



‘Justice Changes Her Face’: What Women’s Problem-Solving Courts can teach us about taking a Community Based Whole Systems Approach to Improving Criminal Justice Outcomes.

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Executive Summary:

In this report, Drs Ruth Armstrong and Shona Minson explore the development and evaluation of women’s problem-solving courts (WPSC) in the UK and internationally. Drawing on a detailed review of existing literature, evaluations, and court observations, alongside interviews with practitioners and participants, the report examines how these courts address the unique challenges faced by women in the criminal justice system. It highlights the aspects of problem-solving courts that contribute to their effectiveness, many of which reflect principles of systemic thinking, even if not explicitly designed as systems change initiatives.

This executive summary draws out the lessons from this report to consider:

1. The criminal justice problems WPSC aim to address.
2. The approaches these courts take to problem-solving.
3. What makes these approaches effective, according to current evaluations.
4. What further research and practice developments are needed to enhance outcomes and mitigate challenges.

The review of WPSC literature offers insights into how justice systems can better serve all populations by addressing systemic inequities and focusing on holistic, relational approaches.



The Criminal Justice Problems WPSC Seek to Address

Women’s problem-solving courts (WPSC) aim to address profound and interconnected problems in the criminal justice system, many of which are inadequately addressed by traditional courts. These problems span individual, social, and structural dimensions, creating a cascade of harm for women who come into contact with the justice system. The following core issues highlight the challenges these courts seek to remedy:

The Disconnect Between Offending and Systemic Problems

Offending is deeply rooted in personal, social, and structural factors, including trauma, addiction, poverty, and coercion. Traditional courts, however, are designed to respond to offending as an isolated act of individual wrongdoing, focusing on assigning blame and punishment rather than addressing the broader contexts that lead to criminal behaviour. This narrow focus fails to consider the systemic issues that perpetuate cycles of offending and reoffending.

The Criminogenic Impact of Prison

Short custodial sentences, commonly imposed on women for non-violent offences, often exacerbate the very issues they are meant to address. Prison disrupts family ties, housing stability, and employment while exposing women to further trauma. Evidence shows that women given short prison sentences are more likely to reoffend than those who receive community-based interventions.

Fragmented Systems and Lack of Integrated Support

The criminal justice system often operates in isolation from the community services that could address the underlying causes of offending. Housing, mental health care, addiction treatment, and employment support are rarely integrated into traditional court processes, leaving women without the resources needed to rebuild their lives. This fragmentation perpetuates cycles of crisis and instability.

The Complex Needs of Women in the Criminal Justice System

Women in the justice system often experience multiple overlapping challenges. High rates of trauma, mental health problems, addiction, and poverty are compounded by caregiving responsibilities and histories of abuse. These complexities require a nuanced response, yet traditional courts are not designed to provide the tailored support necessary for meaningful change.

The Punitive Nature of Traditional Courts

Traditional courts primarily offer punitive responses to wrongdoing, which can entrench women in cycles of despair and reoffending. There is little emphasis on helping people improve their circumstances or move toward positive futures. As one participant observed in a WPSC: *“I want to be like you lot. I want to be normal. I don’t want to go out and buy drugs. I want to be like in movies when girls go out and get coffees and things.”*

Approaches Taken by Problem-Solving Courts

At their best, women’s problem-solving courts address the interconnected challenges of offending through innovative practices designed to provide solutions to the systemic, social, and individual issues outlined earlier. Research has highlighted several aspects of problem-solving courts that contribute to their effectiveness. These approaches not only tackle the root causes of offending but also foster personal growth and systemic reform.

Addressing Systemic and Structural Drivers of Offending

Problem-solving courts acknowledge that offending is often rooted in systemic inequalities, such as poverty, trauma, addiction, and mental health challenges. Rather than focusing solely on individual culpability, these courts take a systemic approach by integrating support services into the justice process.

In Greater Manchester, for instance, the Whole System Approach connects the court with Women’s Centres that provide trauma-informed care, addiction treatment, and housing support. Evaluations have linked this integration to lower reoffending rates among women in the region compared to national averages (Kinsella et al., 2018). In the U.S., therapeutic drug courts similarly combine judicial supervision with access to community resources, demonstrating significant reductions in substance misuse and reoffending rates (Minson et al., forthcoming).

Reducing the Use of Prison

Research consistently shows that short custodial sentences for non-violent offences are criminogenic and disruptive. Problem-solving courts can provide meaningful alternatives to incarceration, such as structured deferred sentencing or community orders. Scottish courts like Aberdeen and Glasgow have demonstrated the value of deferred sentences, allowing women to stabilise their lives and address underlying issues before formal punishment is imposed. This approach not only avoids the harms of prison but also increases the likelihood of successful rehabilitation.

Creating Integrated Systems of Support

A defining feature of problem-solving courts is their collaborative, inter-agency approach. By working closely with community organisations, these courts create a network of support that addresses the multifaceted needs of participants. In Birmingham's Intensive Supervision Court, dedicated judges collaborate with probation staff and Women's Centres to provide tailored interventions, including mental health treatment and addiction recovery programs. This integration has been identified as a key factor in reducing reoffending and improving outcomes (Kinsella et al., 2018).

Recognising and Supporting Complexity

Women in the criminal justice system often face multiple, intersecting challenges, including trauma, caregiving responsibilities, and socio-economic instability. Problem-solving courts address this complexity through personalised interventions and an ethos of incremental progress. Regular review hearings are structured as conversations, allowing women to voice their experiences and work collaboratively with the court to set realistic goals.

This approach is particularly evident in Greater Manchester, where one participant shared: *"I've managed to get help. I've never been that poorly. I've always taken an overdose before. I've got my son—that's a protective factor. I'm working on it. I'm having therapy. I'm proud of myself."* These moments of progress are celebrated by the court, reinforcing participants' sense of agency and self-worth.

Fostering Relational and Restorative Justice

Problem-solving courts emphasise relational justice, where trust and respect between the judiciary or magistrates and participants are central. Judicial continuity—ensuring that

participants interact with the same judge or magistrate throughout their sentence—has been shown to foster accountability and trust. In Birmingham, judicial personnel are trained to recognise and respond to trauma, creating a safe environment where participants feel supported rather than judged.

As Maruna (2011) highlights, rituals of recognition, such as celebrating milestones, are vital in fostering pro-social identities. In one review hearing, a magistrate praised a participant: *“You came today, and that’s an achievement. You’re taking time to get where you’re going.”* This relational approach humanises the justice process and encourages incremental progress, which is key to long-term success.

Offering Meaningful Alternatives to Punishment

Traditional courts primarily focus on punishment, but problem-solving courts seek to empower participants to envision and work toward positive futures. Through dialogue and support, these courts help women imagine new possibilities for themselves. One young woman in Manchester shared her aspiration: *“I want to be like you lot. I want to be normal. I don’t want to go out and buy drugs. I want to be like in movies when girls go out and get coffees and things.”*

The restorative ethos of WPSC can both support individual transformation and also challenge the punitive culture of traditional courts, demonstrating that justice can be both effective and humane.

While the specific practices of WPSC’s differ between jurisdictions, several key features define these courts:

- **Judicial Continuity:** Women interact with the same judge or magistrate throughout their sentence, where possible, fostering trust and accountability.
- **Collaborative, Non-Adversarial Processes:** Regular review hearings are structured as conversations, where women’s voices are central. Judges ask questions like, *“What do you think is best for you?”* and *“Is there anything this court can help you with?”*
- **They don’t automatically exclude those who are high risk of have committed serious offences:** By targeting high-risk individuals, problem-solving courts maximise their impact and provide a compelling alternative to punitive justice, demonstrating that even those with significant histories of offending can achieve positive outcomes with the right support.

- **They avoid ‘net widening’:** This focus on high-risk individuals also helps problem-solving courts avoid the issue of "net widening," where people with less serious offences are unnecessarily drawn into more intensive interventions.
- **It’s not just about a reduction in reoffending:** In Aberdeen and Glasgow, the deferred sentencing model has shown positive outcomes for women who were at risk of custody due to serious offences. Even for those who did not fully comply with all court requirements, the process itself provided opportunities for stabilisation and meaningful progress (Eunson et al., 2018).
- **Prioritise access to Holistic Support Services:** Women’s centres and community organisations provide trauma-informed support for issues such as addiction, mental health, housing, and parenting.
- **Flexibility and Recognition of Progress:** Courts allow for incremental improvement rather than expecting immediate compliance.

For example, Manchester’s Whole System Approach has been praised for its ability to integrate support services seamlessly into the justice process. These practices reflect systemic thinking in action, addressing not only individual behaviour but also the structural factors that contribute to offending.

What Makes Problem-Solving Courts Effective?

Evaluations of problem-solving courts in Greater Manchester, Aberdeen, Glasgow, and internationally suggest that their success lies in their relational and restorative ethos. Features such as judicial continuity, structured reviews, and collaboration with women’s centres allow for a more tailored approach to justice. They help participants internalise progress and build pro-social identities. One participant described this experience: *“They’ve built me up. I feel better than I did last year. So far, so good.”* In Manchester, the integration of the Whole System Approach has been linked to lower reoffending rates among women compared to similar regions (Kinsella et al., 2018). However, evaluations also reveal challenges, such as resource limitations and risks of “net widening,” where women with lower-level offences are drawn unnecessarily into the justice system.

What More Do We Need to Know?

While problem-solving courts show promise, further research is needed to understand their long-term impact and scalability:

- **Longitudinal Evaluations:** Assessing the sustained outcomes of WPSC on reoffending, housing stability, and wellbeing.
- **Equity and Access:** Ensuring that WPSC models are adapted to meet the diverse needs of participants across different socio-cultural contexts.
- **Systemic Barriers:** Exploring how resource constraints and inter-agency coordination impact the sustainability and effectiveness of these courts.

Conclusion: Broader Lessons for Justice Reform

The evidence reviewed in this report suggests that problem-solving courts offer valuable lessons for addressing the systemic inequities and inefficiencies of the justice system. By focusing on relational, restorative, and gender-responsive practices, these courts provide a blueprint for broader systemic change.

For all populations—men, women, and children—justice systems must:

1. **Centre Relationships:** Build trust and collaboration between participants, professionals, and communities.
2. **Address Structural Inequities:** Recognise and tackle the root causes of offending, such as poverty, trauma, and addiction.
3. **Redefine Success:** Shift the focus from punitive outcomes to indicators of individual and systemic wellbeing.

As María Jimena Monsalve reflected: “*Justice changes her face*” in problem-solving courts, becoming a force for dignity, empowerment, and societal healing. By embedding these principles into justice reform, we can create systems that reduce harm and foster meaningful change for all.

‘Justice Changes Her Face’

The Report

Introduction

‘Over the past twenty-five years, problem-solving courts have emerged in the UK as one response to calls for criminal justice reform (Dorf and Fagan 2003). These courts, which were born of public and legal perceptions of an ‘ineffective’ system of punishment (Berman and Feinblatt 2001), bring community treatment together with the court—often as a mechanism for delivering behavioural change in offenders. Operating out of existing criminal courts, as well as separate institutions, problem-solving courts place judges at the centre of rehabilitation, with the aim of using ‘engagement with the justice system to motivate and provide accountability for people who engage with support [services]’ (Mentzou and Mutebi 2023). Appearing in many regions across the world, from the USA to Brazil to Australia (to name just a few), problem-solving courts address the personal, social, and structural factors that can both lead to offending and exacerbate experiences of stigmatisation for those involved in the criminal justice system (Centre for Justice Innovation 2016; UK Government 2022).’

(Minson et al, forthcoming)

In England and Wales as of summer 2023 there were estimated to be between 63 and 83 courts which operate using a problem-solving approach (Metnzou and Mentebi, 2023). 40-60 of these are specialist domestic abuse courts, with the next most significant (in terms of number) being Family Drug and Alcohol Courts which operate in 14 locations. There are 2 Substance Misuse Courts, 2 Pathfinder Courts, 3 Intensive Supervision Courts (two dealing with substance misuse and one for women), one youth panel and one other woman’s court. In Scotland there are two courts operating with a problem solving approach for women, as well as substance misuse and youth courts.

There are currently four areas which operate women-only courts using the problem solving approach, and they utilise three different models of working. This review will provide an overview of the existing literature on these courts, including evaluations and academic papers, alongside data from recent court observations in three of the courts, and interviews with

magistrates, sheriffs, court legal advisers, and women's centre staff. We discuss this evidence from a systems change perspective to draw tentative conclusions about the criminal justice problems a problem solving court aims to address, what aspects of the problem solving courts appear to be most effective, why this may be, and what kind of future research we need in order to further positive benefits and limit or amend any negative outcomes from a problem solving approach.

Background

Women in the Criminal Legal System

In the year to June 2023, 5286 women entered prison in England and Wales (Ministry of Justice, 2023a)). In Scotland the daily women's prison population is around 200 women, with approximately 900 women spending time in prison each year (Scottish Government 2024). In England and Wales, 69% of women sentenced to imprisonment have committed non-violent offences. The most common offence for women is theft. 53% of all women in prison have been sentenced to less than six months in prison, which means they will spend only three months, half their sentence, in prison before serving the rest 'on licence' in the community (Ministry of Justice, 2022). 53% of women in prison have suffered sexual, emotional or physical abuse (Ministry of Justice, 2012). 48% committed the offence to support the drug use of someone else (Ministry of Justice, 2019). 76% report problems with their mental health and 46% have attempted suicide (HMIP, 2022). 31% have spent time in local authority care (Hansard, 2023). 35% of all women cautioned and convicted were first time offenders, and 23% of women in prison in England and Wales are serving a prison sentence for their first conviction (Ministry of Justice 2021). It is estimated that between 50% and 60% of women are mothers to children under 18 years (His Majesty's Inspectorate of Prisons 2017, 2018). There is extensive and irrefutable research evidence that prison does not reduce reoffending; it actually increases it when compared to reoffending by people who have served community sentences (Ministry of Justice 2023b). When women enter prison, they often lose their housing, any employment that they had, and their children. Short sentences and an under resourced prison system do not allow offending behaviour or drivers of offending – poverty, addiction mental ill health, to be addressed sufficiently. Women are more likely to go on to commit further offences if they are given a short custodial sentence rather than a sentence served in the community. It is clear that imprisonment is a disruptive process.

Problem Solving Courts: Origins and Development

The term ‘problem solving court’ (PSC) is widely used and includes a variety of courts: intensive supervision courts, treatment courts, drug courts, veterans’ courts, community courts, domestic violence courts, mental health courts, female offenders’ courts. There is not a ‘model’ problem solving court, and even within the same jurisdiction the problem-solving courts may operate on quite different principles and with different parameters. The first court identified as a PSC was established in Miami Dade County, in the United States in 1989. It was a drug court aiming to provide judicially monitored treatment to low-level offenders suffering from drug addiction (Hora, Schma & Rosenthal, 1998). In that court the judge, prosecutor and defence worked together in a non-adversarial manner to use rewards and sanctions in order to encourage adherence to treatment. Three decades on, there are hundreds of problem-solving courts in the United States, with drug treatment courts and community courts forming the cornerstone of their approach. The Harris County Drug Treatment Court in Texas exemplifies this model, prioritising treatment over incarceration for high-risk individuals, including women. These courts employ evidence-based behaviour modification techniques, combining judicial supervision with treatment services designed to address substance misuse and the socio-economic factors contributing to offending (Minson et al., forthcoming). Research from similar courts in the U.S. highlights the importance of structured, non-adversarial collaboration between the judiciary, treatment providers, and social support systems (Berman and Feinblatt, 2001; Nolan, 2012).

In Latin America multiple countries have implemented PSCs, mainly in the form of drug courts (Inter-American Drug Abuse Commission, 2013; Social Science Research Council, 2018) or under restorative programs that use criminal mediation (Highton, 2016; Galleguillos y Figueroa, 2023). Argentina’s Therapeutic Tribunal, led by Judge Maria Jimena Monsalve, adopts a restorative justice model to address substance dependency among women and men. By integrating psycho-social assessments with tailored treatment plans, this court emphasises dignity and the rehabilitative potential of judicial engagement (Minson et al., forthcoming). Similarly, Chile has expanded its network of drug treatment courts, with efforts to design gender-specific interventions for mothers at risk of incarceration. These are just a few examples of the problem-solving court models used in other jurisdictions.

Problem-Solving Court models for women in England and Scotland

In 2014 Greater Manchester introduced ‘The Whole System Approach’ (WSA) for women: gender responsive support to women in contact with the criminal justice system, and the first women’s problem solving court in the UK was established (Kinsella et al, 2018). The following year, in November 2015 the Aberdeen Problem Solving Approach (PSA) for women began in Aberdeen Sheriff Court. In January 2023 a ‘Female Offenders’ Court’ was established in Glasgow Sheriff Court, and in June 2023 a Ministry of Justice pilot ‘Intensive Supervision Court’ for women was established at Birmingham Magistrates’ Court. Each court has slightly different criteria for admission and is run in a different way.

Manchester

Admission: The court began with a focus on women at risk of custody or a high-level community order, but subsequently broadened its remit to include women at risk of receiving a medium community order (Deacon, 2023) who have multiple complex needs that may include, debts, physical and mental health, adverse childhood experiences and trauma, parenting, accommodation, substance misuse and domestic abuse. The decision to sentence them to the Problem Solving Court is made at the time of sentence following inter-agency consultation.

Staffing: The magistrates courts are a two or three person lay (volunteer) tribunal and there is a Legal Advisor to the magistrates. The court is supported by Probation staff.

Programme: The women are given Community Orders or Suspended Sentence Orders and are expected to combine a Rehabilitation Activity Requirement (RAR days) with court reviews. Sentence plans are drawn up at multi-agency meetings, and the court holds regular reviews to discuss progress and set goals for addressing criminogenic needs. Women’s Centres provide support to the women and for many, attendance at such a centre is a requirement of their order (Centre for Justice Innovation, 2023). The funding for the women’s centres is included as part of the ‘Whole System Approach’ for women in Greater Manchester, and they are the service delivery arm for the problem solving court.

Progression: Failure to attend court reviews does not result in punitive outcomes. Women are given the opportunity to attend but are not forced to do so. When the women complete their intervention they are discharged from the court. The usual time to spend under the supervision of the court is around 12 months. Greater Manchester has a lower annual average reoffending rate for females compared to similar urban areas, and England and Wales overall although the

difference has decreased more recently. (15% compared to 23% for the April 2017 to March 2018 cohort; 18.4% compared to 20.2% for England and Wales, April 2021-March 2022). The lower re-offending rate may be attributable to the WSA including the Problem-Solving Court (Ministry of Justice, 2020).

Birmingham

Admission: The court is intended to be used for women who have a history of reoffending and are at risk of a short custodial sentence.

Staffing: Two dedicated District Judges sit in the court. The judges are supported by Probation staff and are assisted in hearings by staff from the Women's Centres which support the court.

Programme: After a woman is sentenced to a community order and admitted to the Intensive Supervision Court she must attend regular review meetings with the District Judge. She will see the same judge each month. She will have a Risk and Needs Assessment and from that can access specialist drug and alcohol treatment services and mental health treatment, as well as having access to housing support and educational services.

Progression: Non-attendance is a breach of the conditions of the sentence and will therefore result in punishment or exclusion from the court. A short period of custody may be imposed for breach, after which the sentence to the ISC may resume if determined to be appropriate. When the sentence is completed, the women are discharged from the court. The period of supervision is around 24 months, as this allows time for the mental health interventions to be offered (there is a waiting list for these services).

Aberdeen

Admission: The Aberdeen court was aimed at women with a history of frequent low level offending with multiple and complex needs. The women who are admitted to the court may have been convicted of a crime for which custody could be imposed. 'Those admitted into the PSA have their sentence deferred while they engage with service providers for a specified period of time, during which they must return to court for regular judicial reviews with a dedicated sheriff.' (Eunson et al, 2018)

Staffing: The courts have dedicated Sheriffs so that the women see the same Sheriff at each review. Throughout their sentence the women are supervised by a criminal justice social worker, and they are offered support from Women's Centres.

Programme: Punishment is deferred until they've had time to address their presenting issues under the supervision of the court. They may attend courses or receive support from women's centres. They may be referred to treatment programmes for addiction or mental health issues.

Progression: If women are able to engage with the services offered and make progress with the presenting problems in their lives, they can end their time at the court by being 'admonished'. This means that no further penalty is imposed, and the case is finished. If they do not make progress they will be referred back to a traditional court for sentencing.

Glasgow

Admission: The Glasgow 'Female Offenders Court' accepts women who have a link between their offending and their addictions, trauma or situation. They include women with very serious offences, who might otherwise receive custodial sentences of several years. They try to prevent less serious offences being dealt with by the FOC. Women are admitted on a structured deferred sentence.

Staffing: The courts have two dedicated Sheriffs and the women see the same Sheriff at each monthly review. Throughout their sentence the women are supervised by a criminal justice social worker, and they are offered support from Women's Centres, although there is no formal funding or other agreement between the court and the service providers.

Programme: Punishment is deferred until they've had time to address their presenting issues under the FOC supervision. They may attend courses or receive support from women's centres. They may be referred to treatment programmes for addiction or mental health issues. The FOC programme is sometimes used to allow women to become 'stable' enough to manage to comply with a community sentence.

Progression: If women are able to engage with the services offered and make progress with the presenting problems in their lives, they can end their time at the court by being 'admonished'. This means that no further penalty is imposed, and the case is finished. They may make progress with the presenting problems and this may mean that they are referred back for sentence at which time they will be given a community sentence. If they do not make progress they will be referred back to a traditional court for sentencing which may include custodial punishment.

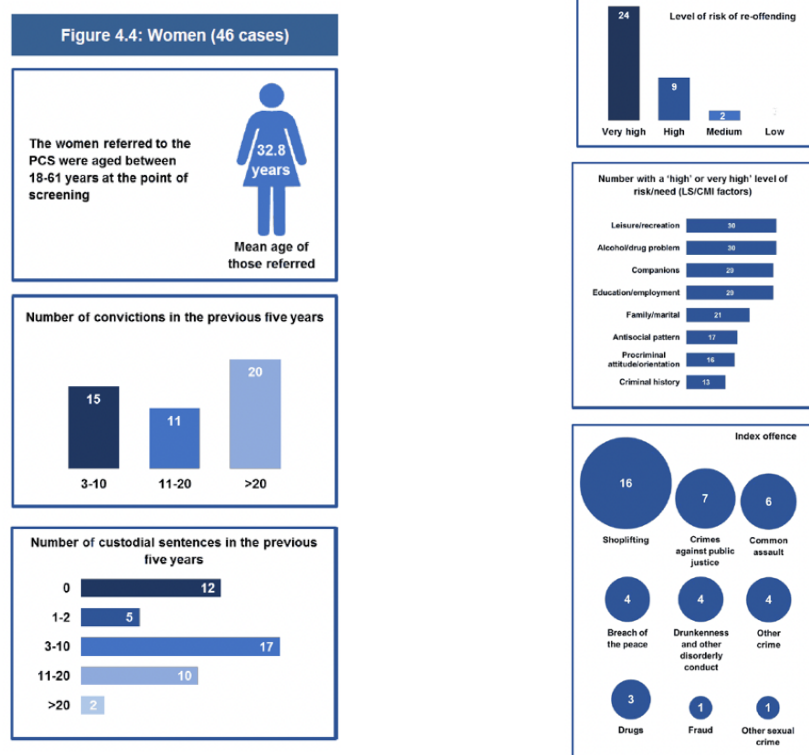
Evaluation Evidence

An evaluation of the Aberdeen problem solving courts (for both men and women) was conducted between August 2017 and January 2018 and the review report was published in September 2018 (Eunson et al, 2018). In May 2018 the Policy Evaluation and Research Unit at Manchester Metropolitan University published the ‘Whole System Approach for women offenders final evaluation report’ (Kinsella et al). The PSC was part of that whole system approach, so its efficacy was evaluated as part of a bigger system ‘to provide gender responsive support to women in contact with the criminal justice system.’ The interim evaluation report on the Birmingham Intensive Supervision Court has just been published as this report is going to print, and an evaluation of the Glasgow Female Offenders’ Court has recently begun. The data is therefore limited, and in some cases quite outdated, but it all adds to the picture of what matters to the courts’ early outcomes.

Aberdeen (Eunson et al, 2018)

During the period covered by the evaluation 1589 women were screened for admittance to the problem solving approach (PSA) and 46 women were referred. Of those 46, only 30 women were admitted to the court.

The figures below, taken from the evaluation report set out some information about the characteristics of the women referred to the court.



Once admitted to the court, attendance at reviews seemed to be linked to successful completion. Those who completed their SDS successfully were more likely to have attended reviews, and none of those who missed two or more reviews had completed their SDS. The same was true for compliance with the court plan. All of those who completed their SDS were recorded as having complied well or fairly well with the plan. Most of those who did not complete their SDS had poor (five cases) or very poor (two cases) levels of compliance.

The research reported satisfaction with the court and its processes from both practitioners and participants. Interestingly there was seen to be value in the approach even for those who did not successfully complete the SDS. ‘Even participants who were now back in prison were extremely positive about it, and when they return to the community they could – potentially at least – build on some of the things they have learned.’ (Eunson et al, 2018:47)

Kelly felt that she was doing really well while she was on the PSA. She reported that she went three months without committing an offence (before that she was offending almost every week), she had better relationships with her family and was on course to get a flat. The biggest change for her, however, was how she felt about the future. She was much more positive and, for the first time, wanted to change and eventually get a job. She had also become more aware of the effects of her offending on others. She credited the sheriff’s approach with this change in her attitudes – “ ***she’s trying to change you slowly, rather than telling you what to do.***”

Greater Manchester

Following the piloting of the PSC in Stockport, a Cost Benefit Analysis was produced in September 2015 (Abbott) for the Manchester and Salford Women’s Problem Solving Court. It estimated that for every £1 spent on the project £17.60 of value is created, ‘most of this value is around increased economic and social (mostly health) benefits of reducing crime.’ It also estimated that even with a relatively small number of participants (less than 100 per year) £2.06 would be saved for every £1 spent on the court. No further CBA has been undertaken using real figures rather than projections.

The evaluation in Greater Manchester (GM) published in 2018 (Kinsella et al) was not specific to the problem solving court (operating in a number of locations including Stockport and Manchester) but was an evaluation of the Whole Systems Approach throughout GM. Although a reoffending analysis was conducted, it was based on a sample of only 409 women, representing less than 15% of the women accessing Women's Centres, either through the PSC or probation in the first two and a half years of operation. Only 2% of the referrals to the Women's Centres came from the PSC. Regarding the specific evaluation of the PSC the report noted that although initially the PSC provided a 'gold standard' example of innovative systems change, enabling 'a collective approach to assessment, referral and ongoing review, reportedly providing a more effective and efficient approach to integrated working', by 2017/18 there were concerns that there was 'up tariffing' and partners were no longer working 'round the table.' There has been no evaluation since so it is not known whether these concerns were addressed or not, however GM retains the lowest re-offending rates for women in England and Wales, suggesting that the WSA has merit. In the 'Effective Practice Guide, Working with Women'(HMI Probation, 2024) based on a joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons the Manchester court is mentioned as an example of good practice:

'The PSC is an impressive approach to managing women, enabled by the overall approach to commissioning services in Greater Manchester, which is unique to the area. The PSC provides positive reinforcement of progress and encouragement to complete goals. It gives women a different experience of supportive authority, which they may not have previously had. While the overall model may not be replicated across England and Wales, many elements of the approach could be used in different ways.'(p.25)

In a piece published on a criminal justice blog, Fiona Deacon, HMPPS Women's Lead for Greater Manchester cited court space and time and women's centres as being critical for the success of the PSC.

'Overall, we feel we are working from within a system, pushing out. Our belief is that many of the issues women are facing are social, rather than criminal problems. Perhaps there wouldn't be so much need for the PSC, if there was more early intervention, easier access to support and housing and different sentencing guidelines. Until that is the case, we will remain on the inside of the Criminal Justice System fighting out.'(Deacon, 2023)

International Evidence

Evaluations of problem-solving courts internationally offer important lessons for understanding their potential impact and limitations. In the United States, longitudinal studies of community and drug treatment courts have demonstrated reduced recidivism and increased perceptions of procedural fairness. Notably, a study of a gender-specific drug court in the Midwest found a significant reduction in reoffending rates among women who participated in the program compared to those on standard probation (Myer and Buchholz, 2018). However, critics caution against overgeneralising these findings, as the success of these courts often depends on adequate resourcing and judicial consistency (DeMatteo et al., 2019).

In Latin America, the evidence base is more limited. Early evaluations of Chilean drug treatment courts suggest potential for reducing reoffending, but challenges remain in addressing broader socio-economic and structural barriers faced by women. In Argentina, preliminary data from the Therapeutic Tribunal points to promising outcomes in reducing substance misuse, though the program's reliance on community support underscores the importance of inter-agency collaboration (Morales et al., 2019; Zapata Arca, 2023).

Taken together, these evaluations highlight the value of international collaboration in refining problem-solving court models. Effective practices, such as gender-specific interventions and holistic support services, must be adapted to the socio-cultural contexts in which they operate. At the same time, robust and longitudinal evaluations are needed to ensure these courts can deliver meaningful and sustainable outcomes for justice-involved women.

What is success in WPSC?

Minson has undertaken observations in two of the four WPSC and has attended a third. Through this work she has identified a number of characteristics of the court process and interactions which seem to be unique to the WPSC review process and could be used as a framework to create new success metrics for criminal justice involved people. All the quotations below come from her observations and interviews (Minson, forthcoming).

Voice

Women's voices are heard in a way that they are not in an ordinary criminal sentencing court. In Scotland women are represented by advocates but in the English courts they attend review hearings alone and conduct a conversation directly with the Judge or Magistrates. It was notable in the Manchester court in particular, how much time the women were given to talk about themselves and their experiences, successes and difficulties. Centering women and giving them voice in their own proceedings is in accordance with the original aims of the courts.

'On balance it's about empowerment – you tell me why you should stay.' Sheriff

'What do you think is best for you?' Magistrate

Magistrate: 'What time would suit you for your next appointment?'

Sheriff: 'Do you feel there's anything missing that this court can help you with?'

Woman: 'I would like some mental health support for things that have gone on in my life.'

Women were given time to talk about whatever it was they needed the court to understand about their situation. The quotes below illustrate some of those conversations.

'Woman: They are setting me up to fail. I'm in a place where I share a bathroom and toilet. I need to go somewhere with my own bathroom. Feel like I'm in jail.'

Magistrate: Well hopefully they can help?

Woman: 'Everyone is trying to help as much as they can, but I just want a room with my own bathroom. When I've got my own stable place instead of being a waste of space I can do productive things and be like a normal person.'

Sheriff: You're not engaging. I know you've had a significant traumatic event. Is that why?'

Woman: 'Yes. But I know I need to prioritise this.'

Sheriff: 'Well the original offence is now five years old. You can't engage at the moment. I'm going to discharge the order. You don't need this anymore.'

Incremental Progress

The WPSC ethos accepts that people will not always achieve what they or the court hope to achieve, and that such 'failure' will not preclude them from continuing with the sentence. Even small improvements in stability are welcomed and rewarded with praise or continuation of the deferred sentence in the Scottish context.

'I've managed to get help. I've never been that poorly. I've always taken an overdose before then. I've got my son – that's a protective factor. I'm working on it. I'm having therapy. I'm proud of myself.'

Woman 'I've been clean for 10 days'

Magistrates 'Well done. That's brilliant. You're doing so well.'

Sheriff: 'You haven't been engaging. You're using again. Why did you decide you could self-select out of this and stop talking to your support workers?'

Woman: 'I want to engage. I want to stay on the order.'

Sheriff: 'Ok. Let's try again.'

Building Confidence

The magistrates, sheriffs and district judges may be the first people to encourage the women in their courts, and the consequence of that can be transformative for the women.

'They come up like flowers' Magistrate

'They've built me up. I feel better than I did last year. So far so good ladies.' Woman

'You're not a problem. You've got challenges.' Magistrate

Magistrate 'You came today and that's an achievement. You're taking time to get where you're going. Do you see that as an achievement'

Woman: 'No. They're just things I need to do. They're just life.'

Magistrate: 'I think sometimes you need to give yourself a pat on the back. Give yourself some recognition. Maybe I'm not using the right words... You're getting on better than some people.'

Woman 'Yes I'm getting on better than I were.'

Being Heard

The courts are based on dialogue between the woman and the bench or judge, and so women are given the gift of being heard. This was recognised by the professionals as an important part of their role.

‘Thanks for being nice to me. I thought you were going to be mean to me.

Usually magistrates look at me like I’ve done something wrong... I usually have.’

Woman

‘I felt really lonely last week. After I went to probation I just felt a lot more positive. Money is tight – I was in a hotel and had no cooking facilities and I couldn’t save so now I’m in the house but I was feeling down because I’ve no furniture and I’m waiting for a sofa. I need to move my son’s school because it’s 2 buses away. Costs £40 per week to get to school. He’s year 5. If he goes to school nearer the house he can make friends ... we’ve been to the park a bit . I’ve spoken to the education authority but there are no places. We just had to apply and we’ll wait. I’ve got dogs so they get me out of the house. I’m thinking about getting back to school, because I’m feeling more positive.

I’ve always done cleaning but I’m open to anything.’

‘We try to be there so that they know that somebody’s actually listening to them.’

Magistrate

Imagining Possibilities

Very often women in the courts have been seen as having very limited options and futures, and that is also how they see themselves. It doesn’t always happen but sometimes the WPSC allow women the chance to see other futures for themselves.

‘I want to be like you lot. I want to be normal. I don’t want to go out and buy drugs. I want to be like in movies when girls go out and get coffees and things. I’m going to go to the GP and get a script and try to reduce my drug taking.’ 18 year old woman who had been sexually exploited since childhood

‘I felt like I’d had a house lifted off my shoulders when I walked out of the Women’s Centre.’

Sheriff: ‘You’re focusing on your son and your relationship with him. That is a promising start. Well done for what you’ve achieved so far when this is only your first review. We’ll be back next month.’

An Unexpected Success: Improved Professional Practice

The original aims of the courts did not include improving the practice of the magistrates, but the magistrates Minson interviewed spoke about the humanising effects of the PSC and the way that they bring that into their practice when they sit in other courts. More often than not it came down to the fact that they had time to listen to the women talk about their experiences and needs.

‘I think the woman has more opportunity to talk, a lot more opportunity to talk and I think that’s really important and when you hear of what some of the women have gone through and continue to go through, I think it’s made me more empathetic and more sympathetic and just a bit more focused on looking at alternatives to imprisonment really.’ Magistrate

Interviewer: What would you say are the strengths of the court?

Magistrate: I think in a way, it’s seeing beneath the initial misdemeanour and the initial crime to look really at the human being there and what has caused them to behave in the way that they have behaved really, you know... but I think just talking woman to woman, you know, and connecting with them like that like even the, you know, the lady who was pregnant, you know, and having been through child birth, you know, like ourselves is like a connection there as well. It’s another way of, you know, well bonding’s too strong a word but, you know, you know, sort of talking to them and just talking to them as, you know, as another woman, as a human being really, as somebody that you might at some stage go out and have a drink with, you know, something like that really. Not just being, you know, the magistrate and the defendant

‘It has made me, or when I first started doing it, it has made me more aware of some of the specific issues that were facing women. I’d never really considered why women stayed with men who hit them, and I’d never really considered, I don’t think, the impacts of people who’d been abused or controlled by other people. I wasn’t entirely unaware of it, but I’d never actually sat down and given it a great deal of thought’

Interviewer: How has sitting in the WPSC changed your practice more generally as a magistrate?

Magistrate: Well, I always try and get as much information as I can now. I mean the fundamental problem you have as a magistrate, or as a judge indeed, when you’re sentencing people very often is getting all the information you need to get a sentence right. And you’re very much reliant upon probation to give you certain information. I tend now if I haven’t got information to ask for it.

And I also, with certain people we get into court now, it doesn’t particularly come down to sentencing sometimes but when you get people into court and they don’t want duty solicitors and they don’t want this and they just, I do try and work a lot harder to try and get them, in certain circumstances, to speak to the duty solicitors. And try as much as you can with somebody in a witness box to at least put them, or in court, to at least put them at ease because without information we haven’t the bigger picture, and the bigger the picture I’ve got the better I think we can get an outcome.

This is also reflected in the experience of professionals in other jurisdictions, as shown by this quote from an interview with four women working in problem solving courts globally, undertaken for the Clinks edited forthcoming special edition of the Prison Service Journal on Women in Justice (2025):

“We’re not just professionals and clients; we’re people helping each other. I often tell the women I work with, ‘You’re not in this alone; we’re in it together.’ And it’s not just with the participants. Everyone involved in the court—the judge, the recovery coaches, the probation officers—is on the same page. There’s a real sense of unity, and that makes all the difference. It’s something I never experienced in traditional court, and it’s

the foundation of what makes problem-solving courts work." (Armstrong et al., forthcoming).

A Systems Thinking-Oriented Discussion of Women's Problem-Solving Courts

Women's problem-solving courts (WPSC) exemplify an innovative approach to addressing the systemic and individual factors that contribute to female offending. Evaluations of these courts, both in the UK and internationally, suggest their potential to achieve dual aims: fostering better outcomes for women and introducing broader systemic efficiencies. A systems thinking perspective helps illuminate how these outcomes are interconnected and highlights the role of relationships, structures, and processes in driving both progress and challenges.

Dual Aims: Systems and Women-Focused Objectives

The Whole System Approach (WSA) implemented in Greater Manchester identifies two core categories of aims: system or institutional aims and aims for the women involved (Kinsella et al., 2018). System aims include reducing reoffending, diverting women from custodial sentences, and achieving cost savings through improved coordination of services and reduced criminal justice involvement. In parallel, the aims for women emphasise reducing the harm caused by justice system involvement, empowering women to have a voice, improving their overall wellbeing, and creating a safe and supportive environment. This dual focus resonates with systems thinking principles, which stress optimising relationships and processes across system components rather than maximising isolated outcomes (Stroh, 2015).

In the recent interview to be published in the Clinks edited Prison Service Journal special edition on Women in Justice in 2025, Hannah Fisher, His Majesty's Prison and Probation Service (HMPPS) lead for intensive supervision courts, who has extensive experience working with women's problem-solving courts in Greater Manchester and Birmingham, reflected on this dual focus: *"The more I sat in on reviews and problem-solving court sessions, the more I saw the value of recognising people's progress rather than just penalising them. In a traditional court you may be brought back because of breaches or reoffending, but never really to be acknowledged for the progress you've made"* (Armstrong et al., forthcoming).

This relational approach aligns with work on re-entry rituals, which highlights the importance of recognising and celebrating success as a way to reinforce pro-social identities. Maruna argues that criminal justice systems often focus disproportionately on failure, such as breaches and reoffending, rather than on incremental progress or achievements that signal meaningful change (Maruna, 2011). Problem-solving courts disrupt this pattern by incorporating rituals of acknowledgment—such as praising women for remaining drug-free, attending appointments, or reuniting with their families—into their processes.

Mary Covington, a program manager with decades of experience leading problem-solving courts in Texas, also reflected on this practice: *“I’ve seen women open up in ways they never would in a traditional court setting, which lets us truly understand what’s driving their behaviour and how we can help. When someone knows they’ll be treated with respect, they’re more willing to share their struggles and ask for help”* (Armstrong et al., forthcoming). These rituals of recognition are not merely symbolic; they create opportunities for women to internalise their progress, reinforcing a sense of agency and hope.

By incorporating these principles, the Greater Manchester WSA and its problem-solving courts foster an environment where small successes are celebrated, relational trust is built, and pathways to lasting change are created. This approach stands in sharp contrast to traditional courts, which are often perceived as punitive and disengaged, further entrenching negative identities and behaviours. Through a systems thinking lens, such practices illustrate how relational and structural dynamics can be optimised to produce better outcomes for both individuals and the system as a whole.

International practices similarly reflect this dual focus. For example, the Harris County Drug Treatment Court in Texas emphasises addressing systemic issues such as addiction and housing instability while fostering personal growth and accountability among participants (Minson et al., forthcoming). In Latin America, Argentina’s Therapeutic Tribunal integrates psychosocial assessments into its judicial processes, aligning systemic interventions with the lived realities of women navigating poverty and addiction (Hersant and Reyes, 2024). These international models underscore the importance of relational approaches that strengthen both individual and system-wide outcomes.

Challenges and Pitfalls

Despite their promise, problem-solving courts face several challenges. As Gelsthorpe (2017) Birkett (2021) and the Centre for Justice Innovation (2021) note, there is a risk of net widening, where women with lower-level offences are drawn deeper into the criminal justice system. The greater levels of commitment required by these courts, such as regular reviews, may exacerbate issues of non-compliance, particularly for women with complex needs. The evaluation of the Aberdeen court concluded that the complexity of the problems faced by participants, unstable substance use; unstable/ unsuitable accommodation; the influence of family, friends and associates; interventions not coming at the time of readiness to change; and lack of access to services and supports, all acted as barriers to women's success in the court (Eunson et al, 2018).

In Latin America, evaluations of Chilean drug courts highlight resource limitations and uneven access to necessary services, raising questions about scalability and equity (Morales et al., 2019).

From a systems thinking perspective, these challenges can be seen as symptoms of broader structural dynamics. Stroh (2015) argues that addressing such systemic issues requires understanding how individual components—courts, social services, and communities—interact and how these interactions sustain or disrupt desired outcomes. For example, the reliance on Women's Centres in Greater Manchester highlights the importance of partnerships in optimising system performance, yet resource constraints may undermine these collaborative efforts (Centre for Justice Innovation, 2021)

Strengthening Systems through Relational Approaches

Systems thinking emphasises the importance of relationships in achieving sustainable change. In the context of problem-solving courts, this includes fostering trust and collaboration between judiciary professionals, service providers, and participants. The structured review process used in UK courts, where judges engage directly with women, exemplifies how relational approaches can humanise the judicial process and encourage incremental progress (Minson, forthcoming).

Internationally, the success of programs like Argentina's Therapeutic Tribunal highlights the importance of creating "safe containers" for dialogue, where participants and stakeholders can share perspectives and co-create solutions (Stroh, 2015). Similarly, the Scottish courts have

adopted structured deferred sentencing to allow women time to stabilise their lives before formal punishment, reflecting a systems-oriented approach to addressing the root causes of offending (Eunson et al., 2018).

These relational practices align with a restorative vision of justice. María Jimena Monsalve (a pioneering judge who introduced the first problem solving courts in Argentina with an explicitly therapeutic and restorative approach) articulated this perspective during an interview: *“In my view, the composition of a court should reflect society and the role of the court should be to restore rights, not take them away. Problem-solving courts allow us to create a safe space where people can be seen and heard, where they have the support they need to change”* (Armstrong et al., forthcoming).

This restorative ethos reframes the role of the justice system, shifting its focus from punitive measures to the reintegration and empowerment of individuals. Problem-solving courts strive to rebuild trust between participants and society by addressing the underlying causes of offending and supporting women to regain a sense of agency.

The restorative framework also challenges the traditional, hierarchical dynamics of the courtroom, creating a more inclusive and collaborative environment. As Monsalve explained, in problem solving courts *“Justice changes her face”*, offering participants not only accountability but also dignity and the opportunity for meaningful change (Armstrong et al., forthcoming). This approach reinforces the interconnectedness of the justice system, its participants, and the broader community, embodying the principles of systems thinking.

Towards a Systems Change Perspective

A systems change perspective reframes the evaluation of problem-solving courts, shifting the focus from isolated metrics like recidivism to broader indicators of systemic transformation. For example, the Ministry of Justice’s evidence review (2015) underscores the importance of gender-responsive interventions that address structural inequalities, such as housing and mental health support, rather than merely seeking behavioural compliance.

To optimise the system, future evaluations should map the interplay between system components, including courts, social services, and community organisations, and assess how these relationships support or hinder collective goals. Drawing on Stroh’s (2015) insights, this

requires asking critical questions: How do current practices perpetuate systemic inefficiencies? What relational or structural changes could enhance the system's overall performance?

Conclusion: Towards Systemic Insights on Problem-Solving Courts

Women's problem-solving courts (WPSC) offer a dynamic approach to addressing the interconnected challenges of female offending and systemic inefficiencies in criminal justice. Their design inherently reflects a systems thinking perspective by seeking to reform relationships between the judiciary, community and health services, and the women themselves. Drawing on the evaluation evidence and practice discussed, several tentative conclusions emerge about the problems these courts aim to address, the effectiveness of their interventions, and the direction for future research.

Key Criminal Justice Problems Addressed

The primary issues these courts tackle include the overrepresentation of women in custodial settings for non-violent offences, the criminogenic impact of short prison sentences, and the lack of holistic interventions that address underlying drivers of offending such as trauma, addiction, and socio-economic disadvantage. Internationally, courts like Argentina's Therapeutic Tribunal and Chile's drug treatment courts similarly address substance dependency and social instability, underscoring shared systemic challenges across jurisdictions (Hersant and Reyes, 2024; Morales et al., 2019). These courts represent an effort to move beyond punitive measures towards restorative and rehabilitative solutions.

Effectiveness of Problem-Solving Approaches

Evaluations indicate that WPSC are most effective when they:

1. Prioritise women at risk of significant custodial sentences, minimising the risk of net widening (Gelsthorpe, 2017; Birkett, 2021).
2. Utilise judicial continuity and structured review processes to build trust and foster incremental progress (Minson, forthcoming; Centre for Justice Innovation, 2021; Eunson et al., 2018).
3. Embed strong partnerships with community-based services such as Women's Centres, which provide the necessary support to address mental health, housing, and substance misuse issues (Centre for Justice Innovation 2021; Kinsella et al., 2018)

These findings suggest that the effectiveness of WPSC stems from their relational approach, which humanises justice processes and empowers women to address the root causes of their offending.

The success of these courts can be attributed to their alignment with systems thinking principles. By emphasising relational dynamics—between participants, service providers, and the judiciary—these courts create an environment that supports behavioural change. The use of “safe containers,” as highlighted by Stroh (2015), enables stakeholders to share perspectives and collaboratively address systemic issues. This relational focus not only benefits participants but also enhances professional practice among magistrates, who report greater empathy and a deeper understanding of women’s experiences (Minson, forthcoming).

Future Research Needs

To further the positive impacts of WPSC and mitigate their limitations, future research should:

1. **Explore Longitudinal Outcomes:** Assess the long-term impacts of WPSC on recidivism, social reintegration, and participant wellbeing.
2. **Evaluate Scalability and Equity:** Examine how these models can be adapted to diverse socio-cultural contexts without exacerbating disparities in access to justice.
3. **Develop Holistic Metrics:** Move beyond traditional reoffending rates to include broader indicators of success, such as improvements in housing stability, mental health, and empowerment.
4. **Examine Systemic Barriers:** Investigate how structural factors—such as funding constraints and inter-agency coordination—affect the sustainability of these courts.

Final Reflections

WPSC represent a promising avenue for criminal justice reform, offering a model that integrates systemic and individual-focused interventions. Their emphasis on relational dynamics and collaborative solutions provides a blueprint for addressing complex social problems within the justice system. However, as these courts continue to evolve, their success will depend on sustained investment in evidence-based practices, robust evaluations, collaboration with securely funded community services for women, and a commitment to

systemic change. By embedding systems thinking into their design and evaluation, WPSC can serve as catalysts for transformative justice reform, both in the UK and globally.

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