

## Community Sentences for Women: Where have they gone?

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At first glance, there may seem little to be worried about in relation to women and community sentences. Certainly, the latest Home Office 'Section 95' publication makes scant comment on the subject (Home Office 1999). The official line, as always, is that women are consistently dealt with more leniently than men, being more likely than men to be cautioned, discharged or given a community -sentence, and less likely to be fined or imprisoned. But, on closer examination, it is apparent that some strange things have been happening in the 1990s to the sentencing of female offenders.

By the beginning of the decade, there was a dawning realisation that the traditionally welfare-oriented approach to female lawbreaking might be leading to overly intrusive, net-widening disposals. Placing a woman on probation at too early a stage in her criminal career tended to be a prelude to, rather than a diversion from, imprisonment. So when the Criminal Justice Act 1991 was first implemented, there was some optimism that 'just deserts' for women would actually result in less punishment (because women generally commit less serious offences than men and have fewer previous convictions) and better provision (because access to community punishments had to be non-discriminatory according to Section 95 of the Act).

This optimism was short-lived. Between 1993 and 1998, the average population of women in prison rose by almost 100 per cent to 3,110, compared with a rise of 45 per cent for men (Home Office 1999).

But, while the increase in the male prison population was being accompanied by increases in most non-custodial sentences, the picture has been more complicated for women (Home Office 2000). While probation orders for men increased from around 31,000 in 1987 to nearly 43,000 in 1998, probation orders for women actually declined between 1987 (around 10,000) and 1993 (around 7,000) before returning to the 10,000 mark in 1997 and rising to over 11,000 in 1998. The picture for community service orders on women shows a rather more consistent increase from 2,000 in 1987 to 4,800 in 1998. Nevertheless, when compared with 44,000 orders for men in 1998, it appears that too many women at risk of imprisonment are being considered unsuitable for community service.

The under-utilisation of community service for women is due partly to practical problems and partly to ideological ones. Practical problems of child care arrangements are often cited as reasons for not giving women such orders and the Howard League (1999) found that very few projects provided creches (although all Probation Services were willing to pay registered childminders). A shortage of female supervisors and the absence of a gender balance in workgroups also present difficulties.

The small number of women on community service sets up a vicious circle whereby courts lament the absence of provision and Probation Services bemoan financial constraints which make it difficult to make 'special provision'. But the aversion to 'sentencing women to work' seems more deep-seated than this. Community service is routinely regarded as a physical punishment for fit, young men and courts have never been wholly convinced of its appropriateness for women. Whether this is due to a paternalistic dislike of seeing women working outside the home, or a genuine sensitivity that women already do the bulk of society's voluntary work (in the domestic sphere) and should not be further burdened, is hard to judge. Either way, the view is misguided, since it results in more women being imprisoned.

In the early years of the past decade, innovative work with women on probation supervision was evident. Groupwork which sought to address offending behaviour in ways that would be relevant to women was developing in most areas. In recent years, however, such work seems to have slipped down the list of Probation Service priorities and very little new work is being reported on (Kemshall and Wright 1996). The Home Office, in developing its Pathfinder projects as examples of 'good practice', has supported a number of projects which target female offenders. What seems to be emerging from these projects is that the content of offending behaviour programmes for women does not need to be different from the content of those designed for men. The underlying reasons for offending, it appears, are not as dissimilar as has sometimes been claimed. What is different, however, is the way in which programmes need to be delivered for women. Their responsivity is different to that of male offenders and programmes must take account of the realities of women's lives if they are not to fail. Unfortunately, the corollary of this is that programmes for women may contain more components than those for men and may consequently raise concerns about the proportionality of punishment. The danger is that programmes which are sensitive to the needs of women may (as in the past) end up being more intrusive.

Overall, women account for 12 per cent of those supervised by the Probation Service but they are less likely than supervised men to have previous convictions or to have served a custodial sentence (Home Office 1999). This suggests that women are still receiving supervision too soon and that there remains a worrying lack of consistency in the use of available community sentences for those (comparatively few) women who are perceived to be 'high risk' offenders .

As a result of greater co-operation between the Probation and Prison Services, a number of programmes (for example, Enhanced Thinking Skills) are being developed for use with women both in prison and on community supervision. At a time when the Prison Service is finally paying serious attention to the needs of women in custody (see Pat Carlen's article in the last issue of CJM), it is unacceptable that the Probation Service seems unclear about service delivery to women offenders in the community. The imperative to keep women - especially young women - out of prison has never been more urgent. The lack of will to develop appropriate and imaginative community service projects for women is hard to excuse and this, together with a seeming complacency about women on probation, contributes to the unnecessary expansion of the female prison estate.

#### References

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A chance to break the cycle: Women and the Drug Treatment and Testing Order (Howard League 2000)

DTTO is high tariff provision of Crime and Disorder Act 1998:  
Drug treatment  
Drug testing  
Regular court reviews  
Partnership working

Relatively speaking women in prison are more drug dependent than men:  
Cannabis is most used drug for men and women 23% of-sentenced women are drug dependent compared with 1% of men and 6% of young male offenders 21% of women on remand use opiates and 13% use crack compared with 11% and 7% respectively of men

Three pilot areas - Croydon, Gloucestershire and Liverpool have dealt with 78 orders of which 16 are on women. Problems for women: Practical difficulties eg. child care Mixed-sex environment Unsuitable accommodation eg. lack of hostels

Priorities for women:

Targeting - ensuring that it is an alternative to prison not a net-widening disposal (ie. based on welfare needs) Appropriate treatment - all-women groups or purchasing in from community agencies Holistic support - include mental health treatment, accommodation, access to health care, counselling, education, employment Child care