

Abuse, women and the criminal justice system

Stella Vickers and Paula Wilcox highlight important issues raised in working with women offenders who are and have been victims of abuse.



Women in the criminal justice system are much more likely than men to have been victims of serious and sustained sexual or other violent abuse; almost half of the women in prison in England and Wales report having experienced violence at home and about one-third report having suffered sexual abuse (HM Government, 2010). The experience of violence, abuse, neglect and cruelty in childhood or later life impacts significantly on women's experiences and is a key risk factor for women's offending. So, working with women offenders of necessity involves addressing the complex, long-term impacts of such abuse. These aims cannot be met in a criminal justice framework designed for men, not least as it is men who are commonly cited as being the cause of these women's situation. This article examines tensions in working with women who are victims as well as offenders at the Inspire Project (Brighton, UK).

Outside is harder than inside

It is a sad fact that, for some women, a short sentence in prison represents a period of safety and calm, away from entrenched cycles of abuse and violence involving male partners. Coming out of prison women face harsh realities of intense financial hardship, complicated family relationships, lack of support and stigmatisation. The majority receive short sentences of six months or less, long enough to lose a home but often too short to arrange alternative accommodation; 60 per cent of

women prisoners do not have homes to go to on release (HM Prison Service, 2008). Unable to access money and accommodation they fall back on abusive male partners to provide these essentials, or form new relationships where once again they are vulnerable to sexual exploitation and violence because there is no provision for them within homelessness legislation. This is *not* to argue for custodial sentences but rather to emphasise the complexities of need and intervention required to bring about sustained change.

Women's community services acknowledge the need to ensure continued and stable accommodation for women. However, for women offenders who are victims of abuse there are additional barriers. Workers at Inspire are clear that, having worked with a woman to the point where she is willing to consider the option of a refuge, barriers to access kick in. The refuge assessment will consider the risks to other residents – does she drink? Yes. Does she have mental health issues? Yes. Has she been violent to another person? Yes. How else would she cope with a lifetime of abuse? The worker is then back at square one and for many of these women refuge accommodation is simply not an option.

Limits to personal responsibility

Rational choice theories of personal responsibility are often used to explain crime, and women unsurprisingly internalise this discourse. From 'women's structural

positions and lifestyles in society, it is possible to see that many are vulnerable to financial difficulties, domestic violence, and high levels of childhood victimisation. Indeed, one might refer to these vulnerabilities as "indirect" pathways towards crime' (Gelsthorpe, 2010). Women report the time of referral to Inspire as a point when their lives are extremely chaotic, troubled and out of control. To effectively reduce the lifestyle factors that can trigger further descent into offending and push women closer towards custody, their basic safety and right to live free from power and control needs targeting. This means challenging women's own perceptions of the abusive relationship, often arising from childhood experiences and reinforced by the psychological and emotional abuse they are experiencing. The normalisation of abuse over time, along with denial, minimisation and self blame, can prevent women from fully acknowledging their situation and prioritising their safety. Denial and ambivalence coexist for women who may, knowing the dangers they face, try to appease the abuser, rather than leaving.

We need to acknowledge women's anger: failed by relationships and services, abandoned by family and separated from children, women are not passive recipients of abuse as often portrayed, indeed they struggle to resist abuse (see e.g. Wilcox, 2006). Rebellion and even violence, particularly against male authority figures, must be contextualised in relation to the power and control they have encountered in previous, current and sometimes all their intimate relationships.

Women experiencing abuse and community orders

Carrying out the conditions of a community order within a woman-specific framework presents unique risks and opportunities for women affected by abuse. Breaking the isolation induced by the violence through women's groups enables women to understand the violence they are experiencing in the context of their gender rather than as a personal dysfunction to which they have somehow contributed. The emphasis on delivering an order from a women-only space means that women feel safer to disclose details of their situation, commonly revealing worrying risk factors around their safety. Prior to Inspire, women on a community sentence would often attend probation only to find that the abusive partners they were attempting to distance themselves from were also in attendance, had followed them there or insisted on accompanying them. Women ordered to carry out unpaid work were placed in mixed-sex groups where they reported feeling intimidated by men they were already associated with, or formed new relationships that turned out to be equally abusive. Unsurprisingly, some women's activities are closely monitored by abusive partners and involvement with the justice system can be an effective means of maintaining power and control over a woman.

Thirteen per cent of women enter custody because of breach of a community order (Women in Prison, 2011) and while this may on the surface appear to be the result of a lack of personal responsibility the reality is much more complex. For women dealing with abuse, compliance with an order will not always be her priority. She understands that the risks to her safety are exacerbated by seeking the assistance of an agency and she knows, more importantly, that leaving the relationship escalates the risk of violence to dangerous proportions. On average two women per week are killed in this country by abusive partners and ex-partners, and most of these homicides occur

in the two months after leaving (Womensaid, 2011)

Early analysis of the Inspire caseload (composed mainly of women referred on a community order via the court) reveals that 10 per cent of the women attending as a sentencing option had also been referred to a Multi-Agency Risk Assessment Conference (MARAC) in the last 12 months and some were repeat referrals. It is not always possible to draw firm conclusions linking domestic abuse and violence to offending behaviour; however, for women coming to Inspire as a result of drug offences, for example, there is often a co-defendant, a partner or family member whose substance misuse is inextricably tied up with the dynamics of an abusive relationship. So while work with women must address personal responsibility this needs underpinning by an understanding of how fear operates within abusive relationships, undermining individuals' autonomy and leaving them vulnerable to further abuse and offending.

Moving forward

There is an urgent need for best practice guidance in working with women on community orders to safeguard against further incidence of serious harm. The government promises that 'The Ministry of Justice will provide a framework of guidance that will offer models of support and direction to all those working with women offenders and women at risk of offending. This will enable them to respond more effectively to those who have been affected by abuse or violence' (HM Government, 2010). This must include linking the MARAC and Integrated Offender Management structure to enable more creative solutions to working with women who are victims and offenders. Interestingly, over 50 per cent of women accessing Inspire assess themselves as having a disability. This refers to mental health and their inability to find routes through the chaos they are experiencing. If we accept the concept of 'chaos as a disability', then we can begin to understand how this informs

women's routes to safety; passivity and chaos can be conceptualised as engendered and reinforced by abusive relationships, rather than as the personal responsibility of women offenders. Further research is needed on women offenders' drug use as this may be a form of self-medication blocking out the abuse that has happened in their lives. Women's community services are unique in their approach to women's offending behaviour. They look at the whole woman, listen to her experiences and difficulties and make connections between difficulties currently faced and what has brought her to this place. This creates and opens a space for trust and self-belief to develop, enabling behaviour change to occur. Investing further in such services is essential, as is the provision of programmes for men that address abusive behaviour. Unpicking a lifetime of abuse demands great courage and it takes time – there is no quick fix. It requires the person to say, 'I matter, I deserve, I am'. We must stop creating distance between ourselves and women who offend. In doing so we must squarely face the question, 'Could this have happened to me?' ■

Stella Vickers is Inspire Project Coordinator at Brighton Women's Centre.

Paula Wilcox is Principal Lecturer in Criminology at the University of Brighton.

To find out more about Inspire visit:

Inspire. www.womenscentre.org.uk/index.php?What_We_Do:Inspire_Project

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