

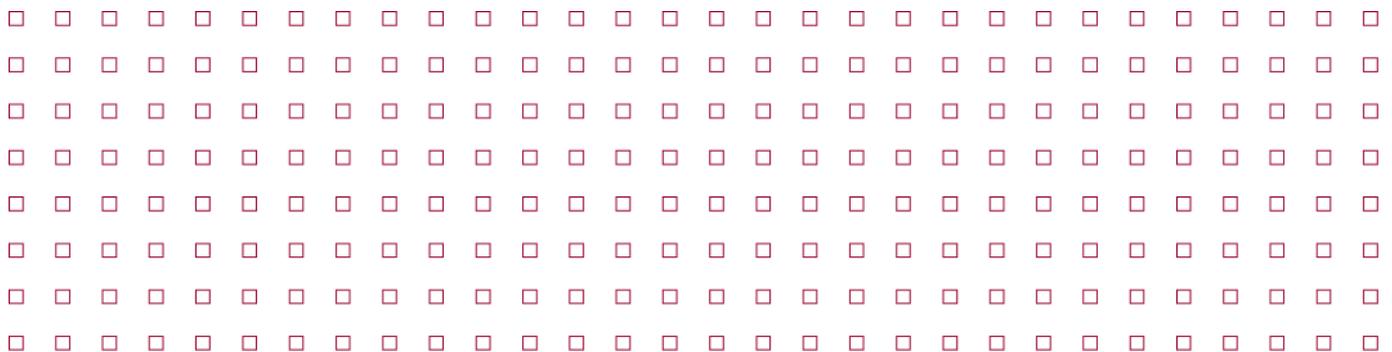


Ministry of
JUSTICE

Statistics on Women and the Criminal Justice System

A Ministry of Justice publication under
Section 95 of the Criminal Justice Act 1991

November 2010





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JUSTICE

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The authors would like to express their thanks to members of the Women's Independent Advisory Group and the Race and Women's Programme Board for their advice during the preparation of this report.

Criminal Justice Act 1991 – Section 95

Section 95 of the Criminal Justice Act 1991 states that:

“The Secretary of State shall in each year publish such information as he considers expedient for the purpose of facilitating the performance of those engaged in the administration of justice to avoid discriminating against any persons on the ground of race or sex or any other improper ground.”

This report brings together statistical information on the representation of women as suspects, offenders and victims within the Criminal Justice System and as employees/practitioners within criminal justice agencies.

Every effort is made to ensure that the figures presented are accurate and complete. However, these data have been extracted from large administrative data systems generated by the courts, police forces and other agencies. As a consequence, care should be taken to ensure the limitations of these data are taken into account.

The basic statistical information in this document should be considered in conjunction with the parent statistical publications and research reports that are now available on related issues. Most of these reports are now published on websites such as the Home Office website, www.homeoffice.gov.uk/rds/index.htm, and the Ministry of Justice website, www.justice.gov.uk.

The data presented is largely from published government reports, but on occasion has been supplied by criminal justice agency colleagues. It is presented either in terms of calendar years, financial years or other relevant time periods, reflecting the reporting cycles and data collection of the agencies contributing information for this publication. For further technical data and quality statements see appendices here and in the parent publications.

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Summary

This report provides information about how women and men in England and Wales were represented in the Criminal Justice System both in 2009, and in each of the last five years. Section 95 of the Criminal Justice Act 1991 requires the Government to publish statistical data to assess whether any discrimination exists in how the CJS treats women and men.

The contents of the report will be of interest to government policy makers, the agencies that comprise the CJS, and others who want to understand better how experiences of the CJS differ between men and women. It is important to note that the data presented highlight areas where there are differences and where practitioners and others may wish to undertake more in-depth analysis. This should not be equated with discrimination as there are many reasons why apparent disparities may exist.

The data presented in this report suggest that there continue to be differences in the experiences of men and women. For example:

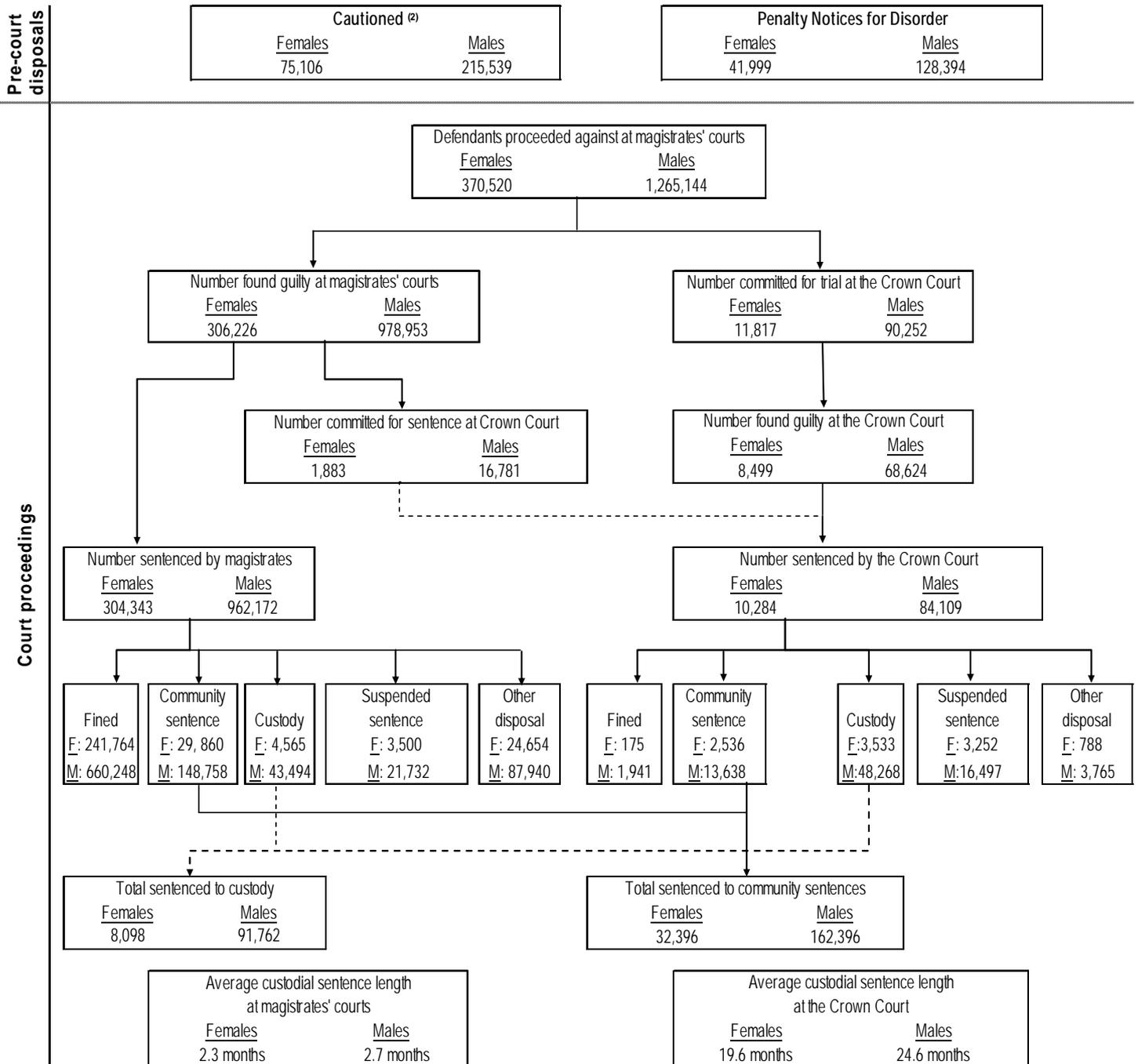
- The British Crime Survey 2009/10 showed that men were at greater risk of personal crime and violence than women. Women were at higher risk of theft from the person and intimate violence.
- In 2009, there were differences in the types of sanctions issued to men and women at court. A higher proportion of female defendants received fines than males (77% compared with 63%), but lower proportions of female defendants received community sentences (10% compared with 16%), suspended sentences (2% compared with 4%), and immediate custody (3% and 9% respectively).
- In 2009, newly received women in prison were serving proportionately shorter custodial sentences than men. Almost half (48%) of newly received men in prison were serving sentences lasting longer than six months compared to two-fifths (38%) of newly received women.
- Men and women's behaviour in prison also differed. In 2009, the rate of punishment in prison establishments was higher for women (150 adjudications per 100 prisoners) than for men (124 adjudications per 100 prisoners). More than one in three female prisoners (37%) self-harmed compared with fewer than one in ten males (7%). As in previous years, men accounted for the majority of self-inflicted deaths in custody (57 of the total 60 recorded in 2009).

The most recent mid-year population estimates for 2009 show that, of the total 48,417,349 population of England and Wales aged over ten years, women comprised 51% and men 49%.¹

Figure A below shows flows through the CJS for all males and females dealt with at magistrates' and Crown Court in 2009. These figures are based on known 'males' and 'females'.

¹ 2009 Mid Year Population Estimates taken from Office for National Statistics (2010) '2009 population estimates analysis tool', <http://www.statistics.gov.uk/statbase/Product.asp?vlnk=14060>. These data show that juveniles or those aged 10–17 accounted for 5,249,932 of this total, and comprised 49% females and 51% males. Adults or those aged 18 and over represented 43,167,417; 51% of these were females and 49% males.

Figure A: Females and males administered with pre-court disposals and dealt with at magistrates' court and the Crown Court, for all offences, England and Wales 2009⁽¹⁾



(1) These figures are based on known 'males' and 'females'. Following the introduction of the Libra case management system during 2008, offenders at magistrates' courts can now be recorded as sex 'Not Stated'. These figures have been excluded from the table.

(2) From 1 June 2000 the Crime and Disorder Act 1998 came into force nationally and removed the use of cautions for persons under 18 and replaced them with reprimands and warnings. These figures are included in the totals.

Specific findings

Victims

There are differences in the types of personal crimes experienced by men and women as victims and in their relationship with the offender. While there are some common risk factors for violence, other characteristics increased the risk of violence for men but not for women and vice versa.

- Overall, a greater proportion of men were victims of British Crime Survey (BCS) personal crime than women. While men were at increased risk of violence, a greater proportion of women experienced theft from the person and intimate violence (BCS 2009/10).
- Women were at higher risk of violence by someone they knew well (0.4% of women had experienced domestic violence and 0.2% of men) and men were at greater risk of 'stranger' violence (2.2% of men were victims compared to 0.6% of women in 2009/10).
- Risk factors for violence for both men and women included being aged 16 to 24 and being single, separated or divorced. Being unemployed, and being a student were found to be associated for men only; and living in privately rented accommodation was found to be associated only for women (BCS 2009/10).
- As in previous years, 2008/09 data from the Homicide Index showed that fewer females (192) than males (459) were victims of homicide (murder, manslaughter or infanticide). Around three in four female victims knew the principal suspect compared to half of male victims. Of these, a greater proportion of female victims than male victims were killed by their partner or ex-partner.
- Data on victims involved in cases closed in the 12 months to December 2009 showed that a greater proportion of female victims were satisfied with their overall contact with the CJS than their male counterparts (Witness and Victim Experience Survey).

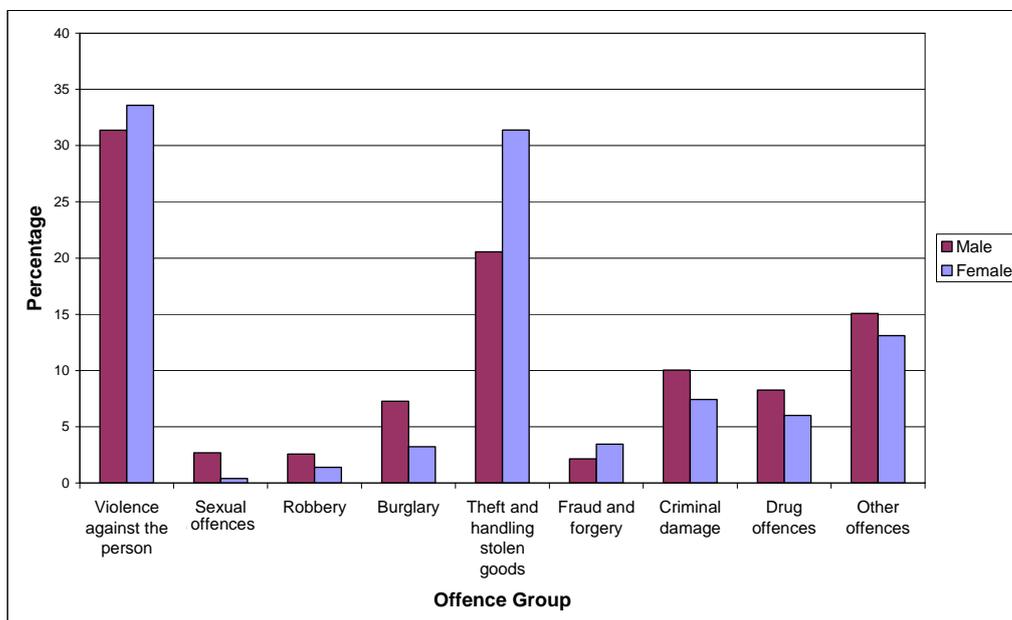
Suspects

Fewer than one in five of all arrests recorded by the police in 2009 involved females. While the most common offence group for which both males and females were arrested was the same – violence against the person – there were some differences between the offences for which adult and juvenile males and females were arrested.

- Between 2007/08 and 2008/09, there was a decrease of just less than 2% in the number of arrests of females (from 251,910 to 247,127) and a decrease of under 1% in the number of arrests of males (from 1,223,356 to 1,215,012).

- In 2008/09, 34% of all females arrested and 31% of all males arrested were suspected of committing violence against the person, which was consistent with trends since 2006/07.
- The volume of arrests for violence against the person decreased in 2008/09 compared with the previous year. Between 2007/08 and 2008/09, there was a reduction of almost 6% in the number of females arrested for violence against the person and a 2% decrease for males.

Figure B: Proportion of male and female arrests by offence type, 2008/09



- In 2008/09, the second most common offence group for which both males and females were arrested was theft and handling stolen goods (31% and 21% of all those arrested for females and males respectively).
- Theft and handling stolen goods was the largest offence group for juvenile females arrested in each of the last five years. Violence against the person was the largest offence group for juvenile males arrested in 2007/08 and 2008/09 (closely followed by theft and handling stolen goods). In the three years prior to that, theft and handling stolen goods was the most common offence for juvenile males.
- In 2008/09, numbers of juveniles, both female and male, arrested for violence against the person were at their lowest for five years.

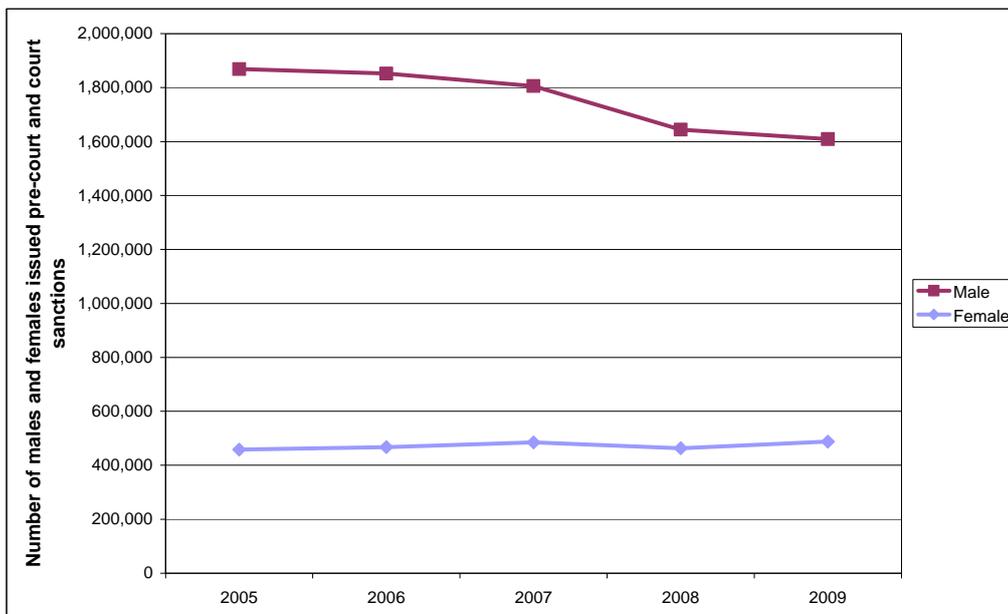
Defendants

Just over one in five of all pre-court and court sanctions were issued to females in 2009, which closely mirrors the proportion of all arrests accounted for by females. It should be noted, however, that court data cover a different time period and group of offences than arrests, which may account for variations in some of the findings between these sources.

Data on those proceeded against (excluding instances at the magistrates court where gender was not stated) showed there were differences in the types of sanctions issued to men and women at court, and also in the sentence lengths received by those sentenced to immediate custody. More women received fines than men, and women given an immediate custodial sentence received shorter average sentence lengths for indictable offences than men. These differences are likely to be dependent on a range of factors including variations in the types of offences committed by males and females.

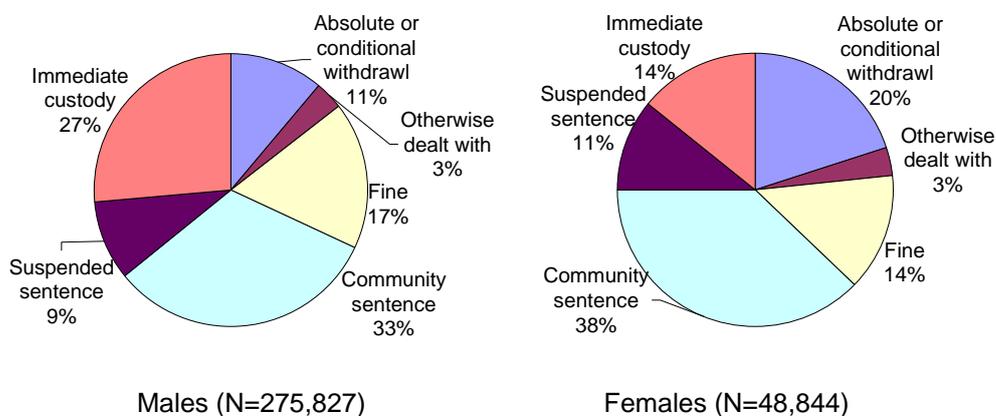
- In 2009, over two million pre-court and court sanctions were issued. Twenty-three per cent of these were to females and 77% to males.
- In each of the last five years (2005 to 2009), a slightly higher percentage of all females dealt with (24% in 2009) than all males dealt with (21% in 2009) were issued pre-court sanctions rather than court sanctions.

Figure C: Number of males and females issued pre-court or court sanctions, by gender, 2005–2009



- In 2009, 77% of females dealt with at court received fines, 10% received community sentences, 2% suspended sentences, and 3% immediate custody. In comparison, 63% of all males dealt with at court received fines, 16% community sentences, 4% suspended sentences and 9% immediate custody. These patterns were broadly consistent in each of the last five years.
- Theft and handling stolen goods was the most common indictable offence group for which both males and females were prosecuted in 2009 (44% of all females were prosecuted for this offence type compared to 28% of males). This was also the most common indictable offence group in each of the last five years.
- In 2009, a greater percentage of females sentenced for an indictable offence had no previous cautions or convictions than males (16% and 9% respectively).
- In 2009, a lower proportion of women who had a pre-sentence report that recommended immediate custody went on to receive this sentence than men (83% compared with 90% for males). For all other sentence options recommended in pre-sentence reports (Suspended Sentence Order, all community sentences or fines), a higher proportion of males received custodial sentences than females.
- In 2009, women given an immediate custodial sentence for indictable offences received shorter average sentence lengths than men (11.0 months compared to 17.0 months for males).² These differences in sentence length were also evident in each of the last five years, and may be attributable to a range of factors including differences between the offences committed by females and males.

Figure D: Court disposals for indictable offences, by gender, 2009



² Excludes life and indeterminate sentences.

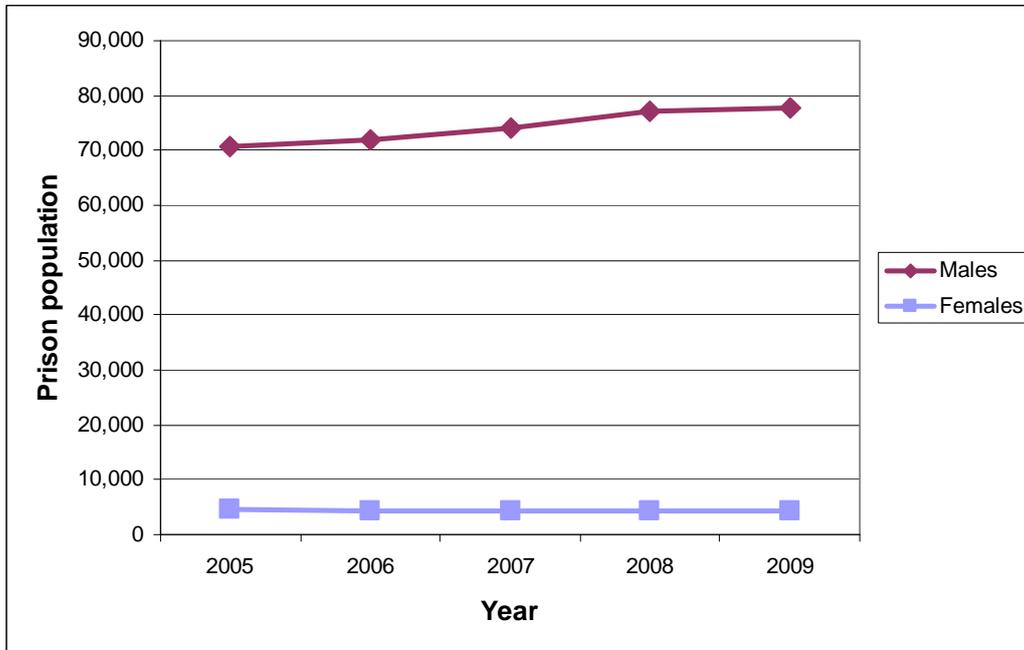
Offenders

Females were serving proportionately shorter sentences than men both in the community and in prison. Again, this is likely to be attributable to a range of factors including differences in the types of offences committed by men and women.

In terms of prisoners' behaviour in custody, the rate of adjudications in prison per 100 prisoners was higher for women than for men; more women self-harmed; and men accounted for the vast majority of deaths in prison custody.

- In 2009, nearly 10% of women had a community order of under a year, whereas for men the corresponding proportion was over 5%.
- Women were more often assigned to Probation Tiers 1 and 2 than men (just over 64% of women were assigned to the lower tiers compared to 50% of men), suggesting that women were more often classified as being at lower risk of harm and reoffending.
- In 2009, the total prison population (including foreign nationals) in England and Wales stood at 81,831. Women made up 4,221 of this total (5%), and men made up 77,610 (95%).
- Women constituted around one-tenth (9%) of receptions into prison in each year between 2005 and 2009.
- Overall, there was a 5% decrease in the number of first receptions into prison between 2008 and 2009. Women's prison receptions decreased by 9% between 2008 and 2009; men's receptions decreased by 5%.
- In 2009, 48% of newly received men were serving sentences lasting longer than six months compared to 38% of women.
- In 2009, a higher proportion of foreign national women were in prison for drug offences (48%) and fraud and forgery (24%) than British national women.
- The offence profile for foreign national women had changed over time. The proportion of foreign national women in prison for drug offences decreased between 2005 and 2009 (from 68% to 48%), while the proportion of foreign national women in prison for fraud and forgery increased over the same period (from 11% to 24%, with a peak of 28% in 2008).
- In 2009, the rate of adjudications (punishment for disciplinary offences) in prison was 150 adjudications per 100 prisoners for women and 124 adjudications per 100 prisoners for men. However, trend data indicate that the 2009 rate for both female and male prisoners represented a five-year low.
- In 2009, more than one in three (37%) female prisoners self-harmed compared with fewer than one in ten (7%) male prisoners. As in previous years, men accounted for the majority of self-inflicted deaths in custody in 2009 (57 of the total 60 recorded in 2009).

Figure E: Prison population including foreign nationals by gender, 2005–2009



Reoffending

- In 2008, women had a lower frequency of reoffending rate than men per 100 offenders (150.5 compared to 156.2). While frequency of reoffending rates for men increased by 4% (from 149.9 per 100 offenders) between 2007 and 2008, those for women increased by 16% (from 129.4 per 100 offenders).

Practitioners

Women’s representation as practitioners in CJS agencies varied substantially; and women were less well represented in senior positions in the individual CJS agencies than in each of the agencies overall.

- Women represented 66% of Crown Prosecution Service staff as at 31 March 2010, and 26% of police officers. The Magistracy comprised approximately equal numbers of men and women.
- Women represented 66% of Crown Prosecution Service staff overall, and 37% of Senior Civil Servants in the organisation as at 31 March 2010; women accounted for 26% of total police officers, and comprised 13% of senior police officers; 42% of Senior Civil Servants at the Ministry of Justice were women compared to 68% of all staff.

Chapter 1 – Introduction

Section 95 of the Criminal Justice Act 1991 states that:

“The Secretary of State shall in each year publish such information as he considers expedient for the purpose of facilitating the performance of those engaged in the administration of justice to avoid discriminating against any persons on the ground of race or sex or any other improper ground.”

Documents fulfilling this requirement have been published since 1992. Other government reports that have recently been published on the treatment of women in the Criminal Justice System (CJS) include *The Corston Report* published in 2007, which recommended the development of a distinct approach to dealing with men and women within the CJS and a move towards alternative sanctions.

This report brings together statistical information on outcomes across the CJS from a gender perspective to identify where differences exist. Data are presented on gender in relation to victims, suspects, defendants, offenders and employees within the criminal justice agencies. The publication also aims to identify trends in the CJS and how these vary between men and women and over time. The report is aimed at both members of the public and practitioners within the CJS.

Following a consultation process with the Women’s Independent User Group and based on feedback from *Statistics on Race and the Criminal Justice System* (2009), there have been several changes made to this year’s publication. The key changes are as follows.

1. A more concise publication for users to understand the key messages with a simplified structure divided into five areas:
 - Women as victims of crime
 - Women as suspects
 - Women as defendants
 - Women as offenders: under supervision or in custody
 - Women as practitioners in the Criminal Justice System
2. An executive summary highlighting the key trends and provision of more detailed information in the individual chapters on changes over time than in previous reports.
3. Provision of information as supplementary tables in Excel to allow easy re-use of data.
4. A new appendix containing a glossary to aid understanding of the terms used in the definition and delivery of criminal justice.
5. A new appendix containing information on the quality of the data sources drawn upon in this report.

Every effort is made to ensure that the figures presented in this report are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by courts, police forces and other agencies. Consequently, care should be taken to ensure the limitations of these data are taken into account. Data are presented in terms of calendar and financial years and other periods, reflecting the reporting cycles and data collection of the agencies contributing information for this publication. Unless otherwise stated in the report, the data presented here apply to England and Wales.

Revisions

Statistics are by their nature subject to error and uncertainty. Initial estimates are often systematically amended to reflect more accurate and complete information provided by data suppliers. The data published here are the most up to date available and may differ from that previously published. Where possible, attempts have been made to highlight revisions to previously published data in the supplementary tables that accompany this report.

Availability of the tables

In addition to the data provided throughout the report, a range of raw data are available in the supplementary tables. These data are available from the same web page
<http://www.justice.gov.uk/publications/womencriminaljusticesystem.htm>

Chapter 2 – Women as victims of crime

This chapter explores the nature, extent and risks of personal crimes reported in the 2009/10 British Crime Survey (BCS), and victims' perceptions of their overall contact with the CJS as measured in the Witness and Victim Experience Survey (WAVES) for cases closed in the 12 months to December 2009. It also looks at police recorded crime statistics on homicide from the 2008/09 Homicide Index (the latest available).

- Overall, a greater proportion of men were victims of BCS personal crime than women. While men were at increased risk of violence, women were more at risk of experiencing theft from the person and intimate violence (BCS 2009/10).
- There were some key differences in the type of violence typically experienced by women and men. For example, a greater proportion of women had experienced violence by someone they knew well (0.4% of women had experienced domestic violence and 0.2% of men) and a greater proportion of men had been victims of 'stranger' violence (2.2% of men were victims compared to 0.6% of women in 2009/10).
- While some of the risk factors for violence were the same for men and women (being aged 16 to 24 and being single, separated or divorced), other characteristics were found to be associated with the risk of violence for men but not for women and vice versa. Being unemployed and being a student were found to be associated for men; and living in privately rented accommodation was found to be associated for women (BCS 2009/10).
- The BCS self-completion module showed that trends in the prevalence of intimate violence in the last year remained stable compared with 2008/09. Longer-term trends since 2004/05 (when the questions were introduced), showed a decrease for all categories of intimate violence for all adults.
- As in previous years, 2008/09 data from the Homicide Index³ showed that fewer females (192) than males (459) were victims of homicide. Around three in four female victims knew the principal suspect compared to half of male victims. Of these, a greater proportion of female victims than male victims were killed by their partner or ex-partner.
- WAVES data for victims involved in cases closed in the 12 months to December 2009 showed that a higher proportion of female victims of criminal damage and theft were satisfied with their overall contact with the CJS than their male counterparts.

³ As the Homicide Index is continually updated with revised information from the police and courts, it is considered a better source of data than the main police recorded crime dataset. Latest data relate to offences recorded by the police during 2008/09. Data for 2009/10 are scheduled to be published in January 2011.

What is the nature and extent of victimisation for women and men?

As not all crimes are reported to the police, the main source of information about the risks of victimisation is the BCS. The BCS is a large nationally representative survey that asks people in detail about their experience of crime in the last 12 months. Because it includes crimes not reported to the police and has not been affected by changes to recording rules and practice over time, it provides the most reliable measure of the extent of victimisation and of national trends for the general population aged 16 and over.⁴ The main police recorded crime dataset for England and Wales does not currently include information about victim gender.

The BCS findings described here come from two components of the survey: a core face-to-face interview with adults aged 16 and over and a separate self-completion module completed only by adults aged 16–59. Due to the sensitive nature of questions on rape and sexual assault, these are not asked in the core interview but are covered in the self-completion survey.

- The 2009/10 BCS showed that 5.7% of adults were a victim of a BCS personal crime at least once in the 12 months before interview. Overall, 6.5% of men and 4.9% of women were a victim of personal crime.⁵
- As in 2008/09, women were found to have a higher risk than men of becoming a victim of theft from the person (1.4% compared with 0.8%).⁶ The differences between men and women also remained when other factors were controlled for using logistic regression (see supplementary tables for Chapter 2 for further information on variables included).
- In common with previous years, fewer women were the victim of violent crime in 2009/10 than men. Overall, 4.2% of men and 1.8% of women had been a victim of violent crime.⁷ Men accounted for two-thirds (66.6%) of all incidents of violence; women for one-third (33.3%).
- There were some key differences in the type of violence typically experienced by women and men. For example, a greater proportion of women had experienced violence by someone they knew well. In 2009/10,

⁴ The BCS has until recently only provided a picture of crime for those aged over 16. Experimental statistics were released earlier this year for consultation, however, which were based on interviews with children aged 10 to 15 (Millard and Flatley, 2010). The main report for 2009/10 was based on adults aged 16 or over (Flatley *et al*, 2010).

⁵ See Flatley *et al* (2010), Table 2.05.

⁶ Incidents of theft from the person include stealth thefts (e.g. pick-pocketing) and snatch thefts (when force was used to snatch property away or no force was used but the victim was aware of the incident and holding the property).

⁷ Violent crime contains the full spectrum of assaults from pushing and shoving that result in no physical harm, to murder.

0.4% of women and 0.2% of men had experienced domestic violence.⁸ A higher percentage of men had been victims of 'stranger' violence than women: 2.2% of men were victims compared to 0.6% of women in 2009/10. Women accounted for 73.1% of victims in incidents of domestic violence, but only 21.0% of victims in incidents of stranger violence.

- The 2009/10 BCS self-completion module on intimate violence measured partner abuse, family abuse, sexual assault and stalking, reflecting either the intimate nature of the victim-offender relationship or of the violence or abuse.⁹ Evidence from this module (see Figure 2.01) showed that a higher proportion of women experienced intimate violence across all types of abuse in the last 12 months (6.5% compared with 3.7%) and since the age of 16 (27.3% compared with 14.7%).
- Trends in the prevalence of intimate violence in the last year remained stable compared with 2008/09. Longer term trends since 2004/05 (when the questions were introduced), showed a decrease for all categories of intimate violence for all adults.
- As in previous years, the majority of incidents of intimate violence against women (91%) involved a male offender.¹⁰ In a further 9% of incidents, the offender was female and, in less than 1% of incidents, women were victimised by a male and female offender at the same time. The offender-victim gender relationship has remained stable over time; both in the short and longer-term.
- A greater proportion of women were sexually assaulted than men.¹¹ In 2009/10, 2.1% of women aged 16–59 years had experienced at least one or more sexual assaults in the last year (compared to 2.5% in 2008/09) and, as in the previous year, 0.4% of men. 0.4% of women aged 16–59 years had experienced a serious sexual assault and 0.1% of men.

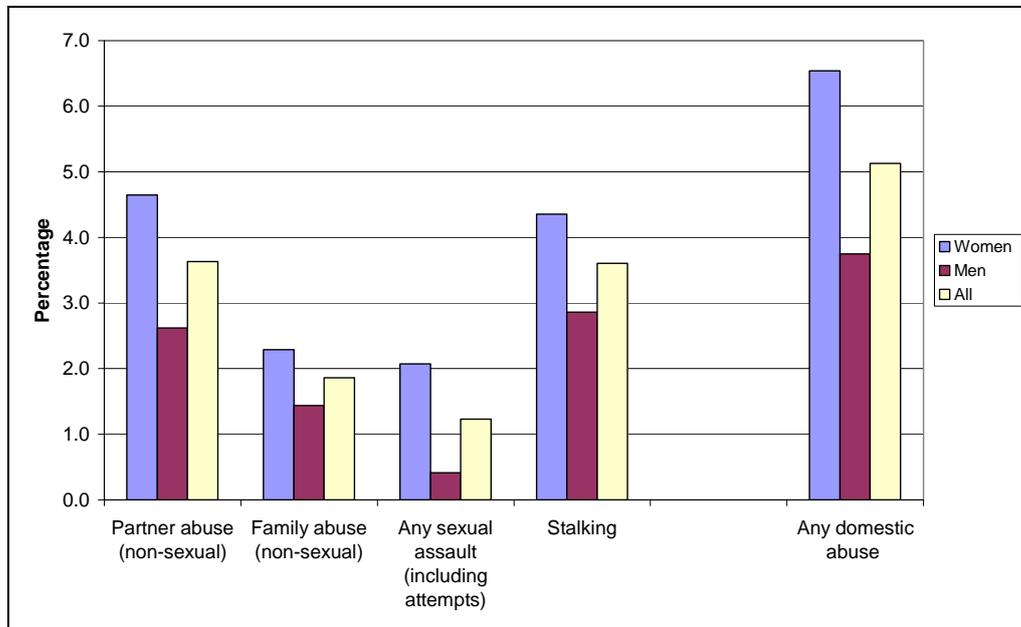
⁸ Definition of domestic violence counts wounding and assaults which involves partners, ex-partners, other relatives or household members. Figures for 2009/10 relate only to incidents reported in face-to-face BCS interviews, so any changes should be treated with caution due to the small numbers of sexual offences identified by the main BCS. Prevalence rates for domestic violence from the self-completion module were around five times higher for adults than those obtained from the face-to-face interviews on the BCS.

⁹ Self-completion is used because of the sensitive nature of the questions in order to maximise response rates. As the information is collected in a different way to the main survey (self-completion rather than face to face interviews) and uses different questions, it is not directly comparable to findings from the main survey. Definitions of partner abuse, family abuse, sexual assault and stalking can be found in the glossary at Appendix A.

¹⁰ It is not possible to comment on the offender-victim gender relationship for males as only a small number of men reported that they had experienced any domestic abuse.

¹¹ This included indecent exposure, sexual threats and unwanted touching, and rape or assault by penetration including attempts.

Figure 2.01: Prevalence of any intimate violence in the last year, by sex, 2009/10 BCS



Note: 'Any intimate violence' represents all respondents who experienced any type of abuse. As respondents may have experienced more than one type of abuse, it is not equivalent to the sum of the other bars.

The BCS does not include data on homicides. However, information on the gender of victims and suspects of these offences are available from the Homicide Index. Data for 2008/09 showed:

- Fewer females (192) than males (459) were victims of homicide (murder, manslaughter or infanticide), consistent with historical trends. Female victims accounted for 29% of all recorded homicides between 2004/05 and 2008/09.
- As in previous years, a greater proportion of female homicide victims were acquainted with the principal suspect¹² (76% of females compared to 50% of males). The type of relationship between victim and principal suspect also differed for female and male victims (see Table 2.01). In cases where the principal suspect was known to the victim, over two-thirds of females were killed by a partner/ex-partner¹³ (69% of homicides where the principal suspect was known to the female victim compared to 14% for male victims), while over two-thirds of males were killed by a friend/acquaintance (70% of homicides where the principal suspect was known to the male victim).

¹² For the purposes of the Homicide Index, a suspect is defined as (i) a person who has been arrested for an offence initially classified as homicide and charged with homicide or (ii) a person who is suspected by the police of having committed the offence but is known to have died or committed suicide prior to arrest/being charged. As more than one suspect may be tried for an offence and sometimes no suspect is ever brought to trial, the number of suspects is not the same as the number of offences.

¹³ Includes partners of the same sex.

- Principal suspects were strangers¹⁴ for 12% (23) of female homicides and 37% (170) of male homicides. In 12% (23) of female homicides and 13% (60) of male homicides, there was no suspect.¹⁵

Table 2.01: Percentage of homicide offences by gender of victim and whether principal suspects known/unknown, 2004/05–2008/09

	2004/05	2005/06	2006/07	2007/08	2008/09
Total female victims	230	242	196	204	192
Suspect known	76%	58%	70%	76%	76%
Suspect not known*	24%	42%	30%	24%	24%
Total male victims	550	469	520	549	459
Suspect known	47%	43%	47%	51%	50%
Suspect not known*	53%	57%	53%	49%	50%
Total victims	780	711	716	753	651

Note: This table is based on data taken from Smith *et al* (2010) Table 1.05, as recorded at 24 November 2009. These figures are subject to revision as cases are dealt with by the police and courts, or as further information becomes available.

*'Suspect not known' comprises homicides where the principal suspect was a stranger, where the relationship type was not known and where there was no suspect.

What are the main risk factors for women and men?

The BCS allows analysis to be undertaken to explore whether there are differences in the risk factors associated with different crime types for men and women. This section focuses on those factors that have been found to be associated with crimes of theft from the person, violence and intimate violence.

Theft from the person

Further analysis of the data relating to theft from the person has shown similar risk factors for men and women.

- In 2009/10, the risk of theft from the person was highest for young women aged 16 to 24 years (2.4%), and generally declined with age.
- For men, there was a similar pattern of declining risk with age but men had lower risks than women for all age groups.

¹⁴ Includes cases where relationship type is not known.

¹⁵ See Smith *et al* (2010).

- However, once other characteristics were accounted for using logistic regression analysis, age was not independently associated with the risk of becoming a victim of theft from the person. Factors such as marital status and the types of area in which the person lived were more important. Single adults had higher odds of being a victim of theft from the person than married or cohabiting adults and people living in areas classified as City Living had the highest odds.¹⁶

Violence

Analysis of the 2009/10 BCS data found that, in general, the risk factors associated with violence were similar for men and women.¹⁷ The characteristics that contributed most to explaining the risk of violence for both men and women were age and marital status.

- Both men and women aged 16 to 24 had the highest risk of being a victim of violence.
- Men and women who were single, separated or divorced were more at risk of being a victim of violence than those who were married. Viewed in isolation, single people appeared to have higher risk than other groups due to their younger age profile. When age was controlled for using logistic regression, the increased association with being separated or divorced became apparent.
- Some characteristics were found to be associated with the risk of violence for men, but not for women and vice versa. Being unemployed and being a student were found to be associated with a higher likelihood of being a victim of violent crime for men but not for women. Living in privately rented accommodation was found to be associated with the risk of violent crime for women but not for men.

The 2008/09 report *Statistics on Women and the Criminal Justice System* looked at the risk of becoming a victim of intimate violence based on analysis of data from the 2007/08 BCS. A new analysis has not yet been undertaken. However, the 2007/08 analyses showed that increased risk of any domestic abuse in the last year was most strongly associated (i.e. contributing at least 1% improvement in a logistic regression model) with the following characteristics:

- Marital status: Married men and women had lower odds of (non-sexual) partner abuse compared with men and women who were cohabiting, single, separated or divorced.

¹⁶ See Flatley *et al* (2010).

¹⁷ See Flatley *et al* (2010).

- Household type:¹⁸ Household type was associated with the overall measure of any domestic abuse for women and with the specific measures for (non-sexual) partner abuse and (non-sexual) family abuse.¹⁹ For (non-sexual) partner abuse, both women living in households as a single adult with a child (or children) and women living in households with another adult and a child (or children) had higher odds of victimisation than those living in households with no children. For (non-sexual) family abuse, only women living in households with another adult and a child (or children) had higher odds of victimisation than those living in households with no children. Household type was also associated (although less strongly so) with any domestic abuse for men.

What are women's experiences of the CJS after being victims?

Surveys such as the BCS and WAVES allow for a better understanding of victims' experiences of the CJS and whether these differ between men and women. The BCS provides information about why victims of sexual violence choose not to report their experiences of crime to the police. Responses to the 2009/10 BCS suggested, for example, the following.

- Over one-third (38%) of women had not told anyone about their experience of sexual assault since age 16, and only 11% had reported to the police. The proportion reporting to the police has remained stable and is consistent with the proportion for 2005/06 (when questions were first included in the survey).
- The most common reasons for not reporting sexual assault to the police were that the victim did not want to experience further humiliation (28%) and/or that they did not think the police would believe them (23%).

It is not possible to comment on trends for men as only a small number reported experiences of sexual assault. Therefore, the figures are subject to large variation between survey years.

The Witness and Victim Experience Survey (WAVES) interviews victims and prosecution witnesses aged 18 and over whose cases resulted in a charge.²⁰ Therefore, these data provide an assessment of the experiences of those victims who do come into contact with the CJS. Responses provided by

¹⁸ Household type refers to whether there were no children; adults and child(ren); or a single adult and child(ren).

¹⁹ 'Any domestic abuse' is the collective term which covers partner abuse, family abuse, and sexual assault (see Povey *et al.*, 2009).

²⁰ Sensitive cases, such as sexual offences, domestic violence, crimes involving a fatality, and any crime where the defendant is a member of the victim's or witness's household, are excluded on ethical grounds.

victims only involved in cases closed in the 12 months to December 2009²¹ (see Table 2.02) suggested the following.

- The majority of victims (80%) were satisfied (completely, very or fairly) with their overall contact with the CJS.
- When comparing victims of similar crime types, WAVES data showed that a higher proportion of female victims of criminal damage (79%) and theft (82%) were satisfied than male victims (76% and 79% respectively). These differences were statistically significant.
- There were no statistically significant differences between the proportion of male and female victims who were satisfied in cases of violence²² and burglary.

Table 2.02: Percentage of respondents satisfied (completely, very or fairly) with their overall contact with the criminal justice system (WAVES cases closed in 12 months to December 2009)

Victims by crime type	Males	Females	Total
Violence	78%	80%	79%
Criminal damage	76%	79%	77%
Theft	79%	82%	80%
Burglary	83%	85%	84%
All victims	79%	81%	80%
Unweighted base (N)	11,631	7,729	19,364

Note: 'Total' figures include four respondents who did not state their sex or stated that they were transgender. These respondents have been excluded from the rest of the table.

²¹ WAVES data, covering cases closed in the 12 months to March 2010, showing satisfaction of victims and witnesses with their overall contact with the CJS by sex, have also been published in the Criminal Justice System Information publication on the MoJ website and are available at: <http://www.justice.gov.uk/publications/criminal-justice-system-performance.htm>

²² Please note that the WAVES violence category includes robbery offences.

Chapter 3 – Women as suspects

This chapter focuses on individuals who are suspected of committing an offence. The only data available by gender are police recorded statistics on arrests. Data on the gender of those who are either Stopped and Searched or asked to Stop and Account are not reported centrally.

This chapter explores how arrests have changed over time including comparisons between 2007/08 and 2008/09, and trends for the last five years.

- Between 2007/08 and 2008/09, there was a decrease of just under 2% in the number of arrests of females (from 251,910 to 247,127) and a decrease of less than 1% in the number of arrests of males (from 1,223,356 to 1,215,012).
- In 2008/09, the most common offence group for which both females and males were arrested was violence against the person (34% and 31% of all females and males arrested respectively), which is consistent with trends since 2006/07.
- The volume of arrests for violence against the person decreased in 2008/09 compared with the previous year (82,983 in 2008/09 compared to 88,139 in 2007/08 for females). Between 2007/08 and 2008/09, there was a reduction of almost 6% in the number of females arrested for violence against the person and a decrease of just over 2% for males.
- In 2008/09, the second most common offence group for which both males and females were arrested was theft and handling stolen goods (31% and 21% of all those arrested for females and males respectively).
- In 2006/07, violence against the person overtook theft and handling stolen goods as the most common offence group that adult²³ females were arrested for. Although this remains the most common offence group for adult females, the volume of adult females arrested for this offence fell slightly between 2007/08 and 2008/09.
- Violence against the person was also the most common offence group for adult males arrested for all years between 2004/05 and 2008/09.
- Theft and handling stolen goods was the largest offence group for juvenile²⁴ females arrested in each of the last five years. Violence against the person was the largest offence group for juvenile males arrested in 2007/08 and 2008/09 (closely followed by theft and handling stolen

²³ Suspects aged 18 and over.

²⁴ Suspects aged 10 to 17.

goods). In the three years prior to that, theft and handling stolen goods was the most common offence group for juvenile males.

- In 2008/09, numbers of juveniles, both female and male, arrested for violence against the person were at their lowest for five years.

How has the volume of arrests for females and males changed over time?

Arrests refer to the power of police officers to deprive a person of his or her liberty in relation to the investigation and prevention of crime. Police officers have the power to arrest anyone who has committed an offence, is about to commit an offence, or is in the act of committing an offence. They also have the power of arrest when a person is suspected of involvement in an offence.

Arrests data do not offer a full picture of offending behaviour, as they do not include those offences not identified by the police. Findings from the longitudinal analysis of the *Offending, Crime and Justice Survey 2003–06* (Hales *et al.*, 2009) suggested that an individual's gender was associated with likelihood of offending. Self-report data from respondents aged 10 to 25 years showed that females were significantly less likely to have been offenders than males.

Table 3.01 shows the number of arrests of males and females (juveniles and adults) between 2004/05 and 2008/09. Data for juveniles and adults were estimated for 2004/05 as age breakdowns were not available for all forces during this period. Table 3.02 shows the percentage of arrests by offence group for males and females (juveniles and adults) in 2008/09. Further information on arrests is available in the supplementary tables for Chapter 3.

- There were 1,462,139 arrests in 2008/09 – a 1% decrease compared to the previous year (1,475,266).
- Overall, there was a decrease of just under 2% in arrests of females (from 251,910 in 2007/08 to 247,127 in 2008/09) and less than 1% in arrests of males (from 1,223,356 to 1,215,012).
- Five years trends showed an 8% rise in arrests compared to 2004/05. This was comprised of an increase of just over 6% for females and just over 8% for males.
- In 2008/09, a slightly greater proportion of all females arrested were juveniles compared with males (22% versus 18% for males). This has been approximately the case in each of the last five years.
- There were increases in the number of female adults and juveniles and male adults and juveniles arrested from 2004/05 to 2006/07. In 2007/08, there was a large divergence with the adult figures continuing to yield year-on-year increases, while the juvenile figures showed large decreases.

Table 3.01: Number of arrests of juveniles and adults by gender, 2004/05–2008/09

	Females			Males			Total
	Juvenile	Adult	Total	Juvenile	Adult	Total	
2004/05	67,000	165,800	232,800	266,500	854,100	1,120,600	1,353,400
2005/06	70,201	177,456	247,657	279,028	903,100	1,182,128	1,429,785
2006/07	71,285	180,284	251,569	282,531	948,056	1,230,587	1,482,156
2007/08	64,823	187,087	251,910	250,741	972,615	1,223,356	1,475,266
2008/09	55,142	191,985	247,127	218,210	996,802	1,215,012	1,462,139

Note: Figures for 2004/05 have been estimated as age breakdowns were not available for all forces.

What offences are females and males arrested for?

This section looks at the offences that males and females were arrested for over the last five years; and how this differed for adults and juveniles.

- As in 2006/07 and 2007/08, the most common offence group for which both females and males were arrested in 2008/09 was violence against the person (34% and 31% of females and males arrested respectively). Prior to this, the most common offence group was theft and handling stolen goods for females and violence against the person for males.
- The volume of arrests for violence against the person decreased in 2008/09 compared with the previous year (82,983 in 2008/09 compared to 88,139 in 2007/08 for females). There was nearly a 6% reduction in the number of females arrested for violence against the person between 2007/08 and 2008/09 compared to a decrease of just over 2% for males over the same period.

Table 3.02a: Number of arrests of juveniles and adults per offence group, by gender, 2008/09

Offence group	Females			Males			Total
	Juvenile	Adult	Total	Juvenile	Adult	Total	
Violence against the person	18,147	64,836	82,983	51,511	329,626	381,137	464,120
Sexual offences	121	879	1,000	4,266	28,472	32,738	33,738
Robbery	1,677	1,788	3,465	12,954	18,280	31,234	34,699
Burglary	2,194	5,795	7,989	24,431	64,006	88,437	96,426
Theft and handling stolen goods	20,025	57,554	77,579	50,253	199,587	249,840	327,419
Fraud and forgery	550	7,977	8,527	1,326	24,688	26,014	34,541
Criminal damage	6,082	12,250	18,332	35,804	86,184	121,988	140,320
Drug offences	1,370	13,486	14,856	14,330	86,155	100,485	115,341
Other offences	4,976	27,420	32,396	23,335	159,804	183,139	215,535
Total	55,142	191,985	247,127	218,210	996,802	1,215,012	1,462,139

Table 3.02b: Percentage of arrests of juveniles and adults per offence group, by gender, 2008/09

Offence group	Females			Males			Total
	Juvenile	Adult	Total	Juvenile	Adult	Total	
Violence against the person	32.9	33.8	33.6	23.6	33.1	31.4	31.7
Sexual offences	0.2	0.5	0.4	2.0	2.9	2.7	2.3
Robbery	3.0	0.9	1.4	5.9	1.8	2.6	2.4
Burglary	4.0	3.0	3.2	11.2	6.4	7.3	6.6
Theft and handling stolen goods	36.3	30.0	31.4	23.0	20.0	20.6	22.4
Fraud and forgery	1.0	4.2	3.5	0.6	2.5	2.1	2.4
Criminal damage	11.0	6.4	7.4	16.4	8.6	10.0	9.6
Drug offences	2.5	7.0	6.0	6.6	8.6	8.3	7.9
Other offences	9.0	14.3	13.1	10.7	16.0	15.1	14.7
Total	100						

Note: Columns may not always sum to 100% due to rounding.

- The second most common offence group for which both females and males were arrested in 2008/09 was theft and handling stolen goods (31% of females arrested and 21% of males), followed by other offences (13% of females versus 15% of males), criminal damage (7% of females and 10% of males) and drugs offences (6% of females compared to 8% of males). This is consistent with patterns in arrests for females in 2006/07 and 2007/08; and for males in 2007/08.
- Theft and handling stolen goods was the largest offence group for juvenile females in each of the last five years. Theft and handling stolen goods was also the most common offence group for juvenile males from 2004/05 until 2006/07. In 2007/08 and 2008/09, the number of arrests for violence against the person was slightly higher (in 2008/09, 24% of arrests of juvenile males were for violence against the person and 23% for theft and handling stolen goods).
- In 2008/09, numbers of juveniles, both female and male, arrested for violence against the person were at their lowest for five years (18,147 juvenile females in 2008/09 compared to 19,400 in 2004/05).
- Theft and handling stolen goods was the most common offence for adult females arrested in 2004/05 and 2005/06. In 2006/07, violence against the person became and has remained the most common offence group for this group. Following the peak in 2006/07, the volume of adult females arrested for this offence type has declined, however (from 66,643 in 2007/08 to 64,836 in 2008/09).
- Violence against the person was the most common offence group for adult males in each of the last five years.
- While sexual offences remained the smallest offence group for both juvenile and adult females over the last five years, fraud and forgery was the smallest offence group for juvenile males and robbery for adult males.

Chapter 4 – Women as defendants

This chapter looks at outcomes for defendants²⁵ in the CJS in 2009 and over the last five years. It contains information on the pre-court and court sanctions issued to males and females including the lengths and types of custodial sentences issued. Pre-court data on cautions and Penalty Notices for Disorder (PNDs) are reported centrally by the police. Court data are provided by the magistrates' courts and the Crown Court. Any totals stated represent the total of males and females and exclude figures where the gender is not stated.²⁶ Therefore the totals may differ from those published elsewhere.

While court data are presented for offence groups,²⁷ these each include a range of offences that differ in seriousness and which may impact on the final disposal issued. This makes it difficult to draw conclusions about consistency in sentencing for males and females. To address this as far as possible with the available data, analyses are also presented in this chapter for three specific offence types.

- In 2009, over two million pre-court and court sanctions were issued. In each of the last five years (2005 to 2009), a slightly higher percentage of females (24% of all females dealt with in 2009) than males (21% of all males dealt with in 2009) were issued pre-court sanctions rather than court sanctions.
- In 2009, 77% of females sentenced at court received fines, 10% received community sentences, 2% suspended sentences, and 3% immediate custody. In comparison, 63% of all males dealt with at court received fines, 16% community sentences, 4% suspended sentences and 9% immediate custody. These patterns were broadly consistent in each of the last five years.
- Theft and handling stolen goods was the most common indictable offence group for which both males and females were prosecuted in 2009 (44% of all females were prosecuted for this offence type compared to 28% of males). This was also the most common indictable offence group in each of the last five years.

²⁵ The figures stated are not a measure of individuals as it is possible for an individual to receive more than one sanction in a year.

²⁶ Following the introduction of the Libra case management system during 2008, offenders at Magistrates' courts can now be recorded as sex 'Not Stated'. These figures have been excluded from this report.

²⁷ These include: violence against the person; sexual offences; burglary; robbery; theft and handling stolen goods; fraud and forgery; criminal damage; drug offences; other indictable offences; and summary offences.

- In 2009, a greater percentage of females sentenced for an indictable offence had no previous cautions or convictions than males (16% and 9% respectively).
- In 2009, a lower proportion of women who had a pre-sentence report that recommended immediate custody went on to receive this sentence than men (83% compared with 90% for males). For all other sentence options recommended in pre-sentence reports (Suspended Sentence Order, all community sentences or fines), a higher proportion of males received custodial sentences than females.
- In 2009, the average length of an immediate custodial sentence²⁸ for females, for indictable offences, was 11.0 months compared to 17.0 months for males. These differences in sentence length were also evident in each of the last five years and may be attributable to a range of factors including differences between the offences committed by females and males.

Are there gender differences in the outcomes for defendants within the CJS?

This section explores differences in the disposals received by male and female defendants in the CJS in 2009. It looks separately at those sanctions issued pre-court (PNDs and cautions) and those issued at court, and also considers the criminal histories of defendants and recommendations made in pre-sentence reports. It should be noted that data on pre-court and court sanctions are not strictly comparable with those on arrests presented in the previous chapter due to differences in the time periods covered and because the aggregated offence categories for these sources do not directly compare.

Table 4.01: Numbers of pre-court and court disposals by gender, 2005–2009

	Females			Males		
	Pre-court ⁽¹⁾	Court ⁽²⁾	Total system	Pre-court ⁽¹⁾	Court ⁽²⁾	Total system
2005	109,502	348,612	458,114	335,924	1,532,981	1,868,905
2006	131,704	335,548	467,252	419,467	1,432,630	1,852,097
2007	139,786	345,105	484,891	430,647	1,376,390	1,807,037
2008	123,935	339,507	463,442	380,117	1,264,025	1,644,142
2009	117,105	370,520	487,625	343,933	1,265,144	1,609,077

Note: (1) This includes PNDs and cautions.

(2) This includes those who were prosecuted.

²⁸ Excludes life and indeterminate sentences.

- In 2009, 23% of all disposals (pre-court and court) issued by the CJS were to females (487,625 of the total 2,096,702).
- Overall, the number of disposals (pre-court and court) issued by the CJS decreased by 10% between 2005 and 2009 (from 2,327,019 to 2,096,702).
- In each year since 2005, females have accounted for a slightly higher proportion of pre-court and court disposals than in the previous year (in 2005, women accounted for 20% of all sanctions). This is due to a reduction in the number of males (14% decrease) dealt with over the last five years as well as a slight increase in the number of females (6% rise) receiving pre-court and court disposals.
- In 2009, a slightly higher percentage of females (24% of all females dealt with) than males (21% of all males dealt with) were issued pre-court rather than court sanctions. This has been the case in each of the last five years.

Pre-court sanctions

Pre-court sanctions available to the police are PNDs and cautions. PNDs are used to deal with low-level criminal behaviour, but no criminal conviction or admission of guilt is associated with payment of the penalty. Cautions²⁹ are formal warnings given by senior police officers to a person who admits to having committed a criminal offence which could have led to a prosecution. They cover a wider range of offences than PNDs. Due to the differences in offence categories, it is not possible to produce analyses for all pre-court disposals by offence group. Data for PNDs and cautions have therefore been presented separately.

- Of the 461,038 pre-court sanctions issued in 2009, 25% were issued to females and 75% to males. A similar split was present in each of the last five years (2005 to 2009).
- Of the 117,105 women receiving pre-court sanctions, 36% were issued with a PND and 64% were cautioned. The balance between PNDs and cautions has been narrowing for women in each of the last five years, with the split in 2005 being 26% PNDs compared with 74% cautions.
- Of the 343,933 men receiving pre-court sanctions, 37% were issued a PND and 63% were cautioned. This split has been fairly stable over the past five years.

²⁹ The cautions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been cautioned for two or more offences at the same time, the principal offence is the more serious offence.

Table 4.02: Pre-court sanctions issued to males and females, 2009

	PNDs	Cautions
Females	24.6%	25.8%
Males	75.4%	74.2%
Total (%)	100%	100%
Total (N)	170,393	290,645

- A total of 170,393 PNDs were issued in 2009 (see Table 4.02). Of these, 25% were issued to females (41,999) and the remaining 75% to males (128,394). There was an increase in the proportion of females issued PNDs in each of the last five years (19% issued to females and 81% to males in 2005).
- The number of PNDs issued peaked in 2007 for both females and males.
- In 2009, the most common outcomes³⁰ for PNDs for adult and juvenile females and juvenile males were 'Paid in full within 21 days' and 'Fine registered'. For adult males, there was a slightly higher percentage of 'Fine registered' (41%) than 'Paid in full within 21 days' (39%).
- Retail theft has been the most common reason for females to be issued with a PND since 2005 (55% of PNDs issued to females were for this offence in 2009). In 2005, it was joint top with causing harassment, alarm or distress (both at 32%). The number of PNDs issued for retail theft has more than doubled between 2005 and 2009, from 9,039 to 22,921.
- Causing harassment, alarm or distress was the most common reason for males to be issued a PND in each of the last five years (29% in 2009).
- Females accounted for nearly 26% (75,106) of all those cautioned (290,645) in 2009. Whilst the volume of cautions issued has fluctuated over the last five years, the split between females and males has remained fairly constant.
- As for PNDs, the number of cautions issued peaked in 2007 for both females and males. The recent decreases in these disposals coincided with criminal justice agencies being asked to focus on improving performance in bringing to justice crimes involving serious violent, sexual and acquisitive offences.
- In 2009, summary offences – excluding motoring³¹ accounted for the largest proportion of cautions issued to females and males (41% of all

³⁰ Please refer to the data sources appendix for more details on PND outcomes.

³¹ Often known as petty crimes, summary offences can be tried by magistrates' courts without the right to a trial by jury.

females and 47% of all males receiving a caution respectively). This was followed by the indictable offence³² theft and handling stolen goods for females (35%) and the indictable offence drug offences for males (18%).

- Theft and handling stolen goods has been the most common indictable offence group for which females have been issued a caution in each year since 2005. For men, the most common offence group has changed from violence against the person in 2005 and 2006; to theft and handling stolen goods in 2007; and to drug offences in 2008 and 2009.
- The number of cautions issued for violence against the person has nearly halved for both females and males in the last five years (from 12,964 to 7,131 for females; 38,053 to 20,174 for males).

Remand data

Court remands are the court's decision on whether a defendant charged with a criminal offence should be placed in custody or released on bail during the period up to and including the trial, or awaiting sentence. This section focuses on remands for those defendants sent for trial or sentencing at the Crown Court (more serious offences), and reports figures to the nearest hundred. Numbers may therefore not sum due to rounding.

- In 2009, 13,300 female defendants were tried at the Crown Court. Of these 10,300 were sentenced, 2,700 were acquitted or not proceeded with and 300 failed to appear.
- In 2009, 103,700 male defendants were tried at the Crown Court. Of these 84,100 were sentenced, 17,000 were acquitted or not proceeded with and 2,500 failed to appear.
- In 2009, 80% of females were bailed compared with 62% of males and 20% were remanded in custody compared with 38% of males. The percentage remanded for both males and females is at a five-year low (in 2005, 28% of females were remanded and 43% of males).
- Of those remanded in custody, 66% of females were then sentenced to immediate custody in comparison with 75% of males. In 2005, 55% of females and 68% of males remanded in custody were then sentenced to immediate custody.

Court disposals

Once found guilty in a criminal court of law an individual can receive one of six broad disposals: an absolute/conditional discharge; a fine; a community sentence; a suspended sentence; a sentence to immediate custody; or they are otherwise dealt with.

³² Indictable offences refer to more serious charges where the defendant has the right to trial by jury.

This section focuses on disposals received by all those sentenced at court and by those suspected of committing indictable offences (or more serious offences where the defendant has the right to trial by jury).

- In 2009, 1,360,908 persons were sentenced. While the number of females sentenced increased by just over 11% between 2005 and 2009 (from 282,614 to 314,627), the number of males sentenced decreased by just over 12% across the same period (from 1,190,661 to 1,046,281).
- In 2009, 77% of females sentenced at court received fines, 10% received community sentences, 2% suspended sentences, and 3% immediate custody. In comparison, 63% of all males dealt with at court received fines, 16% community sentences, 4% suspended sentences and 9% immediate custody. These patterns were broadly consistent in each of the last five years.

Table 4.03a: Percentage of disposals issued to those sentenced for indictable offences, by gender, 2009

Disposal	Females	Males	Total
Absolute or conditional discharge	20.1%	11.1%	12.4%
Otherwise dealt with	3.3%	3.5%	3.4%
Fined	13.7%	17.4%	16.9%
Community sentence	37.8%	32.2%	33.1%
Suspended sentence	10.8%	9.3%	9.6%
Immediate custody	14.3%	26.5%	24.6%
Total (%)	100%	100%	100%
Total (N)	48,844	275,827	324,671

Table 4.03b: Percentage of disposals issued to those sentenced for summary offences (excluding motoring), by gender, 2009

Disposal	Females	Males	Total
Absolute or conditional discharge	6.1%	10.3%	8.9%
Otherwise dealt with	0.8%	2.4%	1.8%
Fined	85.2%	63.2%	70.8%
Community sentence	6.7%	17.5%	13.7%
Suspended sentence	0.6%	2.5%	1.8%
Immediate custody	0.6%	4.2%	3.0%
Total (%)	100%	100%	100%
Total (N)	168,755	321,490	490,245

Table 4.03c: Percentage of disposals issued to those sentenced for summary motoring, by gender, 2009

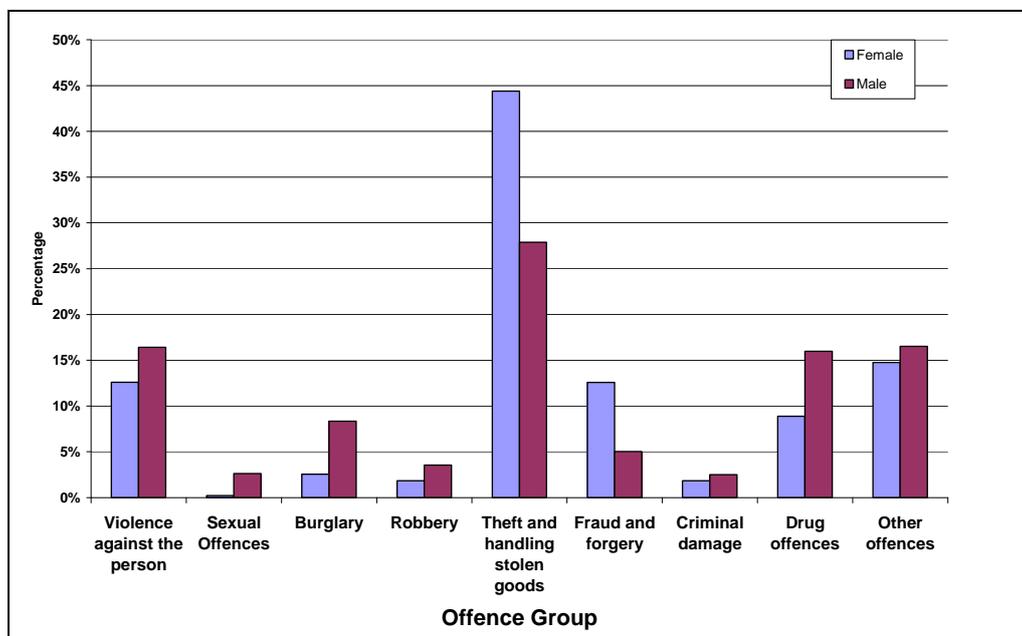
Disposal	Females	Males	Total
Absolute or conditional discharge	1.3%	1.5%	1.4%
Otherwise dealt with	1.1%	1.0%	1.0%
Fined	94.2%	91.5%	92.0%
Community sentence	2.7%	3.9%	3.7%
Suspended sentenced	0.5%	1.0%	0.9%
Immediate custody	0.2%	1.1%	1.0%
Total (%)	100%	100%	100%
Total (N)	97,028	448,964	545,992

Table 4.03d: Percentage of disposals issued to those sentenced for all offences, by gender, 2009

Disposal	Females	Males	Total
Absolute or conditional discharge	6.8%	6.7%	6.7%
Otherwise dealt with	1.3%	2.1%	1.9%
Fined	76.9%	63.3%	66.4%
Community sentence	10.3%	15.5%	14.3%
Suspended sentence	2.1%	3.7%	3.3%
Immediate custody	2.6%	8.8%	7.3%
Total (%)	100%	100%	100%
Total (N)	314,627	1,046,281	1,360,908

- As shown in Figure 4.01, theft and handling stolen goods was the most common indictable offence group for which both males and females were prosecuted in 2009 (44% of all females were prosecuted for this offence type compared to 28% of males). This was also the most common indictable offence group in each of the last five years.

Figure 4.01: Percentage of persons proceeded against, by offence group and gender, 2009



- For all indictable offences in 2009, a lower percentage of females received a fine (14% compared with 17%) and a lower percentage of females were sentenced to immediate custody (14% compared with 26%) than males, but a higher percentage of females received community sentences (38% compared with 32%), and suspended sentences (11% compared with 9%). These patterns were broadly consistent with trends for the last five years.
- These patterns for indictable offences were also reflected for each of the following offence groups: violence against the person; burglary; theft and handling stolen goods; fraud and forgery; drug offences; and criminal damage.

Specific offence type analysis

Seriousness is a major consideration in the decision making process for sentencing and, therefore, differential outcomes within an offence group for males and females may be driven by the specific types of offence that have been tried. For example, within the violence against the person offence category, there were 376 sentences for murder. Of these, 356 (95%) sentences were issued to males and only 20 (5%) to females.

To partially account for differences in the seriousness of offences, the following analysis looks at sanctions issued to males and females for three specific offences: shoplifting; assault occasioning actual bodily harm (ABH); and possession of a Class A drug.

Shoplifting

- Of the 72,313 disposals issued to those sentenced for shoplifting, 19,068 (26%) were issued to females and 53,245 (74%) to males.
- In 2009, nearly one in five of all males (18%) sentenced for shoplifting received immediate custody compared to one in nine (11%) of all females sentenced for shoplifting.
- A greater proportion of females than males were sentenced to absolute or conditional discharge (30% compared with 23%) and community sentences (38% compared with 32%) for this offence.
- These patterns were evident in each of the last five years (2005 to 2009).

Table 4.04a: Percentage of disposals issued to those sentenced for shoplifting, by gender, 2009

Disposal	Females	Males	Total
Absolute or conditional discharge	29.8%	23.3%	25.0%
Fine	13.8%	17.3%	16.4%
Community sentence	37.5%	32.0%	33.4%
Suspended sentence	4.9%	4.8%	4.8%
Immediate custody	11.0%	18.3%	16.4%
Otherwise dealt with	3.0%	4.3%	3.9%
Total (%)	100%	100%	100%
Total (N)	19,068	53,245	72,313

Actual bodily harm (ABH)

- Of the 15,678 disposals issued to those sentenced for ABH, 2,002 (13%) were issued to females and 13,676 (87%) to males.
- In 2009, 60% of all females sentenced for ABH were given a community sentence compared to 38% of males.
- A substantial difference was also seen in the percentage of males and females given immediate custody for ABH (31% of all males sentenced for ABH compared with 12% of females).
- The differences in sentencing of males and females for ABH were also reflected in data for 2005–2008.

Table 4.04b: Percentage of disposals issued to those sentenced for *ABH*, by gender, 2009

Disposal	Females	Males	Total
Absolute or conditional discharge	4.1%	1.7%	2.0%
Fine	0.5%	1.5%	1.4%
Community sentence	59.6%	38.3%	41.0%
Suspended sentence	20.8%	25.6%	25.0%
Immediate custody	11.9%	30.9%	28.5%
Otherwise dealt with	3.0%	2.0%	2.1%
Total (%)	100%	100%	100%
Total (N)	2,002	13,676	15,678

Possession of Class A drugs

- Of the 13,607 disposals issued to those sentenced for Possession of a Class A drug, 1,430 (11%) were issued to females and 12,177 (89%) to males.
- There were minimal differences in the percentage of males and females given immediate custody for possession of a Class A drug. There was less than one percentage point difference in 2009 (6% males compared to 5% females); and similar differences in each year since 2005.
- The greatest difference in disposals was for fines, accounting for 45% of sentences to males for possession of a Class A drug and 30% of sentences to females. This difference was evident in each of the last five years.

Table 4.04c: Percentage of disposals issued to those sentenced for *possession of a Class A drug*, by gender, 2009

Disposal	Females	Males	Total
Absolute or conditional discharge	23.6%	12.6%	13.7%
Fine	30.0%	44.7%	43.1%
Community sentence	31.7%	30.1%	30.3%
Suspended sentence	2.8%	2.7%	2.7%
Immediate custody	5.2%	5.7%	5.7%
Otherwise dealt with	6.7%	4.3%	4.6%
Total (%)	100%	100%	100%
Total (N)	1,430	12,177	13,607

Previous criminal histories

Criminal history figures³³ are counts of separate previous occasions when offenders received a reprimand, final warning, caution or conviction. These data provide information on the offending backgrounds of those sentenced, which may also influence the sentence imposed. The percentages presented below were based on data for 46,754 females and 275,691 males extracted from the Police National Computer.

- In 2009, a greater percentage of females sentenced for an indictable offence had no previous cautions or convictions than males (16% compared with 9%). This was consistent in each of the last five years.
- In contrast, a greater percentage of males sentenced for an indictable offence had 15 or more previous convictions or cautions (29% compared with 21%), as was the case in each of the last five years.
- Of sentenced first-time offenders (7,320 females and 25,936 males), a greater percentage of males were sentenced to immediate custody than females (29% compared with 17%), which has been the case in each year since 2005.

Pre-sentence reports

Pre-sentence reports (PSRs) provide information to the court about the offender and offence(s) committed and assist the court in deciding on a suitable sentence. This section looks at the concordance between recommendations made in pre-sentence reports and sentences issued at court, and whether this differs between males and females.

- In 2009, a lower proportion of females who had a PSR recommending immediate custody went on to receive this sentence than males (83% compared with 90% for males).
- A higher percentage of recommended Suspended Sentence Orders (61% compared with 52%) and community sentences (75% compared with 69%) were issued to females than to males.
- For all other sentence options recommended in the PSR (Suspended Sentence Order; all community sentences; or fine), a higher proportion of males received custodial sentences than females.

³³ The figures for the previous criminal history of sentenced offenders presented in this chapter have been taken from the Ministry of Justice's extract from the Police National Computer (PNC), the operational database used by all police forces in England and Wales. The PNC covers 'recordable' offences, which are defined as offences that can attract a custodial sentence plus some additional offences defined in legislation. Some non-recordable offences are also included on the PNC, particularly when they accompany recordable offences in the same case. A range of less serious summary offences are not recorded on the PNC.

Table 4.05: Concordance between sentences proposed and given where a PSR was written, by gender, 2009

Sentence given	Sentenced proposed									
	Immediate custodial sentences		Suspended Sentence Order		Community sentences ⁽¹⁾		Fine		All	
	F	M	F	M	F	M	F	M	F	M
Custody	83%	90%	23%	35%	6%	12%	2%	3%	11%	22%
Suspended Sentence Order	7%	5%	61%	52%	16%	17%	3%	5%	20%	19%
Community sentences	4%	3%	13%	11%	75%	69%	20%	19%	64%	55%
Fine	1%	0%	0%	0%	1%	1%	65%	65%	2%	2%
Absolute/conditional discharge	1%	0%	0%	0%	1%	1%	8%	5%	1%	1%
Other	4%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Total %	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Total N	1,042	14,867	2,839	18,352	21,149	119,947	464	2,635	25,494	155,801

(1) Includes all pre-CJA community sentences.

How do sentence lengths and types compare for men and women sentenced to immediate custody?

This section compares the lengths and types of custodial sentences issued to men and women who have been found guilty of a criminal offence. Any observed disparities in sentence length between females and males could be related to a range of factors including differences in the specific offence type.

Custodial sentence lengths

- Data for 2009 show that, as sentence length³⁴ increased, females accounted for a reduced percentage of those sentenced to immediate custody. Females accounted for 10% of all those sentenced for less than six months and 4% of all those sentenced for over four years. Males accounted for 90% of all those sentenced for less than six months and 96% of all those sentenced for over four years.
- In 2009, the average custodial sentence length (ACSL)³⁵ for females, for indictable offences, was 11.0 months compared to 17.0 months for males.

³⁴ As measured by the four bandings: up to six months; over six months up to one year; over one year up to four years; and over four years

³⁵ Excludes life and indeterminate sentences.

These differences in ACSL between males and females were also evident in each of the last five years.

- Although ACSLs for females were shorter than those for males, it should be borne in mind that, traditionally, offenders completing a custodial sentence of less than 12 months have not received specific statutory support upon release, which may have implications for these individuals.
- The ACSL for males in 2009 was the highest in the last five years and, for females, the highest since 2005 (when it stood at 11.2 months).

Table 4.06: Custody length for females and males found guilty of a criminal offence, 2009

Custody length	Females	Males	Total
Up to 6 months	5,442	51,588	57,030
Over 6 months up to 1 year	992	12,015	13,007
Over 1 year up to 4 years	1,367	21,785	23,152
Over 4 years	297	6,374	6,671
Total	8,098	91,762	99,860

- The greatest differences in ACSL by offence group were for sexual offences and robbery where, in 2009, males received 49.0 months and 34.1 months respectively and females received 30.6 months and 25.5 months respectively.
- The only offence group where females have consistently received a higher ACSL than males, in the last five years, was criminal damage (20.3 months compared with 18.8 in 2009).

Sentence types

This section looks at those individuals given immediate custody for indictable offences. There are a range of sentence types that they can receive including: S90–92 Powers of Criminal Courts (Sentencing) Act (PCC(S)) 2000; detention and training order; young offender institution; and unsuspended imprisonment.

In 2009, the type of sentence received for an indictable offence was related to age and did not appear to differ by gender.

- Almost all (99%) females and males aged 10–17 received either S90–92 PCC(S) Act 2000 or detention and training order.
- The majority of females (99%) and males (98%) aged 18–20 were sentenced to a young offender institution
- All females and males aged 21 or over received unsuspended imprisonment.

Chapter 5 – Women as offenders: under supervision or in custody

This chapter looks at whether there are gender differences in the way that individuals are treated within the CJS, and how these individuals behave (both in terms of their compliance and safety in custody). It draws upon the Ministry of Justice publications, *Offender Management Caseload Statistics 2009*, *Safety in Custody Statistics 2009*, and the *Reoffending of Adults Cohort 2008*. Data in this chapter on community sentences refer to individuals already undertaking probation supervision, rather than individuals being sentenced (as discussed in Chapter 4). The commentary concentrates on where there are meaningful differences between women's and men's experiences of the CJS. These differences may be attributable to a range of factors, including differences in the type or seriousness of the offences originally committed. Further data are available in the supplementary tables for Chapter 5.

The key findings were as follows:

- The average length of all community sentences for men was longer than for women, reflecting the fact that women had higher proportions being supervised for shorter periods. In 2009, nearly 10% of women had a community order of under a year, whereas for men the corresponding proportion was over 5%.
- Women were more often assigned to Probation Tiers 1 and 2 of the Offender Management Tiering framework (just over 64% of women were assigned to the lower tiers compared to 50% of men),³⁶ suggesting that a greater proportion of women were considered as being at lower risk of harm or reoffending.
- Overall, there was a 5% decrease in the number of first receptions into prison between 2008 and 2009. Women's prison receptions decreased by 9% between 2008 and 2009; men's receptions decreased by 5%.
- In 2009, newly received women in custody were serving proportionately shorter sentences than newly received men in custody. Forty-eight per cent of men were serving sentences lasting longer than six months compared to 38% of women.
- In 2009, the total prison population (including foreign nationals) in England and Wales stood at 81,831. Women made up 4,221 of this total (5%) and men made up 77,610 (95%).

³⁶ Data where the probation tier was unknown were excluded.

- In 2009, a higher proportion of foreign national women were in prison for drug offences (48%) and fraud and forgery (24%) than British national women. The offence profile for foreign national women had also changed over time. The proportion of foreign national women in prison for drug offences decreased between 2005 and 2009 (from 68% to 48%), while those in prison for fraud and forgery increased over the same period (from 11% to 24%, with a peak of 28% in 2008).
- The frequency of reoffending rate is a measure of the number of offences committed by a cohort of offenders in a one-year follow-up period. While the frequency of reoffending rate for men increased by 4% (from 149.9 to 156.2 offences per 100 offenders) between 2007 and 2008, that for women increased by 16% (from 129.4 to 150.5 offences per 100 offenders).
- Adjudications (the rate of punishment for disciplinary offences in prison) in 2009 were higher for women (150 adjudications per 100 prisoners) than for men (124 adjudications per 100 prisoners). However, trend data indicate that the 2009 rate for both female and male prisoners represented a five-year low.
- Between 2005 and 2009, incidents of self-harm for men per 1,000 prisoners increased by 17% (from 150 to 175 incidents per 1,000), while those for women decreased by 17% (from 2,950 to 2,450 incidents per 1000). However, more than one-third of female prisoners (37%) self-harmed in 2009, compared with 7% of male prisoners.
- As in previous years, men accounted for the majority of self-inflicted deaths in custody in 2009 (57 of the total 60 recorded in 2009).

What experiences do men and women have within the CJS?

This section examines women's and men's experiences as offenders under probation supervision or in prison. It provides comparative details of women and men commencing community sentences drawn from the *Offender Management Caseload Statistics*. Sentences served in the community can comprise either community orders (CO) or Suspended Sentence Orders (SSO) and are supervised by the Probation Service.

Community sentences³⁷

- In 2009, a total of 21,150 women and 119,946 men were under supervision as a result of a community order or Suspended Sentence Order.
- Men and women commencing these community sentences in 2009 had different age profiles, with proportionately more (56%) men under the age of 30, and proportionately more (53%) women over the age of 30 commencing both types of community sentence. This pattern has been reflected in data on community sentences in each of the last five years.
- In 2009, nearly 64% of all community orders were for a year's duration; the majority of Suspended Sentence Orders were for two years (nearly 65%).

Table 5.01: Persons supervised by Probation Service under community orders and Suspended Sentence Orders by length of order and gender, 2005–2009³⁸

	2005	2006	2007	2008	2009
Males					
under 1 year	5.2%	3.6%	3.4%	3.7%	3.9%
1 year	58.3%	54.1%	51.5%	53.2%	54.1%
2 years ⁽¹⁾	28.9%	38.4%	41.5%	40.5%	39.4%
3 years ⁽¹⁾	7.6%	3.8%	3.5%	2.7%	2.6%
Total	45,083	105,350	124,043	123,825	119,946
Females					
under 1 year	9.8%	6.5%	6.0%	6.8%	7.0%
1 year	59.9%	56.5%	54.1%	55.0%	56.8%
2 years ⁽¹⁾	25.1%	34.2%	37.9%	37.1%	35.3%
3 years ⁽¹⁾	5.1%	2.7%	1.9%	1.1%	0.9%
Total	7,146	16,909	20,727	21,305	21,150

(1) Includes a small number of orders for less than the full number of years.

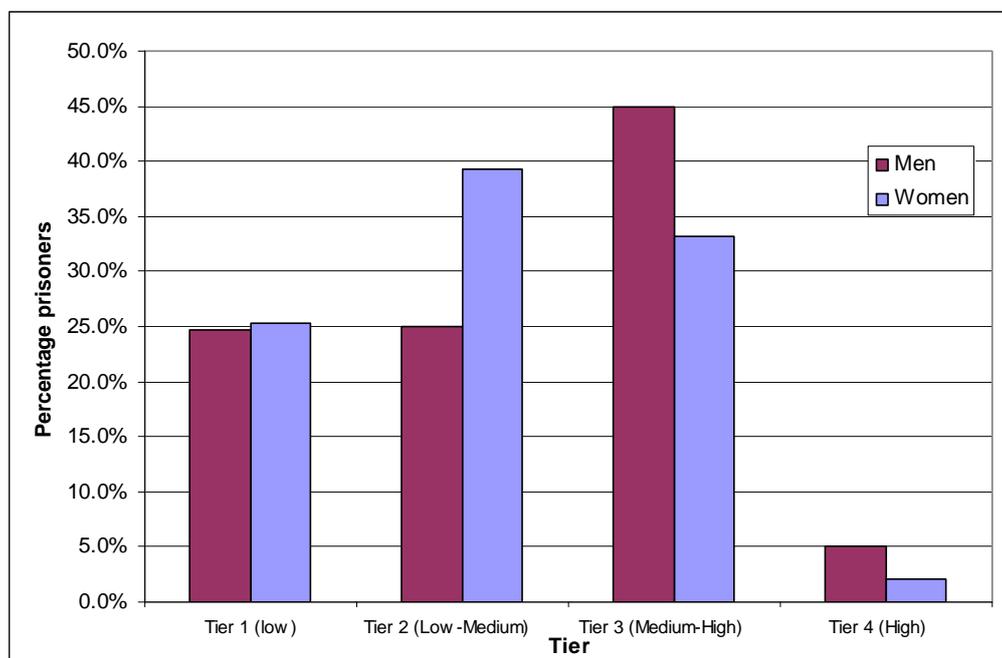
³⁷ Most of these are either: 1) *Community orders* – introduced as a single community sentence by the Criminal Justice Act 2003, which must contain at least one of 12 possible requirements (such as unpaid work, curfew, or drug rehabilitation); or 2) *Suspended Sentence Orders* – enable a court passing a custodial sentence of less than 12 months to suspend that sentence for a period of between six months and two years, while ordering the offender to undertake certain requirements in the community (drawn from the same list as those available for the community order).

³⁸ As at 31 December.

- The average length of all community sentences for men was longer than for women, reflecting the fact that women had higher proportions being supervised for shorter periods (see Table 5.01). In 2009, nearly 10% of women had a community order of under a year, whereas for men the corresponding proportion was over 5%. Trend data indicate that these differences between lengths of community sentences for men and women have been present since 2005.
- However, this pattern masks changes in sentence lengths for community orders and Suspended Sentence Orders over the last five years. For the latter category of community sentence, larger proportions of both males and females have received sentences longer than two years since 2006 (over 60% for both males and females since 2007 and over 50% since 2006); in 2005, a larger proportion of females receiving Suspended Sentence Orders had sentence lengths of less than two years (54% of women compared to 50% of men).
- Differences between men and women supervised by the Probation Service at the end of 2009 can also be noted. For women receiving a community order, the largest proportion had one requirement (46%), whereas the largest proportion of men had two requirements (41%). For Suspended Sentence Orders, over 40% of both sexes had two requirements.
- The Offender Management Tiering framework is a way of categorising offenders according to their risk of serious harm and likelihood of reoffending. It indicates the level of intervention required with offenders. Tier 1 represents the lowest level of intervention and Tier 4 the highest. In 2009, there were differences in the probation tiers to which men and women were assigned (see Figure 5.01). Women were more often assigned to Tiers 1 and 2, while men were more often assigned to Tiers 3 and 4 (just over 64% of women were assigned to the lower tiers compared to 50% of men).³⁹

³⁹ Data where the probation tier was unknown were excluded.

Figure 5.01: Proportionate probation tiers for men and women, 2009⁴⁰



Custody

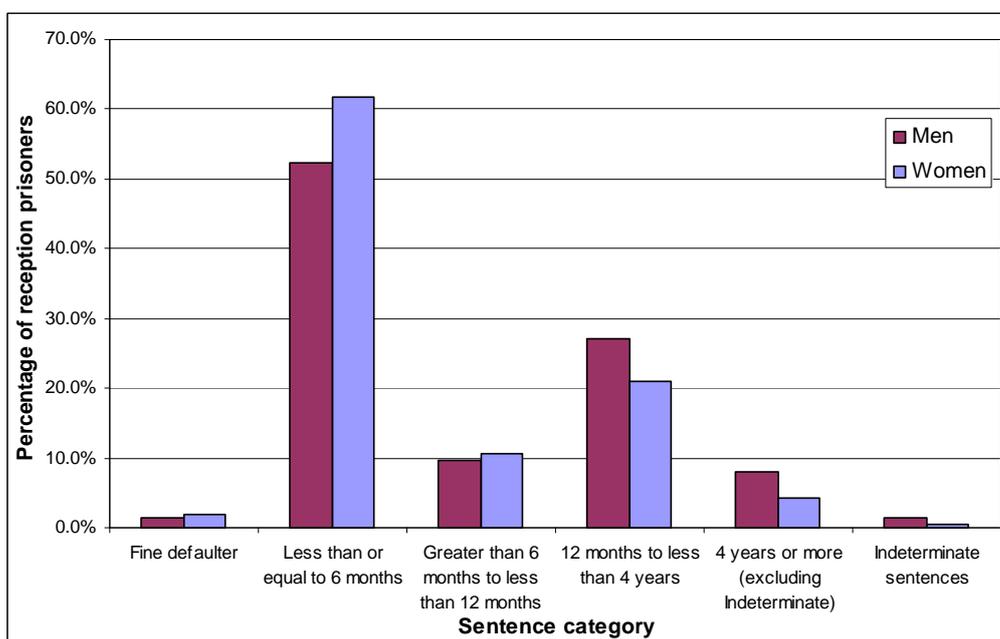
This section looks at two sets of figures relating to the population in custody: first receptions and prison population. First receptions provide an indication of the number of new prisoners in a given time period. A person received into prison to serve a sentence may previously have been received on remand after conviction prior to sentence and before that as a remand prisoner awaiting trial. First receptions will count that prisoner only once in the relevant time period in which they were first received. In contrast, the total prison population is comprised of and affected by new receptions, those prisoners on longer sentences, and the discharge rate.

- Women constituted around one-tenth (9%) of receptions into prisons between 2005 and 2009. Data from 2005–2009 show that, in the last five years, the number of men’s receptions increased by 4% (from 82,390 to 85,577), and women’s receptions increased by less than 0.5% (from 8,024 to 8,044).
- Between 2008 and 2009, there was a 5% decrease in the number of first receptions into prisons. While women’s receptions decreased overall by 9%, men’s decreased by 5% during this period.
- The decrease in the number of men and women entering prisons in 2009 was attributable to reductions both in the number of individuals entering prisons as a result of being remanded, and receiving custodial sentences. However, the decrease for those receiving custodial sentences was not

⁴⁰ As at 31 December.

equal across all sentence lengths. For women, the greatest reductions in 2009 were in indeterminate sentences (which decreased by 40%; 65 down to 39) and sentences of less than six months (which decreased by 12%). For men, the greatest reductions were in indeterminate sentences (which decreased by 29%; 1,787 down to 1,276) and fine defaulters (which decreased by 13%).

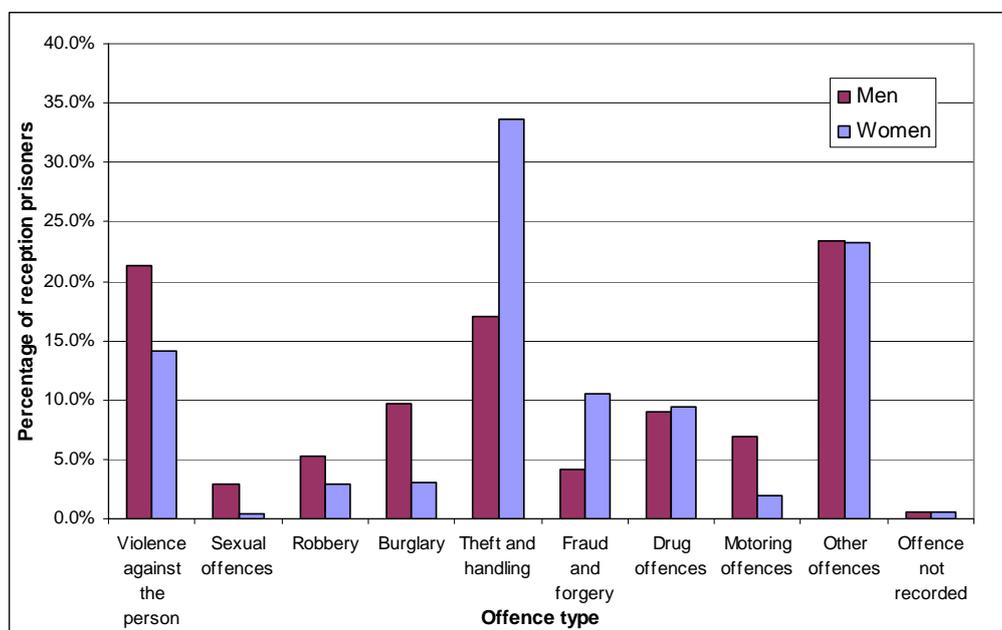
Figure 5.02: Percentage of reception prisoners (men and women) under sentence, by sentence length, 2009⁴¹



- In 2009, over 62% of sentences being served by newly received women (reception prisoners) were for less than or equal to six months compared to 52% for men. This represents a decrease on the previous year, when 64% of sentences being served by newly received women were for less than or equal to six months. These proportions have remained broadly stable since 2005. The proportion of men receiving this sentence has decreased over this period (from 55% in 2005 to 52% in 2009).
- Data on receptions by offence type showed that the largest single offence group for women was theft and handling stolen goods (34%). For men, the largest single offence group was other offences (23%). As shown in Figure 5.03, a larger proportion of female receptions were for theft and handling stolen goods (34% compared to 17% for men) and fraud and forgery (11% for women and 4% for men). This pattern has remained the same since 2005.

⁴¹ The number of receptions within each sentence length band in 2009 has been estimated using data from January to June 2009 – see Appendix B for details.

Figure 5.03: Percentage of male and female receptions (immediate custodial sentence) by offence type, 2009⁴²



- In 2009, the total prison population (including foreign nationals) in England and Wales stood at 81,831. Women made up 4,221 of this total (5%), and men made up 77,610 (95%).
- In 2009, the total prison population under *immediate custodial sentence* (i.e. excluding prisoners on remand) stood at 68,375. Women made up 3,382 (5%) of this total, while men made up 64,993 (95%). While the male prison population has grown year on year since 2005 (by 11% overall), the female population decreased over this period (by 2%). This follows a steady increase in the female prison population between 1999 and 2004 (42% over this period) (see Table 5.02).

Table 5.02: Population in prison establishments⁴³ under sentence by sex, 2005–2009

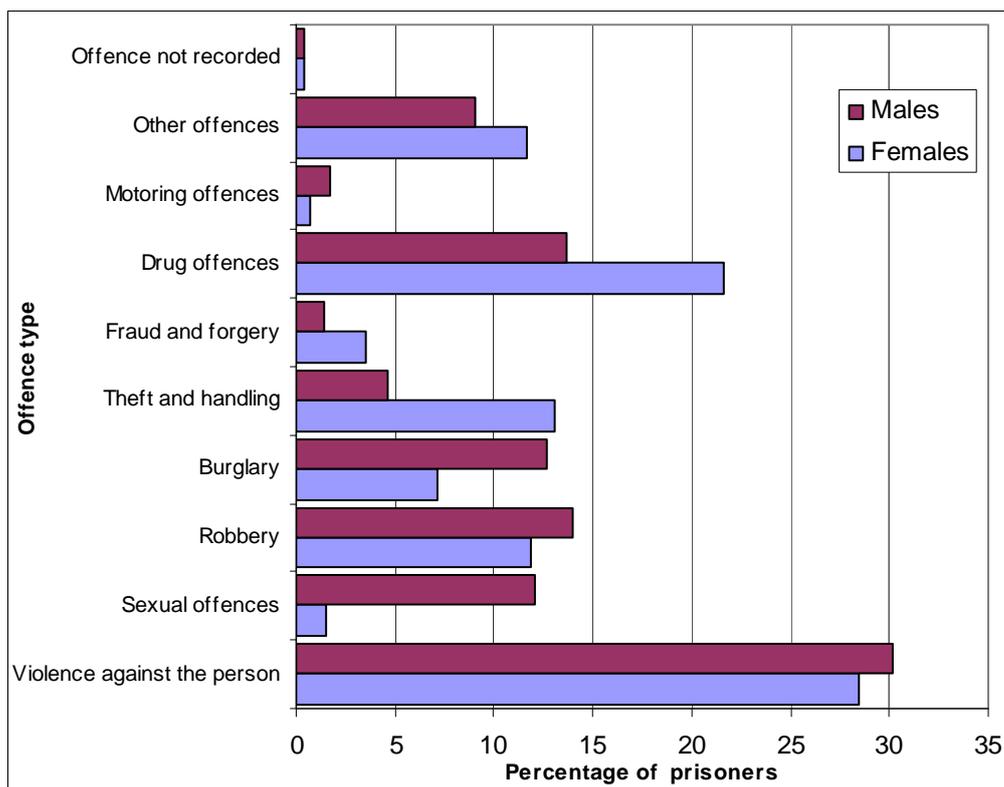
	2005	2006	2007	2008	2009
Females	3,476	3,506	3,345	3,524	3,382
Males	58,703	59,898	62,188	64,600	64,993
Total	62,179	63,404	65,533	68,124	68,375

⁴² The number of receptions within each sentence length band in 2009 has been estimated using data from January to June 2009 – see Appendix B for details.

⁴³ Excludes police cells.

- There was a slightly higher proportion of women in the foreign national prison population (which stood at 7,502 in 2009) sentenced to immediate custody, compared with the British national prison population. Women made up 618 (8%) of the total, while men made up 6,884 (92%).
- There were differences between the offence profiles of British male and female prisoners. In 2009, violence against the person was the most prevalent offence type for both sexes (with more than 28% of women and 30% of men in prison for this offence). However, the rest of the offence mix differed, with more women in prison for theft and handling (13% versus 5% for men), and more men in prison for sexual offences (12% versus less than 2% for women) (see Figure 5.04).

Figure 5.04: British male and female prisoners by offence type, 30 June 2009



- In 2009, there were larger differences between British national and foreign national women in prison than between British men and women. A higher proportion of foreign national women were in prison for drug offences (48%) and fraud and forgery (24%) than British national women.
- The offence profile for foreign national women in British prisons has changed over time. The proportion in prison for drug offences decreased between 2005 and 2009 (from 68% to 48%), while those in prison for fraud and forgery increased (11% in 2005 and 24% in 2009, with a peak of 28%

in 2008). Drug offences also decreased over this period as a proportion of offences for British national women (from 28% to 22%), while the contribution of fraud and forgery remained relatively stable (at around 3%).

- In 2009, foreign national women comprised a much smaller proportion of the total female prison population than British national women (18% compared to 82%). However, there were one and a half times as many foreign national women in prison for fraud and forgery than British national women (149 compared with 96).

Home Detention Curfew

Home Detention Curfew (HDC) refers to those prisoners serving sentences between three months and less than four years who spend up to the last two months of the custodial part of their sentence on an electronically monitored curfew, out of custody.

- In 2009, 11,534 prisoners were released on HDC. Of these, 1,370 were women (12%) and 10,164 were men (88%).
- Of those eligible for HDC, larger proportions of women than men have been released under the scheme in each of the last five years, although the proportions of both men and women released under HDC have decreased over time (see Table 5.03).

Table 5.03: Number of female and male prisoners released on HDC and proportion eligible for HDC who were released on HDC, 2005–2009

	2005	2006	2007	2008	2009
Females released on HDC	1,904	1,544	1,320	1,482	1,370
Percentage of females eligible for HDC who were released	44%	35%	30%	31%	31%
Males released on HDC	15,392	12,122	10,108	10,239	10,164
Percentage of males eligible for HDC who were released	31%	25%	20%	19%	21%

How do women respond to the CJS in terms of their behaviour?

This section looks at the behaviour of women and men who are under supervision or in custody. It examines information relating to releases and recalls to custody using data from the Public Protection Unit Database, reconviction rates using data from the *Reoffending of Adults Cohort 2008*, prison adjudications using data from the *Offender Management Caseload Statistics*, and self-harm using data from the *Safety in Custody* statistics bulletin.

Reoffending

Frequency of reoffending is the number of offences the cohort committed during the one-year follow up period which resulted in a conviction at court. The actual frequency rate is produced by calculating the number of proven offences per 100 offenders in the cohort. The analysis reported here concentrates on women and men released from custody or commencing a court order⁴⁴ in the first quarters of 2007 and 2008.

- In 2008, there were 7,069 women and 46,649 men in the reoffending cohort. The lower numbers of female offenders compared to male offenders has been consistent since the first reoffending cohort in 2000.
- In 2008, women had a lower frequency of reoffending rate than men per 100 offenders (150.5 compared to 156.2). These figures represent an increase on 2007 rates for both men and women. While rates for men increased by 4% (from 149.9 per 100 offenders), those for women increased by 16% (from 129.4 per 100 offenders).
- However, when looking at those offenders who actually commit a reoffence, female reoffenders were more prolific than male offenders, with females committing 422.6 offences per 100 offenders and males committing 383.1 offences per 100 offenders.

Outcomes of community sentences⁴⁵

- Broadly speaking, the outcome of a community sentence can be positive (with the order running its full course or terminating early for good progress) or negative (with the offender failing to comply with requirements of the order or being convicted of a further offence). The available data showed that women tend to do better than men, with greater proportions of positive outcomes for both community orders (67% versus 63%) and Suspended Sentence Orders (73% versus 63%). In addition, fewer women failed to comply with requirements or were convicted of another offence while serving community orders (23% versus 27% for men) and Suspended Sentence Orders (20% versus 30% for men).
- A greater proportion of women on community sentences received one requirement (45%) than men (35%). Data on terminations of community sentences by the number of requirements imposed showed that, for both types of community sentence, the largest proportions of both men and women breached their requirements or otherwise failed to comply⁴⁶ with their sentence when they had two requirements.

⁴⁴ Sentences under probation supervision excluding fines.

⁴⁵ As at 31 December 2009.

⁴⁶ Other reasons for termination include: expired (normal); completed (early good progress); revoked (further offence); revoked (on application); terminated (death); and terminated (other reasons).

Discipline in prison establishments

Figures on discipline in prison establishments for 2009 were estimated using data from January to June 2009 due to a change in administrative data systems (see Appendix B for further information). These estimates suggested the following:

- In 2009, the rate of punishment in prison establishments was higher for women (150 adjudications per 100 prisoners) than for men (124 adjudications per 100 prisoners). This was also the case in each of the last five years. However, trend data indicate that the 2009 rate for both female and male prisoners represented a five-year low.
- In 2009, the largest disciplinary offence category that both women and men were punished for (69 and 47 adjudications per 100 prisoners respectively) was disobedience or disrespect (see Table 5.04). This was also the largest offence category in each of the four preceding years (2005–2008).

Table 5.04: Offences punished per 100 population in prison establishments by type of offence and gender, 2005–2009⁴⁷

	2005	2006	2007	2008	2009
Males					
All offences	143	131	133	133	124
Violence	23	22	22	22	21
Escapes or absconds	0	0	0	0	0
Disobedience or disrespect	61	53	54	52	47
Wilful damage	10	10	9	10	10
Unauthorised transactions/possessions	36	34	36	37	35
Other offences	13	12	12	12	11
Females					
All offences	193	204	189	180	150
Violence	33	33	30	31	24
Escapes or absconds	0	0	0	0	0
Disobedience or disrespect	86	99	93	83	69
Wilful damage	14	12	13	14	12
Unauthorised transactions/possessions	34	35	31	34	29
Other offences	25	25	22	19	16

⁴⁷ The number of offences within each offence group in 2009 has been estimated using data from January to June 2009. Please refer to Appendix B for detail on the estimation methodology.

- As in previous years, the rate of women prisoners being punished for violence was higher than for men (24 adjudications compared to 21 adjudications per 100 prisoners).
- While the overall rate of women prisoners being punished was higher than for men, for one offence – unauthorised transactions/possessions – men were disciplined at a higher rate (35 adjudications per 100 prisoners compared to 29 adjudications for women).

Safety in custody

- In 2009, there were a total of 24,114 incidents of self-harm⁴⁸ in prisons, with 6,977 prisoners recorded as having self-harmed. Of these, 5,403 (77%) involved men and 1,574 (23%) involved women. Women also accounted for around one-quarter of all those self-harming in prison in each year between 2005 and 2008.
- Between 2005 and 2009, incidents of self-harm for men per 1,000 prisoners increased by 17% (from 150 to 175 incidents per 1,000), while those for women decreased by 17% (from 2,950 to 2,450 incidents per 1000).
- Overall, more than one-third (37%) of all female prisoners self-harmed in 2009, compared with 7% of all male prisoners.
- In 2009, there were 60 self-inflicted deaths in prison custody comprised of 57 deaths of male prisoners, and three deaths of female prisoners. Males also accounted for the majority of deaths in prison custody in each year between 2005 and 2008. Due to the very small numbers, these figures cannot be taken as a good indicator of underlying trends and therefore percentage changes have not been presented.

⁴⁸ Self-harm in prison custody is defined as, “any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury”. In the community, self-harm is common but often covert. In prisons, such incidents are more likely to be detected and counted.

Chapter 6 – Women as practitioners in the Criminal Justice System

This chapter reports on the gender of practitioners, employees, or volunteers in the Criminal Justice System (CJS) and how this has changed over time.

A five-year trend analysis has been undertaken for the police, the National Offender Management Service (NOMS), and the Magistracy. However, due to changes to the classification or recording of staffing grades, this has not been possible for other criminal justice agencies⁴⁹ where a comparison with the previous year only is made.

The key findings are as follows.

- Women's representation in CJS agencies varied substantially across different organisations – women represented 66% of Crown Prosecution Service (CPS) staff as at 31 March 2010, and 26% of police officers. The Magistracy comprised approximately equal numbers of men and women.
- Women were less well represented in senior positions in CJS agencies than overall. Women represented 66% of CPS staff overall, and 37% of CPS Senior Civil Servants; women accounted for 26% of total police officers, and comprised 13% of senior police officers; 42% of Senior Civil Servants at the Ministry of Justice were women compared to 68% of all staff.

How many women were working in CJS agencies and at senior level posts in 2009/10?

Police

- Women represented 26% of the 143,734 police officers in post (based on full-time equivalent posts) in 2009/10. This is a 0.6 percentage point rise on the previous year.
- Five-year trend analysis shows that the proportion of female police officers in post had increased year on year since 2005/06 (see Table 6.01).

⁴⁹ These are: CPS staff, solicitors and barristers, the Judiciary, Probation Service staff, Parole Board staff, Victim Support staff, Youth Offending Team members, MoJ HQ and Non-Departmental Public Bodies and Serious Fraud Office staff.

Table 6.01: Percentage of police officers in post (full-time equivalents) by gender, as at 31 March 2005/06–2009/10

	2005/06	2006/07	2007/08	2008/09	2009/10
Females	22.3	23.3	24.2	25.1	25.7
Males	77.7	76.7	75.8	74.9	74.3
Total	141,523	141,892	141,859	143,770	143,734

- There have been increases over a five-year period in the proportion of women employed as senior police officers: 9% of Superintendent and above grades at 31 March 2005 were women. By 31 March 2010, the proportion had risen to 13% (see Table 6.02).

Table 6.02: Percentage of senior police officers in post (full-time equivalents) by gender, as at 31 March 2005/06–2009/10

	2005/06	2006/07	2007/08	2008/09	2009/10
Females	9.3	10.1	11.1	12.0	13.0
Males	90.7	89.9	88.9	88.0	87.0
Total	1,689	1,662	1,699	1,713	1,725

Magistrates

- Women represented 51% of the 28,607 magistrates in 2009/10. This was a 0.2 percentage point increase on the previous year, although overall numbers had decreased, reflecting the reduction in the size of the magistracy as a whole.
- Five-year trend analysis shows that the proportion of females in the magistracy increased by approximately one percentage point from 2005/06 to 2009/10 from 14,346 to 14,540 (see Table 6.03).

Table 6.03: Percentage of magistrates by gender, as at 31 March 2005/06–2009/10

	2005/06	2006/07	2007/08	2008/09	2009/10
Females	49.7	49.7	50.1	50.6	50.8
Males	50.3	50.3	49.9	49.4	49.2
Total	28,865	29,816	29,419	29,270	28,607

Ministry of Justice HQ

- At 31 March 2010, there were 27,928 (this figure is headcount and includes On and Off Strength) staff in MoJ (excluding NOMS staff); 68%

(19,070) of these were women. In 2010, 42% of the 204 Senior Civil Servants within MoJ (excluding NOMS) were women.

- These are similar to the proportions recorded for the previous year.

National Offender Management Service

- The National Offender Management Service (NOMS) includes public sector prison (HMPS), NOMS HQ and Probation Service staff.
- As at 31 March 2010, women represented 36% of the 51,212 staff in NOMS HQ and HMPS. This is a small decrease (0.4 percentage points) compared to the previous year (from 19,274 to 18,456).
- Female representation among Senior Civil Servants (those with grades equivalent to the Treasury grade of Senior Civil Servant⁵⁰) in NOMS HQ and HMPS decreased from 19 to 16 women between 2009 and 2010.
- Separate data on the Probation Service show that, in 2009, men represented 29% of staff, and women represented 71% of staff.
- Five-year trend analysis shows that the proportion of women in the NOMS HQ and HMPS workforce increased by just under two percentage points between 2006 and 2010 from 34% to 36% (see Table 6.04).

Table 6.04: Percentage of NOMS Staff by gender, as at 31 March 2006–2010

	2006	2007	2008	2009	2010
Females	34.2	35.0	36.0	36.4	36.0
Males	65.8	65.0	64.0	63.6	64.0
Total	48,874	49,571	51,239	52,956	51,212

- However, five-year trend analysis shows that the proportion of women represented among Senior Civil Servants in NOMS HQ and HMPS increased from 11% in 2006 to 23% in 2010 (see Table 6.05).

Table 6.05: Percentage of NOMS Senior Civil Servants by gender, as at 31 March 2005–2010

	2006	2007	2008	2009	2010
Females	10.5	21.4	16.3	27.1	22.9
Males	89.5	78.6	83.7	72.9	77.1
Total	38	42	43	70	70

⁵⁰ The top management grades. Please note that the number of NOMS Senior Civil Servants reported here varies from those reported previously because senior medical officers have now been included as equivalent to senior civil servants.

Crown Prosecution Service

- As at 31 March 2010, women represented 66% of the 8,882 staff in the CPS. This is approximately the same proportion as recorded for the previous year (see Table 6.06).

Table 6.06: Percentage of All staff and Senior Civil Service staff in Crown Prosecution Service by gender, 2008/09 and 2009/10

	Non-Senior Civil Servants		Senior Civil Servants		All staff	
	2008/09	2009/10	2008/09	2009/10	2008/09	2009/10
Females	67.1	66.6	34.1	36.8	66.8	66.3
Males	32.9	33.4	65.9	63.2	33.2	33.7
Total	8,611	8,795	82	87	8,693	8,882

- The proportion of female staff who occupied Senior Civil Servant positions in the CPS at 31 March 2010 was 37% having increased from 28 women to 32 women between 2009 and 2010.

Judiciary

There are more Recorders than other types of judge. A Recorder is a fee paid judge who is usually a practising barrister or solicitor. Recorders may sit in both Crown and county courts, but most start by sitting in the Crown Court. Their jurisdiction is broadly similar to that of the more senior position of a Circuit Judge, but they will generally handle less complex or serious matters coming before the court.

- In 2009/10, over 16% (201) of the total of 1,233 Recorders were women. This proportion is slightly higher than in 2008/09 when there were 1,235 Recorders registered of whom 169 (or just under 14%) were women.
- Among senior judges,⁵¹ the number of women increased by one from 2008/09 to 2009/10, from 19 to 20. Women now represent just over 12% of the 161 senior judges.

Other Criminal Justice agencies

In the supplementary tables accompanying this chapter, data are also provided relating to the gender breakdown of Probation Service staff, Parole Board staff, Victim Support staff, Youth Offending Team (YOT) members, and Serious Fraud Office staff.

⁵¹ Justices of the Supreme Court, Heads of Division, Lord Justices of Appeal, High Court Judges.

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<http://rds.homeoffice.gov.uk/rds/pdfs10/hosb0110.pdf>

Appendix A – Glossary

Absolute discharge

The court takes no further action against an offender, but the offender's discharge will appear on his or her criminal record.

Accused

The person charged. The person who has allegedly committed the offence.

Acquittal

Discharge of defendant following verdict or direction of not guilty.

Act

Law, as in an Act of Parliament.

Arrest

The power of a police officer to deprive a person of his or her liberty in relation to the investigation and prevention of crime. Police officers have the power to arrest anyone who has committed an offence, is about to commit an offence, or is in the act of committing an offence. They also have the power of Arrest when a person is suspected of involvement with an offence.

British Crime Survey (BCS)

The British Crime Survey (BCS) is a large nationally representative survey that asks people in detail about their experiences of crime in the last twelve months.

Burglary

When a person enters any building as a trespasser and with intent to commit an offence of theft, grievous bodily harm or unlawful damage.

Caution

Simple Caution – non-statutory warning given to adults (aged 18 and over) by the police following admission of guilt, as an alternative to prosecution, which though not a conviction forms part of a person's criminal record.

Conditional Caution – warning under the Criminal Justice Act 2003 (with reparative and/or rehabilitative conditions attached), given by the police after a CPS decision to issue and following admission of guilt, to adults (aged 18 and over) as an alternative to prosecution, which though not a conviction forms part of a person's criminal record.

Charge

A formal accusation against a person.

Circuit Judge

A judge who sits in a Crown Court or in a county court.

Committal

Committal for Trial: following examination by the magistrates of a case involving an either-way offence, the procedure of directing the case to the Crown Court to be dealt with.

Committal for Sentence: where the magistrates consider that the offence justifies a sentence greater than they are empowered to impose they may commit the defendant to the Crown Court for sentence to be passed by a judge.

Committal order: an order of the Court committing someone to prison.

Community sentences

This term refers to all court orders except Suspended Sentence Orders and deferred sentences, which may have a custodial component to the sentence.

Conditional discharge

A discharge of a convicted defendant without sentence on condition that he/she does not reoffend within a specified period of time.

Conviction

When an offender has pleaded or been found guilty of an offence in a court, he or she is said to have been convicted. The conviction then appears on the offender's criminal record.

Court

Body with judicial powers.

Court orders

The term court orders used in the text includes all the 'orders' listed. It does not include any pre- or post-release supervision.

Court room

The room in which cases are heard. There may be more than one court room in a court house.

Court sanctions

Once found guilty in a criminal court of law an individual can receive one of six broad disposals or court sanctions: an absolute/conditional discharge; a fine; a conditional sentence; a suspended sentence; a sentence to immediate custody; or be otherwise dealt with.

Criminal

Person who is guilty of a criminal offence.

Crown Court

The Crown Court deals with all crime committed or sent for trial by magistrates' courts. Cases for trial are heard before a judge and jury. The Crown Court also acts as an appeal court for cases heard and dealt with by magistrates.

Crown Prosecution Service (CPS)

The Crown Prosecution Service decides whether there is enough evidence to take a case to court, and whether it would be in the public interest to do so. After the decision to prosecute has been taken, a CPS lawyer or solicitor represents the CPS in court.

Custodial sentences

Sentences where the offender is detained in a prison, young offender institution or secure training centre.

Defendant

Person sued, standing trial or appearing for sentence.

Discharge

The offender is found guilty of the offence, and the conviction appears on his or her criminal record, but either no further action is taken at all (absolute discharge), or no further action is taken as long as the offender does not offend again in a certain period of time (conditional discharge).

Disposal

The end result of a trial at court. In this publication the disposals of interest are sentences, but other disposals are possible, for example, where there is no finding of guilt.

District Judge – magistrates' court

A judge who sits in the magistrates' court (not to be confused with those sitting in a county court). Previously known as a stipendiary magistrate.

Domestic violence – BCS

Domestic violence, as measured by the BCS, counts wounding and assaults which involve partners, ex-partners, other relatives or household members.

Either-way offence

An offence for which the accused may be tried by magistrates or by committal to the Crown Court to be tried by jury.

Family abuse – BCS

Family abuse, as measured in the British Crime Survey refers to non-sexual emotional or financial abuse, threats or physical force or sexual assault carried out by a family member other than a partner (father or mother, step-father or step-mother or other relative).

Fine

A sentence of the court which involves the offender paying money to the court as punishment for his/her crime.

First receptions

These provide an indication of the number of new prisoners in a time period. A person received into prison to serve a sentence may previously have been received on remand after conviction prior to sentence and before that as a remand prisoner awaiting trial. First receptions will count that prisoner only once in the relevant time period in which they were first received.

Her Majesty's Courts Service

Her Majesty's Courts Service administers the civil, family and criminal courts in England and Wales. This covers the Crown, county and magistrates' courts.

Home Office

The government department responsible for reducing and preventing crime.

Homicide

The term 'homicide' covers the offences of murder, manslaughter and infanticide. Murder and manslaughter are common law offences that have never been defined by statute, although they have been modified by statute. The offence of infanticide was created by the Infanticide Act 1922 and refined by the Infanticide Act 1938 (s1).

Homicide Index

The Homicide Index is a database held by the Home Office, which is continually updated with revised information from the police and the courts.

Indictable offence

A more serious criminal offence that can be tried at the Crown Court (indictable only) or at the magistrates' court (either way offences).

Intimate violence – BCS

Intimate violence is used in the BCS to describe domestic violence, sexual assault and stalking.

Judge

An independent office holder under the Crown appointed to administer the law and who has the authority to hear and try cases in a court of law.

Judicial/Judiciary

Relating to the administration of justice or to the judgment of a court. A judge, magistrate, or other officer empowered to act as a judge.

Jury

Body of 12 people sworn to try a case and reach a verdict according to the evidence in a court.

Law

The system established by an Act of Parliament, custom or practice.

Logistic regression

Logistic regression is a multivariate statistical technique that predicts the outcome of one (dependent) variable, from a set of other (independent) variables (such as personal, household, area or behavioural characteristics associated with a BCS respondent). The variable predicted must have only two possible outcomes; for example, logistic regression can model the risk of a person becoming a victim of a crime or not. The technique allows the assessment of which of the other variables are statistically related to a variable when the influence of all other variables in the model is taken into account.

Magistrate

Someone who sits as part of a group of three and acts as a judge in the magistrates' court. Magistrates in England and Wales are trained volunteers.

Magistrates' court

The magistrates' courts are a key part of the criminal justice system – virtually all criminal cases start in a magistrates' court and over 95% of cases are also completed here. In addition, magistrates' courts deal with many civil cases, mostly family matters. Cases in the magistrates' courts are usually heard by panels of three magistrates (Justices of the Peace), of which there are around 30,000 in England and Wales.

Multivariate analysis

Multivariate analysis involves analysis of more than one statistical variable (e.g. age, gender, ethnicity) at a time.

Notifiable offence

Offence deemed serious enough to be recorded by the police (also referred to as recorded crime). Includes most indictable and triable-either-way offences.

Offender

Someone who has been convicted of a crime.

Partner abuse – BCS

Partner abuse, as measured in the BCS, includes non-sexual emotional or financial abuse, threats or physical force or sexual assault carried out by a current or former partner.

Penalty Notices for Disorder (PND)

PNDs were introduced as part of the previous Government's strategy to tackle low-level, anti-social and nuisance offending. The police may issue a PND for one of twenty-five offences including three notifiable offences. See Appendix B for more details.

Personal crime – BCS

Personal crimes, as recorded in the BCS, refer to all crimes against the individual (not that of other people in the household). An example of a personal crime would be an assault. Published BCS data for 'all personal crime' excludes sexual offences (except for 'wounding with a sexual motive') as the number of these types of offences picked up by the survey is too small to give reliable estimates.

Plea

A defendant's reply to a charge put to him by a court; i.e. guilty or not guilty.

Police force area (PFA)

The geographic area of jurisdiction covered by a particular police force. There are 43 PFAs in England and Wales.

Post-release supervision

All prisoners given a custodial sentence of 12 months or more serve a proportion of their sentence in custody and are then released on licence. They are supervised by probation staff before and after release from custody. In addition, offenders with sentences of less than 12 months who are aged under 22 receive a minimum of three months post-release supervision, provided this does not extend beyond their 22nd birthday.

Pre-court sanction

Pre-court sanctions are out-of-court disposals that can be used by the police to deal with criminal behaviour. The two out-of-court disposals discussed in this publication are Penalty Notices for Disorder (PND) and cautions.

Pre-release supervision

Home supervising officers along with probation staff in prisons work jointly with prison staff on sentence planning and management, including consideration of post-release issues.

Principal suspect – Homicide Index

For the purposes of the Homicide Index, a suspect is defined as (i) a person who has been arrested for an offence initially classified as homicide and charged with homicide or (ii) a person who is suspected by the police of having committed the offence but is known to have died or committed suicide prior to arrest/being charged. As more than one suspect may be tried for an offence and sometimes no suspect is ever brought to trial, the number of suspects is not the same as the number of offences.

Probation Service

The National Probation Service generally deals with those aged 18 years and over. They are responsible for supervising offenders who are given community sentences and Suspended Sentence Orders by the courts, as well as offenders given custodial sentences, both pre and post their release.

Prosecution

The institution or conduct of criminal proceedings against a person.

Prosecutor

Person who prosecutes – usually the Crown Prosecution Service (see prosecution).

Recorder

Members of the legal profession (barristers or solicitors) who are appointed to act in a judicial capacity on a part-time basis. They may progress to become full-time judges.

Self-harm

Self-harm in prison custody is defined as, “any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury.” In the community, self-harm is common but often covert. In prisons, such incidents are more likely to be detected and counted.

Sexual assault – BCS

The British Crime Survey measure of sexual assault includes indecent exposure, sexual threats and unwanted touching, rape or assault by penetration including attempts, by any person including a partner or family member.

Statistical significance

In statistics, a result is called statistically significant if it is unlikely to have occurred by chance.

Stops and searches

Statutory powers exist under section 1 of the Police and Criminal Evidence Act (PACE), for a police officer to search a person or vehicle without first making an arrest. Other police powers not under PACE include Stops and Searches in anticipation of violence (under section 60 of the Criminal Justice and Public Order Act 1994) and searches of pedestrians, vehicles and occupants (under sections 44(1) and 44(2) of the Terrorism Act 2000). Searches for drugs are still permitted by the Misuse of Drugs Act 1971 and those for firearms under the Firearms Act 1968. The police can also require people in a public place to Stop and Account for themselves i.e. their actions, behaviour, or presence in an area or possession of particular items.

Summary offence

A criminal offence which can only be tried by a magistrates' court.

Supervision tier

Supervision tier indicates the level of intervention required with offenders, with Tier 1 being the lowest and Tier 4 the highest. The Offender Management Tiering framework is a way of categorising offenders according to the level of risk of serious harm and likelihood of reoffending presented by the individual, combined with the complexity of the sentence requirements. This process aims to protect the public by ensuring that the appropriate organisational resources, in terms of staff and time, are matched to the correct management of the case.

Suspended sentence

A custodial sentence which will not take effect unless there is a subsequent offence within a specified period.

Suspect

A person being investigated in relation to a particular offence or offences.

Terminations

A period of supervision (e.g. a community order) which comes to an end, either because the order has been completed successfully, or because the order has been breached and terminated early for negative reasons (such as failing to comply with its requirements) or because of some other neutral reason, such as the order being quashed by the court or the person having died.

Triable either way

These offences may be heard either at magistrates' court or Crown Court.

Violence against the person

Includes serious violence offences where the injury inflicted or intended is life threatening, and offences resulting in death, regardless of intent. The offence group also includes offences involving less serious injury, certain offences that involve no physical injury and some involving serious intent.

Violent crime – BCS

Violent crime, as measured by the British Crime Survey, contains the full spectrum of assaults from pushing and shoving that result in no physical harm, to murder.

Witness

A person who gives evidence in court.

Witness and Victim Experience Survey (WAVES)

The Witness and Victim Experience Survey is a quarterly national telephone survey which interviews victims and prosecution witnesses aged 18 years and over in cases where an offender has been charged and the case with the Crown Prosecution Service has been closed (i.e. an outcome or verdict has been reached).

Youth Offending Team (YOT)

A Youth Offending Team is made up of local representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. The YOT identifies the needs of each young offender. It identifies the specific problems that make the young person offend as well as measuring the risk they pose to others. This enables the YOT to identify suitable programmes to address the needs of the young person with the intention of preventing further offending.

Appendix B – Data sources

Statistics on Women and the CJS draws on data from a number of sources across the CJS including data collected by the police, the courts and prisons. A brief description of the coverage of each of these sources is provided in this appendix together with any known issues relating to data quality.

Chapter 2: Victims

Homicides

Homicide offences up to the financial year 2008/09 are presented in this report, with offences shown according to the year in which the police initially recorded the offence as homicide (not necessarily the year in which the incident took place or the year in which any court decision was made).

- The data refer to the position as at 24 November 2009 and are based on the latest published homicide chapter, which can be found at: <http://rds.homeoffice.gov.uk/rds/pdfs10/hosb0110.pdf>. These data will change as subsequent court hearings take place or other information is received.
- Data from the Homicide Index are deemed a better source of data than the separate main recorded crime dataset as it is continually being updated with revised information from the police and the courts. The Index also provides far greater detail than the main recorded crime dataset.
- Due to differences in the recording practice with respect to 'no crimes', data presented may not be the same as the provisional homicide figures presented in the annual Crime in England and Wales statistical bulletin, published each July by the Home Office.

British Crime Survey

The 2009/10 BCS had a representative sample of 44,638 adults over the age of 16.⁵² Interviews were conducted between April 2009 and March 2010, and respondents were asked about crimes they had experienced in the 12 months prior to interview.

- Respondents are randomly selected from the population resident in households in England and Wales.
- The survey asks about people's experiences and perceptions of crime, and includes questions on people's attitudes towards crime-related topics.

⁵² Since January 2009, children aged 10 to 15 have been included in the survey. The first (experimental) results for this age group were published in Spring 2010 (see Millard and Flatley, 2010: <http://rds.homeoffice.gov.uk/rds/pdfs10/hosb1110.pdf>). The main report for 2009/10 is based on adults aged 16 or over (Flatley et al, 2010).

- For the population and crimes that it covers, the BCS provides a more reliable measure of extent and trends than the police recorded crime series.
- Estimates of crime are unaffected by changes in public reporting rates or in police recording practices.

The primary purpose of the BCS is to provide national level estimates and only limited analyses are possible at regional and police force area level.

The survey has some notable exclusions.

- The BCS does not cover crime against commercial or public sector bodies.
- The BCS does not include some relatively new crimes in its main crime count, such as plastic card fraud, although additional questions have been added to the survey to capture such issues and are reported separately.
- The BCS does not cover the population living in group residences (e.g. care homes or halls of residence) or other institutions.
- As a survey that asks people whether they have experienced victimisation, homicides cannot be included.
- Due to sensitivity of reporting in the context of a face-to-face interview, the main BCS crime count does not include rape and other sexual offences. However, the BCS does provide estimates of the proportion of adults who have been victims of such offences via a separate self-completion module.
- The BCS excludes so-called 'victimless' crimes (e.g. possession of drugs).
- As a sample survey, it interviews relatively few victims of the low-volume crimes, such as robbery. Figures presented for these crimes should therefore be interpreted with caution.

Further information on the BCS can be found at:
<http://rds.homeoffice.gov.uk/rds/bcs1.html>

The User Guide to Home Office Crime Statistics is a useful reference guide with explanatory notes regarding the issues and classifications which are key to the production and presentation of the BCS crime statistics. The most recent version is available at:
<http://rds.homeoffice.gov.uk/rds/pdfs10/crimestats-userguide.pdf>

Witness and Victim Experiences Survey

WAVES is a quarterly national telephone survey which interviews victims and prosecution witnesses aged 18 years and over in cases where an offender has been charged and the case with the Crown Prosecution Service has been closed (i.e. an outcome or verdict has been reached). In the 12 months to December 2009, there were 19,364 interviews with victims.

- Telephone interviews are conducted with victims and witnesses in the following crime types: violence against the person, robbery, burglary, theft and handling stolen goods, and criminal damage.

- A sample of respondents aged 18 and over and for each Local Criminal Justice Board (LCJB) is drawn from the Witness Management System (WMS).
- Victims and witnesses in sensitive cases are omitted on ethical grounds: victims and witnesses of domestic violence or sexual offences, crimes involving a fatality, and any crime where the defendant was a family member or a member of the witness's/victim's household.
- Cases involving drug, fraud and forgery and motoring offences are excluded.
- Police officers or other Criminal Justice System officials assaulted in the course of duty, and all police or expert witnesses are also excluded.

Chapter 3: Suspects

Chapter 3 of this report draws on data on arrests for notifiable offences in 2008/09 taken from the main arrests collection from police forces. These data reflect police activity rather than providing a complete overview of the crimes committed by offenders or their specific characteristics. These statistics relate to arrests for notifiable offences only, which form the basis of recorded crime statistics and are drawn from returns from the 43 local police forces in England and Wales. As well as trends in arrest rates in England and Wales, they contain breakdowns by offence group and sex.

Police recorded crimes are those crimes which are recorded by the police and notified to the Home Office. All indictable and triable-either-way offences are included together with a few closely associated summary offences.

Figures on arrests for recorded crime are not strictly comparable with Cautions and Court Proceedings data. This is mainly because the aggregated offence categories for notifiable offences do not directly compare with indictable (including triable-either-way) offence groups. In addition, there are differences between the time periods covered by the two sets of statistics. Court Proceedings figures relate to the year of the final court decision, rather than the year of arrest, and these may differ.

Where a person has been arrested for one or more recorded crimes on the same occasion, the offence with the highest maximum penalty is recorded. A person will appear more than once in the tables if arrested on more than one occasion during the year. However, as with any data collection system, differences in recording practice (over time and across police force areas) can lead to an unknown degree of error.

Data presented for juveniles and adults were estimated for 2004/05, as age breakdowns were not available for all forces during this period.

Force level figures for arrests are published annually in Police Powers and Procedures England and Wales, including the gender breakdown of arrestees.

Further information on arrests can be found at:
<http://rds.homeoffice.gov.uk/rds/police-powers.html>

Chapter 4: Defendants

Data in this chapter are for 2009 and draw on the most recent publications of Criminal Statistics 2009 (<http://www.justice.gov.uk/publications/criminalannual.htm>) and Sentencing Statistics 2009 (<http://www.justice.gov.uk/publications/sentencingannual.htm>).

Records from the criminal proceedings database are individually validated in an automated process that highlights inconsistencies. In particular, checks are made, where possible, to ensure that:

- the disposal given for an offence is applicable in law;
- hearings are consistent with the court they are heard in, for example indictable-only offences are heard in the Crown Court;
- disposals follow sentencing guidance given the age of the offender.

In 2009, approximately ten per cent of court records received failed validation. These were checked with individual courts and appropriately amended.

The Home Office and Ministry of Justice now group individual offences into the same offence categories. As a result bigamy has moved from sexual offences to 'other indictable offences'; 'concealment of birth' has moved from 'violence against the person' to 'other indictable offences'; and 'vehicle fraud' has moved from 'indictable motoring' to 'fraud and forgery'.

Penalty Notices for Disorder (PNDs)

Penalty Notices for Disorder (PNDs), more commonly known as 'on the spot fines', were introduced under the Criminal Justice and Police Act 2001 (sections 1–11) as part of the previous Government's strategy to tackle low-level, anti-social and nuisance offending. The scheme was initially piloted in four police force areas in England and Wales beginning in August 2002. It was rolled out to all 43 police forces in England and Wales in April 2004.

Under the legislation, police can issue a fixed penalty of £50 or £80 for a specified range of minor disorder offences, either on the spot or at a police station. The disposal has been designed to provide officers with a means of dealing with simple, straightforward cases in a prompt and effective way, saving police time, reducing bureaucracy and reserving courts for disputed and more complex cases.

The statistics included in this report cover all penalty notices for specified offences issued by police forces. They include data on all payments made within the 21-day payment period, but exclude those paid following "fine registration" within the courts and any subsequent payment.

Offences which attract a PND are as follows⁵³:

Those attracting an £80 penalty: wasting police time or giving a false report; using a public telecommunications system for sending false messages; knowingly giving a false alarm to a fire brigade; causing harassment, alarm or distress; throwing fireworks in a thoroughfare; drunk and disorderly; selling alcohol to person under 18; selling alcohol to a person who is drunk; supplying alcohol to a person under 18; purchasing alcohol for person under 18 in licensed premises; purchasing alcohol for person under 18 for consumption in a bar in licensed premises; delivering alcohol to person under 18 or allowing such delivery; destroying/damaging property (under £500); theft (retail under £200); breach of fireworks curfew; possessing Category 4 firework; possessing adult firework by person under 18; and possession of cannabis.

Those attracting a £50 penalty: trespassing on a railway; throwing stones etc. at trains or other things on railways; being drunk in a highway, other public place or licensed premises; consuming alcohol in designated public place; depositing and leaving litter; consuming alcohol by person under 18 in licensed premises; allowing consumption of alcohol by person under 18 in licensed premises; purchase of alcohol by a person under 18.

Cautions

This report includes data on offenders formally cautioned by the police by offence, age and sex. These data include 'simple cautions', 'conditional cautions', and 'reprimands and warnings' (which replaced cautions for juvenile offenders on 1 June 2000). They exclude informal warnings and other informal action, written warnings or cautions issued for motoring offences, and warnings or cautions given by non-police bodies, e.g. a department store in the case of shoplifting.

The cautions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a person has been cautioned for two or more offences at the same time, the principal offence is the more serious offence.

Cautions data for Nottinghamshire have been revised. Due to an issue with the data collation process, cautions for Black people were omitted for the 2008 calendar year. These have now been recovered, which will increase the total number of cautions from the figures originally reported in *Criminal Statistics 2008*.

Court proceedings

The figures given on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

⁵³ Please note that this list is taken from *Criminal Statistics 2009*.

Court proceedings figures included in this report are based on known 'males' and 'females'. Following the introduction of the Libra case management system during 2008, offenders at Magistrates' courts can now be recorded as sex 'Not Stated'. These figures have been excluded from the report.

Over the last ten years there have been three changes which have had significant effects on the division of workload between magistrates' courts and the Crown Court. These were plea before venue, the power for the youth court to sentence young offenders to detention and training orders for up to 24 months, and the power for magistrates' courts to send persons for trial to the Crown Court forthwith without committal proceedings.

The statistics of court proceedings are based on data supplied by police forces or magistrates' courts. Although these include offences where there has been no police involvement, such as those prosecutions instigated by government departments and private organisations and individuals, the reporting of these types of offences is known to be incomplete. Moreover, it is thought that, for some police force areas, the reporting of court proceedings (and in particular those relating to motoring offences and to TV Licence evasion), may also be less than complete. The extent of under-reporting may vary from year to year and this could be responsible in part for the annual variations in the published statistics.

During 2008, data from Cardiff magistrates' court for April, July and August were corrupted during the transmission to the Ministry of Justice. Despite all efforts by the court staff and IT departments, it has proved impossible to retrieve the information and it has subsequently been excluded from this report.

Remands

Although some information on the use of remands during proceedings is collected, the amount of detail recorded is limited and does not identify separately every individual offence, except where the data have been supplied directly from a court computer system.

This report focuses on remands for those defendants sent for trial or sentencing at the Crown Court only. Data on Crown Court remand decisions are taken directly from the Crown Court computer system. The accuracy of data about Crown Court remand decisions has improved as a result of data being returned directly from the Crown Court computer system.

Data on remands for the magistrates' court are included in the supplementary tables for Chapter 4. Following the introduction of the Libra case management system in 2008, the recording of remand decisions are more complete, however technical problems with the coding of magistrates' remand decisions persist. Therefore all magistrates' courts remand data published in this report are estimates.

The estimates for magistrates' courts remand included in the supplementary tables were produced using additional data sources and assumptions. See *Criminal Statistics 2009* for further details of the approach.

Chapter 5: Offenders

The data presented in this chapter are based on the most recent publications of *Offender Management Caseload Statistics 2009* (<http://www.justice.gov.uk/publications/docs/omcs-2009-complete-210710a.pdf>), 2008 results from the *Reoffending of Adults Cohort* (<http://www.justice.gov.uk/publications/docs/reoffending-adults-2008-cohort.pdf>) and *Safety in Custody Statistics 2009* (<http://www.justice.gov.uk/publications/docs/safety-in-custody-2009-0710.pdf>).

Offender Management Caseload Statistics

Offender Management Caseload Statistics are drawn from administrative IT systems. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large-scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown. Where figures in the tables have been rounded to the nearest whole number, the rounded components do not always add to the totals, which are calculated and rounded independently.

Prison data – estimation methodology for 2009

In May 2009, the National Offender Management Service began the roll-out of a new case management system for prisons (Prison-NOMIS). During the phased roll-out, data collection issues emerged that affected the supply of data for statistical purposes from July 2009 to February 2010. Specifically, statistical information on sentence length and offence group is not available for any Ministry of Justice prison datasets for this period. For this publication, that affects prison receptions, population, and adjudications.

In order to maintain an annual time series of data, and as announced in the statistical notice on the Ministry of Justice website on 26 March 2010, wherever possible the missing figures have been estimated for the second half of 2009. A number of estimation methods were considered, and each tested on the 2008 data (prior to the data problems, hence we had a full year of data) to see which yielded estimates closest to the actual 2008 data.

People starting supervision: The statistics count each person once in each year for each type of supervision started in the year (e.g. once under community order, even if that person received more than one community order in a given year). Each person is counted only once in each total or sub-total even if they started several types of supervision in the year. Thus, the sum of the number of persons starting each type of community sentence exceeds the number of those starting community sentences in total.

Terminations: The statistics count all terminations of all types of supervision in each year, including multiple terminations of the same type of supervision

(e.g. two periods of community order supervision terminating in the same year would be included in the tables). It is not yet possible to compare percentages over time because more time has now elapsed since community orders and suspended sentence orders were introduced in April 2005, allowing a higher percentage to run their full course. Comparisons will be possible, however, between 2008 and later years.

Prison flows and population – F1032s and Inmate Information System (IIS)

Prison establishments routinely provide records of the numbers of persons held in custody at the end of each month, broadly subdivided according to age, sex, custody type and sentence length. The records are collated and processed centrally to produce the main estimates of mid-year population presented in this report. These aggregate tables are called the F1032s.

Establishments also record electronically details for individual inmates such as date of birth, sex, religion, ethnic origin, custody type, offence and reception and discharge dates and, for sentenced prisoners (including those recalled to custody), sentence length. These data are collected on a central computer database, called the Inmate Information System (IIS), and are used to produce the various analyses of receptions, discharges and time served in custody. They also form the basis of detailed population breakdowns, supplementing the aggregates derived from establishments' monthly population F1032 returns to which they are scaled for consistency. A new more detailed method of scaling was developed in 2004.

Efforts are made to ensure the completeness and accuracy of the data, as far as is practicable. Establishments are not, however, always in receipt of the necessary details, notably regarding offences. Where the offence data are incomplete, the category "offence not recorded" is used.

Counting procedures

Receptions: There are four main categories of receptions – untried (i.e. awaiting commencement or continuation of trial prior to verdict), convicted unsentenced (i.e. awaiting sentence), sentenced and non-criminal. In the tables on remand receptions, a person is generally counted separately once if received as untried and once if received as convicted unsentenced for each fresh set of charges. A person first enters the remand population when remanded in custody on or after his or her first appearance in court on a charge or summons. If subsequently received under sentence, he or she is counted in that category also. An individual may thus appear in the tables more than once in different categories or on separate occasions in one year. However, supplementary Table 5.14 also shows the remand figures with those received as untried and subsequently as convicted unsentenced in a particular year counted only once.

When a person is received under sentence and at the same time is dealt with for a non-criminal matter, or is already in custody under sentence for a criminal offence and is given a further criminal sentence or is dealt with for a non-criminal matter, only the initial reception for the criminal sentence is counted. Recalls to custody after release on licence or parole are excluded

from the sentenced reception figures, but those whose original sentence had been re-activated because of a new offence committed during the 'at risk' period are included. Persons transferred in from other countries, special hospitals or other non-Prison Service establishments are included in the appropriate category of reception.

Offences: When a person is received under sentence for several offences, or if a person is received under sentence and at the same time is committed for a non-criminal matter, only the principal criminal offence is recorded in the tables. The basis of selection of the principal criminal offence is as follows: (i) where a person is received under sentence for two or more criminal offences, the offence selected is the one for which the heaviest sentence is imposed; (ii) where the same sentences are imposed for two or more criminal offences, the offence selected is the one for which the statutory maximum penalty is the most severe.

Length of sentence: When a person is received under sentence for two or more sentences which have been passed at the same time and ordered to run consecutively, they are treated as one sentence equal in length to the sentences added together. In the case of concurrent sentences, the longest sentence is recorded. When a person is received to serve a period of imprisonment composed of a sentence for a criminal offence and a consecutive period of imprisonment in connection with a non-criminal matter, the total period of imprisonment is recorded against the criminal offence.

Age group: In the statistics on receptions, adults are those aged 21 and over at the date of sentence, young adults are those aged 18 to 20. In population tables, adults include those aged 21 and over at the date of sentence and those sentenced to detention in a young offender institution that have had their sentence converted to imprisonment. The term young offender refers to those given a custodial sentence when aged under 21 who have not subsequently been reclassified as adults; it therefore encompasses inmates under 21 and those who have reached 21 but have not yet been reclassified. (Young adults are prisoners aged 18 to 20, but also includes those aged 21 who were aged 20 or under at conviction who have not been reclassified as part of the adult population.)

Nationality: The nationality data are obtained from self reports of prisoners: this information is not checked by prison establishments before being entered on the Inmate Information System.

Reoffending of Adults Cohort

The data underpinning the results are felt to be broadly robust. Considerable work has been carried out to ensure data quality, and the data have been used for research publications. Scrutiny of the data source continues in order to ensure the data remain reliable.

Safety in Custody

Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large-scale recording system such as the Incident Reporting System and NOMIS which was rolled out in 2009. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number.

In prisons, as in the community, it is not possible to count self-harm incidents with absolute accuracy. In prison custody, however, such incidents are more likely to be detected and counted. Care needs to be taken when comparing NOMS self-harm statistics with other sources where data may be less complete.

Prison data

In May 2009, the National Offender Management Service began the roll-out of a new case management system for prisons (Prison-NOMIS). During the phased roll-out, data collection issues emerged that affected the supply of data for statistical purposes from July 2009 to February 2010. As a result, information on sentence length and offence group is not available for prison datasets for this period.

In order to maintain an annual time series of data, and, as announced in the statistical notice on the Ministry of Justice website on 26 March 2010, wherever possible the missing figures have been estimated for the second half of 2009.

Chapter 6: Practitioners

Data on practitioners have been provided by the individual agencies listed in this chapter and are based on large administrative systems. As these systems are regularly updated, the data were true as at the specific date listed. As a result, data in this publication may not always be reconcilable with those published by the agencies themselves.

Contact points for further information

Current and previous editions of this publication are available for download at <http://www.justice.gov.uk/publications/womencriminaljusticesystem.htm>

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Other enquiries about these statistics should be directed to: Dr Louise Moore, Analytical Services, Ministry of Justice, 7th Floor, 102 Petty France London SW1H 9AJ, Tel: 020 3334 4964

We welcome the views of users on the format, content and timing of reports. These views and other general enquiries about the statistical work of the Ministry of Justice can be emailed to: statistics.enquiries@justice.gsi.gov.uk

Other National Statistics publications, and general information about the official statistics system of the UK, are available from www.statistics.gov.uk