

Why focus on reducing women's imprisonment in Scotland?

Prison Reform Trust Briefing, October 2017

I also want to make clear that my view is that all of us across this chamber should be determined to work to reduce not just the prison population generally but the female prison population in particular.

First Minister Nicola Sturgeon MSP, January 2015

Scotland already has the second highest female prison population in Northern Europe, doubling between 2002 and 2012. This is completely unacceptable and does not fit with my vision of how a modern and progressive society should deal with female offenders. Michael Matheson MSP, Cabinet Secretary for Justice, June 2015

Scotland can lead the world in transformative justice. A smart justice system replaces ineffective short sentences with a problem-solving focus on addiction, mental health, poverty, social exclusion and adverse childhood experiences – and recognises prevention is better than cure.

Karyn McCluskey, Chief Executive Community Justice Scotland, 5 September 2017

The Scottish context

In response to concerns about women's justice in Scotland, a Commission on Women Offenders, chaired by Dame Elish Angiolini, was established in June 2011 to look at ways of improving outcomes for women in the criminal justice system.

The Commission's report was published in April 2012 and made 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 and to support women's compliance with court orders; alternatives to remand; and replacing HMP & YOI Cornton Vale with a smaller specialist prison for women who are serving long-term sentences and present a significant risk to the public.¹

In June 2015, the Cabinet Secretary for Justice, Michael Matheson MSP, announced his plans for the future of the custodial estate for women. He confirmed that there would be a new national prison for 80 women, and five regional custodial units throughout Scotland, each housing up to 20 women.² The first two of these 'community custody units' will be located in Glasgow and Dundee to open in 2020.

The Community Justice (Scotland) Act 2016 came into effect in April 2017 and is intended to "help create a stronger community justice system based on local collaborative strategic planning and delivery". A new national body, Community Justice Scotland, was established alongside local Community Justice Partnerships. The partners include local authorities, police, prison, and health and social care partnerships. Acknowledging that the needs of women who are involved, or at risk of becoming involved in offending lie outwith the criminal justice system, these Community Justice Partnerships are well placed to provide and develop the services women need.

In July 2017 the Scottish Government published a revised strategy - Justice for Scotland: Vision and Priorities.⁴ This strategy recognises the damaging effects of short prison sentences. The need for a focus on the root causes of disadvantage is highlighted alongside the need to improve the futures of looked after children and care leavers.⁵

Women in the criminal justice system in Scotland

- Across Scotland approximately 3,000 women are imprisoned each year, of whom almost two thirds are sent on remand.⁶ In 2013-14 there were 2,835 female receptions to prisons in Scotland of which 1,805 were remands and 1,030 sentenced.⁷
- Scotland has one of the highest rates of imprisonment for women in Northern Europe.8 The average daily women's prison population is approximately 358, of whom 76% are sentenced and 24% on remand.9
- In 2000 the average number of women in prison was 200. The numbers of women imprisoned each year has increased dramatically in the past 2 decades, reaching a peak of 469 in 2011-12. Numbers have reduced gradually since then.¹⁰
- On 6 October 2017, there were 367 women in prison in Scotland, accounting for 4.9% of the total prison population.¹¹ This is a decrease from 5.6% of the population in 2010.¹²
- Of those women given a prison sentence in 2015-16, 77% received a tariff of 6 months or less, compared to 64% of men.¹³
- In 2015-16, 89% of women sent to prison received sentences of 12 months or less (1,077 women), compared to 81% of men.¹⁴
- 60% of all offenders imprisoned for 3 months or less are re-convicted within a year. The published data does not differentiate between men and women.
- The proportion of women released early from prison subject to Home Detention Curfew (HDC) is small (9%), but nearly twice that for men (5%).¹⁶

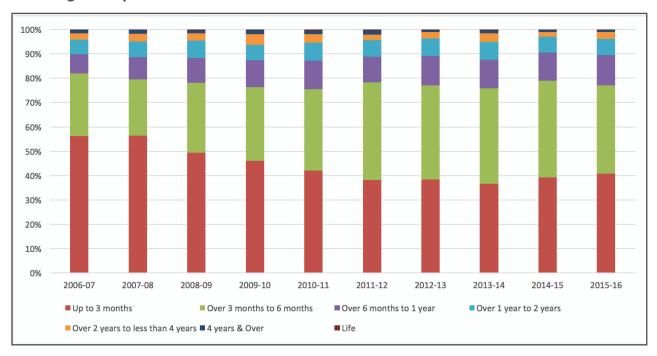
Presumption against short term sentences

Short-term imprisonment disrupts families and communities, and adversely affects employment opportunities and stable housing - the very things that evidence shows support desistence from offending. That is clearly not a good use of public resources, and it is a waste of human potential.

Michael Matheson MSP, Cabinet Secretary for Justice, September 2015

The Scottish Government introduced a presumption against sentences of less than 3 months in 2011 in an effort to reduce the prison population.¹⁷ Scottish Government analysis has shown that this did not have a marked impact on sentencing decisions. After extensive research and consultation the Scottish Government announced that the presumption against short term sentences should be extended to 12 months.¹⁸ The presumption against short sentences should significantly reduce the numbers of women being sentenced to custody.

Sentence lengths imposed on women 2006-7 to 2015-16¹⁹



Characteristics of women and the drivers to their offending

Women in Scotland accounted for 17% of all convictions in 2015-16.²⁰ Women tend to commit economically-motivated crimes to support drug use or cope with poverty, e.g. shoplifting.²¹

- Of the women convicted of crimes of dishonesty in 2015-16, shoplifting accounted for 71%. However, the number of women in prison serving a sentence for theft by shoplifting reduced from 21% to 17% when compared to the previous year.²²
- Women report significant problems with alcohol. One third (34%) of women in custody reported being drunk at the time of their offence (a welcome decrease on the 2013 figure of 50%), 39% said they would drink 10 or more drinks on a typical day when drinking, and 23% said they drank six or more drinks on a daily, or almost daily, basis.²³
- A quarter (25%) of women in custody reported that drinking affected their ability to hold down a job and 21% were worried that alcohol would be a problem for them upon release.
 One third (32%) of women had been assessed for alcohol use on admission and almost one fifth (17%) had received treatment while in prison.²⁴
- There has been a significant reduction in the proportion of women in custody who report problems with drug taking on the outside (38% in 2015 compared to 53% in 2013), and those who report being under the influence of drugs at the time of their offence (45% in 2015 compared to 55% in 2013). Almost one third of women in custody had received help/treatment for drug use during their sentence (30%) and one quarter were being prescribed methadone (23%).²⁵
- Women in prison have often been victims of much more serious offences than the ones they are accused of committing. Almost half of women prisoners (46%) said they had been victims of violence from their spouse or partner. Half of women (50%) said they had witnessed violence between their parents/carers when they were children, compared to 43% of male prisoners.²⁶

- Three in ten women in custody (28%) reported that they lost their tenancy when they came to prison. One third (33%) of women didn't know or were unsure of where they would live upon release from prison, compared to 29% of men in prison.²⁷
- Women can become trapped in a vicious cycle of victimisation and criminal activity.
 Their situation is often worsened by poverty, substance dependency or poor mental health. The Scottish Prison Service Prisoner Survey 2015 found that²⁸:
 - 52% of women admitted that they had self-harmed.
 - 64% of women felt suicidal.
 - 74% had feelings of anxiety and depression
 - 72% of women suffer from emotional difficulties
 - 26% of women in prison spent time in care as children.

Women on remand

- Women in prison are more likely to be there on remand than men, and only around 30% of women on remand go on to receive a custodial sentence.²⁹
- At 6 October 2017, 23% of the women's prison population (86 women) were held on remand – either awaiting trial or sentence. In comparison 18% of the men's prison population were on remand.³⁰
- Scottish Prison Service Prisoner Survey 2015 shows that 41% of women reported that they had been on remand 1-5 times before. One in ten women in custody (11%) had been on remand over ten times (see table below).³¹

Women's custody history	Never	1-5 times	6-10 times	Over 10 times
Number of times previously on remand	40%	41%	8%	11%
Number of times previously on a sentence	51%	32%	7%	10%

The Prison Reform Trust'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. ³²

In 2016 the Prison Reform Trust convened a roundtable to consider solutions to the over-use of custodial remand for women. The report can be found on the website here.

Reoffending in Scotland

Over half those released from a prison sentence of 6 months or less are reconvicted within a year, and over two-thirds of those who are reconvicted end up back in prison. For some people prison continues to be a revolving door

Justice in Scotland: Vision and Priorities, p26³³

Reconviction rates for community based sentences are much better than for custody. Community Payback Orders have a reconviction rate of 33% compared to 44% for all custodial sentences. Sentences up to 6 months in length have a reconviction rate of 58%.³⁴

- Men are more likely to be reconvicted than women: the overall reconviction rates show that 29% of men are reconvicted compared to 23% of women.
- In relation to crime type, crimes of dishonesty have the highest reconviction rates.
- In 2014-15, 45% of women convicted had no previous convictions

The Scottish Prison Service Prisoner Survey 2015 found that 28% of women lost their homes as a result of imprisonment, and 33% did not know where they would be living on release.³⁵ Without accommodation it is much harder to get a job or training placement, arrange benefits or care for children.

32% of women report that they receive no visits from family or friends. Evidence suggests that relationships can be key to desistance.³⁶

Mothers in prison

- Across the UK, women's imprisonment results in an estimated 17,240 children being separated from their mothers each year.
- Although precise figures are hard to obtain, it is estimated that approximately 65% of women in prison in Scotland are mothers. Of those with childcare responsibilities prior to imprisonment, about 70% of mothers, most intend to resume that care on release.³⁸
- Only 5% of children stay in their own homes once their mother has been imprisoned.³⁹
- 32% of mothers in prison describe themselves as single parents.⁴⁰ However, this is likely to be an underestimate as many women are reluctant to disclose that they have children.
- As women are much more likely than men to be the primary carer, the impact on children is more pronounced for a mother's imprisonment. The impact ranges from home and school moves, poor academic performance, increased risk of mental health problems, and involvement in the criminal justice system.⁴¹
- In the 5 years between 2012-2016:⁴²
 - 111 women were pregnant while in custody
 - 32 mothers gave birth while in prison
 - 9 babies lived with their mother in prison

The Scottish Sentencing Council was established in 2015 as an independent advisory body with responsibility to prepare sentencing guidelines for the courts. The Council has stated that "further consideration may be warranted in how caring responsibilities should be taken into account during the sentencing process". Further information about the aims, role and remit of the Council is on their website: https://www.scottishsentencingcouncil.org.uk/

What alternatives to custody do courts have?

- Women comprise about 15% of individuals being supervised on Community Orders.⁴⁴
- The number of Community Payback Orders (CPOs) imposed on women has more than doubled since 2011-12. In 2015-16, 2,953 women received a CPO. 72% of women successfully complete CPOs, compared to 67% of men who complete CPOs.⁴⁵
- The proportion of women dealt outwith the courts has increased gradually over recent years.
 - In 2015-16, 788 women were Diverted from Prosecution. This accounts for 42% of all Diversion from Prosecution cases.
 - In the same year 1,367 women were issued with Police Formal Adult Warnings, representing 41% of all Formal Adult Warnings issued.⁴⁶
- The cost of community-based services is significantly lower than that for imprisonment. The annual cost of a prison place is £36,724. By comparison a Community Payback Order costs £2,259, a Home Detention Curfew costs £973 and Diversion from Prosecution costs £617.⁴⁷
- 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.⁴⁸

There are lots of women coming out of prison and slipping straight back into reoffending. People who are in that cycle have had to deal with domestic violence and turn to drugs or alcohol but they don't want that lifestyle for their kids. They need to have the skills to get out of it and centres like this will allow them to do that.

Former Lord Advocate Dame Elish Angiolini QC, 5 July 2017, opening the new community Justice centre in Wishaw

Taking a different approach to vulnerable women

One of the challenges is ensuring the availability of specialist services for women with complex needs which help to address the underlying causes of crime. There is increasing evidence that women are less likely to reoffend following a community sentence rather than a custodial one.

Women's involvement in the criminal justice system is commonly linked to mental health needs, drug and alcohol problems, coercive relationships, financial difficulties and debt. Specialist community based services designed to meet the complex needs of women in the criminal justice system in a holistic way can help them tackle the causes of their offending. The recent Robertson Trust discussion paper provides useful insights into how local people can be engaged in the development and design of a new women's space.⁴⁹

- Shine provides mentoring support for women on release from custody who are struggling to comply with a community based sentence. Referrals have increased steadily since the project began four years ago with an increase in the number of mentees engaging with the service "Over 70% of women who engage with Shine for over three months achieve improvements in three or more outcomes that have been identified during their needs assessment. These are often the outcomes that women need to achieve to be 'ready to change'".⁵⁰
- The 218 Centre in Glasgow is a joint Turning Point Scotland and Glasgow Addiction Service initiative that supports women involved in the criminal justice system to address a range of needs including substance misuse, physical and mental health, housing and childcare. The service has a 12-bed residential unit and a day service providing a range of group session and one-to-one support. There is access to a clinic which deals with mental and physical health issues, a dietician, chiropodist, dentist, doctors and nurses. The outcomes for women are positive: police-recorded offending by women who engaged in 218's support was reduced by 21%. Women themselves identified significant decreases in drug and/or alcohol use (83%), improvements in their health and wellbeing (67%), access to stable accommodation and referrals to longer-term support services.
- The Willow Project based in Edinburgh is managed by the City of Edinburgh Councils Criminal Justice Social Work Service and delivered in partnership with NHS Lothian and a variety of agencies from across the voluntary and public sector. Willow takes a lead role in coordinating community responses to women, helping them to navigate and access the services when they need it. This includes improving the availability of services to women in custody.⁵²
- Supported Bail Services have also evidenced positive outcomes for women and reduced likelihood of breach of Bail conditions. **The Glasgow Women's Supported Bail Service** aims to reduce the use of remand and address the underlying causes of women's offending, whilst maintaining family relationships and engagement with support services in the community. The service offers support on a 1:1 basis and on an assertive outreach basis. Housing is an extremely important aspect of the work and the staff work with women on bail to prevent them being remanded and assist with housing. Working in partnership with another agency, Y people, the Supported Bail Service now have 10 temporary furnished flats. Working across a range of different agencies is helping reach women that previously may not have engaged with services who now receive the support required to avoid remand and reduce their reoffending.⁵³

Involving women with experience of the criminal justice system

The benefits of user involvement in the development and provision of services is well known. One example is:

• Just US is a group that has evolved from the Willow Project in Edinburgh. Just US is a group led by women who have experience of mental health issues, histories of trauma and have had involvement with the criminal justice system. Their aims are to challenge the discrimination faced by women who have had contact with the criminal justice system, improve their mental health and well being and promote their recovery and address the issues around the barriers and stigma they face.⁵⁴

For further information please contact:

Anne Pinkman

Programme Manager for Scotland and Northern Ireland, Reducing Women's Imprisonment, Prison Reform Trust anne.pinkman@prisonreformtrust.org.uk (Based at Families Outside, 13 Great King Street, Edinburgh, EH3 6QW)

The Prison Reform Trust is grateful to the Big Lottery Fund for supporting our UK-wide programme to reduce women's imprisonment. For information about the programme see our website here.

The Transforming Lives report produced in partnership with Soroptimist International GB & Ireland included a section on Scotland which is available for separate download:

http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/TransformingLivesScotland.pdf

All the UK-wide publications from the programme are available to download:

Why Focus on Reducing Women's Imprisonment?

Transforming Lives – reducing women's imprisonment

Home Truths - housing for women in the criminal justice system

Other publications from the Transforming Lives programme:

Leading Change - the role of local authorities in supporting women with multiple needs Fair Cop? Improving outcomes for women at the point of arrest

Counted Out: Black, Asian and minority ethnic women in the criminal justice system

A note on the numbers

It is important to be aware of the difference between a 'snapshot' of the prison population at any one time and the total intake (receptions) of individuals into prison over the course of a year. The latter will be much higher than the former because of the incidence of remand and short sentences.

Endnotes

- ¹ Commission on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh, The Scottish Government
- ² http://www.bbc.co.uk/news/uk-scotland-scotland-politics-33221338
- ³ The Community Justice (Scotland) Act 2016
- ⁴ Scottish Government (2017), Justice in Scotland: Vision and Priorities,
 - http://www.gov.scot/Publications/2017/07/9526
- ⁵ Scottish Government (2017), Justice in Scotland: Vision and Priorities
- http://www.gov.scot/Publications/2017/07/9526
- ⁶ Scottish Government (2015), International Review of Custodial Models for Women: Key Messages for Scotland http://www.gov.scot/Resource/0048/00487211.pdf
- Scottish Government (2015), Prison statistics and population projections Scotland: 2013-14, http://www.gov.scot/Resource/0048/00487211.pdf
- Scottish Government, 2015, International Review of Custodial Models for Women: Key Messages for Scotland, available at http://www.gov.scot/Publications/2015/10/7805/0
- 9 Scottish Prison Service (2017) SPS Prisoner Population, available at SPS.gov.uk/Corporate/information/SPSPopulation
- Scottish Government (2015), Prison statistics and population projections Scotland: 2013-14, http://www.gov.scot/Resource/0049/00491398.pdf
- Scottish Prison Service (2016), prison population, http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx
- 12 http://www.prisonstudies.org/country/united-kingdom-scotland
- Scottish Government (2017), Criminal Proceedings in Scotland 2015-16 http://www.gov.scot/Publications/2017/01/6376
- ¹⁴ Scottish Government (2017), Criminal Proceedings in Scotland 2015-16, http://www.gov.scot/Publications/2017/01/6376
- ¹⁵ Scottish Government(2017), Reconviction Rates in Scotland: 2014-15 Offender Cohort, http://www.gov.scot/Publications/2017/05/8362
- ¹⁶ Scottish Prison Service (2017), SPS Prisoner Population, available at: SPS.gov.uk/Corporate/information/SPSPopulation.asp
- ¹⁷ Criminal Justice and Licensing (Scotland) Act 2010
- ¹⁸ Scottish Parliament (2017), Official Report, Meetings of the Parliament, 14 September 2017, http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11073&mode=pdf
- 19 Scottish Government (2017), Criminal Proceedings in Scotland 2015-16, www.gov.scot/Publications/2017/01/6376
- ²⁰ Scottish Government (2017), Criminal Proceedings in Scotland 2015-16, www.gov.scot/Publications/2017/01/6376
- ²¹ McIvor, G., Trotter, C., & Sheehan, R. (2009). Women, resettlement and desistence. Probation Journal vol. 56 no. 4 347-361
- ²² Scottish Government (2017), Criminal Proceedings in Scotland 2015-16, www.gov.scot/Publications/2017/01/6376
- ²³ Scottish Prison Service (2016) Prisoner Survey 2015: Female offenders, Edinburgh: SPS
- ²⁴ Scottish Prison Service (2016) Prisoner Survey 2015: Female offenders, Edinburgh: SPS
- ²⁵ Scottish Prison Service (2016) Prisoner Survey 2015: Female offenders, Edinburgh: SPS
- ²⁶ Scottish Prison Service (2016) Prisoner Survey 2015: Female offenders, Edinburgh: SPS
- ²⁷ Scottish Prison Service (2016) Prisoner Survey 2015: Female offenders, Edinburgh: SPS
- ²⁸ Scottish Prison Service (2016) Prisoner Survey 2015: Female offenders, Edinburgh: SPS
- ²⁹ Commission on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh, The Scottish Government
- ³⁰ Scottish Prison Service (2017) SPS Prisoner Population, SPS.gov.uk/Corporate/information/SPSPopulation.asp)
- 31 Scottish Prison Service (2016) Prisoner Survey 2015: Female offenders, Edinburgh: SPS
- 32 Prison Reform Trust (2015), Transforming Lives: reducing women's imprisonment, London: PRT
- ³³ Scottish Government (2017), Justice in Scotland: Vision and Priorities, http://www.gov.scot/Publications/2017/07/9526
- ³⁴ Scottish Government(2017,)Reconviction Rates in Scotland: 2014-15 Offender Cohort, available at: http://www.gov.scot/Publications/2017/05/8362
- ³⁵ Scottish Prison Service (2016), Prisoner Survey 2015: Female Offenders, Edinburgh: SPS
- 36 Scottish Government (2015), International Review of Custodial Models for Women: Key Messages for Scotland, http://www.gov.scot/Resource/0048/00487211.pdf
- ³⁷ Families Outside (2016), Rendering them Visible: a review of progress towards increasing awareness and support of prisoners' families, https://www.familiesoutside.org.uk/content/uploads/2016/08/FO-In-Brief-No11-Single-Pages.pdf
- 38 Scottish Prison Service (2016), Prisoner Survey 2015: Female Offenders, Edinburgh: SPS
- ³⁹ Scottish Government (2015), International Review of Custodial Models for Women: Key Messages for Scotland, http://www.gov.scot/Resource/0048/00487211.pdf
- ⁴⁰ Scottish Prison Service (2016) Prisoner Survey 2015: Female Offenders, Edinburgh: SPS
- ⁴¹ Scottish Government (2015), International Review of Custodial Models for Women: Key Messages for Scotland, http://www.gov.scot/Resource/0048/00487211.pdf
- 42 Scottish Prison Service (2016), Freedom of Information: Mothers and Babies, http://www.sps.gov.uk/FreedomofInformation/FOI-4562.aspx

- ⁴³ The Scottish Sentencing Council (2017), Children and the sentencing of parents: report on discussion event with Scottish Sentencing Council, Edinburgh: Scottish Sentencing Council
- ⁴⁴ Scottish Government (2017), Criminal Justice Social Work Statistics in Scotland 2015-16, www.gov.scot/Publications/2017/02/2907
- ⁴⁵ Scottish Government (2017), Criminal Justice Social Work Statistics in Scotland 2015-16, www.gov.scot/Publications/2017/02/2907
- ⁴⁶ Scottish Government (2017), Criminal Proceedings in Scotland 2015-16, http://www.gov.scot/Publications/2017/01/6376
- ⁴⁷ Scottish Government (2016), Costs of the Criminal Justice System in Scotland dataset, Edinburgh: Scottish Government
- ⁴⁸ Scottish Government (2015), Evaluation of Sixteen Women's Community Justice Services in Scotland 2015, http://www.gov.scot/Publications/2015/09/5053
- ⁴⁹ The Robertson Trust (2017), Developing and designing Women's centres: Sharing learning from the development phase, Strathclyde: University of Strathclyde
- ⁵⁰ Shine (2017), Annual report 2016/17, http://www.sacro.org.uk/sites/default/files/publications/shine_annual_review_2016-2017_final_smallerfile.pdf
- ⁵¹ http://www.turningpointscotland.com/what-we-do/criminal-justice/218-service/
- 52 http://www.nhslothian.scot.nhs.uk/Services/A-Z/Willow/Pages/default.aspx
- 53 http://www.turningpointscotland.com/glasgow-womens-supported-bail-service/
- ⁵⁴ Just Us, information available at: https://elpfonline.org.uk/tag/just-us

The Prison Reform Trust works to create a just, humane and effective penal system. To subscribe to PRT's monthly e-newsletter visit www.prisonreformtrust.org.uk/newsletter

Prison Reform Trust, 15 Northburgh Street, London EC1V 0JR 020 7251 5070 womensprogramme@prisonreformtrust.org.uk Registered in England and Wales, Charity No 1035525. Company Limited by Guarantee No 2906362

