

State-level studies identify causes of the national “gender divide”

Our January report showed how incarcerated women are being left behind, but to identify specific areas for improvement, state-level research is needed.

by [Wanda Bertram](#), April 11, 2018

In our January report [The Gender Divide](#), we identified more than 30 states where recent criminal justice reforms have had little to no impact on women. The result? Nationally, women’s incarceration rates still hover near record highs, even as men’s rates are going down.

But *why* exactly are women being left behind, and what can states do to change course? Our report addressed these questions broadly, but to identify problematic policies or specific areas of need, drilling down to the local level is necessary. So I teamed up with Sasha Feldstein, a member of our [Young Professionals’ Network](#), to compile a list of state studies worth reading in full.

Here are some of the insights from these important studies:

- “The increase in women becoming involved in the criminal justice system can be traced to changes in **state and federal drug policies** that included prosecution of both users and distributors. Law enforcement practices of targeting users and low-level drug offenders led to an increase in women being charged with drug offenses.”
 - Nebraska ACLU, [Let Down and Locked Up: Nebraska Women in Prison](#)
- “**Resource-based bail systems** are particularly problematic for women, as poverty is a particularly significant factor for justice-system-involved women. A higher percentage of women reported incomes of less than \$600 per month immediately prior to their incarceration than their male counterparts, with two-thirds of these women earning minimum wage in entry-level positions.”
 - Texas Criminal Justice Coalition, [A Growing Problem: The Surge of Women into Texas’s Criminal Justice System](#)

- “The number of women sentenced for felony property crimes doubled from 2000 to 2011. As a result of Oregon’s creation of **harsher penalties for property crimes** such as ID theft, more women are being incarcerated for longer periods, including for behaviors that historically would not have been punished with imprisonment.”

– Oregon Justice Resource Center, [Women in Prison in Oregon](#)
- “Data reveals a **higher prevalence of discipline** among all incarcerated women than men at prisons statewide...The number of disciplinary tickets is almost double for the women’s population than for men. Disparities were prevalent for ‘minor insolence’ infractions, where the average number of disciplinary tickets issued to the women’s prison population was almost five times higher than those issued to men.”

– Women’s Justice Institute and Illinois Department of Corrections, [The Gender Informed Practice Assessment: Summary of Findings and Recommendations](#)
- “Just under 70 percent of incarcerated women in June of 2016 had an actively managed or serious mental illness, compared to 44 percent of incarcerated men...the Task Force recognizes the need for and recommends additional and appropriate funding dedicated to the expansion of community supervision as well as **mental health and addiction treatment** for offenders.”

– Oklahoma Justice Reform Task Force, [Final Report](#)
- “Changes in **arrest practice and policy in situations of domestic violence** could potentially divert a significant number of women charged with assault-related offenses from the system...[Crisis intervention training] should be expanded to reach all officers and incorporate gender-responsive, trauma-informed practices to prevent encounters from escalating.”

– John Jay College of Criminal Justice, [Women InJustice: Gender and the Pathway to Jail in New York City](#)

- “Native American women comprise 21% of the inmate population. Though individuals of non-white races are overrepresented in Minnesota’s prison population, **the incarceration of Native Americans** is dramatically disproportionate...and the proportion of Native American women in the prison population outpaces that of men.”
 - Robina Institute (at the University of Minnesota), [Women in Prison: A Small Population Requiring Unique Policy Solutions](#)
- “Incarcerated women are often parents, and **the separation from children** often creates financial and emotional hardship for families. All three of the state’s prison facilities are located in the southern part of the state and northern Nevada families may face difficulties in traveling to visit their incarcerated female family members. Many states have adopted policies that take children and families into consideration when choosing a prison assignment for a parent.”
 - Guinn Center for Policy Priorities, [New Study Sheds Light on Challenges for Women Behind Bars](#)

The United States holds [nearly 30%](#) of the world’s incarcerated women. Most shouldn’t be there at all, or could be better served through alternatives to incarceration, as these reports suggest. Developing ways to help disadvantaged women rather than incarcerating them should be an urgent priority in every state.

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