

## SENTENCING

The claim by the Chief Justice that sentences for some types of murders are not justified, draws useful attention to the fact that sentencing, for much less serious crimes, is driven by ideology and sensational tabloid journalism, and contributes to the unfair treatment of thousands of offenders. This sentencing policy results in overcrowding. This overcrowding reduces the capacity of prisons to carry out their most essential purpose which is rehabilitation of prisoners to prevent them re-offending on release. Not making the punishment fit the crime has consequences, not just for justice and fairness, but also for efficiency and social safety.

As Director of FPWP-Hibiscus, a charity which works with foreign national women and women from BME communities in UK prisons, we have copious evidence of how vulnerable women are victimized by a policy of long, punitive, 'deterrent' sentences. These sentences do not deter anyone, but they compound the problem of congestion within the prisons which has now effectively paralyzed the system. Over a thousand of these women are among the four thousand female offenders, many of whom should be in mental hospitals or drug treatment centres, not in prison. Studies show that women prisoners tended to be brought up in care, have a history of mental illness and drug addiction, and commit non-violent petty crimes which do not threaten society or merit custodial sentences.

The women Hibiscus work with not only take up prison space, at enormous financial and social costs to British citizens, but leave thousands of children in their home countries without any form of financial or social support. These poor women tend to be sole parents of an average of three children, in countries without systems of social welfare or

extended families. Not only do these children suffer, they become vulnerable to the forces which pressed their mothers into crime in the first place.

Girls are raped, become prostitutes, or end up as drug couriers as their mothers did, while boys are brutalized, murdered, or recruited as gunmen or drug couriers. Thus a policy introduced with the good intention of 'deterring' couriers for offending, ends up as a potent force in the process of recruiting even more serious criminals. Sentences of up to fifteen years have not prevent the numbers of couriers from rising steadily to record numbers over the years.

Hibiscus recognised that educational information was necessary to convince women that drug trafficking was no solution to their problems. Over the past two years, in countries where these educational information campaigns had been launched, there was a dramatic decrease in numbers. Despite draconian sentences, an average of up to ten Jamaican women were being caught almost daily with drugs. However, following an intensive campaign of posters, workshops, films and ads on TV and radio this number has been reduced to about one a month from that country.

The same pattern has been true of Nigeria. Despite the introduction of capital punishment for drug smuggling by a military regime in the country, hundreds of women continued to take the risk of carrying drugs to the UK. It was only after the Hibiscus collaboration with the BBC and the production of the film *Mules* that couriers became aware of the risks involved and were deterred from the trade. This film was shown on national television in Nigeria and reached a wide audience there. Drug trafficking is an international business, and now the drugs barons have shifted their emphasis to other countries such as several islands in the Caribbean, Nigeria & Ghana.

Despite the reduction of new couriers, however, women already in the system remain in prison. This policy serves no purpose, in terms of protecting the British public from their crimes. Neither, owing to the overcrowding, do they receive rehabilitation to encourage them not to re-offend. Couriers are the foot soldiers in the international drug system. They can easily be replaced when they are captured because there are so many poor and desperate people and the drugs barons target them. The Field-Marshals of the trade, who deal in tons, are hardly ever caught. When they are, their sentences are less than women imprisoned for importing a kilogram of cocaine.

Consider the case of Terry Adams, the gang leader who was just imprisoned on money laundering charges. Adams was a criminal described in the media as worse than the Krays. His gang was 'credited' with over thirty murders, dozens of armed robberies, and smuggling of tons of drugs. He was estimated to have a personal fortune of over £200 million, meaning that his criminal activities were in effect worth billions. He boasted that he had so much money he retired from front line duties at 35, running his empire from the comfort and luxury of his palatial homes. Yet he was sentenced to only seven years and will probably be out in three.

This clear violation of the principles of justice adds to the misery of mothers serving long sentences, while their children suffer homeless and are left without resources thousands of miles away in brutally poor ghettos. How can a man like Adams receive a lesser sentence than a desperate, poorly educated mother of three who smuggled 500 grams of cocaine? Adams' brothers, who will run his syndicate while he is in jail, are free to enjoy the massive fruits of their crimes. He himself has hidden his money so well that only a small amount has been seized. He benefited from millions of pounds in legal aid because

police could not find his wealth. There is little doubt that he will resume his criminal activities when released, including drug dealing and mass murder.

In addition to the women couriers in prison, the mentally ill and addicted, there are a further ten thousand foreign men who have been given sentences, for relatively minor offences, which are much harsher than Adams. There are offenders who came into this country on false documents, who are now in prison instead of being deported. Many 'illegal immigrants' languish in detention centres. To make matters worse, there are also hundreds who have completed their sentences but have not been deported because of hitches and hold-ups within the system.

A careful audit of the prison population would show that there are thousands who should not be there. Unfortunately, the UK has one of the highest incidents of imprisonment in the world, partly because of the emphasis on punishment and revenge rather than rehabilitation. One of the major reasons that lie behind this shameful statistic is incompetence and the misguided ideology which ratchets up sentencing for the poor and vulnerable, while rich criminals use violence and expensive lawyers to keep them out of jail.

Overcrowding means that rehabilitation becomes difficult if not impossible. Prisons become graduate schools for offenders to improve their skills in crime, rather than places to learn how to live a life without re-offending. If the institutions are to enter the twenty first century where they serve to reform and rehabilitate criminals, and make them into respected, productive citizens, they must be streamlined. Streamlining would help them conform to principles of justice and efficiency which would enable them to play their redemptive roles for society and the individual.

## RECOMMENDATIONS

- Foreign national offenders must be examined with a view to transferring most to their countries of origin. It must be recognized that draconian sentences have failed in their principal objective of ‘deterrence’ and should be discontinued, in favour of more enlightened thinking and campaigns.
- Those already in prison should have their sentences reduced and be deported. With the money saved from maintaining them in prison, their governments and civil societies should be assisted in setting up resettlement programs for the deported offenders in their home countries, in order to reduce the probability of their re-offending.
- The UK government should negotiate with foreign countries to allow their citizens to voluntarily serve part of their sentences at home, so they can have community based organizations to help in their rehabilitation and resettlement. These endeavours could also be financed with money saved from keeping them in prison here in the UK.
- Sentences for drug couriers should not be based on a failed policy of ‘deterrence’ but set in relation to the sentences of drug barons who deal in tons instead of grams. The Terry Adamses in the system have done thousands of times more damage to society than many of the women, who are extremely poor, vulnerable women, deprived mothers, religious first offenders of otherwise good character. They themselves do not take drugs. They do not murder people and have no stolen fortunes to hide.

- If government wants to solve the problem of overcrowded prisons, it must not just build more prisons. Government should examine the use of harsh sentencing as a political tool to win support from the tabloid press who create myths of rising crime creating fear and moral panic amongst the citizens of this country. Government should examine the paradox of why the prison population continues to rise while, according to government statistics, rates of crime have been falling.

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