

# **UNDERSTANDING WOMEN'S PATHWAYS THROUGH THE CRIMINAL JUSTICE SYSTEM**

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Grace Wyld, Plum Lomax and Tom Collinge, July 2018

# BACKGROUND TO THIS RESEARCH



*‘Prison is infantilizing—anything but the the empowering space women need. Many of the women in the criminal justice system have been ‘done to’ all their lives. They need charities to ‘do with’ them.’*

What do we know about women involved in the criminal justice system? They make up just 5% of the UK’s prison population, but the consequences of custody for them and their families are too often devastating. The social determinants of women’s involvement in the criminal justice system are clear: most are there for non-violent offences rooted in experiences of destitution and trauma.

The root causes of women’s involvement in crime are like those for men but often more pronounced and with deeper repercussions. Many have been victims themselves: either emotional, physical or sexual abuse as a child or exploited to support someone else’s drug use.

The prison system was designed by men, for men, and it is often inadequate for women’s needs. Though the criminal justice system is much more than just the prison system, in this paper we focused on women’s pathways to custody to understand the role the voluntary sector plays in supporting women to avoid prison.

J Leon Philanthropy Council (JLPC) is the charitable giving vehicle of the J Leon business, and of the Leon family. JLPC have a strategic focus on social inclusion and human rights and have put significant funding into the criminal justice voluntary sector.

JLPC have commissioned this research to gain a better understanding of women’s pathways into and through the criminal justice system. The hope is that if this is better understood it will be easier to divert women from involvement in the justice system

They have kindly agreed to publish this research to support other funders who wish to have an impact on the lives of women and girls involved in the criminal justice sector. This research will equip you to understand the often complex reasons women enter the criminal justice system.

# METHODOLOGY

## **This paper aims to address 5 research questions:**

- *What are the common characteristics and needs of women involved in the criminal justice system?*
- *What assets do women often need for a life away from crime?*
- *What does the charity sector do to address those needs and promote those assets?*
- *What are some of the upcoming policy changes to look out for?*
- *Where are the gaps in provision?*

Please note that the charities mentioned in this report have not undergone due diligence by NPC.

## **We are grateful to the following individuals for their time as interviewees:**

Jenny Earle, The Prison Reform Trust

Joy Doal, Anawim

Kate Paradine, Women in Prison

Katherine Sacks-Jones, Agenda

Rachel Harrington, Coutts Foundation

Rose Mahon, The Nelson Trust

# THE NUMBERS: WOMEN'S CRIMINALISATION IN THE UK

## The female prison population has been rising

There are approximately **4,000 women in prison**, making up 5% of the prison population. This figure more than **doubled between 1995 and 2010**—at a faster rate than the male population—largely due to an increase in the severity of sentences.

More than **13,500** women are imprisoned each year in the UK. **1 in 4 women** sent to prison in 2016 were imprisoned for less than 30 days, compared to 1 in 6 men.<sup>1</sup> 300 spent less than 2 weeks in prison.<sup>2</sup>

**Community sentences** for women have almost halved in the last decade, while the overall average has reduced by 14 percentage points.<sup>3</sup>

18% of women in prison are BAME, compared to 14% of the population. Black and Asian offenders are more likely to face custodial sentences and receive the longest average custodial sentence lengths.<sup>4</sup>

## ...despite the evidence against the use of prison for women

This is despite evidence that women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences. **48%** of women are reconvicted within one year of leaving prison. This rises to **61%** for sentences of less than 12 months and to **78%** for women who have served more than 11 previous custodial sentences.

The Justice Select Committee, following its recent inquiry into women offenders, concluded that *'prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety.'*<sup>5</sup>

*'I hate the term 'hard to reach'—we need to flip it on its head—your services are hard to reach.'*

# THE CONTEXT: WOMEN'S EXPERIENCE OF THE CRIMINAL JUSTICE SYSTEM

## **While men experience many of the same drivers towards crime, they are often more pronounced for women**

Women in the criminal justice system have often experienced multiple and compound disadvantage and have more complex needs than men in the justice system and other women outside of it. **Their criminalisation often follows a trigger**, such as bereavement or family breakdown, which might lead to debt or homelessness.

Women's living arrangements also differ from men's, with a higher proportion of women having caring responsibilities or being single parents, and so their imprisonment is more likely to have repercussions for their families. The impact of custody on BAME mothers is particularly acute as over half of black African and Caribbean families in the UK are headed by a sole parent, compared to less than one quarter of white families.<sup>6</sup>

## **The criminal justice system is designed for men**

Women commit fewer, less serious offences and are less likely to be reconvicted than men. A series of reports over the last decade since the Corston report have all concluded that prison is '*rarely an appropriate, necessary or proportionate response*' to women's crime.<sup>7</sup>

## **And the revolving door of reoffending is being exacerbated by cuts to services in the community**

We have heard stories of women committing crime because they believe they will have access to services such as mental health and addiction support services which they cannot access in the community, only to find waiting lists and lack of services in prison which mean that their needs are unlikely to be met adequately in custody either.

# WHAT DO WOMEN COMMONLY EXPERIENCE BEFORE CRIMINALISATION?

## Before criminalisation...



### Adverse childhood experiences

53% of women in prison in England report having experienced emotional, physical or sexual abuse as a child (compared to 27% of men).<sup>8</sup>



### Time spent in care

31% of women in prison have spent time in local authority care as a child (compared to 24% of men).<sup>12</sup>



### Deprivation

28% of women's crimes are financially motivated, and 38% attribute their offending to a need to support their children. 47% of all custodial sentences given to women in 2016 were for theft.<sup>9</sup>



### Domestic violence and coercive relationships

57% of women in prison report having been the victim of domestic abuse as adults. This is likely to be an underestimate. 79% of women who access services from the charity Women in Prison report experience of domestic violence.<sup>13</sup>



### Poor mental health

46% of women in prison report having attempted suicide at some point in their lifetime, twice the rate of men in prison (21%).<sup>10</sup>



### Substance Abuse

66% of women in prison report committing offences to buy drugs and 48% have committed their offence to support the drug use of someone else (compared to 22% of men). Practitioners report that women may hide or underplay substance misuse due to fear of losing their children.<sup>14</sup>



### Homelessness

15% of female prisoners were homeless before custody, compared to 4% of the population.<sup>11</sup>



### Lack of employment

81% of women were unemployed in the 4 weeks before custody (compared to 67% of men).<sup>15</sup>

# WHAT ARE WOMEN'S EXPERIENCES WHEN IN PRISON?

...through custody



## Family / relationship breakdown

An estimated 17,240 children are separated from their mothers by imprisonment every year. Only 5% of children remain in their family home when a mother goes to prison. 1 in 5 women in prison are over 100 miles from home. The average is 66 miles. A woman's family needs are not always considered by courts, such as whether she is breastfeeding or has children taking exams.<sup>16</sup>



## Racism and prejudice

BAME women report stigma and prejudice within prison, their mental health is more likely to be classed as 'anger management,' and lack of staff diversity can mean a lack of cultural understanding of their needs.



## Poor mental health

In 2013 women represented 26% of all incidents of self-harm in prison despite accounting for less than five per cent of the total prison population. 49% of women are identified as suffering from both anxiety and depression (compared to 23% of men).<sup>17</sup>



## Substance Abuse

58% of women report having used Class A drugs in the four weeks before custody—compared with 43% of men.<sup>18</sup>



## Trauma of prison

The physical environment of prison, such as banging doors, is often triggering for women with a history of trauma.



## Lack of services in prison

Short sentences mean women are often unable to access services. Women in Prison report 6 month waiting lists for counselling, while 70% of women entering prison in 2016 were serving 6 months or less. The number of women starting and completing substance misuse programmes in prison fell by 92% and 89% respectively between 2009–10 and 2014–15.<sup>19</sup>

# WHAT ARE WOMEN'S EXPERIENCES ON LEAVING PRISON?

## ...out of custody



### Lack of services

Research in 2017 found that in only 19 local authorities (12.6%) can women access holistic support covering homelessness, mental health, complex needs, substance use and offending. Most services surveyed fit neatly into one of these domains, reflecting how siloed the sector remains.<sup>20</sup>



### Poor housing

60% of women prisoners do not have homes to go to on release and on leaving may be at risk of returning to abusive relationships for survival.<sup>21</sup> Homelessness is also sometimes hidden amongst women engaged in sex work, informally exchanging sex for somewhere to stay.



### Employment opportunities

In 2017 just 9% of women leaving prison secured employment—compared to 26% of men.<sup>22</sup> Women are more likely to be employed in a field with intensive enhanced checks, such as working with children or in hospitals, and therefore disproportionately suffer from having a criminal record.



### Substance Abuse

Reconviction rates more than double for all prisoners who reported using drugs in the four weeks before custody compared with prisoners who had never used drugs (62% vs. 30%).<sup>23</sup>



### Debt

Almost three-quarters of prisoners surveyed said finance, benefits and debt were a very significant need on release—second only to accommodation. Provision of debt advice is patchy: less than 1 in 5 women are offered financial advice while in prison.<sup>24</sup>

# FIVE ASSETS FOR A LIFE AWAY FROM CRIME...



Assets for a life away from crime	Barriers to achieving those assets	What is the scale or severity of this barrier?
<p><b>1. Safety from violence</b></p>	<ul style="list-style-type: none"> <li>• Domestic violence and coercive relationships.</li> <li>• Lack of appropriate, independent housing.</li> <li>• Witnessing violence as a child can lead to modelling those behaviours in later life.</li> </ul>	<ul style="list-style-type: none"> <li>• 79% of women who access services from the charity Women in Prison report experience of domestic violence.</li> <li>• There has been an average of 24% cuts to Local Authority spending in England on domestic abuse refuges since 2010, and 24% of referrals to refuges in 2015/16 were declined because of a lack of space.<sup>25</sup></li> </ul>
<p><b>2. Appropriate housing</b></p>	<ul style="list-style-type: none"> <li>• Homelessness is caused by a complex combination of factors, including loss of private tenancy, a cap on housing benefit and the introduction of universal credit.</li> <li>• Strong links with experience of domestic violence: need for independent housing.</li> </ul>	<ul style="list-style-type: none"> <li>• The Corston report found that housing is <b><i>'probably [women's] most significant resettlement need.'</i></b><sup>26</sup></li> <li>• Figures don't tell the whole story: i.e. sex workers are often 'hidden homeless.'</li> </ul>
<p><b>3. Good mental and physical health</b></p>	<ul style="list-style-type: none"> <li>• Many women involved in the criminal justice system have experienced trauma and other mental health problems, often leading to use of drugs and alcohol as a coping mechanism. This can lead to implications for women's physical health.</li> <li>• Women are less likely to access services if they are for men as well as women.</li> </ul>	<ul style="list-style-type: none"> <li>• Research from Agenda and AVA has found that the vast majority of authorities aren't offering specific services for women. Where they are, this is usually in relation to their biology—ie it is maternity mental health care—rather than being gender specific.<sup>27</sup></li> </ul>

# FIVE ASSETS FOR A LIFE AWAY FROM CRIME (CONT.)

Assets for a life away from crime	Barriers to achieving those assets	What is the scale or severity of this barrier?
<p><b>4. Financial independence and employment</b></p>	<ul style="list-style-type: none"> <li>• Entry into the labour market can be prevented by lack of education and training, and lack of services such as childcare.</li> <li>• Financial abuse.</li> </ul>	<ul style="list-style-type: none"> <li>• 75% of women are unemployed six months after release from prison.</li> <li>• Financial abuse also goes hand in hand with other types of coercion: Women’s Aid found that 75% of women surveyed were both prevented from seeing family and friends and experiencing financial abuse from a partner.<sup>28</sup></li> </ul>
<p><b>5. Access to services</b></p>	<ul style="list-style-type: none"> <li>• Austerity has disproportionately effected women since 2010.</li> <li>• Changes to welfare have also disproportionately affected women and go hand in hand with financial abuse.</li> <li>• Lack of access to childcare impacts upon women’s ability to access other services.</li> </ul>	<ul style="list-style-type: none"> <li>• Because it is paid to each household rather than each individual, Universal Credit is compromising women’s independence by making it more difficult to leave abusive relationships.<sup>29</sup> The Women’s Budget Group say that if paid to the highest earner, women in the lowest tenth of incomes are estimated to lose on average £3,650 annually.<sup>30</sup></li> </ul>

# PREVENTING THE FIRST CUSTODIAL SENTENCE

We asked experts in the sector whether there were any important crossroads for a pathway away from crime.

**Their answers highlight the importance of early intervention to prevent the first custodial sentence.**

- Prison itself is traumatic and infantilising, rather than the empowering environment women often need. In the words of one expert, *'you could saturate a prison with the best services, but you're still in prison.'*
- Women are often underprepared for a custodial sentence, perhaps arriving at court without having made arrangements for childcare. And for many women prison leads to loss of tenancy and worsening debt.
- Sentencing guidelines now state that the best interests of the child are to be taken into account when sentencing parents, with caring responsibilities as a mitigating factor. However, women who are breastfeeding, caring for small children, or have children taking exams, continue to be sentenced to prison. Research has found that, overall, the rights of the child were not adequately considered when their mothers were sent to prison.

Preventing the first custodial sentence might involve **policy-based work** to influence legislation, police and courts, or making magistrates and judges aware of community alternatives. But there are also points at which women may be more likely to be in touch with the state:

**Motherhood:** In pregnancy women are at increased risk of mental ill-health, domestic violence, and involvement from social services. Social service involvement might trigger a spiralling towards crime, making it an important window for support. 25.7% of all women's services in 2017 were specifically for pregnant women or those with a young baby.<sup>31</sup>

**When partners are imprisoned,** women are often pulled in by association, with ramifications for family life. Single parenthood and reduced income can put significant pressure on women, and might lead to substance abuse, or criminal activity to support their families.

# THE POLICY LANDSCAPE

## Female Offenders Strategy, June 2018

The Ministry of Justice have recently published their Female Offenders Strategy, which has been significantly and successfully influenced by the campaigning work of the charity sector.

The strategy recognises that *‘coming into contact with the criminal justice system, and in particular custody, can undermine the ability of women to address the issues that have caused their offending’* and that the governments new *‘collective approach’* must *‘tackle the underlying causes of offending and reoffending.’*

Government outline in the strategy that they would like to see fewer women coming into contact with the criminal justice system in the first instance, fewer women in custody—especially on short term sentences—and better conditions in custody.

To achieve this, they are:

- Investing £5 million of cross-government funding over two years in community provision for women;
- Piloting residential women’s centres in at least five sites across England and Wales rather than building 5 new women’s prisons;
- Reduce the number of women serving short custodial sentences to avoid the first custodial sentence.

In the words of Kate Paradine, Chief Executive of Women in Prison:

*‘The strategy recognises that community-based services like women’s centres are the answer to addressing the root causes of offending... But these services are facing a serious and deepening funding crisis. If women’s centres are really to be at the heart of the strategy this crisis must be addressed. It is impossible to see how the vision set out in the strategy can possibly be delivered with the pitiful amount of new funding that has been announced.’*

# THE POLICY LANDSCAPE

## Domestic Violence

Throughout May 2018 the government ran a consultation on the upcoming Domestic Violence Bill and are currently in the process of analysing that feedback. The consultation set out the government's approach to dealing with domestic abuse, from prevention through to rehabilitation, centred around 4 main themes:

- Promote awareness amongst the public of domestic abuse;
- Protect and support victims of abuse. The consultation proposed the creation of a Domestic Abuse Commissioner to hold the government to account;
- Pursue and deter perpetrators;
- Improve performance across all local areas, agencies and sectors.

Campaign groups, such as Sisters Uncut fear that the bill focuses too much on injecting funding into prisons and policing rather than services to support survivors. They say the bill could *'criminalise survivors rather than strengthen support for domestic violence survivors fleeing abuse.'*<sup>32</sup>

Others, such as Katie Ghose, Chief Executive of Women's Aid, believe that the bill poses *'a once-in-a-generation opportunity to make sure survivors and their children get the support they need to escape domestic violence and rebuild their lives, but the government's plans for supported housing funding risk undermining the Bill's good intentions.'*

The emphasis on local need poses risks to refuges: when women and their children flee domestic abuse, over two thirds flee to a refuge outside of their local authority.

**39% of refuge services who responded to a Women's Aid survey fear they will be forced to close down.**<sup>33</sup>

## Homelessness

The Homelessness Reduction Act 2017, in effect from April 2018 has reformed legislation by requiring local housing authorities to help all eligible applicants—rather than just those with a ‘priority need.’ Public authorities—including prisons and probation—are required to notify the housing authority if someone they’re working with is facing homelessness. But it is too soon to say whether this has filtered into the actions of prisons and probation: women are still leaving prison without a place to call home.

## Universal Credit

Destitution is a driver for women’s involvement in the criminal justice system, with almost half of custodial sentences in 2016 being for theft, and 38% attributing their offending to a need to support their children. Since 2013, Universal Credit (UC) has been gradually rolled out across the UK with the intention of creating a more streamlined benefits system.

In 2017 the Women’s Budget Group and the Runnymede Trust analysed the impact of changes made to UC between 2015-16 and found that women will lose more than men on average. Employed black women will lose the most at £1500.<sup>34</sup> In the same year, research by the Resolution Foundation found that single parent households (the majority of which are headed by women) will lose out by an average of £1350 per year.<sup>35</sup>

Payments are made in one monthly sum, and administrative delays (which have been frequently reported) cause serious cash flow issues for families and individuals with no savings to fall back on. Payments are made to one household bank account and splitting of payment is only possible in specific circumstances, undermining women’s financial independence. The charities we spoke to expressed concern about the impact of UC on their clients.

# THREE KEY CHARITY SECTOR APPROACHES



## **The women's centre one-stop-shop model: strength based, holistic and woman centred.**

Women's centres empower women, addressing their needs but more importantly recognising their assets and strengths. They usually provide group, one-to-one, and counselling sessions addressing substance misuse, mental health, debt or money issues, parenting support, housing and homelessness, education and employment and general emotional and physical well-being. Many provide domestic violence support, while others refer clients to specialist refuges. After the 2007 Corston Report, £15.6m of MOJ funding was invested in one-stop-shop women's centres from 2009-2011. Funding has substantially reduced and those that remain are struggling in a competitive commissioning landscape.

[The Ministry of Justice's Justice Data Lab](#) (JDL) analysed 39 women's centres throughout England and found they had a statistically significant impact on reoffending. The one year proven re-offending rate for 5973 offenders who received support provided by Women's Centres throughout England was 30%, compared with 35% for a matched control group of similar offenders.<sup>36</sup> This is a significant reduction in reoffending: the average effect size of all programmes evaluated with the JDL is a 2 percentage point reduction in the one year reoffending rate. This shouldn't be underplayed: nationally, that amounts to a lot less crime, money saved, and ultimately many lives turned around.

## **Trauma-informed**

Women (and men) involved in the criminal justice system are highly likely to have experienced trauma. Trauma-informed services work hard to minimise triggers (such as slamming doors) and equip women with tools to manage their triggers to prevent relapse into substance abuse and offending. Lady Edwina Grosvenor's organisation, *One Small Thing* has been instrumental in rolling out trauma-informed training to prison, medical and probation staff, as well as the staff of charities.

## **Through-the-gate support**

Charities using 'through-the-gate' work with women prior to and at the point of leaving custody to ensure reintegration into the community with the resources they need. The name 'through-the-gate' has been somewhat tainted by association with Transforming Rehabilitation.

# EXAMPLES OF CHARITIES WORKING WITH WOMEN INVOLVED IN CRIMINAL JUSTICE

Charities across the country are supporting and empowering women to live a life away from the criminal justice system by addressing their needs: safety from violence, appropriate housing, good physical and mental health, financial independence and access to the services they need. Here are just some of those charities:

**Women's centres, which are rarely residential, such as:** The Nelson Trust, Gloucester; Anawim, Birmingham; Brighton Women's Centre; WomenCentre Calderdale and Kirklees; Nottingham Women's Centre; EVA Women's Centre, Redcar; and Women in Prison run 3 women's centres: the Beth Centre in Lambeth; Women MATTA in Manchester and Trafford and Women's Support Centre, Woking.

**BAME specific women's charities, such as:** Ashiana Project; LAWA; Southall black sisters; Women for Refugee Women; BAWSO (Wales); Roma support group

**Domestic violence specific charities and residential refuges such as::** Gaia centre; Safelives; Refuge; AVA.

**Mental health specific support such as:** WISH.

**Signposting to services such as:** Citizens Advice Service, and Women's Centres.

**Advocacy and campaigning to influence policy and practice such as:** Women in Prison, Prison Reform Trust, Agenda, Women's Justice Network, Clinks and Women's Breakout.

# GAPS IN PROVISION AND IDEAS FOR HIGH IMPACT FUNDING

Charities working with women vulnerable to the criminal justice system often stress the importance of building up trusting relationships with their clients. This takes time and it therefore requires long term, core funding. Funding in the women's sector is currently in a precarious position; in the words of one Chief Executive: *'someone is always at risk of redundancy.'*

This list is by no means comprehensive, but rather offers some food for thought on where core funding could have a significant impact on women's lives.

- **Childcare available within women's centres:** Having a full time creche and childcare means that women can drop in to access services with their children at any time. For instance, The Nelson Trust find that enabling their clients to have space away from their children is crucial for accessing services, such as group therapy or a probation meeting.
- **BAME specific services:** 18% of female prisoners are BAME, compared to 14% of the general population. We know that women are more likely to access services that reflect their communities and culture, yet there is a dearth in services specifically supporting women of colour.<sup>37</sup> The impact of custody on black mothers is particularly acute as over half of black African and Caribbean families in the UK are headed by a sole parent, compared to less than one quarter of white families.<sup>38</sup>
- **Support for women into a more diverse array of employment opportunities:** Women are more likely to be employed in a field with intensive enhanced checks, such as working with children or in hospitals, and therefore disproportionately suffer when leaving custody with a criminal record.
- **Linking up best practice across women's centres:** Interviewees commented there is great need for more joined up working across the women's sector to enable learning, collaboration and a more powerful collective voice. This could be achieved through funding relevant umbrella bodies, or with core funding to particularly good women's centres.

# THANK YOU FOR READING

The implication of locking women up—often for very short periods of time—has a ripple effect on their lives, the lives of their families, their communities and, ultimately, wider society.

Most women are in prison for less than six months at a time, meaning their experience of the criminal justice system is entwined with their experiences in the community, around housing, physical and mental health, domestic violence and substance abuse.

For a minority of women, prison may be a temporarily safe space for them to make positive changes in their lives, but for the majority it is a negative and traumatic experience.

There is a small but powerful section of the UK charity sector working to improve the lives of women involved in, or vulnerable to being involved in, the criminal justice system.

Your funding of this sector has the potential for significant positive impact on women, their families, and on wider society.

If you would like to discuss this paper, or any future research with us, do get in touch via [info@thinkNPC.org](mailto:info@thinkNPC.org), or through our website [www.thinkNPC.org](http://www.thinkNPC.org).

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