

# ‘Women In Prison: A Review of the Current Female Prison System: Future Directions and Alternatives’

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## *Abstract*

*A review of relevant literature has indicated that women are sentenced inconsistently by the criminal justice system showing differences between harsh, equal or lenient treatment. This dissertation highlights that sending women to prison, who tend not commit serious crime and drawing a prison population who have the characteristics of economic and social deprivation, is completely unnecessary. It also highlights the penal institutions to which women are sentenced, are failing to provide for the specific needs of women or to equip them with ways to improve their future prospects. Whilst it is recognised that the government is aware of such problems, through the publication of the Corston Report (2007) and their subsequent response, radical shifts in sentencing policy and practices to restrict the numbers of women sent to prison are desperately needed. Considering the secondary research findings, a number of recommendations for future policy and practice have been made in four main areas; increasing the use of non-custodial penalties, a substantial reduction in custodial remand, reform of custody and increased diversion from prosecution.*

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## Introduction

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The issue of women's imprisonment is currently very contemporary within modern criminology and has wide-ranging implications for both policy and practice. However, it has been noted that women's offending has historically received much less attention in comparison to offending by men (Sheehan et al, 2007). Whilst the campaign for better regimes, changes in sentencing patterns and calls for fewer women being imprisoned, is not recent, the concern over the substantial increase in the female prison population has emerged with greater importance than in previous years. Continuing problems of overcrowding, high prevalence of mental disorder and the excessive cost of imprisonment are concerns particularly highlighted by the media. Newspaper articles surrounding the treatment of female offenders and documentaries such as *Real Bad Girls* (2002) and *Women On the Edge: The Truth About Styal Prison* (2006) have been extremely informative in showing the pressing need for reform through emotive insight into the prevalence of self-injury in women's prisons. The Corston Report (2007) and campaigning by groups such as Women In Prison, Smart Justice for Women, Prison Reform Trust and the Howard League for Penal Reform, have more recently brought the subject of women's imprisonment to the Government's agenda and point towards a number of reforms. It is imperative to continue research in this area to ensure the issue is sufficiently managed by the criminal justice system and to encourage ongoing discussion and debate.

The following research aims and objectives have emerged following an in-depth consideration of the general research question.

The aims for this dissertation are to:

1. Identify the substantial increase in the female prison population and the reasons behind the rise.
2. Identify the fundamental issues about the very purposes of imprisonment and if these are justified, taking into account the criminal profiles of women.
3. Identify the common characteristics of the female prison population.
4. Provide a critical analysis of the current prison regime and an overview of the provisions it affords its prisoners.
5. Identify what alternatives are available.
6. Make recommendations for future reform.

### **1.1 Methodology**

To adequately assess these aims, secondary research will be utilised, using triangulation, the method of combining qualitative and quantitative sources. Secondary research methods have been chosen over primary research as it is deemed more appropriate in fulfilling the research question in the constraints of an undergraduate dissertation.

Existing qualitative research will be extracted from, books, journals, Internet resources, documents and newspapers. Quantitative research will utilise official

statistics from the Home Office and Prison Service and unofficial independent research.

There are many advantages of using secondary data analysis. There is an overwhelming amount of information available. King and Wincup (2000:85) recognise, 'there is more than enough data available for secondary analysis'. If research were to be conducted in women's prisons, it would require a significant amount of travelling and would be expensive; therefore secondary research is advantageous in terms of saving time and money (Bryman, 2004). Considering the constraints of an undergraduate dissertation, there is limited time and safety issues are paramount in primary research, which raise additional problems as opposed to conducting secondary research. Access and participant recruitment in the prison setting is a big obstacle to conducting research, '...prison administrators understandably allow very little (if any) undergraduate research...' (Carlen and Worrall, 2004:184).

Secondary research allows opportunity for longitudinal analysis (Bryman, 2004). Considering the recent publication of the Corston Report (2007) and the subsequent response from the Government, a substantial follow up period would be necessary to evaluate any significant changes to the treatment of female offenders.

Combining two methods of secondary data is advantageous to overcome any weaknesses or intrinsic bias of the qualitative data by being backed up by quantitative statistics and to enable a thorough investigation of the research question and strengthen the reliability of the information presented (Jupp, 2000).

However, there can be disadvantages to secondary research. There is no control over the quality of the sources and the data collected is for the purposes of that researcher, therefore, there is a risk that the research question will not be fully addressed (Bryman, 2004). Whilst ethical issues are minimised using secondary research, there is possibility that data and information may be manipulated to suit the researcher. This will be controlled in this research project. The use of official statistics can prove to be complex, as they often have their own political agenda and caution should be taken. When determining the seriousness of offences committed by women, statistics are often ambiguous, for example, violence against the person may include violence against children, violence against the person, but also self-defence attacks. Drug offences also range from drug trafficking and the supply of drugs to possession of small amounts of a prohibited drug (Wedderman, 2000). Percentage increases in certain offence categories can be misleading as relatively small numerical increases in women's crime can appear as substantial percentage increases due to their small percentage of the total prison population (Morris, 1991). The objectivity of sources is a significant issue when conducting secondary research. A vast majority of the literature has been taken from key feminist writers and it has become apparent in the course of research that there is often a failure to highlight that similar issues and problems facing female prisoners also affect male prisoners. Dantzker and Hunter (2000) have noted that total objectivity is often unattainable, but every reasonable effort is taken to overcome any subjective interests that might influence the research outcomes. This approach of inter-subjectivity is one that will be taken in this dissertation in the attempt to overcome biased resources.

## **1.2 Chapter Breakdown**

Four substantive chapters comprise the structure of this dissertation.

The first chapter seeks to identify the extent and nature of crime committed by women, the factors that appear to be associated with female offending behaviour, the factors that appear to be behind the substantial increase in the female prison population and the response to female offending by the criminal justice system, the courts in particular. The pattern and circumstances of offending are taken into account and raise questions about the very purposes of imprisonment.

The second chapter considers the common characteristics of women in prison, such as substance abuse, mental health and family issues in order to identify whether prison may be an appropriate place for these women.

The third chapter provides a critical analysis of the female prison regime, identifying problems of overcrowding, self-injury and self-inflicted death, rehabilitation, education and employment opportunities and the cumulative effect on women in prison, considering common characteristics found in chapter two.

The final chapter examines the alternative options to imprisonment for women and the necessary reforms to custody. Based on the several salient issues that require attention in future policy development, this chapter will address four main areas, reduction in remand, increase in the use of non custodial penalties and community provisions, reform of custody and diversion from the criminal justice system.

## Chapter One

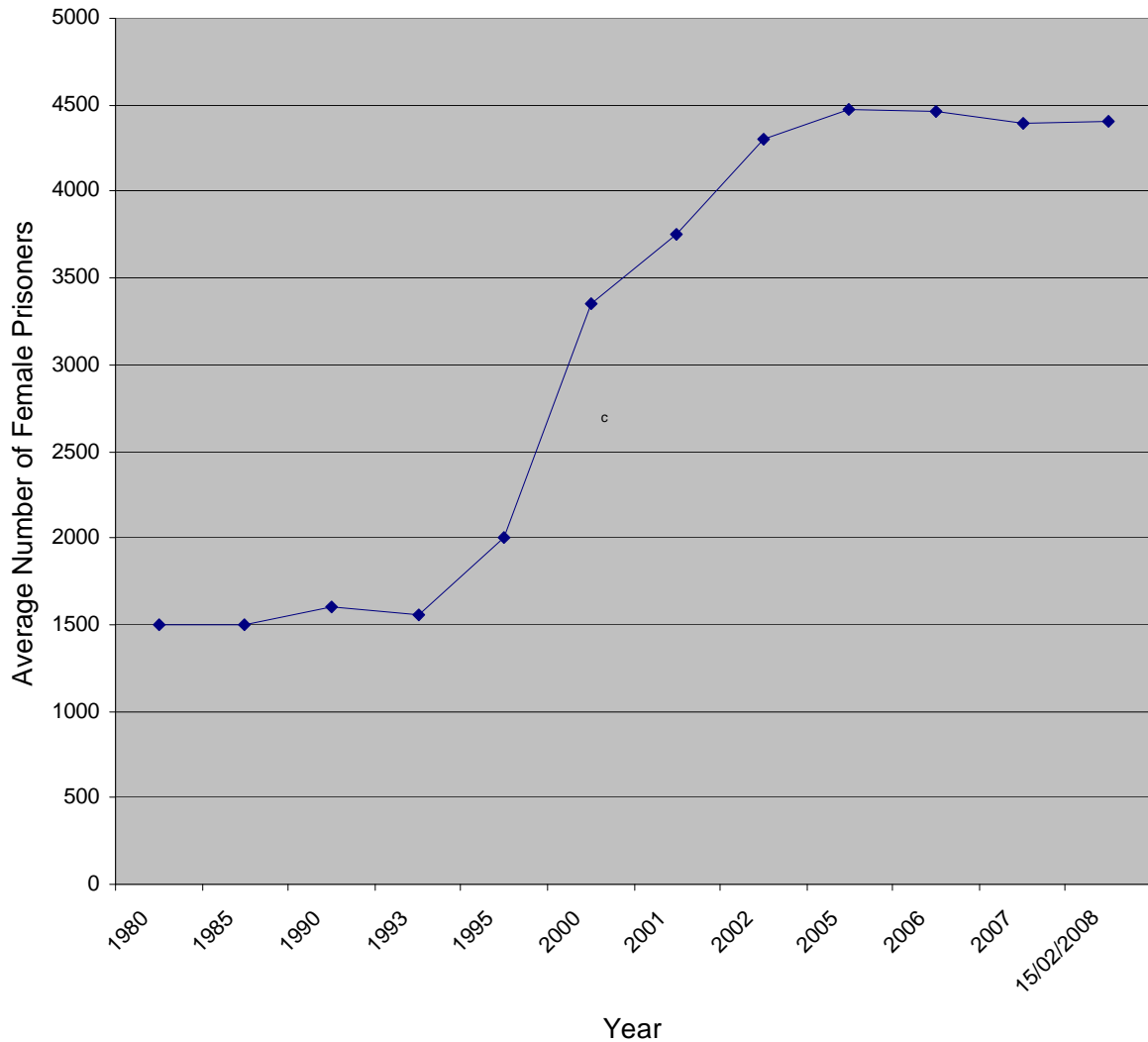
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### **Female Offending**

Criminal justice systems throughout the world are increasingly sentencing women to imprisonment and in recent years, the UK female prison population has increased dramatically. In order to assess female imprisonment, it is essential to identify the reasons behind the prison population trends. It has been highlighted that the increase in the prison population is a result of cumulative factors that cannot solely be explained by an increase in female criminality (Millie, et al, 2005). This chapter will identify the crimes for which women are imprisoned, political and public influences, and treatment of female offenders by the criminal justice system and reasons why women commit crime.

On 23 November 2007, the total prison population in England and Wales was 81,454 (NOMS, prison population and accommodation briefing for 23/11/2007, cited in PRT, 2007). On 30 November, the female prison population was 4,510, making up 5.5% of the total population (Ibid), highlighting that women have a modest contribution to total criminality (Heidensohn, 1996) and that crime is overwhelmingly a male activity (Morris, 1991).

Figure 1.1 shows the trend in the female prison population, which has risen by 143% during the previous decade (Owers, 2007).

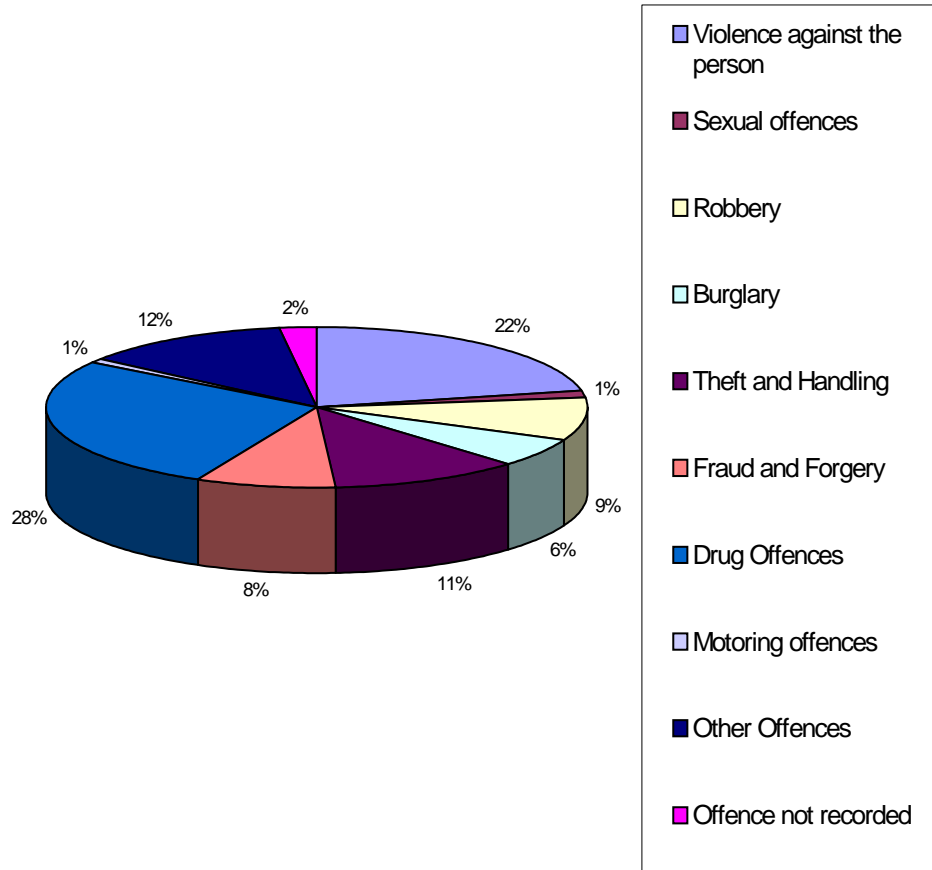


**Figure 1.1** Trends in the Female Prison Population 1980-2008

Source: Lewis (2004); Ministry of Justice (2008)

The prison population statistics only provide a snapshot of the women’s population in custody at any given time. The total receptions of women into prison are much higher with 12, 275 women received into custody in 2005 (Home Office, Offender Management Caseload Statistics, 2005, cited in PRT, 2007), which indicates that the use of short sentences is a major cause for the increase in the female prison population. In 2005, 63% of women were sentenced to custody for six months or less (Ibid). 1/3 of adult women sentenced to prison have no previous convictions (Home Office 2005, cited in Medlicott, 2007) indicating women are less likely to be reconvicted than men.

Figure 1.2 illustrates the offence profiles of women and the statistics of each offence.



**Figure 1.2:** Offences committed by Women

Source: Ministry of Justice, Population in Custody (December 2007)

Medlicott (2007) notes that the nature and seriousness of offences carried out by women have remained relatively stable. What is most striking about these figures is that the vast majority of crimes are drug offences. Carlen (1998) indicates that the ‘regulation’ panic surrounding the increase drug use and related crime, in that the changes in drug classification and the ‘war on drugs’ campaign have contributed to increased numbers of convictions for possession of drugs, but does not necessarily mean that women are more involved in drugs than before they were criminalized. For these reasons, politicians and the media possibly deem reason drug and drug related offences as more serious.

It is necessary to note that a high proportion of women are remanded in custody, which has led to England and Wales having the fastest growing remand population. Between 1995-2005, there was a 105% increase of the female remand population compared to a 24% increase in the male population and in October 2007, 957 women were remanded in custody (Home Office Offender Management Caseload Statistics, 2005, cited in PRT, 2007). 18% of women held on remand in 2005 were acquitted and only 41% of these women received an immediate custodial sentence (Ministry of Justice, Population in Custody, England and Wales, 10/2007, cited in PRT, 2007). Recommendations for the future of the remand population will be outlined in chapter four.

Political influences have certainly been prominent in the increase in the female prison population. The 1988 Home Office publication, 'Punishment, Custody and the Community', proclaimed that it wanted to see a reduction in the prison population and introduced heavily punitive non-custodial sentences, in attempt to make sentencers more confident in using them, and in 1992, (as shown in figure 1.1) there was an overall decline in the prison population (Carlen, 1998). However, in 1993, punitive prison measures were once again revisited in Michael Howard's speech, 'Prison works. It ensures that we are protected from murderers, muggers and rapists – and it will make many who are tempted to commit crimes think twice.' (Rutherford, 1996:128 cited in Carlen, 1998).

In relation to women, this is very controversial. Taking into account figure 1.2, the vast majority of women are not 'murder's, muggers and rapists'; therefore imprisonment cannot be justified on grounds of public protection. A similar case can be made with deterrence, as the majority of women are not committing these crimes in the first place, it is superfluous to make others 'think twice'. Justifications for imprisonment based on reform and rehabilitation are complex and will be questioned in chapter three, where rehabilitative programmes will be outlined.

The 1990s also saw an attack on single mothers with punitive approaches to welfare and housing in an attempt to deter single parenting (Carlen, 1998). This generalised pattern of punitiveness towards single mothers has affected their passage through the criminal justice and penal system, exacerbating the link between poverty and crime (Edwards, 1994, Eaton, 1986 and Worrall, 1990, cited in Carlen, 1998). When Labour came into power in 1997, 20,000 additional prison places were provided, with 9,500 more to be available by 2012 (Hansard, House of Lords, statement by Rt Hon Lord Falconer, 19/06/2007, cited in PRT, 2007).

The availability of prison places, social and political changes can have direct influence on the way female offenders are treated by the courts. There have been a number of studies that have indicated disparity of sentencing between men and women (Gelsthorpe, 2007). The 'chivalry' or 'paternalism' theories state that women are treated more leniently than male offenders by the criminal justice system (Belknap, 1996). Contemporary sentencing statistics seem to support chivalry theory at first glance (Home Office, 2007, cited in Gelsthorpe, 2007) since a high proportion of women compared to men are cautioned and are given shorter sentences. Daly, (1989, cited in Heidensohn, 1996) found that children and family were the primary reasons for chivalrous treatment, which coincides with Eaton's, (1985, cited in Heidensohn, 1996) explanation that women who conformed to familial roles were more favourably treated. Gelsthorpe (2007) notes that women may be more favourably treated because they commit less serious crimes and are less likely to persist in crime.

The 'evil woman' hypothesis contrasts with chivalry or paternalism theories and states that women are treated more harshly by the criminal justice system. Female offenders are seen as 'doubly deviant', and are punished for the offence



*and* for defying gender and social norms (Heidensohn, 2002), representing a threat to the stability of family life and social order (Mason and Mercer, 1999). Chesney-Lind (2004) argues that the courts engage in a complex response to female offending and Scutt (1981, cited in Edwards, 1984) argues that the treatment of women offenders is an extension of their position in society. A number of studies in the 1980s (Worrall, 1983; Carlen, 1983; Farrington and Morris, 1983 and Dominelli, 1984, cited in Carlen, 1998), suggest women were sentenced, not primarily on the seriousness of their crime, but upon the courts' judgment of them as wives, mothers and daughters, and whether or not the woman fits into the preconceived stereotype will ultimately have some influence of the courts' perception of her (Edwards, 1984). Cook (1997:82) claims that the justice women receive depends on 'who they are, rather than what they have done.' The 1980's studies also found that the courts were prejudiced against single women rearing children. Women from broken homes or deviant family backgrounds were more likely to receive harsher sentences (Farrington and Morris, 1983, cited in Heidensohn, 1996).

Belknap (1996) draws links between chivalry/ paternalism theory and the 'evil woman' hypothesis and notes that women may receive lenient treatment for minor crimes but receive harsher treatment for more serious crimes. Gelsthorpe (2007) notes that women are less likely to receive custody for first time offences than men but are more likely to receive custody for repeat offences.

Equal treatment hypothesis states that men and women are treated equally by the criminal justice system (Belknap, 1996), however equal treatment is a matter of approach not outcome (Hedderman and Gelsthorpe, 1997).

'Women and men are different: Equal treatment of men and women does not result in equal outcomes' (The Corston Report, 2007: 16).

Carlen (2003, cited in McIvor, 2007) has noted that this increased tendency to imprison women reflects the growing influence of risk assessment in the criminal justice sphere, influencing sentencers to impose custodial sentences for those women deemed to be 'at risk', not to the public but to themselves and because they think prison can help with mental health and substance misuse problems. Therefore the attitudes and perceptions of the judiciary have a significant impact on the decision to impose a custodial sentence (Morris, 1991).

Sentencing practice is also driven by external factors, such as legislation and pressure from politicians and the media to be more punitive (Owers, 2007).

Miller (1998: xv) refers to the crime control policies of the 1990s being, '...driven blindly by political expediency, popular sound bites, sloganeering, with most policies oblivious to the impact they exert on citizens who vary by gender, race and social class.'

Thomas (2002, cited in Carlen and Worrall, 2004) is convinced that a major explanation for the rise in women's imprisonment is the decline in the use of the suspended sentence. This can result in greater leniency (discharge) or severity (a community penalty), the latter meaning that in the event of a subsequent conviction, the sentence imposed will be excessively severe (Hedderman and Dowds, 1997). An example of which is that in 1995, 8.9% of women convicted of an indictable offence were sent to prison compared to 15.2% in 2005 (Home Office, Sentencing Statistics, 2005, cited in PRT, 2007).

An understanding of how women become involved in crime is crucial to the understanding of women's imprisonment. Some criminogenic factors apply to both genders, such as, poor cognitive skills, anti-social attitudes and feelings, strong ties to and identification with anti-social/criminal models, weak social ties, difficulty with self management, dependency on alcohol and drugs, adverse family or social circumstances, unemployment and literacy problems (Gelsthorpe and Morris, 2002). However, it is identified that female offenders have a different pathway of offending to men (Wedderburn, 2000). Women's structural positions and economic marginalisation have been highlighted (Box and Hale, 1983, cited in Morris, 1991), in making them more vulnerable to financial difficulties. Poverty, oppression and debt can also be linked to crime (Carlen, 1988; Ferraro, 2006; Devlin, 1998). Cook (1997), indicates that crime may be an act of desperation, the presentation of opportunity, a result of disillusionment, sensing nothing to lose or an irrational economic choice. For single mothers, stress following child-care responsibilities may be a casual factor in creating narrowing options for employment (Box and Hale, 1983, cited in Morris, 1991). A Home Office study in 1997 found that in the opinion of magistrates, women committed crimes out of 'need not greed,' such as shoplifting food or clothes to provide for their children (Hinsliff, 2002).

Female offending behaviour often reflects a history of childhood abuse and stressful life events (Sheehan et al, 2007; Marshall et al, 2000), illustrated by the table below.

| Stressful life event              | Remand Prisoners | Sentenced Prisoners |
|-----------------------------------|------------------|---------------------|
|                                   |                  |                     |
| Violence at home                  | 51%              | 48%                 |
| Bullying                          | 21%              | 26%                 |
| Sexual abuse                      | 34%              | 31%                 |
| Serious illness/injury            | 16%              | 13%                 |
| Violence at work                  | 3%               | 4%                  |
| Relationship breakdown            | 46%              | 46%                 |
| Death of close friend or relative | 41%              | 47%                 |
| Death of parent or sibling        | 30%              | 30%                 |
| Death of spouse or child          | 17%              | 15%                 |
| Stillbirth of baby                | 10%              | 11%                 |
| Expelled from school              | 41%              | 33%                 |
| Running away from home            | 59%              | 50%                 |
| Homelessness                      | 52%              | 34%                 |
| Serious money problems            | 50%              | 48%                 |

|                          |     |     |
|--------------------------|-----|-----|
| Sacked or made redundant | 26% | 31% |
|--------------------------|-----|-----|

**Table 1.1:**Stressful life events of Female Offenders

Source: Singleton et al (1998).

Coercion by men can form a route into criminal activity for some women (Corston Report, 2007). Such offences may include prostitution or drug smuggling. Heidensohn, 1996 noted that women convicted of offences relating to prostitution are not people with criminal intention, but simply women looking for money.

In an extreme situation, the manslaughter of a partner is often the reaction to a long history of domestic violence (Wedderburn, 2000). It should be recognised that such circumstances are fairly rare and it would be wrong to assume that our jails are full of women who have killed their abusive partners. However, it does point out that there is often complex reasoning behind women's offending.

This chapter has identified the main factors collectively leading to the rise of the female prison population. These trends have significant consequences, not just for these women but also for families and communities. Having identified the causal factors of why women are sentenced to imprisonment, it is necessary to examine the specific characteristics of the women that comprise the female prison estate.

## Chapter Two

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### **Characteristics of Women in Prison**

Following the examination of offences and pathways to imprisonment, it is important to identify the personal and social characteristics that a majority of women in prison share. This chapter is concerned primarily with female offenders in general, but it should be noted that male offenders suffer from similar experiences.

Each year it is estimated that 17, 700 children are separated from their mothers (PRT, 2000 cited in PRT, 2007). Women are typically the primary carers for their children, and at least one-third of mothers are lone parents before imprisonment (Social Exclusion Unit, 2002, cited in PRT, 2007), which will inevitably disrupt the family unit (Huebner and Gustafson, 2007). While fathers are also imprisoned, evidence suggests that their children are more likely to be cared for by partners, while only 9% of children with imprisoned mothers continue to be cared for by fathers (Caddle and Crisp, 1997, cited in Walker and Worrall, 2006). Research has found that 66% of women have dependent children under 18, 34% have children under 5 and 40% have a child aged between five and ten (Home Office Research study 208, cited in PRT, 2007). When mothers are sent to prison, substitute childcare is of utmost importance (Morris, 1991). If relatives or friends are unable to take guardianship, the child will enter the care system, presenting barriers for mothers to regain parental rights on release (Dodge and Pogrebin, 2001). The loss of the mother role is considered as a significant 'pain of imprisonment' for women (Woodrow, 1992, cited in Shaw, 2002) and can leave women with a loss of identity and low self-esteem (The Corston Report, 2007). Since 85% of mothers said that prison was the first time they had been separated from their child for a notable period (Home Office Research study 162, 1997 cited in PRT, 2007), this forcible separation can cause depression, anxiety and fear while they are apart (Miller, 1998).

Incarcerating mothers has serious detrimental consequences on their children, who are likely to have previously suffered from instability and problems associated with their mother's criminal behaviour (Sheehan et al, 2007). Children of imprisoned parents have been reported to suffer psychological and behavioural problems, such as aggression, attention deficit disorder, poor social skills, depression and sleep disruption (Miller, 1998; Huebner and Gustafson, 2007) and research showing 5% of children remain in their own home, compounds this disruption (PRT, 2000, cited in PRT, 2007). Kampfner (1995, cited in Miller 2005) found that children present at their mothers arrest, suffered additional stress in the form of nightmares and flashbacks to the incident. Due to the geographical dispersal of women's prisons (see appendix 1), additional strain is placed on maintaining family ties and visitations. Collectively, these consequences make children the 'collateral casualties' of their mother's incarceration (Hagan and Dinovitzer, 1999, cited in Cunningham and Baker, 2004).

Substance misuse is a common problem amongst the female prison population and as previously noted a high proportion of women are imprisoned for drug offences and 55% of prisoners report committing offences connected to drug taking (Ramsey, 2003, cited in Bromley Briefing, 2007). Singleton, et al (1998) found that a large majority of women had used illicit drugs at some time in their lives. Borrill et al (2003, cited in HM inspectorate of Prisons, 2005) found 66% of women prisoners were either drug dependent or reported harmful or hazardous levels of drinking in the year prior to custody. Maden et al, (1994; 1996, cited in Ibid), highlighted that one in four women were dependent on drugs in the six months leading to arrest, 11% meeting the criteria for drug dependency, and one in five meeting the criteria for multiple dependencies. Plugge et al (2006) found that 58% of women had used drugs daily in the six months before prison and 75% of women prisoners had taken an illicit drug in those six months, with crack cocaine, heroin, cannabis and benzodiazepines being the most common.

Substance misuse can often exacerbate mental health conditions (Owers, 2007), but it should be noted that it is not the only cause of psychological problems; it can also be a symptom or coping mechanism (Drugscope, 2005). Women prisoners are often labelled as being ‘mad rather than bad.’ (Wedderburn, 2000). The ‘residuum’ argument, explains that since there is so few women in prison compared to men, those that are imprisoned must be ‘mad’ (Seddon, 2007) or that there is ‘something wrong’ with them (Morris, 1991). Feminist criminologists have sought to rebuke this perception of female offenders, by claiming the assumption of female offenders as ‘sick’ ignores their past experiences (Belknap, 1996). However, the statistics do present a prominent prevalence of mental illness, which presents a contradiction.

It has been noted that 40% of women in prison have received care or treatment for a mental health problem the year before imprisonment with 15% admitted for inpatient psychiatric care. Two-thirds of women have a neurotic disorder, such as depression, anxiety and phobias, contrasting with less than a fifth of the general population. 14% of women prisoners suffer from severe mental illness, such as schizophrenia or delusional disorders compared to 1% of the general population. 70% of women have 2 or more mental health disorders and 50% of women in prison are also on prescribed medication such as anti-depressants or anti-psychotic medicine (PRT, 2002). These statistics show a serious problem. Juliet Lyon commented,

“Locking up women who are mentally ill is a crime in itself. These women need a range of community mental health services including psychiatric support...in patient or secure care...” (Ibid)

While these statistics are already disturbing,

‘...there is likely to be a large dark figure of mental illness, that is, mental illness which is unrecognised, un-referred, undiagnosed and un-hospitalised’

(Morris, 1991:53).

Correlating with mental disorder, self-injury is prevalent amongst the female prison population. In 2006, there were 23, 420 incidents of self-injury, of which women accounted for 11, 503 (49%) of incidents. Between the 1 Jan and 29

March 2007 there were 2839 incidents of self-injury among female prisoners (NOMS, Safer Custody News, 2007, cited in PRT, 2007).

Miller (1994) notes that, 'Women act out by acting in' and in contrast to the violence displayed by men, women are viewed as 'troubled' rather than 'troublesome' (The Corston Report, 2007).

The Samaritans fact sheet notes that self-injury is closely linked to depression and low self-esteem, triggered by physical or emotional abuse, neglect, money worries and relationship difficulties, traits common to offending women. Risk factors of self-injury associated with the prison regime, will be examined in chapter three.

While incidents of self-injury have been well documented, less attention has been paid to related behaviours such as eating disorders (Milligan et al, 2002). Ash (2003) highlights that, 6% of prisoners were diagnosed with anorexia and 14% with bulimia, compared to 1.6% and 3.2% in the general population.

Mental health problems and substance misuse are often linked to past experiences of violence and sexual abuse. Many women, who self-injure, have experienced,

'...very difficult and painful experiences and describe their behaviour as a way of coping with overwhelming feelings and gaining a sense of control'

(Samaritans, 2007).

Ferraro (2006) considers women as victims *and* offenders. There is overwhelming evidence that imprisoned women have past experience of abuse. Over 50% of women in prison have experienced domestic violence and one in three have experienced sexual abuse (Social Exclusion Unit, 2002, cited in PRT, 2007). One in 20 women have been raped at least once since the age of 16 and up to 30% young women (18-20 years) reported sexual abuse in childhood (Soloman, 2004 cited in PRT, 2007). This prior victimisation highlights the vulnerability of female prisoners and the ambiguity between being a victim or an offender. Chapter one noted that coercion from men forms a route into criminal activity and it could be argued that many women become involved with hard drugs after entering into violent and exploitative relationships with men (Drugscope, 2005).

Women entering prison bring a wide range of untreated physical health problems with them and being unregistered with a GP and neglect of their health is common (Belknap, 2001, cited in Wolf et al, 2007). Research suggests female prisoners have higher rates of various physical problems than women in the general population (Marshall, et al, 2000). In a study by Smith, (1998, cited in Marshall et al, 2000) 60% of women rated their health as fair, poor or very poor. Plugge et al (2006) found that imprisoned women's physical health was worse than that of social class V, the group with the poorest health, with 83% having a long standing illness and 73% taking prescribed medication. There are also factors that are poverty related, connected to high proportions of unemployed and homeless women in the prison population, therefore it is inevitable that health problems such as asthma, heart disease, dental health problems and infectious diseases are more prevalent in this group (Marshall et al, 2000). Sexual behaviour of female prisoners has a bearing on their physical health. 17% of the

adult female prison population have had a sexually transmitted disease and 31% had 2 or more partners in the last 12 months with inconsistent condom use (Marshall et al, 2000). Pregnant women received into custody bring another set of health issues. In 2004, 114 women gave birth while serving a prison sentence (Hansard House of Commons written answers, 13/07/2005, cited in PRT, 2007).

Uneducated and unemployed women are over represented in the female prison population as table 2.1 identifies.

| <b>Employment</b>    | <b>Remand Prisoners</b> | <b>Sentenced Prisoners</b> |
|----------------------|-------------------------|----------------------------|
| Working              | 26%                     | 34%                        |
| Unemployed           | 24%                     | 23%                        |
| Living off crime     | 14%                     | 12%                        |
| Long-Term sick       | 14%                     | 8%                         |
| Bringing up family   | 13%                     | 17%                        |
| Other                | 9%                      | 6%                         |
|                      |                         |                            |
| <b>Education</b>     |                         |                            |
| A Level or higher    | 13%                     | 13%                        |
| GCSE                 | 42%                     | 36%                        |
| Other                | 1%                      | 1%                         |
| None                 | 44%                     | 48%                        |
| Excluded from school | -                       | 33%                        |

**Table 2.1:** Education and Employment History of Female Offenders  
Source: Singleton, et al. (1998).

This chapter has highlighted that women enter prison with a multiplicity of problems (Medlicott, 2007).

‘...imprisoned women are usually marginalized women sharing characteristics that are devalued by society.’ (Bloom et al, 1995:132, cited in McIvor, 2007)

In summary, these women share characteristics of ‘social exclusion’, financial problems, a distinct lack of education, experiences of physical and sexual abuse, substance misuse and mental health and associated problems and are likely to be primary caregivers for their children. Whilst it is recognised that male prisoners may have similar characteristics, the needs of women and their modes of

adaptation are generally different to men. Therefore it is necessary to identify how the prison life and its regime compound the problems of female offenders.



## Chapter Three

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### **Critical Analysis of Prison Regimes**

The previous chapter identified common characteristics among women entering prison and considering these vulnerabilities, it is necessary to identify the impact prison life and its regime has upon these women. In examining the prison regime, human rights discourse and the purposes of imprisonment require consideration. Carlen and Worrall (2004) summarise these issues with their identification of the 'healthy prison,' a safe environment, treating people with respect, a full, constructive and purposeful regime and resettlement training to prevent re-offending. Publications following the Thematic Review of Women In Prison (1997), such as 'The Government's Strategy for Women Offenders' (2000) and Women's Offending Reduction Programme (2004) have sought to redress penal policies to make them more gender specific. However the Corston Report (2007) has indicated that previous developments have resulted in little change.

Reception procedures are the first contact women have with prison. Dooley (1990) recognises that initial periods of imprisonment, reception and induction carry elevated risk of self-inflicted death, as the impact of imprisonment is felt more keenly. The Prison Advice and Care Trust (PACT) provide valuable services to newly arrived women. In 2005 Oak House was opened at Styal Prison, tailored towards ensuring women feel safe and supported during their first few days in custody (HM Prison Service, 2005). At Eastwood Park, the Mary Carpenter unit has been praised for effective first night and reception procedures (Chief Inspectors of Prison Report, 2007a). These centres enable staff to assess prisoner's immediate needs before they move into the main prison (Dockley, 2008). Prisoners who were informed of what would happen to them during their first day in prison significantly improved, 23% in 2004 to 57% in 2006 and the number of prisoners who reported feeling safe on their first night increased from 56% in 2004 to 85% in 2006 (Ibid). Despite positive intentions, criticisms have been made over the limited facilities and insufficient first night procedures to cope with vulnerable women (Chief Inspector of Prison Report, 2007b). Due to the high volume of women arriving in custody, assessments are often hurriedly or inaccurately completed (Dockley, 2008). It could be argued that procedures in place for women are better than those for men, where proper mechanisms have been slower to develop. It could be speculated that the prison allocation system for men is more disruptive as they are often placed in local prisons before transfer to the prison where they will serve their sentence (Jewkes, 2007). It has been recommended that formalised first night procedures should be a core part of prisons safer custody agenda and instead of giving a false impression of the prison environment, holistic procedures and safer custody should infuse the whole jail (Dockley, 2008).

The prison population level is a significant factor in how the prison regime operates and how effective its resources are utilised. 'Prison overcrowding is currently an extremely pertinent theoretical and policy issue, as many prisons nationwide routinely operate over capacity.'

(Huey and McNulty, 2005:493).

The table below shows the population of the female prison estate and the prisons operating at and over certified normal capacity are highlighted.

| Prison               | Accommodation available for use | Population | % occupied |
|----------------------|---------------------------------|------------|------------|
| Askham Grange        | 126                             | 96         | 76         |
| Bronzefield          | 450                             | 437        | 97         |
| Downview             | 358                             | 346        | 97         |
| Drake Hall           | 315                             | 310        | 98         |
| East Sutton Park     | 98                              | 91         | 93         |
| <b>Eastwood Park</b> | <b>326</b>                      | <b>334</b> | <b>102</b> |
| Foston Hall          | 283                             | 268        | 95         |
| Holloway             | 498                             | 473        | 95         |
| <b>Low Newton</b>    | <b>291</b>                      | <b>301</b> | <b>101</b> |
| <b>Morton hall</b>   | <b>392</b>                      | <b>351</b> | <b>100</b> |
| <b>New Hall</b>      | <b>393</b>                      | <b>421</b> | <b>107</b> |
| <b>Peterborough</b>  | <b>360</b>                      | <b>360</b> | <b>100</b> |
| Send                 | 216                             | 208        | 96         |
| <b>Styal</b>         | <b>438</b>                      | <b>438</b> | <b>100</b> |

Table 3.1: Population of the Female Prison Estate

Source: Adapted from Ministry of Justice: Population in Custody, January 2008

Local prisons have particularly high levels of overcrowding where high volumes of remand prisoners are held (Jewkes, 2007). It is important to note that the prison service has no control over the volume of prisoners received and is obliged to accept any person sentenced to imprisonment (Chigwada-Bailey, 2003).

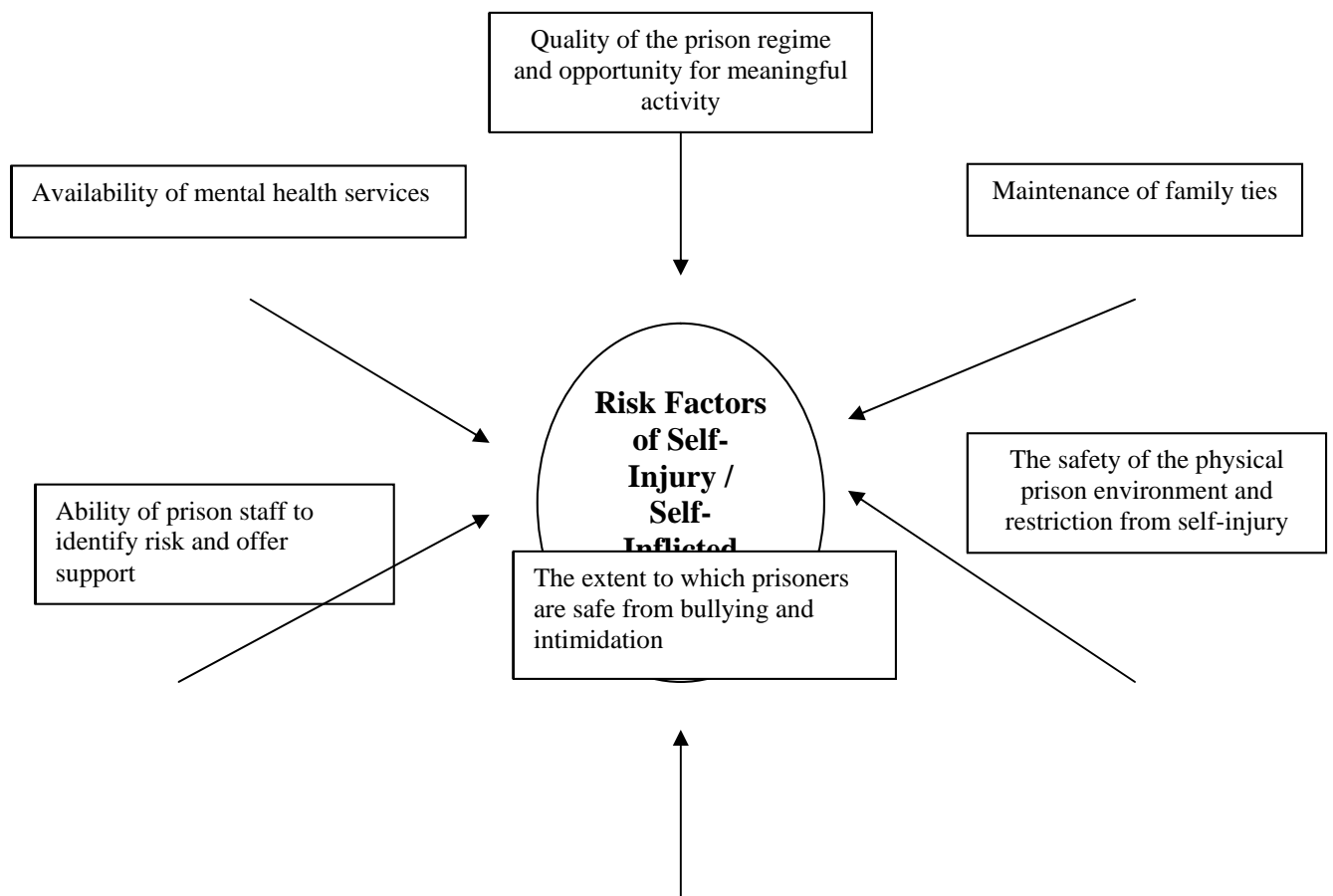
Huey and McNulty (2005) cite overcrowding theory as a causal factor of prison regime problems and the Lord Chief Justice refers to overcrowding as the ‘aids’ or ‘cancer’ of the prison system (Allen, 2005: 216). In the struggle to cope with too many prisoners, valuable opportunities are lost for officers to build positive relationships with the women (Devlin, 1998). NACRO (2007a) notes that signs of depression and suicidal intent are often overlooked. Discussion around overcrowding introduces contradictory issues facing the prison service. With limited cells, women often share with those suffering from mental health problems or those who persistently self-injure (The Corston Report, 2007). However, it could be argued that individual cells, while offering privacy, create a heightened risk of self-injury (Towel, et al, 2002). Overcrowding also puts restrictions on free association as a result of the staff to prisoner ratio being so unbalanced. During free association social networks, created to alleviate the ‘pains of imprisonment’, are affected (Faith, 1993, cited in Greer, 2000) and interaction between and with prisoners is thought to reduce self-injury (Owers, 2007). Despite this, it could be argued that time out of cells could create opportunity for intimidation and bullying. There are a number of difficulties with redressing the balance of overcrowding. Relocation can upset stable relationships and break education and rehabilitation courses where progress is being made.

Distance from home may also be widened through further movement and for security reasons, women are not informed about relocation in advance, bringing further problems and distress for prisoners and their families (Devlin, 1998).

Chapter Two outlined the prevalence of mental illness amongst female offenders. The Chief Inspector of Prisons (2000) report on HMP Holloway noted 15 out of 25 patients in the health care centre were, 'so ill that they should have been in an NHS facility as their health needs were far beyond the capacity of the staff on the ward.' (Cited in Peay, 2003). In many cases, the prison regime can exacerbate mental disorders and high prescription of psychotropic drugs in women's prisons could be considered as treating symptoms rather than addressing root causes. The quality of psychiatric care has been found to be inadequate and below the standard of the NHS (Reed and Lynne, 2000; PRT, 2003; Carlen, 1990). Reed and Lynne (2000) reported that no prison doctors in their study had specialist training and less than one-quarter of nurses had mental health training. NACRO (2007b) identifies the problems being, a severe lack of knowledge or understanding of mental health issues, and a lack appropriate response or co-ordination between services.

The neglect of mental health issues has profound effects on self-injury and self-inflicted deaths within prisons, raising issues within Article 2 of the Human Rights Act, the right to life. In 2007, there were 7 self-inflicted deaths in women's prisons (PRT, 2007), mirroring the rises in the female prison population (Jewkes, 2007). Self-damaging behaviours are particularly prevalent amongst female prisoners and are of interest in investigating the effects of incarceration on inmate adjustment to prison life (Huey and McNulty, 2005). Milligan et al, 2002, based on their study into eating patterns, found that the prison environment heightens the intensity of emotions such as anger leading to self-injury. While the causes of self-inflicted death are rarely simple (Towel et al, 2002), Carlen, (2001, cited in Carlen and Worrall, 2004) recognises that these issues are not discrete problems but indicators of the prison's general 'health'.

There are a number of factors that have a profound effect on the levels of self-injury and self-inflicted death as shown in Figure 3.1.



**Figure 3.1:** Risks leading to self-injury and self-inflicted death  
Source: Adapted from Towel et al (2002)

Women On the Edge: The Truth about Styal Prison highlights the difficulties prison officers face in preventing women from self-injury. Carlen and Worrall (2004) take an appreciative standpoint to prison officers and suggest criticisms of officers should take into account the institutional conditions that they work within. With a lack of specific training to cope with female prisoners, officers are expected to be able to identify the precursors to self-injury. This highlights an inherent tension between care and control as it is often necessary to take physical measures to keep women alive yet criticism over such treatment arises. In 2006 there was 3,123 recorded incidents of prisoner on officer assault, highlighting further difficulties officers have to contend with (Hansard House of commons, written answers, 30/10/2007, cited in PRT, 2007). As a possible consequence of these issues, there is often high staff turnover, illnesses and shortages, which can be highlighted by the current nationwide campaign to recruit prison officers (HM Prison Service, 2008a).

Physical health care in prisons is an additional matter of concern. It is generally accepted that women have additional and more various health care needs than men (Alemagno and Dickie, 2002, cited in Carlen and Worrall, 2004), such as

gynaecological, menstrual problems and pre / postnatal care for pregnant women (Belknap, 1996). Evidence suggests that women's health needs are not consistently dealt with in a respectful and appropriate way. Reed and Lynne (1997) found that doctors were poorly trained and found staff shortages. Wolf, et al (2007) note the difficulties in recruiting medical professionals because of low pay, the locations of prisons and the nature of the work environment. Primary care consultation rates and admission rates to prison healthcare centres are considerably higher than consultation rates for women in the community, placing strain upon healthcare services. Self-care, such as access to over-the-counter medicine is restricted, meaning services are often over-burdened with consultations for minor medical conditions than that in community settings (Marshall et al, 2000), also undermining women's ability to be agents of their own health (Wolf, et al, 2007). However, it could be argued that prison healthcare is equivalent to the community, where healthcare also varies from high to low quality care, depending on the 'postcode lottery' (Dispatches, 2006).

There are a number of education, rehabilitation and employment opportunities for women in prison, which have been subjected to criticism. The smaller proportion of women in prison is used to justify the lack of diverse educational, vocational and other programmes available to incarcerated women (Belknap, 1996). In contrast, there are problems for male prisoners, as programmes cannot be delivered because of high population numbers. Women serving short sentences are disadvantaged, as they are unable to complete a majority of programmes (Hamlyn and Lewis, 2000, cited in Carlen and Worrall, 2004). The lack of resources is problematic as rehabilitation ultimately depends on the programmes available (Carlen and Worrall, 2004). Such programmes have been critiqued for being based upon research into criminogenic needs of men, and there is debate on their suitability for women (Pearce, 2007). Drug treatment programmes are criticised for their inability to take into account the heterogeneous nature and extent of women's drug addictions (Ibid), which studies have indicated that women's rationales and justification for drug misuse are more likely to reflect their greater psychological and socio-economic life problems (Peters et al.1997; Pelissier et al, 2003, cited in Wheatly, 2007), affecting the way they will respond to treatment and its delivery. A study carried out for the Home Office (Cann, 2006, cited in Malloch and Loucks, 2007) found no statistically significant difference in reconviction rates between women who participated in prison based cognitive skills programmes and those that had not, indicating that current courses are ineffective and unsuitable for female offenders, questioning the ability of prison to rehabilitate.

Eastwood Park was praised for its education and training opportunities (HM Chief Inspector of Prisons Report, 2007a) and East Sutton Park currently has 25 women working outside the prison, with plans to increase this number to 50 (HM Prison Service, 2008(b)). HMP Low Newton runs the mentoring project, Open Gate, which aims to help and support women in resettling back into the community and addresses the fears about homeless, employment and re-establishing family life (Smartjustice, 2007a).

Considering women find difficulties gaining employment when release, because of prejudice of their past criminal behaviour (Dodge and Pogrebin, 2001), lack of

previous employment history, low educational attainment, health problems (mental or physical), lack of stable housing, and the failure to amend the Rehabilitation of Offenders Act (1974) (PRT, 2007), these are excellent examples of effective rehabilitation and employment initiatives. Resettlement presents many challenges for women and 30% of women lose their accommodation while in prison (The Corston Report, 2007) and many others lose their possessions (Women in Prison, 2007). In addition women often have fears about adapting to the community and of stigmatisation. Therefore the lack of resources to aid resettlement can mean women leave prison less equipped to fit into society than before (Allen, 2005).

A contrasting argument could be posed on grounds of 'less eligibility', that prisoners should be treated worse than the lowest social class and that since deprived, honest women in the community cannot access educational and rehabilitative programmes, prisoners should not have such advantages (Carlen and Worrall, 2004). To counter this argument, wider social policy needs to be considered, and the proposals will be outlined in the next chapter. The particular types of educational and employment in women's prisons have been criticised for reinforcing gender stereotypical ideas about femininity and domesticity (Carlen, 1990). However, it could be argued that such courses are more appropriate for women and educate them with useful skills.

The physical prison environment is a further matter of concern. It has been noted that architecturally that prisons are not designed with women in mind (Carlen and Worrall, 2004) but designed by men, with men's needs in mind (Carlen, 2002). However, it could be argued that converted stately homes, Askham Grange and East Sutton Park, are set in much nicer surroundings than imprisoned women are used to (Carlen and Worrall, 2004).

The conditions in female prisons have been a continual source of condemnation. In 1985, the Chief Inspector described the conditions at Holloway as claustrophobic, finding damp, rats, cockroaches and the smell of urine and excrement (Medlicott, 2007). In 1995, the Chief Inspector walked out of Holloway describing 'filth, almost continual lockup, vermin and uncleared rubbish' unacceptable (Ibid). The Corston Report (2007) reinforced these findings, describing conditions as dirty, a lack of fresh air or ventilation, and the presence of vermin. The report also outlined the unhygienic sharing of facilities and the limited access to personal hygiene products and dirty shower facilities and toilets without lids, in cells and dormitories. These issues are more significant for women, considering menstruation. Whilst conditions have improved since the times of 'slopping out', conditions remain unacceptable.

The security in women's prisons is an important issue of the physical prison regime. Women are assessed as needing closed or open conditions (Carlen and Worrall, 2004), meaning high and low risk offenders will be held together, in contrast to male prisons, who are assessed as category A, B, C or D. Women generally present a lower security risk than men (HM Prison Service, 2007) but since the high profile escapes from Whitemoor and Parkhurst prisons in 1994, have suffered disproportionately (Carlen, 1998), and are held in higher security conditions than necessary. In 1996, high security measures were put under the



spotlight when a woman was manacled to her bed whilst in labour (Ibid). High levels of security can indicate the prison deprivation level and Liebling (1992) notes high security causes dehumanising atmospheres and slower adaptation to the prison environment, increasing the prevalence of self-inflicted death. Inmates are thought to adapt better to prison when given some control over the immediate environment (Huey and McNulty, 2005).

Discipline is a particular source of tension in women's prisons. Carlen (1990), argues that discipline is excessively harsh because prison authorities expect higher standards of behaviour from women prisoners than they do from men. Three main issues are identified. The first is the 'petty' rules, which women often find confusing and unclear on arrival. Women routinely commit around twice as many disciplinary offences as men (Carlen and Worrall, 2004), and are therefore subjected to disciplinary procedures, contravening Article 6 of the Human Rights Act, the right to a fair trial and Article 7 the prohibition of punishment without reference to the law. For women in mother and baby units there is a constant fear that their child may be taken away from them for rule breakage. The second is cell searches, which are found to have greater significance for women than men, as they tend to personalise their cells. The third is regular and degrading strip-searches. While certain strip searches may be necessary, additional distress is caused, particularly for women who have experienced sexual abuse. The searches may also violate Human Rights article three, the prohibition of torture, inhuman and degrading treatment.

Prisoners that have experienced sexual abuse or domestic violence may feel uncomfortable having male officers in their living quarters and involvement in their daily routine (Ibid). However, it could be argued that male officers can provide women with positive male role models (Ibid).

The small population of women prisoners creates logistical problems; therefore women are more likely to be held further from home. The geographical dispersal of women's prisons has consequences for the prison regime. Appendix 1 shows the locations of women's prisons, which illustrates the lack of custodial facilities for women in Wales. In 2005, 40% of all women were held at least 50 miles from home. Some women choose not to move to open prisons because this would increase their distance from home, which has consequences for release preparations (Welsh Committee Report, 2007). The vast geographical dispersal has implications for the frequency of family visitations, raising questions of Human Rights Article 8, the right to a family life. Chapter Two outlined the negative effects of maternal imprisonment on children, which violates the UN convention of the Rights of a Child, which states children should not be affected by the status of their parents.

It has become clear in this chapter that the prisons service is presented with a number of conflicting pressures and principles that cause problems for future reforms (Owers, 2007). Prisons are paradoxical institutions (Sparks, 2007) and there are several salient issues that require attention in future policy development. Despite actions to introduce positive initiatives, prisons remain

unsuitable and unnecessary for the vast majority of women. Carlen and Tchaikovsky (1996: 205) sum up this lack of progress, 'Female prisoners are *still* imprisoned far from their homes, they are *still* subject to more petty restrictions than men, they *still* complain about the quality of the medical treatment they received, and they *still* have fewer educational, work and leisure opportunities than male prisoners.' It is therefore necessary to identify available alternatives to prison and to make suggestions for penal reform.



## Chapter Four

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### **Future Directions and Alternatives**

How a society should respond to people who break its rules is both a challenging and politically pressing problem of the 21<sup>st</sup> Century (Allen and Stern, 2007). The preceding chapters examined the vulnerable characteristics of the women entering the prison system and how the prison regimes and the underpinning philosophies are on the whole unsuitable. Greater use of imprisonment is not a desirable direction in which policy and practice should be moving (Allen, 2005). Considering the high percentage of short sentences that are given and that 55% of women were reconvicted within 2 years of release in 2003, women enter a vicious circle of imprisonment (PRT, 2003). Prison does not exist to deal with problems of mental health, drug addiction, homelessness or unemployment (Coyle, 2006). The fact that prison is used in this manner goes a considerable way to explaining why the prison population is increasing exponentially at a time when crime rates are supposedly falling (Coyle, 2006). The failure to rehabilitate and reform, high social and economic costs to society, cannot sufficiently justify the use of imprisonment.

There has been no shortage of alternative proposals to deal with female offenders, which would reduce the use of imprisonment (Gelsthorpe and Morris, 2002). Taking these into consideration and what has been examined thus far, a number of recommendations for reform will be suggested, directed towards a substantial reduction of the use of imprisonment for women and a radical reorganisation of custodial services.

### **Reduction of Remands in Custody**

Chapter one identified that England and Wales have the fastest growing remand population. 957 women were remanded in custody in October 2007 (Home Office Offender Management Caseload Statistics, 2005, cited in PRT, 2007), with only 41% of remand prisoners in 2005 receiving prison sentences (Ministry of Justice, Population in Custody, England and Wales, 10/2007, cited in PRT, 2007). There is evidence that women are disproportionately remanded in custody awaiting psychiatric reports (Wedderburn, 2000), rather than because of the gravity of the alleged offence.

‘remands in custody are an inefficient, ineffective and inhumane way of securing psychiatric assessment and treatment.’

(Dell et al, cited in Morgan, 1994:911)

Excessive use of remand puts a strain upon the already insufficient resources for the sentenced population.

It is recommended that women should only be remanded in custody if presenting a serious risk of harm to the public and if the court is concerned the offender may abscond, bail hostels and electronic monitoring are available.

### **Greater Use of Non-custodial Penalties and Community Alternatives**

A frequent argument is that punishment in the community should be the ‘normal’ punishment for women for which custody is not strictly necessary (Lord Bingham, cited in Allen, 2005). Carlen’s partial abolitionist vision for women’s prisons is that,

‘...for an experimental period of five years, imprisonment should be abolished as a ‘normal’ punishment for women and that a maximum of only 100 custodial places be retained for female offenders convicted or accused of abnormally serious crimes.’

(Carlen, 1990:121)

Advocates of the ‘what works’ resurgence, a belief in rehabilitation, argue that programmes to reduce re-offending yield more positive outcomes in the community rather in custodial institutions (McGuire and Priestly, 1995, cited in Brownlee, 1998). Similarly it has been noted that women are generally less resistant than men to accepting community supervision and resettlement (Gelsthorpe, et al, 2007).

The current twelve provisions under the generic community penalty are shown in the table below.

| <b>Section under Criminal Justice Act 2003</b> | <b>Provision under the Criminal Justice Act 2003</b> | <b>Overview of Provision</b>   |
|--|--|--|
| <b>199 + 200</b>                               | Unpaid Work Requirement                              | Offender to undertake unpaid work. Not less than 40 hours or more than 300 hours. Over a period of 12 months. Offender must be suitable and compliant.                 |
| <b>201</b>                                     | Activity Requirement                                 | Purpose of reparation. Offender to present themselves to a person specified at a specific time or place. Participate in specified activity. Maximum period of 60 days. |
| <b>202</b>                                     | Programme Requirement                                | Offender to take part in a systematic set of activities  |
| <b>203</b>                                     | Prohibited Activity Requirement                      | Offender to refrain from a certain activity on days specified or for a period of time.   |
| <b>204</b>                                     | Curfew Order   | Offender to remain at a specific place for a specified period. Order imposed for no less than 2 hours or more than 12 hours.   |

|                       |                               |  |
|-----------------------|-------------------------------|--|
| <b>205</b>            | Exclusion Requirement         | Offender prohibited from entering a certain area.<br>Maximum exclusion time is 2 years.  |
| <b>206</b>            | Residence Requirement         | Offender must reside at a specified place.<br>It can be specified as a hostel or other institution if deemed more suitable.  |
| <b>207 + 208</b>      | Mental Health Treatment       | Offender must submit to treatment by a registered medical practitioner or a psychologist, with a view to improve their condition<br>Can be inpatient or outpatient care.   |
| <b>209 + 210 +211</b> | Drug Rehabilitation Treatment | Offender to submit to treatment to reduce or eliminate their dependence on drugs.<br>Drug testing.<br>Imposed for a period of at least 6 months.<br>Inpatient or outpatient care.<br>If imposed for more than 12months – periodical reviews taken. |
| <b>212</b>            | Alcohol Treatment             | Offender to submit to treatment to reduce or eliminate dependence on alcohol.<br>Inpatient or outpatient care.   |
| <b>213</b>            | Supervision Requirement       | Offender to attend regular appointments with the responsible officer (i.e probation officer) to promote rehabilitation.  |
| <b>214</b>            | Attendance Centre Requirement | For offender under the age of 25.<br>Attend the centre for not less than 12 hours or more than 36 hours.   |
| <b>215</b>            | Electronic monitoring         | This can be imposed to secure compliance with other requirements.  |

**Table 4.1:** Community Punishment Provisions  
Source: Criminal Justice Act 2003

It is important to note that a number of requirements can be added to the generic community penalty. However, caution should be taken when adding too many requirements, as this would compromise the proportionality principle, stating punishment should be commensurate to the offence.

The community penalty has many advantages. The 12 provisions mean that punishment can be tailored to fit the needs of women, for example, if the female offender has a mental health problem, a treatment order can be attached to the generic sentence. The work requirement of the community sentence can be empowering and emphasises positive pathways out of offending (Gelsthorpe, et al, 2007). It is noted that offenders given a community sentence reoffend 20% less than those given short prison sentences (Ministry of Justice, 2007). Cost is significant in considering alternatives to prison. The Matrix Group (2007) found residential drug treatment in the community cost £5,299 per offender per year and 43% less likely to re-offend. Drug treatment in prison cost £28, 690 per year with 30% of offenders less likely to offend. This highlights that community treatment is cheaper and more effective. Considering value for money, the study

found total savings to the taxpayer was £202,775 for the community treatment and £116,554 for prison treatment, indicating community based drug treatment is also better value for money. The Prison Reform Trust (2000, cited in Medlicott, 2007) found that the quantifiable financial cost to public bodies to imprison women in 2000 was estimated at £118 million with a cost of between £25- £45 000 per year per offender. The Howard League for Penal Reform found that it cost £100 per day to keep a low risk drug user in prison, but only £25-£37 for treatment in the community. Therefore the cost of community sentences is much lower and more effective. Exact costs of community sentences will ultimately depend on the provisions imposed.

It is important to identify areas of the community penalty that require caution. Hudson suggests that community-based sentencing is bringing about not so much a reduction but a restructuring of the penal population creating, ‘...a young, white, hopeful penal population in the community, and a black, mentally disordered, homeless and hopeless population in the prisons.’

(Hudson, 1993:138, cited in Brownlee, 1998).

Therefore, positive measures should be taken to reduce any inequalities on grounds of gender, race, age or class and the content of the programmes should focus upon women’s specific characteristics (Brownlee, 1998), such as childcare arrangements (McIvor, 2004). Procedures in place for breaches should bear these in mind. Most women offenders have multiple problems so an effective response is likely to require the involvement and co-operation of several services (Gelsthorpe, et al, 2007).

Multi -Agency Public Protection Arrangements (MAPPAs), bring together agencies such as police, probation and prison services to collaborate with social services, NHS trusts, local housing and local education authorities, job centre plus and youth offending teams, to strengthen public protection. OASys is a tool, shared between the prison and probation services and identifies the risk and needs of the offender. It examines the risk of re-offending by looking at offending related factors including, offending history, accommodation, education/training, employment possibilities, relationships, drug and alcohol misuse, emotional well-being, thinking and behaviour (Pearce, 2007).

Community provisions are available, directed towards rehabilitating and reintegrating women.

The innovative 218 project was set up in 2003 following the ‘safer custody’ publication in Scotland (Malloch and Loucks, 2007), designed to address the needs of female offending in Glasgow to reduce the number of women who end up in custody (Loucks, et al, 2006). Women referred by the courts, social workers or the police can access the services (218, 2007). The effectiveness of a service like 218, is often difficult to measure in quantifiable terms, but the evaluation carried out by Loucks et al (2006) found in interviews with sentencers and prosecutors that they made use of 218 and value it as a resource. The evaluation also found women who engage with the 218 services are likely to avert custody in the short and long term, highlighting the contribution 218 can make to longer-term crime prevention.

The Asha and Calderdale centres are similar in their aims and objectives to help women find a route out of offending, poverty and deprivation and aim to change offending behaviour through tackling the reasons why women offend. Information, advice, education and training are offered and encourage women to access service such as legal advice, debt management and careers guidance. The projects are for women only and facilities such as an onsite crèche and minibuses are provided (Smart Justice, 2008a; Calderdale, 2008).

Trevi House provides residential care for women with drug and alcohol problems, and their children, therefore maintaining family emphasis. It caters for women on a court order or those released from prison, although most women using the centre are not offenders. The centre offers courses to raise self-esteem, dealing with domestic violence, life and parenting skills. As the women prepare to leave the centre, they begin education or voluntary work in the community and are helped into safe housing with aftercare provided as required (Smart Justice, 2008b). An inspection into Trevi House found that it was effective in overcome women's addictions (CSCI, 2007).

The Together Women Project (TWP) is working in the voluntary sector as part of four organisations with experience of working with female offenders. The project offers support to women offenders and women at risk from offending. TWP uses key workers offering a 'one stop shop' service that aims to offer support to all appropriate areas of need (NOMS, 2006). As the project is recent it is difficult to make any decisions about its efficacy.

These projects are excellent examples in the way female offenders can be effectively rehabilitated and re-integrated into the community. It is recommended that such projects are extended to be more widely available in the community and not just for offenders, but incorporated into social policy for women at risk of offending, similar to the Trevi House project.

When looking at alternatives to prison it is helpful to look towards how other countries implement alternatives to prison. Different countries make use of prison at very diverse rates, which are not explained by differing levels of crime and violence (Allen and Stern, 2007). Examining the alternative approaches that are used, can help develop ways of reducing the prison population in the UK.

In the US, Justice Reinvestment was introduced in response to the increasing prison population, similar to the problem in the UK. The scheme uses funds spent on imprisoning offenders more productively by using local community based initiatives designed to tackle the underlying problems of criminal behaviour (Ibid). This interesting approach to criminal justice gives power to local rather than central government in deciding how money should be spent on producing safer communities. The results from the US scheme have been encouraging. Connecticut went from having one of the fastest growing prison systems in the country to nearly the fast shrinking one. Plans to build additional prisons were abandoned and a reduction in the prison population allowed 500 prisoners housed in Virginia to be returned (Ibid). A weakness in the scheme was the failure for local authorities to plan and co-ordinate an evidence-based set of initiatives. However, by improving on the reported weaknesses from the US,

could be implemented more effectively in the UK. As the JR movement leverages public money to end the over-dependence on criminal justice, it may also hold the promise of a deeper, systematic reform, rooted in the deepening recognition that the criminal justice system alone cannot successfully resettle offenders (Ibid). A similar pilot scheme is currently being carried out in the North-East of England and based on the evaluation, greater attention to such schemes could be beneficial in the consideration of alternative approaches.

Crawford and Newburn (2003, cited in McIvor, 2004) suggest that restorative justice approaches may be susceptible to 'net widening' and could be adapted for female offenders. Restorative justice is advantageous in its ability to take into account the interest of victims, offender and the community. However it could be critiqued for failure to take into account the economic, personal and social context of offending. Greater attention to the way the approach is carried out could be beneficial. Raynor (cited in McIvor, 2004) notes that effective rehabilitation is about more than programmes, the wider social context in which offending occurs require attention. Positive offender involvement in punishment has been reported as having improved outcomes than approaches leaving offenders dis-engaged or stigmatised (McIvor, 2004). There is evidence, especially from abroad that restorative justice can meet victims' needs more effectively than the conventional criminal justice system, reduce recidivism and to boost public confidence (Allen, 2005). This would suggest that greater use could be made of such approaches for women offenders at a more diverse range of points in the criminal justice process (Masters, 2002, cited in McIvor, 2004).

In deciding upon the extending the use of community penalties, public opinion should be taken into account. Flanagan (1996, cited in Maruna and King, 2004) suggests that 'perceived public opinion' is the greatest obstacle to community penalty success. Stevens (2002, cited in Maruna and King, 2004) argues that researchers have 'barely scratched the surface' of public attitudes towards punishment. The most common findings from research is that the public is largely unaware of community penalties and Roberts (2002, cited in Maruna and King, 2004) claims that the public are not as punitive as some politicians seem to think. An ICM survey for Smart Justice highlights that most people disagree with sending women to prison for non-violent offences. 67% of respondents said prison was unlikely to reduce re-offending and 73% did not think mothers of young children who commit non-violent crime should be locked up, with 86% of respondents supporting community alternatives (Smart Justice, 2007b). Further research into public opinion and education is an area requiring further development.

The fine as a non-custodial penalty is subject to much debate. Chapter 1 recognised that a high proportion of women commit crime out of 'need not greed' and therefore may be unable to pay a fine. Hedderman and Gelsthorpe (1997, cited in Wedderburn, 2000) have shown how magistrates frequently disregard financial penalties for women, viewing them inappropriate for women with low incomes. However, this can lead to harsher treatment and has consequences for the prison population. The reintroduction of the unit fine, abolished in 1993 (Ashworth, 2005) has frequently been requested (Wedderburn,



2000; Allen, 2007) and could protect women from being unnecessarily propelled up the custody threshold. This is an area that requires consideration.

### **Reform of Custody**

Women considered as a risk to the public or convicted of violent offences, should not be neglected and further attention needs to be given to the services and supports that imprisoned women require whilst serving their sentences to minimise the harmful effects of custodial sentences. The Corston Report (2007) revisits the early proposals of small, geographically dispersed, multi-functional custodial units. The advantages of the proposal for community units can be considered against the disadvantages of the prison regime. Geographical dispersal is central to the proposals, meaning women will be housed closer to home. The regime within these units should be paradoxical from the prison regime, for example, avoiding excessive security measures. Considering that they are 'community' units, provisions, such as physical and mental health care, should be accessible from the community. Resettlement should be easier for female offenders housed close to their community with family and friendship ties easier to maintain. Ideas such as restorative justice can be achieved if women are held in close proximity to their community and community involvement in this process can be beneficial to remove stigmatism that released women may fear or experience from their community.

The drawbacks of community units will mean a complete overhaul of the current system and initial expenditure by the government. It could be claimed that since there are already so few women in custody, a reduction in custody by using the alternatives addressed, the female custodial population will be even smaller, posing problems for geographical dispersal. The government claims to have accepted community units, but it is likely to be 10 years before any development (Home Office, 2007). It is suggested that community units would be a more effective way of housing female offender, based on their specific needs and responses to imprisonment. The innovations of the centres should be gender and ethnicity tested to assess their potential for differential impact on prisoners according to gender and/ or ethnic minority affiliation (Carlen, 1998).

In conjunction with the small community units, an approach worth considering is the expansion of therapeutic communities (TCs). TCs were first contemplated for women in the mid 1990s. Research commissioned to examine how useful such an approach would be, found that 6-7.5% of women were suitable and would benefit from treatment. Maden, et al, also found that 5% of men and 8% of women met the diagnostic criteria for personality disorder or substance abuse, making them suitable for treatment (Stewart and Parker, 2007).

'...evidence into women's needs has lent support to the idea that there is a need for a more rounded and holistic treatment type that will enable emotional and psychological factors to be given time and attention in treatment.'

(Stewart and Parker, 2007:70)

The first women's TC was set up at West Hill in 2003, and transferred to Send a year later following the re-roll of West Hill to a male prison (Ibid). The unit aims to provide prisoners with a supportive environment where they live and work

together to explore and change problem behaviours relating to their offending (Ibid). They can be advantageous as they help women to address the root causes of their offending and can identify factors such as past experiences of abuse as relapse triggers. The nature of TCs also mean women are given some control over their environment.

The disadvantages of the units could be that the exploration of criminal behaviour can trigger extreme reactions. Therefore, the staff involved in TCs need to be specifically trained, to prevent its purposes being undermined (Ibid).

In America a similar approach is taken with women's transitional centres, which are secure community based correctional programmes serving adult females. The centre is designed to assist female offenders with transition back into the community and provides a cost effective, programme intensive alternative to incarceration (CCCS, 2008). An evaluation of Transitional Centres for women found research on its effectiveness is scant and the few studies provide mixed findings. There may be characteristics of Transitional Centres that are much more compatible for the needs of men than for women, therefore raising the need for greater modification of the programmes for women (Ibid). The approach for women is relatively new and therefore is difficult to assess its efficacy, however, it is an approach certainly worth considering since they have shown impressive effects on recidivism rates for men.

### **Diversion from Prosecution**

Female offenders could be diverted from custody by greater use of the police caution. Whilst it could be argued that women already receive a high proportion of police cautions (Allen, 2002), to ensure that certain women do not unnecessarily enter the criminal justice system, greater emphasis could be placed on court diversion schemes or arrest referral schemes, particularly for women with mental disorders. Examples for diversion may be for possessing small amounts of cannabis where the offender is cautioned (Ibid). Diversions to women's supervision and rehabilitation centres previously outlined could be used in cases of minor crime (Gelsthorpe and Morris, 2002).

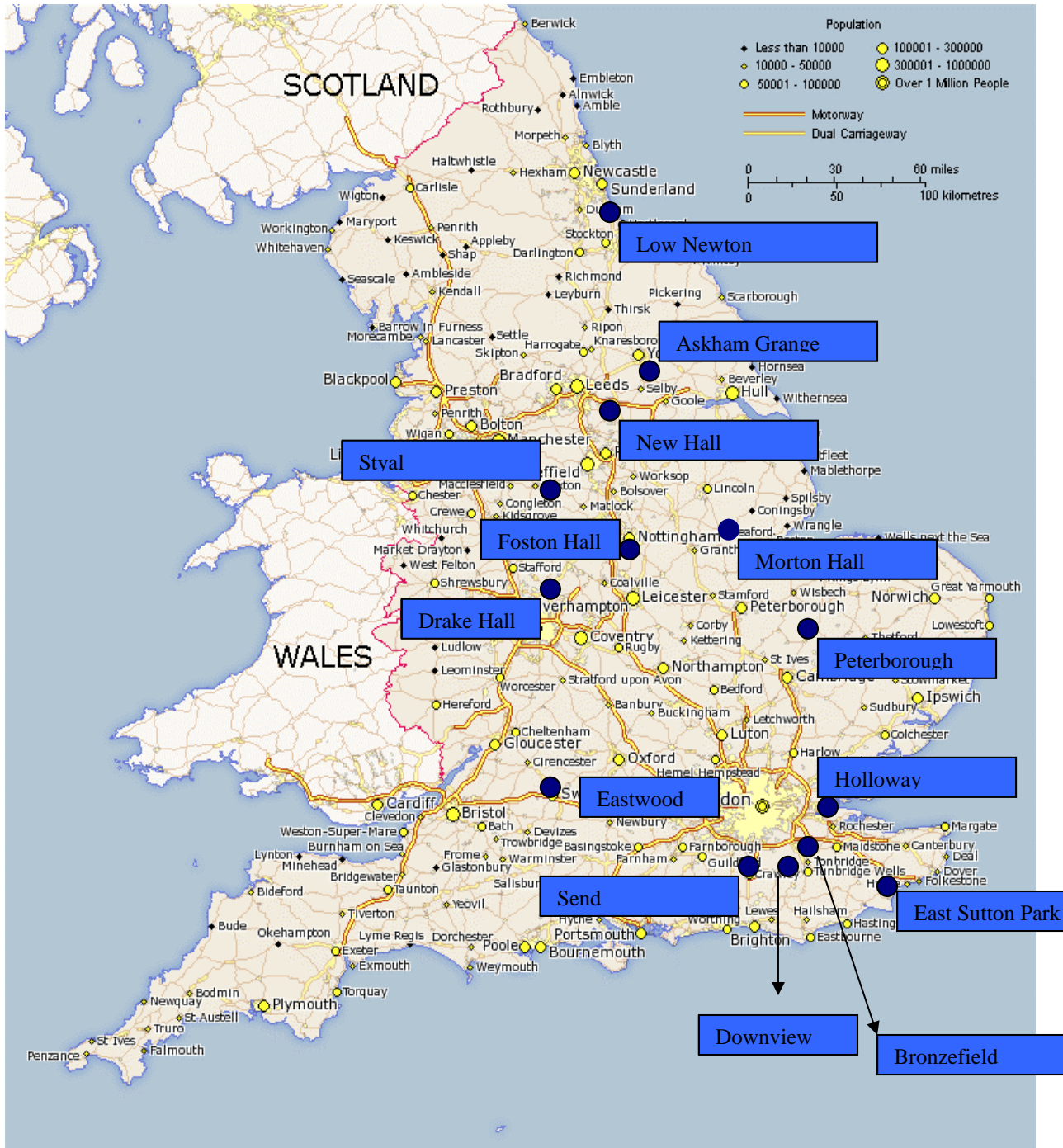
Chapter three identified that the prison service is not adequately equipped to deal with mental illness and that many women in prison should be hospitalised. It can be up to chance whether an offender will be sent to prison or diverted to hospital (Bardsley, 1987) leading to the sentencing of mentally and emotionally disturbed women to penal regimes which sends them out less able to cope than before they were imprisoned (Carlen, 1990). This issue warrants special attention and there are numerous practical issues with this approach. Sending women to mental health facilities is much more expensive than prison and would require more resources. The question is raised that if more hospitals were built, would the problem be solved considering that building more prisons has not solved the overcrowding crisis.



It is clear that the issue of women's imprisonment is not straightforward and the trend towards carceral expansion cannot easily be reversed (McIvor, 2007). The current system for female offenders can only be concluded as being inappropriate and ineffective and that imprisoning women does not solve the problems that underlie their involvement in the criminal justice system (Frost et al, 2006, cited in Sheehan, 2007). In the Government's response to the Corston Report (2007) most of the recommendations were accepted, however, it should be noted that phrases such as the Government 'partially accepts this recommendation' and 'accepts with this recommendation in principle,' which were frequently used, should not be viewed with too much optimism. The timescales for action of these proposed reforms are at least six months and some may take up to ten years. The alternative approaches that have been outlined, would facilitate a reduction in the use of imprisonment and, at the same time, would serve to address women's needs for support and social reintegration. Sentencing reforms are necessary to divert the 'prison-centricity' ethos of current policy (Gelsthorpe and Morris, 2002) and to ensure greater use is made of appropriate community-based disposals. Therefore the proposals that have been made warrant further research and investigation into the tangibility and effectiveness of their implementation on a practical basis. Questions such as the cost of alternative approaches, the number of women to remain in custody, how new approaches be enforced and monitored, arise out of such proposals. It is important to conclude that the reduction of custody for women should rest upon the seriousness of their offending and their risk of harm to others. Greater attention needs to be paid to developing alternative responses that offer additional support and intervention to address women's underlying problems and reduce reoffending. Entire social policy requires further attention in order to develop services for women who may be at risk of offending in order to benefit women in the criminal justice system and the wider community and to put aside argument of 'less eligibility'.

## Appendices

### Appendix 1: Map of the Female Prison Estate



Source: Adapted from: Travel.co.uk, 2008; HM Prison Service, 2008)

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