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# The Gender Divide: Tracking Women's State Prison Growth

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By [Wendy Sawyer](#)

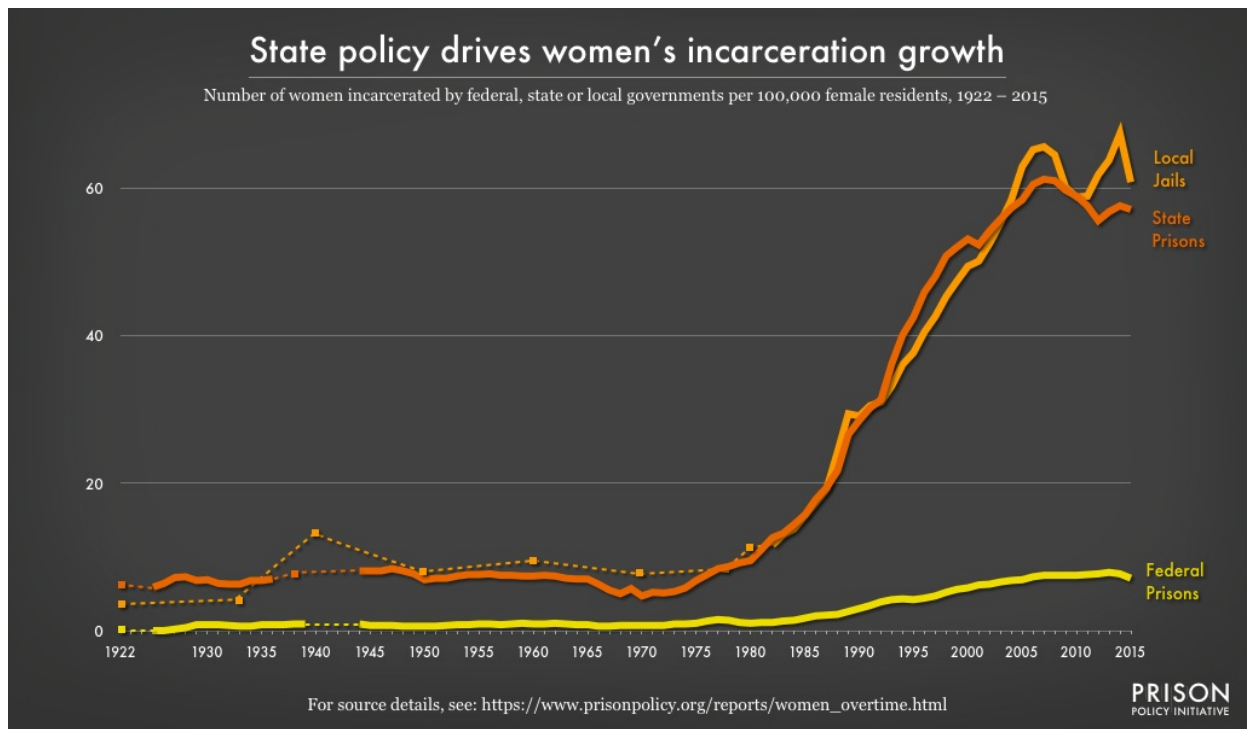
January 9, 2018

The story of women’s prison growth has been obscured by overly broad discussions of the “total” prison population for too long. This report sheds more light on women in the era of mass incarceration by tracking prison population trends since 1978 for all 50 states. The analysis identifies places where recent reforms appear to have had a disparate effect on women, and offers states recommendations to reverse mass incarceration for women alongside men.

Across the country, we find a disturbing gender disparity in recent prison population trends. While recent reforms have reduced the total number of people in state prisons since 2009, almost all of the decrease has been among men. Looking deeper into the state-specific data, we can identify the states driving the disparity.

In 35 states, women’s population numbers have fared worse than men’s, and in a few extraordinary states, women’s prison populations have even grown enough to counteract reductions in the men’s population. Too often, states undermine their commitment to criminal justice reform by ignoring women’s incarceration.

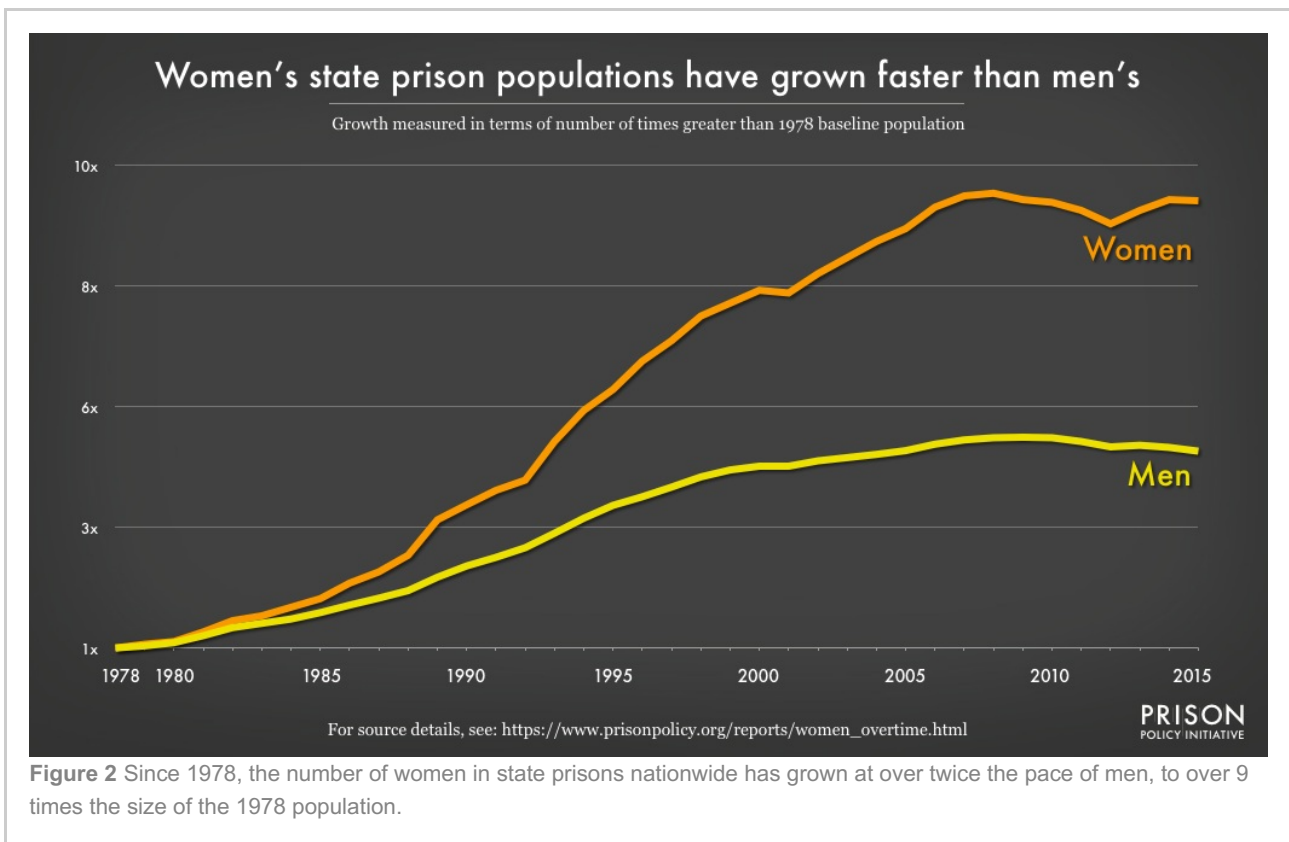
Women have become the fastest-growing segment of the incarcerated population, but despite recent interest in the alarming national trend, few people know what’s happening in their own states. Examining these state trends is critical for making the state-level policy choices that will dictate the future of mass incarceration.



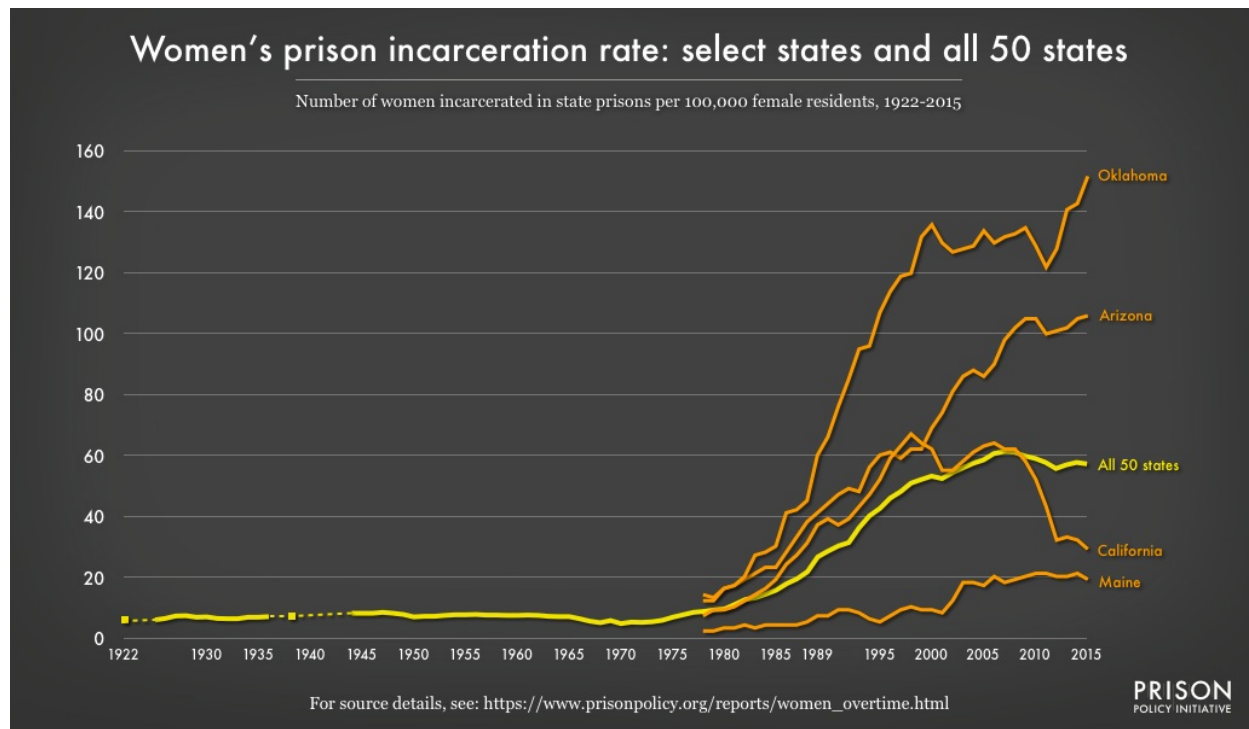
**Figure 1** Women's incarceration rates have grown dramatically since the late 1970s. But in contrast to the total incarcerated population — which is overwhelmingly male — women's jail rates have grown about equally to their state prison rates. (See as raw numbers. The data behind both graphs is in Table 1.)

## National trends in women's state prison growth

Nationally, women's incarceration trends have generally tracked with the overall growth of the incarcerated population. Just as we see in the total population, the number of women locked up for violations of state and local laws has skyrocketed since the late 1970s, while the federal prison population hasn't changed nearly as dramatically. These trends clearly demonstrate that state and local policies have driven the mass incarceration of women.



There are a few important differences between men's and women's national incarceration patterns over time. For example, jails play a particularly significant role in women's incarceration (see [sidebar](#), "The role of local jails"). And although women represent a small fraction of all incarcerated people, women's prison populations have seen much higher relative growth than men's since 1978. Nationwide, women's state prison populations grew 834% over nearly 40 years — more than double the pace of the growth among men.



**Figure 3** The national trend of women's state prison incarceration obscures a tremendous amount of state-to-state variation. State-level data reveals that some states, like Oklahoma and Arizona, have seen much more dramatic growth in women's prisons, while others have kept rates well below the national average.

While the national trend provides helpful context, it also obscures a tremendous amount of state-to-state variation. The change in women's state prison incarceration rates has actually been much smaller in some places, like Maine, and far more dramatic in others, like Oklahoma and Arizona. A few states, including California, New York, and New Jersey, reversed course and began decarcerating state prisons years ago. The wide variation in state trends underscores the need to examine state-level data when making criminal justice policy decisions. To that end, this report includes graphs of prison populations and incarceration rates over time by gender for [all 50 states](#).

## Recent efforts to reverse growth have worked better for men than women

Perhaps the most troubling finding about women's incarceration is how little progress states have made in curbing its growth — especially in light of the progress made to reduce men's prison populations.

Of course, some progress has been made toward slowing and even reversing the growth of state prison populations since they peaked nationally in 2009. *But this progress has been uneven, impacting men more than women.* The total number of men incarcerated in state prisons fell more than 5% between 2009 and 2015, while the number of women in state prisons fell only a fraction of a percent (0.29%).

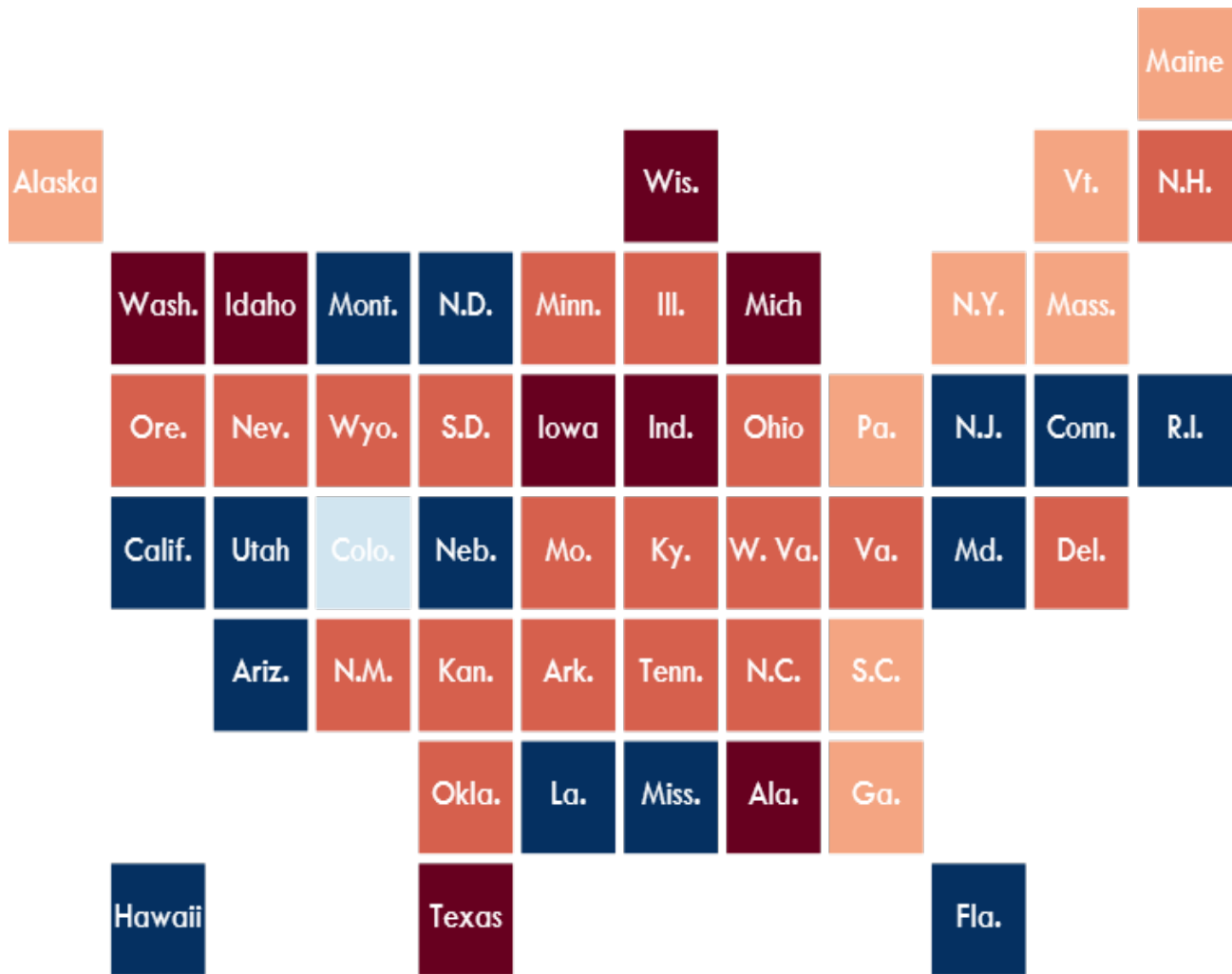
## State-level trends

Since 2009, women's populations have fared worse than men's populations in 35 states.

At the state level, the disparate effects of justice reforms for men and women are even more dramatic. In terms of relative (percent) change in the numbers of women and men in state prisons since the total state prison population peaked in 2009, women have fared worse than men in 35 states. In these states, women’s prison populations have either:

- grown, while men’s populations have declined,
- continued to outpace the growth of men’s populations, or
- declined, but less dramatically than men’s populations declined.

In many states, treating women’s incarceration as an afterthought has, in effect, held back efforts to decarcerate.



Key:

Women’s prison population grew while men’s prison population declined

Women’s prison population growth outpaced men’s prison population growth

Women’s prison population declined, but proportionally less than the men’s prison population declined

Men’s and women’s prison populations declined proportionally

Men's prison population fared worse (either grew while women's was flat or declined, outpaced women's growth, or declined by a smaller proportion than the women's population declined)

**Figure 4** State prison populations nationwide peaked in 2009. Since then, women's prison populations have fared worse than men's in 35 states. All 50 states are categorized by patterns of gender disparities above. (The data behind this graphic is in [Table 2](#).)

In 8 states, ignoring women's incarceration has clearly worked against state efforts to reduce prison populations: women's populations continued to grow, unchecked, while men's populations declined after 2009. Michigan reduced the number of men incarcerated in its state prisons by 8% between 2009-2015, but counterproductively incarcerated 30% more women over the same period. Texas cut its men's prison population by 6,000 — but backfilled its prisons with an additional 1,100 women. Idaho backfilled *half* of the prison beds it emptied from its men's prisons by adding 25% more women to its prisons. And in Iowa and Washington, the modest reductions in the men's populations were completely cancelled out by growth in the women's populations.

More commonly — in 19 states — women's state prison populations continued to outpace men's prison population growth after 2009. In some of these states, the incarceration of women is actually driving state prison growth. In Kentucky, Missouri, Nevada, and New Hampshire, almost half of total prison growth between 2009-2015 was in women's prisons, despite their much smaller populations. In North Carolina, Ohio, Tennessee, and Virginia, more women were added to state prison populations than men. In these 4 states, between 52% and 97% of total state prison growth was driven by the growth in women's populations.

Consistent with the national trend, women's prison populations have declined — but less dramatically than men's populations — in 8 states since 2009. In Massachusetts and New York, for example, the men's populations were cut by over 10% while the women's populations declined by just 5%.

### In a few states, women are decarcerating faster than men

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Of course, it is not universally the case that women have fared worse than men when it comes to decarceration of state prisons. In 14 states, changes in women's incarceration are actually slowing the growth of state prison populations, and sometimes even driving decarceration. In Hawaii, Louisiana, and Mississippi, reductions in the women's population accounted for 15%-25% of each state's total prison population reduction; in Rhode Island, nearly half of the total reduction was among women. Utah stands out as the only state where there was a significant (11%) reduction in the women's prison population, which was enough to counteract the slight growth among men. For researchers interested in policy changes that both reduce women's incarceration and advance more far-reaching justice reforms, these special cases may be informative.

### Why is progress slower for women?

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Although we can identify some of the reasons for the outsized growth of women’s incarceration (see [Context](#) sidebar), it’s harder to say why progress toward reversing prison growth has been slower for women. It’s harder still to identify potential policy solutions to the gender divide, especially when the divide is very likely related to broader systemic shifts that affect women’s prospects. However, some gender differences in policy and practice have already been identified that impact the likelihood of — and harm caused by — criminal justice involvement for women. As a starting point, policymakers and future researchers should explore the scope, impact, and potential solutions to these issues:

- While they are incarcerated, women may face a greater likelihood of [disciplinary action](#) — and more severe sanctions — for similar behavior when compared to men. Disciplinary action works against an incarcerated woman’s ability to earn time off of her sentence and against her chances of parole.
- Fewer diversion programs are available to women. In Wyoming, for example, a “boot camp” program that allows first-time offenders to participate in a six-month rehabilitative and educational program in lieu of years in prison is [only open to men](#). Because no similar program is available for women in the state, women in Wyoming can face years of incarceration for first-time offenses while their male peers return quickly to the community.
- States continue to “widen the net” of criminal justice involvement by criminalizing women’s responses to gender-based abuse and discrimination. This report has already touched on how overcriminalization of drug use and peripheral involvement in drug networks has driven women’s prison growth (see [Context](#) sidebar). Other policy changes have led to [mandatory](#) or “dual” arrests for fighting back against domestic violence, increasing criminalization of school-aged girls’ [misbehavior](#) — including survival efforts like running away — and the criminalization of women who support themselves through [sex work](#).

## The need for targeted attention to women’s incarceration

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Focusing on women's incarceration will help women, and may yield new ideas to accelerate the reduction of all prison populations.

Women’s incarceration impacts the broader picture of mass incarceration, especially after decades of rapid growth. In some states, the escalating incarceration of women now drives prison growth, while in other states, it dampens the effect of prison reforms. Ignoring the problem holds back progress, while further analysis of gender effects is likely to yield new ideas that can accelerate the reduction of prison populations.

But separately from the bigger picture of mass incarceration, women’s incarceration demands more attention because of the distinct ways in which prisons and jails fail women and their families. Research consistently shows that incarcerated women face different problems than men — and prisons often make those problems worse. While not a comprehensive list, some of the major issues facing incarcerated women include:

- Women are more likely to enter prison with a history of abuse, trauma, and mental health problems (see [Context](#) sidebar). But even in the “secure” prison environment, women face sexual abuse by correctional staff or other incarcerated women, and are [more likely](#) than men to experience serious psychological distress. (This is to say nothing of girls who are victimized in [juvenile](#) facilities or the abuse of incarcerated transgender women.) [Treatment](#) for trauma and mental health problems is often inadequate or unavailable in prisons.
- Women have different physical health needs, including reproductive healthcare, management of menopause, nutrition, and very often treatment for substance use disorders. Again, the health systems in prisons — designed for men — [frequently fail](#) to meet these basic needs.
- Most women in prison (62%) are mothers of minor children. These women are more likely than fathers in prison to be the primary caretakers of their children, so the increasing number of women in prisons means more and more family disruption and insecurity. Incarcerated women and their families suffer from lack of face-to-face contact: because there are fewer women’s prisons, women are more likely to be held in prisons located far from home, making visits [difficult](#) and expensive. To make matters worse, if children are placed in foster care when their mother is incarcerated, her prison sentence can sever family ties [permanently](#).
- Economically, women with a history of incarceration face particularly daunting obstacles when they return to their communities. Even before they are incarcerated, women in prison earn less than men in prison, and earn less than non-incarcerated women of the same age and race. Women’s prisons do not meet the need or demand for vocational and educational program opportunities. And once released, the [collateral consequences](#) of incarceration make finding work, housing, and financial support even more difficult.

## Conclusion

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The mass incarceration of women is harmful, wasteful, and counterproductive; that much is clear. But the nation’s understanding of women’s incarceration suffers from the relative scarcity of gender-specific data, analysis, and discourse. As the number of women in prisons and jails continues to rise in many states — even as the number of men falls — understanding this dramatic growth becomes more urgent. What policies fuel continued growth today? What part does jail growth play? Where is change needed most now, and what kinds of changes will help? This report and the state data it provides lay the groundwork for states to engage these critical questions as they take deliberate and decisive action to reverse prison growth.

## Recommendations

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Because, as this report demonstrates, all states arrived at the mass incarceration of women by different means and some states are further ahead of others at reversing course, there is no one-size-fits-all solution. As all states begin to examine their own patterns to develop an



effective strategy to reduce prison populations, they would benefit from exploring these ten recommendations drawn from the experiences of other states.

1. **Most generally, criminal justice agencies must take a gender-responsive approach to meet the needs of justice-involved women.** Considering the large number of women whose experiences with trauma, substance use disorders, and mental health problems have led to their contact with the criminal justice system, alternatives to incarceration that treat these underlying issues are likely more appropriate for many women than prisons, where these problems are often exacerbated. When policymakers and administrators understand and acknowledge women’s unique pathways to criminal justice involvement, “the criminalization of women’s survival behaviors” may shift to treatment and services as more effective crime prevention strategies. Correctional agency programming and staff training should also be “trauma-informed”, doing no harm at a minimum, and recognizing that most of the women in their care are victims as well as “offenders”.

To be clear, the way to better serve women in prison is not to build better prisons — but to ensure women are included in reforms that move people away from prisons toward better solutions. The most effective changes will reverse the growth of all incarcerated populations, without leaving women behind.

To reduce the number of people entering the correctional system:

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2. **State and local governments should expand the use of diversion strategies and programs at each possible stage, from pre-arrest to re-arrest.** From the first moment of police contact, opportunities exist to redirect individuals away from the criminal justice system towards rehabilitative treatment and services. Police, prosecutors, and judges should be trained and encouraged to identify individuals whose mental health, substance use, or other personal needs could be better served in alternative settings in their community — which includes most criminal justice-involved women. Police should work with local health and social service providers to direct people in crisis to appropriate services instead of jail, as many have done with “crisis intervention team” programs. Policymakers should expand the use, eligibility, and accessibility of problem-solving courts (drug court, mental health court, re-entry focused courts, etc.) and prosecutor-led pretrial diversion programs to shift the treatment of public health and social problems to professional service providers outside of the criminal justice system.
3. **States should reclassify criminal offenses and change responses to low-level offenses to avoid overcriminalizing behaviors that pose little threat to public safety.** Misdemeanors that don’t threaten public safety should be turned into non-jailable infractions; citations should be issued in lieu of arrest for many low-level offenses; and fully-funded treatment-based diversion programs should be made default responses instead of incarceration. One of the most egregious examples of overcriminalization of women is mandatory dual arrest, which in effect criminalizes victims of domestic violence.
4. **Federal, state, and local governments should fully fund indigent criminal defense.**

Most criminal defendants are too poor to afford a private attorney, yet budget cuts in state after state have left public defenders' offices overworked and without adequate resources. Public defenders play a key role in keeping people out of jail and prison, and their role should be funded comparably to prosecution. Public defense is particularly important for women who have limited financial resources to afford private attorneys.

- 5. States should change policies that criminalize poverty or that create financial incentives for unnecessarily punitive sentences.** States should encourage judges to use non-monetary sanctions, rather than fines and fees, and ensure that judges hold hearings on ability to pay before assessing fees. States and local governments should stop jailing people for failure to pay fines and fees they can't afford and expand waiver systems, payment plans, and community service options in ways that are mindful of a person's caregiving obligations, which disproportionately fall on women. Room and board fees and for-profit probation systems should be eliminated to remove obvious financial incentives for prolonging correctional control. Finally, and crucially, states should eliminate money bail, which unfairly leads to more detention and worse outcomes for poor defendants.

To reduce the likelihood and length of incarceration for those with convictions who pose little public safety risk:

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- 6. States should reform sentencing policies to restore judicial discretion, avoid over-sentencing, and encourage earlier release for low-risk individuals.** Mandatory minimum sentences and "three strikes" or habitual offender laws should be repealed so that sentences can be crafted thoughtfully to match the circumstances of each individual, his or her crime, and any victims. Until mandatory minimum laws can be repealed, sentencing "safety valve" laws can be enacted to allow judges to deviate from mandatory minimums under certain conditions.
  - 7. State and local governments should limit the frequency, conditions, and length of community supervision to avoid unnecessarily widening the net of correctional control.** While pretrial, probation, and parole supervision allow individuals to remain in their community, the conditions of supervision can be counterproductive when they are especially numerous, expensive, or difficult to balance with family or work obligations. In this way, sentences to community supervision can actually set people up to fail and lead to more incarceration. Sentences to community supervision should only be used as a proportionate response, not as a catch-all solution.
  - 8. States should encourage earlier release from prison by expanding the use of incentives to reward compliance and paroling people who are unlikely to reoffend.** "Truth in sentencing" laws should be repealed so that correctional staff can take full advantage of good time credits and parole as management tools, and incarcerated people who are unlikely to reoffend can be released earlier. States should adopt presumptive parole policies that would make people eligible for parole as soon as they serve their minimum sentence, and expand parole for older and seriously ill people who are unlikely to reoffend.

To reduce recidivism and support women with convictions in the community:

9. **State and local governments should implement and fund gender-responsive strategies to support women’s reentry.** Women returning home from prison have a greater need for housing, employment, and financial support services than men, and have particular needs related to trauma and substance use, physical health, and parental stress and responsibilities. Wraparound services that start with pre-release planning and connect to post-release case management and services in the community can help stabilize women and families and break the cycle of criminal justice involvement.
10. **States should eliminate collateral consequences of criminal convictions that present barriers to successful reentry.** Laws that automatically exclude people with criminal convictions from public benefits, housing, driver’s licenses, civic participation, and educational and employment opportunities are counterproductive; they make it harder for people of limited economic means to succeed and avoid further criminal justice involvement. Similarly, penalizing failure to pay criminal justice debts (or legal financial obligations) with incarceration or longer probation terms contributes to prison growth. Criminal justice-involved women are among the poorest members of society, so these additional barriers hit women particularly hard. Legislators should repeal laws that create legal and financial barriers to success, and support initiatives that enhance opportunities for people with convictions.

## State graphs

<b>Alabama</b>	<a href="#">Women’s Rates</a>	<a href="#">Women’s Total</a>
	<a href="#">Men’s Rates</a>	<a href="#">Men’s Total</a>
<b>Alaska</b>	<a href="#">Women’s Rates</a>	<a href="#">Women’s Total</a>
	<a href="#">Men’s Rates</a>	<a href="#">Men’s Total</a>
<b>Arizona</b>	<a href="#">Women’s Rates</a>	<a href="#">Women’s Total</a>
	<a href="#">Men’s Rates</a>	<a href="#">Men’s Total</a>
<b>Arkansas</b>	<a href="#">Women’s Rates</a>	<a href="#">Women’s Total</a>
	<a href="#">Men’s Rates</a>	<a href="#">Men’s Total</a>
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	<a href="#">Men’s Rates</a>	<a href="#">Men’s Total</a>
<b>Colorado</b>	<a href="#">Women’s Rates</a>	<a href="#">Women’s Total</a>
	<a href="#">Men’s Rates</a>	<a href="#">Men’s Total</a>
<b>Connecticut</b>	<a href="#">Women’s Rates</a>	<a href="#">Women’s Total</a>
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<b>Delaware</b>	<a href="#">Women’s Rates</a>	<a href="#">Women’s Total</a>

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<b>Rhode Island</b>	<u>Women's Rates</u>	<u>Women's Total</u>

	<u>Men's Rates</u>	<u>Men's Total</u>
<b>South Carolina</b>	<u>Women's Rates</u>	<u>Women's Total</u>
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<b>Wisconsin</b>	<u>Women's Rates</u>	<u>Women's Total</u>
	<u>Men's Rates</u>	<u>Men's Total</u>
<b>Wyoming</b>	<u>Women's Rates</u>	<u>Women's Total</u>
	<u>Men's Rates</u>	<u>Men's Total</u>

## Read the methodology

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## Appendices

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## Acknowledgements

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## About the Prison Policy Initiative

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The non-profit non-partisan Prison Policy Initiative was founded in 2001 to expose the broader harm of mass criminalization and spark advocacy campaigns to create a more just society. The organization is most well-known for its big-picture publication *Mass Incarceration: The Whole Pie* that helps the public more fully engage in criminal justice reform. This report builds upon the organization's 2014 analysis of state prison growth, *Tracking State Prison Growth in 50 States* and its 2015 report *States of Women's Incarceration: The Global Context*, which shows that women's incarceration rates in each state are higher than those of most other nations, as well as its analysis of women's incarceration in 2017, *Women's Mass Incarceration: The Whole Pie*.

## About the author

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Wendy Sawyer is a Senior Policy Analyst at the Prison Policy Initiative. She is the author of *Punishing Poverty: The high cost of probation fees in Massachusetts*, a report showing that probation fees hit the state's poor communities hardest.

## See the footnotes

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