



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

### Briefing four

#### Key points

- The number of arrests of women has fallen by 5,677 since 2017/18
- Police services are developing gender-informed strategies based on local data
- Police services are developing a more nuanced approach to incidents in the home
- The development of partnership working is helping to keep vulnerable women out of the criminal justice system, but not enough is being done from the centre to ensure this happens everywhere
- The Female Offender Strategy, which aimed to reduce the number of women entering the criminal justice system, has not been prioritised by government
- There is a need for a more strategic approach to support women who come into contact with the police, whether as victims or alleged offenders
- Every police service should have a lead for women
- Police should receive training in gender and trauma-informed approaches and coercive control.

## 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 and Kate Green MP. 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 fourth and final briefing in a series published as part of the APPG inquiry. The APPG inquiry was complemented by a programme of work by the Howard League for Penal Reform, which conducted a three-year programme, supported by Lloyds Bank Foundation, to arrest the entry of women into the criminal justice system

## What has been achieved?

### 1. The numbers of arrests of women has fallen

The number of arrests of women fell by 5,677, from 98,902 arrests in 2017/18 to 93,225 arrests in 2020/21, (Home Office, 2021). The biggest fall was in the number of arrests of women for theft offences, down from 23,320 to 12,717 in the time period.

The number of arrests of women for alleged violent offences rose from 42,647 in 2017/18 to 47,523 arrests in 2020/21. The APPG (2020) looked at data provided by five police services and found that around half of the arrests of women for alleged violent offences resulted in no further action. Further action is needed to reduce the number of arrests for alleged violent offences, given that many will result in no further action.

The Female Offender Strategy (2018) recognised that 'a significant proportion of women who come into contact with the criminal justice system (CJS) commit offences that are low-level.' It also noted that in some cases, their offending could have been prevented by addressing their vulnerabilities, such as substance misuse, mental health problems or financial problems, at an earlier stage.

A report by the National Audit Office (2022) found that the Ministry of Justice had not set any targets or goals to assess the progress of the Female Offender Strategy, such as how it was reducing the number of women coming into contact with the criminal justice system. The Public Accounts Committee (2022) recommended that the Ministry of Justice estimate and publish the proportion of women that are currently arrested or prosecuted who could appropriately be supported in the community instead.

### 2. Police services are developing gender-informed approaches based on local data on women

During the course of the inquiry, the APPG on Women in the Penal System wrote to every Chief Constable in England and Wales, encouraging them to look at their local data on arrests of women and identify why and how women were coming into contact with the police. Some police services are developing gender-informed strategies which take into account local data on arrests of women.

Several police forces conducted an analysis of their local data on arrests of women. Cambridgeshire Police conducted an analysis of the local data on arrests that included qualitative analysis of the categories of alleged offences for which women were being arrested. It produced a briefing for staff that explored practical opportunities to work in partnership with other organisations to prevent or reduce women's offending.

Essex Police held a working group to discuss the findings of the APPG inquiry into reducing arrests of women. The working group also considered the examples of good practice highlighted by the APPG on Women in the Penal System (2020) and agreed to consider how similar schemes to reduce arrests could be utilised locally.

The Office of the Police and Crime Commissioner for Norfolk commissioned research to analyse local data on arrests of women and inform the work of the Strategy Group for women in the criminal justice system.

### 3. Police services are developing a more nuanced approach to incidents in the home

The APPG inquiry highlighted the high number of arrests of women following police call-outs to incidents in the home. Women were being arrested



for incidents flagged as domestic violence. In many cases their arrests resulted in no further action. The APPG (2021) called for a more nuanced approach to dealing with conflict in the home.

The APPG found several police services were developing risk-led approaches to incidents in the home.

#### ***Durham constabulary: Reducing Parental Conflict pilot***

Durham Constabulary is piloting a Reducing Parental Conflict pathway in partnership with the local authority, as part of national Reducing Parental Conflict Programme.

All Neighbourhood Policing Teams and PCSOs have received additional bespoke training on how to identify parental conflict. Police officers are equipped with the knowledge and skills to be able to confidently recognise the fundamental differences between parental conflict and domestic abuse.

If officers identify that the incident is a result of parental conflict and therefore there is no imbalance of power, or fear between the parents, police can discuss parental conflict support, obtain consent and inform the local authority who will offer assistance to the family at the earliest opportunity. There is a range of support available for parents in relationship distress whether they are together or separated and by intervening early families can be offered proportionate support ranging from a digital self-help offer, parenting support to more specialist interventions. Feedback from families who have received support has been positive.

Incidents identified by police officers as domestic violence are dealt with separately via the criminal justice system and families offered support through specialist Domestic Abuse Services.

Cambridgeshire Police analysed local data on women who had been arrested for domestic abuse to see what lessons could be learnt about protecting women and assessing the level of risk in domestic violence incidents.

#### **4. The development of partnership working is helping to keep vulnerable women out of the criminal justice system**

Partnership working, the bringing together of organisations in the criminal justice sector and voluntary sector, has helped to keep vulnerable women out of the criminal justice system and reduce arrests.

#### ***Norfolk: Women in the Criminal Justice System Strategy Group***

The Office of the Police and Crime Commissioner for Norfolk has developed a partnership approach to keeping vulnerable women out of the criminal justice system. The Women in the Criminal Justice System strategy group had created a Norfolk strategy for women with the aim of seeing fewer women coming into the criminal justice system.

Members of the strategy group include the OPCC, Norfolk Police, Norfolk Probation Service, Norfolk Liaison and Diversion Service and voluntary sector organisations working with and for women. This joined-up whole system approach acknowledges the gender-specific needs of women, promotes positive wellbeing and supports successful long-term outcomes to reduce reoffending. The Wonder+ project in Norfolk aims to keep vulnerable women out of the criminal justice system by working with partners to address issues such as the impact of drugs. Women do not have to be arrested or detained by the police first to be referred to the project but can self-refer or be referred for support by police and other services.

The OPCC secured funding to provide becoming trauma informed training to professionals including the police, the OPCC, the National Probation Service and Her Majesty's Courts and Tribunal Services. It also secured funding to develop a framework tool to explore women's journeys into the criminal justice system and to measure if they receive suitable support.

The APPG found numerous examples of police services working in partnership with other organisations to keep vulnerable women out of the criminal justice system, provision was not universal. However, the work was often dependent on local leadership, for example from Chief Constables or Police and Crime

Commissioners. Local leadership, as well as the provision of funding, was essential to drive forward programmes focussing on prevention and keeping women out of the criminal justice system.

The Public Accounts Committee noted:

*'The Ministry says it recognises the importance of joined-up working locally, which it calls the 'whole-system approach', but it has not committed nearly enough to bringing this about. In fact, it has not spent anything on helping new areas to set up these types of approaches since it provided some seed funding for 2017–19.'*

Further commitment and investment is needed to support and prioritise partnership working for women in every police service area. This needs far more support from the centre to be achieved.

## **5. The Female Offender Strategy, which aimed to reduce the number of women entering the criminal justice system, has not been prioritised by government.**

The key document published by central government in this area is the Female Offender Strategy (2018), a welcome initiative based on evidence of what works for women. It made a strong case for addressing the distinct needs of women in contact with the criminal justice system and provided an opportunity to develop a different approach towards women, keeping them out of the criminal justice system where appropriate.

While the aims of the strategy are welcome, delivery has been disappointing. The National Audit Office (2022) conducted an audit to assess the Ministry of Justice's approach and progress with implementing its 2018 Female Offender Strategy through its female offender programme. It found the Ministry of Justice did not prioritise investment in the programme, even prior to the COVID-19 pandemic. Progress in implementing activities has therefore been limited.

The NAO noted:

*'The strategy's aims require cross-government collaboration and cannot be addressed by the Ministry alone. This makes transparency and building the evidence base of what works particularly vital. But the Ministry does not have a good understanding of the impact of the programme's interventions or whether the system is yet working as it intends.'*

The Ministry of Justice published guidance for police forces on working with vulnerable women alongside the female offender strategy. However, there were no clear plans as to how the Ministry of Justice would ensure that the guidance led to policy change across all police services. The strategy has relied on encouragement to bring about policy change.

In evidence to the Public Accounts Committee, the APPG on Women in the Penal System (2022) noted:

*'There are no plans to ensure that gender-specific services for women at risk of offending or in contact with the criminal justice system are available across the country. There are pockets of good practice, for example in Avon and Somerset, Durham, Surrey and West Yorkshire, but services are by no means universal.'*

The impact of the Female Offender Strategy on the policing of women has not been as extensive as it might have been.

## **6. There is a need for a more strategic approach to support women who come into contact with the police, whether as victims or alleged offenders**

There has been a raft of strategies and legislation to tackle violence against women and girls, including:

- Tackling violence against women and girls strategy (Home Office, 2021)
- Domestic Abuse Act 2021
- Tackling domestic abuse plan (2022)
- Violence Against Women and Girls services National Statement of Expectations (Home Office, 2022)

The focus on tackling violence against women and girls is welcome. However, there is a need for a joined-up approach to ensure that all strategies for women fit together and do not divide women into separate groups of either victims or alleged 'offenders'. Home Office policies on tackling violence against women and girls should reflect the recommendations of the Ministry of Justice Policy on Female Offenders.

Responding to the appointment of the National Police Chiefs' Council (NPCC) lead for violence against women and girls, the Home Secretary stated:

*'a fundamental part of our Tackling Violence Against Women and Girls strategy is ensuring that the police have the powers and resources they need to support victims and bring the perpetrators to justice.'*

Women who are drawn into the criminal justice system and come into contact with the police are not always immediately recognised as victims. Furthermore, the APPG found that women who were arrested as alleged 'perpetrators' of domestic violence were, in some areas, excluded from programmes which diverted them away from the criminal justice system.

Further work is needed to embed the understanding that women who come into contact with the police may be victims of domestic abuse even if they do not initially present as such. Women may also be reluctant to contact the police and report abuse if they fear they might be arrested for an offence.

## **7. Every police service should have a lead for women**

Every police service should have a lead for women to ensure that there is a joined-up approach to policing women. Some forces have already appointed a lead for female offenders. In order to ensure a gender-informed approach towards all women, and to avoid labelling women who have not been convicted of an offence, police services could consider appointing a lead for women to have oversight of police responses to every woman who comes into contact with the police.

The APPG has suggested that the National Police Chiefs' Council (NPCC) appoint a lead for women. There is a lead for the policing of children and young people and a strategy for child-centred policing. A strategy for the policing of women could develop a holistic approach regarding all women who come into contact with the police, whether as victims, witnesses or alleged offenders.

## **8. Police should receive training in gender and trauma-informed approaches and coercive control**

The recruitment of additional police officers is an opportunity to embed a gender-informed approach to policing and ensure that all officers have an understanding of the complexities of domestic violence and coercive control.

Women who are victims of coercive control can often become caught up in the criminal justice system when they are pressurised to carry out an illegal activity by an abusive partner. This could include shop theft to fund a partner's drug habit or hiding a weapon or drugs in their home.

The Prison Reform Trust (2017) reported that for the majority of women in prison, evidence suggested the experience of domestic abuse had been a contributory factor in their offending. In some cases, there was a direct causal link, where women offended under duress from a partner under threat of harm if they do not comply. It found 'nearly half of women prisoners (48%) report having committed offences to support someone else's drug use, compared to 22% of male prisoners'.

One police service had looked at the local arrest data on women for drug offences. It found when a warrant was issued to search a premises for production of a controlled substance, women were not necessarily the intended target of the warrant but were arrested because they were the householder and were aware that drugs were being grown and sold by their partners. It was not known how many women were taking the blame for an offence to mitigate the impact on their partner.

The Ministry of Justice has predicted that 'the Government's commitment to the recruitment of 20,000 new police officers in addition to increases from the police precept is likely to increase the future prison population'. The adult female population is projected to increase from 3,170 as at July 2021 to 4,300 by March 2026.

The predicted increase in numbers of women in prison is not inevitable. The projection does not take into account any future impact of the Female Offender Strategy.

The Ministry of Justice recently announced that it would be publishing a Delivery Plan for the Female Offender Strategy which will set out ways to reduce the numbers of women in custody (MoJ, 2022). It will include developing a Problem-Solving Courts pilot initiative to offer an intensive Community Order or Suspended Sentence Order as an alternative to custody. The MoJ has announced the opening of the first Residential Women's Centre in Swansea which will offer a community-based alternative to a short custodial sentence. We await to see if the Delivery Plan will include measures to keep women out of the criminal justice system.

The Ministry of Justice should work in partnership with the Home Office, the College of Policing and statutory agencies to ensure that every new recruit is aware of the Female Offender Strategy, its commitment to support vulnerable women in the

community and the measures available to divert women from coming into contact with the criminal justice system where appropriate.

## Conclusions

The APPG inquiry into reducing arrests of women has raised awareness of the high numbers of arrests, many of which resulted in no further action. Police services were generally supportive of the recommendations of the Female Offender Strategy to keep women out of the criminal justice system. Many were developing partnerships with other agencies to provide vulnerable women with support and divert them away from the criminal justice system.

However, the failure to prioritise the Female Offender Strategy, as well as a twin-track approach to the policing of women who are either labelled victims or 'offenders', has meant that there is still some way to go to ensure women are no longer arrested when it is unnecessary and inappropriate.

## References

APPG on Women in the Penal System (2020) *Arresting the entry of women into the criminal justice system: briefing 2*. London: the Howard League  
<https://howardleague.org/wp-content/uploads/2020/09/APPG-on-Women-in-the-Penal-System-briefing-2-FINAL.pdf>

APPG on Women in the Penal System (2022) *Written evidence submitted to the Public Accounts Committee inquiry into improving outcomes for women in the criminal justice system*  
<https://committees.parliament.uk/writtenevidence/43252/pdf/>

College of Policing/ National Police Chiefs' Council (2022) *Violence against women and girls: outcomes and performance framework*. London: CoP/NPCC  
<https://cdn.prgloo.com/media/889fa289689a49b8ab8bfac48fce5a50.pdf>

Home Office (2021) *Police Powers and Procedures*  
<https://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales>

Home Office (2021) *Tackling violence against women and girls strategy*. London: Home Office  
<https://www.gov.uk/government/publications/tackling-violence-against-women-and-girls-strategy/tackling-violence-against-women-and-girls-strategy>

Home Office (2022) *Violence against women and girls national statement of expectations* London: Home Office  
<https://www.gov.uk/government/publications/violence-against-women-and-girls-national-statement-of-expectations-and-commissioning-toolkit/violence-against-women-and-girls-national-statement-of-expectations-accessible>

House of Commons Committee of Public Accounts (2022) *Improving outcomes for women in the criminal justice system, fifty-first report of session 2021-22*. London: House of Commons  
<https://committees.parliament.uk/publications/22032/documents/164507/default/>

Ministry of Justice (2018) *Female Offender Strategy*. London: MoJ  
<https://howardleague.org/wp-content/uploads/2020/09/APPG-on-Women-in-the-Penal-System-briefing-2-FINAL.pdf>

Ministry of Justice (2021) *Prison population projections 2021-2026 England and Wales*. London: MoJ  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1035682/Prison\\_Population\\_Projections\\_2021\\_to\\_2026.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1035682/Prison_Population_Projections_2021_to_2026.pdf)

Ministry of Justice (2022) *Prisons Strategy White Paper – Responses to Consultation Questions*. London: MoJ  
[Prisons Strategy White Paper – Response to Consultation Questions \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1035682/Prison_Population_Projections_2021_to_2026.pdf)

National Audit Office (2022) *Improving outcomes for women in the criminal justice system*. London: NAO  
<https://www.nao.org.uk/wp-content/uploads/2022/01/Improving-outcomes-for-women-in-the-criminal-justice-system.pdf>

Norfolk Women in the Criminal Justice System strategy group: *Norfolk strategy*. Accessed online 23 May 2020  
<https://www.norfolk-pcc.gov.uk/assets/documents/220428-SLC-Women-Offenders-policy-FINAL.pdf>

Office of the Police and Crime Commissioner for Norfolk: *Vital funding boost for scheme helping vulnerable women in Norfolk* accessed online at  
[Vital funding boost for scheme helping vulnerable women in Norfolk | Norfolk PCC \(norfolk-pcc.gov.uk\)](https://www.norfolk-pcc.gov.uk/assets/documents/220428-SLC-Women-Offenders-policy-FINAL.pdf)

Prison Reform Trust (2017) *There's a reason why we're in trouble: domestic abuse as a driver to women's offending*. London: PRT  
[http://www.prisonreformtrust.org.uk/wp-content/themes/chd/old\\_files/Documents/Domestic\\_abuse\\_report\\_final\\_lo.pdf](http://www.prisonreformtrust.org.uk/wp-content/themes/chd/old_files/Documents/Domestic_abuse_report_final_lo.pdf)

## 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.

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