



Unfair Treatment in Women's Prisons

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Introduction

In the United States our criminal justice system prides itself on rehabilitation, yet it remains flawed due to the imbalance of power that leaves female inmates vulnerable to exploitation. Aimee Chavira, a former prisoner from the Federal Correctional Institution states, “We were sentenced to prison. We were not sentenced to be assaulted and abused” (Egelko, 2024). This encapsulates how female inmates are in an environment where male prison guards hold a lot of power over them, which leads them to face constant abuse and harassment.

Women are hesitant to report abuse because of the lack of resources, fear of retaliation, and poor medical facilities. According to the U.S. Department of Justice’s Bureau of Justice Statistics (2019), sexual assaults in prisons are on the rise, with about half of reported assaults involving guards assaulting inmates. A recent example of systemic abuse in the U.S. prison system is the FCI women’s prison in Dublin, California, which was first revealed in 2022 for its extensive history of sexual misconduct by staff. Bob Egelko (2024) interviewed one of the plaintiffs, a Native American woman, who revealed the cruel reality of her experiences. The plaintiff revealed how she was brutally raped by a guard one to three times a week, while two other guards would hold her down and make hateful comments about her ethnicity.

Additionally, several women who were held at the same institution describe horrifying acts of manipulation and abuse. They were forced to participate in strip shows or perform sexual acts on each other, and if they refused prison guards would threaten them with various punishments (Egelko & Hernandez, 2024). Assaults in prisons are not new, and this has significantly affected so many women’s well-being, as they not only have to endure constant abuse but also face retaliations against them if their attacker is apprehended. Even when these women are brave enough to report their abuse, inmates are still forced to relocate to new facilities in a different state, disrupting their rehabilitation process and further isolating them from any support systems.

In our current criminal justice system, there are no checks and balances put into place that hold prison guards accountable for abusing this power making it hard for inmates to feel safe. First, this paper will examine the physical and emotional conditions women face within the prison system. Secondly, it will address the lack of resources and support, and how lack of support forces women to endure constant abuse, without the ability to escape.

Finally, this paper emphasizes the need for an independent checks and balances system within prisons to ensure accountability and protect incarcerated women. We must address these unfair power dynamics between female inmates and male prison guards, as these imbalances undermine the dignity and safety of inmates, promote environments prone to abuse, and call attention to the urgent need for systemic reforms to protect inmates' well-being.

Physical and Emotional Trauma Women Face in Prison

The power imbalance between male prison guards and female prisoners affects women's psychological, emotional, and physical well-being causing them an endless cycle of trauma. Many women experience abuse but are stuck in an environment where reporting sexual abuse or refusing to comply can lead to retaliations, extreme isolation, loss of privileges, and further harassment. In Susie Day's (2001) article, she interviews two former prisoners; Marilyn Buck and Laura Whitehorn about the systematic abuse that has occurred in women's prisons for decades. Laura Whitehorn was convicted of multiple property bombings, including one in the U.S. Capitol, as a form of protest against police brutality and foreign policy; she served fourteen-years in prison and wasn't released until 1999. While Marilyn Buck, Laura's friend and co-defendant, was also convicted for her suspected involvement in the 1979 prison escape of Assata Shakur, as well as several car robberies in support of the Black Liberation Army. When asked about how they believe the last fifteen years affected them, Marilyn Buck stated:

Imagine yourself in a relationship with an abuser who controls your every move, keeps you locked in the house. There's the ever-present threat of violence or further repression if you don't toe the line. I think that's a fairly good analogy of what happens. And imagine being there for fifteen years. To be punished, to be absolutely controlled. (Buck & Whitehorn, 2001, p. 44)

We have gone far too long living in a world where abuse is tolerated, and women's voices are intentionally suppressed.

Over time, this feeling of helplessness becomes ingrained into who they are, taking away their sense of control and inhibiting them from recovering. Buck confirms, prisons are trapping women in this cycle of abuse and fear. Now, not all harm done to inmates is rape; it can also be given in other forms

such as, verbal abuse, physical intimidation, bullying, exploitation, or denial of basic needs. The majority of prison guards are most often men, who will guard women while they are dressing or showering. Male guards will also abuse their power by conducting body searches at any given time (Kizziah, 2001). Even when women aren't being subjected to physical abuse, male prison guards still disregard women's boundaries. This form of harassment sheds light on the imbalance of power, when guards are able to abuse their authority by conducting searches whenever they please and without cause.

From the experience of Laura Whitehorn, she explains how pat searches are legal in women's prisons. Male guards will stand behind and run their hands down your body, not to locate contraband but to make them feel powerless. If she attempted to push a guard's hand away, she would immediately be sent to the hole for assault (Buck & Whitehorn, 2001). The "hole", referring to solitary confinement, serves as a place of extreme isolation and deprives inmates from normal privileges such as contact with fellow inmates, yard time, and time outside their cells, which can all contribute to emotional distress.

Solitary confinement is described by inmates as the hole, because it's a suffocating and isolating space where they are cut off from human contact and the outside world. Inmates are forced to stay in a small, windowless cell, depriving them of any light, and because of this environment, inmates feel an overwhelming sense of isolation, leading them to endure both physical and emotional distress. Much like being trapped in a literal hole, solitary confinement leaves women powerless, while granting the men power, as they are the ones who have the ability to free them. Whitehorn was sent there for being considered disobedient after attempting to push away prison guards who were inappropriately touching her during a pat-down. The threat of being sent to solitary confinement is used not as punishment but as a form of control, where even the act of resisting an unwarranted and inappropriate pat-down from a prison guard could lead to harsh punishments. The emotional harm women are faced with can be just as damaging as physical abuse. For many of these male prison guards it's not about rehabilitating women back to society but, to control and humiliate them. While feminist criminology explores how these power imbalances are deeply rooted in gender inequality, structural violence theory will further explain how systemic barriers prevent incarcerated women from accessing proper support. This is evident due to the lack of effective resources women are able to utilize in order to report their abuse.

Feminist Criminology & Structural Violence

Feminist Criminology sheds light on the real-life experiences of incarcerated women, particularly those who have faced multiple forms of oppression and social stigmas (Cox & Malkin, 2023). The criminal justice system often dismisses the unique needs and vulnerabilities of female inmates which leads to systemic issues such as sexual violence and lack of resources. Male prison guards hold significant unchecked power over incarcerated women, creating an environment where exploitation thrives. Feminist criminology argues that this power imbalance is intentional, as the justice system prioritizes control and punishment over rehabilitation. Beyond gender inequality, incarcerated women also face structural barriers that prevent them from seeking help or escaping abuse.

The power imbalances and abuse of authority within prisons are not incidental, but rather deeply rooted in systemic structures that perpetuate harm. Kathleen Weigert (2008) defines structural violence as indirect or institutionalized violence. It refers to harm or damage that could be prevented but occurs due to the unequal access to power and resources. This form of violence is embedded in the systems and structures of society. Women in the prison system are subjected to not only physical and emotional abuse but also institutional barriers that prevent them from receiving help. Structural violence theory highlights how social structures prevent women from meeting their basic needs such as adequate resources, healthcare, and accountability for prison guards. By providing women with inadequate support, it reinforces the cycle of control by trapping these women in a constant state of fear.

Lack of Resources and Support

In addition to fear, inmates are not reporting their abuse because of a lack of efficient resources and proper access to medical facilities, leaving women with little help to report abuse or care for themselves, which is an example of structural violence theory. As Weigert (2008) suggests structural violence takes place when social structures and institutions harm individuals by limiting their access to resources and protections. In this context, the lack of resources and proper access to medical facilities exemplifies this concept.

Our criminal justice system fails to care for inmates' health, leaving women vulnerable and susceptible to neglect, as limited access to adequate resources, results in female inmates being left untreated for physical and mental health issues. These failures trap women in an endless cycle of abuse, as they are unable to seek help or receive the necessary care, further isolating them and allowing the mistreatment to continue unchecked. Marilyn Kizziah (2001) highlights in her article, how women's prisons don't offer inmates with licensed medical personnel. When women do visit the infirmary, they are charged a five-dollar fee and are treated by unqualified prison guards or other staff instead of medical personnel. These women are already hesitant to report assaults; now imagine asking them to discuss their situation with a prison guard or staff member who is already biased against their well-being.

Insufficient resources make it more difficult for female inmates to report but on top of that even when they try, they're often ignored or dismissed. Stern (2019) discusses in her article; the hardships women face when trying to report abuse. When female inmates attempt to report their abuse, their experiences are thoroughly reviewed in order to either deter them from reporting or to make cases so challenging they won't win their civil or criminal charges. Women are continuously discouraged from reporting abuse, but when they do find the courage to come forward, they can often face severe consequences. In Claudia Lomeli-Rodriguez's (2023) article, she brings up the investigation conducted by the Associated Press on the FCI Dublin prison. Within this investigation, investigators found that inmates who reported their abuse were ignored or placed into solitary confinement (Lomeli-Rodriguez, 2023).

This is an example of structural neglect and lack of accountability that perpetuates the suffering of women. Even when women try to report their situations, they are faced with many challenges that make it impossible leaving them feeling hopeless. Prison is intended to be a place where inmates serve their time while also having the opportunity to rehabilitate for a smooth transition back to society. However, for many women that's not the case, and it's because our prison system lacks any form of checks and balances that hold male prison guards accountable for their behavior, perpetuating a cycle of structural violence.

The Failure of Accountability in the System

While there are resources in place that claim to support incarcerated women, these resources are often embedded within the very system that enables abuse. Reporting systems are typically handled by prison staff, allowing those in power to be in charge of policing themselves. Our current criminal justice system has no form of checks and balances that hold prison guards accountable for abusing their power, which makes it difficult for inmates to feel like our criminal justice system has their best interest in mind. If prison staff are never held accountable this undermines the purpose of justice and rehabilitation.

In a Senate hearing held by the 117th Congress, Senator Jon Ossoff's opening statement brings light to the number of cases that are still untouched. Ossoff and Johnson (2022), highlight how federal prisons have a backlog of about 8,000 cases on employee misconduct, with some that've been pending for more than five years. This backlog demonstrates the failure of the system to address and resolve misconduct in a timely manner, leaving issues unresolved and allowing mistreatment to continue unchecked. Our federal prison system has failed to address any sexual abuse cases between female inmates and male prison employees. With no real punishment given to prison guards it sends a message to men that if they have the power, they're untouchable. Ossoff goes on to address that when officers are put under oath, they have admitted to sexually abusing prisoners and instead of being punished they're able to retire with benefits (Ossoff & Johnson, 2022).

Inmates are forced to relocate when facilities are shut down, not only disrupting their rehabilitation, but also separating them from fellow inmates they've formed bonds with. As stated by Ashley Castillo, who transferred from the Dublin Federal Correctional Institution to Aliceville FCI in Alabama, "I'm depressed, I'm sad, I'm mad, I just have all these emotions" (Johnson, 2024). This abrupt closure affected hundreds of women, who were forced to relocate to facilities far from their family members and fellow prison mates, stripping them of the little stability they had left. Within Johnson's (2024) article, it was reported that in April, women were transported by buses to federal facilities in Alabama, Connecticut, Florida, Minnesota, Texas, and West Virginia. While prison guards who've abused their power have the ability to retire with benefits and continue on with their lives without being held fully accountable for their illegal actions. This reality highlights the urgent need for an independent

organization to oversee prison operations and enforce accountability, in order to ensure the protection of incarcerated women.

Solution

While increased female representation within the prison system could seem like a potential solution, it unfortunately might not fully resolve the issue, as these women would still be part of the same system tasked with policing themselves. Even with an increase of women in leadership roles, systemic issues such as lack of oversight and fear of retaliation could still prevent any change. Female staff members are still part of the criminal justice system, making it difficult for them to hold their colleagues accountable. Without an independent organization to oversee this issue, the cycle of abuse and neglect could persist.

One critical solution to solving this issue would be to establish a non-profit organization led by formerly incarcerated women, who are dedicated to acting as a checks and balances system to ensure the safety and rights of incarcerated women. This organization would focus on monitoring prison conditions and ensuring sexual harassment and abuse reports are properly documented and addressed. This could be accomplished through establishing external oversight to ensure that reports of sexual harassment, physical violence, and neglect are thoroughly investigated and that those responsible are held accountable. Members of this organization would oversee implementing anonymous reporting systems, conducting regular inspections, and reviewing complaints to ensure they're properly addressed.

On top of acting as a checks and balance system, this organization would provide crucial support for women who are dealing with traumatic experiences that impact their rehabilitation. These programs would be designed to address the damage and lasting effects of abusive environments, by providing counseling and mental health resources to women dealing with trauma they experienced while incarcerated. This could be accomplished by providing formerly incarcerated women the opportunity to lead a peer mentorship program, where they can offer guidance and support to women dealing with similar experiences.

Additionally, the organization would actively work to push for systemic change by advocating for policy reforms that improve prison conditions and enforce stricter protections against violence in prisons. Having experienced the failures of the prison system firsthand, it would provide others with a personal and credible perspective, making it harder for policymakers to dismiss these concerns. By sharing their personal experiences and exposing the realities of physical and emotional abuse within the prison system, these women would bring authenticity to the conversation that other advocates lack. Beyond all the valuable opportunities this organization can offer, it would also create meaningful employment opportunities for formerly incarcerated women.

Conclusion

Attention must be brought to this issue as our criminal justice system continues to stay flawed because it further exploits female inmates. Male prison guards continue to hold excessive power and the result of that is an abusive environment where this unchecked authority is often misused to manipulate, intimidate, and exploit inmates. With no effective measures put into place to put an end to this, inmates continue to feel unsafe and unheard. It's crucial to remember that regardless of their status as prisoners, these women are still human beings with rights that must be respected. Incarceration does not equate to the loss of basic human rights, and the failure to acknowledge this only perpetuates the cycle of abuse and neglect. The only way this issue can be solved is by acknowledging the systemic failures and working towards creating an organization that actively pushes for change, advocates for the rights of incarcerated women, and holds the prison system accountable. By demanding accountability and stronger protections, we can begin to create a system that prioritizes rehabilitation over punishment.

References

- Cox, Alison, and Michelle L. Malkin. "Feminist Convict Criminology for the Future." *Critical Criminology* (Richmond, B.C.), vol. 31, no. 3, 2023, pp. 685–705, <https://doi.org/10.1007/s10612-023-09698-5>.
- Buck, M, & Whitehorn, L. "Cruel but Not Unusual: The Punishment of Women in U.S. Prisons: An Interview with Marilyn Buck and Laura Whitehorn." *Monthly Review* (New York. 1949), vol. 53, no. 3, 2001, pp. 42–55, https://doi.org/10.14452/MR-053-03-2001-07_4.
- Egelko, B. (2024, December 17). *Women abused at Dublin facility to receive the largest settlement in the Bureau of Prisons History*. San Francisco Chronicle.
<http://www.sfchronicle.com/politics/article/dublin-prison-settlement19986636.php>
- Egelko, B., & Hernandez, D. (2024, March 11). *More scandal at troubled Dublin prison: FBI raid, Warden ousted, lawsuits*. San Francisco Chronicle.
<http://www.sfchronicle.com/politics/article/fci-dublin-warden-18888205.php>
- Johnson, S. (2024, April 27). *Women at troubled East Bay prison forced to relocate across the country*. KQED.
<https://www.kqed.org/news/11984115/women-forced-to-relocate-from-fci-dublin-prison-report-traumatizing-journey-seek-compassionate-release>
- Kizziah, M. "Women in California Prisons." *California Commission on the Status of Women. Reports, Hearings, Recommendations, Etc.*, 2001, pp. 1-.
- Lomeli-Rodriguez, C. (2023, August 25). *Abuse of Power: Sexual Abuse in the Federal Prison System*. The Annual Review of Criminal Justice Studies. <https://journals.calstate.edu/arcjs/article/view/3878/3276>

- Ossoff, J., & Johnson, R. (2022, December 13). *Majority and minority staff report - sexual abuse of female inmates in Federal Prisons*. Committee on Homeland Security & Governmental Affairs.
https://www.hsgac.senate.gov/subcommittees/investigations/library/files/majority-and-minority-staff-report_-sexual-abuse-of-female-inmates-in-federal-prisons/
- Stern, E. “Accessing Accountability: Exploring Criminal Prosecution of Male Guards for Sexually Assaulting Female Inmates in U.S. Prisons.” *University of Pennsylvania Law Review*, vol. 167, no. 3, 2019, pp. 733–73.
- Weigert, K. M. (2008). Structural Violence . In *Stress of War, Conflict and Disaster* (1st ed., pp. 126–132). Academic Publisher.