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Maternal imprisonment



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December 2021

CLiNKS
Supporting the voluntary sector
working in the criminal justice system

About the author



Dr Lucy Baldwin is a Senior Lecturer and researcher at De Montfort University. Lucy has worked in the criminal and social justice sector for over 30 years and is also a qualified social worker and probation officer. Lucy is a passionate advocate for positive change and reform in relation to criminalised women. Her research expertise and focus centres around criminalised mothers and the harm and enduring impact of maternal imprisonment.

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Why read this evidence review?

This evidence review provides an in-depth look at the issue of maternal imprisonment and the impact of this imprisonment on the children affected, the mothers themselves and the family members (typically grandmothers) who take over childcare responsibilities.

Dr Lucy Baldwin, Senior Lecturer and researcher at De Montfort University, reviews the current evidence-base – to which she is an important contributor – and covers a number of key issues:

- The extent of maternal imprisonment in the UK and the numbers of children affected
- The impact on children
- The impact on mothers, both in prison and on release
- The impact on family carers and family relationships
- The response of the criminal justice system
- Recommendations for change.

Introduction

To start, a few key statistics. The UK imprisons more people than any other country in the Western world, apart from the USA. Women make up approximately 5% of the overall UK prison population, and the majority of imprisoned women are mothers (Baldwin 2021).

Kincaid et al (2019) produced a report titled *Children of Prisoners: Fixing a broken system*. The report sought to demonstrate “that children of prisoners are at risk of significantly worse outcomes than children not affected by parental imprisonment including an increased risk of mental health issues, and of being involved in the criminal justice system themselves in later life.” The report suggested that the number of children affected by parental imprisonment annually has been long underestimated in England and Wales, stating that in fact the more accurate number is closer to 312,000 as opposed to the current, widely used figure of 200,000. 17,000 of those children are directly affected by maternal imprisonment.

The impact of maternal imprisonment

The Prison Reform Trust published a report in 2018, titled *What about Me* which specifically focusses on maternal imprisonment and Beresford, the report author, concluded that:

“The imprisonment of a mother has a potentially devastating impact on children, regardless of the age of the child and the length of sentence the mother receives.”

Beresford’s report echoed the findings of the 2017 Baldwin and Epstein study *Short but not Sweet* which examined the impact of imprisonment on mothers and their children. Baldwin and Epstein (2017) highlighted the failure of some sentencers to adhere to current guidelines, and found women were criminalised and imprisoned for very minor offences. Most often, those offences related to poverty, trauma or both. Although the sentences were short, ranging from as little as three weeks to 12 months, even from these short periods of imprisonment, the damage to mothers and their children was immediate but, significantly, the harm and the trauma caused to mothers and their children endured long after mothers were released.

“Everything changed in those few short weeks...we will never be the same.”

Michelle cited in Baldwin and Epstein 2017



A 'few short weeks' was long enough for mothers to lose their homes, for their children to be taken into care, to lose jobs and support networks – whilst also failing to address relevant root causes of any offending or to set in motion post-release support. The mothers in the 2017 study, all of whom had been imprisoned for nonviolent offences, described the 'profound hurt' (Datesman and Cales 1983: 142) of separation from their children. Two mothers miscarried in prison and both of those mothers felt that the stress of their imprisonment had contributed to their loss. Mothers described significant challenges related to visiting and contact, with some mothers being reluctant to put their family through the 'ordeal' of long journeys (most women are located between 60-100 miles away from home) and traumatic visits.

Visits, when they did occur, were often not 'child friendly', (for example mothers not being allowed out of their seats or allowed to have their children on their knees). Such visits were often described as 'traumatic' for both mothers and their children. However, not seeing their children at all also had devastating consequences. Some mothers described feeling suicidal and some disclosed they self-harmed 'from the trauma' of the separation from their children, and their imprisonment, specifically as mothers. The mothers felt that their relationships with their children were deeply affected. Mothers described how caregivers, being unsupported in caring for their children, compounded their own stress and guilt which again had implications for mother's post-release familial relationships and circumstances (see also Baldwin 2020; Booth 2020; Masson 2019, Jardine 2018, Lockwood 2013).

Baldwin's (2021) doctoral thesis titled *Motherhood Challenged* explored the enduring and intergenerational harm of maternal imprisonment. Her study revealed the 'persisting pain' experienced not only by children and grandchildren of imprisoned mothers, but by the mothers and grandmothers themselves. Baldwin found that the mothers' maternal roles and maternal identity were significantly impacted for many more years than previously evidenced, sometimes for decades post-release. For some mothers, their ongoing trauma from their criminalisation and imprisonment was so severe that they were diagnosed with post-traumatic stress disorder (PTSD).

"The effects of that place haunt me, the physical scars on my arms only remind me of the pain and heartache I felt when I was in there. Just not being with my kids, man... but worse for me are the mental scars that no one sees, everyone thinks I'm over it... no one knows, but I'm wrecked really. I still have nightmares from that place you know[...].nothing will take that away."

Dee, 10 years+ post release, Baldwin 2021: 276

Mothers in the study described how, as post-release mothers, they experienced significant challenges related to renegotiating their motherhood/grandmotherhood role in the family. Mothers described how their 'guilt', 'shame' and 'stigma' left them feeling 'forever spoiled' or 'tainted' as mothers and how this impacted heavily on their maternal self-esteem. This in turn left several mothers vulnerable to negative emotions, addiction and reoffending. Mothers described how their motherhood and maternal identity remained their "primary concern" (Baldwin 2021: 49) through their imprisonment and post-release – and yet it was an area in which they most often felt unsupported. Where

mothers felt supported and their motherhood was acknowledged, this made a huge positive difference to mothers coping and sometimes to their outcomes. This was the case for all mothers, regardless of whether they had their children in their care or not and whether they were expecting/hoping to resume care of their children on release.

For mothers who had lost the care of their children permanently as a result of their imprisonment, supporting their maternal emotions and recognising their maternal identity was key to working positively with the mothers during their imprisonment and on release (please see a selection of Baldwin's works 2015 – 2021 on maternal imprisonment). Baldwin's 2021 doctoral thesis study highlighted the strength and resilience of the mothers, revealing that despite the multiple challenges they had faced and continued to face, they usually survived – however tragically not all and for some 'only just'. The study revealed the multiple and multi-agency missed opportunities to support the mothers, often whilst they were still children and long before they were criminalised. It revealed how this failure to support motherhood persisted throughout the criminal justice system and resulted in mothers (and their children) falling through the cracks of multiple 'systems'. Instead of being supported and empowered, criminalised mothers are often judged, stigmatised and left floundering.

Criminal justice response

The Farmer Review for Women (Ministry of Justice 2019) and the *Female Offender Strategy* (Ministry of Justice 2017) both echoed Corston (2007) in the argument that 'wherever possible,' alternatives to custody for women should be the preferred option, especially for pregnant mothers and those with dependent children. Yet despite international guidance from the Bangkok Rules (OHCHR, 2010) and The Joint Committee on Human Rights report on the *Right to family life: Children whose mothers are in prison* (2019), pregnant mothers, mothers of children under two and mothers with dependent children, are still regularly sentenced to imprisonment in the UK (see also Minson 2014 and Epstein 2012). This continues despite over thirty years of evidence from academia, practice and policy makers demonstrating that prison rarely works effectively for women, and in fact often does more harm than good (Corston 2007). Tragically, in the last two years alone, two babies have died in prison when their mothers have given birth in prison, and another baby died on the way to hospital. This is not acceptable and although reviews into pregnancy and new motherhood in prison have been undertaken and another is underway – this risk will only be removed if we stop sending pregnant women to prison at all (see also Abbott et al 2020). There are alternatives (please see [Trevi House](#) as an example).

The Ministry of Justice (2021) recently announced the expansion of the female prison estate with an addition of 500 'new and improved' cells to be built into existing prisons. These new provisions are intended to 'improve' custodial conditions – particularly for mothers and their children. However, they will increase the capacity of the women's estate, not just improve it. Evidence-based responses to this new directive argue that any expansion of the female estate risks undermining the intentions of the female offender strategy to reduce

the female prison population and the intention is therefore opposed not only by Clinks, but also by other key organisations such as Women in Prison (WIP) and Birth Companions, both of whom advocate for community alternatives for criminalised women and for nationally accepted principles of diversion from prosecution, where appropriate, to become common practice. See Advance's Diversion Scheme (2021) as an example.

Conclusion

The evidence base drawn on above concludes that until the use of imprisonment for women stops, then improvements in existing conditions for women and mothers in prison should be actively pursued. Recommended first steps include the systematic gathering of data and circumstances of criminalised mothers and their children. Additionally, the evidence base argues for changes in sentencing practice, arguing that sentencers must (more consistently), adhere to existing and recently expanded guidance and must be accountable when they do not. Further recommending, ideally women should be sentenced by gender and trauma-informed trained magistrates (it is most often magistrates who sentence women).

Most campaigners, advocates, practitioners and researchers in the field of female imprisonment have called for the expansion of the female estate to be resisted and halted. Baldwin suggests in the evidence cited above that if 500 improved cells are to be created despite widespread opposition, then that initiative must be accompanied by the closure of at least 500 spaces in the closed female estate. Nonetheless, Clinks argues that a more appropriate use of investment would be in:

"Improving outcomes for women in the criminal justice system and reducing reoffending, specifically directed towards community provision and diversionary schemes delivered by women-centred, trauma-informed services. The recruitment of 20,000 new police officers should be viewed as an opportunity to work with the Home Office and police forces to ensure a focus on diversion from custody."

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All of the evidence cited or included in this review consistently concludes that prison is not the most effective way to rehabilitate women, moreover that it often further harms women. Furthermore, the evidence shows that motherhood adds an additional layer of complexity into working with criminalised mothers which needs to be recognised and supported to avoid disproportionately punishing criminalised mothers (and their children).

Authors of research and or evidence into the impact of maternal imprisonment have argued for a renewed vigour to return to and action the recommendations of the 2007 Corston report with appropriate levels of funding and policy development in relation to gender specific trauma informed criminal justice. It is further argued that this must include a commitment to a significant reduction in the female prison population, a clear

decarceration plan, adequate and permanent funding for community alternatives for women and finally a national commitment to diversion so that women can, where possible avoid criminalisation in their first instance.

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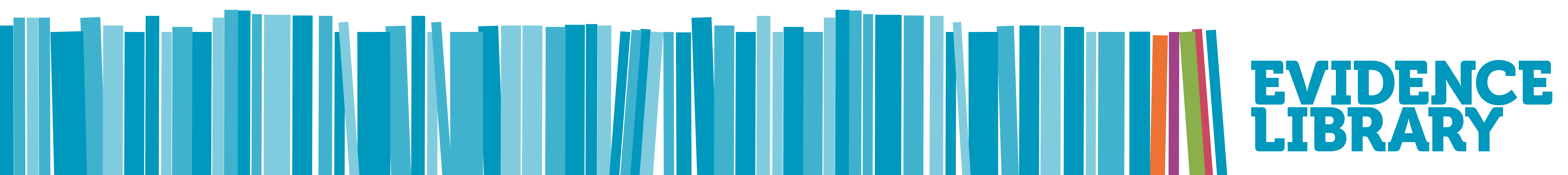
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An online evidence base for the voluntary sector working in the criminal justice system

This article forms part of a series from Clinks, created to develop a far-reaching and accessible evidence base covering the most common types of activity undertaken within the criminal justice system. There are two main aims of this online series:

- 1 To increase the extent to which the voluntary sector bases its services on the available evidence base
- 2 To encourage commissioners to award contracts to organisations delivering an evidence-based approach.

Each article has been written by a leading academic with particular expertise on the topic in question. The topics are selected by Clinks' members as areas of priority interest. Clinks intends to build a comprehensive directory of the best evidence available across a wide range of criminal justice topics within the next three years (2020-2023). The online evidence base is co-ordinated by Russell Webster on behalf of Clinks.

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