



POSITION STATEMENT

WOMEN IN CUSTODY



The Royal College of
Midwives

POSITION STATEMENT WOMEN IN CUSTODY¹

RCM POSITION



The detention or imprisonment of pregnant women and those with newborn babies should only be used as a last resort for women who commit very serious offences or pose a threat to others.

The prison system should adopt a much more humane approach to dealing with women in detention or prison as many have been imprisoned for non-violent crimes.

The RCM opposes any use of restraints on pregnant immigration detainees or any other pregnant women within the prison system. This includes whether during visits to courts or transfers between areas; except in situations where the woman poses a risk to herself or her unborn child or if her life is clearly in danger. The assessment and determination of risk to life must be made by a suitably qualified perinatal clinician.

Safe and appropriate maternity care should be available to all pregnant women including immigration detainees and regardless of where the women are in the prison system, to the same quality and standards as the non-prison population and strictly in line with NICE guidance.

Pregnant women in the prison system will benefit from continuity of care from a midwife if there are strong links with the maternity services and where consistency and safety in the standards of care for pregnant and postnatal women are contained within agreed protocols, such as the Prison Service orders².

Wherever possible, women with an infant under the age of two who are experiencing prison for the first time can be considered for a prison mother and baby unit.

BACKGROUND AND CONTEXT

Over the last decade, the number of women in prison has increased by over one third and in October 2014, there were 3092 women in prison in England and Wales. There are no reliable statistics for the number of pregnant women in custody. More women are sent to prison for a first offence than men with women receiving harsher sentences for equivalent offences than men.

Around a third of mothers who went to prison were lone parents, and 65% were sent to prison for the first time because of financially motivated crimes. It is alarming that a significant proportion of women in a Home Office study were being separated from their children for a significant period for the first time. Campaigners such as the Prison Reform Trust and Smart Justice, including the Council of Europe have all called for an end to the use of prison for mothers in all European countries and for alternatives to prison for women who commit non-violent crimes as a first offence. The Corston Review also recommended that only the few women who commit serious or violent crimes or those who are a threat to the public should be given custodial sentences.



The social and financial cost of imprisonment for non-violent female offenders, especially first time offenders or immigration detainees cannot be underestimated. Many asylum seekers are victims of gender based violence fleeing persecution, tend to be in worse physical and mental health and have poor pregnancy outcomes. Children of imprisoned women may end up becoming offenders themselves and socially excluded from school, employment and society as they do not get the benefits or familiarity with family contexts. Imprisonment has a damaging effect on the family, with almost half of imprisoned women losing contact with their children and some may lose their homes, possession and contact with their wider social networks. They are in worse physical and psychological health on release, with some women resorting to drugs or alcohol as coping mechanisms and may become vulnerable to abuse and in some instances, self harm.

Many women in custody are moved around the prison system where they encounter different 'rules' and practices that are based on local customs rather than agreed evidence-based protocols. Prisons and detention centres are not appropriate environments for pregnant women or their babies and do not serve their best interests. Even where there are mother and baby units within prisons, new mothers have to compete for these limited facilities. In addition, pregnant women held in remand/detention centres and awaiting trials, are transported to and from the courts without adequate medical or midwifery advice and supervision. There appears to be reliance upon custody officers and increasingly on security staff to determine or make decisions about the needs of pregnant detainees during these journeys. For example, consideration must be given to the need for meals and snacks, hydration, access to toilet facilities or ensuring that the conditions within holding cells are suitable and not likely to impact adversely on the health of the pregnant women.

1 The female prison population includes teenagers, women in remand centres and immigration detainees. This paper refers to all childbearing women, wherever they are in the prison system.

2 A PSO may contain guidance on promoting the health of prisoners, during, transfer and discharge of prisoners, with particular focus on those with ongoing health needs. The PSO may also give guidance on clinical management of outpatient escorts and NHS inpatient episodes.

REFERENCES

Caddle, D. and Crisp, D. (1997) *Imprisoned Women and Mothers*. London: Home Office.

Home Office Research Study 162 (1997), *Imprisoned Women and Mothers*, Home Office: London

Home Office (2007) *The Corston Report: A review of women with particular vulnerabilities in the criminal justice system*. London: Home Office.

Howard League for Penal Reform (2014) *Women in prison*: www.howardleague.org/weekly-prison-watch/ [Accessed: 16 october 2014]

Ministry of Justice (2012) *Statistics on Women and the Criminal Justice System 2011: A Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991*. [Online] Available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/220081/statistics-women-cjs-2011-v2.pdf. [Accessed: 10th June 2014]

Ministry of Justice and <http://www.justice.gov.uk/news/newsrelease010110a.htm>

Ministry of Justice (2010) *Safety in custody statistics 2008-09*, London: Ministry of Justice

Smart Justice (2007) *Public say: stop locking up so many women*, London: Prison Reform Trust <http://www.prisonreformtrust.org.uk/Portals/0/Documents/smart%20justice%20-%20public%20say%20stop%20locking%20up%20so%20many%20women.pdf>



The Royal College of
Midwives

15 Mansfield Street
London W1G 9NH
0300 303 0444
info@rcm.org.uk

www.rcm.org.uk
