University of Maryland Law Journal of Race, Religion, Gender and Class

Volume 2 | Issue 2 Article 6

More Than Mere Ripples: The Interwoven Complexity of Female Incarceration and the African-American Family

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MORE THAN MERE RIPPLES: THE INTERWOVEN COMPLEXITY OF FEMALE INCARCERATION AND THE AFRICAN-AMERICAN FAMILY

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I. INTRODUCTION

An emerging theme in the United States prison system is the unprecedented growth of its inmate population. With an inmate population of nearly two million, the United States leads the industrialized world in its number of prisoners.[1] The increasing prison population is evident at all levels of government, federal, state, and local.[2]

Masked by this data is the alarming rate of female incarceration. Although the incarceration rate of women still pales in comparison to the incarceration rate of men, there is such an unprecedented growth in female incarceration that it is impossible not to take notice. For instance, the female prison population grew 157 percent between 1990 and 1996.[3] While the number of adult males in jail increased by about 124 percent from 1990 to 1996, the number of adult females in prison increased by about 150 percent.[4] This phenomenal growth in female incarceration does not apply equally to all racial categories – the average female inmate *is invariably African American.*[5] Table 1 shows the number of adults held in federal and state prisons, or local jails per 100,000 adult residents in each group for the period 1990 to 1996.

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1. HUMAN RIGHTS WATCH, WORLD REPORT 2001 5 (2001). The United States has the largest prison population in the world. The incarceration rate in the United States is second only to Rwanda. *Id.*

2. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, CORR. POPULATIONS IN THE U.S., at iii (1996).

3. *Id.* at 3 tbl.1.6.

4. *Id.* at 20 tbl.2.2. The number of adult males increased from 365,821 to 454,700, while the number of adult females increased from 37,198 to 55,700. *Id.*

5. *Id.* at 3 tbl.1.7. In 1996, black females were incarcerated at a rate 650% higher than the rate for white women. *Id.*

Table 1: Number of Adults Held in Federal or State Prisons, or Local Jails per 100,000 U.S. Adult Residents in Each Group, 1990-1996[6]

Year	White Males	White Females	Black Males	Black Females
1990	711	48	5161	329
1991	732	51	5503	346
1992	766	53	5793	356
1993	797	55	6032	393
1994	842	61	6443	426
1995	907	65	6618	456
1996	944	73	6607	474

As Table 1 indicates, the incarceration rate for black women during the 1990's was more than six times that of white females. While the rate of imprisonment for black men increased by twenty-eight percent between 1990 and 1996, for black women it increased by forty-four percent during the same period.

Despite unprecedented growth in the African American female inmate population, few studies focused only on this group of prisoners.[7] For example, studies that addressed the gender composition of inmates often lump either all females or all African Americans together without drawing much attention to the peculiar circumstance of the African American female inmate population.[8] Many studies have focused mainly on the African American male inmate, [9] because of the overwhelming number of African American males in the prison system.[10]

Another problem with many studies on inmate population is the primary focus on the impact of incarceration on individual offenders.[11] These studies examine the deterrent, rehabilitative, and

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6. *Id.*

7. NICOLE HAHN RAFTER, PARTIAL JUSTICE: WOMEN IN STATE PRISONS 1800-1935 154 (1985)) [hereinafter PARTIAL JUSTICE].

8. *Id.*

9. *See, e.g.*, MARK MAUER, THE SENTENCING PROJECT, THE CRISIS OF THE YOUNG AFRICAN AMERICAN MALE AND THE CRIMINAL JUSTICE SYS. (1999).

10. *See* BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, CORR. POPULATIONS IN THE U.S., at 3 tbl.1.7 (1996).

11. Dennis R. Brewster, *Does Rehabilitative Justice Decrease Recidivism for Women Prisoners in Oklahoma?, in* THE INCARCERATED WOMAN: REHABILITATIVE PROGRAMMING IN WOMEN'S PRISONS (Susan F. Sharp ed., 2003); Tammy L. Anderson, *Issues in the Availability of Healthcare for Women Prisoners, in* THE INCARCERATED WOMAN: REHABILITATIVE PROGRAMMING IN WOMEN'S PRISONS (Susan F. Sharp ed., 2002).

demoralizing effects of incarceration on the individual prisoner.[12] Consequently, the probable effects of incarceration on community networks, and even its effects on informal systems of social control, are rarely explored. This study attempts to examine the increasing problem of African American female incarceration and its effects on the family and the larger community. The objectives of the study are: (1) to provide a critical and broader insight into the effect of female incarceration on the African American family; and (2) to explore the possible underlying causes of this phenomenon.

It is important to emphasize that looking beyond the individual to the larger community is particularly necessary for the African American female population, because of the crucial role these women play in their communities. Not only do these women serve as avenues for networking as family members, they also serve directly as consumers and producers, and in association with other neighbors as avenues for informal social control.[13] This study will examine the extent to which female incarceration affects family members left behind, and hamstrings the ability of communities to serve as effective agents of informal social control.

12. Brewster, *supra* note 11; Anderson, *supra* note 11.

13. TODD R. CLEAR & DINA R. ROSE, U.S. DEP'T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NAT'L INST. OF JUSTICE, WHEN NEIGHBORS GO TO JAIL: IMPACT ON ATTITUDES ABOUT FORMAL AND INFORMAL SOCIAL CONTROL (July 1999), *available at* http://www.ncjrs.org/pdffiles1/fs000243.pdf. Social control is defined as the mechanisms by which powerful groups restrain or induce conformity among less powerful segments of society. *Id.* The systemic model of social disorganization highlights the importance of community-level social ties for developing informal social control and decreasing crime. Pamela Wilcox Rountree & Barbara D. Warner, *Social Ties and Crime: Is the Relationship Gendered?* 37 CRIMINOLOGY 789, 792 (1999). The systemic model "posits that ecological features of a community – such as poverty, residential mobility, and ethnic heterogeneity (or percent non-white) – are positively related to crime because they impede the formation of neighborhood networks that provide informal social control in terms of supervision, prevention, and intervention." *Id.* Rountree and Warner found that female social ties had a statistically significant effect in controlling violent crime. *Id.* at 807.

II. HISTORICAL BACKGROUND[14]

Historical background is necessary to better understand and appreciate contemporary developments of African American female imprisonment, and female imprisonment in general. Traditionally, extra-legal considerations based on gender and race guided society's response to women offenders.[15] In the late Middle Ages, men and women offenders were treated differently. For instance, a court could grant a woman leniency if she could "plead her belly," by showing evidence of her pregnancy.[16] On the other hand, it was common to find women burned at the stakes for adultery or murdering a spouse, while men were not subjected to such punishment.[17] This differential treatment was a reflection of ideological assumptions, and women's subservient roles in the family, church, and other aspects of societal life.[18]

The witch hunts of sixteenth- and seventeenth-century Europe provided a clear case of the differential treatment of women.[19] For instance, at least thirty-six people accused of witchcraft during the New England trials of the late 1600's were summarily executed.[20] The determining factor for deciding whether one was a witch was one's sex.[21] The witch hunts' use of criminal charges in the social control of women may be seen as a prelude to the punitive institutions of the 1800s. Although few carceral institutions existed prior to this time, the rise of industrialization and urbanization brought with it the burgeoning of prisons.[22]

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14. Nancy Kurshan provides a detailed historical account of female incarceration, and the context through which one may view the incarceration of African American females in *Women and Imprisonment in the U.S: History and Current Reality*, in CAGES OF STEEL: THE POLITICS OF IMPRISONMENT IN THE UNITED STATES (Ward Churchill & J.J. Vanderwall eds. 1992), available at http://www.prisonactivist.org/women/women-and-imprisonment.html.

15. *Id.* at 1. Kurshan points out that "patriarchal and gender-based realities and assumption have been central determinants of the response of society to women 'offenders.'"

16. *Id.* at 1-2 (citing RUSSEL P. DOBASH, R. EMERSON DOBASH & SUE GUTTERIDGE, THE IMPRISONMENT OF WOMEN 17 (1986). "It was the life of the fetus that had value, not the life of the woman herself, for 'women were merely the vessels of the unborn soul.'" *Id.*

17. *Id.* (citing DOBASH, *supra* note 16, at 17).

18. *Id.* (citing DOBASH, *supra* note 16, at 17).

19. *Id.* (citing CAROL F. KARLSEN, THE DEVIL IN THE SHAPE OF A WOMAN at xii (1987) [hereinafter THE DEVIL IN THE SHAPE OF A WOMAN].

20. *Id.*

21. *Id.* (citing THE DEVIL IN THE SHAPE OF A WOMAN, *supra* note 19, at xii).

22. *Id.* at 3 (citing DAVID J. ROTHMAN, THE DISCOVERY OF THE ASYLUM 52-56 (1971)).

III. EARLY DEVELOPMENT OF FEMALE PRISONS

Although conditions in early women's prisons were similar to those for men, women had more to endure. Both sexes had to cope with overcrowding and filthy conditions, but for women there was the additional problem of sexual abuse in prison.[23] For example, in the Indiana State Prison female inmates were forced to participate in a prostitution service for male guards.[24]

African Americans have always been over represented in the prison system.[25] Such was the case in Northeast and Midwest prisons before the Civil War, and was true even in western states where the black inmate population was disproportionately high, when compared to the relatively small number of African Americans in the larger population.[26] One notable exception was the pre-Civil War South. Since slavery was the preferred form of social control in the South, imprisonment was considered rather costly.[27] However, the situation changed when post-war southern states passed the infamous Jim Crow laws making newly freed blacks vulnerable to incarceration even for the most minor crimes.[28] For example, stealing a couple of chickens in North Carolina carried with it the stiff penalty of three to ten years of imprisonment for African Americans.[29] As a result, prisons rapidly became predominantly African American. For example, the black imprisonment rate went up 300 percent in Georgia and Mississippi from 1874 to 1877.[30]

The rising number of prisoners necessitated separate women's quarters. While male prisons were essentially custodial in function and served to warehouse prisoners, many states established reformatories for their female prisoners,[31] which aimed to uplift and improve the character of women prisoners.[32] Almost every state had a custodial women's prison, but the majority of women prisoners in the Northeast and Midwest were in reformatories.[33]

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23. *Id.* (citing ESTELLE B. FREEDMAN, THEIR SISTERS' KEEPERS: WOMEN'S PRISON REFORM IN AMERICA, 1830-1930 at 15 (1981)) [hereinafter THEIR SISTERS' KEEPERS].
24. *Id.* (citing THEIR SISTERS' KEEPERS, *supra* note 23, at 60).
25. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 131).
26. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 131).
27. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 131).
28. *Id.* (citing W. E. B. DUBOIS, BLACK RECONSTRUCTION IN AMERICA (1979).
29. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 134).
30. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 134).
31. *Id.* at 4 (citing THEIR SISTERS' KEEPERS, *supra* note 23, at 47-52).
32. *Id.* (citing THEIR SISTERS' KEEPERS, *supra* note 23, at 52-58).
33. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at xxi-xxiii).

Distribution of women's prisons was not merely along geographic boundaries, but was also shaped by race.[34] In the South, the few reformatories predominantly housed white women.[35] Although female prisoners of all races were subjected to the injustices of sexual assault and overcrowding, the prison system has historically treated black female inmates far worse than their white counterparts.[36] While reformatories sought to re-socialize white women under the philosophy of benevolence and sisterly and therapeutic ideals, black inmates were traditionally subjected to the harsher conditions of institutional prisons.[37]

After 1870, prison camps in the South were essentially substitutes for slavery, with black women comprising the overwhelming majority of inmates.[38] The few white women inmates were imprisoned for much more serious offenses and had better conditions of confinement.[39] For instance, at Bowden Farm in Texas, the majority of inmates were black women serving time for property offenses.[40] These women worked in the field.[41] The few white women at Bowden Farm were convicted of homicide and served as domestics.[42]

Similar to prison camps, custodial women's prisons primarily housed black women, regardless of the prison's location.[43] Although African American women have always been imprisoned in smaller numbers than African American or Caucasian men, black women often constituted larger percentages within female prisons than black men

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34. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 146-47). A 1923 survey of female state prisoners revealed that 88.1% of women in reformatories were white. PARTIAL JUSTICE, *supra* note 7, at 146-47.

35. Kurshan, *supra* note 14, at 4 (citing PARTIAL JUSTICE, *supra* note 7, at 146-47).

36. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 146-47).

37. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 146-47).

38. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 149-50). Florida and Georgia both lacked central penitentiaries for prisoners. Their solution to the problem of their inability to house inmates was the 'leasing system,' under which prisoners were leased to southern property owners to replace the newly freed slaves. Leased prisoners experienced conditions harsher than even slaves, because the lessees had no property interest in their well-being. Other states, including Alabama, Louisiana, Mississippi, North Caroline, Tennessee, and Texas leased out the majority of their black female inmates, despite the existence of adequate space in their state prisons. PARTIAL JUSTICE, *supra* note 7, at 149-50.

39. Kurshan, *supra* note 14, at 4 (citing THEIR SISTERS' KEEPERS, *supra* note 23, at 151).

40. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 88).

41. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 88).

42. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 88).

43. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 146). In 1923, black women comprised 64.5% of inmates housed in custodial prisons. PARTIAL JUSTICE, *supra* note 7, at 146.

did within male prisons.[44] For instance, between 1797 and 1801, forty-four percent of the women sent to New York state prisons were African American as compared to twenty percent of the men.[45] In 1868, in Tennessee state prisons, one hundred percent of incarcerated women were black, whereas sixty percent of the men were black.[46]

IV. WOMEN AND PRISON TODAY: UNDERLYING FACTORS

The common profile of a female offender is a young, single mother with few marketable job skills. She is often a high school dropout who lives below the poverty level.[47] The median age for female offenders is early to mid-thirties.[48] Many are mothers of dependent children.[49] Often, these women were unemployed at the time of their arrest.[50] Many of them left home early, and experienced sexual and physical abuse.[51] Ninety percent of these women have a history of drug or alcohol-related problems.[52]

Another significant factor in the profile of a female offender is the woman's race. As one criminologist noted:

> The population of women's prisons was [fifty] percent black, although blacks comprised only [eleven] percent of the total population in this country; [nine] percent Hispanic [sic], when [they] were only [five]

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44. Kurshan, *supra*, note 14, at 4 (citing PARTIAL JUSTICE, *supra* note 7, at 141).

45. *Id.* (citing PARTIAL JUSTICE, *supra* note 7, at 141).

46. *Id.* at 5 (citing PARTIAL JUSTICE, *supra* note 7, at 141).

47. *Id.* (citing Imogene Moyer, *Mothers in Prison*, Journal of Contemporary Criminal Justice 54, 55 (1987)).

48. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SPECIAL REPORT: INCARCERATED PARENTS AND THEIR CHILDREN 7 tbl.16 (2000) [hereinafter INCARCERATED PARENTS AND THEIR CHILDREN]. The median age is thirty-one for female inmates housed in local jails, thirty-three for women in state prisons, and thirty-six for women in federal prisons. *Id.*

49. INCARCERATED PARENTS AND THEIR CHILDREN, *supra* note 50, at 2 tbl.1 (2000). 65.3% of female inmates in state prisons and 58.8% of female inmates in federal prisons reported having a child under the age of eighteen. *Id.*

50. Kurshan, *supra* note 14, at 5 (citing Moyer, *supra* note 48, at 54-55).

51. B. OWEN & B. BLOOM, NAT'L INST. OF CORR., U.S. DEP'T OF JUSTICE, PROFILING THE NEEDS OF CAL.'S FEMALE PRISONERS - A NEEDS ASSESSMENT (1995). Eighty percent of a sample of California prisoners interviewed in 1994 indicated that they had experienced emotional, physical or sexual abuse (or a combination) at some time in their lives. *Id.*

52. Linda A. Teplin, Karen M. Abram, & Gary M. McClelland, *Prevalence of Psychiatric Disorders Among Incarcerated Women*, 53 ARCHIVES OF GEN. PSYCHIATRY 505 (1996). This Chicago study of pretrial female inmates in 1991-1993 found that three in four had serious alcohol and other drug problems. *Id.*

> percent of the total population; and [three] percent Native American, although this group comprises [less than one] percent of the total population.[53]

To date, there has not been a dramatic change in this situation. In fact, African American women are eight times more likely than white women to go to prison.[54] Although a greater proportion of white women than black women is arrested, a smaller proportion of white women than black women is incarcerated.[55] For example, a 1985 Michigan study reported that white women accounted for 10.5 percent of all arrests, while non-white women accounted for 6.1 percent.[56] The same study maintained that 1.8 percent of incarcerated women were white, while 4.5 percent of female inmates were black.[57] However, this study does not clarify what factors, such as the distribution of arrestable offenses or the role of prosecutorial discretion, cause this apparent disparity. What appears clear is that there is a different set of dynamics at work for white and non-white women.

Numerous studies indicate that women of color, black women in particular, are "over-arrested, over-indicted, under-defended and over-sentenced."[58] In Oklahoma, a 1994 study reported that "an analysis of data by race and gender indicate that all females (by race) are within statistical proportions with the exception of black females."[59] This data is even more troubling when one considers that despite an arrest rate comparable to other states, Oklahoma's rate of incarceration for women is more than double the national rate.[60] Disproportionate treatment of black women in Oklahoma also impacts the inmate's likelihood of receiving probation in lieu of a prison

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53. Kurshan, *supra* note 14, at 10 (citing JOYCELYN M. POLLOCK-BYRNE, WOMEN, PRISON, AND CRIME 3 (1990)).

54. HUMAN RIGHTS WATCH, WORLD REPORT 2001 5 (2001).

55. Kurshan, *supra* note 14, at 10.

56. *Id.*

57. *Id.*

58. *Id.*

59. Hatjit S. Sandhu, Hmoud S. Al-Mosleh & Bill Chown, *Why Does Oklahoma Have the Highest Female Incarceration Rate in the U.S.? A Preliminary Investigation*, 1 J. OKLA. CRIM. JUST. RES. CONSORTIUM 25 (1994) (citing David A. Camp, *Incarceration Rates by Race*, in FIRST ANNUAL CORRECTIONAL RESEARCH SYMPOSIUM (W. Segall & J. Cochran eds. 1993). Black females account for 3.815% of the Oklahoma population, while white females account for 42.25% of Oklahomans. Black women, however, comprise 40% of the female prison population. *Id.*

60. *Id.*

sentence.[61] A California study demonstrated that while black women comprise only seven percent of California's population, they constitute approximately thirty-three percent of California's women inmates.[62] While approximately five out of every one thousand white women will be subjected to imprisonment during their lifetime, that figure skyrockets to thirty-six out of every one thousand for black women.[63]

Although the disproportionate rise in the imprisonment rate of women has yet to be satisfactorily explored, researchers offer several possible explanations.[64] Some argue that the rise in violent crime perpetrated by women is correlated to the women's rights movement and the associated empowerment of women.[65] These researchers contend that as gender equality increases, women assume more traditionally male social roles.[66] Therefore, becoming "masculinized" is equated with increased criminality.[67] However, no evidence exists to support either the allegation that female violent crimes have increased, or that equality leads to an increase of violent crime by women. In fact, available data indicates that violent crimes by women have remained constant or, in some cases, actually declined.[68] A 1999 Department of Justice report indicates that the number of female violent offenders per one thousand residents has been decreasing steadily since 1994.[69]

While feminism may not explain spiraling imprisonment rates, the rising rates can largely be explained by many of the same factors that influence the rates of male imprisonment, including the drastic

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61. *Id.* While black women comprise forty percent of women sentenced to prison, they represent only 29.6% of women placed on probation and parole. Conversely, white women comprise fifty-three percent of women sentenced to prison and 63.7% of women placed on probation. *Id.*

62. PRISONER ACTION COALITION, WOMEN IN CALIFORNIA PRISONS (2000), *available at* http://www.boalt.org/PAC/stats/women-prison-fact-sheet.html (citing CAL. DEP'T OF CORR., CAL. PRISONERS AND PAROLEES (1999)).

63. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SPECIAL REPORT: WOMEN OFFENDERS 11 tbl.28 (1999).

64. Kurshan, *supra* note 14, at 10.

65. *Id. See, e.g.*, FREDA ADLER & HERBERT M ADLER, SISTERS IN CRIME: THE RISE OF THE NEW FEMALE CRIMINAL (1975).

66. *See* Darrel Steffensmeier and Emilie Allan, *Gender and Crime: Toward a Gendered Theory of Female Offending,* 22 ANNUAL REV. OF SOCIOLOGY 459 (1996).

67. Susan Marcus-Mendoza, Elizabeth Sargent & Chong Ho Yu, *Changing Perceptions of the Etiology of Crime: The Relationship Between Abuse and Female Criminality*, 1 J. OKLA. CRIM. JUST. RES. CONSORTIUM (1994).

68. In 1998, the per capita rate of murder offenses committed by women was the lowest rate since 1976. The rate at which women commit murder has been declining since 1980. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SPECIAL REPORT: WOMEN OFFENDERS 1 (1999).

69. *Id.* at 2 fig.2.

effect of the "war on drugs."[70] Drug offenses accounted for the largest source of growth in female inmate populations.[71] Not only are drug and alcohol-related offenses more frequent than in previous years,[72] but the length of sentences tends to be more severe.[73] The average sentence length increased from approximately fifty-five months to over seventy-five months in the past twenty years.[74]

Increasing imprisonment rates for both sexes may be explained by the increase in drug-related crimes, but the reasons for the disproportionate increase in the number of incarcerated women remains in question. It is possible that deteriorating economic conditions push women to the brink faster than men; as the primary caretakers of children, women may be driven by poverty to engage in more "crimes of survival."[75] Only four out of ten women in state prisons reported that they were employed full-time prior to their arrest.[76] Nearly thirty percent of female inmates were receiving welfare assistance prior to their arrests, as compared with only eight percent of male inmates.[77]

Changes in sentencing laws and practices, such as mandatory minimums in sentencing, are a critical factor in rising imprisonment rates for women. Delegate Eleanor Holmes Norton explained the impact of such laws in a recent Washington Post article: "Mandatory minimum . . . provisions have had the unintended effect of sharply increasing female incarceration . . . even though . . . the female

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70. According to a Human Rights Watch report, the war on drugs is "the single greatest force behind the growth of the U.S. prison system." HUMAN RIGHTS WATCH, PUNISHMENT AND PREJUDICE: RACIAL DISPARITIES IN THE WAR ON DRUGS (May 2000), *available at* http://www.hrw.org/reports/2000/usa.

71. TINA L. DORSEY, OFFICE OF JUSTICE PROGRAMS, U.S. DEP'T OF JUSTICE, DRUGS AND CRIME FACTS 39 (2001). Drug convictions accounted for thirty-five percent of the increase in female incarceration rates, as compared to only nineteen percent of the male incarceration rates. *Id.*

72. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS ONLINE, tbl.5.34, *available at* http://www.albany.edu/sourcebook/index.html. 3,856 individuals were sentenced for drug-related offenses in 1981, while 15,815 individuals were sentenced for drug-related offenses in 2001. *Id.*

73. *Id.* Life sentences for drug convictions were not given out until 1991. *Id.*

74. *Id.*

75. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SPECIAL REPORT: WOMEN OFFENDERS 8 (1999).

76. *Id.* Nearly six of ten males reported that they were employed full-time at the time of their arrest. *Id.*

77. *Id.*

inmates have been convicted for overwhelmingly nonviolent crimes."[78]

V. THEORETICAL PERSPECTIVES

While other theoretical perspectives might be as important in shedding light on the socioeconomic impact of African American female incarceration, for the purposes of this study, three theories were applied: (1) the Frustration-Aggression theory; (2) The Looking Glass Self theory; and (3) the Strain theory.

The Frustration-Aggression theory asserts that one's level of aggression is dependent upon his or her degree of frustration.[79] This theory asserts that some individuals express and/or display their frustration through aggressive behavior(s).[80] The Looking Glass Self theory asserts that individuals use others as a mirror in order to develop attitudes and beliefs.[81] By interacting with others, people learn to see themselves as they think others see them.[82] In the context of this study, the children used their mothers to define what constituted acceptable behavior. The Strain theory suggests that deviance results from having means blocked when one is trying to attain a defined and recognized goal.[83] This theory helps explain a number of deviance-related phenomena, including the relatively high incidence of non-violent crimes found in low-income underserved communities.

78. Arthur Santana, *Female Prison Ranks Double: Citing Study, Norton Plans Bills to Improve Conditions*, WASHINGTON POST, Feb. 1, 2002, at A08.

79. JOHN DOLLARD ET AL., FRUSTRATION AND AGGRESSION (1961).

80. *Id.*

81. CHARLES HORTON COOLEY, HUMAN NATURE AND THE SOCIAL ORDER (1922).

82. *Id.*

83. *See, e.g.*, ROBERT K. MERTON, SOCIAL THEORY AND SOCIAL STRUCTURE (1968); CONTEMPORARY SOCIAL PROBLEMS (Robert K. Merton & Robert Nisbet eds., 4th ed. 1976). The blockage could be a lack of opportunities or any number of barriers that may impede one's attainment of a goal. *Id.*

VI. HYPOTHESES

This study was initiated to examine the impact of incarceration on familial, economic and social life among African American women. The study was based on two primary hypotheses. The first is that children whose mothers have been incarcerated do not have a negative impression about incarceration. Thus, children with incarcerated mothers are less likely to be ashamed of being incarcerated. The second hypothesis is that juvenile delinquencies are positively related to the length of incarceration of the juvenile offender's mother. Thus, as African American mothers, who traditionally serve as conduits for informal social control, are incarcerated longer, there is a greater tendency for children to engage in delinquent behavior.

VII. STUDY AREA AND METHODOLOGY

The study was conducted in the Fort Myers/Naples region of southwest Florida. Although the study initially included the city of Naples, which forms the predominant part of Collier County, the final study was limited mainly to Ft. Myers and the surrounding areas of Lehigh Acres. This was due in part to the absence of easily identifiable African American communities in Naples. African American residential areas were identified using census tract maps and city maps. Fifty households were randomly selected from a greater sampling frame. Initial phone interviews and direct visits were used to ensure full cooperation from respondents. The efforts of some faith-based organizations and trusted community leaders proved useful.

Largely because of the importance of the extended family in the African American community, the study includes all females whom the household considered a family member, even if they were not related by blood or marriage. For the purposes of this study, the individual must have spent six months in jail or prison to be considered "incarcerated." This six-month quota could be accumulated through several sentences or one continuous sentence.

VIII. FINDINGS

Table 2A

Family member incarcerated:	80%
Mother incarcerated	45%
Average size of Household	7 people

Table 2B

Role of incarcerated member:	
Very Important (glue of the family; breadwinner):	80%
Important	10%
Somewhat Important	5%
Not Important	2%
Not at all Important	3%

Table 2C

Juvenile Arrests Before and After Incarceration

1. Juvenile Arrests Before Incarceration of Family Member:
   A. Yes (25%)
   B. No (75%)

   Average number of times juveniles were arrested before incarceration - 1.5

2. After Incarceration of Family Member
   A. Yes (30%)
   B. No (70%)

   Average number of times juveniles were arrested after incarceration - 3.5

Approximately thirty percent of respondents reported a case of juvenile arrest after incarceration of female member. This is about the same number as those reporting juvenile arrests before incarceration. The real difference is the frequency of arrests. While on the average there were 1.5 cases of juvenile arrests before family member's incarceration, this jumped to 3.5 after family member's incarceration.

Number of Household Members Attending Alternative Schools[84]

Before incarceration:	1.5
After incarceration	3.0

Primary Reasons for Attending Alternative Schools:

1. Pregnancy
2. Truancy
3. Behavioral problems/fighting

IX. ADDITIONAL FINDINGS

Average Number of Juveniles In the Home: 5

Percent of Families with Juveniles Offenders: 62%

School performance: In about seventy-five percent of the families with incarcerated female adults, the juveniles were at least one grade level behind academically. Pregnancy, truancy and delinquency were the primary causes given for this gap.

Perception of society: The majority of the youth had a negative view of society. The youth were most critical of law enforcement and court procedures. They also expressed a great deal of concern over employment and racism.

X. IMPLICATIONS AND CONCLUSIONS

This research assessed the impact of incarceration on familial and social life among African American women. The study was based on two primary hypotheses. The first is that children whose mothers have been incarcerated do not have a negative impression about incarceration. Children with incarcerated mothers are less likely to be ashamed of being incarcerated. Thus, the negative stigma traditionally

84. According to the National Center for Education Statistics, students are generally referred to alternative schools and programs if they are at risk of education failure, as indicated by poor grades, truancy, disruptive behavior, suspension, pregnancy, or similar factors associated with early withdrawal from school. OFFICE OF EDUC. RESEARCH, U.S. DEP'T OF EDUC., PUBLIC ALTERNATIVE SCHOOLS AND PROGRAMS FOR STUDENTS AT RISK OF EDUC. FAILURE: 2000-2001 STATISTICAL ANALYSIS REPORT, at iii (2001).

associated with imprisonment, which might work to deter children from committing crimes, will be less effective in preventing children of incarcerated women from perpetrating crimes. The second hypothesis is that juvenile delinquencies are positively related to the length of incarceration of the juvenile offender's mother. Thus, as African American mothers, who traditionally serve as conduits for informal social control, are incarcerated longer, there is a greater tendency for their children to engage in delinquent behavior(s).

We examined how the children themselves viewed incarceration. The findings revealed that children with incarcerated mothers did not have a negative impression about incarceration. In addition, the findings suggested that the longer the mother had been incarcerated, the more ambivalent the children were about being or becoming incarcerated. These findings emphasized the importance of the bond between African American mothers and their children. The bond is so strong that even when the mother has done wrong in the eyes of society, the child still tries to identify with the mother. Children felt that they were no "better" than their mothers, who had been incarcerated. Thus, there is less disappointment and shame if the child also becomes incarcerated. The findings in this area suggest that once the mother has become incarcerated, their child's potential of being deterred from delinquency is lessened. This point leads into the examination of the researchers' second hypothesis involving maternal incarceration and tendency toward delinquency.

Several major findings in this area emerged from our analysis. First, the data showed that twenty-five percent of the families had juvenile arrests prior to maternal incarceration compared to thirty percent of the families who had juvenile arrests after maternal incarceration. The data supports the claim that parental incarceration has a negative impact on delinquency. The findings revealed that prior to parental incarceration, the average number of juvenile arrests was 1.5, compared to 3.5 after the parental incarceration. Although the similar percentages of families reported juvenile arrests, the frequency of arrest in those families was much greater. Once again, this finding supports the claim that there is a positive relationship between parental incarceration and delinquency. Additional support for the link between parental incarceration and delinquency is found in the sixty-two percent of surveyed families that reported juvenile family members with disciplinary contact with law enforcement.

Another area of concern that emerged from the analysis was education of youth with incarcerated mothers. The study revealed that

there were twice as many household members attending alternative schools after the incarceration of the female parent. The reasons for attending alternative schools were pregnancy, truancy, and various forms of violence. Another theme that emerged within the realm of education was that in about seventy-five percent of the families with incarcerated female adults, the juveniles were at least one grade level behind academically. This finding raises questions about the possible relationship between school success and delinquency.

The results of this study call into question the government's current "get tough" philosophy regarding crime, especially as it relates to incarcerating mothers with minor children. Most of the incarcerated mothers involved in this study were incarcerated on drug charges. The drug charges were typically non-violent in nature, thus the individuals present no true physical danger to society. This research has shown the very negative effects of incarcerating mothers and destroying the bond between mother and child. Removing the parent for non-violent offenses actually contributes toward the problem of juvenile delinquency.

The researchers are not suggesting that the female offenders not be held accountable for their crimes, but rather that legislators become more creative in setting appropriate penalties for common offenses, including drug offenses. The researchers suggest a widespread use of intermediate sanctions, including electronic monitoring, house arrest, program participation and mandatory drug and family counseling. The researchers propose involvement of the entire family in the above-mentioned programs, as our research has shown the importance of the family bonds. Since women of color are over represented in the incarcerated female population, as legislators and prison officials develop programs for incarcerated female parents, these officials should make consider the disproportionate impact of drug sentencing on African American families.

This research demonstrates the important bond between the incarcerated female and their minor children. It is hoped that the findings shared from this research has stimulated both concern and interest in regards to how society's most precious commodity, its children, is effected by legislative and judicial actions that may not have considered the ripple effect of incarcerating female offenders.