

SURVIVORS OF INCARCERATION AND GENDER-BASED VIOLENCE



Women and incarceration

The growth of the women's prison population has outpaced the growth of the men's prison population. In eight states from 2009-2015, the number of incarcerated women increased while the number of incarcerated men declined.¹ The rise of women's incarceration is due in part to policies that criminalize women's survival strategies, including mandatory arrest policies that criminalize women for fighting back against domestic violence,² and the arrest and punishment of women and gender-expansive people who engage in sex work to financially support themselves.³

Incarceration and gender-based violence

Incarcerated women are significantly more likely to report experiencing victimization across their lifespan, in comparison to women without incarceration histories.⁴

Experiencing sexual violence is one of the strongest predictors of women and girls' criminal legal system involvement.⁵

Many young people who run away from home are survivors of child sexual abuse.⁶

Running away is also the most common "offense" for which girls are placed in youth detention.⁷

Nineteen percent of Black girls had cases involving running away, compared to 8% of white girls, making this the second most common reason for Black girls' contact with the youth legal system.⁸

The criminal legal system disproportionately incarcerates women who are survivors of gender-based violence:

One study found that 86% of women in jails reported they were survivors of sexual violence, 77% reported they were survivors of intimate partner violence, and 60% reported they experienced caregiver violence as children.⁹

Another study of women in a large prison system found that nearly 70% incarcerated women reported sexual victimization during their lifetime, and 17% reported experiencing sexual victimization in prison.¹⁰

The prevalence of gender-based violence among incarcerated women is much higher than among women in the general population, which was 44% for women in 2015.¹¹

Women and girls who have been involved in carceral systems are often subjected to violent victimization leading up to, during, and following incarceration,¹² including those involved in immigration detention.

The most recent data from the Bureau of Justice Statistics indicate that 6.6 percent of girls in juvenile facilities reported sexual victimization by either another young person or staff member in the facility.¹³

A study of California state prisons for men found that transgender people are most likely to experience sexual assault and rape while incarcerated.¹⁴

In 2017, a report from the Inspector General noted serious concerns about the care and treatment of people placed in immigration detention. Just as in prisons and jails, people in immigration detention are subject to strip searches, delayed and inadequate healthcare, misuse of segregation, and physical and sexual abuse.¹⁵

The criminal legal system criminalizes women, especially women of color, for their survival:

In 2017, 61% of people arrested for sex work were women, according to the Federal Bureau of Investigation (FBI) Uniform Crime Report. Many consider sex work a “crime” of survival that people turn to when other employment opportunities are limited or difficult to access. For formerly incarcerated women, sex work may be the only available source of income, given the difficulty they have securing employment after incarceration, especially formerly incarcerated Black women who have the highest unemployment rate at 47%.¹⁶

A study of incarcerated adult women found that trauma exposure, particularly from sexual violence, increased their risk of severe mental illness, triggering substance abuse, drug sales, and property crime as coping and survival mechanisms.¹⁷

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