Women and the Criminal Justice System - Report from the Conference

As austerity bites and the capacity of public services shrinks, a key conclusion of a conference on Women and the Criminal Justice System was that vulnerable women need more support not less if we are to reduce the number of female victims and offenders in society. The one-day conference brought together academics, professionals who work in the criminal justice system, front-line workers who work with women, and representatives from Government ministries. Delegates enthusiastically welcomed the conference as women’s involvement in the criminal justice system is under-researched, particularly when it comes to offenders of serious and violent crime. The low number of women in prison means that they are often overshadowed in public debate and policy by their male counterparts. Further, female victims of violent crime are often overlooked, not least because most violence against women takes place in the private and invisible domestic setting. Although awareness of DV is greater than in the past, media news stories and official criticism of the police and courts suggest this still isn’t taken seriously. We know the system is failing women as both victims and offenders, and we need robust research, as well as information and feedback from those who work with women, to tell us how to improve the situation.

Many criminal offenders, both female and male, are vulnerable persons, experiencing, mental health and addiction problems, poverty, and childhood traumas. However, women face difficulties that arise from wider social and political inequalities, such as coercion in intimate relationships and as victims of sexual and domestic assaults. The issue of vulnerability of women – as both victims and offenders – emerged as a key issue at this conference, though it was also recognized that this should point should be interpreted carefully. Four key areas of discussion and need for further attention emerged, highlighting the unique circumstances and needs of women as offenders and victims.

Women who are offenders are very likely to be victims of crime themselves. Jenny Earle from the Prison Reform Trust, reported that 53% of women prisoners have experienced emotional, physical or sexual abuse. Furthermore, female offenders are very likely to have troubled and chaotic lives – 31% having spent time in the care
of the local authority, 25% having symptoms indicative of psychosis and almost half having attempted suicide at some point. As Professor Betsy Stanko, OBE, recently retired Head of Evidence and Insight at the Mayor's Office for Policing and Crime, pointed out, sexual violence is a persistent feature of ‘being female’ and it is estimated that only 1 in 6 rapes are reported to the police. In many of the cases that have been reported to the Metropolitan police, the victims were particularly vulnerable – in 2012, 34% of victims were under the age of 18, and 18% of victims experienced mental health problems. One-fifth of all victims were in relationships with the men accused of rape and 37% of victims were targeted by their attacker following the consumption of alcohol or drugs.

A different outcome of victimization and vulnerability in a relationship was described by Charlotte Triggs, OBE, Former Senior Policy Adviser to the Crown Prosecution Service, in a review of cases of false allegations of rape made by women. While accepting that false allegations have significant and distressing impact on the lives of men, we must not lose sight of the background of the women in these cases. For example, in R v. A (2010), a woman who had been raped and experienced domestic abuse by her husband, withdrew her complaint after reconciling with him. Her decision to plead guilty to perverting the course of justice due to her false retraction of the allegation of rape, needs to be understood within the context of her victimisation.

The second theme that emerged from the conference is that vulnerable women need support from across all services. This was certainly reflected in the research presented by a domestic violence panel made up of University of Essex doctoral researchers. Sarah Day is assessing how Standing Together against Domestic Violence, a charity that co-ordinates multi-agency community response to domestic violence contributes to victim safety and perpetrator accountability. Similarly, the police need to be better equipped to support victims of domestic abuse, as presented by Angie Jenna who is working with Essex Police to improving police responses. To be able to provide a whole system response to victims we need to know where to target resources, the aim of Ruth Weir’s research.
Third, assuming that the aim of prison is to prevent people committing more crime, it does not achieve this for female offenders. Research conducted by Darrick Jolliffe from the University of Greenwich clearly demonstrates that, when outcomes are compared for women who receive custodial sentences, compared to those who received community orders (when factors surrounding the case were controlled) those who were imprisoned were more likely to reoffend. Furthermore, the “pain” of the experience of prison is worse for women than for men, notably because of the separation from their children, who are far less likely to be able to stay in the family home while their mothers serve their time. So prison punishes women’s children as well.

Finally, front-line services to help women need more funding and support. Delegates from the worlds of policy and practice expressed concerns over the survival of services in this period of continuing austerity. Gemma Birkett of City University argued that magistrates need more information and training regarding alternatives to prison when sentencing women. However, she also expressed concern about how this could be funded. Others raised worries about the future of probation services now that they have been privatized, and front-line workers raised worries as to how they would continue to support women when financial support was being squeezed. These support services are crucial for vulnerable women.

It is easy to be pessimistic about how to improve matters. For example, the statistics on women’s imprisonment, presented by civil servants from the Ministry of Justice show that while women make up only 5% of the total prison population, they accounted for 24% of self-harm incidents in the 12 months to September 2015. Other research demonstrates that myths about rape and women’s ‘responsibility’ for it (‘she asked for it’ and so on) still exist and continue to be used as legitimate tools for the defense in rape trials, with limited objections from Judges and prosecution barristers, as presented by Jacqueline Gray of Middlesex University).

Despite all this, we ended the conference on a positive note. Drawing together over 100 people from a wide range of fields and services to discuss these issues and to consider where we should go from here, is the first positive step towards change. It is also important for academics and professionals to collaborate in order to identify
and highlight problems in current practice and use rigorous research in making the argument for change.

This event was just the beginning. In November, as part of the ESRC Festival of Social Science, we will be running a follow-up event in Colchester!
Karen Brennan, Emma Milne, Nigel South, Jackie Turton

If you would like to be involved in future events or networking then please email c4crim@essex.ac.uk.