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AGE LIMITS FOR BABIES IN PRISON: SOME LESSONS FROM ABROAD

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Four prisons in England have units which accommodate mothers and their babies (until they reach the age of either nine months or 18 months). The Prison Service often faces pressure to expand these facilities to cater for older children. A survey was undertaken of provision in other countries. Using this information, some of the practical implications of allowing babies to stay in prison beyond the age of 18 months are outlined here.

KEY POINTS

- ▶ A recent survey found that 61% of women prisoners were mothers of children under 18 years. These mothers had a total of 2,168 children. For the vast majority of children imprisonment means separation from their mothers.
- ▶ A small number of babies can be accommodated in mother and baby units. Four prisons in England have such units, providing a total of 64 places for babies aged up to 18 months.
- ▶ A number of other countries allow babies to remain with their mothers for considerably longer. This more liberal provision generally reflects their greater use of open prison accommodation.
- ▶ Accommodating older children in English prisons would require substantial changes to existing institutional arrangements. In the interim, measures such as occasional overnight stays would be beneficial to mothers with children aged over 18 months.

Research has shown that many imprisoned women have children and that in most cases the mothers are the primary carers, sometimes the sole carers. For example, Caddle and Crisp (1997) found that 61% of women prisoners were mothers of children under 18 years. Between them they had a total of 2,168 children, three-quarters of whom had been living with their mother at the time of her imprisonment. For most of these children imprisonment meant separation from their mother.

However, it is possible for a small number of babies to stay with their mothers in prison mother and baby units (MBUs). Four prisons have MBUs, providing separate accommodation for mothers and their babies within the confines of a prison establishment. They provide a total of 64 places.

AGE LIMITS

There are conflicting views about whether babies should be in prison. Some argue that facilities should be expanded to cater for older children. They emphasise the key role of the mother in a child's emotional development and argue that separation causes long term emotional damage to the child. Others argue that prisons are unsuitable places for children and suggest that the child's bond does not necessarily have to be with the mother but can be with any adult to whom the child becomes attached.

To date, prisons in England have taken a compromise position. They accept that the prison environment is not really suitable for children but

Prisons in England with MBUs

Holloway Closed Prison	13 places for remanded and sentenced mothers
New Hall Closed Prison	9 places for remanded and sentenced mothers
Styal Closed Prison	22 places for sentenced mothers
Askham Grange Open Prison	20 places for sentenced mothers

that for very young babies it may be in the child's best interests to remain with his or her mother rather than be separated. However, older children need freedom of movement and contact with other children, which may not be available in the prison setting. Reflecting this policy, Holloway and New Hall take babies up to the age of nine months, while Askham Grange and Styal take babies up to the age of 18 months.

RELEVANT STUDIES

There has been little research on the progress of babies in prison nurseries apart from Catan's (1989) study. She compared the development of unit babies with babies separated from their imprisoned mothers and cared for in the community. Both groups of babies showed normal, healthy physical growth and their overall development fell within accepted norms. However, the babies who stayed in the units for four months or more, showed a slight and gradual decline in locomotor and cognitive scores. Once they started to sit up, crawl and walk there was less opportunity for the unit babies to explore and to make use of these skills. Instead, they spent relatively more time confined to baby walkers, bouncers and pushchairs and had few places to go other than the nurseries and their

mothers' rooms. When babies left the units, there was a significant increase in their general development scores, whereas the development of babies left outside remained stable over the follow-up period. These findings gave support to the 18 months upper age limit for unit babies.

POLICIES OVERSEAS

A postal survey was conducted in 1997 concerning the provision for imprisoned mothers and babies in Europe, North America and Australasia. It showed that some countries have more restrictive provision for mothers and babies than is the case in England. For example, in Sweden the general policy is that children should not live in the prison environment and in New Zealand there are no facilities for babies to live with their mothers in prison. In the US, greater emphasis has been placed on good visiting programmes and only two states (New York and Nebraska) have prison nurseries.

However, many other countries allow babies to remain in prison for considerably longer. In Spain and Germany, for example, mothers are allowed to have their children with them in prison until the child reaches six years; in parts of Australia, until the child is five. In The Netherlands and Canada, children may

PROVISION FOR MOTHERS AND BABIES IN OTHER COUNTRIES

Examples of countries which allow children to stay in prison aged OVER 18 MONTHS

Canada

Sentences under 2 years: Burnaby Correctional Centre, children up to 3 years.

For sentences over 2 years: a mother-child programme for children up to 4 years is being piloted in a federal prison (to be provided in 5 prisons for 28 children).

Federal Republic of Germany

6 closed prisons: to 3 years. 2 open prisons: to 6 years.

The Netherlands

Ter Peel: to 4 years.

Spain

Madrid: to 6 years.

Portugal and Switzerland

To 3 years.

Finland

To 2 years, can be extended particularly in the open unit.

Denmark

Male and female prisoners can have their children with them if they will be released by the time the child is 3 but in practice few children are in prison.

Hong Kong

To 3 years. In practice very few children are in prison.

Australia

Queensland: to 2 years in Brisbane Women's Prison or up to 5 years in Helana Jones Community Corrections Unit.

Adelaide: to 2½ if born in prison.

Sydney: to 5 years in 2 open Centres.

Examples of countries which allow children to stay in prison aged UP TO 18 MONTHS

US

New York: Bedford Hills and Taconic Correction Centre: up to 12 months with possible extension if mother will be released by the time the child is 18 months.

Nebraska: a unit for pregnant women who are within 18 months of their release date.

England: to either 9 months or 18 months.

Examples of countries which allow children to stay in prison aged UP TO 12 MONTHS

Canada

Portaby Correctional Centre, up to 1 year.

Hungary

If born during custody period, until they are 6 months but can be extended to 12 months if release date is near.

Malta

To 1 year but only 2 women have taken advantage of this when the alternative was for the children to be in care.

The Netherlands

5 closed prisons: to 9 months.

Sweden

Rarely in prison, but up to 1 year, average stay 3 months.

Ireland

Rarely in prison, but to 9 months or 12 months.

Examples of countries which allow VERY SHORT STAYS for weaning/special care

Iceland: very young babies for breastfeeding/special care needs.

New Zealand: up to six months while child care arrangements are organised.

stay in prison until their fourth birthdays, while other European countries (e.g. Denmark and Switzerland) have opted for a three-year age limit. These higher age limits reflect a greater flexibility in arrangements available for mother and baby units in these countries. Any increase in the upper age limits of MBUs in England would require substantial changes to existing institutional arrangements, particularly with regard to:

- prison categorisation and accommodation
- mothers' security classification and opportunities for access to the local community
- day care for children.

CATEGORY OF PRISON AND ACCOMMODATION

Generally speaking, units which cater for older children tend to be located in open prisons where there is minimal security and in conditions which are untypical of a traditional prison setting. In The Netherlands, for example, there is a maximum age limit of nine months for babies in closed prisons. However, children up to the age of four are accommodated at Ter Peel, a 'semi-open' prison. A semi-open prison does not have all the provisions that exist in an open prison. For example, prisoners in semi-open conditions are not allowed to work for an outside employer or to have home leave every weekend. Ter Peel, originally a monastery, is set in 25 acres of wooded land with no high wall and minimal security. Because of this, most of the 102 mothers who used the unit in its first two years were convinced that their children did not realise they were staying in a prison. Of these mothers, 70% either thought that the present four-year age limit was right or that it should be raised (Dutch Ministry of Justice, 1995).

Elsewhere, there has been a deliberate policy of separating/distancing the mother-child unit from the rest of the prison even where open conditions exist. In Germany, the open unit at Fronenberg, which has children up to six years of age, is located just outside the prison wall. The same is true in Sydney, Australia, where children up to five years of age are accommodated with their mothers at Jacaranda Cottages, just outside the perimeter fence of Emu Plains Correctional Centre, a minimum security prison-farm for women.

A great deal of effort has been made to provide the children with a home-like environment. At Ter Peel, ten rooms were converted to provide a purpose built, self contained unit suitable for babies and toddlers. Mother and baby are accommodated in two adjoining rooms, one for the mother, one for the child. There is also a communal dining room and living area with kitchen and well equipped indoor and outdoor play areas. At Fronenberg, the accommodation is similar to that found in the community. Each mother and child has their own apartment consisting of a bedroom/living room, a kitchen and bathroom. Australia (Adelaide and Sydney) has opted for cottage style accommodation.

The mother-child unit which is being piloted at one prison in Canada also uses 'community-style housing'. The women are accommodated in houses with seven to nine bedrooms. Each mother has her own bedroom and an adjoining room for her child. In these home-like environments the mothers are responsible for cooking, washing and cleaning for themselves and their children. This is thought to allow the women some control over their lives and to have benefits for their self-image and confidence.

MOTHERS' SECURITY CLASSIFICATION AND ACCESS TO THE LOCAL COMMUNITY

Where older children are permitted, the mothers tend to be 'trusted' prisoners or those nearing release who are suitable for greater freedom and responsibility with minimal security. Given their low security status, the mothers are able to make use of community facilities so that their children can have experience of the sound of traffic and shops. They can also mix with other children, older people and men. The unit at Fronenberg places great emphasis on contact with the outside world. Mothers can be away from the unit for a total of 24 hours a week provided they are away only in the afternoon for a maximum of five hours each day. During this time the women can take their children shopping, for example, and to local playgrounds and swimming groups.

DAY CARE FOR THE CHILDREN

Despite their special accommodation and facilities, the regime for mothers is generally the same as that for other inmates. In The Netherlands, for example, work and education are compulsory parts of the regime from 8am – 12 noon and from 1pm –

Mothers, practitioners and managers at Ter Peel said the community crèche has several advantages:

For the children

- they have a daily structure and regime which includes being collected and returned to the prison every day by crèche workers
- they have the same carers
- they can mix with children of the same age from the local community
- toys are available suited to the child's particular stage of development
- they can be observed and compared with children of the same age who live in the community, allowing any problems to be detected at an early stage (Ter Peel children have been found to have normal development)
- their living space can be extended and a change of environment can be given.

For the mothers

- they are offered guidance, education and support.

Cost

- it is cheaper to send a small number of children to an outside nursery than to establish and maintain a prison crèche.

4.30pm. While the mothers are involved in regime activities good child care has to be provided. This can either be on the prison site, staffed by prison officers (as at the New York nurseries and at Frondenberg) or at a community nursery staffed by professional child care workers (as in Finland). The Netherland's Ter Peel prison has tried both options. To begin with, an on-site crèche was provided at Ter Peel. The crèche was run by prison officers on a rotation system. However, it soon became clear that staffing by officers was not the best arrangement for the officers, mothers or children. Staff felt isolated from the rest of their colleagues and from other parts of the prison and felt burdened by combining two roles. Further, the rota system meant that there was little continuity of care for the children. It was therefore decided to switch to professional child care workers at a local crèche. The on-site crèche is now used as a play area for children in bad weather and as a visiting area for all inmates with children.

DISCUSSION

The Prison Service in England and Wales often faces pressure to allow babies to stay in prison beyond the age of 18 months. Countries such as The Netherlands are cited as having more liberal provision. However, in closed prisons, where there is an upper age limit of nine months, provision in The Netherlands is no more generous than in England. The difference lies in their more flexible system of security classification with the use of both semi-open and open prisons. Best practice from overseas suggests that greater use should be made of open accommodation if older children are to be accommodated.

There are three open prisons for women in England. One, Askham Grange, already has a mother and baby unit. Drake Hall and East Sutton Park have no facilities for children. If a unit was to be established at either prison, it would ideally have

bedsit type accommodation, with adequate indoor and outdoor play areas and daily access to a community day nursery staffed by professional child care workers.

This would have major financial implications and given the current pressures on resources it is unlikely that such changes are possible in the short term. Moreover, such units could only cater for a minority of imprisoned mothers' children. The majority of children would therefore continue to be separated from their mothers while they served their sentences.

The Prison Service has taken steps to mitigate some of the problems of maternal separation with the introduction of all-day visits and special family days. Other countries have gone a step further with, for example:


- occasional residence programmes of overnight, weekend or school holiday stays for children up to the age of 12 and 14 years (Canada and Australia)
- women given up to 21 days leave from the prison each year as a way of maintaining contact with family (Germany)
- custody delayed until suitable care arrangements are made (Denmark and Iceland)
- special provisions made which allow a mother to be released early or to serve the remainder of her sentence in the community, caring for her child(ren) (Australia and New Zealand).

The Prison Service in England and Wales may wish to consider these options, used by other countries, to improve contact for mothers with children over the age of 18 months.

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