

## **Pretrial Incarcerated Women: An Analysis of Women in Bristol County Jail, Massachusetts**

July 1 2012- June 30 2013

**Erika Kates, Ph.D. & Helen Levine, Ph.D.**

### **Overview**

In 2013, Erika Kates, Ph.D., Senior Researcher at the Wellesley Centers for Women and founder of the Massachusetts Women's Justice Network, conducted an analysis of pretrial women incarcerated in Massachusetts. The data she obtained from the state women's prison, MCI-Framingham (MCI-F), the Western Massachusetts Women's Correctional Center and Suffolk County, were released in reports in 2013 and 2015 (see references below).

In 2013, the Bristol County Sheriff's office also provided data, but it was in the form of a large database<sup>1</sup> that was not analyzed until late 2015, when Helen Levine, Ph.D., a database specialist, was hired. She examined 1673 cases recorded during the period 2011-2013, narrowed the time line to a twelve-month period, July 1 2012 - June 30 2013, and analyzed 1481 cases for 751 individual women.

This brief policy report examines these women's demographic and criminal justice characteristics and, focusing particularly on their race and ethnicity, examines the relationships between them. The data include:

### **I. Demographics<sup>2</sup>**

1. Race/Ethnicity
2. Age
3. Number of Children
4. Marital Status
5. Highest Level of Education
6. Use of Drugs/Alcohol

### **II. Criminal Justice Involvement**

1. Offense Type
2. Number of Offenses
3. Bail Status
4. Bail Amount
5. Time in Jail

We consider this an important analysis for two reasons.

1. It highlights the frequently overlooked area of women's justice-involvement in Massachusetts<sup>3</sup>;
2. It incorporates gender *and* race/ethnicity, instead of the more commonly used either/or analysis.

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Kates, Erika. 2013. Briefing Note #2: Pretrial Detention and Access to Bail for Women. In *Moving Beyond Prison: Creating Alternatives Pathways for Women*: Massachusetts Women's Justice Network.

Kates, Erika. 2015. *Moving Beyond Incarceration for women in Massachusetts: The Necessity of Bail/Pretrial Reform*. Wellesley, MA: Wellesley Centers for Women.

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<sup>2</sup> We thank Ana Arruda, Director, Assistant Superintendent of Grants Programs and Services, the Bristol County Sheriff's Office, for providing access to this database.

<sup>3</sup> For example, the (Governor's) Criminal Justice Commission deliberations, 2012-2015, did not produce one recommendation out of twenty-eight that mentioned women; and only two that touched on pretrial status.

## Executive Summary

1. **Women represent about 10 percent** of Bristol County's incarcerated pretrial population. This analysis shows that its jail held 751 pretrial women in the 12-month period, July 1 2012-June 30 2013. These women had been charged with one or more offenses and had a pending court date.
2. One of the most notable findings is the **racial/ethnic imbalance of the women's jail population**, compared to Bristol County and the state as a whole. Although Bristol County has a higher percentage of the White population, compared to the state as a whole, its jail has a disproportionately higher percentage of Black, Latina/Hispanic, and Other<sup>4</sup> women (Figure 1).
3. The Bristol County data support findings in other parts of the Commonwealth that the majority of incarcerated pretrial women are mothers, single parents, and the **primary caretakers** of their children (Figures, 3, 4).
4. A sizable majority (71 percent) of women was charged with non-violent crimes, with the **dominant offenses being** larceny, assaults, and alcohol/drugs (Figure 7).
5. A disproportionate percentage of White women had **larceny and drug** charges; while Hispanic and Other women had immigration charges (Figure 7).
6. Just over 40 percent of women had **drug and/or alcohol** involvement; but White women had a significantly higher level of these offenses than Black or Hispanic women (Figure 6).
7. Ninety-eight percent of women were held in jail for two or more days. The reasons for their incarceration included: Over 60 percent of the women were **not granted bail**; the majority of women who were granted bail were **unable to pay bail**, even for amounts of less than \$500 (Table 1); even if bail were posted, women **waited in jail** for several days (Table 2).
8. Over 40 percent of women were incarcerated for 25 or more days. A **disproportionate percentage of Hispanic women** had spent 56 or more days in jail, while a disproportionate percentage of White women *was* granted bail (Table 1).

**This report echoes the findings of others showing the disproportionate effects that women's pretrial incarceration has on families. The children of justice-involved women, unlike those of their male counterparts (who remain with their primary care givers) are immediately dislocated and placed in the care of a relative or the state.**

**Therefore, even if these mothers are subsequently found not guilty or sentenced to community-based sanctions, the time spent in jail has serious, long-term repercussions for themselves, their children, and other family members, in addition to the effects on their housing, income, and education.**

***However, this report is particularly important because it shows for the first time, that even in a county with a small population of people of color the disadvantages of pretrial incarceration are borne unequally by women of color and women caught up in the immigration system.***

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<sup>4</sup> Other includes Asian and Cape Verdean women.

## I. Demographic Characteristics<sup>5</sup>

Figure 1. Race/Ethnicity\*

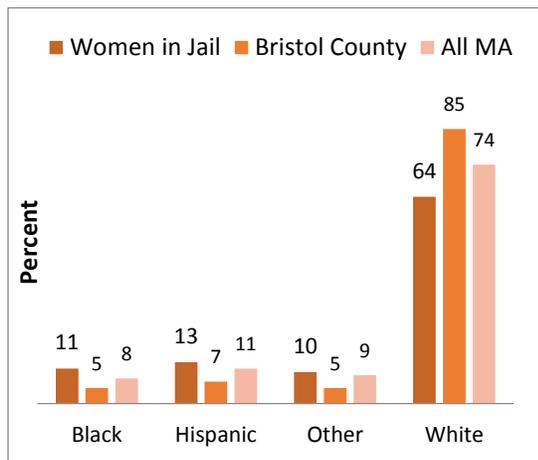


Figure 2. Age\*

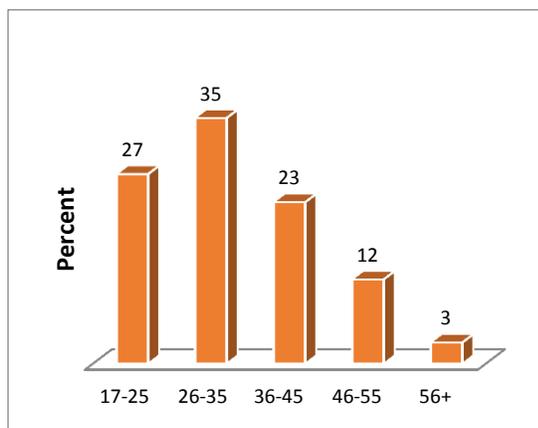
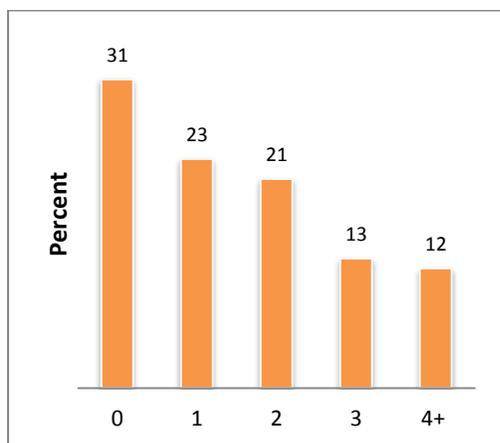


Figure 3. Number of Children\*

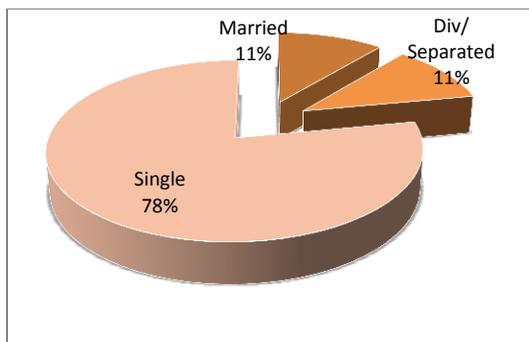


## Analysis

- The percentage of Black women in Bristol County Jail was more than twice as high as Bristol County (11 percent compared to five percent) and higher than the state’s eight percent.
- Similarly, the percentage of Hispanic and ‘Other’ women was twice as high compared to their overall representation in Bristol County (13 percent compared to seven percent) and higher than the state’s 11 percent.
- The percentage of white women held in jail was 20 percent lower than Bristol County. ‘Other’ includes Asian and Cape Verdean women.
- The median age of women held in Bristol County Jail was 31 years, with a range of 17 to 66 years (Figure 2).
- Further analysis revealed disproportionate differences compared to their percentage of the population. Black and White women tended to be the youngest (under 26 years); and Latina/Hispanic and Other women tended to be in the older age groups (36-56).
- Almost 70 percent of the women were mothers, with 44 percent having one to two children (Figure 3).
- Higher than expected percentages of White women had one or two children, while Black and Hispanic women had two, three or more children, and Other women had either one or three or more children.

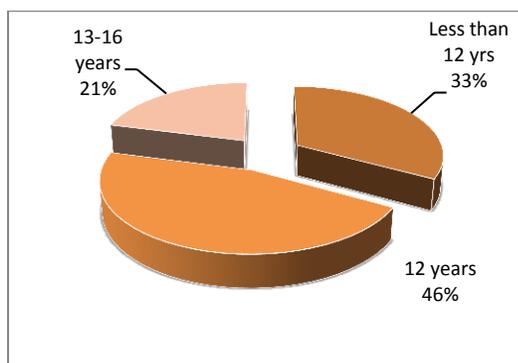
<sup>5</sup> All Tables/Figures with an asterisk \* are statistically significant, based on a Pearson’s Chi-Square test of significance.

**Figure 4. Marital Status\***



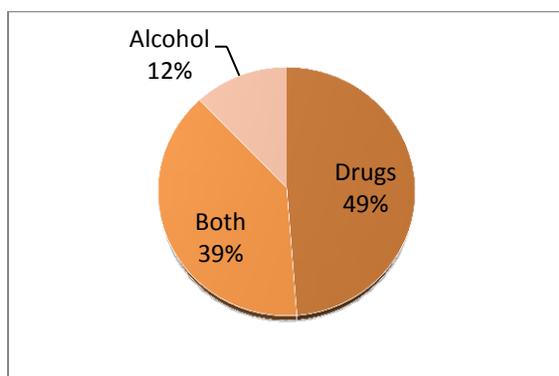
- With almost 90 percent of the women being separated/divorced and single, the majority were single parents
- Further analysis revealed differences in marital status by race/ethnicity. A disproportionate percent of Hispanic and Other women were married; and a higher proportion of Black women were single.

**Figure 5. Years of Education\***



- One third of women had less than a high school education; almost 50 percent of the women had completed twelve years of school; and another 20 percent had some post-high school or college education.
- Further analysis revealed that a disproportionate percentage of Hispanic women with less than 12 years of education; White and Black women with 12 years of education; and White and Other women with 13-16 years of education.

**Figure 6. Drug/Alcohol Use\***



- Just over 40 percent of the women had drug and/or alcohol involvement. Almost half had used drugs, 12 percent had used alcohol and almost 40 percent had used both substances.
- White women had disproportionately more involvement with alcohol, drugs, and both substances.

## II. Justice Involvement

Figure 7. Offenses (N=995) \*

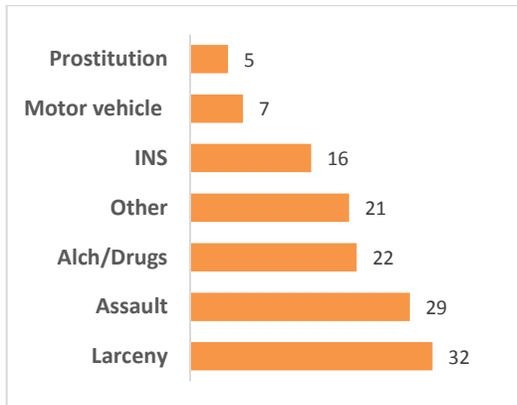


Figure 8. Bail Status\*

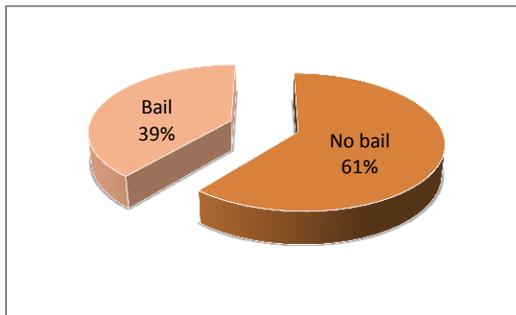


Table 1. Amount of Bail

| Bail Amount        | Percent | Number |
|--------------------|---------|--------|
| \$500 or less      | 22      | 65     |
| \$501-\$2,500      | 23      | 66     |
| \$2,501-\$5,000    | 19      | 55     |
| \$5,001-\$15,000   | 17      | 49     |
| \$15,001-\$750,000 | 19      | 54     |
|                    | 100     | 289    |

Table 2. Days Spent in Jail \*

| Days in jail | Percent | Number |
|--------------|---------|--------|
| 0 days       | 2       | 24     |
| 1-2 days     | 18      | 134    |
| 3-10 days    | 20      | 146    |
| 11-24 days   | 18      | 131    |
| 25-45 days   | 22      | 162    |
| 46 + days    | 20      | 148    |
|              | 100     | 745    |

## Analysis

- Figure 7 shows the percentage breakdown of offenses. Almost one-third of women were charged with larceny; 29 percent were charged with assault; almost 30 percent with Alcohol/drug and motor vehicle offenses combined (motor vehicle offenses and prostitution offenses are often drug/alcohol related), and 16 percent were charged with immigration violations (INS).
- Further analysis by race/ethnicity showed that a disproportionate percentage of White women had larceny charges; Hispanic and Other women had immigration charges; and White women had drug charges.
- Over 60 percent of women (462) had *not* been granted bail, and less than 40 percent (289) had been granted bail.
- Disproportionately more Hispanic and Other women *did not* get bail; and more white women got bail.
- Table 1 shows that 22 percent of the 289 women who had been granted bail had bail amounts set at \$500 or less; with almost two thirds of women having bail amounts set at \$5,000 or less.
- Table 2 shows that although 40 percent of the women was granted bail, 98 percent (721) of women had spent time in jail. *Forty percent of women (310) spent more than 25 days in jail pretrial.*
- A disproportionate percentage of Black women stayed for 25-45 days and Hispanic women stayed for 46 or more days.