

# Women and Massachusetts County Jails: An Introduction

March 2024

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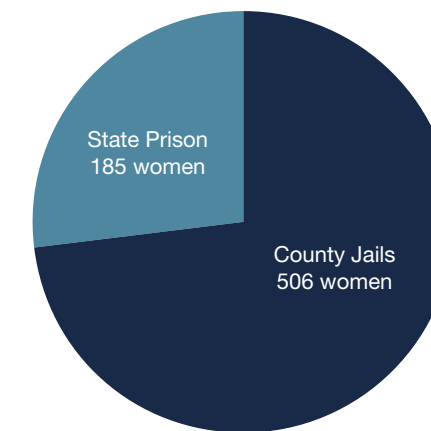


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## Introduction

More women in Massachusetts are incarcerated in county jails than in state prison, yet relatively little attention has been given to this group of women—or to the jails in which they are incarcerated.

FIGURE 1: Number of Women in County Jails and State Prison, May 2023



Data source: <https://www.mass.gov/info-details/cross-tracking-system-state-county-correctional-populations>

Women typically spend relatively short amounts of time in jail (days, weeks, or months, with a smaller number spending up to a few years), and nearly all women incarcerated in jails come home to their communities. Yet even a short stint in jail can have long term adverse consequences for women and their families (Breuer et al, 2021). Women can lose their jobs, housing, and even custody of their children if they have no one to take care of them. They can experience disruptions in medication or health emergencies that aren’t properly addressed, sometimes with fatal consequences. Moreover, being in jail puts them at risk of staying in jail: it’s well documented that people incarcerated before trial are more likely to be convicted than similarly situated people who remain in the community (Swavola, Riley & Subramanian, 2016; Kajstura & Sawyer, 2023). For all these reasons, it’s particularly important to understand the situation of women in jail.

This paper on women in Massachusetts jails outlines differences between jails and prisons, explains some of the complexities of systems of incarceration in Massachusetts, and summarizes key facts about women in jail in Massachusetts. The information presented here draws on data made available by the Massachusetts Department of Correction (DOC), a few responses to public records requests from county sheriffs’ departments, and extensive conversations with staff working with women in county jails as well as formerly incarcerated women. Later in this paper we summarize the obstacles we faced in our efforts to gather reliable information – obstacles that hinder informed public debate and policy making. Our research suggests wide variations in practice, not all of which we are able to document fully in this paper; we present the best information we have been able to gather and confirm.

## What Is the Difference Between “Jail” and “Prison” in Massachusetts?

Jails<sup>1</sup> incarcerate individuals sentenced to less than 2.5 years, as well as a large number of people loosely classified as “pretrial” (more on this term below). When someone is sentenced to jail, the sentence is often referred to as a “county sentence” or “county time.” Seven of the 14 counties in Massachusetts have jails designated for women.<sup>2</sup> Thirteen have jails designated for men. Sheriffs of counties that do not have jails for women (or in the case of Nantucket County, any jail at all) rely on arrangements with other sheriffs to incarcerate people from arrest through serving a sentence.

Massachusetts jails are under the jurisdiction of county sheriffs, who are elected by residents of the county every six years. Although jails are funded by the state, sheriffs have a great deal of discretion over how they spend the state’s money and how they run the jails. Massachusetts is unusual in that it no longer has elected county governments such as boards of supervisors tasked with funding or overseeing the sheriffs. The absence of county government leaves a serious gap when it comes to oversight of jails.

Prisons, for the most part<sup>3</sup>, incarcerate individuals convicted of felonies who are serving sentences of more than 2.5 years; such incarceration is often referred to as a “state sentence.” Massachusetts state prisons are under the jurisdiction of the Massachusetts DOC, whose leaders are appointed by the governor. There is currently one women’s prison in Massachusetts, MCI-Framingham, which has been the focus of a great deal of research and public controversy for many years (Women and Incarceration Project, 2023).

**As of May 2023, women made up 7.3% of all people in county jails in Massachusetts.**

**This compares to 14% nationally – women’s rates of incarceration are lower in Massachusetts prisons and jails (Zeng 2023).**

<sup>1</sup>Technically, “houses of correction” incarcerate people who have been convicted and are serving a sentence, and “jails” incarcerate people who are “pretrial.” Most people refer to both these types of institutions as jails. In practice, county sheriffs’ departments may operate a jail for men but not for the smaller number of women in their custody, resulting in the incarceration of women in “houses of correction” or in jails/houses of correction in counties other than where they were arrested and arraigned.

<sup>2</sup>By saying “designated for women,” we mean to acknowledge that not all individuals incarcerated in a “women’s jail” identify as women. Official statistics distinguish only between “male” and “female,” although carceral facilities designated for women may also incarcerate trans or nonbinary people who do not identify as women and those designated for men may hold people who identify as women.

<sup>3</sup>We say “for the most part” because the situation in practice is more complicated. As we explain below, women charged in Middlesex County are sent to state prison both pretrial and for sentences of up to 2.5 years, and men throughout Massachusetts may be sent to prison or the Hampden County jail after a civil commitment for substance use.

## Which County Jails Incarcerate Women?

As explained above, in roughly half the counties there are no jails designated for women and women are instead incarcerated in a regional jail in another county. In the case of women whose cases originate in Middlesex County, women are incarcerated in the state prison.<sup>4</sup>

FIGURE 2: Where Women in Massachusetts Are Incarcerated in 2023 by County



It is important to remember that individuals are in the legal custody or “jurisdiction” of the county where they were arrested and charged, regardless of where they may be incarcerated. For example, if a woman is arrested in Norfolk County and subsequently booked into the Suffolk County House of Corrections, as illustrated in the map above, she is under the *legal custody* of Norfolk County and is in the *physical custody* of Suffolk County. One practical consequence of this arrangement is that the Norfolk County Sheriff’s Department is responsible for driving her to and from court and any medical appointments.

Table 1 shows where women are incarcerated in Massachusetts jails. Some of these jails are quite small or only incarcerate a specific group, such as women who will soon be finishing their sentence. The DOC and many sheriffs’ departments use euphemistic names including “women’s center,” “pre-release center,” “facility,” or “program” to refer to what are in fact jails.

<sup>4</sup>For a time, every woman arrested in the state was taken to MCI-Framingham. Over roughly the past two decades, some counties have begun to incarcerate women again. Massachusetts no longer incarcerates any women on behalf of the federal Immigration and Customs Enforcement (ICE) agency.

TABLE 1: Where Women Are Incarcerated in Massachusetts as of May 1, 2023

AGENCY & JAIL	INCARCERATED GROUPS	NUMBER INCARCERATED ON MAY 1, 2023 <sup>5</sup>
Barnstable County Sheriff's Department: Barnstable County Correctional Facility	Women classified as "pretrial" or serving a sentence of up to 2.5 years for <b>Barnstable, Dukes</b> and <b>Nantucket</b> counties	20
Bristol County Sheriff's Department: Bristol County Women's Center; Ash Street Jail	Women classified as "pretrial" or serving a sentence of up to 2.5 years in <b>Bristol</b> County; women who cannot pay for bail may spend a few hours or the entire weekend in the Ash Street Jail	64
Essex County Sheriff's Department: Women in Transition Center	Women convicted in <b>Essex</b> County and incarcerated at MCI-Framingham with up to 2 years left in their sentences, and women convicted in Essex County incarcerated in the Suffolk County Sheriff's Department who are nearing their release date	13
Franklin County Sheriff's Department: Franklin County House of Correction	Women classified as "pretrial" or serving a sentence of up to 2.5 years for <b>Franklin</b> County	19
Hampden County Sheriff's Department: Western MA Women's Regional Correctional Center in Chicopee; Western MA Recovery and Wellness Center in Springfield	Regional Correctional Center: Women classified as "pretrial" or serving a sentence of up to 2.5 years for <b>Berkshire, Hampden, Hampshire,</b> and <b>Worcester</b> counties  Recovery and Wellness Center: Women classified as "minimum" or "pre-release" status. Eligible women include those convicted in <b>Berkshire, Hampden, Hampshire,</b> and <b>Worcester</b> counties who are classified to lower security by the Department of Correction or the Western MA women's Regional Correctional Center. Also, select "pretrial women" who are ordered to the Center by a Recovery Court or Probation Diversion Program to participate in the treatment program	178

AGENCY & JAIL	INCARCERATED GROUPS	NUMBER INCARCERATED ON MAY 1, 2023 <sup>5</sup>
Middlesex County Sheriff's Department: Middlesex County Women's Pre-Release Center	All women transfer from MCI-Framingham. Eligible women include those serving the last part of their sentence at MCI-Framingham and classified as "minimum security" by the DOC from <b>Barnstable, Bristol, Dukes, Middlesex, Norfolk, Plymouth</b> and <b>Suffolk</b> counties, and also those sentenced to "county time" at MCI-Framingham from <b>Middlesex</b> County. In addition, some women are further classified as "pre-release" and able to work at paid jobs in the community.  (We have not been able to confirm whether women convicted in <b>Nantucket</b> County are also eligible to move to the Middlesex County Center.)	9
Suffolk County Sheriff's Department: Suffolk County South Bay House of Correction	Women classified as "pretrial" or serving a sentence of up to 2.5 years for <b>Essex, Norfolk, Plymouth,</b> and <b>Suffolk</b> counties	180
MCI-Framingham (the state prison also incarcerates women "pretrial" and after sentencing who are in the legal jurisdiction of Middlesex County)	Women <b>statewide</b> sentenced for more than 2.5 years (this is the prison's primary function)  Women classified as "pretrial" or serving a sentence of up to 2.5 years for <b>Middlesex</b> County  Women who have been civilly committed as a danger to themselves or others because of a substance use disorder AND who have also been charged with a crime	190 <sup>6</sup>

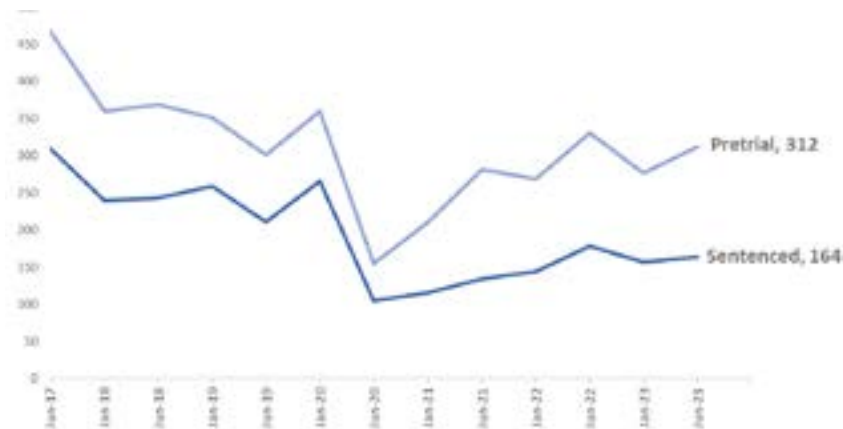
<sup>5</sup>Throughout this table and report, we have used the data from the [Cross-Tracking State and County Correctional Populations site](#), which explains that "due to business and operational processes [of various reporting agencies] historical counts may be subject to change."

<sup>6</sup>The most recent available data showing the number of women incarcerated in MCI-Framingham by category is from January 1, 2023. According to the institutional fact card for MCI-Framingham, of a total of 201 women, 148 were criminally sentenced (presumably this includes both women serving a state sentence and a Middlesex County sentence); 42 were pretrial (presumably most are women in the jurisdiction of Middlesex County); and 11 were civilly committed (elsewhere referred to as "civil admissions," these women were presumably committed under Section 35) ([MA DOC Institutional Fact Cards, January 2023](#)).

## “Pretrial”: A Misleading Designation

Official reports in Massachusetts divide people in jail into two categories: “sentenced” and “pretrial.” As Figure 3 shows, the majority of women incarcerated in county jails are designated as “pretrial.”

FIGURE 3: Women in Massachusetts County Jails Sentenced and Pretrial, June 2023



Data source: <https://www.mass.gov/info-details/cross-tracking-system-state-county-correctional-populations>

The term “pretrial” often is mistakenly presumed only to include individuals waiting to go to trial. In fact, “pretrial” is a catch-all category that includes:

- » People waiting to go before a judge for the first time since being arrested (“pre-arraignment”).
- » People waiting for their case to be resolved by a plea bargain, sentencing hearing, or—more rarely—a trial. In Massachusetts, as in the rest of the country, nearly all convictions and sentences are the result of plea bargains; fewer than 2–5% of cases actually go to trial (USCourts.gov, 2022; Table D-4.; Subramanian et al, 2020).
- » People are in jail because they cannot afford bail or because it takes time for them to raise the money needed for bail.<sup>7</sup>
- » People incarcerated for violating a condition of their probation.<sup>8</sup> These conditions can include a multitude of mandates and restrictions, such as attending programs (parenting, anger management, job readiness) and not living or communicating with certain people, not going into a bar, and more. Violations can include missing an appointment, an ankle bracelet or GPS monitor malfunctioning, testing positive for drug use, and, in fewer instances, being arrested on a new charge.

<sup>7</sup>According to our interviews, this situation has improved since the 2017 Massachusetts Supreme Judicial Court ruling in *Branagan v. Commonwealth*, which held that when “setting the amount of bail, whether under G. L. c. 276, § 57 or § 58, a judge must consider a defendant’s financial resources, but is not required to set bail in an amount the defendant can afford if other relevant considerations weigh more heavily than the defendant’s ability to provide the necessary security for his appearance at trial” (*Branagan v. Commonwealth*, 2017). In addition to this court decision, the Massachusetts Bail Fund has ramped up its operations and is able to bail more people out of jail.

<sup>8</sup>Probation and parole are systems of surveillance or “community supervision” in which individuals who have been charged with or convicted of a crime can live in the community if they abide by a set of conditions set by a judge and the probation or parole agency.

- » People who are being held without bail because a judge has deemed they pose a danger to the community if they are allowed to leave.<sup>9</sup>
- » People who have an outstanding charge in another county and are jailed until the sheriff takes them to court for a hearing with a judge in that county.
- » People who have come through the court system and are homeless or waiting for placement in a mental health or drug treatment facility. This category is not identified as a discrete status in official counts of jail populations.<sup>10</sup>

As of this writing we have not been able to ascertain how many women are incarcerated in Massachusetts jails for each of these reasons. Inquiries made to the county sheriffs’ departments and the Massachusetts Sheriffs’ Association have not yielded this information. We are currently expanding our inquiries to a variety of state offices.

Anecdotally, it seems likely that a substantial portion of the “pre-trial” population is awaiting arraignment. In Fiscal Year 2023 the Hampden County women’s regional jail recorded 1,500 intakes. Of these, about 700—or almost half—were waiting to be arraigned.<sup>11</sup> The Hampden County Sheriff’s Department shared information on women who spend time in the regional jail and are classified as “pre-arraignment,” or waiting to go before a judge for the first time since being arrested. These women are generally from towns where the local police don’t always have holding cells available for women. Some of these women stay at the jail for a few hours, some for an entire weekend. Most are released directly from court after their arraignment, and don’t have to go back to the jail to wait to be bailed out. Presumably other county and regional jails designated for women also have women waiting to be arraigned in their physical custody.<sup>12</sup>

<sup>9</sup>MGL c 276 §58A allows prosecutors to request at arraignment that an individual be detained without bail because, if released, they would pose a danger to another person or the community. According to Massachusetts Trial Court data obtained from the Department of Research and Planning, 263 dangerousness hearings were held for women in FY2023 (July 1, 2022, through June 30, 2023). This number is slightly larger than FY2022 (247 hearings) and FY 2021 (230 hearings). The data do not include the outcome of the hearings. Relatively few women are charged with violent crimes, especially against strangers (Women and Incarceration Project, 2022).

<sup>10</sup>Often, these are individuals whom a judge has released on probation with the condition that they go to a residential treatment program, but there are no spaces available. In these instances, an individual might be sent to jail to wait for a space in treatment. Using jails this way can have devastating consequences. In July 2021, a judge in Boston found Ayesha Johnson to be a danger to herself because of her drinking. He civilly committed her, ordering her to be taken into custody and then to a treatment program in New Bedford. Suffolk County Sheriff’s Department employees took her from the courthouse to the South Bay jail. Less than three hours later, she had died alone in a “holding” cell (Murphy, 2021).

<sup>11</sup>Interview with Hampden County Assistant Superintendent Colleen Stocks on July 20, 2023.

<sup>12</sup>In Bristol County, for example, women waiting to be arraigned may be held at the Ash Street Jail over weekends and holidays until a bail clerk, magistrate, or judge is available.

## Serving Time: Convictions from One County

We were not able to obtain detailed information delineating the convictions for all women serving sentences in Massachusetts jails. We did, however, obtain these data for one county for one point in time in 2023.

### Data from one county

**60%** for drug possession

**20%** for larceny under \$1,200

**20%** for assault and battery on a family/household member<sup>13</sup>

**20%** for OUI (operating a vehicle under the influence of drugs or alcohol)

**20%** for sexual conduct for a fee

**20%** for trespassing

**20%** for misdemeanor breaking and entering

*Note: Some women are serving sentences for more than one offense. Their sentences ranged from 70+ days to 500+ days.*

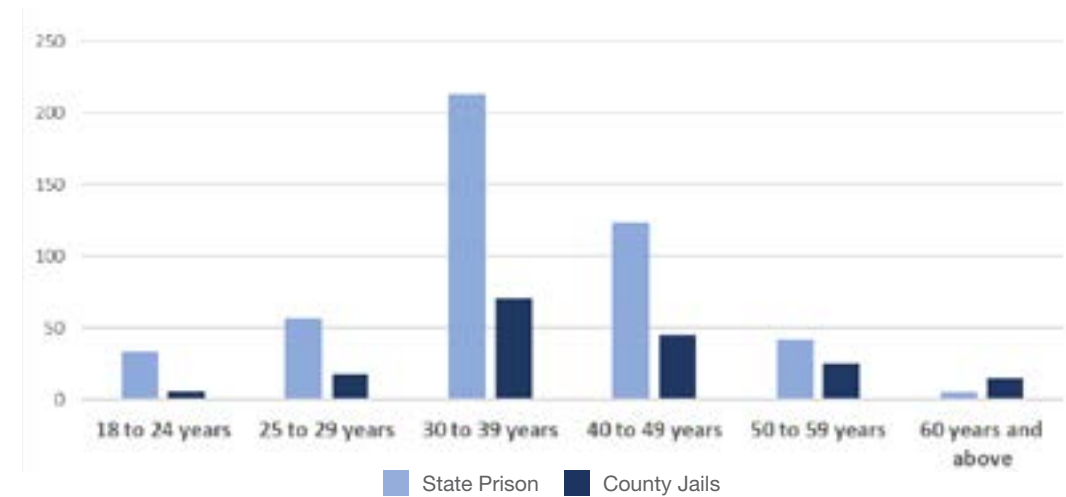
Given the relatively small numbers of sentenced women in most of the county jails, we are withholding the name of the county in order to avoid possible recognition of specific individuals.

## Portrait of Women in Massachusetts Jails

### Younger women

Jail often is the first stop in the carceral circuit for women; thus, women in jail tend to be younger than women in prison. As the figure below indicates, the large majority of women in the county jails are aged 39 or younger. In contrast, ages are more evenly distributed among women at MCI-Framingham, with the oldest age cohort being the only one with more women at MCI-Framingham than in the county jails.

FIGURE 4: Women in Massachusetts County Jails and State Prison by Age, June 2023



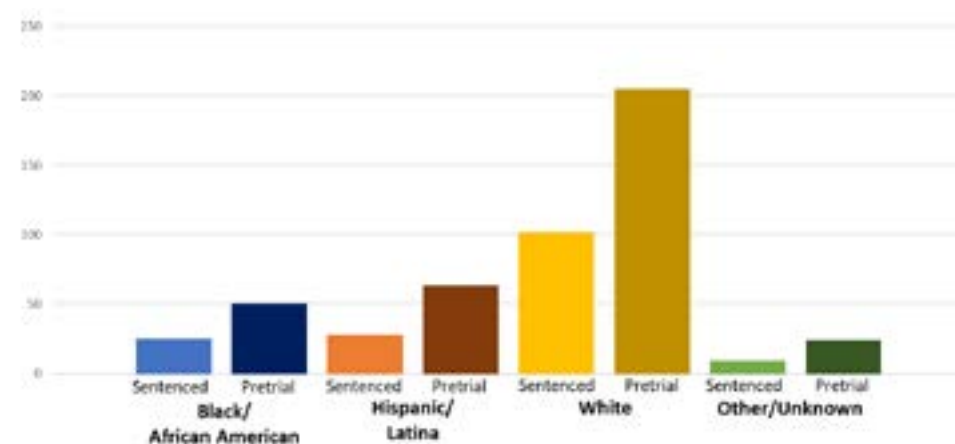
Data source: <https://www.mass.gov/info-details/cross-tracking-system-state-county-correctional-populations>

<sup>13</sup>Incidents of women's violence toward male intimate partners usually occur in the context of violence against them by their male partners, and tend to be motivated by self-defense and fear (Swan et al, 2008).

## Women of color

As the figure below shows, white women comprise the majority of women incarcerated in jails, just as they comprise the majority of women in the state. Yet as in the rest of the country, racial disparities characterize Massachusetts's criminal legal system for both women and men, with white people consistently underrepresented and Black people consistently overrepresented relative to their numbers in the overall population (Kajstura & Sawyer, 2023; Bishop et al., 2020). One window into racial disparities comes from the uneven results of pretrial reforms ordered by the state's highest court in 2017 and enacted in the Criminal Justice Reform Act (CJRA) in 2018. According to trial court data obtained and analyzed by 25 Investigates, pretrial incarceration has stayed essentially level for Black people, increased by 38% for Hispanic people, and dropped by 37% for white people (Kavanaugh & Villeneuve, 2023; *Branagan v. Commonwealth*, 2017). In other words, white people have benefited most from pretrial reform.

FIGURE 5: Women in Massachusetts County Jails and State Prison by Race and Status, June 2023



Data source: <https://www.mass.gov/info-details/cross-tracking-system-state-county-correctional-populations>

## Mothers and pregnant women

Nationally representative data collected by the U.S. Bureau of Justice Statistics found that 80% of women in state prisons are mothers, and 58% of women are mothers of children under age 18 (Maruschak, Berzofsky & Unangs, 2016). Given the younger median age of women in Massachusetts jails (versus Massachusetts prison, see Figure 4 above), we expect that the proportion of mothers of children under age 18 is even higher. Anecdotally, Essex County Sheriff's Department staff report that about 90% of the women serving county sentences are mothers.

Massachusetts does not yet collect data on the number of pregnant women in jails or prison—an overdue element of the required reporting under the CJRA 2018 (see footnote 15 for details). Healthcare providers associated with the Hampden County Sheriff's Department estimate that at any given time there are between four and nine pregnant women in the regional women's jail. The response to our public records request to Suffolk County noted that as of July 24, 2023, there were six pregnant women incarcerated in Suffolk County regional jail.

## Women in poor health

Women in jails and prisons experience substantially higher rates of chronic and acute health problems than women in the general population and also than men in jails and prisons (Norris et al., 2021; Maruschak, Berzofsky & Unangs, 2016). Poor mental and physical health reflect life experiences of poverty, insecure housing and homelessness, physical and sexual violence, and lack of access to regular medical care (Sered & Norton-Hawk, 2015).

The Massachusetts [Department of Correction](#) provides a bit of information regarding the mental health of women in state custody. The most recent available numbers from December 31, 2022, indicate that 74% of women have a serious mental illness and 65% are on psychotropic medication (the rates for males are substantially lower at 34% and 29%, respectively.) Although data regarding the physical health status of jailed women are not available in Massachusetts, interviews with county jail staff and healthcare providers highlight concerns about the poor health of women in jail, as well as frustration with the unsuitability of jail as a setting for addressing health challenges.

## Economically marginalized women

Massachusetts does not collect data regarding the economic circumstances of women before incarceration. National studies of incarcerated women attest to high rates of poverty and homelessness both before and after incarceration (Kajstura & Sawyer, 2023). As noted earlier, poverty can limit a woman's ability to pay bail and thus result in incarceration while her case moves through the court system.

## Information and Accountability: Steps to Reduce the Number of Women in Massachusetts Jails

Throughout our research, we encountered obstacles endemic in Massachusetts: confusion over what data various agencies keep, inconsistent reporting practices among agencies, including lack of standardization between sheriffs' departments, conflicting information offered by different sources, and lack of clarity regarding policies and practices. All these obstacles confound opportunities to keep women out of jail.

Beginning with the most egregious example, as noted above in Figure 3, a significant majority of women incarcerated in jails are classified as "pretrial," yet we have been unable to obtain basic information regarding the various legal statuses of women classified as "pretrial." This knowledge vacuum is profoundly troubling. The breadth of the umbrella term "pretrial" means that even more people than is commonly understood are incarcerated, deprived of their liberty without having been convicted of a crime.

Advocates, research organizations, and policymakers themselves have for years called for better data, and the Legislature intended the 2018 CJRA to remedy these deficits. However, implementation has been slow, with the first data dashboards being published in 2023.<sup>14</sup> Indeed, the top recommendation by The Boston Foundation and MassINC's joint assessment of the first five years of the CJRA is to "Fully implement the data and transparency provisions of the 2018 reform law with a deeper commitment to evaluation and unearthing the root causes of racial disparities" (Forman et al., 2024, p. 4). Their analysis exposes important problems. For example, the data show that white people have benefited the most from criminal justice reforms, with the sheer scale of declines among white people in jail and prison in some cases resulting in wider racial disparities among white, Black, and Latinx people than before the enactment of "reform."

Yet even this important report does not provide data on women of different racial/ethnic identities. Similarly, despite the prevalence of women of reproductive age in Massachusetts county jails (see Figure 4 above), data required by the CJRA such as each individual's status as a primary caretaker of a child and the status of their health needs relating to pregnancy is still not available, even though the state published the regulations on the collection of this information in December 2021.<sup>15</sup>

### Improve Information Collection and Accessibility

We turn now to specific examples illustrating ways in which failures in data collection and reporting interface with potential over-incarceration of women in county jails. Sheriffs have considerable authority under Massachusetts law to use a variety of day reporting, work release, and early release programs for individuals incarcerated in county jails. As one example, the Middlesex County Sheriff's Department arranged for the release "on [electronic monitoring] bracelets" of all but one sentenced woman under the legal custody of Middlesex County during the height of the COVID pandemic (interview with Reentry Coordinator Jillian Ketchen on September 7, 2023). We share this as a concrete example of what sheriffs can do, though we do not advocate widespread electronic monitoring. Our research suggests that sheriffs overall are underutilizing these options, especially when it comes to women in their custody. To better understand the situation, we recommend that the governor and/or legislature require reporting on the number of individuals eligible for various early release programs, the number of individuals participating in such programs in each county, and the reasons for any discrepancy.

To take another example, sheriff's department employees we interviewed reported sharp increases in women coming into jail needing a great deal of mental health support and stabilization. Jail staff note that jails are not well-equipped to manage these medical and social needs and we agree. It is incumbent on the state to determine to what extent shortages in mental health treatment and supportive housing in the community result in jails serving as default placements.

Three county sheriffs' departments operate women's "pre-release centers" that offer some women opportunities to work in the community at paying jobs, enabling them to build a track record of successful employment and save meaningful funds for life after incarceration.<sup>16</sup> While not the same as early release or decarceration, these specific jails offer possibilities that some women may see as helpful to smooth their path from jail back home, and anyone who meets the criteria should have the option. Yet these jail centers appear to be underutilized. Very few women – approximately ten women in the entire state – are classified as "pre-release" and therefore eligible to participate. More than half the spaces in one county are unfilled, and according to the [Massachusetts Sheriffs' Association Operational Capacity Report \(2023\)](#), none of the three pre-release centers are fully occupied on a consistent basis. We have not been able to obtain written criteria specifying how a woman becomes eligible for pre-release status. Having such criteria in writing and available to incarcerated individuals, the public, and policymakers is vital for transparency and accountability.

Over-incarceration in Massachusetts is a serious ethical and policy issue that the Commonwealth should address with urgency. Legislators, police, district attorneys, defense attorneys, judges, probation and parole officers, and sheriffs all have important roles to play in rectifying this problem. Reducing the number of women in jail is a critical part of this agenda that will yield benefits to individual women, their loved ones who depend on them, and the state overall.

<sup>14</sup>On data availability, see Bishop, et al., 2020, especially Appendix 2; Schoenberg, 2021; and the findings of and testimony submitted to the [Special Commission on Correctional Funding](#) completed in Jan. 2022. The Massachusetts Department of Correction publishes basic data about people who are incarcerated. However, little of this data includes people in jail. The [weekly count](#) provides numbers of people incarcerated in state prisons and county jails, while most of the other regularly updated sources provide information only on people in the state prison system: the DOC Quick Statistics page, DOC Institutional Fact Cards, and DOC Inmate Population Data Dashboard. The relatively new [Cross Tracking State and County Correctional Populations](#) website is one step in meeting the statutory requirements; other steps remain to be rolled out.

<sup>15</sup>501 CMR 18.05. "18.03: Definitions;" and "18.05: Categories and Types of Data Relative to Offender Populations Collected and Reported by Criminal Justice Agencies." Effective: December 24, 2021 (but not yet fully implemented). The definition of "status of reproductive health needs" is quite narrow, referring only to prenatal and postpartum care, and placing the burden on individuals to request this medical care. All incarcerated people of all gender identities may need reproductive health care, which includes STI/HIV/Hepatitis C screening and treatment, cancer screening and treatment, menstrual and menopause-related care, diagnosis of conditions such as fibroids and endometriosis, and abortion, as well as prenatal and postpartum care. Moreover, the 2014 law addressing conditions of confinement during pregnancy and postpartum requires that individuals be "screened for pregnancy;" "receive nondirective counseling" about "pregnancy options;" and "be provided regular prenatal and postpartum care," requirements that conflict with making it each individual's obligation to ask for pregnancy-related care (see MGL ch. 127, sec. 118).

<sup>16</sup>Under [Massachusetts General Law, Chapter 127 Section 49](#), sheriffs may permit individuals within 18 months of their parole date to participate in "education, training, or employment programs" outside a "correctional facility." No data is available, but interviews with county staff indicate that sheriffs could make far greater use of the authority granted to them under this provision. In [Commonwealth v. Donohue](#), the Supreme Judicial Court held that this provision allowed sheriffs to permit eligible individuals to serve the remainder of their time at home while monitored electronically ("GPS" or "ankle bracelet"). [453 Mass. 256, 266 \(2008\)](#).



As we finalized this paper for publication, the Prison Policy Initiative released two germane reports. “Since you asked: How many women and men are released from each state’s prisons and jails every year?” calculates that in 2019 in Massachusetts, 304 women were released from state prison, and 7,295 from county jail (see table titled “Releases from prisons and jails in 2019, by sex, by state or other jurisdiction”). *Women’s Mass Incarceration: The Whole Pie 2024* concludes, “While more data are needed,” especially about people in jail as the Federal Bureau of Justice Statistics has not conducted a detailed census of jails in 20 years, “the data in this report lend focus and perspective to the policy reforms needed to end mass incarceration without leaving women behind.” Both are available on their website.

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The Women & Incarceration Project team wrote this paper collectively.

## References

- Bishop, E. T., Hopkins, B., Obiofuma, C., & Owuso, F. (2020). Racial Disparities in the Massachusetts Criminal Justice System. Harvard Law School Criminal Justice Policy Program. <https://hls.harvard.edu/wp-content/uploads/2022/08/Massachusetts-Racial-Disparity-Report-FINAL.pdf>
- Breuer, E., Remond, M., Lighton, S., Passalacqua, J., Galouzis, J., Stewart, K., & Sullivan, E. (2021). The needs and experiences of mothers while in prison and post-release: A rapid review and thematic synthesis. *Health Justice* 9, 31. <https://doi.org/10.1186/s40352-021-00153-7>
- Commonwealth of Massachusetts. Correctional Funding Commission Final Report and Archives. (November 2019–January 2022). <https://correctionalfunding.com/>
- Commonwealth of Massachusetts. Executive Office of Public Safety and Security. [Cross-Tracking System | State & County Correctional Populations](#).
- Commonwealth of Massachusetts. Massachusetts Department of Correction. (May 1, 2023). [Weekly Count Sheet](#).
- Commonwealth of Massachusetts. Massachusetts Department of Correction. (December 31, 2022). [Quick Statistics](#).
- Commonwealth of Massachusetts. Massachusetts Department of Correction. (January 2023). [MA DOC Institutional Fact Cards](#).
- Donelan, J. (July 20, 2020). Jail operations in the Coronavirus era. *The Beat* [Audio Podcast], Office of Community Oriented Policing Services, US Dept. of Justice. [https://cops.usdoj.gov/html/podcasts/the\\_beat/07-2020/TheBeat\\_Koutoujian.pdf](https://cops.usdoj.gov/html/podcasts/the_beat/07-2020/TheBeat_Koutoujian.pdf)
- Forman B, Rapoza E, Ciurczak P, & Schuster L. (January 24, 2024). Criminal Justice Reform in Massachusetts: A Five-Year Progress Assessment. MassINC and Boston Indicators. Available online from both organizations’ websites.
- Kajstura, A., & Sawyer, W. (2023). Women’s mass incarceration: The whole pie 2023. *Prison Policy Initiative*. <https://www.prisonpolicy.org/reports/pie2023women.html>
- Kavanaugh, K., & M. Villeneuve. (2023). We just want to be OK: MA dangerousness law is broken, activists & survivors tell 25 Investigates, Boston 25 News, May 18. <https://www.boston25news.com/news/local/we-just-want-be-ok-ma-dangerousness-law-is-broken-activists-survivors-tell-25-investigates/4GR5W6VA5RE5HI335HWGOGR5SE/>
- Maruschak, L.M., Berzofsky, M., & Unangs, J. (2015; revised 2016). Medical Problems of State and Federal Prisoners and Jail Inmates, 2011–12. U.S. Bureau of Justice Statistics NCJ 248491 <https://bjs.ojp.gov/content/pub/pdf/mpsfpi1112.pdf>
- Norris E., Kim M., Osei B., Fung K., & Kouyoumdjian, F.G. (2021). Health status of females who experience incarceration: A population-based retrospective cohort study. *J Women’s Health* (Larchmt). 30(8), 1107–1115. doi:10.1089/jwh.2020.8943

Murphy, S. (2021, August 17). Three people died at a Boston jail. Their families are desperate for answers. *The Boston Globe*. <https://www.bostonglobe.com/2021/08/17/metro/three-people-died-boston-jail-their-families-are-desperate-answers/>

Schoenberg, S. (2021, January 25). State slow to improve criminal justice data collection. *CommonWealth Beacon*. <https://commonwealthbeacon.org/criminal-justice/state-slow-to-improve-criminal-justice-data-collection/>

Sered, S. S., & Norton-Hawk, M. (2014). *Can't Catch a Break: Gender, Jail, Drugs, and the Limits of Personal Responsibility*. Berkeley: University of California Press.

Smith, M. (2021). I don't want to die: One woman's experience with COVID while incarcerated. GBH Boston <https://www.wgbh.org/news/local/2021-03-10/i-dont-want-to-die-here-one-womans-experience-with-covid-while-incarcerated>

Subramanian, R., Digard, L., Washington II, M., & Sorage, S. (2020). In the Shadows: A Review of the Research on Plea Bargaining. Vera Institute of Justice. <https://www.vera.org/downloads/publications/in-the-shadows-plea-bargaining.pdf>

Swan, S. C., Gambone, L. J., Caldwell, J. E., Sullivan, T. P., & Snow, D. L. (2008). A review of research on women's use of violence with male intimate partners. *Violence and Victims*, 23(3), 301–314. <https://doi.org/10.1891/0886-6708.23.3.301>

Swavola, E., Riley, K., & Subramanian, R. (2016). Overlooked: Women and Jails in an Era of Reform. Vera Institute of Justice. <https://www.vera.org/downloads/publications/overlooked-women-and-jails-report-updated.pdf>

U.S. District Courts—Criminal Defendants Disposed of, by Type of Disposition and Offense, During the 12-Month Period. (2022). U.S. Courts. [https://www.uscourts.gov/sites/default/files/data\\_tables/jb\\_d4\\_0930.2022.pdf](https://www.uscourts.gov/sites/default/files/data_tables/jb_d4_0930.2022.pdf)

Women and Incarceration Project. (2023). Opposition to Building a New Women's Prison in Massachusetts. <https://sites.suffolk.edu/wiproject/2022/05/24/opposition/>

Women and Incarceration Project. (2022). Women, Incarceration, and Violent Crime: A Briefing in Response to Plans for Building a New Women's Prison in Massachusetts. <https://drive.google.com/file/d/1jflZ8NMuFMtbASKUmOyVO13YUBbpGLTf/view>

Women and Incarceration Project. (2021). Women, Substance Use and Incarceration in Massachusetts: A Fact Sheet. [Women-and-Substance-Use-Fact-Sheet.pdf \(bpb-us-e1.wpmucdn.com\)](https://www.wipproject.com/sites/default/files/2021-12/Women-and-Substance-Use-Fact-Sheet.pdf)

Zeng, Zhen. (Dec. 2023). Offender Population by Sex, Race-Ethnicity, Age, Jail Inmates in 2022 Statistical Tables, p. 3. U.S. Bureau of Justice Statistics.

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