

The Griffins Society Visiting Research Fellowship Programme

Last Chance: older
women through the
criminal justice system

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The Griffins Society
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Supporting women through
the criminal justice system

The Griffins Society

The Griffins Society is a voluntary organisation working for the care and resettlement of female offenders. As part of their commitment to identifying and promoting best practice, the Society established the Griffins Society Visiting Research Fellowship Programme at the London School of Economics (LSE) in 2001. Fellows have produced some outstanding research on a range of issues and the Society is committed to disseminating and promoting Fellows' recommendations with a view to having them adopted by practitioners and policy makers. More information the Fellowship Programme, and on the practical projects which have been based on Fellows' research findings, is available on the Griffins Society website.

The Griffins Society Visiting Research Fellowship Programme

The Griffins Society Research Fellowship Programme offers a unique opportunity for individuals to explore their own interests or concerns about the treatment of female offenders. The aim of the Fellowship Programme is to provide 'thinking space' for those involved in the criminal justice system or allied fields who wish to research a particular aspect of the circumstances or treatment of women offenders. Applications are welcomed from anyone with an interest in female offenders, such as magistrates, probation officers, staff of supported accommodation, drug/alcohol counsellors, etc. In keeping with its origins, the Griffins Society welcomes applications from the voluntary sector, as well as statutory organisations. Fellowships are not awarded to people in academic employment, or studying for a degree. Apart from these exceptions, the Programme positively encourages applications from a broad spectrum of eligible candidates.

Reflecting the Griffins Society's interests, projects must have a resettlement focus. Examples include, but are not limited to, examining a specific aspect of sentencing, considering the particular problems faced by women from one or more ethnic groups, studying programmes for women with psychiatric or drugs/alcohol problems, and issues around bail or resettlement difficulties following a custodial sentence.

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Chapter One: Introduction

A magistrate sees many offenders passing through the courts. Worryingly, in the past ten years there have been a growing number of women. And the saddest of this group is the small number of women over 50 who appear before us.

Until recently I was the Director of the Greater London Forum for the Elderly (GLF), which promotes the voice of older people through local Forums established throughout London in order that older people can be asked their views on issues of importance including health and social care, lifelong learning, arts and leisure activities, housing and, of course, crime. But discussions have focussed on the rise of crime, the fear of being attacked and its prevention, rather than on the perpetrators and their needs.

I am also a Magistrate in a busy London court and thus have witnessed both sides to the story without ever approaching either side from an analytical viewpoint. The Griffins Society, by way of the LSE Visiting Research Fellowship, provided me with the opportunity to study in depth older women going through the criminal justice system.

It has helped me to be part of the on-going criminal justice system through my work at the Magistrates' Court, serving the local community and working with the local probation service staff over many years. I am part of the Bench Training and Development Committee and I also Chair the Probation Liaison Group at the Court.

However, not actually working within the prison or probation services or actually professionally in the voluntary sector any more (I am retired) have been barriers to my completion of this report. Also it was frustrating not to be able to gain admittance to HMP Holloway to interview older women prisoners there.

Chapter Two: Background

The population as a whole is ageing: by 2010 around 35% of the population will be over 50. At present there are 10,624,559 females aged 50 and over. Total males and females aged 50 and over are 19,599,852 [national population projections 2000 based].

The population projection for 2011 is 11,597,000 females aged 50 and over. (Total males and females aged 50 and over are 21,951,000) [As above. Data supplied by Age Concern England]

The growth in numbers of the over 50s in the population and demographic trends in general lead naturally to the conclusion that there has been an increase in older women involved in the criminal justice system and that this will grow in the future. There has already been a rise in the number of older offenders in the USA criminal justice system, with special adaptations having to be made in their prisons, and we can expect the UK to follow suit.

This study aims to provide a focus on older women offenders (aged 50+) within the criminal justice system. Whilst it appears that community sentences may be a more appropriate option for older women, the use of these varies considerably around the country. In looking at some individual cases we can begin to assess whether they are of benefit to older women offenders, especially those with drug and alcohol problems.

Some of the observations by those interviewed are contentious and I do not necessarily agree with them.

Chapter Three: Objectives and Outcomes

Objectives

1. To ascertain what proportion of older women offenders (50+) make up the growing prison population.
2. To examine community sentences and other punishments given as an alternative to custody for this group.
3. To provide a focus on the rehabilitation and resettlement of older women on their release from prison, especially those with drug and alcohol problems.
4. To examine the role of outside agencies in the resettlement of older women offenders and to determine their effectiveness.

Outcomes

1. Evidence of the growth in convictions of older women and of the trends in sentencing them.
2. A profile of older women offenders identifying those more likely to receive custodial sentences compared with those given other types of sentences.
3. Evidence of the effect that different sentences may have on the resettlement problems of older women offenders.
4. Evidence of the role and effectiveness of outside agencies, both statutory and voluntary, in resettlement programmes for older women offenders.

Chapter Four: Methodology

I undertook a small-scale study based on a very busy area in London. This took the form of an in-depth qualitative investigation to enable me to acquire rich data and, thereby, to gain a more thorough understanding of the views of the various parties involved. I used a semi-structured interview schedule with open questions.

It proved difficult to make contact with the identified group, partly because of the small numbers of offenders involved. I began by using data and material collected by a London probation area on their offenders over 50. Subsequently I widened my group to include some clients of voluntary organisations. I also went to an open prison to interview some inmates. In spite of strenuous efforts I was unable to enter H.M.P. Holloway to interview “first nighters” or any others in custody. However, all the voluntary organisations concerned with older women offenders chosen were most co-operative. There are no good statistics available on the ethnicity of older women. Many are deported at the end of prison sentences in serious drug importation cases. They have not been dealt with as a separate category in this study.

I interviewed 38 individuals: 10 offenders (of whom 6 were serving prisoners, 3 were undertaking community sentences and 1 who had offended in the past), 4 lay Magistrates (1 of whom was also a lawyer), a District Judge, 2 Justice’s Clerks, 1 Deputy Prison Governor, 3 Home Office/London Probation Service personnel, 3 local Probation Officers, 1 Crown Court Judge, 2 Government Ministers and 11 representatives of voluntary organisations.

Chapter Five: The Position of Older Women in the Criminal Justice System

a) The Present Situation

Women age 50 and over form a very small part of the criminal justice system with the result that little specific information is available on them. It is accepted that there has been a huge increase in the female prison population, including, until 2000, older women, although only 5% are over 50.

The tables below illustrate the sentences given to under and over 50s and the percentages over the recent five year period

TABLE 1

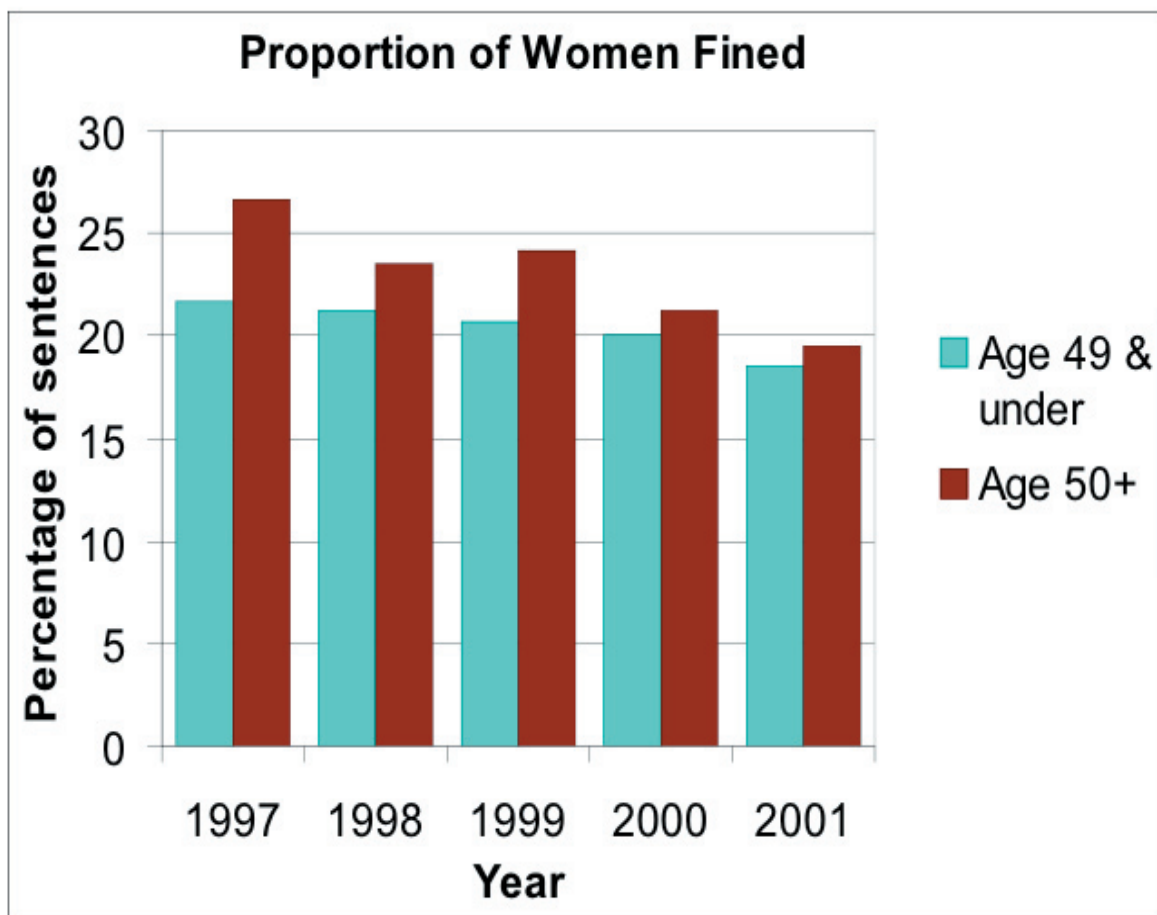


TABLE 2

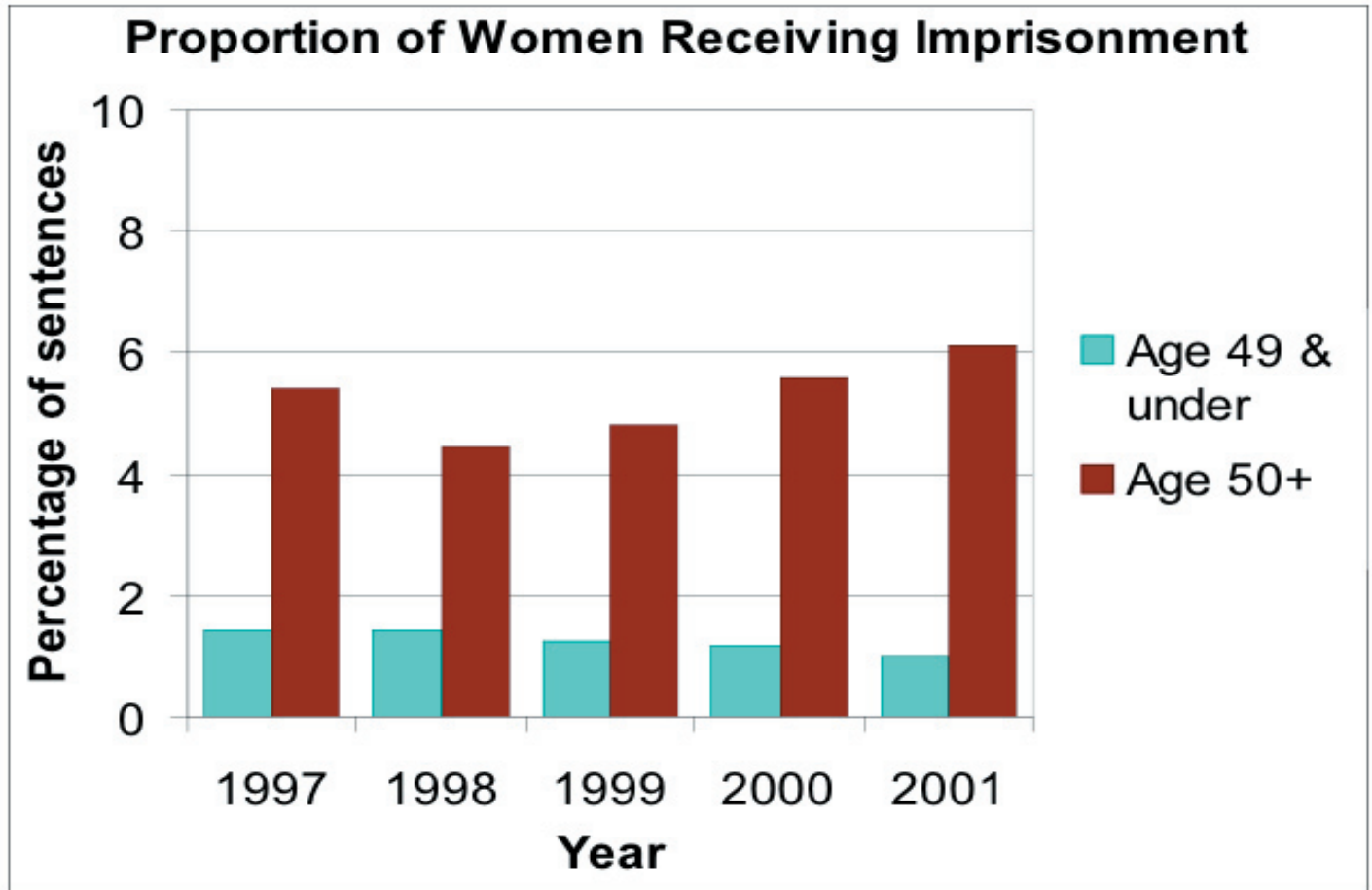


TABLE 3

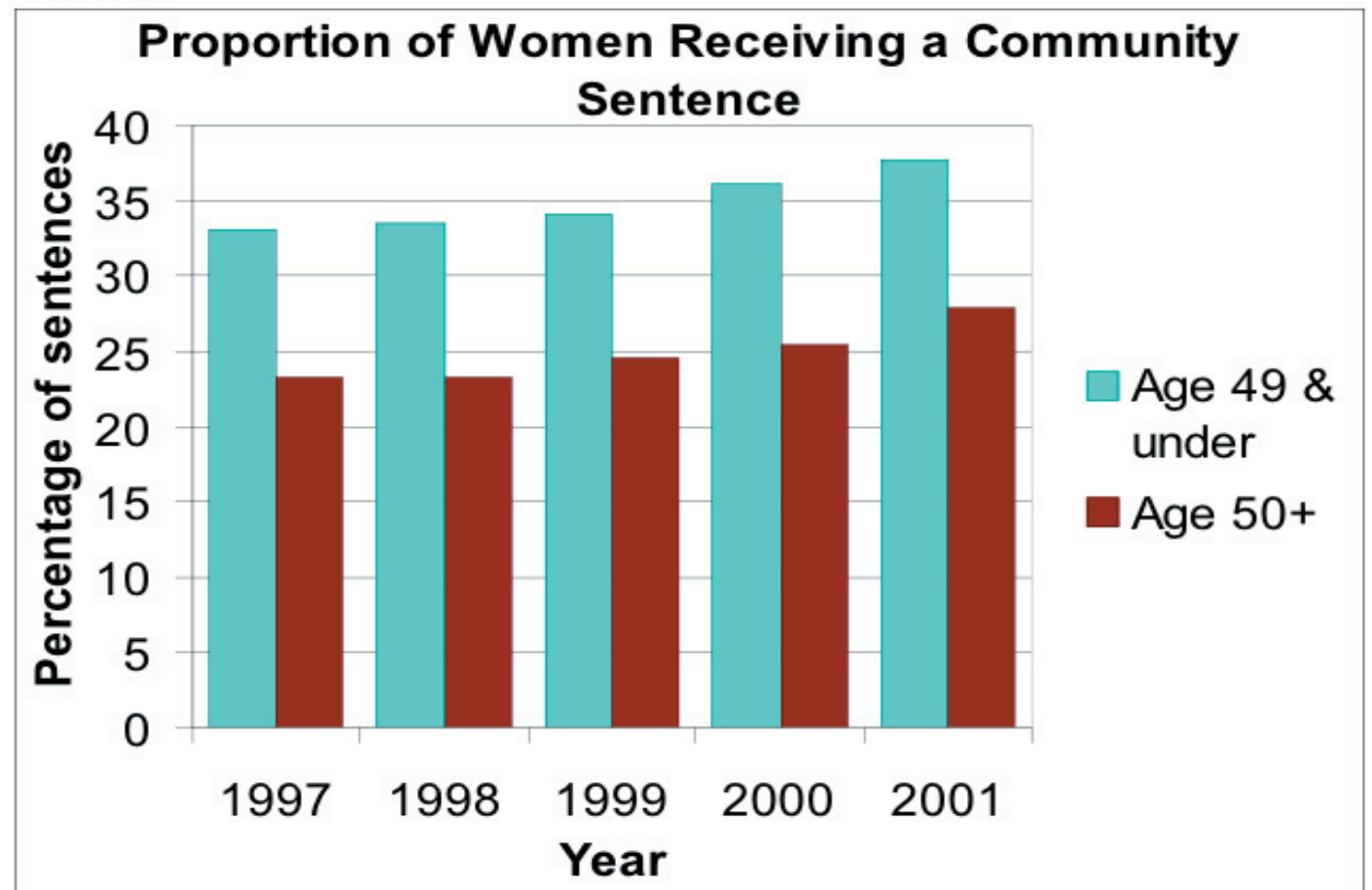
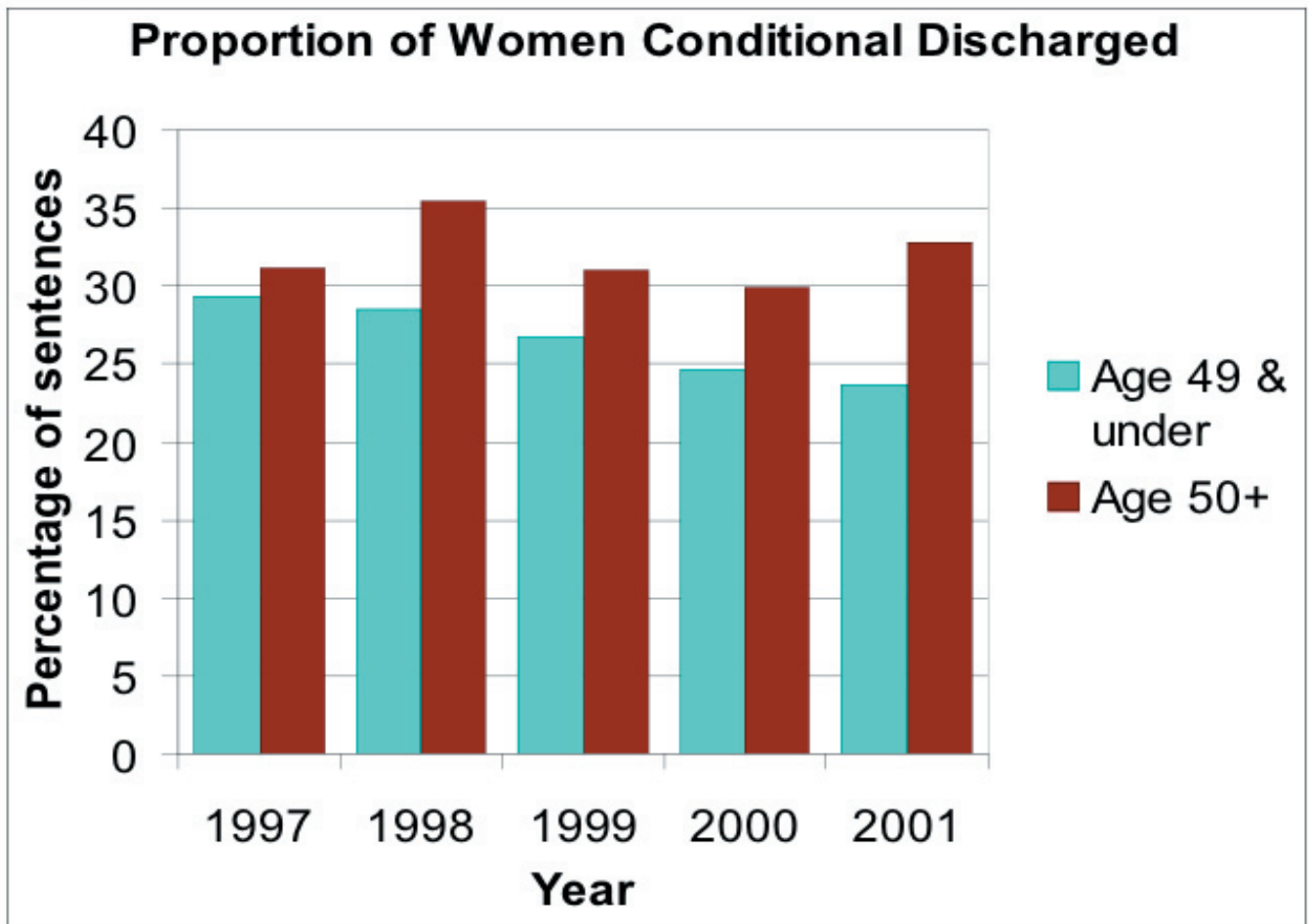


TABLE 4



(source: Home Office Development & Statistics 2002)

The percentage of younger women being fined remains smaller than that of older women although both age groups received fewer fines than at the start of the five year period. It is evident that an increasing proportion of older women given sentences are being sent to prison but it is noteworthy that a slightly smaller number of women aged 49 and under are going to prison now. The percentage of older women receiving community sentences has increased a little over the 5 year period shown in these charts. During the same period the number of women of 49 and under receiving community sentences has grown in the same proportion. There is no noticeable trend with women over 50 getting conditionally discharged.

The increase in prison numbers is also due to longer sentences being given.

a) Literature and Other Studies

Although studies, have been carried out on both older woman, such as Bernard & Meade (1993), Bernard & Phillips (2000), Friedan (1992), and on women criminals, such as Malloch (2000), Devlin (1998), little research has been undertaken specifically on older woman offenders. Most of the available literature, and the relative studies deal with women as a whole and do not focus on the

older age group. In particular, Frazer (2002) is concerned primarily with older male criminals and Wahidin (2002) looks specifically at older women in prison. My study differs in that it addresses the issues of older women within the entire criminal justice system, not only those serving prison sentences.

Chapter Six: Findings

a) The Women Behind the Statistics

All the interviewees chose the name by which they wished to be known in this study. Of the 19 cases studied:

- 10 were obtained through personal interviews
- 7 were obtained through reading Probation Officer reports, pre-sentence Reports etc.
- 2 were obtained through sitting in Court as a Magistrate on their cases

Offences

- 8 committed offences of fraud or deception.
- 4 were guilty of importing drugs
- 2 were persistent 'shoplifters'
- 2 drove while unfit through alcohol
- 1 committed an offence of violence against the person
- 1 committed arson
- 1 laundered money

b) What Links the Women

Personal Circumstances

Obviously it is difficult to be definitive in such a small sample, but of these 19:

- 8 suffered from violence by a parent or partner
- 8 had mental health problems including depression
- 6 suffered from alcohol or drug abuse
- 4 were deprived of a parent early on – either through death or abandonment

NAME	VIOLENCE From parent/partner	DEPRIVED of parent	MENTAL health incl. depression	ALCOHOL drug abuse	NO category
Ann	X				
Olive			X		
Maggie					X
Hilda			X		
Valerie				X	
Mary				X	
Jodie			X	X	
Laura			X		
Maria		X			
Lisa		X			
Paula	X			X	
Teresa	X		X		
Vera	X				
Ava	X		X		
Susan	X		X		
Emma	X			X	
Mercia		X	X		
Rose		X			
Sandy	X			X	

Punishment

- 9 were given a prison sentence
- 6 received a Community Rehabilitation Order
- 3 were given a Community Punishment Order
- 1 was awaiting a pre-sentence report at the time of the study and was therefore unsentenced.

From the 19 cases studied in the local area in London, and, as a way of illuminating the above, I have picked a few examples from those studied to show a range of offenders and offences. Here are some of the women's histories:

MARIA

Maria was 54 on interview. She was still on probation after serving nine months of a second prison sentence (followed by three months' tagging) for deception. Maria was born in Spain and came to

England 34 years ago with her daughters aged two and four after divorcing her husband in Spain. Both Maria and her mother worked at a large London hospital, Maria at night and her mum during the day. Seven years ago Maria's mother got breast cancer and later died. Maria also suffered from health problems and stopped work.

Maria's offences began when her mother was ill. They were all the same kind of offences – obtaining money from her friends fraudulently. Her first prison sentence was for three years (18 months served), the second for two years (9 months served), then tagged for three months and probation. In between sentences she did community service. Each time she came out she ran up debts. However, the last prison sentence provided a course which helped her. Maria chose to do the course (she believes that if you are forced to undertake a course it will not help you). The course taught her to sit and think before taking action. She has felt very depressed at times and considers that prison is for people who make mistakes and that 'Prison is a university for crime' She insists that she will not go back inside. She felt that it was unhelpful for her to mix with other offenders, particularly those who were drugs carriers, and she misses a 70 year-old woman with whom she was friendly. She thought it was positive that she respected the prison officers and they respected her.

The older of her adult children has two children. Her children give Maria money and she found that she missed her grandchildren, whom she loves, when in prison and so does not want to commit further offences. She believes that her family will help her. Her daughters assist with the shopping and her probation officer helps sort out papers and explains matters to Maria, who believes that she will be able to continue to telephone her probation officer after her official probation period ends.

MAGGIE

I met Maggie at CAST (see Voluntary Organisations below). At interview she was 50. Originally from Singapore, she had come to England 10 years before when her husband (she was married for 13 years) was on the run for importing marijuana to America. He was arrested here. Maggie insisted that it was her husband not her who had committed crimes. She has three children who were looked after by family in Singapore from just before she was arrested until she next saw them six years later. Her home was confiscated to pay the fine. Maggie was convicted of laundering money. There is an on-going court case about the fine as it is said she was living on her husband's illegal earnings. With no previous convictions Maggie was sentenced to three years in prison – she was on bail in HMP Holloway for six months. She now lives on the money that is legitimately hers. She has been given no help from the local council with housing as she is deemed to have lost her home intentionally.

Her parents were divorced when she was 16 but Maggie says her father kept in touch. Her husband was sentenced to 15 years in custody. She divorced her husband but is now friendly with him. She is not in any other relationship. She says that she suspected but didn't question her husband when they were together as she had an old-fashioned upbringing as a Christian. Maggie got to know about CAST while in prison. While she was alone and homeless following prison, CAST was 'like a second home' to her. She initially stayed with friends but now has a one bedroom flat and her children are in England. She continues to attend CAST courses, which have helped her get paid work.

SANDY

I interviewed Sandy at a female closed prison. She was 53 at interview date. Her father was violent to her mother, though never to her. Sandy saw her father infrequently as a child as he was not very caring because he believed that she was not his child. Both parents are now dead. She has had a number of violent partners. Sandy was addicted to drugs from the age of 14, although not Class A initially. When she lost her job in 1993 and was 'thrown out,' she became addicted and moved into crime to support her habit. She became acquainted with people involved in fraud. She said that those involved in crime were the only ones to befriend her when she was alone. Sandy said that she was 'going straight' for five years from 1998 when she worked in a flower shop in London. The people she worked with were not on drugs and she took her heroin at home after work.

Sandy has been in prison, for fraud and similar offences, first for 18 months, then for two and a half years and now three years (of which she will serve 18 months) for obtaining property by deception using a false instrument (bank draft) plus theft plus drug offences. She was de-toxed in Holloway and has remained clean; "First time properly de-toxed." She undergoes frequent drug tests, all negative. Sandy is determined to remain drugs free and not to return to hard drugs. Her daughter, who is on drugs, does not visit her in prison.

She will go and stay with her ex-husband on her allowed visit home, and hopes that the probation service will help find her accommodation so that she can start working from home (with flowers as previously). Sandy has a clean driving licence and says she is able to work from home or in a shop. She is determined to stay away from crime as the thought of returning to prison deters her. She feels that she has the energy and motivation to stay off drugs and therefore away from criminal activity. She realises that she will have to keep away from the social environment and contacts that have led to drug abuse in the past. Sandy said that she has good, supportive people around if the job and housing fail. The provision of courses at the present prison, in woodwork, plumbing, electrics etc. is valuable.

JODIE

Aged 64 on interview at the probation office where, as part of her probation conditions, she has sessions with someone from Turning Point. Jodie is from Ireland; she came to England when she was 29. She separated from her husband the same time as she lost her job six years ago. She has no children and lives alone in a bed-sitter (the same one as where the offence took place.) She suffers from depression.

Jodie committed the offence of arson while drunk. She set alight her own curtains in her council-owned flat and then called the fire brigade. She was given a two year community rehabilitation order with a condition to attend the alcohol treatment programme (she attends Turning Point). Jodie had no previous convictions. She was living in a local council owned property, but the curtains were her own.

Although she began drinking socially in her 20s, her alcohol binges began when her husband left her. Jodie told me that she has not drunk any alcohol for two years. She smokes but does not take drugs. She does not go out much. Jodie has not re-offended and feels she is strong enough to resist alcohol abuse and not to re-offend. Jodie said that she feels that the probation service helped

‘straighten her out.’ She admits she was ‘stupid’ and the offence ‘shouldn’t have happened.’ She said that although probation helps, she could have straightened herself out without their assistance; she is not drinking because she chooses that path not because someone else is telling her what to do. She denied being an alcoholic. She was slim – says she eats small amounts – and her nose was full and rather red.

Her probation officer later commented to me that because Jodie was a ‘binge’ drinker, she needs to learn another way to cope with her problems. However she believes that Jodie will not return to alcohol.

MARY

I interviewed Mary, aged 57 at the interview date, at a London Turning Point project. After the completion of her 18 months’ community rehabilitation order she was on the point of leaving her worker.

Born in Somerset, Mary was adopted at nine months, but her adoptive mother died before she was two and her adoptive dad and his two sons lived with family in London. She was considered a ‘child of sin’ by her grandmother who hated Mary. Her dad re-married and took Mary aged six and his natural sons aged four and six years to live with him. Mary was put into care under a ‘fit person order’ when she was nine. She was in various homes in the same area. She stole a pair of shoes from her school and was sent to a Remand Home, then to an assessment centre and on to approved school at the age of thirteen for three years. Her social worker got her out ‘and helped me survive.’ When she came out of the approved school at sixteen Mary was unable to shop alone.

She lived with the Social Worker and had various jobs. She became pregnant and had her son at eighteen; however, she only remained with the father for about a year as, “I wanted more out of life than getting pissed.” Her son is now 36 and has four girls – one of whom is bullied at school.

She divorced and married her present husband when she was 30. He was a carpenter and they had a business undertaking general building work for local councils. Then came the 1992 recession and, because the local councils paid bills nine months’ after the work was undertaken, their company could not afford to pay their 40 staff and the company went into liquidation. Mary now does painting and decorating in private houses, mainly for elderly people.

Her main offences were committed when she was young, although she obtained property by deception when she was 33. Her present offence of drink driving was committed when she was 55, just under two years before our interview. She drinks vodka (I could smell alcohol on her breath). Her husband has no drink problem but Mary still has one. She insists that alcohol has never stopped her working and she has never been ‘on the dole.’ She has tried to stop as she cannot drive while she is still drinking. She says that she cannot afford to get a car at the present time as the insurance will be costly and when she can she will stop drinking during the week. She was banned from driving for 18 months and also given a probation order. She has to pay £50 to get her licence back.

Mary has been attending Turning Point monthly. That is now finishing: she is not committing offences, but has not stopped drinking. Mary feels that it will be helpful to her that in four years

she will be 61 and the house will be paid for and she will stop working. She wants to go to Ireland to join her mother in law. She does not mind not having a car because of the expense of running it. She will, however, miss seeing her Worker but not the hassle involved with the Probation Order. She says she has been an alcoholic for nine years. She feels more in control and realises, “only I can help myself.”

EMMA

I interviewed Emma, aged 53, in an open prison. She was born in Lancashire and her parents are now dead. Her parents had been married previously before they came together and Emma has half-brothers and sisters. Although she got on well with her mother, Emma described her father as a ‘pervert’ and said he was, “nasty, dirty, tried to interfere with me,” and the same with her sisters. She never spoke about her experiences to her mother or sisters until recently. But it affected Emma so much that she nearly killed herself. At 17 or 18 she smashed a mirror over her father’s head. Emma then cut her father out of her life and would not let him attend her wedding or see his grandchildren. He eventually died “a horrible death” from cancer. Emma lived with her parents until she married at 18. She divorced her husband and had a child with another man later. Emma’s mother lived with Emma’s father until she and her sisters managed to trick her into leaving with a one-way ticket to London. Emma came, aged 24, to visit her mother and stayed in London. She has worked sporadically; her last job being ‘on the buses.’ Her partner – the father of her son – beat her “really badly” for years until he nearly killed her. She was declared medically unfit and stopped work.

For the offence of importation of drugs (a hefty amount) she was given two years custody after pleading guilty. This is Emma’s third offence, the others being for fraud and ABH and GBH. She says that her problems drove her into debt. She has never used drugs but binge drinks. She spent a lot of money on alcohol. She said that she does not approve of drugs even though she admits to bringing them into the country. It was an easy way out and she did not think of children using the drugs she dealt in.

Although she is able to walk around and go into town, Emma does not prefer this open prison, because there is a lot of ‘bitchiness.’ She does not find the other prisoners supportive. At the closed prisons where she spent a total of two weeks, she shared with one other or was alone. At this prison she shares with seven other women. There is always someone else in the room and she finds that she cannot “chill out alone.” The work – on a farm – is good, however, and she is pleased to be outside all day and enjoys the responsibility of going to and returning from work alone each day. Emma thinks the farm staff are very good and the prison staff ‘brilliant’ on the whole. She works all day at the farm including Bank Holidays. She has had two visits outside: the first time she was charged because she returned 20 minutes late and the second time she was charged with drinking alcohol, which is not allowed. As her son lives the other side of London, and has to come to the prison to pick Emma up and pay for her ticket as well, he has to pay almost £100 each time. On release she will return to her own flat where her son lives.

She believes that the fear of returning to prison will keep her straight and that if she keeps busy she will not get into debt. Emma wants to make sure she does not get depressed. “Drink causes me to get into debt. Debt causes me to get into trouble. The more I get into debt, the more worried I get and then more into debt.”

My sample was very small and the offenders studied had fairly short sentences, however, violence from a parent or partner, mental health issues and abuse of drugs or alcohol were common themes. Professor Carlen (Prof. Carlen 1990) also found that 90% of women lifers were abused by men at some point. A number of common themes can be observed in the background of the offenders, including childhood abuse or trauma, caused by a difficult or bereaved childhood. Most of my sample did not have a loving, close family. An absentee parent may well lead to the lack of a good role model. A number lacked education or had a limited education as they were immigrants.

Reasons for committing crime in my group were debt, abuse of alcohol or drugs, illness, lack of family care as a child or young person, business failure. The rise in custodial sentences for the over 50s shown in my statistics is also reflected here.

It was evident that the offenders studied who had family assistance, or a care worker who gave support and assistance or received education were more likely to refrain from re-offending and were assisted with their rehabilitation and so were more likely to remain offence-free than those who did not.

c) What Statutory Organisations Are Doing To Deal With The Problem

i) Home Office

The Home Office Development and Statistics department provided me with the statistics used in this study. I spoke with Lord Falconer, who was at the time the Government Minister responsible for the Criminal Justice Bill (2003), based on *Justice for All*. He remarked on the inconsistencies he perceived between different Magistrates' courts. He strongly advocated alternatives to prison. In response to my comment that Magistrates were receiving conflicting messages about the need to put criminals into prison or keep them out by using alternative disposals, he thought that the coming Bill would help determine what sentence should be imposed. He hoped to make Magistrates more confident in keeping and dealing with cases rather than sending them to the Crown Court. The Minister expressed the view that offenders should be tested for drugs at the bail stage. He questioned whether they should be given bail depending on whether they agree to go on a drugs programme. He agreed that more resources should be spent to deal with street crime. He spoke of the good result in the use of CCTVs in local centres to bring down crime. This is a joint initiative with the police and local shopkeepers.

Officers working in the London Probation Service agreed with the above views and said that work was being undertaken to make the general public realise that a community sentence is not a soft option. Re-iterated by others was the point that there are no programmes to assist people to stop offending for those serving less than 12 months. At the time of interview Hilary Benn, the incumbent Minister for Prisons, commented that there used to be a greater difference between the length of sentences given to men as opposed to women. The courts are now handing down longer sentences to women, the average being 17 months, whereas it used to be nine and a half months. He suggested that this narrowing of the difference might be due to greater equality in society! He was pleased that I had brought the needs of older women offenders to him and assured me that this issue would now be on the Home Office agenda. He asked for a copy of the report when completed.

Through interview I learnt of the effect of the work of Joy Dalkin, Policy Adviser, Adult Offenders and Rehabilitation Unit, Home Office, on social exclusion and its report (Home Office 2002).

Work on a national rehabilitation strategy concerning the resettlement of offenders and strategies to reduce offending are on-going. This work will have a significant impact on rehabilitation and reducing re-offending of all offenders including women over 50. "Through the Prison Gate" (Home Office, 2001) has led the way. At the time of writing it was stated that 80% of prisoners had a reading age of under 11. There is now a "Job Centre Plus" Officer in each prison, but they do not deal with housing or housing benefits. Stable accommodation is of major importance to older women offenders as lack of it can cause offending behaviour alongside social exclusion and family breakdown. The government issues policy directions while local authorities deal with accommodation. Joy Dalkin thought that each prison needs an accommodation officer. The "supporting people" funding includes support for offenders on release from prison. She admitted that there would be a large expenditure in providing an accommodation and coordination unit for each of the 42 probation areas, with extra in London. The scheme would need a representation of offenders on the "supporting people" programme. Home Office research and reports keep her department up to date regarding assessment of what is going on.

She was of the opinion that a sentence that keeps women in prison over 13 weeks risks increasing social exclusion as older women are carers upwards and downwards. They lose access to services and have to re-make the links after custody, which is very difficult. Older women offend because of issues of social exclusion and/or family exclusion, she believes, and, in order to prevent offending, society needs to address social inclusion and the provision of stable accommodation. They need to have a job or training for employment so that they can earn money legitimately. There is no money given if sick or retired in prison, only if a prisoner works. They receive more money for taking on menial kitchen or other tasks than attending education courses.

At the time of interview the women's policy unit at the Home Office has no special or particular work on OLDER women going on. Hopefully older women will now be on the Home Office agenda, too, although Joy Dalkin thought that "building blocks" needed to be in place for all before additional work was carried out with older women.

ii) Probation Service

a) London-wide

Research officers for the London probation area find there is a lower re-conviction rate when offenders have programmes, e.g. on anger management, in their community rehabilitation package. The only concrete measure of success is whether someone manages not to re-offend during the life of the order. Programmes are designed to change their attitudes and thereby reduce recidivism. The probation service keeps data on compliance with community orders.

b) Local London area

The head of service delivery of the London probation area studied noted that records are not kept of older women who care for a parent so we do not know how many women are affected by carers' problems.

iii) Courts and Magistrates

I interviewed a Crown Court Judge, two Justices' Clerks, three Magistrates, a District Judge and a lawyer (who is also a Magistrate).

The Crown Court Judge was virtually dismissive of the problems facing older women and did not want to spend time discussing them as a different group: he treats everyone on their individual case.

There are not many older women appearing in the (very busy) Petty Sessions Area (PSA) in London that I studied. The District Judge and lay Magistrates (who work voluntarily within the statutory system but with considerable training) said that they saw very few women over 50 and where this did occur, it was nearly always for offences of dishonesty. All agreed that the approach of the Magistracy is the same as that for other offenders – depending on background and whether, for example, it is a first time offence. Half those interviewed thought there had been no change in the last ten years in the way that they decide on a sentence when dealing with older women offenders and half thought it had changed in that there is now a more structured approach and full use of psychiatric reports and help. Magistrates were getting conflicting messages from Government about giving harsher prison sentences for more offences or not giving a prison sentence. Obviously, most of the women sentenced to custody for more serious offences are dealt with in the Crown Court. Magistrates sentencing in 2000 gave custodial sentences to only 4% of those dealt with; discharge 9%; fine 75%; community penalty 10%; other disposal 2% (Maudsley, 2002).

Magistrates sentence on the facts of the case - for all age groups - and whether the sentence is appropriate, so “the offence is so serious that only a custodial sentence is appropriate.” They look at three elements in determination: punishment, deterrence and prevention of re-offending. The lawyer thought that sentencing is formulaic these days, particularly for more serious offences, and is dictated from above, from the Court of Appeal. Only the District Judge (DJ) was able to respond fully to a question on assessing the effectiveness of a sentence. She relies on information from the Probation Service and notes whether the offender has complied with a previous Order or not. It is important not to impose a community sentence older women cannot or will not comply with, resulting in certain re-sentencing. All the lay Magistrates feel that there is no way of knowing in the majority of cases as they do not receive feedback (although there is provision to require a report back on compliance, most magistrates do not know/use this).

Regarding the causes of offending behaviour by older women, there was agreement that family breakdown and lack of support from family and friends, mental health issues, abusive relationships, poverty and alcohol abuses were the chief reasons. Factors that were perceived as influential in helping older women to stop offending included having a place of their own, financial support, stability in their lives and good family relationships; counselling and probation input were also considered important. Some of the Magistrates interviewed thought that nothing can stop older women offending and that the responsibility for them does not lie with the Magistrates who are there to guard the public. Others of us – including the DJ – believe that by helping older women to stop offending we are serving the community as less crime will lead to a safer society.

The DJ thought that older women offenders should be dealt with in the community, but the lay Magistrates interviewed were of the opinion they should be dealt with in the same way as all others, on the merits of the case.

iv) Prison Service and the Women's Estate Policy Unit Liaison Forum

The Women's Prison Estate (all the women's prisons in England and Wales) is a group rather than an area. The Liaison Forum brings together those working (both statutory and voluntary organisations) within the Women's Estate. It discusses practical ways of developing closer relationships with the voluntary sector. There is also a women's offending reduction programme. Those interviewed noted that there are more women in prison although crime has generally gone down. 3% of all sentenced women are over 50.

v) Deputy Governor, Prison

When I spoke to the Deputy Governor of this open prison in 2004, women there were serving from three months to life. Most were there for over four years. There were three lifers who were, at the time, under 50. The accommodation is all in dormitories (see interview with Emma for comments on sharing). The Deputy Governor reckoned it takes two weeks for the women to settle in his prison. Most are single parents. There is a system here whereby the designated Primary Carer for children or elderly parents is given three days' leave to stay away overnight every nine weeks after a certain amount of time. In addition prisoners are allowed two day leaves (8am to 9pm) per month within a 50 mile radius. One woman had absconded from the prison the previous year. There had been 6,000 on licence with five failures. Training in skills is given, for example, some gain an NVQ in catering. Women can go out to work 12 months before their release date. *I was informed by a prisoner that foreign nationals are not allowed to work outside the prison.* They can earn as much as £15,000 and, after paying taxes and national insurance the rest is their own. The prison states that they must save half of what they earn. No money is given to the prison. They can drive their own car if they have one. But those who cannot work do not get a pension.

If they are found with drugs they are sent back to a closed prison. There are some relationship problems. Some of the women have lesbian relationships only when they are in prison. There are those with mental health problems and others with learning difficulties. The Deputy Governor thought that for many of those with problems of some kind "prison works" as the prison looks after them but they have no support when outside. On discharge prisoners are given a £90 discharge grant then it is back to the community with the same problems they had on entering. The main help they need is with housing.

Certain themes emerged from the views of the statutory organisations interviewed. Two organisations, the Home Office and Courts and Magistrates, remarked on the seeming inconsistencies of the Government's attitudes – on the one hand saying there are too many offenders in prison and then instructing the courts to give custody to offenders. The Home Office and Deputy Prison Governor agreed on the low level of education of many older women prisoners and the need for job training for employment in order to stop re-offending. The Home Office and Courts and Magistrates commented on the importance of stable accommodation for older women to aid their rehabilitation so that they can be free from committing crime. All the statutory organisations cited the breakdown of family and relationships as major causes of older women's offending behaviour. In addition the Home Office reported that social exclusion is a major cause. The Home Office also said that resources are needed to fight street crime and mentioned the difficulty those serving prison

sentences of less than 12 months face in having no programmes available for them; also that early drugs testing for offenders should take place. Both the Home Office and the Minister for Prisons commented on the fact that older women are serving longer prison sentences. All the statutory organisations interviewed thought that there should be more community sentences as an alternative to placing older women in prison. The London Probation service wanted programmes in prisons to assist with their rehabilitation when they came out of prison. While the magistrates expressed different views on the sentencing of older women they and the DJ commented on their treatment and sentencing. The London Probation service and the Deputy Prison Governor mentioned older women as carers in addition to frequently being parents themselves. It was encouraging to hear that older women offenders will now be on the agenda of the Home Office and Minister for prisons.

Themes also emerged for the voluntary organisations interviewed (see below).

d) What Voluntary Organisations Are Doing To Deal With The Problem

The voluntary organisations I interviewed dealt with offenders in different ways. There are caps on some support services whereby those over 50 are excluded.

CLEAN BREAK is the UK's only women's theatre company primarily for ex-offenders, but also for women with experience of the mental health system. Clean Break has a commitment to theatre and arts as media which open up possibilities for their clients to develop personal, social, professional and creative skills. At any time Clean Break has women of 50+. The organisation recruits from inside prisons, as well as bail hostels, homeless projects and the probation service throughout London. It has been running for 22 years.

Clean Break builds up the women's self-esteem and enables them to enter the labour market by providing part-time courses in acting, technical skills, personal development. Alongside the educational provision, there is a support system which gives personal career development advice. Female ex-offenders, including those on probation, from 16 upwards with no ceiling, can attend courses. In addition to referrals, women can self-select courses. All come voluntarily. The organisation helps older women become more confident by giving them a space where they are not judged on their crime. Evidence of success is demonstrated by women going on further courses or into work.

Lillie Stoute, Student Support Manager at Clean Break, believes that the type of sentence they get generally has an effect on the women's re-offending behaviour. Many of the women offenders with whom Lillie has come into contact have mental health problems. Coming out of a custodial sentence can result in homelessness, loss of responsibility towards grandchildren and loss of contact with the family. Women have to serve for a minimum of 12 months to get courses or follow-up help.

CAST provides education, advice and support to women from a variety of backgrounds, particularly ex-prisoners, ex-offenders, and women recovering from alcohol/drug addictions or with a history

of mental health issues. The essence of CAST is to empower women to grow and achieve through unconditional support and guidance. The students gain self-awareness and build confidence through a variety of classes, support groups and one to one sessions and thus the organisation helps women to rehabilitate within the community. At the time of the interview there were three women over 50 attending classes. There is no upper age limit. Accredited and non-accredited classes are provided by CAST both outside and, in their outreach work, in prisons. Besides increasing their confidence many women gain national credits to go on to employment or training. They also get peer support.

Education is provided for health and welfare, not for employment, although some women who have never worked find that the vocational guidance they get – perhaps for the first time – assists them in finding work on release. There is no career advice in prison. Gerri Shepherd, and later Anita Sheard, from CAST stated that they would like to see good vocational guidance provided in all prisons.

CAST works in six prisons around London with women who live in Greater London. Because of being moved all around the country and then back to London, the women face huge challenges on coming out of prison. It is not the type of offence which has any bearing on their rehabilitation, they say, but other factors such as being separated from their children. Although there are some rehabilitation programmes in prison, moving the women around militates against any good work that may be achieved. In general, Gerri thought, older women who have been given a community sentence, including those over 60, rehabilitate better and more smoothly than those given a custodial sentence.

WOMEN IN PRISON (WIP) provides welfare and education to women in prison and also campaigns for women prisoners. It works across the entire women's estate. Most referrals to WIP are made via word of mouth from one prisoner to another. WIP is committed to a reduction in the number of women being sent to prison and to more compassionate and effective programmes for the women who are sent to prison. For older women the responsibilities of caring for older parents become an issue, especially, for example, for Asian women whose older parents may speak no English at all. There are students over 50 in a number of prisons.

Education is provided for health and welfare, not for employment. Jane Yeomans, who co-ordinates WIP's education project, would like to develop links with older people's groups. The education project attracts students who have a bias towards education and she promotes the project with leaflets etc. There is an age cap on some other support services (such as ex-offenders hostels where the maximum age is 65) that exclude those over 50.

The work of the *PRISON REFORM TRUST* is aimed at creating a just, humane and effective penal system. It does this by enquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, Government and officials towards reform.

Juliet Lyons, Director, believes a community sentence is better as regards rehabilitation as there is an 80% overall reconviction rate within two years for those who have been in prison. Although the organisation is concerned mainly with research and policy, it offers an advice and information

service – for over 4,000 prisoners and their families each year – where, amongst others, they deal with women over 50. This is conducted mainly by telephone and people are not asked their age.

Juliet has found that women tend not to go through the complaints procedure as they do not complain as much as men!

PROVIDENCE ROW is a Charity working with homeless people around the East End of London. It has developed its own services at a day centre. Linda Dearlove, a nun working in civilian dress, is the Co-ordinator. She works directly with vulnerable women in the Brick Lane area. Of the 48 women she has worked with in depth during the six months before my interview with her, nine are over 55, seven between 45 and 55 (a total of 10 aged 50+). Three have an obvious history of involvement in the criminal justice system and one possibly has a learning disability. All have a history of homelessness (i.e. no permanent home), some are former commercial sex workers. All 10 have mental health difficulties and eight of the 10 have experienced domestic violence from their partners. The older women have issues relating to alcohol rather than drugs. At least eight of the 10 have never had secure employment. Their partners often force the women out on the street as commercial sex workers or to thief. Two of the 10 are refugees. Of the 10, six do not read to an acceptable standard in English. Most of those who get community sentences are not able to comply as their lives are too chaotic so they end up in prison. A number of the women that Linda has dealt with end up in prison as they have not been able to pay their fines. To earn the money to actually pay their fines, the women go back on the streets. Most of the women have poor family support systems. The women dealt with at Providence Row need a higher input of resources than the Probation Service can provide.

As they work in confidence Linda Dearlove and her colleagues do not ask questions on all aspects of the women's lives. They are not targeting women offenders as such. Their remit is to enable the women to make choices, to improve their lives by dealing with issues so that they can handle problems. She works on the streets and runs a "Just Women" group once a week. They have discussions on abuse.

NORTH LAMBETH DAY CENTRE caters for homeless and rough sleepers, men and women. Over 50s only attend one day a week. The workers assume that they have no current offenders and were not able to identify ex-offenders. Lunch is provided on some days. Available on different days are – a nurse, optician, benefits worker: all available free of charge. Vaccinations for Hepatitis and Hepatitis B are available. Nobody was available to interview.

NATIONAL ASSOCIATION for the CARE and RESETTLEMENT of OFFENDERS (NACRO) undertakes work with women offenders. NACRO runs a national resettlement telephone line. Housing services provide supported housing projects of various kinds – about 2,000 beds/places.

Jackie Lothian, national development officer for women, has a strategic policy role. She has found that older women in prison do not receive proper health care. When released the husbands expect

their wives to slot back into place, which they find impossible to do.

Thinking within the prison service has changed within the last five years and they are now willing to tackle all resettlement issues including housing and employment. The impediments are staff shortages and lack of resources. Jacky Lothian has results on individual projects but nothing on older women prisoners as such. In considering whether the type of sentence has any bearing on the older women's rehabilitation: she thought that for most women a community penalty with proper support was best. Programmes dealing with offending behaviour are not, in the main, designed for women. Women need practical support, including help with drugs and offending behaviour post-release. Custody plus might deliver this but will need massive resources.

TURNING POINT is a charity helping offenders, including older women, to rehabilitate away from drugs and alcohol. A local area worker that I spoke to works in partnership with the local Drug Action Team. He helps people to get off drugs through assessment, creating a care plan and setting goals. He assists offenders to learn to talk to friends and family and avoid situations that could lead to a relapse. Sometimes he has to teach people to use drugs more safely. He can refer people to more specialist centres or counselling. It is very difficult to find rehabilitation accommodation.

Many do not re-offend. Often older women have a smaller abuse problem. Older women on a first charge might see it as a wake up call and stop offending. The type of sentence older women are given does have an effect and the Probation Service tries to recommend the best sort of sentence to help them. Visiting a TP worker is better than being in prison! Attending TP allows them to have something stable in their lives. It might be that for an older person who has tried unsuccessfully to "kick the habit" prison is the best place to make the change work. Somewhat controversially he has realised that for some prison is best. Support is needed for those who come out of prison and go back into the community.

AGE CONCERN ENGLAND (ACE) is a Federation of Age Concerns throughout England. ACE provides policy direction, an extensive information service and a support and developmental role to the smaller Age Concerns. ACE has undertaken some policy work on older prisoners. The organisation put out an Internal Briefing Paper on 'Older Prisoners in Prison and Older Prisoners Preparing to leave Prison' and convened a Seminar on older prisoners that I attended.

Apart from staff from ACE and individual Age Concerns from around the country there were a number of people from other voluntary organisations such as WIP present at the Seminar. Also present were authors of papers on older prisoners and older women prisoners. Discussion took place on the role ACs and ACE plays at the moment and what they could do in the future. Some ACs provide services to local older prisoners in the same way they provide services for older people in general in their area. Following this ACE now convenes a working group on older prisoners and has regular meetings. I am a contributing member of this group. ACE is willing to consider undertaking further research in this area.

HELP THE AGED (HtA) now undertakes policy work leading to practical help on issues of concern to older people. One of their campaigns is an HtA Senior Safety Campaign. Fear of crime is a major issue for older people, particularly women, which daily weakens the confidence required to live happy and independent lives. In their report HtA proposes a 10 point action plan for older people and those who assist them aimed at reducing both crime and the fear of crime (HtA, 2002)

BETTER GOVERNMENT FOR OLDER PEOPLE (BGOP) is a movement of older people, local and national government and voluntary sector organisations to change attitudes and services in order to achieve an improved society of older people across the UK. Mervyn Eastman, the Director, spoke to me about the general public's adverse reaction to older prisoners, which is in marked contrast to their receptiveness on other older people's issues. He is involved in setting up a network of people interested in older prisoners' needs and hoped I could be part of it. He commented that in Spain people were not in prison over the age of 70. If they are still there then they are released and put into the mental health system. Mervyn spoke of the social care needs of older prisoners. He had looked at the developments at the special unit for older prisoners (men) at Kingston prison and the faults there would make a similar model for women undesirable. For example the prison did not seem to know its purpose: was it a prison or a retirement home or a hospital?

On the whole the representatives of these voluntary organisations feel that a community sentence is better for an older person than a custodial disposal as serving time in prison frequently results in loss of employment, loss of a home and the weakening of family relationships as well as suffering from financial hardship. There is scope for prisons to work with voluntary agencies operating in the area of a prison. Some work in this area has already started.

Three of the voluntary organisations interviewed spoke to me about the general public's adverse reaction to older prisoners. They also mentioned the establishment of a network of people interested in older prisoners' needs. As referred to above, I am now involved with this group, which is being coordinated by ACE.

Themes emerging from the voluntary organisations interviewed were virtually the same as those for the statutory organisations. Clean Break, Cast and Providence Row are concerned about the low education of prisoners – they often come into prison illiterate and have few opportunities to really improve. The necessity for stable accommodation both in terms of assisting in the rehabilitation of offenders, and also to help them to be free from crime at the end of any prison sentence was stressed by Clean Break, Providence Row, NACRO and Turning Point. One of the main reasons for offending behaviour by older women as seen by almost all the voluntary organisations and highlighted by Clean Break, CAST, Providence Row, NACRO, BGOP (Social Care) is the breakdown of family relationships.

Looking at the themes identified by the two groups, it is interesting to see that all the statutory and voluntary organisations are of the opinion that the breakdown of family relationships is a major cause of offending behaviour. They all support community sentences as an alternative to prison. The majority of statutory as well as voluntary organisations stressed the importance of stable accommodation for older women to assist in their rehabilitation and help them keep free from crime at the completion of their prison sentence. Three of the voluntary organisations and

two of the statutory organisations are concerned about the low level of older women's educational ability and the need for job training for employment in order to stop re-offending. Other themes emerging from the statutory organisations (one organisation for each) are: social exclusion as a major cause of criminal behaviour; resources needed to fight street crime; the difficulty in older women serving prison sentences getting suitable programmes; also programmes are needed to help their rehabilitation at the end of custody; older women can be carers as well as parents. Many of the statutory organisations mentioned that they support early drugs testing. Three of the voluntary organisations commented on the general public's adverse reaction to older prisoners in general and two of the statutory organisations and a number of Courts and Magistrates speak of the seeming inconsistencies in the Government's attitude – on the one hand saying there are too many offenders in prison and then instructing the courts to give custody to offenders.

Chapter Seven: Discussion

How Should We Deal With Our 'Problem Older Women'?

At the present time there is only one prison - Kingston – catering for older prisoners and that is only for men.

Older women are often thought to be recidivists as younger women who are first time offenders are unlikely to receive custodial sentences. In my study – albeit small – 10 of the 19 women were first time offenders. The judiciary, including magistrates need to be trained to take into account previous offences but not to assume that older women have committed offences in the past. There is a need to ensure that sentences are not based on a person's age. A higher number of younger women are getting community sentences as there is more work for younger people in the community. Some areas have very little if anything suitable for older women. The probation service and, in particular, community punishment (unpaid work) seem geared to young people, predominantly male. Older women are uneasily fitted into a system designed for men. If older women are going to be given unpaid work to do in the community then it needs to be designed with them in mind.

Prisoners generally suffer more health problems than those outside. Older women in prison find that their needs are not catered for (Wahidin 2002). They suffer more from age-related illnesses than older women do in general and their medical needs are not dealt with appropriately. It is also important to appreciate that older women can be carers upwards as well as downwards: looking after elderly parents or other relatives in addition to their own children and grandchildren. This often involves the need for financial assistance.

Women are more disadvantaged than men because they get paid less than men in employment. Older women are doubly disadvantaged because they find it harder to find employment than younger women or men. A custodial sentence makes it more difficult for a woman, particularly an older woman, to adjust back into society. Older women who are not capable of working in prison do not receive money to put aside for when they are released.

It is important for everyone to have a stable home life. Older women, in particular, have generally lived in the same community, if not house, for many years. Placing these very vulnerable women in prisons far from home (the tendency is to move prisoners as they progress nearer to a release date) is far from helpful and can result in a complete breakdown of their family unit. Older women with families or other dependants are more likely to be vulnerable. 'At the end of 2004 half of all women in prison were held more than 50 miles from their home and a quarter were held more than 100 miles away.' (PRT 2004). Older women with family or other assistance are more likely to be rehabilitated. The women lose touch with their local probation officer if they spend many years in custody and, when they are moved around, can miss important medical appointments which can have a deleterious result on their current and future health.

Many of the organisations, both statutory and voluntary, have questioned whether custody is the appropriate sentence for women over 50. But is it the case, that for some offenders, prison may well be the right place for them? For drug abuse offenders, prison may be the only place where they can receive and benefit from a proper, long lasting detoxification programme. It cannot be right that some offenders feel that the only way that they can get long-term treatment for a drug problem is

by remaining in prison. We know the consequences of prison for older women (see my comments below), and there needs to be adequate care and on-going treatment in the community to enable women to feel secure in receiving treatment outside so that they are not thrown back into the same situation that contributed to their offending in the first place. Ageing and social care issues must be considered throughout the women's passage through the criminal justice system,

It is disturbing to see (Table 2), therefore, that more women over 50 are being given custodial sentences. In spite of crime having gone down, there is an increased number of older women in prison. Where older women are being sentenced more severely than their younger counterparts, issues of age discrimination should also be considered. Age discrimination legislation is still in its infancy and it will be interesting to see whether there is future case law that addresses issues of access to services by age. Prison is not necessarily the appropriate recourse for certain offences; in particular those suffering from alcohol or drug addiction may be better off receiving addiction therapy in the community. The aged used to be treated with more leniency but my research shows that older women are getting longer sentences, more like their male counterparts. Prison is not always suitable for older women. Women appear to age more quickly – they have the characteristics of someone 10 years older in the outside environment (Wahidin, 2002). Conditions in prison are not conducive to the health of older women. My research has highlighted the significant care needs of older women in prison, particularly gynaecology and osteoporosis. Certainly it is not appropriate to give them a pill to shut them up, which is the impression that some of the older women prisoners have. Environment issues of design can adversely affect older women prisoners, including the glare of strip lighting, lack of carpet, slippery floors in showers, lots of stairs, even sharing a room; older women are sometimes put in prison dormitories as a disciplinary measure to control undisciplined younger women. Often older women suffering from depression are quieter than younger women and thus seen as a civilising influence. If there were to be designated establishments for older women this would be lost but older women would be more content. I am not recommending this, however, as the women might end up even further from home. However all bed allocation and access to facilities should take age and disability into account.

It should be an advantage that a large number of magistrates are over 50. One feels they should be more in tune with older offenders and deal with them in a fairer way. However, I have not come across this and, in Findings c (iii), I show that magistrates of all ages feel that older women should be judged in the same way as other offenders. I do not support this view as, for the reasons shown in this Report, older women need to be dealt with according to their particular needs, bearing in mind not just the offences they have committed.

Until domestic violence (DV) and the resulting offences became recognised as different from other crimes, offenders were dealt with in adult courts generally with no specialist input. The West London Magistrates' Court Specialist DV Court was set up in October 2002. It was the first in the country and dedicates one day each week of courtroom time to deal with only DV allegations and to hear DV trials in the specialist courtroom where only trained JPs, DJs, Legal Advisers and other personnel are permitted to sit. It was the only magistrates' court to ask for, and be given, statutory authority to use Special Measures by way of live TV link in DV trials before those provisions were generally commenced for the rest of England and Wales [Jan Lesser, who set up the DV court in West London]. Professionals from a wide range of organisations are present in these courts in order to assist the magistrates, who themselves have specialist training to enable them to deal appropriately with victims and offenders. As more DV courts are established - normally sitting one

day per week – it has been noted there is an increase in the number of convictions. Certainly the women victims appear more likely to pursue their cases in this atmosphere.

It would be useful, therefore, to try having an Older Persons' Panel, which could be trained (as in the DV courts) to deal with older offenders (see Recommendations below). The Magistrates – sitting say one morning a week – could bear in mind many of the points raised in this study and deal in the most appropriate way with older offenders, in particular women over 50.

I expected to come across the 'sandwich' criminal, older women stealing to support an aged parent, grown-up children, and, perhaps, grandchildren. There are no statistics kept on this and I did not come across examples.

Many of those interviewed (above) have commented on what makes older women offend. We now need to look at ways to reduce older women re-offending.

Chapter Eight: Recommendations & Conclusion

1. There is a need for somewhere that enforces detoxification. However, this should not have to be a prison; it would be preferable for the offenders to go to a proper rehabilitation facility. If they are older it is possible that women could be longer term addicts. These older women who are longer term addicts need not only detoxification programmes in prison but also better support.
2. This increased support should be developed by increasing short-term residential facilities for detoxification for those abusing drugs or alcohol and this should form part of a Community Rehabilitation Order.
3. Community women's prisons should be established so that where a custodial sentence is imposed, older women can remain near their families, close to the area where they will be released and thus stand a better chance of not re-offending. Older women are more likely to have responsibility for older adults as well as their own offspring, but they can also receive support from both these groups. A local prison is also desirable as a link to their continuing lifestyle post-custody.
4. It would be advantageous to have separate older women's units or customised cells designed to cater for older women and disabled women. If the resources to run these are not available in the short term then environmental design in all prisons used to accommodate older women should be adapted to ensure suitability for their support needs including replacing strip lighting and being able to switch on lights from bed etc in order to make them more comfortable for older women. Facilities should be fit for purpose for all age groups.
5. Proper account should be taken of the recommendations of the National Service Framework for Older People (Dept. of Health, 2001), 'At any point in time 700 people in prison are aged over 60. They have a wide range of health and social care needs both while in prison and on release...important that there is good liaison...to ensure that prisoners who are being released are assessed for and receive services which meet their continuing health and social care needs.' The NSF's standards include dealing with incontinence – a disabling condition for some older women prisoners.
6. Prisons should provide good prison care, particularly catering for women's health and emotional/psychological needs. It is important to keep older people physically and mentally healthy as long as possible (Newman, 1989). Older women are more prone to disabilities, ill health and the possible effects on health of substance abuse. What a person has done should be reflected in the sentence, not be reflected in the care she receives. Once in prison older women should have the same opportunities as younger women for education, employment and other resettlement needs.
7. There should be an Older People's Panel (similar to a Youth Court or DV Panel) which specialises in dealing with older offenders. This Panel would receive training in dealing with older people's needs as well as general ageing issues including persistent older male and female offenders. Magistrates, who were members of the Panel could sit one morning a week in a busy court to hear all cases. In a court with a smaller throughput it might be

more appropriate to sit say one morning a month to hear all except some first hearings which may need to be heard earlier. The Panel members would bear in mind many of the points raised in this study and deal in the most appropriate way with older offenders, in particular women over 50. This Panel's deliberations would be able to combat one of the areas of age discrimination whereby older women are seen as recidivists.

8. Prison should be kept for those older women who commit violent or more serious crimes not petty offenders. At a time when prison overcrowding is a major issue as well as the examination of sentencing policies in general it is an opportune moment to review how older women defendants are sentenced. At present there are no programmes offered for those serving less than 12 months. Lord Irvine, then Lord Chancellor (2002) said, "Prison only when necessary and for no longer than necessary". Prison should be reserved for persistent and dangerous offenders.
9. There seem to be fewer opportunities for unpaid work for older women who are perceived to be not capable of performing work allocated to men and younger women. Therefore there is a need for women only programmes designed for older women under community rehabilitation orders. Appropriate unpaid work, which is a useful disposal, should be given to older women wherever they happen to live. Older women offenders coming out of prison need help, before release, with housing (which might include dealing with issues around domestic violence or marital breakdown), with their educational needs, with finding a job or sorting out their pension, and with relationship issues.
10. There is a need for the Government to develop a strategy for older offenders. This is being partially addressed in the Thematic Review (HM Inspectorate of Prisons, 2004) which among other recommendations states, *'There should be pre-release courses or the equivalent specifically for older and retired prisoners. Prior to discharge, a single multi-disciplinary assessment should identify needs in order to make links with appropriate health, social service or voluntary services in order to assist older prisoners during their first weeks in the community.'*

Although there is not much about the specific needs of older women, many of the issues raised in my report are mentioned in the Review for all older prisoners. Regarding older women, the Review includes the following after the Key Recommendations: *'The strategy should be informed by further research into...the specific needs of older women prisoners, taking into account the likely age profile of women in prison over the next five years.'*

In Conclusion

Older women offenders, who come into contact with the Criminal Justice System, face a last chance to lead a life free from contact with the law. Perhaps it is also a last chance for society – which is all of us – to prove to the older women, through the CJS, that we care what happens to them.

"Many a woman has a past..." Oscar Wilde

Can we not offer them a future?

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