

# Women In Custody

Diversion from prosecution is key in reforming the landscape of women in the Criminal Justice System, **Paramjit Ahluwalia** writes

Over a decade ago in the Corston report in 2007, Baroness Corston outlined the need for a “radical change in the way we treat women throughout the whole of the criminal justice system ... requiring a radical new approach, treating women both holistically and individually – a woman-centred approach.”

Women may represent only 5% of the prison population, yet last year saw the highest numbers of suicides in women’s prisons this country has ever seen, and women account for 28% of self harm incidents throughout the prison population.

The problem isn’t simply what takes place inside the prison walls, but the ramifications outside. There were approximately 6,000 prison receptions (entering into prison) in the UK for women in 2015/2016. 45% of the women were on remand. In terms of individuals sentenced, 70% were for sentences of six months or less.

## Long Term Impact

What often sentencers do not realise is the impact of this factory churning through numbers of women in short ineffective ways, is the consequent long term impact on their lives. 17,000 children are taken into care as a result of women being detained in custody. There is a huge prevalence of homelessness once a woman is released from custody and astonishing accounts such as HMP Bronzefield staff having to provide individuals with tents when they were leaving custody.

In this bottomless pit of negative statistics we have the recognition by the Justice Select Committee that:

“prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety.”

The UK is in fact a signatory to the Bangkok Rules, (the United Nations Rules for the Treatment of Women Prisoners and Non-custodial measures for Women Offenders) an international framework of safeguards. For example r.60 of the Bangkok Rules sets out that “appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to women’s contact with the criminal justice system. These may include therapeutic courses and counselling for

victims of domestic violence and sexual abuse; suitable treatment for those with mental disability; and educational and training programmes to improve employment prospects. Such programmes shall take account of the need to provide care for children and women-only services.” This recognises that women enter into the criminal justice system often as a result of a vicious cycle of victimisation, in terms of having suffered from domestic violence, sexual abuse, or drug addiction.

We currently in the UK do not have separate sentencing guidelines in existence for women. There is no requirement for sentencers to really consider the long term impacts and gender specific needs of women. There is for example no recognition by sentencing guidelines currently of the feature that 46% of women in custody have suffered from domestic violence. We may have legislative and political will to protect those who face coercive control and domestic violence, yet we have left by the wayside individual women who post violence, exploitation and coercion have gone on to enter the criminal justice system. And without specific sentencing guidelines for women, this can never properly be recognised.

Unlike the justice system for children and young people,



for women there is no entrenched system of diversion and usage of methods such as referral orders in existence. Instead we have a factory conveyer belt, with high rates of re-entry, in of terms recidivism. This is despite most of the offences women come before the courts for being minor ones, such as theft and non violent offences.

Worryingly still, arrests of women for petty offences have risen in some parts of the country significantly. The difference being an increase of arrests in Lancashire by 46%, 45% in Dorset and 40% in Hertfordshire between 2014–2015 and 2015–2016.

All of this heralds a landscape that needs urgent and effective reform.

A report published by the Prison Reform Trust this month, *“Fair Cop? Improving outcomes for women at the point of arrest”* highlights the need for effective early intervention at point of arrest and diversion from prosecution.

The essence being the need for “problem solving approaches”. Sentencers may well view that fines are a swift response (80% of sentences for all women consist in fines). Yet the reality is that these don’t deal with the core of the issues, but rather exacerbate the position of those in debt, or are committing crime to cope with substance addiction.

Diversion is very much a front line policing decision. The report from the Prison Reform Trust highlights just how effective women’s centres were in terms of diversion and signposting.

Further that the use by the police of collaborative schemes is key to diversion, and that a national network of women’s centres and services should be funded to support early intervention and whole system approaches.

HM Probation Inspectorate in a report in 2016 recognised the excellent and inspirational work undertaken in women’s centres, and highlighted that,

“Services were gender-specific and sensitive to the needs and diversity of women. Where this worked best, women had access to a range of specialist services through a one stop approach. Interventions were aimed at addressing the women’s needs as a whole, rather than offending behaviour in isolation, and partner agencies worked together to provide individualised plans and support for women.”

One of the women’s centres cited in the report is the Woking Women’s Support Centre run by the charity *Women In Prison*. The type of support package offered to women

is advocacy around accommodation, group work and one to one counselling supporting women around issues of domestic violence, mental health, substance misuse and alcohol addiction.

### Depletion of Funding

What about the economics of it all? The cost of detaining a woman in custody is up to £46,000 a year. The average cost of a community order is £2,800 and support in a woman’s centre is £1,500. The prize is not simply in efficacy, but also financially.

Liz Truss, the Secretary of State for Justice at a recent event at the House of Lords recognised and gave a “declaration of commitment” to tackling the issue of *Women In Custody* and the need for early intervention, together with personally tailored programmes from Police Commissioners. Baroness Corston herself backed this up highlighting the positive impact on women’s self-esteem and rehabilitation by women’s centres.

The depletion in funding has left these centres limping on, and Corston rightly outlined that if some of those centres close the number of women in custody would rise.

Investment and understanding into how economically and practically effective women’s centres are in the UK is the best way of combatting the figure of women imprisoned in custody and reducing re-offending.

Women’s centres and diversion away from prosecution is not an easy route. It is not the short sharp imposition of a 6 month prison sentence or the imposition of a fine.

By looking at women in terms of the start and end point of a court case is to completely ignore the very purpose of the criminal justice system and the financial incentive offered by true reduction in offending that is stimulated by early intervention.

There are some aspects and outcomes by the work of women’s centres that simply are beyond financial and statistical measure: women who have been assisted back into work, individuals who are found housing again, mothers who are re-connected with their children and those who are assisted out of the vicious cycle of addiction and most of all women who are given back their self-esteem.

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