

WOMEN IN PRISON IN MASSACHUSETTS: MAINTAINING FAMILY CONNECTIONS

A RESEARCH REPORT
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EXECUTIVE SUMMARY

"The family is probably this country's most valuable weapon in fighting crime. Prisoners who receive visitors, maintain family ties, and are released to a stable home environment are more likely to succeed in leading productive, crime-free lives."

The National Context

In 2003, over 101,000 women in the U.S. were incarcerated in federal and state prisons (exceeding 100,000 for the first time in history). Another 80,000 were held in local jails, for a total of 182,000 women in prison. While this is a relatively small number compared to almost two million incarcerated men, it is nevertheless a significant number. Further, there has been a steady and rapid increase in numbers of incarcerated women (in 1980, 11,000 women were held in state and federal prisons) and the annual rate of increase for women is now greater than it is for men (5 percent compared to 3 percent).

In the absence of accurate data, we applied the findings of studies showing that typically 60-80 percent of women in prison are mothers of 2.3 children. We estimate that 136,000 of the 182,000 incarcerated women were mothers of approximately 314,000 children under the age of 18 (20 percent of whom were under the age of 5).

Because 65 percent of women inmates were the primary caretakers of their children before being incarcerated (compared to 25 percent of male inmates), the children of mothers in prison experience far greater dislocation than do the children of male prisoners. A national study in 1997 revealed that 53 percent of children of women inmates were placed with a grandparent, 28 percent of children went to their fathers, 25 percent went to other relatives, and 10 percent were placed in state custody.

Maintaining Family Connections

Child welfare experts argue that three critical components are necessary to maintain the parent-child bonds between mothers in prison and their children: a)

supportive contact visiting between mother and child; b) support for and monitoring of children separated from their mothers; and c) assistance for parents in understanding how to interact with their children and to become better parents.

Yet most children have little if any regular contact with their incarcerated mothers. The 1997 national study also showed that half of the mothers in prison never received a visit from their children, one-third never received a phone call, and one-fifth never received mail. It also revealed that the number of family contacts appeared to have declined over the previous two decades.

Most children are affected deeply by this separation. Even children who have experienced neglect may want information about and some communication with their mothers. In addition, many children are also separated from their siblings.

Children's responses to this separation vary according to many factors—including their ages and the information they have been given. Generally, children between the ages of two and six are more likely to experience separation anxiety, guilt, and shame, whereas older children may experience withdrawal and rage.

Caregivers may create a "conspiracy of silence" as they try to protect children from what they consider embarrassing information. Children sense this silence, often interpreting it to mean their parents are in danger, have rejected them, or that they (the children) did something to drive the parent away. Alternatively, caregivers may lie to children, telling them that their mothers are in the hospital or away on a trip.

Without skilled intervention, children can develop serious behavioral problems and negative coping patterns, including poor school performance, sexual aggression, gang involvement, substance abuse, and juvenile delinquency (one study found that 29 percent of the eleven- to fourteen-year-olds with mothers in prison subsequently were arrested and/or incarcerated).

Obstacles to Family Connections

The following factors, often in combination with one another, have been identified by researchers as creating obstacles to family connections:

- The isolated location of women's state prisons, combined with poor or nonexistent public transportation, creates a significant barrier to maintaining family connections.
- Restrictive corrections policies governing visits and phone contacts; the lack of timely legal advice on child-custody issues; inadequate substance-abuse and mental health treatment; insufficient parenting resources; lack of good-quality pre- and postpartum care; the removal of infants born to women in prison; and in general the lack of availability of gender-based programming and gender-sensitive classification.
- Other state agencies' policies also affect family connections. Although child-welfare agencies may require that children in their care or under their supervision maintain contact with their mothers, the availability of staff and the isolated locations of prisons may prevent regular contact. Adoption policies designed to prevent languishing children of speed in foster care may lead to the speedier termination of custody of women in prison; lack of mental health and public health agencies' involvement in prison programming may limit women's treatment options; and welfare policies restricting benefits (cash, housing, and food) for women with criminal histories affect their chances of reunification with their children.

- Women's personal histories often impede family connections. It is widely documented that women in prison have experienced widespread abuse (emotional, physical, and sexual) and have a high incidence of drug abuse and mental health problems.
- The length of women's sentences affects family connections. However, it is not only the longer sentences that create problems for family members. Research shows that women who commit the types of offenses that typically receive short sentences are often recidivists and that their chances of reunification decline dramatically each time they are incarcerated.
- The dearth of data on women in prison and their children restricts the development of family connections policies and resources. The lack of information on the quality, quantity, and effectiveness of prison programs and resources is also problematic. Difficulties also arise from women in prison who withhold data on their children for fear their children will be removed from their custody.

Creating a Family Connections Policy Framework

"Recognizing the centrality of women's roles as mothers provides an opportunity for the criminal justice, medical, mental health, legal, and social service agencies to develop this role as an integral part of program and treatment interventions for women."

- Women in prison have traditionally been either ignored or marginalized, and not until the past decade has the language of gender-specific practices been even widely discussed. The lack of a comprehensive *family connections policy framework* restricts both the development of family connections policies and the means by which to assess them. In the absence of such a policy framework, we created the *Family Connections Policy Framework*. It has four components intended to span all phases of involvement women may have

with law enforcement, criminal justice, and corrections systems.

- **PREVENTION** refers to policies designed to prevent the separation of family members in the first place by reducing the numbers of women who are incarcerated, especially for nonviolent offenses
- **ANTICIPATION** refers to protocols to anticipate the separation of mothers and children at the points of arrest, arraignment, and sentencing.
- **ACCOMMODATION** refers to policies to facilitate family connections once women are incarcerated, and addresses contacts, therapeutic intervention, and parenting skills.
- **REUNIFICATION** refers to policies to ease women's transition from prison to the community, and to reunification with their children.
- **INFORMATION** is generic to all four components and addresses the availability of data to inform policy needs assessments, planning, implementation and evaluation.
- We apply the *Family Connections Policy Framework* to Massachusetts policies. Since we are concerned here with incarcerated women, we analyze the ACCOMMODATION, REUNIFICATION, and INFORMATION components.

Exploring Family Connections Policies in Massachusetts

Before we describe family connections policies, we provide a context for them by describing Massachusetts' current women's prison population and corrections facilities.

Mothers in Prison in Massachusetts

In order to know how many children are affected by mothers' incarceration, we wanted to know how many mothers are incarcerated annually, how many children they have, and how much contact they have

with them. We were unable to obtain these data.

- We know that on January 1, 2003, there were 535 women in MCI Framingham (Massachusetts' only women's prison). This number represented only 6 percent of the total inmate population, but indicated a 7 percent increase over 2002 (compared to a 2 percent decrease for men in the same period). Our survey revealed that the average daily count in 2003 was over 660 women, but we know that the total number of women passing through the state prison during the year was closer to 4,000. We know, too, that approximately 80 new court commitments were made to MCI Framingham, that another 900 new commitments were made to the houses of correction, and that 114 pregnant and postpartum women were held in MCI Framingham.
- In the absence of more detailed data on mothers and children, we combined several data sources to estimate that a total of 9,000 women were held in MCI Framingham and the houses of correction in 2003. We think that approximately 6,900 of these women in prison were mothers of about 16,000 children.
- Further, we identified the inmate characteristics that are likely to affect family connections. Women in MCI Framingham are somewhat older than women in houses of correction; they are more likely to be women of color, to have lower levels of education, to have committed drug offenses, and to have longer sentences. Women held in the houses of correction are somewhat younger and are more likely to be incarcerated for "other" offenses, including indecency, prostitution, and driving under the influence of alcohol or other substances.
- Clearly, women in both MCI Framingham and the houses of correction have a high level of drug- and alcohol-related offenses. In addition, a recent fact sheet revealed that over 60 percent of women in DOC custody have open mental health cases.

- Over half of the women in MCI Framingham have maximum sentences of over 3 years (with 15 percent having sentences longer than 10 years), compared to almost 90 percent of the women held in county facilities who are sentenced to 12 months or less.

Four Correctional Facilities

We made site visits to the following correctional facilities in 2003. They were selected to represent diversity of age, location, size, and purpose.

- *MCI Framingham* was established in the late nineteenth century and is one of the country's oldest women's prisons. The prison is located in the eastern part of the state, about forty miles from Boston, with no direct public transportation to the prison. It houses women with several sentencing statuses, including women awaiting trial, women serving "county time" (sentences up to two and a half years), women serving "state" sentences (two and a half years or longer), women incarcerated for civil offenses, and women serving "federal time." The sentenced population is held at 125 percent of capacity, and the Awaiting Trial Unit is held at 288 percent of capacity.
- The *Hampden County House of Correction*, opened in 1992, is a maximum-security facility located in Ludlow, western Massachusetts, without access to convenient public transportation. It is a coeducational facility, housing over 1,000 men and 150-160 women.
- The *Suffolk County House of Correction* opened in 1991, replacing a prison on Deer Island. Located in central Boston, it has easy access to public transportation. It is also a coeducational facility, housing approximately 1,300 men and 100-120 women.
- The *Essex County Women in Transition* (WIT) Program opened in 2000 and is located in Salisbury on the same site as electronic monitoring and a drug and

alcohol treatments. WIT is a minimum prerelease facility, housing mostly women from Essex County who have served county time in Framingham. On any given day, WIT holds 20-24 women, the electronic monitoring unit holds 20 women, and the sobriety program holds another 12 women.

Statewide Policies

- The Massachusetts Department of Corrections has a statewide phone policy allowing prisoners to make only collect calls. These calls must be made to a list of people who have been approved by correction officials, and no more than fifteen names are allowed.
- The Department of Social Services (DSS) has clear statewide policies requiring that children under their supervision—including those with mothers in prison—regularly visit their mothers. However, DSS also implements Massachusetts Adoption Law, enacted in 1998 and designed to ensure that children under the supervision of the department receive permanent placements—preferably adoption—in as short a time frame as possible. The decision to terminate a parent's custody may be made if a child has spent fifteen of the preceding twenty-two months in foster care. For children under the age of four, proceedings to terminate parental rights may occur within six months of separation from the mother, and for older children these proceedings may occur after twelve months of separation.
- The Department of Transitional Assistance's (formerly the Department of Welfare) statewide policy, Chapter 5, was implemented in 1996. It adopts an optional policy that renders women with criminal records, especially for drug offenses, ineligible for receiving cash assistance and food stamps. Under Housing and Urban Development policies, women may also be denied subsidized housing benefits. These resources are essential for mothers who wish to be reunited with their children.

The Four Sites' Institutional Policies

ACCOMMODATION policies

- The isolated setting and lack of transportation in several facilities place extra burdens on maintaining family connections and in communicating with attorneys and social workers. Extra burdens are experienced by the families of women who have not yet been sentenced and are held in the overcrowded Awaiting Trial Unit at MCI Framingham.
- Visiting policies were different in every institution, but only one county house of correction that responded to our survey did not permit contact visits between mothers and their children. However, not one of the sites we visited had a visiting room that was both fully equipped for children and large enough to accommodate all the families who wanted to use it. Despite the long trips some children take to visit their mothers and with the extra time required to wait to enter the facilities, only one venue allows children to bring snacks (clear fluids only).
- Phone call policies, which one might expect to be less problematic than visits, were in fact quite restrictive. Although one facility had no limits, in general there are restrictions on the number and length of calls inmates can make, children cannot call in to their mothers, and caregivers often refuse or block collect calls from incarcerated mothers.
- The presence of clearly written protocols between DSS and some institutions facilitates visits by children under DSS supervision. Caseworkers who bring children to visit their mothers are not searched and do not have to wait in line as long as other visitors.
- There appear to be wide variations among the facilities in the availability of parenting resources and in the presence of experienced personnel working with women on family issues (legal, emotional, and educational).
- Volunteer groups, such as the Girls Scouts, ministers, religious groups, attorneys, and community based groups, are a mainstay of support, but their existence is often tenuous because of their dependence on external funding and institutional authorization.
- Therapeutic treatment appears to be fragmented rather than holistic. Considering the high incidence of mental illness, substance abuse, and sexual trauma among women, often it is not effective to address one problem at a time. Yet few correctional facilities have adopted a gender-specific approach that recognizes that women's circumstances require special consideration.

REUNIFICATION policies

- Small-scale community-based prereleases centers, like WIT, and the South Middlesex Center, with connections with community-based programs, appear to be highly conducive to maintaining family relationships.
- A sizeable obstacle to mothers' successful transitions from prison to community life is a decline in supportive resources for families outside prison – especially income, food stamps, and housing. Participation in work release is a critical resource, especially when security concerns can be addressed through the use of electronic bracelets. However, we do not know the extent to which these valuable work-release opportunities are parlayed into jobs after women are released.

INFORMATION policies

- We have no accurate data on the number of mothers and children affected by mothers' imprisonment. We do not know how many children visit or maintain contact in any way, or how well they are doing.
- WIT maintains data on inmates' characteristics, children, activities, and programmatic options. However, in general the large amounts of data collected by state and county correctional facilities are not necessarily relevant for family connections, or even consistent with each other.
- Women's reluctance to reveal they have children is an obstacle to family connections. It is an unfortunate irony that inmates who are reluctant to reveal they have children out of fear of losing custody of them are more likely to lose custody because they do not maintain contact with them, resulting in a "catch-22 situation."
- We do not know the extent to which other state agencies generate data that address the family connections of women in prison. We think it unlikely that the data necessary to facilitate family connections are analyzed and discussed within and between agencies.
- We do not know how many children receiving welfare benefits are unable to apply for cash, housing subsidies, health care or food stamps, or how many women whose children are in DSS care lose custody of their children each year.
- Our study was limited by the fact that it did not include a review of data from the Department of Public Health. The Department has instituted important programs for women prisoners and has numerous data on HIV/AIDS, however, we did not examine the (significant) issue of HIV/AIDS among women prisoners and the special implications it has for family connections.

Recommendations

We concur with the following quote from the Harshbarger report on the overall status of corrections:

"Women [in Massachusetts] generally have many fewer options (especially relative to their greater needs) than men do. Even though there are fewer women in the system, the state must respond to their needs...There should be a dedicated external review of the unique issues pertaining to female offenders."

And recommend the following comprehensive, long term and short-term strategies.

Comprehensive Strategies

- Acknowledge that female offenders in general and women in prison in particular have special needs that are largely overlooked within the criminal justice and corrections systems, and that it is unacceptable to marginalize women based on the rationale that they constitute only a relatively small proportion of the prison population. Delineate areas of responsibility for developing and maintaining gender specific approaches.
- Apply the *Family Connections Policy Framework* we developed in this project to assess the current status of family connections policies. Commission a thorough review of current

resources and policies throughout corrections facilities and undertake a detailed inventory-- quality and quantity—of existing resources in prisons serving women and family connections.

- Develop system-wide, gender-specific, and holistic treatment approaches that not only address parenting programs but also address women’s histories of emotional, sexual, and physical abuse, as well as their drug and mental health problems.
- Assess the effectiveness of all resources and policies through timely and consistent evaluations of participation levels, quality, relevance, and satisfaction; enable follow-up studies to measure program/policy impacts. Acknowledge and reward innovative and successful programs.
- Encourage correctional personnel to share innovative approaches and to communicate with, and learn from, one another. Establish collaborative relationships among corrections, state and private agencies to prepare women to gain access to treatment, housing, jobs, education, childcare, and financial resources on their reentry to the community.
- Review state public assistance and housing policies regarding mothers’ eligibility for benefits and subsidies.
- Expand the focus of the *Family Connections Policy Framework* to include the PREVENTION and ANTICIPATION components.

Short-Term Strategies

ACCOMMODATION

- Expand transportation options to facilitate and increase prison visits.
- Establish contact visits for families at all facilities. Create family-friendly visiting rooms with sufficient space to accommodate all families.
- Allow children to bring snacks into correctional facilities or have food available for them.
- Encourage mothers to engage in age-appropriate reading and play with children.
- Facilitate phone contact between mothers and children.
- Establish consistency of services and visits by volunteer and outside organizations.
- Encourage mothers and children to exchange letters, drawings, photographs, and audiotapes.
- Supervise visits and provide support to families that have a history of difficult relationships with children and other family members.

REUNIFICATION

- Increase opportunities for weekend furloughs overnight family visits, work release, and utilization of community services.
- Use visits as a teaching tool: create instructive, supportive preparation and debriefings around family visits.

- Permit women awaiting trial and serving nonviolent sentences on parole to be monitored with electronic bracelets, allowing them greater freedom of movement to visit family members.

INFORMATION

- Conduct confidential interviews with women in prison to ascertain the number who have children, identify their concerns, and ascertain children's circumstances.
- Provide accessible information to family members on regulations affecting family connections, e.g., phone and visiting policies, and transportation options.

Finally, 2004 brought a number of positive changes. With a new Corrections Commissioner, an active female offender specialist, and comprehensive reports from two distinguished Commissions—Criminal Justice and Corrections—we are optimistic that the time is ripe for discussion and action to improve awareness of the special problems of women in prison and to highlight the importance of maintaining family connections both for these families and for society.