



Making equality a reality... Crime and Justice

A summary and discussion of the implications of data from the Gender Audit of Statistics [Breitenbach, E. and Wasoff, F. Scottish Executive Social Research 2007] relating to care and caring prepared by S. Macpherson, Engender Associate and E. Thomson.

Gender Audit Findings

Crimes and Offences:

- There are significant differences in patterns of offending by men and women, both in terms of the numbers of offences and the types of crimes committed. For example, in 2004/05 there were 56 per 1000 of the male population having a charge proved against them, compared to 10 per 1000 of the female population.
- Among males, the age group with the highest rate of offending in 2004/05 was 18-19 year olds (363 per 1000 of the male population). Among females, the age groups with the highest rates of offending in 2004/05 were: 24 per 1000 of the female population aged 20; 28 per 1000 of the female population aged 21-25; and 24 per 1000 of the female population aged 26-30.
- Men were more likely than women to commit crimes of indecency - in 2004/05 there were 556 men convicted of a crime of indecency compared to 229 women. Crimes of indecency tend however to be gender specific in their nature, with men most often convicted of rape and other types of sexual assault, while the majority of women are convicted of prostitution.
- In line with patterns of offending, far greater numbers of men than women are charged and given penalties of all types. In 2004/05 14% of all males with a charge proved received a custodial sentence compared to 6% of women with a charge proved. Community sentences and financial penalties were given out in similar proportions to men and women – 13% of men and women receiving community sentences and 64% of men and 62% of women receiving financial penalties. Women (19%) were more likely than men (10%) to be given 'other' sentences.

Prison Population:

- The numbers of men and women in prison in Scotland has been rising over the last decade, with greater numbers of women receiving custodial sentences. In 1997/98 the average daily population of males in prison was 5,874, rising to 6,523 by 2005/06 (an increase of 11%). In 1997/98 the

average daily population of females in prison was 186, rising to 334 by 2005/06 (an increase of 80%).

- There are gender differences in the types of crime/offence for which prisoners are on remand or in custody. A higher proportion of women than men were in custody on 30th June 2005 for crimes of dishonesty (24% of female inmates and 12% of male inmates). A higher proportion of women were sentenced with drug offences (27% compared with 15% of men). A higher proportion of men were in custody for non-sexual crimes of violence, including serious assault and attempted murder (40% compared with 31% of women).

Drug Use:

- In 2004 men aged 16-59 years were more likely than women to have used some kind of drug at some point in the past (27% compared with 20%), and to have used some kind of drug in the last year (9% compared with 7%). Women were likely to perceive the risks of drug taking to be slightly higher than men.

Victims of crime:

- Over the period 1995/96 to 2004/05, the majority of homicide victims were relatives or acquaintances of the accused, with only 20% of homicides being committed by someone who was a stranger to the victim. Women were far more likely to be victims of their partners (40%) than were men (6%), while men were more likely to be victims of acquaintances (60%) than were women (22%).
- Data from the 2000 Scottish Crime Survey indicated that almost one in five female respondents had ever experienced threats or force from a partner or ex-partner, compared with 8% of males. Data from the combined 2003-2004 surveys shows that four percent of respondents (6% of women and 1% of men) said their partner or ex-partner had threatened them in the previous year, and the same proportion (5% of women and 2% of men) said their partner had used force towards them. Only around a third (34%) of respondents said that the police had ever come to know about any incident where force was used against them.
- In 2005 there were 45,287 incidents of domestic abuse recorded by the police. Of these, women were the victims of 39,840 incidents compared with men being the victims of 5,447 incidents.
- The most common perpetrators of domestic abuse in 2005 were ex-partners (29% of all recorded incidents), co-habitees (23% of all recorded incidents), and spouses (19% of all recorded incidents). Over time, ex-partners have become more likely to be perpetrators of domestic abuse (from 12% in 1999 to 29% in 2005), and spouses less likely (33% in 1999 to 19% in 2005).

Perceptions of Crime:

- In 2003, women were more likely than men to think that crime was an extremely or quite serious problem in Scotland (85% compared with 80% of men). Women were also more likely to think that there was a lot of crime in their area than two years previously (49% compared with 40% of men). Young women aged 16-24 were the most likely among women to think crime was a serious problem (90%), while young men aged 16-24 were the least likely among men to think so (76%).
- Women were much more likely than men to report feeling unsafe after dark, with figures from 2003 showing that 44% of women reported feeling unsafe walking alone after dark compared with 18% of men, and 11% of women reported feeling unsafe at home alone after dark compared to 3% of men. Those aged 60 and over are most likely to report feeling unsafe, with 31% of older men reporting feeling unsafe walking alone after dark compared with 52% of older women.
- Women were also more likely than men to report feeling worried about becoming the victim of a range of crimes. Figures from 2003 show that women were particularly concerned about being mugged or robbed – 48% of women reporting feeling very or fairly worried about this compared with 27% of men. There was also worry about being assaulted or attacked (42% of women being very or fairly worried about this compared with 27% of men). There was evidence that women aged 16-24 were the most worried about these two types of crime – 58% worried about being mugged or robbed and 57% worried about being assaulted or attacked compared with 26% and 29% respectively for men aged 16-24.

Criminal Justice System Workforce:

- Women are now entering the legal profession in greater numbers. They however remain under-represented at senior positions. In 2000 for example, women were 35% of solicitors on the Law Society of Scotland roll, they made up 54% of employees in law firms, and 54% of associates, but only 17% of consultants and 17% of partners. Women were particularly underrepresented in senior positions within the Judiciary – in 2000 women were 3% of judges and 11% of sheriffs.
- In 2003, 9% of Supreme Court judges were female and 16% of Sheriffs. There were no female Principal Sheriffs (figures from Queens University, Belfast). 40% of those working in the legal profession in 2005 were female (figures from Law Society of Scotland and EOC 2005). After the first five years of legal practice, a gender pay gap begins to emerge. The gap between those 6-10 years in practice was £9,000; and was at its highest between 21-25 years after admission where there was a gap of £36,000 in favour of men. The pay gap was more stark within private practice, with the gap at 6-10 years in practice at £14,000; and 21-25 years after admission was £42,000.
- Women made up the majority of staff in the Crown Office and Procurator Fiscal Services (67%) and Scottish Court Services (59%) in 2005. In contrast, the majority of employees in the Scottish Prison Service were men (78%).

- In 2005, women made up the majority of Social Work Services staff who were working with offenders (63% of fieldwork staff and 56% of residential staff). Again women were underrepresented at the senior levels – 29% of service managers and 46% of team leaders and managers among fieldwork staff.

Discussion

The aims of the previous Scottish political administration were to reduce crime (particularly violent and drug related crime), reduce re-offending, make communities safer places to live and work, deal swiftly and effectively with those who commit crimes and ensure support for victims and witnesses, combat anti-social behaviour, reform the courts and legal system to deal more effectively with cases, and to continue to modernise the law and legal system to protect individual rights. In relation to women there were three key policy concerns: women in prison, domestic abuse; and prostitution. While the SNP political manifesto continues to highlight many of the same broad themes, there has not been any explicit attention given to issues affecting women in the criminal justice system.

We have been seeing in recent years an increase in the numbers of women in prison. This is despite many of these women posing little risk to the community and concerns that prison may not be the best place for most – many being in custody as a result of fine default or with drug problems. Women's needs have been found to be different to men's physiologically, psychologically, dietary, socially, vocationally and in relation to health, with calls for prisons to respond better to these needs to help women avoid re-offending.

The focus on women that emerges in debates on domestic violence relates to the higher levels of reporting of incidents and greater levels of repeat victimisation experienced by women. Research on men's victimisation found that they were less likely to be repeat victims, to have been seriously injured or to report feeling unsafe in their home. Stalking and harassment are related problems that are most likely to affect younger women, most often being instigated by ex-intimate partners, with victims often having been in a violent and abusive relationship with the offender. Cases of consecutive or serial stalking are common.

Given the differences in criminal activity by men and women and the types of crime committed, the goal here is not to achieve gender equality. Factors influencing offending behaviour are complex, with clear differences between the behaviour of males and females. For example, we need to understand women's involvement in street prostitution as overwhelmingly a survival behaviour, with poverty, drug misuse and to a lesser extent alcohol misuse commonly linked to women's involvement in street prostitution. Existing evidence suggests that responses to offending need to recognise gender differences in support needs. We also need to recognise differences in the experiences of women and men as victims of specific crimes e.g. women's experience of domestic violence and rape

and how this affects the police service and victim support required. The aim therefore is to ensure equitable provision of services to men and women, recognising gender differences and gender specific needs.

Situating understanding of criminal behaviour in a wider socio-economic context is important. In relation to women there are particular crimes and/or penalties which are linked to poverty, such as women's involvement in street prostitution and penalties for fine default. There is also a gender gap in perceptions of and worry about crime in deprived communities, which means poverty needs to be addressed as a key element when responding to criminal behaviour.