

Research Paper

2018/01



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

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Executive Summary

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Background

This 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. It was conducted by two members of staff from NIACRO, a voluntary organisation which works to reduce crime and its impact on people and communities across Northern Ireland.

In 2016, Women's Aid Federation held a series of workshops for women in prison in Northern Ireland. 85% of participants had experienced domestic abuse¹. This research provides NIACRO with the opportunity to formalise our understanding of these links for the women we support. Women & Peacebuilding: Sharing the Learning (2012-14), a two-year research project to "distil and disseminate learning from the Northern Ireland peace process"² found high levels of domestic violence, concluding that Northern Ireland's experience fits with a global picture of domestic violence in post-conflict societies. More recent research undertaken by McWilliams & Doyle in 2017 confirmed that violence against women is at its highest levels since data was recorded and highlighted the need for further research.

Key objectives

1. Share the stories and experiences of women who experienced domestic abuse and who offended, focusing particularly on their 'journey into crime'.
2. Explore whether living in a post-conflict society impacted upon the women's propensity to report domestic abuse.
3. Establish whether the Pre-Sentence Reports 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.
4. Document the women's experiences of serving their sentence.
5. Identify appropriate responses³, particularly alternatives to custodial sentences.

¹ <https://www.womensaidni.org/assets/uploads/2016/07/WAFNI-response-to-Improving-Health-within-Criminal-Justice.pdf>

² <https://wrda.net/lobbying/women-and-peace-building/>

³ Within the criminal justice system and the community (particularly health)

Interviews were undertaken with 20 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 including the Northern Ireland Prison Service, the Probation Board of Northern Ireland, Women's Aid and members of the judiciary.

Thematic analysis

The six themes that structure the research findings are:

1. Impact: The length of exposure to domestic abuse, the impact of this and its significance as a contributor to the woman's journey into offending. Particular impacts explored in depth are:

- i. Isolation
- ii. Low self-esteem and self-worth
- iii. Mental health difficulties
- iv. Lifestyle implications of abuse

2. Reporting: The barriers women face in reporting (or choosing not to report) domestic abuse, particularly:

- i. The impact on women's perceptions of police
- ii. The impact of a post-conflict society, with ongoing paramilitary activity
- iii. Reporting domestic abuse following entry into the criminal justice system.

3. Journey into Crime: The main pathways into offending identified were:

- i. As a consequence of the trauma associated with domestic abuse
- ii. The aftermath of violent incidents
- iii. The partners' offending behaviour
- iv. Providing for necessities
- v. The misuse of alcohol and drugs

4. Sentencing: The women's perceptions about their sentencing, specifically:

- i. Whether their Pre-Sentence Reports (prepared by PBNI) referenced domestic abuse

- ii. Whether they believe that the sentences they received took domestic abuse into account as a mitigating factor.

Also explored is an analysis of the interviewees' Pre-Sentence Reports (whether domestic abuse was cited) along with PBN's assessment of whether it is likely that domestic abuse was or was not taken-into-account as a mitigating factor at sentencing.

5. Serving the Sentence: The women's accounts of serving their sentence, in custody or community.

6. Alternatives to Custody: A summary of the women's suggestions with regards to alternatives to custodial sentences for women in their situation.

Conclusions

Four key findings were highlighted:

- 1. There is a need for earlier interventions:** There was commonplace regret for not speaking up or seeking help earlier. Therefore, persistent offers of help from professionals are critical and services which rely solely on women being ready to disclose domestic abuse will not be effective.
- 2. Women lacked understanding about the process by which they were sentenced:** Women did not know or understand all that was written in their Pre-Sentence Reports. Nor did they know whether factors (particularly domestic abuse) were taken into account at sentencing.
- 3. Custodial Sentences are often not appropriate or proportionate:** Professionals and women alike believed that custodial sentences are often not the appropriate or the proportionate response for women when domestic abuse may be seen to contribute to offending. This raises the need for improved access to alternatives to custody, particularly:
 - i. Therapeutic interventions.
 - ii. Community-based sentencing that would enable prosecutors to give women time and requisite supports in order to display a commitment to lifestyle changes before sentencing. Two options highlighted were gender-informed Problem-Solving Justice Courts and

Enhanced Combination Orders (intensive community-based alternatives to prison sentences of 12 months or less).

4. **Specialist support for women in the Criminal Justice System is inadequate:** It is evident that PBNi Inspire team members and Prison Service Sentence Managers are mindful of women's complex needs and often prioritise support for domestic abuse. However, specialist domestic abuse counselling and practical support is not resourced by the criminal justice system, so the specialist offer is limited. Furthermore, given the strong correlation between domestic abuse and offending, Probation and Prison Service staff could give more attention to structuring opportunities for women to disclose domestic abuse.

Recommendations

Recommendations fell under four headings and were developed with reference to three initiatives:

- (i) Recent attempts by the Northern Ireland Prison Service to account for women's backgrounds and needs, particularly the adoption of Pathways 8 & 9⁴, as recommended by Corston (Home Office, 2007)
- (ii) Work currently being undertaken by DoJ(NI) to develop a Women's Strategy.
- (iii) Several key priorities within Northern Ireland's Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy (2016)⁵.

1. Earlier interventions:

- 1.1 We recommend the introduction of an inter-agency forum that would place the onus on professionals to identify and discuss cases and make referrals (similar in format to Family Support Hubs or Police Concern Hubs).
- 1.2 After a woman has presented at A&E or been involved in a police incident, a follow up letter from professionals (copied to the GP) is needed, so that further support can be offered (recognising and taking into account the potential risks and dangers associated).
- 1.3 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.

⁴ Pathway 8: support for women who have been abused, raped or who have experienced domestic violence.

Pathway 9: support for women who have been involved in prostitution.

⁵ Year 3 Action Plan is being implemented, with the Department of Justice, Department of Health & Department for Communities responsible for leading on relevant actions.

1.4 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.

2. Women’s understanding about the process by which they were sentenced:

We recommend that PBNI and NIPS review the process by which women are taken through their Pre-Sentence Report and how this was (or was not) reflected in sentences handed down. This may require identifying an appropriate time for a structured conversation, some time after the sentence has commenced, so that women are able to take in all that is explained and have the opportunity to reflect on the trial process and the sentence received.

3. Custodial Sentences:

3.1 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. A timely solution would be to divert women towards gender-informed Problem-Solving Justice Courts and Enhanced Combination Orders.

3.2 The judiciary should be properly informed about the influence of domestic abuse on women who offend.

3.3 For women who are in custody, we recommend that the Prison Service include a question about domestic abuse into the Prisoner Needs Profile.

4. Specialist support for women in the Criminal Justice System:

4.1 We recommend that, in the context of the joint DoJ / DoH Domestic Violence Strategy, a specialist domestic abuse support counsellor be resourced, whose time would be split between supporting women on PBNI’s Inspire team, women going through court and those in Ash House. This has the potential to be an early intervention – helping to prevent women from returning to abusive partners with implications for their lifestyle.

4.2 PBNI should introduce therapeutic programmes to support women to ‘process’ their experiences and the links with offending. In the same way that court-mandated programmes are available for perpetrators of domestic abuse, it may be appropriate to consider court-mandated programmes for women whose offences can be linked to domestic abuse.

- 4.3 We recommend that PBNI ask all women under their supervision about domestic abuse, to aid disclosure and support help-seeking. A card with details of how to access support should be given to all women at this stage.

ENDS

