

TO: Michael Matheson MSP, Cabinet Secretary for Justice
Christine Grahame MSP, Convener, Justice Committee, Scottish Parliament

5th January 2015

**Commissioning HMP Inverclyde – a new 300-bed prison for women.
A response from the Scottish Quakers Community Justice Network**

1. We are writing to support the Howard League Scotland's call for a reversal of the decision to proceed with HMP Inverclyde as a 300-bed replacement for HMP Cornton Vale. We note that the Scottish Prison Service's (SPS's) ill-omened proposal to build a new women's prison of the same capacity as the much criticised existing one has also been publicly opposed by Women for Independence and indeed by the former Justice Secretary, Mr. MacAskill, himself. We are happy to share our firm conviction that this course of action in respect of women offenders should not be taken when something better is both feasible and desirable.

2. The Commission on Women Offenders, prestigiously chaired by Dame Elish Angiolini in 2012, made a clear and convincing case for a much smaller women's prison to house offenders whose offences are so grave and/or whose risk to others is so great that they cannot but be incarcerated, while simultaneously addressing the social and psychological needs which typically underpin the behaviour of even the most difficult and dangerous female offenders. The plausibility of such a minimalist approach to the imprisonment of women was premised on the Commission's confidence that Scotland could and should deal effectively with the great majority of women offenders via existing forms of community supervision together with a new network of community-based support services, akin in intention and ethos to Turning Point's renowned 218 Centre in Glasgow. We are disappointed that the Scottish Government, which was bold enough to establish the Commission on Women Offenders in the first place, and then (seemingly) to endorse its broad conclusions, apparently does not share its confidence that a better and safer way of dealing with offenders is within its grasp. It seems to us that the original vision of the Angiolini Report is more deeply in accord with the UN Bangkok Rules on the treatment of women offenders, in whose making the Quaker United Nations Office in Geneva played a strong part, than the diluted version now being considered by the Scottish Government.

3. The practical feasibility of replicating, varying and improving upon the 218 Centre model across Scotland is not in doubt. There is ample accumulated evidence in Scotland, and Britain as a whole, of "what works best" with women offenders. A combined cadre of people in local authority social work, the voluntary sector and indeed the SPS itself would be more than capable of rising to the challenge of implementing it, if only high-level leadership is forthcoming. It seems, to any concerned outsider, as if the energy for change that initially grew around the Commission on Women Offenders is being stifled before any serious effort can be put into galvanising the kind of innovation it had in mind. SPS have already indicated that the case for a new 300-bed prison is largely based on what

present and future sentencers will expect to be available to them, but it is precisely the current mindset of some sheriffs and judges – and the prison population projections which are extrapolated from it – which needs to be constructively challenged if progress towards a more evidence-based approach towards women offenders is to be realised.

4. We broadly welcome the SPS's commitment to new forms of imprisonment which will stimulate and support desistance during and after a period of custody. However, too much focus on this obscures the logically prior question of who really *needs* – in terms of rehabilitative potential and public safety – to be in prison in the first place. This question has been at the heart of debate on women offenders in Scotland since its social work and prison inspectorates, in *A Safer Way*, in 1998, jointly recommended the halving of the then women's population, but since then *progress* – a word which acquires a certain irony in this context – has been negligible: the number of women in prison actually doubled and the endemic problems of incarcerating low-risk but high-need women in a place that, despite its staff's best efforts, was not truly designed to help them lead offence-free lives upon release.

5. The fanfare and optimism with which HMP Cornton Vale was itself opened in 1975 – the anticipation that it would offer something more therapeutic for women prisoners than its more overtly punitive predecessors – lies within living memory. For those with a sense of history this inevitably generates scepticism towards present-day claims that HMP Inverclyde will somehow be a different kind of institution, breaking the mould and accomplishing something new. There are, in truth, no grounds for thinking it will: imprisonment is notoriously prone to having its official aims re-invented, and the “desistance-orientation” envisaged by SPS is simply the latest of many “repurposings”. The commissioning of HMP Inverclyde is, in terms of Scottish penal practice, so obviously more of the same – an especially dismal and dispiriting prospect when what the Commission on Women Offenders boldly proposed so obviously wasn't.

6. The plan to create a 300-bed prison for women not only flies in the face of evidence-based best practice and the spirit of the Angiolini Commission, it also represents a deep failure of moral imagination, which is strikingly at odds with the Scottish Government's more general claim that Scotland can and should become a better country than it has been. Reducing the use of imprisonment for women, once and for all – and replacing it with 218-type centres – would be an admirable place to start on this national agenda, given that it has been wisely said, many times, that the quality of a nation's civic life can be judged by the state of its prisons and its response to its most damaged and vulnerable citizens, among whom many offending women can invariably be counted. As Quakers, we hope that restorative justice might be a more prominent feature of these new centres, because we recognize that even damaged and vulnerable people can – indeed, almost certainly will – do harm to others. Many of them, we believe, would benefit from the empathy and strengthened sense of solidarity that (alongside tireless efforts to rehabilitate them) restorative approaches can foster.

7. The current redesign of community justice, itself stimulated by the Commission on Women Offenders, means that this is a singularly auspicious moment to think innovatively, to break decisively with the tried, tested and failed. Several decades ago, Baroness Vivian Stern, a renowned penal reformer, called the gratuitous and ill-advised building of new prisons “a sin against the future” because they lock upcoming generations of policymakers into rigid patterns of response to offenders, absorbing energy and resources which might be better deployed on other ways of reducing crime and criminality, (or even on schools and hospitals). Perhaps the worst foreseeable consequences of HMP Inverclyde will be the ways in which it so effortlessly gives renewed legitimacy to the sentencing status quo, actively invites continuity rather than long overdue change and (by default, if nothing else) inhibits the creation of viable alternatives to prison that are more in keeping with the progressive, civilised image that Scotland seeks to portray.

The Scottish Quakers Community Justice Network is a group of Quakers involved and interested in work with offenders and victims and in processes of penal policy-making.