



Arresting the entry of women into the criminal justice system

Briefing three

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Key points

- The unnecessary arrest of thousands of women each year is a drain on police resources and a misuse of public funds. It is estimated that around 37,000 arrests of women result in no further action
- Women are being arrested when they are showing signs of distress or have been victims of crime. Arrest is not an appropriate response for dealing with women exhibiting challenging or unusual behaviour
- The APPG welcomes the recognition that a police station is not a 'place of safety' but there is a need to improve referral for mental health crisis
- A high number of arrests of women resulting in no further action are in relation to incidents in the home, often where women are victims but they have lashed out
- There is a need for a more nuanced approach to dealing with conflict in the home. Current policies and procedures rightly aim to protect women from domestic abuse but are also drawing women into the criminal justice system for low-level familial disputes which could be resolved in other ways
- Restorative solutions should be used to respond to low-level conflict, with improvements made to the management and training of frontline staff
- Forces should conduct case reviews of arrests of women to improve practice and learn lessons, including how officers are deployed when responding to incidents involving women
- Black women remain twice as likely to be arrested as white women. Forces should examine their data on arrests to end disproportionality
- Larger urban forces may experience particular issues when officers without local knowledge are deployed in response to incidents. There needs to be a greater understanding of how officers with links to communities can reduce unnecessary arrests if they are first responders
- There are examples of good practice where forces have developed policy and practice to prevent unnecessary arrests.

1. Introduction

The All Party Parliamentary Group (APPG) on Women in the Penal System launched an inquiry in May 2019 to investigate what could be done to reduce arrests of women in England and Wales and stem the flow of women into the criminal justice system.

The APPG is chaired by Jackie Doyle-Price MP, Debbie Abrahams MP, and Baroness Corston. It receives administrative and research support from the Howard League for Penal Reform. As part of its inquiry, the APPG has held oral evidence sessions with expert witnesses, investigating examples of good practice in reducing arrests of women. This is the third in a series of briefing papers published as part of the APPG inquiry.

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 arrest the entry of women into the criminal justice system.

2. The unnecessary arrest of women is a drain on police resources

The unnecessary arrests of thousands of women each year are a drain on police resources and a misuse of public funds. Home Office data in the year ending 31 March 2020 shows there were 94,232 arrests of women.

As the APPG's second briefing on this issue revealed, this national Home Office data tallies with the anonymised data on over 640 arrests of women and girls, provided to the APPG by five police forces. That data showed around 40 per cent of arrests of women and girls resulted in no further action. This suggests that more than 37,000 arrests annually result in no further action.

The forces who provided the data to the APPG were from varied geographical locations:

- *Police force A:* A large police force policing an ethnically diverse metropolitan area with a population of almost 3 million
- *Police force B:* A large force policing a population of more than 1 million living in urban and rural areas, including areas of high deprivation

- *Police force C:* A medium-sized police force policing a population of about 600,000 living in both rural and urban areas
- *Police force D:* A large police force policing an economically diverse population of more than 1 million in rural and urban areas
- *Police force E:* A large police force policing a population of more than 1 million in rural, urban and metropolitan areas.

While the data each force provided are not directly comparable, clear patterns of police behaviour can be seen. This briefing uses the data provided to highlight the concerning ways women find themselves in contact with the police and questions why so many of these arrests happen in the first place.

For example, one force made nine arrests of women and girls in a single day. Six of these arrests, including three alleged assaults on a partner or ex-partner, an alleged assault between a mother and daughter and an alleged fight between teenagers, resulted in NFA. Another force made 17 arrests on a single day, 13 of which resulted in no further action. This included an arrest of a teenager who had allegedly smashed her mother's crockery.

Given the current Covid-19 pandemic, such unnecessary arrests represent a significant waste of police time and resources. A Criminal Justice Joint Inspection (CCJI, 2021) found that the pandemic had placed considerable strain on the criminal justice system and reduced capacity in police custody suites. Reducing the unnecessary arrest and detention of women would reduce this strain as well as reduce police costs.

Further analysis of police data on arrest outcomes for women would be useful to help forces to identify areas for policy and practice change. Following the APPG inquiry, several forces have conducted reviews of their data on arrests. One force reviewed 'no further action' rates for women which had highlighted greater variances than rates for men and suggested more could be done to examine the complexities and opportunities to reduce arrests of women.

3. Women arrested when showing signs of distress

Women are being arrested when they are showing signs of distress or have been victims of crime. Evidence provided by the five police forces showed that police were arresting women who were visibly distressed or when concerns had been raised about their welfare.

Examples provided by the five forces included:

An ambulance was called following concerns about a woman's mental health and risk of suicide. It was alleged that the woman had assaulted her partner and her friend. She was arrested by the police for assault but later released with no further action.

A woman was stopped by the police who recognised she was a missing person and there were concerns for her welfare. The woman was shouting and disturbing residents and was detained in order to 'prevent breach of the peace'. She allegedly kicked the officer detaining her and was arrested for assaulting an emergency worker. She was released with no further action.

Arrest is not an appropriate response for dealing with women exhibiting challenging or unusual behaviour. Some forces have introduced trauma-informed training for officers and recognise that a women's behaviour is often a response to trauma and stress. The College of Policing has issued guidance on conflict management which refers to emotional intelligence and active listening skills. Further work is needed to ensure that responses to distress are gender-informed and de-escalate the situation.

The APPG welcomes the recognition that police stations are not 'a place of safety' and should not be used to detain people under Section 136 of the Mental Health Act. According to police data, use of a police station as a place of safety accounted for less than 0.5 per cent of detentions under s136 of the Mental Health Act 1983 during the year ending 31 March 2020 (Home Office, 2020).

Police officers are often the first responders when a woman is having a mental health crisis. Street Triage schemes and liaison

and diversion services have ensured greater collaborative working between the police and mental health services. There is a need to improve referrals to mental health services at the earliest possible moment to ensure that women are never held in police custody as a result of mental ill-health. Cambridgeshire Police has ensured that liaison and diversion services are able to support vulnerable women who attend a voluntary interview and they do not have to be arrested to be referred.

4. A high number of arrests resulting in no further action are in relation to incidents in the home

A high number of arrests of women resulting in no further action are in relation to incidents in the home, often where women are victims but they have lashed out. Data obtained by the Howard League from five forces showed that, of the 221 arrests of women for alleged incidents flagged as domestic abuse or an alleged incident involving a partner or close family member, more than 60 per cent resulted in no further action (APPG, 2020). Data for one force showed that 20 of the 24 arrests of women for alleged violence flagged as domestic abuse resulted in no further action.

There is a need for a more nuanced approach to dealing with conflict in the home. Current policies and procedures rightly aim to protect men and women from domestic abuse. Research by Myhill (2017) found that police officers were far more aware of policies and procedures on domestic violence than in previous years, but also more likely to be involved in incidents that would not usually need a police response.

Data provided by the five police forces showed that arrests of women were frequently in response to low-level familial disputes or for minor damage to household items. Data from one force showed that more than half the arrests for alleged violence were in relation to incidents with a family member (e.g. parent or sibling) other than a partner. In the majority of cases the alleged victim was female.

The College of Policing guidance on domestic violence does not state that arrest is mandatory for domestic violence incidents. However, it is presumptive and officers must be able to justify

their decision not to arrest. Myhill (2017) found that officers would, at times, arrest because they feared senior officers would criticise them if they did not.

Data provided by the five forces showed that women were calling the police to report domestic abuse but were arrested when their partner stated that they were victims. One force responded to two separate domestic abuse calls on the same day. On both occasions, the women who had called the police were arrested then released with no further action. There were also examples of incidents where women had been attempting to remove a partner or ex-partner from the home but were arrested.

Leadership is needed to encourage officers to recognise when an arrest is disproportionate and instead to focus on resolving low-level familial disputes in other ways. Positive action could include finding a safe alternative place for partners to stay to defuse the situation. Lancashire Constabulary has piloted a scheme where officers were accompanied by an independent domestic violence advisor when they were called to an alleged domestic violence incident.

5. Restorative solutions should be used to respond to low-level conflict

All officers should be trained in using restorative solutions to resolve low level conflict and reduce unnecessary arrests. The College of Policing (2020) conducted a survey of police officers and a quarter (26%) said that not enough time was spent on training in essential communication and only half (52%) said their training had taught them how to defuse confrontation.

The data provided by the police gave examples of where a confrontation had led to an arrest:

Police were called to deal with a heated argument between a mother and daughter in which the daughter had damaged a chair. The daughter was arrested but released with no further action.

Police were called when a person had threatened a woman. While the police were there, the woman had attempted to confront

the person who had threatened her and ended up being arrested for assault of a police officer.

A woman was arrested for pushing an officer and trying to prevent him arresting her son. She was given a conditional caution.

Some forces are looking at how officers respond to incidents flagged as domestic violence to ensure all responses are appropriate and proportionate. Restorative solutions can lead to better outcomes for women, for example if it enables them to seek support to tackle the causes of tension in the home.

The management and training of frontline staff needs to be improved to ensure all officers are aware of the importance of keeping women out of the criminal justice system, in line with the Ministry of Justice female offender strategy (2018). This is especially important given government plans to recruit an additional 20,000 police officers by 2022/23. Without appropriate training for all new recruits, more women are likely to be needlessly arrested and drawn into the criminal justice system. As frontline responders police officers should all be trained in how to resolve conflict and reduce the use of arrest.

The National Police Chiefs' Council (NPCC) has a key role to play in providing leadership on the policing of women. The NPCC has appointed a lead for the policing of children and young people and has published a strategy for child-centred policing. Similar leadership is needed for the policing of women to ensure there is a gender-informed approach to all women across all police forces.

6. Forces should conduct case reviews of arrests of women to improve practice and learn lessons, including how officers are deployed when responding to incidents involving women.

Following the publication of the APPG second briefing paper on reducing arrests, some forces have analysed their own data on arrests of women to improve practice and learn lessons.

There are benefits to looking in detail at individual cases of arrests of women to see what could have been done differently. One force

looked more closely at the case of an arrest of a woman after she had voiced her concerns about the way a male officer had dealt with her. This led to wider discussions about patterns of arrests of women by individual officers. Case studies can be a valuable resource in identifying patterns of arrest, identifying situations which are resulting in inappropriate arrests and in tackling disproportionality.

Forces should examine their data on arrests by gender and race. Government data on arrests (2020) shows that Black women remain twice as likely to be arrested as white women. The Ministry of Justice Concordat for women in or at risk of contact with the criminal justice system (2020) has suggested that data on arrests of women should be disaggregated by protective characteristics and at a local level and that this data should be tracked.

7. Differences between urban and rural forces

Larger urban forces may experience particular issues when officers are deployed in response to incidents. There needs to be a greater understanding of how officers with local knowledge and links with communities can reduce unnecessary arrests if they are first responders.

Responses to women should be informed by the principles of local policing with its focus on preventing crime, protecting the vulnerable and working with local public services to build safe communities. Officers who are deployed to cover large urban areas are likely to respond differently to local police who have an awareness of local needs. Further analysis of arrests is needed to explore responses and outcomes for women in urban areas.

For rural forces with a wide geographical spread an arrest can take up considerable time for an individual officer and prevent them from responding to other incidents in the meantime.

Urban and rural forces are making greater use of voluntary interviews, where an individual attends voluntarily at a police station or at any other place where a constable is present without having been arrested. This reduces unnecessary arrest and can also be a better use of police resources. Durham Police

reported that a higher proportion of women coming into contact with the police were dealt with through voluntary attendance compared with men, and many more women were being diverted away from the criminal justice system, via the Checkpoint scheme.

8. Examples of good practice in policing

Norfolk Constabulary

Norfolk Constabulary has introduced a triage scheme with the aim of preventing unnecessary arrest and detention of vulnerable individuals. Police officers are required to ring the custody suite before arresting a person and bringing them into police custody. The circumstances of the arrest and the vulnerability of the person are discussed and alternatives to arrest and police custody are explored. Alternatives can include interviewing a person at home or making an appointment to attend the police station voluntarily at a later date.

Leicestershire Police

Leicestershire Police has appointed a strategic lead for female offenders. Officers across the force receive training to be trauma-informed with the aim of improving how officers respond to women and children who come into contact with the police. The force emphasises working with partners on prevention.

Several forces are working with local gender-specific services to keep women out of the criminal justice system. **Cambridgeshire Police** has introduced enhanced gender-informed training for police officers. **Lancashire Constabulary** has established a multi-disciplinary team which focuses on reducing the number of women entering the criminal justice system.

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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.

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 professions, stakeholders and members of the public, influencing debate and forcing through meaningful change.

www.howardleague.org

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ISBN 978-1-911114-56-7



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ISBN 978-1-911114-56-7

2021