



Women's Experiences of Abuse as a Risk Factor for Incarceration

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“My crime—being addicted to alcohol and drugs.
My crime—being a survivor of domestic violence.
My crime—being a survivor of incest.
My crime—being an American Indian woman”
(Ogden, 2000-2001, p. 20)

The battered women's movement has relied heavily on the criminal justice system to protect women from male violence, but this has had negative consequences for many women of color and their communities who have historically been more harmed than protected by the system. Women of color activists call for both the battered women's movement and the prison abolition movement to join together to stop violence against women who are “victimized by both interpersonal and state violence” (Incite, 2002; Rodriguez, 2000-2001, p. 17). 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 processes that place victims under correctional control are the “criminalization” of women's survival strategies (Chesney-Lind, 1997) and “entrapment” into crime by abusers and by gender, race and class oppression (Richie, 1996). Once entrapped and criminalized, women are re-victimized and subjected to “enforcement violence” by the state through coercive laws, immigration policies, social welfare policies and law enforcement practices (Bhattacharjee, 2001).

This review of the research on incarcerated women and girls identifies six, sometimes overlapping, pathways through which abused girls and women are placed at risk for incarceration. The

process of criminalization is most evident in the lives of (1) abused and runaway girls; (2) women forced to live and work on the streets; and (3) women addicted to substances. The process of entrapment affects the above three groups of women but also applies to (4) women arrested for economic crimes, sometimes coerced by batterers; (5) women arrested for harm to children or abusers; and (6) women affected by enforcement of discriminatory and coercive welfare, immigration and corrections policies. Once abused and socially harmed women become labeled as offenders they are even more at risk for repeated victimizations and entrapments that keep women imprisoned literally and figuratively. The framework presented here takes into account the diversity of abused women who are subjected to correctional control.

Victimization in the Lives of Incarcerated Women and Girls

Most studies of incarcerated women have observed high rates of victimization that link violence in women's lives to their entry into the criminal justice system as defendants (Arnold, 1990; Browne, 1987; Browne, Miller, & Maguin, 1999; Chesney-Lind, 1997; Daly, 1994; Danner, Blount, Silverman, & Vega, 1995; Gilfus, 1987, 1992; Katz, 2000; Leonard, 2002; Owen, 1998; Richie, 1996.). Richie (1996) observed patterns of entrapment by abusive partners into crime in her study of African-American battered women in jail in New York City. Daly (1994) identified several pathways by which primarily poor women of color become involved

with the courts. Miller (1986) described extensive victimization and exploitation in the lives of “street women” and Chesney-Lind and Rodriguez (1983) and Gilfus (1987, 1992) identified early and repeated abuse as antecedents to women’s entry into crime.

Government surveys of state and federal prisoners estimate that 43% to 57% of women in state and federal prisons have been physically or sexually abused at some time in their lives (Harlow, 1999; Greenfield & Snell, 1999; Snell & Morton, 1994). One-third of incarcerated women report child sexual abuse and 20% to 34% report abuse by an adult intimate partner; they have multiple abuse histories and are three to four times more likely than male prisoners to have abuse histories (American Correctional Association, 1990; Harlow, 1999; Snell & Morton, 1994). While these rates may not be substantially higher than in the general population of women (see Tjaden & Thoennes, 2000), these surveys probably under-report rates of abuse because they ask only a few general screening questions to determine victimization. Researchers agree that more extensive measures of behaviorally specific experiences result in higher and probably more accurate, prevalence rates (Browne, et al., 1999; Schwartz, 2000).

In contrast, smaller and more in-depth studies using expanded measures of abuse have found that nearly all girls and women in prison samples have experienced physical and sexual abuse throughout their lives (Bloom, Chesney-Lind, & Owen, 1994; Browne, et al., 1999; Fletcher, Rolison, & Moon, 1993; Gilfus, 1987, 1992; Owen, 1998; Richie, 1996). A study of 150 women at a maximum security prison for women in New York State (Browne, et al., 1999) found that fully 94% of the women reported severe physical or sexual abuse during their lives. Eighty-two percent of the women had been abused as children and 75% had experienced adult intimate partner abuse. Not only was the prevalence of abuse extremely high, but the abuse was also severe and cumulative over the life course of the women. A recent study by the Chicago Coalition for the Homeless (2002) reported that 53% of a sample of 235 women in Cook County

Jail had been abused as children and 66% had been victims of domestic violence.

Consequences of Abuse as Correlates with Risks of Incarceration

Browne and colleagues found parallels between the well-known long-term effects of exposure to violence and the reasons for which the women in their study were incarcerated, particularly running away from home, re-victimization, drug and alcohol addictions and prostitution (Browne, et al., 1999).

Studies of women sexually abused as girls find that onset of drug and alcohol abuse, self-harm, depression, suicidal ideation, relationship disturbances, running away from home and entry into prostitution are frequent negative consequences of child sexual abuse (Banyard, Williams, & Siegel, 2001; Briere, 1996; Chu, 1998; Follette, Polusny, Bechtle, & Naugle, 1996; Herman, 1997; van der Kolk, 1996). Longer duration and severity of abuse appear to increase the risk of negative outcomes. Trauma at early stages of development may alter brain chemistry and cognitive functioning, interfering with concentration, school performance and the capacity to discern and interpret cues from the environment regarding danger and risk (van der Kolk, 1996). Flashbacks, hypervigilance and emotional flooding may alternate with states of psychological numbing or dissociation (Briere, 1996; Herman, 1997). The desire for relief from trauma symptoms may lead survivors to self-medicate with drugs or alcohol to invoke the numbing state; on the other hand, numbing may lead some survivors to engage in risk-taking and self-injury behaviors in order to feel alive again (Briere, 1996; Chu, 1998).

Sexual predators tend to play on children’s loyalty and desire for affection, leaving abused children confused about social relationships and the distinctions among sex, love and violence (Briere, 1996; Finkelhor & Browne, 1988). Sexually abused girls have a high rate of sexual revictimization (Crowell & Burgess, 1996; Koss, et al., 1994), perhaps because perpetrators tend to target vulnerable young people who may have little or no adult protection. The absence of at least one caring adult

or a stable family life, failure at school and poor social skills increase the likelihood that a child will not be able to overcome the adversity of abuse, especially in environments characterized by poverty, racism and social disorganization (Benard, 1991; Hyman & Williams, 2001; McFarlane, 1996).

In retrospective studies, women at risk for incarceration—women who work as prostitutes (Farley & Kelley, 2000; J. Miller & Jayasundara, 2001; Silbert, & Pines, 1981), women with drug addictions (Frye, El-Bassel, Gilbert, Rajah, & Christie, 2001; Moreno, El-Bassel, Gilbert, & Wada, 2002), women with alcohol problems (Clark & Foy, 2000) and homeless women (Browne & Bassuk, 1997; Wenzel, Leake, Gelberg, 2001)—report very high rates of child sexual abuse and adult physical and sexual abuse.

Pathways from Victimization to Incarceration

A synthesis of the research on incarcerated and high-risk women suggests several pathways by which abused women enter the criminal justice system as defendants rather than as victims. The six pathways presented here may not be exhaustive and often converge and overlap. The first three pathways best reflect the process of criminalization by which girls' and women's resources for escaping and surviving abuse are so limited that they must depend on illegal activity for income. They are subjected to intensive law enforcement surveillance for behaviors labeled as criminal primarily for girls and women only. The last three pathways are more reflective of the process of entrapment by which battered women are forced into crime by abusers and/or poverty and are forced into the criminal justice system by laws and practices that entrap battered women. However, criminalization and entrapment tend to be at work for all six groups of women. The final pathway, enforcement violence, is a process that cuts across all of the first five pathways but can also be a separate and direct route to incarceration.

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

Abused and runaway girls

The American Correctional Association (1990) reported that 54% of girls incarcerated in U.S. juvenile correctional settings surveyed in 1987 had been sexually abused, 61% had been physically abused and the majority had been abused multiple times. Over 80% of girls had run away from home and over half had attempted suicide (ACA, 1990). Girls are more likely than boys to be incarcerated for status offenses, which are behaviors that are not criminal—such as running away, truancy, “incorrigibility,” and being deemed a child in need of supervision (Chesney-Lind, 1997). Early juvenile involvement in the criminal justice system is highly predictive of adult incarceration and recidivism (Greenfield & Snell, 1999). Arnold (1990) used the concept of structural dislocation to describe young black women in jail who had been sexually and physically abused. They were alienated from school by racist education systems and had no support from family, school, work, or community as homeless runaways. Initially they were referred to juvenile court as abused and neglected children, but they left the system labeled as offenders (Arnold, 1990). In such cases, being processed by the courts can turn young women into criminal defendants rather than victims of crimes. Abused girls of color are more likely to be processed by the criminal justice system 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 (Chesney-Lind, 1997; Robinson, 1990).

Street women

Women who start out as juvenile runaways and status offenders may end up living on the streets where they have no legal means of survival (Chesney-Lind, 1997; Daly, 1994; Gilfus, 1987, 1992; E. Miller (1986). Gilfus (1987) examined the timing of life events that preceded incarceration among 96 women in prison and identified a pattern of sexually and physically abused girls who ran away from violent homes and were unable to

continue school. By the age of 16, the girls were living on the streets with no viable employment options. Pimps recruited them or violently coerced them into prostitution. Most had been raped multiple times while on the streets and nearly all had been or were still in abusive relationships with co-addicted male partners involved in crime. They had long arrest records for minor offenses and were eventually sent to state prison after numerous probation failures, prostitution offenses and drug law violations (Gilfus, 1992).

Most street women are poor women who have been displaced as a result of being abused and runaway girls or forced onto the streets by poverty, loss of housing and welfare benefits, escape from abusive intimate partners, mental illness and/or alcohol and drug addiction. A study of women in Cook County Jail in Illinois found that more than half of the women had been homeless prior to arrest (Chicago Coalition for the Homeless, 2002). Mental illness, substance abuse and homelessness are highly correlated with post-traumatic symptoms and histories of severe sexual and physical abuse; a high portion of women living on the streets and in homeless shelters are re-victimizaed while on the streets (Browne & Bassuk, 1997; Wenzel, Leake, & Gelberg, 2001). Life on the streets is dangerous and can re-traumatize women. The terrible poverty that forces girls and women onto the streets often forces them to earn money by prostitution, most often under the control of pimps where they raped and battered again.

Street women are highly visible to law enforcement and they are swept up during campaigns to crack down on crime and “clean up the streets” (Miller & Jayasundara, 2001). Street women may be automatically presumed by police to be prostitutes and addicts and are often arrested for offenses that are rarely charged against men (solicitation, loitering and disorderly conduct). When picked up on prostitution-related charges women report rape, body searches and coercion to perform sexual services by police officers, jailers and prison guards (Miller & Jayasundara, 2001).

Addictions and drug offenses

Addiction and drug offending can be an outcome of street life, having to endure prostitution and economic desperation. It can also be a coping response to battering by women across class and race (Goldberg, 1995). Battered women often experience extreme stress, symptoms of complex PTSD, anxiety, depression, sleep deprivation and physical pain (Campbell & Lewandowski, 1997; Crowell & Burgess, 1996; Hughes & Jones, 2000) and may use alcohol or drugs to self-medicate (Bennett, 1998; Browne, et al, 1999). Procuring drugs places users at risk for arrest. Some women are introduced to drugs by abusive partners and may be forced to sell or carry drugs for them, while other impoverished women may resort to selling drugs to finance a planned escape from an abuser or to find a place to sleep (Gilfus, 1992; Richie, 1996).

Very high rates of addiction are found among incarcerated women and women’s rising rates of incarceration are attributed primarily to aggressive drug enforcement and heavy sentences imposed for drug convictions (ACA, 1990; Allard, 2002; Chesney-Lind, 1997; Greenfield & Snell, 1999; Richie, 1996). Since the introduction of crack cocaine, drug enforcement has targeted poor communities of color where visible street transactions are monitored and homes are raided, often in front of children, looking for “crack houses.” Heavier penalties and longer sentences are imposed for inexpensive crack than for higher priced forms of the drug, thus increasing convictions and imprisonment of poor people of color.

Processes That Entrap Women in Violent Relationships and Coerce Them into Crime

Economic offenses

Many women are in prisons for economic crimes, primarily larceny for shoplifting and using stolen credit cards. Some women charged with economic offenses are runaways, street women and drug-addicted women, but others may have no prior illegal activity or drug addiction. They may be coerced into crimes by abusive partners, they may try to support themselves and their children with

stolen items, they may be caught in welfare fraud, or they may steal or forge checks in order to escape from abuse (Kopels & Sheridan, 2002; Richie, 1996; Stuart, 1999).

Battering may force women into poverty and homelessness; it can cause women to lose jobs, welfare benefits, housing and educational opportunities (Browne & Bassuk, 1997; Davis, 1999; Lloyd & Taluc, 1999; Raphael, 1999). Financially abusive partners may steal women's earnings and possessions, force them into debt and harass them at work until they lose their jobs. Women who escape often have no resources of their own and cannot afford housing, food, medical care and childcare. Recent changes in welfare policies have left many abused women with even fewer choices and resources (Davis, 1999; Hagen & Owens-Manley, 2002; Raphael, 1999; Stuart, 1999). Low-income women of color experience the highest rates of domestic violence (Raj, Silverman, Wingood, & DiClemente, 1999; Rennison & Welchans, 2000; Wyatt, Axelrod, Chin, Carmona, & Loeb, 2000) and are the most affected by welfare reform policies (Coker, 2000).

Women arrested for harming others

Arrest and incarceration can result when women try to protect or defend themselves and their children from abuse, as well as when they cannot protect their children. Arrests of women for domestic violence assaults have increased since mandatory and pro-arrest laws and policies have been implemented (Dasgupta, 1999, 2001; Haviland, Frye, Rajah, Thukral, & Trimity, n.d.; S. Miller, 2001; Peng & Mitchell, 2001). The increase of women arrested under mandatory arrest laws and policies may be due to officers' reluctance to do careful investigations, perhaps in part as backlash against women (Dasgupta, 1999, 2001; S. Miller, 2001). Some abusers call the police to have their partners arrested and use arrest as an additional tool of power and control (NCDBW, 2001). Some battered women do fight back to defend themselves and are treated as the primary aggressors by the police and courts. However, we have few examples

of women arrested for harming their male intimate partners who fit the profile of batterers (Dasgupta, 1999; Miller, 2001)—the majority of women who fight back do so in self-defense.

Battered women report being pressured by prosecutors and their defense attorneys to plea bargain for a "light" sentence even when they were wrongly arrested (Miller, 2001). One of the reasons women give for accepting plea bargains is to get released from jail in order to care for their children and to protect them from the batterer (NCDBW, 2001). A plea of guilty leaves a woman with a permanent criminal record. Women with criminal records may lose welfare (TANF), food stamps and Medicaid, may be subject to deportation if they are immigrants, face employment barriers and may be permanently denied the right to vote (Coker, 2000; Haviland, et al., n.d.; NCDBW, 2001). A battered woman facing criminal charges and imprisonment has even less power and fewer resources to ensure her own and her children's safety (NCDBW, 2001).

Browne (1987), Walker (1989) and Leonard (2002) studied battered women who killed abusive partners in self-defense after long struggles to protect themselves and their children from terrifying violence. Those studies show how women can be completely trapped by severe violence, yet the criminal justice system still rarely acknowledges the history of abuse in its definition of self-defense. The number of intimate partner homicides in the U. S. dropped by more than 60% from 1976 to 1998, with the largest drop for women who kill their partners (Rennison & Welchans, 2000). A study by Browne and Williams (1993) suggested that the decrease might be due to the increasing availability of domestic violence services for women. Unfortunately, the rate of male-perpetrated intimate homicides has not decreased (Rennison & Welchans, 2000).

Battered women who defend themselves and harm abusers resemble battered women who kill batterers, but may look as if they are not "good victims;" for using too much force, or using alcohol or drugs, or having an arrest record. They are unlikely to be treated as victims when they try to use

law enforcement and the courts for protection. Another controversial trend in social policy is prosecution of battered women as child abusers or for “failure to protect” their children even in situations where the batterer prevents them from protecting their children (Beeman, Hagemeister, & Edleson, 2001; Edleson, 1998; Kopels & Sheridan, 2002; Mills, 1998). There are increasing efforts in research, policy and practice to understand and address the issues of battered women whose children are also abused.

Enforcement violence

Battered women with multiple issues, such as poverty, substance abuse, mental illness, homelessness, criminal records and prostitution histories face steep barriers to receiving services and benefits, and are not taken seriously as victims by the criminal justice system (Zweig, Schlichter, & Burt, 2002). Most women with multiple issues are not eligible for domestic violence shelters and face discrimination and further abuse wherever they turn. Enforcement abuse is victimization, entrapment, coercion and harm that results from enforcement of policies, laws and institutional practices (Bhattacharjee, 2001). Some of the consequences of arrest discussed above (loss of rights and benefits) are examples of enforcement abuse. Particularly serious enforcement violence affects groups who have few legal rights or access to legal resources for protection. These include refugees and immigrants as well as people under correctional control. Although not the focus of this paper, additional groups exposed to enforcement abuse include people institutionalized in settings such as psychiatric hospitals, nursing homes and facilities that house people with disabilities.

Battered immigrant women, who may or may not have any of the above issues, face a particular kind of enforcement violence from the Immigration and Naturalization Service (INS) (Allard, 2002; Bhattacharjee, 2001; Coker, 2000; Dasgupta, 1998; Raj & Silverman, 2002), including rapes by border patrol agents (Arguelles & Rivero, 1995). They may be isolated from extended family and unable to access information and services due to

language barriers. Abusive partners may keep them from learning about laws and services in the U.S. Immigration status can be used as a weapon of abuse by threats or destruction of vital documents and threats to turn women over to INS for deportation. Immigration laws allow men to sponsor their wives and thus to control wives’ immigration status and keep women dependent on them. Recent immigrants are not eligible for TANF or Medicaid for 3 years unless a woman can obtain a waiver as a battered woman. It is difficult for women to get waivers because of the legal complexity, women’s lack of information about the provisions and not being believed by authorities. Many immigrant women also fear that the batterer will be deported, perhaps taking the children with him and they may risk their own arrest and deportation if they call police. Immigrant women may be detained in INS detention centers without access to attorneys or visitors and little information on them is available.

Over two million women are arrested each year and nearly a million women are currently under correctional control (Bureau of Justice Statistics, n. d.; Sourcebook, 2000). Eighty-five percent are on probation or parole and fifteen percent are incarcerated in local jails and state and federal prisons (Greenfield & Snell, 1999). The number of women in prison tripled from 1980 to 1990 (Chesney-Lind, 1997) and more than doubled again between 1990 and 2001, reaching 161,000 in 2001 (Beck, Karberg, & Harrison, 2002). The largest increases are for drug-related and property offenses (Greenfield & Snell, 1999). Although the portion of women arrested for violent offenses increased 80% between 1987 and 1997, women’s violent offenses still total only 3.6% of all arrests and 17% of violent offenses (Greenfield & Snell, 1999; Sourcebook, 2000). What has changed is the percentage of women arrested who are being convicted and incarcerated, whatever their offenses (Beck, et al., 2001; Chesney-Lind, 1997; Greenfield & Snell, 1999).

Incarcerated women are predominantly poor women with little education and few employment options; most were either unemployed or receiving welfare assistance prior to their arrests (Greenfield

& Snell, 1999). A study of women in Cook County Jail in Illinois (Chicago Coalition for the Homeless, 2002) found that over half of the women were homeless and unemployed and one-third relied on prostitution for income. Twenty-nine percent of the women had recently lost or been denied government assistance.

Native Americans are incarcerated at a rate that is 19% higher than all other groups (Minton, 2002) and non-citizens represent 29% of all federal prisoners (Scalia & Litras, 2002). Women of color, once arrested, are disproportionately sent to prison while white women are more likely to be placed on probation (Greenfield & Snell, 1999). Racial discrimination in the criminal justice system, often practiced through the discretionary power of police officers, prosecutors, judges, juries, parole boards and corrections authorities, has a devastating effect on women of color. Women of color are more likely than white women to be arrested and charged with more serious offenses, to be prosecuted, to be convicted and to serve time in prison (Allard, 2002; Chesney-Lind, 1997; Ditton & Wilson, 1999; Farnsworth & Teske, 1995; Greenfield & Snell, 1999; S. Miller, 2001).

Drug enforcement in poor communities, harsh sentences mandated for certain offense categories, and laws requiring prisoners to serve longer portions of their sentences have increased the numbers of women warehoused in prisons. Few correctional settings offer drug or mental health treatment, job training, or rehabilitation programs to prepare inmates for release (Allard, 2002; Olson, Lurigio, & Seng, 2000). Nearly three-fourths of women in the criminal justice system were using drugs prior to their arrest, yet only 25% of state and federal prisoners and 17% of people on probation receive any kind of drug treatment (Allard, 2002). Federal welfare rules allow states to place a lifetime ban on cash and food stamp benefits for anyone convicted of a felony drug offense. Convicted drug felons are prohibited from living in public housing and cannot receive federal financial aid for post-secondary education (Allard, 2002). Such policies make it very difficult for women to legally obtain food, housing,

health care, drug treatment, education and income for themselves and their children. Two-thirds of people released from prisons are re-arrested within three years, primarily for economic offenses (Langin & Levin, 2002).

Women and girls under correctional control are among our most impoverished and violated populations yet they have few advocates and virtually no resources, services, or rights that can be reasonably exercised. The interlocking forms of interpersonal and state violence and gender, race and class oppression imprison girls and women in battering relationships, lives of poverty and subsistence through illegal economic activities. Once they are placed under correctional control they have ever decreasing chances of extricating themselves.

Recommendations

Women and girls under correctional control or living and working on the streets are in urgent need of advocates, economic resources and services. Those services must be designed to be accessible, culturally appropriate, respectful and useful to the specific contexts of women's lives. We need programs in jails, prisons, courts and at street-level. Every prison and jail should have community-run domestic violence and sexual assault services. Neighborhoods where women and girls are prostituted should have confidential and easily accessible services on the streets providing information, counseling and advocacy. Shelters must be opened to provide safe haven for street women (regardless of their drug use or legal status) and to shelter women released from jails and prisons who are at risk for abuse, homelessness and prostitution.

A host of social policies cutting across criminal justice, immigration, drug enforcement, housing, welfare and health and mental health care must be changed. We need to document the extent of race, gender and class entrapment by abusers, laws, social policies and enforcement practices. The movement to end violence against women needs the leadership and expertise of women who experience criminalization, entrapment and enforcement abuse. The movement is beginning to recognize the unin-

tended consequences of relying heavily on the criminal justice system to protect women and children from male violence; we must begin to look for other options in order not to add further harm to already oppressed communities. We need safe places, services and strong advocacy for women who are not always “good victims,” but are real victims, women caught in the web of poverty, racism, violence, correctional control and enforcement abuse. Finally, the women’s movement should join the effort to abolish prisons and decarcerate non-violent inmates.

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References

Allard, P. (2002). *Life sentences: Denying welfare benefits to women convicted of drug offenses*. Washington, DC: The Sentencing Project.

American Correctional Association. (1990). *The female offender: What does the future hold?* Washington, DC: St. Mary’s Press.

Arguelles, L., & Rivero, A. (1995). Violence, migration, and compassionate practice: Conversations with some Latinas we think we know. In J. Adleman & G. Enguidanos (Eds.), *Racism in the lives of women: Testimony, theory, and guides to antiracist practice* (pp. 149-160). New York: Haworth Press.

Arnold, R. A. (1990). Processes of victimization and criminalization of Black women. *Social Justice*, 17, 153-166.

Banyard, V. L., Williams, L. M., & Siegel, J. A. (2001). Understanding links among childhood trauma, dissociation, and women’s mental health. *American Journal of Orthopsychiatry*, 71, 311-321.

Beck, A. J., Karberg, J. C., & Harrison, P. M. (2002, April). *Prison and jail inmates at midyear 2001* (NCJ 191701). Washington, DC: U.S. Department of Justice.

Beeman, S. K., Hagameister, A. K., & Edleson, J. L. (2001). Case assessment and service receipt in families experiencing both child maltreatment and woman battering. *Journal of Interpersonal Violence*, 16, 437-458.

Benard, B. (1991). *Fostering resiliency in kids: Protective factors in the family, school, and community*. Portland, OR: Northwest Regional Educational Laboratory.

Bennett, L. W. (1998, February). *Substance abuse and woman abuse by male partners*. Harrisburg, PA: Pennsylvania Coalition Against Domestic Violence. Retrieved June 16, 2002 from VAWnet, the National Electronic Network on Violence Against Women <http://www.vawnet.org>.

- Bhattacharjee, A. (2001, May). *Whose safety? Women of color and the violence of law enforcement*. Retrieved June 25, 2001 from www.afsc.org.
- Bloom, B., Chesney-Lind, M., & Owen, B. (1994). *Women in California prisons: Hidden victims of the war on drugs*. San Francisco, CA: Center on Juvenile Crime and Criminal Justice.
- Briere, J. (1996). *Therapy for adults molested as children, 2nd ed.* New York: Springer.
- Browne, A. (1987). *When battered women kill*. New York: The Free Press.
- Browne, A. & Bassuk, S. S. (1997). Intimate violence in the lives of homeless and poor housed women: Prevalence and patterns in an ethnically diverse sample. *American Journal of Orthopsychiatry*, 6, 261-278.
- Browne, A., Miller, B., & Maguin, E. (1999). Prevalence and severity of lifetime physical and sexual victimization among incarcerated women. *International Journal of Law and Psychiatry*, 22, 301-322.
- Browne, A., & Williams, K. R. (1993). Exploring the effect of resource availability and the likelihood of female-perpetrated homicides. *Law & Society Review*, 23, 75-94.
- Bureau of Justice Statistics. (n.d.). *Criminal offenders statistics*. Retrieved June 7, 2002, from <http://www.ojp.usdoj.gov/bjs/crimoff.htm>.
- Campbell, J. C., & Lewandowski, L. A. (1997). Mental and physical health effects of intimate partner violence on women and children. *Anger, Aggression, and Violence*, 20, 353-374.
- Chesney-Lind, Meda. (1997). *The female offender*. Thousand Oaks, CA: Sage.
- Chesney-Lind, M., & Rodriguez, N. (1983). Women under lock and key. *The Prison Journal*, 63, 47-65.
- Chicago Coalition for the Homeless (2002, April). *Unlocking options for women: A survey of women in Cook County Jail*. Retrieved August 12, 2002, from <http://www.chicagohomeless.org/factsfigures/facts.htm>.
- Chu, J. A. (1998). *Rebuilding shattered lives: The responsible treatment of complex post-traumatic and dissociative disorders*. New York: John Wiley & Sons.
- Clark, A. H., & Foy, D. W. (2000). Trauma exposure and alcohol use in battered women. *Violence Against Women*, 6, 37-48.
- Coker, D. (2000). Shifting power for battered women: Law, material resources, and poor women of color. *University of California, Davis Law Review*, 33, 1009-1055.
- Crowell, N. A., & Burgess, A. W. (Eds.) (1996). *Understanding violence against women*. Washington, DC: National Academy Press.
- Daly, K. (1994). *Gender, crime, & punishment*. New Haven, CT: Yale University Press.
- Danner, T., Blount, W., Silverman, I., & Vega, M. (1995). The female chronic offender: Exploring life contingency and offense history dimensions for incarcerated female offenders. *Women & Criminal Justice*, 6, 45-66.
- Dasgupta, S. D. (1998). Women's realities: Defining violence against women by immigration, race, and class. In R. K. Bergen (Ed.), *Issues in intimate violence* (pp. 209-219). Thousand Oaks, CA: Sage.

- Dasgupta, S. D. (1999). Just like men? A critical view of violence by women. In M. Shepard & E. Pence (Eds.), *Coordinating community responses to domestic violence: Some lessons from Duluth and beyond* (pp. 195-222). Thousand Oaks, CA: Sage.
- Dasgupta, S. D. (2001, February). *Towards an understanding of women's use of non-lethal violence in intimate heterosexual relationships*. Harrisburg, PA: Pennsylvania Coalition Against Domestic Violence. Retrieved June 16, 2002 from VAWnet, the National Electronic Network on Violence Against Women <http://www.vawnet.org>.
- Davis, M. F. (1999). The economics of abuse: How violence perpetuates women's poverty. In R. A. Brandwein (Ed.), *Battered women, children, and welfare reform: The ties that bind* (pp. 17-30). Thousand Oaks, CA: Sage.
- Ditton, P. M., & Wilson, D. J. (1999, January). *Truth in sentencing in state prisons* (NCJ 170032). Washington, DC: U.S. Department of Justice.
- Edleson, J. L. (1998). Responsible mothers and invisible men: Child protection in the case of adult domestic violence. *Journal of Interpersonal Violence, 13*, 294-298.
- Farley, M., & Kelly, V. (2000). Prostitution: A critical review of the medical and social sciences literature. *Women & Criminal Justice, 11*, 29-64.
- Farnsworth, M. & Teske, R. (1995). Gender differences in felony court processing: Three hypotheses of disparity. *Women & Criminal Justice, 6*, 23-44.
- Finkelhor, D., & Browne, A. (1988). Assessing the long-term impact of child sexual abuse: A review and conceptualization. In G. T. Hotaling, D. Finkelhor, J. T. Kirkpatrick & M. A. Straus (Eds.), *Family abuse and its consequences* (pp. 270-284). Newbury Park, CA: Sage.
- Fletcher, B., Rolison, G., & Moon, D. (1993). *Women prisoners: A forgotten population*. Westport, CT: Praeger.
- Follette, V. M., Polusny, M. A., Bechtle, A. E., & Naugle, A. E. (1996). Cumulative trauma: The impact of child sexual abuse, adult sexual assault, and spouse abuse. *Journal of Traumatic Stress, 9*, 25-35.
- Frye, V., El-Bassel, N., Gilbert, L., Rajah, V., & Christie, N. (2001). Intimate partner sexual abuse among women on methadone. *Violence and Victims, 16*, 553-564.
- Gilfus, M. E. (1987, July). *Life histories of women in prison*. Paper presented at the Third National Family Violence Research Conference, Durham, NH.
- Gilfus, M. E. (1992). From victims to survivors to offenders: Women's routes of entry and immersion into street crime. *Women & Criminal Justice, 4*, 63-89.
- Goldberg, M. (1995). Substance-abusing women: False stereotypes and real needs. *Social Work, 40*, 789-798.
- Greenfield, L. A., & Snell, T. L. (1999). *Women offenders* (NCJ 175688). Washington, DC: U.S. Department of Justice.
- Hagen, J. I., & Owens-Manley, J. (2002). Issues in implementing TANF in New York: The perspective of frontline workers. *Social Work, 47*, 171-182.
- Harlow, C. W. (1999). *Prior abuse reported by inmates and probationers* (NCJ 172879). Washington, DC: U.S. Department of Justice.
- Haviland, M., Frye, V., Rajah, V., Thukral, J., & Trinity, M. (n.d.). *The Family Protection and Domestic Violence Intervention act of 1995: Examining the effects of mandatory arrest in New York City*. New York: Urban Justice Center.

- Herman, J. L. (1997). *Trauma & recovery*. New York: Basic Books.
- Hughes, M. J., & Jones, L. (2000). Women, domestic violence, and posttraumatic stress disorder (PTSD). *Family Therapy, 27*, 125-139.
- Hyman, B., & Williams, L. (2001). Resilience among women survivors of child sexual abuse. *Affilia, 16*, 198-219.
- Incite (2002, March). Critical resistance-Incite Statement: *Gender violence and the prison industrial complex*. Retrieved March 30, 2002, from <http://www.criticalresistance.org/incitestatement.html>.
- Katz, R. S. (2000). Explaining girls' and women's crime and desistance in the context of their victimization experiences. *Violence Against Women, 6*, 633-660.
- Kopels, S., & Sheridan, M. C. (2002). Adding legal insult to injury: Battered women, their children and the failure to protect. *Affilia, 17*, 9-29.
- Koss, M. P., Goodman, L., Browne, A., Fitzgerald, L., Keita, G. P., & Russo, N. F. (1994). *No safe haven*. Washington, DC: American Psychological Association.
- Langan, P. A., & Levin, D. J. (2002). *Recidivism of prisoners released in 1994*. (NCJ 193427) Washington, DC: U.S. Department of Justice.
- Leonard, E. D. (2002). *Convicted survivors: The imprisonment of battered women who kill*. Albany, NY: State University of New York Press.
- Lloyd, S., & Taluc, N. (1999). The effects of male violence on female employment. *Violence Against Women, 5*, 370-392.
- McFarlane, A. C. (1996). Resilience, vulnerability, and the course of posttraumatic stress disorder. In B. A. van der Kolk, A. C. McFarlane & L. Weisaeth (Eds.), *Traumatic stress: The effects of overwhelming experience on mind, body, and society* (pp. 155-181). New York: Guilford Press.
- Miller, E. M. (1986). *Street women*. Philadelphia: Temple University Press.
- Miller, J. & Jayasundara, D. (2001). Prostitution, the sex industry, and sex tourism. In C. Renzetti, J. Edleson & R. Bergen, *Sourcebook on intimate violence*, (pp. 459-480). Thousand Oaks, CA: Sage.
- Miller, S. L. (2001). The paradox of women arrested for domestic violence: Criminal justice professionals and service providers respond. *Violence Against Women, 7*, 1339-1376.
- Mills, L. (1998). *The heart of intimate abuse*. New York: Springer.
- Minton, T. D. (2002, May). *Jails in Indian country, 2001* (NCJ 193400). Washington, DC: U. S. Department of Justice.
- Moreno, C. L., El-Bassel, N., Gilbert, L., & Wada, T. (2002). Correlates of poverty and partner abuse among women on methadone. *Violence Against Women, 8*, 455-475.
- National Clearinghouse for the Defense of Battered Women. (NCDBW, 2001, February). *The impact of arrests and convictions on battered women*. Philadelphia: Author.
- Ogden, S (Kashaya Pomo). (2000-2001, Winter). Imprisoning the other. *ColorLines, 3*(4), 20.
- Olson, D. E., Lurigio, A. J., & Seng, M. (2000). A comparison of female and male probationers: Characteristics and case outcomes. *Women & Criminal Justice, 11*, 65-78.

- Owen, B. A. (1998). *In the mix: Struggle and survival in a women's prison*. Albany, NY: State University of New York Press. Electronic reproduction. Boulder, CO: NetLibrary, 1999.
- Peng, Y. K., & Mitchell, D. C. (2001). *Family violence dual arrest in Connecticut*. Middletown, CT: Connecticut State Police, Crimes Analysis Unit.
- Raj, A., & Silverman, J. (2002). Violence against immigrant women. *Violence Against Women, 8*, 367-398.
- Raj, A., Silverman, J. G., Wingood, G. M., & DiClemente, R. J. (1999). Prevalence and correlates of relationship abuse among a community-based sample of low-income African American women. *Violence Against Women, 5*, 272-291.
- Raphael, J. (1999). Keeping women poor: How domestic violence prevents women from leaving welfare and entering the world of work. In R. A. Brandwein (Ed.), *Battered women, children, and welfare reform: The ties that bind* (pp. 31-43). Thousand Oaks, CA: Sage.
- Rennison, C., & Welchans, S. (2000). *Intimate partner violence* (NCJ 178247). Washington, DC: Bureau of Justice Statistics.
- Richie, B.E. (1996). *Compelled to crime: The gender entrapment of battered black women*. New York & London: Routledge.
- Robinson, R. (1990). *Violations of girlhood: A qualitative study of female delinquents and children in need of services in Massachusetts*. Unpublished doctoral dissertation, Brandeis University.
- Rodriguez, D. (2000-2001, Winter). Locked up, beat down. *Colorlines, 3*(4), 16-17.
- Scalia, J. & Litras, M. F. X. (2002, August). *Immigration offenders in the federal criminal justice system, 2000* (NCJ 191745). Washington, DC: U. S. Department of Justice.
- Schwartz, M. D. (2000). Methodological issues in the use of survey data for measuring and characterizing violence against women. *Violence Against Women, 6*, 815-838.
- Silbert, M. & Pines, A. (1981). Sexual child abuse as an antecedent to prostitution. *Child Abuse and Neglect, 5*, 407-411.
- Snell, T. L., & Morton, D. C. (1994). *Women in prison: Survey of state prison inmates, 1991* (NCJ 145321). Washington, DC: U. S. Department of Justice.
- Sourcebook of criminal justice statistics online. (n.d.). *Arrests by offenses charged and sex, United States, 2000*. Retrieved June 12, 2002, from <http://www.albany.edu/sourcebook/1995/pdf/t48.pdf>.
- Stuart, D. M. (1999). Domestic violence victims and welfare services: A practitioner's view. In R. A. Brandwein (Ed.), *Battered women, children, and welfare reform: The ties that bind* (pp.79-83). Thousand Oaks, CA: Sage.
- Tjaden, P., & Thoennes, N. (2000). Prevalence and consequences of male-to-female and female-to-male partner violence as measured by the National Violence Against Women Survey. *Violence Against Women, 6*, 142-161.
- van der Kolk, B. A. (1996). The complexity of adaptation to trauma: Self-regulation, stimulus discrimination, and characterological development. In B. A. van der Kolk, A. C. McFarlane & L. Weisaeth (Eds.), *Traumatic stress: The effects of overwhelming experience on mind, body, and society* (pp. 182-213). New York: Guilford Press.
- Walker, L. E. (1989). *Terrifying love: Why battered women kill and how society responds*. New York: Harper Perennial.

Wenzel, S. L., Leake, B. D., & Gelberg, L. (2001). Risk factors for major violence among homeless women. *Journal of Interpersonal Violence, 16*, 739-752.

Wyatt, G. E., Axelrod, J., Chin, D., Carmona, J. V., & Loeb, T. B. (2000). Examining patterns of vulnerability to domestic violence among African American women. *Violence Against Women, 6*, 495-514.

Zweig, J. M., Schlichter, K. A., & Burt, M. R. (2002). Assisting women victims of violence who experience multiple barriers to services. *Violence Against Women, 8*, 162-180.



In Brief:

Women's experiences of abuse as a risk factor for incarceration

Violence perpetrated against women and girls can put them at risk for incarceration by forcing abused girls and women into the criminal justice system not as victims, but as “offenders” in the eyes of the state. The processes that transform victims into offenders are the “criminalization” of women’s survival strategies, “entrapment” into crime by abusers and by gender, race and class oppression, and “enforcement violence” by the state through coercive laws, immigration policies, social welfare policies and law enforcement practices.

Six pathways to incarceration are correlated with histories of abuse:

- *Abused and runaway girls*
- *Street women and prostituted women*
- *Women with untreated addictions*
- *Women arrested for economic crimes, sometimes coerced by batterers*
- *Women arrested for harming others, either falsely or for defending themselves*
- *Women affected by enforcement of discriminatory and coercive welfare, immigration and corrections policies and drug laws.*

Research shows that the overwhelming majority of women defendants in the criminal justice system have extensive histories of childhood and adult abuse that may result in homelessness, substance abuse and economic marginality that force them into survival by illegal means. Some women are coerced to engage in crime by battering partners or by partners’ financial abuse, some are arrested for defending themselves against abuse, and others are arrested for not protecting their children from domestic violence. Recent changes in welfare, housing, immigration policies, drug enforcement, mandatory arrest, prosecution and sentencing policies further criminalize women’s efforts to survive, escape and cope with abuse. Low-income women of color are most at risk for abuse and most at risk for being criminalized, entrapped and forced by abusive policies into the corrections system.

Women under correctional control are primarily poor, unemployed, under-housed, have few employment skills and have untreated addictions and trauma. Women of color, poor women and immigrant women are affected most by harsher law enforcement, sentencing and welfare policies. Welfare and housing policies prevent former drug offenders from receiving benefits.

Recommendations. Advocacy and services on site for women in all parts of the criminal justice system are urgently needed, as is more research to document the pathways from victimization to incarceration and to document enforcement abuse. Corrections policies regarding “offenders,” drug laws, immigration policies and welfare policies must be re-examined and changed to address the rights and needs of immigrant women, women of color and women trapped in the web of poverty, racism and violence. Outreach efforts, safety and integrated services for women living on the streets, caught up in prostitution and with untreated addictions and trauma, must be developed. The battered women’s movement should place women marginalized by abuse, poverty, racism, incarceration and coercive state control at the center of analysis for advocacy, social change and service delivery, and should join with the prison abolition movement to include women in the efforts to decarcerate non-violent inmates.