Violence Against African American Women in Prisons and Jails

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Violence Against African American Women in Prisons and Jails: Who’s Minding the Shop?

Alicia R. Isaac
Lettie L. Lockhart
Larry Williams

SUMMARY. The United States prison population is bulging and in recent years, the percentage of African American women being incarcer-
ated far outnumber any other group. As the Black women in jails and prisons grow, so do the whispers about sexual abuse and labor abuse inside these institutions. This article discusses the nature of violence directed against incarcerated Black women and why it is important to direct national attention to this problem. It argues that though the violence may be individually directed, it is institutionally founded. Strategies are proposed for humanizing local jails and federal and state prisons.

KEYWORDS. Prison violence, sexual abuse, Prison Industrial Complex, incarceration, prisons, jails

Today more than ever before, violence in America’s prison systems is attracting widespread attention among criminologists and social science researchers. Racism, injustice, oppression, strained relations between prison authorities and criminals, and the lack of communication between authorities and prisoners are some of the most salient themes posing serious concern to social scientists. For thousands of Americans, “three strikes and you’re out,” has been the common response by the criminal justice system to crime in America. Routing non-violent women criminals into crowded and punitive correctional institutions has become the panacea for America’s frustration with crime. Yet, research confirms that prisons and jails have become little more than breeding grounds for the same type of violent behavior that is endemic to American society.

Most Americans view prison violence primarily in terms of highly publicized male uprisings, such as the riots staged in California, New Mexico State penitentiary and in New York’s Attica prison. However, violence in prison institutions is no longer directed solely against the prison system but is directed toward the prisoner him or herself, prison authorities, and other inmates (Martin & Zimmerman, 1990). “In-house” violence in America’s prisons for women is a continuous problem but is seldom reported in the media. Besides the female inmate’s sentence, the physical and psychological violence that these women experience at the hands of correctional staff, and other inmates, is so severe that it amounts to double jeopardy. For example, in 1990, nearly 100 inmates (men and women) in United States prison were murdered, and more than 10,000 were victims of assaults severe enough to require medical attention (Martin & Zimmerman, 1990). In addition, if one were to include the number of inmates who were murdered and severely assaulted in the nation’s local jails, (which are operated and administered by
local governments) these figures would show a dramatic increase (Perlins, Stephan & Beck, 1995).

Although inadequate, much of the literature on prison violence has focused primarily on the characteristics of male rather than female inmates. The past several decades, however, have seen a surge in the numbers and proportion of incarcerated women (mostly Black) in the United States and without a doubt this situation is troubling. The available data reveals that the rate of imprisoned Black females is growing at a faster rate than the rate for men (Mumola & Beck, 1997). For example, between 1985 and 1995, the number of incarcerated men doubled, from 691,800 to 1,437,600; while the number of incarcerated women (disproportionately Black) tripled, from 40,500 to 113,100 (Morash, Bynum & Koons, 1998; Bureau of Justice Statistics, 1997). The question then is: What is causing the increase in black women prisoners? (see Figures 1, 1.1, and 1.2).

While there is no consensus about the causes for the increase in female incarceration, it is nevertheless a fact that once imprisoned, these women experience egregious abuses, sexual exploitation and physical and psychological violence within prison walls. (Human Rights Watch 1998). These abuses go unreported for two salient reasons. First, there exists a sinister wall of secrecy that pervades prison life. Secondly, those who bravely smuggle their stories of horror to the news media face the risks of parole denial and stronger disciplinary actions against them. Therefore, most women in their efforts to survive conform to unscrupulous prison practices. Those who fail to conform experience retaliation more punitive and severe than those who acquiesce (Collins, 1997).

The purpose of this article is to examine violence against African American women in America’s prison systems from a structural perspective. This focus will examine the mistreatment of these women on two fronts: (1) sexual

![FIGURE 1](source: Figure constructed from data based on Collin's research and U.S. Department of Justice Survey data. Values assigned by Collins.)
FIGURE 1.1. Females by Race and Sex in the Prison System

![Bar chart showing females by race and sex in the prison system.](chart1.png)


![Pie chart showing adult women inmate population by race and ethnicity.](chart2.png)


abuses and (2) abuses in the prison workplace. In examining the sexual exploitation suffered by African American women in America’s prison, one can draw a parallel similar to the inhumane treatment they suffered as slaves (Franklin, 1947). The only difference being, in contemporary America, Black guards are also the perpetrators. In this article, the fundamental focus is on how the system facilitates the mistreatment of Black women in the penal system. The term, ‘mistreatment’ will be discussed with the following questions in mind: (1) how does privatization of prisons, as a structural phenomenon, affect incarcerated black women? (2) Is the Black women’s labor used to generate revenues for the states and to extend the profit margin of giant
corporations? If so, how? These questions are raised to stimulate conceptual thinking that will, hopefully, generate hypotheses for future testing. In the meantime, suggestions are presented on how to humanize prison systems to a level that will allow all women to repay their debts to society without undue victimization.

**VIOLENCE AND ABUSE OF FEMALE PRISONERS DEFINED**

To bring us closer to an understanding of the abuse of black women in the penal system, it is necessary to have a clear definition of abuse. Prison abuse is defined as any forceful or intimidating behavior (e.g., pressure, threats, and/or other actions and communications) that is perpetrated by one or more correctional employee and/or inmate (Federal Bureau of Prisons, 1995). Prison violence, for the purpose of this article, is defined as pushing shoving, maiming, forceful rape, murder, stabbing, etc.

**THEORETICAL FRAMEWORKS**

In order to provide structure, coherence and bounds to the treatment of women in jails and prisons, a search was made for an overreaching theoretical framework. Two primary paradigms have emerged as the most highly regarded: the structural-institutional approach and the individual characteristics of prisoners. Both models were developed from research on men’s penal institutions. Consequently, neither takes into account, in a direct meaningful way, the cultural complexities associated with the incarceration of African American women or for that matter, women in general. In fact, Collins (1997, p. 24) states that the ever-increasing number of African American women entering the criminal justice system and the total disregard, of the need to address their specific issues, is an example of social neglect and abuse. This stems from the structure of a system that devalues women.

The structural-institutional theory posits that the organizational structure and working methods of a prison institution produces an atmosphere that encourages violent behavior (Schneider, 1996, p. 5; Johnson, 1986). The individual characteristics model further contends that violence in prisons may be due to specific characteristics of the inmates’ personalities, including personal histories of violence (Sylvester et al., 1977, p. 78). In both instances, inmates assume an adaptive role determined by their social and ethnic culture, their street-smarts, their previous contact with the police or prison system, and their psychological selves (Palermo, Palermo, & Simpson, 1996, p. 182). These roles, which often lead to victimization, can be either aggressive or passive.
STRUCTURAL-INSTITUTIONAL MODEL

The structural-institutional approach focuses on how the inequitable distribution of power, culture of degradation, imposed isolation, and other social conditions created by the prison environment combines to create conditions of violence. The violence perpetrated against Black women, and women in general, is systemic and operates on a number of different structural levels ranging from indirect assault by legislators to direct attack by prison staff and administrators. First, penal institutions wield a significant discretionary and inequitable power over inmates because of (1) their legislative authority and (2) the lack of public concern for the well-being of prisoners. Based on the structural institutional premise, institutions perpetuate crimes of violence against African American women in prisons because the power differential at the highest levels of decision making condones it. A second facet of the model is that the availability of unbridled power allows prison staff and administrators to create a culture of degradation, which contributes to the violence. A negative social climate in which persons are purposefully degraded, belittled, dehumanized, and morally and socially destroyed is a contributor to violence (Schneider, 1994; Feltes, 1990; and Hurrelman, 1990). This environment is created through a series of acts designed to evoke shame and cause a woman to so severely dislike and loathe herself that she cannot imagine anyone else would see value in her as a person.

Socially imposed isolation is the third pivotal link in the structural-institutional framework. In this model, prisoners and prisons are designed to be isolated from the citizenry. Just as the public is isolated physically from prisons, it is also isolated from the severe injustices being carried on inside these facilities. Without social support, (orchestrated by the prison system) incarcerated women have few avenues for increasing their self-esteem, re-framing negative experiences, and strengthening coping mechanisms. Lastly, other social conditions such as overcrowding, layout of prisons, and the prison-industrial complex contribute to the power available to agents of structural-institutional violence.

INDIVIDUAL-CHARACTERISTICS MODEL

The second framework, the individual-characteristics model, follows the structural model in current popularity. It contends that certain personality characteristics of inmates, either aggressive or passive, make them prime targets for prison violence. For example, aggressive prisoners require the use of more force from guards and other inmates. This force is exerted not only to enforce the rules but also to affect the feelings of self-worth of the prisoner.
On the other hand, passive prisoners exhibit what Seligman (1975) refers to as “learned helplessness.” Seligman’s theory proposes that a person learns through continuing experiences that no matter what their behavior, they are unable to avert negative consequence. Thus, they believe certain consequences will occur despite any purposeful action they may take. In the individual characteristic model, individuals believe that it is prudent to remain mute rather than attempt purposeful action. Thus, the individual will simply just submit to pressure.

Though this theoretical framework has some merit, its primary shortcoming lies in the heightened importance of the prisoner’s behavior in the violence process. When comparing the two theories, neither can stand alone in explaining prison violence. A more comprehensive paradigm must be developed that encompasses both structural and interpersonal characteristics in a culturally sensitive light. Although lacking in some respects, the aforementioned theoretical formulations serve some purpose toward helping us, as we will later see, to understand how Black women respond to sexual abuse in prison settings.

**DEMOGRAPHICS OF FEMALE INMATES NUMBER AND PROPORTION OF FEMALE INCARCERATION IN U.S. JAILS AND PRISONS**

First however, we must look at the general demographic profile of female inmates, and later at the data on incarcerated Black women. According to the U.S. Census, population estimates for July 1, 1998 indicated that there were 230,861,000 females and males who were 10 years of age or older in the United States. Females accounted for 51.6% (n = 119,010,000) of this population (Greenfeld & Snell, 1999). Because the United States has the incredulous notoriety of incarcerating the largest known number of prisoners in the world, (Human Rights Watch, 1996), it is not surprising that many of these females over the age of 10 are now incarcerated in local jails and in federal and state prisons. A special report of Women Offenders published by the Bureau of Justice Statistics (1999) reported that in 1998, women offenders accounted for about 16% (942,448) of the total (5,890,300) correctional population (this number includes parolees). But between 1990 and 1998, the per capita number of women on probation climbed 40%; the jail rate grew 60%; the imprisonment rate increased 88%; and the parole rate was up 80%. Additionally, between 1990 and 1998, the number of women confined in state and federal prisons grew by an annual average of 8.5%, while the overall nation’s prison populations increased an average of 6.7% (Greenfeld & Snell, 1999). According to Harlow (1996), women also accounted for an increasing percentage of
inmates in local jails. In 1983, 7.1% (n = 15,900) were females; and in 1996, 10.2% (n = 52,600). What this data suggests is that women, in increasing numbers are rapidly filling jails and prisons and will in due course equal the number of men who are imprisoned.

**CHARACTERISTICS OF WOMEN HOUSED IN STATE AND FEDERAL PRISONS AND JAILS**

As presented in Table 1, there is a comparison of arrest data based on the offense committed. Clearly women (of all colors) were more likely to be incarcerated for crimes such as larceny, forgery, embezzlement, and prostitution. In 1995, an increasing percentage of women were sentenced to state and federal prisons for non-violent drug-related offenses. In 1995, all offenses for women increased in percentage with the exception of offenses for murder and non-negligent manslaughter, weapon violation (e.g., carrying, possessing), prostitution, commercialized vice, and sexual offenses. However, even the percentages of women sentenced for these offenses slightly decreased over two decades (Bureau of Justice Statistics, 1999).

The demographic characteristics of women who were arrested, confined to state and federal prisons and granted probation are presented in Table 2. Women housed in our nation’s jails and state and federal prisons are mostly poor minorities with children under the age of 18. The median age of these women range between 31-36 and most are between the ages of 25 and 34 years old. Thirty-seven percent have never been married and are single parents with one to three children (62%). Most came from a single parent home, and 50% have other family members (mostly Black men) who are incarcerated. Thirty-six percent have been the victims of sexual and/or physical abuse prior to their sentencing. Women in federal prisons tend to use more drugs and used them more frequently than those in state prisons and local jails (Bureau of Justice Statistics, 1999).

**DRUG USE OF WOMEN PRISONERS**

As presented in Table 1, 72% of the most serious offenses committed by women are drug related (e.g., this includes embezzlement and stealing to supply the habit (Bureau of Justice Statistics, 1999; U.S. Department of Justice, 1998; McShane & Williams, 1996). The rapid increase in female prisoners therefore can be partially attributed to the nation’s war on drugs, a structural initiative that was launched in the 1980s and led to stiffer sentencing for drug offenses (Johnson, 2000; Bush-Baskette, 1998). Reacting to the Amnesty International’s report, *Not Part of My Sentence*, Bernice Powell
TABLE 1. Percentage Distribution of Female Arrests by Offense Over Two Decades for Women in State and Federal Prisons

<table>
<thead>
<tr>
<th>Type of Offenses</th>
<th>%-Based on 1975 population of 179 million</th>
<th>%-Based on 1995 population of 196 million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder and non-negligent manslaughter</td>
<td>15.6</td>
<td>9.5</td>
</tr>
<tr>
<td>Forcible rape</td>
<td>1.0</td>
<td>1.2</td>
</tr>
<tr>
<td>Robbery</td>
<td>7.0</td>
<td>9.3</td>
</tr>
<tr>
<td>Aggravated assault</td>
<td>13.1</td>
<td>17.7</td>
</tr>
<tr>
<td>Burglary</td>
<td>5.4</td>
<td>11.1</td>
</tr>
<tr>
<td>Larceny-Theft</td>
<td>31.2</td>
<td>33.3</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>7.0</td>
<td>13.1</td>
</tr>
<tr>
<td>Arson</td>
<td>11.3</td>
<td>15.7</td>
</tr>
<tr>
<td>Forgertry and counterfeiting</td>
<td>28.9</td>
<td>35.9</td>
</tr>
<tr>
<td>Fraud</td>
<td>34.2</td>
<td>41.0</td>
</tr>
<tr>
<td>Embezzlement</td>
<td>31.1</td>
<td>43.6</td>
</tr>
<tr>
<td>Stolen property</td>
<td>10.7</td>
<td>14.2</td>
</tr>
<tr>
<td>Vandalism</td>
<td>8.0</td>
<td>13.6</td>
</tr>
<tr>
<td>Weapons: Carrying, possessing, etc.</td>
<td>8.0</td>
<td>7.9</td>
</tr>
<tr>
<td>Prostitution and commercialized vice</td>
<td>74.3</td>
<td>1.1</td>
</tr>
<tr>
<td>Sex offenses</td>
<td>7.7</td>
<td>8.0</td>
</tr>
<tr>
<td>Drug abuse violations</td>
<td>13.8</td>
<td>16.7</td>
</tr>
<tr>
<td>Gambling</td>
<td>8.8</td>
<td>15.2</td>
</tr>
<tr>
<td>Offenses against family and children</td>
<td>11.7</td>
<td>0.2</td>
</tr>
<tr>
<td>DUI</td>
<td>8.1</td>
<td>14.6</td>
</tr>
<tr>
<td>Liquor law violations</td>
<td>14.3</td>
<td>18.9</td>
</tr>
<tr>
<td>Disorderly conduct</td>
<td>17.6</td>
<td>21.7</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>10.5</td>
<td>19.4</td>
</tr>
<tr>
<td>Curfew and loitering law violations</td>
<td>20.3</td>
<td>29.6</td>
</tr>
<tr>
<td>Runaways</td>
<td>56.9</td>
<td>57.4</td>
</tr>
</tbody>
</table>


Jackson (1999), Executive Director for the Commission for Racial Justice, United Church of Christ, stated that the rapid rise of women incarcerated is attributable to some of the draconian drug laws of the past. The report indicated that the war on drugs has become a war on women. For example, women in our criminal justice system are placed at a distinct disadvantage by “gender-neutral” federal sentencing guidelines, which do not allow the court to consider the impact of imprisonment on single mothers. Further, it does not consider the minor role that many women play in drug possession and trafficking as a result of abusive relationships. The problem of drugs, it seems, is a factor that is causing an increase in women prisoners.
Kirk and Okazawa-Rey (1995) reported that from 1989 to 1994, young African-American women experienced the greatest increase in incarceration than any other demographic group (Mauer & Huling, 1995, p. 20). Although the U.S. Department of Justice reports that white women committed more murder and


<table>
<thead>
<tr>
<th>Characteristics of Adult Women</th>
<th>Local Probation</th>
<th>State Jails</th>
<th>Federal Prisons</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Race/Hispanic Origin</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>62%</td>
<td>36%</td>
<td>33%</td>
</tr>
<tr>
<td>Black</td>
<td>27</td>
<td>44</td>
<td>48</td>
</tr>
<tr>
<td>Hispanic</td>
<td>10</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 or younger</td>
<td>20%</td>
<td>21%</td>
<td>12%</td>
</tr>
<tr>
<td>25-34</td>
<td>39</td>
<td>46</td>
<td>43</td>
</tr>
<tr>
<td>35-44</td>
<td>30</td>
<td>27</td>
<td>34</td>
</tr>
<tr>
<td>45-54</td>
<td>10</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>55 or older</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td><strong>Median Age</strong></td>
<td>32 yrs</td>
<td>31 yrs</td>
<td>33 yrs</td>
</tr>
<tr>
<td><strong>Marital Status</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>26%</td>
<td>15%</td>
<td>17%</td>
</tr>
<tr>
<td>Widowed</td>
<td>2</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>Separated</td>
<td>10</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td>Divorced</td>
<td>20</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Never Married</td>
<td>42</td>
<td>48</td>
<td>47</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8th grade or less</td>
<td>5%</td>
<td>12%</td>
<td>7%</td>
</tr>
<tr>
<td>Some high school</td>
<td>35</td>
<td>33</td>
<td>37</td>
</tr>
<tr>
<td>High school graduate/GED</td>
<td>39</td>
<td>39</td>
<td>39</td>
</tr>
<tr>
<td>Some college or more</td>
<td>21</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td><strong>Women with Children</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>With minor children</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(under 18 years of age)</td>
<td>72%</td>
<td>70%</td>
<td>65%</td>
</tr>
</tbody>
</table>


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homicide (see Figures 2 and 3) nationally during this period, Black women in state and federal prisons grew 278%, while the number of African-American men grew only 186%. In 1998, over 64% of the women in local jails, 67% in state prisons, and 71% in federal prisons were minorities (Mauer and Huling, 1995, p. 20). Notwithstanding the fact that estimates from the U.S. Census Bureau for July 1, 1998 indicated that African-American comprised only 12.2% of the population nationally, they represented over 52% of the jailed and imprisoned population in this country (Bureau of Justice Statistics, 1999), and are the largest minority group represented in our federal prisons (Human Rights Watch, 1996). As shown in Figure 4, African American females are sentenced to prison at a rate that outpaces other ethnic groups (117 per 100,000 residents), with estimates doubling in 1998 to a projected estimated rate of 212 sentenced prisoners per 100,000 residents. For white women, the numbers are far less significant; they were sentenced prisoners in 1990 at a rate of about 31 per 100,000 residents and with a projected rate of 57 per 100,000 in 1998. For example, in Florida, Black females constitute 55.6% of the incarcerated female population in 1983, 58.3% in 1993, and 59.3% in 1994 (Florida Department of Corrections, 1993/1994).

Again, Mann (1984, p. 197) found that drug violations were the primary reasons for the upward spiral of incarceration for Black women (see Figure 2). Among deadly crimes, (see Figure 3) the second most frequent incarceration offense committed by Black women was for murder, and the third was larceny. These patterns have not drastically changed over the past 15 years.

**FIGURE 2. Crimes Committed by Female Inmates in Federal Prisons, by Race, 1992**

![Figure 2](source.png)

The current “war on drugs” initiated by the Reagan administration and continued by the Bush and Clinton administrations, has been a structural policy which has affected poor African-American and Latino communities; despite the fact that whites make up the majority of drug users and traffickers. African-American women comprise over half of the female prison population. Therefore, it could be surmised that poor African-American women and
other poor women of color have been the main target of the “drug czar’s” initiatives on the “war on drugs” (Kirk & Okazawa-Rey, 1998; Bureau of Justice Statistics, 1999; Bush-Baskette, 1998). Though Blacks are more highly represented in prison ranks, Greenfeld and Snell (1999), reported in one study which was congruent with Mann (1984) research that over half of female violent offenders were described by their victims as White in comparison to over a third described as black. Clearly, Black and White offenders accounted for virtually equal proportions of women committing robbery and aggravated assault, but simple assault female offenders were more likely to be described as white (Greenfeld and Snell, 1999).

Foley and Rasche (1979) found that women of color received more punitive treatment in the criminal justice system than White women. In their longitudinal study of one of Missouri’s state institutions over a 16-year period, Foley and Rasche found that African-American women received on average longer sentences (55.1 months) than White women who were sentenced to 52.2 months. They further stated that White women who were imprisoned for murder served one-third less time than African-American women for the same offense. This supports the Kirk and Okazawa-Rey (1998) thesis that some women may receive harsher sentences and treatment for some crimes. Additionally, women who do not fit the traditional stereotypes (passive and gentle), may receive more punitive sentences and may serve longer sentences than women who fit the stereotypes. Lewis (1981) concluded from her analyses of San Francisco jail data and Glick and Neto’s national data, that racism seems to affect Black women more than Black men (see Figure 1). She further stated that Black women are treated more harshly than their White counterparts by police officers, judges, and correctional guards (Mann, 1989; Jackson, 1999).

These data pose questions about how female offenders are treated in prisons and jails run and administered by male criminal justice officials who uphold the structural policies of this nation. Also, based on the American history of racism and sexism, are African-American female offenders and other females of color treated any differently than their White counterparts? These are issues, as we will see, that deserve attention.

**SEXUAL ABUSE IN JAILS AND PRISONS: IS THIS THEIR PUNISHMENT?**

As stated, in most prisons, employees have total authority over female prisoners. As a result these women often cannot attend their basic intimate needs in a secure atmosphere free from intrusion. In the alleged name of performing their jobs, male employees can engage in a number of abusive behaviors. According to a two-and-a-half year investigation of the sexual abuse of female prisoners at the hands of male employees at eleven state prisons located in Georgia, California, Illinois, New York, Michigan, and the
District of Columbia, “being a woman prisoner in U.S. state prisons can be a terrifying experience” (Human Rights Watch, 1996, p. 1).

An understanding of the full extent, as well as the nature, of sexual abuse of female offenders in local jails and in state and federal prison by male employees cannot be determined. This is due partly to the failure of jails and prisons to keep accurate records of sexual assaults and other abuses of women in penal facilities and partly to the women’s reluctance to report these abuses. (Kim, 1999). In federal prisons, and in 41 states and the District of Columbia, there are laws criminalizing sexual abuse of prisoners. District of Columbia Congresswoman, Eleanor Holmes-Norton, asserts that without comprehensive data, “it remains unclear the extent to which these laws are routinely enforced and policies and procedures followed.” Thus, Representative Norton, a non-voting delegate to the House of Representatives, requested that the Government Accounting Office (GAO) study the extent of sexual abuse of female prisoners (Kim, 1999).

According to an Associated Press article by Kim (1999) between 1995 and 1998, the GAO studied female inmates from three of the largest prison jurisdictions (i.e., Texas, California, and the Federal Bureau of Prisons). These prisons were selected because they house more than one third of the nation’s 80,000 female offenders. Findings of the investigation indicated that 506 female inmates from California, Texas, and federal prisons reported sexual abuse by correctional staff. Only 92 (18%) of the reports resulted in a resignation, termination, or disciplinary action. The District of Columbia had 111 allegations of sexual abuses from December 1995 to June 1998, where 12% resulted in disciplinary actions or resignations (Kim, 1999).

In Michigan, male correctional employees are employed at all women’s prisons. For example, at Crane prison, approximately 80 percent of the staff is male and open dormitories are divided into cubicles. The officers’ desks are next to the bathroom and the bathroom doors must be left open at all times. Also, male correctional employees are allowed to conduct body shake-down, where as previously stated, officials run their hands freely over the women’s bodies—their breasts, genitalia, legs, and thighs (Kurshan, 1998).

The use of strip searches, a common practice in law enforcement facilities and correctional institutions, is often a degrading and a harmful means of obtaining contraband. This practice is designed to send a message that severe consequences exist for lawbreakers. Although all facilities employ female officers who have responsibility for strip searches, countless stories have been told of female officers overstepping their boundaries by conducting searches in front of male officers, and male officers attempting to retrieve contraband from a woman’s outer vaginal area before the “alleged” contraband could be placed far inside a woman’s body (New York Times, December 1996).
As the Humans Right Watch (1996) reported in *All Too Familiar: Sexual Abuse of Women in United States Prisons*, often female prisoners find it difficult to stop unlawful conduct by male correctional employees or have the perpetrator brought to justice. The Human Rights Watch Report present the case of Robin Lucas, who was housed in a men’s facility and who filed a lawsuit against U.S. authorities in 1996, stating that she was raped, sodomized, and made a sex slave by guards who “sold” access to her cell to male inmates in a federal prison in California. Lucas’ case was filed along with two other fellow female prisoners and was settled out of court for $500,000 and an agreement by the U.S. Bureau of Prisons to institute major prison reforms.

The above has not been the only case where suits were filed against federal and state prisons for violating the constitutional rights of female prisoners. In 1994, a federal judge ruled that the D.C. Department of Corrections had violated the constitutional rights of 13 female prisoners after they filed a class action suit accusing guards of fondling and raping them along with other instances of sexual and physical misconduct. In a *Boston Globe* (1999) editorial, it was reported that the Human Rights Watch Report presented an incident at a state-run Massachusetts facility (e.g., MCI-Framingham) where 112 female prisoners and pre-trial detainees were roused from bed and strip-searched by masked guards conducting a training exercise. The Massachusetts Department of Correction settled the lawsuit regarding this case in 1998.

The Human Rights Watch Report (1996) further indicated that even when a prisoner succeeded in pursuing a complaint of sexual misconduct, internal investigatory procedures are often fraught with conflicts of interest and a bias against prisoner testimony. At times, officer’s accused of sexual misconduct were assigned to investigate themselves. Given the closed nature of the prison environment, and the reluctance of officers to testify against their peers, such evidence is often very hard to obtain. Thus, complaints of sexual misconduct can be extremely difficult to substantiate. Frequently, prison administrators fail to deal appropriately with cases that are presented to them because the allegations do meet prosecutorial standards. An employee who may not have been found to commit a crime, but who may nonetheless have violated prison rules, can thus escape punishment altogether (Human Rights Watch, 1996).

In some states and the District of Columbia, a first offense of this sort is classified as a felony. In others, it is classified merely as a misdemeanor. But no matter how the offense is classified, state laws are rarely enforced, and when they are, they often carry light penalties. The failure of many states to uphold their own laws regarding custodial sexual misconduct reflects their reluctance to prosecute such crimes. This is largely due to an ingrained belief, except in the most egregious cases, that the prisoner is responsible for the
sexual abuse. In this sense, state officials still widely view criminal sexual misconduct as a victimless crime (Human Rights Watch, 1996).

**RETRALIATION**

Incarcerated Black women who report mistreatment clearly feel they are punished for reporting sexual abuse by guards. This punishment is frequently referred to as retaliation. Retaliation is defined as any act by a corrections officer, corrections employee, or administrative official in the penal system, which is directed towards the inmate in order to punish him/her for having reported an abuse(s) (Amnesty International, 1998). Virtually every prisoner interviewed, who had lodged a complaint of sexual misconduct, faced retaliation by the accused officer, his colleagues, or other prisoners. In some cases, they also faced punishment by correctional officials (Amnesty International, 1998). These punishments generally took the form of write-ups for sexual misconduct, the loss of “earned good time” accrued towards early parole, or prolonged periods of administrative segregation. In other cases, officials did not overtly discipline prisoners but made use of administrative segregation, ostensibly a protective mechanism, designed to punish inmates. Thus, prisoners who had committed no disciplinary infraction were still subjected to the same treatment as prisoners serving disciplinary sentences.

The belief among women prisoners that retaliation is a reality, is supported by the testimonies of other inmates, prison guards, and prisoner’ rights advocates. Reports are to the effect that participation in rehabilitative programs such as work, school, visitation privileges, and physical and mental health are denied as a form of retaliation. As described in a 1998 report by Amnesty International, most women prisoners are afraid to report sexual abuses, because they feel the consequences may be more devastating than the abuse.

**CASE STUDY**

Jane Doe 2 entered the corrections system in 1995. At the time of her incarceration, she spoke very little English. After she had been in the prison for several months, she was approached by a guard who asked her to give him oral sex. She did not want to agree, but because she did not feel comfortable talking with any of the guards or administrators, she went along with the guard’s request. The sexual abuse continued over a two-year period until the guard transferred to another facility. As she became more comfortable in the system and her English improved, she decided to seek outside counsel and approached a lawyer about what she could do to stop the abuse. However, once she realized that it
would be impossible to file a complaint without her identity being revealed, she decided not to take any action. (Amnesty International, 1998)

This story demonstrated the chilling effect that retaliation has on female prisoners. In some cases, women choose to live with the sexual abuse rather than risk being targeted for retaliation. Others, who were brave enough to report the abuse, ultimately expressed regret for coming forward. Regardless, it is commonly believed that if one chooses to file a complaint against a guard for sexual harassment, she may suffer unrelenting retaliation. This may include loss of credit for good behavior that could adversely affect the inmate at her parole hearing.

The question arises: why do other corrections’ officers refuse to speak out against the sexual abuse and retaliation? Under oath, Kennedy-Carpenter, a Corrections Officer, talked about the fear corrections officers have about speaking out against the abusive guards:

They’re afraid of their supervisor setting them up and getting them fired. They’re afraid of some of the dirty officers doing things to them; setting them up, running them off the expressway, all the things they’ve been doing. A lot of them know what’s right and what’s wrong, but they don’t have the guts to put up with it on a daily basis. The harassment they are going to have. . . . You are going to have to guarantee them jobs within other state systems here; transfer them to another department . . . because there’s no way they’re going to be able to function here afterwards. You can’t put them in another prison. There is not an officer here that doesn’t know people at twenty other prisons. And word gets out. Before that person ever hits the front gate, word will get to that prison that he was a snitch. There’s just no way you’re going to be able to protect these officers.

Given that a corrections officer within the system despairs at the possibility of protecting a fellow officer from retaliation if he or she speaks out about the abuse or retaliation, it is clear that prisoners are even less able to protect themselves. No attempt is made to keep the names of prisoners who file grievances against officers confidential. (Amnesty International, 1998)

The invisibility of custodial sexual misconduct, and hence its repudiation, are further fueled by the failure of many states and the District of Columbia to establish credible internal grievance and investigatory procedures that do not
expose complainants to retaliation or punishment. In virtually every prison investigated by Amnesty International, grievance procedures required that the prisoner informally confront the implicated officer before she can file a formal grievance. In many cases the targeted officer of a complaint had supervisory contact with the complainant. Both procedures exposed complainants to retaliation or punishment and routinely deterred them from filing sexual misconduct complaints (Amnesty International, 1998).

Coupled with feelings of shame for having been imprisoned, and the problem of trying to survive in a hostile prison atmosphere, some women suffer long periods of deep depression.

**SEXUAL ABUSE OF AFRICAN AMERICAN WOMEN**

Some forms of sexual abuses to which female prisoners are routinely subjected to by male correctional employees include: (1) vaginal, anal, and oral rape of women; (2) watching women fight each other, (3) watching them shower and dress, (4) selling women for sex to other guards and male inmates, and (5) groping and or touching female prisoners’ breasts, buttocks, and vaginal areas during strip searches and pat-downs. In 1996, the Human Rights Watch Report found that in the course of committing such gross misconduct, male officers not only used actual or threatened physical force but have also used their discretionary authority to provide or deny goods and privileges to female prisoners. Because prisoners are completely dependent on officers for their most basic necessities, the offer or (by implication) threat to withhold privileges, or goods, is a very powerful inducement.

No one group of women prisoners appears to suffer violent sexual misconduct more than African Americans. Among this group, those who are in prison for the first time, lesbians, the young and the mentally ill are particularly vulnerable to demands for sexual relations. In some instances, women have been impregnated as a result of sexual misconduct, and some of these prisoners experienced additional abuses in the form of inappropriate segregation, denial of adequate health care, and/or pressure to seek an abortion (Kirk & Okazawa-Rey, 1998; Bush-Baskette, 1998).

African American women in correctional institutions find themselves in extreme emotional conflict because of their intense desire to fight against prison abuses. Traditionally, these women have been providers, and protectors for themselves, their children, and their elders. Thus, willingly acquiescing to their captors’ sexual abuses is contrary to their nature. Hence, once a Black woman in a correctional institution takes a stand, she becomes branded as someone to demoralize–someone to be “put in her place” in a very abusive and public way. Because the African American woman will not back down easily, the struggle continues until the system with its many resources,
and lack of accountability, overpowers her. Once the woman has been “broken” she becomes easy prey for continuous abuse from multiple correctional staff and other inmates.

The bulging prison population in Federal and State prisons is disproportionately African American (51%) and Hispanic 11%. Of the entire population of incarcerated women in federal, state and local jails, 71%, 67% and 64% respectively are women; most of whom are African American and Hispanics (Human Rights Watch, 1999). Thoughtful analysis of the demographic characteristics of incarcerated African American women identifies the tremendous risk and propensity for sexual abuse solely due to their numbers. First, African American women are likely to be incarcerated for longer periods of time because of the nature of offenses committed. Second, African American women represent the largest population group that may serve as a threat. Third, because African American women are more likely to have a “debilitating” substance use/abuse problem with crack cocaine as the reported drug of choice, they are easy prey for “black market violence” in these facilities. Lastly, because the general public has limited interest in the effective operation of correctional facilities, it is mostly unaware about injustices occurring behind prison walls. The public appears to have even less interest if the primary target group service is Black or minority. There is evidence that prisons mirror the same racial injustices as seen in the larger society. According to Smiley (1996) a power gap exists between Black people and those in power who make major decisions in this country. Thus Black women prisoners are affected by the sharpening of conflict on the outside and the increasing national oppression visited upon Black people in general. Further, there exists an ethical/moral feeling that if prisoners, who are feared and disliked by other women, are victimized by each other, guards would then be free of charges of sexual harassment. Thus, in some sense, the prevailing attitude would be: “it serves them (the prisoners) right” (Schneider, 1996, p. 10). These consequences are believed to “go with the territory of doing the crime and the time” and after all, “jail is supposed to be harsh and punitive.”

The collaboration of these identified risk factors for violence against incarcerated African American women creates a volatile social justice problem that is only expected to worsen because of emerging trends in Black juvenile female crime.

Violence in correctional institutions, therefore, is an even more devastating problem to African American females who represent 50% of all women incarcerated in this country, and who are treated more harshly than other imprisoned (Daily, 1989; Foley & Rasche, 1979; Sari, 1986; Hake and Shields, 1992; Mann, 1996, p. 126). Yet, Black women suffer other atrocities aside from the sexual abuse experienced at the hands of male prison officials—they perform slave labor.
Steadily emerging as an important issue, in violence against incarcerated women, mostly Black, is prison labor abuse. This abuse is defined as cruel and unusual involuntary servitude within prison confines beyond the specified punishment for the crime committed. In 1984, Congress created the Prison Industry Enhancement Program to allow federal and state prisons to sell inmate-made products on the open market. Additionally, the program allowed private companies to contract with prisons for inmate labor (Cozic, 1997, p. 95). This provided the impetus for inmates to work long, grueling hours in prison factory settings with intense heat, unsafe machinery, and health hazards. Further, inmates are often paid wages ranging from $.25-$0.40 per hour. If inmates refuse to work, they serve longer sentences, lose privileges, and risk solitary confinement (Erlich in Cozic, 1997, p. 103). The violence imposed on African American women is formulated at the highest levels of decision-making and is a disgrace to any civilized society.

Clearly, the treatment of many women in U.S. prisons, mostly Black, is an abuse of human rights. It is one more indication that the U.S. stands on shaky moral ground when it calls into account other nations of the world for their human rights abuses. In recent months, the U.S. Government has been justifiably critical of the practice of some foreign governments, such as China, for using the prison population as a source of forced, underpaid laborers. What is not so widely known and understood is that similar practices, namely the Prison Industrial Complex, occur in the U.S. under conditions that amount to prohibited forced labor and the use of prison labor as punishment. At a prison facility in Texas, for instance, current employers of prisoners include among other laborers a circuit board assembler, an eyeglass manufacturer, and a maker of valves and fittings. Many of these companies have closed their factories outside the prisons, and now rent factory space in the prisons. Practices such as these violate the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Standard Minimum Rules for the Treatment of Prisoners. Many U.S. government practices fit the United Nations definition of genocide when it comes to the treatment of the poor and people of color.

Privatization of prisons in the United States has fueled the fires of the Prison Industrial Complex. Prisons are a growth industry and many new corporate players are taking advantage of a new trend to contract for private prison services (See & Khashan, 2001). The new Prison-Industrial Complex is establishing a network of political contacts and local constituencies—war-dens, prison guard unions, subcontractors and suppliers, and local government officials—that benefit from increased incarceration (See & Khashan, 2001). Just as the country now struggles to rid itself of unnecessary military bases and weapons systems, in years ahead, the Prison-Industrial Complex...
may lobby to maintain unnecessary prisons or promote laws that help fill them (Erlich in Cozic, 1997, p. 108). Though no empirical data exists that clearly links the Prison-Industrial Complex to heightened arrest and the incarceration rates for Black women, Erlich may be alluding to the whispers being heard across the country. What is known is that because African American women constitute the largest percentage of those incarcerated in prisons, and because prisons more intensely mirror the racism and oppression found in the larger society, African American women are more likely to be adversely affected by the Prison-Industrial Complex.

In many areas of the country, mostly in inner cities, young people feel that the police are an occupation army and inner cities are militarized zones. They feel that the courts are used to funnel young Blacks and Latinos into prisons where their labor potential is valuable. Once incarcerated, inmates are forced to work long hours in “sweatshop” conditions, including unprotected exposure to hazardous chemicals and materials and unsafe machines. The work is hard and abusive and the jobs teach very few skills that will benefit offenders once outside of the prison. Critics such as Erlich (in Cozic, 1997) purport that the mistreatment in the form of prison labor is also a way to maintain social control in heavily populated facilities. If prisoners refuse to work, they are moved to disciplinary housing and lose canteen privileges. Most importantly, they lose “earned good time” credit that reduces their sentences (p. 103).

The issue of prison labor abuse is hotly debated. Many do not feel that putting prisoners to work is detrimental. Former Delaware Governor, Pete Du Pont, argues that increasing the use of inmate labor would benefit prisoners, prisons, and society (Du Pont in Cozic, 1997, p. 96). Du Pont also goes on to say that allowing prisoners to work will make the streets safer for the rest of us (p. 101). Across the country, a million prisoners are serving time in jail. Each month, 40,000 are released under mandatory supervision, on parole or at the conclusion of their sentences. Critics of the prison work programs assert streets would be safer and the crime rate would be lower if these newly returned members of society had a skill, a job, and the beginning of a future. Unfortunately, others disagree that few, if any, of these benefits will actually be realized.

**SOLUTIONS FOR HUMANIZING PRISONS AND JAILS**

One of the greatest obstacles to the eradication of custodial sexual misconduct against women in general, and Black women in particular, is lack of attention to their plight at both state and national levels. In the Georgia and District of Columbia correctional systems, for example, it took class action suits in 1992 and 1994, respectively, to expose the problem of sexual miscon-
duct inside the confines of the correctional system. Only after a class action suit was filed against both states, did the departments of corrections admit that the problem of custodial sexual misconduct exists in their facilities for women. It is likely that the same course of action will need to be taken, before prison labor abuses are eradicated.

Any culturally sensitive remedy for change, must lean heavily on the beliefs that the milieu of custodial violence is primarily institutional. The remedy must begin at the societal level and descend to the institutional and individual levels. The framework must also include a philosophical premise that incarcerated offenders are offered certain protections by the constitutional and administrative laws that govern this country. Further, African American women should be equally protected by those same tenets of the Constitution. Just because African American women make up the largest population of incarcerated women, it does not give society the right to turn a “deaf ear” to prison violence.

Thorough and long-lasted eradication of custodial violence must occur as a result of a multi-tiered process. First, there must be a change in public moral thinking and a shift from archaic ideas that inmates deserve whatever happens to them in prison facilities. Second, policies and procedures must reflect a systemic desire to identify and punish those who break the law by engaging in the custodial mistreatment of incarcerated women. The effort to eradicate this abuse must seek violators on all levels from the lowest classification of prison staff to the boardroom of corporate giants. The privatization of prisons and the prison-industrial complex must be studied and closely scrutinized for their merit in allowing offenders to pay their debt to society. Third, prison structures and environments must be changed to embrace a more culturally sensitive program. The following steps must be taken: (1) enhance physical designs of buildings and services that increase safety and decrease violence risk factors; (2) employ more female administrators and staff with extensive training; (3) create a climate of zero tolerance for abuses against women; (4) establish accessible systems for women to report and receive assistance in stopping the abuse; (5) provide counseling and other necessary services to alleviate the trauma of abuse; and (6) ensure the safety of correctional staff who seek to report egregious abuses against inmates. The safety of women in custodial care and the priority for change must be seen on every step of the judicial process including federal, state and local levels (Human Rights Watch, 1998).

Clearly, there is much work yet to be done to address this still “invisible” problem. Little hard data exists about custodial violence against African American women. The questions and implications raised in this article, along with others, provide an important starting place for future research.
REFERENCES


