

Moving Beyond Incarceration For Justice-involved Women : An Action Platform To Address Women's Needs In Massachusetts

Prison is not an effective remedy for the drug addictions and economic distress that contribute to the crimes women commit. It makes much more sense to address the root issues by providing community-based drug treatment and investing in alternatives to incarceration (WPA 2007)

Overview

1. Mass Incarceration Society: Gender & Race
2. Women's Special Circumstances And Needs
3. Alternatives to Incarceration for Women
4. The MA Women's Justice Network (MWJN)
 - 2013-2014 Action Plan & Priorities
 - Strategies
 - Future Directions & Options

Mass Incarceration Society:

- In 2013, the US had an the highest incarceration rate in the world: 716 per 100,000.
- In 2012, the US average daily population (ADP) was 2.4 million men and women in federal, state and local prisons.
 - Annually (x3-4) possibly 8-10 million.
- 4.8 million on probation and parole.
 - Annually (x3-4)...
- *6 million people under corrections and community supervision.*

Becoming A National Policy Issue

- **2008** Pew Study “1 in 100”
- **2010** Michelle Alexander, **the New Jim Crow: Mass Incarceration in the Age of Colorblindness**
- **2013** New York Academy of Medicine/Drug Policy Alliance “**Blueprint for a Public Health and Safety Approach to Drug Policy**”
- **2013** Eric Holder USAG, speaks out

Justice-involved Women in a Mass Incarceration Society

- U.S. 2012. The ADP of women was 207,000
- 10% compared to 4-5% in 1980).
- 109,000 were in federal & state prisons, and 98,000 were in jails.
- *The annual figure is estimated to be at least 2-3 times higher, i.e., 500,000 - 600,000 incarcerated women.*
- A further 1 million women were under community supervision (25% of total).
- MA. 2012. The ADP of incarcerated women est. 1,400
- Another 16,500 on probation.

Disparities of Race & Gender

- Mandatory minimums: Powerful and negative long-term effects on communities of color: longer sentences for crack cocaine than for cocaine

- **Incarceration rates (per 100,000)**

men		women	
black	3,000	black	129
Latinos	1,200	Latinas	71
white	478	white	51

- MA 2010

% convicted defendants		% convictions for drug offenses
whites	64%	29%,
blacks & Hispanics	33%	70%

Financial and Social Costs

- Annual: \$63 billion
- Per prisoner:
 - \$17,000 in Alabama;
 - \$60,000 in NY;
 - \$48,000 in MA (compare to probation cost per person of \$1,300 - \$4,700)
 - MA Projected costs to 2020 \$1.2 - \$2 billion and \$102 m annually
- Collateral & Opportunity
- Social/community: children & families

Failure: recidivism rates: e.g., 61% in MA 5 years post-release; 56% for probationers

Women's Special Circumstances And Needs:

- 40 - 60% have histories of physical and sexual abuse and experience PTSD symptoms
- 86% have substance abuse issues often co-occurring with mental illness
- 60% of women at MCI-Framingham have open mental health cases (compared to just a quarter of male inmates)
- 50% of women take psychotropic medication
- 75% of women offenders are parents (average of 2.3 children)
- 66% mothers had sole custody of minor children
- 50% of women do not see their children while incarcerated.

Mothers & Children

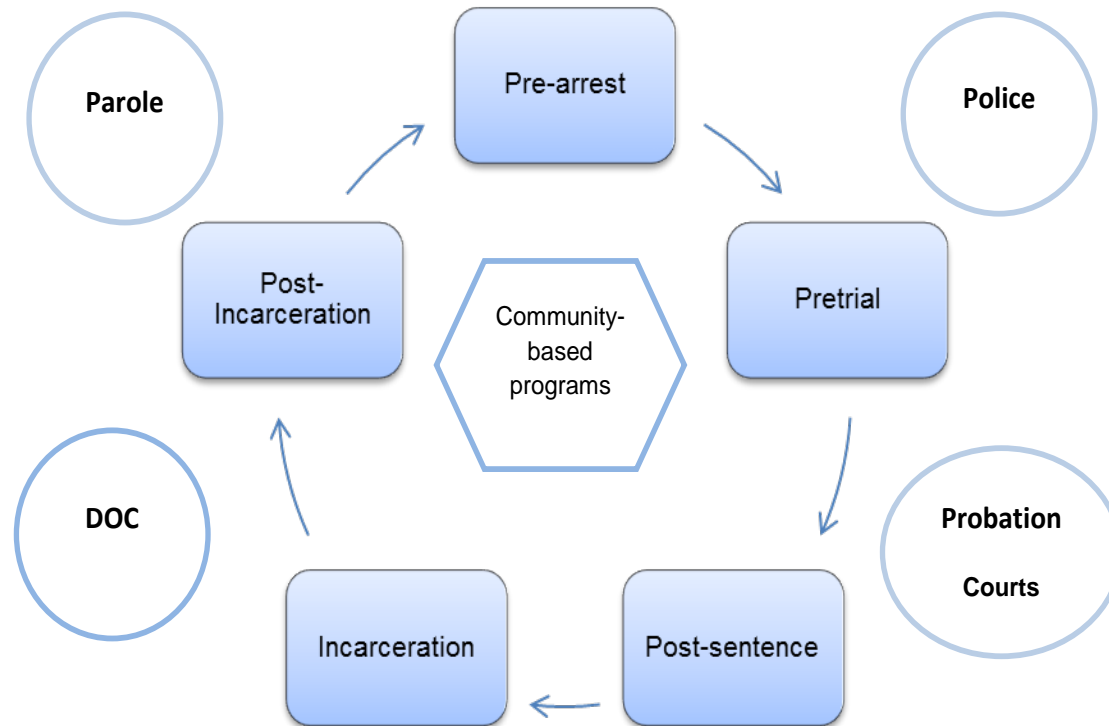
Women's CJ Status	Est. No. Of Women ADP	Est. No. of Mothers (75%) ADP	Est. no. Children (2.3 per mother) ADP	Est. No. Children Annually (x 3-4 ADP)
PRISON	1,400	1,050	2,415	7,245 - 12,075
PROBATION	5,000	3,750	8,625	25,800 - 43,125
TOTAL	6,400	4,800	11,040	33,045 - 55,200

Women-focused Resources

- Detox: treatment; relapse prevention
- Treatment: co-occurring mental health/substance abuse
 - Trauma-informed;
 - Relational-cultural;
 - Safety; support
- Children: custody; contact; support; reunification
- Concrete resources:
 - Housing
 - Childcare
 - Employment
 - Education

Alternatives to Incarceration

Figure 1. Alternatives to Incarceration Flowchart



MA Women's Justice Network (MWJN)

Goal:

To reduce the skyrocketing social, personal and financial costs of incarcerating women by

- 1) Raising awareness of the inequities they experience**
- 2) Increasing their access to alternatives to incarceration using community-based, women-centered, policies and practices.**

MWJN Strategies and Process

■ Research

- Topics and priorities discussed by MWJN members
- Data obtained from specialists in key agencies/institutions
- Literature review & bibliographic database
- Informed by experiences of justice-involved women

■ Public Education

■ Briefing Notes

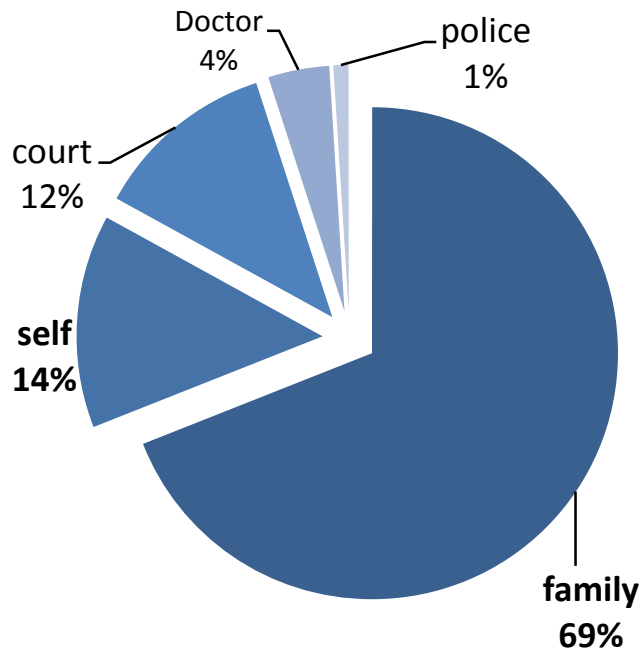
Reviewed and revised by MWJN members

(Final drafts reviewed by Chief Justice Trial Court & Court Administrator ,
Selected legislators, key agency personnel).

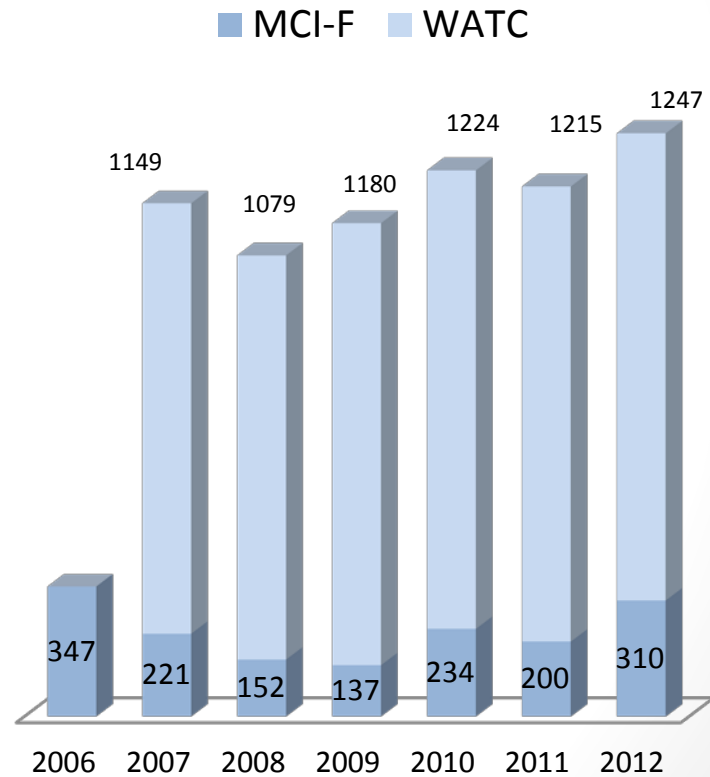
- WCW website, blogs, letters to editors, op-eds
- Criminal Justice Commission pretrial subcommittee
- Network members' contacts/networks
- Local, national, international conferences,
- Community group events

Briefing Note #1 Civil Commitments

Sources of Referral for Section 35 2012



Commitments to Women's Addiction Treatment Center and MCI-F 2006-2012



Disparate Treatment for Women with Civil Commitments

MCI-F

- A locked facility required to follow DOC protocols.
- Prohibited from offering treatment to women following detox.
- Women cannot mix with other inmates, and participate in programs
- Women with bail issues or outstanding warrants *must be sent to MCI-F*.
- The percentage of women sent to with a criminal justice status was 29% in 2102; a decline rom 83% in 2007.
- Average say without treatment is 30 days

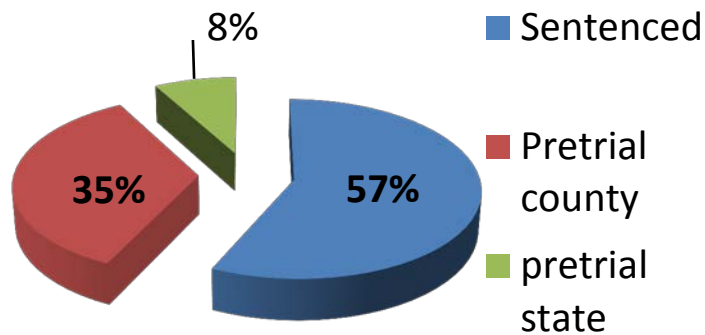
WATC

- Not a locked facility.
- It provides a graduated series of services for women following detoxification, including transitional support services, family involvement, and housing referrals.
- 40% of the women have a criminal justice status, but it does not affect their treatment status
- Average stay with treatment is 20 days

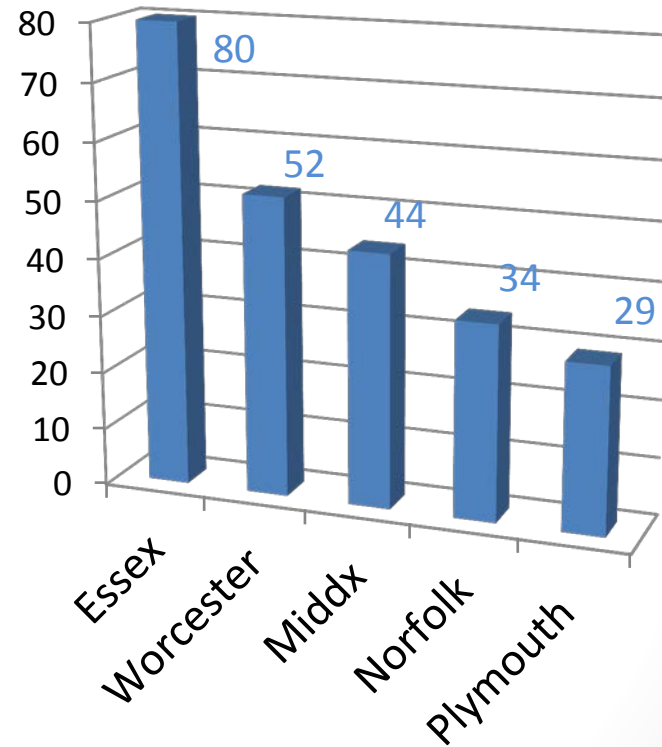
Briefing Note # 2

Pretrial Detention & Access to Bail for Women

MCI-Framingham by Sentencing Status (N=683)



Pretrial Women by County, held in MCI-F (N=239)



Lasting Social & Family Consequences

- *Over 3,000 women a year* are held pretrial in MCI-F; the majority come from counties that don't hold women pretrial.
- The MCI-F Awaiting Trial Unit is the most overcrowded facility under Corrections Jurisdiction, operating at 280% of capacity.
- People brought into court from jail are disadvantaged in how they are perceived by court personnel, and have more serious dispositions than if they came from the street.
- Women lose their children to caregivers and state care and often their housing, before they have even been tried.
- A sample of records from a Boston court, 2102, revealed that 60% of women held pretrial eventually had their cases dismissed or continued without a finding.
- Women are detained because they cannot pay or have been denied bail .

Bail

- The main objective is to provide assurance that a defendant will appear in court on a specified date.
- The current bail assessment form is not based on objective factors that indicate defendants' likelihood of failure to appear
- The MA statute states that bail should not be refused because of defendants' inability to pay.
 - A substantial proportion of women are held pretrial because they cannot meet bail and court costs: of those held in MCI-F 83% could not pay bail of under \$2,000, and 36% of those had bails of less than \$500)

Bail and Pretrial Detention

Concerns and Selected Recommendations

Concerns

- Women are at a distinct disadvantage for bail because of their poverty
- Women are at a distinct disadvantage because many are held in the state prison (MCI-F) instead of local jails
- Women's isolation adds to delays in processing bail by bail commissioners (for whom it is usually an after hours 2nd job)
- Women often plead guilty to a lesser offense to remain with their children; but a criminal history is barrier to jobs, housing

Recommendations

- Reform or abandon bail in favor of using reliable instruments to predict court appearances
- Training for court personnel re: women's concerns
- Use administrative procedures to remind people of court dates
- Use the pretrial period to engage women in community-based programs and resources

Public Education & Collaboration: Bail Reform & Pretrial Services

- National experts from Washington D.C. and Maine talked to five groups (150 people) in November 2013.
 - Legislators
 - Chief Justice and Trial Court Personnel
 - Criminal Justice Commission
 - Public Defenders
 - Open community forum

Future Planning

1. Define model residential and community-based programs for women:
2. Design more women-friendly community corrections; programs
3. Demonstrate cost/benefit analysis that is more responsive to justice-involved women
4. Analysis of the amount and type of contact with justice system by women with substance abuse issues.
5. Replicate a national survey women- focused criminal justice task forces
6. Focus on justice-involved women's access to education: possible conference/forum with performance by NY group.
7. Work with college faculty & students