# “Navigating Prison Systems: Women in Criminal Justice”

Dialogue has been edited for clarity.

Lucy Ching (LC): Hello listeners, my name is Lucy Ching and I’m a criminal justice student at Michigan State University with a minor in Women and Gender Studies. One of my passions is prison reform as well as the unique female experience in the criminal justice system. Today, I’m joined here by Ariel Roddy.

*Guitar transition music*

LC: Alright, thank you so much for joining me Ariel. Do you want to explain more about yourself and what your research is about?

Ariel Roddy (AR): Yeah! Hi, so my name is Ariel Roddy and I’m a third-year PhD student in the Criminal Justice program here at Michigan State. I study women’s re-entry with a focus on their labor market outcomes. Specifically, I’m interested in what work means to women and if there are differential effects with motherhood and employment.

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LC: We’re going to start out with talking about the fact that gender is an institution that effects almost everything, the criminal justice system is no exception. For example, the number of women being incarcerated is the fastest growing corrections population in America. There has been over a 700% increase of incarcerated women in state and federal prisons, as well as local jails, between 1980 and 2016, according to data collected by the Sentencing Project. Their incarcerated population grew twice as fast as the male population in recent decades. We must also note that most women aren’t even held in prisons, most are held in local jails and many of which are stuck because they cannot afford bail. Now, most female offenders are in prison for non-violent offenses. They are mostly convicted of drug, property, and public order offenses. Many say that the war on drugs has been a huge contributor to the rise in female inmate population.

*Guitar transition music*

LC: Alright, so why do you believe that the war on drugs is said to have affected the female incarceration rate so much in the last few decades?

AR: I think when you think about women specifically and their relationship with the criminal justice system, women disproportionately struggle with substance abuse issues and a lot of that is going to affect the way that they’re policed and the way that women are incarcerated or involved in the criminal justice system more broadly. So, for example, when, related to the war on drugs, there have been increases in the mandatory minimum sentences or just the policing of drugs in general, women are going to struggle disproportionately because they have this unique relationship with substances and a lot of that stems from their relationship with victimization and trauma and often substance use is correlated with victimization. In general, women often are more likely to commit drug related or property crimes and when you start to increase policing related to substances what you’re going to see is women are going to disproportionately be affected by changes in policy and changes in policing and also women are more likely to commit crimes in order to feed their drug habits so that’s I think what you would see related to the war on drugs.

LC: Do you think that maybe sometimes women who are in a relationship a lot of times will get caught up into this drug world if the person they’re in a relationship with is really really into drugs or they’re dealing drugs and a woman is just like living with them and they end up having to be more involved than they were ever planning to be but they’re very trapped in this relationship already?

AR: Sure, I think you do see that. That does happen on occasion. Which is something that I think I’d also like to talk about is that women are often financially and economically marginalized groups so what you’ll see too is that women have difficulty leaving partners in spite of their criminal trajectories because they find themselves economically dependent on their partners so it’s much harder to leave a relationship given that you are unable to be like financially stable due to these structural barriers for finding work. So even if women do recognize that perhaps their partners are doing something that’s illegal, it’s very difficult for them to leave relationships if they feel financially dependent on that person.

*Guitar transition music*

LC: So, there’s also an over-representation of Hispanic and Black women in the criminal justice system. This is an intersectional issue of race, gender, and class, that is prominent in other areas of life in America. The term intersectionality, if you’re a listener who’s not familiar, refers to the many intersections of one person’s identity and each part of someone’s identity has a level of privilege to it. When they look at disadvantage and discrimination, people tend to look at only one part of identity at a time, not considering that there are other parts of identity that contribute to someone’s unique experience. An example is that Black women must face disadvantage from the side of being a woman and from being Black. When looking at a “woman’s experience” other aspects of her identity are assumed, usually as middle-class, able-bodied, heterosexual, and white.

*Guitar transition music*

LC: Do you believe that the over-representation of women of color in corrections is due to more disadvantage from intersectional experiences they live with? If so, what connections do you see?

AR: I would say that’s absolutely correct. One of the things I’ve studied in my own research is that women of color, more than any other group, have a difficult time finding and maintaining work. And when they are able to find and maintain work, they’re often over-qualified for the positions that they find and often paid less as well. This economic marginalization in and of itself could easily lead to someone finding alternative ways of making a living, and sometimes those options can be criminal. Even then, once women are established in the criminal justice system and now have some type of criminal record, women of color are often disproportionately discriminated against in the labor market because of their identity and their experience in the criminal justice system so, even once they’ve been incarcerated, it’s exceptionally even more difficult for women of color to find work which in and of itself would make it very hard to leave these cycles of criminality as a result of they just don’t have any other option to provide for their family. I think that’s a really obvious way in which this intersectional identity is shaping their experience in the criminal justice system.

LC: Do you think that in the ways that they’re more disproportionally going to be under the poverty line and things like red-lining are affecting the way they really have no option for going through the more conventional means of getting money and providing for their family, do you think that’s another way that’s pushing them towards criminality?

AR: Yeah, absolutely. I think that the spaces in which they live are also definitely going to affect the ways in which they’re policed. You mentioned red-lining and the poverty line so areas that are impoverished, generally speaking, have a heavier police presence. And so, as a result of that, women of color are also more likely to have been found guilty of some sort of crime as a result of increased police exposure, so that absolutely would affect things as well.

*Guitar transition music*

LC: It’s also extremely important to note that women who enter into the criminal justice system are more likely to have mental illness, struggle with substance abuse, and have been sexually and physically abused in their life. There is such a large victim-offender overlap in female inmates and the system fails to recognize the pathways women are taking to become offenders.

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LC: Can you explain an example of how a woman might get caught up in criminal activity but her path to crime was through being a victim?

AR: Sure. There’s an entire theory that describes these pathways — feminist pathways theory addresses the typology of women offenders that eventually end up as justice involved in some capacity. One example, perhaps, is that women disproportionately experience abuse as children so this sort of abuse can often lead to issues of mental health and that can also kind of spiral into substance dependency issues which can then lead to a breadth of other criminal activity and also other risky behaviors that may lead a woman to experience the criminal justice system in a unique way. As I’ve said before and keep harping on, women are also economically marginalized and this can lead them to perhaps staying or co-habitating with partners who have some type of association with criminal activity which means that they’re less likely to leave in a situation that may somehow threaten their ability to kind of live life on the straight and narrow so you see time and time again women who are on probation and parole being violated as a result of their association with criminally involved partners. And then in general, I think victimization can often lead people to feel as though they’re not cared about by a broader system and when you have feelings related to not being cared about by a broader system you often act out in rebellion against those systems. So often women who report having experiences with intimate partner violence may see that law enforcement and these broader systems have no interest kind of in saving them from those situations they can often find themselves rebelling against those institutions as well.

LC: Do you think that there are ways that we can change our systems so that they’re a little bit more empathetic to that victim-offender overlap that women are mostly experiencing? Like what kinds of ways could we change the system?

AR: Sure, so I think the system as it stands currently is very punitive and punitive in a way that’s meant to respond to the needs of men so I think that first and foremost treating the symptoms of their criminality so providing access to therapy, providing access to things that will help them recover from substance misuse, all of those things I think would improve the outcomes for women generally. Also, because these systems are designed to respond to men, taking a more gender-responsive approach to the ways these punitive systems treat women within the confines of their walls, so being more sensitive to the needs of women outside of just the punishment element, also considering their needs to socially interacting with their families and also like providing them with the materials that they need related to menstruation, all of those things. All of that would make it so that the environment would feel like it was designed for women’s bodies and women’s needs more than just men which is how the system was designed in the first place.

LC: So, we just need to become more rehabilitative rather than punitive.

AR: Yeah, and gender responsive as well.

*Guitar transition music*

LC: So according to a 2018 report from the Prison Policy Initiative most women in prison, about 62%, are mothers of minor children. These women are also most likely to be the primary caretaker so when they’re sent away to prison or to jail their families fall apart. Children have trouble visiting their mothers in prison because they’re located so far away from cities and visiting hours really aren’t compatible with school hours. Many mothers are actually losing their children altogether. After returning to society their children end up going into foster care.

*Guitar transition music*

LC: Why do you believe that prisons make it so hard to let children see their parents? Because a huge population of both men and women are parents in prison.

AR: That’s a great question. I think, to some degree, an argument could be made that prisons are worried about the welfare of children just because you could argue that prisons aren’t very welcoming spaces for kids, you don’t necessarily want the effects of some parental criminality to be somehow affected to the children that they have. But, overall, it’s hard to argue that a child growing up without their parent is going to be better, in the long run, for them than having some type of exposure to their parents regardless of whether or not they have any type of criminal history. So I think the true answer is that there is a punishment involved above and beyond the fact that this person did some type of criminal act, it’s supposed to be this holistic punishment related to the fact that not only did you do something wrong but you were also punishing the entire family structure of that person to get back at that human for doing something in the context of their own parenting.

LC: Women a lot of times, as I talked about earlier, are the primary caretakers so a lot of times when they go into prison their children have nowhere else to go other than maybe to a grandparent, but sometimes that’s not possible, usually into foster care and its extremely difficult for women to regain custody of their children especially after foster care. What do you think we could do so that it would be easier for them to regain custody if like they are going to be able to be responsible parents coming out of incarceration?

AR: I think that a big first step is making it easier for women to maintain relationships with their children while they’re incarcerated. I know that a few prisons have been moving toward these virtual visitations which I think could really improve the ease of access children have to exposure to their parents while they’re incarcerated since sometimes travel is really difficult and it’s a whole process to get a child through all of the security to eventually see their parent in prison, so I think improving the technology related to visitations could definitely have some positive effects. Then, yeah, I think that allowing parents to keep their parental right while they’re incarcerated, especially when it’s for short periods of time, I think that would make a huge difference in increasing the ease of the transition for parents, both men and women, when they return to society, being able to re-establish a relationship if they maintain their legal rights to do so.

LC: So, we’re going to talk about this in a little bit as well, but a lot of women give birth while in prison as well. There’s usually a policy that after a woman gives birth in prison, they take the child away from her and that she’s not really able to bond with the child, nor is she able to take care of the child even at the beginning of their life. What do you think that prisons could do so that a woman could maintain a little bit of her relationship with the baby as she is still incarcerated?

AR: Yeah, so, I think that that’s a really devastating policy that women are stripped from their children almost immediately after they give birth because those moments are really crucial for like mother and child bonding. I think improving the ways in which these carceral systems address motherhood could be really beneficial and one of the ways in which they can do so is like having a specific visiting room for women and children to allow a space that’s going to improve the dynamics between a mother and her child. If you’ve ever seen a visitation room it’s just this very like cold area, oftentimes you’re separated by glass with some mechanism to respond back and forth and it’s not very interactive. Some method of improving the literal physical structure of these visitation rooms could allow for women that have to nurse their children, women who want to play with their children, women who want to bond in a way that doesn’t involve these giant barriers to both physical touch and emotional connection, I think that would really improve the ways in which women are able to build that relationship with their child.

LC: There are some prisons that actually have nurseries for a mother who’s given birth in prison. Do you think these are a good idea? Being able to interact with your baby even though you are incarcerated. Do you think that is something that we should consider doing for other prisons and most prisons?

AR: Yeah, for sure, I absolutely think that, mostly just because that transition from having a child to then like proceeding to watch that baby grow, I mean like even when you aren’t incarcerated it’s kind of a difficult adjustment going from being pregnant to having a physical baby.

LC: Absolutely.

AR: Yeah, it’s not an easy thing to do. Doing so while incarcerated would be exponentially more difficult and giving women access to these spaces to start to really explore and understand motherhood would be huge just because I think it would improve the relationship with the child, improve a mothers ability to kind of be in that role and then also understand her relationship with her child in the context of her own incarceration instead of having to do that without any access to her child.

LC: Right, it could perhaps give her more motivation when she is released to stay on a straight and narrow path and be a little bit more rehabilitated cause I think children would probably help a lot with the rehabilitation process.

AR: That’s something that you kind of see time and time again when you ask women what their personal projects are—this is also another element of my research, we have asked women what have they done to make their life better once they’ve been either released from incarceration or after probation, after they’ve completed either probation or parole, what have they done to make their life better and women far and away say improving their relationships with their families, it’s something women take a lot of pride in doing.

*Guitar transition music*

LC: So, something that I’m really interested in talking about is something called shackling. Not only is there a large population of female inmates who are already parents which we just talked about, but, according to a 2019 study published in the American Journal of Public Health, 3.8% of newly admitted women are pregnant in that’s just in a single year. Incarcerated women had about 753 live births, 46 miscarriages, 4 still births, and 11 abortions so pregnant inmates are some of the most abused and neglected in the entire criminal justice system. They actually suffer from a lack of pre-natal care. They’re ignored when complaining of pregnancy related issues. They’re denied the right to an abortion a lot of times. And worst of all, many give birth in prison, shackled. Shackling is the use of metal restraints of arms, legs, and sometimes even belly before, during, and after labor. Shackling is a result of the whole corrections system being built with only male prisoners in mind which we also talked about a little bit earlier. The policy of needing to shackle men for all medical procedures and trips makes a little bit more sense because no procedure they’ll encounter will be as unique as giving birth. 10 states have no policies to limit shackling at all and 48 states allow shackling in some capacity. When people find out about shackling, they’re horrified most of the time. In society pregnant women are extremely protected but in prison they’re some of the most neglected and abused. In fact, international treaties and international organizations including the UN have called for an end to shackling during pregnancy, delivery, and postpartum recovery in America.

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LC: Why do you believe that we haven’t outlawed the shackling of pregnant inmates in this country?

AR: Um, I think that our system of punishment in this country is first and foremost retributive, so it feels less restorative than it is just trying to punish people for the actions and crimes that they’ve committed. I think that if you were to ask someone who has some sort of stake in the system, like from a punishment perspective, they may cite that it’s for public safety or for the well-being of the people in the surrounding area if women are shackled during childbirth, but realistically, I think that the real answer is that this is a system that’s built to make people less likely to commit crimes strictly through the severity of the punishments they provide. So, what their most likely doing, is they’re trying to make the punishment so severe, especially for women that have children or are in the process of having children, trying to make the punishment so heinous that women are steered away from committing crimes in the first place. Clearly this isn’t effective. In what we talked about related to the war on drugs, it doesn’t seem like the severity of these punishments are making people less likely to be incarcerated, in fact, it’s having an effect in increasing the number of women that are incarcerated actually so it’s a self-defeating mechanism to try to go above and beyond maybe the, I don’t know, the type of punishment that is being doled out because ultimately this is a very inhumane policy that makes our criminal justice system look archaic in comparison to other places. And, beyond what’s already been said, it’s not an effective way to stop a person from committing crimes.

LC: In sociology we often talk about how there are kind of like good women and bad women, we like to box people into, do you think that shackling like this and obviously we talked earlier about women not being able to see their children that it’s kind of punishing bad women for even being mothers that they’re saying you are not even fit to be a mother because you are “a bad woman.”

AR: Oh absolutely. And I do, I think that for some reason there is this extra emphasis placed on women that then produce children as though not only are they bad people they are bad mothers which is somehow even worse than being a bad woman.

LC: Right. Absolutely. There’s really no evidence that even suggests that shackling is at all like helping a situation. A lot of people who are for shackling say that women are going to be a flight risk or are going to be violent toward themselves, toward a doctor, towards the guard who’s standing there. But, in places like New York where they haven’t outlawed shackling but have made it so that really it’s only during extreme circumstances that they will shackle women, they’ve shown throughout several years that they’ve stopped shackling mostly that there have been no instances of people trying to run away, people being aggressive towards anybody. So, what can we do to kind of show that this is not what people think it is?

AR: It’s wonderful that New York’s doing that. I think it makes a ton of sense that they’re not seeing any indication that is going to increase the rates of violence. For the most part, women are less likely to commit violent crime in the first place, so it feels unlikely that a woman is just going to start being violent in this very specific situation is she has no history of violence. I think continuing to roll out these policies that kind of show that women are not necessarily going to turn violent or try to escape if they’re not being physically shackled to the place that they’re giving birth is a great start. And I think, also, recognizing that there’s been like a wide breadth of research already on women and violence and that this isn’t necessarily the same risk that you would expect if a man were to give birth—which I recognize isn’t really the point but women are, women do, women have a completely different experience with criminality and the fact that we are treating every person as though they have the same criminal experiences that a man does, it really harms women and seems to defeat the purpose of what we’re trying to do.

LC: Shackling is not really a well-known thing that people know about, and I think that when people find out about it, they’re really really horrified. Do you think that the reason that it’s not so publicized is because it’s happening to women? Because if it were happening to everyone or to men, I think it would be much more publicized. Do you think that that’s true?

AR: For sure. I think women are definitely a forgotten element of the criminal justice system just because women do commit crimes at a lower rate it feels as though when we think of crime stories we think of men first and that means that a lot of women’s experiences are kind of written over by the experiences that men have and given that men are such a large part of the prison population and also of the criminal justice system in general their needs are given greater attention.

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LC: In the summer of 2018, the Federal Bureau of Prisons announced that women in its facilities would be guaranteed free menstrual pads and tampons. But, because most women are actually held in state prisons and local jails, unaffected by the policy change, fewer than 10% of female inmates stood to gain anything from this change. Female inmates can be issues as low as 10 pads per menstrual cycle. These extremely cheap pads don’t have proper adhesive and many women are forced to use them more than once or to create makeshift tampons. Most state prisons and local jails only have a limited amount of flimsy, cheap pads for free each cycle, the inmates must pay much more than the market price for pads or tampons but they aren’t able to make an income more than a couple cents per hour when incarcerated the average amount that prisoners are making for any type of work is 86¢ an hour and they’re not even seeing all 86¢. This is another example of the correctional system not creating policies that are necessary for the unique female experience.

*Guitar transition music*

LC: What possible negative effects do you see caused by the lack of accessible menstrual products in the correctional facilities?

AR: Sure, so, speaking strictly from like a hygienic perspective, given that women already have reduced resources while incarcerated forcing them to get creative with the way that they adjust to their menstrual cycle without having like the proper tools and proper resources in order to do so, it could be unhygienic, it could be detrimental to their health. So, from that perspective alone, it feels really damaging. The signal that these institutions are sending is that you should be ashamed of your menstruation.

LC: Right, absolutely.

AR: That its treated as a drain on resources for this place, for this institution, and publicly that this is a drain on resources and that you should be, you should feel bad for having to do this. So, I think the psychological effects related to this lack of resources is also something that should be considered, just because women already, I think, feel like they’re away from their families, they’re a drain on their families resources, but then also that their needs aren’t being met is a signal that they are also unworthy of these very basic necessities that every woman needs that this place still isn’t willing to provide for them.

LC: Right. So, it’s a sense of like humiliation for her further than already just being incarcerated.

AR: Exactly. So, it’s almost meant as a technique to de-humanize and make this woman feel less than for needing these things that are completely natural to need while she’s incarcerated.

*Guitar transition music*

LC: The last topic I want to talk about is the disproportionate discrimination of female inmate’s re-entry into society. In 2008, Urban Institute Study found that 8-10 months after release over 50% of men were employed, but only 1/3 of women were. Part of the issue in this case are the same issues that women in general have when they’re trying to be hired: women are seen as less competent and under-qualified, unfortunately women who are ex-cons are also dinged more often for committing some sort of offense rather than men. As I mentioned earlier, female inmates are most likely to be the primary caregiver to their children and reuniting with them is extremely difficult. Halfway houses that women go to usually don’t allow children, so even when released, they cannot be with their children. Women most likely have substance abuse issues or mental health issues when incarcerated, as I touched on earlier, and have trouble receiving health and treatment once outside of custody and if they aren’t able to continue treatment after their release they’re probably going to continue having these issues that contributed most likely to their incarceration in the first place.

*Guitar transition music*

LC: What do you think is the most significant issue concerning female inmate re-entry into society?

AR: Sure, well, there are many to choose from.

LC: Yeah for sure, we can talk about them all haha.

AR: We really could haha. So, yeah, women face very specific disadvantages when they’re released from incarceration. One of the larger issues, I think, is all of these needs are forced to be met at once and it’s a really overwhelming process to leave some type of incarceration in the first place. So, it’s adjusting even to the small things, like before you leave a door oftentimes when you’re incarcerated like there needs to be a buzzer that happens in order for you to leave one area and enter another. So even just like those very small things, having to adjust to the way a normal door works, is something that’s very overwhelming to a person. But then, to add on top of that, that women face these very specific financial needs that are difficult to meet given their discrimination in the labor market, that in and of itself is an issue, and then the fact that they’re disproportionately the caregivers to young children, that exacerbates the need for finances and it also means that women have less time to find and maintain employment given they have these responsibilities to their children. Also, women lack social support relative to men, so if someone were to try to watch their child it’s much more difficult for women to find a person able to do that while they look for a job and also because women disproportionately have substance abuse issues, finding access to treatment, finding meetings that they can attend, all of these things are kind of a drain on women’s time. So, beyond even these like structural issues that women have in the first place, honestly just finding all of the time that it takes in order to like to fulfill your basic needs as a person is tremendously difficult for women. I think if we’re looking at the most pressing issue, I’m not sure I could say, but I do know that women lack the financial and the temporal resources in order to successfully re-enter just because they have all of these competing needs for their time.

LC: Right, so, what kinds of things do you think the corrections system could do to help women re-enter society in a more equal way to men?

AR: Yeah, absolutely, so I think from like a very basic perspective the fact that women are more responsible for the needs of children, they should be considered a specific population that needs financial resources more than men. So, I know that women often seek types of social security and also disability in order to provide for their families but in general that’s like a really overwhelming task to do right when you leave prison so I think having there be systems in place to help women know what resources are available to them once they leave. Even just like a small, any type of small training program, on how to adjust and how to file paperwork, that’s going to lead to the financial stability that women need would be really helpful for people that are leaving and transitioning from a carceral setting to a non-carceral setting. Also, job training programs, they’re often provided for men and they’re not often provided for women so that’s a huge gender disparity is that men are able to receive vocational degrees at a higher rate while they’re incarcerated than women are. And while women are given opportunities, generally speaking the research says that the educational opportunities for men and women are equal but in terms of vocational programming and training for jobs, women aren’t granted those opportunities while they’re incarcerated in the same way men are.

LC: Yeah, absolutely, I know that a lot of times, even if women are given this vocational training it’s still a very feminized job so a lot of times they’re like oh we’ll teach you how to be a hairdresser but then for men they can teach them how to be a computer programmer which already gives them a huge advantage into employment opportunities and the amount of money they can make when leaving.

AR: Yeah, the professions that men enter into most often pay more which is, it’s a reality that I think needs to change to set women and men on an equal playing field once they leave prison.

LC: So, women, when they’re on parole, if they do have their children back in their own custody, oftentimes it’s really hard to stick within their parole like requirements.

AR: Mmm, yeah.

LC: So like a lot of times they need to take care of their kids but they also need to show up to meet their parole officer so it’s just like how are we able to help them balance between all of these things within their life that usually women are more responsible for doing?

AR: Yeah, probation and parole are really tricky systems and a lot of it has to do with the fact that probation and parole officers themselves are really over-worked and their case loads are very high so it really, it interferes with their ability to schedule things properly and to make sure that they keep up with all of their clients in a way that is meaningful and a way that is sensitive to their restrictions on their time. So I think one very easy way that this can be more systematized and women can have their needs met in a more systematic was is by decreasing the case loads of probation and parole officers and increasing the resources given to those groups just because a huge difficulty is just related to the fact that they have so many people to keep track of which means that they are less interested in like promoting the needs of each one of their particular clients so there’s less flexibility around when they can schedule like these random drops and when they can schedule meetings with their clients. So, I think just purely by reducing the case loads of each of those workers would promote the idea that they’re specifically serving to a population of people and to specific individuals rather than just trying to do like a job that’s already like over-burdening them. So, that’s one way to do it and then I think there are other structural ways we can improve the system of probation and parole and a lot of that has to do with forcing women who are very far away from their probation and parole officers office locations to drive to and from those places without any regard for their work schedule, without any regard for where their housing is, or their access to transportation.

*Guitar transition music*

LC: I’ve really enjoyed this conversation about female experience in the criminal justice system and I’m so happy that I was able to share information that is easily overlooked in our society. When people are incarcerated, we forget about them. The American correctional system takes advantage of our ignorance and this allows them to forgo rehabilitation and focus only on incapacitation. We all must remember that although they did something wrong, they are still people and we must treat them as such. We must also look at how gender has shaped the policies of the American correctional system. Thank you, Ariel, so much for joining me and thank you all for listening. I hope that you’ve all found this eye opening and have a wonderful day.