

Lacking Conviction:

The rise of the women's remand population

Kimmett Edgar



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August 2004

The work of the Prison Reform Trust is aimed at creating a just and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff, and the wider public; and by influencing Parliament, Government and officials towards reform.

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FOREWORD

This report reveals a widespread misuse of custody and examines its impact on some of the most vulnerable women in society. Something has gone very wrong with our criminal justice system when almost two-thirds (66 per cent) of the women who entered prison in 2002 were held on remand. Fewer than one in ten of these women were facing charges for violent offences. More women were sent to prison for shoplifting than for any other crime. When their cases were heard, under half of the women remanded to custody received a prison sentence. One in five was acquitted altogether. They were, however, in jail long enough to disrupt further lives often already marred by chaos and distress.

The Prison Reform Trust has drawn together evidence which shows that at every turn the system lacks safeguards to avoid the harm caused by unnecessary incarceration. Failures to gather, present and transfer information, breakdowns in bail support in the community, the scarcity of court liaison and diversion schemes, gaps in healthcare and housing, and the lack of neighbourhood provision geared to the needs of women, many of whom are mothers of young dependent children, all contribute to a mess in which custodial remand may appear to be the only option.

Yet in reality hard pressed prisons are in no position to meet the needs of remanded women who stay on average a matter of just 37 days. Often there is inadequate support in the early days of custody and an absence of drug or alcohol treatment at the time of most urgent need. Many women are confined to their cells for long hours. Regimes offer limited purposeful activity. Most women are held far from home and there are difficulties in maintaining contact with families. Despite being innocent until proven guilty, many women in prison awaiting trial do not have adequate access to legal information to prepare their cases.

In ten years the number of women in prison has risen sharply from an average daily population of 1,811 to over 4,500 today. Remand numbers have grown at the fastest rate. One thing is clear. The solution does not lie in equipping prison to make up for failings in other public services or adding to the number of cells already available to the courts. Such changes can only make prisons more attractive to sentencers when, as this report shows, so many women on remand do not need to be held in custody.

The Prison Reform Trust sets out a sensible agenda for changes in policy and practice within and outside the criminal justice system which I endorse. Custodial remand must be reserved for those charged with serious or violent offences. A complete review of the use of remand and bail in England and Wales is long overdue. The situation as it stands is untenable, inhumane and unjust. Locking up our most vulnerable women for no good reason will do nothing except isolate them still further.

Baroness Helena Kennedy QC

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Lacking Conviction: The Rise of the Women's Remand Population

I INTRODUCTION

Prison staff work hard to provide programmes which tackle poor education and skills, and help people find jobs. Those on remand and short sentences are not inside for long enough for these programmes to make a difference – but they are there long enough to lose their jobs, their family relationships, and even their homes. This can push someone off the straight and narrow for good.

(David Blunkett, The Observer, 3 February 2002)

The Home Secretary's account of the damage that a short period of custody causes provides a strong case for ensuring that remanding people into prison is used sparingly. The evidence gathered in this report shows that court practice is moving in the wrong direction.

The number of women on remand has increased much faster than for men:

- There has been a 196% increase in female prison receptions on remand between 1992 and 2002 compared to a 52% increase for men.
(Women's Offending Reduction Programme, 2004)
- The most recent Home Office figures show that over 12,000 women were received into prisons in England and Wales in 2002; two thirds were on remand.
- Fewer than one in ten of the women received into prison on remand were charged with violent offences.
- On average, they spent 37 days in prison before their trial.
- Following trial, one in five was acquitted; and another one in five received a community sentence – fewer than half of the women remanded into custody subsequently received a prison sentence.

(Home Office, 2003a)

Against the backdrop of widespread concern about the overcrowding of the prison system, it is difficult to understand why the courts should place so many women on remand. The Carter Report, *Managing Offenders, Reducing Crime* (2003) called for prison to be reserved for "serious, dangerous and highly persistent offenders". Prison must be used only for those offenders whose level of risk to the community cannot be managed without custody. This criterion should be applied when the courts consider whether to remand or sentence someone to custody.

From a legal perspective, the Human Rights Act (1998) emphasises the principle that decisions to remove someone's liberty must be taken by rule of law, reasoned, and above all, not arbitrary.

This report examines the situation facing women who are sent to prison on remand. As women on remand constitute one of the fastest-growing groups among the prison population, it is important to find out why courts send them to prison, and to look at the effect imprisonment has on them, and on their families. It gathers together the evidence

currently available about these women and about the conditions in which they are held. It examines the operation and effectiveness of prison-based bail information schemes and provides examples of initiatives with women offenders that work particularly well.

A range of methods was used to gather information. A short literature review was undertaken. The First Night in Custody Project at Holloway Prison provided information about its work. Information on bail hostels was obtained from the National Probation Service. The Prison Reform Trust (PRT) met representatives of the Department for Constitutional Affairs, the Home Office and the Magistrates Association. We are grateful for their input.

Initially, PRT planned also to gather information on the reasons women were refused bail. However, the decisions made by the courts, although recorded, are not held centrally. The forms, which are completed by magistrates and judges, are intended to outline the decision for refusal of bail. But the systems designed to monitor the use and extent of remand are failing to provide accurate information. Although there are some examples of efficient practice, there are unacceptable variations across the country. The forms are not routinely sent to the prisons to inform the work of prison-based bail information officers. A useful area of future research would be to analyse the ways in which magistrates apply the Bail Act 1976, and to assess the quality of their explanations and the reasons given for their decisions.

Bail information schemes in the seven prisons which hold remanded women were surveyed. The quotes from bail information officers used in this report are taken from these interviews. An analysis of the operation and effectiveness of bail information provided in prisons was also undertaken.

Section Two of this report explains the legal background. Section Three considers what is known about the scale of the problem. Section Four reports on the social background of women on remand. Section Five describes conditions experienced by women on remand and the impact custody has on them and their families. Section Six examines the provision of bail information services for women prisoners. Section Seven looks at bail hostel accommodation and projects that work well for women prisoners. Section Eight presents the report's conclusion and recommendations.

2 HOW ARE WOMEN REMANDED TO PRISON?

This section explores the grounds on which bail can be denied and reports on magistrates' practices in making bail decisions.

2.1 The legal definition of bail

Bail has been defined as:

The release from detention of a person suspected or accused of a criminal offence, subject to an obligation to surrender to the custody of the court or the police at a later date.

(Law Commission, 2001)

Bail can be granted at three points in the criminal justice process: the police can release the accused person; the courts can release the defendant at the first hearing; or bail can be granted while the person is in custody awaiting trial.

Reflecting the fundamental principle that an individual is considered innocent until proven guilty, the Bail Act 1976 asserts a presumption in favour of bail for all defendants awaiting trial except those on charges of murder; attempted murder; manslaughter; rape or attempted rape. If, as Prison Statistics demonstrate year after year, the women's remand population is predominantly comprised of defendants charged with non-violent offences, then how do courts justify this use of custody? A theme running through this report will be to question whether the courts do apply a presumption in favour of bail when considering whether to remand women to prison.

Under what conditions can bail be refused?

The European Court of Human Rights has determined that detention of persons before a trial can be compatible with their right to liberty for the purpose of avoiding a substantial risk that, if released on bail, the defendant would:

- fail to attend trial
- interfere with evidence or witnesses, or otherwise obstruct the course of justice;
- commit an offence while on bail; or
- be at risk of harm against which he or she would be inadequately protected; or
- a disturbance to public order would result.

(Cited in Law Commission, 2001)

Detention is only justifiable, however, if the risk cannot be adequately addressed by the imposition of appropriate bail conditions.

Further exceptions to the right to bail in English Law depend on whether the charges relate to imprisonable or non-imprisonable offences. For example, for imprisonable offences, defendants need not be granted bail if the court is satisfied that it has not been practicable to obtain sufficient information to make a bail decision due to lack of time since the institution of proceedings.

2.2 The magistrates' decision-making

By law, the courts decide whether or not to remand an accused person to custody to await trial. Yet, a report by the Law Commission ('Bail and the Human Rights Act, 1998') cites research suggesting that the decision-making process is often perfunctory, and that magistrates tend to act on advice from the police and the Crown Prosecution Service (CPS).

Anthea Hucklesby, from the University of Leeds, observed magistrates' courts to determine how they reached their decisions and who were the most influential participants in the process. She found that the magistrates tended to follow the recommendations of the CPS, who, in turn, relied upon recommendations by the police. Thus, while in theory the decision rests with magistrates, in practice the impetus to remand someone in custody usually originated from the police.

Two factors from Hucklesby's study help to show why magistrates so frequently play it safe and remand defendants to custody, rather than granting bail. First, magistrates are under pressure to get through a large volume of cases. Second, the information available to magistrates is often insufficient for them to make a reasoned decision whether to remand to custody or not.

Regarding the first point, Hucklesby commented that, "A large majority of remand hearings last less than 10 minutes and a substantial minority less than two minutes" (Hucklesby, 1997).

Why do courts feel forced to take a decision regarding a person's liberty in such haste? There is a partial explanation, but it reveals how complicated it is to try to achieve justice. Economic pressures on the courts aside, a retributive principle that justice should be swift has combined with an interest in keeping time on remand to a minimum, in turn forcing courts to process a high volume. The Narey Reforms of 1999 were intended to reduce delays in the criminal justice system, and placed an obligation on courts to process cases more quickly.

Reducing the time people spend in prison awaiting trial is vital and there is overwhelming evidence that the Narey Reforms had this effect. Initial data suggested that the placement of CPS staff in police stations identified straightforward cases where there would be a guilty plea. This, together with other reforms, helped to reduce the total remand population by at least 1500 between 1999 and 2000 (Home Office, 2001a). The reduction in the women's remand population was not sustained, as their numbers have increased quickly since 2000.

The pressure on courts to make quick decisions on whether custody is required increases the risk that magistrates and judges might decide on the basis of insufficient evidence, and deny bail arbitrarily. As Professor Lee Bridges of the University of Warwick argued, "If the old adage 'justice delayed is justice denied' is true, it is equally true that a rush to just judgement, and the railroading of cases through the courts is a recipe for miscarriages of justice." (Lee Bridges, 2001). Rushed justice seems to have led courts to neglect, in practice, the principle of a presumption in favour of bail.

When the prosecutor opposes bail, it would normally take more than 10 minutes for the court to hear the objections, give the defence an opportunity to respond, take a decision and then record its reasons. Even so, the process is rushed through, giving the defendant little time to provide explanations or reassurances to demonstrate that custody is not necessary to ensure that she will appear for trial.

Courts do not have sufficient time to assess critically the CPS' opposition to bail, by exploring the woman's circumstances in detail. If a woman has previously breached a condition of bail, this can be read as clear evidence of a risk of re-offending. If she has no current accommodation, her social disadvantage is likely to be interpreted as a risk that she will fail to appear for trial. If she is presenting signs of mental instability, custody can be viewed as a way of ensuring that she will be assessed by a psychiatrist. But given the pressures on magistrates to decide quickly whether custody is needed, here are four facts to consider:

- 46 per cent of women received into prison on remand in 2002 were accused of theft or fraud (*Home Office, 2003a*)
- As many as half of remanded women reported no previous experience of custody (*Chief Inspector of Prisons*)
- The average time women spent in custody awaiting trial in 2002 was 37 days (*Home Office Prison Statistics, 2002*)
- Over half (58 per cent) of women remanded into custody in 2001 did not subsequently receive a custodial sentence (*Home Office, 2003a*)

(Cited in *Law Commission, 2001*)

A decision taken in haste, before the court has all the relevant evidence, can lead a defendant to question whether her treatment has been just. A woman who is charged with a non-violent offence, has not been in prison before, and then spends six weeks apart from her children as a result of a decision which magistrates took in less than half an hour; has good reason to question the legitimacy of her imprisonment, especially if she is then acquitted (as was the case with 20 per cent of remanded women in 2002; *Home Office 2003*), and she receives no compensation.

The second factor is that the information on which magistrates base their judgement is limited. Rachel Lipscomb, Chair of the Magistrates Association, described the problem from the magistrates' perspective:

These difficult decisions are compounded by the shortage of information on the first appearance in court. This may be a Saturday morning following arrest overnight. There may not be a duty probation officer and the decision about whether to grant bail or to remand in custody has to be made. In fact, the only information available is the seriousness of the alleged offence, some indication of the weight of supporting evidence and information given by the defendant.

(*Prison Report March 2002*)

As Hucklesby commented:

In only 190 cases (12 per cent of the whole sample) did the CPS actually give the court a rationale for their assessment of the bail risk a defendant posed. In other words, in the majority of hearings there was no inquiry into the reasons for the CPS recommendation.

(*Hucklesby, 1997*)

It was hoped that a recent study, 'Race for Justice' (John, 2004), might shed light on the information upon which prosecutors based their decisions to oppose bail. But the data gathered were not able to provide statistically significant findings about women defendants.

The Law Commission Report confirms that the information provided to magistrates is often poor and that their decisions are often taken in indecent haste.

Studies have consistently shown that the information available to magistrates during bail hearings is, by and large, incomplete, of poor quality and of limited breadth ...

(*Law Commission, 2001*)

This is an important finding. First, because it suggests that decisions to remand to custody are often taken without sufficient investigation to reach a reasoned decision as to whether custody is required. Second, it also shows how the courts' explanations for their decision-making place women in prison at a great disadvantage. The reasons they have been denied bail are often vague and poorly supported. Therefore, it is difficult for women to challenge or to refute the magistrates' reasoning (see Bail Information Schemes, Section Six, below.)

The Law Commission Report questions whether justice is served by the courts' decisions about liberty in which evidence appears to play a minor role. The Commission cites Steven O'Doherty, who states that the decision about remand "can be made on submission by the prosecutor and is not dependent on evidence, [or] subject to cross-examination" (Law Commission, 2001).

2.3 Remanded pending further information

The Law Commission Report acknowledged that it may be compatible with a defendant's human rights to remand her to custody pending further information, provided that the delay is reasonable. The European Court held that under such circumstances, the police, court or other state authority must act with 'special diligence' in providing that information (Law Commission, 2001).

The Law Commission offers two arguments to defend the courts' practice of remanding someone in custody pending further information: (1) if it is the defendant who is the source of the required information, then her failure to produce it could be seen as obstructing justice; (2) that courts can delay decisions whether to grant bail or not, pending further information, while the defendant is held in custody.

Neither of these arguments is a wholly convincing justification for the courts' use of custody to hold defendants pending sufficient information. Article 5 of the ECHR established the right to liberty or freedom from arbitrary detention. The result of a deferred decision is that the defendant is sent to jail, the same outcome as a positive decision to deny bail. A defendant's failure to produce evidence the court requires cannot justify custody, because practical limitations on remanded prisoners' communications make it harder for that person to supply the information.

This exception to the right to bail should apply only to those persons charged with imprisonable offences, which raises the question: what is an imprisonable offence? Barbara Hudson has argued that the custody threshold has been lowered in recent years: "For women, the real threat is that there is now no sense of a firm lower limit to the offences which are appropriately dealt with by way of imprisonment". (Hudson 2002). Given that such a high proportion of remanded women then go on to receive a non-custodial sentence, or have their cases dismissed, are magistrates applying consistently the test of denying bail for a lack of information only in imprisonable cases?

The exceptions to Article 5 are founded on the belief that there are circumstances which prove that an innocent person must be deprived of her liberty. If courts can impose custody while they await further information then they can legitimately deny bail if they have evidence that it would be unsafe to do so or if they lack such evidence. If there are no other, more persuasive reasons for imposing custody, holding defendants in prison while awaiting further information fundamentally undermines the practical aims of Article 5. Depriving a woman of liberty until her circumstances can be fully explained blatantly contradicts a presumption in favour of bail.

2.4 Tick-box reasoning

The lack of information also influences remand decisions involving other exceptions under the Bail Act. The courts' perception of a risk that the woman would commit further offences or that she would interfere with witnesses may be based on speculation. Mary Hayes, in the Law Commission report observed that the courts' explanation for refusing bail is ...

often quite perfunctory (e.g., 'we consider it likely that you will offend if we release you on bail') ... the recording of reasons consists solely in ticking the appropriate boxes in a form. ... The statement of reasons has to be short, for the bail decision is a matter of guesswork, of hunches, not capable of precise explanation. Will [s]he turn up, will [s]he do it again? Each magistrate will apply his own criteria and his own values to his decision.

(Law Commission, 2001)

A tick-box approach to denying bail undermines the credibility of magistrates. If the courts' explanations are 'perfunctory' it would suggest that the exceptions to the right to liberty are too vague, allowing courts to impose custody hastily, inappropriately, unreasonably, and arbitrarily. The claim that courts practise a presumption in favour of bail is undermined when magistrates are given so little time to decide whether the deprivation of liberty is absolutely required according to evidence, directly relevant to the individual defendant.

One of the exceptions to the presumption in favour of bail is "a substantial risk that the defendant would commit another offence while on bail". The decision to impose a period of custody on a person presumed innocent while awaiting her trial should not simply be based on an assumption that the person might commit a further offence, but on reliable evidence that any further offence would be sufficiently serious to require custody. As the Committee on Women's Imprisonment, commissioned by PRT and chaired by Professor Dorothy Wedderburn, argued:

In reaching their decision the court should take account of the seriousness of the present offence and be guided by two criteria, whether the current offence, if proven, shows convincing evidence that the defendant is capable of causing serious harm to the public, and whether the present offence is sufficiently serious to justify a custodial sentence on retributive grounds. ... Most of the women on remand in prison have not been charged with offences of such seriousness.

(Prison Reform Trust, 2000)

The majority of women who are remanded into custody are charged with non-violent offences. The data for 2002 show that fewer than 10 per cent of women received on remand were charged with violence against the person, while theft and handling accounted for 41 per cent (Home Office, 2003). The next largest group (17 per cent) were for 'other offences' which include driving offences.

Other women are held on remand because they are believed to be at risk of harm if released on bail, according to the Bail Act 1976. In these cases, courts trade the possibility that a defendant might be harmed if she were released on bail against the certainty that she will be damaged by placing her in custody.

Pat Carlen has provided one explanation for the courts' eagerness to resort to custody. She has identified a shift in their understanding of the word 'risk':

In the 1980s and early 1990s, a number of campaigners against the imprisonment of minor female offenders had argued that women should only be imprisoned if they posed such a serious risk to public safety that a custodial sentence had to be imposed on the grounds of protection of the public. In the 1990s, however, "risk" came to be translated into "risk of committing another crime" and, especially in the case of women, "risk to oneself". Women with the greatest social needs were also seen as being those most "at risk" of being in criminal trouble again in the future.

(Carlen, 2002a)

Following this logic, it is possible that the women who are most likely to be sent to prison on remand are those whom the court perceives to be at risk. The defendants who are considered at risk are precisely those women who suffer most from social exclusion through, for example, mental health problems or drug dependency, unstable accommodation or financial pressure (as revealed by the information provided below in Section Four.) In support of this hypothesis, a 1998 study of magistrates' bail decisions found that the courts perceived that the risks of further offending were increased by, among other factors, homelessness, substance abuse, no job, an unsupportive family, and criminal associates (Morgan and Henderson, 1998).

Case Study: Linda

Linda is 25 years old; she was charged with theft from a person but pleaded not guilty. She has a number of previous convictions mainly for theft and prostitution. She misuses heroin. Bail was refused in the first instance on the grounds that she may commit further offences. Her second appearance, seven days later confirmed that a stable address was available to Linda, however bail was again refused. A third application was made which included accommodation in a bail hostel; however bail was yet again refused. Linda injured herself repeatedly whilst in custody, but does not self-harm in the community, she spent a total of four months in prison, equivalent to an eight months prison sentence before being given a conditional discharge by the courts. Her experience in prison caused her severe emotional damage. Linda is not eligible for any compensation for the time she spent on remand.

(Source: PRT's Bail Information Officer Survey)

Empirical evidence suggests that women who are remanded are unlikely to be persistent offenders. Reporting on a survey of 234 women in prison, the Chief Inspector stated, "A staggering 71 per cent of the women reported to have never received a prison sentence before ..." (HMCIP, 1997).

There is strong evidence that social exclusion, manifested in unstable accommodation, mental health problems, dependency on benefits, drug dependency, and being victims of abuse, can lead to offending. And, for this reason, judges and magistrates may feel that their decision to deny bail is preventative and therefore justified. But this is short-term thinking that utterly fails to take into account the probable impact of custody: namely, the likely loss of accommodation, separation from children, aggravated financial problems, reduced capacity to obtain paid work, and increased psychological stress. Courts should show a more balanced understanding of the probable impact of incarceration in aggravating these factors, rather than focusing solely on the background of the woman standing before them. Further, if a court remands a woman into custody, motivated by an intention to help her, serious questions need to be raised about whether the decision was based on a presumption in favour of bail.

Confirming the findings of other authors, Loraine Gelsthorpe and Alison Morris have written:

... the backgrounds and circumstances of women's lives are inseparable from their involvement in crime. Far from being irrelevant to an understanding of women's offending, personal difficulties and welfare problems are inextricable from it.

(Gelsthorpe and Morris, 2002)

A Court of Appeal judgement, delivered by Lord Woolf in January 2002 (*Regina v Mills*) implies that courts should always consider the effect that a period of custody will have on the defendant's children, especially when the defendant is the sole carer. The Justices stated:

With a mother who is the sole support of two young children, as is the case here, the judge has to bear in mind the consequences to those children if the sole carer is sent to prison.

(Regina v Mills, 14 January 2002)

Although this decision was applied in the context of sentencing a convicted prisoner, PRT believes the principle – that the court should take into account the impact of imprisonment on the children of a sole carer – should apply equally to remand decisions.

The Fawcett Society's Commission on Women and the Criminal Justice System stated that they had no reason to believe that courts were unaware of the effects on families of imposing custody on the primary carer. However, the Commission's Report recommended that:

Where the defendant or offender has caring responsibilities, we suggest that, in most cases, they should not be remanded in custody or imprisoned without a probation report on the impact of incarceration on their dependents.

(Fawcett Society, 2004)

This recommendation, which PRT supports, turns on its head the logic of remanding women to prison in order to obtain social or psychiatric reports. It implies that because prison is likely to harm the woman and her dependent children, such reports are required before a court can demonstrate that it has a valid reason for resorting to custody.

2.5 Diversion on mental health grounds

Magistrates should not be limited to two alternatives in making a remand decision, to hold the woman in custody or release her. The third option, for a substantial number, should be diversion to an NHS facility for assessment or treatment.

A 2002 study, 'Outcome of psychiatric admission through the courts', found that there were more than 150 court diversion schemes in England and Wales. Where they were efficiently run, the benefits included:

- Mental illnesses were identified four times more effectively;
- The time from arrest to admission was cut by a factor of seven;
- Access to hospital when required was improved; and
- Offenders could be diverted from court, rather than transferred from prison.

(James, 2002)

Despite the obvious advantages of court diversion, there is equally strong evidence that it is not working. The ONS survey of prisoners' psychiatric morbidity found that psychoses were far more prevalent among women (14 per cent) than men prisoners, and among women on remand (21 per cent) far more than sentenced women (10 per cent). The fact that one in five women on remand were identified as having a psychosis in the past year reveals the extent of the breakdown.

James and his colleagues found:

It is evident that some court schemes which describe their primary purpose as diverting mentally disordered offenders into hospital beds, are failing to accomplish this aim. A low proportion of cases is admitted ... Only three reports prepared for publication [on the performance of court diversion schemes] have admission rates of more than 25 per cent. ... Some schemes do not divert any cases at all.

(James, 2002)

They pinpoint a key source of the problem in the lack of suitable in-patient provision in local services, particularly local locked or forensic services. But James et al. also report that the attitudes of general psychiatrists could pose a barrier, as they believed that court-diverted patients were more disruptive and less likely to benefit from treatment.

The James study tested these assumptions:

The perception amongst some psychiatrists that admissions from court gain little benefit from admission, are more disruptive in hospital, fail to engage in follow-up, and rapidly offend upon discharge is almost entirely false.

(James, 2002)

In detail, James et al. found that only 28 per cent of patients who were diverted into treatment were reconvicted within two years of discharge, a profound improvement on their offending rates prior to admission and much better than the standard reconviction rate from prison. They also concluded that, 'most admissions from court resulted in a successful clinical outcome.'

Court diversions schemes are run (and funded) by the NHS trusts; they are not centrally funded. As a result, the quality of service provided varies enormously. For example, James et al. point out that some schemes have full-time psychiatrists on staff; in others, the screening is done by nurses. While nurses can assess mental illness, they do not have the legal power to divert defendants to NHS treatment, unlike psychiatrists.

An added problem is that court diversion schemes tend to work only with defendants who have been referred to them. Christopher Henderson, at the Oxleas Trust, has written:

Court diversion services only cover those people who have been referred for a psychiatric assessment by the police, the courts, Securicor and their legal representatives, in other words, by laymen in the field of identifying mental illness. When someone is overtly mentally ill this is not a problem, but mental illness can be difficult and time consuming to determine, even by professionals, so what happens to a whole host of other arrestees who may not display overt signs of mental illness, or whose condition may seriously deteriorate when in prison and who go to court without any representation of their psychiatric health?

(Christopher Henderson, private correspondence, June 2004)

Henderson suggests that one way to work towards greater uniformity is to set trusts a target for the number and rate of admissions, as having a performance target might ensure that court diversion was treated as a priority. However, targets too often bring about tick-box thinking rather than achieving real change.

A second way forward would be for Government and local NHS trusts to work together to convince courts that they have more options than either to release or imprison an accused woman. The services have to be in place that can meet the level of need, but the police, CPS and the courts also require better information about what is available.

3 THE SCALE OF THE PROBLEM

3.1 The remand population

Courts remand into custody a tiny minority (two per cent) of the women who appear before them (Home Office 2001b). Thus, it is possible that an individual magistrate could spend months, or even years, on the bench and not impose custody before trial on a woman. Nonetheless, the aggregate of courts' decisions regarding bail results in far too many women being denied bail, even though an individual magistrate may feel that custody is only imposed in extreme circumstances (see further, 'The Decision to Imprison', Hough et al., 2003). In this section, the report examines the statistics on women in prison to show that the overuse of prison by judges and magistrates puts increasing and unsustainable pressures on prison places.

The remand population consists of women awaiting trial and convicted women awaiting sentencing. According to prison statistics, the women's prison population at the end of December 2002 stood at 4077. At that time, there were 873 women on remand. The population on 2 April 2004 was 4652. On 31 March, 2004 there were 1007 women on remand, 529 awaiting trial and 477 convicted, unsentenced (Home Office 2004a).

What can statistics tell us about the population of women in prison? First, the population of women in prison has risen faster than men, as demonstrated by the proportion of them in the annual average prison population:

Table One: Proportion of women in the prison population in England and Wales

Year	Total Population	Per cent women
1993	44,552	3.5
1996	55,281	4.1
1999	64,771	5.0
2002	70,778	6.1
Present	75,235	6.1

(Home Office, 2003)

The rise in the number of women in custody has been fuelled by an increasing use of remand. The average population of all prisoners on remand in 2002 was 12,790, of whom 945 were women (Home Office, 2003). The total remand population increased by 14 per cent from 2001-2002, but during this time the female remand population increased faster, by 22 per cent (Home Office, 2003).

Analysing the increase in women on remand leads to a surprising finding: the convicted unsentenced population rose much more steeply than the untried population. The untried population went from 350 to 496, a rise of 42 per cent. The population of women on remand who were convicted and awaiting sentence increased from 139 to 449, a rise of over 200 per cent. (It is worth noting that at the same time there was a similar change – though not as profound – among remanded adult males.) In May 2003, the convicted unsentenced population was higher than the numbers of those awaiting trial, as there were 545 of the former and 501 of the latter in custody.

Stating the scale of the problem in terms of annual average population, or population at a given month, understates the impact of remanding women to prison. A much more telling statistic is the number of women received into prison (referred to as 'receptions') in a year.

Home Office statistics show that in 2002, about 12,650 women were received initially into custody; 4100 were sentenced and 8350 were remanded. Thus, while remanded women accounted for one in five (22 per cent) of the average female population during 2002, almost two-thirds (66 per cent) of the women who entered prison in 2002 were on remand.

Indeed, there has been a 196 per cent increase in female prison receptions on remand between 1992 and 2002 compared to a 52 per cent increase for men (Women's Offending Reduction Programme, 2004).

Rising numbers of women entering prison led the Prison Service to expand the number of available places. A number of male prisons were 're-rolled' to hold women prisoners. At the present time, there are 19 prisons for women in England and Wales, seven of which take women on remand: Brockhill, Eastwood Park, Highpoint, Holloway, Low Newton, New Hall, and Styal. Two new prisons will be taking women, Bronzefield in Ashford, West London which opened in June 2004 with a capacity of 450 places; the other, in Peterborough, will add a further 360 places and is due to open next year. The direction in policy indicated by this new accommodation, towards larger establishments taking women from ever-expanding catchment areas, will aggravate the problems of disruption to families and social dislocation.

The majority of women remanded to prison are not charged with violent offences (see Table Two).

Table Two: Unconvicted and convicted unsentenced women received into prison in 2002 by type of offence (Home Office 2003a)

Offence	Number	Percentage
Violence against the person	860	10
Sexual offences	16	0.2
Burglary	584	7
Robbery	469	5
Theft and Handling	3601	41
Fraud and forgery	363	4
Drug offences	978	11
Other offences	1510	17
Offence not recorded	309	4
All offences	8690	100

The population of women on remand is comprised of distinct groups, having had diverse experiences of criminal justice and bringing with them different needs.

3.2 Foreign national women in prison

In June 2002, 21 per cent of women in prison were described as foreign national prisoners; in contrast foreign national men made up nine per cent of the male prison population. Well over half of the foreign national female prison population (60 per cent) came from the West Indies. Eighty-four per cent of women foreign national prisoners were sentenced for drug offences (Home Office 2003). PRT is aware that the number of women from the West Indies has fallen recently, but the problems that arise for this group of women remain.

Reception can be a very difficult process for foreign national women, especially when there are language difficulties. The Chief Inspector of Prisons has said that prisons which receive foreign national prisoners should carry out a needs analysis to identify which languages they speak and provide reception packs and/or language tapes in those languages. All women should be assisted on reception to make contact with their families to let them know where they are, and this applies equally to women from overseas.

The main problems experienced by foreign national remand prisoners are feelings of isolation and difficulties in communication. Despite their high numbers, these women remain a “neglected and overlooked group” (HM Chief Inspector of Prisons, 2000). They are also more likely to be experiencing custody for the first time in comparison to other remand prisoners.

3.3 Young women

The population of girls in prison comprises young offenders (18-20 years old) and juveniles (17 years old). In the eight years from 1995-2002, the average population of girls 15-17 years old held on remand was about 18 in number (Home Office 2003, Table 3.4). At the end of November 2003, there were 65 girls (17 years old) and 459 young women (18-20) were being held on remand (Prison Population Brief, May 2003).

The Youth Justice Board gave a commitment to remove girls under 17 from Prison Service custody and to place them in accommodation that could better serve their needs. The evidence is that the YJB achieved this goal, as in April 2004 all of the girls in prison under 18 years old were 17 – none were younger.

At the end of April 2004, the Home Secretary, David Blunkett, announced that specialist units for girls under 18 will be set up in five prisons. Such units will serve the needs of young women better than adult accommodation. However, prisons remain unsuitable settings to meet the needs of this vulnerable group. The small number of specialist Prison Service units means that most of the under-18-year-old girls will be kept at considerable distance from their families.

There is some evidence that girls under 21 are at greater risk in prison than adults. In 2003, there were 14 self-inflicted deaths of women in custody, five of whom were under 21 years of age when they died. Almost two-thirds of women prisoners under 21 harmed themselves in 2003. The rate of reported self-harm by all women prisoners was 30 per cent, and the rate among males was six per cent (HM Prison Service, June 2004). While it may be true that many of the girls who are sent to prison have committed a serious offence, prison custody would need to change fundamentally in order to begin to meet their special needs.

The Children’s Society National Remand Review Initiative worked, until mid-2002, to reduce the inappropriate use of prison for young people in Brockhill, Holloway, New Hall and Styal. It found that young women held on remand had a range of acute needs - specifically substance misuse and mental health. Self-harm, victimisation from other inmates and child protection issues were also evident within this vulnerable remand population (The Children’s Society, 2003). Following the end of funding for the initiative, the work has been adopted by the Youth Justice Board.

The YJB has been effective in taking on bail information work with male young offenders. Each young offender institution that holds boys (under 18) has one Yot (Youth Offending Team) worker for every 30 juvenile prisoners on remand. Their primary purpose is to put together a bail support package for juvenile young offenders.

However, the YJB has faced insurmountable obstacles in regard to girls. There are comparatively few female prisoners under 18 on remand. Hence bail support for girls is not provided at an equivalent standard to that of boys.

4 THE SOCIAL BACKGROUNDS OF REMANDED WOMEN

The social background of the majority of women prisoners is deprived in many ways, and remanded women are worse off than those under sentence. The social circumstances of their lives outside are compounded by the effects of being remanded in custody.

'The Identikit Prisoner', a 1991 PRT paper, described a prisoner as:

someone who has suffered a range of social and economic disadvantages. A key argument for reducing the use of prison is that, all too often, a period of imprisonment exacerbates those very disadvantages which have led the person into crime in the first place.

(Prison Reform Trust, 1991)

There have been very few studies that provide information about women on remand, in line with a general dearth of research about all prisoners on remand. However, there are sources of information, gathered for more general purposes, which shed light on these prisoners. For example, HM Chief Inspector of Prisons' Thematic Review, Women in Prison (HMCIP, 1997), the annual prison statistics published by the Home Office (2003), and two studies by the Office for National Statistics (ONS) (Singleton et al. 1998; and O'Brien et al. 2001) provide useful insights into the population of remanded women.

The Chief Inspector's thematic review of women prisoners included a survey of 234 women, both convicted and unconvicted. The Review reported high rates of abuse.

Nearly half of the women reported that they had been abused, almost one-third sexually. ... One third reported physical abuse although this figure could be higher as it became apparent during interviews that many women did not class some considerably violent acts as abuse. ... 6 per cent of the sample had suffered mental cruelty. Twenty-one per cent of all the women had experienced two or three of the identified types of abuse.

(HMCIP, 1997)

Although these data were based on a small sample of all women in prison – not just those on remand – they point to a life experience which is profoundly damaging.

The Chief Inspector's figures are backed up by data from the ONS survey about the childhood experiences of women prisoners. One-quarter had been in care as a child; 40 per cent had left school early; and 50 per cent had suffered violence at home (Singleton et al. 1998).

The ONS study also revealed that 40 per cent of women on remand had received help or treatment for a mental health problem in the year before imprisonment. Remanded women were twice as likely as sentenced women to have been admitted previously to a locked ward or secure unit. Over a quarter of the women on remand had attempted suicide in the year prior to custody, and 37 per cent said that they had attempted suicide at some point in their lives (Singleton, et al. 1998).

Another widespread problem in the life experiences of women held on remand is drug dependency. An analysis arising from the ONS survey (O'Brien et al. 2001) reported that remanded women were more likely than sentenced women to have used heroin in the year before coming to prison (40 per cent of remanded women, in contrast to 23 per cent of

sentenced women). Female remand prisoners were also more likely to report that they had injected drugs. Forty per cent said they had done so at some time, and 34 per cent said they injected regularly (Singleton et al. 1998). Over one-quarter said they had been injecting drugs in the month before they entered prison. Female remand prisoners were also much more likely than sentenced women to say that they had had problems with crack cocaine.

The term 'dual diagnosis' is used to describe those who suffer from both mental health problems and drug dependency. A study of 370 remand prisoners (male and female) found that a third of those who were transferred from prison to hospital in 1992 under the Mental Health Act 1983 had a dual diagnosis (Mackay and Mackhin, 1998; see also Rickford, 2003).

At the same time, the information that can be gleaned about women on remand shows that the majority have family responsibilities. In 2002, over 17,500¹ children were affected by the imprisonment of their mothers. The Prison Service does not routinely ask or record the number of women who have dependent children, and if even it did, the reliability of the data could be open to question. Thus, any figure given is an estimate based on the proportion of women who say they have children.

Case study: Abby

Abby was 34 years old when she was charged with armed robbery and remanded into custody. She had not been in custody before and had been in employment until a year previously when she was signed off sick with an eating disorder. She had a 4 year old child who lived with her, and Abby was three months pregnant. Abby had been using heroin but at the point of arrest was on a prescribed methadone programme. At her first appearance bail was refused on the grounds that she may fail to surrender and may commit further offences, despite her address being verified and surety offered. The second application was refused on the same grounds. The third application for bail was heard by a High Court Judge who again refused bail but said that bail would be considered if a hostel placement was found. Abby became very distraught and emotionally disturbed due to her imprisonment. There had been no clear evidence to suggest that she would fail to surrender or commit further offences. On the fourth application, again to a High Court judge, she was bailed to hostel accommodation having spent a month in custody.

¹ Based on a calculation that two-thirds of women in prison are parents (Hamlin and Lewis, 2000) and that they have, on average, 2.1 children (Caddle and Crisp, 1997). In 2002, 12,650 women were received into prisons in England and Wales (Home Office 2003, Table 1.1a) Not all children would have been living with their mothers at the time.

5 CONDITIONS ON REMAND

The Chief Inspector of Prisons, introducing her report on New Hall, wrote that:

New Hall, like other women's prisons we have recently inspected, is holding women and girls who should not be there. They include those who are seriously mentally ill, as well as some women and girls with high levels of self-harm, linked to abuse, including substance abuse. Staff at New Hall were doing their best to provide a stable and safe environment; but were unable to do more than contain the level of need of some very damaged individuals. Prison was likely to increase their vulnerability and mental disorder, in some cases with tragic consequences; and caring for them meant that there was too little time to provide positive interventions for the less damaged women and girls. There is an urgent need to provide alternative, therapeutic environments where appropriate treatment and support can be offered.

(HM Chief Inspector of Prisons, 2004)

In June 1992, Human Rights Watch produced a report, 'Prison Conditions in the United Kingdom,' which charged that:

Prisoners in the UK, which has the highest per capita rate of imprisonment in Western Europe, suffer from unsanitary conditions, extremely poor conditions for remand prisoners, and the lack of useful educational or work activities.

In a similar vein, The Lord Chief Justice, Lord Woolf, referred in the Prison Reform Trust Annual Lecture 2001 to the discrepancies between the standards provided for sentenced, as against remanded prisoners:

The treatment of remand prisoners all too often means that they are at the bottom of the pack when they should be, as unconvicted prisoners, at the top of the pack. Because they are there for a short stay they tend to qualify for the poorest accommodation.

(Prison Reform Trust, 2001)

The literature review conducted for this PRT report found very limited research on conditions under which prisoners are held on remand. PRT published 'Regimes for Remand Prisoners' by Silvia Casale and Joyce Plotnikoff in 1990. The Chief Inspector of Prisons produced a Thematic Review of remand prisoners, 'Unjust Deserts', in December 2000.

More recent reports by the Inspectorate suggest that prison conditions for women on remand are grossly inferior to those for men or for sentenced women. The evidence from these reports suggests that prisons holding women on remand are under unsustainable pressures. The social support networks on which these women depend in the community are so over-stretched that they pass on their 'problems' to the courts.

The courts deal with the offenders that stand before them as though imprisonment will solve the problem. Hence, the numbers sent to custody on remand continue to increase, the pressures on the Prison Service grow, and the Service lurches from one crisis to the next without ever being able to consider how it might better meet the needs of the women under its control. As a society, England and Wales expects too much of its prisons, and therefore often prisons cannot deliver even a minimal standard of care.

As Pat Carlen says:

So many prisoners – especially women – arrive in prison suffering the extreme health and social effects of poverty, addictions and physical and sexual abuse, surely, in the name of social justice (or, less grandly, human compassion) it is desirable that one objective of imprisonment be to ensure that prisoners are released from prison in a better state than when admitted.

(Carlen, 2002b)

This chapter explores women's experiences of custody. But it is important to bear in mind that very little research has been done on this topic. It is possible that for every prisoner who received shoddy treatment (as observed by the Chief Inspector or other outside agency) several more were managed in a supportive and constructive manner. It is equally likely that there were, and continue to be, far more examples of women remanded in prisons who are being treated in unacceptable ways. We do not know. Nor, in fact, does the Prison Service – because of the lack of systematic research into the conditions under which women are held on remand. These documents are, at the present, the best evidence available.

Reports from a variety of sources (cited below) reveal several key areas in which prisons that hold women on remand have been failing them. These areas include:

- inadequate support in the early days of custody
- an absence of drug treatment at the time of most urgent need
- inadequate time out of cell and too little purposeful activity, and
- the denial of opportunities to maintain contact with families.

On a recent visit to Holloway Prison, a PRT representative was approached by a woman who, having just arrived on the de-tox unit, blurted out:

Where are my kids? I don't know what I'm doing here. I feel like shit. My sister is on the next wing and I've been told that she's tried to kill herself but I'm not allowed to see her. I need help. My phone card won't work.

5.1 Support on arrival

When women enter custody on remand, they are often subjected to dehumanising treatment. This is largely due to the sheer numbers of remanded women and the problems they present.

Prisoners who were subjected to multiple court appearances and remands were frequently shuttled between Holloway, courts and a number of other prisons – some as far afield as New Hall in Yorkshire, Styal in Cheshire, and Highpoint in Suffolk – according to the availability of spaces. This added greatly to the already stressful conditions which accompanied the trials of many women. Some remanded prisoners were completely resigned to their powerlessness to influence what was happening to them and many prison staff shared their sense of despair at a system creaking under the pressure of numbers.

(HMCIP Holloway, July 2002)

Here, the Chief Inspector drew attention to the chaos forced upon women by the demands of the courts and the limited capacity of the receiving prison – in this case HMP Holloway – to serve them.

The Independent Monitoring Board (then the Board of Visitors) expressed its concerns about the rate of turnover in Holloway Prison:

The practice here is to ship out, even at very short notice, however many prisoners are needed to free up accommodation for the daily intake.

(Prison Reform Trust, 2002a)

A fuller picture is provided in a recent inspection of HMP Styal. Here, the Inspectorate found that women being admitted to the prison were herded onto a wing and left there to await processing. Quoting the Inspector's report at length allows the full story to emerge. The Inspectorate found:

... distressed young and adult women sitting on the floor in the hallway of Waite Wing immediately afterwards, with their possessions around them. This was degrading, humiliating and inappropriate.

Staff told us that this was where the women always had to sit until staff could find the time to deal with new receptions on Waite Wing. The surnames of these women were then shouted out as they were called to one of the two sides of Waite Wing. It was clear that officers at this point had no idea of the long and distressing process these women had been through before reaching Styal. ... It was at this point during the reception process that many women appeared to be particularly distressed. ...

Women who have been newly sentenced or newly remanded into custody are known to be at risk of self-harm. It was therefore of great concern to find that many of the women that we found sitting on the floor had been shuttling back and forth from magistrates' courts and police cells for between two and four days. We talked to several of these women who had been 'locked out' for some days. One woman was several months pregnant and another was aged 19. One woman, aged 35, was detoxifying and concerned about her medication. They all looked exhausted and confused. They had not at any point been told what would be happening to them when they had set out each day on the escort vans.

Each day they had thought they were being taken to prison but found themselves back in police cells during the night and in magistrates' court cells during the day. This was wrong and an insensitive way to treat women, who were clearly frightened and distressed by the situation they found themselves in.

(HMCIP Styal, February 2002)

The Chief Inspector drew an explicit link between the humiliating treatment of these women and the strong evidence that the risks of self-harm and suicide attempts are highest during the early days of custody. The description of the chaos in the reception process, with people forced to wait, sitting on the floor of a hallway with their personal belongings around them, illustrates how the transition from the free world into custody can be made much more damaging by a lack of care.

A subsequent inspection report (June 2004) found that women arriving in Styal were still lacking support. Almost half, 48 per cent, of the women the Inspectorate team surveyed, said that they had not received any help or support from staff within the first 24 hours of arriving (HMCIP, Styal, June 2004).

These conditions are far below the standard defined in a Prison Service report, 'Model Regimes for Local Prisons and Remand Centres':

The establishment should provide a reception system that maintains the privacy and dignity of the individual, and recognises his/her rights and physical and mental needs, whilst meeting all requirements to check and record necessary details, including personal property.

(HM Prison Service, 1992)

5.2 Drug treatment

The second theme in these reports is the lack of decent medical treatment for problems arising from drug misuse. A common concern was that women withdrawing from drugs (a problem for most women entering prison on remand from the streets) were not given appropriate medicine or medical care, but left to cope on their own.

The initial services offered to women who had recently arrived and were withdrawing from substance abuse were unco-ordinated and not meeting their needs. We were told that women were given little support on their first night, particularly late arrivals. We saw a woman who was withdrawing from drugs walking into the dining room. She was being supported by another woman who was concerned for her. Whilst we were talking to this woman, she had a minor attack of stomach cramps and then vomited. We were told that this happened frequently as there was no co-ordinated strategy for dealing with them.

(HMCIP, Eastwood Park, October 2001)

Both prisoners and staff felt the effects of inadequate detoxification. There were high levels of self-harm, some evidence of fits associated with substance withdrawal, vomiting, depression, bullying and decrutching. There was an inability to absorb or retain information as shown in induction groups, rendering meaningless education, work and various assessments. ...

We were concerned to learn that courts specifically remanded women to Styal in the belief that a proper detoxification regime was available.

(HMCIP Styal, February 2002)

The problems that drug dependency can cause as prisons struggle to meet the needs of women can be under-estimated. Consider that a woman who has unexpectedly been remanded into custody might be anxious about her children's welfare, her health, as she is withdrawing from heroin or crack cocaine, her financial situation outside, and whether she will be able to cope inside. Add to this that she has a right to receive help with bail information, and may have another court hearing within the week. Add to this the need for the prison to inform the woman of the prison routine and what the prison expects of her (through an Induction programme). Now, take on board this observation of a prison governor:

If she's withdrawing, it may be 11 days until her frame of mind is sufficiently stable for us to begin to work with her.

(Personal communication with PRT, August 2003)

This combination of problems and institutional shortcomings demonstrates that prison is not an environment which is suited to working with a woman's drug dependency problems, notwithstanding the uninformed hopes of the courts, which the Chief Inspector felt might be tempted to send women to prison to obtain proper detoxification.

Failing to meet the medical needs of remanded prisoners who enter with drug problems and who are already distressed in other ways, can lead to acts of desperation:

On 2 January last year, Victoria Winterburn, a 21-year-old single mother, was remanded to Wakefield's New Hall prison accused of a string of thefts to feed her heroin addiction. It was her first time in prison. She was admitted to the jail's detox unit, but was given nothing to deal with the effects of drug withdrawal. Despite a call to the jail from her brother, warning of her vulnerability, she was locked in a cell on her own. At some time between 2am and 4am she made a noose out of her shoelaces and hanged herself.

(Private Eye, 2003)

The inquest into Victoria Winterburn's death found that the lack of 24-hour nursing cover, the lack of a doctor on reception, and the failure to link the trauma of drug withdrawal with an increased likelihood of suicide, contributed to this death in custody.

The 2002 Inspection Report on HMP Styal recommended that a proper detoxification programme needed to be established as a matter of urgency. As the more recent Inspection Report states, before this recommendation was acted upon, six women had taken their own lives, five of them on the reception wing and all with serious drug problems. Why, it must be asked, was the recommendation not acted upon until six women had died? The recent Chief Inspector of Prisons' report points out that, although a detoxification programme was then established, the regime on the wing remains empty, with long periods spent locked in a cell.

5.3 Purposeful activity

For legal reasons, remanded prisoners cannot be required to work. Yet, the Chief Inspector found a few commendable examples where work was being offered to these prisoners. Such isolated examples show that it is possible to provide meaningful activities. However, the general picture that emerges from reports on women's remand prisons is that far too much time is spent confined in a cell.

The Board of Visitors at New Hall, responding to the PRT survey on the effects of overcrowding, observed:

Lock-in times have substantially increased and the unrest amongst prisoners is probably understandable.

(Prison Reform Trust, 2002a)

The Chief Inspector of Prisons has found widespread evidence of disrupted or impoverished regimes for remanded women.

Staff shortages, and overcrowding drafts, were undermining the prison's ability to provide purposeful activity (in spite of excellent facilities) or to prepare women for resettlement. Activities on two afternoons had been cancelled; and women were often unable to complete courses either because they were unavailable or because the women themselves were moved at short notice.

Loss of evening association, weekend association and consequent reductions in access to work, gymnasium and other facilities impacted negatively on all aspects of the prison's life. There was no association on Tuesday or Thursday evening and other reductions were introduced frequently. Association was allowed on these days during the afternoon and prisoners were locked onto their spurs or rooms by 5 pm. They remained there until unlock the next morning at 8 am.

(HMCIP Highpoint, October 2002)

A healthy prison for women depends on the provision of a consistent programme of relevant activities that meets their needs. Regrettably, at the time of this inspection, the activity centre and physical education programmes, although supported by excellent facilities, had ceased to function with any frequency or regularity due to shortages of discipline staff.

The shortage of available discipline staff and middle managers continued to undermine the regime and the provision of decent conditions for women prisoners.

(HMCIP Holloway, July 2002)

PRT was contacted by the mother of a young woman who was remanded into custody. The mother said that her daughter was located in a cell with three other young women, one of whom became violent and another threatened to hang herself. When they pressed the cell bell, staff took about 40 minutes to arrive (explaining that the delay was due to staff shortages). Chief Inspector reports reinforce this sense that prisoners are having to provide the kind of care and support that should be carried out by staff.

5.4 Family contact

Most remanded prisoners are entitled to daily visits, in contrast to sentenced prisoners, who are entitled to receive a minimum of one visit per fortnight. Nevertheless, sources make clear that being remanded into custody often makes it very difficult for a woman to maintain contact with her family.

Women are more likely than men to be held long distances from their homes, despite the fact that women prisoners are far more likely to be responsible for dependent children (77 per cent of women; 63 per cent of men). HMCIP found that women were twice as likely as men to be held more than 50 miles from their home area (HMCIP, 2000). Almost half of the women surveyed said that they had had no visits at all (*Ibid.*). There are wider, social reasons that explain why many women on remand receive irregular and infrequent visits from their families.

However, institutional factors also exacerbate their situation such as staffing shortages that restricted their opportunities to make phone calls, and the constant moves from one prison to another, largely brought about through overcrowding.

It is an unarguable fact that men visit women far less than women visit men in prison, and almost three-quarters of the population of Low Newton are primary carers for their children. Finding a number of women who had been compulsorily transferred far from their home area, who told me how difficult and expensive it was for them to be visited, suggests to me that there needs to be a re-examination of where places in women's prisons are provided, to enable full advantage to be taken of all the initiatives such as Pathfinders aimed at resettling them into their own communities. Women were pleased to be in Low Newton because of the way it was run; they were not pleased to be held so far away from their homes, which were much nearer to other prisons.

(HMCIP Low Newton, March 2000)

While locked on the spurs, they were unable to use the telephones.

(HMCIP Highpoint, October 2002)

The frequency of cancelled association had a serious, negative impact on communications with friends and families, including children. This added to an already fraught situation on the residential units and undoubtedly contributed to the kinds of stress that underpinned attempts to self-harm ...

(HMCIP Holloway, July 2002)

The question also arises of remands being sent to Suffolk from as far away as Shrewsbury and Bournemouth. Quite unnecessary, or certainly unjust, suffering is caused by women on remand being sent so far from their families.

(Highpoint Board of Visitors, Letter to PRT)

5.5 The impact of custody on women on remand

Being in custody can be a stressful and disorienting experience for anyone. When the denial of bail means that a woman might enter prison for the first time, far from her home, with her uncertainty about a trial exacerbated by a lack of information about why she is in custody or how she might appeal against a decision to refuse bail, the jailing of someone who has not been convicted of any offence begins to appear unreasonable, arbitrary and possibly unjust.

The social background of women on remand raises special cause for concern about how they are treated in custody. A study commissioned by the Home Office drew attention to the ways that prisons can replicate a woman's previous experiences of abusive relationships.

Women with a history of abuse may find some aspects of prison life particularly difficult to deal with, increasing their levels of distress. The prison environment is often described as infantilising, forcing women into dependence on prison staff for meeting the most basic and intimate of needs, and removing what autonomy and control over their lives they have established... There is little privacy, and violation of normal social boundaries is routine in such practices as cell searching and strip searching ... An environment in which women are expected to comply with authority without question, in what may often seem arbitrary disciplinary matters, while being isolated from their families and support networks may remind many of abusive situations either in childhood or their adult lives. ... Despite the efforts of many prison staff to develop positive relationships with prisoners ... prisons are highly likely to replicate the family climate now thought most damaging to children, the 'low warmth, high criticism' environment, which many prisoners will have experienced. For all these reasons, there is a high risk of retraumatisation, which may result in increased levels of distress, self-harm, suicide attempts and breaches of prison discipline.

(Hooper, 2003)

According to Prison Statistics, 2002, unconvicted women on remand spent an average of 37 days as untried prisoners (Home Office, 2003). This time period marks a reduction from the 40–44 days a woman had typically spent in jail waiting to be tried before the Narey reforms. Nonetheless, five weeks is still more than enough time to cause huge disruption to the women, their family and friends, and to aggravate any problems they had previously had with housing, finances etc.

The limited available evidence suggests that people on remand find it more difficult to prepare their defence for their trial. The most recent study, by Keith Bottomley, to look in detail at this question, is now dated (1973). Andrew Sanders sums up the findings of that research:

A suspect's being remanded in custody could obstruct defence work (including preparation of bail applications.) Thus defendants remanded in custody are more likely to be convicted – and if convicted, to be given custodial sentences – than those given bail.

(Sanders, 1994)

More than half of new prisoners appear not to have expected to be remanded in custody, and may not have made preparations for it (HMCIP, 2000). The living arrangements of children whose mothers are remanded were almost certain to be disrupted. For example, while just under nine per cent of the women in the Chief Inspector's survey had been staying with 'parents' or 'mother', almost a third had been in rented council accommodation. Women who could not convincingly demonstrate that they would be back in their homes within 13 weeks were at risk of losing their accommodation.

A similar problem was observed by Revolving Doors, in its report on women prisoners in HMP Holloway. Reflecting on the concerns of women sentenced to prison for the first time, Revolving Doors describes a state of mind that could apply equally to remanded women:

Those going to prison for the first time are often shocked at being awarded a custodial sentence – especially if they are imprisoned for shoplifting or other non-violent crime. By assuming that they will be returning home following the court appearance, often no contingency plans are made for the provision of long-term childcare. On entering prison ... they then have to find safe custody for their children. This is not easy from a prison.

(Revolving Doors, 2002)

The First Night in Custody project conducted interviews with 1400 women coming into Holloway for the first time. Analysing these data, Revolving Doors learned that 42 (three per cent) had no idea who was looking after their children and that 19 children under 16 years of age were looking after themselves (Revolving Doors, 2002).

The Social Exclusion Unit report, 'Reducing re-offending by ex-prisoners' (2002) collated a wide range of data (based on a range of studies, which represent the experience of male and female, sentenced and remanded, adult and young prisoners). The report reveals the impact of custody, showing in detail how imprisonment can increase social exclusion, particularly where the person has previously suffered mental health, accommodation, finance, employment, or drug dependency problems.

The harmful effects of imprisonment identified by the SEU are much more likely to increase the risk of re-offending when they appear in combination. These facts refer to all prisoners (male and female, sentenced and remanded):

- One-third lose their accommodation while in prison
- Two-thirds of those who had jobs lose them
- One-third report that existing debt problems had worsened
- Over two-fifths lose contact with their family

(Social Exclusion Unit, 2002)

Much of this damage can occur within the first few days (or even hours) of custody. The impact of imprisonment will be profound for women, even if they spend a relatively short time in prison.

The ONS morbidity study produced worrying data about the extent of drug dependency amongst women on remand. O'Brien et al. reported that a quarter of the women remanded into custody said they had used drugs during their time in prison. The study by the Revolving Doors Agency found evidence that the stresses of imprisonment led to increased dependence on prescribed medication.

33 per cent of women were taking medication on arrival at HMP Holloway, but this rises to 90–95 per cent during sentence. This substantial rise in demand for prescribed drugs suggests an increasing incidence of mental health needs.

(Revolving Doors, 2002)

HMCIP's 1999 Thematic Review on Suicide and Self-harm presented evidence that women on remand were particularly susceptible to self-harming behaviour. For example, HMCIP found:

The rate of suicides in prison was higher for unsentenced than sentenced prisoners, and that the early part of custody was a high-risk time.

Single or multiple substance abuse appears to be the strongest risk factor for suicide in prisons

The Chief Inspector concluded:

The current arrangements for receiving prisoners into custody exacerbate their difficulties and increase any underlying risk of self-harm, suicide or violence towards others.

(HMCIP, 1999.)

Estimating the prevalence of self-harm among prisoners is difficult: much of the behaviour is hidden from staff. Further, people harm themselves in a variety of ways, so it is not easy to find a precise and consistent definition. Table Three presents figures for the first six months of 2004 in a small prison receiving women on remand.

Table Three: Recorded self-harm incidents in a women's remand prison during the first six months of 2004

Cutting	112
Self-strangulation	28
Ligature making	23
Wound aggravation	15
Hanging	13
Swallowing medication	5
Wall punching	4
Swallowing razor blade/glass	2
Head banging	2
Burning	2
Scalding	1
Suffocation	1
Threats to jump	1
Number of self-harm incidents	209
Adults involved	41
Young offenders involved	11
Resuscitation required	5
Outside hospital required	8
<i>(Source: Suicide Prevention Officer at a small prison holding women on remand, July 2004)</i>	

It is clear that being sent to prison on remand can cause harm, in part because of the mismatch between the needs of many women offenders and the prison environment, which is not well-structured to provide treatment and care. But perhaps more important, the personal histories of abuse and neglect, of mental health and drug dependency, highlight the extent to which imprisoning women separates them from the networks of support they desperately need, and minimises their opportunities to establish some lasting order in their lives.

Following the deaths of six women in Styal in 2003, the Home Office Minister for Prisons and Probation, Paul Goggins, commissioned an investigation by the Prisons and Probation Ombudsman, Stephen Shaw. On 23 January 2004, Paul Goggins issued an explanation of his decision to withhold publication of the Ombudsman's report. The statement acknowledged that the Prison Service had failed to provide adequately for women newly received into Styal and set out a programme of improvements.

The Minister revealed that the Ombudsman had voiced concerns about:

- the physical environment, which was described as 'having a forbidding and isolated appearance';
- the regime, which required most women to spend a large part of their time locked in their cells;
- the detoxification programme, which was considered 'inadequate to treat severely dependent poly-drug users'; and
- 'a lack of training and support for staff dealing with a very vulnerable population, at the very time that they are most at risk'.

(Home Office, 2004b)

The statement also clarifies the plans being made to act upon the Ombudsman's report and improve the situation at Styal. But these verbal commitments, welcome as they are, must be seen in the context of the Inspectorate's report on the prison, two years earlier, which had recommended urgent action to improve the regime on reception, where the physical environment was poor, the regime empty, and the treatment of substance misuse and mental health problems in these very vulnerable women was inadequate.

Imprisonment affects every aspect of a woman's life, and the harm occurs to some extent in all prisons. The search for solutions should shift from attempting to target spending on prisons to the most acute needs, to the more radical changes needed to ensure that these vulnerable women are not damaged further by imprisonment.

6 THE PROVISION – OR NOT – OF BAIL INFORMATION

After a woman arrives in prison, she is dependent on others to build a convincing case on which she can appeal against the decision to deny bail. This section reports on the policy and practice of bail information schemes in prisons.

At a minimum, women on remand should have access to printed legal information to assist them in understanding the bail system. A PRT study by Diana Ruthven and Elizabeth Seward found that prisoners on remand suffered from a lack of access to, and uneven provision of, legal information. Over 75 per cent of prison librarians they surveyed said that there was often a shortage of officers to escort remand prisoners to the library and it was not seen as a priority.

The librarian of a closed women's prison wrote that access ...

should be at least weekly – one visit of about 20 minutes. Due to lack of escort staff this has not been kept up, and visits have been infrequent. New governor in charge is putting new system into practice to ensure better access is available for remand prisoners.

(Prison Reform Trust, 2002b)

6.1 Bail information

Bail information is advice given by a trained officer to help people on remand to provide positive, verified information which might assist the court in making a bail decision. In court, the bail information service can benefit defendants by mounting a case for bail. If bail is denied, the prison-based bail information comes into play to provide further information for a second appeal.

A court-based bail information scheme was first piloted in 1987. By September 1991, eight prisons had a bail information scheme. The Government committed itself to establishing bail information schemes in another eight prisons by the end of 1991/92 and subsequently to all local and remand prisons "as resources allowed". The Prison Service corporate plan of 1994/97 aimed to ensure that all unconvicted prisoners had access to bail information by 1997. That aim was not met. A 1997 survey found that schemes were fully operational in 31 prisons, and a limited service was available in a further 14.

The 1998 Comprehensive Spending Review, taking note of the continuing rise in the remand population, recommended that bail information schemes should be available in all prisons that held remand prisoners.

To this end, approximately £750,000 was secured for each of the three financial years from 1999/2000. ... The CSR funding was used to set up schemes in prisons where no scheme existed, in order to provide comprehensive coverage across the remand estate.

(HM Prison Service, 2002)

The funding for bail information schemes came from three sources: the prison's own budget; the Probation Service; and ring-fenced CSR money. From 2002/2003 the CSR funding ceased and funding for bail information work became part of the individual prison's budget. While there is a Prison Service Order requiring prisons to maintain a bail information scheme (see below), locating its budget within individual prisons makes it the governor's responsibility to

defend the funding necessary for an effective service. While the prisoner has a legal right to bail information, the lack of ring-fencing means that the provision of bail information is precarious. The neglect of bail information services is further exacerbated by their omission from the list of key performance targets and indicators set by the Prison Service.

The Prison Service may be asking why it should fund bail information schemes. But in the long run it is the Prison Service that will save money if the scheme works.

An estimate was given in the annual report for 2000/2001 of £12.17m saved in that year. This is a crude figure, being based on the assumption that all prisoners bailed after a report was provided would otherwise have been remanded in custody.

(HM Prison Service, 2002)

Prison Service Order 6101 (HM Prison Service 1999) established a mandatory requirement that all prisons holding people on remand operate a bail information scheme.

PSO 6101 requires governors of prisons holding remand prisoners to ensure that:

- (i) There is a comprehensive bail information scheme in place in the prison which matches the National Standards set by the ACOP Bail Practice Committee ...
- (ii) data is provided on a quarterly basis for monitoring purposes
- (iii) bail information officers (whether prison or probation staff) receive approved training ...
- (iv) bail information, in the form of a report is supplied to the defence and to the court duty officer (the report form used must be in the nationally agreed standard format) ...
- (v) information presented to the Crown Prosecution Service (CPS) should always have been verified by at least one other source – which should be noted in the report
- (vi) only defendants who are 17 and over should be interviewed, with their consent
- (vii) interviews focus on issues which maximise the defendant's right to apply for bail
- (viii) managers draw up a clear interview targeting policy and issue it to all relevant staff ...

(HM Prison Service 1999)

The PSO explicitly states that the implementation of effective bail information is in the interests of the Prison Service, to reduce the number of defendants held in custody awaiting trial. It further specifies that interview targeting should focus on “all newly remanded defendants who were refused bail at their first court appearance ...” It also states that, “the management of bail information officers should allow them to make a full commitment to the work during the day” (HM Prison Service 1999).

The importance of timely bail information was also emphasised in the Prison Service's report on Model Regimes for Local Prisons:

Unconvicted prisoners should receive all possible assistance to secure release on bail, including help in meeting bail conditions, in applying for bail, and in providing verified information for the Crown Prosecution Service.

(HM Prison Service, 1992)

Bail information is a vital link between the courts and the defendant in prison. These schemes inform the prisoner about the rules regarding bail and how appeals work. But their major role is to provide information to the CPS about the defendant which can off-set the reasons the police have given to remand the woman in custody.

In order to build a case for bail, women remanded into custody also need to understand the reasons bail was initially denied. However, as reported above, the courts are not always reliable in providing the woman with clear and specific explanations for their decision to deny bail. The Chief Inspector's survey of women prisoners revealed that the majority of remanded women had been given a reason for denial of bail by the court. But one in five said that she had not been given a reason.

Although most women who are denied bail are given a reason, too often, the explanation is too broad to be of much use to them. The defendant needs to be able to refute the evidence, or demonstrate that, in other ways, it would be safe to release her on bail. One survey, by the Chief Inspector of Prisons, found that the women who had been told reasons said they had been denied bail because of

- **previous failure to surrender to the courts (33 per cent)**
- **a likelihood that they would commit further offences (26 per cent) or**
- **a risk that they would interfere with witnesses (10 per cent).**

(HMCIIP, 2000 – other responses not stated, hence figures do not add to 100.)

The lack of an explanation, or a reason ticked on a list with no link to established individual facts about the defendant, obstructs the woman and bail information officer in their efforts to show why bail ought to be granted.

Bail information officers are required to interview prisoners to assess each case and assemble information for the courts. Information gathered should relate to:

- **Home circumstances, such as family responsibilities or accommodation which may be jeopardised by imprisonment.**
- **Suitable accommodation such as a hostel place or verified address.**
- **Employment, indicating if an employer is holding a job open or if a testimonial from an employer will be provided.**
- **Reliability, including evidence of previous successful completion of supervision or a community service order.**
- **Willingness to use drug and alcohol services or to co-operate with mental health support in the community.**

Prisoners have the right to consult a legal advisor; to conduct criminal proceedings, to appeal against convictions or sentence, and to receive financial assistance to do so. Effective provision of bail information requires trained officers who are accessible to prisoners and can ensure that no prisoner needing a legal service fails to apply for it because of ignorance or an inability to understand the process.

The timing for providing help with bail is crucial, and needs to reflect the individual woman's needs. Prisons can, at times, be structured too rigidly to allow bail information officers the flexibility they need. Although women may want to see someone about bail information, they have other, competing priorities. "The first concern is their children, rather than bail," one bail information officer told PRT. Given the high levels of drug dependency, the first few hours of custody are not the best time to convey detailed information about how the bail appeal process works, if the defendant is suffering from withdrawal.

6.2 The performance of bail information schemes

The official line on prison bail information services is that they work well. Paul Goggins, the Minister for Prisons and Probation, issued a statement in response to a Parliamentary Question about bail information in women's prisons:

All the remand prisons in both the male and the female estate have bail information schemes through which all new remand prisoners are made aware of the help available. All female remand prisoners have equal access to bail information schemes and assistance in seeking bail.

Bail information schemes provide information to courts to assist with decisions on individual prisoner's bail applications. The information provided will therefore vary from prisoner to prisoner, but in each case the information must be verified as accurate before being sent to the court.

(Hansard 5 Jan 2004)

There are other examples of official confidence in the effective delivery of bail information. The Annual Report of the Criminal Justice System 2001-2002 presented an image of a bail information system, fully geared up to facilitate prisoners' applications for bail.

The prison legal service target, the Magistrates' court bail information target and prison bail information target have all been met ahead of schedule. The duty solicitor measure data is on track to meet its target.

(CJS, 2002)

In a similar vein, in 2000 the Chief Inspector reported that prison governors interviewed in a study of unsentenced prisoners were confident that the bail information scheme in their prison was working well.

The Governors of 38 of the 48 prisons who replied to our survey were confident that every eligible remand prisoner in their custody was seen by a Bail Information Officer (BIO) with seven days of arrival ...

(HMCIP, 2000)

However, the Chief Inspector's survey of prisoners, conducted at the same time, cast doubt on the confident claims made by the governors.

Our prisoners' survey indicated that their experience of receiving help with bail and other legal matters was considerably at variance with claims made by Governors. ... The experience of prisoners was that in many cases they had not received the help they needed with either bail applications or legal aid.

(HMCIP, 2000)

The Chief Inspector backed up this criticism with telling figures from the survey of 234 women. A total of 164 women responded, 110 of whom said that they had needed advice about bail or legal services. Of these 28 (one quarter) said they had received either bail information or legal services. But 97 of the 110 (88 per cent) said they were still waiting to be seen (HMCIP). This hardly constitutes evidence of an effective bail information scheme in every prison holding women on remand.

6.3 PRT's assessment of bail information performance

To gain further insights into the effectiveness of bail information schemes specifically for women on remand, PRT conducted a telephone survey of the seven prisons that held remand prisoners in February 2003. The results of that informal survey, while not scientific, cast doubt on official claims that remand prisoners' needs for bail information services are met comprehensively in the women's estate.

There was considerable variation across the women's prison estate. In prisons where there was full support for the work of bail information officers, they were able to conduct highly effective schemes, both in terms of the proportion of remanded women they could see and in the total number of women who, through working with the scheme, were given bail.

For example, HMP Styal had a probation officer trained to provide bail information, who received a print-out from Reception listing every prisoner on remand. She tried to speak to every one of them within a week of them entering the prison.

Unfortunately, this was not the pattern in other prisons serving women on remand. Two of the prisons surveyed at that time were not running a bail information scheme, as staff had been assigned to duties elsewhere. As the prison officer we spoke to stated: "Due to difficulties and staff shortages, nothing has got off the ground". The one remaining active bail information officer at another prison said that although five prison officers were supposed to provide bail information, "they are very understaffed". This bail information officer told us that the scheme could be effective ... "if it was a full-time job and had training, but the officers have other responsibilities."

Schemes that look good on paper are sometimes hindered when officers are regularly assigned elsewhere to cope with staff shortages. As the Chair of the Independent Monitoring Board in one prison wrote to PRT:

Our chief concerns regarding numbers of women in prison are about remands: The prison was staffed in July 2001 to deal with 25 remands. Since then, there have been, on occasion, as many as 60. This has led to another re-profiling exercise, indicating that 13 more staff are necessary but it doesn't look as though many, if any, are likely to be forthcoming. Thus many remands are missing out on vital work that should be done by bail officers and many, indeed, are probably staying in prison longer than they need.

(Letter to PRT, 2002)

Official statistics also show that the provision of bail information schemes varies enormously. Table Four shows performance of bail information schemes in the seven prisons holding women on remand, based on figures for October 2002 to the end of June 2003.

Table Four: Bail Performance (October 2002 – end September 2003)

Prison	Number eligible for remand	Number interviewed (per cent eligible interviewed)	Number of Bail Information Reports (BIR)	Number remands released following a BIR	Per cent eligible released on bail
Brockhill	212	0 (0%)	0	0	0%
Eastwood Park	544	152 (28%)	119	59	11%
Edmunds Hill	96	22 (23%)	1	1	1%
Holloway	217	31 (14%)	0	0	0%
Low Newton	270	221 (82%)	123	77	28%
New Hall	1504	36 (2%)	34	12	1%
Styal	294	264 (90%)	233	108	37%
Total/mean	3137	726 (23%)	510	257	8%

(Collated data from final quarter calendar year 2002 and first half 2003)

Source: Prisoner Administration Group, 2003)

These figures must be interpreted with caution. Problems include:

- HMP Holloway reported no-one eligible for remand from October 2002 to March 2003.
- HMP Brockhill's figures represented the 2002 quarter only; for early 2003 Brockhill reported no-one eligible for remand.
- New Hall figures disguised a huge downward shift in eligible adults, from 469 in the last quarter of 2002 to nine eligible in the first quarter of 2003. However, the reported proportion of eligible inmates interviewed increased from one per cent to 78 per cent.
- The statistics reflect the work of bail information officers only. In some places, such as Brockhill Prison, women received effective provision of bail information from a bail support officer funded by the local probation office.

Looking in more detail at the data presented in Table Four, the proportion of remanded women who were interviewed by a bail information officer ranged from 90 per cent in Styal and 82 per cent in Low Newton to zero in Brockhill and two per cent in New Hall. This evidence does not, therefore, support the Minister's claim that women on remand enjoy equal access to bail information. Access to bail information remains highly, and unacceptably, dependent on where a woman is placed. Women in HMP Holloway, which receives the highest number of women on remand, were amongst the least likely to be interviewed.

The 2002 report by HM Inspector of Prisons on Holloway was sharply critical of the prison's failure to provide an efficient bail information service:

During the inspection no staff were available to offer women advice about bail or legal services. This was a very serious weakness in a local prison to which a high proportion of the women prisoners were remanded by the courts.

(HMCIP, Holloway, July 2002)

The chance of being seen by a bail information officer could vary considerably between the adult and young offender populations in the same prison. At New Hall, an adult woman was almost twice as likely to benefit from a bail information interview as a young offender.

Contrasting the rates at which bail information officers prepared reports reveals important detail about the operation of these schemes in women's prisons. It might be presupposed that bail information officers use their discretion to decide whether or not a bail information report was likely to result in bail. A woman with no dependents, no fixed abode, a history of drug dependency and previous failures to appear in court is less likely to gain release on bail than someone who can show evidence of having some social support and no previous contact with the criminal justice system. In principle, it would be legitimate for a bail information officer to prioritise, so that women with the best chance of gaining release on bail are seen first.

But that is not what these figures show. During the 12-month period under consideration, Styal's bail information office prepared reports for 80 per cent, Eastwood Park, for 22 per cent, New Hall, for two per cent, and Brockhill and Holloway for none of the women eligible for bail. If you were a woman on remand in Styal, regardless of the circumstances in which you were placed on remand, there was a four in five chance that you would be interviewed by the bail information officer. If you were in Holloway or Brockhill in the same year, you had no chance.

These disparities show that whether or not a woman on remand receives an interview and has a report prepared for her depends on which prison she is sent to and on pressures on the particular bail information scheme.

The failure of bail information schemes is intolerable in the light of the achievements of those schemes that are operating normally. When properly supported, bail information schemes can be tremendously effective. Collating the figures from the prisons in Table Four, bail information reports were prepared on a total of 395 women between October 2002 and the end of June 2003. These reports resulted in the release on bail of 186 prisoners (47 per cent of those for whom reports were prepared).

In Table Four, the sixth column shows how effective bail information schemes are. The two most effective schemes (Low Newton and Styal) led to the release on bail of over 50 per cent of those for whom bail information reports were prepared; 185 of the 564 eligible (33 per cent). In contrast, the combined rate at which bail information schemes achieved bail for eligible women in the other five prisons holding women on remand (Brockhill, Eastwood Park, Edmund's Hill, Holloway and New Hall) was three per cent. A woman sent to Low Newton or Styal on remand in the year from October 2002 to September 2003, would have been over ten times more likely to be granted bail following a bail information interview and report than if she had been sent to Holloway, Edmunds Hill, Brockhill or New Hall.

Bail information services – uneven as they were – proved to be extremely helpful to women on remand. But because so many schemes are not functioning properly, few women receive bail services, with the result that only eight per cent of those who were eligible were granted bail, following the provision of bail information services.

The Prison Service Annual Report (2002-2003) put the cost per prisoner per day in female local prisons at £97.78. In 2002, the average length of stay of a pre-trial woman was 37 days. Although reports were prepared on only 510 women in the year from October 2002 to September 2003, the number released represents an annual savings to the Prison Service of over £900,000 (£97.78 × 37 days × 257 released on bail in six months).

This is a very conservative estimate of the potential benefits of a normally functioning bail information service, as bail information should reach all eligible women on remand. If the other women's prisons operated their bail information schemes to the same level as Styal, interviewing 90 per cent of the eligible women, preparing reports on 88 per cent of these, and achieving release at a rate of 37 per cent of those for whom reports were prepared, then more than 1000 additional women could have been released on bail in this year alone.

Stated in negative terms, the failure of the Prison Service to achieve the provision of bail information at the same standard set by Styal has cost the Service more than £3.6m per year (1000 prisoners x 37 days x £97.78 per day). Here is a powerful example of how overcrowding leads to a contradictory cycle: in order to meet increasingly unreasonable demands, the Prison Service has cut back on bail information services deemed to have a lower priority than security, with the result that the Service itself contributed to the problem of overcrowding.

The official statistics are provided every three months. PRT has presented the argument in terms of the figures for the period from October 2002 to the end of September 2003. The numbers vary from month to month, and therefore an annual total was used to even out any variations.

PRT was concerned about the evidence that women on remand were not receiving the bail information to which they are entitled. Therefore, in late 2003, PRT informed the Home Office of the significant geographical variations in the rates at which remanded women in prisons had access to bail information. Although some progress was made, it was still the case in early 2004 that trained bail information officers were being re-deployed to cope with the increasing numbers of women sent to prison.

The most recent statistics suggest that the prisons that were performing well have slipped, which means that the shocking disparities observed last year now don't look so bad. However, the balance was achieved at a cost: the rates at which women were interviewed, reports were prepared and women were subsequently released on bail have all fallen (See Table Five).

Table Five: Bail Performance (October to December 2003)

Prison	Number eligible for remand	Number interviewed (per cent eligible interviewed)	Number of Bail Information Reports (BIR)	Number remands released following a BIR	Per cent eligible released on bail
Brockhill	49	19 (39%)	15	6	12%
Eastwood Park	112	31 (28%)	25	13	12%
Edmunds Hill	58	34 (59%)	4	2	3%
Holloway	155	5 (3%)	0	0	0%
Low Newton	54	51 (94%)	24	10	18%
New Hall	324	23 (7%)	21	11	3%
Styal	67	60 (90%)	47	15	22%
Total/mean	819	223 (27%)	136	57	7%

The disparities in the success rates of bail information schemes are not merely evidence of the need for prisons to improve practice, although they certainly identify failing prisons. These figures demonstrate that release from custody on bail is arbitrary because while some prisons

are running effective schemes, others fail spectacularly to deliver bail information. Continuing to hold women in prisons that lack an effective, fully functioning bail information scheme may breach their human rights as it amounts to arbitrary detention. A just system for making bail decisions would be based on the major exceptions to the rights of defendants to bail under Article 5; and not on whether a defendant happened to go to a prison with a functioning bail information scheme.

The achievements of effective bail information schemes have a deeper significance, regarding the original decision to deny bail. Full knowledge about the circumstances of the defendant is crucial to the bail decision. However, the fact that bail is so often granted subsequently, on evidence provided by a prison-based bail information scheme, exposes the folly, too common in remand hearings, that decisions are hurried through on scant information. If the information gathered by prison-based bail information officers demonstrates that release on bail is safe, then why was the woman remanded into custody in the first place? In this light, the courts' decisions to resort so frequently to custody fail to stand up to the test of a preference in favour of bail, and appear both unnecessary and unjust.

6.4 How can bail information provision in prisons be improved?

PRT's survey of bail information schemes suggested a number of issues that the Prison Service needs to address urgently in order to bring the prison-based schemes up to scratch. As stated above, the relevant PSO is in place and mandates the provision of bail information. In addition, the system is monitored sufficiently to pinpoint areas in which improvements are required. The data in Tables Four and Five originated in the Prisoner Administration Unit of Prison Service Headquarters.

What is missing is a commitment in individual prison establishments to prioritise the provision of bail information. However, prisons holding women on remand are over-stretched to such an extent that they are required to attend first to the more urgent demands of dealing with women with serious mental illnesses, preventing prison suicides (see Rickford, 2003) at the same time as the day-to-day pressures of serving the courts and accommodating record numbers of women in custody.

The PSO explicitly states that, "the management of bail information officers should allow them to make a full commitment to the work during the day" (Ibid., page 7). Quotes from PRT's survey of bail information schemes in women's prisons suggest that this standard is not being met:

A full week consists of about 38 hours of service, but this is not always achieved. Cross-deployment and staffing issues mean that some weeks there are only about 20–25 hours available for bail information and legal services.

The problem of cross-deployment is getting worse. We don't have the staff to cover all the jobs. Bail information isn't the first to go, but there is a backlog created by staffing problems.

Bail Information Officer

In some prisons, the bail information officers are not given sufficient support to do their jobs properly:

Q. What would you need to make the service more effective?

Seriously, a computer and a telephone. The bail office has been moved off the wing, to the resettlement unit. We are undergoing refurbishment, and the wing offices have gone to CARATs and things like that.

Bail Information Officer

But not all of the problems lie within the authority of prison management. Bail information officers also confirmed that the courts fall down in the documentation of women's social circumstances.

Q. Do you receive information from the courts about these women?

Only very limited information. We check the warrants, but for any useful information, I have to pick it up from the women. For example, when a woman would like to go to a bail hostel, I would interview her, but I would also need her previous convictions. No bail hostel will take someone without evidence of their previous history.

I need to get a statement of her previous convictions from her solicitor. Sometimes I interview a woman, and a week later I still have not heard back from the solicitor. She wants to know what is the reason for the delay. There are a lot of things like that that can hold up the process.

Bail Information Officer

Also, because there are few prisons which take women on remand, those that do shoulder the burden of providing services linked to a large number of courts at considerable distances.

What should happen, and doesn't always, is that all probation areas should send information through from the court. This does happen in Cheshire, but I see women from the West Midlands, Greater Manchester, Lancashire, Cheshire and North Wales. I don't always get the information from court.

Bail Information Officer

Immediately before publication, PRT telephoned bail information officers to canvass their views about their work at present. In nearly every prison, the bail information officer felt that there had been improvement, although trained officers were still reporting that they were often re-deployed to other tasks. PRT believes that the improvement is partly a result of the intervention by the Home Office.

However, though these developments are most welcome, two reasons for caution remain.

First, there have been periods of improvements in bail information provision before, but these were not sustained. Good bail information services are heavily dependent on getting the right personnel in place, with good quality training and full support. When an individual who is personally committed to the work moves on, or when the office space is required temporarily for another purpose, there is a serious risk that the effective work will not continue. While the Home Office intervention seems to have resulted in an increased number of bail interviews for remanded women during early 2004, the service provided needs to be scrutinised regularly to ensure that providing bail information remains a high priority.

The second note of caution concerns variations in practice revealed by PRT's telephone survey. Although more systematic research is needed, it is likely that there is still far too much inconsistency throughout women's prisons in the ways that bail information is provided. The problem can be illustrated with a series of bullet-point descriptions:

- At prison A, there are three trained bail information officers, but they do not routinely interview prisoners on reception. Instead, they respond only when a woman's solicitor makes the first approach;
- At prison B, there is only one part-time trained bail information officer who is able to see only those women whose cases are straightforward; however, the area's probation office provides a bail support officer who provides much more specialised advice, putting together bail plans, with identified sources of support for accommodation and drug treatment;
- At prison C, there is one trained bail information officer, from the probation service, who does not work a five-day week but who manages to speak personally to every woman received on remand;
- At prison D, there is a part-time bail information officer. Typically prison D does not work with women while they are in a detoxification programme. Further, the women on remand are generally in detox for 11 days, but they are returned to court on the seventh day, and consequently their first or second court appearances occur before they are interviewed by a bail information officer.

This range of approaches suggests that greater efforts need to be made to bring consistency to the provision of bail information.

The Women's Offending Reduction Programme Action Plan makes a number of recommendations to support women seeking bail. Among them are:

- Gender awareness training for prison and probation bail information officers;
- Improved information for women offenders throughout the bail and remand process; and
- Information on the impact and consequences of remand decisions to be fed back to courts.

These are crucial to improving the current system. PRT would endorse them and add two more:

- Bail information services must be ring-fenced in prison and prisons must comply with the PSO that requires them to ensure that Bail Information Officers have sufficient time dedicated to their work; and
- The practice of providing bail information in women's prisons must be standardised to match the most effective services, with an initial screening interview for all women on remand, a full interview for any eligible woman who asks for one, and links to bail support programmes to facilitate access to accommodation and treatment.

7 POSSIBILITIES FOR BAIL UNDER SUPERVISION

The one thing that could really improve our service is more beds in the community for women.

(Bail Information Officer)

7.1 Bail hostels

The courts have it in their power to grant bail unconditionally, or with specific conditions attached. Where the courts have concerns about granting bail it may be appropriate to use community bail facilities such as hostel accommodation. In 1971 the first hostel accommodating bailees opened as an experimental project, managed by the voluntary sector. The purpose behind the initiative was to avoid the unnecessary custodial remand of defendants by providing supportive hostel accommodation. It was believed that, given support in a hostel, women might be less likely to abscond. By 1972, probation services were encouraged to develop bail hostels, probation committees were empowered to manage them and, in 1973, the Home Secretary was enabled to approve and regulate them. In 1974, it was determined that defendants on bail could also be accommodated in probation hostels.

Approved hostels were intended to provide an enhanced level of supervision to enable bailees and offenders to remain in the community. The role of hostels is not simply to meet the accommodation needs of ex-prisoners.

The national standards for approved premises state the main aims of supervision, which are to:

Address and reduce offending behaviour... contribute to the protection of the public; motivate and assist residents towards a greater sense of personal responsibility and discipline; and aid reintegration of offenders as law-abiding members of the community.

(Home Office, 2002)

Despite these worthy aims, it would appear that very few women on remand are bailed to drug rehabilitation treatment or community mental health services. When asked for the numbers of those who were released from custody to such services the bail information officers said that the number was low: “just one or two in the last year or so”.

In June 2003, there were 34 approved probation hostels which took women on bail. Of these hostels, just five were for women only. In total, there were 227 probation approved bed-spaces available for women. Most of the approved beds that could take women were in multi-functional hostels, and therefore getting a placement as a condition of bail was not easy.

There is conflicting information about the reasons bail hostels have failed to prevent the over-use of custodial remands for women. On one hand, it seems that bail hostel accommodation for women is under-used, as the approved, women-only hostels fail to meet their occupation targets (see Table Six). On the other hand, bail information officers state that they cannot find accommodation for women.

Table Six: Occupation of women-only approved hostels

Adelaide House (Merseyside)	96%
Elizabeth Fry (Thames Valley)	87%
Crowley House (West Midlands)	83%
Hopwood House (Staffordshire)	78%
Kelley House (Greater London)	77%

Only one of these women-only hostels managed to meet the National Probation Service's key performance target of 90 per cent occupation.

Yet, bail information officers put forward the view that it was difficult to find women places in approved accommodation, and therefore, women were unnecessarily held in custody. One bail information officer told us:

I've had three women just this morning who have all got bail but nowhere to go, all the hostel places are full.

Another bail information officer supported this:

For the women there is a reduced number of hostel places compared to the men. Bail may be delayed by the courts until a hostel place becomes available.

There are two factors that help explain why bail information officers cannot find women a place in a bail hostel, yet beds in the women-only hostels remain un-used. Either the bail hostel excludes women who require certain types of supervision if they are to be granted bail; or, the bail hostel fails to meet the woman's needs, and the woman chooses to reject the accommodation.

Sometimes, bail hostels refuse particular types of woman defendants, following their own selection criteria. Here again, the needs of women defendants are interpreted as 'risk' factors that deny them the chance to take up a place in a supervised hostel. For example, eligibility criteria may exclude some women who are drug-dependent or have serious mental health problems.

The reasons women may reject the available accommodation in supervised bail hostels can include:

- **distance from home**
- **a lack of, or inappropriate facilities for children and**
- **a mixed gender environment.**

The limited number of places available for women – whether in mixed or single gender hostels - means that they are located far away from the homes of many women. The women-only hostels, listed in Table Six, cover London, the West Midlands, and the north west, but not the south west, Wales, the north east, or Yorkshire.

Given the problems caused by needless imprisonment, why would a woman choose to go into custody rather than take up a place offered at a bail hostel? A key reason is that many bail

hostels are not considered a healthy environment for the woman to be with her children. As a Bail Information Officer remarked:

You can't send a woman who has kids in London up to a women-only hostel in Merseyside. But if the hostel is mixed and she has experienced domestic violence, she doesn't want to go there.

Judith Rumgay has recently underlined the importance of safety for vulnerable women:

Housing is one thing but safe housing for women offenders is another, particularly those who are seeking reunification with families, with children. Safety is an issue in thinking about how to assist women in dealing with any one of these problems...

(GJPN, 2001)

Getting hostel accommodation for women with drug problems is especially difficult. Hostels either refuse accommodation on the basis of the woman's drug misuse, or because the hostel is trying to maintain a mix of non-drug using and drug misusing residents and the balance needs to be maintained. All bail information services that responded to our survey said that hostel accommodation was vital in the vast majority of successful bail cases.

It can be very difficult to get them into hostels because of drugs. Most have long standing drug problems, if they get accepted, it depends on the mix already in the hostel and not necessarily a lack of beds. Some hostels are also a long distance from home and with no children taken this breaks down families.

Bail Information Officer

The Government conducted a consultation in developing its strategy for women offenders. Organisations that submitted responses warned that an increased number of mixed gender hostel places was not the solution because their atmosphere was not always supportive of women's needs and could lead to destructive effects for their children.

The consultation supported the idea of providing more women-only hostels, and committing resources to accommodation provision for women with children. Providing more mixed gender spaces would increase the capacity of total beds, but if women rejected it, or if the accommodation excluded children, or was inappropriate for them, the extra spaces would remain empty and the resource investment would be wasted.

It was therefore disappointing that the Government's Strategy for Women Offenders, published in 2000, made a commitment to increase the number of places for women, but only in mixed hostels:

There are problems of under-occupancy at the women-only hostels. For this reason, our policy is not to expand women-only hostels. Instead, we will increase provision for women in mixed hostels, which will mean more efficient use of bed spaces and means women can be accommodated closer to home.

(Home Office, 2000a)

Hostels that exclude children, or subject them to a potentially dangerous social environment, force remanded women into a painful choice between staying in custody and being able to be with their children. Clearly, a mixed gender environment is often inappropriate for women with children. In addition, the large proportion of women offenders who have suffered physical and sexual abuse from men demonstrates that it is both insensitive to women's needs and impractical to suggest that the lack of hostel places can be offset by additional places in mixed accommodation.

In view of the seeming contradiction between the bail information officers' belief that they cannot find a place in approved bail hostels and the under-occupancy of women-only hostels, research is needed to investigate the place of bail hostels in diverting women from custody. Such research could focus on the extent to which approved bail hostels maintain sufficiently flexible entry criteria to serve women remanded in custody and the extent to which they meet women's needs for supervision, support and protection. PRT welcomes the action point in the Women's Offending Reduction Programme calling for a review of hostel provision to identify the reasons for under-occupancy.

More information is needed about the extent to which supervised bail accommodation was taken into account in making decisions regarding women defendants.

Approved probation hostels are only one source of accommodation that can be used to divert remanded women from custody. Many other hostels are used by bail information officers in their attempts to get women bail. A number of bail information officers in PRT's survey stated that bail was most often granted on a secondary bail application if a hostel place was provided.

7.2 Effective work with women on remand

There are pockets of good practice that demonstrate effective ways of diverting women awaiting trial from the unnecessary experience of custody. The bail information services – both under the Probation Services in the community and in prisons, in particular in HMP Styal – show that providing the CPS with good background information on the defendant can lead to substantial reductions in the use of custody. Both the voluntary and the statutory sectors provide further examples of good practice in working with remanded women:

Holloway's First Night in Custody project

The First Night in Custody Project was set up in September 2000 at Holloway, aimed at women who have not been in custody before. The Project Manager, two paid members of staff and volunteers offer help to women in the first five days of custody. They conduct a screening interview to identify the woman's needs. Urgent action may be required, such as contacting family members to inform them that the woman is in custody or to make appropriate childcare arrangements where a woman has not anticipated or prepared for being remanded into prison.

Crowley House, Birmingham

The PRT Committee on Women's Imprisonment visited Crowley House to observe its work and their report advocated the extension of similar projects. Crowley House is a hostel catering specifically for women. This facility offers accommodation for women and their children, and also provides support for drug dependency or mental health problems.

218 Time Out

218 Time Out, a new one-stop centre aimed at supporting women involved in offending, recently opened in Glasgow. Justice Minister Cathy Jamieson, who opened the centre, stated:

... the Executive has done much to find a more effective way to deal with women in the criminal justice system. We can't tackle their offending behaviour and stop them from re-offending unless we tackle the root causes of their offending.

I believe the '218 Time Out' centre in Glasgow can do that. Without this centre many of these women would end up in Cornton Vale for short periods. The shortness of their sentence means that prison staff are unable to work with them to address the underlying issues that result in their offending behaviour – but the staff at Time Out can.

(Scottish Executive, 2004)

Asha Centre

The Asha Centre, which is an independent charity in West Mercia, addresses the needs of women in a pioneering approach which should be accepted as the norm. The first step in providing resources is to ask the women to list the kinds of help and support that would help them most in their goal of desisting from offending. Here are some of the Asha Centre's founding principles:

- It is a safe environment, women-centred and women-only;
- It offers multi-dimensional help (not limited to addressing women's attitudes) that includes counselling, support in response to domestic violence, rape, or sexual abuse, citizen's advice, health and legal services, and advice about housing and benefits;
- Women are enabled to access mainstream sources of support in ways that are more easily sustained than services imposed upon them;
- The women are seen as problem-solvers whose decisions about their lives will benefit from good communication from the supporting agencies.

The Centre co-ordinates advice sessions, involving 15 local community agencies. Only about one-third of the women who come to the Centre have been defined as offenders by the criminal justice system. Their needs – for social support, and access to services – are not significantly different from women referred from other local agencies.

One of the founders, Jenny Roberts, explained:

We sought to design and deliver provision that courts and women offenders found relevant, that a high proportion of participants completed satisfactorily, and that reduced their reconviction levels. Those are the criteria against which the programme should be judged.

(Roberts, in Carlen, 2002)

Government Policies

The Government's strategy on women offenders (2001) was set in the context of cross-government work to improve women's lives. It stated unambiguously that ...

the best way to reduce women's offending is to improve women's access to work, to improve women's mental health services; to tackle drug abuse by women; to improve family ties and to improve the life chances of young women at school and in the community.

The Women Offending Reduction Programme Action Plan was launched in March 2004. It sets out the aims of reducing offences by women and reducing the number of women held in prison. The Action Plan is intended to co-ordinate services, so that women at risk of offending benefit from a multi-agency response to their needs, including poor housing, mental health, drug misuse, abuse, child care, and employment.

The PRT Committee on Women's Imprisonment advocated the establishment of a system of Women's Supervision, Rehabilitation and Support Centres. This concept was given added support recently by the launch of the Home Office's Women's Offending Reduction Programme:

A priority for the Programme is to develop community-based interventions and programmes, which recognise the particular needs and characteristics of women offenders and which are appropriate and accessible by them.

(Women's Offending Reduction Programme, 2004)

However, there is a glaring gap between policies that look good on paper, such as the commitment to ensure that fewer women are jailed, and evidence in the form of concrete action to reduce the numbers in prison. A local women's support centre in London closed as this report was being prepared, and the funding for existing centres is precarious. Yet the Government did not hesitate to commit itself to the costs of privately financing two new large prisons that are extremely poorly matched to women offenders' needs for local support and supervision.

8 CONCLUSION AND RECOMMENDATIONS

Conclusion

This report has shown that far too many women are remanded to prison. Whether they are legally innocent or convicted and waiting to be sentenced, very few are charged with sufficiently serious offences to require custody, and too little is known of the problems they face to prove that the deprivation of liberty is necessary. Nearly two-thirds of the women received into prison each year are on remand. Over half of these (58 per cent) do not subsequently receive a custodial sentence (Home Office 2003a). One in five women remanded into custody are acquitted. In 2002, more women were imprisoned for shoplifting than for any other offence (Home Office 2003a). A woman convicted of theft or handling at the Crown Court is now twice as likely to be sent to prison as in 1991 (Carter 2003).

This report has argued that prison is ill-equipped to meet the needs of women on remand. The multiple needs of these women would be best met in the community, particularly in relation to mental health and substance misuse problems. For example, 40 per cent of remanded women had received help or treatment for mental health in the year before being sent to prison; and a quarter said they had injected drugs in the month before custody (O'Brien, 2001). Once in prison, remanded women receive inadequate support during the first days of custody, do not get the drug treatment or mental health care they require, are subjected to regimes lacking in activity or purpose, and have limited opportunities to keep in touch with their families.

The legal, social and health care needs of women on remand are significant, and although steps are being taken to improve the situation, such as the development of First Night in Custody Projects, there is still much more that could be done. The provision of bail information is inadequate in many prisons. Hostel places are available in some regions, but they are not always taken up, because of criteria that exclude women who require them, or because the women have reasons to feel unsafe, or because they are too far from their homes. The low occupation of women-only facilities requires an urgent review to understand why they are not operating at their capacity.

Recommendations

The recommendations arising from this report are presented in terms of action required primarily from three sources: Government, the courts and prisons. In addition, there is a clear need for all three of these to work together to make reducing the number of women remanded to custody a priority.

Government

The Minister for Prisons and Probation, Paul Goggins, in his introduction to the Action Plan of the Women's Offending Reduction Programme, called for:

“Steps to ensure that custody is used only for those women offenders who really need to be there because of the seriousness of their offence or for public protection”; and

“... ensuring the delivery of a co-ordinated multi-agency response to women's offending [to] tackle the variety of factors which can affect why women offend, including poor housing, mental health problems, substance misuse, abuse, child care, education and employment.”

(Women's Offending Reduction Programme, 2004)

These two strategies are vital to reverse the current trend towards ever-increasing use of custody for women on remand. The Programme states that the Government is committed to making support in the community more appropriate and accessible for women, through, for example, 'one-stop shop' access to multi-agency interventions.

The first recommendation, therefore, is that the Government must follow through on its pledge to work with women offenders in these ways, rather than through the further expansion of prison. The number of women held on remand provides a telling test of the Government's commitment. However, without a fully developed budget, ring-fenced to provide the foundations for these changes, it is difficult to see how they can be established and sustained.

In particular, Government should:

- Promote actively a reduction in the use of custodial remands by the courts;
- Institute a review of the use of remand and bail in England and Wales on similar terms to that conducted by the Sentencing Commission for Scotland;
- Establish a Women's Justice Board, aligned to the National Offender Management Service, empowered to see through the commitment to a distinct criminal justice approach to women which specifically addresses their needs and is therefore more likely to work; this Board would carry responsibility for commissioning services and maintaining quality and standards of provision for women who offend;
- Identify existing gaps in support and supervision in the community and develop effective alternatives to custody for those on remand;
- Increase provision and improve the quality of court-based diversion schemes; in addition, Government must ensure that NHS assessment and treatment for mental health problems is accessible for all defendants who require it in all regions – the lack of such provision is never a sufficient justification for the use of custody;
- Publish an annual breakdown of the reasons courts provide for denying bail, giving the specific exclusion under the Bail Act 1976 on which the decision was based;
- Ensure that the funding for bail information services in court and in prison is ring-fenced;
- Establish as a matter of law that girls under 18 cannot be sent to prison, whether on remand or under sentence; when their offences are sufficiently serious as to require custody, that should be provided in secure care centres;
- Increase the number of places in single-sex bail hostels, designed to provide support for drug misuse problems and not, as too often occurs, to regard drug misuse as a criterion for excluding women offenders.

In addition to these, with the establishment of the National Offender Management Service, greater opportunities arise for an integrated criminal justice policy for women. In particular:

- The NOMS should develop a network of small, local, women-only centres to work with women who come into contact with the criminal justice system. Consistent with the Action Plan, these centres should provide women with multi-agency support for dealing with medical, psychiatric, financial, educational, training and employment issues as well as guidance on family and parenting, the offer of counselling and drug
-

treatment. Supervision centres should replace prison custody for all women except for those whose offences demonstrate a serious danger to society;

- NOMS must also increase the number and quality of women-only bail hostels, to cover neglected geographical areas, to ensure that women with dependent children are accommodated, and to provide drug treatment in a safe, community environment.

Courts

The courts need to work with Government to make it a priority to reduce the use of prison for remanding women. A test of the courts' commitment to reducing the unnecessary use of prison custody would be the proportion of women on remand who do not subsequently receive a custodial sentence, a proportion that is presently too high to uphold the claim that courts consistently practice a presumption in favour of bail.

The courts should ensure that:

- The use of custodial remands is restricted to those women who are charged with offences so serious that custody is required for the protection of the public.
- The recording of bail decisions is standardised and the Court Service publish annually a breakdown of the reasons bail has been refused, citing the relevant aspect of the Bail Act 1976.
- They take responsibility for ensuring that the information about their decisions reaches the prison, to allow bail information officers to meet the concerns of the courts in further bail applications. A copy of the court's reasons for denying bail should accompany the defendant to prison as a matter of standard practice.
- The Judicial Studies Board enhances its training to alert judges to the particular effects of imprisonment upon women and their families.
- Similar gender awareness training is included in the training provided to magistrates.

For women charged with non-violent offences:

- If insufficient information is made available, the courts should require adequate social and psychiatric reports prior to taking a decision to deny bail.
- PRT supports the Fawcett Society's Commission on Women and the Criminal Justice System in their recommendation that: "Where the defendant has caring responsibilities, we suggest that, in most cases, they should not be remanded in custody or imprisoned without a probation report on the impact of incarceration on their dependents."
- The Crown Prosecution Service (and the police) must provide courts with clear, written evidence if they wish to oppose bail; their reasons need to prove that a custodial remand is necessary due to the seriousness of the alleged offence; and their case must be directly relevant to established facts which apply directly to the individual woman.
- Consistent with the presumption in favour of bail, courts must provide each defendant with clear and reasoned explanations of a decision to deny bail, explicitly tied to the woman's personal circumstances, and strictly within the terms of the stated exceptions.

- It is the responsibility of courts to ensure that all defendants receive the support services to which they are entitled, in particular court diversion and bail information, prior to a decision by the court to deny bail.
- Courts must ensure that a full explanation of a decision to deny bail accompanies the woman into custody so that her case can be efficiently pursued by the prison bail information officer.
- The guideline judgement by the Lord Chief Justice, Lord Woolf, in Regina v Mills, stating that a judge must bear in mind the likely consequences on children when the accused is the sole carer, should be applied by the courts when considering remanding women into custody.

Prisons

- Those on remand awaiting trial are innocent until proven guilty and should be held in conditions consistent with their legal status.
- First night in custody arrangements should be extended to all prisons, with no restrictions put in place regarding how many times a person has been in prison previously.
- All prisons should have full-time bail information staff; their budgets and their time must be ring-fenced; further, their work must achieve a standard that ensures that every remanded woman is seen by a qualified bail information officer within one week of arrival and that every remanded woman is interviewed if she wishes.
- Prisons must ensure that defendants have full and open access to law books and are given sufficient time to prepare their case.
- Women who must be kept in custody should be accommodated near to their home and every effort must be made to sustain their family ties; HM Prison Service should consider the establishment of Family Contact Development Officers in every prison, as is the practice in Scotland.
- Acquitted remand prisoners should be eligible for, and receive, compensation. Those who go on to receive a community sentence should have time spent in custody taken into account.
- The Prisons Inspectorate should conduct a follow up review of 'Unjust Deserts' (2000), its thematic review of unsentenced prisoners.

This report has brought together powerful evidence, showing that women are being needlessly remanded to prison. Many of them have mental health problems which should be addressed in the community. Once in prison, the problems that contribute to offending, such as homelessness, lack of employment possibilities, and drug dependency, become worse. Prisons are failing to meet even minimal standards of care, for example, in meaningful activities, bail information or drug treatment. The report sets out a common sense agenda for change which could be undertaken by Government without delay, avoiding further harm to vulnerable women.

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Lacking Conviction

This report presents clear evidence that some of our most vulnerable and socially excluded women are being failed by a range of agencies. Although innocent until proven guilty, when they are sent to prison by the courts, these women are subjected to intolerable conditions and regimes: through inadequate care when they first arrive; enforced separation from families and children; patchy provision of drug treatment; and wasted time behind a locked cell door.

The report argues that to reduce women's offending Government should develop a national network of bail information and support, court diversion and small, locally-based support and supervision centres, that are properly resourced to respond to the whole range of women's needs, including accommodation, parenting advice, drug treatment, vocational training, and mental and physical health. Above all, it must act to reduce the number of women being needlessly remanded to custody.



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