



HOW THE CRIMINAL
JUSTICE SYSTEM
IN NORTHERN IRELAND
**TREATS FEMALES
IN CONFLICT
WITH THE LAW**

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LIST OF ABBREVIATIONS

ACE	Assessment, Case Management and Evaluation
ASG	Analytical Services Group (in the DoJ)
CBRJ	Community Based Restorative Justice
CDO	Custody Detention Officer
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CJI	Criminal Justice Inspection Northern Ireland
CJS	Criminal Justice System
CPS	Crown Prosecution Service (in England and Wales)
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CRN	Community Resolution Notice
DoJ	Department of Justice
ECO	Enhanced Combination Order
ESI	Early Stage Intervention
HMI Probation	Her Majesty's Inspectorate of Probation
HMICFRS	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
HMIP	Her Majesty's Inspectorate of Prisons (in England and Wales)
HSC Trust	Health and Social Care Trust
IMB	Independent Monitoring Board
IOM	Integrated Offender Management
MATT	Multi-Agency Triage Team
MoJ	Ministry of Justice
NGO	Non-Governmental Organisation
NIACRO	Northern Ireland Association for the Care and Resettlement of Offenders
NIAO	Northern Ireland Audit Office
NICTS	Northern Ireland Courts and Tribunals Service
NIPS	Northern Ireland Prison Service
PACE	Police and Criminal Evidence (Northern Ireland) Order 1989
PBNI	Probation Board for Northern Ireland
PDP	Personal Development Plan

PDU	Prisoner Development Unit (in the NIPS)
PND	Penalty Notice for Disorder
PNP	Prisoner Needs Profile
PPS	Public Prosecution Service for Northern Ireland
PRISM	Prison Record and Information Technology System used by the NIPS
PRT	Prison Review Team
PSNI	Police Service of Northern Ireland
ROP	Reducing Offending in Partnership
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNODC	United Nations Office of Drugs and Crime
WSC	Women Specific Condition
YJA	Youth Justice Agency

CHIEF INSPECTOR'S FOREWORD

Being aware of and sensitive to the issues affecting women and girls who come into contact with our criminal justice system is not the same as taking action and delivering an effective response to address inequalities. A short prison sentence for a mother can be life changing for her child.

Gender responsiveness is not about a different standard being applied to police actions, prosecution decisions or probation practice because the defendant is a woman or a girl. Enforcing laws, bringing offenders to justice and the impact of crime on victims must prevail. However, it is about how criminal justice organisations take account of and deliver services specific to women and girls to provide equitable outcomes.

It was important that this inspection was not another research paper about why women and girls offend but rather how criminal justice organisations, in their own operations and as part of the wider criminal justice system, respond to them when they do. Importantly, it also gives some insight into the lived experience of women and girls when they come into contact with our criminal justice system.

This inspection was included in the programme following concerns raised by stakeholders that there were rising numbers of women and girl offenders in the system.

The inspection revealed that while women and girls still account for less than one fifth of arrests and court convictions, proportionately they are more likely than males to be imprisoned for theft and more likely to receive short sentences. Proportionately more girls were likely to be prosecuted or referred to the Youth Justice Agency for violence against the person offences. The rising number of female prisoners before the COVID-19 pandemic will need to be monitored closely as we progress the recovery of court trials, case disposals and sustained reduction in fine defaulters being imprisoned.

While the number of female offenders might not be considered high, the prevalence of increasingly complex mental and physical health issues, time spent in the care system, substance abuse and addiction, and victims of domestic abuse and violence among women and girl offenders was raised with Inspectors. As is often the case, we were impressed with the professionalism and expertise of practitioners who demonstrated genuine understanding of their service users' needs.

Some criminal justice system organisations are raising awareness and providing staff training about the impact of adverse childhood experiences on offenders and their dependants, as well as investing in trauma informed practice for providing services to individuals who have offended.

Regardless of the numbers, an important consideration is the real risk that generic sentencing options can lead to disproportionate outcomes for women, girls and their dependants. The need for gender responsive sentencing options that the judiciary can have confidence in, and female offenders can comply with, is explored in this report. Some important initiatives have been undertaken, like the Substance Misuse Court problem solving justice initiative, which is welcome as is a plan for a mental health court. Gender-informed practice was also evident in the Probation Board's Inspire model of practice with its focus on working with women through community interventions. However, while appreciating resource challenges, the Inspire model had not become the norm recommended a decade ago by the Prison Review Team. We found that the precise nature of the Inspire approach was unclear. This was not helpful, particularly when it has been evaluated as providing positive outcomes and a decision should be made on a commitment to its future, or a much needed alternative found.

The new Department of Justice led strategy for supporting and challenging women and girls in contact with the justice system has a real opportunity to succeed where previous strategies have not.

It can't be another strategy that sits on a shelf. It needs effective leadership, commitment from each partner organisation and adequate resources to deliver an ambitious action plan and the outcomes needed.

We have recommended that this report is considered before the new strategy is finalised and operational recommendations are included in early actions.

As with other important issues that have attracted a Champion network, individuals accountable in each organisation across the criminal justice system, could give a distinct focus to women and girls, both generally and in specific groups, tasked with delivering their organisations' strategy commitments and action plan objectives.

Issues affecting women and girls are very topical worldwide and close to home, exacerbated by the COVID-19 pandemic, political upheaval and some very traumatic and tragic cases. This isn't the first time CJI has completed an inspection commenting on outcomes for women and girls, but it is the first thematic across the key organisations in the criminal justice system focussing on gender awareness, sensitivity and responsiveness. So it is timely that we consider some of the most challenging and vulnerable people who conflict with the law, their journey through our criminal justice system and the opportunities to provide better services and outcomes.

My thanks to the Lead Inspector, Dr Roisin Devlin, and Deputy Inspectors, Muireann Bohill, David MacAnulty and Dr Ian Cameron for all their work on this inspection including the additional considerations and arrangements required because of the COVID-19 pandemic.

I also express my thanks to the Officers and staff in the Police Service of Northern Ireland, Public Prosecution Service, Northern Ireland Courts and Tribunals Service, Probation Board for Northern Ireland, Northern Ireland Prison Service, and the Youth Justice Agency as well as Department of Justice officials, who contributed to and supported this inspection.

In addition my particular thanks go to stakeholders including those who facilitated contact with women and girls who shared their criminal justice system experiences.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

November 2021



EXECUTIVE SUMMARY

Strategy and governance

Gender-specific measures entailed an approach that responded to the different needs of men and women. Poverty, child caring responsibilities, pregnancy, complex childhood trauma, and experiences of domestic and sexual violence were among the needs of many women who had offended. Gender-specific diversion, pre-trial options and alternatives to imprisonment that respected the rule of law and the rights of victims, were central to a gender-responsive approach.

Inspectors found the criminal justice system promoted a gender-sensitive ethos but needed to enhance gender responsiveness. A decade on, the Prison Review Team's recommendations to mainstream the Inspire model of probation supervision and establish a small women's custodial facility using a therapeutic model remained relevant.¹ In the current landscape, it was not possible to tell in any formalised or strategic manner the extent to which criminal justice measures had been responsive to females' offending risks and needs.

There was scope to improve the criminal justice system approach through developments underway. This included the Department of Justice consultation on a strategy to respond to women and girls' offending, the Probation Board for Northern Ireland's review of Inspire, and

the Youth Justice Agency's new '*Children First*' model. Inspectors considered there was also an opportunity to provide cross-system expectations for working with women and girls, and the identification of champions to lead on a gender-responsive criminal justice system approach.

Delivery

Globally, female offending risks and needs contended with a lack of resource and low prioritisation due to smaller numbers within the criminal justice system and in prison. In Northern Ireland, females made up over one tenth of stop and search activity, and less than one fifth of arrests and of persons convicted at court. After motoring offences, violence against the person and theft featured most highly among the main offences females were prosecuted for and convicted of at court. A greater proportion of females than males were convicted and immediately imprisoned for theft. Theft was also the most prevalent offence for women with sentences of one year or less. Overall, proportionately more females than males received short sentences.

Using their expertise and experience, criminal justice professionals were working with existing, mostly generic, and at times male oriented, out-of-court and community measures to operate where possible in a gender-responsive way. Probation Board for Northern Ireland staff had established a female only Community

1 The Inspire model was an approach to supervision of women in the community delivered by the Probation Board for Northern Ireland with partner organisations including from the voluntary and community sector.

Service Squad, Youth Justice Agency and Probation Board staff had sought out gender appropriate services in local areas, and Police Officers worked with community organisations to help de-escalate situations involving women often homeless, living with addiction and in crisis. A Multi-Agency Triage Team was delivered by police and Health and Social Care Trust colleagues to respond to people in crisis in some areas. Within prison, a Women's Support Worker had been supporting the most vulnerable women during custody and on release and a recent change to the Prisoner Needs Profile meant the Northern Ireland Prison Service was now recording information about domestic and sexual abuse experienced by women in its care.

The new Department of Justice Women and Girls strategy offered an opportunity to provide these examples of gender-responsive practice, which had often been dependent on the support of community groups, with strategic and operational drive and robust governance to ensure they were consistently available and properly resourced. Early intervention, out of court and diversionary measures would have benefitted from gender-specific options or clear operational standards to ensure generic measures were tailored in a gender-responsive way.

Girls under 18 years required special attention to ensure primary consideration of their best interests and gender-based vulnerability, especially in the context of detention. Management information showed a higher rate of prosecutions and Youth Justice Agency referrals for violence against the person offences among girls compared to boys.

Anecdotally, it was said this often occurred in the context of care homes but more work was required to understand it. Young women turning 18 years of age faced particular challenges and as a result, potential to develop gender-responsive criminal justice pathways and support for young adults was highlighted.

Special categories of females needed to feature within gender-responsive criminal justice approaches. This included mothers involved in the criminal justice system with dependent children. During this inspection, Inspectors also heard about the particular needs of foreign national females including those subject to immigration control and females belonging to an ethnic minority group including Travellers. The importance of guidance and training in relation to the specific needs of transgender people was also highlighted.

Outcomes

Women and girls were less likely to reoffend than men and boys. However, recent data showed a higher rate of non-compliance with community orders by adult women compared to men. This, along with the greater proportion of women than men in prison for short sentences and high rates of women remanded, stressed the need for targeted gender-responsive action. Monitoring of outcomes other than reoffending, including improved engagement, reduction in harm and resettlement was required, as was the establishment of baseline measures to ensure diversionary and non-custodial measures represented an alternative to imprisonment and did not draw additional numbers of women and girls into the criminal justice system.

RECOMMENDATIONS

STRATEGIC RECOMMENDATIONS

STRATEGIC RECOMMENDATION 1

Within nine months of report publication, the Department of Justice in collaboration with the Probation Board for Northern Ireland, the Northern Ireland Prison Service and other criminal justice agencies as appropriate, should develop cross cutting expectations for working with females in custody and in the community, and co-ordinate a network of champions nominated by the relevant criminal justice system agencies, who can help encourage and disseminate a more gender-responsive approach.

(paragraph 2.24)

STRATEGIC RECOMMENDATION 2

Within nine months of report publication, the Department of Justice in collaboration with the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Public Prosecution Service for Northern Ireland, the Youth Justice Agency, the Northern Ireland Prison Service and the Northern Ireland Courts and Tribunals Service, should develop a framework to ensure the best interests of children impacted by parental involvement in the criminal justice system, taking specific account of mothers with dependent children as detailed in this report.

(paragraph 3.112)

STRATEGIC RECOMMENDATION 3

The Department of Justice, working in partnership with all inspected organisations and key stakeholders, should ensure its new Women and Girls strategy and accompanying action plan is effectively led, resourced and monitored to deliver gender-responsive approaches and outcomes. Actions should take account of the issues raised in this report and include the explicit implementation of its operational recommendations.

(paragraph 4.14)

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

Within one year of report publication, the Police Service of Northern Ireland should develop a guide for Police Officers on a female-centred approach to women and girls' offending.

(paragraph 2.8)

OPERATIONAL RECOMMENDATION 2

Within six months of report publication, the Probation Board for Northern Ireland should complete and implement its review of the Inspire delivery model with ongoing training, review of resource and evaluation to ensure recommendation 35 of the Prison Review Team Report is delivered.

(paragraph 2.14)

OPERATIONAL RECOMMENDATION 3

Within one year of report publication, the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Public Prosecution Service for Northern Ireland, the Youth Justice Agency, the Northern Ireland Prison Service and the Northern Ireland Courts and Tribunals Service, should review existing training materials to ensure these are in line with international standards applicable to women and girls' involved in the criminal justice system including the Bangkok Rules.

(paragraph 3.8)

OPERATIONAL RECOMMENDATION 4

Within six months of report publication, the Youth Justice Agency should complete an action plan for the development of a sufficiently comprehensive and up-to-date analysis of the profile of children engaged with it to enable personalised and gender-responsive services for all children.

(paragraph 3.93)

OPERATIONAL RECOMMENDATION 5

Within one year of report publication, the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Public Prosecution Service for Northern Ireland, the Youth Justice Agency, the Northern Ireland Prison Service and the Northern Ireland Courts and Tribunals Service, should review policy and guidance and any associated training needs to ensure gender responsivity to special groups including foreign national females, those from ethnic minority groups and transgender people, in line with their identity.

(paragraph 3.119)

CHAPTER 1: INTRODUCTION

Gender responsivity

- 1.1 Needs associated with poverty, discrimination and domestic and sexual violence and abuse were a reality for many women and girls in conflict with the law. These needs manifested in ways distinct to women and girls. Reporting on the circumstances of imprisoned women, the United Nations (UN) Special Rapporteur on Violence Against Women noted that not all are victims of violence or their lived circumstances, but there was nonetheless an '*...undeniable link between violence and incarceration*' with a continuum of violence experienced by many such women globally.²
- 1.2 Identifying women as, '*...the fastest growing prison population globally*', the UN Office on Drugs and Crime (UNODC) developed a contemporary toolkit (the Toolkit) on Gender Responsive Non-Custodial Measures, '*... to provide support and guidance on taking steps to ensure that women in contact with the law are not detained or imprisoned unnecessarily and that detention is used as a measure of last resort.*'³ While always respecting the rule of law and the rights of victims, it promoted the least interventionist approach possible, acknowledging the harm to women in certain circumstances caused by criminal justice system contact.
- 1.3 Gender equality did not mean treating men and women the same:⁴ '*Measures to address the gender-specific needs and vulnerabilities of men and women or efforts to diminish or eliminate conditions, which cause or help to perpetuate discrimination are an essential part of ensuring equal treatment. CEDAW [Convention on the Elimination of all Forms of Discrimination Against Women] explicitly envisages measures that entail differentiation of treatment between women and men but are not considered as discrimination. Treating men and women the same may actually lead to or perpetuate discrimination against women.*' The Toolkit set out how gender sensitivity and gender responsivity were also not the same. The former was considering and raising awareness about norms, roles and inequalities, whereas action to address negative consequences of gendered roles and inequalities was what gender responsivity entailed. It supported moving beyond 'gender unequal' and 'gender blind' approaches that discriminated against women in contact with the criminal law.

2 *Pathways to, conditions and consequences of incarceration for women, Report of the Special Rapporteur on violence against women, its causes and consequences, GA/68/340*, available at <https://www.ohchr.org/Documents/Issues/Women/A-68-340.pdf>

3 *Toolkit on Gender-Responsive non-custodial measures, United Nations Office on Drugs and Crime, March 2020*, available at: https://www.unodc.org/documents/justice-and-prison-reform/20-01528_Gender_Toolkit_complete.pdf.

4 *Ibid*, page 19.

1.4 In its most recent examination of the United Kingdom (UK) Government's progress in implementing the CEDAW, the adoption of the Ministry of Justice (MoJ) Female Offender Strategy in England and Wales was welcomed. A similar strategy in devolved administrations and the necessity for sufficient resource to enable effective implementation was recommended.⁵ Notwithstanding challenges since reported in relation to the MoJ strategy's implementation,⁶ the UN Committee lauded its aim to divert the most vulnerable women from custody through tailored support. Continued development of alternative sentencing and custodial strategies, including community interventions and services was urged, as well as improved provision of mental health care services for women in prison: The Committee recommended that the State party:

'(a) Allocate sufficient resources to effectively implement the female offender strategy and ensure that a similar strategy is also adopted in other administrations of the State party;

(b) Continue to develop alternative sentencing and custodial strategies, including community interventions and services, for women convicted of minor offences; and

(c) Take further measures to improve the provision of mental health-care services in all prisons, taking into account the particular needs of women.'

1.5 The MoJ Female Offender Strategy referenced Baroness Corston's report, which in 2007 had highlighted a *'high prevalence of institutional misunderstanding of the things that matter to women.'*⁷ The MoJ strategy noted,⁸ *'Baroness Corston's seminal report, A review of women with particular vulnerabilities in the Criminal Justice System (2007), highlighted that the factors that can lead men and women to commit crime, and to reoffend, can vary significantly, as can the way men and women respond to interventions. Our own evidence review suggests that ensuring interventions are tailored appropriately to the particular needs of women can be more effective than applying a generic approach to men and women alike.'*

1.6 Its vision was for fewer women in contact with the criminal justice system, fewer in custody particularly on short-term sentences, and a greater proportion of women managed in the community. It also pledged better custodial conditions where female imprisonment was required.

5 CEDAW, *Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland*, 14 March 2019, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GBR/CO/8&Lang=En

6 See in particular, Prison Reform Trust, *An Analysis of the Government's Female Offender Strategy*, 14 April 2021, available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/Female%20Offender%20Strategy%20PRT%20Matrix%20140421.pdf>

7 *A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System, March 2007*, available at: <https://webarchive.nationalarchives.gov.uk/20130206102659/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

8 MoJ, *Female Offender Strategy*, June 2018, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf

The local context

- 1.7 In Northern Ireland, the Prison Review Team (PRT) in 2011 highlighted Baroness Corston's vision for one-stop holistic support tailored to the needs of women. It reported issues specific to females in Northern Ireland including a high proportion imprisoned for fine default, a high proportion remanded and an overuse of prescription drugs. The PRT commended the Inspire Model of probation supervision for women due to its support network grown from the women's movement in Northern Ireland. Without central funding, challenges existed: *'The fact that Inspire is operating outside the mainstream and with separate funding has allowed it to be innovative, flexible and dynamic. It has had to build on services and support systems that already exist for all women, rather than creating new and specific ones for women who offend, and thus pushing them into a criminal silo. However, the downside of this is that its funding is fragile and its reach limited. Some services are not resourced at all.'*
- 1.8 The PRT made two recommendations geared to meet women's needs.⁹ The first to adopt and centrally fund the Inspire Model as the norm, and the second to develop a new small custodial unit run around a therapeutic model supported by an acute mental health facility. Both remained unmet at the time of this inspection. In July 2021, the Independent Monitoring Board (IMB) recommended, *'A stand-alone women's prison should proceed as a matter of urgency; and a feasibility review is completed and published detailing plans for relocation of all students within current proposals to redevelop Ash and Beech Houses into a separate Female facility.'*¹⁰
- 1.9 'Gender matters' was the Inspire Model's guiding principle. To avoid disproportionate negative impacts on women, children and families, it embraced, *'[a] supportive women only environment where women can be supported to address the impact of sexual abuse and violence, to improve self-esteem and empowered to take control of their lives thus reducing likelihood of reoffending.'*¹¹ Inspire rejected a reductive model focused only on risks and instead *'encouraged women to experience success through making positive choices.'* An evaluation by London South Bank University in July 2010 showed an average three-point reduction in Assessment, Case Management and Evaluation (ACE) scores (from 21 to 18) for 309 women engaged with Inspire.¹² It was noted that, *'[g]iven that the majority of women fall into the low to medium categories in their likelihood of reoffending, this reduction in ACE score is statistically significant.'*¹³

9 Prison Review Team Final Report, October 2011, Recommendation 35 and 36, available at: <https://niprisonombudsman.gov.uk/files/Review%20of%20the%20Northern%20Ireland%20Prison%20Service%20-%20Prison%20Review%20Team%20Final%20Report%20October%202011.pdf>

10 IMB, Annual Report 1 April 2019 - 31 March 2020, Hydebank Wood College & Ash House Women's Prison, available at: <https://www.imb-ni.org.uk/publications/19-20/t0QY27UY.pdf>

11 O'Neill, J. *The Inspire Women's Project: Managing Women Offenders within the Community*, Irish Probation Journal, Volume 8, October 2011, available at: <https://www.pbni.org.uk/wp-content/uploads/2015/02/Irish-Probation-Journal-2011.pdf>

12 Ibid page 104. The ACE (Assessment, Case Management, and Evaluation) score is based on a system used by the PBNI to assess the likelihood of general reoffending risks (see PBNI, *ACE: Assessment, Case Management, and Evaluation system, A Practical Guide, revised July 2011*, available at: <https://www.pbni.org.uk/wp-content/uploads/2016/12/Appendix-1-FOI-023.20.16-PS-Clarification-on-the-ACE-risk-assessment-tool-used-by-PBNI.pdf>).

13 Ibid, page 104.

- 1.10 An important body of research about females' experiences of criminal justice in Northern Ireland existed, within which support for Inspire continued. Impacted by diminished funding, the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) recommended Inspire's reinstatement as a cornerstone for women's community-based support.¹⁴ It urged promotion of custodial alternatives for women and recommended the Department of Justice (DoJ) lead on monitoring the impact on women of potential crimes related to poverty and crimes connected to human trafficking, migration and associated support needs.
- 1.11 At the same time, gender-responsive services accessible only through Inspire, which required probation supervision, risked 'up-tariffing' to meet needs otherwise unmet through diversion.¹⁵ Focusing on alternatives to remand, academic research called for gendered options for diversion from the point of policing, including alternative responses to women in alcohol, drug and mental health crisis. Support for street triage and crisis de-escalation services was also highlighted, as well as bail options that included partnerships for gender-specific bail support systems and gender-responsive hostels.¹⁶
- 1.12 While drawing on learning from other jurisdictions, it was important that conflict-related trauma, paramilitary violence and intimidation among the vulnerabilities of women in Northern Ireland who offend were not overlooked:¹⁷ *'Women exiting prison in Northern Ireland share histories of unmet needs in relation to mental and physical ill health, addictions, victimisation, severe poverty and social exclusion in line with other jurisdictions. However, their lives are further exacerbated by experiences of conflict-related violence, intimidation, feelings of unsafety and communal division.'* It noted that 'resettlement' suggested women were settled in the first place, when this was often not the case.
- 1.13 The most recent inspection of Ash House Women's Prison Hydebank Wood¹⁸ found significant progress in three of the four healthy prison tests: safety, respect and resettlement, with continued improvement required in the area of purposeful activity. On 'resettlement,' timely completion of needs assessments, identifying and informing future accommodation needs, and a review of specialist advice on finance, benefits and debts remained unachieved. The development of better systems to identify and support victims of abuse, and monitor sustainable accommodation 12 weeks after release was recommended.

14 Campbell, K. *Transforming Lives: A Study looking at the landscape of support for Women who offend and ways to move forward in Northern Ireland, Spring 2020*, available at: <https://www.niacro.co.uk/sites/default/files/publications/Transforming%20Lives%20K%20Campbell%20Spring%202020.pdf>.

15 Kerr, J. *The [re]settlement of women prisoners in Northern Ireland: From rhetoric to reality, Howard League What is Justice? Working Papers 8/2014*, available at: https://howardleague.org/wp-content/uploads/2016/04/HLWP_8_2014.pdf.

16 McNaul, G. *The Space In-between: The gendered marginalisation of women's custodial remand, Queen's University Belfast Policy Briefing Paper, February 2019*, available at: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/172196310/Policy_Briefing_2.pdf.

17 Kerr, J. *The [re]settlement of women prisoners in Northern Ireland: From rhetoric to reality, Howard League What is Justice? Working Papers 8/2014*, available at: https://howardleague.org/wp-content/uploads/2016/04/HLWP_8_2014.pdf.

18 CJI, *Report of an unannounced inspection of Ash House Women's Prison Hydebank Wood, 23 - 24 October and 4 - 7 November 2019*, available at: <https://www.cjini.org/getattachment/9edcceaefb5c-4cde-9b01-4b8aea6ca465/report.aspx>.

1.14 Criminal Justice Inspection Northern Ireland's (CJI's) thematic inspection of resettlement by the Northern Ireland Prison Service (NIPS) had also stressed the importance of supporting women with experiences of violence and abuse.¹⁹ Highlighting the importance of gender responsiveness within all applicable guidance, the CJI Safety of Prisoners inspection had recommended particular attention to women's needs in a review of the NIPS Violence Reduction and Anti-bullying Strategy and an examination of the particular substance misuse needs of women.²⁰ The inspection also underlined the prevalence of acquired brain injury among people in prison. It outlined research showing a 79% prevalence rate among women in prison, which was undoubtedly pertinent to designing a gender-responsive approach,²¹ 'O'Rourke et al. found a 79% prevalence rate for previous traumatic brain injury amongst women prisoners in Northern Ireland with 38% of women reporting six or more previous injuries. The majority of injuries were sustained as result of either childhood or partner physical abuse.'

This inspection

1.15 Acknowledging inspections related to women and girls in specific circumstances, such as imprisonment, or within specific aspects of thematic reports, this was CJI's first full inspection of the criminal justice system's treatment of females in conflict with the law. 'Conflict with the law' referred to those females suspected or convicted of offending. 'Females' included women and girls under 18 years. While many aspects of this inspection were relevant to women and girls, Chapter 3 includes a section dedicated to girls as a particular group.²²

1.16 The inspection did not duplicate the routine joint inspections of Ash House Women's Prison or Woodlands Juvenile Justice Centre, nor did it encompass women within offender management and public protection arrangements.²³ It focused instead on those women and girls highlighted to be at greatest negative impact from criminal justice system contact. This included females in repeated contact with the system the nature of which was often referred to as a 'revolving door', those serving short prison sentences and older girls at risk of entering the adult justice system.

19 CJI, *Resettlement: An inspection of resettlement in the Northern Ireland Prison Service, May 2018*, available at: <http://cjini.org/getattachment/1ded7a6c-034e-4a62-bf02-96ee30584645/report.aspx>.

20 CJI, *The Safety of Prisoners Held by the Northern Ireland Prison Service: A Joint thematic inspection by Criminal Justice Inspection Northern Ireland and the Regulation and Quality Improvement Authority, November 2019*, available at: <http://www.cjini.org/getattachment/3a70dd41-7bb3-430d-9901-3ed7a191cf94/report.aspx>.

21 Ibid. page 18, citing O'Rourke et al. *Traumatic brain injury and abuse among female offenders compared to non-incarcerated controls. Brain Injury 32(13-14): 1-8 October 2018*, available at: https://www.researchgate.net/publication/328608732_Traumatic_brain_injury_and_abuse_among_female_offenders_compared_to_non-incarcerated_controls.

22 The UNODC Handbook on Women and Imprisonment notes that 'All topics discussed in this Handbook apply to girl prisoners. In addition, there needs to be awareness of their especially vulnerable status, as well as their special needs due to their age, and additional measures need to be taken to ensure their safety and prevent discrimination against them,' (*United Nations Office on Drugs and Crime, Handbook on Women and Imprisonment, 2nd edition, United Nations, New York, 2014*, available at: https://www.unodc.org/documents/justice-and-prison-reform/women_and_imprisonment_-_2nd_edition.pdf).

23 Inspectors met with police responsible for offender management and public protection and were made aware that due to the small number of women compared to men within these arrangements, female specific interventions were not available.

- 1.17 This inspection aimed to examine how the criminal justice system in Northern Ireland treated females in conflict with the law. The inspection undertook fieldwork within the criminal justice agencies involved in these types of cases; namely the Police Service of Northern Ireland (PSNI), the Public Prosecution Service for Northern Ireland (PPS), the NIPS, the Probation Board for Northern Ireland (PBNI), the Youth Justice Agency (YJA) and the Northern Ireland Courts and Tribunals Service (NICTS). Inspectors also engaged with the DoJ.
- 1.18 Due to COVID-19 and in line with public health requirements, the majority of the fieldwork for this inspection was completed by video or telephone call. The fieldwork adopted a qualitative approach with Inspectors completing face-to-face individual or focus group interviews with staff at various levels within the organisations. Inspectors triangulated issues raised by interviewees with documentation supplied and file reviews in order to check and validate findings. Inspectors also heard from women and girls with recent experience of the criminal justice system. Their insights informed the types of areas explored during fieldwork with justice agencies, as well as the recommendations in this report.
- 1.19 Inspectors also spoke to stakeholders from community and voluntary organisations providing support and services to females in conflict with the law, the Presiding District Judge (Magistrates' Court) in relation to the Substance Misuse Court and to other interested parties including academics. Inspectors completed a review of 17 files relating to women and girls held in police custody by the PSNI. A review of 11 youth conference reports from the YJA, 11 written responses from females and a parent who had worked with the YJA, six PBNI court reports and six NIPS sentence plans was also undertaken. Further details on the methodology used and organisations and individuals consulted can be found in Appendix 1.
- 1.20 Inspectors took account of the UK Government's international obligations applicable to females in conflict with the law, in particular, the CEDAW and the UN Convention on the Rights of the Child (UNCRC). The UN Rules on the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), which supplemented international standards with recommendations for how criminal justice systems should treat women and girls, as well as the children of women prisoners, were also used for this inspection. The UNODC Toolkit, which was applicable to adult women only, and the UNODC Handbook on Women and Imprisonment (the UNODC Handbook, applying to women and girls), informed the inspection too. The UNODC Toolkit and Handbook offered important guidance to criminal justice professionals and policy makers, and Inspectors were assisted by the approaches promoted by each. The General Comment of the Committee on the Rights of the Child on children's rights in juvenile justice, and the UN Beijing Rules²⁴ also informed the approach in respect of girls.

24 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules'), adopted by A/RES 40/33, 29 November 1985

CHAPTER 2: STRATEGY AND GOVERNANCE

System wide strategy

- 2.1 During 2021, the DoJ consulted on a *'proposed strategy to support and challenge women and girls in contact with the justice system'* ('the Strategy').²⁵ The proposed framework *'empowering change in women's lives'* was the core Strategy to focus on women and girls contact with the criminal justice system in Northern Ireland. It recognised the need for a *'trauma informed, modern and shared understanding of the offending of women and girls'* and a range of stakeholders and women and girls who had experienced the criminal justice system had informed its development.²⁶ At the time of the inspection, the Strategy document had not yet been finalised.²⁷
- 2.2 The consultation document acknowledged that *'a distinct approach is needed for women and girls'* due to *'needs, vulnerabilities and patterns of offending and engagement'* that are different to men and boys. It set out related strategies and obligations within the wider strategic context including in the justice sector and beyond, relevant reviews and extant research. Its vision was to end harm by empowering women and society supported by principles that were gender-informed and person centred; trauma informed and holistic; pro-active and responsive. Three strategic themes with associated key priorities supported overarching priorities related to a culture of prevention and early intervention, community options, and custody. They were:
- Theme 1: Prevention and diversion;
 - Theme 2: In the community; and
 - Theme 3: In custody and reintegration.

It was Inspectors view that the ethos and focus had sought to harness well-established principles and research about females in conflict with the law. The DoJ teams' work to involve women and girls in the strategy's development was also of note.

25 Information about the public consultation was available here <https://www.justice-ni.gov.uk/consultations/proposed-strategy-support-and-challenge-women-and-girls-contact-justice-system>.

26 DoJ, *Proposed Framework 'Empowering change in women's lives' Strategy for supporting and challenging women and girls in contact with the justice system, January 2020*, available at: <https://www.justice-ni.gov.uk/sites/default/files/consultations/justice/consultation-document.pdf>.

27 Prior to finalising this report, the DoJ had published a summary of the consultation responses to the proposed Strategy, which indicated an intention to publish a final Strategy and Action Plan by March 2022 (available at: <https://www.justice-ni.gov.uk/publications/consultation-report-proposed-strategy-supporting-and-challenging-women-and-girls-contact-justice>).

- 2.3 International standards called for recognition of women’s special needs within the criminal justice system. The basic principle of the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) was to recognise the distinctive needs of women prisoners and that *‘providing for such needs in order to achieve substantial gender equality shall not be discriminatory.’*²⁸ This included the development and implementation of appropriate non-custodial measures for women who had offended.
- 2.4 It was important that strategy supported recognition of women and girls’ distinctive needs and allayed any fears among criminal justice workers that to do so was discriminatory. Inspectors were not confident this had been achieved. Those who spoke to Inspectors often stressed that *‘everyone is treated the same’* even though the examples discussed reflected that women’s particular needs had either been apparent or accommodated. Those working in the criminal justice system needed support to champion women and girls’ specific needs and the distinctive ways to meet them. It was Inspectors view that development of a new Strategy provided an opportunity to do this.
- 2.5 The Strategy also needed to lead on and drive the development and implementation of properly resourced gender-responsive options for diversion, pre-trial and sentencing alternatives as provided for within the Bangkok Rules. Rule 57 *‘[...] Gender-specific options for diversionary measures and pretrial and sentencing alternatives shall be developed within Member States’ legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities.’* These were not discernible at the time of the inspection and it was important that the future development of the proposed framework and strategy in relation to women and girls developed this.
- 2.6 Inspectors acknowledge the ‘promising practice’ outlined within the proposed strategy and the potential for criminal justice workers to adopt a gender-informed response in applying these in certain circumstances. However, at the strategic level, it was not possible to tell with any degree of certainty the availability of, or consistency in, adopting gender-responsive approaches. Standards to show how practices outlined within the DoJ strategy such as the Multi-Agency Triage Team (MATT) pilot,²⁹ the Reducing Offending in Partnership (ROP), the Enhanced Combination Order (ECO), or the Substance Misuse Court had been gender-responsive were not apparent. Some, such as the ROP, (discussed further in Chapter 3), was informed distinctly by men’s offending. As one interviewee explained, *‘the majority of women are not suitable for ROP’* because they *‘do not generally meet the threshold,’* which was based on prolific neighbourhood crime.

28 UN Rules for the Treatment of Women Prisoners and Non-custodial measures for Women offenders with their commentary, available at https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf.

29 The MATT pilot operated in Ards, North Down and Lisburn policing areas and involved mental health practitioners and paramedics working alongside Police Officers to provide help to vulnerable adults with mental health difficulties (See PSNI, *Policing and mental health related incidents*, available at https://www.psnipolice.uk/advice_information/policing-and-mental-health/).

Criminal justice organisations' strategy

- 2.7 The PSNI did not have a specific strategy for working with women and girls in conflict with the law. The PSNI Crime Prevention Strategy 2025 'Prevention First' was launched in April 2021. A focus on victims, the offender and location of the crime was its fundamental approach. The seven key drivers for crime in Northern Ireland were opportunity; profit; alcohol; terrorist and paramilitary activity; drugs; character and effectiveness of criminal justice. The mindset and culture of the organisation was 'Prevention First' with leaders tasked to role model this to staff, partners and communities. Those who spoke to Inspectors from within the PSNI described a focus that was person-centric rather than gender-specific and that while gender had a role in decision-making, the person came first.
- 2.8 Traditional crime prevention approaches risked overlooking females' specific journeys and pathways to crime. The MoJ fact pack for police forces in England on managing vulnerability in respect of females who offend noted how '*...the focus of the CJS [criminal justice system], perhaps understandably, has been on addressing the needs of the majority, male offenders. The typical nature of female offending has meant that in the past it has not been identified as a priority in terms of its impact on communities.*' In order to influence female offending, '*concentrated dedicated approaches to identify vulnerability from what is often a low level but persistent offending group*' were required.³⁰ Inspectors recognise the potential for the outworking of the PSNI 'Prevention First' action plan to advance gender-responsive approaches, particularly within its 'character' strand, which recognised that,³¹ '*Vulnerability has a significant impact in peoples' early and later lives. Our thinking needs to be trauma-informed, recognising the effect that Adverse Childhood Experiences have on peoples' lives. These can be a source of trauma and criminal behaviour from truancy through to the committing of a criminal act. This will allow us to develop policies which embed trauma informed practice in how we reduce vulnerability.*' However, a guide for Police Officers on a female-centred approach to women and girls' offending would have been beneficial.

OPERATIONAL RECOMMENDATION 1

Within one year of report publication, the Police Service of Northern Ireland should develop a guide for Police Officers on a female-centred approach to women and girls' offending.

³⁰ MoJ, *Managing Vulnerability: Women. Fact pack. June 2018*, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721190/police-guidance-on-working-with-vulnerable-women-web.pdf

³¹ PSNI, *Crime Prevention Strategy 2025 'Prevention First', April 2021, copy provided to CJI.*

2.9 The PPS did not have gender-specific guidance for Prosecutors. The PPS *Code for Prosecutors* contained the core guidelines and general principles for prosecutorial duties and decision-making.³² Prosecutors' duties included the requirement to be, '*...fair independent and impartial. They must not allow any personal views about gender, age, disability, religion or belief, ethnic or national origin, political views, sexual orientation of the suspect, victim or a witness to improperly influence their decision.*' Prosecutors stressed the importance of an impartial approach. The PPS *Guidelines for the Use of Diversion* contained no references to gender or women. The PPS recognised that while the Crown Prosecution Service (CPS) provided some gender-specific guidance for Prosecutors in England and Wales, this had been part of the broader MoJ Female Offender Strategy.³³

2.10 The CPS guidance referred to by the PPS was to assist Prosecutors in England and Wales in deciding if a conditional caution with a 'women specific condition' (WSC) was an appropriate disposal. It referenced the Corston Report and the MoJ Female Offender Strategy confirming that '*...for all offenders, custody should be a last resort, reserved for the most serious offences. The impact of custody on women, many of whom are sentenced for non-violent, low level but persistent offences, often for short periods of time, is particularly significant.*' While noting that imposition of a conditional caution is a serious matter and must be proportionate, a caution with WSC involving referral to a Women's Community Project or similar could be appropriate in addressing offending behaviour in certain circumstances: '*Such a condition may be useful where various factors relevant to the woman concerned are identified at the time of decision making. These could include:*

- *evidence of domestic or sexual abuse;*
- *mental health issues;*
- *drug use;*
- *alcohol dependency; and*
- *parenting issues.'*

As the PPS highlighted to Inspectors, a framework for this approach did not exist in Northern Ireland. The PPS indicated that if it did, it would need to align its approach to the relevant requirements.

2.11 The Inspire Women's Project was formed as a pilot by the PBNI in October 2008 '*...to develop a new, enhanced range of women-specific services in the community to reduce women's offending through targeted community based interventions.*'³⁴ In October 2011, the PRT recommended that, '*The Inspire model should be adopted as the norm for dealing with women who offend. It should be centrally*

32 PPS, *Code for Prosecutors*, July 2016, available at: <https://www.ppsni.gov.uk/sites/ppsni/files/publications/PPS%20Code%20for%20Prosecutors.pdf>.

33 CPS, *Diverting Women Offenders and the Women Specific Condition (within the national Conditional Cautioning Framework)*, November 2019, available at: <https://www.cps.gov.uk/legal-guidance/diverting-women-offenders-and-women-specific-condition-within-national-conditional>.

34 PBNI Self-Assessment provided to CJI for this inspection, November 2020.

*funded, but planned and delivered by a partnership of statutory, voluntary and community organisations.*³⁵ The PBNI indicated that following 2015, it continued to provide the Inspire project with reduced services due to financial constraints affecting the statutory, voluntary and community sectors but remained committed to a shared vision to support women in the community.

- 2.12 In practice, this meant that since March 2020, a dedicated women-only space for the Inspire Project in the Belfast Area ceased to exist. Delivery of the Inspire model by a dedicated Area Manager, what had in practice been female Probation Officers and funded partners in Belfast, also ended with the transition of the Inspire staff and workload to the Greater Belfast Area probation teams. Across these teams, Inspectors encountered a mixture of scenarios for the management of women. In some instances, the relocated Inspire staff member retained the caseload of existing and new female service users, in others there had been distribution across the team. As was the case previously, Rural Areas continued to supervise women as part of the generic caseload.
- 2.13 The PBNI indicated that supervision of women in the Greater Belfast and Rural Area Teams continued to adopt the Inspire model. Nevertheless, despite the many positive examples of their work with women, Inspectors were unable to find consistent support for this. During fieldwork, planning and arrangements for transition to community teams remained unclear, as did the precise nature of and standards for the delivery model. Research which outlined the Inspire Women's Project, its background and principles was available to Inspectors and the PBNI explained its intention to continue with this approach.³⁶ However, strategic documentation outlining principles and expectations for the Inspire model was not available at the time of the inspection.
- 2.14 A PBNI review of the Inspire delivery model offered potential and opportunity to reinvigorate the approach. This proposed staff within generic teams dedicated to working with women and a full time dedicated Area Manager.³⁷ The PBNI indicated that, *'...an action plan will be developed which will include training, communication and engagement, research and evaluation schedule and practice forums.'* As the proposals had not been implemented, Inspectors were unable to examine this in practice. While the PBNI ceased to directly fund women's services, teams had been seeking out services for women through various community provisions. It was important to acknowledge that future delivery of Inspire was still being designed. Adequate and equitable access to properly resourced services responsive to women's offending risks and needs would be crucial to adopting Inspire as the norm.

35 PRT Prison Review Team Final Report, October 2011, Recommendation 35, available at: <https://niprisonerombudsman.gov.uk/files/Review%20of%20the%20Northern%20Ireland%20Prison%20Service%20-%20Prison%20Review%20Team%20Final%20Report%20October%202011.pdf>.

36 O'Neill, J. *The Inspire Women's Project: Managing Women Offenders within the Community*, Irish Probation Journal, Volume 8, October 2011, available at: <https://www.pbni.org.uk/wp-content/uploads/2015/02/Irish-Probation-Journal-2011.pdf>.

37 PBNI internal paper, April 2021, provided to CJI in July 2021 by the PBNI as part of this inspection.

OPERATIONAL RECOMMENDATION 2

Within six months of report publication, the Probation Board for Northern Ireland should complete and implement its review of the Inspire delivery model with ongoing training, review of resource and evaluation to ensure recommendation 35 of the Prison Review Team Report is delivered.

- 2.15 The YJA did not have a specific strategy for working with girls. In 2019, it established a cross-directorate working group to consider a YJA approach to working with girls. Work on this was paused to take account of the development of the DoJ proposed framework and strategy relating to women and girls with the YJA intending to align any agency specific approach with the overarching framework. The '*Children First, Offenders Second*' approach modelled in Wales was informing the development of a new YJA Model of Practice, which would be applicable to all children and young people using its services. The YJA noted that the '*Children First*' model did not contain anything specifically tailored for young women. Rather, the model was child-centred offering, '*... a whole child, preventative and diversionary approach that normalises offending by children and promotes strengths and positive behaviour. The model is grounded in the principles of child-friendly, child-appropriate and legitimate practice as a means of engaging children with youth services and interventions.*'³⁸
- 2.16 There was no particular strategy for women and girl defendants within the NICTS. The NICTS indicated it was cognisant of any overarching DoJ frameworks and would be responsible for implementing any aspects of the strategy relating to women and girls applicable to it. The NICTS had been involved in inter-agency groups for the strategy's development. Accessibility of the court estate was particularly important for all service users and in recovering from the COVID-19 pandemic (the pandemic), planning for access needs in attending courts virtually or in person would be important, including for female defendants.
- 2.17 The NIPS was the only inspected organisation with women specific standards, with the NIPS '*Gender-specific Standards for Working with Women Prisoners*' published in November 2010. These applied in the context of pre-custody, reception and the first night in custody, induction, health care, safer custody, day-to-day living, security, managing order, offender management and resettlement pathways. The needs of particular groups of women were also included in respect of foreign national women, women from Black and Minority Ethnic Groups, indeterminate and life sentenced women, young women, older women, women with disabilities and a dedicated section for mothers and babies. Management issues, training and support were also referenced.

38 Case, S. and Haines, K. '*Children First, Offenders Second: The Centrality of Engagement in Positive Youth Justice*', Nov 2014, *The Howard Journal of Crime and Justice*, 54 (2), Abstract.

The foreword by the then NIPS Director General declared the intention to meet women's specific needs: *'These standards aim to ensure that the services and interventions delivered to women in custody are tailored appropriately to their needs, and are responsive to the considerable vulnerabilities they often present.'*

- 2.18 Responsivity to women's vulnerabilities remained a challenge in the absence of a purpose built facility dedicated to meeting women's needs. The DoJ proposed strategy stated there was work *'...ongoing on a potential new distinct modern, open and therapeutic female facility at Hydebank Wood.'* The DoJ and NIPS highlighted to Inspectors a business case submitted for consideration in September 2020 but with delivery dependent on the provisions of capital funding within wider Northern Ireland Executive budget considerations. Inspectors reiterate the PRT recommendation for *'a new small custodial facility for women should be built, staffed and run around a therapeutic model. It should be supported by an acute mental health facility and draw on a network of staff, services and support in the community.'*³⁹ This was important to better meet the women's specific needs. Without it, even best efforts to achieve this entailed a degree of afterthought, which was inevitable when working around a facility designed for males. As one woman told Inspectors, it felt *'...[they were] stuck in with the kids [young males], not taken seriously and half arsed.'*
- 2.19 It was important that all criminal justice organisations developed appropriate guidance to frame their work with women and girls. Inspectors note the cross cutting policy framework to set out expectations for the delivery of services for working with women in custody and in the community pursuant to the MoJ Female Offender Strategy in England and Wales.⁴⁰ In the absence of an overarching guidance document, a cross cutting framework with practical expectations for working with females in custody and in the community would enhance the approach of the criminal justice system in Northern Ireland.

Governance arrangements

- 2.20 This DoJ proposed Strategy's scope applied *'...to the Department of Justice, justice agencies and key partners involved in delivering services and programmes to women who offend or are at risk of offending.'* Buy-in across and beyond criminal justice was key due to the complex and multi-agency nature of women and girls specific needs and vulnerable circumstances. The DoJ proposed to put in place comprehensive governance and oversight arrangements acknowledging the need for a partnership approach across justice and with partners. A Delivery Group reporting to the Reducing Reoffending Strategic Outcomes Group and upward to the Minister of Justice was proposed.

39 PRT Prison Review Team Final Report, October 2011, Recommendation 36, available at: <https://niprisonerombudsman.gov.uk/files/Review%20of%20the%20Northern%20Ireland%20Prison%20Service%20-%20Prison%20Review%20Team%20Final%20Report%20October%202011.pdf>. As above,.

40 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/767304/women_s-policy-framework.pdf

- 2.21 A 'Whole system approach' to address women's offending had been core to the MoJ Female Offender Strategy, which had part-funded several areas in England and Wales to develop this.⁴¹ An evidence assessment identified seven priority areas for achieving better outcomes for women, which mandated a multi-agency approach. Whether evidence for these or other priority areas existed in Northern Ireland, input from housing, health, social care, employment and education was required. Writing recently on 'pandemic lessons' for prisons and the future, the National Chair of the Independent Monitoring Boards, noted how: *'Prisons don't build or rent homes, offer jobs, ensure effective community mental health or substance misuse services. These are provided and resourced by others, including other parts of government. During COVID-19, it was partnership working that reduced homelessness and provided swifter access to benefits. That needs to be replicated on a larger scale or prisons will still have rapidly revolving doors.'*⁴² In the absence of broader ownership, and with the added challenges of recovering from the COVID-19 pandemic, whether the governance structures within the DoJ's proposed strategy secured the necessary cross-Departmental input was uncertain. Inspectors heard about the centrality of cross-Departmental support for multi-agency statutory and non-statutory gender-responsive services throughout the fieldwork for this inspection. Initiatives included within the DoJ proposed Strategy for women and girls, such as the MATT and Support Hubs,⁴³ required much broader strategic, multi-agency support, as these could not be driven by the police alone.
- 2.22 Not all of the inspected agencies had specific leadership roles for women and girls. A dedicated leadership role for females in conflict with the law or a governance group for the management of female offenders' vulnerabilities had not existed within the PSNI. Potentially plans for the governance of Support Hubs could encompass this. However, there was no clear work stream at the time of the inspection. There was no specific leadership or governance role specific to females within the PPS, although it reported that its Victim Champion provided oversight on all relevant issues including gender considerations. At the time of fieldwork, a PBNI Assistant Director held responsibility for the management of women service users although the PBNI proposed a dedicated Area Manager for women service users in its review of the Inspire model. Responsibility for girls within the community was encompassed within a YJA Assistant Director role.
- 2.23 At the start of this inspection, the NIPS had two Governors responsible for female residential areas. The NIPS reported that both acted as champions for a gender-informed approach, assumed rather than specified within the job role.

41 MoJ, *A Whole System Approach for Female Offenders: Emerging Evidence*, June 2018, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719771/guide-to-whole-system-approach.pdf.

42 Dame Owers, A. *Prisons and the Pandemic: Lessons for the Future: Guest Blog – IMBs*, 18 June 2021, available at: <https://blog.govnet.co.uk/prisons-and-the-pandemic-lessons-for-the-future>.

43 Support Hubs involved a cross-agency approach to help those in vulnerable circumstances through early intervention. Support Hubs involved various professionals including police, health and social care, and the voluntary sector (see PSNI advice and information available at: https://www.psni.police.uk/advice_information/policing-and-mental-health/).

The UNODC *Handbook on Women and Imprisonment* advised prisons to:⁴⁴ 'Ensure that prison management is gender-sensitive, including the following components:

- taking affirmative action to counter-balance discrimination encountered by women prisoners;
- adopting a gender-sensitive management style;
- recognizing the different needs of female prisoners and providing programmes and services that address these needs; and
- ensure that the multiple needs of women from ethnic and racial minority groups and foreign national prisoners are taken into account in programming.'

During the inspection, Ash House Women's Prison Hydebank Wood experienced a change in Governors. Inspectors were unable to consider the new arrangements as part of this inspection but it was important that leadership adopted the advised approach.

2.24 In order to drive change in the whole system's approach to women and girls in conflict with the law, there was scope for the Criminal Justice Board to exercise a leading role. As discussed further in the outcomes section of this report, oversight of actions and targets to reduce short sentences and the use of custodial remand for women in particular were required. Reasons for the overall increase in women's imprisonment (discussed further in Chapter 3) and measures to address this needed a cross-system approach. CJ's inspection of the CJS application of Section 75 of the Northern Ireland Act 1998 suggested this as a focus area for the Criminal Justice Board.⁴⁵ It remained an area of work, which Inspectors believed a Criminal Justice Board focus could bring benefit. UN guidance on non-custodial measures for women suggested that states 'Identify "champions" within the justice sector who can help to encourage and disseminate a more gender-responsive approach.'⁴⁶ This was an area across the CJS that would be beneficial for the DoJ in collaboration with the criminal justice agencies to take forward.

STRATEGIC RECOMMENDATION 1

Within nine months of report publication, the Department of Justice in collaboration with the Probation Board for Northern Ireland, the Northern Ireland Prison Service and other criminal justice agencies as appropriate, should develop cross cutting expectations for working with females in custody and in the community, and co-ordinate a network of champions nominated by the relevant criminal justice system agencies, who can help encourage and disseminate a more gender-responsive approach.

44 UN Handbook, available at: https://www.unodc.org/documents/justice-and-prison-reform/women_and_imprisonment_-_2nd_edition.pdf

45 *CJI, Equality and Diversity within the Criminal Justice System: An inspection of the implementation of Section 75(1) of the Northern Ireland Act 1998*, September 2018 available at <https://www.cjini.org/TheInspections/Inspection-Reports/2018/July-September/Equality-and-Diversity-within-the-Criminal-Justice>.

46 *Toolkit on Gender-Responsive Non-Custodial Measures*, United Nations Office on Drugs and Crime, March 2020, available at: https://www.unodc.org/documents/justice-and-prison-reform/20-01528_Gender_Toolkit_complete.pdf.

CHAPTER 3: DELIVERY

Training

- 3.1 Recognising that broader strategies and policy impact women's imprisonment, the UN Handbook on Women and Imprisonment called for training for all central actors:⁴⁷ *'...criminal justice officials, need to be trained on the provisions of the Bangkok Rules and sensitized to the situation and needs of women in the criminal justice system. To this end, existing training materials should be reviewed and revised to bring them in line with the provisions of the Bangkok Rules, and additional training, conferences and seminars organised for the police, prosecutors, judges and prison staff.'* To apply key-features of the legal system in a more gender-responsive way, the UN Toolkit on Gender-Responsive Non-Custodial Measures also suggested criminal justice systems *'[c]onduct mandatory training for professionals working in the justice sector on gender-responsive application of criminal law, in particular making sure they are familiar with provisions of the Bangkok Rules. Training should also look at understanding the underlying causes of women coming into contact with the law.'*⁴⁸
- 3.2 While not gender-specific, all criminal justice agencies reported increasing emphasis on trauma informed practice and as a result, those Inspectors spoke to reported either having received trauma informed training or that it had been available to different groups of staff. Trauma informed training included a focus on understanding Adverse Childhood Experiences.
- 3.3 Rollout of this training within the PSNI had been paused due to the COVID-19 pandemic. During focus groups with Inspectors, there was a mixed response from Police Officers as to whether or not they had received it. Youth Diversion Officers had not been included in the routine rollout of the trauma informed training and it was important the programme encompassed them. The Student Officer Development Programme did not have a module focused on females but relevant inputs outlined to CJI included modules on vulnerability; Adverse Childhood Experiences; suicide awareness; adult safeguarding and mental health. Students also received a lesson on personal resilience and wellbeing and a two-day Applied Suicide Intervention Skills Training.

47 United Nations Office on Drugs and Crime, *Handbook on Women and Imprisonment: 2nd Edition*, with reference to the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules), March 2014, available at: https://www.unodc.org/documents/justice-and-prison-reform/women_and_imprisonment_-_2nd_edition.pdf.

48 United Nations Office on Drugs and Crime, *Toolkit on Gender-Responsive Non-Custodial Measures*, March 2020, available at: https://www.unodc.org/documents/justice-and-prison-reform/20-01528_Gender_Toolkit_complete.pdf.

- 3.4 While Inspectors acknowledge some Prosecutors received trauma informed awareness, broader availability would have been beneficial particularly for those in specific roles, for example, the youth specialists. The PPS highlighted its *Domestic Violence and Abuse Guidance for PPS Prosecutors*, and although not specifically related to prosecutorial decisions for female suspects, it included guidance on counter-allegations, risk assessments, previous abuse incidents and serial perpetrators, as well as general considerations on avoiding the criminalisation of complainants. PPS Prosecutors received training on this with further training due on updated guidance to reflect changes under the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.
- 3.5 In its review of the Inspire delivery model, the PBNI needed to appraise and identify women-specific training needs arising. A training gap identified to Inspectors related to supporting women in the context of sex work particularly where drug misuse and exploitation was a concern. The YJA indicated it had sourced a one-day gender-sensitive training course on 'young women in the justice system' delivered by a non-statutory organisation and attended by three staff from each area team at the beginning of 2018. Some noted training received on 'Boys and masculinity' and would have welcomed dedicated training focused on girls. All practice staff had completed Adverse Childhood Experiences awareness training with further training due before the end of March 2021.
- 3.6 The NIPS indicated that all new entrants received 'Females in Custody' training as part of the Initial Induction programme. This was gender-specific and aligned to the resettlement 'Pathways Model' including Pathways 8 and 9.⁴⁹ The NIPS stated this was available as 'refresher training' to identified staff. It was essential that all staff working with women in prison received gender-specific training. Rule 32 of the Bangkok Rules required that, '*Women prison staff shall receive equal access to training as male staff, and all staff involved in the management of women's prisons shall receive training on gender sensitivity and prohibition of discrimination and sexual harassment.*' Although not gender-specific, there had been training and awareness raising on trauma informed practice and Adverse Childhood Experiences. The NIPS and Safeguarding Board for Northern Ireland had co-designed a trauma informed practice Tier 1 session delivered to every new NIPS entrant on induction since June 2019. The NIPS indicated that '*staff who spend considerable periods of time with people in our care, many of whom have complex needs and significant number of adverse childhood experiences, had been prioritised for SBNI [Safeguarding Board for Northern Ireland] Tier 1 training with some staff offered Tier 2 training.*'

49 Pathway 8: support for women who have been abused, raped or who have experienced domestic violence; Pathway 9: support for women who have been involved in prostitution and the Sex Industry and these were under-developed in the NIPS Resettlement Pathways Policy (*The Corston Report. A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System. The need for a distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach. March 2007*, available at: <https://webarchive.nationalarchives.gov.uk/20130206102659/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>).

- 3.7 Inspectors had recommended training on how to encourage women to disclose experiences of abuse or prostitution and refer to specialist services. The most recent inspection assessed this recommendation as achieved.⁵⁰ The NIPS said managing the 'Disclosure of Information' was within 'Females in Custody' and 'Safeguarding of Vulnerable Adults' training. There had been further role specific training to Prisoner Development Unit (PDU staff), and Ash House staff received refresher training on PDU practices and referrals, the Resettlement Pathways Model, Females in Custody and Safeguarding. During focus groups, staff highlighted the complexity of women's needs and the benefits of training on how to respond in their everyday work. The pandemic had affected training and although the Initial Induction programme continued, not all relevant staff received the trauma informed training. It was essential that the NIPS assessed this as part of its COVID-19 pandemic recovery.
- 3.8 Having supported a staff member to complete 'training for trainers', the NICTS was developing plans for them to provide trauma informed awareness to eligible personnel. Although the NICTS indicated it did not work directly with female defendants or offenders, it recognised the importance of informing and supporting staff about the different circumstances encountered in everyday work within courts and the court buildings, which Inspectors considered a positive development.

OPERATIONAL RECOMMENDATION 3

Within one year of report publication, the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Public Prosecution Service, the Youth Justice Agency, the Northern Ireland Prison Service and the Northern Ireland Courts and Tribunals Service, should review existing training materials to ensure these are in line with international standards applicable to women and girls' involved in the criminal justice system including the Bangkok Rules.

Early intervention and alternatives to court

- 3.9 The UNODC Toolkit on Gender-Responsive Non-Custodial Measures stated that, *'for minor charges where the woman in contact with the law does not pose a serious or dangerous threat to safety and society, alternatives to prosecution such as case dismissal, depenalization/decriminalization, gender-responsive diversion and treatment programmes, restorative justice and other related alternatives should be considered by police and Prosecutors, while keeping in mind upholding respect for the law and the rights of victims.'*⁵¹

50 CJI, Report of an unannounced inspection of Ash House Women's Prison Hydebank Wood, 23 - 24 October and 4 - 7 November 2019, available at:

<https://www.cjini.org/getattachment/9edcceaefb5c4cde9b014b8aea6ca465/report.aspx>.

51 United Nations Office on Drugs and Crime, Toolkit on Gender-Responsive Non-Custodial Measures, March 2020, available at: https://www.unodc.org/documents/justice-and-prison-reform/20-01528_Gender_Toolkit_complete.pdf.

3.10 Overall, it was difficult to appraise gender-responsivity in the use and application of out-of-court interventions with any level of consistency because very little if any aspects of the landscape in relation to pre-charge options, out of court disposals and diversion was formally gender-responsive. There were examples of positive initiatives, as well as gender sensitivity described by many individuals in discussing their work with Inspectors. Nevertheless, practice required strategic and policy intervention (see Chapter 4, Strategic Recommendation 3).

Early intervention and prevention

3.11 The UN Toolkit suggested states should consider supporting training for law enforcement to provide crisis intervention and de-escalate situations involving people with mental health needs, and when possible divert to community-based services.⁵² In this context, UN guidance noted that '*[n]egative experiences during arrest can impact people's mental health*' and that '*women are especially vulnerable immediately after their arrest*'.⁵³ Initiatives such as the MATT piloted in Ards, North Down and Lisburn policing areas, was an example of an approach offering more holistic interventions than would have been available through traditional policing.

3.12 Inspectors heard that the MATT worked best when the multi-agency team responded in person. Due to the COVID-19 pandemic, it had been operating mostly by telephone. Some felt its availability only during weekends and in specific policing districts limited its use. Feasibly, gendered needs could have informed the response in individual instances but Inspectors were unable to assess this overall.

Inspectors appreciate that the MATT pilot could not be driven by police alone but evaluation including gender responsivity and next steps for its development was an area for improvement that potentially the proposed DoJ strategy could support.

3.13 Awareness among Police Officers about women and girls specific needs was varied. Some were especially conscious of females' vulnerable circumstances. However, the PSNI needed to embed gender responsivity throughout policing. Women who met with Inspectors called for more understanding by police about domestic abuse and mental health and the importance of referring to appropriate services. Recalling a time when she '*got into trouble*' to avoid returning to an abusive partner, one woman asked police '*to be more open minded*.' Experienced Police Officers '*that know better*' were welcomed.

52 Ibid, p.27

53 Ibid.

CASE EXAMPLE 1

Inspectors heard about changing risks in Belfast City Centre. Both the PSNI and stakeholders working to support vulnerable people reported an increase in homelessness, drug misuse and concerns about the manipulation of females with adverse childhood experiences. While there were risks to both males and females, sexual violence was a particular concern for the females. Police Officers tended to encounter older males on the street in the past; now, they reported an increase in females and rather than alcohol misuse, drug misuse was the concern. In a group of approximately 50 to 60 individuals, Police Officers estimated some 15 to 20 were female. Police and support groups reported seeing younger women under 25 years more so than in the past.

Inspectors met with a community project, which had been supporting people and liaising with police to assist where intervention was required. A Senior Police Officer had recognised the importance of community support and de-escalation. The particular policing team involved talked about the benefits of Adverse Childhood Experiences training in informing their work, concerns for the young women, and the complexities for police where mental ill health and drug misuse presented.

While law enforcement was the duty, criminal justice was the last strand of its approach where appropriate. The females of concern were described mostly as 'petty offenders'. Police Officers recognised that breaking this cycle was not a policing issue; the right services were needed. As such, links with and support from homelessness Non-Governmental Organisations (NGOs) had been invaluable. But they often lacked mainstream financial resource.

Better linkages with wider policing were required. A planned policing operation with the aim of making Belfast City Centre safer for shoppers was as an example of a policing presence from other PSNI areas and units. Their approach, if not trauma informed, risked undoing the positive work that had taken place between the regular policing team, community workers and vulnerable females. Whole criminal justice approaches were essential too. Inspectors heard about a female 'prolific beggar' reported for two offences and fined. There was concern about the near certainty of non-payment and lack of alternatives. The UNODC Toolkit on Gender-Responsive Non-Custodial Measures recognised that, '*[m]any women cannot pay fines due to poverty and marginalization.*'

- 3.14 The PSNI highlighted multi-agency Support Hubs as beneficial in diverting women and girls from the wider CJS and reoffending. Partner organisations referred individuals to the Support Hub by consent. At the time of fieldwork, a Support Hub had existed in every council area except Belfast, where provision for this was being finalised.⁵⁴ Support Hubs were in the process of adopting a model which was trauma informed and sought to reduce the adverse impact of Adverse Childhood Experiences. The aim was for a 'universal language' adopted by all collaborating organisations.

54 During factual accuracy check for this report it was noted that as at September 2021 a pilot Support Hub had been established in the Belfast Area.

3.15 Police Officers provided a mixed response as to whether women and girls warranted specific consideration within this model. Evaluation of the Support Hubs showed that out of approximately 599 clients referred to 10 operational Support Hubs across Northern Ireland, 291 were male and 308 female.⁵⁵ Common challenges reported within the evaluation included mental health and addiction issues, domestic violence, housing and family issues. It was not possible to tell the proportion of women compared to men experiencing these challenges, how they experienced them or the Support Hub response. **It was feasible to conceive how the Support Hub model could support Police Officers to address women and girls' specific needs but Inspectors considered that prompts within operating protocols to ensure gender-responsive application** was an area for improvement.

Arrests and police detention

3.16 Females made up over one tenth of stop and search activity by the PSNI.⁵⁶ For both males and females, stop and search most often occurred under the Misuse of Drugs Act.⁵⁷ In 2020-21, 6% of stops resulted in an arrest, 80% in no further action and another form of outcome, namely, a Community Resolution Notice (CRN), a report to the PPS or a Penalty Notice for Disorder (PND) in the remainder. The 'principal outcomes' were not published by gender. Data provided to Inspectors by the PSNI showed that across the most recent five-year period for which information was available, females made up less than one fifth of all persons arrested (see Appendix 2, Table A). This supported Police Officers accounts of encountering males for crime related reasons more so than females.

3.17 Police Officers reported no sense that numbers of women in police custody had changed over recent years and statistics generally supported this (see Appendix 2, Table A). However, most agreed that females displayed a greater degree of vulnerability than in the past particularly in respect of depression, addiction issues, self-harm and displaying aggressive behaviours. PSNI custody information for the 2019 and 2020 calendar years showed almost three quarters of detained females recorded as having physical or mental ill health, one third with signs of self-harm, and over one quarter consumed alcohol:⁵⁸

2019

- Out of 26,494 detained persons 16.21% (or 4,295) were female;
- 71.85% of females (or 3,086) were suffering from physical or mental health;
- 33.17% (or 1,425) had signs of self-harm; and
- 29.59% (or 1,271) being drunk.

55 From figures as of January 2021, DoJ NISRA, *Evaluation of Support Hubs in Northern Ireland, March 2021*.

56 During April 2020 to March 2021, 3,501 females were stopped and searched/questioned out of a total of 26,590 people (see Table 6, PSNI, *Use of Stop and Search Powers by the Police in Northern Ireland, 1 April 2020 to 31 March 2021*, available at <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/stop-and-search-statistics/2021/q4/psni-stop-and-search-report-2021.pdf>).

57 See PSNI, *Use of Stop and Search Powers by the Police in Northern Ireland, 1 April 2020 to 31 March 2021*, available at <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/stop-and-search-statistics/2021/q4/psni-stop-and-search-report-2021.pdf>; and also 1 April 2019 to 31 March 2020, available at <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/stop-and-search-statistics/2019/psni-stop-and-search-report-1920.pdf>.

58 Data extracted from PSNI Niche, 11 May 2021

2020

- Out of 23,754 detained persons, 16.05% (or 3,813) were female;
- 72.88% of females (or 2,779) were suffering from physical or mental health;
- 34.64% (or 1,321) had signs of self-harm; and
- 25.78% (or 983) being drunk.

3.18 Females were allocated female Custody Detention Officers (CDOs) unless unavailable in which case, Inspectors heard that female Police Officers from within the station or District were sought. This was in line with the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) Code C, which said that female detainees should have access to a female member of custody staff for checking on welfare needs and if a female CDO is unavailable, '*...a female Police Officer or female member of police staff who is on duty at the station may be assigned this role if practicably possible.*' An inspection of police custody highlighted the importance of the PSNI demonstrating that females' diverse needs were being met including offering a feminine hygiene pack and recording this on the custody record.⁵⁹ The PSNI informed Inspectors about a forthcoming amendment to the custody record to prompt this. The PSNI also indicated an update to the *PACE 12/1 Notice of Rights and Entitlements* to mirror updates in England and Wales.

UPDATE TO PACE 12/1 NOTICE OF RIGHTS⁶⁰

Female Detainees

- A hygiene pack will be offered to all women detainees, with a fresh pack offered after six hours. Additional packs are available on request.
- A female Police Officer or female member of staff will be provided, where possible, to be your point of contact whilst you are in custody.
- If you wish to speak to a female Police Officer or female member of staff in private, we will facilitate this.
- CCTV monitoring is pixelated in the toilet area of the cell. You will not be observed using the toilet, unless a risk assessment prescribes otherwise.
- Hand washing (if not in the cell) and showering facilities are available on request.

3.19 There was discussion about some females detained repeatedly in police custody for suspected offending related mostly to thefts and drugs. Interventions to prevent repeat detentions was considered an area for development (see discussion on 'ROP'). Custody officers generally did not make referrals but indicated referral to a Support Hub may be appropriate. For repeat detainees, flags to notify other supporting sections within police assisted and Inspectors understood part of the Support Hub was to develop this approach.

59 CJI, *Police Custody: The Detention of Persons in Police Custody in Northern Ireland*, September 2020, available at: <https://www.cjini.org/getattachment/259c4dab-ec93-479e-8f5b-ce8bd70c88d6/report.aspx>.

60 Copied from PSNI Self-Assessment provided to CJI in January 2021.

3.20 Inspectors considered four cases out of 30 females detained in police custody over the period of a weekend, having selected the cases randomly from the list the PSNI provided. Suspected offences ranged from driving offences, criminal damage, disorderly behaviour, resisting arrest and assaulting police. In some cases, the records showed concern about anxiety and depression with referral sheets for mental health and self-harm apparent. Warning markers in some cases included risks in relation to self-harm and prior suicide attempts. In these instances, earlier contact with police was evident including concerns for safety and reported sexual violence. In one case in which referral information was provided, police contact and experience of trauma was extensive.

CASE EXAMPLE 2

Police Officers were called to a household dispute. A young adult woman was arrested for criminal damage and detained in police custody. Records on the police system showed a history of Adverse Childhood Experiences including offences committed against her. As a child, she had been a victim of sexual abuse and child sexual exploitation. Records showed she was on the child protection register and in care as a child. There was a history of suspected offences, as well as being reported missing and concerns for her safety as a child. As a young woman, she had experienced domestic abuse by a partner. There were concerns about living in temporary accommodation and an associated deterioration in mental health and behaviour. The young woman was charged and bailed with conditions. A referral sheet for mental health and self-harm was provided.

3.21 There was consensus about the Custody Health Care Project's benefits particularly the communication and learning advanced by co-locating the health care and Police Officers/staff. Anecdotally, referrals to custody health care from the PSNI were high, which demonstrated a level of trust between Custody Sergeants and health care professionals. Benefits included care pathways to statutory and non-statutory services, addictions and mental health referrals, and support with domestic abuse. At the time of the inspection, Musgrave Custody Suite employed this model with plans for roll out to other areas. A CJI inspection of police custody recommended that the PSNI and Health and Social Care Trusts collaborate effectively to expedite implementation of the model across Northern Ireland.⁶¹

3.22 In discussing gender-responsive approaches, Police Officers highlighted childcare needs and pregnancy and, where possible in the circumstances, this informed measures to avoid police custody such as the use of street bail, a notebook interview or voluntary attendance at the police station. Inspectors saw evidence of these considerations during the review of police files where, save for the police custody sample, not all females had been detained in custody when suspected

61 CJI, *Police Custody: The Detention of Persons in Police Custody in Northern Ireland, September 2020*, Strategic Recommendation 3, available at: <https://www.cjini.org/getattachment/259c4dab-ec93-479e-8f5b-ce8bd70c88d6/report.aspx>.

of offending. It was essential that instructions outlined the PSNI's safeguarding obligations, including recording, in relation to children in the care of detained persons, particularly where it was evident the child was on the Child Protection Register. The PSNI's Child Protection Service Instruction had not covered this. This was particularly, although not exclusively, relevant to female detainees.

- 3.23 Some women talked about experiences of Police Officers being rough and feeling 'manhandled' even though in their view they had been co-operating. There was also discussion about Police Officers being kind, enquiring how they were doing, 'as opposed to flicking open the cell window and closing it again.' The indignity of attending court after having a bra removed in custody, menstruating and no shower, or wearing pyjamas was highlighted.
- 3.24 ROP was a partnership between '...the PBNI, the PSNI, the NIPS and the YJA to tackle prolific offenders who commit crime such as robberies, burglaries, thefts and who impact most on the community.'⁶² The three strands were prevent and deter; catch and control; and rehabilitate and resettle. ROP inclusion was determined by offence type and risks related to reoffending. Out of approximately 220 people within the ROP, Inspectors were informed that about 4% were female at the time of fieldwork with the PSNI in March 2021. Inspectors heard that the majority of women were not suitable because their repeat offending tended not to meet prolific crime thresholds. The PSNI ROP lead was engaging with the Home Office review of Integrated Offender Management (IOM) to help inform a review of the ROP. A refreshed IOM strategy⁶³ had resulted from a Her Majesty's Inspectorate of Prisons (HMIP) and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) joint inspection, which found that the IOM had 'lost its way.'⁶⁴ There was no reference to gender or women's specific needs within the refreshed IOM strategy, however, the operational guidance included a section on working with women.
- 3.25 There were 15 females across eight policing districts on the ROP caseload in the week Inspectors undertook a review of cases at the PSNI. Inspectors considered four of these cases involving offences related mostly to dishonesty and criminal damage. In each case, the need for multi-agency trauma support was apparent. The complexity of multiple needs included police contact from childhood as victims and later for offending, child sexual exploitation, multiple warnings including for drugs, violence, self-harm, suicidal thoughts, domestic abuse including while pregnant, and frequent missing reports.

62 Available at: <https://www.psni.police.uk/inside-psni/our-departments/district-policing-command/reducing-offending-in-partnership/> (accessed 02.07.2021).

63 HM Government, *Neighbourhood Crime Integrated Offender Management Strategy: A unified approach to offender supervision in the community, December 2020*, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942145/neighbourhood-crime-iom-strategy.pdf.

64 *A Joint Thematic Inspection of Integrated Offender Management, HMIP and HMICFRS, 2020.*

3.26 Positive engagement by Police Officers with women in individual cases was evident. Examples provided by the PSNI showed referrals to addiction and mental health services, as well as liaison with women in prison. However, in its current design, Inspectors remained unconvinced about the ROP's responsivity to the offending risks and needs of females who offended repeatedly. 'Revolving door' offending by females was not of the type and degree targeted by the ROP, which prioritised prolific neighbourhood crime. Overall, as currently constituted, the ROP appeared a poor fit for addressing much of females' persistent offending, which would have benefitted more from strategic intervention designed for this purpose (see Strategic Recommendation 3).

Out of court disposals and diversion

3.27 Inspectors heard from a range of Police Officers and Prosecutors that decision-making about out of court disposals and diversion was victim-centred and dependent on circumstances rather than gender. However, there was little sense of gender-responsive options once a decision to offer an alternative disposal was made. The PPS Guidelines on the use of diversion referenced types of police disposals including PNDs, Fixed Penalty Notices, CRNs, and the National Speed Awareness Course. Delivery of CRNs facilitated through local community organisations had the potential to offer gender-informed support. Stakeholders and some criminal justice professionals indicated potential opportunity through the likes of CRNs to 'tap into' females' specific needs and, where desired by the woman, offered potential to build relationships with women and gender-responsive groups in their local community.

3.28 Anecdotally, Police Officers sensed females tended to come to police attention for offending associated with shoplifting and acquisitive crime. Data provided in relation to the use of PND showed females accounted for just under one fifth of persons given a PND in 2019. After 'miscellaneous' matters, PNDs were most commonly issued to females for theft, compared to public order related offences for males (see Table 1).⁶⁵

65 Data provided by the DoJ Analytical Services Group (ASG) to CJI, May 2021.

Table 1: Gender of persons receiving a PND, by category of main offence, 2019

Offence category	Gender		
	Male	Female	Total
Violence Against the Person	17	8	25
Sexual	-	-	-
Robbery	-	-	-
Theft	130	131	261
Burglary	-	-	-
Criminal Damage and Arson	22	6	28
Drugs	-	-	-
Possession of Weapons	-	-	-
Public Order	415	73	488
Motoring	-	-	-
Fraud	-	-	-
Miscellaneous	458	31	489
Total	1,042	249	1,291

Note:

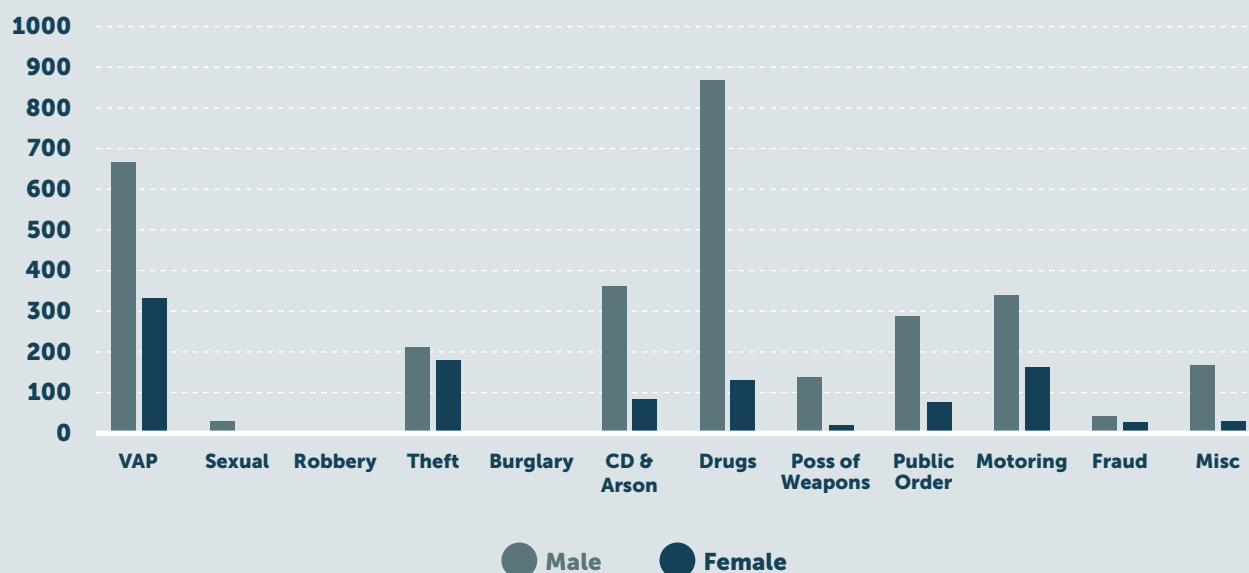
1. Figures relate to category of the main offence at disposal.
2. Figures relate to case prosecuted by PPS on behalf of PSNI, PBNI, Airport Constabulary/Police and National Crime Agency.
3. Figures for males include those recorded as transgender, those for whom no gender was recorded and cases where gender was not applicable, e.g. companies, or other organisations.

- 3.29 Types of prosecutorial diversion included adult cautions and restorative youth cautions, informed warnings, diversionary youth conferences and community based restorative justice (CBRJ). Inspectors found that awareness of CBRJ as a diversionary disposal was low among both Police Officers and Prosecutors. Trend data showed it unused over the last five calendar years from 2016 to 2020.⁶⁶ The reasons for this were unclear. Senior management within the PSNI indicated potential opportunity for CBRJ to offer tailored interventions for females in appropriate cases, if there was a supporting evidence base.
- 3.30 Data for 2019 (see Chart 1) showed females accounted for a quarter of formal out of court disposals and had received out of court disposals mostly for violence against the person (VAP), theft, motoring and drugs offences. For males, theft did not feature in the same way with formal out of court disposals for: drugs, violence against the person, criminal damage and arson (CD & arson), and motoring offences mostly.⁶⁷

66 Graham, I. *Court Prosecutions, Convictions and Out of Court Disposals Statistics for Northern Ireland, 2020, June 2021*, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Prosecutions-convictions-and-diversionary-disposals%202020.pdf>

67 Data provided by DoJ ASG.

Chart 1: Gender of persons receiving an out of court disposal by category of main offence, 2019 (see Appendix 2, Table B for notes)



- 3.31 Notwithstanding the work of individuals within the CJS and voluntary groups who recognised women’s needs and tailored their responses where resource and service availability allowed, Inspectors could not find an out of court disposal or diversionary options geared specifically to meet females’ needs. This is despite the evidence base showing that preventing women and girls’ reoffending required a different approach than for males,⁶⁸ with support for domestic violence, sexual abuse and mental health taking account of childcare needs.⁶⁹
- 3.32 In deciding diversionary options, the PPS emphasised that it was ‘*only as good as the information it received*’ and in this respect it was important that investigation files were comprehensive and included any information pertinent to females’ offending risks and associated needs. The PPS guidance on diversionary disposals noted that in certain circumstances a streamlined file was provided to Prosecutors by the PSNI. Inspectors emphasise that in these instances it was still essential to provide information pertinent to women’s specific needs, including in relation to caring responsibilities, and acknowledge the facility for Prosecutors to seek additional information before or after a decision to prosecute to ensure an effective prosecution. However, neither the police nor the PPS could direct gender-responsive disposals if these were not available.

68 See for example, MoJ, *Female Offender Strategy*, 27 June 2018, available at: <https://www.gov.uk/government/publications/female-offender-strategy>.

69 Rule 60, Bangkok Rules

Alternatives to custody

3.33 A key message from the UNODC Toolkit on Gender-Responsive Non-Custodial Measures was that *'non-custodial sentences should be considered in all cases for women in contact with the law and should be implemented whenever appropriate and possible...'* The Bangkok Rules, Rule 60 provided: *'Appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to women's contact with the criminal justice system. These may include therapeutic courses and counselling for victims of domestic violence and sexual abuse; suitable treatment for those with mental disability; and educational and training programmes to improve employment prospects. Such programmes shall take account of the need to provide care for children and women-only services.'*

3.34 Importantly, *'the least interventionist non-custodial sentence should be imposed taking into account a woman's individual circumstances.'*⁷⁰ Gender-informed and properly resourced community interventions were recommended by the UNODC Toolkit, noting that measures overlooking women's typical characteristics, roles and backgrounds could be implemented in a way that caused further harm.⁷¹

Prosecutions and convictions

3.35 PPS management information provided to CJI showed that females made up approximately one fifth of suspects on files received by the PPS over the five years from April 2015 to March 2020 (see Table 2).

Table 2: Number of suspects by gender on files received by the PPS between 1 April 2015 and 31 March 2020 (based on first papers received date and most serious decision issued)

Financial Year	Male	Female	Transgender	Not recorded	Total
2015-16	41,266	10,482	7	225	51,980
2016-17	40,457	10,923	10	182	51,572
2017-18	38,450	10,221	9	180	48,860
2018-19	39,100	10,473	13	188	49,774
2019-20	38,878	10,383	10	241	49,512
Total	198,151	52,482	49	1,016	251,698

Please note that suspect gender is as provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by PPS. Source: Public Prosecution Service Case Management System (figures provided are based on management information and may be subject to change).

Females featured in over one tenth of indictable prosecution decisions issued by the PPS in 2019-20, and less than one fifth of summary prosecution decisions (see Table 3).

70 UNODC, *Toolkit on Gender-Responsive Non-Custodial Measures*, p.17 and 18.

71 *Ibid*, p.14.

Out of decisions issued in respect of suspects by gender in 2019-20, 'no prosecution' was issued for a greater proportion of the females than the males (36.40% compared to 28.35% respectively), and diversion was determined for a slightly greater proportion of females than males (7.82% and 6.54% respectively).

Table 3: Decisions issued in respect of suspects by gender on files received by the PPS 2019-20 (based on first papers received date and most serious decision issued)

Gender	Indictable Prosecution	Summary Prosecution	Diversion	No Prosecution	Total
Male	1,325	23,536	2,501	10,831	38,193
Female	199	5,524	803	3,736	10,262
Transgender	0	7	-	-	10
Not recorded	12	206	#	#	235
Total	1,536	29,273	3,309	14,582	48,700

Please note that suspect gender is as provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by the PPS.

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

Some percentages are stated as 'N/A' due to the base numbers being too small to allow for calculation of a percentage [Source: PPS Case Management System (figures provided are based on management information and may be subject to change)].

3.36 Compared to males, a greater proportion of the females with a decision issued for a summary offence were prosecuted or diverted for less severe summary only matters (see Table 4).⁷²

Table 4: Prosecution decisions issued for summary offences only in respect of suspects by gender on files received by the PPS 2019-20 (based on first papers received date and most serious decision issued)

Gender	Summary Prosecution	As % of all Summary Prosecution	Diversion	As % of all Diversion
Male	11,349	48.2%	1,039	41.5%
Female	3,051	55.2%	409	50.9%
Transgender	-	28.6%	0	N/A
Not recorded	#	87.9%	2	N/A
Total	14,583	49.8%	1,450	43.8%

Please note that suspect gender is as provided to the PPS by the PSNI or other file source, no data validation checks have been undertaken by the PPS.

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

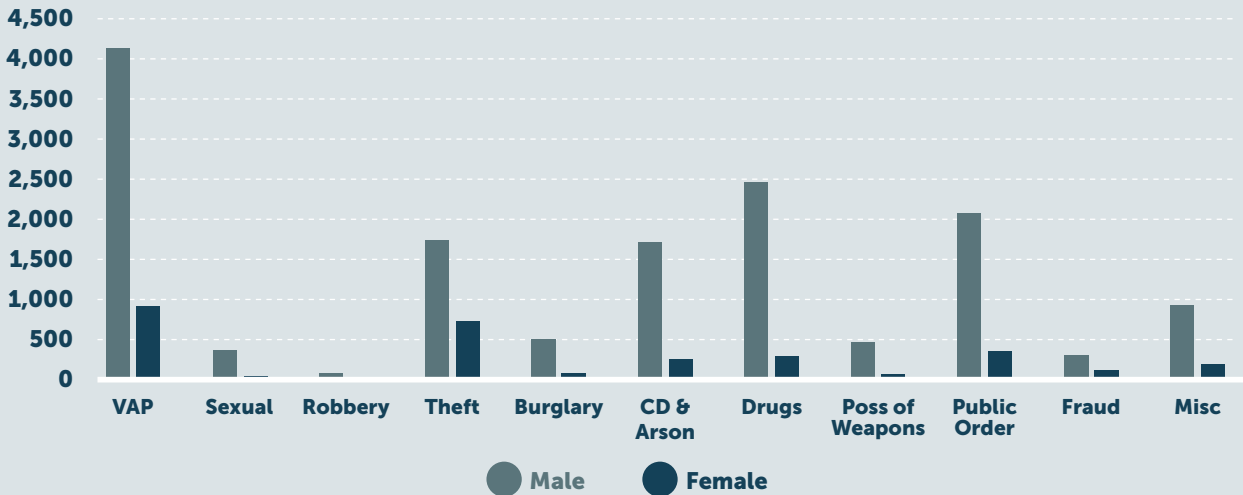
"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

Some percentages are stated as 'N/A' due to the base numbers being too small to allow for calculation of a percentage [Source: PPS Case Management System (figures provided are based on management information and may be subject to change)].

⁷² Statistics in England and Wales looked at non-motoring summary offences and reported that of all female defendants prosecuted at court in 2019, 55% were for non-motoring summary offences compared to 29% males, showing that females were typically dealt with for less severe offences at court (MoJ, *Statistics on Women in the Criminal Justice System 2019*, A Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938360/statistics-on-women-and-the-criminal-justice-system-2019.pdf.)

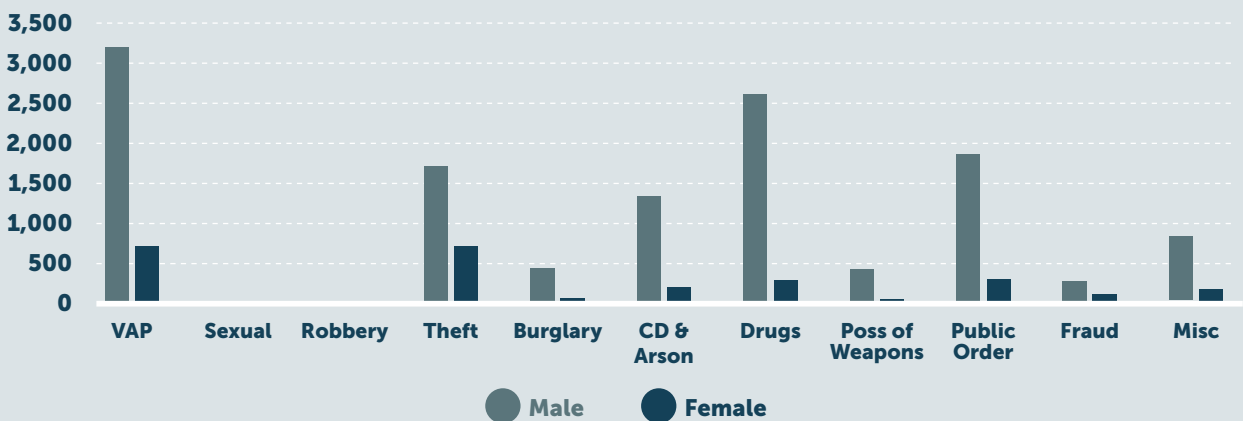
3.37 Females accounted for less than one fifth of persons prosecuted at court during 2019.⁷³ After motoring offences, violence against the person and theft featured most highly in the main offences for which females were prosecuted (see Chart 2).⁷⁴ Theft was also highly represented among the main offences for which females were convicted in 2019, the highest category after motoring offences.⁷⁵

Chart 2: Gender of persons prosecuted at court, by category of main offence, 2019 (excluding motoring) (see Appendix 2, Table C for notes)



And similar to prosecutions, less than one fifth of people convicted at court in 2019 were female (see Chart 3 and associated Table D, Appendix 2).⁷⁶

Chart 3: Gender of persons convicted at court, by category of main offence, 2019 (excluding motoring) (see Appendix 2, Table D)



Note: blank data for 'sexual' and 'robbery' offence categories due to figures being treated to prevent disclosure (see Table D, Appendix 2 for detailed notes and figures)

73 5,293 out of 29,501 persons (see Table 3, Appendix 2, data provided by DoJ ASG to CJI, May 2021)

74 Out of 5,295 females prosecuted at court in 2019, the main offence was motoring in 2,548, Violence Against the Person in 886, and theft in 709 (see Table C, Appendix 2).

75 Out of 4,477 females convicted at court in 2019, the main offence was motoring in 2,326, and theft in 626 (see Table D, Appendix 2, data provided by DoJ ASG to CJI, May 2021).

76 4,477 females out of 25,011 persons convicted at court in 2019 (see Table D, Appendix 2).

3.38 UN guidance highlighted theft and drug related crimes as the types of offences for which females often come into contact with the law, noting disadvantaged socioeconomic backgrounds, unemployment, minimal education and dependent children as a factor in crimes related to poverty. It also called for awareness about low-level drug offences committed by females, *'often as a result of manipulation, coercion or conditions of vulnerability such as poverty or violence.'*⁷⁷ Relevant to the context of living in Northern Ireland, Inspectors heard about the potential for coercion and exploitation of women by paramilitary groups and the need for awareness in relation to drugs offences in particular. On removing motoring offences, which represented approximately half of main offence categories for which both genders were convicted, theft accounted for about 30% of female convictions compared to 13% for males in 2019 (as in Chart 3; see also Table D, Appendix 2), and drugs offences approximately 10% of convictions against females.

Information for sentencers

3.39 The MoJ Female Offender Strategy noted that while sentencing was for the courts and gender should not influence severity, particular circumstances should. It cited the Her Majesty's Inspectorate of Probation Thematic Review of Community provision for women,⁷⁸ which found that pre-sentence reports had not differentiated women's needs.⁷⁹ Within UN documentation, the importance of comprehensive information to inform sentencing was suggested:⁸⁰ *'It is important to provide judicial authorities with relevant information about women in contact with the law (e.g. caring responsibilities, history of victimization or mental health care needs etc.) to enable informed sentencing decisions. This should also include an assessment of probable impact on children of women's detention and arrangements for child care in the absence of the carer. This information can be provided by the probation service or social service before sentencing (for example, through social inquiry reports).'*

3.40 Inspectors heard from stakeholders and women about the importance of court reports and Probation Officers having sufficient time to complete these. As one woman explained, it was important they *'get to know you as a person.'* While a few viewed the court report as one sided, (*'select what they want to put in'*), others reported feeling involved and that the report had taken account of everything including experiences of abuse. Reflecting domestic abuse and trauma had been especially important. One noted how she, *'gets the Probation Officer to read [the report] out to me and this helps.'*

77 As cited, *UN Toolkit on Gender-Responsive Non-Custodial Measures*, p. 8 and 9.

78 *HMI Probation, A thematic review of the provision and quality of services in the community for women who offend: an inspection by HM Inspectorate of Probation*, September 2016, available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/09/A-thematic-inspection-of-the-provision-and-quality-of-services-in-the-community-for-women-who-offend.pdf>.

79 *MoJ, Female Offender Strategy*, June 2018, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf.

80 *UN Toolkit*, p.17, available at: https://www.unodc.org/documents/justice-and-prison-reform/20-01528_Gender_Toolkit_complete.pdf

- 3.41 Overall, data showed reports completed by the PBNI decreased by 50% from 8,509 in 2019-20 to 4,223 between 1 April 2020 and 31 March 2021. The PBNI stated that, 'Courts were stood down to all but the most urgent cases due to COVID-19 at the beginning of 2020-21. This will therefore have an impact on the total number of reports completed during the financial year.'⁸¹ Pre-Sentence Reports decreased by 66% and Magistrates' Court Reports/Short Pre-Sentence Reports by 46%. The majority of those on whom a Pre-Sentence Report (including Magistrates' Court Reports and Short Pre-Sentence Reports) was completed were male (85%) and 15% were female.⁸² This gender profile was a slight change on the previous year (83% male; 17% female).
- 3.42 Six court reports were considered for this inspection, two full pre-sentence reports and four Magistrates' Court Reports. Inspectors sampled from reports completed for women in the last year where there had been prior PBNI involvement. Offences included drug related, driving offences and assaults on police. In four, the content was not shared with the service user, as the woman was unable to facilitate an appointment or uncontactable prior to court. Most were assessed as medium risk of reoffending.
- 3.43 In all, available community options were clearly outlined. In each case, there was concordance between the Probation Officer's court report and sentence imposed, which included community penalties and a suspended sentence. In one case, the court report outlined the option for a deferred sentence, which would have enabled the court to assess engagement and compliance with current services and programmes. Elsewhere, greater use of deferred sentences have been highlighted as an opportunity for courts to place vulnerable women in community services and divert away from further offending. Potentially, deferred sentencing approaches presented a gender-responsive community option for development in Northern Ireland.⁸³
- 3.44 Gendered interventions or needs were not explicitly highlighted; recommended conditions included engagement with substance misuse services and mental health support. For most, depression and anxiety from a young age was evident. Drug misuse was a concern in all cases and most had been engaging with a substitute medication programme. Notably, all had experienced childhood trauma and all had children who, with the exception of one woman were not in the woman's care. Inspectors cross-referenced cases on the PSNI electronic system, which showed domestic abuse experienced by all of the women. Most court reports reflected this. Across all of the women, the complexity of needs was apparent, as one report noted: '*[a] multiplicity of complex issues including trauma in childhood and adulthood.*'

81 PBNI Caseload Statistics Report, Financial Year 2020-21, PBNI Statistics and Research Branch 2020-21, available at: <https://www.pbni.org.uk/wp-content/uploads/2021/05/PBNI-Caseload-Statistics-Report-FY-2020.21.pdf>.

82 Ibid, p.3.

83 Centre for Justice Innovation, Inquiry on Women in Prison: Written evidence submitted by Centre for Justice Innovation, 2021, available at: https://justiceinnovation.org/sites/default/files/media/document/2021/centre_for_justice_innovation_submission_to_women_in_prison_inquiry.docx.pdf.

3.45 Importantly, reports recognised staging of services. Stakeholders and women highlighted to Inspectors concerns about women being overloaded. As one court report noted, '*Sequencing of support services will be key to her ability to engage and sustain positive changes.*' There was only one case where a further community order '*may be of little merit*' but options to facilitate supervision were still outlined to the court. **A dedicated section to record safeguarding considerations in respect of children would have enhanced the approach, which the PBNI should consider** as an area for improvement linking in with Strategic Recommendation 2.

3.46 Challenges for engagement with service users during the COVID-19 pandemic were raised with the court including difficulties in finding appropriate community service placements and delayed referrals to mental health services. Overall, the complexity of the women's needs and experiences of domestic abuse and trauma, including having children removed from their care, demonstrated necessity for gender-informed report writing. The PBNI review of the Inspire model of practice presented an opportunity to enhance support for Probation Officers' in the development of gender-responsive report writing. References to 'he' or 'him' drawn from standard text for supervision conditions were apparent in some instances. This had not affected court reports' substance, nor was it a reflection on the dedication of staff, but was a reminder of a system geared to meet men's offending problems.

Risk and needs profile of PBNI female service users

3.47 Inspectors heard about a sometimes unpredictable inter-relationship between females' social and personal needs and their offending risks, as well as a sense that this dynamic was more prevalent for women than for men. It was said that relationship issues, child care, lack of family support, and low self-esteem could all impact levels of engagement and prevent completion of community orders.

3.48 As part of establishing an evidence base for women's needs, a 2006 study analysed court reports prepared by the PBNI for a sample of women.⁸⁴ Consistent with the evidence for this inspection, the complexity of women's needs were evident. Among other findings, there was a high proportion of the women with children and some with caring responsibilities for grandchildren and adult children due to mental and physical health needs. High levels of victimisation, which included physical and sexual abuse had also been evident. Community service had not been recommended in almost one fifth of cases considered, which had been for childcare reasons in more than half of instances.⁸⁵

84 Bailie, R. 'Women Offenders: The Development of a Policy and Strategy for Implementation by the Probation Board for Northern Ireland', 2006 *Irish Probation Journal*, 3(1), available at: <https://www.pbni.org.uk/wp-content/uploads/2015/02/Irish-ProbationJournal2006.pdf>

85 Ibid, p.105.

3.49 The PBNI's most recent analysis of service users' ACE scores highlighted the gendered nature of offending related problems.⁸⁶ It showed females were a lower risk of reoffending compared to males, with a median score of 21, compared to 24 for males. Offending related problems associated with finances, family and personal relationships, physical, mental, emotional wellbeing and stress management were more prevalent for females than males.⁸⁷ Offending problems related to attitude, acceptance of supervision and motivation showed greatest divergence between males and females, with females about half as likely as males to:

- not accept being under supervision (12% Female; 24% Male);
- have anti-social/pro-criminal attitudes as an offending related problem (23% Female; 40% Male);
- feature boredom/need for excitement (18% Female; 36% Male); and/or
- be unmotivated to avoid re-offending (22% Female; 40% Male).

3.50 Notably, the analysis had disaggregated information by gender, which was positive. It was, however, dated having been based on data from 2017-18. A contemporary analysis would have enhanced the approach, particularly in the context of a new overarching DoJ strategy and progressing the Inspire Model, to understand women's risk and needs profile and evidence the basis for gender-responsive community options.

Community sentences

3.51 Across all courts, a similar proportion of convictions for both females and males attracted community sentences in 2020 (10.4% of convictions for females; 11.2% of convictions for males) (see Appendix 2, Table E).⁸⁸ The proportions were not dissimilar to the previous year. However, numbers of convictions for males and females decreased by more than one quarter in 2020, likely a reflection of the impact of the pandemic (2019: female convictions: 4,477; males 20,508. 2020: females convicted 3,193; males 14,919).⁸⁹

3.52 Females made up one in 10 persons on the PBNI caseload in 2019-20. The numbers of females increased by 12% over four years from 399 females in March 2016 to 448 in March 2020.⁹⁰ Although the proportion of females on the PBNI caseload remained one in 10 during 2020-21, the numbers had decreased by 8% from 400 in March 2017 to 369 in March 2021.

86 PBNI, *ACE Risk and Needs Profile: Clients starting an Order in 2017-18, September 2018*, available at: <https://www.pbni.org.uk/wp-content/uploads/2019/10/ACE-Profile-of-New-Starts-2017-18.pdf>.

87 Ibid, p.11.

88 DoJ, *Court prosecutions, convictions and out of court disposals statistics for Northern Ireland, 2020 – open data format tables*: worksheet 5: Table 5a – number and percentage of convictions by sentencing disposal and court type, 2020. Showing 333 community disposals out of 3,193 convictions for females; 1,676 community disposals out of 14,919 convictions for males, available at: <https://www.justice-ni.gov.uk/publications/court-prosecutions-and-out-court-disposals-statistics-northern-ireland-2020>.

89 See DoJ, *Court Prosecution, Convictions and Out of Court Disposals for Northern Ireland 2019 and 2020 respectively*, available at: <https://www.justice-ni.gov.uk/topics/statistics-and-research/prosecution-and-conviction-statistics>.

90 PBNI *Caseload Statistics Report, Financial Year 2019/20, PBNI Statistics and Research Branch 2019/20*, available at: <https://www.pbni.org.uk/wp-content/uploads/2020/05/PBNI-Caseload-Statistics-Report-FY-2019.20.pdf>.

The PBNI noted, '[l]ockdown measures in relation to COVID-19 were introduced on 23 March 2020 and courts in Northern Ireland were stood down to all but the most urgent cases. This has therefore had an impact on PBNI caseload during 2020-21.'⁹¹ With recovery of courts, it was possible that demand for programmes could increase.

- 3.53 As already noted, the Inspire Model of Practice was subject to review and had changed its operation at the time of the inspection. In implementing the Model of Practice, fieldwork identified the importance of various factors that would need to be accommodated. This included gender appropriate offence focused interventions, those available having been designed for men. Female only reporting options to avoid risks associated with women attending probation offices with male service users. Having a choice in supervisor's gender, support from the community sector that could continue post sentence, and gender-responsive options to complete supervision and community service hours that accommodated family responsibilities and child care needs were all highlighted. Inspectors agreed that each of these were important factors that a gender-responsive probation service should feature. Women talked about probation as supportive, non-judgemental and kind. They identified consistency in Probation Officer, communication other than by letter, help with homelessness, addiction and domestic violence, and recognition of family obligations as important. Helping women '*know their worth*' was also key.

CASE EXAMPLE 3

On the first day with probation, the Probation Officer discussed 'triggers,' which identified the inappropriateness of participating in a male community service squad. Instead, an employability project was offered, which was available from home. A recent court appearance had been virtual and difficult to '*shake off*' because it occurred in her '*own living room.*' The Probation Support Officer called that day to talk it over and it '*made all the difference.*' She queried why women get the same orders as men and highlighted women's groups and community supports as being especially important. Engagement had been positive because probation, '*strengthen your strengths; you are raised up instead of focusing on the mistake you have made.*'

- 3.54 During the COVID-19 pandemic, opportunities to engage from home had provided women with much wanted privacy, the flexibility to work around child caring responsibilities, and a sense of safety including for those with anxiety, which hindered retail placements. These aspects of community measures were gender-responsive in the ways described by staff and the women. Both the women and staff welcomed employability projects, such as NIACRO 'Working Well' and the Verbal Arts Centre Northern Ireland 'Reading Rooms', which contributed toward community service hours. The PBNI had continued to use the Engage Women's Project through Start 360, which had also been

91 PBNI Caseload Statistics Report, Financial Year 2020/21, PBNI Statistics and Research Branch 2020/21, available at: <https://www.pbni.org.uk/wp-content/uploads/2021/05/PBNI-Caseload-Statistics-Report-FY-2020.21.pdf>.

evident during CJJ's most recent inspection of probation practice.⁹² Engage provided gender-responsive programmes including one-to-one and group work.

- 3.55 Inspectors visited a Community Service Squad, which provided similar opportunity in a safe and private environment.

PRACTICE EXAMPLE 1: FEMALE COMMUNITY SERVICE SQUAD

Aware of women's specific needs and the difficulties in joining a group with men, PBNI staff established a female only community service squad. Women undertook maintenance work in the grounds of a voluntary organisation. Staff and women reported benefits including privacy and support in a female only group. As lockdown eased, support organisations had visited to speak with the women in the outdoor area. Those with theft offences unable to work in charity shops could still engage in the squad; for those with anxiety it better accommodated their needs. It worked especially well for the women when the group was small. Staff reported continually appraising options for development. They talked about greater numbers through lockdown and less on the day of CJJ's visit because most of the women had successfully completed their order.

Regional availability and resourcing of gender-responsive partnership initiatives such as those described should be a central feature of Inspire's review.

- 3.56 The Enhanced Combination Order (ECO) was a pilot community alternative to imprisonment. Although not designed specifically for women, some commented on its potential gender-responsivity due to its in-built parenting programme delivered by Barnardo's. Inspectors also heard aspects of ECO could be especially challenging for women. As one stakeholder commented, 'if ECOs fail it's because too much is put on a female.' As a high-end community penalty, ECOs entailed significant engagement. For women who often carried responsibility for looking after the family, flexibility was required.
- 3.57 At 31 March 2021, there were 184 ECOs as part of the pilot scheme, which came into effect during 2015-16. This was a decrease of 25% from the previous year (244, March 2020). Possibly, the pandemic affected ECO numbers, as orders had been increasing each year prior to this from 121 on 31 March 2017.⁹³ The DoJ ECO evaluation showed 274 male participants compared to 19 female.⁹⁴ While overall findings were positive, it was difficult to discern responsivity to women's specific

92 CJJ, *Probation Practice in Northern Ireland: An Inspection of the Probation Board for Northern Ireland, December 2020*, available at: <https://www.cjini.org/getattachment/03375ddc-40ed-4359-9094-17eadd41b2ae/report.aspx>. Engage had been funded through Phase 2 of the Northern Ireland Executive Fresh Start programme for tackling paramilitary activity and organised crime (available at: <https://www.northernireland.gov.uk/articles/executive-programme-tackling-paramilitary-activity-and-organised-crime-0#toc-5>).

93 PBNI *Statistics Report, Financial Year 2020/21, Published May 2021*, available at: <https://www.pbni.org.uk/wp-content/uploads/2021/05/PBNI-Caseload-Statistics-Report-FY-2020.21.pdf>

94 NISRA, *The Enhanced Combination Order October 2015 to November 2018*, March 2019, available at: https://www.pbni.org.uk/wp-content/uploads/2019/06/2019-ECO-Evaluation_Final-Report.pdf.

needs.

Inspectors heard some concern about whether ECOs were 'pitched' at the right level, which had also been highlighted in the pilot's evaluation. In some instances, there were questions about the proportionality of an ECO even though access to services had been valued. Baseline research and monitoring to assess potential net widening is an important aspect of developing non-custodial measures, which should form part of the roll out of ECOs.

3.58 The development of problem solving justice initiatives in Northern Ireland commenced with the Substance Misuse Court Pilot in Belfast. Inspectors heard from the PBNI, Addiction NI and the Judiciary about its operation. Although not gender-specific, it had been responsive to women's particular needs having recruited a female counsellor in direct response to the level of domestic and sexual abuse reported by women on the programme. Inspectors heard about positive engagement from women and an overall shift in approach so that outcomes in terms of reduction in harm rather than abstinence were recognised. **Support for staff supervising women within the Substance Misuse Court who reported sex work in the context of drug misuse and potential exploitation** was an area for improvement.

3.59 Inspectors considered the Substance Misuse Court a positive foundation on which to build problem solving justice approaches including proposals for a mental health court in Northern Ireland. Any future evaluation should assess gender-responsivity as outlined in the Bangkok Rules, Rule 62, calling for *'the provision of gender-sensitive, trauma-informed, women-only substance abuse treatment programmes in the community and women's access to such treatment shall be improved, for crime prevention as well as for diversion and alternative sentencing purposes.'* The pilot evaluation included six women and 44 men but it was not apparent what aspects focused on women or were gender-responsive.⁹⁵

In prison and through the gate

Women in prison: the figures

3.60 At the time of fieldwork, which was during the COVID-19 pandemic, the NIPS reported to Inspectors that the overall population of prisoners including women prisoners had decreased. However, in the week of focus groups with the NIPS staff and the women in prison, the female population in Ash House had begun to increase and for the first time females outnumbered the males on the Hydebank Wood site.⁹⁶ While still lower than the average daily female prison population in 2019-20, this highlighted the need for learning about women's imprisonment in Northern Ireland, as well as targets to reduce it (also see Chapter 4 on outcomes).

95 NISRA, *Evaluation of the Substance Misuse Court Pilot, March 2020*, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/evaluation-of-the-substance-misuse-court-pilot.pdf>.

96 Data provided to CJI by NIPS: a daily management report for 19 March 2021 showed 54 female detainees compared to 51 male.

3.61 At the time of the inspection the most recent statistics on the prison population in Northern Ireland showed an increase in the average daily population for both males and females, from 4.7% during 2019-20 to 1,516. The female prison population increased from 65 to 74,⁹⁷ *'While males account for the vast majority of the average daily prison population (95.1%), and the average daily male prison population rose very slightly, up 4.2% from 1,384 during 2018-19 to 1,442 this year, the average daily female prison population rose by a greater rate from 65 during 2018-19 to 74 during 2019-20, an increase of 13.8%.'* The total male receptions increased overall by 1.5% from 4,841 during 2018-19 to 4,913 during 2019-20. Female receptions decreased slightly from 411 in 2018-19 to 409 during 2019-20. The report stated, *'... this was largely due the decrease in female fine defaults, which were down 43.2% from 37 during 2018-19 to 21 in 2019-20, as female receptions into immediate custody rose by 7.8% from 103 in 2018-19 to 111 in 2019-20, with a small increase in female remand receptions, up 2.6% from 269 in 2018-19 to 276 this year.'*⁹⁸ The picture was therefore one of a rising female prison population. Although female imprisonment for fine default decreased, a recent CJI inspection recommended DoJ produce an action plan to further reduce it. It showed Supervised Activity Orders, intended as the default penalty for outstanding fines below £1,000, had been rarely used.⁹⁹

3.62 When looking at gender and sentence length, a larger proportion of females compared to males were sentenced to short sentences of one year or less, and six months or less, *'85.6% (95) of females receptions were sentenced to one year or less in custody, compared to 76.8% (1,247) of males. Looking at sentences of six months or less, 56.8% (63) of female receptions received sentences of this length compared to 49.2% (799) of male receptions [...].'*¹⁰⁰

3.63 Supporting learning from elsewhere, for females more so than males immediate custody receptions were for theft offences, (27.9% (31) females compared to 11.2% (182) male receptions).¹⁰¹ The *'...largest proportion of male receptions into immediate custody were for Public Order offences (18.2%; 295).'*¹⁰² Data extracted from the NIPS PRISM IT system showed that in respect of sentences of a year or less, theft was the most prevalent offence for females across the three years from 2017 to 2019, compared to violence against the person (2017) and public order offences for males (2018 and 2019) (see Appendix 2, Table F).

97 DoJ, ASG, *The Northern Ireland Prison Population 2019-20, 25 September 2020, DoJ Analytical Services Group*, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/northern-ireland-prison-population-2019-20.pdf>.

98 Ibid, p 12.

99 CJI, *Effective Penalty Enforcement: A Review of Current Fine Default Strategy and Services, July 2021*, Strategic Recommendation 1, available at <http://cjini.org/getattachment/3f1e545d-67fb-4c68-bae8-a73fd84d1e48/report.aspx>. See also the Annual Statement by the Northern Ireland Human Rights Commission reporting a lack of movement on a prohibition for fine default (NIHRC, *The 2020 Annual Statement: Human Rights in Northern Ireland, December 2020*, available at <https://nihrc.org/publication/detail/annual-statement-2020>).

100 DoJ, ASG, *The Northern Ireland Prison Population 2019-20, 25 September 2020*, at p 13 and supporting data at Table 10, available at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/northern-ireland-prison-population-2019-20.pdf>.

101 Ibid, p. 1.

102 Ibid, p.1.

- 3.64 Collectively, the data called for greater focus on establishing the reasons behind women's imprisonment, particularly short-term sentences, and the development of appropriate targets to reduce this. The MoJ Female Offender Strategy had set out how *'Short sentences offer limited public protection and fail to offer time for meaningful rehabilitation, and in some cases aggravate vulnerabilities and that this issue disproportionately affects women.'* In addition, there was *'...a considerable population of women sentenced to custody for non-violent low-level but persistent offences.'* The statistics in Northern Ireland also supported this. The Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) reported concerns about Ash House committals *'far too short for any type of meaningful interventions to be made'* and that consideration might be given to a presumption against short periods of imprisonment.¹⁰³
- 3.65 Although commenting on the supportiveness of NIPS staff, women also queried the suitability of imprisonment in some instances especially when the experience itself was traumatic. Hearing and witnessing self-harm and suicidal ideation had been particularly upsetting. One woman imprisoned in the past for theft reflected that it had not helped, whereas supervision and support through an ECO in the community provided hope to do better.
- 3.66 On beginning focus groups with the NIPS for this inspection, a daily management report showed over half of females detained (53.07%) were on remand.¹⁰⁴ Data provided by the NIPS for the three years from 2015 to 2017 showed women less likely than men to receive a custodial sentence following a period on remand (Appendix 2, Table G).¹⁰⁵ Appreciating that there may be various reasons, it warranted further examination especially given the detrimental impact of maternal detention on any dependent children. Inspectors heard concerns about the appropriateness of women committed to remand in some instances when specialist assessments and support for mental health or cognitive impairments were needed. The committal of women with mental health or learning disability had been raised as an issue by the CPT in 2017. Inspectors considered it would be timely for the DoJ to review progress against the CPT's recommendations.¹⁰⁶
- 3.67 Inspectors heard that a pilot project to offer an alternative to women's custodial remand had not been progressed due to the pandemic. This should be resumed and alternatives to remand examined further as part of the DoJ strategy.

103 CPT, *Report to the Government of the United Kingdom on the visit to Northern Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, from 29 August to 6 September 2017*, CPT/Inf (2018) 47, available at <https://rm.coe.int/16808ff5f2>.

104 Daily management report 19 May 2021 provided by NIPS to CJI. More broadly, the use of bail and remand was the subject of a forthcoming CJI inspection report.

105 Appendix 2, Table G; in 2017, 40% of women remanded received a sentence of imprisonment compared to 50% of men.

106 The CPT reported concerns about women who *'cannot cope with the regime and after which they appear even less able to cope in the community'* (as above, CPT report p 34).

Women's resettlement needs

- 3.68 For women sentenced to prison, the focus from the outset needed to be on sustainable through the gate support and care. HMIP *Expectations* for women in prison provided that, '*Planning for and help with rehabilitation and resettlement starts on arrival at the prison. Opportunities are provided for women to access help and support aimed at developing individual strengths and providing opportunities to reduce their likelihood of reoffending.*'¹⁰⁷ Inspectors heard from stakeholder groups, staff and women about the challenges in resettlement planning during a short sentence. For this group, as previously noted, targeted measures to reduce sentences of 12 months or less would be beneficial.¹⁰⁸ Completion of resettlement needs assessment as soon as possible after arrival¹⁰⁹ was especially important for all but particularly for this group, given also that supervision after release may not have formed part of a short sentence. While the NIPS was unable to provide Inspectors with management information to show the proportion of women on short sentences with a completed Personal Development Plan (PDP), NIPS monitoring of this, as well as the quality PDPs, was essential.
- 3.69 Inspectors considered six PDPs based on a sample of women who had prior experience of custody and were serving a sentence of less than two years or recently remanded. In some instances, plans recently created lacked detail on how to meet objectives through activities, programmes and engagement with support organisations. In other cases, this had been completed well, with evidence of meaningful review.

CASE EXAMPLE 4

A woman received a short sentence of less than six months. There had been prior periods of remand and a previous short sentence. The plan outlined circumstances relating to contact with her children, as well as experiences of domestic abuse and homelessness. There was evidence of regular review and adaptations to suit the woman's needs. Family were involved in planning and included in family events. Parenting courses were completed and engagement with community organisations in the prison was ongoing. The woman had engaged in mental health and substance misuse services too. Overall, the plan showed identification and assessment of needs from arrival with appropriate referrals and support on record.

107 HMIP, *Expectations: Criteria for assessing the treatment of and conditions for women in prison, Version 2, 2021*, Section 5, available at: <https://www.justiceinspectors.gov.uk/hmiprisons/wp-content/uploads/sites/4/2021/07/Womens-Expectations-FINAL-July-2021.pdf>.

108 Options and suggestions within the UNODC Toolkit included, 'Adopt performance standards aimed at reducing incarceration such as achieving a decrease in pre-trial detention or recidivism, rather than focusing on the number of convictions' (p15).

109 *CJI, Report on an Unannounced Inspection of Ash House Women's Prison Hydebank Wood, June 2020*, repeated recommendation from 4.22 of the 2016 inspection report, available at: <https://www.cjini.org/getattachment/9edcceaefb5c-4cde-9b01-4b8aea6ca465/report.aspx>.

- 3.70 The NIPS explained a recent change, which meant that remanded women had a PDP and this was positive. These women did not meet criteria for offence-focused programmes but other areas related to personal development had been included. Repeated short remands were an issue in some cases and greater analysis of the gendered impacts including on any children of women remanded repeatedly would be beneficial. In one instance, Inspectors noted seven periods of remand in just over two years. Analysis of family circumstances, children and safeguarding was central for most of the PDPs assessed. Sentence planning that included interventions to support and develop positive parent-child relationships in children's best interests was key and important for the NIPS to keep under review. This should be further developed as part of Strategic Recommendation 2.
- 3.71 Mostly, PDP Co-ordinators adopted a strengths-based approach. In one plan, a successful review communicated to the woman, *'you have gone from strength to strength.'* ACE scores and risk factors were recorded. However, within the PDP itself, an analysis of how the ACE informed it would have been beneficial. The NIPS explained that supervisors cross-referenced PDPs with court reports, the Prisoner Needs Profile (PNP) and referrals. PDP Co-ordinators needed access to criminal records. This was temporarily unavailable due to a change in the PBNI IT system and needed re-established.
- 3.72 Data from the PNP for the period 1 April 2019 to 31 March 2020 recorded women's self-reports of specific needs across a range of life domains at time of committal. Two-thirds required help applying for benefits upon release and over two-fifths with no accommodation or not knowing if they would have it on release. Four out of five women reported depression or low mood prior to custody and two out of five had contact with community mental health or psychiatric admission prior to custody. Substance misuse was also a concern with just over two-thirds reporting drug or alcohol use had caused problems and/or contributed to offending. Almost 30% had experienced bereavement prior to prison. Almost two thirds were mothers and just over a quarter were interested in applying for child centred visits. Only one fifth had contact with social services. As an area for improvement, **the NIPS should consider recording care experience to enable appropriate monitoring of, and access to, leaving and aftercare support, which could be a potential entitlement for some of the younger women.**
- 3.73 The most recent inspection of Ash House recommended better systems to identify, monitor and support victims of abuse. It found that, *'[...] the prison did not systematically collect and analyse data on women who had been involved in prostitution or were victims of abuse so it could be assured it was providing adequate support and care.'*¹¹⁰ A recent change to the PNP asked the women about ever having been a victim of domestic or sexual abuse and violence and reporting to organisations if any. Questions related to sex work and exploitation

110 Ibid, p. 55 and 56.

were also included. Information for the first four months of 2021, showed three quarters of women self-reported domestic abuse and half had been victims of sexual violence.¹¹¹

- 3.74 This information was asked at committal. Women often disclosed abuse as relationships within the prison developed and staff talked about the importance of keeping this under review. While it had been possible to make referrals to support services, counselling services embedded within the prison could enhance a culture of support for the women and much needed assistance for staff. As an area for improvement, **the NIPS should explore opportunities to embed counselling for domestic and sexual abuse as a method to enhance a culture of support for women.**
- 3.75 All NIPS staff recognised the differences in working with women compared to men. Family contact and involvement of family in resettlement planning where appropriate, was particularly important.¹¹² Virtual contact necessitated by the impact of the pandemic had presented opportunities for women to engage with family in new ways, and enhanced accessibility for some particularly those with family outside Northern Ireland. However, the suitability of this needed continually reviewed, as women and staff reported negative impacts of missing face-to-face contact with children and family. Notably, a lack of family support was considered an issue for the females more so than the males, as women had often been the source of family support before imprisonment. Helping these women to build supportive relationships that could be sustained in the community was essential.
- 3.76 NIPS staff talked about the importance of finding creative ways to support the women with self-esteem through organised events and courses but also in 'everyday things,' for example, when at the hairdressers or attending gym with the women during lunch break. Various initiatives delivered by partners were highlighted including the Irish Football Association 'Staying Onside' delivered by female sports coaches, a healthy lifestyles event provided by female boxing coaches, and a celebration of International Women's Day. Learning and skills provision had formed part of the recommendations from the most recent Ash House inspection.¹¹³ Provision had been impacted by the pandemic¹¹⁴ and it was important that availability and quality including gender responsiveness was kept under review.

111 Equivalent data on exploitation and sex work has not been included here due to low numbers.

112 On the importance of family relationships for females, see MoJ, *The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime*, by Lord Farmer June 2019, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF.

113 CJI, *Report on an Unannounced Inspection of Ash House Women's Prison Hydebank Wood, June 2020*, available at: <https://www.cjini.org/getattachment/9edccea6-fb5c-4cde-9b01-4b8aea6ca465/report.aspx>.

114 As indicated within the NIPS self-assessment returned to CJI for this inspection.

- 3.77 Continued development of offender programmes for women who had committed violent offences was needed, with those available often designed for men. A specifically designed gender-responsive 'Beyond Violence Programme' was piloted with a group of women in Ash House. There were challenges in undertaking trauma work of such depth with women in a site not designed for their needs and how to accommodate this in an appropriately safe and supportive environment was an important consideration. The age range of women held in Ash House presented challenges also. Older women's needs differed to the younger group. The women described incredible support and the benefits of younger and older women helping each other. However, overburdening the women was a risk and it was important to take cognisance of this. Addressing relationship issues between the women was also important and the NIPS informed Inspectors that an additional policy on this had been developed and was awaiting approval.
- 3.78 Accommodation in the community was a significant concern among the women who spoke to Inspectors. Women feared living in hostels that accommodated men. Some talked about sleeping on the street instead because it felt safer. Staff corroborated the women's concerns and raised these with the NIPS. The NIPS and the DoJ were working with the NIHE to find a solution. This was not without difficulty and it was important that the DoJ Strategy aimed to address it. The Women's Support Worker was an important role with significant potential. The role included through the gate support for women who lacked positive relationships in the community. The Ash House inspection had recommended that *'There should be more coherent planning of support for women beyond their release that can sustain and build on the progress made through their engagement in purposeful activity.'*¹¹⁵ Inspectors believed evaluation, development and appropriate resource for the Women's Support Worker role was an important part of advancing this.
- 3.79 Rule 63 of the Bangkok Rules provided, *'[d]ecisions regarding early conditional release (parole) shall favourably take into account women prisoners' caretaking responsibilities, as well as their specific social reintegration needs.'* Murray House was a low supervision unit for women eligible to work outside released on temporary licence. The potential to enhance this through joint management by the NIPS and the PBNI, informed by the PBNI Inspire Model was a possible opportunity for development. Inspection had previously found limited opportunities for progression for women not eligible for Murray House.¹¹⁶ The UNODC Toolkit states that, *'if a woman has been sentenced, any form of release from an institution to a non-custodial programme or measure should be considered at the earliest possible stage. For example, various forms of early conditional release (parole) or work, community work or education release.'*¹¹⁷

115 CJI, *Report on an Unannounced Inspection of Ash House Women's Prison Hydebank Wood, June 2020*, available at: <https://www.cjini.org/getattachment/9edcceaefb5c4cde9b014b8aea6ca465/report.aspx>.

116 Ibid, p. 54

117 UN Toolkit on Gender-Responsive Non-Custodial Measures, p. 20.

Women believed opportunities to enhance early conditional release particularly for those with children were underdeveloped and it would be beneficial for the DoJ Strategy to further explore this in line with international standards.¹¹⁸

Girls in conflict with the law

- 3.80 Rule 65 of the Bangkok Rules required that gender-based vulnerability was taken into account in decisions about girls in conflict with the law. There was broad consensus among stakeholders and criminal justice professionals that, in line with the UNCRC, the child's best interests were the primary consideration. It was noted that girls' distinct needs related to caring responsibilities, pregnancy and motherhood, complexity due to a multiplicity of adverse childhood experiences, risks of sexual exploitation and abuse, coercive control in relationships, low self-esteem and lack of trust. Stakeholders, YJA professionals and young women also highlighted anxiety and poor mental health. The UN Committee on the Rights of the Child recognised girls in conflict with the law as a vulnerable group and warned against de facto discrimination and disparities.¹¹⁹ It noted that, *'[s]ince girls in the juvenile justice system may be easily overlooked because they are a minority of child offenders, special attention should be paid to the particular needs of girls, e.g. in relation to prior abuse, special health, including psychological and mental health needs.'*¹²⁰
- 3.81 Inspectors heard mixed views about whether the DoJ strategy for females should include under 18 year olds. There were concerns that measures to support girls risked being 'lost' within a much broader framework. The UNODC Handbook on women and imprisonment highlighted¹²¹ that, *'separate strategies and policies in accordance with international standards need to be designed for the treatment and rehabilitation of this category, even when the numbers are limited.'* Inspectors acknowledge the intention to bring particular focus to girls' needs, but concur that additional efforts were required to ensure they did not receive less attention within a broader strategy about female offending. Linkages with the international children's rights framework, as well as domestic strategies were key especially the Department of Health and DoJ proposals to establish a regional Care and Justice Campus.¹²²

Early intervention

- 3.82 Early interventions included CRNs and Early Stage Intervention (ESI) by the YJA. In February 2018, the PSNI and the YJA introduced a CRN referral scheme for children and young people for alcohol and drugs, by November 2019 it had expanded to cover all offences across all policing districts.

118 See the Bangkok Rules and also *Council of Europe, Recommendation of the Committee of Ministers to Member States concerning children with imprisoned parents*, 4 April 2018, available at <https://rm.coe.int/cm-recommendation-2018-5-concerning-children-with-imprisoned-parents-e/16807b3438>

119 *General Comment No. 24 (201x), replacing General Comment No. 10 (2007), Children's rights in juvenile justice*, para. 8, available at: <https://www.ohchr.org/Documents/HRBodies/CRC/GC24/GeneralComment24.pdf>.

120 *Ibid*, para. 50.

121 *UN Handbook on women and imprisonment*, p.99

122 *DoH/DoJ, Establishment of a Regional Care and Justice Campus, Consultation Document, October 2020*, available at: <https://www.health-ni.gov.uk/sites/default/files/consultations/health/rcj-consultation.pdf>.

A 'Sexting referral Scheme' commenced as a pilot in three police Districts in November 2019 and had extended to all of Northern Ireland by June 2020. This was provided as an ESI. The PSNI provided data which showed a trend of increased early stage, out of court referrals for boys and girls from 2015-16 (see Table 5).

Table 5: Early Stage Intervention Referrals by gender and referral year

ESI Referrals	Referral Year (M: male; F: female; O: other)														
	2015-16			2016-17			2017-18			2018-19			2019-20		
	M	F	O	M	F	O	M	F	O	M	F	O	M	F	O
EI/ROP/P&D	0	0	0	27	8	0	43	12	0	88	54	-	103	44	0
YE Intervention	46	9	0	51	13	0	62	18	0	60	26	-	58	22	0
CRN Intervention	0	0	0	0	0	0	0	0	0	4	0	-	27	19	0
Children's Diversion Forum	0	0	0	0	0	0	0	0	0	0	0	-	-	0	0
Total	46	9	0	78	21	0	105	30	0	152	80	#	#	85	0

Notes:

EI: Early Intervention; ROP: Reducing Offending in Partnership; P&D: Prevent and Deter [ROP]; YE Intervention: Youth Engagement Intervention; CRN: Community Resolution Notice

'-' data removed due to small numbers; '#' data removed due to small numbers elsewhere

3.83 At the time of the inspection, a 'Children's Diversion Forum' had begun operating in some areas. Its function included undertaking interventions with young people in place of ROP Prevent and Deter. Figures for 2019-20 showed girls had not at that stage engaged, however, Inspectors heard about some girls having since taken part. Some girls reported positive experiences with police including:

- Police Officers that were fair and wanted to hear their side of the story;
- trying home as an alternative to custody helps to calm down;
- Police Officers taking their time to explain everything; and
- having a female Police Officer available especially in police custody.

Things to avoid included 'saying my name when passing on the street,' 'going in with hands straight away unless really needed,' and treating girls 'more harshly than boys for the same things.' One recommended a feminine hygiene pack in custody recalling feelings of humiliation in having to ask male Police Officers.

3.84 A recent report by the Northern Ireland Audit Office (NIAO) noted a rising trend in early intervention referrals to the YJA. Early intervention and voluntary referrals had increased steadily over the last five years making up under 20% of all referrals in

2019-20.¹²³ The NIAO highlighted a 'key benefit of these new resolution methods is that they do not result in the offence or its resolution being recorded on the young person's criminal record. This helps limit the long-term impact that the offence can have on their future opportunities and quality of life.'¹²⁴ Data provided by the YJA showed increased early interventions referrals for females from 2015-16 (see Table 6).

Table 6: YJA Type of Referral by year

Type of YJA Referral	Referral Year														
	2015-16			2016-17			2017-18			2018-19			2019-20		
	M	F	O	M	F	O	M	F	O	M	F	O	M	F	O
Statutory	590	118	0	477	127	4	494	124	-	510	86	-	497	65	-
Diversionsary	562	168	0	614	143	0	572	156	-	597	182	-	520	160	#
Early Stage Interventions	46	9	0	78	21	0	105	30	-	152	80	#	190	85	-
Voluntary	74	12	0	59	16	0	74	16	-	80	18	-	92	17	-
Total	1,272	307	0	1,228	307	4	1,245	326	#	1,339	366	#	1,299	327	#

Notes: '-' data removed due to small numbers; '#' data removed due to small numbers elsewhere;
M = Male; F = Female; O = Other
Statutory Referrals includes: court ordered; ACO; CRO; RO; JJCO; PBNI; Bail Support
Diversionsary Referrals include: Diversionsary; YE Diversionsary
ESI Referrals include: EI/ROP/P&D, YE Intervention, CRN Intervention, and Children's Diversion Forum

3.85 Time to build trust and access services while not keeping girls in the system longer than merited, was an important balance highlighted by the YJA. UN commentary also warned about measures aimed at ensuring children's welfare, noting that '... new and innovative types of reactions are as desirable as precautions against any undue widening of the net of formal social control over juveniles.'¹²⁵ This was a broad principle applicable to all children, and relevant in the case of females. Some of the young women raised similar issues including a recommendation to 'keep interventions proportionate' and 'move quickly to get out of the criminal justice system.' This is an important aspect of monitoring gender-responsive early interventions, discussed more in Chapter 4.

Arrests and prosecutions

3.86 Data provided by the PSNI (Appendix 2, Table A) showed that girls consistently made up less than one fifth of under 18 year olds arrested. Although there was an increase from 17.31% of under 18 year old girls arrested in 2015-16 to 19.50% in 2019-20, the arrest rate was unchanged (at two girls per 1,000 population).

123 NIAO, *Managing Children who Offend: follow up review*, 1 December 2020, available at: https://www.niauditoffice.gov.uk/sites/niao/files/mediafiles/244345%20Managing%20children%20who%20offend-%20follow%20up%20review%20Report_%28Cmbnd%20Final%29.pdf

124 Ibid, p.13

125 *Commentary to UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, available at: <https://www.ohchr.org/documents/professionalinterest/beijingrules.pdf>.

Figures Inspectors extracted from management information provided by the PPS showed that in 2019-20, for files received in relation to those aged 17 and under, over one fifth were girls (see Table 7). Violence against the person, criminal damage and theft were the most common primary offence categories on files received for both boys and girls. While theft and criminal damage was approximately similar in proportion for both genders, violence against the person was a primary offence category on files received for proportionately more girls than boys (48.04% and 27.51% respectively).

Table 7: Number of boy and girl suspects (age 17 and under) by primary offence category on file and by age on files received by the PPS between 1 April 2019 and 31 March 2020 (based on first papers received date)

Offence Category	Boys	Girls
Violence against the person	710	368
Sexual Offences	154	15
Robbery	22	0
Theft	349	110
Burglary	109	20
Criminal Damage	504	118
Drug Offences	179	28
Possession of Weapons	74	13
Public order	135	11
Motoring Offences	199	23
Fraud and Forgery	#	-
Other Miscellaneous Offences	#	#
Total	2,580	766

Notes: See Table 8 for Table 7 and 8 notes

3.87 Consideration of the PPS management information about prosecution decisions presented a comparable picture. Girls represented one fifth of prosecution decisions for those aged 17 and under (see Table 8). In terms of primary offence categories, violence against the person, criminal damage and theft were among the primary offences for which both boys and girls most commonly received a prosecution decision. Similar to management information for files received by the PPS, proportionately more girls than boys were prosecuted for violence against the person offences (35.55% girls compared to 22.09% boys).

Table 8: Prosecution (including Diversion) decisions issued in respect of boy and girl suspects (age 17 and under) by offence category and by age on files received by the PPS between 1 April 2019 and 31 March 2020 (based on first papers received date and most serious decision issued)

Offence Category	Boys	Girls
Violence against the person	541	229
Sexual Offences	#	-
Robbery	11	0
Theft	297	84
Burglary	57	10
Criminal Damage	432	106
Drug Offences	215	30
Possession of Weapons	99	18
Public order	256	67
Motoring Offences	252	30
Fraud and Forgery	#	#
Other Miscellaneous Offences	244	65
Total	2,448	644

Notes for Table 7 and 8:

1. Based on the suspect age at date file received.
2. Please note that suspect age is based on date of birth information provided to the PPS by the PSNI or other file source. Suspect gender is as provided to the PPS by the PSNI or other file source. No data validation checks have been undertaken by PPS.
3. Please note that suspects can be prosecuted for multiple offences and as such can be counted across a number of offence categories. For this reason the sum of the columns in the table above is greater than the total number of decisions for Prosecution or Diversion issued by gender.

"-" represents a number less than 3 that has been suppressed to avoid disclosure.

"#" represents a number of >=3 which has been suppressed to avoid disclosing small numbers elsewhere.

"~" represents a number less than 3 which has been suppressed to avoid disclosing small numbers elsewhere.

3.88 While this was management information and subject to change, Inspectors believed that in combination with referral data provided by the YJA (see below), the proportion of violence against the person offences among girls compared to boys would benefit from further consideration.

Non-custodial alternatives

3.89 The YJA data showed that at 327, girls made up one fifth of YJA referrals in 2019-20 (compared to 1,299 referrals for boys) (see Table 6). There had been a decline in statutory referrals for all children but particularly girls for whom statutory referrals had decreased by 45% from 118 referrals in 2015-16 to 65 in 2019-20 (see Table 6). Diversionary referrals had remained broadly consistent (168 referrals for girls in 2015-16 to 160 in 2019-20). Girls made up just over a tenth of statutory referrals and under a quarter of diversionary referrals in 2019-20.

3.90 The total number of individual females referred to court ordered, diversionary and Youth Engagement diversionary referrals during 2019-20 was 124, with those aged 17 plus forming the largest group (see Table 9).

Table 9: Females referred for court ordered Diversionary Youth Conference and Youth Engagement diversion

Age Group	Number
10-13	14
14	16
15	32
16	23
17+	39
Total	124

Age calculated at date of referral

3.91 The majority of offences were violence against the person (57), followed by criminal damage and arson (26) and theft (18).¹²⁶ YJA referral data for both genders provided further information in relation to offence groups. This showed that out of the 65 statutory referrals to the YJA for girls in 2019-20, violence against the person (39), theft (11) and possession of offensive weapons (7) were the most common offence types. Violence against the person was more prevalent among female statutory referrals representing three fifths (39 or 60%) for girls compared to just under one third (160 or 32.13%) for the boys. Violence against the person made up over two fifths (73 or 45.63%) of diversionary referrals for females in 2019-20, compared to under a third (154 or 29.84%) for males.¹²⁷

3.92 YJA professionals' said experience of repeat offending by girls tended to be for violence against the person and acquisitive crimes, which frequently occurred in the context of care homes. Inspectors' examination of a small sample of YJA diversionary and court reports showed some evidence consistent with this. However, Inspectors believed the reasons for a greater proportion of violence against the person offences among referrals for girls compared to boys needed more detailed examination. Inspectors considered there was more broadly an opportunity to develop guidance and casework tools on gender responsiveness in development of the YJA's new *Children First* model, and an examination of the nature of, and suitability of interventions designed for girls offending should form part of this.

126 Data provided to CJI by the YJA, March 2021; CJI has not included the full data set with offence groups due to small numbers in some offence categories.

127 Data provided through self-assessment to CJI by the YJA, March 2021; CJI has not included the full data set with offence groups due to small numbers in some offence categories.

Risk and needs profile

- 3.93 The YJA completed a risk assessment across 11 life domains for each young person engaged with it and this was apparent in the PPS and court reports considered by Inspectors. At the time of the inspection, the YJA was unable to provide a risk and needs profile for children and young people using its services. The NIAO had reported that the YJA lacked a dedicated case management system, which negatively affected performance monitoring.¹²⁸ Inspectors considered an up-to-date analysis of the profile of children engaged with the YJA to enable personalised and gender-responsive services would be beneficial.¹²⁹

OPERATIONAL RECOMMENDATION 4

Within six months of report publication, the Youth Justice Agency should complete an action plan for the development of a sufficiently comprehensive and up-to-date analysis of the profile of children engaged with it to enable personalised and gender-responsive services for all children.

- 3.94 Although none of the interventions were formally gender-responsive, YJA practitioners talked about tailoring support to meet girls' needs in specific cases. The importance of stability, establishing a relationship and ensuring girls '*know their worth*,' was highlighted by staff and echoed in feedback from the young women. As one parent reported, the YJA provided, '*a worker who got to know me and my children and did not judge us*.' There was concern that requirements for criminal records disclosure discriminated against girls' future prospects more so than boys due to the girls' greater tendency towards employment requiring disclosure particularly caring professions. This should form part of gender-responsive outcome monitoring.¹³⁰

Information for decision makers

- 3.95 Inspectors considered 11 reports from a sample of 18 girls identified based on prior involvement with the YJA. Three were diversionary youth conference reports and eight for court. The diversionary youth conference reports related to offences of common assault and criminal damage. All plans were accepted and completed. Risk assessments were evident in most. Where significant Adverse Childhood Experiences had been apparent there was evidence of services to address behaviour and access support.

¹²⁸ Ibid, NIAO report, para. 3.13.

¹²⁹ See *HMIP Youth Offending Inspection Standards*, referring to '*a comprehensive range of high-quality services is in place, enabling personalised and responsive provision for all children; Is there a sufficiently comprehensive and up-to-date analysis of the profile of children, used by the YOT to deliver well-targeted services?*', p.4, available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/05/Youth-Offending-Inspection-Standards-May-2021-v1.1.pdf>.

¹³⁰ The DoJ did not accept a Youth Justice Review recommendation that young people should be allowed to apply for a clean slate at age 18 years, and diversionary disposal could still be disclosed as part of Access NI checks (See *CJI, Monitoring of Progress of the Youth Justice Review Recommendations, December 2015*, available at: <http://www.cjini.org/getattachment/355260de-ceb0-43f8-ad83-e91fee363dd1/Youth-Justice-Review.aspx>).

- 3.96 Care experience was evident in seven out of eight court reports examined. In some, offences occurred in the context of a care home setting. Offences ranged from violence against the person, criminal damage, theft and possession of a Class B drug. All girls were assessed as medium to low risk of reoffending. Engagement with victims was evident, with plans including ways to make up for the offence. Two plans were rejected by the court. Only one plan was revoked after several attempts at compliance.
- 3.97 The girls needs included substance misuse and poor mental health. Concerns about sexual exploitation was evident for a number of the girls. For most, complex Adverse Childhood Experiences were present and several had experienced domestic abuse at home. Overall, the reports showed good evidence of staging interventions including where adding to programmes ongoing would have been counterproductive. Inspectors noted evidence of the YJA planning to facilitate a gradual close for a young woman turning 18 years of age.
- 3.98 Concerns about turning 18 years including implications for statutory services engagement with the girls was evident in some of the reports. This was an enduring challenge highlighted across the criminal justice organisations and stakeholders. Girls leaving care faced transitioning across various health, social care and criminal justice services. At times, changing status with support services provided by health, social care and police exacerbated escalating crisis. Prosecutors, police and YJA practitioners encountered this. The following case, considered through a YJA court report and on the police system demonstrated measures to continue support.

CASE EXAMPLE 5

A 17-year-old female attended a Youth Conference for disorderly behaviour against police. The court report showed a complex history of trauma and care experience. Four moves in the last six months were apparent. There were concerns about sexual exploitation and missing reports. Approaching 18 years of age, it was recorded that an account of her future status with the Health and Social Care Trust (HSC Trust) would have been important but was not provided for the report. A plan was agreed to address offending behaviour through supervision. Extensive contact from early teens as a victim and concerns for safety were evident on the police system. Subsequently, there was risk of sexual exploitation. On turning 18 years, police recorded she was 'no longer at risk on account of age'. However, concerns continued and there was evidence of continued liaison between police and the HSC Trust 16 Plus Team. There had been no recent contact recorded.

Whereas in the following example, it was not apparent how support services had extended beyond 18 years.

CASE EXAMPLE 6

A 17-year-old female attended a Youth Conference for theft of low value items. She was assessed as medium risk of reoffending and despite past non-compliance had been engaging well. The young women met with the victim and reflected maturely on the implications of her behaviour in the conference. There was evidence of significant trauma, substance misuse, and risk of sexual exploitation. There had been domestic abuse at home from an early age. Extensive contacts from early childhood and then subsequently as a victim and suspect as well as missing reports and concerns for safety were evident on the police system. On turning 18 years of age concerns about sexual exploitation continued. She appeared on ROP for a short period for measures to control offence behaviour. Services to provide support for reported concerns relating to sexual exploitation were not apparent from the record.

- 3.99 The YJA had used the Start 360 Engage programme to support an exit strategy with girls turning 18 years, which was positive.¹³¹ Inspectors considered that properly resourced and gender-responsive criminal justice pathways and support for those turning 18 within the criminal justice system and/or re-entering the system up to the age of 24 years should form part of a broader strategic approach to overarching DoJ strategy (see Strategic Recommendation 3). Acknowledging the need for appropriate criminal justice pathways for both females and males in this age group, research showed young women faced specific risks and vulnerabilities.¹³²
- 3.100 Girls engaged with the YJA highlighted areas for development including avoiding *'too much stuff as part of plans'* and the risk of *'feeling under pressure all the time.'* Clear explanations about next steps and *'repeat again'* was recommended, as well as covering confidentiality in more detail. One young woman was concerned apology letters would appear on social media but *'knew I could trust the process after time.'* Another praised, *'someone who got to me and didn't judge me,'* and helped to see there are options with education and future. The benefits of having a supporter *'focused on relationships, not just working through a series of charges...'* and small things that make a difference, *'[my worker] came with me on the first day [of training], all them wee things make a big difference to me'; 'it made me feel they actually cared.'*

131 Pursuant to the Northern Ireland Executive, *A Fresh Start: The Stormont Agreement and Implementation Plan 2015*, the programme for tackling paramilitary activity and organised crime Phase 2 projects included allocated funding to Engage to support women who had offended both in custody and in the community, available at <https://www.northernireland.gov.uk/articles/executive-programme-tackling-paramilitary-activity-and-organised-crime-0#toc-5>.

132 *Agenda Alliance for Women & Girls at Risk & Alliance for Youth Justice, Young Women's Justice Project Briefing: Falling Through the Gaps: Young women transitioning to the adult justice system, April 2021.* Available at: <https://barrowcadbury.org.uk/wp-content/uploads/2021/04/Falling-through-the-gaps-YWJP-transitions-briefing-paper-2.pdf>

Girls in custody

- 3.101 The UN Handbook on women and imprisonment stated all aspects of the handbook applied to girls, but urged knowledge about their especially vulnerable status due to age and additional measures needed to ensure their safety and non-discrimination. It declared disadvantages experienced by women prisoners, in comparison to male counterparts, even more acute in the case of girls, because of their very small numbers. Education and training needed to be equally accessible to girls and boys, as well as gender-sensitive programmes and health care. Rule 26.4 of the Beijing Rules also required special attention to the personal needs of females in custody.¹³³
- 3.102 The YJA annual workload data showed males consistently accounted for the vast majority of children in custody.¹³⁴ Since 2015-16, there had been a slight increase in the proportion of females from 11.7% to 13.5% in 2019-20. A high proportion of 'movements' in the JJC related to Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) admissions (47.4% in 2019-20).¹³⁵
- 3.103 Publicly available data had not been disaggregated by gender; however, custodial staff highlighted challenges experienced by girls admitted under PACE. This related to the short time frame involved and the trauma associated with experiencing custody. Staff queried necessity before accepting PACE admissions. A recent inspection of police custody included a strategic recommendation to address concerns about the remand of children including calling on the DoJ to '*... make changes to the Police and Criminal Evidence (Northern Ireland) Order 1989 which make provisions for alternative accommodation for children charged with an offence and provide clarity for Custody Officers on the detention of children and young people;*' and it was important this was implemented.¹³⁶
- 3.104 There was a sense that among girls detained, offences were not as severe compared to boys and, while not detracting from seriousness, the context had related often to living in a care home. Staff described good links with social and voluntary sector services although these were not female specific. The focus had been on individual needs as opposed to gender. Young women who experienced custody described the first night on PACE as '*an extremely difficult experience*' and '*felt very alone.*' The importance of a waking presence on the first night was noted, and the JJC reported a waking presence at all times. Kind staff, the benefits of receiving lots of attention, and not assuming girls prefer hair and beauty was also highlighted.

133 See also UNODC, *Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary, 2013*, including Article 62: Girls and children with special needs available at:

https://www.unodc.org/documents/justice-and-prison-reform/Justice_Matters_Involving-Web_version.pdf

134 Brown, T. *Northern Ireland Youth Justice Agency Annual Workload Statistics 2019/20, 15 October 2020*, available at:

<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/yja-workload-stats-1920.pdf>

135 Ibid, p.19.

136 *CJI, Police Custody: The Detention of Persons in Police Custody in Northern Ireland, September 2020*, Strategic Recommendation 1, available at: <https://www.cjini.org/getdoc/a0ba2d4e-816c-4364-b3b1-7ed7316db21d/Police-Custody-E-book-Summary-Sept20-TAGGED.aspx>

- 3.105 As with adults in custody, it was important that children's resettlement planning commenced from the outset and gender-responsive resettlement plans were important as part of this. Introduction of the new *Children First* model offered an opportunity to review resettlement planning to enhance this. Inspectors heard about instances where, similar to the women, the availability of safe and suitable accommodation for females under 18 was a challenge and it was important that sustainable accommodation solutions in the community formed part of any strategic approach for girls, as well as women (and should be included as part of Strategic Recommendation 3).

Special categories of women

- 3.106 Across UN Rules and documents relating to females in conflict with the law, special groups were highlighted. This included those detained pre-trial, survivors of gender-based violence charged with serious crimes, foreign national women, women arrested for drug offences, pregnant women, breastfeeding mothers and mothers with children, minorities and indigenous peoples. The inspection considered the approach to women with dependent children, foreign national women and females from an ethnic minority background including Travellers. Transgender people were also included because of information highlighted during the inspection. Inspectors stress that adequate attention to all particular groups' needs was required within criminal justice strategic and operational approaches.

Women with dependent children

- 3.107 When parents were involved in the CJS, the treatment children received at each stage of the criminal justice process had *'the potential to lead to unnecessary trauma and long-term harm'*.¹³⁷ There were gender differences in impact including a greater risk of family breakdown and alternative care being required for children, including state care, when mothers were imprisoned.¹³⁸ A collaborative study between the Prison Reform Trust and Families Outside made recommendations for government and responsible agencies, noting that, as most primary caregivers are mothers, their imprisonment is particularly devastating.¹³⁹ Using 2020 prison population data, the *'Children of Prisoners Europe'* project estimated that the number of children separated from an imprisoned mother in Northern Ireland was 130.¹⁴⁰ Inspectors heard from the DoJ and the NIPS that information provided by the women about children may not have always been accurate due to fears about loss of contact. Data provided to Inspectors by the NIPS had included the

137 NIACRO, *Occasional Papers: Children Affected by Parental Imprisonment: Needs, Solutions and Rights – the Evidence from Across Europe*, by Lucy Campbell OBE, President of Children of Prisoners Europe, available at https://www.niacro.co.uk/sites/default/files/publications/NIACRO_Occasional_Paper_Children_parental_imprisonment.pdf.

138 United Nations Office on Drugs and Crime, *Handbook on Women and Imprisonment*, 2nd Edition, United Nations, New York, 2014, at page 17; see also Butler, M., Hayes, D., Devaney, J. and Percy, A. (2015) *Strengthening Family Relations? Review of the Families Matter Programme at Maghaberry Prison*, Queen's University Belfast, 2015, available at https://pureadmin.qub.ac.uk/ws/portalfiles/portal/146842887/Families_Matter_Report.pdf.

139 Beresford, S. *What about me? The impact on children when mothers are involved in the criminal justice system*, Prison Reform Trust and Families Outside, 2018, available at <http://www.prisonreformtrust.org.uk/portals/0/documents/what%20about%20me.pdf>.

140 Children of Prisoners Europe, Statistics Northern Ireland, available at https://childrenofprisoners.eu/facts_and_figures/statistics-northern-ireland/

proportion of women who had disclosed they had children, but the number or age range of children was not captured at the time of CJI's request. The DoJ and the NIPS had been urged to quantify the number of children impacted by parental imprisonment and it was important this was taken forward.¹⁴¹

- 3.108 Inspectors heard from stakeholders, inspected agencies and women themselves about the impacts of being separated from children, and the necessity to consider the effects on children at every stage of the criminal justice process. This included assessing the best interests of the child at arrest, pre-trial and sentencing, during community supervision, imprisonment and resettlement.¹⁴² Examples of women being detained without time to make childcare arrangements were cited by some stakeholders and women. The particular negative impacts of remand and short sentences were also highlighted, as one stakeholder explained, women were '*losing children, losing homes*', with a multiplicity of impacts on desistance pathways, and associated trauma for children.
- 3.109 Rule 64 of the Bangkok Rules stated, '*Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.*' Inspectors were aware that a seminar on safeguarding children in sentencing had been available to members of the Northern Ireland Judiciary. In England and Wales, changes to the National Probation Service guidance had been designed to enhance an assessment of the effects of parental sentencing on children.¹⁴³ Inspectors considered there was opportunity to enhance child impact assessments at the pre-sentence stage in Northern Ireland and should be progressed as part of Strategic Recommendation 2.
- 3.110 Some highlighted positive links with social services. This included the multi-agency approach within Child Abuse Advice Clinics, which had facilitated timely exchange of information about parenting support and protection for the child. Within prison and in the community, parenting programmes and support was essential for improving children and women's outcomes. Programmes provided by various voluntary organisations were highlighted to Inspectors. This included parenting classes delivered by Barnardo's with women in Ash House, which had

141 Kehoe, S., Sloan, D. and Millar, P. *Parenting Matters for Prisoners and their Families: Informing prison work practice through evidence: an overview of recent contributions*. Barnardo's Northern Ireland, Policy and Practice Brief No. 22, 2017, available at: <https://www.barnardos.org.uk/sites/default/files/uploads/Parenting%20Matters%20for%20prisoners%20and%20their%20families%20Informing%20prison%20work%20practice%20through%20evidence%20an%20overview%20of%20Recent%20contributions%202017.pdf>.

142 See, for example, the case example on the 'Best Interests of the Child' in the Toolkit on Gender-Responsive Non-Custodial Measures, United Nations Office on Drugs and Crime, March 2020, at p. 35., available at https://www.unodc.org/documents/justice-and-prison-reform/20-01528_Gender_Toolkit_complete.pdf.

143 This resulted from research by Dr. Shona Minson on the impact of maternal imprisonment and safeguarding children (see the *Economic and Social Research Council, Delivering Guidance on the sentencing of mothers to safeguard children, July 2019*, available at <https://esrc.ukri.org/news-events-and-publications/impact-case-studies/delivering-guidance-on-the-sentencing-of-mothers-to-safeguard-children/>).

been described by the NIPS staff as beneficial particularly for those who may not have had contact with children for a number of years. It was important these were supported and accessible in a systemic way. In some instances, the COVID-19 pandemic had impacted availability particularly within prison. In recovering from the pandemic, special attention to the rights of children impacted by parental separation, including imprisonment had been highlighted by the Northern Ireland Commissioner for Children and Young People.¹⁴⁴

- 3.111 In its 2017 visit to Ash House, the CPT expressed misgivings about a policy to remove babies from mothers at nine months of age and believed the period should be extended provided this was subject to individual assessment and in the child's best interests. However, it recommended that arrangements in Ash House be reviewed to ensure suitable and non-carceral child-friendly accommodation facilities.¹⁴⁵ It was essential the NIPS kept this under review including the multi-agency links needed to support mother and baby, particularly when a baby or young child was living in custody.
- 3.112 A Council of Europe Committee of Ministers Recommendation concerning children of imprisoned parents¹⁴⁶ had recognised the need for standards to '*...guide national authorities including the judiciary, Prosecutors, prison administrators, probation services, police and child welfare and other support agencies in respecting the rights and needs of children and their imprisoned parents.*' Inspectors considered that a dedicated framework to ensure the best interests of children impacted by parents involved in the CJS would be beneficial. This should take account of gender differences and promote inter-agency links for immediate child protection, as well as the maintenance of relationships unless not in the child's best interests. The needs of pregnant women also needed to be included.

STRATEGIC RECOMMENDATION 2

Within nine months of report publication, the Department of Justice in collaboration with the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Public Prosecution Service for Northern Ireland, the Youth Justice Agency, the Northern Ireland Prison Service and the Northern Ireland Courts and Tribunals Service, should develop a framework to ensure the best interests of children impacted by parental involvement in the criminal justice system, taking specific account of mothers with dependent children as detailed in this report.

144 Northern Ireland Commissioner for Children and Young People, *A New and Better 'Normal': The Experiences and Impacts of Covid 19 on Children and Young People: Summary Report*, August 2021, Recommendation 6.2, available at <https://www.niccy.org/media/3883/niccy-covid-report-summary-report-final-aug-21.pdf>

145 CPT, *Report to the Government of the United Kingdom on the visit to Northern Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, from 29 August to 6 September 2017*, CPT/Inf (2018) 47, available at <https://rm.coe.int/16808ff5f2>.

146 Council of Europe, *Recommendation of the Committee of Ministers to Member States concerning children with imprisoned parents*, 4 April 2018, available at <https://rm.coe.int/cm-recommendation-2018-5-concerning-children-with-imprisoned-parents-e/16807b3438>.

Foreign National Women

- 3.113 The UNODC Handbook on Women and Imprisonment recognised the vulnerabilities of foreign national women. It stated: *'Non-resident foreign national women are especially vulnerable during this whole process, due to language barriers, lack of any social networks to assist them in most cases, even less awareness of legal rights in a foreign country and extreme vulnerability to abuse.'*
- 3.114 The NIPS, the PSNI, the PBNI and the YJA identified this group as requiring particular attention due to language being a barrier to communication, the reluctance of some foreign national women to report matters to the police, and the lack of awareness and understanding that females can be victims, as well as offenders. Awareness was particularly required in relation to human trafficking, modern slavery and drug offences.
- 3.115 The NIPS and the PBNI reported that electronic tablets containing 'the big word' translation service had been provided to women to assist with communication. All four agencies reported that some relevant training had been provided which had included the needs of ethnic minority groups and there were links with relevant community groups. However, guidance for staff on how to manage cases with responsiveness to cultural issues was raised. The UNODC Toolkit on Gender-Responsive Non-Custodial Measures stated: *'Policymakers need to examine their laws and policies with regard to foreign national women in contact with the law in order to ensure they are not discriminated against, that they have access to justice services and access to non-custodial measures and are assisted with resettlement or transfer.'*
- 3.116 Policy and guidance for all criminal justice agencies should be regularly reviewed and updated to reflect this. Within this special category were those subject to immigration policies. The UNODC Toolkit referenced the Prison Reform Trust *'Still No Way Out'* recommendations and emphasised the entitlement of women to access non-custodial measures: *'Immigration policies, such as removal of people for immigration offences, should not be an automatic barrier to community-based outcomes/resolutions'*. Policy and practice should be reviewed and updated to ensure access to non-custodial measures in line with relevant guidance.

Ethnic Minority Women

- 3.117 The UNODC Toolkit stated *'Women from ethnic minority backgrounds and indigenous communities are disproportionately impacted by the criminal justice system and face significant disadvantages in the criminal justice system due to the intersections of gender and race because of structural racism.'* The PBNI, the PSNI and the YJA reported that the Travelling Community had specific needs both as Travellers and as women. The women's needs related to literacy and education, domestic violence, criminal exploitation and reluctance to report matters to police. The PBNI employed a psychologist with experience in working with the Travelling Community and the agency reported working with voluntary sector groups who support Travellers.

3.118 The YJA facilitated training to highlight the cultural awareness and assist practitioners in supporting Travellers. Some viewed this training as beneficial for other criminal justice organisations to assist in understanding the issues when working with Traveller women, particularly around trust and family. The PSNI affirmed this, reporting that training or support to assist them with this special category of women would be beneficial, and some had sourced external support to help understand and respond to cultural needs. Policy and guidance should be reviewed and updated to address training needs for women from ethnic minority backgrounds in all criminal justice agencies.

Transgender people

3.119 Experience of working with and supporting transgender people was reported by the NIPS, the PBNI, the PSNI and the YJA. The PSNI reported that a large proportion of transgender people presented with depression and detention in the custody environment had been very stressful for them. The NIPS, the PSNI and the YJA staff discussed receiving some training including on using the correct pronouns and around searching. The YJA had guidance on searching and the PSNI reported that in police custody training, two days had been dedicated to gender issues with different speakers presenting. Custody Sergeants had training; however, this had not been rolled out service-wide. The agencies advised that more clarity on this for both males and females so that they can meet their needs would be welcomed. Policy and guidance should be reviewed and updated in relation to working with transgender people in all criminal justice agencies¹⁴⁷.

OPERATIONAL RECOMMENDATION 5

Within one year of report publication, the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Public Prosecution Service for Northern Ireland, the Youth Justice Agency, the Northern Ireland Prison Service and the Northern Ireland Courts and Tribunals Service, should review policy and guidance and any associated training needs to ensure gender responsivity to special groups including foreign national females, those from ethnic minority groups and transgender people, in line with their identity.

¹⁴⁷ Inspectors recognise that when considering gender and many of the issues within this report relating to women and girls, transgender people or individuals who are transitioning, should be considered as a specific group.

CHAPTER 4: OUTCOMES

Strategic

- 4.1 The DoJ was unable to provide Inspectors with evidence to show progress against the 2013-2016 strategy relating to women in conflict with the law and it was therefore unclear how it had met the particular challenges faced by females or informed the new approach. It was essential to have comprehensive longitudinal measures to understand female pathways into and out of the criminal justice system, as well as the number and journeys of children impacted by mothers' imprisonment. Without this, women's treatment by the system risked being reactive and under resourced. The Bangkok Rules were clear on the importance of research and monitoring in relation to the situation of women in conflict with the law. It stated:
- Rule 67: *'Efforts shall be made to organize and promote comprehensive, result-oriented research on the offences committed by women, the reasons that trigger women's confrontation with the criminal justice system, the impact of secondary criminalization and imprisonment on women, the characteristics of women offenders, as well as programmes designed to reduce reoffending by women, as a basis for effective planning, programme development and policy formulation to respond to the social reintegration needs of women offenders.'*
 - Rule 68: *'Efforts shall be made to organize and promote research on the number of children affected by their mothers' confrontation with the criminal justice system, and imprisonment in particular, and the impact of this on the children, in order to contribute to policy formulation and programme development, taking into account the best interests of the children.'* and
 - Rule 69: *'Efforts shall be made to review, evaluate and make public periodically the trends, problems and factors associated with offending behaviour in women and the effectiveness in responding to the social reintegration needs of women offenders, as well as their children, in order to reduce the stigmatization and negative impact of those women's confrontation with the criminal justice system on them.'*
- 4.2 Rule 30 of the UN Beijing Rules also recommended research and evaluation to periodically appraise trends, problems and causes of offending by young people, including particular needs, to inform delivery of services.¹⁴⁸

148 See also *General Comment No.24, replacing General Comment No.10 (2007): Children's right in juvenile justice*, available at: <https://www.ohchr.org/Documents/HRBodies/CRC/GC24/GeneralComment24.pdf>.

Recidivism and compliance

- 4.3 One year reoffending rates showed females were less likely to reoffend than males. The DoJ 2017-18 Cohort (published November 2020) showed overall, 12.9% females and 20.6% of males had reoffended. Reoffending by girls was higher than for women but still lower than for males overall (adult females 12.3% and adult males 20%; youth females 24.1%, youth males 30.7%). Reoffending had increased slightly from the previous year, which showed overall, 12.4% of females had reoffended. Over the last five years, recidivism increased for both adult females and males (from 11.1% adult female and 18.8% adult males in 2013-14 cohort). Females were twice as likely as males to be first time entrants to the criminal justice system. Of all offences dealt with by conviction or diversion in 2019-20, almost one quarter were first offences by males (23.5% or 5,524), compared to two fifths by females (40.9% or 2,281).¹⁴⁹
- 4.4 More research to understand patterns and reasons for women's non-compliance with court orders, as well as recalls to prison was needed. This was highlighted as an important area for development during the inspection and potentially could form part of the new PBNI Practice, Performance and Research Unit's work programme. At the time of the inspection, reasons were anecdotal. Some women Inspectors spoke to expressed anxiety about how breach and recall was assessed and the importance of explaining this prior to release from prison. The role of factors reported throughout this inspection in aiding compliance merited further consideration, including female only Community Service Squads, engagement with women's support organisations as part of probation supervision, opportunity to work from home in meeting community service hours and female only reporting.
- 4.5 The PBNI breach rates for 2018-19 cohort showed the one-year breach rates by gender for each type of order.¹⁵⁰ Unlike the previous year's cohort, females were more likely to breach a court order, with a rate of 27% compared to males at 24%. This was more marked in relation to the Probation Order with a rate of 26% for females compared to 19% for males. The PBNI noted, *'it is important to remember that due to the smaller number of females any small change in the numbers can make a larger change to the overall rate.'* Nevertheless, the data underlined the importance of research to understand factors influencing or working against women's compliance. As the UNODC Toolkit on Gender-Responsive Non-Custodial Measures stated, *'...Prosecutors, judges and probation services should consider the reasons for women's non-compliance with non-custodial sentences, including by consulting with women's groups and women in contact with the law in order to gain understanding of the challenges faced rather than automatically responding with punitive measures. They should also create realistic performance measures that consider the multitude of barriers that survivors of abuse face.'*

149 DoJ Analytical Services Group, *First Time Entrants to the Criminal Justice System in Northern Ireland 2019-20*, July 2021, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/first-time-entrants-to-the-criminal-justice-system-201920.pdf>.

150 PBNI, *Statistical Brief: Analysis of Breach Rates: 2018/19 Cohort, December 2020* (provided to CJI by the PBNI).

Reduction in harm

- 4.6 The importance of measuring a wide range of outcomes was noted including levels of engagement, access to services, and a reduction in frequency or nature of substance misuse rather than just abstinence. Long term monitoring also needed to measure baselines and progress to ensure against the use of non-custodial measures widening the net of criminal justice in respect of females. As noted in the previous sections of this report, women's detention on remand and imprisonment particularly for short sentences warranted closer monitoring to understand the reasons and adopt performance standards to reduce use.
- 4.7 CJI had recommended in its inspection of resettlement in the NIPS that *'[t]he DoJ, as part of its wider desistance remit, the NIPS and the PBNI should develop meaningful performance measures, within one year of the publication of this report, to assess the effectiveness of resettlement provision, interventions and outcomes for prisoners over the longer-term.'*¹⁵¹ This was important in respect of women and girls. Inspectors heard from the DoJ about measures underway to progress this recommendation. However, these had mostly stalled during the pandemic and needed restarted as soon as practicable.
- 4.8 The NIPS was *'currently developing a broader survey to be administered at pre-release interview, which will explore a range of matters.'* It intended to use the data collected together with the PNP data to assess the effectiveness of resettlement provision within custody. Work was also ongoing with the PBNI to assess the feasibility of assessing medium to long-term outcomes for those released from custody under their supervision. The NIPS anticipated one or more years was needed before meaningful data was reported. The NIPS Resettlement Branch collected Outcomes Based Accountability Scorecards for each voluntary and community sector programme it funded. However, more time was required to gauge the longer-term impact of the programmes on resettlement. Inspectors emphasise the importance of building in assessment of gender-responsivity when measuring outcomes.
- 4.9 Feedback from women and girls was essential. Data provided by the YJA showed high levels of satisfaction among males and females using its services, and the parents of both males and females had been similarly positive. Most reported that the YJA experience would help avoid further offending. The NIAO recommended that the YJA improve its system for performance monitoring to focus on more than self-reported satisfaction rates. Figures provided to CJI by the YJA showed an overall improvement in completion rates for both females and males for both statutory and diversionary referrals. Overall, nine in 10 females successfully completed statutory and diversionary referrals, with a slight increase in completion over five years from 92.4% in 2015-16 to 93.9% in 2019-20. For diversionary referrals, this increased from 90.6% in 2015-16 to 92.9% in 2019-20.

151 Paragraph 4.63

- 4.10 The PBNI women’s service user group had not operated during the pandemic and it was hoped to re-establish it. One woman participant who spoke to Inspectors welcomed the support it offered to service users both during supervision and after, and the opportunity to influence change for others. The PBNI staff were seeking to establish a forum in other areas. The YJA custodial services supported a Youth Forum to provide feedback and the NIPS held equality and diversity meetings at which women representatives attended. It was important to monitor outcomes achieved as a result of females’ participation.
- 4.11 All four inspected agencies working directly with women and girls described challenges in measuring successful prevention and some highlighted that international comparisons for a successful suite of measures in this area had not been available. Inspectors heard how at times success was *‘keeping women alive.’* The NIPS, the PBNI, the PSNI and the YJA provided case examples to Inspectors, which demonstrated positive outcomes for females. This included the PSNI ROP work with females, YJA interventions with girls, the PBNI’s engagement with women as part of the Substance Misuse Court, and the NIPS resettlement work with a woman in custody. Each demonstrated partnership work with statutory and voluntary organisations including in respect of housing, mental health and drug misuse. In most cases, at the time of writing the case example, the women and girls had moved on successfully from the CJS and the importance of one-to-one support was highlighted. Case examples developed in partnership with the women and girls provided a rich source of learning, which future performance monitoring should integrate.
- 4.12 Inspectors considered that strategic intervention was required to establish targets for the performance of the CJS in relation to females in conflict with the law. This should identify and measure opportunities to advance gender-responsive out-of-court, diversionary and non-custodial measures. These could be advanced through the creation of new gender-responsive options or clear governance and operational guidance to ensure generic measures were tailored in a gender-responsive, systemic way.
- 4.13 The types of gender-responsive practice identified throughout this report and during fieldwork to Inspectors, required support in a more strategic and consistent manner. This included examples of:
- the PBNI and YJA staff seeking out gender-responsive community services in individual cases, or mapping women’s services in the local area;
 - probation staff’s development of the female only community service squad;
 - funding for community organisations interventions that counted towards community service hours;
 - NIPS staff accompanying women to accommodation on release; and
 - individual Police Officers seeking sustainable solutions to support women *‘repeat callers’* or vulnerable females on the street.

4.14 As previously discussed, consideration given to the role of the Criminal Justice Board in whole-system monitoring would also be beneficial. The issues to be addressed by the Strategy as outlined in this report included, among other matters:

- the development and implementation of properly resourced gender-responsive options for out of court disposals, diversion, and sentencing alternatives as provided for within the Bangkok Rules;
- mainstreaming the Inspire Model of Practice as a way of managing women's offending;
- support for sustainable gender-responsive accommodation options for women and girls in the community particularly on resettlement following custody;
- a pilot project to reduce women remanded to prison;
- young person centered and gender-responsive criminal justice pathways and support for turning 18 years of age and in young adulthood (18 to 24 years);
- quantitative and qualitative performance measures that include targets to reduce short sentences and remand, to measure resettlement, and outcomes for dependent children; and
- baseline research and measures to avoid widening the net of criminal justice control over females.

STRATEGIC RECOMMENDATION 3

The Department of Justice, working in partnership with all inspected organisations and key stakeholders, should ensure its new Women and Girls strategy and accompanying action plan is effectively led, resourced and monitored to deliver gender-responsive approaches and outcomes. Actions should take account of the issues raised in this report and include the explicit implementation of its operational recommendations.

APPENDIX 1: METHODOLOGY

Desktop research and documentary review

Research literature and guidance was reviewed in relation to females in conflict with the law. This was used to inform the development of terms of reference for the inspection and fieldwork planning. A review was also completed of external and internal documentation relating to females in conflict with the law provided to CJI by inspected agencies. This was used during fieldwork planning and analysis.

Females in conflict with the law

Four females who had experienced the criminal justice system, with the support of the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), provided CJI with insights from their experience of being involved with the criminal justice system. One female who had experience of working with the PBNI also participated in the inspection and shared her experience. Ten females who were in custody on remand or sentenced in Ash House or Murray House also participated in the inspection and provided insights into their experience. Inspectors also spoke with a group of women attending an outdoor Community Service Squad.

Ten young females and one parent, supported by the YJA, provided written responses regarding their experience of the CJS. While it was determined that face to face interviews should not be carried out (due to the pandemic), Inspectors considered it important for the girls to have their voices heard regarding their experiences of the CJS. In the circumstances, girls were invited to provide their responses to discussion areas provided by CJI to the YJA with YJA practitioners supporting them throughout the process.

Inspectors were incredibly grateful to all those who took part and the support from the various organisations and individuals who facilitated this. Inspectors were struck by their selflessness as they shared what had often been a challenging and at times traumatic criminal justice journey while aware that the inspection would not benefit them directly.

Fieldwork

One to one interviews and focus groups with inspected agencies were completed virtually and Inspectors very much appreciated the time and efforts involved in organising these. The bulk took place with the PSNI, the PBNI, the NIPS, the YJA, and the PPS and to a lesser degree the NICTS. Inspectors also met with representatives from the DoJ and the Judiciary and were grateful for the information provided by each. Representatives from the following areas in each agency were interviewed:

PSNI

- Assistant Chief Constable Community Safety Department;
- Chief Superintendent Criminal Justice Branch;
- Chief Superintendent & Deputy Assistant Chief Constable District Policing Command;
- Chief Superintendent/DoJ Seconded;
- Chief Superintendent District A;
- Custody Sergeants and Custody Detention Officers Focus Group Musgrave Street, Omagh and Coleraine;
- District Trainers x 2;
- Reducing Offending in Partnership Policy x 2;
- Public Protection Unit focus group including a Chief Superintendent, Deputy Superintendent and Deputy Chief Inspector;
- Neighbourhood Policing Team and Local Policing Team Constables A District focus group;
- Inspector and District Sergeants A District focus group;
- Chief Inspector C District;
- Citybeat Inspector, Sergeant and Constables focus group;
- District Commander C District;
- Detective Inspector Central Referral Unit and Public Protection Team and Offender Manager Policy;
- Garnerville Training focus group including a Detective Chief Inspector, Chief Inspector and Sergeant focus group ;
- Neighbourhood Policing Team and Support Hub C District focus group;
- Neighbourhood Policing Team C District including an Inspector and Sergeants focus group;
- Support Hubs focus group;
- Youth Diversion Officers focus group; and
- Support Hubs and Early Stage Intervention lead, Superintendent.

PPS

- Assistant Directors Belfast and Eastern Region and Southern and Western Region;
- PPS Senior Prosecutors Belfast and Eastern, Foyle & Newry focus group;
- PPS Prosecutors Foyle, Belfast and Eastern and Newry focus group;
- PPS Youth Prosecutors Foyle, Belfast and Eastern and Newry focus group; and
- PPS Policy including head of policy.

PBNI

- Enhanced Combination Order Probation Officers and Probation Services Officers, Rural Areas focus group;
- PBNI Manager, Hydebank Wood;
- Probation Support Officers x 2;
- Assistant Directors focus group;
- Area managers focus group x 3;
- Community Service Probation S Officers focus group x 2;

- Probation Officers (Rural and urban areas) for Down and Ards, North Belfast, the North West, Ballymena, and East Belfast focus group x 5;
- Psychology focus group x 3;
- Probation Support Officers (Rural and Urban) focus group x 5; and
- Substance Misuse Court Manager and Probation Officer x 2.

NICTS

- NICTS Director of Operations.

NIPS

- Ash House Deputy Governor and Managers focus group;
- Rehabilitation including the Director of Rehabilitation focus group;
- Ash House staff focus group;
- Prisoner Development Unit Co-ordinators focus group;
- Psychology focus group; and
- Women's Support Worker.

YJA

- Assistant Director;
- YJA Area Managers focus group;
- YJA Custody focus group;
- YJA Early Stage Intervention from Belfast, Western, Southern and Eastern areas focus group; and
- YJA Practitioners including Youth Conference Co-ordinators for Belfast, Northern and Southern focus group.

Interviews and focus groups were also undertaken with statutory and NGO stakeholder organisations who had been involved in supporting and working with women and girls who had been or were currently in conflict with the law, or in providing advice on law and policy relating to them. Academics spoke to CJI and provided information to help inform the inspection including Dr Gillian McNaul, who had developed a briefing paper on the gendered experience of custodial remand, the criminalisation of women and the harms of imprisonment, Professor Siobhan O'Neill who developed a policy and practice briefing on Adverse Childhood Experiences (ACE's) and the importance of considering the impact of co-occurring adversities when planning treatment, prevention, and intervention programmes and, at scoping stage, the PBNi practitioner and author of a Northern Ireland specific study on women's transitions from custody in Northern Ireland, and researcher, Kate Campbell, who completed the NIACRO commissioned 'Transforming Lives' study .

File review

A review of 17 files held by the PSNI was undertaken. This included a sample of files related to females detained in custody during the weekend prior to the file review, a sample of cases relating to women on the PSNI ROP programme, and cross-referencing of a number of cases related to court reports sampled from those held by the PBNI and the YJA. CJI conducted a review of six court reports relating to women held by the PBNI. CJI requested Pre-Sentence Reports where the individual was involved in probation supervision within the last year and had prior involvement with probation. CJI also reviewed a sample of six sentence plans provided by the NIPS for women who were recently in custody, on remand or sentenced with prior custodial experience. A review was also carried out of nine Youth Conference reports (three diversionary reports for the PPS and Six court reports) sampled randomly from eighteen reports provided by the YJA. CJI requested reports involving girls who had prior involvement with the YJA. Inspectors did not provide a judgement on the content or quality of files but rather examined each with a view to understanding more about the challenges and opportunities experienced by females who had offended and those working with them to address offending risks and needs.

APPENDIX 2: DATA TABLES AND NOTES

Table A: Arrests and population rates by age and gender (2015-16 to 2019-20).

Year		Arrests ¹				Population rates ²	
		Female	Male	Unknown	Total	Female	Male
2015-16	Under 18	399	1,904	1	2,304	2	9
	18-21	482	3,638	2	4,122	10	73
	22-29	1,006	7,133	1	8,140	10	72
	30-39	912	4,992	0	5,904	7	43
	40-49	746	3,050	1	3,797	6	24
	50+	481	2,141	1	2,623	1	7
	Unknown	0	0	0	0	--	--
	Total	4,026	22,858	6	26,890	4	25
2016-17	Under 18	376	1,617	1	1,994	2	7
	18-21	470	3,090	2	3,562	10	63
	22-29	978	6,331	2	7,311	10	64
	30-39	918	5,145	1	6,064	7	43
	40-49	605	2,679	1	3,285	5	22
	50+	417	2,026	0	2,443	1	7
	Unknown	0	0	0	0	--	--
	Total	3,764	20,888	7	24,659	4	23
2017-18	Under 18	414	1,682	0	2,096	2	8
	18-21	499	2,972	8	3,479	11	61
	22-29	904	6,388	5	7,297	9	65
	30-39	977	5,402	0	6,379	8	45
	40-49	605	2,806	0	3,411	5	23
	50+	477	2,171	0	2,648	2	7
	Unknown	1	2	0	3	--	--
	Total	3,877	21,423	13	25,313	4	23

Year		Arrests ¹				Population rates ²	
		Female	Male	Unknown	Total	Female	Male
2018-19	Under 18	329	1,503	2	1,834	2	7
	18-21	553	2,843	0	3,396	12	59
	22-29	980	6,597	3	7,580	10	68
	30-39	1,131	5,721	2	6,854	9	47
	40-49	705	2,924	0	3,629	6	25
	50+	540	2,165	1	2,706	2	7
	Unknown	0	0	0	0	--	--
	Total	4,238	21,753	8	25,999	4	23
2019-20	Under 18	348	1,433	3	1,784	2	6
	18-21	468	2,475	2	2,945	11	52
	22-29	961	6,405	1	7,367	10	66
	30-39	1,157	5,979	4	7,140	9	48
	40-49	663	2,865	1	3,529	5	24
	50+	544	2,297	1	2,842	2	7
	Unknown	0	0	0	0	--	--
	Total	4,141	21,454	12	25,607	4	23

1. Arrested and processed through police custody, based on the date first booked into custody.

2. The population rates relate to the number of arrests in the chosen age range per 1,000 of the population in the same age range

Data provided by PSNI to CJI.

Table B: Gender of persons receiving an out of court disposal, by category of main offence, 2019 (data provided to CJI by DoJ ASG, May 2021)

Offence Category	Gender		
	Male	Female	Total
VAP	667	332	999
Sexual	29	-	29
Robbery	*	-	*
Theft	213	178	391
Burglary	#	3	#
Criminal Damage & Arson	359	84	443
Drugs	870	131	1,001
Possession of Weapons	137	19	156
Public Order	288	76	364
Motoring	339	162	501
Fraud	43	26	69
Miscellaneous	168	29	197
Total	3,131	1,040	4,171

Note:

1. Figures relate to category of the main offence at disposal.
 2. Figures relate to case prosecuted by PPS on behalf of PSNI, PBNI, Airport Constabulary, Airport Police and NCA.
 3. Figures for males include those recorded as transgender, those for whom no gender was recorded and cases where gender was no applicable, eg companies, or other organisations.
 4. Out of court disposals include cautions, informed warnings and Youth Conference Plans
- * means a figure of less than 3 has been treated under rules of disclosure
means a figure greater and/or equal to 3 has been treated to prevent disclosure of small numbers elsewhere

**Table C: Gender of persons prosecuted at court by category of main offence, 2019
(provided to CJI by DoJ ASG May 2021)**

Offence category	Gender		
	Male	Female	Total
VAP	4,134	886	5,020
Sexual	335	11	346
Robbery	81	4	85
Theft	1,723	709	2,432
Burglary	476	48	524
Criminal Damage & Arson	1,701	224	1,925
Drugs	2,448	258	2,706
Possession of Weapons	436	30	466
Public Order	2,066	330	2,396
Motoring	9,621	2,548	12,169
Fraud	278	85	363
Miscellaneous	909	160	1,069
Total	24,208	5,293	29,501

**Table D: Gender of persons convicted at court, by category of main offence, 2019
(provided to CJI by DoJ ASG, May 2021)**

Offence Category	Gender		
	Male	Female	Total
VAP	2,865	622	3,487
Sexual	#	#	223
Robbery	#	*	59
Theft	1,520	626	2,146
Burglary	371	31	402
Criminal Damage & Arson	1,186	156	1,342
Drugs	2,337	237	2,574
Possession of Weapons	365	22	387
Public Order	1,658	249	1,907
Motoring	9,002	2,326	11,328
Fraud	233	72	305
Miscellaneous	723	128	851
Total	20,534	4,477	25,011

Note:

1. Figures relate to initial disposal at court. Appeals are not included.
2. Figures relate to cases dealt with at Crown Court and magistrates' courts.
3. Figures relate to category of the main offence at disposal
4. Figures relate to case prosecuted by PPS on behalf of PSNI, PBNI, Airport Constabulary, Airport Police and NCA.
5. Figures for males include those recorded as transgender, those for whom no gender was recorded and cases where gender was not applicable e.g. companies, or other organisations.

* means a figure of less than 3 has been treated under disclosure rules

means a figure greater and/or equal to 3 has been treated to prevent disclosure of smaller numbers elsewhere.

Table E: Community sentences by gender (2020)

(Data extracted from 'Court prosecutions, convictions and out of court disposals statistics for NI 2020 – open data format tables: worksheet 5: Table 5a – number and percentage of convictions by sentencing disposal and court type, 2020. Available online at:

<https://www.justice-ni.gov.uk/publications/court-prosecutions-and-out-court-disposals-statistics-northern-ireland-2020>)

Attendance Centre	Male	10
Attendance Centre	Female	15
Attendance Centre	Other***	0
Attendance Centre	Total	25
Combination Order	Male	317
Combination Order	Female	51
Combination Order	Other***	0
Combination Order	Total	368
Probation Order/Supervision Order	Male	866
Probation Order/Supervision Order	Female	187
Probation Order/Supervision Order	Other***	1
Probation Order/Supervision Order	Total	1,054
Community Service Order	Male	295
Community Service Order	Female	53
Community Service Order	Other***	1
Community Service Order	Total	349
Youth Conference Order	Male	149
Youth Conference Order	Female	27
Youth Conference Order	Other***	2
Youth Conference Order	Total	178
Community Responsibility Order	Male	39
Community Responsibility Order	Female	0
Community Responsibility Order	Other***	0
Community Responsibility Order	Total	39

*Out of a total 3,193 convictions for females; and 14,919 convictions for males; and 23 other

**Disposals for Attendance Centres, Combination Orders, Probation Order/Supervision Orders, Community Service Orders, Youth Conference Orders and Community Responsibility Orders are classified as community sentences as in the DoJ Report (Court Prosecutions, Convictions and Out of Court Disposals Statistics NI, 2020);

***Includes sex not stated, transgender and other offenders i.e. companies, public bodies, etc.

Table F: Short sentences by offence category (Data provided by NIPS Self-Assessment to CJI)

Offence category	Year								
	2017			2018			2019		
	Female	Male	Total	Female	Male	Total	Female	Male	Total
VAP	30	272	302	28	231	259	24	248	272
Sexual	0	22	22	0	36	36	0	32	32
Other Misc Sexual	0	7	7	0	7	7	0	6	6
Robbery	<=3	14	15	<=3	10	11	<=3	14	15
Theft	48	211	259	33	218	251	33	233	266
Burglary	4	107	111	<=3	98	99	10	131	141
Criminal Damage	12	185	197	15	173	188	15	188	203
Drugs	8	160	168	7	191	198	11	187	198
Possession of Weapons	0	23	23	0	21	21	0	33	33
Public Order	16	218	234	24	244	268	17	291	308
Motoring	11	174	185	15	176	191	8	128	136
Fraud	6	25	31	<=3	14	17	<=3	17	20
Misc	18	140	158	20	133	153	18	144	162
Unknown	<=3	<=3	4	0	<=3	<=3	0	<=3	<=3

Source: PRISM

Year is based on final sentenced day

Transgender inmates are included with males or females depending on which establishment they served their sentence

Table G: Outcome of IPC with a remand element (data provided by NIPS self-assessment to CJI)

Outcome of IPCs with a remand element by year of first committal (year of committal based on primary IPC¹)

Gender	Disposal	Year of First Committal						Total	
		2015		2016		2017			
Male	Imprisonment	918	52%	941	51%	892	50%	2751	51%
	Suspended Custodial	302	17%	315	17%	289	16%	906	17%
	Community Sentence	143	8%	135	7%	128	7%	406	8%
	Monetary Penalty	80	5%	96	5%	113	6%	289	5%
	Discharge	30	2%	18	1%	19	1%	67	1%
	Other	212	12%	239	13%	196	11%	647	12%
	Unable to match	72	4%	87	5%	139	8%	298	6%
	Total		1757	100%	1831	100%	1776	100%	5364
Female	Imprisonment	52	38%	77	43%	71	40%	200	40%
	Suspended Custodial	42	31%	39	22%	49	27%	130	26%
	Community Sentence	12	9%	19	10%	18	10%	49	10%
	Monetary Penalty	5	4%	12	7%	9	5%	26	5%
	Discharge	4	3%	5	3%	4	2%	13	3%
	Other	11	8%	18	10%	11	6%	40	8%
	Unable to match	10	7%	11	6%	17	9%	38	8%
	Total		136	100%	181	100%	179	100%	496
Total	Imprisonment	970	51%	1018	51%	963	49%	2951	50%
	Suspended Custodial	344	18%	354	18%	338	17%	1036	18%
	Community Sentence	155	8%	154	8%	146	7%	455	8%
	Monetary Penalty	85	4%	108	5%	122	6%	315	5%
	Discharge	34	2%	23	1%	23	1%	80	1%
	Other	223	12%	257	13%	207	11%	687	12%
	Unable to match	82	4%	98	5%	156	8%	336	6%
	Total		1893	100%	2012	100%	1955	100%	5860

Source: PRISM

In many cases, an individual may be remanded in custody for multiple incidents at the same time. In these cases, each incident was weighted by the severity of the outcome, and the incident which had the most severe outcome is reported on (the primary IPC).

APPENDIX 3: TERMS OF REFERENCE

AN INSPECTION OF HOW THE CRIMINAL JUSTICE SYSTEM TREATS FEMALES IN CONFLICT WITH THE LAW.

Terms of Reference

Introduction

Criminal Justice Inspection (CJI) proposes to undertake an inspection of how the criminal justice system in Northern Ireland treats females in conflict with the law, that is, those in contact with the criminal justice system suspected or convicted of having committed a criminal offence. The Police Service of Northern Ireland (PSNI), the Public Prosecution Service (PPS), the Northern Ireland Courts and Tribunals Service (NICTS), the Probation Board for Northern Ireland (PBNI), the Youth Justice Agency (YJA), and the Northern Ireland Prison Service (NIPS) are the main focus of the inspection.

In just under a decade, the proportion of women sentenced to custody in Northern Ireland has almost doubled.¹⁵² The increase is not unique to Northern Ireland, the number of females in prison globally having increased by over 50% since 2000.¹⁵³ In 2007, Baroness Corston urged community alternatives to custody save for the small number of serious and violent women offenders who pose a risk to the public, noting then that *'[t] here 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.'*¹⁵⁴ The necessity of gender sensitive approaches to achieve equality of outcomes for women was also stressed, which is recognised and mandated by international standards.¹⁵⁵

152 The number of custodial disposals for women in 2010 was 171 out of 4,652 females convicted at all courts in 2010 compared to 300 out of 4,477 females in all courts in 2019; (see *DoJ Analytical Services Group, Northern Ireland Conviction and Sentencing Statistics 2010-2012, Research and Statistical Bulletin 12/2014*, September 2014, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/ni-conviction-sentencing%20-statistics-2010-2012-revised-december-2017.pdf>; and Graham, I., *Court Prosecutions, Convictions and Out of Court Disposals Statistics for Northern Ireland, 2019*, DOJ Analytical Services Group, June 2020, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/prosecutions-convictions-and-diversionary-disposals-2019-published-version.pdf>).

153 Walmsley, R, *World Female Imprisonment List, Fourth Edition, 2017, World Prison Brief; Institute for Criminal Policy Research*, available at: http://fileserv.idpc.net/library/world_female_prison_4th_edn_v4_web.pdf.

154 *The Corston Report, Home Office 2007*, available at <https://webarchive.nationalarchives.gov.uk/20180207155341/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>.

155 See for example, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, available online at: https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf.

A human-rights based approach by Government in response to issues impacting women is vital.¹⁵⁶ Within the United Kingdom (UK), the Devolved Administrations have been called on specifically to produce female offender strategies.¹⁵⁷ The Department of Justice (DoJ) Business Plan 2020-21 has committed to launch a consultation on a new strategy, its previous strategy having been the 'Reducing offending among women 2013-16'.¹⁵⁸

Within recommendations arising from her mission to the UK which included Northern Ireland, the United Nations (UN) Special Rapporteur on violence against women called on the UK Government to:

- Establish specific safeguards to ensure that women's histories of victimization and abuse are taken into consideration when making decisions about incarceration, especially for non-violent crimes;¹⁵⁹ and
- Implement fully the recommendations made by the Corston Report, including the call to replace the women's prison estate with small women-specific custodial units with appropriate and necessary service.¹⁶⁰

The Special Rapporteur was concerned more broadly about regressive measures across the UK, which included a shift away from gender specificity to gender neutrality, and austerity measures impacting gender sensitive services to address violence against women and other issues affecting them.

In Northern Ireland, research by the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) found that the community sector continued to provide a wealth of expertise and commitment to support women who offend. But the availability of services had been severely impacted by funding cuts.¹⁶¹ This was considered a possible reason for increased women's imprisonment. Return of the Inspire Model as the 'cornerstone for community based support' was recommended. The Inspire Model, led by the PBNi and delivered with partner organisations, had been commended in a 2011 report by the Prison Review Team.¹⁶² Gender sensitive probation services will be an important focus for this inspection.

156 Specifically on a coherent and consistent human rights based approach to tackling violence against women see *Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to the United Kingdom of Great Britain and Northern Ireland, 19 May 2015, available at <https://www.ohchr.org/Documents/Issues/Women/SR/A.HRC.29.27.Add.2.pdf>.*

157 Committee on the Elimination of Discrimination against Women, *Concluding observations on the eight periodic report of the United Kingdom of Great Britain and Northern Ireland*, 14 March 2019, at para. 58(a) and (b).

158 https://www.justice-ni.gov.uk/sites/default/files/publications/justice/doj-corporate-business-plan-20_0.pdf

159 See also the Farmer Review, which makes recommendations to support ways in which information on women's key relationships may be made available to inform decision-makers, liaison and diversion services, and courts (Lord Farmer, *The Importance of Strengthening Female Offenders' Family and other Relationships to Prevent Reoffending and Reduce Intergenerational Crime*, Ministry of Justice, June 2019, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/809467/farmer-review-women.PDF).

160 Ibid note 5, at para. 107 (c) (viii) and (ix)

161 Campbell, Kate, *Transforming Lives: A study looking at the landscape of support for women who offend and ways to move forward in Northern Ireland*, NIACRO, Spring 2020, available at: <https://www.niacro.co.uk/sites/default/files/publications/Transforming%20Lives%20K%20Campbell%20Spring%202020.pdf>.

162 PRT, *Review of the Northern Ireland Prison Service: Conditions, management and oversight of all prisons*, Prison Review Team, Final Report, October 2011, available at <https://www.justice-ni.gov.uk/publications/owers-review-northern-ireland-prison-service>.

Among females, younger women and girls are a distinct group with particular needs. A contemporary account of the UN Convention on the Rights of the Child 'to guide States towards a holistic implementation of child justice systems that promote and protect children's rights' has recently been published by the Committee on the Rights of the Child (CRC).¹⁶³ The importance of a prevention strategy, the scaling up of diversion, and continuation of child justice for those who turn 18 years during their time in the criminal justice system are among matters included. The CRC commended States that applied '...the child justice system to persons aged 18 and older whether as a general rule or by way of exception. This approach is in keeping with the developmental and neuroscience evidence that shows that brain development continues into the early twenties.'¹⁶⁴ The inspection will be particularly interested in the criminal justice system response to this group of young women.

This is the first time CJI has completed an inspection in this specific area. However, past inspections are relevant and will be taken into account as applicable; these include thematic and joint inspections relating to:

- females in detention, including on resettlement and the safety of prisoners;
- police custody;
- probation services;
- the youth justice system; and
- Inspections that have included consideration of females in conflict with the law as victims such as Child Sexual Exploitation and Modern Slavery and Human Trafficking.

Aims of the Inspection

The broad aims of the Inspection are to:

- Examine the strategic approach, both justice-wide and in respect of the inspected agencies, to females in the criminal justice system including the extent of a human rights based and gender sensitive approach;
- Examine availability and use of gender informed opportunities for early intervention and diversion at the point of policing and prosecutorial decision-making including guidance and information made available to decision-makers;
- Examine availability and use of gender informed alternatives to custody for females in the formal criminal justice system including the quality of information made available to sentencers;
- Examine provision of gender sensitive services to support resettlement pathways for females in custody;
- Examine the treatment of females who turn 18 years during the course of their contact with the criminal justice system.

163 Committee on the Rights of the Child, *General Comment No.24 (2019) on children's rights in the child justice system*, 18 September 2019, available at <https://www.ohchr.org/Documents/HRBodies/CRC/GC24/GeneralComment24.pdf>.

164 Ibid, para. 32.

Any other matters arising during the inspection if considered appropriate by CJI may be included. As the inspection progresses, Inspectors may also determine it necessary to focus on a specific aspect of the terms of reference while always adopting a risk based approach, including the implications of public health advice for conducting fieldwork, in making this decision.

This inspection will not specifically examine the treatment of females in prison, as routine establishment inspections occur as part of CJI's National Preventative Mechanism mandate and inspection programme. As an inspection of police custody has also been recently completed,¹⁶⁵ Inspectors will seek to avoid duplication and not include this as the main focus of the current inspection.

In 2020-21 CJI is also undertaking an inspection of bail and remand. Inspectors will be mindful to avoid duplication and this may include joining elements of fieldwork where this is considered appropriate and practicable.

Methodology

The inspection will be based on the Inspection Framework, the three main elements of the inspection framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. The inspection methodology can be found at www.cjini.org.

CJI is cognisant of the current circumstances and uncertainty arising from the Covid-19 pandemic which will inform designing and carrying out fieldwork for the inspection (see below) and may impact timing.

Design and Planning

Preliminary research has been undertaken including review of relevant documentation such as previous inspection and other reports, publicly available criminal justice system statistics, relevant international standards and any documentation provided by the criminal justice agencies.

¹⁶⁵ CJI, *Police Custody: The Detention of Persons in Northern Ireland, September 2020*, available at <http://cjini.org/TheInspections/Inspection-Reports/2020/July-September/Police-Custody>

Delivery

- Terms of reference will be prepared and shared with the PSNI, the PPS, the NICTS, the PBNI, the YJA, and the NIPS prior to the commencement of the inspection. Liaison officers for each body should be nominated for the purposes of the inspection.
- Inspected agencies will be given the opportunity to complete a self-assessment of their approach to females in conflict with the law, and to provide an outline of current process and any management information deemed relevant.
- Management information, data and other relevant documentation held by the criminal justice agencies will be examined.
- Interviews and focus groups will be conducted with stakeholders and criminal justice agency staff, to give an insight into the issues affecting females.
- Opportunities to facilitate the participation of females who are experiencing, or have experienced, the criminal justice system will be explored.
- A sample of Pre-Sentence/Magistrates' Court reports, YJA reports for court and the PPS, and case files may also be examined to help understand how decision making and practice is gender informed.
- Progress in the development of performance and management information will be examined.
- Evidence of planning and decision-making leading to performance improvement and recognition of future development will be assessed.
- Where appropriate benchmarking and identification of best practice within and outside Northern Ireland.
- Fieldwork requiring face-to-face contact or file review will be planned and risk assessed in consultation with relevant organisations or individuals and public health advice such as social distancing will be followed. All timescales are indicative and dependent on developments with the Coronavirus COVID-19 pandemic and public health advice.

Following completion of the fieldwork, analysis of data, and initial feedback on emerging findings to the inspected agencies, where appropriate, a draft report will be shared with them for factual accuracy check in line with protocols. The Chief Inspector will also invite the inspected bodies to complete an action plan to address the recommendations and if the plan has been agreed and is available it will be published as part of the final inspection report. The inspection report will be shared, under embargo, in advance of the publication date with the inspected bodies.

Publication and Closure

It is planned for stakeholder fieldwork to take place between November and December 2020 and for fieldwork with inspected agencies to take place between January and May 2021. A draft report will be finalised for Ministerial approval with publication intended for autumn 2021.



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