

Research Paper

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Missing Voices: Why women engage with, or withdraw from, community sentences

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Executive Summary

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Background

This research arose from concern over the numbers of women imprisoned for breaching community sentences. Whilst the numbers are largely comparable to the male offender population, custody has a hugely disproportionate impact on women (Bromley Briefings 2013 and 2014). In addition women tend to commit less serious offences in the first instance and thus are, if breached on community orders, more likely to be incarcerated for crimes falling well below the custody threshold. The intergenerational/ ripple impact on the women's families and children is also considerable.

The breach process is essentially a decision narrative and the interpretation and presentation of events may impact more harshly on women. Despite burgeoning concerns about women in prison for non-compliance there remains an intriguing lack of data and information about women's experience of the breach journey. This paper aims to explore this and address three critical questions:

- What are the key compliance thieves, or barriers to engagement, for women on community orders and are there clear patterns not recognised by current probation practice?
- Are the aims of community orders understood and shared by female service-users?
- Does the rigidity of structure inherent in these orders impact differently on women in the criminal justice system?

The perspective of female service-users seems to constitute a significant gap in our knowledge base. We have assumptions and anecdotal evidence but few actual voices from those literally imprisoned by the system. This research aims to provide voices for these women, voices that offer valuable insight into how we can enhance their engagement in the supervisory process. By definition this is a small-scale study but it reveals recurrent themes to inform awareness and practice and hopefully inspire more extensive research.

Relevant research literature

Research has long demonstrated how women have being "shoehorned" (Fawcett Society 2009) into a system designed primarily by, and for, men. In addition women can face the "double deviance" penalty of being punished for both the crime and breaching societal expectations of "feminine" behaviour" (Carlen 1988: 79). There is a fundamental tension between the well-documented complex needs and chaotic lives led by these women and

the discourse of punitive penology that assumes that crime and compliance are based upon rational decision-making.

Desistance theory, pathways and risk assessment tools are the chief means of shaping sentence planning and structuring approaches to reduce re-offending. And yet all three are designed around the average criminal profile that is that of a white male. They largely ignore gender variables, context and power dynamics. This paper explores whether or not this leads to erroneous assessments and interventions being imposed on women that, in turn, impacts on engagement. It also examines if offender managers are empowered to use professional judgement when working with women and if they are aware of how, and why, different approaches need to be employed with service-users.

Methodology

I interviewed ten women at HMP New Hall and five women at the Together Women Project in Hull. The interviews were guided by a semi-structured interview with flexible, open-ended questions designed to encourage spontaneous responses. The transcripts of these interviews were then subjected to a thematic analysis utilising an interpretative phenomenological approach. Whilst there is a growing literature on the complex needs presented by female offenders, and I held prior assumptions as to what barriers may deter compliance, I did not know if the findings would confirm these expectations. And, indeed, some unanticipated issues and concepts did emerge through the transcribing process.

Key Findings

Three clear themes united all fifteen women:

- All the women suffered from at least one diagnosed mental health disorder.
- All the women repeatedly used the word safe as an aspiration to how they wished to feel.
- All the women strongly voiced a need to undertake work in a female-only environment.

The striking feature of their narratives was the multiple, interrelated series of traumas endured throughout their lives. They had survived chronic abuse from care-givers in early childhood and the impacts were huge and debilitating. Whilst all the women detailed the classic symptoms of PTSD – flashbacks, intrusive thoughts, sleep disturbance, pervasive sense of dread and inability to concentrate on the present – they also described a cluster of symptoms that lay outside this diagnosis. Further reading revealed that all the women

were suffering from Complex-PTSD, a condition first analysed by Judith Herman in 1992 and the subject of growing attention since.

Complex-PTSD creates difficulties well beyond those engendered by an isolated event and its hallmarks are, in my experience, all too familiar when working with female offenders:

- A sense of entrapment
- Chronic self-destructive behaviour including self-harm and substance misuse
- A tendency to be re-victimised
- A loss of a coherent sense of self
- Loss of sense of safety and self-worth
- Attachment disorders
- Emotional flashbacks, not anchored in time or narrative, which led to regression

Whilst medical labels can be seen as yet another means of pathologising women some conditions can actually enhance understanding and herald the way for new approaches and interventions. The literature on Complex-PTSD provides a rational framework within which we can gain insight into, and make sense of, the distress suffered by these women. It does not depict the condition as an innate defect but as learned responses to survive untenable circumstances.

The women interviewed had a clear vision of the support they wanted but felt misunderstood or dismissed by the professionals they encountered. They identified their mental health issues as the chief barrier to change. They all articulated that drug and alcohol abuse was an attempt to self-medicate and that they did not have the emotional resilience, concentration or self-belief necessary to embark on the education, employment or counselling routes advocated by probation staff.

Despite the complexity of the issues the solutions need not be either complex or expensive. The women themselves provided a range of practices that were cost neutral but deemed as helpful. And the treatments known to be effective in treating C-PTSD are simple to both impart and implement. With knowledge and motivation it would be relatively simple to build on the excellent work already taking place at the women's centres and incorporate, for example, support groups, recovery programmes and trauma informed environments. Material relating to these methods is readily accessible online (Covington, Walker, Shapiro).

The financial and moral imperatives to change the way we work with women in the criminal justice system are compelling. And with knowledge and motivation is readily achievable at minimum cost. Currently, the "most chaotic, complex women are doubly disadvantaged and disproportionately punished" and those with the "most complex needs fare the worst" (Deedes 2009). This research supports these findings and advocates that the following three

interdependent proposals are implemented and mainstreamed to enhance engagement and address these complex needs.

Key recommendations

1 Gender awareness training should be rolled out to all probation staff in line with the recommendation from the Thematic Inspection.

Practitioners will not “engage women positively” unless they have the “awareness and underpinning knowledge to work with women effectively” and “develop ...professional judgement in relation to compliance and enforcement” (Thematic Inspection 2011:65). The training should also address the particular issues confronted by women experiencing multiple marginalities or “combination of forces” (Chigwada-Bailey 2003:19). To work effectively with women we need to both appreciate the need for, and adopt, “mindful and compassionate approaches .. that see beyond the crime, anger, drug-use, missed appointments” (Bryant 2014).

2 Women’s centres should provide trauma-informed services.

A safe place is a prerequisite for recovery and these centres can readily provide such a space. Centres should provide a trauma-informed environment and hold support groups, “experts by experience” forums and promote self-help strategies to manage symptoms. Feedback from the service-user forums should be fed back to management and used to continuously review and develop services.

3 Breach reports should assess the woman in the context of her life as a whole and be presented by her key worker.

These are the final and chief vehicle by which women, who have disengaged, can be diverted from custody. The “double deviance” principle suggests that women will be more harshly viewed at this stage. And Pryce observed that some women in prison are traumatised by hearing in court “things said about them that they didn’t recognise” by officers they did not know (Pryce 2013). Considering that the trigger for change in women is primarily relational (Clarke 2004:27) this is not surprising.

Breach reports should provide an assessment as to why the individual may have disengaged and utilise this information to suggest an appropriate sentence. Effective analysis of the underlying reasons for disengagement loops back to the need for gender awareness training, the need for “underpinning knowledge” and “professional judgement” outlined in the first recommendation.

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