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Prison

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# REPORT to MEMBERS of the HOUSE OF COMMONS

ON THE URGENT NEED FOR

## Reform in the Method of dealing with Women after Arrest and in Local Prisons after Sentence

PRESENTED BY A SPECIAL SUB-COMMITTEE OF

### THE JOINT PARLIAMENTARY ADVISORY COUNCIL

(Women Social Workers and Members of Parliament).

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NO legislative and administrative reform is of greater urgency than that of the treatment of persons in custody for misconduct and law-breaking and of those convicted and sentenced to prison.

Law-breakers are the weak link in the social chain. Repression is far easier than reform, but repression which does not produce reform is a fruitless policy.

In the light of this axiom the Joint Parliamentary Advisory Council have endeavoured in this leaflet to bring before Members of Parliament the urgent need of the reconstruction of the system under which women are imprisoned, and which, while often deteriorating to the prisoner, is wasteful to the State.

Reform is perhaps in certain aspects most complex in women's prisons owing to sex laws on prostitution and solicitation, and to the grave temptation to infanticide often yielded to by young mothers.

If all was well in police administration, we should not have so large a number of recidivists, to whom the fear of imprisonment has not acted as a deterrent, and of whom it may be said that their period of detention has not led to a lasting impulse towards right conduct. **There has never been in the history of prison administration a more favourable time for a vigorous policy of reform than the present**, when, owing to what is mistily named "war conditions," the prison population is much diminished, and an opportunity is given **for closer classification in different buildings.**

#### OFFICIAL RETURN OF PRISONERS.

			Men.	Women.
In 1913	Penal servitude	...	2,681	85
In 1919	" "	...	1,361	90
	In local prisons convicted and unconvicted.			
In 1913	...	...	12,328	2,198
In 1919	...	...	5,568	1,145

The first reform needed is to appoint at least **two women as Prison Commissioners.** **Two women to be appointed as Prison Commissioners.** It is urged that the utmost that women at the present time should demand is the appointment of one Woman Commissioner, and the argument is based on the fact that the prison population has a very much larger preponderance of men than of women. Such an

argument greatly belittles the object that the presence of women on the Board of Commissioners would, it is believed, attain. If the greatest capacity and energy are to be brought to the task of reform, the co-operative enthusiasm of both men and women will be needed. Neither is it necessary or indeed desirable to limit the choice of such women to those who have been trained as experts in prison work under the present system, for the road to betterment lies in courage to face social injustice from a modern point of view. It may be confidently asserted that all prisoners, women and girls, men and boys, would benefit if the administrative capacity of women found a place on the Board of Commissioners.

**Prison Staff:** Prisoners are not the only inmates of a prison, and the **present great unrest in the prison staff of both warders and wardresses** cannot be ignored.

The work of the staff is necessarily very trying, and in some prisons important changes must supplement a rise in salary if the right kind of men and women are to offer themselves for the work.

A period of probational training for their onerous duties should be given to all applicants desiring to enter the service. Prison duty during this period should be arranged with exclusive regard to the beneficial training of the probationer.

The provision for the staff of cheerful sitting rooms, of means of relaxation and recreation, and of better prospects of rising to higher posts are of fundamental importance in any scheme for the reform of prison administration, and in all the above reforms the advice of Women Commissioners would prove of great value.

**The provision of Reception Houses for the custody of unconvicted persons.** A hardly less urgent reform is the necessity of the immediate provision of **Reception Houses for the custody of unconvicted persons.** This would give opportunity for necessary enquiry into the circumstances of the previous life of the accused. Such an enquiry would form the basis for that **close classification of prisoners which is now lamentably absent.**

Under the present system, without Reception Houses, the **conditions of persons on remand is most unsatisfactory.** They are often thrown with convicted prisoners in hospital, and are able to talk freely with them. A wardress is not always on duty, and even if present in the ward, it is an impossibility to prevent communication between two patients in adjoining beds.

Accused persons may be remanded for a period not exceeding eight days, but as the time expires, further remands may be ordered. When judgment is given the accused may be discharged, or may be committed to prison to await her trial, or if dealt with summarily, may receive a sentence of fine or imprisonment. Whilst on remand, the accused are sent to prison cells, they are allowed to wear their own clothes, but are bound by the same rules of silence as the convicted prisoner, and **are given ordinary prison diet unless able themselves to pay for extra food.** Supplementary food for persons on remand is ordered from an outside canteen. **Efficient control does not always exist over these canteens, and the food is said to be very inferior and expensive.** Inquiry should be made into this matter. Where persons in custody are unable to pay for canteen food, a diet other than prison diet should be provided.

**Special diet for unconvicted persons.**

No occupation is given to them unless they ask for work, when they are provided with a stiff canvas mail-bag to sew. They are allowed books, but no writing materials beyond a slate and pencil. If ultimately discharged by the magistrate, they have been inside a prison and been smirched by the contact.

This procedure is inconsistent with the law of the British Constitution, which presumes every person to be innocent until proved guilty.

**Appointment of Public Defender.** To ensure fair trials, as there is a **Public Prosecutor** so there should be a **Public Defender** to advise ignorant and overawed prisoners in regard to their legal position.

The health of the accused is also a matter of great moment in determining the right character of a sentence. **Reception Houses for women should have a resident or visiting woman doctor.**

**Health of prisoners.**

(a). The first point in health that comes under review is that of **personal cleanliness.** Many prisoners, including persons on remand, are verminous, and scabies is a prevalent disease. The eradication of nits and lice from the heads of prisoners is often a matter requiring time. In one prison recently

the prisoners attended to one another in this matter. It is impossible for a wardress to be always within hearing, and it will be seen at once how easily a hardened old hand can corrupt a young girl whilst this work is going on.

- (b). **Tuberculosis** gives in some phases of the disease a special predisposition to wrong-doing, for this and other reasons medical evidence on the exact stage the disease has reached is of special importance in determining sentence.
- (c). **Epileptics and persons suffering from fits** are irresponsible persons and should be the objects of special consideration and observation.
- (d). **Venereal disease** needs not only medical treatment, but is also a social question affecting the well-being of the nation.
- (e). The large class of **the feeble-minded and mentally deficient**, are often cunning as well as foolish; troublesome offenders constantly found amongst the recidivists, needing protection from their own weakness and removal from untrained supervision in their own homes.

The benefits it was intended to confer on the mentally deficient by the Act of 1913, are in effect greatly limited by the fact that they can only be applied when evidence can be obtained of the existence of the defect from birth or early age. The result is that adults, of whom no early record is available, or whose mental deficiency has not declared itself until adolescence, remain uncertified and when convicted of crime or misconduct, are still sent to prison, passing in and out on short sentences. **Who can estimate the enormous loss to the community of this procedure?**

(f). **There is another class of criminal whose condition claims our care and pity, it is the pregnant woman.** A system of release on probation might be instituted for minor offences if home conditions were suitable. For graver law breaking there must come the penalty of loss of liberty, but if there is segregation, it should not be in the depressing gloom of a prison, which must adversely affect the pre-natal condition of the child. **Neither is it wise to place these women amongst other prisoners** as is done to-day. Special provision should be made for them in a suitable house of detention, with a lying-in ward under trained obstetric nurses. **In these conditions no child would be born in an actual prison.** How urgent this question is can be seen by the evidence given at the inquest at Holloway Prison on the death, in child-birth, of a young girl, aged 17½, who was **on remand for a trivial offence.** She gave birth to her child in the middle of the night, the wardress having visited the cell ten minutes before. The coroner gave it as his opinion that the placing of the mother in prison in no way affected her health injuriously. Further evidence pointed to the deceased having been in good health on admission to Holloway Prison. Shortly after her admission she was seized with persistent attacks of vomiting, for which she was treated. She was six-and-a-half months' pregnant, but the medical officers did not consider there was any indication whatever of a likelihood of premature child-birth.

**Death in prison of a pregnant woman.**

On this account, which is taken from the report in *Hansard* of 24th February, 1919, some comment must be made. It would, we think, be conceded by any jury of medical men, that a patient in this condition, during this period of pregnancy, was in danger of premature child-birth, yet she was only **visited during the night by a wardress who was neither a trained nor a certificated nurse,** and whose ability to observe a serious change in a patient's condition must be questioned. At the inquest the patient was discovered to be suffering from diabetes, a condition which, had it been diagnosed, would certainly have added to the anxiety the medical staff of the prison would feel on her account.

(g). In January of this year another inquest reported in *The Times* was held at Holloway on a child prematurely born who only lived for 19 hours. The girl-mother was suffering from venereal disease. **She was under sentence for detention in a Borstal Institution and she should never have entered a prison. Her health required skilled treatment which should have been available for her in a special ward allocated to Borstal girls pregnant and suffering from venereal disease.**

**Venereal disease and child's premature birth and death in gaol.**

**Attempted suicide.**

(h). **Persons who have attempted suicide should be removed from prison** and confined in a country establishment in cheerful surroundings, under treatment which would heal their nerves and where some enquiry could be made into the conditions in life which motivated the nervous breakdown. In this way these persons would either be returned to a normal life or placed under suitable care.

(i). The methods of treating unbalanced, refractory, half-insane patients should be passed under review. **A special commission of doctors should give advice as to the use of the padded room, the employment of means of restraint, such as the dress, the jacket, the belt, etc.**

**Prison hospitals.**

Classification of prisoners in hospitals, the conditions of medical service in prisons, the employment of women doctors in women's prisons, and the training of the nurses, are all questions needing a close enquiry.

Segregation and punishment is not the only attitude the State should assume towards criminals. **Prisoners must be returned to civil life as soon as possible, and the better for their incarceration, if the large and increasing expenditure on prisons is to be justified.**

**Employment of women prisoners.**

The employment of women in some prisons to-day consists in laundry work, scrubbing interminable corridors, sewing endless things of exactly the same pattern, sometimes of hard stuff like mail-bags or mattresses filled with cocoa-nut fibre, sometimes something softer, part of a uniform or dress. Hardly ever in the monotony of this dead-alive life of silence does any occupation enter which requires intelligence and claims the attention.

Scrubbing and other routine work is not only necessary to keep an institution up to a proper standard of cleanliness, but is also of undoubted value from a correctional point of view, especially for short sentences. Amongst the older prisoners it is often the only work for which they are fitted, but for younger women, undergoing sentences exceeding one month, the spirit is dulled and the intelligence maimed.

**Education in prisons.**

**Education in prisons is lamentably behind.** Young persons under 21 receive an hour a day under untrained and uncertificated teachers. Of technical teaching there is almost none. Such classes as cooking, domestic economy, first-aid, would break the day's monotony and help the young women to find work when discharged. **In Holloway there is a boot-repairing shop,** but it employs very few women; such a hopeful experiment should be extended in all possible directions. The Board of Education should supervise education in prisons so that a greater variety of subjects could be introduced and more time allotted to the instruction of prisoners. Trained and certificated visiting teachers should be appointed for this very difficult work, and an up-to-date equipment for technical classes provided.

**Borstal girls in prison.**

Silence cannot be maintained on the present iniquitous practice of allowing Borstal girls to enter local prisons. **The Borstal Act was passed for the express purpose of keeping this class of young girl out of prison.** The principle cannot be too closely insisted upon, and given a system of Reception Houses they would escape all prison taint. The system which has prevailed hitherto is that they await their sentence in prison and return to prison after sentence until they can conveniently be transferred to a Borstal Institution. They are further detained in prisons for treatment for venereal disease, or because they are subject to fits, for revoked licences, and for pregnancy.

**Prison discipline on lesser offenders.**

There is a type of short sentence imposed on young girls called **modified Borstal.** The term is a misnomer and should not be used. **A Borstal sentence is a sentence of two years' duration, and the essence of the Borstal system is that young persons, instead of being imprisoned, go to a place of training during detention.** Short sentences passed in prison lead to no reform, and only harden the moral sense.

**Girls under 18 in prison.**

**Girls under 18, sentenced for short periods, owing to lawlessness or misconduct, should not be sent to prison, but, on probation, to some smaller and more regenerative institution.**

**The rigour of silence.**

**The silence rules,** as at present administered, are an evil. The rule is no longer enforced with its old rigour, it is felt to be outworn, and modern opinion disapproves of it. The rule, however, still exists, and prisoners can under it be one day treated with laxity, and the next day sharply rebuked for the same action. This brings an intolerable

despotism into the daily life of the prisoners. The rule should be modified and then strictly enforced.

**Idle week-ends** are a great evil in many prisons. The women are locked up in their cells for long hours on end in order to give the staff time for necessary recreation. **Idle week-ends in prison.**

The increase of staff consequent on shorter working hours should make it possible to guard against such evils in the future.

The reforms briefly indicated in this report cut at the very root of our present system. Society recognises to-day its own terrible shortcomings in dealing with that stratum of vice which for centuries has been responsible for the population in women's prisons. Whilst our penal law itself needs restating, in response to problems of our own time, the present administration of women's prisons is definitely challenged.

The Joint Parliamentary Advisory Council urge Parliament not to neglect this earnest appeal for reform. The defiant attitude against law, evident at the present moment throughout the social edifice, must be a matter of concern to all thinking persons. None can gainsay that popular clamour would be a dangerous weapon with which to adjust the delicate machinery of penal law and prison administration. Whilst there is yet time, and before passion has confused the issues, let Parliament undertake the task of strengthening this structure, only thus can that respect for law, which is the foundation of society, be maintained.

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NOTE.—Publication of this paper prepared in January of this year has been delayed owing to unforeseen circumstances. The Joint Parliamentary Advisory Council have heard with satisfaction that in a large London prison some of the suggested reforms are actually being instituted.

In view of the urgency of the problem and the necessity of the extension of reform throughout the kingdom they consider it desirable to bring the subject forward.

## EPITOME

*Of the Reforms suggested by the JOINT PARLIAMENTARY ADVISORY COUNCIL in the Report.*

- 1.—“That two additional members shall be appointed on the Prison Commission, who shall be women.”
- 2.—“That Reception Houses be established, to which unconvicted persons shall be sent for custody.”
- 3.—“That strict classification of prisoners be established, and that this classification be made immediately on reception, and in no case be departed from during detention in prison, even for such purposes as when awaiting medical consultation or examination of personal cleanliness, etc.”
- 4.—“That provision, other than prison, be made for convicted epileptics.”
- 5.—“That full advantage be taken of the provisions of the Mental Deficiency Act, 1913, in respect of convicted prisoners.”
- 6.—“That prisons undertaking the treatment of venereal disease should do so on modern lines in a properly equipped ward under a trained and certificated Sister. Such local prisons as are not able to have suitable arrangements for modern treatment, to make provision in some neighbouring hospital or clinic for the treatment of the cases under their custody.”
- 7.—“That a suitable place of detention in healthy surroundings be provided for all pregnant women, to which a lying-in ward under trained obstetric nurses be attached.”
- 8.—“That girls sentenced to Borstal treatment be immediately removed from all local prisons. If pregnant or suffering from venereal disease, suitable accommodation elsewhere than in local prisons should be provided for them.”
- 9.—“That special provision be made for those who have attempted suicide. That this provision be in the country, and that these persons be placed under medical care without the stigma of imprisonment.”
- 10.—“That mental wards, under a trained nurse, be established in the suitable prisons to which the less severe mental cases, not fit for regular asylum treatment, may be sent.”
- 11.—“That women doctors be employed in women’s prisons and in Reception Houses for women on remand.”
- 12.—“That trained and certificated Sisters be employed to supervise nursing in female prison infirmaries.”
- 13.—“That this Council is profoundly dissatisfied with the present education in prisons, both as to the method and as to the time allotted for it.”
- 14.—“Reform is needed in the arrangements for Saturday and Sunday evenings.”
- 15.—“That silence rules in prison be defined and modified.”
- 16.—“In order to obtain the best possible men and women to undertake the important and onerous duties of warders and wardresses, special regard should be had to the training of candidates, to the provision of a right type of recreation room, and to the general conditions of service.”