues. This is particularly true in regard to prenatal care. Many women enter prison pregnant. Though recently banned in California, the shackling of women during labor is still common in a number of other states, justified by correctional authorities under the guise of concern for public safety. But as rights advocates point out, the practice is profoundly humiliating as well as dangerous.

A major stumbling block to re-entry is related to provisions of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. Among these provisions is one that prevents those convicted of drug felonies from ever qualifying for welfare benefits on their release. For mothers, the denial of food stamps and access to public housing greatly limits the possibility of family reunification. As Marc Mauer, executive director of the Sentencing Project told *America*, a triple murderer would be eligible for welfare benefits but not a mother who had served time for a felony drug offense. The only hopeful aspect of the ban stems from the fact that the law does allow individual states to opt out of it, either in part or in full. So far, 10 have done so fully and 20 in part. Partial opting-out might include, for example, lifting the ban if the offense stemmed from using or possessing drugs but without selling them. Such options are at least a sign that our heavy-handed drug policies are largely ineffective. Nevertheless, a majority of women with drug convictions remain subject to penalties of this kind that hinder successful re-entry. At considerably greater rates than for men, incarcerated women—over half of them—have histories of physical or sexual abuse. In a statement on female prisoners by the Catholic bishops of the South issued this Lent, the bishops note that even while behind bars, women "are subject to more sexual misconduct, both from other prisoners and the correctional staff." They add that the full extent of the abuse is probably under reported because of fear of retaliation.

By the same token, effective programs, including drug treatment, that might prepare women for re-entry are more limited in female facilities than in men's. As a consequence, when they are finally released, women tend to return to their communities with low educational and work skills, faced with the additional financial burden of caring for their children. The risks of re-offending are therefore all the greater. The bishops therefore call for greater educational opportunities and job training to enable women to support themselves and their children on release. They also call for more use of probation rather than incarceration, in order to allow women to remain with their children while they attend substance abuse programs and parenting and anger management classes. Women remain a relatively hidden segment of the huge incarcerated population, but that very fact is all the more reason to bring to greater public attention key issues like child separation and drug laws that continue to punish women even after they have served their sentences.