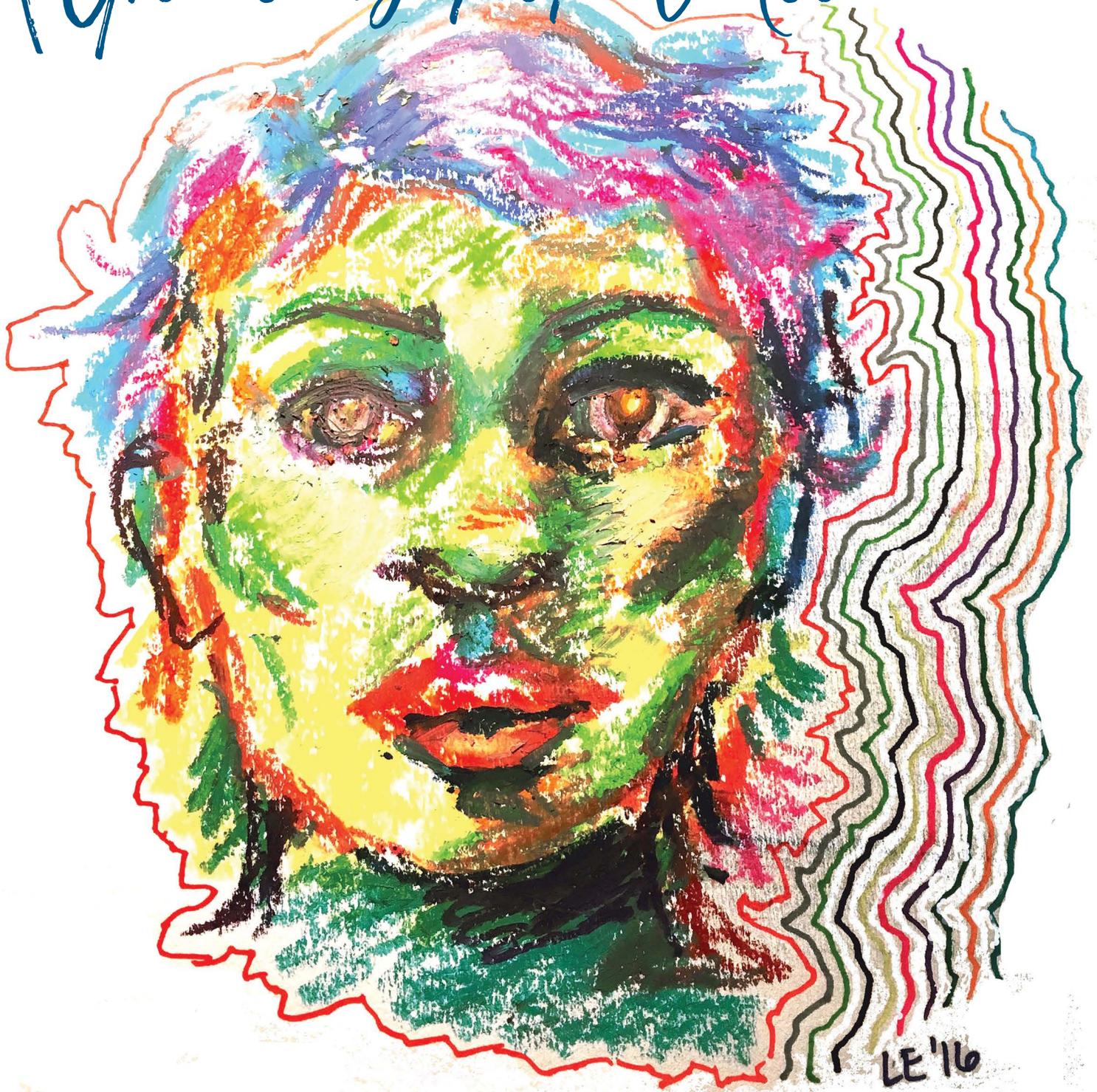


A Growing Population:



TEXAS CRIMINAL
JUSTICE COALITION

The Surge of Women into Texas' Criminal Justice System

MARCH 2018

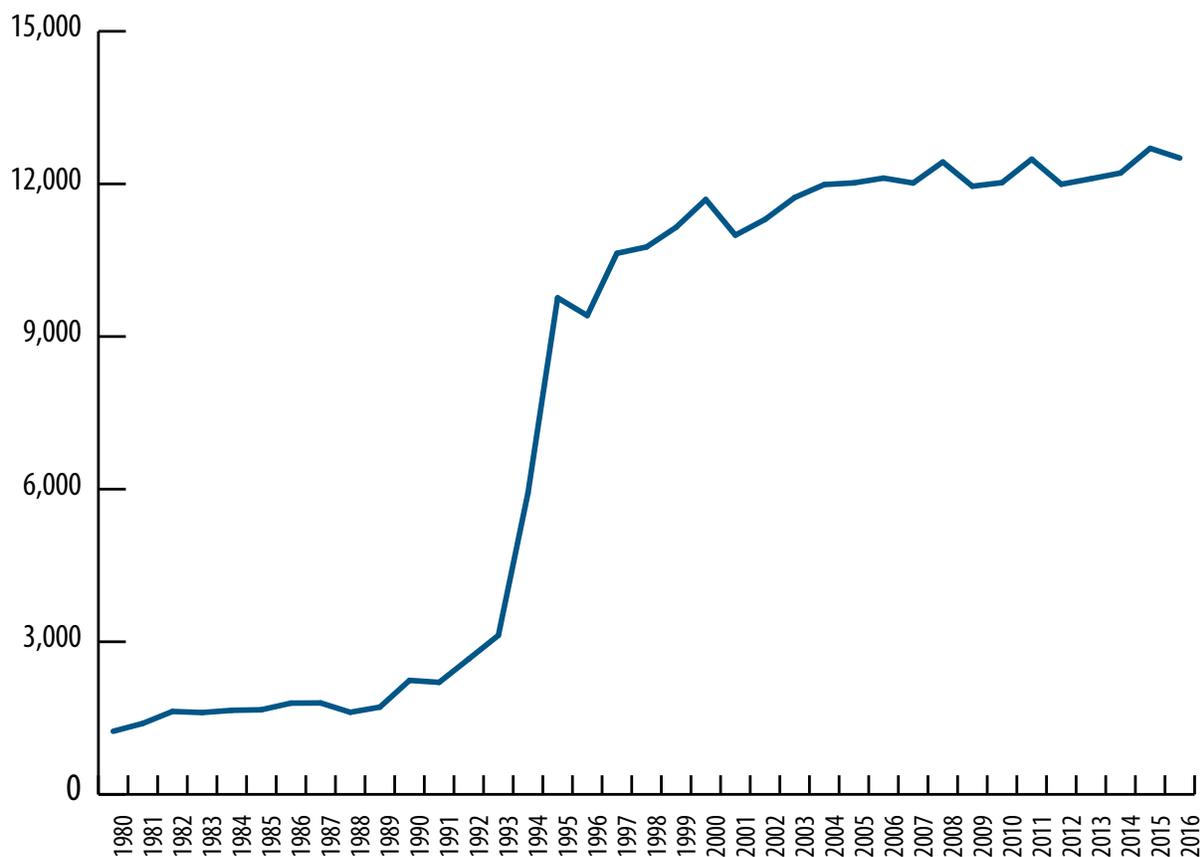
Executive Summary

Data Shows Significant Growth in Female Incarceration

Mass incarceration is both a racial and economic issue, but it is also a women's issue. The number of women in the U.S. prison system has grown by over 700% since 1980.¹ This is significantly higher than the growth rate of the overall prison population, which has risen by around 500%.²

Texas has contributed greatly to this surge in incarcerated women, **with one of the top 10 highest female incarceration rates in the country.**³ Regarding growth over time, **female incarceration in the Texas Department of Criminal Justice (TDCJ, the state's corrections system) has increased 908% from 1980-2016, compared to an increase in the male population of 396%.⁴** In other words, female incarceration in Texas has increased at more than twice the rate of male incarceration over the past 40 years.

Texas Female Prison Population Growth, 1980-2016



Alarming, a more recent spike in system-involved women has occurred as Texas has lowered its population in TDCJ, and **Texas now incarcerates more women by sheer number than any other state.**⁵ **From 2009-2016, Texas reduced its men's prison population by 8,577 while backfilling its prisons with 554 women.**⁶ As of 2016, women incarcerated in TDCJ numbered 12,508, representing 8.5% of the

incarcerated population, up from 7.7% in 2009.⁷ Additionally, the number of women serving 10 years or more in Texas increased over 50% from 2005 to 2014.⁸

The rise in female incarceration is not exclusive to prisons. The number of women in Texas jails awaiting trial — totaling around 6,300 — has grown 48% since 2011, even as the number of female arrests in Texas has decreased 20% over that time period.⁹

Female vs. Male Criminality

The significant differences between justice system-involved women and men point to the need for gender-based programs and services to address women's underlying causes of criminality. **Women are more likely than men to commit property and drug offenses, and less likely than men to commit violent offenses.**¹⁰ When women do commit violent offenses, it is often in self-defense, rather than in a calculated manner.¹¹

Women in the criminal justice system are far more likely to have been sexually abused as children¹² and adults¹³ than men. Per a survey by the Texas Criminal Justice Coalition of over 400 incarcerated women in Texas, more than half report experiencing some kind of physical or sexual trauma prior to their incarceration.¹⁴ Some studies have found that as many as 98% of justice system-involved women have trauma histories.¹⁵ Sadly, for some women, this victimization can continue during their incarceration,¹⁶ where women can experience physical and sexual assaults.

Along with, and perhaps as a result of, significant trauma histories, justice system-involved women also report high rates of mental health problems, substance abuse, and poverty.¹⁷

Despite all this, the institution of criminal justice largely ignores the context of these women's lives and the reality of their needs.¹⁸

Female Incarceration Impacts Families and Communities

A multitude of factors have contributed to the growing rate of female incarceration: poverty, lack of education, lack of treatment for mental illness, tough-on-crime prosecution of drug crimes, psychological and physical trauma, and overly broad conspiracy and accomplice laws, which women are more likely to be swept up by.¹⁹ This holds true both nationally and in Texas, and these factors are devastating to women and those in their lives.

Although women comprise a small, albeit growing, portion of the prison population, their incarceration creates profound ripple effects in their families and within their communities.

Across the U.S., 2.6 million children have a parent in prison or jail.²⁰ In Texas, more than 10,000 women in TDCJ are mothers.²¹ Yet despite the benefits of parent-child interaction,²² incarcerated women are likely

“During one of my mom’s incarcerations, I was molested. Had she been there, I wouldn’t have been in that situation and she could’ve protected me. Locking her up, when she was no threat to public safety, put me and my siblings at risk.”

– Destiny, child of an incarcerated mother

“Put simply, we know that when we incarcerate a woman we often are truly incarcerating a family, in terms of the far-reaching effect on her children, her community, and her entire family network.”

– U.S. Attorney General Loretta Lynch

to be isolated from their children due to limitations on visitation, costly prison phone fees, and great distances (often hundreds of miles) between children and the prison units.²³

Black women are especially impacted by punitive policies and practices — with Black individuals comprising only 12% of Texas’ overall population²⁴ but Black women comprising 26% of the incarcerated female population.

The entire community benefits when we are able to properly serve and rehabilitate those who come into contact with the criminal justice system. And **crime survivors²⁵ and voters²⁶ on both sides of the political aisle agree that being smart on crime means addressing the root causes of a person’s criminality**, rather than simply warehousing them for lengthy periods of time and releasing them with virtually no supports. Adjusting our practices to respond appropriately to women’s needs is essential if we are to stop and reverse the growth of women in the system.

The Texas Criminal Justice Coalition urges local and state officials to adopt the recommendations below, which will hold women accountable while helping them heal and allowing them to remain in their communities and with their families — critical steps to improving public safety and reducing costs associated with incarceration. These recommendations are important for women at risk of entering the justice system, women already on probation who want to live successfully in the community, and women on parole who seek to avoid re-incarceration.

- 1. Utilize pretrial diversion to hold women accountable while preventing them from escalating deeper into the justice system.**
- 2. Invest in community-level supports that account for extensive trauma histories.**
- 3. Provide specialized treatment options for women on probation.**
- 4. Reform the bail system to stop punishing poverty.**
- 5. More effectively address the needs of women with drug offenses.**