

Survived... but at what cost? A study of women in the criminal justice system who experienced domestic abuse and the potential for change

Geraldine McGuigan and Ruth Walker
Research Paper 2018/01

www.thegriffinsociety.org

Abstract

This Northern Ireland based research focuses on the impact of domestic abuse and its implications for women who offend so that more appropriate responses can be identified and introduced across the criminal justice system.

The specific objectives were to:

- Share the stories and experiences of women who experienced domestic abuse and who offended, focusing particularly on their 'journey into crime'.
- Explore whether living in a post-conflict society impacted upon the women's propensity to report domestic abuse.

- Establish whether the Pre-Sentence Reports (PSRs) prepared by the Probation Board for Northern Ireland (PBNI) referenced domestic abuse and assess whether or not domestic abuse was taken into consideration as a mitigating factor at sentencing.
- Document the women's experiences of serving their sentence.
- Identify appropriate responses, particularly alternatives to custodial sentences.

Interviews were undertaken with twenty women in custody, on Probation and beyond their sentence who had experienced domestic abuse. The research also included interviews with staff working in statutory and voluntary organisations.

Findings

- Women living under abusive control found themselves distanced from community life. This had a limiting effect on their opportunities and their choices.
- Voluntary and early reporting of domestic abuse to agencies (even to friends and family) was difficult. Women often felt regret for not reporting — but the barriers were simply too great for them to overcome alone.
- Exploring the journey into crime: the use of alcohol and drugs to cope with trauma emerged as a common contributory factor, although there were many different pathways and reasons behind the women's offences. However, the single most significant contributory factor was domestic abuse.
- Although it appears that sentencers are taking domestic abuse into account as a mitigating factor, more than half of the women interviewed were not aware of this. Women did not know or understand all that was written in their PSRs.
- The professionals and the women alike believed that custodial sentences are often not the right response when domestic abuse may be seen to have contributed to offending.
- The women's suggested alternatives to sentencing focused on therapeutic interventions and practical support for independent living.

Recommendations

- There is a need for an inter-agency forum to place the onus on professionals to identify and discuss cases and make referrals.
- After a woman has presented at A&E or been involved in a police incident, a follow up letter from professionals is needed, so that further support can be offered.
- Continued focus on training for police officers and GPs in support of victims is required and should be cognisant of all adverse experiences women may have had.
- Police and PBNI should ask all women about domestic abuse during their initial interviews, creating an opportunity for disclosure. Professionals could learn from the experiences of maternity services which asks a question about domestic abuse at appointments for all women.
- PBNI and Northern Ireland Prison Service (NIPS) should review the process by which women are taken through their PSRs and how this was reflected in sentences handed down.
- Time and requisite supports are required for women to display a commitment to lifestyle changes before sentencing in order to divert women from custodial sentences where possible.
- The judiciary should be properly informed about the influence of domestic abuse on women who offend.
- For women who are in custody, the Prison Service should include a question about domestic abuse in the Prisoner Needs Profile.
- A domestic abuse support councillor should be resourced to provide support on early interventions. To provide early intervention, helping to prevent women from returning to abusive partners with implications for their lifestyle.
- PBNI should introduce therapeutic programmes to support women to 'process' their experiences and the links with offending.
- PBNI should ask all women under their supervision about domestic abuse, to aid disclosure and support help-seeking.