

## Women Offenders: The Development of a Policy and Strategy for Implementation by the Probation Board for Northern Ireland

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**Summary:** In late 2004 the Probation Board for Northern Ireland (PBNI) established a Policy, Planning and Business Development Unit to co-ordinate policymaking and to include a focus on new business development. This article describes the experience of building an evidence base as part of the process of the development of a policy and strategy in relation to women offenders in Northern Ireland. It summarises the findings from research undertaken as part of this process and makes recommendations for the formulation of policy and strategy.

**Keywords:** Women offenders, policymaking, strategy, appropriate interventions.

### Introduction

The PBNI's *Corporate Plan 2005–2008* and *Business Plan 2005–2006* note that the organisation's purpose is to 'protect the public by working with the courts, other agencies and partners to reduce re-offending and integrate offenders successfully back into the community' ([www.pbni.org.uk](http://www.pbni.org.uk)). One corporate objective, under the strategic area of social inclusion in the *Corporate Plan 2005–2008*, is to 'develop and implement appropriate services for female offenders'. The first stage in the process of achieving this objective involved the development of a policy for women offenders and an accompanying strategy for implementation.

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## Context

Women offenders represent a relatively small proportion of the overall offender population in Northern Ireland – 14% of those found guilty by the courts in 2001 were women (NIO 2004). In 2006 there are some 300 women being supervised by the PBNI on Custody Probation Orders, Probation Orders with or without requirements, Community Service Orders or Combination Orders. Some 10% of the total pre-sentence reports prepared for the courts by the PBNI are written on women.

Although numbers are small, this cannot be a justification for the lack of appropriate and effective interventions to reduce reoffending amongst women. Currently there is little in the way of interventions designed specifically for women offenders. In England and Wales there is one accredited programme, which is for acquisitive offending. The majority of interventions are based upon male characteristics and male offending and as such are rarely appropriate for women or easily adapted for their use. Consequently, women who receive additional requirements to Probation Orders that are designed for delivery through groupwork often end up completing the work on a one-to-one basis rather than within a group as intended, with resultant questionable effectiveness in terms of the goal of reducing reoffending.

The limited nature of appropriate specific interventions for women offenders in practice is also mirrored in criminological frameworks to explain women's offending. Gelsthorpe (2003) noted that there is a need to dismantle and reconstruct these frames of reference in relation to women. Davies (2003) shares this view, stating that old traditional theoretical models cannot simply be made to fit.

There is an assumption that there are differences between men and women when it comes to offending, and that those differences extend both to the motivation behind the offending and to how the punishment meted out for the crime is experienced. There is also a view that not enough is being done to recognise, explain and address those differences within the criminal justice process. Unrefined perceptions of women offenders – what Davies calls the 'mad' or 'bad' images – are still to be found.

Another image is that of the woman as victim rather than offender – the victim of her past, of dysfunctional relationships and so on. Rumgay (2004) refers to 'a clear differentiation between the totally innocent victim and the totally guilty offender' (p. 5) relied upon by the criminal

justice system. She goes on to point out though that while ‘understanding the offender’s plight as a victim smacks of collusion with excuses for crime and exoneration from personal responsibility . . . criminal justice responses that combine the offender’s accountability with recognition of her status as a victim are possible’ (p. 5). It is not surprising that women with experience of the victimisation resulting from violence and sexual abuse may, as Rungay puts it, be constrained ‘with relationships and lifestyles in which diminished personal resources, combined with cumulative psychological and physical damage, lead to readiness to contemplate alternative illegal solutions to a variety of problems’ (p. 8).

A recent and optimistic picture is portrayed in the Home Office’s annual review of the Women’s Offending Reduction Programme in England and Wales for 2004/5. It notes that there is

. . . a greater awareness now that achieving gender equality in the criminal justice system is not about treating women offenders the same as men, but about recognising differences between the factors which affect why women offend and making sure that there are the right interventions and services in place to address those factors (p. 4).

### **Building an evidence base**

Having accepted that service provision for women offenders does require attention in Northern Ireland, a key stage in the development of a policy and strategy for implementation of services for women offenders was to build an evidence base to support that need. The *Strategy Survival Guide* published by the Prime Minister’s Strategy Unit identifies the importance of this stage of providing ‘an objective factual foundation’ (Cabinet Office 2004). *The Reintegration Needs of Women Prisoners in Northern Ireland* – a needs analysis completed by the Northern Ireland Prison Service in 2005 – is very informative about women prisoners (see article by Roberson and Radford in this issue). However, we needed to acquire more detailed knowledge about those under supervision in the community and those on whom the PBNI prepares reports for the courts. In doing this, two main sources of information were used:

1. Staff seminars with experienced probation staff. Each seminar considered the following areas:

- The criminological needs of women offenders.
  - ‘Presenting problems’ in work with women offenders.
  - What community interventions are deemed to work well?
  - What interventions need to be more accessible to women, and how might this be achieved?
  - What external resources are used for women and which work well?
  - What structural alternatives for offender management should be considered in Northern Ireland?
2. A desktop study of a sample of 150 PSRs (pre-sentence reports written by probation officers for the courts) completed in the 2004/5 year was carried out. A random sample was drawn, representative of all field probation areas throughout Northern Ireland and covering all court types and a range of ages. The ages were banded into the following groupings: under 17, 17 to 19, 20 to 29, 30 to 39, 40 to 49, and 50 and over.

All 150 PSRs were analysed using a predetermined monitoring form. From this information 143 PSRs were used to provide the profile, the remaining seven were excluded due to incompleteness of data. Seven staff, with a variety of skills and experience, took part in the monitoring exercise.

The monitoring form was designed to record data on age, offences, number of previous convictions, and sentence proposal and outcome. It was also designed to help examine issues around both the personal and the criminogenic needs of women offenders, and particularly the balance between these as reflected in reports to the courts. It is recognised that women offenders often have a variety of personal and social problems in their lives alongside offending and we wanted to examine whether PSRs reflected a balance in the identification and analysis of these factors. We also assessed the level of detail present in each PSR in relation to both personal and criminogenic needs to see if differences arose in addressing these areas with women offenders. In addition we noted occasions when community supervision was ruled out by the report writer, and the reason given for this decision.

We also wanted to form some idea of the extent of victimisation in these offenders’ lives, for example experience of sexual abuse and/or physical abuse (including domestic violence). Research has illustrated the high numbers of women in the criminal justice system

with this kind of background; see, for example, Morris *et al.* (1995) and also the thematic review of women prisoners from HM Chief Inspector of Prisons (1997). The presence of mental health problems was suspected to be significant, and we recorded references to these, as well as to physical health issues. A question was also included on children, primarily because children are affected by parental offending to the extent of separation if the parent is imprisoned. Research by Farrington (1994) drew this out. Finally, we noted the presence, if any, of co-accused, and the associated gender. We were interested to see if there were indications that some women offended as a result of pressure or undue influence from others.

We also took into account the aforementioned needs analysis (NIPS 2005) and ongoing work to develop the Northern Ireland Resettlement Strategy (in conjunction with the Northern Ireland Prison Service), which encompasses particular reference to services for women.

## **Findings**

Feedback from the staff seminars evidenced the complexity of women's offending and can be summarised as follows:

- Programmes of work should be designed specifically for women offenders and require a balance between personal development and criminogenic need.
- Most women offenders do not fall into the high-risk category and interventions and resources targeted for high risk will therefore not necessarily apply.
- Women offenders experience stigma attached to this situation, seemingly to a much greater extent than their male counterparts, and care needs to be taken in service provision not to reinforce that feeling. Services should be easily accessible and childcare should be provided to make the process of supervision easier and more effective.
- Interfaces with other services (in particular mental health and addiction services) must be managed effectively to ensure access for women.
- Diversion from prosecution should be considered for those for whom it is appropriate.
- Mentoring should also be considered.

Much of the feedback from probation staff at the seminars was consistent with the information from the PSRs. There were a number of emerging issues from the profile created which provided a basis for the development of the strategy. PSR authors explored each of these issues in a very high level of detail. The key findings from the PSRs are summarised below. This overview is interesting in terms of what it tells us about how, for women, personal and criminogenic needs are interrelated, and how there is what Rungay (2004) refers to as 'the tension in a contradictory identity as both victim and offender' (p. 5). When viewed from the life-cycle perspective, the necessary components of interventions for women offenders to reduce reoffending become clearer.

#### *Offences and previous convictions*

- The most common offence type fell into what is referred to in Northern Ireland as the 'other notifiable' category, which comprises drug offences, driving offences (driving while disqualified, driving with excess alcohol, driving with no insurance, dangerous driving causing grievous bodily harm), taking and driving away, disorderly behaviour and resisting arrest. Theft was the second most common offence type, followed closely by offences against the person.
- Defendants aged 20 to 29 years were the most prolific in the sample, and so most offence types featured in this age band. However, for the 'other notifiable offences' group mentioned above, just under half of those dealt with for offences of this type were in this age band. Violent offences were also more prolific in this age band.
- Fraud and forgery featured more predominantly for older age groups – particularly the 30 to 39 year olds.
- 40% had no previous convictions.
- Just under 25% had five or more previous convictions.

#### *Children*

- 99 out of the 143 women (69%) had children. It was interesting to note that as a woman progressed through the life cycle, she often took on additional responsibility for grandchildren and, on occasion, for other family members' children. Some women continued as carers for their own children who had progressed to adulthood; this was due to illness, both mental and physical.

*Co-accused*

- Co-accused were reported in 29 out of the 143 cases – 20% of the total.
- In the under 17 age group there were three co-accused; all were described as female friends, suggesting negative peer influence.
- In relation to the women aged 50 and over, there were no co-accused.
- Other age bands reflected a more variable picture of both male and female co-accused. There was evidence of offences committed under pressure. In some cases the pressure came from money-lenders seeking the repayment of debts. In others it was related to drugs, with the ‘reward’ being drugs for personal use. There was also evidence in the PSRs of the defendant reporting involvement of others in the offence – often men – who were not charged. One woman offended in an effort to have a paramilitary threat against her husband removed; another through fear of reprisal from paramilitaries.
- The influence of others clearly was a factor in the offending of some of the women but by no means all.

*Sentence proposal and outcome*

- 8% of the outcomes were immediate custodial sentences. The majority of these were Custody Probation Orders,<sup>1</sup> with only two being straight prison sentences. With the exception of one case, all were either situations of very serious offending, often for the first time, or where there was a long history of past convictions, and therefore custody was not unexpected. The one case which stood out as an exception concerned a woman dealt with for theft (shoplifting) with four previous convictions, all of which were similar. It was noted in the accompanying documentation that the (female) Resident Magistrate had commented that she did not wish to deal with this defendant any differently to her male co-accused.
- There were no immediate custodial sentences in the age bands up to the age of 19.
- Suspended custody accounted for 22% of the disposals made. Seven out of the 31 suspended sentences were proposed as an appropriate

<sup>1</sup> A Custody Probation Order is a period in custody followed by a period under supervision in the community. They are available where a period in custody over 12 months would otherwise be justified. The period under supervision must be more than 12 months and less than 3 years, but there is no limit to the time to be spent in custody.

outcome by the report author. It was also noticeable that where there was no proposal, and where community supervision was ruled out, a suspended sentence often resulted. While there was no sense in this sample of acceleration into custody in circumstances where a previous suspended sentence had been activated, there is an issue in relation to how report authors present situations where there does not appear to be an obvious and likely effective outcome.

- In the main, as with immediate custody, the Suspended Sentence Orders were made either in cases of serious offences or where there were extensive previous convictions.
- Instances where community disposals were ruled out by the report author were considered. This occurred in 37% of cases, which would not seem unexceptional given that 40% of the sample were first-time offenders. Reasons given were that such an outcome was inappropriate or unnecessary, there were mental health issues where psychiatric intervention was preferred, there was lack of consent or there had been a lack of positive response to previous supervision.
- Community service was ruled out in 24% of cases, and 57% of those were for reasons of childcare. In order to prevent lack of access to court disposals on the part of women the issue of childcare provision clearly needs to be addressed.

### *Lifestyle/life-setting issues*

These issues varied as women progressed through the life cycle.

- For the youngest members of the sample, those under 17, there was a picture presented of dysfunctional home settings, disruptive relationships with parents and the education system, lack of stability and negative peer associations.
- For those slightly older, up to the age of 19, there were similarities with the younger cohort, but there was also evidence that some had moved on to abusive partners, temporary accommodation and abuse of alcohol and drugs, and there were emerging signs of mental health problems.
- As women moved into their 20s, domestic violence became part of some life settings. There was also evidence of a lack of parenting ability, and mental health issues were reported in 17 out of 51 PSRs prepared for this age group. Addictions were also evident, including to prescription drugs.

- Relevant issues which crept in for women in their 30s were debt and financial pressure, neglect of children, having to cope with loss of family members and having to cope as a single parent. Mental health problems were present in just under half of all cases in this age band, and there was also evidence of experience of physical abuse.
- For women in their 40s, the PSRs reflected histories of failed relationships, loss and addictions. Issues with older children were prevalent – learning difficulties, attempted suicide, teenage pregnancy, having (or choosing) to care for children of others. Isolation was also evident in the lives of some of these women.
- For those aged 50 and over, there was evidence of isolation, physical and mental health issues and offending linked to depression in an otherwise stable lifestyle. Financial pressures were present, as was the need to care for adult children.

#### *Key features of the offences committed*

- For those under 17, offending patterns demonstrated lack of self-control and aggression for some, but more deliberate offending for others, and appropriate levels of remorse and victim awareness were far from prevalent.
- For 17 to 19 year olds, there were additional elements present in their offending such as breach of trust, fear for personal safety, alcohol intake/misuse and offending for personal gain.
- For those in their 20s, the PSRs illustrated a fear of others for a variety of reasons in the committal of their offending. Addictions also clearly had a bearing on their lives.
- For women in their 30s, there was evidence of planning in relation to offences and also of deliberate fraud. A lack of ability to cope was reflected – stealing prescriptions, lack of self-control leading to violence, and excessive alcohol intake. The picture was similar for those in their 40s.
- The small sample aged 50 and over was suggestive of women reacting to situations by resorting to desperate measures. For example, one woman committed an eight-day shoplifting binge, and another committed an offence related to driving in an attempt to remove herself physically from a situation with which she could not cope.

*Circumstances leading to offending*

- Throughout the entire sample there was evidence of a number of themes: lack of self-control, retaliation, inability to deal with disruptive events, addictions, criminal associates, vulnerability, financial pressures, personal gain and dysfunctional relationships with partners and children.
- In most cases these issues were explored in a very detailed way, but levels overall were lower than those demonstrated in the discussion of lifestyle and life-setting issues in the PSRs, suggesting a lesser degree of certainty in addressing and analysing the offending behaviour of women.

*The explanation provided in the PSRs for the offending, and where the explanation was placed*

- In 31% of PSRs authors placed the emphasis on the criminogenic needs, in 47% it was placed on personal needs and 22% presented a balanced picture of both. Given the high level of personal needs that women offenders often have, the risk that this could predominate in PSRs was borne out in reality in this sample, with just under half of the PSRs placing the emphasis in this area. To exclude significant personal needs in favour of concentration on criminogenic needs is also inappropriate and the goal must be to present a balance in analysing offending.
- The study also found evidence of levels of victimisation in women's lives in all of the age bands. In 32 out of 43 cases (74.5%) physical abuse, past or present (and including domestic violence), was recorded. In 15 out of 143 PSRs (10.5%) women's experience of sexual abuse was noted.
- Mental health problems featured at a relatively high level and this was not unexpected. 52 out of 143 PSRs (36.5%) were found to contain references to the mental health of the defendant. Closer examination of some cases could question the appropriateness of prosecution in such circumstances.
- In relation to the presence of children, one important issue for the PBNI centres on the role of women as primary carers for children, and how there appears to be a perception on the part of probation officers that this commitment conflicts with carrying out community service. PSRs certainly seem to reflect this perception, and in the interests of the rights of women offenders to have access to all possible disposals

it is incumbent upon the PBNI to address the removal of this apparent barrier, both through staff training and through consideration of how childcare provision might be facilitated.

- The absence of specifically designed programmes and interventions for women in Northern Ireland may explain why approximately only 10% of Community Supervision Orders on women include additional requirements. The overall proportion for additional requirements in Northern Ireland is 30%. Programme development must be part of a strategy that will impact on future reoffending rates.
- PSRs generally illustrated the importance of case management, which should incorporate needs allied to the offending behaviour. Access to the many other interfaces relevant to the lives of women offenders, such as mental health, physical health, addictions and housing, could be made much more successful and effective by the bringing together of all involved. The one-stop-shop approach has demonstrable merits, as evidenced by such examples as the 218 Project in Glasgow (see [www.scotland.gov.uk](http://www.scotland.gov.uk)) and the Asha Centre in Worcester (Roberts 2004).

### **Elements which need to inform the policy and strategy for women offenders in Northern Ireland**

#### *Policy*

1. Factors affecting women's offending must inform the development and implementation of appropriate interventions.
2. An essential outcome of the policy must be the availability of and access to appropriate interventions for women.

#### *Strategy*

3. Diversion: There are women offenders who for a variety of reasons would be better dealt with outside the formal criminal justice system. One category comprises those suffering from mental health issues – some 52 out of the entire sample of 143 women (36.5%). 40% of the sample were first-time offenders. In addition, diversion linked to restorative practices should be explored for this group.
4. PSRs: Just under half of the PSRs emphasised the personal needs of women offenders as an explanation for offending. A more balanced approach is required which also takes into account criminogenic

- factors, and refresher training should be developed and implemented in the assessment of women offenders. Childcare provision should also be built in to ensure the smooth functioning of both the assessment process and case management.
5. Case management: The stigma felt by women being observed attending PBNI venues should be addressed through the use of a neutral, less easily identified venue. All the interfaces necessary should be easily accessible in a one-centre model of operation, for example mental health, physical health, housing, money management and so on, and such a centre could also include accommodation.
  6. Programmes/interventions: These should be based on best practice. Programmes and interventions should incorporate the most prevalent offence groups such as drugs, driving, theft, fraud and violence. They should also address the allied issues emerging from this profile – self-control, addictions, associates, to name but some. The goal would be programme development that leads to accreditation. Project N&S (a cross-border project, jointly established by the PBNI and the Probation Service (PS) in the Republic of Ireland, to promote best practice in probation) has plans to include practice with women offenders in the next phase of its work. The percentage of women offenders supervised by the PS is higher than in Northern Ireland, however, as in Northern Ireland, there are no programmes running that are designed specifically for women. There is scope for joint work on profile comparisons and the development of effective interventions.
  7. Strategy development: Most of the more detailed evidence that has been amassed is outside the scope of this article, however it will have its place in the design of services. The main themes mentioned will dictate the strategy and a major task ahead will be service provision design.

## **Conclusion**

The profile of women offenders in Northern Ireland that has emerged as part of the process of developing a policy and a strategy for implementation has many aspects which will not be surprising reading for those probation staff actively engaged in the management of women

offenders. As evidence from which to elicit key elements to incorporate into the PBNI's strategy for the future delivery of services for women offenders it has provided a firm foundation. Practice, and particularly the design of interventions, will build on this foundation to provide effective and meaningful ways of breaking the cycle of offending amongst women. In so doing we are recognising differences, and although solutions, as Hale (2005) noted, are harder to implement, we will have started down the pathway in Northern Ireland.

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