

## Understanding the Drivers of Female Imprisonment in Scotland

**Gill McIvor and Michele Burman**  
(SCCJR, Universities of Stirling and Glasgow)

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).