



IPRT
Irish Penal Reform Trust

IPRT Position Paper 10

Women in the Criminal Justice System:

Towards a non-custodial approach



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About Us

This Position Paper arises from a submission to the Irish Prison Service and the Irish Probation Service in the development of a Strategy for Women Offenders. The original submission was prepared by the Irish Penal Reform Trust (IPRT) and the Women in Prison Reform Alliance (WIPRA), of which IPRT is a member.

IPRT is Ireland's leading non-governmental organisation campaigning for the rights of everyone in prison and the progressive reform of Irish penal policy, with prison to be used only as a last resort. IPRT is committed to reducing imprisonment and the progressive reform of the penal system based on evidence-led policies. IPRT works to achieve its goals through research, raising awareness, building alliances and growing our organisation.

WIPRA comprises a number of key agencies and experts including the National Women's Council of Ireland, the Jesuit Centre for Faith and Justice, Depaul Ireland, the Dublin Rape Crisis Centre, The Mercy Justice Office, the Dominican Justice Office and Dr Christina Quinlan, as well as IPRT. IPRT and WIPRA believe that there is significant potential for increased diversion of women offenders to cheaper and more effective remedies. Given the dramatic increase in imprisonment of women in recent years and the impact overcrowding has had on regimes and conditions at the Dóchas Centre and at Limerick prison, increased diversion from prison will also improve the conditions of detention for female prisoners and staff.

This Position Paper has been edited by Liza Costello, and is based on research carried out by Christina Quinlan and Jane Mulcahy.

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Introduction

The Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for the rights of everyone in the penal system, with prison as a last resort. IPRT is committed to reducing imprisonment and the progressive reform of the penal system based on evidence-led policies. IPRT works to achieve its goals through research, raising awareness, building alliances and growing our organisation. Here, IPRT sets out its position on women in the criminal justice system, and a number of evidence-based recommendations.

The past decade has seen dramatic changes in relation to the profile of women in prison in Ireland, one of the most profound being the doubling of the numbers of women imprisoned. Unfortunately, such changes have not been accompanied by advancements in the way in which the criminal justice system deals with women offenders¹. On the contrary, the conditions for many women prisoners in Ireland have deteriorated, while community-based alternatives for women offenders remain under-explored.

When the Dóchas Centre was opened in Dublin in 1999, it represented a substantial step forward in terms of women's imprisonment in Ireland, and as a model for women's prisons internationally.² Since then, its high standards have been eroded, largely due to overcrowding. This was highlighted in the 2010 annual report of the Dóchas Centre Visiting Committee, which concluded with the Committee stating its regret that it had to 'draw the Minister's attention to a greatly deteriorated prison environment'.³

There are no open prisons for women or other gender-responsive community-based alternatives in Ireland. This is despite a wide body of research literature that shows women convicted of an offence have complex needs, and it now being widely accepted that a gender-specific approach is required for women in prison. In 2011, for instance, the Inspector of Prisons published *Standards for the Inspection of Prisons in Ireland, Women Prisoners' Supplement*, which highlighted that women prisoners warrant treatment different to that of male prisoners in certain respects. This is in line with the 'gender mainstreaming' approach of the Government's *National Women's Strategy 2007–2016*, yet so far it is not reflected in our criminal justice system.

It is encouraging, however, that in its *Three Year Strategic Plan 2012–2015*, the Irish Prison Service (IPS) has set out a number of priorities relevant to the needs of women in prison, among them, tackling the chronic overcrowding in the Dóchas Centre, further assisting women to re-enter society and the community following a term of imprisonment, and focusing on reducing the number of women in prison. Such commitments mark an opportunity to begin developing options that are truly 'woman-centred', that address the wide-ranging and often complex needs of women offenders and that reduce recidivism rates among women.

This position paper commences with an account of recent trends in the imprisonment of women in Ireland. It goes on to look at the complex range of needs experienced by many women convicted of an offence and the associated overuse of remand for women offenders. The next section discusses the issues faced by women in prison who have caring responsibilities, followed by a section on challenges faced by women leaving prison.

1 Throughout this report, the term 'women offenders' is used to refer to women who have been convicted of an offences, and 'female prisoners' is used to refer to women who are in prison. Both terms are used for pragmatic reasons, while acknowledging the limitations of any term that presents a one-dimensional portrait of a group of people.

2 See Carroll, E. (2012) *Exploring the policy process: The genesis of the Dóchas Centre*, Issue 70, Working Notes, October 2012, pp.21-26.

3 Visiting Committee of the Dóchas Centre (2010) *Report of the Visiting Committee, Dóchas Centre to the Minister for Justice, Equality and Law Reform*, Dublin.

The next section details developments in the UK and prison standards that reflect an increasing acknowledgement of the value of a community-based approach to dealing with women offenders. This is followed by an overview of some emerging models of good practice, followed by conclusions and two key recommendations.

1. Key Messages

- The number and proportion of women in the Irish prison population has increased significantly in recent years. Most women are committed to prison for non-violent offences, such as non-payment of fines. Consequences have included overcrowding in women's prisons and an overuse of temporary release.
- Women offenders tend to come from a background of social disadvantage and poverty, and often suffer from mental health problems, substance dependency, accommodation problems and poor family relationships. These issues can make it difficult for women to adhere to bail conditions, which has led to an overuse of remand for women offenders. This in turn has negative implications for children of women who are imprisoned on remand and the employment prospects of these women.
- A high proportion of women in prison have children. Women also play an important role in caring for dependent relatives. Women who are imprisoned can no longer fulfil their caring responsibilities and the consequences of this can be significant. This is particularly an issue for mothers with babies, due to the absence of a mother and baby unit in either female prison in Ireland.
- Women face a range of problems on being released from prison, relating to housing, accommodation and stability, and over half of women prisoners reoffend.
- Developments in the UK have reflected a growing acknowledgement of the value of non-custodial alternatives and community-based supports for women offenders. This has also been highlighted by the UN, in the 'Bangkok Rules', which have informed the Irish Inspector of Prisons on the subject of women prisoners.
- The 'one-stop-shop' approach to supporting women offenders in the community takes a holistic approach, with a range of supports and services provided in one location. A number of centres in the UK are based on this promising model. In Ireland, the Tus Nua project provides supported housing and other supports to women leaving the Dóchas Centre.
- This position paper makes two key recommendations: that **a non-custodial approach should be adopted for women offenders; and in the few cases where prison is necessary, the negative impact of imprisonment on the women and those they care for should be minimised.**

2. Women prisoners: a growing population

Women represent a small, though growing, proportion of the numbers of people committed to prison in Ireland annually. The number of women committed to prison in Ireland more than doubled in the ten years from 923 in 2001 to 1,902 in 2011.⁴ While the number of males committed to prison also increased in that period, it did so by only one-third, from 8,616 in 2001 to 12,050 in 2011. Between 2009 and 2012, the proportion of people committed to prison who were women grew from just under 12% to 15.5% (see table below). The fact that the numbers of women imprisoned have been rising more rapidly than the numbers of men is a substantial cause for concern.

Women make up about 3.8% of the daily prison population. The average number of women in custody on a daily basis was 132 in 2009 compared with 124 in 2008.⁵ Numbers were regularly above 160 in 2010–2011.⁶ In July 2013, the average daily number in the Dóchas Centre was 132, with 82 women on temporary release, while in Limerick female prison the average daily number was 30, with a further 29 women on temporary release.⁷

Table 1: Number of women imprisoned 2009–2012

	2009	2010	2011	2012
No. (%)	1,459	1,701	1,902	2,151
% prison population	11.8%	12%	13.6%	15.51%

Source: *Irish Prison Service annual reports 2009–2012*.

A high rate of non-violent offences

Women are predominantly committed to prison for non-violent offences against property, theft and road traffic offences; for example, 82% of the women committed under sentence in 2009 were convicted of non-violent offences. Fine defaulters make up the vast majority of women committed to prison: in 2012, out of 2,071 female committals under sentence, 1,687 were for non-payment of court-ordered fines.

Imprisonment has been shown to be an unsuitable and destructive penalty for such minor, non-violent offences, even where the person commits such offences on a regular basis. Moreover, it has little deterrent value.⁸ Studies on offending in other jurisdictions found that in order to effect a 1% decrease in crime rates, the prison population would have to rise by 15%, or even 25%.⁹ Indeed, evidence shows that imprisonment can have a criminogenic effect.¹⁰ Conversely, evidence strongly suggests that non-custodial alternatives, when planned and resourced properly, can result in lower recidivism rates; one longitudinal study in the Netherlands for example, which compared longitudinal official data on those who served short-term prison sentences with those serving community-based alternatives, found that those performing community service were significantly less likely to reoffend.¹¹

⁴ See Irish Prison Service (2012), *Annual report 2011*, Appendix IV, Irish Prison Service, Longford.

⁵ *Ibid*, at p. 16.

⁶ On 17 December 2010, there were 139 prisoners in Dóchas Centre and 29 in Limerick female prison. (Dáil Question, Thursday, 27 January 2011.)

⁷ Figure supplied by the Irish Prison Service Press Office, December 2012.

⁸ See IPRT (2011) *White Paper on Crime IPRT response to discussion document 3 Organised and white collar crime*, IPRT, Dublin, pp. 1–2.

⁹ O'Donnell, I, Baumer, EP, Hughes, N (2008) 'Recidivism in the Republic of Ireland', *Criminology and Criminal Justice*, Vol. 8 (2): 123-144.

¹⁰ See for example, Nagin, DS, Cullen, FT & Jonson, CL (2009), 'Imprisonment and reoffending', in M. Tonry (Ed.), *Crime and Justice: A Review of Research*, Vol. 38, pp. 115–200, Chicago: University of Chicago Press.

¹¹ Werminke, H, Blokland, A, Nieuwbeerta, P, Nagin, D and Tollenaar, N (2010), 'Comparing the effects of community service and short-term imprisonment on recidivism: a matched samples approach', in *Journal of Experimental Criminology*, Vol. 6.

Consequences: overcrowding and overuse of temporary release

In January 2011 the Dóchas Centre was operating at 64% over capacity, with 140 women in a prison designed to house 85 women.¹² This issue continued into 2012, when according to the Prison Visiting Committee's annual report, 'while ... [it] has been built to accommodate approximately 85 women, the average number of women on any given day was between 120 and 130'.¹³ In the same year, however a new house called The Willows was added to the prison, which is capable of accommodating 20 women in a semi-independent living environment, thereby raising the prison's capacity to 105 prisoners. While this is an important improvement, the prison remains over-populated. Moreover, it does not address shortages in the availability of structured activities and supports. A 2010 report by the Inspection of Prisons stated that structured activity (including hairdressing, beauty therapy, work in the kitchen, laundry, cleaning, education and the gym) was only available for a maximum of 70 women; according to him, staff shortages had a very negative impact on the regime, service provision and atmosphere at the Dóchas Centre.

Limerick's female prison is also overcrowded, with doubling up taking place in up to 10 of the 24 cells. In July 2013, there was an average of 30 women in Limerick prison¹⁴, despite the Inspector of Prisons stating that no more than 24 women should be held there, advising that 'none of the cells are of sufficient size to accommodate two prisoners'.¹⁵ Concern has also been raised over the lack of activities available to women in Limerick prison.¹⁶

In August 2013, the Prison Service announced plans for redevelopment work at Limerick Prison, which would include the replacement of the existing accommodation for women prisoners with 50 new cells. It is IPRT's understanding that eight of these will be self-contained apartments and the remaining 42 will be single cells. Nonetheless, this still represents penal expansion, as the total number of cells will be more than doubled from the existing 24.

Unstructured temporary release has acted as a 'safety valve' to relieve overcrowding across the entire prison estate over the last few years. This is particularly the case in the two women's prisons, with women sometimes being released with inadequate notice or preparation or, indeed, housing provision. On 17 June 2010, *The Irish Times* reported a case of a woman prisoner refusing to leave the Dóchas Centre after being granted temporary release because she had no home. Despite this, the prisoner, who had mental health difficulties, was forcefully removed from the prison grounds. It was reported that a number of inquiries were initiated to look into the incident.¹⁷

According to the Irish Prison Service, it is no longer the practice at the Dóchas Centre or Limerick prison to release a woman on temporary release if she is homeless and has nowhere to go.¹⁸ A recently published qualitative study of women prisoners found that women 'spoke positively about the increased structure which they had observed particularly in relation to preparation for release or temporary release'.¹⁹

12 Irish Prison Service (2012), *Annual report 2011*, Irish Prison Service, Longford.

13 Dóchas Centre Visiting Committee (2013) *Annual report 2012*, Dóchas Centre, Dublin.

14 Irish Prison Service (2013), *Monthly information note – July 2013*.

15 Inspector of Prisons (2010), *Irish Prison Population – an examination of duties and obligations owed to prisoners*, p. 59, paragraph 11.21.

16 Limerick Prison Visiting Committee (2013), *Annual report 2012*.

17 *Irish Times*, 'Homeless woman arrested after forced release from jail', 17 June 2010, available at <http://www.irishtimes.com/newspaper/frontpage/2010/0617/1224272700897.html>

18 Conversation with spokeswoman from the Operations Directorate on 16 January 2013. Indeed, it is the policy of the Operations Directorate generally to not to grant temporary release if a prisoner has declared him/herself to be of no fixed abode.

19 McHugh, R (2013), *Tracking the needs and service provision for women ex-prisoners*, ACJRD, Dublin, p. 13.

KEY MESSAGE: The proportion of women prisoners in the Irish prison system has increased significantly in recent years. Most women are committed to prison for non-violent offences, such as non-payment of fines. Consequences have included overcrowding in women's prisons and an overuse of temporary release.

3. Complex need among women prisoners

A strong body of research literature shows that women offenders who come into contact with the criminal justice system tend to be particularly vulnerable in many respects and to have a range of complex needs. These women tend to come from a background of social disadvantage and poverty, and they often have a history of physical and sexual abuse. Other issues related to offending behaviour include mental health problems, substance dependency, accommodation problems and poor family relationships.²⁰

High incidence of mental health problems

Disproportionately high numbers of women prisoners experience mental health issues. A 2005 study found that 60% of sentenced female prisoners in Ireland had a lifetime history of mental illness;²¹ that 5.4% of female prisoners should be diverted to hospital psychiatric services; and that as many as 32% of females committed to prison presented with mental health issues requiring psychiatric care, of whom 16% suffered from a major depressive disorder. The report also found that 38.7% of female committals had self-harmed in the past. These findings are reflected in a 2013 longitudinal survey of prisoners in the UK, which found that female prisoners reported poorer mental health than both male prisoners and women in the general public; this was found regarding self-harm, suicide attempts, psychosis, anxiety and depression.²² Significantly, the same study found that those women suffering from both anxiety and depression were significantly more likely to be reconvicted in the year after release than other female prisoners, a relationship that was not found among male prisoners.²³

Prison is an inappropriate environment for treating mental health issues, and can exacerbate problems; the Dóchas Centre Visiting Committee has questioned whether 'prisoners suffering serious mental health concerns can be adequately cared for in the Dóchas Centre'.²⁴ This concern was repeated by the Committee in their 2012 report, which raised concerns over the skills capacity of staff to recognise 'potential crisis incidents'.

Mental health intervention should occur as soon as possible, and in the community, ideally before a person – male or female – has come into contact with the criminal justice system. The Prison In-reach and Court Liaison Service (PICLS) based at Cloverhill Prison, which diverts mentally ill remand prisoners at Cloverhill and provides in-reach to other prisons, including the Dóchas Centre, is an important innovation in this regard.

20 See for example, O'Neill, J (2011) 'The Inspire Women's Project: Managing women offenders in the community', *Irish Probation Journal*, Vol. 8, pp. 93–108.

21 Kennedy, H, Monks, S, Curtain, K, Wright, B, Linehan, S, Duffy, D, Teljeur, C (2005), 'Mental health in Irish prisoners: psychiatric morbidity in sentenced, remanded and newly committed prisoners', National Forensic Mental Health Service, Dublin.

22 Light, M, Grant, E, Hopkins, K (2013), *Gender differences in substance misuse and mental health among prisoners*, Ministry of Justice, London.

23 Ibid.

24 Department of Justice (2009), *Report of the Visiting Committee, Dóchas Centre to the Minister for Justice, Equality and Law Reform*.

High risk of homelessness

The relationship between homelessness and crime is strong and multifaceted.²⁵ A random-sample survey of 241 prisoners in the Dublin metropolitan region, conducted in 2005, found that over half had at least one previous experience of homelessness prior to imprisonment and that 25% of all prisoners in the sample were homeless on committal into prison.²⁶ Women offenders were found to be particularly at risk of homelessness; among a random sample of 50 women prisoners, 33% were found to be homeless on committal to prison. The study also showed that while women have been found to represent less than one-fifth of the homeless population, they made up over two-fifths (43%) of homeless people referred to Probation services. Numbers were small so these findings should be interpreted with caution; however, the implication is that homeless women may be at greater risk of coming into contact with the criminal justice system than women who are not homeless.

For some individuals, being homeless leads to crime, which in turn leads to imprisonment, whereas for others, being released from prison leads directly to homelessness.²⁷ Some people may face homelessness after release from prison, if, for example, they have lost local authority housing or had family or other relationships break down while they were incarcerated.²⁸ In Comiskey et al's 2006 study of outcomes and risks around admittance to the Dóchas Centre, over half of the women interviewed expressed concerns about the fact that they had no stable home to go to when leaving prison.²⁹

In Mayock and Sheridan's 2012 qualitative study of women and homelessness, 11 of the 60 homeless women interviewed were found to have been incarcerated.³⁰ These interviewees shared experiences of long periods of incarceration, between six and 16 years. They reported long histories of moving between prison and homelessness. Significantly, the women revealed that they did not have secure accommodation to go to when released from prison and typically they sought shelter in emergency hostels.³¹

High rate of drug dependency

Evidence from both Ireland and other jurisdictions highlight the high rate of substance dependency among women offenders.³² According to the 2010 annual report of the Dóchas Centre Visiting Committee, about one-quarter of prisoners are on a methadone maintenance programme.³³ A recently published longitudinal survey of women prisoners in the UK, commissioned by the Ministry of Justice, found that while patterns of alcohol use did not differ substantially by gender, women were

25 See IPRT (2012), *The vicious circle of social exclusion and crime: Ireland's disproportionate punishment of the poor*, p. 19.

26 Seymour, M & Costello, L (2005) *A study of the number, profile and progression routes of homeless persons before the courts and in custody*, Department of Justice, Equality and Law Reform, Dublin.

27 Hickey, C (2002), *Crime and homelessness*, Focus Ireland and PACE, Dublin.

28 McCann, L (2003), *Prison and homelessness: From a cell to the street*, Council for Research and Development: A Commission of the Irish Bishops' Conference November 2003.

29 See Comiskey, CM, O'Sullivan, K and Cronly, J (2006), *Hazardous journeys to better places: Positive outcomes and negative risks associated with the care pathway before, during and after an admittance to The Dóchas Centre, Mountjoy Prison, Dublin, Ireland*, The Health Service Executive, Ireland, p. 36.

30 Mayock, P and Sheridan, S (2012), *Women's 'journeys' to homelessness: Key findings from a biographical study of homeless women in Ireland*, Women and Homelessness in Ireland, Research Paper 1. Dublin: School of Social Work and Social Policy and Children's Research Centre, Trinity College Dublin.

31 Mayock, P and Sheridan, S (2012), *Women's 'journeys' to homelessness: Key findings from a biographical study of homeless women in Ireland*, Women and Homelessness in Ireland, Research Paper 1. Dublin: School of Social Work and Social Policy and Children's Research Centre, Trinity College Dublin, p. 42.

32 See O'Mahony P (2008), *Key issues for drugs policy in Irish prisons*, Dublin: Drug Policy Action Group; Carmody, P & McElroy, M (1996) *A study of Irish female prisoners*, the Stationery Office, Dublin.

33 Visiting Committee of the Dóchas Centre (2011), *Annual report 2010*, Dóchas Centre, Dublin.

significantly more likely to have used more Class A drugs in the four weeks before custody, and to report that their offending was to support their own or someone else's drug dependency.³⁴ In recent years, a substantial number of women in Ireland have been convicted and imprisoned (sometimes for lengthy periods of time) for drugs offences.³⁵

High rate of domestic violence and abuse

Evidence suggests that women offenders are more likely to have experienced domestic and sexual violence than the general female population. According to preliminary findings of a study on homeless women and incarceration, all of an initial sample of 11 women who had spent time in prison reported that they had experienced domestic violence.³⁶ In the UK, according to the Corston report, up to 50% of women in prison report experience of domestic violence, while one-third have suffered sexual abuse.

Prison as respite

Qualitative research has revealed that prison can be experienced as a respite for women prisoners with difficult, chaotic lives. In Mayock and Sheridan's study of homeless women, for example, it was found that for homeless women, prison could serve 'as a respite from street life, stating that it gave them a break from the relentless pursuit of funding their addiction and finding a place to stay.'³⁷ Similarly, McHugh's 2013 study of women prisoners found that for some women, prison 'came as a welcome relief to the situations that they found themselves in immediately prior to arrest.'³⁸

Prison is meant to be the deprivation of liberty as *punishment* for criminal wrongdoing, not a welcome *respite* from a difficult life outside. Yet rather than breaking the cycle, prison is an integral part of the cycle of homelessness and criminality for some very vulnerable women. In the context of women offenders with a history of homelessness, there is a very strong rationale for providing safe, women-only supported housing (and respite) with a holistic focus to address their complex underlying needs and vulnerabilities, in the community.

Consequences: overuse of remand for women

Women are more likely than men to be remanded to prison for offences that are not likely to lead to a custodial sentence.³⁹ On 16 July 2012, for example, almost one-quarter of the female prison population in Ireland was on remand.^{40, 41}

Research in the UK has shown that the reasons behind this relate to the issues outlined here, which can lead to great instability for the women concerned: homelessness, mental health problems, substance dependency and poverty all can lead to an inability to adhere to bail conditions without

34 Light, M, Grant, E, Hopkins, K (2013), *Gender differences in substance misuse and mental health among prisoners*, Ministry of Justice, London.

35 See Irish Prison Service Offence Snapshot by Offence, *Group of prisoners in custody under sentence on comparable day each year 2010 and 2011–2007 to 2009* available at <http://www.irishprisons.ie/images/pdf/dailyoffence.pdf>

36 Examiner

37 See Mayock, P and Sheridan, S (2010), 'Homeless women and incarceration: Preliminary findings from a biographical ethnography of homeless women in Ireland', presented at the ACJRD 13th Annual Conference 2010, Women in the Criminal Justice System Justice System, 15 October 2010, pp.40-42, at p. 42 available at http://www.acjrd.ie/files/Women_in_the_Criminal_Justice_System_%282010%29.pdf

38 McHugh, R (2013), *Tracking the needs and service provision for women ex-prisoners*, ACJRD, Dublin.

39 Prison Reform Trust (2011), *Innocent until proven guilty: Tackling the overuse of custodial remand*, PRT, London.

40 Department of Justice, Equality and Defence (2012) *Prison committals*, available at <http://www.kildarestreet.com/wrans/?id=2012-07-17.2542.0&s=remand#g2543.0.q>

41 By contrast, according to snapshot data from the IPS's annual report, only 13% of persons in custody on 30 November 2012 were being detained on remand. IPS (2013) *Annual report 2012*. IPS, Longford.

supports in the community, and an inability to pay the bail bond.⁴² Significantly, women are not more likely to be held on remand because of any increased risk they pose of committing serious offences if released on bail.

It may be that in some cases, women are remanded in prison in cases where a short sentence is expected, with the period of remand effectively being in lieu of the sentence itself. Such a practice, while perhaps not widespread, is a breach of the affected person's due process rights since they are innocent until proven guilty and would have the benefit of being considered for temporary release if actually convicted, a mechanism unavailable to remand prisoners.

The high rate of remand of women has consequences for children of imprisoned mothers. Moreover, it creates costs for local authorities in looking after affected children, and impacts on the woman's employment prospects. It may also result in the loss of local authority housing.

KEY MESSAGE: Women offenders tend to come from a background of social disadvantage and poverty, and often suffer from mental health problems, substance dependency, accommodation problems and poor family relationships. These issues can make it difficult for women to adhere to bail conditions, which may contribute to an overuse of remand for these women. This in turn has negative implications for children of women who are imprisoned on remand and for the employment prospects of these women.

4. Female offenders with caring responsibilities

Mothers in prison

Many female prisoners are mothers of children. In Ireland, no statistics are available on the number of children whose mothers are in prison.⁴³ According to a UK study from 2002, 66% of women in prisons were mothers and one-third were the sole carers of children prior to imprisonment.⁴⁴ Further research showed that only 5% of children were cared for in their home after their mother was sent to prison (with the large proportion being placed in care), whereas most children continue to be cared for at home when a father is imprisoned.⁴⁵ In the Irish context, research has shown that separation of a child from their imprisoned parent can have a significant impact on the child concerned, including a breakdown in relationships between the child and parent.⁴⁶

The Inspector of Prisons has stated that contact between female prisoners and their children should be facilitated and encouraged.⁴⁷

Caring responsibilities for older relatives

Due to demographic changes, more and more women are caring for older relatives, often alongside caring for their children. These women play an important role in supporting older people to live in the

42 Morgan, PM and Henderson, PF (1998), *Remand decisions and offending on bail: evaluation of the Bail Process Project*, Home Office Research Study, Home Office, London.

43 IPRT (2012), *'Picking up the pieces': The rights and needs of children and families affected by imprisonment*, IPRT, Dublin, p. 36. See also Quinlan, C (2011), *Inside: Women in prison in Ireland, past and present*, Irish Academic Press, Sallins.

44 Social Inclusion Unit (2002), *Reducing re-offending by ex-prisoners*, Social Exclusion Unit, London.

45 Cited in Jewkes, Y (ed.) (2007), *Handbook on prisons*, William Publishing, Devon, p. 256.

46 IPRT (2012), *'Picking up the pieces': The rights and needs of children affected by imprisonment*, IPRT, Dublin.

47 Inspector of Prisons (2011), *Standards for the inspection of prisons in Ireland – Women prisoners' supplement*, Office of the Inspector of Prisons, Nenagh, para. 251, p. 12.

community, rather than in residential care. With the ageing of the population, the number of women in this role is likely to increase over time. To date, there is a paucity of research on the impact of imprisonment of women providing this role, although it has been acknowledged that when a woman providing this caring role is sent to prison, the consequences for the dependent relative can be significant.⁴⁸

Absence of mother and baby facilities in Limerick prison

Under the Prison Rules, a child can be admitted to the prison to remain with the mother up until 12 months of age. The Inspector of Prisons has previously expressed concern regarding the absence of a mother and baby unit in either female prison in Ireland, maintaining that it creates ‘serious child protection issues’.⁴⁹ Mothers with babies are accommodated in the Dóchas Centre⁵⁰, and in 2013 a mother and baby unit, which can accommodate up to four mothers, was established there. However, there are no plans to provide such facilities at Limerick’s female prison.

According to the World Health Organization, pregnant women should only be imprisoned in absolutely compelling circumstances.⁵¹ The Inspector of Prisons has recognised that they must receive a level of care equivalent to that available in the community.⁵²

KEY MESSAGE: A high proportion of women in prison have children. Women also play an important role in caring for dependent relatives. Women who are imprisoned can no longer fulfil their caring responsibilities and the consequences of this can be significant. This is particularly an issue for mothers with babies detained in Limerick prison, due to the absence of a mother and baby unit there.

5. Challenges facing women leaving prison

Women can face a range of challenges on leaving prison. Research in the US, for example, has highlighted problems in terms of accessing and remaining in employment, accessing housing and health services, and reunification with their children.⁵³ In Scotland, the Commission on Women Offenders noted that ‘many women find it extremely difficult to achieve a successful transition from prison back to the community ... [and] significant numbers of women continue to reoffend after they are released from prison’.⁵⁴

In the Irish context, Comiskey et al’s 2006 evaluation and treatment outcome study of female drug using prisoners admitted to the Dóchas Centre, which involved interviews with 40 women, highlighted the fundamental importance of home, family and social networks.⁵⁵ It found that women’s key

48 Bastick, M and Townhead, L (2008), *Women in prison – a commentary on the UN Standard Minimum Rules for the treatment of prisoners*, Quaker United Nations Office, Geneva.

49 Inspector of Prisons (2011), *Standards for the inspection of prisons in Ireland – Women prisoners’ supplement*, p. 51. See also IPRT (2012), *‘Picking up the pieces’: The rights and needs of children and families affected by imprisonment*, IPRT, Dublin.

50 The 2012 annual report of the Dóchas Visiting Committee noted, for instance, that there were two babies with their mothers in the Centre, both on a shared care basis, who spent time each week with their mother and in the community with their partners.

51 World Health Organization (2009), *Women’s health in prison: Correcting gender inequity in prison health*, WHO, Geneva.

52 Inspector of Prisons (2011), *Standards for the inspection of prisons in Ireland – Women prisoners’ supplement*, Office of the Inspector of Prisons, Nenagh, p. 11.

53 Research cited in Women’s Prison Association (2003), *WPA Focus on Women and Justice*.

54 Commission on Women Offenders (Scotland) (2012), *Report of the Commission on Women Offenders*, p. 72.

55 Comiskey, CM, O Sullivan, K and Cronly, J, (2006), *Hazardous journeys to better places: Positive outcomes and negative risks associated*

concerns upon release related to: their partners; children (if applicable); income; health; substance dependency; and the absence of a stable home. Those who were not returning to stable homes also identified risks they faced on being released, which included rape, engaging in poly drug use, drug overdose and homelessness. Women ex-prisoners are also at high risk of reoffending; according to the Irish Prison Service, the recidivism rate among female offenders is 57% within three years of release (n. 350 out of a sample of n. 612).⁵⁶ The majority of these women (37.6% of the total sample) reoffended within six months post-release.

Being properly prepared to leave prison was also highlighted as vitally important in Comiskey et al's report. In this regard, it found that service provision was not co-ordinated in an effective manner and that services were frequently fragmented and/or demarcated along subjective or other allegiances.⁵⁷ Receiving little or no notice of release from prison was mentioned as being very problematic by many of the women.⁵⁸ Most highlighted assistance with accommodation as a key support when leaving prison. Being connected to the available services, agencies and other supports – such as social welfare, the Community Welfare Officer, FÁS, drug treatment and counsellors – in a timely manner (i.e. well in advance of release) is the fundamental need of women leaving prison.⁵⁹

Educational opportunities while in prison are another important aspect of preparation for leaving prison. In this regard, it is of serious concern that provision for studying with the Open University in the Irish prison system was cut in 2012 to one-third of its 2008 level of funding, and fears have been raised that this provision may be being phased out altogether.

KEY MESSAGE: Women face a range of problems on being released from prison, relating to housing, accommodation and stability, and over half of women prisoners reoffend.

6. Towards a community-based approach

The proven value of a community-based approach for women offenders is being increasingly acknowledged. For example, relevant recommendations of a number of significant reports have been accepted by the UK and Scottish governments. In Northern Ireland, a strategy of the prison service (in collaboration with the probation service) for women offenders aims to provide community-based supports. Finally, the benefits of a non-custodial approach are also emphasised in national and international prison standards.

The Corston report (UK)

Following the deaths of six women at Styal prison, the UK government commissioned Baroness Corston to review 'women with particular vulnerabilities' in the criminal justice system. The year 2007 saw the publication of the Corston report in the UK, which concluded that there are many women in prison, either on remand or serving sentences for minor, non-violent offences, for whom prison is both disproportionate and inappropriate. It recommended that:

with the care pathway before, during and after an admittance to The Dochas Centre, Mountjoy Prison, Dublin, Ireland, Health Service Executive, Dublin, p. 40.

⁵⁶ Irish Prison Service (2013), *Irish prison service recidivism study*, Irish Prison Service, Longford.

⁵⁷ See Comiskey, CM, O Sullivan, K and Cronly, J, (2006), *Hazardous journeys to better places: Positive outcomes and negative risks associated with the care pathway before, during and after an admittance to The Dochas Centre, Mountjoy Prison, Dublin, Ireland, Health Service Executive, Dublin.*

⁵⁸ *Ibid*, p. 40.

⁵⁹ *Ibid*, p. 39.

- Custodial sentences for women must be reserved for those who commit serious and violent offences, who pose a threat to the public;
- Women unlikely to receive a custodial sentence should not be remanded in custody;
- Women must never be sent to prison for their own good, to teach them a lesson, for their own safety or to access services such as detoxification;
- More supported bail placements for women, suitable to their needs, must be provided;
- Defendants who are primary carers of young children should be remanded in custody only after consideration of a probation report on the probable impact on the children;
- Community solutions for non-violent women offenders should be the norm;
- Community sentences must be designed to take account of women's particular vulnerabilities and domestic and childcare commitments.⁶⁰

Regarding the accommodation needs of imprisoned women, Baroness Corston stated:

The accommodation pathway is the most in need of speedy, fundamental, gender-specific reform. ... In particular, more supported accommodation should be provided for women on release to break the cycle of repeat offending and custody...⁶¹

Another recommendation called for a court diversion scheme for female offenders with mental health disorders.⁶²

The British government accepted, in their entirety, just over half (25) of Corston's 43 recommendations for change, and accepted a further 14 recommendations in principle or in part.⁶³ Identified highlights of subsequent developments include investment in community support and diversion services for women.⁶⁴

Developments in Scotland

Similar to the trend in Ireland, between 2002 and 2012 the prison population in Scotland grew by 66%.⁶⁵ In 2011, the Commission on Women Offenders in Scotland was set up in response to a harrowing report from HM Inspector of Prisons for Scotland in 2011 about conditions in the national women's prison in Scotland, HMP Cornton Vale. While the Commission recognised that some women should be in prison to protect the public and to mark the seriousness of their crimes, the majority of female offending behaviour is at the low (non-violent) end of the scale and is often the result of significant underlying issues such as drug or alcohol addiction, mental health problems and complex histories of physical and sexual abuse that could be better addressed in the community.⁶⁶

60 Corston, J, Baroness (2007), *A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system*, Home Office, London, p. 58. (subtitled: *The need for a distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach*).

61 Ibid, p. 48.

62 Ibid, p. 78.

63 See Women in Prison (2012), *Corston report 5 years on*, available at <http://www.womeninprison.org.uk/userfiles/file/Corston+5%20Report.pdf>.

64 Ibid.

65 Prison Reform Trust (2013), *Scottish justice secretary outlines next steps for women's justice reform*, available at <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/189>.

66 Angiolini, E, Dame, (2012), 'Reforming women's justice', The Prison Reform Trust Lecture.

The Commission made 37 recommendations, including the following recommendations for the redesign of the Scottish system. Others included:

- The development of ‘community justice centres’ (one-stop-shops based on the design of the 218 Service, the Willow Project and Women’s Centres in England, discussed in detail below) for women offenders to enable them to access a consistent range of services to reduce reoffending and bring about behavioural change;
- The establishment of multi-disciplinary teams – comprising, as a minimum, a criminal justice social worker, a health professional and an addictions worker, where relevant – in the community justice centres to co-ordinate offending interventions and needs, reduce duplication of effort and make more efficient use of resources;
- That women at risk of reoffending or custody have a named key worker from the multi-disciplinary team as a single point of contact as they move through the criminal justice system, including any periods in custody, to co-ordinate the planning and delivery of interventions;
- Intensive mentoring should be available to women at risk of reoffending or in custody to support compliance with court orders (a one-to-one relationship where practical support and monitoring is to be provided by mentors on a wide range of issues relating to offending behaviour);
- That supported accommodation be more widely available for women concerned to increase the likelihood of successful completion of an order or compliance with bail conditions;
- That the Scottish government’s mental health strategy should place a greater focus on women offenders, specifically in relation to the provision of services to address trauma, self-harm and borderline personality disorder;
- That an urgent review be carried out of the provision and resourcing of services for women with borderline personality disorder and post-traumatic stress disorder in relation to previous abuse and neglect.

The Scottish government’s response to this report agreed with the aims of all the recommendations, with 33 of the recommendations in full, and committed to further considering the remaining four (which contained proposals regarding new sentencing options and to reform the delivery of adult offender services in the community and a call for a review of services for women with borderline personality disorders). Since then, commitments have been made to make available gender-specific diversion programmes through the use of community justice centres across Scotland.⁶⁷

Developments in Northern Ireland

After extensive public consultation with a variety of organisations, the Northern Ireland Prison Service, in collaboration with the Probation Board for Northern Ireland and the Department of Justice, published the *Strategy to Manage Women Offenders and those Vulnerable to Offending Behaviour* in October 2010.⁶⁸ The strategy is designed to address the root problems behind women’s offending by restructuring the prison estate to better cater for the different needs of men and women. The

⁶⁷ Angiolini, E, Dame, (2012), ‘*Reforming Women’s Justice*’, The Prison Reform Trust Lecture.

⁶⁸ Available at http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/final_draft_for_print_a_strategy_to_manage_women_offenders_and_those_vulnerable_to_offending_behaviour.pdf

strategy recognises that women convicted of an offence suffer disproportionately from mental health problems, addiction, poverty, homelessness, abuse and domestic violence. In order to reduce the number of women entering the criminal justice system, the strategy aims to provide effective support, facilities and interventions in the community for women offenders and women who are at risk of offending. An example of such support is the strategy's pilot INSPIRE Women's Project, which seeks to implement gender-specific community supervision and interventions in managing women offenders.

Savings to the Exchequer

The UK-based agency Revolving Door analysed services for women offenders with complex needs, and demonstrated that the economic benefit from investing £18m in women's centres could bring an economic benefit of £1 billion over five years.⁶⁹ The report considers 14 different types of service contact, revealing that the likely total cost of contact with these services is dramatically higher when women are living chaotic lives characterised by substance misuse and crime.⁷⁰ The costs to the criminal justice system are particularly high. When women do not receive support to address underlying issues, they are likely to continue costly patterns of service use resulting in a quickly escalating bill to the public purse. However, when women successfully move away from these patterns of chaos, crime and repeat prison sentences, the costs can fall dramatically. The report estimates that an investment of £18 million per year would provide gender-specific support to more than 13,000 women across the country. Without support, these women would be likely to cost public services more than £2 billion over five years. The report explains that investment in women's services could halve this cost.

The Prison Reform Trust (UK) also makes an economic case for greater use of community-based alternatives to imprisonment for women, referring to the preliminary evaluation of the Together Women project, which indicated that female offenders 'could benefit considerably from the integrated approach to meeting their needs'.⁷¹ This report also outlines the findings of the New Economics Foundation (NEF) regarding the costs and benefits of different disposal routes for offenders.⁷² The NEF study used a Social Return on Investment approach (exploring the net benefits for society, not measured solely in financial terms) and was specific to women convicted of an offence. On this basis, NEF estimated that:

- £1 invested in 'support focused alternatives' to prison yields an additional £14 of social value for women offenders and their children, as well as crime victims and society over 10 years by comparison with impact on recidivism from sending women to prison;⁷³ and
- The value of these benefits over 10 years is in excess of £100 million.

69 See Revolving Doors Agency (2011), *Counting the cost: The financial impact of supporting women with multiple needs in the criminal justice system*, Revolving Doors Agency, London.

70 Types of service contact include arrest, court, prison, probation, ambulance, methadone prescribing, housing support, benefits and children being taken into local authority care.

71 Prison Reform Trust (2011), *Reforming women's justice – Final report of the Women's Justice Taskforce*, p. 27, paragraph 16, citing Hedderman, C, Palmer, E, and Hollin, C (2008), *Implementing services for women offenders and those 'at risk' of offending: action research with Together Women*, Ministry of Justice Research Series, London.

72 new economics foundation (2008), *Unlocking value: How we all benefit from investing in alternatives to prison for women offenders*, available at http://www.neweconomics.org/sites/neweconomics.org/files/Unlocking_Value_1.pdf

73 For a fuller summary of SROI, building on earlier work including by the new economics foundation, see Cabinet Office (2009), *A guide to social return on investment*, available at <http://www.european-microfinance.org/data/file/A%20Guide%20to%20Social%20Return%20on%20Investment.pdf>

A community approach in prison standards

The benefits of a non-custodial approach are emphasised in prison standards. In 2011, the Inspector of Prisons published *Standards for the Inspection of Prisons in Ireland, Women Prisoners' Supplement*, stating that women prisoners warrant treatment different to that of male prisoners in certain respects, and that a gender-specific approach is required for women in prison.⁷⁴ The Inspector pointed to international research that suggests that the effects of imprisoning women are different to the effects of imprisoning men; that many women lose their homes within the first few weeks of being imprisoned, and in many cases their children are likely to be placed in care.

The Inspector's *Standards for the Inspection of Prisons in Ireland, Women Prisoners' Supplement* were significantly informed by the *United Nations General Assembly Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, otherwise known as the 'Bangkok Rules', adopted on 21 December 2010, which emphasise the value of non-custodial measures for women. The Rules states that, in particular:

when sentencing or deciding on pre-trial measures for a pregnant woman or a child's sole or primary caretaker, non-custodial measures should be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent.⁷⁵

The UN encourages Member States to develop legislation, procedures, policies and practices for women in prison and for alternatives to imprisonment for women offenders. This would involve making information on women and crime and custody available to other States and relevant organisations, and assisting these bodies in developing and implementing relevant training and other activities. Finally, Member States are invited to take into consideration the specific needs and realities of women as prisoners when developing relevant legislation, procedures and policies.

The need for an open prison for women in Ireland

As far back as 1985, the Whitaker report recommended that the majority of women convicted of an offence should be accommodated in an open prison.⁷⁶ More recently, the Report on Penal Reform by the Joint Committee on Justice, Defence and Equality recommended a general increase in the proportion of open prisons in Ireland.⁷⁷ Furthermore, a significant proportion of the women currently detained in Ireland are either remanded or sentenced with respect to non-violent offences and pose no significant security issues. Despite this, Ireland still has no open prison for women.

KEY MESSAGE: Developments in the UK have reflected a growing acknowledgement of the value of non-custodial alternatives and community-based supports for women offenders. This has also been highlighted by the UN, in the 'Bangkok Rules', which have informed the Irish Inspector of Prisons in the women prisoner supplement to the Standards for the Inspection of Prisons in Ireland. The need for an open prison for women has also been highlighted in Ireland, yet so far one has not been established.

⁷⁴ Inspector of Prisons, *Standards for the inspection of prisons in Ireland – Women prisoners' supplement*, Office of the Inspector of Prisons, Nenagh.

⁷⁵ United Nations (2010), *Rules for the treatment of women prisoners and non-custodial measures for women offenders* (the Bangkok Rules), (2010), para. 9 at p. 4.

⁷⁶ Whittaker, T. K. (1985) *Report of the Committee of Inquiry Into the Penal System*. Dublin: Stationery Office

⁷⁷ Joint Committee on Justice, Defence and Equality (2013) *Report on Penal Reform*, Houses of the Oireachtas.

7. Models of good practice

This section introduces the ‘one-stop-shop’ approach informing a number of centres for women offenders in the UK, as well as Tus Nua, the supported housing project for women leaving the Dóchas Centre in Ireland.

The ‘one-stop-shop’ approach

The one-stop-shop model adopts a multi-disciplinary approach to the co-ordination of offending interventions to reduce duplication of effort and make more efficient use of resources.⁷⁸ In this approach, women can access a range of services ‘in one place or from one key worker having specialist knowledge and expertise in working with women’.⁷⁹ The type of services available to women at the typical one-stop-shop include, at a minimum, integrated and culturally relevant criminal justice services and supervision, health services (mental health problems, trauma arising from histories of physical and/or sexual abuse,⁸⁰ sexual health, diet and nutrition, exercise, smoking cessation etc) and addiction counselling.⁸¹

This model also aims to improve women’s economic and social status by providing programmes on life skills, education and employment prospects so as to develop their ability to live independent, self-sufficient lives. A partnership approach with the community and voluntary sector is designed to smooth long-term re-entry to society by ensuring a comprehensive system of community supervision and supportive social networks. Assistance with childcare and housing can also be provided.

A ‘one-stop-shop’ model can be a day service, a residential service, or a combined residential and day service. Holistic day services help women to make real, lasting changes in their lives, while allowing them to stay in their homes, supporting their families and taking care of their children. Residential services can help women offenders who have lost custody of their children take important steps to reconnect with their children, before moving on to day services once stable accommodation has been secured. Based in local community organisations and funded by government, they provide women with effective supports which can enable them to change patterns of offending behaviour.

Lower recidivism rates in ‘one-stop-shop’ centres

An evaluation found that only 3% of women sent to the Anawim Centre in Birmingham reoffend and only 7% breach their community sentences. These figures are particularly impressive in light of the fact that two-thirds of women are reconvicted within a year of being given short prison sentences.⁸²

78 Angiolini, E, Dame (2012), *Reforming women’s justice*, The Prison Reform Trust Lecture.

79 See the description of ‘women’s community solutions’ at <http://www.womensbreakout.org.uk/about-us/our-vision/>

80 The Willow Project in Edinburgh provides the ‘Survive and Thrive’ programme, where participants ‘learn how to cope with the effects of trauma and abuse’. See <http://www.nhslothian.scot.nhs.uk/Services/A-Z/Willow/Pages/default.aspx>

81 Angiolini, E, Dame, (2012), *Reforming women’s justice*, The Prison Reform Trust Lecture

82 ‘Birmingham women’s centre helps female offenders stay away from life of crime’ Birmingham Mail, 8 March 2012, available at <http://www.birminghammail.co.uk/news/local-news/birmingham-womens-centre-helps-female-180600>.

ONE-STOP-SHOP CENTRES IN THE UK

'One-stop-shop' models for female offenders over 18 years exist in the UK include the 218 Service in Glasgow, Anawim women's centre in Birmingham, Platform 51 Cardiff, the Willow Project in Edinburgh, and the Inspire Women's Project in Belfast. While the reduction of offending is a core aim of these services, they also seek to improve the outcomes for women in the criminal justice system by addressing their social, health and welfare needs. Crucially, all the services are *for women only*, in order to ensure that service users, especially those who have experienced domestic or sexual violence or other gender-based trauma, feel safe and secure.⁸³ They recognise that gender makes a difference in all aspects of life, not least in the reasons behind female offending.

The environment (both the physical place and the ethos) of each of these centres is designed to make women feel safe and respected and to promote their sense of self-worth and dignity. Emphasis is placed on nurturing positive relationships, with the women's children and family members, and also with their key worker, 'significant others' such as mentors and the wider community. This is in line with the finding of the Corston report, which states that 'many [female] offenders lack a framework of structure and support in their lives and benefit from an authority figure taking an active interest in their lives'.⁸⁴ This need may be reflected in the lack of healthy formative relationships with significant adults (i.e. with reliable, loving, nurturing parents or teachers offering support and encouragement) among many of the vulnerable women in the criminal justice system.⁸⁵ A personable, non-judgmental 'authority figure' could be a key worker at a women-only, community-based non-custodial alternative or a 'mentor' who would take an active interest in their lives, helping them to make positive changes and to participate productively in society and in their communities.⁸⁶

Existing models in Ireland

A number of interesting models have developed in recent years in Ireland. For example, Focus Ireland's prison in-reach programme runs in partnership with the Probation Service, the Irish Prison Service and the HSE. By providing 'a seamless response between prison services, homeless services and housing services in order to prevent people becoming or returning to homelessness upon leaving prison',⁸⁷ it aims to 'break the cycle of homelessness, offending and custody' for male and female prisoners.⁸⁸ To date, the initiative is running on a pilot basis in Cloverhill prison, Cork prison and Limerick prison. It uses an intensive care and case management model and targets particularly vulnerable prisoners in ensuring they have a home to go to on leaving prison, or are supported until such a home is obtained. At time of writing, an evaluation was being conducted of this initiative.

83 See Easton, H and Matthews, R (2010) *Evaluation of the Inspire women's project*, London South Bank University, London, p. 34.

84 Ibid, p. 8.

85 See for example, Bloom, B, Owen, B and Covington, S (2003), *Gender-responsive strategies: Research, practice and guiding principles for women offenders*, National Institute of Corrections, Washington DC.

86 For further information on these models, see <http://www.platform51.org/whatwedo/ourwork/centres/cardiff> for Platform 51, <http://www.revolving-doors.org.uk/partnerships--development/projects/anawim-mental-health-project/> for the Anawim Project, <http://www.turningpointscotland.com/what-we-do/criminal-justice/218-service/> for the 218 Project in Glasgow, <http://www.nhslothian.scot.nhs.uk/Services/A-Z/Willow/Pages/default.aspx> for the Willow Project and http://www.dojni.gov.uk/index/foi/foi_publication_scheme_page/inspire_women_s_project_evaluation_report.pdf for the Inspire project.

87 Focus Ireland Prevention Services Dublin, available at <http://www.focusireland.ie/index.php/our-services/services-in-your-local-area/154-prevention-services-dublin>

88 Focus Ireland (2012), *Resettlement strategy for people at risk of homelessness leaving prison*, available at <http://www.focusireland.ie/files/resettlement%20strategy%20submission%20focus%20ireland.pdf>

Some supported housing exists for women leaving the Dóchas Centre in the Dublin area, such as the Tus Nua project, run by Depaul Ireland. The connections between the Dóchas Centre and the Tus Nua project have been described as invaluable in helping to reintegrate women into the wider community. In Morris's recent research into service users' experience of the Tus Nua hostel upon release from prison, Morris emphasises the importance of the key working system at Tus Nua, 'whereby each woman was assigned a staff member to work with', in addition to the 'consistent and flexible approach of staff and the value of education and training, peer support, family involvement and practical help'.⁸⁹ It also highlighted the need to expand the outreach service to former residents, allowing them 'to dip in and out of the service as they require', as well to develop step-down accommodation from Tus Nua itself.⁹⁰

KEY MESSAGE: The 'one-stop-shop' approach to supporting women offenders in the community takes a holistic approach, with a range of supports and services provided in one location. A number of centres in the UK are based on this promising model. In Ireland, the Tus Nua project provides supported housing and other supports to women leaving the Dóchas Centre.

8. Conclusions and recommendations

Most women convicted of an offence have committed non-violent crimes, such as the non-payment of fines. These women can also experience a wide range of complex needs, including mental health problems, drug and alcohol dependency, family relationships and housing issues. Many have a history of domestic violence, including abuse in childhood. Many are repeat offenders. Alongside all of this, many play an important caring role, either of their children or of dependent relatives, or both.

One of the most alarming findings to emerge from recent Irish research literature regarding women offenders is that for some, prison is a respite from their day to day lives. It is difficult to imagine a more telling reflection of the difficulties faced by these women in the community and the inadequacy of the present approach to addressing their offending behaviour.

Clearly, prison is not the solution to the needs of women living chaotic and difficult lives who repeatedly engage in low level offences. It has been shown that imprisonment can exacerbate existing, and often serious, mental health problems. High recidivism rates suggest that any sense of respite experienced in prison has no bearing on these women's lives when they return to the community. By contrast, imprisonment can make things even worse for these vulnerable adults, and those affected. After all, it means separating mothers from children, and the disruption of families and social networks. It can increase the risk of homelessness and damage employment prospects. Imprisonment is not even the most cost efficient option; analysis in the UK suggests that well designed non-custodial alternatives for women offenders can result in real savings to the Exchequer.

⁸⁹ Morris, A (2012), 'Exploring women's experience in a hostel on release from custody', *Irish Probation Journal*, Vol. 9, October, pp. 163-176, at. p. 163.

⁹⁰ *Ibid.*, p. 175.

The overview of recent UK developments shows that clear recognition has been made at government level of the specific needs of women offenders, including the health and social factors that often drive women's criminal behaviour and the need for a response grounded in a community-based approach. In Ireland, recent developments provide a strong opportunity to follow this trend. The Irish Prison Service's *Three Year Strategic Plan 2012–2015*, for example, sets out a number of priorities that address some of the issues raised here. One is tackling the chronic overcrowding in the Dóchas Centre and working with the Probation Service to assist prisoners in returning to the community.⁹¹ Another is to work with other stakeholders to improve resettlement and reintegration outcomes for women leaving prison.⁹² The Strategy also states the IPS's determination to 'identify and divert those at risk of a custodial sentence through greater use of community support and interagency cooperation'.⁹³ Regarding women specifically, it has set out the following strategic aims:

- to increase interagency cooperation and to draw on increased community support;
- to further assist women re-enter society and the community following a term of imprisonment; and
- to focus on reducing the number of women in prison.

A report recently published by the Joint Committee on Justice, while not specific to women offenders, also made some relevant recommendations. One was that an explicit 'decarceration' strategy be put in place to reduce the prison population by a third within 10 years, and a specific 'front-door' recommendation that all sentences of under six months imprisonment imposed in respect of non-violent offences should be commuted and replaced with community service orders.⁹⁴

Perhaps the most relevant of recent developments is the commitment made in the joint strategy of the Irish Prison Service and the Probation Service (2013–2015) to develop a strategy to address the specific needs of women offenders. Identified actions include:

- identifying and diverting women at risk of a custodial sentence through greater availability and prison service use of diversion, community sanctions and supports and inter-agency co-operation;
- strengthening early intervention measures in the community through adopting a coordinated multi-agency approach;
- improving outcomes for women currently in custody; and
- exploring the potentials of women-centric alternatives to custody.

The strategy also commits to developing a step-down facility for women offenders and enhancing cooperation with the community and voluntary sector.

These commitments are very much in keeping with the key policy pointers raised here, and with developments abroad. They set a prime opportunity for the development of an inter-agency approach to dealing with women offenders, which acknowledges and responds to their needs, and which has the best chance of meaningfully impacting on rates of offending and reoffending among women in Ireland.

On the basis of the research literature and best practice models presented here, IPRT makes the following recommendations.

91 Irish Prison Service (2012), *Three Year Strategic Plan 2012–2015*, IPS, Longford, p. 28.

92 Ibid, p. 30.

93 Ibid, p. 44.

94 Houses of the Oireachtas Joint Committee on Justice, Defence and Equality (2013), *Report on Penal Reform*, available at <http://www.oireachtas.ie/parliament/media/Penal-Reform-Report-13-March-2013-Final.pdf>.

Recommendation 1: Adopt a non-custodial approach for women offenders.

The following principles should underpin future policy and legislative development on women offenders in Ireland, including the forthcoming joint IPS and Probation Service strategy for women offenders:

- Prison should only ever be used as a last resort for women who have been convicted of an offence. Where a woman is accused of a minor, non-violent offence, the default position should be that she will have a non-custodial sanction imposed.
- In dealing with women offenders, a strong emphasis should be placed on non-custodial alternatives to prison, such as community service orders, gender-specific diversion programmes, and holistic support services in the community.
- If a person convicted of an offence is the primary carer of young children, an issue that affects more female than male offenders, the best interests of the children should always be taken into account as a key consideration in determining an appropriate sentence.

Policy issues regarding a non-custodial approach

Stopping penal expansion

Any penal expansion regarding the female prisons clearly runs contrary to this recommendation. The recently announced plan for an additional 50 new cells in Limerick prison appears to represent penal expansion and is therefore a cause of concern.

Addressing the overuse of remand

The overuse of remand for women is also counter to a non-custodial approach. Bail services and supports should be developed to reduce the numbers of offenders – particularly women and young people – breaching (or being likely to breach) bail conditions due to chaotic life circumstances and being remanded in custody as a result.

Appropriate support for women with mental health problems

Where women offenders have mental health problems, the earlier the point of mental health intervention the better. Consideration should be given to amending the existing legislative framework to provide for the diversion of those who have committed minor offences with mental illness to community inpatient or outpatient facilities by specialist mental health courts.

Gender-proofing non-custodial alternatives

Women are more likely than men to have caring responsibilities. For this reason, non-custodial alternatives, such as community service orders, should be gender-proofed, to ensure that no women are excluded from such measures.⁹⁵

An evidence-based approach

In progressing a non-custodial approach for women offenders, it is important to ensure any new services or supports are grounded in evidence-based good practice. In the UK, 'one-stop-shop' centres are a promising new, women-centred model for dealing with women offenders. These successful community-based supports take a holistic approach, addressing a range of social, health and housing needs.

⁹⁵ Gender proofing has been defined as a 'means by which it is ensured that all policies and practices ... have equally beneficial effects on men and women'. Crawley, M & O'Meara, L (2002) *Gender proofing handbook*, NDP Gender Equality Booklet, Department of Justice, Equality and Law Reform, Dublin.

An interagency approach

The complex needs experienced by women offenders call for an interagency approach to meeting their needs and effectively addressing offending behaviour. This means the involvement of key stakeholders such as the Probation Service, the Irish Prison Service, the HSE, the Garda Síochána and the community and voluntary sector.

Recommendation 2: Minimise harm for women in prison.

In the small number of cases where prison is necessary for women who have been convicted of an offence, the negative impacts on those women and on their families should be minimised. This means:

- establishing a truly open prison for women in Ireland;
- addressing overcrowding in both female prisons. Numbers at the Dóchas Centre should be reduced to its original design capacity of 85 prisoners;
- the introduction of Mother and Baby Units at Limerick prison to ensure the health, well-being and safety of imprisoned mothers and their babies in line with international best practice and domestic child protection rules;
- ensuring that imprisoned women should be supported and facilitated in maintaining positive relationships with their children. Visiting facilities should be non-threatening, child-friendly and permit physical contact and play;
- providing adequate reintegration supports for these women offenders, both during their prison sentence and following release;
- adopting the same multi-agency approach of the 'one-stop-shop' model within prisons; and
- enabling all women who are ready and able to do so to access good quality education in prison, including Open University courses.

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