

Transforming Punishment of Women in Scotland?

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Breaking the cycle of women's imprisonment: where next?
Clinks: Women's Conference, London, 10th Dec 2012

Scotland

- 5.2 million people
- Imprisonment rate of 150 per 100,000
- 2011-2012 daily average = 8,178
(Prison Statistics and Projections Scotland, 2012)
- 16 penal establishments
 - numbers significantly higher than design capacity



Women and Prison in Scotland

- Longstanding policy concern
- Unsuccessful attempts to reduce female prison population
 - e.g. *A Safer Way*, 1998; *A Better Way*, 2002; *Scotland's Choice*, 2008.
- Creation of more prison beds for women
- 'Dismal and depressing' HMIP reports.....
- Increasing policy concern about consequences
 - overcrowding
 - ineffectiveness of short sentences
 - damaging effects of imprisonment on women and their families

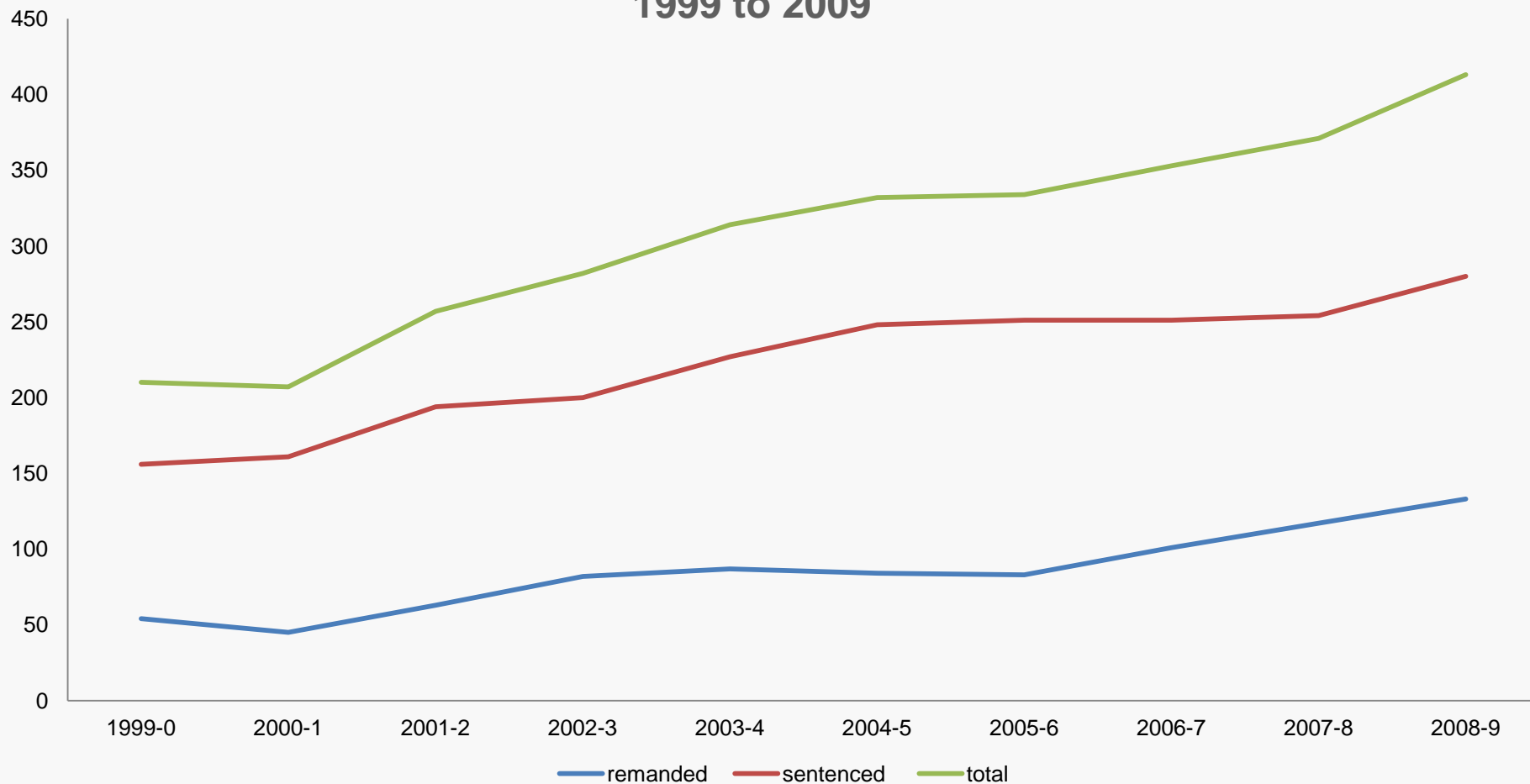


Commission on Women Offenders (2011)

Background and Context

- 2011-2012 average daily female prison population  8% to 468
- Females currently constitute 6% of prison population
 - Feb 2001 = 230 (3.8%); May 2006 = 365; June 2010 = 435
- Since 2000, female imprisonment shown sharpest rate of growth
 - average daily women's prison population  106% (Scottish Government, 2011)
 - comparative increase amongst male population of 25%
-  Increases in direct sentence and remand
 - number of women remanded to custody almost doubled from 1999-2001 to 2008-09 (from 1,176 to 2,338)
 - only around 30% of women on remand go on to receive a custodial sentence

Average daily female population in penal establishments by type of custody 1999 to 2009



Growing daily female prison population (210 ⇒ 413)

Sentenced (156 ⇒ 280) Remand (54 ⇒ 133)

Drivers of Female Imprisonment?

1999-2000 to 2009-2010

Detected crime (police data)

- No overall change in level / seriousness of detected crime
 - non-sexual crimes of violence stable
 - overall decrease in crimes of dishonesty and motoring offences
 - slight increase in drug offences
 - larger increase in minor assaults and breaches of the peace

Prosecution data (COPFS)



- No overall increase in the numbers of women reported to the COPFS since 2002/3 but
 - reduction in young women (under 21 years)
 - increase in older women (40 + years)
- Overall downward trend in number and proportion of cases marked for court

(see McIvor and Burman, 2011)



Drivers of Female Imprisonment ?

1999-2000 to 2009-2010

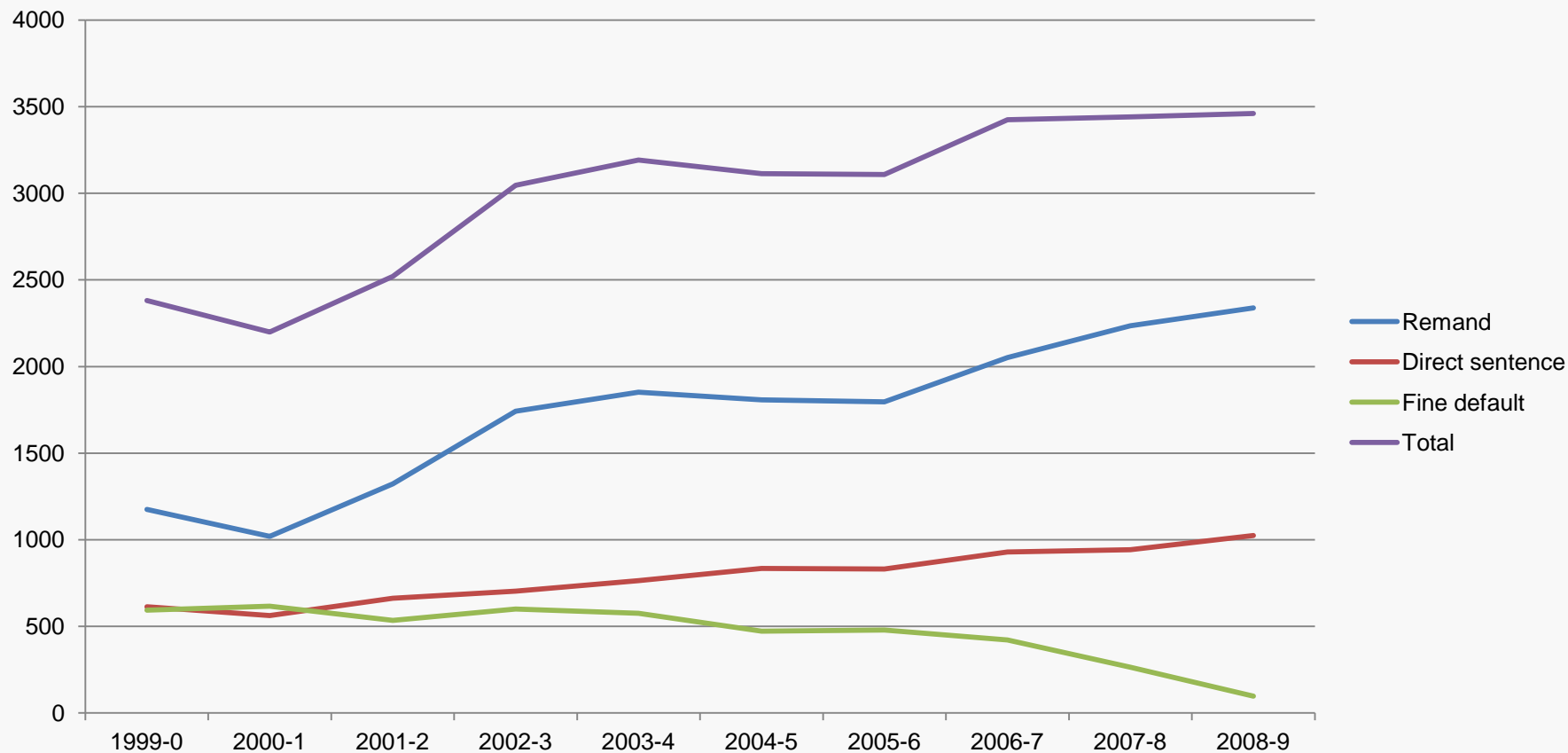
Convictions (court data)

- number of females with a charged proved **stable** since 2003/4
-  **Decrease** in convictions for dishonesty offences
-  **Increase** in convictions for 'other crimes', e.g. drugs offences and crimes against public justice (perjury, resisting arrest, bail offences (other than absconding or re-offending) and wasting police time)
- Women most likely to be convicted of:
 - minor assault, breach of peace, motor vehicle offences and shoplifting

Sentencing Data

-  **Decrease** in use of financial penalties
-  **Increase** in use of imprisonment and community sentences
- **Average sentence length increased** (228 days to 271 days)

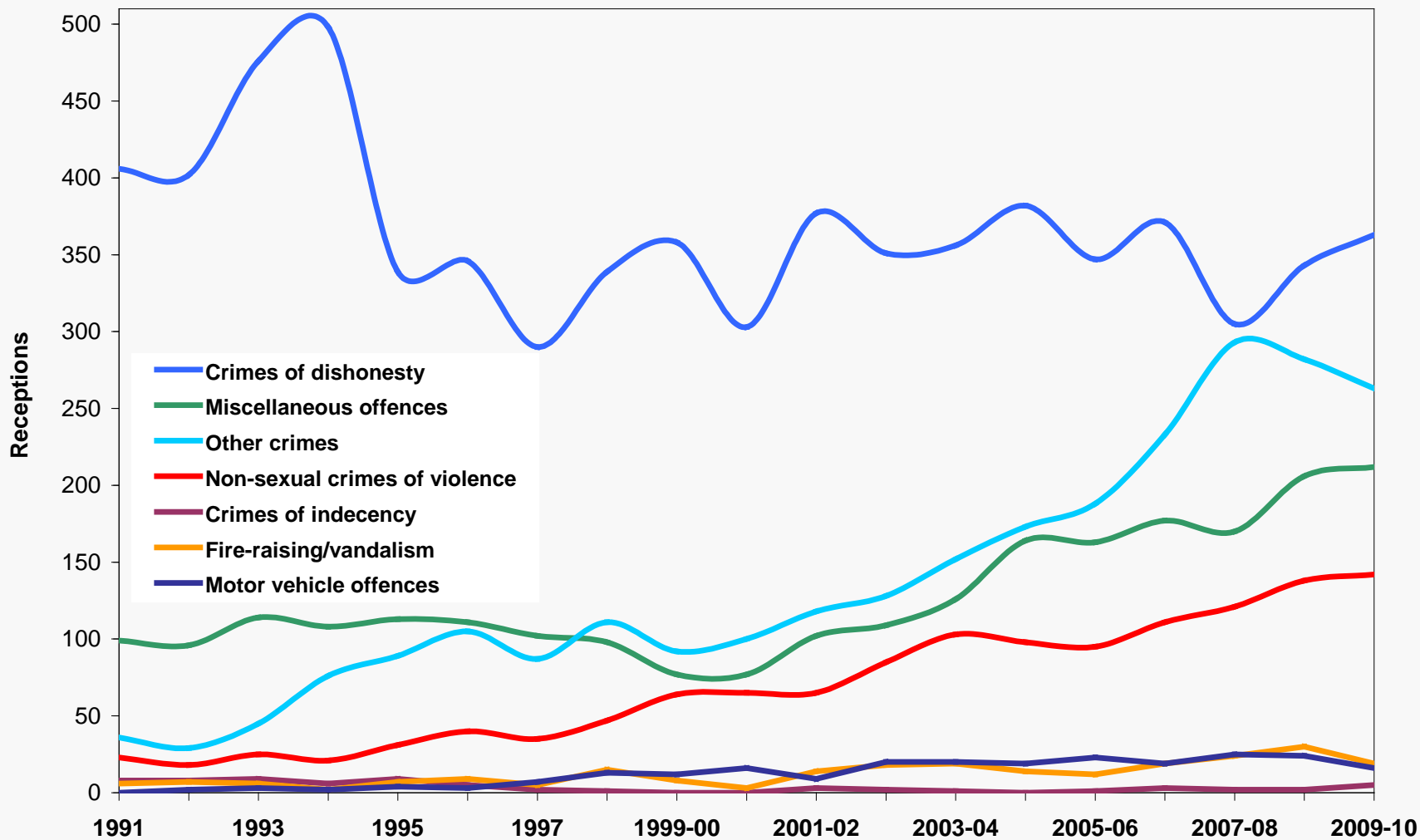
Female receptions to penal establishments by type of custody 1999-2009



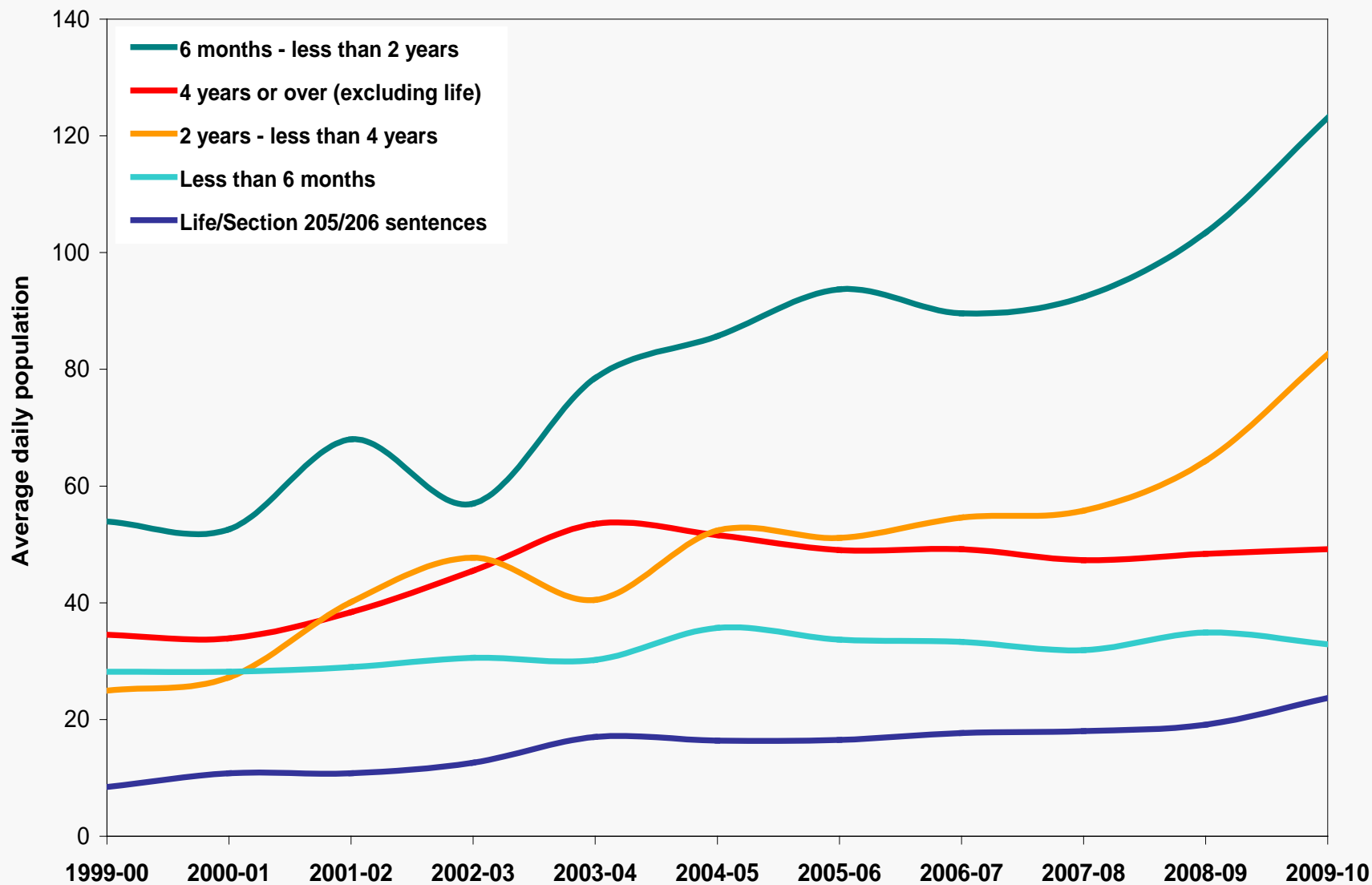
Growing number of female receptions (2383 ⇒ 3461)

Sentenced (613 ⇒ 1025) Remand (1176 ⇒ 2338) Fine Default (593 ⇒ 98)

Female direct sentenced receptions by crime type: 1991 to 2009-10



Female Prison population by sentence length: 1999-00 to 2009-10



Key conclusions from 10yr review

- **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 and for a **longer sentence length**
- Increased punitiveness most evident in relation to 'older' age groups (30 years +)

Continuing upward trend

Reasons?

- increased number of (older) repeat offenders?
- overall population increase as result of efficiency changes to the courts/ CJS since 2000s?
 - e.g. increased sentencing powers, bail and legal aid reforms
- Risk/needs confusions
 - gendered perceptions of women's 'needs' and the way that this can work against some women as well as in their favour
- reflection of wider social problems (alcohol/drugs)
- 'rolling back' of welfare state provisions
- prison as 'social service'
- community sanctions seen as less appropriate
- increased focus on types of crimes women more likely to commit?
 - drugs-related, common assault, breach of peace

Characteristics of women in prison in Scotland

Limited life opportunities

- social exclusion
- lack of support
- absence of relationships
- family breakdown
- limited education/work skills

Financially constrained

- poverty
- care responsibilities
- accommodation needs

Backgrounds of abuse

- sexual and violent victimisation
- risky sexual lives

Health difficulties

- poor physical health
- addictions (drugs and alcohol)
- mental health
- self-harming

Childhood experiences of institutional care

Commission for Female Offenders

In 2011, Kenny MacAskill, Cabinet Secretary for Justice announced establishment of Commission:

*“to consider the evidence on how to **improve outcomes** for women in the criminal justice system; to make recommendations for **practical measures in this Parliament** to reduce their reoffending and **reverse the recent increase** in the female prisoner population.”*

Dame Eilish Angiolini QC (ex Lord Advocate)

Sheriff Danny Scullion

Dr Linda de Caestecker – Director of Public Health for NHS) Greater Glasgow and Clyde



HMP and YOI Cornton Vale



- overcrowding
- challenging work/living environment
- inhibiting opportunities for rehabilitation
- mental health needs unaddressed
- high levels of self-harm
- lack of constructive and meaningful activity
- services ‘cease at gate’

‘not fit for purpose’

Obstacles

- ‘disparate nature’ of arrangements
- ‘cluttered landscape’
 - 200+ organisations
- Lack of accountability
- Leadership vacuum
- Inconsistent service provision
- Short term funding
 - Prioritises action over outcomes

The Commission made **37** Recommendations, of which Scottish Government has accepted **33**

Service re-design

Key principles

- ‘proactive’ and ‘persistent’
- outreach approach
- co-located multi agency services
- focus on relationships and life skills

Community Justice Centres

- one stop shops delivering intensive interventions
- available for women at every stage of CJS (diversion; bail; release)

Key workers

- Single point of contact

Intensive Mentoring

- available to all at risk of reoffending/custody

Supported accommodation

- provided via designated housing or, supporting women in their own tenancy

- **Mental health**

Key Focus

- **Establishing Community Justice Centres**
 - ‘one stop shops’ where multi-agency partners can work with and deliver universal services as well as bespoke criminal justice services to women at risk of or who have offended modelled closely on 218 Centre and Willow Project
- **Secondment of staff**
- **RRP2 Change Fund**
 - Mentoring

Seek alternatives

Alternatives to prosecution

- early intervention
- fiscal work orders
- composite diversion order
- police conditional caution



Alternatives to remand

- bail supervision plus
- use of 'tagging' as bail condition
- Raising awareness of use of alternatives



Sentencing

‘Problem-solving’ summary court (pilot)

‘Rapid’ (truncated) court reports

- available on day of conviction

Same sentencers

- continuity through progress reviews

Meaningful Judicial training

- Raising awareness
- Closer engagement

Composite sentence of imprisonment (custodial/community elements)

Suspended sentence



Prisons

- Replace Cornton Vale with a smaller 'specialist prison' ...
 - for sentences of 4yrs +
 - medical centre
 - separate unit for young women
 - mother and baby unit
 - visitor centre
- Smaller local prisons
 - improve liaison with communities
 - assist re-integration
- Appointment of 'women's champion' in SPS
- Gender-specific training for all professionals



Progress on prisons objectives

- By 2016 – a new custom-made national prison (HMP Inverclyde) for ‘high risk’ and longer term women offenders, supported by smaller local or regional units adjacent to existing male establishment
 - Mother and baby unit Medical facilities
 - Family centre/continuing contact
 - ‘community-facing’
 - personal officers
- ££££ Bricks and mortar
- Perverse incentives?
- Bangkok Rules



Community Reintegration

- Inter-agency protocols on prison discharge and homelessness
- Immediate access to benefit entitlement upon release
- Community reintegration support is available
 - During and after completion of custodial sentence
- Key worker to meet ‘at the gate’



Leadership, structures and delivery

- Revision of Governance Structures
- Community Justice Service – a new national structure
 - to commission, provide and manage adult (male and female) offender services in community
- Delivery Board (Community Justice and Prison)
 - Promoting integration and delivery on a shared vision
 - Independent Chair

Can Scotland Do It?

- Political Will
- Leadership
- Resources



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