

WOMEN'S EXPERIENCES OF ABUSE **AS A RISK FACTOR FOR INCARCERATION**

Mary E. Gilfus (December 2002)

*Synopsis written by Rus Ervin Funk, MSW
Center for Women and Families, Louisville, KY*

This paper describes how violence perpetrated against women and girls increases their risk of arrest and incarceration through the intersections of interpersonal and structural violence. The ways that women end up in the legal system are through the “criminalization of women’s survival strategies” and the entrapment of women into crime by either abusers or by gender, race, and class oppression. Once in the legal system, women are re-victimized by “enforcement violence.”

There are 6 pathways, some of which overlap, that abused women and girls are at risk for incarceration:

- 1) abused and runaway girls;
- 2) women forced to live and work on the streets;
- 3) women addicted to substance;
- 4) women arrested for economic crimes, sometimes coerced by batterers;
- 5) women arrested for harm to children or abusers;
- 6) women affected by enforcement of discriminatory and coercive welfare, immigration and corrections policies

Dr Gilfus goes on to describe, in some detail, how these forms of victimization increase women’s risk for being incarcerated or jailed.

Victimization in the lives of incarcerated women

There have been numerous studies that have demonstrated that women and girls who are involved in the legal systems have a higher rate of previous victimization than women or girls who are not in the legal system. Government surveys indicate that between 43% and 57% of women in state or federal prisons have been physically or sexually abused at some point in their lifetime. Due to these begin government sponsored studies (thus facing a barrier of trust by incarcerated women) and definitional issues, these are probably under-reported rates.

Smaller, more in-depth studies by private researchers have found that nearly all girls and women in prison settings have experienced physical and sexual victimization throughout their lives.

The experience of being victimized increases girls and women’s risk of incarceration through running away; re-victimization and fighting back, drug and alcohol addictions, and prostitution.

Pathways from victimization to incarceration

The first three pathways described above describe how the resources for girls and women as they attempt to survive or escape violence and abuse are so limited that many have to resort to “extra-

legal” activities. These activities, then, are often only illegal for girls and women. The other 3 pathways reflect the process of entrapment either by batterers or by structural systems.

Processes that Criminalize Girls and Women’s Efforts to Escape Violence

Runaway Girls

- Girls are more likely than boys to be incarcerated for status offenses. Early juvenile involvement is highly predictive of adult incarceration.
- Abused girls of color are more likely to be processed by the legal systems and labeled as offenders while white girls have a better chance of being treated as victims and referred to child welfare and mental health systems.

Street Women

- Most street women are poor and have been displaced as a result of abuse, poverty, loss of housing benefits, mental illness, or addictions.
- Mental illness, substance abuse and homelessness are highly correlated with post-traumatic symptoms.
- A high portion of women on the streets are victimized/re-victimized while on the streets.
- Street women are also highly visible and are easily targeted by police

Addictions and Drug Offenses

- Women who use substances are more likely to do so as self-medication for street-life, prostitution, economic desperation, and abuse than are men.
- Incarcerated women have a high rate of addictions and women’s rising rates of incarceration is almost totally attributed to more aggressive drug enforcement tactics.

Process that Entrap Women with Abusive Partners and Coerce them into Crime

Economic Offenses

- Battering forces many women into poverty and homelessness and may jeopardize job status and welfare benefits.
- Low-income women of color are most affected by welfare reform policies.

Women Arrested for Harming Others

- Women are arrested for defending themselves and their children from victimization, as well as for not being able to protect their children
- Arrests of women for DV have increases since mandatory and pro-arrest policies have been implemented.

Enforcement Violence

- Women with multiple issues (poverty, substance abuse, mental illness, criminal records, and prostitution) are not taken as seriously as victims by legal systems.
- Battered immigrant women face particular barriers and risks through the INS.
- Once in the legal systems, they have harder times extricating themselves.

- Women and girls in the legal system continue to be at risk for sexual victimization while in “they system.”

Recommendations

- Design services that are accessible, culturally appropriate and respectful (which means, in part, placing services in high-risk communities);
- Incorporate sexual assault and domestic violence services into every jail and prison
- Street-level confidential services be made available where women and girls are prostituted.
- Increase research on the intersections of race, class, gender and abuse on laws and enforcement practices.
- Examine other options rather than “stronger laws” (which negatively impact on already oppressed communities and women) to respond to DV and sexual assault.