

ABOLITION NOW!

SHANA AGID is a writer, visual artist, and activist whose work challenges ideas of race, gender, and sexuality in the post-Civil Rights Era United States and reflects an investment in building new language to address new ideas and possibilities for undoing relationships of power in the 21st century. Shana has been working with Critical Resistance since 2000. Shana can be found/contacted at shanaagid.com.

TAMIKA MIDDLETON is a Southern woman of color, mother, and all around lover of the universe. Currently, she is pursuing a M.A. in sociology from Georgia State University. Critical Resistance has been raising her and her consciousness since 2002.

TERRY A. KUPERS, M.D., M.S.P. is Institute Professor at The Wright Institute, a Distinguished Life Fellow of the American Psychiatric Association, and, besides practicing psychiatry at his office in Oakland, he consults to various public mental health centers and jail mental health services. He provides expert testimony as well as consultation and staff training regarding the psychological effects of prison conditions, including isolated confinement in supermaximum security units, the quality of correctional mental health care, and the effects of sexual abuse in correctional settings. Dr. Kupers has published extensively, including the books *Prison Madness: The Mental Health Crisis Behind Bars and What We Must Do About It* (1999) and *Public Therapy: The Practice of Psychotherapy in the Public Mental Health Clinic* (1981). He is co-editor of *Prison Masculinities* (2002).

VANESSA HUANG is a queer, Chinese-American kid of immigrants from Taipei. Vanessa is the campaign director for Justice Now, an Oakland-based human rights organization that partners people in women's prisons with communities outside to build the movement for abolition, and organizes with Transforming Justice, a national coalition supporting local organizing to end the criminalization and imprisonment of transgender and gender non-conforming communities.

THE CRITICAL RESISTANCE INCITE! STATEMENT ON GENDER VIOLENCE AND THE PRISON INDUSTRIAL COMPLEX

INTRODUCTION

Ten years ago, Critical Resistance (CR) began with a bold mission of abolishing prisons, identifying the prison industry as a destructive, systematic, and persistent source of violence against oppressed communities. Yet CR's founding conference in 1998 was held during a moment in which much of the anti-violence movement found itself deeply entangled with police and prisons in the name of protection of survivors of rape and abuse. Instead of *resisting* prisons and policing because of the way this system creates, motivates, and reinforces rape and domestic violence both inside and outside of prisons, the anti-violence movement had developed a practice of *collaborating* with the state to increase police and prisons as a (frequently failed) means to increase safety for survivors of violence. (For a longer analysis of the anti-violence movement's relationship with prisons and police, please visit this webpage: <http://incite-national.org/>).

On the other hand, prison abolition efforts didn't exactly center the problem of domestic violence and sexual violence within the community. Calls for prison abolition were often not accompanied by recognition of the needs of survivors of domestic violence and sexual violence or the need for organizing efforts to ensure safety in the community *without* relying on police or prisons. Additionally, though survivors of rape and abuse often engage in criminalized survival activities that lead to incarceration, their experiences of violence both in the community and in the prison industrial complex were not necessarily reflected in prison abolition analysis. While many abolitionists rightfully acknowledged that prisons only reinforce

the conditions that enable domestic and sexual violence, addressing the experiences of incarcerated survivors of violence and imagining and developing alternatives to prisons to address gender violence was not necessarily seen as fundamental to the politic of prison abolition.

Two critical political movements working in contradiction to one another, both marginalizing the experiences of women of color as well folks of color who identify as trans, two-spirit, or gender non-conforming. For the anti-violence movement, the normative survivor of violence was generally considered a white, heterosexual, middle-class woman who had no experience with violent policing or prisons and was not perceived as engaging in criminalized activity. For the prison abolition movement, the normative prisoner was generally considered a heterosexual man of color who did not necessarily experience violence within his community on the outside. Both political communities failed to see how the intersections of white supremacy, gender-based oppression, and other oppressions defined the way in which gender violence and incarceration mutually reinforce one another for *all* survivors and *all* prisoners.

In 2001, a group primarily consisting of women of color from Critical Resistance and INCITE! sat down for a weekend and created the *Statement on Gender Violence & The Prison Industrial Complex*. This statement turned out to be a vital organizing tool. It discussed the ways in which each movement was counterproductive to the other and, therefore, kept them from being as effective, creative, and powerful as they could be. The statement then recommended eleven concrete steps that each movement could take to transform the contradictory position between movements into a position of a *critically integrated politic*.

In the seven years since the CR-INCITE! *Statement on Gender Violence and the Prison Industrial Complex* first came out in 2001, a number of local and national groups and organizations have heeded its call and worked creatively and collectively toward making its vision a reality. The statement was widely circulated for signature through electronic, academic, and organizing communities, and disseminated on INCITE! and Critical Resistance's websites, and later, by way of colorful posters distributed by INCITE! It was published in a special issue of *Social Justice* journal, in *The Color of Violence: The INCITE! Anthology*, published by South End Press in 2006, and most recently in INCITE!'s Organizing Toolkit to Stop Law Enforcement Violence Against Women of Color & Trans People of Color (available at: <http://www.incite-national.org/index.php?s=52>)

INCITE! is looking forward to taking the opportunity for reflection, learning from each other, and collective action presented by CR10 to share strategies, successes, and struggles in bringing the CR-INCITE! *Statement* to life. We also hope

to further develop our analysis and action around the statement to more fully integrate and address multiple forms and experiences of state, interpersonal, and community-based violence.

We hope you will take a fresh look at the CR-INCITE! *Statement* in preparation for the conference, and join INCITE! and Critical Resistance in reflecting, talking, and learning during a pre-conference gathering on Friday September 25, 2008, throughout the conference, and beyond. The following questions will guide that discussion:

Although the anti-sexual/domestic violence movements have been critical in breaking the silence around violence against women, these movements have also become increasingly service-oriented, professionalized, and de-politicized, and consequently are often reluctant to address sexual and domestic violence within the larger context of institutionalized violence and oppression. INCITE! recognizes that it is impossible to seriously address sexual/domestic violence against women and trans people of color without engaging in grassroots organizing efforts to challenge these larger structures of violence, such as militarism, attacks on immigrants' rights and Indian treaty rights, the proliferation of law enforcement and prisons, economic neo-colonialism, and the medical industry, and it is necessary to integrate a gender and sexuality analysis into these struggles.

- How has the CR-INCITE! *Statement* changed the way we organize as abolitionists and anti-violence activists?
- How have we put the ideas in the statement into action?
- What challenges have we faced? What is holding us back from making the ideas in the statement a reality?
- What has worked, what hasn't?
- How have we documented state and interpersonal violence, ideas for community-based responses to violence, examples of movements working more collaboratively, and other strategies as part of our organizing work?

Over the past decade, the prison industrial complex has not only expanded, it has widened its web through greater collaboration and complicity with the military, immigration enforcement authorities, law enforcement agencies, child welfare agencies, mental health systems, and social assistance agencies.

- How can we better recognize, highlight, collaborate, and organize around:
- The role played by law enforcement as the front line of the PIC and police bru-

tality and other forms of law enforcement violence against women and trans people of color?

- Increasing immigration and border enforcement violence, increasing collaboration between law enforcement and immigration authorities, profiling, criminalization and detention of immigrants, and violence against immigrant women and trans people of color?

- The links and overlap between the prison industrial complex and the military industrial complex in the US and overseas in terms of overall impacts of militarism and imperialism, as well as in terms of tactics, targets, and training?

- Understanding the prison industrial complex as encompassing multiple incarcerating institutions such as mental hospitals and disability institutions?

The role of the prison industrial complex in enforcing the gender binary and gender conformity, along with systems of oppression based on racism, misogyny, and class, has become even more apparent as growing numbers of transgender and gender non-conforming people are subjected to violence in the criminal legal system, in large part as a result of discrimination in employment, housing, and virtually every aspect of society.

- How can we better recognize, highlight, collaborate, and organize around:
- Gender violence against transgender and gender non-conforming people of color by police, within the PIC, in our communities, and in our homes?

Criminalization and incarceration continue to be offered and pursued as means of achieving greater safety, particularly where domestic violence, sexual violence, and homophobic, transphobic, racist, misogynist, and religion-based violence (“hate crimes”) are concerned.

- How can we better recognize, highlight, collaborate, and organize around:
- Resistance to reliance on the PIC to address homophobic, transphobic, gender-based, racist, and religion-based violence (“hate crimes”) and develop liberatory strategies for safety and accountability?
- The role in bolstering the PIC of legislation that purports to address gender violence (such as VAWA), homophobic, transphobic, gender-based, racist, and religion-based violence (such as “hate crimes” legislation), and prison conditions by making prisons “better” for people in women’s prisons?

- Lack of protection from violence for Native women living on reservations, undocumented people, and sex workers and other criminalized women and trans people of color?

Violence, criminalization, and incarceration of communities of color have been the default response to “disasters”—be they the September 11, 2001 attacks, the devastation wreaked by Hurricanes Katrina and Rita, or widespread poverty and despair in many communities of color.

- How can we better recognize, highlight, collaborate, and organize around:
- The intersections of disasters, displacement, policing, and reproductive violence and population control policies?
- Law enforcement and prison violence and abuse during disasters; and how the state and mainstream media use disasters as opportunities to further criminalize, profile, police, commit acts of violence against, forcibly displace, and render invisible poor communities of color, particularly women, transgender, and gender non-conforming people, both in prisons and jails, and in the communities they once called home?
- The sensationalization of sexual and domestic violence during disasters by mainstream media to justify the use of law and order tactics of military personnel and law enforcements agencies to control, regulate, murder, and incarcerate people of color in the name of keeping women safe?

Many of us have organized against sexual, family, and community violence and the prison-industrial complex through non-profits. And many of us have been critically examining the “non-profit industrial complex” (NPIC)—the system of relationships between the state (or local and federal governments), the owning classes, foundations, and non-profit/NGO social service & social justice organizations—and the ways in which it results in the surveillance, control, derailment, and everyday management of political movements. The state uses non-profits to: monitor and control social justice movements; divert public monies into private hands through foundations; manage and control dissent in order to make the world safe for capitalism; redirect activist energies into career-based modes of organizing instead of mass-based organizing capable of actually transforming society; allow corporations to mask their exploitative and colonial work practices through “philanthropic” work; encourage social movements to model themselves after capitalist structures rather than to challenge them.

- How can we better recognize, highlight, collaborate, and organize around:
- The relationship between the NPIC and PIC as it relates to the way state and foundation funding drives our political work, weakens critical coalitions, and undermines accountability to those most marginalized in anti-violence and prison abolition movements?

The closing statement of the CR-INCITE! statement says: "We seek to build movements that not only end violence, but that create a society based on radical freedom, mutual accountability, and passionate reciprocity. In this society, safety and security will not be premised on violence or the threat of violence; it will be based on a collective commitment to guaranteeing the survival and care of all peoples."

- What is meant by "radical freedom, mutual accountability, and passionate reciprocity?"
- Where have we been? How have we seen this statement embodied in the last 10 years? What kinds of language/strategies/ideas have been implemented to create real alternatives to law enforcement and the PIC that are rooted in caring, accountability and racial and gender justice?
- Where do we need to go? What kinds of movement building and organizing can help to fully bring this vision about?
- What kind of politics do we need to develop?
- How has the CR-INCITE! statement motivated stronger coalitions between multiple movements?

The Critical Resistance-INCITE! statement has proven to be a powerful tool to help initiate organizing strategies, legitimize radical women of color and queer people of color political analysis, and provoke creative out-of-the-box ideas for movement building. CR and INCITE! also work in collaboration with many other organizations and activists who are also pushing the envelope about potential cross-movement solidarities. The historic Transforming Justice conference in October 2007, for example, created a crucial opportunity to discuss and strategize around incarceration as it relates to violence against trans and gender non-conforming folks, gender policing, and poverty. Amazing local community-based organizations across the US (and abroad!) are also developing powerful ideas from critically engaging across movements, doing so by centering the experiences of folks on the margin who are articulating a necessity for this kind of cross-movement engagement and creativity.

It's a really exciting time! Radical social movements that we are building together are being challenged and pushed to incorporate critical and potentially movement-altering agendas and practices. Perhaps at the next ten-year anniversary, we will celebrate the ways in which these rich and transformative cross-movement collaborations have created unique and productive pathways towards liberation for all of us.

THE STATEMENT

We call social justice movements to develop strategies and analysis that address both state and interpersonal violence, particularly violence against women. Currently, activists/movements that address state violence (such as anti-prison, anti-police brutality groups) often work in isolation from activists/movements that address domestic and sexual violence. The result is that women of color, who suffer disproportionately from both state and interpersonal violence, have become marginalized within these movements. It is critical that we develop responses to gender violence that do not depend on a sexist, racist, classist, and homophobic criminal justice system. It is also important that we develop strategies that challenge the criminal justice system and that also provide safety for survivors of sexual and domestic violence. To live violence-free lives, we must develop holistic strategies for addressing violence that speak to the intersection of all forms of oppression.

The anti-violence movement has been critically important in breaking the silence around violence against women and providing much-needed services to survivors. However, the mainstream anti-violence movement has increasingly relied on the criminal justice system as the front-line approach toward ending violence against women of color. It is important to assess the impact of this strategy.

1 Law enforcement approaches to violence against women may deter some acts of violence in the short term. However, as an overall strategy for ending violence, criminalization has not worked. In fact, the overall impact of mandatory arrest laws for domestic violence have led to decreases in the number of battered women who kill their partners in self-defense, but they have not led to a decrease in the number of batterers who kill their partners. Thus, the law protects batterers more than it protects survivors.

2 The criminalization approach has also brought many women into conflict with the law, particularly women of color, poor women, lesbians, sex workers, immigrant women, women with disabilities, and other marginalized women. For instance, under mandatory arrest laws, there have been numerous incidents where police officers called to domestic incidents have arrested the woman who is being

battered.¹ Many undocumented women have reported cases of sexual and domestic violence, only to find themselves deported.² A tough law-and-order agenda also leads to long punitive sentences for women convicted of killing their batterers.³ Finally, when public funding is channeled into policing and prisons, budget cuts for social programs, including women's shelters, welfare, and public housing are the inevitable side-effect.⁴ These cutbacks leave women less able to escape violent relationships.

3 Prisons don't work. Despite an exponential increase in the number of men in prisons, women are not any safer, and the rates of sexual assault and domestic violence have not decreased.⁵ In calling for greater police responses to and harsher sentences for perpetrators of gender violence, the anti-violence movement has fueled the proliferation of prisons which now lock up more people per capita in the US than any other country.⁶ During the past fifteen years, the numbers of women, especially women of color in prison has skyrocketed.⁷ Prisons also inflict violence on the growing numbers of women behind bars. Slashing, suicide, the proliferation of HIV, strip searches, medical neglect, and rape of prisoners has largely been ignored by anti-violence activists.⁸ The criminal justice system, an institution of violence, domination, and control, has increased the level of violence in society.

4 The reliance on state funding to support anti-violence programs has increased the professionalization of the anti-violence movement and alienated it from its community-organizing, social justice roots.⁹ Such reliance has isolated the anti-violence movement from other social justice movements that seek to eradicate state violence, such that it acts in conflict rather than in collaboration with these movements.

5 The reliance on the criminal justice system has taken power away from women's ability to organize collectively to stop violence and has invested this power within the state. The result is that women who seek redress in the criminal justice system feel disempowered and alienated.¹⁰ It has also promoted an individualistic approach toward ending violence such that the only way people think they can intervene in stopping violence is to call the police. This reliance has shifted our focus from developing ways communities can collectively respond to violence.

In recent years, the mainstream anti-prison movement has called attention to the negative impact of criminalization and the build-up of the prison industrial complex. Because activists seeking to reverse the tide of mass incarceration and criminalization of poor communities and communities of color have not always centered gender and sexuality in their analysis or organizing, we have not always responded adequately to the needs of survivors of domestic and sexual violence.

1 Prison and police accountability activists have generally organized around and conceptualized men of color as the primary victims of state violence.¹¹ Women prisoners and victims of police brutality have been made invisible by a focus on the war on our brothers and sons. It has failed to consider how women are affected as severely by state violence as men.¹² The plight of women who are raped by INS officers or prison guards, for instance, has not received sufficient attention. In addition, women carry the burden of caring for extended family when family and community members are criminalized and warehoused.¹³ Several organizations have been established to advocate for women prisoners;¹⁴ however, these groups have been frequently marginalized within the mainstream anti-prison movement.

2 The anti-prison movement has not addressed strategies for addressing the rampant forms of violence women face in their everyday lives, including street harassment, sexual harassment at work, rape, and intimate partner abuse. Until these strategies are developed, many women will feel shortchanged by the movement. In addition, by not seeking alliances with the anti-violence movement, the anti-prison movement has sent the message that it is possible to liberate communities without seeking the well-being and safety of women.

3 The anti-prison movement has failed to sufficiently organize around the forms of state violence faced by Lesbian, Gay, Bisexual, Trans, Twospirited, and Intersex (LGBTTI) communities. LGBTTI street youth and trans people in general are particularly vulnerable to police brutality and criminalization.¹⁵ LGBTTI prisoners are denied basic human rights such as family visits from same sex partners, and same sex consensual relationships in prison are policed and punished.¹⁶

4 While prison abolitionists have correctly pointed out that rapists and serial murderers comprise a small number of the prison population, we have not answered the question of how these cases should be addressed.¹⁷ The inability to answer the question is interpreted by many anti-violence activists as a lack of concern for the safety of women.

5 The various alternatives to incarceration that have been developed by anti-prison activists have generally failed to provide sufficient mechanisms for safety and accountability for survivors of sexual and domestic violence. These alternatives often rely on a romanticized notion of communities, which have yet to demonstrate their commitment and ability to keep women and children safe, or seriously address the sexism and homophobia that is deeply embedded within them.¹⁸

We call on social justice movements concerned with ending violence in all its forms to:

1 Develop community-based responses to violence that do not rely on the

criminal justice system AND which have mechanisms that ensure safety and accountability for survivors of sexual and domestic violence. Transformative practices emerging from local communities should be documented and disseminated to promote collective responses to violence.

2 Critically assess the impact of state funding on social justice organizations and develop alternative fundraising strategies to support these organizations. Develop collective fundraising and organizing strategies for anti-prison and anti-violence organizations. Develop strategies and analysis that specifically target state forms of sexual violence.

3 Make connections between interpersonal violence, the violence inflicted by domestic state institutions (such as prisons, detention centers, mental hospitals, and child protective services), and international violence (such as war, military base prostitution, and nuclear testing).

4 Develop an analysis and strategies to end violence that do not isolate individual acts of violence (either committed by the state or individuals) from their larger contexts. These strategies must address how entire communities of all genders are affected in multiple ways by both state violence and interpersonal gender violence. Battered women prisoners represent an intersection of state and interpersonal violence and as such provide and opportunity for both movements to build coalitions and joint struggles.

5 Put poor/working class women of color in the center of their analysis, organizing practices, and leadership development. Recognize the role of economic oppression, welfare "reform," and attacks on women workers' rights in increasing women's vulnerability to all forms of violence and locate anti-violence and anti-prison activism alongside efforts to transform the capitalist economic system.

6 Center stories of state violence committed against women of color in our organizing efforts.

7 Oppose legislative change that promotes prison expansion, criminalization of poor communities and communities of color and thus state violence against women of color, even if these changes also incorporate measures to support victims of interpersonal gender violence.

8 Promote holistic political education at the everyday level within our communities, specifically how sexual violence helps reproduce the colonial, racist, capitalist, heterosexist, and patriarchal society we live in, as well as how state violence produces interpersonal violence within communities.

9 Develop strategies for mobilizing against sexism and homophobia WITHIN our communities in order to keep women safe.

10 Challenge men of color and all men in social justice movements to take par-

ticular responsibility to address and organize around gender violence in their communities as a primary strategy for addressing violence and colonialism. We challenge men to address how their own histories of victimization have hindered their ability to establish gender justice in their communities.

11 Link struggles for personal transformation and healing with struggles for social justice.

We seek to build movements that not only end violence, but that create a society based on radical freedom, mutual accountability, and passionate reciprocity. In this society, safety and security will not be premised on violence or the threat of violence; it will be based on a collective commitment to guaranteeing the survival and care of all peoples.

Signatures:

ORGANIZATIONS

- American Friends Service Committee
- Arizona Prison Moratorium Coalition
- Audre Lorde Project
- California Coalition for Women Prisoners
- Center for Human Rights Education
- Center for Immigrant Families
- Center for Law and Justice
- Colorado Progressive Alliance
- Committee Against Anti-Asian Violence (New York)
- Communities Against Rape and Abuse (Seattle)
- Direct Action Against Refugee Exploitation (Vancouver)
- Institute of Lesbian Studies
- Justice Now
- Korean American Coalition to End Domestic Abuse
- Legal Services for Prisoners with Children
- Minnesota Black Political Action Committee
- National Coalition Against Domestic Violence
- Northwest Immigrant Rights Project (Seattle)
- Pennsylvania Lesbian and Gay Task Force
- Prison Activist Resource Center
- Project South

San Francisco Women Against Rape
 SHIMTUH Korean Domestic Violence Program
 Sista II Sista
 Southwest Youth Collaborative (Chicago)
 Spear and Shield Publications, Chicago
 Women of All Red Nations
 Women of Color Resource Center
 Youth Ministries for Peace and Justice (Bronx)

INCITE! WOMEN OF COLOR AGAINST VIOLENCE is a national activist organization of radical feminists of color advancing a movement to end violence against women of color and our communities through direct action, critical dialog, and grassroots organizing.

CRITICAL RESISTANCE is a national grassroots organization committed to ending society's use prisons and policing as an answer to social problems.

NOTES

1 See Martha McMahon, "Making Social Change," *Violence Against Women* 9, no. 1 (January 2003): 47-74; Sue Osthoff, "But Gertrude, I Beg to Differ, a Hit is Not a Hit is Not a Hit," *Violence Against Women* 8, no. 12 (December 2002): 1521-1544; Susan Miller, "The Paradox of Women Arrested for Domestic Violence," *Violence Against Women* 7, no. 12 (December 2001). Noting that in some cities, over 20% of those arrested for domestic violence are women, Miller concludes: "An arrest policy intended to protect battered women as victims is being misapplied and used against them. Battered women have become female offenders."

2 Women's dependent or undocumented status is often manipulated by batterers, who use the threat of deportation as part of a matrix of domination and control. Although the Violence Against Women Act (VAWA 1994 and 2000) introduced visas for battered immigrant women, many women do not know about the act's provisions or are unable to meet evidentiary requirements. Since the Illegal Immigration Reform and Immigrant Responsibility Act made domestic violence grounds for deportation, women may also be reluctant to subject a legal permanent resident spouse to potential deportation proceedings by reporting him to the police. In addition, women arrested under mandatory arrest laws could themselves face deportation. See Anita Raj and Jay Silverman, "Violence Against Immigrant Women: The Role of Culture, Context, and Legal Immigrant Status on Intimate Partner

Violence," *Violence Against Women* 8, no. 3 (March 2002), 367-398. Deena Jang, Len Marin, and Gail Pendleton, *Domestic Violence in Immigrant and Refugee Communities: Assessing the Rights of Battered Women*, 2nd Edition, San Francisco: Family Violence Prevention Fund, 1997.

3 For example, California Governor Grey Davis, whose tough law-and-order platform included a promise that no one convicted of murder would go free, has rejected numerous parole board recommendations on behalf of battered women incarcerated for killing in self defense. Rebecca Vesely, "Davis' Right to Deny Parole to Abused Women Upheld," *Women's Enews*, December 19, 2002. For further information and testimonies of incarcerated survivors of domestic violence, see www.freebatteredwomen.org.

4 Christian Parenti documents the shift in government spending from welfare, education, and social provision to prisons and policing in *Lockdown America: Policing and Prisons in the Age of Crisis*, London: Verso Books, 1999.

5 The US prison and jail population grew from 270,000 in 1975 to two million in 2001 as legislators pushed "tough on crime" policies such as mandatory minimums, three-strikes-and-you're out, and truth in sentencing (Michael Tonry, *Penal Reform in Overcrowded Times*, Oxford: Oxford University Press, 2001: 17). Over 90% of these prisoners are men, and approximately 50% are black men. Despite claims that locking more people away would lead to a dramatic decrease in crime, reported violent crimes against women have remained relatively constant since annual victimization surveys were initiated in 1973. Bureau of Justice Statistics, National Crime Victimization Survey Report: "Violence Against Women", NCJ 145325, 1994.

6 In 2001, the US, with 686 prisoners per 100,000 residents surpassed the incarceration rate of gulag-ridden Russia. The US dwarfs the incarceration rate of Western European nations like Finland and Denmark, which incarcerate only 59 people in every 100,000. Home Office Development and Statistics Directorate, *World Prison Population List*, 2003. Available at: www.homeoffice.gov.uk/rds/pdfs2/r188.pdf.

7 The rate of increase of women's imprisonment in the US has exceeded that of men. In 1970, there were 5,600 women in federal and state prisons, by 1996 there were 75,000 (Elliot Currie, *Crime and Punishment in America*, New York: Henry Holt, 1998).

8 Amnesty International's investigation of women's prisons in the US revealed countless cases of sexual, physical, and psychological abuse. In one case, the Federal Bureau of Prisons paid \$500,000 to settle a lawsuit by three black women who were sexually assaulted when guards took money from male prisoners in exchange for taking them to the women's cells; prisoners in Arizona were subjected to rape, sexual fondling, and genital touching during searches as well as constant prurient viewing when using the shower and toilet; women at Valley State Prison, California, were treated as a "private harem to sexually abuse and harass"; in numerous cases, women were kept in restraints while seriously ill, dying, or in labor, and women under maximum security conditions were kept in isolation and sensory deprivation for long periods. *Not Part of My Sentence: Violations of the Human Rights of Women in Custody*, 1999.

9 Andrea Smith, "Colors of Violence," *Colorlines* 3, no. 4 (2000-2001).

10 May Koss argues that the adversarial justice system traumatizes survivors of domestic violence. "Blame, Shame and Community: Justice Responses to Violence Against Women," *American Psychologist* 55, no. 11 (November 2000): 1332. For a first-person account of a rape survivor's fight to hold the police accountable see *The Story of Jane Doe: A Book About Rape*, New York: Random House, 2003. Jane Doe was raped by the Toronto "balcony rapist" after police used women in her neighborhood as "bait."

11 Beth Richie, "The Social Impact of Mass Incarceration on Women," in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, edited by Marc Mauer and Meda Chesney-Lind, New York: New Press, 2002.

12 For a comprehensive account of state violence against women in the US, see Annanya Bhattacharjee, *Women of Color and the Violence of Law Enforcement*, Philadelphia: American Friends Service Committee and Committee on Women, Population, and the Environment, 2001.

13 Additional burdens on women when a loved one is incarcerated include dealing with the arrest and trials of family members, expensive visits and phone calls from correctional facilities, and meeting disruptive parole requirements (Richie 2002).

14 In the US, see Justice Now; Legal Services for Prisoners with Children <http://prisonerswithchildren.org>; Free Battered Women www.freebatteredwomen.org; California Coalition for Women Prisoners <http://womenprisoners.org>; Chicago Legal Advocacy for Incarcerated Mothers www.c-l-a-i-m-.org. In the UK, see Women in Prison www.womeninprison.org; Justice for Women www.jfw.org.uk. In Canada, see the Canadian Association of Elizabeth Fry Associations www.elizabethfry.ca/caefs_e.htm.

15 According to transgender activists in the Bay Area, the police are responsible for approximately 50% of all trans abuse cases. The Transaction hotline regularly receives reports from TG/TS survivors of police violence who have been forced to strip in order to "verify gender," or subjected to demands for sex from undercover police officers. "Transgender Sues Police," *San Francisco Examiner*, August 9, 2002; "Another Transgender Murder," *Bay Area Reporter*, April 8, 1999.

16 Karlene Faith, *Unruly Women: The Politics of Confinement and Resistance*. Vancouver: Press Gang Publishers, 1993.

17 Abolitionists Thomas and Boehlfeld's response to the question: "What Do We Do with Henry?" where Henry is a violent rapist, is an example of this problem. The authors conclude that this is the wrong question since it focuses attention on a small and anomalous subsection of the prison population and detracts from a broader abolitionist vision (Jim Thomas and Sharon Boehlfeld, "Rethinking Abolitionism: 'What Do We Do with Henry?'" in *We Who Would Take No Prisoners: Selections From the Fifth International Conference on Penal Abolition*, edited by Brian MacLean and Harold Pepinsky, Vancouver: Collective Press, 1993).

18 Alternatives to the traditional justice system such as Sentencing Circles are particularly developed in Canada and Australia, where they have been developed in partnership with indigenous communities. However, native women have been critical of these approaches, arguing that they fail

to address the deep-rooted sexism and misogyny engendered by experiences of colonization and that they may revictimize women (Patricia Monture-Angus, "The Roles and Responsibilities of Aboriginal Women: Reclaiming justice," in *Criminal Injustice: Racism in the Criminal Justice System*, edited by Robynne Neugebauer, Toronto: Canadian Scholars' Press Inc., 2000). See also, Barbara Hudson, "Restorative Justice and Gendered Violence," *British Journal of Criminology* 42, no. 3 (Summer 2002).