

Sentencing women: Considering the factors that influence decision-making through interviews with sentencers and probation officers

Matina Marougka
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Abstract

It is widely thought that women are disproportionately imprisoned in comparison to their male counterparts. It might be expected that this would have changed following publication of the Corston Report (Home Office, 2007) but there has been little research about the sentencing of women since Corston.

This research project is based on interviews with judges, magistrates and probation officers in order to explore the

factors that influence decision-making when sentencing women; and what sentencers take into account when they sentence or remand women to custody.

The research also explores the interviewees' awareness of women-specific needs and gender-specific community resources - and the influence that this knowledge may have on the sentencing process. Interviewees were also invited to comment on how they use community options and prison remand for women.

Findings

- Generally, sentencers seemed to have an understanding of the distinctive needs of women in the criminal justice system and they were willing to take these into consideration and be flexible when making decisions. On the other hand, they insisted that they 'treat everyone the same'.
- Interviewees were not aware of the full range of options in terms of community sentencing for women.
- Sentencers commented on the importance of being provided with information about the woman's circumstances on the day of appearance.
- Participants in this study felt that women may be discriminated against when excluded from unpaid work because of childcare commitments.
- The majority of the participants interviewed mentioned that they had refused bail to women in cases of non-compliance with the court order, or for their own safety, or due to lack of an appropriate address.
- Regarding the mental health needs of women, the court does not always receive information about mental health on time, especially in the absence of a court liaison and diversion scheme.
- In some cases it was clear that women were remanded due to lack of appropriate accommodation.

Recommendations

- Probation Trusts should improve their briefing arrangements for sentencers about provision for women. They should put in place a programme of regular liaison with their local courts to inform sentencers about provisions for women offenders and use local voluntary sector resources where available.
- Commissioning of community order programmes and contracts should require contractors to provide for the specific needs and circumstances of female offenders, including child care for women sentenced to community payback and a wider range of non-custodial bail provision for women.
- The government should commission research into the use, and suitability of, bail conditions for women.
- The training of probation officers should be more focused on improving probation officers' competence in engaging with female offenders and achieving a better understanding of the particular factors that constitute women's criminogenic needs.
- NOMS should ensure women-specific liaison and diversion projects are developed by moving resources from women's prisons to programmes based around the Together (Working for Wellbeing) Forensic Mental Health Practitioner (FMHP) Service model.
- Further research should be undertaken with sentencers to explore their perceptions of women's offending and their approach to the enforcement of bail conditions, suspended sentences and community orders with women.