

## THE GROWTH IN FEMALE IMPRISONMENT IN NEW SOUTH WALES

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*The female prison population in NSW grew by nearly 40 per cent between 1995 and 1999. In 1999, more than three-quarters of the women entering prison committed non-violent offences such as theft or driving offences. While most of the growth in female imprisonment is due to the increased number of women entering prison for non-violent offences, the number of women entering prison for violent offences such as assault or robbery has almost doubled since 1995. These violent offences were primarily committed by women acting alone. Only 11 per cent of violent offences involved male co-offenders.*

### INTRODUCTION

The number of women in New South Wales (NSW) correctional institutions has increased significantly in recent years. In relative terms, women constitute only a small percentage (about 7%) of the total prison population in NSW. However, between 1995 and 1999, the number of women in NSW prisons increased by 39 per cent (from 409 to 570). Over the same time period, the male prison population increased by only seven per cent (ABS 1997; ABS 2000).

The increase in female prisoners over the past five years is not unique to NSW. Between 1995 and 1999, the total Australian prison population increased by 63 per cent, with most Australian States and Territories experiencing a percentage increase far greater than that in NSW. The only exception to this pattern was in South Australia, where the female prison population decreased slightly (ABS 1997; ABS 2000).

In response to these trends, in 1999 the NSW Legislative Council appointed a Select Committee to investigate the increase in the NSW prisoner population. In July 2000 the Committee published an Interim Report (Legislative Council 2000) identifying a number of factors which, it believed, were at least partly responsible for the increase in female imprisonment in NSW. Among the factors listed in the Interim Report was an increase in violent offending by women. The Committee, however, raised doubts about the importance of this factor, arguing that it had received submissions to the effect that the increase had been

exaggerated and that women usually commit offences as accessories rather than as principals in serious cases. (Legislative Council 2000, pp.30-31). Given the uncertainty surrounding the issue the Interim Report recommended:

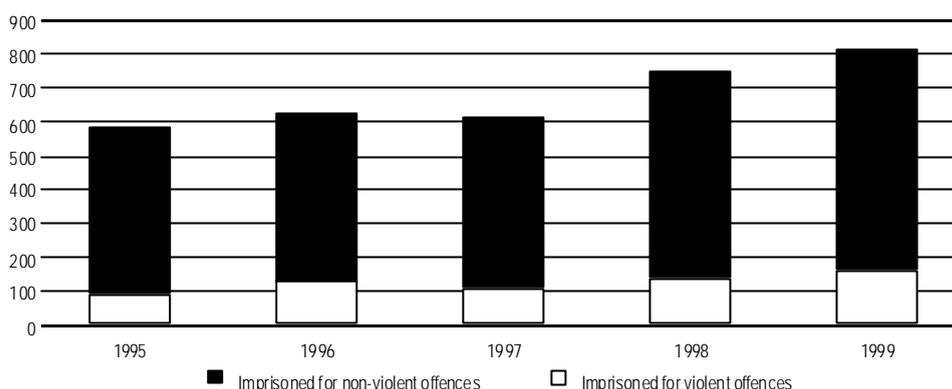
“That the Attorney General instruct the NSW Bureau of Crime Statistics and Research to undertake research into the patterns of offending of women, particularly in relation to violent offence charges. That research should investigate, among other things, the rate at which women are the principal or secondary offenders in crimes of violence.” (NSW Legislative Council 2000, p. 31).

This brief provides the response by the NSW Bureau of Crime Statistics and Research (BOCSAR) to this recommendation. The brief examines trends in: the proportion of women sentenced to imprisonment for violent offences; the type of offences for which women are imprisoned; and the involvement of male co-offenders in the commission of these offences.

### IMPRISONMENT FOR VIOLENT OFFENCES

In this section we examine whether the increase in the female prison population reflects a growth in the imprisonment of women for violent offences. We further examine whether an increase in the number of women imprisoned for violent offending has contributed significantly to the overall growth in female imprisonment.

**Figure 1: Number of women imprisoned by NSW Criminal Courts for violent and non-violent offences, 1995 to 1999**



For the purposes of this paper, violent offences have been defined as *assault, robbery and other offences against the person*, where *other offences against the person* include *murder, manslaughter, and sexual assault*.<sup>1</sup> In 1999, 11 per cent of the women who appeared before the NSW Criminal Courts were charged with a violent offence. However, since convictions for violent offences are more likely to result in a prison sentence than most other types of offence, 20 per cent of the women sentenced to imprisonment that year had a conviction for a violent offence.

Figure 1 presents the number of women imprisoned for violent and non-violent offences between 1995 and 1999. It is clear from Figure 1 that, although there has been a substantial increase in the number of women imprisoned for violent offences, most of the growth in the number of women imprisoned is due to the increased numbers entering prison for non-violent offences.

## OFFENCE PROFILE

It is also of interest to know the specific categories of crime for which increasing numbers of women are being imprisoned. Table 1 presents the number of women imprisoned by NSW Criminal Courts by type of offence in 1995 and 1999, and the percentage increase over that time. The offences shown are *robbery, assault, theft, driving offences* and *offences against justice procedures*. The offence category, *against justice*

*procedures*, includes *breaches of justice orders, resist or hinder police officer or justice official and offences against government operations*. It can be seen from the third row in Table 1 that the increase in the number of women imprisoned for *theft* makes the greatest contribution to the overall increase in the number of women sentenced to imprisonment. Although it is not shown in Table 1, the types of *theft* that have led to this increase are not the more obvious crimes of *break and enter* and *stealing from shops* but rather offences such as *unlawful possession of goods, fraud and motor vehicle theft*.

Relatively few women are sentenced to imprisonment each year for *robbery* and *driving offences*. However there has been a large percentage increase in the number of women imprisoned for these offences over the five-year period. The number of women sentenced to imprisonment for *robbery* has more than doubled, and the number of women sentenced to imprisonment for *driving offences* has more than tripled. The driving offences that account for most of the increase are *driving whilst disqualified* and *driving whilst licence was cancelled*.

Other notable offences for which women were imprisoned were *assault* and *offences against justice procedures*. There was a large increase in the number of women imprisoned for *assault* over the five year period, but there was a substantial decrease in the number of women imprisoned for *offences against justice procedures*.

**Table 1: Number of women imprisoned by NSW Criminal Courts by type of offence, 1995 to 1999**

Offence type	Violent offences		Non-violent offences			Total
	Robbery	Assault	Theft	Driving	Against justice procedures	All offences
1995	19	59	287	21	105	584
1999	45	104	392	67	83	814
Increase (No.)	26	45	105	46	-22	230
Increase (%)	137%	76%	37%	219%	-21%	39%

## VIOLENT OFFENCES INVOLVING MALE CO-OFFENDERS

This section looks into whether women are the main perpetrators of violent offences or whether they are in fact accessories to violent crimes committed by male co-offenders. To obtain information about whether women were principal or secondary offenders in violent crimes, a two stage technique was used. Firstly, we determined whether or not a man was involved in the violent crime. When a man was involved, additional information was used to determine the woman's level of involvement in the crime. As the data from Local and Higher Courts were gathered from different sources, however, separate criteria had to be applied to each data set to determine the woman's level of involvement in the crime.

For cases finalised in the Higher Courts, individual court files were examined. If a man was convicted in relation to the violent offence, he was deemed a co-offender. If the woman was convicted as an accessory to the crime, she was classified as a secondary offender.

Due to the larger volume of cases under consideration in the Local Courts, it was not feasible to obtain all of the necessary court files for the women dealt with in this jurisdiction. For cases finalised in the Local Courts, therefore, more detailed information about the offence for which the female offenders had been prosecuted was provided by the NSW Police Service.<sup>2</sup> The account of each offence in the police narrative was used to make a judgement over whether the woman was the principal offender, 'jointly' involved, or played a minor role in the incident.<sup>3</sup> A man was classified as a co-offender if the police had charged him, given him a Court Attendance Notice or wanted him in connection with the violent offence.

Table 2 shows the number and percentage of women imprisoned for violent offences, with a male co-offender, in the NSW Local and Higher Courts between 1995 and 1999. As this table shows, most women charged with committing a violent offence acted alone.<sup>4</sup> Furthermore, over the five year period the percentage of cases where a man was charged as a co-offender in a violence offence has decreased slightly.

It cannot be assumed that in all cases where there is a male co-offender, the female defendant was an accomplice. As noted earlier, police narratives and court files were examined in order to ascertain the precise role of women in cases where there were male co-offenders.

Over the last five years, 405 women were sentenced to imprisonment by the Local Courts for offences committed 'against a person'. In 375 of these cases it was possible to determine whether or not a man had also been charged with the offence. In just 42 (11%) of these cases, one or more male co-offenders had been charged for the offence. From the police narratives in these cases it appeared that 6 women were the main offenders, 30 women were jointly involved and 6 women played a minor role in the incident. In the overwhelming majority of Local Court cases involving female offenders imprisoned for violent offences, then, the woman was either the principal offender or was jointly involved with a male offender in the commission of the crime(s).

In the NSW Higher Courts over the last five years, 206 women were imprisoned for violent offences. Only 22 (11%) of these women were sentenced to imprisonment for violent offences committed with one or more male co-offenders. Just two of them (i.e. about 1% of the total) were charged as accessories to a violent crime committed by a male co-offender.

## SUMMARY

The number of women imprisoned for violent crimes nearly doubled between 1995 and 1999. The number imprisoned for non-violent offences over this period rose by approximately one-third. Because women are much more frequently imprisoned for non-violent offences, however, the absolute increase in female imprisonment for non-violent offences was much larger than that for violent offences.

The issue of whether women were primary or secondary offender in violent crimes was also considered. The results to this issue were clear: the vast majority of women imprisoned for violent offences were the principal offender in the commission of the crime.

**Table 2: Number of women imprisoned for violent offences by NSW Criminal Courts with a male co-offender, 1995 to 1999**

<i>Offence type</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>Total</i>
Number of women imprisoned for violent offences	85 <sup>#</sup>	116 <sup>#</sup>	101 <sup>#</sup>	125 <sup>#</sup>	154 <sup>#</sup>	581 <sup>#</sup>
Number of women imprisoned for violent offences with male co-offenders	11	18	10	11	14	64
Percentage of women imprisoned for violent offences committed with male co-offenders	13%	16%	10%	9%	9%	11%

<sup>#</sup> Table 2 excludes 30 cases as although their records existed in the Local Courts database, a record of a violent incident could not be found in COPS on or near the date given in the Local Courts database. Consequently it is not known whether they had a male co-offender.<sup>5</sup>

<sup>=</sup> A group of two women and one man were all imprisoned for the same violent offence.

## NOTES

- 1 Some women were sentenced to more than one offence. When this occurred their primary offence was usually the one taken into account. However, there were a number of women who had been sentenced for both violent and non-violent offences, and given equal length sentences for both types of offence. In this situation the violent offence was the one taken into account.
- 2 The police give a written account of each offence they attend, which are stored as narratives on the Computerised Operational Policing System (COPS). As BOCSAR does not have access to these narratives, the Organisational Policy and Development Directorate of the NSW Police Service kindly assisted us in obtaining the relevant data for this study.
- 3 The Local Court records provided information on which women received a prison sentence for a violent offence. Police narratives were then obtained for all women who were imprisoned for violent offences. Where possible, their criminal name index (CNI) number and date of offence were used to find the relevant police narrative. When the correct CNI number was not available, the woman's name and date of birth were used to search for all that woman's CNI numbers. These were then used in conjunction with the date of offence to locate the relevant police narrative.
- 4 There were a small number of incidents where two or more women acted together, and there were a few incidents where a man was involved but the police did not charge him as he played a minor role in the incident.
- 5 The 30 cases whose violent incident could not be found in COPS were from the following years: 1 case in 1995, 10 cases in 1996, 4 cases in 1997, 7 cases in 1998 and 8 cases in 1999.

## REFERENCES

- Australian Bureau of Statistics 1997, *Prisons in Australia, 1995*, ABS, Canberra.
- Australian Bureau of Statistics 2000, *Prisons in Australia, 1999*, ABS, Canberra.
- Select Committee on the Increase in Prisoner Population 2000, *Interim Report: Issues relating to Women*, NSW Legislative Council, Sydney.