

# Incarcerated women punished at higher rates for minor infractions than men, study shows

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A study from The University of Texas at El Paso reveals a gender disparity in prison infractions that disproportionately affects women.

The [study](#), led by Melinda Tasca, Ph.D., an associate professor in the Department of Criminal Justice and Security Studies at UTEP, and published in *Justice Quarterly*, analyzed the disciplinary infraction records of more than 20,000 males and females in a large western state prison, who were released between 2010 and 2013.

The researchers set out to answer three questions: 1) whether women were more likely than men to receive defiance infractions; 2) whether women received a greater number of defiance infractions than men; and 3) whether the [gender differences](#) observed for defiance were unique from other types of infractions (e.g., nonviolent and violent).

Defiance acts are the most minor of rule violations and are often verbal in nature, including disrespect, being disruptive or disobeying an order. Defiance infractions can also come as the result of committing unallowed consensual contact, unauthorized altering of one's appearance, or failing to adhere to hygiene requirements.

"Despite being minor violations, defiance infractions can have profound consequences," Tasca said. Individuals found guilty of defiance infractions may be subject to solitary confinement, be denied [phone calls](#) and visits with loved ones, and be negatively impacted when it comes to parole board decisions.

The study showed that women were 40% more likely to receive a defiance infraction and accrue them at a greater rate than males. The findings also demonstrated that women's greater likelihood and rate of defiance infractions is unique when compared to other types of disciplinary infractions men obtain, which women were either less likely to receive or receive at a similar likelihood and rate.

"These findings suggest that a nationwide review and reform of disciplinary policies and practices is needed," Tasca said. "A focus

should be placed on improving the dialogue between staff and women to avoid minor tickets when reasonable and to improve understanding of the needs and histories of women in prison, which can manifest in ways that affect their ability to cope and adapt to prison life."

One potential reason for the disproportionate impact of defiance infractions is the difference in the use of soft power in male and female prisons, the team said.

Soft power describes the use of negotiation and communication to encourage people to behave a certain way. Unlike hard power, or force, soft power may involve allowing "inmates to slide" on minor infractions, Tasca said.

For staff in male prisons, soft power—or selective enforcement—may be utilized more frequently for minor rule violations to prevent outbreaks of violence and increase staff safety. Staff in male prisons have greater exposure to violence, and creating a positive relationship with inmates can be an invaluable tool.

In female prisons, since the propensity for [physical violence](#) is much less, staff are not as inclined to use soft power on defiance infractions, which results in excessive punishment for the most minor of infractions, the team hypothesizes.

Discrepancies in prison punishments between males and females is not an isolated issue but one that has an impact on society from a financial and human lens, according to Tasca.

"It is estimated that roughly 90% of individuals will be released from prison at some point, and the public has a vested interest in these individuals being productive members of society upon release as the cost to run prisons is supported by tax dollars," Tasca said. "But in addition to

that, from a human perspective, the importance of this issue lies in wanting our society, even those who have made mistakes, to be well, functioning, and able to live a better life."

The team said that their study does have limitations. For example, the results focused on data obtained from a single state prison and may not be generalizable to other jurisdictions.

However, they added, the findings from the research are in line with other investigations into other [prison](#) systems which suggests that these gendered patterns may be widespread.

**More information:** Melinda Tasca et al, Assessing Gender Differences in Prison Rule Enforcement: A Focus on Defiance, *Justice Quarterly* (2023). [DOI: 10.1080/07418825.2023.2264356](https://doi.org/10.1080/07418825.2023.2264356)

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