



Young Women's Justice Project Literature Review

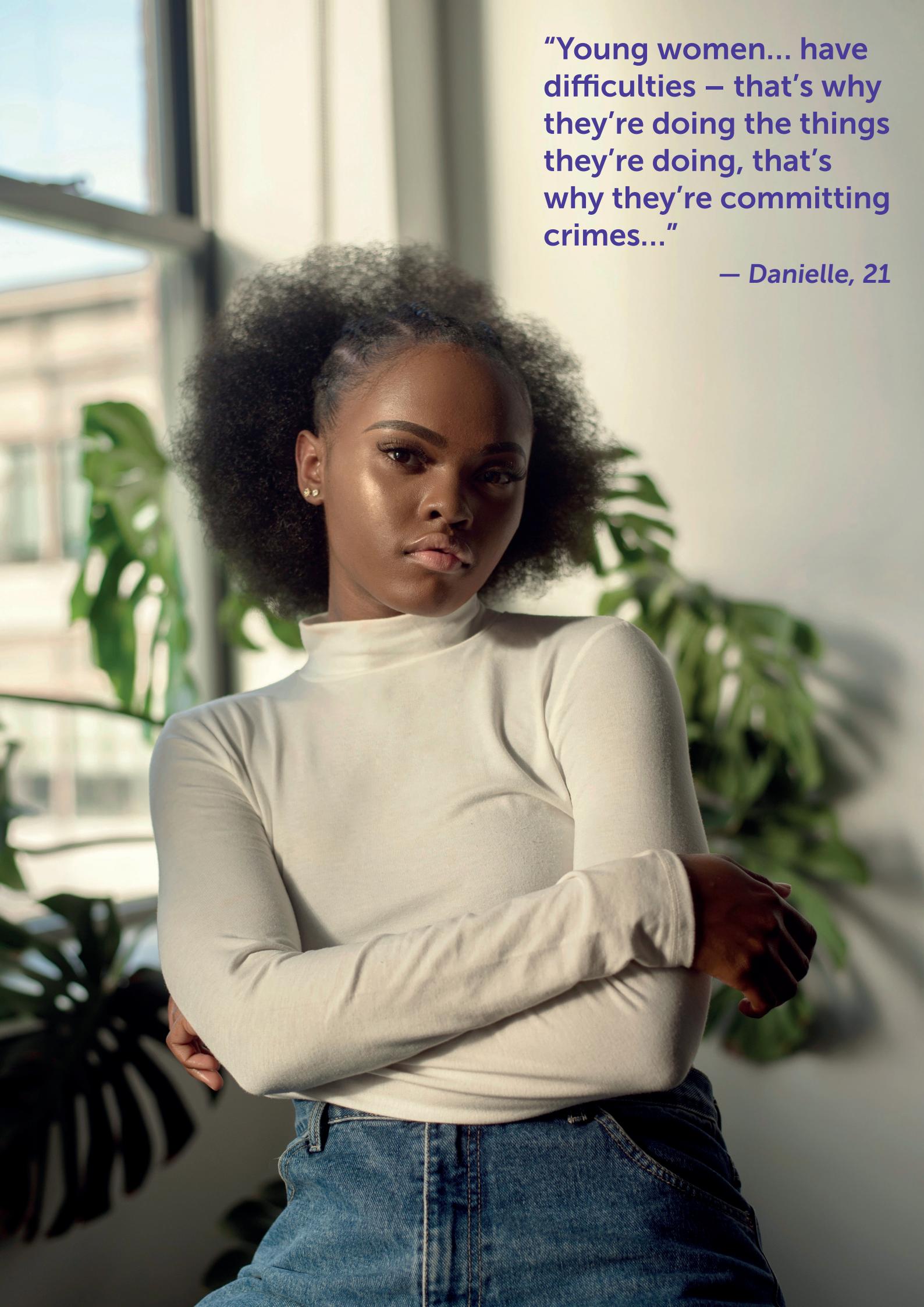
Executive Summary

January 2021



With thanks to





"Young women... have difficulties – that's why they're doing the things they're doing, that's why they're committing crimes..."

— Danielle, 21

Introduction

About the Young Women's Justice Project

Young adult women are in a unique position in the criminal justice system as a minority on account of both their age and gender. Consistently overlooked in policy, there is a limited evidence-base around the experiences of young adult women in contact with the criminal justice system and, despite pockets of good practice, limited provision designed to meet their needs. Funded by Lloyds Bank Foundation and run in partnership by Agenda and the Standing Committee for Youth Justice, the Young Women's Justice Project shines a light on the experiences of young women aged 17–25 in contact with the criminal justice system, including the experiences of girls transitioning into adult services as they turn 18.

About this literature review

A lack of gender-specific data, reporting and monitoring of outcomes means that the needs of young adult women, both in custody and the community, have not been comprehensively mapped and understood, limiting the development of effective responses to this group. This literature review has been produced to map and grow the evidence-base around the experiences of young adult women in contact with the criminal justice system and age-informed, gender-sensitive responses to them. It also identifies where significant gaps in knowledge remain, informing the direction of future work as part of the Young Women's Justice Project, and beyond.

Policy context

Despite some recognition that young adult women have different needs and face different risks to both their male counterparts and older adult women, there is no strategic focus and no action plan in place to respond to this. The Ministry of Justice's *Female Offender Strategy* (2018) and the *Women's Policy Framework* (2018) make no reference to young women¹ and there is no equivalent to *Achieving Better Outcomes for Young Adult Men* (2015) for young women. For girls transitioning from the youth to adult criminal justice system, good practice guidance is limited, noting that girls have "different and distinct" needs, but failing to provide a full account of what this might entail.² The needs of young adult women with intersecting, marginalised identities are particularly overlooked. Seminal reports which have drawn much-needed attention to the experiences of other marginalised groups in the criminal justice system, including Black, and minoritised groups and care leavers, have not afforded sustained attention to the specific, gendered needs of young women who also fall into these groups.³

Young adult women have different needs to their male counterparts and to adult women.

Key Findings

Young adult women (aged 17–25) in contact with the criminal justice system face multiple disadvantage. They have complex, overlapping needs, with their experience of coming into contact with the criminal justice system underpinned by experiences of violence and abuse, poor mental health, addiction, and having no safe place to call home. The challenges they face are mutually reinforcing and take place in a wider context of social and structural inequalities which shape their lives, including gender-inequality and racism.

Numbers of young adult women in the criminal justice system

- Young adult women in the criminal justice system are a minority in custody and the community on account of age and gender.⁴
- Despite reductions in the total numbers of women in custody,⁵ young adult women continue to enter custody on short sentences for 'revolving door' offences – repeated, non-violent offences driven by a combination of needs, often stemming from complex trauma and economic disadvantage.⁶
- There remains continued overrepresentation of 'Black, Asian and Minority Ethnic or 'Black and minoritised'⁷ young adult women, including Gypsy, Roma and Traveller young women, as well as young women with experience of the care system.
- There are greater levels of ethnic disproportionality amongst young women (18–24) in custody than amongst the adult women's prison population as a whole – in June 2018, 17% of all adult women prisoners (18+) were from the Black and minoritised groups, rising to 22% amongst young women (18–24).⁸ There is no data publicly available reporting on the levels of disproportionality amongst young adult women under probation supervision.
- Young women (16–21) in custody are more likely to have been in statutory care than their male counterparts – two thirds of young women, compared to just under half of young men.⁹

Vulnerabilities in the lives of young adult women

- Young adult women in contact with the criminal justice system tend to have a greater number of support needs than young men, suggesting they face additional vulnerabilities which can lead to behaviour that is then criminalised.¹⁰
- There are clear connections between young adult women's vulnerabilities and their offending, including:
 - experience of violence, abuse and exploitation in relationships with family members, intimate partners and peers;
 - mental health problems and alcohol use;
 - exclusion from education;



- experience of being in care;
- early parenthood;
- poverty and economic inequality;
- and poor responses to young adult women with learning disabilities.

 Identifying the routes through which young adult women enter the criminal justice system can help inform the development of policy and practice to disrupt this.

 The support needs of young adult women are also distinct from those of older adult women, including having more recent experiences of child criminal and sexual exploitation, leaving care, and exclusion from education. Whilst older adult women in contact with the criminal justice system may also have faced these challenges, the impact of these experiences as they play out in young adulthood means that young women are likely to present with more immediate needs or 'in crisis' as a result of them.

 There is greater prevalence of mental health issues amongst young adult women, including higher rates of suicide compared to young adult men and older adult women. From 2002 to 2013, there were 1.51 incidents of self-inflicted death per 1,000 young women in custody (18–24) compared to 0.67 for young men. A higher proportion of young adult women also took their own lives during this period when compared to older women.¹¹

 Young adult women (18–21) are also more likely than older women to report an alcohol problem on arrival at prison and to feel that they might have an alcohol problem on release. They were also more likely to report developing a drug problem in prison, although are less likely to arrive with one.¹²

Spotlight on violence against women and girls

Studies involving young women in contact with the criminal justice system have found that:

- Between **three quarters and 90%** of young women may have experienced abuse from a family member or someone they trusted.¹³
- **63%** of young women (16–24) have experienced **rape or domestic abuse** in intimate partner relationships.¹⁴
- Child sexual exploitation has been identified as a risk to girls in all YOT areas and **criminal exploitation** of young women has **increased during the coronavirus crisis**.¹⁵
- **15%** of young women (16–24) have been involved in **sex work or prostitution**.¹⁶
- Young women report being **pressured by male partners** or those linked with them to carry or store weapons and drugs.¹⁷
- Almost **half of young women** (18–25) involved in violent offences identified the victim as their partner, just **over a quarter** as a sibling, and just **under a quarter** as a friend. The relational context of young women's violence suggests that this may sometimes be **a response to their own victimisation**.¹⁸

During the next stages of the Young Women's Justice Project, we will be looking in more detail at young adult women's age-specific experience of violence against women and girls, and how service respond to this.

A close-up portrait of a young woman with dark, curly hair. She is wearing a bright yellow t-shirt featuring a graphic of two cassette tapes. Her right hand is resting against her chin, with her fingers tucked under her cheek. She is looking directly at the camera with a neutral expression.

Between three quarters and 90% of young women may have experienced abuse from a family member or someone they trusted.

How do young adult women experience the criminal justice system?

With limited gender-and age-informed practice in either community or custody settings, young adult women in contact with the criminal justice system feel unsafe and disempowered in a number of the spaces and services they might seek support.

Young adult women in contact with the criminal justice system describe both youth services and provision for adult women as "not for them".¹⁹ The failure of women's prisons to address the needs of younger women is "a consistent feature" of inspection reports,²⁰ with young adult women reporting poor experiences of 'settling in' and a lack of behaviour change programmes, drug and alcohol support, or education and training opportunities designed to reflect the realities of their lives.²¹ In the community, little is known about young adult women's experience of probation services, but they can feel unsafe and report experiencing sexual harassment, sexual violence and exploitation in male-dominated spaces such as youth custody,²² probation services, mixed accommodation in the community²³ and pupil referral units,²⁴ as well as in mainstream education settings with school-based police officers.²⁵ Despite pockets of good practice, women's services say they face challenges reaching and engaging with younger women, as well as difficulties developing the partnerships with education, social care and youth services needed to grow this area of work.²⁶

Young adult women say that professionals can fail to see the full extent of risk and needs they face. Where risks to young adult women are identified, interventions intended to manage this can be experienced as punitive and re-traumatising. The use of force, physical restraint and isolation is increasingly and disproportionately used against girls in custody settings to manage behaviour and even self-harm²⁷ and the use of restraint by the police on young women experiencing emotional distress or 'acting out' can be

particularly distressing for young women who have experienced sexual violence.

Young adult women with experience of care and histories of abuse, particularly survivors of childhood sexual exploitation, report facing stigma and negative stereotyping by professionals.²⁸ Black and minoritised young adult women also experience discrimination and heightened levels of stigma in the criminal justice system. Racist stereotyping informs how criminal justice agencies respond to Black and minoritised young adult women, meaning they face a 'double disadvantage' as gender intersects with race.²⁹ Research highlights the stereotyping of Black young women as angry and aggressive, resulting in a reduced focus on care and support when they experience distress, and a greater focus on risk and behaviour management.³⁰ Both Gypsy, Roma, Traveller (GRT) children and adult women are more likely to experience poor treatment by staff in custody,³¹ with 1 in 3 (29%) GRT children in custody reporting experiencing physical abuse and 1 in 10 (12%) reporting sexual abuse by staff, compared to 9% and 1% of non-GRT children respectively.³²

For some young adult women this discrimination and stigma is further compounded by faith. Muslim women, including young adult women, report feeling "acutely aware" of being a minority group with "fear of being marginalised" within the criminal justice system having an acute impact on their wellbeing.³³

Young adult women in contact with the criminal justice system describe both youth services and provision for adult women as "not for them".

Young women transitioning to adulthood

As they turn 18, young women in contact with the criminal justice system move from being supported by Youth Offending Teams (YOT's) to adult probation services, and from youth custody to adult prisons. The support of other services also changes at this time, with many services reducing or dropping off all at once, placing young adult women at greater risk and leading to arbitrary cliff-edges in support. No existing literature documents this experience as a whole for young adult women. Issues facing young women in transition will be explored further by the Young Women's Justice Project in a forthcoming briefing paper.

- Over a quarter of girls in the youth justice system are 17 years old³⁴ but data showing the number of girls who transition into the adult justice system is not publicly available. There is a dearth of literature relating to the experiences of Black and minoritised girls in transition.
- Although guidance exists on good practice in YOT to probation transitions, which states that an individualised approach should be taken, transfers may be more often led by operational process than by assessments of an individual girl's needs and circumstances.³⁵
- Young people who have been in care may need more support during their transition to adulthood, but a lack of knowledge amongst criminal justice professionals means they are not always able to

identify and address their needs and entitlements.³⁶ This may be particularly the case for young adult women as their specific needs in the criminal justice system already receive little attention.

- Risk of abuse and maltreatment does not end for girls known to children's services for safeguarding concerns when they turn 18. They will not always be entitled to ongoing support from social care, however, despite reports from services that perpetrators of sexual exploitation identify the falling away of statutory services as an additional vulnerability, deliberately targeting girls on the cusp of adulthood.³⁷
- A reduction in professionals' sense of safeguarding responsibilities may be particularly dangerous for Black young adult women who are subject to a process of 'adultification' throughout childhood whereby they are viewed as older than their age and less 'innocent' than their peers, resulting in more punitive responses and greater levels of unmet need.³⁸
- In 2015, only 17% of mental health trusts' policies on transitioning between children's and adult's services identified children or young women in trouble with the law as a vulnerable group, despite the majority of young adult women in contact with the criminal justice system being assessed as having mental health concerns.³⁹



What works for young adult women

'Gender-sensitive' responses to women experiencing multiple disadvantage are underpinned by values and approaches shaped by the reality of women's lives and experiences, delivered in women-only settings. Our review of existing literature suggests that gender-sensitive support for young adult women in contact with the criminal justice system is characterised by an approach which:

- centres young adult women's lived experience and perspectives in the design and development of services intended to support them;
- provides safe, young women-only environments managed by gender-specialist services, including those with expertise relating to the challenges faced by young adult women with intersecting, marginalised identities, such as Black and minoritised and/or LGBTQ+ young women;
- prioritises non-punitive, trauma-informed, strengths-based approaches to address risks and vulnerabilities, including those which are drivers of young adult women's criminalised behaviour;
- offers support which is available flexibly and is accessible over time and into early adulthood, including therapeutic, practical and advocacy support;
- offers space to learn about and discuss sex and relationships⁴⁰ and the experience and social causes of disadvantage with trusted adults and peers with lived experience of the issues;
- focuses on developing and sustaining positive and mutually-respectful relationships with professionals and peers, including a trusted professional point of contact during the transition into adulthood;
- is delivered by agencies which young women see as independent, whilst working collaboratively with multi-agency partners and seeking young women's informed consent ahead of information-sharing;
- creates opportunities to share knowledge and best practice across children's and adult services, including between the youth sector and women and girls sector.



Gaps in the literature

Significant gaps in the evidence-base remain, with a notable lack of research and data reflecting:

- Numbers of young women transitioning from youth offending teams to adult probation services and from youth custody to adult prisons, and their gender-specific experiences of these transitions.
- Young adult women's experience of support and supervision in the community, including their experience of probation services, women's centres and youth services.
- The relationship between young adult women's age-specific and gendered experiences of certain forms of violence, abuse and exploitation (including domestic abuse, child sexual abuse, child sexual exploitation and criminal exploitation) and their offending, including where this may differ according to ethnicity.
- Intergenerational pathways into both the care and criminal justice system for young adult women, and the relationship between ethnicity, experience of care, and contact with the criminal justice system.
- Analysis sensitive to the overlapping and reinforcing impacts of young adult women's gender and ethnicity on their experiences of all stages of the criminal justice system, including policing, the 'school-to-prison pipeline', risk and needs assessment frameworks, and resettlement.
- Evaluation of good practice in gender-specific programmes, delivered through both statutory services and specialist women and girls' organisations, particularly those led by and for Black minoritised women and girls.



Conclusion

For young women aged 17-25 in contact with the criminal justice system and facing multiple forms of disadvantage, young adulthood could be an opportunity to get things right, preventing their needs becoming more complex and entrenched. In reality, girls turning 18 face an arbitrary cliff-edge in support, a lack of understanding and recognition of their age- and gender-specific needs, and punitive responses to their vulnerabilities.

To address the needs of young adult women in contact with the criminal justice system and avoid missing opportunities to intervene, or compounding harm already experienced, there must be far greater recognition of their needs in both policy and practice. Without a policy framework which affords sustained attention to the needs of young adult women in contact with the criminal justice system, young adult women will continue to be neglected and overlooked in both youth policy and women's policy with an adult focus.

Addressing the worrying gaps in data, knowledge and evidence-based good practice outlined in this literature review must be a priority to ensure that the challenges they face are no longer overlooked and a gender-sensitive policy and practice response can be developed. Provision of age-appropriate, gender-sensitive and trauma-responsive support could have a significantly positive impact on young women's lives and must be considered a crucial part of any response to young adult women at risk of coming into contact with the criminal justice system.

The Young Women's Justice Project will continue to work directly with young adult women, and the services that support them, to identify the most pressing challenges they face. We will explore what works, and what needs to change, with a particular focus on young women's experiences of transitions at 18, and of violence, abuse and exploitation.



Young Women's Justice Project



Recommendations

Responding in policy

- 1** Ministry of Justice to integrate an age-informed response to young adult women within the *Female Offender Strategy*, with dedicated funding and provision to address the underlying causes of young adult women's criminalised behaviour in key areas including: violence against women and girls; mental health; exclusion from education; poverty; and racialised inequalities. This should recognise the critical role that gender-sensitive provision delivered by specialist women and girls' services play in providing wraparound support.
- 2** Her Majesty's Inspectorate of Probation to ensure that the thematic inspection of the transitions arrangements from youth offending teams to probation planned for 2021 includes a focus on girls transitioning to adulthood and provision of gender-specific support during this time.
- 3** Youth Custody Service and Her Majesty's Prison Service to develop and publish good practice guidance for practitioners supporting girls transitioning from the youth to adult secure estate, developed through consultation with young adult women with experience of transitioning to adulthood whilst in contact with the criminal justice system and the statutory and voluntary sector services supporting them.
- 4** Her Majesty's Prison and Probation Service to develop culturally-sensitive approaches to rehabilitation and release planning which are responsive to the distinct experiences of young adult women, including those within Black and minoritised groups, building on findings from Her Majesty's Inspectorate of Prisons thematic review of minority ethnic prisoners' experiences of rehabilitation and release planning.
- 5** Ministry of Justice and regional Directors of Probation to allocate long-term, sustainable funding to the development of age-specific, gender-sensitive services for young adult women as a priority in the revised probation arrangements. This should include funding for monitoring and evaluation to enable the development of an evidence-base around effective practice with young adult women to inform practice nationally.

Responding in practice

- 6** The development of knowledge- and practice-sharing across youth and adult services, including the youth and women and girls' sectors, in relation to age-responsive, gender-sensitive and trauma-informed support for young adult women in contact with the criminal justice system.
- 7** The Youth Justice Board and Her Majesty's Prison and Probation Service to ensure that criminal justice professionals are trained to understand that young adult women's offending, experiences of trauma, discrimination and inequality are interlinked, as part of an age-, gender- and trauma-informed approach to working with young adult women. This training should be developed in partnership with trauma-informed, gender-sensitive services with expertise in supporting young adult women facing multiple disadvantage.

Data and research

- 8 All official data from the Ministry of Justice, Her Majesty's Prison and Probation Service and the Youth Justice Board about women in the criminal justice system, and young adults transitioning from the youth to adult justice system, to be disaggregated across all protected characteristics, in particular age, gender and ethnicity. This must be made publicly available and accessibly presented, to allow for further analysis.
- 9 Research into the experiences and needs of young adult women in contact with the criminal justice to address significant gaps in the evidence base, with a particular focus on:
 - young adult women's age-specific experience of violence against women and girls and service responses to this, including the way in which these experiences may differ according to ethnicity;
 - the experiences of Black and minoritised young adult women, including Gypsy, Roma, Traveller young adult women, at all stages of the criminal justice system with the distinct experiences of different, self-defined ethnic groups recognised and drawn out;
 - the experience of young adult women with experience of care at all stages of the criminal justice system;
 - young women's gender-specific experience of the transition to adulthood whilst in contact with the criminal justice system;
 - and evaluation of gender-specific programmes for young adult women, delivered through statutory services and specialist women and girls' organisations.

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Agenda, the alliance for women and girls at risk, is working to build a society where women and girls are able to live their lives free from inequality, poverty and violence. Agenda campaigns for women and girls experiencing violence and abuse, poverty, poor mental health, addiction, criminalisation and homelessness to get the support and protection they need.

Standing Committee for Youth Justice (SCYJ) is an alliance of over 70 non-profit organisations working together to improve the youth justice system in England and Wales. SCYJ advocates for a distinct and child-focused system that tackles the underlying causes of offending, respects rights and promotes positive long-term outcomes.

Endnotes

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