

Men and Women
and the
Criminal Justice System

Appraisal of published Statistics

PARITY Briefing Paper

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Foreword

Are men and women treated equally by the Criminal Justice System in England and Wales? Certainly more males than females pass through the System, and more males than females are more severely dealt with including imprisonment. Except for sexual offences, for which male defendants pre-dominate, both sexes feature as defendants in magistrates' courts and Crown courts for the full range of indictable offences and summary offences.

In magistrates' court proceedings, although the proportions of female defendants (of male and female) acquitted or discharged match the proportion of total female defendants (of total male and female), slightly higher proportions of female defendants are fined, but significantly lower proportions given more severe sentences.

A similar pattern appears in Crown court proceedings dealing with more serious offences, a higher proportion of female defendants (of male and female) being discharged or given a suspended sentence, but a much lower proportion sentenced to immediate custody.

So are the more severe outcomes for male defendants due to more serious male criminality generally than female, or does the System tend to be more lenient with females offenders generally, or is it due to a mix of these?

The appraisal in this document of relevant key government published statistics, mostly for year 2011, is an attempt to scrutinise the data in more detail to see if some clearer pattern emerges. It is hoped that the appraisal contributes positively to the debate about sex equality in the Criminal Justice System.

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PARITY, September 2013

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Selected results of Appraisal

Proportions of females dealt with by the Criminal Justice System England and Wales - year 2011

	% Female (of total M+F)	Reference in Appraisal
Penalty Notices for disorder	23.7	Fig 4.2.3
Cautions	23.7	Table 4.2.2
Magistrates' courts proceedings	23.2	Table 4.3.8
- Acquitted	22.3	
- Discharged	23.7	
- Fined	28.5	
- Community sentence	16.7	
- Suspended sentence	14.6	
- Immediate custody	9.4	
- Total sentenced	25.1	
- Committed for sentence	9.8	
- Committed for trial	11.5	
Crown court proceedings	11.3	Table 4.3.7
- Acquitted	13.7	
- Discharged	23.1	
- Fined	10.5	
- Suspended sentence	16.2	
- Immediate custody	6.5	
- Total sentenced	10.8	
Total sentenced to immediate custody	7.9	Table 4.3.5
Av immediate custodial sentence		Table 4.3.6
< 6 months	9.3	
6 – 12 months	7.3	
1 – 4 years	6.1	
> 4 years	3.9	

Contents

	page
1 Introduction	1
2 Reference sources	1
(1) Section 95 (2012)	1
(2) Other sources	1
3 Section 95 report statistics (2012) - Summary	2
(1) Victims of crime	2
(2) Suspects	2
(3) Defendants	2
(4) Supervision and custody	3
4 Appraisal of statistics	4
4.1 Victims	4
(1) British Crime Surveys	4
(2) Types of violence	4
(3) Intimate violence	5
(4) Offenders in case of women victims of domestic violence	5
(5) Homicides	6
4.2 Suspects	7
(1) Arrests	7
(2) Penalty Notices for Disorder	8
(3) Cautions	10
4.3 Defendants	12
(1) Overall numbers	12
(2) Persons fined	13
(3) Community sentences	14
(4) Suspended sentences	16
(5) Immediate custodial sentences	18
(6) Average immediate custodial sentences	20
(7) Crown court proceedings	22
(8) Magistrates' courts proceedings	24
(9) Cautions and indictable offences	25
(10) CPS actions on domestic violence	26
4.4 Prisons and prisoners	28
(1) Prison population under immediate custodial sentence	28
(2) Average lengths of immediate custodial sentences	28
(3) Time served in prison by prisoners discharged from determinate sentences	29
(4) Prison rules	30
5 Comment on the statistics	32
Appendices	
1 Summary of key statistics	34
2 Information provided in May 2013 by the Ministry of Justice Freedom of Information request FOI/82468	37
3 Summary of Parliamentary debate on 16 October 2012	41

List of Tables

Table	page
4.1.1 Proportions of adults who were victims of all BCS crime and personal crime, England and Wales, 2010/11	4
4.2.1 Total arrests by police forces, England and Wales, 2010/11	7
4.2.2 Total cautions issued, England and Wales, 2011	10
4.2.3 Cautions issued by type of offence, England and Wales, 2011	11
4.3.1 Persons proceeded against at magistrates' courts, England and Wales, 2011	12
4.3.2 Persons fined at all courts, England and Wales, 2011	13
4.3.3 Persons given community sentence at all courts for all offences, all ages, England and Wales, 2011	15
4.3.4 Persons given suspended sentence, age 18 and over, England and Wales, 2011	17
4.3.5 Immediate custodial sentences for all offences, age 10 and over, England and Wales, 2011	18
4.3.6 Average immediate custodial sentences, age 10 and over, England and Wales, 2011	21
4.3.7 Crown courts - Final outcomes, age 10 and over, England and Wales, 2011	22
4.3.8 Magistrates' courts - Final outcomes, age 10 and over, England and Wales, 2011	24
4.3.9 Persons cautioned and those proceeded against in magistrates' courts and sentenced at all courts for indictable offences, age 10 and over, England and Wales, 2011	25
4.3.10 Prosecutions and convictions for domestic violence, England and Wales, 2008 to 2013	27
4.4.1 Population in prison under an immediate custodial sentence, age 15 and over, England and Wales, 2011	28
4.4.2 Average lengths of immediate custody, England and Wales, 2011	29
4.4.3 Sentences given to and time served in prison by prisoners discharged from determinate sentences, England and Wales, Oct-Dec 2011	30

List of Figures

Figure	page
4.1.1 Proportions of adults who were victims of violence by type of violence, England and Wales, 2011/12	5
4.1.2 Prevalence of intimate violence by category among adults age 16 to 59 by type of violence, England and Wales, 2011/12	5
4.1.3 Sex of offender for intimate violence in the last year against women, age 16 to 59, England and Wales, 2007 to 2012	6
4.1.4 Homicides recorded for all victims by relationship of victim to principle suspect, England and Wales, 2010/11	6
4.2.1 Adult arrests by sex and type of offence, England and Wales, 2010/11	7
4.2.2 Juvenile arrests by sex and type of offence, England and Wales, 2010/11	8
4.2.3 Penalty Notices issued for Disorder, England and Wales, 2011	8
4.2.4 Penalty Notices issued for Disorder, England and Wales, 2011. Most frequent Higher Tier offences, age 16 and over	9
4.2.5 Penalty Notices issued for Disorder, England and Wales, 2011 Outcomes, age 16 and over	9
4.2.6 Cautions issued by age group, England and Wales, 2011	10
4.2.7 Cautions issued by sex and age group, England and Wales, 2011	11
4.2.8 Cautions issued by type of offence, England and Wales, 2011	11
4.3.1 Proceedings at magistrates' courts, England and Wales, 2011 Proportions of females by type of offence	12
4.3.2 Proceedings at magistrates' courts, England and Wales, 2011 Proportions of offence group totals for each sex	13
4.3.3 Persons fined at all courts for all offences, England and Wales, 2011 Proportions of females	14
4.3.4 Persons fined at all courts, England and Wales, 2011. Proportions of females by age group and type of offence	14
4.3.5 Sentenced persons given community sentence, England and Wales, 2011 Totals of sentenced persons by offence group	15
4.3.6 Sentenced persons given community sentence, England and Wales, 2011 Per cent of sentenced persons	16
4.3.7 Persons given community sentence, England and Wales, 2011 Proportions of females by age group	16
4.3.8 Persons given suspended sentence, age 18 and over, England and Wales, 2011	17
4.3.9 Persons given suspended sentence, age 18 and over, England and Wales, 2011 Proportions of female offenders	17
4.3.10 Persons given immediate custodial sentence, age 10 and over, England and Wales, 2011. Proportions of female offenders	18

Figure	page
4.3.11 Immediate custodial sentences for all offences, age 10 and over, England and Wales, 2011. Sentences as proportions of corresponding indictable and summary offence totals	19
4.3.12 Persons given immediate custodial sentence, age 10 and over, England and Wales, 2011. Proportions by sex for offence type	19
4.3.13 Immediate custodial sentences, age 10 and over, England and Wales, 2011. Proportions by sex and type of custodial sentence	20
4.3.14 Persons sentenced to immediate custody, excluding life and indeterminate sentence prisoners, age 10 and over, England and Wales, 2011. Average sentence length by age group	20
4.3.15 Sentence length (grouped), England and Wales, 2011. Proportions of females	21
4.3.16 Average length of immediate custodial sentence, England and Wales, 2011. Ratio of male/female average custodial lengths for range of offence type	22
4.3.17 Outcomes for defendants tried at Crown courts, age 10 and over, England and Wales, 2011. Proportions for each sex by outcome	23
4.3.18 Outcomes for persons tried at Crown courts, age 10 and over, England and Wales, 2011. Proportions of female defendants by outcome	23
4.3.19 Outcomes for defendants proceeded against at magistrates' courts, age 10 and over, England and Wales, 2011. Proportions for each sex	24
4.3.20 Persons cautioned and those proceeded against in magistrates' courts and sentenced at all courts for indictable offences, age 10 and over, England and Wales, 2011. Proportions of totals for each outcome	26
4.3.21 Persons cautioned and those proceeded against in magistrates' courts and sentenced at all courts for indictable offences, age 10 and over, England and Wales, 2011. Proportions of totals for each sex	26
4.4.1 Average lengths of immediate custodial sentences, England and Wales, 2011 (months)	29
4.4.2 Average determinate sentences given and average times served, England and Wales, Oct-Dec 2011 (months)	30

Men and Women and the Criminal Justice System

1 Introduction

Statistics available for year 2010/11 indicate 1,360,451 recorded arrests in England and Wales, 1,140,497 males and 219,954 females, a proportion of females of 16.2%. Of the total, 210,683 were juveniles, with a female proportion of 18.3%. However, most of the statistics referred to in this Briefing Paper relate to calendar year 2011, and in some cases totals are inconsistent with the year 2010/11 totals. Compare, for instance, the 219,954 females recorded as arrested in 2010/11 with the much higher 297,938 females actually sentenced in year 2011.

During year 2011, 1,246,320 persons were sentenced for all offences, 948,382 males and 297,938 females, a female proportion of 23.9%. The female proportion sentenced for indictable offences was 14.3% and for summary offences was 27.4%, this suggesting that of all offences committed by females, a larger proportion are in the summary category, than in the case of males. For instance, of those appearing before magistrates' courts for summary offences, 27.0% were female, but only 14.4% for indictable offences.

Of those persons sentenced to immediate custody, 7.9% were female, 8.2% in respect of indictable offences and 6.1% for summary offences. Only 4.5% of those in prison (in February 2013) were female.

There is a perception that the criminal justice system (CJS) is more lenient, generally, to females than to males. Not only are more males proportionally given custodial sentences, but the average sentence given to them of 18 months is 50% higher than that for females of 12 months. And the average time actually served in prison by males of 9.5 months is similarly higher than the 5.8 months for females [statistics based on prison discharges in period Oct-Dec 2011]. Moreover, prison conditions are perceived to be more kind to females than to males, not only because of fewer numbers but also that they are being held in conditions and within regimes "that meet their gender specific needs and which facilitate their successful resettlement". [Prison Service Order 4800 'Women Prisoners']

2 Reference sources

(1) Section 95 (2012)

Section 95 of the Criminal Justice Act 1991 requires the Government to publish statistical data regularly to assess whether any discrimination exists in how the CJS treats people based on gender. A publication *Women and the criminal justice system* relating to this requirement was published by the Ministry of Justice in autumn 2012, and is the source for the bulk of statistics used in this Briefing Paper, and is referred to as Source1 in the Paper.

Such statistics are used by policy makers, the agencies who comprise the CJS and others, to monitor the differences between females and males, and to highlight areas where practitioners and others may wish to undertake more in-depth analysis. According to the Ministry of Justice, the identification of differences should not [necessarily] be equated with discrimination as there are many reasons why apparent disparities may exist.

(2) Other sources

Other sources used in this Briefing Paper include British Crime Surveys, specific Government publications including 'offender management statistics', Ministry of Justice

statistics on 'prisons and probation', and responses to Freedom of Information requests to the Ministry of Justice and the Crown Prosecution Service.

Most sources relate to year 2011. However, as indicated above, some are for years 2010/11 or 2011/12 and totals for these years may be inconsistent with totals given for calendar year 2011. Indeed, some data for year 2011 is not always consistent with other data given for that year.

A summary of key statistics identified is given in Appendix 1.

Information provided by the Ministry of Justice in response to a Freedom of Information request relating to prisoners is given in full in Appendix 2.

A summary of the parliamentary debate in Westminster Hall on the 16 October 2012 on men and women in the Criminal Justice System is given in Appendix 3. A full report of the debate can be found in Hansard in cols 32WH to 42WH for the 16 October 2012.

3 Section 95 report statistics (2012) - Summary

(1) Victims of crime

- A smaller proportion of women than men interviewed for the 2011/12 Crime Survey of England and Wales (CSEW) reported being victims of violence - 2% against 4%
- A greater proportion of women than men reported being victims of intimate violence in the 2011/12 CSEW self-completion module - 7% against 5%.
- A smaller proportion of girls (aged 10 to 15) than boys reported being victims of violence in the 12 months prior to interview for the child component of the 2011/12 CSEW - 5% against 11%.
- Fewer females than males were victims of homicide in 2010/11 according to the Homicide Index - 201 against 435.

(2) Suspects

- Fewer than one in five (<20%) arrests recorded by the police in 2010/11 and in the preceding four years involved females.
- Between 2006/07 and 2010/11, there was an overall 8% reduction in the number of arrests by police forces in England and Wales (from 1,482,156 to 1,360,451) made up of a 13% decrease for females and a 7% decrease for males.

(3) Defendants

Data on out-of-court disposals and court proceedings showed some differences in the types of disposals issued to males and females, and also in sentence lengths.

- In 2011, females accounted for 24% of the PNDs [penalty notices] and 24% of the 231,483 cautions administered to individuals of known gender. Retail theft (under £200) was the most common offence type for which females were issued a PND (54% of PNDs issued to females), and drunk and disorderly for males (31% of PNDs issued to males).
- Overall, 1,246,320 persons of known gender were convicted and sentenced at all courts in 2011; again, 24% were female and 76% were male.
- Theft and handling stolen goods (which includes shoplifting) was the most common indictable offence group for which both females and males were sentenced at all courts between 2007 and 2011 (52% of females and 33% of males sentenced for indictable offences in 2011).

- Overall a higher proportion of all males than all females were sentenced to immediate custody in 2011 (10% against 3%), and females more commonly received a fine (77% against 61% of males). These patterns were also consistent in the four preceding years.
- The average custodial sentence length (ACSL) for all indictable offences was consistently higher for males than for females between 2007 and 2011 (in 2011, 17.7 months for males compared to 11.6 months for females).

(4) Supervision and custody

Across the five-year period, there were substantially fewer women than men both under supervision and in prison custody. A greater proportion of women were also serving shorter sentences than men, which is again likely [according to the Ministry of Justice] to be attributable to a range of factors including differences in the offence types committed by men and women.

- In 2011, women accounted for 15% of the 125,934 offenders under supervision in the community as a result of community and suspended sentence orders, and 14-15% in each of the preceding four years.
- Of the 12,925 women supervised under a community order in 2011, 14% were supervised for less than one year compared to 7% of men.
- Women accounted for 5% of the 85,374 offenders comprising the total prison population in 2011, and in each of the four preceding years.
- A greater proportion of women than men in prison under immediate custodial sentence were serving sentences of twelve months or less (21% against 10% in 2011).
- Although the lowest in the five-year reporting period, the 2011 rate of 2,104 self-harm incidents per 1,000 female prisoners was over ten times higher than that for men (194 incidents per 1,000 male prisoners. [Note: the MoJ response reported in Appendix 2 to this Briefing Paper cites rates of self-harm of 1,589 females and 201 males per 1,000 prisoners in 2012].

4 Appraisal of statistics

4.1 Victims

(1) British Crime Surveys

In general, more men than women were victims of a crime once or more during the period 2010/11, both for 'all BCS crime' (22.6% compared to 20.5%) and for 'personal crime' (6.5% compared to 5.3%).

['Personal crime' includes 'theft from person', 'other theft of personal property', 'all violence with and without injury', and 'personal and acquisitive crime'.]

Table 4.1.1 Proportions of adults who were victims of all BCS crime and personal crime England and Wales, 2010/11

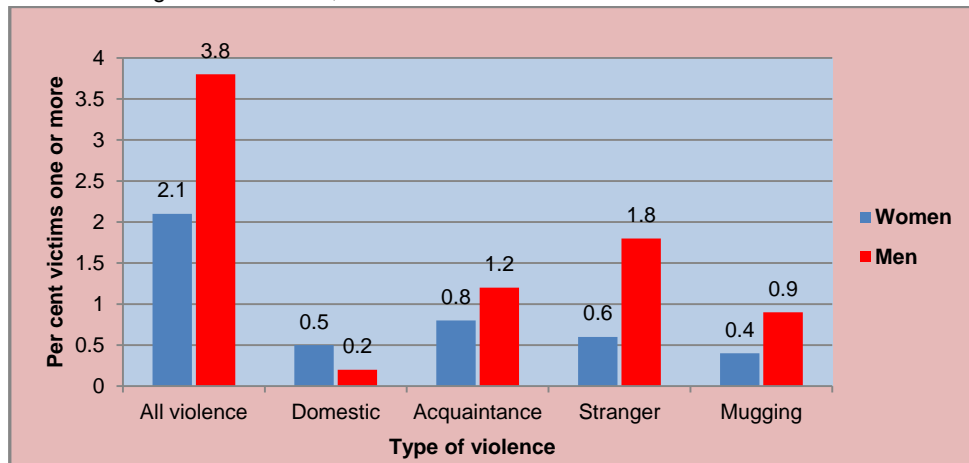
	All BCS crime	Personal crime
	% victims once or more	
Men	22.6	6.5
16-24	33.1	15.7
25-34	27.5	8.8
35-44	25.8	5.9
45-54	21.5	4.5
55-64	18.2	3.2
65-74	11.9	1.9
75+	8.6	0.8
Women	20.5	5.3
16-24	30.4	12.2
25-34	25.6	7.3
35-44	23.6	4.8
45-54	22.7	4.1
55-64	16.5	3.1
65-74	10.1	2.3
75+	7.2	1.9

Ref: HOSB 10/11 Crime in England and Wales 2010/11, July 2011, Table 2.05

(2) Types of violence

Overall, a larger proportion of men (3.8%) than women (2.1%) were victims once or more during the period 2011/12, and for each type of violence except for domestic violence, 0.5% of women being victims of this once or more compared to 0.2% of men. A higher proportion of men than women were victims once or more of acquaintance and stranger violence and of mugging. (Fig 4.1.1).

Fig 4.1.1 Proportions of adults who were victims of violence by type of violence, England and Wales, 2011/12



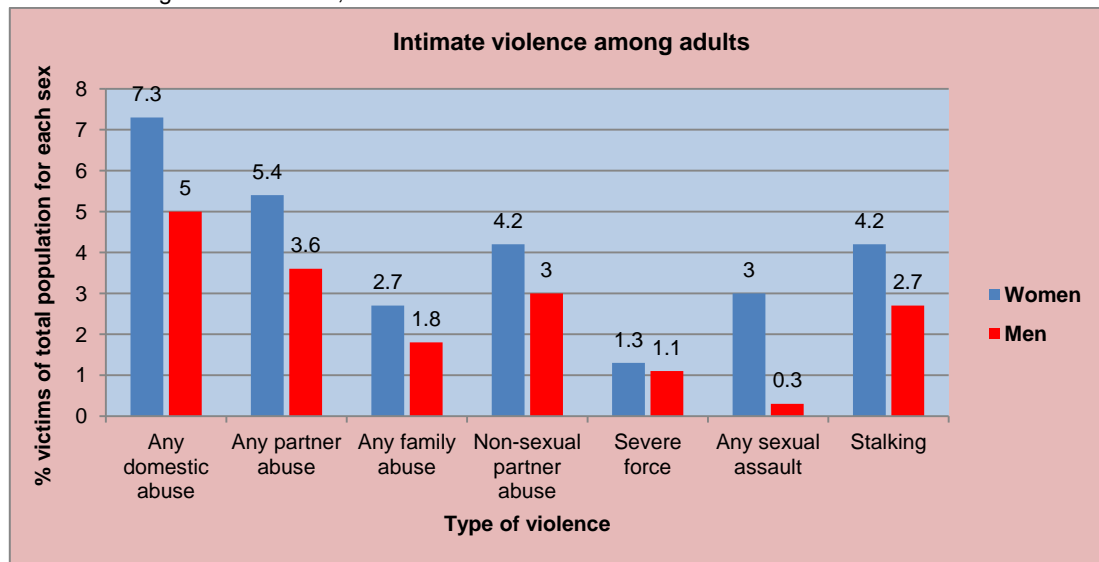
Ref: Source 1, Table S2.01

'All violence' includes wounding, assault with minor injury, assault without injury, and robbery

(3) Intimate violence

Women suffer higher proportions (of the total female population) of intimate violence for each of the categories shown (Fig 4.1.2). However, the proportion of male victims of the total, for male and female, was generally about 40% for each of the main types of intimate violence, except for 'any sexual assault' at 9%.

Fig 4.1.2 Prevalence of intimate violence by category among adults aged 16 to 59 by type of violence, England and Wales, 2011/12

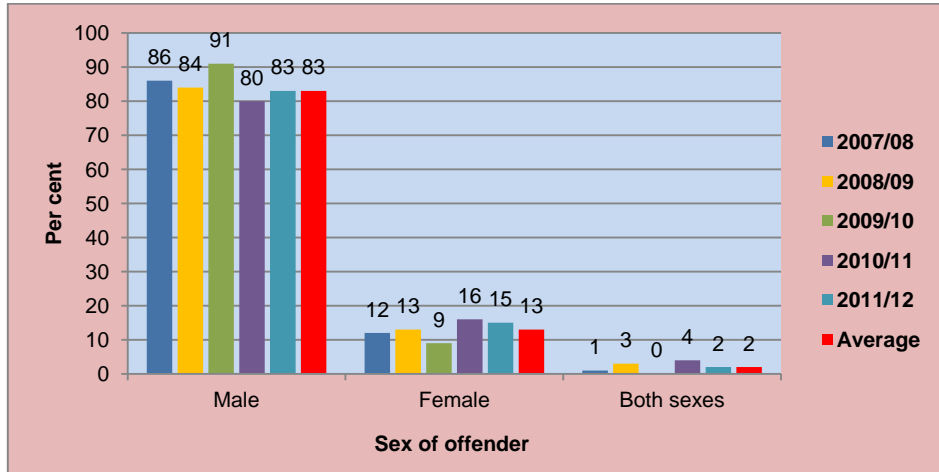


Ref: Source 1, Table S2.03

(4) Offenders in the case of women victims of intimate violence

Male offenders accounted for the bulk of intimate violence against women, the average over the 5-year period 2007 to 2012 being 83% of all offenders, with a low of 80% in 2010/11 (Fig 4.1.3). Female offenders accounted for 13% of the intimate violence, with a high of 16% in 2010/11, and both sexes in the case of 2% of intimate violence.

Fig 4.1.3 Sex of offender for intimate violence in the last year against women aged 16 to 59, England and Wales, 2007/08 to 2011/12



Ref: Source 1, Table S2.05

(5) Homicides

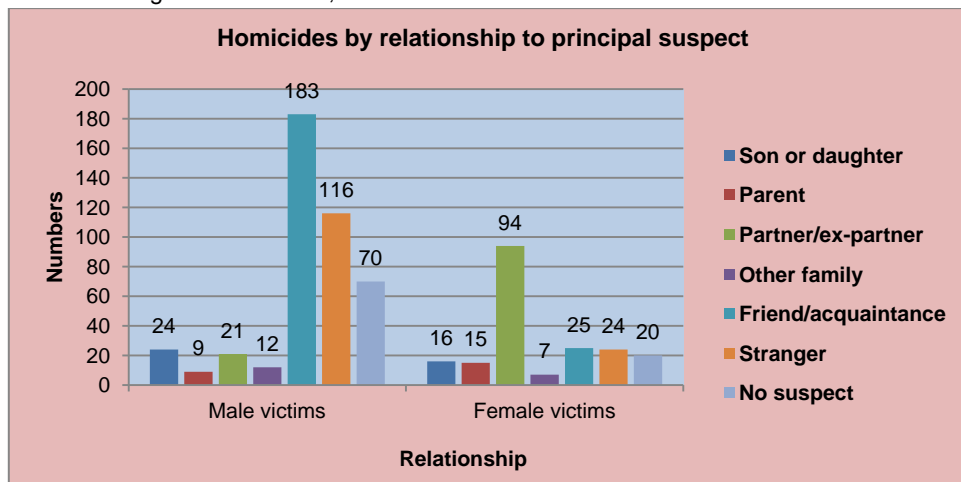
A total of 636 homicides were currently recorded in 2010/11, including 140 where a stranger was the principal suspect and 90 where there was no suspect.

Male victims totalled 435, with the highest number of cases (183) involving a friend or acquaintance as the principal suspect. High numbers of cases also applied to a stranger as principal suspect (116) and to no suspect (70). 21 cases involved a partner or ex-partner as the suspect.

Female victims totalled 201 (33.0% of all victims), with the highest number of cases (94) involving a partner or ex-partner as the suspect (81.7% of all victims in this category).

Over the five-year period 2006/07 to 2010/11, the average number of female victims involving a partner or ex-partner as suspect was 92 (77.6% of all victims in this category) and of male victims was 27 (22.3% of all victims in this category).

Fig 4.1.4 Homicides recorded⁽¹⁾ for all victims by relationship of victim to principle suspect, England and Wales, 2010/11



Ref: Source 1, Table S2.06

Note 1. Figures subject to revision as further information becomes available.

4.2 Suspects

(1) Arrests

Arrests by police forces in England and Wales during year 2010/11 totalled 1.361 million, made up of 1,149,768 adults and 210,683 juveniles. Females accounted for 15.8% of adults arrested and 18.3% of juveniles.

Table 4.2.1 Total arrests by police forces, England Wales, 2010/11

	Male	Female	Total	% male	% female
Adults	968,461	181,307	1,149,768	84.2	15.8
Juveniles	172,036	38,647	210,683	81.7	18.3
Totals	1,140,497	219,954	1,360,451	83.8	16.2

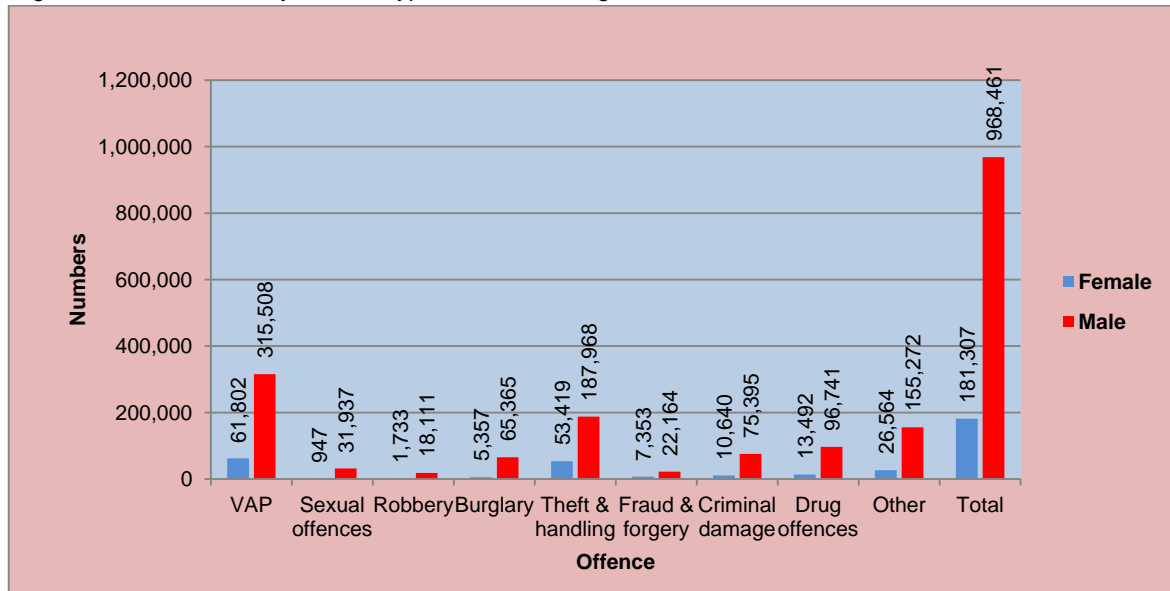
Ref: Source 1, Tables S3.03, S3.04 and S3.07

Note: As previously referred to, the totals for year 2010/11 do not match those given by other sources for year 2011 used elsewhere in this Briefing Paper, in particular for the numbers of defendants in subsequent court actions. They should be regarded, therefore, only as indicative.

The highest proportions of adult females arrested (of total male and females) were for fraud & forgery (24.9%), theft & handling (22.1%), VAP (16.4%) and Other (14.6%). These categories were also highest for juvenile females arrested, fraud & forgery (28.5%), VAP (25.6%), theft & handling (24.6%), and Other (16.8%).

The four largest offence groups for adult males were VAP, theft, Other, and drug offences (32.6%, 19.4%, 16.0%, and 10.0% respectively of total male offences).. For adult females they were VAP, theft, Other, and drug offences (34.1%, 29.5%, 14.7%, and 7.4% respectively of total female offences).

Fig 4.2.1 Adult arrests by sex and type of offence, England and Wales, 2010/11

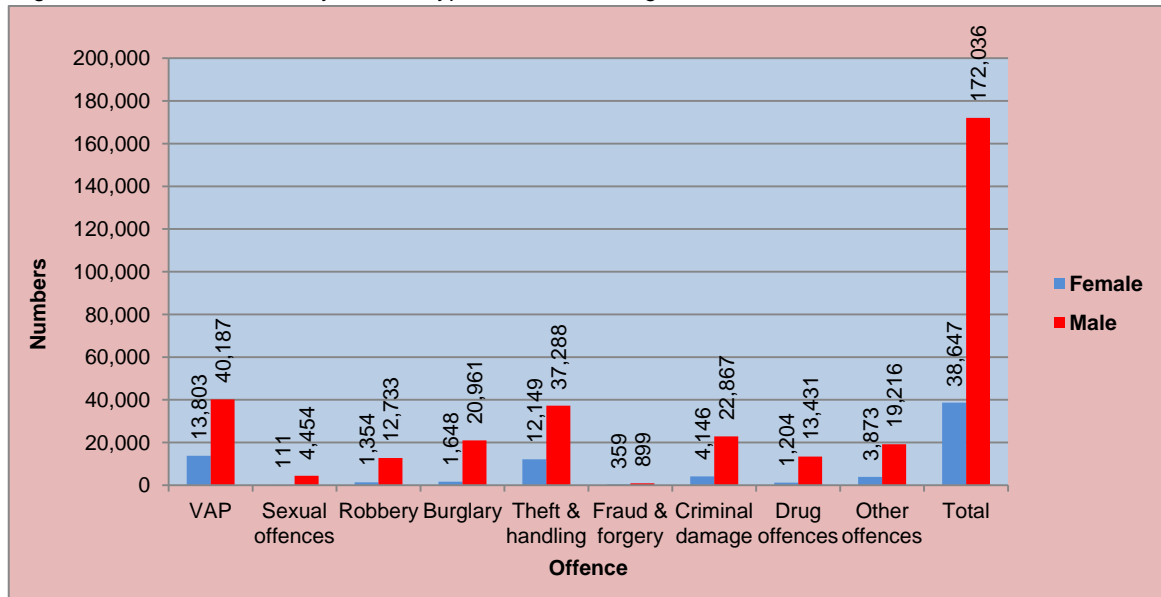


Ref: Source 1, Table S3.03

'Other offences' grouping includes (but is not restricted to) public order offences, immigration offences, public health offences, and perverting the course of justice.

For juvenile males, the four largest offence groups were VAP, theft, criminal damage, and burglary (23.4%, 21.7%, 13.3%, and 12.2% respectively of total juvenile male offences). For juvenile females, the four largest offence groups were VAP, theft, criminal damage, and Other ((35.7%, 31.4%, 10.7%, and 10.0% respectively of total juvenile female offences).

Fig 4.2.2 Juvenile arrests by sex and type of offence, England and Wales, 2010/11



Ref: Source 1: Table S3.04

'Other offences' grouping includes (but is not restricted to) public order offences, immigration offences, public health offences, and perverting the course of justice.

(2) Penalty Notices for Disorder

127,530 Penalty Notices (PNs) were issued for Disorder to persons aged 16 and over in 2011, 97,258 to males (76.3%) and 30,272 to females (23.7%), the great majority being for 'higher tier' offences.

Fig 4.2.3 Penalty Notices issued for Disorder, England and Wales, 2011



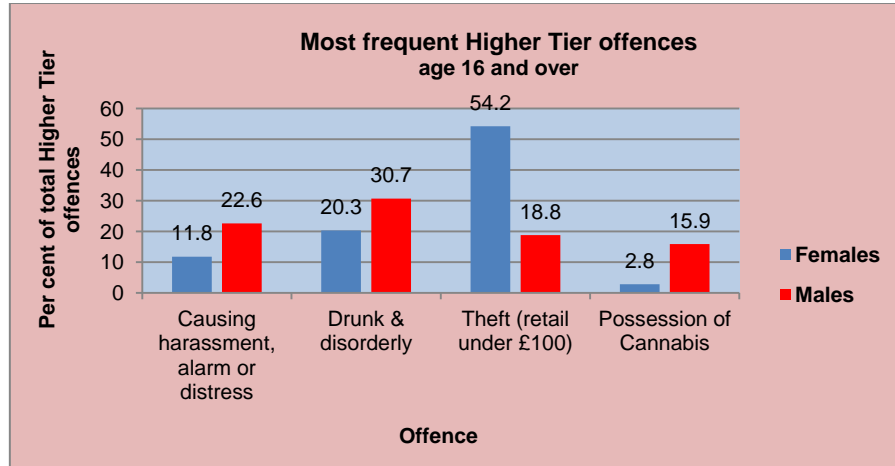
Ref: Source 1, Tables S4.02 and S4.03

Higher tier offences comprise: wasting police time; misuse of public telecom system; false alarm to fire and rescue authority; causing harassment, alarm or distress; throwing fireworks; drunk and disorderly; criminal damage (under £300); theft (retail under £100); breach of fireworks curfew; possession of category 4 firework; possession by a person under 18 of adult firework; sale of alcohol to drunken person; supply of alcohol to person under 18; sale of alcohol to person under 18; purchase alcohol for person under 18; purchase alcohol for person under 18 for consumption on premises; delivery of alcohol to person under 18 or allowing such delivery; possession of Cannabis.

Lower Tier offences comprise: trespass on a railway; throwing stones at a train/railway; drunk in a highway; consumption of alcohol in public place; depositing and leaving litter; consumption of alcohol by person under 18 on relevant premises; allowing consumption of alcohol by person under 18 on relevant premises; buying or attempting to buy alcohol by person under 18.

For males, the two offences attracting the highest number of Notices were drunk and disorderly (30.7% of total Notices issued to males), and causing harassment, alarm or distress (22.6%). For females, the highest was theft (54.2% of total Notices issued to females), and drunk and disorderly (20.3%). Females attracted a much smaller number of Notices than males for possession of cannabis (2.8% of total Notices issued to females).

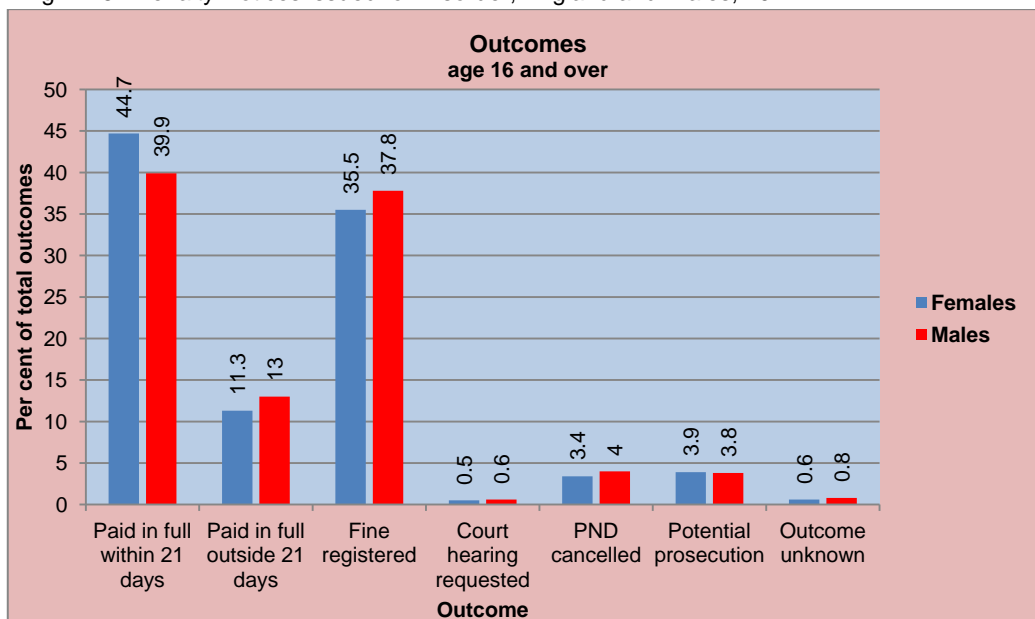
Fig 4.2.4 Penalty Notices issued for Disorder, England and Wales, 2011



Ref: Source 1, Tables S4.02 and S4.03

Just over half of Notices issued were paid in full, most within 21 days (44.7% of those issued to females, and 39.9% to males). A fine was registered in just over one third of cases, and cancelled in about 4% of cases (1,035 for females and 3,850 for males). A potential prosecution featured in just under 4% of cases for each sex (1,170 against females and 3,741 against males). A court hearing was requested in 785 cases (161 by female and 624 by males), about 0.6% of total Notices issued.

Fig 4.2.5 Penalty Notices issued for Disorder, England and Wales, 2011



Ref: Source 1, Tables S4.04 and S4.0

(3) Cautions

231,483 cautions were issued during 2011 by police forces, 176,674 (76.3%) to males and 54,809 (23.7%) to females.

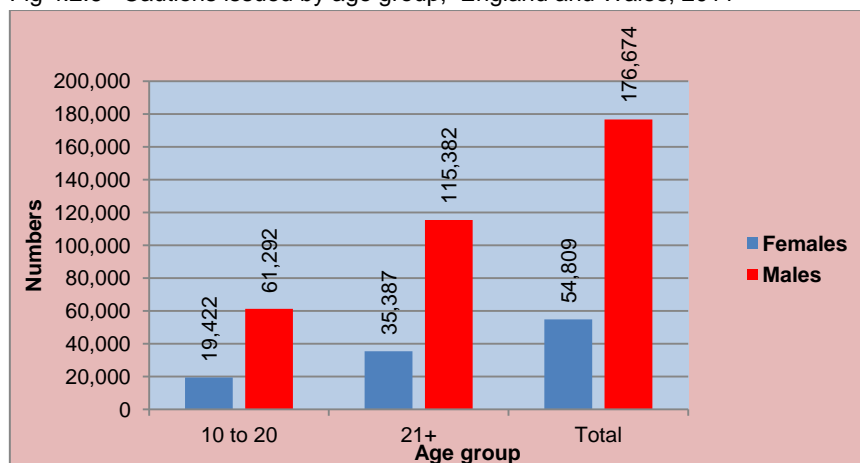
43,993 cautions (19.0%) were issued to young persons in the 10 to 17 age group (18.2% of the male total to males, 21.6% of the female total to females). 36,721 cautions (15.9%) were issued to persons in the 18 to 20 age group (16.5% of the male total to males, 13.9% of the female total to females).

Table 4.2.2 Total cautions issued, England and Wales, 2011

Age group	Male	Female	Total	% F
10 - 17	32,172	11,821	43,993	26.9
18 - 20	29,120	7,601	36,721	20.7
21+	115,382	35,387	150,769	23.5
Totals	176,674	54,809	231,483	23.7

Ref: Source 1, Tables S4.06, S4.07, S4.08, and S4.09

Fig 4.2.6 Cautions issued by age group, England and Wales, 2011

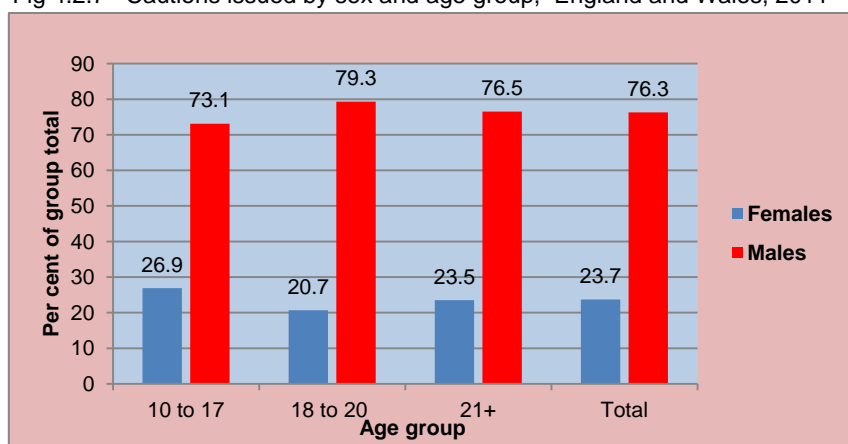


Ref: Source 1, Tables S4.04 and S4.05

For indictable offences, 94,019 cautions (76.1% of the total) were issued to males and 29,468 cautions (23.9% of the total) to females. Similar proportions applied to summary offences.

The highest proportions applying to females were for theft & handling (35.9% of the total for that offence, fraud & forgery (35.4%), and VAP (27.8%). (Table 4.2.3 and Fig 4.2.8).

Fig 4.2.7 Cautions issued by sex and age group, England and Wales, 2011



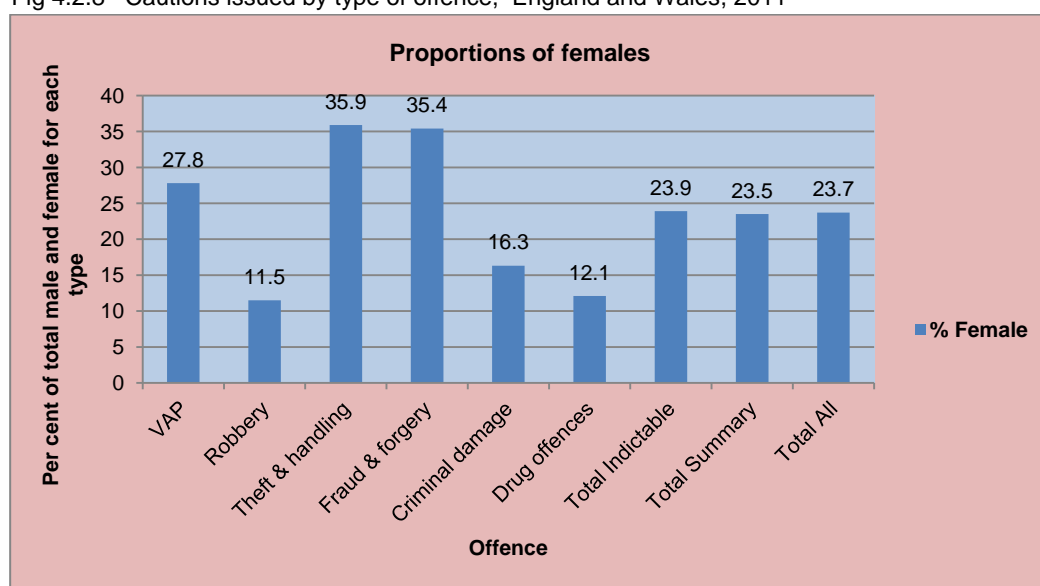
Ref: Source 1, Tables S4.04 and S4.05

Table 4.2.3 Cautions issued by type of offence, England and Wales, 2011

Offence	Male	Female	Total	% F
VAP	11,573	4,457	16,030	27.8
Robbery	2,959	383	3,342	11.5
Theft & handling	27,771	15,586	43,357	35.9
Fraud & forgery	3,603	1,971	5,524	35.4
Criminal damage	3,932	768	4,700	16.3
Drug offences	37,402	5,160	42,562	12.1
Other	6,779	1,143	7,922	14.4
Total Indictable	94,019	29,468	123,487	23.9
Total Summary	82,655	25,341	107,996	23.5
Total All	176,674	54,809	231,483	23.7

Ref: Source 1, Tables S4.08 and S4.

Fig 4.2.8 Cautions issued by type of offence, England and Wales, 2011



Ref: Source 1, Tables S4.08 and S4.09

4.3 Defendants

(1) Overall numbers

1,490,285 persons were proceeded against in magistrates' courts in England and Wales during 2011, 1,139,135 males (74.6%) and 351,150 females (23.6%). See Table 4.3.1. Indictable offences accounted for 30.7% of proceedings against males and 16.8% against females.

Females accounted for 14.4% of all proceedings for indictable offences and 34.7% for all summary offences (excluding motoring offences). They also accounted for 18.6% for all summary motoring offences. The four highest female proportions for indictable offences were for fraud & forgery (31.3% of total male and female), theft & handling (20.8%), VAP (12.1%), and criminal damage (11.8%). (Fig 4.3.1).

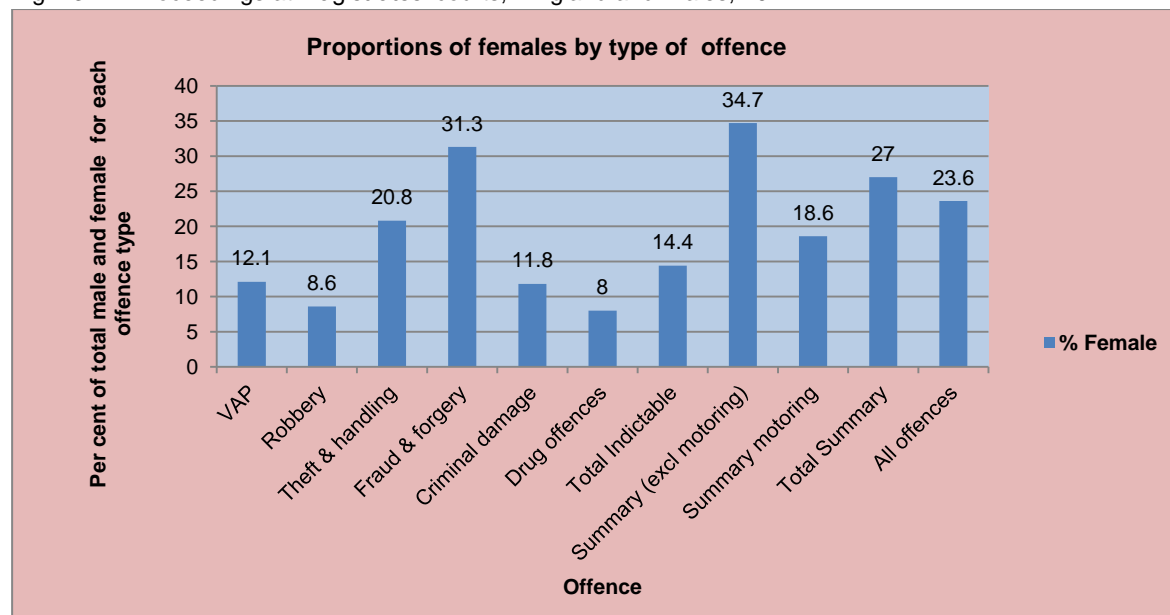
Note: The total of 1,139,135 males given above is some 3.7 thousand less than that given by other more detailed sources for court actions, although the total of 351,150 for females is consistent. This small difference should not unduly affect the general considerations indicated below.

Table 4.3.1 Persons proceeded against at magistrates' courts, England and Wales, 2011

	Male	Female	Total	% F
Indictable offences	350,139	58,939	409,078	14.4
Summary offences	788,996	292,211	1,081,207	27.0
Total	1,139,135	351,150	1,490,285	23.6

Ref: Source 1, S4.12 and S4.13

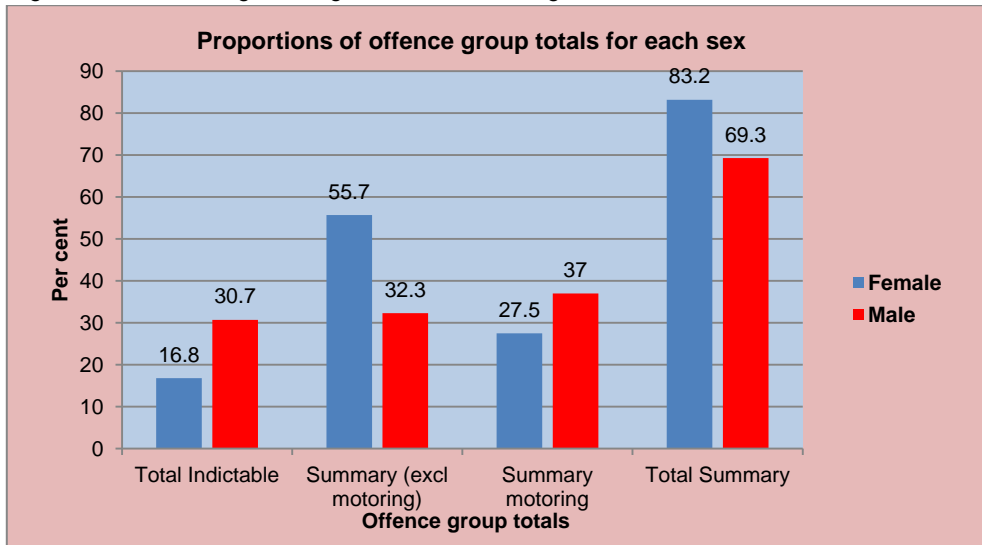
Fig 4.3.1 Proceedings at magistrates' courts, England and Wales, 2011



Ref: Source 1, Tables S4.12 and S4.13

Proportions of each sex in each offence group total are shown on Fig 4.3.2. 55.7% of female summary offence proceedings were for those excluding motoring offences and 27.5% for motoring offences. For males, the proportions were 32.3% and 37% respectively.

Fig 4.3.2 Proceedings at magistrates' courts, England and Wales, 2011



Ref: Source 1, Tables S4.12 and S4.13

(2) Persons fined

802,555 persons age 10 and over were fined at all courts for all offences during 2011, 574,355 males (71.6%) and 228,200 females (28.4%). Included in these totals were 56,694 persons fined for indictable offences, 50,126 males (88.4%) and 6,568 females (11.6%), and 745,861 persons fined for summary offences, 524, 229 males (70.3%) and 221,632 females (29.7%). Proportions of females fined by offence group are shown on Fig 4.3.3.

Juveniles age 10 to 17 accounted for 5,055 of total persons fined for all offences, and persons age 18 to 20 for 60,988 of total persons fined for all offences. Proportions of females by age group and offence type are shown on Fig 4.3.4.

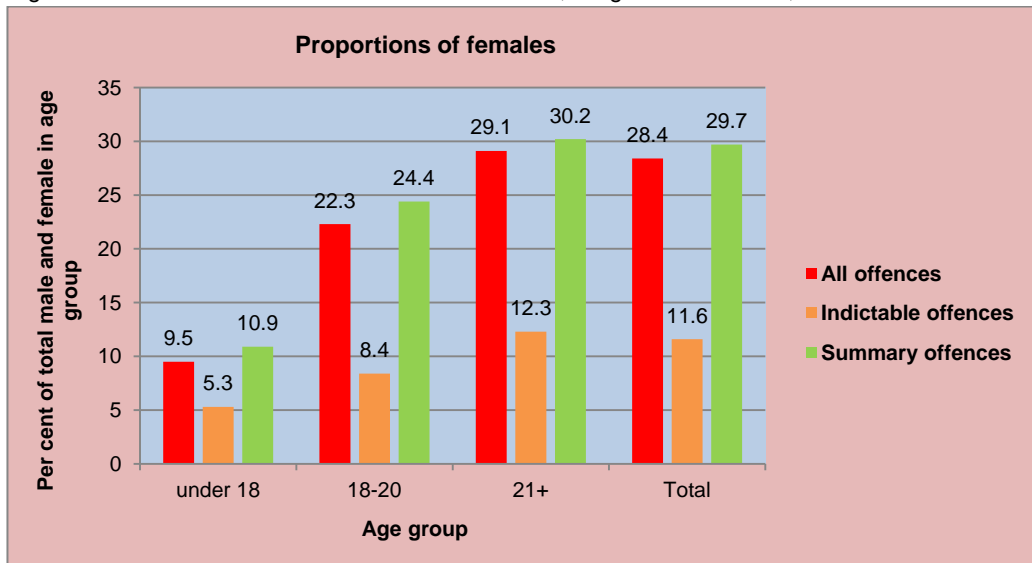
Table 4.3.2 Persons fined at all courts, England and Wales, 2011

	Male	Female	Total	% F
Total Indictable offences	50,126	6,568	56,694	11.6
Summary non-motoring offences	183,873	141,315	325,188	43.5
Summary motoring offences	340,356	80,317	420,673	19.1
Total Summary offences	524,229	221,632	745,861	29.7
Total All offences	574,355	228,200	802,555	28.4

Ref: Source 1, Tables S4.20 and S4.21

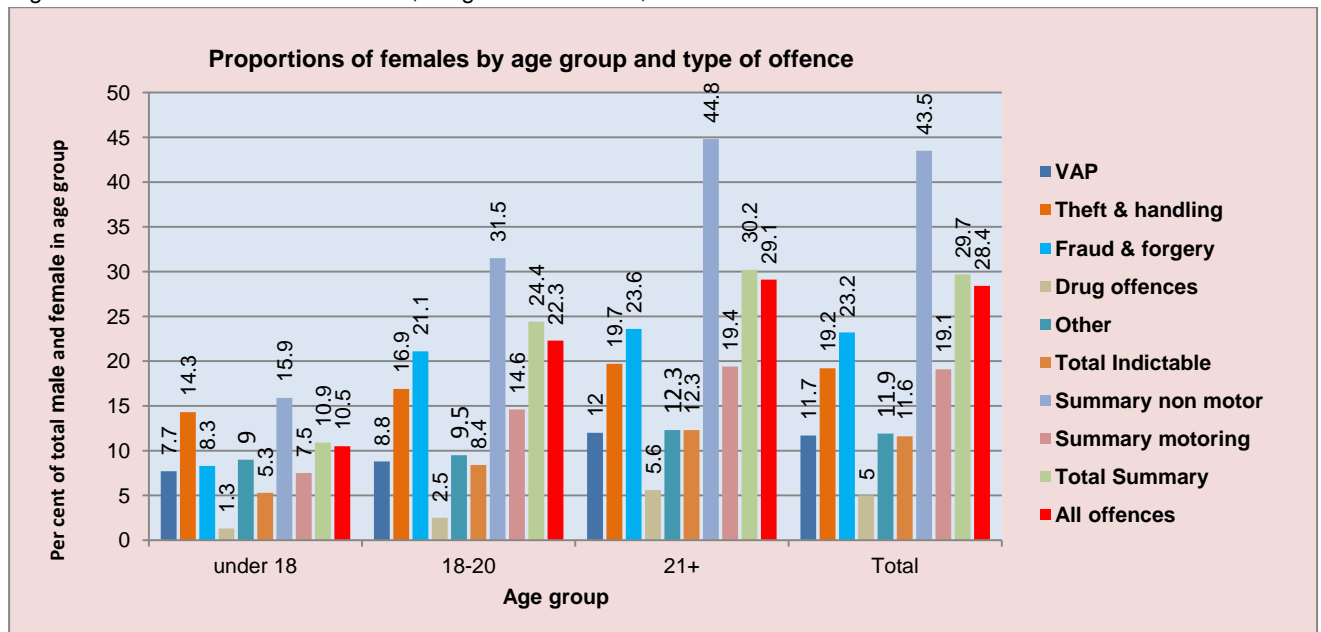
Proportions of females fined (of total male and female) all exceeded 20% for the older age groups for both total Summary offences and All offences, ranging from 24.4% (18 to 20) to 30.2% (21+).

Fig 4.3.3 Persons fined at all courts for all offences, England and Wales, 2011



Ref: Source 1, Tables S4.14 to S4.19

Fig 4.3.4 Persons fined at all courts, England and Wales, 2011



Ref: Source 1, Tables S4.20 and S4.21

(3) Community sentences

A total of 172,067 persons were given community sentences in 2011, 143,591 males (83.5%) and 28,476 females (16.5%). 98,383 of cases related to indictable offences, 82,227 males (83.5%) and 16,156 females (16.5%). (Table 4.3.3 and Fig 4.3.5).

Table 4.3.3 Persons given community sentences at all courts for all offences, all ages, England and Wales, 2011

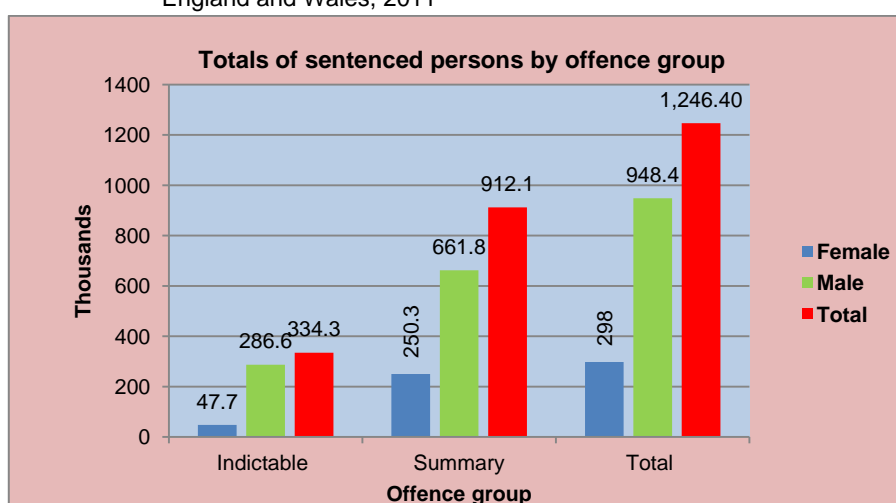
	Male	Female	Total	% F
Indictable offences				
Total number sentenced	286,557	47,663	334,220	14.3
Total given community sentence	82,227	16,156	98,383	16.4
% given community sentence	28.7	33.9	29.4	
Summary offences				
Total number sentenced	661,825	250,275	912,100	27.4
Total given community sentence	61,364	12,320	73,684	16.7
% given community sentence	9.3	4.9	8.1	
All offences				
Total number sentenced	948,382	297,938	1,246,320	23.9
Total given community sentence	143,591	28,476	172,067	16.5
% given community sentence	15.1	9.6	13.8	

Ref: Source 1, Tables S4.30 and S4.31

Of the total number of persons sentenced in all courts for all offences, (948,382 males and 297,938 females), 143,591 males (15.1% of total males sentenced) and 28,476 females (9.6%) overall received community sentences.

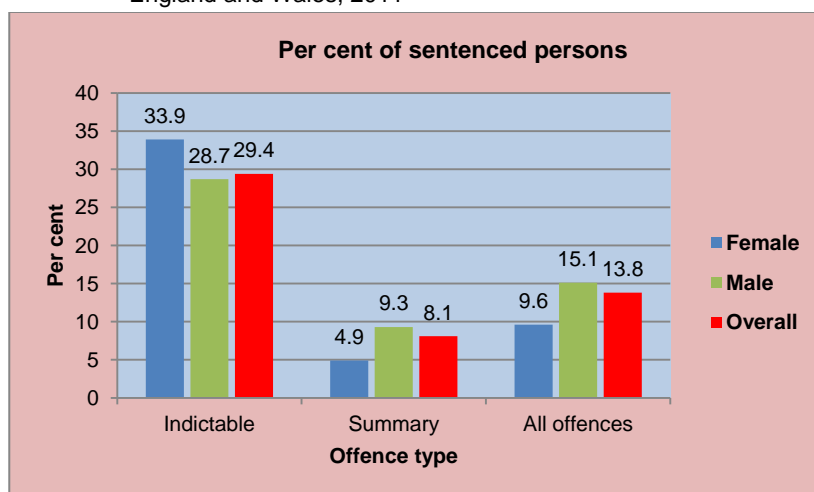
For indictable offences, the proportions were substantially higher, at 28.7% for males and 33.9% for females (Fig 4.3.6).

Fig 4.3.5 Sentenced persons given community sentence, England and Wales, 2011



Ref: Source 1, Tables S4.30 and S4.31

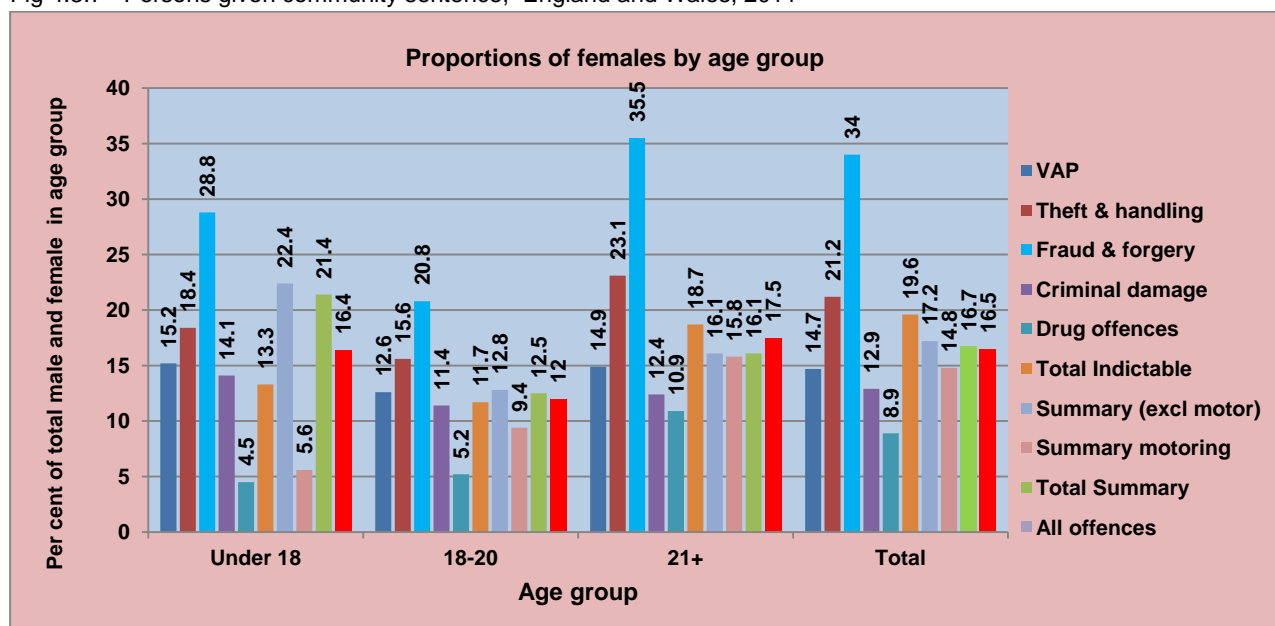
Fig 4.3.6 Sentenced persons given community sentence, England and Wales, 2011



Ref: Source 1, Tables S4.30 and S4.31

Proportions of females (of total of male and female) given community sentences for different age groups and offences types, are shown on Fig 4.3.7. The four highest female proportions overall were for fraud & forgery (34.0%), theft & handling (21.2%), VAP (14.7%) and criminal damage (12.9%).

Fig 4.3.7 Persons given community sentence, England and Wales, 2011



Ref: Source 1, Tables S4.28 and S4.29

(4) Suspended sentences

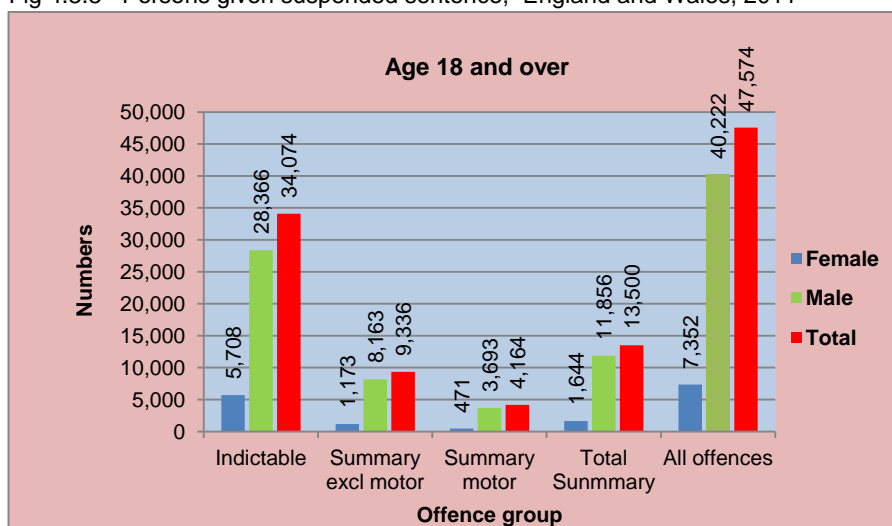
A total of 47,574 suspended sentences were given by courts in 2011 to persons of 18 and over, 40,222 to males (84.5%) and 7,352 to females (15.5%). 34,074 of these (71.6%) related to indictable offences, 28,366 to males (83.2%) and 5,708 to females (16.8%).

Table 4.3.4 Persons given suspended sentence, age 18 and over, England and Wales, 2011

Offence group	Male	Female	Total	% F
Indictable	28,366	5,708	34,074	16.8
Summary	12,856	1,644	13,500	12.2
Total	40,222	7,352	47,574	15.5

Ref: Source 1, Tables S4.38 and S4.39

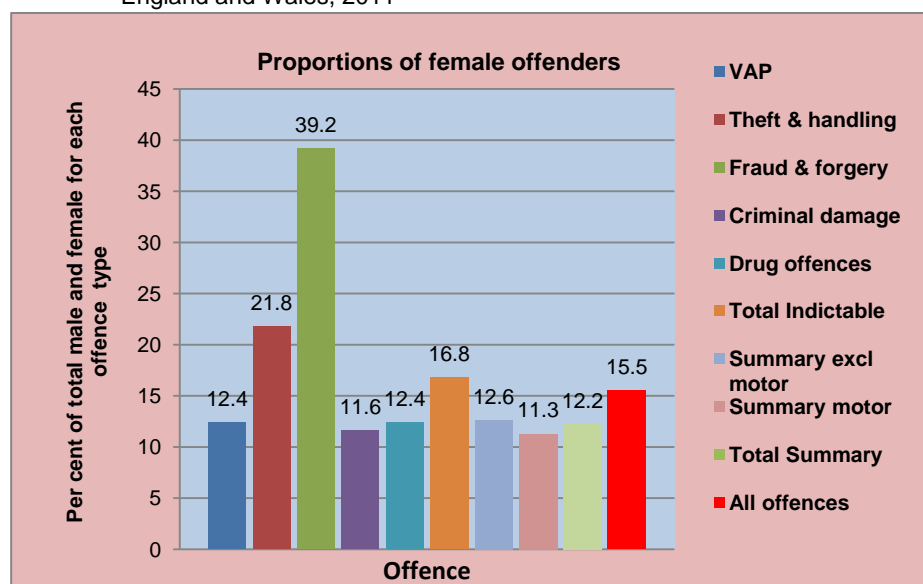
Fig 4.3.8 Persons given suspended sentence, England and Wales, 2011



Ref: Source 1, Tables S4.39 and S4.39

Proportions of females (of total male and female) given suspended sentences for a range of offence types, are shown on Fig 4.3.9. The highest proportions relate to fraud & forgery (39.2%), and theft & handling (21.8%). The highest proportions of total female suspended sentences were theft & handling (24.1%), fraud & forgery (17.2%), and VAP (15.2%). The highest proportions of total male suspended sentences were for VAP (19.7%), and theft and handling (14.3%).

Fig 4.3.9 Persons given suspended sentence, age 18 and over, England and Wales, 2011



Ref: Source 1, Tables S4.38 and S4.39

(5) Immediate custodial sentences

A total of 102,372 persons age 10 and over were sentenced to immediate custody during 2011, comprising 94,326 males (92.1%) and 8,046 females (7.9%), the majority (85,039 persons) for indictable offences.

Table 4.3.5 Immediate custodial sentences for all offences, age 10 and over, England and Wales, 2011

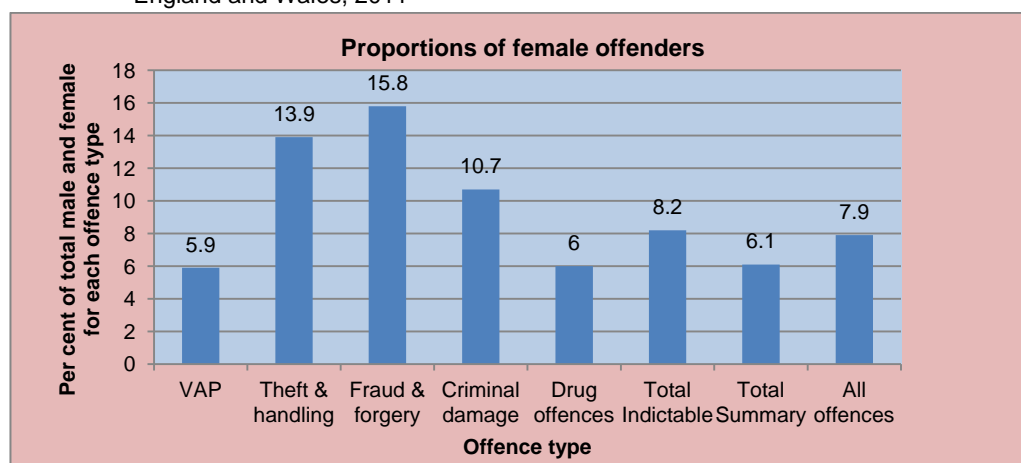
	Male	Female	Total	% F
All offences	94,326	8,046	102,372	7.9
Indictable offences	78,047	6,992	85,039	8.2
Summary offences	16,279	1,054	17,333	6.1
S90-92 PCC(S)Act 2000	387	22	409	5.4
Detention & training order	3,381	234	3,615	6.5
Young offender institution	11,276	569	11,845	4.8
Unsuspending imprisonment	79,282	7,221	86,503	8.3
Total sentenced all offences	948,382	297,938	1,246,320	23.9
Indictable offences	286,557	47,663	334,220	14.3
Summary offences	661,825	250,275	912,100	7.3
Proportion of those sentenced to immediate custody for:				
Indictable offences - %	27.2	14.7	25.4	
Summary offences - %	2.5	0.4	1.9	

Ref: Source 1, Tables S4.40 to 45, S4.46 to 49, S4.50 to 55

Overall, a higher proportion of males were sentenced to immediate custody than females. For indictable offences, 27.2% of males received immediate custody compared to 14.7% of females, about half the male rate. For summary offences, the male rate was 2.5% compared to only 0.4% for females.

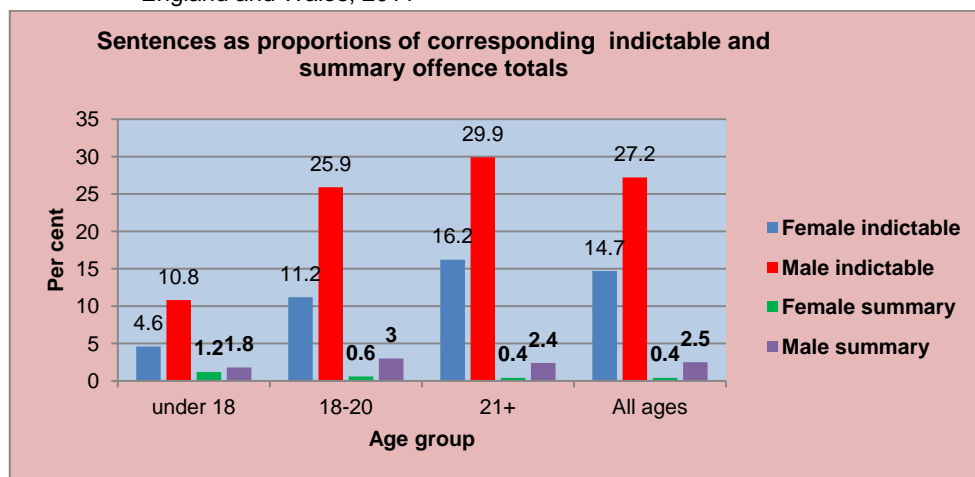
For females given immediate custody, the offence types attracting the highest proportions (of total male and female) were fraud & forgery (15.8%), theft & handling (13.9%), and criminal damage (10.7%). (Fig 4.3.10).

Fig 4.3.10 Persons given immediate custodial sentence, age 10 and over, England and Wales, 2011



Ref: Source 1, Tables S4.46 and S4.47

Fig 4.3.11 Immediate custodial sentences for all offences, age 10 and over, England and Wales, 2011



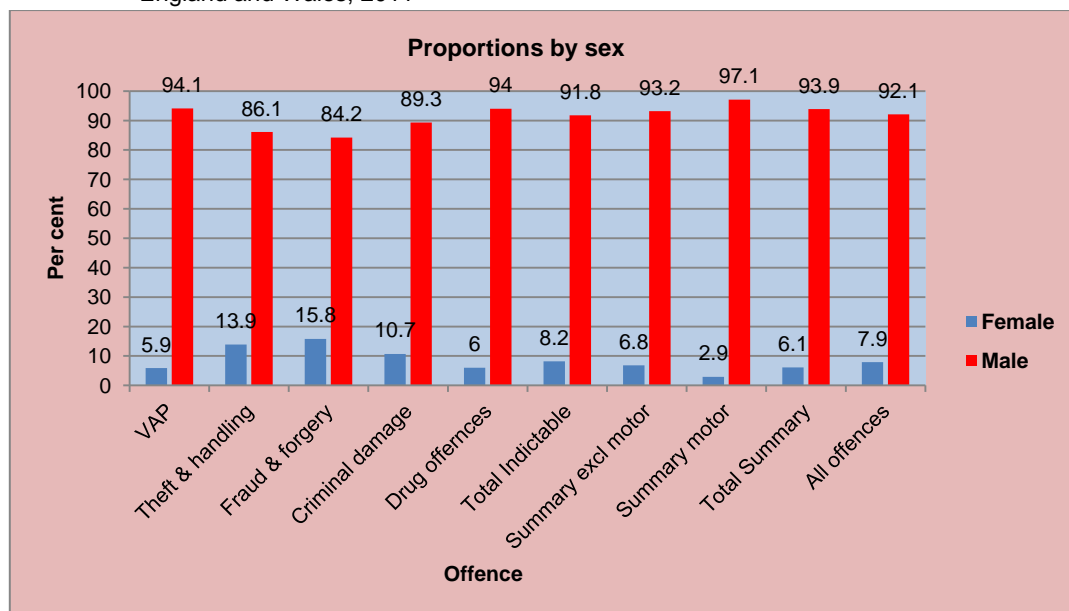
Ref: Source 1, Tables S4.48 to S4.56

Proportions of females (of total male and female) given immediate custodial sentences for a range of offence types, are shown on Fig 4.3.12. The highest proportions relate to fraud & forgery (15.8%) and theft & handling (13.9%).

As a proportion of total female custodial sentences, the highest proportions were for theft & handling (36.1%), VAP (10.5%), and fraud & forgery (10.4%). 13.9% related to total summary offences.

For males, the highest proportions were for theft & handling (18.4% of total male custodial sentences), VAP (14.4%), and burglary (10.6%).

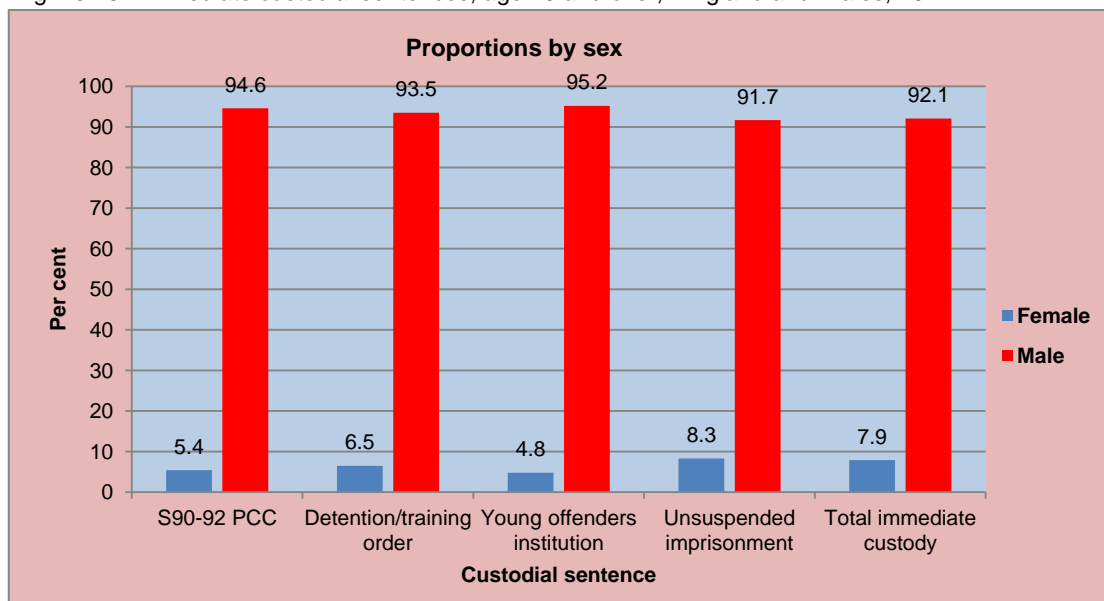
Fig 4.3.12 Persons given immediate custodial sentence, age 10 and over, England and Wales, 2011



Ref: Source 1, Tables S4.46 to S4.49

There was little variation in the proportions of females (of total male and female) sentenced to the various types of immediate custody, these ranging from 4.8% for those (all in the 18 to 20 age group) sent to a young offender institution, to 8.3% for immediate custody, with an overall average of 7.9%. (Fig 4.3.13).

Fig 4.3.13 Immediate custodial sentences, age 10 and over, England and Wales, 2011



Ref: Source 1, Tables S4.50 to S4.55

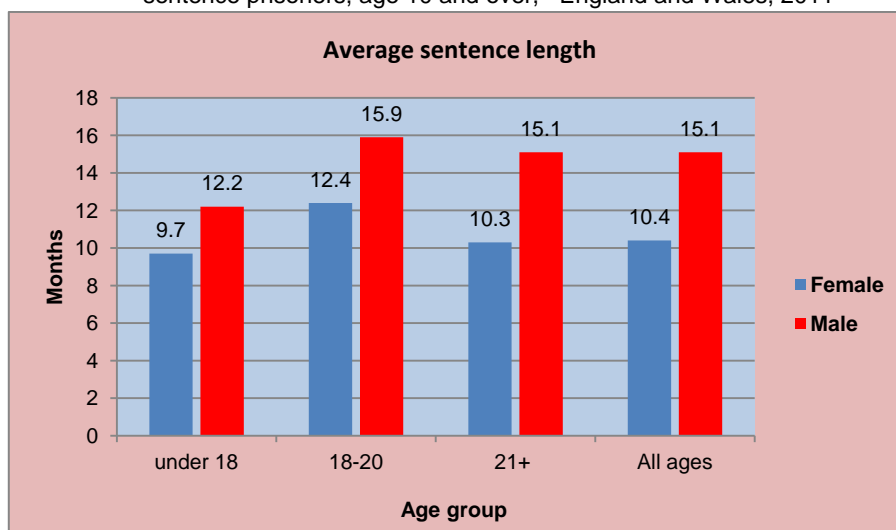
(6) Average immediate custodial sentences

Excluding persons given life and indeterminate sentences, a total of 101,158 persons, 93,154 males and 8,004 females, were given an immediate custodial sentence in 2011.

Life and indeterminate custodial sentences were given to 1,172 males and to 42 females.

The average custodial sentence length for males was 15.1 months and for females 10.4 months. The pattern was similar across the different age ranges. (Fig 4.3.14).

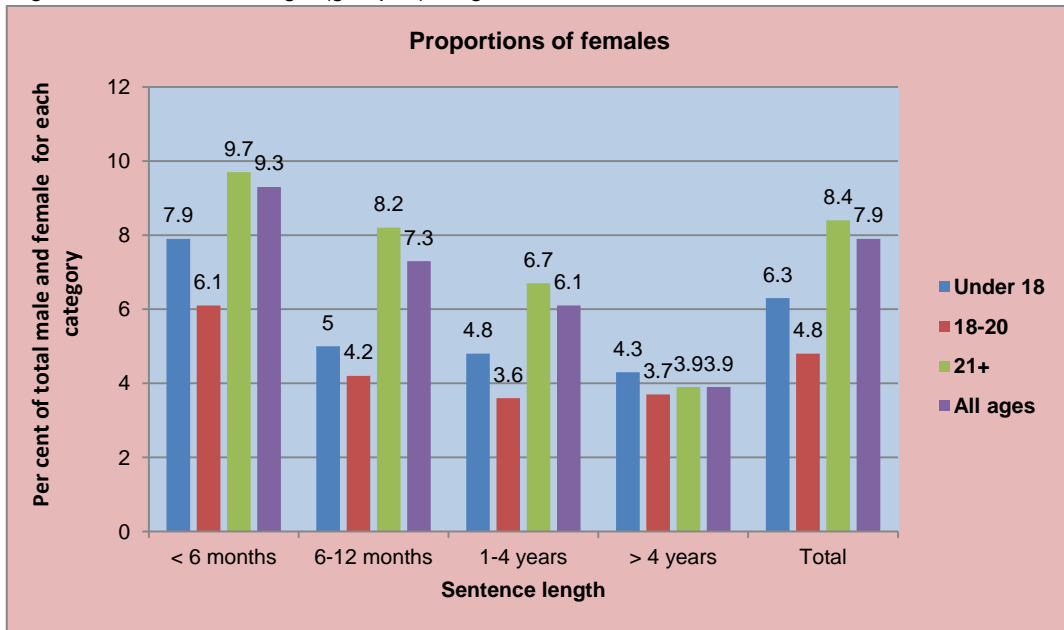
Fig 4.3.14 Persons sentenced to immediate custody, excluding life and indeterminate sentence prisoners, age 10 and over, England and Wales, 2011



Ref: Source 1, Table S4.56

The majority of both males (54.1%) and females (65.0%) with a determinate sentence, received a sentence of less than 6 months. However, a higher proportion of males (32.7%) than females (22.8%) received a sentence of more than 6 months. Males sentenced to more than 4 years (7.6%) accounted for twice the proportion of females (3.6%) similarly sentenced.

Fig 4.3.15 Sentence length (grouped), England and Wales, 2011



Ref: Source 1, Table S4.58

56,291 persons, 51,060 males and 5,231 females, received a sentence of less than 6 months, corresponding to 51.1% of all males sentenced and 65.0% of all females respectively with determinate sentences. (Table 4.3.6).

13,450 persons, 12,469 males and 981 females, received a sentence of over 6 months and up to one year, these corresponding to 13.2% of all males and 12.2% respectively of all females sentenced.

25,231 persons, 23,688 males and 1,543 females, received a sentence of 1 to 4 years, and 7,400 persons, 7,109 males and 291 females, a sentence of over 4 years.

Table 4.3.6 Average immediate custodial sentences, age 10 and over, England and Wales, 2011

Duration	Age 10+					
	Male	% M	Female	% F	Total	% F
< 6 months	51,060	54.1	5,231	65.0	56,291	9.3
6 to 12 months	12,469	13.2	981	12.2	13,450	7.3
1 to 4 years	23,688	25.1	1,543	19.2	25,231	6.1
> 4 years	7,109	7.6	291	3.6	7,400	3.9
Totals	94,326	100	8,046	100	102,372	7.9

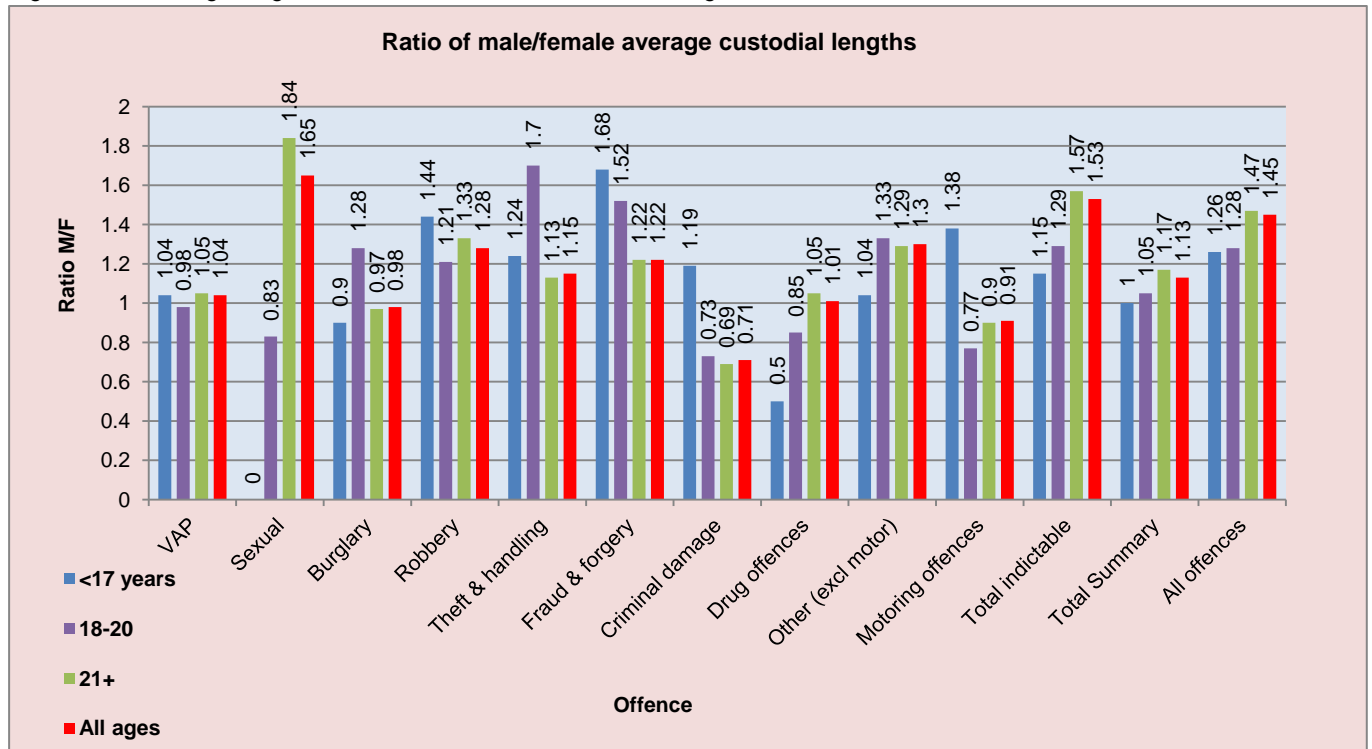
Ref: Source 1, Tables S4.56, S4.57 and S4.58

For all ages, the average longest sentences for females were for sexual offences (32.4 months), drug offences (30.8 months, and robbery (28.2 months). For males, the average longest sentences were for sexual offences (53.6 months), burglary (18.8 months), VAP (18.8 months), and criminal damage (18.2 months).

Average male/female ratio lengths of immediate custodial sentences for a range of offences and for different age groups are shown on Fig 4.3.16.

The highest M/F ratio shown (1.84) relates to sexual offences in the over 20 age group, followed by theft & handling (1.7) in the 18 to 20 age group, and fraud & forgery (1.68) in the 10 to 17 age group.

Fig 4.3.16 Average length of immediate custodial sentence, England and Wales, 2011



Ref: Source 1, Table S4.57

(7) Crown court proceedings

125.6 thousand persons were tried at Crown courts during 2011, 111.4 thousand males (88.7%) and 14.2 thousand females (11.3%). Final outcomes are shown on Table 4.3.7.

Table 4.3.7 Crown courts - Final outcomes, age 10 and over, England and Wales, 2011 (thousands)

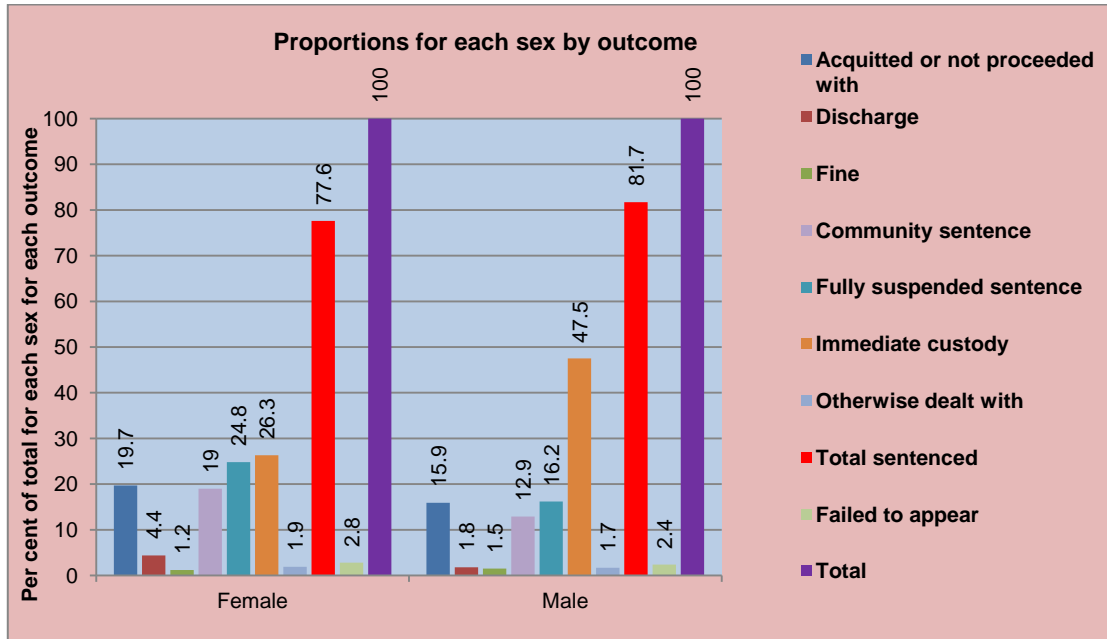
	Male	M %	Female	F %	Total	% F
Acquitted or not proceeded, etc	17.7	15.9	2.8	19.7	20.5	13.7
Convicted:						
Discharge	2.0	1.8	0.6	4.4	2.6	23.1
Fine	1.7	1.5	0.2	1.2	1.9	10.5
Community sentence ⁽¹⁾	14.4	12.9	2.7	19.0	17.1	15.8
Suspended sentence	18.1	16.2	3.5	24.8	21.6	16.2
Immediate custody ⁽²⁾	52.9	47.5	3.7	26.3	56.6	6.5
Otherwise dealt with ⁽³⁾	1.9	1.7	0.3	1.9	2.2	13.6
Total offenders sentenced	91.0	81.7	11.0	77.6	102.0	10.8
Failed to appear	2.7	2.4	0.4	2.8	3.1	12.9
Total	111.4	100	14.2	100	125.6	11.3

Ref: Source 1, Tables S4.65 and S4.66

- (1) Community rehabilitation orders, supervision orders, community punishment orders, attendance centre orders, community punishment and rehabilitation orders, curfew orders, reparation orders, action plan orders, drug treatment and testing orders.
- (2) Includes detention in a young offenders institution, detention and training orders, and unsuspended imprisonment.
- (3) Includes one day in police cells, disqualification order, restraining order, confiscation order, travel restriction, disqualification from driving, recommendation for deportation, and other miscellaneous disposals.

Of these, but not shown in Table, 43.6 thousand were remanded in custody (40.8 thousand males (93.6% of total) and 2.8 thousand females (6.4%)), 63.4 thousand were bailed (53.9 thousand males (85.0%) and 9.5 thousand females (15.0%)), and 18.5 thousand not remanded in custody (16.7 thousand males (90.3%) and 1.8 thousand females (9.7%)).

Fig 4.3.17 Outcomes for defendants tried at Crown courts, age 10 and over, England and Wales, 2011

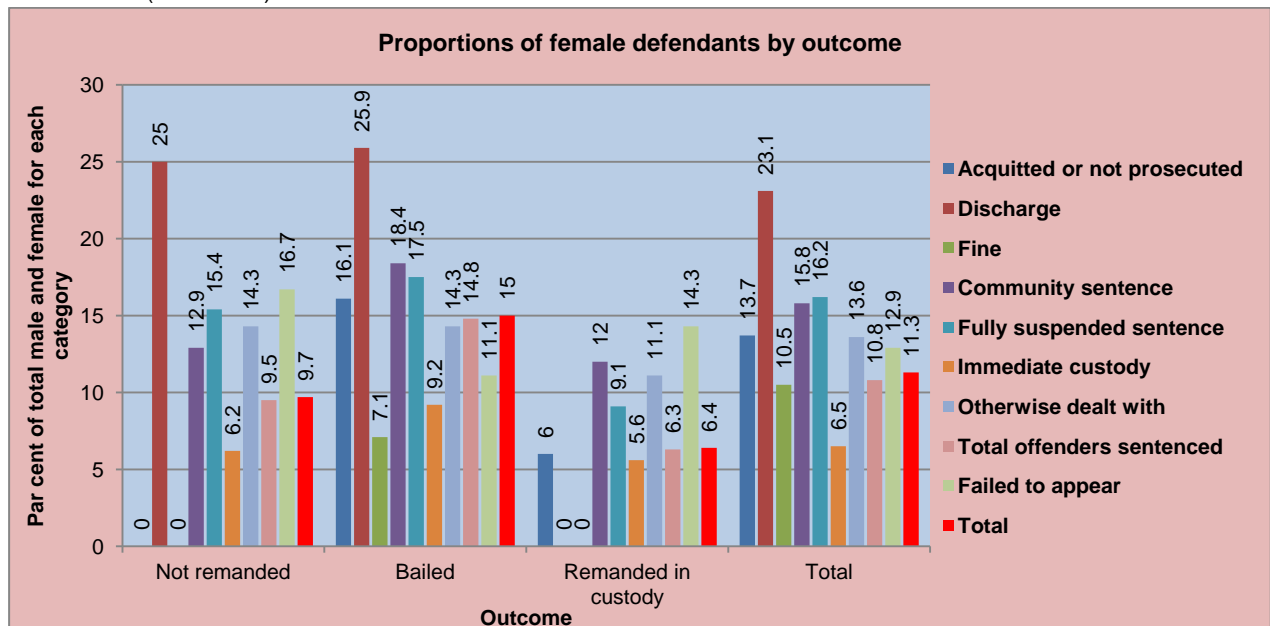


Ref: Source 1, Tables S4.65 and S4.66

Proportions for each sex for the range of final outcomes are shown on Fig 4.3.17. Overall, females appeared to be treated more leniently than males. Larger proportions (of total females) were acquitted (19.7% compared to 15.9% of males), given a community sentence (19.0% compared to 12.9%), and a fully suspended sentence (24.8% compared to 16.2%), but a substantially smaller proportion sentenced to immediate custody (26.3% compared to 47.5% of males).

Proportions of females (out of total male and female) dealt with by the Crown courts for the range of outcomes are shown on Fig 4.3.18. These again show the low proportions of females affected generally, and particularly the low proportion for immediate custody.

Fig 4.3.18 Outcomes for defendants tried at Crown courts, age 10 and over, England and Wales, 2011 (thousands)



Ref: Source 1, Tables S4.65 and S4.66

(8) Magistrates' courts proceedings

A total of 1,371.8 thousand persons were acquitted or sentenced in magistrates' courts during 2011, 1,034 thousand males (75.4%) and 337.8 thousand females (24.6%).

Of these, 227.4 thousand persons were acquitted or not proceeded with, 176.6 thousand males (77.7%) and 50.8 thousand females (22.3%).

Table 4.3.8 Magistrates' courts - Final outcomes, age 10 and over, England and Wales, 2011 (thousands)

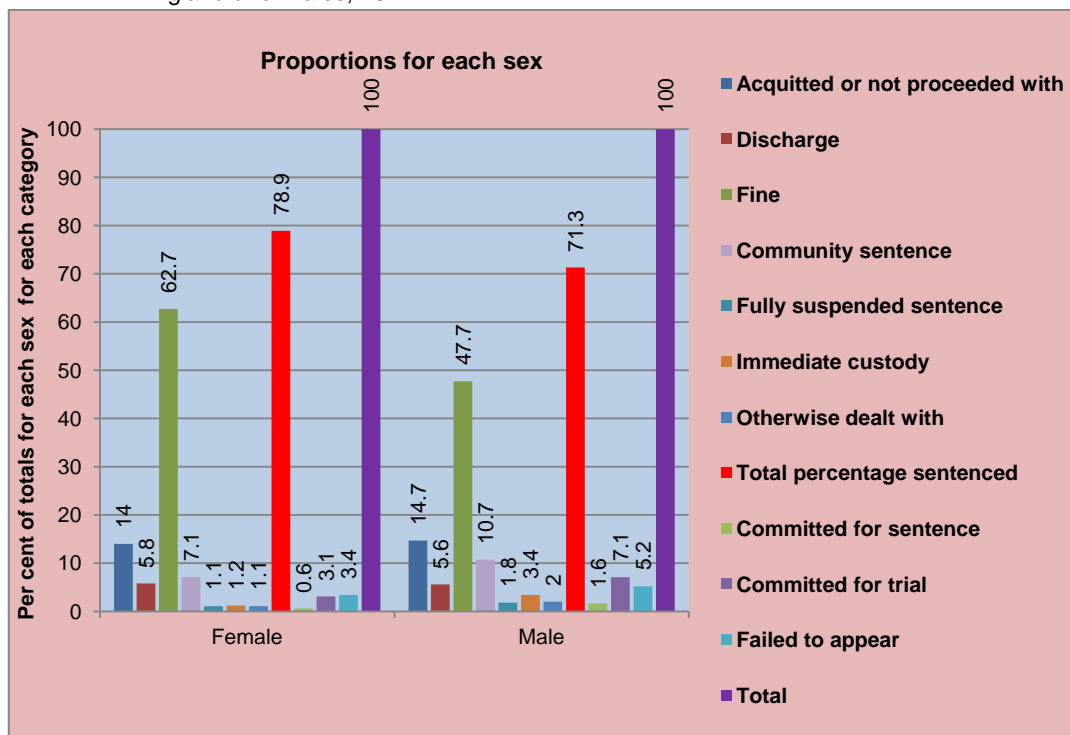
	Male	M %	Female	F %	Total M+F	% F
Acquitted or not proceeded, etc	176.6	14.7	50.8	14.0	227.4	22.3
Convicted						
Discharge	67.8	5.6	21.1	5.8	88.9	23.7
Fine	572.7	47.7	228.0	62.7	800.7	28.5
Community sentence ⁽¹⁾	129.2	10.7	25.8	7.1	155.0	16.7
Suspended sentence	22.2	1.8	3.8	1.1	26.0	14.6
Immediate custody ⁽²⁾	41.4	3.4	4.3	1.2	45.7	9.4
Otherwise dealt with ⁽³⁾	24.2	2.0	3.9	1.1	28.1	13.9
Total offenders sentenced	857.4	71.3	287.0	78.9	1,144.4	25.1
Total acquitted and sentenced	1,034.0	86.1	337.8	92.9	1,371.8	24.6
Committed for sentence	19.3	1.6	2.1	0.6	21.4	9.8
Committed for trial	85.9	7.1	11.2	3.1	97.1	11.5
Failed to appear	62.7	5.2	12.4	3.4	75.1	16.5
Total	1,201.8	100	363.6	100	1,565.4	23.2

Ref: Source 1, Tables S4.67 and S4.68

Notes (1), (2), and (3) as previously

Proportions for each sex for the range of final outcomes are shown on Fig 4.3.19.

Fig 4.3.19 Outcomes for defendants proceeded against at magistrates' courts, age 10 and over, England and Wales, 2011



Ref: Source 1: Tables S4.67 and S4.68

Males acquitted accounted for 14.7% of total males proceeded against, and females 14.0% of all females.

45.7 thousand persons were sentenced to immediate custody, 41.4 thousand males (90.6%) and 4.3 thousand females (9.4%), corresponding to 3.4% of all males and 1.2% of all females. Convicted males were thus about three times more likely than females to receive a sentence of immediate custody

Otherwise, proportions for each sex were not dissimilar, although females attracted a higher proportion of fines (47.4% of all males compared to 62.7% of all females), which constituted the most favoured penalty by the courts. 800.7 thousand persons received a fine, 572.7 thousand males (71.5%) and 228.0 thousand females (28.5%).

(9) Cautions and indictable offences

231,483 persons, 176,674 males (76.3%) and 54,809 females (23.7%), were cautioned during 2011. 409,078 persons were proceeded against in magistrates' courts for indictable offences, 350,129 males (85.6%) and 58,939 females (14.4%). 335,545 persons were found guilty in all courts 287,745 males (85.8%) and 47,800 females (14.2%). (Table 4.3.9).

334,220 of the persons found guilty in all courts were thereafter sentenced, 286,557 males (85.7%) and 47,633 females (14.3%).

Table 4.3.9 Persons cautioned and those proceeded against in magistrates' courts and sentenced at all courts for indictable offences, age 10 and over, England and Wales, 2011

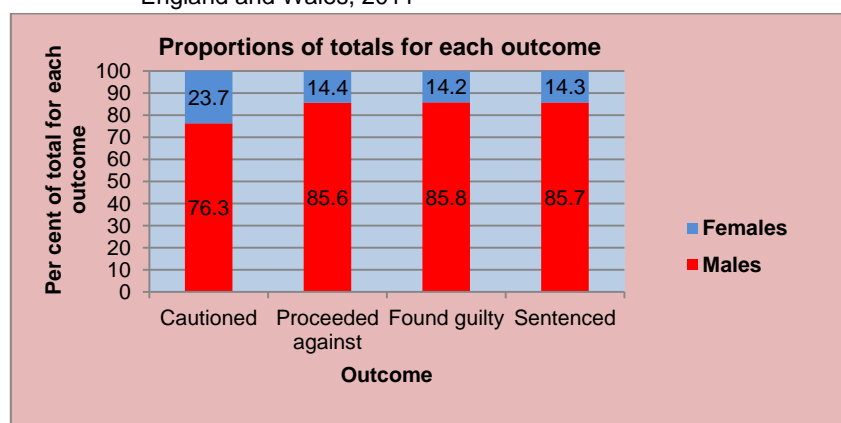
	Male	M %	Female	F %	Total M + F	% F
Cautions ⁽¹⁾	176,674	-	54,809	-	231,483	23.7
Proceeded against	350,139	-	58,939	-	409,078	14.4
Found guilty	287,745	-	47,800	-	335,545	14.2
Sentenced	286,557	-	47,633	-	334,220	14.3
Discharge	32,408	11.3	9,899	20.7	42,307	23.4
Fine	50,126	17.5	6,568	13.8	56,694	11.6
Community sentence	82,227	28.7	16,156	33.9	98,383	16.4
Suspended sentence	28,366	9.9	5,708	12.0	34,074	16.8
Immediate custody	78,047	27.2	6,992	14.7	85,039	8.2
Otherwise dealt with	15,383	5.4	2,340	4.9	17,723	13.2
Totals	286,557	100	47,633	100	334,220	-

Ref: Source 1, Table S4.69

Notes: (1) For persons under 18, these comprise reprimands and warnings

Figures given are for the principal offence if there is more than one for an offender, and relate to the offence for which the heaviest penalty is imposed.

Fig 4.3.20 Persons cautioned and those proceeded against in magistrates' courts and sentenced at all courts for indictable offences, age 10 and over, England and Wales, 2011



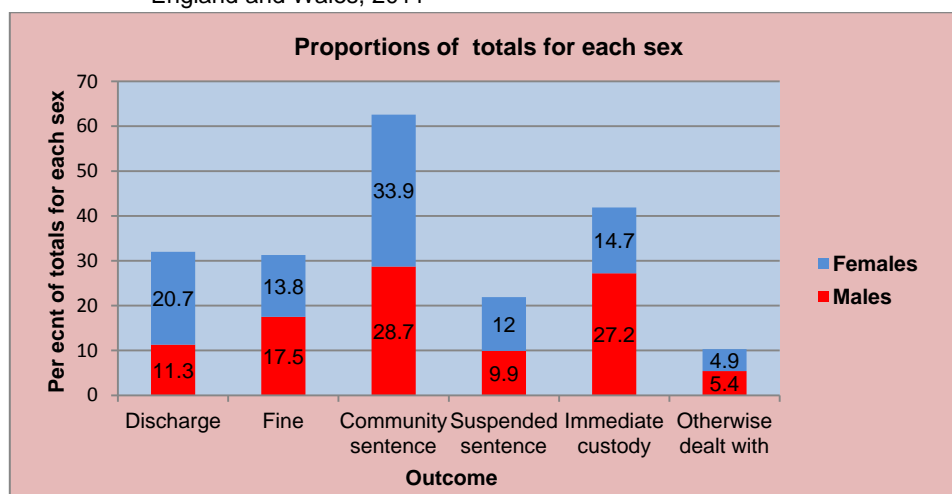
Ref: Source 1, Tab4 S4.69

The bulk of sentenced males were given a community sentence (28.7% of total males) or immediate custody (27.2%). 11.3% of the males were discharged and 17.5% fined. 9.9% were given a suspended sentence.

The bulk of sentenced females were similarly given a community sentence (33.9% of total females), or were discharged (20.7%). Only 14.7% (of total females) were given immediate custody. (Fig 4.3.21).

Overall, sentenced females appeared to be treated more leniently than sentenced males for indictable offences.

Fig 4.3.21 Persons cautioned and those proceeded against in magistrates courts and sentenced at all courts for indictable offences, age 10 and over, England and Wales, 2011



Ref: Source 1, Table S4.69

(10) CPS actions on domestic violence

Some 82,167 persons were prosecuted for domestic violence offences during 2010/11, 76,323 males (92.9%) and 5,844 females (7.1%). Conviction rates were slightly higher for male defendants than female, 72.2% compared to 67.9%, and females accounted for 6.7% of all those convicted. A slightly higher proportion of 8.5% applied to females convicted in 2011/12. (Table 4.3.10).

This female proportion is disproportionately small compared to the proportions of male victims of domestic abuse estimated by the annual British Crime Surveys of Intimate violence of about 40%, including in the category of 'severe force'. This either reflects the much higher under-reporting by male victims than female victims, or that the police and CPS do not take male victimisation as seriously as female. The CPS in particular has a national policy of giving priority to women victims of violence, which may contribute to this.

Table 4.3.10 Prosecutions and convictions for domestic violence, England and Wales, 2008 to 2013

Year	Males		Females		% F	
	Prosecutions	Convictions	Prosecutions	Convictions	Prosecutions	Convictions
2008/09	62,805	45,484	4,266	2,968	6.4	6.1
2009/10	69,019	49,843	5,082	3,494	6.9	6.6
2010/11	76,323	55,122	5,844	3,968	7.1	6.7
2011/12	73,876	54,366	5,386	3,769	6.8	8.5
2012/13	66,014	49,289	4,645	3,231	6.6	6.2

Source: CPS FOI 3985, 4 July 2013

4.4 Prisons and prisoners

A total of 130 prisons were in operation in England and Wales in February 2013, 117 for males, 12 for females, and one, Peterborough, for both sexes. In addition, 3 prisons operated as Immigration Removal Centres (IRC's).

[Ref: MOJ, Offender management statistics quarterly: Prison population tables: prison-population-monthly-feb2013]

In February 2013, the prison population totalled 83,637 persons, comprising 79,021 males (94.5%) and 3,779 females (4.5%) in single sex prisons, and 837 persons (1.0%) in the dual sex prison. 787 persons were held in the three IRC's, giving a full total at that time of 84,013 persons. The Useable Operational Capacity of the whole system was given as 89,013 persons.

(1) Prison population under immediate custodial sentence

A breakdown of the 71,835 persons (68,424 males and 3,411 females) in prison under an immediate custody in 2011 for a range of indictable offences is shown in Table 4.4.1. The highest proportions of female offenders (of total male and female for each offence) were for fraud and forgery (12.6%) and theft and handling (10.7%).

Table 4.4.1 Population in prison under an immediate custodial sentence, age 15 and over, England and Wales, 2011

Offence	Male	Female	Total	% F
VAP	19,520	911	20,431	4.5
Sexual offences	9,767	83	9,850	0.8
Robbery	8,840	301	9,141	3.3
Burglary	6,931	171	7,102	2.4
Theft & handling	3,747	451	4,198	10.7
Fraud & forgery	1,202	174	1,376	12.6
Drug offences	9,899	722	10,621	6.8
Motoring offences	824	17	841	2.0
Other offences	7,219	536	7,755	6.9
Not recorded	475	45	520	8.7
Total offences	68,424	3,411	71,835	4.7

Ref: Criminal Justice Statistics, Annual Tables:

Offender management statistics 2012 tables: Sentencing tables, Table A1.6

(2) Average lengths of immediate custodial sentences

During 2011, and excluding life and indeterminate sentences, average lengths of custody for males ranged from 53.4 months for sexual offences to 2.5 months for summary non-motoring offences. For females, they ranged from 32.4 months for sexual offences to 2.4 months similarly for all summary offences. Average lengths were compatible for VAP (18.5 months for males and 17.8 months for females, but longer for females for criminal damage (17.9 months for males against 25.8 months for females). (Table 4.4.2).

However, for indictable offences overall, the average length was over 50% higher for males (17.4 months against 11.2 months for females). The average length for total summary offences was compatible for both sexes (2.6 months for males and 2.4 months for females).

For all offences, the average length of sentence for males was 14.7 months, about 50% higher than the 10.0 months for females,.

Table 4.4.2 Average lengths of immediate custody,
England and Wales, 2011

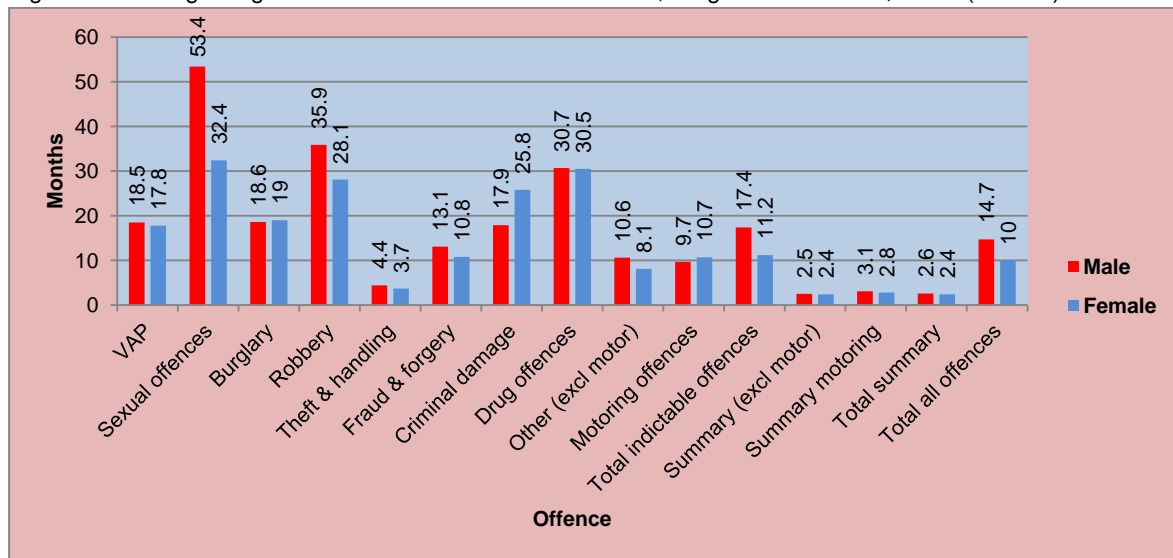
Offence	Average length of sentence - months	
	Males	Females
VAP	18.5	17.8
Sexual offences	53.4	32.4
Burglary	18.6	19.0
Robbery	35.9	28.1
Theft & handling	4.4	3.7
Fraud & forgery	13.1	10.8
Criminal damage	17.9	25.8
Drug offences	30.7	30.5
Other (excl motoring)	10.6	8.1
Motoring offences	9.7	10.7
Total indictable offences	17.4	11.2
Summary non-motoring	2.5	2.4
Summary motoring	3.1	2.8
Total summary	2.6	2.4
Total all offences	14.7	10.0

Ref: Criminal Justice Statistics, Annual Tables:

Offender management statistics 2012 tables: Sentencing tables, Table A5.20

Note: These statistics differ slightly from those given in Source 1, Table S4.57

Fig 4.4.1 Average lengths of immediate custodial sentences, England and Wales, 2011 (months)



Ref: Criminal Justice Statistics, Quarterly update to Dec 2012; Sentencing tables: Table A5.20

(3) Time served in prison by prisoners discharged from determinate sentences

Table 4.4.3 shows the average sentence length given and the average actual time served (including in remand) by discharged prisoners from determinate custodial sentences for the 3-month period October to December 2011.

Although the average sentence lengths given to males and females for the individual length bands are similar, the overall picture for determinate sentences given shows a much higher average length for males of 18.0 months compared to 12.0 months for females. This substantial difference presumably reflects the greater numbers of males sentenced to the longer length bands.

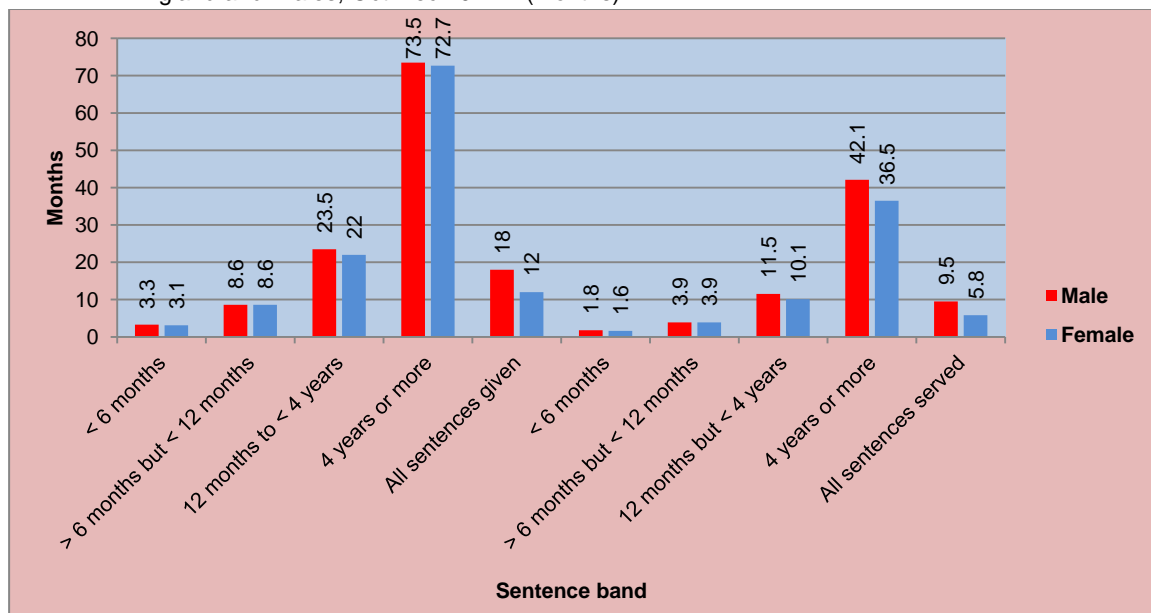
A similar disparity applies to the actual average times served, with males serving an average of 9.5 months for all determinate sentences and females 5.8 months, which are about half the sentence lengths given to males and females respectively.

Table 4.4.3 Sentences given to and time served in prison by prisoners discharged from determinate sentences, England and Wales, Oct-Dec 2011

	Males	Females
Average sentence length given (months)		
Less than or equal to 6 months	3.3	3.1
> 6 months but < 12 months	8.6	8.6
12 months to < 4 years	23.5	22.0
4 years or more (excl indeterminate sentences)	73.5	72.7
All determinate sentences	18.0	12.0
Average time served (months)		
Less than 6 months	1.8	1.6
> 6 months but < 12 months	3.9	3.9
12 months to < 4 years	11.5	10.1
4 years or more (excl indeterminate sentences)	42.1	36.5
All determinate sentences	9.5	5.8

Ref: Government publications, Offender Management Statistics Quarterly: Prison discharge tables, Table 3.2a

Fig 4.4.2 Average determinate sentences given and average times served, England and Wales, Oct-Dec 2011 (months)



Ref: Government publications, Offender Management Statistics Quarterly; Prison Discharge Tables: Table 3.2b and 3.2c

(4) Prison rules

Some background information about prisoners is given in Appendix 2, provided in a response by the Ministry of Justice to a Freedom of Information request.

It is claimed in this response that prison rules apply equally to male and female offenders. However, additional provisions appear to apply in the case of female prisoners, as detailed in Prison Service Order 4800 'Women Prisoners', which outlines perceived 'Gender Specific Needs' of female prisoners.

The 'gender specific needs' of women in this Prison Service Order seem to have a wide interpretation, and include aspects which surely will, or should, apply also to many male prisoners. It is not clear, for instance, why wearing own clothing in prison is a 'gender specific need', nor why, from the point of view of sexual privacy, bodily security searches should generally be more considerate for female prisoners than for male prisoners. Although

aspects regarding female prisoners and hygiene in the rules are reasonable enough, there is much that seems to border on preferential treatment, and sits uncomfortably with the ethos of sex equality, unless mirrored in equivalent rules for male prisoners.

5 Comment on the statistics

Although the statistics used as sources for this Briefing Paper suggest a general picture of what happens to men and women encountering the Criminal Justice System (CJS), they are essentially based on totals and averages and thus cannot reflect what happens to individuals and to some extent to cohorts.

They do suggest, however, that in terms of the more severe sentencing, female offenders given immediate custody, and both average sentence length and average actual time served, are each substantially less in time for female than for male offenders. Such averages may, of course, reflect the fact that male offenders are both more numerous than female offenders and more of them commit more serious offences (for instance, sexual offences).

- In 2011, females accounted for 23.7% (Table 4.2.2) of all cautions issued, and a similar proportion of all Penalty Notices (PNs) issued (Fig 4.2.3).
- Of those persons proceeded against in magistrates' courts, females accounted for a similar proportion (23.6%), 14.4% in respect of indictable offences and 27.0% of summary offences (Table 4.3.1). Similar proportions applied to females subsequently sentenced in all courts, 23.9%, 14.3% and 27.4% respectively (Table 4.3.3).
- Females accounted for 21.6% of all persons acquitted in all courts. Of those persons sentenced, females accounted for 23.7% of those discharged (Table 4.3.8), 28.4% of those fined (Table 4.3.2), 16.5% of those given a community sentence (Table 4.3.3), 15.5% of those given a suspended sentence (Table 4.3.4), and 7.9% of those sentenced to immediate custody (Table 4.3.5) .
- Of males sentenced to immediate custody, 27.2% were in respect of indictable offences compared to 14.7% for females (Table 4.3.5).
- The average longest custodial sentences for females were for sexual offences (32.4 months), drug offences (30.5 months), robbery (28.1 months), and criminal damage (25.8 months). For males, the average longest sentences were for sexual offences (53.4 months), burglary (18.6 months), VAP (18.5 months), and criminal damage (17.9 months). (Table 4.4.2).

Overall in magistrates' courts in 2011, it seems that parity of treatment of female and male offenders applied generally, although a higher proportion of female offenders were fined (62.7% of all female offenders compared to 47.7% of all males) but a lower proportion given immediate custody (1.2% compared to 3.4% for males). (Table 4.3.8).

It is more difficult to discern from the statistics whether similar, or less, parity also applied in the Crown courts for the more serious indictable offences.

- Overall during 2011, a higher proportion of sentenced males than females were given an immediate custodial sentence (47.5% compared to 26.3% of females), whilst a larger proportion of females sentenced were given a suspended sentence (24.8% compared to 16.2% for males), or a community sentence (19.0% compared to 12.9% for males). (Table 4.3.7).

- Except for fraud and forgery (female proportion 15.8%), theft and handling (female proportion 13.9%) and criminal damage (female proportion 10.7%), the proportions of male offenders sentenced to immediate custody exceeded 90% of all offenders for each other type of offence. (Fig 4.3.12).
- Of male offenders sentenced to immediate custody for indictable offences, the highest proportions (of all males sentenced) were for theft and handling (18.4%), VAP (14.4%), burglary (10.6%), and drug offences (9.4%). The comparable proportions for female offenders sentenced to immediate custody were theft and handling (36.1%), VAP (10.5%), fraud and forgery (10.4%), and drug offences (9.3%). (Ref: Source 1, Tables S4.46 and S4.47).

In general in the Crown courts, it appears that larger proportions of female offenders (out of all female defendants) were acquitted, or, if convicted, were more likely to be given a discharge, community sentence, or suspended sentence, compared to male offenders, but a much lesser proportion given immediate imprisonment than males.

- Of those persons given an immediate custodial sentence, females accounted for 7.9% in all courts (Table 4.3.5). Lower female proportions applied to average sentence bands exceeding 12 months (Table 4.3.6).
- Average sentence lengths were similar for both sexes for each of the sentence band lengths, but resulted in an overall higher average length for all sentences for male prisoners of 18.0 months compared to 12 months for female prisoners. The average actual times served were approximately about half of the average sentences given for both sexes, 9.5 months for males and 5.8 months for females. (Table 4.4.3).

It is difficult to relate such different proportions with any pattern of possible unequal treatment of men and women sentenced in the Crown courts, without more information about the outcomes of individual court cases. Females accounted in 2011 for 11.3% of all persons in Crown court proceedings (Table 4.3.7). Yet only 6.5% females were sentenced to immediate custody, and only 4.7% females were in the prison system in 2011 (Table 4.4.1). Such under-representation is surely worthy of serious research.

Prison rules

The Freedom of Information response from the Ministry of Justice repeated in full in Appendix 2 states (page 3) that “prison rules apply equally to male and female offenders”. This statement is rather undermined by the additional rules on gender specific needs contained in PSO 4800, which provide, in some important respects, for the more humane treatment of female prisoners than male.

The proposed changes to the ‘Incentives and Earned Privileges (IEP)’ scheme, due to be introduced this autumn, but only in adult male prisons, are likely to further widen differences in treatment of male and female prisoners, unless also applied to women’s prisoners.

Appendix 1

Summary of key statistics

Year 2011 unless otherwise stated

	Male	Female	Total	% F	Reference
Victims (2010/11)					Table 4.1.1
% adults victims once or more					
All BCS crime	22.6	20.5	-	-	
Personal crime	6.5	5.3	-	-	
Intimate violence (2011/12)					Fig 4.1.2
% victims once or more					
Any domestic abuse	5.0	7.3	-	59.3	
Any partner abuse	3.6	5.4	-	60.0	
Any family abuse	1.8	2.7	-	60.0	
Any sexual abuse	0.3	3.0	-	90.9	
Stalking	2.7	4.2	-	60.1	
Homicides (2010/11)	435	201	635		Fig 4.1.4
Av number 2006/7 to 2010/112					
All	469	197	666	29.6	
Partner/ex-partner	27	92	119	77.3	
Arrests⁽¹⁾ (2010/11)	1,140,497	219,954	1,360,451	16.2	Table 4.2.1
Adults	968,461	181,307	1,149,768	15.8	
Juveniles	172,036	38,647	210,683	18.3	
Suspects					Fig 4.2.3
Penalty notice for disorder	97,258	30,272	127,530	23.7	
Cautions	176,674	54,809	231,483	23.7	Table 4.2.2
Indictable offences	94,019	29,468	123,487	23.9	Table 4.2.3
Summary offences	82,655	25,341	107,996	23.5	
Defendants					Table 4.3.1
Magistrates courts:	1,139,135⁽²⁾	351,150	1,490,285	23.6	
Indictable offences	350,139	58,939	409,078	14.4	
Summary offences	788,996	292,211	1,081,207	27.0	
Fined at all courts	574,355	228,200	802,555	28.4	Table 4.3.2
Indictable offences	50,126	6,568	56,694	11.6	
Summary offences	524,229	221,632	745,861	29.7	
Community sentences at all courts	143,591	28,476	172,067	16.5	Table 4.3.3
Indictable offences	82,227	16,156	98,383	16.4	
Summary offences	61,364	12,320	73,684	16.7	
Suspended sentences	40,222	7,352	47,574	15.5	Table 4.3.4
Indictable offences	28,366	5,708	34,074	16.8	
Summary offences	12,856	1,644	13,500	12.2	
Immediate custodial sentence	94,326	8,046	102,372	7.9	Table 4.3.5
Indictable offences	78,047	6,992	85,039	8.2	
Summary offences	16,279	1,054	17,333	6.1	
S90-92 PCC (S) Act 2000 ⁽⁴⁾	387	22	409	5.4	
Detention & training order	3,381	234	3,615	6.5	
Young offender institution	11,276	569	11,845	4.8	
Unsuspected imprisonment	79,282	7,221	86,503	8.3	
Total sentenced for all offences	948,382	297,938	1,246,320	23.9	Table 4.3.3
Indictable offences	286,557	47,663	334,220	14.3	
Summary offences	661,825	250,275	912,100	27.4	

	Male	Female	Total	% F	Reference
Proportions of those sentenced to immediate custody %					Table 4.3.5
Indictable offences	27.2	14.7	25.4	-	
Summary offences	2.5	0.4	1.9	-	
Total sentenced to immediate custody	94,326	8,046	102,372	7.9	Table 4.3.5
Excl life & indeterminant sentences	93,154	8,004	101,158	7.9	
Life & indeterminant sentences	1,172	42	1,214	3.5	
Av immediate custodial sentence	94,326	8,046	102,372	7.9	Table 4.3.6
< 6 months	51,060	5,231	56,291	9.3	
6 – 12 months	12,469	981	13,450	7.3	
1 – 4 years	23,688	1,543	25,231	6.1	
> 4 years	7,109	291	7,400	3.9	
Crown court proceedings (thousands)	111.4	14.2	125.6	11.3	Table 4.3.7
Acquitted	17.7	2.8	20.5	13.7	
Discharged	2.0	0.6	2.6	23.1	
Fine	1.7	0.2	1.9	10.5	
Community sentence	14.4	2.7	17.1	15.8	
Fully suspended sentence	18.1	3.5	21.6	16.2	
Immediate custody	52.9	3.7	56.6	6.5	
Otherwise dealt with	1.9	0.3	2.2	13.6	
Total sentenced	91.0	11.0	102.0	10.8	
Failed to appear	2.7	0.4	3.1	12.9	
Magistrates courts proceedings (thousands)	1,201.8	363.6	1,565.4	23.2	Table 4.3.8
Acquitted	176.6	50.8	227.4	22.3	
Discharged	67.8	21.1	88.9	23.7	
Fine	572.7	228.0	800.7	28.5	
Community sentence	129.2	25.8	155.0	16.7	
Suspended sentence	22.2	3.8	26.0	14.6	
Immediate custody	41.4	4.3	45.7	9.4	
Otherwise dealt with	24.2	3.9	28.1	13.9	
Total sentenced	857.4	287.0	1,144.4	25.1	
Committed for sentence	19.3	2.1	21.4	9.8	
Committed for trial	85.9	11.2	97.1	11.5	
Failed to appear	62.7	12.4	75.1	16.5	
CPS actions on domestic violence (2010/11)					Table 4.3.10
Prosecutions	76,323	5,844	82,167	7.1	
Convictions	55,122	3,968	59,090	6.7	
% convictions	72.2	67.9	71.9	-	
Prisons (number) (Feb 2013)					
Single sex	117	12	129	9.3	
Dual sex	-	-	1	-	
IRC ⁽²⁾	-	-	3	-	
Prison population (Feb 2013)					
Single sex prisons	79,021	3,779	83,637	4.5	
Dual sex prison	-	-	837	-	
IRC prisons	-	-	787	-	
Prison population (2011)					
Under immediate custodial sentence	68,424	3,411	71,835	4.7	Table 4.4.1

	Male	Female	Total	% F	Reference
Average sentence length given (months)					Table 4.4.3
(Discharges Oct-Dec 2011)					
Less or equal to 6 months	3.3	3.1	-	-	
> 6 months but < 12 months	8.6	8.6	-	-	
12 months to less than 4 years	23.5	22.0	-	-	
4 years or more	73.5	72.7	-	-	
All determinate sentences	18.0	12.0	-	-	
Average time served (months)					Table 4.4.3
(Discharges Oct-Dec 2011)					
Less than 6 months	1.8	1.6	-	-	
> 6 months but < 12 months	3.9	3.9	-	-	
12 months to < 4 years	11.5	10.1	-	-	
4 years or more	42.1	36.5	-	-	
All determinate sentences	9.5	5.8	-	-	

- Notes: (1) These statistics relate to year 2010/11 and totals are inconsistent with those given by sources for year 2011 for numbers of defendants and court actions
- (2) This total is some 3.7 thousand less than other more detailed sources for court actions indicate, although the total for females is consistent.
- (3) Sections 90-92 of the Powers of Criminal Courts (Sentencing) Act 2000 allow for the detention at Her Majesty's pleasure of offenders who when under age 18 commit murder or other serious offences.
- (4) IRC=Immigration Removal Centre

Appendix 2

Information provided in May 2013 by the Ministry of Justice
to Freedom of Information request FOI/82468

Costs of prison places

The National Offender Management Service (NOMS) publishes costs per prisoner on an annual basis by prison and prison category, but does not break this down by gender. The most recently published figures are for the financial year 2011-12 (Table 1). The figures for the financial year 2012-13 are due to be published on 25 July 2013.

These figures are the average cost per prison place and per prisoner for all public and private sector prisons in England and Wales. These average costs comprise the prison establishments' direct resource expenditure as published on the MoJ website within the Management Information addendums to the 2011-12 National Offender Management Service Annual Report and Accounts which can be viewed via the following link:

<http://www.justice.gov.uk/statistics/prisons-and-probation/prison-probation-performance-info>.

Table 1. Cost per prison place and per prisoner - prisons in England and Wales

Year	Direct cost per place £	Direct cost per prisoner £	Overall cost per place £	Overall cost per prisoner £
2011/12	27,851	25,722	37,648	34,771

The direct cost per place/prisoner is based on the local costs directly attributable to public and private prisons. The overall cost comprises the direct local establishment costs, increased by an apportionment of relevant costs borne centrally by NOMS, including property costs (including depreciation), major maintenance, headquarters costs, prisoner escort and custody services, and expenditure recharged to the Youth Justice Board. The apportionment of such costs involves some estimation.

Re-offending rates of prisoners

Tables 2 and 3 below present the proven re-offending rates for adult offenders in England and Wales released from custody in the 12 months ending June 2011, by (a) gender and (b) gender for custodial sentence lengths of less than 12 months.

Table 2. Proven re-offending rates for adult offenders released from custody in the 12 months ending June 2011, by gender, England and Wales

	Number of offenders in the cohort ^a	Proportion of offenders who re-offend ^b (%)
Female	4,903	44.9
Male	52,188	47.1
All	57,091	46.9

Table 3. Proven re-offending rates for adult offenders released from custodial sentences of less than 12 months in the 12 months ending June 2011, by gender, England and Wales

	Number of offenders in the cohort ^a	Proportion of offenders who re-offend ^b (%)
Female	3,222	56.5
Male	26,549	58.4
All	29,771	58.2

a. This does not represent all offenders - offenders who are released from custody are matched to the Police National Computer database and a certain proportion of these offenders who cannot be matched are excluded from the offender cohort.

b. The proven re-offending rates in the tables provided are for adult offenders, in England and Wales, who were released from custody in the 12 months ending June 2011. Proven re-offending is defined as any offence committed in a one year follow-up period and receiving a court conviction, caution, reprimand or warning in the one year follow-up. Following this one year period, a further six month waiting period is allowed for cases to progress through the courts.

The proven re-offending rates in Tables 1 and 2 are a further breakdown of statistics published in Table 19a of the 'Proven Re-offending Statistics Quarterly Bulletin: July 2010 to June 2011' on the GOV.UK website: www.gov.uk/government/publications/proven-re-offending--2.

The latest quarterly bulletin, which was published on 25 April 2013, provides proven re-offending rates for offenders who were released from custody, received a non-custodial conviction at court, received a caution, reprimand, warning, or tested positive for opiates or cocaine between July 2010 and June 2011. Statistics for the period October 2010 to September 2011 will be published on 25 July 2013.

Prisoners reporting experiencing abuse and being taken into care

In 2012, the Ministry of Justice published a study on the childhood and family backgrounds of prisoners and found that more female prisoners (31%) reported that they had been taken into care than male prisoners (24%). Overall, 24% of prisoners reported that they had been taken into care. The paper also found that overall 29% of prisoners reported that they had experienced emotional, physical or sexual abuse as a child. Women (53%) were more likely to report having experienced some sort of abuse than men (27%). Each of reporting being taken into care as a child and experiencing abuse was associated with re-offending on release from prison.

The research is based on Surveying Prisoner Crime Reduction (SPCR), a representative sample of 1,435 prisoners sentenced in England and Wales to between one month and four years in 2005 and 2006 and is available at: <https://www.gov.uk/government/publications/results-from-the-surveying-prisoner-crime-reduction-survey>.

Education levels prisoners

In 2012, the Ministry of Justice published a study on the pre-custody employment, training and education of newly sentenced prisoners. The study found that 47% of the prisoners reported holding no qualifications and there was no difference between the percentage of men and women in the sample who reported having no qualifications. Reporting not having a qualification was associated with re-offending on release from prison. This study is based on Surveying Prisoner Crime Reduction (SPCR) (see above), and is available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/162360/pre-custody-empl-training-edu-status-newly-sentenced-prisoners.pdf.

Self-harm in custody

The annual self-harm summary statistics for England and Wales from 2004 to 2012 can be found in Table 2.1 from the self-harm section of Safety in Custody Statistics at the following

Self-harm rates are presented in two ways: (i) self-harm incidents per 1,000 prisoners, and (ii) individuals self-harming per 1,000 prisoners. The latest rates for 2012 are shown in Table 4.

Table 4. Self-harm rates in custody 2012, by gender.

Self-harm rates	Males	Females	All
(i) Self-harm incidents per 1,000 prisoners	201	1,589	267
(ii) Individuals self-harming per 1,000 prisoners	69	264	78

For further information on self-harm see the latest Safety in Custody Statistics and accompanying guide which can be found at the following link:

<https://www.gov.uk/government/publications/safety-in-custody>.

Prisoners' mental health

In 2013, the Ministry of Justice published a study on gender differences in substance misuse and mental health amongst prisoners. The study found that 49% of surveyed female prisoners were assessed as suffering from anxiety and depression, compared with 23% of male prisoners. Considering each condition separately, 61% of female prisoners were indicated as suffering from anxiety compared with 33% of male prisoners, and 65% of female prisoners were indicated to be suffering from depression compared with 37% of male prisoners. This can be compared with 16% of the general population (12% of men, and 19% of women) who were estimated to be suffering from different types of anxiety and depression.

This study is based on Surveying Prisoner Crime Reduction (SPCR) (see above), and is available at: <https://www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2>.

Support services on release from prison

There are different levels of support for prisoners on return to the community, dependent on sentence length. Prisoners sentenced to less than 12 months in custody are released on licence until the end of sentence, but do not receive probation supervision. Prisoners with longer sentences are released into statutory supervision by their home Probation Trust.

For those subject to probation supervision, an Offender Manager will be appointed to manage rehabilitation, according to needs identified in the Offender Assessment System (known as OASys). The OASys results will be discussed with the offender, and s/he is expected to take some actions him/herself, and report progress to the Offender Manager. Statutory supervision continues until the end of the sentence.

OASys assesses risks and need in a variety of areas, including:

- Housing
- Education, training and employability
- Financial management and income
- Relationships
- Lifestyle and associates
- Drug misuse
- Alcohol misuse
- Emotional wellbeing
- Thinking and behaviour
- Attitudes
- Health and other considerations

Furthermore, prisons offer a range of support services to all prisoners preparing for release, particularly important for prisoners sentenced to less than 12 months. These services include helping offenders find somewhere to live, with finding a job, drug and alcohol support, and healthcare.

Prison rules and entitlements

Prison rules apply equally [?] to male and female offenders. However, women offenders are held in conditions and within regimes that meet their gender specific needs and which facilitate their successful resettlement. Prison Service Order 4800 'Women Prisoners' outlines gender specific needs and associated Gender Specific Standards for female offenders. Further information about PSO4800 Women Prisoners, can be found on the Ministry of Justice website at:

http://www.justice.gov.uk/downloads/offenders/psipso/ps0/PSO_4800_women_prisoners.doc⁽¹⁾

On 30 April 2013 the Government announced significant changes to the Incentives and Earned Privileges (IEP) scheme. IEP is the scheme by which prisoners earn privileges and operates in all prisons across England and Wales.

The purpose of the Incentives and Earned Privileges (IEP) scheme will change so that not only are prisoners expected to behave well, but they will also be expected to actively work towards their own rehabilitation and, to reach the highest level of the scheme, help other prisoners or staff. This could be by operating as a mentor to another prisoner. Gaining additional privileges will require not just the absence of negative behaviour, but also the demonstration of positive behaviour targeted at rehabilitation. We also want to remove some of the inappropriate items or activities which prisoners have been able to access and ensure that prisons operate to a consistent standard when rewarding prisoners for positive behaviour and engaging with efforts to rehabilitate them. All of this must take place against a backdrop of prisoners spending more time working, taking part in education or engaged in efforts to rehabilitate them.

The new arrangements will be implemented across the male adult estate, with effect from 1 November 2013. We are also considering how they will apply to women and young people in the context of the separate work taking place on these groups.

MOJ priorities for offenders

The Ministry of Justice has published “Transforming Rehabilitation: A Strategy for Reform” - the Government’s response to the consultation document “Transforming Rehabilitation: a revolution in the way we manage offenders”. The strategy can be found at <http://www.justice.gov.uk/transforming-rehabilitation>.

The current MoJ priorities in respect to female offenders are published on the gov.uk website at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/177038/strategic-objectives-female-offenders.pdf.

Appendix 3

Summary of Parliamentary debate on 16 October 2012

There has been a concerted effort recently by key women parliamentarians and journalists to have women's prisons closed and replaced with women's centres which would have alternative 'treatment' and not punishment or incarceration as we know it. It appears, therefore, that punishment based on gender, is being strongly recommended in some quarters. There has been almost no criticism of this in the media. One can only imagine the outcry if difference in punishment was proposed to be based on sexuality, race or religion.

On 16th October 2012, Mr Philip Davies, the Conservative MP for Shipley, was a key figure in a long-overdue proper debate at Westminster Hall. He and his researchers brought a wealth of material to the debate on the closure of (only) women's prisons, which was sourced by his researcher Mimi Macejkova.

The full debate can be found in Hansard at columns 32WH to 42WH on the 16 October 2012 between 2.30pm and 3.3 pm.

The key points made by Mr Davies are summarised below from a fairly lengthy transcript from the *theyworkforyou.com* website of the UK parliaments and assemblies.

- 1) A great deal of effort is being placed on 5% of the prison population (women), whilst ignoring the plight of the other 95%.
- 2) He wished to bust five myths: the first being that women are treated more harshly by the justice system than men. In fact 58% of men received an immediate custodial sentence compared to 34% of women in 2009 (both parties pleading guilty). First time offenders sent to prison were 29% of males and 17% of females.

This was the case across all categories of offence. Additionally, once sent to prison men are more likely to stay there (53% of the sentence was in custody for men compared to 48% for women).

The issue of women being victims of domestic violence (50%) and sexual abuse was raised.

- 3) The second myth was that women are sent to prison for petty or non-violent offences, and have meaningless and ineffective short sentences. There were 211 women serving sentences for murder; 135 women in prison for manslaughter or attempted homicide; 352 women convicted of wounding; 142 women convicted of serious assault or other violence against the person; 58 women imprisoned for cruelty to children; 83 women who are in for rape, gross indecency with children or other sexual offences; 272 women who are in for violent robbery, 151 women who are in for burglary; 398 female drug dealers who should not be in prison. The total of those figures is about 1,800.

Mr Davies suggested that if short sentences were inappropriate for the 5,442 women sent to prison for up to 6 months, then the 51,588 males in prison for up to 6 months had inappropriate sentences also.

16% of women prisoners are serving sentences under 6 months, 6% are serving a sentence under 12 months, meaning the remaining 78% are serving sentences over one year. Of that 78%, 34% are in for between 1 and 4 years, 28% between 4 years and life and 11% indeterminate; 5% have reoffended or breached their licence conditions.

- 4) The third myth was that they are often remanded in custody but then not sentenced to custody. In 2009 in fact, 80% were bailed compared to 62% of men. Of those remanded in custody, 66% of females were then sentenced to immediate custody in comparison with 75% of males."
- 5) The fourth area Mr Davies wanted to tackle was that prison separates women from their children ie. about 17,000 children are separated from their mothers every year. Mr Davies pointed out that 180,000 children are separated from their fathers, and that up to 2/3rds of the children were not in fact living with their (criminal) mothers at the time anyway. Their children

are in care or living with another family relative, and the proposition that all criminal mothers make fantastic parents needed looking at.

- 6) The fifth myth was that women are treated more harshly than men when the sentence was a community order. In fact 16% of men were given a community order, 10% of women being sentenced (compared to, say, being bound over or conditional discharge, or a fine).
- 7) Mr Davies finally noted the number of female-only initiatives: the *Together Women* project, women-only groups for community sentences, a criminal justice women's strategy unit, women's centres, a proposal for women-only courts and, in Manchester, Sadiq Khan proposed a women's justice board. That is all on top of the Corston report, which looked at the whole issue of female offenders and came up with even more suggestions.

Ms Jenny Chapman (Lab, Darlington) responded with: "As well as committing less crime, the female population tends to commit different types of offences. Importantly, they are less likely to commit violent crime. (*Note: the debate was not about types of crime, but about equal treatment for the same offence*). Conversely, we know that they are more likely than their male counterparts to be given a custodial sentence for their first offence. (*Note: the facts above do not bear this out*). We will all go away and frantically try to check that out.

Their most common offence appears to be theft, particularly shoplifting. Once there, women experience prison differently from men. Despite inhabiting only 5% of our cell spaces, female offenders account for nearly 50% of all incidents of self-harm that happen inside prison walls. (*Note: are men's prisons less likely to report it?*) 25% of the women in prison were in care as children. They are disproportionately more likely to suffer from serious mental health problems than either male offenders or the wider population. Some 37% of women sent to prison say they have attempted suicide at some point in their lives, and 74% left school before they were 16

Drugs and substance misuse are also disproportionately a factor in women's offending before entering custody - 75% of women had used illegal drugs. I have already mentioned the appallingly high amount of self-harm that occurs in this population.

Some 30% of women lose their accommodation while in custody. Many of them had inadequate housing or were homeless before arrest, and they are not the only ones at risk of losing their homes due to imprisonment.

Female offenders are often the primary or sole carer in a family - this is where they differ from male offenders. Some 66% of women in prison have dependent children under the age of 18. Only 5% of children with a mother in custody are able to stay in their own homes while their mum is inside. The burden often falls on extended family members or on the care system. We cannot afford to inappropriately sentence female offenders who do not pose a serious risk to the public. It costs too much. It costs children their family and their homes. It makes it harder for women, who are often vulnerable or victims in their own right, to get their lives back on track. It condemns communities to have offenders returned to their streets without any meaningful preventative work done; and on top of it all, it simply costs too much.

Of course, that is true. If something positive can come out of this debate, it might be a sense that in raising issues concerning women we are not solely concerned about women offenders. What is true, however, is that we could have much more success with that group of offenders if they were dealt with slightly differently. (Given that we have such a problem with reoffending, it makes perfect sense to break offenders down into groups to be dealt with and with whom we could first have some success.

Ms Helen Grant (Parliamentary Under-secretary of State for Justice) said that we need to be careful when interpreting the statistics, many of which have been cited by my Hon. Friend today. At a high level, for example, the figures show that 10% of male offenders and 3% of female offenders were sentenced to immediate custody in 2011. The average custodial sentence length for males was longer than for females, at 15 months and 10 months, respectively. Equally, however, proportionally more males than females received sentences in 2011 for serious offences such as violent crime,

sexual crime and robbery. There were also differences in the severity of offences committed within the groups. For example, 343 offenders were sentenced in 2011 for murder, but only 23 were female offenders.

A number of mitigating factors are particularly associated with women offenders, including the high prevalence of mental health needs and child care responsibilities. Prisoner surveys tell us that more than a quarter of female prisoners reported having been treated for a mental health problem in the year before custody, compared with 16% of male prisoners. *(Note: given the number of support services for women, it is understandable that women would be more likely to be reported)*

Women are also more likely than male offenders to have child care responsibilities, and 60% of mothers with children under the age of 18 lived with those children prior to imprisonment, compared with around 45% of fathers. So there is a nuanced story behind the statistics, which reflects the fact that every offender, whether male or female, is a unique individual. Whether offenders are punished in custody or in the community, the Government are committed to ensuring that both men and women who offend are successfully rehabilitated.

For those offenders who are best dealt with out of court, we are piloting mental health and substance misuse liaison and diversion services in police custody and at courts by 2014 *(Note: for women only?)*. We are also developing intensive treatment options in the community for offenders with drug or mental health problems, including four women-only services in Wirral, Bristol, Birmingham and Tyneside.

In prisons, we are piloting drug recovery wings for short-sentence, drug and alcohol-dependent prisoners at three women's prisons: HMPs New Hall, Askham Grange and Styal. We are also ensuring that courts have the right mix of punitive and rehabilitative requirements available when sentencing female offenders to community sentences. The National Offender Management Service is providing £3.78 million in this financial year to fund 31 women's community services that can be used as part of, or in conjunction with community sentences. To protect the provision of services for women in these times of financial challenge, that funding will be embedded within the baseline for future probation trust settlements with a requirement that it results in enhanced services for women.

Source: PARITY *Update* 127, July 2013