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'HOLISTIC' COMMUNITY PUNISHMENT AND CRIMINAL JUSTICE

INTERVENTIONS FOR WOMEN

MARGARET MALLOCH, GILL MCIVOR, CHERYL BURGESS

University of Stirling

Abstract

Calls for 'holistic' responses to halt the increasing imprisonment of women are continually reiterated. Solutions are sought which aim to be both 'gender-responsive' and 'community-based', however the absence of meaningful definitions of 'community' and 'holistic' means that superficial responses are often put in place in response to failures of the system. Taking as an example one attempt to introduce a community-based service for women in Scotland, this paper examines the challenges of implementing services that are located within 'the community' and considers the consequences for feasible attempts to reduce the number of women in prison in Scotland and internationally.

Key words: women; criminal justice; community punishment; holistic services

Introduction

Over time and internationally, the prison has been repeatedly shown to be an 'unsafe' place for women (Prisons and Probation Ombudsman, 2003; Corston, 2007; Sandler and Coles, 2008; Coles, 2008; Pate, 2012), exacerbating the problems women experience and further disrupting relationships with children and families. The traditionally small number of women imprisoned in the UK and elsewhere, and their

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lesser criminality (in relation to men), previously provided some optimism that imprisonment for women could be reduced significantly, particularly in light of the expansion of 'community-based' disposals which were deemed particularly suited to women (Carlen, 1990; Sheehan et al, 2011). However, repeatedly, studies have indicated that women do not appear to be committing more serious offences but are receiving more severe sentences than previously (Chesney-Lind, 2002; Hedderman, 2004; Home Office, 2004; McIvor and Burman, 2011) and ongoing concerns about the background experiences and circumstances of women drawn into the criminal justice system have little impact on this (Cook and Davies, 1999; Sudbury, 2005). Structural contexts where systems of class, race/ethnicity and gender intersect are exemplified by the rates of incarceration of black and indigenous women which are entirely disproportionate to their representation amongst the general population (Burgess-Proctor, 2006; Eisenstein, 2009; Malloch, 2012).

There is general agreement that the ongoing increase internationally in the number of women who are imprisoned can be attributed to factors which include the increasing criminalisation of experiences of distress (Malloch and McIvor, 2011)[i]. While the female prison population in England and Wales decreased between 2012-13, reflecting an overall fall in the prison population (Ministry of Justice, 2013), the number of women imprisoned in Scotland has continued to increase at a higher rate than the overall prison population in Scotland (Scottish Government, 2012a). Responses to these processes of criminalisation include the increasing application of more punitive sentencing (McIvor and Burman, 2011) while Gelsthorpe et al (2007) have argued that unless community provision is prioritised, sentencers may think prisons are the only places where women's needs will be met. Policy-makers,

informed by academics, practitioners and activists, have continued to seek solutions to this rising problem at the same time as the prison-industrial complex continues to churn prisoners through its institutions. Indeed Carlen and Tombs (2006: 339) draw attention to the "exponential growth in the international women-prisoners reintegration industry".

However, it will be argued that reforming the prison system for women and developing more 'appropriate' community punishments may have limited impact while the problems that need to be addressed require deep and radical transformative change. In essence, the practice of "using the criminal justice system as a sledgehammer to solve social problems" (Smyth, 2005: 498) will continue. Drawing on the example of an 'innovative 'community-based' service for women in Scotland that aimed to reduce the female prison population, this paper argues that policy outcomes, however well-intentioned, have been constrained by the failure to address underlying processes of criminalisation.

Trying Something Different

The report of a Commission on Women Offenders established by the Scottish Government was published in Scotland in April 2012 (Commission on Women Offenders, 2012). The remit of the Commission was to "consider the evidence on how to improve outcomes for women in the criminal justice system; to make recommendations for practical measures in this Parliament to reduce their reoffending and reverse the recent increase in the female prisoner population". It had been established by the Scottish Government in the context of a dramatic increase in the imprisonment of women in Scotland over the previous decade (McIvor and Burman,

2011) and recurring criticisms of conditions for women prisoners in Scotland by successive Prison Inspectorate Reports that identified areas of 'serious concern' (HM Inspector of Prisons for Scotland, 2005, 2009 and 2011).

A key conclusion by the Commission was that more should be done to enable women to have their needs addressed at earlier points in the criminal justice process, with more specific recommendations including the establishment of Community Justice Centres; the introduction of intensive mentoring for women; the development of services to divert women from prosecution and custodial remand; and an increased emphasis upon the use of problem-solving approaches to sentencing (see also Scottish Government, 2012).

Yet the establishment of a Commission on Women Offenders followed a plethora of inquiries, reports and recommendations which have been produced in Scotland highlighting the contributory factors underpinning the increase in women in prison and pointing towards community 'alternatives' (Social Work Services and Prisons Inspectorates for Scotland, 1998; Scottish Executive, 2002; Equal Opportunities Committee, 2009; McIvor and Burman, 2011). As Richard Simpson, then Deputy Minister for Justice, noted in his introduction to the report of the Ministerial Group on Women's Offending (Scottish Executive, 2002), what was needed was *"practical measures* to tackle the root causes of a great deal of women's offending" (emphasis added) and there have been many attempts to introduce such measures since then echoing action to address the needs of women in the criminal justice system in England and Wales (Prison Reform Trust, 2000, 2004; Prisons and Probation Ombudsman for England and Wales, 2003: Corston, 2007; Fawcett

Commission, 2009) and in Northern Ireland (Scraton and Moore, 2005; Convery, 2009). However, as Jean Corston (Corston, 2007:16) has noted: "There can be few topics that have been so exhaustively researched, to such little practical effect, as the plight of women in the criminal justice system".

Although it is now widely recognised that women's experiences of the criminal justice system result from the structural contexts of their lives such as experiences of poverty and social isolation, the limitations of the criminal justice system mean that solutions for the problems that it faces become depicted in terms of individual interventions (Kemshall, 2002) reflecting immersion in an "individualistic philosophy that holds each person accountable for his or her failures and shortcomings" (Bloom, 1997: 110). Increasingly, developments in understanding trauma (Herman, 1992) have come to inform the provision of resources for women in the criminal justice system, with greater emphasis placed on supporting women to deal with 'psychological distress' (see also Carlen, 2002) and quests for solutions have drawn upon a growing discourse on 'therapeutic' gender-responsive approaches to women in prison and in community-based interventions (Bloom et al, 2003; Pollack, 2005 and 2008)[ii].

While gender-responsive approaches require an awareness of the differences between men and women they, more importantly, emphasise the need to respond to women in ways which focus on 'safety' and 'reconnection' (Herman, 1992; Covington, 2002, 2008; Hirsch, 2001; Bloom et al, 2003; Bloom and Covington, 1998), in contrast to the 'unsafe' and 'dislocated' lives experienced by criminalised women. It is acknowledged that in most cases this goal appears better served within

the 'community' rather than the prison and practical developments and policy attention in Scotland have increasingly focused on providing 'holistic' services to criminalized women by attempting to create links between the criminal justice system and 'community' (Loucks et al, 2006; Barry and McIvor 2010, Easton and Matthews, 2010; Burgess et al, 2011) despite the lack of clarity within these debates regarding what 'community' means, or is taken to represent (Corston, 2007; Gelsthorpe et al, 2007)[iii].

'Community' is a highly contested concept (Anderson, 1983/2006; Bauman, 2001; Brent, 2009), used across political spectrums with different claims attached to it. It often appears as a 'catch-all' for visions of a utopia concealed within neighbourhood localities. However, as Cohen (1985) notes, individuals who are drawn into the criminal justice system tend to be those without the community resources available to offset the need for state intervention. To secure the social, political and economic resources required to support community life requires "a lot more (…) than an invocation of the past and the establishment of a network of community agencies" (Cohen, 1985: 122). He makes the point that intervention by the state which 'destroyed the traditional community' ("bureaucracy, professionalization, centralization, rationalization") will be unlikely to be able to 'reverse this process'.

In practice, however, it often appears that 'community' refers to 'community-based' agencies, with a tendency to focus on 'high level governance' and the identification of improved mechanisms for joint working across government departments as well as other agencies. While highlighting the importance of multi-agency co-operation - particularly in terms of the integration of mental health, and

drug and alcohol services aimed at the individualisation of treatment through care plans developed to meet individual needs and identified by comprehensive inter-agency assessment – such initiatives have been fundamentally constrained within their own contextual location (i.e. the pull of the criminal justice system) (Malloch et al, 2008). Furthermore, evaluations have generally struggled to single out which elements of a holistic intervention are 'effective', largely due to small numbers and short-term time-scales[iv]. Although evaluations of interventions that claim a 'holistic' basis are varied, they often acknowledge the challenge of encapsulating the more qualitative aspects of the service (Hedderman et al. 2011). Yet while existing qualitative research suggests that innovative services for women in the criminal justice system can make a significant difference to the individual women who are able to access them (e.g. Gelsthorpe, 2010; Hedderman et al, 2011), they are introduced, and required to operate, within a wider social, political and economic context that can influence practice (i.e. short-term funding imposes its own constraints) and how 'effective' they can be. This has resulted in the recommendation (by e.g. Easton and Matthews, 2011 and Hedderman et al, 2008) that criminal justice services are linked with pre-existing women's centres[v] in order to provide a resource for women to link into that extends beyond the service itself (see also Corston, 2007; Gelsthorpe et al, 2007) especially given that the criminal justice system itself adds to the difficulties experienced by those who encounter it (Smyth, 2005).

Innovation in practice: Women in Focus[vi]

As previously indicated, one of the key recommendations of the Commission on Women Offenders (2012) was the development of mentoring services for women in Scotland. Mentoring initiatives are increasingly recognised as a possible mechanism

for supporting the reintegration of criminalized women (e.g. Brown and Ross, 2010) through their potential to address some of the effects of marginalisation and exclusion and to compensate for the dislocation of key relationships[vii] that often accompanies experiences of the criminal justice process (Burgess et al, 2011; Deakin and Spencer, 2011). Women in Focus provides an example of an attempt to provide a 'holistic' service in Scotland, drawing upon mentoring concepts and aimed at supporting 'positive community reintegration'. It was established in April 2009 to provide support to women subject to community-based Court Orders in the South West Scotland (SWS) Community Justice Authority (CJA). The service, a partnership between Barnardo's and Criminal Justice Social Work Services, operated across the four local authority areas of the CJA - Dumfries & Galloway and East, North and South Ayrshire - until 2011. The project developed from a smaller scheme initiated within South Ayrshire (the Women Offender's Support Project) which ran successfully from 2004-2009.

Support workers employed by Barnardo's were co-located with criminal justice social work teams across the CJA, providing a service to each local authority area, in conjunction with supervising officers who acted as case managers for women accessing the service. Formal line management was provided by Barnardo's, while day-to-day supervision of support staff was carried out by criminal justice social work managers. The service had three operational objectives, which were to: (a) reduce levels of breach and levels of custody for women, (b) reduce rates of re-offending and re-conviction for women and (c) support women towards positive community reintegration. In order to achieve this the role of the support worker was to assist women in completing their order while also equipping them to achieve stability in

their lives, for example by helping them to secure permanent housing, maximize their income and engage in a positive way with a range of helping agencies.

The evaluation

The evaluation of the service was conducted by researchers from the Scottish Centre for Crime and Justice Research (SCCJR) between 2009 and 2011. The evaluation was based on both qualitative and quantitative research methods and included data from semi-structured interviews with Women in Focus support workers and managers, criminal justice social workers, staff from other agencies working with women and service users. Analysis of documentary material, including annual reports and Steering Group meeting minutes, was also undertaken. Quantitative data, provided by Scottish Government Justice Analytical Services, criminal justice social work services within the South West Scotland CJA and Barnardo's was collected, cross-referenced and analysed. This data included statistics relating to types of offences, sentencing patterns, breach rates and circumstances of, and outcomes for, women in relation to re-offending and the extent to which identified issues were addressed.

The objectives, and thus measures of effectiveness, which Women in Focus required to attain (reductions in reconviction/reoffending; reduction in rates of custody; increased community integration/reintegration) were themselves influenced by wider trends in sentencing practice at local, national and international levels (McIvor, 2010; McIvor and Burman, 2011; Sheehan et al, 2011) while at the same time, attempts to integrate socially marginalised women into local communities also

placed agencies under the sphere of current policies and practices in the distribution of resources and welfare provision. In recent years, cuts in welfare spending have impacted on women with the increasing 'feminisation of poverty' and the introduction of increasingly punitive policies which impact disproportionately on the poor (Jordan, 1996; Cook, 1997; Percy-Smith, 2000; Wacquant, 2009). This wider context highlighted the importance of addressing welfare-related issues as a mechanism for alleviating some of the contributory factors for offending by women while, at the same time, creating very real challenges for the service in attempts to 'evidence' real change, in terms of rates of reconviction, breach and custody, in the short-term.

The women and identified needs

A key finding from the evaluation, and one that interviewees were very aware of, was the extent to which women referred to Women in Focus often had highly complex needs including considerable financial problems and poverty-related difficulties; significant rates of domestic abuse; and addiction issues. In most cases, the needs of women reflected the difficulties that were acknowledged as features of women in the criminal justice system more generally (poverty, addiction, abuse, trauma, bereavement, and childcare issues). The narratives of distress which were features of many of the women's lives could often appear overwhelming to workers, as well as to the women themselves.

Women were, in many cases, living in unstable housing and a substantial number had experienced domestic abuse, including violence. A majority of the women were unemployed and living on benefits and a high proportion experienced problems with their use of alcohol and/or drugs. Many of the children, of those

women who had them, were being cared for, at least partly, by relatives and many women were socially marginalised and isolated, often without the support of family and friends.

Women referred to Women in Focus had received court orders for offences that were typical of those associated with women in the criminal justice system across Scotland (Scottish Government 2012a and 2012b) such as assault, shoplifting, breach of the peace and Misuse of Drugs. The majority were on Probation Orders, mostly of 12 months duration or less, although in a significant number of cases women received longer orders. Women referred to the service were predominantly in the 21-30 age-group and typically required support to: engage with addiction, criminal justice and family social work services; access full benefit entitlement and health services (GP and dental care); and negotiate housing and tenancy problems. Women needed help to address a range of identified needs which were often directly linked to their criminalisation.

The focus of the interventions

The Women in Focus support workers aimed to help women to address their individual needs at a pace which was appropriate for them. The support workers, along with criminal justice social workers, achieved this by identifying issues in women's lives with which they required help to complete court orders and by providing practical and emotional support in order to achieve agreed outcomes. This included one-to-one support sessions, practical assistance, help in engaging with other agencies and support to participate in group work that focused on life skills, confidence building and preparation for employment/training. In some cases group

based work led to direct community involvement, such as refurbishment work undertaken for a local hospice. Given their limited case-loads, relative to criminal justice social workers, Women in Focus support workers were able to respond quickly to women in crisis, were easily accessible and were able to spend longer periods of time with women who required emotional support. Importantly Women in Focus workers provided both practical and emotional support aimed at assisting women to deal with issues likely to have both a direct and indirect impact on their ability to meet the requirements of court orders, including reducing reoffending.

The evaluation concluded that Women in Focus may have contributed to a reduction in breach rates in three of the four local authority areas, while most women had not been arrested, or had been re-arrested on fewer occasions by the end of the evaluation. Detailed outcome information relating to community reintegration was available for 60 women. It showed that just over half of women with housing problems at the point of referral were in more stable housing (n=27 out of 50); over half of women with benefit-related needs had increased access to their benefit entitlement (n=27 out of 52); around two-thirds of those with drug and/or alcohol problems had reduced their substance use or were using substances in a safer way (n=25 out of 40); more women were now registered with a GP; and a small number were receiving dental care where before they had not. Sixteen women were in an improved situation in relation to previous (and often ongoing) exposure to domestic violence. The service had assisted 30 women, for whom outcomes were available, to strengthen their links to community-based organisations, including training opportunities. Interviews conducted with service users and practitioners (both Women in Focus support workers and criminal justice social workers) indicated that many of

the women who had fully engaged with Women in Focus had achieved higher levels of confidence, self-esteem and self-efficacy. The group-work received very positive feedback from women who also identified a need for ongoing support after the group ended to enable them to apply the skills learned; this was addressed by the introduction of a mentoring group work programme[viii].

Key learning points from the evaluation

Women in Focus was informed by the principles of a desistance-based approach and this included an expectation that making support available to women, with the objective that they would meet the requirements of a court order, would reduce the likelihood of breach. Significant attention was placed upon the relationship between the support worker and service user, which included practical support, problem-solving and a focus on improving service users' well-being. The evaluation highlighted that practical and emotional support were both important to women, as was access to support at a point of crisis. Women in Focus support workers' attention to welfare-related issues was viewed as significant by social workers who could subsequently focus on addressing other issues related to the requirements and fulfilment of court orders.

Women's initial reluctance to take part in Women in Focus appeared to reduce over time as knowledge about the service spread. Women valued being able to talk easily with support workers, who were viewed as delivering agreed actions and providing opportunities for informal contact (see also Malloch and McIvor, 2011). The support worker role was multi-faceted and included: supporting women to engage with agencies; co-ordinating services and clarifying roles; helping women to sustain

long Probation Orders; helping women access other forms of funding and resources; and linking women into community resources. Women in Focus could provide on-going regular support even after the level of contact women had with their criminal justice social worker had reduced.

The location of Women in Focus support workers within criminal justice social work offices was considered crucial in enabling joint working relationships to be forged with supervising social workers. In addition, a project Steering Group, which included representatives of relevant agencies, had an important role in guiding service development and facilitating partnership working, enabling agencies to respond quickly to address areas of identified need and to resolve any practical issues that arose.

However, particular challenges were posed by the need for Women in Focus to cover wide and dispersed geographical areas within the level of resources available and the short-term nature of the funding impacted adversely upon the service as a result of the uncertainly it created for support staff and social workers alike. It also set limitations on the evaluation (see also Hedderman et al., 2011).

'Community', punishment and reintegration

There is much to commend this and similar community based interventions which exemplify the importance of a number of factors such as: the quality of the relationship between women and workers; addressing women's needs, as distinct from those of men; and creating a safe environment in which to deliver the intervention. Importantly, the evidence suggests that initiatives appear to have the

potential to make a change to the lives of the women who access and engage with them. In general, however, they remain firmly located within the criminal justice system (Malloch et al., 2008; Easton and Matthews, 2010, 2011) and it is here that the distinction between a 'holistic' (i.e. multi-agency approach) vis-à-vis a deeper (transformative) agenda requires further consideration. In effect, this distinction is rooted in the differences between 'community' and 'community-based' interventions.

The dearth of resources for women in the criminal justice system in Scotland has previously been noted (for example Burgess et al, 2011; Malloch and McIvor, 2011) and was again emphasised. More crucially, the absence of meaningful 'community' was notable in many areas where women were located and expected to integrate/reintegrate to. As one Women in Focus support worker explained:

> "this area is extremely poor for resources…this area is poor and there's a lot of unemployment and there's not a lot of resources for people to be tapping into. As I say, I'm looking on the internet, I walk about the town in the dry weather and see if there are things for them (women on court orders)…but there is really the swimming pool and that's it".

The majority of people processed through the criminal justice system in Scotland come from a small number of geographical areas (Houchin, 2005) highlighting the problems that characterise the experiences of marginalised communities. This criminalisation of marginalised communities is an important consideration (Cohen, 1985; Christie, 2000; Wacquant, 2008: Gelsthorpe, 2010) which suggests that governments have increasingly come to rely on the police, courts and prisons to address the problems created by mass unemployment, flexibilisation of wage labour and cuts in welfare provision and services at a global level. One interviewee commented: "Addressing financial needs (is key) because a lot of times the reason why women offend is related to their finances, lack of money (…)". Many women

who end up in the criminal justice system are also impacted upon by legislation and policy in other spheres such as housing, employment and education. On the basis of their interviews with Scottish sentencers, Tombs and Jagger (2006: 809) concluded that some women were perceived to be "so grossly deprived that imprisoning them provides a solution however unpalatable to social problems that other institutions and structures fail to address". This can also be a feature of community punishments, as one criminal justice worker noted: "…I think that (support) is what they need because women are kind of missed really in the justice system for that, because our role really is specifically looking at the offending and we don't get the opportunity to look at the wider support".

From a US perspective, Clear (2002) argues that high levels of imprisonment create problems within communities by undermining their 'collective efficacy' as a direct result of the removal of social capital from these locales, which are simultaneously expected to cope with the continual return of large numbers of prisoners at the point of release. Richie (2002) notes that this process impacts increasingly on the roles of women within these communities, many of whom have lost faith in the system that should be addressing their needs (i.e. as victims of violence). She points out (Richie, 2002: 146) that "[d]ivestment of community-based services has meant that there are few supports for these gender-specific efforts and typically, women pick up the slack and must deal with the long-term social and emotional consequences to their communities".

Frequently, solutions for alleviating the increasing female prison population nod in the direction of the 'community' but generally in terms of supporting re-

integration (on release from prison) or as an 'alternative' punishment or 'treatment'. Indeed women's risk of re-offending may be due predominantly to a lack of effective support to reintegrate into communities (see Social Exclusion Unit, 2002; Sheehan et al, 2007). Furthermore, 'community' has been consistently problematic for women in terms of 'safety' issues (see Hamner and Saunders, 1984) and the position of women within the criminal justice system cannot be understood without relating this to the position of women in the wider community. In this respect, the potential for 'community' becomes limited to multi-agency co-operation rather than embedded in local society, and therefore a woman's ability to negotiate agencies becomes of primary importance rather than the existence of relevant and accessible provisions. One interviewee commented: "…unless somebody feels (…) part of their community they're not going to have any reason to buy into it (…)". While linking women into pre-existing community based services may be happening in England and Wales, although this is not evident across all services, the failure to agree on what 'community' is brings its own challenges. This is all the more relevant in Scotland where a significant amount of funding has been made available by the Scottish Government to develop mentoring services within the criminal justice system more broadly.

Importantly, structural problems (such as poverty, inequality) become reduced to issues that can be addressed by the introduction of appropriate 'programmes' (see also Carlen, 2002). For example, Covington and Bloom (2003: 12) note: "Programs need to take into consideration the larger social issues of poverty, abuse, race and gender inequalities, as well as individual factors that impact women in the criminal justice system". But how can this be done? Focusing on these deep and entrenched

social problems within the context of time-limited interventions is unlikely to alter the very real issues which perpetuate social dislocation and fracturing of communities, and is unlikely to have any influence on processes of criminalisation. Limited conceptualisations of re-integration are based on an assumption of social inclusion in the first place, which is not always the case for women who are often marginalised from, and within, local communities; an exclusion which underpins processes of criminalisation and is exacerbated by the experience of punishment. This requires more than 'special measures' to rehabilitate and reintegrate people, it involves processes of community transformation and it is in this area that strong community supports are required; not necessarily organised by statutory bodies but drawing on 'grassroots' organisations[ix] (see also Gelsthorpe et al, 2007).

The current emphasis, across the UK, on drawing organisations from the independent sector into the provision of criminal justice services (or back-up) results in limitations all round. So long as references to 'community-based' are taken to mean the realm of the professional or semi-professional, then the emphasis on punishment and social control will continue (Cohen, 1985; Christie, 2000). As Women in Prison (2011: 11) have noted:

> "The government needs to prevent the probationisation of the voluntary sector and recognise that for some organisations our best outcomes are because of our independence from the system of punishment and that we will lose our effectiveness if we are required to become a part of that system in order to survive".

Using the concept of 'community' as being in opposition to 'individualistic' approaches, however, locates community as a source of "active, mutual responsibility" (Brent, 2009: 18) where needs are "woven together from sharing and mutual care" (Bauman, 2001: 150). The importance of 'connection' with community

(McIntosh, 2008) is often overlooked within the criminal justice system, despite some acknowledgment of the importance of 'engagement' between service users and providers. Yet Cohen (1985) has previously highlighted the contradictions for projects which are required to use 'formal processes' to promote 'informal relationships'. This involves more than a reliance on voluntary or statutory organisations to provide services; it requires a much deeper understanding of 'community' (Brent, 2009: 18). Brent (2009), like Cohen (1985) is critical of on-going government appropriation of 'community' through which 'self-help' is promoted rather than enabling community control over resources and organisations, both politically and economically[x].

Interventions, such as Women in Focus, have much to offer in supporting women in the criminal justice system. Nevertheless, there is a need to continue to challenge the idea that is retained by policy makers and politicians, despite all the evidence to the contrary, that it is possible to create an environment that can support change and 'healing' within the criminal justice system. Interventions from enthusiastic and dedicated social workers and support workers may well make a difference to women's lives. But often this would appear to be *in spite* of rather than *because of* court orders and community penalties. Furthermore, attempts to introduce supportive aspects to punishment in the community may well have limited effect.

Carlen and Tombs (2006) have challenged the continually upheld notion that the 'therapunitive prison is possible' if managerial improvements are put in place, while Snider (2003: 369) also argues that "…in a culture of punitiveness, reforms will be heard in ways that reinforce rather than challenge dominant cultural themes; they will strengthen hegemonic not counter-hegemonic practices and beliefs". This would

appear to be evident in Scotland where, despite the recommendations of the Commission on Women Offenders, the Scottish Government has announced that a new 'custom made' women's prison is to be built (BBC News 29 October 2012).

Focusing on transforming the criminal justice system or 'fixing it' to be more 'woman-friendly' highlights some fundamental problems: focusing on the justice system can result in major problems of community capacity and reintegration. This suggests the need for more resources within the community, not only in supporting women in transition through or out of the criminal justice system but, more fundamentally, in addressing the problems which underpin processes of criminalisation such as poverty and homelessness[xi]. Changes are evident in the lives of women who have had an opportunity to access 'holistic', community based interventions. However, to truly begin to tackle the processes of criminalisation that underpin responses to women in conflict with the law requires active engagement with the 'deep structures' of society. This requires engaging with issues of power and privilege and is crucial at this time when cuts to welfare services fall most heavily on the most vulnerable.

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[i] While both male and female prisoners report significant experiences of victimisation (physical, emotional and sexual) as a child, women's experiences are distinctive from men, but similar internationally in their experiences of victimisation as **both** child and adult (see Davidson, 2011).

[ii] This is not a new perspective and continues the emphasis of the early reform movement. However, it has been given prominence as a policy direction.

[iii] The underpinning philosophy of these interventions has not been without criticism as a result of their susceptibility to distortion (see, for example, Hannah-Moffat and Shaw, 2000; Hannah-Moffat, 2001, 2008; Malloch et al. 2008).

[iv] In England and Wales work is on-going to develop a framework for outcome measurement, including 'intermediate' outcome measures directly or indirectly associated with reductions in offending See for example RAND Europe in collaboration with ARCS (UK), University of Glamorgan and Nacro (http://www.rand.org/randeurope/research/projects/reduce-reoffending.html)

[v] The integration of services for women, rather than 'offenders' was one of the key recommendations of the Prison Reform Trust report *Justice For Women* over a decade ago (Prison Reform Trust, 2000).

vi While the report of the evaluation of Women in Focus can be accessed elsewhere, this paper considers what 'positive community reintegration' actually entailed, how it was measured and the extent to which this was achieved.

vii Mentoring can be an important method of supporting women particularly where relationships (with male partners) can often be a source of 'risk'; this differs for men (on release from prison), where relationships with key partners tend to be a source of stability.

viii The group-work was provided by Women in Focus alongside a specialist coaching organisation . Women who wanted to continue to work together, as they had done through the group provision were able to link into the Glasgow Mentoring Network, SQA accredited programme, Peer Mentoring and Support, where they could learn mentoring skills.

ix This refers to organisations where power is located within the organisation itself and is accountable to the local community. This is not the same as the 'Big Society'.

x The use of criminal justice policy to respond to gaps in welfare policy has been highlighted (Waquant, 2008 and 2009). Downes and Hansen (2006) note that countries that spend a greater proportion of their GDP on welfare have lower rates of imprisonment.

xi   A recent survey by COSLA (Convention of Scottish Local Authorities) (2013) indicates that the introduction of the 'bedroom tax' is already leading to an increase in rent arrears across local authority areas

References

Anderson, B. (1983) (New Edition, 2006) *Imagined Communities,* London: Verso.

Bauman, Z. (2001) *Community: Seeking Safety in an Insecure World,* Cambridge: Polity.

Barry, M. and McIvor, G. (2010) 'Professional decision-making and women offenders: Containing the chaos', *Probation Journal, 57, 1*, 27-41.

Bloom, S. (1997) *Creating Sanctuary: Toward and Evolution of Sane Societies,* New York: Routledge.

Bloom, B. and Covington, S. (1998) *Gender-Specific Programming for Female Offenders: What is it and Why is it Important?,* paper presented at the Annual Meeting of the American Society of Criminology, Washington, D.C.

Bloom, B., Owen, B., and Covington, S. (2003) *Gender-Responsive Strategies,* Washington: National Institute of Corrections, US Department of Justice.

Brent, J. (2009) *Searching for Community,* Bristol: The Policy Press.

Brown, M. and Ross, S. (2010) 'Mentoring, Social Capital and Desistance: A Study of Women Released from Prison', *The Australian and New Zealand Journal of Criminology,* vol. 43, No. 1, 31-50.

Burgess, C., Malloch, M. and McIvor, G. (2011) *Women in Focus: An Evaluation,* Irvine: South West Scotland Community Justice Authority.

Burgess-Proctor, A. (2006) 'Intersections of Race, Class, Gender and Crime', *Feminist Criminology,* 1: 27, 27-47.

Carlen, P. (1990) *Alternatives to Women's Imprisonment,* Milton Keynes: Open University Press.

Carlen, P. (2002) 'New discourses of justification and reform for women's imprisonment in England' in P. Carlen (ed.) *Women and Punishment,* Cullompton: Willan Publishing.

Carlen, P. and Tombs, J. (2006) Reconfigurations of penality: The ongoing case of the women's imprisonment and reintegration industries, *Theoretical Criminology, 10*, 3, 337-60.

Chesney-Lind (2002) 'Imprisoning Women', in M. Mauer and M. Chesney Lind (eds) *Invisible Punishment,* New York: The New Press.

Christie, N. (2000) *Crime Control as Industry,* London: Routledge.

Clear, T. (2002) 'The Problem with "Addition by Subtraction" in M. Mauer and M. Chesney Lind (eds) *Invisible Punishment,* New York: The New Press.

Cohen, S. (1985) *Visions of Social Control,* Cambridge: Polity Press.

Coles, D. (2012) 'Deaths of women in prison: The human rights issues arising' in M. Malloch and G. McIvor (eds) *Women, Punishment and Social Justice,* London: Routledge.

Commission on Women Offenders (2012) *Report of the Commission on Women Offenders,* http://www.scotland.gov.uk/Resource/0039/00391828.pdf

Convery, U. (2009) *Addressing Offending by Women,* Belfast: Northern Ireland Office.

Cook, D. (1997) *Poverty, Crime and Punishment,* London: Child Poverty Action Group.

Cook, S. and Davies, S. (Eds.) (1999) *Harsh Punishment: International Experiences of Women's Imprisonment,* Boston, MA: Northeastern University Press.

Corston (2007) *The Corston Report: A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system.* London: Home Office.

COSLA (2013) *Housing Impacts of welfare reforms – survey of councils,* Briefing paper, 8 July http://www.cosla.gov.uk/sites/default/files/documents/briefing_-_bedroom_tax_main_findings.pdf

Covington, S. (2002) 'Helping Women Recover, Creating Gender-Responsive Treatment', in S. Straussner and S. Brown (eds) *The Handbook of Addiction Treatment for Women,* USA: Jossey-Bass.

Covington, S. (2008) 'The Relational Theory of Women's Psychological Development: Implications for the Criminal Justice System' in R. Zaplin (ed) *Female Offenders: Critical Perspectives and Effective Interventions, 2nd Edition,* Sudbury: MA: Jones and Bartlett Publishers Inc.

Davidson, J. (2011) 'Managing Risk in the Community', in R. Sheehan; G. McIvor, and C. Trotter (eds) *Working with Women Offenders in the Community,* Abingdon: Willan Publishing.

Deakin, J. and Spencer, J. (2011) 'Who Cares?' in R. Sheehan, G. McIvor and C. Trotter (eds) *Working with Women Offenders in the Community,* Abingdon: Willan Publishing.

Downes, D. and Hansen, K. (2006) *Welfare and Punishment: The Relationship Between Welfare-Spending and Imprisonment,* London: Crime and Society Foundation.

Easton, H. and Matthews, R. (2010) *Evaluation of the 218 Service,* Edinburgh: Scottish Government Social Research.

Easton, H. and Matthews, R. (2011) *Evaluation of the Inspire Women's Project,* London: South Bank University.

Eisenstein, Z. (2009) *The Audacity of Races and Genders,* London: Zed Books.

Equal Opportunities Committee (2009) *Female Offenders in the Criminal Justice System,* Edinburgh: Scottish Parliament.

Fawcett Commission (2009) *Engendering Justice – from Policy to Practice,* London: Commission on Women and the Criminal Justice System, Fawcett Society.

Gelsthorpe, L. (2010) 'Women, Crime and Control', *Criminology & Criminal Justice,* 10 (4) 375-386.

Gelsthorpe, L., Sharpe, G. and Roberts, J. (2007) *Provision for Women Offenders in the Community,* London: Fawcett Society and Nuffield Foundation.

Hamner, J. and Saunders, S. (1984) *Well Founded Fear,* London: Hutchinson Educational.

Hannah-Moffat, K. (2001) *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*, Toronto: University of Toronto Press.

Hannah-Moffat, K. and Shaw, M. (2000) *An Ideal Prison? Critical Essays on Women's Imprisonment in Canada,* Halifax: Fernwood Publishing Company.

Hedderman, C. (2004) 'Why are more women being sentenced to custody?' in McIvor, G. (ed) *Women who Offend,* London: Jessica Kingsley Publishers.

Hedderman, C., Palmer, E. and Hollin, C. (2008) *Implementing Services for Women Offenders and Those 'At Risk' of Offending,* London: Ministry of Justice.

Hedderman, C., Cunby, C., Shelton, N. (2011) 'What Women Want: The Importance of Qualitative Approaches in Evaluating Work with Women Offenders', *Criminology and Criminal Justice,* Vol. 11, No. 1, p3-20.

Herman, J. (1992) *Trauma and Recovery,* London: Basic Books.

Hirsch (2001) 'Bringing Back Shame: Women, Welfare Reform, and Criminal Justice, *Temple Political and Civil Rights Law Review,* 10, p417-433.

HM Inspectorate of Prisons for Scotland (2005*) HMP and YOI Cornton Vale – Inspection 2-3February 2005*, Edinburgh: Scottish Executive.

HM Inspectorate of Prisons for Scotland (2009) *HMP and YOI Cornton Vale Inspection: 21-29 September 2009*, Edinburgh: Scottish Executive.

HM Inspectorate of Prisons for Scotland (2011) *HMP and YOI Cornton Vale Follow up Inspection: 1-4 February 2011*, Edinburgh: Scottish Executive.

Home Office (2004) *Statistics on Women in the Criminal Justice System, 2003,* London: Stationary Office.

Houchin R. (2005) *Social Exclusion and Imprisonment in Scotland: A Report*, Glasgow: Glasgow Caledonian University.

Jordan, B. (1996) *A theory of poverty and social exclusion,* Cambridge MA: Policy Press.

Kemshall, H. (2002) 'Effective Practice in Probation: An Example of 'Advanced Liberal' Responsibilisation? *The Howard Journal,* Vol. 41, No. 1, p41-58.

Loucks, N., Malloch, M., McIvor, G. and Gelsthorpe, L. (2006) *Evaluation of the 218 Centre*, Edinburgh: Scottish Executive Social Research.

Malloch, M. (2012) 'A Healing Place?' in M. Malloch and G. McIvor (Eds) *Women, Punishment and Social Justice: Human Rights and Penal Practices,* London: Routledge.

Malloch, M. and McIvor, G. (2011) 'Women and Community Sentences', *Criminology and Criminal Justice,* 11, No. 4, 325-344.

Malloch, M., McIvor, G., Loucks, N. (2008) Time Out for Women: Innovation in Scotland in a Context of Change, *The Howard Journal,* Vol. 47, No. 4, 383-399.

McIntosh, A. (2008) *Rekindling Community,* Devon: Green Books for the Schumacher Society.

McIvor, G. (2010) 'Women and crime: The rise in female imprisonment in western jurisdictions' in M. Herzog-Evans (ed.) *Transnational Criminology Manual (Volume 2),* Nijmegen, Netherlands: Wolf Publishing.

McIvor, G. and Burman, M. (2011) *The Drivers of Women's Imprisonment,* Stirling: Scottish Centre for Crime and Justice Research.

Ministry of Justice (2013) *Population and Capacity Briefing for Friday 10 May 2013,* London: Ministry of Justice.
Pate, K. (2012) 'Women, Punishment and Social Justice: Why you should care' in M. Malloch and G. McIvor (Eds) *Women, Punishment and Social Justice: Human Rights and Penal Practices,* London: Routledge.

Percy-Smith, J. (ed) (2000) *Policy Responses to Social Exclusion,* Buckingham: OU Press.

Pollack, S. (2005) 'Taming the Shrew', *Critical Criminology,* 13, 71-87.

Pollack, S. (2008) *Locked In, Locked Out: Imprisoning Women in the Shrinking and Punitive Welfare State,* Canada: Wilfrid Laurier University.

Prison Reform Trust (2000) *Justice for Women: The Need for Reform*, London: PRT.

Prison Reform Trust (2004) *Lacking Conviction: The Rise of the Women's Remand Population,* London: Prison Reform Trust.

Prisons and Probation Ombudsman for England and Wales (2003) *The Death in Custody of a Woman and the Series of Deaths in HMP/YOI Styal August 2002-2003,* London: Home Office.

Richie, B. (2002) 'The Social Impact of Mass Incarceration on Women' in M. Mauer and M. Chesney-Lind, *Invisible Punishment,* New York: The New Press.

Sandler, M. and Coles, D. (2008) *Dying on the Inside – Examining Women's Deaths in Prison,* London: Inquest.

Scottish Executive (2002) *A Better Way: Report of the* Ministerial Group on Women's Offending *,* Edinburgh: Scottish Executive.

Scottish Government (2012) *The Scottish Government Response to the Commission on Women Offenders*, Edinburgh: Scottish Government.

Scottish Government (2012a) *Prison Statistics and Prison Projections Scotland 2011-12,* http://www.scotland.gov.uk/Publications/2012/06/6972

Scottish Government (2012b) *Criminal Justice Social Work Statistics 2011-2012,* http://www.scotland.gov.uk/Publications/2012/12/1332/downloads#res411473

Scraton, P. and Moore, L. (2005) *The Hurt Inside,* Belfast: Northern Ireland Human Rights Commission.

Sheehan, R., McIvor, G., Trotter, C. (eds) (2007) *What Works with Women Offenders,* Cullompton: Willan Publishing.

Sheehan, R., McIvor, G. and Trotter, C. (eds) (2011) *Working with Women Offenders in the Community,* Abingdon: Willan Publishing.

Smyth, M. (2005) 'Holistic is Not a Bad Word: A Criminal Defense Attorney's Guide to Using Invisible Punishments as an Advocacy Strategy', *University of Toledo Law Review,* Vol. 36, 479-504.

Snider, L. (2003) 'Constituting the Punishable Woman', *British Journal of Criminology,* 43, 354-378.

Social Exclusion Unit (2002) *Reducing Re-offending by Ex-Prisoners,* London: HMSO.

Social Work Services and Prisons Inspectorates for Scotland (1998) *Women Offenders – A Safer Way,* Edinburgh: Scottish Office.

Sudbury, J. (ed) (2005) *Global Lockdown,* New York: Routledge.

Tombs, J. and Jagger, E. (2006) 'Denying Responsibility', *British Journal of Criminology,* 46 (5), 803-821.

Wacquant, L. (2008) *Urban Outcasts,* Cambridge: Polity.

Wacquant, L. (2009) *Punishing the Poor,* Durham and London: Duke University Press.

Women in Prison (2011) *Breaking the Cycle for Women,* London: WIP.