Listening to Justice System-Impacted Women and Girls

The justice system in Minnesota disproportionately impacts Black and Native women and girls, and LGBTQ+ women, girls, and gender-expansive people. For girls, domestic and sexual violence is linked to contact with the justice system, and women are likely to experience continued violence within jails and prisons upon entry. Women’s emotional and psychological health and the financial well-being of families is impacted not only by high rates of arrest and incarceration of women of color, but also by the arrest and incarceration of family members, friends, and community members.

In this session, we listened to women and girls impacted by the justice system to hear the challenges, opportunities, and solutions for more equitable paths for justice in Minnesota.

FRIDAY, MARCH 22, 2021
LISTENING TO
Minnesota’s Women & Girls

At the Women's Foundation of Minnesota (WFMN), we know that to improve the lives of all Minnesotans, we need strong grantmaking and policy agendas that are grounded in both qualitative and quantitative data. WFMN conducts research to listen, learn, and drive action with communities to create a state of gender and racial equity. We believe that women and girls in communities across Minnesota are the experts our state needs to shape real, lasting solutions.

Through nine Listening Sessions in WFMN’s Road to Transformation Listening Series in March 2021, we deepened our understanding of real, lived experiences of the issues faced by women and girls in our state so that we can continue to strategically eliminate the challenges, barriers, and obstacles faced by women and girls because of inequities and injustice in our systems.

As a statewide community foundation, we convene and listen to center the vision and solutions of communities pushed to the margins and then activate our collective power to drive lasting change. The themes and solutions that surfaced across the Listening Series will inform the Women’s Foundation’s statewide agenda for gender and racial equity, using our levers of grantmaking, policy, strategic partnerships, narrative change, and research for years to come.
Many of Minnesota’s women prisoners are mothers with primary caregiving responsibilities:

Among Minnesota prisoners, more women (76.4%) than men (66.0%) reported being a parent to minor children, and more mothers lived with children in the month prior to arrest (66.1%) than fathers (55.5%).

Girls in Minnesota’s juvenile correctional facilities have experienced physical abuse prior to incarceration:

40% of girls compared to 21% of boys surveyed in Minnesota correctional facilities report that an adult in the home physically abused them; and 25% report forced unwanted sexual touching by a family member, compared to 5% of boys.

Lesbian and bisexual women and Native American women are overrepresented in prison populations:

In the U.S., lesbian and bisexual women represent 42.1% of the female prison population, compared to the total gay and bisexual male populations in prison (9.3%). The proportion of Native American women sentenced to prison in Minnesota (14.7%) is significantly higher than the proportion for women of all other groups (11.5%).

School discipline of Minnesota girls varies by race, ethnicity, and LGBTQ+ identity

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<tr>
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<th>Sent to Office</th>
<th>In-School Suspension</th>
<th>Out-of-School Suspension</th>
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<tbody>
<tr>
<td>African American</td>
<td>11.6%</td>
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<td>Somali</td>
<td>8.4%</td>
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<tr>
<td>Native American</td>
<td>15.1%</td>
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<tr>
<td>Latina</td>
<td>7.9%</td>
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<tr>
<td>White</td>
<td>3.2%</td>
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<tr>
<td>Asian American</td>
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<td>Hmong</td>
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<td>LGBTQ+</td>
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<tr>
<td>Lesbian/Gay</td>
<td>7.0%</td>
<td>3.7%</td>
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<tr>
<td>Bisexual</td>
<td>8.6%</td>
<td>3.3%</td>
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<tr>
<td>Trans**</td>
<td>7.4%</td>
<td>2.3%</td>
<td>1.7%</td>
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<td>Heterosexual</td>
<td>3.9%</td>
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Black and Indigenous women and women of color and their families experience the direct impact of disparate policing and incarceration of communities of color.

Experiencing racism and sexism-based traumas in childhood increases the risk of interacting with the justice system as girls grow into adults, and the cycle continues when the trauma of parents’ incarceration is felt by their children. This intergenerational trauma is perpetuated by a system that is built on punishing traumatic experiences instead of caring for communities. In this session, women who have interacted with the justice system shared their experiences as women, women of color, and mothers who work hard to support their families and uplift other women with similar stories.

» How do women and girls, particularly mothers within the prison system, maintain community and family ties in this environment?

» What are the entry points to limit justice system entry of women and girls, including racial profiling in incarcerations and arrests?

Facilitator: Autumn Mason, Reentry Coach, Program Facilitator, and Doula-in-Training, Ostara Initiative
Grantee-partners: Ostara Initiative, StartAnew, UnPrison Project
Research Fellow: Amy Dorman, MPP
Identity-based policing and sentencing has a “snowball effect.”

Many participants shared their experience with systems meant to support individuals and keep communities safe. This was particularly salient when participants discussed racial bias in policing and the “snowball effect” of becoming a target once they’ve interacted with the criminal justice system.

“Once you have a criminal record, you ARE a target. Cops pull you over just for breathing. There are women who aren’t even able to tell their stories because they’re gone.”

“Because I was young and didn’t know much about how the system worked, I took the first plea deal they offered me just to get out of jail. And with that I got the label of a convicted felon and I can’t expunge it off my record. Because of my charges, I’m already judged right away when the cops pull up my record.”

Participants described being targeted by police officers due to their previous interactions with the justice system, as well as the physical and systemic violence they experience as Black and brown women:

“Three white officers jumped me and physically assaulted me as I called out, ‘Stop! You’re hurting me!’ I’ll forever remember this.”

“I went to trial being a dark-skinned Black woman. When I went to trial, there were no peers there: no Black people on the jury, no one in your community who could possibly relate to what was going on. It was all people from the suburbs, peers of that community, not the peers of the community I came from.”
“When I think about the intersections of identities in the justice system, I have no choice but to make comparisons. Look at the Breonna Taylor case: She looks a lot like me. I can’t imagine being in my bed in the home I pay for, where I should be safe and comfortable, and to be a target and victim of the people who I pay taxes to protect me.”

Participants experience the intersection of racism and sexism, and these interactions with the justice system have had lasting impacts on their lives. They called out the lack of safety and justice for women of color within Minnesota’s public safety and justice systems:

“‘Innocent until proven guilty’: When will our country start to practice that? We are criminalized by who we are, what we look like, and where we are.”

“We are innocent yet betrayed by the ones who were supposed to defend and serve. Where is the justice when our peace has been compromised, when we’re stomped out and thrown in jail? Where’s the justice when your record and your wrongs can never be wiped away?”

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**Incarceration has lasting effects**

Participants explained in detail the long-term economic, safety, and health effects of conviction and incarceration on the lives of women and their families. From losing job and housing opportunities to being perceived differently by community members, participants expressed that even after completing their sentences, they feel unable to fully move on or move forward:

“After being found guilty and then having a felony on my name, my rules of engagement and how I moved in the community were completely different. I no longer had my own business and had to become an employee again. Before, I could go put in an application like it was nothing. Now, they come back and say, ‘We see this [felony]. You’re no longer eligible for this job.’”

“Upon re-entering, it’s like being thrown into the wind. I didn’t know which way to go or where to get started. I felt like I already fell and had a mark on my back.”

“[There were] many, many doors closed and missed opportunities due to being in the criminal justice system. I still feel those effects 15 years later.”

“You’re trying to move forward, move ahead: How do we do that successfully when we can’t even get a job that pays your necessities? Rent and food costs are going up, but what kind of job can you get to feed your family and provide for them?”

“Where does it stop? When do we quit paying for whatever it is we’ve done? How long do we pay for it? You paid your debt to society, but our debts are never paid as far as legal history goes.”
Gender-based violence, substance use, and the justice system intersect

Many of the participants’ interactions with the justice system stemmed from experiencing physical and/or sexual violence at the hand of a family member or partner, substance use, or the intersection of both. Participants noted this ripple effect and supported each other in understanding and sharing their experiences with substance use. Some participants shared stories of abusive partners introducing them to drugs. Others experienced violence and abuse as children and youth and subsequently found themselves in abusive relationships with men as adults. For some, turning to substances was a way to cope with the gender-based violence in their lives.

Experiencing violence at a young age is one of the Adverse Childhood Experiences (ACEs) that health and human services professionals use to track the impact of trauma and stress on children throughout their lives. The participants reflected on their own traumatic experiences as well as the trauma of racist and sexist systems experienced by whole families. Participants stressed the failure of current systems to adequately prevent trauma and support communities who experience trauma. These systems are instead creating more trauma by punishing individuals and separating families.

“The stress we endure impacts our children, their ability to focus, to feel safe and secure, to thrive.”

“Everyone that I know personally that I’ve grown up with has experienced at least four of the seven ACEs – anything upwards of three is high risk. Our whole community is incredibly high-risk for all of these medical conditions. These institutions are not built to support the families, they are creating more trauma to the families, more devastation and separation.”

“Instead of investing money and resources to support these women and help them recover and have sustainable opportunities of growth, we incarcerate them. We spend resources to separate families instead of support the families.”
Incarceration impacts families, pregnancy, and motherhood

Most of the participants were mothers during their interactions with the justice system, including incarceration. As primary caregivers to their children, the participants had to depend on family members and their communities to support their children while they completed their sentences far from home. Participants expressed the mental and emotional toll this separation had on them, their children, and their extended families.

“Without my support system, I would have failed and ended up back in prison like so many I know. They helped support me and my child financially, mentally, emotionally. Very few people have this support system.”

“It was so powerful to see my community, family, and loved ones come together and support my children even though I knew what I did was wrong. [They] came together out of love and common interest to support my kids and give them the best opportunity in my absence as possible. It’s not the common experience for children of incarcerated parents.”

“[Child Protective Services] has not been in my life and I don’t want them to be a part of life: strangers taking my children. As a single mother, I have to think about where they are going to be for safety concerns. At what point are family members going to be exhausted?”

Several participants relayed their harrowing experiences interacting with the justice system as pregnant mothers.

“I was pregnant in the facility and a mother of two. To be separated from my infant baby … I hope no other woman has to go through that. That put so much stress on my family and support system to bring home a newborn infant with no maternal support from me. I had no ability to breastfeed and nourish my own child. I had a 5-year-old suffering from PTSD in my absence. That put stress on my 56-year-old mother, who was now bringing up small and infant children.”

Another participant described her experience following the court orders of her probation and continuing to work while pregnant:

“I suffered a lot while I was pregnant. I was homeless, I was having to do treatment at the time, drug testing, and I was on an ankle bracelet while I was pregnant. I had to walk to take the bus and work throughout my pregnancy. It was rough.”

One participant shared that she pled guilty even though she was innocent to protect herself and her unborn child from the trauma of separation:

“I pled guilty when I was not guilty because I was 8 months pregnant. I saw another woman [who was pregnant]. They told her to turn herself in and then they still took the baby. I shouldn’t have to plead guilty when I’m not guilty because I’m worried about what will happen to my child. We are women, we are the founders of America: Our babies need us.”
Through the traumas the participants experienced before, during, and after interactions with the justice system, the participants showed strength, resilience, and a drive to help other women with similar experiences. Many of the participants are already designing solutions that support women who have interacted with the justice system, and they shared key paths forward to better support women, families, and communities.

**Invest in preventing incarceration:** Gender-based violence, substance use, and a lack of resources are some of the primary reasons women interact with the justice system. All people deserve the support they need to survive and thrive. Putting preventative measures in place that support whole families and communities, particularly children, is essential to limiting interactions with the justice system later on.

**Decriminalize minor infractions and invest in safe transportation infrastructure:** Participants shared that minor infractions like unpaid parking tickets can become enormous legal issues that keep women from being able to support their families. Communities need pathways to pay off minor fines or non-violent infractions that do not inhibit their ability to feed their families. Additionally, without efficient, safe, and affordable transportation options, women find it harder to work, care for their children, and pay for the essential resources their families need, and may risk driving illegally in order to support their family.

**Provide sustainable opportunities to thrive after incarceration:** Women who have interacted with the justice system face incredible barriers to moving forward in their lives. The current laws and systems in place create more barriers that keep women from thriving. Policy changes in both public and private institutions can make finding housing, remaining in recovery, and finding employment easier for women exiting the justice system. Women must be afforded the dignity to live, work, and care for their families, regardless of former or current interactions with the justice system.

“How do we help children in the early stages of life? To help children is to help the families, to help the families is to help the mothers and primary caregivers.”