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SCOTLAND NEEDS A SHARED, BOLD, COHERENT STRATEGY ON WOMEN WHO OFFEND

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I WAS INVITED by Jean Urquhart MSP, to attend a cross-party meeting at the Scottish Parliament on 22 January 2015 to discuss concerns about the Scottish Government's intention to build a large new prison for women in Inverclyde. I was pleasantly surprised at the level of political consensus that too many women are imprisoned and alternatives to custody are more effective in dealing with women who offend. There was shared concern too at the proposed overall size of the new custodial estate for women. It was agreed to write to the new Cabinet Secretary for Justice, Michael Matheson MSP to ask him to reconsider the plans and implement the recommendation of the Commission on Women Offenders (2012), namely the need to invest in therapeutic facilities and build a much smaller specialist facility for the minority of women who offend and pose a real risk to the public. Concern was expressed however of the consequences of not building HMP Inverclyde and the inevitable delays that would ensue in developing alternatives. The inherent risks of losing out on new much needed facilities altogether were also acknowledged.

There is an opportunity to divert many more women from the courts and criminal justice system

Four days later, on 26 January, Michael Matheson, on a visit to the 218 Centre in Glasgow, announced that "the current plans for a prison in Inverclyde should not go ahead. It does not fit with my vision of how a modern and progressive country should be addressing offending . . . I believe we should be investing in smaller regional and community based custodial facilities across the country rather than a large new prison for women". This announcement was quickly followed by

consultation events held in each of the eight Community Justice Authority (CJA) areas across Scotland on the future custodial estate for women. The proposition discussed was for a female custodial estate of 400 comprising a national prison for 100 women, three small regional facilities in the North (already in place at HMP Grampian), East and West accommodating 50 women in each, and 150 in a number of community based residential units, each providing 15-30 places.

These consultation events were well attended by key agencies. At the event held in the Fife and Forth Valley area there was a frustration that the focus was on the custodial estate rather than what is needed for women who offend and how to prevent their imprisonment. My understanding is that this view was repeated elsewhere and also at the recent seminar held by the Scottish Working Group for Women Offenders and SCCCJ.

There is no doubt there is a need for suitable prison accommodation for women who require to be incarcerated for the protection of the public: the Scottish Government and SPS are to be commended in their efforts to improve the custodial estate for women offenders. Considerable sums of money and resources have been provided. The SPS strategy for the Management of Women in Custody and the gender sensitive design for any new custodial facility for women are both comprehensive and impressive. Separately the Scottish Government's Women Who Offend Project (a workstream of the Reducing Reoffending Programme) is looking at international good practice in female penal policy. Jointly the Scottish Government and SPS are holding an international symposium on female custodial policy on 27-29 May 2015. Despite this focus the Scottish Government says that it is keen to ensure that custody is seen as the sentencing option of last resort. The aspiration is to reduce the use of custody as a disposal and have as many women as possible remaining in the community.

Between 2013-15, the Scottish Government provided £3m to develop credible community based sentences for women. A further £1.5m was provided for 2015-16. The 16 new projects established by this funding are being evaluated by the Institute of Research in Social Studies (IRISS) and a report is expected in May 2015. It can only be hoped that if the outcomes are positive, funding will be sustained. Short term funding on a one or two year cycle can damage the credibility of projects.

There is clearly a need for a joined up, comprehensive policy for women who offend, or are at risk of offending: a policy that pays equal attention to diverting women from the criminal justice system, the delivery of credible community based sentences, and restricts the use of custody. There is a need to use resources differently. A single shared policy could deliver this.

Michael Matheson has placed an increased focus on alternatives to custody and remand. The new National Strategy for Offending that will be introduced as part of the new arrangements for Community Justice should help address this focus. A draft of the National Strategy is expected to be published for comment later this year.

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Meanwhile much can still be done. We should lobby for the introduction of the 'no real prospect' test which was introduced in England and Wales in December 2012. This change to bail legislation prevents any sentencer remanding an accused to prison when there is no real prospect of a custodial sentence. There was a 12% reduction in the number of untried women received into prison on remand in July to September 2014 in England and Wales compared to the same period in 2013 (Offender Management Statistics Quarterly). In Scotland we know that 70% of women who are remanded into custody do not go on to receive a custodial sentence. That figure accounts for a huge number of women being needlessly remanded into prison each year: in Scotland 2011-12 there were 3100 receptions of women into custody, 1979 (64%) of these receptions into prison were for remand (SG and SPS, 2015). The use of remand can be as damaging and disruptive to women as a custodial sentence. This is especially true for issues of child care, housing and benefit claims (see Loucks, in this *SJM*).

There is an opportunity to divert many more women from the courts and criminal justice system. The chronic health care needs of our women who offend are well documented. Recently, following on from the transfer of responsibility for the health care needs of prisoners from the SPS to local Health Boards, a responsibility has been placed on Health Boards for the provision of health care in police custody suites. This requirement on Health Boards provides real opportunities for women to be assessed and diverted from the criminal justice system at this early stage.

Many more changes could easily be made to improving services for women who offend. As Professor Andrew Coyle stated at the SWGWO/ SCCJ event "the starting point for this [radical reform] will not be found within the prison system, no matter how enlightened that might be" (Coyle, 2015). A policy must be developed with prevention and then early intervention as a starting point.

CJAs are concerned that the new proposals for the prison estate for women will be attractive to sentencers. The SPS will be able to articulate a very clear 'custodial offer' to the courts which may inadvertently result in an increase in the number of women being sent to custody. Currently there is no coherent 'community offer' to stand alongside this. Sentencers often have a good understanding of a woman's presenting needs and history from criminal justice social work reports and possibly the defence solicitor. However, they may lack confidence that the woman will get access to the support services needed to ensure compliance with a community sentence, such as addictions, mental and physical health, housing, welfare, parenting and so on. Added to that is the significant variation of service availability across the country. Many projects and initiatives come and go with short term funding making it difficult for sentencers to know what is available in their area. CJAs believe there is merit in establishing a 'community offer' project team that mirrors, and works alongside, the well-resourced SPS Women in Custody project team. Their purpose would be to ensure that a coherent 'community offer' can be strongly advocated to all Scottish courts and ensure women are not imprisoned merely for lack of, or inability to access, community based support.

My hope is for the development of a shared strategy for women who offend that is bold and aspirational. It should set clear requirements to reduce the numbers of women becoming involved unnecessarily with the criminal justice system, and reduce the numbers of women in prison. The Scottish Government in developing this shared strategy must be mindful of the new arrangements for the future delivery of community justice and provide definitive requirements for Community Planning Partnerships and its constituent partners, other key partners such as the Crown Office and Procurator Fiscal Service, and the new national body, Community Justice Scotland.

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Commission on Women Offenders (Angiolini) (2012) Scottish Government
<http://www.gov.scot/About/Review/commissiononwomenoffenders>

Coyle A (2015) Women affected by the criminal justice system in Scotland: what next? <http://scottishjusticematters.com/women-affected-criminal-justice-system-scotland-next/>

Offender management statistics quarterly. Ministry of Justice. <http://www.gov.uk/government/collections/offender-management-statistics-quarterly>

Scottish Government and SPS (March 2015) Women in Custody, Facts and Figures.
