

Twice Punished: when women victims become offenders

A history of abuse or victimisation has been shown to be linked to women's criminal involvement. **Judith Rumgay** reviews the existing literature in the context of the current debate about responsibility and punishment.

There is a strong body of research showing links between women's offending behaviour and a history of abuse and victimisation. The report 'When Victims Become Offenders: In Search of Coherence in Policy and Practice' was commissioned by the Fawcett Society's Gender and Justice Policy Network (GJPN), with the support of the Nuffield Foundation and the Home Office Women's Policy Team. The introduction and conclusions of Judith Rumgay's report are published here.

In the full report, published by the Fawcett Society in 2004, Rumgay goes into far greater detail about the links between victimisation and offending than can be published here. The report also contains a section on the practical aspects of working with women offenders by Jenny Roberts, and a summary of the audience discussion at the report launch. It is available online at www.fawcettsociety.org.uk

Introduction

A growing body of criminological research testifies to the overlap between the populations of offenders and victims of crime. Within this literature, a striking amount of research comments on the high proportions of females in the criminal justice system with backgrounds of victimisation. In England, for example, Morris *et al* (1995) found that nearly half of a sample of 200 women prisoners reported a history of physical abuse and almost one third reported experience of sexual abuse. Forty-two per cent of their sample were categorised as having recent histories of abuse, with a further 14 per cent having earlier victimisation experiences. Similarly high levels of abuse were reported in a thematic review of women prisoners conducted by the prison inspectorate (HM Chief Inspector of Prisons 1997).

The association between women's involvement in the criminal justice system and prior victimisation is not confined to England. This characteristic of female prison populations has also been noted in Scotland, the United States and Canada.

Diverse types of victimisation emerge in studies of women offenders. They include childhood physical, sexual and emotional abuse (Loucks 1997; Morris *et al* 1995; Saradjian 1996), intimate partner violence in adulthood (Browne 1987; Loucks 1997; Mann 1996; Morris *et al* 1995) and assaults arising in the context of a high-risk lifestyle with volatile social relationships (Baskin and Sommers 1997, 1998). Women experience these different forms of victimisation often in combination, suggesting a connection between them that is poorly understood.

The psychological legacy of victimisation experiences presents a significant management problem within penal institutions. Foremost among these is self-harm. Morris *et al* (1995) observed that all women who admitted to self-injury before or after receiving their sentence of imprisonment also reported prior abuse, with a large proportion having experience of both physical and sexual victimisation. Women with histories of abuse were also to be found among those reporting severe substance misuse problems. Other studies report similar connections (HM Chief Inspector of Prison 1997; Loucks 1997). The Women's Policy Group of the Prison Service warns: "The effects of abuse can create many emotional problems which may influence the way that a woman responds and interacts with fellow prisoners and prison staff. Some women may self-harm, others may demonstrate low self-esteem, become withdrawn, or disruptive" (HM Prison Service, Women's Policy Group 2000). This document goes on to recommend that good practice in responding to a disclosure of a sexual abuse history includes formation of a multi-disciplinary team "comprising medical, nursing, probation, chaplaincy, uniformed staff and outside agencies, which can bring together expert knowledge to create a programme of counselling suitable for the individual" (HM Prison Service, Women's Policy Group 2000). Yet, such a comprehensive, co-ordinated response eludes us.

Indeed, the tension inherent in a contradictory dual identity as both victim and offender has presented a considerable obstacle to the development of coherent policy and practice, particularly in the fields of sentencing and rehabilitation. The criminal justice system relies heavily on a clear differentiation between the totally innocent victim and the totally guilty offender (Shapland, Willmore and Duff 1985). When this distinction blurs, so that a victim appears less than fully innocent and/or an offender less than fully blameworthy, difficulties arise concerning the attribution of culpability and the distribution of punishment. Arguably, these problems have intensified in recent years. Policy rhetoric has stressed the importance of protecting the 'public' (i.e. the innocent) from victimisation, of holding offenders strictly accountable for their behaviour and of the need, advocated by then Prime Minister John Major in 1993, to "condemn a little more and understand a little less". From this perspective, 'understanding' the offender's plight as a victim smacks of collusion with 'excuses' for crime and exoneration from personal responsibility. Similarly, a rehabilitation programme that acknowledges the offender's victimisation history is suspected of focussing on personal need at the expense of personal change. These assumptions, however, overlook the evidence that



recovery from the trauma of victimisation is a challenging process that cannot succeed without the active participation of the sufferer (Herman 1994).

This predicament has been exacerbated in recent years by the emergence of a seam of literature that purports to identify a range of specifically 'criminogenic' problems that directly increase the likelihood of offending. Based upon this claim, in Great Britain, there has been considerable investment in the production and promotion of rehabilitation programmes designed to target these problems (Hedderman 2004). In this pursuit of effective practice, 'criminogenic needs' are contrasted with other types of problems that are deemed unrelated to offending behaviour and on which, by implication, the rehabilitation practitioner, however well meaning, would waste valuable time in an ineffective endeavour to reduce offending.

Women have fared particularly poorly in debates about criminogenic need. On the one hand, the Government's Strategy for Women Offenders asserts a lack of evidence that a history of abuse increases the likelihood of offending among women (Home Office 2000), seeming to imply that attention to the issue is unnecessary. On the other, proponents of 'gender-specific' programming contend that chronic neglect of women's personal and social needs within the criminal justice system has resulted in impoverished treatment methodologies and exclusion from appropriate interventions (e.g. Covington 1998; Glover Reed and Leavitt 2000; Morash, Bynum and Koons 1998). Among supporters of gender-specific programming, absence of abuse among the currently recognised criminogenic needs has been regarded by some as a problem of deficiency in existing research (Hedderman 2003; McMahon 2000). This line

of argument, however, relies on the anticipation of an eventual demonstration of a causal relationship between women's victimisation and their offending to challenge current policy inertia. Alternative justifications for responding to women offenders' needs as victims are unexplored.

This paper reviews existing knowledge about abuse and its effects in terms of its impact on women's criminal involvement. However, while the current policy dilemma seems narrowly to demand a causal relationship between women's victimisation and their offending, the review also explores broader justifications for penal policies that recognise prior abuse as a significant and worthy focus of intervention.

Conclusions

This wide-ranging review of evidence concerning the connections between women's victimisation experiences and offending and the implications for policy and practice suggested a number of conclusions. They are listed below in the order in which they arise in the text.

- Many female offenders in the criminal system have histories of victimisation.
- Victimisation experiences may be linked to women's involvement in crime through their impact on psychological and physical health, learning and moral reasoning and pathways into criminal lifestyles.
- The connections between women's victimisation experiences and their involvement in crime are not directly causative and thus do not generally serve as 'excuses' or 'justifications'

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for offending. Yet, the criminal justice system is not prevented from extending humane and constructive responses based on an appreciation of the impact of victimisation on a woman's circumstances and behaviour.

- Debates about criminal responsibility for particular varieties of crime committed against a background of victimisation are of limited benefit given the prevalence of victimisation in the lives of women offenders. They tend to focus on specific and relatively rare offences and thus have little impact on the experience of the criminal justice system among the majority of offenders. They may also have unintended consequences in generating legal principles with potentially perverse general application.
- There is little evidence that women offenders believe that their past history of victimisation justifies their offences. There is some evidence that women offenders feel shame and remorse, and attempt to make reparation for their damaging behaviours.
- Criminal justice responses that combine the offender's accountability with recognition of her status as victim are possible. They will require the offender to make efforts to rectify the damage caused by her victimisation experiences in order to avoid further offending.
- In order to accomplish their integration into law-abiding lifestyles, women may need the support of a range of community based services including both psychological therapy directed towards personal development and practical assistance aimed at improving social and economic prospects. These services provide opportunities to redeem the life chances that were lost because of victimisation.
- The diverse range of services that are potentially required to overcome the legacy of victimisation experiences point to the need for multi-agency partnerships in order to ensure coherent practice.
- The significance of the criminal justice system as a major source of intervention in women offenders' lives indicates the need for agencies such as the probation and prison services to take a lead role in harnessing and co-ordinating the contributions of other specialist organisations, which may have difficulty in otherwise reaching this group. The effective participation of specialist and voluntary sector agencies is vital to the achievement of a coherent response.

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