

Recent Trends in the NSW Female Prison Population

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Aim: To explore a variety of explanations that can potentially account for the 50 per cent increase in the adult female prison population in NSW since 2011.

Method: In general, a rise in the prison population could be the result of an increase in the time spent in custody, or an increase in the number of offenders received into custody. Using multiple sources of NSW criminal justice data, we provide descriptive evidence outlining recent trends in the length of stay (LoS) in custody, as well as changes in the number and offending history of female offenders.

Results: Adult female remand and sentenced receptions have increased 55 and 85 per cent, respectively. In addition, females proceeded against to court by NSW Police have risen 18 per cent. We also observe large increases among Indigenous and non-Indigenous females. The most striking results are the substantial increases in repeat female offenders appearing before a court; for instance, the proportion of females with at least one prior court appearance has increased approximately 162 per cent. In contrast, LoS in custody remained relatively stable, and we do not find evidence that women are committing more serious offences.

Conclusion: Prior offending history is a key determinant in accounting for the increase in the adult female prison population in recent years.

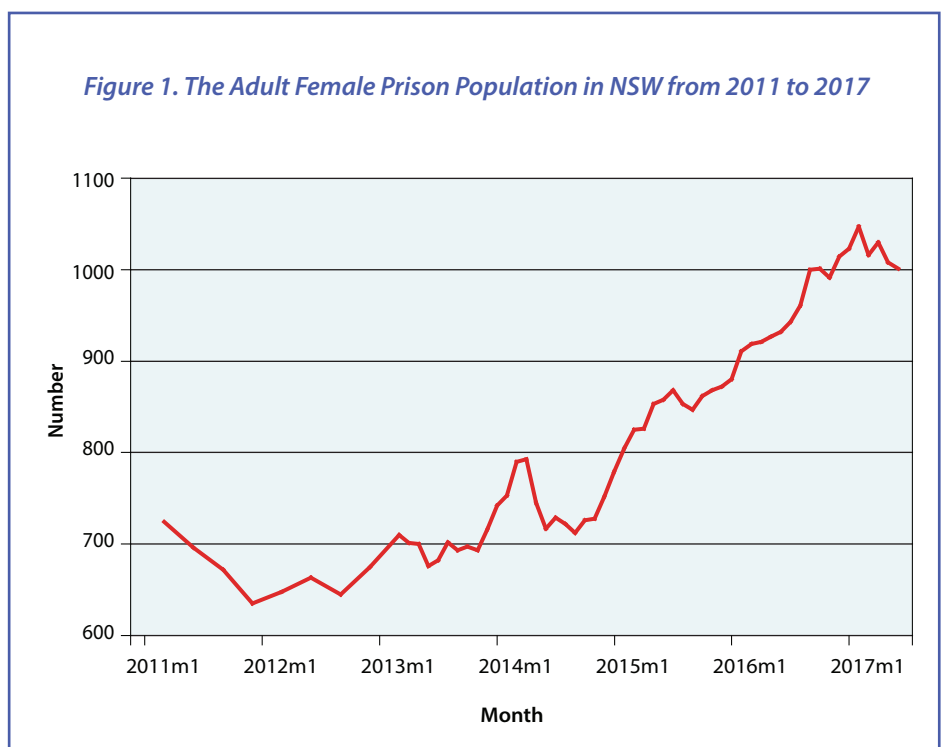
Keywords: Female offenders, female prison population, descriptive analysis

Background

The objective of this study is to explore a variety of explanations that can potentially account for the increase in the NSW adult female prison population. Figure 1 plots the number of adult females in prison from 2011 to 2017. It is evident that the adult female prison population is increasing rapidly, and the rise is especially pronounced from January 2015.

In general, a rise in the prison population could be the result of growth in the number of women received into custody and/or an increase in the time spent in custody. Consequently, we will investigate the following:

1. Has the length of stay in custody increased for females?



2. Have remand receptions increased for females?
3. Have sentenced receptions increased for females?
4. Is there an increase in females appearing before a court?
5. Are female offenders committing more serious offences?
6. Is there a rise in repeat female offending?
7. Are the courts increasingly likely to sentence female offenders to prison?

Data

We obtained monthly data between 2011 and 2017 from multiple sources: (1) BOCSAR's Re-offending Database (ROD); (2) the NSW Police Force Computerised Operational Policing System (COPS); (3) the NSW Criminal Courts datasets extracted from 'JusticeLink'; and (4) the Corrective Services NSW (CSNSW) Offender Integrated Management System (OIMS).

The offenders of interest in this study are adult females, where an offender is considered an adult if they are aged 18 years or over at the time of finalisation (or when the incident was recorded in the COPS dataset). For offenders who have multiple court appearances in the sample time period, we use their most recent finalised appearance. Throughout the brief, we produce separate results for female offenders by Indigenous status.

The COPS dataset includes only those female persons of interest (POIs) who have been formally proceeded against to court by the NSW police. A POI is a suspected offender recorded by police in connection with a criminal incident. It is important to note that the same female offender can be counted as a POI more than once if they are involved in numerous criminal incidents. Also, no POI information is recorded for criminal incidents where there is no known suspect.

The adult female custody data from OIMS includes only those offenders held in gazetted correctional centres managed by CSNSW. This includes persons sentenced or on remand, persons managed as forensic patients, persons held after expiration of their sentence awaiting deportation, and persons awaiting extradition to another jurisdiction. Persons in the Special Purpose Centre at Long Bay Correctional Centre are not included. Custody population data are counted at midnight on the last day of each month.

Trends in the NSW Female Prison Population

NSW Adult Female Prison Population between 2011 and 2017

Panel A of Table 1 summarises the findings for the NSW adult female prison population. The first and second columns contain the average number of females in custody, per month, for 2011 and 2017, respectively. The third and fourth columns calculate the change in the adult female prison population between 2011 and 2017.

The results in Panel A show a substantial increase in the female prison population. In 2011, the average number of imprisoned

females was approximately 682 per month, which had risen to 1,021 per month in 2017. Thus, there were an additional 339 women in prison per month, on average, which represents a 50 per cent increase, and is highly statistically significant.

The overall number of non-Indigenous females in prison remains higher than Indigenous females. However, the percentage increase among Indigenous females is larger; the proportion of the female prison population comprised of Indigenous inmates has risen by 14 per cent, even though the absolute number of non-Indigenous inmates is also increasing.

Another noteworthy finding in Panel A is the increase in the proportion of the overall female prison population comprised of females held on remand. In 2011, 29 per cent of the female prison population were women held on remand, which had increased to slightly over 40 per cent per month in 2017.

Decomposing the NSW Prison Population: Remand and Sentenced

Panels B and C of Table 1 separate the results by the remand and sentenced prison subpopulations in NSW, respectively. Beginning with Panel B, we find a 114 per cent increase in females held on remand per month since 2011. The number of Indigenous and non-Indigenous remanded females has more than doubled, while the proportion of remanded females that are Indigenous has remained relatively stable over time.

Among sentenced females in Panel C, the mean number of sentenced females has increased by roughly 23 per cent (an additional 113 women). Sentenced Indigenous and non-Indigenous females have risen approximately 53 per cent and 13 per cent, respectively, since 2011. Subsequently, the proportion of the sentenced population comprised of Indigenous females has increased by 26 per cent, and is highly statistically significant.

An increase in the proportion of remanded females necessarily implies that the proportion of sentenced females is falling. Of the extra 339 women in the prison population each month on average in NSW, roughly two-thirds of the increase is due to additional females being held on remand. Viewed together, these results imply that the predominant source of growth in the adult female prison population is the increase in females being bail refused.

Has the Length of Stay in Custody Increased?

In this section, we consider several factors that can potentially account for the increase in the NSW female prison population. Put simply, a rise in the prison population could be the consequence of an increase in female offenders received into custody and/or an increase in the time spent in custody. We will begin by investigating the length of stay (LoS) in custody among female offenders. We separate LoS among the remand only, sentenced only, and remand to sentenced subpopulations, respectively.

Table 2 presents the results for mean LoS (days) in NSW. Overall, the results indicate that the average time spent in custody

Table 1. Adult Female NSW Prison Population (Monthly Average)

	2011 (1)	2017 (2)	Difference (2) – (1)	Difference (%)
Panel A. Female Population				
Overall	682 (18.861)	1021 (6.720)	339***	49.706
Indigenous	195 (5.575)	340 (7.171)	145***	74.359
Non-Indigenous	487 (15.531)	681 (4.590)	194***	39.835
Proportion Indigenous	29 (0.640)	33 (0.553)	4***	13.793
Proportion in Remand	29 (0.806)	42 (0.649)	13***	44.827
Panel B. Remanded Females				
Overall	199 (2.286)	425 (8.995)	226***	113.567
Indigenous	63 (4.490)	138 (5.064)	75***	119.047
Non-Indigenous	136 (3.326)	286 (5.980)	150***	110.294
Proportion Indigenous	32 (2.022)	33 (0.800)	1	3.125
Panel C. Sentenced Females				
Overall	483 (18.614)	596 (4.112)	113***	23.395
Indigenous	132 (3.415)	202 (3.547)	70***	53.030
Non-Indigenous	351 (16.436)	395 (6.374)	44**	12.535
Proportion Indigenous	27 (0.802)	34 (0.717)	7***	25.925

Number of time periods: 10

The results in Table 1 are calculated from the NSW custody stock data, which counts the number of adults in custody as at midnight on the last day of the month.

The NSW adult female prison population data in 2011 are available quarterly.

Standard errors reported in parentheses.

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

among female offenders has fallen since 2011. While LoS increased slightly for females who were held on remand only, the LoS among sentenced only females and those who were held on remand and subsequently sentenced, is falling.

Among female offenders held on remand only, the LoS increased slightly from 31 to 38 days between 2011 and 2017 (a 23 per cent increase) on average per month, which is statistically significant at the 10 per cent level. The increase in remand only LoS appears to be driven by Indigenous females; the average LoS among Indigenous females increased by 37 per cent, and is statistically significant at the 5 per cent level of significance. In contrast, the 15 per cent increase in LoS for non-Indigenous females held on remand only is not statistically significant.

The LoS among sentenced only females fell by 46 days, on average, but the decrease is not statistically significant. The LoS

for sentenced only Indigenous women increased slightly by 21 days (16 per cent increase) over the same time period, but is not statistically significant. In contrast, the mean LoS for sentenced only non-Indigenous females decreased by 82 days (35 per cent reduction), and is statistically significant at the 10 per cent level.

Among females who were held on remand and subsequently sentenced, the mean LoS fell by 90 days (27 per cent), on average, and is highly statistically significant. The reduction is especially pronounced for non-Indigenous women, whose average LoS decreased by 32 per cent, and is highly statistically significant. Remand to sentenced LoS among Indigenous women decreased 9 per cent, but the reduction is not statistically significant.

In sum, LoS in custody is not increasing amongst female offenders in NSW. The remainder of the brief will investigate the various channels that offenders enter custody.

Table 2. Average Length of Stay (Days) for Adult Females Discharged from NSW Custody

	2011 (1)	2017 (2)	Difference (2) – (1)	Difference (%)
Remand Only	31 (2.475)	38 (2.447)	7*	22.580
- Indigenous	27 (2.711)	37 (1.055)	10**	37.037
- Non-Indigenous	34 (2.853)	39 (3.410)	5	14.706
Sentenced Only	198 (23.522)	152 (9.118)	-46	-23.232
- Indigenous	131 (8.520)	152 (15.716)	21	16.030
- Non-Indigenous	232 (31.948)	150 (11.132)	-82*	-35.344
Remand to Sentenced	338 (15.100)	248 (16.040)	-90***	-26.627
- Indigenous	219 (18.481)	200 (11.360)	-19	-8.675
- Non-Indigenous	421 (17.597)	287 (28.129)	-134***	-31.829

Number of time periods: 18
Standard errors reported in parentheses.
*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Table 3. Remanded Adult Females Received into NSW Custody (Monthly Average)

	2011 (1)	2017 (2)	Difference (2) – (1)	Difference (%)
Overall	116 (3.336)	180 (5.341)	64**	55.172
Indigenous	45 (1.900)	68 (1.740)	23***	51.111
Non-Indigenous	71 (2.639)	112 (5.147)	41***	57.746
Proportion Indigenous	39 (1.306)	38 (1.309)	-1	-2.564

Number of time periods: 18
Standard errors reported in parentheses.
*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Have Remand Receptions Increased?

In the previous section, we found that the growth in remanded females accounts for approximately two-thirds of the overall increase in the NSW female prison population. An increase in the remand subpopulation, coupled with a comparatively stable LoS for remand only offenders, suggests that the number of female offenders received into remand has risen in recent years.

Table 3 summarises the results. In brief, we find a 55 per cent increase in remand receptions per month, on average, in NSW. Between 2011 and 2017, an additional 64 females each month were received into remand, on average, which is a highly statistically significant increase. Other results show that an additional 23 Indigenous and 41 non-Indigenous females were

received into remand in 2017, on average per month – a 51 per cent increase, and 58 per cent increase, respectively. These increases are significant at the 1 per cent level. The proportion of Indigenous females received into remand has remained relatively stable.

Female offenders received on remand represent the majority of overall female receptions into custody. Despite falling slightly since 2011, the proportion of females received into remand each month remains above 80 per cent of all custodial receptions in 2017.

Have Sentenced Receptions Increased?

Here, we investigate recent trends in female sentenced receptions in NSW. Table 4 presents the results. There were an

Table 4. Sentenced Adult Females Received into NSW Custody (Monthly Average)

	2011 (1)	2017 (2)	Difference (2) – (1)	Difference (%)
Overall	24 (2.118)	44 (1.327)	20***	83.333
Indigenous	9 (0.694)	17 (1.376)	8***	88.900
Non-Indigenous	15 (1.872)	27 (1.064)	12***	80
Proportion Indigenous	39 (4.371)	39 (2.535)	0	-

Number of time periods: 18
Standard errors reported in parentheses.
*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Table 5. Adult Females Proceeded Against to Court by NSW Police (Monthly Average)

	2011 (1)	2017 (2)	Difference (2) – (1)	Difference (%)
Overall	2233 (41.530)	2640 (84.573)	407***	18.226
Indigenous	362 (10.147)	440 (19.785)	78***	21.547
Non-Indigenous	1871 (32.971)	2200 (67.917)	329***	17.584
Proportion Indigenous	16 (0.236)	17 (0.392)	1	6.250

Number of time periods: 18
Standard errors reported in parentheses.
*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

additional 20 women (83 per cent increase) being sentenced to prison each month, on average, which is highly statistically significant. Other results indicate that Indigenous and non-Indigenous female sentenced receptions increased 89 per cent and 80 per cent, respectively. These changes are also highly statistically significant. The proportion of sentenced Indigenous females received has remained stable since 2011.

As previously noted, the proportion of receptions comprised of remanded females has remained relatively stable with time, which necessarily implies that the proportion of sentenced receptions also remained stable over the same time period.

Is there an Increase in Female Offenders Appearing before a Court?

Table 5 presents a summary of the mean number of females proceeded against to court by NSW police per month. Overall, there has been a substantial increase in the number of females proceeded against to court. Since 2011, the NSW police proceeded against an additional 407 women per month on average, or an 18 per cent increase, which is statistically significant at the 1 per cent level.

On average, an additional 78 Indigenous and 329 non-Indigenous females per month were proceeded against to court; an approximately 22 per cent and 18 per cent increase, and is highly statistically significant. Also, the proportion of

females proceeded against who are Indigenous has remained relatively stable since 2011.

Are Female Offenders Committing More Serious Offences?

We also consider the possibility that female offenders are committing more serious offences, over time, as a proportion of all offences. The full results are presented in Table 6. We do not find evidence that women are committing more serious offences. In fact, offences more likely to attract a longer prison sentence, such as 'Homicide and Related Offences', 'Sexual assault and Related Offences', and 'Dangerous or Negligent Acts Endangering Persons' offences have remained stable or fallen, since 2011. The offence types with the largest increases are 'Offences against Government Procedures, Government Security, and Government Operations', 'Illicit Drug Offences', and 'Theft and Related Offences'.

The top five offences committed by female offenders at finalisation are 'Traffic and Vehicle Regulatory Offences', 'Acts Intended to Cause Injury', 'Illicit Drug Offences', 'Offences against Government Procedures, Government Security, and Government Operations', and 'Theft and Related Offences'. Overall, the top five offences committed by women have remained steady, over time.

Table 6. Principal Offence for Adult Females Appearing in NSW Criminal Courts (Monthly Average %)

	2011 (1)	2017 (2)	Difference (2) – (1)	Difference (%)
Homicide and Related Offences	0.187 (0.0003)	0.065 (0.0002)	-0.122***	-65.240
Acts Intended to Cause Injury	14.101 0.0	14.577 (0.003)	0.476	3.375
Sexual Assault and Related Offences	0.081 (0.0002)	0.081 (0.0002)	0	-
Dangerous or Negligent Acts Endangering Persons	4.436 (0.001)	1.822 (0.001)	-2.614***	-58.926
Abduction, Harassment, and Other Offences against the Person	0.351 (0.0005)	0.612 (0.0007)	0.261***	74.359
Robbery, Extortion, and Related Offences	0.130 (0.0003)	0.138 (0.0003)	0.008	6.153
Unlawful Entry with Intent/Burglary, Break and Enter	0.498 (0.0006)	0.890 (0.0008)	0.392***	78.714
Theft and Related Offences	6.334 (0.002)	8.833 (0.002)	2.499***	39.453
Fraud, Deception and Related Offences	4.730 (0.002)	3.693 (0.001)	-1.037***	-21.923
Illicit Drug Offences	9.893 (0.002)	13.531 (0.003)	3.638***	36.773
Prohibited and Regulated Weapons and Explosives Offences	0.220 (0.0004)	0.547 (0.0007)	0.327***	148.636
Property Damage and Environmental Pollution	2.426 (0.001)	2.762 (0.001)	0.336*	13.850
Public Order Offences	2.663 (0.001)	2.835 (0.001)	0.172	6.459
Traffic and Vehicle Regulatory Offences	45.465 (0.004)	37.162 (0.004)	-8.303***	-18.262
Offences against Government Procedures, Government Security and Government Operations	6.380 (0.002)	11.317 (0.003)	4.937***	77.382
Miscellaneous Offences	2.091 (0.001)	1.127 (0.001)	-0.964***	-46.102
<i>N</i>	12,240	12,238		
Top 5 Offences as a Proportion of All Offences	0.820	0.853		

Offence categories are based on the Australian and New Zealand Standard Offence Classification (ANZSOC), 2011.

Standard errors reported in parentheses.

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Is there a Rise in Repeat Female Offending?

Next, we investigate whether there is an increase in the proportion of women appearing before a NSW court who possess an extensive criminal history. An extensive criminal history could increase the likelihood of being refused bail and/or receiving a prison sentence.

Table 7 summarises the monthly proportion of adult females in NSW Criminal Courts who have one or more prior court appearances. In general, there are large increases, particularly among non-Indigenous women.

Panel A presents the results for females who have at least one, three, five, or ten prior court appearances. Each increase is large and statistically significant. For instance, approximately 18 per cent of females appearing in NSW Criminal Courts each month in 2011 had at least one prior court appearance. In 2017, this had increased to nearly half of all females per month.¹ These findings indicate that a greater proportion of female offenders appearing in court in 2017 possess an extensive prior criminal history compared to 2011.

Table 7. Prior Court Appearances for Adult Females Appearing in NSW Criminal Courts (Monthly Average)

	2011 (1)	2017 (2)	Difference (2) – (1)	Difference (%)
Panel A. Proportion of Females with One or More Prior Court Appearances				
Proportion of females with at least one prior court appearance	17.713 (0.254)	46.337 (2.310)	+28.624***	+161.599
- Indigenous	2.017 (0.126)	8.604 (0.527)	+6.587***	+326.574
- Non-Indigenous	15.701 (0.236)	37.732 (1.886)	+22.031***	+140.315
Proportion of females with at least three prior court appearances	5.960 (0.164)	27.440 (1.636)	+21.480***	+360.402
- Indigenous	1.139 (0.075)	6.646 (0.435)	+5.507***	+483.494
- Non-Indigenous	4.826 (0.159)	20.793 (1.254)	+15.967***	+330.853
Proportion of females with at least five prior court appearances	2.879 (0.090)	18.453 (1.048)	+15.574***	+540.951
- Indigenous	0.681 (0.060)	5.067 (0.300)	+4.386***	+644.052
- Non-Indigenous	2.198 (0.084)	13.385 (0.845)	+11.187***	+508.962
Proportion of females with at least ten prior court appearances	0.742 (0.048)	7.766 (0.415)	+7.024***	+946.630
- Indigenous	0.201 (0.026)	2.730 (0.216)	+2.529***	+1,258.209
- Non-Indigenous	0.540 (0.045)	5.036 (0.358)	+4.496***	+832.592
Panel B. Proportion of Females with Recent Court Appearances				
Proportion of females with at least one prior court appearance in the past year	4.639 (0.147)	21.021 (1.263)	+16.382***	+353.136
- Indigenous	0.464 (0.037)	4.582 (0.328)	+4.118***	+887.500
- Non-Indigenous	4.174 (0.135)	16.439 (0.964)	+12.265***	+293.842
Proportion of females with at least one prior court appearance in the past two years	7.749 (0.220)	28.601 (1.710)	+20.852***	+269.092
- Indigenous	0.893 (0.072)	5.984 (0.395)	+5.091***	+570.100
- Non-Indigenous	6.855 (0.205)	22.617 (1.367)	+15.762***	+229.934
Proportion of females with at least one prior court appearance in the past five years	12.609 (0.239)	37.011 (2.050)	+24.402***	+193.528
- Indigenous	1.542 (0.107)	7.396 (0.488)	+5.854***	+379.636
- Non-Indigenous	11.066 (0.230)	29.615 (1.640)	+18.549***	+167.621

Number of time periods: 18
Standard errors reported in parentheses.
*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Now we will briefly investigate the timing of the prior court appearances among female offenders in NSW. Panel B presents the proportion of women with at least one prior finalised court appearance in the past year, two years, or five years respectively. The increases in the third column are all large and highly statistically significant. For instance, approximately 5 per cent of female offenders per month in 2011 have at least one prior finalised court appearance in the previous year, which increased to 21 per cent, by 2017.²

Viewed together, the results in Table 7 suggest that female offenders possess an increasingly extensive offence history over time, and moreover, these prior offences were committed in recent years.

Are the Courts Increasingly Likely to Sentence Female Offenders to Prison?

In this section, we investigate the possibility that the courts are increasingly more willing to sentence females to prison. Potentially, an increase in the NSW female prison population is a consequence of the rise in bail refusal among female offenders, resulting in a greater number of women receiving a subsequent prison sentence.

We estimate a series of logistic regression models that include a variety of factors that influence the likelihood of imprisonment, including offender age and Indigenous background, as well as offence history and offence type. In each specification, the variable of interest is a dummy variable equal to one if the year is 2017, and zero otherwise. The outcome of interest is the probability of being sentenced to prison.³

If a female offender is more likely to be sentenced to prison in 2017 relative to 2011, we should observe a positive and statistically significant marginal effect on the dummy variable for 2017, after including other factors that influence the likelihood of receiving a prison sentence.

Table 8 reports the marginal effects, which compare the likelihood of being sentenced to prison in 2017 compared with 2011. We begin with a simple raw comparison with the basic set of controls, and each subsequent column progressively adds covariates to the specification.

Column 1 includes only the basic set of controls. The marginal effect is 0.033, which indicates that the probability of imprisonment is 3.3 per cent higher in 2017 relative to 2011, and the effect is highly statistically significant. Column 2 includes the basic set of controls and principal offence type. The probability of being sentenced to prison is 2.8 per cent and remains statistically significant.

Column 3 adds prior offending history.⁴ Interestingly, the marginal effect attenuates to zero, and is not statistically significant at the conventional levels. This implies that the probability of being sentenced to prison in 2017 reduces considerably once prior offending history is included in the estimation. Finally, column 4 adds the full set of controls. Here, the marginal effect is approximately zero and not statistically significant.

In summary, there does not appear to be any evidence that the courts have an increased proclivity to sentence female offenders to prison once offence type and, in particular, prior offending history are included in the estimation.

Table 8. Comparing the Probability of Imprisonment among Adult Female Offenders Sentenced in NSW Criminal Courts

	(1)	(2)	(3)	(4)
2017 vs 2011	0.033*** (0.003)	0.028*** (0.003)	0.003 (0.003)	0.004 (0.003)
Prior Offending History	No	No	Yes	Yes
Timing of Prior Offending	No	No	Yes	Yes
Principal Offence Type	No	Yes	No	Yes
N	23,367	23,367	23,367	23,367

The outcome of interest is the probability of imprisonment.

The table reports the marginal effects.

Each column includes controls for month, Indigenous status, and age.

Robust standard errors are reported in parentheses.

*** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$

Conclusion

In this study, we explored a range of factors that could account for the 50 per cent increase in the adult female custody population in NSW between 2011 and 2017. Of these, the most striking finding is the dramatic increase in repeat female offenders. We discover large and statistically significant increases in female offenders who have multiple prior court appearances. Indeed, there is evidence that prior offending history is a key determinant when accounting for the rise in the female prison population in recent years. We also found an increase in females being proceeded against to court by the NSW Police and females received into remand.

Conversely, we do not uncover evidence that female offenders are spending more time in custody. Nor do we find that females are committing more serious offences, including those offences that are more likely to attract a prison sentence.

It is possible that the dramatic increase in repeat female offending in recent years is the result of changes in the criminal behaviour or motivation of female offenders, but also proactive law enforcement and policing targeting repeat offenders. Another consideration is that females with a prior criminal history generally do not have access to labour market opportunities once released from custody, and subsequently, return to criminal activity (Butcher, Park & Piehl, 2017). If so, a greater number of female offenders will have difficulty entering the labour market upon release due to their criminal history.

Notes

1. To provide context for the results in the fourth column of Panel A, in 2011, the average number of female offenders with at least one prior court appearance is 350 per month. In 2017, the average number had risen to 1,178 per month, which is an additional 828 women and is highly statistically significant.
2. To offer context for the results in the fourth column of Panel B, in 2011, the mean number of women with at least one prior court appearance in the year prior to finalisation was 92 per month, which had risen to 535 in 2017. The increase of 443 additional female offenders is statistically significant at the 1 per cent level.
3. In the analysis, the data available for 2017 are the months January to June.
4. Prior offending history includes the number of prior prison sentences, whether the offender served a prison sentence in the previous one or five years, the number of prior court appearances, and whether the offender appeared before a court in the previous one or five years.

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