

# Prison must not be 'default option' to cover up lack of support in care system and community

May 3 2022

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Girls and women who have been through the care system should be diverted away from custodial sentences into community alternatives

wherever possible, says a new report published today.

And, adds the study, moves to prevent the criminalization of girls in care need to be high on the agenda for change.

"Disrupting the Routes between Care and Custody for Girls and Women" is a report by Dr. Claire Fitzpatrick and Dr. Katie Hunter, from the Centre for Child and Family Justice Research at Lancaster University, Dr. Julie Shaw, of Liverpool John Moores University, and Dr. Jo Staines, of the University of Bristol.

Launched at an online event today, the research explores the neglected experiences of imprisoned women from care, as well as those of care-experienced girls and young women in the community with youth justice system contact. As a minority within the justice system, girls and women are particularly likely to have their needs overlooked.

This study reveals how girls in care may experience "over-scrutiny" in some care settings, leading to their unnecessary criminalization, which contrasts directly to the lack of support they may face in relation to experiences of victimization, leaving care support and imprisonment.

Highlighting evidence of the "immense harm" that can come from imprisonment, the report states, "Prison must cease to be a default option when the lack of support in care and the community essentially helps to reproduce the well-trodden routes between care and custody."

It also urges "far greater recognition" of the profound impact of imprisonment across the generations, particularly on care-experienced mothers.

The research team call on local authorities, including Directors of Children's Services, as well as Chief Constables, to renew their

commitment to procedures aimed at preventing unnecessary criminalization of children in care.

Despite increased recognition of this problem, and ongoing efforts to prevent it, police call-outs for minor incidents in some care homes remains a risk for some children.

As 18-year old study interviewee "Ellie" said, "There's still this stigma within the care system of you are in care, therefore every minor accident you have... is clearly intentional... let's get you arrested."

The study found that girls in care who are in conflict with the law may be stigmatized not just because of their care status but also because of negative judgements relating to their gender or ethnicity.

There is also a serious need to recognize the limits of official files that could lead to negative perceptions of individuals. Girls and women felt strongly that they wanted workers to look beyond their official histories, avoid over-reliance on their files, and take time to get to know them and the context of their lives.

Interviews were undertaken with 37 care-experienced women from across three prisons in England and 17 care-experienced girls and young women in the community across England who had also had youth justice involvement.

Many participants described backgrounds of abuse, serious violence and trauma, and had multiple experiences of victimization throughout their lives. Violence and abuse at home was the most common reason reported for entering the [care system](#).

Over a third of care-experienced participants reported their first justice system contact occurred whilst in care. Of these, 11 were in children's

homes at the time of this contact, and over-criminalization for minor offenses in children's homes was a common theme.

An escalation in offense seriousness was a feature of many women's lives. For some, offending behavior worsened after the "cliff edge" of support after leaving care.

The research also includes interviews with 40 professionals who work with care-experienced women and girls, with expertise stemming from across a range of professional spheres.

These interviews highlighted a commitment to diverting children from the youth justice system, and a recognition that this needed to involve far more than just avoiding prosecution.

Meanwhile, care-experienced girls and women reported that trusted relationships were key for providing and receiving support. Promoting such relationships requires going beyond the basics of providing accommodation, to being trauma responsive, supporting staff and raising aspirations.

Lead author Dr. Fitzpatrick says, "Too many women in prison today were the girls in care of yesterday, and systemic failings in the wider society perpetuate this problem. We must do more to prevent this, and listening to, and learning from, the stories of criminalized girls and women is a vital starting point."

The Director of Justice at the Nuffield Foundation, Rob Street, says, "There is a persistent over-representation of care-experienced girls and women in the youth and criminal justice systems. Encouragingly, this study presents clear recommendations which could improve the lives of these girls and women by breaking the link between care and custody which can impact care leavers throughout their lives."

Report recommendations include:

- Placing a statutory duty on local authorities to prevent unnecessary criminalization of children in care
- Recognizing the limits of official care files and moving beyond them
- Promoting trusted and consistent relationships and challenging [stigma](#)
- Diverting [girls](#) and [women](#) from [custody](#) wherever possible
- Confronting the intergenerational harms that [imprisonment](#) creates

The study is officially launched on May 4 at an online end of project event called "Disrupting the Routes between Care and Custody for Girls and Women."

**More information:** Claire Fitzpatrick et al, [Disrupting the Routes between Care and Custody for Girls and Women, \(2022\)](#)

Provided by Lancaster University

Citation: Prison must not be 'default option' to cover up lack of support in care system and community (2022, May 3) retrieved 26 April 2024 from <https://phys.org/news/2022-05-prison-default-option-lack.html>

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