

Written evidence from Mayor's Office for Policing And Crime

The Mayor of London is responsible for: setting the strategic direction for policing in London; agreeing the annual police budget; overseeing the performance of the Metropolitan Police Service (MPS) on behalf of Londoners; appointing the Commissioner with the Home Secretary; and commissioning key crime reduction projects and services for victims of crime.

Established in 2012, the Mayor's Office for Policing and Crime (MOPAC) supports the Mayor in delivering these responsibilities, providing specialist expertise on commissioning, community engagement, professional standards and police complaints, governance and oversight, finance, audit, statistics and research, and policy and communications. The Mayor can appoint a Deputy Mayor for Policing and Crime (DMPC), to whom the Mayor can delegate many of their powers.

Introduction

1. We welcome the opportunity to respond to this Justice Committee Inquiry on Women in Prison. We have concentrated our response on reducing the number of women in prison through alternatives to prison custody, rather than basing our submission on individual questions. This mirrors the approach we have taken in London in developing the London Blueprint for a Whole Systems Approach to Women in Contact with the Criminal Justice System ('Blueprint').
 - **Women's offending is a serious issue for London, which is estimated to cost the city at least £1.9bn per annum through its harm to victims, costs for public services and society.** The direct costs of women's offending to criminal justice system agencies is over £280million.¹
 - **Female offending and criminal justice system involvement also generates adverse outcomes for women themselves.** It leaves women, whose offending is often linked to past trauma and/or current exploitation, locked out of making positive contributions to society and achieving their potential.
2. The aim of the Blueprint was to set out the joint commitment of criminal justice agencies and the wider voluntary sector to recognise the common underlying causes of offending for women, including domestic abuse, sexual abuse and coercion, trafficking and exploitation, poverty, homelessness, intersectional discrimination, mental health needs, and problematic substance use.
3. MOPAC have invested £5million in credible service providers, to which the police, sentencers and the National Probation Service can refer women. We are keen to not only reduce a woman's offending but also to prevent intergenerational crime. The benefits of this approach in London have led to MOPAC now co-commissioning wrap around female offender services with the National Probation Service.

¹ Deloitte MCS report: Developing a Whole System Approach to women in contact with the CJS

Reducing the number of women in custody

What progress has been made on commitments to reduce the number of women in custody since the publication of the Female Offender Strategy? What more can be done?

4. The latest prison population prediction, published by the MOJ, show that the number of women in prison in England & Wales is predicted to rise from just over 3,000 to 4,500 by September 2026.
5. To reduce the significantly high number of women in prison, we agree with recommendations made by the Howard League for Penal Reform, and the Prison Reform Trust, to Government to **reduce prison remands awaiting trial or sentence**. MoJ data reveals that 46% of women that entered prison in 2019, did so on remand, despite almost 9 in 10 women on remand being judged to present a low to medium risk of serious harm. A high number of women that are remanded to prison are charged with offences which do not merit a custodial sentence and many are acquitted, given non-custodial sentences, or are sentenced to short term imprisonment of less than a year. The Justice Committee should consider the bail and remand recommendations made by the Howard League for Prison Reform and the Prison Reform Trust.
6. The above must be coupled with a concerted effort to **reduce the number of women recalled to prison for breaches of their license conditions**.
7. There is concern that the Offender Rehabilitation Act 2014, which extended statutory post-release supervision to those with short sentences, has disproportionately affected women. Offender Management Statistics from 2014 to 2018 revealed recall numbers for men rose by 22% since the changes were introduced, whilst for women they had grown by 131%. In the year to June 2019, MOJ data shows that 2,126 women were recalled to prison: approximately 8% of the women's prison population. Not only does this impact on their resettlement, but also generates significant extra work and 'churn' for the prisons receiving them.
8. The HM Inspectorate of Probation Thematic review of probation, recall, culture & practice (Nov 2020) report to the Justice Committee, found that between April 2019 and March 2020, 34% of recalls were for individuals that had been sentenced to less than 12 months imprisonment. Given that women are disproportionately sentenced to short terms of imprisonment, it is likely that a significant proportion of that figure includes women.
9. MoJ and HMPPS should routinely gather and publish data on recalls by both gender and ethnicity. This will enable rigorous and granular analysis, not only in relation to gender disproportionality but will help to identify any racial disparities.
10. We also believe that data should be collated on the reasons why short-term sentenced women are recalled to prison. The limited data currently available reveals that most of this cohort of women are not recalled to prison to protect the public or potential victims, nor for committing/or at risk of committing serious offences, whilst out on licence. Most women appear to have breached licensing conditions, such as keeping in contact with their probation officer or residing at a certain address. Where these women do reoffend, they commit low level crimes, such as shop theft. These minor infringements can be

linked to the chaotic lifestyles and complex needs of these women, which include problems of addiction, mental health, housing and poverty.

11. We also believe that consideration should be given to the merits of the MOJ and HMPPS developing procedures whereby supervision conducted by Probation Officers of women given prison sentences of less than 12 months and on licence, be voluntary. Through our experience in London we know that women both will and do voluntarily refer themselves to these services and remain engaged in tailored support packages.

Alternatives to Custody

Community Sentences

*Do community sentences currently offer a credible alternative to custody? (If no, why not?)
What more could be done?*

12. Community Sentences could and do offer credible alternatives to custody **when structured programmes are available to magistrates and judges to refer offenders into.**
13. We have supported the Community Sentence Treatment Requirement (CSTR) pilot operating in South London, which is focused on women. We have done so in the belief that not only will it provide an alternative to short custodial sentences; but it will also increase mental health, drug rehabilitation and alcohol treatment of women, and increase magistrates and judiciary awareness of these issues and associated vulnerabilities.
14. The primary mental and substance abuse healthcare which has been commissioned to support the London CSTR pilot is being delivered at a women's centre and via its hubs. These provide safe, women-only environments for treatment, whilst also supporting these women to access holistic tailored support services to address other needs such as education, employment, and accommodation. This approach also reflects the fact that women are often also victims, particularly of domestic and sexual abuse, which can also influence their offending.

Residential Women's Centres (RWCs)

What progress has been made on the development of Residential Women's Centres? Do these offer a suitable alternative to custody?

15. Given that neither the MOJ nor HMPPS have been clear on the model for RWCs that will be adopted, we are unable to comment on whether they offer a suitable alternative to custody.
16. If the RWC model is not to be pursued, consideration should be given to allocating funds earmarked for RWCs towards mainstream local authority housing and charitable trust managed accommodation. Protocols and procedures could be jointly drafted and adopted by housing providers, the courts and the National Probation Service, agreeing suitable, safe and stable accommodation for women given a Residential Community Order.

Problem Solving Courts & Structured Deferred Sentencing Scheme

17. As part of its intention to pilot a woman problem-solving court, the Government should consider trialling a Structured Deferred Sentence Scheme for women. This approach should specialise in women with a history of frequent low-level offending with multiple and complex needs. Women would have their sentence deferred while they engage with wrap-around support provided by women centres and other specialist service providers for a specified period, during which they must return to court for regular judicial reviews with a dedicated magistrate or judge. Where the woman complies with the conditions of the deferment and engages in the support services, the magistrate or judge, would take this into consideration when making their final disposal decision, which would have the option of discharging the woman from the offence.

Presumption Against Short Prison Sentences

18. An additional option worth consideration by the Committee might be the introduction of a presumption against short prison sentences of less than 12 months, similar to that currently operating in Scotland could also help in reducing the population of women in prison. Initially introduced as a presumption against sentences of 3 months or less, the proportion of sentences 3 months or less has fallen. We understand that the policy intent is to encourage courts to consider alternatives to custody and issue constructive sentences which are effective in rehabilitating women.

Police Out of Court Disposals

19. Finally, when considering credible alternatives to custody, we advocate the increased use of police Out of Court Disposal, in appropriate circumstances. Rehabilitative conditions being attached to police cautions, provide opportunities to divert low-level, first time women offenders away from court prosecution and into women's wrap around support services aimed at addressing the complex needs and underlying causes of the woman's offending behaviour.
20. In London we are trialling a Female Offender Diversion Pilot whereby the police issue a Conditional Caution that requires the woman to attend a MOPAC commissioned wrap around support service, where a key worker is assigned. Where women do not meet the eligibility criteria for the pilot, they are informed about the service and permitted to refer themselves voluntarily to these services for assistance. Many have done so and adhere to the support programme of their own volition.
21. The Government's Out of Court Disposals Two Tier Framework proposals set out in the Police, Crime, Sentencing & Courts Bill 2021, are aimed at diverting offenders to local community support pathways. We believe that for the two-tier framework to achieve success, commissioned rehabilitative offender and early intervention services are required. The initial Impact Assessment estimates costs of nearly £16m per year to the CJS to implement the two-tier framework. This does not include cost of commissioning or resourcing community support services.

The Interests of the Child

What has been done to ensure that the welfare of dependent children is taken into account when sentencing decisions are made?

Pre-Sentencing Reports

22. MOPAC fully supports the recommendations made by Lord Farmer in his 2019 review regarding magistrates and judges being made to consider whether a woman is a mother and primary carer of a child.
23. We also agree that for this to happen, there must be a mandatory requirement for magistrates and judges to obtain a written Pre-Sentencing Report, setting out the impact on the child, and that sentencers must give distinct consideration of this information to inform sentencing to imprisonment and other disposals.
24. We would like to see the extension of Lord Farmer's recommendation, so that the same process and requirement is applied to magistrates and judges when making pre-trial decisions regarding bail and remand.
25. A Pre-Sentence Report pilot has recently been introduced in some of London's magistrates' courts. Whilst we welcome this, an opportunity may have been missed in that whilst the PSRs will provide the court with a greater understanding of the background and the context of the woman's offending behaviour, rather than just the details of the offence, no reference is made as to whether the woman is a mother. We hope that this will be incorporated into the new operating model so that the Judiciary can form an independent view for the most appropriate sentence based on all relevant evidence, including the best interests of the child.

Child Impact Assessments

26. Custodial sentences of any length particularly disadvantage women, families and children. The imprisonment of a mother is one of ten adverse childhood experiences that have a significant negative impact upon children's long-term health and wellbeing. With women more likely than men to be the primary carer, the impact upon children is even more pronounced. Few children stay in their own homes if their mother is imprisoned and women are more likely than men to lose their housing while in custody and then to be homeless upon release.
27. MOPAC together with partners via Blueprint has drafted a Child Impact Assessment tool, that focuses on children in their own right, rather than as an aspect of the mother's mitigation. It is a child-centred document, whose purpose is for the magistracy/judiciary to consider the impact upon the welfare and wellbeing of any dependent children before decision-making on bail, remand and sentencing of the child's mother is made. It will also alert various agencies such as social services and education about the needs of the child which must be addressed.

Conclusion

28. To reduce the number of women held within prisons, robust and credible alternatives to prison need to be available to sentencers. Crucially, whatever the type of alternative to prison, all must have pathways to women's wrap-around services. These gender specific community-based services require long-term mainstream sustainable funding from the Government. The Government's own Female Offender Strategy recognises the effective work that they do in turning women's lives around.
29. The Women's Budget Group has calculated that Women's Centres/Community Services represent significant value for money. A place at a Woman's Centre ranges from £1,223 to £4,125 per woman depending on needs, whilst a place in prison costs £52,121.

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