

# Scottish Working Group on Women's Offending

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**SWGWO** comprises all Community Justice Authorities; Families Outside; STUC; SCCCJ; Apex Scotland, and individuals from the Parole Board for Scotland; Criminal Justice Services at City of Edinburgh Council; Scottish Centre for Crime and Justice Research.

**Convenor:** Anne Pinkman, Chief Officer, Fife and Forth Valley CJA.

## REPORT ON THE ROUNDTABLE EVENT ON WOMEN'S OFFENDING HELD AT THE OFFICES OF SACRO AT 29 ALBANY STREET, EDINBURGH FRIDAY 7<sup>TH</sup> OCTOBER 2011

Report Editor: Niall Campbell, Vice-Convenor, SCCCJ



**THE SCOTTISH CONSORTIUM ON CRIME AND CRIMINAL JUSTICE**  
**CONVENOR, Professor Alec Spencer**  
**HONORARY PRESIDENT, Baroness Vivien Stern CBE**

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SCCCJ Member Organisations



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## REPORT OF PRESENTATIONS

**Baroness Vivien Stern** welcomed the participants and, in particular, Dame Elish Angiolini, the Chair of the Commission on Women Offenders, and the other members of her Commission. The full list of those attending is at Annex A.

Baroness Stern said that with the appointment of the Commission on Women Offenders and also through the work of the Scottish Working Group on Women Offenders there was a real window of opportunity to achieve something in this field. It was not a new problem. For over ten years a range of studies and reports had drawn attention to the problem and suggested solutions. Yet, over this same period the average daily population of women prisoners, far from declining, had doubled and now stood at 477.

Baroness Stern said that a summary of the proceedings would be prepared. What the opening speakers said would be recorded on an attributed basis. The following discussion would take place under Chatham House Rules. What was said would be recorded but not attributed. The final record would be put on the website of the Scottish Consortium for Crime and Criminal Justice (SCCCJ) and copies sent to all participants.

### **The Drivers of Female Imprisonment**

**Professor Gill McIvor** and **Professor Michele Burman** described the findings of their research. A copy of their Research Findings is included in Annex B. The key finding was that, despite there having been no significant overall increase in crime by women, the female prison population had doubled over 10 years. The reasons for this were complex. There was no evidence that women were committing more serious crime. The increase in the female prison population appeared to be driven by longer sentences for certain offences. In addition, the courts were more likely to use prison for a range of offences for older women. There had been a persistent increase in the use of imprisonment and community penalties and a decrease in the use of fines. It was not just in Scotland that the imprisonment of women was increasing. It was international

The great bulk of female offending was relatively minor. There had been a decrease in crimes of dishonesty, such as shoplifting, and an increase in certain other categories, such as drug offences and breach of the peace. Bail breaches contributed to the increase but not to a large extent. Further research was to be carried out.

### **The Effect of Imprisonment on Families**

**Dr Nancy Loucks**, Chief Executive of Families Outside, spoke on the effect of imprisonment on families. The text from Dr Loucks' presentation slides is at Annex C. There are multiple long term effects on families from the imprisonment of a mother. Women are seen as bad mothers if they are sent to prison. A woman can lose her house and her children as a result of imprisonment. Maternal links are broken. It is much more difficult for a mother than a father to face prison. Children see the imprisonment of their mother as a bereavement but do not get any equivalent support. Yet, two thirds of the women sent to prison have dependent children. Each year in Scotland about 16,500 children are separated from a parent through imprisonment, which means that more children each year experience a parent's imprisonment than a parent's divorce. When a woman is received into prison, she is not asked if she has children. Short prison sentences do not allow a woman's underlying problems to be addressed. The financial and the social costs of imprisoning a woman are significant. Investing in community penalties for women would bring significant long term benefits.

**Sheriff Seith Ireland** spoke about sentencing female offenders. He emphasised that he was speaking in a personal capacity and not expressing the views of Sheriffs as a whole.

He pointed out that the role of the Sheriff was an individual one. The Sheriff exercised his own discretion within the boundaries set by legislation and any guidance issued by the Appeal Court. The

job of the Sheriff was to balance appropriately for each individual case the sentencing objectives of Protection, Deterrence, Denunciation, Rehabilitation, Restitution and Punishment.

As a Sheriff, he was very aware that women offenders often had a history of abuse and drug use. A prison sentence often meant that their children were lost to them. Their housing situation could become chaotic. Their unstable lives meant that often they would fail to attend at court or at a community sentence, leading to the risk of remand in custody or imprisonment for breach. Sentencers regarded custody as a last resort but nevertheless might feel bound to impose it in situations where a court order had been persistently breached. Recent legislation which introduced additional sentences for aggravated forms of offences could lead to longer sentences. Politically, there was pressure to tighten up on bail. There was a more retributive culture. All these factors increased the likelihood and length of a prison sentence for women.

There were valuable projects, such as 218 in Glasgow, and supported accommodation with bail supervision, which could help reduce the risk of custody as well as protect the public. Such projects could be extended throughout the country and expanded. Robust community sentences were needed and sentencers needed to be educated on what was available. Support might be needed to help women who were leading unstable lives to comply with community penalties

**Allister Short**, Strategic Programme Manager (Community planning) NHS Lothian, spoke on Prisoner to patient – changing the perspective on vulnerable women in the criminal justice system. The text from Mr Short's presentation slides is at Annex D.

Mr Short illustrated the approach by describing the Willow Project, a project jointly provided by SACRO, NHS Lothian and City of Edinburgh Council (CEC). This was based on the high incidence of mental health, alcohol and drug problems among women offenders. The project placed high value on providing stability, with a clinical psychology input. It aimed to tackle not only offending behaviour but also women's health and access to services. Many women offenders suffered from post traumatic stress and an important aim was to reduce this stress. There was a lot of group work and enabling women to understand themselves. The provision of child care, well woman clinics and help in creating a family through practical training were all part of the approach which looked at women's needs as a whole. It was similar to the 218 project in considering the development of life and coping skills to be crucial.

His view was that the Willow Project should not be just seen as an add on. It should be considered the core work of the NHS. It was, however, necessary to move away from the institutional approach to women offenders and provide services flexibly in their communities where they would be likely to accept them more readily. It was important to have continuity of care and the shift of prison health care to the NHS would help in this.

## **ROUNDTABLE DISCUSSION**

In discussion the following points were made:

### **Resources**

- Were more resources needed or was it a question of shifting rather than increasing? Increased resources were always going to be hard to find.

### **Structures**

- Community Justice Authorities (CJA's) were well placed to bring things together without creating any new structures. They could share best practice and provide check lists of services in their area. They offered a means of bringing services out of their silos and working together.
- There was a complex organisational landscape with CJA's, Drug and Alcohol Teams, mental health services etc. Behavioural change was needed to ensure that there was good joint working.

- What were the inhibitors within existing structures which were preventing good joint working, system change and the adoption of what had been shown to be good and effective practice? How were these inhibitors to be removed?
- In remote areas there are not enough clients to make some specialised services viable.

## **Systems**

- Problem solving courts would allow more scope for collaborative working and swifter decisions.
- The Police needed more discretion and the ability to use warnings rather than arrest. Also the Police cannot at present refer directly to diversion services. This has to go through the Fiscal. Direct police referral could avoid prosecution and get women into services more quickly.
- Access to information was necessary to make swift decisions which took proper account of a woman's situation. At present, information is scattered across different systems.
- Action needed to be speeded up. It was important to have immediate access to services. Rapid intervention when there was the risk of the breakdown of a statutory order would reduce the risk of recall to prison.
- The right programmes and community sentences needed to be immediately available.
- The Getting It Right For Every Child (GIRFEC) model might be adopted for women offenders with an emphasis on meeting the needs of the individual woman offender rather than on what the services can provide.
- It was necessary to identify routes to avoid prosecution. When making decisions, the Fiscal worked on the Police report but the Police did not have time to gather information. One inhibitor in avoiding prosecution was lack of information. In avoiding prosecution it was necessary for the Fiscal to know what was available by way of diversion. It could be difficult to get psychiatric advice and the availability of psychiatric nurses to the Police could help in reaching better decisions.
- Criminal Justice Social Work reports (formerly called Social Enquiry reports) seemed to be getting longer, making it difficult to read them in a busy court. Was there scope for stand down reports as opposed to a for week deferral for reports? An oral report might enable the court to deal with the whole matter in a day. The impact of the new style, shorter SERs should be evaluated.
- It was commented that there were large numbers of women on remand and this needed to be tackled. Bail supervision was helpful, particularly for younger offenders.

## **Projects and services**

The Circle project was described. Staff meet women prisoners (although the organisation does not use the word 'prisoner' in its work) at the gate as they leave prison and then work with the women in their own homes, often for over a year. There are 10 staff. The quality and commitment of staff was very important. Although not driven by reoffending rates, in the first year after release there was no reoffending by a woman involved in the project. Staff accompanied women to services. However, it was important that women did not become dependent on the project. The project recognised that many women who had been in prison had been in care and had often been poorly parented.

SACRO ran a mentoring project. This was cost effective in that forty women could be mentored for the cost of keeping a woman in prison for a year.

One third of women coming out of prison were homeless on release. Provision of accommodation on release is crucial.

There is a very patchy provision of appropriate projects in Scotland. There were not many community penalties designed specifically for women.

Many projects are on year to year funding which makes it difficult to build capacity, sustain services or carry out longer term evaluations of outcomes.

Co-operation between projects is important although projects may be competing with one another for scarce resources.

The quality of staff is a project's greatest resource.

The availability of mental health and addiction services for women needed to be addressed.

### **Training**

The Judicial Studies Board was the mechanism through which all judges are trained. It was important to identify the key training needs. The sentencing of women offenders and consideration of remand was a complex problem. There were broad social issues which had to be taken into account – family, housing, health.

Did the Courts need more sentencing guidelines? The Appeal Court was reluctant to give too much guidance since sentencing was regarded as the exercise of judicial autonomy and individual discretion.

### **Other points**

It was noted that there was a decrease in the number of women going to prison from Glasgow. It would be worth finding out the reasons for this.

The general public attitude towards anything going “wrong”, with the accompanying press criticism, made prison staff very unwilling to take any risk at all. This could lead to greater and longer use of custody.

## DEVELOPMENT OF AN ACTION PLAN ON WOMEN'S OFFENDING IN SCOTLAND

In opening the discussion, Baroness Stern said that it did not seem either realistic or necessary to consider major structural change to address this issue. There were structures already there, particularly the Community Justice Authorities, which, if properly used, could tackle the problem effectively. The problem at present was that there was no one who had it as their job to make it happen. It had to be someone's job at each relevant level. There needed to be someone in the Scottish Government with the responsibility of reducing the number of women in prison, working within a national framework for women offenders. There needed to be a women's officer in each CJA to ensure that a programme for reducing the number of women in prison happened. At the local authority level, key people needed to be designated to make it happen. In general, what needed to be done had been identified. What was needed now were designated people to make it happen and to identify the blockages.

Having ensured that this structure was in place, the following were identified as the important components of a plan for women offenders:

1. All women leaving prison should have **accommodation available at the point of release**. Where a woman entering prison has a house, every effort should be made to retain the tenancy, if necessary by sub-letting to ensure it was available again on release.
2. **A community integration plan** together with statutory support regardless of sentence length should be prepared for all women in prison and should follow them on release.
3. **On release** all women should have a **mentor** to help them return to family life, comply with the various statutory requirements which might be placed on them and ensure that they had immediate access to all the services they needed (particularly addictions and mental health). Such support should be available at the prison gate at the point of release.
4. Consideration should be given to the best day of release. Friday is not a good day when it comes to accessing social work and other support.
5. The use of **volunteer support** should be considered for mentoring and support on release.
6. There is a strong case (although there are resource implications) for all women leaving prison to receive the support derived from **statutory supervision** (not only those receiving statutory supervision as a result of release from a sentence of 4 years or more). In addition, the preparation of a care plan for all women released from prison, regardless of sentence length, should be considered. The preparation of a single plan should start in prison.
7. **Adequate bail supervision**, including bail supervision with supported accommodation, should be provided and would reduce the level of remands.
8. **Effective community penalties** should be specifically designed for women. This should lead to such sentences being used instead of custody, to a greater extent. A flexible approach should be taken to breach to take account of the stresses and demands on women.
9. Prison **health services** should follow the prisoner out into the community to ensure that there was no interruption particularly in addiction and mental health services on leaving prison.
10. Services for women offenders in the community should be provided in places which are accessible and not forbidding.
11. **Services should be clearly mapped** so that all who needed to know about them are properly informed.

12. **Judicial training** should ensure that all sentencers are aware of the particular issues affecting women offenders and the services specifically available for them.
13. There should be more dialogue between Sheriffs and social workers.
14. Consideration should be given to enabling the police to have **direct access to diversion** instead of only through the Fiscal. The availability of a psychiatric nurse for police stations should be considered.
15. **Criminal Justice Social Work Reports, formerly called Social Enquiry reports (SERs)** should be considered for all women (including those facing short sentences) and should always ensure that the effects of any sentence on a woman's family and children are properly taken into account.
16. **Court reports** should be made available much more swiftly and, if necessary, on a stand down oral basis to enable cases to be dealt with more quickly and without the need for remand.
17. **Charges:** consideration should be given to rolling up charges to avoid the problem where progress is being made only to be undermined by a further appearance at court on an outstanding charge.
18. **Better and quicker information** should be available to Police and Fiscals to enable them to make better informed decisions when a woman has been arrested and reported to the Fiscal. The police protocols on reports and the time required to prepare them should be looked at. Improved transfer of information between the systems of different agencies should be looked at.
19. There should across the country be an **adequate supply of projects** such as 218, Circle and Willow which had been clearly shown to be effective. These projects promote self esteem and developed practical skills and are not necessarily expensive. Residential projects offer the opportunity to get out of the community for a period without having to go to prison.
20. Projects should be funded on at least a 3 year basis to ensure stability and sustainability.
21. There should be a policy that no children should be housed in prison with their mothers. In such cases non custodial penalties should be used.

## **Conclusion**

At the close of the seminar, Baroness Stern thanked all the speakers and participants for their valuable contributions. She was certain that the event would be of great help to the Commission in its work.

## Annex A

### **Alphabetical list of Delegates, Roundtable Event on Women's Offending, 7<sup>th</sup> October 2011**

- Ms Dawn Abell, Secretary: Commission on Women Offenders
- The Right Hon Dame Elish Angiolini, DBE QC, Chair, Commission on Women Offenders
- Ms Jane Askew, Head of Community Integration Unit, Scottish Government
- Dr Monica Barry, Senior Research Fellow, SCCJR Strathclyde University
- Ms Mary Beglan, Manager 218 Project
- Ms Margaret Brown, Deputy Chief Inspector of Prisons
- Prof. Michele Burman, Professor of Criminology and Co-Director SCCJR Department of Sociology, Anthropology and Applied Social Sciences, University of Glasgow
- Professor Alexander Cameron, CBE, Chairman, Parole Board for Scotland
- Mr Niall Campbell, Honorary Vice President, Scottish Association for the Study of Offending
- Mrs Elizabeth Carmichael, CBE, Sacro Board Member
- Dr Linda de Caestecker, Director of Public Health for National Health Service, Greater Glasgow and Clyde. And Commission on Women Offenders
- Mr Philip English, Chief Officer Northern CJA Northern Community Justice Authority
- John Evans, Victim Support Scotland
- Ms Marion Goodall, Secretariat to Commission on Women Offenders
- Mr Tom Halpin, Chief Executive, Sacro
- Sheriff W S S Ireland
- Mr Nico Juetten, Parliamentary Officer & Policy lead on Youth Justice, office of the Scottish Commissioner for Children and Young People
- Ron Lancashire, SWGWO Representative
- Dr Nancy Loucks, Chief Executive, Families Outside
- Inspector Dawn MacEachern, PhD, Safer Communities, Strathclyde Police
- Dr Margaret Malloch, Research Fellow Social Work Research Centre, The University of Stirling
- Ms Susan Matheson OBE, Non-Executive Director, Scottish Prison Service
- Professor Gillian McIvor, Professor of Criminology, Scottish Centre for Crime and Justice Research Stirling University
- Ms Ruth McQuaid, Area Procurator Fiscal, Dumfries & Galloway
- Ms Teresa Medhurst, Governor, HMP Cornton Vale
- Brigadier Hugh Monro, Chief Inspector of Prisons, HMIP
- Mr James Newman, Scottish Government
- Ms Anne Pinkman, Chief Officer Fife & Forth Valley CJA Fife and Forth Valley Community Justice Authority. And Convenor, SWGWO.
- Mr Sandy Riddell, Chair Criminal Justice Standing Committee, Association Directors of Social Work
- Ms Lynda Ross-Hale, Director of Operations, Sacro
- Sheriff Danny Scullion, Commission on Women Offenders
- Ms Marina Shaw, Circle Scotland
- Mr Allister Short, Strategic Programme Manager (Community Planning) NHS Lothian
- Prof Alec Spencer, Convenor, Scottish Consortium on Crime and Criminal Justice
- Mr Alan Staff, Chief Executive, Apex Scotland
- Baroness Vivien Stern, CBE, Senior Research Fellow & Visiting Professor, International Centre for Prison Studies University of Essex
- Ms Rona Sweeney, Director of Prisons, Scottish Prison Service
- Ms Claire Tosh Legal Adviser Commissioner on Women Offenders
- Sheriff T Welsh QC Director of Judicial Studies Judicial Studies Office Judicial Studies Committee

- Baillie Helen Wright Convenor, Tayside Community Justice Authority (Dundee City Council Elected Member) Tayside CJA Tayside CJA

## **Annex B**

### **Briefing paper: *Understanding the Drivers of Female Imprisonment in Scotland***

**Gill McIvor and Michele Burman**

**(SCCJR, Universities of Stirling and Glasgow)**

Briefing paper on [www.sccjr.ac.uk](http://www.sccjr.ac.uk)

Female imprisonment has increased significantly in recent years in Scotland and internationally. This briefing paper considers possible explanations for this increasing trend. The authors investigated whether the growth in female imprisonment is attributed to more women getting involved in crime, more serious crimes being committed by women or changes in prosecution and sentencing patterns.

The analyses presented here focus on women only, and no comparisons with trends for male offenders were made.

### **Main Findings**

- As in other western jurisdictions, Scotland has witnessed a significant increase in female imprisonment in the last 10 years. The number of women remanded to custody has almost doubled between 1999-2000 and 2008-09 (from 1176 to 2338), as has the number of adult women received into prison under direct sentence (from 458 to 906).
- There is evidence that women are being imprisoned for longer periods of time. The average length of custodial sentences imposed on women has increased from 228 days in 1999-2000 to 271 in 2008-09. This difference is largely explained by the significant increase in the number of women sentenced to between 6 months and 2 years.
- There was no evidence of increasing participation of women in crime. Data from five police forces showed that the number of recorded crimes involving females has remained relatively stable between 1999-2000 and 2009-10, with some fluctuations in the Strathclyde and Fife area.
- Women continue to commit relatively minor crimes. The total number of recorded crimes of violence (Group 1) involving females has remained remarkably stable since 2001. There have been some changes in the pattern of offences committed by women, with increases in minor assaults and breaches of the peace over the last 3 years. This may reflect changes in policing rather than a change in female behaviour per se.
- There was no evidence of an increase in the number of women prosecuted. Results from the analysis of a dip sample of first marking data provided by the Crown Office and Procurator Fiscal Service (COPFS) showed a decrease in the number and proportion of women whose cases were marked for court since 2002-03 onwards. This downward trend has coincided with a steady increase in the use of direct measures since 2004-05.
- The proportion of women over 21 years of age sentenced to custody for crimes against public justice, drug-related crimes, common assaults and breaches of the peace has increased steadily over the last 10 years. By contrast, courts have become less likely to imprison young women under 21 years of age convicted of property offences.
- Our analyses suggest that the growth in the female prison population is more likely attributed to the increasing use of custodial sentences by courts than changes in the pattern of female offending.

### **Background**

Despite the fact women are typically convicted of relatively minor crimes, female imprisonment has increased dramatically in most western jurisdictions, including Scotland, over the last 15- 20 years. The average daily female prison population in Scotland almost doubled between 1999-2000 and 2008-09, from 210 to 413. The number of women remanded to custody has almost doubled over the same period (from 1176 to 2338), as has the number of adult women received into prison under direct sentence (from 458 to 906). In addition, there is evidence that women are being imprisoned for longer periods of

time. The average length of custodial sentences imposed on women has increased from 228 days in 1999-2000 to 271 in 2008-09.

This difference is largely explained by the significant increase in the number of women sentenced to between 6 months and 2 years.

Across jurisdictions, the rise in custody rates has been disproportionately higher for women than for men. While the growth in female imprisonment is undisputed, what is less clear is what has fuelled this trend.

## **Aims**

This research aimed to explore the factors driving the increase in female imprisonment in Scotland. Specifically, we sought to explore whether this increase is a result of increasing numbers of women getting involved in crime, increasing participation in more serious crime, or changes in the pattern of prosecution and sentencing decision making. The aim of this research was to explore changes in the number and characteristics of women processed through the criminal justice system without attempting comparisons with trends for male offenders.

## **Methods**

The study comprised of analysis of both published and unpublished data provided by the police, Crown Office and Procurator Fiscal Service (COPFS) and Scottish Government. We analysed trends in numbers of detected crimes involving women, numbers and characteristics of women reported to COPFS, prosecuted and sentenced in Scottish courts. With the exception of police data, trends were analysed overall and by age group. The findings were considered in light of international research on the drivers of rising female imprisonment.

## **Trends in detected crime involving females**

Numbers of detected crimes and offences involving females were provided by the following five police forces: Central Scotland Police, Tayside Police, Fife Constabulary, Strathclyde Police and Dumfries and Galloway Constabulary.

There was some variation in the level of detail provided in terms of time period and crime groups. Data demonstrated no overall significant change in detected crime involving women over the past 10 years. Strathclyde and Fife police force areas saw a slight increase between 1999- 2000 and 2004-05, but this trend has decreased in recent years. The total number of non-sexual crimes of violence (Group 1) has remained remarkably stable since 2001. Groups 3 and 7

(crimes of dishonesty and motoring offences) have shown an overall decrease since 2001-02, although they have been increasing slightly over the past three years, a trend which is mainly confined to the Strathclyde area and is largely attributed to increases in shoplifting incidents.

Group 5 and 6 offences have shown an increase, which is attributable mainly to a slight increase over the past three years in offences involving drug-possession and a larger increase in minor assaults and breaches of the peace. These data provide no evidence of an overall increase in detected crime involving females or any indication that the seriousness of women's crime has increased. On the contrary, it appears that women are increasingly getting involved in relatively minor miscellaneous offences.

## **Trends in the prosecution of women**

The Crown Office and Procurator Fiscal Service provided a dip sample of first marking decisions on women reported in March and September each year over the period 2002-2010. The data indicated that, apart from a slight increase between 2003-05, -which may reflect the introduction of the new Scottish Crime Recording Standard- numbers of women reported to COPFS have remained relatively stable overall.

Data broken down by age revealed a steady decrease in the number of women aged under 21 reported to COPFS while the number of women over 40 years of age reported increased over the same period.

Across all age groups, there has been a decrease in the number and proportion of women whose cases were marked for court since 2002-03 onwards. This downward trend has coincided with a steady increase in the use of direct measures since 2004-05 reflecting changes introduced by Summary Justice Reform.

These analyses suggest that the growth in female imprisonment over the last decade cannot be directly attributed to increases in the number of women prosecuted in Scottish courts.

### **Trends in female convictions**

The analysis of criminal proceedings data published by the Scottish Government indicated that the number of women with a charge proved per 1,000 population increased between 2001-02 and 2003-04 before levelling off. This increase was largely driven by an increase in convictions for miscellaneous (e.g. breaches of the peace) and motor vehicle offences. Separate analyses for offences and crimes showed that although the number of women convicted of offences has remained relatively stable since 2004-05, the number of women convicted of crimes has slightly increased; a trend that is especially salient among women aged over 30. This rising trend is mostly attributed to increasing numbers of women convicted of drug-related crimes and crimes against public justice (e.g. breach of bail, resisting arrest and perjury). However, it is worthy to note that, in any given year, women were most likely to have been convicted of miscellaneous offences (mostly common assaults and breaches of the peace), motor vehicle offences and crimes of dishonesty (principally shoplifting). The number of women convicted of crimes of dishonesty has decreased steadily since 1999 primarily among women under 21 years of age and these crimes now account for less than one fifth of women convicted. Interestingly, there has been a relatively large increase in the number of women aged 30 and over convicted of motor vehicle offences, including convictions for drunk/drug driving which increased by 78% between 1999-2000 and 2008-09. Overall, the data indicate that the majority of female offenders are convicted of minor offences and crimes of a less serious nature.

### **Trends in the sentencing of women**

The analysis of published criminal proceedings data over the period 1999-2000 to 2009-10 showed a steady increase in the number and proportion of women receiving custodial, community and 'other' sentences while the proportion given financial penalties has decreased. These trends are particularly salient for women over 30 years of age. By contrast, the number of young women under 21 years of age sentenced to custody has decreased since 1999-2000 while the numbers given community sentences and other disposals within this age group have increased. Further analysis of sentencing by age and offence type suggested that courts have become less likely to imprison young women under 21 years of age convicted of property offences but more likely to imprison those convicted of crimes against public justice.

Among women aged 21 years and older, the courts have become more likely to impose custodial sentences for crimes against public justice, drug-related crimes and public order offences such as common assaults and breaches of the peace. In addition, custodial sentences are increasingly likely to be imposed upon women over 30 years of age convicted of shoplifting and other theft. Taken together, these data suggest that the proportionate use of custodial sentences has increased in response to crimes against public justice, regardless of the age of the offender. Otherwise, there is little evidence that the courts are becoming more punitive towards young women aged under 21, but clear evidence of greater use of custody for older women across a wide range of offences. A possible explanation for this trend might be that an increasing number of repeat women offenders are appearing before court whose previous convictions serve as an aggravating factor in sentencing.

### **Trends in the use of remand**

The analysis of published prison statistics covering the period from 1999-2000 to 2008-09 indicated that there has been a steady increase in the average daily remand population (both untried and convicted awaiting sentence) over the last 10 years, from 54 in 1999-2000 to 133 in 2008-09. The

number of women on remand has almost doubled over the last 10 years, from 1,176 female remand receptions in 1999-2000 to 2,338 in 2008-09. This marked growth in the use of custodial remand - which is contributing to the growth in the female prison population - may reflect a concern to ensure that justice is done suggested also by the increasing use of custody in response to crimes against public justice as reported above.

## **Conclusion**

Data suggest that, overall, there is little evidence of an increase in the incidence or seriousness of female crime. Rather, the growth in female imprisonment would appear to reflect a greater tendency on the part of the courts to impose custodial sentences on women convicted of a range of crimes, with this tendency becoming more marked with age. The reason for the increase in punitiveness towards women - which published data suggest has also occurred, though to a lesser degree, in respect of men - is not immediately obvious. One possibility is that there has been an increase in the number of repeat female offenders appearing before court whose previous convictions serve as an aggravating factor in sentencing. Additionally, a Scottish study on sentencer decision making in borderline custody cases (Tombs and Jagger, 2006) suggested that some sentencers may perceive that prisons can provide offenders with rehabilitative services they would not be able to access in the community. However, further research is required to examine the explanatory potential of these potential drivers of female imprisonment in Scotland.

## **Further Information**

The full report on which this summary is based is available at [www.sccjr.ac.uk/pubs](http://www.sccjr.ac.uk/pubs).

## **Presentation: *The Drivers of Female Imprisonment***

Michele Burman, University of Glasgow,  
Gill McIvor, University of Stirling  
[www.sccjr.ac.uk](http://www.sccjr.ac.uk)

## **Trends in the use of imprisonment**

- Growing daily female prison population (210\_413)
  - Sentenced (156 \_ 280)
  - Remand (54 \_ 133)
- Growing number of female receptions (2383 \_ 3461)
  - Sentenced (613 \_ 1025)
  - Remand (1176 \_ 2338)
  - Fine default (593 \_ 98)
- Increasing length of custodial sentence imposed
  - 228 days \_ 271 days
- Male prison population increasing but at a much slower rate (and latest figures suggest a levelling off)

## **Detected crime (police data)**

- No overall change in level of detected crime involving women
- No overall increase in seriousness of detected crime involving women

## **Cases reported and marked for prosecution (COPFS data)**

- No overall increase in the numbers of women reported to the COPFS since 2002/3
- Overall downward trend in number and proportion of cases marked for court but number of women 40+ marked for court has remained largely unchanged

## **Women sentenced**

- Number of women with a charged proved per 1000 population has remained stable since 2003/4
- There has been a slight increase in the number of younger women (under 21) convicted of offences and a decrease in the number convicted of crimes
- The number of older women (30+) convicted of both crimes and, in particular, offences has increased

## **Women sentenced**

- Women most likely to be convicted of:
  - Miscellaneous offences (assault, BOP), motor vehicle offences and shoplifting
- \_Decrease in numbers of women convicted of dishonesty offences
- \_Increase in numbers convicted of:
  - ‘other crimes’ (drugs and crimes against public justice)
  - miscellaneous and motor vehicle offences

## **Women sentenced**

- The use of imprisonment, community sentences and ‘other’ sentences has increased while the use of financial penalties has decreased
- The use of imprisonment:
  - *decreased* among women under 21 years of age
  - *Increased* disproportionately among women over 30 years of age
- Courts more likely to impose custodial sentences for:
  - Crimes against public justice (all ages)
  - Drug crimes (21+)
  - Public order offences – assault and BOP (21+)
  - Shoplifting and other theft (31+)

## **Key conclusions**

- No evidence that more women are coming into contact with the criminal justice system
- No evidence that women are committing more serious offences
- Courts are increasingly likely to imprison women for a range of offences
- Increased punitiveness most evident in relation to older women

## **Possible explanations**

- Reflection of wider social problems (alcohol/drugs)
- ‘Rolling back’ of the welfare state
- The role of risk and risk assessment

## **UN Rules**

“Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible” (Rule 58)

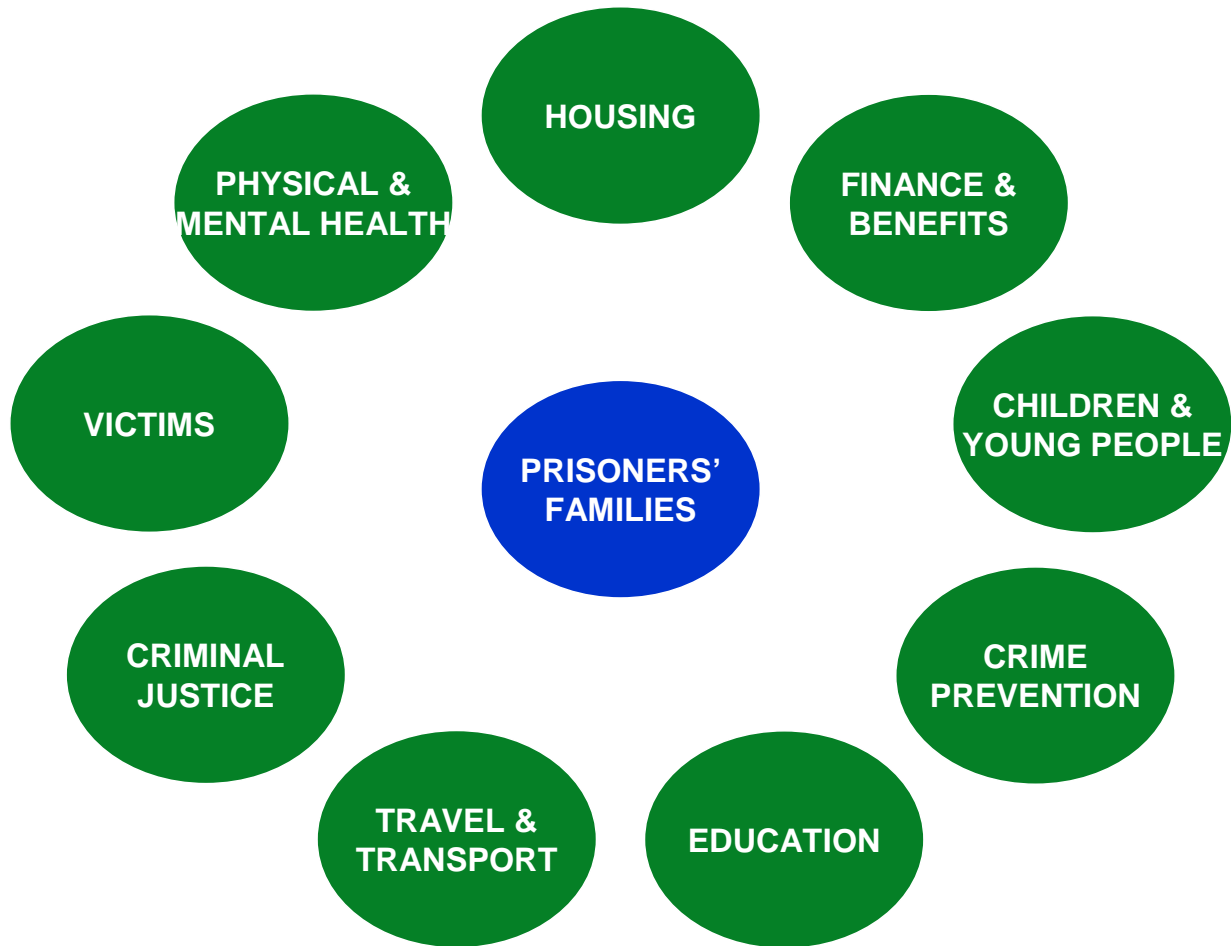
Need for services/resources that are:

- community-based
- gender sensitive
- trauma-informed
- designed to meet women’s diverse needs

## Annex C

**Presentation: The effect of imprisonment on families - *Dad's been making me take drugs into the prison for my mum. I don't want to do it any more.***

Dr Nancy Loucks, Chief Executive, Families Outside



*Many women still define themselves and are defined by others by their role in the family... To become a prisoner is almost by definition to become a bad mother.*

- Baroness Hale, Corston Report

*...this factor makes the prison experience significantly different for women than men.*

- Baroness Corston, Corston Report

### Women in Prison: Key Facts

- About two-thirds of women in prison are parents of dependent children.
- Each year in Scotland, about 16,500 children are separated from a parent through imprisonment, with about 1,850 separated from an imprisoned mother.
- Each year in Scotland, more children experience a parent's imprisonment than a parent's divorce.

## Children of Imprisoned Parents

- Higher risk of future imprisonment
- Higher risk of problems with physical and mental health
- Regressive behaviour/grief responses
- Multiple care arrangements
- What do you tell the children?

## What happens when a woman goes to prison?

- In Scotland, only 17% of fathers looked after their children while the mother was in custody.
- Women are more likely than men to lose housing while in custody.
- Distance from home to women's prisons is further on average.
- 'Maternal distress' can exacerbate already difficult issues for women.
- The impact on children is more extreme.

## Support & Information Helpline

- Specific financial/emotional concerns about caring for grandchildren
- Elderly parents being harassed by debt collectors
- Coping with daughter/grand-daughter on Home Detention Curfew (HDC)
- Concerns about daughter's addiction not being managed in prison

## Grandmother looking after 2 year-old girl:

*When we got her she was in a terrible state, but we took care of her, got her cleaned up and took her to visit her mummy in the prison. We thought she would also be clean ... but it was horrible, she told us she was on a methadone programme but couldn't tell us anything about it and was unable to sit still. She kept looking about the room and wouldn't talk to the baby and now we don't know what to do.*

## New Economics Foundation

- "...imprisoning mothers for non-violent offences carries a cost to children and the state of more than £17 million over a ten-year period."
- "For every pound invested in support-focused alternatives to prison, £14 worth of social value is generated to women and their children, victims and society generally over ten years."

Dr Nancy Loucks

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[www.familiesoutside.org.uk](http://www.familiesoutside.org.uk)

## Annex D

**Presentation: *From Prisoner to Patient – changing the perspective on vulnerable women in the criminal justice system***

Allister Short, NHS Lothian

## Willow Project

Aims to address women's offending and related needs in order to:

- Reduce **offending** behaviour;
- Improve women's **health**, wellbeing and safety; and
- Improve women's **access** to services

## Partnership between NHS Lothian, City of Edinburgh Council and SACRO

What's needed at operational level:

- Creating **stability** and tackling **underlying** issues
- **Holistic** one stop shop and neutral **community** venue
- Women **specific** service and interventions
- **Multi-disciplinary** team work (Group work and 1:1)
- Practical support to engage and remain **engaged**
- **Flexibility** of programme delivery – not just linear

What's needed at organisational level:

- Strategic **leadership** from partners
- Alignment with **mainstream** services
- Shifting the balance of **care**
- **Prevention** and early intervention
- Clear **pathways** for women across services
- **Community-custody-community** approach
- Focus on the **outcomes**

This country is a paradoxical tapestry of rich resources, inventive humanity, gross inequalities, and persistent levels of poor health and deprivation. Against that backdrop, the public services of the future must not only continue to provide a safety net for the vulnerable, but make a coherent contribution to a stronger, healthier, economically viable and more equitable society.

*Christie Commission on the Future of Public Services in Scotland 2011*

## Did Willow work for you?

**“This is the first course I've stayed on.”**

**“I learned life coping skills.”**

**“I've been to a few places like this but this worked.”**

**“You learn more about yourself each time you come here.”**