

Executive Summary

Gender and Justice: Women, Drugs, and Sentencing Policy

Since 1980 the number of women in prison has increased at nearly double the rate for men. There are now nearly seven times as many women in state and federal prisons as in 1980, an increase from 12,300 in 1980 to 82,800 by 1997, for a rise of 573%. An additional 63,000 women incarcerated in local jails yields a total of 146,600 female inmates. *Gender and Justice: Women, Drugs, and Sentencing Policy* examines the impact of drug offenses and sentencing policy on women at a national level and in the states of New York, California, and Minnesota.

- Drug offenses accounted for half (49%) the rise in the number of women incarcerated in state prisons from 1986 to 1996, compared to one-third (32%) of the increase for men.
- The number of women incarcerated for drug offenses rose by 888% from 1986 to 1996, in contrast to a rise of 129% for all non-drug offenses.
- Drug offenses accounted for 91% of the increase in the number of women sentenced to prison in New York from 1986 to 1995, 55% in California, and 26% in Minnesota.
- Minority women (African American and Hispanic) represent a disproportionate share of the women sentenced to prison for a drug offense:
 - New York: 91% of prison sentences for drugs compared to 32% of state population
 - California: 54% of prison sentences for drugs compared to 38% of state population
 - Minnesota: 27% of prison sentences for drugs compared to 5% of state population
- The impact of the justice system on Hispanic women is greatly variable by state. In New York, Hispanic women constituted 44% of women sentenced to prison for drug offenses in 1995, compared to their 14% of the state's population, while in California, Hispanic women represented 25% of drug prison sentences compared to their 31% share of the total population.

Policy Recommendations

- Repeal mandatory sentencing laws such as New York's "Rockefeller Drug Laws" which require a 15-year sentence for sale of two ounces or possession of four ounces of drugs;
- Expand the availability of drug treatment both within and outside the criminal justice system;
- Repeal the denial of welfare and education benefits for persons convicted of a drug felony;
- Provide resources to address the needs of children of incarcerated women.

The full report, *Gender and Justice: Women, Drugs, and Sentencing Policy*, by Marc Mauer, Cathy Potler, and Richard Wolf, is available for \$8.00 from The Sentencing Project, 514 – 10th St. NW, Suite 1000, Washington, D.C. 20004; (202) 628-0871.