



From Victim to Defendant: The Impact of Trauma on Women's offending Handout

ADVANCETALK

Unpacking the
Intersection of
Domestic Abuse and
the Criminal System

Content Advisory

This handout discusses topics including domestic abuse, mental health challenges, and suicide. These subjects may be sensitive or distressing to some readers. Please engage with the material at your own pace and seek support if needed.

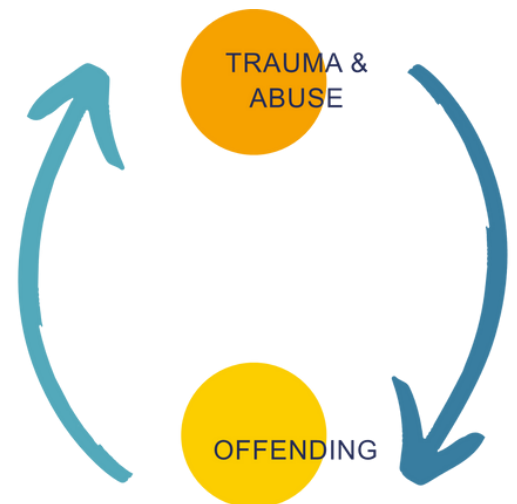
Introduction

In 2007, Baroness Corston published her transformative report which changed the way we understand the unique vulnerabilities of women in the criminal justice system. While important changes have been made, many of the issues are still very much alive today.

Women in the criminal justice system

→ Mental health and trauma

- The majority of women in prison (82%) report that they have mental health problems, compared with just over half of men (59%) [1]
- In 2023, 76% of women supported by Advance's Criminal Justice services reported needs relating to emotional wellbeing. 51% of the women supported by Advance's domestic abuse services reported health and well-being needs.
- Women who experienced abuse from a partner are three times more likely to have made a suicide attempt in the past year compared to those who have not experienced abuse. [2]



→ Domestic abuse and the link to women's offending

- **Almost 70% of women supported by Advance's Criminal Justice services have had experience of domestic abuse.**
- We know that the figure is likely to be much higher, as often women do not report their experiences of abuse.
- 53% of women in prison in the UK report having experienced physical, emotional, or sexual abuse during childhood. [3]
- Women's experiences of abuse can have direct or indirect impact on their offending. For example:
 - An abuser might manipulate or threaten women into carrying out crime. This could include carrying drugs, driving under the influence, theft, or fraud.
 - Women might commit offences based on survival. This might include shoplifting or theft due to restrictions in funds. They might carry drugs due to addiction, or as a way of self-medicating. Women might be arrested on violent offences committed in self-defence, fear and reaction to long-periods of abuse.

→ Economic marginalisation

- More women are in prison for non-violent offences. As outlined in the Prison Reform Trust Briefing, 'in 2022 more women were sent to prison to serve a sentence for theft than for violence against the person; sexual offences; and robbery combined'. [4]
- We know from our work that women engage in activity, such as shoplifting or stealing essential items, to support their families and escape poverty.
- Women may be unable to pay fines for petty offences, which can lead to imprisonment. In 2023, almost 31,000 people were prosecuted for non-payment of the TV licence. Just over 73% were women. [5]
- Women's experiences of financial control and abuse can significantly impact her ability to manage her own money, which might lead to her feeling she has no other choice than to commit offences like theft.

Impacts of imprisonment

→ Families

- A criminal record – in particular a prison sentence - can lead to the loss of income, housing, and family relationships. Reintegration following a prison system can be particularly difficult and can derail a woman's life and her children's lives, and take many years to rebuild.
- Women's imprisonment can have lasting effects on children. This can include the removal from their homes, emotional trauma, developmental challenges, and disruption in education. It is estimated that over 17,000 children are separated from their mothers by parental imprisonment. [6]
- Women are often imprisoned far from home which will often mean that they are not able to see their children for long periods of time. This is not limited to their children, and can contribute to their feeling of isolation, impacting on their mental health.



- In 2023, 92% of mothers under the age of 25 supported by Advance retained custody of their children following contact with the criminal justice system, compared to the wider cohort of women engaging with our CJS services – of whom around 80% did not have their children in their care.
- Women, as they are often the primary caregiver, will often face criminalisation due to their child/children missing school.

→ **Employment, training and education**

- The proportion of women in employment six weeks after release from prison is three times lower than for men – 4% of women compared to 11% of men. [7]
- Of the women supported by Advance’s CJS services in 2023:
 - 14% were able to gain or keep employment in 2023.
 - Nearly half needed support with education, training or employment.
- Women with a criminal record sometimes face stigma and preconceptions from potential employers, which can be retraumatising and negatively affect their ability to rebuild their lives.

→ **Housing**

- Having a safe, stable home is the foundation to accessing support for other issues which may drive offending, including domestic abuse, mental and physical health, problematic substance use, as well as finance, debt, and welfare. The continual fight for adequate housing also affects women’s mental health.
- For women in contact with the criminal justice system who are survivors of abuse, unstable housing can make them feel that their only option is to return to the perpetrator.
- Less than 4 in 10 women given a custodial sentence had secure, settled accommodation when referred to Advance.
- 7 in 10 women given a community sentence had secure accommodation when referred to Advance.
- Housing agencies will often require proof of domestic abuse, such as calls to police or a crime number. However, for a lot of women they do not want police involvement, especially for women who have been criminalised, and fear further criminalisation. This leaves women without access to safe and appropriate housing, and support.
- In 2023, nearly 6,000 domestic abuse survivors were owed homelessness duties from London councils.[8]

→ **Mental Health and Well-being**

- Custody can impact negatively on a woman’s mental health.
- The rate of self-harm in the female estate was nearly nine times higher than in the male estate. [9]
- Although prisons aim to provide mental health services, resources are often insufficient. There is a lack of trauma-informed care and gender-specific mental health programs tailored to women’s unique needs.

- In 2022, the vast majority of women accessing our services with substance use issues, also had a mental health need. 82% of the women in our services who have issues with substance use also had a mental health issue. In comparison, for women without recorded substance use issues, 39% had mental health needs
- Despite the strong relationship between poor mental health and problematic substance use, there is often a conflict between substance use services and mental health support services. Women are frequently passed between services, with mental health support services requiring women to address their substance use issues before they can access support.

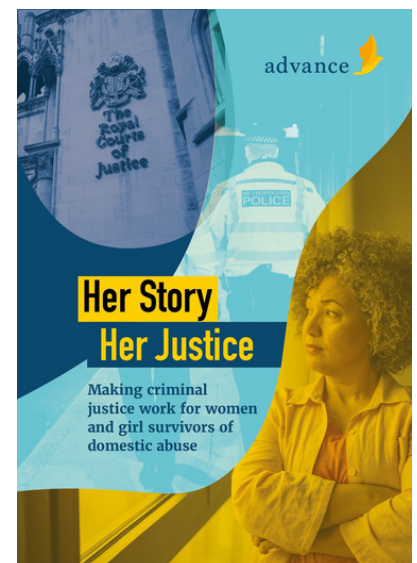
Domestic abuse

Advance report, 'Her Story, Her Justice', examines how the criminal justice system fails to respond to survivors of domestic abuse - 96% of domestic abuse crimes do NOT result in a prosecution.

Despite reports of domestic abuse rising by 48%, the prosecution rate of domestic abuse has reduced by 42%. More women are turning to the criminal justice system than ever before for safety and justice, and are being let down. Yet, we know that this is not a true reflection on the scale of the problem.

If a woman is known to the police already due to offending behaviour - even if directly through her experiences of domestic abuse - she might not be believed or taken seriously. If she does call the police, she might be criminalised herself and arrested under a domestic abuse-related crime or incident.

The fear of removal of children is another contributing factor to a woman not seeking criminal justice support in the first place or for them dropping out of the process. In Advance's report 'A safe space to go like this', many women we spoke to said that social services 'are deeply feared because of their perceived power to remove children.'



[Read Report](#)

Recommendations

- Ensure pathways to ensure that women in contact with the criminal justice system, who are also affected by domestic abuse can access specialist domestic abuse advocacy.
- Implement a duty on domestic abuse awareness training in Probation teams, delivered in partnership with specialist women's' organisations.
- Increase the flexibility around conditional cautions and provide sufficient funding to specialist diversion services, in partnership with domestic abuse specialist organisations.
- Fully fund wraparound support for women in contact with the criminal justice system.

About Advance

- Advance is the largest specialist provider of community-based support for women in contact with the criminal justice system, with a network of 10 women's centres across London and the southeast, where women can access support, appointments, and essential items.
- Each year, we support around 5000 women who are in contact with the CJS and those who are survivors of domestic abuse, including those who experience both. We are uniquely positioned at the intersection of domestic abuse and the criminal justice system, both for women who are victimised and those who are criminalised.
- We work in partnership across the sector and are members of the National Women's Justice Coalition. Alongside our expert staff, our peer mentors & lived experience ambassadors give their time to educate on the impact of the CJS on women.
- Advance provides practical and emotional support to women affected by domestic abuse. Working with a range of partners and specialist organisations, we're there for women during and after abuse, offering help with safety planning, mental health, finances and more. Our aim is to support victims of domestic abuse at the earliest opportunity, which is why we have expert staff working alongside and directly within key agencies such as police, healthcare, social services and housing teams.

Notes

- [1. Winter 2024 Fact File, Prison Reform Trust](#)
- [2. Underexamined and Underreported, Agenda Alliance](#)
- [3. Majority of women in prison have been victims of domestic abuse, Prison Reform Trust](#)
- [4. Prison: the Facts 2023, Prison Reform Trust](#)
- [5. BBC, prosecution over non-payment of TV licence](#)
- [6. New resources launched to highlight impact of maternal imprisonment on 17,000 children a year, Prison Reform Trust](#)
- [7. Women released from prison nearly three times less likely to be in employment on release than men, Prison Reform Trust](#)
- [8. Domestic abuse survivors in need of homelessness support from London Councils reaches record high, NW Londoner](#)
- [9. Ministry of Justice and Office for National Statistics \(2024\), Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to March 2024. Assaults and Self-harm to December 2023.](#)