



## Unwarranted Restrictions, Gratuitous Harm—Women and Prison Security Classification in Massachusetts

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The Massachusetts Department of Correction is actively pursuing the construction of a new women's prison at an estimated cost to the public of \$50 million. Opponents to this project point out that not only is the price tag excessive given the small number of women incarcerated by the state—approximately 150 women—but that the state has not yet pursued all possible avenues to decarceration. In the wake of the Legislature's 2024 failure to vote on the Prison Construction Moratorium Bill—which passed last year but was vetoed by then Governor Baker—it is more crucial than ever to look closely at DOC policies and practices that impact the continued incarceration of women.

Incarcerated women face serious challenges. The majority of incarcerated women in the US experienced abuse and victimization – often beginning in childhood. Most suffer from chronic physical and mental health challenges, and face re-traumatization and other threats to their emotional and physical well-being in severely punitive and restrictive environments.

My research shows that the Massachusetts Department of Correction (DOC) routinely incarcerates women in settings that are more restrictive than necessitated either by the very low rate of violence among incarcerated women or by Massachusetts law which affords the Commissioner of the Department of Correction nearly unlimited discretion to set security classification policies and procedures. Classification is the process by which individuals are incarcerated in settings considered an appropriate match for the security risk they are presumed to pose. Higher security settings are characterized by harsher, more punitive conditions and tight restrictions on personal mobility. Low security settings not only allow for more personal autonomy, but also opportunities for individuals to participate in work release, community release, and electronic monitoring programs outside the prison.

### The Massachusetts DOC Incarcerates Women in Unnecessarily Restrictive Settings

Upon entering prison, and then at regular intervals going forward, each woman's security risk is assessed using the DOC's "Objective Point Base System," which gives scores for the severity of current and past charges leading to conviction, history of escape attempts, prior institutional violence, disciplinary reports, age, education, and employment. Based on this assessment tool, most women score as minimum security risks.

Despite varied legal statuses and personal circumstances, and despite the DOC's own "objective" assessment system scoring most women as minimum security risks, all women incarcerated at MCI-Framingham are (re)classified as medium security and are incarcerated in the medium security MCI-Framingham prison. Most women scoring minimum security are reclassified to medium security on the basis of "minimum custody

**restrictions**” – criteria that are created and codified by the DOC. These range from having more than five years remaining until one’s earliest release date to having complex health care needs. The latter is a particularly problematic consideration and raises concerns regarding disability based discrimination.

Other women are reclassified to medium security via **“overrides to higher custody.”** Override criteria include “negative institutional adjustment” and “behavior that is not sufficiently negative to merit disciplinary action” but may “threaten security or undermine the exercise of proper control and maintenance of order within the institution.” These assessments are both subjective and highly gendered. For example, a recent **study** found that incarcerated women are 40% more likely than men to receive disciplinary infraction records for “defiance,” a subjective category heavily shaped by gender and racial stereotypes and biases.

## **Over-Classification Leads to Worse Outcomes**

**Incarcerating women** in overly restrictive settings does not contribute to public safety or lower recidivism rates. Indeed, **prisoners randomly assigned to a higher security level** than warranted by their classification scores have a higher rate of returning to prison than those randomly assigned to a lower security level.

Women classified as medium security are housed in the medium security state prison where they sleep in locked cells exposed to open view while using the bathroom, are surrounded by constant banging of cell and cell block doors, and frequently threatened with more severe punishment, including time in solitary confinement. In contrast, women classified as minimum security can transfer to minimum security jails with which the DOC has contracted in several Massachusetts counties. These jails have bedrooms, showers, and toilets with doors that close, providing privacy crucial for individuals who have experienced sexual abuse. There is no solitary confinement in minimum security jails. Women are addressed by their first names and they - along with most of the staff - wear street clothing rather than uniforms, a policy that is especially important when children come to visit.

Minimum security classification comes with another important advantage. In Massachusetts an individual first must be classified as minimum security to be considered for pre-release status. Pre-release status opens the door to community and work release and electronic monitoring opportunities. Current DOC practices prevent most women from benefiting from these programs that allow women to become financially self-sufficient and to remain engaged in caring for their families.

As of this writing, there are only fourteen women in the entire state on pre-release status.

## **Policy Recommendations to Stop Over-Classification**

Classification policies and practices are within the authority of the Commissioner of the DOC to amend. There is no need for a new law, new construction, or additional personnel. There is, however, a need to assess the DOC’s own security assessment tools in order to determine whether there is a real need to build a new women’s prison, or whether many of the women currently held at MCI-Framingham are in fact eligible for one of the several early release or supervised release programs available by law.

One immediate way for the DOC to end over-classification of women is to redefine MCI-Framingham as a ‘minimum security or below’ facility (with provisions for accommodating the small number of women who are

deemed higher security according to a truly gender-sensitive and equitable scoring system). Together with concrete steps to decarcerate all women eligible under the law for release to home or to healthcare facilities, this option is suitable for the small number of women likely to remain in state custody once all legally permissible avenues to decarceration have been fully explored.

I do not recommend opening a minimum-security prison in addition to the current medium security one. Rather, in line with the research literature as well as the DOC's own scoring data, I believe it is feasible and preferable for the one women's prison in Massachusetts to operate as minimum security and below (pre-release) while the Legislature, Courts, and Parole Boards work towards decreasing the use of incarceration.

Eliminating the current practice of routinely over-classifying women is not only humane and feasible, it also is cost-effective. According to the [Department of Correction Per Capita Cost Report](#), the annual cost per incarcerated individual at medium security MCI-Framingham is \$235,195. To put that in perspective, among the men's prisons, the per capita costs at the minimum / pre-release facilities are: Northeastern Correctional Center, \$71,242; Pondville Correctional Center, \$81,913; Boston Pre-Release, \$125,173.