

Women and Violent Crime: Do the Facts Justify Building a New Women’s Prison in Massachusetts?¹

The Massachusetts Department of Correction (DOC) announced its intention to close MCI-Framingham, the primary state prison for women, by 2024. To replace MCI-Framingham, the DOC is planning to construct a new women’s prison at an estimated cost of \$50 million.

Social workers, attorneys and [community groups](#) opposing the prison project argue that the time has come to end punitive policies that give rise to mass incarceration, and that public money could be better spent on services that support families and build up communities.

The population of women incarcerated for violent crimes has emerged as a sticking point in efforts to balance concerns for public safety with commitment to the rights and well-being of women. To help ground these concerns in research, this document presents an overview of data and scholarly literature on women, violence, and crime.

Five points emerge from the research literature:

- Classification of acts into “violent” and “non-violent” is inconsistent in American law and practice, and does not correlate with actual violence or with commonsense understandings of what an act of violence might entail.
- Women have very low rates of arrests and convictions for violent crimes. Fewer than 150 women currently are incarcerated at MCI-Framingham for violent crimes.
- Women are more likely to be victims than perpetrators of violent crimes.
- Women who commit violent crimes usually do so in the context of household or intimate partner abuse.
- Women released from prison after serving time for violent crimes are unlikely to commit a subsequent violent crime.

What are violent crimes? The categorization of crimes into violent and non-violent is malleable and inconsistent across America. Some acts that people may not consider to be violent (for example, burglary of an empty home or driving under the influence) are categorized as violent in some jurisdictions (O’Hear, 2019). While Congress has attempted to provide a uniform definition of a crime of violence, “courts have struggled to assess the scope of that definition” (Smith, 2018, p. 4).

Police and prosecutors, moreover, have a great deal of discretion in deciding whether to treat an incident as a violent or non-violent crime, or not as a crime at all (Sklansky, 2021).

Approximately 95% of criminal convictions are the result of plea bargaining, which throws into

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doubt any clear relationship between individual actions and the charges that appear on criminal records (Savitsky, 2012; Jones, 2011).

Acknowledging the deeply problematic nature of the term “violent crime,” we use it in this document for the following reasons: (1) recognition that all legal concepts are social constructs **and** that social constructs have real, palpable effects in the world; (2) respect for the perspectives and lived experiences of women who have been victims of violent crimes; and (3) the fact that it is the only available classification that offers any insight into the frequency of acts of violence. Our use of the term is not meant to endorse how it is constructed or applied in Massachusetts or elsewhere.

On what basis does the Massachusetts Department of Correction classify people as having committed a violent offense? DOC classification uses a determination made by the sentencing court based on categories of crime defined by the law and not any individual determination based on specific acts the women may have committed.

According to the Massachusetts DOC “Prison Population Trends 2020” (Cannata et al., 2021), **all** crimes against persons and **all** sex crimes are categorized as violent while all property and drug offenses are categorized as non-violent. The Caveats and Definitions section of that document defines person offenses and sex offenses as “primarily set forth” in M.G.L. ch.265 and/or M.G.L. ch.272. Those chapters in the Massachusetts General Laws comprise long lists of crimes including acts that likely understood by the general public as non-violent (e.g., sex work and other offenses “against morality”).

Do women commit acts that are classified as violent crimes at the same rate as men? No. According to the Federal Bureau of Investigation’s crime data, of all reported violent crimes for 2019, only 17% involved female suspects (Federal Bureau of Investigation, 2019). In fact, women are more likely to be victims than perpetrators of violence (Fridel & Fox, 2019).

Women with a violent governing offense makeup only 2% of the total Massachusetts DOC jurisdiction population (Commonwealth of Massachusetts, 2021).

How many women are serving time in prison in Massachusetts for crimes that have been classified as violent? The population of women held in custody by the Massachusetts Department of Correction has decreased by 75% since 2014. Altogether fewer than 200 women are currently incarcerated at MCI-Framingham. The majority of new commitments annually are women convicted of offenses classified by the Massachusetts DOC as non-violent. Women convicted of offenses classified as violent by the DOC tend to be given longer sentences so their numbers “stack up” and currently comprise 75% of the prison population (Cannata et al., 2021).

What do we know about the violent crimes for which women are convicted? Data from the United States Department of Justice indicate that the large majority of violent crimes committed by women involve single victims who were current or former intimate partners, other family

members or friends. Forty-two percent of women's acts that are classified as violent crimes take place in a family residence, most often one shared by the woman and the victim (Willison, 2016; Fedock, 2018).

In a national survey of women incarcerated for murder or manslaughter convictions, at least 30% said they were protecting themselves or a loved one from physical or sexual violence; 33% said that they had been convicted of committing their crime with a male partner; and 13% said that they had been convicted of committing their crime with an abuser under duress from the abuser (van der Leun, 2020; see also Campbell & Jensen, 2019).

What is known about women who are sentenced for violent crimes? Women who have been victims of childhood abuse are substantially more likely to be arrested for violent crimes both as juveniles and as adults than women who have not (Widom & Osborn, 2021; Pizarro et al., 2010; Cernkovich et al., 2008; Morash et al., 2018). In a national study of women serving life sentences (nearly all for murder), 80% reported having experienced physical abuse, 77% experienced sexual abuse, and 84% witnessed violence at home (The Sentencing Project, 2019).

Traditional notions of proper femininity as gentle or passive may lead to harsher punishment and stigma for women seen as violating conventional gender norms (Kruttschnitt & Gartner, 2008). Women of color are especially likely to be perceived as aggressive and treated more harshly than white women within the criminal legal system (Carlyle et al., 2014; Campbell & Jensen, 2019).

What is known about the women are serving sentences for murder in Massachusetts? As of February 2021, 48 women were serving sentences for first or second degree murder at MCI-Framingham. The majority were 45 years old or older (33 out of 48 women), white (37 out of 48 women), and had already served more than ten years of their sentences (37 out of 48 women) (Massachusetts DOC public records request communication, February 8, 2021).

How likely are women incarcerated for an act classified as a violent crime to commit another such act after being released from prison? Individuals sentenced for what are labeled as violent crimes have low rates of rearrest for such crimes (Nellis & Bishop, 2021; United States Sentencing Commission, 2019). A meta-analysis of studies examining predictors of recidivism rates of violent versus non-violent crimes found that even women with criminal histories that contain purported acts of violence tend to be subsequently arrested for crimes that are labeled non-violent rather than violent (Collins, 2010).

Middle-aged and older women are especially unlikely to commit violent crimes (Deschenes et al., 2007). Research found only a 3% recidivism rate among the nearly 200 elderly women serving life sentences in Maryland who were released en masse in the wake of the *Unger v. Maryland* ruling that their sentences were unconstitutional (Justice Policy Institute, 2018).

These findings are especially relevant in Massachusetts where the majority of women incarcerated for murder are above the age of 45 years.

Do the approximately 144 women incarcerated at MCI-Framingham for crimes classified as violent (Commonwealth of Massachusetts, 2021) justify spending millions of dollars on constructing a new women’s prison? Extrapolating from the available data, it seems unlikely that spending \$50,000,000 on new construction to incarcerate a small population of women will contribute to public safety or the well-being of women and families. Studies make it clear that women rarely commit violent acts, and that when they do the acts tend to be situational in the wake of intimate partner violence and are nearly always a one-time occurrence.

Women serving time for conviction of a violent crime should not all be treated as inherently violent, dangerous, or needing to be kept in a high-security environment. Problems associated with women and violent crime could be more effectively addressed through educational and social programs shown to reduce violence against women and girls. In particular, safe and sustainable housing for women and girls facing abuse from family members and intimate partners is both more humane and more cost effective than incarceration.

What can the Massachusetts Department of Correction do to reduce the number of women incarcerated for violent crimes?

Revise the classification system and eliminate the inaccurate labeling of people as violent, a permanent label that negatively impacts opportunities for parole as well as for successfully obtaining jobs and housing post-release. In a vicious cycle, post-release struggles increase the chances of reincarceration.

Accelerate and streamline prison release processes drawing on evidence-based considerations including gender, age, health and life circumstances at the time of the criminal act and during incarceration. This can be accomplished through greater use of existing channels such as clemency and medical and compassionate release.

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