

## Gender Responsive Approach to Working with Women in Conflict with the Law

### **Definition: Gender Response**

- creating an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women's lives and addresses their issues
- approaches are multidimensional-based on theoretical perspectives that acknowledge women's pathways into the criminal justice system
- approaches address social (e.g. poverty, race, class and gender inequality) and cultural factors, as well as therapeutic interventions
- interventions address issues such as abuse, violence, family relationships, substance abuse and co-occurring disorders. They provide a strength-based approach to treatment and skill building. The emphasis is on self efficacy

### **Distinguishing Aspects of Female & Male Offenders**

- they come into the criminal justice system via different pathways, respond to supervision and custody differently, have differences in terms of substance abuse, trauma, mental illness, parenting responsibilities, and employment histories, and represent different levels of risk within both the system and the community
- to successfully develop and deliver services, supervision and interventions for women offenders, we must first acknowledge these gender differences

### **Gender, Power and Behaviour**

#### *Aggression*

Men: direct physical aggression

Women: indirect relational aggression

#### *Coping With Child Abuse*

Men: act out (violence)

Women: act in (self-harm)

#### *Pains of Incarceration*

Men: loss of freedom and independence

Women: disconnection from significant others

### **Gender, Power and Crime**

- women are less likely than men to offend
- women commit crime of powerlessness while men commit crimes of power
- when women and men commit the same crime, women are motivated by powerlessness while men are motivated by power

### **The Pathways Perspective**

- Belknap (2001) - the pathway perspective incorporates a "whole life" perspective in the study of crime causation

- because of their gender, women are at greater risk of experiencing sexual abuse, sexual assault, domestic violence, and single-parent status
- Steffensmeiser and Allen (1998) - "profound differences" between the lives of women and men shape their patterns of criminal offending
- among women, the most common pathways of crime are based on survival (of abuse and poverty) and substance abuse

### From Victimization to Criminalization



### Escape from Abuse

- women are more likely to experience sexual abuse as children
- often young women leave home and education early due to abuse. This ends up affecting their economic situation
- substance abuse is one key ways to numb the impact of past abuse
- women are more likely to internalize or "act in" on thoughts of the abuse resulting in depression, suicidal thoughts and behavior and self-harm

### Substance Abuse

- this is one of the key coping mechanisms for many women in conflict with the law
- substances can be street drugs or prescription medication
- they numb the pain and allow the women to work (e.g. sex trade)
- can be linked to economic survival, search for love and sex trade

### Economic Survival

- women offenders are 7x more likely to be unemployed and have few job skills
- with low levels of education (45% have less than grade 10), they have less opportunity to acquire higher paying jobs

- Ontario Works and ODSP leave them far below the poverty line
- trafficking, the sex trade, fraud etc are ways to survive economically

### Search for Love

- women view relationships as extremely important
- when coupled with past abuse experiences where love has been equated with abuse, they are more likely to remain in a relationship even if it is abusive
- offending occurs when they need to do things in that relationship to ensure its continuation - drug trafficking, fraud, substance abuse etc

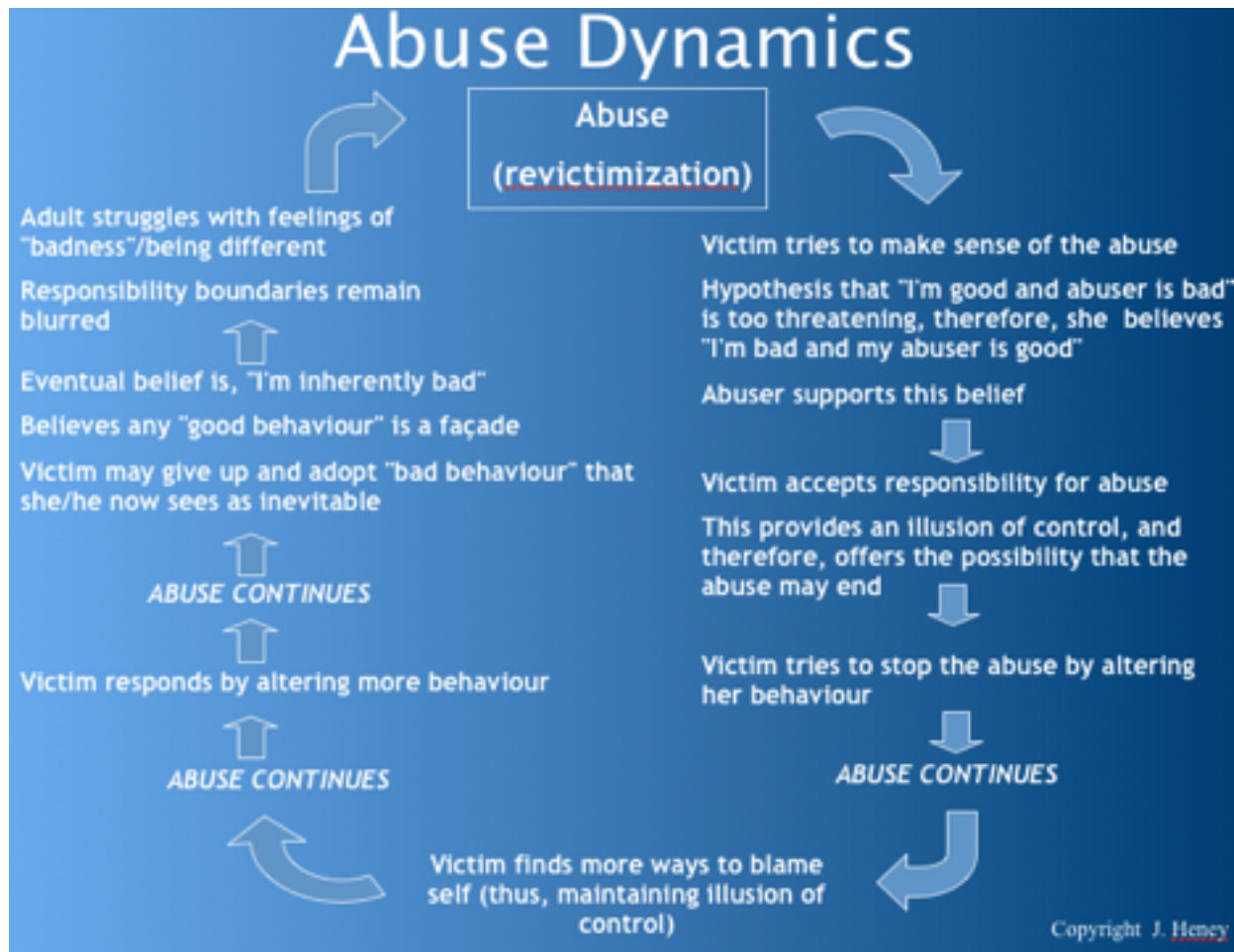
### Sex Trade

- money from the sex trade is far more than many of the women could ever hope to make in conventional ways
- they are often “bonded” to their “pimp” - he takes care of them, gives them drugs which allow them to prostitute etc

### Trauma Theory

- trauma and addiction theories provide a basis for gender responsiveness in the criminal justice system
- there are commonalities between survivors of sexual assault and combat veterans, between women victims of partner abuse and political prisoners
- PTSD-psychological and biological responses put women at greater risk for substance abuse and further victimization
- because the traumas have basic features in common, the recovery process also follows a common pathway





## The Dynamic After Effects of Long-Term Abuse

### *Three Dynamics:*

- the anxiety generated by the cycle of abuse
- the illusion of control generated by the need for a sense of safety in an unsafe world
- traumatic bonding or the Stockholm Syndrome, which involves the nature of the victim's emotional bond to her abuser

### *And their implications for:*

- the ability to leave abusive partners
- re-victimization

## The Illusion of Control

- the abused person tries to make sense of why the abuse is happening
- this may result in self-blame which gives the victim a false belief that they have some control over the situation/outcome
- feelings of powerless and anxiety increase and the women tries to gain a sense of control by behaving in ways that she believes will placate the partner and give her safety

## **Traumatic Bonding**

- similar to the “Stockholm Syndrome” the victim may bond with the abuser

### *1. Cruelty and Kindness*

- acts of love/kindness are perceived with exaggerated importance because they give hope to the victim

### *2. The Abuser's Power*

- the woman sees the world through the abuser's eyes so she can know the things that make him angry or happy but this has the effect of losing her own perspective & allows for self-blame

## **Results of Traumatic Bonding**

- survival strategy
- victim is pulled toward the abuser because of her cognitive distortions and need for sense of control
- self-blame for the abuse
- sometimes sees abuser as a victim also
- attempts to stop the abuse by meeting all the abuser's needs in dictated manner
- engages in denial about the dangerousness of the abuser and the situation

## **Discussion: Risk Assessment**

- level of Service Inventory-Ontario Revised
- identifies risk to reoffend and criminogenic needs to focus interventions
- General and Specific Responsivity factors identified provide direction for the style and mode of service delivery
- proven to be an effective risk prediction tool for women offenders
- studies have criticized the “Canadian Model” of Risk, Need and Responsivity research
- the addition of gender-responsive factors appear to create even more powerful prediction models
- the key concern is that lack of recognition for underlying factors contributing to women's criminogenic needs

## **Women in the C.J.S.**

- disproportionately aboriginal and racialized women
- in their early to mid thirties
- survivors of physical and/or sexual abuse
- struggling with significant substance abuse problems
- multiple physical and mental health problems
- unmarried mothers with minor children
- limited vocational training
- sporadic work histories

## **Women Offenders in the C.J.S.**

- women offenders come into the CJS via different pathways
- due to differences in makeup and socialization, they respond differently to supervision and custody

- women offenders exhibit differences in terms of substance abuse, trauma, mental illness, parenting responsibilities, employment histories
- as a result, women represent different levels of risk both in the community and in custody

### **Women Offenders in Ontario**

- 57% of incarcerated aboriginal women are in the northern region, they comprise 48% of the women offender population for the north. As such, it is important to provide aboriginal, gender specific programming for these women
- units for women tend to be smaller and consist of both remanded and sentenced offenders. Small units (under 12 beds) make the provision of more intensive programming impractical

### **Women as Mothers**

- 70% of women in Ontario's Correctional system are mothers
- being a mother is central to their identity and may be the only thing they feel good about
- compared to male offenders, women offenders are more likely to have lived with their children before their incarceration and are more likely to live with their children upon their release
- concern over their children is cited as the most important factor in causing them anxiety and depression while in custody

### **Women are Relational**

- friendship are more important in the lives of women than men
- women are far more likely than men to be motivated by relational concerns
- men tend to have more numerous but less intimate same-sex friendship while women tend to have same-sex friendships that are more intimate, emotional and supportive
- women are more likely than men to be affected by what happens to their friends, be they friends inside or outside of the correctional centre

### **The Power Differential**

- due to socialization, men and women have very different experiences of power and as adults, are treated differently as well
- boys are socialized to take power and exert their rights. They tend to "act out" more when things don't go their way
- girls are socialized to be more submissive and tend to internalize problems, often seeing it as "their fault"

**The Wage Gap** - women earn about 80 cents for every dollar earned by men

**The Income Gap** - women have lower incomes than men. In 2008 the average income of an unattached woman was 38,600 and for men was 47,400

**The Education Gap** - women in prisons are twice as likely to have no more than a grade 10 education & almost one quarter have less than a grade 8 education

**The Unemployment Gap** - women offenders are 7 times more likely to be unemployed.

Those that are employed are likely to be employed in low paying or unskilled positions

**Single Parenthood** - female offenders are 9 times more likely to be single parents than the general Canadian woman population

**Racism** - aboriginal and black women are over-represented in provincial prisons

**The Poverty Gap** - women are more likely than men to live below the government defined low-income cut-off point. Average income for male lone parent families was 64,600 compared to female lone parent was 45,400

**The Psychological Gap** - women define themselves in terms of their relationships to other people and feel good about themselves when they fit in with others and help them.

- In order to comply with social expectations of meekness and powerlessness, girls learn to aggress indirectly rather than directly. Indirect “relational aggression” is meant to damage someone’s self-esteem
- how men and women cope with the after effects of child abuse also illustrates that men act like powerful people while women act like powerless people
- simply put, male abuse survivors tend to be more aggressive and “act out” their pain
- female abuse survivors tend to internalize their pain, experiencing depression, self-harm, using substances and feeling suicidal
- incarceration is significantly more difficult for women because they are relational and incarceration involves disruptions in family relations, especially the separation from their children and potential loss of their maternal role
- in general, girls are socialized to be dependent on others. Then as adults, women occupy subordinate social roles and face socioeconomic disadvantages that make them less powerful than men in our society
- understanding this power differential is an especially important consideration when working with women offenders
- not only do women offenders experience the power differential that other women experience but they also have the added stigmatization of being a criminal

### **Black Women**

- relative to Canadian women generally, black women are socially marginalized
- black women are also over-represented in Ontario prisons that are sentenced to prison 7 times more often than white women

### **Gender Differences in Reactions**

- \* *Women more sensitive to loss of control*
- abuse, socialization
- \* *Women experience distress of others more intensely*
- given their relational nature
- given their socialization as care-takers
- \* *Women experience more intense emotions*
- women more frequently experience depression
- women are more attentive to their emotions
- \* *Coping*
- women are more likely to turn to social support
- women less likely to have access to social support

### **Factors Affecting Aboriginal Women’s Experience of Incarceration & Probation/ Parole**

- similarity of incarceration to residential school experiences

- histories of abuse
- racism
- staff cultural insensitivity
- distance from relatives
- placement of children
- greater health needs
- greater substance abuse
- poverty
- difficulties in reintegrating into their communities

### **Correctional Services**

- Provincial advocacy committee
- Staff Training for Probation & Parole Officers, Correctional Officers and Program Staff designed with a Gender Responsive framework
- Women-specific caseloads in Community Setting
- Vanier Centre for Women-Milton
- Units in Correctional Facilities for Women Offenders

### **Core Programs for Women**

- life skills - skills for better living
- orientation level-change is a choice - anger management, substance use, connections
- intensive level-pathways to change
- taking control, making healthy relationship choices
- aboriginal programming - understanding the journey (orientation), the healing journey (intensive)

Thursday, March 21, 2013

## Gender-Based Theories

### **Paper**

- due on Tuesday
- offer a brief discussion of the theory from paper 1
- then talk more about new theory and compare them
- in the third section, where you're pretending to be a politician and you have to choose, you also have to return to the first theory

### ***Sex-Specific Patterns of Offending***

- males outnumber females as offenders in all societies & time periods for which records are available
- the more serious the crime, the more males outnumber females
- although female and male offenders engage in somewhat different types of crime & commit crimes in distinctive ways, they have much in common
- their early lives, personal characteristics, & motivations appear to be more similar than different
- the social environments that increase their risks of offending are similar

## **Pre-Feminist Themes**

*Historically, offending by women was:*

- neglected - early theories were constructed for men, called amnesia for female offending
- deemed to be unnatural, odd, unfeminine
- caused by women's sexuality, biology, or individual pathology (not social factors)

*How do we explain these crimes?*

- early theorists were men who had little understanding of the social worlds of women and girls

## **Why do women tend to be the “forgotten offenders”?**

- women commit fewer crimes than men
- female criminality tends to be less serious than male criminality
- historically, women have tended more often than men to be “excluded” from the justice system, by lenient treatment
- women constitute a small proportion of the correctional population (6%)
- popular social attitude tends to put all females in subservient position

## **Early Gender-Based Questions**

- two main questions drive early theorizing about why women commit crime:

*(1) Are traditional theories generalizable to female offending?*

- many people would say yes
- e.g. control theory - ask why don't women commit as much crime as men?
- stay at home with the kids, lack opportunity, different monitoring by parents, more likely to correct girls behaviour

*(2) Can traditional theories account for the gender-ratio in offending?*

- why do women commit less crime than men?
- the debate over the size of the gender gap is on-going

*The gap may decrease if:*

- female & male crime rates both decrease, but the latter decreases more
- female rates increase while male rate decrease or remain stable
- female & male rates both increase but the former increases more

## **Shortcomings of Traditional Theories**

*According to critics, traditional theories can not adequately answer the following:*

- why are serious crimes against property & against persons so much less a feature of female offending?
- why are female offenders less likely to participate in or lead criminal groups?
- why does female offending often involve relational concerns?

## **Early Gender-Based Perspectives**

*Liberation or emancipation hypothesis:*

- one of the by-products of women's liberation will be a high proportion of women who commit crime

*Criticisms of the liberation thesis:*

- (1) Women commit traditionally “female” offenses
- (2) Crime more common among women who did not achieve equality
- (3) Fails to account for how power affects women’s offending

### ***Early Gender-Based Perspectives Cont’d***

**Patriarchy** - the oppression of women by men is a major cause of female offending

- gender is a characteristic not only of individuals, but also a feature of social relationships & interaction, power arrangements and institutional processes
- gendered social practices reflect and reinforce modern western society’s gender order & the inequalities that accompany it
- parents do not ‘naturally’ socialize girls to spend more time with their families, avoid risky activity and more deviant peers, or define crime as a male activity
- parents do not ‘naturally’ socialize boys so that they spend less time with their families and more time in unsupervised activities with male peers, seek excitement through risk-taking, and find criminal behaviour rewarding

### ***Explanations of Sex Differences in Offending***

#### **Gender socialization**

##### *Girls:*

- socialized to fear risky behaviours
- develop empathy for others
- value close personal & family relationship
- avoid aggression
- spend more time with family members and others girls who reinforce conventional behaviours

##### *Boys:*

- encouraged to value risk-taking
- associated masculinity with physical power & control
- prize autonomy & independence
- spend time with male peers who reinforce the above characteristics

#### **Biological Sex**

- Males are more likely than females to experience: poor impulse control, hyperactivity, difficult temperaments
- Females tend to acquire social information processing skills earlier in life, which allow them to develop empathy and anticipate the consequences of their actions
- males and females are endowed with some sex-specific biological & genetic factors that shape how they understand, interact with and are affected by their early environments from a very early age

### ***Early Gender-Based Perspectives Cont’d***

#### *Economic Marginalization Hypothesis:*

- counters liberation/emancipation hypothesis
- in comparison to men, as women become more economically disadvantaged, women’s rate of crime will increase

- survival crimes - committed disproportionately by marginalized women who have few if any marketable job skill
- committed on a daily basis to support dependent children or to maintain a drug or alcohol addiction
- property offences (theft), prostitution, small-time drug sales

### ***Key Elements of a Gendered Approach (Steffensmeier & Allen 1996)***

*A gendered approach to offending should:*

- \* explain both female and male criminality
- \* account for gender differences in the context of offending
- \* consider ways in which women's routes to crime differ from men's:
  - blurred boundaries between victimization and offending
  - women's exclusion from lucrative crime opportunities
  - women's ability to exploit sex to make money illegally
  - consequences of motherhood/child care
  - centrality of relational concerns among women
- \* extent to which biology, as well as historical, cultural, social factors shape offending

### **Gendered Pathways to Offending**

- refer to notes from guest lecture

### ***The Role of Agency in Female Offending***

- Are women active agents when they commit crime?

**Criminalization:** girls' and women's resources are so limited that they must depend on illegal activity for income

**Entrapment:** batter women are forced into crime by abusers and/or poverty and are forced into the criminal justice system by laws and practices that entrap them

- Does the notion that women commit crime primarily in response to their personal and social circumstances accurately depict their offending behaviour? (consider narrative 1 & 2)

### **Next Week**

- developmental perspectives - Vold ch 15
- reminder: paper due in class Tuesday March 26th