

Report for the Criminal Justice Alliance

Empty Cells or Empty Words?

Government policy on reducing the
number of women going to prison.

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About the Criminal Justice Alliance

The Criminal Justice Alliance is a coalition of 67 organisations – including campaigning charities, voluntary sector service providers, research institutions, staff associations and trade unions – involved in policy and practice across the criminal justice system. The work of the Criminal Justice Alliance is led by its Director, Vicki Helyar-Cardwell.

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Foreword

Many years have passed since I first visited a women's prison, with a former Home Secretary, but the images I saw that day have not faded. I met women who had slashed their arms and mothers shortly to be parted from their newborn babies, uncertain as to when or where they might see their children again. I remember the sense of aimlessness and confusion as lives on which others had once depended were rendered purposeless.

In the intervening years, successive governments have professed interest in reducing the numbers of women in custody. The reality is that the total has trebled in the past two decades – a far steeper rate of increase than for men. That rise does not betoken any great increase in serious crimes. On the contrary, growing numbers of women are serving short sentences for relatively trivial offences. Many have breached a community order or are being held in custody for alleged crimes unlikely to carry a jail term.

The vast majority pose no risk to the public. Nor are they even being held by design. Their imprisonment, frequently the unintended consequence of other policies, is in effect an error – one of the most costly that any government could make. Of the 18,000 children who see their mothers sent to prison every year, only five per cent stay in their own homes during that sentence. And so criminality and drug abuse are embedded down the generations at an unaffordable human and economic cost.

There has been no shortage of voices to highlight the crisis. Baroness Jean Corston's call for a radical overhaul was issued five years ago to too little avail. In 2012 Nick Hardwick, the chief inspector of prisons, warned: "We cannot go on like this ...without senior, visible leadership with real authority and resources to push things through". Anyone who has seen how women can turn their lives around with the help of good community programmes will echo that sentiment. Yet ending the iniquity of imprisoning too many women, to the detriment of individuals and society, has proved much easier to concede than to accomplish. Prisons, unseen by most citizens, are shadowy places, and, in the public imagination, their inhabitants are sometimes just as spectral.

But the women who languish unnecessarily in jail – the mentally ill, the addicts, the vulnerable and the plain unlucky – are also mothers, wives and partners whose role is vital to family, community and the wellbeing of the nation. In an era of equality, when politicians are eager to proclaim the value of family, these women are being treated as lesser beings and their families as lesser families. That belittlement shames governments and diminishes us all.

So I commend to you Professor Carol Hedderman's timely paper. Not only does she assess the imbalance between vision and progress on the part of administrations past and present. She also points the way to a fairer and less brutal system. In an age of mounting prison rolls, dwindling finances and social attrition, the need for such an overhaul has never seemed more urgent.

Mary Riddell
London, April 2012

Introduction

The current Conservative/Liberal Democrat government generally prides itself on the differences between its social policies and those of its Labour predecessor. However, one area of agreement seems to be a shared desire to see the number of women in prison fall. This is because much of the increase which has occurred over the last two decades appears to be the unintended consequence of other policies rather than a response to changes in the volume or seriousness of women's offending. As prison is the most severe and the most expensive disposal a court can use, the only way such an increase could be justified is on the grounds of increased public protection. However, rising reconviction rates following short prison sentences suggest that this has not been the result. It is hard to see a drawback to using custody less for women.

Unfortunately, while the current government has offered some, albeit reduced, support for the community-based services for women funded by its Labour predecessor, the Coalition seem to be operating on the assumption that offering sentencers better community alternatives will be sufficient to reduce their recourse to custody. This shows scant regard for the history of introducing new community alternatives for women or men. It also ignores evidence about the way sentencers think about the decision to use custody. In these circumstances, the prospects for making significant and lasting inroads into the use of prison for women remain bleak.

This report begins by considering how the female prison population has increased, why this has happened and what the consequences have been. This is followed by a review of the way the Labour government sought to reduce the number of women going to prison and the very limited impact its policies had in practice. The report concludes by considering what the current government has achieved during its first two years in office; and what changes might be needed if the number of women entering prison is really to fall.

What has happened to the female prison population?

The number of women in prison has trebled over the last two decades to around 4,000 (Ministry of Justice, 2012). While the sheer number of men in prison is much greater, the rate of increase for them has been much less. In telling 'The Story of the Prison Population', the Ministry of Justice (2007a) gives three reasons for these increases: rising numbers sentenced to custody, longer sentences, and more frequent recalls. In fact, this is really only the story of the male prison population. It does not fit the female prison population in one key respect. The average sentence length for women has declined rather than risen. This is important because focusing on the prison population disguises the number of women actually experiencing custody. For example, between 2007 and 2008 the female prison population increased by 184 to 3,535, but the number of women received into custody under sentence rose by over 838 to 9,012 (Ministry of Justice (2011a)). The difference reflects the fact that most of the increase for women is in the number serving short prison sentences. In 1993, one third of

women received into custody under sentence were serving sentences of six months or less (Home Office, 2004a), by 2008 nearly two-thirds of women were doing so (Ministry of Justice, 2010a). As the Sentencing Advisory Panel (2010) noted in its advice to the Sentencing Guidelines Council on the overarching principles of sentencing, in the 10 years between 1992 and 2002 there was a five-fold increase in the number of women sentenced to custody by magistrates' courts. As a result, four out of every five short sentences are passed by magistrates. In 2010, the Crown Court passed just 16 per cent of sentences of six months or less (Ministry of Justice, 2011a). It follows that effective policies to reduce the female prison population need to focus on the use of short prison sentences, particularly those imposed at magistrates' courts.¹

The causes and consequences of the increased use of short custodial sentences?

	Total receptions		Receptions less than 6 months	
	8044	%	5061	%
Violence against the person	1135	14	648	13
Sexual offences	36	0	4	0
Robbery	237	3	34	1
Burglary	250	3	81	2
Theft and handling	2711	34	2185	43
Fraud and forgery	851	11	375	7
Drug offences	755	9	120	2
Motoring offences	155	2	132	3
Other offences	1867	23	1450	29
Offence not recorded	47	1	32	1

Derived from Ministry of Justice (2010a) Table 6.3

As the number of women convicted for serious (indictable) offences fell throughout the 1990s (Home Office, 1999) and did not begin to rise again until 2004 (Ministry of Justice, 2011a), it is hard to argue that the main reason more women are being sent to prison is because they have been convicted of more, or more serious, offences. It is true that about 100 more women a year are now being received on a short custodial sentences for violence but, as Table 1 shows, half of the women received on a sentence of six months or less in 2009 were sent there for theft and handling or fraud and forgery. Also, the category which has shown the greatest increase is that described as 'other offences'. The number of women going into prison for less than six months for these offences rose by 55

¹ Sentencing at the magistrates' courts level may be carried out by a panel of three lay magistrates or by legally qualified district judges sitting alone. It is sometimes suggested that the latter use custody more than the former. A recent study (Ipsos MORI, 2011) for the Ministry of Justice offers some support for this claim but, as the authors acknowledge, this was based on only 430 matched cases and they could not control for most of the factors which might legitimately explain differences in the use of custody. It is also unclear whether there were any women in the sample.

per cent between 2003 and 2009 from 936 to 1,450 women. This can be largely attributed to changes introduced under the Criminal Justice Act 2003 to make imprisonment for breach of a court order much more likely, given that these cases account for around 60 per cent of these 'other offences'. As a joint inspection by the Probation, Crown Prosecution and Prisons Inspectorates has recently commented: 'In many of these cases, the original offence or behaviour would have been unlikely to have resulted in a custodial sentence.' (HMI Probation et al., 2011: 14).

Another area of concern is that about half of the women entering prison do so on remand; and in two-thirds of cases this is before they have been tried for any crime (Ministry of Justice, 2010a). After an average stay of six weeks, well under half of remanded women are actually sentenced to custody (Bradley, 2009). As theft is the most common offence with which women received on remand are charged, this raises questions about why these women were remanded in the first place.²

Arguments against the use of custody for women based on evidence that the pains of imprisonment are worse for them and for their families have been eloquently made by Corston (2007) and, more recently, by the Prison Reform Trust (2011). For example, women in prison are five times more likely than women in the general population to suffer from mental health problems; and, despite making up only five per cent of the prison population, 43 per cent of self harm incidents in prison in 2009 involved women (Prison Reform Trust, 2011). It has also been estimated that a third of women in prison are lone parents and 18,000 children see their mothers sent to prison each year. Only five per cent of these children are able to stay in their own homes when their mothers are in prison. The harm done by imprisonment in these cases is long term and serious. The New Economics Foundation (2008) has estimated that the social, environmental and economic cost of imprisoning mothers for non-violent crimes over ten years is at least £17 million. This is because the children of imprisoned women are more likely to be unemployed and out of education. They are also more likely to become problem drug users and to become offenders.

There are also immediate financial and public protection costs to using short-sentences for women. The National Audit Office (2010) has estimated the financial costs of a typical community order involving supervision and drug treatment to be £1,400, whereas keeping someone in prison on a short sentence costs £4,500. The difference is largely explained by the fact that most of the cost of imprisonment lies in providing accommodation and security. At New Hall women's prison, the National Audit Office found that less than 10 per cent of the total prison budget was spent on the long-term resettlement needs of short term prisoners. Given that many women lose their home and jobs while inside, it is

² Schedule 1 of the Bail Act 1976 sets out the reasons someone may be refused bail. These include similar previous convictions, being a flight risk, the possibility of interfering with witnesses, and the likelihood of committing another offence.

unsurprising that these sentences have high and rising reconviction rates, especially as these women are not subject to statutory supervision on release. The latest national figures show that the reconviction rate for women serving any sort of custodial sentence rose from 45 per cent to 51 per cent between 2006 and 2009; and rose from 59 per cent to 62 per cent for those serving less than a year. In contrast, the rate for women on generic community orders has been between 31 per cent and 33 per cent since these fully replaced probation and other separate community orders in 2006 (see Ministry of Justice, 2011b). Of course, it can be argued that the courts take account of differences between offenders when passing sentence and that it is this which explains why some sentence types have higher reconviction rates than others. However, a recent study conducted by the Ministry of Justice, matched samples from 2005 through 2008 on characteristics such as age, principle offence and previous convictions. This analysis showed that in like-for-like cases, the reconviction rates for women given community orders were between 6 and 13 per cent lower than for similar offenders released from sentences of under 12 months (Ministry of Justice, 2011c).

Labour's legacy

Most of the issues which Labour faced when they were elected in 1997 in relation to dealing with women offenders were not new. They had been identified in a series of research studies conducted between the early 1980s to the mid-1990s by researchers such as Pat Carlen (1983; 1990) and Frances Heidensohn, (1985; 1986; 1996). Labour did little during its first term to directly address the rise in the use of custody for women or men, although the Social Exclusion Unit's report (2002) acknowledged that women in prison were most likely to be among the most socially disadvantaged; and least likely to have their needs addressed in prison.

During its second term, Labour published the Women's Offending Reduction Plan (Home Office, 2004b). The plan stressed the need to improve the response to women offenders because this would reduce their offending. This was to be accomplished by providing a better tailored and more appropriate response which focused on the causes of women's offending such as poverty, unemployment, sexual and physical abuse and substance misuse. No new money was allocated to achieve this. Although the Plan's authors ensured that specific objectives and timeframes were agreed with the agencies responsible for delivering them, only one of the 'objectives' listed under the six Delivery plan areas (Bail and Remand; Sentencing; Community Provision; Prisoner Resettlement; Women Offender Management; Crime Prevention) was actually framed as an outcome, and this was to reduce reoffending. The other objectives took the form of aspirational statements about improving processes and information sharing. The lack of specific targets for cutting the use of custodial sentences was particularly disappointing, given that the main reason for the rise in the use of custody for women seems to be a general toughening of the sentencing climate.

Despite the lack of funding the Home Office Women's Policy Team, who were responsible for coordinating the Women's Offending Reduction Plan, did

contribute to a number of changes which have probably been beneficial (see Women's Policy Team, 2006). Perhaps most importantly, it set up a cross-departmental liaison group and sought to persuade other Departments that an adequate or effective response to women who offended would involve health, social services and accommodation providers as well as the criminal justice system. Another major achievement was that the team managed to obtain over £9 million to support the three-year 'Together Women' demonstration project to model best practice in supporting current or former offenders and those whose social exclusion needs were considered to put them 'at risk' of offending. This project operated at five centres in the North of England, where it sought to provide holistic support to women who could either self-refer or be advised to attend by the police, probation service, courts or other agencies (see Hedderman et al., 2008 and Jolliffe et al., 2011).

Unfortunately, most of the criticisms levelled by Carlen (2002) and Tombs (2004) at previous policies to reduce the use of custody for women are equally applicable to the Women's Offending Reduction Plan in general and the Together Women project in particular. The assumption that providing sentencers with more information and better community options would reduce their use of custody is contradicted by history. This was the approach recommended by the Women's National Commission (1991). It was also recommended by the Wedderburn Committee (Prison Reform Trust, 2000) by which time sentenced receptions had tripled to around 7,000 women. Another 1,000 sentenced receptions a year were happening by the time Women's Offending Reduction Plan (2004) recommended the same approach (Hedderman, 2010).

To understand why broadening the range of community services for women is a necessary, but not sufficient, condition for reducing the use of short custodial sentences, it is helpful to listen to what sentencers themselves say about their decision-making. For example, the sentencers interviewed by Hough et al. (2003) said that when a case is serious enough to reach the custody threshold there is no alternative, although magistrates judged seriousness in terms of failure on previous orders, rather than the nature of the current offence, which probably helps to explain why so many women are given short sentences for theft and breach. Both judges and magistrates denied sentencing women or men to custody because of a lack of suitable community alternatives. Similarly, while the 14 magistrates interviewed about their experience of the Together Women felt that it had filled an important gap in community provision, and welcomed it on that basis, none said that they had diverted a woman from custody because of it (Jolliffe et al., 2011).³ Indeed there is evidence to suggest that, unless preventive action is taken, far from replacing custody, the availability of better community-based provision tends to result in net-widening.

³ Interestingly, despite generally dealing with more serious cases, some of the Judges interviewed did use Together Women in this way. This seems to be connected with a difference in the way they define the custody threshold (see Jolliffe et al, 2011).

Studying the history of previous ‘alternatives to custody’ is also helpful. This shows that increasing the range of community options, without taking away the power to imprison, is not an effective way of decreasing the use of custodial sentences. Community service (or unpaid work) and combination orders (a mixture of unpaid work and probation supervision) were both introduced as alternatives to custody. However, both sentences quickly became alternatives to each other and to other community sentences. For example, in 1993 only 19 per cent of community service orders were imposed on offenders with no previous record. By 2003, 29 per cent were imposed on first time offenders. Over the same period, there was an increase from 10 to 16 per cent in the proportion of combination orders imposed on first time offenders (Home Office, 2001; Home Office, 2004a). Meanwhile, the use of custodial sentences actually increased. More recently, Patel and Stanley (2008) have concluded that a similar pattern can be seen in the use of Suspended Sentence Orders which were introduced as an alternative to short custodial sentences. They found that for women ‘...the growth of the Suspended Sentence Order has been at the expense of the Community Order and the fine. There is no indication that the introduction of the new orders has had a significant impact on the courts’ use of immediate custody’ (Patel and Stanley, 2008:35). The increased use of this order for women is also concerning because if they breach such orders they will either be subject to additional conditions (with an increased risk of further breach) or be resentenced and go directly to prison (Hedderman, 2010).

The previous government’s response to the Corston Review (2007) signals most clearly Labour’s ambivalence about the treatment of women in the criminal justice system. Corston’s (2007:i) assertion that ‘[t]here are signs that the government would welcome a radical approach to these issues’, now seems dramatically over-optimistic. While it was prepared to remind the courts that ‘intensive packages of requirement on a community order, together with supportive interventions and services, can be more effective in responding to women’s needs and reducing re-offending’ (Ministry of Justice, 2007b:19), the then Government persisted with the line that sentencing was a matter for the courts. However, as Ashworth (2010) points out, the legislature has shown itself very willing to involve itself in other areas which were previously regarded as purely judicial, such as specifying statutory starting minimum terms in murder cases. Also, while it remains axiomatic that in individual cases, sentencers must be left to decide on the specific sentence, the government has expanded the range of sentencing powers generally, so surely it is for them to constrain them generally? To say otherwise is to say that the legislature can only increase the severity of existing sentencing options, but never reduce it. This may be what successive governments in England and Wales have done; however, this is not inevitable, as evidenced by the Scottish government’s decision to introduce a statutory presumption against prison sentences of three months or less.⁴

⁴ See Part 1(17) Section 1 of the Criminal Justice and Licensing Act (Scotland) Act 2010.

The Ministry of Justice's (2008) report on progress in implementing Corston's recommendations mainly refers to future plans. While it may be unreasonable to argue that more could have been done in the year immediately after Corston reported, this was four years after the Women's Offending Reduction Plan was published and six years after the Social Exclusion report was published.

Reviewing the annual reception and population figures for women over the last decade shows it would be foolish to claim that a trend had developed based on only one or two years figures. The figures fluctuate too much year on year, although the overall trend has been upwards. Two years post-Corston, the Ministry of Justice's (2009) claim that 'There has been a 4.2 per cent reduction in the number of women in prison over the past two years' is even harder to understand. This figure does not match the figures published as national statistics for total receptions, receptions under sentence, or the sentenced prison population for any two year period between 2006 and 2009.⁵ The same report makes much of the one per cent increase in community orders between 2007 and 2008 (see Ministry of Justice, 2009:5). Again, given annual fluctuations, it is questionable whether this scale of change is worthy of comment. If it is, it is also worth noting that this increase was exclusive to orders of one year or less which indicates that more women involved in less serious cases were being drawn in to the community order net. These extra orders may have been imposed with a view to helping women access support but, if breached, they could easily lead to imprisonment. Interestingly, the same report made no mention at all of the considerable and rapid increase in the use of Suspended Sentence Orders which, Patel and Stanley (2008) suggest, was replacing less onerous community orders and, again, putting more women at risk of breach. In other words, what the Ministry of Justice seems to be celebrating as an achievement was actually a worsening of the existing trend towards net-widening and using higher tariff community sentences in place of less onerous ones.

There is no question that in the last few years of its administration, the Labour government made important progress in supporting and fostering the development of community-based programmes for women offenders based on best practice. To that extent, the Labour government can be proud of its legacy. However, its policy in relation to the escalating use of custody for women was a matter of doing too little, too late. By the time it left office, more women were being sent to prison for comparatively trivial offending, with four out of five short sentences on women passed by magistrates and district judges. By ignoring this problem for all of its first term and most of its second term, Labour lost the opportunity to make radical action in relation to the use of short-term prison sentences for women. By then it was left to follow the same tired and ineffective approach – exhorting the judiciary to use custody a little less and alternatives a little more - that its predecessors had adopted.

⁵ See Tables 6.1F and 7.1F Ministry of Justice (2010)

Coalition policy on reducing the use of prison for women: the first two years
 In the first year following its election the Coalition government continued to jointly fund the development of support schemes for women offenders with the Corston Independent Funders' Coalition.⁶ In January 2012, the Ministry of Justice announced that it had earmarked £3.2m of the National Offender Management budget for the same reason. The symbolic as well as practical value of this step should not be underestimated, given the government's concern to reduce Ministry of Justice spending by nearly a quarter within the next three years.

Breaking the Cycle (2010) showed that the Coalition government was also prepared to do some fresh thinking about some longstanding criminal justice issues. Their willingness to consider reducing minimum sentences, and to repeal the law which allows indeterminate sentences for public protection, indicates that their thinking can be both pragmatic and principled. Unfortunately, while they noted that short prisons sentences were particularly unhelpful for women, the only practical measure the Legal Aid and Sentencing Bill contains, which has obvious and direct benefits for women, is that to restrict remand to those whose offending is likely to result in a custodial sentence using the so-called 'no real prospect' test. The figures cited above suggest that this measure alone could more than halve the number of women received on remand. However, that depends on whether the courts will be expected to see the results of the no real prospect test as a suggestion, a recommendation, or a requirement. Also, what action will be taken to guard against this measure having the opposite effect to the one intended? For example, how can we sure that, when a defendant appears for sentencing, having been remanded is not treated as an indicator that a custodial sentence is likely to be appropriate?

Strategies to reduce the number of women going to prison

The rise in the number of women going to prison seems to be a side effect of a generally tougher climate. Most of these women go to prison for very short periods of time whether they are remanded or under sentence. Ultimately, many of those on remand are acquitted. Most of those under sentence are there for nonviolent crimes; and they have been sent there by magistrates and district judges. Short spells in prison disrupt women's lives, and those of their families. They get little help inside and no statutory supervision on release. Unsurprisingly, as the use of short prison sentences has increased, so have their reconviction rates. This use of imprisonment is ineffective as well as more expensive than other options. Imprisoning mothers has long-lasting negative effects on their children. These women are almost certainly not the people the media are thinking of when they call for tougher sentencing. The case for trying to reduce the number of women sent to prison on short prison sentences is strong whether the

⁶ The Corston Independent Funders' Coalition is a group of individuals, charitable trusts and foundations which seeks through advocacy and funding to sustain a move away from imprisonment into community sentencing for women offenders.

argument is couched in terms of financial waste, ineffective public protection or simple humanity.

There is broad agreement across the political spectrum that sending so many women to prison each year is unnecessary and undesirable. Achieving a reduction, however, requires a new approach because the current strategy of simply offering sentencers more and better community options has not been successful. New, higher tariff options, which were introduced as ‘alternatives to custody’, have in practice been used mainly in place of lower tariff and less costly options. When these new options are breached (which is more likely because they are more demanding), this has added to, rather than reduced, the number of women going to prison.

The development of community-based holistic support for women involved in crime has been a necessary, but not sufficient, condition for reducing the use of custody. Three more radical, but practical, changes are needed to avoid net-widening and ensure that custody is not used for nonviolent offenders whose poverty, mental health, substance abusing and history of victimisation make them more of a danger to themselves than to others. First, the speedier recourse to custody for breaching a community order, introduced under the CJA 2003, should be repealed. Few of the women imprisoned following a return to court for breach committed offences which were serious enough to lead directly to a custodial sentence, so this measure has added significantly to the number of women going to prison, at considerable cost and without making the community any safer. Second, rather than simply repealing the CJA 2003 power allowing magistrates and district judges to impose sentences longer than six months, their powers to impose unsuspended sentences of imprisonment for women should be withdrawn. Magistrates’ courts are sending most of the women to custody on short sentences and it is their use of custody which has increased the most. Third, as this measure, by itself, could lead to more cases being remitted to the Crown Court,⁷ and add to time on remand, fresh sentencing guidance is also needed to ensure that, for example, no cases are remitted for sentence involving first time, non-violent offenders. In these cases several previous lower tariff options must have been tried (and failed) first, including Suspended Sentence Supervision orders.

Removing the expectation of custody for breach of a court order could reduce receptions on short prison sentences by around 800 women. Restricting magistrates’ and district judges’ powers to sentence first time women offenders to custody for nonviolent offences could reduce receptions by a further 500, provided this was accompanied by guidance and restrictions on committing to

⁷ The Crown Court has been found to impose sentences which lie well within the range of magistrates’ courts powers in more than half of the cases which are sent there by magistrates in expectation of a harsher sentence (Hedderman and Moxon, 1992). While this study is now rather old, there is evidence that this is still true and a source of chagrin for some magistrates (Ipsos MORI, 2011),

the Crown Court for sentence.⁸ After allowing for the cost of providing appropriate supervision and support in the community, this would save more than £4 million each year in prison costs alone.⁹ This figure takes no account of the potential financial and human savings which might accrue from the reductions in reconviction which are likely to result from such a move. Such benefits would be even more certain if at least some of the money saved is channelled into community-based support services for vulnerable women and their families.

Finally, those who might wish to argue that having different disposals for women would breach equalities laws should remember that, in its response to the Corston report, the CEDAW (Convention on the Elimination of Discrimination against Women) Committee (2008) urged the then government to intensify its efforts to develop alternative sentencing and custodial strategies for women convicted of minor offences. The Committee also noted with concern the ‘varying levels of public understanding of the concept of substantive equality have resulted only in the promotion of equality of opportunity and of same treatment’ (CEDAW Committee, 2008: para 264). The evidence is that women are losing out in the current, supposedly gender neutral, sentencing environment in England and Wales. The current proposals are consistent with the CEDAW Committee’s recommendation that a ‘results-based’ approach should be adopted instead. Moreover, if the proposed approach for women is successful in terms of reducing the number of women exposed to custody and their reconviction rates, the arguments for extending the same approach to men become that much stronger.

8 See Table 1: approximately 60% (870) of the 1450 women who were received into prison on sentences of less than 6 months for ‘other offences’ are there for breach of a previous court order. It is assumed that a minority of these (70) were dealt with by the Crown Court and would still be received under sentence. By definition all of these women have been convicted previously. A further 3,500 women are received under sentence for non-violent offences. Of these, approximately 17% (600) have no previous convictions (MoJ, 2010b) and at least 500 (83%) of these have been sentenced at the magistrates’ court.

9 Using the NAO estimates cited in this report, replacing a short custodial sentence with a suitable community alternative would save £3,100 (£4,500-£1,400) per case. Thus, reducing short custodial receptions by 1,370 (870+500) would save around £4,247,000 a year.

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