

Women in Prison: The Corston Report

Baroness Jean Corston

Introduction

In March 2006, I was commissioned by the then Home Secretary, Charles Clarke MP, to undertake ‘a review of women with particular vulnerabilities in the criminal justice system’ of England and Wales. My report was published in March 2007.¹ In December 2007, the Government issued an official response to the findings of the review.²

In this paper I want, first of all, to say something about the background to the review. I will then say what I found, what I concluded, and what is now happening in response to my report.

Background to the Review

In 2003, fourteen women took their own lives in prisons in England and Wales. In 2004, thirteen women died. These deaths are categorised as ‘self-inflicted’; you cannot say that the women concerned intended to die, but that was the outcome, and so they are considered to have died by their own hands.

Between August 2002 and August 2003, six women died in one prison – Styal, in Cheshire, which serves North Wales and the North-West of England. Following the death of the sixth woman, Julie Walsh, the then Minister for Correctional Services, Paul Goggins MP, asked the Prisons and Probation Ombudsman for England and Wales to conduct an investigation into the circumstances of her death, considering also what might be learned from the previous deaths in the prison. (Up until then, deaths in custody had been investigated by a governor from another prison. In January 2004, it was announced that from April that year, the Prisons and Probation Ombudsman would be responsible for the investigation of all deaths in prison.)

Concurrently, there were calls for a public inquiry into the deaths in Styal. The Home Secretary, Charles Clarke MP, said he saw no useful purpose in such an inquiry, on the grounds that he did not believe anything would emerge that would not come out in the investigation into Styal being carried out by the Prisons and Probations Ombudsman.

There was also a brave campaign by a woman called Pauline Campbell, whose daughter was the youngest of the women to die in Styal. Whenever a woman died in prison, Pauline Campbell mounted a vigil outside that prison. Pauline’s campaign was therefore part of the reason that Charles Clarke eventually decided to set up an independent review. The tragedy is that Pauline herself was found dead on her daughter’s grave in mid-May 2008. Her story shows the wider effect of deaths – unexplained, unnecessary, preventable deaths – of vulnerable young people in prison.

I believe that Charles Clarke’s decision to set up a review was also very influenced by a letter written to him by the Coroner for Cheshire, Nicholas Rheinberg, who had statutory responsibility for conducting the coroner’s inquest into the deaths of the women who died in Styal. In his letter, Nicholas Rheinberg said, with reference to the women prisoners who had appeared before him as witnesses during the inquest:

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.

Charles Clarke and his ministerial team – which included three women – decided not to respond by commissioning research. They said they wanted a practical piece of work that would draw on the research of the last thirty years – all of which, by the way, points in the same direction – and make recommendations. And I was asked to undertake this work. I said that I would do it so long as they

agreed to publish my report in full, and provide staff and facilities to assist me. And the answer was a resounding ‘yes’.

Findings

I found that in the decade ending in 2006, the women’s prison population in England and Wales rose by 94 per cent; by contrast, the male prison population rose by 38 per cent. The reason for the increase in the imprisonment of women is quite simple: courts are using custody more frequently for women who come into the criminal justice system for less serious offences, though lately this trend has levelled off.

In February 2008, there were 4,380 women in prison in England and Wales. Of these prisoners, 877 (20 per cent) were on remand. Women on remand are usually held for four to six weeks: long enough to lose their home, because they cannot pay the rent, and their children. The personal costs of such imprisonment seem all the more terrible in light of the fact that when women who have been held on remand go on trial, 20 per cent are acquitted and 60 per cent are deemed not to warrant a custodial sentence. Of those who are sent to prison, nearly 20 per cent receive a sentence of less than one year.

Behind the statistics are the personal stories. Of the women in prison, 80 per cent have mental health problems. At least half were a suicide risk before they went into prison. Nearly three-quarters are drug-dependent. I’m not just talking about class-A drugs: I’m talking also about alcohol and prescription drugs, sometimes in the most amazing combination. Some women entering prison have a poly drug misuse habit involving up to eight different substances.

I found that offending on the part of women was often triggered by sexual and violent victimisation. What was absolutely extraordinary was the incidence and degree of abuse which women who were in prison had suffered. Over half admit to having experienced some form of abuse. To a startling extent, these women have experienced sexual abuse in childhood, which leaves them with not only a total lack of self-confidence but a lack of a sense of self-worth because, of course, like most victims they blame themselves. And what makes me particularly angry is that in Britain – and as an Irish passport holder I feel I have the right to say that perhaps in Ireland too – we are rightly exercised about the

perpetrators of child abuse, but seem slow to give serious attention to the fate of their victims. A disturbingly large number end up in prison.

Women in prison are often people with no life skills. The things that we all take for granted, that we think of as part of the human condition, are actually things we learn. We have learned to hold a conversation. We have learned to try to be persuasive. It is extraordinary how many of the women in prison lack these kinds of skills. If you try to have a conversation with seven women prisoners, it is likely they will all speak at once. And if you ask that they speak one at a time, that is what they will do: they will take it in turns to speak. There isn’t an interplay, because they do not know how to do that. And, of course, if you do not have these skills, your parenting is not very good; you are not a very good neighbour; you are not a very good citizen.

Women in prison self-harm in huge numbers: women make up only 6 per cent of the prison population in England and Wales yet over 50 per cent of the self-harm in prison is by women. During the visits I have made to prisons where women are detained, I encountered evidence of the most shocking self-harm.

Every year in England and Wales, 18,000 children are affected by the imprisonment of their mothers

Women in prison have committed offences that are frequently associated with poverty and financial difficulties. Great numbers of them are mothers. A large number of their children will themselves end up in prison – as many as half.

Every year in England and Wales, 18,000 children are affected by the imprisonment of their mothers. Only 5 per cent of those children stay in the family home, and generally their fathers do not look after them. When a man goes to prison, usually there is somebody to keep the home fires burning, and at least their children are cared for. Women in prison try to bring up their families from prison. You hear these women on the phone, trying to bring up their children by phone call with the small amount of money they get every

week to make calls.

The women who are in prison are held a long way from home, because there are so few women's prisons. So there can be horrendous round journeys just to get to see a mother, daughter, or sister in prison. But, in fact, many women prisoners do not have visitors. Go to a prison for men on visitors' day, and you will find that it is packed. Go to a women's prison on visitors' day, and it is rarely full. And, of course, that has a knock-on effect for children, because they do not have the contact and the right to some kind of family relationship with their mothers.

More often than not, by the time women are released from prison *none* of their offending behaviour has been dealt with, but in the first two weeks after release they are thirty-six times more likely than the general population to commit suicide, or die from an accidental drug-related overdose.

Core Conclusion

The core conclusion of the review – and this sounds obvious but actually has far-reaching consequences – is that prison is a male construct. Prisons are designed for men, and prisons are, by-and-large, run by men. All of us, I think, now recognise the importance of gender equality. In Britain since April 2007 we have, as a result of the Equality Act 2006, a 'Gender Equality Duty' – a duty on all public bodies to implement policies and practices which will provide for, and result in, gender equality. This does not happen in our prison system. My basic premise was that women and men are equal, but they're different. If you treat them the same, the outcome isn't equality.

An illustration of this point is the general perception of what is needed to prepare prisoners for life after their sentence is finished. If you ask people who work in a prison, 'What is the biggest challenge for a prisoner on release?' they will answer, 'Finding a job'. They will say, 'It's our job in prison to try to deal with prisoners' offending behaviour by giving them some skills that they will then use when they come out of prison'. But finding a job is not *the* priority for women. It is on the list, but it's down at number three or four.

When I asked the women I met in prisons, 'What do you want?', the response was always the same: every, and I mean every, woman prisoner I spoke

to replied, 'Somewhere for me and my kids to live'. In Scotland, they said, 'me and my wains', but it amounts to the same thing.

If a woman turns up to the local authority and says, 'I've nowhere to live, I've come out of prison', they are likely to be told, 'Well, you fall outside the homelessness legislation because you've made yourself intentionally homeless by going to prison. And, anyway, you haven't got your children, so we're not responsible for you.' So then they go to social services, or whatever authority has got care of their children, and say, 'I want my children back', and they're told, 'No, you can't take care of them because you have nowhere to live'. And that's where the vicious circle starts, and it goes on and on, and is repeated. I heard of a woman in Styal prison who had just given birth to a baby: she herself had been born in Styal. Such an occurrence is not unknown in other prisons – including, I suspect, in Ireland.



Baroness Jean Corston addressing the seminar, 'Women in Prison: The Need for a Critical Review' © JCFJ

So, I concluded that given that women and men are obviously different, there ought to be a prison regime that is tailored to women's needs. After all, if we had a prison regime that was tailored to the needs of women but applied generally, men, rightly, would complain.

Recommendations

There were forty-three recommendations in all in my report, and I was very pleased that forty of them were accepted – some in principle, their implementation depending on finances. Three were not accepted at all.

My key message was that no one was in charge: no one person or body was responsible or

accountable for the provision of care and services to women who came into the criminal justice system. Every department tended to leave responsibility to the Home Office: 'Oh, prisons is the Home Office'. A particular department might have responsibility for a specific area – for example, responsibility for prisoners' health issues had been taken away from the prison service and given to the health service. And it had been decided that prison education would no longer be dealt with by the prison service but would be run by the authorities responsible for education. But these departments and agencies were all in their separate silos. I said that had to stop, and that all seven departments of state to whom my report was addressed should be involved.

There is now a Ministerial sub-group of three women ministers who are taking this agenda forward. This Ministry of Justice-led group reports regularly to the Inter-Departmental Ministerial Group for Reducing Re-offending. So, as of now, there is someone within the government who is seen as responsible for progress on this agenda, and for looking at the needs of women with particular vulnerabilities within our criminal justice system.

In my report, I emphasised the Gender Equality Duty, and said that every agency in the criminal justice system must prioritise and accelerate measures to give effect to that duty, so as to transform the way of providing services for women who come into the criminal justice system.

Multi-functional Custodial Units

I also said that within six months the Government should announce a clear strategy to replace the existing women's prisons with small, geographically-dispersed, multi-functional custodial units, and that this strategy should be implemented within ten years.

I am not saying that no woman should ever be in prison. Of course, there are women who have committed crimes which are of such seriousness that the protection of the public, or the interests of justice, require that they receive a prison sentence. Government policy in Britain as stated today is to imprison those who represent a threat to the public, and whose detention is seen as in the public interest. But the majority of women in prison do not fit that profile: most are a danger only to themselves.

In my view, detention of women is appropriate where the offence committed is serious enough to merit a sentence of imprisonment of more than two years. But a policy of having small, local, custodial units is the better way to deal with such women. First of all, it makes resettlement in their home area easier. Family ties can be maintained, so that at least the women who are detained have some contact with their children, and have less risk of losing them to the care system. Secondly, it is more appropriate because large prisons just do not work for women. You have only got to go into one, to be in one for any length of time, to see that this is true.

Women's Centres

I also said that, as part of the package of measures for the delivery of probation and other programmes, there should be a network of women's centres to be used for referrals by the courts and other public bodies and individuals, such as GPs.

There is now a lot happening in relation to this. One such centre is in Glasgow and is called *218*. It was established in 2003 following concerns about the number of women who died while imprisoned in, or on release from, Cornton Vale, the only women's prison in Scotland. *218* is part of an office block in the centre of Glasgow, so going there is not stigmatising, and access is easy. Members of the centre's staff are in the courts every day, and can speak to sentencers, suggesting programmes to deal with women's offending behaviour so as to turn their lives around. There is also a secure wing at the centre, for women on remand.

Generally, I would say that the Scottish Parliament has shown itself to be extraordinarily enlightened: if you do not want to take England as an example for the development of policy in relation to women offenders, take Scotland.

I have seen centres similar to *218* in Halifax and in Worcester, except that they do not have a secure facility. These centres – the Calderdale Centre in Halifax, and the Asha Centre in Worcester – are models of good practice. There are others throughout the country. A similar project called Turnaround is about to be launched in Wales.

Community sentences – which might involve working in an older person's garden or cleaning up graffiti – are fine as far as they go, but they do not deal with the underlying reasons the person

offended in the first place.

A woman-centred approach such as that adopted in the centres I describe does work. One of the reasons it works is that the service deals not just with the drug addiction, or the financial difficulties, or the mental health problems, or the child care and access problems, each in isolation, but it deals with the woman herself, and encompasses each of these issues. And the fact that all these issues are dealt with together rather than through separate services is particularly important given that the women concerned find it difficult and often impossible to keep appointments.

Strip Searching

Another of my major recommendations was that the strip-searching regime should be radically changed. I entirely accept that when people come into prison they should be thoroughly searched, but women were being strip-searched on a routine, almost daily, basis. They would be strip-searched before they went to court; they would go to court in a locked van; go from the locked van into a cell underneath the court; go up to the dock; go back down into the locked room; go back to prison – and then they would be strip-searched again. And to have this done at all, if there is no need, is deeply degrading, but where it is done to women who have been repeatedly sexually abused in their lives, it can be terrible.

*Women's prisons must never
be on shared sites with
prisons for men*

This strip-searching regime is that used in prisons for men, where carrying weapons can perhaps be an issue. But governors of women's prisons told me that they never found anything as a result of searching. If you speak to women about how it makes them feel, they say: 'degraded', 'humiliated', 'dirty', 'invaded'. This regime of strip-searching is very damaging to prison relationships – yet a relationship of trust between prison staff and prisoners is acknowledged to be very important. So the report said that the strip-searching regime should change.

This was a reform that did not involve any

financial cost. I am delighted to be able to say that the three women ministers on the Ministerial sub-group said to the prison service, 'that's going to happen'. So they set up a pilot in four prisons, with the authorities told that they had a choice: either have a system with a routine but less intrusive body search, not involving the removal of underwear, or change to a system which is intelligence-based, where prison officers would carry out a search only when they suspected someone might be concealing something. In the four prisons where the new approach is being piloted, prison staff are amazed at how well the new system is working; how much time they save; how much better the relationships are. At least one of these four pilots is using the 'intelligence' approach. So I am confident that in the foreseeable future routine full strip-searching in women's prisons will become a thing of the past.

Separate, not Shared Sites

I was also absolutely clear that women's prisons must never be on shared sites with prisons for men, which I gather is what is likely to happen here in Ireland. It has happened, obviously, in Britain. There was a wing of Durham Prison which was for women. This is now closed but the experience of imprisonment in that unit was deeply damaging to the women detained there, because, once again, the regime was for men. In that prison too there was a series of suicides.

It is impossible to say to prison officers who are on a shared site, 'Right, you have this practice when you're working there, and this practice when you're working here'. Even if staff members are working in the women's wing only, the likelihood is that the regime will be identical to that of the men's prison.

(During my visit to Dublin I met a woman in the Dóchas Centre who had served previous short sentences. I asked her how she felt about Dóchas, and her response reflected her gratitude for the conditions in the Centre. She had served her previous sentences in Limerick and she said: 'There, they treated us the way they treated the men'.)

In December 2007, the Northern Ireland Affairs Committee of the House of Commons issued a report on the Northern Ireland Prison Service, after taking evidence from many people, including me. In the section of its report dealing with women prisoners, the Committee praised the Dóchas Centre as a model of good practice, and

was critical of the fact that the only women's prison in Northern Ireland, Ash House, was located on a shared site at Hydebank Wood. The report pointed out that the women prisoners in Ash House had to share some facilities with the male juvenile offenders detained in Hydebank Wood, and said: 'The limitations of the current women's regime at Hydebank Wood, which largely occur because of the shared site, have a negative impact on the women's resettlement'.³ The Committee concluded: 'We are convinced that there is a pressing need for a self contained women's prison facility in Northern Ireland'.⁴ This recommendation has largely been accepted both in Belfast and London.

Conclusion

When I was in the Asha Centre in Worcester, I spoke to a woman who was forty-one years old, and who had been in and out of prison all her life from the age of fifteen. Fifteen times she had been in prison. She had three children. The first had been put up for adoption without her consent, and so she will not have contact with that child again. The second is in care and also lost to her. As to the third, she thought there was a chance she would be with her again.

I asked this woman what she was doing at the Asha Centre, and she said something like:

Some magistrate told me to come here instead of going to prison because he said that prison clearly hadn't worked.

When I asked what had been the outcome for her of coming to the Centre, she said:

Well, I've always been able to blame someone else. Whenever I've been in prison it's always been someone else's fault. If my stepdad hadn't done that to me. If my mother had protected me. If that man hadn't abused me. If I hadn't got pregnant. If I hadn't taken drugs. If I hadn't become a prostitute. If I hadn't been coerced into prostitution because I was poor. It was always someone else's fault.

Then she said:

I'm forty-one years old. And this is the first time in my life someone has sat down with me and said, 'But what's your responsibility for being here, for being in this situation? What is it you're doing, or not doing, to cause this to happen?'

And she said:

Actually, it's much harder than being in prison, but I really do feel that I'm turning my life around. And I'm beginning to like myself.

We know how important that final statement is, because we all know that self-esteem and self-confidence are the key to what we think of as ordinary adult life.

In England, Wales, Scotland, and Northern Ireland, governments are setting their faces against the very policy that it appears is being implemented in Ireland, which I find very sad. Because you see, the women in prison almost all lead pathetic and chaotic lives. They need a woman-centred approach to help them towards the kind of citizenship most of us take for granted. As they are, these women make terrible neighbours; I'd like us to help them to be good neighbours.

This is an edited version of a presentation made to a seminar, 'Women in Prison: The Need for a Critical Review', organised by the Jesuit Centre for Faith and Justice and held in The Bar Council Law Library, Dublin, on 22 May 2008.

Notes

1. *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*, London: Home Office, 2007.
2. *The Government's Response to a Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*, Norwich: The Stationery Office, 2007 (www.justice.gov.uk)
3. House of Commons, Northern Ireland Affairs Committee, *The Northern Ireland Prison Service: First Report of Session 2007–08*, Vol. 1, London: The Stationery Office, 2007. n. 69, p. 26.
4. *Ibid.*, n. 81, p. 30.

Baroness Jean Corston is a Labour Peer and has been a member of the House of Lords since 2005. She is a barrister and was an MP from 1992 to 2005.