

## **Justice Matters for Women: Rebecca Roberts notes for intro**

Welcome everyone. It is exciting to see so many people here with us today. When we first planned the event we kept our ambitions relatively modest. We were delighted when the expected 30/40 registrations went up to almost 100 and we had to find a bigger venue. I am so pleased that we have a broad range of people here – from those who have experienced the sharp end of the system through to individuals and organisations working with women who have faced violence and harm – both inside and outside the criminal justice system.

I'm going to talk for about 10 mins. My role here is to a) Explain a little bit about: the work of the Centre for Crime and Justice Studies and our collaboration with WiP on the Justice Matters for Women initiative. B) Give you a brief outline of our thinking & explain what we have done so far. C) Provide an overview of today's event and what we want out of the day.

Some of you may already be familiar with the work of the Centre.

- a. We conduct research and analysis on social harm, the process of criminalisation, the criminal justice and social welfare systems.
- b. We are keen to develop solutions to social harm that minimise the use of criminal justice processes.
- c. We are committed to working in creative networks and coalitions with like-minded individuals and organisations.

Last year we launched the 'Justice Matters' (JM) initiative. JM is 3 year initiative – but clearly this is a longer term project. Justice Matters for Women falls under this banner but it is a discreet piece of work we are collaborating with Women in Prison on. We have funding for activities until July – but our ambitions go beyond this, and Helen will talk about this in a bit more detail

It is a culmination of research and work we have been engaged in for over decade. The starting point of Justice Matters is simple: criminal justice is far too big; far too costly; far too intrusive. We are concerned about the large footprint in society

occupied by the CJ institutions. Our view is that the criminal justice system is source of injustice rather than a means for achieve social justice. The criminal justice process inflicts unnecessary suffering on many thousands of people every year whether they are suspects, defendants,– or people convicted of an offence. The collateral damage of the criminal justice process is also profound. We see this in stress experienced by many victims of crime, whose traumas and distress are often left unresolved, and in the dissatisfaction of witnesses, whose experience of the criminal justice process can be so negative. This suffering is experienced very differently depending on your position in society: for instance depending on your age, ethnicity, gender, how rich or poor you are. Criminal justice also crowds out other, more innovative, just and effective policy and practice solutions to the problems our society faces.

In Justice Matters, we have identified 3 elements

Downsize	Build	Transform
<p>We will develop ideas to downsize fundamentally criminal justice in the United Kingdom.</p> <p>We are interested in exploring an across the board reduction in the social footprint occupied by criminal justice.</p> <p>This means fewer arrests; fewer prosecutions; fewer prisoners; fewer probationers. It also means fewer criminal justice workers, whether police officers, judges and magistrates, prison and probation officers or others.</p>	<p>We will explore options to build policy and practice alternatives to criminal justice.</p> <p>This is not about enhancing the capacity of criminal justice agencies to address the needs of those convicted of offences.</p> <p>It is about rethinking the configuration of policy and practice – for instance in housing, education, health, social security and employment – so that many current criminal justice responses are not required at all.</p>	<p>We will develop an evidenced agenda to transform policy and reduce reliance on criminal justice.</p> <p>This means a sustained change in the way that problems currently managed by criminal justice are dealt with.</p> <p>The long-term goal is much smaller criminal justice institutions that treat all subject to them with dignity and respect and a comprehensive set of services and interventions that respond to human need and promote well-being.</p>

This might all sound well and good, but what does it mean in practice? – what would downsizing criminal justice mean in reality. And what would we do instead?

What's Justice Matters for Women about?

Patriarchy and inequality harms both men and women, often in very different ways. Our institutions, economy and media operate in such a way that it is the norm to place women's concerns and needs as secondary to men's. In the worst instances, our society allows, facilitates and almost encourages violence against women in a range of settings.

I am always moved and distressed by the harrowing stories that many women and girls face at the hands of men. Due to the efforts of many people here in this room – there is a greater awareness of some of these issues at a public and governmental level. There have been successes in bringing greater attention to the harms experienced by women inside and outside the criminal justice system – the battle is not yet won. By a long way. By being here today, my assumption is that there are others in this room that share our concern.

We have been in an ongoing dialogue with Women in Prison about mutual areas of interest and in particular what a radical downsizing of criminal justice would mean for women in particular?

We are serious about downsizing criminal justice. But we are also serious about dealing with harm and violence experienced by women. What will this mean for women at risk of violence and harm in society; and what does it mean for women who have broken the law?

### What have we been up to?

It is fantastic to have so many people here in the room with insight and knowledge of the issues at hand. Over the last couple of months we have posted a series of short comment pieces making the case about the limitations of criminal justice – and how we might go beyond criminal justice.

Many of these arguments and positions will be familiar to you – and have been well rehearsed in different arenas. Hopefully what we have published so far has resonated with you – and that is why you have joined us here today. There will be particular aspects of this analysis you may agree or disagree with, but hopefully there is some consensus and commitment to exploring ways of addressing women's safety and wellbeing which don't rely on CJ.

I am going to list some key points – but Laurel and Helen will pick up on some of these in their intros. One of our initial questions was whether CJS is a form of

violence against women? – represents part of a continuum of violence against women – for both ‘victims’ and law breakers.

What we are saying is that:

- Criminal justice fails women – both those criminalised, and those victimised.
- It tends magnify and reinforce existing social injustices as opposed to resolving them
- For criminalised women: Current responses are seriously flawed and harmful to women.
- For victims of violence: Prioritising the criminal justice system in our response to violence against women has undermined the development of more effective ways to address the harms women face.
- Indeed, the criminal justice system is ineffective at preventing and dealing with VAW.
- Campaigners have longed called for preventative and educational work – as well as highlighting the failures of police and judges in supporting women.
- Highlighted the inadequate support services for women who have experienced violence – through inaction and inertia, women are subject to an escalation of violence and harm.
- At best, criminal justice is about fire-fighting. At it's worth it throws more fuel on the fire.
- Criminal justice agencies have played a part in the further psychological, physical and sexual harm of women.
- Many people in the room will be working to mitigate the worst effect of these harms.
  
- See the strangehold that criminal justice has on our understanding of VAW and law breaking. Where focus is on individuals rather than broader issues of patriarchy, power and inequality.

Yesterday I attended the All Party Parliamentary Group on Victims and Witnesses. We heard from Tom Winsor (HMIC) and Polly Neate (Women's Aid). In his intro, Tom Winsor spoke about police involvement in 'prevention' when it came to

domestic violence. In the discussion that followed, Polly Neate emphasised the difference between 'early intervention' and 'prevention'.

Resources often focused on response and intervention due the urgency and immediacy of the issues at hand. But perhaps the stick has been bent too far.

In debates about violence and harm against women we often see criminal justice responses and criminal justice 'experts' privileged in the policy and political debate. This tends to place 'prevention' in a backseat position. It has put criminal justice responses in the foreground, to the possible detriment of wider discussion of power and inequality.

Is there any opportunity for a conversation that connects a political analysis and understanding of power relations with the role that the CJS plays in maintaining them?

If so, what might that conversation involve and can we work together and contribute to shifting the debate?

These are complex issues – with complex solutions. We don't have all the answers. There is an awful lot of expertise and knowledge here in the room. We hope today provides an opportunity to bring together those advocating for criminalised women and those working to tackle violence against women. Have structured the event to allow everyone here to share their thoughts and experiences and consider how we may collectively take this forward.

## **Speaking Notes for Justice Matters for Women Event, Laurel Townhead, Policy & Campaigns Manager, Women in Prison**

As many of you know Women in Prison is in its 30<sup>th</sup> year of supporting women in the criminal justice system and campaigning for penal reform and social justice to keep women out of the criminal justice system. Our ultimate aim is that no woman should be in prison as prison exists today.

I'll talk briefly about why we got involved with CCJS on this project and what we hope we can all get out of it.

It is not new for us, nor for many of your, to say that we need to reform the way the criminal justice system treats women – as victims and or as people who offend.

It is not new to recognise that these are often the same women.

It is not new to say we need to look outside criminal justice to find justice for women.

So why are Women in Prison engaging in this project and why are we all here today? Not to repeat what we already know but:

- to look at how we get beyond individual or organisational conversations to a wider discussion involving different sectors and approaches,
- to learn from what others are already doing,
- to challenge ourselves to work through any aspects of downsizing criminal justice that make us uncomfortable,
- and crucially to look at how we get beyond discussion and into action.

The challenge for me is in really looking beyond the Criminal Justice System – I am convinced that this is where solutions lie but I spend so much of my time pushing for reform of aspects of the system that it is hard to get my head out of how to change what we have and really get to think about justice without criminal justice and how to move towards that. That is what is new and exciting for me and for Women in Prison about this project. Challenging myself and giving myself permission to take a step back from criminal justice and look at the whole picture – to remember to see it as a social justice issue.

My starting point is to recognise work that is already happening. Particularly at a local level, as I wrote about on the Justice Matters for Women blog, support work for women comes from a place that puts women at the centre and sees them as a solution unlike the criminal justice system which sees them as a problem – either because of their riskiness or their neediness or both.

This is why Jean Corston championed the work of women's centres in her recommendations. What we have seen happen post-Corston is a probationisation of support services – by which I mean that support services have been drawn into the CJS.

Women in Prison delivers some of this work and I do not intend to criticise the projects – we are all trying to do the best for the women we support with the resources we can get. But framing this work as diversion and funding it from criminal justice money is problematic at a system level because it expands criminal justice's reach into what should be voluntarily-engaged with support and shifts the focus back away from recognising what is a social justice issue, which need not be a criminal justice issue. It keeps the criminal justice as the starting point, rather than justice.

The impact of locating solutions to criminal justice problems entirely in the criminal justice system and not clearly defining the difference between support and control is clear in the development of the provision for short sentenced prisoners under the Transforming Rehabilitation programme. What started out as a discussion about how to support short-sentenced prisoners post-release has

become a year long period of mandatory supervision, with two weeks imprisonment the ultimate penalty for failing to comply. That is not support. That is control.

So we must be wary of unintended consequences: by focussing on the criminal justice system do we risk drawing more women in as it is seen as a way of getting them support?

These concerns brought the Canadian Association of Elizabeth Fry Societies to the point where they were debating whether to adopt a position of campaigning for no mental health provision in prison in order to force the courts and corrections officials to stop using prison as a route to treatment or means of containing women with serious mental health issues.

The risk of these unintended consequences is part of the rationale for limiting criminal justice, because attempts to fix something so inherently broken are not delivering justice for women and may potentially make women's lives harder.

It is also worth exploring the downsizing of criminal justice because criminal justice perpetuates and exacerbates existing problems in women's lives – adding layers of state-sanctioned punishment and control to experiences of abuse, punishment and control women are already facing.

If we take the time to look at the other forms of punishment and control women are subject to and to ask how we can prevent these and criminal justice involvement in women's lives then we find ourselves looking at radical reform of all sorts of systems, of the care system, the troubled families approach, what and how we teach our children and ultimately our economic systems and power structures.

It can feel overwhelming. But I believe there is a strength in being able to name the wider problems of which women's treatment within the criminal justice system is just one symptom. And there are ways into talking about this as a wider societal issue. Economics are why we do what we do, nor why we think change is needed, but it can be a way of starting a conversation with people who are not open to a dialogue on reform for the sake of justice. For example the piece in the Evening Standard this week on the cost of reoffending creates an opening for saying that we need to look outside the criminal justice system.

Amongst those wider problems violence against women needs to be explored. It is widely recognised that violence against women is both a cause and a consequence of gender inequality. Criminal justice is creating further injustice and inequality for many women who offend and who have experienced violence. But what of women who are experiencing violence and haven't offended? Is criminal justice delivering justice for them? Might limiting criminal justice put women at greater risk?

Given the shockingly high proportion of women subject to criminal justice control who have experienced violence looking at how to better to prevent and respond to violence against women is feels like a good place to start. Asking what justice looks like for women means asking how to prevent victimisation?

So, I don't find this an easy conversation to have but I think it is a vital one and for Women in Prison today's discussion will feed into how we balance working in the here and now and pushing for radical, systemic, cultural change. I don't just think that it is a luxury to spend time having this conversation – I think it is a necessity.

## **Helen Mills speaking notes for Justice Matters for Women event 26<sup>th</sup> March 2014**

Rebecca and Laurel have set out why we are making the case for looking beyond criminal justice for women, the ideas that have informed this perspective and their response to it. I want to set out how we might take this agenda forward and how today fits into that.

A couple of things you may well have picked up. First, at this point we have more questions than answers.

Second we're ambitious. We're ambitious about using this critical perspective to inform how we might do things differently. You might have had the opportunity to read the JM – leaflet: *downsize, build, transform*.

I realise that given where we are now, this ambition is easily dismissible as idealist.

The leaflet talks about

‘Rethinking the entire configuration of policy and practice so that many current criminal justice responses are not required at all.’

Now this is a big ask. And undeniably a long term agenda.

So you might be unsurprised to hear - How we might take this forward is a challenging sticking point for us. It is clear what we're not proposing to do: think about how cj can work better for women (say a bit more about this in a minute). However, it is less clear what we should do. It's one thing to critique and another to come up with proposals about what else should be done. I don't have the answer to this. But i expect finding the answer will be part of the work going forward.

JM is an emerging initiative for the Centre. There's a lot of working out still to do to develop the idea into a programme of work.

In that sense JM4W is premature. But we were presented with an opportunity to think about these issues for women and we wanted to take it.

So we have a tall order for you today. We want you to help us to work out what should happen next.

You will also be unsurprised to hear we have an idea that's 'big' but relative to that, a narrow opportunity at present to take this forward.

We have resources to meet today and begin to build on some of the ideas in the next couple of months.

q. What could we do within this that provides something we could build on? In terms of learning from each other and developing an agenda in collaboration.

This could be as straightforward as keeping the discussion going beyond today. Maintaining a blog of ideas / arguments / interesting resources.

Holding meetings that encourage an ongoing dialogue.

We have 100 registered for today. If a quarter are interested in pursuing this conversation as a way to have a space for thinking through its implications and finding better ways to address the issues which currently end up in the cjs. Then I don't doubt that would be generative of ideas and a way forward.

There is precedent for this.

Some of you may be familiar with American organisations Incite! And Critical Resistance. (mentioned in the blog post 'is lady justice blind or just blinkered' if you're interested in looking this up). Nearly 15 years ago brought together 23 organisations from 1. Anti violence and 2. Anti-prison. Critical of both. Created a dialogue between the two produced a written statement with set of objective based on a shared analysis. Could something similar be useful for those tackling vaw and issues re. Criminalised women in the UK? Led to new social movement, new coalition of actors including voices previously marginalised in the debate. Eg. Of usefulness of collective forum – can have a sig legacy.

An alternative is a collaboration which documents our collective knowledge about alternatives to cj.

Gathering and collating policy and practice examples and case studies that engage with an issue such as preventing and responding to vaw. And which challenge the

notion that cj is necessarily the only or best response. Share through online document.

I mentioned these suggestions as potentially useful starting points for what we could do next and within our current resources. I don't want to limit the possibilities to only these options. Interested to hear your suggestions about ways to working together.

Opportunity for questions soon.

Without wanting to pre-empt that, in the course of our discussions there have been issues that have come up and I thought some of you may also be thinking.

### **But what about people in the cjs now?**

When we talk about the analysis that has informed our downsizing agenda – that current cj responses for women simply aren't adequate. I expect many would readily agree.

However, I'm also aware that a significant proportion of those here today work / campaign / fund initiatives in the cjs.

In various ways would consider this work supporting women in the cjs and seeking to improve cj response to women or at least make it less harmful. .

I'm not suggesting we abandon women by not engaging in an important set of questions about how the cjs operates. These are real problems that affect real women now.

I can appreciate what we're proposing may well leave some feeling torn between – crudely –

What can be achieved now: working to reform cj

And as Laurel's described, the idea 'real' solutions lie largely outside the criminal justice system: what is undeniably a longer term agenda.

Or perhaps may even make some of you frustrated about something that problematises hard fought efforts to make the cjs work better for women,

I recognise it might sit awkwardly alongside other aspects of our work. But I don't think you have to choose between the two as a consequence of what we're proposing here. The implication of what we're saying today is there's a need for a critique of criminal justice – that can't be achieved through only work that seeks to improve or refine its process or support the people subject to it. I hope there is room for both types of activity. I think the experience and knowledge of those who would consider themselves 'in cj' is really important to this initiative. I'm interested in what others think about pursuing these two activities in tension and awareness of each other, as I suspect most people, myself and the centre included – will continue to be engaged in both sets of questions.

**VAW – I don't know what you think about this – delighted that you're here to tell us.**

My sense from initial discussions and scoping is that VAW sector has long been calling for better education, a wide platform of interventions. So thinking beyond the institutional boundaries of cj is long established.

But on the other hand, I can also see potential conflict. Because there are areas where some in the sector call for greater cj response. I'm thinking particularly about calls for wider reaching laws to reflect 'new' forms of harm. And that debates about the merits of criminalisation seem very much alive within the sector.

I don't expect many here feel criminalisation will simply resolve the harms and violence that women face, but when it comes to immediate concerns about how to improve responses to women now cj is a well-established part of the picture. I think conflicts such as these will continue to be an imp part of this work going forward. I'm sure there are some people here who have thought a lot and it would be good to hear from you.

To sum up where i think we are before handing over to Rebecca and discussion

A critical perspective about the ability of cj interventions to resolve deep seated social problems got us here. But this approach only takes us so far. We are interested in talking to new people and organisations – those concerned with the

harms facing women and who are interested in how we might better address these harms.

Expectations and hopes for today

1. That a conversation beyond criminal justice is possible. That we can do that collectively with a eye to promoting it externally.
2. Feedback about how useful or not this analysis is
3. And, if there is interest, to hear people's suggestions about how we might best take it forward, what should the priorities be?