

**31 babies**

were born in Scottish prisons between 2013-2017.<sup>1</sup>

On average **24%** of women in prison in Scotland are being held on **remand.**<sup>3</sup>

**90%** of women sentenced to prison in 2017/18 received **less than 12 months.**<sup>2</sup>

**1,131**

women were sentenced to custody in Scotland 2017/18.<sup>4</sup>

**53%** of women in prison reported being under the influence of drugs at the time of their offence, compared to **37%** of men.<sup>5</sup>



**69%**

of women in prison reported being a victim of domestic abuse from their spouse or partner.<sup>7</sup>

**70%**

of women in prison in 2017 reported having children.<sup>6</sup>

*"It's really bad though, that things need to get so bad for you to get the help."*

**28%**

of women sent to prison in 2017/18 were convicted of shoplifting.<sup>8</sup>

**Transforming Lives**

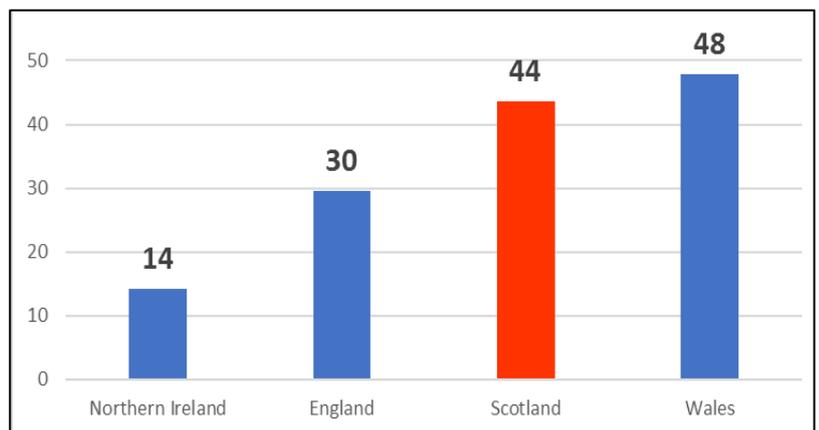
- The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system.
- PRT has a longstanding interest in improving criminal justice outcomes for women. Its Transforming Lives programme aims to reduce the unnecessary imprisonment of women in the UK.

In 2017, **43%** of women in prison **did not know** where they would live on release.<sup>9</sup>

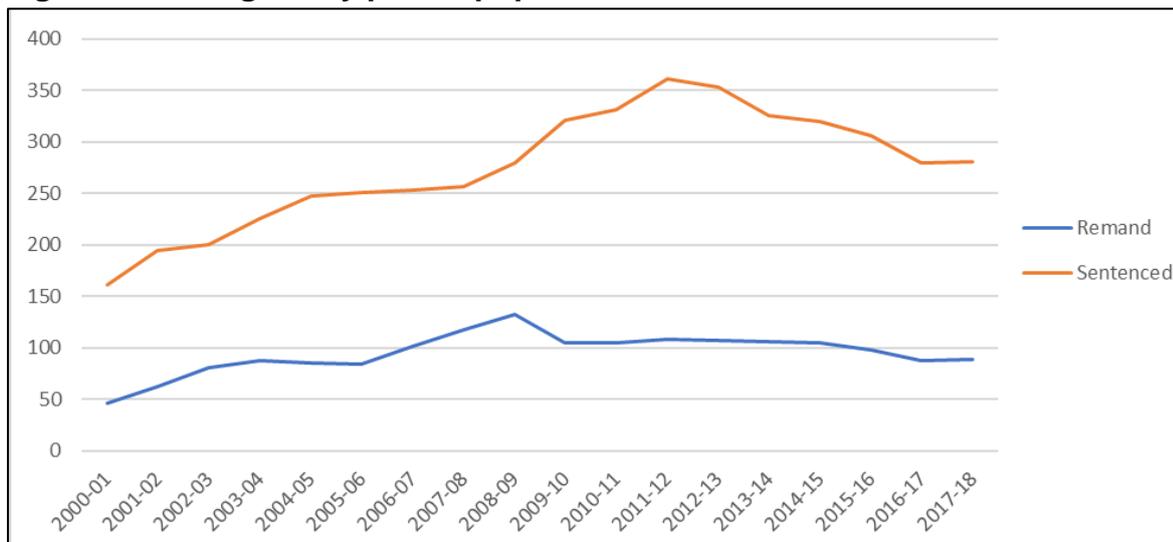
**30%** of women in prison compared to **14%** of men reported committing their offence for money for drugs.<sup>10</sup>

**44** women per 100,000 in Scotland are sentenced to immediate custody.<sup>11</sup>

*"The only background the courts have ever had for me is my previous... They don't have any idea of who you are, where you came from, what you've done, you're just that person on the paper."*



**Figure 1: Average daily prison population for women in Scotland, 2000-2018**



The Scottish Prison Service website, accessed on 27 March 2019, available at: [www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx](http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx)

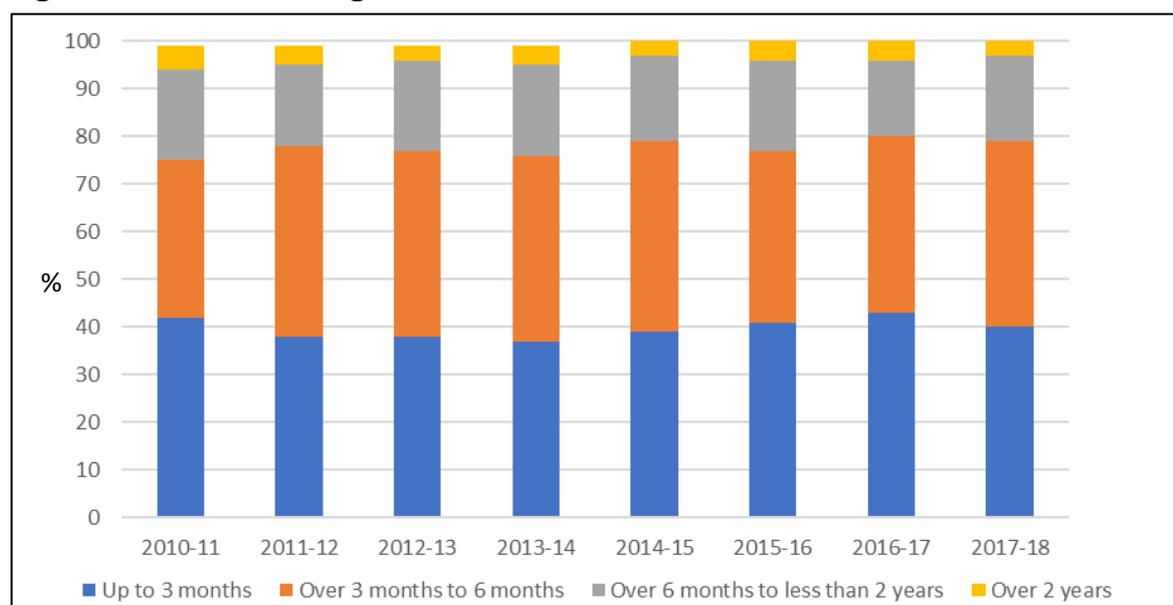
### The Scottish Context

*“The shorter length you’re in, the less help you get...you lose your house, a lot of bad things can happen, and they haven’t got any time to address anything.”*

The Scottish Government introduced a presumption against short sentences under three months in 2011 in an effort to reduce the Scottish prison population.<sup>12</sup>

As Figure 2 demonstrates, the presumption has so far had a minimal impact on levels of imprisonment. In 2017, 40% of women were sentenced to up to three months in custody, compared to 25% of men.<sup>13</sup> The Scottish Government has extended the presumption to apply to custodial sentences of less than 12 months. Almost all women sentenced to imprisonment (90%) are sentenced to less than 12 months.<sup>14</sup>

**Figure 2: Sentence lengths of women in Scotland, 2010/11-2017/18**



The Scottish Government (2019) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government

## Commission on Women Offenders

In response to concerns about women's justice in Scotland, a Commission on Women Offenders, chaired by Dame Elish Angiolini was established in 2011. The Commission's report was published the following year and made a number of wide ranging recommendations including the establishment of community justice centres to offer a one-stop support network for women; the introduction of nationwide mentoring services to support women on release from prison, or to support women's compliance with court orders; alternatives to remand; and replacing HMP&YOI Cornton Vale with a new smaller specialist prison for women who are serving long-term sentences and present a significant risk to the public.<sup>15</sup>

## New Custodial Estate for Women

The number of women in prison remains stubbornly high. In March 2019 there were 402 women in prison.<sup>16</sup> These women are currently held in five prisons across Scotland.

In June 2015 the then Cabinet Secretary for Justice, Michael Matheson MSP, announced his plans for the future of the prison estate for women featuring a new national prison for 80 women, along with five Community Custody Units which will each house up to 20 women.<sup>17</sup> The new national prison and the first two Community Custody Units, located in Glasgow and Dundee, are scheduled to be operational by the end of 2020.

## Characteristics of Women in Prison

Women's offending and the drivers behind it generally differ from men's. They are often related to experiences of domestic violence, sexual abuse, poverty, social exclusion and problematic drug and alcohol use. There are strong links between women's offending behaviour and their experience of domestic abuse, coercive control and sexual abuse. Women who are subjected to domestic abuse may be coerced into offending by their abuser in distinct ways depending on their circumstances.<sup>18</sup> Women in prison have often been victims of much more serious offences than the ones for which they are being prosecuted. 70% of women report that they have been a victim of domestic violence from their partner, compared to 28% of men.<sup>19</sup>

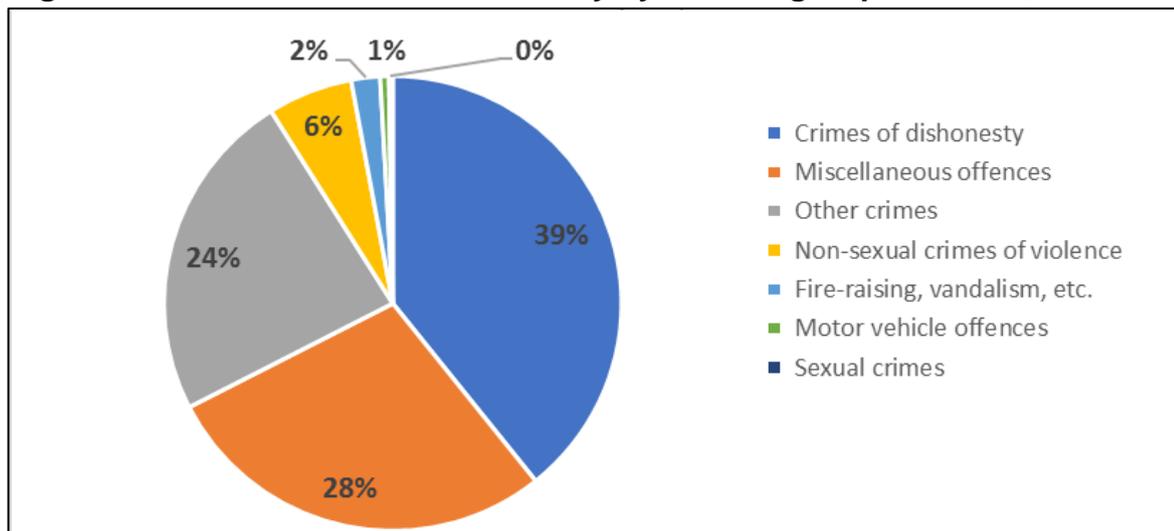
The number of women who report taking drugs before coming into custody increased from 38% in 2015 to 49% in 2017 (compared to 35% of men in 2017).<sup>20</sup>

In the Scottish Prison Service 2017 Women in Custody prison survey, six in ten women reported having four or more Adverse Childhood Experiences (ACEs). These include emotional, physical and sexual abuse; emotional and physical neglect; and a number of household adversities including domestic violence, household problematic substance use, household mental ill health, criminality and separation. It is known that having four or more ACEs increases an individual's chances of offending or ending up involved in the criminal justice system.<sup>21</sup>

*"I've offended to support a partner's drug use for about six years...Shoplifting, various other things I don't really want to go into."*

*"The easiest option is to plead guilty. You don't want people to hear [your personal business], you don't want to go through it all."*

**Figure 3: Women sentenced to custody by offence group Scotland, 2017/18**



The Scottish Government (2019) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government. NB for a full breakdown of offence categories see: [Criminal proceedings in Scotland 2017–18](#)

## Mothers in Prison

Having a household member in prison is one of ten adverse childhood experiences. As most primary caregivers are mothers, the impact of maternal imprisonment is particularly devastating for children. It is estimated that around 27,000 children in Scotland experience parental imprisonment each year.<sup>22</sup> Only 5% of children remain in their family home when a mother goes to prison.<sup>23</sup>

The Criminal Justice (Scotland) Act 2016, introduced a requirement that all individuals when imprisoned are asked if they are a parent of any children under the age of 18. However, women often fail to disclose this fact due to a fear of the possible consequences this may have. In 2017, 69% of women in prison reported having children, yet only 33% of women reported having visits.<sup>24</sup>

From 2013-2017 104 pregnant women were held in prison in Scotland and 31 babies were born.<sup>25</sup>

## Impact of Imprisonment on Women

*“The ripple effects from that were massive.”*

*“It’s not just losing your house, you lose all your personal stuff. You can’t get that back.”*

Sending women to prison can often compound their problems and magnify the challenges they face on release. In 2017 60% of women reported losing their tenancy when they came to prison, a dramatic increase since 2015 (28%).<sup>26</sup> Without stable accommodation women are at a much greater risk of reoffending; it is difficult to get a job, engage in education or training, apply for benefits or care for children. When asked where they would live on release from prison, 42% of women in 2017 responded that they did not know, compared to 34% of men.<sup>27</sup>

Research on long-term imprisonment found that women in prison reported an acutely more painful experience than men. This was linked to separation from their children and family, the loss of relationships, experiences of abuse and trauma in pre-prison life, the strain on their mental health, and a lack of control, privacy and trust inside prison.<sup>28</sup>

## Women on Remand

*“We recognise that the impact of remand can be similar to that of short prison sentences in terms of disrupting employment, housing and family relationships. While remand is necessary in some cases, including for the protection of the public, we will issue revised guidance and provide additional funding for supervised and supported bail to help ensure that remand is only used where necessary and appropriate”.*

The Scottish Government, 2018<sup>29</sup>

Women in prison are more likely than men to be there on remand. On average 24% of women in prison in Scotland are being held on remand, compared to 18% of men.<sup>30</sup>

Remand accounts for 64% of all women’s receptions into prison in Scotland.<sup>31</sup> The table below shows the responses given by women to the Scottish Prisoner Survey 2017 regarding the number of times they had previously been sentenced to prison or held on remand.

<b>Custodial History (% of women)</b>	<b>Never</b>	<b>1-5 times</b>	<b>6-10 times</b>	<b>Over 10 times</b>
Number of times previously on remand	44	29	14	13
Number of times previously on a sentence	45	35	8	12

70% of women being held on remand in prison in Scotland do not go on to receive a custodial sentence.<sup>32</sup> PRT’s Transforming Lives report with the Soroptimists (2015) recommended that the Scottish Government should restrict the use of remand where there is no real prospect of a custodial sentence on conviction.<sup>33</sup>

Supervised bail is available in Scotland as an alternative to remand. This requires an individual to meet their bail supervisor a specified number of times a week and comply with set requirements.<sup>34</sup> Supervised bail reduces the often destructive impact of being held on remand, however figures show that its use has decreased in recent years.<sup>35</sup>

## Reoffending in Scotland

*“[There is] undeniable and irrefutable evidence that Community Payback Orders and community sentences help to tackle reoffending much better than short term prisons do.”*

Hamza Yousaf MSP, Cabinet Secretary for Justice, 2018

Reconviction rates for men and women have decreased over the past ten years. The most recent overall reconviction rates, for 2015-16, are 28% for men and 22% for women.<sup>36</sup>

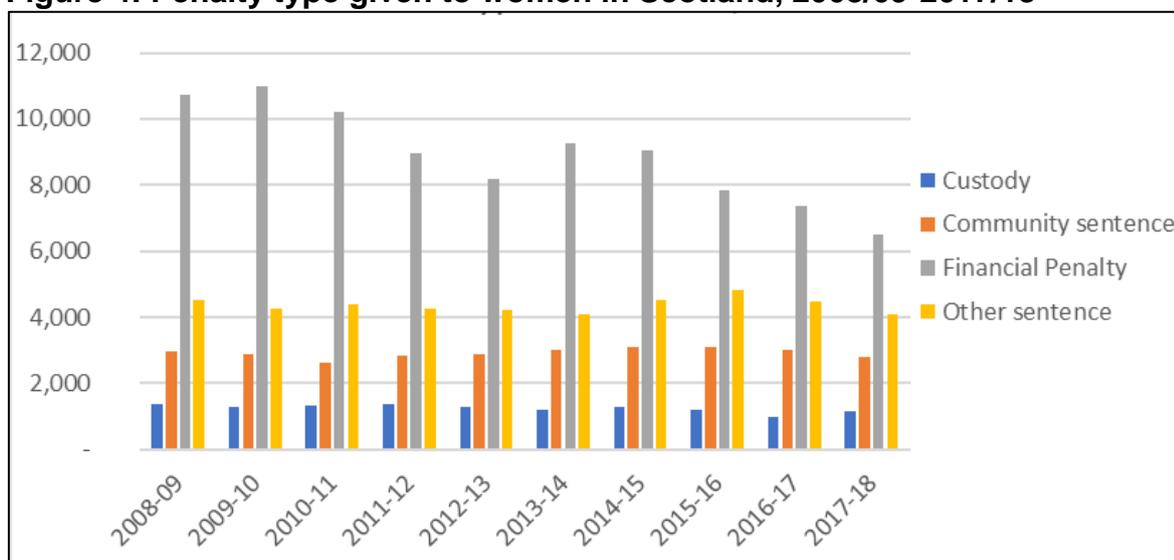
The reconviction rates following custody are higher than for any other court disposal, except Drug Testing and Treatment Orders. The reconviction rates following Community Payback Orders are significantly lower than for individuals sentenced to prison, particularly those on short sentences.<sup>37</sup>

<u>Sentence type</u>	<u>Reconviction rates (men and women)</u>
Prison sentences up to 3 months	59%
Prison sentences 3 to 6 months	52%
Prison sentences 6 to 12 months	41%
Community Payback Orders	31%

## Alternatives to Custody

*“This place is good. If there was more places like this to help women...It’s a good alternative.”*

**Figure 4: Penalty type given to women in Scotland, 2008/09-2017/18**



The Scottish Government (2018) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government

There is increasing evidence supporting the use of community sentences for women and it is widely accepted that most of the solutions for women’s offending lie outside prison and the criminal justice system. The holistic approach taken by women’s centres enables women to achieve positive outcomes in multiple areas, for example health, education, relationships, resilience and social integration. In an evaluation of sixteen Women’s Community Justice Services (WCJS) in Scotland, most of the women (83%) had made progress and WCJS were found highly effective in helping to stabilise women’s lives and promote readiness to change.<sup>38</sup>

There are financial benefits to using community-based sentences as an alternative to prison. The annual cost of a prison place is £36,724 where as community sentences are much cheaper.

- Community Payback Order - £2,259
- Home Detention Curfew - £973
- Diversion from Prosecution - £617.<sup>39</sup>

## Support for women in Scotland

There are a range of support services for women in Scotland who have been involved in the criminal justice system. These include:

- **Angus**, [Glen Isla Project](#)
- **Dundee**, [Tayside Council on Alcohol \(TCA\) Support Service for Women](#)
- **Edinburgh**, [The Willow Project](#)
- **Fife**, [Wings Project](#)
- **Glasgow**, [The 218 Service](#)
- **Glasgow**, [Tomorrows Women Glasgow](#)
- **National**, [Shine Women’s Mentoring Service](#)
- **Perth & Kinross**, [OWLS project](#)

## About the Prison Reform Trust

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

PRT has a longstanding interest in improving criminal justice outcomes for women and we are currently pursuing a strategy through our Transforming Lives programme, supported by the National Lottery Community Fund, to reduce the unnecessary imprisonment of women in the UK. For more information and practical proposals please see our publications:

[www.prisonreformtrust.org.uk/women](http://www.prisonreformtrust.org.uk/women)

- On the experiences of women with learning disabilities in the criminal justice system: [Out of the Shadows: Women with learning disabilities in contact with or on the edges of the criminal justice system](#)
- On the experiences of foreign national women and trafficked women in the criminal justice system see: [Still no way out: Foreign national women and trafficked women in the criminal justice system](#)
- On the impact on children of maternal imprisonment and recommendations for reform see: [What about me? The impact on children when mothers are involved in the criminal justice system](#)
- On the availability of accommodation for women on release from prison and the impact this can have on successful resettlement see: [Home truths: Housing for women in the criminal justice system](#)
- On domestic abuse and the link between women's victimisation and their offending see: ["There's a reason we're in trouble" - Domestic abuse as a driver to women's offending](#)
- On the experiences of BAME women and Muslim women in the criminal justice system see: [Counted Out: Black, Asian and minority ethnic women in the criminal justice system](#)
- On the use of triage for women in Scotland see: [Triage and diversion: Getting it right 24/7](#)
- On the benefits of 'problem-solving approaches' and early intervention for women see: [Fair Cop? Improving outcomes for women at the point of arrest](#)
- On the way local authorities can support women involved in the criminal justice system see: [Leading Change: the role of local authorities in supporting women with multiple needs](#)

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- <sup>1</sup> Scottish Prison Service (2018) Freedom of Information request. HQ 17267 available at: [www.sps.gov.uk/FreedownofInformation/FOI-5648.aspx](http://www.sps.gov.uk/FreedownofInformation/FOI-5648.aspx)
- <sup>2</sup> Table 10b, The Scottish Government (2019) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government
- <sup>3</sup> Scottish Prison Service – SPS Prison Population available at: [www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx](http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx)
- <sup>4</sup> Table 10b, The Scottish Government (2019) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government
- <sup>5</sup> Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS
- <sup>6</sup> Ibid
- <sup>7</sup> Ibid
- <sup>8</sup> Table 10b, The Scottish Government (2019) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government
- <sup>9</sup> Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS
- <sup>10</sup> Ibid
- <sup>11</sup> London: Home Office and Office for National Statistics, Population Pivot Tool mid-2016 UK, London: ONS. England and Wales- Ministry of Justice (2018) Court Outcomes by Police Force Area Data Tool, Criminal Justice System statistics quarterly: December 2017, London: MoJ. Scotland- Table 10b, The Scottish Government (2018) Criminal proceedings in Scotland 2016–17, Edinburgh: The Scottish Government. Northern Ireland- Table 8, The Northern Ireland Prison Population 2017/18 Tables open data format, Belfast: Department of Justice These rates should be treated with caution, as they have been calculated using multiple data sources and imprisonment figures from various time frames, 2016/17 and 2017. The rates are used created using 2016 estimated general population data from the Office for National Statistics
- <sup>12</sup> Criminal Justice and Licensing (Scotland) Act 2010
- <sup>13</sup> Table 10b, The Scottish Government (2018) Criminal proceedings in Scotland 2017–18, Edinburgh: The Scottish Government
- <sup>14</sup> Ibid
- <sup>15</sup> Commission on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh The Scottish Government
- <sup>16</sup> Scottish Prison Service website, accessed on 27 March 2019, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>
- <sup>17</sup> [www.bbc.co.uk/news/uk-scotland-scotland-politics-33221338](http://www.bbc.co.uk/news/uk-scotland-scotland-politics-33221338) 8i1
- <sup>18</sup> See: Hunt, S., Milne-Skillman, K., Murphy, G. (2015) Domestic violence and women with learning disabilities and difficulties, Canterbury University of Kent; and Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities and difficulties. Review of prevalence and associated needs, London: Prison Reform Trust
- <sup>19</sup> Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS
- <sup>20</sup> Ibid
- <sup>21</sup> Scottish Government (2017) Justice in Scotland: Visions and Priorities. Edinburgh: Scottish Government
- <sup>22</sup> Families Outside (2016) Rendering them Visible: a review of progress towards increasing awareness and support of prisoners' families, available at: <https://www.familiesoutside.org.uk/content/uploads/2016/08/FO-In-Brief-No11-Single-Pages.pdf>
- <sup>23</sup> Prison Reform Trust (2018) What about me? The impact on children when mothers are involved in the criminal justice system. London: PRT
- <sup>24</sup> Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS
- <sup>25</sup> Scottish Prison Service (2018) Freedom of Information request. HQ 17267 available at: <https://sps.gov.uk/FreedownofInformation/FOI-5648.aspx>
- <sup>26</sup> Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS
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- <sup>28</sup> Crewe, B., Hulley, S. and Wright, S. (2017) 'The Gendered Pains of Life Imprisonment', The British Journal of Criminology, 57 (6), pp.1359–1378.
- <sup>29</sup> The Scottish Government (2018) Delivering for Today, Investing for Tomorrow. The Government's Programme for Scotland 2018-19. The Scottish Government: Edinburgh
- <sup>30</sup> Scottish Prison Service website, accessed on 27 March 2019, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>
- <sup>31</sup> Table A.8, The Scottish Government (2015) Prison statistics Scotland: 2013-14, Edinburgh: The Scottish Government
- <sup>32</sup> Commissions on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh: The Scottish government
- <sup>33</sup> Prison Reform Trust (2015), Transforming Lives: reducing women's imprisonment, London: PRT
- <sup>34</sup> Community Justice Scotland (2018) Written evidence submission on remand to the Justice Committee. Edinburgh: Community Justice Scotland
- <sup>35</sup> Scottish Government (2017) Criminal Justice social Work Statistics in Scotland: 2015-16. Edinburgh: Scottish Government and ONS
- <sup>36</sup> Ibid
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- <sup>38</sup> Scottish Government (2015), Evaluation of Sixteen Women's Community Justice Services in Scotland 2015, available at: <http://www.gov.scot/Publications/2015/09/5053>
- <sup>39</sup> Scottish Government (2016), Costs of the Criminal Justice System in Scotland dataset, Edinburgh: Scottish Government