

MASSACHUSETTS DEPARTMENT OF CORRECTION
Carol Higgins O'Brien, Commissioner
Bail Survey: Pre-Trial Females at MCI-Framingham

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May 2015

INTRODUCTION

The purpose of this brief is to give a general overview of information collected from bail surveys of 112 pre-trial female detainees over a month period, from October 21, 2013 to November 22, 2013, at the MCI-Framingham female facility. The Massachusetts Department of Correction (MA DOC) defines a pre-trial detainee as an individual who is detained prior to trial, but not yet convicted of a crime to include male and female county detainees, male county detainees transferred to state facilities under Massachusetts General Law Chapter 276, section 52A, and federal detainees (both male and female). The primary aim of the survey was to conduct exploratory research to provide a better understanding of the bail process along with more detailed information on the female pre-trial detainee population. This includes information on the females' children, housing situation prior to being detained and after release, alcohol/ substance abuse, serious medical issues, and mental health problems. Bail is defined as the temporary release of a prisoner in exchange for security given for the due appearance of the prisoner¹. This normally entails a bail in cash or bonds that is set by a judge. In Massachusetts, there are many rules and regulations that govern the bail process.

METHODOLOGY

The information for this brief was gathered by the Research and Planning Division and the MCI-Framingham staff. Each of the 112 female pre-trial detainees was administered a survey upon booking. A correctional program officer (CPO) was with the detainee while the survey was completed and assisted them if they had any questions. The survey consisted of yes/no, multiple choice, and open ended questions. Each question was specifically chosen in order to get more detailed information about the female detainee and their own bail process. All of the answers provided in the survey are self-reported.

DEMOGRAPHICS OF THE RESPONDENTS

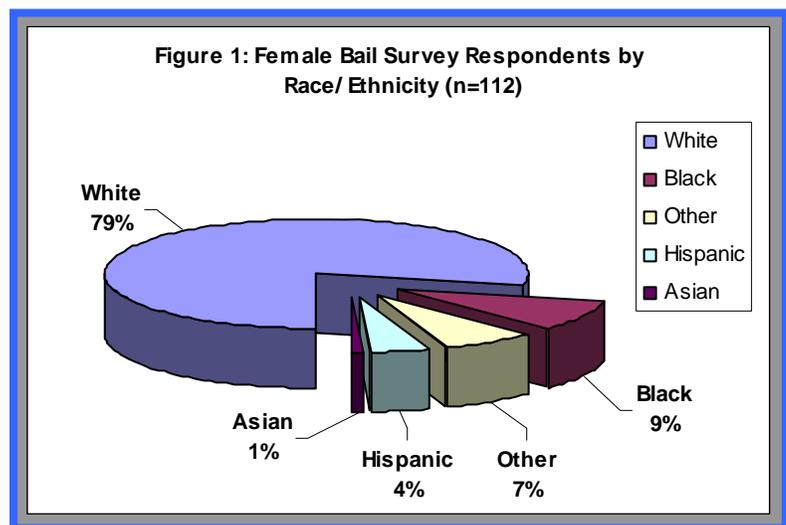
Race/ Ethnicity

White - 88 females
Black - 10 females
Other - 8 females
Hispanic - 5 females
Asian - 1 female

Age

Oldest female - 58 years old
Youngest female - 18 years old

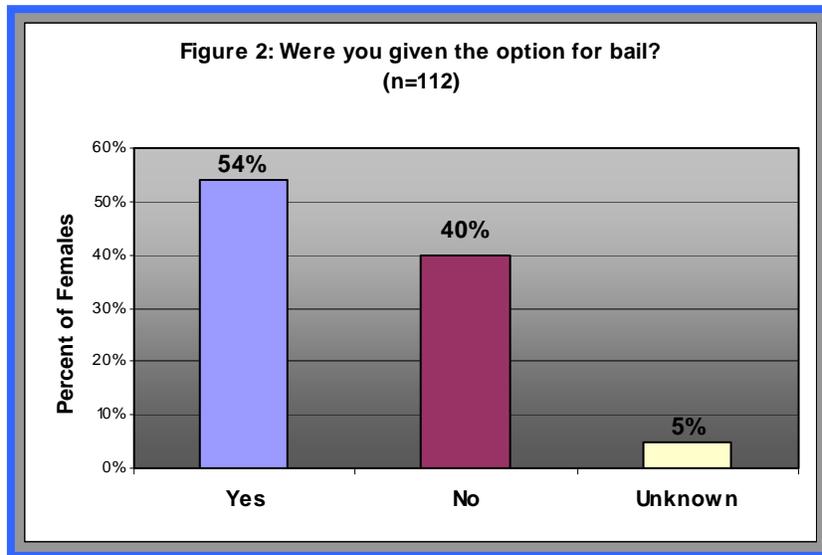
Average age of female respondents - 32 years old



¹ Bail [Def. 3]. (n.d.). *Merriam-Webster Online*. In Merriam-Webster. Retrieved July 7, 2014, from <http://www.merriam-webster.com/dictionary/bail>.

FINDINGS OF THE SURVEY

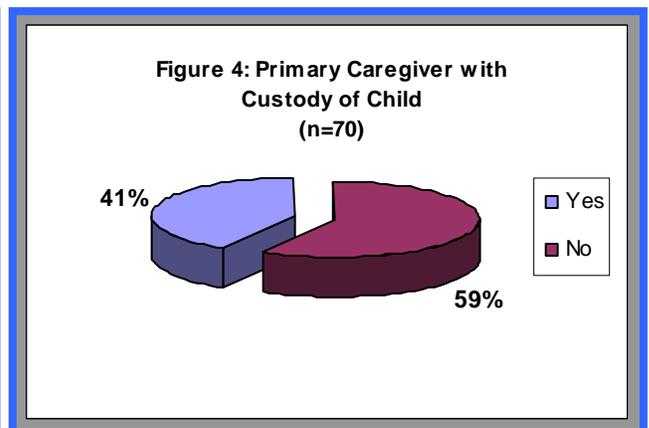
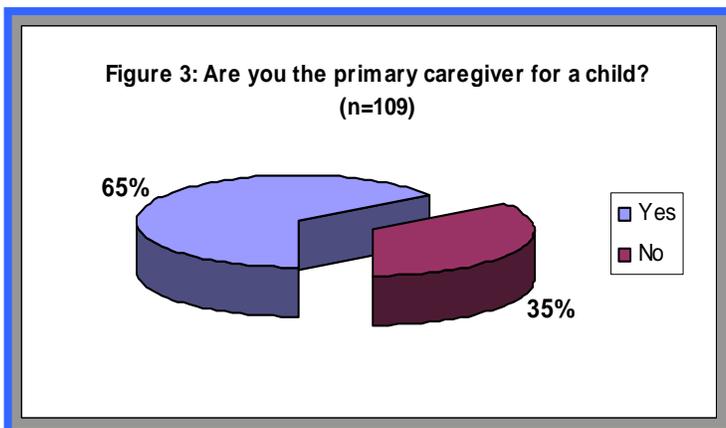
Bail



Of the 112 female pre-trial respondents, 61 (54%) were given the option for bail. In a follow up question, 36 respondents stated they could not afford bail and over a third (n=22) of the 62 respondents stated they could afford their bail. The respondents who indicated they could afford bail provided a number of reasons why they had not paid it, the majority indicating a family member, significant other or friend would be coming to pay their bail. Other responses to this question include; bail had been revoked, did not want to borrow the money, held on other cases/probation or legal issues, need to or were unable to contact family members, and in process of getting money. Though these respondents indicated they could afford their bail, many of the reasons it had not been paid involved ability to raise bail money. Some respondents gave multiple reasons resulting in 37 answers for the 22 respondents.

Forty-five (40%) of the 112 respondents were not given the option of bail, and 6 (5%) stated they did not know if they were granted bail, resulting in their response of unknown. When questioned as to the reason the respondent was denied bail, 50% answered they did not know, 38% selected the 'other' reason category, 10% credited their criminal history, and 2% stated the severity of their crime. Upon additional review of the females legal issues, the MA DOC Inmate Management System indicated 28 (25%) of the detainees not offered or aware of having bail, were on probation resulting in no bail offered.

Primary Caregiver



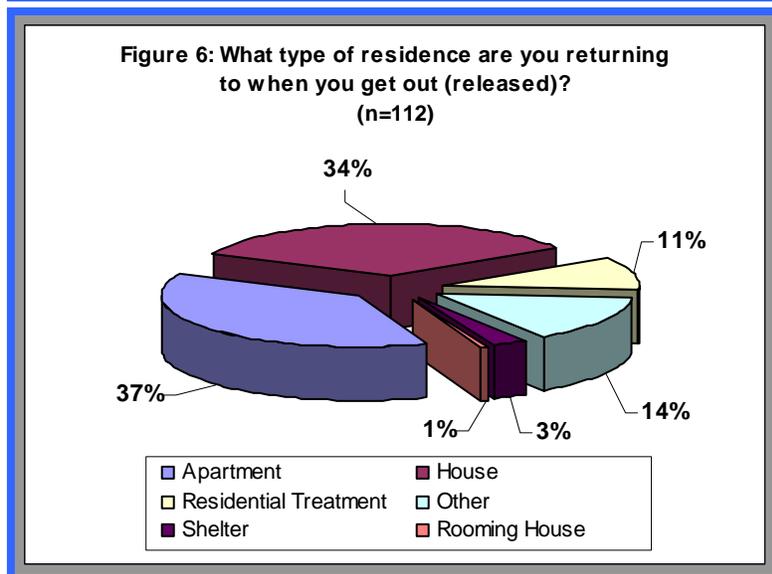
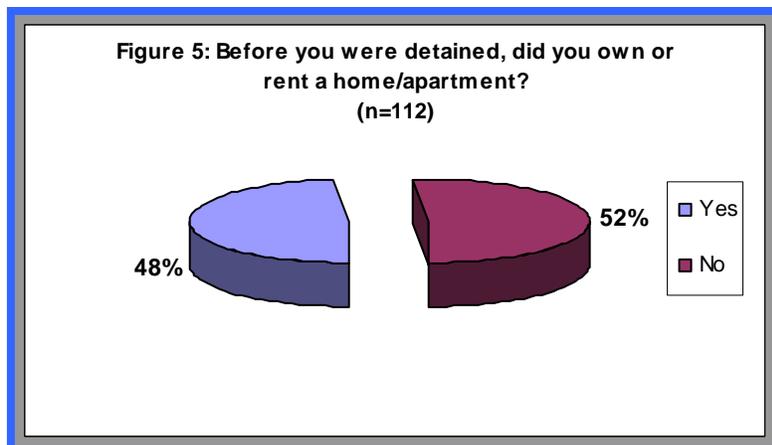
Sixty-five percent (71) of female respondents reported that they were the primary care-giver for a child. Though only 71 respondents indicated they were primary caregiver to a child, 78 females responded to questions regarding children to which they were primary caregiver. Forty-six females, 59%, reported being the primary

caregiver for two or more children. The number of reported children per inmate ranged from one child to six children (the reported age range was from one year old up to 34 years old).

Of the 71 respondents indicating they were the primary caregiver of a child, 70 responded to a question regarding custody, with 29 indicating they had custody of the child prior to being detained. This equates to 26% of the 112 survey participants or 41% of respondents reportedly the primary caregiver of a child. For the 41 respondents who reported not having custody of their child, there were 47 answers to the question of who has custody. Of the 47 responses to the question of who has custody of children; 26 were reported to be in the custody of a relative (55%), 11 were in the custody of the state (23%), 8 were in the custody of “other” (17%), and 2 were unknown (4%). The responses for females who said “other” included the father having custody, sharing custody with the father, multiple children being adopted, multiple children in the custody of the state; and the most prevalent answer, the mother or father of the respondent had custody over the child/children.

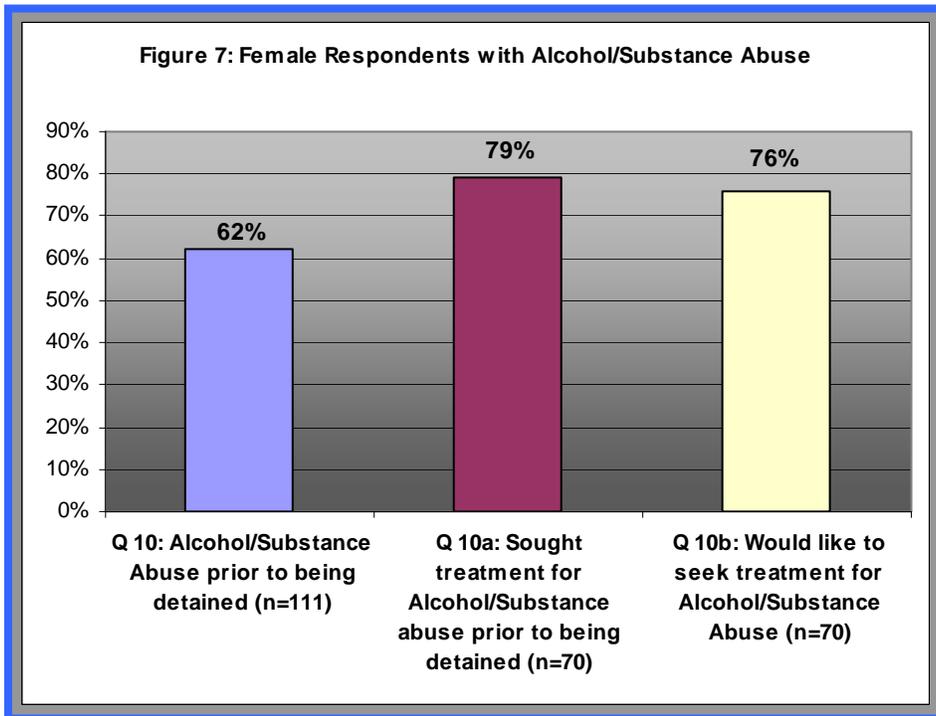
Five percent of the respondents stated they care for a child with special needs (n=6), and 15% reported caring for an elderly parent or relative (n=17).

Housing



Nearly half of the respondents (48%) owned or rented a house/apartment prior to being detained, while almost a third of the respondents (28%) reported being homeless. The majority of the respondents (71%) stated they would be returning to an apartment or house upon release. The remainder of the detainees indicated plans to return to an “Other” residence (14%), residential treatment facility (11%), shelter (3%), and rooming house (<1%) upon release. The answers the females reported in the “other” category included “unknown”, “back to Maine case”, and “incarcerated in a New Hampshire state prison”.

Alcohol/ Substance Abuse



Question 10: Sixty-two percent (69) of the 111 females reported that they had an alcohol/ substance abuse problem before being detained.

Question 10a: Fifty-five of the 70 females who reported an alcohol/substance abuse problem (79%) said that they had sought treatment before being detained and 15 females (21%) said they had not.

Question 10b: Of the females who reported that they had an alcohol/substance abuse problem prior to be detained, 76% (53) of the 70 respondents would like to seek treatment for their alcohol/substance abuse

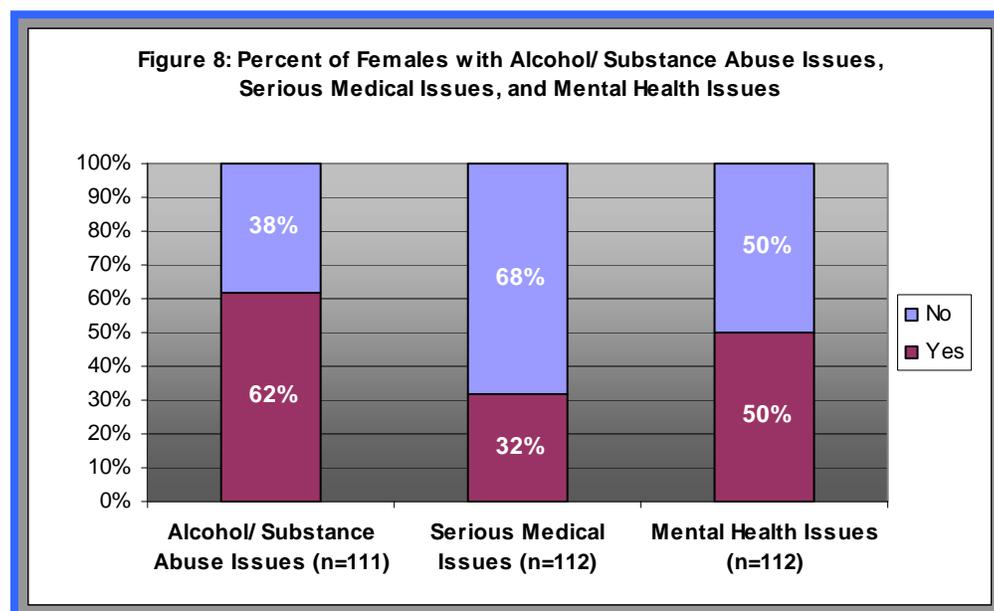
problem, while 24% (17) answered that they would not like to receive treatment.

Serious Medical Issues

Thirty-two percent of the females surveyed reported having serious medical issues. The conditions listed include asthma, cancer, diabetes, hepatitis C, heart disease, seizures, and many other ailments.

Mental Health Issues

When the females were asked if they had any mental health issues, 55 (50%) responded yes. The mental health issues that came up most frequently were anxiety, bi-polar, depression, and PTSD. Forty of the 55 (77%) females who reported to have a mental health issue claimed to have two or more issues.



CONCLUSION

Analysis of the survey data shows the majority of female detainee admissions (54%) who participated in the survey indicated they were given the option of bail. Females who were offered bail but could not pay explained that most had been waiting for a family member, significant other, or friend to pay their bail. Of the females who were not allowed bail (45 females, 40%) or who did not know if they were given bail (6 females, 5%), 28 of them were on probation for prior offenses and therefore were not allowed bail. This accounts for over half (55%) of the total female detainees who selected no or unknown when asked if they were offered bail (51 females).

A shortcoming of the study was contradictory data regarding how the females answered certain questions; in specific, the females who reported being a primary caregiver to a child. While 71 females stated they were primary caregiver for a child, 78 responded to questions regarding the age and number of children to which they were the primary caregiver. One could speculate that this is due to ones child being an adult, or having a child whom you are not the caregiver, but provided ages and number of those children. With that, another important finding was 70% (78 out of 112) of the females surveyed indicated they had at least one child, ranging in age from infants to adults. Of the 78 females who responded to questions regarding the number and ages of children, 59% of them had more than one child. Though many indicated having at least one child, a smaller percentage of the female detainees had custody of a child (n=29).

Alcohol and substance abuse was found to be a prevalent problem with 62% of the females reporting that they had an alcohol/substance abuse issue. Seventy-nine percent of the females who claimed to have an alcohol/substance abuse issue said they had sought treatment for their issue and 76% said they would like to seek treatment for their issue. Lastly, fifty percent of the females claimed to have mental health issues, many of whom were suffering from anxiety, bi-polar, depression, and PTSD.

This brief was exploratory in nature and limited in scope. The findings represent a small cohort of the female detainee population over a short period of time and cannot be generalized to the female detainee experience. Other limitations to the study include drop out or refusals to do the survey, contradictory data regarding answers to similar questions, and self reported information which cannot be verified. Although there are limitations to this information, it would be beneficial to follow this research with a larger more controlled study in the future.

DEFINITIONS

Bail	The temporary release of a prisoner in exchange for security given for the due appearance of the prisoner. (Merriam-Webster Dictionary)
MCI-Framingham	MCI-Framingham is the MADOC Reception and Diagnostic Center for female offenders providing a comprehensive network of gender responsive, trauma informed programming for women who are civilly committed, pre-trial detainees or serving county and state criminal sentences. It is the oldest operating female prison in the country.
Pre-Trial Detainee	An individual who is detained prior to trial, but not yet convicted of a crime to include male and female county detainees, male county detainees transferred to state facilities under Massachusetts General Law Chapter 276, section 52A, and federal detainees (both male and female).
Race	The race categories self reported and used in this report include: Caucasian, African American/Black, Asian, Hawaiian-Pacific Islander, and American Indian-Alaska Native. Inmates who report a Hispanic ethnicity are reported as Hispanic in the race categories.

This Research Brief was written by Nicholas Cannata, Research Analyst II. Any comments or questions can be addressed by e-mail: Research@doc.state.ma.us. The contributions by Colleen Rosales, Eva Yutkins-Kennedy, Hollie Matthews, Gina Papagiorgakis, and Amanda Zaniwski were significant and greatly appreciated. Copies of publications from the Research and Planning Division can be found on www.mass.gov/doc.

Publication No. 15-140-DOC-01, 6 pgs. – May 2015
Authorized by: Gary Lambert, Assistant Secretary for Operational Services