

Women Offenders - A Safer Way

A Review of Community Disposals and the Use of Custody for Women Offenders in Scotland

Social Work Services and Prisons Inspectorates for Scotland 1998

published by The Stationery Office
as ISBN 011 495881 5
7.00



Purpose and responsibilities

Our purpose is to work with others to continually improve social work services so that:

- they genuinely meet people's needs; and
- the public has confidence in them.



**Corporate member of
Plain English Campaign.
Committed to clearer communication.**

27

The Social Work Services Inspectorate
James Craig Walk
Edinburgh
EH1 3BA

Extracts from the text may be reproduced provided the source is acknowledged
© Crown Copyright 1998

Contents

Introduction

Chapter 1 - Background to Women's Offending

Chapter 2 - The Sentencing of Women in Scotland

Chapter 3 - Information and Decision Making in the Criminal Justice System

Chapter 4 - The Availability and Suitability of Services for Women

Chapter 5 - Ways Forward

Chapter 6 - Conclusions and Recommendations

Annex 1 - Methodology

Appendix 1 - Steering Group Membership

Appendix 2 - Consultees

Appendix 3 - Bibliography

Annex 2 - Statistical Information

Annex 3 - Scottish Penal Establishments with Facilities for Holding Women Prisoners

Annex 4 - Recent Developments -Cornton Vale 1995 Onwards

Annex 5 - New Reception Arrangements at HM Institution Cornton Vale

Annex 6 - Suicide in Context

Henry McLeish MP

Minister of State for Home Affairs

We were asked to review arrangements for community disposals and the use of custody for women offenders in Scotland, to report by March 1998 and to make recommendations.

Seven formal recommendations have been made together with other related matters and are for consideration by The Scottish Office, Local Authorities and the Chief Executive of the Scottish Prison Service.

CLIVE FAIRWEATHER

HM Chief Inspector of Prisons for Scotland

31 March 1998

ANGUS SKINNER

Chief Inspector of Social Work Services for Scotland

"The number of women prisoners who actually pose a grave danger to the general public can probably be counted on the fingers of one hand"

The Prison Reform Trust

Introduction

Review of Community Disposals and the Use of Custody for Women Offenders in Scotland

1. On 4 December 1997, Mr Henry McLeish MP, The Scottish Office Minister for Home Affairs, directed that the Prisons and Social Work Inspectorates should review the use of custody for women offenders in Scotland and consider alternative community disposals. This followed the apparent suicide of a convicted prisoner who was being held in custody at HM Institution Cornton Vale. Her death was the seventh to occur at Scotland's only female prison in the course of 30 months, among a daily population which at that stage had rarely exceeded 170 remand and convicted prisoners. Prior to 1995 there had been only one suicide in the Institution and that had taken place almost 9 years previously. Between 1995 and 1997 the number of deaths rose sharply, though the figures for the last 12 months may be indicating the beginning of some possible relief in this unacceptable rate. Details of the recent fatalities, all of which were by hanging, are as follows:-

1995

Friday, 23 June	Kelly Holland	17 years (Remand)
Monday, 26 June	Arlene Elliott	17 years (Remand)
Sunday, 3 December	Joanne O'Reilly	26 years (Remand)

1996

Friday, 26 April	Angela Bollan	19 years (Remand)
Tuesday, 3 September	Denise Devine	26 years (Remand)
Tuesday, 24 December	Yvonne Gilmour	22 years (Convicted)

1997

Wednesday, 3 December	Sandra Brown	28 years (Convicted)
-----------------------	--------------	----------------------

Over this same period, the number of serious attempts at self-harm in the Institution has also been rising; indeed, at least 4 incidents could have been fatal had it not been for swift intervention by prison staff.

2. The remit of the study was to review by March 1998:-

- recent trends in female offending and sentencing of women in Scotland;
- the significance of the social, personal and psychological backgrounds of women offenders;
- the range and availability of pre and post-sentence community disposals for female offenders;
- what is known about the effectiveness of these;
- the scope for greater use of these disposals and for their further development;
- what custodial arrangements are most appropriate for female offenders who require a custodial disposal;
- the arrangements for assessing the needs of, and for dealing with, female offenders and alleged offenders at risk of serious self harm at key points in the criminal justice process and how these arrangements might be improved; and
- to make recommendations.

The methodology adopted by the Review Team to meet this remit is shown at Annex 1.

3. The desire to extend the range of disposals and alternatives to custody for both remand and sentenced prisoners in Scotland had been expressed separately by the Home Affairs Minister on a number of previous occasions, an aspiration which is now

being linked to this latest review. The aim of this study is to see whether a significant shift in emphasis might help reduce incidences of suicide in custody, some of which will be by young women. However, it should be recognised that a number of recommendations are already being implemented as a result of Fatal Accident Inquiry findings and from the outcomes of recent research projects commissioned by the SPS. These include the reports by Professor Gunn and Dr Power in 1996/97 which led to the introduction of a Revised Suicide Strategy and latterly, the report prepared in 1997/98 by Dr Nancy Loucks, some of whose primary observations are included in this document.

4. In addition to Cornton Vale, small numbers of women prisoners are held at HMPs Aberdeen and Inverness and at HMYOI Dumfries. The female facilities in those establishments have been available for many years but prior to 1995 their principal purpose was to accommodate women who were being held on remand for short periods. However, following HMCIP's Thematic Study Report into the Custody and Training of Female Prisoners and Young Offenders in Scotland, their use was extended so that they are now available as an option for convicted women prisoners serving short sentences. Additionally, women (and men) awaiting transfer to prison can be held in custody for short periods in Legalised Police Cells (LPC) which are the cells in police stations in 11 outlying areas of Scotland. Remand or convicted prisoners being held in those locations are subject to the Prisons and Young Offenders Institutions (Scotland) Rules 1994 and the cells are subject to inspection by HMCIP. There have been no suicides by women prisoners at any of these other locations.

5. Whilst any suicide represents a reservoir of untold misery to prisoners, relatives and prison staff, it might be argued in statistical terms by some that the numbers of suicides amongst female prisoners in Scotland are comparatively small. Between 1976 and 1994 only 1 of the 83 suicides in Scottish prisons was by a female prisoner. Subsequently, however, the rise in suicides amongst the female population has been wholly disproportionate to the size of the overall prison population. In 1995, 3 of the 8 suicides in Scottish prisons involved female prisoners, yet women still made up only 3% of the average daily population and 6.7% of remand and 5.8% of sentenced receptions. In 1996, 3 of the 17 suicides in Scottish establishments were by female prisoners.

6. The rate of suicides in Cornton Vale is much higher than that of similar establishments in England and Wales. Between 1992 and 1997, HMP Holloway in London had the highest rate of suicides of all female establishments in England and Wales with 5 of the 11 self-inflicted deaths amongst female prisoners. HMP Holloway, however, had an average daily population of 500 compared to Cornton Vale's 167.

7. Suicides amongst male prisoners in Scotland have also increased in recent times. For example, suicides at HMP Greenock increased sharply, with 9 suicides between 1995 and 1997 and as with Cornton Vale, many of those incidents involved prisoners on remand. Greenock is a slightly larger prison than Cornton Vale and has a higher average daily population and a greater throughput of prisoners. A likely explanation, as indicated in HMCIP's 1995 formal inspection of HMP Greenock, is that the increase in suicides in that establishment might have had much to do with the increasing drug problem in the Glasgow/Paisley areas, a problem which also applies to Cornton Vale.

8. Despite the fact that the more recent suicides at Cornton Vale have been the subject of the longest running Fatal Accident Inquiry in Scottish legal history and have also been subjected to a variety of inspections and reports, it has not been possible to isolate specific or common factors which have led these women to end their lives. Nevertheless, so far as Cornton Vale is concerned, we offer the following as having some possible relevance:-

- Scotland has a higher rate of suicides than England and Wales, particularly in prisons; (See Annex 5)
- Scotland has a higher rate of known drug misuse and double the rate of injecting drug use;
- Glasgow has double Edinburgh's rate of injecting drug use, and over 80% of the women in Cornton Vale are from Glasgow or its environs;
- Drug misuse and risk of suicide appear to be linked.
- If a female prisoner housed in another Scottish prison shows suicidal tendencies, she is usually transferred to Cornton Vale.

9. Most importantly, however, is the context in which women end up in Cornton Vale. As a later section of this report shows, female offenders are a disproportionately vulnerable group who may in fact be at greater risk of self-destructive behaviour while in custody. This would certainly appear to apply to the vast majority of prisoners arriving at the Institution.

10. A more detailed section, which attempts to place female suicides in custody within a national context, is shown at Annex 5. A more detailed description of the facilities for holding women prisoners in Scotland, together with a summary of recent

developments at Cornton Vale are shown at Annexes 3 and 4.

11.Finally, whilst the current Review may have been prompted by recent clusters and patterns of events, the distinctive features of female offenders have been apparent, though frequently ignored, for a number of years.

12.The report examines the nature of women's offending in Scotland and the social and personal circumstances of women in Cornton Vale (Chapter 1). Chapter 2 explores the sentencing of women, the sentences they receive and the factors that are taken into account when sentences are determined. Chapter 3 describes the information and decision-making processes in the criminal justice system and indicates where intervention by social work services and others can be targeted to reduce the numbers of women being received into custody. Chapter 4 describes the community resources available for women offenders in the light of knowledge about their personal and social circumstances outlined in Chapter 1. In Chapter 5 we consider the ways forward and what further action is needed. The final Chapter includes the recommendations. There is a number of annexes which provide more detailed information. The next Chapter discusses female offending and offenders and in doing so, shows many fundamental differences between them and their male counterparts.

Chapter 1: Background to Women's Offending

Introduction

13. Women constitute a relatively small percentage of the criminal cases coming before the courts in Scotland. Although 52% of the overall Scottish population are women, only 14% of those convicted in 1995 in Scottish courts were women. They constitute an even smaller proportion of the prison population - 3% in 1995 - and tend to serve much shorter sentences.

14. The use of imprisonment, particularly for women, was considerably greater in the last century than it is today and was used for some of the most minor offences. In the second half of the 19th century, it was often the case that more women than men had been to prison on more than 10 occasions, mainly for drunkenness. However, though few other disposals were available, the numbers of women sentenced to prison then began to drop dramatically at the turn of the century and continued to decline steadily until the early 1980s. Indeed, in 1970 the Government seemed confident enough that imprisonment might become a thing of the past for women, for it to comment that "It may well be that as the end of the century draws nearer, penological progress will result in even fewer or **no women** at all being given prison sentences". The same report went on to note that "...other forms of penalty will be devised which will reduce the numbers of women necessarily taken from their homes".

15. Instead, and despite the development of additional disposals such as community service orders, the use of custody for women offenders has risen, both in absolute and percentage terms. Although there has been an increase in the numbers of women placed on probation or community service over the same period, this appears to have had little impact on the numbers imprisoned. In parallel, the use of fines for women has decreased, leading some commentators to suggest that probation and community service have displaced fines for some offenders.

16. The contributory factors in women's offending have received comparatively little research and there is a number of competing theories. Some women may be attracted by the excitement crime offers or are drawn into crime because of their associates or other factors in their lifestyle - such as a propensity to be rowdy and aggressive in their social lives. The small number of women who do commit violent crimes, particularly murder or culpable homicide, are more likely to do so following a history of being abused themselves.

17. Lack of money or a lack of opportunity to gain sufficient income through legitimate means, is cited by many women offenders as a major explanation for their offending. This would seem to be confirmed by the nature of much of women's offending - for example, theft and prostitution.

18. Other commentators have suggested that increased equality and the influence of feminism has been a factor in the increasing numbers of women offending, particularly in relation to crimes of violence and street offences such as breach of the peace. However, statistics do not seem to support this view, though there is no doubt that the changing social circumstances of women are gradually reflected in offending patterns. Women's greater participation in the labour market has increased their access to bank accounts and credit, they are frequently the head of the household and increasingly, they have responsibilities to provide for their families. Not only do women now have more opportunities to offend but there are greater pressures on them as providers. A great many of these women will not have benefited from women's economic, social and educational advancement and will be in unskilled, low paid, casual and part time employment.

19. Some theorists have suggested that women's perception of what is right may be different from that of men. Work undertaken by Gilligan exploring moral reasoning found that young women tended to view a course of action as right according to the effect the action might have on others. Their views were heavily circumscribed by an ethic of care for those with whom they had relationships. In contrast, men tended to have an abstract notion of what is right or wrong almost regardless of the circumstances in which the decision might be made. Such a position might explain why some women meet the needs of their

children, husbands or partners illegally, with the ethic of care'overriding any other moral or legal judgements.

20.All the foregoing theories offer some explanations as to why some women may offend, but each has its critics. Of equal interest is the question of why so few women offend, given that they tend to be found in the poorest, least powerful sections of society. Self report surveys of young people suggest that girls are as likely to offend as boys as teenagers, although the level of offending and seriousness may be greatly reduced. The vast majority of those surveyed tend to have committed very minor offences and most of them grow out of offending. Very few boys or girls are caught or enter the criminal justice system, but more boys appear to go on to have criminal careers'. One of the explanations offered for this is the greater controls placed on girls about where they can go, the friends with whom they associate, the time they can stay out until and the degree of parental supervision which is invariably imposed.

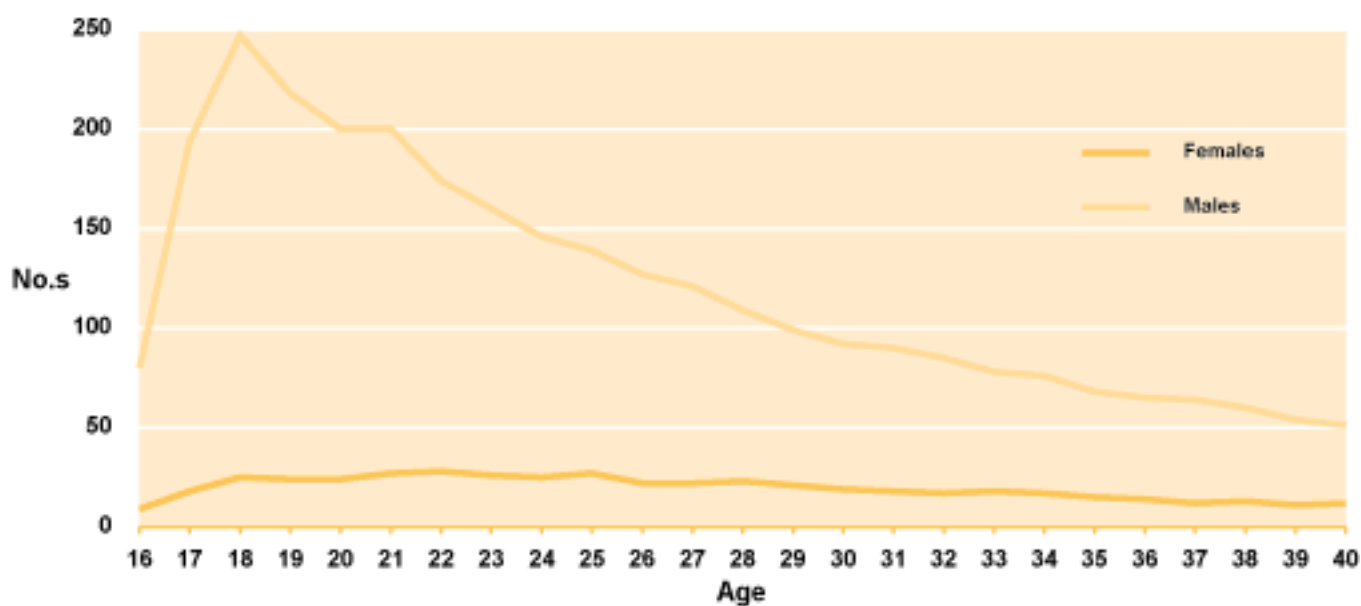
21.It is estimated that 50% of men will be convicted of an offence at some time in their lives compared to 15% of women, and that 10% of 18 year old males in Scotland have a criminal conviction. Whilst offending by boys and young men is not condoned, it is frequently seen as part of the laddish'culture. Books, films and art often depict male offenders as exciting and glamorous, whereas there is very little that is attractive about being a woman offender and there is often considerable stigma attached. Other aspects of the woman's life may be called into question, such as her parenting ability in the case of mothers, or sexual promiscuity in the case of young girls. Whilst offending may be a socially inclusive experience for many men and they may gain prestige amongst their friends for their criminal behaviour, this is rarely the case for women and this may be a partial explanation of why so few women offend.

Women's Offending

22.In 1995, 25,024 women were **proceeded** against for a crime or an offence in Scotland. Of these, 22,395 (90%) had charges proved against them which equates to 11women per 1,000 female population. During the same period 133,150 men were convicted of a criminal offence i.e., 65 men per 1,000 male population.

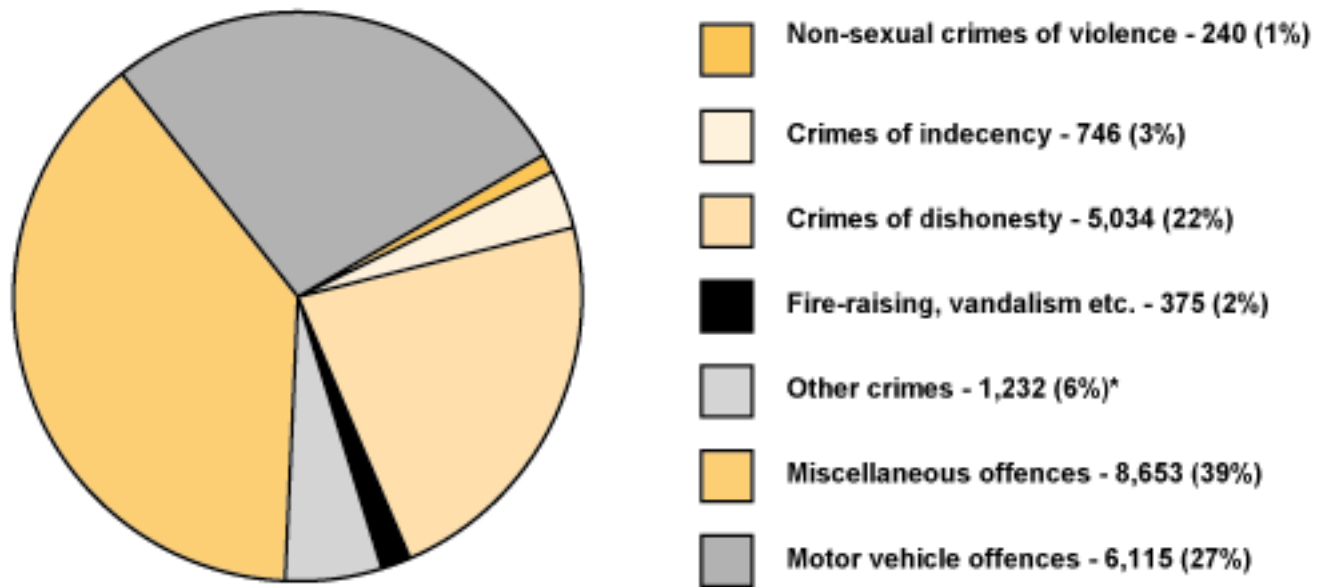
23.The peak age for offending for women is 22 years of age, compared to 18 for men. However, as Figure 1 below shows, the convictions for women remain fairly constant between the ages of 18 and 30 with a gradual decline thereafter.

Figure 1. Number of persons with charge proved per 1,000 population by age, 1995



24.Of the 22,395 women with charges proved against them in 1995, most were convicted of crimes of dishonesty, miscellaneous'or motoring offences. Miscellaneous offences are primarily public order offences such as simple assault, breach of the peace and drunkenness but also include offences against the Wireless and Telegraphy Acts (ie TVlicence offences). The chart below shows the numbers and percentage of women in each main crime or offence category.

Figure 2. Females with charge proved by main crime and offence, 1995.



25. Women are most likely to be convicted of failure to pay for a TV licence (4,512 offences in 1995), shoplifting (1,978), breach of the peace (1,701) and speeding (1,575). They are least likely to be convicted of sexual offences (except prostitution) or violent offences - for example, sexual assault (1 offence in 1995); lewd and indecent behaviour (1), homicide (6) and fire raising (15). Women represent almost all the convictions relating to prostitution and they are much more likely than men to be convicted for failing to send their children to school, no TV licence or social security fraud. Women are disproportionately represented in all convictions for failure to appear at court, shoplifting and fraud. Men are disproportionately represented for all convictions of crimes of violence, indecency (except prostitution) and dishonesty (other than shoplifting).

26. Over the period from 1985 to 1995, the number of women convicted of crimes and offences has increased by 8% from 20,677 in 1985 to 22,395 in 1995. However, if motor vehicle offences are excluded, the number of convictions has actually decreased. Overall, female convictions have remained at about 11 per 1,000 female population since 1988 whilst convictions for men have decreased over the same period, falling from 76 to 65 per 1,000 male population.

27. The distribution of the types of offences women commit has not remained static over the decade. For example, the numbers of women convicted of motoring offences and fraud (including social benefit) have increased. Handling offensive weapons too, has risen significantly, from 25 offences to 71 offences, over the same period, whilst housebreaking has dropped from 176 offences to 85 and drunkenness from 646 offences to 137.

28. The rise in drug offences (under the Misuse of Drugs Act 1971) is significant, a 109% rise from 247 offences in 1985 to 516 offences in 1995. It is not clear how many other offences, particularly theft and prostitution offences, are related to increased drug misuse.

Profile of Women Offenders

29. Most offenders, both male and female, appear only once in court in the course of their lives and very little will be known about them. More serious or persistent offenders, particularly men, are more likely to be the subjects of studies and thus far more is known about them. Due to the small numbers involved, most of the information about women offenders tends to be obtained from those sentenced to custody, which may not be representative of women offenders in general.

30. Research just completed at HM Institution Cornton Vale (Loucks 1998) gives a relatively clear picture of the background and lifestyles of female offenders there. As Cornton Vale houses 96% of female prisoners in Scotland, the characteristics of these women can safely be said to apply to the entire country's female prison population. This research forms the basis of the following section and the review team's understanding of women in Cornton Vale.

Background

31. For many, imprisonment begins early, with experience of custody starting as early as age 15. In turn, the population at Cornton Vale is primarily young, with usually about two-thirds under the age of 30 and a fifth under the age of 21. Many of the women in Cornton Vale have made frequent appearances in court, although have not always then been sentenced to custody. Some have been in custody on numerous occasions. However, over two-thirds of those who are serving sentences will never have been in prison for sentence or remand before. Almost half of this group are first offenders.

32. The majority of women in prison in Scotland are parents and are unlikely to be working outside the home. Over three-quarters (80%) of women said they were unemployed at the time of their imprisonment. Approximately 70% of women in prison have at least one child, though only about two-thirds of these women have retained custody of these children. (Only 17% of the children of imprisoned mothers are cared for by their fathers after sentence whilst 87% of the children of imprisoned fathers are cared for by their mothers after sentence.)

33. Over 90% of the women in Cornton Vale left school at age 16 or under, with roughly three-quarters also having a history of truancy. Almost half had been suspended from school at some point and a third had been expelled. The most common qualifications held were Scotvec certificates, with almost a third of women having these - though ironically, these were most commonly obtained in prison. About a quarter had O'Grades or Standard Grades.

Use of drugs and alcohol

34. Almost 90% of women in Cornton Vale had some experience of illicit drug use, whilst about 50% felt that drug use was a problem for them. Heroin appeared to be the main drug of choice, though similar proportions of women made daily use of temazepam and/or cannabis.

35. At 50%, the proportion of addiction to drugs is substantially higher than previous estimates for female prisoners, both in Scotland and in England and Wales (which ranges from 23- 40% addiction). It is also known that drug injecting is nearly twice as prevalent in Scotland as it is in the UK as a whole, with there being strong links between injecting and addiction. It is possible that drug addiction amongst female prisoners in Scotland could be one of the highest for any group of people in the UK.

36. This high proportion of drug addiction suggests also an increased risk of other problems. Just over 50% of the women surveyed associated their offending with their drug use, whether through drug offences themselves or through crimes such as theft to get money for drugs. About a third of the women felt they were at risk to diseases such as HIV/AIDS, Hepatitis B or Hepatitis C. They usually blamed this on sexual relationships, despite the high level of injecting and the frequent lack of knowledge of proper methods of cleaning injecting equipment. These findings are also confirmed by research elsewhere. (A survey conducted by Ruchill Hospital in Glasgow estimated that 81% of their study sample of prostitutes were injecting drug users. Only 17% used condoms with their regular sex partners although their knowledge of HIV/AIDS was good.)

37. Most female prisoners in Cornton Vale said that they had tried alcohol, though only just over a third said that they drank regularly. An estimated 10-15% of the women were addicted to alcohol. Alcohol misuse is decidedly less prominent than addiction to drugs in the female prison population and appears to affect a smaller proportion of female prisoners than males. However, the recent research in Cornton Vale also indicated that suicidal behaviour often showed closer links with backgrounds of alcohol misuse rather than with addiction to other drugs.

38. The women in Cornton Vale showed few signs of addiction to both alcohol *and* drugs, although this cross addiction is a characteristic of female prisoners in other countries. However, the substances abused at Cornton Vale tended to be similar to other Scottish male prisoners, rather than those used by female prisoners elsewhere in the UK.

39. Addiction to alcohol or other drugs places prisoners at greater risk of bullying from others. Women who are prescribed medication to stabilise their addiction, or for detoxification, may be bullied by other prisoners seeking additional drugs. Both prisoners and staff in Loucks' study cited bullying for medication as by far the most common reason for bullying in the prison and many suggested that there were links between bullying and suicide. This, in combination with the difficulty of withdrawal from drugs or alcohol in itself, intensifies the stress of imprisonment.

40. Withdrawal from drugs and alcohol while in custody also increases the vulnerability of individuals who - perhaps for the first time - must face their problems directly. Females and males resort to drugs and alcohol for a variety of reasons, but not uncommonly to cope with trauma such as abuse, unemployment, homelessness and so on. Addictive drugs can become a primary means of dealing with these problems, even if this means blocking the problems out entirely. The trauma of facing these issues is often the most difficult part of coming off drugs or alcohol and the biggest reason for returning to them. Prisons, and Cornton Vale in particular, have to cope with individuals who are vulnerable at the best of times and whose vulnerability seems likely to be increased by the added stress of imprisonment.

Suicidal behaviour

41. Well over a third of the women in custody in Scotland (38%) had attempted to take their own lives at some stage, usually outside of prison. Whilst a large proportion of these women (41% of those who had attempted suicide) had tried this only once, a few said they had lost count of the number of attempts. About 17% of female prisoners had also deliberately injured themselves without intending suicide, which compares with a quarter of female prisoners in England and Wales who had so injured themselves or attempted suicide prior to their imprisonment.

42. Kevin Power, in his study of risk of suicide, found that just under half of male prisoners were assessed on reception as presenting no risk at all of suicide. In Cornton Vale, however, Loucks found that only 12% of women received into prison were assessed as presenting no risk. Conversely, each woman had an average of at least two risk factors noted at reception. This, alongside the other characteristics of the female prison population, emphasises the increased vulnerability of women who enter Scottish prisons.

Psychological distress

43. Roughly a third of the women at Cornton Vale (34%) had been seen by a psychiatrist as an outpatient and an additional 22% had also been treated as inpatients. Just over half of the contacts with psychiatrists took place both in and out of prison. Family members of just over a fifth of the women in the prison (22%) had also received psychiatric treatment. Psychological treatment was slightly less common, but still involved 38% of the women and 13% of their families.

44. While in the community, roughly a quarter of female prisoners had been treated for anxiety (29%), difficulty in sleeping (23%) or depression (31%). While in prison, almost half of the women were classified as having higher than normal levels of depression (46%) and two-thirds (67%) had higher than average levels of anxiety. On a clinical scale, levels of hopelessness were also higher. Unfortunately, the ability for women to deal with these problems, as measured through tests of coping and problem-solving, was also consistently lower than average. This was particularly the case for women who had shown the most distress, via past or present suicidal behaviour.

45. Other studies report that female prisoners receive five times as many anti-depressants, sedatives and tranquillisers than men. Radical interpretations suggest that medication is a means of acclimatising women to the prison regime or possibly even as a means of increasing a prison's control over women. A more likely explanation is that drugs and medication give women a temporary sense of well-being and that withdrawal from drugs is particularly difficult for women, due to the types of drugs used and the reasons for their use.

Background of abuse

46. The vast majority of female prisoners (82%) had experienced some form of abuse during their lives and two-thirds were directly aware of the abuse of people close to them. Emotional abuse was the most common form which these women experienced (71%), followed by physical abuse (60%), then sexual abuse (47%). Even these numbers are likely to be underestimates, as such traumatic experiences - sexual abuse in particular - are particularly difficult for people to disclose and discuss. Emotional and physical abuse was a daily occurrence for many of these women, usually during adulthood and from a partner. Sexual abuse was also very frequent, with most taking place daily or weekly and being most common during

childhood, from fathers or other male relatives or guardians.

47. Women in conflict with the law may well have more in common with other women than they do with male offenders, both in terms of socio-economic situation and treatment needs. Stermac et al. believe that experience of victimisation, severity of violence, length of abuse, multiple victimisations and experiences of incest all distinguish female from male prison populations. Adult experiences of rape, revictimisation and violent relationships are almost wholly a female experience.

48. The impact of imprisonment itself should not be underestimated. HMCIP England and Wales has recently emphasised that custody is often a very stressful experience which increases the risk of mental illness or distress - for example, due to the pressure of adapting to an alien culture. Female prisoners are particularly vulnerable to developing such problems due to the higher incidence of past and recent abuse. The added stresses of withdrawal from drugs or alcohol and its aftermath, potential bullying and the complete dependence on staff for even the most basic aspects of daily life intensify the impact of custody. Prison is probably not often in itself a cause of suicide but it can, however, be a last straw for those who are already vulnerable. Any means of keeping vulnerable people out of custody must therefore be deemed as a potential life saving measure.

49. Although the bulk of the research into female offenders looks at those who are in custody, it makes clear that the lives of many of these women - more so than for their male counterparts - are likely to be filled with addiction, abuse, anxiety and underprivilege. Women clearly have different needs to male prisoners with respect to child care, drug abuse and histories of abuse. Morris and colleagues (1995) found that 36% of women in their study were potentially in need of considerable support, advice and counselling for abuse; a fifth had severe problems with accommodation; 36% had great problems regarding child care; 34% showed high need in terms of debts and benefits; and 43% were experiencing severe difficulties in terms of employment. Women who reoffended were even more likely to have reported unsatisfactory accommodation, financial difficulties, drug problems, drugs and alcohol as a drain on their income and a lack of paid employment.

50. Insecure housing can be a particular bar to stability and reduces access to health care or social services. It may also influence the police and the courts in their decisions about whether to retain someone in custody. Turning Point, an organisation which specialises in helping people with addictions, found that only 39% of their female clients in Glasgow had secure housing tenancies.

Young Women

51. In Scotland, young people under the age of 16 are diverted from the adult courts as much as possible and dealt with instead through the Children's Hearings System (CHS). Children may be referred to the CHS for a number of reasons including offending or being victims of abuse.

52. An analysis of girls referred to the CHS for offences showed that many were also referred for truancy, being beyond parental control and being in moral danger'. Girls referred for other reasons such as sexual abuse were less likely to be referred on so many other grounds. Compared to boys referred for offences, however, offending girls were more likely to come to the attention of the CHS for being the victim of an offence such as sexual abuse, as well as for being beyond parental control or in moral danger'. This suggests that being a victim of abuse or neglect does not necessarily lead to offending, but that girls who offend are more likely than boys to be victims as well.

53. The recent research in Cornton Vale found that female young offenders shared largely similar characteristics to the adult female population. However, the number of young women in the study was too small to make reliable comparisons. Other research has been able to provide more complete information. A study of 61 young female offenders in adult establishments in England and Wales noted that many had been subjected to abuse, had been in care, abused drugs or alcohol, had experienced poor family relationships and family breakdown and had been excluded from school. They were more likely to be convicted of violent offences than older women. Of the 21 girls convicted of violent offences, the majority involved fights with other young people.

54. Whilst some of the girls had drug problems prior to imprisonment, many developed an addiction during their sentence having been introduced to drugs such as heroin in the prison. A number of the girls who smoked cannabis outside said that they had moved on to opiates as these were less easily detected by random mandatory drug tests (MDT). The report concluded that holding girls in adult establishments was inappropriate and increased the risks of offending, drug abuse and

self harm.

55. Another study of violent young offenders in secure settings noted the high incidence of abuse and loss in children's lives. Boys tended to demonstrate their distress through violence towards others, whilst girls showed it through depression and self harm. The study found that the behaviour of teenage girls (boisterous and noisy) was not acceptable within a prison environment and they were expected to behave as adults. Many were subject to bullying. A number of commentators within the prisons thought that there was a danger that 'cutting up' and self harm was as much learned behaviour in the prison as a response to the distress the girls felt. Psychological distress has been a major element of other research comparing boys and girls. In juvenile justice facilities in Ohio, for example, girls displayed significantly more mental health needs than boys and the estimated prevalence of mental disorder for boys was 27%, compared to 84% for girls.

Summary

56. Women tend to commit minor offences - mainly motoring, TV licence, prostitution and theft. Very few women commit violent offences. Many women offenders are repeat offenders but about one third of those in prison are likely to be first offenders.

57. The backgrounds of women in prison are characterised by experience of abuse, drug misuse, poor educational attainment, poverty, psychological distress and self harm.

The next chapter looks in more detail at the type of penalties currently imposed on female offenders.

Chapter 2: The Sentencing of Women in Scotland

58. A range of community sentences is available to the courts, from absolute discharge and admonition at one end of the scale, through fines (and penalties for fine default), to probation and community service orders at the other end. All of these sentencing options are used in relation to women offenders though, as the statistics show, patterns of use tend to be somewhat different from those for men offenders. Imprisonment remains an option for almost all offences, if the court considers that a community sentence is inappropriate.

59. Imprisonment is available as a sanction for a wide range of offences, from the relatively trivial to the most serious offences. Decisions about the need to imprison an offender will be based on a number of factors, including seriousness of the offence, risk of reoffending and previous record, public protection and deterrence. Imprisonment is also available as a sanction in default of other penalties, such as fines, probation and community service.

60. Some accused persons will be remanded in custody pending trial, whilst other accused will be remanded following conviction awaiting sentence. In 1996 there were 2,287 receptions of women into custody in Scotland. Of these, 27% of receptions were direct sentences, 29% were for fine default and 44% were remands in custody.

61. Research on sentencing decisions has been undertaken by both the Home Office and The Scottish Office. Both studies indicate that when sentencing, consideration is given to a number of factors over and above the seriousness of the offence. The Home Office study looked specifically at women offenders and found that a number of social variables played a part in magistrates' decisions. Magistrates generally tended to see women offenders as "more troubled than troublesome" and sought to sentence in such a way that women receive assistance. Family relationships and responsibilities were viewed as significant in sentencing decisions, children were seen as mitigating factors for mothers but not for fathers and family responsibilities were viewed as a control over women's behaviour. Part-time employment mitigated for men but not for women and stable accommodation was significant for both, particularly when making sentencing decisions. Magistrates were guided by 'gut feeling' in their assessment of offenders before them and attitude and demeanour influenced their decision making. Women tend to appear to be more deferential and respectful than their male counterparts generally.

62. In the Scottish study, the research focused more on the offence and any previous offending and did not address the issues of gender. Sheriffs indicated that custodial sentences were imposed to protect the public, community service was imposed where offences were serious but did not threaten the safety of the public and probation was imposed for less serious offences where the social enquiry writer had identified a need to be addressed. In more borderline cases, other factors contributed to the decision. These included direct sentencing or campaigning against a rise in a particular type of crime, the offender's response to previous sentences, their motivation to stop offending, the risk of reoffending, their willingness to co-operate and whether they were repeat offenders. Sheriffs stated that they tended to use custody for repeat offenders as a last resort after community-based disposals had been considered or previously tried.

63. The suggestion that persistent women offenders are likely to be sent to custody repeatedly once community sentences are exhausted is supported by research undertaken by local authority staff and submitted to the review. For example, a study conducted in the Lothian Region showed that of the 46 women from Lothian who were admitted to Cornton Vale in 1994 following sentence, 15 were admitted more than once in the same year. In Perth and Kinross (covering a much more rural area), from April 1996 to September 1996 there were 8 female receptions into prison, 3 of whom had been previously sentenced to imprisonment during the same period.

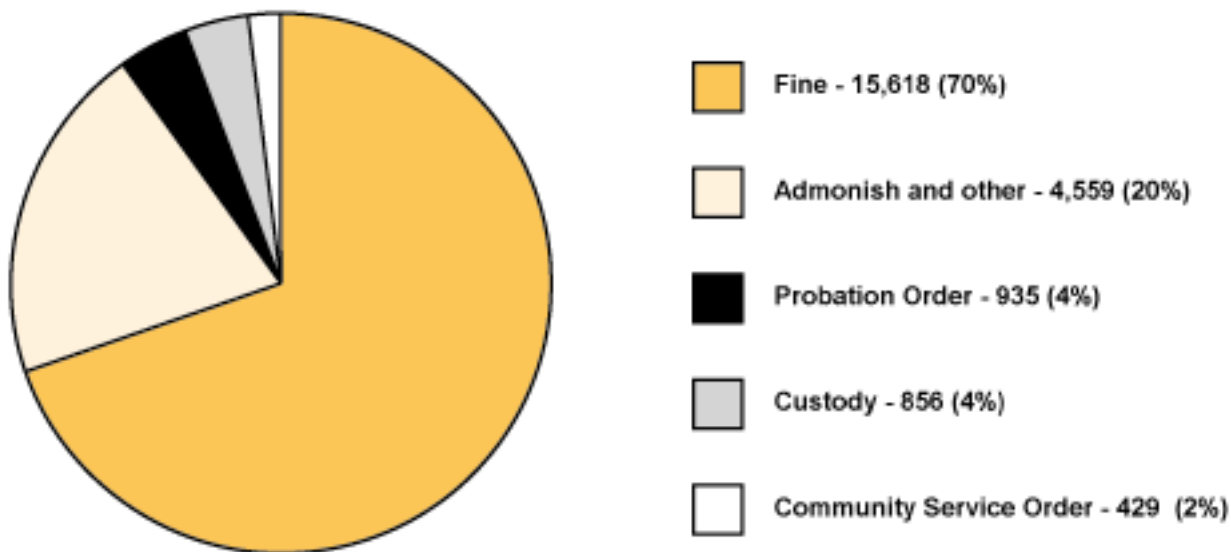
64. The Home Office study in England and Wales and research undertaken on young offenders in Scotland indicate that there are differences in sentencing practices between men and women. However, these differences are not as straightforward as some commentators suggest and it is not clear that sentencing is harsher. Most minor offences result in fines and the majority of all offences relate to infringements of the Road Traffic Acts, almost all of which will receive a fine. When dealing with other offences, courts may be reluctant to fine women who may not have their own income, or where they consider that a fine will impact badly on other members of the family. As a result, women may be admonished, thereby incurring a less severe sentence, or be placed on probation or community service, thereby incurring a more severe sentence. In the latter case, any breaches or further offending may mean that custody is imposed earlier in their criminal careers than for males, as many respondents suggested. A number of those who responded to the consultation exercise were very concerned about the sentencing of women offenders. Many expressed the view that women

go to custody earlier in their criminal careers and suggested that sentencing was harsher for women.

Sentencing trends

65.As Figure 3 below shows, the vast majority of female offenders are admonished or fined, with custodial sentences used rarely

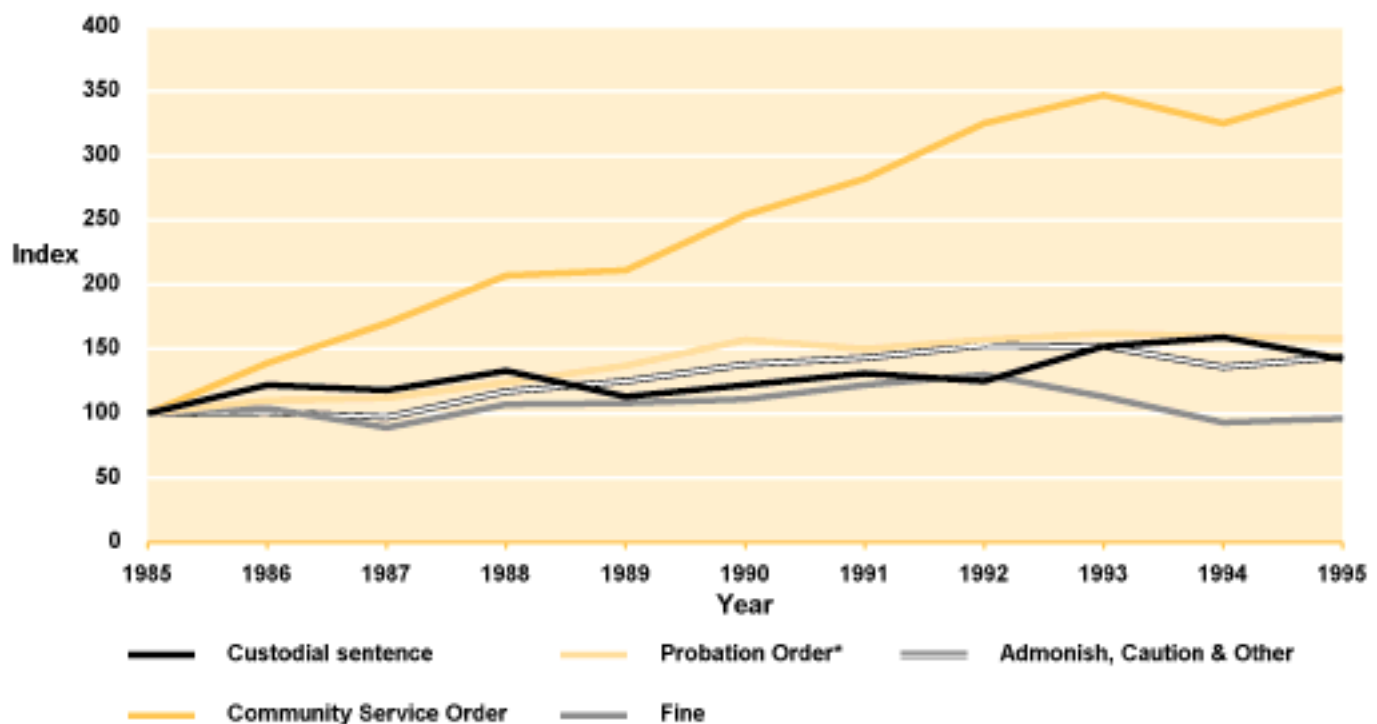
Figure 3. Females aged 16 or over with charge proved in 1995 by main penalty (all crimes and offences), 1995



66.Women are more likely to receive admonitions than men, less likely to receive prison sentences and community service and are less likely to receive a probation order or a fine.

67.The chart below shows the sentencing of women (all ages) from 1985 to 1995.

Figure 4. Main penalties imposed on female offenders, 1985-1995 (1985 = 100)



68.Over the ten year period, there has been a rise in the use of all disposals excepting fines, which have dropped by 4%. Community Service Orders (CSO) were introduced in Scotland in 1979 and since then their use has been rising steadily. However, it remains under-used sentence for women offenders, with only 2% of women receiving community service compared to 4% of men.

69.If the numbers sentenced to higher tariff sentencing disposals (prison, probation and community service) are combined and compared with low tariff sentencing figures (fines, admonition and other penalties), an increase in the severity of sentences over decade becomes more apparent (Table 1). In 1985, the high tariff sentences represented 6% of all disposals, but this had increased 10% by 1995. Although there has been a rise in the numbers of women convicted of more serious offences - for example, 18 women were convicted of robbery in 1985 compared to 35 in 1995 - there are no indications that, in general, offending has become more serious.

Table 1: Percentage of females with charge proved (all crimes and offences) sentenced to high tariff (imprisonment, community service, probation) and low tariff (monetary penalty, admonishment, absolute discharge) disposals, 1985-1995

Main penalties	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
Imprisonment*, CSO and/or Probation	1,316 6%	1,552 7%	1,581 8%	1,791 8%	1,752 8%	1,972 8%	2,024 8%	2,077 7%	2,297 9%	2,298 11%	2,364 12%
Monetary penalty** and other penalties	19,361 94%	19,958 93%	17,511 92%	20,980 92%	21,425 92%	22,417 92%	24,298 92%	25,965 93%	23,102 91%	19,344 89%	20,000 90%
* includes Prison, Young Offenders Institution and Detention Centres ** includes Fines and Compensation Orders.											

70.The increase (712 in 1985 to 1,364 in 1995) in the numbers of women sentenced to those community disposals which are often seen as alternatives to custody (probation and/or community service) seems not to have reduced the numbers of women sentenced to custody. It is possible that the increase in the use of probation and community service has come from those who would otherwise have been fined. This corresponds with previous research findings.

71.The section above outlined the number of women sentenced to the various court disposals. Below, these options and their current usage are described more fully.

Deferred Sentence

72.Courts in Scotland have the power to defer sentence, i.e. delay determining the final decision on a case, for a period and on such conditions as the court may determine (Criminal Procedure (Scotland) Act 1995). A standard condition of a deferred sentence is that the offender does not re-offend during the period of deferment; if the offender is reconvicted during the period, the court may also sentence the offender for the original offence. At the end of the period of deferment, the court must decide what sentence to impose, in the light of the offender's behaviour during the intervening period. Some individual sentencers have used this power to provide offenders with opportunities to undertake particular activities or to access services from helping agencies. In some court areas, the social work department provides a specific service in relation to deferred sentences. It may deliver programmes or refer offenders to other agencies which may help with particular offence related problems. However, Scottish Office funding for criminal justice social work services does not extend to these programmes and as a result, they are not widely available in a planned and structured form.

Fines

73.The fine is the most frequently used penalty for both male and female offenders. In 1995, 70% of women appearing in court were fined. In part this is because there is a number of offences for which fines are commonly imposed - for example, motoring offence, breach of the peace. Women may also be more susceptible than men to appearing in court for particular offences which attract fines such as prostitution offences or failing to possess a TV licence.

74.Offenders who default on their fines may be made subject to a fines supervision order, to a supervised attendance order (at the time of writing this report, not available in all court areas, but due to be available throughout Scotland by April 1998) or as a final sanction to imprisonment.

75.A fines supervision order is "for the purpose of assisting and advising the offender in regard to payment of the fine". This must be done where an offender under 21 has been allowed time to pay and is facing custody, unless the Court is satisfied that supervision is impractical (Criminal Procedure (Scotland) Act 1995, section 217).

Supervised Attendance Orders

76.A supervised attendance order (SAO) requires the offender to attend a place of supervision for between 10 and 100 hours either as an alternative to imprisonment for fine default (in the case of those aged 18 or over) or in the place of a fine in the case of 16 and 17 olds (section 235 of the Criminal Procedure (Scotland) Act 1995). This first instance use of SAO is currently being piloted in Dundee. Most SAO schemes involve offenders undergoing a series of courses or modules, intended to be of some practical assistance, on matters such as financial management, job search skills, first aid, etc.

77.SAOs are a new disposal and as yet, there are no centrally collated statistics on usage. Apex Scotland, who deliver most of the current SAO schemes, noted that 22% of fine defaulters on their SAO programmes are women. This average figure disguises a range between 10% and 27% across all the schemes they deliver and current year figures continue this trend. The Scottish Office is currently commissioning research into SAOs, which may provide more information about trends in their use for women.

Custody in Default of Fines

78.In 1996, 667 women were received into custody for fine default. This represents 52% of all female sentenced receptions into prison in that year. There has been a wide variation in the numbers of fine default receptions over the years, the highest being 738 in 1991, the lowest being 380 in 1990, though the numbers of women fined at first disposal were similar. There appears to be no explanation for this variation.

Use of drugs and alcohol

79.Of the 667 prison receptions for fine default in 1996, the original offences for which women were fined were primarily other than theft (including shoplifting) (199), prostitution (143) and breach of the peace (94). For all crimes and offences, the average fine (in 1995) for women was 99. The average fine for other theft (including shoplifting) was 91, for indecency offences 129 and breach of the peace 82. For *outstanding* fines of up to 200, a 7 day prison sentence would be imposed for default and would be subject to automatic half remission.

Probation

80.Of women convicted in court, 4% are placed on probation. The purpose of the probation order is to restrict the offender's liberty.

punishment and as a means of exercising control; to help offenders with problems associated with offending; to reduce their offending behaviour; and to further the social integration of offenders in the community. The court can place any offender on probation for a period of between 6 months and 3 years. An order can include any requirement which is "conducive to securing the good conduct of the offender for preventing a repetition of the offence or the commission of a further offence" (Criminal Procedure (Scotland) Act 1995 sections 228 and 229). The conditions most frequently attached to orders are conditions of residence, medical treatment, attendance at a special programme related to their offending or a requirement to do unpaid work.

81. The priorities for probation as set out in the Government's National Objectives and Standards include "those whose current offending behaviour places them at risk of custody, who have significant underlying problems and who seem likely to re-offend, particularly young adult offenders" and "repeat offenders with significant underlying problems whose offending history places them at risk of custody, even if the offence is trivial". Many women offenders might be considered to fall within this category.

Psychiatric care

82. Some offenders may be required to undergo psychiatric treatment as a condition of a Probation Order or under a Supervision and Treatment Order. Others may be detained for treatment in the State Hospital. Treatment by a psychiatrist requires a diagnosis of a treatable mental illness and this diagnosis should also be the factor which differentiates those who go into custody from those who are treated in a medical setting.

Community Service Order

83. The court can require any offender aged 16 or over to carry out unpaid work in the community for not less than 80 and not more than 300 hours, under the supervision of the local authority (section 238 of the Criminal Procedure (Scotland) Act 1995). The legislation permits the use of community service only where courts would otherwise be considering a custodial sentence.

84. Community service is expected to provide Scottish criminal courts with a credible community based penalty, by requiring those found guilty of imprisonable offences and who would otherwise have received a sentence of imprisonment or detention to undertake unpaid work for a specified number of hours for the community (National Objectives and Standards). Fewer than 2% of women offenders are sentenced to community service.

Custody for Breach of Probation or Community Service

85. Since 1988 there has been a 38% increase in the numbers of CSOs and probation orders but a 136% increase in the number of breach proceedings (99 in 1988 to 234 in 1995). The rise is probably a reflection of stricter enforcement procedures and the introduction of national standards. In 1988 only 27% of women who appeared in court for breach of community service or probation received custodial sentences. By 1995 this had risen to 40%.

New Initiatives

86. In addition to these existing community disposals, two further new sentencing options will become available over the next year or so. The Crime and Punishment (Scotland) Act 1997 empowers courts to impose Restriction of Liberty Orders (RLO), using electronic monitoring to "restrict the offender's movements to such an extent as the court thinks fit" by requiring the offender to be in a specified place (usually his or her home) at specified times, for up to a maximum of 12 hours per day and a maximum of 12 months. The legislation allows the RLO to be imposed concurrently with a probation order, thereby offering an opportunity to strengthen the controls over an individual's behaviour, whilst at the same time providing opportunities for support and assistance. Research from other jurisdictions suggests that this is the most effective way of using electronic monitoring schemes.

87. Three pilot electronic monitoring schemes are due to start later this year, at courts in Aberdeen, Peterhead and Hamilton. The Scottish Office will be evaluating the outcome of the 3 pilots and it will be important to monitor any differing implications and

of the schemes for male and female offenders.

88. The second new initiative, a Drug Treatment and Testing Order (DTTO), is being introduced in the Crime and Disorder Bill at the first instance, will be tried out on a pilot basis which is planned to start towards the end of 1998. The DTTO is intended to help courts deal more effectively with offenders who commit crimes in order to fund their drug misuse. Provided the offender consents, courts will be able to impose a drug treatment requirement lasting between 6 months and 3 years. There will be drug testing during the Order to inform the regular reviews which will take place and to support the treatment. With the offender's consent, the nature of treatment may subsequently be varied and breach of the Order will not, by itself, constitute a further offence. The DTTO may be imposed alongside other penalties, including a probation order, thus allowing opportunity for the offender to address other issues that may be associated with his or her drug misuse and offending.

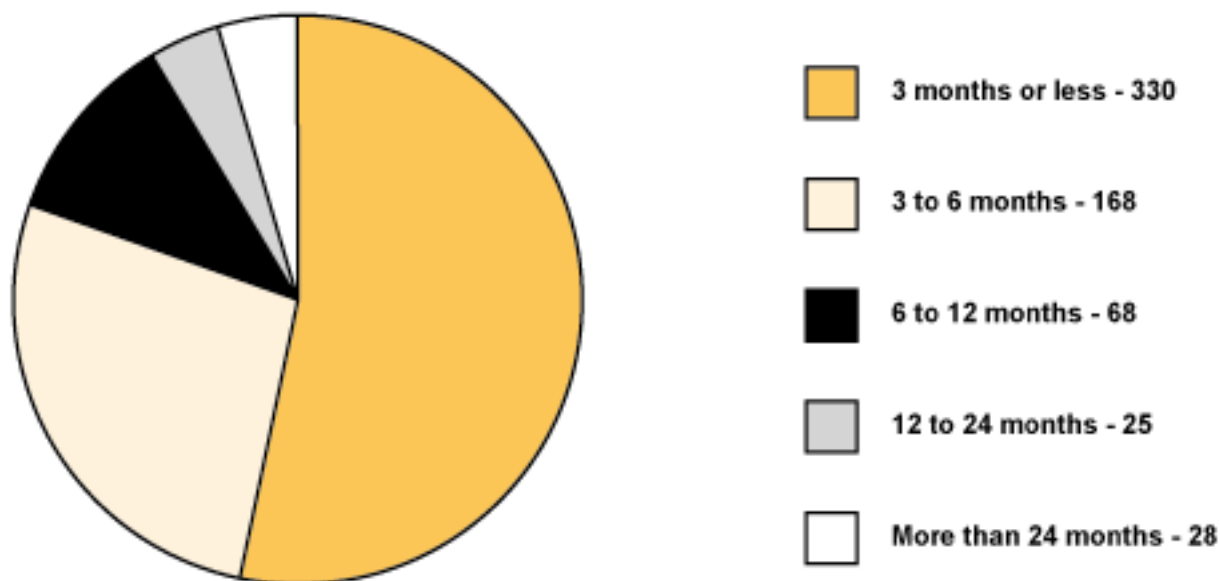
Custody

89. Crimes of violence are generally more likely to attract a custodial sentence than other crimes but the number of crimes of violence committed by female offenders (and therefore the numbers in prison) is small. Although only 8% of women convicted in 1995 for offences of dishonesty received a custodial sentence, most of the women in prison on direct sentences have been imprisoned for offences of dishonesty. For all offences and crimes, the largest single category of offences for which custody is imposed is shoplifting (21 women in 1995).

90. The number of remand receptions has risen from 789 in 1989 to 1,001 in 1996, representing 25% of the average daily female population. Of these, 71% were untried receptions and 29% were convicted awaiting sentence. Convicted prisoners are generally remanded for the preparation of social/psychiatric reports. The pattern of female remands differs from that of men, with 86% of remand receptions being those awaiting trial and 14% awaiting sentence. It has been suggested by consultees that women are referred for reports more readily than men. Whilst the numbers might indicate that this is the case, we do not know if they have been specifically remanded for reports having previously been bailed.

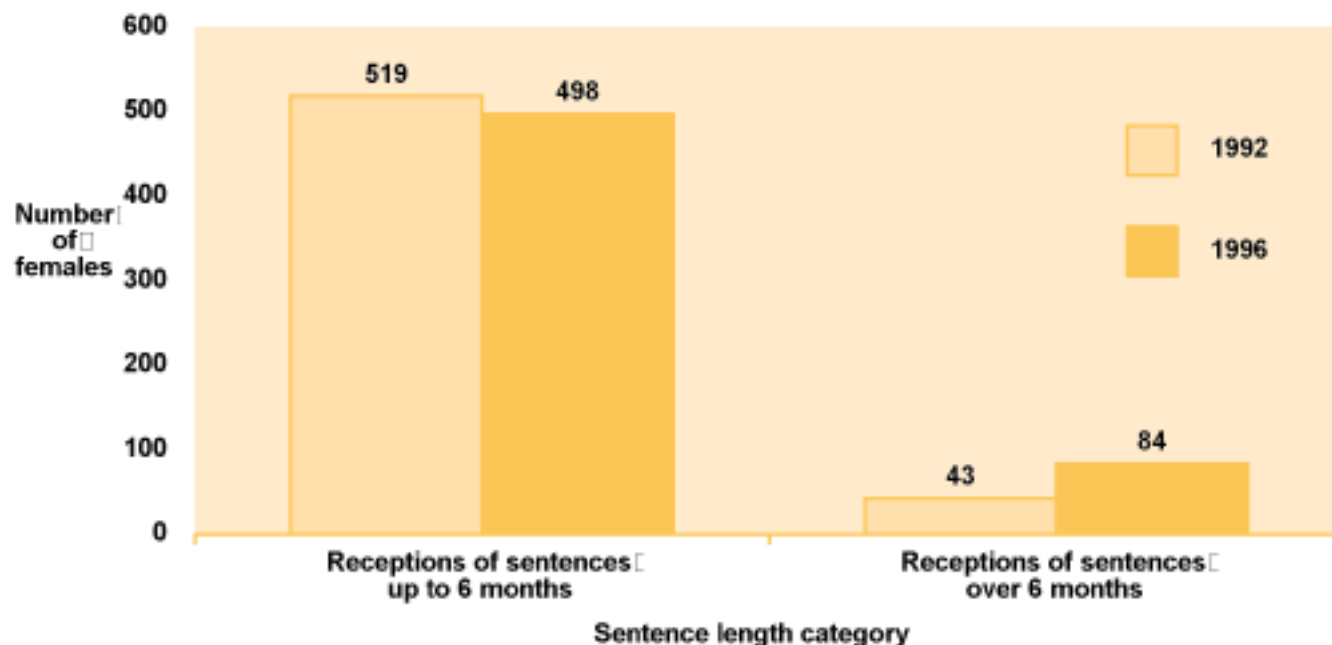
91. In 1996, there were 619 direct sentenced receptions, of whom 65 were young offenders. The chart below indicates the length of direct sentences to custody. The majority of women are sentenced to three months or less.

Figure 5. Direct sentenced receptions of female prisoners by length of sentence, 1996



92. The number of women sentenced to 6 months or less has reduced since 1992 whilst the numbers of women serving over six months has increased (see Figure 6 below). This might suggest that, overall, prison sentences for women are getting longer.

Figure 6. Direct sentenced receptions of female prisoners by length of sentence, 1992 and 1996

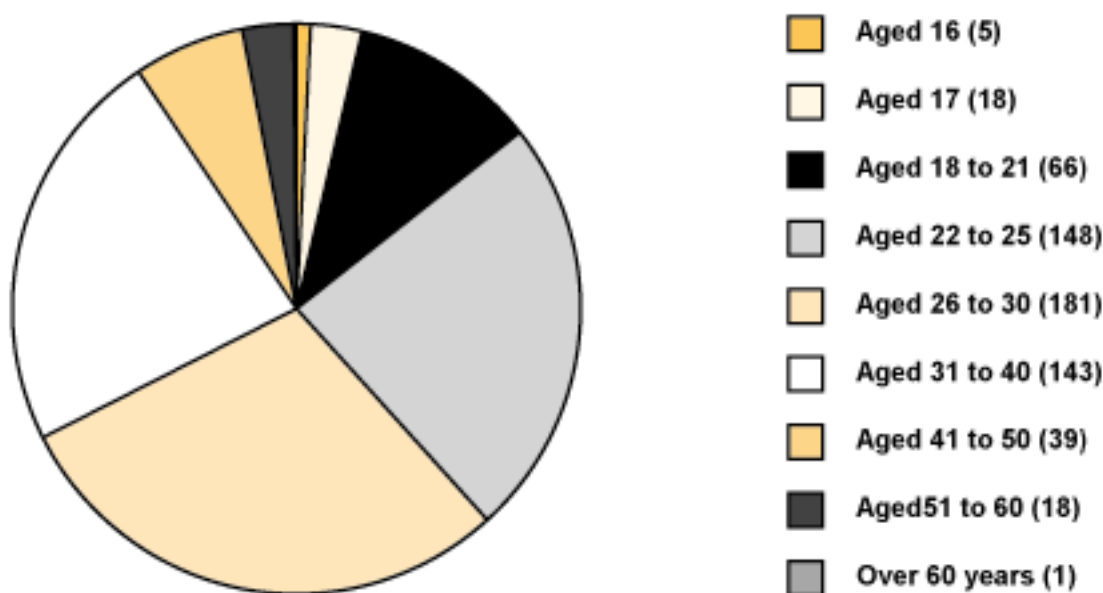


93. In 1996 no woman was sentenced to life imprisonment, but 12 women were received into prison with custodial sentences of 6 years (8 for serious assault and 4 for drug offences). Of the 431 receptions received with sentences of less than 6 months, 12 had committed crimes of violence, 3 had committed crimes of indecency and 268 had committed crimes of dishonesty.

94. Those sent to prison for fine default will serve very short periods in custody - five days on average. Remand prisoners are also generally in prison for a short duration - the average length of remand was 24 days for all offenders in 1996.

95. Figure 7 below indicates the ages of female offenders being received into custody on direct sentences. (The ages for reception women for fine default are broadly the same.)

Figure 7. Direct sentenced receptions of female prisoners by age, 1996



96. The peak age group for women receiving a custodial sentence (direct receptions) in 1996 was between 26 and 30. The vast majority of women sentenced to custody are between the ages of 22 and 40. The numbers of offenders sentenced to custody under the age of 22 years has grown significantly, although the figure remains small. At the time of writing, there were no girls under 16 years of age in Scottish prisons. In 1996, 23 young women aged 16 and 17 years of age were sentenced to imprisonment in Scotland. At Cornton Hill, convicted young offenders and young women on remand are held in accommodation alongside adult women offenders.

97.The use of custody for women in 1995 varied across Scotland, ranging from a high of 5.1 sentenced receptions per 10,000 population in the Dumfries & Galloway police area, to 0.4 in the Northern constabulary area. The average across Scotland is 2.7 sentenced receptions per 10,000 population, with Lothian & Borders, Grampian and Northern police areas showing consistently figures and Strathclyde and Dumfries & Galloway showing consistently high figures. Figures sent to the review team from Glasgow City Council show that cases dealt with by the Stipendiary Court in Glasgow accounted for almost half (45%) of all the women sentenced to custody by sheriff or Stipendiary courts in Scotland in 1994. In that year, 399 women were sentenced to custody from Glasgow Stipendiary Court.

98.Recent research shows that around 80% of the women in Cornton Vale come from the Glasgow area, 4% from Edinburgh and remainder from other parts of Scotland.

Post release supervision

99.Offenders who receive sentences of 4 years or over will be supervised on release. Offenders who receive between 1 year and years may be subject to a supervised release order imposed by the court at the point of sentence. These were introduced primarily ensure that offenders who might pose a risk of serious harm to the public on release following offences of violence or sexual offences were supervised. Very few women fall within any of these categories of mandatory supervision.

100.Offenders who are sentenced to less than 4 years imprisonment are eligible for assistance from social work services on release the majority of women offenders sentenced to custody fall within this group. Offenders who wish to access this service must take initiative by seeking social work assistance following release and may be encouraged to do so by social workers based in the prison present, few men or women seek such help.

Summary

101.Figure 8 below illustrates the routes to custody and notes the numbers of receptions into custody for each route in 1996. It also notes the community-based sentencing disposals and the numbers sentenced to them.

Figure 8. Routes to Custody [Click to enlarge]

102.The majority of women who become involved in the criminal justice system are minor offenders who primarily receive fines of the women sent to prison are either awaiting conviction or sentence or are in prison for fine default. Their offences are mostly dishonesty or other minor offences. They will serve very short sentences or periods on remand. Most of the women in prison are young when they are most likely to have dependent children.

The next chapter looks at the points in the criminal justice process where decisions are made about how women are dealt with and considers the opportunities to influence decisions at each stage.

Chapter 3: Information and Decision Making in the Criminal Justice System

Arrest and referral to the procurator fiscal

103.Criminal justice processes involve a range of agencies and individuals at different stages, from the reporting or detection of a crime or offence, through deciding whether or not to prosecute, to the criminal court and finally, to the decision about which penalty or sanction to impose. At each stage, key decisions will be made, influencing whether or how, an alleged offender may proceed to the next stage and whether an alleged offender will remain in the community or be remanded in custody pending the outcome of the court trial. The procurator fiscal and the sentencer determine outcomes at their respective stages, but other agencies, particularly police and social work, may exert some influence at various points in the process.

104.If in investigating alleged criminal conduct, the police have prima facie evidence of a crime known to Scots Law, they must refer it to the procurator fiscal for consideration of criminal proceedings. For some minor road traffic offences there exists some opportunity for the offender to avoid report and the prospect of prosecution by complying with, for example, requirements to produce driving licence documents, paying a fixed penalty issued by the police or participating in a vehicle defect rectification scheme.

Diversion

105.Diversion from prosecution can begin as early as arrest. In many parts of England, the police may be involved in arrest referral schemes, whereby arrested persons who are known or believed to be drug misusers may be assisted to make contact with drug agencies to help them to deal with their drug problem prior to any subsequent court appearance arising from this arrest.

106.In Scotland 2 similar programmes have been developed.Scottish Office funding has been provided to Glasgow City Council to purchase an arrest referral scheme, delivered by the independent sector organisation Turning Point, as one component of their Turnaround project for women drug misusers. Turnaround staff are present at one of the main police stations in Glasgow from 7.30 am each day and women known or believed to be misusing drugs will be offered the opportunity of an assessment, leading to the development of an action plan to begin to address the woman's drug problem. This plan may involve referral to other relevant agencies, the use of other Turning Point drug services and continuing support from Turnaround staff. In addition to this, a small scale project is being taken forward by police and the social work department in Perth & Kinross.

107.In England and Wales, the police may also administer a formal caution'(in effect, a warning), to offenders in a wide range of circumstances where they consider that this will be both effective and appropriate. Following an admission of guilt, the offender may be warned about his or her behaviour by a senior officer. This warning or caution'is recorded and may be cited in court at any criminal proceedings in the future. The police currently have wide discretion regarding the circumstances in which a formal caution may be used.

108.No such arrangement exists in Scotland. Procurators fiscal do have the power to issue warnings, either in person or by letter, where there is sufficient evidence, but court proceedings are not warranted, Procurators Fiscal may issue a warning to the offender. The information that a warning has been administered to an accused will be recorded internally, but is not recorded as a conviction and cannot be cited in court in future criminal proceedings.

109.Procurators Fiscal also have the option to offer a fiscal fine for an offence which could competently be tried before a district court. There is a sliding scale of fixed penalties, from 25 to 100, and payments can be made by fixed instalments. Again, the Procurator Fiscal requires to be satisfied that there is sufficient evidence to justify prosecution and that prosecution would otherwise be in the public interest. If the offer of a fiscal fine is accepted, it is, again, recorded internally, but does not count as a conviction and cannot be cited in court in future criminal proceedings.

court in future criminal proceedings. In the event of non-payment, however, criminal proceedings may ensue.

110. Procurators fiscal have discretion in determining whether an alleged offender should be prosecuted. Their decisions are guided by the 2 key considerations: whether there is sufficient evidence to prosecute and whether prosecution would be in the public interest. In the last 15 years or so, other arrangements for dealing with (usually relatively minor) offences have been developed, including diversion of suitable cases to psychiatric or social work support. Such decisions are reached following the provision of information from health and social work services. Police and procurators fiscal are able at any stage to refer to psychiatric services and immediate hospitalisation is possible for prisoners regardless of severity of crime, if serious mental illness is apparent.

111. Diversion to social work services is expanding and Scottish Office funding was made available in 1997-98 to establish 18 new programmes across Scotland. Under these schemes, the procurator fiscal, with advice from the social work department, may decide to defer prosecution (or in some schemes decide not to prosecute) and instead, refer the alleged offender to services provided by the social work department or other agencies to deal with any problems which are thought to be associated with the offending. The procurator fiscal will receive a report from the social work department at the end of the diversion period and in the deferred prosecution model (most commonly used), will then decide on the basis of the report, whether or not to proceed with the prosecution. Diversion may be used for any type of case, at the discretion of the procurator fiscal. At present, it is rarely used for persistent offenders. Social work diversion programmes provide a means of removing some offenders from the criminal justice system and assisting them to access services to help them deal with underlying problems which may be contributing to their offending.

112. Many diversion programmes for intervention with offenders who abuse drugs tend to be targeted towards the less frequent offenders. An exception to this is the programme delivered as part of the Turnaround Project in Glasgow, which started at the end of March 1998. This programme is targeted on women whose drug misuse is chaotic and who are likely, therefore, to be persistent offenders.

113. Although there has been some criticism that diversion schemes are sometimes used as a means of accessing services for minor offenders whose cases might otherwise be appropriate for "no action" on the part of fiscals, it is clear that they do have the potential to be used for more frequent offenders whose offending is closely linked with a problem such as substance misuse or mental health difficulties. The more strategic use of diversion rather than probation for some women (including repeat offenders in some instances) could provide a mechanism for reducing the speed with which some women progress up the sentencing tariff towards custodial sentences, whilst providing the assistance they may need.

Court

114. Once a case comes to court there may be further opportunities for social workers, medical staff or other agencies to intervene in the criminal justice process. In a small number of courts, for example in Glasgow Sheriff Court, arrangements have been made to enable court staff to draw on the expertise of local psychiatric services, to provide information rapidly to the court about an offender's mental health and fitness to stand trial. Schemes of this type provide an opportunity to remove appropriate cases into psychiatric care, thus removing the need for remand in custody for psychiatric reports and allowing the criminal justice system to take its course.

Information for the court

115. Social workers are available in most Sheriff Courts, and in a small number of District Courts, and may be able to offer the court immediate information on the individual's circumstances to help the court to determine how best to deal with the case. In some courts the social worker will be on hand when the court is sitting, but in larger courts may need to be contacted elsewhere in the building. Where offenders are remanded to custody, or sentenced to a period of imprisonment, the court social worker may interview the offender in the cells prior to the offender's transfer to prison.

116. The court social worker can play a key role in gathering and providing relevant information for prison staff, field social workers and other professionals who may be involved with the offender at a later stage in the process. However, this important task may not always be carried out, particularly in very busy urban courts, because of other pressures and the need to prioritise individual cases amongst the often large numbers held in cells as the court day proceeds. The Government's National Objectives and Standards for court-based social work services set out a number of priorities for post-sentence (or remand) interviews, including single parents, first

offenders and other "vulnerable offenders", but do not specifically identify women as a priority for such interviews.

117. Turning Point, as part of its Turnaround Project, has a worker based at Glasgow District Court each weekday morning. The worker is available in the court and also has access to women in the cells, to undertake brief assessments, offer immediate support and fix up appointments to women drug misusers, undertake advocacy work with the court and provide additional information about the woman and her drug misuse history to other agencies in the criminal justice system. A key element of the service is to provide HMP Institution Cornton Vale with information about a woman's drug history and to assist appropriate prescribing and other medical care on reception into custody. During the first 3 months of this service, 60 women were referred to the project by the court.

118. A similar project, focused on offenders at risk of self harm, is provided on an ad hoc basis in Glasgow Sheriff Court by psychological nursing staff from HMP Barlinnie. Although this is primarily a service for male offenders and is intended to assist the management of such prisoners on admission to Barlinnie, the workers also provide a service for women remanded or sentenced to custody from Sheriff Court. Referrals to the service are made by the police officers responsible for managing the cells, who check the arrest list for people known to be at risk and also monitor individuals' behaviour. If offenders are identified as being at risk by the police, they telephone the medical centre at Barlinnie and arrange for the psychiatric nurse to attend the court. The nurse then interviews the prisoner and completes a risk assessment form which is then taken back to the prison to inform the management of that individual. In the event that he or she is admitted to custody later that day.

119. This system has some limitations. In particular, it is dependent on the quality of the initial assessments by the police, and assessments of people who are not admitted to custody are lost to the system, as they are not made available to other agencies which may become involved, e.g. social work. It is also uncoordinated with other psychiatric and social work inputs. However, it represents an admirable attempt on the part of one prison to begin to identify and address the problems presented by vulnerable prisoners who are at risk of self harm once admitted to prison.

Bail

120. An offender can be bailed in the community whilst awaiting trial or sentence. Under section 24 (5) of the Criminal Procedure (Scotland) Act 1995 the standard bail conditions are that the accused will

- appear in court when required;
- not offend whilst on bail;
- not interfere with witnesses or evidence;
- be available for enquiries (including reports) to assist the court in dealing with the offence.

121. Accused persons may be denied bail if the court thinks they will not comply with the conditions or if they are a danger to themselves or others. Since 1991 there have been bail information schemes operating in the Edinburgh and Glasgow Sheriff Courts. The social work department will verify for the courts, relevant information provided by defendants such as home address and employment.

Bail provision

122. Alongside the bail information schemes operated in Edinburgh and Glasgow, pilot bail supervision schemes were introduced in 1994. Bail information and supervision (along with accommodation) provide an integrated bail service. If the accused is homeless or has unsuitable accommodation, the scheme will try to find appropriate accommodation. Bail support is offered in those cases where it is thought the accused might not successfully complete the remand period without additional supervision and support.

123. The 2 pilot schemes, which are being evaluated by The Scottish Office, operate rather different models. The Glasgow scheme is focused on identifying offenders considered at risk of a custodial remand and providing options to enable the court to avoid such remand. The Edinburgh model, on the other hand, targets offenders who have been remanded in custody, providing an opportunity for them to remain in the community.

reassess the offender's circumstances, to enable defence agents to seek a bail review at the earliest opportunity. There is evidence suggest that the schemes are diverting people from custody but the numbers of women referred are low, between 3% and 5% of referrals.

Social Enquiry Reports

124. On conviction, the court may request psychiatric or social enquiry reports to provide additional information to help determine best to deal with the case. Courts are required to consider a social enquiry report (SER) from the social work department before placing an offender on probation or community service, when dealing with an offender who is already subject to such a disposal and before sentencing anyone under 21 to custody or sentencing an offender aged 21 or over to custody for the first time. The court may release an offender in custody for up to 3 weeks to allow reports to be prepared.

125. National Standards prescribe a range of issues and areas of an offender's life which must be considered in a social enquiry report. These include the offender's current circumstances and domestic arrangements, financial situation, use of alcohol and drugs, any significant medical history, offending history and the circumstances of the current offence. The report writer may offer a view about offender's suitability for particular disposals, especially those involving social work services, and if suggesting probation as an option must provide the court with an action plan outlining the work to be undertaken as part of the order. The preparation of an SER clearly provides an opportunity to help inform the outcome of the case, particularly in relation to the use of probation and community service. The SWSI report "Helping the Court Decide" concluded that "social enquiry reports make a significant contribution to sentencing practice".

126. Many commentators have suggested that social workers preparing reports on women offenders approach the task differently when they prepare reports on male offenders. The SWSI inspection of SERs, examined 443 reports prepared for courts throughout Scotland during selected weeks in September 1994. Just over 10% of these reports (45) were written in respect of women offenders. An examination of those reports provided some support for the view that a different approach is adopted.

127. In comparison with the reports on male offenders, the reports on women tended to pay less attention to factual information and analysis of employment, education and training, substance misuse and, interestingly, expenditure and disposable income. On the other hand, they gave more attention to mental health and current emotional problems, physical health and an examination of issues concerning housing. The reports on women offenders were more likely to contain information or advice attributed to colleagues elsewhere in the social work department and information provided by other professionals, particularly a medical practitioner.

128. This tendency to seek to explain individual women's offending in terms of psychological, psychiatric or other medical problems was confirmed by research. Gelsthorpe, in her study of court reports prepared by probation officers in England and Wales, noted that there was a different emphasis in the reports on women offenders. Psychological difficulties and depression were frequently cited as reasons for offending in spite of research that indicates that women themselves think poverty is the main reason when asked about their offending. She also noted that women were identified as needing social work help in order to change whilst men required support to continue the actions they themselves were already taking.

129. Finally, the SWSI sample of reports on women offered further evidence of a different approach to providing sentencing possibilities. Although probation was the disposal most frequently suggested by social workers for both men and women in the sample, followed by deferred sentence, there were some differences in the proportions of male and female offenders for whom suggestions were made. Other differences were more startling. The reports on women subjects were almost twice as likely to suggest a fine, in comparison with the main group, despite the fact that issues relating to finance were less well-explored in the reports on women. The reports on women were less than half as likely to suggest community service. Table 2 below, sets out the comparative figures.

Table 2: Percentage of sentencing possibilities suggested in a sample of SERs, by gender.

Sentencing Possibility*	Women subjects	Male subjects
Deferred sentence:	28%	30%
Community service order:	7%	18%
Probation order (no additional conditions):	26%	18%
All probation orders:	42%	34%
Fine:	21%	12%
*For each offender, several possibilities may be suggested.		

130. These findings suggest that closer attention may need to be given to social workers' practice when preparing reports on women. In particular, it suggests that there is a need to examine more closely issues to do with drug and alcohol use and the financial circumstances of women offenders.

131. A Merseyside study on the contents of court reports on women offenders with drug problems noted that such women were more likely to have their cases adjourned for reports. Report writers provided social and welfare information about mothers with drug problems and the information was presented to the court in such a way as to invite the court's consideration of child welfare in the sentencing process. Other research indicates that the presence of a social enquiry report of itself is likely to up the tariff of offenders. At the SWSI SER sample provided support for this view. The women subjects of SERs tended to have only half the number of previous convictions as the subjects in the male sample, had less experience of probation or community service and considerably less previous experience of custody.

132. An early study of sentencing in Scotland indicated that sheriffs were influenced by the child care responsibilities of women offenders and if they were poor mothers or the children were in care, then this would clear the way for a custodial sentence. Those who were sent to prison were those who, in the eyes of the sheriffs, had failed as mothers. Thus, sheriffs not only wanted to know whether a woman was a mother but whether she was a good mother and they expected to find this information in SERs.

Summary

133. There are a number of points in the criminal justice process where social workers and others have an opportunity to influence outcomes by the provision of information (see Figure 9 below). These opportunities are not always exploited to full effect. There is evidence that social workers adopt a different approach to the provision of information about women offenders and that sheriffs also take account of different factors when sentencing women.

Figure 9. Information Provision for decision making in the Criminal Justice Process [Click to enlarge]

The next chapter considers the availability and suitability of services to address the problems of women offenders.

Chapter 4: The Availability and Suitability of Services for Women

134.The personal profiles of women offenders suggest that many will be experiencing problems with substance misuse, previous or current abuse or violence and accommodation problems. We were interested in the views of consultees about the availability of local services to address such problems and asked local authorities to tell us of the statutory and voluntary services available in their area, that could be used for women offenders.

135.None of the local authorities had a specific women offenders strategy, although the policy and guidelines prepared by the City of Edinburgh Council approximates most closely to one. Service developments in local authorities tend therefore to be ad hoc and dependent on the initiatives of individuals.

136.In other countries (for example, England and Canada), there are voluntary organisations specifically for women offenders, both in custody and in the community. These organisations offer advocacy, support, befriending, education and training, legal and welfare advice and creative activities. Some may also offer accommodation and employment. No such voluntary groups exist in Scotland.

Drugs and alcohol

137.Drug and alcohol rehabilitation services are available in most local authority areas although outside the major urban conurbations, the range of services may be limited and access may be difficult, particularly for those with child care responsibilities. Residential rehabilitation services may not be available in an offender's home area and, with the exception of those provided in Glasgow and Edinburgh by the Aberlour Trust, do not allow women to bring their dependent children with them. This may create particular problems for women drug misusers.

138.At present there are relatively few drug rehabilitation services specifically for women, although there is some evidence that women drug misusers are more willing to engage with such services. The Polkinghorne Report noted that mothers and pregnant women might experience difficulties in accessing drug services and recommended that purchasers and providers should take account of these needs. Research suggests that different approaches work better with different individuals - some respond well to an abstinence based approach, others to a harm reduction approach. There is also some anecdotal evidence suggesting that women misusers in particular, may be reluctant to use services provided by the statutory sector (health and social work) because of concerns about the implications of identification as a drug misuser for any child care responsibilities they might have. Those planning and providing services have been alerted to these problems in the Scottish Office guidance "Planning and Provision of Drug Misuse Services". They have been advised to take the particular needs of women into account in the provision of services, including in relation to child care facilities, outreach approaches in neutral settings and the need for greater liaison with maternity services for those misusers who are pregnant.

139.Financial resources for women who need a period of drug rehabilitation in a residential unit following completion of their sentence, may not be forthcoming from the local authorities. One voluntary provider which responded to the review indicated that local authorities tend to consider prison as a place of residential rehabilitation and will not support a release package of care.

140.Edinburgh has had a well established policy on methadone prescription for some years and Glasgow is pursuing a similar route. Based on evidence about the effectiveness of this in helping to stabilise drug use and reducing levels of offending associated with chaotic drug misuse (the Polkinghorne Report), an approach of this nature might be appropriate in other major conurbations experiencing problems with drug misuse.

Sexual abuse and violence

141. Resources for dealing with sexual abuse were mentioned by only 4 local authorities, and only a small number of authorities identified Women's Aid as a resource in their area for women experiencing domestic violence. One authority also mentioned a project for prostitutes, which provides advice on sexual abuse and exploitation, legal matters and alcohol and drugs. We received information from a number of voluntary projects working with women who have been abused. They all commented on the links between experience of abuse, offending and self harm, and the need for services to tackle all these issues, both in custody and in the community.

Mental health services

142. Although mental health services are available across Scotland, few local authorities mentioned these as a resource. More respondents identified this as a particular gap in provision, perhaps suggesting that there are few projects or services that have been identified as being particularly relevant for women or women offenders. It may be, however, that even where services exist, social work services either do not know about them or do not have direct access to them for their clients. In many areas where specific services exist and are offered to women offenders, uptake of such formal provision is low.

143. Although the majority of female offenders are not mentally ill and do not need psychiatric assistance, many have mental health problems such as anxiety or depression and may have problems of substance misuse. Some of these women, who may be very distressed and suicidal, may appear in court and be sent to prison if no other options are available. If they are not mentally ill they may not be able to access treatment and few community resources are able to cope with disturbing behaviour or provide adequate safety and security for the woman and other residents. In these cases prison is used in the absence of appropriate social service provision, and social work assistance (possibly residential) is needed, including support from staff trained in mental health issues, such as mental health social workers or community psychiatric teams or drug and alcohol teams. Local links to establish such provision may need to be developed specifically for this small group of people who fall outside current provision.

Accommodation

144. Lack of appropriate accommodation was frequently mentioned as a problem for women offenders, though there are number of accommodation projects available, particularly in Edinburgh and Aberdeen, and under development in Glasgow and Dundee. A number of local authorities commented on the small numbers of women offenders in need of accommodation and indicated that this makes provision (and planning for provision) particularly difficult. Much of the available accommodation is not suitable for children, or children are precluded. Women's Aid refuges will accommodate abused women with children, but can only offer a short-term solution to the accommodation problems of this particular group. Also, such accommodation may not be able to manage the difficulties presented by offenders with multiple problems. Accommodation projects that accept sex offenders or men who abuse women will be unsuitable for the majority of women offenders.

145. Women are rarely roofless but the price of accommodation may be sexual services or cohabitation. The problem may present as one of domestic violence or sexual exploitation rather than a problem of homelessness. Additionally, such accommodation may be viewed by the court as unstable at the time of a bail application and a woman may therefore be remanded in prison.

146. Women with drug and alcohol problems, mental health problems and chaotic lives may be excluded from much of current provision given the difficulties they are likely to pose for projects. In addition, one authority noted that women convicted of drug offences would be excluded from local authority housing as part of the current drive against anti-social tenants. Women who receive a custodial sentence are likely to lose their accommodation and be homeless on release.

Employment

147. As noted previously, many of the offenders in Cornton Vale are parents and often the sole carer of their children when in the community. Many do not expect to be in employment. Given the educational qualifications, the social and personal skills of many of the women and the high degree of drug problems, finding suitable employment of a sufficient wage to support a family is likely to be very difficult. However, although it is difficult and although many women offenders will not wish to be employed full time, employment aspirations should be considered. Young women without children and older women whose children have grown up will also form a significant proportion of female offenders who will be eligible for work.

148. Apex Trust, which works across Scotland in the provision of training, employment guidance and links with employers, noted a low referral rate for women offenders from social work services. Women are referred to Apex in roughly the same proportions as they appear in the offending population - for example, 26% of their referrals for vocational training are for women offenders, but none of these referrals came from criminal justice social work services. It appears that employment services for women offenders are being underused at present.

Suitability

149. Research by a number of people (for example, see Loucks, Carlen and Howard League) suggests that women are much more frequently the victims rather than perpetrators of violent offences. Some women who have been the subject of sexual and violent abuse have been victims of very serious offending for a number of years. The offenders will have been infrequently reported, caught or prosecuted and it is possible that female victims may view criminal justice agencies as offering them little protection whilst sentencing them harshly for their own offences. This may partially explain why women do not always respond to the chances and opportunities offered to them and either breach their community orders or reoffend.

150. Women offenders often have a history of offending as girls or have been in care. Organisations representing young women or girls leaving care commented to the review team on how quickly girls seem to progress from care to the prison system. They felt insufficient attention was paid to the needs of these girls whilst in the care system, particularly if housed in secure units, and considered there were few appropriate sentencing options available once girls reached 16 years of age. Reports on secure units conducted by SWSI have all noted the lack of appropriate provision for girls within the available establishments. There are more male residents than female; the activities are designed to appeal to boys (for example football but not dance); the culture of the units is a masculine one; and there are few softening touches (for example, appropriate pictures or plants) in the units to feminise them. Boys who have committed sexual offences in the community are placed in units accommodating girls who have been sexually abused.

151. Whilst the majority of women offenders are fined and most pay these fines, a significant number of women receive fines which they are unable to pay. A number of these will end up in custody. Women involved in prostitution and drug abuse may reoffend in order to pay the fines. Other women, whilst part of a reasonably well-off family unit, may not have access to the family income if they are not the bread-winner.

152. The SAO will soon be available throughout Scotland as an option for those who default on payment of a fine, but current use of this sentence for women is low. Some respondents to the review have expressed concerns that women who come onto SAO schemes may be less able to meet the demands of the disposal, particularly if they have drug or alcohol problems. The risk of this may be reduced if schemes are able to provide specific modules for women which better meet their particular issues and problems.

153. Men and women who offend tend to have a similar social profile in that they are poor, unemployed, have few educational and social skills, may have addiction problems and may have insecure accommodation. However, addressing these problems may require a different approach. For example, women may be skilled in domestic activities as they (on the

whole) are largely responsible for these and therefore may not need supported accommodation and some aspects of life skills training. They may, however, need assistance with obtaining employment if child care responsibilities have precluded participation in the workforce for some time. They may also need to rebuild self esteem and learn how to be appropriately assertive.

154.Criminal justice social work services in Scotland have primarily been designed to accommodate the offending patterns and associated problems of men. There are few services specifically for women and most of the local authorities which responded to the review indicated that it was costly to develop them for the small numbers of women with whom most of them dealt. Many local authorities who submitted views to the review appeared not to recognise the differences between male and female offenders when delivering services. Some local authorities recognise that women may find it difficult to discuss personal issues, including any experience of abuse, with male supervisors and therefore provide the option of a female supervisor. This, however, was infrequently mentioned by local authority respondents and may be comparatively rare.

155.Only one local authority mentioned having a probation group work programme specifically for women offenders. Some local authorities indicated that they would like to have a group work programme for women, or, indeed, that they had attempted to establish such a programme, but also noted that the low numbers and cost had thus far precluded this.

156.There are no criminal justice hostels specifically for women. Mixed hostels may not be safe places for women to live and women who have been abused may feel particularly vulnerable. There is a marked absence of facilities for women with children (although the new Dundee hostel will be able to take women with babies under one year old) even though the majority of women currently receiving custodial sentences are parents and are the major carers of their children. Women may be reluctant to use drug rehabilitation facilities if it means they will be separated from their children and at present only the Aberlour Trust provides residential rehabilitation which can also accommodate dependent children. They may also be reluctant to seek help if they fear their children will be taken into care as a result of their drug problems becoming known.

157.The SWSI report on community service APositive Penalty' noted that women were often assessed as being unsuitable for community service because of the lack of suitable projects. Where projects have been carefully chosen, women benefit from community service greatly. It provides an opportunity to learn new skills, develop confidence and do something of value which is appreciated by the recipients of the service. Apositive experience of community service can contribute to reducing offending and many women are pleased to have an opportunity to undertake work that is not traditionally feminine'- for example, building or gardening. However, many community service schemes require women to work in male dominated groups, which may put them at risk of harassment, or on heavy manual tasks for which they are ill-prepared.

158.Whilst there is access to community service across Scotland, a small number of schemes noted that childcare was costly and this precluded the availability of CSOs for some women. Conversely, other authorities noted the costs of child care when a woman was sent to prison. Child care concerns may discourage report writers from recommending community service and courts from using the option.

159.There is a risk that the current under use of community service for women offenders becomes self-perpetuating. If it is rarely mentioned as a suitable option by social workers - as appears to be the case - sentencers will have little confidence in it as a disposal for women. Equally, if few women are placed on community service, there may be less incentive to identify appropriate placements for women, leading to increased breach and a subsequent decline in sentencers'confidence in the disposal for women.

Effectiveness

160.In considering the effectiveness of community penalties, the review team has considered two issues, a) increasing the number of offenders who can be supervised in the community and b) the contribution community sentences make to the reducing of reoffending.

(a)Contribution to increased use of community disposals

Fines

161. It is too early to say what impact SAOs will have on the numbers of people imprisoned for fine default. Two local authorities expressed concern that rather than divert offenders from prison, the orders might be used early in the default process and offenders quickly escalate to imprisonment if the SAO is breached. The Scottish Office research into the disposal should provide more information about the effectiveness of SAOs. Introduction of the disposal in Glasgow may impact on the numbers of women imprisoned for fine default.

Probation and Community Service

162. In 1983 when Pat Carlen first researched women's imprisonment in Scotland, the profile of the women going into custody and the nature of the crimes they committed were similar to today, although the incidence of drug abuse is higher now. At the time of her study, sheriffs commented that they felt unable to fine women as they were not wage earners and what little money they had was used to feed their children or support the family. Community Service was a new sentence and not available everywhere across Scotland, whilst probation had little credibility with sentencers. In 1983 most offender supervision was undertaken by generic social workers and attention to offenders competed with children at risk and the provision of services for the elderly people. It was not unknown for probation orders to remain unsupervised.

163. In 1991 the Scottish Office introduced 100% funding for criminal justice social work services with National Objectives and Standards. The provision of central government funding enabled a specialist service to be developed, with appropriate training and methods of work. The aims, objectives and guidance on practice contained in the National Objectives and Standards provides a national framework for the preparation of SERs and the supervision of offenders on community service, probation and post release supervision, including supervised release orders. Draft standards have been developed for supervised attendance orders.

164. The provision of 100% funding and the introduction of standards have been well received by local authorities and sentencers alike. There is a universal view that the standards of supervision for offenders in the community has improved dramatically and research shows that sentencers consider community service and probation to have more credibility than 8 years ago. As a result, the numbers sentenced to probation and community service have increased substantially. This is not, however, reflected in a reduction in the numbers of women going into custody. International studies on the use of community penalties suggest that their use tends to displace other community penalties rather than imprisonment; indeed, the rise in custody is usually matched by a rise in community sentences and a reduction in the use of fines. However, some projects have been successful in reducing the numbers of offenders sent to custody in a particular locality, though this may not be sustained over many years.

(b) Reducing reoffending

165. One study of serious female offenders released from custody in Canada (where the profile of female offenders is similar to that in Scotland) suggested that recidivism was most closely linked to experience of abuse as an adult (not as a child), dependence on welfare benefits or illegal means of support and the presence of a partner where there were children. However, apart from this study, there appears to be very little known about the factors most likely to predict reoffending.

166. One small and not necessarily representative study of 33 women who reoffended within two to six months of release from prisons in England, noted that the characteristics of those that reoffended were different to those who had not. The most significant characteristics of those that reoffended were:-

- unsatisfactory accommodation (50% compared to 14% of the non offending group);
- financial difficulties (50% compared to 25%);
- drug use (33% compared to 3%) or alcohol use (25% compared to 4%) as a drain on income;
- lack of employment (12% in employment compared to 20%);
- youth - over 40% were young offenders i.e. under 21, compared to 15% of those who had not reoffended.

167.Eaton, in another study, asked women who had stayed out of prison for 2 years about what had helped them. (Her sample is not, however, representative in that all the women were contacted through women prisoners'organisations which offer educational, creative and other opportunities to ex-prisoners.) Key characteristics of the group were satisfactory housing, the return of children to their care (where the mothers sought this), study or employment (paid or voluntary) and support. Loneliness and the pull of previous associates were identified as major risk factors.

168.Although so little research has been conducted on women's offending, its causes and its prevention, some work has been undertaken on what women offenders find helpful. Worrall found that women offenders responded to being listened to sympathetically and to "befriending". The majority were isolated, with unhelpful family relationships and few sources of advice. The women also appreciated material help which usually came in the form of assisting with accessing DSS benefits, accommodation or negotiating with fuel boards and occasionally the provision of money.

169.Enabling women to feel confident and achieve something in their lives is also important and community service (where the projects are carefully considered) was viewed as a positive penalty by many women.

170.There has been little evaluation of group work or other forms of intervention specifically with women offenders. The characteristics of programmes that prevent recidivism have been identified as clarity of aims; specific targeting; highly structured; directive approach; cognitive behaviour methods and programme integrity. The programmes which were evaluated were predominantly for male offenders. Programmes for women in the UK may not meet these criteria and yet be effective. It is also questionable if these same criteria are appropriate for women. Programmes for women tend to be much looser in their structure and in the application of learning tools; there is a greater emphasis on the building of self esteem and confidence and the programmes tend to be much more responsive to the women's articulated needs. Dealing with abusive relationships, expressing needs assertively and developing skills that might lead to employment or training opportunities are generally incorporated into programmes. The underlying philosophy is that the women will not reoffend if these other areas of their lives are improved. Lack of evaluation hampers the assessment of this approach, but programmes do reflect what has been identified as best practice. In Scotland, however, there are very few programmes for women offenders.

171.Figure 10 below shows the possible components of an integrated approach to community sentences which reflects the need of women offenders and their offending patterns.

Figure 10. Components of an Integrated Approach to Community Sentences for Women Offenders [Click to enlarge]

International Perspective

172.As part of the review, we looked at a number of studies on women offenders from Europe, Australasia, the Americas and Scandinavia. The picture elsewhere in the world is very similar to our own, as is the profile of women offenders in custody. Such women are generally poor, are ill educated, unemployed and have few employment skills, have severe drug problems, are parents, are young and lack good social supports. Scotland's female prisoner population is different in 2 respects: the incidence of drug abuse is very high and few ethnic minority women are imprisoned.

173.It is perhaps only in the last 10 to 15 years that women offenders have received much attention from governments or criminologists and thus there is not a great deal known about their offences or profiles and what works'in the prevention of recidivism. Almost all western countries have similar sanctions for offenders although overall, the UK has more. Throughout the world, it appears that increasing the availability of community sanctions does not necessarily lead to fewer people being sentenced to custody and a number of commentators, particularly in the United States, consider that the growth of alternatives'has led only to tougher sentencing and greater costs.

174.In all jurisdictions, women prisoners seem to be either located long distances from home in single sex prisons, or closer to home in mixed prisons. The literature suggests that life is very uncomfortable for women in mixed prisons where they frequently experience abuse. This is balanced against the difficulties of family contact and isolation when imprisoned in

women's prisons far away from home. Commentators generally favour decarceration of women offenders as a solution to this problem but acknowledge that the quality of regimes for those remaining, for whom there is no alternative to imprisonment, may be further reduced.

175. Three innovations from other jurisdictions which might best be described as custody in the community seem to have some merit and could be explored further - house/work detention coupled with electronic monitoring; intensive programmes (not necessarily residential) for drug offenders which allow very little free time; and the location of women prisoners with their children in hostel accommodation as part of a prison sentence. Where these have been appropriately targeted, some success is claimed for both reducing offending and reducing the numbers of women in prison.

Electronic monitoring

176. Electronic monitoring is used in a number of jurisdictions. Studies indicate that it works well as a control on behaviour when coupled with supervision and assistance to avoid further offending. The control it offers is one of (generally) short term holding of offenders, thereby giving an opportunity for other interventions - for example, drug or alcohol treatment - to work. Longer term use has not proved to be effective, nor has the use of the tag in isolation without assistance to address offending associated problems. Somewhat surprisingly, however, it has been found to be suitable for chaotic and drug misusing offenders.

177. Where its use has been poorly targeted, there are indications that electronic monitoring has failed to provide a community based alternative to imprisonment. Without appropriate and properly resourced support services for offenders to deal with their offending-related problems, electronic monitoring tends to be ineffective and breach rates can be high. Poor targeting, high breach rates and subsequent imprisonment for breach can make electronic monitoring a very expensive and ineffective option.

178. The Canadian experience of electronic monitoring seems to be particularly relevant for this review, as its use has decreased the numbers of short term sentenced prisoners without a corresponding increase in the numbers of longer sentenced prisoners. One state (Saskatchewan) has also targeted women offenders because of the lack of appropriate offending programmes in prison. Electronic monitoring is part of an intensive probation programme which includes daily face to face contact, offending behaviour programmes and work on problems such as alcohol misuse.

Intensive drug rehabilitation

179. Intensive drug rehabilitation is available throughout the UK and elsewhere. In the UK it is normally provided in a residential setting and funded through community care budgets. Under the Drug Treatment and Testing Orders such treatment may become part of a court order. In some jurisdictions there is compulsory drug treatment in closed institutions - for example, Singapore - and these are more like prisons with a drug rather than offending focus. In Sweden, prisoners can be released to serve their prison sentences in a drug rehabilitation centre.

180. An alternative non-residential approach is now being pioneered in Sweden. An intensive, all day, non-residential package is available for the first two weeks of treatment, followed by a less intensive, but very full programme. As work and training are incorporated into the programme, the drug misuser is effectively occupied all day. The work of the programme focuses on improving the drug misuser's social situation, life and employment skills as well as dealing with drug-related problems such as health, law-breaking and life-style issues. Although the programme is not specifically for offenders, most of those on the programme are offenders and reducing offending is an aim of the scheme. It is not compulsory and getting back onto the programme following relapse is not difficult. Although it is not as costly as a residential programme, it is expensive, with a staff ratio of 1:7.

181. The approach was initiated because of the high costs of residential treatment and the need to have the resources and opportunities located in the misuser's local areas. One of the advantages of this approach is that it not only tackles offending

and problematic drug misuse, but also tackles the area of HIV/AIDS and other contagious drug associated diseases.

Hostel accommodation for women and children

182. In some American states it is possible for women to be moved to hostel accommodation as part of their prison sentence. The hostels are part of the prison estate', are run by prison staff and the women are subject to prison rules. They are, however, able to have their children live with them, there are appropriate training and employment opportunities and their movements within the hostel are less constrained than they would be in a prison. A prison hostel option is different to a supervised community hostel in that there is less freedom to leave or to choose employment or how to spend the day.

183. The benefits of such an approach are that it removes the damaging effects of imprisonment on the children of imprisoned mothers. It reduces the anxiety of the mothers who might otherwise lose their children and it ensures the women are better equipped to deal with the realities of independent living. It is not necessarily more expensive than some custodial options. In most states it is used as an option for women who have already served part of their sentences in a traditional prison and have been assessed for suitability in terms of the risk they pose to the community or of escape.

Summary

184. A wide range of sentence and pre sentence options exists but they are not all used to their full potential and more needs to be done to ensure that they are appropriate for women. There are community resources to assist women offenders with the problems they face, but there is a wide variation in both their availability and their use by social workers.

The next chapter considers possible ways forward in dealing with women offenders.

Chapter 5: Ways Forward

We set out below our observations in relation to each of the 7 components of our remit.

Recent trends of female offending and sentencing of women in Scotland.

185. Although there has been a rise in the overall number of women convicted over the past decade, if motoring offences are excluded, the number of women convicted of offences and crimes has actually dropped. Only 1% of convictions are for violent offences and there are no indications that women's offending is getting any more serious. Most women commit minor offences and 20% of female convictions are for having no TV licence.

186. The most commonly used sentence is the fine, although there has been a marked decrease in its use in the last ten years. Very few women are sentenced directly to custody, those who are sentenced tend to be sentenced for short periods but even so, women offenders seem to be sentenced to longer periods of custody than was the case a decade ago. Many more women are being breached for non-compliance of community disposals than was previously the case and a greater proportion are being sent to custody following a breach.

187. Almost all women offenders could be safely punished in the community without any major risk of harm to the general population. A few women offenders are in prison because of the gravity of their offence for which they have been convicted, but the majority are in prison either on remand or because they have failed to comply with a community disposal. Most women offenders who are imprisoned are petty, but probably persistent, offenders, whose behaviour may be anti-social and unpleasant. They may be noisy, they may behave in a number of unacceptable ways, neighbours may object to their prostitution activities or they may be petty thieves.

The significance of the social, personal and psychological background of women offenders.

188. The vast majority of women offenders are likely to appear in court once in their lives and never reappear in the courts again. Most of these will be convicted of motoring or other minor offences. Very little is known about the background of these women and apart from the single conviction, they do not come to the notice of the authorities. We know considerably more about women who continue to offend and especially about those that are imprisoned.

189. This small group of women are generally living in poverty and they themselves cite lack of money as the reason for much of their offending. They are poorly educated and their employment prospects are bleak. They are parents although their children may not always be living with them, particularly if a custodial sentence is imposed. A large number have been abused as children and are abused as adults. They have considerable experience of being victims of offending, generally of a more serious nature than the offences they commit. Many of the women misuse drugs.

190. Many female offenders give up offending although some will continue throughout their twenties and early thirties. There are strong associations between abuse as a child, drug misuse, homelessness and abusive relationships as an adult. These factors are also associated with self harm and suicide. Whilst they may not cause offending, and our knowledge is insufficient at present to indicate what does, women returning from prison to unstable accommodation, abusive relationships, lack of any real employment prospects and a drug misusing peer group are poorly equipped for living a crime free life.

191. The characteristics that may make rehabilitation difficult on release from custody are the same characteristics that make

the experience of imprisonment so difficult for some women offenders. Having to confront the painful realities of their personal and social circumstances, without drugs to obliterate the pain, may feel overwhelming. The prospects they face on completion of their (frequently short) periods in custody do not encourage hope for the future. Added to this, the experience of custody, the sense of loss, the break-up of family relationships, the loss of control and feelings of helplessness and fear, or experience of being bullied, all increase the risk of already vulnerable women committing suicide or self harm.

The range and availability of pre and post sentence options for female offenders.

192. Chapter 2 outlined the range of community options and disposals for women offenders. Probation and CSOs are available across the country, whilst SAOs are available in every court area from 1 April 1998. Bail supervision is available in both Glasgow and Edinburgh but not available in all courts. Supervision under a deferred sentence can be available but is an option rarely used and is not funded through The Scottish Office 100% funding arrangements. There may be insufficient community based options available to some courts when making remand decisions or deferring sentence. Formal diversion schemes are not available in all areas and even where they are available, there may be scope for greater use of them.

193. Whilst a range of options exists which are equally available to men and women, they have been designed with male offenders in mind and may not always be suitable for women, particularly those who have child care responsibilities. The review concludes that to date, criminal justice services have given insufficient attention to the needs of women offenders in the provision of services.

194. Community based resources such as accommodation, drug and alcohol counselling, or counselling for women who have been abused, tend to be more readily available in the larger urban areas and some resources, for example employment guidance and training, may be under used by social work services.

What is known about the effectiveness of these?

195. The credibility of community based disposals has increased markedly since the introduction of National Standards and 100% funding in 1991. Sentencers are more confident in the supervision of offenders on these sentences, the enforcement processes and the attention given to preventing further offending.

196. The findings from the British Crime Survey suggest that the public believes sentences are more lenient than is actually the case. Efforts to toughen up community sentences appear not to have led to greater public confidence in community sentences but a greater expectation of toughness for future sentences. Some academic and legal commentators have suggested that without some of the following additional measures community sentences will not be used to their full advantage:-

- reducing public expectations about what can realistically be achieved through imprisonment and increasing their awareness of other sanctions
- reducing the number of prison places, leaving only a small number of places for dangerous offenders
- cash limiting sentencing budgets and setting sentencing objectives to reduce the use of custody
- decriminalising a number of offences such as drug offences and (specifically in relation to women) prostitution and no TV licence

197. Knowledge of what works in reducing offending is growing. Results from the research on the effectiveness of work with offenders highlight the importance of well constructed programmes based within the community or if residential, linked with community based interventions. HM Inspectorate of Probation recently concluded that "certain community programmes involving the same population significantly outperform custodial sentences in reducing offending". There is no clear

evidence about the effectiveness of these programmes for women offenders (either single sex or mixed). More work needs to be done to develop programmes relevant to women's offending and needs and these programmes should be evaluated.

198.The design of most criminal justice services may make them unwelcoming to some women and may even increase the risk of harassment or abuse in some cases. Inappropriately designed services run the risk of contributing to breach of orders.

199.Attention needs to be given to the social context of women's offending and lives through, for example, increasing access to training and employment opportunities and assisting women to manage their finances to pay fines or TVlicences. More could be done to ensure that sentences are more relevant to women's needs and that they are more women friendly'. This may mean single sex community service or probation programmes (such as those already available in some areas, e.g. Greenock). It means good childcare arrangements and child friendly environments. It may mean women and children using other offices rather than criminal justice offices where sex or violent offenders might be reporting. It may mean that supervision programmes are designed to take account of women's different experiences in areas such as domestic violence, money management, social and life skills and drug misuse. It may mean applying national standards in ways that take account of women's domestic and childcare responsibilities. For example, an 8.45 am community service start may not be feasible for a woman who normally takes her children to school. Having a husband or partner at home who could (and perhaps should) do this task does not necessarily mean that he will or that the woman has any control over this.

The scope for greater use of these disposals and for their further development.

200.The scope for better use of community sentences/resources is significant, given the rate of imprisonment for women who do not seem to pose a threat to the community. We have identified the 3 routes (Figure 8 on page 23) by which vulnerable women may come into custody as follows:-

- on remand prior to conviction or sentence;
- in default of fines; and
- on direct sentence.

Differing approaches are required to impact on each of these routes. By reducing the number of admissions by any or all of these routes, it should be possible to free up more prison officer time to work effectively with the remaining population of prisoners.

Use of custodial remand

201.On any day, about a quarter of the women in prison in Scotland are on remand. Most will have been charged with relatively minor offences, but will have a previous history of breaching bail conditions (again, usually through the commission of minor offences) or of failure to attend court when ordained to appear. They may lead chaotic lives, lack stable accommodation and therefore, be thought likely to be at risk of further offending.

202.Even a short period on remand in custody can be a traumatic experience for vulnerable young women whose lives are characterised by drug misuse or emotional, physical or sexual abuse, such as has been found in the most recent study of women prisoners in Cornton Vale. Separation from family or friends, removal or reduction of drug supports and the inherent uncertainty of their situation will all lead to additional stress on such vulnerable people. It can be no coincidence that 5 of the 7 recent deaths in Cornton Vale were of young women on remand.

203.Sentencers are understandably reluctant to release on bail, people who have previously failed to comply with bail conditions or who are thought unlikely to comply because of their social situations.

204.Supervision on bail provides an opportunity to try to engage some vulnerable offenders into programmes to address

particular problems associated with their offending, particularly substance misuse, using the crisis of a forthcoming court appearance as a lever to increase motivation.

205. Many of these ideas have already been taken forward in Glasgow. A pilot bail supervision scheme has been operating at Glasgow Sheriff Court since July 1994 and additional funding was made available by The Scottish Office to extend this scheme to the Stipendiary Court from February 1998. Initial indications are that there has been a high uptake of this service in the early weeks. Resources have also been provided to extend the availability of bail accommodation in Glasgow, with priority for such accommodation being given to women drug misusers who might otherwise be remanded to Cornton Vale. The Scottish Office has also provided funding to enable Glasgow City Council to purchase from Turning Point a range of services for drug-misusing women offenders described earlier in this report. These initiatives provide a useful way forward and will need to be closely monitored to establish the level of impact they make on the use of custodial remands from Glasgow courts.

206. The current bail supervision schemes in the 2 courts in Glasgow are directed towards avoiding the use of custodial remand at the alleged offender's first appearance in court to answer the charge. They provide a rapid assessment on the day of the court appearance and can divert from custody at the earliest opportunity. In Edinburgh the bail scheme, by contrast, is targeted on accused persons who have been remanded in custody, but who might be released on bail subject to the availability of bail supervision and support services. This scheme involves a lengthy and detailed assessment process, undertaken during an initial period of custodial remand.

207. We think there are advantages to both models and that there is scope to operate both models within the same court - in effect, offering a first stage and second stage opportunity to divert from custodial remand. Such a two stage approach would have particular advantages in Glasgow, by offering a further opportunity to divert vulnerable women offenders from custody once they have been remanded. To be effective, a second stage model of this nature would have to be able to deliver a rapid assessment to the court, in order to minimise the potentially damaging effects of a period of remand. As with the Edinburgh scheme this would entail the presence of a bail information officer in Cornton Vale. The worker might be based in Glasgow and attend Cornton Vale on the day following any custodial remand from Glasgow, or might be based in the prison with a wider remit to link to other courts in the West of Scotland.

Fine Default and The Use of Fines

208. A long-term problem of the criminal justice system as a whole is the number of fine defaulters who are imprisoned. Although there have been fluctuations in receptions for fine default, the overall proportion of prison receptions for fine default has been described recently by one commentator as being very high by international standards. As we have noted earlier, the proportion of prison receptions of women in default of fines is higher still, accounting for 52% of all sentenced women receptions into prison in 1995 (though some estimates suggest that between 14% and 20% of all receptions for fine default relate to people already serving concurrent or consecutive custodial sentences). Reducing fine default will not substantially alter the average daily prison population, but it will impact on the numbers of women being received into custody, freeing prison staff resources to give greater attention to other vulnerable women at the point of reception.

209. When considering how to impact on the numbers of women sentenced to custody for fine default, we noted that 143 fine default receptions into prison in 1996 were for prostitution-related offences. Many of these women will be working as prostitutes in order to obtain money to maintain drug habits and may find themselves caught in a cycle of re-offending to pay off fines as well as to buy drugs. In 1995, 743 women (and no men) were convicted of prostitution-related offences. Of these, 5 were convicted in Edinburgh, 96 in Aberdeen and 642 in Glasgow.

210. We understand that these figures reflect long-standing differences in local policies in dealing with prostitution and its related activities and it may be worth looking at these in detail to see if any lessons can be learned in informing longer-term policy aimed at reducing the use of custody for women offenders.

Effectiveness

211. Women sentenced to custody for fine default for prostitution offences are likely to be imprisoned for very short periods of time with little impact on their behaviour. However, the resources required to process them through the criminal justice system and receive them into prison are considerable and methods to reduce the numbers being prosecuted should be considered further by police and local authorities.

212. There is merit in considering again the introduction of a unit fine system. Although such schemes do have problems, in countries where they have been introduced (ie Finland, Sweden, Denmark, Germany, Austria, Portugal and France) they are considered to be an improvement. Following successful pilot schemes in 4 courts in England and Wales in the late 1980s, a unitary fine system was introduced south of the border in October 1992 but abandoned in May 1993. The failure of this approach seems to have been linked to legislative weaknesses which produced anomalies in fining, for example inappropriately high fines for certain minor offences. Concerns have also been expressed that such a system could, conversely, result in very small fines being imposed on poorer offenders, leading to court costs out of all proportion to the penalty imposed. We think that there may be value in re-examining options around the introduction of a unitary fine system, particularly one based on the day fines model used in some European jurisdictions, where fines are expressed in units of days and linked to a fixed amount of money determined by the court from within a specified range, depending on the offender's disposable income.

213. By April 1998, SAOs will be available to all courts in Scotland for use in default of fines and should further impact on the use of imprisonment for fine default, particularly in Glasgow where SAO has not been available thus far. Figures provided to the review team by Glasgow City Council, showed that in 1993 and 1994 there was a total of 475 and 330 receptions of women into custody for fine default from Glasgow courts, of which 94% and 96% respectively were from the district or Stipendiary court. SAOs will be introduced into the district and Stipendiary courts from October 1998. The outcome of The Scottish Office research into SAOs will provide important information on their impact on the use of custody for women offenders.

Community Sentences

214. There is compelling evidence suggesting that men and women offenders are dealt with differently by the criminal justice system. In particular, women seem to be made subject to probation orders at an earlier stage in their criminal careers, as a means of helping them to access a range of services they may require. Like male offenders, however, few are offered a further period of probation and may therefore appear to exhaust the range of available community sentences sooner than male offenders. In view of the minor nature of much of the offending by women and the presence of severe associated problems, a more appropriate route, in many cases, to access services might be via deferred sentence. Scottish Office funding is not available to fund programmes in association with deferred sentence and although some authorities do fund these themselves, they are not widely available at present.

215. Many women go to custody because they continue to offend, albeit in a petty way. Some may reoffend whilst subject to community disposals, such as community service and probation, and will be sent to custody for breach of these orders. Others may find themselves unable to sustain the demands of supervision over long periods of twelve months or more, but may respond positively to shorter period of supervision. Chaotic, repeat offenders, in particular, may be able to sustain the necessary commitment over shorter periods, for example a six month probation order. If short orders of this type are used effectively, linking women to the range of other supports and services they may require, the women may well feel able to continue to access those services on a voluntary basis beyond completion of a period on probation. For some women, repeated short probation orders may be necessary and appropriate. Consideration should also be given, by social workers and sentencers, to the use of a new short period of probation in appropriate cases where an offender is found to be in breach of existing probation or community service orders.

216. Most women offenders who are homeless or in unsatisfactory accommodation, need independent, safe accommodation rather than supported or supervised accommodation. This may not be available, however, particularly when bail or sentencing decisions are being made. In the interim, these women may need other types of provision before they are able to access mainstream housing. Other women, because of the risk they pose to the public, will require 24 hour supervised

accommodation and some women need accommodation that provides a high degree of support. Women who need intensive counselling for drug or alcohol problems may need to attend a residential unit.

217. Specialist accommodation, either in hostels or in supported accommodation, is available at present in Edinburgh, Glasgow and Aberdeen and a new hostel, with 24 hour supervision and a small separate wing for women, is due to open in Dundee later this year. Further expansion of specialist accommodation focusing on women offenders is also underway in Glasgow. Supported accommodation, particularly that which is identified as accommodation for offenders, is not popular with women and its underuse has been noted by one of the local authorities that provides it. Some of the facilities which accommodate women are mixed and may be unwelcoming to women, or may not take children or may be unsuitable for them. The Aberlour Trust provides residential programmes in Edinburgh and Glasgow for drug-misusing women and their children, which might provide the basis for further development.

218. Women who may be in the greatest need of both support and supervision may not be admitted to projects because of their severe drug or alcohol problems or unpleasant behaviour towards staff or other residents. Specialist and supported accommodation should be reviewed to ensure that it can accommodate, supervise and support those women who are rejected by other community resources.

What custodial arrangements are most appropriate for female offenders who require a custodial disposal?

[See also Annexes 3 and 4 for further detail]

(a) Location of prisons for women

219. The location of Cornton Vale poses difficulties for the regular maintenance of family contact, due to the distances involved in travelling from Glasgow, Edinburgh, Tayside and elsewhere. Whilst such contact is of considerable importance to prisoners of either sex, it has special relevance to women with dependent children. Distance could therefore be exacerbating feelings of isolation which are already intrinsic to any experience of imprisonment, particularly in the early stages of custody. This might also contribute to morbid contemplation and in some cases, to suicidal behaviour.

220. With the benefit of considerable hindsight, it might have been more sensible to establish a new female prison much closer to Glasgow, as this would better serve the 80% of the prisoner population and their families who presently come from that area. Alternatively, new female satellites might be made available elsewhere, in addition to those which have already been created at Inverness, Aberdeen and Dumfries.

221. The main difficulty with this approach is the considerable financial burden which any such radical solution would impose on public funds. Time is another problem for purpose-built dispersal facilities as it would take several years to obtain planning permission and then construct. Once in operation, satellites might also suffer from a lack of regime opportunities, as is already evident at Inverness, Aberdeen and Dumfries - these being difficult to generate for the comparatively small numbers of offenders involved. Nor can there be certainty that any of these proposals would eliminate suicide. We are therefore not recommending the **fundamental** dispersal of women prisoners.

222. The concentration of female prisoners at Cornton Vale does provide a much needed core' location for dealing with women offender issues as it means that a very wide range of females of differing categories and sentence lengths can be catered for at the one location.

223. We do, however, propose the establishment of a female wing at the new prison, which is currently under private construction near Kilmarnock. (It is designed to hold 500 men and is expected to open in 1999 but we understand that there are no arrangements in the contract for the custody of women. However, in our view women from Kilmarnock, Ayr, Greenock and Paisley should not be disadvantaged by being sent to Dumfries or Cornton Vale.)

224.The number of places at Inverness and Dumfries could also be reviewed with the aim of further modest expansion, though efforts to improve existing work opportunities and regime enhancement should receive priority in the interim. Although scope for expansion is limited at Aberdeen, a means should be found to eliminate the distorted practice of sending potentially suicidal women from there to Cornton Vale.

225.Anumber of further enhancements should be considered in the short and medium term at Cornton Vale. Acentral issue is that single cell accommodation is not always appropriate for vulnerable women. We therefore propose that the temporary doubling up'of prisoners should become more permanent, via the creation of double cell/bedsit accommodation. Considerable reconstruction might be involved, but this proposal is the most practical and least costly option which might help bring about an additional - and significant - culture shift.

226.The above could lead to some reduction in capacity, which the SPS would have to reconcile with future overcrowding trends in other parts of the male prison estate. This might further increase unit costs at Cornton Vale which are based on staff/prisoner ratios: it already costs 37,000 per annum to imprison one female, compared to 28,000 for a male, mainly because the estate at Cornton Vale is presently under-utilised. However, it may have to be accepted that the unique problems facing women offenders may require more expensive solutions.

(b)Suicide Strategy

227.It is hoped that the introduction of the therapeutic regime which has been introduced at Cornton Vale over the last 2 years together with the new SPS anti-suicide strategy, which is based on assessment, teamwork and throughcare, will have a significant impact on suicidal behaviour. Nevertheless, these measures are unlikely to staunch the impact which drug damaged women are having on the Institution. Other measures which might therefore be considered include:-

- The quality and speed of information about prisoners with a history of suicide should be further enhanced. Whilst paper based systems have already been introduced as a means of creating an historical data base on individual prisoners, arrangements should now be made to transfer this and other relevant data on to the Scottish Prison Information Network (SPIN). This will ensure the maximum availability of information necessary to assist in the assessment and future management of previous offenders.
- The introduction of in-cell television as a pilot anti-suicide measure should be re- considered - eg, individual TVsets in cells might have priority at the week-ends or in the evenings, where there are gaps in the regime and therefore time for morbid contemplation.
- Consideration should be given to the creation of more prisoner self-help groups and peer counselling at all locations holding women.

(c)Prison Staff

228.Upon recruitment to Cornton Vale, officers participate in the core training programme undertaken by all prison officers, of whom 95% are employed in male establishments. However, we believe that initial training and induction programmes for officers required to work with female offenders should reflect the unique aspects of managing female offenders in a secure setting.

229.The current staff gender ratio of only 55% female officers is also clearly inappropriate and further direction will be required in order to bring the ratio at Cornton Vale much closer to 70% female as quickly as possible. Consideration should also be given to the introduction of a more relaxed style of staff uniform for all locations dealing with women - as is currently being trialled in Rannoch Hall at HMYOI Polmont.

(d)Health Care/Drugs

230.Consideration is currently being given to the development of a drugs harm reduction strategy for those held in custody in all SPS establishments and it is understood that this includes consideration of a policy which will enable short-term prisoners to continue treatment with a methadone programme if this has their prescribing doctor's support (see also Annex 4). As it is

intended that such a policy, were it to be introduced, would apply equally across the SPS estate, women prisoners being held in Aberdeen, Dumfries and Inverness would have the same access to a methadone programme as those located at Cornton Vale.

231. Given that individuals' drug tolerance levels often reduce whilst they are in prison, there should be greater focus on the period close to release in order to reduce the number of women who die from fatal drug overdoses shortly after the completion of their sentence. Prisoners should, therefore, be educated about the dangers of potentially overdosing post-release and there should be a policy of having pre-liberation Case Conferences to work up a package of measures that can be instituted after individuals have been released in order to support them in addressing their addiction problems. These measures could include making arrangements for prisoners to be assessed by a Community Addictions Team after liberation. A further provision might be the need for fast tracking former female prisoners who are misusers into a methadone prescribing regime in the community.

(e) Programmes

232. The SPS is currently developing accredited prisoner programmes to address offending behaviour when this need has been identified following a formal needs/risk assessment process. These assessment processes and programmes are, however, designed solely for adult male prisoners and a similar system should, therefore, be developed to identify and address the aggregated needs of female offenders.

233. Programmes at Cornton Vale are currently over-orientated towards the needs of long-term prisoners. The balance of priority needs to be adjusted to take account of the needs of the remand and short-term convicted population, who are by far the majority and have a much higher recidivism rate.

Summary

(f) Visits

234. Visiting times at Cornton Vale should be further extended to create more family contact.

The arrangements for assessing the needs of, and for dealing with female offenders and alleged offenders at risk of serious self harm at key points in the criminal justice process and how these arrangements might be improved.

235. Vulnerable women can be identified as such by the police, social work and psychiatric services in the court setting and by prison officers at the point of custody. There is very strong evidence, however, that all except a few women who are received into Cornton Vale show some symptoms of vulnerability. Some will be at immediate risk of suicide or self harm, most will be at particular risk within 10 days of admission. Many women will, however, be at greater risk some time into their custodial experience when the impact of their situation becomes more acute and access to drugs is more difficult. Not surprisingly, therefore, many of the suicide and self harm attempts will be by women who, on initial assessment, are not considered a risk of suicide. More detail on modified reception arrangements at Cornton Vale is shown at Appendix 1 to Annex 4.

236. Whilst a fuller or better assessment before the woman arrives in custody may not of itself prevent a suicide attempt, the provision of all medical, psychiatric and social information to the prison before the end of the working day may ensure that appropriate medication is given, especially to those women who will be withdrawing from drugs; protection is given to the most vulnerable women from the bullying attentions of others; and women are reassured as soon as practicable about the care and whereabouts of their children and other dependants.

237. The contact of the psychiatric nurse from HMP Barlinnie with Glasgow Sheriff Court has considerable merit (see also paragraphs 117 and 118). The psychiatric nurse is able to contact other relevant professionals and agencies before the offender gets to the prison and is able to make recommendations about what needs to be done to reduce the risk of suicide. There are some problems with the scheme in terms of the legitimacy of the nurse's role pre sentence and it may be more

appropriately dealt with through a court based service and as part of an interdisciplinary team consisting of a psychiatric nurse, a social worker and an addictions worker.

238. Social workers in the court setting aim to interview offenders who are remanded or sentenced to custody and advise the prison of any anticipated difficulties, including risk of suicide. However, it is not always possible to interview all the offenders as the volume of other professionals, e.g. solicitors, or families needing to see the prisoner; the speed with which some offenders are taken to prison; and the volume of court business all militate against this. To achieve interviews in all cases, a number of agencies working in the courts - the police, social work services, prison officers and court staff - will need to work together to improve on current performance.

Chapter 6: Conclusions and Recommendations

The Review Team concludes that:-

- Women's offending and women offenders' needs are often different to those of men.
- The number of women offenders who are sent to prison could and **should** be reduced.
- The public must be protected from violent criminals and given relief from persistent criminals. However, less than 1% of female convictions are for violent offences and very few of the women sent to prison are violent offenders. A significant number of women imprisoned for relatively petty offences are first offenders. The majority of women in custody are either held on remand, or are imprisoned because of failing to comply with a community sentence.
- Women's offending frequently relates to drug abuse and is often rooted in poverty and in this respect, they are no different to many males. However, the offences they commit, for example prostitution, may make them more susceptible to fines. Up to 52% of female prison sentenced admissions are fine defaulters.
- Community service is used less frequently for women. For example, in 1995 only 2% of women offenders were sentenced to community service, compared with 4% of men.
- A high proportion of women offenders suffer from an additional history of emotional, physical and sexual abuse. Many are vulnerable to suicide attempts, with imprisonment possibly becoming the final trigger for acts of extreme desperation.
- Whilst no one reason for suicide in prison emerges from recent Fatal Accident Inquiries, a history of drug abuse and withdrawal problems shortly after being locked up is, with few exceptions, a common factor for both remand and convicted prisoners.
- More women offenders than men will have dependent children living with them and these women are likely to be lone parents.
- Separation/isolation from family may be a factor which leads individuals to consider suicide but the fundamental dispersal of women prisoners has been discounted at this stage. That said, an opportunity does exist for the creation of an additional female wing in the new prison near Kilmarnock, which would better serve women offenders from areas south west of Glasgow.
- The only relatively sure method of reducing the number of suicide attempts in custody is to make a significant reduction in the number of women being imprisoned, via a twin track strategy:-

(i) More Options in the Community

- A major thrust should be towards the provision of bail information and support, supported accommodation and other options. Additionally, alternatives to or diversions from custody and deferred sentences should be available to and suitable for convicted female offenders. In all cases, provision should be made for proper child care arrangements.
- Females who are under 18 and who are in need of a custodial environment should be held in local authority secure accommodation.
- Wherever possible, those with major drug problems and mentally disordered offenders should not be sent to prison. There should also be ease of access to pre and post sentencing psychiatric/psychological support for such individuals.

(ii) Fewer Prison Places

- Whilst Cornton Vale is a well run prison committed to the continuous improvement of its regime and practices, the number of cells available should be reduced over the next eighteen months. This could be achieved in part by adaptations to create many more permanent double cells/bed-sit accommodation, with priority being given to remands. This relatively inexpensive measure would provide much needed mutual support for vulnerable women.
- The aim of these joint strategies should be to limit the female population at Cornton Vale from over 170 to 100 or less on a daily basis by the end of the year 2000. There should then be regular reviews with the aim

of keeping the numbers in prison restricted to those who pose a real threat to the community rather than themselves.

- Some of the conclusions in this study might equally apply to males. However, given the small number of women involved, the measures outlined in this report could first be more easily achieved and make a significant difference to one section of the prison population. Equally, society may have to accept that effective community penalties for women offenders are expensive; however, sending women to prison is more costly both in financial terms and in the loss of young lives and damage to many others.

RECOMMENDATIONS

We make seven recommendations to take forward action.

Recommendation 1

The Scottish Office should examine whether increased services are required, particularly in the West of Scotland, to support court decision-making about the use of bail.

1. If sentencers are to have confidence in the use of bail in preference to custodial remand, the necessary supporting services, including information, appropriate accommodation, supervision, etc., must be in place and be seen to be effective.
2. Bail supervision and specialist bail accommodation for women in the West of Scotland in particular may need to be expanded, as has already happened in Glasgow. In some cases, for example, where a person has a significant history of failure to comply with bail conditions, these services might be associated with electronic monitoring as a condition of bail with the bailed person's consent. (Under existing legislation, use of electronic monitoring in association with bail could only be undertaken with an offender's consent.) Logistical difficulties and tight timescales are likely to preclude the use of electronic monitoring of bailees in their own homes, but linking use to a requirement to reside in specific bail accommodation, coupled with supervision during such a period, could offer courts a viable option for the avoidance of custodial remands.
3. Information should be available to prisoners in Cornton Vale about bail schemes. Staff there, working with field social workers, should be able to put together a package of information, accommodation and supervision which would allow some women to be released on bail after only a very short period on remand. This would offer a second opportunity to women who were refused bail when they first appeared in court.

Recommendation 2

The Scottish Office should consult with the courts and local authorities on what more could be done to reduce the numbers of women defaulting on their fines and the numbers of women being received into custody as a result. In particular, The Scottish Office should examine:

- the circumstances in which fines are imposed on women, including the types of offence, particularly offences associated with the sex industry and failure to buy a TV licence;
- the scope for reducing the numbers of people who default on fines, for example through the introduction of unitary fines based on a day fines system, or other measures; and
- the impact of Supervised Attendance Orders on receptions into custody for fine default.

4. Table C4 in Annex 2 shows that, of the offences resulting in the reception of women into custody for fine default, one of the most frequent is other sexual which accounted for 143 receptions in 1996. In virtually all of these cases, the original offence will have been soliciting for the purposes of prostitution. We have referred already in this report to the differing approaches adopted towards the policing of prostitution in major Scottish cities and the impact this may have on the usage of fines in relation to women offenders.

5. In Scotland, sentencers are required by law to take account of an offender's means before imposing a fine, but it appears from the incidence of fine default that a small, but significant, proportion of offenders, particularly those with multiple fines, may be simply unable to meet their financial obligations. The fine is a very useful penalty for sentencers and appropriate for the great majority of offenders but it seems at least possible that adoption of a unitary fine approach, based around day fines, could retain the flexibility and value of the disposal for the majority, whilst keeping the level of the fine more closely in line with the means of the poorest.

6. Although imprisonment remains the penalty of last resort in respect of breach of SAOs, the introduction of this unique disposal and its availability throughout Scotland by early 1998, offers a good opportunity to reduce the incidence of imprisonment for fine default. In particular, providers of SAO schemes must ensure that the content of orders takes account of the needs and circumstances of women who cannot pay their fines. If the programmes are well focused on factors relevant to women's financial difficulties, women's breach rates will be kept as low as possible.

7. The planned evaluation of the SAO schemes should include examination of the number and length of custodial sentences imposed on men and women for breach.

Recommendation 3

An inter-agency project should be set up in Glasgow under the direction of a high level Steering Group to bring together all the main partners in the criminal justice system, both in the public and independent sector, to resolve at a local level the issues identified in this report. Participants should include social work, housing providers, the Procurator Fiscal service, sentencers (including the Stipendiary Magistrate), Sheriff Clerks, the police, health services, the SPS and key voluntary sector agencies.

8. The Group should address issues concerning:

- the gathering, provision and exchange of information at key stages throughout the criminal justice process and particularly in respect of women remanded or sentenced to custody;
- the availability of information, accommodation, supervision and support services to assist the use of bail wherever possible;
- the development of an integrated, inter-agency approach to assessment and service provision;
- the development of effective throughcare services for imprisoned drug-misusing women, including speedy access to a methadone prescribing regime, where appropriate, on release from custody;
- the provision of community-based diversion and non-custodial disposals which address the needs and circumstances of women offenders; and
- lessons which might be passed on to other areas of Scotland.

9. The Steering Group should commission an action plan which sets out aims, objectives, outcome focused targets and monitoring and evaluation arrangements. The project should be time limited to 3 years in the first instance.

10. Considerable efforts have been made by a number of key agencies in Glasgow to impact on the high numbers of vulnerable women received into custody from the Glasgow area. Some of the most recent initiatives have still to bear fruit, but it seems likely that Glasgow courts will continue to deal with the greatest proportion of women offenders and that

women from the Glasgow area will continue to be the largest single group within Cornton Vale.

11. On this basis, there is considerable merit in the development of an integrated strategic approach to women's offending in Glasgow which might provide a model for replication in other major population centres.

Recommendation 4

All local authorities should review their arrangements to ensure that criminal justice social work services are tailored to work with women offenders, and should report the outcome of their reviews to SWSI by the end of November 1998.

12. The review should take account of the issues raised in this Report and should examine the need to change ways in which existing resources are deployed, in order to deal more effectively with the particular issues raised by women offenders. The review should focus on ensuring the provision of quality information at key points throughout the criminal justice process, in order to maximise opportunities for dealing with women offenders at the earliest point in that process, and on ensuring the delivery of appropriate services to reduce the risk of breach when community disposals are imposed by the courts. As part of the review, local authorities should maximise the opportunities and resources which might be available to them by virtue of the location of criminal justice social work services within a unitary authority.

13. Key areas to be addressed in the review will be:

- the provision of information to assist diversion by procurators fiscal and to the courts to enable the greatest possible use of community based options. Local authorities should pay particular attention to dealing with the different approaches to the preparation of Social Enquiry Reports on male and female offenders discussed in this report;
- the assessment of women's circumstances and needs to inform the provision of appropriate community based options to address women's offending, from as early as possible in the criminal justice process through to sentence. These options should be based on identification of local patterns and trends in women's offending and on the most up to date knowledge about women's offending;
- the provision of service to women, including community service placements, that are safe and welcoming to women and where appropriate, their children;
- ensuring that supervision services address offending behaviour, the underlying problems that contribute to that behaviour and the barriers to stopping offending;
- where women are sent to custody on remand or sentence, the provision of post-sentence interviews to assist in the assessment or risk of self-harm or suicide and the provision of through and aftercare services irrespective of the length of sentence; and
- an evaluation of the effectiveness of these services.

Recommendation 5

Information currently collected by The Scottish Office, local authorities and others, should separately identify data relating to women offenders. The Scottish Office should collate and publish statistics on women offenders from the year 2000 onwards.

14. The Scottish Office publishes information about gender and criminal justice under section 306 of the Criminal Procedure (Scotland) Act 1995 but at present, there is little information readily available about women's offending. For example, prostitution-related offences are categorised as a crime of indecency, which includes sexual assaults, whilst failing to have a TV licence is a miscellaneous offence. Therefore, the nature of women's offending is not readily visible or understood, especially as the number of women offenders is so small compared to men. Although the review team was able to access detailed information from The Scottish Office, most of the data requested was not currently published..

15. In the absence of good public information, single incidents about women offenders can lead to misinformation about the nature of women's offending and the punishments they receive. This makes it hard for service providers to form a clear view about how well their services are targeted and how effective they may be. Criminal justice statistics produced by the Government on offending should separate statistics on men and women so that the nature and volume of women's offending and the sentences they receive is clear. Data on individual courts should continue to be published and local communities should have information on local sentencing practice, the cost of sentences and sentencing outcomes.

Recommendation 6

The Scottish Office should consult on how to ensure that by the year 2000, young women under 18 years of age are not held in prison establishments and on how and by when to achieve the same for males under 18. Young people under 18 who require a custodial environment should be held in secure accommodation.

16. Inspections, Fatal Accident Inquiries and various other reviews have underlined the vulnerability of many women offenders, and females aged under 18 are especially vulnerable. These factors apply also for males under 18 and we believe that it is time to re-consider whether offenders under the age of 18 should be dealt with through adult courts and in adult penal establishments. Young people under 18 are open to bullying and are more in need of education; they are also subject to pressure by others, are most amenable to the introduction of criminal ideas and possibly more vulnerable to suicide.

17. "For the purposes of the UN Convention on the Rights of the Child, those who are under 18 are defined as being children unless domestic law, such as in Scotland, stipulates a lower age. Nonetheless, we believe that all young people under 18 who require to be held in secure conditions should be the responsibility of the local authority social work department rather than be exposed to prison."

Recommendation 7.

The Scottish Prison Service should forthwith revise its estates strategy for women and implement a number of other measures, via the following:

- **The recently introduced initiative of doubling up some prisoners should become a permanent arrangement, by the adaptation to buildings at Cornton Vale.**
 - **Facilities for women offenders from the West of Scotland should be created at HMP Kilmarnock; additionally, the existing facilities at Inverness and Dumfries could be reviewed with a view to modest expansion.**
 - **The various subsidiary proposals at paragraphs 225-234 should be actioned by no later than the end of 1999.**
-
-

Annex 1: Methodology

A Review Team was assembled in early December 1997 and advised by a Steering Group. Their composition is shown in Appendix 1.

We invited local authorities, voluntary sector agencies and other key interest groups to submit information and their views about female offenders. Their comments have informed the context of this report and a consolidated list of those who replied is shown at Appendix 2.

We have also made extensive use of current literature reports and research material in this area - see bibliography at Appendix 3.

Statistical Data was supplied by The Scottish Office Civil and Criminal Justice Statistics Division.

Appendix 1: Steering Group on Review of the Use of Community Disposals and Custody for Women Offenders in Scotland

Members

*Clive Fairweather, Chief Inspector	HM Inspectorate of Prisons
*Angus Skinner, Chief Inspector	SWSI
*Val Cox, Assistant Chief Inspector	SWSI
*Stella Perrott, Inspector	SWSI
Valerie Macniven, Head of Division	SWSG 1
*Dr Fiona Paterson, Principal Research Officer	CRU, SWSG
*Duncan Gourlay, Researcher	CRU, SWSG
Dr Anne MacDonald, Principal Medical Officer	ME, Medical Staff
*Dr Nancy Loucks, Researcher	Independent
Peter Withers, Area Director	SPS, Directorate of Prisons
Dr Jim Carnie, Research Manager	SPS, Directorate of Strategy
Anna H Thomson, M & A Team	SWSI

Other administrative and clerical support provided by:-

Brian Henaghen	HM Inspectorate of Prisons
Janet Reid	HM Inspectorate of Prisons

* Members of Review team.

Appendix 2: Women Offenders Review - Consultees

Local Authority Social Work Departments All Social Work Departments were consulted and the following responded:

Aberdeenshire Council
 Angus Council
 City of Edinburgh Council
 City of Glasgow Council
 Clackmannanshire Council
 Dundee City Council
 East Ayrshire Council
 East Dunbartonshire Council
 East Lothian Council
 Fife Council
 Inverclyde Council
 Moray Council
 North Ayrshire Council
 Orkney Islands Council
 Perth & Kinross Council
 Renfrewshire Council
 Shetland Islands Council
 South Ayrshire Council
 South Lanarkshire Council
 Stirling Council
 The Highland Council
 West Lothian Council

Individuals

Jim and Anne Bolland (Parents)
 Lady Martha Bruce, (Ex Governor Cornton Vale)
 Dr Sylvia Casale, Criminologist
 Professor David J Cooke, Psychology Services, Greater Glasgow Health Board
 Susan Donald, BBC Scotland, Glasgow
 Mrs Kate Donegan, Governor In Charge, HM Institution Cornton Vale
 Professor John Gunn
 Dr David Jolliffe, SPS Medical Adviser
 Ian MacFadyen, Social Work Services, HM Institution Cornton Vale
 Sheriff Principal John McGuire, Perth Sheriff Court
 Ann McGuire, MP
 Dr Jim McGregor, GP, Alloa Health Centre
 Dr Gill McIvor, Social Work Research Centre
 Dougie Paterson, Simpson House, Edinburgh
 Dr Kevin Power, Department of Psychology, University of Stirling
 Dr Kennedy Roberts, Medical Officer, HM Institution Cornton Vale
 G Barclay Robertson, Member of Public
 Mr Hamish Ross, Governor In Charge, HM Prison, Inverness
 Mrs M.B. Russell, JP, MA, Chairperson, Cornton Vale Over 21's Visiting Committee

Mrs S. M. Semple, Clerk to HM Institution Cornton Vale Under 21's Visiting Committee
Mr George Taylor, Governor In Charge, HM Young Offenders Institution, Dumfries

Voluntary Sector and Other organisations

Aberlour Child Care Trust
Airborne Initiative, Abington
Alcohol Concern
APEX Scotland
Argyll Community Centre
Association of Chief Police Officers in Scotland
Association of Directors of Social Work
Barnardo's Scotland
Central Scotland Rape Crisis
Children 1st
Drugs Action Team Association
Dundee Rape Crisis Centre/Young Women's Project
Edinburgh Rape Crisis Centre
Hereford and Worcester Probation Service (ASHAWomen's Centre)
HM Inspectorate of Prisons, London
HM Prison Service, London
Kids VIPCo-ordinator, Ayrshire
Mental Welfare Commission for Scotland
NACRO (London)
NCH Action for Children (Scotland)
North East London Probation Service (Women's Probation Centre)
North Mersey Community (NHS) Trust (Liverpool Mental Health Criminal Justice Liaison Scheme)
One Parent Families Scotland
Open Secret, Falkirk
Pathway Outreach Project
Penumbra
Prison Reform Trust
Royal College of General Practitioners (Scottish Council)
Salvation Army, Edinburgh
Samaritans Edinburgh
Save the Children (Scotland)
Scottish Association for Mental Health
Scottish Association for the Care and Resettlement of Offenders (SACRO)
Scottish Council for Single Homeless
Scottish Council of Voluntary Organisations
Scottish Council on Alcohol
Scottish Drugs Forum
Scottish Episcopal Church
Scottish Forum on Prisoners and Families
Scottish Howard League of Penal Reform
Scottish Human Rights Centre, Glasgow
Scottish Prison Complaints Commissioner
Scottish Women's Aid
Sheriffs' Association
The Centre for Residential Child Care
The Centre for the Study of the Child and Society
The Community Drug Problem Service
The Howard League, London
The Parole Board for Scotland
The Samaritans

The State Hospital, Carstairs
The Talbot Association
Turning Point Scotland
Victim Support Scotland
Who Cares? Scotland
Women's Resource Centre - Glasgow
Women's Support Group
Women's Support Project , Glasgow
Young Women's Project

Appendix 3: Bibliography

Government publications

- Brown, L. and Levy, L., **Social Work and Criminal Justice Volume 4 - Sentencer Decision- Making**, Edinburgh: The Stationery Office, 1998.
- Central Research Unit, **Social Work and Criminal Justice: Volume 4 - Sentencer Decision- Making**, Edinburgh: Scottish Office, 1997.
- Civil and Criminal Justice Statistics Unit, **Gender, Race and the Scottish Criminal Justice System 1995, Scottish Office Publication under Section 306 of the Criminal Procedure (Scotland) Act 1995**, Edinburgh: The Scottish Office, 1997.
- Civil and Criminal Justice Unit, **Statistical Bulletin, Criminal Justice Series: Prison Statistics Scotland, 1995**, Edinburgh: The Scottish Office, 1996.
- Department of Health, **Planning and Provision of Drug Misuse Services**, Edinburgh: The Scottish Office, 1998.
- Department of Health, **The Task Force to Review Services for Drug Misusers: Report of an Independent Survey of Drug Treatment Services in England**, London: DoH, 1996.
- Gelsthorpe, L., **Social Enquiry Reports: Race and Gender Considerations**, Home Office Research Bulletin, No 32, London: Home Office, 1992.
- Gunn, J., Maden, A., and Swinton, M., **Mentally Disturbed Prisoners**, London: Home Office, 1991.
- Hardin, J., **Experimental Bail Supervision Service Evaluation**, Edinburgh: Central Research Unit (forthcoming).
- Hedderman, C., **The Effect of Defendants' Demeanour on Sentencing in Magistrates' Courts**, Home Office Research Bulletin No. 29, London: Home Office, 1990.
- Hedderman, C. and Gelsthorpe, L. (Eds.), **Understanding the Sentencing of Women**, Home Office Research Study 170, London: Home Office, 1997.
- Hedderman, C. and Hough, M., **Does the Criminal Justice System Treat Men and Women Differently?**, Home Office Research Findings No. 10, London: Home Office, 1994.
- HMCIP(England and Wales), **Suicide and Self-Harm in Prisons in England and Wales**, London: Home Office, 1990.
- HMCIP(England and Wales), **Report - HMP Holloway**, London: Home Office, February 1997.
- HMCIP(England and Wales), **Thematic Inspection - Report on Women Offenders and Probation Service Provision**, Home Office: London, 1997.
- HMCIP(England and Wales), **Women in Prison: A Thematic Review by HM Chief Inspector of Prisons**, London: Home Office, 1997.
- HMCIP(Scotland), **Formal Inspection - HMP Aberdeen**, Edinburgh: The Scottish Office, November 1997.
- HMCIP(Scotland), **Formal Report - HM Institution Cornton Vale**, Edinburgh: The Scottish Office, May 1996.
- HMCIP(Scotland), **Intermediate Inspection - HM Institution Cornton Vale**, Edinburgh: The Scottish Office, May 1995.

HMCIP(Scotland), **Intermediate Inspection - HM Institution Cornton Vale** , Edinburgh: The Scottish Office, June 1997.

HMCIP(Scotland), **Intermediate Inspection - HMPDumfries** , Edinburgh: The Scottish Office, August 1997.

HMCIP(Scotland), **Intermediate Inspection - HMPInverness** , Edinburgh: The Scottish Office, November 1997.

HMCIP(Scotland), **Thematic Study - Custody and Training of Female Prisoners and Young Offenders in Scotland**, The Scottish Office: Edinburgh, April 1995.

HMICIP(England and Wales), **Young Prisoners: AThematic Review** , London: Home Office, 1997.

HMIP, **Strategies forEffective OffenderSupervision** ,London: Home Office, 1998.

Home Office, **Report of the Working Group on Suicide Prevention** , London: HMSO, 1986.

Home Office, **Treatment of Women and Girls in Custody**, London: HMSO, 1970.

Hough, M. and Roberts, J., **Attitudes to Punishment: Findings from the British Crime Survey**, Home Office Research Study 179, London: Home Office, 1998.

Leibling, A., and Krarup, H., **Suicide Attempts in Male Prisons** , London: Home Office, 1993.

Loucks, N., **HMPCornton Vale: Research into Drugs and Alcohol, Violence and Bullying, Suicide and Self-Injury, and Backgrounds of Abuse**, Edinburgh: Scottish Prison Service, 1998.

Morris, A., et al., **Managing the Needs of Female Prisoners**, London:Home Office Publications Unit, 1995.

Mortimer, E and May, C., **Electronic Monitoring in Practice: The second Yearof the Trials of Curfew Orders**, Home Office Research Study 177,London: Home Office, 1996.

Paterson, F. and Tombs, J., **Social Work and Criminal Justice Volume 1 - The Impact of Policy**;; Edinburgh: The Stationery Office, 1998.

Power, K., **An Evaluation of the SPS Suicide Prevention Strategy**, Scottish Prison Service Occasional Paper No.1/1997,Edinburgh: Scottish Prison Service, 1997.

Scottish Affairs Committee, **Drug Abuse in Scotland**, London: HMSO, 1994.

Social Work Services Group, **National Objectives and Standards forSocial Work Services in the Criminal Justice System** ,Edinburgh: The Scottish Office, 1991.

Social Work Services Inspectorate, **APositive Penalty: The Report of an Inspection of Community Service Placements in Aberdeednshire, Dundee and Falkirk**, Edinburgh: The Scottish Office, 1997.

Social Work Services Inspectorate, **Helping the Court Decide: Report of an Inspection of Social Enquiry Reports forthe Criminal Courts** , Edinburgh: The Scottish Office, 1996.

The Audit Commission, **Misspent Youth: Young People and Crime** , London: 1996.

Young, P., **Crime and Criminal Justice in Scotland** ,Edinburgh: The Scottish Office, Central Research Unit, 1994.

Other publications

Aderibigbe, Y. Arboleda-Florez, J. Crisante, A., Reflections on the Sociodemographic and Medicolegal Profiles of Female Criminal Defendants, **International Journal of Offender Therapy and Comparative Criminology**, Vol. 40 (1), pp74-84, 1996.

Allen , C., Seeking Help for Drinking Problems from a Community- based Voluntary Agency: Patterns of Compliance Amongst Men and Women, **British Journal of Addiction** , Vol., 82, No. 10, pp 1143-1147,1987.

- Belcourt, R., Nouwens, T. and Lefebvre, L. ., **Examining the Unexamined: Recidivism Among Female Offenders**, Correctional Service of Canada: Research and Statistics Branch, Vol.5, No3, 1993.
- Berzins, L., and Cooper, S. The Political Economy of Correctional Planning for Women: The Case of the Bankrupt Bureaucracy, **Canadian Journal of Criminology**, Vol.24(4), pp 399- 416, 1982.
- Blom-Cooper, L., **The Penalty of Imprisonment, London** : Prison Reform Trust and Howard League for Penal Reform, 1988.
- Bonta, J. Pang, B. and Wallace-Capretta, S., Predictors of Recidivism Among Incarcerated Female Offenders, **The Prison Journal**, Vol. 75, No 3, pp 277-94, 1995.
- Boswell, D.G. ., **Violent Victims: The Prevelence of Abuse and Loss in the Lives of Section 53 Offenders**, London: Princes Trust, 1995.
- Bottoms, A.E., Limiting Prison Use - Experience in England and Wales, **Howard Journal of Criminal Justice**, Vol. 26 No.3, pp177-202, 1987.
- Buchanan, J., Collett, S. and McMullen, P., Challenging Practice of Challenging Women? Female Offending and Illicit Drug Use, **Probation Journal** Vol. 3, No. 2, pp 56-62, 1991.
- Cario, R., Women and Crime about Women's Positive Resistance to Crime, **Eurocriminology**, Vol. 10, pp185-200, 1996.
- Carlen, P., **Alternatives to Women's Imprisonment** , Milton Keynes: Open University Press, 1990.
- Carlen, P., Feminist Jurisprudence - or Women-Wise Penology?, **Probation Journal**, Vol. 36, No. 3, pp 110-114, 1989.
- Carlen, P., **Women's Imprisonment, A Study in Social Control**, London: Routledge and Kegan Paul, 1983.
- Carlen, P., Women's Imprisonment: Current Issues, **Prison Service Journal**, No 70, pp 7-12, 1988.
- Carlen, P., **Women, Crime and Poverty** ,Milton Keynes: Open University Press, 1988.
- Casale, S., Women Remand Prisoners, **Prison Service Journal**, No 115, 1998.
- Catan, L., Infants with Mothers, in Shaw, R., **Prisoner's Children: What are the issues?** , London: Routledge, 1992.
- Cook, D., **Poverty, Crime and Punishment** , London: Child Poverty Action Group, 1997.
- Clear, T.R., Evaluating Intensive Probation: The American Experience, in Mair, G. (Ed.), **Evaluating the Effectiveness of Community Penalties** , Aldershot: Avebury, 1997.
- Darke, J. The Violent Female Offender, in MacLatchie, J. M., (Ed.), **Insights into Contemporary Canadian Society** , Ottawa: John Howard Society of Canada, 1987.
- Dibblin, J., Wherever I Lay My Hat: **Young Women and Homelessness** , Shelter, 1991.
- Dickie, D., **Women Offenders and Social Enquiry Reports, A Study of Women and Social Work Practice in Lothian** , University of Stirling, 1995.
- Dominelli, Lena, Differential Justice: Domestic Labour, Communitiy Service and Female Offenders, **Probation Journal** , Vol. 31, No.3, 1984.
- Dooley, E., Non-Natural Deaths in Prison, **British Journal of Criminology** , Vol. 30, pp 229- 34, 1990.
- Duff, P., Diversion from Prosecution Into Psychiatric Care: Who controls the Gates?, **British Journal of Criminology** , Vol 37, No 1, 1997.
- Eaton, M., **Justice for Women? Family, Court and Social Control** , Milton Keynes: Open University, 1986.
- Eaton, M., **Women After Prison** , Buckingham: Open University Press, 1993 Farrington, D. P. and Morris, A. M., Sex, Sentencing and Reconviction, **British Journal of Criminology** , 23, pp 229-48, 1983.

Farrington, D., Human Development and Criminal Careers, in Maguire, M., Morgan, R., and Reiner, R., (Eds.), **The Oxford Handbook of Criminology** , Oxford: Oxford University Press, 1994.

Farrington, David P., **Understanding and Preventing Youth Crime**, York: Joseph Rowntree Foundation, 1996.

Fatal Accident Enquiry Determinations, (Sheriff Principal McGuire), November 1997.

Fogel, C. I., Hard Time: The Stressful Nature of Incarceration for Women, **Issues in Mental Health Nursing** , 14(4), pp 367-77, 1993.

Francis, J., Women Prisoners: Jail Brake, **Community Care Bulletin** , September 1995, pp 24.

Gelsthorpe, L. and Loucks, N., The Remanding and Sentencing of Female Offenders in Magistrates' Courts: Views from the Bench, **Justice of the Peace & Local Government Law**, Vol. 161, 1997.

Genders, E. and Player, E., Women in Prison: The Treatment, The Control and the Experiences in Carlen, P. and Worrall, A. (Eds.), **Gender, Crime and Justice** , Milton Keynes: Open University Press, 1987.

Gilligan, C., **In a Different Voice** , Cambridge, Mass: Harvard University Press, 1982.

Gow, S. and Menhennet, L., Working Space, Wings: Women in Newcastle Groups Support, **Youth and Policy** , No. 48, pp 89-94, 1995.

Green, S. et.al., Female Streetworker Prostitutes in Glasgow: A Descriptive Study of their Lifestyle, in **AIDS Care** , Vol. 5 (3), pp 321-35, 1993.

Hall, W., The Role of Legal Coercion in the Treatment of Offenders with Alcohol and Heroin Problems, **Australian and New Zealand Journal of Criminology** , 1997.

Hannah-Moffat, K., Creating Choices or Repeating History: Canadian Female Offenders and Correction Reform, **Social Justice Journal** , Vol. 8 No 3, pp 184-203, 1991.

Hannah-Moffat, K., Feminine Fortresses: Woman-Centred Prisons?, **The Prison Journal** , Vol 75, No2, pp 135-165, 1995.

Harvey, L., Burnham, R. W., Kendall, K. and Pease, K. Gender Differences in Criminal Justice: An International Comparison, **British Journal of Criminology** , Vol. 32, No. 2, pp 208-217, 1992.

Hatch, A. and Faith, K., The Female Offender in Canada: A Statistical Profile, **Canadian Journal of Women and the Law** 3, pp 432-456, 1989.

Hedderman, C., Decision-making in Court: Observing the Sentencing of Men and Women, **Psychology, Crime & Law** , Vol 1, pp 165-173, 1994.

Hough, M., People Talking About Punishment, **Howard Journal** , Vol. 35, No. 3. pp 191-214, 1996.

Howard League, Lost Inside: **The Imprisonment of Teenage Girls** , Report of the Howard League Inquiry into the Use of Prison Custody for Girls Aged Under 18, 1997.

Ingram-Fogel, C., Health Problems and Needs of Incarcerated Women, **Journal of Prison and Jail Health** Vol. 10(1), pp 43-57, 1991.

Institute of Psychiatry, University of London Review: **Suicide, Prevention in Scottish Prisons**, 1996.

Jones, M., Mordecai, M. and Thomas, L., The Miskin Model of Groupwork with Women Offenders, **Groupwork**, Vol. 4 (3), pp 215-30, 1991.

Kendall, K., Literature Review of Therapeutic Services for Women in Prison: Companion Volume I to Program Evaluation of Therapeutic Services at the Prison for Women, **Correctional Services Canada**, 1993.

Kessler, R., Brown, R., and Browman, C., Sex Differences in Psychiatric Help-Seeking: Evidence from Four Large-Scale Surveys, **Journal of Health and Social Behaviour**, 22, pp 49-64, 1981.

Leibling, A., Suicide amongst Women Prisoners, **Howard Journal of Criminal Justice** , Vol. 33(1), Leibling, A., **Suicides**

in **Prison**, London: Routledge, 1992.

Lightfoot, L., and Lambert, L., **Substances Abuse Treatment Needs of Federally Sentenced Women: Technical Report No 2** . Correctional Services Canada, 1992.

Maden, A., Swinton, M., and Gunn, J., Women in Prison and the Use of Illicit Drugs Before Arrest, **British Medical Journal** , Vol. 301, 1990.

Maden, A., Swinton, M., and Gunn, J., A Criminological and Psychiatric Survey of Women Serving a Prison Sentence, **British Journal of Criminology** , 34(2), pp 172-91, 1994.

Maden, T., Swinton, M. and Gunn, J., Therapeutic Community Treatment: A Survey of Unmet Need Among Sentenced Prisoners, **Therapeutic Communities**, Vol 15 (4), pp 229-36, 1994.

Mair, G. and Brockington, N., Female Offenders and the Probation Service, **The Howard Journal**, Vol 27 (2), pp 117-26, 1988.

Mair, G., et al., **Evaluating the Effectiveness of Community Penalties** , Aldershot : Avebury, 1997.

Marchant, C., Counselling: Women in Prison: Negative Outlook, **Community Care Bulletin**, March 1993.

McGuire, J. (ed), **What Works: Reducing Offending** , Chichester: Wiley, 1995.

McGuire, J., Broomfield, D., Robinson, C., Rowson, B., Short- term Effects of Probation Programs: An Evaluative Study, **International Journal of Offender Therapy and Comparative Criminology** , Vol 39, (1), pp 23-42, 1995.

McGuire, M., Morgan, R. and Reiner, R., (Eds.), **The Oxford Handbook of Criminology**, Oxford: Oxford University Press, 1994.

McIvor, G., **Gender Differences in Probation Practice in Scotland** : Paper Presented to the British Criminology Conference, Belfast, University of Sterling: Social Work Research Centre, 1997.

Ministry of the Solicitor General of Canada, **Creating Choices: The Report of the Task Force on Federally Sentenced Women** , 1990.

Mitchell, J. T., et al., Comparing the Mental Health Needs of Female and Male Incarcerated Juvenile Delinquents, **Behavioural Sciences and the Law** , Vol. 15 No2, pp195-202, 1997.

Morgan, G., Suicide and Institutions. in Liebling, A., (ed.), **Deaths in Custody: Caring for People at Risk** , London: Whiting and Birch Ltd 1996.

Morris, A., Women in the Criminal Justice System, **Prison Service Journal** , No 70, pp 2-4, 1988.

Naffine, N., **Female Crime, The Construction of Women in Criminology** , Sidney: Allen and Unwin, 1987.

Newburn, T., and Stanko, E., (Eds), **Just Boys Doing Business** , London: Routledge, 1994.

Owen, B., and Bloom, B., Profiling Women Prisoners: Findings from National Surveys and a California Sample, **The Prison Journal**, Vol 75, No 2, pp165-185, 1995.

Palmer, T., **A Profile of Correctional Effectiveness** , New York: State University of New York Press, 1994.

Pantazis, C., and Gordon, D., Television Licence Evasion and the Criminalisation of Female Poverty, **The Howard Journal**, Vol 36 No.2, 1997.

Potts, D., Why Do Men Commit Most Crime?, **Prison Service Journal**, Issue 111, pp 40-2, 1997.

Reddish, S., Prison and the Perfect Woman, **Prison Service Journal** , Issue No 93, pp 51-4, 1994.

Rutherford, A., **Prisons and the Process of Justice: the Reductionist Challenge** , London: Heinman, 1984.

Samuel, E. and Asquith, S., **A Review of Criminal Justice and Related Services for Young Adult Offenders: Gender Issues** , Universities of Edinburgh and Glasgow, 1992.

- Shaw, M., et.al., **Survey of Federally Sentenced Women: Report to the Task Force on Federally Sentenced Women on the Prison Survey** , Ministry of the Solicitor General of Canada, No. 4, 1991.
- Shaw, M., et.al., **The Release Study: Survey of Federally Sentenced Women in the Community** , Ministry of the Solicitor General of Canada, No. 5, 1991.
- Shaw, M., **The Federal Female Offender: Report on a Preliminary Study** , Ministry of the Solicitor General of Canada, No. 3, 1991.
- Shaw, M., et.al., **Paying The Price: Federally Sentenced Women in Context** , Ministry of the Solicitor General of Canada, No.13, 1992.
- Shelden, R. G., and Chesney-Lind, M., Gender and Race Differences in Delinquent Careers, **Juvenile and Family Court Journal** , Vol. 44, No. 3, pp 73-90, 1993.
- Sim, J., **Medical Power in Prisons: The Prison Medical Service in England, 1771-1988** , Buckingham: Open University Press, 1990.
- Simourd, L. and Andrews, D. A., Correlates of Delinquency: A Look at Gender Differences, **Women in Prison** , Vol 6, No 1, pp 23-29, 1994.
- Singer, M.I., et.al., The Psychosocial Issues of Women Serving Time in Jail, **Social Work** , Vol 40 (1), pp 103-13, 1995.
- Sone, K., The Trials of Young Women, **Community Care Bulletin**: May 1993.
- Stermac, L., MacLean, H., and Loucks, A., **Treatment Needs of Female Offenders** , Correctional Services of Canada Internal Publication, 1991.
- Sugar, F. and Fox, L., **Survey of Federally Sentenced Aboriginal Women in the Community** , Native Women's Association of Canada, January 1990.
- Tombs, J. and Paterson, F., **Reducing Offending in Developing and Evaluating Programmes for Reducing Offending Behaviour: Report of the 11th CEP Seminar** , Hertogen Bosch: CEP, 1996.
- Vass, A., Community Penalties: The Politics of Punishment in May, T. and Vass, A. (Eds), **Working With Offenders: Issues contexts and outcomes** , London: Sage, 1996.
- Whitfield, D. **Tackling the Tag: The Electronic Monitoring of Offenders** , Winchester: Waterside Press, 1997.
- Williams, B. and Creamer, A., Evaluating Scottish Special Probation Schemes, in Mair, G. (Ed.), **Evaluating the Effectiveness of Community Penalties** , Aldershot: Avebury, 1997.
- Worrall, A., **Working with Female Offenders: Beyond Alternatives to Custody?**, **British Journal of Social Work** , Vol. 19, pp 77-93, 1989.
- Worrall, A., Offending Women: Female Lawbreakers and the Criminal Justice System, **Sociology of Law and Crime** , London: Routledge, 1990.
-
-

Annex 2: Statistical Information

Crimes and offences are coded by The Scottish Office according to a semi-hierarchical classification system within a roughly descending order of seriousness. 320 codes are grouped into 31 categories of which the following require clarification:

Other non-sexual crimes of violence include cruel and unnatural treatment of children, threats and extortion and abduction.

Other crimes of indecency include offences related to prostitution, incest homosexual acts and defilement of a girl.

Other crimes of dishonesty include statutory fraud, forgery, reset and embezzlement.

Other other crimes' include conspiracy and explosives offences.

Other miscellaneous offences include offences against local legislation, Railway Acts, Revenue and Excise Acts, Wireless and Telegraphy Acts (failure to possess a television licence), breaches of probation and community service orders.

Other motor vehicle offences include parking, record of work offences, neglect of traffic directions and failing to stop after accidents.

Section A: Profile of Women Offenders in Scotland

Table A1: Number of persons with a charge proved per 1,000 population by age, 1995

Table A2: Number of persons with a charge proved against them by crime or offence, 1995

Table A3: Main crimes and offences for which females aged 16 and above convicted, 1995

Table A4: Crimes and offences for which females are disproportionately represented , 1995

Table A5: Number of persons with charge proved per 1,000 population, 1988-1995

Table A6: Number of persons aged 16 or over with charges proved against them, 1985-1995

Table A7: Trends in categories of offences for which females convicted, 1985 - 1995

Table A8: Trends in types of offences for which females convicted, 1985 - 1995

Section B: The Sentencing of Women Offenders in Scotland

Table B1: Percentage use of main penalties for persons aged 16 or over by main crime oroffence, 1995
Table B2: Percentage use of main penalties for women with a charge proved aged 16 or over by main crime and offence, 1995
Table B3: Number of females with charge proved by main penalty and main crime and offence, 1995
Recent Trends
Table B4: Numbers and percentage of females aged 16 and over with a charge proved against them receiving a custodial sentence by main crime oroffence, 1985-1995
Table B5: Females aged 16 or over with a charge proved (all crimes and offences) by main penalty, 1985-1995 (numbers and index)
Table B6: Numbers and percentages of females imprisoned for breach of community service / probation orders, 1988-1995

Section C: Females in Custody in Scotland

Table C1: Average daily population in penal establishments by type of custody and sex, 1996
Table C2: Receptions to penal establishments by type of custody and sex, 1996
Table C3: Receptions of female prisoners by age, 1996
Table C4: Fine Default receptions by type of original offence, 1996
Trends
Table C5: Average daily population in penal establishments by sex, 1987 - 1996
Table C6: Average daily remand population by sex, 1987 - 1996
Table C7: Remand receptions to penal establishments by sex, 1987 - 1996
Table C8: Direct sentenced receptions to penal establishments by sex, 1987-1996
Table C9: Direct sentenced receptions of female prisoners by type of offence, 1992-1996
Table C10: Direct sentenced receptions of female prisoners by age, 1992 to 1996
Table C11: Direct sentenced receptions of female prisoners by length of sentence, 1992-1996
Table C12: Fine default receptions to penal establishments by sex, 1987 - 1996

--

Annex 3: Scottish Penal Establishments With Facilities for Holding Women Prisoners

1. Cornton Vale is the only purpose built penal establishment for female offenders in Scotland and has a design capacity of 219. It is located just north of Stirling and is within a 40-mile radius of Glasgow, Edinburgh and Perth.

2. The Institution was purpose built in 1975 and comprises five house blocks which are set in open and attractive grounds, its relatively modern situation contrasting sharply with many of the Victorian era prisons which are still being used for the custody of male prisoners. It holds remand and convicted prisoners all of whom are mainly accommodated in single cells though more recently, the Governor has instituted a policy which involves the doubling up of some vulnerable prisoners as a mutual support measure. Young offenders are held unsegregated from adults.

3. The prison has its own workshops, gymnasium, kitchen, chapel and other ancillary services such as Social Work, Education and Health Centre. A Day Care Unit for the treatment of vulnerable or potentially suicidal prisoners has recently been opened.

Outlying Establishments

4. Small units for female prisoners are located in three other Scottish establishments. Following the publication of an HMCIP Thematic Study into The Custody and Training of Female Prisoners and Young Offenders in Scotland in 1995, the use of these facilities was extended so that in addition to accommodating remands, they are now offered as an option to convicted prisoners from the local area serving sentences of up to two years, so that they can be closer to their home. Units are located as follows:-

North and East

Aberdeen - 10 places (single and double cells). A small dormitory incorporating mother and baby facilities is also included.

Inverness - 6 places (three double cells). An additional cell is designed to hold prisoners on suicide observation.

South and Borders

Dumfries - 12 places comprising single cells and dormitory accommodation. Arrangements are also included for mother and baby and disabled prisoners.

5. Because of their comparative size, regime activities are reduced in scope at all three locations though proximity to family and friends helps to counter-balance this current limitation.

Legalised Police Cells

6.Up to three cells are designated for the secure custody of women (and men) at each of the following locations:-

North and East

- Dunoon
- Oban
- Stornoway
- Lochmaddy
- Portree
- Thurso
- Kirkwall
- Lerwick

South and Borders

- Campbeltown
- Ayr
- Hawick

Annex 4: Recent Developments - Cornton Vale 1995 Onwards

1. A full inspection of HM Institution Cornton Vale was carried out in May 1996, having been brought forward in response to the growing number of suicides and attempted suicides in the Institution. At much the same time, additional concerns about health care and regime development had also begun to emerge.

2. As that inspection unfolded, it became evident that a much more bleak situation was now obtaining for women offenders, the majority of whom came from the west of Scotland. Since the previous formal inspection in 1993, there had been an insidious increase in the number of women arriving at the Institution who were drug abusers or were damaged by drugs. The Inspectorate assessed that their problems were impacting directly on local management, with staff now struggling to meet the daily requirements of the Institution. This situation had been further compounded by staff reorganisations and changes to how prison nursing services were being run at national level.

3. The medical officers, who were GPs from a local practice, had resigned after many years of providing medical services to the Institution. A number of factors had contributed, not least the increasing workload that doctors had been encountering and which had started to encroach on their community practice. They had found it increasingly difficult to find time to deal with the growing number of drug-damaged women who were presenting for treatment shortly after arrival at the prison.

4. The inspection report commented on the abandonment of plans to develop the ground floor of the Health Centre for health care expansion at a time when staff and visiting specialists were having to operate in cramped conditions. The inspection team concluded that health care arrangements were "coping - but only just", though it was also evident that prisoners were highly dependent on the medical services. This was demonstrated by the high number of contacts with the health care team and a spiralling prescription rate; it was estimated, for example, that 90% of prescriptions were for problems connected with drug abuse or associated conditions. Prescriptions had trebled between 1992 and 1995, which could be an indicator of the changing scale of drug problems on admission.

5. The Inspectorate recommended that the Institution's anti-drug strategy should be addressed in a much more co-ordinated fashion and identified the urgent need for a dedicated medical team leader. Other adjustments to the local health care strategy were also suggested, the overall aim being to provide a much more proactive and therapeutic service to underpin the prison regime. Eleven additional recommendations which related to suicide prevention were also included, whilst the range of work was described as "inadequate and inappropriate".

Autumn 1996 Onwards

6. Many of the recommendations contained in the formal inspection report were swiftly implemented by the SPS together with a number of other changes. These included:-

- A new Governor was appointed to take charge in September 1996 and this was followed by other changes in the management team.
- Reception arrangements were overhauled by the new Governor, who directed that all arrivals would now be treated as potentially suicidal. These are discussed in more detail at Annex 5.
- Other systems throughout the Institution were subjected to additional review, with strategic priorities being radically altered. This included a revision of the local anti-bullying strategy.

- A full time Medical Officer who was experienced in dealing with drug abusers was appointed. Two additional psychiatric sessions were introduced and three extra Registered Mental Health Nurses were recruited, in recognition of the special needs of those suffering from drugs or physical and sexual abuse.
- In January 1997, a new Residential Unit Manager was appointed specifically for the development of prisoner casework and staff competence.
- In February 1997, Supervisors were organised into small self-contained groups of three and attached to individual Residential Houses. This boosted relief cover during periods of absence, whilst a further staff deployment review resulted in a re-alignment of roles. The overall effect was to reduce staff complements in low risk areas and to increase them in high risk areas such as the Remand Block.
- In March 1997, a new Human Resources Manager was appointed with specific responsibility for the future development of staff training, which included suicide risk management.

7. In addition to those changes, a number of anti-suicide measures were introduced as follows:-

- A reduction in the number of ligature points was completed in a number of cells in the Remand Block. Similar alterations then followed in Younger and Skye Houses, a total of 150K having been spent to date on these modifications.
- The Remand Block (Ross House) and Younger House were designated for vulnerable prisoners with new arrivals automatically being placed on general observation.
- Additional support and care is now being provided by the Samaritans and by five trained (prisoner) Listeners who engage with anyone who is feeling lonely, depressed or suicidal, as well as attending Reception to talk to prisoners on admission. A Listener is also a representative on the local Suicide Risk Management Group.
- Specialist groups are now working at the Institution, whilst voluntary groups who visit regularly include CRUSE (the Bereavement Counselling Service), Rape Crisis, Women's Aid, Relate, the Hope Group, AA and the Salvation Army.
- A Day Care Unit has now been opened. This brings prisoners, medical and nursing staff, psychiatrists, psychologists and prison Officers working together in a multi-disciplinary setting and is aimed at further reducing self harm.

8. As part of an anti-drugs strategy, prescription protocols have been revised and instituted with new practices which adopt a more pragmatic and consistent approach to the effect of those withdrawal symptoms which have their origins in drug misuse. (Medical staff are willing to continue prescriptions of methadone to opiate misusers where appropriate. Women exhibiting evidence of current illicit drug use - eg., recent injecting sites or positive urine analysis - will not receive methadone. Many of the drug misusing women offenders received on outstanding warrants or remanded in custody for a short period on new charges will not meet these criteria, although the outstanding warrants are more likely to. Alternative medication to maintain their opiate tolerance will be prescribed and every effort will be made to ensure their care and prescription is recommenced on discharge.)

9. Addiction services have also been radically reviewed and a new policy framework for dealing with drug users has been established. The services offered to support remand and short-term prisoners focus on information-giving/educational sessions in harm reduction and utilise outside services to help ensure continuity of care after release.

10. Services to longer term prisoners - i.e. those serving sentences of 6 months and over - are directed and co-ordinated through weekly meetings of the Care Management Team Forum.

11. More recently, the voluntary organisation Turning Point has been providing a service in conjunction with Residential and nursing staff, which includes harm reduction seminars, assessment, throughcare and pre-release sessions. There has also been a research project, involving the Community Addictions Team, the results of which will shortly be produced. This will establish more precisely the nature and scale of drug use in the establishment, particularly amongst long term prisoners.

12. There have also been other significant changes to the regime operating within the Institution:

(i) Remand Prisoners

Admission and induction arrangements have been completely re-structured so that all remand prisoners are now personally interviewed by the House Supervisor, as well as by social work and medical staff (see also Annex 5). In addition, their regime now includes structured activities and access to support groups from the community, whilst staffing has been increased to allow maximum time out of cell. Remand prisoners are unlocked for much longer and can attend work, cookery, education, physical education and craft classes.

(ii) Convicted Prisoners

Convicted prisoners are now given an initial assessment in Younger House with a comprehensive personal dossier being prepared for each individual. A top end regime has been developed in Peebles House whilst home leave arrangements have also been reviewed. A pre-release programme is now also available for longer-term prisoners.

(iii) Employment and Activities

A much more flexible approach has been developed, which increases the opportunities for women to use their time more constructively in education, physical education and prisoner programmes. A new vocational training workshop has also been opened and the education timetable has been revised. A cognitive skills programme is now running and is aimed largely at longer term prisoners. Additionally, sessions on sleep disorder, anxiety, relaxation, anger management and parenting skills are now on offer.

(iv) Visits

Bonding visits now take place on a daily basis for prisoners with children under 12 years and a number of prisoners are also eligible for extra family visits.

More Recent Inspection

13. An external Intermediate Inspection was carried out in June 1997 by HMCIP and a large independent team. This found a much more positive atmosphere amongst prisoners, whilst staff also appeared to have grown in confidence as a result of the new leadership and resources which were now being provided.

14. At much the same time, a Fatal Accident Inquiry into three of the recent suicides was being conducted by Sheriff Principal McGuire. This reported in November 1997 with the following recommendations, relating to the Regime which was in operation in the period April - December 1996:-

- The system for training Residential Officers should be reconsidered and the possibility of working alongside experienced Officers for a short period by way of an induction discussed. **(This has since been addressed.)**
 - A Study Group should be set up to consider methods of obtaining accurate information from external sources about the health of inmates. **(This is ongoing but will take some time to achieve.)**
 - Consideration should be given to minimising the plethora of systems whereby information is recorded. Information technology should be investigated as a means of collecting in one format, all the relevant information about inmates. **(All information now goes into an individual care folder.)**
 - The sealed pack may require redesign for ease of access (the knife provided failed to cut the ligature in one case). **(Changes have been made.)**
-

Annex 5: New Reception Arrangements at HM Institution Cornton Vale

General

- 1.The initial checking process ensures that the prisoners'details are correct; that the Warrant details match; previous history is checked and all details entered into SPS PRS; personal property is accounted for; court/liberation date is confirmed.
- 2.The individual prisoner is given an examination by one of the nursing staff who also checks for suicidal ideation or vulnerable attributes. Prisoners are then allowed a bath or a shower, given clean clothes and underwear and provided with something to eat and drink. A Listener (a prisoner who has been trained by the Samaritans) visits reception to talk to the arrivals.
- 3.There is also a television and magazines available in a communal waiting area and prisoners are encouraged to read the Prisoner Information Pack while they wait to be moved to the Remand or Convicted blocks.

Remand Admission and Induction

- 4.Remand admissions are collected from reception by an officer from Ross House and escorted to Unit 3 where they are allocated a room appropriate to their level of observation. The rules and regulations and entitlements for remand prisoners are explained and they are provided with a prison information sheet for visitors - admission letters and visit cards are also dealt with at this stage. The next part of the process is for each admission to be seen by the Supervisor whose primary task is to elicit more detailed information from the prisoner by way of a questionnaire. Any problems or difficulties reported to the Supervisor are dealt with at this point and, if necessary, telephone calls are made to relatives, lawyers, Social Work etc.
- 5.Atelephone call is always offered to each admission and where it is unlikely that the prisoner will receive visits because of distance, then the prisoner will receive additional calls in accordance with Prison Rules. Further details are provided about the remand regime and prisoners'questions/concerns will be addressed as far as possible.
- 6.All prisoners are seen within 24 hours of admission by a Medical Officer. All remand prisoners are observed hourly with those on the Prevention of Suicide Strategy being observed according to their perceived level of risk. The general observation system is based on the premise that all women on remand are potentially at risk.
- 7.The induction process in remand is very much a telling'and educating procedure due to the short duration of their stay. Most women have previous experience of remand and resources are mainly concentrated on providing health care, suicide supervision, dealing with drug withdrawal and the other constant demands of this potentially vulnerable and unstable population.

Convicted admission and induction

- 8.The route from Reception is identical to that of remand prisoners in that each prisoner is allocated a room within Younger

House according to need and observation status. All prisoners are interviewed by a Unit Officer on arrival in Younger House and a personal file is opened at this stage. This folder will contain essential prisoner information and will be regularly updated during their sentence. Once opened, the file will remain as a unique record of the prisoner's progress during sentence and will be re-activated if they subsequently return. It is intended that this folder system is used for assessment purposes in terms of personal care plans, work allocation and short term sentence planning.

9. Case conferences are held each day in Younger House for the purpose of reviewing convicted prisoners at the start of their sentence, particularly the vulnerable and suicidal.

10. Younger House currently runs 2 induction programmes; one for those serving 12 months or over, which lasts about 2 weeks, and one for those serving less than 12 months, which lasts about one week.

Admission Problems

11. Outstanding problem areas include the following:

12. Court Social Enquiry and Psychiatric Reports are rarely available with the prisoner on admission.

13. After consultation with Strathclyde Police Force in 1996-97, efforts were made to ensure the arrival of prisoners into Cornton Vale by 1900 hours. Due to pressures in the Courts, however, there are still occasions when prisoners arrive later than this, which can mean that unreasonable demands are placed on admission procedures.

Annex 6: Suicide in Context

1.Suicide accounts for 1% of all deaths in Britain annually. In 1990, for example, 4,485 people killed themselves in England, Wa and Scotland - a rate of roughly 86 people per week. This number is increasing rapidly. The most recent figures available from th Samaritans show that the rate of suicides amongst males in the UK during 1994 was 0.17 per 1,000. This rate is significantly low that for prisoners.

2.Scotland and Northern Ireland generally have higher rates of suicide than England and Wales. In the general population, the las years has seen an unexplained and rapid rise in the overall rate of suicides amongst males in Scotland (up 65% from 1971-3 to 1' and a decline in the overall rate amongst females (down 24% during the same time period; see Table 1 below). The most dramati increase in suicides has been for younger people of both sexes, but especially for younger males. From 1971-3 to 1991-3, suicide males aged 15 - 24 increased by 149%, and by 145% for those aged 25 - 34. For females, the comparable increases were 117% a 47%, respectively (Platt 1994, cited in Power 1997).

Table 1: Rates of suicide in Scotland in 1971-3 and 1991-3 (rate per 100,000 in the general population)*

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	% ch 1983
Female	20,677	21,510	19,093	22,771	23,177	24,389	26,322	28,042	25,399	21,642	22,395	
Male	166,186	160,341	158,069	154,084	147,942	149,932	150,293	147,554	135,989	136,362	133,150	-1'
All persons	186,813	181,851	177,162	176,855	171,119	174,321	176,615	175,596	161,388	158,004	155,545	-10

3.In general, suicides by men outnumber those by women by a ratio of two to one. For adolescents, this ratio increases to five to The most recent statistics available for suicides in Scotland show that, from 1992 - 1996, females consistently made up a quarter suicides and deaths from self-inflicted injuries. This remained the case when possible suicides were included (deaths in which it unclear whether the injuries were deliberate; General Register Office for Scotland).

Suicides in Scottish prisons

4.The rise in suicides in Scottish prisons too has been disproportionate to the rise in its population. Between 1976 and 1993 the a daily population in Scottish prisons increased by 12.3%, and the mean annual receptions increased by 5.3%. The number of suici the average daily population and receptions during the same period increased by 78% and 89% respectively (from 0.72 to 1.29 si per 1,000 of the average daily population and from 0.11 to 0.2 per 1,000 receptions; Power 1997).

5.By the end of 1993, the rate of suicides of prisoners in Scotland was 1.3 per 1,000 prisoners. More recent figures show even m increases, with particularly drastic changes in 1994 and 1996. Based on the figures shown below in Table 2, the rate of suicides r than doubled between 1993 and 1994, dropped to half the rate of the previous year in 1995, then increased again by 106% in 199 average daily population, in contrast, increased by only 1% between 1994 and 1995, and 4% from 1995 to 1996. Receptions to p between 1994 and 1995 decreased slightly, then increased between 1995 and 1996 by 11.6% - arguably not enough to explain th disproportionate rise in self-inflicted deaths.

Table 2: Self-inflicted deaths in British prisons, 1988-97

	1988	1989	1990	1991	1992	1993	1994	1995	% change 1988-1995
Numbers of Community Service Orders and Probation Orders (including probation with CSO) awarded	986	1067	1235	1230	1323	1378	1340	1364	+38%
Total number of females who breached orders	99	108	144	162	137	201	218	234	+136%
Numbers imprisoned for breach	28	29	45	51	28	59	76	93	+232%
Percentage of all those who breached orders who were sent to prison	28%	27%	31%	31%	20%	29%	35%	40%	

6.The rate of suicides in Scottish prisons is consistently higher than comparable figures for England and Wales. Differences are expected due to the different rates of suicides in Scotland, England, and Wales in general.

Suicides amongst female prisoners

7.Most research into suicides argues that one of the most significant factors associated with suicides is being male. The statistics suggested that risk of suicide is three times higher amongst men than women in the general population, and ten times higher for men in prison than for women there.

8.The statistics for prison suicides, however, are affected by differing definitions of suicides, differing rates of people entering and leaving a prison in a given year, and so on. For example, female prisoners who kill themselves disproportionately fail to receive a diagnosis of suicide. Prison statistics in England and Wales now record self-inflicted deaths rather than suicides specifically because of such discrepancies. If one takes into account these differences, the rates of suicide amongst females in prisons in England and Wales are in fact as high as those for men.

9.Because of the disproportionate number of suicides by men in the general population, one would expect a higher rate of suicide amongst men in prison than for women, similar to the proportions outside. However for a wide variety of reasons, many of which are explored below, this is not the case. In fact, while the rate of increase in suicides amongst male prisoners in England and Wales came down in the early 90s, this did not happen amongst female prisoners. Based on the rate of self-inflicted deaths amongst prisoners in England and Wales, the proportion of such deaths per 1,000 male and female prisoners is largely comparable. Table 3 sets this out clearly:

Table 3: Self-inflicted deaths amongst prisoners in England and Wales, 1988-97 (rate per 1,000 in the average daily population)

	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Female	43 (4.6%)	37 (4.4%)	37 (4.8%)	37 (4.9%)	32 (4.2%)	37 (4.2%)	46 (4.1%)	48 (4.7%)	49 (4.9%)	44 (4.4%)
Male	894	806	732	714	738	839	902	967	949	974
Total	938	844	770	751	770	876	948	1,015	998	1,018

10.The figures suggest that rates of self-inflicted deaths are slightly lower for female prisoners, at least in England and Wales. Admittedly the numbers for female prisoners in England and Wales are very small for this type of comparison. However, self-inflicted deaths amongst female prisoners in England and Wales are roughly proportionate to their numbers in the average daily population, and are not slightly lower. The proportions based on rates of reception are broadly similar.

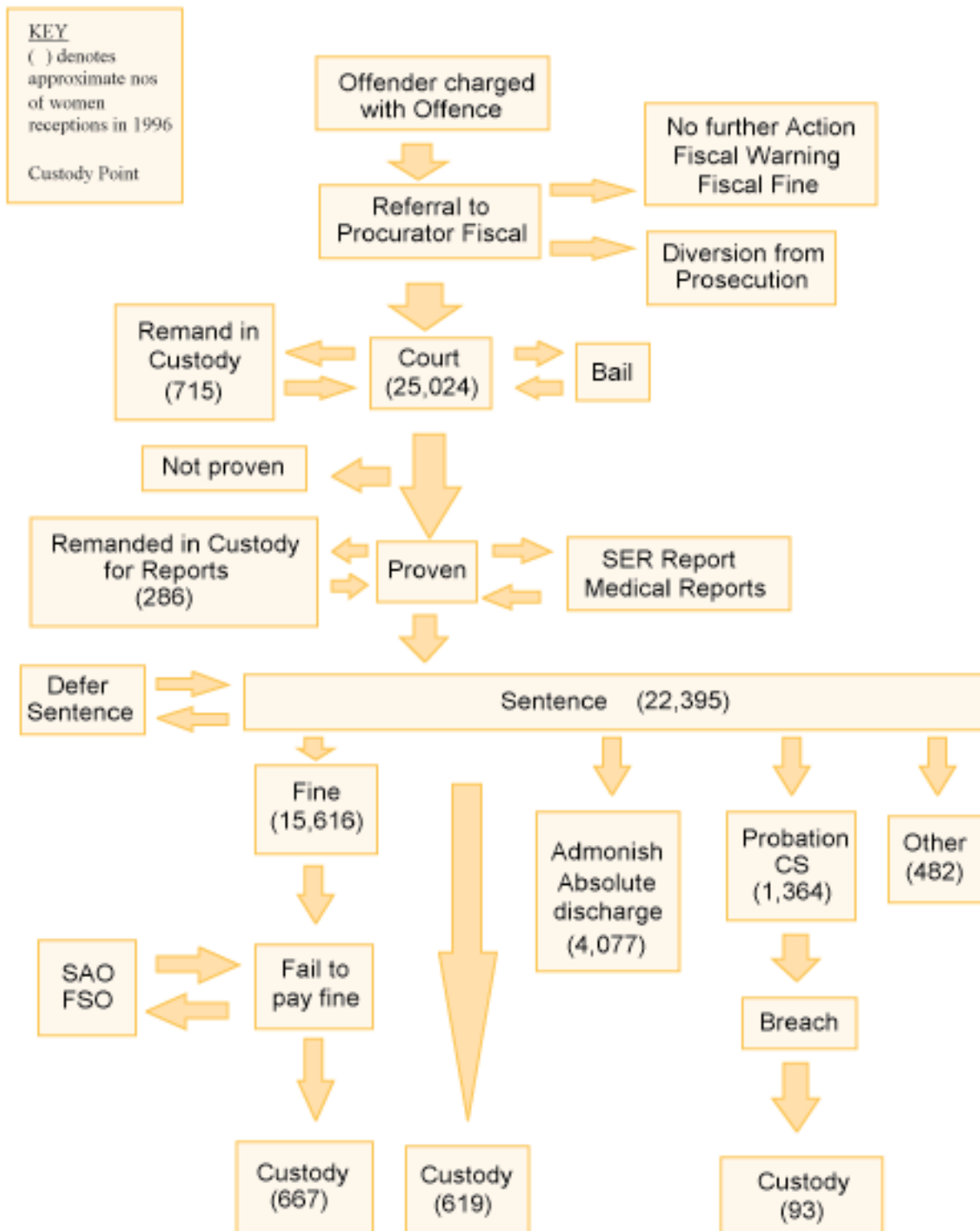
Admission Problems

11.As mentioned previously, the proportion of suicides is three times higher for men than for women outside of prisons, and the proportion of suicides for male prisoners is even higher than for males outside. If, as the statistics above suggest, the rates of self-inflicted deaths between male and female prisoners is roughly comparable, then one may conclude that the rate of suicides amongst female prisoners is vastly disproportionate to that for females outside. There may be several reasons for this, including the following:

- Mental illness and psychological distress are strongly linked to vulnerability to suicide. This may have a disproportionate bearing on female prisoners, as females are more likely than men to be remanded in custody for psychiatric or psychological reports;
- Women are much more likely to engage in self-destructive behaviour such as mutilation. Often prison staff tend to view this type of behaviour less seriously - more as manipulation or a cry for help rather than as a serious attempt at suicide.
- Outside prison, overdoses or cutting are the most common methods of suicide attempts amongst women. Access to these means is more difficult in prisons, so people in prison are likely to resort to more lethal methods, most commonly hanging.

Figure 8. Routes to Custody

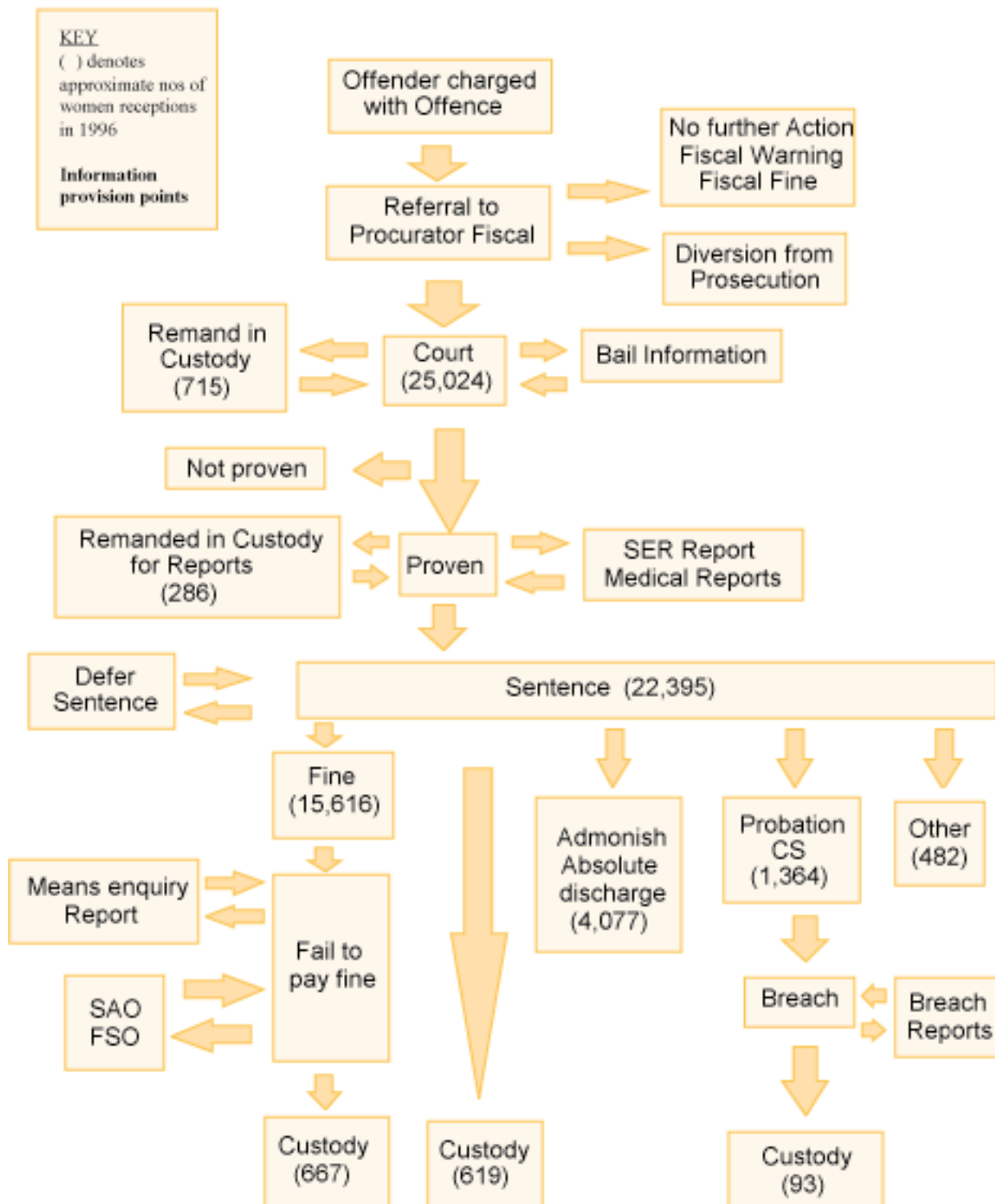
Figure 8. Routes to Custody



Note: The flowchart is intended to show the main routes to custody (fig.8). Some receptions will be counted twice or more, e.g. first remand, remand awaiting sentence and sentence as individuals go through the system.

Figure 9. Information Provision for decision making in the Criminal Justice Process

Figure 9. Information Provision for decision making in the Criminal Justice Process



Note: The flowchart is intended to show information provision in the criminal justice process (fig.9). Some receptions will be counted twice or more. e.g. first remand, remand awaiting sentence and sentence as individuals go through the system.

Figure 10. Components of an Integrated Approach to Community Sentences for Women Offenders

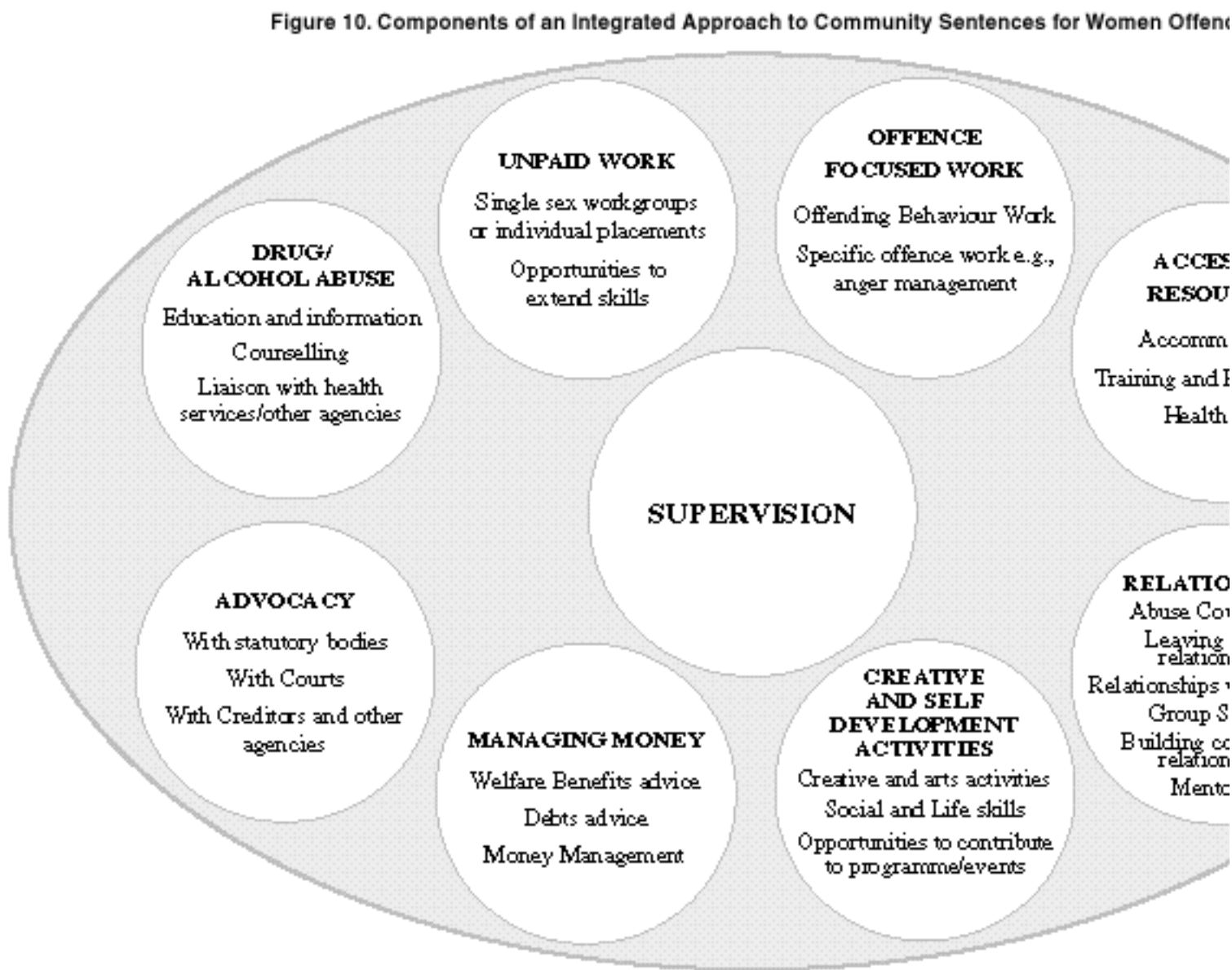


Table A1

Table A1: Number of persons with a charge proved per 1,000 population by age, 1995

	under 16	16	17	18	19	20	21-25	26-30	31-40	over 40	All
Females	0.07	9	18	25	24	24	26	22	15	4	
Males	0.7	80	194	247	218	200	163	110	70	25	

Table A2

Table A2: Number of persons with a charge proved against them by crime or offence, 1995

Crime or offence	Females			Males			
	Number with charge proved	Percentage		Number with charge proved	Percentage		
		column	row		column	row	7
All crimes and offences	22,395	100	14.4	133,150	100	86	
All crimes	7,627	34	15	44,533	33	85	
Non-sexual crimes of violence	240	1	7	3,395	3	93	
- Homicide	6	*	5	105	*	95	
- Serious assault	53	*	6	838	1	94	
- Handling offensive weapons	71	*	4	1,707	1	96	
- Robbery	35	*	5	621	*	95	
- Cruel and unnatural treatment of children	69	*	50	69	*	50	
- Other ³	6	*	10	55	*	90	
Crimes of indecency	746	3	57	560	*	43	
- Sexual assault	1	*	1	134	*	99	
- Lewd and indecent behaviour	1	*	*	290	*	100	
- Offences related to prostitution	743	3	100	-	-	-	
- Other ⁴	1	*	1	136	*	99	
Crimes of dishonesty	5034	22	17	24391	18	83	
- Housebreaking	85	*	2	4,360	3	98	
- Theft by opening lockfast places	60	*	2	2,394	2	98	
- Theft of motor vehicle	52	*	2	2,310	2	98	
- Shoplifting	1,978	9	30	4,528	3	70	
- Other theft	1,124	5	18	5,172	4	82	
- Fraud	1264	6	35	2376	2	65	
- Other	471	2	13	3,251	2	87	
Fire-raising, vandalism	375	2	8	4,488	3	92	
- Fire-raising	15	*	11	124	*	89	
- Vandalism etc.	360	2	8	4,364	3	92	
Other crimes	1,232	6	10	11,699	9	90	
- Crimes against public justice ⁵	716	3	10	6,587	5	90	
- Drugs	516	2	9	5,079	4	91	
- Other	-	-	-	33	*	100	
All offences	14,768	66	14	88,617	67	86	

Miscellaneous offences	8653	39	20	55,452	21	80
- Simple assault	1,404	6	12	10,450	8	88
- Breach of the peace	1,701	8	9	16,272	12	91
- Drunkenness	137	1	10	1,176	1	90
- Wireless Telegraphy Act 1949 (failure to possess a TV licence)	4,512	20	67	2,175	2	33
- Other ⁶	899	4	14	5,379	4	86
Motor vehicle offences	6,115	27	10	53,165	40	90
- Dangerous and careless driving	737	3	15	4,223	3	85
- Drunk driving	619	3	8	6,976	5	92
- Speeding	1,575	7	11	13,401	10	89
- Unlawful use of vehicle	2,088	9	10	18,114	14	90
- Vehicle defect offences	193	1	6	2,822	2	94
- Other	903	4	11	7,629	6	89

Table A3

Table A3: Main crimes and offences for which females aged 16 and above convicted, 1995

Main crime or offence	Number of females with charge proved	% of all females with cha proved ⁷
Wireless Telegraphy Act 1949 (non-possession of TV licence)	4,512	20
Shoplifting	1,978	9
Breach of the peace	1,701	8
Speeding	1,575	7
Simple Assault	1,404	6
Fraud (including statutory)	1,264	6
Failure to insure against 3rd party risks	1,243	6
Other theft	1,124	5
Total (of main crimes and offences)	14,801	66

Table A4

Table A4: Crimes and offences for which females are disproportionately represented , 1995

Crime or offence	% of persons with charge proved who are female	Number of females
Offences related to prostitution	100	743
Education Acts	73	234
Wireless Telegraphy Act 1949 (failure to possess a TV licence)	68	4,512
Drunk in ch Chld	67	26
Cruelty to and unnatural treatment of children	50	69
Failure to appear after undertaking to police	46	43
Dangerous Dogs, Failure to control, supervise, destroy	44	45
Public Utilities legislation	40	46
Fraud (including statutory)	35	1,264
Breach of Trust and Embezzlement	31	62
Shoplifting	30	1,978
Cruelty to animals	26	21
Control of Pollution	24	34
Revenue and Excise Offences (excluding vehicle and drugs)	23	69
Public mischief (inc. wasting police time)	22	38
Forgery and Uttering (exc. currency)	22	83
Parking offences	21	112
Contempt of Court	20	69
Escape and rescue	18	26
Other theft	18	1,124
Driver's contravention of pedestrian crossing regulations	17	96
Driving carelessly	17	707
Reset	15	290
All crimes and offences	14.4	22,395

Table A5

Table A5: Number of persons with charge proved per 1,000 population, 1988-1995

	1988	1989	1990	1991	1992	1993	1994	1995
Female	11	11	12	13	14	12	10	11
Male	76	73	74	74	73	67	67	66
All persons	43	42	42	43	43	39	38	39

Table A6

Table A6: Number of persons aged 16 or over with charges proved against them, 1985-1995

	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	% change 1985-1995
Female	20,677	21,510	19,093	22,771	23,177	24,389	26,322	28,042	25,399	21,642	22,395	-10
Male	166,186	160,341	158,069	154,084	147,942	149,932	150,293	147,554	135,989	136,362	133,150	-19
All persons	186,813	181,851	177,162	176,855	171,119	174,321	176,615	175,596	161,388	158,004	155,545	-16

Table A7

Table A7: Trends in categories of offences for which females convicted, 1985 - 1995

Crime / Offence category	Numbers		% change ¹² 1985-1995 %
	1985	1995	
All crimes and offences	20,677	22,395	+ 8
All crimes and offences excluding motor vehicle offences	16,304	16,280	0
All crimes	7,680	7,627	-1
Non-sexual crimes of violence	219	240	10
Crimes of indecency	879	746	-15
Crimes of dishonesty	5,325	5,034	-5
Fire-raising, vandalism etc.	370	375	1
Other crimes	887	1,232	39
All offences	12,997	14,768	14
Miscellaneous offences	8,624	8,653	0
Motor vehicle offences	4,373	6,115	40

Table A8

Table A8: Trends in types of offences for which females convicted, 1985 - 1995

Crime / Offence category	Numbers		% change ¹² 1985-1995 %
	1985	1995	
Speeding	296	1,575	432
Revenue and Excise Offences (excluding vehicle and drugs)	20	69	245
Handling offensive weapons	25	71	184
Drugs offence	247	516	109
Failure to appear after being given bail	49	96	96
Fraud (incl social benefit)	670	1,264	89
Perverting the course of justice	65	107	65
Failure to appear after undertaking to police	27	43	59
Assault *	1,064	1,457	37
Education Acts	171	234	37
Wireless Telegraphy Act 1949 (failure to possess a TV licence)	3,849	4,512	17
Drunkenness	646	137	-79
Public utilities offences	140	46	-67
Theft by opening lockfast places	152	56	-63
Public Mischief	80	38	-53
Housebreaking	176	85	-52
Contempt of court	142	69	-51
Cruelty to and unnatural treatment of children	112	69	-38
Forgery	128	83	-35
Breach of the peace	2,305	1,701	-26
Prostitution	876	743	-15
* Includes Simple assault, serious assault and resisting arrest			

Table B1

Table B1: Percentage use of main penalties for persons aged 16 or over by main crime oroffence, 1995

Table B2

Table B2: Percentage use of main penalties for women with a charge proved aged 16 or over by main crime and offence, 1

Main crime / offence	Custody ¹³	Community Service Order	Probation	Fine	Cautio n or admonition ¹⁴	Other ¹⁵	T
All crimes or offences	4	2	4	70	18	2	
All crimes	8	5	9	52	23	4	
Non-sexual crimes of violence	16	8	30	15	27	3	
- <i>Homicide</i>	33	-	17	17	33	-	
- <i>Serious assault</i>	26	19	25	11	13	6	
- <i>Handling offensive weapons</i>	10	6	37	27	21	-	
- <i>Robbery</i>	34	11	23	9	11	11	
- <i>Other</i>	4	3	33	9	49	1	
Crimes of indecency	1	-	6	82	11	-	
- <i>Sexual assault</i>	100	-	-	-	-	-	
- <i>Lewd and indecent behaviour</i>	100	-	-	-	-	-	
- <i>Other (inc. prostitution)</i>	*	-	6	82	11	-	
Crimes of dishonesty	8	5	9	50	25	4	
- <i>Housebreaking</i>	24	5	28	24	16	4	
- <i>Theft by opening lockfast places</i>	8	7	13	38	28	5	
- <i>Theft of motor vehicle</i>	2	4	19	38	37	-	
- <i>Shoplifting</i>	11	2	9	55	22	1	
- <i>Other theft</i>	10	4	12	45	25	4	
- <i>Fraud</i>	1	6	4	53	27	8	
- <i>Other</i>	7	11	9	44	24	4	
Fire-raising, vandalism etc.	3	3	8	47	21	17	
- <i>Fire-raising</i>	33	7	27	20	-	13	
- <i>Vandalism etc.</i>	2	3	8	49	21	18	
Other crimes	13	7	10	48	21	1	
- <i>Crimes against public justice</i>	16	4	12	40	26	1	
- <i>Drugs</i>	9	10	6	59	15	1	
- <i>Other</i>	-	-	-	-	-	-	
All offences	2	1	2	79	16	1	
Miscellaneous offences	3	1	2	70	22	2	
- <i>Simple assault</i>	4	3	8	50	30	5	
- <i>Breach of the peace</i>	5	*	3	59	31	2	

Table B3

Table B3: Number of females with charge proved by main penalty and main crime and offence, 1995

Main crime / offence	Custody	Community Service Order	Probation	Fine	Cautions or admonition	Other	Total
All crimes or offences	856	429	935	15,616	4,077	482	22,395
All crimes	620	345	707	3,949	1,720	286	7,697
Non-sexual crimes of violence	38	20	73	36	65	8	215
- Homicide	2	-	1	1	2	-	6
- Serious assault	14	10	13	6	7	3	53
- Handling offensive weapons	7	4	26	19	15	-	71
- Robbery	12	4	8	3	4	4	35
- Other	3	2	25	7	37	1	75
Crimes of indecency	5	-	48	610	83	-	746
- Sexual assault	1	-	-	-	-	-	1
- Lewd and libidinous practices	1	-	-	-	-	-	1
- Other (inc. prostitution)	3	-	48	610	83	-	746
Crimes of dishonesty	405	230	433	2,534	1,234	198	5,034
- Housebreaking	20	4	24	20	14	3	85
- Theft by opening locked places	5	4	8	23	17	3	50
- Theft of motor vehicle	1	2	10	20	19	-	52
- Shoplifting	217	45	169	1,080	438	29	2,938
- Other theft	111	43	130	506	285	49	1,124
- Fraud	17	81	48	676	346	96	1,264
- Other	34	51	44	209	115	18	471
Fire-raising, vandalism etc.	13	11	31	178	77	65	375
- Fire-raising	5	1	4	3	-	2	15
- Vandalism etc.	8	10	27	175	77	63	360
Other crimes	159	84	122	591	261	15	1,132
- Crimes against public justice	113	32	89	287	185	10	616
- Drugs	46	52	33	304	76	5	416
- Other	-	-	-	-	-	-	-
All offences	236	84	228	11,667	2,357	196	14,738
Miscellaneous offences	228	67	201	6,031	1,939	187	8,553
- Simple assault	56	48	108	709	416	67	1,394
- Breach of the peace	79	7	58	996	520	41	1,601
- Drunkenness	-	-	6	82	47	2	137

Table B4

Table B4: Numbers and percentage of females aged 16 and over with a charge proved against them receiving a custodial sentence by main crime oroffence, 1985-1995

Crime or offence	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
All crimes and offences	604 3%	735 3%	713 4%	805 4%	685 3%	737 3%	794 3%	754 3%	919 4%	958 4%	874 4%
All crimes	491 6%	624 8%	614 8%	670 9%	547 8%	573 7%	646 8%	637 8%	751 9%	767 10%	698 8%
Non-sexual crimes of violence	22 10%	23 10%	29 12%	27 9%	26 8%	25 8%	27 8%	23 7%	37 13%	32 12%	16 10%
Crimes of indecency	4 *	1 *	5 1%	4 1%	0 -	2 *	6 1%	3 *	0 -	2 *	1 *
Crimes of dishonesty	348 7%	463 8%	455 8%	533 10%	430 8%	454 9%	522 10%	524 9%	593 11%	591 11%	478 8%
Fire-raising, vandalism etc.	26 7%	26 6%	30 7%	18 4%	22 5%	14 4%	22 6%	16 4%	13 3%	12 3%	11 3%
Other crimes	91 10%	111 12%	95 11%	88 10%	69 8%	78 8%	69 7%	71 8%	108 10%	130 12%	111 11%
All offences	113 1%	111 1%	99 1%	135 1%	138 1%	164 1%	148 1%	117 1%	168 1%	191 1%	202 1%
Miscellaneous offences	108 1%	110 1%	90 1%	133 1%	135 1%	163 2%	148 1%	114 1%	165 1%	187 2%	202 1%
Motor vehicle offences	5 *	1 *	9 *	2 *	3 *	1 *	0 -	3 *	3 *	4 *	3 *

Table B5

Table B5: Females aged 16 or over with a charge proved (all crimes and offences) by main penalty, 1985-1995 (numbers and index)

Disposal	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995
Imprisonment	604 100	735 122	713 118	805 133	685 113	737 122	794 131	754 125	919 152	958 159	819 135
Probation (inc. probation with CSO)	590 100	648 110	661 112	734 124	810 137	925 157	886 150	926 157	955 162	944 160	959 162
CSO	122 100	169 139	207 170	252 207	257 211	310 254	344 282	397 325	423 347	396 325	419 343
Fine	16,189 100	16,760 104	14,421 89	17,270 107	17,463 108	18,048 111	19,766 122	21,122 130	18,277 113	15,029 93	15,661 97
Other	3,172 100	3,198 101	3,091 97	3,710 117	3,962 125	4,369 138	4,532 143	4,843 153	4,825 152	4,315 136	4,511 142
ALL	20,677 100	21,510 104	19,093 92	22,771 110	23,177 112	24,389 118	26,322 127	28,042 136	25,399 123	21,642 105	22,331 108

Table B6

Table B6: Numbers and percentages of females imprisoned for breach of community service / probation orders, 1988-1995

	1988	1989	1990	1991	1992	1993	1994	1995	% change 1988-1995
Numbers of Community Service Orders and Probation Orders (including probation with CSO) awarded	986	1067	1235	1230	1323	1378	1340	1364	+38%
Total number of females who breached orders	99	108	144	162	137	201	218	234	+136%
Numbers imprisoned for breach	28	29	45	51	28	59	76	93	+232%
Percentage of all those who breached orders who were sent to prison	28%	27%	31%	31%	20%	29%	35%	40%	

Type of Custody	Male			Female			All persons	
	Number	Percentage ¹⁷		Number	Percentage ¹⁷		Number	Percentage
		C	R		C	R		C
Remand: sub total	953	17	95	48	25	5	1,000	17
- Untried	868	15	96	39	21	4	907	15
- Convicted awaiting sentence	84	2	90	9	5	10	93	2
Persons under sentence: sub total	4,719	83	97	142	75	3	4,861	83
- Adult prisoners	3,901	69	97	125	66	3	4,026	69
- Young offenders	754	13	98	16	8	2	770	13
- Persons recalled from supervision/ licence	46	1	100	*	*	-	46	1
- Others	18	0.3	100	*	*	-	18	0.3
Persons sentenced by court martial	*	*	-	-	-	-	-	100
Civil prisoners	1	*	100	*	*	-	1	*
Total	5,673	100	97	189	100	3	5,862	100

* Less than 0.5
- Nil
C: Column R: Row

Table C3

Table C3: Receptions of female prisoners by age, 1996

Age	Number of Females	
	Direct sentence	Fine Defaulters
Under 16	-	-
16	5	1
17	18	4
18 to 20	42	56
21 to 25	172	225
26 to 30	181	172
31 to 40	143	145
41 to 50	39	55
51 to 60	18	9
Over 60	1	-
Total	619	667

Table C4

Table C4: Fine Default receptions by type of original offence, 1996

Main crime or offence	Number	Average fine ¹⁸ (£)	Crime or Offence	Number	Average fine ¹⁸ (£)
All crimes and offences	667	99			
All crimes	445	112	Other crimes	50	112
Non-sexual crimes of violence	5	185	- Crimes against public justice	35	112
- Serious assault	1	267	- Drugs	15	112
- Handling offensive weapons	4	148	- Other ²⁰	-	112
- Robbery	-	133	All offences	220	
- Other ¹⁹	-	227	Miscellaneous offences	187	
Crimes of indecency	144	129	- Simple assault	48	112
- Sexual assault	-	-	- Breach of the peace	94	112
- Lewd and indecent behaviour	1	-	- Drunkenness	3	112
- Other ¹⁹ (mostly prostitution)	143	129	- Other ²⁰	42	112
Crimes of dishonesty	230	104	Motor vehicle offences	33	112
- Housebreaking	1	151	- Dangerous and careless driving	6	112
- Theft by opening lockfast places	-	132	- Drunk driving	4	227
- Theft of motor vehicle	-	232	- Speeding	-	112
- Other theft(incl shoplifting)	199	91	- Unlawful use of vehicle	19	112
- Fraud	11	112	- Vehicle defect offences	-	112
- Other dishonesty	19	163	- Other ²⁰	4	112
Fire-raising, vandalism	16	99	Other jurisdiction	2	112
- Fire-raising	-	138			
- Vandalism etc.	16	98			

Table C5

Table C5: Average daily population in penal establishments by sex, 1987 - 1996

	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Female	187 (3.4%)	172 (3.3%)	147 (3.0%)	137 (2.9%)	143 (3.0%)	158 (3.0%)	171 (3.0%)	177 (3.2%)	175 (3.1%)	181 (3.2%)
Male	5,259	5,057	4,838	4,587	4,696	5,099	5,466	5,408	5,451	5,500
Total	5,446	5,229	4,986	4,724	4,839	5,257	5,637	5,585	5,626	5,681

Table C6

Table C6: Average daily remand population by sex, 1987 - 1996

	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996
Female	43 (4.6%)	37 (4.4%)	37 (4.8%)	37 (4.9%)	32 (4.2%)	37 (4.2%)	46 (4.1%)	48 (4.7%)	49 (4.9%)	49 (4.9%)
Male	894	806	732	714	738	839	902	967	949	949
Total	938	844	770	751	770	876	948	1,015	998	1,000

Table C7

Table C7: Remand receptions to penal establishments by sex, 1987 - 1996

	1987	1988	1989	1990	1991	1992	1993	1994	1995 ²¹	1996
Female	898 (5.2%)	775 (5.2%)	789 (5.5%)	845 (5.6%)	767 (5.8%)	824 (6.1%)	934 (7%)	937 (6.3%)	876 (6.1%)	1,000 (6.5%)
Male	16,213	14,225	13,492	14,323	12,360	12,722	12,478	13,985	13,377	13,000
Total	17,111	15,000	14,281	15,168	13,127	13,546	13,412	14,922	14,253	14,000

Table C8

Table C8: Direct sentenced receptions to penal establishments by sex, 1987-1996

	1987	1988	1989	1990	1991	1992	1993	1994	1995 ²¹	1996
Male	10,616	10,203	9,763	9,751	9,729	11,022	11,818	11,491	10,910	12,000
Female	581 (5.2%)	569 (5.3%)	507 (4.9%)	519 (5.1%)	578 (5.6%)	562 (4.9%)	678 (5.4%)	713 (5.8%)	592 (5.4%)	600 (4.9%)
Total	11,197	10,772	10,270	10,270	10,307	11,584	12,496	12,204	11,502	13,000

Table C9

Table C9: Direct sentenced receptions of female prisoners by type of offence, 1992-1996

Crime or offence	1992	1993	1994	1995 ²²	1996
All crimes and offences	562	678	713	592	619
All crimes: sub total	464	561	603	475	508
Non-sexual crimes of violence: sub total	18	25	25	33	50
- <i>Serious assault</i>	10	19	16	22	29
- <i>Handling offensive weapons</i>	-	-	4	2	9
- <i>Robbery</i>	4	4	3	8	10
- <i>Other</i>	4	2	2	1	2
Crimes of indecency: sub total	8	9	6	9	9
- <i>Sexual assault</i>	-	-	-	1	-
- <i>Lewd and indecent behaviour</i>	1	-	-	2	2
- <i>Other</i>	7	9	6	6	7
Crimes of dishonesty: sub total	402	476	498	339	349
- <i>Housebreaking</i>	14	15	17	20	10
- <i>Theft by opening lockfast places</i>	2	1	1	2	2
- <i>Theft of motor vehicle</i>	-	-	-	1	2
- <i>Other theft</i>	355	416	433	269	280
- <i>Fraud</i>	7	22	31	32	14
- <i>Other</i>	24	22	16	15	34
Fire-raising, vandalism: sub total	7	6	2	7	9
- <i>Fire-raising</i>	3	2	1	2	2
- <i>Vandalism etc.</i>	4	4	1	5	7
Other crimes: sub total	29	45	72	87	90
- <i>Crimes against public justice</i>	15	20	33	45	35
- <i>Drugs</i>	14	25	38	42	62
- <i>Other</i>	-	-	1	-	3

All offences: sub total	98	117	110	117	114
Miscellaneous offences: sub total	96	114	108	113	111
- <i>Simple assault</i>	36	36	36	30	52
- <i>Breach of the peace</i>	58	74	71	81	52
- <i>Drunkenness</i>	1	-	-	1	2
- <i>Other</i>	1	4	1	1	4
Motor vehicle offences: sub total	2	3	2	4	3
- <i>Dangerous and careless driving</i>	-	-	-	-	-
- <i>Drunk driving</i>	-	-	-	1	2
- <i>Speeding</i>	-	-	-	-	-
- <i>Unlawful use of vehicle</i>	2	3	1	2	1
- <i>Vehicle defect offences</i>	-	-	-	1	-
- <i>Other</i>	-	-	1	-	-

Table C10

Table C10: Direct sentenced receptions of female prisoners by age, 1992 to 1996

Age category	1992	1993	1994	1995 ²³	1996
Under 16	-	-	-	-	-
16	2	4	4	5	5
17	13	6	8	10	18
18 to 20	41	65	61	64	42
21 to 25	224	252	237	193	172
26 to 30	153	183	213	126	181
31 to 40	85	127	147	136	143
41 to 50	31	19	29	30	39
51 to 60	11	17	13	27	18
Over 60 years	2	5	1	1	1
Total	562	678	713	592	619

Table C11

Table C11: Direct sentenced receptions of female prisoners by length of sentence, 1992-1996

Sentence length category	1992	1993	1994	1995 ²³	1996
Three months or less	347	417	387	335	330
Three to six months	172	198	254	173	168
Six to 12 months	25	31	36	43	68
12 to 24 months	6	19	17	23	25
More than 24 months	12	13	19	18	28
Total	562	678	713	592	619

Table C12

Table C12: Fine default receptions to penal establishments by sex, 1987 - 1996

	1987	1988	1989	1990	1991	1992	1993	1994	1995 ²³	1996
Male	10,365	9,170	8,644	6,455	7,295	7,792	8,878	8,174	6,808	8,333
Female	618	544	510	380	614	547	738	701	701	667
	(5.6%)	(5.6%)	(5.6%)	(5.6%)	(7.8%)	(6.6%)	(7.7%)	(7.9%)	(9.3%)	(7.4%)
Total	10,983	9,714	9,154	6,835	7,909	8,339	9,616	8,875	7,509	8,999

