

## **EMOTION, TIME, AND THE VOICE OF WOMEN AFFECTED BY THE CRIMINAL JUSTICE PROCESS: CORSTON AND THE FEMALE OFFENDER STRATEGY**

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### **Abstract**

In 2007 Baroness Corston articulated a vision of creating a 'distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach' with women in the criminal justice system (Corston, 2007:79). These sentiments are echoed within the Government's Female Offender Strategy (Ministry of Justice, 2018). This article argues that the core messages from these documents have not been implemented. It argues that criminal justice processes are reducing the opportunity to work within the women's timeframes in order to enable them to make long-term changes in lifestyle and to develop their personal capacities. The spectrum of presenting needs of women involved in crime is broad. Therefore, the focus of this paper is on the impact of domestic abuse on women, drawing on the voice of a survivor and her criminality, which occurred as a result of abuse and the attempt to escape a violent and coercively controlling partner. Using an autobiographical account, it is argued that limitations on time can significantly hinder individual progress, recovery and reintegration, given the experience of trauma and emotional suffering. Agency practitioners have to take time to hear women's emotional needs, so women feel that their voices are heard in order to be connected with the process of rehabilitation. This article argues that the recommendations from the Corston report have not been implemented and that significant organisational change is necessary to assist women with multiple and complex needs to navigate a positive, non-offending lifestyle.

### **Keywords**

Women; criminal justice; rehabilitation; emotion; time

## **Introduction**

Criminal justice organisations – indeed, many organisations and agencies – have an expectation that change should occur quickly in the lives of the women with whom they work. As a result, organisational (or process) time readily overrides that of service-user time. Nellis (2002) identified the ‘remorseless managerialism and the narrowly conceived forms of “effective practice” with which it is associated’, and it could be argued that in this respect, little has changed within criminal justice practice since the target-driven era of the late twentieth century. Over a decade after Baroness Corston (2007) set out her vision for meeting the needs of women in the criminal justice process, this article considers how work with women can be developed to support individuals according to their needs and timescales, thereby enabling and motivating women to lead positive lives without the constraint and pressure of ‘organisational’ timescales. Corston, in recognition of the complexities of women’s pathways into and out of offending, highlighted the need for women’s individual circumstances to be accounted for. She advocated for the moving from the ‘one size fits all’ approach to women in the criminal justice system and promoted the need for women’s centres with a range of gender-specific, responsive intervention options for women with complex needs. This is considered essential in addressing the root causes of women’s offending behaviour (Corston, 2007; Baldwin, 2015; Women’s Breakout, 2017; Ministry of Justice, 2018).

Criminal justice processes, delivery agencies and some third sector organisations working under the Transforming Rehabilitation agenda may reduce opportunities to work to the timeframe of women service users to allow for ‘the complex and layered process, especially within the context of chronic stress and trauma’ (Gomm, 2013). Consequently, a woman’s ability to make long-term changes in her lifestyle, and her opportunity to develop positive personal capacities, may be hindered. This situation is exacerbated by the confusing legitimacy of criminal justice sanctions (Jordan, 2013) and the competing priorities of privatisation, payment by results contracts, managerial risk assessment and operational timescale limitations. Arguably, when considering the very specific and complex needs of women within the criminal justice system, this is not the ‘distinct and radically different’ service that Corston envisaged.

Kristy O’Dowd, formerly project manager of a small UK women’s survivor support organisation, is co-author of this article. An autobiographical section is incorporated within this paper to recount O’Dowd’s experience of the criminal justice system as a consequence of her attempt to flee an abusive relationship accompanied by her children. Once considered merely anecdotal in terms of academic value and validity, the voices of individuals processed by the criminal justice system are now considered valuable. This voice of lived experience is central to our understanding of the realities of crime and being processed by the criminal justice system, and to learning from the reality of how individuals turn their lives around. This voice is fundamental to academic and practitioner knowledge, contributing to a more comprehensive understanding of the lived history and experiences of those affected by abuse and their subsequent involvement in crime. As Weaver and Weaver articulate:

As such we believe that it points towards the kind of fully rounded knowledge base that policy-makers, managers and practitioners need if they are to fully

understand and even empathize with the people for whom they provide (or fail to provide) services, and whose lives and circumstances may be more complex than simplistic rational choice theories of personal change, and naive policy initiatives that may be based on them, ever recognize. (Weaver and Weaver, 2013:261)

Where agencies and organisations wish to make improvements for women service users, the accounts of women's lived experience are considered the most appropriate source of evidence on which to base professional or agency intervention (Mullender, 1996; Hague et al., 2003). The terms 'woman affected by the criminal justice system' and 'service user' are used throughout, as this encapsulates a more positive and inclusive stance than 'offender' or 'ex-offender', which the authors deem disempowering and regressive.

### **Women, emotion and crime**

Baroness Corston considered three categories of vulnerability when discussing women affected by the criminal justice system, particularly those women who are sentenced to a custodial sentence:

First, domestic circumstances and problems such as domestic violence, child-care issues, being a single-parent; second, personal circumstances such as mental illness, low self-esteem, eating disorders, substance misuse; and third, socio-economic factors such as poverty, isolation and unemployment. (Corston, 2007:15)

Corston recommended that these issues must be addressed by working with women to develop their 'resilience, life skills and emotional literacy' (Corston, 2007:15). Her report indicates that there are many women in prison, either on remand awaiting conviction or serving sentences for minor, non-violent offences, for whom prison is both disproportionate and inappropriate. Corston (2007) advised that fundamental differences in the gendered experience of involvement in crime led to overly punitive outcomes for women. The autobiographical section of this paper illustrates this point. O'Dowd, the co-author, writes that after attempting to dishonestly secure money from her abusive partner in order to effect an escape for herself and her three young children, the resulting sentence and repercussions for her children were acute and continued to have an adverse impact years after the sentence period ended. Corston advised that many women in prison experience poor physical and mental health or resort to poor coping mechanisms, such as substance abuse and self-harm; such is the damaging nature of the male-designed institutions where women are imprisoned. These complexities require time to understand and, arguably, more time to address. Women's centres around the UK are well aware of this issue and state that development of trust over extended periods can help women to 'grapple with often seemingly insurmountable problems in their lives' (Jones, 2014). It can take time to develop a professional relationship, and a trusted connection with a practitioner helps women to develop the skills and strengths to cope with emotional situations linked to crime. Within her autobiographical account here, O'Dowd writes of the limited time and opportunity to develop any professional relationship with probation supervisors; she had to wait to find the 'investment of time, empathetic understanding and empowerment from women with shared lived histories' before she was able to take control of her life and situation.

A high proportion of women affected by the criminal justice system have experienced domestic and/or sexual abuse or have had abusive childhoods (Hooper, 2003; Norman and Barron, 2011). Research shows that abuse and discrimination exert a devastating influence on negative emotions (Sun et al., 2016). Motherhood, pregnancy, substance misuse and poor mental health are all issues that require specific acknowledgement when working meaningfully with women in a criminal justice context (Baldwin, 2015). This knowledge is vitally important, as each of these issues results in significant emotional contexts to address when considering the process of making positive change: of enhancing confidence and self-worth. Women surviving abuse and trauma carry invisible scars of their emotional healing (Abrahams, 2010). They may experience overwhelming feelings of fear, powerlessness and isolation in these contexts and many resort to behaviours such as risk-taking, self-harm or self-medication (Abrahams, 2010). Given the multiple and complex emotional needs of women involved in criminal justice contexts, working with the emotions of women must be at the heart of practice (Corston, 2007; Baldwin, 2015). Furthermore, the depth of emotion that women experience when involved in crime is such that it takes time to safely understand and cope with the enduring impact (Corston, 2007). These are all critical elements to work with when making long-term, positive changes to lifestyles, and they are specifically important given the interconnected nature of the needs of women.

Women who commit offences tend to do so due to complex issues that are linked with multiple disadvantages, histories of abuse and poverty, and they are characterised in the main by acquisitive rather than violent offending. For the majority of women in prison – that is, those serving sentences for non-violent offences – much of the risk associated with their behaviour has an impact on the women and their families rather than on the public as a whole (Corcoran, 2011). Given this lived history of complex, multiple disadvantages, any positive change, particularly sustained change, in the lives and lifestyles of women affected by the criminal justice system is likely to take time and to vary according to the individual experience of each woman.

### **Change takes time**

One key purpose advocated by the criminal justice system is to rehabilitate, and emotions are an important aspect of understanding how an individual desists from future offending behaviour (Farrall and Calverley, 2006). Emotion and strength of feeling are inherently important as motivators to either commit crime or cease criminal behaviour. This change in behaviour, irrespective of what it might entail, is generally a process rather than an event and is not linear (Prochaska and DiClementi, 1984). However, there can be a dissonance between how quickly a woman can make positive and long-term changes in her life and how that timeframe is in variance with that of the practitioner's organisation. As Player (2013) argues, 'ideological impediments' constrain effective work with women affected by the criminal justice process. The prioritisation of risk assessment and the retributive emphasis of our justice system outweigh the welfare or non-criminogenic needs of those considered to be 'offenders' within our communities. Change, or desistance from committing crime, is complex; it is 'a long and winding road that requires skilled navigation' (McNeill, 2013:84). Desistance requires decreased negative emotions connected to crime, increased positive emotions, and increased skill in regulating and managing emotions (Giordano et al., 2007). Furthermore, for those working with service users, developing a meaningful relationship based on trust, authenticity and care can also take time. If the priorities of criminal justice

agencies are to survey and monitor noncompliance rather than to fully engage with the individual woman and the complexities of her life, then neither practitioner nor service user is likely to anticipate a working relationship of high quality (Polaschek, 2016).

### **Pressures on practitioners**

Even where there are good intentions, with skilled practitioners and specialist knowledge, there are pressures on probation and other workers to deliver 'effective outcomes economically' (Morran, 2010). There are demands to deliver interventions in a time-limited, readily performance-monitored, standardised and cost-efficient way. This is especially a result of the marketisation of justice under the Transforming Rehabilitation agenda (Whitehead, 2010; Knight et al., 2016). The autobiographical subject of this article articulates little faith in agencies and statutory organisations, considering them to respond in overly punitive ways, and suggests that they take a simplistic 'one size fits all' approach to the lives of women. This approach can serve to disempower, particularly where women do not have a range of self-selected opportunities and resources; they can then feel demotivated and as part of a process. Far better for women to have a voice, developing self-efficacy in dealing with their own lives: a concept that is considered vital when desisting from crime (Maruna, 2001). Research informs us that when making the decision to cease offending behaviour, much of this takes place away from interventions endorsed by the criminal justice system. It is not achieved by focusing merely on the list of 'criminogenic needs' or other lists based on the evaluation of programmes designed for men, often by men (Gelsthorpe et al., 2007:8). Furthermore, some suggest that the priority of the criminal justice system is to control, monitor and punish those community members who are deemed to be 'risky', irrespective of gender or considerations of emotion (Maurutto and Hannah-Moffat, 2006; Player, 2013). It is not, therefore, conducive to the emotional needs of women affected by the criminal justice process, or with the complexities of their lived histories leading to offending choices.

This criminal justice process, even where some level of standardised rehabilitation is incorporated, can have a significant impact on women's engagement and on their progress, healing and reintegration. Within the autobiographical section of this article, O'Dowd outlines that agency practitioners did not take time to hear her emotional needs. Without this, women do not feel that their voices have been heard; they do not feel a connection or an engagement with what is supposed to be a rehabilitative process. As co-author of this article, O'Dowd discusses her experience of the emotional issues she faced following domestic abuse and being affected by the criminal justice process in her attempt to leave that abuse, and how practitioners and agencies failed to afford her this acknowledgement or time to work on her complex needs. She feels that this extended the time for which she was involved in crime and in an abusive relationship.

### **The survivor-practitioner's story**

I was 23 when I entered into what became an abusive relationship; one that I endured for a period of eleven years. As well as the physical and sexual abuse I experienced, my ex-partner was extremely controlling and coercive, and over a short amount of time he had isolated me from almost everyone I knew. I was allowed no contact with friends; I was not permitted to work, and I could have only limited contact with certain members of my family.

I felt totally dependent on him financially and, with three small children, I felt completely and utterly trapped.

After several unsuccessful attempts to escape the relationship I committed a crime in a desperate effort to flee, and, as a result, I was processed through the criminal justice system for three years. I had my property seized and was made homeless, my bank accounts were frozen, and I was sentenced to do 250 hours of community payback and 12 months experiencing probation supervision. Six months later a confiscation order followed, which I had no way of being able to pay back, so the fear of having to serve a three-month prison sentence was always on my mind. Whilst evidence of a history of domestic abuse was apparent, I had no support from agencies offered to me in all this time. No one asked how I was coping in general or as a single mother; no one asked how I was coping financially; there was no offer of counselling for my children or for myself; I was never asked about the emotional and devastating impact that domestic abuse and being involved with the criminal justice system had had on me. Despite trying to speak out to criminal justice professionals about feeling isolated, of feeling scared and uncertain about my family's future, I had no support at all. Instead I received threats of referrals to social services if I didn't 'sort myself out' and a cursory 10-minute appointment with a seemingly disinterested probation officer whose sole focus was for me to fill out paperwork to 'show' that work was, as I perceived it, being 'done to me'.

The lack of support I perceived from professional and statutory organisations, coupled with the intensity of my emotions, contributed to my return to the same relationship and I remained in an abusive situation for a further two and a half years. During that time, I felt myself slipping again into complete hopelessness, loneliness and loss of control over my life. That was until I moved to a new area and became involved with an independent women survivors' self-support organisation. My involvement with this support group gave me the opportunity to completely turn my life around. I was given the support network I absolutely needed to gain the strength to leave my abusive partner and to stop myself from going back down the same criminal route. With the investment of time, empathic understanding and empowerment from women with shared lived histories, I have regained control of my life. A women-centred organisation has given me the encouragement, training and determination to support other women with similar experiences, and as a result of that nurturing I did in time progress to being appointed as project manager, leading several community-based projects and a micro-business that raises funds for the continuation of these projects.

There is no solid timeframe for recovering from the emotional, physical and psychological trauma associated with domestic abuse, and it is important that there is no restriction on the amount of time that is spent with women experiencing complex needs and emotional trauma. It is imperative to remember that people are different and some may need more time to recover and move forward than others. Participants of our women's groups are encouraged to stay within the organisation for as long as they feel they need to, and to be helped to move on positively when they themselves feel that the time is right. Part of this encouragement process is empowering women to choose their own projects and activities, to do the things that they want to do for themselves rather than continually being 'done to'. The women not only choose what they want to do but also play an integral part in the

discussion, planning and implementation of the development and running of the whole organisation. In essence, it is the women who are running their own organisation together with the correct training, policies and processes required.

This self-direction and connection to a positive support network reinforces the strong sense of community that has been built up over time. Meeting up as often we do offers a distraction from the difficulties that the women are facing and the chance to collectively assist each other through personal hardships, past hurt and future anxieties. By organising constructive activities, we also develop a sense of shared experiences, a sense of achievement and positive memories. Because we work on the basis that the women decide what they want to do, the activities undertaken are bespoke and personal to the individuals doing them. We feel this leaves the women with an impression of self-worth, confidence and individual success. Understanding and trusting women is one of the most relevant things we can offer to create a safe environment, and this takes time. There are no shortcuts to rehabilitation or to surviving abuse. However, de-restriction in timescales enables women to cope with emotions, to reinforce survival and, for some, to move on to become volunteers, with us or with other community groups. Some of our women have become peer mentors themselves; so, in turn, they start to work safely and at their pace to empower other women following in their footsteps. There are no set timescales for this self-development either. We do not tell our women when they are ready; they know when they are ready, as they are the experts in their own lives. Many of our women gain the confidence to find employment, and it is a joy to see them set personal goals and thrive after their disadvantaging experiences.

Women in our groups are part of the community, irrespective of convictions. Our women are assisted to alter the effects of situational and motivational factors that accompany the decision to engage in undesirable behaviour, and that is what organisations such as ours do. As outlined within this article, the main mechanism for doing this is enabling women to take the time to express and cope with the vast emotional needs they may have, such as shame, grief, post-traumatic stress, loneliness and isolation. If there is to be a hope of addressing women's complex emotions and personal situations, their timeframes matter, not organisational ones.

### **Woman-centred support – allowing time to address emotions**

Knowledge about 'what works' for women affected by the criminal justice system is growing, but it is still limited (Gelsthorpe and Hedderman, 2012). What is known is that women need different, gender-specific interventions within the criminal justice system to address their specific needs (Clinks, 2014).

We found that it is well recognised that women face very different hurdles from men in their journey towards a law abiding life, and that responding appropriately and effectively to the problems that women bring into the Criminal Justice System required a distinct approach. (Justice Select Committee, 2014)

As outlined in the autobiographical section of this article, it takes time to deal with emotions and to recognise and believe in the capacity to make positive change. This can apply to most

individuals, but, as articulated by O'Dowd in this article, emotion is amplified by the specifics of surviving domestic abuse. This process of responding to the emotional issues connected to offending can be assisted by enabling a woman to access patient reinforcement, to access opportunities that she determines are essential and to appropriate resources in her own community (Farrall, 2008; Hedderman et al., 2011). It is in the best interests of women to resist oppressive or discriminatory service delivery and to encourage delivery that is inclusive and empowering (Barnes et al., 1999). The gradual and consistent process of encouragement and positive reinforcement enables a woman to start to question her own self-defeating narrative, if and where this exists, thereby beginning the process of developing self-belief, a sense of belonging and feelings of hope. Problem-solving and a developing sense of self-efficacy can be attained where the woman feels safe, where she trusts the organisation, and where she feels listened to and is encouraged to make positive change in her time as opposed to the organisation's timeframe and financial needs. This takes time. Jean Baker Miller (1991) suggests that women develop in a context where they constantly build attachments and affiliations with other women. Furthermore, she suggests that women's relationships with others should be a source of high value. Jordan et al. (1991) expand on this, suggesting that empathic relationship development by women is actually a positive model of the way in which women develop and interact with each other. This suggests that when supported through a 'distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach' (Corston, 2007:79), women are better able to address the emotional issues associated with complex and multiple needs. Corston's recommendations a decade ago remain essential as a model to use within the criminal justice system. Corston recognised that a diverse approach was required to address the offending behaviour of women, part of which is being put into practice in the relatively few women's centres and women's services across the UK.

In terms of the Female Offender Strategy (Ministry of Justice, 2018), and when determining which organisations deliver services to women affected by the criminal justice system, it is important that a range of provision is available. This arguably includes access to opportunities from outside the statutory system (a system that some women have grown to mistrust) and from organisations that are not polluted by the criminal justice system, as this can serve to dilute and undermine effectiveness (Clarke, 2004); not least because of the restriction in time afforded to each woman. The Female Offender Strategy concedes that financial constraints will have an impact on the type of work commissioned and undertaken with women who commit crime (Ministry of Justice, 2018: 43). Women engaged with organisations linked intrinsically to supervision and rehabilitation are aware that failure to attend appointments, or failure by that organisation to allow a woman time to adjust to attending, can readily result in women being further penalised. This effectively results in her perceiving that the organisation is part of the statutory one and, therefore, not to be trusted. Additionally, there are challenges where criminal justice organisations attempt to compromise existing services for women. There may be attempts to squeeze more capacity from voluntary community and social enterprise (VCSE) organisations to work with more women under the same financial terms and conditions: 'they wanted us to work with about a third more women than we were working with, for less money' (Drinkwater, 2016:7). There is also a risk that the values, aims and objectives of the VCSE organisation might change to fit into the service design of the funding agent rather than remaining their own (Baring Foundation, 2013). McNeill (2013:84) comments that 'marketisation may be

poisonous in this inter-personal process' and it is likely to hinder the process of developing trust between practitioner and service user. Even the terminology of punishment has started to permeate VCSE organisations that undertake work with criminal justice organisations, creating barriers to engagement by the negative use of labels such as 'offender'.

VCSE women's organisations could create an autonomous social space where women can find their voice and their own positive support network (Gelsthorpe et al., 2007). This is vital when considering the multiplicity of experience of women from diverse groups. Importantly, this could afford a woman time to connect emotionally to her situation, past and present, and to make positive changes for her future self. As the Elizabeth Fry charity commented within the 2014 Justice Select Committee review:

While the nature of the needs of women offenders has been recognised, there has been a weakness in the organisational capability and capacity to commission services which meet them. We think the most effective means of commissioning services for women offenders requires more than the sincere intention, well-crafted specifications of services, and rigorously monitored objectives: it requires organisational change.

This organisational change also requires adjustments to the priorities of monitoring arbitrary targets. These targets may not take into account the emotion women experience when connected with complex and multiple disadvantages. They do not take into account the time required to take steps towards making positive change when living with multiple life issues, such as a lived history of domestic and/or sexual abuse. There are currently barriers to full involvement: not least the bureaucracy and 'risk assessment' concerns about allowing women full service-user involvement in their own interventions, which are limiting the true value of the voice of the woman (Croft and Beresford, 2002).

## **Conclusion**

Drawing from the autobiographical account of a woman experiencing domestic abuse and being processed through the criminal justice system, this article has argued that there is a dissonance between how quickly a woman might turn her life around after experiencing multiple disadvantages and crime. Rehabilitation, recovery and resources need to be tailored to the individual needs of the woman, with a personalised intervention and support plan being developed. The timescale of the organisation may well fail to meet the needs of the woman it seeks to rehabilitate.

Whilst limited to an individual and localised perspective, this article has provided an insight into the emotional needs of a woman affected by the criminal justice system and her timeframe for recovering and making changes after the intense emotional experiences of surviving abuse. Understanding this need is key in relation to engagement with the woman and in the outcomes desired by the organisation that is working with her. This can be in stark contrast with that of the criminal justice practitioner's organisation. Time-limited or restricted practice, and non-distinct service provision, can have a significant impact on women's emotional needs and on their progress, healing and rehabilitation after involvement in crime.

The findings of the Corston report remain highly relevant more than a decade since it was published. Corston did make a difference in terms of full acknowledgement of what women need when they are affected by the criminal justice system. However, the necessary organisational changes and input of long-term resources must be prioritised and put in place for women-specific organisations to be able to operate in a timeframe determined by the woman. This could afford service users the space required to address the deep emotional issues that women in this situation face, thereby creating the opportunity for rehabilitation. Corston's call for women to be assisted to develop 'resilience, life skills and emotional literacy' is possible and is arguably essential, but to do so will take organisational change, resources and, importantly, the investment of time. If we continue to disregard the specific needs of women being processed by the criminal justice system, we will deny them the opportunity to address the emotional dynamic that is associated with crime.

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