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**WOMEN PRISONERS
IN THE
CRIMINAL JUSTICE SYSTEM:
towards equal treatment
and
recognition of difference**

**A Thesis presented in partial fulfillment of the requirements for
the degree of**

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ABSTRACT

This thesis is about the extent to which women who have received custodial sentences have their criminogenic needs met: that is how they are assisted to lead good lives without further offending.

I approached the thesis from the perspective that women who have been imprisoned are entitled to be treated equally with men: to be imprisoned for the same seriousness of offences. They should have the same benefits, such as contact with families. They should at least receive the same level and quality of preparation for life after prison and equal standards of accommodation.

In addition the genuine social differences between men and women should be recognized. Women are usually the main caregivers for children. Typical women prisoners are also solo parents, and so have the financial responsibility for of financial support for children as well as care. However, most of the women have few qualifications or opportunities for making a living to support their families that does not involve law-breaking. A recognition of these differences should lead to some supports being provided to women prisoners, such as education and training.

In my interviews with women ex-prisoners and prison managers, and in surveying the literature I found that neither women's rights to equal treatment nor their differences were adequately recognised in past or present penal policy. Whilst it is true that the minority status of the female prison population poses challenges for policy, it does not explain the systematic disadvantage faced by women in prison. There are alternative policies which could very well be more appropriate and some of these are set out in the concluding chapter to the thesis.

PREFACE

This is a thesis that has practical social policy implications, not a theoretical work. Recommendations from this work are intended to improve the lives of women who have been sent to prison.

My interest in women offenders has developed over a number of years. From August 1986 until December 1996 I was employed as a Probation Officer in Hastings and actively involved in administering sentences for people who had appeared before the courts, District Prisons Boards and National Parole Board. During this time I became aware that women offenders were poorly served in that there were few programmes offered that were exclusively designed to meet their needs. Those interventions that were available to women were largely developed for men and women were merely added on. For example, as there are few community interventions specifically for women in Hawkes Bay, women offenders are often required to attend anger management programmes with the men. As many women offenders are survivors of abuse and violence, to expect them to complete programmes with the perpetrators of violence is far from satisfactory. The exception was individual psychological counselling, although in Hawkes Bay, as was also the case elsewhere, women offenders could not always be guaranteed a women psychologist.

Since January 1998 I have been seconded to the Integrated Offender Management Project, a key development for the Department of Corrections. This has given me the opportunity to be involved in the development of new assessment and offender management procedures. My involvement with this project has further highlighted for me the issues that women offenders face. The new assessment and offender management procedures, tools and interventions have been developed to serve the majority offender population, that of adult males. An

example of this are the criminogenic programmes¹ that have been developed around “Hemi’s Story”, following a male offender from sentencing through to making a significant cognitive change. No corresponding story has been developed for “Hine”. These programmes are therefore not available for women until further development is completed which will align these procedures, tools and interventions with women offenders. Consequently, as the new processes are implemented across the Department of Corrections, processes for women, once again, will be ‘added on’ sometime in the future. Aligning these programmes for women is the responsibility of the Department of Corrections Policy Development group. Until this work is completed, women offenders are likely to continue to be subjected to interventions and programmes developed for men, or not offered the interventions at all.

Psychological problems, substance dependency problems, lack of social skills and psychiatric illness are clearly recognised problems that contribute to women’s offending. This has implications for the types of services offered to women while they are serving custodial sentences. Participation in those services and the subsequent necessity to continue treatment or counselling on their release may serve to exacerbate the problems women face when they return to their homes, often considerable distances from the prison, at the completion of their sentences. Having to form new relationships with counsellors (if the services exist in their home areas), often in the middle of treatment or counselling, can only add to the day-to-day problems many women face on their release.

Upon release women often find themselves caught in a poverty trap. Unable to obtain legitimate means of support, and often lacking the information and/or training to improve themselves financially, many women find themselves financially dependent on partners (often abusive) or family. Re-building relationships with children, many of whom have been unable to visit regularly as a result of distance or financial hardship, adds to the difficulties that women face

¹ Intensive 100 hour programmes which have been developed specifically to address key factors relating to offending such as violence, alcohol and drugs, driving offences.

when they return to their homes, if indeed they have managed to retain their homes while they have been in prison.

Women are also more likely to feel greater shame in being imprisoned than men. Not only is the punishment of going to prison far greater for them, but also the social stigma of having been in prison adds to the stress women face on their release. Women who are imprisoned and do not meet conventional middle-class standards and expectations, are considered to be personal failures. That many of these women have committed crimes in order to feed their families and survive is not regarded as an excuse (Young, 1993).

Further, many women inmates are subject to treatment and counselling programmes while in prison, and invariably establish close relationships with their counsellors. On release, they may then be put in a position of having to form relationships with new counsellors when they have to continue treatment or counselling as a condition of the community based part of their sentence. From my interactions and dealings with these women, often this can be a difficult experience, particularly if the women also have the added responsibilities of having returned to a partner and/or children and are trying to rebuild these relationships at the same time. Given that women are inclined to, and indeed often expected to, be a wife, mother and provider before considering their own needs, reintegration after an enforced absence from home can often prove extremely difficult. Further, failure to address their reintegration needs can exacerbate their chances of rehabilitation.

An added issue for women released into the community on parole or supervision is the appropriate matching of Community Probation staff with offenders. Gender and ethnicity are the most commonly noted areas where it is recommended that probation officers and offenders are matched (Policy and Service Development Unit, 23 April, 1998). The implication is that women offenders should ideally be dealt with by women probation officers, unless they request otherwise, in order to

best assist in their reintegration into society. Currently there is no easily accessible information to assess whether the matching of staff with offenders actually occurs.

Women from Hawkes Bay typically serve their sentences of imprisonment at Arohata Women's Prison near Wellington, some 300 kilometres from their homes, or at Christchurch or Mount Eden Women's Prisons depending on the availability of beds at Arohata. As Mount Eden Women's Prison is a small prison largely catering for Auckland women, it is more likely that women offenders from Hawkes Bay who are unable to be contained at Arohata will be sent to Christchurch to serve all or part of their sentences. Furthermore, as Christchurch has the only maximum-security wing for women inmates, women from throughout the country who have been classified as needing this level of security are sent to Christchurch until their security level changes later on in their sentence. These are women who are serving lengthy sentences for often very serious offending, and for whom rehabilitation and reintegration issues will be paramount.

These situations not only compound the issues women inmates face, but also those their families encounter as they try to stay in touch with the sentenced inmate. Not only is visiting difficult for the families of these women, the majority of whom are reliant on State benefits or in receipt of low incomes, but also many of these families do not have telephones, and unless families are able and prepared to relocate to the area where the woman is imprisoned, contact with partners, children and families is limited. (The difficulties and disruption experienced by relocation for families are also acknowledged).

It has been well documented both here in New Zealand and overseas that strong positive family and community relationships aid in the rehabilitation of prisoners and their reintegration into the community on their release. However the very nature of women's imprisonment means that in many ways female prisoners are worse off than their male counterparts.

(Kingi, 1996, p12).

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Disclaimer

The views, opinions and conclusions contained in this thesis are in no way representative of those of the Department of Corrections.

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Chapter 1

INTRODUCTION

(The women) are not treated differently in the way they should be, but they are treated differently in that they are poor cousins – they don't count. There are only 300 of them. They're only women, they don't count and so the difference that should be there is not there, and the difference that shouldn't be there is there.

(Cecelia Lashlie – Interview 15 February, 2001)

Women offenders have traditionally been considered a 'special' group, different not only from males but also their non-offending female counterparts. As such, their needs and experiences are regarded as 'other' rather than equitable with those of the male adult offender population. Consequently, they have been subsumed within policy priorities for male offenders. This has reinforced their invisibility within a male dominated system. Even though the actual numbers of women in prisons in New Zealand appear to be increasing, they remain a small percentage of the overall prison population. As such, they tend to be largely invisible.

Currently there is a strong element of male domination within prison policy. The major effect of this is that policies, procedures and programmes are developed for the majority prison population, adult male, and then applied to women. This prevailing male way of doing things is neither equitable nor acceptable for women, as their needs continue to be subsumed within policy priorities for male offenders. However, even when women prisoners are treated equally to men, equity is not achieved and the women continue to be disadvantaged.

Purpose of the Research

The purpose of this thesis is to examine the treatment women offenders receive in the Criminal Justice System in New Zealand, and how this impacts on their rehabilitation and reintegration into society. This thesis, therefore, accepts as a starting point women's invisibility within the prison system, and acknowledges that the differences between women and men do not cease to exist once a woman goes to prison.

To be treated as equal means that women and men should be considered to have the same rights and status and not subjected to discrimination. Women's 'place' in the wider realms of society has, however, seen them traditionally considered to be inferior to men. As such, they have had unequal treatment throughout history. However, even when women have been treated 'equally' with men, equity, or fairness, has not been achieved. For women in prison, this inequity is even more pronounced.

In considering women offenders to be 'different' not only from male offenders but also from non-offending women, the criminal justice system traditionally ignored their needs at best and, at worst, provided sub-standard accommodation and treatment. However, in considering them 'equal' to male offenders, the system again disadvantaged women offenders by 'including' them in programmes and treatments that were designed specifically for the male offender population, and not recognizing that women offenders have needs that are specific to women.

Further, little thought has been given to women prisoner's needs when designing facilities in which to contain them. Women's prisons have traditionally been built to the same design and specifications as those built for men. The relatively small numbers of women in prison compared with men has been used as an argument against the provision of adequate facilities for women. The majority of women inmates have continued to be housed far from

their home areas on account of 'cost effectiveness', while men have the benefit of regional prisons close to their homes.

The intention of this work is not only to ask questions related to the treatment of women offenders, but also, as far as possible, to inform policy on the future management of women offenders, particularly those serving sentences of imprisonment. Central to this thesis are the experiences of women who have managed women prisoners within a male dominated regime, and women who have experienced the system as prisoners.

The Questions

In approaching this work, the main questions related to the treatment women offenders receive in the criminal justice system, the sorts of resources and services that are provided for them, and what can be done to improve the treatment and services offered to women offenders in order to meet their gender specific needs.

Questions asked relate in particular to the rehabilitation and reintegration of women prisoners, and how well their identified needs are met within prisons. Although male and female offenders have similar needs in some respects, women are more likely to have greater needs than men for comprehensive treatment for substance abuse, sexual and physical abuse, education and training in employment and parenting skills.

Reintegrative needs for male and female prisoners may include lack of employment or basic living skills, accommodation and family relationship problems. However, for women, additional problems include re-establishing relationships with children, performing the dual roles of parent and sole income earner, and coping with the more negative attitudes of society towards female offenders than those towards male offenders.

The Literature

In order to find the answers to the questions relating to women offenders and their treatment, a substantial literature search was conducted to see what was available specifically to women offenders both in New Zealand and overseas. The majority of literature available relating to women in prison originates from Australia, North America and Britain. There is little New Zealand literature available, although recent studies on New Zealand women in prison are starting to address this deficit. However, it is surprising to note that, although a high percentage of women offenders are Maori, given their percentage of the total population, there is nothing available in the literature that specifically addresses their position in the criminal justice system.

Overseas literature, however, is relevant to the study of women prisoners in New Zealand, as there is a remarkable similarity in the issues that women face. For example, Padel and Stevenson (1998) relate women's experiences of prison as told using the women's own stories. Casale (1988) focuses on the problems encountered by women on remand awaiting trial or sentence. She highlights the particular disadvantage women prisoners suffer through their removal from home to distant women's prisons, and recommends changes in general prison policy and practice.

Studies, such as those completed by the Women's National Commission (1991) and the Prison Reform Trust (1996), examine trends relating to women in prison, their treatment, and the growth in numbers of women imprisoned. Pat Carlen's work which examines some of the fundamental issues concerning custodial and non-custodial penalties is also relevant to the issues facing women prisoners in New Zealand.

Much of the literature about experiences of imprisonment, particularly in New Zealand, is based on the experience of men. The first study to begin developing a knowledge base of New Zealand women's experiences was an

MA Thesis completed in 1989 by R. O'Neill, titled *The experiences of imprisonment for women: a New Zealand study* (Anstiss, 1993).

Women in Prison (July 1990) was the first attempt by the then Department of Justice in New Zealand to establish a cohesive policy for women. The report recognised that women are more disadvantaged than men geographically when in prison. As they make up only about 4 percent of the prison population (a relatively unchanged figure over recent years) there were only 3 facilities for women compared with 23 for males. Women, therefore, are more likely to serve their prison sentences away from their home districts than men.

Women in Prison recommended more regional facilities for women, but did not address the nature of such, nor the security levels required. It also recommended that men and women could be kept in the same institution provided that there were separate resource allocations and facilities, as there was a need to be aware that if resources were shared there was a danger of women missing out on account of lack of numbers. However, most of the recommendations made in this report involved increased spending and, to date, these have not been taken up. Although the argument is still used that the low numbers of women inmates do not justify Regional facilities, there is growing advocacy for the need to consider alternatives for women serving prison sentences.

Much of the New Zealand research has concentrated on women as mothers and the effects of separation when women are imprisoned. Patricia Young's 1993 MA thesis, titled *Mothers in Prison: the experience of being separated from their children* examined the experiences of a group of mothers serving prison sentences at Mount Eden Women's Prison (Young, 1993). On the basis of the women's experiences, Young, in conjunction with Tania Anstiss, made a number of recommendations for changes in the practical administration of the prison.

Venezia Kingi (1996) has also written on mothers in prison and the children of women in prison. She found that women's main concern was their children, and that access to information about their families and the ability to respond quickly to crises involving their children were the women's greatest needs. Kingi also investigated what happens to children when their mothers go to prison.

Annabel Taylor (1991) discussed the pattern of women's imprisonment in New Zealand and how this has been influenced by changes in women's role in society and by changing social and economic circumstances. Taylor used her experience as a social worker at Christchurch Women's Prison as a basis for this study. Her subsequent thesis, *The imprisonment of women in New Zealand 1840 - to the present day: a social and historical perspective*, published in 1997, expanded on this theme.

The Department of Corrections Policy Development unit is currently carrying out a number of studies on women in prison. These relate mainly to the management of women offenders, as well as specific work on women with dependent children and the health needs of women (Internal Memorandum, 28 May, 1998). There appears to be nothing currently under way to examine rehabilitation of women into the community following sentences of imprisonment, nor have I been able to find any previous studies in this area relating to women.

The only New Zealand study I have been able to access that discusses the social effects of imprisonment is Heather Deane's 1988 study, *The Social Effects of Imprisonment on Male Prisoners and Their Families*. Deane also deals with reintegration and adjustment to release in this study. For males, the main problems experienced during early post-release were found to be related to family and community adjustment, employment and finance. She also found that the immediate post-release period was critical for ex-prisoners, and was a time when reoffending could easily occur. Supportive networks and services were important for both the ex-prisoner and his family to facilitate his

reintegration into the community. Deane also advocated for prisoners to be kept in prisons as near as possible to their home areas.

There appears to be considerable consensus in the literature which makes the impact of imprisonment on women substantially different from men. Consensus is found in the following areas: the lack of women-centred policy directing their imprisonment, a result of their low representation in the total prison population; the large proportion of women in prison who have dependent children and a pivotal role as the responsible parent (and often the sole parent); women's physical and health needs, including pregnancy; and the rapid increase in women's substance abuse and drug related offending as a cause of imprisonment. There is also consensus on the part that abuse issues play in women's offending, given that the majority of women offenders have suffered some form of abuse at some stage in their lives (see chapter 3).

In this thesis, I attempt to define the criminogenic needs of women prisoners on their behalf. However, I have done so in consultation with women prisoners and prison managers, and with regard for balancing the needs of the women prisoners and ex-prisoners with those of their wider communities.

The Research

The basis of this research is interviews with 3 women who have managed or are currently managing women prisoners as well as 6 women offenders who have been to prison, and who been subject to a parole order or a sentence of supervision on release from prison. The issues facing women offenders in the criminal justice system are broad and to cover them all is outside the scope of this thesis. The focus of this thesis, therefore, is specifically on rehabilitation and reintegrative issues for women inmates and whether interventions and current policies address these adequately. Traditionally policies and practices for offenders have been developed based on the majority offender population, that of adult male. Women have been included in these policies and practices with little thought as to the appropriateness of this. It has been recognized in the recent literature, but not (as yet) by policy makers, that women have needs

specific to gender, age and ethnicity. This thesis focuses on the differences relative to gender and what needs to be done to address these adequately.

In discussing the rehabilitative and reintegrative needs of women prisoners I make the following distinction between them. Rehabilitation relates to activities directed towards reducing the risk of re-offending by directly addressing the identified needs which contribute to that offending. These needs, called criminogenic needs, are discussed in chapter 4. Activities directed towards addressing these needs include intensive programmes and interventions such as counselling and therapy, and rely on the offender's motivation, attitude, awareness and ability to address their identified needs.

Reintegration, on the other hand, relates to activities which focus on identified problems or deficits which may be obstacles to a non-offending lifestyle following release from prison and during, or on completion of, supervision, parole or home detention. These obstacles may include lack of employment or basic living skills, accommodation and family relationships.

Prior to undertaking the interviews with the managers and ex-prisoners, I conducted extensive literature reviews in order to better understand the place of women offenders in the criminal justice system and inform the questions I asked the participants. This had the advantage of providing a solid base from which to move on to the interviews. Common issues and themes were identified, and these in turn informed the recommendations. It is intended that the recommendations from this research inform policies directed towards improving the ways in which women prisoners are treated in the criminal justice system.

The purpose of this thesis, therefore, is to examine the treatment experienced by women prisoners in the Criminal Justice System in New Zealand, and how this impacts on their rehabilitation and reintegration into society. It is also intended to inform policy on the future management of women offenders, particularly those serving sentences of imprisonment.

Structure of the Thesis

In this chapter I briefly set out the reasons for undertaking this research, describe the prior knowledge gained from the literature, the research procedures and the outline of the thesis.

Chapter 2 looks briefly at the history of women's imprisonment in Britain. This is followed by a more in-depth discussion on the treatment of women offenders and the development of women's prisons in New Zealand.

In order to better understand the needs of women offenders it is necessary to understand the types of offences they commit in comparison with male offenders and their common characteristics. Further, it is important to examine the types of interventions that are currently available to women offenders in order to examine whether these are appropriate to meet their needs.

Chapter 3, therefore, examines New Zealand conviction and sentencing trends for both male and female offenders who committed offences during 1988 to 1999. These are the latest New Zealand published figures available. Sentencing trends for women offenders and the characteristics of women prisoners in Britain are examined in order to give a comparison with those for New Zealand women. There are remarkable similarities between these women's profiles and those of New Zealand women, thus highlighting the relevance of overseas studies for New Zealand.

Chapter 4 begins by examining the concept of need in a general context before specifically looking at the 'needs' of offenders and the similarities and differences that exist between the needs of women and men. It then discusses current assessment processes for targeting interventions to offending needs, and the implications for women offenders being assessed by processes designed for the majority offending population, adult male. Finally this chapter discusses the rehabilitation and reintegration needs of women offenders and the implications for programme design and delivery.

Chapter 5 examines the numbers and types of programmes that are offered to offenders both in prisons and serving sentences in the community. These programme statistics were obtained from surveys conducted by the Public Prisons and Community Probation Services in late 1999. Many of these programmes are provided in prisons by community groups and services who also deliver them to offenders in the community. Few of these programmes have been developed and delivered specifically for female offenders.

This chapter also briefly discusses the Department of Correction's new Integrated Offender Management project which includes the development of targeted programmes to reduce re-offending. Integrated Offender Management is to be implemented by the Department of Corrections in 2001, and is intended to have a significant impact on the management of offenders across all three services of the Department (Community Probation, Public Prisons and Psychological). There are considerable implications for the delivery of services to women in particular.

Chapter 6 discusses the philosophical basis of the research and chosen methodology, the research design, and the ethical issues that needed to be considered. It also describes the limitations and advantages of the chosen design.

Chapters 7 and 8 concentrate on the information obtained from the interviews conducted with the managers and the women ex-prisoners. These chapters identify common themes and issues and discuss the women's views about possible ways forward for the management of women prisoners.

Chapter 9 examines some of the alternatives for imprisoning women that have been proposed and the implications for women offenders. There is also discussion of community-based sentences in New Zealand. Community-based sentences were introduced as alternatives to imprisonment and can be imposed for a wide number of offences, although people convicted of serious violence

and sexual offences are not eligible for these sentences as the seriousness of their offending makes a prison sentence mandatory. However, those convicted of non-violent offences should not be imprisoned unless the court considers special circumstances exist (Criminal Justice Act 1985, sec 6). As the statistics show in Chapter 3, the majority of women in prison are serving sentences for non-violent offences, it is pertinent to discuss community based sentences and their intended use as part of this thesis.

Finally, chapter 10 concludes the findings of the research, given the research limitations, and goes on to make specific recommendations for further research, policy development and the future management of women prisoners.