



**Home Office**

BUILDING A SAFE, JUST  
AND TOLERANT SOCIETY

**A REPORT BY BARONESS JEAN  
CORSTON OF A REVIEW OF WOMEN WITH  
PARTICULAR VULNERABILITIES IN THE  
CRIMINAL JUSTICE SYSTEM**

# THE CORSTON REPORT

**THE NEED FOR A DISTINCT,  
RADICALLY DIFFERENT, VISIBLY-LED,  
STRATEGIC, PROPORTIONATE,  
HOLISTIC, WOMAN-CENTRED,  
INTEGRATED APPROACH**



## FOREWORD BY BARONESS CORSTON

I was delighted to be invited to conduct this very important review. My interest in women in the criminal justice system goes back many years, to the first time I visited Holloway prison. I was shocked at the reality of prison life, at the life stories of some of the women in prison and, above all, will never forget my first sight of a baby in prison.

In 2002-2003, as Chair of the Joint Committee on Human Rights (JCHR), I led a review into deaths in all kinds of state custody, and was deeply moved to see the grief and distress caused to families bereaved by a death in custody. I visited Broadmoor, where I was appalled at the inadequacy of the women's facilities, subsequently drawing it to the attention of my then ministerial colleagues. I am pleased to learn that women are no longer held in Broadmoor. I also decided that if ever I could do anything to help address the needs of women in contact with the criminal justice system, and their incarceration in our state institutions, whether in a police cell, psychiatric hospital or prison, then I would do so.

I do not believe, like some campaigners, that no women should be held in custody. There are some crimes for which custody is the only resort in the interests of justice and public protection, but I was dismayed to see so many women frequently sentenced for short periods of time for very minor offences, causing chaos and disruption to their lives and families, without any realistic chance of addressing the causes of their criminality. I acknowledge that some low-level offending women are persistent offenders who breach their bail conditions and this cannot be ignored. But breach is ratcheting up the use of custody to little avail and there are alternative community solutions which I explore in my report. The effects on the 18,000 children every year whose mothers are sent to prison are so often nothing short of catastrophic. I have concluded that the nature of women's custody in many of our prisons needs to be radically rethought.

There are many women in prison, either on remand or serving sentences for minor, non-violent offences, for whom prison is both disproportionate and inappropriate. Many of them suffer poor physical and mental health or substance abuse, or both. Large numbers have endured violent or sexual abuse or had chaotic childhoods. Many have been in care. I have concluded that we are rightly exercised about paedophiles, but seem to have little sympathy, understanding or interest in those who have been their victims, many of whom end up in prison. The tragic series of murders in Suffolk during December 2006 rightly focussed public attention on these women as women first and foremost – someone's daughter, mother, girlfriend, then as victims – exploited by men, damaged by abuse and drug addiction. These are among the women whom society must support and help to establish themselves in the community.

It seems to me that it is essential to do more to address issues connected with women's offending before imprisonment becomes a serious option. There are signs that the government would welcome a radical approach to these issues and I am grateful for this opportunity to contribute and make recommendations.

This has been a short review, only nine months, during which I have sought practical solutions to some long-term and well-known problems. I have drawn on a wealth of academic research conducted over the last thirty years, much of it commissioned by government, all of which points in the same direction. Consequently, many of the recommendations that I make have been made before.

My method has been to listen to as many people as possible with expertise and experience working with women throughout the criminal justice system. I have also undertaken a programme of visits, meetings and consultations, building on my recent experiences from the JCHR review. I am grateful to everyone I have met for their willingness to talk to me. I am particularly grateful to the many women I have met in hospitals, community centres, prisons and elsewhere who have shared with me some of their very personal experiences and the families bereaved by deaths in custody whose stories I have found both humbling and moving.

I hesitated a little before accepting this commission because, while I anticipated a great deal of support from campaigning groups and individuals, I was concerned that people serving in the criminal justice system would not welcome either the scrutiny that my review called for or the potential recommendations for change. I was right in my anticipation of support from agencies and organisations that have been lobbying for change for very many years. But I was delighted to be proved wrong by the reaction of staff and other groups, very many of whom genuinely embraced my review and saw it as a means of making real progress in converting the aspirational to reality.

A list of meetings, visits and consultations appears in the report's annexes. I invited a number of people to sit on a small reference group and I am grateful for their advice throughout the review. I also want to thank the very many other individual people and organisations who have assisted and supported me. They too are listed in the annexes.

I want to convey my particular thanks and gratitude to Jenny Hall, seconded to assist me from the Safer Custody Group for the duration of the review. I have drawn heavily on her insights, and have been energised by her drive and passion for the subject matter. The report is published in my name, and I take full responsibility for the content, but it is Jenny's report too.

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# EXECUTIVE SUMMARY AND RECOMMENDATIONS

**1.** This has been a short and economic review, not an in-depth lengthy resource intensive commission. In nine months I have held five consultation events, visited six women's prisons, three women's community centres and one medium secure women's hospital. I have had over 40 meetings with individuals and groups and over 250 people have contributed in some way to my review. There is much more that could be done but I am confident that I have seen and heard enough to enable me to draw conclusions and make recommendations. I have interpreted my terms of reference liberally and sought to include all those women whom I regard as either inappropriately located in prison and all those outside who are at risk of offending. I consider these women in terms of their "vulnerabilities", which fall into three categories. First, domestic circumstances and problems such as domestic violence, child-care issues, being a single-parent; second, personal circumstances such as mental illness, low self-esteem, eating disorders, substance misuse; and third, socio-economic factors such as poverty, isolation and unemployment. When women are experiencing a combination of factors from each of these three types of vulnerabilities, it is likely to lead to a crisis point that ultimately results in prison. It is these underlying issues that must be addressed by helping women develop resilience, life skills and emotional literacy.

**2.** There are three important and very positive points that I want to make at the outset. First the number of self-inflicted deaths of women in prison custody has fallen. No one wishes to be complacent about this and every single death is one too many. Nevertheless, it is encouraging that the numbers have fallen from 14 in 2003 and 13 in 2004 to four in 2005 and three in 2006. I have no doubt that this reduction is in part due to the determined efforts of many staff and greatly improved drug treatment services in all women's prisons. The dark days of Waite Wing are, I hope, gone forever. Second, the provision of all types of health services within women's prisons has improved in recent years with prison health having been absorbed into the NHS and this is welcome. Third, I pay tribute to the many dedicated, caring staff working throughout all of the criminal justice agencies, who strive every day to provide a decent environment and improve the well-being of the women in their care. I have been very impressed by much of what I have seen.

**3.** I have, however, concluded that it is timely to bring about a radical change in the way we treat women throughout the whole of the criminal justice system and this must include not just those who offend but also those at risk of offending. This will require a radical new approach, treating women both holistically and individually – a woman-centred approach. I have concluded that there needs to be a fundamental re-thinking about the way in which services for this group of vulnerable women, particularly for mental health and substance misuse in the community are provided and accessed; there needs to be an extension of the network of women's community centres to support women who offend or are at risk of offending and to direct young women out of pathways that lead into crime.

**4.** Women have been marginalised within a system largely designed by men for men for far too long and there is a need for a "champion" to ensure that their needs are properly recognised and met. There is also a need for an integrated approach across government demonstrated by the creation of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending supported by a Commission for this group of women as a visible, strategic lead. I have also concluded that there needs to be a re-design of women's custody introduced in parallel with other gender specific workable disposals and sanctions. I summarise below the main conclusions of my review. I also set out chapter-by-chapter all of my recommendations, which build into my Blueprint which can be found in Chapter 8 of my report.

## CHAPTER 2. MEN AND WOMEN; EQUAL OUTCOMES REQUIRE DIFFERENT APPROACHES - THE NEED FOR A *DISTINCT* APPROACH.

5. My first recommendation concerns the treatment of men and women within the criminal justice system. From April 2007 the government will have a statutory duty to take positive action to eliminate gender discrimination and promote equality under the Equality Act. I have seen little evidence that much preparatory work is in hand in respect of the imminent statutory duty or of any real understanding that treating men and women the same results in inequality of outcome. Equality does not mean treating everyone the same. The new gender equality duty means that men and women should be treated with equivalent respect, according to need. Equality must embrace not just fairness but also inclusivity. This will result in some different services and policies for men and women. There are fundamental differences between male and female offenders and those at risk of offending that indicate a different and distinct approach is needed for women. For example:

- Most women do not commit crime;
- Women with histories of violence and abuse are over represented in the criminal justice system and can be described as victims as well as offenders;
- The biological difference between men and women has different social and personal consequences;
- Proportionately more women than men are remanded in custody;
- Women commit a different range of offences from men. They commit more acquisitive crime and have a lower involvement in serious violence, criminal damage and professional crime;
- Relationship problems feature strongly in women's pathways into crime;
- Coercion by men can form a route into criminal activity for some women;
- Drug addiction plays a huge part in all offending and is disproportionately the case with women;
- Mental health problems are far more prevalent among women in prison than in the male prison population or in the general population;
- Outside prison men are more likely to commit suicide than women but the position is reversed inside prison;
- Self-harm in prison is a huge problem and more prevalent in the women's estate;
- Women prisoners are far more likely than men to be primary carers of young children and this factor makes the prison experience significantly different for women than men;
- Because of the small number of women's prisons and their geographical location, women tend to be located further from their homes than male prisoners, to the detriment of maintaining family ties, receiving visits and resettlement back into the community;
- Prison is disproportionately harsher for women because prisons and the practices within them have for the most part been designed for men;
- Levels of security in prison were put in place to stop men escaping;
- The women's prison population suffers disproportionately because of the rapidly increasing male prison population and the pressure to find places for men, leading to re-rolling of female prisons;
- 30% of women in prison lose their accommodation while in prison; and
- Women and men are different. Equal treatment of men and women does not result in equal outcomes.

### RECOMMENDATION

- Every agency within the criminal justice system must prioritise and accelerate preparations to implement the gender equality duty and radically transform the way they deliver services for women.

## CHAPTER 3. LIFE AND DEATH. HOW WOMEN EXPERIENCE PRISON - THE NEED FOR A RADICALLY DIFFERENT APPROACH.

6. These were the women I saw in prisons:

- Most were mothers. Some had their children with them immediately prior to custody, others had handed them to relatives or their children had been taken into care or adopted.
- Some were pregnant. Some discovered they were pregnant when they had no idea that that could be a possibility.
- They were drug users. It was not uncommon to have £200 a day crack and heroin habits disclosed.
- They were alcoholics.
- They often looked very thin and unwell.
- They had been sexually, emotionally and physically abused.
- They were not in control of their lives.
- They did not have many choices.
- They were noisy and at first sight confident and brash but this belied their frailty and vulnerability and masked their lack of self-confidence and esteem.
- They self harmed.
- They had mental health problems.
- They were poor.
- They were not all the same, they were individuals.
- There were significant minority groups, including BME and foreign national women.

7. A soon-to-be published report of women in custody explains how women recounted the stress that came from newly encountering the prison environment, with crowding, noise and a threatening atmosphere. They were alarmed at sharing cells with women with mental health problems and who self-harmed; they were frightened and unprepared when confronted with women who were suffering severe drug withdrawal or seizures. They complained that the prison environment was dirty with unhygienic sharing of facilities. Five women in a dormitory could be sharing one in-cell sink, which was being used for personal washing as well as cleaning eating utensils. There was a lack of fresh air and ventilation. Some women reported that vermin were present in the areas where they ate, slept and stored their personal food items. Prison facilities hindered them from maintaining self-care, including limited access to personal hygiene products and restricted access to bathing. Shower facilities were often dirty. I too was dismayed to find that in some of the prisons I visited there were toilets, often without lids, in cells and dormitories, sometimes screened by just a curtain, sometimes not screened at all. It is humiliating for women to have to use these facilities in the presence of others, most particularly during menstruation.

8. The following describes a typical ten-day period in a women's local prison:

- A woman had to be operated on as she had pushed a cross-stitch needle deep into a self-inflicted wound.
- A woman in the segregation unit with mental health problems had embarked on a dirty protest.
- A pregnant woman was taken to hospital to have early induced labour over concerns about her addicted unborn child. She went into labour knowing that the Social Services would take the baby away shortly after birth.
- A young woman with a long history of self-harm continued to open old wounds to the extent that she lost dangerous amounts of blood. She refused to engage with staff.
- A woman was remanded into custody for strangling her six-year old child. She was in a state of shock.
- A woman set fire to herself and her bedding.

- The in-reach team concluded that there was a woman who was extremely dangerous in her psychosis and had to be placed in the segregation unit for the safety of the other women until alternative arrangements could be made.
- A crack cocaine addict who displayed disturbing and paranoid behaviour (but who had not been diagnosed with any illness) was released. She refused all offers of help to be put in touch with community workers.

**9.** We must find better ways to keep out of prison those women who pose no threat to society and to improve the prison experience for those who do. One example is the regular, repetitive, unnecessary overuse of strip-searching in women's prisons which is humiliating, degrading and undignified and a dreadful invasion of privacy. For women who have suffered past abuse, particularly sexual abuse, it is an appalling introduction to prison life and an unwelcome reminder of previous victimisation. It is also clear that prison is not the right place for many women. They need help and caring, therapeutic environments to assist them rebuild their lives. This is not an easy option; it is demanding a great deal of women to delve into issues they prefer to block out. For those with drug addictions clinical detoxification does not stop the habit. Those women for whom prison is necessary would clearly benefit from being in smaller units closer to home or more easily accessible for visitors, such as in city centres. The existing system of women's prisons should be dismantled and replaced by smaller secure units for the minority of women from whom the public requires protection.

## RECOMMENDATIONS

- The government should announce within six months a clear strategy to replace existing women's prisons with suitable, geographically dispersed, small, multi-functional custodial centres within 10 years.
- Meanwhile, where women are imprisoned, the conditions available to them must be clean and hygienic with improvements to sanitation arrangements addressed as a matter of urgency.
- Strip-searching in women's prisons should be reduced to the absolute minimum compatible with security; and the Prison Service should pilot ion scan machines in women's prisons as a replacement for strip-searching women for drugs.
- The work underway in respect of foreign national offenders should take account of the views expressed in my report. The strategy being developed should include measures designed to prevent prison becoming a serious option.

## DEATHS IN CUSTODY AND BEREAVED FAMILIES

**10.** In Chapter 3 of my report I describe the circumstances of some recent self-inflicted deaths of women in prison and the grief these tragedies cause to their families. Most depressing was the familiarity of these events, which followed the same patterns time and again with little indication that lessons were being learned to prevent further deaths. I make a recommendation concerning families' access to public funding for legal representation at inquests. The state has unlimited access to legal funding and will always have legal representation and Counsel at inquests that engage Article 2 of the *European Convention on Human Rights*, the right to life. It is inequitable that families whose close relatives have died whilst being cared for by the state should undergo means testing when applying for legal funding to represent their interests.

## RECOMMENDATION

- Public funding must be provided for bereaved families for proper legal representation at timely inquests relating to deaths in state custody that engage the state's obligations under Article 2 of the European Convention on Human Rights. Funding should not be means tested and any financial eligibility test should be removed whenever Article 2 is engaged. Funding should also cover reasonable travel, accommodation and subsistence costs of families' attendance at inquests.



## **CHAPTER 4. WHO'S IN CHARGE? THE NEED FOR VISIBLE LEADERSHIP AND A STRATEGIC APPROACH.**

**11.** My next set of recommendations address the yawning gap in the national structures that exist for meeting the needs of women who offend or are at risk of offending. No one person or body is responsible or accountable for provision of care and services for women coming into contact with the criminal justice system or their health, in particular, their mental health needs. I am very concerned that the Department of Health in particular is failing to get to grips with the needs of this population, especially those outside the prison walls. There is no one person or organisation championing women, directing from the top level, setting national standards, monitoring performance or coordinating the diverse organisations or taking responsibility when things go wrong. I have concluded that mainstreaming services for women in the criminal justice system is necessary and more likely to lead to a reduction of re-offending and a seamless continuation of care and provision both inside and outside the prison walls, which appears sadly lacking at present. But it seems to me that partnership working cannot operate effectively on the ground in the absence of top-level direction bringing together all of these diverse interests into a cohesive strategy for women in the criminal justice system.

**12.** A strategic top level cross-departmental commission, headed by someone very senior - director level - with authority to direct work in hand relating to women in the criminal justice system, supported by sufficient staff from the various departments and agencies involved must be put in place. The commission should be governed by a new inter-departmental ministerial group encompassing all relevant government departments. Without the safeguard of strong, visible direction of issues relating to women in the criminal justice system, provision for women is likely to continue to be inconsistent and to depend on the level of priority and strength of leadership afforded locally and the depth of local understanding about women's needs. The nature of facilities for women - a small number of geographically spread prisons; the arbitrary re-rolling of women's prisons to cater for the demands of the growing male prison population; the lack of provision of suitable approved premises, especially for bail and particularly in rural areas; distance from home and families; frequent cross border transfers; and the wish of some women to settle away from their home areas on release in order to escape previous harmful relationships have resulted in women in the criminal justice system persistently being marginalised and their needs unmet. Without a proper central structure, regionalised provision of services is likely to lead to further dilution of expertise in women-specific agendas at a time when what is needed is a central point of excellence and a champion for women to drive agendas forward. The excellent Women's Offending Reduction Programme (WORP), which was launched in March 2004 with a three-year lifespan, must form a key part of the agenda of the new Commission.

## RECOMMENDATIONS

- I recommend the immediate establishment of an Inter-Departmental Ministerial Group for women who offend or are at risk of offending to govern a new Commission and to drive forward the Commission's agenda within their individual departments. Ministers from the Home Office, DCLG, DH, DfES, DCA, DWP and HM Treasury should sit on the Group. There should be close links between the new Group, the Inter-Ministerial Group for Reducing Re-offending and the Inter-Ministerial Group on Domestic Violence. The Group should be led by the Home Office Minister initially but transferred to the DCLG Minister within three years because the focus of the Group is more closely aligned to the community agenda.
- I recommend the immediate establishment of a Commission for women who offend or are at risk of offending, led at director level, with a remit of care and support for women who offend or are at risk of offending. This must be a cross-departmental structure, which incorporates the Women's Offending Reduction Programme; sits initially within the Home Office but transfers to DCLG within three years; and is staffed by a multi-agency team from the Home Office, DCLG, DH, DfES, DCA and DWP. Staff should also be seconded from relevant NGOs and voluntary agencies. Within three years the Commission should transfer from the Home Office to DCLG.
- The Inter-Ministerial Group for Reducing Re-offending should re-examine its aims and ensure that its approaches properly address specific issues relating to women's criminality.
- There should be greater visible direction in respect of women in custody and a much higher profile.
- Systematic safeguards should be put in place so that good practice approaches like Carousel are not lost.
- I do not recommend a separate sentencing framework for women but this should be re-considered in the light of early experience of the statutory gender discrimination duty.
- I recommend acceptance of the offer made by The Griffins to act as a central repository for information for and about women who offend or are at risk of offending and to promote its use by others.

## SEVEN PATHWAYS TO RESETTLEMENT

**13.** I considered work in hand in connection with the seven resettlement pathways which I fear are leading to fragmentation of services and funding streams. Many of the small voluntary agencies working with women do not fit exclusively into a sole pathway and these artificial divisions risk putting an intolerable administrative burden on these small bodies. I looked closely at the pathway on accommodation because that is women's greatest resettlement concern on release and it seems to me to be the pathway most in need of speedy, fundamental gender specific reform. I also spent some time during my review considering education, learning, training and skills because this is a subject in which I have a particular interest and which seemed to me during my visits and meetings very sadly lacking in the concept of emotional literacy, the base from which all learning must start. Respect for one another, forming and maintaining relationships, developing self-confidence, simply being able to get along with people without conflict must come before numeracy and literacy skills. Life skills, for example, how to live as a family or group, how to contribute to the greater good, how to cook a healthy meal, are missing from the experiences of many of the women in modern society who come in contact with the criminal justice system. The chaotic lifestyles and backgrounds of many women result in their having very little employment experience or grasp of some very basic life skills. Two additional pathways for women have been developed to the credit of the Prison Service Women and Young People's Group and I recommend that they should be mandatory in every regional resettlement plan for women, namely:

- Pathway 8: support for women who have been abused, raped or who have experienced domestic violence.
- Pathway 9: support for women who have been involved in prostitution.

## RECOMMENDATIONS

- The seven pathways should be much better coordinated strategically for women and should incorporate pathways eight and nine for women, which I endorse.
- Work to establish regional and local pathway strategies and action plans is vital and good practice relating to women, for example, London's Resettlement Strategy, should be promoted and disseminated.
- The accommodation pathway is the most in need of speedy, fundamental, gender-specific reform and should be reviewed urgently, taking account of the comments in my report. In particular, more supported accommodation should be provided for women on release to break the cycle of repeat offending and custody and the intentional homelessness criterion for ex-prisoners should be abolished.
- Life skills should be given a much higher priority within the education, training and employment pathway and women must be individually assessed to ensure that their needs are met.

## CHAPTER 5. ALTERNATIVE SANCTIONS - THE NEED FOR A PROPORTIONATE APPROACH.

**14.** In Chapter 5 of my report I consider the overuse of custody for women sentenced and on remand; some alternative sanctions and disposals; and I make recommendations about sentencing policy and practice. I have concluded that more is needed by way of alternative sanctions and disposals, which are gender specific and in which sentencers can have confidence. More needs to be done to inform sentencers about the existence and nature of those schemes which do exist. Much more needs to be done to divert low-level offending women not just from court but also from prosecution. More needs to be done to divert young women away from criminal activity before they start offending. The restrictions placed on sentencers particularly around breaches of community orders must be made more flexible as a matter of urgency. More bail placements are needed for women suitable to their needs. More supported accommodation is needed on release to break the cycle of repeat offending and custody and speedier access to psychiatric reports is essential. This is a big agenda that cuts across many different statutory and other agencies but it is consistent with stated government policy on these issues. What is needed, as a matter of urgency, is a Commissioner for women who offend or are at risk of offending to push it forward and make sure that it happens.

**15.** Problems that lead to offending – drug addiction, unemployment, unsuitable accommodation, debt – are all far more likely to be resolved through casework, support and treatment than by being incarcerated in prison. The vast majority of women offenders are not dangerous. Because most women do not commit crime there is no deterrence value and the cost to society is enormous, not simply the cost of keeping women in prison (each prison place represents a capital investment of about £77k annually) but also the indirect cost of family disruption, damage to children and substitute care, lost employment and subsequent mental health problems. The continued use of prison for women appears to offer no advantages at huge financial and social cost.

**16.** Community sentences which are already available to sentencers could be used more widely and effectively for women. Electronic monitoring and curfew can be part of a community order. Offence specific solutions could also be extended, for example, the "prostitution referral order", tailored to the needs of the individual and delivered by a supervisor with expertise in working with women in prostitution. This can link women to dedicated support projects which offer long-term support to help them get out of prostitution. Some sentencers advocate greater use of supervision of non-custodial sentences by the original sentencer because many offenders lack a framework of structure and support in their lives and benefit from an authority figure taking an active interest in their lives. If sentencers themselves could regularly review compliance with non-custodial community orders, it would increase their confidence in sanctions alternative to prison and I believe that sentencer supervision would prove cost effective in the longer-term. The innovative Liverpool Community Justice Centre, for which section 178 *Criminal Justice Act 2003* has been enacted, is showing good results, as are specialist drug court pilots.

**17.** 50% of current new receptions at Holloway are for breach. This is not a sensible use of scant resources and prison staff time and I consider that there is a distinction to be drawn between serious breach of licence and poor time-keeping. There needs to be more tolerance for women who fail to meet appointments because of their domestic responsibilities and their underlying anxieties which affect compliance such as lack of self-esteem, lack of confidence and distrust of conventional service providers. Two-thirds of the women who go to prison do so on remand and more than half of them do not go on to receive a custodial sentence, with one in five acquitted. Courts sometimes remand women to custody pending further information about them. I believe that sentencers should demand convincing evidence that the defendant is fit for custody because imprisonment can cause serious damage to women. I also believe that, while it is not a legal requirement to take account of the likely sentence, it is inequitable and lacking common sense to remand someone to custody for petty offences that will in all likelihood not attract a custodial sentence. Bail information schemes in women's prisons are in general poor and there are unacceptably arbitrary disparities within provision across the estate. The number of untried receptions who get bail with a report stands at only 5.2%. It makes no sense for the Prison Service to neglect its bail information schemes, which can reduce numbers in prison and save money. The practice of sending a woman to prison as a "place of safety" or "for her own good" is appalling and must stop. Nor should sentencers use prison as a means of accessing services, such as detoxification, for women. Provision must be made more readily available in the community.

## RECOMMENDATIONS

- Custodial sentences for women must be reserved for serious and violent offenders who pose a threat to the public.
- Women unlikely to receive a custodial sentence should not be remanded in custody.
- Women must never be sent to prison for their own good, to teach them a lesson, for their own safety or to access services such as detoxification.
- More supported bail placements for women suitable to their needs must be provided.
- Defendants who are primary carers of young children should be remanded in custody only after consideration of a probation report on the probable impact on the children.
- Community solutions for non-violent women offenders should be the norm.
- Community sentences must be designed to take account of women's particular vulnerabilities and domestic and childcare commitments.
- Sentencers must be informed about the existence and nature of those schemes that do exist and should support and visit them.
- The restrictions placed on sentencers around breaches of community orders must be made more flexible as a matter of urgency.
- Section 178 Criminal Justice Act 2003 should be implemented more generally.
- Bail information schemes in women's prisons must be properly monitored resourced and used.

## **CHAPTER 6. PRISON WITHOUT WALLS – THE NEED FOR A HOLISTIC, WOMAN-CENTRED APPROACH.**

**18.** I am convinced that women's community centres like Asha and Calderdale, pioneers of a woman-centred approach, have found the right way to treat women and that their work must be extended and built on as a real alternative to prison. Their broad approach is to treat each woman as an individual with her own set of needs and problems and to increase their capacity to take responsibility for their lives. They recognise the impact that victimisation and isolation by disadvantage can have on a woman's circumstances and behaviour; the shame and stigma that many women feel by a number of life experiences, not just being convicted of an offence but also mental illness or being a single parent. Perceptions of being judged as a failure serve to reinforce disadvantage, isolation and social exclusion. The centres are able through multi-agency partnerships to provide the support of community-based services, which themselves recognise the value of centres because they provide access to many women whom they have previously been unable to reach.

**19.** The aim of the centres is to develop an integrated approach to routing women to appropriate services to meet their needs at various stages of their offending history, from prevention and diversion to resettlement into the community at the end of sentence, whether served in the community or in custody. They draw together the various services in the community that provide interventions for issues key to women's well-being such as physical and mental health, drug and alcohol misuse, physical, sexual and emotional abuse, family support, housing, domestic violence, education and training, employment, finance, benefits and debt advice, programmes to address attitudes, thinking and behaviour, legal advice, counselling and therapy, improving self-esteem, isolation and poverty. More funding must be made available immediately to extend the network of centres across the country. I appreciate that this cannot happen overnight and a programme needs to be drawn up by the new Commissioner for Women who offend or are at risk of offending.

**20.** As community centres for women are developed there will be scope to re-role the existing women's prisons for men, for whom generally they were originally built. A small proportion of the £1.5 billion planned to be raised by the government for creating 8,000 new prison places for the male population could go a very long way indeed to make this happen. I consider that protracted piloting and evaluation is unnecessary. The evidence is already clearly visible and accepted by government. In the longer term I and many others believe that community centres will help many women stop re-offending in a way in which prison has manifestly failed to do. They will also help reduce the enormous social cost and damage to children, which have never been satisfactorily quantified in monetary terms.

**21.** Two particular areas, Wales and Eastern Region, have approached me about developing community centre provision in their areas and these would be good places to start.

### **RECOMMENDATIONS**

- The Together Women Programme must be extended as quickly as possible and a larger network of community centres should be developed in accordance with a centrally coordinated strategic national plan drawn up by the new Commissioner for women who offend or are at risk of offending.
- Services should be provided based on the one-stop-shop approach of centres like Asha and Calderdale and must be appropriate and coordinated to meet the profiled needs of local women, including minorities such as BME women.
- Regional commissioning must be fully in line with the strategic national plan.
- Women's centres should be used as referral centres for women who offend or are at risk of offending. Referral should be by schools, general practitioners, probation, prisons, police, courts, CPS, self and other individuals.
- Women's centres should also be used as court and police diversions; as part of a package of measures for community sentences; and for delivery of probation and other programmes.
- I urge the regional offender managers for Wales and Eastern Region to take forward the projects outlined in my report.

## PUBLIC OPINION

**22.** I believe that it is timely to build on indications that the public is not as punitive in outlook as some suppose and wants to know the facts and to have a rational debate. Educating the public and persuading sentencers to have confidence in alternative sanctions must be an integral part of the strategy relating to women who offend and who are at risk of offending. Prison is not the right place for many damaged and disadvantaged women. I recommend that this should become a key consistent message right from the top of government. This may go some way to heighten the awareness of the general public and encourage a reasoned and enlightened debate. The radical proposals that I recommend for women should be treated as a pilot for other groups within the criminal justice system, young men for example.

## RECOMMENDATION

- There must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.

## CHAPTER 7. WOMEN'S HEALTH AND WELL-BEING - THE NEED FOR AN INTEGRATED APPROACH.

**23.** There is no doubt that there have been significant improvements in the provision of health services for women in prison in recent years as a result of prison health care being absorbed into the NHS and a similar exercise between the NHS and police is now necessary to bring consistency and higher standards of health care to police custody suites. But prisons are being asked to do the impossible; the fact is that many women in prison have been failed by society including the NHS long before they arrived at the prison gates and many are simply too ill for prison to be an appropriate location for them. Prison is being used to contain those for whom there is no proper provision outside prison, or who have already been excluded from society. And of course prisons are being asked to do this on the cheap. It is also clear that mental health services in the community are failing to adequately address the mental health needs of women, notwithstanding the existence of the Department of Health's women's mental health strategy and implementation guidance.

**24.** The soon-to-be-published report by the Department of Public Health, University of Oxford details the findings of one of the largest studies examining the health of 500 women prisoners in England and Wales during a three month period of custody and provides a great deal of new, useful and disturbing information about the health of these women. This study found that women in custody are more than five times likely to have a mental health concern than women in the general population, with 78% exhibiting some level of psychological disturbance when measured on reception into prison, compared with a figure of 15% for the general adult female population. 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. Crack cocaine, heroin, cannabis and benzodiazepines were the most widely used drugs. These figures indicate a worsening of the problems of drug use since the 1997 ONS Study. The Oxford Study reported that 42% of women prisoners drank alcohol in excess of government guidelines prior to imprisonment. (The comparable figure for the general adult female population is 22%.) This too indicates a worsening of alcohol abuse in women since the 1997 ONS study. The Oxford researchers also found that women coming into prison had very poor physical, psychological and social health, worse than that of women in social class V, the group within the general population who have the poorest health.

**25.** The *NHS Plan* in 2000 contained a commitment to have women-only community day care provision established in every health authority by 2004. Not only has this commitment not been met, it appears no longer to be an NHS plan target. It must be re-instated and PCTs required to resource and implement it. DH at the highest level should also reconfirm its commitment to implement not just its own *Women's Mental Health Strategy* but also its commitment to the action it signed up to in respect of the Women's Offending Reduction Programme. A DH minister must sit on the Inter-Departmental Ministerial Group for women who offend or are at risk of offending and DH must play a key part in the Women's Commission for this group.

**26.** Almost every sentencer I spoke to during my review bemoaned the shortage of clinicians able to provide timely specialist reports but provision of Criminal Justice Liaison and Diversion Schemes is patchy, under-resourced and much neglected because there is no mandatory requirement to have a scheme in place nor is there ring-fenced funding. There are parallels here with prison bail information schemes and I cannot understand the logic in failing to invest modest sums in essential diversion schemes given the cost of keeping these women in prison and the unquantifiable social damage. The NHS is failing to provide services for women with mental illnesses who come into the criminal justice system and failing to provide the machinery necessary to divert them into suitable health care on arrest or from court. I heard time and again from prison staff that it could still take months to find a suitable bed for a woman. Meanwhile their health deteriorates, sectioning is delayed until a bed has been secured (a practice I deplore) and, moreover, specialist staff outside the prison play no active role in the care of the woman before the transfer is effected even though her need has been identified.

### **SELF-HARM**

**27.** Self-injury is an increasing phenomenon throughout society but the levels of self-harm within some of our women's prisons and the persistent severe self-mutilation of around 50 women in custody at any one time is shocking. Equally shocking is the apparent acceptance that this is the norm and the expectation that prison staff will take on the management of these women, insufficiently trained and sometimes uncomprehending of the motivation that drives women to injure themselves, as part of their normal daily (and nightly) routine. It is clear to me that prison cannot be the right place for managing these types of behaviours, which stem from deep-rooted long-term complex life experiences such as violent and/or sexual abuse, lack of care and/or post-traumatic stress disorder, in addition to a personality disorder. These are problems created within the community, which is where they should be addressed. The Prison Service cannot and should not be expected to solve social problems. Low-level offending women who self-harm should be diverted out of the route to prison into appropriate NHS services. The management and care for more serious offending self-harming women should be led by the NHS, either in an NHS resource or shared multi-disciplinary care in prison.



## RECOMMENDATIONS

- All magistrates' courts, police stations, prisons and probation offices should have access to a court diversion/Criminal Justice Liaison and Diversion Scheme in order to access timely psychiatric assessment for women offenders suspected of having a mental disorder. These schemes should be integrated into mainstream services and have access to mental health care provision. Funding for the creation and maintenance of schemes should be ring-fenced.
- Sentencers must be able to access timely psychiatric reports and fail to remand in custody/sentence if not available.
- DH at the highest level should reconfirm its commitment to implement not just its own Women's Mental Health Strategy but also to the action it signed up to in respect the Women's Offending Reduction Programme (WORP). This will require senior leadership within DH.
- A DH minister must sit on the Inter-Departmental Ministerial Group for Women who offend or are at risk of offending and, at official level, DH must play a key part in the Women's Commission for this group. This must go wider than Prison Health and must include policy responsibility for women's mental health in the community.
- In recognition of the need to develop distinct approaches for women stated in the 2000 NHS Plan, the Department of Health should reinstate its commitment for the provision of a women-only day centre within every health authority and do so by 2008.
- There must also be an investment in more rigorous training and ongoing support and supervision for all those charged with meeting the complex needs of women. This training, which should include gender awareness and how community sentences can meet the needs of female offenders, should be extended to include all staff within the criminal justice system in contact with women, particularly those who make sentencing and bail decisions.
- The NHS should provide health care services to police custody suites; in busy areas this will require a 24-hour presence and ideally be a registered mental health worker.
- The management and care of self-harming women should be led by the NHS, either in an NHS resource or shared multi-disciplinary care in prison.

### AND FINALLY

**28.** An additional 8,000 places for men are planned and a reported £1.5 billion is being sought to fund them. Unless the current sentencing trend can be reversed, more must follow. A much smaller level of funding would provide an opportunity for government to do something innovative for women. I do not pretend that my proposals will free up hundreds of prison places overnight. It will take time and determination and persistence but I do believe that, if my package of recommendations is implemented, over time the women's prison population will decrease. Another factor that makes this the right time to take action is that new commissioning arrangements are currently being worked up by the National Offender Management Service. The time is right to adopt a new approach to women in the criminal justice system, with central drive and direction at the highest level of a long-term strategy, coupled with a sound structure for commissioning services.



# CHAPTER 1. INTRODUCTION

**1.1** Following the tragic deaths of six women at HMP Styal within a 13-month period, the Home Secretary was called upon to hold a public inquiry. In making a decision the then Home Secretary took account of the investigations into the deaths (including a report by Stephen Shaw, the Prisons and Probation Ombudsman into the sixth death but touching on them all) and the full public inquests and he concluded that it was unlikely that a public inquiry would add significantly to what had already come to light. However, these events had brought into sharp focus the particular vulnerabilities of the women's prison population and raised questions as to the suitability of mainstream prisons for women with serious mental health and/or drug addictions and as to whether sentencers were sufficiently aware of the limitations of prisons in dealing with this group of damaged individuals.

**1.2** The Home Secretary was particularly struck by the remarks of Nicholas Rheinberg, the Cheshire Coroner, who had conducted the series of inquests into the deaths at Styal and had written, "I saw a group of damaged individuals, committing for the most part petty crime for whom imprisonment represented a disproportionate response. That was what particularly struck me with Julie Walsh who had spent the majority of her adult life serving at regular intervals short periods of imprisonment for crimes which represented a social nuisance rather than anything that demanded the most extreme form of punishment. I was greatly saddened by the pathetic individuals who came before me as witnesses who no doubt mirrored the pathetic individuals who had died. A far ranging review concentrating on alternatives to imprisonment for drug dependent women repeatedly coming before the courts charged with petty crime would be a very valuable exercise".

**1.3** The Home Secretary decided to hold a stocktaking review of the various initiatives that the government was taking forward to address these issues, which, with public involvement, would take a view on adequacy and on what more could be done. His decision to commission such a review was announced in both Houses of Parliament on 17 November 2005. A further statement was made on 28 March 2006. The text of that statement, which outlined the scope of the review and announced that I had agreed to undertake it, appears at Annex A. The terms of reference of my review are at Annex B. The first requirement of my terms of reference was:

*"Decide how to define "particularly vulnerable" for the purpose of the review. The review should be focused on the group of women offenders who have multiple needs, particularly those women whose risk factors could lead them to harm themselves in prison, and take fully into account existing and planned work".*

**1.4** I have chosen not to deliver on this definitional requirement and I explained my reason to Baroness Scotland on 30 June, in this way:

*"I welcome the increasing, and seemingly more informed and compassionate airing of the issues in the media that has resulted from the tragic series of deaths at Styal but believe that it may be unhelpful to continue describing women with highly complex sets of problems often stemming from long histories of abuse and lack of care as "vulnerable" or "poor-copers" or, as I have heard them called, "the inadequates". This labelling serves only to sustain the perception of the public, staff and the women themselves that they are second-class citizens, undeserving of care and compassion and treatment as individual people and impervious to change. For this reason I have declined to define "vulnerable" as required by my terms of reference and my review encompasses all those women whom I consider to be inappropriately located in prison. I prefer to consider these women in terms of their "vulnerabilities", which fall into three categories. First, domestic circumstances and problems such as domestic violence, child-care issues, being a single-parent; second, personal circumstances such as mental illness, low self-esteem, eating disorders, substance misuse; and third, socio-economic factors such as poverty, isolation and unemployment. When women are experiencing a combination of factors from each of these three types of vulnerabilities, it is likely to lead to a crisis point that ultimately results in prison. It is these underlying issues that must be addressed by helping women develop resilience, life skills and emotional literacy."*

In her response, Baroness Scotland acknowledged the dangers of labelling women and agreed with my decision not to attempt to do so. In all other respects I believe that I have acted in accordance with my terms of reference.

**1.5** Although this review was commissioned in the aftermath of the sad events at Styal, I have been very conscious of other deaths in other prisons and of other bereaved families and I have not limited the prison aspects of my review to Styal alone. One woman I met during the review told me of her experience in the women's wing at Durham (thankfully now closed) where there was also a series of self-inflicted deaths. She subsequently wrote very movingly about her experience to Stephen Shaw and (with their joint permission) I repeat what she said here because it goes to the heart of my report. I want to ensure that fewer women die in custody and that they are given better and more timely support to meet their needs long before prison becomes a reality.

*"I lived through the nightmare of five suicides in HMP Durham. It became so "normal" when the wing was quiet in the mornings and we were late unlocked, that there was another suicide. They were the times when we'd seen the doctor come in the middle of the night, the ambulance come and leave without a patient, then the hearse come and leave and lastly our 6 am check would be done by staff who were not "our" night staff. We would then proceed to "suicide mode" for the day, having the morning off work with full association and being given the option of speaking to a Listener, a Samaritan or a Chaplain and then being given the choice as to whether to go to work that afternoon or not. There would be flowers and a book of condolence outside the chapel for those who wished to write in it bought by one of the probation officers. There would be false hilarity by some prisoners, false bravado by some staff and a whole lot of tears and pain from friends. It brought everyone's vulnerability home to them in the most horrific of ways. There was always concern that you could have done more, that staff should have done more but nowhere to put your anger. Yet the next day it was business as usual and life went on...I do hope that this report will prevent further prisoners feeling so desperate and not knowing who to reach out to."*

**1.6** The main direct costs of my review, excluding publication costs, totalled approximately £70,000, comprising £60,000 in fees and staff costs and £10,000 for meeting, travel and subsistence costs.

# CHAPTER 2. MEN AND WOMEN; EQUAL OUTCOMES REQUIRE DIFFERENT APPROACHES - THE NEED FOR A *DISTINCT* APPROACH

**2.1** I have been dismayed at the high prevalence of institutional misunderstanding within the criminal justice system of the things that matter to women and at the shocking level of unmet need. Yet the compelling body of research which has accumulated over many years consistently points to remedies. Much of this research was commissioned by government. There can be few topics that have been so exhaustively researched to such little practical effect as the plight of women in the criminal justice system. The volume of material might lead one to suppose that this is a highly controversial area, which might account in some way for the lack of progress and insight in the way women continue to be treated. This is not the case. There is a great deal of evidence of fundamental differences between male and female offenders, which I summarise here and will explore further in this chapter.

- Women and men are different. Equal treatment of men and women does not result in equal outcomes. Homes and children define many women's lives. To take this away from them when it may be all that they have causes huge damage to women.
- Despite an increase in some violent and drugs offences by women, the nature and seriousness of women's offending has not, on the whole, been getting worse and the disproportionate increase in the women's prison population over the last 10 years is more likely the result of courts using custody more frequently for women for less serious offences.
- The majority of female offenders have committed non-violent offences and present little risk to the public. Many present a far greater risk to themselves. They have been recognised as more "troubled" than "troublesome".
- Custodial experience affects women differently and disproportionately from men. For example, they are located further from their homes and families because of the small number and geographical spread of women's prisons, which makes visiting difficult. Women in prison are less likely than men to have someone on the outside looking after their home and family and they are more likely to lose their home and children as a result of imprisonment.
- Short prison sentences do not successfully deflect from further offending and for many women make their lives and those of their children worse. Charles Clarke, then Home Secretary, said on 30 March 2006 at the launch of the Fawcett Society's report *Justice and Equality* that, "You only have to look at the re-offending rate to realise that prison doesn't work". He said also on that occasion that women convicted of non-violent offences should be given community sentences.
- Proportionately more women than men are remanded in custody.
- Many women in prison have serious mental illness and/or serious drug addictions.

- Many have a history of being subjected to serious sexual or other violent abuse. Many are themselves "victims", in whose favour the government is committed to rebalance the criminal justice system.
- Many have lower-level mental health problems, such as personality disorder, which do not qualify them for a psychiatric bed.
- Social exclusion is common among these women. Many lead or are coerced into chaotic lifestyles and have complex multiple problems.

## NUMBERS

**2.2** Statistics follow relevant to women's experience in prison and the differences with their male counterparts. I am indebted to Safer Custody Group (SCG) of the National Offender Management Service (NOMS), the Women and Young People's Group of the Prison Service (W&YPG) and the Chief Inspector of Prisons (HMCIIP) for all of the statistics in this chapter unless otherwise stated in the text follow. The most obvious difference between men and women within the criminal justice system is that women commit far less crime than men. Women represent half the general population but in 2004/05, for example, there were 1,120,200 (83%) men arrested for recorded crime offences compared with 233,600 (17%) women, and the female prison population is only 5.5% of the total prison population (based on population on 17 November 2006 of 4,416 female and 75,379 male). At the end of June 2006 there were 142,900 offenders being supervised for court orders, of which 122,000 (85.4%) were male and 20,900 (14.6%) female.

## VICTIMS

**2.3** Women with histories of violence and abuse are over represented in the criminal justice system. Up to 50% of women in prison report having experienced violence at home compared with a quarter of men. One in three women in prison have suffered sexual abuse compared with just under one in ten men. One in 20 women (all women not just prisoners for whom the figure may be higher) have been raped at least once since the age of 16. These are shocking statistics. In a case study of 50 prolific self-harmers in women's prisons, conducted for me by the Safer Custody Group (SCG) in the National Offender Management Service (NOMS), only 12 of the women reported that they had not experienced abuse or rape in their lives. Of those women who disclosed past abuse, 18 said that they had been abused as a child.

**2.4** Many women in prison can be described as victims as well as offenders. Experience of abuse does not of course excuse women of their crimes or mean that there is a direct causal link between victimisation and criminality but it does mean that they have different needs from men in the criminal justice system and a different approach to their criminality is required. Moreover, much of the research I have read during my review indicates that there is some correlation between victimisation and criminality and I am not the first to conclude that seeking to investigate and address the causes of women's criminality is a far more emotionally literate way forward than locking them up in prison. As Judith Rumgay has put it, "A vicious circle of victimisation and criminal activity develops, creating a toxic lifestyle that is extremely difficult to escape". The criminal justice system should help break that vicious circle in order to change behaviour. Punishment alone, especially in stark terms of loss of liberty and all that that entails for women, does not change behaviour.

## BIOLOGY

**2.5** Another obvious difference between men and women is simply biological and this has different social and personal consequences. Women have pregnancies and babies, sometimes in prison. They menstruate. They are governed by hormones and a monthly cycle, which affects their moods and emotions. I make no comment on the crime debate which points to a link between menstrual cycles and women's crime, but it is clear to me that these biological factors have a direct bearing on the way in which women experience stressful events during their lives. Women's physical and emotional health and well-being is damaged by their experience within the criminal justice system in a way that differs from men's experiences and is beyond the comprehension of some men. Professor Pat Carlen's eminent work has consistently pointed to the qualitative difference of women's experience in prison to that of men, in part attributable to their biological and physical needs.

**2.6** The criminal justice system is a complex institution and it is tempting to think that solutions to its problems must also be complex. But grasping the simple fact that women are different from men can go a very long way to bringing about change by focussing on basic and achievable factors that reduce emotional distress. I was very impressed by what the former governor of Cornton Vale had achieved by running her prison in a gender-sensitive way, with respect and relationships – reciprocal relationships between prisoners and between staff and prisoners – as the cornerstone. From this key, central principle, others fall into place, for example, promoting meaningful activity; providing structure and routine and rules for living; encouraging women to help each other; helping them to feel safe; helping them to feel more in control of their lives; providing a pleasant normalising environment; promoting social inclusion, health and recovery; adopting a holistic approach; and empowering both the women and, significantly, the prison workforce. This is a human rights approach to prison management. It is also common sense.

## REMAND

**2.7** Proportionately more women than men are remanded in custody – between 1992 and 2002 there was an increase of 196% of women compared with 52% for men. Many women are in prison for a very short time. Remand prisoners spend an average of around 40 days in prison. Over 60% of women remanded to custody do not get a custodial sentence. There are around 12,500 first receptions of women into prison annually. Women's local prisons are therefore characterised by a rapidly changing, short stay population. On any given day almost a quarter of the women's prison population will be on remand, either untried and not therefore having been found guilty of any offence, or tried and awaiting sentence. Half of all women on remand receive no visits from their family, compared with one in four men. Provision of bail information schemes for women is poorer than for men and there is a paucity of bail hostels that are suitable for the needs of women, such as feeling safe and close to home. Another disturbing statistic is that 44% of women on remand have attempted suicide in their lifetimes; the comparable figure for men is 27%. More than half of suicides in prison in 2004 were committed by prisoners on remand, often within a short time of their reception.

## OFFENCE TYPE AND SENTENCING

**2.8** Women commit a different range of offences from men. They commit more acquisitive crime and have a lower involvement in serious violence, criminal damage and professional crime. A consistent picture over the last decade is that around 36% of women were sentenced for theft and handling offences. More women were sent to prison in 2004 for theft and handling stolen goods than any other crime. Research by Fawcett indicates that there are strong links between acquisitive crimes and women's needs to provide for children. Worryingly there is evidence that the courts treat women differently from men. In the decade ending in 2002, 37% of all adult women given sentences had no previous convictions (but that is not to say that the first offences were not serious) – more than double the rate for male offenders.

**2.9** Between the years 1992 and 2000, there was a five-fold increase in the proportion of cases in which magistrates awarded women custody and nearly a two-fold increase at the Crown Court. Over the same period, the custody rate for men tripled at the Magistrates' Court and went up by half at Crown Court. One interpretation is that the greater use of custody is not being driven by an overall increase in the seriousness of women's offending but by a more severe response to less serious offences. Home Office research published in 1997 found that sentencers appeared reluctant to fine women (and this remains the case) which sometimes resulted in women receiving more severe community penalties instead but, skipping a step up on the sentencing ladder in this way, carried the risk of an even more severe sentence in the event of a subsequent conviction.

## CRIMINOGENIC FACTORS

**2.10** Research into criminogenic risk factors has reported that while the same factors are relevant to men and women, their relative importance differs. Of greater significance to women offenders, for example, were family and marital status, accommodation, companions/relationships, alcohol and drugs, and emotional and personal factors. Male offenders scored higher than females on criminal history, leisure and recreation, and inside prison behaviour. Women prisoners also suffer from poor general and physical health.

**2.11** It comes as no surprise to me that relationship problems feature strongly in women's pathways into crime. This basic but fundamental factor that differentiates them from men persuades me that women are far more likely to respond to an emotionally intelligent approach to their criminality and their needs. An investigative reconviction study into pathways to offending among women that reported in 2005 found that offending women with higher levels of involvement in crime were more likely to have been exposed to violence as a child, experienced sexual abuse from a carer, had a violent partner, been referred to a psychologist or psychiatrist, experienced extreme problems caring for their children, or have an alcohol or drug problem. Women are vulnerable to exploitation by men. Preliminary findings from the *Offender Assessment System* in 2002 reported that drugs and thinking skills, followed by relationships and attitudes were the most common factors relating to risk of reconviction for women.

**2.12** Coercion by men can form a route into criminal activity for some women. Angela Cannings in her moving account of her wrongful imprisonment, *Against all Odds*, made the following observation:

*"Not all the women on the inside were bad though. Many had ended up there simply because of bad choices, often to do with men, which had made them spiral out of control. Women who'd helped a boyfriend cover up a crime, aided a man who dealt drugs, been abused as children and become involved in prostitution or drugs - they were all at Bullwood."*

### **SUBSTANCE ABUSE**

**2.13** Drug addiction plays a huge part in all offending and this seems to be disproportionately the case with women. Around 70% of women coming into custody require clinical detoxification compared with 50% of men. Women often have more complex poly substance misuse. Some are known to use up to nine different types of substances simultaneously and consequently need concurrent detoxification for alcohol, benzodiazepines and opiates. Nearly all are also heavy smokers. An independent unpublished three-month study at Holloway in 2001 revealed that half of the women who did not formally require detoxification, nevertheless tested positive to stimulants or cannabis, implying that 85% of women received had a substance misuse problem prior to arrest. As one commentator has said, "We are not winning the war on drugs but we are certainly taking a lot of prisoners". (See Chapter 7).

### **MENTAL HEALTH**

**2.14** Mental health problems are far more prevalent among women in prison than in the male prison population or in the general population. Up to 80% of women in prison have diagnosable mental health problems. *The ONS Survey of Psychiatric Morbidity among Prisoners in England and Wales* reported in 1997 that before imprisonment 40% of women prisoners admitted to having received help for mental health problems in the last year (double the proportion of male prisoners); 17% had a mental health hospital admission; 7% had an admission to a locked or secure ward; and 20% had experienced some care (compared with 2% in the general population). The Social Exclusion Unit in a study published in 2002 found that 70% of women prisoners suffered from two or more mental disorders, 35 times the level in the general population. In SCG's case study of 50 prolific self-harmers, half the women had been a psychiatric in-patient in the past and 19 had been receiving treatment prior to custody. 40 of the 50 had been formally diagnosed, mainly with borderline personality disorder. 66% of women in prison are assessed as having symptoms of neurotic disorders (depression, anxiety or phobias) compared with 20% in the general population. About 50% display features of personality disorder (mood swings, poor emotional control, and problems with relationships, poor impulse control). (See Chapter 7).

### **SUICIDE**

**2.15** The risk of suicide and self-harm are the most concerning features of all. Outside prison men are more likely to commit suicide than women but the position is reversed inside prison and the number of women taking their own lives in prison has increased in recent years, from one in 1993 to 13 in 2004. In 2003 women represented only 6% of the prison population but accounted for 15% of suicides. The statistics for 2005 and 2006 are more proportionate. Motherhood is a factor that appears to protect women in the community against suicide but this protection does not apply in prison where mothers are separated from their children and those serving long sentences may lose their opportunity to have children.

## SELF-HARM

**2.16** Self-harm in prison is a huge problem and more prevalent in the women's estate. In 2005, notwithstanding the small number of women in prison compared with men, 56% of all recorded incidents of self-harm occurred in the female estate. In the first nine months of 2006 self-harm incidents in the female estate accounted for 51% of all incidents. Women are also more prone to self-harm repeatedly. 1% of self-harmers in prison account for around 25% of all incidents of self-harm and around 50 prisoners (nearly all women) account for about 50% of all self-harm. One prisoner alone accounted for 5% of the entire female self-harm in 2004 and the 50 most prolific self-harmers accounted for over 40% of all female self-harm in both 2004 and 2005. Self-harm is not, however, limited to only a small number of women. 16% of women in prison (over 700) self-harm, compared with 3% of men. Women in prison custody are known to be significantly repetitive in terms of any self-harming behaviour, compared with men. Looking at specific methods, females tend to use cutting/scratching and self-strangulation in prison, compared with community settings where they may self-harm by cutting and overdosing on tablets.

## FAMILY

**2.17** Women prisoners are far more likely than men to be primary carers of young children and this factor makes the prison experience significantly different for women than men. As Baroness Hale, the only woman Law Lord, has put it, "Many women still define themselves and are defined by others by their role in the family. It is an important component in our sense of identity and self esteem. To become a prisoner is almost by definition to become a bad mother. If she has a husband or partner then again almost by definition she will become a bad wife or partner. Separating her from her family is for many the equivalent of separating a man from his job." A Home Office study in 1997 showed that for 85% of mothers, prison was the first time they had been separated from their children for any significant length of time.

**2.18** 60% of women in prison are single, compared with 17% in the general population. 34% of women in prison are lone parents. Around two-thirds of women were mothers living with their children before they came into prison, one-third have a child under five. Only 9% of the children are cared for by their fathers while their mothers are in prison. Around 18,000 children are separated from their mothers by imprisonment each year. 80% of women in prison lose the support of their partner while in prison. Only 11 of the 50 women in SCG's case study had a current partner and, although almost half the women in the group had children, the current whereabouts of these children was unclear. Most of the 50 women had not established adult family lives and 34 reported that they were not receiving any visits.

**2.19** Only 5% of women prisoners' children remain in their home once their mother has been sentenced to custody. As many as 25% are cared for by grandmothers; 29% by other family members or friends; 12% are in care or with foster parents or adopted. The case study of 50 self-harmers showed that a third of the women had been in care as children themselves and the Social Services were currently in contact with nearly half of the women. One of the most alarming statistics that I have seen reported appears in the Revolving Doors Agency's survey in which 1,400 women serving their first sentence in Holloway were interviewed. 42 women had no idea who was looking after their children. Quite apart from the dreadful possibility that these children might not be in a safe environment, this must cause mothers great distress and have deleterious consequences for their mental health.



**2.20** Because of the small number of women's prisons and their geographical location, women tend to be located further from their homes than male prisoners, to the detriment of maintaining family ties, receiving visits and resettlement back into the community. This is especially difficult for women who are dependent on statutory care agencies to bring their children to visits. This was of particular concern at Brockhill when I visited there. The latest published statistics (2004) indicate that women are held on average 62 miles away from their homes, in comparison with 51 miles for men. These figures will undoubtedly have changed since the re-role (from female to male) earlier this year of Brockhill and Bullwood Hall. The Chief Inspector of Prisons in her annual report for 2003-2004 reported that 60% of women in her surveys were more than 50 miles from home and she noted that a Home Office study had found that only half of the women who had lived with their children or been in contact prior to imprisonment had received a visit since going to prison. This is dreadful for the children concerned and also for their mothers who must suffer intense levels of anxiety. Moreover, for women prison can mark the end of their active maternal role and possibly their legal rights to their children. Women's imprisonment has a harsher effect on the lives of their friends and families and most especially their children, whose lives can be devastated and whose lives too become chaotic. The cycle continues. One prison officer I met told me that he knew of one woman in prison who had been born in the mother and baby unit at the same prison. Another told me that he had once had in his care three generations of women from the same family, a mother, her mother and her daughter.

**2.21** Men's home lives outside prison are for the most part sustained during their absence in prison. The women in their lives care for their children (and often their parents too), maintain their homes, visit them in prison, send them money for cigarettes and phone calls and generally "keep the home fires burning". The Home Affairs Committee *Report on the Rehabilitation of Prisoners* in 2005 put it in this way:

*"Men go into prison and they expect the women will maintain the house and family...it is not true in every case and it is easy to make generalisations, but the great majority are more concerned about themselves and what will happen when they come out than what is happening out there. Women have an entirely different mental approach to it when they go in. They are concerned, will the house still be there; what is happening to the children?"*

Two women at Askham Grange, in discussion about their experiences, said that, "The reason why the majority of men are more relaxed while in prison is that men always have females whether it is their mother, sister, aunt or girlfriend to take care of their needs" and "Women have greater ties to the household and when they are taken away, the operation within the home becomes disrupted which leads to greater confusion and dysfunction."

## **PRISON CULTURE**

**2.22** Another factor that makes prison disproportionately harsher for women is that prisons and the practices within them have for the most part been designed for men. Even at the most modern prison at Peterborough, the women's side of the prison is simply a mirror image of the male side, with the same standards operating across both. The Inspectorate found that the same self-harm reduction strategy applied to men and women, notwithstanding the obvious differences. Women form a tiny minority within the criminal justice system and many researchers have commented over the years that this has led to their being constantly marginalised; some have described this as shoe-horning into a system designed for men. I do not believe that we should continue to accept it as inevitable that women should be treated as add-ons to the male system, or treated as a "diverse" group. Women make up half the population. The *Reducing Re-offending National Action Plan* published in July 2004 in response to the Social Exclusion Unit's report *Reducing Re-offending by ex-prisoners* illustrates this thinking by calling for the establishment of links "to service providers offering focussed services for minority ethnic, women and other offenders with *diverse* [my emphasis] needs". Some of the guidance material I have seen, particularly that of the Prison Service, although well-meaning, starts from the premise, "This is how we do it for men, how can we tweak it to accommodate women?" This approach is unacceptable.



**2.23** The Prison Service accepts that female prisoners face some similar problems to men, but disproportionately. It has recently acknowledged in a consultation paper about the development of gender specific operational requirements for the women's prison population that the majority of its standards and orders "were written mainly with male prisoners in mind. The specific needs of women prisoners have usually been considered, if at all, as add-ons". The development of gender specific operational requirements, possibly prompted by the new gender equality duty (see paragraph 2.29 below) is a welcome development but long overdue, particularly in light of the body of research and commentary calling for such action over many years. I am surprised that it is only now receiving attention.

## SECURITY

**2.24** Levels of security in prison were put in place to stop men either escaping or uniting together to overthrow the authority of the jail. Women do not act in this way. Of course some women abscond but generally they simply go home because they cannot bear the separation from their children. Nor are women given to rioting or roof protests. They enjoy and benefit from companionship and each other's society. During my review I visited several prisons and I was pleased to see that governors I met had recognised these basic facts and were working hard to change the culture in their prisons. One example was the reduction in routine strip-searching of women. (See paragraph 3.18). I have already mentioned how the former governor of Cornton Vale had made dramatic improvements by running her prison on the principle of "respect", reciprocal respect between staff and prisoners – the best example of emotional intelligence that I saw in a prison setting.

## EFFECT OF MALE PRISON POPULATION

**2.25** The women's prison population suffers disproportionately because of the rapidly increasing male prison population and the pressure to find places for men. I am sure that re-rolling prisons from female to male is not done lightly but the resulting displacement of women is calamitous. It adds to their distance from home; it disrupts participation in programmes and education; it makes visiting more onerous for their friends and families; it means longer journeys to and from courts; it dislocates staff teams; and risks the loss of locally run initiatives. Most significantly, it increases their risk of suicide. A notable finding in Safer Custody Group's studies of self-inflicted deaths of women in custody covering the years 1999-2003 was that more than two-thirds of the women had recently been relocated, often against their wishes or to accommodation that they found less acceptable.

**2.26** During my review two women's prisons were re-rolled to accommodate the growing number of male prisoners. One of these, Brockhill, I had visited only a week earlier and had been enormously impressed by the work being done there for women by the dedicated team of staff. One of them subsequently wrote to me in these terms:

*"Further to your visit to HMP Brockhill earlier this year, you may remember the huge strides forward being taken in the management of women prisoners with complex psychological, medical, social and substance misuse problems. Despite limited resources a dedicated and caring team of staff worked hard to create an atmosphere where progress could be made in addressing life's problems for many of the inmates. There was also a sense of hope for the future, and a determination to continue improving the service, establish better links with outside agencies and finding ways to minimise the distress of being incarcerated. I wonder if you have any thoughts on the devastating decision to re-role the prison to take male prisoners. Not only is an enthusiastic and innovative healthcare team being fragmented and dispersed, but the effect on the client group could be disastrous."*

As a result of the closing to women of Brockhill there is now no women's local prison serving the country's second largest city, the whole of the West Midlands area and Wales, where there is no women's prison at all. Remand prisoners have to be escorted huge distances to courts and their visitors now have to travel to Eastwood Park, Holloway, Foston Hall or Peterborough.

## EMPLOYMENT

**2.27** Around 40% of women entering prison have no employment in the previous five years and 75% are unemployed six months after release from prison (a Home Office study found that on release 27% of females were not looking for work compared with 12% of men, emphasising their different employment needs); only 39% have any qualifications, compared with 82% in the general population, 10% have significant problems with reading, writing or understanding instructions. 19% of women in prison are foreign nationals and 28% are from ethnic minorities (as at 30 June 2005). (See paragraph 3.6 below).

## ACCOMMODATION

**2.28** 20% of women in prison had no permanent accommodation before prison compared with 14% of men. Other women had experienced inadequate housing. A survey in Holloway in 2004 found that 18% of women reported being homeless. Women are particularly likely not to have accommodation arranged for their release. 30% of women in prison lose their accommodation while in prison and some of them lose all their possessions too. Entitlement to housing benefit stops for all sentenced prisoners expected to be in prison for more than 13 weeks, meaning that many women prisoners have little chance of keeping their tenancy open until the end of their sentence. Mental health problems also add to the difficulties of securing or keeping a tenancy. Other particular resettlement issues for women include the danger of isolation, which can lead to unhealthy dependence on men, and the need to re-establish themselves in a home and in the community. (See Chapter 4).

## STATUTORY GENDER DUTY

**2.29** From April 2007 the government will have a statutory duty to take positive action to eliminate gender discrimination and promote equality under the Equality Act. This requires equality of outcomes, not necessarily equality of inputs. The general duty in Part 4, Section 84 of the *Equality Act 2006* states:

*"A public authority shall in carrying out its functions have due regard to the need (a) to eliminate unlawful discrimination and harassment, and (b) to promote equality of opportunity between men and women."*

This duty represents a significant shift from the current complaints-driven approach to tackling discrimination once it has happened, to a proactive approach with the onus on the public body to address inequality before it happens. The general duty will be enforced by judicial review proceedings. Specific duties, yet to be finalised, will be enforced by the Equal Opportunities Commission (EOC) until its powers are transferred to a new Commission for Equality and Human Rights from October 2007.

**2.30** I have seen little that gives me confidence that much preparatory work is in hand or, moreover, evidence of any real understanding that treating men and women the same results in inequality of outcome. Equality does not mean treating everyone the same because similar treatment affects people differently. Minority groups find that a neutral rule of treating everyone the same burdens them disproportionately. The new statutory duty provides a timely opportunity to make radical changes in the way in which women are dealt with in the criminal justice system in recognition of their very different pathways into and experiences within the criminal justice system and the disproportionately adverse effect of custody on women's and their children's lives. Men in general appear better able to cope with institutional life, perhaps in part because they put to one side responsibility for all being well on the outside. For men, prison means an interruption in their lives, a loss of freedom and of personal autonomy, deprivation of goods, services and heterosexual relationships. For women, prison is not just an interruption in their lives; it can separate them from their children permanently.

**2.31** The new gender equality duty means that men and women should be treated with equivalent respect, according to need. Equality must embrace not just fairness but also inclusivity. This will result in some different services and policies for men and women. Every public body within the criminal justice system must take steps to implement the new statutory duty to take positive action to eliminate gender discrimination and promote equality under the Equality Act. During my review the Chair of the ACPO Women and Policing Group, whose objectives are to ensure that police services are focused and tailored to the needs of women of all backgrounds and communities, whether in contact with the police as victims, suspects, offenders or witnesses, undertook a survey of all police forces on my behalf, asking them:

*“(i) What provision they had made for the differential needs of women at point of arrest and custody in police stations; and (ii) what provision they had made for diversion out of the criminal justice system at point of arrest of low-level offending women and/or those with complex problems such as substance addiction or mental health needs”.*

I return to the responses to question (ii) in Chapter 7 of my report. The responses to question (i) (to which 18 police forces responded) were disappointingly predictable. Nine forces said that they had no specific initiatives in place for women at point of arrest; three reported separate holding facilities for women within custody suites; five reported that they were providing all women detainees with hygiene packs; two provided access to a female member of staff at and during detention; and two had female nurses working in custody suites. One response said that there was no evidence to indicate disproportionate treatment of women compared to men, an example I suspect of the erroneous view that treating men and women exactly the same results in equality of outcome.

**2.32** It was evident from a handful of responses, however, that there were good initiatives underway in respect of both prostitution and domestic violence and this is welcome. One of the responses made the point that ACPO's *Safer Detention and Handling of Persons in Police Custody*, published in 2006, did not make any gender specific distinctions (except in relation to girls under the age of 17) and said that any differences in approaches based on gender should be fed into this document. It was this omission, which I had already noted, that prompted me to ask ACPO to conduct its survey and I agree absolutely with the police force which said that the document needs to be amended to take account of women detainees' differential needs. The ACPO lead on Custody, who has responsibility for the document's publication, has acknowledged this omission and readily agreed to address it. This is welcome but it needs to be done speedily.

## CONCLUSION

**2.33** I believe that it is timely to bring about a radical change in the way we treat women throughout the whole of the criminal justice system. There needs to be a fundamental re-design of women's custody introduced in parallel with other gender specific workable disposals and sanctions, which I go on to explore in my report. This recommendation is not new and I make no apology for drawing on the excellent work of Dorothy Wedderburn and others who have long campaigned for such an approach. Custody as it exists today is disproportionately harsher for women than men. Women have been marginalised within institutions not designed with them in mind. These powerful dominant institutional arrangements must not continue to limit imaginative and different drivers for change. From next April the law requires this situation to be addressed. In addition, since prison manifestly does not work in reducing re-offending significantly either for women or for men, the new legislation provides an excellent opportunity to try something different for a small proportion of the prison population.

**2.34** During my review I visited a number of facilities for women and studied how their philosophies were put to practical effect. I was struck particularly by the “woman-centred” approach that organisations like the Asha and Calderdale centres pioneer. I am convinced that centres like these have found the right way to treat women and that their work must be extended and built on as alternatives to prison. I explore this further in Chapter 6 of my review. I was also very impressed by the service specification produced for Fromeside, a new medium secure service at Blackberry Hill Hospital, Bristol. Although the men’s wards outnumber the women’s, the 12-bedded dedicated women’s ward was not treated as just an “add-on” but had its own specification. The Women’s Service described its philosophy as gender sensitive, holistic and patient-centred with a model of care at its centre with high expectation of hope and recovery. The specification itself is a model from which other agencies could learn a great deal. It is available on line at [www.awp.nhs.uk](http://www.awp.nhs.uk)

**2.35** There are two other factors that make the timing for change right. One is the pressure on provision of prison places for men. An additional 8,000 places for men are planned and a reported £1.5 billion is being sought to fund them. Unless the current sentencing trend can be reversed, more must be needed. A much smaller level of funding, secured by whatever means was considered appropriate, would provide an opportunity for government to do something innovative for women. I do not pretend that my proposals will free up hundreds of places for men overnight. It will take time and determination and persistence but I do believe that, if my package of recommendations is implemented, over time the women’s prison population will decrease. The other factor that makes this the right time to take action is that new commissioning arrangements are currently being worked up by the National Offender Management Service (NOMS). The time is right to adopt a new approach to women in the criminal justice system, with central drive and direction at the highest level of a long-term vision, coupled with a sound structure for commissioning services. I describe how I believe this can be achieved in the following chapters of my report.

## RECOMMENDATION

- Every agency within the criminal justice system must prioritise and accelerate preparations to implement the gender equality duty and radically transform the way they deliver services for women.

# CHAPTER 3. LIFE AND DEATH. HOW WOMEN EXPERIENCE PRISON - THE NEED FOR A RADICALLY DIFFERENT APPROACH

**3.1** I believe that there is a misconception among the general public as to the nature of much of prison life, partly fuelled by press reporting. People who say that prison is an easy life underestimate the effect of cramped living conditions and can have no conception of what it is like to be locked into a small cell for long hours with very limited autonomy, freedom of choice and, often, no other person to talk to. Women are often distressed and sometimes frightened of spending long hours locked alone into single cells. A mother of a young woman who took her own life in prison told me very movingly of what she believed had contributed to her daughter's tragic action. She considered that the extended, uninterrupted, involuntary single occupation within a confined space with no vista coupled with deprivation of human contact for many hours at a time would have escalated her daughter's anxieties, feelings of helplessness, hopelessness and despair to intolerable levels. This is the reality of the "custody" that we impose on women. I have read many reports investigating deaths of women in prison and am not the first to point out that the same patterns are seen again and again and lessons are not being learnt. I met coroners who shared this frustration. In this chapter I reflect on the profiles of women who live and die in prison, their experience of prison and that of their families bereaved by a death in custody.

## WOMEN IN PRISON

**3.2** The last decade has seen a dramatic rise in the numbers of women in prison from an average of 1,560 in 1993 to an average of 4,500 in 2006. (4,468 on 8 December 2006). The rate of increase is higher than that for women receiving community sentences, which has also risen. Sentences of under six months have increased by around 300% and sentences of four years or more have increased by around 200%. The female prison population has been relatively stable since 2004 and has stabilised further in recent months. It is not clear if there will be any future upward trend in the female prison population and I understand that current projections of the population in June 2009 range from 4,460 to 4,830. Increasing custody rates and longer sentences have all contributed to the rise in population with drug offences accounting for half the increase. Despite this increase, women still of course account for only a tiny proportion of the prison population – around 5.5%.

**3.3** And only a fraction of the four and a half thousand women in prison are likely to fit the criteria that government policy says should be in prison, namely "only offenders who have committed violent or serious offences or who constitute any danger to the public". The Lord Chief Justice, Lord Phillips, in a public lecture on *The case for community sentencing* which he delivered on 10 May 2006 at the Centre for Criminology, Oxford University, reflected this, quoting from the Home Office *Five year strategy for protecting the public and reducing re-offending*, published in February 2006, which says, "We must do all we can to protect the public from serious, violent and dangerous offenders. This means using prison better, reserving it for the more serious offenders but keeping the most dangerous in prison for longer". I agree with this approach and believe that it has widespread public support but the statistics I have quoted in Chapter 2 of my report indicate that far too many women are being sent to prison. Who are these women? Staff at Brockhill described to me some of the common features of the women received at the establishment.

- Most were mothers. Some had their children with them immediately prior to custody, others had handed them to relatives or their children had been taken into care or adopted.
- Some were pregnant. Some discovered they were pregnant when they had no idea that that could be a possibility.
- They were drug users. It was not uncommon to have £200 a day crack and heroin habits disclosed.
- They were alcoholics.
- They often looked very thin and unwell.
- They had been sexually, emotionally and physically abused.
- They were not in control of their lives.
- They did not have many choices.
- They were noisy and at first sight confident and brash but this belied their frailty and vulnerability and masked their lack of self-confidence and esteem.
- They self harmed.
- They had mental health problems.
- They were poor.

**3.4** The largest proportion of women in prison at any one time are held on drug offences because they are serving long sentences. There are around 1,300 women serving sentences of between one and four years and around 1,200 serving sentences of over four years. Around 200 women are serving life sentences. But the majority of women received into prison are serving very short sentences. 60% of women sentenced during 2004 were given sentences of less than six months. Over 70% serve sentences of under 12 months. Holloway has the highest proportion of short-term prisoners of all the London prisons with 47% of its population serving less than 12 months. In the year starting in April 2004, 78% of women at Holloway were serving sentences of less than two months. I was told that the average length of stay at Eastwood Park is 42 days.

**3.5** A review of the population at Brockhill just before my visit showed that 50 women were serving sentences, 42 of them of less than 12 months. 25 were awaiting trial and 27 convicted awaiting sentence. Brockhill had at that time around 100 new admissions every month, so with a bed capacity of 150, the turnover was very high. Some women stayed there for months, others for just a few days. Some had never been in custody before; others had been there many times before, sometimes having been at liberty for only a few hours.

### **MINORITIES WITHIN A MINORITY**

**3.6** Women are a minority group within the criminal justice system but they are not all the same; there are other smaller minority groups with different sets of needs and problems. Black and minority ethnic (BME) women for example, make up 28% of the women's prison population, over three times that in the general population. The Social Exclusion Unit found in 2002 that the BME group was more likely to be living in a deprived area, more likely to be subject to poverty, have experienced care and been excluded from school. They are also more likely to be remanded in custody than white offenders and their disadvantages continue in the criminal justice system where they are further marginalised. These women face the same barriers in accessing services to help them alter their lives and in resettlement on release from prison as white women but they are further disadvantaged by racial discrimination, stigma, isolation, cultural differences, language barriers and lack of employment skills. More effort is needed to promote diversity in criminal justice agencies and to reach BME and other minority groups of women. Some women are lesbian; some have different cultural or religious beliefs; many have needs relating to a disability; some are transsexual. All these factors became familiar to me during my review. To make equality of outcome a reality, they need additional support and interventions, based on their individual needs.

## FOREIGN NATIONALS

**3.7** There is another significant minority group of women within the criminal justice system, who have distinct needs and for whom a distinct strategy is necessary. This is the group of foreign national female prisoners, who make up 19% of the total women's prison population with 80% of them convicted of drug offences. The number of women from the West Indies has dropped recently, due in part to police and customs action, but numbers arriving from West Africa are increasing and the largest proportion (38%) come from Africa. I learnt during my visits to women's prisons that the number of Chinese women in prison for offences such as passport fraud, people smuggling and pirate DVD importation is increasing. Although the numbers remain small, this is a worrying trend given that there is no bilateral agreement in place with China. Fraud and forgery offences are rising but 25% of all foreign nationals are convicted of drug-related offences (compared with 12% of UK nationals). Drug couriers, who are usually a minor link in the international drugs trade, face long prison sentences and almost three-quarters of female foreign nationals in prison are serving sentences of more than four years (compared with a third of UK national women).

**3.8** Hibiscus, a voluntary agency which provides an information and support service to women foreign national prisoners, estimates that over a thousand children are left without their mothers and, in countries without welfare support, are left to fend for themselves (or worse). Those women who are pregnant on arrival in the UK can apply to have their babies with them in one of the seven mother and baby units (MBUs) but must part with them when they reach 18 months. Of the seven foreign national women in MBUs at the time of writing, only one of them is certain to complete her sentence before her baby is 18 months old. The women are thousands of miles from home, in a strange environment, ignorant of its society, its customs and its language, and many have no future to return to. Generally they are not themselves drug users and their crimes were committed in ignorance of the likely penalties and solely to support their families.

**3.9** The short timescale of my review was insufficient to incorporate the significant additional work that a thorough consideration of the particular issues relating to foreign national women prisoners would entail. Events in recent months have reinforced the need for a separate and thorough review of foreign national offenders and I hope that the task force established to consider these issues will deliver a national strategy for this group of prisoners. The Inspectorate's thematic review of foreign national prisoners published in July 2006 provides some helpful pointers. That report notes a cluster of specific interlinked needs; language, family links and immigration, with family links being of particular importance to women prisoners. These factors, unsurprisingly, contribute to isolation, depression and confusion. I agree with the Chief Inspector's conclusion that for foreign national prisoners in the system there is a "need for a well-managed and consistent strategy, built on timely and defensible decision-making in each individual case; properly focused support in and beyond prison; and efficient links with the immigration authorities."

**3.10** In my view the strategy's starting point should be before prison and all other options for dealing with these particular women should be considered. There is no easy answer; repatriation is not always possible or desirable and sentences cannot be served in home countries unless prison places are available. But lengthy sentences are costly to the taxpayer (Hibiscus estimates £25 million a year) and have no deterrent value. My initial thinking is that there should be shorter sentences for drug mules; increased consideration by sentencers of mitigating factors particularly for foreign national women with young children whose safety cannot be guaranteed in the absence of their mothers; and use of community sentences in the UK in appropriate cases. I note that the Sentencing Guidelines Council intends to issue a consultation paper on drug couriers and this will provide a timely opportunity for a fresh approach to sentencing issues for this offence. Meanwhile, the government should seek to increase bilateral agreements with other countries and build on the collaboration of immigration, police and customs, which, together with the installation of ion scan machines at Jamaica's airports, has reduced the numbers of couriers arriving from the West Indies. Similar action is needed elsewhere, particularly in Nigeria. It goes without saying that much better systems need to be in place in respect of immigration issues affecting foreign national women and the case for improved links between the Immigration and Prison Services has already been made.



## PRISON ENVIRONMENT

**3.11** When I visited Brockhill in May I was given a list of some of the events that had happened in the preceding ten days, which I was told were fairly typical of everyday life in a women's local prison. It is shocking.

- A woman had to be operated on as she had pushed a cross-stitch needle deep into a self-inflicted wound.
- A woman in the segregation unit with mental health problems had embarked on a dirty protest.
- A pregnant woman was taken to hospital to have early induced labour over concerns about her addicted unborn child. She went into labour knowing that the Social Services would take the baby away shortly after birth.
- A young woman with a long history of self-harm continued to open old wounds to the extent that she lost dangerous amounts of blood. She refused to engage with staff.
- A woman was remanded into custody for strangling her six-year old child. She was in a state of shock.
- A woman set fire to herself and her bedding.
- The in-reach team concluded that there was a woman who was extremely dangerous in her psychosis and had to be placed in the segregation unit for the safety of the other women until alternative arrangements could be made.
- A crack cocaine addict who displayed disturbing and paranoid behaviour (but who had not been diagnosed with any illness) was released. She refused all offers of help to be put in touch with community workers.

**3.12** A soon-to-be published report by the Department of Public Health, University of Oxford, details the findings of one of the largest studies examining the health of women prisoners. I refer to it in more detail in Chapter 7. It contains a review of the living conditions for women on remand. Women recounted the stress that came from newly encountering the prison environment. Crowding, noise and the threatening atmosphere were the immediate factors. They recounted their alarm and concern at finding themselves sharing cells with women with mental health problems and who self-harmed; being frightened and unprepared when confronted with women who were suffering severe drug withdrawal or seizures. The obvious fact that there were significant numbers of prisoners with serious mental health problems was frequently remarked upon by the women. One young woman described her experiences of hearing apparently delusional or psychotic prisoners in distress. A number of other women reportedly witnessed incidents where suicides had occurred.

**3.13** Almost all agreed that the physical prison environment did little to promote health. Women complained that the prison environment was dirty with unhygienic sharing of facilities. For example, five women in a dormitory could be sharing one in-cell sink, which was being used for personal washing as well as cleaning eating utensils. There was a lack of fresh air and ventilation. Enforced sharing of rooms with smokers was especially problematic for non-smokers. Women gave vivid accounts of vermin present in the areas where they ate, slept and stored their personal food items. Prison facilities hindered them from maintaining self-care, including limited access to personal hygiene products and restricted access to bathing. Shower facilities were often dirty. Despite their reluctance, women made use of in-cell sinks where available to 'strip-wash' but this was less than ideal. Women were also critical of the absence of materials to clean the facilities they used such as toilets and washing facilities. Women felt disempowered to have to rely on other designated prisoners, whose standards were not their own, to carry out cleaning tasks.

**3.14** Women were critical of prison nutrition, which they described as being overly rich in carbohydrates and limited in choice with a small range of options being frequently revisited. They also complained about the preparation of the food, which they experienced as tasteless and poorly cooked. Many women found that comfort eating or eating to cope with boredom became a pattern. Some women criticised a barren concrete exercise yard and the organisational regime, which they felt forced them to choose between exercise and work. Because work provided money needed to buy personal items, women who had the opportunity chose work. The obvious impact of a carbohydrate rich diet and inactivity for many women was weight gain and its emotional consequences.



**3.15** The findings in this report reflect what many women in prisons I visited up and down the country told me. Some examples of what they said to me follow:

- There were too many mentally ill women in prison; they should have been stopped at court.
- For men prison was a "bad patch"; for women "life has stopped".
- No one listened.
- Separation from their children was mental torture.
- They felt they were letting down their children.
- One woman serving a lengthy sentence said she was told to forget her life outside, including her little girl – who was three years old.
- Self-harmers distressed others and disrupted the prison regime.
- Poverty had forced them into crime.
- Single cells were lonely.
- They were treated like children.
- They were strip-searched frequently.
- They wanted mentors, counselling and listeners.
- They were frightened of release and wanted support.
- Sometimes they tried to get back into prison because they had nowhere else to go and they felt safe there.

**3.16** I was dismayed to find in some of the prisons I visited that there were toilets, often without lids, in cells and dormitories, sometimes screened by just a curtain, sometimes not screened at all. It is humiliating for women to have to use these facilities in the presence of others, most particularly during menstruation. The Chief Inspector has commented more than once that many prisoners are in effect living in a toilet. The following is an extract from a report in 2005, following up an earlier recommendation about the inadequacy of night sanitation facilities at Bullwood Hall, where women were suffering the degradation of "slopping-out":

*"The current night sanitation arrangements are neither acceptable nor decent, and are potentially unsafe. In-cell toilets or an alternative system should urgently be introduced in order to provide 24-hour access to toilet facilities. Not achieved. There had been no changes to the night sanitation arrangements, which remained unsafe and degrading. Prisoners continued to experience the humiliation of using chamber pots in their cells, and there was still the potential for bullying to take place when prisoners were let out of their cells to use the toilet unsupervised. Some prisoners had refused to use the chamber pots and returned them. The night sanitation system continued to break down from time to time. If works staff could not carry out the repair, there were delays of several hours until a plumber could be contacted to carry out the necessary work. The queuing system to use the toilet at night was ineffective. Prisoners told us that they spent most of their time during evening lock up competing to get a place in the queue, which was restricted to eight prisoners at a time. This led to arguments about fairness and some women intimidated others into not using their buzzer to gain access to the toilets and then banged on doors and shouted as they went. The night sanitation system meant that staff could only enter the wings when the cell doors were closed, that is, when no prisoner was out using the toilet. Consequently there was also potential for delay in staff attending to prisoners being monitored for self-harm. We repeat the recommendation."*

## SELF-HARM

**3.17** I was pleased that as part of my review the Safer Custody Group within the National Offender Management Service (NOMS) began a case study of the 50 most prolific self-harmers in the women's estate in order to ensure that every one of them was in the right location and receiving the best possible care and treatment available and I look forward to seeing the final results of this work. Early findings from this study underscored the difficulties faced by these women, most of whom have an extensive self-harm history in custody and some of them from adolescence. The self-harm is frequent and the threat of suicide is also present. 35 of the 50 had previously attempted suicide and 36 had recent suicidal thoughts. Much self-harm is about coping with distress, often exacerbated in the prison context but there is clearly a stronger than normal relationship here between self-harm and suicide. This finding is supported by a separate comparison made of the records of 16 prolific female self-harmers and the records of 16 female self-inflicted deaths. Moreover, that study revealed several factors of similarity between these two groups of women, including previous custodial sentences, previous suicide attempts, drug use, abuse, significant bereavement and poor mental health. There is an increased risk of self-harm during the early period in custody. In 2003, for example, over a third of all self-harm incidents occurred within a month of arrival at an establishment, including 13%, which occurred within the first week. 26% of incidents occurred between one and three months. 16% of women in prison injure themselves.

## STRIP-SEARCHING WOMEN IN PRISON

**3.18** In order to implement the new gender duty, I have recommended in Chapter 2 that the development of gender specific policies and procedures should be given priority by the Prison Service and other criminal justice public bodies. There is one particular aspect of entrenched prison routine that I consider wholly unacceptable for women and which must be radically changed immediately in its present form. This is the regular, repetitive, unnecessary use of strip-searching. Strip-searching is humiliating, degrading and undignified for a woman and a dreadful invasion of privacy. For women who have suffered past abuse, particularly sexual abuse, it is an appalling introduction to prison life and an unwelcome reminder of previous victimisation. It is unpleasant for staff and works against building good relationships with women, especially new receptions. I well understand that drugs and other contraband must be kept out of prison and that there may be a case for routine strip-searching on first reception into prison. But even this procedure is dubious for women given that drugs can be secreted internally, rendering strip-searching ineffective in any event, as routine internal searching is already seen as unacceptable. A group of women in one prison, including some who suffered domestic abuse and some who had not, described strip-searching as making them feel embarrassed, invaded, degraded, uncomfortable, vulnerable, humiliated, ashamed, violated and dirty.

**3.19** One woman I met during the review who was working for a voluntary organisation in preparation for her release told me that she was strip-searched every day on her return to the open prison where she was located. I was both amazed that this fell within the prison regulations and appalled that it was happening. This was a woman trying to rebuild her life, preparing herself for release back into the community, considered by the authorities of sufficiently low risk to be in an open prison and to work outside, yet she had to undergo the humiliation of daily strip-searching on her return. An odd way to demonstrate trust and increase this woman's sense of worth and self-esteem! When I asked if this procedure was normal and in accordance with the rules, I was surprised to find that those responsible for operational policy in the women's prison estate seemed unconcerned about this particular case. Moreover, to my surprise strip-searching had no mention in the draft gender specific operational requirements being developed by the Prison Service referred to at paragraph 2.23 above.

**3.20** This led me to make further enquiries about strip-searching and I was told that it is very rare indeed for anything illicit to be found as a result of strip-searching women. Some staff told me that they had conducted hundreds of strip searches of women and had never once found anything. This is a dreadful waste of staff time. Routine strip-searching on transfer to another location or on return from court, when a woman has at all times been under escort and in sight of staff, cannot be justified. In the case of the woman returning from work, common sense alone should prevail. What is to stop her hiding drugs in the prison grounds on arrival and retrieving them later if she was minded to? I was also told anecdotally that some staff, recognising both the futility and possible damage to women of strip-searching, interpret the rules "flexibly" and do not carry out searches thoroughly.

**3.21** The Prison Rule relating to searching says: "A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed." The Prison Service's *National Security Framework* is not prescriptive and governors have some discretion in its interpretation to reflect their particular populations and degree of security required within their establishments. I am sure that for women strip-searching could more appropriately be done randomly; or where individual risk assessments make it necessary; or on intelligence based information. Several governors of women's prisons and many of their staff agree with me. I am also aware that sophisticated and effective drug detection equipment is now available; indeed, the installation of ion scan machines at Jamaica's airports has significantly curtailed the activities of drug mules there. The Prison Service should investigate the potential for use in prison of this equipment to eradicate time-consuming and degrading strip-searching.

### **DEATH IN WOMEN'S PRISONS**

**3.22** Safer Custody Group (SCG) studied 13 of the 19 women who died by their own hand in prison in the years 1999 – 2001. All but one of them died by hanging. The one who did not had been located in a ligature free cell and died by tying a plastic bag over her head. The majority of these women had unsettled upbringings, which often included spells in local authority care. Many had previous convictions dating back to adolescence or earlier. Ten died within two months of being in prison and three died between six and nine months of imprisonment. Most of the group were charged or convicted of acquisitive offences and in many cases there were clear links with the need to fund their drug habits. All of the women had abused drugs at some stage, with many of them abusing more than one substance during the same time frame. One woman was on medication for depression, two had histories of depression, and two had been diagnosed with schizophrenia or psychotic symptoms in prison. One was reported as having a personality disorder. The majority had self-harmed or attempted suicide during their lives and one of them was recorded as having 37 injuries, most of them self-inflicted. Many of these women had multiple anxieties in the days prior to their deaths, including suffering from withdrawal, missing their families, experiencing deaths of loved ones, relationship problems within the prison, being bullied and worrying about losing their accommodation. Three were located in healthcare and two in segregation units when they died. Most of them had recently been relocated, either within a prison or between prisons.

**3.23** Another SCG study into the deaths of the 23 women who took their own lives in prison in the years 2002 – 2003 and the first in 2004 found that 20 of them were located in single cells. Sharing a cell is thought to be a protective factor against suicide. 19 of the 24 women died by hanging, 16 within three weeks of reception into prison and 11 within the first week. Three deaths occurred in detoxification units (detoxification was implicated in 11 cases) and three in segregation units. Women with violent offences (10) or arson (three) were over represented in comparison with their numbers in the female prison population. In 19 of the 24 cases a combination of events preceded the death, rather than a single trigger. Suicidal distress was likely to have been shown through aggressive and abusive behaviour rather than being quiet and withdrawn. Moves within the prison featured in 17 of the 24 cases. 16 of the group had drug-related offences, characterised by previous drug abuse, detoxification difficulties, histories of self-harm and suicide attempts, previous custody and problems with sentence. Eight of the group were serving life or long-term sentences, characterised by violence to others and prolific self-harm. They were a disturbed group; all had a psychiatric diagnosis, including four with personality disorders and six had a history of severe violence to known victims. They tended to have been older than the other group and had been in prison longer than three months when they died.

**3.24** A further study by SCG of the first seven self-inflicted deaths of women in 2004 (excluding the first in 2004 which was included in the study described in the preceding paragraph) found that they had all previously harmed themselves to a degree suggesting suicidal intent rather than using self-harm as a coping mechanism. Three of them had made multiple suicide attempts and/or threats. Three had recorded previous hospital treatment for psychiatric problems; a further three had some history of treatment for depression; and another had a history of eating disorders. Five had drug and/or alcohol problems; two had recently completed drug detoxification and one was undergoing alcohol detoxification. Four of the seven had experienced personal loss or bereavement prior to her death: a child being adopted; a child being taken into care; a still-born baby; the death of a beloved dog. One of the women left a note saying that she intended to kill herself to end 32 years of misery.

**3.25** For many women the prison experience is made worse because they are anxious all the time about their children's well being, or even their whereabouts. Even a short absence from home can disrupt family life and lead to serious problems for children. Many women try to run their homes from prison. Visits with children can cause distress. A lifer cited in one research paper I have read said; "I need those visits but I've also got some rather unpleasant scars through my children grabbing hold of me and screaming "Mum, mum, mum – I don't want to leave you mum"...I've come upstairs and just couldn't handle it, so I've picked up a razor..."

**3.26** In another study conducted by the Safer Custody Group, in-depth interviews were carried out in 13 establishments during 2002 – 2003 with 15 female prisoners (and 15 males) who had carried out a severe, potentially lethal act of self-harm. One woman reported that it was fear of losing custody of her children that led directly to poisoning herself: "I live for my children, and her saying she is going to take them away, it just switched me... And I went straight from the visit and done it". Three of the 15 women said that they genuinely thought their families would be better off without them. One said; "I feel I've wrecked too many lives and I don't want to hurt people any more". One woman had just had her last visit from her son before he was adopted.

**3.27** 14 of the women said that at the time of the incident they had definitely wanted to die. Almost all of them had previous histories of self-harm or attempted suicide using a wide range of methods which some described as varying according to the degree of suicidal thoughts. In particular a switch from cutting to hanging indicated an increased suicidal intent. Six of the 15 women referred directly to experiences of rape or sexual abuse as a factor in their harming themselves – some had flash-backs to those experiences – and three others made references to "bad things" happening to them in their childhood, which they did not wish to disclose. Five of the women spontaneously talked about bereavement as being linked to their action. 18 of the 30 participants described ongoing mental health problems as contributing to the incident, including hearing voices instructing them to kill themselves. Chronic depression and the actual experience of being in prison were factors, including problems with bullying. They consistently said that they desperately wanted someone to *listen* to them.

### **FAMILIES BEREAVED BY DEATHS IN CUSTODY**

**3.28** During my review, INQUEST arranged for me to meet a group of families bereaved by a death in custody and I met others individually on separate occasions. I am particularly grateful to these families for sharing their sad and personal stories with me. I greatly admire their courage and was struck time and again by their overwhelming concern that others should not suffer as they had done. Their stories followed sadly familiar patterns. One young woman, a prolific self-harmer since adolescence, had previously tried to kill herself 90 times. Her family has subsequently set up a group to help other young women who prolifically self-harm. One woman was moved without warning from Holloway, where she had felt safe, to Durham, an unrealistic journey for her partner, who lives in London. She killed herself within 30 hours of the move. Her partner told me that at the inquest some staff admitted that they had never read the prison's suicide prevention strategy. Another prolific self-harmer had previously been sectioned more than once under the Mental Health Act. Another woman, released from prison on licence, had been sent back to prison because her serious self-harm could not be managed in the community. In other cases medication had been withheld and women were kept for long hours alone in cells.

**3.29** With two exceptions all the families told me how badly they had been treated by the Prison Service following the death, for example, notification by the police at four in the morning when it was impossible to contact anyone at the prison for information; no offer of help with the funeral expenses; property handed back in black bin liners or worse, in one case, incinerated without permission. These stories too became familiar to me during my review. I was encouraged by the two exceptions. One felt that the governor and staff had done all they could to assist her following her sister's death and the other, the mother of one of the six women who died at Styal, told me that, while she had been unhappy with her initial treatment, she had subsequently been invited to the prison and it gave her some comfort to see improvements there. She is also planning to contribute to the Prison Service's recently established training course for family liaison officers assigned to work with families bereaved by a death in custody. I welcome these links and what I have learned of recent strides being made by the Prison Service in its relationships with families, in particular the development of highly praised training, shortly to be recognised by the Butler Trust, for this important and difficult task.

**3.30** I believe that families are a huge untapped resource which could be put to constructive use. One bereaved mother, for example, said she felt that the criminal justice system had “taken possession” of her daughter. She had felt excluded and powerless. Many families want to help and support their family members. Some agencies have recognised this. Trevi in Plymouth, for example, (see paragraph 6.12) takes a whole-family approach and one or two governors, for example at Cornton Vale and Holloway, are inviting families into their prisons and involving them in care plans.

**3.31** INQUEST has undertaken an 18-month research project on women's deaths in prison custody and I understand that a final report of the project is due to be released in March 2007. I am grateful to INQUEST for having shared with me its key findings, many of which I endorse and they are echoed in my own report. For example, INQUEST recommends better, more detailed assessment of the suitability of prison for the women appearing before the courts and a greater understanding by the judiciary of the reality of imprisonment and the regimes and conditions operating. INQUEST also calls for more timely inquests and proper demonstrable learning to prevent future loss of life.

**3.32** There is a further recommendation that INQUEST makes which I fully endorse and repeat in my own report, namely that public funding must be provided for bereaved families for proper legal representation at inquests relating to deaths in state custody which engage the state's obligations under Article 2 of the *European Convention on Human Rights*, “the right to life”. I recognise the many demands on the public purse but inquests into deaths in custody must be robust and thorough. The state has unlimited access to legal funding and will always have legal representation and Counsel at inquests that engage Article 2. It is inequitable that families whose close relatives have died whilst being cared for by the state should undergo means testing when applying for legal funding to represent their interests. Such funding should not be means tested and any financial eligibility test should be removed whenever Article 2 is engaged. Funding should also cover the attendance of families at inquests including reasonable travel, accommodation and subsistence costs.

## CONCLUSION

**3.33** I agree with the conclusion of the Prisons and Probation Ombudsman, Stephen Shaw, expressed eloquently in his report about the deaths at Styal, that, “The current use of imprisonment as reflected in Styal, Holloway and other women's prisons, is disproportionate, ineffective and unkind”. This view, he said, was shared by virtually everyone he had spoken to during his investigation – staff, prisoners, and relatives and outside interests. The sad catalogue of self-inflicted deaths above reinforces my belief that we must find better ways to keep out of prison those women who pose no threat to society and to improve the prison experience for those who do. It is also clear that prison is not the right place for many women. They need help and caring, therapeutic environments to assist them rebuild their lives. This is not an easy option; it is demanding a great deal of women to delve into issues they prefer to block out. For those with drug addictions clinical detoxification does not stop the habit.

**3.34** Like many other commentators I have concluded that the present structure of relatively large, self-contained institutions that are sparsely distributed across the country will become even less appropriate as the female prison population reduces as my recommendations are implemented. The existing system of women's prisons should be dismantled and replaced by smaller secure units for the minority of women from whom the public requires protection. This cannot of course be done immediately but an early commitment to doing so should be made. I want to pay tribute to the governors and staff I met in all of the prisons I visited who are working very hard to provide a decent environment for the women in their care. Some are achieving spectacular results; demonstrating real understanding about the needs of women; and using innovative approaches. The institutional system within which they work limits what can be done.

**3.35** I have concluded that those women for whom prison is necessary would clearly benefit from being in smaller units closer to home or more easily accessible for visitors, such as in city centres. There are “urban prisons” in the USA and Canada that provide models. The open section of Cornton Vale, which makes use of old staff houses to provide a homely environment for women nearing the end of their sentences, provides another. The women I met in these houses were running them as a family unit, doing their own budgeting, shopping and cooking. I believe that the UK can learn from these examples of smaller units serving a relatively local community. There is no reason why they cannot be multi-functional, with varying levels of security to perform as bail hostels, local, training and resettlement prisons with links to other local support centres which I describe in Chapter 6 of my report. I accept of course that there will need to be an initial investment to kick-start the process but I am convinced that this investment will prove cost-effective in the long-term.

## RECOMMENDATIONS

- The government should announce within six months a clear strategy to replace existing women’s prisons with suitable, geographically dispersed, small, multi-functional custodial centres within 10 years.
- Meanwhile, where women are imprisoned, the conditions available to them must be clean and hygienic with improvements to sanitation arrangements addressed as a matter of urgency.
- Strip-searching in women’s prisons should be reduced to the absolute minimum compatible with security; and the Prison Service should pilot ion scan machines in women’s prisons as a replacement for strip-searching women for drugs.
- The work underway in respect of foreign national offenders should take account of the views expressed in my report. The strategy being developed should include measures designed to prevent prison becoming a serious option.
- Public funding must be provided for bereaved families for proper legal representation at timely inquests relating to deaths in state custody that engage the state’s obligations under Article 2 of the *European Convention on Human Rights*. Funding should not be means tested and any financial eligibility test should be removed whenever Article 2 is engaged. Funding should also cover reasonable travel, accommodation and subsistence costs of families’ attendance at inquests.