



Ministry  
of Justice



# **Statistics on Women and the Criminal Justice System 2013**

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

November 2014



## Contents

Acknowledgments .....	4
List of tables and figures in the publication .....	5
Executive summary .....	9
Chapter 1: Introduction.....	18
Chapter 2: Key trends in the criminal justice system .....	22
Chapter 3: Victims.....	24
Personal crime .....	24
Violent crime .....	25
Child victimisation .....	28
Intimate violence .....	29
Homicide .....	32
Chapter 4: Police Activity .....	34
Arrests.....	34
Penalty Notices for Disorder .....	35
Cautions .....	36
Chapter 5: Defendants.....	39
Proceedings and Convictions.....	42
Remands.....	44
Pre-sentence reports.....	45
Sentencing .....	47
Chapter 6: Offender Characteristics.....	51
Offending Histories.....	51
Mitigating and Aggravating Factors.....	54
Employment, income and benefits before and after conviction / caution / release from prison .....	60
Chapter 7: Offence Analysis .....	63
Theft offences – shoplifting .....	63
Selected violence against the person offences.....	65
Drug Offences .....	67
Benefit fraud.....	69
Chapter 8: Offender Management .....	72
Offenders in Custody .....	72
Probation.....	80
Proven re-offending.....	83
Chapter 9: Practitioners .....	86

## **Acknowledgments**

Acknowledgement is made of the contributions from Amber Weeks, Abigail Shaw and Ashley Singh. We are also grateful for the input received from colleagues in the Ministry of Justice, the Home Office, the Office for National Statistics and agencies across the Criminal Justice System.

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

## List of tables and figures in the publication

- Table A.01: Overview of Women and the CJS: Proportion of individuals in the CJS by sex compared to general population
- Figure A.02: Proportion of individuals who have experienced crime in the last year, 2013/14
- Figure A.03: PNDs and cautions issued, by sex, 2009 to 2013
- Figure A.04: Indictable and summary (non-motoring and motoring) prosecutions by sex, 2009 to 2013
- Figure A.05: Sentencing outcomes (percentages of all offenders sentenced) for indictable offences at all courts, 2013
- Figure A.06: Average custodial sentence length for indictable offences, by sex, 2013
- Figure A.07: Application of mitigating and aggravating factors to Theft, Dishonesty and Fraud sentences at the Crown Court, 2013
- Figure A.08: Female/male proportions of prison releases, adjudications and incidents, 2013 (dotted line shows female prison population as a proportion of the total)
- Figure A.09: Proportion of male and female staff in CJS agencies in the most recent period
- Figure 3.01: Proportion of adults aged 16 and over who reported being a victim of personal crime, by sex, 2008/09 to 2013/14 CSEW
- Figure 3.02: Proportion of adults aged 16 and over who reported being a victim of personal crime, by age and sex, 2013/14 CSEW
- Figure 3.03: Proportion of adults who reported being a victim of violence by type and sex, 2013/14 CSEW
- Figure 3.04: Proportion of adults who reported being a victim of violence by sex and age, 2013/14 CSEW
- Figure 3.05: Proportion of adults who reported being a victim of a) domestic violence and b) stranger violence by sex and age, 2013/14 CSEW
- Table 3.06: Factors associated and not associated with being a victim of violence for men and women, 2011/12 CSEW
- Figure 3.07: Percentage of children aged 10-15 experiencing victimisation, by sex and crime type, 2013/14, CSEW
- Figure 3.08: Percentage of adults aged 16 to 59 who experienced intimate violence in the previous 12 months, by sex and headline category, 2012/13 CSEW
- Figure 3.09: Percentage of adults aged 16 to 59 who experienced intimate violence in the last year, by headline category for a) men and b) women, 2004/05 to 2012/13 CSEW
- Figure 3.10: Percentage of adults aged 16 to 59 who experienced domestic abuse in the last year by sex, age and marital status, 2012/13 CSEW
- Figure 3.11: Method of killing of homicide victims by sex, 2012/13

- Figure 3.12: Relationship of victim to principal suspect for victims aged under 16 by sex of victim, 2012/13
- Figure 3.13: Relationship of victim to principal suspect for victims aged 16 or over by sex of victim, 2012/13
- Figure 4.01: Number of arrests by sex and adult/juvenile, 2008/09 to 2012/13
- Figure 4.02: Proportion of arrests by offence type and sex, 2012/13
- Figure 4.03: Penalty Notices for Disorder – Offences committed, by sex, 2013
- Figure 4.04: Number of cautions issued, by sex and offence type, 2003 to 2013
- Figure 4.05: Number of cautions issued, by sex and adult/juvenile, 2003 to 2013
- Figure 5.01: The journey of males and females through the criminal justice system, 2013
- Figure 5.02: Prosecutions as a percentage of total prosecutions and out of court disposals, by gender, 2003, 2008, 2011 and 2013
- Figure 5.03: Prosecutions, Cautions and PNDs given to males and females, by age group, 2013
- Figure 5.04: Females and males proceeded against or given a PND or caution for an indictable offence, 2013
- Figure 5.05: (a) Number of defendants proceeded against at the magistrates' court, by sex, for the offence of TV licence evasion and (b) the proportion this offence represents of all summary non-motoring proceedings, 2003 to 2013
- Figure 5.06: (a) Female and (b) male defendants proceeded against at magistrates' courts, by offence type, 2003 to 2013.
- Figure 5.07: Conviction ratio, by sex, 2003 to 2013
- Figure 5.08: Outcomes of defendants remanded in custody at the Crown Court, by sex, 2013
- Figure 5.09: Defendants remanded on bail at the Crown Court by outcome and sex, 2013
- Figure 5.10: The level of concordance between sentence recommendations and outcomes for (a) female and (b) male offenders, by sentence outcome, 2009 and 2013
- Figure 5.11: Sentencing outcomes (percentages of all offenders sentenced) for indictable offences at all courts, 2013
- Figure 5.12: Custody rate for indictable and summary offences, by gender, 2003 to 2013
- Figure 5.13: The average sentence length for offenders sentenced to custody, by gender, 2003 to 2013
- Figure 6.01: (a) Female and (b) male cautioning and sentencing occasions, split by number of previous sanctions, 2003 to 2013
- Figure 6.02: Offenders sentenced for an indictable offence who have no previous sanctions against them, by proportion who received each type of sentence, by gender, 2013
- Figure 6.03: Theft, dishonesty and fraud – the most common mitigating factors, 2013 (by decreasing proportion of females with each factor)

- Figure 6.04: Theft, dishonesty and fraud – the most common aggravating factors, 2013 (by decreasing proportion of females with each factor)
- Figure 6.05: Theft, dishonesty and fraud - custody rate for the three most prevalent mitigating and aggravating factors for females, 2013 (dotted line shows overall custody rate for each gender)
- Figure 6.06: Assault and public order offences – The most common factors (for females) indicating lower culpability, lesser harm and reduced seriousness, by gender, 2013
- Figure 6.07: Assault and public order offences – The most common factors (for females) indicating higher culpability, greater harm or increased seriousness, by gender, 2013
- Figure 6.08: Assault and public order offences – custody rate for the three most prevalent factors ticked for females for higher culpability/increased seriousness/greater harm and for lower culpability/reduced seriousness/lesser harm, 2013 (dotted line shows overall custody rate for each gender)
- Figure 6.09: Median adjusted P14 income (to take into account earnings inflation) of offenders released from prison or convicted/cautioned in 2003/04, by gender, 2004/05 to 2012/13
- Figure 7.01: Proportion of offenders given a PND, caution or conviction for various forms of shoplifting offence, 2009 to 2013
- Figure 7.02: Sentencing outcomes for shoplifting, by gender, 2013
- Figure 7.03: Convictions for the most common violent offences as a proportion of all violent offences, by gender, 2013
- Figure 7.04: Offenders sentenced for ABH, by sentence outcome, 2013
- Figure 7.05: Offenders sentenced for cruelty to or neglect of a child, by sentence outcome, 2013
- Figure 7.06: The number of offenders given a PND, caution or convicted at all courts for drug offences: (a) female offenders, (b) male offenders, 2003 to 2013
- Figure 7.07: Total (a) female and (b) male offenders sentenced, offenders sentenced to custody and the custody rate for drug offences, 2003 to 2013
- Figure 7.08: Custody rate for selected drug offences by gender, 2013
- Figure 7.09: Number of convictions for selected benefit fraud offences, by gender, 2013
- Figure 7.10: Sentencing outcomes for benefit fraud offences: (a) Dishonest representation, (b) False representation, by gender, 2013
- Figure 8.01: Prison population, by gender, at 30<sup>th</sup> June, 2004 to 2014
- Figure 8.02: Proportion of foreign national prisoners by gender, 2004 to 2014
- Figure 8.03: Proportion of indeterminate sentences of all sentenced prisoners by gender at 30<sup>th</sup> June, 2004 to 2014

- Figure 8.04: Sentence length profile of determinate sentences, by gender, 30 June 2014
- Figure 8.05: Offence group profile of prison population under an immediate custodial sentence by gender, 30 June 2014
- Figure 8.06: (a) Female and (b) male accredited prison programme starts and completions, 2009/10 to 2013/14
- Figure 8.07: (a) Female and (b) male prison programme starts for General Offending, Substance Misuse and Violence programmes, 2009/10 to 2013/14
- Figure 8.08: Rate of proven adjudications per 100 prison population, 2004 to 2013
- Figure 8.09: Rate of (a) assaults and (b) assaults on staff per 1,000 prisoners by gender, 2003 to 2013
- Figure 8.10: Frequency of self-harm incidents by gender, 2013
- Figure 8.11: The rate of (a) individuals self-harming and (b) self-harm incidents per 1,000 prisoners, 2004 to 2013
- Figure 8.12: Offenders supervised by the Probation Service at end of period, under court orders by gender, December 2003 to December 2013
- Figure 8.13: Proportion of offenders commencing supervision by number of requirements and order, by gender, 2013
- Figure 8.14: Specified activity requirements as a proportion of all requirements applied to offenders commencing community orders or SSOs, 2007 to 2013
- Figure 8.15: Accredited programme starts and completions in the community for (a) females and (b) males, 2009/10 to 2013/14
- Figure 8.16: Re-offending rates by gender and adult/juvenile, 2002 to 2012
- Figure 8.17: Proportion of offenders who re-offended within each index offence group, by gender, 2012
- Figure 9.01: Proportion of male and female staff across each CJS agency
- Figure 9.02: Proportion of male and female senior staff across each CJS agency

## Executive summary

This report provides information about females and males in the Criminal Justice System (CJS) in England and Wales for the most recent years that data have been available. Where possible, five or ten year trends have been provided.

Table A.01 below shows the estimated proportion of each gender in the resident population aged ten and over<sup>1</sup> based on the population estimates from the 2011 Census, and the gender breakdown of those at different points of the CJS process.

**Table A.01: Overview of Women and the CJS: Proportion of individuals in the CJS by gender compared to general population**

Data	Time period	Female	Male	Total
Population aged 10 and over	Mid-2013	51%	49%	49,994,815
Arrests	2012/13	15%	85%	1,072,068
Out of Court Disposals				
Penalty Notices for Disorder	2013	23%	77%	84,268
Cautions	2013	23%	77%	180,286
Court Proceedings	2013	25%	75%	1,347,278
Convictions	2013	25%	75%	1,112,148
Sentenced to Immediate custody	2013	8%	92%	92,295
First time offenders	2013	27%	73%	164,588
Offenders with previous cautions or convictions	2013	14%	86%	545,976
Prison population	30 June 2014	5%	95%	85,509
Under supervision in the community	31 Dec 2013	15%	85%	110,950

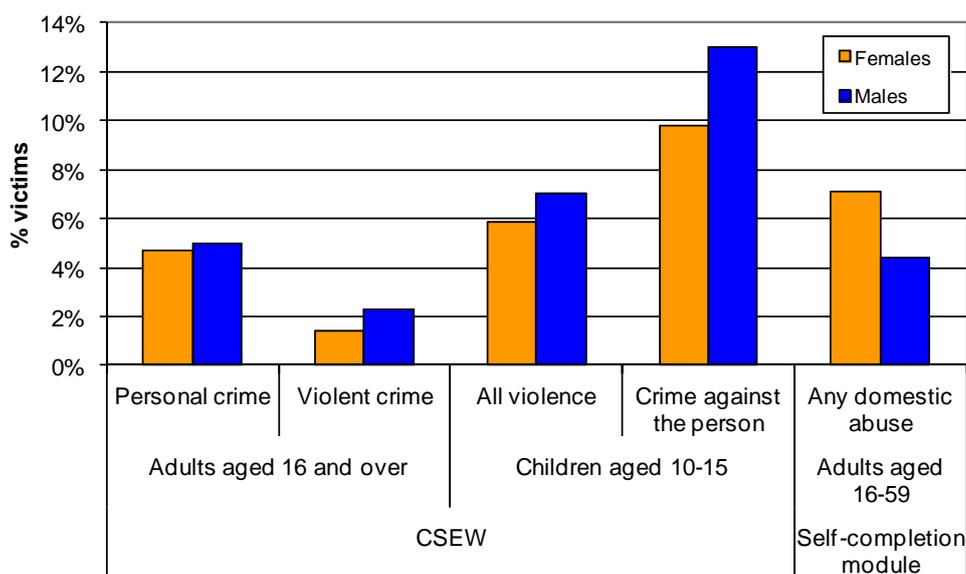
### *Victims of crime*

The 2013/14 Crime Survey for England and Wales (CSEW)<sup>2</sup> showed that around one in 20 people aged 16 and over reported being a victim of personal crime in the last 12 months. This has been lower for women in each year that the survey has been conducted, but has decreased for men over the past five years and for the last two years there has been no statistically significant difference between the rates for women and men.

<sup>1</sup> Ten is the age of criminal responsibility

<sup>2</sup> Full results from the Crime Survey for England and Wales 2013/14 can be found on the Office for National Statistics website at this link: [www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-march-2014/stb-crime-stats.html](http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-march-2014/stb-crime-stats.html)

**Figure A.02: Proportion of individuals who have experienced crime in the last year, 2013/14<sup>3</sup>**



A higher proportion of men reported being a victim of violence than women. However the type of perpetrator varied by gender with men more likely to be a victim of violence by an acquaintance or stranger and women more likely to be a victim of domestic violence.

Women were more likely than men to have experienced intimate violence<sup>4</sup> since the age of 16, with women twice as likely as men to have reported being a victim of non-sexual partner abuse (the most commonly experienced type of intimate violence) and seven times as likely as men to have reported being a victim of sexual assault. Women were also more likely than men to have experienced intimate violence in the previous 12 months.

Women have accounted for about 3 in 10 homicide victims in each year since 2003/04, with over half having been killed by a partner or ex-partner. In contrast, men were more often killed by a friend or acquaintance.

### *Police Activity*

The number of arrests fell by around half for males and around 60 per cent for females between 2008/09 and 2012/13; broadly reflecting trends in police recorded crime, which saw a 21% reduction over the same period.<sup>5</sup> Violence against the person and theft and handling were consistently the two offence groups with the highest number of arrests for both males and females; together making up around half of male arrests and two thirds of female arrests.

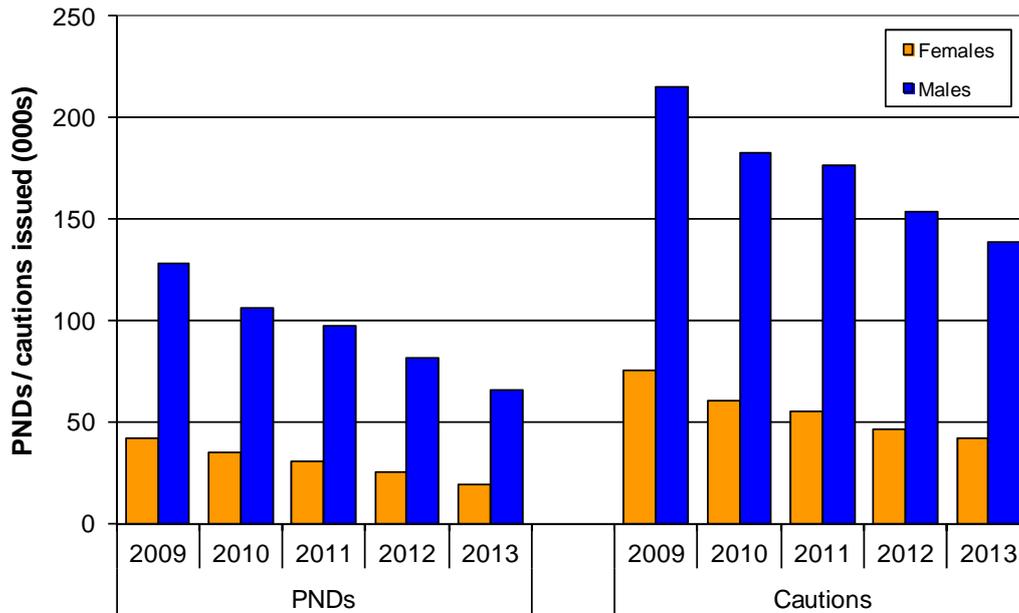
<sup>3</sup> Figures for domestic abuse cover the 2012/13 period.

<sup>4</sup> Intimate violence is the CSEW collective term used to describe domestic violence, sexual assault and stalking (this includes domestic abuse, partner abuse (non-sexual), family abuse (non-sexual), emotional or financial abuse, threats, force, sexual assault, rape, assault by penetration and stalking).

<sup>5</sup> Comparisons with recorded crime are limited here to trends over time. As arrests relate to persons and recorded crime to offences, it is not appropriate to compare actual numbers. Data are available in the reference table 'Recorded crime data at police force area level from 2002/03' from ONS (2014). Crime in England and Wales, period ending June 2014. Available: [www.ons.gov.uk/ons/publications/reference-tables.html?edition=tcm%3A77-353718](http://www.ons.gov.uk/ons/publications/reference-tables.html?edition=tcm%3A77-353718)

Penalty Notices for Disorder (PND) fell slightly faster for males than for females between 2009 and 2013, with males consistently making up around three quarters of PNDs. The offences for which males and females were given PNDs varied, with around half of PNDs issued to females being for retail theft of under £100 in value, while this made up only around a fifth of PNDs issued to males. An increased use of PNDs for possession of cannabis was seen during the five year period, with an increase by nearly half for females and a fifth for males from 2009 to 2013, although this fell slightly in the most recent year.

**Figure A.03: PNDs and cautions issued, by gender, 2009 to 2013**

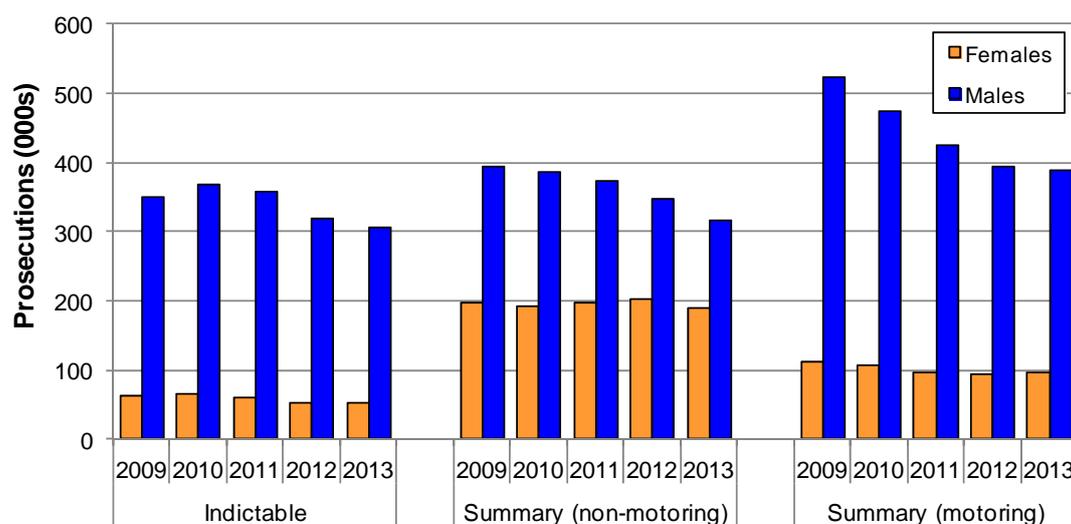


Although the use of cautions fell between 2009 and 2013, they fell faster for juveniles (aged under 18) for both genders. Summary offences (less serious) made up around half of cautions issued to both males and females, although cautions issued for indictable offences were more likely for juvenile males than for juvenile females..

*Defendants*

Prosecutions, and subsequently convictions, fell for both genders between 2009 and 2013; although the decline was sharper for males. Summary offence prosecutions (both motoring and non-motoring) saw a larger drop for males whereas indictable offence prosecutions saw a larger drop for females.

**Figure A.04: Indictable and summary (non-motoring and motoring) prosecutions by gender, 2009 to 2013**



The conviction ratio<sup>6</sup> increased for both male and female defendants between 2003 and 2008 and then remained broadly stable. It has been consistently slightly higher for females than males over the past decade.

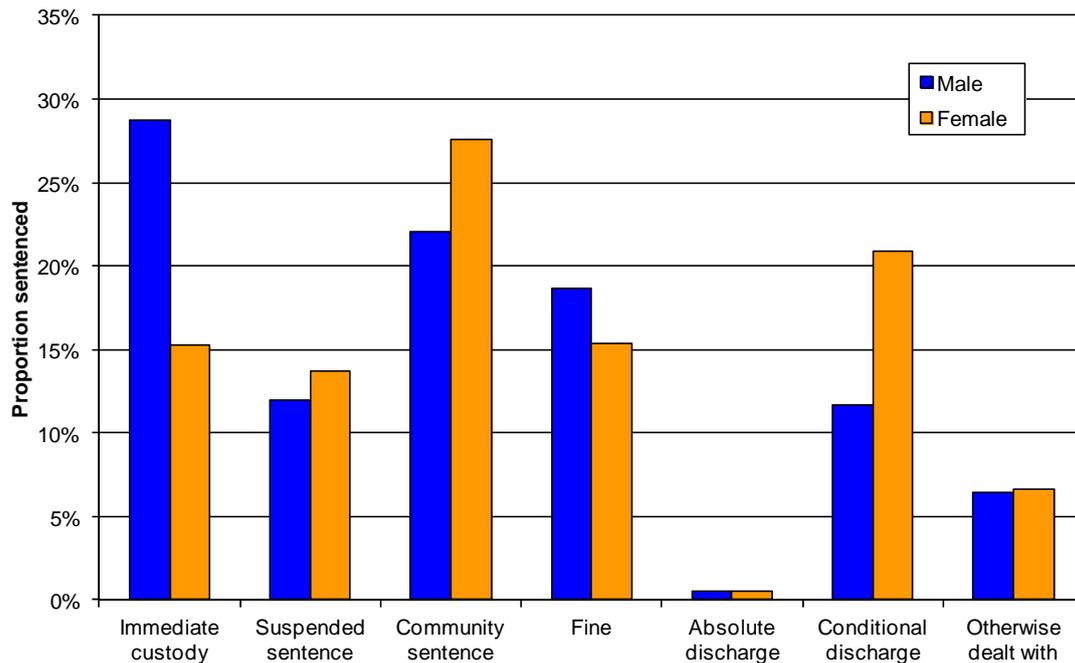
For defendants appearing at the Crown Court in 2013, males were nearly twice as likely as females to be remanded in custody. Of those remanded in custody, males were more likely to go on to receive an immediate custodial sentence.

For both male and female offenders in the five years from 2009 to 2013, fines were the most common sentence at court. Males were more likely to be given an immediate custodial sentence than females. The different disposal profiles of males and females can be largely attributed to the different types of offences they commit, with females more likely to commit the less serious, summary offences.

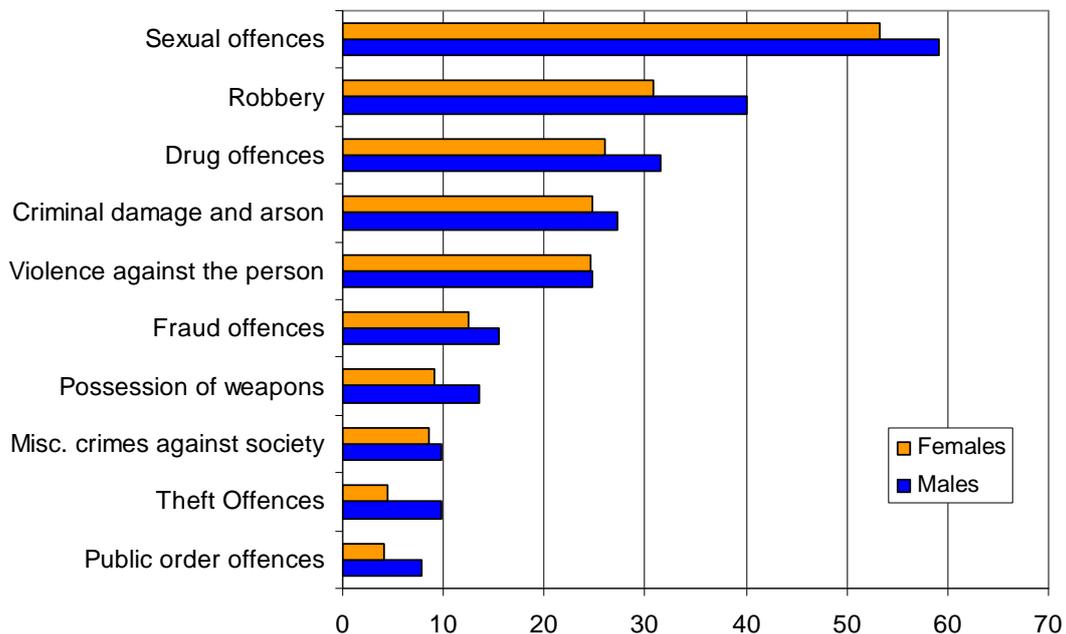
In 2013, custody was the most common sentence for males for indictable offences, whilst community sentences were the most common sentence outcome for females. Of those sentenced to custody for indictable offences, the average custodial sentence lengths were lower for female offenders compared with male offenders for all offence groups.

<sup>6</sup> The conviction ratio is calculated by dividing the number of defendants convicted by the number of defendants prosecuted in the same period.

**Figure A.05: Sentencing outcomes (percentages of all offenders sentenced) for indictable offences at all courts, 2013**



**Figure A.06: Average custodial sentence length for indictable offences, by gender, 2013**



*Offending histories*

Female offenders were less likely than male offenders to have any previous cautions or convictions throughout the ten years from 2003 to 2013, with a third of females and only a fifth of males being first-time offenders in 2013.

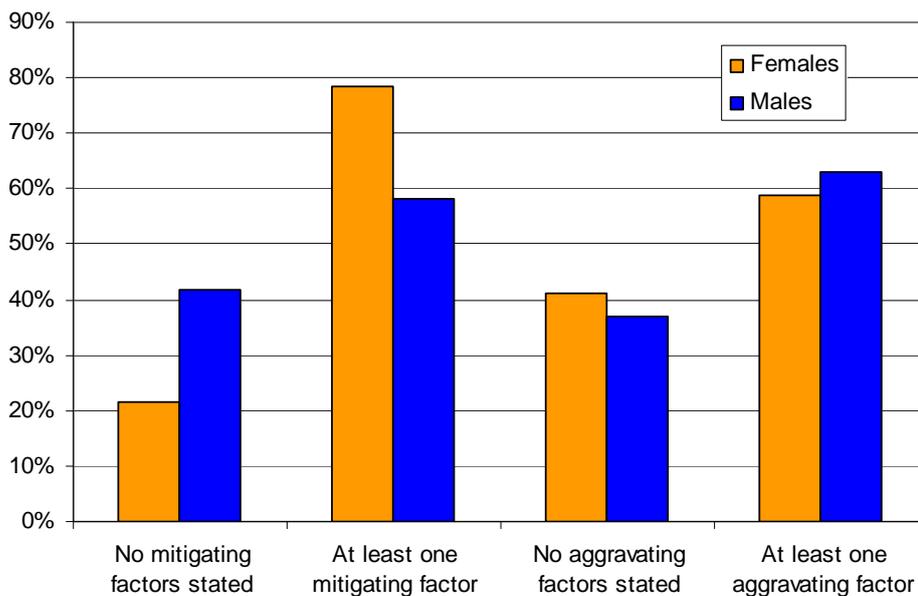
### Mitigating and aggravating factors

In 2013, for the two offence categories of 'theft, dishonesty and fraud', and 'assault and public order offences', female offenders were generally more likely than males to have mitigating factors applied to their sentence and males were generally more likely than females to have aggravating factors applied.

For female offenders, the predominant mitigating factors that were included (within the offence groups analysed) included the appearance of genuine remorse, the age of the offender, the offender having caring responsibilities and a lack of previous relevant convictions. Male offenders were less likely to have any of these taken into account, especially in relation to having caring responsibilities.

The aggravating factors that appeared for male offenders included the presence of previous relevant convictions, the location of the offence, being a member of a group or gang and evidence of some degree of pre-planning or pre-meditation. All of these were less likely to appear for females, although threatened or actual use of weapons (or equivalent) appeared for a similar proportion of both genders.

**Figure A.07: Application of mitigating and aggravating factors to Theft, Dishonesty and Fraud sentences at the Crown Court, 2013<sup>7</sup>**



The differing use of mitigating and aggravating factors by gender contributed to differing custody rates, with males being far more likely to be given an immediate custodial sentence than females, although this can also partly be explained by the specific offences committed by males and females.

### Shoplifting

In 2013, shoplifting made up the majority of theft offences for both male and female offenders, although the proportion was higher for females. Shoplifting made up nearly

<sup>7</sup> Data taken from the Crown Court Sentencing Survey 2013. Note that the survey is voluntary for judges and other sentencers, so figures are based on respondents to the survey and not all Crown Court cases.

half of all indictable convictions for females, and just under a quarter of all indictable convictions for males. The two most common disposals for both genders were conditional discharges and community sentences (of those sentenced at court). Males were far more likely to get an immediate custodial sentence.

#### *Employment, income and benefits before and after conviction/caution/release from prison*

In 2010/11, female offenders were more likely than male offenders to be on benefits before and after their caution, conviction or prison sentence, whereas in the general population, males were more likely than females to be on benefits. P45 employment levels were very similar for both male and female offenders at the time of conviction/caution or release from custody, but males had a higher average income than females.

#### *Prisons*

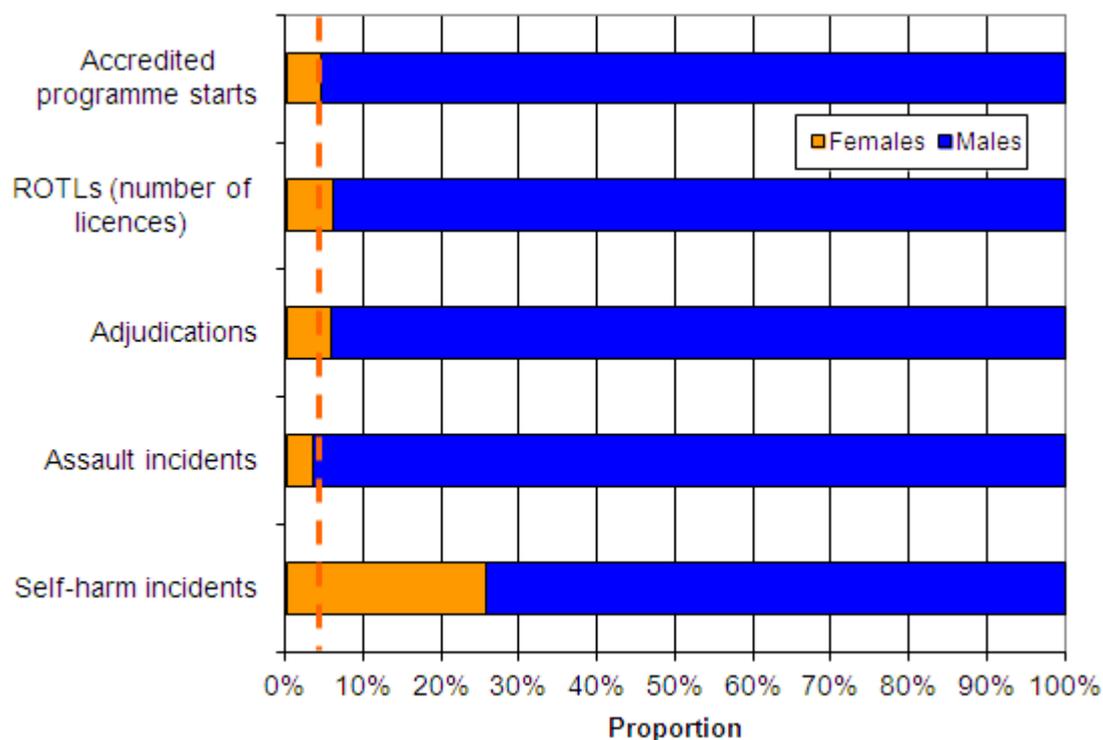
The male prison population has increased over the last ten years, whilst the female prison population has decreased, with females making up just under one in 20 prisoners on 30 June 2014.

Of those in prison under sentence, a larger proportion of the male prison population were serving an indeterminate sentence compared with the female prison population, and male prisoners were generally serving longer sentences than females.

In 2013, the rate of adjudications was higher for female prisoners than it was for males, although adjudications have been falling over the past decade for both genders. Per 1,000 prisoners in 2013, males committed more assaults and more serious assaults than females, although females committed more assaults on staff.

Although in 2013 female prisoners remained far more likely to self-harm than males, figures for self-harming have decreased in recent years for females, whilst they have increased for males, and self-harm incidents for males tend to be more severe, with a larger proportion resulting in hospital attendance.

**Figure A.08: Female/male proportions of accredited programme starts, Releases on Temporary Licence (ROTL), adjudications and incidents, 2013 (dotted line shows female prison population as a proportion of the total)**



#### *Probation*

In 2013, women accounted for around 16% of those under supervision as part of a community order or Suspended Sentence Order (SSO), and this proportion has remained stable since 2007. Women generally had fewer requirements to comply with than men, and had a shorter average order length. Women were also more likely than men to successfully complete both Community Orders and SSOs, and also to have them terminated early for good progress.

#### *Re-offending*

In the most recent period (2012), males (both adults and juveniles) re-offended at a higher rate than females (27.7% compared to 18.5%), and this has not changed over the past ten years.

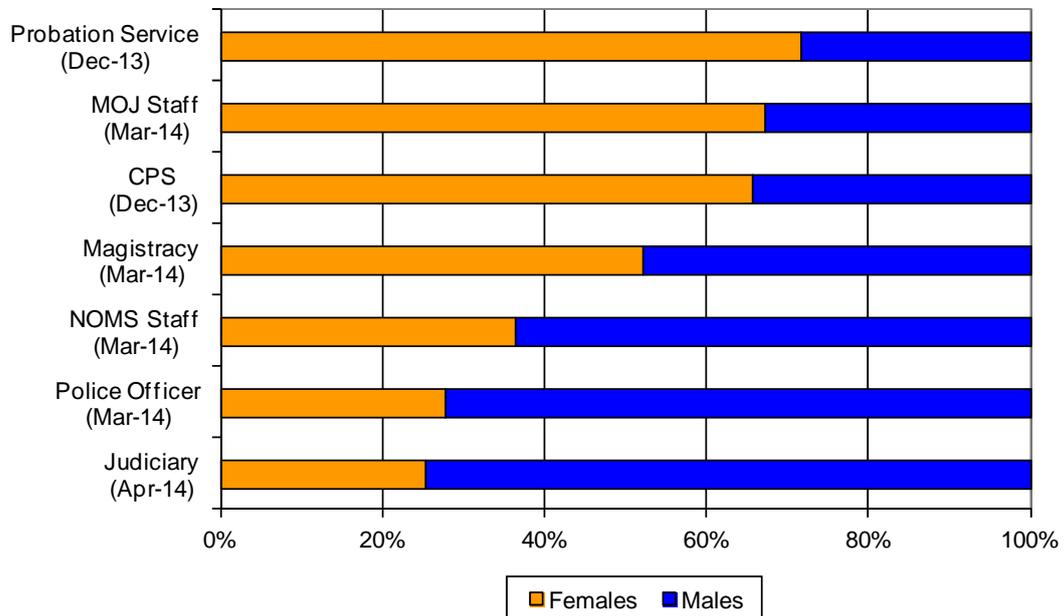
Index offences related to theft and robbery saw the highest rates of re-offending for adults of both genders. For some index offence groups, the proportion of adult males who re-offended was more than double the corresponding proportion of adult females, including violence against the person, fraud offences and summary motoring offences.

#### *Staff and practitioners*

In the most recent period, the representation of women varied substantially across the Criminal Justice System agencies ranging from as high as 72% in the Probation Service and two thirds of staff at the MoJ, to a quarter of staff in the Police Service and the Judiciary in the most recent period. The proportion that women accounted for in most of these agencies/organisations has increased over the last five years,

although women are still considerably less well-represented in senior positions than men.

**Figure A.09: Proportion of female and male staff in CJS agencies in the most recent period (by decreasing proportion of females)**



# 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 specifically fulfilling this requirement have been published since 1992, in the form of statistical information. This report, as with previous editions, brings together statistical information on the representation of females as victims, suspects, defendants and offenders within the Criminal Justice System. It also provides details of employees within the criminal justice agencies.

The publication aims to help practitioners, policy makers, academics and members of the public understand trends in the Criminal Justice System in England and Wales, and how these vary between males and females, and over time. The identification of differences should not be equated with discrimination, however, as there are many reasons why apparent disparities may exist.

Other government papers containing information on women in the justice system have also been published recently, including the National Offender Management Service (NOMS) Equalities report<sup>8</sup> (published in November 2014) and several Ministry of Justice research reports outlining a range of findings from a survey of prisoners (undertaken as part of a survey of adult prisoners sentenced to between one month and four years in prison in England and Wales in 2005 and 2006). In March 2014, the Home Office also published an updated version of the violence against women and girls action plan (first published in 2011).

This is the third biennial compendium of Statistics on Women and the Criminal Justice System and will be followed next year by its sister publication Statistics on Race and the Criminal Justice System.

## *Changes to the report*

Those familiar with previous editions of this publication will find several additions and changes in this most recent report. The additions are based on suggestions from members of the Women's Independent Advisory Group and reflect the needs of users of the report. New sections include analysis of the differences between males and females in the application of mitigating and aggravating factors from the Crown Court Sentencing Survey, analysis of the income, employment and benefit status of offenders before and after conviction/caution or release from prison<sup>9</sup>, figures on releases on temporary licence (ROTLs), sections on accredited programmes (in prisons and in the community) and analyses of specific offences for which there appear to be particularly high numbers for females, such as benefit fraud, shoplifting, certain violent offences and drug offences. Additionally, a short paper on the use of immediate custody as a sentence for breaching a community penalty has been published alongside this report.

---

<sup>8</sup> The National Offender Management Service (NOMS) Equalities report, 2013/14 can be found here: [www.gov.uk/government/statistics/announcements/noms-annual-offender-equalities-report-2013-to-2014](http://www.gov.uk/government/statistics/announcements/noms-annual-offender-equalities-report-2013-to-2014).

<sup>9</sup> Analysis is taken from the data share that the Ministry of Justice holds with the Department for Work and Pensions and Her Majesty's Revenue and Customs.

The overall style and composition of the report have also been improved, with more graphs to easily demonstrate trends and comparisons. Tables that are published elsewhere are linked instead of republished, and commentary has been condensed in places to reduce repetition, replaced instead with more probing analysis in areas where trends or differences stand out. The aim of these changes has been to improve the overall narrative of the publication so that readers gain a clearer picture of women and the criminal justice system.

We welcome feedback on the changes made to the report. If you have any comments on this edition or suggestions for future editions, please direct these to [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk).

### *Implementation of changes to offence classifications*

In July 2013, the Office for National Statistics (ONS) re-designed the classifications used to present police recorded crime statistics, following recommendations from the National Statistician's review of Crime Statistics in England and Wales in June 2011. The changes to classifications were implemented in the ONS statistical bulletin *Crime in England and Wales, year ending March 2013*, published in July 2013, alongside a methodological note<sup>10</sup> providing more detail on the changes and their impact on time-series for key measures.

These changes affect certain sections of this report, including all data on cautions, prosecutions, convictions, sentencing, offending histories and re-offending. No change has been made to the coverage of offences, and most changes are presentational, with some offences moving between classifications or being separated out of existing groupings. Data on arrests and prisoners still follow the old groupings.

### *Transforming Rehabilitation*

The Offender Rehabilitation Act 2014 makes provisions about the release and supervision after release, of offenders; the extension period for extended sentence prisoners and also makes provisions in relation to community orders and suspended sentence orders.

The new legislation has changed the law so that all offenders released from short prison sentences will receive 12 months of supervision in the community. Under the reforms, all offenders (male and female) who are serving a custodial sentence of less than 12 months, will have an assessment of risks and needs soon after they are taken into custody which will be used for their resettlement plan. The information from the assessment will be used to draw up a bespoke plan for the individual offender for their sentence in custody and then afterwards in the community, based on their particular set of needs.

Section 10 of the Offender Rehabilitation Act 2014 contains a specific requirement on the Secretary of State to satisfy himself that any contracts for the provision of probation services meet the particular needs of female offenders. Bidders will need to ensure that, in making arrangements for the supervision and rehabilitation of

---

<sup>10</sup> 'Presentational changes to National Statistics on police recorded crime in England and Wales', Office for National Statistics Methodology Note, 18 July 2013: [www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/presentational-changes-on-police-recorded-crime-in-england-and-wales.pdf](http://www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/presentational-changes-on-police-recorded-crime-in-england-and-wales.pdf)

offenders, they have complied with the public sector duty under section 149 of the Equality Act 2010 which relates to female offenders.

For offenders under supervision in the community, specific contractual requirements will be put in place in respect of the management of female offenders, so that, where practicable, female offenders should be offered the option of:

- a female Offender Manager;
- being interviewed in a female-only environment; and
- not being placed in an all-male work environment as part of an Unpaid Work or Attendance Centre requirement.

The changes made under the Offender Rehabilitation Act 2014 do not affect any of the data provided within this report, as this report covers data no later than the end of June 2014 and most of the provisions of the Act have been scheduled to commence after this date. However, some data will be available by the time of the publication of the next “Statistics on Women and the Criminal Justice System” in 2016, and so this will be covered in more detail then.

#### *Supplementary tables and guide*

Supplementary Excel tables also accompany the chapters, providing additional data where the figures have not previously been published (or not published in that form). Data are presented in terms of calendar and financial years, reflecting the reporting cycles and data collection of the agencies contributing information for this publication. For example, data on arrests are presented in financial years, while data from courts, prison and probation are presented in calendar years. Five or ten year trends have been presented wherever possible. Where changes to data systems or data quality issues do not allow for this, trends have been presented for the longest periods possible.

A technical document titled *A Guide to Statistics on Women and the Criminal Justice System*<sup>11</sup> is available alongside this report, which provides users with information on the concepts and terminology used within the report, as well as information about data sources, data quality and references.

#### *Occasional papers*

In addition to this report, the Ministry of Justice is looking at the possibility of introducing occasional papers to explore in more depth those areas where differences have been identified by gender. The Ministry of Justice would welcome feedback on whether these papers would be valuable and on any topics of interest to users of this report (email: [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)).

#### *Revisions*

Data included in this report have been extracted from large administrative data systems generated by the courts, police forces and other agencies. Such statistics are by their nature subject to occasional error and uncertainty. Initial estimates are often systematically amended to reflect more accurate and complete information provided by data suppliers at some later point. As a consequence, care must be

---

<sup>11</sup> The technical document *A Guide to Statistics on Women and the Criminal Justice System* can be found here: [www.gov.uk/government/statistics/announcements/women-and-the-criminal-justice-system-2013](http://www.gov.uk/government/statistics/announcements/women-and-the-criminal-justice-system-2013)

taken when using the statistics presented in this report to ensure the inevitable limitations of these data are taken into account.

## Chapter 2: Key trends in the criminal justice system

This section provides a brief introduction to the criminal justice system as a whole and presents recent trends, so that readers understand the context of the differences between males and females described in later chapters.

### *Overall trends*

The Crime Survey for England and Wales (CSEW) has shown that there were an estimated 7.3 million incidents of crime against households and resident adults (aged 16 and over) in England and Wales for the year ending March 2014. This represents a 14% decrease compared with the previous year's survey, and is the lowest estimate since the survey began in 1981<sup>12</sup>.

In contrast, police recorded crime shows no overall change from the previous year, with 3.7 million offences recorded in the year ending March 2014. Prior to this, police recorded crime figures have shown year on year reductions since 2002/03.

The total number people and companies formally dealt with by the criminal justice system in England and Wales has been declining since 2007, and is now at a record low level (period 1970 to 2013), with 1.76 million individuals dealt with in 2013.

The use of out of court disposals has decreased by more than half since 2007. Within courts, prosecutions have declined, with an almost year-on-year decrease since 2004. The reduction has been much sharper for juveniles, reflecting both a decreasing number of juvenile offenders reprimanded or issued with a warning and the decreasing numbers of juveniles found guilty in all courts. For example, juveniles accounted for only 3% of defendants prosecuted in 2013 compared to 7% in 2007.

The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 introduced a wide range of reforms to the justice system as well as delivering structural reforms to the administration of legal aid. It abolished Indeterminate sentences for Public Protection (IPPs) and replaced them with new Extended Determinate Sentences (EDS), and it legislated that adult offenders would receive mandatory life sentences for a second serious sexual or violent offence. Some new offences were brought in and youth cautions replaced reprimands and final warnings. The effects of these changes can be seen throughout the data in this report.

The prison population grew rapidly between 1993 and 2008, at an average of 4% a year. This rapid increase was driven by increases in the number of people sentenced to immediate custody from 1993 to 2002, increases in the average custodial sentence length and increased use of indeterminate sentences; increases in the number of offenders recalled to prison following breaches of their licence conditions, along with increases in the average length of time these offenders spent in prison once recalled.

The increase in the prison population slowed considerably from the summer of 2008, in part due to the introduction of the Criminal Justice and Immigration Act 2008, which changed sentencing and offender management in ways which helped to reduce growth in the prison population. This flatter trend continued until the public disorder seen in UK cities from 6 to 9 August 2011 which had an immediate but temporary impact on the prison population. During 2012 and into 2013, the prison

---

<sup>12</sup> The CSEW was formerly known as the British Crime Survey (BCS), as the survey previously included households in Scotland.

population began to fall due to a decreasing remand population and a continued decline in the number of under 18s in custody. The falling remand population during 2012 reflected falling volumes going through the courts plus the introduction of the LASPO Act, mentioned above, in December 2012. This Act restricted the use of remand for offenders who would be unlikely to receive a custodial sentence.

The probation caseload (court orders and pre and post release supervision) increased by 39% between 2000 and 2008, and then fell year on year, reaching 219,588 at the end of 2013. The rise between 2000 and 2008 was driven by the introduction of new court orders, in particular the Suspended Sentence Order (SSO) in 2005 (under the Criminal Justice Act 2003); and an increase in the pre- and post-release supervision caseload due to continued growth in numbers serving custodial sentences of 12 months or more who require supervision on licence on release from custody and offenders spending longer periods on licence after release from custody under CJA 2003.

#### *Differences between males and females*

Males have consistently made up the vast majority of defendants and offenders in the criminal justice system, with females making up only 23 per cent of those given out of court disposals, 18 per cent of arrests, 25 per cent of convictions and five per cent of the prison population in 2013. Although the number of offenders formally dealt with has been falling for both genders, it has been falling faster for females, meaning that these proportions are at their lowest in the past decade.

The types of offences committed by females tend to be different to those committed by males and so differences in disposals between them can be at least partly explained by the different crimes with which they are associated. Most female defendants go through magistrates' courts, as the offences they commit are predominantly low-level summary offences and therefore not serious enough to be tried at the Crown Court.

The main indictable offence group that female convictions tend to fall into is theft, accounting for nearly a quarter of female indictable convictions in 2013. Theft also stands out as the largest offence group for females within out of court disposals. A more detailed look at what drives these figures can be found in the Offence Analysis section, and an in-depth look at the mitigating and aggravating factors associated with theft offences is given in the Offender Characteristics chapter.

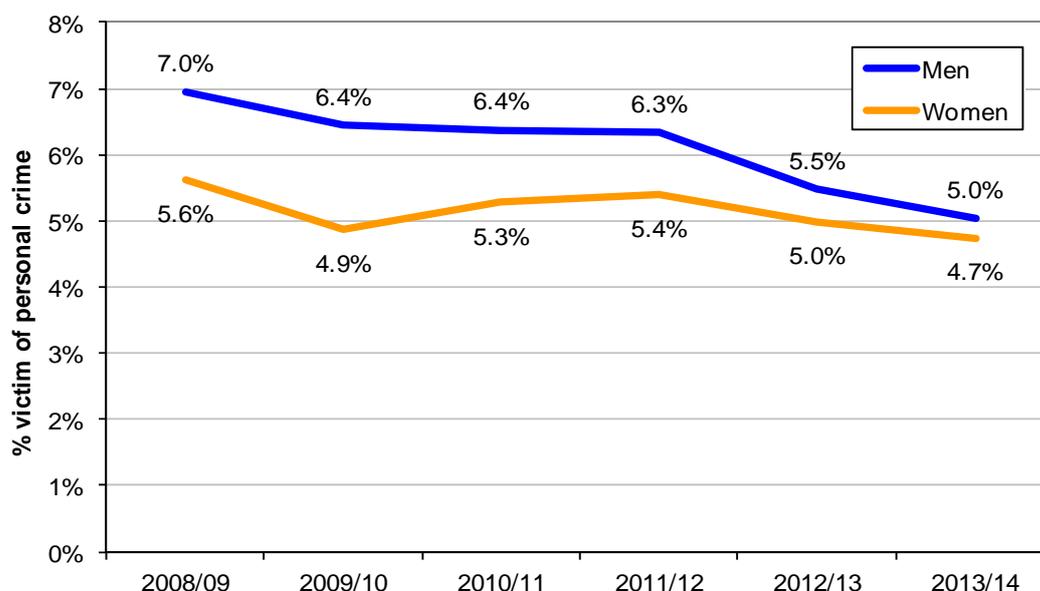
## Chapter 3: Victims

This chapter explores the nature, extent and risks of victimisation as reported in the *2013/14 Crime Survey for England and Wales (CSEW)*<sup>13</sup>, based on the sex of the victim. It also includes police recorded crime statistics on homicide (murder, manslaughter or infanticide) by the sex of the victim from the ONS publication, *Focus on: Violent Crime and Sexual Offences, 2012/13*<sup>14</sup>.

### Personal crime<sup>15</sup>

The 2013/14 Crime Survey for England and Wales showed a statistically significant decrease in the proportion of both women and men reporting to be a victim of personal crime in 2013/14 compared with 2011/12, but not with 2012/13. A greater proportion of men reported being a victim of personal crime compared with women, however in the last couple of years this difference has not been statistically significant.

**Figure 3.01: Proportion of adults aged 16 and over who reported being a victim of personal crime, by sex, 2008/09 to 2013/14 CSEW**



### *By Age*

The proportion of adults reporting being a victim of personal crime decreases with age. In 2013/14, 11.4% of men and 11.3% of women aged 16-24 reported being a victim of personal crime compared with 0.8% of men and 1.5% of women aged 75+.

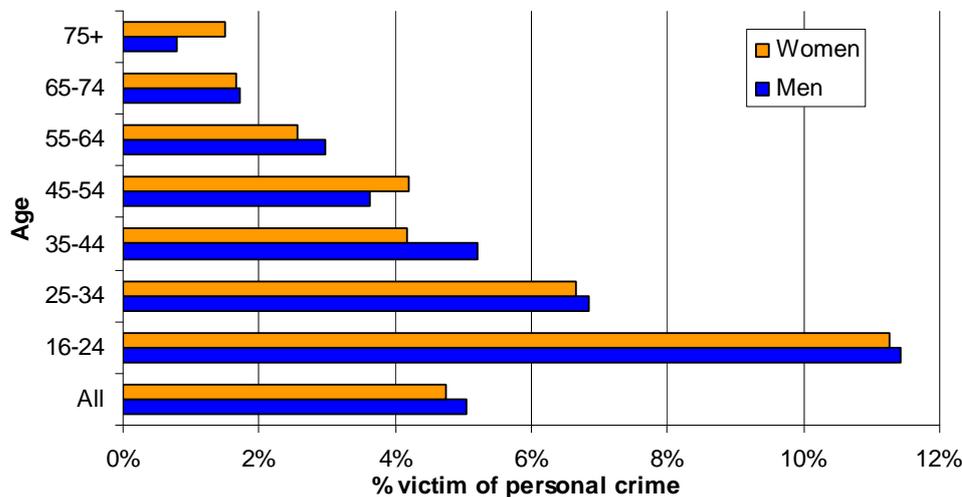
<sup>13</sup> The *Crime Survey for England and Wales 2013/14*, published by the Office for National Statistics, can be seen here for more information: [www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-march-2014/stb-crime-stats.html](http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/period-ending-march-2014/stb-crime-stats.html).

<sup>14</sup> The *Focus on: Violent Crime and Sexual Offences, 2012/13* publication, published by the Office for National Statistics, can be viewed here: [www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/rpt--about-this-release.html](http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/rpt--about-this-release.html).

<sup>15</sup> Personal crimes relate to all crimes against the individual and only relate to the respondent's own personal experience (not that of other people in the household). An example of a personal crime would be an assault.

In most age groups a greater proportion of men reported being a victim of personal crime compared with women. However these differences are not statistically significant.

**Figure 3.02: Proportion of adults aged 16 and over who reported being a victim of personal crime, by age and sex, 2013/14 CSEW**

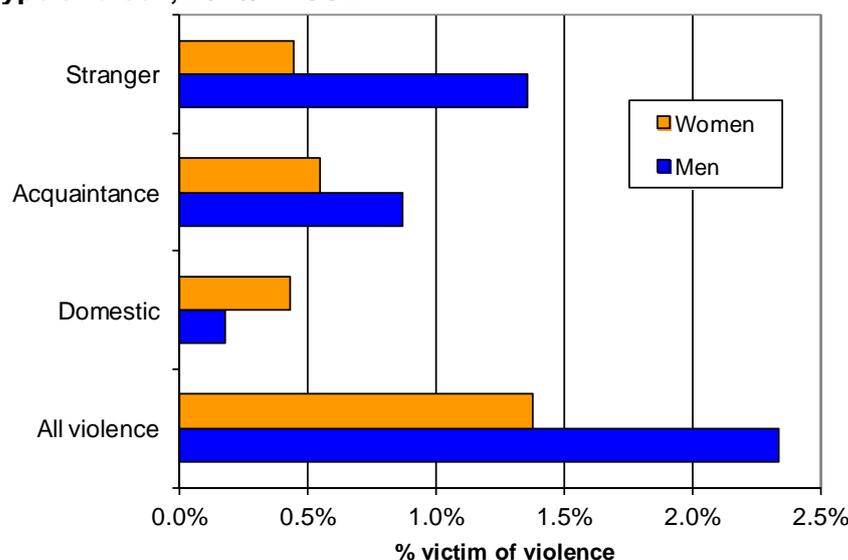


Violent crime

In 2013/14 a higher proportion of men (2.3%) reported being a victim of violence than women (1.4%), and within violence, this was true for both wounding and common assault without injury<sup>16</sup>.

In 2013/14 men were more likely than women to be a victim of violence by an acquaintance or stranger, but women were more likely than men to be a victim of domestic violence.

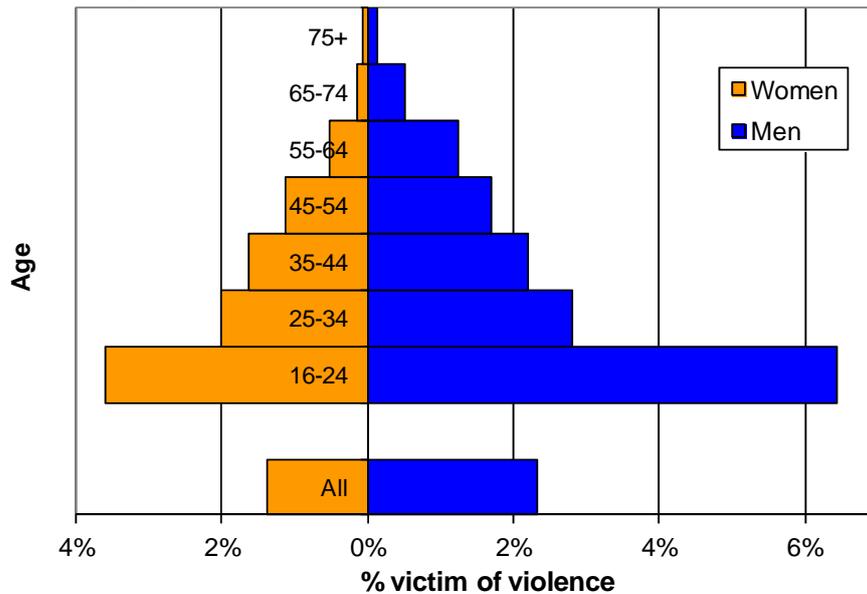
**Figure 3.03: Proportion of adults who reported being a victim of violence by type and sex, 2013/14 CSEW**



<sup>16</sup> The apparent difference in the common assault with injury rates for men and women was not statistically significant.

The figures below show the different age profiles for men and women victims of different types of violence. Overall men have a higher risk of being a victim of violence for all age groups (although the differences are not always statistically significant) and for both men and women the risk of being a victim of violence decreases with age. Men and women aged 16-24 have the highest risk of being a victim of violence (6.4% and 3.6% respectively) whilst men and women aged 75+ have the lowest risk (0.1%).

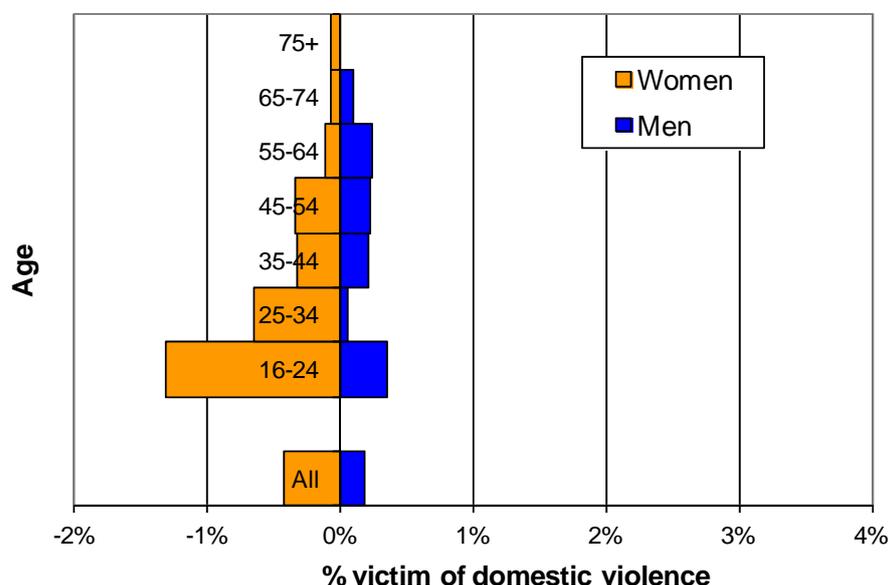
**Figure 3.04: Proportion of adults who reported being a victim of violence by sex and age, 2013/14 CSEW**



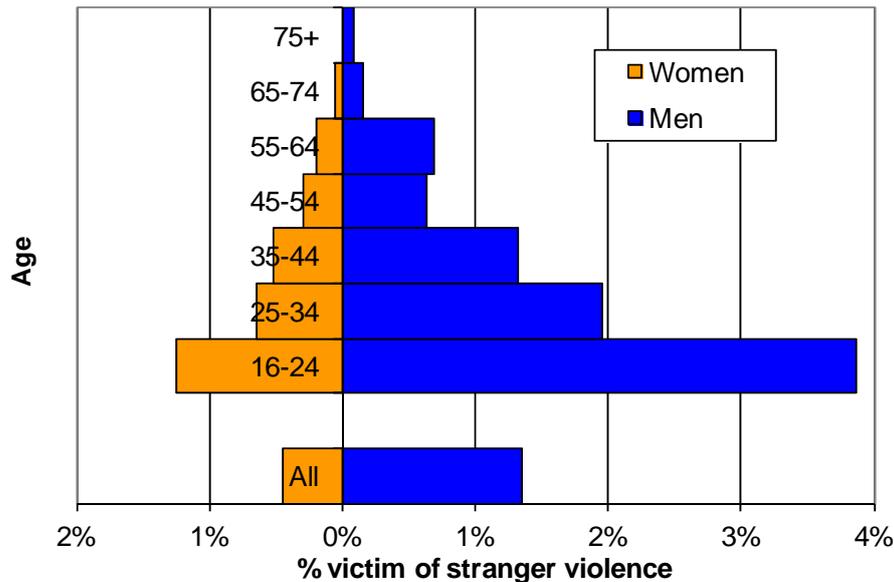
However the profile looks different for different types of violence. For example, for most age groups women had a higher risk than men of being a victim of domestic violence (except for those aged 55-64). The difference was statistically significant for the 16-24 and the 25-34 age groups.

**Figure 3.05: Proportion of adults who reported being a victim of a) domestic violence and b) stranger violence by sex and age, 2013/14 CSEW**

a)



b)



#### Risk factors associated with being a victim of violence

Logistic regression analysis of 2013/14 CSEW was conducted by the Office for National Statistics to identify the risk factors independently associated with being a victim of violence for men and women.

The analysis found that the characteristics most associated with being a victim of violence for both men and women were age, disability and marital status. Individuals aged 16-24 were more at risk of being a victim of violence compared with older adults, individuals with a longstanding illness or disability were more at risk than those without, and individuals who were single, separated or divorced were more at risk than individuals who were married or cohabiting.

Housing tenure was also a risk factor for men; men living in socially rented accommodation<sup>17</sup> were more at risk than those living in accommodation that they owned, as was accommodation type with men living in detached houses more at risk than those in semi-detached or terraced houses.

For women, the number of evening visits to a pub/bar in the last month was also a risk factor. Women who went less than once a week or more than once a week were more at risk of being a victim of violence than those who had no visits.

<sup>17</sup> There was no statistically significant difference in the risk of being a victim of violence between those in privately rented accommodation and owners.

**Table 3.06: Factors associated and not associated with being a victim of violence for men and women, 2011/12 CSEW**

Variable	Risk Factor	
	Women	Men
Age	✓	✓
Long-standing illness or disability	✓	✓
Respondent's marital status	✓	✓
Respondent's employment status		
Highest qualification		
Total household income		
Housing tenure		✓
Accommodation type		✓
Area type		
Hours out of home on an average weekday		
Number of evening visits to pub/bar in last month	✓	

Source: Crime Survey for England and Wales 2013/14

Notes:

(1) ✓ indicates a significant association between the variable and violent victimisation.

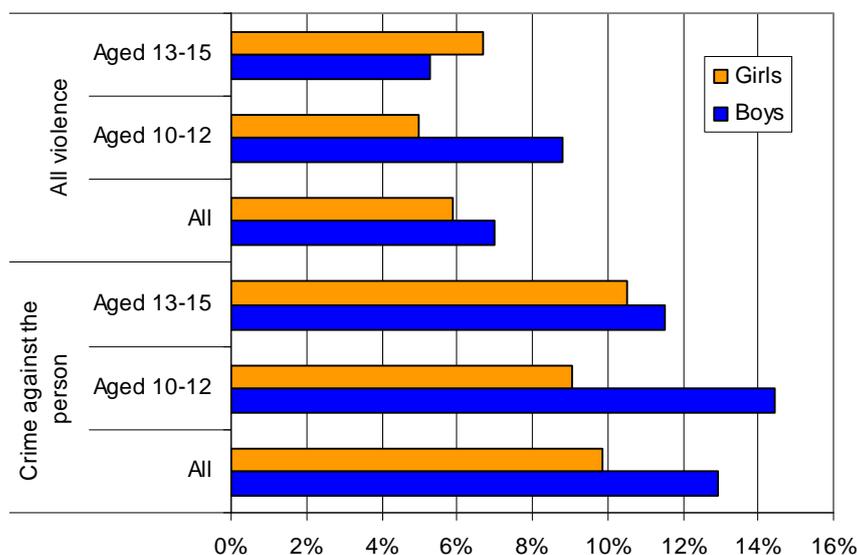
(2) See supplementary tables S2.07 and S2.08 of the CSEW 2013/14 report for full variable breakdown by gender.

(3) See Section 7 of the CSEW 2013/14 User Guide to Crime Statistics for England and Wales for definitions of personal, household and area characteristics ([www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guide-to-crime-statistics.pdf](http://www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guide-to-crime-statistics.pdf)).

### Child victimisation

In 2013/14, a higher proportion of boys aged 10-15 were victims of personal crime than girls. The proportion of boys aged 10-12 who experienced personal violent crime was nearly double the proportion for girls of the same age.

**Figure 3.07: Percentage of children aged 10-15 experiencing victimisation, by sex and crime type, 2013/14, CSEW**



## Intimate violence<sup>18</sup>

This section provides findings from the 2012/13 CSEW self-completion module on intimate violence, which is asked of individuals aged 16 to 59. Intimate violence is a collective term used here to refer to a number of different forms of physical and non-physical abuse consisting of partner abuse, family abuse, sexual assault and stalking. The term reflects the intimate nature either of the victim-offender relationship or the abuse itself. As in previous years, in contrast to findings on overall violent crime victimisation, women were more likely than men to have experienced intimate violence across all the headline types of abuse asked about.

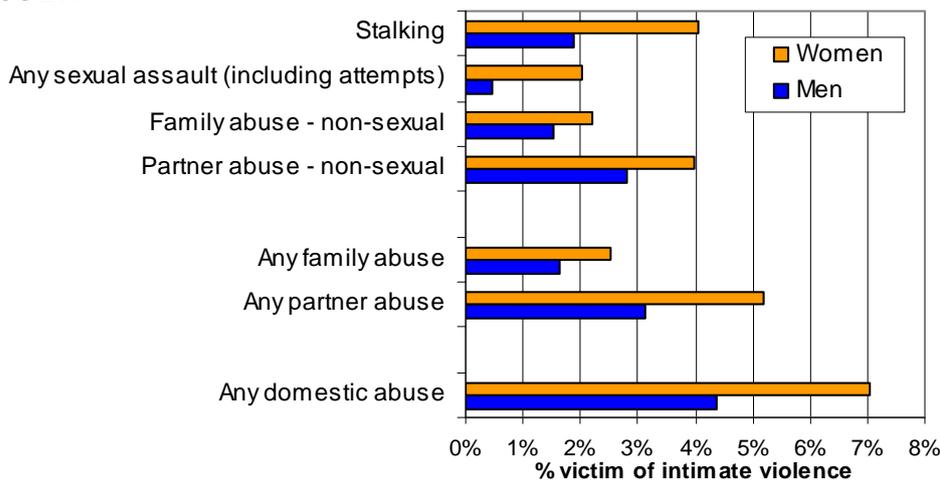
### *Intimate violence experienced since the age of 16*

In 2012/13, 30.0% of women and 16.3% of men reported that they had experienced any type of domestic abuse since the age of 16. The most frequently experienced type of intimate violence was partner abuse (non sexual), but women were twice as likely as men (23.8% compared with 11.1% of men) to report having experienced such abuse. Prevalence of family abuse (non sexual) was similar for women and men (7.5% and 6.1% respectively), whilst the greatest difference between the genders was for sexual assault. Women were seven times more likely to have reported having experienced such abuse.

### *Intimate violence experienced in the last year*

Consistent with a higher proportion of women being a victim of domestic abuse since the age of 16, in 2012/13 a higher proportion of women reported having experienced domestic abuse in the previous 12 months (7.1% compared with 4.4% of men). In the last year, partner abuse (non-sexual) and stalking were the most common of the separate types of intimate violence.

**Figure 3.08: Percentage of adults aged 16 to 59 who experienced intimate violence in the previous 12 months, by sex and headline category, 2012/13 CSEW**



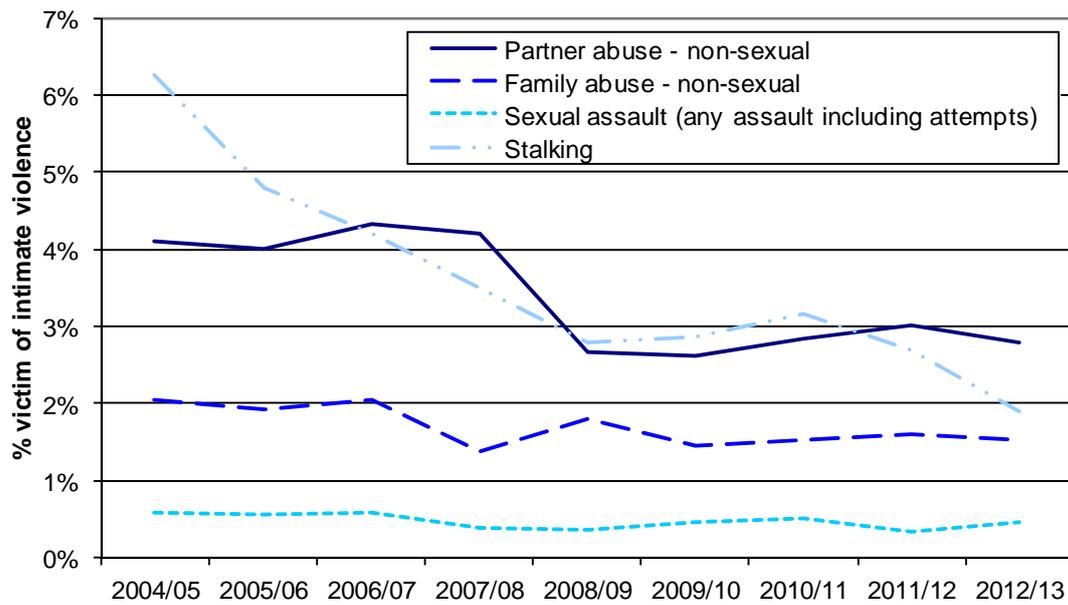
<sup>18</sup> This section provides a summary of the main findings of Chapter 4 – Intimate Personal Violence and Partner Abuse in Focus on violent crime and sexual offences published by the ONS in February 2014. The original chapter can be found in [www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/rpt---chapter-4---intimate-personal-violence-and-partner-abuse.html](http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/rpt---chapter-4---intimate-personal-violence-and-partner-abuse.html). Figures for 2013/14 are due to be published in February 2015.

Trends since 2004/05

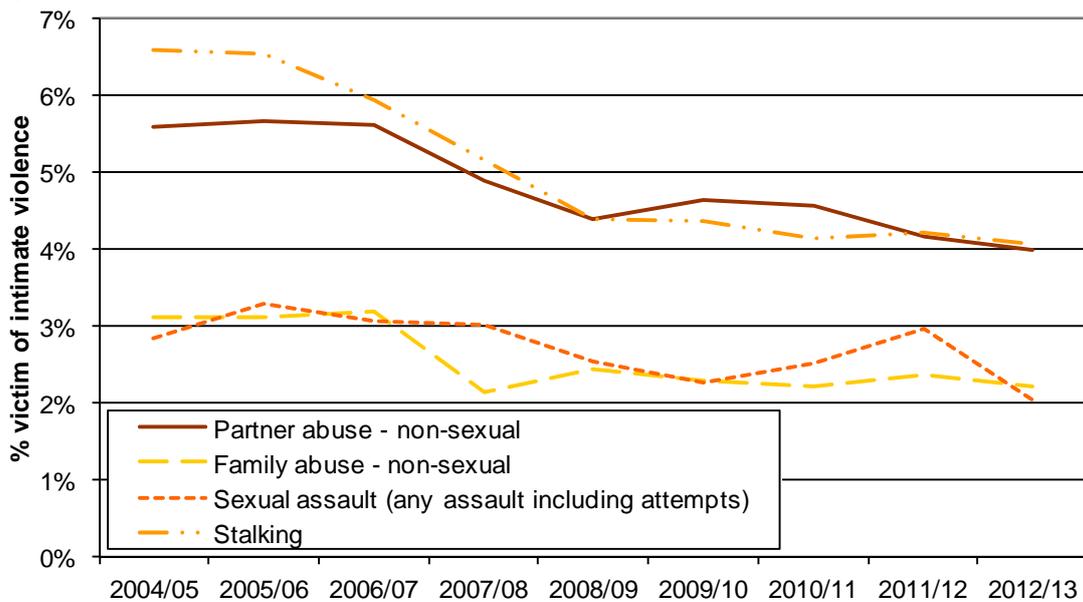
Overall the prevalence of domestic abuse experienced in 2012/13 was the lowest since 2004/05 when questions on this subject were first introduced to the survey, although the latest figure is not significantly different from the last 4 years. Since 2004/05 all headline measures have seen a statistically significant decline except for family abuse (non-sexual) for men and sexual assault for men.

**Figure 3.09: Percentage of adults aged 16 to 59 who experienced intimate violence in the last year, by headline category for a) men and b) women, 2004/05 to 2012/13 CSEW\***

a)



b)

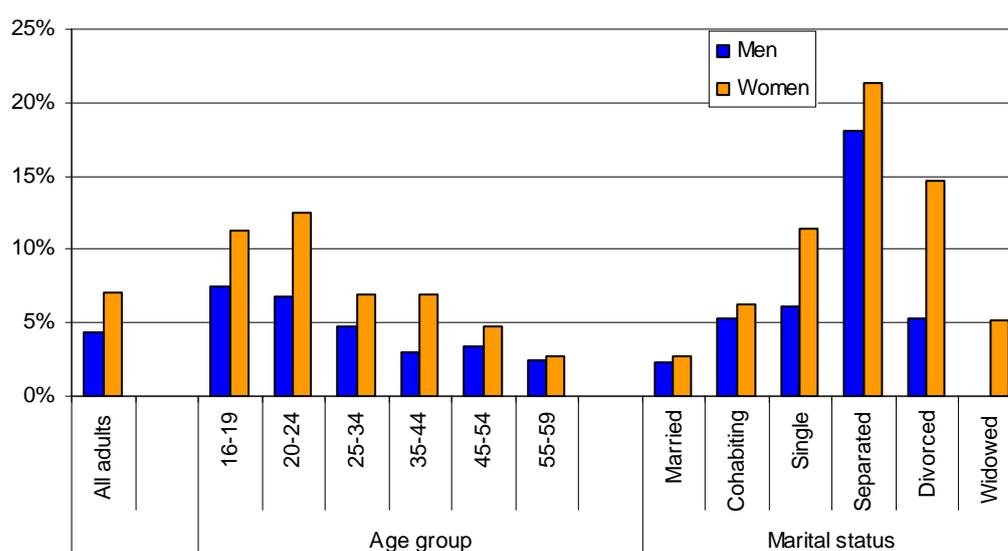


\* The stalking time series excludes a data point for 2007/08 due to comparable questions on stalking not being included that year.

### By age and marital status

For both men and women, the prevalence of intimate violence was higher for younger age groups. Women who were separated had the highest prevalence of any domestic abuse in the last year (21.3%), compared with all other groups by marital status, followed by men who were separated (18.0%). The prevalence for separated women is not significantly higher than for separated men. Married men and women had the lowest prevalence of domestic abuse (2.3% and 2.7% respectively) compared with all other groups by marital status. For sexual assault, single women were more likely to be victims (4.3%) compared with those who were married, cohabitating or divorced.

**Figure 3.10: Percentage of adults aged 16 to 59 who experienced domestic abuse in the last year by sex, age and marital status, 2012/13 CSEW**



### Reporting partner abuse

In the CSEW, victims of partner abuse in the last 12 months were also asked who they had spoken to about the abuse they experienced. The majority of victims told someone about the abuse they suffered, with women (83%) being more likely to tell someone than men (71%). Both men (61%) and women (76%) were more likely to tell someone they knew personally about the abuse. A third of all victims told someone in an official position about the abuse (22% men and 38% women), and women were much more likely to tell the police than men (27% and 10% respectively).

Other government reports that have recently been published on domestic abuse and sexual offences and may also be of interest include the Crown Prosecution Service statistics on violence against women and girls<sup>19</sup>, which include charging decisions and prosecution outcomes in cases brought to the CPS.

<sup>19</sup> See [www.cps.gov.uk/data/violence\\_against\\_women/vawg\\_2013\\_14\\_report.html](http://www.cps.gov.uk/data/violence_against_women/vawg_2013_14_report.html)

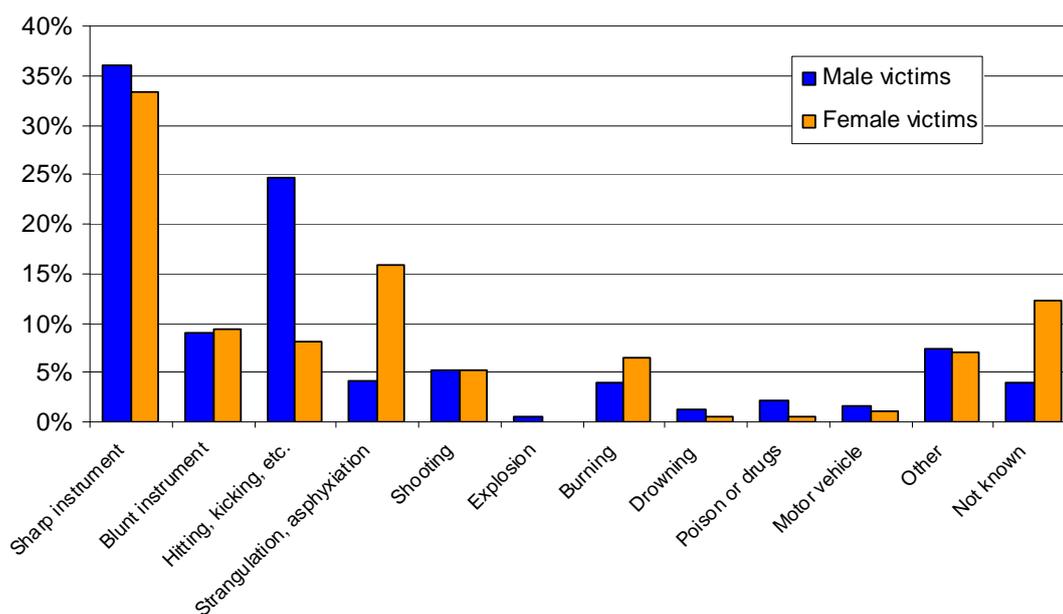
## Homicide

In 2012/13<sup>20</sup> there were 551 homicide victims in England and Wales recorded by the police; 380 male victims and 171 female victims. Females have accounted for about 3 in 10 homicide victims in each year since 2003/04, although the number of homicide victims has fallen over the period. The rate of homicide victims per million in the population varies across both age and sex. Whilst rates fluctuate, the highest rate of homicide is for children under 1 year and for this age group the rates are broadly similar for males and females. Homicide rates are also higher than average for adults aged 16-29 and aged 30-49 and for both these age groups the rate of homicide in the male population is more than double (in some years more than triple) the rate of the female population.

### Method of killing

There were differences in the method of killing male and female victims. In 2012/13 a sharp instrument was the most common method of killing for both male and female victims, but for male victims the second most common method was hitting and kicking etc., whilst for female victims it was strangulation or asphyxiation. This is in line with trends seen in previous years.

**Figure 3.11: Method of killing of homicide victims by sex, 2012/13**



### Relationship to principal suspect<sup>21</sup>

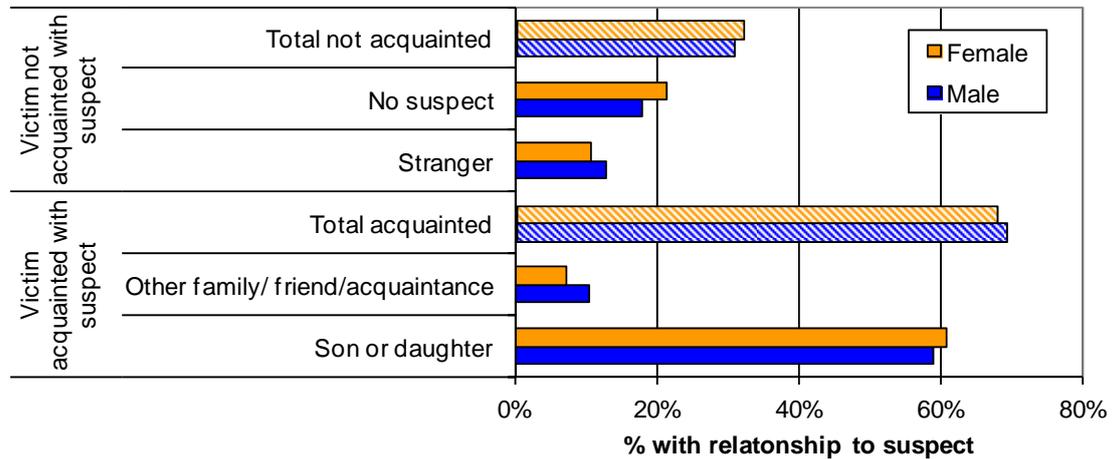
For homicide victims under 16 years of age the profile of the relationship between victim and principal suspect is similar for males and females. In 2012/13 about two thirds of homicide victims aged under 16 were killed by someone they were acquainted with and in the majority of these cases by a parent or step-parent.

<sup>20</sup> 2013/14 data is due to be published by ONS in February 2015.

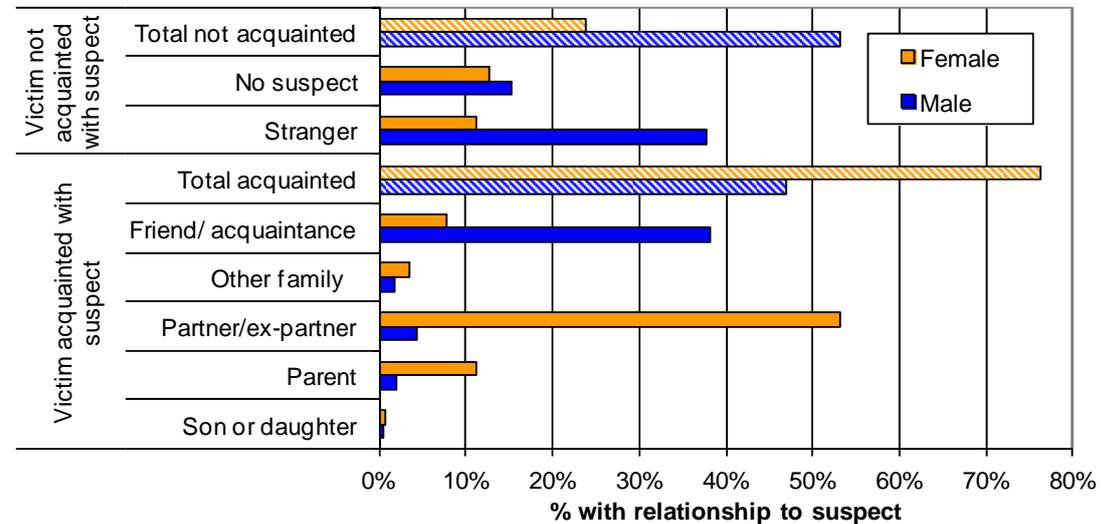
<sup>21</sup> Where there are multiple suspects in a homicide case they are categorised in the Homicide Index as either the principal suspect or a secondary suspect. There is only ever one principal suspect per homicide victim. If there is any conviction information available then the suspect with the longest sentence or most severe conviction is determined to be the principal suspect. In the absence of any court outcome, the principal suspect is either the person considered by the police to be the most involved in the homicide or the person with the closest relationship to the victim.

However for homicide victims over 16 years of age the relationship between the victim and principal suspect differed for male and female victims. In 2012/13 about three quarters of female victims were killed by someone they knew and over half of female victims were killed by a partner or ex-partner. In comparison about half of male victims were killed by someone they knew and in the majority of those cases, by a friend or acquaintance.

**Figure 3.12: Relationship of victim to principal suspect for victims aged under 16 by sex of victim, 2012/13**



**Figure 3.13: Relationship of victim to principal suspect for victims aged 16 or over by sex of victim, 2012/13**



## Chapter 4: Police Activity

This chapter examines individuals who come into contact with the police, either through being arrested, being given a penalty notice for disorder (PND) or being given a caution. Headline arrests data have previously been published in the Home Office report *Police Powers and Procedures England and Wales 2012/13*<sup>22</sup>, and are now presented here with a gender breakdown. Figures for PNDs and cautions have been taken from the Ministry of Justice publication *Criminal Justice Statistics 2013*<sup>23</sup>.

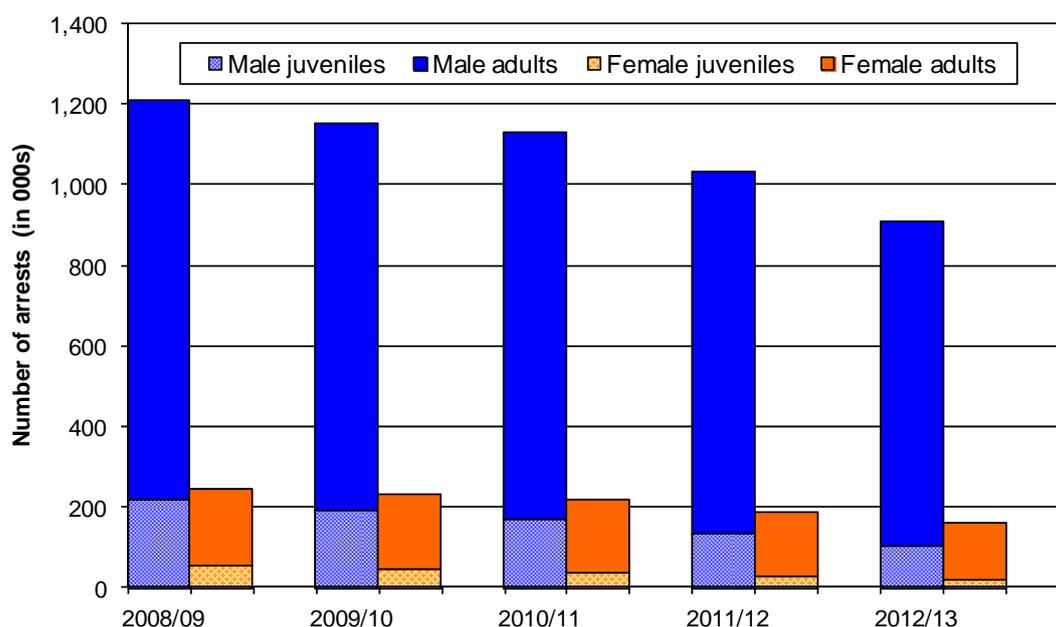
### Arrests

The total number of arrests decreased by around a quarter between 2008/09 and 2012/13 (from 1.46 million to 1.07 million), with a decrease of around a quarter for males and a third for females. The greater decline in the number of arrests of females meant that females accounted for a decreasing proportion of all arrests over the five year period, with a year on year decrease from 16.9% in 2008/09 to 15.1% in 2012/13.

### *Age groups*

Both adults and juveniles saw decreases in the number of arrests, although the fall was sharper for juveniles, with a fall of around half for males and over 60 per cent for females.

**Figure 4.01: Number of arrests by sex and adult/juvenile, 2008/09 to 2012/13**



<sup>22</sup> *Police Powers and Procedures, England and Wales, 2012 to 2013:*

[www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-2012-to-2013](http://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-2012-to-2013).

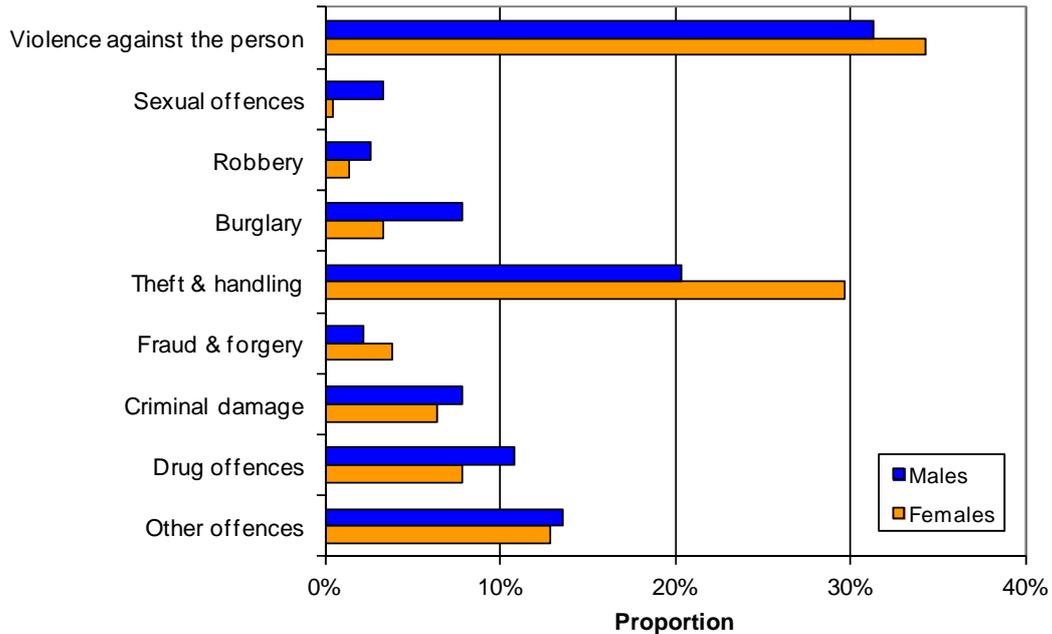
<sup>23</sup> *Criminal Justice Statistics 2013:* [www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2013](http://www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2013).

### Offence groups

Violence against the person and theft and handling were consistently the two offence groups with the highest number of arrests for both females and males; making up around two thirds of female arrests and half of male arrests.

The types of offences that both females and males were arrested for remained broadly similar over the five year period and were similarly consistent across all age groups.

**Figure 4.02: Proportion of arrests within each offence group, by sex, 2012/13**



### Penalty Notices for Disorder

Penalty Notices for Disorder (PNDs) are commonly known as 'on the spot fines' - a fixed penalty of £60 for lower tier offence or £90 for higher tier offence (raised from £50 and £80 respectively from 1 July 2013 onwards).

They were designed to tackle low-level, anti-social and nuisance offending for offenders aged 18 and over (prior to 8th April 2013, PNDs were also available for 16 and 17 year olds) and are issued for a range of less serious offences. Until the introduction of PNDs in 2004 and formal warnings for possession of cannabis in 2005, the only out of court disposal available to police was a caution.

In 2013, just over three quarters of PNDs were issued to males (65,282 compared to 18,986 to females). This ratio has remained broadly consistent although the number of PNDs issued decreased by around half between 2009 and 2013, with a 49% decrease for females and a 55% decrease for males.

### Offences

Higher tier offences cover, for example, theft and being drunk and disorderly, and lower tier offences include offences such as trespassing on a railway and consumption of alcohol in a designated public place. In 2013, the majority of PNDs

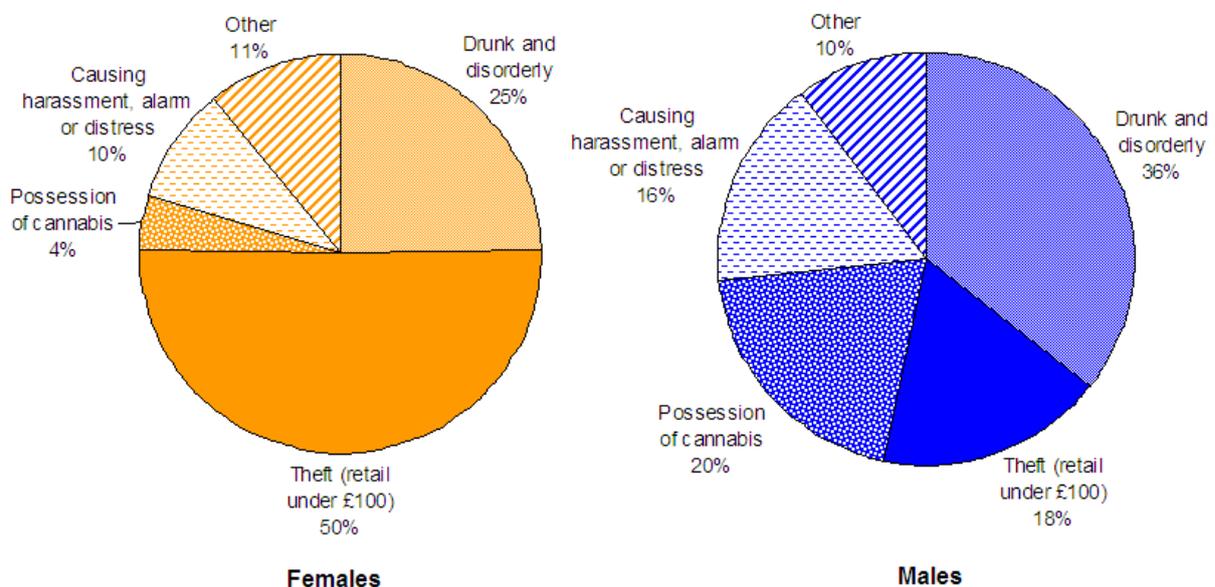
issued to both genders were for higher tier offences (98% for females; 96% for males), which hasn't changed over the past four years.

Drunk and disorderly was the most common offence for which a PND was issued to males in 2013, making up around a third of PNDs issued to males. In comparison, this offence made up a quarter of PNDs issued to females. The most common PND for females was retail theft (shoplifting) of under £100 in value, making up around half of all PNDs issued to females compared to around a fifth for males. This has remained largely unchanged over the five year period from 2009 to 2013, although some of the legislation regarding PNDs has been slightly revised. For example, the maximum value of items stolen through shoplifting for which a person can be given a PND is now £100, whereas prior to July 2009 it was £200 and from July 2009 onwards PNDs could only be used for criminal damage up to a value of £300.

Over the five year period from 2009 to 2013, decreases were seen for most offences, with the notable exception of possession of cannabis, which was only introduced as a PND in January 2009. This offence accounted for an increasing share of all PNDs given to both males and females over the past five years. In 2013, possession of cannabis was the second most common offence for which males were issued PNDs and the fourth most common for females, accounting for 20% and 4% of all PNDs given respectively.

The offence of causing harassment, alarm or distress saw a sharp fall for both genders from 2009 to 2013, with a decrease of just over 70 per cent for both males and females. In 2009, this was the most common offence for which males were issued a PND, but by 2013 this was only the fourth most common offence. It has consistently been the third most common offence for females.

**Figure 4.03: Penalty Notices for Disorder – Offences committed, by sex, 2013**



**Cautions**

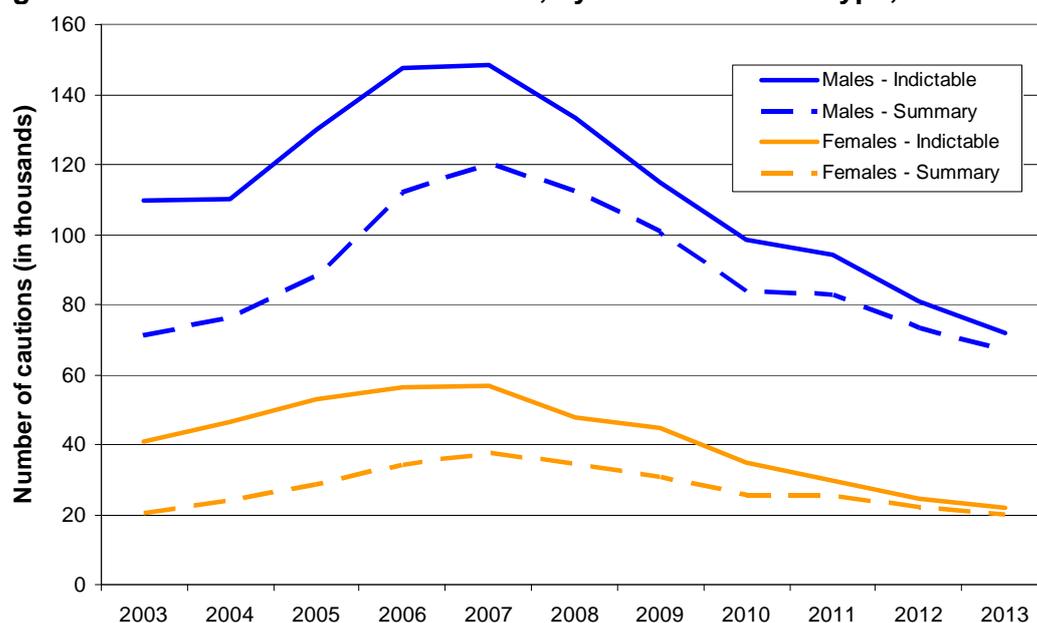
A caution can be given when there is sufficient evidence to prosecute an offender for an offence for which they admit guilt, but where it is decided that a caution would be a more appropriate solution. This could either be because it is not in the public interest to prosecute the offender (leading to a simple caution) or where it would be in

the public interest to prosecute, but the offending behaviour would be better dealt with through compliance with a conditional caution.

In 2013, just under a quarter of those issued with a caution were female, consistent with the previous five years.

Just under half of the cautions issued in 2013 were for summary offences and this proportion was similar for both genders. Although this proportion has been consistent for male offenders for the five year period to 2013, this has only recently become the case for females. Summary offences accounted for only a third of female cautions ten years ago, but as cautions for indictable offences saw a sharper fall than summary cautions for females in recent years, the split is now much closer to 50/50.

**Figure 4.04: Number of cautions issued, by sex and offence type, 2003 to 2013**



The total number of cautions issued fell by over a third from 2009 to 2013. The sharpest decrease was seen for indictable offences, which fell by over half for females and over a third for males. This large decrease for females was driven by a 59 per cent decrease in cautions issued for theft offences, the offence group which makes up over half of all cautions for indictable offences issued to females.

The decline in the use of both PNDs and cautions coincided with the replacement in April 2008 of a target to increase offences brought to justice, with one placing more emphasis on bringing serious crime to justice. The latter target was subsequently removed in May 2010.

In November 2013, changes were made to the guidance on the use of simple cautions for indictable-only offences, so that only the Crown Prosecution Service can now make the decision on whether an indictable-only offence is suitable to be dealt with by way of a simple caution, and simple cautions should not be given for certain specified triable either-way offences, unless a senior police officer believes there are exceptional circumstances.<sup>24</sup>

<sup>24</sup> Details of the changes made to simple cautions in November 2013 can be found here: [www.justice.gov.uk/downloads/oecd/adult-simple-caution-guidance-oecd.pdf](http://www.justice.gov.uk/downloads/oecd/adult-simple-caution-guidance-oecd.pdf)

## Age groups

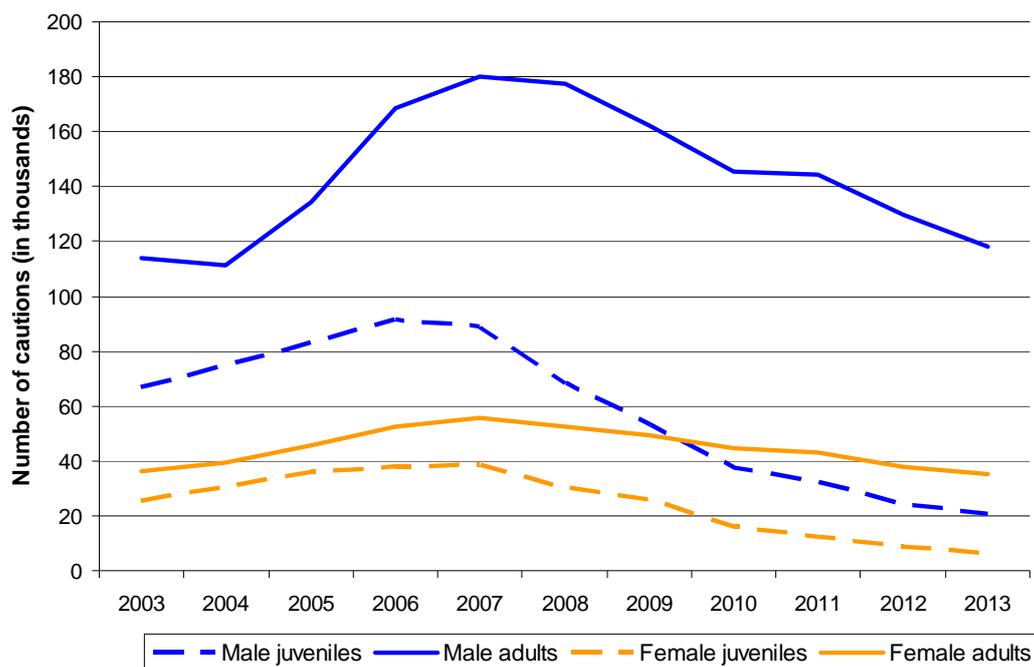
Simple and conditional cautions became available to those aged 10 to 17 years in England and Wales on 8<sup>th</sup> April 2013, replacing reprimands and warnings. These had only been available to adults prior to this, and youth conditional cautions were only available for 16 and 17 year olds in five pilot areas from on 26 January 2010).

For both juveniles and adults, theft offences were the most common indictable offence group for which females were cautioned in 2013. For males, theft offences were the most common for juveniles, but drug offences were the most common for adults.

In general, summary offences accounted for only 38% of cautions issued to juvenile males, in contrast to adult males and all females, who all had an almost 50/50 split between summary and indictable offences.

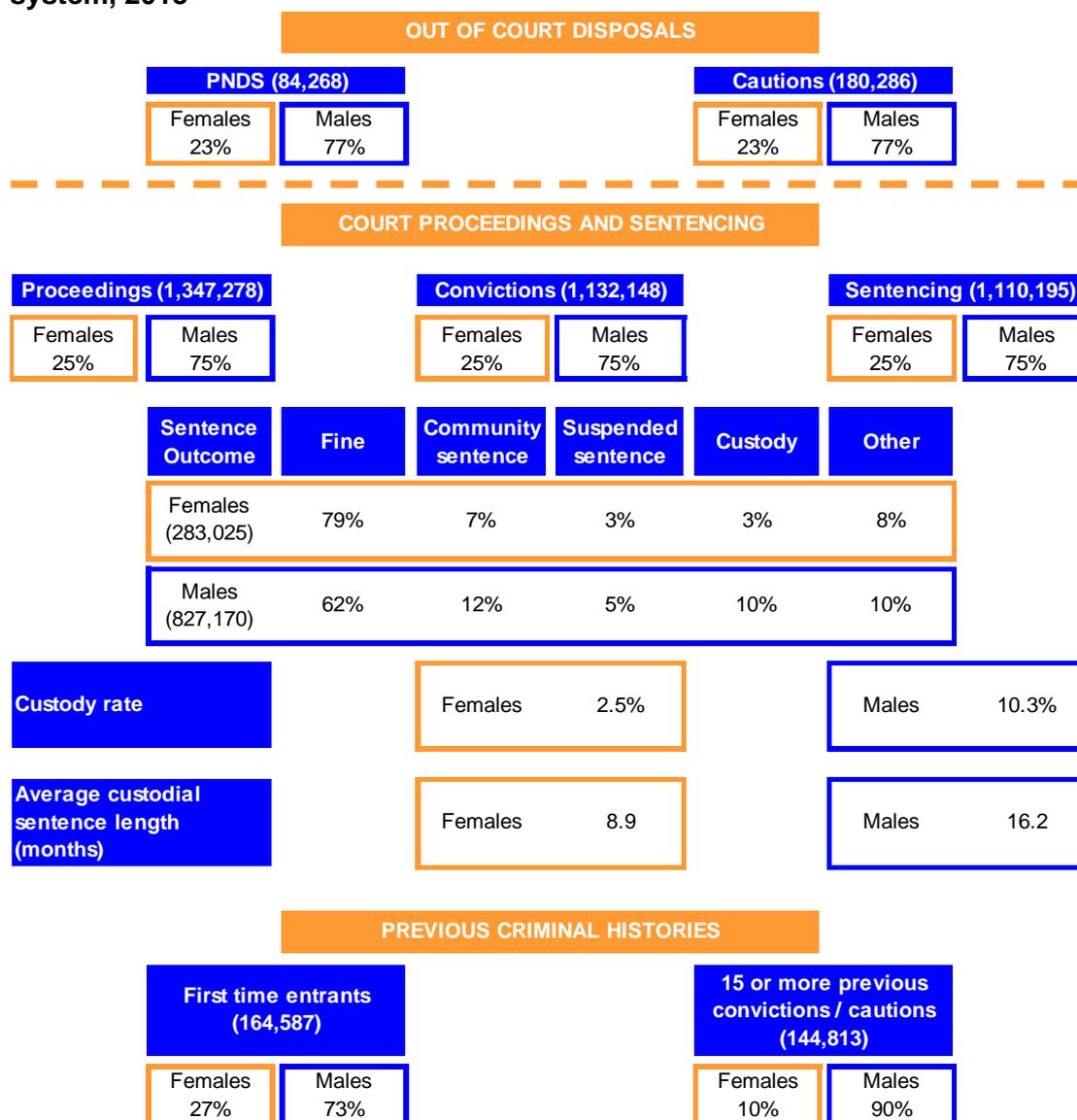
From 2009 to 2013, the number of cautions issued decreased for both adults and juveniles, although the fall for juveniles was much steeper, with a decrease of 62% for juvenile males and three quarters for juvenile females, compared to just under 30% for adults of both genders. The use of out of court disposals will be looked at alongside prosecutions in the next chapter.

**Figure 4.05: Number of cautions issued, by sex and adult/juvenile, 2003 to 2013**



## Chapter 5: Defendants

Figure 5.01: The journey of males and females through the criminal justice system, 2013



This chapter explores outcomes for defendants in the Criminal Justice System (CJS)<sup>25</sup> drawing on data from the MoJ publication *Criminal Justice Statistics 2013*<sup>26</sup>.

If there is sufficient evidence against the defendant and none of the out of court disposals are appropriate and it is in the public interest to prosecute, the police will formally charge the suspect. The law then requires the defendant to be brought before a magistrates' court as soon as possible. The defendant can be summoned to appear in court or remanded on bail or custody.

<sup>25</sup> A person can be dealt with by the Criminal Justice System on more than one occasion in a single year and therefore can be counted more than once.

<sup>26</sup> The *Criminal Justice Statistics 2013* annual publication can be viewed here: [www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2013](http://www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2013).

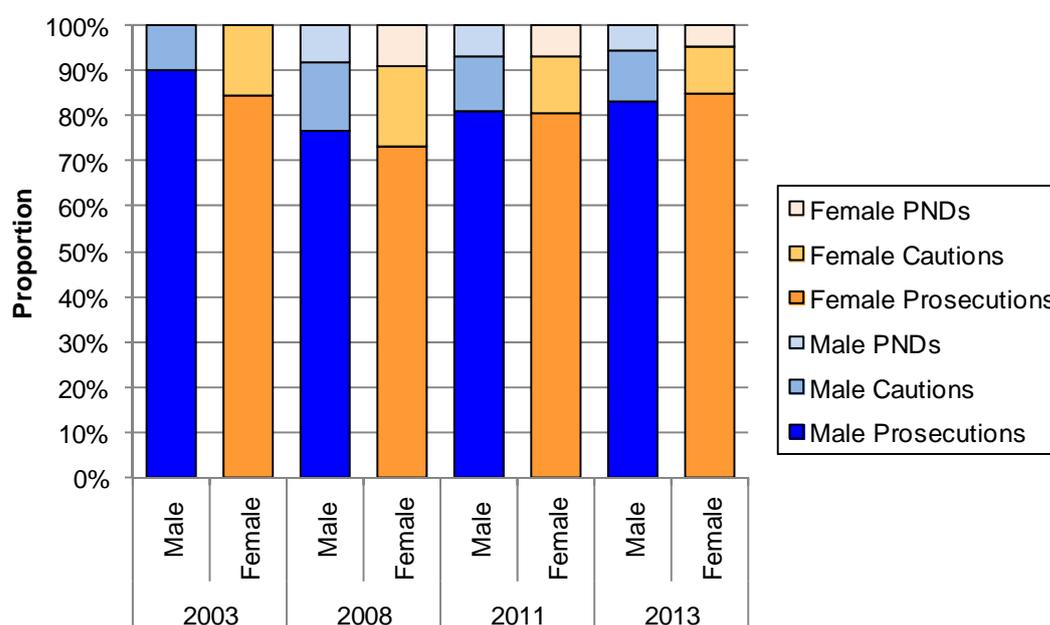
## Individuals formally dealt with by the Criminal Justice System<sup>27</sup>

This section compares disposals that are issued out of court (PNDs and cautions) with court proceedings.

Over the past five years females have accounted for around a quarter of all prosecutions and out of court disposals<sup>28</sup> (OOCs).

Since 2009, both OOCs and prosecutions have decreased, but the latter at a slower rate meaning the proportion of prosecutions has increased over the past five years, with the increase greater for female defendants.

**Figure 5.02: Prosecutions as a percentage of total prosecutions and out of court disposals, by sex, 2003, 2008, 2011 and 2013**



\* PNDs were introduced in 2004 and so 2003 shows only cautions and prosecutions.

The increasing proportion of females dealt with in court can be largely attributed to the increasing number of females proceeded against for TV licence evasion. In the latest year, this offence accounted for 36% of all prosecutions for female defendants, but only 5% for male defendants. This offence is not dealt with by the police, meaning out of court disposals are not available and each individual will be proceeded against at the magistrates' court.

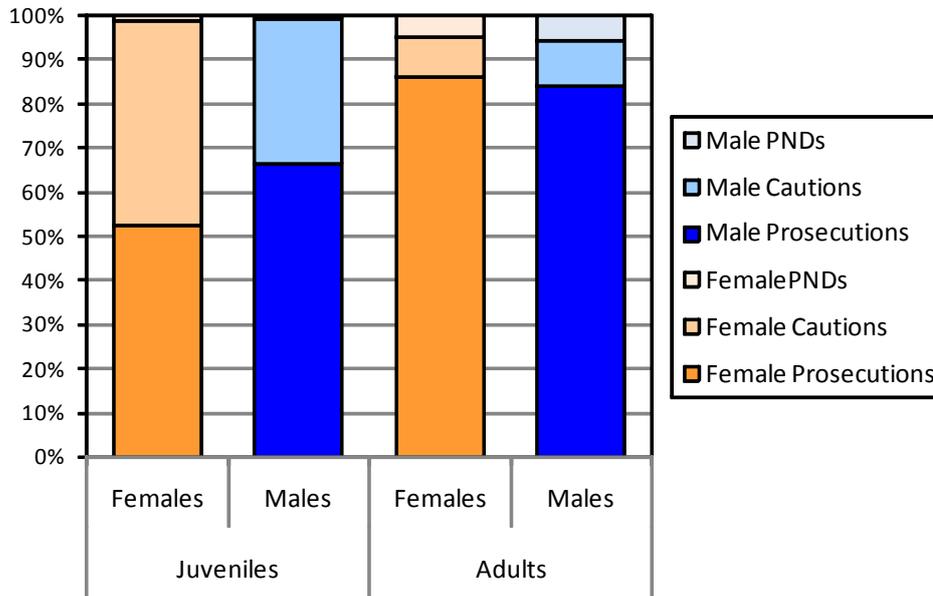
In each year from 2009 to 2013, more females than males were convicted for this offence. If enforcement officers suspect a household of watching or recording live TV without a valid licence and are not able to contact anyone at the property by letter or by telephone, they visit the household in person. Whoever is contacted at the household and provides their details is the person that is prosecuted for the offence.

Whilst in 2013, a larger proportion of adult females were formally dealt with by a prosecution compared with adult males, for juveniles the reverse was true.

<sup>27</sup> This chapter looks at persons only and excludes those where gender is not stated. Other defendants such as companies and public bodies are also excluded.

<sup>28</sup> Cannabis warnings will not be considered when looking at out of court disposals because they are not recorded by sex.

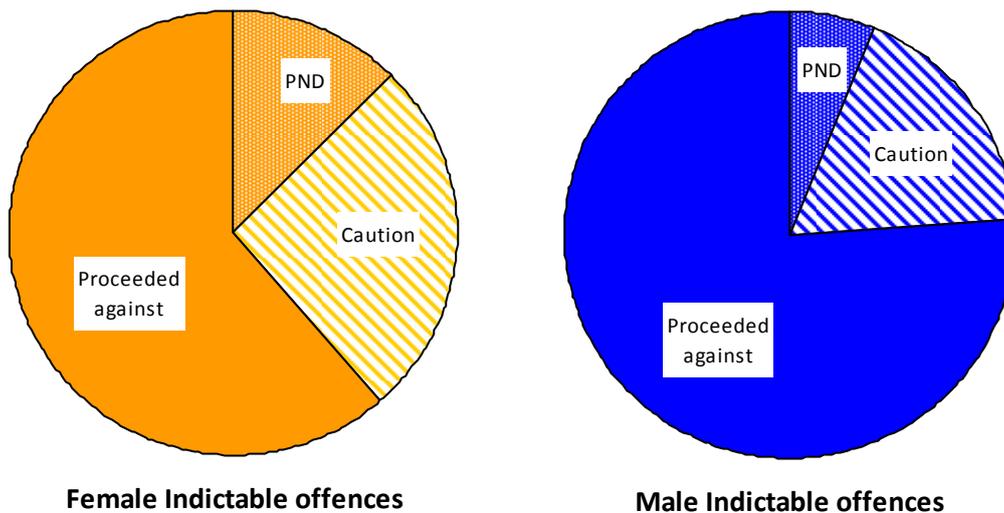
**Figure 5.03: Prosecutions, cautions and PNDs given to males and females, by age group, 2013**



*Indictable offences*

In the five years from 2009, a greater proportion of males were dealt with in court for an indictable offence compared with females, increasing from over 2 out of 3 males in 2009 to 3 out of 4 males in 2013. In 2009, just under half of female defendants dealt with for an indictable offence were dealt with in court, increasing to just under 3 out of 5 female defendants in 2013. This indicates that females were (proportionally) more likely to be dealt with out of court for indictable offences compared with males.

**Figure 5.04: Females and males proceeded against or given a PND or caution for an indictable offence, 2013**



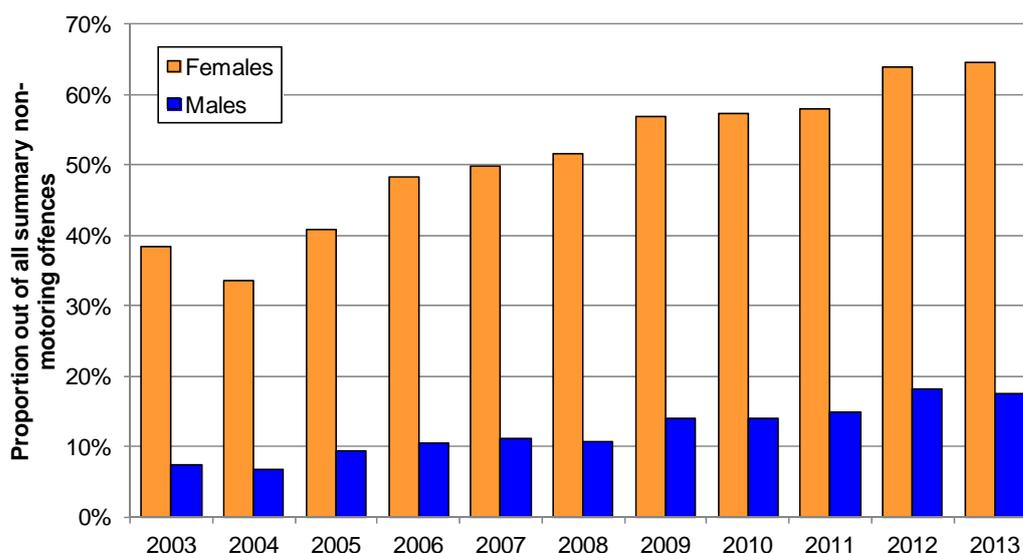
## Proceedings and Convictions

Prosecutions for both male and female defendants decreased between 2009 and 2013, although the decrease has been greater for male offenders than for female offenders, at 20% and 9% respectively. This reflects a continuing decline in the number of prosecutions for male defendants over the past ten years, while for female defendants the decline has only been evident since 2009.

Between 2003 and 2009 the increasing numbers of female defendants proceeded against for summary non-motoring offences offset the fall across both summary motoring and indictable offences over the same period. This however has stabilised over the past five years leading to an overall decline in the number of female defendants prosecuted since 2009.

The uplift in summary non-motoring offences has been driven largely by the increase in the number of defendants proceeded against for TV licence evasion over the past ten years. The proportion of female offenders proceeded against for this offence accounted for 38% of all summary non-motoring proceedings in 2003, however this increased to 64% in 2013.

**Figure 5.05: The proportion that prosecutions for TV licence evasion<sup>29</sup> represents of all summary non-motoring proceedings, by sex, 2003 to 2013**



For male defendants however, the decline in the number proceeded against at the magistrates' court is evident across both summary and indictable offences, although it has been greater for summary offences, falling by 42% and 29% respectively between 2003 and 2013.

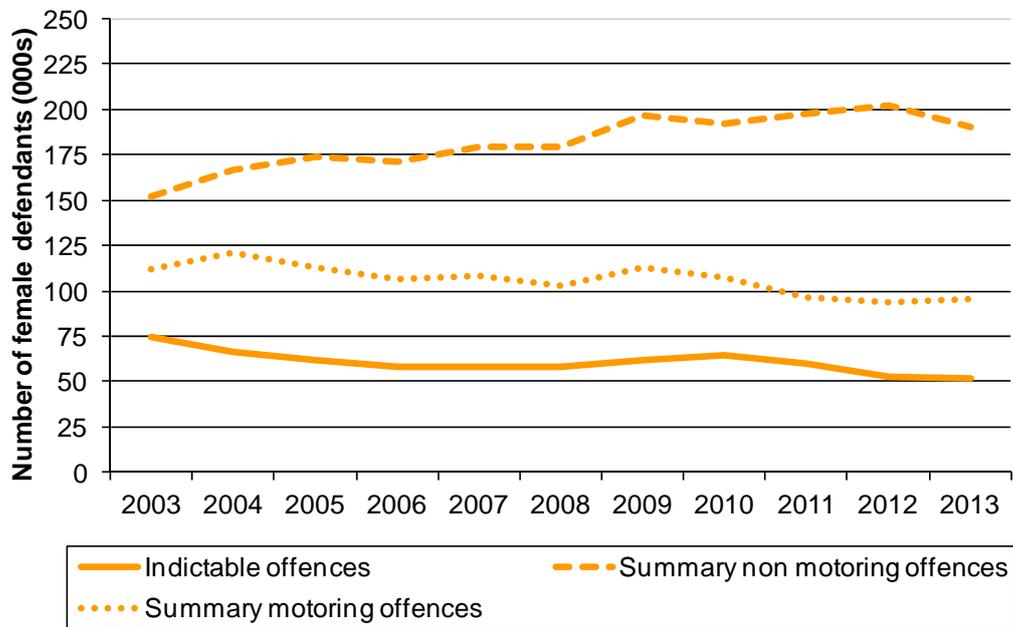
Although the majority of male and female defendants are prosecuted for summary offences, this accounts for a higher proportion of all proceedings for female defendants. Summary offences have accounted for an increasing proportion of female prosecutions over the past decade, from 78% in 2003 to 85% in 2013, while for males the proportion has fallen from 74% to 70% over the same period.

<sup>29</sup> In 2003, the offence of Installing or using a television receiver without the appropriate licence was introduced under the Communications Act 2003, which came into effect on 25 July 2003. Prior to this, offences related to TV licence evasion were prosecuted under the Wireless Telegraphy Act 1949 to 1967.

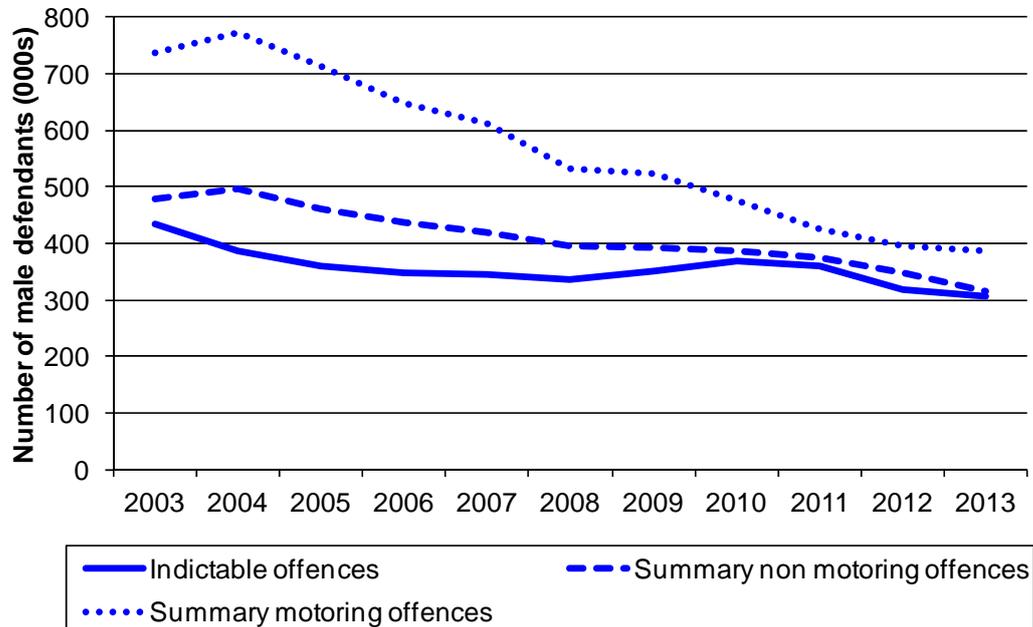
Furthermore, the types of summary offences defendants are typically prosecuted for differ by gender. For female defendants the majority of proceedings were for non-motoring offences, whereas for males, the majority were for motoring offences.

**Figure 5.06: (a) Female and (b) male defendants proceeded against at magistrates' courts, by offence type, 2003 to 2013.**

(a)



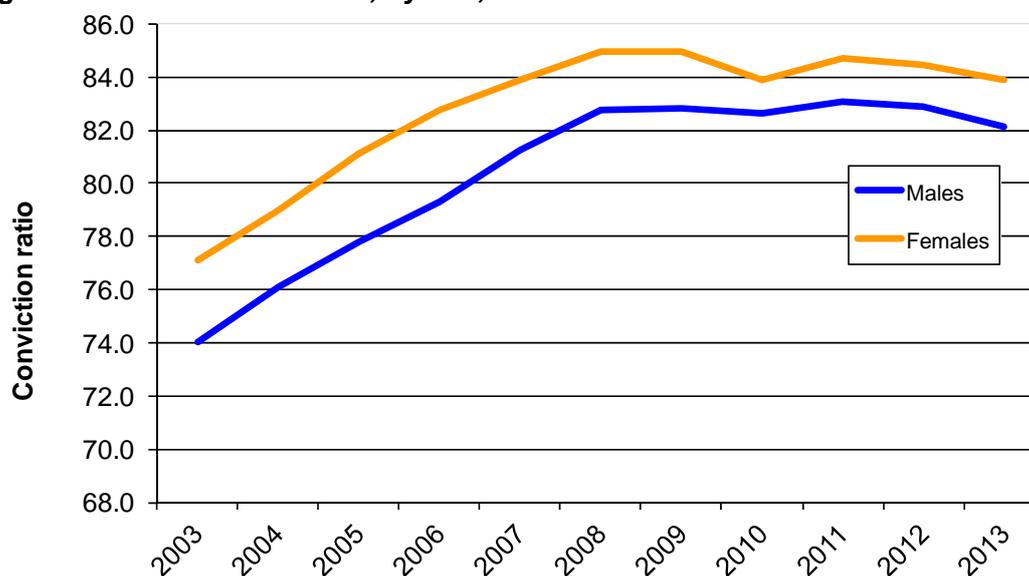
(b)



As with proceedings, the number of convictions has fallen for both male and female offenders since 2003, although the fall has been greater for male offenders.

The conviction ratio<sup>30</sup> has been between two and four percentage points higher for female offenders over the past decade and increased for both male and female defendants between 2003 and 2008, after which it remained broadly stable.

**Figure 5.07: Conviction ratio, by sex, 2003 to 2013**



### Remands

Remands data in this chapter reflect the court's decision on whether a defendant prosecuted with a criminal offence should be placed in custody or released on bail during the court proceeding.<sup>31</sup> The figures are compiled on a combination of the defendant's remand status during their trial and whilst awaiting sentence at the Crown Court (the Crown Court decision).<sup>32</sup>

Of the 10,704 females and 93,287 males appearing at the Crown Court in 2013, 19% and 37% respectively were remanded in custody. These proportions have been broadly similar over the past five years.

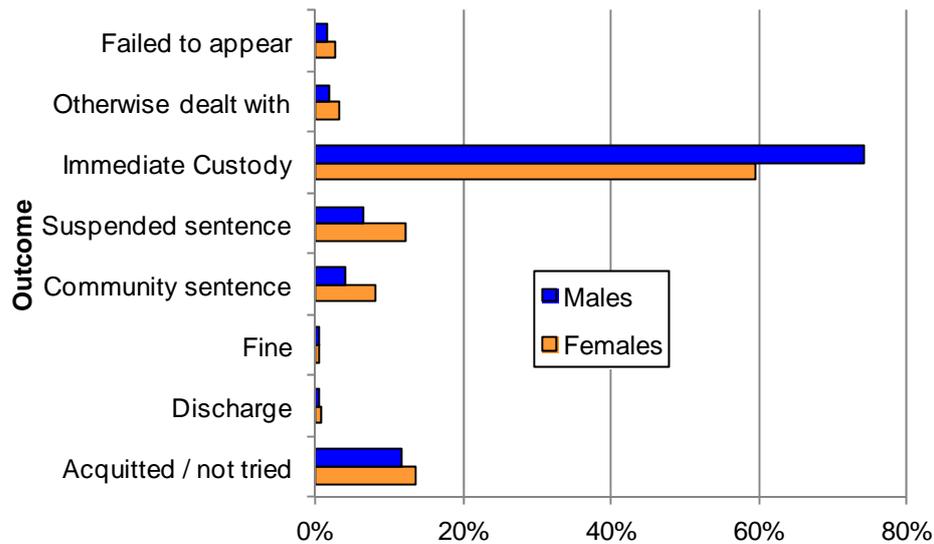
Figure 5.08 below shows the outcomes of those remanded in custody, 59.4% of females and 74.1% of males were sentenced to immediate custody. A slightly higher proportion of females were acquitted or not tried (13.4%) compared with males (11.5%).

<sup>30</sup> The conviction ratio is calculated by dividing the number of defendants convicted by the number of defendants prosecuted in the same period

<sup>31</sup> The data in this section relates to persons remanded in each completed court case rather than to the number of remand decisions (a person may be remanded several times during a case).

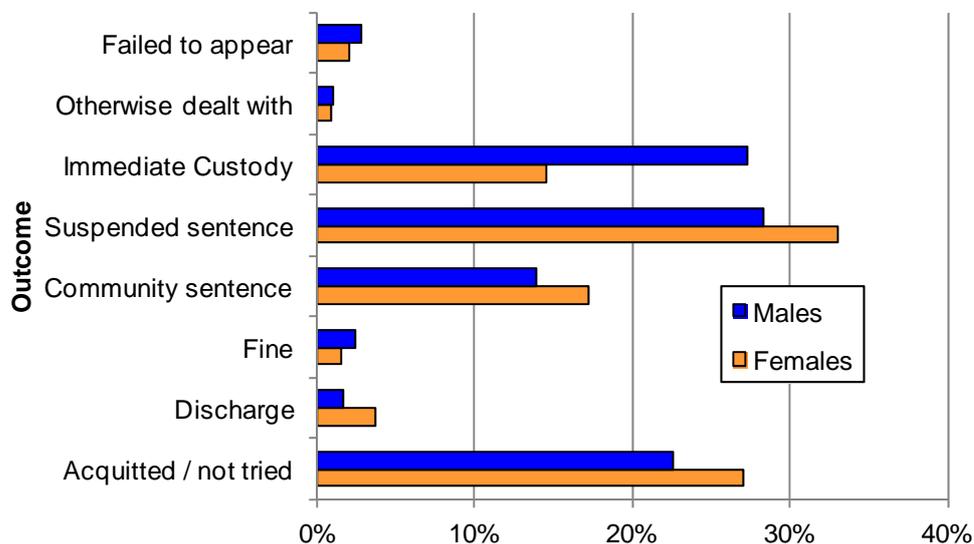
<sup>32</sup> Data on remands at Crown Court were selected for analysis for the purposes of this report as they are deemed to be more reliable than those for the magistrates' courts. Data on remand at magistrates' court proceedings are, however, available in the supplementary tables that accompany this report.

**Figure 5.08: Outcomes of defendants remanded in custody at the Crown Court, by sex, 2013**



In 2013, 65% of females and 45% of males appearing at the Crown Court were remanded on bail. Of those, a little over a quarter of females were acquitted or not tried, compared with a little under a quarter of males. The most common sentence outcome for both females and males was a suspended sentence. A lower proportion of females who were remanded on bail were given an immediate custodial sentence compared with males.

**Figure 5.09: Defendants remanded on bail at the Crown Court by outcome and sex, 2013**



Pre-sentence reports

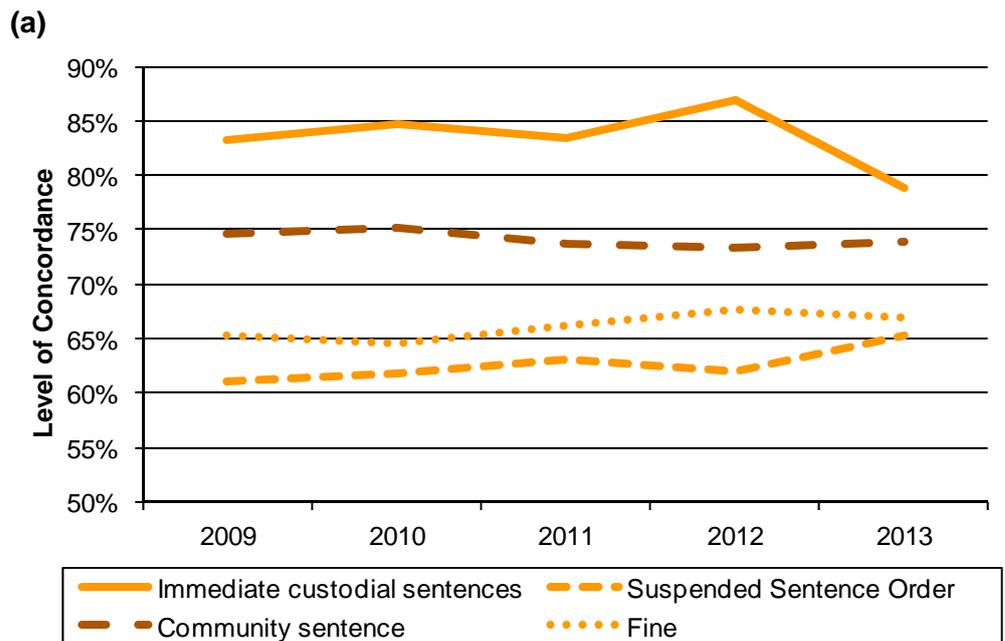
Pre-sentence reports (PSRs) provide information to the court about the offender and offence(s) committed and assist the court in deciding on a suitable sentence. This section looks at the concordance (agreement) between recommendations made in pre-sentence reports and sentences issued at court, and whether this differs between males and females. Data on PSRs relates to those aged 18 or older. Due to a

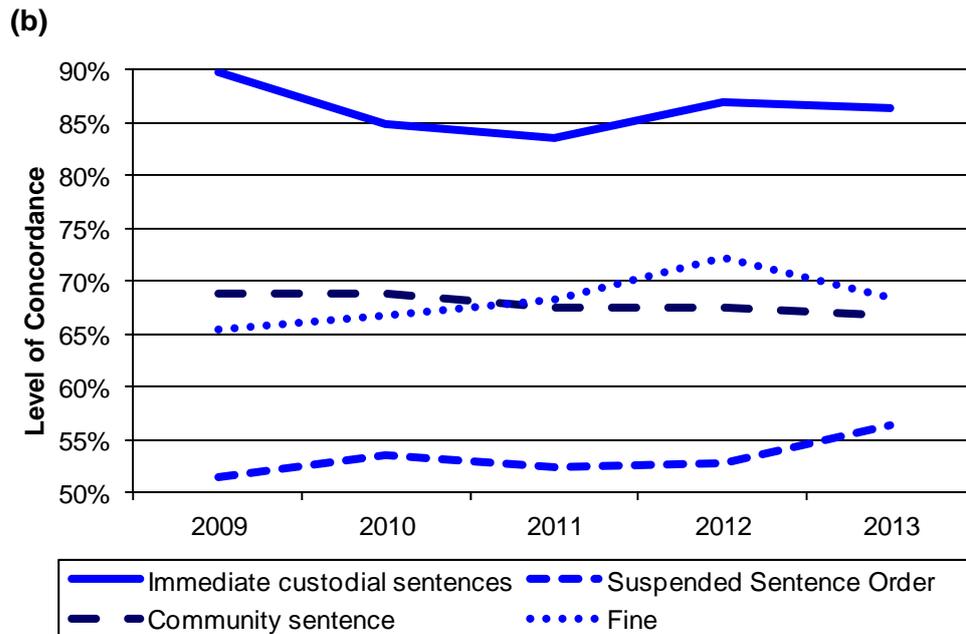
change in methodology, it is not possible to produce a gender breakdown prior to 2009.

In each of the past five years, a higher proportion of female offenders were recommended for suspended sentence orders (SSO) and community sentences compared with male offenders. The concordance for a SSO was broadly stable for both genders between 2009 and 2012 (at around 62% for males and 53% for females), after which it increased (to 65% and 56% respectively). The uplift between 2012 and 2013 has coincided with the increase in the number of male and female offenders sentenced to a SSO over this period.

In 2013, the highest level of concordance was for a custodial sentence, with 79% of female offenders and 86% of male offenders whose PSR recommended a custodial sentence going on to receive one. These percentages have been broadly consistent with the previous four years for male offenders but have varied for female offenders. If a custodial sentence was not given for offenders recommended for custody then a SSO was the most likely sentence to be given, accounting for 12% of females and 7% of males respectively in the latest year.

**Figure 5.10: The level of concordance between sentence recommendations and outcomes for (a) female and (b) male offenders, by sentence outcome, 2009 and 2013**





Over the past five years a higher proportion of males received an immediate custodial sentence than females when another sentence option had been recommended in the PSR (e.g. a SSO; community sentence or a fine).

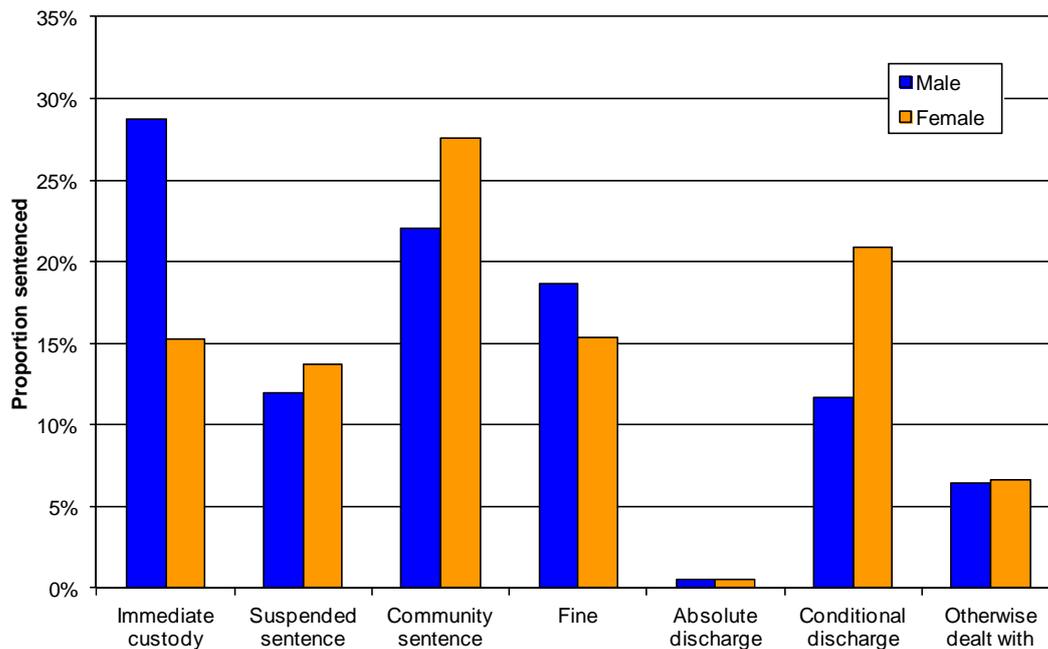
### Sentencing

Fines were the most common sentence given to both male and female offenders sentenced at all courts over the last 5 years, accounting for 62% and 79% of offenders sentenced respectively in the latest year (2013).

The most common sentence given to both male and female juvenile offenders between 2009 and 2013 was a community sentence; however this was consistently higher for juvenile female offenders. For both juvenile and adult offenders, a higher proportion of males than females were sentenced to immediate custody at all courts. For juveniles, a higher proportion of males than females received fines, but for adults the reverse was true, with a higher proportion of females receiving fines than males in 2013.

A different distribution of sentences is observed between male and female offenders for indictable offences. In the latest year, a custodial sentence was the most common sentence outcome given to male offenders while this was a community sentence for female offenders. The use of community sentences fell as a proportion of all sentences for indictable offences between 2009 and 2013, with a decrease of just over 10 percentage points for both genders, whilst there was an increase across most other sentence outcomes over the same period. A consistently higher proportion of female offenders received conditional discharges when compared to male offenders, with this being the second and fifth most common sentence respectively in the latest year.

**Figure 5.11: Sentencing outcomes (percentages of all offenders sentenced) for indictable offences at all courts, 2013**



### *Offence Groups*

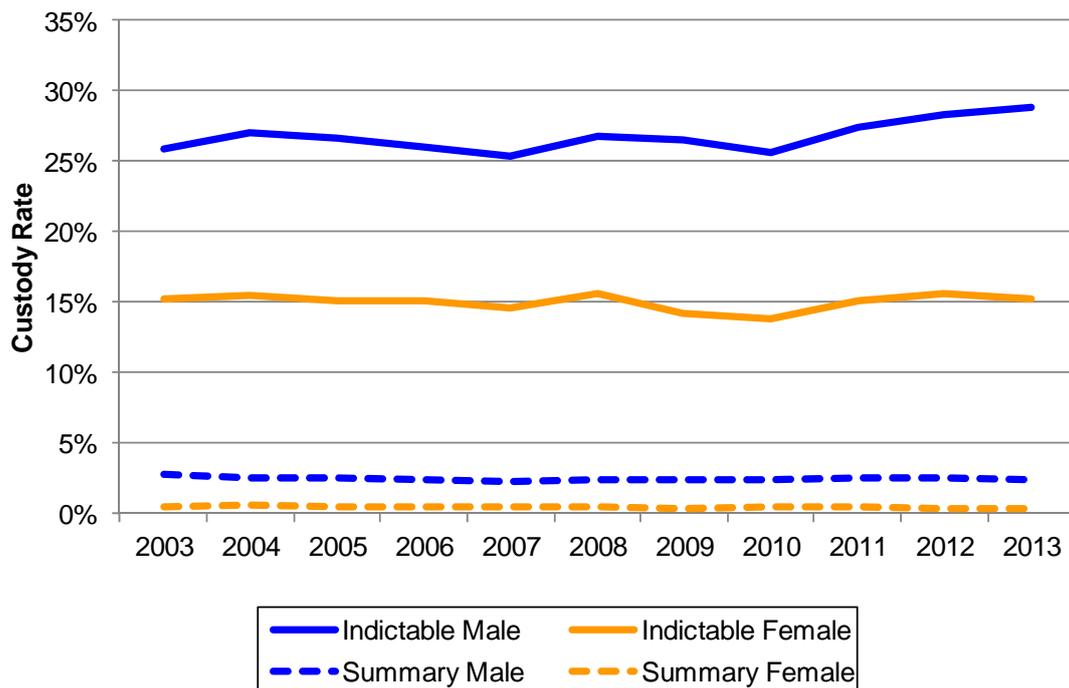
The different distribution of sentences between male and female offenders can partly be attributed to the type of offences they commit.

The offence profile differs between male and female offenders however theft offences are the most common type of offence for which both male and female offenders were sentenced, accounting for 39% and 57% respectively of all indictable offences in the latest year. The proportion of female offenders sentenced for a theft offence has increased over the past four years while remaining broadly stable for male offenders over the same period.

### *Immediate Custody*

The custody rate (proportion of offenders sentenced to immediate custody) has been higher for male offenders in each year between 2003 and 2013 for both summary and indictable offences. In the latest year, the custody rate for male offenders sentenced for an indictable offence was almost double that of female offenders, and for summary offences it was 6 times higher.

**Figure 5.12: Custody Rate for indictable and summary offences, by gender, 2003 to 2013**

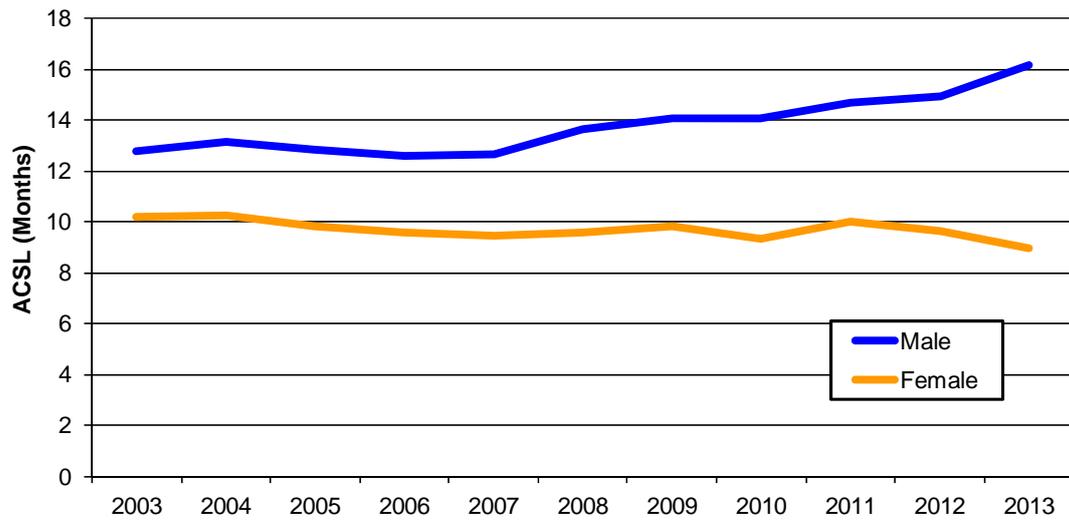


Over the past ten years, both male and female offenders have more commonly been given short sentences - determinate custodial sentences of less than 12 months; however the proportion of offenders given these shorter sentences has been higher for female offenders. In 2013, short sentences accounted for 77% of all female offenders given custodial sentences, compared with 63% for male offenders.

The higher proportion of short sentences for female offenders means that by comparison, sentences of 12 months and over account for a greater share of sentences for male offenders compared with females. This is also reflected in a higher average custodial sentence length (ACSL) for male offenders. The proportion of male offenders receiving a sentence of 12 months or over has increased over the past ten years while remaining broadly stable for female offenders over the same period.

In each year between 2003 and 2013, male offenders had a higher ACSL than female offenders. Over this period the ACSL for male offenders has increased, whilst in contrast the ACSL for female offenders has decreased slightly. In 2013, male offenders had a higher ACSL than female offenders across each indictable and summary offence group in 2013. The differences across gender are likely to be a consequence of the type of offences that are committed by male and female offenders, as well as the mitigating and aggravating factors that affect each case. This will be investigated in more detail in the Mitigating and Aggravating Factors section later in the report.

**Figure 5.13: The average sentence length for offenders sentenced to custody, by sex, 2003 to 2013**



## Chapter 6: Offender Characteristics

This chapter explores different characteristics of offenders; offending histories, mitigating and aggravating factors applied to sentences and differences in the levels of employment, income and benefits. Data on the offending histories of offenders cautioned or convicted in England and Wales over the last ten years are taken from the Ministry of Justice publication *Criminal Justice Statistics 2013*<sup>33</sup>. Analysis of mitigating and aggravating factors applied to sentences for certain offence types at the Crown Court in 2013 comes from the *Crown Court Sentencing Survey 2013*<sup>34</sup> and analysis of the differences in the levels of employment, income and benefits of offenders before and after conviction /caution /release from prison was taken from the *Experimental statistics from the 2013 MoJ /DWP /HMRC data share*<sup>35</sup>.

### Offending Histories

#### *First Time Entrants*

Having a criminal history can influence the type of sanction and sentence received.

In 2013, females made up around 1 in 4 first time entrants<sup>36</sup> into the criminal justice system (England and Wales) and around 1 in 7 offenders cautioned or sentenced for a further offence. There has been little change in this trend in the 10 years since 2003.

Of all female offenders cautioned or convicted in 2003, almost half were first time entrants, this decreased to just over a third in 2013 (Figure 6.01a). Of all male offenders cautioned or convicted in 2003, around 1 in 4 were first time entrants. This decreased to around 1 in 5 in 2013 (Figure 6.01b).

---

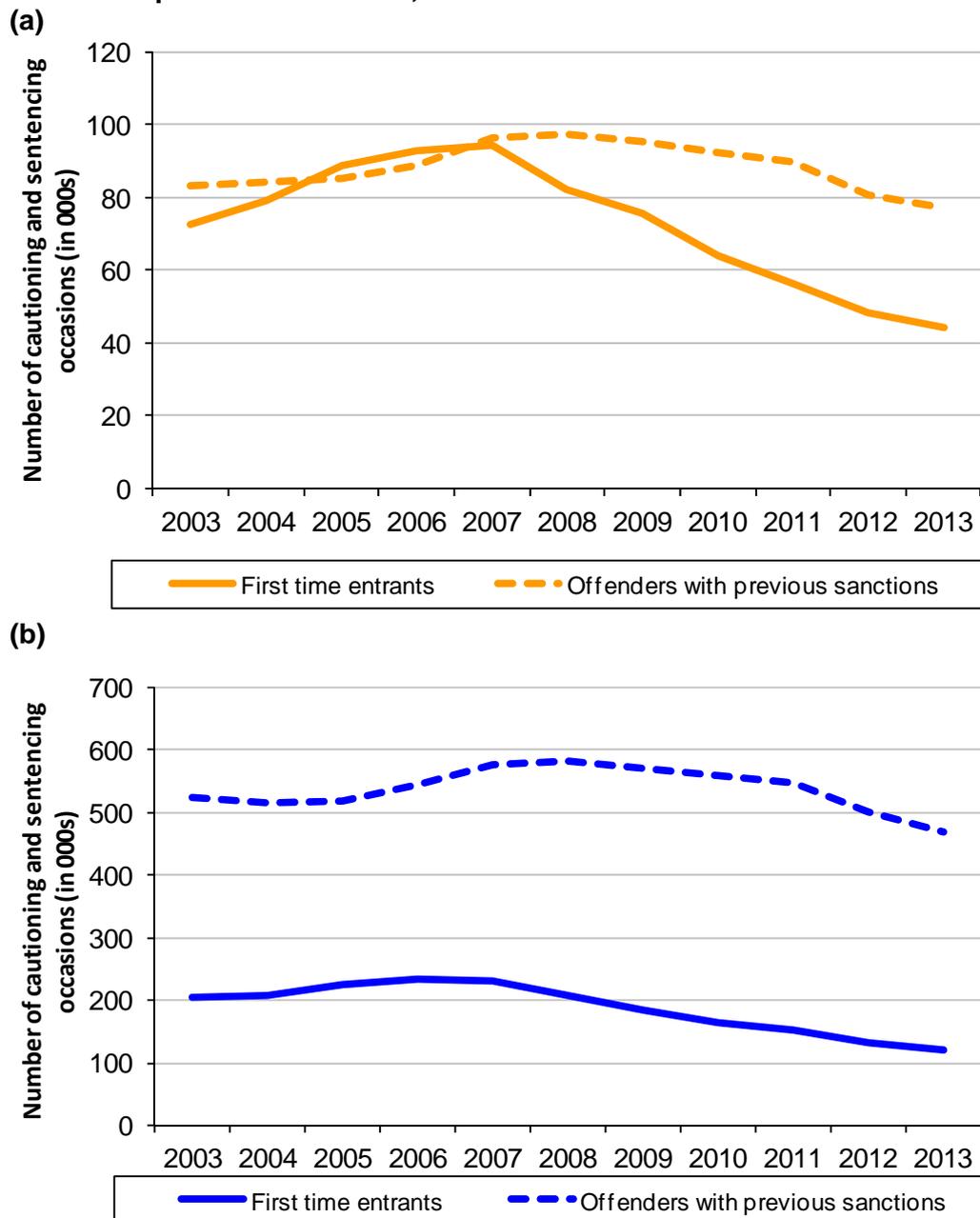
<sup>33</sup> Criminal Justice Statistics 2013: [www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2013](http://www.gov.uk/government/statistics/criminal-justice-statistics-quarterly-december-2013).

<sup>34</sup> Crown Court Sentencing Survey Annual 2013: [sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm](http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm).

<sup>35</sup> Experimental statistics from the 2013 MoJ /DWP /HMRC data share: [www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share](http://www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share).

<sup>36</sup> First time entrants are defined as offenders with no previous sanctions in England and Wales. Sanctions from other countries are not taken into account.

**Figure 6.01: (a) Female and (b) male cautioning and sentencing occasions, by number of previous sanctions, 2003 to 2013**



*Offenders receiving cautions*

The proportion of all female first time entrants receiving cautions has declined over the last ten years from 69% in 2003 to 55% in 2013. Over the last ten years, there has also been a decline in the proportion of all male first time entrants receiving cautions from around 61% to 52%. Juvenile offenders are more likely than adult offenders to receive a caution rather than a conviction for their first offence, with females (83%) more likely to receive a youth caution than males (75%) in 2013.

Looking more closely at male and female offenders cautioned in 2013 for an indictable offence, 40% of all females had one or more previous caution or

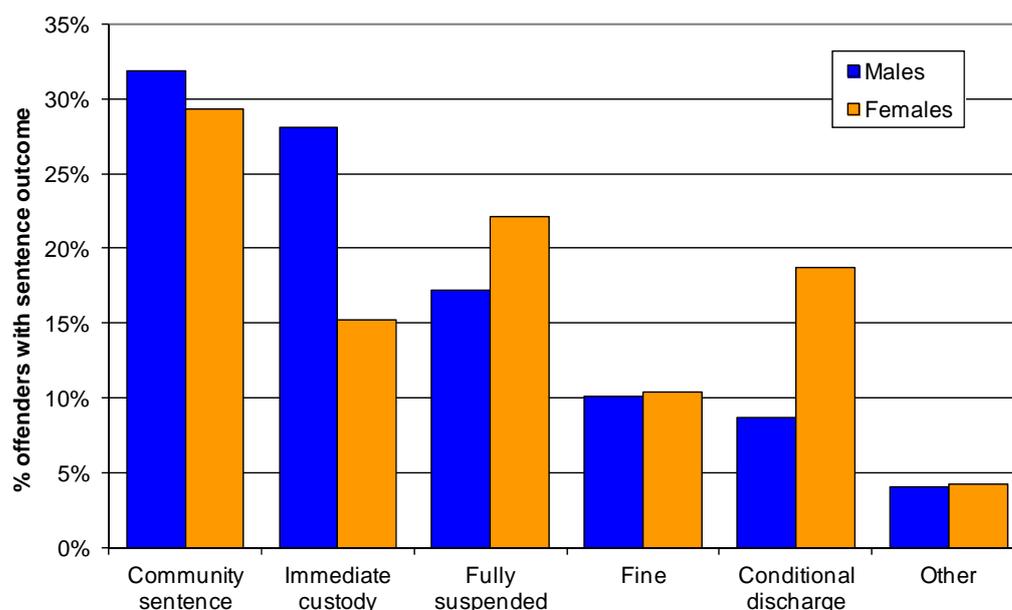
conviction<sup>37</sup> compared to 55% of all males. This difference could be due to the differences between the types of offences that males and females commit.

#### *Offenders receiving sentences*<sup>38</sup>

Of all female offenders receiving a sentence in 2013 for an indictable offence, 86% had at least one previous caution or conviction. For males this was slightly higher, at 91%. One reason for this is that a larger proportion of male offenders sentenced for an indictable offence had 15 or more previous sanctions (37%) compared to only 30% of female offenders.

In 2013, the most common disposal for offenders convicted of an indictable offence with no previous sanctions was a community sentence for both males and females, around 30% for both. However, males were about twice as likely to receive an immediate custodial sentence (28%) compared with females (15%). In comparison, a higher proportion of females received suspended sentences and conditional discharges compared with males.

**Figure 6.02: Offenders sentenced for an indictable offence who have no previous sanctions against them, by proportion who received each type of sentence, by sex, 2013**



In 2013, the most common disposal for offenders convicted of an indictable offence with 15 or more previous sanctions was immediate custody for both males and females, reflecting that repeat offenders are more likely to get an immediate custodial sentence. A higher proportion of males (40%) with 15 or more previous sanctions received an immediate custodial sentence compared with females (31%). The difference in sentencing between males and females is most likely due to the different nature and seriousness of the offences being committed.

<sup>37</sup> Unlike the previous paragraph on first time entrants, in this paragraph when looking at the number of previous cautions or convictions, sanctions from countries outside England and Wales are also considered.

<sup>38</sup> In this section, when looking at the number of previous cautions or convictions, sanctions from countries outside England and Wales are also considered.

## Mitigating and Aggravating Factors

The Crown Court Sentencing Survey<sup>39</sup> is a survey given to all judges (or other sentencers) sitting in the Crown Court, for them to complete every time a sentence is passed. The forms record details of the factors taken into account by the sentencer in deciding the sentence given to an offender. A form needs to be completed in respect of the principal offence for every sentence passed. The survey is voluntary and has a response rate of around 60%.

The survey is only completed for those offenders sentenced at the Crown Court, where the types of offences committed are more serious than those that go through the Magistrates' Court. As the large majority of offenders are sentenced at the Magistrates' Court (around 97% of females, compared to around 91% of males), we are therefore only looking at the small proportion of offenders, and particularly of female offenders who commit more serious crimes.

Several factors will often be applicable in a given case. The custody rates presented are calculated across all cases where the factor is present, whether it occurred in isolation or in combination with a number of other factors. Therefore the statistics should not be interpreted as showing the causal effect of each factor.

In particular, the forms record the aggravating and mitigating factors that have been ticked by sentencers as having been taken into account in making sentencing decisions. Aggravating and mitigating factors are other factors relating to the case or the offender that provide the context to how and why the offence was committed. Aggravating factors increase seriousness and suggest that a more severe sentence is appropriate while mitigating factors reduce seriousness or reflect personal mitigation and suggest that a less severe sentence is appropriate.

A case with many aggravating factors is dealt with more severely than a case with a few aggravating factors. These offenders are more likely to be sent to prison and more likely to be sent there for longer. Conversely, offenders with many mitigating factors taken into account in their case are less likely to be sent to prison. However, if they are sent to prison, there is not much variability in the time they spend there, compared to cases with fewer factors.<sup>40</sup>

### *Theft and violence*

In 2013, there were ten different survey forms that each covered a different type of offence, with the forms mainly grouping similar offences together, especially those covered by a single guideline (for example, driving offences are grouped together and covered by one of the ten form types). As theft and violence against the person are the two offence groups with the highest number of female offenders within the court proceedings data, we have only looked at the corresponding survey offence groups within this section (theft, dishonesty and fraud, and assault and public order offences).

---

<sup>39</sup> The Crown Court Sentencing Survey Annual 2013 results can be viewed in full here: [sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm](http://sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm).

<sup>40</sup> Crown Court Sentencing Survey 2013 annual publication - [sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm](http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm).

## Theft, dishonesty and fraud

In 2013, offenders for theft, dishonesty or fraud offences were sentenced using a guideline produced by a predecessor body<sup>41</sup>. In this guideline, the presence of previous relevant convictions is treated separately to other aggravating factors. In addition, lack of previous convictions is not specified as a mitigating factor. For these reasons, the presence or absence of previous convictions is not covered in the analysis below.

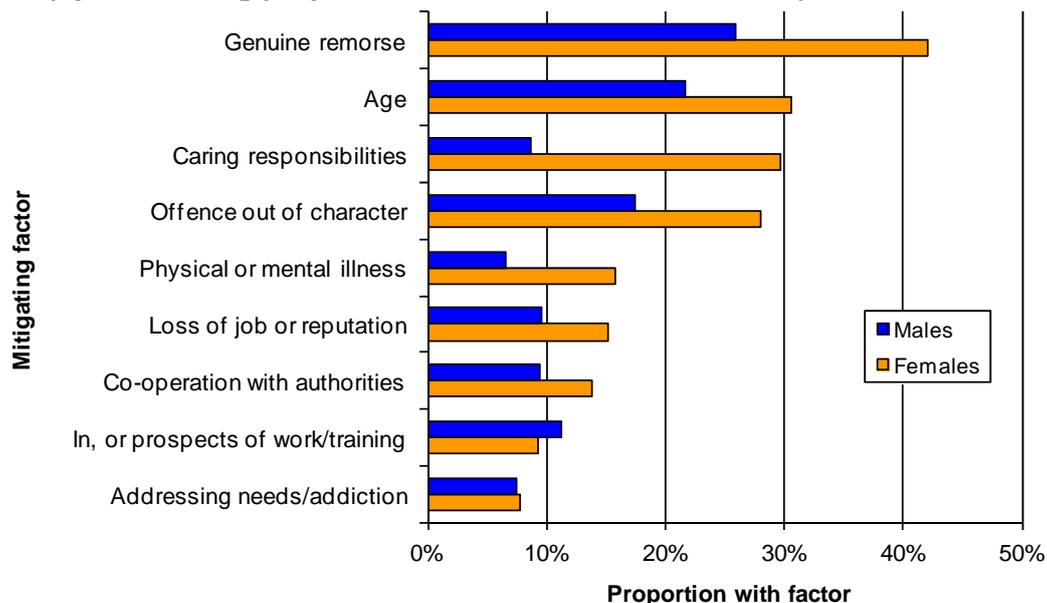
### Mitigating factors

79% of females had at least one mitigating factor, compared to 58% of males.

Females were more than three times as likely as males to have the factor of being the main carer/having caring responsibilities ticked on their form, and more than twice as likely as males to have the factor of having a physical or mental illness.

Currently being in or having prospects of work or training was the only mitigating factor that had a higher proportion for males than females (11% of males had this factor compared with 9% of females).

**Figure 6.03: Theft, dishonesty and fraud – the most common mitigating factors, 2013 (by decreasing proportion of females with each factor)**



### Aggravating factors

A similar proportion of males and females had at least one aggravating factor (59% for females, 63% for males).

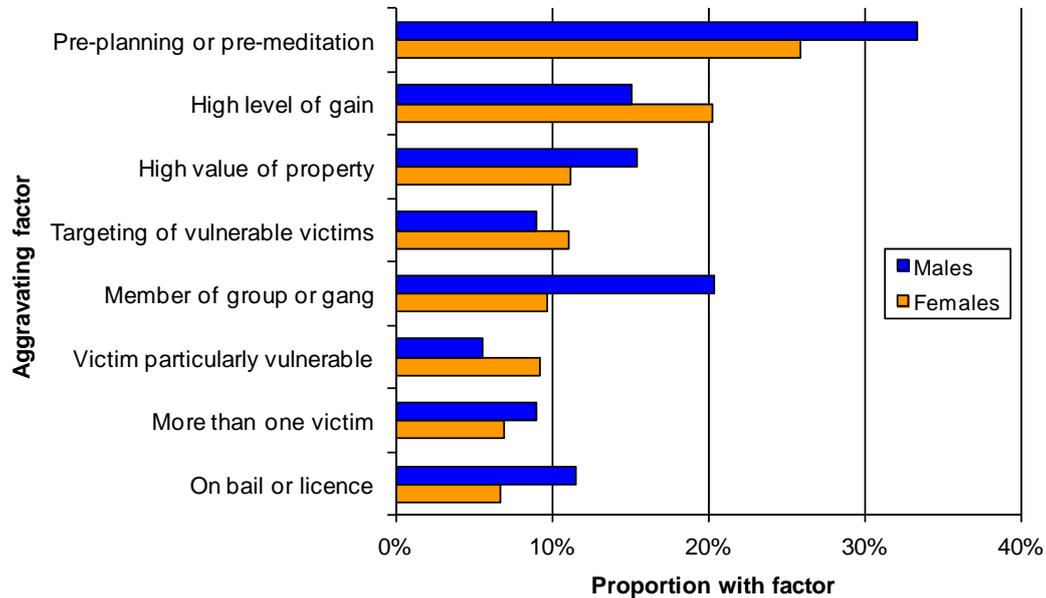
Males were more than twice as likely as females to have the factor of being a member of a group or gang ticked on their form, and were also more likely to have the factor of committing the offence while on bail or licence.

Females were more likely have the factor of targeting vulnerable victims. The offence for which this factor was ticked the most for females was 'theft in breach of trust', and

<sup>41</sup> The predecessor body to the Sentencing Council was the Sentencing Guidelines Council (SGC).

this offence was committed by a larger proportion of females than males within the theft, dishonesty and fraud offence group.

**Figure 6.04: Theft, dishonesty and fraud – the most common aggravating factors, 2013 (by decreasing proportion of females with each factor)**

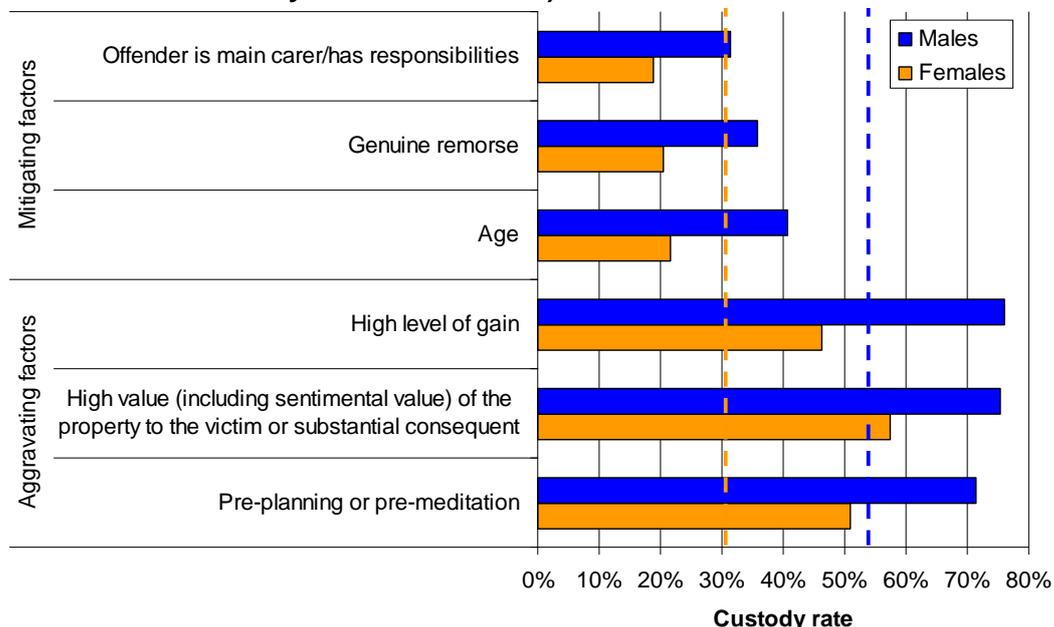


*Custody rate*

The custody rate for theft, dishonesty and fraud offences overall was 31% for females and 54% for males. In general, where mitigating factors were present, a lower custody rate was seen, and where aggravating factors were present, a higher custody rate was seen.

Males were consistently more likely to be given a custodial sentence than females. For example, the custody rate for those with the aggravating factor of there being more than one victim had a 79% custody rate for males and a 63% custody rate for females.

**Figure 6.05: Theft, dishonesty and fraud - custody rate for the three most prevalent mitigating and aggravating factors for females, 2013 (dotted line shows overall custody rate for each sex)**



For mitigating factors, the difference between the overall custody rate and the custody rate for those with a particular factor ticked was higher for males than for females. For example, when the mitigating factor of physical or mental illness was ticked, the female custody rate was 11 percentage points lower than the overall custody rate for females, but 25 percentage points lower for males.

The reverse was true for aggravating factors, where the difference between the overall custody rate and the custody rate for those with a particular factor ticked was higher for females than for males. For example, for the aggravating factor of targeting vulnerable victims, the custody rate was 35 percentage points higher than the overall custody rate for females, but only 24 percentage points higher for males.

These differences between genders (larger differences between custody rates for mitigating factors when compared with the overall custody rate for males, and larger differences for aggravating factors for females) occur for almost all mitigating and aggravating factors, although again, this should not be interpreted as showing a causal effect between factors and custody rates, and males still consistently had a higher custody rate than females overall.

### **Assault and public order offences**

Assault and public order offences follow the new Sentencing Council definitive guidelines and are therefore presented differently to those analysed for theft, dishonesty and fraud offences above. These factors are split into step one factors (indicating higher/lower culpability and greater/lesser harm) and step two factors (indicating increased/reduced seriousness). Step one factors are used for the initial assessment of the offence seriousness and are therefore more influential in determining the type and length of sentence passed and so they are considered separately to the step two factors that increase or reduce seriousness following the initial assessment. More information on this process can be found in the Crown Court Sentencing Survey publication.<sup>42</sup>

#### *Step one factors: indicating lower culpability or lesser harm*

The proportion of females that had a particular factor relating to lesser harm or lower culpability was higher than the corresponding proportion for males for each factor. The most common for both genders was lack of premeditation, which was ticked for 20% of females and 17% of males.

#### *Step two factors: indicating reduced seriousness*

Similarly, in relation to step one factors, a higher proportion of females than males had each of the reducing seriousness factors ticked on their forms. For example, over a third of females had the factor of no previous relevant convictions ticked, whereas this was ticked for less than a quarter of males.

Other reducing seriousness factors that had noticeably higher proportions for females than males include good character/exemplary conduct, sole/primary carer for dependent relatives, determination/demonstration to address addiction/behaviour, having a serious medical condition and having a serious mental disorder or learning disability. Being the sole/primary carer for dependent relatives stands out amongst

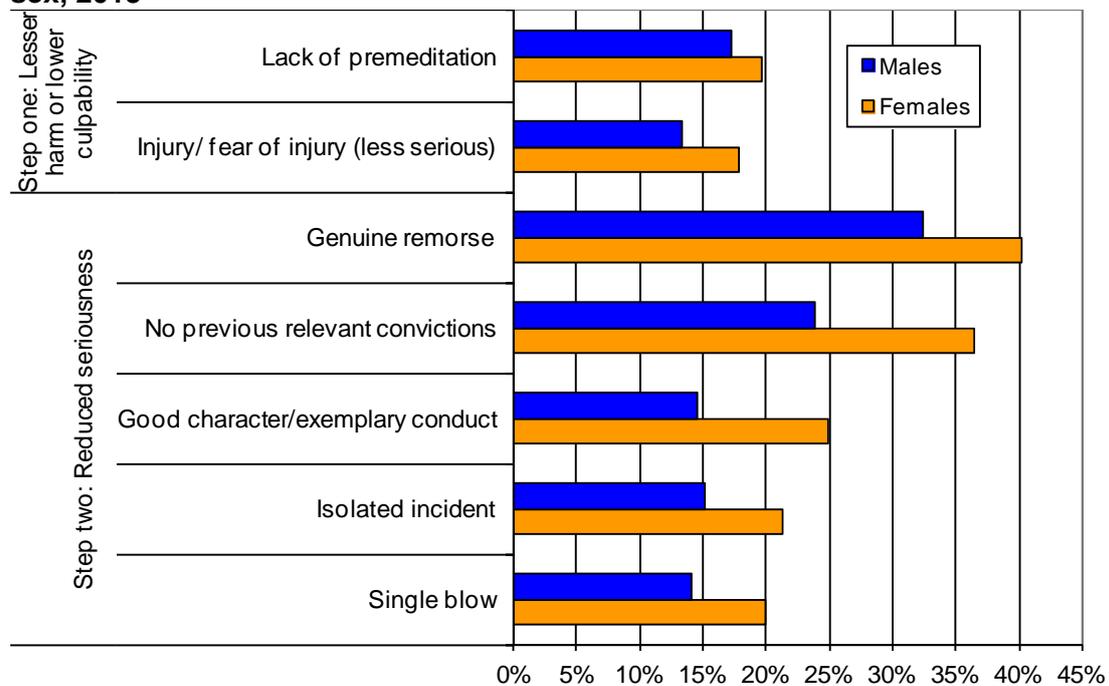
---

<sup>42</sup> Crown Court Sentencing Survey 2013 annual publication - [sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm](http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm).

these, as females were more than six times as likely as males to have this factor (with 15.2% of females and 2.4% of males having this factor ticked for assault and public order offences).

The most common factor for both genders was genuine remorse, with 4 in 10 females and 3 in 10 males having this factor ticked.

**Figure 6.06: Assault and public order offences – The most common factors (for females) indicating lower culpability, lesser harm and reduced seriousness, by sex, 2013**



*Step one factors: indicating higher culpability or greater harm*

The proportions of males that had factors relating to greater harm or higher culpability were generally higher than the corresponding proportions for females. For example, males were twice as likely as females to have the higher culpability factor of deliberately causing more harm than necessary ticked on their form.

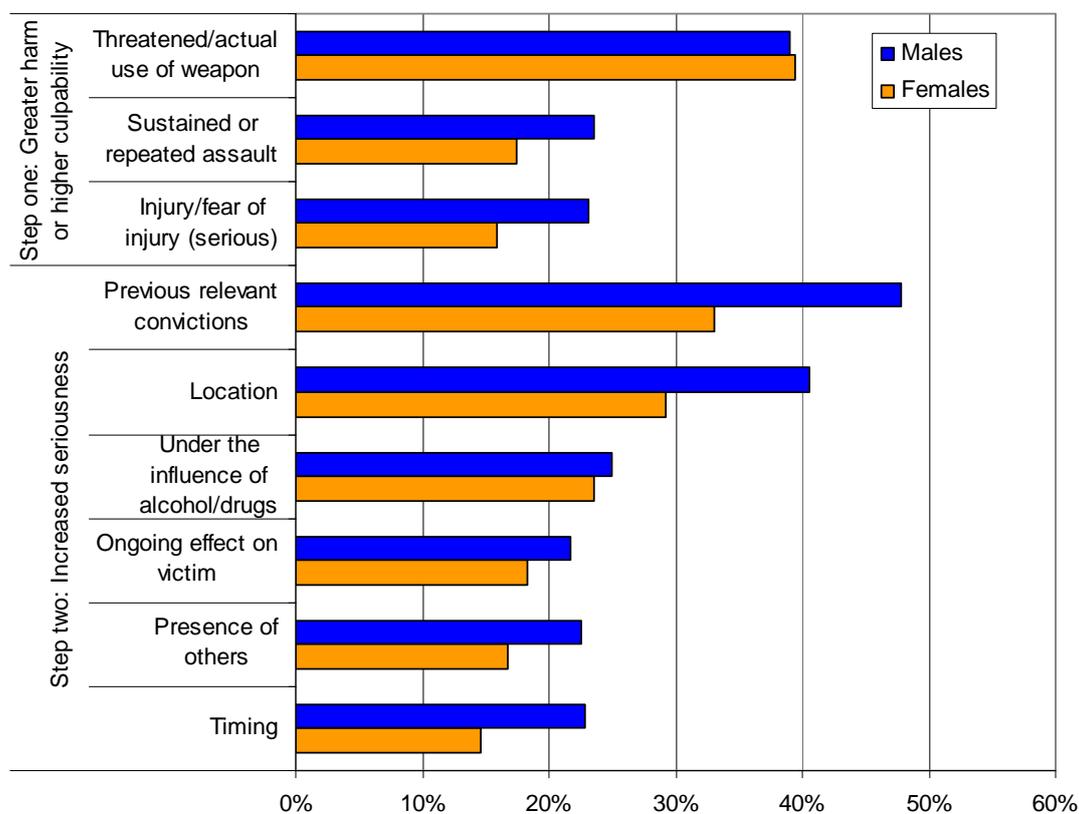
For both genders, the most commonly ticked factor indicating higher culpability was threatened/actual use of weapon/equivalent, which was ticked for around 2 in 5 offenders.

*Step two factors: indicating increased seriousness*

A higher proportion of males than females had factors relating to increased seriousness ticked on their forms.

A noticeably larger proportion of males than females had location and timing as factors that increased seriousness. However, the most common factor for both genders that increased seriousness was the presence of previous relevant convictions, as this factor was ticked for nearly half of males and a third of females.

**Figure 6.07: Assault and public order offences – The most common factors (for females) indicating higher culpability, greater harm or increased seriousness, by sex, 2013**



### *Custody rate*

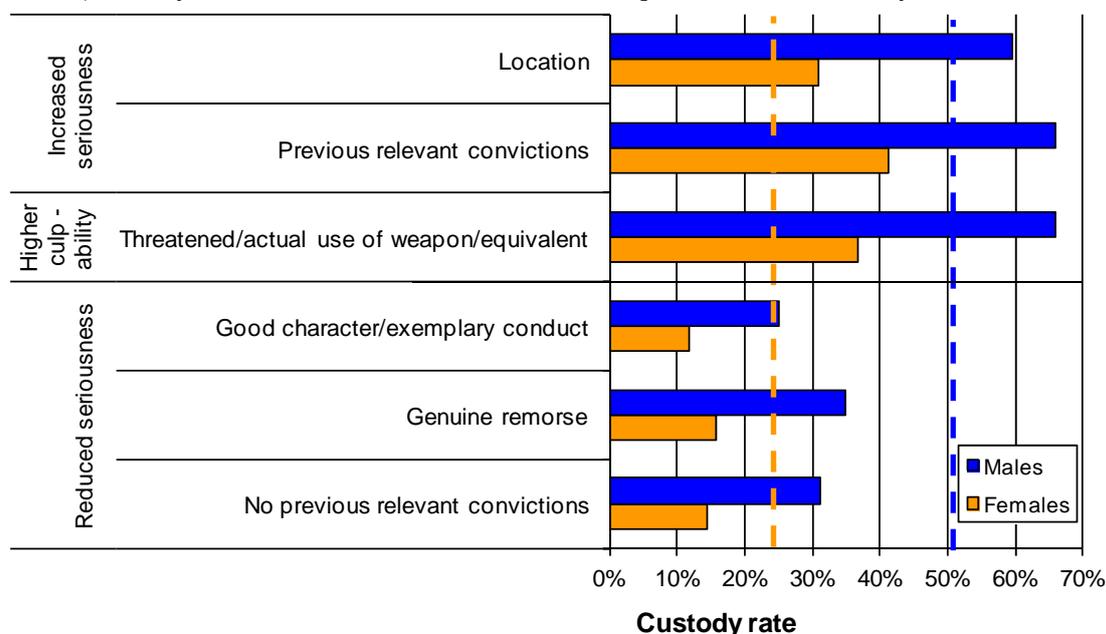
For assault and public order offences, where factors associated with reduced seriousness, lesser harm and lower culpability had been ticked, the custody rate was lower than the overall custody rate. The custody rate was higher than the overall custody rate for those with factors associated with increased seriousness, greater harm and higher culpability ticked on their form.

For most factors relating to reduced seriousness, the difference between the custody rate for each factor and the overall custody rate was larger for males than females. For example, the custody rate for females who were the sole/primary carer to dependent relatives had a custody rate that was 12 percentage points lower than the overall custody rate, whereas the custody rate for males was 29 percentage points lower. However, the custody rate for males was still higher than the custody rate for females overall.

This is the pattern followed for most reducing seriousness factors, but the picture was less clear for factors that increased seriousness, where the difference between the custody rate when a factor was ticked and the overall custody rate differed depending on the factor. For example, for females, the custody rate for those with the factor of failing to respond to warnings/concerns was very similar to the overall custody rate for females, but for males, the custody rate for those with this factor was 27 percentage points higher than the overall rate for males. Those with the factor of the victim being particularly vulnerable had a custody rate around 19 percentage points higher than the overall rate for both genders. When the significant degree of premeditation factor was ticked, the female custody rate was 36 percentage points

higher than the overall rate for females, but for males it was only 29 percentage points higher than the overall rate for males.

**Figure 6.08: Assault and public order offences – custody rate for the three most prevalent factors ticked for females for higher culpability/increased seriousness/greater harm and for lower culpability/reduced seriousness/lesser harm, 2013 (dotted line shows overall custody rate for each sex)**



### Employment, income and benefits before and after conviction / caution / release from prison

An administrative data share between the Ministry of Justice (MoJ), the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC) took place in 2013, linking offender data to P45 employment data and benefit data, for 4.3 million offenders who received at least one caution or conviction for a recordable offence in England and Wales between 2000 and February 2013. This section summarises findings from that data share<sup>43 44</sup>.

#### *Out-of-work benefits<sup>45</sup>*

In the general population, males are slightly more likely to be on out-of-work benefits than females: in February 2010, 14% of the male population of Great Britain and 13% of the female population were claiming out-of-work benefits. Over half of the out-of-work benefit claimants (56%) in February 2010 were males. Female offenders were more likely to be on out-of-work benefits both before and after their caution/conviction or prison sentence, than male offenders. 53% of female offenders were on an out-of-

<sup>43</sup> The results in this section relate only to the 4.3 million individuals who were successfully matched to at least one benefit and/or P45 employment record, and relate to working age offenders only. Original publication: [www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share](http://www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share).

<sup>44</sup> The majority of working age offenders in the matched data who were convicted/cautioned or released from prison for a recordable offence in 2010/2011 were male (81%) (which is consistent for all offenders). For those released from prison, this was 92%.

<sup>45</sup> Out-of-work benefits include Jobseeker's Allowance, Employment and Support Allowance, Income Support, Incapacity Benefit, Passported Incapacity Benefit or Severe Disablement Allowance.

work benefit one month after conviction/caution or release from prison in the 2010/11 tax year, compared to 42% of male offenders.

Females released from prison were also more likely to be on out-of-work benefit compared to males (just under two-thirds of female offenders claimed out-of-work benefits one month after release in 2010/11, compared to just over half of male offenders). However, the change in benefit levels is greater for males following their prison sentence: 54% of female prisoners were claiming benefits one month before their sentence, increasing by seven percentage points to 61% claiming out-of-work benefits one month after release. For the male prisoners, the increase is 13 percentage points with 40% claiming benefits one month before their sentence compared to 53% after release.

Females are more likely to have shorter sentences (70% had under 12 month sentences, compared to 59% of males, and a third of females had sentences of less than 3 months, compared to a quarter of males). This might have an impact on their out-of-work benefit levels - female offenders serving short sentences (under 12 months) are the most likely to have a benefit that overlaps with their prison spell and carries on (around a third). However this does not fully explain the differences as even when just looking at shorter sentences (under 12 months), the increase in benefit levels are still greater for males. For both genders, there is a particularly large increase in pre and post prison sentence benefit levels for those serving 12 month plus sentences, but again the difference is greater for males (20 percentage points for females, 26 for males).

#### *P45 employment<sup>46</sup>*

P45 employment levels are very similar for both male and female offenders with 36% of male offenders and 34% of female offenders in P45 employment at the time of conviction/caution or release from custody in 2010/11. The P45 employment levels for both genders remain similar and stable in the two years either side of the conviction/caution or custodial sentence.

#### *P14 income<sup>47</sup>*

Male and female offenders' median gross P14 income (after adjusting for earnings inflation) increased year on year following conviction/caution or release from prison in 2003/04. This is likely due to the increase in age of the cohort – those who were 16 in 2003/04 will be aged 24 eight years later, and income tends to increase with age.

Median P14 gross income was lower for female offenders than for male offenders for all years following conviction/caution or release from prison in 2003/04. The data includes income for part-year and part-time working so differences between the genders may also reflect differences in working time.

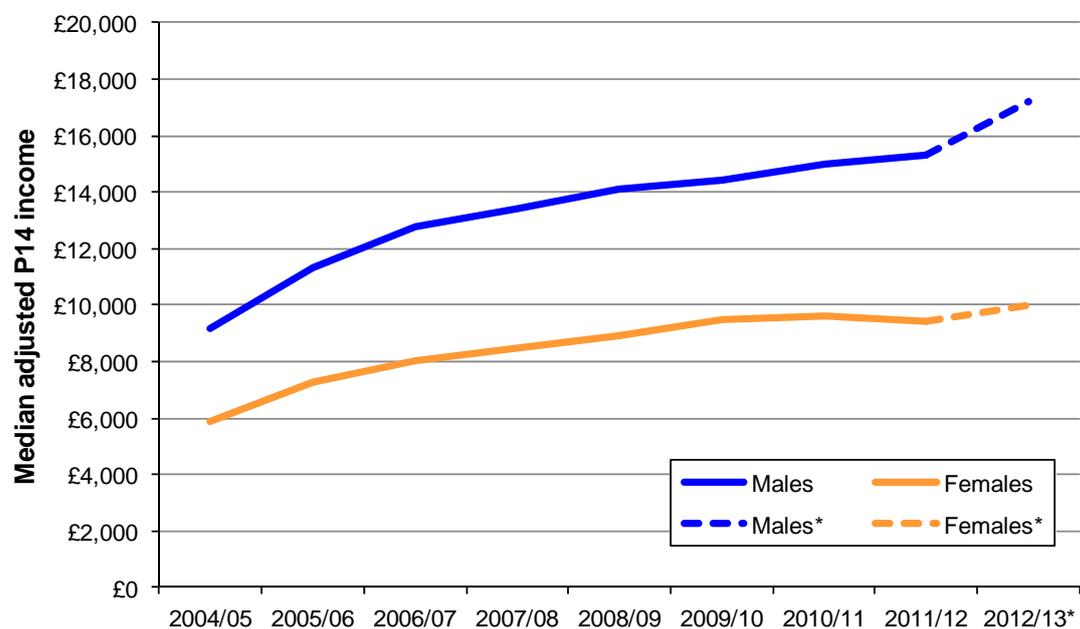
These findings are consistent with findings on general employees, where the Annual Survey of Hours and Earnings, which calculates the figures on a different basis, showed that the median amount of earnings for UK employees aged 16 and over, in 2011, was £26,300 for males and £16,200 for females.

---

<sup>46</sup> P45 employment excludes self employment, cash-in-hand work and some lower paid jobs.

<sup>47</sup> P14 income includes information on gross income derived from P14 forms sent to HMRC by employers. Income from self-employment, cash-in-hand work and some lower paid jobs is not included. P14 income includes income for part-year and part-time work, so does not only reflect full-time, annual income.

**Figure 6.09: Median adjusted P14 income (to take into account earnings inflation) of offenders released from prison or convicted/cautioned in 2003/04, by sex, 2004/05 to 2012/13**



\*The P14 data for 2012/13 is incomplete and therefore results for this year should be treated with caution. See the main linked data publication<sup>48</sup> for more details.

<sup>48</sup> The Experimental statistics publication from which these results were taken can be found at this link, along with more information on definitions and data issues: [www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share](http://www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share).

## Chapter 7: Offence Analysis

This section looks at individual offences that are prominent amongst the narrative of women in the Criminal Justice System. It will investigate differences between male and female defendants for these offences and whether the picture has changed over time.

The offences included in this chapter were selected for different reasons listed below:

- Shoplifting – Theft offences account for a high proportion of all convictions across both genders, the majority of which are for shoplifting.
- Violence Against the Person – This accounts for the second largest number of convictions for female offenders.
- Drug Offences – There have been noticeable differences in the number and proportion of females sentenced to custody for this offence group.
- Benefit Fraud – This was highlighted as an area of interest by the Women's Independent Advisory Group (for statistics on women in the criminal justice system).

### Theft offences – shoplifting

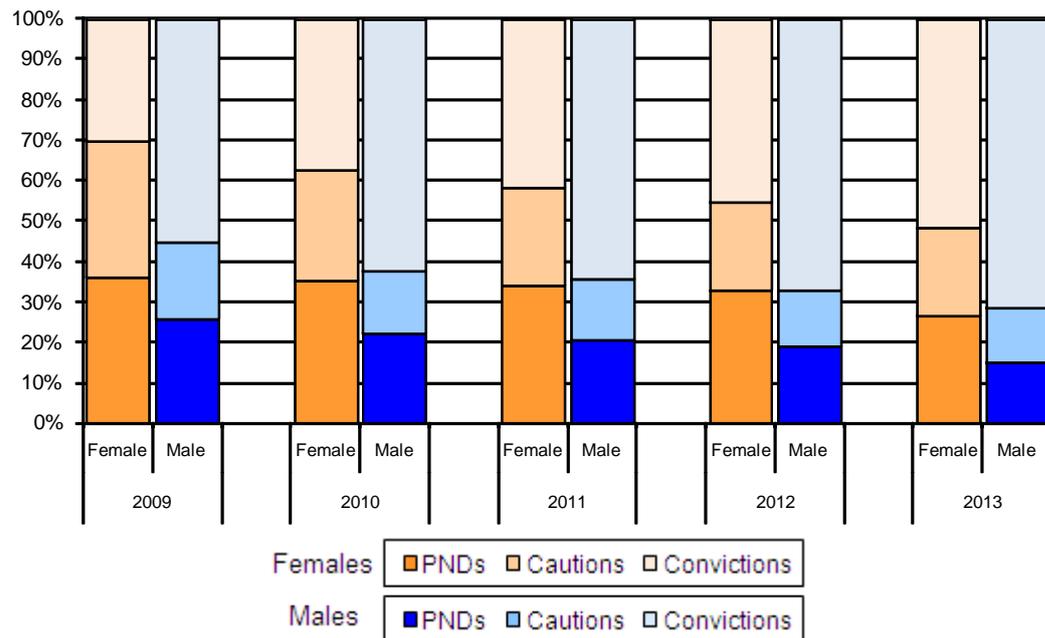
In 2013, shoplifting convictions made up the majority of theft convictions (of those females and males convicted of theft, the offence was shoplifting in 4 out of 5 cases for females and 3 out of 5 cases for males). Shoplifting accounted for 45% of all female indictable convictions, up from 39% in 2009. For male defendants, shoplifting made up around 22% of indictable convictions in each of the past five years.

In 2013, shoplifting was most commonly dealt with in court (as opposed to through an out of court disposal), although this was more common for male offenders. This difference between male and female offenders may in part be attributed to the type of shoplifting offences they commit. For example, in each of the previous five years a higher proportion of female offenders have been given a penalty notice for disorder (PND) for retail theft of under £100<sup>49</sup>.

---

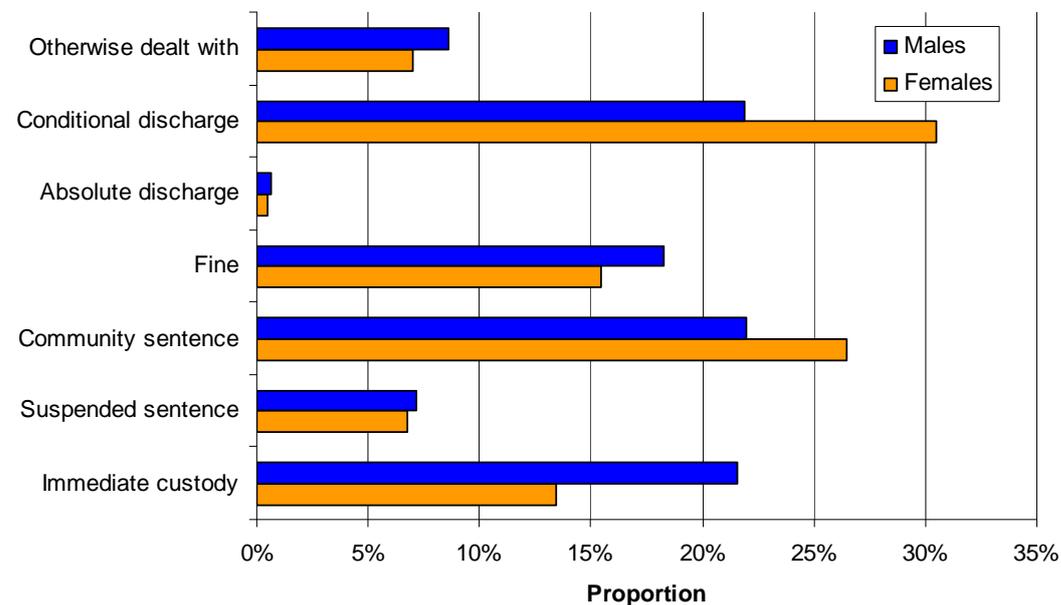
<sup>49</sup> Offence introduced with effect from 1 November 2004. Until July 2009, a PND could be given for retail theft of up to £200.

**Figure 7.01: Proportion of offenders given a PND, caution or conviction for various forms of shoplifting offence, 2009 to 2013**



Of those sentenced at court, the two most common disposals for both male and female offenders were conditional discharges and community sentences.

**Figure 7.02: Sentencing outcomes for shoplifting, by sex, 2013**



For male and female offenders convicted for shoplifting in 2013 with previous cautions or convictions, a greater proportion of the offences they previously committed were for theft (56% for female offenders compared with 48% for male offenders). This indicates that male offenders with a previous criminal history have committed a slightly broader range of offences than female offenders.

### Selected violence against the person offences

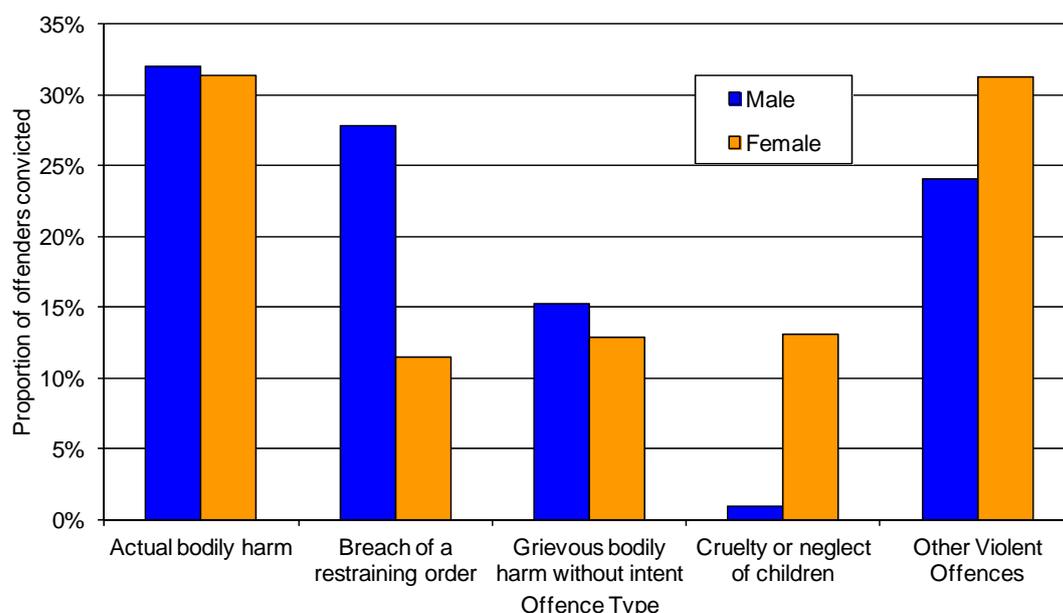
The 'violence against the person' offence group contains numerous different offences. This section concentrates on the four most common for females:

- Grievous bodily harm (GBH) without intent
- Actual bodily harm (ABH)<sup>50</sup>
- Breach of a restraining order
- Cruelty to or neglect of children

With the exception of cruelty to or neglect of children, each of these offences accounted for a larger proportion of male violent offenders than female violent offenders over the past ten years.

The most common violent offence for which both male and female offenders were convicted between 2003 and 2013 was ABH. The proportion of offenders convicted for this offence remained broadly stable until 2010 when it accounted for approximately half of all violence offences for both male and female offenders; however, it has since fallen to around a third in 2013.

**Figure 7.03: Convictions for the most common violent offences as a proportion of all violent offences, by sex, 2013**



The type of sentence outcome given at court differs between male and female offenders and has also changed over time, due largely to the greater use of SSOs since 2005 when they became more readily available under the Criminal Justice Act 2003. As with the wider trend for all indictable offences (highlighted in the defendants' chapter) there was also a decline in the proportion of community sentences over the time period.

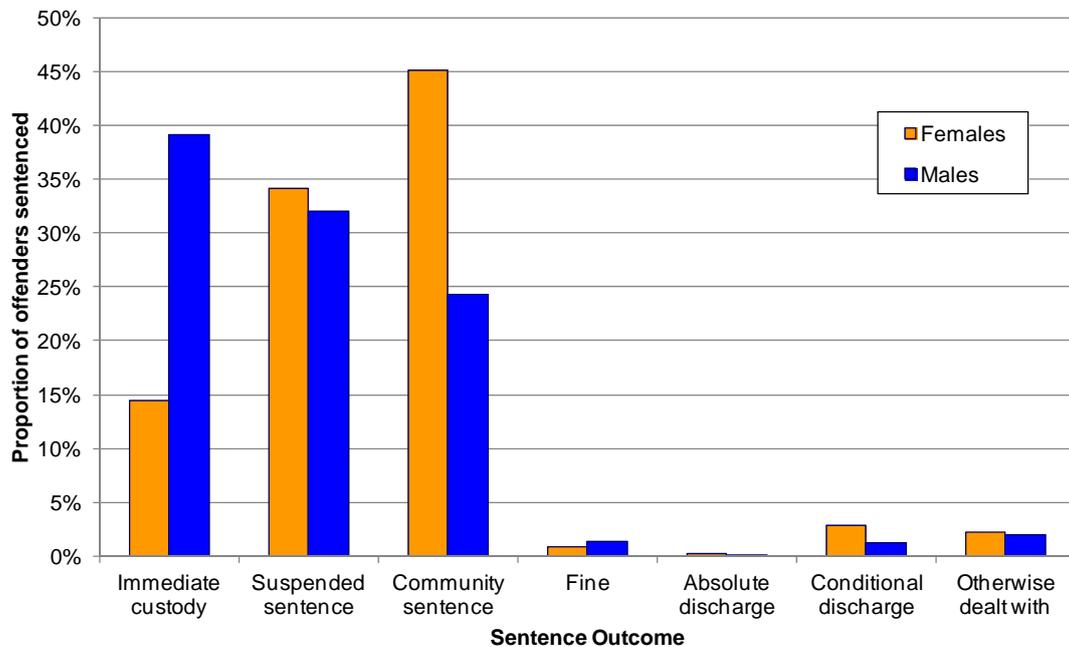
The most common disposal given to male offenders across each of the four specified violence offences is now an immediate custodial sentence, with the proportion increasing over the last ten years for ABH and remaining stable for the other offences. By contrast the type of sentence outcome given to female offenders has

<sup>50</sup> Figures for ABH includes racially and religiously aggravated types of the offence

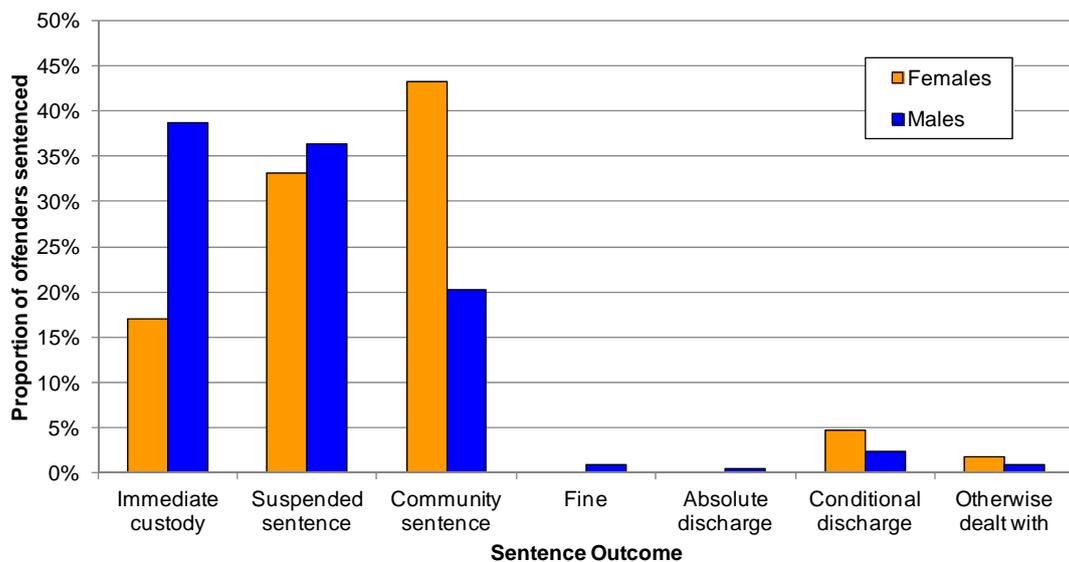
differed for each of these four offences. In 2013, the most common disposal given for the offences of ABH and cruelty to or neglect of children was a community sentence, whilst for GBH without intent it was a SSO and for breach of a restraining order it came under the otherwise dealt with category.

Across each of these four offences, male offenders were around twice as likely to be given an immediate custodial sentence than female offenders. By contrast, a greater proportion of female offenders received less severe sentence outcomes.

**Figure 7.04: Offenders sentenced for ABH, by sentence outcome, 2013**



**Figure 7.05: Offenders sentenced for cruelty to or neglect of a child, by sentence outcome, 2013**



Over the past ten years, male offenders received longer average prison sentences than female offenders for each of the four specified violent offences. The one exception is cruelty to or neglect of children, which has varied between male and female offenders, although this may be a consequence of the small numbers involved.

The difference in the type of sentence given to male and female offenders can partly be attributed to the use of mitigating and aggravating factors that affect each case, with the presence of aggravating factors more prevalent in cases for male offenders as opposed to mitigating factors which are more common amongst cases for female offenders. Further details can be found in the Mitigating and Aggravating Factors section.

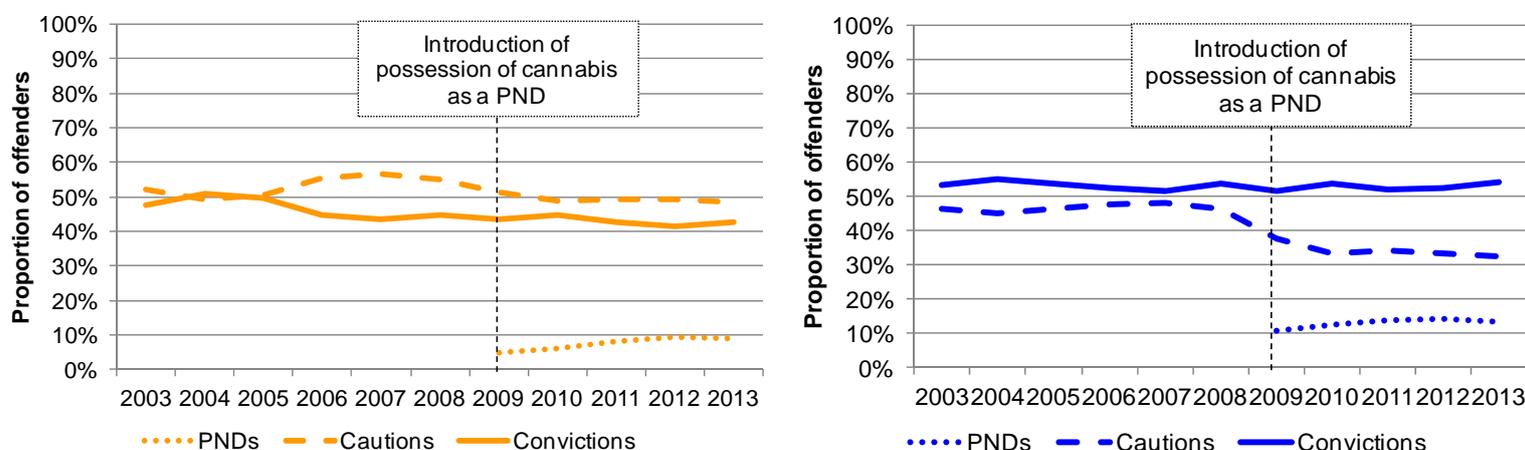
## Drug Offences

### Use of out of court disposals<sup>51</sup>

Drug offences account for the highest proportion of cautions issued to male offenders of any indictable offence group, and are the third highest offence group for female offenders (after theft and violence against the person). From 2008 onwards, there was a decline in the number of cautions issued for both genders, and this coincided with the introduction of the PND for possession of cannabis and also follows the general decline in cautions issued. (See Chapter 4 for more details on the use of out of court disposals).

Overall, a higher proportion of male offenders are dealt with through a conviction at court for drug offences compared with female offenders. A conviction was the most common disposal for male offenders while a caution has broadly remained the most common for female offenders over the past ten years.

**Figure 7.06: The number of offenders given a PND, caution or convicted at all courts for drug offences: (a) female offenders, (b) male offenders, 2003 to 2013**



### Custodial sentences

In 2013, the number of females sentenced to immediate custody was less than half the number sentenced in 2003. This reflects both a fall in the total number of females sentenced for drug offences over the period and a fall in the custody rate which in 2013 was at a ten-year low at 11%.

In contrast there were more males sentenced to custody in 2013 than in 2003 (although down from a peak in 2011). This reflects an increase in the total number of

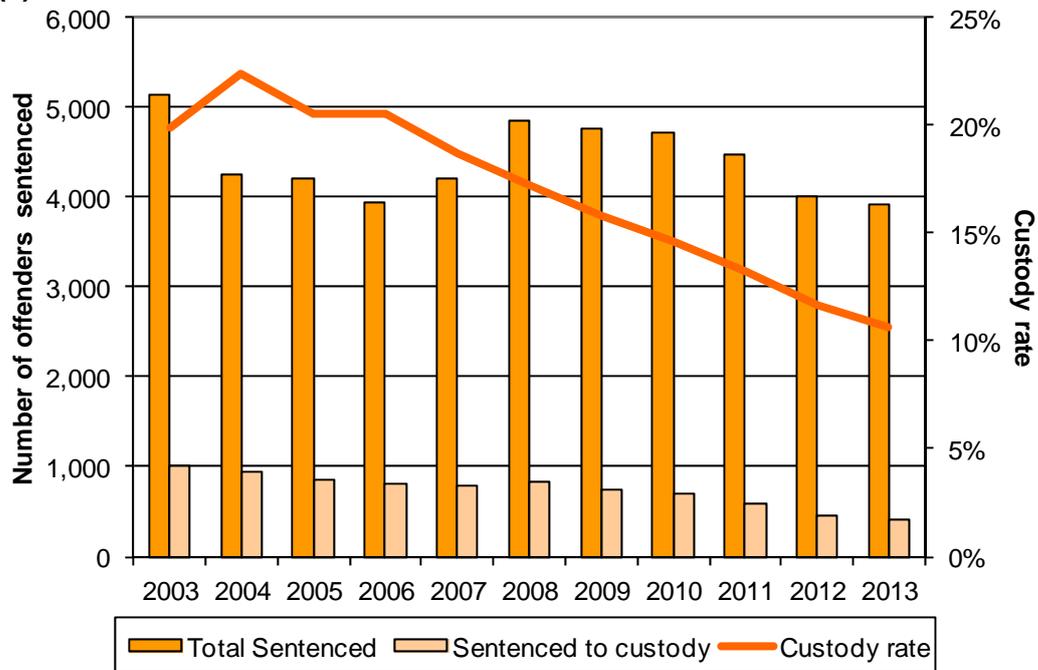
<sup>51</sup> Cannabis warnings are not included in this section as they are not recorded by sex.

male offenders sentenced for drug offences over the period and a custody rate that is broadly similar to the rate in 2003, although down from a high of about 20% in 2004.

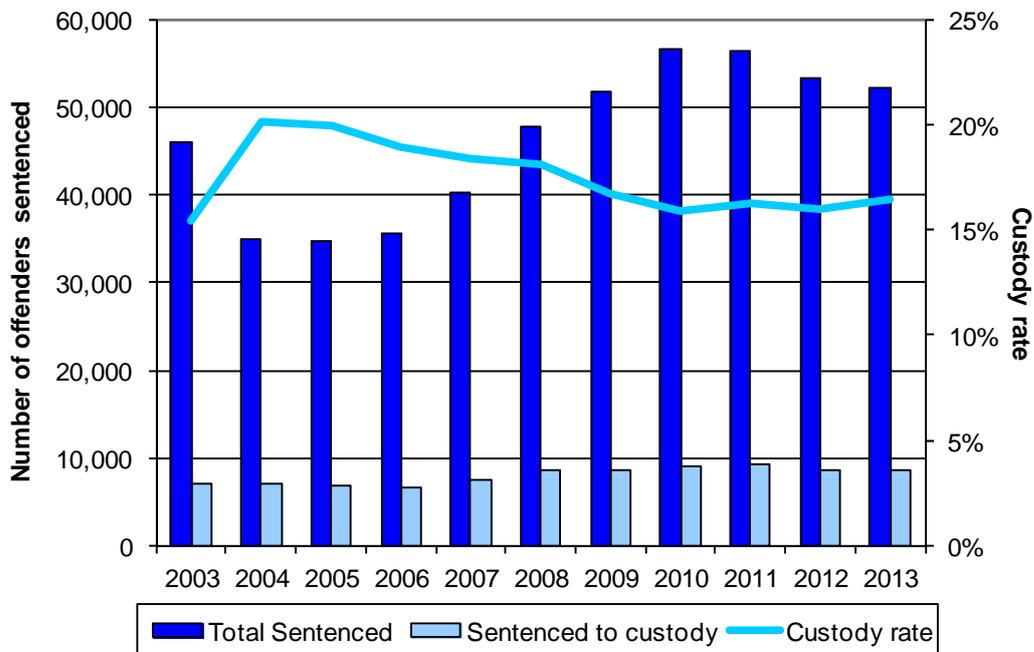
For both male and female offenders there was a drop in sentences for drug offences between 2004 and 2008 which coincides with the period that cannabis was classified as a Class C drug.

**Figure 7.07: Total (a) female and (b) male offenders sentenced, offenders sentenced to custody and the custody rate for drug offences, 2003 to 2013**

(a)



(b)



Since 2003 there has been a decrease in the number of female offenders sentenced across most drug offences, except for production, supply and possession with intent

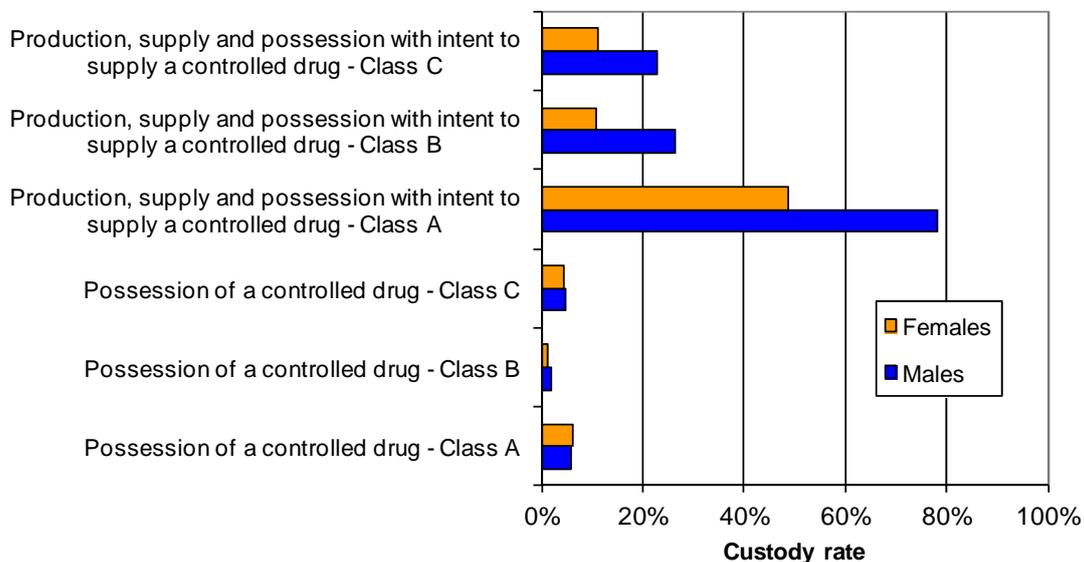
to supply Class B drugs. The fall in the custody rate for female offenders is primarily driven by:

- A sharp fall in the number of females convicted of importation of a Class A drug. In 2003 this accounted for 5% of all female convictions for drug offences, but 23% of all females sentences of immediate custody reflecting the high (almost 100%) custody rate for this offence. In 2013, this offence accounted for only 1% of all female drug convictions.
- Changes in the offence mix. In 2013 a smaller share of drug convictions for female offenders relate to Class A drug offences, which have the higher custody rates.

The increase in the number of male offenders sentenced for drug offences has primarily been driven by a large increase (180%) in the number of convictions for production, supply and possession with intent to supply Class B drugs since 2003.

The most common drug offences for which both male and female offenders were sentenced were for class A, B and C offences for possession of a controlled drug and for production, supply and possession with intent to supply a controlled drug. These offences have formed the majority of all convictions for both genders over the past ten years, however they accounted for a greater share amongst male offenders. In 2013 possession offences accounted for around two thirds of all drug convictions for both males and females, although the custody rate is relatively low for these offences. The custody rates for possession offences were broadly similar for male and female offenders, but were lower for female offenders for offences of production, supply and possession with intent to supply a controlled drug.

**Figure 7.08: Custody rate for selected drug offences, by sex, 2013**



The average custodial sentence length has been broadly similar for both genders between 2003 and 2011 after which this has diverged, with the ACSL increasing for male offenders and decreasing for female offenders.

### Benefit fraud

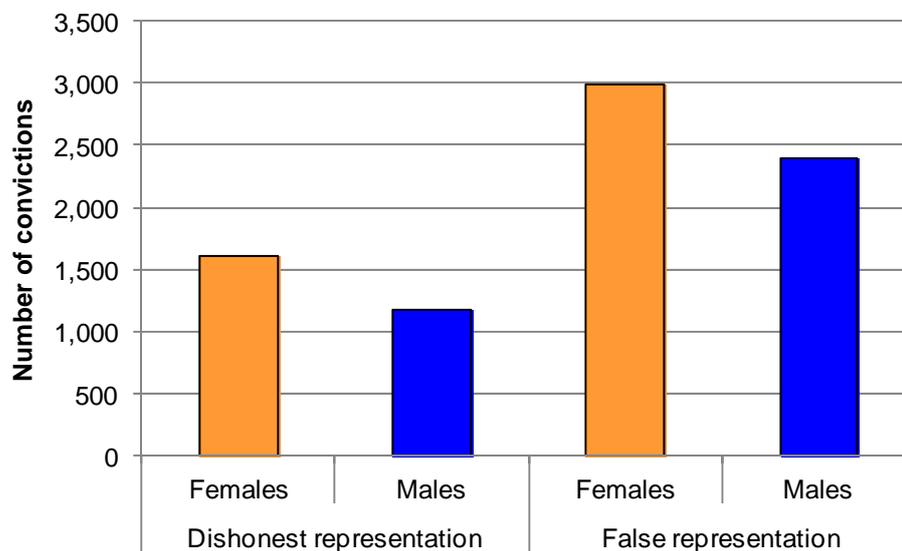
Offenders who have committed benefit fraud may be convicted for an offence that specifically mentions benefit fraud, or for a more general offence such as an offence related to fraud, forgery, identity or serious organised crime. It is not possible to

specifically identify benefit fraud within these more general offences and so the only offences included in this section are those that explicitly mention benefit fraud.

Two specific offences make up the vast majority of benefit fraud offences for which people are prosecuted and convicted at court: the triable either way<sup>52</sup> offence of dishonest representation for obtaining benefits and the summary offence of false representation for obtaining benefits, contravention of regulations, etc. The main difference between these is that dishonesty needs to be proven in order to convict someone of dishonest representation, whereas this is not the case for false representation.

A higher number of females than males were convicted for dishonest representation between 2003 and 2013. For false representation, a higher number of males were convicted between 2003 and 2007; thereafter numbers became more similar, although in 2013, females overtook males as having the higher number of convictions for this offence.

**Figure 7.09: Number of offenders convicted for selected benefit fraud offences, by sex, 2013**

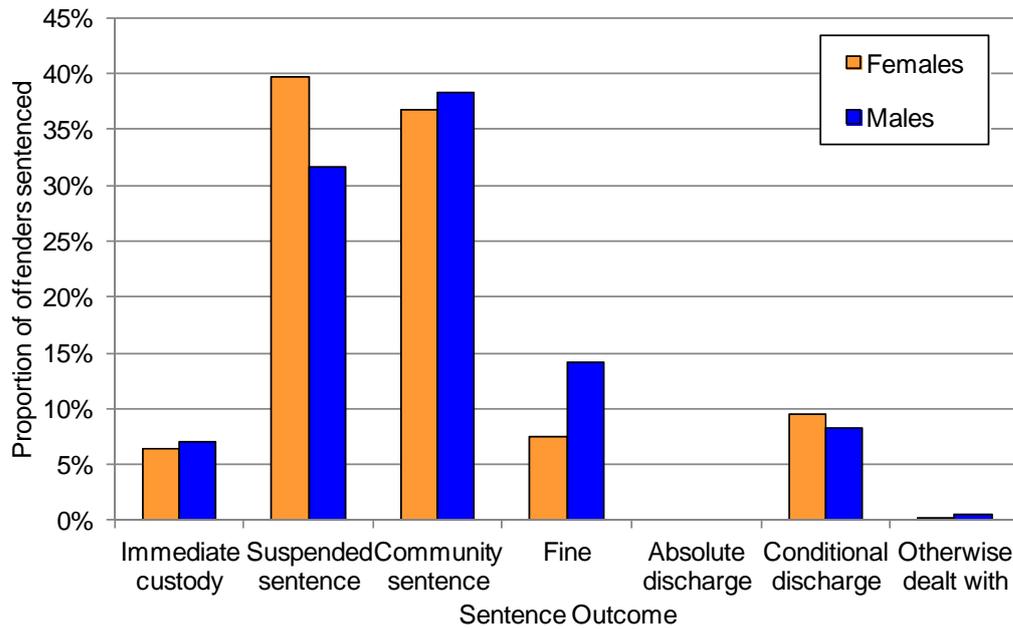


In 2013, benefit fraud sentencing outcomes for females and males were broadly similar, although, in general, outcomes differed between the two offences. Dishonest representation, for which a defendant can be tried either at the Crown Court or at a magistrates' court, can result in a custodial sentence, and in 2013, around 7% of both genders were given immediate custody. False representation, which is a summary-only offence, leads mainly to a fine, a conditional discharge or a community sentence.

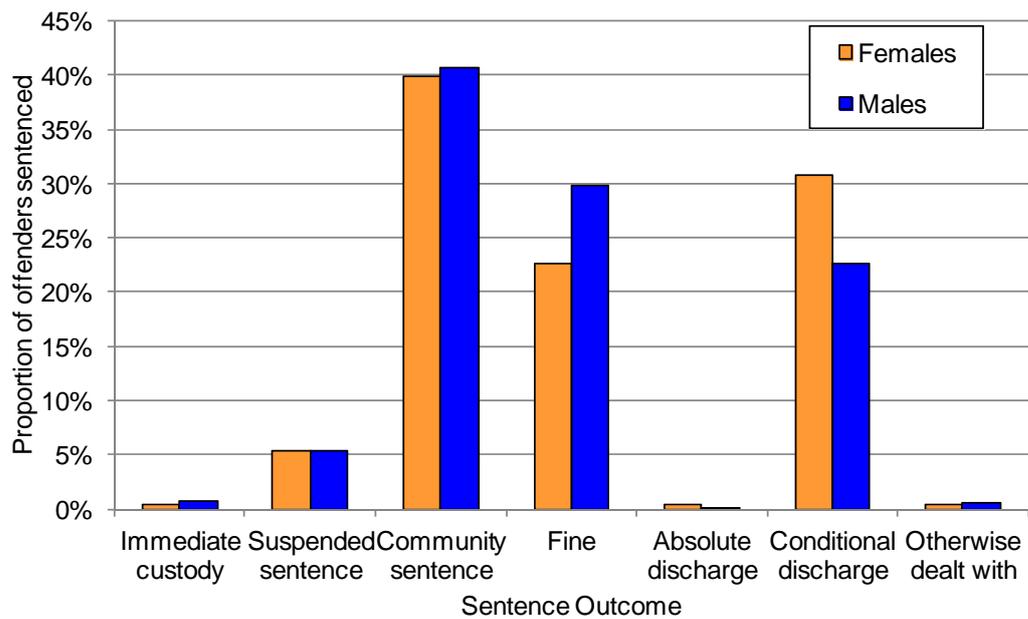
<sup>52</sup> A triable either way offence may be tried either at the Crown Court or at a magistrates' court.

**Figure 7.10: Sentencing outcomes for benefit fraud offences: (a) Dishonest representation, (b) False representation, by sex, 2013**

**(a)**



**(b)**



## Chapter 8: Offender Management

This chapter provides statistics relating to offenders in custody or under supervision in the community and proven re-offending information. Much of this information has previously been published in the *Offender Management Statistics Quarterly*<sup>53</sup>, *Safety in Custody Statistics*<sup>54</sup>, *Accredited Programmes Annual Bulletin*<sup>55</sup> and *Proven Re-offending Statistics Quarterly Bulletin*<sup>56</sup> publications.

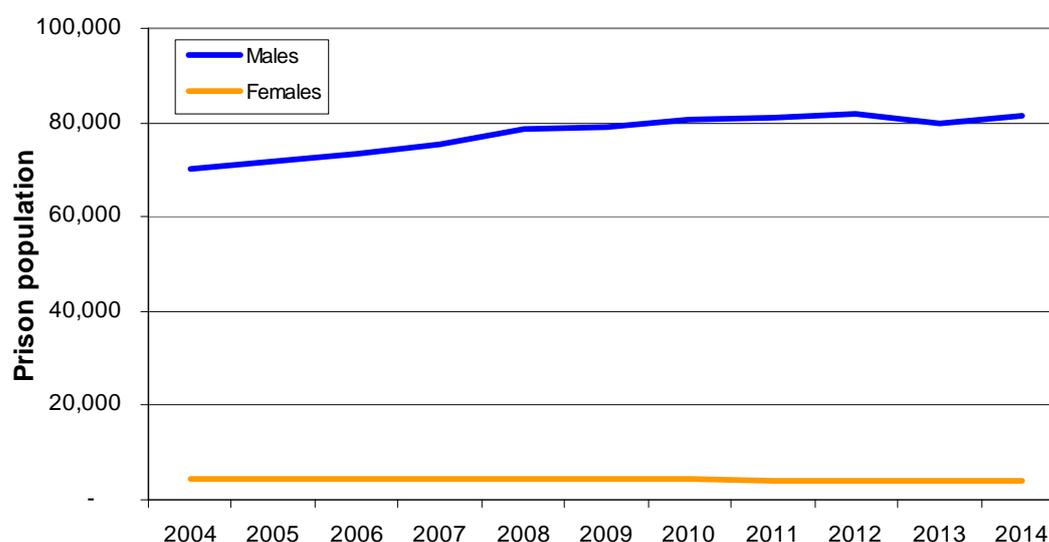
### Offenders in Custody

#### *Prison population*

On 30 June 2014, the total prison population included sentenced prisoners (83.6%), those on remand (14.3%) and non-criminal prisoners (2.1%). This is broadly similar to the profile on 30 June 2013, at which time sentenced prisoners accounted for 84.6% of the total population

The total prison population as at 30 June 2014 was 85,509, women accounted for 4.6% (3,929) of this total. On 30 June 2013, the total prison population was 83,842 with women accounting for 4.6% (3,853) of this total. Over the last 10 years the number of male prisoners has increased, whilst the number of female prisoners has decreased (Figure 8.01). This has led to a decrease in the proportion of females in the prison population from 6.0% in 2004 to 4.6% in 2014.

**Figure 8.01: Prison population, by sex, at 30<sup>th</sup> June, 2004 to 2014**



For both males and females the number held on remand has decreased over the last decade; however both have increased in the latest year. This increase has been driven by the adult remand population, which after remaining stable up until the end

<sup>53</sup> Offender Management Statistics Bulletin annual 2013 (includes quarterly publication, October to December 2013): [www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-december-2013-and-annual](http://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-december-2013-and-annual).

<sup>54</sup> Safety in Custody Statistics quarterly update to June 2014: [www.gov.uk/government/statistics/safety-in-custody-statistics-quarterly-update-to-june-2014](http://www.gov.uk/government/statistics/safety-in-custody-statistics-quarterly-update-to-june-2014)

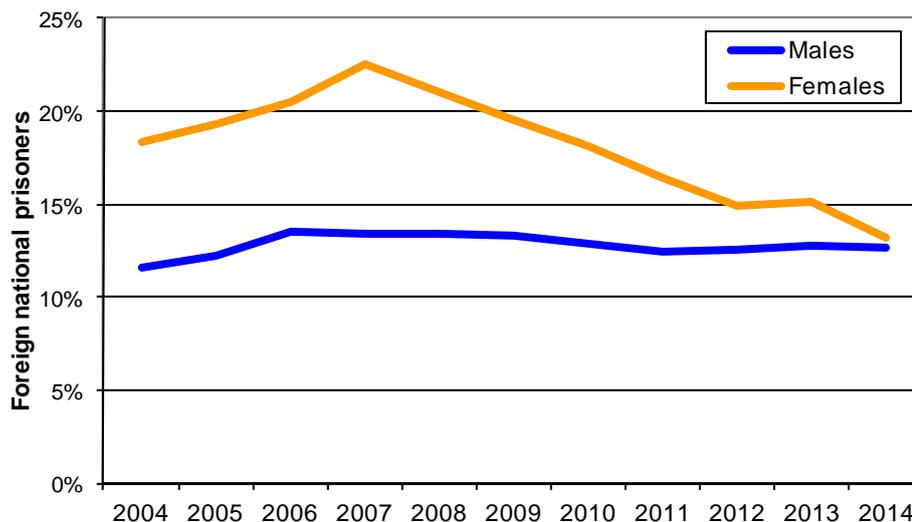
<sup>55</sup> Accredited programmes annual bulletin 2013/14: [www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014](http://www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014).

<sup>56</sup> Proven Re-offending statistics bulletin January 2012 to December 2012: [www.gov.uk/government/statistics/proven-reoffending-statistics-january-2012-to-december-2012](http://www.gov.uk/government/statistics/proven-reoffending-statistics-january-2012-to-december-2012).

of August 2013, rose sharply until the end of October 2013, and has since risen more gradually up until the end of June 2014. This has been attributed to an increase in demand on the courts, which in some cases has led to longer waiting times.

Over the last decade the proportion of foreign nationals in the female prison population increased to a high of 22% in 2007 and has since decreased (Figure 8.02). In contrast, the proportion of foreign nationals in the male prison population has remained relatively stable.

**Figure 8.02: Proportion of foreign national prisoners, by sex, at 30<sup>th</sup> June, 2004 to 2014**



#### *Population under immediate custodial sentence*<sup>57</sup>

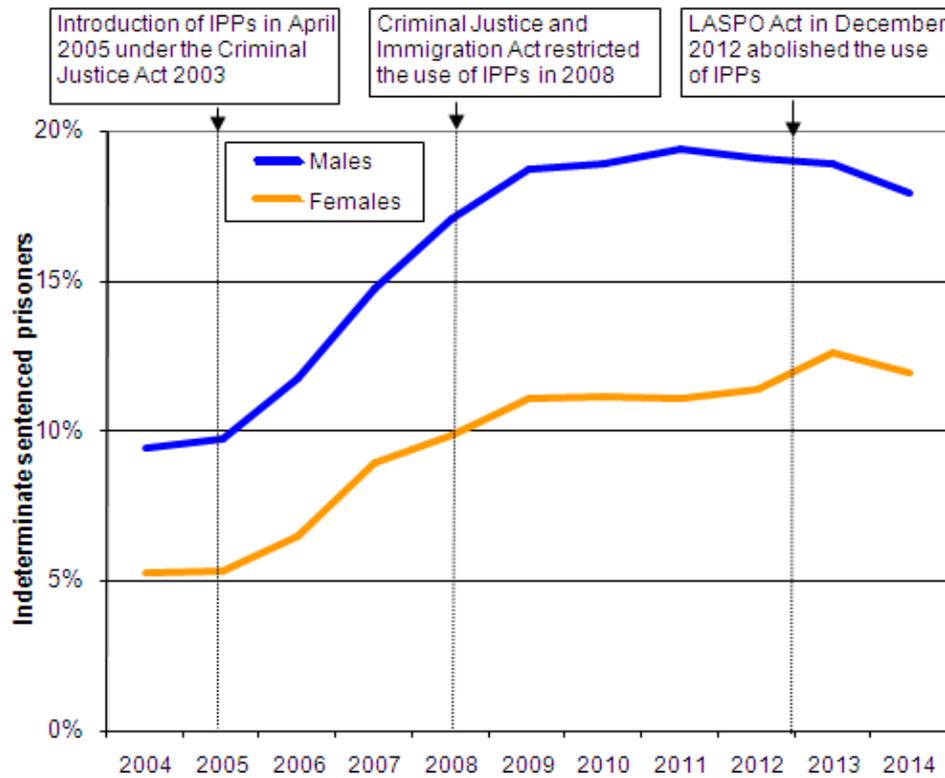
The prison population under immediate custodial sentence is a reflection of sentencing outcomes at court and is impacted by both the number of offenders given immediate custodial sentences as well as the sentence length.

Prison sentences can be divided into two broad groups: determinate sentences which are for a fixed period, and indeterminate sentences (these include life sentences and indeterminate sentences for public protection – IPPs) which have a minimum fixed period, known as a tariff that must be served before release is considered by the parole board. There is a higher proportion of males serving indeterminate sentences compared with females, 17.9% and 11.9% respectively, at 30 June 2014.

The proportion of males and females under indeterminate sentences has increased over the last decade, but for both has dropped in the latest year. This trend reflects changes in legislation under the LASPO Act 2012 impacting Indeterminate Sentence for Public Protection (IPPs) (summarised in Figure 8.03 below). This Act abolished the IPP and introduced the new Extended Determinate Sentence (EDS), which is available for offenders who would previously have received an IPP. IPPs accounted for 41.2% of male prisoners with an indeterminate sentence compared with 24.9% of female prisoners with an indeterminate sentence.

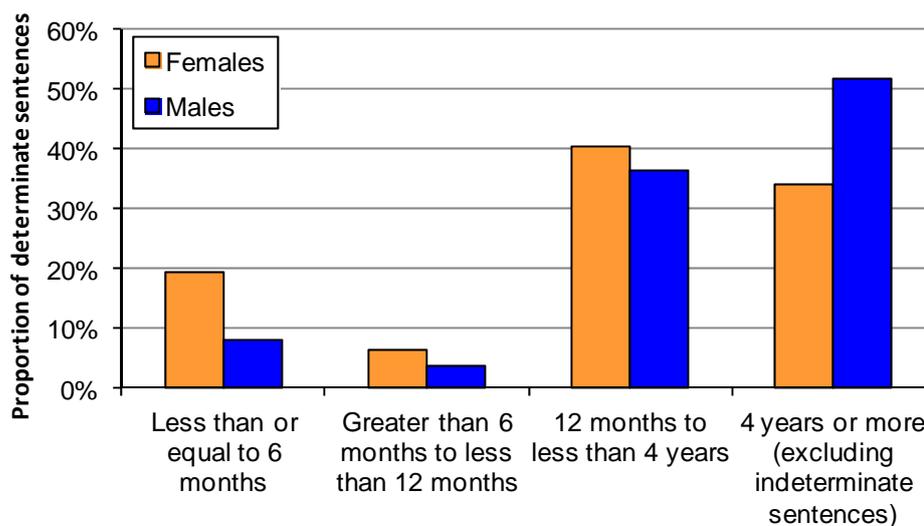
<sup>57</sup> Does not include fine defaulters

**Figure 8.03: Proportion of indeterminate sentences of all sentenced prisoners by sex at 30<sup>th</sup> June, 2004 to 2014**



The sentence length profile of males and females under a determinate sentence differs, with a higher proportion of females than males sentenced to less than 12 months. This reflects sentencing data which shows that on average male offenders receive longer custodial sentences than female offenders, which is partly due to the different types of offences that males and females commit.

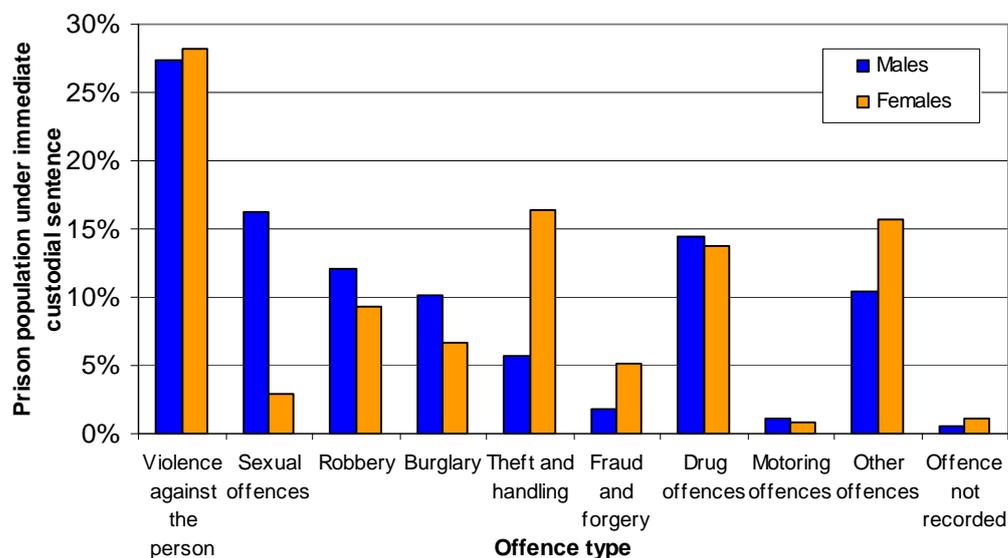
**Figure 8.04: Sentence length profile of determinate sentences, by sex, 30 June 2014**



In the last decade the proportion of males held under a determinate sentence of 4 years or more has increased. For females, the proportion sentenced to a custodial sentence of less than 6 months has increased.

For both male and female prisoners, the most common offence group for which they were convicted is violence against the person, however otherwise the offence profile does differ by sex, as can be seen in Figure 8.05 below. For male prisoners, the second most common offence group for which they received a custodial sentence is sexual offences, whilst for female prisoners it is theft and handling.

**Figure 8.05: Offence group profile of prison population under an immediate custodial sentence by sex, 30 June 2014**



For male prisoners, over the last five years there has been a notable increase in the proportion of prisoners convicted of sexual offences (12.5% in 2009 compared with 16.3% in 2014). For female prisoners, there has been a notable drop in the proportion with a drug offence conviction (25.2% in 2009 compared with 13.8% in 2014). This reflects changes in both the volumes sentenced for these offences and the custody rates. For further information see the drug offences section in Chapter 7.

#### *Home Detention Curfew*

To be considered for release under Home Detention Curfew an offender must be serving a sentence of between three months to less than 4 years. Offenders who are released onto HDC spend up to the last 135 days of the custodial part of their sentence outside of prison providing they do not breach the rules of their curfew. In 2013 of those eligible for release<sup>58</sup>, 21% (9,051) of males were released compared with 37% (1,368) of females. Over the last decade a higher proportion of females eligible for HDC have been released compared to eligible males.

#### *Release on temporary licence (ROTL)*

Release on temporary licence (ROTL) is a mechanism that enables prisoners to participate in necessary activities, outside of the prison establishment, that directly contributes to their resettlement into the community and their development of a purposeful, law-abiding life.

<sup>58</sup> This is the number of offenders serving sentences of between 3 months and 4 years potentially eligible for release on Home Detention Curfew (HDC) in the relevant period. In practice offenders are subject to a risk assessment before being considered for release on HDC, so some of these offenders will turn out not to be eligible for release on HDC.

There is no automatic right of entitlement for ROTL to be granted. A prisoner will only be released on temporary licence if they are eligible for release and once they have satisfied a stringent risk assessment carried out by a designated ROTL Board at the prison.

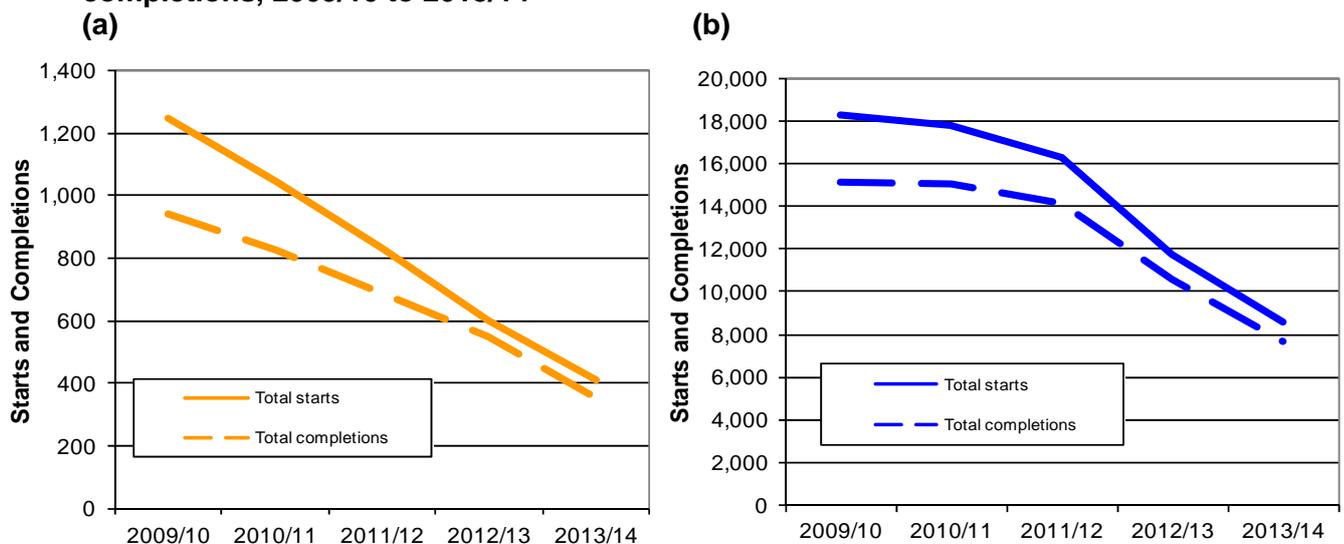
In 2013, there were 529,350 releases on temporary licence; 93.8% from male establishments and 6.2% from female establishments. These releases related to 11,211 individuals who had at least one instance of ROTL; 10,392 males and 819 females. In 2013, less than 0.1% of releases failed, although the failure rate of males was double the failure rate of females.

While the number of releases increased from 2012 to 2013, there was a decrease in the number of individuals released, meaning that those individuals who were released in 2013 were released more times than those in 2012, on average.

#### Accredited programmes

A range of accredited programmes can be offered to offenders, varying in length, complexity and mode of delivery. Programmes have been developed to target the particular risks and needs for different types of offending behaviour, with the aim of reducing re-offending.<sup>59</sup>

**Figure 8.06: (a) Female and (b) Male accredited prison programme starts and completions, 2009/10 to 2013/14**



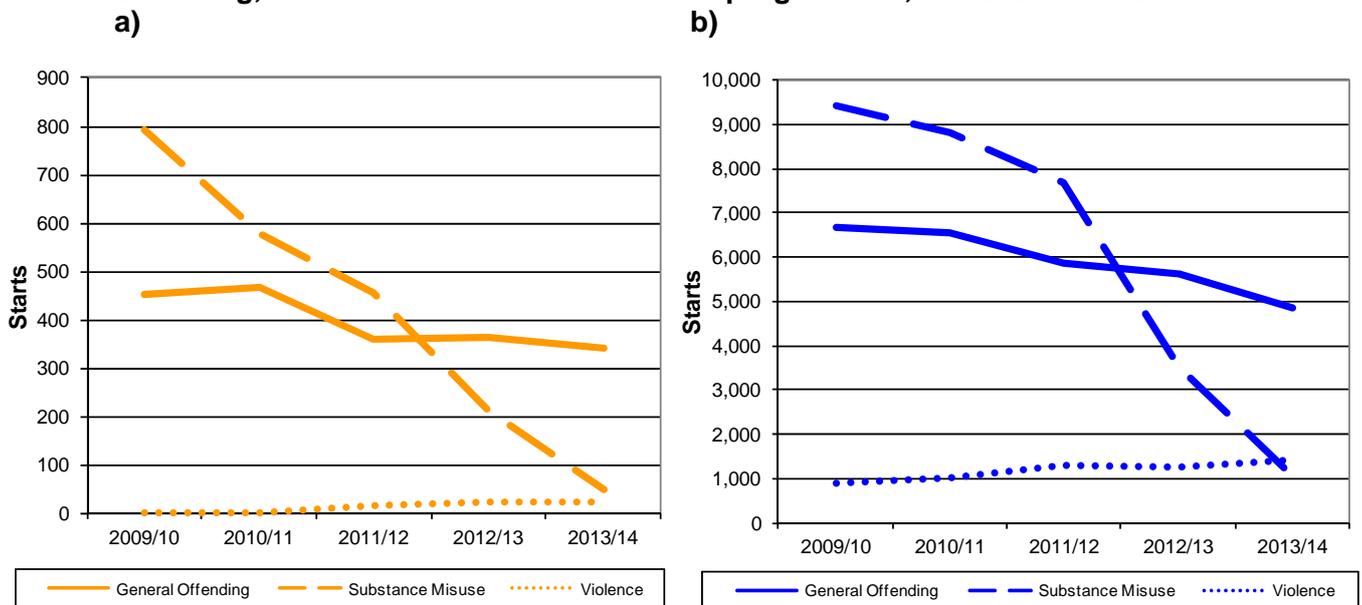
Accredited programme starts and completions fell between 2009/10 and 2013/14, with a sharper fall for starts for both genders. Starts and completions for females fell by 62% and 67% respectively, while for males the decreases in starts and completions were 53% and 49% respectively.

General Offending and Substance Misuse programmes were the two programme categories with the highest number of starts between 2009/10 and 2013/14 for both genders, with the exception of 2013/14 for males, where Violence overtook Substance Misuse. General Offending made up 83% of female starts and 57% of male starts in 2013/14.

<sup>59</sup> The Accredited Programmes Annual Bulletin 2013/14 contains more information and can be found here: [www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014](http://www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014)

The substantial decrease in the number of programme starts for substance misuse over the five year period is partly due to changes in the way that substance misuse interventions are funded and commissioned. As of 1<sup>st</sup> April 2011, drug and alcohol treatment services became the responsibility of the Department of Health (DH), devolving the choice of programmes commissioned and funded to local partnerships, a number of which opted to deliver non-accredited programmes instead.

**Figure 8.07: (a) Female and (b) male prison programme starts for General Offending, Substance Misuse and Violence programmes, 2009/10 to 2013/14**

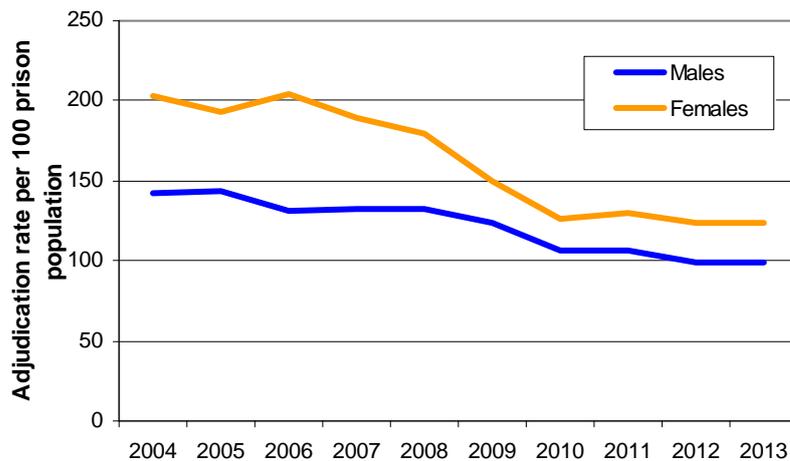


### *Discipline in prison establishments*

In 2013, there were 85,532 adjudications for proven offences in custody, 80,616 in male establishments (100 per 100 population) and 4,916 in female establishments (124 per 100 population). Over the last decade the number of adjudications<sup>60</sup> per 100 prisoners has fallen for both males and females, but female prisoners have consistently had a higher rate of adjudications per 100 population, although this difference has reduced in recent years (Figure 8.08).

<sup>60</sup> This analysis compares the rate of offences punished in male and female establishments. Any differences may therefore reflect the way in which the CJS responds to the behaviour of men and women, and differences in the offences reported, and do not necessarily reflect differences in the behaviour of prisoners themselves.

**Figure 8.08: Rate of proven adjudications per 100 prison population, 2004 to 2013**

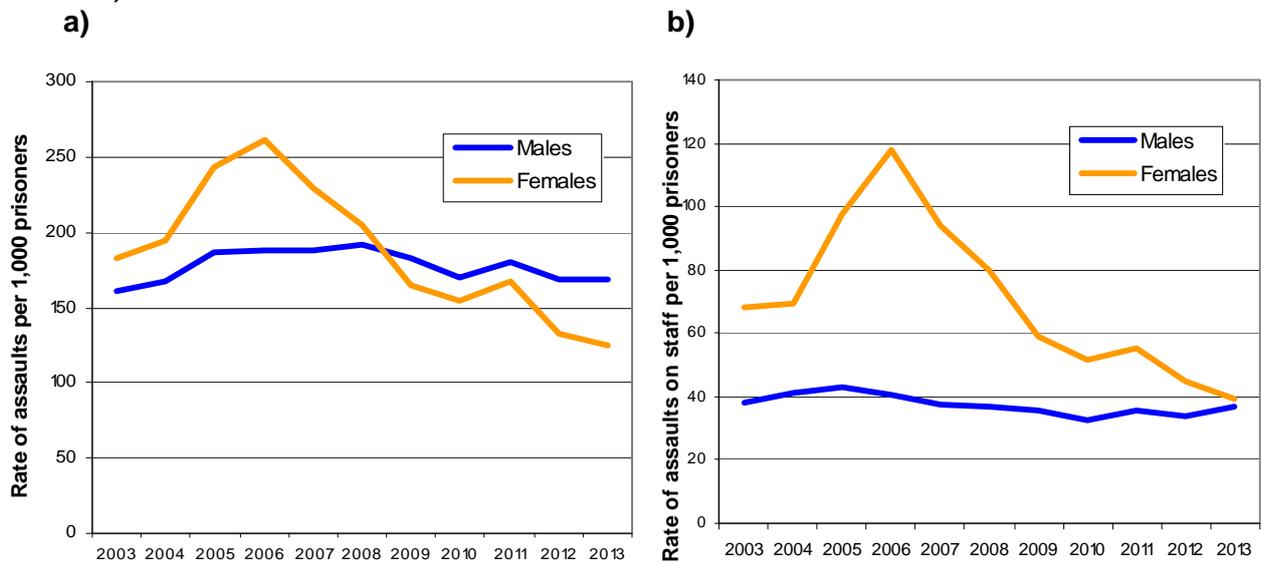


In 2013 for both males and females the most common offence punished in prison establishments was disobedience or disrespect (39 and 53 offences punished per 100 prisoners respectively).

*Safety in prison custody*

For the last five years the rate of assaults has been lower for female prisoners compared with male prisoners reversing the trend seen in earlier years (Figure 8.09). The rate of assaults by female prisoners has decreased from a peak of 261 per 1,000 prisoners in 2006 to 125 per 1,000 in 2013. Similarly the rate of assaults on staff by female prisoners has fallen from a high of 118 per 1,000 prisoners in 2006 to 39 per 1,000 prisoners in 2013.

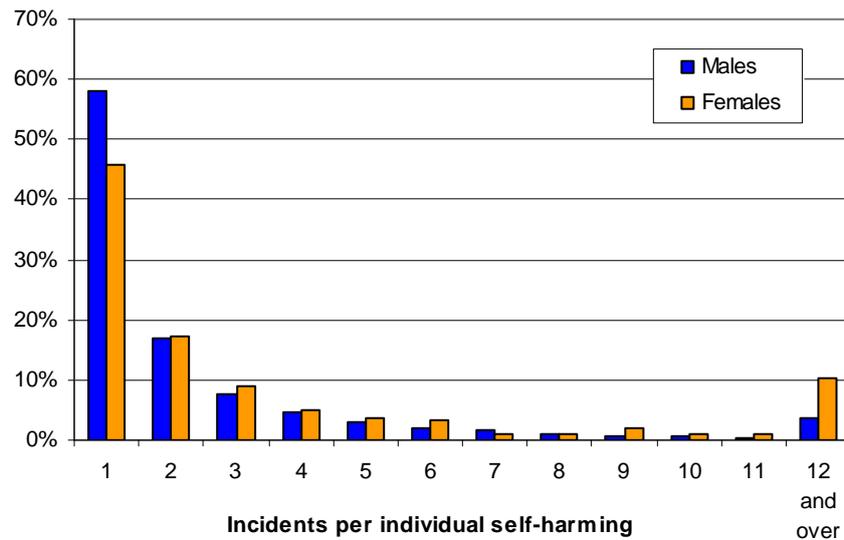
**Figure 8.09: Rate of (a) assaults and (b) assaults on staff per 1,000 prisoners by sex, 2003 to 2013**



In 2013, male prisoners accounted for 97.8% of serious assaults, whilst accounting for 95.4% of the population therefore accounting for a greater share of serious assaults.

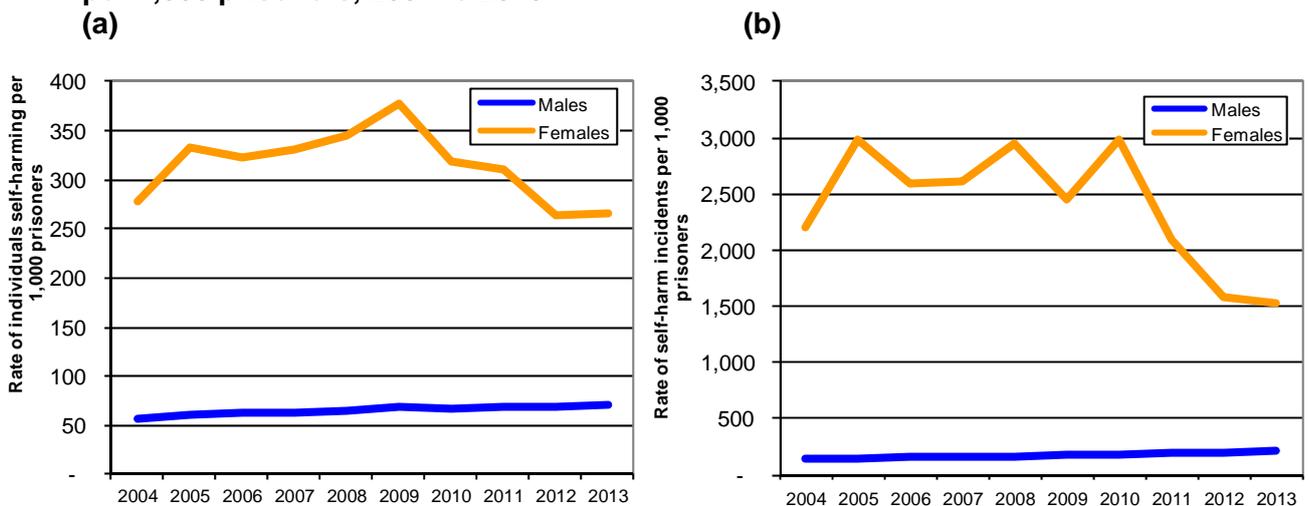
The rate of self-harm incidents is far higher for females prisoners compared with male prisoners. In 2013 there were 23,183 incidents of self-harm, of which 25.8% involved female prisoners, despite females accounting for only 4.6% of the prison population. This is in part due to a higher rate of female prisoners self-harming compared with male prisoners, and in part because on average female prisoners have a higher rate of incidents per self-harming individual when compared with male prisoners (6 compared with 3 in 2013). Figure 8.10 below shows the frequency of self-harm incidents for male and female prisoners.

**Figure 8.10: Frequency of self-harm incidents by sex, 2013**



Whilst the rate of both self-harm incidents and individuals self-harming remains far higher for females compared with males, these rates have fallen for female prisoners in recent years, whilst the rates for male prisoners have increased (Figure 8.11).

**Figure 8.11: The rate of (a) individuals self-harming and (b) self-harm incidents per 1,000 prisoners, 2004 to 2013**



Whilst more female prisoners self-harm and self-harm more frequently than men, the data suggests that acts of self-harm incidents by male prisoners are more serious. In 2013, there were 1,594 self-harm related hospital attendances, relating to 8.6% of male self-harm incidents and 2.0% of female self-harm incidents.

In 2013 there were 75 self-inflicted deaths in custody (73 males and 2 females), compared with an average of about 60 per year between 2008 and 2012. The increase in 2013 reflects an increase in self-inflicted deaths of male prisoners.

### *Other reports*

Other government reports that have been published on gender differences amongst prisoners may also be of interest including a research report on gender differences in substance misuse and mental health amongst prisoners<sup>61</sup>.

### Probation<sup>62</sup>

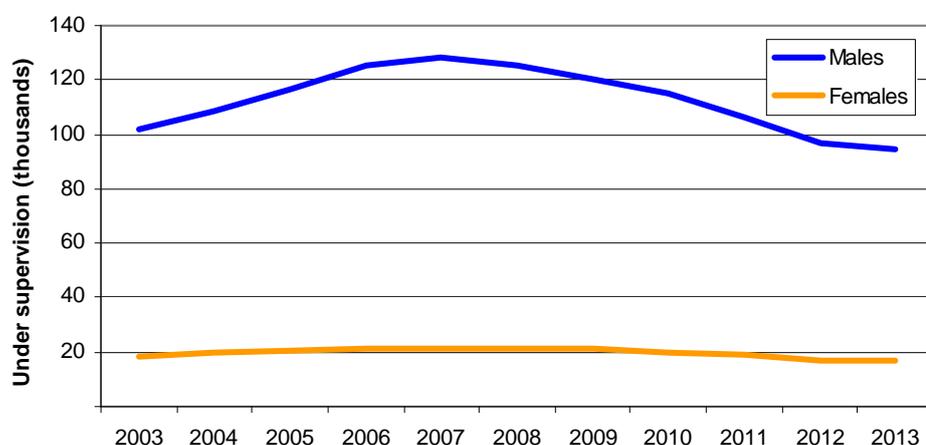
This section looks at offenders under supervision as result of a court order. This includes those under supervision as a result of a community sentence or a suspended sentence order (SSO).

#### *Probation caseload under supervision*

At the end of December 2013, a total of 16,712 women (15%) and 94,238 men (85%) were under supervision as a result of a court order- these proportions have remained stable since 2003.

Since 2007, the number of offenders under supervision as a result of both community orders and SSOs has fallen, reflecting observed sentencing trends. The decrease was greater for men (27%) than women (23%) across both order types.

**Figure 8.12: Offenders supervised by the Probation Service at end of period, under court orders by sex, December 2003 to December 2013**



Since 2007, there has been an increase of 6 percentage points in the proportion of both male and female offenders under supervision as a result of a community order aged 30 and over. There has also been an increase in the proportion of both male and female offenders aged 30 and over under supervision as a result of an SSO.

<sup>61</sup> See the Surveying Prisoner Crime Reduction (SPCR) report on substance misuse and mental health amongst prisoners here: [www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2](http://www.gov.uk/government/publications/gender-differences-in-substance-misuse-and-mental-health-amongst-prisoners--2).

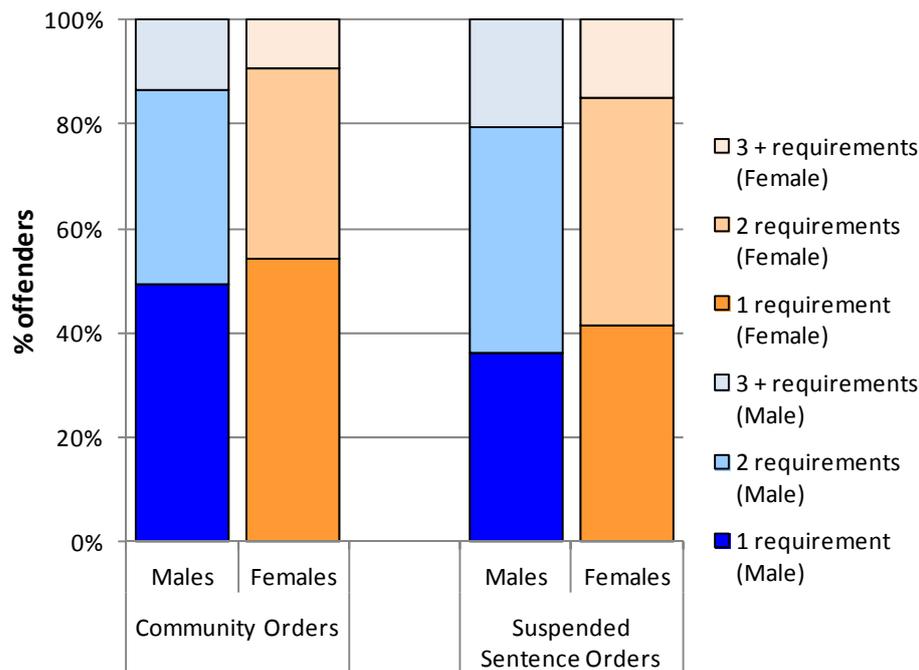
<sup>62</sup> This section includes offenders dealt with by the Probation Service, who generally deal with those aged 18 years and over. Those under 18 are mostly dealt with by Youth Offending Teams, answering to the Youth Justice Board and are not included within these statistics.

The average length of a community order and SSO continued to be shorter for women (12.3 and 17.4 months in 2013) than for men (at 14.8 and 18.1 months in 2013). For community orders in particular this gap has widened since 2007.

### Requirements

Women commencing supervision as a result of a community order or SSO generally had fewer requirements to comply with than men.

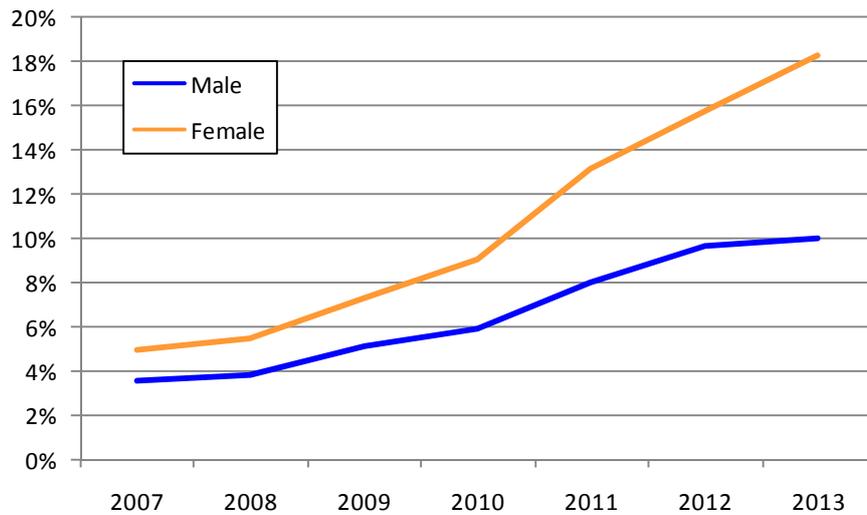
**Figure 8.13: Proportion of offenders commencing supervision by number of requirements and order, by sex, 2013**



Supervision and unpaid work requirements continued to be the most common requirements applied to both men and women commencing community order and SSOs together accounting for about 60% of all requirements given for both men and women in 2013. Overall and for most requirement types the number of applied requirements has fallen since 2009 in line with the decrease in the number of offenders starting these orders, however a notable exception has been the number of specified activity<sup>63</sup> requirements. Specified activity requirements as a proportion of all requirements received has doubled for female offenders commencing community orders or SSOs from 9% in 2010 to 18% in 2013. In comparison, there has been a 4 percentage point increase in this for male offenders from 6% in 2010 to 10% in 2013.

<sup>63</sup> Specified Activities include education and training, victim reparation and financial management

**Figure 8.14: Specified activity requirements as a proportion of all requirements applied to offenders commencing community orders or SSOs, 2007 to 2013**

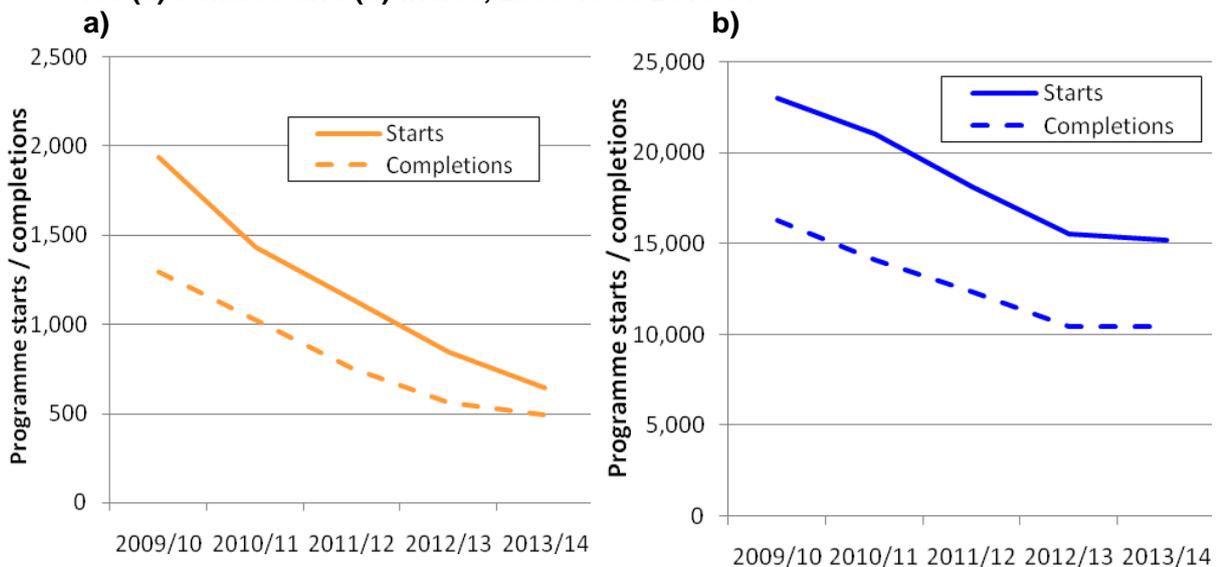


*Accredited Programmes*

A range of accredited programmes can be offered to offenders, varying in length, complexity and mode of delivery. Programmes have been developed to target the particular risks and needs for different types of offending behaviour, with the aim of reducing re-offending.<sup>64</sup>

Accredited programme starts and completions fell from 2009/10 to 2013/14 for both genders, although the fall was sharper for female offenders. Starts and completions for females fell by 67% and 62% respectively, while for males the decreases in starts and completions were 37% and 38% respectively.

**Figure 8.15: Accredited programme starts and completions in the community for (a) females and (b) males, 2009/10 to 2013/14**



<sup>64</sup> The Accredited Programmes Annual Bulletin 2013/14 contains more information and can be found here: [www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014](http://www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014)

In the latest year, programme starts for male offenders decreased by 2% from 2012/13 whilst there was a 24% decrease for female offenders in the same period. This difference is largely due to a 23% increase in domestic violence programme starts, whilst starts for all other programme types fell. Domestic violence programmes are only available to male offenders. In 2013/14 domestic violence programme starts accounted for just under a third of all accredited programme starts for male offenders.

### *Terminations*

A community sentence can terminate successfully by running its full course or terminating early for good progress. Alternatively, the offender can fail to comply with the requirements attached or otherwise fail to complete the order.

Of the community sentences terminated in 2013, around two-thirds were terminated successfully (either ran full course or terminated early for good progress), this is consistent with proportions seen since 2009. Higher proportions of women than men successfully terminated both community orders (71% versus 66%) and SSOs (73% versus 66%).

### *Other reports*

Other government reports that have been published on offenders under supervision in the community and that may also be of interest include findings from the Offender Management Community Cohort Study, a longitudinal cohort study of adult offenders who started Community Orders between October 2009 and December 2010<sup>65</sup>.

### Proven re-offending

#### *Proven re-offending for adult and juvenile offenders*

This section looks at proven re-offending figures for adult and juvenile offenders in England and Wales, who were released from custody, received a non-custodial conviction at court or received a caution, reprimand or warning between January and December 2012<sup>66</sup>. A proven re-offence is any offence committed in a one year follow-up period that resulted in a court conviction, caution, reprimand or warning within the one year follow-up or within a further six month waiting period to allow the offence to be proven in court.

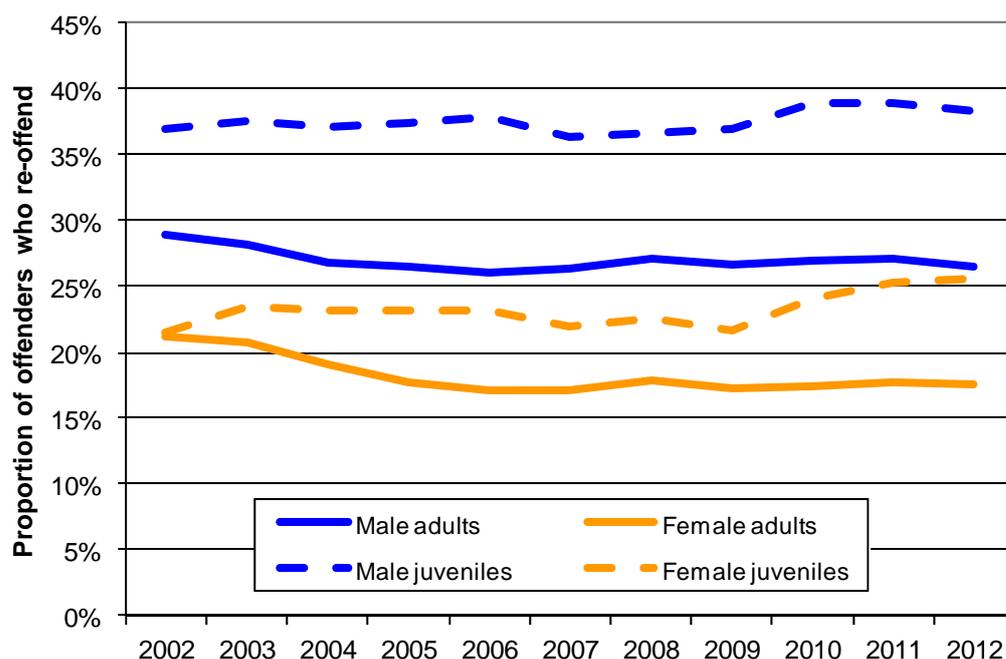
In the 2012 cohort, 82% were male and 18% were female – a gender split that has changed little over the years since 2002. Male offenders from the January to December 2012 cohort re-offended at a higher rate of 27.7% compared to female offenders who re-offended at a rate of 18.5%. Figure 8.16 shows how the rates for both adults and juveniles have been steady since 2002. Between 2002 and 2012, the proven re-offending rate for male and female offenders decreased by 2.9 and 2.8 percentage points respectively.

---

<sup>65</sup> See <https://www.gov.uk/government/collections/the-offender-management-community-cohort-study>

<sup>66</sup> Adults who test positive for opiates or cocaine (without receiving a conviction or caution) are no longer included in the offender cohort. Further details about this change can be found in the *Proven Re-offending Statistics Bulletin, January to December 2012*, which was published on 30 October 2014. The impact of removing this group of offenders is very small – the size of the offender cohort is reduced by 1% and the adult re-offending rate is reduced by 0.1%. All figures are provided with these offenders removed so that comparisons can be made over time. However, this means that figures for 2008 to 2010 will differ to what was previously published in the last Women and the Criminal Justice System publication.

**Figure 8.16: Proven re-offending rates by sex and adult/juvenile, 2002 to 2012**



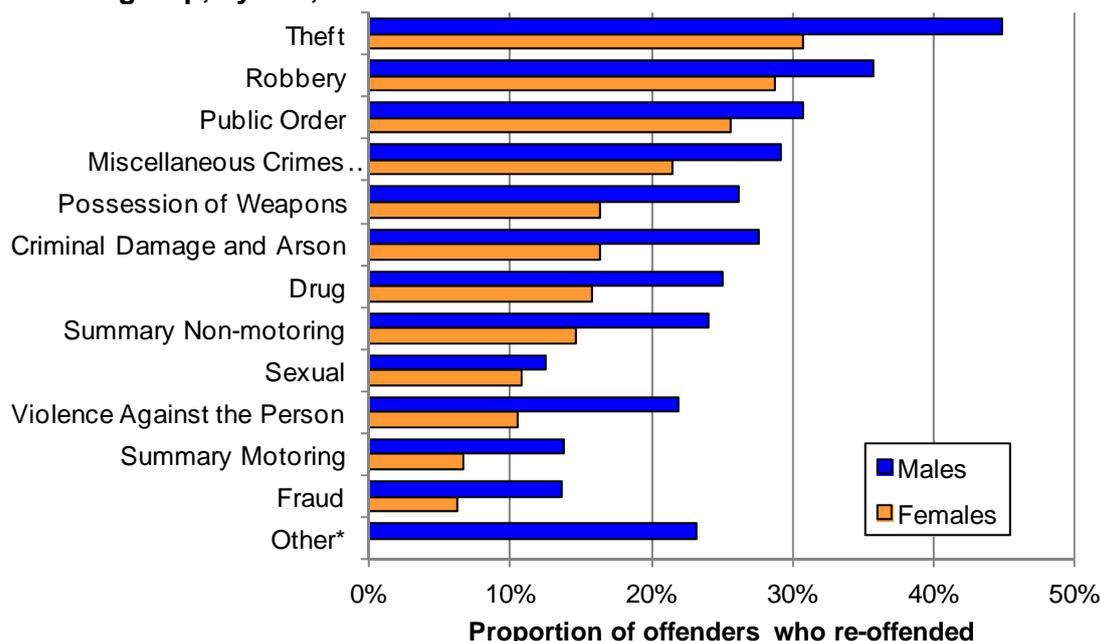
*Proven re-offending for adult offenders*

From 2008 to 2012, theft and robbery were the two index offence groups<sup>67</sup> with the highest proportions of adult offenders who re-offended for both genders. Over the five year period, theft was consistently the top index offence group for males, with 45% of offenders from this index offence group re-offending in 2012. For females this was lower, at 31%. Theft was the index offence group with the highest proportion of female offenders who re-offended for 2011 and 2012, but from 2008 to 2010, robbery was higher.

Some index offence groups had similar re-offending proportions for both genders; with around one in 10 offenders re-offending within the sexual index offence group in 2012. However, for some index offence groups, males had considerably higher re-offending proportions than females. For example, the re-offending proportion for violence against the person was more than double the female proportion, with 22% of male offenders and only 11% of female offenders re-offending within this group. The male proportions for fraud offences and summary motoring offences were also more than double the corresponding proportions for females.

<sup>67</sup> The offence group classification has changed since the last version of this publication. These offence groups are now based on the new ONS crime classifications, which were introduced in July 2013.

**Figure 8.17: Proportion of adult offenders who re-offended within each index offence group, by sex, 2012**



\* Proportions based on fewer than 30 offenders are removed as they make data unreliable for interpretation.

In general, the more previous known offences that an offender had, the more likely they were to re-offend. In 2012, of those with 11 or more previous offences, nearly half of both male and female adults re-offended. In comparison, only 9% of adult males with no previous offences went on to re-offend, and only 6% of adult females.

For almost all index disposals in 2012, a higher proportion of male adults than female adults re-offended. For absolute/conditional discharges, suspended sentence orders and fines, the proportion of male offenders that went on to re-offend was approximately ten percentage points higher than the corresponding proportion for females. Custodial sentences had very similar re-offending proportions for males and females overall, but when looking more closely at a breakdown by sentence length, they were much more varied. Females had a slightly higher re-offending proportion than males for those sentenced to less than 12 months, although this was still the category with the highest re-offending for both genders at around 58% for both males and females. For those sentenced to 12 months or more<sup>68</sup> in custody, 21% of females went on to re-offend, compared to 35% of males.

<sup>68</sup> The '12 months or more' group excludes indeterminate sentences for public protection and life sentence prisoners.

## Chapter 9: Practitioners

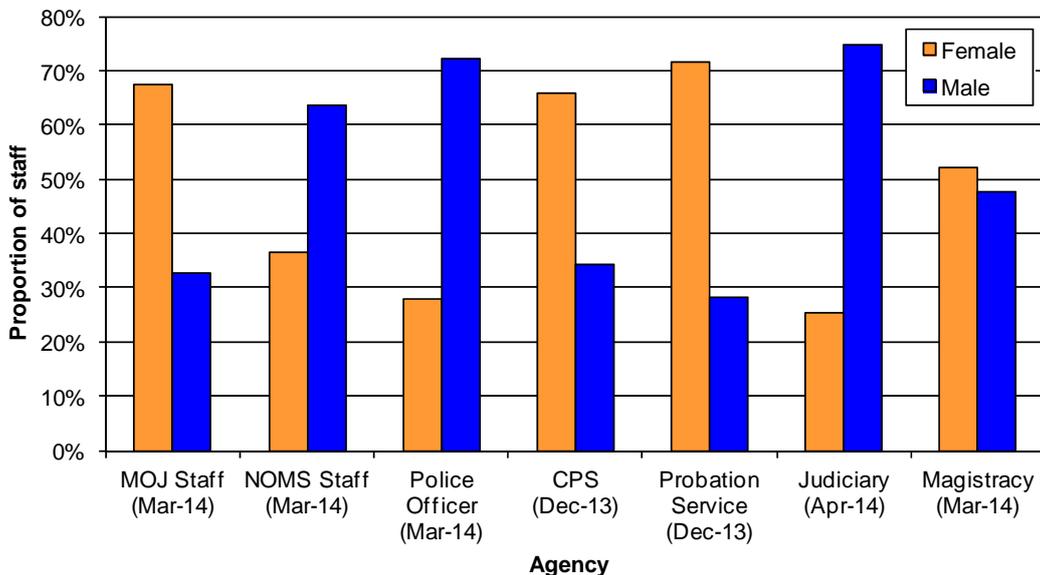
Five year trends are available for the Crown Prosecution Service (CPS), police, National Offender Management Service (NOMS), Ministry of Justice (MoJ) Staff, Judiciary and the Magistracy. However, due to changes in the recording practices for the Probation Service, information on sex and ethnicity has been collected from the probation trusts via the NOMS Performance Hub only once every two years from 2012 onwards. This means that data is not available on sex for 2012 and so comparisons can only be made with earlier years.

The representation of women has varied substantially across the Criminal Justice System agencies ranging from as high as 72% in the Probation Service and two thirds of staff at the MoJ, to a quarter of officers in the Police Service and the Judiciary.

The MoJ consists of various executive agencies including MoJ Headquarters (HQ), Her Majesty's Courts and Tribunals Service (HMCTS), Legal Aid Agency and Office of the Public Guardian with each agency having a higher proportion of women than men in their staff. In 2013, this varied between 57% at MoJ HQ to 71% at the HMCTS.

Women have accounted for a lower proportion of all officers in the police workforce than men over the past five years; this was also the case for police community support officers (PCSOs) and special constables. However, women have consistently accounted for around 3 in 5 police staff<sup>69</sup> over the past five years.

**Figure 9.01: Proportion of male and female staff across each CJS agency in the latest period**



In the last five years, there were slight increases in the proportion of police officer posts, NOMS staff, probation service staff, judges and magistrates positions occupied by women despite overall numbers broadly falling in this period which is

<sup>69</sup> All staff employed by the police force, other than police officers, police community support officers (PCSOs), other designated officers and traffic wardens.

due to a greater decline in the number of men occupying such posts over the same period.

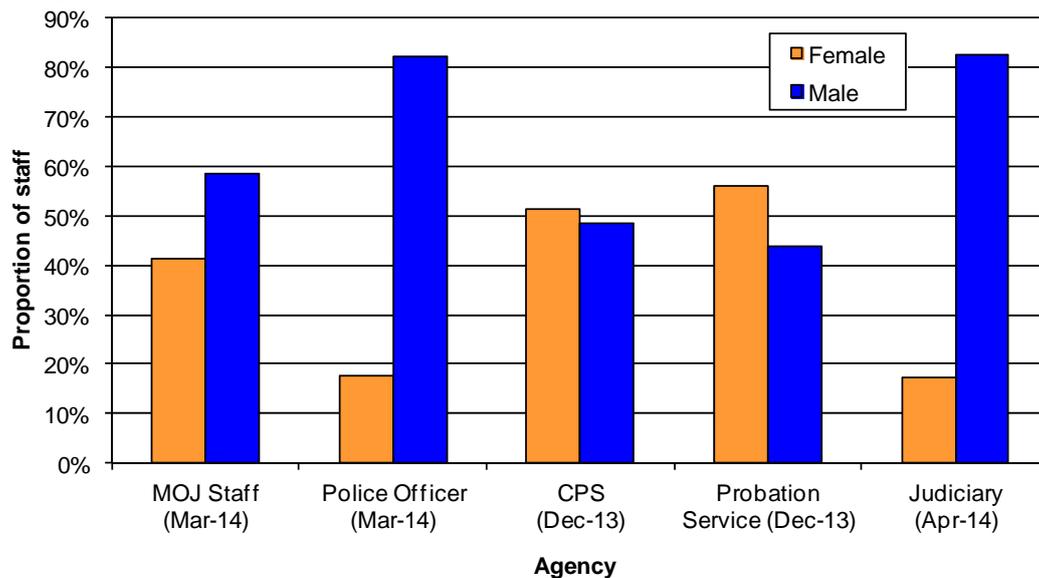
The judiciary has had the greatest uplift in the proportion of staff that are women over the past five years with a year on year increase from 21% in 2009/10 to 25% in 2013/14. This increase has been evident across both senior<sup>70</sup> and junior positions.

The probation service is the agency with the highest proportion of staff that are women and this is higher now than it was five years ago with women accounting almost three quarters of all staff in 2013.

Women were less well represented within CJS agencies at senior level positions than they were overall. In the latest year, women represented 18% of senior police officers and 28% of all officers; 52% of senior CPS staff compared to 66% of all CPS staff and 41% of senior civil servants in the MoJ compared with 67% of all MoJ Staff.

At senior level positions, with the exception of the CPS and Probation Service, women were less well represented within CJS agencies than men. For the latter, the proportion of women has increased each year, and women now account for over half of all senior civil servants within the CPS.

**Figure 9.02: Proportion of male and female senior staff across each CJS agency in the latest period**



<sup>70</sup> Senior positions within the judiciary include Justices of the Supreme Court, Heads of division, Lords Justices of Appeal and High Court Judges.