

# TREATMENT OF FEMALE OFFENDERS IN JAMAICA

*Joycelyn Roach-Spencer\**

## I. INTRODUCTION

“Three meals per day, no rent to pay, no husband to obey” is a quote used by a poetic adult female offender incarcerated at the Fort Augusta Adult Correctional Centre, Jamaica in 1989. The occasion was a talent concert at the prison and each female was asked to creatively describe something positive about being in prison. This quote represented the common views of the prison population at the time; approximately 90% of the population being females from the lower socioeconomic strata of society, unemployed or underemployed and a significant number of them being victims of abusive relationships. The most common crimes committed then were lower-level crimes such as simple larceny, wounding and a few domestic related murders, and rehabilitation options were limited mainly to basic education and skills training.

Today, the Jamaican female population has more than doubled, the profiles of female offenders have changed significantly to incorporate professionals from every strata of society and crimes now committed by females are more of a high profile and serious nature to include pre-meditated murders, fraudulent activities and crimes relating to the dangerous drug trade; hence, the needs of a female in prison today far surpass those for mere food, free lodging or a haven from abusive relationships and include those complex needs for social and psychological interventions.

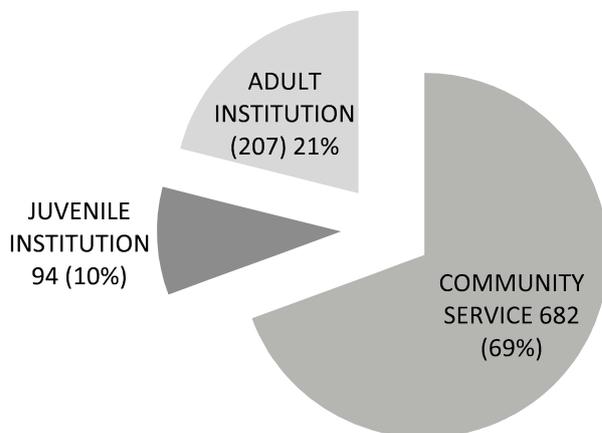
In this regard the Department of Correctional Services, Jamaica, (the arm of the Ministry of National Security entrusted with the mandate to keep offenders safe, while facilitating their rehabilitation and reintegration) is challenged with limited resources to provide adequate opportunities for the rehabilitation of these women, and not only for the adult female offenders in institutional care but for juveniles as well as those with alternative sentences to incarceration who are supervised in the community.

Currently, the Department of Correctional Services' total female population is 983, or just about 10% of the total offenders' population. Females in Correctional Services Care are housed in the Adult Institution (207/21%), the Juvenile Institution (94/10%) or supervised in the Community on Alternative to Custodial Care orders or on parole (682/69%).

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\*Overseer (Acting), Department of Correctional Services, Jamaica.

## DCS TOTAL FEMALE POPULATION 2012



### II. ADULT FEMALES IN INSTITUTIONAL CARE

Adult females in institutional care are housed at the Fort Augusta Adult Correctional Centre, which is the only adult female Correctional Centre in Jamaica. Built by the English in the 1740's as a fortress to guard the Kingston Harbour, this facility had suffered many tragedies and lay abandoned for several years. The building was renovated in 1954 and used as a minimum security institution, housing male prisoners in the past. It was later retrofitted in February 1988 and commissioned to be used as the female prison. This facility was built to accommodate two hundred and fifty (250) inmates and has since maintained an average of two hundred and twenty-five (225). The population has exceeded its capacity and gone over the three hundred (300) mark on one occasion.

In fulfilling its mandate of maintaining security, the Department of Correctional Services has done exceptionally well in securing its female offenders, with no escapes over the last twenty (20) years and only two (2) cases of escapes in the last thirty (30) years or so.

#### A. Most Common Offences Committed by Adult Females

It has been said that females commit different types of crimes than men, and statistics within the Department of Correctional Services have revealed that the most common crimes committed by adult females over the years are drug related, forgery/embezzlement and larceny. Most offenders at Fort Augusta are usually emotional at the onset of incarceration, missing their children and the uncertainty of what to expect in prison, but over time have made Fort Augusta "a home away from home"

The phrase "home away from home" is an all encompassing one and in a prison context such a home not only caters to the basic needs of food, clothing and shelter, but other factors which contribute to the rehabilitation of the offender have been considered. Research suggests that a true test of good prison management includes the number of meaningful activities in which the inmates are involved. The Department of Correctional Services is cognizant of this fact, and rehabilitation of inmates is paramount, as is outlined in its mission and vision statements.

#### B. Rehabilitation Programmes

Rehabilitation programmes at Fort Augusta Adult Correctional Centre include a wide range of skills training, such as cosmetology, shoemaking, clothing and textiles, and educational programmes, such as basic computer training and academics up to secondary-school level. The women are selected for these areas based on prior experience in the field and/or demonstrated interest and the ability to participate in the programmes.

In their skills training areas, inmates are encouraged to perform at their maximum ability, as officers often utilize the products and services they provide at a subsidized cost, a percentage of which goes to the inmates' accounts. Currently there is a hair salon where the inmates are taught cosmetology in partnership with HEART-Trust/NTA, and cooking is taught at the home economics centre, where the inmates bake their own bread and cakes. In the sewing and textile department, they make their own uniforms, sheets and nightgowns. An old dorm is presently being reconstructed into an arts and crafts centre.

### **C. Corrections Week Exposition**

The inmates are given the opportunity to display their items of creativity at an exposition during "Corrections Week", held yearly during the month of October. This exposition is held outside the institutions, usually at a popular public venue, and members of the public are invited to view the displays of items prepared by these inmates: jams and jelly preserves, hand-crafted items, draperies and bedding sets. Several expressions of surprise by attendees to this event have been noted at the high-quality displays, and several purchases have been made during this venture. Given the usually poor public perception of imprisonment, this exercise dispels some of the myths and uncertainties of incarceration and points critics to evidence-based rehabilitation activities that take place "behind the walls."

### **D. External Examinations**

Academics is also an essential part of the rehabilitation programmes, and as a test of their academic knowledge, the inmates are allowed to sit for external examinations in subject areas including English language, mathematics, biology, social studies and accounts at the Caribbean Secondary Examination Certificate (CSEC) level where the Government pays for the exams. The results have always been encouraging over the years where students earned top grades in accounts and biology.

### **E. Medical Services**

In addition to rehabilitation, a medical facility for health care is available at the institution for inmates' access. A medical doctor who visits at least twice per week is assigned to the institution to attend to inmates medical needs. All inmates are seen as early as possible after admission and afterwards on a needs basis. Referrals are made for inmates to attend public hospitals and to see specialists when necessary. A psychiatrist is also assigned and is available on call when the need arises. Correctional officers are specially trained as medical orderlies and are strategically placed on each work shift. These officers are the inmates' first contacts and are able to address their basic needs, while making an assessment for further medical attention. Female inmates who are pregnant are closely monitored; they attend prenatal clinics at public hospitals and are escorted and guarded at the hospital by correctional officers until the delivery of their babies. They are then located in a maternity dormitory at Fort Augusta with their babies. The mothers are allowed to keep their babies with them for a period of three months or longer based on the circumstances, after which a suitable family member can be granted temporary custody of the child. This is done to allow the mother some time to bond with her baby, a critical element in the child's development.

### **F. Family Visits**

Family visits form another aspect of the Department's treatment of offenders, and in keeping with a human rights approach to incarceration, females enjoy the benefits of social visits, whereby they are allowed a "face to face" encounter with their loved ones, as opposed to their male counterparts in maximum security institutions who are given a more restricted type visit (separated by a glass window). Convicted females are given two (2) visits per fortnight, whilst those awaiting trial are given two (2) visits per week. This is in accordance with prison rules and regulations and is necessary to facilitate a continued link between the inmate and her friends and family.

### **G. Visits From Interest Groups**

The Department of Correctional Services not only facilitates family visits but also visits from voluntary and religious organizations, visiting committees, local and international human rights organizations, medical interest groups and the media from time to time. One regular visiting group is a religious group. Every Sunday, a church service is held in the Fort Augusta Chapel and inmates are delighted to be involved and make this a ritual. This is not surprising as research has shown that

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women use religion as a coping strategy for stress more than their male counterparts and that the strength of their religious faith influences coping with daily stressful activities. (Pante, Saucedo & Rice, 2001).

#### **H. Sports Day**

Another stress-relieving activity at Fort Augusta is Sports Day. This is an annual event funded by various interest groups and stakeholders. This event is usually held during the month of April and allows for competition among inmates in cheerleading activities and track and field events. This fosters a spirit of collaboration as inmates work together to ensure that their group emerges the winner. This is a healthy practice as inmates forget their differences during this time and develop a harmonious relationship which is necessary for living with each other in a small space, in some instances for years. Incorporating staff participation, as well, builds an atmosphere of trust and fosters good interpersonal relationships between officers and inmates, an aspect of dynamic security which proves to be more effective in prison than physical security.

#### **I. Foreign Nationals**

Inmates are treated equally and there is no discrimination as it relates to race or culture. At the Fort Augusta Adult Correctional Centre, foreign nationals form approximately 30% of the population of females and are largely from the United Kingdom, United States of America and other Caribbean countries and are usually incarcerated on drug-related charges. A few exceptions are those who breach immigration laws and overstay their visits. Once a foreign national is admitted to the institution, the respective embassy is notified and a visit usually takes place within 24 hours after admission. Embassy Representatives make contacts with family members of inmates as it relates to purchasing tickets and other personal matters, and subsequent follow up visits are done.

#### **J. Loss of Privileges**

“Prisoners are sent to prison as punishment and not for punishment” is a truism in the DCS, and in recent years human rights groups have been keen watch dogs for any such breach; however, violations of prison rules and regulations usually attract punishment. Punishment for adult female offenders includes the loss or reduction of privileges such as special visits, television and the loss of remission. Remission is the deducted portion of a stipulated sentence granted to convicted persons being incarcerated. A person being imprisoned for the first time is granted one third of his/her sentence off as remission, while for a person imprisoned two or more times, one quarter of his/her sentence is reduced as remission. This is in keeping with the Corrections Act and can be enforced upon any reported breach of prison rules and regulations for which the offender is charged and found guilty. Adjudication is done by the Superintendent in charge of the institution, who can take a maximum of thirty (30) days off as remission. The Commissioner of Corrections can deduct a total of ninety (90) days.

### **III. FEMALE JUVENILES IN INSTITUTIONAL CARE**

The population of juveniles in custodial care as of December 2012 stood at 379. Of this amount, 345 were males and 94 were females. Due to inadequate space, especially for “high-risk” females, some juveniles are housed in adult institutions; 40 at the Fort Augusta and 16 at the Horizon Adult Remand Centre. Although this practice is in breach of the Child Care and Protection Act, which guides the treatment of children in conflict with the law; in both situations, juvenile females are kept in a separate dormitory/block from adults, and treatment of these juveniles is consistent with what obtains with other juveniles in the Juvenile Correctional Centres.

#### **A. Most Common Reasons for Juvenile Females' Incarceration**

The reasons that juvenile females are incarcerated have been consistent over the years, and in order of most common reasons, those deemed to be “Uncontrollable” by the courts tops the list, followed by those charged for breaking and entering (burglary), larceny and wounding.

The Armadale Juvenile Correctional Centre was the primary facility for juvenile females until May 2009 when the facility was destroyed by fire, an unfortunate incident which claimed the lives of seven girls and injured thirteen others. The then Prime Minister Bruce Golding ordered the facility closed and the remaining girls were temporarily located at the Stony Hill Heart Academy. Since then they were

transferred to Diamond Crest Juvenile Correctional Centre, a new facility acquired by the DCS on the southern coast of the island, which was renovated and currently houses 38 females.

At Diamond Crest, educational and skills training form the base of the rehabilitation programmes, which is mandatory for a child up to 16 years old by law. The institution is headed by a superintendent trained in Social Work and supported by a cadre of specially trained correctional officers. A welfare case manager is assigned to the juveniles and plans programmes for them, including family days, programme activities celebrating Child's Month, Christmas dinner and other beneficial interventions.

#### **B. Behaviour Modification Programme**

A Behaviour Modification Programme is in place at the Diamond Crest Juvenile Correctional Centre. This programme operates on the principle of Reinforcement Theory, which promotes desired behaviour and reduces undesired behaviour by giving rewards for good behaviour and punishment for poor behaviour. Rewards include home leave, television in dormitory and extra visits while punishment includes the withdrawal of privileges.

### **IV. FEMALES IN COMMUNITY CARE**

Females in Community Care are those who are given non-custodial sentences by the Court and are supervised within a community setting by Probation After Care Officers. As of December 2012, the number of females in community supervision was 682 and their non-custodial sentences included the Community Service Order, Probation Order, Supervision Order, Suspended Sentence Supervision Order and Community Service Order.

#### **A. Community Service Order**

A Community Service Order is one in which a convicted person 12 years or older is given an order by the judge to work without pay in a community service organization, for example schools, hospitals, children's homes or golden age facilities. They are supervised by Probation Officers and carry out tasks such as painting, gardening, cleaning or working with the elderly. Community Service Orders carry a minimum of 40 hours to a maximum of 360 hours for a single offence and no more than 480 hours if the offender is convicted for more than one offence. If the offender neglects to perform his or her duties, the order may be revoked by the court, and the offender may be fined or sent to prison.

#### **B. Suspended Sentence Supervision Order**

A judge may order that a person who is granted a sentence of three years or less serve such a sentence in the community, supervised by a Probation After Care Officer.

#### **C. Parole**

Parole is a "post-prison" status whereby an inmate is released from prison prior to the expiration of his or her release date and is allowed to serve the remainder of the sentence in the society under the supervision of a Parole Officer. In Jamaica, the Probation Officer supervises parolees as well as probationers. Persons are eligible for parole if they are serving a sentence of 12 months or more and can make a written application to the Parole Board after serving one third of the stipulated sentence. A person serving a life sentence is eligible for parole after serving seven years or after serving a specific period stipulated by the court. Parole can also be revoked if an offender breaches the conditions, and the offender can be sent to prison to serve the remainder of his or her sentence.

#### **D. Benefits of Non-Custodial Sentences**

One main benefit of non-custodial sentences is its cost effectiveness. The government pays approximately \$776,723 more per annum to maintain each custodial client than it pays for a non-custodial client (DCS Annual Report, 2008). Other benefits include the absence of the stigma of being incarcerated and the opportunity afforded to the offender to continue working and taking care of his or her family while making a positive contribution to society. Counselling, guidance and monitoring of these offenders by Probation Officers assists them to make better choices, thus reducing the incidence of reoffending.

## V. CHALLENGES

### A. Adult Female Offenders

Challenges with the adult females include the smuggling of prohibited articles into the institution, usually cellular phones and drugs/ganja. The practice of same sex relationships in the institution is also an issue since this gives rise to jealousy resulting in tension and frequent fights among the women. Additionally, the lack of family support for some inmates causes them to be withdrawn and angry, thus becoming rebellious and uncooperative with staff in carrying out their sentencing plans.

### B. Juvenile Female Offenders

As it relates to the juveniles, the main challenge is the continued practice of housing juveniles in adult institutions due to lack of preferred space for them. Many in civil society believe that it is unfortunate that juveniles have to be in prison in the first place and more so in less than ideal conditions. Two incidents involving juveniles in state care which have sparked outrage and cause for serious concerns are the deaths of seven girls at Armadale Juvenile Correctional Centre and the recent suicide committed by a juvenile at the Horizon Adult Remand Centre. The Department of Correctional Services has since completed the Suicide and Self-Harm Policy Document to guide staff members' actions in any such future cases. Counselling of juveniles and staff members has also been ongoing.

### C. Community Services Female Offenders

The benefits of non-custodial sentencing far outweighs any challenges; however, some instances of shortfall in the system have been noted to include offenders not reporting to Probation Offices at designated times, offenders not completing their community service hours and instances of parolees reoffending, who had to be recalled.

## VI. CONCLUSION

Finally, not much attention has been given to the Treatment of Female Offenders as a separate subject, or as any different from the treatment of male offenders for that matter, mainly due to ignorance of the need for any special treatment or lack of will to do so. This practice can change, however, with knowledge of emerging evidence to the contrary.

The call has also been echoed for a new approach to sentencing of females from custodial to more non-custodial forms. Already the evidence of cost-effectiveness has been demonstrated and the benefits to be gained from being in the community and being able to take care of one's family while contributing positively to society cannot be overlooked. For those who must be incarcerated for the protection of society, the fostering of continuous family ties must be practised by allowing children to visit their parents and have family counselling to mend broken relationships or maintain functional ones. Additionally, changing the face of retributive justice to a restorative justice approach will help to mend relationships between victims and offenders and provide some healing/closure for both (Zehr, 2002).

Interestingly, the property on which the female prison is located has been sold to facilitate a new government initiative and an alternative location is currently being renovated to accommodate the females housed at Fort Augusta. It is noted that within this new location, the authorities will be better able to embrace a new approach to prison management; including the separation of juveniles from adults (which is a human rights issue). Plans are currently in place to implement an "Incentive and Earned Privileges Scheme", a reward and punishment approach to behaviour modification, which will empower inmates to behave appropriately without constantly been coerced into doing so. With increased resources, the DCS will be able to examine the options of making special location and intervention provision for vulnerable females, drug addicts and those with mental health challenges.

As it relates to the juveniles, incarceration should be the last resort, and psychologists believe that children graduate to a higher level of disorder and crime while in prison. As signatories to the various conventions to protect our children, the Government is under pressure from interest groups to review The Child Care and Protection Act with a view of removing the word "uncontrollable" in referring to juveniles' behaviour. Many believe this is a vague definition that gives some parents a free ticket to send their children into state care for the simplest misdemeanour and not take the responsibility to

guide their children's development.

Internationally, modern thinkers in criminal justice suggest new ways of approaching offender management; the call by Her Royal Highness Princess Bajrakitiyabha of Thailand for the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) is one such initiative. Other experts note that centuries of practising archaic methods in crime prevention have propelled youths down the path of recidivism and urges "agents of change" to consider a new approach to protect the public and promote youth development (Corrections Today, 2012).

Organizations with proven best practices in the treatment of female offenders, the Department For International Development (DFID), a UK Government Department, and the Japan International Cooperation Agency (JICA), of Japan, are among the countries committed to promoting development and the reduction of poverty in poorer countries, and have invested significantly in the training of personnel from the DCS. It is hoped that these investments in human resources will have a multiplying positive effect and that the Department of Correctional Services Jamaica will be able to improve its practices in the treatment of female offenders, consistent with its Vision, Mission and Correctional Process.

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