

Written Evidence submitted by Dr Susie Hulley (Institute of Criminology, University of Cambridge), Dr Serena Wright (Department of Law and Criminology, Royal Holloway University of London) and Professor Ben Crewe (Institute of Criminology, University of Cambridge)

Summary of Recommendations

1. We recommend that data is published annually detailing the number, age and ethnicity of women serving life sentences specifically.
2. We call for a review of the minimum terms imposed on life sentenced prisoners and encourage a broad reduction in such tariffs.
3. We propose the rolling out of a broad educational programme that informs legal practitioners and police officers about the ‘continuum of coercion’ (Barlow 2016, p.69) and its impact on women’s offending and co-offending. We recommend that this is supported by police and CPS policy that requires practitioners to take account of women’s experiences of coercion and domestic abuse when assessing their culpability in violent offences.
4. We ask the committee to consider the particular pains of imprisonment experienced by women serving long life sentences and investigate ways to: mitigate problems associated with maintaining contact with family members; respect women’s autonomy (and reduce the infantilisation of women in custody); and recognise the problems associated with lack of privacy. We consider trauma-informed work with women to be essential in this context, to recognise the particular distress caused by being convicted of murder and sentenced to a very long period in custody when young, especially while on remand and in the aftermath of the conviction.
5. We recommend that improvements are made to prison officers’ understanding of, and response to, self-harm among female lifers, to ensure their approach is caring and individualised, especially at the time of key events, incidents or anniversaries.

Introduction

This written evidence is submitted by Dr Susie Hulley (Institute of Criminology, University of Cambridge), Dr Serena Wright (Department of Law and Criminology, Royal Holloway, University of London) and Professor Ben Crewe (Institute of Criminology, University of Cambridge). The evidence presented is based on findings from an in-depth study of women and men serving life imprisonment from a young age, funded by the Economic and Social Research Council. Full details of the methods and findings can be found in ‘*Life imprisonment from young adulthood: Adaptation, identity and time*’ (Palgrave 2020). This research represents the largest study of men and women serving long prison sentences in Europe currently.

This submission is provided in response to the Committee's aims to 'understand the progress made in [...] reducing the number of women in custody' and to 'understand how well female offenders' needs are met in custody'. The evidence is presented under four key headings: 1) reducing the number of women in custody serving life sentences; 2) attending to the specific pains of women serving long life sentences from a young age; 3) supporting family ties among women prisoners serving life sentences; 4) reducing self-harm among female lifers.

1. Reducing the number of women in custody serving life sentences

Little is known on the national level about the demographic characteristics of women serving life sentences, as no official data report such details. Publications offer limited data on the proportion of women in custody serving life sentences (Ministry of Justice 2020) and the accumulated number serving indeterminate sentences (Ministry of Justice 2021). However, these sources fail to distinguish between the number of women serving life sentences and a sentence of Imprisonment for Public Protection, and do not provide a detailed breakdown by age, ethnicity, or other important demographic variables. The data that is available suggest that women serving life sentences are a small but growing proportion of the prison population. Yet, this sub-population has been consistently overlooked in government policy, which has tended to focus on reducing the number of women serving short sentences in custody.

Evidence for this growth is drawn from two key sources. First, data from the Office for National Statistics shows that the proportion of imprisoned women serving indeterminate sentences (which includes both life imprisonment and Imprisonment for Public Protection) has increased, from 9% in 2015 to 11% in 2019 (Ministry of Justice 2016, 2020). Conversely, the proportion of men serving such sentences within the wider male prison population fell slightly during the same period, from 14% to 13%.

Second, data obtained for the purpose of our research study shows that there has been an increase in the number of women serving long life sentences from a young age. Data provided by the Ministry of Justice (FOI 201117009), shows that the number of women serving life sentences with a tariff of 15 years or more, received when aged 25 or under, increased by 59% between 2013 and 2020. Comparatively, the number of men serving long-tariff life sentences from a young age increased at a slightly lower rate (52%). Although, for the women, the figures represent relatively small numbers (an increase from 22 to 35 women), the proportional and comparative increase in just seven years is a cause for concern. This growing subset of the prison population reflects broader trends we have identified elsewhere regarding the 'up-tariffing' of murder, particularly among young people (Crewe, Hulley and Wright, 2019).

One means of reducing the length of time that women serving life sentences remain in custody is through a broader revision of the minimum terms currently imposed on life sentenced prisoners, as specified in the Criminal Justice Act 2003. Since the start of this century, average life sentences have increased by around ten years, meaning that 'lifers' now spend an average of 21 years in prison, compared to 12 years in 2003. There is little evidence to suggest that this reflects any change in the gravity of homicides during this time (see Crewe, Hulley and Wright 2019).

A second way of reducing the number of women in custody is to improve understanding and recognition of the role of coercive control and domestic abuse in women's 'co-offending'. In our study, three quarters of women sentenced to homicide were convicted in trials involving 'joint enterprise' (or what is now more accurately called 'secondary liability'), with only one convicted as the principal party (the main perpetrator). Often, the women became implicated in such offences due to the involvement of their male partner (and their association with them) or their presence at the scene of the crime, rather than any direct involvement in the violence (Clarke and Chadwick 2020). For women convicted alongside male partners, their presence at the scene or their failure to intervene to stop such offences was often shaped by the 'continuum of coercion' (Barlow 2016, p.69) they suffered, perpetrated by their partners (Hulley, forthcoming). A broad educational programme targeted at the public (potential jurors), as well as legal practitioners and police officers, would improve understanding and recognition of the role that coercive control and domestic abuse play in such offences. This would need to be supported by structural change, with clear policy guidelines for the police and CPS, on the ways in which the continuum of coercion may be relevant to women's relationships with their co-defendants. This would mean that woman's relationships were investigated broadly, to identify *all* signs of coercive control and domestic abuse, in order to assess whether a woman intended to encourage or assist the principal party with knowledge of the essential facts of the offence (as required for secondary liability) (Reid 2019). For women who were found to have provided *some* assistance during the offence but, for example, did not perpetrate any violence, we recommend the development of criminal defences to recognise limited culpability (see Hulley, forthcoming).

2. Attending to the specific needs of women serving life sentences

Prior to our own study, academic literature had largely overlooked women serving life sentences. Based on interviews and surveys with 72% (24) of the population of women serving life sentences with a tariff of 15 years or more, received when aged 25 or younger, our research found that these women reported an acutely more painful experience than their male counterparts (see Crewe, Hulley and Wright 2017 for full details). Significantly too, almost all of the female participants had extensive histories of cumulative trauma in their lives prior to imprisonment. Such experiences shaped their experiences of custody, particularly with regard to issues of trust, privacy and reactions to particular forms of authority.

The issues of particular salience to women serving long life sentences from a young age were: reduced or severed contact with family members; loss of autonomy and control; mental health problems and reduced psychological well-being; and issues related to trust, privacy and intimacy. The most severe problem reported by women was 'having to follow other people's rules and orders', which appeared to be related to the particular experiences of women in their pre-prison lives, including the high prevalence of coercive control and domestic abuse and their relative independence and autonomy prior to coming to prison. Women struggled with the enforced dependence and infantilization that they experienced in custody, having often been responsible for running households and caring for children before their imprisonment. For many women, the resultant feelings of powerlessness contributed significantly to their poor mental health and lack of wellbeing (detailed further below).

Deteriorating relationships with children or loss of contact was extremely painful, as women struggled to fulfil the role of ‘mother’:

The hardest thing for me when I came into jail was nobody told me how to not be a mum – I had spent so many years being a mum, I didn’t know how to switch that off [...] and like it never goes away, that missing them, and that kind of ache. (Gail, 15+ year tariff)

Trust was also a recurring issue in interviews with women, more so than with the men, again reflecting women’s lived experiences prior to their imprisonment. With extraordinary consistency the women described the myriad of ways in which their trust had been broken or abused, by parents, authority figures and intimate partners, who had sexually assaulted them, abandoned them, or failed to care for them in fundamental ways. The fracturing of trust by the people who should have cared for them had cumulatively shattered their capacity to place trust in others. However, alongside such scepticism was, for many women, a deep yearning for intimate relationships in which trust was essential. Women sought out close friendships and intimate relationships, which, at their best, provided them (sometimes for the first time) with care, love and respect. At the same time, these women struggled with the lack of privacy they were afforded, both in terms of their relationships with others, and through being observed, or potentially observed, when undertaking intimate practices, such as using the toilet, getting dressed and washing. Again, the distress that such issues caused was rooted in women’s histories of abuse and trauma.

3. Supporting family ties among women prisoners serving life sentences

Compared to many of the men in our study, who found maintaining relationships with family members complex and painful but achievable, the women reported complicated relationships with family members, which were often already damaged or broken. This was due to historic experiences of neglect and abuse, which meant that relationships with parents were strained or had been cut off, and intimate partnerships had broken down. For those who maintained some links with family members, difficulties in maintaining contact were exacerbated by distance from home (a consequence of the small number of establishments within the women’s prison estate), complicated relationships with the carers of their children (who acted as gatekeepers), and a lack of control over separation from their children.

Layered on top of the pain associated with trying to find ways to renegotiate their role as mothers (highlighted above), many women described feeling powerless about their ability to maintain meaningful relationships with their children. For most, contact was limited by court orders or primary carers (e.g. ex-partners, or their own family members), who withheld contact with children, or made communication difficult.

I am allowed to contact my daughter, but my ex-partner is just being an idiot who won’t answer the phone. [...] and every time I would write a letter he’d just rip it up and put it in the bin. (Laura, 15+ year tariff)

Women who maintained some form of contact with children relied on visits, letters and phone calls, but all had their limitations. Visits were worrisome for the women in our study, as they risked exposing children to intrusive and (sometimes) frightening security searches

over the course of fifteen or more years. They could also be a significant cause of distress, particularly in circumstances in which children did not ‘turn up’ or appeared infrequently, as a consequence of the inaction of their current carer or guardian.

I see my eldest [son], [and] I was meant to see him on Saturday but he never turned up. And I don’t know why. [...] I’m not allowed to know where he is. I’m not allowed a [phone] number, I’m not allowed nothing. (Fiona, 20+ year tariff)

One woman, who was only able to see her daughter three times a year, described ‘grieving’ for months after each visit (Kathryn, 20+ year tariff). Where possible, extended family visits provided enhanced opportunities for women to actively inhabit the maternal roles – ‘it’s nice because you’re a mum and daughter, and you’re together’ (Yvette, 15+ year tariff) – although family visits still provided relatively limited forms of contact and intimacy.

For some women, maintaining positive relationships with children was made difficult because of the nature of the offence and associated publicity. Newspaper reports and ‘real life crime’ publications had demonised a number of the women and exaggerated or misrepresented their culpability. At least two women’s children had severed contact as a result of such depictions.

Where it was possible, contact with family members, and children in particular, was a significant source of strength and a key protective factor – for some, the only thing that made life worth living and restrained them from taking their own lives. Since family relationships are a ‘golden thread’ and are crucial for survival, psychological wellbeing and adaptation on release, it is vital to think creatively about maintaining relationships between long-term female prisoners and their loved ones. This should include opportunities to generate meaningful conversations, make new memories together, and enable private family time, as recommended in the Farmer Review (2019). Ideally this would include opportunities for overnight contact with children, not only when women are near release but throughout their sentence.

4. Reducing self-harm among female lifers

In the survey conducted for our study, around two-thirds of the female participants (n=12) had self-harmed or attempted suicide before coming to prison, while 88.9% (n=16) had done so since they had come to prison on this sentence. Our female interviewees reported that their distress was most acute during their criminal trial, on conviction and at the start of their sentence, due to overwhelming feelings of shock, grief, anger, loss and sadness, particularly for those who had children. This often led to suicide attempts, suicidal ideation and self-harm:

[I] got convicted, [and was] asked to do a sentence longer than I’d actually lived, I didn’t know what it felt like to live 20 years because I was 17. [...] All I can remember is 13 out of those 17 years, and it felt long enough to me, it felt ages, you’re asking me to do 20 [...] I thought I was going to kill myself, I really did. (Karen, 20+ year tariff)

Being charged for something I didn't do, do you know what I mean? And, obviously, me being on a big trial, because it was an eight-week trial and I couldn't cope with it all, do you know what I mean? [...] It was too much for me.

So were you self-harming a lot around the trial?

Yeah. Yeah. (Eloise, 20+ year tariff)

For many, mental health issues endured beyond their initial imprisonment, with many experiencing ongoing depression and anxiety, or cycles of despair. As one participant reported, 'I used to hit the "five-year wall", and... I suppose I'd crash for a bit. I'd give myself a couple of weeks and just crawl into bed' (Gail, 15+ year tariff). These cycles were often triggered by feelings of guilt, grief, loneliness, or loss, linked to the anniversary of the offence, or family issues, such as a death of a loved one or children not visiting:

Obviously when you're in prison, you find ways of hurting yourself [...] that's my way of releasing the pain [...] because I don't normally get stressed. But [...] I'm not going to lie, I tried it again the other day because obviously my little boy didn't come and see me. (Fiona 20+ year tariff)

Feelings of despair or anger were exacerbated by perceptions that staff were not taking self-harm seriously, or were uncaring in their approach:

I get angry with the prison service sometimes when they don't listen to me. [...]

Like if I go to them and say, "Right, I need to talk to someone because I feel like I'm going to hurt myself" they're like, "Well, I'm a bit busy right now" and then I go off and I hurt myself and they're like, "Well, why did you do that?". (Tamara, 20+ year tariff)

Some women felt that there was a culture of scepticism among some staff (though certainly not all), in which self-harm was minimised or regarded as attention seeking.

While we have not evaluated techniques to reduce self-harm, individual women indicated the types of activities which discouraged them from self-harming. These included: distraction techniques, such as cleaning or doing crafts; activities that refocused their minds, such as going to the gym; and opportunities to talk, both informally (with friends inside prison) and in formal therapeutic settings. As indicated above, women most often described their relationships with their family as being the key protective factor in preventing them from attempting suicide, highlighting the importance of such relationships in this context.

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