Overlooked: Women and Jails in an Era of Reform

Benedict Center’s Women & Justice Event

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Vera Institute of Justice
Vera Institute of Justice

- Vera is an independent nonprofit organization
  - Study and analyze problems in justice systems
  - Produce and use evidence to drive effective policies and practices
  - Pilot solutions
  - Engage diverse communities

- Vera’s Center on Sentencing and Corrections partners with state and local systems and communities to advance justice policies that promote fairness and protect public safety
  - Advance access to high quality college education behind bars
  - Reduce solitary confinement
  - Close mass incarceration’s front door by reducing overuse of jails
Incarceration Trends

**Milwaukee County, WI**

- **Jail population**
  - Female

- **Data**
  - Only one dataset can be displayed when comparing races/ethnicities or genders.

**Source:** Vera assembled the Incarceration Trends dataset using information provided to the U.S. Department of Justice Bureau of Justice Statistics (BJS) by state and local corrections authorities, and from websites of state corrections authorities. For complete detail on data sources, see the Incarceration Trends Codebook and methodology.

**Notes:** Dramatic year-over-year changes and excessively high or low values may merit further inquiry and are best corroborated by the applicable state or local correctional authority. State and local governments often report race and ethnicity data in a way that is inconsistent with federal standards. Some of the more common issues are the misclassification of Latino people as White, and incomplete race data, more generally. For more information, see "Challenges surrounding the collection of jail data about race and ethnicity," in Divided Justice: Trends in Black and White Jail Incarceration, 1990-2013.
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Incarceration Trends

Milwaukee County, WI

Data ▼ Measurement ▼ Race/ethnicity ▼ Gender ▼ Compare ▼

Jail population
Per 100,000 residents age 15-64

Female Milwaukee County, WI  Female New York City, NY  Female Cook County, IL  Female U.S. avg

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Data

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Incarceration’s Front Door

How many people are locked up in the United States?

The United States locks up more people, per capita, than any other nation. But grappling with why requires us to first consider the many types of correctional facilities and the reasons that 2.3 million people are confined there.

State Prisons 1,316,000

Local Jails 615,000

Federal Prisons & Jails 225,000

Sources and data notes: See https://www.prisonpolicy.org/reports/pie2018.html
Mass Incarceration of Women

How many women are locked up in the United States?

The United States is one of the top incarcerators of women in the world. Changing that will require knowing where 239,000 incarcerated women fall within our decentralized and overlapping systems of mass incarceration.

Local Jails
89,000

State Prisons
99,000

Sources & data notes: https://www.prisonpolicy.org/reports/pie2018women.html
Decades of Growth

- Since 1970, the number of women in jails has increased 14-fold—8,000 to 110,000—or 1200%.

- This growth has been most dramatic in small counties, increasing 31-fold.

- Recent decreases in admissions only apply to men.
Overlooked: Women and Jails

- One in a series Vera is releasing with the Safety and Justice Challenge

- Other publications include:
  - Incarceration’s Front Door: The Misuse of Jails in America
  - The Price of Jails: Measuring the Taxpayer Cost of Local Incarceration
  - The Human Toll of Jail, a multimedia storytelling project
Racial and Ethnic Disparities

Nearly two-thirds of women in jail are women of color—44 percent are black, 15 percent are Hispanic, and 5 percent are of other racial/ethnic backgrounds—compared to 36 percent of women who identified as white.

- Local, more recent data point to starker disparities
- The total number of Native Americans & Alaskan Natives in jail nearly doubled between 1999 and 2014
Disparities in Gender Identity and Sexuality

- Lesbian and bisexual women are over-represented in jails at a rate 8x their representation in the general public.

<table>
<thead>
<tr>
<th></th>
<th>Gay/bi</th>
<th></th>
<th>Lesbian/bi</th>
</tr>
</thead>
<tbody>
<tr>
<td>US pop.</td>
<td>3.6%</td>
<td>US pop.</td>
<td>3.4%</td>
</tr>
<tr>
<td>Jail</td>
<td>3.3%</td>
<td>Jail</td>
<td>26.4%</td>
</tr>
</tbody>
</table>

- 21% of trans women and 12% of gender non-conforming people report having experienced incarceration.
Unmet Economic Needs

The vast majority (82 percent) of women are in jail for nonviolent offenses.

- Property offenses: 32%
- Drug offenses: 29%
- Public order offenses: 21%

Nearly 80 percent of women in jails are mothers.

Six out of 10 women in jail did not have full-time employment prior to their arrest.

Unemployed prior to arrest  Employed prior to arrest

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High Prevalence of Health Issues

- $\frac{3}{4}$ report symptoms of a mental health disorder in the past 12 months
- $\frac{1}{3}$ experienced post-traumatic stress disorder in the past 12 months
- $\frac{1}{5}$ has experienced SMI, PTSD, and substance use disorder
Staggering Rates of Trauma and Poly-Victimization

- Histories of trauma and abuse are **nearly universal** among women in jail.
Drivers of Women’s System Involvement

- Quality of life policing and the War on Drugs coincided with increasing arrest rates for women.
- Pretrial release and supervision practices may ignore the realities of women’s lives.
- Community supervision can undermine women’s outcomes.

**Drug arrest rates, 1980–2009**

Between 1980 and 2009, the arrest rate for drug possession or use tripled for women, while the rate for men doubled.

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Quality of life policing and the War on Drugs coincided with increasing arrest rates for women.

Pretrial release and supervision practices may ignore the realities of women’s lives.

Community supervision can undermine women’s outcomes.

<table>
<thead>
<tr>
<th>People in jail unable to meet bail (prior to incarceration)</th>
<th>Non-incarcerated people</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
</tr>
<tr>
<td>All</td>
<td>$15,598</td>
</tr>
<tr>
<td>Black</td>
<td>$11,275</td>
</tr>
<tr>
<td>Hispanic</td>
<td>$17,449</td>
</tr>
<tr>
<td>White</td>
<td>$18,283</td>
</tr>
</tbody>
</table>
Reframing Justice for Women

- There are system responses that, if brought to scale, can reduce the number of women in jail
  - Policy choices that move away from using arrests to respond to low-level offenses
  - Assignment of defense counsel at the earliest possible stage
  - Elimination of cash bail
  - Investment in diversion programs and alternatives to incarceration

- But, reforms must be *data-driven* and focus deliberately on women
Thank You!

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