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# Women in the Criminal Justice System

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WOMAN IN THE CRIMINAL JUSTICE SYSTEM

By

Nickole Stein-Fisher

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Eastern Michigan University

Honors College

in Partial Fulfillment of the Requirements for Graduation

with Honors in Social Work

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## **Abstract**

In this paper, seven counties were investigated in Northern Michigan (Otsego, Cheboygan, Emmet, Alpena, Charlevoix, Mackinaw, and Sault St. Marie and compared to Washtenaw County. What was specifically investigated and compared was the criminal rulings that were given to women who have committed a criminal sexual conduct crime. They were compared by their location, race, and formal educational level to see if this had any influence on their court rulings.

The research method used is convenient sampling, of court rulings in two different areas of Michigan. To make the comparison, twenty five women that are on the Michigan State Sex Offenders Registry were randomly picked from both areas and compared. For confidentiality purposes, their names and any other identifying information was not disclosed in this paper.

From the research the writer conducted, she found that seventeen out of the twenty five women in Northern Michigan only got probation and court costs while all of women in Washtenaw County got a minimum of two years in prison but one. All but one person in the Northern Michigan sample had an associate degree; the remaining one had a high school diploma. In the Washtenaw County sample, only three women had an associate degree. Five of them had a high school diploma and the other seventeen had no educational degree.

The majority of the Washtenaw County women in prison, minority women in prison, and their families, are mostly impoverished. In many instances, the families can't afford to come visit their incarcerated loved one or put money in their accounts. With this lack of support, the women have a harder time dealing with the stress of incarceration.

The minority women and Washtenaw County women that lack this support, are more likely to violate their parole stipulations and go back to prison.

On the other hand, the majority of Caucasian women and the women from the Northern Michigan Counties have a stronger family support system because their families can afford to visit and send money. The families also are able to help the women out more when they parole with areas such as housing, food, and other basic needs, causing lower violation rates. The reason for this is because they are not living impoverished and have networks to help them. These networks include securing a job, housing, and social support resources.

### **Introduction**

Do location, race, and formal education play a role when convictions are being made, the treatment and family support they receive while in prison, and once paroled? My hypothesis is that race, location, and education do play a role in the punishment they receive. I believe that women from small towns, like those in Northern Michigan, will get a less severe punishment compared to those who are in big cities like Washtenaw County. I believe the women in Northern Michigan Counties get less severe punishments because women don't typically commit crimes, or at least are unheard of, so they just give them a "slap on the wrist" whereas the women in bigger cities get "the book" because the crimes happen more often.

The reason I wanted to investigate if location, race, and formal education play a role is because of what I've encountered in the field at my internship and the youth that come into the juvenile detention center in Washtenaw County. My internship is at the Washtenaw County Courthouse with the Adolescent Diversion Program (ADP). The

majority of the youth that are in the ADP program and detention center are disproportionate minority youth. The reason I chose women, instead of youth or men, is because I haven't heard much about women in the criminal justice system in any of my classes or in the media aside from worst case scenarios.

### **History**

Years ago, women prisoners were second-class citizens occupying small units within men's prisons. Reformers' calls for facilities specializing in women's needs helped spur the development of women's prisons — which then needed to be filled with ever-increasing numbers of women prisoners. Women prisoners are often survivors of domestic violence and sexual assault on the outside, and once inside, they are targeted for similar attacks (Lewis, 2011)

When President Nixon enforced the war on drugs, women were being convicted of drug crimes increasingly fast. During this time, high numbers of women were running drugs because they didn't have any other means of making money to support their families, or because the men they were with forced them to sell drugs. They were also going to prison for drugs because they were bystanders to the activity or a family member of a person involved with drugs. The other reason women were going to prison was for aggregated assault and murder charges against their abusive significant others. This trend is still true today. Most women are going to prison because they either get caught up in drugs or can't find a way to provide the basic needs for their families so they turn to prostitution and theft. In some cases, women try to get out of this life style and can't so they end up killing their pimps, customers, or abusive significant others, which is another reason they go to prison (Lewis, 2011).

Minorities have mostly formed a sizable portion of the prison population. After the Civil War, racial minorities were almost unquestionably overrepresented in American prisons (Sellin, 1976). African American women have for many years been locked up, in high disproportionate numbers, in women's prisons. This tendency is predominantly evident in high-custody institutions, which customarily reserved for female offenders seen by white officials as tough, manlike felons beyond the reach of care or rehabilitation (Sellin, 1976).

The minorities were primarily African-Americans, with a small group of Latin Americans and some Native Americans (Calahan, 1979). According to Calahan (1979), "Since 1850, when the first reports were published, the combined percentage of foreign born persons, blacks and other minority groups incarcerated by the criminal justice system has ranged between 40 and 50 percent of all inmates present." As the percentage of minorities in jails and prisons declined, the proportion of African American and Spanish-speaking inmates increased (Calahan, 1979).

Normally women and African Americans were excluded from the "assumed" benefits of the prison. The prison was measured as a righteous experiment in human reform. Women and minorities were considered barely human at this time, and most African American's at this time were slaves. A lot of women were confined to subservient domestic roles, therefore making these groups not a considered fit candidate for the prison's rehabilitative regime (Dodge 2002). Some women were sentenced to prison; however fewer were actually exposed to the prison system. Those who were sent to prison were warehoused and relegated in isolated institutional settings such as attics. This is where women were frequently unsupervised and vulnerable to abuse (Rafter, 1990)

The early prisons held few African-Americans because most were essentially incarcerated on slave plantations. Beaumont and de Tocqueville (1964) stated, “In those states in which there exists one negro to thirty whites, the prisons contain one negro to four white persons” (p. 61). These prisoners were typically housed in regular, mass-confinement prisons, which made no effort at reforming prisoners and served only to warehouse them until release. Other minorities such as immigrants were abundant in the prisons.

The reform idea that guided women’s reformatories rejected the male prison model. They were premised on domestic guidance with a prominence on cleaning, waitressing, and cooking. When paroled, the women were sent to reputable families where they would work as domestic servants. The men’s prisons required to impart a tough masculinity, whereas the woman’s prisons taught female courtesy, featuring sexual self-control and domesticity. “When women were disciplined,” states Rafter (1990), “they might be scolded and sent, like children, to their ‘rooms.’ The entire treatment was designed to provoke a childlike submissiveness.” Perhaps the most distinctive feature of women’s reformatories was their “emphasis on propriety and decorum—on preparing women to lead the ‘true good womanly life.’” Rafter draws attention to “the Thursday evening exercise and entertainment” offered at the Detroit House of Shelter in the early 1870s.

In the year two-thousand and ten, 113,000 women were incarcerated in the United States with 6% convicted of violent crimes (Sipes, 2012). African American women were three times and more likely to be incarcerated compared to their white counterparts. Latina women were two times likely incarcerated compared to their white

counterparts. (Guerino, Harrison, & Sabol, 2011). Forty-two percent of the incarcerated women have not completed high school or obtained a diploma (Guerino, Harrison, & Sabol, 2011). Two point six percent of the women in prison are HIV positive and 73% also have some form of mental health complications; 57% of women incarcerated have reported that they have been sexually abused and 60% have been physically abused prior to being admitted to the correctional system (Sipes, 2012). The rates of incarcerated mothers are 7:10; 1,300,000 children are reported to be in these situations with 73% of family violence being reported (Sipes, 2012). Seventy-four percent of women stated that they used some form of drugs prior to being incarcerated to deal with the abuse they are faced with (Glaze, 2010). Typically, families are 100 or more miles away from the correctional facility where their loved one is, causing complications for visits and strong family support (Glaze, 2010).

### **Literature Review**

Women who are incarcerated experience mental health issues at a higher rate than women who are in general population (Hartsfield, 2011). Trauma histories vary significantly between Caucasians, African Americans, and Native American women in prison (Hartsfield, 2011). Women with childhood experiences of household dysfunction, substance abuse, and sexual and physical abuse are more likely to commit sexual and physical assault crimes in their lifetime (Hartsfield, 2011).

Family relationships, traumatic events, change, treatment from prison staff, programs and classes offered, anxiety, and motherhood are all themes that relate to the women who are/have been incarcerated (Baldwin, 2009). These events play a crucial role in a woman's pre-incarceration, incarceration, and post-incarceration (Baldwin, 2009).

Improvement of rehabilitative services to incarcerated women, as well as the development of a discharge plan that includes a process of community re-integration on first day of incarceration, is necessary (Baldwin, 2009).

Women are considered capable of manipulating the judicial process by crying, seeming helpless, or weak (Couture, 2011). In most cases, women may fall into one of these acts while dealing with the court officials. This in turn will cause the police, judge, and jury to question if they really did commit the crime because it tugs at their heartstrings. Eighty-six percent of victims of female sexual predators aren't believed, so the crimes go unreported and perpetrators don't get prosecuted (Couture, 2011).

There is no indication that women commit sex crimes because of different factors than men. Women may commit rape because of power, hostility, hatred, violence, sadism, substance abuse, mental illness, and opportunity, just like men (Flowers, 2006). The only difference is that many more women are victims of sexual abuse. As women gain more equality in the economic and political world, they are starting to commit more "male" crimes (Flower, 2006).

Women fit into three categories for sexual predators: 1) victimizers of biological children six years and younger, 2) teacher/lover where the teacher is about thirty years old and the student is about fifteen years of age, and 3) partners coerced into sex encounters by abusive males (Salter, 2009) Another factor that can prevent women predators from being punished is that men will tease victimized men, causing the men to have a social stigma and lower self-esteem. Men may say, "How could you not like a women coming on to you?" which will result in incidents going unreported (Salter, 2009).

The imbalance of power between inmates and guards involves the use of direct physical force and indirect force based on the prisoners' total dependency on officers for basic necessities and the guards' ability to withhold privileges. Some women are coerced into sex for favors such as extra food or personal hygiene products or to avoid punishment (Johnson, 2002) Women are not only put into jail for their crimes, but also may be at risk for becoming victims of new sex crimes. In the year two- thousand and two, ten prison employees in the entire system were disciplined, while seven of them were prosecuted (Johnson, 2002). The other three guards were just transferred to a different facility.

Research also showed that while incarcerated, the women who had more education and were Caucasian were treated better by prison workers (Guerino, Harrison, & Sabol, 2011). In most cases, they were allowed to participate in what few programs they did offer and were treated more humane. These programs consisted of substance abuse programs, religious programs, and basic domestic how to classes (Guerino, Harrison, & Sabol, 2011). Minority women in prison often get treated poorly by correction personal and have a harder time getting into classes that are being offered. Some say that it is because they are less likely to be successful after paroled, but there isn't any real evidence to support this (Guerino, Harrison, & Sabol, 2011).

Over the past five years, incarceration rate of African American women increased by 828% (Clark, 2009). African American women are eight times more likely to be imprisoned compared to European American women. (Clark, 2009) Latina women experience nearly four times the rate of incarceration as European American women (Clark, 2009). A key factor in criminal defense is sexual orientation. If a woman is a

lesbian, her criminal defense becomes more challenging because jurors who were polled stated that homosexuality is one of their strongest biases (Clark, 2009). This also may cause women to be at risk for sexual assault when she is in prison because guards will use that against her for forms of torture. The phrase used by male guards in this situation is "Maybe we can change your mind" (Clark, 2009).

### **Research Method**

The research method I used was convenient sampling of court rulings in two areas in Michigan . The way I went about finding the data was by picking two different locations in Michigan and comparing the criminal sexual conduct crimes between the two. I decided that twenty-five people from each location would be a sufficient number to compare. I decided to use Washtenaw County and a county in Northern Michigan. While gathering the twenty-five women in Northern Michigan, I ran into a problem trying to find a county that had twenty-five. In order to get twenty-five women for the Northern Michigan area, I combined seven Northern Michigan counties. In my opinion, this would not cause too much of a problem since the seven counties that I used are all close to each other in location and also similar in culture.

The seven Northern Michigan counties that I used were Alpena, Emmet, Cheboygan, Charlevoix, Mackinaw, Otsego, and Sault St. Marie. To gather the fifty women for my data, I went onto the Michigan Sex Offender registry and randomly took twenty five from each area. Once I gathered the fifty women I searched public records for their exact charges and outcomes. Once the information was gathered, I entered it all into an Excel document to compare.

**Data**

Table 1: Data for Northern Michigan Counties

<b>Location</b>	<b>Age</b>	<b>Year of offense</b>	<b>Charge</b>	<b>Duration of stay in prison</b>	<b>Current prison status</b>
Northern Mi.	42	1993	2nd degree	9 years	out of prison
Northern Mi.	46	1993	1st degree	5 years	out of prison
Northern Mi.	55	1993	2nd degree	0 years, received probation	never been to prison
Northern Mi.	38	1993	4th degree	0 years, received probation	never been to prison
Northern Mi.	37	1994	2nd degree	0 years, received probation	never been to prison
Northern Mi.	55	1995	3rd degree	2 years	out of prison
Northern Mi.	36	1995	1st degree	2 years	out of prison
Northern Mi.	50	1997	3rd degree	7 years	out of prison
Northern Mi.	58	1999	4th degree	0 years, received probation	never been to prison
Northern Mi.	35	1999	3rd degree	0 years, received probation	never been to prison
Northern Mi.	33	1999	3rd degree	3 years	out of prison
Northern Mi.	32	2001	immoral purposes of a child	0 years, received probation	never been to prison
Northern Mi.	40	2001	3rd degree	0 years, received probation	never been to prison
Northern Mi.	49	2001	1st degree	6 years	out of prison
Northern Mi.	28	2002	2nd degree	3 years	out of prison
Northern Mi.	30	2002	immoral purposes of a child	0 years, received probation	never been to prison
Northern Mi.	33	2004	4th degree	0 years, received probation	never been to prison
Northern Mi.	25	2006	4th degree	0 years, received probation	never been to prison
Northern Mi.	32	2007	4th degree	0 years, received probation	never been to prison
Northern Mi.	26	2007	2nd degree	3 years	out of prison

Northern Mi.	39	2008	4th degree	2 years	out of prison
Northern Mi.	27	2008	4th degree	0 years, received probation	never been to prison
Northern Mi.	38	2009	2nd degree	0 years, received probation	never been to prison
Northern Mi.	22	2010	immoral purposes of a child	0 years, received probation	never been to prison
Northern Mi.	21	2011	2nd degree	0 years, received probation	never been to prison

Table 2: Data for Washtenaw County

Location	Age	Year of offense	Charge	Duration of stay in prison	Current prison status
Washtenaw	50	2000	3rd degree	12 years min.	still incarcerated
Washtenaw	54	1996	1st degree	life	still incarcerated
Washtenaw	32	2009	1st degree	3 years min	still incarcerated
Washtenaw	38	2004	3rd degree	5 years	out of prison
Washtenaw	23	2004	3rd degree	5 years min.	still incarcerated
Washtenaw	46	2009	1st degree	35 years min.	still incarcerated
Washtenaw	24	2006	3rd degree	7 years	out of prison
Washtenaw	45	2004	2nd degree	14 years	out of prison
Washtenaw	39	2007	1st degree	9 years	out of prison
Washtenaw	39	2005	1st degree	8 years	out of prison
Washtenaw	44	2004	1st degree	10 years	out of prison
Washtenaw	46	2002	1st degree	7 years	out of prison
Washtenaw	34	2012	3rd degree	4 years min	still incarcerated
Washtenaw	31	2006	4th degree	4 years	out of prison
Washtenaw	35	2011	1st degree	6 years min	still incarcerated
Washtenaw	30	2003	1st degree	11 years min	still incarcerated
Washtenaw	43	2005	2nd degree	7 year min	still incarcerated
Washtenaw	37	2008	3rd degree	4 years min	still incarcerated
Washtenaw	30	2008	2nd degree	4 years min	still incarcerated
Washtenaw	32	2007	2nd degree	5 years min.	still incarcerated
Washtenaw	47	2007	3rd degree	5 year min	still incarcerated

Washtenaw	46	2005	3rd degree	12 years min.	still incarcerated
Washtenaw	23	2007	2nd degree	0 years, probation	never been to prison
Washtenaw	68	1991	2nd degree	18 years min	still incarcerated
Washtenaw	36	2007	2nd degree	20 years min	still incarcerated

Chart 1: Breakdown of Charges of Northern Michigan Counties

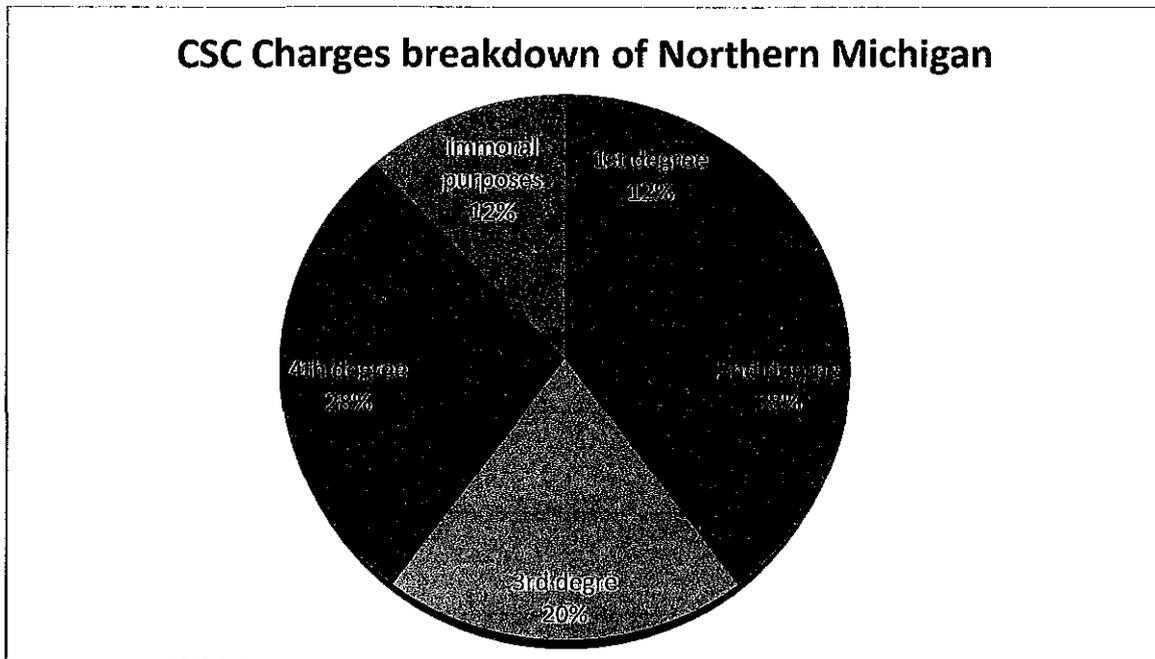


Chart 2: Break down of charges of Washtenaw County.

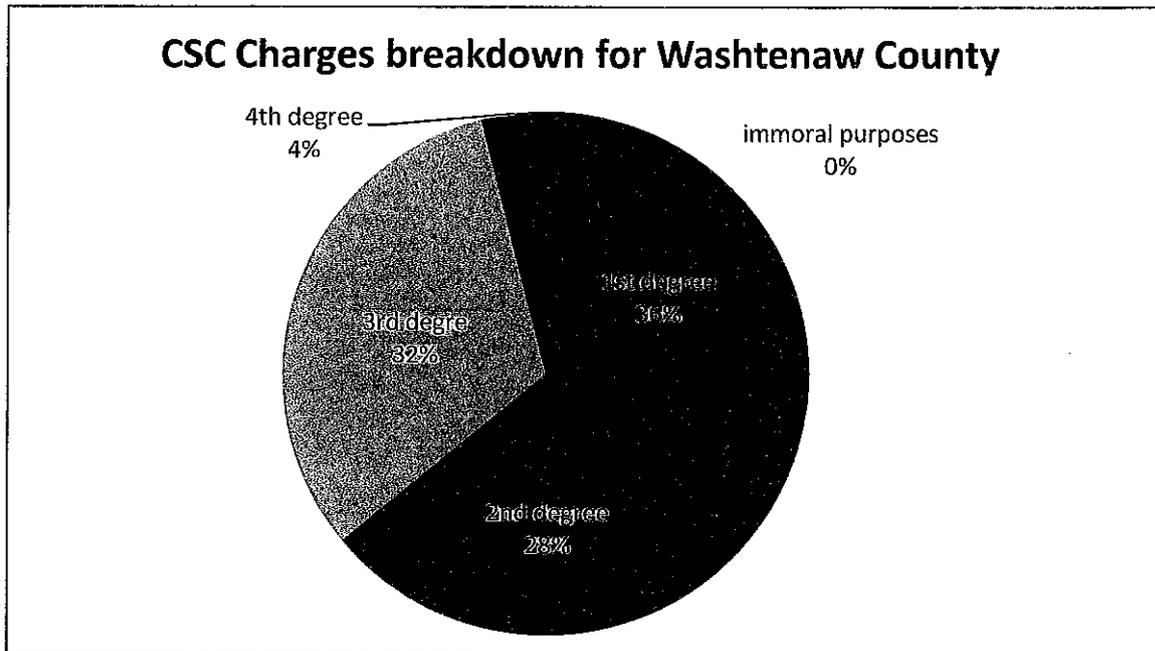


Chart 3: Prison status for Northern Michigan Counties

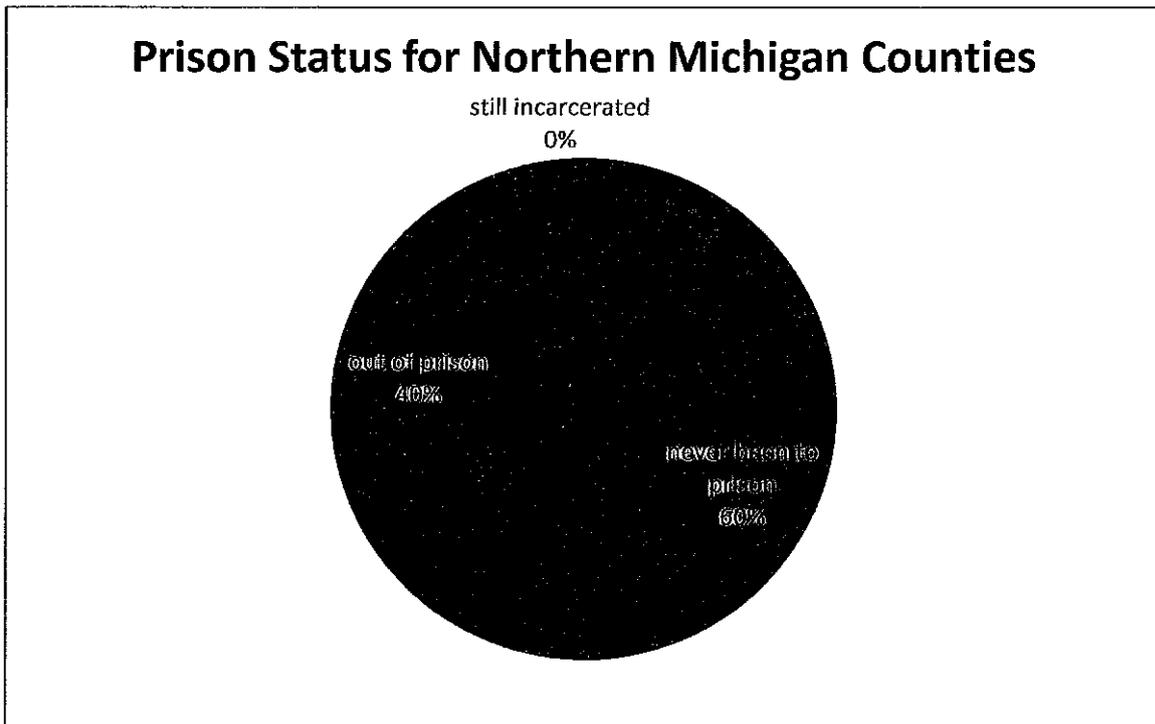


Chart 4: Prison status for Washtenaw County

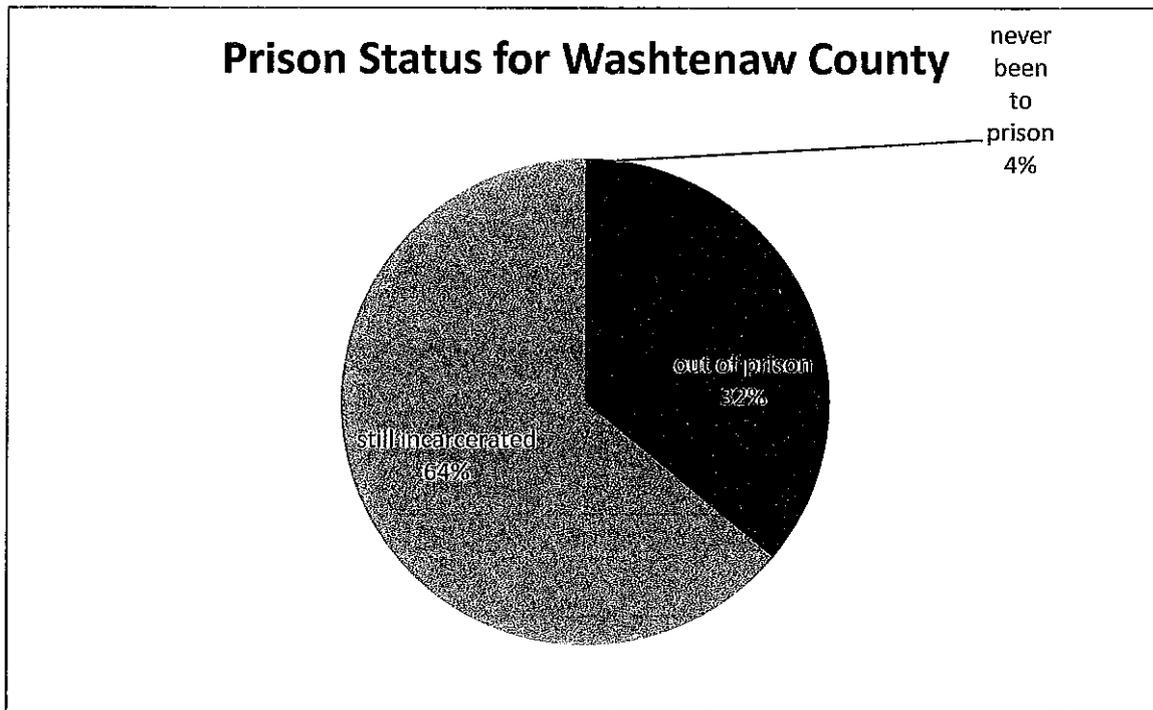


Table 1 and 2, are all of the women that were investigated from the Northern Michigan Counties and Washtenaw County. I left out their race so they couldn't be identified. Fifteen out of the twenty five women in Northern Michigan only got probation and court costs compared to one Washtenaw County women. The minimum stay in prison for the eight other women in Northern Michigan was two years. (see chart 1 and 3) In Washtenaw County, twenty-four women had a three year minimum stay in prison. (see chart 2 and 4)

The race of all twenty-five women for Northern Michigan is Caucasian. Seventy-five percent of the women from Washtenaw county are African American, twenty- three percent Caucasian, and two percent Latina. For education, all but one person in the Northern Michigan sample had an associate degree; the remaining one had a

high school diploma. In the Washtenaw County sample, only three women had an associate degree. Five of the women had a high school diploma and the other seventeen had no educational degree.

### **Discussion**

After the review of the literature, my hypothesis was supported. My hypothesis was location, race, and education do make a difference on the charges and treatment of women in prison. This research also made me wonder why women in Washtenaw County are committing more sex crimes than Northern Michigan. It made me wonder if upbringing, parenting, and discipline play any roles in their actions. It also made me wonder if some of these women in Washtenaw County were charged with sexual conduct crimes when in fact they were the victim of a sexual crime. If I were to get the chance to continue working on this research topic, I would compare other states to see if they have the same results. I would look at bigger cities and compare them to smaller ones just like I did with Michigan. I would also look into the other possibilities that I mentioned previously about upbringing. I believe that this is just the tip of the problem and that with more research there could be a whole lot of other things that could be uncovered. Perhaps by finding out all of these things there will be a way to put in place a preventative program. This way women will be less likely to commit these sexual crimes and if they do end up committing, at least there will be programs instated in the prisons to help rehabilitate them.

### **Conclusion**

After comparing Washtenaw County to Alpena, Emmet, Cheboygan, Charlevoix, Mackinaw, Otsego, and Sault Saint Marie, it is clear that race, location, and education

make a difference in how a woman is sentenced in a criminal sexual conduct crime. The women in Washtenaw County all faced a minimum of three years except for one. On average the minimum stay in prison for a Washtenaw County woman was six years. In the Northern Michigan Counties, seventeen women received no jail time or prison time at all. They had to pay court costs and be on probation. In my opinion, I don't think that this is fair or just at all. If it's not alright for someone in Washtenaw County to do it, then why is it alright for someone up north to do? I hope that in the future that a difference like this doesn't occur. I believe that all people should be treated and tried fairly. I also believe that punishments should be equal for everyone regardless of their race, age, location, education, or any other factor that may play a role. It is my hope that my generation and the generations to come, will be fair and just with everything they do in the justice system. After all, America is founded on the value of honesty, integrity, and justice for all.

## References

- Baldwin, J. T. (2010). *We've come a long way baby...or have we? The phenomenon of community re-integration for incarcerated women. Journal of Psychology, 3(5), 17-22.*
- Beaumont, G. D., & de Tocqueville, A. (1964). *On the penitentiary system in the United States and its application to France.* Carbondale, IL: Southern Illinois University.
- Calahan, M. (1979). Trends in incarceration in the United States since 1880. *Crime and Delinquency, 25, 9-41.*
- Clark, J. (2009). Inequality in prison. *American Psychological Association 40(9), 55.*
- Couture, L. (2011). Women who commit abuse, sexual assault, or murder must be held accountable. *United States Department of Justice, 23-27.*
- Dodge, M. (2002). *Whores and thieves of the worst kind: A study of women, crime, and prisons, 1835-2000.* DeKalb, IL: Northern Illinois University Press
- Flowers, R. (2006). *Sex crimes: Perpetrators, predators, prostitutes and victims* (pg. 29-32). Springfield, IL: Charles Thomas Publisher LTD.
- Guerino, P., Harrison, P., & Sabol, W. (2011). Prisoners in 2010. *Bureau of Justice, database, 9-25*
- Hartsfield, J. (2011). Diagnosing the past, consequences for the future: A life cycle of trauma and mental health issues for incarcerated women. does race matter? *Dissertation Abstracts International Section A: Humanities and Social Sciences, 25-35.*
- Lewis, M. (2001). Women Prisoners, Women's History. In *American Civil Liberties Union*. Retrieved December 17, 2012 <http://www.aclu.org/blog/tag/women-prison>
- Johnson, P. (2003). *Inner lives: Voices of African American women in prison.* New York: New York University Press.
- Johnson, R. (2002). *Hard time: Understanding and reforming the prison.* Belmont, CA: Wadsworth.
- Michigan Department of Corrections. Offender Tracking Information System [Data file] Retrieved from <http://www.state.mi.us/MDOC/asp/otis2.html>
- Michigan Public Sex Offender Registry [Data file]. Retrieved from <http://www.mipsor.state.mi.us/>

- Rafter, N. H. (1990). *Partial justice: Women in state prisons, 1800–1935*. Boston: Northeastern University Press.
- Sellin, T. (1976). *Slavery and the Penal System*. New York: Elsevier.
- Slater, A. (2009). Predators, rapists, and other sex offenders. *Journal of Psychology* 3(4), 3-6.
- U.S. Department of Justice. (2002). *The Issue: Sexual Assault and Misconduct Against Women in Prison. A fact sheet on women in prison*.  
[http://www.prisonpolicy.org/scans/women\\_prison.pdf](http://www.prisonpolicy.org/scans/women_prison.pdf)