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# Arresting the entry of women into the criminal justice system.

## Key points

- The All-Party Parliamentary Group (APPG) on Women in the Penal System is conducting an inquiry into reducing the arrests of women
- The Howard League for Penal Reform is working to reduce the entry of women to the criminal justice system and is supporting the work of the APPG
- Police carried out almost 103,000 arrests of women and girls in the year ending March 2018
- Across England and Wales last year, police arrested women at a rate of one every five minutes
- Arrest is the first formal entry point into the criminal justice system
- Women with histories of being victims of violence and abuse are over-represented in the criminal justice system
- Data published by the Home Office found that BME women were more than twice as likely to be arrested than white women
- The government has estimated that in 2015/16, policing costs for dealing with women were approximately £1bn
- Women who need support should not be arrested.

## The APPG inquiry

The APPG on Women in the Penal System was set up in July 2009 with Baroness Corston as Chair and administrative and research support provided by the Howard League for Penal Reform. It is now chaired by Baroness Corston, Victoria Prentis MP and Kate Green MP. The Group comprises MPs and Peers from all parties and works to increase knowledge and awareness of issues around women in the penal system as well as push for the full implementation of the recommendations of the Corston Report.

In May 2019, the APPG launched an inquiry to investigate what could be done to reduce the arrests of women in England and Wales and stem the flow of women into the criminal justice system. The inquiry is holding oral evidence sessions with expert witnesses, investigating examples of good practice in reducing arrests of women and will publish a series of briefing papers.

The APPG has held two oral evidence sessions in parliament and heard evidence from senior police, the Independent Custody Visiting Association and the Howard League for Penal Reform. Further evidence sessions will take place during the course of the inquiry.

This briefing scopes the current situation as regards the arrests of women. The APPG's inquiry will encourage and enable police forces to prevent women being drawn into the criminal justice system unnecessarily. The APPG is investigating how women with complex needs can be diverted to more appropriate services, such as women's centres.

The inquiry builds on the success led by the APPG and the Howard League that reduced the arrests of girls, following the APPG inquiry on keeping girls out of the penal system in 2012. As happened with girls and young women, making fewer arrests of adult women would lead to fewer women being prosecuted, sentenced and imprisoned and would lead to less anti-social behaviour. This would allow the police to invest in dealing with serious crime.

The APPG inquiry is complemented by a programme of work by the Howard League for Penal Reform, which is conducting a three-year programme, supported by Lloyds Bank Foundation, to reduce the arrests of women

and stem the flow of women into the criminal justice system.

## Reducing the arrests of women

Across England and Wales last year, police arrested women at a rate of one arrest every five minutes.

Police are often the first point of contact with the criminal justice system for women. However, arresting women is rarely necessary, appropriate or proportionate.

Most women who are arrested do not need to be caught in the criminal justice net. Senior police gave evidence to the APPG inquiry on girls in the penal system that many young women are arrested who will probably never come into contact with the system again. They were either drunk or being a nuisance and could be sent home.

The APPG inquiry on reducing arrests heard evidence from a senior police officer who said the criminal justice system 'punished people who were exhibiting non-typical behaviour'. He gave an example of a young woman with learning difficulties who repeatedly came into contact with the police due to her problematic behaviour on public transport as she travelled to a placement. The police did not arrest her but instead contacted the placement provider who agreed to arrange transport so she no longer had to take the bus on her own.

Some but not all of the women who come into contact with the police are vulnerable. The *Corston Report* (2007) found that women with histories of being victims of violence and abuse are over-represented in the criminal justice system and can be described as victims as well as offenders. The government's *Female Offender Strategy* (MoJ, 2018) recognised this, stating:

"Coming into contact with the criminal justice system, and in particular custody, can undermine the ability of women to address the issues that have caused their offending. In particular, many have difficulty maintaining employment and accommodation whilst in the CJS."

Women who are vulnerable need a safe space, not a spell in a police cell which can

be a threatening place for women who may be victims of domestic abuse. Police officers have the discretion not to arrest and can respond in other ways, for example making sure a woman is able to go to a safe place.

The Howard League heard evidence from a senior police officer that he was training his officers to attend more carefully to women who were victims of domestic violence incidents. Too many were arrested for assaulting police after the women reacted badly in stressful and frightening situations. The women were victims, yet ended up being arrested.

Vulnerable women who require support from other services should not be arrested and it is misguided of the police to think that arrest is a route to help – it is not.

A report by the London Assembly (2018) found that women were more likely than men to be involved in offences related to struggles with money, such as welfare fraud. It also found that women tended to be more involved in miscellaneous crimes against society such as handling stolen goods or criminal damage.

In 2017-18, there were over 24,000 arrests of women for theft offences, over 2,200 arrests for fraud offences and over 8,000 arrests of women for miscellaneous crimes against society.

An arrest is a formal sign of entry into the criminal justice system and can have far-reaching consequences for women and their families. Once a woman has been arrested, her details are entered on the police national computer (PNC) and retained until she reaches her 100th birthday. Information held on the PNC may be disclosed in a criminal records check conducted by the Disclosure and Barring Service (DBS). Enhanced DBS checks, for example for applications for women who wish to work with children or vulnerable adults, can include information on convictions, cautions, reprimands and warnings. Details of the arrest can be disclosed if the police reasonably believe it to be relevant.

Arresting people takes up police time and resources. The government has estimated that, “in 2015/16, interactions with female offenders cost Policing approximately £1bn” (Ministry of Justice, 2018b). Reducing the unnecessary

arrests of women would reduce some of the pressure on limited police resources.

Revolving Doors Agency (2011) published a report, *Counting the Costs: the financial impact of supporting women with multiple needs in the criminal justice system*. It estimated that the cost to the police of an arrest and investigation was £1,780 per arrest.

The APPG inquiry on reducing the arrests of women will be examining the costs of arrest in more detail in a future publication.

Police numbers are set to increase following the prime minister’s pledge to recruit 20,000 new police officers. Care should be taken to ensure that this leads to a decrease, rather than an increase in unnecessary arrests of women.

## **Data on arrests of women**

The Home Office publishes annual data on arrests (Home Office, 2018). In the year ending 31 March 2018 there were 698,737 arrests by police in England and Wales. Women and girls account for a minority of all arrests (15 per cent). This indicates a disproportionality as women are only five per cent of the prison population, who tend to be people involved in more serious offending.

There were 102,919 arrests of women and girls for notifiable offences in 2017-2018, of which 92,578 were women aged 18 or over.

Home Office data show that over half of arrests of women were for non-violent offences. There were over 24,000 arrests of women for theft offences and over 7,000 arrests for public order offences in the year ending 31 March 2018.

The *Lammy Review* (2017) investigated the treatment of, and outcomes for, black, Asian and minority ethnic individuals in the criminal justice system and found that arrest rates for men, women and children were generally higher across minority ethnic groups in comparison to the white group, with the exceptions of Asian women and boys.

Ministry of Justice (2016) data on rates of arrest for different ethnic groups showed that both black and mixed ethnic women were more than twice as likely to be arrested than white women.

## Table: Arrests of women and girls

The Home Office annual data on the arrests of women and girls for the year ending 31 March 2018

Police forces	2017/2018
	Number of arrests for notifiable offences <sup>1</sup>
Avon & Somerset Constabulary	3,716
Bedfordshire Police	893
British Transport Police	- *
Cambridgeshire Constabulary	2,518
Cheshire Constabulary	1,800
City of London Police	142
Cleveland Police	1,889
Cumbria Constabulary	1,360
Derbyshire Constabulary	1,592
Devon & Cornwall Police	1,783
Dorset Police	1,098
Durham Constabulary	1,457
Dyfed Powys Police	739
Essex Police	2,484
Gloucestershire Constabulary	792
Greater Manchester Police	3,175
Gwent Police	812
Hampshire Constabulary	2,880
Hertfordshire Constabulary	1,602
Humberside Police	1,839
Kent Police	4,146
Lancashire Constabulary	- **
Leicestershire Police	1,630
Lincolnshire Police	1,326
Merseyside Police	4,151
Metropolitan Police	16,865
Norfolk Constabulary	1,681
North Wales Police	1,630
North Yorkshire Police	1,715
Northamptonshire Police	1,231
Northumbria Police	2,814
Nottinghamshire Police	1,781
South Wales Police	3,705
South Yorkshire Police	1,843
Staffordshire Police	1,826
Suffolk Constabulary	1,134
Surrey Police	1,351
Sussex Police	2,649
Thames Valley Police	4,149
Warwickshire Police	736
West Mercia Police	1,630
West Midlands Police	6,007
West Yorkshire Police	5,292
Wiltshire Police	1,056
<b>Total</b>	<b>102,919</b>

### Notes

\* Data from the British Transport Police is not included in the Home Office data

\*\* Lancashire Police was unable to provide arrest data

<sup>1</sup>If a person has been arrested for one or more notifiable offences at the same time, only one arrest is counted and the offence with the highest maximum penalty is recorded. (Home Office, 2018)

## Policing practice

The APPG on Women in the Penal System has worked to increase knowledge and awareness of issues around women and to push for changes in both policy and practice. Since the publication of the *Corston Report* in 2007, and the passing of the Equality Act 2010, there has been some progress towards adopting a gender informed approach towards women who come into contact with the criminal justice system.

Many women who are arrested will be released with no further action. The APPG will be exploring with police forces why this is happening and how best to prevent these arrests.

In June 2018 the government published its *Female Offender Strategy* (MoJ, 2018). The strategy recognised that coming into contact with the criminal justice system could undermine the ability of women to address the issues that caused their offending. The strategy stated:

*“We want to see more support for vulnerable women in the community and more measures to divert women from coming into contact with the CJS, where appropriate.”*

In June 2018 the Ministry of Justice also published police guidance on working with vulnerable women. It called for a gender-informed approach to policing women and stated:

*“We would now encourage every Police area to consider implementing a process model which ensures officers take a gender-informed approach to all women with whom they come into contact, whether or not they are arrested. We would encourage the inclusion of this approach for vulnerable female offenders in the Police plan for every force, with the cultural and practical changes required led by senior officers.”*

In a statement to parliament in June 2019, the government has stated it would publish a national concordat on female offenders by autumn 2019 (Hansard, 2019).

The government has made a commitment to invest £5 million in cross-government funding over two years in community provision for women (Ministry of Justice, 2018). In order to

ensure that services are sustainable and reach all women who need it, further investment is needed. The £1 billion spent on policing women, including the money spent on unnecessary arrest and investigation, could be better spent in providing support services for women and keeping them out of the penal system.

The proposed increase in police numbers provides an opportunity to ensure that all new police recruits are aware of and adopt a gender-informed approach and do not arrest women unnecessarily, thus helping to cement the cultural change called for in the government's own strategy.

Police can only divert vulnerable women away from the criminal justice system towards support if there are sufficient and appropriate services to divert them to. Women Centred Working (2016) has estimated that the costs of providing tailored support services for a vulnerable woman with complex needs was just over £2,000 per annum. The APPG on Women in the Penal System (2015) found that women's centres were one of the best models for reducing the unnecessary criminalisation of women.

It is misguided of the police to arrest women in order to access support. Funding for support services should not be restricted to referrals of arrested women as this could place a perverse incentive on police to arrest women to ensure they are able to access the support services they need.

## Going forward

The government strategy for female offenders has acknowledged the opportunity to take a different approach towards women.

By reducing the flow of women into the criminal justice system at the entry point of arrest, the numbers of women prosecuted by the courts and incarcerated in prisons will also fall. The reduction in arrests of girls coincided with a fall in the numbers of girls ending up in custody. The same can be achieved for women.

Reducing unnecessary arrests will allow the police to divert precious resources to crimes of public concern and to protecting women who are victims of violent crime.

## About the APPG on Women in the Penal System

The APPG on Women in the Penal System was set up in July 2009 with administrative support from the Howard League for Penal Reform.

The APPG comprises MPs and Members of the House of Lords from all parties and works to increase knowledge and awareness of issues around women in the penal system.

The APPG has conducted inquiries into the sentencing of women, the treatment of women in the criminal justice system, preventing the unnecessary criminalisation of women and on girls in the penal system.

The following APPG reports are available on the Howard League website:  
[www.howardleague.org](http://www.howardleague.org)

*Sentencers and sentenced: exploring knowledge, agency and sentencing women to prison.*

*Is this the end of women's centres?*

*Report on the Inquiry into preventing unnecessary criminalisation of women*

*Keeping girls out of the penal system*

*Inquiry on girls: from courts to custody*

*Women in the penal system: second report on women with particular vulnerabilities in the criminal justice system*

## About the Howard League for Penal Reform

The Howard League is a national charity working for less crime, safer communities and fewer people in prison. We campaign, research and take legal action on a wide range of issues. We work with parliament, the media, criminal justice professionals, students and members of the public influencing debate and forcing through meaningful change.

References for this report are available on our website: [www.howardleague.org](http://www.howardleague.org)

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