

Women, crime and penal policy in Scotland: Recent developments

Irish Penal Reform Trust
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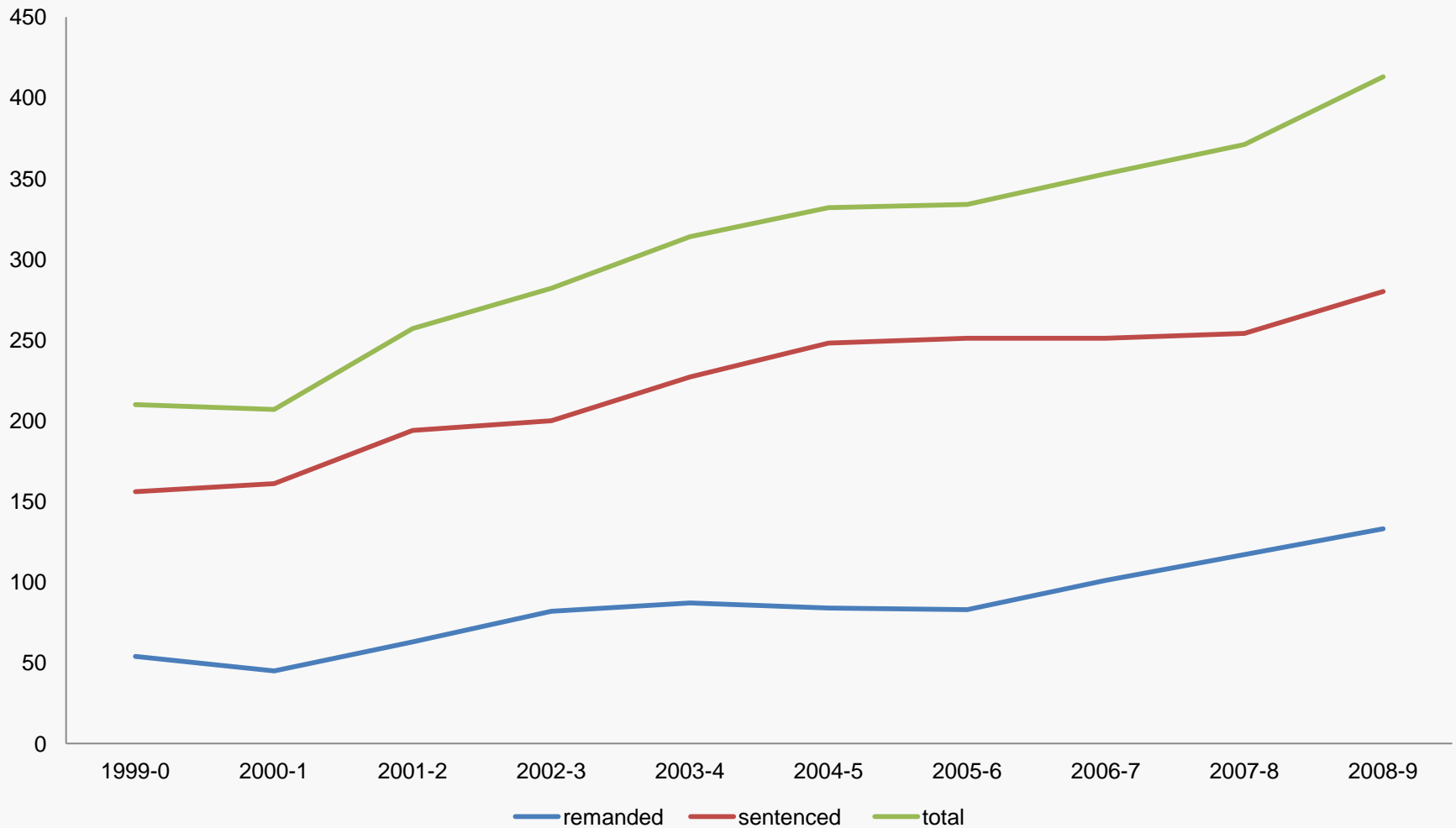
Gill McIvor

University of Stirling
and
Scottish Centre for Crime and Justice Research

Women's offending and sentencing

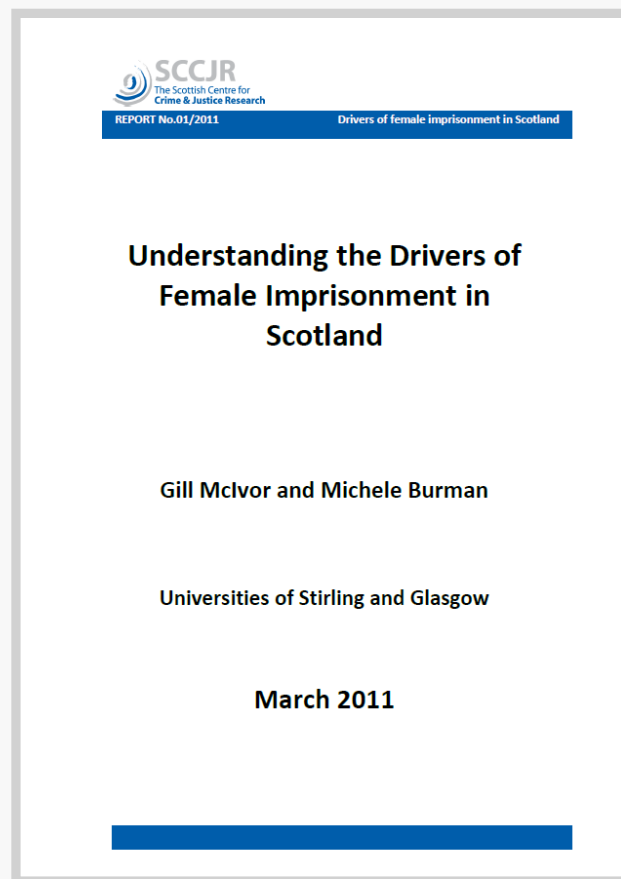
- Women are less likely to offend and typically commit less serious offences
- Women are less likely to commit almost all types of offences, particularly violent and sexual offences: prostitution is the only offence in Scotland in which women outnumber men
- The numbers of women imprisoned has increased and female prison populations are increasing at a greater rate than those of men
- Women are often serving relatively short sentences and present little public risk

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



The drivers of female imprisonment in Scotland

- 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



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, 2009.*
- “Dismal and depressing environment” (HM Prison Inspection Reports)
- Development of innovative community provision: 218 Centre and Willow Project
- Increasing policy concern about consequences
 - overcrowding
 - ineffectiveness of short sentences
 - damaging effects of imprisonment on women and their families



Commission on Women Offenders (2011)

Commission on Women Offenders

- **Remit:**
 - 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
- **Approach**
 - Discussion with <130 individuals and groups
 - Visits to 10 prisons and community projects
 - Focus groups with victims and ex-offenders
 - Attendance at conferences and seminars
 - Review of available literature



Commission on Women Offenders: Conclusions

- Absence of consistent provision of services tailored to the multiple and complex needs of women offenders
- Women could be dealt with and have their needs addressed at earlier points in the criminal justice process
- Scotland's sole dedicated female custodial establishment "not fit for purpose"
- Services fragmented and "inconsistent" with a lack of strategic leadership, "cluttered landscape", short-term funding ("prioritising action over outcomes") and difficulties in measuring impact

Commission on Women Offenders: Recommendations

- Diversion from prosecution and custodial remand
- Problem-solving approaches to sentencing
- Community justice centres for women
- Intensive mentoring
- Supported accommodation
- Establishment of a National Community Justice Service
- Demolition of HMP & YOI Cornton Vale



Service re-design: Key principles

- ‘Proactive and persistent’ in engaging with women, bringing services to them
- Flexible, outreach approach, working with women at a range of times/places
- Co-located multi agency, multi-professional services
- Focus on relationships and life skills
- Take account of women’s previous histories of abuse and neglect

Government response

- Acceptance of 33 out of 37 recommendations (and consideration of remaining 4 in more detail)
- £20 million additional capital funding allocated to the Scottish Prison Service for 2014-2015 that will be targeted towards the needs of the female prison population
- £1 million in 2011-12 to support projects that will demonstrate how the envisaged changes to service delivery can be put into practice
- £3 million to support new community developments in 2013-4 and 2015-15

Government response

- A 'custom made' national prison for women offenders (HM Prison Inverclyde) and a new specialist unit for women at HM Prison Edinburgh along with smaller regional units adjacent to existing male establishments
- Work to improve the conditions at HMP Cornton Vale immediately, including equipping it with video conference facilities to minimise the time that women offenders have to spend travelling to court
- New three day induction package for *prison staff* working with women offenders

Government response

- Investment in mental health services *in prisons and the community* – to help address the disproportionately high incidence of mental illness amongst offenders
- Funding (for 2 years) to support mentoring programmes for women offenders across Scotland (focused primarily on women *leaving prison*)
- Funding (for 2 years) of women’s justice centres in Aberdeen, Dundee, Edinburgh and Glasgow and projects in 7 other areas
- Consultation on the optimal structures to reform the leadership and delivery of adult offender services in the community

Conclusions and concerns

- Continued growth in female prison population: stood at 468 in 2011/12 compared with 412 in 2008/09
- Will restructuring community justice services (again) really change anything (or allow change to happen quickly)?
- Will the development of a 'custom made' prison for women make it *more* attractive to sentencers?
- In the absence of specific guidance/legislative reform will sentencing practice change?
- To what extent can the criminal justice system address promote social justice and bring about transformative structural change?