

A Better Way

The Report of the Ministerial Group on Women's Offending



SCOTTISH EXECUTIVE

Making it work together

A Better Way

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contents

| | |
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| INTRODUCTION | 1 |
| Dr Simpson’s Introduction | 1 |
| General Introduction | 2 |
| Progress Since “A Safer Way” | 3 |
| The Female Prison Population | 3 |
| The Pattern of Women’s Offending in Other Parts of the UK | 4 |
| Trends in Scotland | 4 |
| Community sentences | 8 |
| The Nature of Offences that Women Commit | 9 |
| Length of Women’s Sentences | 10 |
| Remands | 11 |
| Fine Default | 14 |
| Age Profile | 16 |
| Young Women Offenders | 17 |
| Young Women in Custody | 17 |
| Geographical Spread | 18 |
| What did this tell us? | 20 |
| Agenda | 22 |
| STAGE 1: PREVENTION AND EARLY INTERVENTION | 23 |
| Social Justice Agenda | 24 |
| Prostitution | 24 |
| Arrest Referral | 24 |
| Diversion | 26 |
| Bail Retrieval, Information and Supervision Schemes | 26 |
| Young Females | 27 |
| STAGE 2: COMMUNITY DISPOSALS | 29 |
| Young Women | 29 |
| Supervised Attendance Orders | 30 |
| Structured Deferred Sentences | 31 |
| Drugs | 32 |
| Drug Treatment and Testing Orders | 33 |
| Drug Courts | 33 |
| Restriction of Liberty Orders | 34 |
| Time Out | 35 |
| Specialised Services for Women | 37 |
| STAGE 3: THE ROLE OF AFTERCARE | 39 |
| Pilot Passport Scheme | 39 |
| CONCLUSION | 41 |
| Annex A: Membership of the Ministerial Group on Women’s Offending | 44 |
| Annex B: Summary of the Recommendations of the Inter Agency Forum on Women’s Offending | 45 |
| Annex C: Turnaround Statistical Analysis Report | 46 |
| Glossary | 47 |

introduction

INTRODUCTION BY DEPUTY MINISTER FOR JUSTICE

The Group was set up in December 2000 to address issues relating to women's offending. It drew together people from a number of organisations, including Strathclyde Police, the Crown Office and Procurator Fiscal Service, the Scottish Prison Service, the Social Work Services Inspectorate, Social Work Departments in Glasgow and Fife Councils, Greater Glasgow NHS Board, Scottish Courts Service, Turning Point Scotland and the Justice Department. These are the agencies which come into regular contact with women offenders and thus they are the agencies which can help us to make an impact on the number of women being sent to prison in Scotland. This inter-agency approach underpins the Executive's continuing commitment to improving the way that the criminal justice system deals with women who offend.



It is important to understand the background to this problem. In 1998, the Chief Inspector of Prisons and the Chief Inspector of Social Work carried out a major review of community disposals and the use of custody for women offenders in Scotland. The origins of the review lay in the loss of young lives at Cornton Vale in the period between 1995 and 1997. The report "A Safer Way" marked a milestone in our understanding of the problem of women offenders. For the first time in Scotland, it highlighted the special circumstances which relate to women in prison. It led directly to the setting up of the Inter-Agency Forum on Women's Offending which met from 1998 to 2000.

The Forum harnessed the local knowledge and expertise which exists in the Glasgow agencies represented on that group. It produced 2 reports and its work promoted a better understanding of the problems which often lead women to offend. Whilst imprisonment remains the right option for women offenders who commit more serious crimes, the Forum confirmed that what was needed were practical measures to tackle the root causes of a great deal of women's crime. As a result, we no longer need to ask why these women offend. Rather we need to do something about breaking the cycle which leads them into criminal behaviour in the first place and frequently into prison even when most pose very little danger to others. This is the key objective of the Ministerial Group and as its chair, I am pleased to endorse its report.

A handwritten signature in black ink that reads "Richard Simpson". The signature is written in a cursive, flowing style.

Richard Simpson MSP
Deputy Minister for Justice

Introduction

The Ministerial Group on Women's Offending was established in December 2000 with a remit to:

"build on the work done by the Inter-Agency Forum to take forward and implement a package of measures designed to reduce significantly the number of women held in custody in Scotland".

The membership of the group was drawn from a number of key agencies (see annex A). The pattern of a woman's offending frequently begins in the social, economic and emotional problems, which occur early in her life. Action to deal with the problem of women's offending will not therefore be effective if it falls on one or two agencies or on the criminal justice system alone. It requires a concerted effort across a number of agencies, both in the statutory and voluntary sectors. This underlines the importance of the work of the Inter-Agency Forum on Women's Offending (IAF). The Forum was set up following the review carried out by the Chief Inspectors of Prisons and Social Work, which was published in 1998 as the report "A Safer Way"¹. This review was carried out after the suicides of seven women between June 1995 and December 1997 in HMP Cornton Vale, Scotland's only female prison. When the Forum published its proposals² in December 2000, the Ministerial Group was set up to take forward its work. We were fortunate to have the assistance of a number of members who had previously served on the Forum and this provided continuity with the work of the Forum ensuring that its expertise was not lost. The Group also brought in members to extend the remit of the work beyond Glasgow. The Group met on 8 occasions, in the period between 4 December 2000 and 11 December 2001.

The Group took the proposals of the IAF as the starting point for our work. These are set out in annex B. We also commissioned additional work on statistics to inform our understanding of the main pressure points within the system. Her Majesty's Chief Inspector of Prisons and the Chief Inspector of Social Work, the joint authors of the report "A Safer Way" and Nancy Loucks, a researcher on women's offending, each attended a meeting of our Group.

Towards the end of the period when the Group was meeting, there were a further 2 deaths at HMP Cornton Vale. Despite the favourable report³ on the progress which had been achieved at HMP Cornton Vale, published following Her Majesty's Chief Inspector of Prisons' inspection in 2001, these tragedies reinforce the importance of

¹ A Safer Way was produced by the Scottish Office and published in 1998.

² The Inter-Agency Forum on Sex Offending published annual reports in November 1999 and January 2001. These proposals were in the second annual report that was published in 2001.

³ Her Majesty's Inspectorate of Prisons' report on Cornton Vale, September 2001

the work of the Group. There is a pressing need to find better ways of dealing with the problems which lead women to offend, by intervening to divert them from prosecution and by providing disposals which the courts will have the confidence to use as *alternatives to custody**.

Progress Since “A Safer Way”

We recognise that much has already been done to address the problems which have been identified. In particular, a range of changes, responding to the points made in the Safer Way Report, have been implemented at HMP Cornton Vale. Whilst we applaud the work of the Scottish Prison Service in improving conditions at HMP Cornton Vale, this does not really address the underlying issue. The Group is concerned that the number of female prisoners in Scotland continues to rise, even when **many of these women pose very little risk to the communities in which they live**. Given the problems of many of these women and the nature of their offences – shoplifting and other petty offences – a very early message to emerge from our work was the need not only to provide alternatives to custody but also **to build the confidence of the courts in these alternatives so that they are willing to use them more frequently instead of sending so many women to prison**. The recent deaths remind us that prison is not the best place for most of these women, however successful the staff at HMP Cornton Vale have been in making the environment as supportive as it can be.

The Female Prison Population

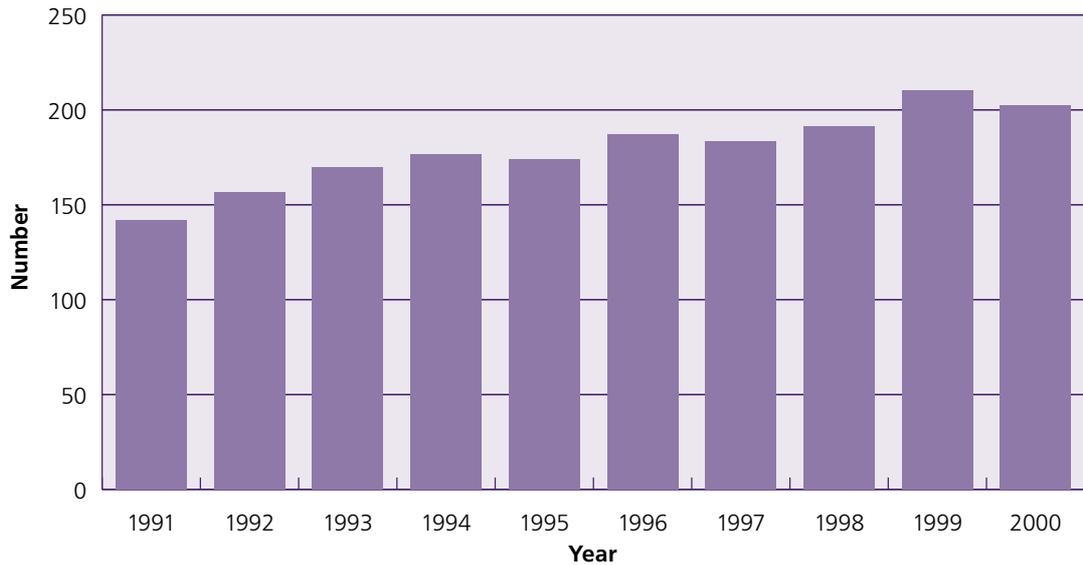
The Group considered why, despite a policy commitment from Scottish Ministers to reduce the use of imprisonment, Scottish courts continue to:

- Remand high numbers of women in custody;
- Impose short custodial sentences for minor offending; and
- Imprison women for fine default.

We see these as the 3 critical areas that must be addressed if we are to succeed in reducing the number of women in prison. The average daily female prison population has been rising since 1991, see chart 1 below. The trend in 2001 suggested that when figures for that year are announced, there will be a further increase. The Group drew conclusions about the trend in women’s offending from these statistics.

* Terms in italics are explained in the Glossary at the end of the Report.

Chart 1: Average daily female prison population, 1991 to 2000



The Pattern of Women's Offending in Other Parts of the UK

Figures published by the Home Office in November 2001⁴ show a record 4,020 women in prison in England and Wales in that month. This is a 19% rise on the figure for the corresponding period in the previous year and more than double the number in the middle of the last decade. This increase was particularly marked in the three months running up to September 2001 in which the population grew by 7%. In commenting on the fact that the number of women prisoners has risen every month since 1993, Martin Narey, Director General of HM Prison Service said that it was difficult to find a clear reason. He asked sentencers to look very carefully before using custodial sentences for women. The Howard League, commenting on the same figures, said that there was evidence that the courts had become more strict and were making fewer distinctions between men and women. The number of women who received a custodial sentence in Wales is also high in comparison to Scotland. In Wales approximately 6 women for every 100,000 people are in custody, compared to 4 in every 100,000 in Scotland (169 women out of a population of 2.9m).

Trends in Scotland

Like England, the trend in Scotland is upwards (see chart 1 above). The average female daily prison population has risen by almost 42% in the 10 years to 2000 (from 143 to 201), double the growth of the male prison population. This is despite the fact

⁴ Taken from the Home Office Prison Population Brief, November 2001

that the number of convictions per 1,000 of the population has generally followed a downward trend for both men and women, for all age groups, though the decrease in the rate for females aged under 21 is much less pronounced. We therefore welcome the statistics which show that the average daily female population actually fell in 2000 by 4% (from 212 in 1999 to 201). We note however that the reason for the decline in the figures for 2000 may be linked to the impact of the industrial action which affected Glasgow Stipendiary Magistrates Court towards the end of that year. The conclusion that this was in fact a glitch rather than the beginning of a trend, is supported by the fact that the numbers increased during 2001 to the highest ever recorded.

It is interesting to look more closely at the prison statistics. At this stage, we should note however that the statistics on women serving custodial sentences are presented in 2 main ways⁵ and both are used in this report. The average daily prison population smoothes the peaks and troughs in prisoner numbers experienced during the year. The number of receptions to prison is based on the numbers being received in the course of a year. In addition, the statistics sometimes provide a snapshot of the number of women in prison on a particular day, such as 30 June. The published statistics are further divided into adult women (21 and over) and *young women** (under 21).

The number of women in prison in Scotland in 2000 can thus be presented firstly as an average daily population, as in table 1 below:

Table 1: Average daily female prison population in 2000

| | Adult women | Young women | Total ⁶ |
|--------------------------|-------------|---------------|--------------------|
| Total⁶ | 156 | 44 | 201 |
| of whom: | | | |
| Directly sentenced | 121 | 30 | 151 |
| Remands | 31 | 14 | 45 |
| Fine Defaults | 4 | Less than 0.5 | 5 |

This table shows that the average daily female prison population consists of 3 main groups:

- Women and young women directly sentenced to prison by the courts (151 - almost $\frac{3}{4}$ of the overall total);
- Those remanded in custody either awaiting trial or awaiting sentence (45 - almost $\frac{1}{4}$ of the overall total); and

⁵ The Scottish Executive produces a statistical bulletin entitled 'Prison Statistics, Scotland' annually from which we draw our statistics. The most recent one was published in November 2001 number CrJ/2001/10.

⁶ Figures may not add up due to rounding

* Terms in italics are explained in the Glossary at the end of the Report.

- Those imprisoned, not for the original offence, but for defaulting on the fine which was imposed (5 - a very small proportion of the overall total).

If we could reduce the proportion who are sent to prison in each of the first 2 groups, we would begin to make a significant impact on the average daily prison population.

The number of women in prison in Scotland in 2000 can also be presented as yearly receptions as in table 2 below, which shows a different picture as follows:

Table 2: Number of yearly female receptions to prison, 2000

| | Adult women | Young women | Total ⁶ |
|--------------------------|-------------|-------------|--------------------|
| Total⁶ | 1649 | 557 | 2206 |
| of whom: | | | |
| Directly sentenced | 413 | 148 | 561 |
| Remands | 694 | 335 | 1029 |
| Fine defaults | 542 | 74 | 616 |

Looked at this way, we see that the problem lies in:

- Women and young women directly sentenced to prison by the courts, ($\frac{1}{4}$ of the total);
- Those remanded in custody either awaiting trial or awaiting sentence (almost $\frac{1}{2}$ of the total); and
- Those imprisoned, not for the original offence, but for defaulting on the fine which was imposed (over $\frac{1}{4}$ of the total).

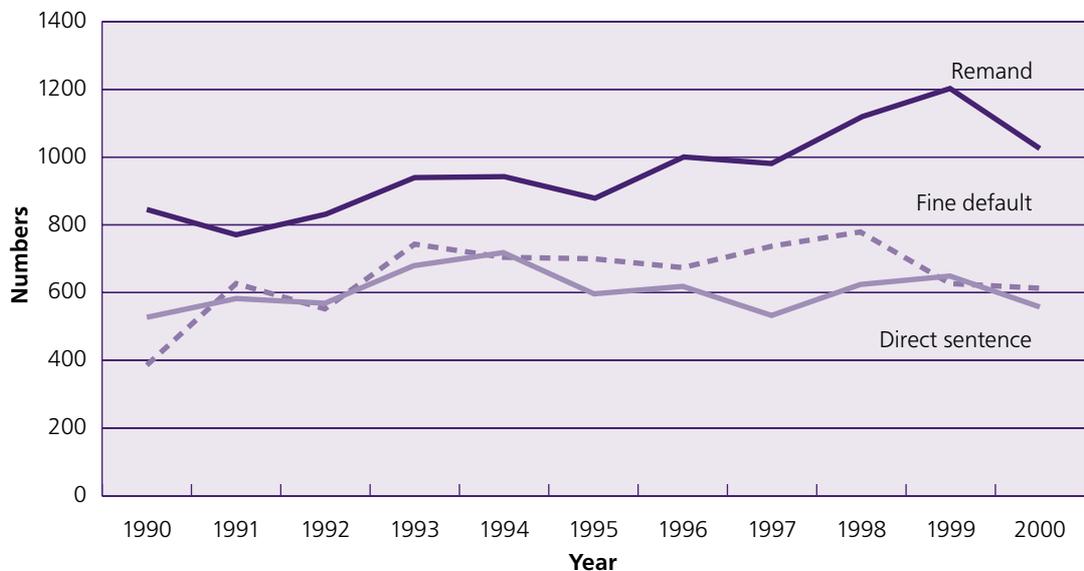
Whilst attention in the past has tended to concentrate on the average daily number of women held in HMP Cornton Vale, we note that, by taking this view, remands and receptions for fine default have a significant impact on what is happening in relation to the growth in overall numbers. If we can identify action to reduce the number of receptions, not only will it have an immediate impact on the daily population but in the longer term, it may reduce the number of women who graduate into a pattern of more serious offending.

Given the rise in total numbers, it is not surprising to note that the average daily population of adult women **directly sentenced** by the courts has been rising steadily in the last 10 years (from 99 in 1991 to 131 in 1999) with a slight decrease in 2000 (to 121).

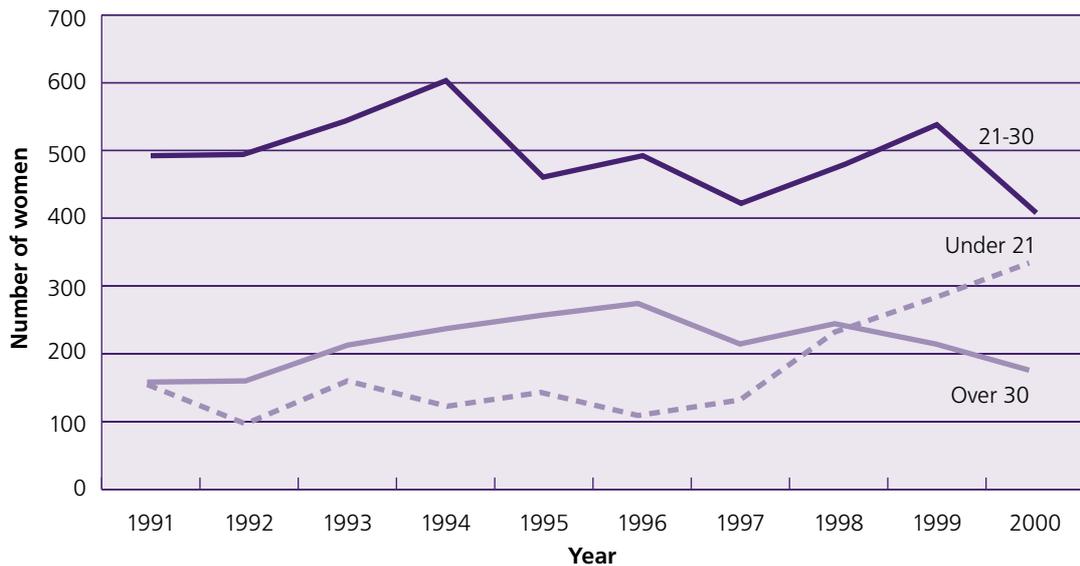
⁶ Figures may not add up due to rounding

But this is just part of the picture. In 2000, directly sentenced adult females accounted for 60% of the total average daily prison population but less than 20% of receptions. Further, women held on remand accounted for 21% of the total average daily prison population (45 out of 203) but 47% of receptions. Whilst imprisonment for fine default accounted for a very small percentage of the daily population, it accounted for nearly a third of all annual receptions or at 616, a higher level of receptions than direct sentences, at 561. This analysis shows us **that there is a significant problem in the Scottish criminal justice system in relation to the high volume of women being received into prison for short periods of time**, whether on remand, for fine default or to serve short prison sentences. See chart 2 below:

Chart 2: Receptions of females to penal establishments by type of custody, 1990-2000



Women under 21 years of age represent a particular problem because a growing proportion of them make up both the average daily population and the number of receptions. In fact, an increase in young women in prison masks a more promising story in relation to women over 21 years of age. The use of custody in 2000 for women aged between 21 and 30 was, at 408, lower than in any year in the preceding decade (and 32% lower than the high of 599 in 1994). Similarly, there were fewer women aged over 30 sentenced to custody in 2000 (176) than in any year since 1992. But the decrease for these age-groups was **countered by the substantial increase in the use of custody for young women under 21**, see chart 3 below. This is in contrast to the number of male young offender direct sentenced receptions which, in 2000, reached the lowest experienced since 1991.

Chart 3: Females sentenced to custody, by age, 1991-2000

These figures begin to suggest where action should be focused if overall numbers are to be reduced.

Community Sentences

Whilst the courts are making increased use of prison, they have also been making increased use of *community sentences**. Interestingly, this is happening at a time when the number of women convicted has fallen from 24,040 in 1991 to 16,366 in 2000. The total use of Probation Orders increased by over 70% between 1990 and 2000. Over the same period the number of *Community Service Orders** has increased from 4,739 in 1990 to a high of 5,711 in 1996, since when the number has tailed back slightly to around 4,700 in 2000. The total number of community sentences imposed on individuals with a charge proved against them has increased from 5% of the total disposals in 1990 to 11% in 2000. It is encouraging to note that in the past few years, the court's use of *community disposals** for women offenders has increased at a higher rate proportionally than the use of custodial sentences over the same time. And given this fact, criminal justice social work services are increasingly developing the standard community sentences to address the specific needs of women offenders. They must however ensure that these are evaluated in order to demonstrate the quality and effectiveness of what they provide because this is one way to help build the confidence of the courts in their use.

* Terms in italics are explained in the Glossary at the end of the Report.

Of the 19,033 women proceeded against in 2000, 16,366 had a charge proved against them. Of these women:

- 6% (920) received a **custodial sentence** and,
- 11% (1850) received a **community sentence**.
- This compares with 14% and 10% respectively for males.

But in 2000, the number of convictions resulting in a **community sentence** showed:

- A 5% decrease** from the previous year for **women offenders aged over 21** and,
- A 10% decrease** from the previous year for **women offenders aged under 21**.
- The equivalent figures for male offenders show a 5% **increase** for those aged over 21 and a 7% decrease for those under 21.

Thus whilst the range of community disposals is increasing, their use for women may be beginning to show a decline. The Group concludes that **we therefore need to look at ways of revitalising the use of community disposals**.

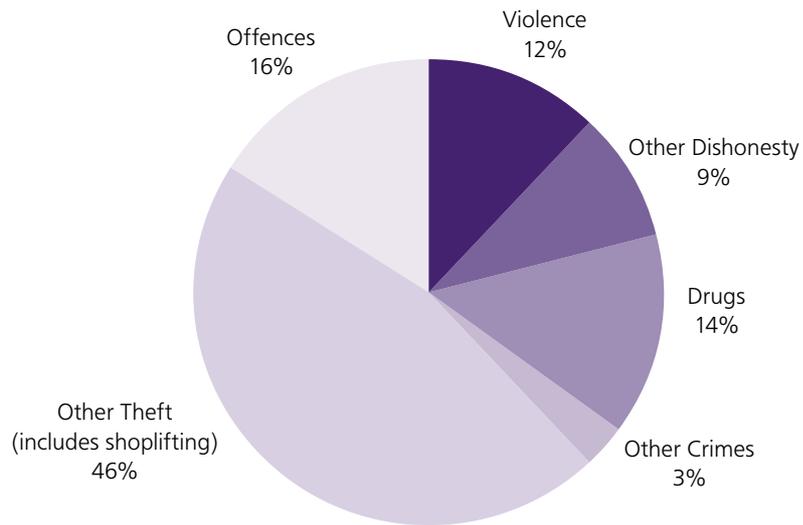
The Nature of Offences that Women Commit

We also looked at the nature of the offences committed by women who receive custodial sentences in Scotland to understand if this explains why, of the fewer women who are convicted by the courts over the past decade, more of them are being imprisoned. It may be that they pose a threat to others. We did not find however that most women prisoners commit serious or violent offences. Rather the statistics show that the female prison population is a diverse group who have committed a variety of offences.

When we look at the total number of adult women directly sentenced receptions to prison in 2000 (413), (see chart 4 below which represents this population) we see that a minority commit crimes which involved violence (at 49, 12%) or drug offences (at 56, 14%). Indeed, the proportion of adult women under direct sentence for dishonesty, which includes other theft, mainly shoplifting, was at 190, 46%, almost two and a half times the proportion (19%) of adult males detained for this crime.

We conclude that most women who receive short custodial sentences get them for relatively minor, non-violent offences. And we cannot explain the increasing use of prison by pointing to increasing convictions for drug offences (i.e. importation, possession and supply etc.) and violent offences. This confirms our conclusion that the nature of the offences that women commit means that most of them could be dealt with in the community without endangering those who live alongside them. It also leads us to conclude that penalties have indeed become tougher. This Group does not have access to future projections of the prison population, however, we think that if prison was reserved for those who have committed violent and supply of drug offences, **the annual reception of adult women in prison for minor offences for short periods of time (up to 6 months) could be up to 150 less than it might otherwise be. This translates to a reduction of up to 11 in the average daily population of these women.**

Chart 4: Adult direct sentence receptions of females to penal establishments by main crime or offence 2000



Length of Women’s Sentences

Given that many women prisoners present little threat to others and have committed relatively minor offences, we also note that the vast majority of women, like the vast majority of men, are sent to prison for short periods (under 6 months), as follows:

Table 3: Length of women’s sentences in 2000

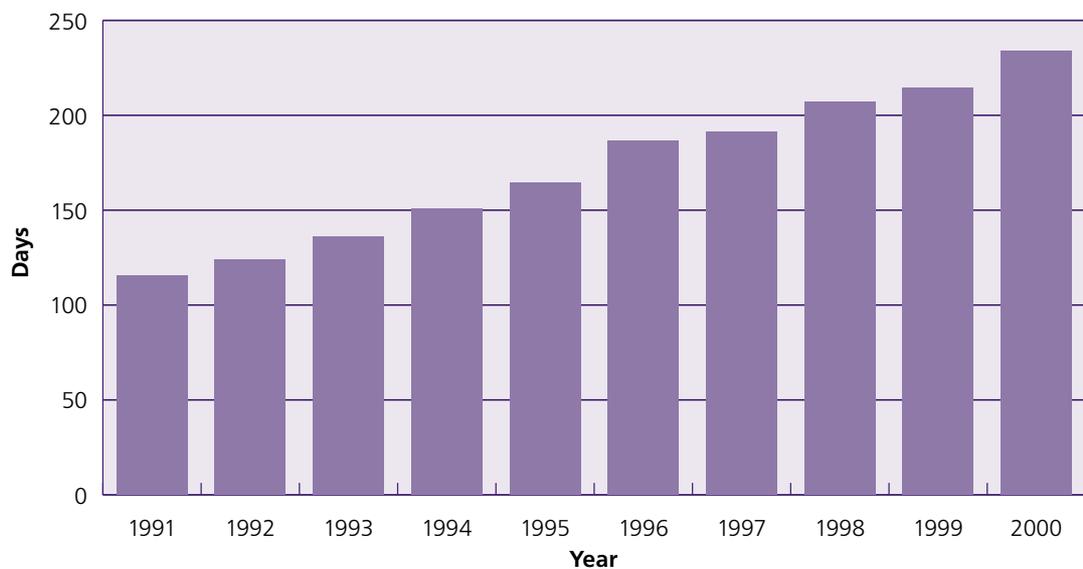
| | Under 3 months | Under 6 months | All sentences |
|-------------------------------------|----------------|----------------|---------------|
| Total | 750 | 984 | 1177 |
| <i>Adult direct sentenced women</i> | 104 | 275 | 413 |
| <i>Young direct sentenced women</i> | 30 | 93 | 148 |
| Fine default | 616 | 616 | 616 |

Out of the total number of women receptions who were sentenced to prison in 2000 (therefore not including those remanded), **64% of receptions have been given sentences of less than 3 months, 84% have been given sentences of less than 6 months.** A separate piece of work on short term prison sentences⁷ has shown that

⁷ Short Term Prison Report, Scottish Executive (unpublished)

the prison system can address the health needs and stabilise the drug use of prisoners serving short prison sentences. Little more can be done in terms of helping them to access education and training, to assist them with future employment opportunities or indeed to help them address their offending behaviour. Conversely, even short prison sentences can make it more difficult for women to resettle back into communities because of problems which result with housing, taking back the care of their children and reconnecting to services outside prison. This is not an argument however for longer sentences. As can be seen in chart 5 below, the average length of sentence imposed on adult women has more than doubled (an increase of over 100% from 116 in 1991 to 234 in 2000). In the same time, the average length of sentence imposed on adult males has increased by 31%.

Chart 5: Adult direct sentence receptions of females to penal establishments: average sentence imposed, 1991–2000



Remands

We are also concerned about the number of women held on remand in Scotland's prisons. Almost half of all female receptions to prison in 2000 were remands, as shown below:

- 1029 receptions to custody on remand in 2000,
- 1177 receptions on direct sentence (including fine default).

In fact, until this year, the average daily population of remands has shown a steady increase over the past decade, from 32 in 1991 to 56 in 1999, falling to 45 in 2000 (declining by 20% between 1999 and 2000).

Her Majesty's Prison Inspectorate for Scotland's report on remand prisoners⁸, took an approach based on the premise that alternatives to custodial remand should be considered first. It reminded us that individuals on pre-trial remands are innocent in the eyes of the law and that individuals on post-trial remand have not yet received a custodial sentence from the court. It concluded that Scotland generally sends a significantly greater proportion of individuals, men and women, to prison on remand than any other European country. The main charge of those remanded was dishonesty (37% of men and 57% of women, corresponding figures for 2000 are 30% and 43% respectively); most remand prisoners are not sentenced to imprisonment – in 1997 only 46% of all remands received a custodial disposal.

The report also found that whilst the number of men held on remand in Scotland fell between 1988 and 1997 (from 14,225 to 13,850), the number of women rose by 25% over the same period (775 to 976). In addition, there had been almost a 21 fold increase (from 16 in 1988 to 335 in 1997) in the number of women on remand convicted and awaiting sentence. The report concluded that the courts were using remand more frequently for women. The most common reasons for objection to bail in summary cases were found to be a lack of a fixed abode, the seriousness of the charge, or the person's prior criminal record. The report largely discounted the suggestion that a period of custody pre-trial was seen as a useful form of deterrence but it did give credence to the suggestion that the local criminal justice culture played a role in the use of bail and led to variations in rates of remand in different regions (see chart 6 below). The report emphasised again that the high throughput of remand prisoners was placing a considerable strain on prisons because of the comprehensive nature and complexity of the initial admission and processing procedures.

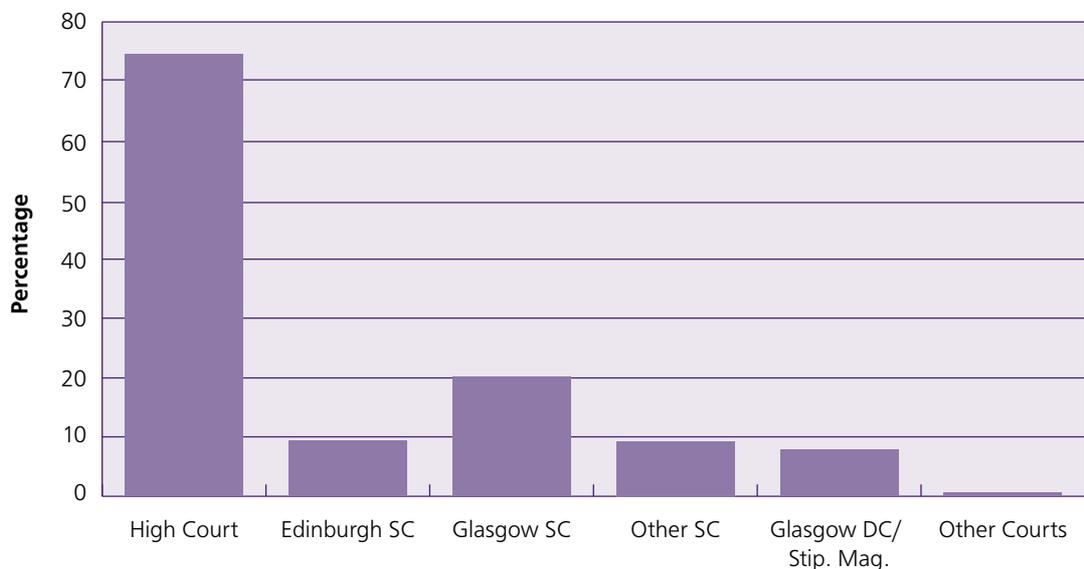
It should be noted, however, that when a person who has been on remand receives a custodial sentence, the period of time already served on remand will count as part of that sentence, so effectively this time will be deducted from the sentence given by the court.

A further breakdown of the 2000 remand figures shows whether the situation has changed since the H.M. Inspectorate of Prison's report. Almost two thirds of the women held on remand were awaiting trial (671) and one third were awaiting sentence (358). Thus the number awaiting trial has declined but the number of women convicted awaiting sentence has continued to increase. We are thus

⁸ 'Punishment First – Verdict Later?' A Review of Conditions for Remand Prisoners at the End of the 20th Century, published by the Scottish Executive in 2000

disappointed that greater use has not been made of the increased number of bail beds provided for women in Glasgow nor the bail retrieval scheme introduced at Cornton Vale, especially given the pattern of remands in custody by court. These patterns are shown in chart 6 below, which gives the proportion of women who are put on remand at Scottish courts as a percentage of the number of women convicted by those courts. Please note that we would expect to see a higher level of remands from the High Court due to the severity of the cases dealt with there.⁹

Chart 6: Female remand receptions as a percentage of court business by court, 2000



We recognise the complexity of the issues around granting bail. For example, we know that any increase in the granting of bail might in the end lead to even greater numbers being sent to custody because of non-compliance of bail conditions. And we have been told that the present Housing Benefit rules act as a disincentive to grant bail. This is because women can retain benefit on remand, and so their tenancies, but not if they are living in a bail hostel or take up the offer of a bail bed.

None of this however adequately explains the substantial increase in numbers which has been recorded in recent years. We conclude that if the courts were willing to make greater use of the bail beds and the support systems which are available and which are now being extended across the country, then the number held in prison on remand could be reduced significantly. If a modest 25% of those currently held on

⁹ Please also note that these figures might have been affected by missing data and industrial action. There is some missing data for courts in the Grampian Police and Northern Constabulary force areas and there was industrial action in some of the district courts (including the Glasgow Stipendiary magistrate court) in the last few months of 2000.

remand were given bail, **the future annual level of reception of women on remand could be up to 250 lower than it might otherwise be. This translates to a reduction in the average daily population of these women of up to 11 people.**

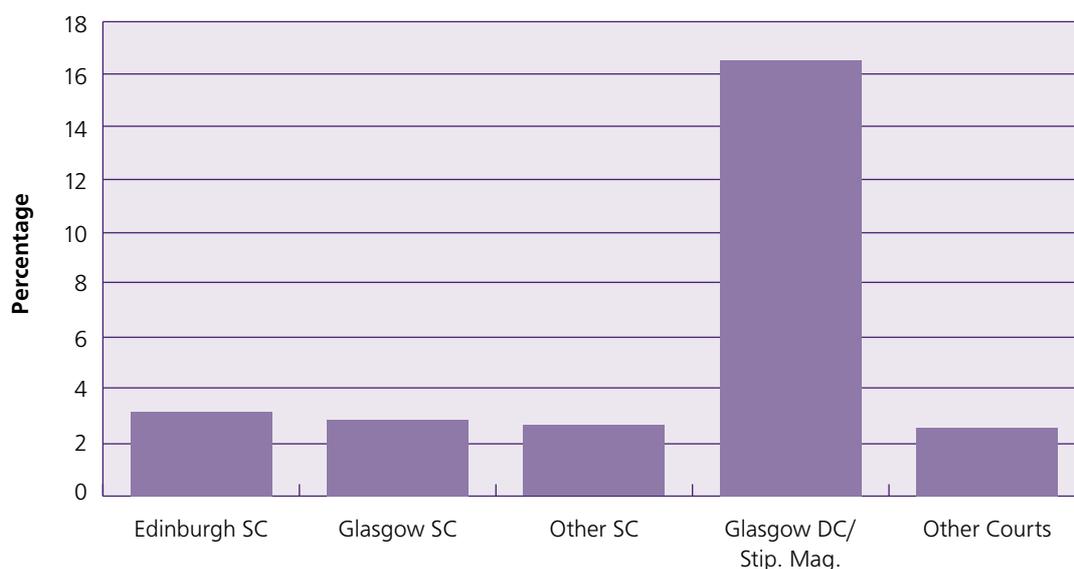
Fine Default

Imprisonment for fine default is the other area where there is potential to reduce the number of women received into prison each year. We note that, throughout much of the past decade, more women were received into custody for fine default than on a direct sentence. It is encouraging that the trend in imprisonment for fine default is significantly downwards over the past few years. For example, 20% fewer women were imprisoned for fine default in 1999 than in 1998. The trend may however be slowing with only a further 2% decline last year, (from 626 in 1999 to 616 in 2000) at a time when the decline for the prison population as a whole was 10%. And although there might be a reduction in the number of women imprisoned for fine default, it is also interesting to look at how many women are imprisoned for fine default **as a proportion of women fined by the courts**. The figure of 616 in 2000 actually represented 6.1% of all women fined that year. In 1991, only 2.1% of women fined were imprisoned for default. This shows that almost three times more women who were fined in 2000 were imprisoned for fine default than was the case in 1991.

Even with this decline, in 2000, female fine defaulters continued to represent a high percentage of female receptions with 616 admissions for fine default compared to 561 receptions on direct sentence as shown in chart 2 previously. In addition, the current practise of 'hand ins' where women are sentenced to custody for fine default on a Thursday, admitted that day to HMP Cornton Vale and are discharged again the next morning, is wasteful of police and prison resources and makes very little sense in the context of an effective justice system.

We also note the geographical variations in the use of imprisonment for fine default. In 2000, Glasgow District Court and Stipendiary Magistrates Court was the single court responsible for the largest number of female fine default receptions with 223 (36% of Scottish total) receptions. The different levels of fine default receptions for the Scottish courts are shown in chart 7 below, which gives the proportion of women who are received into custody for fine default at various Scottish courts as a percentage of the number of women convicted by those courts (see the footnote to chart 6). Chart 7 shows that, taking into account the different levels of business at Scottish courts, Glasgow District Court and Stipendiary Magistrates Court sentences five times more women to custody than other courts.

Chart 7: Female fine default receptions as a percentage of court business by court, 2000



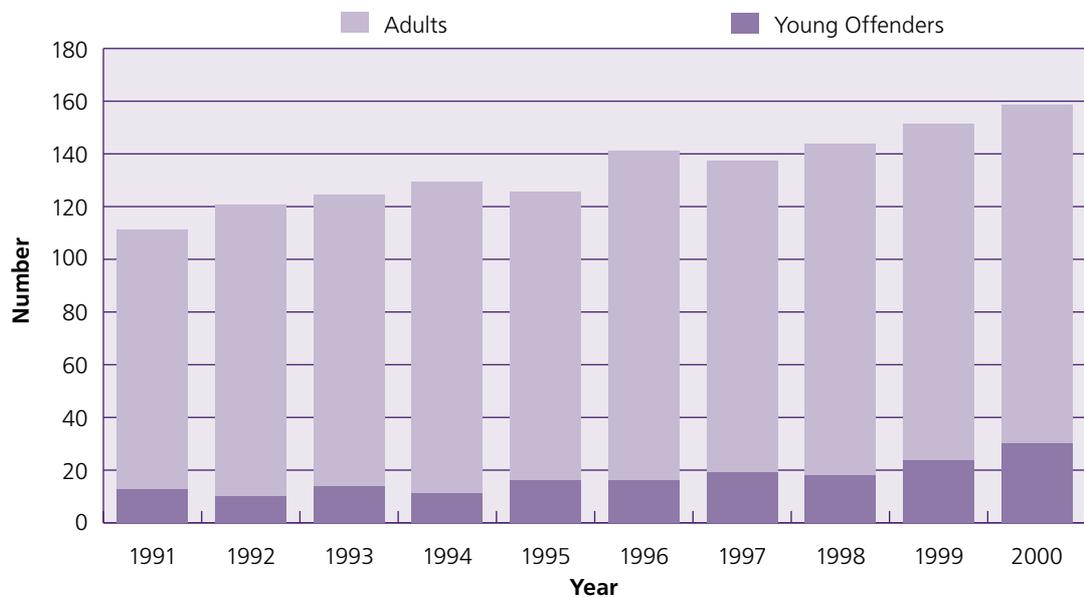
Because fine defaulters spend only a short time in prison, they represent a very small proportion of the average daily population – 4 or 5 places out of a population of over 200 women. We note that the average length of sentence for adult women imprisoned for fine default was 9 days and the average fine outstanding was £186. This is approximately £60 lower than the average for adult men and this difference is typical throughout the past decade. **We question the culture and cost-effectiveness of a system which imprisons so many women for this low level of fine default for very short periods of time for offences which did not carry a custodial sentence in the first place.** Whilst targeting action on the problem of fine default would not reduce the average daily prison population by more than a handful of places, it offers other benefits. It would ease the pressure on the prison system by reducing the high number of receptions which have to be processed and the time spent on managing short sentences and it would narrow one of the main gateways into prison. In 2000, only 381 of the 2245 *Supervised Attendance Orders** (SAOs) which were imposed, were imposed on women, with 205 in the sheriff courts, 8 in Glasgow Stipendiary Magistrates Court and 168 in the district courts. If Supervised Attendance Orders were used more consistently in the courts imposing high levels of custody for fine default, **up to another 300 women could be removed from the prison system each year. This would translate to a reduction of up to 2 people in the average daily population of these women.** Removing these women from the prison system could lead to a considerable financial saving of about £150,000 each year, given that the unit cost of processing women receptions at Cornton Vale is approximately £500.

* Terms in italics are explained in the Glossary at the end of the Report.

Age profile

We are particularly worried that sentenced young offenders (those aged under 21) accounted for a greater proportion of all women offenders in 2000 than in 1991. Between 1991 and 2000 the average daily population of sentenced young female offenders more than doubled, while the adult population increased by about one third. Looking just from 1999 to 2000 the sentenced female under 21 average daily population increased by 20% from 25 to 30. This trend is reflected in chart 8 below. In 2000, 148 of the direct sentence receptions were aged under 21, 28 of those were aged 17 years or younger.

Chart 8: Average daily sentenced female prison population, by age, (1991 to 2000)



We also note that a higher proportion of these young women (22%) are imprisoned for crimes of violence (32 out of a total of 148 receptions) than the rest of the female prison population. Whilst it is worrying that the trend towards more serious crime is especially evident amongst young women, it is important to keep a sense of perspective. Again the majority are being imprisoned for dishonesty and petty assault. The peak age for convictions in 2000 was 18. In that year the proportion of 18 year old males who were convicted (not imprisoned) of a crime, simple assault or breach of the peace was, at 7%, much higher than the proportion of all 18 year old females similarly convicted (1%). It is thus still true that a small proportion of young women are offenders and an even smaller proportion end up in custody. The numbers are still small enough to manage if action is taken now. The test will be to stop the numbers escalating further.

Young women offenders

Many young women offenders may either have been “looked after” by local authorities either in the community or in secure care or are being supported in a range of aftercare settings. They give special cause for significant concern because of their complex needs, vulnerability and chaotic behaviour. These young women are often involved in offending behaviour, drug and/or alcohol misuse, reckless sexual behaviour including prostitution, frequent absconding, have challenging behaviour and difficulties in their relationship with their families and peers. In many cases, their development and growth has been marked by family breakdown, violence, sexual abuse, and the absence of consistent family and adult support. They have had difficulty in engaging with education and learning opportunities, their self-image is poor and self-harm is not uncommon. They present the system with special problems.

We conclude that young women offenders are a group which should be targeted for special measures, not only to reduce present prison numbers but to halt a future increase.

Young women in custody

A review of all young women under 18 years of age¹⁰ who were sent to custody between 1 February 1999 and 31 May 1999 was carried out by the Social Work Service Inspectorate. It found that young women tend to fall into three groups in terms of their offending patterns:

- Young women who are both at low risk of re-offending and causing harm for whom imprisonment seems unnecessary;
- Persistent offenders who present a low risk of harm; and
- Offenders who present a high risk of re-offending and a high risk of harm from whom the public needs to be protected.

The offending histories of the young women in the study suggest that those sent to custody on remand or sentence are prolific offenders with very little space between offending and court appearances. They accrue criminal records almost as soon as they are ‘eligible’ to do so. Their response to community sanctions is extremely poor with breaches for failing to adhere to conditions and breaches for further offending being common. The approaches used to deal with these young women appear to have had little impact on the incidence of their offending. The short length of the sentences imposed and the absence of post release supervision mean that most of these young women would serve only a matter of days or weeks in custody prior to being released unsupervised back into the community. Such short sentences preclude the possibility for the Scottish Prison Service (SPS) to provide a rehabilitative programme.

¹⁰ Social Work Inspectorate Report on Young Women, Scottish Executive (unpublished)

The young women in the study had very unstable, difficult lives and the more problems that were present, the higher the risk the offender posed. There appeared (in this small sample) to be some links between experience of sexual abuse, later addiction problems and the potential to commit serious harm. The young women were largely pessimistic about the future and in many cases could see no alternative to custody. Both the Children's Hearings System (CHS) and the criminal justice system have difficulties with this age group. The resources available to the CHS have been insufficient for tackling persistent offending although the £23.5 million investment in developing programmes for persistent offenders represents a start in this area. The criminal justice system presupposes a level of maturity and understanding that is absent in most of these young women.

Young women share a number of characteristics with their male counterparts particularly in relation to their avoidance of facing up to their behaviour and its consequences and their lack of understanding. But the reasons for offending are different and different life experiences have different impact on their offending careers and the approaches needed to reduce offending. As girls become more entrenched in their offending, their attitudes and profiles are more closely related to those of boys and this in turn might lead to greater social exclusion from their law abiding peers.

The Group is particularly concerned about those 16 and 17 year old young women who continue to be held in adult prisons. In 1997, 14 young women aged 16 and 17 were sentenced to custody, rising to 36 in 1998, then 35 in 1999 and 28 in 2000. It appears therefore that the numbers of young women being sent to custody have risen markedly since "A Safer Way" was published. **By targetting measures on young women offenders who do not require a custodial environment, including specific action for those aged 16 and 17 years of age, there is the potential to reduce the number of young women in custody by up to 45 receptions. This translates to a reduction of up to 3 people in the average daily population.**

Geographical Spread

The Group notes that the problem of women sent to prison appeared to be extending beyond Glasgow, which has historically been the principal focus. This is similar to the pattern we have seen in the spread of the drug problem across Scotland and points to the urgent need for the rest of the country to learn the lessons from the West of Scotland. For the first time, the female wings at local prisons such as Inverness and Aberdeen have been operating at full capacity with an average daily population of 4 at Inverness and 6 at Aberdeen. It is unclear what factors are responsible for this increase in population. Nevertheless, the courts in Glasgow (Sheriff and District/Stipendiary) continue to be responsible for a disproportionate level of receptions of those on remand, fine defaulters and those subject to direct sentences of up to six months and up to two years, see charts 6 and 7 above and 9 and 10

below. Charts 9 and 10 show the proportion of women who are subject to direct sentences of up to six months and up to two years, respectively, at Scottish courts as a percentage of the number of women convicted by those courts (see the footnote to chart 6).

Chart 9: Female direct sentence receptions for less than 6 months, as a percentage of court business by court, 2000.

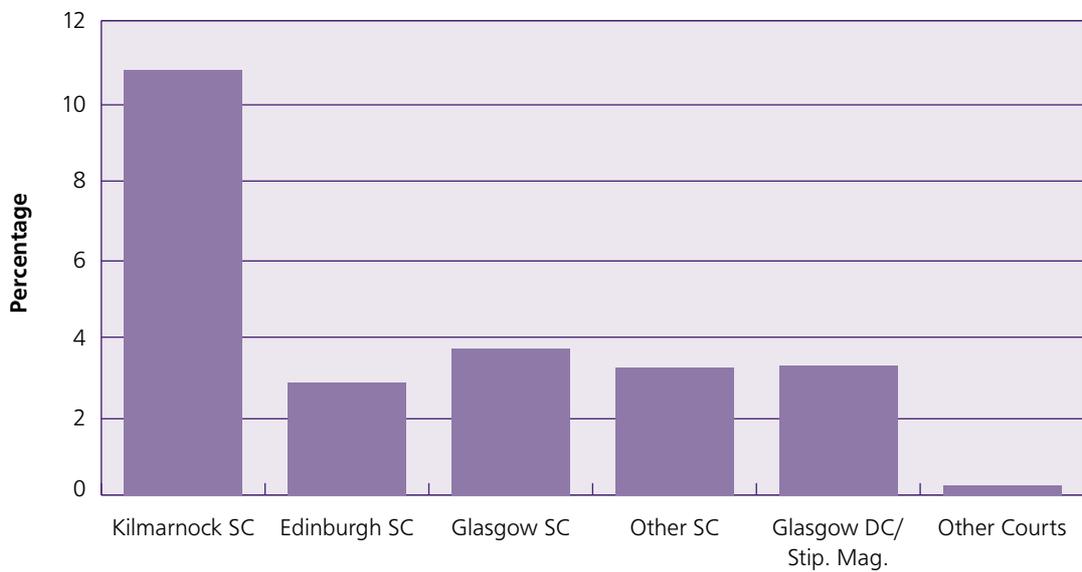


Chart 10: Female direct sentence receptions for less than 2 years, as a percentage of court business by court, 2000.



Whilst there is a need to keep a careful watch on what is happening in the rest of the country, **we conclude that the need for special measures remains focussed on Glasgow and the West of Scotland.**

What did this tell us?

The Group agrees that it is unlikely that an earlier aim of halving the population of Cornton Vale to around one hundred would be achieved in the short term. The level of crime committed by women could rise or fall regardless of the Group's activities. But it makes sense to set a realistic and achievable target to stop the increase in numbers of women sent to prison and to keep down the population of Cornton Vale. The focus to date has been largely on the daily numbers of women in prison. The problems revealed by the number of receptions to prison should also be addressed, for the statistics reflect the diversity of offending of the female prison population. They point to the fact that it is too simple to look for a one size fits all solution to the problem.

The most effective way to reduce the number of women in prison is to tackle the causes of their crime rather than simply impose a period of incarceration. Given the pattern of their offending, the vast majority of these women can be dealt with more effectively in a community setting, using the increasing range of disposals available to the courts. We can understand the frustration that the courts may feel when the same women are brought before them on a number of occasions for petty crimes. But it is better for the women, for their children and families, for the potential victims of crime and for society as a whole, to try to rehabilitate them rather than to stigmatise them further.

In the past, because the numbers of women offenders were very low, the approach in the criminal justice system has been informed by an analysis of offending amongst men and so the focus of criminal and community justice services has been geared towards men. In the future, given the increase in female numbers, services should be created that meet the specific needs of women. Women have different physical, psychological, dietary, social, vocational and health needs. They should be managed accordingly, with a different emphasis from that of their male counterparts. The importance of building relationships is the key to understanding the motivation of "What Works" with women to help them stop offending.

A lot has been done to improve the conditions of and opportunities available to women in prison. But the evidence shows that short prison sentences are not successful if the objective is to help women to move on and to prevent further offending. We believe that it is more effective to provide women offenders with ready access to the services and facilities they need to help them address their problems, within the community, since this is where they must eventually make lives for

themselves and their families. It may well take some time to sort out lives which have become significantly chaotic over a long period of time and the criminal justice system should not, therefore, expect to succeed at the first or even second time that it intervenes. This does not mean that community disposals have failed and that the courts must then resort to the use of prison. Instead the use, indeed the repeated use, of targeted community disposals stands a better chance of success in the longer term. This becomes even more important when we remember the impact that prison will have on families, for many of these women will have children.

By analysing the statistics the Group was able to identify a number of the individual drivers which result in an increasing number of women being sent to prison. If we can target measures on particular groups of women offenders, there is the potential to reduce the proportion of offenders being held in custody as follows:

- Adult women in prison for minor offences for short periods of time (up to 6 months) by up to 150 receptions (or a reduction of 11 in the average daily population);
- Women held on remand by up to 250 receptions (or a reduction of 11 in the average daily population);
- Women in prison for fine default by up to 300 receptions (or a reduction of 2 in the average daily population);
- Young women in prison for minor offences for short periods of time (up to 6 months) by up to 45 receptions (or a reduction of 3 in the average daily population), including specific action for those aged 16 and 17.

This would not only reduce the number of women in prison, it would also result in a more cost-effective use of resources and a more efficient criminal justice system.

Agenda

By examining the proposals contained in the second report from the Inter-Agency Forum, the Ministerial Group has been able to address the key issues which can make an impact on the number of women sent to prison in Scotland. This report now goes on to consider action to target each of the pressure points. We suggest a 3 stage approach, comprising:

Stage 1

- Early interventions to prevent or delay women coming into the criminal justice system in the first place.

Stage 2

- More frequent and repeated use of the full range of community disposals to address offending behaviour so preventing or delaying the need for custodial sentences.

Stage 3

- Work in prison to address women's problems and better aftercare for them on release to help to reduce the likelihood of them being re-convicted and sentenced to subsequent periods of imprisonment.

We look at how each of these stages can be taken forward in the second part of our report.

stage 1

PREVENTION AND EARLY INTERVENTION

Social Justice Agenda

Whilst the Scottish Executive has put delivering social justice at the centre of its Programme for Government, the special needs of offenders, in particular women offenders, has not yet been recognised by the Executive in its social inclusion agenda, although a number of studies¹¹ have reported on their background. They find that most are mothers or primary carers, have no work outside the home, have had problems at school and left with few educational qualifications, were on state benefits and in debt, have accommodation problems, have experienced some form of abuse frequently at the hands of men close to them, also suffered psychological distress and have serious problems with alcohol and drug misuse. A good proportion have been in local authority care as children and some have lost the care of their own children. The work of the Inter-Agency Forum on Women's Offending confirmed these findings. All of this is also amply demonstrated by the analysis of the background of women who came into contact with Turnaround Scotland in 2000, at Annex C.

Our analysis of the statistics, set out in the first part of this report, provided us with evidence of how the present system is failing. But statistics cannot, on their own, capture the extent of the deprivation which these women encounter. Whilst such women experience social exclusion on a daily basis, they are often unable to gain access to the services which they need to make their lives more manageable. They may be well known to some services, but it is frequently the criminal justice system which is left to deal with problems which have been building over a number of years. Poverty is often at the root of these problems and so is a major reason why women offend and this is an issue which seems to have been overlooked when the Executive set its social justice targets. The criminal justice system cannot deal with this legacy of past problems on its own. Another of our messages is that **action must be taken to alleviate the social circumstances which confront some women and which lead them to offend**. We believe that concerted action under the social inclusion banner can prevent women from offending and entering the criminal justice system.

¹¹ This refers to the following studies:

- 'Women in Prison: A Thematic Review by HM Chief Inspector of Prisons' published by the Home Office, August 1997
- 'HMP Corton Vale: Research into Drugs and Alcohol, Violence and Bullying, Suicide and Self-Injury, and Backgrounds of Abuse', by Nancy Loucks, published by the Scottish Prison Service, 1998
- 'Women Behind Bars: A Positive Agenda for Women Prisoners' Resettlement' published by NACRO in April 2001
- 'Enquiry into Maternal Deaths in the United Kingdom: (CEMD) Why Mothers Die' 1997 – 1999, published 6 December 2001 (on behalf of The Scottish Executive Health Department, The National Institute for Clinical Excellence, and The Department of Health, Social Services and Public Safety: Northern Ireland)

We want to emphasise the social costs in imprisoning women because this compounds the underlying problems especially when they have childcare and other family responsibilities. **We therefore conclude that the Executive's social inclusion agenda, which promotes early intervention and prevention, should give greater priority to those women who are identified as being at risk of offending.** This must be the long-term solution to the problem of women offenders.

Prostitution

When examining the social background of women offenders, we considered the problem of prostitution and noted the difference in policing practices adopted in Scotland's main cities. Our remit is not however to resolve the problem nor were we asked to consider changes to legislation. Our remit is to focus on reducing the number of women sent to prison. We are mindful that women are not imprisoned for soliciting but that they can then end up in prison if they fail to pay the fines. It is certainly true however that "other crimes of indecency" is the only category in the statistics where more women than men are convicted and this is because the category covers the crime of prostitution. Ten per cent of the women who were imprisoned for fine default in 2000 (59 out of 616) had been originally fined for soliciting.

Our efforts concentrate on identifying better community alternatives for fine default although we acknowledge the dangers that prostitution presents for the women who are involved and the link that exists between it, drug misuse, criminal activity and the whole range of health and social consequences which it presents. For this reason, we support the work of agencies which work to prevent women from entering prostitution and to seek to help those already involved, to leave it behind. Facilitating access to services such as accommodation, treatment and rehabilitation, training and employment, health and other needs can all support women to move on. We endorse the view that prostitution can arise from the social exclusion of women and we recommend that more work be done within that context to follow through on the wider problems which prostitution presents.

Arrest Referral

We believe that the Social Inclusion agenda holds out the promise that much of the deprivation that underlies women's offending and impacts on their children, can be tackled by the co-ordinated action of statutory and voluntary agencies. But we recognise that this will take time and the pressing need is for us to come up with measures which address the present problem of women's offending in the short to medium term. Whilst prevention is best in the long run, where women do come into conflict with the law, then the criminal justice system should take action which is likely to prevent further offending. The Group thus endorses measures aimed at early intervention and diversion.

Where possible, the criminal justice system should actively seek to divert women into those services which can help them to deal with their underlying problems. This can be done in a way which balances the need to deal effectively with women offenders and at the same time, address the concerns of the victims of crime. The earlier that the system intervenes in this way, the more likely it is to succeed. If it is successful, it will prevent the present pattern where women offenders proceed quickly through a truncated range of community disposals until they receive a custodial sentence. In the course of this journey, they become an increasing burden on the police, the courts, criminal justice social work, the prisons and of course their victims.

The link between drug misuse and crime is well known. It is generally agreed that many of the women who are sent to prison are chaotic drug users. The ADAM research¹² published in 2000 showed that, of the arrestees interviewed in Strathclyde and Fife in the period June to November 1999, 47% of women said they had injected at some time, 43% within the last 12 months, compared to 22% and 17% of men respectively. In addition, 38% of the women reported a source of illegal income, including theft, robbery and prostitution in the last 30 days, compared to 22% of men.

Drugs thus represent the trigger which lead many women to offend. But when a woman first comes into contact with the criminal justice system, this is the time when she is also most likely to be motivated to seek help with underlying problems. *Arrest referral schemes** use this as an opportunity, **at the point of arrest**, to offer assistance and to provide quick access for these women to treatment services and other sources of support. The Group sees potential in establishing and developing arrest referral schemes to reduce the number of women who move into the criminal justice process. The focus of schemes is of course wider than women, but the Group urges those agencies which are setting up arrest referral schemes to pay special attention to the needs of women. We look to the Scottish Executive to promote the development of such schemes and welcome the forthcoming guide to arrest referral schemes that is due to be published shortly by the Executive's Effective Interventions Unit¹³. Arrest referral schemes hold out the promise of significant long term savings for the criminal justice agencies and the health services if they succeed in bringing forward the time when a woman reduces and then ceases her drug use. Again, such schemes should be evaluated so that the lessons on effectiveness can be identified and disseminated.

¹² 'Interviewing and Drug Testing of Arrestees in Scotland: A Pilot Study of the Arrestee Drug Abuse Monitoring (ADAM) Methodology' Neil McKegany, Clare Connelly, Lesley Reid and John Norrie, the University of Glasgow, Janusz Knepil Gartnavel General Hospital Glasgow, (2000)

¹³ The Executive intends to publish an initial guide to arrest referral schemes in March 2001.

* Terms in italics are explained in the Glossary at the end of the Report.

Diversion

Where women come into conflict with the criminal justice system, there should be a number of different pathways within the community to match the particular stage in the woman's offending career. Each of these pathways should have at its core the opportunity to apply a process – be it drug treatment and rehabilitation services, access to mental health service, programmes to address offending behaviour, or support with employment and life problems. The process is not markedly different although the various criminal justice interventions do have different financial costs and can have different penalties if women do not keep to them. Fundamental to the process is that it meets women's needs.

*Diversion from Prosecution schemes** are important because they provide such a pathway, at the next level up to arrest referral. Like arrest referral schemes, they seek to deal with criminal behaviour by getting to the root of its causes. But they operate at a later point in the criminal justice system when the woman accused has been charged and in cases where it may not be in the public interest to prosecute. In taking the longer view, these schemes can deliver benefits for victims and for communities by reducing the likelihood of re-offending.

The Scottish Executive's decision to roll out schemes nationally and to give priority within them to work with individuals who are misusing drugs and alcohol, to female accused, to young accused aged 16 and 17 years and to those with mental health problems, is in line with the proposal made by the Inter-Agency Forum. For us, the objective of such interventions should be to push down the scale of the response to women's offending and to delay too quick a progression through the range of alternatives towards imprisonment. For this reason, we view both Arrest Referral and Diversion from Prosecution schemes as important additions to the range of community disposals. We hope that, by intervening early in this way, the number of women who eventually work their way through the system towards prison can be reduced because they have been given the chance to put their lives back into order before it is too late. In this way, the time when a woman comes before a court can be delayed.

Bail Retrieval, Information and Supervision Schemes

In the first part of this report, we identified the high number of women who are held in prison on remand as a pressure on the system, especially when we know that many of these women will not go on to receive a custodial sentence. "A Safer Way" recommended that the Scottish Office should examine whether increased services are required to support court decision making about the use of bail. As a result of this, a bail retrieval scheme from HMP Cornton Vale was started in November 1999 but the take up has been disappointing. New funding has also been provided with the aim of providing *bail information and supervision schemes** nationally to help reduce the numbers held in custody on remand.

* Terms in italics are explained in the Glossary at the end of the Report.

Pilot bail information and supervision schemes have been in place in Edinburgh and Glasgow for much of the past decade. These schemes offer the court with a supported alternative to remand and a decision has been made to extend the existing **bail information and supervision** schemes across Scotland. We welcome these developments because they have the potential, through greater use of the existing schemes and the extension of the services, to achieve the reduction in numbers which we suggest is possible. Other simple and inexpensive initiatives should be explored, such as providing transport to ensure that women turn up at court. In accepting the complexities of the issues involved, we believe that further research into the reasons for the high use of remand would certainly be useful in informing the further development of effective bail services.

Young Females

Another of the messages which has come out of our work is the importance of planning for the needs of looked after girls who are at special risk of offending. Again prevention and early intervention should form the core of the policy response. Because of the chaotic nature of some of these young women's lifestyles, service provision to them has tended to be reactive to the current crisis and has not consistently engaged with them. Their support needs are heavy and resource intensive at points of crisis. The needs of young women are very different from those of young men, and it is essential to address these through a specific and dedicated service. Young women offenders tend to challenge or reject existing support services. They require more immediate accessible and supportive services which will provide refuge as necessary at point of crisis in order to assist them to settle down successfully as independent adult women. In addition, regardless of the issues around secure accommodation, the Group accepts that there may be a need to provide a small community based residential service in Glasgow to meet the needs of some of these young women. **We look to the local authorities across the country to ensure that the special needs of young women at risk of offending are adequately dealt with in their Children's Plans.** Without such work, we fear that any reduction which can be made in the women entering prison will be short-lived.

Building on the recent reports on youth crime¹⁴, we note that there is already some imaginative work being done with young women offenders which straddles the children's and the adult system. For example, in Glasgow, the intensive care service works with young women who are at risk in the 14 – 18 age group. This project is focussing on these young women and offers specific programmes of support as well

¹⁴ This refers to the following reports:

'It's A Criminal Waste: Stop Youth Crime Now' (Scottish Executive June 2000)

'Youth Justice in Scotland: A baseline report' (Audit Scotland June 2001)

'Scotland's Action Programme to Reduce Youth Crime 2002' (Scottish Executive January 2002)

as a constant point of contact, targeting prevention and early intervention. The service supports young women who are looked after, have been identified as very vulnerable and who place themselves, and possibly others, at serious risk by their behaviour. It is supplemented by and supports existing core services to assist the young women to take responsibility for their own plans and future. We hope that the project will be fully evaluated so that we can learn lessons and establish the principles of good practice with this difficult group of young women at a critical stage in their development. Even more than with adult women, prevention and early intervention is crucial to address the present growth in offending.

stage 2

COMMUNITY DISPOSALS

When a woman offender is found guilty of an offence, the court must decide on a suitable penalty. It is important that there is a broad range of community disposals available for courts across the country to use as alternatives to custodial sentences, if the numbers in prison are to be reduced. For our proposals to be successful, the courts must also have sufficient confidence to use community disposals. We must also be able to address the concerns of victims by demonstrating that they are effective. We believe however that the only test of their effectiveness is not whether the woman re-offends. The success of prison is not determined by whether the prisoner commits another crime. When considering the option of a community sentence against the option of a prison sentence each time, we suggest a simple test. It should be whether the offender presents any threat to the community and whether prison is more likely than a community sentence to be successful in reducing the likelihood of their re-offending. On that basis, we believe that many more women could be given a community sentence whilst still safeguarding the safety of communities, thereby improving the efficiency of the system, with better results for the women.

Probation and Community Service Orders are the standard forms of supervision in the community. But the range of community disposals is increasing with the addition of *Drug Treatment and Testing Orders** and *Restriction of Liberty Orders**. These provide a framework of community options which can be used in place of custodial sentences, particularly short ones. We endorse these developments.

Our message is that the system should make every effort to ensure that the full range of community disposals is used in order to provide access to the same interventions and range of services at different points in the criminal justice system and to offer repeated points for moving forward. The process should be: assess, identify what is on offer, apply the processes, and move on.

Young Women

We acknowledge that the Scottish Executive is committed in principle to reducing the numbers of young women being held in custody in Scotland but our analysis shows that more young women are being sent to custody than when "A Safer Way" was published. To continue to do so is expensive, damaging for the young women and offers little protection to the community from the most serious offenders in the longer term. In addition, the United Nations Convention on the Rights of the Child, which states that people under the age of 18 should be held in custodial facilities separately from adults has implications for how young offenders are dealt with in the future. We suggest that a radical and fresh approach to young women offenders in both the child care and criminal justice systems is needed, otherwise young women such as those in this review will continue to offend and continue to be imprisoned for many years to come.

* Terms in italics are explained in the Glossary at the end of the Report.

Many of the current approaches to engaging with these young women offenders have proved ineffective and new community-based approaches need to be developed and extended.

Supervised Attendance Orders

In the first part of the report, we identified women sent to prison for fine default as one of the main pressure points in the present system and so the Group has gone on to consider how this might be addressed. We acknowledge however that whilst fine defaulters represent a high percentage of receptions, in terms of average daily population of HMP Cornton Vale because of the short periods of custody served, they represent a low percentage figure. The importance of fine default for us does not lie in the daily number of women in prison but in the damaging impact it has on their daily lives, and its role as a gateway to prison as well as continuing the culture which makes it acceptable.

Given the high number of women who are sent to prison for fine default, we considered how greater use might be made of Supervised Attendance Orders (SAOs). The use of SAOs, which were introduced in 1991 as an alternative to imprisonment for fine default, varies across Scotland. This leads us to the conclusion that the potential exists to increase the use of SAOs if they are made more attractive, especially in those courts where their use is relatively low and where the number of women receiving custodial sentences for fine default is relatively high. This has the potential to reduce the number of female prison receptions significantly.

There are common components in the operation of SAOs, such as money management and life-skills, which are particularly valuable in working with women offenders. We recognise that the needs of female fine defaulters are likely to be very different to those of their male counterparts and so we conclude that there would be benefit in adapting SAOs, where feasible, to the specific requirements of women. This offers another opportunity to access support systems. In comparison with fines, SAOs offer a more costly option. But, if they succeed in keeping women out of custody, there will be significant savings in respect of processing the reception of large numbers of women for very short periods in the prison system; even more so if, as the evidence suggests, the components of the SAOs help reverse the tendency in some offenders to offend. There are also savings to be made in the costs to society of dealing with wider problems such as children being taken into care.

We know that one of the obstacles to the greater use of SAOs is that, whilst they appear to be a suitable alternative to custody, when they are breached, the custodial sentence that follows can be out of proportion to the original size of fine imposed. Existing legislation provides powers for periods of imprisonment of up to 3 months in the case of a sheriff court and 60 days in a district court where an SAO is revoked.

This has probably led to a decline in the use of SAOs and their acceptability to the offender because the maximum sentence is seen to be disproportionate in relation to the original offence or size of the outstanding fine. We have been told that many offenders prefer to serve a short custodial sentence rather than risking the longer period of imprisonment. It would therefore be beneficial if other ways of dealing with non-compliance of SAOs were available. The Group was consulted on other options and supports the proposal contained in the recent criminal justice White Paper¹⁵ to reduce the maximum penalty for breach of an SAO to 30 and 20 days in prison respectively.

But more can be done. We note that the provision contained in the Criminal Procedure (Scotland) Act 1995 whereby courts would not have custodial sentences open to them as an option but would be required to make use of SAOs for certain categories of fine defaulters, has not been made to date. We discussed and support the piloting of this provision for both female and male offenders and agree that, given the geographical pattern of imprisonment for fine default, the pilots should be located in Glasgow Stipendiary Magistrates Court plus a sheriff court. In addition, it makes sense that rather than waiting until an offender defaults on a fine, SAOs should also be piloted as a first disposal to allow another entry point to support. Taken together, the aim should be for these measures to reduce the number of prison receptions of women for fine default by the numbers suggested in part 1 of our report. **The message we want to send is that courts should ensure that all other options have been exhausted for fine default before women are sent to custody.**

Structured Deferred Sentences

We also identified earlier in this report, a problem in dealing with many women whose offending is petty but persistent. Once a case proceeds to the court and the charge is proved, we consider that the *structured deferred sentence** may be useful in terms of the pattern of women's offending. The main use at present of the deferred sentence tends to be for lower tariff offending where the offender satisfies the court that they are, or will be, taking steps to avoid future recurrence of offending behaviour. **This indicates a potentially helpful role for use of structured deferred sentence in connection with women offenders.** As a low tariff sentence, it may reflect the nature of much of women's offending, and thereby avoid inappropriate and early use of higher tariff disposals. Significantly, given the personal and social problems experienced by many women offenders, structured deferred sentences would provide another opportunity to access a framework of services that address underlying causes of offending such as addiction or mental ill health, in much the same way as Arrest Referral and Diversion from Prosecution schemes. In this respect, it

¹⁵ Making Scotland Safer, December 2001

* Terms in italics are explained in the Glossary at the end of the Report.

has the additional merits of flexibility without the strict compliance requirements of, for example, probation, which can lead to imprisonment in the event of breaches.

The Group concludes that a clear case can be made for appropriate focused use of structured deferred sentences.

We believe that, in view of its advantages the scope for use of deferred sentences merits reconsideration. The advantages include:

- (a) It can avoid the use of higher tariff sentences such as probation when the main objective is to address personal needs which contribute to offending behaviour and there is reason to believe that the offender is ready and able to take these matters in hand;
- (b) In comparison with lower tariff sentences such as fines, it can provide a framework for positive action, and avoid the consequential penalties for default;
- (c) It retains the capacity to introduce additional structure in sentencing, or adopt a different sentencing approach at a later date if the objectives of the initial deferment are not met;
- (d) It can permit greater flexibility in the way in which support is provided in comparison with Probation where strict compliance with National Standards is required. Whilst this compliance is generally a desirable component in offender supervision, there are circumstances, particularly where drug or alcohol misuse is an underlying problem, when meaningful progress can be achieved without the need to adhere to the level of National Standards compliance normally expected.

We now know that much of women's offending is relatively low tariff and low risk in terms of public safety. We therefore conclude that, for many women offenders (for whom drugs misuse is an integral component of offending behaviour), the advantages of maintaining low tariff sentencing, a second non-custodial approach if deferment fails and the flexibility to cope with lifestyle factors, are important advantages of deferment. We acknowledge however that an initiative of this sort would require to be closely monitored to check that it is appropriately used and effective. In such circumstances, we favour increased use of deferred sentence, as a low tariff option, before probation or community service is being considered.

Drugs

It is certainly true that the criminal justice system as a whole now has to struggle to deal with the problem of drugs. In random testing of eighteen women entering

Cornton Vale in October 2000, all but one tested positive for drugs.¹⁶ In the past, the interventions available to the courts to address drugs offending behaviour in the community were developed for general use and not specifically for drug offenders. We welcome the development of a more coherent framework specifically designed to ensure the most effective intervention against drug related crime at each stage in the criminal justice process. But the framework cannot stand alone. It is dependent for its success on the preventive work being done in the community; on the drug treatment facilities provided by the health service; and it links to the work being done on drugs misuse in prisons and the throughcare provided for prisoners on release. All of this work should take account of the specialised needs of women offenders.

Drug Treatment and Testing Orders

Arrest Referral schemes and Diversion from Prosecution schemes are designed to operate at an early stage in the criminal justice process. At the other end of the process, Drug Treatment and Testing Orders (DTTOs) target high tariff, drug using offenders. The objectives of DTTOs are twofold: to reduce the amount of acquisitive crime committed to fund drug misuse; and to reduce the level of drug misuse. So far in Glasgow and Fife, 238 have been made of which 33 were for women. A roll-out of orders to Aberdeen and Aberdeenshire took place in December 2001 and their further extension for the use of courts in Edinburgh, Dundee, Perth, Arbroath, Forfar, Greenock and Paisley was announced in September 2001.

Even before the evaluation of DTTOs, which is due in spring of this year, is published, there is evidence of their success in tackling long established drug addiction. DTTOs are already well established in Glasgow and Fife but the extension of DTTOs to other parts of the country will provide more courts with an effective community disposal which seeks to get people off drugs and stay off drugs. Again, DTTOs provide the access point to the addiction services necessary to help drug misusing women to deal with the problem that leads them to offend. They are a useful addition to the range of community sentences and will be suitable for a small number of women whose drug abuse is linked to a longer history of offending to feed a drug habit.

Drug Court

DTTOs have been a stepping stone on the way to the establishment of the first Drug Court in Scotland. The new Drug Court in Glasgow may divert some women away from custody, but this court is limited in the types of cases it can hear and therefore will not necessarily benefit many women offenders. To the end of December 2001, of the 10 Orders made by the Drug Court, 2 were imposed on women. This represents a promising start. The Group welcomes the Glasgow Drug Court Working Group's intention to review the position in respect of female offenders six months after the court's commencement. We agreed with its conclusion that it would not be

¹⁶ The following drugs were detected: cannabis benzodiazepines, opiates, methadone and amphetamines

appropriate for the Procurator Fiscal to “mark up” cases for the Drug Court when normally the cases would be directed to the District Court. We understand however that the Stipendiary Magistrates Court has similar powers to the Sheriff Court sitting summarily and the Stipendiaries only sit in Glasgow. We hope, therefore, that those involved in the prosecution and defence of women offenders will bear in mind that the Drug Court offers a model to address the urgent and particular needs of women offenders who are serious drug misusers.

Restriction of Liberty Orders

A further high tariff disposal which has been added to the range of community sentences available to the courts are Restriction of Liberty Orders (RLOs). Restriction of Liberty Orders which have been piloted in three Scottish Sheriff Courts since August 1998 will be available to all Sheriff Courts in Scotland from the Spring of 2002.

So far 482 RLOs have been imposed of which only 21 have been for women offenders. There is scope here for their greater use. When Her Majesty’s Chief Inspector of Prisons attended our meeting in June 2001, he told us that he saw the potential for RLOs to reduce the number of women who are sent to custody. Whilst we know that RLOs are not intended for petty offenders and there are other community disposals which are better suited to the majority of women offenders, the roll out of RLOs will provide the courts with another option. The plans to enable the courts to make RLOs a condition of a Probation Order or DTTO will also provide the opportunity to work with offenders during the period when their movement is restricted. Thus they can provide the opportunity to bring a greater structure to a woman’s life and allow her to continue to care for her family whilst restricted by an order of the court. In particular, we hope that when they become available in Glasgow for the first time, they will reduce the number of women sent to prison by a significant, if only relatively small, number.

We have dealt in some detail with the community penalties which are now available to the courts as an alternative to the use of prison. They form a framework or pathway which provides opportunities to intervene at the different stages when a woman may come into contact with the criminal justice system from the point of arrest; referral to the Procurator Fiscal; through conviction for petty offending; and on to convictions for more serious crimes. In these ways, we conclude that it is possible to revitalise community sentences and provide the alternatives to the use of custody which we argue for earlier in our report. The Group also identifies the need for courts to have greater confidence in these disposals.

Time Out

In this respect, the proposal for a Time Out centre in Glasgow, where the need is acute, would offer the courts a specialist facility for women who are subject to the criminal justice process and who may or may not also have co-existing addiction issues. It would offer safety and certain limits, in a community setting, whilst keeping the focus on the treatment of problems. The centre would provide a space exclusively for women which would be safe, comfortable and provide a focal point for groups working with them. It must operate as a key component of a network of community services for these women and these services in the network will themselves provide services to the Time Out centre. Some experts have called for the establishment of half way houses but we are clear that Time Out will be a community resource managed by criminal justice social work services, supporting women to reconnect to their communities.

This would be a facility for women over 18 years of age involved with the criminal justice system. The centre would offer a predominantly day programme of on-going assessment, counselling, support, advocacy and group work. We also identify that there is a need to enable social and health care services to enhance the provision of prevention work so that women can realistically leave criminal justice services confidently and so re-integrate fully into society. Health services would thus be an integrated component of the day programme service. Although predominantly a day programme, a residential element would be available to those women for whom such an environment of service delivery is appropriate in the short term (around 21 days).

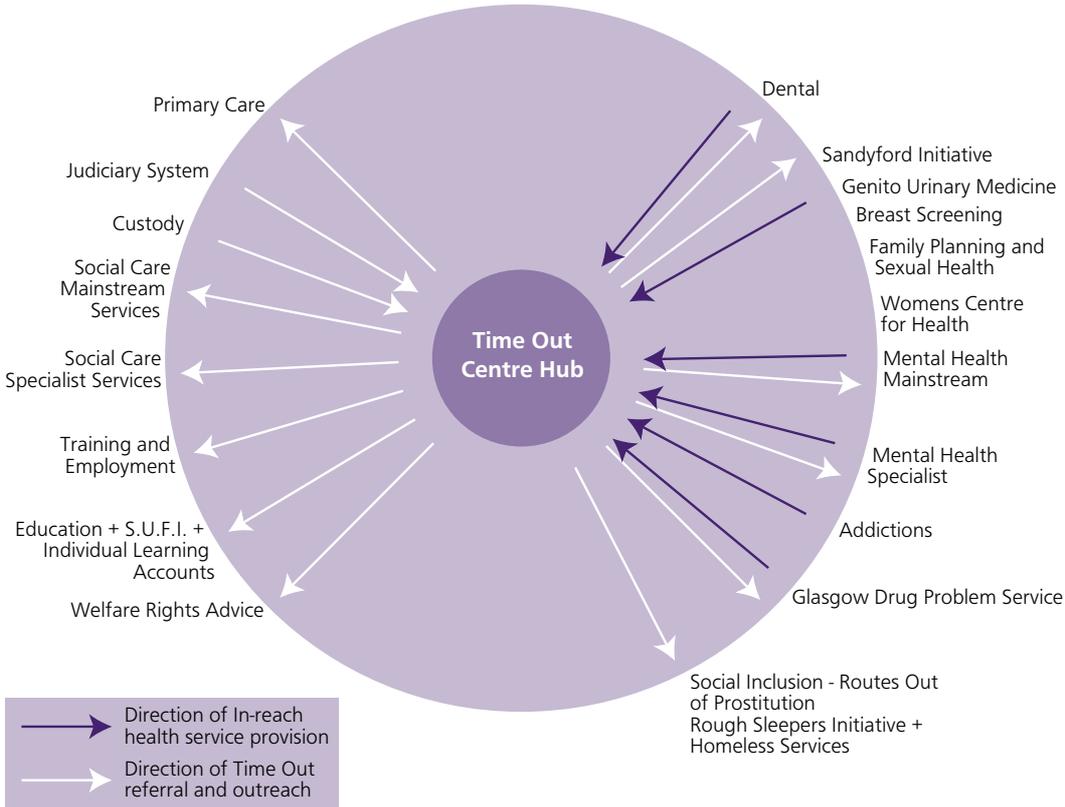
The policy aim of Time Out would be to:

- Reduce the number of female offenders entering custody, by offering the court and criminal justice system options to serve the needs of the woman and the needs of the judiciary.
- To assist women to avert the crisis that often accompanies their lives thus enabling services to enhance the provision of prevention work.
- To provide a comprehensive service which will enable women to move on in their lives to the extent that they can realistically exit services confidently and re-integrate fully into society.

The centre would also provide an environment in which women who are having difficulty in maintaining contact, or who are not meeting the requirements of their statutory order, can be re-engaged, encouraged and supported back into service and any outstanding issues dealt with. It would operate as a gateway to other forms of specialist and generic assistance to female offenders. The needs and service requirements of the families and carers of female offenders would also be catered for.

It would support women in accessing services appropriate to their needs. In catering for women, assessed as being particularly vulnerable to custody and/or re-offending, it is recognised that they are likely to have a substance abuse problem also. The centre would attempt to provide comprehensive multi-agency support with the express aim of helping women to re-establish normal community links. (see chart below) For example, we know that there are three rehabilitation services run by Aberlour (Number One; Scarrel Road; Brenda House - Edinburgh) which collectively provide residential facilities for up to 18 women and their children. These facilities work with women and their children for six months. They could be part of the network associated with the Time Out facility. It should also be one of the aims of the service that women move onto training and employment services, rather than “back” to addiction/criminal justice services in the community.

Time Out Centre – Hub and Spoke Model of Care



Admission to the unit's day service would mainly be by referral by criminal justice services such as the Procurator Fiscal, the Court, police or social work services. The Court could defer sentence pending an assessment by the team for suitability to the programme. The Procurator Fiscal could, on occasion, divert women from prosecution to the service for assessment, or as an alternative to custody, but it would be expected that women would mainly be referred on to a specialist diversion service for this purpose. An initial assessment should examine the woman's social and health needs including housing, childcare, financial difficulties, statutory/legal obligations and family contact and an individualised action plan would be developed with the woman and might include accessing other unit services or support in linking with other relevant providers.

The centre would be set up in a way that it could accommodate innovative service provision. Such facilities would include play space to allow individualised time for mothers and children where this is identified as a desirable and beneficial model of intervention for mother and child or where it is in accordance with the child's care plan. It would be anticipated that such input would be short term, and with specific desired outcomes. This would build directly on the HMP Cornton Vale experience where women would have the opportunity to plan their time with their child with support and guidance from appropriate staff. It is acknowledged that there are many vital community resources such as Family Centres and nursery provision that would play a crucial role in working with the family in issues of parenting and play. This would be a community initiative.

It is fundamental to our proposal that the unit is based in an area that has good access by public transport and is geographically located in an area women can go without fear. It is hoped that service providers within Glasgow will assist in the search for suitable property.

Specialised Services for Women

During the development of the Time Out proposal, it has become apparent that for "Time Out" to work, there are a number of crucial elements that must be developed to support and enhance the overall package of care available to women. The needs of women are different to those of men in terms of the profile of offences committed, sentences imposed and the impact of their personal history on their mental and physical health needs. Current services do not meet the specialised needs of this client group well. There are around 1000-1500 women known to Social Work Addiction Services in Glasgow. Most of these women are involved in offending but are low tariff offenders who are involved in the "revolving door" of fine default and short stays in HMP Cornton Vale.

In order to ensure a seamless service which can provide a comprehensive care package able to meet the current unmet needs of female offenders, there should be a specialist service in Glasgow to link with women offenders during their time with Time Out as appropriate and to act as a care manager in designated cases. These workers would also provide a specialist women-centred community-based service and make contact with women and re-engage them within service as required. They would maintain contact with women upon discharge from Time Out and ensure a comprehensive follow on plan is in place. They would also support women in their uptake of their action plans and ensure that those women deemed to be vulnerable to repeat involvement in offending and/or drug misuse were monitored to ensure that they were in receipt of suitable services. If they become lost to services, they should be followed up with a view to re-connection to the service best suited to their needs.

We believe that the broader range of community penalties now available, supported by the Time Out centre and a specialist care management service for women in Glasgow, offers an integrated approach which, with the co-operation of the courts, can reduce significantly the number of women who receive custodial sentences. The message here is that we need to establish services which can give focus to and can energise the work with women offenders, and which can establish a service with which women clients can identify, and whose relevance they can recognise. These should focus on women's needs to create relationships as an influential aspect of programmes which work with women. The process can reduce stigma and isolation and increase confidence and self esteem, improve social skills, alter criminal attitudes and behaviour and so engage with these women.

stage 3

THE ROLE OF AFTER CARE

Our approach in this report is to promote measures aimed at prevention and early intervention to stop or delay a woman's contact with the criminal justice system. We have looked at ways of increasing the use of community penalties supported by the Time Out centre to prevent or delay the use of custodial sentences. We also recognise that where women who commit more serious offences are sent to prison for a long enough time to benefit from the programmes and support that prisons are working to provide, it is important to improve the facilities to support their return to the community and to build on the work done in prison. This helps women resettle into a normal lifestyle and as such helps to stop those who are released from prison from re-offending and being sent back on numerous occasions.

The SPS's initiative to follow through the treatment opportunities which exist in prison for prisoners with drug, alcohol and other substance misuse problems with post-release support for short-term and remand prisoners recognises the importance of such work. It is especially necessary to facilitate access to community-based services. SPS and local authorities should work in partnership to provide post-release support and throughcare that addresses the range of social inclusion related needs which women face on release, including accommodation, employment and training, education, benefits and finance, and health related needs. The developing services should have a focus on women's needs and be subject to a robust evaluation to demonstrate what does and does not work. The Time Out centre and the specialist care management service in Glasgow could assist women on release to reconnect to services and to re-establish community links.

Pilot Passport Scheme

Again imaginative but inexpensive solutions can be effective in supporting such work. The Group has been told about, and is impressed by, the simplicity of the Passport scheme. This will issue women leaving Cornton Vale with a document that acts not only as a source of information about support services, but also as a mechanism that can help them access support services after leaving prison. The passport will record information about an individual woman's circumstances that has been validated by SPS. This information can then be used to cut down the time it takes to access benefits, GPs, housing, health, social work and prescribing services. The system will not be compulsory, but it is expected that the majority of women will choose to 'opt in' as it will be of benefit to them to do so. It is important that mainstream services, such as housing benefit and employment agencies will be willing to give priority to the resettlement needs of these women. This is exactly the type of multi-agency approach which we commend. It links us back to the importance we have attached to the social inclusion agenda.

conclusion

The HM Inspectorate of Prisons report on HMP Cornton Vale published in 2001 found that in a relatively short time, the physical condition of most prisoners begins to improve markedly. The Chief Inspector concluded that it was not only an establishment providing secure custody but it also acts as a casualty clearing station, psychiatric ward and addictions clinic. He does not however conclude, as some may, that the answer to the problem of women offending is to send even more of them to HMP Cornton Vale and for longer. He states instead that the problems which some women prisoners face are unlikely to be resolved by imprisonment. The realisation of credible and reliable alternatives to custody in communities across Scotland for offenders is what the prison now most needs. He says that this would relieve much of the pressure and allow staff properly to address the behaviour of the relatively small number of more serious or persistent criminals for whom imprisonment is the most appropriate punishment. We cannot improve on this analysis of the present situation and so endorse this view.

Our own analysis of the facts confirms that the present system for dealing with women offenders is not working effectively. It puts a strain on the criminal justice system, dealing with petty, persistent offenders. It turns HMP Cornton Vale, in the words of the Chief Inspector, into "a clearing station". It returns women to the community, after release, to face the same or worse problems than those, which led them to offend in the first place. And it does very little to give respite to their victims, for many of the women re-offend. It may however show women offenders that, after the first period of imprisonment, they can learn to serve their time. Our analysis leads us to conclude that the system is wasteful in terms of the resources it consumes and in its failure to change women's behaviour.

Through the work we have done over the past year, it has become clear to us that there are certain key messages to acknowledge when dealing with the problem of women's offending. They are:

- Firstly, alleviating the social circumstances which confront some women, leading them to offend with the objective of preventing women from offending and entering the criminal justice system. Imprisoning most of these women will merely compound the underlying problems because of their childcare and other family responsibilities.
- In particular, directing special attention at planning for the needs of looked after girls who are at special risk of offending. Again prevention and early intervention should form the core of the policy response.

- For those women who do offend, intervening early to provide access to remedial services and then offering a full range of disposals within a community setting to push down the scale of the response to women's offending and to delay the move up through the range quickly towards imprisonment.
- Ensuring that all other options have been exhausted for fine default before women are sent to custody.
- Promoting a full range of community disposals to provide access to the same processes and range of services at different points in the system and offering repeated points of intervention for moving forward.
- Adapting the principles of effective practice "What Works" in working with offending behaviour (which has largely evolved through experience of working with male offenders) to the particular offending patterns and different learning and development characteristics which are specific to women.
- Establishing services which can give focus to and can energise the work with women offenders, and which can establish a service with which women clients can identify, and whose relevance they can recognise.
- Developing the confidence of the courts, of victims and of the public in community disposals in general and in particular, in relation to women who offend.
- Recognising the social costs of imprisoning women when many of the women are primary carers or mothers (approximately 70%) so that the children are not punished too.
- Shifting the culture towards rehabilitation and treatment.

These messages together form an agenda which offers a better way of dealing with women offenders in the future. In an ideal situation:

- Women, including young women at risk, would receive help from mainstream agencies to deal with their social, economic and emotional problems before they feel the need to offend.
- The courts would seek to impose the most effective penalties for those who went on to offend in terms of changing their future behaviour rather than seeing punishment as an end in itself.
- Criminal justice social workers would offer high quality women-specific programmes to support the various community disposals now available.

- The prison system would use the capacity freed up by such an approach to deal with the offending behaviour of the smaller number of violent, serious prisoners.
- The SPS and criminal justice social work services, with voluntary aftercare agencies, would work together successfully to resettle women released from prison back into communities.
- Victims would get respite from persistent, if petty, offenders.

Some women would still continue to offend and to re-offend, but we suggest the time has come to try a different approach. The alternative is to accept that more women will be imprisoned with all the social consequences that this entails.

There should be no significant difficulties to achieving a change for the better. Most women offenders are dealt with in the community. Most courts recognise that a short custodial sentence will do little good. Most women do not want to risk losing the care of their children or to be made to feel even more isolated from their peer group. But the system must be willing to persevere with women offenders. Like the philosophy of the Drug Court which accepts that relapse will happen and that this is not a reason, on its own, for giving up, the criminal justice system should accept that the problem requires time to resolve and so continue to work with these women until the message strikes home. We consider it is actually more difficult for women to be made to tackle these issues than to send them repeatedly to prison for short periods. We certainly do not advocate longer sentences. That would merely compound the problem, both for the women and crucially for their children.

During our work, we have noted a growing interest world wide in the issues of work with women offenders. We believe that the fact women make up a small minority in the criminal justice system has meant that Scotland lacks a coherent policy to deal with the problem of women offenders. We also believe that because the numbers are still relatively small, it is possible to develop a more proactive policy which can put Scotland at the forefront of the international debate on finding a better way to deal with women who offend. In setting up the Ministerial Group, the Scottish Executive has demonstrated that it has the will to change its approach. Our aim, in this report has been to point a new and constructive way forward for all the agencies which are involved in tackling the problem of women's offending.

annex A

MEMBERSHIP OF THE MINISTERIAL GROUP ON WOMEN'S OFFENDING

CHAIR OF MGWO:

Iain Gray MSP, Deputy Minister for Justice (December 00 – November 01 meetings)¹⁷

Dr Richard Simpson MSP, Deputy Minister for Justice (December 01 meeting)

MEMBERS OF MGWO (alphabetically):

Kate Donegan (December 00 – May 01 meetings, although Audrey Mooney covered for sick leave in January 01- March 01)
Governor in Charge, HMP Cornton Vale

Romy Langeland (changed job in September 01)
Deputy Director of Social Work Services, Glasgow City Council (December 00 – September 01 meetings)
Aberlour Childcare Trust (November 01 – December 01 meetings)

Netta Maciver (all meetings)
Director, Turning Point, Scotland Office

Jane Martin (all meetings)
Service Manager, Fife Council

John McLean (January 01 – December 01 meetings)
Assistant Chief Constable, Strathclyde Police

Audrey Mooney (January 01- March 01 and July 01 – September 01 meetings)
Acting Governor in Charge, HMP Cornton Vale

Ronnie O'Connor (November 01 – December 01 meetings)
Director of Social Work Services, Glasgow City Council

Dana O'Dwyer (November 01 – December 01 meetings)
Greater Glasgow Health Board

Ian Scott (all meetings)
Deputy Chief Executive, Director of Change, Scottish Court Service

Chris Spry (January 01 – September 01 meetings)
Director of Greater Glasgow Health Board

Stephen Swan (September 01 – December 01 meetings)
Governor in Charge, HMP Cornton Vale

Geraldine Watt (January 01 – December 01 meetings)
Crown Office

And, from the Scottish Executive: **Helen Bunyan, Elizabeth Carmichael, Brian Cole** and **Jemima Lamsley** from the Justice Department; and **Val Cox** from the Social Work Services Inspectorate.

¹⁷ The dates given show the meeting(s) for which the person was a member, but in some instances the person might not have been able to attend that meeting.

annex B

SUMMARY OF THE RECOMMENDATIONS OF THE INTER-AGENCY FORUM ON WOMEN'S OFFENDING

1. Monitoring of the possibility of establishing a single daily court for women;
2. Building upon existing diversion strategies, and expanding them at all stages in the system;
3. Extending the provision of psychiatric evaluation in courts;
4. Increased resources to assist women to 'kick' their drug habit;
5. Establishment of a database of services, such as employment and training resources, available to women, including importantly information about services for those working with women and for sentencers;
6. Consideration of the value of Arrest Referral Schemes;
7. Alternative funding for bail accommodation;
8. Investment in the bail retrieval scheme;
9. Evaluation of the operation of Supervised Attendance Orders and their impact on the imprisonment of female offenders;
10. The difference in policing policies on prostitution is an issue which must be addressed at the national level;
11. Decriminalisation of non-payment of television licences;
12. Implementation of s.235 of the Criminal Proceedings (Scotland) Act 1995
13. The creation of 'Time Out' Centres, to provide a wide range of residentially or non-residentially based support services for women.

annex C

TURNAROUND STATISTICAL ANALYSIS REPORT

Number of clients seen between 01/01/2000 and 31/12/2001

| | | | |
|---|-----|----------------------------|-----|
| Age Group | | | |
| Age not known | 11 | Age 26-30 | 112 |
| Age 16-18 | 30 | Age 31-35 | 66 |
| Age 19-25 | 189 | Age 36+ | 54 |
| Housing | | | |
| Tenant/Owner (secure) | 157 | Hostel | 26 |
| Tenant/Owner (insecure) | 6 | Squat | - |
| Family/Friends | 157 | NFA/Roofless | 43 |
| Partner | 24 | Other Housing | 49 |
| No of children & their living arrangements | | | |
| None | 176 | With client | 73 |
| One child | 152 | In care | 16 |
| Two children | 78 | Foster Home | 16 |
| Three children | 30 | Adoption | 7 |
| Four children | 16 | Extended Family | 116 |
| Five + children | 3 | With partner | 16 |
| Single Parent | 62 | Under Supervision | 70 |
| Contact Made in: | | | |
| Cells | - | Court | 287 |
| Cornton Vale | 148 | Glasgow Drug Crisis Centre | 25 |
| Ethnic Origin | | | |
| Scottish | 408 | English | 6 |
| Scottish Asian | 1 | Irish | 3 |
| Scottish Chinese | - | Welsh | 1 |
| Scottish Italian | - | Other Ethnic | - |
| | | Unknown Ethnic | 42 |

glossary

Alternatives to Custody: Most non-custodial disposals are not called direct 'alternatives to custody'. This term refers only to the higher tariff disposals of community sentence, or electronic monitoring.

Arrest Referral Schemes: These schemes offer women access to services that can help them to address drug misuse problems they might have which might be the underlying causes of their offending. They are designed to link women in the criminal justice system to treatment facilities at the earliest possible opportunity. The schemes get police, referral workers and treatment providers to work together and put arrest referral workers on-site at police stations or courts in order to follow up quickly when a person expresses an interest. The schemes are not intended as an alternative to prosecution.

Bail Information and Supervision Schemes: These schemes offer the courts a supported alternative to remand. The former is the provision of verified **information** to the courts to assist in decision making. The latter involves the provision of a social worker who will **supervise** the baillie and monitor their behaviour.

Community Disposals or Sentences: These are collective terms for all non-custodial sentences. They do not include direct alternatives to custody such as community service.

Community Service: This is unpaid work in the community. Community Service Orders (CSO) can only be used for people 'convicted of an offence punishable by imprisonment'. The orders operate for a minimum of 80 hours up to a maximum of 240 hours (summary procedure) or 300 hours (solemn procedure). They must be completed within 12 months.

Deferred Sentences: At present, courts can defer a sentence for whatever period and with whatever conditions the court chooses. Typically, the condition imposed is that the offender must be of 'good behaviour' for the period of the deferment. Alternatively deferment might be used to allow an offender a chance to respond to a period of supervision, treatment or other intervention. At the end of the period of deferment, the Court may defer the sentence again or may proceed to sentence, usually guided by information as to the offender's conduct during the deferment period. There is no scope for recalling the offender to Court for review and re-sentence before the expiry of the deferment period and there is no arrangement for ongoing monitoring of a deferred sentence. So if the plan of intervention fails, corrective action is unavailable. Therefore repeated shorter periods of deferment might be preferable.

Diversion from Prosecution Schemes: These schemes allow the Crown to defer consideration of prosecution for selected people accused of certain crimes, referring them instead to supervision by a psychologist, psychiatrist, social worker or mediator to tackle the underlying problems of their offending behaviour.

Drug Treatment and Testing Orders: Offenders are placed by court order on specialist treatment programmes lasting between 6 months and 3 years. Treatment is a mixture of programmes ranging from detoxification, methadone substitution through to intensive day programmes offering help with life skills. Random but regular drug testing is carried out throughout the duration of the order to provide a means of monitoring progress but a failed test does not necessarily preclude continuation of treatment and of the order.

Restriction of Liberty Orders: A Restriction of Liberty Order requires an offender to be restricted to a specific place for a maximum period of 12 hours per day up to a maximum of 12 months, and/or from a specified place or places for up to 12 months. The restriction is done through the use of electronic tagging. Outwith the periods of restriction, the offender is free to go where he or she chooses (though they wear the tag all the time).

Supervised Attendance Orders: A Supervised Attendance Order can be used to require an offender who has failed to pay a fine to undertake a programme of designated activities for between 10 and 100 hours. The orders constitute a time penalty which provides constructive activity.

Young Offender: A young offender is someone between 16 and 21 years of age.

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