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The Routledge Handbook of Women’s Experiences of Criminal Justice

Edited by Isla Masson and Natalie Booth
This Handbook brings together the voices of a range of contributors interested in the many varied experiences of women in criminal justice systems, and who are seeking to challenge the status quo.

Although there is increasing literature and research on gender, and certain aspects of the criminal justice system (often Western focused), there is a significant gap in the form of a Handbook that brings together these important gendered conversations. This essential book explores research and theory on how women are perceived, handled, and experience criminal justice within and across different jurisdictions, with particular consideration of gendered and disparate treatment of women as law-breakers. There is also consideration of women’s experiences through an intersectional lens, including race and class, as well as feminist scholarship and activism. The Handbook contains 47 unique chapters with nine overarching themes (Lessons from history and theory; Routes into the criminal justice system; Intersectionality; Sentencing and the courts and community punishments; Specific offences; Incarcerated women’s experiences; Mothers and families; Rehabilitation and re-integration; Practitioner relationships), and each theme includes contributions from different countries as well as the experiences of contributors from different stages in their own journey.

International and interdisciplinary in scope, this Handbook is essential reading for scholars and students of criminology, sociology, social policy, social work and law. It will also be of interest to practitioners, such as social workers, probation officers, prison officers and policy makers.

Isla Masson is a Criminologist and Researcher at The Open University. Her research interests include women in the criminal justice system, motherhood, incarceration, remand, care leavers and restorative justice. Her book Incarcerating Motherhood (Routledge, 2019) was based on her doctoral research, which explored the longevity of short terms of incarceration on mothers. She is a trustee at The Boaz Project, which is a therapeutic work environment for adults with learning disabilities, and previously volunteered with the Independent Monitoring Board.

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THE ROUTLEDGE HANDBOOK OF WOMEN’S EXPERIENCES OF CRIMINAL JUSTICE

Edited by Isla Masson and Natalie Booth
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Sarah Waite is a Lecturer in Applied Criminal Justice at Leeds Trinity University and PhD student at Leeds Beckett University. Her research is concerned with the qualitative experiences of staff-prisoner relationships in women’s open prison. Prior to lecturing, Sarah worked for the Youth Offending Service. Sarah is also a trustee at Transform Justice.

Kath Wilson is a Associate Professor at De Montfort University and jointly leads the Probation Team who delivers the Professional Qualification in Probation. Before embarking on an academic career, Kath practiced as a probation officer for over 16 years. Her writing relates to LGBTI people and the criminal justice system.
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INTRODUCTION

Isla Masson and Natalie Booth

*I am not free while any woman is unfree, even when her shackles are very different from my own.*

Audre Lorde

This Handbook presents many different conversations about the experiences of women who are deemed to have offended and/or transgressed. It provides a comprehensive overview of women’s experiences in international criminal justice systems (CJSs), including historical and contemporary policy and practice. This Handbook includes a diverse range of fascinating topics that explore research and theory on how women are perceived, handled, and experience criminal justice within and across different jurisdictions, with particular consideration of gendered and disparate treatment of women as ‘law-breakers’. There is also consideration of women’s experiences through an intersectional lens, including race and class, as well as feminist scholarship and activism. While there has been a growing body of literature and research on gender, and certain aspects of the CJS (often Western focussed), the editors felt there was a gap in the form of a Handbook that brings together these important conversations. These suspicions were confirmed following the overwhelming positive reception to the editor’s call for abstracts circulated in 2020 through their social media presence on Twitter and associated research networks. This call sought theoretical, historical, and contemporary criminological and criminal justice chapters on women/girls in contact with CJSs. In order to be as inclusive as possible, we welcomed international and interdisciplinary chapters, along with contributors from different points in their journeys (for example, women with lived experience, early career researchers, and more established academics and practitioners). The call had a much further reach than could have been imagined with, for example, retweets finding their way to many beyond the editors networks. Subsequently, the chapters that follow are brilliantly diverse and include a rich collection of works that illuminate the many varied experiences of women in CJSs across the globe, written by passionate contributors who are seeking to challenge the status quo. Indeed during the editing process, a shared motivation became increasingly clear in the messages found in the contributions, a determination that women’s experiences are not on the periphery of conversations about criminal justice. While it is well known that women comprise a smaller proportion of CJSs...
worldwide, this does not mean that they should continue to be marginalised or overlooked, but rather their experiences, histories, and voices should be centralised and better understood to ensure their equitable treatment. It is hoped that the Handbook does justice to this plight.

The Handbook is written in a way that is accessible to all; it is suitable for students, academics, policymakers, service-users, practitioners, and anyone with an interest in this important field of study. It is relevant for those studying and/or working in criminology, sociology, social work, youth justice, and many other disciplines that directly or indirectly discuss and/or work with women in contact with justice systems. This includes women who are deemed to have broken the law as well as women with histories of victimisation and abuse, substance misuse, and marginalisation through their socio-economic, educational, geographical, and/or familial circumstances which may increase their vulnerability and likelihood of exposure to CJSs.

The Handbook has nine overarching themes, all of which include international and interdisciplinary work in related fields. In order to move the field forward, many of the chapters highlight contemporary research, theory, policy, and practice being undertaken, ensuring that the readership is informed by recent developments.

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Within each theme, there are contributions from different countries as well as the experiences of contributors drawing on their subject-specific knowledge. Although each chapter is a stand-alone chapter, the editors have ensured there is consistency and a flow throughout, with signposts to other interrelated chapters which will hopefully help further guide the reader.

**Part 1. Lessons from History and Theory.** The first collection of chapters guides the readers by providing lessons that can be learnt from our past and theoretical understanding of women’s experiences of CJSs. In Chapter 2, Trace Maddox explores the role of gender stereotypes in the persecution and prosecution of early modern women who were considered to be witches. Drawing on cases from the Old Bailey Rachel Dixon in Chapter 3 explores a potential shift in the weight of medical evidence and humanitarian sympathies within Jury trials of infanticide cases in eighteenth- and early nineteenth-century England. In Chapter 4, Stephanie Brown examines the polar arguments regarding women charged with murder in pre-modern England either being sentenced leniently or disproportionately punished. Importantly, it is clear how gender shapes the outcomes of these cases. Fairleigh Evelyn Gilmour and Kirsten Gibson outline in Chapter 5 how historical and contemporary changes in policy and the way in which crime and gender are viewed in Aotearoa New Zealand affect women in prison. In Chapter 6, Hazel Kemshall scrutinises the issues with risk and vulnerability for women who have offended and suggests some possible alternatives and solutions to the more unhelpful consequences of the ‘Risk Lens’ for women. In Chapter 7, the final chapter for the theme of History and Theory, Madeline Petrillo outlines the literature
on women’s desistance, arguing that the predominantly male focus within desistance studies obfuscates specific gendered pathways out of crime.

**Part 2. Routes into the Criminal Justice System.** The second theme examines the many ways in which women enter different CJSs. In Chapter 8, Vicky Seaman and Orla Lynch explore how the notion of the ‘ideal victim’ is a caricature of women in the Irish context. They argue how the notion of double deviance reflects most accurately the treatment of women in any CJS. In Chapter 9, Alexandra Baxter argues that Australian judges have constructed an oversimplified narrative of women who have been convicted of human trafficking-related offences involving adult commercial sexual exploitation. Claire Fitzpatrick, Jo Staines, and Katie Hunter explore the impact of care experience for women in the CJS in Chapter 10 and demonstrate how for some, care experience may protect against offending behaviour, whereas other care experiences may contribute directly to justice system involvement. Drawing on Victoria, Australia as a case study, in Chapter 11 Rebecca Bunn and Elisa Buggy underline how the systemic responses established to address issues in criminalised women’s lives either exclude them or exacerbate their criminalisation. In Chapter 12, Jo Roberts completes this theme of Routes into the CJS by exploring how domestic abuse can influence a woman’s pathway into crime and criminalisation and importantly how the involvement in crime can be better understood when contextualised by their victimisation.

**Part 3. Intersectional Narratives.** Our third theme brings together chapters exploring different social categories such as race and ethnicity, faith, and sexuality. In the first chapter in this theme, Chapter 13, Sofa Buncy, Alexandria Bradley, and Sarah Goodwin explore how Muslim women’s needs are neglected by the CJS, highlighting good practice through a culturally informed through-the-gate service. Chapter 14, written by Debbie Kilroy and Tabitha Lean both, with lived experience, draws on the lived experience of a wide range of women, including First Nations women, who are punished and ignored within the Australian criminal punishment system. Lynsey Black examines the use of religious sites of punishment for women in Ireland who were prosecuted for murder following independence in 1922 until substantial law reform in 1964 in Chapter 15. Chapter 16, written by Iram Rubab, presents the structural barriers to women claimants of inheritance and their subsequent interaction with the Pakistan CJS. In Chapter 17, Rashmi Choudhury examines the ripple effect of incarceration on the spouses of Indian prisoners, considering the effect of caste, class, and gender. Reflecting upon their own experience as a practitioner, in Chapter 18, Kath Wilson provides an overview of the position of lesbian and bisexual women’s experiences in the CJS and how discrimination and stereotyping often remains despite invisibility. In Chapter 19, the final chapter in this theme, Angela Charles highlights how Black women are overrepresented and adversely affected throughout international CJSs, with a focus on how this is navigated within female prisons.

**Part 4. Sentencing and the Courts.** The chapters within this fourth theme explore how women experience the courtroom environment and sentencing. The first chapter in this theme, Chapter 20, written by Lisa Mary Armstrong, considers whether therapeutic jurisprudence can improve women’s experiences of the bail and remand process, with a particular focus on Scotland. Sofe De Bus focuses on gender in the Belgian youth justice system and the problematisation of girls in Chapter 21, arguing that boys and girls are perceived and treated differently. In Chapter 22, Jane Dullum, Elisabeth Fransson, and Sven-Erik Skotte explore different control strategies of young reformable and not reformable women in Norwegian courts, drawing on field observations. In the final chapter for this theme, Chapter 23, Carly Lightowlers and Nicole Benefer reflect upon whether problem-solving courts can
be expanded to provide greater gender-informed responses within courts, considering best practice in a Merseyside court.

**Part 5. Offence-Specific Experiences.** This theme provides the reader with insights into specific offences that women have been criminalised for. The use of abortion pills in Northern Ireland is examined by Goretti Horgan and Linda Moore in Chapter 24, comparing this to the use of legal medical abortions in Scotland, and the subsequent fears of arrest and feelings of shame. In Chapter 25, informed by a theoretical framework of symbolic interactionism, Anna Matczak and Emilia Rekosz-Cebula examine Polish judge’s perception of gender in domestic violence homicide cases. Chapter 26, by Angie Borda-Montenegro, examines female sexual criminality and provides insights into the experiences of women imprisoned for committing sexual offences against children in Colombia. In the final chapter for this theme, Ediomo-Ubong E. Nelson and Aniekan S. Brown explore female street-based sex workers and cannabis users' experiences of ‘subcultures of violence’ and street-level policing in Nigeria in Chapter 27.

**Part 6. Incarcerated Women’s Experiences.** This sixth theme considers the experiences of women who have been incarcerated, and how those hidden behind prison walls navigate the gender-specific challenges of confinement. In the first chapter which focuses on Australia, Chapter 28, Julie-Anne Toohey exposes the limitations of a CJS in which cognitively disability in women’s prisons is afforded low priority despite notably higher levels of vulnerability with this group. In Chapter 29, Carmen Navarro, Anna Meléndez, and Jenny Cubells examine the role of maternity, drug use, violence, and mental health issues for women in Spanish prisons. Melissa Henderson and Rosie Meek, in Chapter 30, discuss the challenges and risks of the peer mentoring relationship for women in prison in England and Wales. In the final chapter in this theme, Chapter 31, Rūta Vaičūnienė, Arta Jalili Idrissi, and Artūras Tereškinas discuss the experiences of women serving prison sentences in post-Soviet prisons, looking at everyday practices characteristic of collective imprisonment.

**Part 7. Mothers and Families.** This theme brings together the role of mothering and the impact that the CJS has on loved ones. In Chapter 32, Lucy Baldwin and Sophie Mitchell examine the persisting, intergenerational impact of imprisonment on mothers’ post-custody using a matricentric-feminist and a socio-ecological approach. Emma Milne and Vicki Dabrowski critically analyse approaches to women’s reproductive rights and healthcare in prison in Chapter 33, providing a better understanding of these previously ill-explored gendered issues. Bringing together a mother with lived experience of the prison system, Klare Martin, and a prison researcher, Claire Powell, Chapter 34 explores mother-infant separations in prison. With a particular focus on New Zealand, in Chapter 35, Jacqui Johnson highlights the complexity for policymakers in meeting the needs of incarcerated mothers who are housed in prison with their young children. In the final chapter, Chapter 36, Natalie Booth and Isla Masson with Ferzana Dakri discuss the role that women play supporting prisoners as well as highlighting the work of a community organisation supporting Muslim women in the community.

**Part 8. Rehabilitation and Reintegration.** The penultimate theme examines different approaches to rehabilitating women and reintegrating them back into communities. This theme begins with Chapter 37, by Caroline Gorden and Kelly Lockwood who examine what is needed to break the cycle of homelessness and reoffending for women prison leavers with a focus on policy in Wales. Chapter 38, written by Natalie Rutter and Julie Eden-Barnard, examines women’s experiences of community supervision and how important it is to consider relational networks as well as previous and current trauma. In Chapter 39, Jennifer Ferguson and Maggie Leese explore the feasibility of Alcohol Screening and Brief Interventions.
in female open prisons and whether risky drinking can be addressed when women are in these settings if the interventions are tailored for them. In Chapter 40, Robin Gålnander and Linnéa Österman examine the impact of Sweden’s punitive drug policies on women and how a culture of intervention negatively influences their desistance processes. Nicola Collett analyses the gendered nature of ‘collateral consequences’ and the additional barriers of a criminal record in Chapter 41, discussing how criminal records reproduce inequality and exacerbate the marginalisation of women. Drawing on educator/practitioner experiences of working with women after criminalisation in Chapter 42, Caroline Bald, Rachel Rose Tynan, and Olivia Dehnavi explore desistance theory and redemption scripts, highlighting the work of two UK-wide charities. In the last chapter within this theme, Chapter 43, Nicole McKenna, Valerie Anderson, Eurielle Kiki, and Destinee Starcher provide an overview of girls’ experiences and needs in the American juvenile legal system, considering feminist pathways, relational-cultural theory, trauma theory, and intersectionality.

**Part 9. Practitioner Relationships.** In the final theme for this Handbook, the chapters explore women’s experiences of the CJS through the insights of practitioners attempting to support them. In Chapter 44, Sarah Waite examines the role that trust plays in staff-prisoner relationships in open prisons and that pockets of ‘genuine/thick’ trust can be experienced when actions are perceived to be motivated by care and empathy. Cristina Vasilescu explores what works, and what could be improved, with women service-users from a practitioner’s perspective in Spain in Chapter 45, and how this differs from male service-user needs. In Chapter 46, Laura Haggar analyses the themes of relationships, safe spaces, and resettlement for women serving short sentences and the implications of this for probation practice. In the final chapter, Chapter 47, Annie Rose Crowley explores the roles and professional experiences of practitioners working with young criminalised women in Scotland, critiquing the narrative of inherent vulnerability that often accompanies this population.

We really hope that you will enjoy diving into this wonderful collection in the way we have enjoyed editing it. Although the chapters have been grouped into themes, there is considerable overlap in issues between the different themes demonstrating how ingrained the challenges faced by women with contact with CJSs are. While not an exhaustive list, some of the recurrent issues identified in the chapters discuss women’s victimisation, challenging family circumstances, class-based inequalities, racial discrimination, and marginalisation from policies and practices that offer the potential to safeguard and/or support women. What is apparent from the various chapters enclosed is that much more progress needs to be made with regards to women’s experiences of criminal justice across the globe. Research and analyses such as those presented in this Handbook must continue, and it has been our privilege to work with the contributors to provide a platform to disseminate these important conversations. It is through the tireless work of our contributors and their peers, positive change is being made, and we hope that we can continue to build upon good practice and work collaboratively together. Therefore, we bring this section to a close by thanking all of the fantastic contributors and their continued engagement in the process. We are grateful they have remained on this journey with us and have produced such thought-provoking and interesting chapters during challenging times.
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A Holistic Approach to Understanding and Responding to the Multiple and Complex Needs of Women Prison Leavers in Wales


“It is Nice to Know that for Once Someone is not Just Saying that they’re Backing your Corner, They are Actually Fucking Backing your Corner”
Women, the Pains of Imprisonment and Public Health Interventions


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**Accounting for the Gendered Nature of ‘Collateral Consequences’ of a Criminal Record**


A new emancipatory script


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“I don't Know where to Fit...How to Fit Back in...as a Mum...as a Person”


“She has Nothing really when she goes out of Prison”


