

Understanding the Drivers of Female Imprisonment in Scotland

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1. INTRODUCTION

- 1.1 Across jurisdictions, offending by women differs in a number of important ways from offending by men: it is less common, less frequent and less serious (McIvor, 2007; Gelb, 2010; Burman, 2004). Women are typically convicted of relatively minor crimes that pose little public risk and, because they are usually convicted of offences that are less serious than those committed by men, the sentences they receive are also different: for example, women are less likely than men to receive sentences of imprisonment. However, female imprisonment has increased dramatically in most western jurisdictions, including Scotland, over the last 15-20 years as evidenced by increases in the numbers of women given sentences of imprisonment¹, in daily female prison populations² and in the rate of imprisonment of women³. Moreover, because the rise in women's imprisonment has outstripped parallel increases in the imprisonment of men, women now make up a greater proportion of prisoners. While the growth in female imprisonment is undisputed, what is less clear is what has fuelled it, particularly since it does not appear to have been solely – if at all – a reaction to increases in female crime.
- 1.2 The analyses presented in this report aim to explore the factors driving the increase in female imprisonment in Scotland, where the number of women imprisoned has reached unprecedented levels. The growth in female imprisonment is of particular policy concern given the well documented impact of imprisonment on vulnerable women and their children and in light of recent policy initiatives to reduce the use of short custodial sentences in Scotland. This work was commissioned by the Scottish Government and undertaken through the collaboration agreement between SCCJR and Justice Analytical Services, by means of which SCCJR provides research-based information on topics of policy interest.
- 1.3 In Scotland, as in other jurisdictions, there have also been steady increases in male imprisonment, though the rise in custody rates has been disproportionately higher for women than for men. To examine why this might be the case, this report draws on a range of published and unpublished data on the numbers and characteristics of women dealt with at different stages of the criminal justice process, the nature of their offences and how their offending is responded to by criminal justice agencies.

¹ There are a number of ways in which the use of imprisonment can be analysed. The number of receptions or admissions to custody provides an indication of how many individuals are incarcerated over a given period of time (usually 12 months).

² This refers to the number of people in prison at a given census point and as such represents a 'snapshot' based on one day or on an average based on a series of successive snapshots. It is influenced both by the number of individuals imprisoned and by the lengths of sentences imposed.

³ The daily female prison population in relation to the total adult female population (usually expressed as a rate per 100,000). Cavadino and Dignan (2006) suggest that, for the purpose of comparative analysis, the imprisonment rate is the best – if not perfect – indicator of a jurisdiction's punitiveness.

- 1.4 The report considers whether the increase in female imprisonment reflects women's increasing participation in crime, their participation in more serious crime or changing responses to female crime. Although the analyses focus upon women, in the concluding chapter we also discuss changes in male imprisonment in Scotland and speculate as to why women's imprisonment has risen disproportionately to the imprisonment of men.

2. THE INTERNATIONAL CONTEXT⁴

2.1 As we noted in the introduction, the growth in female imprisonment has been a defining feature of western jurisdictions in recent years. Prior to exploring trends in female imprisonment in Scotland, therefore, this part of the report examines the international growth in female imprisonment and considers explanations that have been advanced to account for the increasing incarceration of women. In so doing it focuses principally upon those jurisdictions that have witnessed a rapid growth in women's imprisonment and have been the focus of academic attention as a result.

The nature of female offending and responses to it

2.2 Internationally, offending by women is characterised by its relative infrequency in comparison with offending by men. Across jurisdictions, women represent a relatively small proportion of those convicted and sentenced by the courts, especially in the higher courts dealing with more serious types of crime. In the United States, for example, local data collated centrally by the FBI indicated that 23 per cent of all arrestees were women (Federal Bureau of Investigation, 2004) while data from the Bureau of Justice Statistics showed that women represented 17 per cent of those convicted of felonies in 2002 (Durose and Langan, 2005). As is the case with men, black and Hispanic women are vastly over-represented in the state and federal prison population (Harrison and Beck, 2004).

2.3 In Canada, 15 per cent of adult court cases in 2002-3 involved a female accused (McCutcheon, 2003) while in New Zealand, male offenders accounted for 82% of all cases that resulted in conviction in 2004 (Lash, 2006). Defendants in Australia who were prosecuted in 2004-5 were overwhelmingly male, with proportionately fewer women dealt with in the higher courts (13 per cent of defendants) than in the lower courts (21 per cent) (Australian Bureau of Statistics, 2010). Data for New South Wales indicate an increase between 1999-2000 and 2008-9 in the numbers of women arrested by the police, though the majority of arrestees in 2008-9 (81 per cent) were men (Holmes, 2010).

2.4 In England and Wales, women represented only 19 per cent of those cautioned by the police or convicted of an offence in 2002 (Home Office, 2003) and 19 per cent of defendants who were convicted of an offence in 2005 (Home Office, 2006). In 2006/7 men in England and Wales were five times more likely than women to be arrested for a notifiable offence (Institute for Crime Policy Research, 2009). The fact that women's

⁴ Most of the material in this chapter was previously published in G. Mclvor (2010) Women and crime: The rise in female imprisonment in western jurisdictions' in M. Herzog-Evans (ed.) *Transnational Criminology Manual (Volume 2)*, Nijmegen: Wolf Publishing. We are grateful to Wolf Publishing for providing permission for the material to be used in this report.

- offending is also, in general, less serious than offending by men is reflected in the finding that in 2005 women represented 20 per cent of those convicted summarily (that is, of less serious offences) in England and Wales but only 15 per cent of those convicted of indictable (that is, more serious) offences (Home Office, 2006).
- 2.5 In England and Wales, women represented only 19 per cent of those cautioned by the police or convicted of an offence in 2002 (Home Office, 2003) and 19 per cent of defendants who were convicted of an offence in 2005 (Home Office, 2006). In 2006/7 men in England and Wales were five times more likely than women to be arrested for a notifiable offence (Institute for Crime Policy Research, 2009). The fact that women's offending is also, in general, less serious than offending by men is reflected in the finding that in 2005 women represented 20 per cent of those convicted summarily (that is, of less serious offences) in England and Wales, but only 15 per cent of those convicted of indictable (that is, more serious) offences (Home Office, 2006).
- 2.6 International data suggest that men are more likely than women to be convicted of almost all categories of offences. Moreover the 'gender ratio' (the proportion of men to women) tends to be greater for more serious violent and sexual crimes. Schwartz and Steffensmeier (2007) note that women in the United States are proportionately more likely to be arrested for minor property crimes while men are more likely to be arrested for relatively serious property crimes or crimes against the person.
- 2.7 Women's tendency to be involved in relatively minor crimes (and crimes which are often linked to the domestic sphere) is also evident from UK data. In 2005 women in England and Wales were more likely than men to have been convicted of Education Act offences (not sending children to school), non-payment of a television licence, cruelty to or neglect of children and prostitution (where 73%, 63%, 59% and 99% respectively of those convicted were women) (Home Office, 2006). Numerically, the most common offences for which women were convicted in 2005 were (in descending order): failure to pay for a television licence, driving while disqualified, shoplifting, non-payment of fares on public transport, common assault, offences under the Education Act and failing to surrender to bail (Home Office, 2006).
- 2.8 In a similar vein, data for Canada indicate that in 2002-3 men were disproportionately over-represented among those who appeared in court for crimes against the person, criminal code traffic offences and crimes against property. While women still represented the minority of those appearing in court, they accounted for a significant proportion of accused charged with prostitution (43% of cases), fraud (29%) and theft, including shoplifting (28%) (McCutcheon, 2003). In New Zealand, women are disproportionately represented among those convicted of crimes against property, which includes shoplifting and fraud and under-represented among those convicted of offences involving violence (Lash, 2006) while in Australia, women are under-represented among those convicted for sexual offences and over-represented among those convicted of deception/fraud (Australian Bureau of Statistics, 2010).

- 2.9 Data for New South Wales indicate that women were most likely to have been arrested for shoplifting, assaults, fraud and possession/use of drugs (Holmes, 2010). Between 1999-2000 and 2008-9 there was a marked increase in the numbers of women arrested for breach of bail conditions, domestic violence assault and 'liquor offences' and a marked reduction in the numbers arrested for prostitution, theft of a motor vehicle and stealing from a dwelling (Holmes, 2010), suggesting a possible increase in alcohol-related offending and, possibly, changes in the policing of domestic abuse. The numbers of juvenile female arrests also increased over this period, with the increase being highest for domestic violence assaults, breaches of bail conditions and breaches of apprehended violence orders (Holmes, 2010), which may reflect changes in young women's behaviour and/or changes in how it is policed.
- 2.10 The differences in offending patterns between men and women are reflected in different sentencing outcomes, with women less likely than men to receive a sentence of imprisonment. In European jurisdictions, women are most commonly imprisoned for drug offences or property crime (Quaker Council for European Affairs, 2007). In England and Wales, the main offence groups in respect of which women were imprisoned in 2007 were theft and handling (31% of receptions into custody), 'other offences' (25%) and violence against the person (14%) (Institute for Crime Policy Research, 2009) and most sentences tend to be relatively short: for example, 71 per cent of women imprisoned in 2002 received sentences of less than one year (Home Office, 2003).
- 2.11 In the United States, women in prison are more likely than men to have been sentenced for drug or property crime while men are proportionately more likely than women to have been imprisoned for violent crimes (West and Sabel, 2008). In Australia, men are most likely to have received a custodial sentence for 'acts intended to cause injury', sexual assaults and 'unlawful entry with intent' while women in prison are most likely to have been sentenced for illicit drug offences, acts intended to cause injury and fraud (Australian Bureau of Statistics, 2009). An analysis of the profile of male and female prisoners in Victoria, Australia has indicated that women have less serious criminal histories, have been sentenced for less serious offences and have received shorter sentences. Gelb (2010) attributes this to their less serious offending and more complex personal circumstances and histories.
- 2.12 According to the World female Imprisonment List (Walmsley, 2006) female prisoners usually constitute between 2 and 9 per cent of the total prison population in a country though in some jurisdictions (for example, Hong Kong⁵) women make up more than one fifth of the prison population (Fair, 2009). There are, however, variations by

⁵ Lee (2007) attributes the high female imprisonment rate in Hong Kong to an attempt to control migration of women who become involved in sex work from the People's Republic of China. Immigration legislation is used to criminalise female migrant sex workers who are deemed to have engaged in work without authorisation and who are at risk of imprisonment as a result.

continent: for example the percentage of female prisoners tends to be low in African countries, relatively high in the Americas and Asia and intermediate in Europe and Oceania (Walmsley, 2006). Recent analyses, moreover, indicate that in many European jurisdictions, rates of female imprisonment and women's 'share' of the prison population have risen and are continuing to rise.

The rise in female incarceration

2.13 Despite women's offending being largely of a non-serious nature, one of the most striking phenomena in recent years has been the dramatic increase in western jurisdictions in the numbers of women imprisoned, resulting in female prison populations reaching unprecedented levels. As Kruttschnitt and Gartner (2003, p. 17) have observed:

"Growth...has been the general – though not the exclusive – rule for women's imprisonment in English-speaking Western countries in the 1990s, and this extends to women's relative representation in the prison population."

2.14 The rise in female imprisonment has been particularly dramatic in the United States. Between 1986 and 1995 the number of women imprisoned for drug offences in the USA rose by 888 per cent, with the increase being more marked among states that had introduced severe penalties for drug offences and among black women. Around half of the women incarcerated in state prisons in the USA between 1986 and 1996 had been sentenced for drug offences (Mauer et al., 1999). By the end of the 1990s, 34 per cent of the female state prison population has been sentenced for drug offences, compared with only 15 per cent in the mid 1980s. The proportion of women imprisoned for violent and property offences declined over the same period (Kruttschnitt and Gartner, 2003). Although there was also a very large rise in male imprisonment, the increase in female imprisonment has been greater. Between 1980 and 1997 there was a 574% increase in the numbers of women in state and federal prisons in the USA, while the proportion of women in the prison population increased from 4.1 to 6.4 per cent over the same period (Mauer et al., 1999). The proportion of women given probation for felonies, on the other hand, has decreased (Bloom et al., 2004).

2.15 According to Frost et al. (2006), the number of imprisoned women stood at its highest recorded level in 2003, having increased on average by 5 per cent per annum since 1995. However the number of female prisoners under state or federal jurisdiction in the USA subsequently rose by 3.2 per cent per annum between 2002 and 2006 compared to an annual increase of 1.9 per cent for men (West and Sabel, 2008). In 2002-3 the number of women who received prison sentences of one year or more increased by 4.2 per cent compared with a 1.9 per cent increase in the numbers of similarly sentenced men. While women comprised 5.7 per cent of all prisoners in

1990, by 2003 this had risen to 6.9 per cent. Between 1977 and 2004 there was a 757% increase in the numbers of women imprisoned in the United States while the rate of women imprisoned per 100,000 adult population increased from 10 to 64 (Frost et al., 2006). Raphael (2009) argues that the rate of imprisonment and average sentence length have increased while crime rates have decreased (with the exception of drug crime and parole violations).

- 2.16 The percentage of adult women in the US who had experienced imprisonment more than doubled between 1994 and 2001 (from 0.2 to 0.5 per cent) while the lifetime risk of imprisonment for women in the USA increased six-fold in the same period (from 0.3 to 1.8 per cent) which was double the rate of increase for men. The increase in female imprisonment has been more marked for black and Hispanic women with the result that by 2001 more black than white women had ever been incarcerated in the USA (Bonzcar, 2003).
- 2.17 Female imprisonment has similarly increased in the UK. Between 1992 and 2002 the average number of women in prison in England and Wales increased from 1,577 to 4,299 -an increase of 173% compared with an increase of 50% in the average male population - and the percentage of women in the prison population increased from 3.4 per cent to 6.1 per (Home Office, 2003). There was a 414% increase in the number of women imprisoned for drug offences in England and Wales between 1992 and 2002 (Councell, 2003). More recent data indicate that between 1996 and 2009 the female prison population in England and Wales increased from 2,300 to 4,300 women and from 4.1 to 5.1 per cent of the total prison population (Berman, 2009). Although the annual number of women remanded in custody in England and Wales decreased by 18 per cent between 2002 and 2006/7, the numbers received into custody under sentence increased by 5 per cent (compared to a 4 per cent decrease in the number of male receptions under sentence) (Institute for Crime Policy Research, 2009).
- 2.18 Between 1995 and 2002, the number of female prisoners in Australia increased by 78 per cent (compared with a 27 per cent increase in male prisoners) and the proportion of prisoners who were women increased from 4.8 to 6.6 per cent. Over the same period, the rate of imprisonment per 100,000 women rose by 60 per cent which was four times the increase in the imprisonment rate of men (15 per cent) (Gelb, 2003). More recent data indicate that between 1999 and 2009 the Australian female prison population increased by 57 per cent and women made up 7 per cent of the population in June 2009 (Australian Bureau of Statistics, 2009). In the state of Victoria there was a 76 per cent increase in the average number of female prisoners between 1995-2001 (Victoria Department of Justice, 2001), despite it being the most liberal Australian state with regard to sentencing.
- 2.19 In New Zealand, the female sentenced prison population increased by 113 per cent between 1995 and 2004 while the male sentenced population rose by only 30 per cent over the same period (Lash, 2006). The growth in the female remand population was particularly dramatic, increasing by 387 per cent between 1995 and 2004 while the

male remand population increased by 147 per cent (Lash, 2006). Between 1986 and 2009 the 'snapshot' female prison population increased by 297 per cent, from 98 to 389 women and the proportion of women in the sentenced prison population in New Zealand grew from 4 per cent to 5.9 per cent, reflecting continued rises in the numbers of both sentenced female receptions and remands (Harpham, 2010). Harpham (2010) notes that the number of sentenced receptions has actually decreased slightly in the last two years, possibly as a result of use being made of a range of new non-custodial measures (home detention, community detention and intensive supervision) that were introduced in 2007.

2.20 Gartner et al (2009) argue that some countries have not experienced significant or extended rises in their female prison populations. They suggest that in Canada, for instance, the female prison population has remained relatively stable, with the marked increase being confined to federal prison where the number of female admissions increased by 57 per cent between 1994-5 and 2004-5 (Public Safety and Emergency Preparedness Canada, 2005). Overall, the proportion of those given prison sentences who were women increased from 3.2 per cent of admissions in 1994-5 to 5.0 per cent of admissions in 2004-5 (Public Safety and Emergency Preparedness Canada, 2005).

2.21 Turning finally to other European jurisdictions Alameda (2005) observes that Spain has one of the highest rates of female incarceration in Europe, with women comprising 9 per cent of the total prison population (compared with 3.2 per cent in 1983). Between 1988 and 1998 the female prison population in Spain increased by 291 per cent, in comparison to an increase of 88 per cent in the male prison population (Alameda, 2005). More widely, a 2004 survey of 28 member states of the Council of Europe by the Quaker Council for European Affairs revealed a complex picture with respect to female prison populations. Most commonly, the number of women in prison had increased over the previous 10 years (for example, in Finland, Greece, the Netherlands, Germany and Poland) though in other countries (including Denmark, Italy, Norway, Sweden, Belgium and Portugal) female prisoner numbers were relatively stable over the same period or, in the case of Armenia and Switzerland, had decreased. In around one half of the jurisdictions surveyed, the percentage of women in the prison population had increased (Quaker Council for European Affairs, 2007).

Explaining the rise in female imprisonment

2.22 As the preceding analysis indicates, growth has been a defining feature of female imprisonment in most western jurisdictions over the last two decades. However, although similar trends can be identified internationally, reasons for the increasing imprisonment of women differ. Frost et al. (2006) point to the wide variations in imprisonment rates across US states (for example, from 11 to 129 per 100,000) to suggest that criminal justice policy and practice are pivotal in understanding the drivers of women's imprisonment. Kruttschnitt and Gartner (2003) argue that the

growth in the *state* prison population in the USA is a result of an increase in arrests (particularly for drug offences), an increase in the likelihood of receiving a custodial sentence if convicted, an increase in the length of time served (due to longer sentences and greater restrictions on parole) and an increased likelihood of being returned to prison in violation of the conditions of parole. They attribute the growth in the *federal* female prison population to the 1984 Sentencing Reform Act which increased the likelihood of imprisonment and the length of time served. These increases in female imprisonment are, they suggest, a result of the 'war on drugs' (particularly at the state level), sentencing reforms and the introduction of sentencing guidelines (see also Frost et al., 2006).

- 2.23 Mauer et al. (1999) argue that 'war on drugs' policies have had a large and disproportionate impact on women, with the number of women incarcerated in state prisons for drug offences increasing by 888 per cent between 1980 and 1997. Minority women are being disproportionately represented among women given custodial sentences for drug offences and therefore bear the brunt of increasing punitive policing, prosecution and sentencing policies. Female arrests for substance-related offences have increased since 1960 (Schwartz and Steffensmeier, 2007) and the increase in the female prison population appears to have been driven primarily by sentences imposed for non-violent drug offences (Shaffer et al., 2009). The introduction of mandatory minimum sentencing statutes for drug offences resulted in a significant increase in the number of women in prison. The proportion of female state prisoners convicted of drug offences rose from 11% to 32% between 1979 and 2002, though there is also evidence that the impact of drug enforcement varies across states, depending on how 'drug driven' the criminal justice system is (Frost et al., 2006, p.24).
- 2.24 As Bush-Baskette (1998) argues, ostensibly 'gender-neutral' sentencing laws failed to recognise and take account of the distinctions between major and minor players in drug organisations, with female couriers facing federal mandatory sentences of 15 years to life for a first felony conviction regardless of how 'culpable' they were or whether their involvement was coerced through threats of violence against themselves and/or their families. Mandatory minimum sentences may also affect women more than men: for example, factors such as childcare responsibilities are no longer taken into account as mitigating circumstances in sentencing decisions and this is more likely to impact on women than on men (since women are more likely than men to have dependent children living with them) (Frost et al., 2006).
- 2.25 While recognising that the criminal justice system has become more willing to incarcerate women convicted of drug offences and for longer periods of time, Chesney-Lind and Pasko (2004) argue that the criminal justice system has become tougher at *all* levels of decision-making and on *all* types of offences, including those relatively minor offences that are traditionally committed by women. For example, although there has been an increase in female arrest rates, Schwartz and

Steffensmeier (2007) explain the increase in female arrest rates with reference to an increased propensity to arrest minor offenders (or what has been described in a related context as ‘low hanging fruit’ (Morgan, 2007)). Chesney-Lind and Pasko (2004) also argue that the development of new technologies for detecting drug use (such as urinalysis) has given rise to an increase in parole violations for failing random drug tests, with women being more likely than men to be imprisoned for a technical parole violation as opposed to a further offence⁶.

- 2.26 It has also been suggested that female imprisonment has risen in the USA partly as a result of *young* women’s increasing involvement in violent crime. Yin (2008), for example, reports that the percentage of females among those arrested for juvenile assaults increased from 21 per cent to 32 per cent between 1990 and 2003 while the female juvenile assault rate per 100,000 girls increased from around 200 to 750 between 1980 and 2003. However, there has been no change in the level of self reported assaults by girls and, as Zahn et al. (2008) note, there has been little change in the ‘gender gap’ in violent victimisation over time. Steffensmeier et al. (2005) attribute the increase in girls’ arrests for assault to ‘systemic’ changes rather than to dramatic alterations in girls’ behaviour. The former include broader definitions of what constitutes violent behaviour, an increase in the policing of formerly ‘private’ disputes (at home and in school) and heightened official attention to fighting among girls. Zahn et al., (2008, p.15) conclude that “*there is no burgeoning national crisis of increasing serious violence among adolescent girls.*”
- 2.27 In the UK, the reasons for the increase in women’s imprisonment are similarly complex (Gelsthorpe, 2006), though there is little evidence that it reflects marked changes in levels or patterns of female crime: as Hedderman (2010) indicates, as in the USA the criminal justice response to women seems to be changing as much if not more than women’s underlying behaviour. In England and Wales the number of women convicted *did* increase between 1992 and 2002, but this appears to be because fewer of those who were arrested were cautioned rather than having their case taken to court (Home Office, 2004; Player, 2005). Hedderman (2004) concluded that *some* of the increase in the numbers of women imprisoned might be accounted for by more women appearing before the courts. However the scale of the increase, a lack of evidence that women were committing more serious offences and the increasing use of custodial sentences across all offence types suggested instead that sentencing— especially in the Magistrates Courts – was becoming more severe.
- 2.28 Kruttschnitt and Gartner (2003) note that in England and Wales, the proportion of women imprisoned for drug offences tripled between 1990 and 2000. In 2000, 37 per cent of women in prison had been sentenced for drug crime compared to 29 per cent ten years previously. Kruttschnitt and Gartner (2003) suggest that legislative changes in England and Wales in the 1990s may have resulted in an increase in determinate

⁶ A similar picture pertains in Scotland where women are more likely than men to have their probation orders breached for failure to comply while men are more likely to be breached for committing a further offence.

sentencing, increasing sentence lengths in the Crown Courts and pressure on judges to make greater use of custodial sentences. More recent analysis by the Ministry of Justice (2009) reaches broadly similar conclusions. It attributes the increase in the overall (male and female) prison population to legislative and policy changes that have resulted in longer sentence lengths – between 2000 and 2008 the average time in prison increased by 14 per cent - and increased the likelihood of imprisonment for non-compliance with non-custodial sanctions and measures. The likelihood of receiving a custodial sentence for an indictable offence has also increased, suggesting a tendency towards tougher sentencing outcomes. Between 1992 and 2002, the Crown Court custody rate increased from 45 to 63 per cent while the custody rate for indictable offences at Magistrates Courts increased from 5 per cent to 17 per cent (Counsell, 2003). The increase in the use of custody was most marked in the Magistrates Courts and for thefts, handling stolen goods and fraud. In the Crown Court, the use of custodial sentences doubled, and sentence lengths increased from 18 to 25 months (Player, 2005).

- 2.29 As Player (2005) observes, the 2003 Criminal Justice Act aimed to reduce disparities in sentencing but by placing emphasis on a number of sentencing objectives, it reduced the priority accorded to proportionality as a sentencing concern. This, combined with the introduction of ‘persistence’ as an aggravating factor in sentencing, and the increased sentencing powers in Magistrate’s Courts may according to Player, have resulted in the ‘up-tariffing’ of women. Hedderman (2010) similarly attributes the rise in female imprisonment in England and Wales to legislative changes but also points to the increased social and economic marginalization of women and a harsher, media-driven sentencing climate which has had a particular impact on the sentencing of less serious offending typically associated with women. Sharpe (2010), moreover, argues that changes in police and court processing are primarily to blame for the rising population of *girls* in the youth justice system in England and Wales. In addition, more use is being made of conditions attached to community penalties and the rate at which girls are breached for non-compliance has increased. Sharpe suggests that the increase in their involvement in behaviour that brings them to the attention of the youth justice system is a result of an erosion of mainstream welfare services for girls.
- 2.30 While Gelb (2003) attributes the increase in female imprisonment in Australia to an increase in the proportion of women imprisoned for a violent offence, this would not appear to be reflected in other jurisdictions. Evidence from New Zealand also suggests that increases in women’s imprisonment cannot be accounted for by the courts dealing with more serious female offenders. An increase in the numbers of women imprisoned following the introduction of the Sentencing Act 2002 (which aimed, among other things, to ensure that sentencing takes account of the gravity and seriousness of offending and the culpability of the offender) appeared to have occurred in the absence of any change in the average seriousness of cases resulting in conviction (New Zealand Ministry of Justice, 2004).

- 2.31 Kruttschnitt and Gartner (2003) suggest that female imprisonment rates in Canada did not follow an upward trend in the 1990s and that this may have been the result of a number of legislative and policy changes such as the rejection of sentencing guidelines, the introduction of conditional sentences (for less serious offences of the type that women are more likely to commit) and the development of a range of diversionary measures as alternatives to incarceration. However, Gartner et al (2009) argue that although there has been a decrease over time in admissions of *sentenced* women to provincial prisons, the number of female *remand* admissions has more than doubled since the mid 1990s. The growth in female imprisonment in Ontario - from 5.5 to 9.8 per 100,000 between 1981 and 2007 – is, they argue, attributable to an increase in the size of the female remand population. Thus it would appear that while fewer women are receiving prison sentences for less serious offences, this is being more than offset by the increase in the use of custodial remands.
- 2.32 Returning to Europe, Alameda (2005) suggests that a number of factors may have prompted Spain's increase in female imprisonment including the relatively poor development of welfare services (encouraging a penal rather than welfare response to women who break the law), an increase in the number of imprisoned women sentenced for drug crime following the introduction of more severe penalties for drug offences in 1996, a lack of alternatives to imprisonment, a lengthening of prison sentences (especially for women) and the absence of organisations to support women in prison and advocate on their behalf.

Conclusions

- 2.33 This brief overview suggests that while many western jurisdictions share the experience of rising female imprisonment, the reasons underlying the increase are complex and diverse. As the Quaker Council for European Affairs has noted, there is a pressing need for further research to explore *“why women are imprisoned for certain crimes, how and why these might differ from the crimes for which men are imprisoned and how these differences vary between countries and regions”* (Quaker Council for European Affairs, 2007, p. 33). A similar point is made from a US perspective by Frost et al (2006, p.29) who argue that *“more research is needed to tell us how prisons are being used for women: what kinds of offenses are driving increases in the number of women in prison, and how the mix of females prisoners serving short and long sentences is affecting population levels. Further study is needed to determine to what extent variations in incarceration rates are driven by differences in law enforcement, sentencing, correctional practice.”*
- 2.34 There is, however, little indication internationally that the growth in women's imprisonment reflects women's increasing involvement in more serious crime. While some jurisdictions report a rise in female involvement in violent crime, this is thought to reflect systemic changes in responses to female behaviour rather than an underlying increase in female violence. Ostensibly gender neutral legislative and policy

changes that have been introduced in some jurisdictions have, it has been argued, had a disproportionate impact on women (for example the 'war on drugs', introduction of mandatory minimum sentences, sentencing guidelines and changes in sentencing powers) by increasing the likelihood of imprisonment and/or increasing the length of time served. The growth in women's imprisonment has also been fuelled by women's failure to comply with 'technical' aspects of supervision in the community and, in several jurisdictions, by a sharp rise in courts' propensity to make use of custodial remands: a 2004 European survey suggested that, while the use of custodial remand varied considerably from country to country, 30 per cent of women in prison were, on average awaiting trial (Quaker Council for European Affairs, 2007).

3. THE GROWTH IN FEMALE IMPRISONMENT IN SCOTLAND

- 3.1 The patterns of female offending and sentencing that are in evidence internationally are also found in Scotland. For example, the overwhelming majority of those convicted in Scotland are men, with men accounting for 85 per cent of all convictions in 2007/8 (Scottish Government, 2009a). This pattern has been fairly consistent over time. With respect to offence types, aside from prostitution, the categories in which women formed a higher than average proportion of those convicted in 2004-5 included fraud (37 per cent), shoplifting (29 per cent), non-payment of a television licence (69 per cent) and 'other non-sexual crimes of violence' (42 per cent) which includes neglect or maltreatment of children (Scottish Executive, 2006a). In that year, the most common offences in respect of which women were convicted were failure to pay for a television licence, shoplifting, breach of the peace, assault (including resisting arrest), driving while disqualified and speeding. In Scotland more men than women had a charge proved against them in 2007/8 in all crime and offence categories except 'other crimes of indecency' which includes convictions related to prostitution (Scottish Government, 2009a).
- 3.2 The number of young women (aged under 21) with a charge proven has remained relatively stable over the past decade (at around 3,400 offenders), but there have been some changes in trends for specific crime and offence categories (Burman and Batchelor, 2009). Between 1997 and 2006/07, the number of young women with a charge proven for crimes of dishonesty and indecency decreased by 77 percent and 46 percent respectively; non-sexual crimes of violence, however, increased by almost 64 percent during the same period. (Scottish Government, 2008a). To put this into perspective however, in 2006/07, 69 young women had a charge for a non-sexual crime of violence proven against them in Scotland, compared with 719 crimes of violence committed by young men (Scottish Government, 2008a). What these data tell us is that while the number of young women convicted of a violent crime shows some signs of increasing, violence in Scotland is still overwhelmingly a male activity.
- 3.3 As in other jurisdictions, women in Scotland are less likely than men to be imprisoned for violent crimes and sexual crimes and are more likely to receive a custodial sentence for crimes of dishonesty and crimes involving the possession or selling of drugs: for example, in 2004/5 adult female prisoners (that is, those aged 21 years and over) were most likely to have been imprisoned for other thefts (primarily shoplifting), drug offences, petty assaults and breaches of the peace (Scottish Executive, 2006b).

- 3.4 Despite the majority of women's convictions being for relatively minor offences, the average daily female prison population in Scotland almost doubled between 1999-2000 and 2008-9, from 210 to 413 (Scottish Government, 2009b) while there was an 83% increase in the female remand population between 1997/8 and 2006/7 (Scottish Government, 2007). Although there has also been an increase in male imprisonment over the same period, the proportionate growth in female imprisonment has been greater and as a consequence has women constituted 5 per cent of the total prison population in 2007/8 (Berman, 2009) compared with 3 per cent in 1996/7 (Scottish Executive, 2006b). The increase in the daily female population applied equally to young women and adults, though the average male sentenced young offender population decreased steadily over the same period (Scottish Executive, 2006b).
- 3.5 Young women are also being sentenced to custody with increasing regularity (Burman and Batchelor, 2009) Forty-six (13%) of the 344 women in custody in Scotland on June 30th 2007 were aged under 21, and 11 of those were aged under 18. Between 1998/99 and 2007/08 the average daily prison population of female sentenced young offenders grew by 33 percent (to 24, an actual increase of 6 prisoners) (Scottish Prison Service 2008). According to the criminal proceedings data, the number of young women receiving custodial sentences increased by 49 percent between 1997/98 and 2006/07 (Scottish Government 2008a).
- 3.6 In Scotland, as in several other jurisdictions, there is no evidence of increased female criminality (reflected in a comparable increase in convictions) during the period when the female prison population rose: the number of women convicted per 100,000 adult population was identical in 1995/6 and in 2004/5 (Scottish Executive, 2006a) and, as we shall see in Part 5 of this report, has remained stable thereafter (indeed, decreasing slightly in 2008/9). Furthermore, the number of women given custodial sentences did not increase to any significant extent over this period. However, the average length of sentence imposed on women rose sharply (from 172 days in 1996/7 to a high of 276 days in 2002/3) suggesting that some women who were convicted were being dealt with more harshly by the courts (McIvor, 2007). Also notable is the steep rise in the number of women remanded in custody prior to conviction, from 1,009 in 1996/7 to 1,807 in 2004/5 (Scottish Executive, 2006b).
- 3.7 The preceding analysis highlights the importance of understanding what factors may underlie the increase in Scotland's female prison population. This, in turn, requires an analysis of any changes in the number and characteristics of women at different stages of the criminal justice process that might help account for this worrying trend. Drawing upon both published and unpublished statistical data provided by the police, Crown Office and Procurator Fiscal Service and the Scottish Government we turn to a more detailed analysis of trends over time, numbers of detected crime involving women, referrals to prosecution and their outcomes, and sentencing outcomes. Changes in the numbers and characteristics of women in prison are also examined.

4. TRENDS IN DETECTED CRIME INVOLVING WOMEN

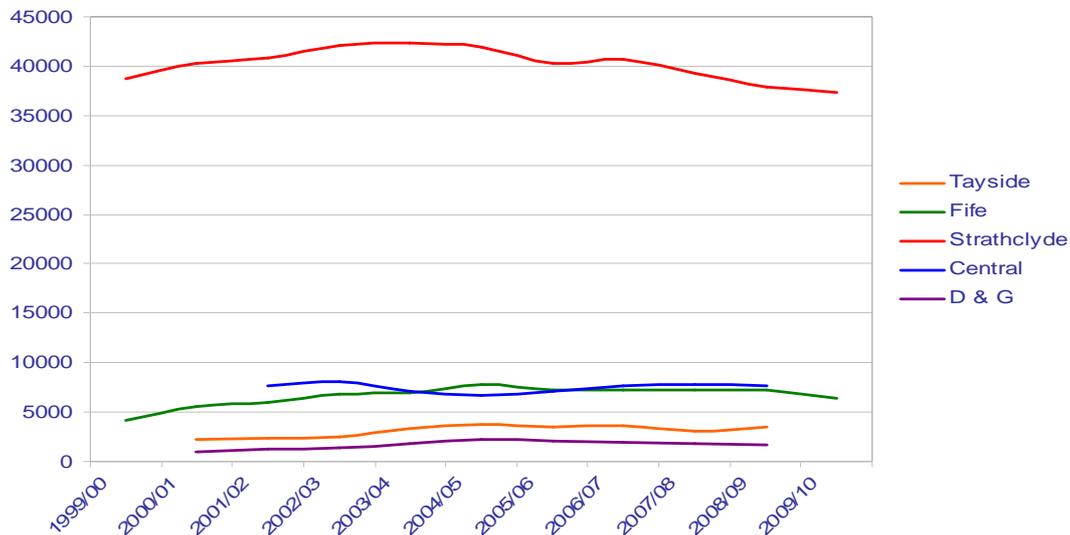
- 4.1 In order to explore whether the increase in women's imprisonment in Scotland is a result of more women being arrested by the police, information on numbers of women arrested or detained by police over a 10 year period (1999/2000 to 2009/2010) were requested from all eight of Scottish police forces. However, data relating to the arrest and detention of women is not readily available as police arrest data is offence- based, rather than offender based. As such, arrest data is not routinely disaggregated by gender, and hence has to be interrogated to determine female involvement. Given the not inconsiderable resource implications of this request, data in relation to seven crime Groups (i.e. Group 1, non-sexual crimes of violence; Group 2, crimes of indecency; Group 3, crimes involving dishonesty; Group 4, fire-raising, vandalism; Group 5, 'other' crimes; Group 6, miscellaneous offences; Group 7, motor vehicle offences) was provided by just five of Scotland's eight police forces: Central Scotland Police; Tayside Police; Fife Constabulary; Strathclyde Police and Dumfries and Galloway Constabulary.
- 4.2 It is important to note however that there are a number of variances in detail in the data provided by each of the five forces, and a number of different caveats pertain.
- 4.3 The data relates to numbers of detected crimes which involve females, rather than numbers of females involved in detected crime. In all five Forces, the figures show the amount of detected crime committed by females, including those occasions where there may also be a male co-accused detected for the same crime. The figures therefore show total numbers of crimes involving females. They do not show the total number of detected female perpetrators in any given year, as individuals may have committed multiple crimes during that period.
- 4.4 The data provided by each Force does not all correspond to the same time-period. Only Fife Constabulary and Strathclyde Police were able to provide data for the full 10 year period 1999/2000 to 2009/2010. Tayside Police and Dumfries and Galloway Constabulary were able only to provide data for the period 2000/2001 to 2008/2009, and; Central Scotland Police provided data for 2002/2003- 2008/2009.
- 4.5 Data could not be provided by all Forces on all seven crime Groups. Three Forces provided data on all of the crime Groups, whilst Dumfries and Galloway Constabulary were able only to provide data on Groups 1- 6; and Tayside Police provided data only on Groups 1-5.

- 4.6 None of the data is disaggregated by age, and so this precludes any detailed analysis by age.
- 4.7 Custody data proved even more difficult to obtain, as custody procedures and current IT systems do not permit an accurate count without extensive and time-consuming cross-checks.

Overall Picture

- 4.8 As can be seen from Figure 4.1, data returned from each Force area demonstrates no significant alteration in detected crime involving females over the past ten years. Whilst the largest Police Force – Strathclyde – saw a slight increase rise over the 5 year period 1999/00 to 2004/05, this dipped down to below the 1999/00 figure by the end of the decade. Fife Constabulary also saw a slight increase over a similar period, but again this has decreased in recent years; other Force areas demonstrate a relatively constant level of detected crime involving female offenders over the decade.

Figure 4.1: Recorded crimes and offences involving female offenders, by Force Area (Groups 1-7; 1999-2010)*



Source: Data returned by individual Forces

D&G = Dumfries and Galloway

*NB: Zero returns from Tayside on Groups 6 and 7; and from D & G on Group 7.

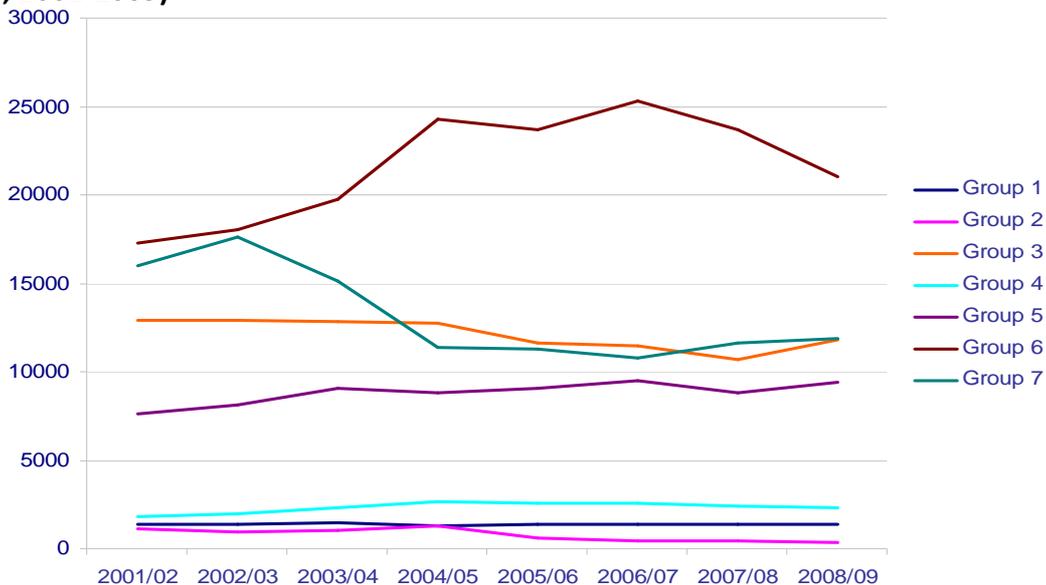
Trends by offence type

- 4.9 Figure 4.2 further elaborates this trend – representing as it does the overall trends in specific groups of crime and offences (listed in Appendix) for all Force areas in Scotland. As is demonstrated, despite an overall increase since 2001/02, there has been a marked decrease in Group 6 crimes (miscellaneous offences) over the past three years. Groups 3 and 7 (crimes of dishonesty and motoring offences) have

shown an overall decrease over the period since 2001/02, with slight increase over the last two to three years. Group 5 (other crimes) shows a slight increase over the period. These slight increases are mainly attributable to increases in these groups of crimes in Strathclyde, the largest Force area.

4.10 Also notable in this graph is the consistency of Group 1 crimes (non-sexual crimes of violence). In the years for which a complete data-set is available (2002-2009), the total number of Group 1 recorded crimes involving female offenders varied by less than 100 crimes over the entire period (high of 1431 in 2003/04; low of 1317 in 2004/05).

Figure 4:2: Recorded Crimes and Offences involving Female Offenders, by Group (All Forces; 2001-2009)*

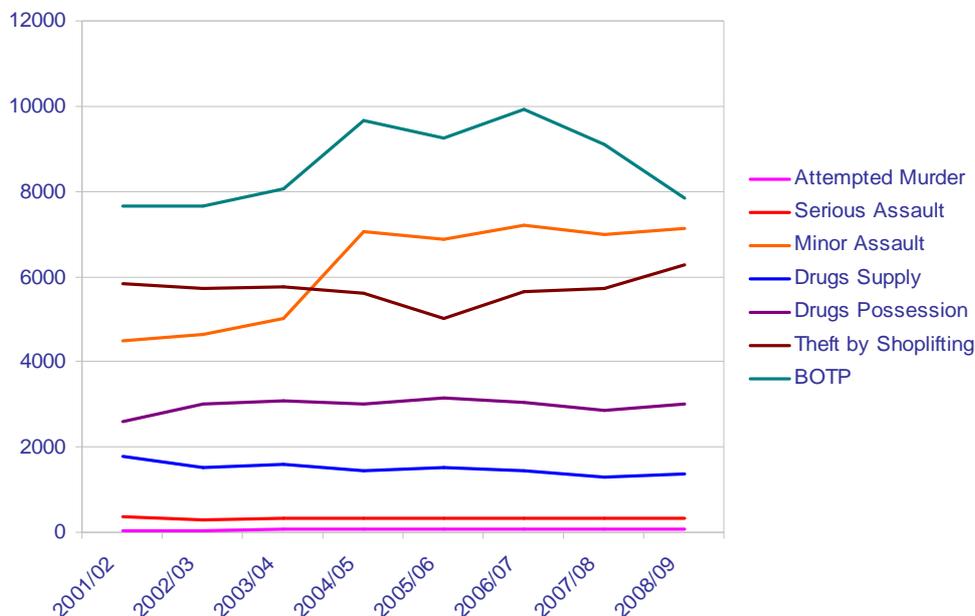


Source: Data returned by individual Forces

*NB: Not all Forces provided data on all crime groups across the 10 year period. See 4.1 and 4.4 above.

4.11 Within these general trends, more specific patterns are discernible. The increase in Group 3 and 5 crimes is attributable mainly to a slight increase over the past three years in recorded crimes involving drugs possession, and a larger increase in shoplifting— as illustrated in Figure 4.3. This increase in shoplifting is specific to the Strathclyde Police Force area. There is also an overall increase in the Group 6 crime of minor assault.

Figure 4.3: Recorded Crimes and Offences involving Female Offenders, by Crime (Strathclyde, Fife, Tayside and Central; 2001-2009)*



Source: Data returned by individual Forces

*NB: Not all Forces provided data on all crime groups across the 10 year period. See 4.1 and 4.4 above.

Conclusions

4.12 The data provided by the police provide little evidence of an increase in the amount of detected crime committed by women over a ten year period though the pattern of offences has changed with increases in minor assaults and breaches of the peace and decreases in property crimes and motoring offences. These data provide no evidence that women are committing more crime or that the seriousness of women’s crime has increased: if anything, it would appear that an increasing proportion of female crime is attributable to women’s involvement in relatively minor miscellaneous offences.

5. TRENDS IN THE PROSECUTION OF WOMEN IN SCOTLAND

5.1 To investigate whether the increase in women's imprisonment in Scotland is a result of more women being reported to the Crown Office and Procurator Fiscal Service (COPFS) and more women being prosecuted as a result, information was provided by COPFS on women referred over the period 2002 – 2010⁷. Given the resource implications of providing data for *all* women referred over that period, a dip sample of first marking decisions in March and September each year was provided to enable us to assess changes over time in the numbers of women reported by the police to COPFS and in the patterns of first marking decisions. Resource constraints also meant that it was not possible for data to be stratified by area, which would have permitted more detailed regional analyses. Nor, given the number and specificity of offence categories under which offences are recorded by COPFS was it possible for data to be disaggregated by offence type, preventing an examination of whether there were changes in the types of offences for which women were reported and in the marking decisions for particular categories of offence.

First marking decisions by age

5.2 When cases are reported to the COPFS, a decision is taken whether to prosecute the offender in court, offer a direct measure⁸ or take no further action. The relevant data for the sample of cases provided by COPFS are presented in Figure 5.1. In addition to enabling an analysis of overall trends, reported cases were also categorised by age to explore whether there were differences in the numbers referred and case outcomes for women of different ages. The relevant data are summarised in Figures 5.1-6.

⁷ The national electronic database only became available from 2002 preventing an analysis of trends over a longer time period.

⁸ There are a number of direct measures available as an alternative to prosecution including fiscal fines and compensation, referral for specialist support or treatment, referral to reparation and mediation. A fiscal work order scheme is also currently being piloted.

Figure 5.1: First marking decisions on women reported to the COPFS 2002/03 -2009/10

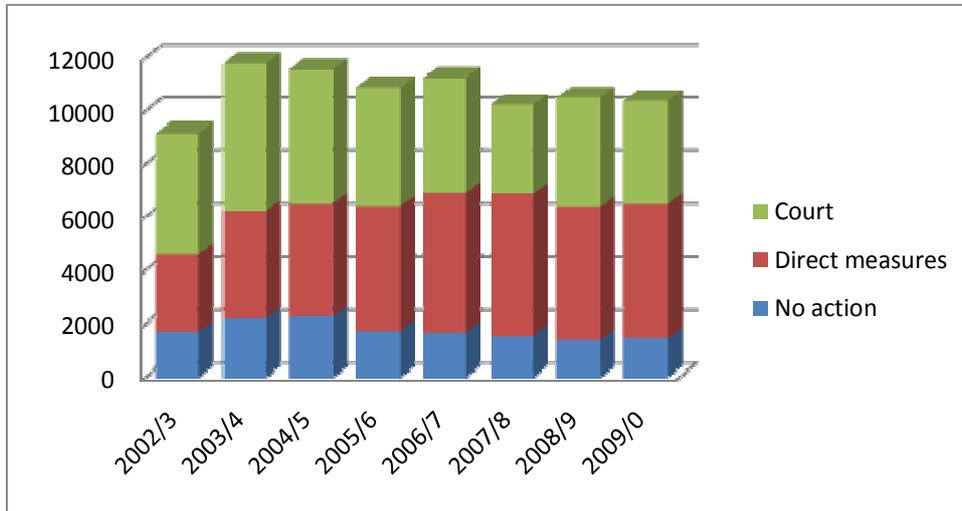


Figure 5.2: First marking decisions on women under 18 years reported to the COPFS

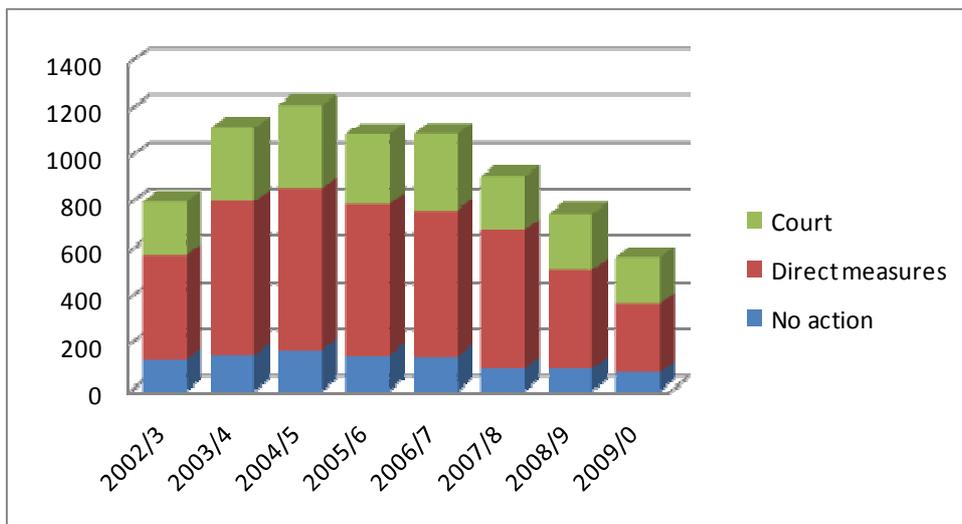


Figure 5.3: First marking decisions on women aged 18-20 years reported to the COPFS

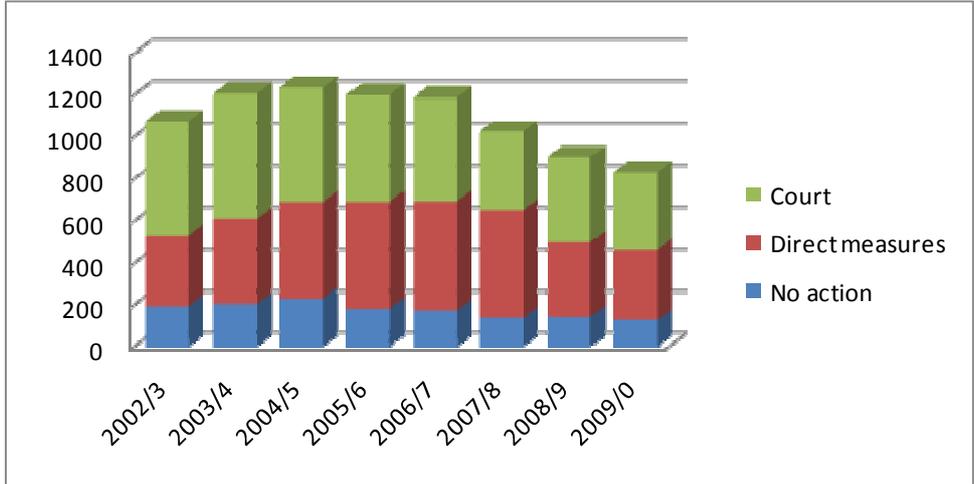


Figure 5.4: First marking decisions on women aged 21-30 years reported to the COPFS

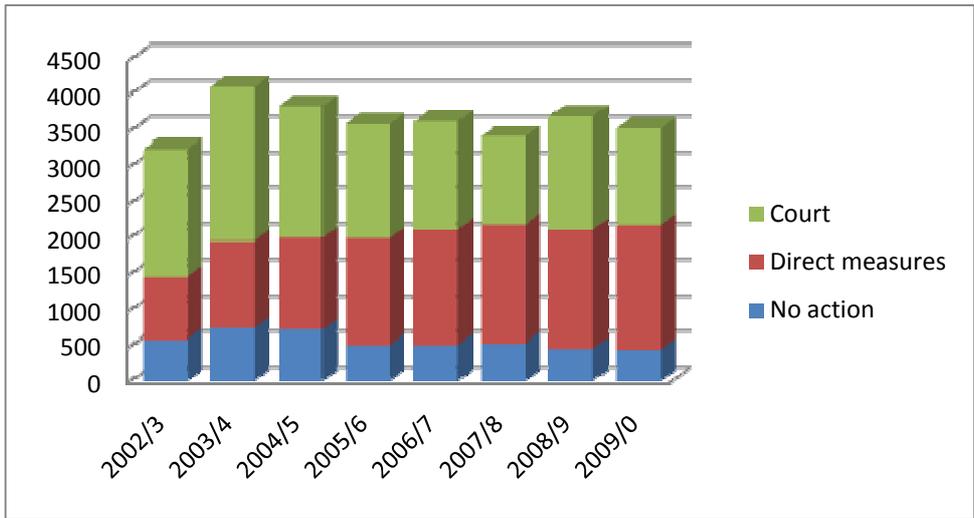


Figure 5.5: First marking decisions on women aged 31-40 years reported to the COPFS

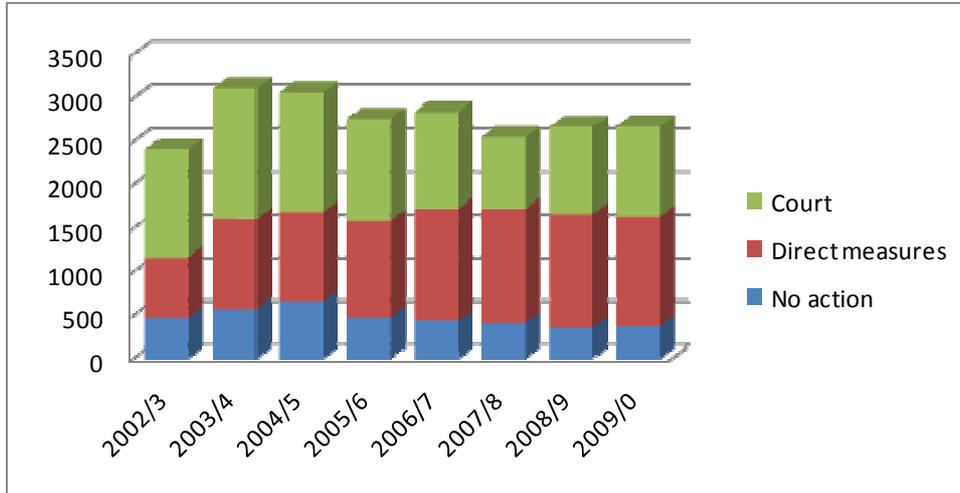
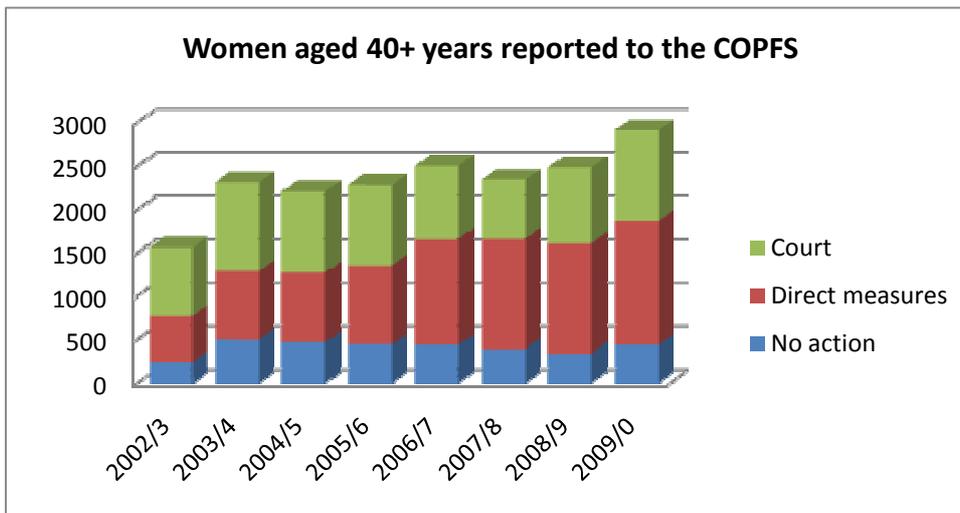


Figure 5.6: First marking decisions on women aged 41 years and over reported to the COPFS



5.3 The data indicate that, apart from a slight increase in reported cases in 2003/4 and 2004/5 - which may reflect the introduction of the new Scottish Crime Recording Standard⁹ - there has been no overall trend towards the increased reporting of women to COPFS. However, there are interesting differences in the data for different age groups. While the numbers of women aged 21-40 years of age have remained relatively steady (Figures 5.4 and 5.5), there has been a steady decrease in the numbers of young women under 21 years of age reported to the COPFS (Figures 5.2

⁹ Under the new Scottish Crime Recording Standard introduced for the 2004/05 financial year, the recording of crime in Scotland became victim led, meaning that reported incidents were more likely to be recorded as crimes, especially in the case of minor offences such as vandalism (HMIC, 2005).

and 5.3). By contrast, the number of women over 40 years of age reported has increased over the same period of time (Figure 5.6).

- 5.4 A more detailed analysis of these data is presented in Tables 5.1-6 which indicate the numbers and relative percentages of cases in which the first marking decision was no action, imposition of a direct measure or court. Across all groups (Table 5.1) there has been a decrease over time in the numbers and relative percentages of women whose cases were marked for no action or court, while the number and percentage of cases with a first marking decision of direct measures increased after 2004/5. The shift in marking decisions from court to direct measures may partly reflect changes in the nature of offences with which women have been charged as a consequence of the implementation of the new Scottish Crime Recoding Standard (which was anticipated to have its greatest impact on the level of recoded minor crime) while the most marked increase in the use of direct measures and decrease in prosecution in 2007/8 is likely to reflect a planned expansion in the use of direct measures as alternatives to prosecution introduced under the Scottish Government's programme of summary justice reforms.¹⁰ Although there is some fluctuation in the numbers of women whose cases were marked for court, the trend overall is downwards, suggesting that the growth in female imprisonment over the last decade cannot be directly attributable to increases in the numbers of women prosecuted in Scottish courts¹¹.
- 5.5 There are, however, some interesting variations in the patterns of first marking decisions by age. The patterns described above for the sample as a whole are also found for women aged between 21 and 40 years of age (Tables 5.4 and 5.5) and to a less marked extent for women aged between 18 and 20 years (Table 5.3) where, for example, the 44 per cent of cases were marked for court in 2009/10 compared with 51 per cent in 2002/3. A different pattern is found in respect of young women under 18 years of age, however, where the numbers marked for court have decreased steadily but where these now make up a slightly higher proportion of marking decision on reported cases (Table 5.2). The increased use of direct measures that is found in the other age groups has not been replicated here, possibly because young women in this age group may not have independent financial resources to pay a fiscal fine or fiscal compensation order¹². By contrast, while the numbers of women over 40 years of age reported to COPFS have, for the most part, increased steadily since 2004/5, the proportionate use of direct measures has increased and the proportion of cases marked for court has reduced (Table 5.6). As a consequence, aside from some minor fluctuations, the number of women in this age group whose cases are marked for prosecution annually has remained largely unchanged.

¹⁰ Under the Criminal Proceedings (Reform) (Scotland) Act 2007.

¹¹ However, the steady decrease since 2005/6 in the number of cases marked for no action suggests that in addition to diverting some cases from prosecution, the use of direct measures may be serving in some instances to 'up-tariff' women who might previously have had their cases marked for no action.

¹² Young people under 18 years of age who are unemployed do not receive state benefits and are therefore dependent on their parents for financial support.

Table 5.1: Numbers of women and first marking outcome

Year	No action	Direct Measures	Court	Total
2002/3	1718 (19%)	2887 (31%)	4571 (50%)	9196
2003/4	2172 (18%)	4051 (34%)	5566 (47%)	11789
2004/5	2248 (19%)	4262 (37%)	5047 (44%)	11557
2005/6	1746 (16%)	4670 (43%)	4497 (41%)	10913
2006/7	1686 (15%)	5260 (47%)	4300 (38%)	11246
2007/8	1563 (15%)	5333 (52%)	3342 (33%)	10238
2008/9	1393 (13%)	5001 (48%)	4123 (39%)	10517
2009/0	1457 (14%)	5055 (49%)	3881 (37%)	10393

Table 5.2: Numbers of women aged under 18 and first marking outcome

Year	No action	Direct Measures	Court	Total
2002/3	131 (16%)	446 (57%)	225 (28%)	802
2003/4	152 (14%)	654 (58%)	313 (28%)	1119
2004/5	170 (14%)	691 (57%)	355 (29%)	1216
2005/6	147 (14%)	643 (59%)	298 (27%)	1088
2006/7	143 (13%)	624 (57%)	323 (30%)	1090
2007/8	94 (10%)	588 (64%)	231 (25%)	913
2008/9	94 (12%)	419 (56%)	241 (32%)	754
2009/0	76 (13%)	291 (51%)	201 (35%)	568

Table 5.3: Numbers of women aged 18-20 and first marking outcome

Year	No action	Direct Measures	Court	Total
2002/3	192 (18%)	335 (31%)	548 (51%)	1075
2003/4	205 (17%)	407 (34%)	595 (49%)	1207
2004/5	229 (19%)	461 (38%)	544 (44%)	1234
2005/6	181 (15%)	510 (42%)	509 (42%)	1200
2006/7	173 (15%)	520 (44%)	495 (42%)	1188
2007/8	139 (14%)	513 (50%)	374 (36%)	1026
2008/9	144 (16%)	353 (39%)	409 (45%)	906
2009/0	126 (15%)	337 (40%)	370 (44%)	833

Table 5.4: Numbers of women aged 21-30 and first marking outcome

Year	No action	Direct Measures	Court	Total
2002/3	579 (18%)	873 (27%)	1783 (55%)	3235
2003/4	744 (18%)	1207 (29%)	2146 (52%)	4097
2004/5	718 (19%)	1274 (33%)	1847 (48%)	3839
2005/6	508 (14%)	1476 (41%)	1601 (45%)	3585
2006/7	507 (14%)	1602 (44%)	1513 (42%)	3622
2007/8	528 (16%)	1649 (48%)	1232 (36%)	3409
2008/9	457 (12%)	1652 (45%)	1588 (43%)	3697
2009/0	446 (13%)	1727 (49%)	1352 (38%)	3525

Table 5.5: Numbers of women aged 31-40 and first marking outcome

Year	No action	Direct Measures	Court	Total
2002/3	466 (19%)	698 (29%)	1240 (52%)	2404
2003/4	570 (18%)	1044 (34%)	1497 (48%)	3111
2004/5	660 (22%)	1030 (34%)	1374 (45%)	3064
2005/6	470 (17%)	1123 (40%)	1174 (42%)	2767
2006/7	429 (15%)	1295 (46%)	1118 (39%)	2842
2007/8	404 (16%)	1321 (52%)	826 (32%)	2551
2008/9	353 (13%)	1316 (49%)	1006 (38%)	2675
2009/0	371 (14%)	1269 (47%)	1038 (39%)	2678

Table 5.6: Numbers of women aged 40 and older and first marking outcome

Year	No action	Direct Measures	Court	Total
2002/3	250 (16%)	535 (34%)	775 (50%)	1560
2003/4	501 (22%)	791 (34%)	1015 (44%)	2307
2004/5	471 (21%)	806 (37%)	927 (42%)	2204
2005/6	440 (19%)	918 (40%)	915 (40%)	2273
2006/7	434 (17%)	1219 (49%)	851 (34%)	2504
2007/8	398 (17%)	1262 (54%)	679 (29%)	2339
2008/9	345 (14%)	1261 (51%)	879 (35%)	2485
2009/0	438 (16%)	1431 (51%)	920 (33%)	2789

5.6 More detailed analysis of the data indicates that there has been a reduction over time in the numbers of women marked for prosecution in the district and sheriff courts under summary proceedings (with the decrease in the former being particularly marked), while the numbers marked for prosecution under solemn proceedings have fluctuated from year to year but have been uniformly low (see Table A.1 in the Appendix). The most dramatic increase is in the number of fixed penalties issued which rose from 319 in 2002/3 to 1440 in 2009/10, constituting 3.5 per cent and 13.9 per cent of marking outcomes respectively.

Conclusions

5.7 The data provided by the COPFS are broadly consistent with the data provided by the police insofar as there is no evidence of an increase in the numbers of women reported to the COPFS over the 8 year period examined. However, steady decreases in the numbers of young women (under 21 years of age) reported were accompanied by increases in the number of older women (over 40 years of age) reported. Overall, there has been a decrease in the numbers and percentages of reports on women marked for prosecution in court – and an increased use of direct measures – suggesting that the continuing growth in female imprisonment in Scotland cannot be attributed to an increase in female prosecutions.

5.8 The data provided by the COPFS did not permit further analysis by offence type. To assess whether the increase in female imprisonment might be attributable to women's increasing involvement in more serious offences, it is necessary to examine data on the sentencing of women with a charge proved in Scottish Courts.

6. TRENDS IN SENTENCING OF WOMEN

6.1 The analysis of data provided by the COPFS suggested that there had been little overall change in the numbers of women reported and in the numbers whose cases were marked for court since 2002. These data did not, however, provide details of the offences with which women had been charged, which may have changed over time. Here we draw upon published statistical data to examine whether there have been changes in the prevalence of convictions among women, changes in the types of offences in respect of which women have been convicted and changes in the pattern of sentencing of women.

Prevalence of female convictions

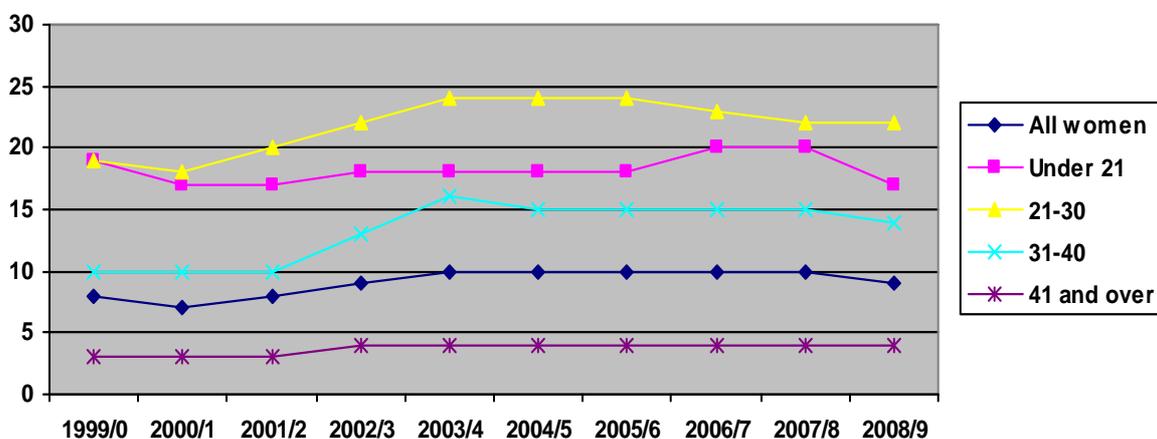
6.2 As Table 6.1 indicates, although the number of women with a charge proved per 1,000 population increased between 2001/2 and 2003/4, it has remained relatively stable since at a level similar to or lower than that during most of the previous decade (Scottish Executive, 2001). There is little evidence of a change in prevalence of convictions among young women under 21 years of age, with the most marked change occurring in respect of women aged between 31 and 40 years between 2001/2 and 2003/4. Generally speaking, however, (and apart from a rise in prevalence among young women between 2006 and 2008), since 2003/4 the prevalence of female convictions has remained stable or has decreased (see also Figure 6.1)

Table 6.1: Female persons with a charge proved per 1000 population 1999-2009

	1999/0	2000/1	2001/2	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9
Under 21	19	17	17	18	18	18	18	20	20	17
21-30	19	18	20	22	24	24	24	23	22	22
31-40	10	10	10	13	16	15	15	15	15	14
Over 40	3	3	3	4	4	4	4	4	4	4
Total	8	7	8	9	10	10	10	10	10	9

Source: Scottish Government (2010)

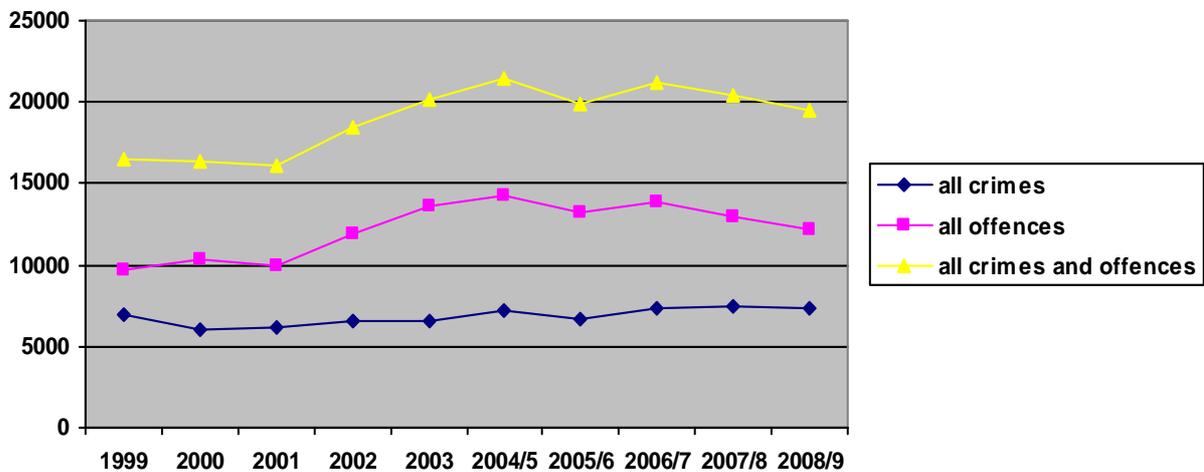
Figure 6.1: Women with a charged proved per 1000 population by age 1999-2009



Offences for which women were convicted

6.3 The types of offences for which women were convicted between 1999 and 2009 are summarised in Tables 6.2 and 6.3, with similar data presented for different age groups in Tables A.2-7 in the Appendix. As Figure 6.2 indicates, the number of women with a charge proved for a crime or offence increased between 2001 and 2004-05 since when it has remained relatively stable with some fluctuations. The number of women convicted of offences similarly increased between 2001 and 2004-05 before levelling off while the number convicted of crimes has increased slightly overall.

Figure 6.2: Females with a charge proved 1999-2009



6.4 The pattern differs, however, by age. Among women under 21 years of age, for example, (Figure 6.3) the number of convictions remained relatively stable for most of the last decade before increasing in 2005/06 and decreasing thereafter. This overall increase was attributable primarily to an increase in convictions for offences, with a gradual reduction in convictions for crimes over the 10 year period concerned. Among women aged 21-30 (Figure 6.4), the number of women convicted annually of crimes has remained relatively steady while the numbers convicted of offences increased between 2001 and 2004/05 before decreasing again. The most dramatic change in numbers of women with a charge proved has been among those aged 30 years and over (Figure 6.5). Among these older women the numbers convicted of a crime or offence increased quite dramatically between 2001 and 2004/05 and has remained relatively stable since. Since 2004/05 there has been a steady decrease in the numbers of women in this age group convicted of offences and a steady increase in the numbers convicted of crimes. However, although the percentage of women convicted of crimes (as opposed to offences) increased between 2003 and 2008/09, it was slightly lower (at 38% per cent) in 2008/09 than it was in 1999 (42%) (Table 6.3).

Figure 6.3: Females under 21 with a charge proved 1999-2008/09

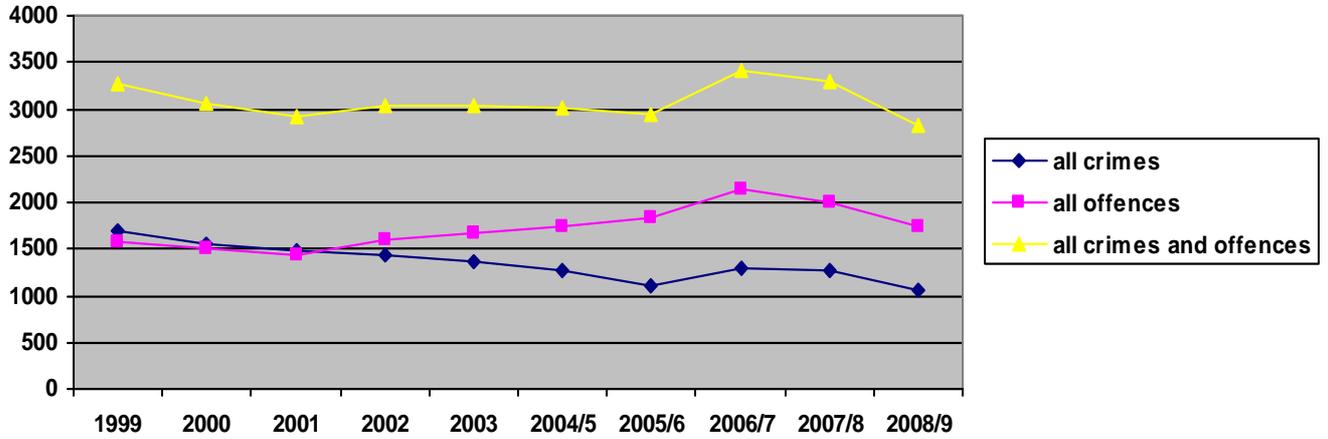


Figure 6.4: Females aged 21-30 with a charge proved 1999-2008/09

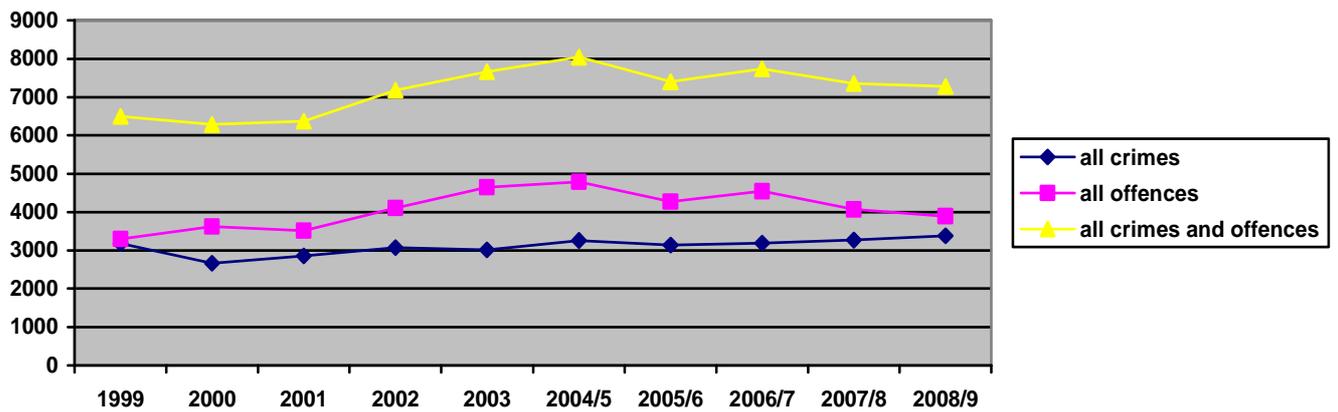


Figure 6.5: Females over 30 with a charge proved 1999-2008/09

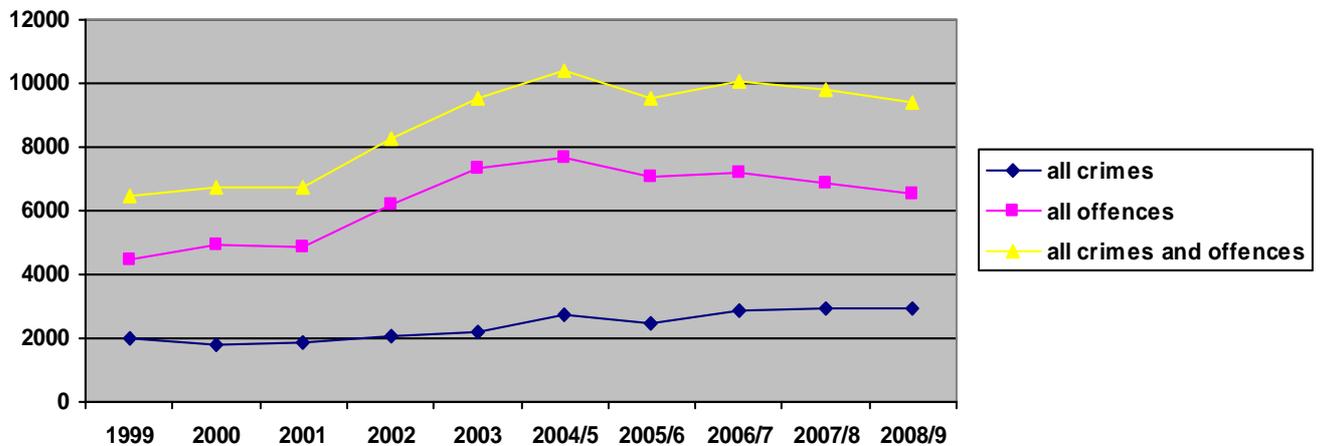


Table 6.2: Females with a charge proved by main offence 1999-2008/09

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All crimes	6906	6013	6182	6570	6555	7259	6714	7344	7526	7364
Non-sexual crimes of violence	244	213	206	289	357	327	257	298	358	326
Homicide	9	7	8	9	8	7	9	8	11	7
Serious assault & attempted murder	95	72	75	96	137	118	109	100	150	145
Robbery	53	46	47	84	83	79	47	60	58	54
Other	87	88	76	100	129	123	92	130	139	120
Crimes of indecency	382	202	116	113	113	229	295	314	244	269
Rape & attempted rape	n/a	n/a	n/a ¹³	-	-	-	-	1	-	-
Indecent assault	-	-	-	-	-	1	1	1	2	3
Lewd and indecent behaviour	4	1	2	3	2	4	12	13	5	26
Other	378	201	114	110	111	224	282	299	237	240
Crimes of dishonesty	4432	3813	4025	4200	3975	4216	3697	3795	3737	3609
Housebreaking	63	76	81	83	87	97	97	71	66	69
Theft OLP	36	41	38	34	42	70	59	86	73	76
Theft MV	42	43	50	39	54	39	44	36	40	42
Shoplifting	2135	2016	2205	2477	2289	2455	2184	2292	2357	2213
Other theft	1085	864	791	761	740	731	605	639	607	570
Fraud	621	400	443	402	423	495	413	396	383	411
Other	450	373	417	404	340	329	295	275	211	228
Fire-raising, vandalism etc.	344	352	339	423	433	501	476	531	565	477
Fire-raising	21	19	13	19	18	24	20	34	25	37
Vandalism etc	323	333	326	404	415	477	456	497	540	440
Other crimes	1504	1433	1496	1545	1677	1986	1989	2406	2622	2683
Crimes against public justice	568	625	684	675	640	784	777	939	1092	1271
Handling an offensive weapon	104 ¹⁴	102	122	124	125	179	193	190	206	243
Drugs	830	705	689	743	905	1018	1007	1238	1270	1114
Other	2	1	1	3	7	5	12	39	54	55
All offences	9633	10353	9943	11929	13656	14209	13188	13899	12951	12147
Miscellaneous offences	4341	5349	5159	5889	6944	7466	7057	7734	6658	5742
Common assault	1450	1423	1558	1717	1880	2090	2307	2560	2616	2665
BOP	1647	1551	1661	1733	1778	1923	2040	2246	2224	2116
Drunkenness	42	46	26	45	38	50	49	28	32	25
Breach of social work orders	n/a	n/a	n/a	774	604	796	565	698	n/a	n/a
Other	1202	2327	1914	1620	2644	2607	2096	2202	1786	936
Motor vehicle offences	5292	5004	4784	6040	6712	6743	6131	6165	6293	6405
Dangerous and careless driving	431	323	369	437	557	511	440	486	497	457
Drink/drug driving	609	687	724	1064	1031	1112	1085	1088	1131	1139
Speeding	1611	1324	1213	1366	1753	2174	1767	2107	2136	1982
Unlawful use of vehicle	1865	1977	1909	2431	2629	2330	2001	1721	1889	1917
Vehicle defect offences	124	105	67	94	118	120	89	121	221	413
Other	652	588	502	648	624	496	749	642	419	497
All crimes and offences	16539	16366	16125	18499	20211	21468	19902	21243	20447	19511

¹³ Prior to 2002, rape and attempted rape and indecent assault were classified as 'sexual assault'

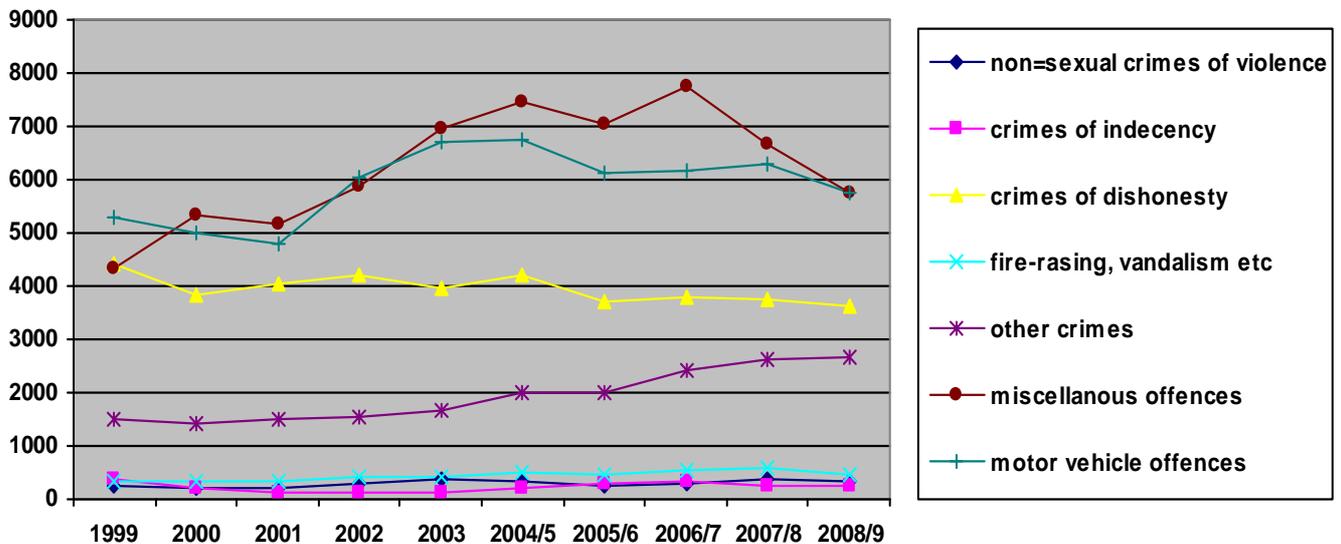
¹⁴ In 1999 and 2000 this offence was classified as a non-sexual crime of violence. It was subsequently classed as an 'other crime' and has been listed as such here for consistency

Table 6.3: Females with a charge proved by main offence 1999-2008/09 (percentages)

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All crimes	42	47	38	36	32	34	34	35	37	38
Non-sexual crimes of violence	1	1	1	2	2	2	1	1	2	2
Homicide	*	*	*	*	*	*	*	*	*	*
Serious assault & attempted murder	1	*	*	1	1	1	1	*	1	1
Robbery	*	*	*	*	*	*	*	*	*	*
Other	1	1	*	1	1	1	*	1	1	1
Crimes of indecency	2	1								
Rape & attempted rape	n/a	n/a	n/a	-	-	-	-	*	-	*
Indecent assault	-	-	-	-	-	*	*	*	*	*
Lewd and indecent behaviour	*	*	*	*	*	*	*	*	*	*
Other	2	1	1	*	1	1	1	1	1	1
Crimes of dishonesty	27	23	25	23	20	20	19	18	18	18
Housebreaking	*	*	1	*	*	*	*	*	*	*
Theft OLP	*	*	*	*	*	*	*	*	*	*
Theft MV	*	*	*	*	*	*	*	*	*	*
Shoplifting	13	12	14	13	11	11	11	11	12	11
Other theft	7	5	5	4	4	3	3	3	3	3
Fraud	4	2	3	2	2	2	2	2	2	2
Other	3	2	3	2	2	2	1	1	1	1
Fire-raising, vandalism etc.	2	3	2							
Fire-raising	*	*	*	*	*	*	*	*	*	*
Vandalism etc	2	2	2	2	2	2	2	2	3	2
Other crimes	9	9	9	8	8	9	10	11	13	14
Crimes against public justice	3	4	4	4	3	4	4	4	5	7
Handling an offensive weapon	1	1	1	1	1	1	1	1	1	1
Drugs	5	4	4	4	4	5	5	6	6	6
Other	*	*	*	*	*	*	*	*	*	*
All offences	58	63	62	64	68	66	66	65	63	62
Miscellaneous offences	26	33	32	32	34	35	35	36	33	29
Common assault	9	9	10	9	9	10	12	12	13	14
BOP	10	9	10	9	9	9	10	11	11	11
Drunkenness	*	*	*	*	*	*	*	*	*	*
Breach of social work orders	n/a	n/a	n/a	4	3	4	3	3	n/a	n/a
Other	7	14	12	9	13	12	11	10	9	5
Motor vehicle offences	32	31	30	33	33	31	31	29	31	33
Dangerous and careless driving	3	2	2	2	3	2	2	2	3	2
Drink/drug driving	4	4	4	6	5	5	5	5	6	6
Speeding	10	8	8	7	9	10	9	10	10	10
Unlawful use of vehicle	11	12	12	13	13	11	10	8	9	10
Vehicle defect offences	1	1	*	1	1	1	*	1	1	2
Other	4	4	3	4	3	2	4	3	2	3
All crimes and offences	100									

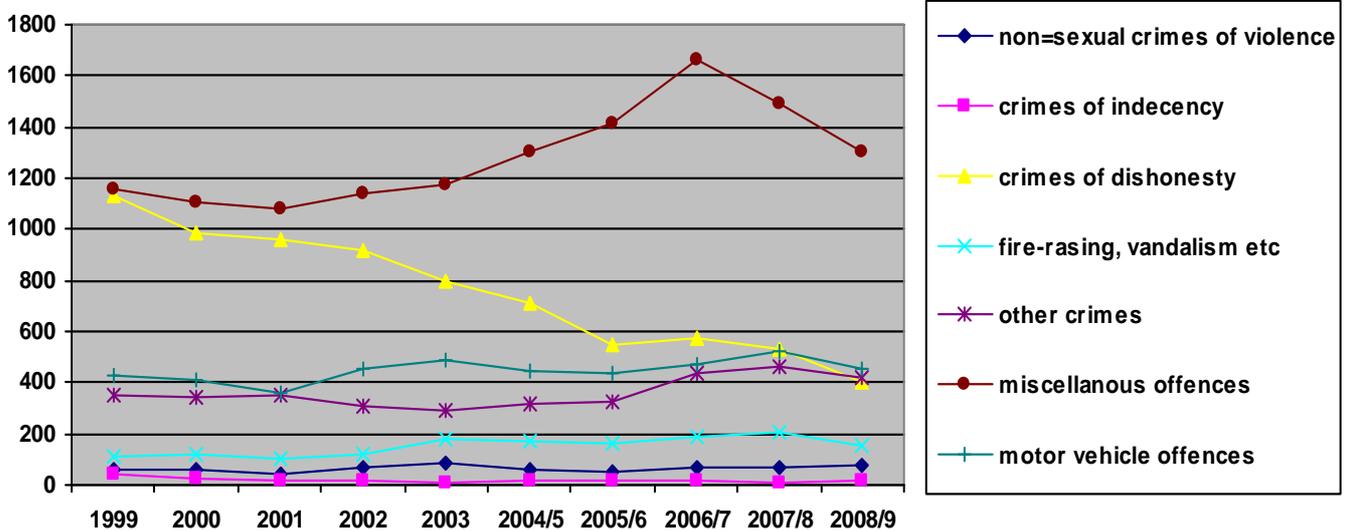
6.5 From Tables 6.2 and 6.3 (and tables A.2 to A.7 in the Appendix) it is also possible to reach conclusions about any changes over the decade from 1999 in the types of crimes and offences of which women have been convicted. These data are also shown in Figures 6.5–6.8. Overall, women were most likely in any year to have been convicted of miscellaneous offences (mostly common assaults and breaches of the peace), motor vehicle offences and crimes of dishonesty (principally shoplifting). The increase between 2001 and 2004/05 in the number of women with a charge proved appears in large part to be attributable to an increase during that period in convictions for miscellaneous and motor vehicle offences. The numbers of women convicted of crimes of dishonesty have decreased steadily since 1999 and these crimes now account for less than one fifth of women convicted (18 per cent in 2008-9) compared with more than one quarter (27 per cent) in 1999. There has, however, been a steady increase since 2001 in the numbers of women convicted of ‘other crimes’, with this mostly reflecting increasing numbers of women convicted of crimes involving drugs and crimes against public justice (which includes perjury, resisting arrest, bail offences (other than absconding or re-offending) and wasting police time).

Figure 6.6: Females with a charge proved by offence category 1999-2008/09



6.6 Again, however, a different pattern emerges when the data are broken down by age. Among young women under 21 years of age, there has been a sharp increase since 2001 in convictions for miscellaneous offences (though this has since decreased from a peak in 2006-7) and slight but proportionate increases in numbers convicted of crimes against public justice and vandalism. There has also been a striking decrease in the numbers of young women convicted of crimes of dishonesty: these now account for only 14 per cent of women with a charge proved, compared with 35 per cent in 1999. The reasons for this decrease are far from clear and cannot be discerned from the data: one possibility is that young women are now more affluent than they were 10 years ago with the result that they are less likely to shoplift but more likely to engage in alcohol-related public order offences.

Figure 6.7: Females under 21 with a charge proved by offence category 1999-2008/09



6.7 Among women aged 21-30 (Figure 6.8) there has been a slight reduction in convictions for crimes of dishonesty. The number of women with a charge proved for miscellaneous offences increased until 2004/05 then decreased while the numbers of women with a charge proved for other crimes has risen steadily. A broadly similar pattern is found among women aged 30 and over (Figure 6.9), with two important differences: first, the level of convictions for property crime is much lower overall among this older age group; and second, there has been a relatively large increase in the numbers of women convicted of motor vehicle offences, including convictions for drunk/drug driving which increased by almost four-fifths (78 per cent) between 1999 and 2008/09.

Figure 6.8: Females 21-30 with a charge proved by offence category 1999-2008/09

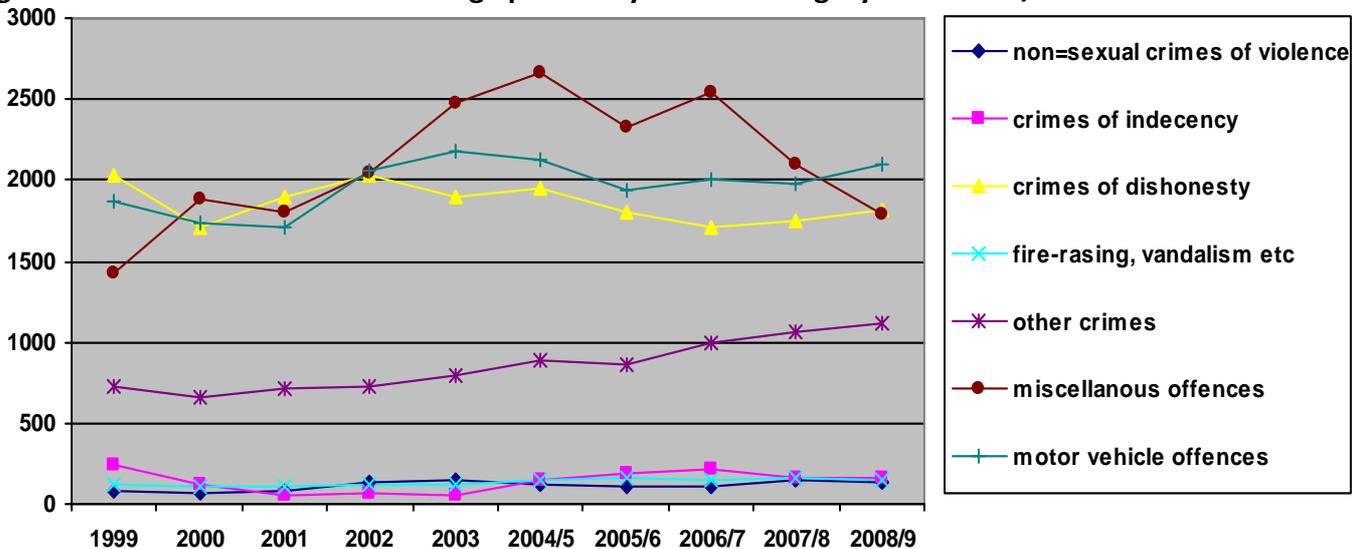
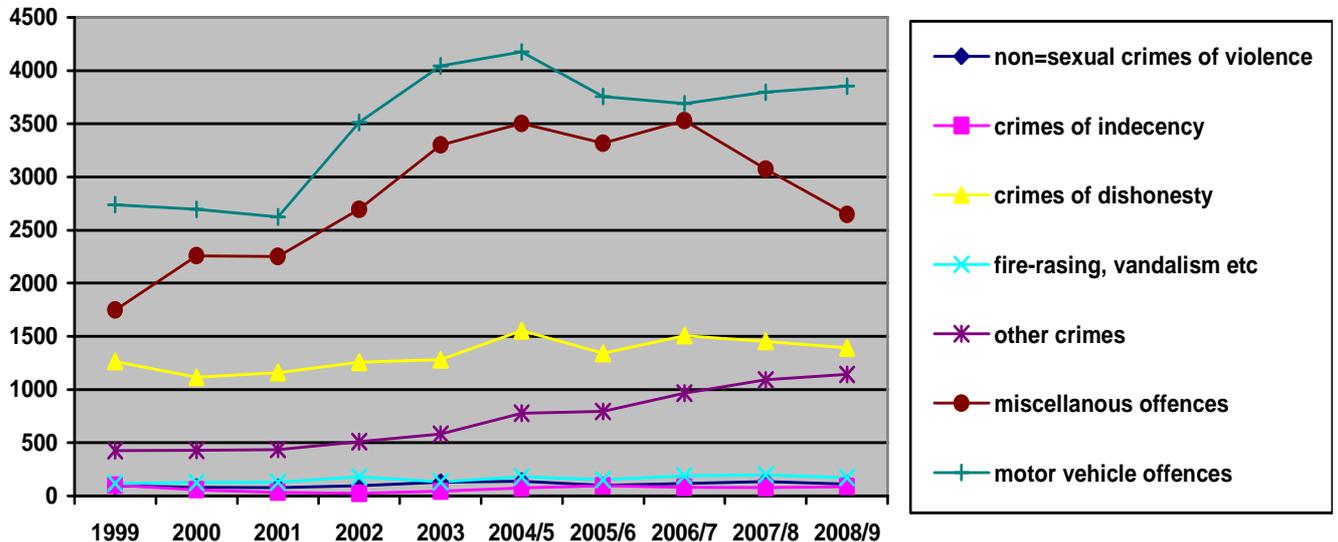


Figure 6.9: Females over 30 with a charge proved by offence category 1999-2008/09



6.8 In summary, there is little evidence overall that female convictions in Scotland have increased significantly. For the most part, increases in numbers of women with a charge proved have been in relation to offences while increase in some types of crimes (crimes against public justice and drugs) have been accompanied by decreases in women’s involvement in other types of crime (dishonesty). Further analysis indicates different patterns and trends by age, with evidence of more women over 30 years of age and fewer under 21 years of age having had a charge proved against them over time.

The sentencing of women

6.9 The preceding analysis suggests that any changes over time in the numbers of women convicted in Scotland are largely attributable to women’s involvement in offences as opposed to crimes. Overall, statistical data indicate that the majority of female offending has typically not been of a serious nature and this remains the case. Here we consider how the sentences imposed by Scottish Courts have changed since 1999. Table 6.4 indicates that for women as a whole there has been a steady increase in the numbers receiving custodial sentences and community sentences and ‘other’ sentences while the numbers receiving a financial penalty have tended to decrease. This is further illustrated in Table 6.5 which indicates how the percentage ‘share’ attributable to each disposal has changed over time and is represented graphically in Figures 6.10 and 6.11.

Table 6.4: Women with a charge proved by main penalty and age, 1999-2008/09

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All women										
Custody	865	769	974	1004	1100	1201	1143	1173	1272	1352
Community sentence	1767	1654	1956	2293	2319	2495	2618	2510	2822	2949
Financial Penalty	10356	9771	9849	11546	13074	13334	12357	12490	12047	10705
Other	3200	3108	3092	3317	3627	3745	3921	4426	4419	4505
Women under 21										
Custody	253	231	237	218	211	191	125	200	182	183
Community sentence	499	486	480	498	478	529	532	633	666	592
Financial Penalty	1527	1363	1318	1437	1549	1494	1507	1572	1569	1202
Other	815	698	711	692	706	695	773	859	888	843
Women 21-30										
Custody	439	379	463	499	542	611	563	590	614	680
Community sentence	768	697	894	1071	987	1042	1126	925	1092	1163
Financial Penalty	3849	3608	3665	4019	4572	4611	4254	4253	4140	3741
Other	1163	1149	1178	1254	1393	1388	1444	1630	1539	1697
Women over 30										
Custody	173	159	274	287	347	399	455	383	476	489
Community sentence	499	471	582	723	854	924	960	952	1064	1194
Financial Penalty	4732	4578	4805	6087	6952	7229	6596	6663	6338	5762
Other	1210	1240	1193	1371	1527	1662	1704	1937	1993	1965

Table 6.5: Women with a charge proved by main penalty and age 1999-2008/09 (percentages)

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All women										
Custody	5	5	6	6	6	6	6	6	6	7
Community sentence	11	11	12	13	12	12	13	12	14	15
Financial Penalty	64	64	62	64	65	64	62	61	59	55
Other	20	20	20	18	18	18	20	21	22	23
Women under 21										
Custody	8	8	9	8	7	7	4	6	6	7
Community sentence	16	18	18	18	16	18	18	19	20	21
Financial Penalty	49	49	48	50	53	51	51	48	48	43
Other	26	25	26	24	24	24	26	26	27	30
Women 21-30										
Custody	7	6	8	7	7	8	8	8	8	9
Community sentence	12	12	14	16	13	14	15	12	15	16
Financial Penalty	62	62	59	59	61	60	58	57	56	51
Other	19	20	19	18	18	18	20	22	21	23
Women over 30										
Custody	3	3	4	3	4	4	5	4	5	5
Community sentence	8	7	8	8	9	9	10	10	11	13
Financial Penalty	72	71	70	72	72	71	68	67	64	61
Other	18	19	17	16	16	16	18	20	20	21

Figure 6.10: Women with a charge proved by main penalty 1999-2008/09

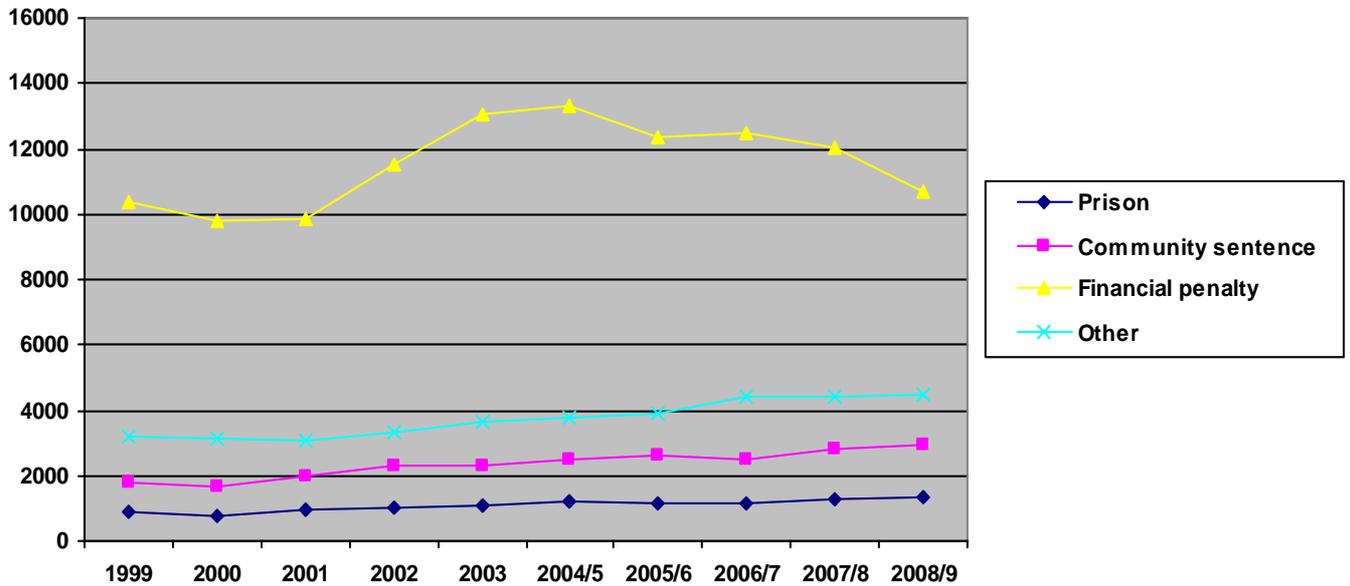
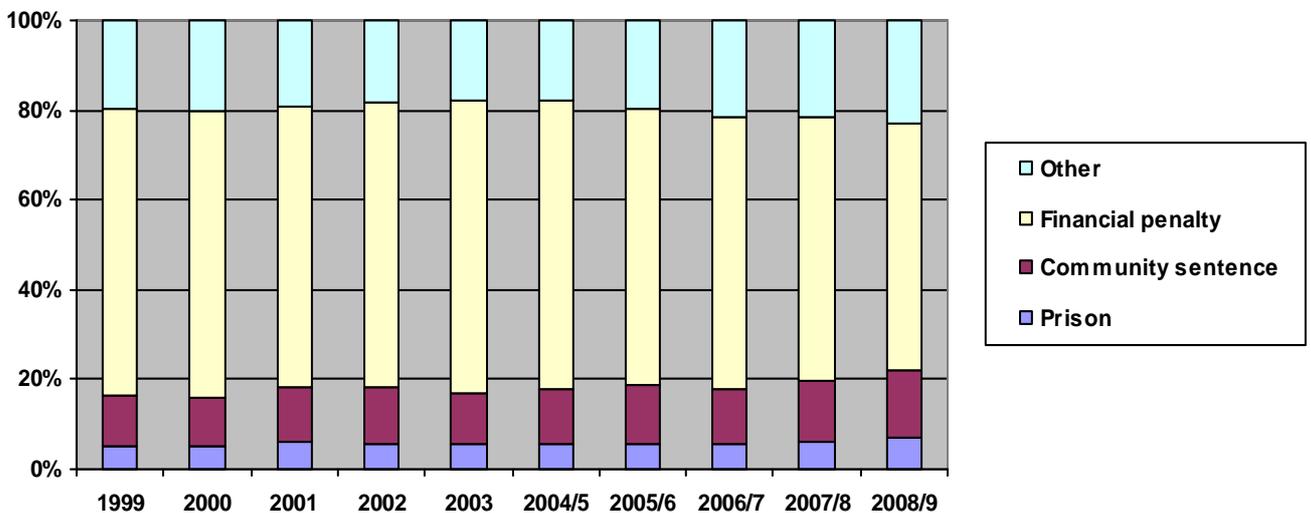


Figure 6.11: Women with a charge proved by main penalty 1999-2008/09 (percentages)



6.10 The number of young women under 21 years of age given custodial sentences annually has decreased since 1999 while the numbers given community sentences and other disposals have increased and the number given financial penalties has fluctuated without showing any clear trend (Figures 6.12 and 6.13).

Figure 6.12: Women under 21 with a charge proved by main penalty 1999-2008/09

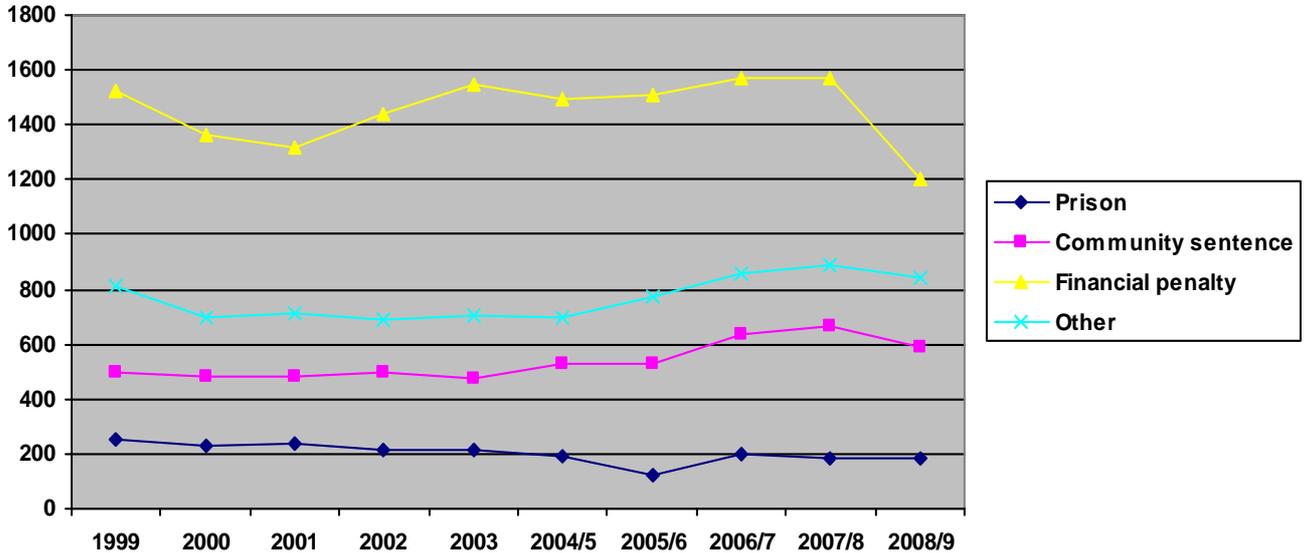
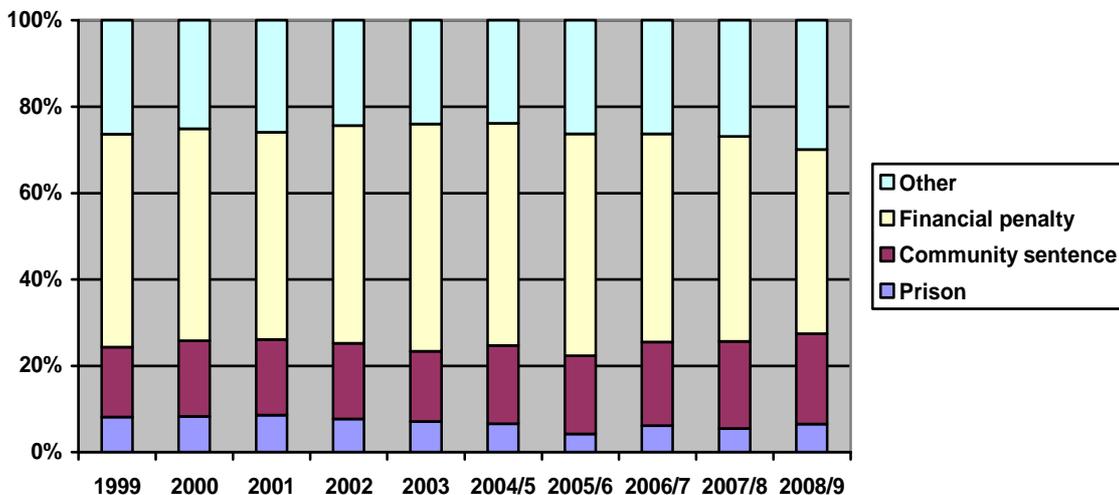


Figure 6.13: Women under 21 with a charge proved by main penalty 1999-2008/09 (percentages)



6.11 Among women aged 21-30 years there has been a numerical increase in prison sentences, community sentences, financial penalties and other sentences (Table 6.4 and Figure 6.14) though the proportionate use of financial penalties decreased between 1999 and 2009 while the proportionate use of imprisonment, community sentences and other sentences increased (Table 6.5 and Figure 6.15). The absolute numbers of women aged 30 years and over who were imprisoned and given community, financial or other penalties likewise increased (Table 6.4 and Figure 6.16), while the proportionate use of fines decreased and the use of imprisonment and community sentences increased proportionately more than for other age groups of women (Table 6.5 and Figure 6.17).

Figure 6.14: Women 21-30 with a charge proved by main penalty 1999-2008/09

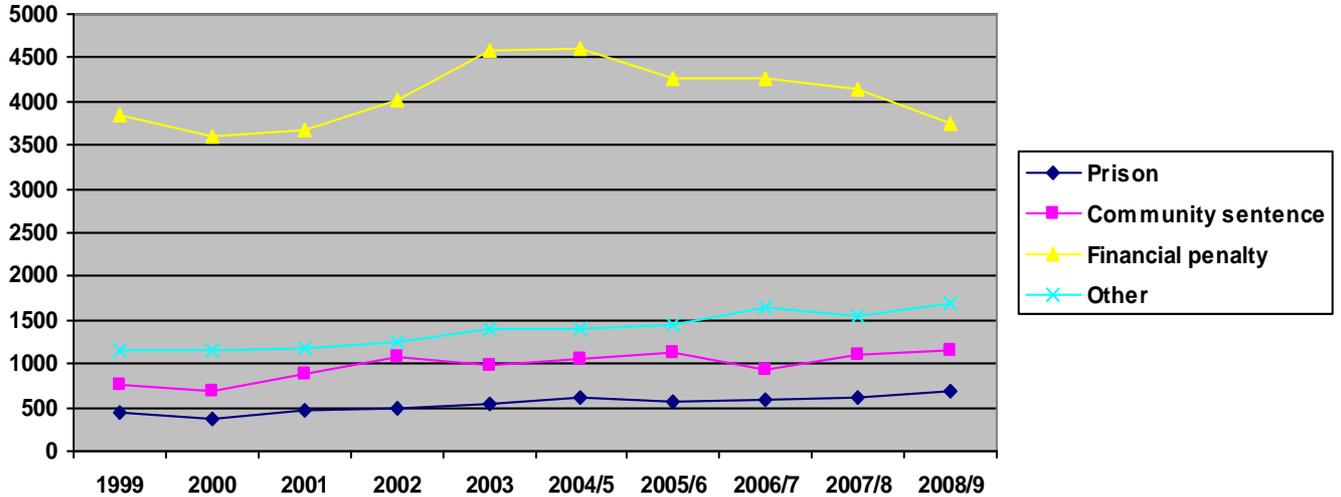


Figure 6.15: Women 21-30 with a charge proved by main penalty 1999-2008/09 (percentages)

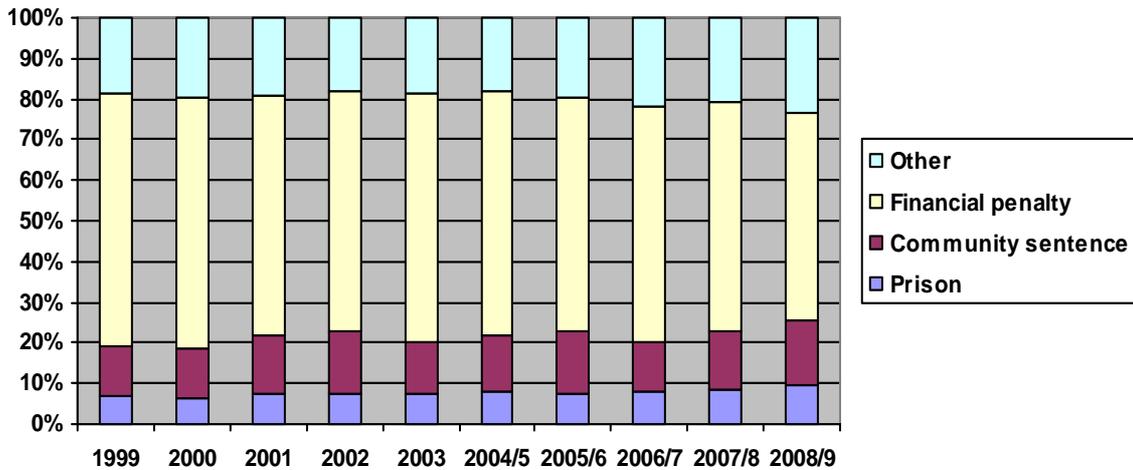


Figure 6.16: Women over 30 with a charge proved by main penalty 1999-2008/09

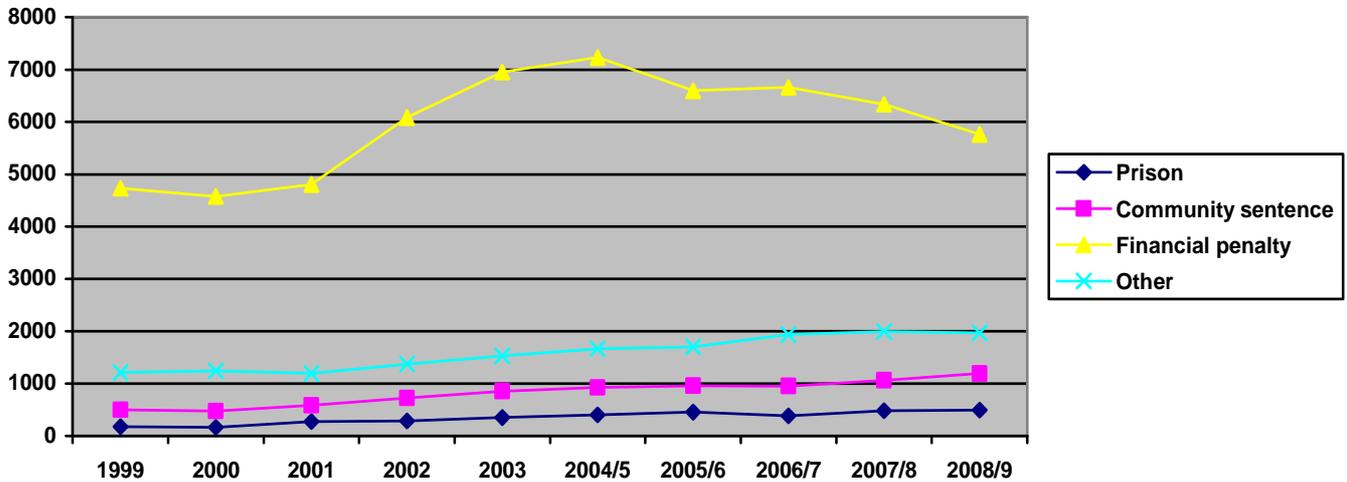
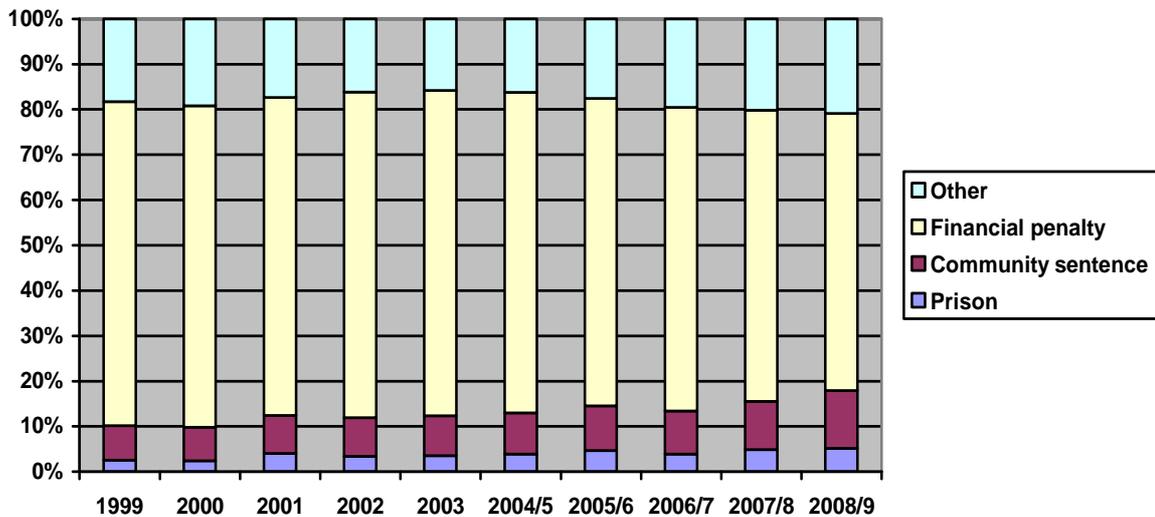


Figure 6.17: Women over 30 with a charge proved by main penalty 1999-2008/09 (percentages)



Sentencing by age and offence type

6.12 It is possible, of course, that changes in the sentencing of women are a result of changes in the types of offences for which women are convicted: that is, women may be receiving more severe sentences because they are committing more serious crimes. To explore this possibility, the relative use of custodial sentences across a range of offence types (those for which custodial sentences are most commonly imposed) was examined to identify any changes that may have occurred over time. Given the differences previously observed in female offending and sentencing by age, these data are presented separately for women under 21 years of age, those aged between 21 and 30 years and those aged 31 years or older.

6.13 As Table 6.6 and Figure 6.18 indicate, among young women under 21 years of age there has been a marked reduction in the numbers imprisoned for shoplifting and other theft and – since 2006-07 in particular – an increase in the numbers imprisoned for crimes against public justice (which includes perjury, contempt of court, bail offences and failing to appear at court). More importantly, however, it can be seen from Table 6.6 and Figure 6.19 that there has been a decrease over time in the percentage of cases involving shoplifting and other theft that result in the imposition of a custodial sentence (suggesting increased leniency on the part of the courts with respect to these types of offence) while the percentage of crimes against public justice that result in a prison sentence has increased since 2006, suggesting that the courts are now dealing more severely with this type of crime.

Table 6.6: Custodial sentences by crime (females under 21 with a charge proved 1999-2009)

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Non-sexual crimes of violence	23	21	12	21	25	17	16	21	26	23
Shoplifting	79	73	103	68	53	48	37	36	14	19
Other theft	36	31	26	28	24	22	3	13	14	4
Crimes against public justice	22	23	15	16	19	14	18	43	41	47
Drugs	12	7	10	5	14	14	5	7	7	8
Common assault	39	25	22	39	32	41	23	41	40	35
Breach of the peace	14	15	14	12	16	16	6	16	20	17

Table 6.7 Custodial sentences as a percentage of all outcomes by crime (females under 21 with a charge proved 1999-2009)

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Non-sexual crimes of violence	35	33	26	31	31	27	30	30	37	31
Shoplifting	14	14	19	14	12	13	11	11	5	8
Other theft	12	13	12	15	13	13	3	10	11	5
Crimes against public justice	12	12	8	11	12	8	11	17	14	16
Drugs	8	8	8	4	13	13	4	6	6	11
Common assault	9	6	5	8	3	7	3	5	5	5
Breach of the peace	3	4	4	4	4	4	1	3	4	4

Figure 6.18: Custodial sentences by crime (females under 21 with a charge proved 1999-2009)

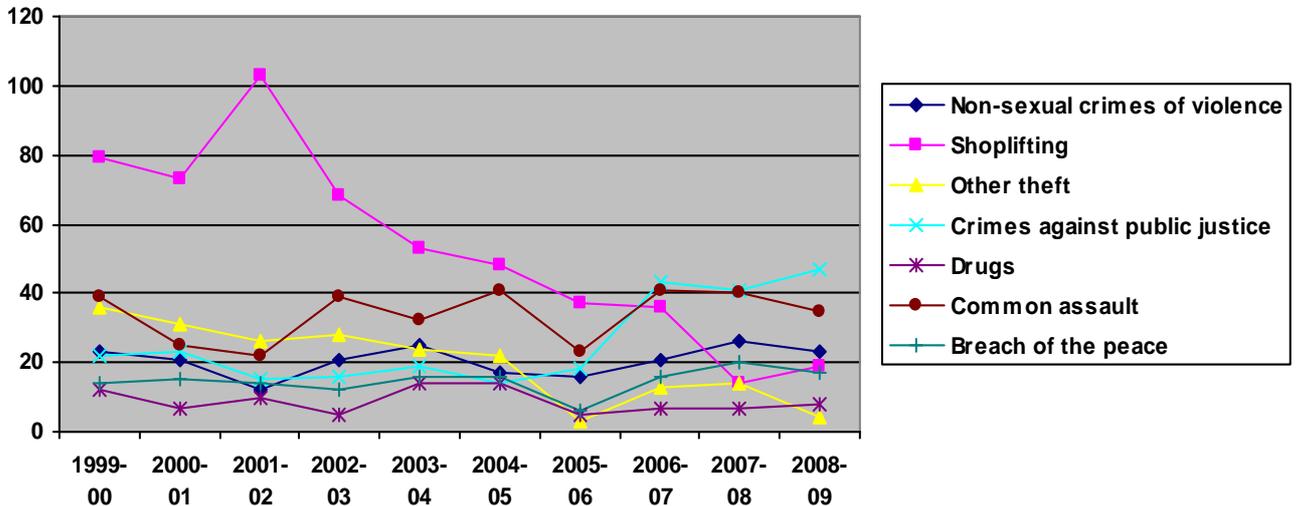
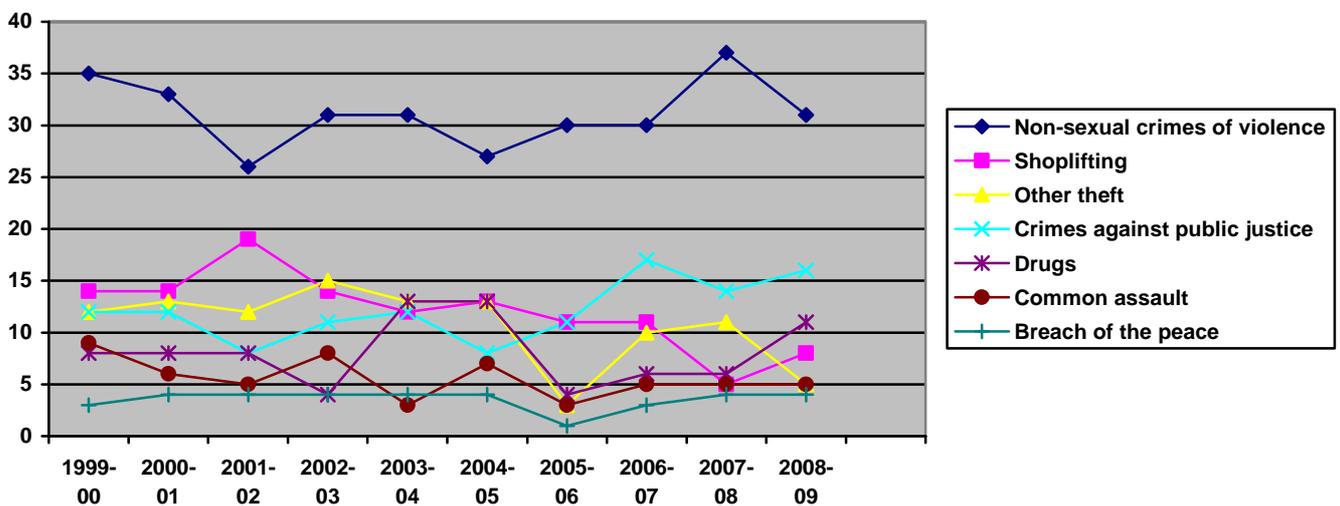


Figure 6.19: Custodial sentences as a percentage of all outcomes by crime (females under 21 with a charge proved 1999-2009)



6.14 Comparable data for women aged between 21 and 30 years are presented in Tables 6.8 and 6.9 and Figures 6.20 and 6.21. Here, however, a different picture emerges, with increasing numbers of women imprisoned for shoplifting, crimes against public justice, drugs, common assault and breach of the peace (Table 6.8 and Figure 6.20). Again, however, of greater interest is the relative use over time of imprisonment for specific categories of offences (Table 6.9 and Figure 6.21). The relative use of imprisonment for shoplifting and other theft has fluctuated but remained relatively stable overall while there has been a steady increase in the percentage of crimes against public justice, drug crimes, common assaults and breaches of the peace

resulting in imprisonment. This suggests that the courts are becoming increasingly punitive towards these offences among this age group.

Table 6.8: Custodial sentences by crime (females 21-30 with a charge proved 1999-2009)

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Non-sexual crimes of violence	24	18	25	28	41	30	27	25	30	41
Shoplifting	164	157	190	217	225	233	218	212	193	205
Other theft	82	55	62	60	56	64	60	46	64	52
Crimes against public justice	24	28	31	35	32	42	38	45	68	79
Drugs	44	31	42	40	47	58	54	72	72	61
Common assault	20	17	30	38	32	48	56	60	57	79
Breach of the peace	18	12	23	23	22	42	35	35	42	58

Table 6.9: Custodial sentences as a percentage of all outcomes by crime (females 21-30 with a charge proved 1999-2009)

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Non-sexual crimes of violence	30	23	27	21	27	24	21	22	20	30
Shoplifting	16	17	17	17	18	20	18	19	17	17
Other theft	17	15	17	17	18	19	18	16	22	18
Crimes against public justice	10	10	9	12	10	13	11	13	17	15
Drugs	11	9	11	10	10	12	11	13	13	13
Common assault	4	4	6	7	5	7	7	8	7	9
Breach of the peace	4	2	4	4	4	7	5	5	6	9

Figure 6.20: Custodial sentences by crime (females 21-30 with a charge proved 1999-2009)

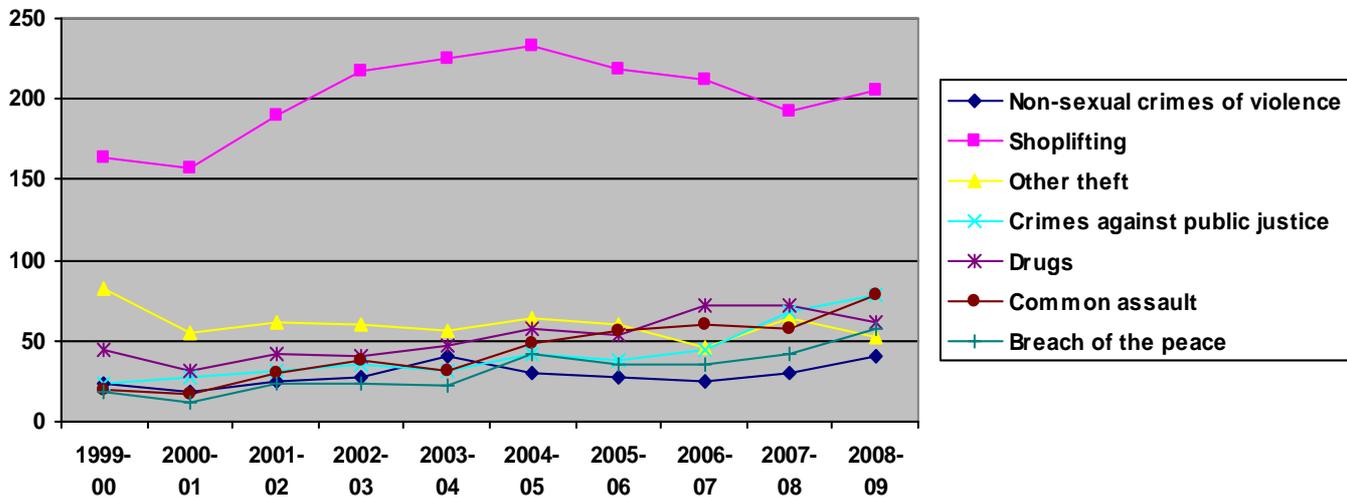
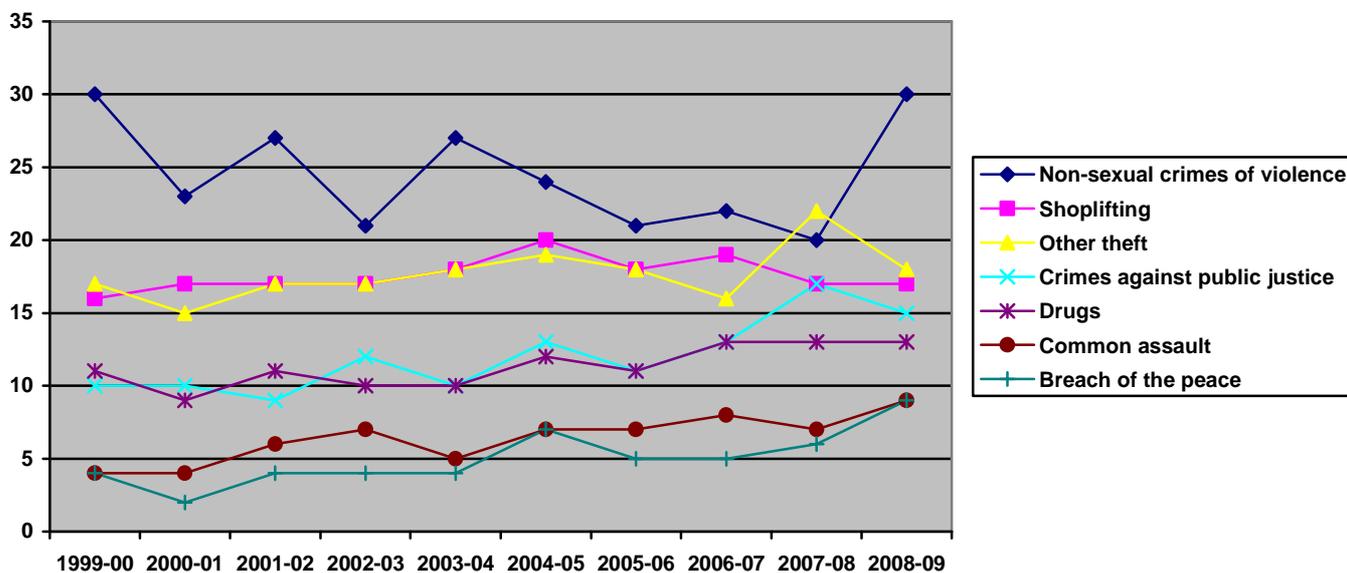


Figure 6.21: Custodial sentences as a percentage of all outcomes by crime (females 21-30 with a charge proved 1999-2009)



6.15 Finally, similar data for women aged over 30 years are presented in Tables 6.10 and 6.11 and in Figures 6.22 and 6.23. Here there have been increases in the numbers of women imprisoned for shoplifting, other theft, crimes against justice, drugs, common assault and breach of the peace (Table 6.10 and Figure 6.22). More significantly, the relative use of custody has increased for each of these categories of crime, suggesting a reduced tolerance among sentencers for these types of offences committed by women in the older age group.

Table 6.10: Custodial sentences by crime (females over 30 with a charge proved 1999-2009)

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Non-sexual crimes of violence	14	15	15	25	24	22	30	21	20	24
Shoplifting	36	42	81	59	86	114	108	82	92	79
Other theft	19	17	26	28	27	29	14	23	34	31
Crimes against public justice	6	6	18	19	29	22	35	25	44	43
Drugs	26	26	40	34	46	69	68	64	105	99
Common assault	12	26	17	36	34	44	60	44	54	60
Breach of the peace	17	10	32	30	41	38	57	47	46	54

Table 6.11: Custodial sentences as a percentage of all outcomes by crime (females over 30 with a charge proved 1999-2009)

	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Non-sexual crimes of violence	16	19	17	24	17	16	28	17	15	21
Shoplifting	6	8	13	9	11	13	14	9	10	10
Other theft	8	8	12	14	14	13	7	10	18	16
Crimes against public justice	4	4	10	9	12	8	12	8	11	10
Drugs	10	11	16	12	12	16	15	11	18	18
Common assault	2	5	3	5	4	5	6	4	5	6
Breach of the peace	2	1	4	4	5	4	6	4	4	5

Figure 6.22: Custodial sentences by crime (females over 30 with a charge proved 1999-2009)

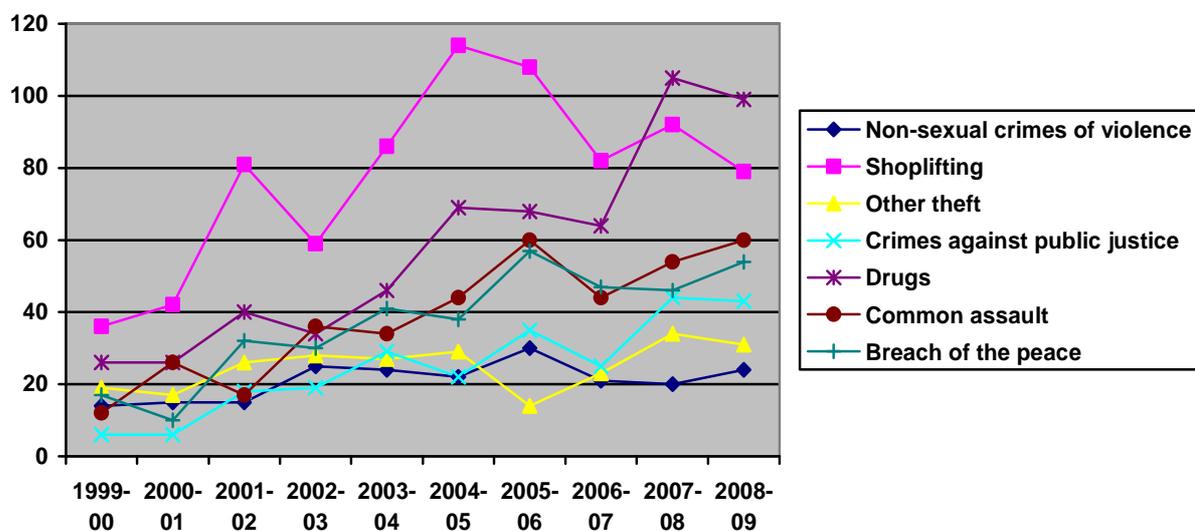
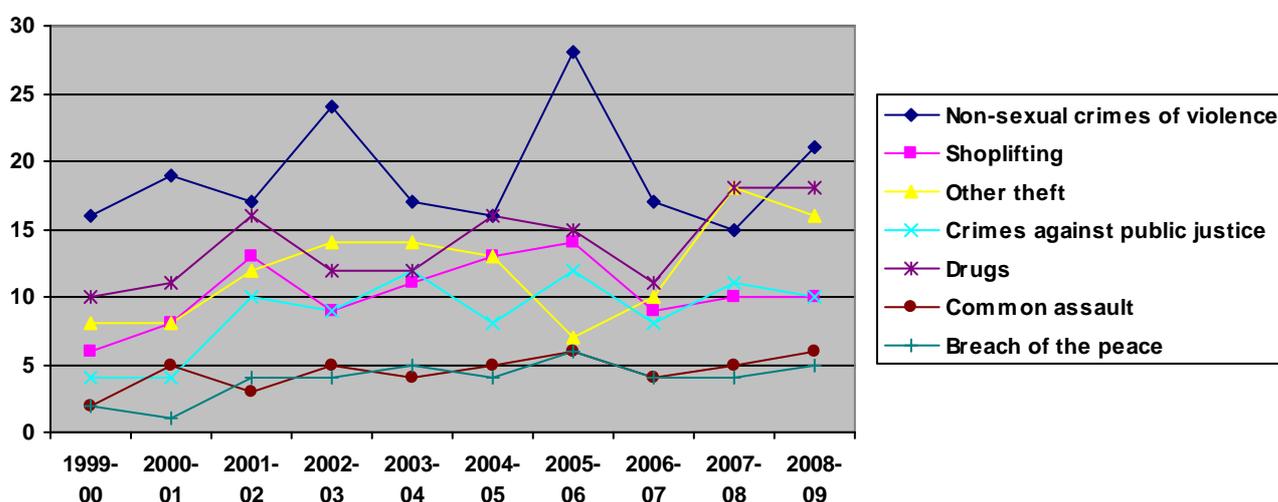


Figure 6.23: Custodial sentences as a percentage of all outcomes by crime (females over 30 with a charge proved 1999-2009)



Conclusions

- 6.16 Although there has been a slight increase in the number of women convicted in Scottish courts, with this increase attributable primarily to an increase in convictions for offences as opposed to crimes, the prevalence of female convictions has remained relatively stable. While the numbers of women convicted of offences has increased slightly across all age groups, convictions for crimes have decreased among young women (under 21 years of age) and increased for older women (over 30 years of age).
- 6.17 The pattern of female convictions has changed, with increases in miscellaneous and motor vehicle offences and in 'other' crimes and a decrease in crimes of dishonesty. While the increase in convictions for miscellaneous offences between 1999 and 2006/7 is found across all age groups, the decrease in convictions for crimes of dishonesty is largely confined to young women under 21 years of age. The increase in convictions for other crimes is most marked among women over 30 years of age and the increase in convictions for motor vehicle offences – including drunk/drug driving - is largely confined to this age group.
- 6.18 The numbers and proportions of women imprisoned and given community sentences have increased over time while the proportion given financial penalties has decreased. However, there has been a reduction in the use of imprisonment for young women under 21 years of age while the proportionate increase in imprisonment has been greatest among women over 30 years of age.
- 6.19 Further analysis of sentencing by age and offence type suggests that courts have become less likely to imprison young women under 21 years of age who are convicted

of property offences but more likely to imprison those convicted of crimes against public justice. Among women aged 21 years and older, the courts have become more likely to impose custodial sentences for crimes against public justice, drug crimes and public order offences (common assaults and breaches of the peace). In addition, custodial sentences are increasingly likely to be imposed upon women over 30 years of age who have been convicted of shoplifting and other theft.

- 6.20 Taken together, these data suggest that the courts are becoming increasingly punitive in their response to crimes against public justice, regardless of the age of the offender (and this concern to ensure that justice is done may also partly explain the marked growth in the use of custodial remands that are indentified in the following section). Otherwise, there is little evidence that the courts are becoming more punitive towards young women (and, in the case of shoplifting and other theft there is evidence of increased leniency), but clear evidence that the sentencing of older women is becoming increasingly punitive across a wider range of offences. It is not clear from the existing data why this should be the case, though one possibility is that there has been an increase in the number of women sentenced who are repeat offenders whose previous convictions are resulting in them being dealt with more severely by the courts.

7. FEMALE PRISONERS

Average daily female population

7.1 Further data on the imprisonment of women were obtained from the published prison statistics, with some data aggregated across separate annual publications over a period of ten years. As Table 7.1 indicates, there has been a steady increase in the average daily female prison population since 1999, with the average numbers of female remand prisoners (both untried and convicted awaiting sentence) and adult sentenced female prisoners rising steadily. The number of young offenders in the female prison population has, by contrast, remained essentially unchanged (see also Figures 7.1 and 7.2).

Table 7.1: Average daily female population in penal establishments by type of custody 1999-2009

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	2008-9
Remanded	54	45	63	82	87	84	83	101	117	133
Untried	40	31	44	57	59	56	56	72	74	85
Convicted	14	14	19	26	29	29	27	29	42	49
Sentenced	156	161	194	200	227	248	251	251	254	280
Young offenders*	27	28	24	20	23	30	24	30	24	25
Adult offenders*	123	124	161	173	197	212	220	214	222	247
Fine defaulters	3	5	4	5	5	4	4	3	2	1
Other**	3	4	5	2	1	2	2	4	7	7
Total	210	207	257	282	314	332	334	353	371	413

*under direct sentence

**includes recalls from supervision/licence

Figure 7.1: Average daily female remand population 1999-2009

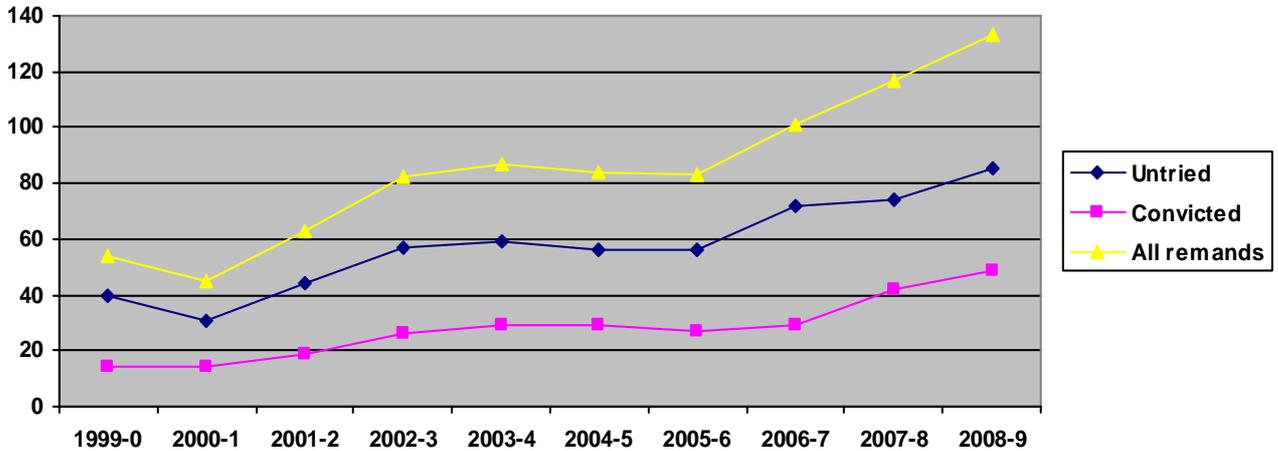
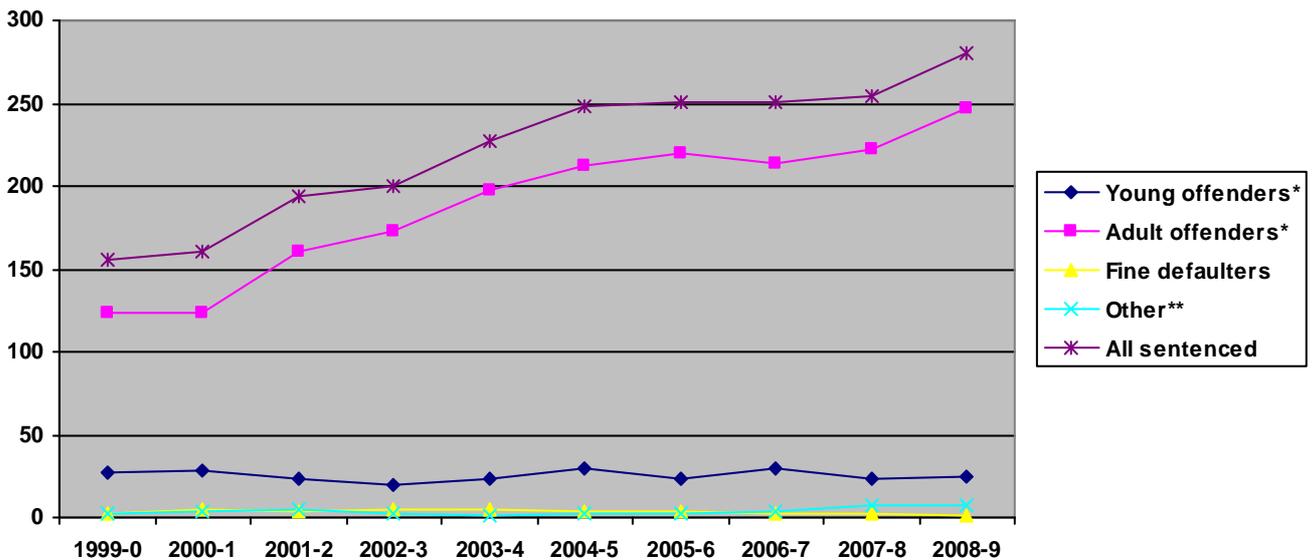


Figure 7.2: Average daily female sentenced population 1999-2009



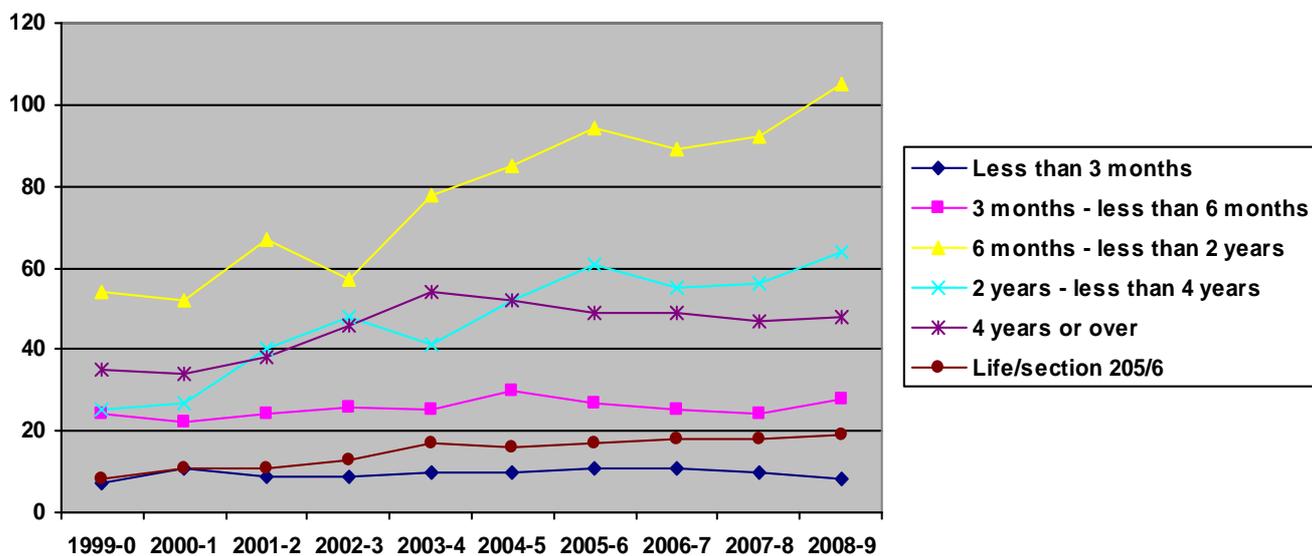
7.2 The expansion of the female sentenced population has not been uniformly distributed across different sentence lengths. As Table 7.2 and Figure 7.3 show, the greatest increase has been in the numbers of women sentenced to between six months and up to two years followed by those serving sentences of between two and up to four years. These data suggest that not only are there more women in custody, but that those who are there are, on average, serving longer sentences. However, an increase in the sentence lengths will also in itself contribute to an increase in the average daily population because women thus sentenced will remain in custody for longer periods of time. It is therefore instructive to consider also the numbers of receptions into custody to obtain a clearer insight into sentencing trends.

Table 7.2: Average daily population of female sentenced offenders by length of sentence 1999-2009

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	2008-9
Less than 3 months*	7	11	9	9	10	10	11	11	10	8
3 months – less than 6 months	24	22	24	26	25	30	27	25	24	28
6 months – less than 2 years	54	52	67	57	78	85	94	89	92	105
2 years – less than 4 years	25	27	40	48	41	52	61	55	56	64
4 years or over	35	34	38	46	54	52	49	49	47	48
Life/section 205/6	8	11	11	13	17	16	17	18	18	19

*Includes fine default

Figure 7.3: Average daily population of female sentenced offenders by length of sentence 1999-2009



Female Receptions

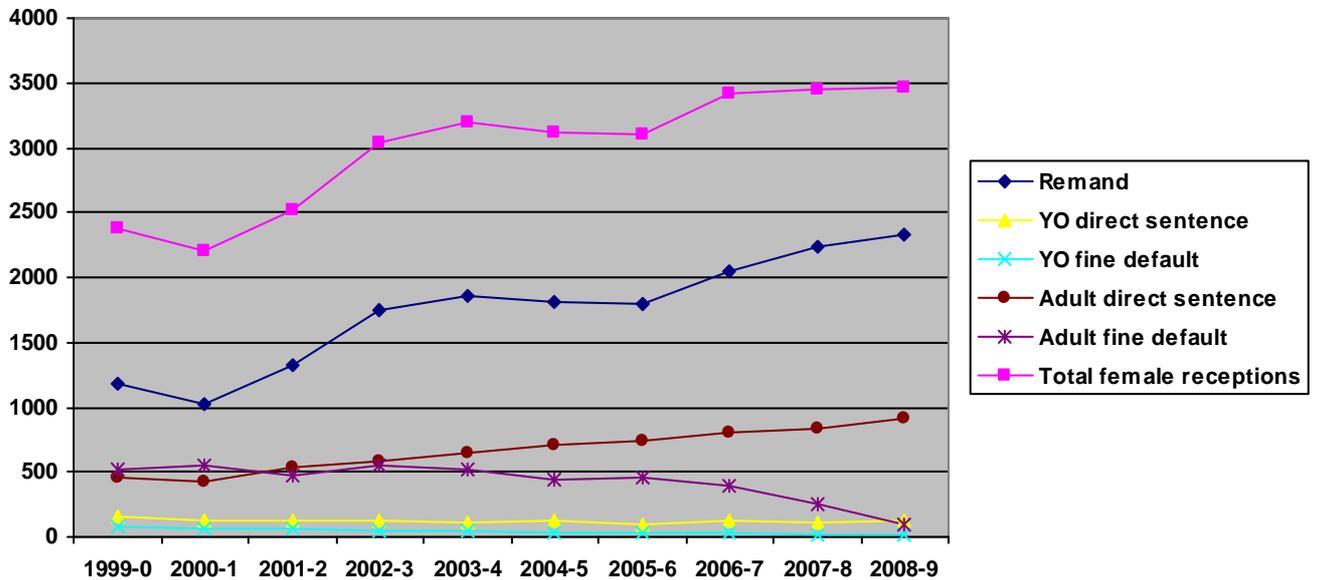
7.3 The annual number of female receptions into prison has grown steadily since 1999 and reached a peak in 2008-9. The growth is attributable to an increased number of female custodial remands (as has also been witnessed in a number of other jurisdictions) and an increase in the number of adult women received into prison under direct sentence, both of which have doubled since 1999 (Table 7.3 and Figure 7.4). By contrast, there has been a decrease in the numbers of young offenders received under direct sentence and in the number of young and adult women given custodial sentences for fine default. The latter would appear attributable to the introduction in 2007 of mandatory supervised attendance orders as an alternative to imprisonment for default on a level 1 or 2 fine (up to £500). It is anticipated that the overall number of female prison receptions in 2008-09 would have been even higher in the absence of this new legislated provision.

Table 7.3: Female receptions to penal establishments by type of custody 1999-2009*

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	2008-9
Remand	1176	1020	1323	1743	1852	1807	1797	2052	2235	2338
YO direct sentence	155	133	127	122	116	121	88	130	113	119
YO fine default	72	70	57	49	51	30	26	24	18	9
Adult direct sentence	458	430	536	581	648	714	744	800	829	906
Adult fine default	521	547	478	552	525	442	453	398	246	89
Total female receptions	2382	2200	2521	3047	3192	3114	3108	3424	3441	3461

*excludes unruly certificate, recalls from supervision/licence, civil prisoners and remand in legalised police cells

Figure 7.4: Female receptions to penal establishments by type of custody 1999-2009



7.4 As we can see from Tables 7.4 and 7.5 (and Figure 7.5), changes in the number of direct sentenced female receptions vary by age. There has been an overall decline in receptions of young women under 21 years of age received into custody under direct sentence, while the greatest proportionate increases have been among older women. Thus, between 1999 and 2008-9 the number of receptions of women aged between 21 and 30 years increased by 54 per cent while the numbers of receptions of those aged 31-40, 41-50 and 51 and over increased by 167 per cent, 242 per cent and 312 per cent¹⁵ respectively. The change in the age profile of female receptions is illustrated clearly in Table 7.5 which indicates that the proportion of young women among female receptions under direct sentence has decreased from 25 per cent in 1999 to 12 per cent in 2008-9. Over the same period the proportion of receptions involving women aged over 40 years has increased from 6 to 13 per cent.

¹⁵ Although it is recognised that this percentage is based on very low numbers, it is nonetheless consistent with an emerging pattern in which the growth in female imprisonment can be attributed in the main to the imprisonment of older women.

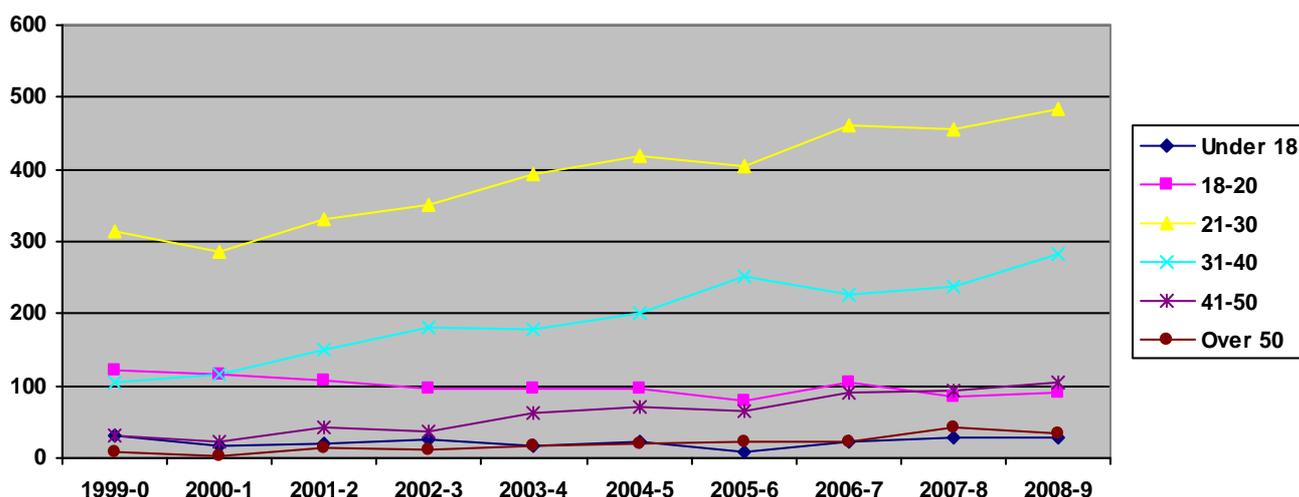
Table 7.4: Female direct sentenced receptions by age 1999-2009

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	2008-9
Under 18	32	18	20	26	18	24	9	24	28	29
18-20	123	115	107	96	97	97	78	106	85	90
21-30	313	285	331	352	392	420	406	460	457	484
31-40	106	117	150	181	177	202	251	226	237	283
41-50	31	24	42	36	61	72	65	90	92	106
Over 50	8	4	13	12	18	20	22	24	43	33
Total	613	563	663	703	764	835	832	930	942	1025

Table 7.5: Female direct sentenced receptions by age 1999-2009 (percentages)

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	2008-9
Under 18	5	3	3	4	2	3	1	3	3	3
18-20	20	20	16	14	13	12	9	11	9	9
21-30	51	51	50	50	51	50	49	50	48	47
31-40	17	21	23	26	23	24	30	24	25	28
41-50	5	4	6	5	8	9	8	10	10	10
Over 50	1	1	2	2	2	2	3	3	5	3

Figure 7.5: Female direct sentenced receptions by age 1999-2009



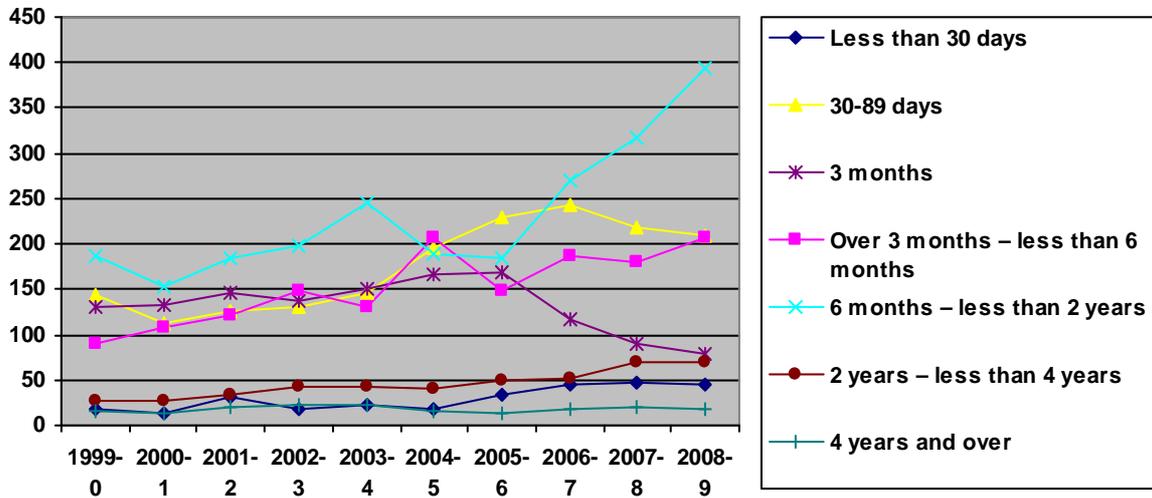
7.5 As well as the number of sentenced female receptions having increased, there has been a steady increase in the average length of custodial sentences imposed (from 228 days in 1999 to 271 in 2008-09). Since 2006-7 there has been a sharp decline in the annual number of three month sentences imposed accompanied by an increase in the numbers of sentences up to three months (Table 7.6 and Figure 7.6). The greatest proportionate growth, however, has been in sentences of over three months and up

to four years, with the most dramatic growth numerically having occurred in the numbers of women received into prison for sentences of between six months and two years (where the number of receptions increased from 187 to 394 or by 111 per cent between 1999 and 2008-9).

Table 7.6: Female direct sentenced receptions by length of sentence 1999-2009

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	2008-9
Less than 30 days	17	13	31	19	22	18	34	45	47	44
30-89 days	143	113	125	130	146	196	230	243	219	210
3 months	131	132	146	137	151	166	168	117	89	79
Over 3 months – less than 6 months	89	107	122	148	130	208	148	186	180	208
6 months – less than 2 years	187	154	184	199	245	189	184	270	317	394
2 years – less than 4 years	26	27	34	42	42	41	50	51	69	69
4 years and over	15	14	21	23	23	16	14	17	21	17
Life/section 205	5	3	-	5	5	1	4	1	-	4
Total	613	563	663	703	764	835	832	930	942	1025
Average sentence (days)	228	236	245	260	266	210	217	235	274	271

Figure 7.6: Female direct sentenced receptions by length of sentence 1999-2009



7.6 Tables 7.7 and 7.8 provide details of the sentence lengths imposed upon young women and women convicted of different categories of crime. Although we have witnessed an increase overall in the average length of custodial sentence imposed on women, any consistent trends in sentencing in respect of particular categories of crimes or offences are more difficult to detect (Figure 7.7) because in many cases average sentence lengths are based on a relatively low number of cases. From these data it is therefore difficult to tell whether the apparent increase in sentence severity that has been witnessed in Scotland reflects or is independent of changes in the nature of female crime. However, the changes in sentencing patterns identified in Part 5 of this report did point quite clearly to the increasing use of custodial sentences for particular types of crime.

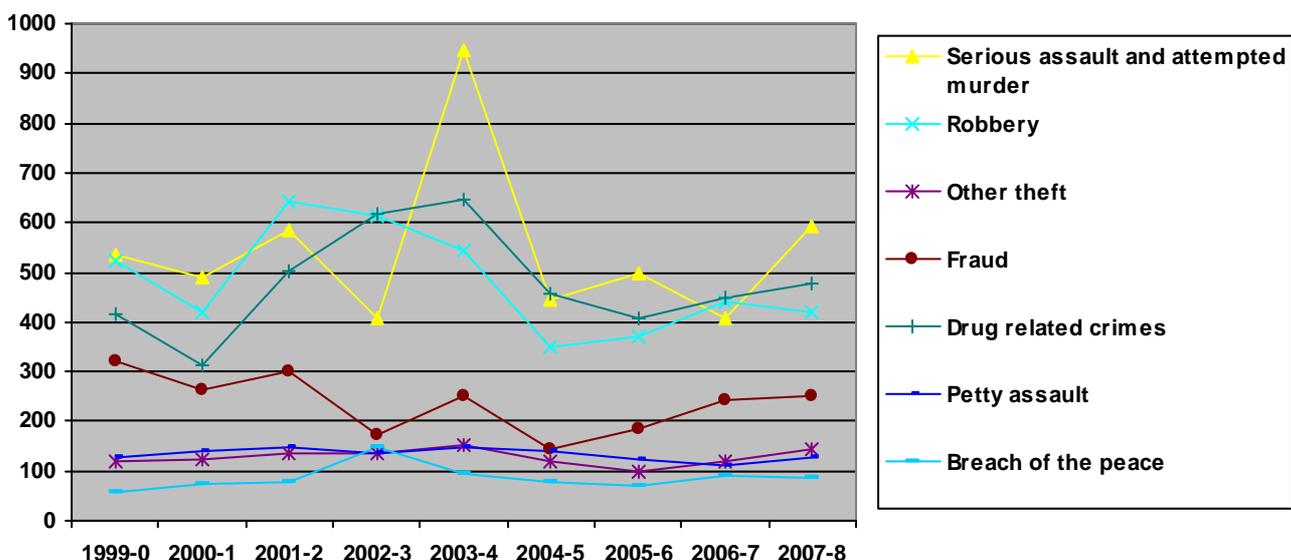
Table 7.7: Young offender direct sentence receptions by average length of sentence imposed (in days) for main offence 1999-2008

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	Average
Serious assault and attempted murder	213	622	584	584	451	411	652	414	312	471
Robbery	402	339	271	330	413	215	775	405	286	382
Other theft	137	169	156	114	158	100	93	167	149	138
Fraud	122	122	76	63	-	60	91	101	152	98
Drug related crimes	491	394	791	117	391	169	124	263	261	333
Petty assault	129	142	154	235	197	111	133	158	153	157
Breach of the peace	73	152	-	-	50	69	91	78	111	89

Table 7.8: Adult direct sentence receptions by average length of sentence imposed (in days) for main offence 1999-2008

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	Average
Serious assault and attempted murder	533	491	586	408	948	443	497	407	591	545
Robbery	524	421	641	615	545	351	372	441	420	481
Other theft	121	125	134	136	154	119	98	121	145	128
Fraud	322	263	299	173	250	146	187	244	249	237
Drug related crimes	417	311	503	618	645	456	407	448	477	476
Petty assault	128	138	150	137	147	139	123	113	126	133
Breach of the peace	58	74	77	147	95	77	72	90	85	86

Figure 7.7: Adult direct sentence receptions by average length of sentence imposed (in days) for main offence 1999-2008



Sentenced prisoners by offence type

7.7 There has been an increase since 1999 in the number of female prisoners who have been sentenced for non-sexual crimes of violence, drug related crimes and miscellaneous offences (principally common assault and breach of the peace). Since 2004-5 there has, however, been a reduction in the numbers of women in prison sentenced for crimes of dishonesty (Table 7.9 and Figure 7.8). Proportionately fewer women are in prison as a result of having been convicted of offences of dishonesty while proportionately more have been imprisoned for non-sexual crimes of violence, 'other' crimes (principally drug crimes) and miscellaneous offences (Figure 7.9). This is broadly consistent with changes over time we have previously identified in the types of offences for which women have received a custodial sentence Scottish Courts.

Figure 7.8: Female sentenced prisoners in custody by main crime/offence 1999-2009

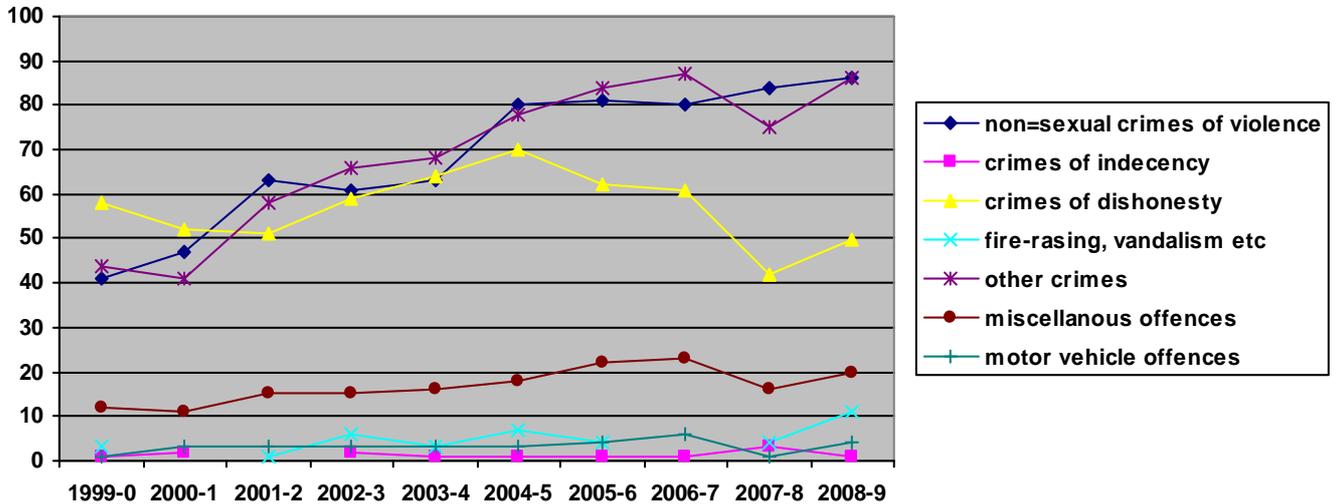


Figure 7.9: Female sentenced prisoners in custody by main crime/offence 1999-2009 (percentages)

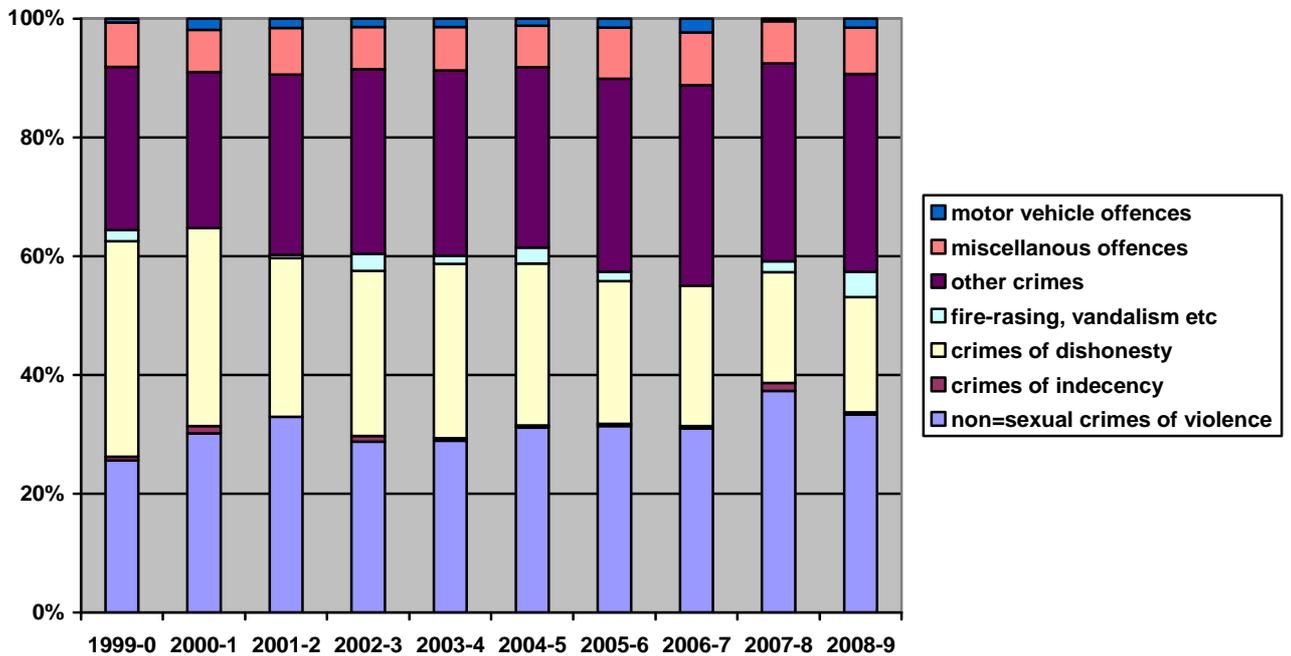


Table 7.9: Female sentenced prisoners in custody by main crime/offence 1999-2009*

	1999-0	2000-1	2001-2	2002-3	2003-4	2004-5	2005-6	2006-7	2007-8	2008-9
All crimes	147	142	173	194	199	236	232	231	208	234
Non-sexual crimes of violence	41	47	63	61	63	80	81	80	84	86
Homicide	13	20	20	21	24	22	27	29	33	29
Serious assault & attempted murder	22	13	27	20	23	30	37	41	29	41
Robbery	6	13	15	19	15	25	15	8	18	13
Other	-	1	1	1	1	3	2	2	4	3
Crimes of indecency	1	2	-	2	1	1	1	1	3	1
Rape & attempted rape	n/a	n/a	-	-	-	-	-	-	2	1
Indecent assault	-	-	-	-	-	-	-	-	-	-
Lewd & indecent behaviour	-	-	-	1	-	-	1	1	1	-
Other	1	2	-	1	1	1	-	-	-	-
Crimes of dishonesty	58	52	51	59	64	70	62	61	42	50
Housebreaking	2	4	10	2	5	5	5	7	3	3
Theft OLP	-	-	1	-	-	3	1	3	1	1
Theft MV	-	-	-	-	-	-	-	-	-	-
Other theft	48	37	30	45	50	49	44	48	31	34
Fraud	8	9	4	3	3	4	7	5	5	6
Other	3	2	6	9	6	9	5	8	4	6
Fire-raising, vandalism etc.	3	-	1	6	3	7	4	-	4	11
Fire-raising	1	-	1	3	3	2	2	-	1	4
Vandalism etc	2	-	-	3	-	5	2	-	3	7
Other crimes	44	41	58	66	68	78	84	87	75	86
Crimes against public justice	2	2	5	3	6	3	9	6	3	7
Handling an offensive weapon	1	3	2	1	1	2	5	2	5	7
Drugs	41	35	50	62	61	73	70	79	64	69
Other	-	1	1	-	-	-	-	-	3	3
All offences	13	14	18	18	19	21	26	29	17	24
Miscellaneous offences	12	11	15	15	16	18	22	23	16	20
Common assault	5	6	5	11	11	10	10	11	8	13
BOP	3	4	3	1	5	6	9	7	4	7
Drunkenness	-	-	-	-	-	-	-	-	-	-
Breach of social work orders	n/a	n/a	n/a	n/a	n/a	n/a	1	3	2	-
Other	4	1	7	3	-	2	2	2	2	-
Motor vehicle offences	1	3	3	3	3	3	4	6	1	4
Dangerous and careless driving	-	-	1	-	-	-	-	1	-	-
Drink/drug driving	-	1	-	1	2	-	-	-	-	-
Speeding	-	-	-	-	-	-	-	-	-	-
Unlawful use of vehicle	1	2	2	2	1	3	4	5	1	3
Vehicle defect offences	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	1
All crimes and offences	160	156	191	212	218	257	258	260	225	258

*excludes cases with unknown or other jurisdiction charges

Conclusions

- 7.8 There has been a steady rise in the average daily sentenced and remand female prison population since 1999 and an increase in sentence length among sentenced prisoners attributable largely to an increase in sentences of between six months and up to two years.
- 7.9 The number of women received into prison on remand has doubled since 1999 as has the number of adult women (aged 21 years and over) received under direct sentence. Over the same period the number of women received into custody for fine default and the number of young women under 21 years of age received under direct sentence have decreased. Numerically, the greatest increase in direct sentence receptions has been among women aged 21- 30 years of age, however the proportionate increase has been greatest among older women.
- 7.10 There has been an increase in the proportions of serving female prisoners who have sentenced for non-sexual crimes of violence and drug crimes while the proportion of serving prisoners who have been sentenced for crimes of dishonesty has decreased. The average length of sentences imposed on women received under direct sentence has increased. Receptions for sentences of three months have decreased sharply while there has been a large increase in sentences of between 6 months and up to two years. This suggests that, overall, more women are being imprisoned for longer periods of time.

8. CONCLUSIONS

- 8.1 As in other western jurisdictions, Scotland has witnessed an unprecedented increase in female imprisonment in the last 15-20 years. There has been a steady rise in the average daily sentenced and remand female prison population since 1999 and an increase in sentence length among sentenced prisoners attributable largely to an increase in sentences of between 6 months and up to two years. The number of women received into prison on remand has doubled since 1999 as has the number of adult women (aged 21 years and over) received under direct sentence. Over the same period the number of women received into custody for fine default and the number of young women under 21 years of age received under direct sentence have decreased. Numerically, the greatest increase in direct sentence receptions has been among women aged 21- 30 years of age, however the proportionate increase has been greatest among older women.
- 8.2 There has been an increase in the proportions of serving female prisoners who have sentenced for non-sexual crimes of violence and drug crimes while the proportion of serving prisoners who have been sentence for crimes of dishonesty has decreased. The average length of sentences imposed on women received under direct sentence has increased. Receptions for sentences of three months have decreased sharply while there has been a large increase in sentences of between 6 months and up to two years. This suggests that, overall, more women are being imprisoned for longer periods of time.
- 8.3 However, data provided by the police showed no evidence of an increase in the amount of detected crime committed by women since 1999, and there was no evidence of an overall increase in the numbers of women reported to the COPFS since 2002, though steady decreases in the numbers of young women (under 21 years of age) reported were accompanied by increases in the number of older women (over 40 years of age) reported. Overall, there has been a decrease in the numbers and percentages of reports on women marked for prosecution in court – and an increased use of direct measures - suggesting that the continuing growth in female imprisonment in Scotland cannot be attributed to an increase in female prosecutions.
- 8.4 There was no evidence from the police data that the seriousness of women’s crime has increased, though there were some changes in the pattern of offences attributable to women, with increases in minor assaults and breaches of the peace and decreases in property crimes and motoring offences. If anything, therefore, it would appear from the police data that an increasing proportion of female crime is attributable to women’s involvement in relatively minor miscellaneous offences.

- 8.5 This is reflected in sentencing data which indicated that there has been a slight increase in the number of women convicted in Scottish courts, with this increase attributable primarily to an increase in convictions for offences as opposed to crimes. The numbers of women convicted of offences has increased slightly across all age groups, while convictions for crimes have decreased among young women (under 21 years of age) and increased among older women (over 30 years of age). There was an increase in convictions for miscellaneous offences between 1999 and 2006/7 across all age groups, while a decrease in convictions for crimes of dishonesty was largely confined to young women under 21 years of age. An increase in convictions for other crimes – crimes against public justice and drug crimes - was most marked among women over 30 years of age and an increase in convictions for motor vehicle offences – including drunk/drug driving - was largely confined to this age group. The changing pattern of female convictions clearly warrants explanation, though it is only possible to speculate as to the underlying reasons. It would, however, be consistent with an increase in alcohol related offending among women of all ages and an increase in drug-related offending among older women, offset by reductions in economically-motivated property crime. There is also evidence from other jurisdictions, however, that apparent increases in minor violent offences among women may reflect changes in policing more than changes in women’s behaviour per se. For example, changes in the Scottish Crime Recording Standard may have resulted in more incidents involving women – including domestic incidents in which both partners are implicated or ‘fights’ involving women - being recorded as crimes.
- 8.6 The numbers and proportions of women imprisoned and given community sentences have increased over time while the proportion given financial penalties has decreased. There has been a reduction in the use of imprisonment for young women under 21 years of age while the proportionate increase in imprisonment has been greatest among women over 30 years of age. Further analysis of sentencing by age and offence type suggests that courts have become less likely to imprison young women under 21 years of age who are convicted of property offences but more likely to imprison those convicted of crimes against public justice. Among women aged 21 years and older, the courts have become more likely to impose custodial sentences for crimes against public justice, drug crimes and public order offences (common assaults and breaches of the peace). In addition, custodial sentences are increasingly likely to be imposed upon women over 30 years of age who have been convicted of shoplifting and other theft.
- 8.7 Taken together, these data suggest that the growth in female imprisonment is primarily a result of sentencers’ increasing tendency to impose custodial sentences for specific categories of crime. More specifically, courts are becoming increasingly punitive in their response to crimes against public justice, regardless of the age of the offender (and this concern to ensure that justice is done may also partly explain the marked growth in the use of custodial remands). Otherwise, there is little evidence that the courts are becoming more punitive towards young women (and, in the case

of shoplifting and other theft there is evidence of increased leniency), but clear evidence that the sentencing of older women is becoming increasingly punitive across a wider range of offences.

- 8.8 The reason for the increase in punitiveness towards women (which, published data suggest has also occurred, though to a lesser degree, in respect of men) is not immediately obvious. One possibility is that there has been an increase in the number of women sentenced who are repeat offenders and whose previous convictions are resulting in them being dealt with more severely by the courts. Further research might usefully focus on whether there have, indeed been changes in criminal histories of women appearing before the courts which might account, at least in part, for this 'punitive turn'.
- 8.9 In a recent analysis of Scottish sentencer decision-making in border-line custody cases (that is, cases that might result in either a prison or community sentence), Tombs and Jagger (2006) found that sentencers in general had little doubt about the ineffectiveness of imprisonment, particularly for women. However, some believed that prisons could provide offenders with rehabilitative services that they would not be able to access in the community. Like Sharpe, (2010) they attribute the growing use of imprisonment to the inability of other services and structures to address deeply rooted social deprivation, with the result that prison is invoked as a response to entrenched social problems.

Policy Implications

- 8.10 Although in many jurisdictions, including Scotland, women are now serving longer prison sentences, most women tend to be in custody for relatively short periods of time with limited opportunities to receive constructive help and with the resultant likelihood that their circumstances will be even more disadvantaged when they are released. This highlights the potential for greater use to be made of non custodial sanctions and measures. As the Council of Europe (2008) has concluded:

"A large number of imprisoned women do not need to be in prison at all. Most are charged with minor and non-violent offences and do not pose a risk to the public. Many are imprisoned due to their poverty and inability to pay fines. A large proportion need treatment for mental disabilities or substance addiction, rather than isolation from society. Many are victims themselves but are imprisoned due to discriminatory legislation and practice. Community sanctions and measures would almost certainly serve the social reintegration requirements of these women better than imprisonment...Yet it is evident that the use made of the possible alternatives to custodial sentences is far more limited than it needs to be; there is significant potential for change on the approach of policy makers and justice systems" (paras. 60-61).

- 8.11 However, it is also recognised that in Scotland an increase in the use of community sentences has accompanied the growth in the female prison population, suggesting that community penalties may often be diverting women from less intrusive penalties such as fines. Moreover, there is also evidence that women may, for a number of reasons including care of children and other dependents, struggle to comply with the requirements of community sanctions: for example, women are slightly more likely than men to have their probation orders breached as a result of non-compliance (while men's orders are more likely than women's to be revoked as a result of a further offence) and women are also more likely to breach a DTTO than men (Scottish Government, 2010b). This suggests that enforcement policies and practices need to take account of women's circumstances to avoid further increases in the female prison population occurring 'by the back door'. Moreover, if community sentences are to serve as an effective alternative for women it is crucial that they are gender responsive, carefully tailored to women's needs and adequately resourced.
- 8.12 Although the majority of women in Scotland receive short prison sentences, there has been an increase in overall sentence lengths accompanied by a sharp decrease in the use of prison sentence of 3 months. This, combined with the dramatic increase in custodial sentences of between 6 months and under two years, suggests that the presumption against short prison sentences of up to 3 months introduced by the Criminal Justice and Licensing (Scotland) Act 2010 may have a limited impact on female prison numbers and may – unless sentencers can be persuaded against the utility of imprisoning women who have been convicted of relatively minor offences that pose little public harm – result in yet longer sentences being imposed. Furthermore, the issue of female remands requires further attention given that remand receptions have doubled over the past decade. Further research could usefully focus on examining the reasons for remands both prior to conviction and prior to sentence with a view to identifying what measures might be put in place to increase the courts' willingness to grant women bail.
- 8.13 In other jurisdictions – including England and Wales - there has been an increase in the imprisonment of young women (Sharpe, 2010). It is heartening to note that this trend is not replicated in Scotland, suggesting that measures to offer constructive alternatives to prison for young women have met with some success. On the other hand, the disproportionate increase in imprisonment among older women presents new and additional challenges in ensuring that older women's pathways to offending are understood and appropriate community-based services are put in place to meet their specific needs. This is particularly important if, as appears to be the case, women's imprisonment often results from a perception among sentencers that existing community provision is inadequate in addressing the problems underlying women's offending. Given our limited knowledge of this issue, further research on older women's offending and its implications for the development of effective community sentences is clearly required.

8.14 Danner (1998) predicted that not only would ‘three strikes’ and other harsh sentencing policies result in increased prisoner numbers in the USA, but that resources would be taken from other social services – particularly those for women and children – to meet the costs of increased prison populations. There is, indeed, evidence from across jurisdictions that the increased penalisation of the welfare state (Wacquant, 2009) has had a particular and pronounced impact on women for whom prison often appears to be employed as a ‘welfare panacea’ (Nugent and Loucks, 2010). Cavadino and Dignan (2006) suggest that internationally, lower rates of imprisonment tend to be associated with relatively comprehensive and well funded welfare provision and with lower levels of public punitiveness (even in states that have adopted increasingly ‘tough’ stances towards crime). Thus, while there have been some reported successes in reducing the use of custodial sentences for women through the development of gender-appropriate community based resources (Frost et al., 2006), a significant and sustained reduction in female imprisonment may only be possible if accompanied by wider political and public commitment and socio-economic change.

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APPENDIX 1: TABLES
Table A1: Detailed first marking outcomes

	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	Total
Alternative to prosecution	1154 12.6%	1473 12.5%	1895 16.4%	1787 16.4%	1591 14.1%	1491 14.6%	1125 10.7%	975 9.4%	11491 13.4%
No Action	1718 18.7%	2172 18.4%	2248 19.5%	1746 16.0%	1686 15.0%	1563 15.3%	1393 13.2%	1457 14.0%	13983 16.3%
Solemn	195 2.1%	219 1.9%	208 1.8%	236 2.2%	297 2.6%	190 1.9%	292 2.8%	244 2.3%	1881 2.2%
FF (Old)	1310 14.3%	1729 14.7%	1447 12.5%	1849 16.9%	2372 21.1%	1841 18.0%	0 .0%	0 .0%	10548 12.3%
Summary	2432 26.5%	2743 23.3%	2582 22.3%	2574 23.6%	2654 23.6%	2063 20.2%	2349 22.3%	2235 21.5%	19632 22.9%
FF & Comp	0 .0%	0 .0%	0 .0%	0 .0%	0 .0%	21 .2%	53 .5%	76 .7%	150 .2%
Stip	296 3.2%	311 2.6%	199 1.7%	212 1.9%	186 1.7%	150 1.5%	159 1.5%	147 1.4%	1660 1.9%
Comp	0 .0%	0 .0%	0 .0%	0 .0%	0 .0%	28 .3%	81 .8%	68 .7%	177 .2%
District	1648 18.0%	2293 19.5%	2058 17.8%	1475 13.5%	1163 10.3%	939 9.2%	1323 12.6%	1255 12.1%	12154 14.2%
FF (New)	0 .0%	0 .0%	0 .0%	0 .0%	0 .0%	788 7.7%	2154 20.5%	2306 22.2%	5248 6.1%
Work Scheme	0 .0%	0 .0%	0 .0%	0 .0%	0 .0%	0 .0%	16 .2%	12 .1%	28 .0%
FP	319 3.5%	561 4.8%	689 6.0%	806 7.4%	1128 10.0%	1025 10.0%	1399 13.3%	1440 13.9%	7367 8.6%
Possibly Divert	104 1.1%	288 2.4%	231 2.0%	228 2.1%	169 1.5%	139 1.4%	173 1.6%	178 1.7%	1510 1.8%
Total	9176 100.0%	11789 100.0%	11557 100.0%	10913 100.0%	11246 100.0%	10238 100.0%	10517 100.0%	10393 100.0%	85829 100.0%

Table A. 2: Females under 21 with a charge proved by main offence 1999-2009

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All crimes	1698	1542	1484	1431	1367	1275	1101	1284	1279	1068
Non-sexual crimes of violence	64	61	45	67	88	63	48	69	71	74
Homicide	3	1	1	4	2	-	1	2	2	-
Serious assault & attempted murder	25	24	17	27	60	32	31	38	45	49
Robbery	30	31	22	31	20	27	12	19	19	17
Other	6	5	5	5	6	4	4	10	5	8
Crimes of indecency	40	28	21	17	10	13	13	13	10	17
Rape & attempted rape	n/a	n/a	n/a	-	-	-	-	-	-	-
Indecent assault	-	-	-	-	-	-	-	-	1	3
Lewd and indecent behaviour	-	1	1	2	1	1	2	2	-	3
Other	40	27	20	15	9	12	11	11	9	11
Crimes of dishonesty	1133	989	964	913	797	712	549	574	528	403
Housebreaking	32	38	31	30	39	27	28	21	23	19
Theft OLP	18	17	11	13	18	21	11	22	16	14
Theft MV	25	23	27	23	33	16	19	20	22	16
Shoplifting	561	518	535	633	429	378	314	318	289	234
Other theft	333	252	218	199	181	170	98	128	128	82
Fraud	65	63	68	55	60	57	48	41	20	17
Other	99	78	73	60	37	43	31	24	30	21
Fire-raising, vandalism etc.	109	122	102	122	177	168	163	190	205	151
Fire-raising	2	5	2	2	3	6	6	7	8	9
Vandalism etc	107	117	100	120	174	162	157	183	197	142
Other crimes	352	342	352	312	295	319	329	438	465	423
Crimes against public justice	175	199	204	150	141	182	163	273	290	293
Handling an offensive weapon	28	35	27	36	41	31	51	46	46	41
Drugs	149	108	121	126	113	106	112	113	120	74
Other	-	-	-	-	-	-	3	6	9	15
All offences	1581	1517	1439	1602	1667	1745	1846	2134	2011	1752
Miscellaneous offences	1154	1102	1082	1144	1176	1303	1412	1665	1491	1300
Common assault	452	443	454	495	516	594	671	777	770	752
BOP	435	376	379	323	357	360	408	478	488	418
Drunkenness	5	5	1	4	2	4	1	1	6	4
Breach of social work orders	n/a	n/a	n/a	178	103	127	129	156	n/a	n/a
Other	262	278	248	144	198	218	203	252	227	126
Motor vehicle offences	427	415	357	458	491	442	434	469	520	452
Dangerous and careless driving	65	47	53	63	67	65	50	73	66	67
Drink/drug driving	48	46	55	72	71	71	83	115	108	100
Speeding	71	68	46	58	76	81	76	82	122	102
Unlawful use of vehicle	169	184	158	214	224	189	167	147	175	125
Vehicle defect offences	15	10	2	8	14	7	7	12	13	28
Other	59	60	43	43	39	29	51	40	36	30
All crimes and offences	3279	3059	2923	3033	3034	3020	2948	3418	3290	2820

Table A.3: Females 21-30 with a charge proved by main offence 1999-2009

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All crimes	3197	2662	2860	3078	3017	3257	3134	3194	3286	3388
Non-sexual crimes of violence	84	72	82	128	142	124	112	112	151	139
Homicide	3	3	3	3	2	3	2	1	4	2
Serious assault & attempted murder	31	27	26	31	38	38	41	27	49	60
Robbery	11	10	21	39	50	40	26	28	28	28
Other	28	32	32	55	52	43	43	56	70	49
Crimes of indecency	239	117	60	73	59	142	189	219	156	165
Rape & attempted rape	n/a	n/a	n/a	-	-	-	-	1	-	-
Indecent assault	-	-	-	-	-	-	1	-	-	-
Lewd and indecent behaviour	1	-	1	1	-	2	4	7	2	13
Other	238	117	59	72	59	140	184	211	154	152
Crimes of dishonesty	2030	1707	1903	2030	1894	1949	1805	1712	1754	1814
Housebreaking	22	30	38	31	37	49	46	35	34	32
Theft OLP	10	16	18	13	15	32	30	40	37	38
Theft MV	13	13	16	12	16	16	15	11	15	17
Shoplifting	1041	950	1067	1260	1132	1190	1105	1089	1147	1189
Other theft	484	386	370	365	361	341	329	278	297	293
Fraud	251	154	202	169	165	180	145	146	140	142
Other	209	158	192	180	168	141	135	113	84	103
Fire-raising, vandalism etc	118	105	107	123	123	153	162	150	161	153
Fire-raising	6	4	5	6	5	11	2	5	6	13
Vandalism etc	112	101	102	117	118	142	160	145	155	140
Other crimes	726	660	708	724	799	889	866	1001	1065	1117
Crimes against public justice	251	264	317	314	288	323	331	350	405	528
Handling an offensive weapon	39	39	57	44	48	71	72	76	78	102
Drugs	434	356	121	366	461	490	455	561	567	472
Other	2	1	-	-	2	5	8	14	14	15
All offences	3297	3622	3515	4107	4646	4786	4268	4544	4069	3893
Miscellaneous offences	1426	1890	1802	2044	2469	2661	2327	2538	2094	1794
Common assault	484	455	516	548	594	669	713	782	793	871
BOP	490	491	510	544	552	627	634	677	714	645
Drunkenness	11	11	8	4	12	6	7	12	6	7
Breach of social work orders	n/a	n/a	n/a	450	360	430	288	358	n/a	n/a
Other	441	933	768	498	950	929	685	709	581	271
Motor vehicle offences	1871	1732	1713	2063	2177	2125	1941	2006	1975	2099
Dangerous and careless driving	114	82	88	108	120	120	117	123	127	111
Drink/drug driving	150	160	182	273	213	275	277	272	294	309
Speeding	591	434	427	406	546	650	535	621	648	641
Unlawful use of vehicle	758	815	792	1019	1068	895	745	718	679	702
Vehicle defect offences	46	34	34	25	40	32	33	48	78	159
Other	212	207	191	232	190	153	234	224	149	177
All crimes and offences	6494	6283	6375	7185	7663	8043	7402	7738	7355	7281

Table A.4: Females over 30 with a charge proved by main offence 1999-2009

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All crimes	2007	1809	1837	2061	2170	2727	2478	2866	2961	2908
Non-sexual crimes of violence	96	80	79	94	127	140	97	117	136	113
Homicide	3	3	4	2	4	4	6	5	5	5
Serious assault & attempted murder	39	21	32	38	39	48	37	35	56	36
Robbery	1	5	4	14	13	12	9	13	11	9
Other	53	51	39	40	71	76	45	64	64	63
Crimes of indecency	103	57	35	23	44	74	93	82	78	87
Rape & attempted rape	n/a	n/a	n/a	-	-	-	-	-	-	-
Indecent assault	-	-	-	-	-	1	-	1	1	-
Lewd and indecent behaviour	3	-	-	-	1	1	6	4	3	10
Other	100	57	35	23	43	72	87	77	74	77
Crimes of dishonesty	1265	1117	1158	1257	1283	1555	1343	1509	1455	1392
Housebreaking	9	8	12	22	11	21	23	15	9	18
Theft OLP	8	8	9	8	9	17	18	24	20	24
Theft MV	4	7	7	4	5	7	10	5	3	9
Shoplifting	533	548	603	684	728	887	765	885	921	790
Other theft	268	226	203	197	197	220	178	233	182	195
Fraud	301	183	172	178	198	258	220	209	223	252
Other	142	137	152	164	135	145	129	138	97	104
Fire-raising, vandalism etc	117	125	130	178	133	180	151	191	199	173
Fire-raising	13	10	6	11	10	7	12	22	11	15
Vandalism etc	104	115	124	167	123	173	139	169	188	158
Other crimes	426	430	435	509	583	778	794	967	1093	1143
Crimes against public justice	142	161	162	211	211	279	283	316	397	459
Handling an offensive weapon	37	28	38	44	36	77	70	68	82	100
Drugs	247	241	234	251	331	422	440	564	583	568
Other	-	-	1	3	5	-	1	19	31	25
All offences	4487	4956	4876	6210	7343	7678	7074	7219	6871	6502
Miscellaneous offences	1748	2260	2251	2696	3299	3502	3318	3529	3073	2648
Common assault	514	534	588	674	770	827	923	1001	1053	1042
BOP	721	683	772	866	869	936	998	1090	1022	1053
Drunkenness	26	32	17	37	23	40	41	15	20	14
Breach of social work orders	n/a	n/a	n/a	146	141	239	148	184	n/a	n/a
Other	487	1021	874	973	1496	1460	1208	1239	978	539
Motor vehicle offences	2739	2696	2625	3514	4044	4176	3756	3690	3798	3854
Dangerous and careless driving	250	194	228	266	370	326	273	290	304	279
Drink/drug driving	410	480	486	718	747	766	725	701	729	730
Speeding	929	817	735	902	1131	1443	1156	1404	1366	1239
Unlawful use of vehicle	807	857	890	1194	1337	1246	1089	856	1035	1090
Vehicle defect offences	58	55	31	61	64	81	49	61	130	226
Other	285	293	255	373	395	314	464	378	234	290
All crimes and offences	6494	6765	6713	8271	9513	10405	9552	10085	9832	9410

**Table A.5: Females under 21 with a charge proved by main offence 1999-2009
 (percentages)**

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All crimes	52	50	51	47	45	42	37	38	39	38
Non-sexual crimes of violence		2	2	2	3	2	2	2	2	3
Homicide	*	*	*	*	*	-	*	*	*	-
Serious assault & attempted murder	1	1	1	1	2	1	1	1	1	2
Robbery	1	1	1	1	1	1	*	1	1	1
Other	*	*	*	*	*	*	*	*	*	*
Crimes of indecency	1	1	1	1	*	*	*	*	*	1
Rape & attempted rape	n/a	n/a	n/a	-	-	-	-	-	-	-
Indecent assault	-	-	-	-	-	-	-	-	*	*
Lewd and indecent behaviour	-	*	*	*	*	*	*	*	-	*
Other	1	1	1	*	*	*	*	*	*	*
Crimes of dishonesty	35	32	33	30	26	24	19	17	16	14
Housebreaking	1	1	1	1	1	1	1	1	1	1
Theft OLP	1	1	*	*	1	1	*	1	*	*
Theft MV	1	1	1	1	1	1	1	1	1	1
Shoplifting	17	17	18	18	14	13	11	9	9	8
Other theft	10	8	7	7	6	6	3	4	4	3
Fraud	2	2	2	2	2	2	2	1	1	1
Other	3	3	2	2	1	1	1	1	1	1
Fire-raising, vandalism etc	3	4	3	4	6	6	6	6	6	5
Fire-raising	*	*	*	*	*	*	*	*	*	*
Vandalism etc	3	4	3	4	6	5	5	5	6	5
Other crimes	11	11	12	10	10	11	11	13	14	15
Crimes against public justice	5	7	7	5	5	6	6	8	9	10
Handling an offensive weapon	1	1	1	1	1	1	2	1	1	1
Drugs	5	4	4	4	4	4	4	3	4	3
Other	-	-	-	-	-	-	*	*	*	1
All offences	48	50	49	53	55	58	63	62	61	62
Miscellaneous offences	35	36	37	38	39	43	48	49	45	46
Common assault	14	14	16	16	17	20	23	23	23	27
BOP	13	12	13	11	12	12	14	14	15	15
Drunkness	*	*	*	*	*	*	*	*	*	*
Breach of social work orders	n/a	n/a	n/a	6	3	4	4	5	n/a	n/a
Other	8	9	8	5	7	7	7	7	7	4
Motor vehicle offences	13	14	12	15	16	15	15	14	16	16
Dangerous and careless driving	2	2	2	2	2	2	2	2	2	2
Drink/drug driving	1	2	2	2	2	2	3	3	3	4
Speeding	2	2	2	2	3	3	3	2	4	4
Unlawful use of vehicle	5	6	5	7	7	6	6	4	5	4
Vehicle defect offences	*	*	*	*	*	*	*	*	*	1
Other	2	2	1	1	1	1	2	1	1	1
All crimes and offences	100									

Table A.6: Females 21-30 with a charge proved by main offence 1999-2009 (percentages)

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All crimes	49	42	45	43	39	40	42	41	45	47
Non-sexual crimes of violence	1	1	1	2	2	2	2	1	2	2
Homicide	*	*	*	*	*	*	*	*	*	*
Serious assault & attempted murder	*	*	*	1	*	*	1	*	1	1
Robbery	*	*	*	1	1	*	*	*	*	*
Other	*	1	1	*	1	1	1	1	1	1
Crimes of indecency	4	2	1	1	1	2	3	3	2	1
Rape & attempted rape	n/a	n/a	n/a	-	-	-	-	*	-	-
Indecent assault	-	-	-	-	-	-	*	-	-	-
Lewd and indecent behaviour	*	-	*	*	-	*	*	*	*	*
Other	4	2	1	1	1	2	2	3	2	2
Crimes of dishonesty	31	27	30	28	25	24	24	22	24	25
Housebreaking	*	*	1	*	*	1	1	*	*	*
Theft OLP	*	*	*	*	*	*	*	1	1	1
Theft MV	*	*	*	*	*	*	*	*	*	*
Shoplifting	16	15	17	18	15	15	15	14	16	16
Other theft	7	6	6	5	5	4	4	4	4	4
Fraud	4	2	3	2	2	2	2	2	2	2
Other	3	3	3	3	2	2	2	1	1	1
Fire-raising, vandalism etc.	2									
Fire-raising	*	*	*	*	*	*	*	*	*	*
Vandalism etc	2	2	2	2	2	2	2	2	2	2
Other crimes	11	10	11	10	10	11	12	13	14	15
Crimes against public justice	4	4	5	4	4	4	4	5	6	7
Handling an offensive weapon	1	1	1	1	1	1	1	1	1	1
Drugs	7	6	5	5	6	6	6	7	8	6
Other	*	*	-	-	*	*	*	*	*	*
All offences	51	58	55	57	61	60	58	59	55	53
Miscellaneous offences	22	30	28	28	32	33	31	33	28	25
Common assault	7	7	8	8	8	8	10	10	11	12
BOP	8	8	8	8	7	8	9	9	10	9
Drunkenness	*	*	*	*	*	*	*	*	*	*
Breach of social work orders	n/a	n/a	n/a	6	5	5	4	5	n/a	n/a
Other	7	15	12	7	12	12	9	9	8	4
Motor vehicle offences	29	28	27	29	28	26	26	26	27	29
Dangerous and careless driving	2	1	1	2	2	1	2	2	2	2
Drink/drug driving	2	3	3	4	3	3	4	4	4	4
Speeding	9	7	7	6	7	8	7	8	9	9
Unlawful use of vehicle	12	13	12	14	14	11	10	9	9	10
Vehicle defect offences	1	1	1	*	1	*	*	1	1	2
Other	3	3	3	3	2	2	3	3	2	2
All crimes and offences	100									

Table A.7: Females over 30 with a charge proved by main offence 1999-2009 (percentages)

	1999	2000	2001	2002	2003	2004/5	2005/6	2006/7	2007/8	2008/9
All crimes	31	27	27	25	23	26	26	28	30	31
Non-sexual crimes of violence	1									
Homicide	*	*	*	*	*	*	*	*	*	*
Serious assault & attempted murder	1	*	*	*	*	*	*	*	1	*
Robbery	*	*	*	*	*	*	*	*	*	*
Other	1	1	1	*	1	1	*	1	1	1
Crimes of indecency	2	1	1	*	*	1	1	1	1	1
Rape & attempted rape	n/a	n/a	n/a	-	-	-	-	-	-	-
Indecent assault	-	-	-	-	-	*	-	*	*	-
Lewd and indecent behaviour	*	-	-	-	*	*	*	*	*	*
Other	2	1	1	*	*	1	1	1	1	1
Crimes of dishonesty	19	17	17	15	13	15	14	15	15	15
Housebreaking	*	*	*	*	*	*	*	*	*	*
Theft OLP	*	*	*	*	*	*	*	*	*	*
Theft MV	*	*	*	*	*	*	*	*	*	*
Shoplifting	8	8	9	8	8	9	8	9	9	8
Other theft	4	3	3	2	2	2	2	2	2	2
Fraud	5	3	3	2	2	2	2	2	2	3
Other	2	2	2	2	1	1	1	1	1	1
Fire-raising, vandalism etc.	2	2	2	2	1	2	2	2	2	2
Fire-raising	*	*	*	*	*	*	*	*	*	*
Vandalism etc	2	2	2	2	1	2	1	2	2	2
Other crimes	7	6	6	6	6	7	8	10	11	12
Crimes against public justice	2	2	2	3	2	3	3	3	4	5
Handling an offensive weapon	1	*	1	1	*	1	1	1	1	1
Drugs	4	4	3	3	3	4	5	6	6	6
Other	-	-	*	-	*	-	*	*	*	*
All offences	69	73	73	75	77	74	74	72	70	69
Miscellaneous offences	27	33	34	33	35	34	35	35	31	28
Common assault	8	8	9	8	8	8	10	10	11	11
BOP	11	10	12	10	9	9	10	11	10	11
Drunkenness	*	*	*	*	*	*	*	*	*	*
Breach of social work orders	n/a	n/a	n/a	2	1	2	2	2	n/a	n/a
Other	7	15	13	12	16	14	13	12	10	6
Motor vehicle offences	42	40	39	42	43	40	39	37	39	41
Dangerous and careless driving	4	3	3	3	4	3	3	3	3	3
Drink/drug driving	6	7	7	9	8	7	8	7	7	8
Speeding	14	12	11	11	12	14	12	14	14	13
Unlawful use of vehicle	12	13	13	14	14	12	11	8	11	12
Vehicle defect offences	1	1	*	1	1	1	1	1	1	2
Other	4	4	4	5	4	3	5	4	2	3
All crimes and offences	100									

APPENDIX 2: CRIME GROUPINGS USED BY SCOTTISH POLICE FORCES¹⁶

Group 1

Non-Sexual Crimes Of Violence (Also referred to as Violence)

Serious assault etc. –

Includes murder and culpable homicide (including the statutory crime of causing death by dangerous driving or causing death by careless driving while under the influence of drink or drugs). Furthermore, an assault is classified as serious if the victim sustained an injury resulting in detention in hospital as an in-patient or any of the following injuries whether or not he was detained in hospital: fractures, internal injuries, severe concussion, loss of consciousness, lacerations requiring sutures which may lead to impairment or disfigurement or any other injury which may lead to impairment or disfigurement.

Robbery - Includes offences involving intent to rob.

Other - Includes threats and extortion and cruel and unnatural treatment of children.

Group 2

Crimes of Indecency (Also referred to as Indecency).

Rape & Attempted Rape - Comprises rape and assault with intent to rape.

Indecent Assault

Lewd and indecent behaviour (previously titled "Lewd and libidinous practices") - Comprises lewd and libidinous practices against children and indecent exposure.

Other - Includes offences connected with prostitution.

Group 3

Crimes Involving Dishonesty (Also referred to as Dishonesty)

Housebreaking - Includes commercial as well as domestic premises.

Theft by opening a lockfast place (OLP)

Theft from a motor vehicle by (OLP)

Theft of motor vehicle

Shoplifting

Other theft - Includes theft of pedal cycles.

Fraud - Includes statutory fraud.

Other – Includes forgery, reset and embezzlement.

¹⁶ Scottish Government (2009) *Recorded Crime in Scotland, 2008-09*, Edinburgh: Scottish Government, pp. 36-37. Available at: <http://www.scotland.gov.uk/Resource/Doc/286378/0087196.pdf>

Group 4

Fire-Raising, Vandalism Etc (Also referred to as Vandalism)

Fire-raising

Vandalism, etc.

Includes malicious mischief, vandalism and reckless conduct with firearms.

Group 5

Other Crimes

Crimes against public justice - Includes perjury, resisting arrest, bail offences (other than absconding or reoffending) and wasting police time.

Handling offensive weapons - Comprises carrying offensive weapons, restriction of offensive weapons legislation.

Drugs - Includes importation, possession and supply of controlled drugs.

Other - Includes conspiracy and explosives offences.

Group 6

Miscellaneous Offences

Minor Assault

Breach of the peace

Drunkenness

Other - Includes offences against local legislation, offences involving animals/plants, offences against liquor licensing laws and offences against environmental legislation.

Group 7

Motor Vehicle Offences

Dangerous and careless driving - Prior to 1992 this was known as "reckless and careless driving".

Drunk driving - Comprises driving or in charge of motor vehicle while unfit through drink or drugs, blood alcohol content above limit and failing to provide breath, blood or urine specimens.

Speeding

Unlawful use of vehicle - Comprises driving while disqualified, without a licence, insurance, test certificate, vehicle tax and registration and identification offences.

Vehicle defect offences - Comprises construction and use and lighting offences.