

INTERSECTIONS OF RACE AND GENDER AND ITS IMPACT ON PRISON PUNISHMENT

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***Abstract:** Intersectionality Theory (Crenshaw, 1989) was first introduced in legal studies to understand the double biases that women of color face by the justice system due to the simultaneous interaction effect of race and gender. Recent studies in feminist criminology also advocate for the focus of gender and its interaction with race in order to examine if women of color are punished more severely due to race and gender bias. The purpose of this study is to examine if categories of intersections based on race and gender result in disparate punishment outcomes in regards to official reactions to prison infractions. Data for this study come from the 2004 Survey of Inmates in State and Federal Correctional Facilities (SISFCF). Results show Black female inmates are more likely to be administered the punishment of solitary confinement than all other groups. The findings of this study support the arguments made by intersectionality theory, and emphasize the importance of addressing the educational need of correctional officials, and their system of sanctioning prison infractions.*

The prison boom, the growing female inmate population, and the disproportionate amount of Black minorities in prison signify the necessity of understanding the intersections of race, and gender and how they interact with punishment outcomes. There have been few studies to examine how punishment is administered in the epitome of punishment which is the prison system. There is currently a disproportionate amount of minorities in the prison system and it is imperative to understand if there is a disparity in the amount of prison sanctions administered on inmates. The relationship between prison decision making authorities and the types of sanctions they deliver to inmates has not been widely explored. Some publications have examined the overuse of solitary confinement for sanctioning prison infractions, and the association of recidivism and prison adjustment (Chen & Shapiro 2007; Drago, Galbiati, & Vertova 2008). In order to administer the goals of punishment and ensure that prisons are not administering disparate treatment on specific racial groups, research is needed to understand if this disparity of prison administered punishment exists and how women are adjusting to a system that has historically been dominated by male inmates.

There are several reasons as to why treatment in prisons is an important area of study. First, data suggests that there are about 7 million people under some form of correctional supervision, which is indicative of the magnitude of problems and how many people it affects (BJS, 2013). Second, treatment of inmates in prison is associated with psychological well-

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being, and recidivism (Selke, 1993; Chen & Shapiro, 2007; Drago, Galbiati & Vertova, 2008). Therefore, knowledge of how prison treatment affects offenders is useful for policies aimed at reducing recidivism. Incarceration has a disproportionate effect on the minority population (Yates & Fording, 2005; Western, 2006). It is possible that there is disparate treatment that also occurs inside the prison facilities. Correctional Officers have discretion on how to punish or reward their inmates (Leibling, 2000). Prisons are a place for punishment, it would be expected that all inmates receive homogenous treatment.

The increase of women in a system that is predominately male emphasizes the need for understanding the strains, issues and needs of women in the correctional setting. There are several gender specific dimensions that help summarize the characteristics of women in prison. Research shows that many incarcerated women have an at risk background, come from broken homes, and over half of them have received welfare at some point in their adult life. The research indicates that most of these women have experienced physical and sexual abuse in their childhood, and the research shows that they are more vulnerable to domestic abuse in their adult relationships (Siegel & Worrall, 2011). Along with the pains of imprisonment, women have unique concerns that require examination within the context of the correctional system.

Hardships, once incarcerated, include overcrowding, unaddressed mental health issues, poor healthcare, high risk of HIV, gang violence, lack of programming and lack of affective therapeutic programs pose obstacles for prison administrators and prison inmates. Significant numbers of inmates have substance abuse problems, and usually serve time for non-violent drug related offenses. Policy experts claim that many are in prison due to the War on Drugs policies that have a disproportionate impact on people of color (Welch, 2011). In their research, Hochstetler *et al.* (2004) found that most prisoners come from disadvantaged backgrounds, which resulted in few resources, and were plagued by several problems before they began their prison sentences. For most prisoners, the challenges of incarceration coupled with their personal and family issues and, limitations, increase their problems and lead to a poor prison adjustment. The present study will analyze if intersections and arguments made by feminist criminologists holds merit within the prison setting.

Prison Infractions and Adjustment

Researchers have found that poor prison adjustment has harmful effects on inmate rehabilitation and reintegration in the community, once they are released. Haney (2002; 2005) states that prison environments, particularly the negative elements, affect the prison adjustment process. Painful prison environment, can cause the prisoner to be affected in such a manner that they become carriers of negative actions and transfer its consequences into the community in which they are released. Through his earlier work, Haney (2001) offered the insight that, for a repeat offender, prison environment brings back the past experiences to memory. In this way, the prisoner is not only faced with the issues in their immediate physical environment, but they are also dealing with psychological effects of past incarcerations

Policies designed by state and federal governments have led to an increase in the prison population. Legal tools such as the 'three strikes laws', which augment the likelihood and period of incarceration at the federal and state level (26 out of 50 states) have been attributed

with the increase in prison population. This propensity for mass incarceration in the U.S. has brought the purpose of incarceration into question. The departure from focusing on rehabilitation and the increased use of crime control and mass incarceration has helped to foster prison systems that became a breeding ground for inhumane treatment of prisoners (Welch, 2011). This policy framework, which has led to an increase in prison population, has rendered many correctional officers less interested in interfering with prisoner factions, gangs and, responding to prisoner disciplinary issues with rehabilitative solutions. A rehabilitative solution approach is more focused on addressing the cause of conflict than, disciplinary action that matches the disciplinary infraction (Haney, 2001). Correctional officers are the 'street level bureaucrats' (Lipsky, 1977; Maynard-Moody & Musheno, 2003) who are directly responsible for implementing policies related to the criminal justice system. They are important to construct an understanding of the shape and scope of the 'penal harm' approach adopted with prisoners, and how that changes in different policy environments (Vuolo & Kruttschnitt, 2008). Generally, a prisoner's disciplinary segregation status is used to limit involvement in educational and vocational programs offered in the prisons.

Studies have noticed gender differences linked with recidivism. Compared to men, women prisoners suffered a larger loss of visits from family over time, they also had more trouble maintaining contact with their children. As a result, women inmates are more susceptible to suffering a loss in their emotional and mental wellbeing (Koban, 1983; Fogel, 1993; Fogel & Martin, 1992). The studies reviewed in this section reveal that extreme punishments, the lack of family contact and lack of effective treatment in prisons are precursors to why some inmates recidivate. More research must explore the effects intersections and gender to explain how these variables affect prison adjustment and if disparities exist when prison sanctions are administered.

Solitary Confinement

A central focus of the current study is to understand if there are disparities in the administering of prison sanctions. The types of sanctions which can be administered to inmates can range from the change of work assignment, to segregation from the rest of the prison population, which is also known as solitary confinement. Solitary confinement is one of the harshest sanctions used in the prison system. There are several reasons as to why there has to be more research about the use of solitary confinement. Recent media reports and research has highlighted the harmful effects of long periods of social isolation. Penal history has also shown that the long-term isolation of inmates resulted in several human rights concerns and recorded incidents of enhanced mental illness, depression and poor prison adjustment. Grassian et.al (1986) reported that an extended term in solitary confinement can make prisoners more likely to develop a whole range of adverse psychological reactions which are associated with long periods of isolation.

There are several physical and psychological harms affiliated with solitary confinement. Historical and modern research documents that physiological harms associated with long periods of segregation include deterioration of eyesight, insomnia, heart palpitations, lethargy and several other symptoms. Psychological harms include anxiety, depression, anger, cognitive disturbances, self-harm, suicide, hallucinations, paranoia and psychosis. Research has also

uncovered that prior history of medical or psychological disorders can become aggravated by being in solitary confinement (Cloyes *et al.* 2006); (Hayne, 2003); (Grassian, 2006).

There are several reasons as to why solitary confinement continues to be used in modern day prisons. The reasons include punishment, protection, prison management, national security, pre-trial investigation, and the lack of other institutional solutions. In regards to use of solitary confinement as a sanction, it is considered as the highest form of punishment for committing the most egregious prison offense. It is also used as a prison management technique to isolate inmates that are considered potentially violent, disruptive, and gang related (Shalev, 2009). Although solitary confinement is a convenient tool used in prison to isolate prisoners to prevent disruptions, violence and infractions, there have been inconsistent findings in regards to its effectiveness (Shalev, 2008). Therefore legal safeguards and constant reviews of those in isolation are necessary so that 8th Amendment protections against cruel and unusual punishment are not violated.

There is debate surrounding the use of questionable sanctions disproportionately on prisoners of color. Therefore, it is important to develop an understanding of how correctional officers use solitary confinement as a tool, and whether it is a tool that is more likely to be used on African American inmates. Gender and solitary confinement are also a phenomenon that has not been largely explored, therefore this research will also look at gender and race as it relates to the use of severe punishments like solitary confinement.

THEORETICAL FRAMEWORK

The theoretical framework for this study is derived from intersectionality theory. Intersectionality theory was proposed to address disparities in the legal system and was published from the late 1980s to early 1990s. The theory is attributed to research that is niche to the field of critical race studies, which frames inquiry into the limitations of the legal framework, and its implications for race, objectivity and neutrality. Intersectionality theory, as the name suggests frames inquiry into intersections, prominently those belonging to race, and gender (Nash, 2008, p. 3).

The pioneering work behind intersectionality theory is the research published by Crenshaw (1989) who proposed the notion that civil rights laws are limited in their handling of different forms of 'inequality and discrimination faced by people who suffer multiple, or "intersecting," axes of discrimination' (Best, 2011, p. 991). The pioneering research by Crenshaw has spurred inquiry regarding intersections in many disciplines including, psychology, political science and feminist criminology. Key points in the intersectional theoretical framework relevant to the proposed study are that discrimination and disadvantage based on gender and race can interact to produce distinctive forms of disadvantage for women of color (Crenshaw, 1989). Since being introduced in the field of social sciences, intersectionality theory has been largely favored by feminist scholars. Even though intersectionality theory is a relatively new framework of inquiry, many scholars, especially in feminist criminology, advocate its use for answering questions about gender and criminality (Belknap, 2001; Flavin, 2004; Price & Sokoloff, 2004; Sokoloff & Dupont, 2005). Feminists who understand the importance of race in the context of feminist criminology support utilizing the intersectional approach in order to examine gender.

Within intersectionality theory, race, gender, class and sexuality are regarded as variables that are dynamic in nature, historically steeped and can place individuals in a position of power or disadvantage (Crenshaw, 1989).

Intersectional theory implies that “researchers seeking to understand how patriarchy operates in the criminal and juvenile justice system must center their analyses on the “race/gender/crime nexus” (Chesney-Lind, 2006, p. 10). According to (Malicoat, 2011, p.416-17) “intersectional theory ... suggests that a “matrix of domination” creates a hierarchy of privilege and oppression that can simultaneously locate an individual in a position of advantage and disadvantage, depending on the reference group being used for comparisons. Intersectional theory identifies gender, race, class and sexuality as interlocking points of disadvantage or advantage”. This theory suggests that the interaction of gender, race, sexuality and socioeconomic status can position certain groups of people in a unique category because the combination of these factors can place them in a position that can have negative repercussions and impact punishment outcomes. Therefore, studying the treatment of women must take into account the role of these intersecting variables.

The intersections of race, gender and sentencing of females has been explored in the literature (Moore & Padavic, 2010). Conclusions from prior studies portray race as a powerful influencing factor in the justice system. In a study comparing sentencing outcomes for men and women of color, compared to white offenders, Leiber and Mack (2003) reported that certain behaviors were sentenced more harshly for African Americans. They also reported that in some cases, more grace was shown to African Americans than white offenders (p. 37).

The role played by social constructions of gender and race, in the sentencing of offenders was identified by Gaarder et al. (2004). They reported that Hispanic women faced a negative bias in courts, as officials stressed their gendered stereotype more than individual history of victimization and delinquency. In a similar vein, the study by Guevara et al. (2006) demonstrates that being white and a female is the best combination of race and gender in the criminal justice system. The authors found that ‘females and Whites were less likely to be detained than males and African Americans, whereas White males were less likely to be detained than were minority males. There were no reported race differences between girls’ (p. 275).

The intersection of race and gender reveals the bias in the justice system towards minority females, leading to their over representation in the prisons. Scholarship seeking to understand the influence of gender, and the justice system, must pay attention to race, class and other social structural factors (Potter, 2013). In addition to studying intersections, current scholarship must also enhance this field of scholarship by using different methods of research. Most studies in this field have been qualitative and have referenced small samples that are not nationally representative of our current criminal justice population. Feminist scholarship is increasingly using intersections to study gender and the criminal justice system, therefore, future studies must employ larger samples to enhance our current knowledge on how intersections affect gender in the criminal justice system. These scholars have suggested that along with understanding gender specific dimensions attributed to the growing presence of females in the criminal justice system, more effort needs to be made to research whether females receive biased treatment in the justice system, based on the gendered stereotypes and the intersections of race, ethnicity, class and gender.

As reviewed above, Intersectionality theory is being increasingly utilized as a framework for understanding disparities within the criminal justice practice and research (Potter, 2014). This study is unique because it uses a large sample, uses quantitative methods, and evaluates the role played by the intersection of race and gender, in order to see if it produces different outcomes for inmates in terms of the administration of sanctions within prison.

METHODOLOGY

Data Source

The dataset for this study is constructed from the Survey of Inmates in State Correctional Facilities (SISCF) conducted by the Bureau of the Census in 2004. The survey is a nationally representative sample of state prison inmates. The dataset includes personal interviews of inmates which provide a detailed account of inmate's current sentence, personal information including substance abuse, and involvement in prison activities.

The data set represents inmates across the nation that were incarcerated in state prisons during 2004. Not all of the inmates in the entire sample committed infractions while in prison, therefore a subset of inmates that admitted to committing an infraction were utilized for the purpose of the study. This subset provides us with a large sample of respondents to shed light on how intersections of race, family contact, type of prison infraction, victimization, social status and gender affected the adjustment and punishment of inmates surveyed in this study. The review of empirical research summarizes that incarcerated offenders are often victims themselves, most likely to be African American, and from economically deprived backgrounds. The research also reveals that it is important to understand if prisons are treating all inmates equally regardless of social constructs described by the Intersectionality literature. Victimization is empirically relevant for male and female inmates, therefore, victimization will also be an area of interest for this study.

Drawing on the conclusions found in the literature reviewed in the previous chapter, this research asks the following empirical question: Of those offenders incarcerated in 2004,

- 1) Feminist criminologists and Intersectionality experts suggest that race affects how women are perceived and treated in the criminal justice system. Are Black female inmates punished more severely for prison infractions than White women?

Hypotheses

The following hypotheses are based on the empirical literature regarding intersectionality and gender based scholarship. The intersectionality paradigm asserts that 'Black women experience the combined effects of practices which discriminate on the basis of race and sex' (Crenshaw, 1989, p. 64). Literature also reveals that white female offenders are treated more favorably than black female offenders.

Hypothesis 1: Compared to white female inmates, black female inmates suffer more serious repercussions for prison violations. Intersectionality Theory also discusses that race is a central factor in terms of punishment outcomes and black offenders are punished more severely.

Hypothesis 2: Compared to all other races, Black female inmates are more likely to be reprimanded by solitary confinement.

MEASURES

Independent Variables

As stated previously, the Survey of Inmates in State and Federal Correctional Facilities (2004), is the source of all data variables in this study. On the basis of the literature reviewed, the independent variables that will be used for the purposes of this research are gender, age, race, and education level.

- 1) Gender is operationalized by asking the respondent if they are male or female. Gender was recoded as (Male 0, Female 1).
- 2) Age was measured by asking how old the respondent was and recoded as (1=18-25, 2=26-36, 3=37-47, 4=>47).¹
- 3) Race was recoded into empirically relevant categories as (0=Other, 1=Black, 2=White).
- 3a) Intersectionality theory argues that gender and race can interact to produce different outcomes for women of color. Therefore an interaction variable² was created for BlackFemale, OtherFemale and WhiteFemale. An interaction variable was also created for males and labeled as BlackMale, OtherMale and WhiteMale.
- 4) Socioeconomic Status is a composite variable. It is operationalized by two variables. The respondent's education level, and monthly income prior to incarceration.
- 4a) Education level was measured by asking inmates of highest grade completed or school attended. This variable was recoded as (0=None, 1= Elementary School, 2= High school, 3= Higher education). In order to gain additional information about how many inmates in the sample obtained a high school diploma. Education was also measured by asking inmates if they obtained their high school diploma or GED (No=0, Yes=1).
- 4b) Income was measured by asking the respondent's monthly income before s/he was incarcerated. This variable was recoded as (0=low income (\$0-1999), 2=middle class income (\$2000-4999), 3=high income (\$5000 and higher).³ In light of the fact that this sample consists of incarcerated individuals, some may have earned their income by engaging in illegal activities. In order to have a better understanding of how many of the inmates in the study had illegal income prior to their incarceration, inmates were asked if they received illegal income the month prior to their current incarceration period. This variable was recoded as (0=no, 1=yes).

Dependent Variables

The dependent variable for the purpose of this research is prison punishment. Inmates were asked the types of sanctions they received for their prison infractions. Types of punishment was recorded by asking what type of punishment the respondent received for any prison infractions committed in the current prison term. The variable was recoded as (0=No Punishment, 1= Solitary Confinement, 2= Confinement to Own Cell, 3= Other⁴).

Method of Analysis

The analysis uses a categorical dependent variable (prison punishment), hence the method of multinomial logistic regression is best suited to analyze the data. This form of logistic regression model predicts the probability of a categorical dependent variable, as predicted by multiple categorical independent variables, which can be binary or continuous (interval or ratio in scale (Green, 1993; Hosmer, Lemeshow, Sturdivant, 2013). Multinomial logistic regression, uses the maximum likelihood estimation to produce probability estimates. The advantage of using this method is that it does not require the assumptions of linear normal distribution, and homoscedastic error plots. (Green, 1993; Hosmer, Lemeshow, Sturdivant, 2013). However, one has to be careful of the sample size and outliers within the estimation.

Results

Demographic and socio-economic variables drawn from the dataset are presented in table 1. The gender variable reveals that 83% of the sample is male, and 17% is female. The racial breakdown of the inmates shows equal percentage of black and white inmates, at 44% each, remaining 11% inmates belonged to other race and ethnicity. The variable of educational history shows that 76% of the sample reported having some high school level education, about 12% had less than a high school education, and about 12% percent had some college education. About 29% of the sample had a high school diploma or a GED. The dataset shows that 63% of the inmates were employed the month prior to their incarceration. Some respondents also admitted to earning illegal income the month prior to their incarceration. About 30% of the sample admitted to earning illegal income. Another socio economic variable considered in the study is the monthly income of respondents prior to incarceration. Based on the dataset, 68% of the inmates were of low economic status with an income of less than two thousand dollars a month, 19% were middle-class which means they earned between two thousand and five thousand dollars a month, and 13% belonged to a high economic background, earning more than five thousand dollars a month. The age breakdown of the respondents reveals that 38% were between the ages of 26 to 36 years, younger respondents, between the ages of 18 and 25 comprised 24% of the sample. The sample had 28% respondents between the ages of 37 and 47, and the remaining 10% in the sample were 48 years and older.

To test the interaction effects of race and gender in this study, a multivariate analysis was conducted to establish if the conclusions of intersectionality theory could be identified in the sample (Table 2). Intersectionality theory suggests that ‘categories may intersect to produce unique forms of disadvantage’ (Crenshaw, 1989, p.64). Although in the overall sample, women were least likely to receive punishments, the intersection of race and gender was assessed to see if the interaction effect had a unique outcome. As previously mentioned, based on the data, the category of other punishments includes a large array of punishments and this is the reason it was used as the reference for this model. The model was statistically significant ($X^2=43.533$, $df=6$, $p<.001$) and the Cox and Snell’s Pseudo R^2 was .017.

The first category of the dependent variable, ‘no punishment’ is explored. The respondents were asked first if they were ever found guilty of a prison infraction. Some respondents received no punishment. Relative to receiving other punishment as a sanction, the interaction variable,

Table 1
Demographic Characteristics of the Sample N=5,043

<i>Variable</i>	<i>Percent %</i>
<i>Sex</i>	
Female	16.7
Male	83.3
<i>Race</i>	
Black	44.4
White	44.1
Other	11.1
<i>Education</i>	
Never	0.2
Less than High School	11.6
High School	75.8
Higher Education	12.1
Obtained High school Diploma/ GED	29.764
<i>Employment Month Prior to Incarceration</i>	
<i>Illegal Income Prior to Incarceration</i>	
<i>Economic Status based on Monthly Income</i>	
Low \$1-1199	68
Middle \$2000-4999	19
High More than \$5000	13
<i>Age at time of interview</i>	
18-25	23.6
26-36	38.4
37-47	27.7
48 and older	10.3

constructed as a proxy for the effect of intersection of race and gender, was not a predictive factor of receiving no punishment.

The second category of punishment was solitary confinement. Relative to other punishments, black female inmates were more likely to receive solitary confinement compared to all other racial groups ($p < .05$). The relative risk of black women being in solitary confinement increased by a factor of 1.64, compared to white female inmate. The third category of punishment was confined to own cell. The intersection of race and gender is not found to be a predictive factor here.

The results in Table 2 highlight that race and gender can result in different punishment outcomes. Women in general are less likely than men to receive solitary confinement. Intersectionality theory asserts that the intersection of race and gender can produce unique outcomes. In order to test this theory, a multivariate analysis was conducted to assess if the interaction of gender and race does in fact produce different punishment outcomes in terms of

Table 2
Multivariate Results on the Interaction of Race and Gender for Females

<i>Dependent Variable Outcome</i>	<i>Predictors</i>	<i>B</i>	<i>Odd Ratio</i>	<i>Std. Error</i>	<i>P-value</i>
<i>No Punishment</i>	Black Female	-0.400	1.492	0.366	0.275
	Other Female	-0.108	0.898	0.574	0.851
	White Female (Base)				
<i>Solitary Confinement</i>	Black Female	0.515	1.674	0.179	.004*
	Other Female	-0.295	0.745	0.296	0.32
	White Female (Base)				
<i>Confinement to Own Cell</i>	Black Female	0.454	1.575	0.251	0.071
	Other Female	-0.002	0.998	0.380	0.995
	White Female (Base)				

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official reactions in prison. The findings suggest that Black women are more likely to receive the punishment of solitary confinement than white women. The findings in the multivariate analyses emphasize that intersections of race and gender do matter. Further research must assess cause and effect as it relates to infractions and the punishments that are administered. However, the results in this section show that there is a tendency or pattern of Black inmates being punished by the use of solitary confinement more than White inmates.

DISCUSSION

Revisiting Research Questions

Mass incarceration, the disproportionate amount of people of color under correctional supervision and the growing population of women in prison are subjects that needed exploration because of the damaging effects of incarceration on inmates. Intersectionality theory provides a framework to study the issues related to gender and racial inequity that can be implemented by decision making officials in the criminal justice system. The question examined in this study adds to the limited body of research belonging to the study of intersectional effects of race, gender, and prison sanctions. The research was designed primarily to understand if disparities exist in the administration of prison sanctions. While many women offenders share common risk factors, the intersection of race and gender can result in different punishment outcomes by decision makers in the criminal justice system. Intersectionality theory provides theoretical scholarship about the disadvantages that are confronted by women of color (Potter, 2014). It emphasizes the importance of looking at intersections of race and gender in order to understand that all women do not experience the same form of treatment by the criminal justice system. Intersectionality paradigm asserts that Black women experience the combined effects of practices which discriminate on the basis of race and sex and sometimes they experience discrimination as Black women (Crenshaw, 1989, p. 67). Gender specific scholarship points out that, white women are recipients of more leniency than black women in the criminal justice system. The growing population of incarcerated women and the harmful

effects of mass incarceration on women of color establish the importance of addressing concerns of disparity.

The results indicate that Black females are more likely to be punished by solitary confinement than all other racial ethnic groups. This finding supports the intersectionality theory claim that, in the criminal justice system white women are looked upon more favorably than black women (Crenshaw, 1989; Daly *et al.*, 1998). Black females do receive solitary confinement more than all other racial groups and due to this finding, it supports the claim (Burgess & Proctor 2006) that more research must examine the interaction effects of race and gender when studying women that are involved with the criminal justice system.

Prison punishment is an important aspect to research because the average time an inmate currently spends in prison is two years. The goal of the corrections system is to protect society as well as provide an experience that deters an ex-inmate from recidivating. However, the punishment experience has proven to be traumatic and exposed inmates to post traumatic stress disorder and depression. Punishments such as solitary confinement have been controversial because it is considered one of the harshest forms of punishments and several researchers have found that it can cause several mental health issues. This research attempted to understand if this disparity in punishment extends from sentencing into prison in the form of prison sanctions. Also, due to the growing female prison population, research is necessary to understand the intersections of gender and prison punishment. Intersectionality theory discusses the importance of looking at the intersections of race and gender, and how these intersectional categories can put women of color in difficult positions. Intersectionality theory suggests that race overshadows gender, when compared to black women, white women receive more favorable treatment and outcomes.

The most important finding of this research was the fact that there is a disparity in the implementation of solitary confinement as a sanction for Black male and Black female inmates. Based on the multivariate analysis, Black female inmates were more likely to receive solitary confinement than other forms of punishment when compared to their White counterparts. This result emphasizes the importance of looking at race and disparity and the infliction of punishment by the criminal justice system. This finding is especially disturbing because of the several physical and psychological harms affiliated with this type of isolation. Some of the harms documented with solitary confinement include anxiety, depression, anger, suicide, hallucinations, psychosis and cognitive disturbances (Cloyes *et al.*, 2006). Also, there have been inconsistent findings in regards to whether or not solitary confinement is effective (Shalev, 2008). Mass incarceration has had an extremely negative affect on communities of color and has shed light on the importance of understanding if race is a factor and how does race affect punishment.

Future studies should continue looking at inmate infractions and punishments to assess if there are racial differences in the type of infractions that are committed. There are several questions that arise when trying to understand why Black inmates may have had infractions that involved violent incidents. Could the violence be a result of the fact that the inmates see the disparities in treatment within the prison and this frustration leads them to react aggressively? Could prison officials be reporting that inmates are being violent in order to justify solitary confinement? Could the overuse of solitary confinement be an intimidation tactic towards the Black inmates? Or do Black inmates consider prison authority illegitimate because of the

perception that the criminal justice system is a system that is unjust to people of color? More research has to be conducted to examine these questions because the fact that race was significant in terms of the administration of solitary confinement, proves that the issue of race and the administration of prison sanctions needs further explorations. Also, the policy implications related to this finding urge correctional departments to provide training to corrections officials that will reduce the overuse of solitary confinement on Black men and Black women inmates. In addition, it is especially important to continue looking at the disparity in how solitary confinement is being administered because of the adverse effects it has on inmates.

Limitations of Data

There are several limitations to the dataset used for analysis. The respondents of this survey were all incarcerated offenders during the time of the research. Therefore, the information gathered in this study is limited to offenders who were incarcerated during 2004. However, research has shown that the demographics and problems related to incarcerated offenders has not changed significantly since 2004 (Olsen, *et al.*, 2013).

Additional limitations emerge from the method of data collection used to construct the dataset. As the data was gathered through interviews, the data is self-reported, and biased on inmate's interpretation of personal history. In other cases, inmates' responses may not be correct due to a lack of understanding of the definitional terms used in questions, or inability to interpret the question. In other cases, the inmates might not be motivated to respond appropriately, or have trouble remembering details from their past. Other limitations in the data are assumed. Human error in handling data arise due to processing of raw information, recoding errors, missing values and ensuring that a proper representative sample is included in the study (Maxfield & Babbie, 2011).

Future Research

More research should be directed towards intersectional approaches to ascertain contextually rich information in regards to the combination of race and gender. The present research did not have information regarding inmates' sexual orientation, intersectionality also discusses the importance of examining biases related to gender identity and sexual preference in terms of punishment outcomes, upcoming research should try to examine all of the different layers associated with gender. Women and their adjustment, needs and treatment while in prison also need further attention because although women are still a relatively small amount of the inmate population, they are increasing at a faster pace than the male inmate population. An important finding of this research was that race was a predictive factor of receiving solitary confinement as a sanction. There are several studies that indicate the harms associated with solitary confinement and its negative effects. In order to ensure that inmates are not receiving disparate prison sanctions due to race, further research is needed to explore if solitary confinement is being given to certain racial ethnic groups unfairly.

Recommendations

There are very few data sources to access the practices prisons implement in order to punish inmates for infractions. Prisons can begin to look at issues of recording and documenting

prison infractions and outcomes associated with infractions. Therefore, more accurate depictions of punishment practices can be assessed. Better research can be conducted to assess if disparity is an issue. Effective educational and rehabilitative programs should also be explored to help ease the pains of imprisonment. Gender specific programming and treatment should also be considered with the growing female inmate population. This study has found that Black inmates are receiving solitary confinement more than white inmates. Therefore, more research and education should be directed towards prisons. Officials should also look into training correctional personnel about implicit biases and creating policies that can lessen disparate treatment in prisons. Due to the large amount of inmates that are from communities of color, prison officials can look into creating programs that cater to the needs of inmates coming from disadvantaged communities so that they are better prepared to reenter society upon their release. Solitary confinement research has indicated that it is not an efficient policy and there are several physical, mental and psychological consequences associated with its use.

CONCLUSION

Maintaining order in prison is a very difficult task and sanctions have to be put in place in order to ensure officer and prisoner safety. However, issues of violation of rights must be addressed if there is a disparity in the way sanctions are being administered. This research has found that race is a significant factor. Although females are treated more leniently by the corrections system, this leniency is not afforded to Black females. This research revolutionizes criminology thought and practice because it provides evidence that disparity on the use of solitary confinement exists in the correctional system. A one size fits all paradigm should not continue to be used when studying women and the criminal justice system. The findings in this research support the use of intersectionality as an approach to researching modern feminist criminology.

Studies on solitary confinement report on the devastating and long lasting effects on inmates. Historically, solitary confinement was seen as a more humane way of punishing inmates and was the basis of the penitentiary system, however past practices have shown that it was an ineffective system and thus can worsen prison conditions, therefore it was an abandoned practice and has recently emerged in order to maintain prison control. However, other forms of prison control that are effective include the availability of affective prison programs and maintaining social support systems. In an era that is dealing with the adverse consequences of the mass incarceration, it is increasingly important to understand how to maintain order in the most just and humane way. Many inmates return from prison after serving their prison terms in already impoverished communities and many of them are victims of horrible pasts themselves. The goal of punishment must be examined to identify if it is more important to provide inmates with skills and help that they need or continue to segregate and continue past practices that have clearly been disproportionately inflicted on communities of color and have had negative outcomes that continue to recycle inmates within the system. More policies and research efforts need to continue looking at prison adjustment, prison punishment, race and gender to continue efforts to create a more just, affective and humane system of punishment.

Notes

1. Research indicates that as a person ages, people are less likely to engage in criminal behavior (Sampson and Laub, 1993). Therefore age categories were created.
2. The interaction variable for race and gender for females in SPSS was created by using the following logic: "If race="white" and gender= "female" then BlackFemale=1, else BlackFemale=0. If race="other" and gender="female" then other female =1, else other female=0. White females were used as the base category and men were filtered out from the analysis by using the filter command in SPSS. So when BlackFemale=0 and other female=0, it implies that the person is definitely a white female.
3. Based on the U.S. Department of Commerce Economics and Statistics Administration Report in 2010, there are several factors that must be determined to understand if a person meets the criteria of the middle-class or poverty class threshold. Family size, location and debt are all factors that must be considered. The poverty threshold for single-parent families' annual income is \$17,300. Middle class families can have two distinct classifications, which are low-middle class and high middle class. The low middle class annual income ranges can fall in between \$25,000- 50,000 and the high middle class annual income ranges can fall in between greater than \$50,000 to 122,800. Therefore, this category that measures monthly income was divided into categories to display poverty, the low and high middle class and the upper class.
4. There were several punishment outcomes. Inmates were asked to identify which of the following punishments they received: no punishment, solitary confinement, confinement in own cell, higher level of custody, transfer to another facility, loss of good time, new sentence, given extra work, change of work assignment, other actions, formal reprimand or multiple punishments. The punishments that were grouped into the other category are higher level of custody (83 inmates received this punishment), transfer to another facility (24 inmates received this punishment), loss of good time (449 inmates received this punishment), new sentence (23 inmates received this punishment), given extra work (420 received this punishment), change of work assignment (71 inmates received this punishment), other actions (344 inmates received this punishment) and formal reprimand (186 inmates received this punishment). Multiple punishments was also grouped into the **other** category because 1,283 inmates admitted to receiving multiple punishments, but we do not know what punishments they were given within this multiple category. Ideally it would have been better if the data that was gathered would allow us to see what type of punishments were inflicted in the multiple category, however in this study, this data set does not permit us to do so. However, it is important to note that in this sample, out of all of the punishments that were given, solitary confinement yielded the highest frequencies. 1337 inmates admitted to being administered the punishment of solitary confinement, the next type of punishment inmates admitted to receiving was confinement to their own cell, 708 inmates admitted to receiving this punishment.
5. Covariates such as prison infraction and contact with children were originally included however, SPSS displayed a warning that stated unexpected singularities in the Hessian matrix were encountered. This indicated that either some predictor variables should be excluded or some categories should be merged. Some combinations yielded zero counts and therefore these covariates were excluded. Future studies should include these covariates.

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