

PANEL ON JUSTICE-INVOLVED WOMEN

2019 Status Report



1. PANEL ON JUSTICE-INVOLVED WOMEN MEMBERS

SEAT	MEMBER
Chair, Commissioner of the Dept of Corrections (or designee)	Allison Hallett, Assistant Deputy Commissioner of Reentry
Commissioner of the Dept of Children and Families (or designee)	Linda Spears, Commissioner
Commissioner of the Dept. of Mental Health (or designee)	Nancy Connolly, Psy.D., Assistant Commissioner of Forensic Mental Health Services
Commissioner of the Dept of Public Health (or designee)	Sarah Ruiz, MSW, Director of Planning and Development, Bureau of Substance Addiction Services
Commissioner of the Office of Probation (or designee)	Edward Dolan, Commissioner of Probation
Member of the House of Representatives	Representative Chynah Tyler
Member of the Senate	Senator Cindy Friedman
Member of the Massachusetts Sheriffs' Association	Patricia Murphy, Assistant Superintendent Hampden County
Persons representing justice-involved women	Andrea James, National Council for Incarcerated and Formerly Incarcerated Women and Girls
Persons representing reentry programs	Gloriann Maroney, Chair of the Parole Board Shara Benedetti, Parole Nicole Bell, Living in Freedom Together
Persons representing domestic violence prevention	Maureen Gallagher, Jane Doe Inc.
One person who has been incarcerated	Beth Connelly Delia Vega, Worcester Interfaith

2. EXECUTIVE SUMMARY

Pursuant to Section 223 of Chapter 69 of the Acts of 2018, *An Act Relative to Criminal Justice Reform* (hereinafter “The Criminal Justice Reform Act”), the Panel on Justice-Involved Women (hereinafter “the Panel”) was established “to review and report on the impact of this act and other criminal laws on women and make recommendations on gender-responsive and trauma-informed approaches to address the pretrial, incarceration and rehabilitation needs of justice-involved women.” Further, the panel is tasked with “review[ing] and consider[ing] improvements including, but not limited to, family visitation policies, available reproductive health care, gender-specific, pre-trial services and programming offered within correctional institutions and post-release transitional assistance and supports for women.”

The Panel is committed to the work prescribed by The Criminal Justice Reform Act. The following report contains an overview of the work the Panel has completed since its establishment and its plans for the coming year. The Panel intends to continue its mission of reviewing existing conditions for justice-involved women and making meaningful recommendations wherever necessary. The goal of the Panel is to address the challenges that justice involved women disproportionately face, including parental stress, trauma, sexual abuse, domestic violence, exploitation and

human trafficking, substance abuse, and mental health concerns.

The Panel will submit a comprehensive report no later than December 31, 2020, as set forth in The Criminal Justice Reform Act, which will encompass all of the information contained herein as well as the continued work the Panel is able to accomplish in the coming months.

3. OVERVIEW

The Panel met four times between May 2019 and December 2019. The initial meeting consisted of an overview of the enabling statute and the duties and responsibilities of Panelists. It was decided that the Panel would begin by looking at the broad field of women in the criminal justice system to get a picture of the process in Massachusetts and identify gaps where improvements can be made. While the Panel decided to look at the system broadly, it also chose to focus its attention on women of color, mental health and wellness, parole, restrictive housing, human trafficking, and program offerings in correctional institutions by looking at both qualitative and quantitative data on these issues. The Panel acknowledged that in order to properly fulfill its charge, it must be aware of the demographic background of incarcerated women in Massachusetts to understand the population better before making recommendations.

Another aspect of the system that Panelists acknowledged will require

attention and consideration is the familial and parental supports that may or may not be in place for this population of women and how to strengthen those supports. In addition to sustaining family connections, the Panel chose to focus on Section 35 dual civil commitment¹, reentry programs and housing, and visitation in correctional facilities as well. The Panel resolved to explore distinctly female issues in the criminal justice system that sets women apart from men and identify best practices in diversion programs that could be implemented to reduce entrance into the criminal justice system. The Panel acknowledged that while a majority of the data they will be analyzing will be provided by the Massachusetts Department of Correction (hereinafter “the DOC”), it will not explain how these women entered the criminal system, which is an important piece of the issue that the Panel would like to address. As such, the Panel intends to obtain information on women in the criminal justice system from the police departments and District Attorneys’ offices throughout the Commonwealth.

To better understand the rationale behind the creation of the Panel and its statutory language, Senator Brownsberger attended

a meeting of the Panel and discussed the Criminal Justice Reform Act’s intention in establishing the Panel. Senator Brownsberger spoke about family relationships being especially important when looking at the criminal justice system and advised the Panel to pay particularly close attention to these relationships when doing their work. Senator Brownsberger also spoke about a bill he sponsored during the 2017-2018 session – S.2170,² known as the “Primary Caretakers Bill” – and how it relates to incarcerated women. He also stated that the criminal justice system should always have a trauma-sensitive response and that oftentimes that does not happen.

In its 2019 meetings, the Panel faced issues with meeting the quorum requirements notwithstanding Panelists’ best efforts to attend (on two occasions, a meeting either began late or ended early). The Panelists remain committed to the work of the Panel and having a quorum to hold these very important meetings.

¹ Massachusetts General Laws Chapter 123, Sec. 35, permits the courts to involuntarily commit someone who has an alcohol or substance use disorder when there is a likelihood of serious harm as a result of his/her alcohol or substance use. Such a commitment shall be for the purpose of inpatient care of a person with an alcohol or substance use disorder in a facility.

² An Act providing community-based sentencing alternatives for primary caretakers of dependent children who have been convicted of non-violent crimes. The Primary Caretakers Bill was revised and ultimately included within the Criminal Justice Reform Act. See M.G.L. ch. 279 § 6B.

4. BACKGROUND ON FEMALE STATE-LEVEL CORRECTIONAL FACILITIES IN MASSACHUSETTS

Chairwoman Hallett, as Superintendent of MCI-Framingham and South Middlesex Correctional Facility, two Massachusetts prisons that house incarcerated women, gave an overview of the facilities and their distinct populations. Chairwoman Hallett was able to provide the Panel with a broad overview of the institutions, as well as a more detailed explanation of topics the Panel had expressed interest in. She spoke about the facilities' population, which includes some federal detainees and civil commitments as well as state and county pre-trial and sentenced women. She discussed the history of the institutions and their respective housing units. Chairwoman Hallett also explained the risk-needs assessment that the DOC administers at intake for incarcerated women. She also touched on the healthcare needs that are fulfilled within the facility including but not limited to dental care, physical therapy, and the ability to take x-rays. When touching on specific units, Chairwoman Hallett mentioned the Intensive Treatment Unit that houses women acutely in crisis. She explained the different phases based on acuity level and that the ultimate goal is to get the women stabilized and back into general population as soon as possible.

An important program that MCI-Framingham also has to combat substance abuse is the First Step program, which is available to any incarcerated woman who is detoxing upon admission and is the program that the Chapter 123, Section 35, dual civil commitments are required to complete. The facilities offer various other programs, including culinary arts, cosmetology, and gardening. In the cosmetology program, the women have the opportunity to test for and receive their license prior to release. The educational programming includes a partnership with Boston University that has offered a bachelor's program to incarcerated women. Chairwoman Hallett acknowledged that incarcerated women with shorter sentences do not always have the opportunity to complete all of the classes required to earn a college degree due to time constraints; they are considering a certificate program that could be a better fit for the women. Another educational opportunity the women have is to learn among students from Framingham State University (FSU). Some students at FSU take classes alongside the incarcerated women in the facility. When looking at healthcare, Chairwoman Hallett discussed the reproductive healthcare programming available at the facilities. The facilities are in full compliance with the anti-shackling law and have staff dedicated to assisting the pregnant female detainees with finding community-based treatment programs in the event the court with jurisdiction will allow them to be released to the community while they await trial.

There is a fulltime OB/GYN Nurse Practitioner on site and they also have a partnership with Boston Medical Center that includes weekly visits from an OB/GYN. The intent of this partnership in part is to allow pregnant women in DOC custody to give birth at Boston Medical Center. The facilities also have gender-neutral canteen lists for the entire population. South Middlesex Correctional Center has collaborated with Emerson College to pilot a virtual reality reentry program through which women can view a life skills vignette, i.e. a job interview, to help alleviate the stress before actually undertaking the task.

An important model that DOC uses is the Pathway Programming model for incarcerated women.³ This model is an evidence-based, gender-specific, and trauma informed reentry programming continuum for women.

Chairwoman Hallett also acknowledged the increasing population of elderly women at MCI-Framingham, which has resulted in an increased need for accommodations: for example duplicating programs held and services offered on the second floor in program rooms on the first floor for women who are unable to negotiate stairs due to a lack of elevators in the Old Administration Building. The Panel intends to focus on this and any

other concerns identified in the coming year.

5. BACKGROUND ON FEMALE COUNTY-LEVEL CORRECTIONAL FACILITIES IN MASSACHUSETTS

The Panel's representative from the Massachusetts Sheriff's Association, Assistant Superintendent of Hampden County Patty Murphy, presented on the Massachusetts Women Regional Correctional Center located in Chicopee, Massachusetts. Similarly to Chairwoman Hallett, she provided a broad overview of the facility as well as more specific details on topics the Panelists expressed interest in. Those topics included:

- The five different housing units (pre-trial, sentenced, minimum and pre-release, specialized detox and mental health treatment);
- The step-down program, which allows for movement from medium to minimum and pre-release;
- The substance use disorder unit;
- The after-incarceration support system in downtown Springfield;
- The step-down program with Framingham, to which women can request to be transferred prior to release; and
- At the community and court level, the diversion programs in place for

³https://www.mass.gov/files/documents/2018/04/19/Female_Pathways.pdf

women who might otherwise be incarcerated.

6. DATA COLLECTION

Based on the presentations from Chairwoman Hallett and Panelist Patty Murphy, the Panel decided that the best approach to tackling its charge would be to start with collecting as much existing data as possible. Without knowing what exists currently in facilities across the Commonwealth for incarcerated women, the Panelists determined they would be unable to fully accomplish its mandate in the Criminal Justice Reform Act. The Panelists thus prepared a survey to be submitted first to the sheriffs and then to the DOC. The Panelists spent two meetings fine-tuning the survey and carefully choosing the topics they wished to receive information on. Many of these were as a result of the presentations heard, but others were based on discussions among the Panelists. The survey is included herein as **Appendix A**. The survey requests information on the following topics:

- Operational capacity of each facility
- Total facility count
- Number of women
- Stage in the criminal justice process
- Security level
- Race/ethnicity
- If a woman is pregnant
- Whether, and how many, women are in Restrictive Housing

- Governing offense
- Governing sentence length
- Average length of sentence
- Average pre-trial stay
- Average daily population for 2018
- Current educational programs offered
- Current vocational programs offered
- Current health services offered
- Current mental health services offered
- General program services currently offered (i.e. gender specific/trauma informed, counseling services, religious services, etc.)
- Orientation classes currently offered
- All substance use disorder programs, counseling, and meetings offered
- Treatment programs currently offered
- Family services present at the facility
- All reentry services offered

The survey prepared by the Panel also allows the sheriffs to include comments on the capacity of the classes and programs offered as well as the length of waiting list, if any, and the completion rate of the programs offered.

7. NEXT STEPS

The Panel acknowledges that, as of the date of this report, it has just begun to scratch the surface of understanding

which issues to focus on first and how to make the best recommendations to address justice involved women's needs.

At the beginning of the year, the Panel hopes to have all survey responses from the sheriffs and begin its evaluation of the current offerings at the county facilities. Based on the results, the Panel hopes to determine how best to move forward with its important work.

The Panel plans to convene on a monthly basis to continue its work and collect the data it needs at the state and local levels to conduct a comprehensive review and assessment of the current system and look for gaps and areas that need improvement before developing a set of recommendations for the Legislature.

The Panel decided to focus its attention on an internal and external approach. The internal approach will look at dignity and well-being for incarcerated women with meaningful pathways for release. The external approach will look at pre-conviction diversion as well as post-conviction services, alternatives, and review and implementation of the Primary Caretaker Act as incorporated into the Criminal Justice Reform Act. Another pressing potential concern the Panel would like to focus on is the idea that there is a high population of women in pre-trial detention. In order to do so, the Panel will obtain data points that it believes will identify if in fact the suggestion that there is a high population

of pre-trial women in detention is accurate.

In addition to this two-pronged approach, the Panel will be focusing on programs and issues viewing trauma as the root cause behind system involvement. The Panel will use this trauma lens when assessing and evaluating the way justice involved women are treated by the system.

The Panel also expects to conduct site visits to Massachusetts state and local level facilities where incarcerated women are housed, including correctional facilities and pre-release centers. In addition to interviews at these facilities, the Panelists will look to include formerly incarcerated women in the Panel discussions to include their perspectives and inform the Panel's work.

In addition to data collection and site visits, the Panel intends to review and make recommendations on proposed legislation that would impact their target population, including the proposed "Dignity for Incarcerated Women Act."

At the time of this report, the Panel was also focused on addressing a transfer of women previously held at MCI-Framingham to county facilities. The Panel, through its work, intends to study the concerns raised by the transferred women by hearing presentations from both DOC and sheriffs' personnel and ultimately making any recommendations to improve this process going forward if necessary.

The Panelists recognize the important duty the Legislature has entrusted to them through the Criminal Justice Reform Act. Each Panelist is committed to making a meaningful impact on the treatment of incarcerated women in the Commonwealth through the entire criminal justice process. The Panelists look forward to the effect they are able to bring about through the recommendations they bring forward in the coming year.