

Ending Injustice for Girls & Young Women in the Criminal Justice System

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A bit about me...



An alliance of over 70 non-profit organisations working to drive positive change in youth justice in England and Wales. [Young Women's Justice Project in partnership with Agenda](#)



[The Griffins Society](#) sponsors research to bring about change in how women and girls are dealt with in the criminal justice system. [Outnumbered, locked up and overlooked? The use of penal custody for girls in England & Wales \(2019\)](#)



Doctoral research - An exploration of factors influencing recent levels of incarceration of girls in England and Wales.

What do we know about girls in custody?

- Numbers of girls in the youth justice system and in custody are low, but the **aetiology of their offending and distinct vulnerabilities** evidence the need to consider them from a gendered perspective
- Girls are **overlooked** by research, policy and practice - paucity of published data
- Girls' needs are **marginalised** within a youth justice system primarily designed to deal with offending by boys
- Women and girls less likely to find their way into the courts, but when they do, they receive **differential treatment** to their male counterparts
- Girls in custody have frequently experienced **abuse, exploitation and a lack of care** from those responsible for their wellbeing
- **Girls suffer a 'double injustice'** when those who have been let down by welfare and education services are met with a punitive systemic response

What do we know about girls in custody?

- Recent analysis of custody data has raised important **questions over the legitimacy** of the current use of custody for girls in England and Wales
- Outnumbered, locked up and overlooked?
- Serious concerns about the experiences and treatment of girls in custody – **restraint, use of force, re-traumatisation, feeling unsafe, self-harm**
- **Girls are held on average 72 miles from home**, compared to 49 miles for all children (as reported by HMI Prisons in 2016).

Systemic discrimination in responding to girls' offending?

- Criminal justice responses compound girls' problematic behaviour - **reclassifying welfare needs with a penal response.**
- Focus on gender neutral risk assessment is problematic - **overpredict risk in girls** because girls tend to be more vulnerable.
- Within the youth justice system, the level of intervention is decided by methods of assessment that disregard differences based on gender and do not consider evidence of effective ways to meet the welfare needs in girls.
- **Arguably because of the tendency to overpredict risk in females and the propensity for them to be more vulnerable, this is a more significant problem for girls**

Differential judicial responses to girls

- Females are less likely to find their way into the courts, but when they do, they receive differential treatment to their male counterparts
- **Women can be treated more harshly** when they display behaviour that transgresses 'feminine' gender expectations, such as those charged with violent offences
- **Sentencers can treat women more leniently** due to their relatively infrequent appearance in the courtroom generating concern, understanding and a more tolerant response
- **Attempts to protect help women can produce a harsher 'therapeutic' response** - where the penal system assumes responsibility for dealing with girls' welfare needs
- Research from 2008 found that the **custody threshold was not being appropriately applied and that girls were treated more punitively** by courts than boys, as they tended to receive custody for less serious offences

Gender-blind policy throughout the recent past

“A gender-neutral youth justice system based on the risk of offending has the potential to discriminate against girls, particularly when welfare needs are confused with risk.”

There is a lack of understanding about the different needs of girls who end up in the criminal justice system, little evidence of what works for girls and few programmes designed specifically for girls.”
APPG on Women in the Penal System (2012)

“The past is not only the best guide that we have to the future, it is our only guide”

Magnus C. Granath

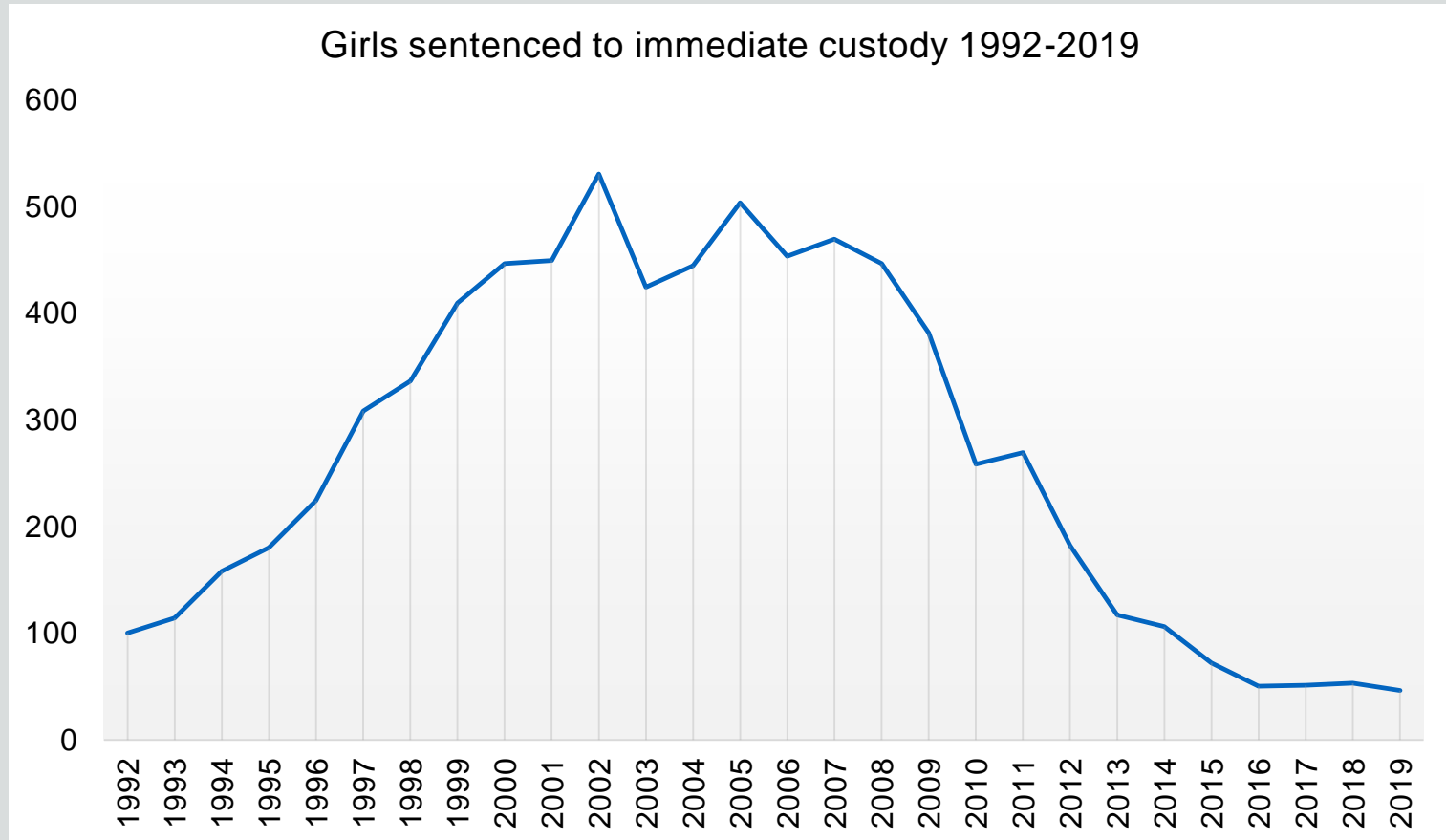
Recent trends in the use of penal custody for girls

- While adult imprisonment has tended to rise progressively in the past few decades, levels of incarceration of children have been subject to substantial fluctuations (Bateman and Hazel, 2014).
- **Those shifts have been particularly sharp for girls**
- Levels of incarceration of children reduced substantially during the 1980s.
- Proposals to consider abolishing the use of custody for girls other than for 'grave crimes' were included in a white paper (Home Office, 1990) ahead of the Criminal Justice Act (1991).

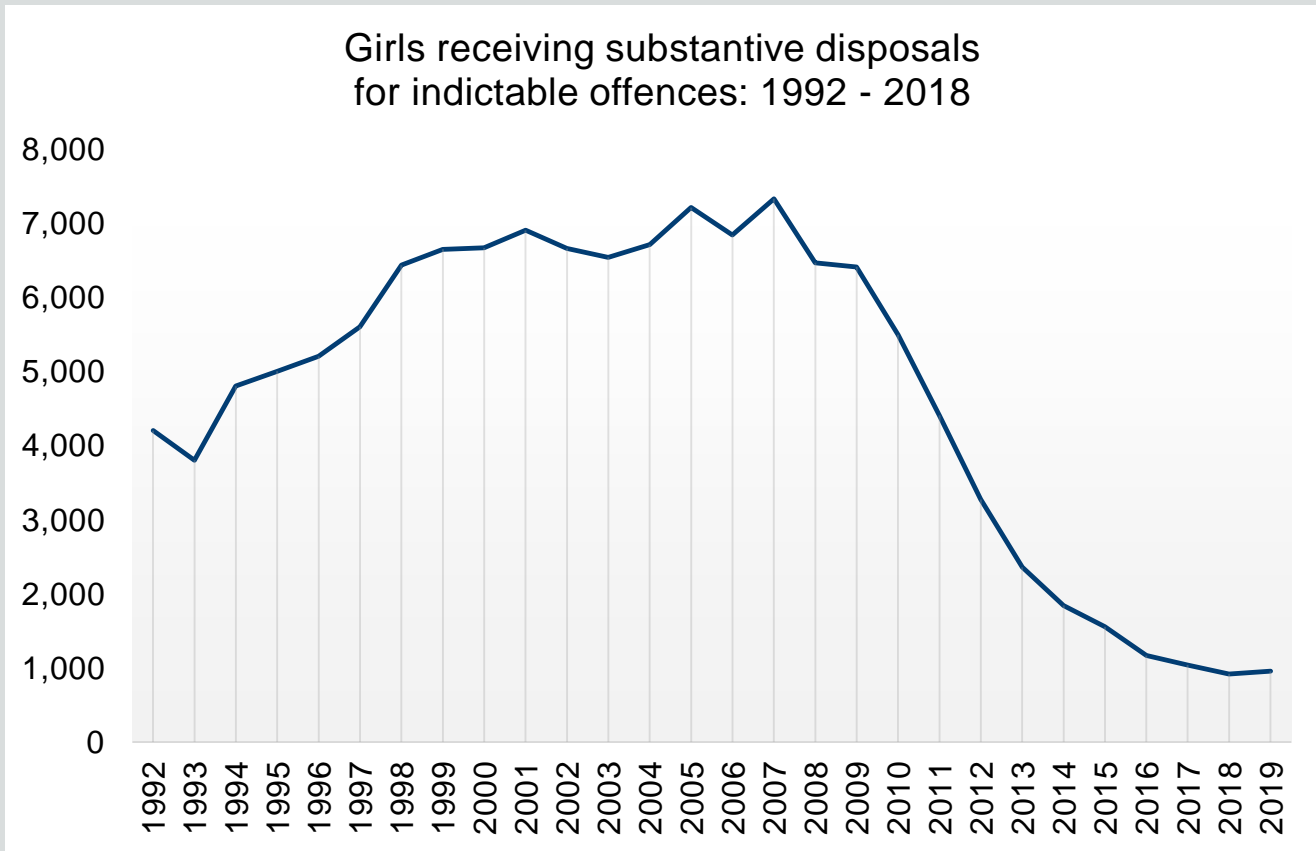
Girls in the youth justice system: Recent trends

- However, the 'punitive turn' (Muncie, 2008) that followed shortly afterwards signalled a shift in youth justice policy and practice.
- Resulted in a substantial rise in levels of child imprisonment, with this **increased punitivism disproportionately affecting girls** (Bateman and Hazel, 2014).
- The 1990s to mid-2000s was a period in which the criminalisation and incarceration of children grew significantly, with **these shifts being more pronounced for girls than boys.**

Incarceration of girls – recent trends

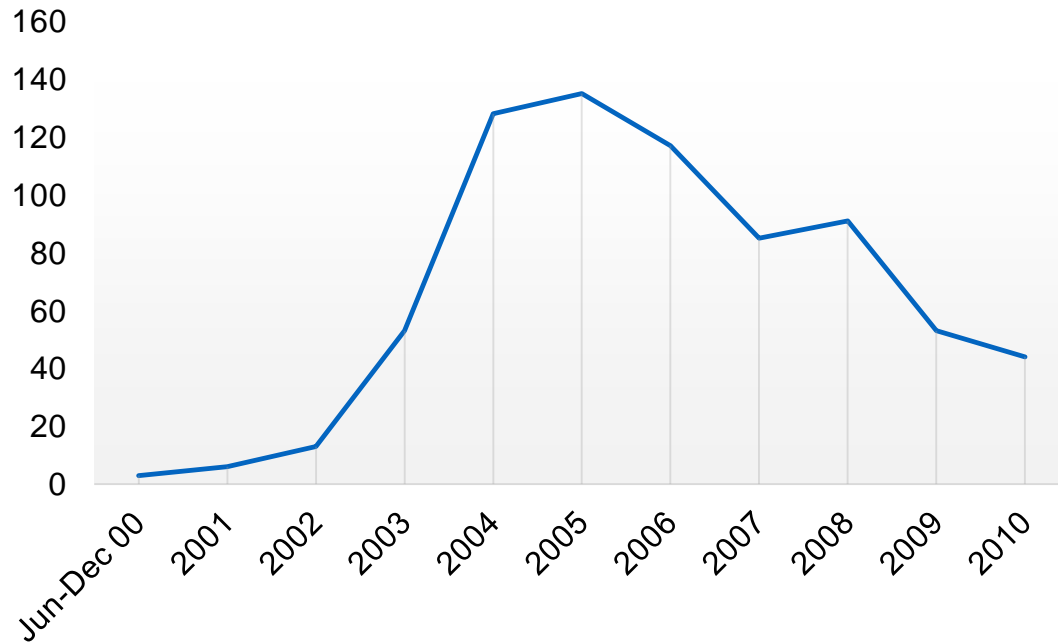


Fluctuations in criminalisation of girls



ASBOs and breach

Anti-Social Behaviour Orders (ASBOs) issued to females aged 10-17 June 2000-Dec 2010



- 1577 occasions on ASBOs were proven at all courts to have been breached
- 325 breaches resulted in girls being sentenced to custody

(1 June 2000 to 31 December 2010)

The peak & moral panic in the noughties

Daily Mail THURSDAY 16 JULY 2009 **SAVE UP TO 20% AT DEBENHAMS**

LITTLEJOHN
What kind of monsters can steal children from their grandparents to give to two gay men? 12:17

Rising tide of violent crime committed by young women

SCOURGE OF THE LADETTE THUGS

NATASHA THINSKY
— or how we'll be seeing a lot less of the £1m newsgirl

£50 billion to bail out ailing firms

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Daily Mail THURSDAY 16 JULY 2009 **WIN A £16,000 FAMILY CAR**

Can you get cancer from mouthwash? **Good Health** **The injection that stops hot flushes**

Quarter of ALL violent assaults in Britain now carried out by women

RISE OF THE THUGETTES

Now Mr and Mrs Expenses quit

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Welcome reduction in incarceration of girls over the past decade

- The period since 2007 has seen a sharp reversal of these trends – the number of children entering the youth justice system each year has **fallen and at a sharper rate for girls than for boys.**
- Between 2008 and 2018 there was an **89 per cent reduction in the number of girls sentenced to custody**, compared to 70 per cent for boys (Ministry of Justice, 2019a).
- *“whilst there has been no specific gender-based approach, other strategies aimed at reducing the use of custody for all children and young people have been implemented”* (HMI Probation, 2014, p.13)
- **No explanation for the sharper fall in the use of custody for girls**

What might explain the fall?

- Limited research (Allen, 2011; Bateman, 2012) has sought to explain the fall in the use of custody since 2007 - **valuable indications** of contributing factors for all children (both genders)
- **Subtle convergence of a range of dynamics**, rather than as a result of an intentional or explicit policy objective of central government
- **Increased diversion from court** critical to reducing throughput of children into custody, with **'more tolerant' decisions being taken at courts** in the context of a depoliticisation of youth crime
- **A 'non-punitive turn'** enabled these changes to unfold, as Allen (2011, p.25) concludes

“if the changes have not been directly stimulated by political leadership nor have they been impeded.”

The current policy context

“the number of girls in custody continues to fall, and because of this it is important that the specific needs of this group are not overlooked”

The Chief Inspector of Prisons for England and Wales assertion in his annual report in 2017 (HM Inspectorate of Prisons, 2017, p.6)

Recent policy context

The secure estate and the youth justice system more broadly have subsequently been under significant scrutiny and strategic focus, but have neglected to sufficiently consider girls:

- Carlile Inquiry
- Lammy Review
- Laming Review
- Review of the Youth Justice System
- Youth Custody Improvement Board
- Government response
- Female Offender Strategy
- YJB Strategic Plan
- Justice Select Committee Youth Justice Inquiry 2019-20

- **Where is the focus on girls?**

Is a turning tide on the horizon?

● This article is more than 1 month old

Police in England and Wales face crime targets in return for 20,000 new officers

Home Office seeking cuts of up to 20% to a range of crimes but police fear a return to a target-driven approach



▲ Cardiff police investigate a violent crime last November. The Home Office wants an influx of new officers to bring about reductions in homicide and serious violence. Photograph: Matthew Horwood/Getty Images

Crime will have to be cut by up to 20% under radical plans drawn up by the government and discussed with police chiefs, the Guardian has learned.

However, senior officers believe it would be a return to Whitehall setting “targets”, which were derided by the **Conservatives** when the last Labour government used them.

