

DO THE CONSEQUENCES OF INCARCERATION PROBLEMATISE THE JUSTIFICATION FOR WOMEN'S INCARCERATION?

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Abstract

The aim of this study is to critically analyse whether imprisonment for women is a justifiable form of punishment, or whether alternative approaches are more appropriate. To gain a clear understanding of the question at hand, this essay is based on a theoretical stand point using sources from official research, feminist views and other critical thinkers, case studies, documentaries as well as charities/agencies and organisations.

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Introduction

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In the past decade Her Majesty's Chief Inspector of Prisons (HMCIP) (1999) cited in Scott & Codd (2010; 10-11) identified four main areas that would suggest a 'healthy prison'. Firstly, all prisoners should feel safe, for example officers should be committed to challenge bullying, victimisation, prevent suicide and self-harm as well as carry out a fair administration of rules, adequate prison conditions and promote responsible behavior. Secondly all prisoners should be treated with respect; this would include the basics, decent food, regular showers, clean bedding and clothes, access to good health care and common courtesy. It is also important that prisoners are busily occupied and are given the opportunity to better themselves, for example inmates should have access to jobs, education, skill training and physical activities. Thirdly it is essential that all prisoners have access to programs and activities that might facilitate ones personal development process in order to be properly re-released into the general population. In addition, it is important that they have 24 hours a week access dedicated to these allocated activities. Lastly, prisoners need to strengthen their relationships ties with family, the prison setting should promote this when possible as well as prepare individuals for resettlement in the community, for example prisoners should be given advice from other agencies to prevent homelessness and increase employability in an attempt to reduce the harmful social consequences of incarceration. I am not arguing that these four view points, if carried out efficiently, would not make a prison more bearable. Alternatively, I suggest, in line with existing and current research, that prison simply is not the answer for punishment with regards to women.

Within this essay I have aimed to cover key areas that surround the women's penal system such as how or have the purpose of women's sentences and their punishment changed, who are the women we incarcerate, what are the pains they experience through their given sentence and what are the consequences of imprisonment? In addition, the referral to real case studies of women who have been in custody will allow me to question the effect prison has on their lives.

As a result of my research from statistical data, documented personal experiences and theoretical acknowledgments, I have concluded that prisons for women, whilst being a major form of punishment, are not justifiable. The prison system does not lock criminal women up and throw away the key, it tortures them mentally, physically and psychologically and then releases them more broken than they were before. Alternative approaches are a key factor to minimising recidivism, saving money and protecting society in the long run, as well as helping and supporting women who need to change and be beneficial to society and themselves.

Prisons are failed institutions that do not work. They are places of pain and social control and are brutal, abusive and damaging to everyone who is incarcerated in them. Prisons are fundamentally flawed and all attempts to reform them have failed.

(No More Prisons 2006 cited in Scott & Codd 2010; 166)

Chapter 1

A Critical Evaluation of the purposes of Imprisonment

This chapter describes the purpose of punishment and prisons in addition to justifying their purpose and criticising their intensions. It further identifies the costs to keeping a female offender incarcerated, which questions whether prison is really justified in comparison with the benefits of non-custodial sentences which would benefit many individuals.

The purpose of punishment was established upon citizen's consensual agreement to surrender to the state their individual capacities to restore the wrongs done to them; in return citizens have the right to expect the state to protect their lives and property, through custodial and non-custodial sentences. While the state has a moral obligation to protect the lives and avenge crimes committed against civilians, civilians are to obey the law and not take the law into their own hands. The purpose of imprisonment has been explained through several justifications; the main principle being retribution, the offender needs to be punished in proportion to his/her offence committed, another form is expiation were the offender is able to redress their wrong while the victim gets satisfaction that the offender recognises their wrong doing through punishment. A different perspective for justifying imprisonment is to act as a deterrent on a general and individual level, to warn other civilians of consequences and for individuals to change their criminal ways. In addition incarceration is thought to be a rehabilitative model, prisoners are thought to be equipped and prepared upon their resettlement to lead crime free lives (Carlen & Worrall 2004). It is thought that incarceration will provide public protection especially from those who pose a serious threat to society and are persistent offenders. Yet persistent offenders represent less than 1% of female offender population (Home Office 2002).

Proposed justifications for imprisonment are a highly contentious topic. Below are some illustrations though more will be identified in later chapters. The idea imprisonment should act as a deterrent has been supported by researchers who have pointed out that women's crimes tend to be opportunist such as petty theft, assault would be categorised as a situational, and some drug offences would be classified as lifestyle crimes, and these maybe rational justifications for women's offences. It is recognised that incarceration can be justified with retribution due to the pain women endure, it is recognised that women will experience incarceration differently some losing their children and relationships some suffering more acute pain due to mental health or sexual and violent abuse (Carlen & Worrall 2004). Statistically women who are violent or are thought to pose a serious threat are a minority and are in many cases victims of assault from their partners as stated earlier these women's crimes are usual situational crimes or domestic in this case and are inflicted upon their abusers. So systematically as a society we are punishing these women further, the chances of these women posing a serious threat to other civilians are very slim. Punishment is seen as a way of creating more social problems rather than solving conflicts (Scott 2009) as it will later be discussed.

In 1992 the Criminal Justice Act 1991 came into force which provided a new logical sentencing framework based on the principle of just desserts with only the most serious of offences being punished with imprisonment since 1982. The act was introduced due to a growing concern with overcrowding in prisons with a belief that some offenders were being sent to prison unnecessarily and for too long with the idea that alternate non-custodial sentences should be more appropriate (Worrall & Hoy 2005). It was thought that when the Criminal Justice Act 1991 was implemented that 'just desserts' for women would result in less punishment because women commit less serious offences and have fewer previous convictions (Bottoms, Rex, & Robinson 2004). In this respect it can be argued that some magistrates will be more lenient towards some women occasionally giving them lighter sentences with the idea that they are a good mother and they have made one mistake. On the other hand some women are given heavier sentences because magistrates still believe that female offenders are doubly deviant, that they are setting a bad example to their children and not behaving like proper women. Moreover statistics have shown that unmarried or divorced women with children in care and black and Asian women appear to get heavier sentences (Carlen & Worrall 2004) which also suggests that marital status alongside ethnicity may play a significant role in female incarceration.

Others may argue that prisons, if used at all, should be a last resource for punishment, not just for women but for men and children (Matthews 1999a). Prison populations are currently exceeding the spaces that are available. With the crisis of overcrowding it becomes problematic for prison officers to manage prisoners and regimes, they will have less time to devote to screening prisoners for self-harm or suicide, prisoners with mental health problems and prisoners who are potentially violent, risk assessments will inevitably suffer as a result. In relation to the problem of overcrowding prisoners will have less communication with staff as well as less access to resources such as education, work, training, association and rehabilitation programmes. Prisoners will inevitably spend more time in their cells, experience more noise and tension and likelihood of cell-sharing (Loffmann & Morten 2010).

Furthermore there are only 14 women's prisons in England and there are none in Wales (Prison Reform Trust 2010) statistics show that these prisons are overcrowded and the women incarcerated are suffering the consequences as stated above and in later chapters. Hedderman (2004) cited in Worrall & Hoy 2005: 19) stated that the greater use of custody for women over the past decades has not been driven by an increase in the seriousness of women's offending but by a more severe sentencing response. Women seem to get punished for who they are rather than for what they have done (Worrall & Hoy 2005). It has been argued by Carlen & Worrall 2004 that official penal discourses in the 1990's in England, selectively incorporated elements of feminist discourses in order to argue that men and women should be treated equally, women's differences in needs and requirements to men have been diminished or forgotten, instead it has allowed more and more women to be incarcerated with the notion criminal women should be empowered to take responsibility for their own actions. Criminal women are often victims as well as criminals (as later discussed) and are in need of further assistance whether it be medical, rehabilitation, psychological or just some one to talk to. Eaton (1993:153) stated that self awareness is necessary and that women need to talk to

discover who they are. The lack of feminist notions, in this respect, seems an interesting question; prison is all women, but there's no feminism, no building up of women's self-esteem, no space to be women. This suggests that the purpose of prison, regimes and stereotypical views of women may not have undergone dramatic change. Patriarchal views still seem to dominate women when they are sentenced, when they are incarcerated and women who are law-abiding citizens.

The social exclusion unit (2002) have stated that the cost of actually keeping criminals incarcerated will vary significantly but on average each offender will cost approximately £37,500 a year, also half the women who are released from prison will re-offend within two years, again the social exclusion unit have pointed out that the costs of an ex-offender re-offending is likely to cost the criminal justice system an average £65,000 and even more for prolific offenders or criminals returning to prison. New Economics Foundation (2008) found that if alternative punishments were used to replace most of the custodial sentences the state would benefit from £100 million over a ten year period.

If the criminal justice system acted on selective abolition and only incarcerated those who deemed a serious threat to civilians, non-violent and petty criminal women could reap many benefits; to avoid homelessness, the ability to retain employment, reduce indebtedness, fewer attempted suicides, improved mental health, minimised or lower drug use and less chance of a loss of contact with family. Children would also benefit from their mothers being punished in the community as they would also be able to maintain contact with their mothers (approximately 18,000 children in UK are separated from their mothers each year through imprisonment). Moreover there would be a reduced chance of them being involved in criminal activity, improved behavior, reduced chance of problematic drug use and reduced chance of not being in education, employment or training (NEET) which benefits long-term prospects. Furthermore the criminal justice system would benefit with lower recidivism rates, reduced social services intervention with offender's family, improvements in mental and physical health, benefit claimants avoided as employment opportunity increases, emergency accommodation from homelessness avoided, and fewer children becoming NEET in addition reduced behavioural problems, drug use and offending behavior among children. Victims and other law-abiding citizens would also benefit from reduced crime rates which would also mean fewer victims as a result (New Economics Foundation 2008). In this respect, a lenience of incarceration on less serious female criminals could have a beneficial impact on our society as a whole.

If women were given more community punishment orders the objective would still justify the punishment. Retribution would be seen through visible hard work, reparation would be represented through unpaid work for the community, deterrence would be implemented by offenders working for no reward, incapacitation would be shown through offenders restriction of liberty and lastly retribution would be proved through individuals learning and achieving new skills in the community (Carlen & Worrall 2004).

As a result of replacing imprisonment with non-custodial sentences and using selective abolition procedures, the consequences female offenders, children, the state, victims and the criminal justice system face will be reduced significantly

and the savings can be used more valuably in areas that the state need to facilitate. The healthy prison concept has not yet proved to be successful in women's institutions. The four principles surrounding the ideology that women's prisons could be healthy could perhaps be more beneficial if they were carried out in the community. Female offenders would be able to keep their residence, be close to people who care for them, keep their children, maintain a job and carry out their punishment near their home. These women will be able to feel; safe, strengthen relationships with families, continue to be busily occupied in the community and have respect from agencies and organisations committed to helping women rebuild their lives. If the healthy prison concept was preserved in the community, there would be significant reduction that ex-offenders will be marginalised and labelled deviant by employers and the general public.

Chapter 2

What are the Characteristics of Women in Prison and what are the Offences that they have Undertaken for Incarceration

This chapter examines critical thinkers perspectives of who are the women in are prison today? What are their characteristics? What are the criminal offences that they have committed prior to their incarceration? What are possible scenarios about why they are committing crime? This chapter will focus upon official data and statistics of female offender's characteristics currently in prison today and use feminist discussions and approaches to discuss the findings.

Historically there has been much debate around the question, who are the women in our prisons and what offences they have committed? There have been outdated traditional theories such as positivist criminologists C. Lombroso and W. Ferrero (1895) cited in Heidensohn. (1996: 114) who thought that criminal women were occasional rather than born criminals, women are more like big children, women are not very criminal but have more evil tendencies than men. They further stated that prostitution is unnatural and a state of regression and that these women are more like men lacking maternal feelings. Yet, these types of ideas do not give empirical evidence that give readers a true understanding of the women who are in prison and the types of crimes they committed. There was very limited research on female offenders before the 1960's (Heidensohn 1996) and the majority was from a male perspective. Today's research on female offenders does not look at physical atavistic characteristics and anomalies but takes into account the power and social structure of women's backgrounds, age, race, ethnicity, family relationships, marital status, mental status, education, income, class, employment, criminal history and the types of crime women have been more associated with.

It has been a concept for many years that female offenders are stereotyped as doubly deviant. Women that are incarcerated have offended society and the criminal law but have also dishonoured and disrespected society's perspectives of women's roles and femininity (Carlen 1983). It was seen as so unnatural for women to commit a crime and stray away from their roles as the dedicated and respected housewife, child bearer and child carer that takes care of her partner's needs, that there must be something drastically wrong with the women. As Hutson and Myers (2006) cited in Scott and Codd (2010: 36) female offenders are still prevailed as being 'mad, sad or bad.'

Although this predominant theory is still at large, it is a patriarchal state and a masculine speculation, in reality society should take note of new societal factors. A quote taken from Gelsthorpe (1989) made by a deputy team leader (female) from in 1982 was that;

'Women have been protected in the past, they were expected to play with dolls, get married, have children- There is little opportunity for women to steal and if she stole it was because she was hard up. Now we've got Women's Liberation and equal education - they're breadwinners and out in the world - they are just as criminally inclined now' (pg. 62).

Although Women's Liberation brought about new opportunities, women have a long history of controversial issues that can relate to crime, for example; unemployment, low wages, divorced or single parent raising families on their own, as well as being victims of emotional, physical and sexual abuse (Gelsthorpe 1989). It is then thought that crimes committed by females are seen as the result of bad choices and poor decision making (Scott and Codd 2010). Feminists Carlen and Worrall (2004) suggest that it is reasonable and realistic to say that female offenders all have different social backgrounds and life experiences that have been shaped by social constructions of femininity and womanhood. Statistically, women who are incarcerated have generally only committed minor and petty offences. Carlen and Worrall (2004) also mentioned that women's crimes are crimes of the powerless. As stated earlier when describing the characteristics of female offenders found by theorists and feminists in modern society, it is apparent that such criminal offences made by females can be associated with women who are disempowered with regards to social and environmental factors, as well as individual life experiences.

At the time of writing this chapter (4th February 2011) there was 4,139 female offenders incarcerated in England according to the Ministry of Justice (2011). Statistics have shown that there has been a 33% population rise in women's prisons in the last decade. Even with this enormous increase women only represent 5% of the overall prison population in England (Prison Reform Trust 2010). A third of women that are in our prison's have had no previous convictions (Ministry of Justice 2011) and the Prison Reform Trust (2010) reported that 63% of women are in prison were sentenced with non-violent offences in 2010 and 61% of female offenders were sentenced to six months or less. Yet it was found that 64.3% of women released from prison in 2004 were reconvicted with two years or less of release. Ash, (2003) found that the six most frequent offences that women were convicted for in 2003 were; theft and handling (2,599), drug offences (847), violence against the person (666), fraud and forgery (472), burglary (272) and robbery (228).

The Social Exclusion Unit (2002) found that approximately half the offending women that are sent to prison are also victims of domestic violence and one in three of the population have been sexual abused. Moreover, 15% have previously been admitted to a mental hospital and 37% had formerly attempted suicide. The Prison Reform Trust (2010) also recorded that the women going in to prison had very poor physical, psychological and social health compared to women who are social class in the general population.

The Corston Report (2007) documented that approximately 40% of women who enter prison have had no employment in the previous five years and 20% of female offenders had no permanent residence prior to prison. Three other important statistics found by Social Exclusion Unit (2002) was that 50% of female offenders ran away from home as a child, 27% were taken in to care as a child and subsequently tended to serve longer sentences and 43% had a family member that had been convicted of a criminal offence. It is further evident from research by the Prison Reform Trust (2010) that a third of female offenders are lone parents previous to incarceration and 55% of female offenders have at least one dependant

child at 16 years old or under when they were incarcerated. The Social Exclusion Unit (2002) has indicated that women who are incarcerated lack skills and education. Statistically, it has been shown that 74% left school at age 15/16 with no further education and ONLY 39% gained qualifications at GCSE level.

Earlier figures have shown that in 2002, 69% of women in custody were aged between 21 and 39, which has remained the most popular age ratio for female offenders. Moreover, 11% were aged 18-20 (Ash, 2003). It is evident that women incarcerated aged 40 and over has risen 18% in 2002 to 25% in 2007; the rise in women's population can be partially explained by the increase in the severity of sentencing (Prison Reform Trust, 2010). The Corston report (2007) found that black and minority ethnic (BME) groups represented 28% of the women's population and 19% were foreign nationals, with an overwhelming 80% were convicted for drug offences.

The social backgrounds of female offenders are in most cases not pleasant, as stated earlier a large proportion of the offenders have also in their past been victims. Previous research has suggested that female offenders have a range of social problems which can lead to indirect pathways to crime, some significant factors that have been taken into account is financial difficulties, domestic violence and coercion from partner, stresses of single parenthood, childhood abuse (Chigwada-Bailey, 2003). Other factors have pointed towards women's poor cognitive skills, anti social behavior, weak social ties, dependency on drugs and alcohol, unemployment, low education, adverse family relationships, no permanent residence (Mclvor, 2004).

Worrall (1990) interviewed a solicitor that commented that typically women's motivational explanations for their crime can vary but subsequently it resorts to three categories, 'women offenders are needy, greedy or sick' p.81. The types of criminal offences that women most often commit could be associated with these three categories, for example; theft, forgery, burglary, robbery, fraud, violence against another and drug offences. Worrall has related criminal offences such as minor shoplifting for nappies or food as needy, though it could be categorised as greedy if one was to steal an un-needed luxury such as alcohol. Crimes such as drug-related offences, larger scale thefts, forgery and fraud would be seen as greedy, a magistrate cannot sympathise with this as the type of crime justifies punishment.

Henderson (2001) cited in Mclvor (2004:146) found that two third's of women in custody in Scotland depended on the states benefits prior to their incarceration and over half the population believed their offences were the result of a shortage of money. Whilst Worrall (1990) has also attempted to understand the solicitor's motivational explanation for criminal offences that fit with the term 'sick,' her research has indicated that magistrates believe the more serious an offence is, such as violence against another, murder or child abuse, the more likely the woman is perceived to have a sickness. Women that have been previously admitted have been described as attention seeking, psychopathic, manipulative or with personality disorders and depression, in some cases relating to or a result from excessive drinking or drug dependency.

Current research and theories of why women commit crime have pointed in the direction that female offenders are socially disadvantaged and in some cases have been victims of abuse, but these contemporary understandings of women's crime do not fit all female offenders and should certainly not target all women who are socially disadvantaged in the general population (McIvor, 2004). Pollack (2000) stated that there could be a connection between women who have been disempowered and have low self-esteem with being degraded, abused and in poverty, which could empower women and give them some kind of self-sufficiency, but as Pollack also commented this is a theory that needs solid evidence.

This suggests that the majority of women who are incarcerated come from deprived backgrounds and their crimes usually reflect on their poor quality of life. The four principles of the healthy prison concept have currently not been upheld and delivered in prisons. As a result the women are suffering more harmful effects which add to their existing problems. The state need to help these women in order to diminish recidivism, by eliminating the harmful effects which women endure in prison and, alternatively, give support to reduce their existing problems.

Chapter 3

What are the Pains of Imprisonment for Women who are incarcerated?

This chapter discusses the inside experiences of the women who are incarcerated; the pains and fears that they face when they are imprisoned. This chapter will assess several real scenarios of women who have previously been incarcerated as well as official statistics and feminist approaches of how women physically and mentally cope with the everyday pains of imprisonment.

The prison setting and environment was originally built for men and dominated by men. In this respect women were never perceived as being capable of committing crimes. As stated in chapter two such women were seen as 'mad, bad or sad' they were doubly deviant. It is not in their nature to commit a crime that offends society, moreover offend other women in society. Punishment in women's prisons was not seen as unruly or unfair because according to Lombroso, criminal women are not real women they have masculine traits. Only in recent decades have women appealed against the horrific treatment they entail and the less than adequate environment which they squalor in. Feminist critiques and HMCIP inspectorates have also commented upon to the poor conditions and treatment that women have previously experienced in hope to improve and meet the needs of women incarcerated.

Sykes (1958) brought about the concept that all prisoners experience pains of imprisonment which include the five deprivations; deprivation of liberty, deprivation of goods and services, deprivation of heterosexual relationships, deprivation of autonomy and the deprivation of security. Sykes argued that a prisoner will feel the significant pain of autonomy and liberty, it goes beyond physical liberty to the point where prisoners can not think for themselves they have routines and rules to follow day in and day out they are being undermined and controlled, individuals are told when they can have a shower, when they can exercise, when they go to bed and wake up and the routines and rules continue. Women, Carlen (1998) further suggests can eventually become institutionalised to the prison regime. They do not like change and when they adapt to prison life they can become frightened to leave prison as they are scared of the real world. (Carlen 1985). Essentially, women tend to use their time efficiently, yet in prison women are lost they have frustrations, discomforts, boredom, isolation and loneliness. Sykes commented that such individuals will look at the value of their life which after time could lead to an attack on ones self-perception, self-esteem and direct to hopelessness, depression and anxiety (Sykes, 1958).

It has been long debated whether women experience the pains of incarceration more severely than men. It is not this dissertation's aim to prove this statement correct, though it should be considered that women's maternal, physical and social conditions of their incarcerations are significantly different to their male counterpart. For example, women often have more domestic responsibilities, fewer experiences of incarceration, histories of physical and sexual abuse which can often verify that women are damaged before they enter prison (Matthews 1999a). Furthermore it could be argued that woman's life experiences,

gynaecological needs and cultural demands made on the outside of prison tend to be more painful for women to cope with once incarcerated (Carlen 2002). It is further argued that by Zedner (1988) cited in Tonry (1991: 325) that female institutions had an emphasis on moral grounds therefore female offenders were more depraved than male prisoners and therefore women had more moral ground to recover. It is apparent today that women are spared the harsh routines of men's prisons, but in many respects surveillance tended to be more intrusive (Matthews 1999). Prison inspectors also found that women were given more disciplinary infractions for minor offences, which would be discarded in men's prisons. (HM Chief Inspector of Prisons 2010) This is a strong point which relates to Zedner's argument that female institutions emphasis on women becoming real ladies of society that have morals, good manners and good behavior which suggests, that the women's penal system are delivering harsher regimes in order to obtain these principles.

As stated in chapter one, a main area of concern which is a further contribution towards the pains of imprisonment for women is that there are only 14 women's prisons in England and there are none in Wales. It was reported in 2007 by the Prison Reform Trust that the average distance for a women to be held away from their home is 57 miles and approximately 800 female offenders were held 100 miles away. Women only represent 5% of the prison population (Prison Reform Trust 2010) which is why economically it is not viable to build more women's prisons. This leads to women being sent further away from home, with fewer visitations from friends and relatives, and longer periods without seeing their children (Stern, 1998). Subsequently women will doubly feel the wasting effects of prison time upon themselves, as well as the negative impact that their incarceration will have on their partners and children (Scott & Codd 2010). It is apparent from previous experiences of women who have been incarcerated that some women are desperate to see their children and can't bear to let them go on visitations. Others, on the other hand, chose not to see their children because they think it will be emotionally too hard for them and their child, or they do not want their child to experience the prison setting and official procedures such as being searched on arrival (Stern, 1998) and some women do not have a choice because they live too far away and their spouse or relatives cannot get to the location (Wyner, 2003).

That men and women do not respond to incarceration in the same way is furthered by the suggestion women do their time differently to men. Men concentrate on doing their own time relying on their inner strength and ability to withstand outside pressures to get them through each day, whereas women tend to remain interwoven in the lives of their spouses, children and their mothers as they tend to take over the child care. It is a fact that women get more visitations off their mothers and children in comparison to males who get more visitations off their wife and children (Flanagan, Marquart, & Adams, 1998). When women go to prison they are still looking after the family and carry all their concerns, yet when men go to prison they are aware that their wife or spouse takes care of their children (Carlen, 1998). It is not then surprising that Ward & Kassebaum (1965) cited in Maguire, Morgan, & Reiner. (2002: 512) reported that female offenders in USA felt the loss of family and home more acutely and in some cases it was found

that women had formed alternate relationships with other inmates called 'pseudo families' to replace their missing kin.

Furthermore women in prison often experience other pains of incarceration such as bullying and, what some have called 'winding-up'. It is important to realise that half the women who are incarcerated have endured domestic violence and one in three have been sexually abused according to the Social Exclusion Unit (2002). These women have been dominated, undermined and belittled. They have tolerated bullying through verbal, physical and mental abuse which, subsequently, made them vulnerable. Women who enter prison are often re-encountered with physical punishment and verbal torment from other inmates and prison officers.

A scenario of 'winding-up' is when Josie O'Dwyer cited in Carlen, Hicks, O'Dwyer, Christina, & Tchaikovsky (1985: 152) asked a prisoner officer if there was association (shower/personal time) one night and they replied 'yes'. Josie then got ready and waited to be collected, she rang the bell and asked is there association, they replied 'no' and walked off smiling. By this point Josie was wound up. Josie commented that prisoner officials look for vulnerable convicts with little or no communication with friends; they also determine whether they will wind you up as soon as you enter prison and depending on the offence they committed (Carlen, 1985). These women are still being demoralised, humiliated and tormented by the very people who should be their role models. Not all prison officers, however, project unfair verbal comments or procedures. A prison officer commented in Carlen (1998) that they were seen as social workers, counsellors and jailers, they are the whole spectrum but with minimal training.

In recent research the Social Exclusion Unit (2002) found that 70% of female offenders suffered from at least two or more mental disorders, 63% had a neurotic disorder, 14% had a psychotic disorder and 50% had a personality disorder. Previous research has suggested that female victims that encounter physical and emotional abuse have serious psychological consequences (Mauer & Chesney-Lind 2002). There has been a long history of stereotypical views that female offenders must be 'mad' to commit an offence, and such women should be medicalised. Holloway is a primary example of how they assumed women needed more medical and psychiatric facilities rather than punishment (Carlen 2002). Hannah-Moffat (2001) defines this as the power of pastoralism, where psychologists and psychiatrists are concerned with the psychic state of an individual and try to diagnose them in an attempt to address the miseries of modern life. Ogden, a female offender at California Women's Prison, explains in her journal that the women are more afraid of medical incompetent attention than the illness itself, which could lead to death. Doctors give high dosages of Thorazine and Chlorohydrate to calm women down, which, in effect, leaves women being zombies and can give long-term effects such as reduced speech and mobility. Two of the women that are mentioned in chapter 5; Ruth Wyner and Josie O'Dwyer, as well as Ogden, have all mentioned in their experiences that the reality of psychiatry in prison has everything to do with control and management, and nothing to do with effective treatment (Ogden 2004). Not only do inmates with a mental illness find their environment and everyday life painful but it should also be apparent that individuals without a mental illness are suffering additional pains when they are submitted to share cells or be around another individual with

a mental condition. The Corston Report (2007) claimed that there are too many mentally ill female offenders who should have been diverted away from prison when attending court as these women do not receive effective treatment for their disorders; in fact their surroundings are making them worse (see chapter 4).

All convicts, no matter what age or gender, will find their experiences different from one another and find their own way of coping through the pains of incarceration. There has been disturbing increases of coping strategies such as suicide and self-harming rates within female prisons (see chapter 4).

There are many other aspects this chapter has not covered that both Holloway and Style women's prisons have distinguished. Women in Holloway had concerns about minimal opportunities to have daily showers, cleaning products and clean sheets and they were concerned about poor hygiene and catching Hepatitis. Women also felt the pains of incarceration because of the overcrowding issue as, they did not feel that they were safe nor had privacy (HM Chief Inspector of Prisons 2010). At Style women were concerned with the food as a lot of women had put on weight yet had little opportunity out of their cell to facilitate exercise. Furthermore there had been a rise in women who had developed drug dependency since they were incarcerated. It is not surprising that women start to take drugs in prison for the first time, if it relaxes them and takes away the pains and minimises the wasting effects of time spent enclosed, day in day out. Women also felt the pains for being victimised for their religion, victimised by staff for being new, their sexuality, for their offence and not being a British citizen (HM Chief Inspector of Prisons 2008).

All these are additional pains that women experience on a daily basis which add to the problem of depression, anxiety and boredom. There is not enough sufficient evidence that the prison setting is supporting women's needs, according to the HM Chief Inspector, women's prison regimes are not adequately meeting the criteria of the healthy prison concept.

Chapter 4

What are the Consequences of Incarceration for Women

This chapter investigates the consequences of incarceration that women have to experience before they enter prison, during their sentence and after their sentence. Within this chapter there will be official data, critical thinkers and feminist approaches to see if the consequences of incarceration justify the use of custody for women. This chapter seeks to do this by considering whether positive justifications outweigh the negative consequences of confinement.

It is very rare to hear about a success story in regards to an ex-offender becoming a law-abiding citizen who has changed their life around, moved on, bringing in a regular income, having a fixed residence, maintaining relationships, in good health and no incentive to re-offend. For women, and others who are incarcerated, the consequences are inevitable and they begin before, during and after ones sentence in custody. The consequences of incarceration are limitless, which will be discussed, and are subject to the individual.

The Social Exclusion Report (2002) identified nine key factors which contributed to re-offending in relation to social exclusion, they believe that education, employment, attitudes and self-control, housing, family networks, financial support, mental and physical health, drugs and alcohol misuse, institutionalisation and life skills have an impact on the likelihood of one to re-offend. The last aspect is quite interesting because, as pointed out in chapter 2, a large proportion of female offenders have been incarcerated from an early age and large minority have been brought up in care prior to their incarceration. Towl (2003) further pointed out that criminal history, age of first conviction and previous custodial sentences play a huge role in recidivism, for example a female offender who is incarcerated at age 18 and is released when they are 26 will have had no real life experience on how the real world operates in terms of getting a job, accommodation, education prospects and how attitudes differ significantly in the wider community. These individuals are subsequently, at a higher risk to re-offend and become institutionalised, along with individuals with long sentences.

As stated there are many forms of consequences that come as a result of incarceration, so this chapter will only analyse five aspects in more detail. These are; accommodation and employment after release, mental health during prison, bullying, suicide and self-harm in prison.

Women in Prison (ND) had twenty five concerns which they appealed for change and, at the top of the list was support for accommodation when leaving prison. Currently, ex-offenders are given £46 on release, an appalling amount with regards to the fact that, as stated in other chapters, women are rarely situated near their home town. £46 would not be sufficient for a woman who is leaving prison from Holloway, for example and returning to Wales. This money is by no means a way of survival, especially when a third of prisoners lose their house prior to imprisonment, a third who leave prison say they have nowhere to stay and, 10% sleep homeless on leave (Social Exclusion Unit 2002). Women in general are less

likely than men to leave prison with accommodation arranged, 41% of women do not have accommodation arranged on release (Women in Prison ND). Women may also find difficulties finding a fixed abode due to lack of support prior to release, no supportive relationships, or a lack of availability in hostels. There are agencies that do support women and other ex-offenders who have no accommodation but it is apparent that individuals receive low or no help prior to their release. For example, the Social Exclusion Unit (2002) reported that 11% of women stated they had no help with housing inquires whilst in custody. Some women especially those who are being released after a life sentence, have great difficulty in having accommodation when they have an exclusion zone, which means they are not able to return to a family address or certain areas because their conviction excludes them from living in a certain area (Chapman 2001/02).

Another consequence some women face on release is regaining custody of their children. Most women want to have a fresh start to bring their children up, but the problems start again because the Local Authority will not grant custody unless the parent (mother) has a fixed satisfactory accommodation (Gelsthorpe Sharpe & Roberts 2007). A woman who has left prison with no fixed address will, therefore, face bigger problems. With no address an individual will not be able to get mail, or a job. There are even problems relating to health care because to be listed to a doctors surgery they will need an address, this will be a negative aspect for the 90% of women taking medication in prison once released.

It would be ignorant not to point out that there are facilities and organisations which try to cater for women on their release, such as Shelter, Co-ordinated Accommodation Scheme (CAS), NACRO, Griffin Society, Clean Break, Women Prisoner's Resource Centre and the YWCA. There are other facilities that support women around the country that can provide women accommodation at open-access hostels, co-ordinated/supported housing schemes, safe houses, single sex hostels, mixed hostels, bail hostels, bed and breakfast hostels, night shelters as well as mother and baby hostels (Hardwick 1987). Although there are charities and organisations which aim to help women who have difficulties with accommodation on release, there can be problems such as little funding, not enough vacancies and not enough hostels or houses that are near the ex-offenders home town (Carlen 1990). There are also other problems which women may face when they have a hostel to stay in, some hostels are not adequate and have poor facilities, they also tend to be located in deprived down town areas, and will often house other ex-offenders, and less fortunate or problematic people such as prostitutes and drug addicts. This can be challenging when women try to move away from a life that was subordinate (Gelsthorpe Sharpe & Roberts 2007). It is apparent that women will find accommodation a major negative consequence after their imprisonment and if prison officials do not improve their communication and support in this area especially for women with no home, then there is little hope for these women and a greater chance that they will re-offend.

Another major consequence that comes as a result of incarceration for some women prior to their sentence is losing their employment. Only a minority of women tend to have a job previously to their incarceration. For employers it is not financially viable for business to keep a prisoners position vacant for the duration of the prisoner's sentence especially if a job is unskilled. Most women

who have had jobs before prison were often cleaners or shop assistants. It is visible to anyone especially an ex-offender, that a criminal record will cause major implications when applying for a job. Revolving Door Agency (2004) reported that national unemployment was currently at 5.1% and amongst ex-offenders that increased to 50%. The Corston Report (2007) stated that 75% of women were still unemployed six months later after release; this is a huge increase from the 40% who had jobs prior to imprisonment (chapter 2).

Women in Prison (ND) claim that work was the second major concern they had, and felt they needed change whilst they were imprisoned in order to help them resettle in society. Most women do not feel that they are given work-related courses where they can learn a trade to help them get a job. Vacancies for such courses are limited and women are also at a disadvantage when it comes to their education. As stated in chapter 2, 74% females had left school and only 39% had gained GCSE qualifications. With limited skills, women are at a disadvantage when combined with a criminal history alongside the current changes in unemployment and the economy amongst law-abiding citizens.

It is also evident from previous reports by the inspectorates of women's prisons and personal accounts that women are locked up for too long in their cell. Women in Prison (ND) commented that a concern for change was the time allocated in their cell was inappropriate because they were missing scheduled association, education and activities. This is a cause for concern that not all women are given a chance to take part in education and activities that will benefit them. It is also apparent that these women become lazy as a consequence (chapter 5) which can make one more and more lethargic and unprepared for work once released (Hardwick 1987). Prison regimes need to be changed so that all women are motivated and their body and minds are exercised alongside more appropriate trades and skills that will prepare them for resettlement.

A major implication some women experience before entering prison and, a negative consequence that can affect women when incarcerated is their mental health. The Revolving Door Agency (2004) reported that HM Inspectorates of Prisons performed an unannounced inspection of Holloway and found that 90-95% of women were on psychotropic medication, primarily benzodiazepines. Interestingly, in a sample of 1,400 female offenders they found that two-thirds of the women were not taking any medication for stress, anxiety or depression when they entered prison, yet 90% will have taken tranquillisers and other forms of medication before they are released. This is a shocking rise in figures. Whether some women may actually need medication, there remains more serious issues that need to be raised. Repeatedly there are factors which support the notion that prisons are unhealthy and they deteriorate one's well-being. Evidently from chapter 3, women suffer from a range of mental disorders prior to incarceration and as a result of their custody; women's needs are often neglected in most areas which also contribute to ongoing mental health requirements.

With the staggering increase of mental health needs that are being maintained and not treated effectively, prisons are the last place that will have any significant outcome, punishment would be better off served in the community or institutions that can provide regular care and support for women, rather than

women who re-offend because again they are being maintained/hospitalised/institutionalised and then thrown back to society without continuous support (Carlen & Worrall 2004).

For some women, bullying is a consequence for those who are imprisoned. Bullying can come in many forms and from different people; for example, physical, verbal and psychological and from different agents such as inmates or prison officials. Leddy and O'Connell (2002) cited in Ireland (2005:) reported that women engage in less direct forms of bullying than men, they were also more likely to report verbal bullying than physical bullying. Mossen (1998) cited in Ireland (2005:) stated in a study of 161 female prisoners that 12 reported physical assaults with 76 who reported non-physical intimidation such as theft, exploitation, coercion, being ignored or excluded from activities and conversations and 30 who reported name-calling. Whilst a variety of factors lead to bullying, such as first time offenders, generally quiet or shy individuals, individuals in for particular crimes such as child abuse and young prisoners, in accordance with previous studies it is thought that the procurement, sharing and use of drugs are often the main cause of bullying amongst women (Ash 2003). Ireland (2005), on the other hand, suggests that introverts were most likely to be bullied in the prison. Victimization can have severe consequences which add to the pains of incarceration and brings about levels of insecurity, levels of self-hopelessness, a trigger of past experiences, add to self-harm or even suicide.

Further consequences which arise from experience of incarceration can lead to disturbing coping mechanisms as stated in chapter 3. There have been disturbing increases of suicide and self-harm rates within female prisons, with suicide being the leading cause of death in prisons. The Prison Reform Trust (2010) reported that between 2002 and 2009 there were 55 self-inflicted deaths amongst women prisoners. In addition HM Prison Service (2002) cited in Rickford (2003) reported that prison staff are called to support approximately 1,200 prisoners identified as being at risk of suicide. Matthews (1999b) stated that women have lower accounts of suicide than men, but females account for the majority of self-harm. Leibling (1992) cited in Matthews (1999a: 70) proposes that those who had attempted suicide had reported that they had been provoked by threats, teasing and bullying, typically those who are physically and socially isolated with few activities and little or no contact with family. Other factors that can contribute are hopelessness, helplessness, intense anguish, guilt, shame and psychiatric disorders. Alcohol and drug dependency can also play a significant role, especially amongst suicides that occur within first 24 hours into custody (Tonry & Petersilia 1999). These are some of the main contributions that will lower ones mortality as well as being made to live in an environment surrounded by others with addiction problems, mental disorders and increased needs than others in society, it is not surprising that prisoners suffer from negative mood states and some have suicidal gestures (Ireland 2005).

In relation, a desperate coping mechanism and consequence of imprisonment is self-harm. The Prison Reform Trust (2010) notified that in 2008 women were reported in 12,938 cases of self-harm that year. Thompson (1998) argues belief that some women experience self-harm through self-denial and the high standards of behavior society expects of them. Thompson reported that

women alienate themselves and self-denial can be seen as symptoms of powerlessness and resistance. He argues that self-harm supports the notion of coping with extreme pain as well as an expression of powerlessness. In relation Consumers of Mental Health (1989) cited in Tonry & Petersilia. (1999) explains how women they had met in prisons said, 'Self harm is a way of controlling anger and pain. . . You can feel physical pain. It is easier to cope with than emotional pain. . . Self harm is away of expressing that hurt. P.311. Such injuries can be a cry for help, even an act of shame or a means of control usually over themselves (Ash 2003). Although more updated polices are being mandated to minimise occurrences of self-harm or another term 'cutting' can often be an epidemic in women's prisons (Zedner 1988 cited in Tonry 1991: 351). Prison officers tend to not to have much sympathy for those who self-harm and in some cases they will punish the other women for their deviant behavior (Carlen, et al 1985). This, in turn, it could cause disturbances for other women witnessing a suicide or a women self-harming (Corston 2007).

Whilst the problems which women face when incarcerated have been discussed research has also suggested that women are losing a fighting battle when it comes to making amends or trying to resettle back into society, the prison environment effectively diminishes moods and motivation, and it can be argued that if the prison has made any effective changes to a prisoner it is often undone when they are thrown back into society with little prospect or no support to gain accommodation and have enough money to survive without re-offending (Social Exclusion Unit 2002). Individual choice and decision-making are fundamental to women's commitment to avoid re-offending, but it is evident that more needs to be done in order to support and empower women's resettlement needs with community based resources (Gelsthorpe, Sharpe & Roberts 2007).

The research carried out in this chapter supports the hypothesis that the healthy prison concept is not being delivered. Women lack guidance, security and availability to future planning for their resettlement, their safety, potentially helpful programmes and activities, as well as healthcare schemes.

Chapter 5

Women's Experiences of Imprisonment in their own Words.

This chapter identifies several case studies of women who have been incarcerated which investigate women's experiences and the reality of prison life. Within this chapter different case studies will glance upon the characteristics, pains and consequences the women have had to endure. The purpose of this chapter is evidently to see if real women's experiences point towards a justification of their punishment or pointing towards alternate punishments or abolition of prisons.

The lives and experiences of women prior to incarceration will vary considerably but once they are in custody many of them will share similar pains and consequences that they will endure from imprisonment. Women in custody will cope differently from one another and certain parts of their experiences may be harder to deal with than others, but there is a resounding call for alternatives to imprisonment as and prison does not work as a punishment, deterrent or rehabilitation. Below are personal accounts of experiences of several women who reveal how the system treats women in prison.

Audrey Peckham (1985) was 44 years old when she was arrested and convicted with incitement to murder, a crime for which she still argues her innocence. Peckham was a middle class deputy head mistress, she was not considered to be an ordinary stereotypical female offender. Peckham recalls that her time in prison was extremely unpleasant. There were no clean towels and no where to wash your hands, women were only given a pot which would only be emptied in a morning, for those sharing a cell the smell was repulsive. Peckham also commented upon the unhygienic use of cleaning materials, as there were many incidents where she was called to clean washrooms and cells which had been contaminated with faeces, urine, blood, vomit and phlegm. She noted that prison officers did not seem to think that there was anything wrong with this yet they would not dream of using the same cloths to clean their own houses. It is worth noting something that Peckham said, 'The criminal world does not seem to be very large, it was a constant source of surprise to me to see how many people knew each other, it was like an old girls reunion at times in the common room.' p.169. Many of the women coming in and out of prison are the same women, some women do not know any other life than the one they are living and will remain in the same revolving door effect in and out of prison. Peckham was lucky that she had supportive relationships with her husband and children when she was released and still had a roof over her head. Yet although she still had her teaching qualification, she knew that she would never have another teaching job again. Professional persons are punished in many ways, they rely on the views that others have of them. Peckham had only served eight months and did not feel institutionalised, she felt isolated and marginalised. She was afraid to go in to her village and be recognised by those who knew her.

In a documentary about women in prison at Cornton Vale, two case studies about women's experiences were particularly interesting. One was 25 year old

Michelle incarcerated for breaching the peace for attempted suicide, the second was 21 year old Debbie a drug addict and dealer who was incarcerated after supplying drugs to someone who subsequently died as a result. Michelle was a chronic self harmer and attempted to take her own life 100 times, her father had sexually abused her and her mother was ill from a stroke. She had been brought up in care as a result and prison officers had seen her in and out of prison countless times, stating that she will always come back to prison because her root problems have not been addressed. She has no support network, family or friends to express her feelings to and she is unable to get a job because of all the medication she takes. Michelle continues to self-harm instead of harming her farther and when she is released she becomes intoxicated, her alcohol tolerance levels are low and becomes angry and depressed which starts off the cycle of suicidal tendencies again (Freil & Kean 2008).

In comparison Debbie used her time in prison to kick her drug addiction and believed she had been given another chance. After being incarcerated for two years she had ambitions she was adamant to stop drugs, stop stealing from her mother and become a law-abiding citizen. Her concerns and anxieties were housing upon release, her intensions were to move in with her mother but was unable to because her mother lived to close to the victims family, so Debbie would have to wait till her mother found new accommodation. It was shocking that the prison service had still not found any accommodation one week prior to Debbie's release. This is a persistent problem amongst many offenders proceeding to their release. Debbie's story was one of success she is currently living with her mother in a new house after staying in a hostel and has successfully completed a beautician course at college, she has also lost her circle of friends who she associated with drugs and has met new friends and is drug free. This story is one that does not happen very often, Debbie was strong minded and determined to do well most women in prison do not have aspirations and have lost hope for a better life (Freil & Kean 2008).

Ian Gunn the governor of Cornton Vale prison stated, that some of the women are given little prospects if they return to the society that they came from, in terms of no job, housing, little education and little support. So until we are able to do something about the social difficulties then inevitably some women will see the life of crime as a career and end up back in prison. Some believe that prison is the safest and best home that they have ever had, away from abusive parents and partners (Freil & Kean 2008).

Another personal account of prison is that of Ruth Wyner, a middle class citizen who had a career as a professional charity worker. She served 5 years imprisonment for making insufficient efforts to help the police with names of drug dealers. Within her duration her mental and physical health deteriorated; she suffered from migraines and headaches often, which appeared to have been a matter of a little concern to the medical staff in prison. There was little for women to do or take interest in and was told that she had to do three activities by her supervisor; in the end she did gardening, art and a church programme all of which she had no interest in. Wyner felt it was harder doing a prison sentence because she did not feel that it was justified. On a daily basis, Wyner would see bullying,

prisoners being wound-up, self-harming and prisoners deteriorating. Wyner believed that she acclimated to prison life because it was easier to follow routine, as a result she became institutionalised. She also concluded that women are often punished more severely than men, that there is a credible view that it is seen as less acceptable for women to offend than men and consequently are more severely punished. After Wyner was released she was also lucky to have a home a husband and children to go back to, although throughout her efforts to gain a job she was met with a resounding silence, she was hit with reality, no job, lost her livelihood, been wronged in a way that couldn't be put right, she had sleep deprivation, nightmares and also like many other became exhausted easily. The pain of imprisonment still lingers after it's over (Wyner 2003).

All the women stated in this chapter and countless number of ex-offenders and recidivists will all have different stories to tell of their personal experiences but it is evident from these accounts and official statistics that women incorporate many pains and consequences that could be avoided if better serving a sentence through alternate punishments. Unmistakably women will endure obstacles regardless of their class, race, age, conviction or length of a custodial sentence and face hindrances such as accommodation, employment, child care, health status, supportive networks and relationships which add to likelihood of recidivism due to incarceration! It is very scarce that one hears of an ex-offenders success, in most cases women still feel that they are being marginalised and seen as deviant after serving their punishment.

This chapter has shown that all four women have found their experiences difficult in different respects. All four women did not feel that the healthy prison concept was delivered in terms of advice for resettlement, their safety, access to purposeful activity and respect from members of staff.

Conclusion

It is evident that women's prisons have changed over the years through the structure, new regimes and policies with mandatory requirements. Yet my research has challenged to what extent female prisons have changed from the patriarchal state that prisons were originally built for. This leads us to believe that women who are imprisoned are doubly deviant that are seen as mad, bad or sad which, in turn undermines their feminine roles and status in society. It would be not be unreasonable to say that the prison environment is unhealthy and an unreasonable punishment to be used against the 63% of women who are non-violent offenders or the 61% of females that have a sentence six months or less. Even the minority of women who are incarcerated for violent offences are not usually a danger to society as their crime was mainly carried out on their violent partners or husbands. As suggested in previous chapters women who are incarcerated often suffer from mental health problems more so than other women in society. They are usually damaged women who have suffered from physical, mental, sexual, psychological abuse and tend to be, in this respect, women in need of help. Women's crimes I would suggest, are most often a cry for help or a necessity to stay alive, certain statistics indicate that the majority of women have deprived and under-privileged life-styles.

It is further evident from the Social Exclusion Unit that over half of the women incarcerated will re-offend within two years of their release, especially those serving short-term sentences of less than 12 months. That these women are particularly susceptible to recidivism, suggests that the Social Exclusion Unit's nine key principles should be a key area of focus for the prevention of future crime.

There is a manifest of factors, key issues and dilemmas mentioned in this paper that support reformist's approaches to alternative punishments for women, especially when a prisoner will cost the judicial system £37,500 a year arguably this money would be better used elsewhere. There are many alternatives that could be used as a substitute to prison, which statistically favours their purpose over prison; the evidence of prison purposes does not provide as a public or individual deterrence, rehabilitation or expiation, in retrospect all it does is contribute to the bigger problem at large costing the public more in taxes and harms women further in the long run. I would argue that restitution is a poor form of justification for punishment especially if women are likely to re-offend; it would be wiser to and more justifiable to have female offenders give back to society through alternate punishments and mandated as a part of their sentence to use community programs that would suit their individual needs i.e. counselling, alcohol and drug treatment programs.

'Some people do not need to be punished with imprisonment and held in a secure environment, for their own and for society's safety. Far better to have a secure environment that humanizes rather than dehumanizes, that gives them chances for the future and thus protects society better.'

Wyner (2004) p.233

The prison setting is for individuals who are a menace to society and pose a threat to law-abiding citizens. In this sense, it is thought to punish individuals and deter them from future crime. Prison certainly punishes women, but the evidence overwhelmingly suggests that it does not work, in terms of deterrence, rehabilitation, as well as the healthy prison concept. As a state, and as individuals, we need to redirect budgets to more restorative approaches, voluntary therapeutic community interventions, integrative shaming, and community punishments. The state further needs to educate the community by challenging common sense moralities and diminishing public misconceptions that prison is the best form of punishment for women and that it works. This is where future research needs to be directed. Whilst the women who are incarcerated tend to reflect on the poor and powerless, the state has a duty to deliver protection and prosperity of human life. The evidence shown throughout this dissertation supports theorists and feminists such as Carlen, Worrall, Scott and Codd that the 'healthy prison' concept is merely an oxymoron; both words contradict each other. In this respect, I maintain that, alongside selective abolition for the minority of serious offenders, the state should punish women via non custodial sentences in place of incarceration. I further suggest that this could be done through integrating the 'healthy prison' concept into agencies and organisations working with offenders within the community.

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