

The Hidden Victims: The Incarceration of Marginalized Women for Drug-Related Charges

By Eisha Yadav

The United States criminal justice system has grappled with systemic issues for a long time, and one of the most glaring injustices lies in the incarceration rates of marginalized women for drug-related offenses. Despite concerted efforts to address mass incarceration, women of color, particularly Hispanic and African American women, continue to face a disproportionate impact from harsh drug laws, perpetuating a cycle of inequality and hardship.

Statistics paint a clear picture of this reality. Although women make up a smaller percentage of the overall prison population compared to men, their numbers have been steadily rising, largely due to drug-related convictions. According to the American Civil Liberties Union (ACLU), women are the fastest-growing incarcerated population in the United States, with approximately 80% of them being mothers. Alarming, the majority of these women are non-violent offenders convicted on drug related charges.

Research highlights the disproportionate impact on marginalized communities. African American women are imprisoned at a rate nearly double that of white women for drug offenses, despite similar usage rates across the racial groups. Similarly, Hispanic women are incarcerated at higher rates, reflecting the intersection of racial and gender disparities within the convoluted criminal justice system.

Economic disparities further compound the issue. Women from low-income backgrounds face increased vulnerability to substance abuse due to limited access to education, quality healthcare, and employment opportunities. Studies prove that these socioeconomic factors intersect with racial disparities, amplifying the likelihood of involvement in the criminal justice system for women of color. Furthermore, police officers tend to patrol low-income neighborhoods at far higher rates than more affluent neighborhoods, further increasing the risk of arrest for low-income women.

The “war on drugs” was initially made to address substance abuse issues, but has instead perpetuated a cycle of incarceration that disproportionately affects marginalized women. Mandatory minimum sentences, which also hold racial bias, with white women receiving shorter sentences than women of color, as well as harsh penalties, have often failed to consider the circumstances that lead these women to non-violent drug offenses, such as poverty, trauma, or addiction.

Efforts to reform sentencing laws and policies have shown promise in some jurisdictions, though they are often targeted towards male offenders. Reforms such as re-evaluating mandatory minimum sentences, investing in rehabilitative programs, and promoting restorative justice practices offer hope for a more effective, and equitable justice approach.

Public advocacy plays a critical role in driving meaningful change. Amplifying the stories of affected women and actively engaging in community initiatives aimed at breaking the cycle of incarceration are key steps toward fostering systemic change. It is critical to recognize the humanity and dignity of these women and work towards breaking the cycle of incarceration, offering them pathways to rehabilitation, healing, and reintegration into society.

Works Cited

- “Caught in the Net: The Impact of Drug Policies on Women and Families.” *American Civil Liberties Union*, 15 March 2005,
<https://www.aclu.org/documents/caught-net-impact-drug-policies-women-and-families>. Accessed 2 January 2024.
- “Differences in Legal Characteristics Between Caucasian and African-American Women Diverted Into Substance Abuse Treatment.” *NCBI*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3675442/>. Accessed 2 January 2024.
- Herring, Tiana. “Since you asked: What role does drug enforcement play in the rising incarceration of women?” *Prison Policy Initiative*, 10 November 2020,
<https://www.prisonpolicy.org/blog/2020/11/10/women-drug-enforcement/>. Accessed 2 January 2024.
- Lapidus, Lenora M. “The War on Drugs = A War on Women and Families | ACLU.” *American Civil Liberties Union*, 8 June 2011,
<https://www.aclu.org/news/smart-justice/war-drugs-war-women-and-families>. Accessed 2 January 2024.
- Monazzam, Niki, and Kristen M. Budd. “Incarcerated Women and Girls – The Sentencing Project.” *The Sentencing Project*, 3 April 2023,
<https://www.sentencingproject.org/fact-sheet/incarcerated-women-and-girls/>. Accessed 2 January 2024.
- “Women and Criminal Justice.” *American Civil Liberties Union*,
<https://www.aclu.org/issues/womens-rights/women-and-criminal-justice>. Accessed 2 January 2024.