

Characteristics and offending of women in prison in Victoria, 2012-2018

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Executive Summary

The number of women imprisoned in Victoria has more than doubled in the past decade, growing from 248 in 2008 to 581 in 2018 (Corrections Victoria, 2019a). There is evidence that most of the growth relates to a substantial increase in the number of women entering prison on remand, rather than the number entering on a sentence.

There are a number of potential drivers of the increase in the female prison population, including increases in the number of female offenders detected by police, in the frequency of their offending and/or in the seriousness of their offences. Additionally, changes to the Victorian *Bail Act (1977)* that commenced in 2013, 2015, 2016 and 2018 may have decreased the likelihood of bail being granted, thereby increasing the number of alleged offenders entering prison on remand over time. These amendments also made it more difficult for those accused of family violence offences or those with a history of perpetrating family violence to be granted bail.

In this paper, administrative data from Corrections Victoria was used to identify three cohorts of women who were received into prison during each of three time periods from July to December 2012, 2015 and 2018. This study sought to examine charges related to entry into prison among both remanded and sentenced women, and how these may have changed since 2012. For unsentenced women, the court outcome of charges linked to their reception into prison was also determined. Additionally, this research examined whether there were changes in the women's characteristics, and their history of offending and victimisation.

Findings

The number of women received into prison each year more than doubled between 2012 and 2018, rising from 333 prisoner receptions to 825 in 2018. This increase was driven by the growing number of unsentenced female prisoner receptions, which almost tripled between 2012 and 2018, rising from 241 to 719 receptions respectively. The number of sentenced receptions was comparatively stable, with 92 receptions in 2012 and 106 in 2018. As a result, the proportion of receptions in each cohort that related to unsentenced women grew from 72% in 2012 to 87% in 2018.

Prisoner characteristics

Overall, a higher proportion of unsentenced women who entered prison in 2018 were aged 35 or older compared with 2012 (39% compared with 32%), and a lower proportion were aged under 25 (18% in 2018 compared with 25% in 2012). The age breakdown of sentenced women was relatively stable. The proportion of women entering prison who were Aboriginal increased over time. This was particularly pronounced for sentenced women, with the proportion who were Aboriginal increasing from 10% in 2012 to 24% in 2018. The proportion of women who reported being a parent was relatively stable over time at around 65% for unsentenced women and 70% of sentenced women. However, the proportion that reported they were the primary carer for their children decreased from 26% in 2012 to 12% in 2018 for unsentenced women and 34% to 25% for sentenced women respectively.

History of imprisonment, offending and victimisation

The proportion of unsentenced women who had been imprisoned in the two years prior to their index entry into prison increased from 37% in 2012 to 45% in 2018, while the proportion of sentenced women remained relatively stable at around 48%. Approximately 90% of all women included in the study were recorded by police for at least one alleged offence in the two-year period prior to entering prison, in addition to their reception charges. Nevertheless, the frequency of police-recorded offending increased over time, with 12% of unsentenced women recorded for 30 or

more offences in 2012, compared with 20% in 2018. Examination of the type of historical offending revealed that the most commonly recorded offence was a *Property and Deception* offence with 83% of unsentenced women and 79% of sentenced women who entered prison in 2018 recorded for at least one offence of this type in the two years prior. The category of historical offending that showed the greatest change over time was *Breach bail* offences. The proportion of unsentenced women recorded for a *Breach bail* offence increased from 41% in 2012 to 69% in 2018, while the proportion of sentenced women grew from 20% in 2012 to 53% in 2018. The proportion of both unsentenced and sentenced women recorded for a *Drug offence* also increased from 42% and 30% respectively in 2012 to 56% and 46% in 2018.

Historical police-recorded involvement in family violence incidents as a perpetrator or victim increased over time. For unsentenced women, the proportion recorded as an alleged perpetrator of at least one family violence incident in the two years prior to entering prison increased from 35% in 2012 to 41% in 2018, while for sentenced women the proportion increased from 32% to 37%. The proportion of women recorded as the victim of at least one family violence incident increased over the same period from 38% to 43% of unsentenced women, but decreased from 46% to 39% of sentenced women. Overall, 51% of prisoners across the three cohorts had been recorded as the victim of at least one crime in the two years prior to their index reception. More than one-third of unsentenced women in each year had been recorded by police as the victim of a *Crime against the person* in the two years prior to their reception into prison. The proportion of unsentenced women who had been assaulted increased slightly from 27% in 2012 to 31% in 2018. Within each cohort, 6-8% of unsentenced women were the victim of a recorded sexual offence in the two years prior to their reception into prison.

Charges associated with entry into prison

Overall, the number of charges associated with the women's index prison entry increased over the study period for both unsentenced and sentenced women. The proportion with only a single charge linked to their prison entry decreased from 10% in 2012 to 3% in 2018 for unsentenced women and from 37% to 22% for sentenced women. On the other hand, the proportion of unsentenced women with more than five charges linked to their prison entry increased from 46% to 54%. The proportion of sentenced women with more than five charges associated with their prison entry increased from 28% in 2012 to 46% in 2018.

Similarly to historical offending, the category of reception charges that showed the greatest change over time was *Breach bail*. There was a substantial increase in the number of women with at least one *Breach bail* offence linked to their prison entry over time. The proportion of unsentenced women with a *Breach bail* offence linked to their reception increased from 21% of the 2012 cohort to 66% of the 2018 cohort, while this increase was 11% to 51% for sentenced women. These increases were largely driven by two new offences introduced in December 2013 (*Contravene a conduct condition of bail* and *Commit indictable offence whilst on bail*). In 2015, 50% of unsentenced women were charged with at least one of these two new offences, decreasing slightly to 47% in 2018. Thirteen per cent of sentenced women in 2015 were charged for one of the two new offences, while this was the case for 39% of sentenced women in 2018.

There was a decrease in the proportion of unsentenced receptions linked to at least one *Crime against the person* charge over time, from 37% in 2012 to 30% in 2018. This drop was largely driven by decreases in the proportion of women charged for *Robbery* and *Assault and related offences*. The proportion of unsentenced women linked to a charge for a *Drug offence* increased from 31% in 2012, to 44% in 2015, before dropping slightly to 41% in 2018. One-quarter of unsentenced women received into prison in 2018 were charged with *Drug use and possession* involving

methylamphetamine, increasing from just 5% in 2012. Twelve per cent of unsentenced women received into prison in 2018 were charged with dealing or trafficking in methylamphetamine, compared with 5% of women in 2012. The most common type of charge linked to the reception of sentenced women into prison in 2018 was a *Property and deception offence*, with at least one charge of this type linked to 72% of sentenced receptions. This represents a substantial increase from the 44% of sentenced women linked to this type of charge in 2012, which was largely driven by increases in the proportion linked to a *Theft and Deception* offence. The proportion of sentenced women whose reception was linked to a *Drug offence* more than doubled between 2012 and 2018, increasing from 12% to 25% respectively.

Analyses were conducted to determine what proportion of women in each cohort would have been placed in a reverse onus position with regard to the granting of bail, based on the nature of the charges linked to their entry into prison. These analyses found that 37% of unsentenced women would have been subjected to a reverse onus test in 2012, which increased to 74% in 2015 and 79% in 2018. Sixteen per cent of sentenced women would have been subjected to a reverse onus test when being considered for bail in 2012, which increased to 34% in 2015 and 60% in 2018. A large proportion of the increase in proportions of women subject to a reverse onus test was related to the two new bail offences added to the 'show cause' test of the *Bail Act (1977)* in 2013 (*Contravene a conduct condition of bail* and *Commit indictable offence whilst on bail*). In 2015, 32% of unsentenced women were only placed in a reverse onus position for the granting of bail because of these two new breach bail offences, while this was the case for 29% in 2018.

Sentencing of women who entered prison on remand

Ninety-one per cent of unsentenced women received in 2018 had at least one of their reception charges proven against them in court, while this was the case for 97% of women received in 2015 and 96% of women received in 2012. Nevertheless, only 62% of unsentenced women in 2018 were sentenced to imprisonment for at least one of their reception charges, while this was the case for 58% of women received in 2015 and 65% of women in 2012. Court outcomes for women received in 2018 should be interpreted with some caution as the court records for 10% of these women could not be identified, likely as their charges had not yet been heard in court at the time this study was undertaken.

Summary

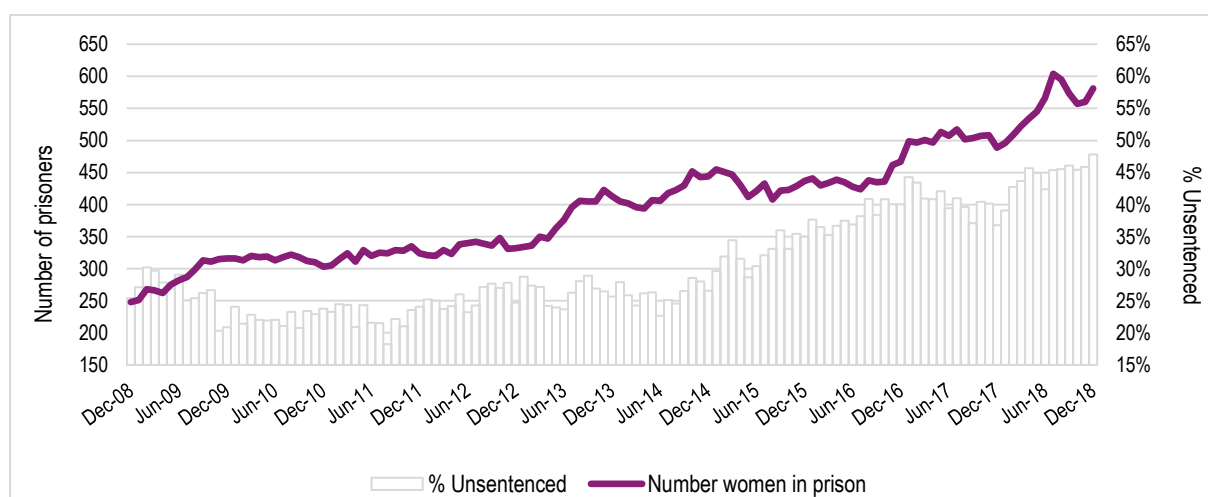
No evidence was identified to suggest that women imprisoned in 2018 committed more serious or violent crimes than in previous years. However, this study identified a number of indicators to suggest that unsentenced women who entered prison in 2018 had more extensive offending histories compared with women who entered prison in 2012, including a more extensive history of drug use or possession and breach of bail offences. Prison reception charges related to drug use or possession increased substantially over time, largely driven by a greater number of charges involving methylamphetamine.

Some evidence was identified to suggest that amendments to the *Bail Act 1977* may have led to an increase in the number of women being remanded in prison over time. More women in prison would have been placed in a reverse onus position when being considered for bail based on their prison reception charges over time. This indicates that it may have been more difficult for the 2018 and 2015 cohorts of women to be granted bail compared with the 2012 cohort. However, 32% of unsentenced women in 2015 were only placed in a reverse onus position for the grant of bail because of two new breach bail offences added to the *Bail Act (1977)* in 2013, while this was the case for 29% of unsentenced women in 2018.

1. Introduction

The number of women imprisoned in Victoria has more than doubled over the past decade, rising from 248 in 2008 to 581 in December 2018 (Figure 1). Despite accounting for a minority of the prisoners in Victoria, growth in the number of women in prison has outpaced that of men (Corrections Victoria, 2019a). Much of the increase in the female prison population is related to a greater number of women held on remand: the number on remand grew by 341% over the past decade, compared with 64% for sentenced women (Corrections Victoria, 2019b). This has led to significant changes in the composition of the female prison population, with unsentenced women now comprising almost half the women in prison, compared with one-quarter a decade ago (Figure 1). Many of these unsentenced women are held in custody for short periods of time before being released on bail or receiving a non-custodial sentence, while a small proportion are acquitted of all charges (Corrections Victoria, 2019c). In 2017, 66% of unsentenced women were released from prison without serving any time under sentence, an increase from 57% in 2011. There has been a disproportionate rise in the number of Aboriginal and Torres Strait Islander women imprisoned in Victoria during the past decade. In 2008, six per cent of the female prison population identified as Aboriginal or Torres Strait Islander increasing to 13% in 2018, despite comprising less than 1% of the female population aged over 18 in Victoria (Corrections Victoria, 2019a; ABS, 2018a).

Figure 1. Monthly snapshot of number of female prisoners in Victoria and proportion unsentenced



Source: Corrections Victoria 2019, Monthly time series prisoner and offender data

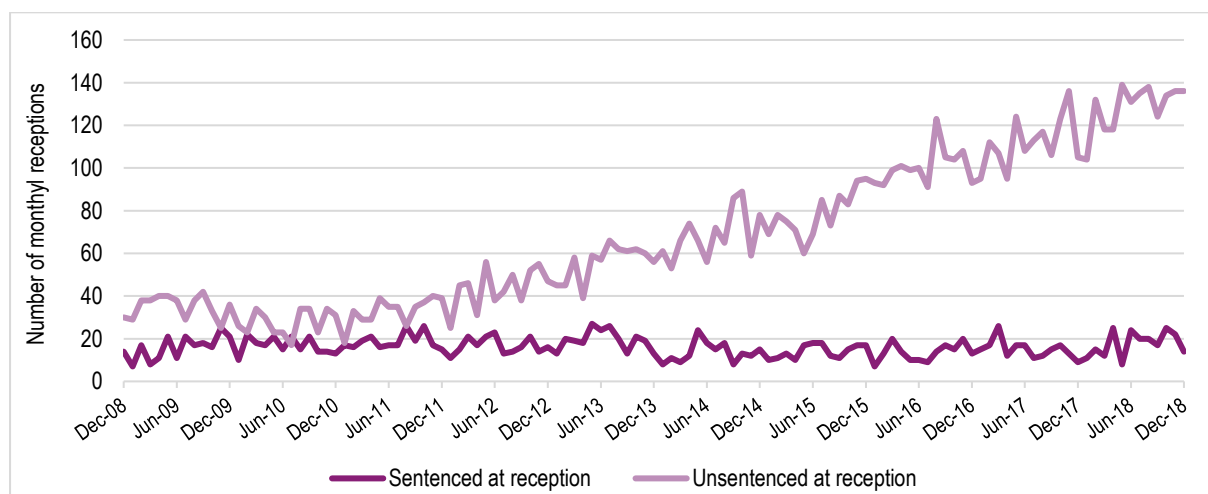
This steep rise in the number of women entering prison is not unique to Victoria, with other Australian states and countries such as the United Kingdom, New Zealand and the United States reporting similar trends (ABS, 2018b; Jeffries and Newbold, 2016; Ooi, 2018; Walmsley, 2017a). The number of women imprisoned in Australia in 2018 was almost double the figure a decade earlier (ABS, 2018b), while the number of women and girls in prison worldwide has increased by approximately 50% since 2000 (Walmsley, 2017a). The increase in the number of women imprisoned in Victoria, and Australia more broadly, cannot be explained through population growth alone, with the imprisonment rate per 100,000 of the female population also increasing over time (ABS, 2018b; Corrections Victoria, 2019a). Other Australian states and countries with broadly similar justice systems have also experienced a similar increase in the number and proportion of unsentenced prisoners in custody (Brown, 2013; Gartner, Webster and Doob, 2009; Office of the Inspector of Custodial Services, 2015; Ooi, 2018; Walmsley, 2017b). Australia-wide, the number of unsentenced prisoners in adult prisons increased by 118% over the past decade, with Victoria experiencing the largest increase in unsentenced prisoners between 2017 and 2018 of any Australian state (ABS, 2018b). New South Wales experienced a 50% increase in the number of women in prison between 2011 and 2017, with two-thirds of this growth attributable to a greater number of women held on remand (Ooi, 2018).

1.1 Potential drivers of the increased number of women in prison

Prisoner receptions and length of stay in custody

The number of people imprisoned at any one time is a product of the number of people received into prison and the length of time each person spends in prison. A number of studies have examined the relative contribution of each of these factors on the size of the Australian prison population (Freiberg and Ross, 1999; Carcach and Chisholm, 2000; Ooi, 2018; SAC, 2016; Weatherburn et al., 2016). A 2016 study of Victoria's prison population found that while the number of unsentenced prisoner receptions had increased, the length of time those prisoners spent on remand had decreased since 2005 (SAC, 2016). Similarly, the study found that introducing the use of short terms of imprisonment combined with community corrections orders had led to a decrease in the amount of time sentenced prisoners in Victoria spent in custody. Although no research was identified that considered the relative contribution of these factors to the female prison population in Victoria specifically, these findings are broadly similar to a 2018 New South Wales study that examined potential explanations for the increase in the female prison population since 2011 (Ooi, 2018). The study found the length of time female prisoners spent in custody had remained relatively stable, while an increased number of receptions had driven growth in the prison population. Corrections Victoria (2019b) monthly reception data shows the number of women initially received into prison as unsentenced prisoners has grown dramatically over the past decade, particularly since 2012, while the number received under sentence has remained comparatively stable (Figure 2). In December 2018, more than four times as many unsentenced women were received into prison in Victoria than were a decade ago. In 2018, 65% of unsentenced women spent less than one month in prison, only a slight decrease from 67% in 2009 (Corrections Victoria, 2019a). Twelve per cent of unsentenced women spent three months or more on remand in 2009, dropping slightly to 10% in 2018. Taken together, the available data suggests the increase in the number of female prisoners in Victoria over the past decade has been driven in large part by a greater number of women entering custody as unsentenced prisoners, rather than an increase in the length of time each woman spends in custody.

Figure 2. Number of monthly female prisoner receptions in Victoria by whether received under sentence



Female offending rates and recidivism

Some research suggests that the number of female offenders recorded by police in Australia and other countries has increased in recent years (Carrington, 2013; Holmes, 2010). Crime Statistics Agency data shows the number of unique female alleged offenders aged 20 and over in Victoria has increased from 13,919 to 15,391 in the five years ending 30 June 2018 (Crime Statistics Agency, 2018a). Research into female offending in Australia has shown that while men still far outnumber female offenders, the gap in the rate of offending for violent crimes such as murder and robbery has narrowed between the sexes (Beaton, Kidd and Machin, 2018). However, studies have shown this

narrowing is likely related to a reduced rate of male offending alongside a relatively stable rate of female offending (Beatton, Kidd and Machin, 2018; Estrada et al., 2016).

In Victoria, the most commonly recorded principal offence types for women imprisoned at 30 June 2018 were drug offences (24%), assault (17%) and select property offences (excluding burglary) (14%) (Corrections Victoria, 2019a). The proportion of women imprisoned for drug offences and assault have increased over the past decade, while the proportion imprisoned for homicide, sex offences, and robbery and extortion have all decreased over the same period (Corrections Victoria, 2019a). These trends suggest that the volume of women entering prison in Victoria is not due to an increase in the number of women recorded for very serious crimes. A recent study identified that a substantial increase in the number of repeat female offenders appearing before the courts and a smaller increase in the number of women proceeded against by police have contributed to the increased number of women in prison in New South Wales (Ooi, 2018). The impact of a person's criminal justice history on bail decisions is evident in the outcomes of unsentenced women's remand episodes in Victoria. Survey results show that women who had previously served a prison sentence were far less likely to be released on bail (31%) than those who had not (60%) (Corrections Victoria, 2019c).

Changes to bail legislation

When a person is arrested and charged with a crime, a decision is made by police, a magistrate, judge or bail justice (bail decision-makers), about whether to remand the person in custody or release them on bail until their charges can be heard in court. When the number of people refused bail increases, the number of people received into prison on remand will also increase.

Under Victoria's bail legislation alleged offenders have a general entitlement to bail (*Bail Act 1977*). However, there are two reverse onus categories defined in the Act where the alleged offender must demonstrate either 'exceptional circumstances' or 'show compelling reason' to the bail decision-maker as to why their detention in custody is not justified. These reverse onus tests mean the individual must "convince the court why they should get bail rather than the prosecutors having to convince the court why they should not get bail" (p.6, Victorian Law Reform Commission, 2007a). The circumstances that require a reverse onus test to be applied are specified in the *Bail Act (1977)*, with the offences types divided into two schedules. Schedule 1 offences require an accused to show 'exceptional circumstances' that demonstrate why they should be granted bail, and Schedule 2 offences require an accused to 'show compelling reason'¹ that demonstrates why they should be granted bail (*Bail Act 1977*). Both Schedule 1 and Schedule 2 include offences which, by nature of the offence type alone, place the accused in a reverse onus position. However, the *Bail Act (1977)* also includes offences that only place the accused in a reverse onus position in specific circumstances. For example, some offences are only on a Schedule when they are alleged to have been committed by a person on parole, where a weapon was used during the commission of the offence, or where the offence was committed in the context of family violence. All other factors being equal, it is more difficult for someone accused of a Schedule 1 offence to be granted bail than it is for someone accused of a Schedule 2 offence, as showing 'exceptional circumstances' is more difficult than showing 'compelling reason' (Coghlan, 2017). It is less difficult for someone who is not in a reverse onus position to be granted bail than someone who is in a reverse onus position (Victorian Law Reform Commission, 2007b). Finally, bail decision-makers must always also apply an 'unacceptable

¹ The accused needed to 'show cause' why they should be granted bail prior to May 2018, when this was changed to the more stringent 'show compelling reason' test.

risk test' when deciding whether to release someone on bail. This includes considering the likelihood the individual will fail to appear in court or commit further offences if they are granted bail (*Bail Act 1977*).

Victoria's bail legislation has been amended many times during recent years (Coghlan, 2017). Several amendments have expanded the list of offences that place alleged offenders in a reverse onus position when being considered for bail. In December 2013 two new offences against the *Bail Act (1977)* were introduced, which also commenced operating as 'show cause' offences for the grant of bail at that time: *s30A Offence to contravene certain conduct conditions* and *s30B Offence to commit indictable offence whilst on bail*. The introduction of these two offences was immediately followed by a spike in the number of *Breach bail conditions* offences recorded in Victoria, which increased 173% in the 10 years ending September 2018 (Crime Statistics Agency, 2018b). Following a bail system review in June 2017, additional amendments further expanded the list of offences that form part of the reverse onus tests (Coghlan, 2017; *Bail Amendment (Stage One) Act 2017*; *Bail Amendment (Stage Two) Act 2018*; *Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017*). This increased the difficulty for alleged offenders accused of select offences to be granted bail, such as those charged with manslaughter, rape, aggravated home invasion and aggravated carjacking (see Supplementary Table 1 that accompanies this report for a list of offences that would place offenders in a reverse onus position under the *Bail Act 1977* and each offence's commencement date).

To date, no research has been identified that examines the impact of bail amendments on the female remand population in Victoria. The limited available Victorian data highlights this period of rapid change for the bail and remand systems, with a significant rise in the number of bail applications made, as well as the number refused, in recent years. The number of bail applications (either granted or refused) in the Victorian Magistrates' Court more than doubled in the five years ending 30 June 2017, increasing from 13,310 to 32,617, while the proportion of these bail applications that were refused also increased from 24% to 36% over the same period (Magistrates' Court of Victoria, 2019). Research into the impact of bail reform on prison populations is scarce, though some studies have been undertaken in other Australian states and North America (Bartels et al., 2018; Canadian Civil Liberties Association, 2014; Sarre, 2016; Thorburn, 2016; Yeong and Poynton, 2018). In a paper examining New South Wales bail reforms, Yeong and Poynton (2018) found that amendments to the *Bail Act (2013)* increased the probability that an alleged offender would be refused bail by 11%.

Family violence

The recent amendments to the *Bail Act (1977)* have also increased the difficulty in obtaining bail for those accused of family violence-related offences, those with a recorded history of family violence and those with a family violence intervention order (FVIO) or a family violence safety notice against them. This increased focus on family violence perpetration during bail applications could result in a greater number of women being remanded, though no Victorian research in this area has been identified to date. The number of family violence incidents perpetrated by women aged 20 and over has increased over the past five years, from 12,741 to 15,911 in 2018, an increase of 25% (Crime Statistics Agency, 2018c). Additionally, the number of applications for an FVIO against females in Victoria increased over the five years ending 30 June 2018, rising from 7,159 to 8,406 (Crime Statistics Agency, 2018d). Though family violence may be perpetrated by both men and women, the Victorian Royal Commission into Family Violence heard evidence from multiple sources that women may be misidentified as the perpetrator in family violence incidents, or that both parties may be charged if there is a lack of clarity regarding the identity of the primary aggressor (State of Victoria, 2016a). While Victorian research in this area is scarce, Crime Statistics Agency data shows a lower proportion of FVIO applications against females are successful compared with males. In 2018, 69% of FVIO applications against a female resulted in an FVIO being made or reinstated, while 31% were struck out, dismissed, revoked or withdrawn (this includes those withdrawn by the person to be protected). However, 85% of applications

against a male resulted in an FVIO being made or reinstated, with 15% of applications struck out, dismissed, revoked or withdrawn.

1.2 The current study

Despite the dramatic changes that have occurred in the size and composition of Victoria's female prison population over the past decade, no research has been identified to date that examines the drivers of these changes. Therefore, the overarching objective of this study was to identify why women were imprisoned in 2018 and if reasons for female imprisonment in Victoria have changed over time.

This research aims to answer the following questions:

1. Has the profile of women being received into prison changed over time?
2. Are there differences in female prisoners' Victoria Police histories now compared with previously?
3. Are women being imprisoned for different types or combinations of offences now compared with previously?
4. Is there evidence that changes to Victorian bail legislation which occurred between 2012 and 2018 contributed to observed increases in the number of women in prison?
5. Has the proportion of remanded women who go on to be sentenced to imprisonment for their charges changed over time?

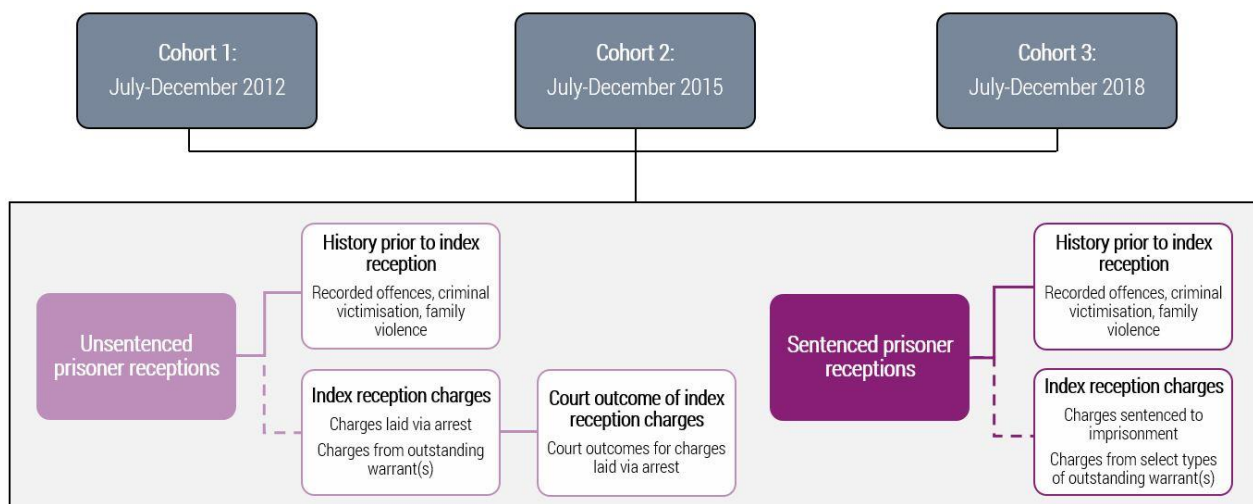
2. Method

This study used data extracted from Victoria Police's Law Enforcement Assistance Program (LEAP) database on 18 July 2019, as well as Corrections Victoria data extracted on 3 March 2019. As part of this project, permission was sought and granted by the Children's, Magistrates', County and Supreme Court of Victoria for the use of relevant court data and Corrections Victoria for the use of relevant Adult Parole Board data that is recorded in the Victoria Police LEAP database.

Figure 3 shows an overview of the research design used in this paper. To enable comparisons over time, Corrections Victoria data was used to identify three cohorts of women who were received into prison in Victoria during each of three periods between 1 July and 31 December: 2012, 2015 and 2018. Each cohort was comprised of both sentenced and unsentenced women with this legal status recorded at reception into Corrections Victoria custody. This study examined all charges recorded in Victoria Police's LEAP database that could be linked to each person's index reception into prison. This included charges laid after arrest, charges from outstanding warrants, and charges that received a sentence of imprisonment at court (for detailed information see section 2.1). For unsentenced women, the court outcome of charges linked to their index reception into prison was determined. Each person's history for two years prior to their index reception was analysed, which included analyses of recorded offending, criminal victimisation and involvement in family violence. Where possible, analyses relating to offending history excluded all charges linked to reception into custody.

The grey and purple coloured boxes in Figure 3 represent data sourced from Corrections Victoria while the unshaded boxes represent data sourced from Victoria Police's LEAP database as held by the Crime Statistics Agency (CSA). The dashed lines indicate that a matching process was undertaken to link police data to index prisoner receptions as no unique prison, court or police identifiers are recorded in both Victoria Police and Corrections Victoria databases to directly link prison receptions to charges.

Figure 3. Overview of research design



Where an individual had more than one prison reception in any of the July-December periods, all analyses were based on their earliest prison reception during the period (the 'index' reception). This study uses 'index prisoner receptions' as its primary counting unit, with each person only counted once within each year's cohort. However, a person can be counted in multiple cohorts if they were received into prison in multiple study years. A family violence incident was considered to have occurred whenever Victoria Police completed an L17 Family Violence Risk Assessment and Risk Management report form. In this paper, family violence perpetrators are defined as those recorded as the 'Other Party' on an L17 form, and victims are those recorded as the 'Affected Family Member'.

Historical data was analysed based on a period of 24 months immediately prior to entering custody using a 'free time in the community' approach, where the 24-month period was calculated excluding any time spent in custody.

Aboriginal and Torres Strait Islander status and country of birth details are recorded in both Corrections Victoria and Victoria Police databases, so to improve data quality these measures were developed using both data sources. For Aboriginal and Torres Strait Islander status, a recording of Aboriginal in either data source was selected over a recording of non-Aboriginal, with a recording of non-Aboriginal selected over an unknown status. Similarly, for country of birth a recording of a country other than Australia was selected over a recording of Australia, while Australia was selected over an unknown country of birth.

To consider whether changes to Victorian bail legislation that occurred between 2012 and 2018 contributed to increases in the number of women in prison, a list of offences that would have placed an accused in a reverse onus position under the relevant legislation was generated for each of the three cohorts of women. These lists encompassed all offences which, without any surrounding circumstances being considered (such as whether the accused was on parole), would place an accused in a reverse onus position when being considered for release on bail according to the *Bail Act (1977)* at the point in time the person entered custody. These lists are separated into offences that would have required an accused to either demonstrate 'exceptional circumstances' or 'show compelling reason' (or the less stringent 'show cause' test prior to 2018) why their detention was not justified. For a list of the offences considered in this analysis see Supplementary Table 1 that accompanies this report. Full consideration of all possible circumstances that might have contributed to whether an individual was placed in a reverse onus position would require analysis of any active community corrections orders, bail orders, supervision orders, and summons issued to answer a charge among a list of other circumstances, which was not possible due to limitations with the data available for this project.

Unless specifically referred to as proven, all references in this paper to offences, charges and perpetrators are alleged as these may not necessarily go on to be proven in court.

2.1 Data matching process

This study attempted to identify all charges recorded in Victoria Police's LEAP database related to each person's index reception into prison. It was not possible to directly link prison receptions to charges laid by Victoria Police or those heard in court because no unique prison, court or police identifiers are recorded in both Victoria Police and Corrections Victoria databases. As such, a data matching process was undertaken to identify charges in Victoria Police's LEAP database relating to reception into Corrections Victoria custody. This involved matching on a range of data items:

- Demographic details to identify the Corrections Victoria female prison population's involvements in Victoria Police data
- Dates from Corrections Victoria: the date each person was initially detained in custody, as well as the date of reception into Corrections Victoria custody. The date a person's custody began may differ from their date of reception into Corrections Victoria custody if they were detained at another facility for a time, for example in police cells. For sentenced women the date of court sentencing was also used
- Dates from Victoria Police: dates of arrest by Victoria Police, including both arrest without a warrant and arrest for outstanding warrants, and court hearing dates for charges where a sentence of imprisonment was handed down

For unsentenced women charges related to index reception were identified using the date charges were laid after arrest without a warrant, the date a person was arrested for charges from an outstanding warrant(s), or a combination of these. Charges were considered to be related to an index prison reception where the arrest date was on the date custody began, on the date of reception into prison, or between these two dates. For sentenced women

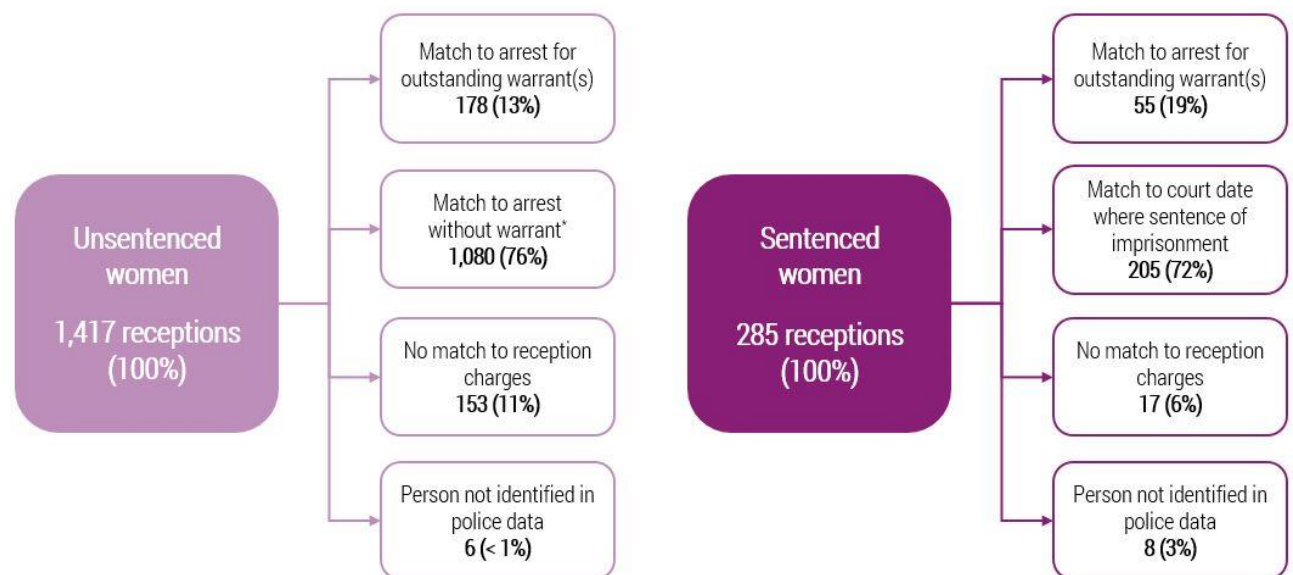
we identified charges related to index reception using the court hearing date for charges where a sentence of imprisonment was handed down or an arrest date for select types of outstanding warrants reserved for persons considered legally under sentence (such as a warrant to arrest the person for breaching parole). Charges were considered to be related to an index reception into prison where the arrest or hearing date was on the date custody began, on the date of reception into prison, or between these two dates, or it matched to the sentencing date.

Index prisoner receptions matched to police data

Of the 1,702 index prisoner receptions considered in this study, it was possible to match 1,518 (89%) to at least one charge related to reception in Victoria Police’s LEAP database. As shown in Figure 4, the majority of unsentenced receptions matched to a date where at least one charge was laid via arrest without a warrant (76%), with a smaller proportion only matching to an arrest date for an outstanding warrant (13%). The majority of sentenced receptions matched to a court date where a sentence of imprisonment was handed down (72%), with a smaller proportion matching to an arrest date for an outstanding warrant (19%). Examination of Corrections Victoria data showed that eight sentenced women were imprisoned on an enforcement warrant in relation to unpaid fines. However, CSA-held Victoria Police data does not include enforcement warrant information, so the unpaid fines could not be linked to these women’s reception into prison.

Fourteen prisoners could not be identified at all within the Victoria Police database and therefore these prisoners’ history prior to reception, reception charges and court outcomes could not be analysed. Six of these women were unsentenced at reception, while eight were received under sentence. These women may have been prosecuted by another agency, potentially never having had contact with Victoria Police, however this could not be confirmed from available data. Eleven per cent of unsentenced women and 6% of sentenced women could be identified in the Victoria Police database, however their reception charges were not able to be determined.

Figure 4. Number and proportion of index prisoner receptions from Corrections Victoria data matched to Victoria Police data, by legal status at reception and match type from police data



*Includes 334 women with both an arrest for a charge(s) without a warrant and an arrest for outstanding warrant(s)

Number of prisoner receptions considered in each section of paper

Table 1 shows the number and proportion of prisoner receptions considered for analyses within each section of this paper. Section 3.1 (Prisoner profile) includes all prisoner receptions considered in this study as it does not rely on records being matched to Victoria Police data. Section 3.2 (History prior to reception) excludes the fourteen prisoners that could not be identified within the Victoria Police database. These prisoners are also excluded from

Sections 3.3 (Reception charges) and 3.4 (Court outcomes) of this paper. There were differences in the proportion of receptions that could be matched to reception charges in Victoria Police data across the three time periods (Table 1; Section 3.3). Overall, unsentenced women from the 2012 cohort had the lowest proportion of matches (78% of receptions matched). All unmatched receptions from all cohort years were removed from further analyses related to reception charges (Section 3.3) and court outcomes (Section 3.4).

Court outcomes were not assessed for sentenced receptions as these women were already sentenced to imprisonment at court. However, the court outcome of charges linked to the reception of unsentenced women was determined (Section 3.4). The court outcome of charges from outstanding warrants was not able to be assessed as the linking variables needed to link these charges to court data was not available. Excluding all warrants from analyses of court outcomes led to the exclusion of 178 unsentenced women across the three time periods as their reception charges were from outstanding warrants, with 1,080 unsentenced women therefore remaining for analysis.

Table 1. Prisoner receptions considered in each section of paper, by year of reception and legal status

	Section 3.1: Prisoner profile		Section 3.2: History prior to reception		Section 3.3: Reception charges		Section 3.4: Court outcomes	
	N	%	N	N	N	%	N	%
Unsentenced receptions								
2012	241	100.0	238	98.8	188	78.0	171	71.0
2015	457	100.0	455	99.6	422	92.3	360	78.8
2018	719	100.0	718	99.9	648	90.1	549	76.4
Sentenced receptions								
2012	92	100.0	90	97.8	81	88.0	-	-
2015	87	100.0	83	95.4	76	87.4	-	-
2018	106	100.0	104	98.1	103	97.2	-	-

2.2 Limitations

It is important to note that Victoria Police is not the only agency that may lay charges and/or prosecute offenders in court. As this study only presents information as recorded by Victoria Police, it may not encompass all offences alleged or proven against a person. For example, charges may have been laid by the Australian Federal Police, however it was not possible to assess this using CSA-held data. Analysis of historical behaviour based on free time in the community may not be accurate for young female prisoners as this project does not draw on youth justice custody data. Therefore, these women may have served time in youth detention during their calculated period of free time in the community. For example, if a woman is received into Corrections Victoria custody at the age of 19, she may also have served one year in youth justice detention starting when she was 17, however this time would be counted as 'free time in the community' for the purposes of this paper.

As the proportion of prisoner receptions that could be matched to Victoria Police data varied between each cohort year, this could affect the reliability of some results, which should be considered when interpreting the findings. It was not possible to identify the court outcome of charges from outstanding warrants as the linking variables needed to link these charges to a court outcome was not available. Therefore, the court outcome of reception charges could only be assessed for charges laid after arrest without a warrant. It was also not possible to exclude charges from outstanding warrants from a person's offending history as the necessary linking variables were not available. As such, caution should be used when comparing reception charges with offending history. As the CSA does not hold prosecutions data, the absence of charges in finalised court data held in LEAP can either indicate that charges have not yet been finalised in court or that they were withdrawn by the prosecution before they reached court. For this reason, the absence of a court outcome for charges related to reception should be interpreted with caution, particularly for the 2018 cohort, as insufficient time may have passed for some charges to be finalised in court. This may

disproportionately affect serious charges that must be heard in a higher court as the time taken to appear in these courts could be longer. Nineteen per cent of criminal cases (excluding appeals) pending completion in the County Court of Victoria during 2017-18 had been pending for more than 12 months, while this was the case for 25% of criminal cases pending completion in the Supreme Court of Victoria (Report on Government Services, 2019).

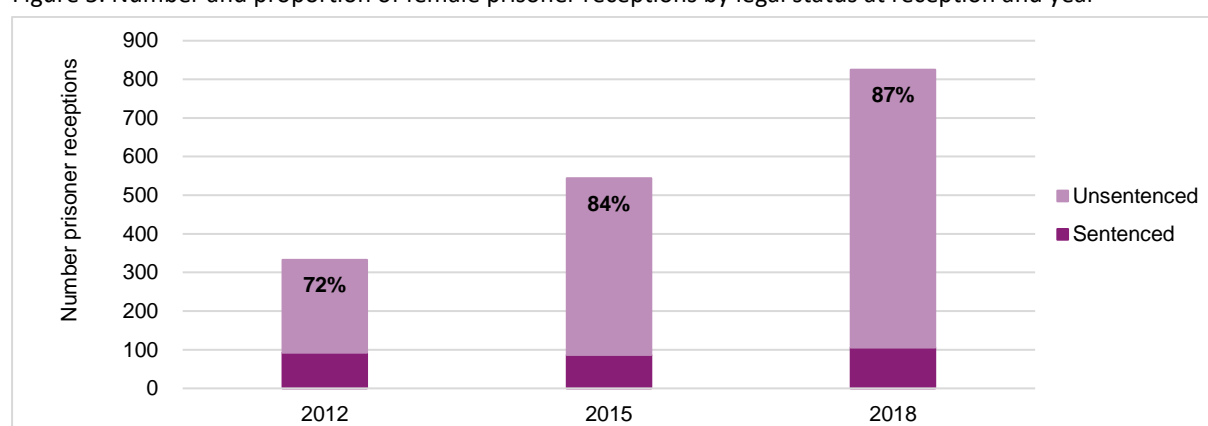
3. Results

3.1 Prisoner profile

Number of index prisoner receptions

Overall, this study considered the index reception of 1,702 women into prison across the three cohorts: 333 receptions in 2012, 544 in 2015 and 825 in 2018. The number of unsentenced female prisoner receptions almost tripled between 2012 and 2018, rising from 241 to 719 receptions respectively (Figure 5). The number of sentenced receptions was comparatively stable, with 92 receptions in 2012 and 106 in 2018. As a result, the proportion of receptions that related to unsentenced women grew from 72% in 2012 to 87% in 2018.

Figure 5. Number and proportion of female prisoner receptions by legal status at reception and year



Age

For both unsentenced and sentenced women, approximately 40% of receptions each year related to women aged 25-34 years old (Table 2). There was a greater proportion of unsentenced women under the age of 25 each year, than for sentenced women. Across the three time periods there was a decrease in the proportion of women that were under the age of 25, dropping from 25% of unsentenced receptions in 2012 to 18% in 2018, and 10% to 7% for sentenced receptions over the same period. Within each cohort a greater proportion of sentenced women were aged 45 or older than unsentenced women. While 20% of sentenced women received in 2018 were 45 or older, only 11% of unsentenced women belonged to this age group.

Table 2. Number and proportion of prisoner receptions by age at reception, year and legal status

Age at reception *	2012		2015		2018	
	Number	%	Number	%	Number	%
Unsentenced receptions						
Under 25	61	25.3	105	23.1	126	17.5
25-34	104	43.2	204	44.9	316	43.9
35-44	54	22.4	98	21.6	196	27.3
45 or older	22	9.1	47	10.4	81	11.3
Sentenced receptions						
Under 25	9	9.8	7	8.0	7	6.6
25-34	37	40.2	33	37.9	45	42.5
35-44	29	31.5	30	34.5	33	31.1
45 or older	17	18.5	17	19.5	21	19.8

* Excludes those with an unknown age

Aboriginal and Torres Strait Islander status and country of birth

The proportion of Aboriginal and Torres Strait Islander women received into prison increased between 2012 and 2018 for both unsentenced and sentenced women (Table 3). This was particularly pronounced for sentenced women, where the proportion of Aboriginal and Torres Strait Islander women increased from 10% in 2012 to 24% in 2018, compared with 14% to 17% respectively for unsentenced women. Combining unsentenced and sentenced receptions, there were 3.5 times as many Aboriginal and Torres Strait Islander women received into prison in 2018 than in 2012 (147 in 2018 compared with 42 in 2012).

Across all prisoner receptions in this study, 1,434 receptions related to women born in Australia (84%), while Vietnam was the next most commonly recorded country of birth (70 receptions; 4%), followed by New Zealand (37 receptions; 2%). As shown in Table 3, the majority of prisoner receptions, regardless of year or legal status at reception, related to women born in Australia. The proportion of women born in Australia increased between 2012 and 2018 for both unsentenced and sentenced receptions. In each year, a greater proportion of sentenced receptions related to women born overseas than unsentenced women, with 18% of sentenced receptions in 2018 relating to women born overseas compared with 13% of unsentenced women.

Table 3. Prisoner receptions by Aboriginal and Torres Strait Islander status, country of birth, year and legal status

	2012		2015		2018	
	Number	%	Number	%	Number	%
Aboriginal and Torres Strait Islander status*						
Unsentenced receptions						
Aboriginal	33	13.7	68	14.9	122	17.1
Non-Aboriginal	208	86.3	388	85.1	593	82.9
Sentenced receptions						
Aboriginal	9	9.8	12	14.0	25	23.8
Non-Aboriginal	83	90.2	74	86.0	80	76.2
Country of birth**						
Unsentenced receptions						
Born overseas	45	18.8	66	14.4	91	13.0
Australia	195	81.3	384	85.6	625	87.0
Sentenced receptions						
Born overseas	19	20.7	16	18.6	19	17.9
Australia	73	79.3	70	81.4	87	82.1

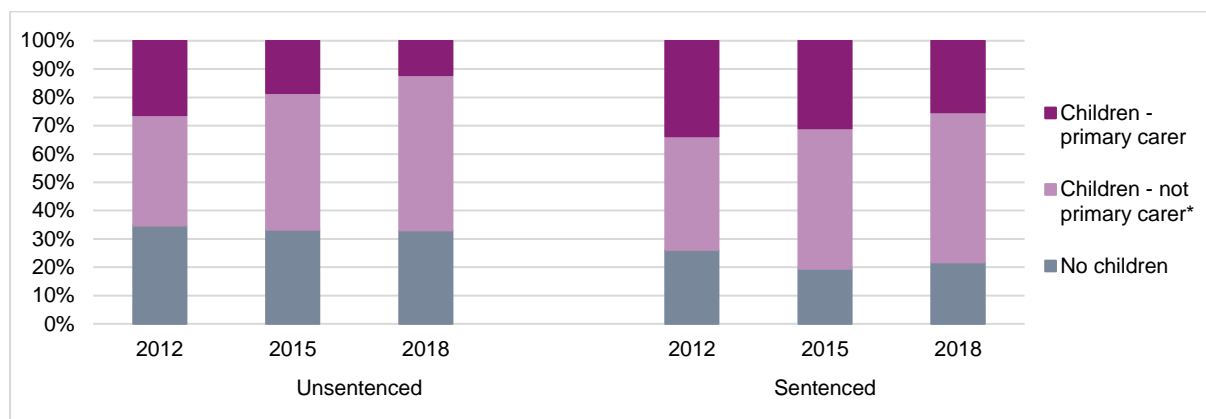
* Excludes those with an unknown Aboriginal and Torres Strait Islander status

** Excludes those with an unknown country of birth

Children

The proportion of unsentenced women who had children was similar each year at approximately 65% (Figure 6). However, the proportion of unsentenced women who reported they were the primary carer for their children decreased from 26% in 2012 to 12% in 2018. The proportion of sentenced women in each year who had children was greater than for unsentenced women, with at least 70% of sentenced women recorded as having children in each year. Still, the proportion of sentenced women who reported being the primary carer for their children also decreased between 2012 and 2018, falling from 34% to 25% respectively.

Figure 6. Proportion of prisoner receptions by whether any children, legal status at reception and year



* Includes a small proportion of women with an unknown status as a primary carer

** Graph excludes those where unknown if prisoner had any children

3.2 History for two years prior to index reception

Prior imprisonment

Table 4 shows the number and proportion of women who had spent time in Corrections Victoria custody in the two years prior to their index reception (includes both time spent under sentence and remand). The proportion of unsentenced women who had been imprisoned prior to their index reception increased from 37% in 2012 to 45% in 2018. The proportion of sentenced women who had previously been imprisoned was stable across the three time periods at 47-49%.

Table 4. Women imprisoned in two years prior to index reception, by legal status and year

Any imprisonment in two years prior to index reception *	2012		2015		2018	
	Number	%	Number	%	Number	%
Unsented receptions						
Yes	90	37.3	193	42.2	326	45.3
No	151	62.7	264	57.8	393	54.7
Sentenced receptions						
Yes	45	48.9	42	48.3	50	47.2
No	47	51.1	45	51.7	56	52.8

* Includes all 1,702 receptions considered in this study as information sourced from Corrections Victoria database only

Offending history

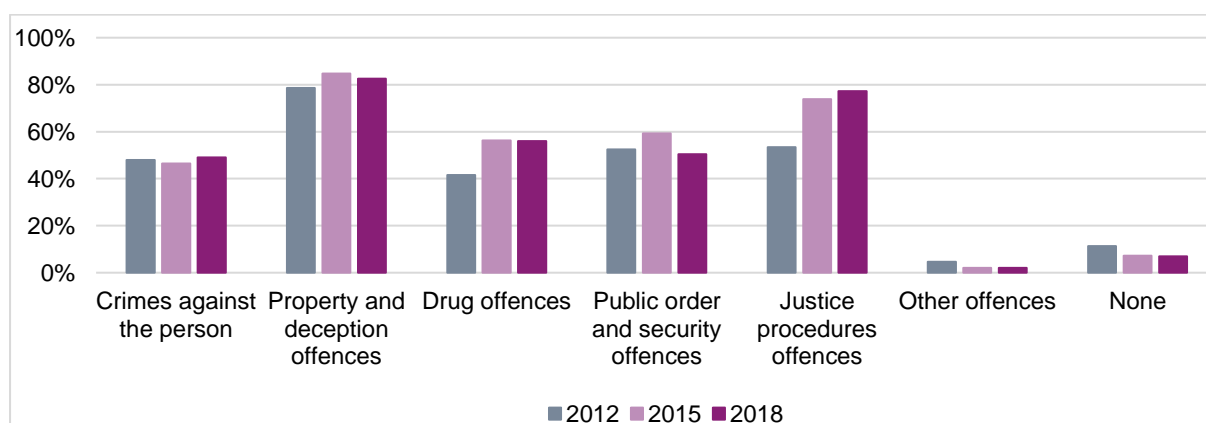
Table 5 shows the number of offences recorded by Victoria Police for each prisoner in the two years prior to their index reception into prison. More than 90% of the women included in this study were recorded by police for at least one alleged offence in the two year period prior to entering custody, in addition to their reception charges. The proportion of unsentenced women with no other recorded offending in the two years prior to their index reception decreased between 2012 and 2018, from 11% to 7% respectively. Conversely, the proportion of unsentenced women who were recorded for more than 30 offences in the two years prior to their index reception increased from 12% to 20%. In each year a greater proportion of sentenced women had no recorded offences in the two years prior to reception than unsentenced women, while a smaller proportion were recorded for more than 30 offences.

Table 5. Prisoners by number of offences in two years prior to reception, legal status and year

Number of offences in two years prior	2012		2015		2018	
	Number	%	Number	%	Number	%
Unsentenced receptions						
None	27	11.3	33	7.3	50	7.0
1-10	97	40.8	149	32.7	254	35.4
11-20	56	23.5	135	29.7	192	26.7
21-30	30	12.6	62	13.6	81	11.3
More than 30	28	11.8	76	16.7	141	19.6
Sentenced receptions						
None	15	16.7	9	11.0	13	12.5
1-10	46	51.1	47	57.3	41	39.4
11-20	9	10.0	17	20.7	20	19.2
21-30	11	12.2	7	8.5	13	12.5
More than 30	9	10.0	≤ 3	2.4	17	16.3

Figure 7 shows the proportion of unsentenced women linked to at least one offence within each of the high-level offence divisions used by the CSA² in the two years prior to their index reception. These offence types include both charges and uncharged offences. The most common offence type recorded for unsentenced women was a *Property and deception offence*, with 83% of women received into prison in 2018 recorded for this type of offence in the two years prior to their reception. The proportion of unsentenced women who were recorded for a *Justice procedures offence* in the two years prior to their index reception increased from 53% in 2012 to 74% in 2015 and 77% in 2018. It was the second most common offence type recorded in 2018. Closer examination revealed this was largely driven by an increase in *Breach bail* offences, which grew from 41% of unsentenced women received in 2012, to 67% in 2015 and 69% in 2018. There was also an increase in the proportion of women recorded for *Breach of family violence order* offences, which grew from 9% in 2012 to 17% in 2018. The proportion of women recorded for a *Drug offence* in the two years prior increased from 42% in 2012 to 56% in both 2015 and 2018. This increase was largely due to an increased proportion of women recorded for a *Drug use and possession* offence, which grew from 41% in 2012, 56% in 2015 and 55% in 2018.

Figure 7. Offence types recorded in two years prior to reception by reception year for unsentenced women



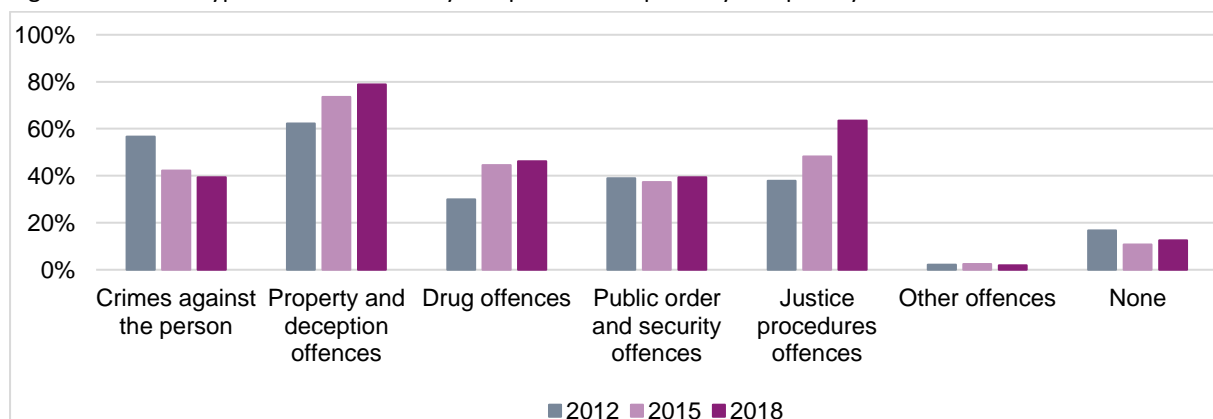
* One person can be charged for multiple types of offences, and therefore may be counted in multiple CSA Offence Divisions

² Crime Statistics Agency (2015). Offence Classification. Melbourne: Crime Statistics Agency. Available at <https://www.crimestatistics.vic.gov.au/about-the-data/classifications-and-victorian-map-boundaries/offence-classification>

Figure 8 shows the proportion of sentenced women linked to at least one offence within each of the high-level offence divisions used by the CSA in the two years prior to their index reception. Similarly to unsentenced women, the most common offence type recorded for sentenced women in the two years prior to their index reception was a *Property and deception offence*, with 79% of women received in 2018 recorded for this offence, an increase from 62% in 2012. Closer examination showed multiple categories of offending contributed to this increase over time, with a greater proportion of sentenced women recorded for *Burglary*, *Theft* and *Deception*. The proportion of sentenced women recorded for *Burglary* in the two years prior to reception increased from 14% for the 2012 cohort to 25% in 2018, the proportion recorded for *Theft* increased from 49% in 2012 to 70% in 2018, and the proportion recorded for *Deception* offences increased from 29% to 41% respectively. The proportion of sentenced women who were recorded for a *Justice procedures offence* in the two years prior to their index reception increased from 38% in 2012 to 48% in 2015 and 64% in 2018. Similarly to unsentenced women, this was largely due to an increased proportion of sentenced women recorded for *Breach bail* offences, which grew from 20% in 2012 to 53% in 2018.

The proportion of women recorded for a *Drug offence* in the two years prior to their index reception increased from 30% in 2012 to 45% in 2015 and 46% in 2018. This increase was largely due to growth in the proportion of sentenced women recorded for a *Drug use and possession* offence, which grew from 28% in 2012 to 45% in 2018. Conversely, the proportion recorded for a *Crime against the person* in the two years prior decreased from 57% in 2012 to 42% in 2015 and 39% in 2018. This drop was primarily due to a smaller proportion of sentenced women recorded for *Assault and related offences* in the two years prior to reception, which decreased from 49% in 2012 to 31% in 2018.

Figure 8. Offence types recorded in two years prior to reception by reception year for sentenced women



* One person can be charged for multiple types of offences, and therefore may be counted in multiple CSA Offence Divisions

Family violence

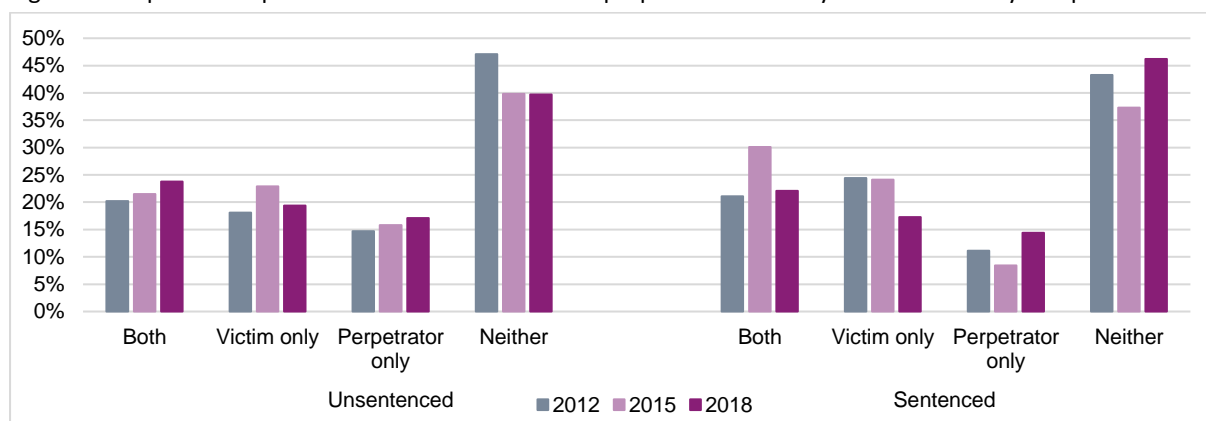
Table 6 shows the number and proportion of women who were recorded by Victoria Police as the victim or the perpetrator of family violence in the two years prior to their index reception into prison. The proportion of unsentenced women who were recorded as the alleged perpetrator of at least one family violence incident in the two years prior to their index prison reception increased across the three time periods, from 35% in 2012 to 41% in 2018 (Table 6). Similarly, the proportion of unsentenced women who were recorded as the victim of a family violence incident increased from 38% in 2012 to 43% in 2018. The proportion of sentenced women who were recorded for allegedly perpetrating family violence was lower in 2018 than for unsentenced women (37%). This was also the case for the proportion of sentenced women recorded as the victim (39%).

Table 6. Prisoners recorded as victim or perpetrator of family violence in two years prior to index reception

Involvement in family violence	2012		2015		2018	
	Number	%	Number	%	Number	%
Perpetrator						
Unsentenced receptions						
Yes	83	34.9	170	37.4	294	40.9
No	155	65.1	285	62.6	424	59.1
Sentenced receptions						
Yes	29	32.2	32	38.6	38	36.5
No	61	67.8	51	61.4	66	63.5
Victim						
Unsentenced receptions						
Yes	91	38.2	202	44.4	310	43.2
No	147	61.8	253	55.6	408	56.8
Sentenced receptions						
Yes	41	45.6	45	54.2	41	39.4
No	49	54.4	38	45.8	63	60.6

Across both unsentenced and sentenced women, more than 50% of those received each year had been recorded as either the perpetrator or victim (or both) of a family violence incident in the two years prior to their index reception into prison (Figure 9). The proportion of unsentenced women who were recorded as both a victim and perpetrator of family violence increased across the three time periods, from 20% in 2012 to 22% in 2015 and 24% in 2018. The proportion of unsentenced women who were only recorded as the perpetrator of family violence also increased slightly across the three time periods, from 15% in 2012 to 17% in 2018. The proportions of sentenced women were broadly similar to those for unsentenced women overall.

Figure 9. Proportion of prisoners recorded as victim or perpetrator of family violence in two years prior to reception



Criminal victimisation

Overall, combining the three cohorts of women, 51% of prisoners (n=858) had been recorded as the victim of at least one recorded offence in the two years prior to their index reception. As shown in Table 7, the proportion of unsentenced women who had been a victim of an offence in the two years prior to their index reception increased from 48% in 2012, to 51% in both 2015 and 2018. The proportion of unsentenced women recorded as the victim of more than five offences in the two years prior to reception increased from 4% in 2012 to 6% in 2018. The proportion of sentenced women in 2012 and 2015 who were recorded as the victim of at least one offence in the two years prior to reception was greater than for unsentenced women. However, in 2018 the proportion of sentenced women who were the victim of an offence (44%) was lower than for unsentenced women (51%). It is important to note that

between 25-30% of women each year were the victim of at least one offence in the context of family violence, so there is overlap between those recorded as a victim of family violence as outlined in the previous section and as a victim in this section.

Table 7. Prisoners recorded as victim of an offence in two years prior to reception into prison, by number of offences

Number of offences where recorded as victim	2012		2015		2018	
	Number	%	Number	%	Number	%
Unsentenced receptions						
0	125	52.5	220	48.4	350	48.7
1	47	19.7	105	23.1	140	19.5
2-5	57	23.9	113	24.8	188	26.2
More than five	9	3.8	17	3.7	40	5.6
Sentenced receptions						
0	41	45.6	36	43.9	58	55.8
1	13	14.4	22	26.8	20	19.2
2-5	30	33.3	22	26.8	20	19.2
More than five	6	6.7	≤ 3	2.4	6	5.8

Table 8 shows the type of offences(s) committed against each woman. More than one-third of unsentenced women in each year had been the victim of a *Crime against the person* in the two years prior to their reception into prison. The proportion of unsentenced women who were assaulted increased from 27% in 2012 to 31% in 2018, while the proportion who were the victim of a sexual offence was relatively stable at 6-8% each year. Approximately 30% of unsentenced women were recorded as the victim of a *Property and deception offence* within each year. The most common property offence for women in 2018 was *Property damage*, with 16% of unsentenced women recorded as a victim of this type of offence, followed by *Theft* (15%). The proportion of sentenced women recorded as the victim of assault was greater in 2012 and 2015 compared with unsentenced women, but lower in 2018. The proportion of sentenced women who were the victim of a sexual offence was lower in each year than for unsentenced women.

Table 8. Prisoners recorded as victim of select offence types in two years prior to reception, by legal status and year

Recorded as victim of offence type *	2012		2015		2018	
	Number	%	Number	%	Number	%
Unsentenced receptions						
Any Crimes against the person	83	34.9	159	34.9	277	38.6
<i>Assault and related offences</i>	64	26.9	127	27.9	225	31.3
<i>Sexual offences</i>	19	8.0	29	6.4	56	7.8
Any Property and deception offences	66	27.7	151	33.2	224	31.2
<i>Property damage</i>	25	10.5	54	11.9	117	16.3
<i>Burglary/break and enter</i>	25	10.5	45	9.9	67	9.3
<i>Theft</i>	38	16.0	81	17.8	104	14.5
Sentenced receptions						
Any Crimes against the person	34	37.8	34	41.0	32	30.8
<i>Assault and related offences</i>	28	31.1	31	37.3	28	26.9
<i>Sexual offences</i>	4	4.4	≤ 3	2.4	8	7.7
Any Property and deception offences	34	37.8	31	37.3	29	27.9
<i>Property damage</i>	17	18.9	17	20.5	13	12.5
<i>Burglary/break and enter</i>	16	17.8	10	12.0	8	7.7
<i>Theft</i>	14	15.6	12	14.5	16	15.4

* One person can be the victim of multiple types of offences, and therefore may be counted in multiple categories

3.3 Index reception charges

Number of index reception charges

For both unsentenced and sentenced receptions, the proportion of women with only a single charge linked to their index reception into prison decreased between 2012 and 2018 (Table 9). In 2012, 10% of unsentenced women had a single charge linked to their index reception, while this was the case for only 3% of women in 2018. One-quarter of unsentenced women were recorded for 10 or more charges related to their index reception in 2018, a slight increase from 22% in 2012. The proportion of sentenced women with only a single charge linked to their reception into prison was greater in each year than for unsentenced women, however it also decreased from 37% in 2012 to 22% in 2018. The proportion of sentenced women recorded for 10 or more charges linked to their reception almost doubled between 2012 and 2018, increasing from 14% to 27% respectively.

Table 9. Prisoner receptions by number of charges related to index reception, legal status and year

Number of reception charges	2012		2015		2018	
	Number	%	Number	%	Number	%
Unsentenced receptions						
1	19	10.1	21	5.0	21	3.2
2-5	83	44.1	142	33.6	280	43.2
6-9	45	23.9	125	29.6	188	29.0
10 or more	41	21.8	134	31.8	159	24.5
Sentenced receptions						
1	30	37.0	31	40.8	23	22.3
2-5	28	34.6	17	22.4	33	32.0
6-9	12	14.8	11	14.5	19	18.4
10 or more	11	13.6	17	22.4	28	27.2

Type of index reception charges for unsentenced women

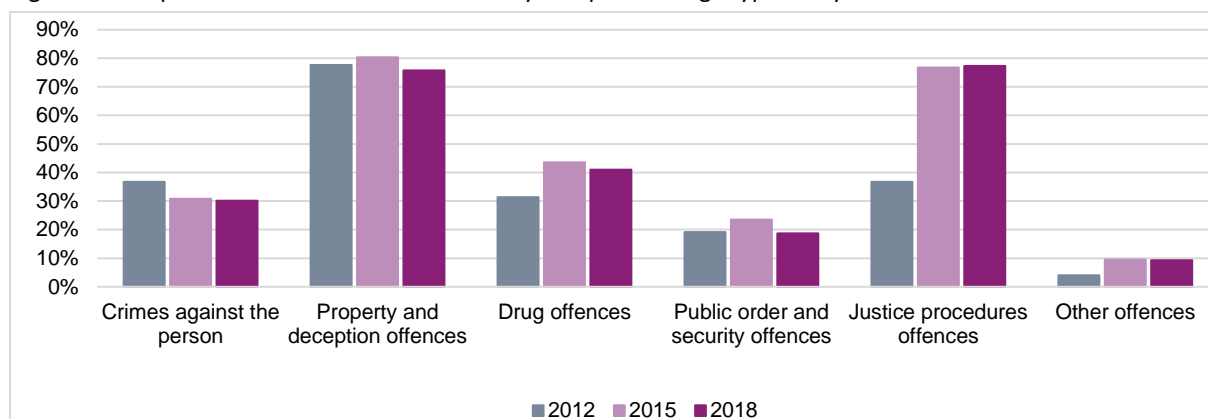
Figure 10 shows the proportion of unsentenced women linked to at least one reception charge within each of the high-level offence divisions used by the CSA. Supplementary Table 2 provides more detailed offence type information related to the reception of unsentenced women (CSA Offence Subdivision) across the three time periods.

The most common type of charge linked to the reception of unsentenced women in 2018 was a *Justice procedures offence*, with at least one charge of this type linked to 77% of unsentenced receptions (Figure 10). This represents a large increase from the 37% of unsentenced receptions linked to at least one *Justice procedures offence* charge in 2012. This increase was driven by a greater number of women charged for *Breach of order* offences, which grew from 29% in 2012 to 74% in 2018 (Supplementary Table 2).

There was a decrease in the proportion of unsentenced receptions linked to at least one *Crime against the person* charge over time, which dropped from 37% in 2012 to 30% in 2018. This drop was largely driven by decreases in the proportions of unsentenced women charged for *Robbery* and *Assault and related offences*. The proportion charged for *Robbery* fell from 13% in 2012 to 5% in 2018, while the proportion charged for *Assault and related offences* decreased from 24% to 20% respectively (Supplementary Table 2). The proportion of unsentenced receptions linked to a charge for a *Drug offence* increased from 31% in 2012, to 44% in 2015, before dropping slightly to 41% in 2018. This was largely driven by an increased number of unsentenced women recorded for *Drug use and possession* charges, with 39% charged for this type of offence in 2018, compared with 30% in 2012. The proportion of unsentenced receptions linked to *Other offences* also increased from 4% in 2012 to 10% in 2015, before dropping

slightly to 9% in 2018. This was due to an increased proportion of women charged for regulatory driving offences such as driving without a valid licence.

Figure 10. Proportion of unsentenced women by reception charge type and year



* One person can be charged for multiple types of offences, and therefore may be counted in multiple CSA Offence Divisions

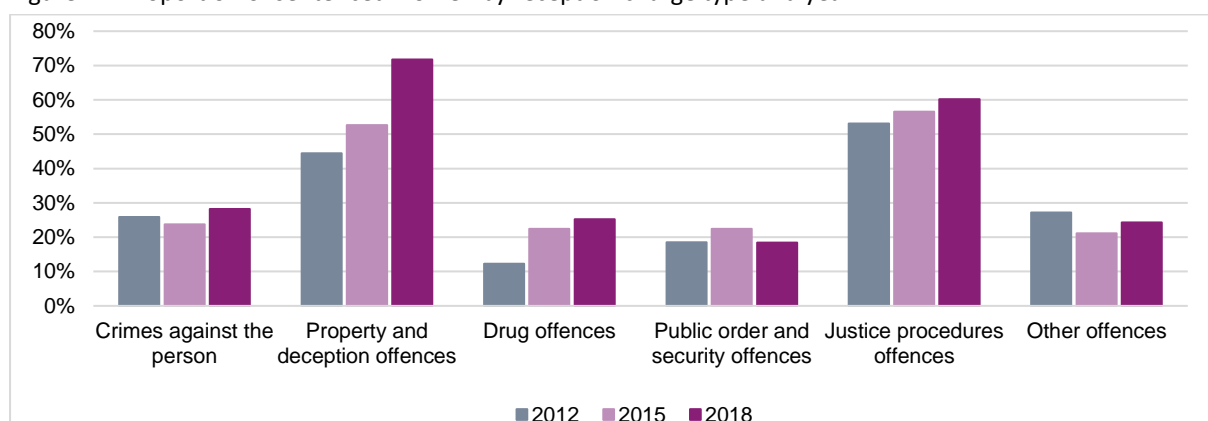
Type of index reception charges for sentenced women

Figure 11 shows the proportion of sentenced women linked to at least one reception charge within each of the high-level offence divisions used by the CSA. Supplementary Table 3 provides more detailed offence type information related to the reception of sentenced women (CSA Offence Subdivision) across the three time periods.

The most common type of charge linked to the reception of sentenced women into prison in 2018 was a *Property and deception offence*, with at least one charge of this type linked to 72% of sentenced receptions (Figure 11). This represents a substantial increase from the 44% of sentenced women linked to this type of charge in 2012. Further examination showed this increase was largely driven by an increased proportion of women sentenced for *Theft* and *Deception* charges. The proportion sentenced for *Theft* increased from 36% in 2012, to 46% in 2015 and 60% in 2018, while the proportion sentenced for *Deception* charges grew from 6% in 2012 to 24% in 2018.

The proportion of sentenced women whose reception was linked to a *Drug offence* more than doubled between 2012 and 2018, increasing from 12% to 25% respectively. Closer examination showed that the proportion of women charged for *Drug dealing and trafficking* offences as well as *Drug use and possession* offences both increased between 2012 and 2018. The proportion of women linked to a *Justice procedures offence* charge increased each year, from 53% in 2012, to 57% in 2015 and 60% in 2018, with this change largely driven by *Breach of order* charges.

Figure 11. Proportion of sentenced women by reception charge type and year



* One person can be charged for multiple types of offences, and therefore may be counted in multiple CSA Offence Divisions

Breach of order index reception charges

The type of offences involved in *Breach of order* index reception charges were examined in detail for both unsentenced and sentenced women to further investigate changes in this category of offences over time. Table 10 shows a large increase in the proportion of women charged over the three time periods for *Breach bail* offences for both sentenced and unsentenced women. This increase was particularly pronounced for unsentenced women, with the proportion of receptions linked to a *Breach bail* charge growing from 21% in 2012 to 66% in 2018. Closer examination showed a large proportion of unsentenced women were charged with one of the two new breach of bail offences introduced in December 2013: *Contravene a conduct condition of bail* and *Commit indictable offence whilst on bail*. In 2015, 50% of unsentenced women were charged with at least one of these two new offences, while this was the case for 47% of unsentenced women in 2018. The proportion of unsentenced women charged with failing to answer bail (not a newly introduced offence) also increased slightly across the three time periods, from 21% in 2012, to 25% in 2015 and 26% in 2018. A lower proportion of sentenced women were charged with *Breach bail* offences in each year compared with unsentenced women, though the proportion still increased between 2012 and 2018 from 11% to 51% respectively. Thirteen per cent of sentenced women in 2015 were charged for one of the two new breach bail offences, while this was the case for 39% of sentenced women in 2018.

The proportion of unsentenced women recorded for breaching a family violence order increased between 2012 and 2018, from 5% to 9% respectively. The proportion recorded for *Breach of other orders* charges also increased, growing from 5% in 2012 to 13% in 2015 and 16% in 2018. Closer examination revealed this change was largely driven by an increased proportion charged for breaching a community corrections order. Conversely, the proportion of sentenced women recorded for a *Breach of other order* charge decreased from 32% in 2015 to 10% in 2018, with this change driven by fewer sentenced women charged for breaching their parole. Twenty-five per cent of sentenced women in 2012 had breached their parole, while this was the case for 26% in 2015, but only 5% in 2018.

Table 10. Prisoner receptions by type of reception charge (*Breach of order* subdivision), legal status and year

Type of reception charge *	2012		2015		2018	
	Number	%	Number	%	Number	%
Unsentenced receptions						
Breach family violence order	9	4.8	25	5.9	60	9.3
Breach bail	39	20.7	281	66.6	429	66.2
<i>Fail to answer bail</i>	39	20.7	105	24.9	171	26.4
<i>Contravene a conduct condition of bail</i>	N/A	N/A	88	20.9	82	12.7
<i>Commit indictable offence whilst on bail</i>	N/A	N/A	185	43.8	276	42.6
Breach of other orders	10	5.3	56	13.3	102	15.7
<i>Contravene Community Corrections Order</i>	0	0.0	51	12.1	92	14.2
<i>Breach parole**</i>	0	0.0	0	0.0	0	0.0
Sentenced receptions						
Breach family violence order	4	4.9	≤3	2.6	≤3	1.9
Breach bail	9	11.1	19	25.0	52	50.5
<i>Fail to answer bail</i>	9	11.1	12	15.8	27	26.2
<i>Contravene a conduct condition of bail</i>	N/A	N/A	4	5.3	5	4.9
<i>Commit indictable offence whilst on bail</i>	N/A	N/A	8	10.5	38	36.9
Breach of other orders	22	27.2	24	31.6	10	9.7
<i>Contravene Community Corrections Order</i>	≤3	2.5	≤3	2.6	5	4.9
<i>Breach parole**</i>	20	24.7	20	26.3	5	4.9

* One person can be charged for multiple types of offences, and therefore may be counted in multiple categories

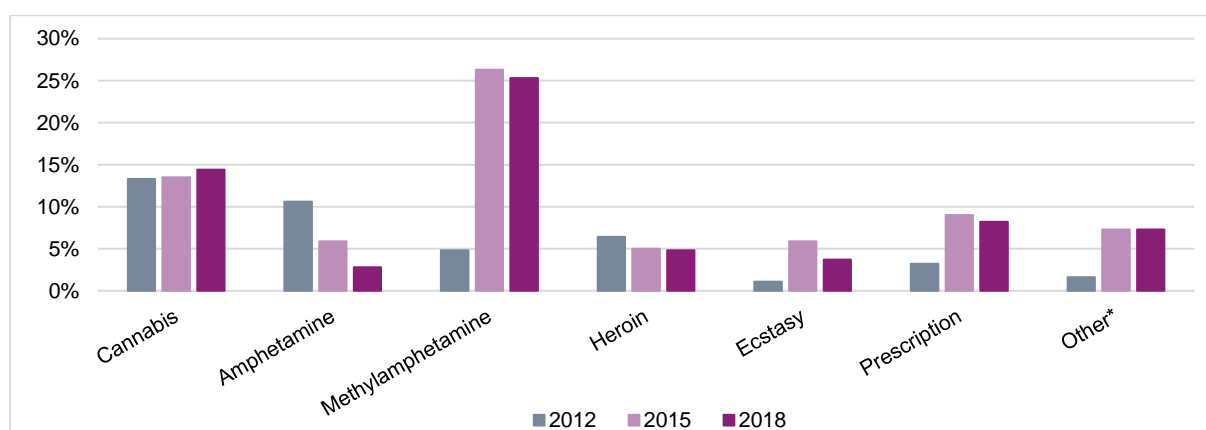
** Includes breach of parole and breach prescribed term/condition of parole

Types of drugs involved in drug charges

The type of drugs involved in *Drug use and possession* and *Drug dealing and trafficking* index reception charges were examined for unsentenced women. The type of drugs involved in sentenced women's index reception charges could not be presented due to small numbers. However, for sentenced women in 2018, methylamphetamine was the most common type of drug involved for those charged with either *Drug use and possession* (10% of sentenced women) or *Drug dealing and trafficking* (6% of sentenced women). Note that each woman may be charged in relation to multiple drug types.

As shown in Figure 12, one-quarter of unsentenced women received into prison in 2018 were charged with *Drug use and possession* involving methylamphetamine. This is a significant increase from 2012, when only 5% of unsentenced women were charged with possessing or using that drug. The offence codes recorded by police do not distinguish between forms of methylamphetamine (such as base, speed or ice). However, a paper published by the CSA found that approximately 77% of methylamphetamine offences recorded by police involved crystal methylamphetamine, which is commonly referred to as 'ice' (Sutherland and Millsted, 2016a). The next most commonly recorded type of drug in 2018 was cannabis, with 14% of women received into prison charged with *Drug use and possession* involving that drug. There was a decrease in the proportion of women recorded for possession or use charges involving amphetamines, which decreased from 11% in 2012, to 6% in 2015, and 3% in 2018. The proportion of unsentenced women recorded for charges involving the use or possession of prescription drugs tripled between 2012 and 2015, with 3% recorded for this type of drug in 2012 and 9% in 2015.

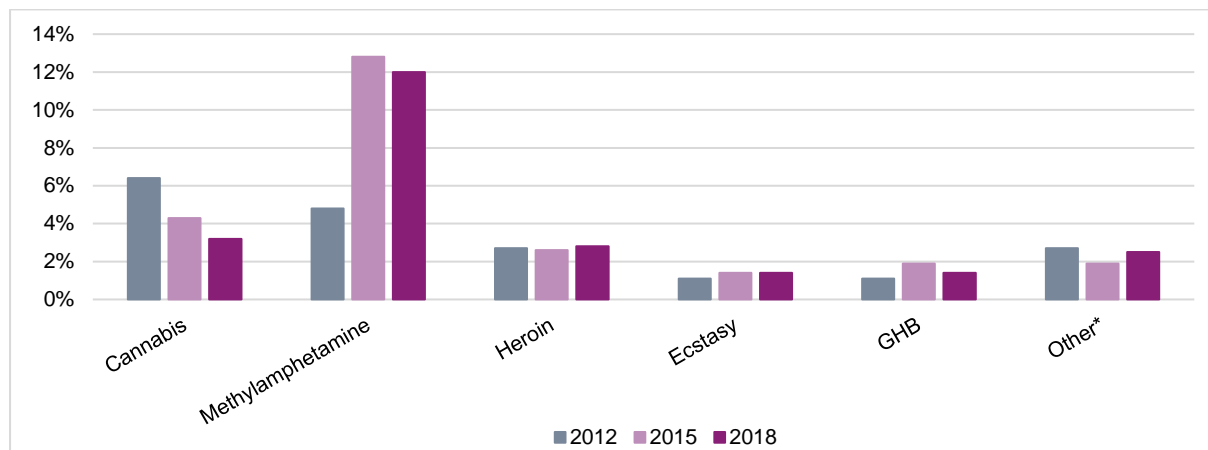
Figure 12. Proportion of unsentenced women with *Drug use and possession* charges by type of drug and year



* Includes drugs such as cocaine, GHB, and LSD as well as those with no drug type recorded

As shown in Figure 13, there was an increase in the proportion of unsentenced women recorded for *Drug dealing and trafficking* charges involving methylamphetamine between 2012 and 2018. Twelve per cent of unsentenced women received into prison in 2018 were charged with dealing or trafficking in methylamphetamine, compared with 5% of women in 2012. The proportion of unsentenced women recorded for dealing or trafficking in cannabis halved between 2012 and 2015, decreasing from 6% of women in 2012 to 3% in 2018. The proportion of unsentenced women charged with *Drug dealing and trafficking* involving heroin was stable across the years at approximately 3% of receptions.

Figure 13. Proportion of unsentenced women with *Drug dealing and trafficking* charges by type of drug and year



* Includes drugs such as cocaine, amphetamines and prescription drugs as well as those with no drug type recorded

Combination of reception charge types for unsentenced women

The combination of index reception charge types was calculated for unsentenced women at the CSA Offence Division level (Table 11). For example, Table 11 shows that of those charged with a *Crime against the person* in 2018, 78% were also charged for a *Justice procedures offence*, which was the most common other type of charge for those charged with a *Crime against the person*. In comparison, in 2012 only 44% of those charged with a *Crime against the person* were also charged with a *Justice procedures offence*.

The combination showing the greatest change over time was the proportion of those charged with a *Drug offence* who were also charged with a *Justice procedures offence*. In 2012, twenty-seven per cent of unsentenced women charged with a *Drug offence* were also charged with a *Justice procedures offence*, however in 2018 this rose to 75%. Overall, there was little difference between the proportion of unsentenced women across each of the CSA Offence Divisions who were also charged with a *Justice procedures offence* in 2018. Within each initial category of charge, approximately three-quarters of women were also charged with a *Justice procedures offence*.

Based on volume, the most common combination of charges in 2018 was a *Property and deception offence* and a *Justice procedures offence*, with 381 unsentenced women charged with this combination of offences, or 59% of the cohort. This was also the most common combination of charges in 2015, with 62% of the cohort charged for these two offence types (n=262). In 2012 the most common combination of charges was a *Property and deception offence* and a *Drug offence*, recorded for 26% of the cohort (n=49), however the combination of a *Property and deception offence* and a *Justice procedures offence* was the second most common at 25% (n=47).

Table 11. Proportion of unsentenced women by combination of reception charge types and year of reception

Type of reception charge	Number of receptions	Other types of reception charges recorded					
		Crimes against the person	Property and deception offences	Drug offences	Public order and security offences	Justice procedures offences	Other offences
Crimes against the person							
2012	69		59.4	14.5	18.8	43.5	0.0
2015	130		73.1	28.5	26.2	69.2	6.9
2018	195		64.1	23.1	21.0	77.9	7.2

Type of reception charge	Number of receptions	Other types of reception charges recorded					
		Crimes against the person	Property and deception offences	Drug offences	Public order and security offences	Justice procedures offences	Other offences
Property and deception offences							
2012	146	28.1		33.6	20.5	32.2	4.8
2015	339	28.0		44.2	25.4	77.3	9.7
2018	491	25.5		40.9	19.1	77.6	9.6
Drug offences							
2012	59	16.9	83.1		25.4	27.1	3.4
2015	184	20.1	81.5		28.3	75.5	12.5
2018	266	16.9	75.6		23.3	75.2	9.4
Public order and security offences							
2012	36	36.1	83.3	41.7		41.7	5.6
2015	99	34.3	86.9	52.5		74.7	6.1
2018	121	33.9	77.7	51.2		75.2	5.0
Justice procedures offences							
2012	69	43.5	68.1	23.2	21.7		10.1
2015	324	27.8	80.9	42.9	22.8		12.3
2018	501	30.3	76.0	39.9	18.2		10.6
Other offences							
2012	7	0.0	100.0	28.6	28.6	100.0	
2015	40	22.5	82.5	57.5	15.0	100.0	
2018	60	23.3	78.3	41.7	10.0	88.3	

Combination of reception charge types for sentenced women

The combination of index reception charge types was calculated for sentenced women at the CSA Offence Division level (Table 12). Similarly to unsentenced women, the combination showing the greatest change over time was the proportion of those charged with a *Drug offence* who were also charged with a *Justice procedures offence*. In 2012, twenty per cent of sentenced women charged with a *Drug offence* were also charged with a *Justice procedures offence*, however in 2018 this rose to 77%. The most common combination of charges in 2018 was a *Property and deception offence* and a *Justice procedures offence*, with 49 sentenced women charged with this combination of offences, or 48% of the cohort. This was also the most common combination of charges in 2012 and 2015, with 22% and 25% of the cohort charged for these two offence types respectively.

Table 12. Proportion of sentenced women by combination of reception charge types and year of reception

Type of reception charge	Number of receptions	Other types of reception charges recorded					
		Crimes against the person	Property and deception offences	Drug offences	Public order and security offences	Justice procedures offences	Other offences
Crimes against the person							
2012	21		47.6	9.5	23.8	42.9	47.6
2015	18		61.1	27.8	44.4	55.6	27.8
2018	29		62.1	20.7	13.8	62.1	34.5
Property and deception offences							
2012	36	27.8		16.7	41.7	50.0	16.7
2015	40	27.5		32.5	42.5	47.5	20.0
2018	74	24.3		28.4	21.6	66.2	25.7
Drug offences							
2012	10	20.0	60.0		20.0	20.0	20.0
2015	17	29.4	76.5		52.9	52.9	29.4
2018	26	23.1	80.8		38.5	76.9	23.1
Public order and security offences							
2012	15	33.3	100.0	13.3		73.3	13.3
2015	17	47.1	100.0	52.9		76.5	35.3
2018	19	21.1	84.2	52.6		73.7	36.8
Justice procedures offences							
2012	43	20.9	41.9	4.7	25.6		16.3
2015	43	23.3	44.2	20.9	30.2		23.3
2018	62	29.0	79.0	32.3	22.6		33.9
Other offences							
2012	22	45.5	27.3	9.1	9.1	31.8	
2015	16	31.3	50.0	31.3	37.5	62.5	
2018	25	40.0	76.0	24.0	28.0	84.0	

Family violence in seven days prior to custody

The proportion of women whose reception charges were family violence-related was not able to be determined. This is because no linking variables were available to link police-recorded family violence incidents to reception charges resulting from executed warrants. Instead, the number of women who were recorded as either the perpetrator or victim of at least one family violence incident in the seven days prior to entering custody was determined. The proportion of sentenced women who were involved in a family violence incident in the seven days prior to custody is not presented here due to small numbers.

The proportion of unsentenced women who were recorded as allegedly perpetrating at least one family violence incident in the seven days prior to entering custody was relatively consistent across the years at 9-10% of unsentenced women (Table 13). The proportion who were recorded as the victim of family violence in the seven days prior to entering custody was lower, though it increased from 1% in 2012 to 3% in 2018.

Table 13. Unsentenced women recorded as perpetrator or victim of family violence in seven days prior to entering custody

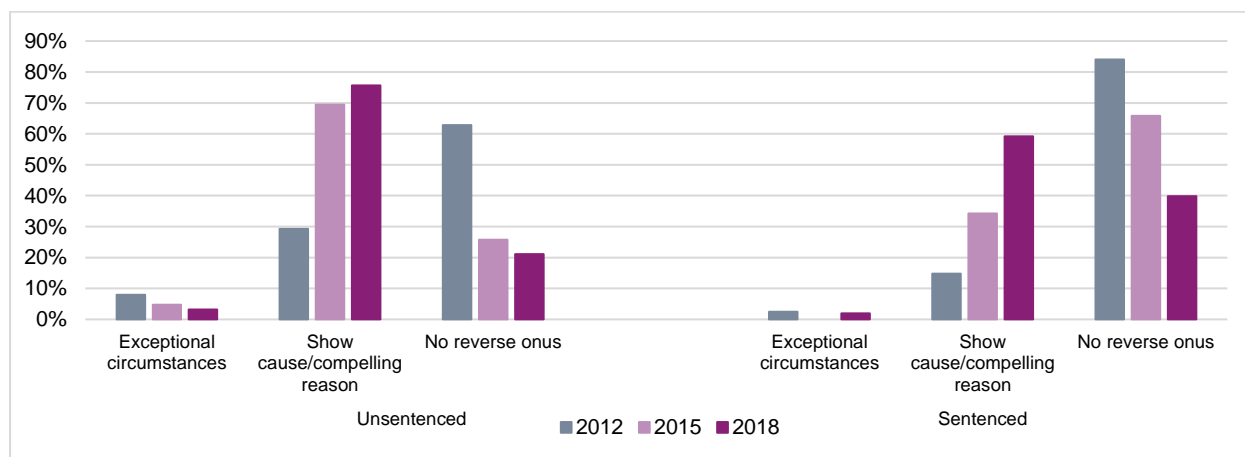
Recorded for family violence in 7 days prior to custody	2012		2015		2018	
	Number	%	Number	%	Number	%
Perpetrator	19	10.1	38	9.0	61	9.4
Victim	≤ 3	1.1	11	2.6	18	2.8

Impact of bail legislation reform across the three cohorts

Figure 14 shows the proportion of women placed in a reverse onus position for the grant of bail based on the offence types linked to their reception into prison (see Supplementary Table 1 for a list of offences used in this analysis). Thirty-seven per cent of unsentenced women would have been subjected to a reverse onus test in 2012, which increased to 74% in 2015 and 79% in 2018. The proportion of unsentenced women who would have been subject to the exceptional circumstances test decreased over time, from 8% in 2012 to 3% in 2018. Conversely, the proportion of unsentenced women who would have been subject to the show compelling reason/show cause test increased from 29% in 2012 to 69% in 2015 and 76% in 2018. A large proportion of this increase was related to the two new bail offences added to the show cause test in 2013 (*Contravene a conduct condition of bail* and *Commit indictable offence whilst on bail*). In 2015, thirty-two per cent of unsentenced women were only placed in a reverse onus position for the grant of bail because of these two new bail offences, while this was the case for 29% of unsentenced women in 2018. Besides these two new bail offences, 26% of unsentenced women in 2018 would have been placed in a reverse onus position due to failing to answer their bail, a slight increase from 21% in 2012. Eighteen to nineteen per cent of unsentenced women were in a reverse onus position due to drug trafficking or cultivation offences. Just 1% of unsentenced women were in a reverse onus position due to any other type of offence in 2012 and 2015, with this figure increasing to 11% in 2018.

The proportion of sentenced women who would have been placed in a reverse onus position was much lower each year compared with unsentenced women. Based on offence types, 16% of sentenced women would have been subjected to a reverse onus test when being considered for bail in 2012, which increased to 34% in 2015 and 60% in 2018. Similarly to unsentenced women, much of the growth in the proportion of sentenced women placed in a reverse onus position was related to the two new bail offences added to the show cause test in 2013. Besides these two new bail offences, 26% of sentenced women in 2018 would have been placed in a reverse onus position due to failing to answer their bail, an increase from 11% in 2012. Five per cent of sentenced women would have been in a reverse onus position due to drug trafficking or cultivation offences in 2012, while this would have been the case for 13% of sentenced women in both 2015 and 2018.

Figure 14. Proportion of receptions where prisoner in reverse onus position for grant of bail, by legal status and year

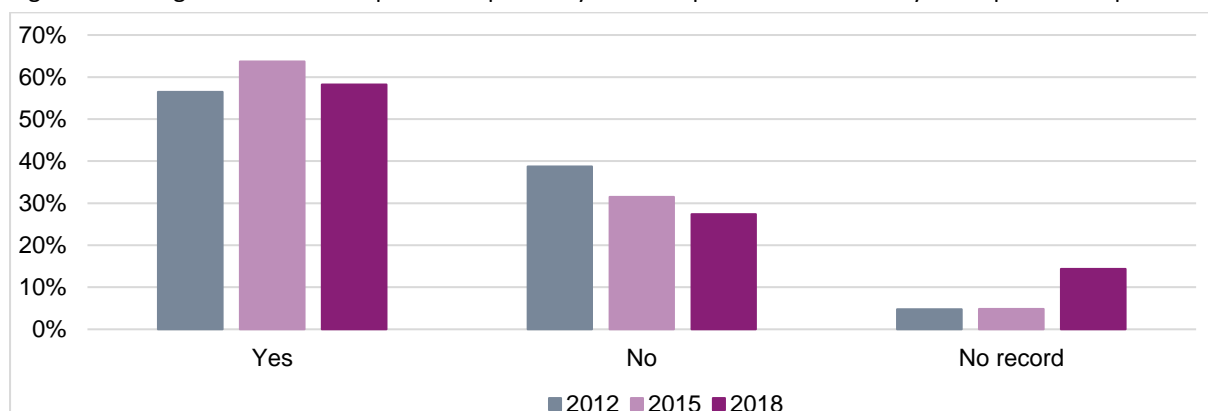


3.4 Court outcome of index reception charges

Charges proven in court

Overall, there were 9,612 unique charges linked to the reception of the 1,080 unsentenced women across the three time periods. Figure 15 shows whether each reception charge was proven or not at its first sentencing date in court after the person’s reception into prison, or whether no court record could be identified. No court record could be identified for 14% of charges linked to the reception of unsentenced women in 2018. As the CSA does not hold prosecutions data, the absence of charges in finalised court data held in LEAP can either indicate that charges have not yet been finalised in court or that they were withdrawn by the prosecution before they reached court. However, as no court records could be identified for only 5% of reception charges for both the 2012 and 2015 cohorts, it is likely that some women in the 2018 cohort were still waiting to have their charges heard in court when data was extracted for use in this study (18 July 2019). Therefore the conclusions that can be drawn about the court outcome of reception charges for women received into prison in 2018 should be interpreted with some caution. Overall, 58% of charges linked to the reception of unsentenced women in 2018 went on to be proven in court, while this was the case for 64% of charges in 2015 and 56% in 2012. Conversely, 28% of charges linked to the reception of unsentenced women in 2018 were withdrawn, struck out, or not proven and dismissed at court. This was the case for 31% of charges in 2015 and 39% in 2012.

Figure 15. Charges related to reception into prison by whether proven in court and year of prison reception



Most serious court outcome per prisoner

The most serious court outcome each prisoner received as a result of their reception charges was determined. Note that this section excludes 65 women with no identified court records linked to any of their reception charges, with 56 of these women entering prison in 2018 (10% of the 2018 cohort). Therefore, the court outcomes for women received into prison in 2018 should be interpreted with some caution. Ninety-one per cent of unsentenced women received in 2018 had at least one of their reception charges proven against them in court, while this was the case for 97% of women received in 2015 and 96% of women received in 2012 (Table 14). Nine per cent of women in 2018 had all their reception charges withdrawn, struck out, or not proven and dismissed in court, while this was the case for 3% of women in 2015 and 4% of women in 2012. Sixty-two per cent of unsentenced women in 2018 were sentenced to imprisonment for at least one of their reception charges, while this was the case for 58% of women received in 2015 and 65% of women in 2012. Thirty-one per cent of women in 2015 received a community corrections order, compared with 19% in 2012 and 20% of women in 2018.

Table 14. Unsentenced women by most serious court outcome for charges related to reception and year

Most serious court outcome	2012		2015		2018	
	Number	%	Number	%	Number	%
Imprisonment ¹	109	64.9	205	57.9	304	61.7
Suspended sentence ²	10	6.0	0	0.0	0	0.0
Community corrections order	32	19.0	108	30.5	97	19.7
Fine	5	3.0	7	2.0	19	3.9
Other proven outcome ³	5	3.0	22	6.2	31	6.3
<i>Sub-total proven outcomes</i>	<i>161</i>	<i>95.8</i>	<i>342</i>	<i>96.6</i>	<i>451</i>	<i>91.5</i>
Charge not proven ⁴	7	4.2	12	3.4	42	8.5

¹ Includes time served, as well as additional time to serve post-sentencing

² Suspended sentences have been abolished in Victoria for offences committed on or after 1 September 2014

³ Outcomes including adjourned undertaking and discharged (proven)

⁴ Includes withdrawn, struck out, or dismissed (not proven)

Court outcome of reception charges

Table 15 shows the court outcome for reception charges by CSA Offence Division at its first sentencing date in court after the person's reception into prison. Note that this analysis excludes 885 charges where no court records could be identified as outlined in the section above 'Charges proven in court'. The type of charges most commonly proven in court for the 2018 cohort of women were *Justice procedures offences* with 74% proven in court (Table 15). The type of charges least commonly proven in court for the 2018 cohort of women were *Crimes against the person*, with 36% proven in court. The type of charges that most commonly received a sentence of imprisonment for the 2018 cohort of women were *Property and deception offences* (53%), while the type that least commonly received a sentence of imprisonment were *Crimes against the person* (20%). The type of charge that most commonly received a sentence of imprisonment for the 2015 cohort was also *Property and deception offences* (45%), while the type that least commonly received a sentence of imprisonment was also *Crimes against the person* (27%). The type of charges that most commonly received a sentence of imprisonment for the 2012 cohort were *Public order and security offences* (47%), while the type that least commonly received a sentence of imprisonment were *Justice procedures offences* (17%). There was a substantial increase in the number of *Justice procedures offences* charges that received a sentence of imprisonment between 2012 and 2018, jumping from nine charges for the 2012 cohort (17%) to 251 charges for the 2015 cohort (36%) and 456 charges for the 2018 cohort (47%).

Table 15. Charge types related to reception into prison, by court outcome and year of prison reception

CSA Offence Division ^{***}	Proven in court	2012		2015		2018	
		Number	%	Number	%	Number	%
Crimes against the person	Imprisonment	58	34.5	76	26.6	74	20.2
	Community corrections order	12	7.1	74	25.9	33	9.0
	Other proven outcome*	8	4.8	15	5.2	23	6.3
	<i>Sub-total proven outcomes</i>	<i>78</i>	<i>46.4</i>	<i>165</i>	<i>57.7</i>	<i>130</i>	<i>35.5</i>
	Charge not proven**	90	53.6	121	42.3	236	64.5
Property and deception offences	Imprisonment	314	39.3	978	45.1	930	53.3
	Community corrections order	110	13.8	415	19.1	247	14.1
	Other proven outcome	58	7.3	42	1.9	57	3.3
	<i>Sub-total proven outcomes</i>	<i>482</i>	<i>60.3</i>	<i>1435</i>	<i>66.2</i>	<i>1234</i>	<i>70.7</i>
	Charge not proven	317	39.7	734	33.8	512	29.3
Drug offences	Imprisonment	36	26.3	134	30.2	209	37.9
	Community corrections order	25	18.2	127	28.6	107	19.4
	Other proven outcome	21	15.3	45	10.1	72	13.1
	<i>Sub-total proven outcomes</i>	<i>82</i>	<i>59.9</i>	<i>306</i>	<i>68.9</i>	<i>388</i>	<i>70.4</i>

CSA Offence Division ^{***}	Proven in court	2012		2015		2018	
		Number	%	Number	%	Number	%
	Charge not proven	55	40.1	138	31.1	163	29.6
Public order and security offences	Imprisonment	27	46.6	49	35.8	61	43.0
	Community corrections order	11	19.0	36	26.3	24	16.9
	Other proven outcome	5	8.6	12	8.8	16	11.3
	<i>Sub-total proven outcomes</i>	<i>43</i>	<i>74.1</i>	<i>97</i>	<i>70.8</i>	<i>101</i>	<i>71.1</i>
	Charge not proven	15	25.9	40	29.2	41	28.9
Justice procedures offences	Imprisonment	9	17.0	251	36.2	456	46.9
	Community corrections order	12	22.6	211	30.4	196	20.1
	Other proven outcome	15	28.3	31	4.5	64	6.6
	<i>Sub-total proven outcomes</i>	<i>36</i>	<i>67.9</i>	<i>493</i>	<i>71.0</i>	<i>716</i>	<i>73.6</i>
	Charge not proven	17	32.1	201	29.0	257	26.4

* Outcomes including suspended sentence, fine, adjourned undertaking and discharged (proven)

** Includes withdrawn, struck out, and dismissed (not proven)

*** Table excludes a small number of charges belonging to CSA Offence Division 'Other offences'

4. Discussion

In this study, we examined the number and characteristics of women received into Victorian prisons over three time periods from July to December 2012, 2015 and 2018. The research focused on whether the characteristics of women entering prison had changed over time, including their 24-month history of police contact and prior imprisonment, and the charges associated with their prison entry.

This study echoes other Australian and Victorian research that has identified the number of women in prison is increasing, largely as a result of an increase in the number of women entering prison on remand (Corrections Victoria, 2019a; Jeffries and Newbold, 2016; Ooi, 2018). We found that between July and December 2012, 241 women were received into prison on remand, with this figure almost tripling to 719 women during the same period in 2018. This resulted in nine out of ten women received into prison during 2018 entering as an unsentenced prisoner. Overall, there were also 3.5 times as many Aboriginal women who entered prison in 2018 compared with 2012 (increasing from 42 in 2012 to 147 in 2018). There was a particularly large increase in the proportion of sentenced women who were Aboriginal, from 10% in 2012 to 24% in 2018. Additional analysis is required to understand the reasons for this increase in Aboriginal women entering prison, and how this may differ from the drivers of increases for non-Aboriginal women.

Increasingly complex characteristics of women entering prison

This study identified a number of indicators to suggest that unsentenced women who entered prison in 2018 had more extensive offending, drug use, victimisation, and family violence histories compared with women who entered prison in 2012. These indicators included:

- In the 24 months prior to entering prison, the proportion of unsentenced women with no history of offending recorded by police decreased from 11% to 7%, while the proportion with more than 30 recorded offences increased from 12% to 20%.
- In the 24 months prior to entering prison, 37% of the 2012 cohort had previously spent time in custody compared with 45% of unsentenced women in 2018.
- The proportion of unsentenced women with more than five charges linked to their prison entry increased from 46% to 54%, while the proportion of women with only a single charge linked to their prison reception decreased from 10% to just 3%.
- The proportion of unsentenced women recorded for a drug use and possession offence in the 24 months prior to their prison reception increased from 41% to 55%, while the proportion with a drug offence linked to their reception into prison grew from 31% to 41%.
- The proportion of unsentenced women who had been a victim of crime in the 24 months prior to entering prison increased slightly from 48% to 51%.
- The proportion of unsentenced women who had been recorded by police as a victim of family violence in the 24 months prior to entering prison increased from 38% to 43%, and the proportion who had allegedly perpetrated family violence increased from 35% to 41%.

Despite their more complex history of offending, there was no specific evidence to suggest the type of offending related to unsentenced prisoner receptions was increasing in seriousness, which echoes the findings of similar research conducted in New South Wales (Ooi, 2018). The proportion of women charged for crimes against the person and property and deception offences decreased over time, while there were increases in the proportion of women charged with justice procedures offences and drug offences.

Examination of the types of drugs associated with drug use and possession charges showed methylamphetamine was the most commonly recorded type of drug among women with at least one reception charge for drug use or possession in 2018. There was a substantial increase in the proportion of women with at least one reception charge for the use or possession of methylamphetamine between 2012 and 2015, from 5% to 26%, reducing slightly to 25% in 2018. These findings align with previous research that found methylamphetamine offences have contributed the most to the overall increase in drug use and possession offences in Victoria in recent years, with this increase in methylamphetamine offences particularly pronounced since 2012 (Sutherland and Millsted, 2016b; Sentencing Advisory Council, 2018). Prior research by the CSA found that methylamphetamine comprised only 1.3% of drug use and possession offences in 2011, but this increased to 27% of offences by 2016 (Sutherland and Millsted, 2016b). These findings are also broadly consistent with recent research by Corrections Victoria (2019c), which found that almost two-thirds of women on remand used drugs daily prior to their entry into prison, with ice the most commonly used drug among daily users. Previous Australian research has highlighted the links between drug use and offending for female prisoners. In an Australian Institute of Criminology study, 42% of female prisoners surveyed stated they were under the influence of drugs at the time of offending, while half of property offenders attributed their crimes to the need for money to buy drugs (Johnson, 2004). Increasing our understanding of women's use of methylamphetamine and its relationship with offending may highlight opportunities to intervene earlier and reduce offending.

There was evidence that a substantial portion of imprisoned women had a history of family violence perpetration and/or victimisation. However, studies suggest there is likely considerable under-reporting of family violence to the police, which is a limitation of using administrative data to estimate the prevalence of family violence (State of Victoria, 2016b). Nevertheless, around 40% of sentenced and unsentenced women had been recorded by police as a victim of family violence in the two years prior to their reception into custody, and the same proportion had also been recorded as a perpetrator. Just below a quarter were recorded as both a victim and a perpetrator during that time. A limitation of this study is that it was not possible to determine with accuracy how many prison reception charges resulted from family violence incidents. However, the proportion of unsentenced women who were recorded as a family violence perpetrator or victim in the seven days prior to entering prison was low (around 10% and 3% respectively for the 2018 cohort). There were increases in the proportion of unsentenced women recorded for breaching a family violence order in the two years prior to their index entry into prison (9% in 2012 to 17% in 2018), as well as the proportion with a breach family violence order charge linked to their index reception into prison (5% in 2012 to 9% in 2018). Approximately half of all women received into prison across all cohorts were recorded as a victim of a crime in the 24 months prior to entering prison, with assaults the most commonly recorded crime for these women. Within each cohort, 6-8% of unsentenced women were recorded as the victim of a sexual offence in the two years prior to their reception into prison. This is consistent with previous research that shows many female prisoners have a history of physical and/or sexual abuse, with female prisoners more likely to have a history of abuse than the general female population (Forsythe and Adams, 2009; Johnson, 2004).

Multiple studies have identified that a person appearing in the criminal justice system as an offender is the culmination of a pattern of disadvantage and social service contact, while others have highlighted the complex histories of women in the criminal justice system (Bloom, Owen and Covington, 2003; Corrections Victoria, 2017; Day et al., 2018; Kurlychek and Johnson, 2019; Wright et al., 2012). Surveys of female prisoners conducted by Corrections Victoria (2019c) also demonstrate the extent to which the Victorian female prisoner population encounters homelessness, victimisation and drug addiction. Among female remand receptions, approximately one quarter reported homelessness or housing instability before entering prison, while 65% had been a victim of family violence and 61% had used drugs daily prior to their incarceration (Corrections, 2019c). These complex factors also impact

the nature of interventions and support services that female prisoners will require during their time in custody (Corrections Victoria, 2017).

Trends in justice system responses to women's offending

Some evidence was identified to suggest a relationship between amendments to Victorian bail legislation and changes in prisoner receptions over time. The proportion of unsentenced women placed in a reverse onus position based on the offence types linked to their prison reception increased between 2012 and 2018: 37% of unsentenced women would have been subjected to a reverse onus test in 2012, increasing to 74% in 2015 and 79% in 2018. A large proportion of this increase was related to two new breach of bail offences added to the 'show cause' test under the *Bail Act (1977)* in 2013 (*s30A Offence to contravene certain conduct conditions* and *s30B Offence to commit indictable offence while on bail*). Thirty-two per cent of unsentenced women in the 2015 cohort would have been placed in a reverse onus position based on these offence types alone, while this was the case for 29% of unsentenced women in 2018. The increased focus on family violence-related offending in the *Bail Act (1977)* may also be resulting in a greater number of women being remanded, although this was difficult to assess as it was not possible to quantify how many prison reception charges resulted from family violence incidents. The category of historical offending that showed the greatest change over time was *Breach bail* offences. The proportion of unsentenced women recorded for a *Breach bail* offence in the two years prior to entering custody increased from 41% in 2012 to 69% in 2018, while the proportion of sentenced women grew from 20% in 2012 to 53% in 2018. Similarly to historical offending, the category of reception charges that showed the greatest change over time was *Breach bail*. There was a substantial increase in the number of women with at least one *Breach bail* offence linked to their prison entry over time. The proportion of unsentenced women with a *Breach bail* offence linked to their reception increased from 21% of the 2012 cohort to 66% of the 2018 cohort, while this increase was 11% to 51% for sentenced women. These increases were largely driven by two new offences introduced in December 2013 (*Contravene a conduct condition of bail* and *Commit indictable offence whilst on bail*). In 2015, 50% of unsentenced women were charged with at least one of these two new offences, decreasing slightly to 47% in 2018. Thirteen per cent of sentenced women in 2015 were charged for one of the two new offences, while this was the case for 39% of sentenced women in 2018. These findings echo other research that has also found the increase in breach of bail offences in Victoria has largely been driven by the introduction of these two new bail offences (Crime Statistics Agency, 2018b; Sentencing Advisory Council, 2017). Further research is warranted to identify the specific conditions being breached for breach of bail and breach of family violence order offences, and what might be driving these breaches. Given the complexity of the Victorian bail system, and the criminal justice system more broadly, further research beyond the scope of this paper will be required to obtain a more complete picture of the impact of recent bail reforms on the remand population in Victoria.

Finally, 91% of unsentenced women received in 2018 had at least one of their reception charges proven against them in court, while this was the case for 97% of women received in 2015 and 96% of women received in 2012. Nevertheless, only 62% of unsentenced women in 2018 were sentenced to imprisonment for at least one of their reception charges, while this was the case for 58% of women received in 2015 and 65% of women in 2012. Court outcomes for women received in 2018 should be interpreted with some caution as the court records for 10% of these women could not be identified, likely as their charges had not yet been heard in court at the time this study was undertaken.

Bail refusal may have a detrimental effect on those refused bail as they are separated from their families and may lose their jobs (Rahman, 2019). Indeed, the fact that remanded women in this study were progressively more likely to have a history of spending time in custody and that they were decreasingly likely to report being the primary carer for their children may be indicative of the impact of cumulative imprisonment on their family structures. Numerous studies have also shown that being remanded in prison can also increase the likelihood of reoffending, drug use and

the development of mental health issues, and can impact on access to stable housing (Dobbie, Goldin & Yang, 2018; Morgan, 2018). Research has also shown that spending time on remand increases the likelihood of receiving a prison sentence, compared to those not remanded prior to receiving their outcome at court (Rahman, 2019). Further, the economic costs of imprisonment to government are significant, with the total net operating expenditure and capital cost per prisoner in Victoria averaging \$417 per day in 2017/18 (Productivity Commission, 2019). Given the complexities identified with regard to prisoner's offending, drug use, family violence and victimisation histories, and the increasing proportion of women exiting prison without receiving a prison sentence, service delivery and support to transition back to the community are likely to be increasingly critical components of efforts to reduce reoffending and imprisonment rates going forward.

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Legislation and bills

Bail Act 1977 (Vic)

Bail Amendment (Stage One) Act 2017 (Vic)

Bail Amendment (Stage Two) Act 2018 (Vic)

Crimes Legislation Amendment (Protection of Emergency Workers and Others) Act 2017

Supplementary Table 1. Schedule 1 and 2 offences under the *Bail Act 1977 (Vic)* analysed by whether law operating during each cohort year

Offence description	Statutory reference(s)	Commencement date	2012	2015	2018
Schedule 1 - Exceptional circumstances test					
Treason	Crimes Act 1958 (Vic) s 9A; Commonwealth Criminal Code 1995 s 80.1; Common law	Entire data period	✓	✓	✓
Murder	Crimes Act 1958 (Vic) s 3; Common law	Entire data period	✓	✓	✓
Importing, exporting or possessing commercial quantities of drugs*	Commonwealth Criminal Code 1995 s 307.1, 307.2, 307.5, 307.6, 307.8, 307.9	Entire data period	✓	✓	✓
Trafficking or cultivating large commercial or commercial quantities of drugs	Drugs, Poisons and Controlled Substances Act 1981 s 71*, 71AA, 72*, 72A or conspiring to commit an offence under these section(s) (s 79.1)	Entire data period	✓	✓	✓
Select terrorism offences	Terrorism (Community Protection) Act 2003 s 21W, 4B.1	2 May 2016	✗	✗	✓
Trafficking, cultivating, selling or manufacturing commercial quantities of drugs*	Commonwealth Criminal Code 1995 s 302.2, 302.3, 303.4, 303.5, 304.1, 304.2, 305.3, 305.4	21 May 2018	✗	✗	✓
Aggravated home invasion	Crimes Act 1958 (Vic) s 77B	21 May 2018	✗	✗	✓
Aggravated carjacking	Crimes Act 1958 (Vic) s 79A	21 May 2018	✗	✗	✓
Conspiring, inciting or attempting to commit an offence referred to above (unless commenced previously)	-	21 May 2018	✗	✗	✓
Schedule 2 - Show compelling reason test (Prior to May 2018 this was the less stringent 'Show cause' test)					
Fail to notify of change of address	Bail Act 1977 (Vic) s 29	Repealed 20 March 2017	✓	✓	✗
Breach of bail offences	Bail Act 1977 (Vic) s 7.2, 30, 31	Entire data period	✓	✓	✓
Arson causing death	Crimes Act 1958 (Vic) s 197A	Entire data period	✓	✓	✓
Trafficking or cultivating drugs	Drugs, Poisons and Controlled Substances Act 1981 s 71AB, 71AC, 72B or conspiring to commit an offence under these section(s) (s 79.1)	Entire data period	✓	✓	✓
Additional breach of bail offences	Bail Act 1977 (Vic) s 30A, 30B	20 December 2013	✗	✓	✓
Drug offences involving children	Commonwealth Criminal Code 1995 s 309.3, 309.4, 309.7, 309.8, 309.10, 309.11, 309.12, 309.13, 309.14, 309.15	21 May 2018	✗	✗	✓
Importing and exporting border-controlled drug precursors	Commonwealth Criminal Code 1995 s 306.2, 307.11	21 May 2018	✗	✗	✓
Manslaughter	Crimes Act 1958 (Vic) s 5; Common law	21 May 2018	✗	✗	✓
Select offences under the Crimes Act 1958 (Vic)	Crimes Act 1958 (Vic) s 5A, 15A.1, 15B.1, 16, 38.1, 39.1, 42.1, 47.1, 49A.1, 49J.1, 49P.1, 63A, 75A, 77, 77A, 79, 317AC, 317AD, 317AE, 317AF, 317AG, 318.1, 319.1, 319AA	21 May 2018	✗	✗	✓
Persistent contravention of notices and orders	Family Violence Protection Act 2008 s 125A.1	21 May 2018	✗	✗	✓
Conspiring, inciting or attempting to commit an offence referred to above (unless commenced previously)	-	21 May 2018	✗	✗	✓

* Listed in both Schedules 1 and 2, but treated as a Schedule 1 offence for analysis (see the *Bail Act 1977* s 3AA)

Supplementary Table 2. Unsentenced women by reception charge type (Offence Subdivision) and reception year

Reception charge CSA Offence Subdivision *	2012		2015		2018	
	N	%	N	%	N	%
Crimes against the person						
A10 Homicide and related offences	4	2.1	6	1.4	≤ 3	0.3
A20 Assault and related offences	45	23.9	95	22.5	129	19.9
A30 Sexual offences	0	0.0	0	0.0	4	0.6
A40 Abduction and related offences	4	2.1	10	2.4	12	1.9
A50 Robbery	24	12.8	18	4.3	32	4.9
A60 Blackmail and extortion	0	0.0	0	0.0	≤ 3	0.3
A70 Stalking, harassment and threatening behaviour	7	3.7	24	5.7	50	7.7
A80 Dangerous and negligent acts endangering people	9	4.8	28	6.6	46	7.1
Property and deception offences						
B10 Arson	0	0.0	6	1.4	6	0.9
B20 Property damage	17	9.0	51	12.1	78	12.0
B30 Burglary/break and enter	41	21.8	77	18.2	98	15.1
B40 Theft	126	67.0	294	69.7	408	63.0
B50 Deception	33	17.6	86	20.4	124	19.1
B60 Bribery	0	0.0	0	0.0	0	0.0
Drug offences						
C10 Drug dealing and trafficking	27	14.4	79	18.7	108	16.7
C20 Cultivate or manufacture drugs	16	8.5	30	7.1	19	2.9
C30 Drug use and possession	56	29.8	175	41.5	255	39.4
C90 Other drug offences	0	0.0	≤ 3	0.5	≤ 3	0.3
Public order and security offences						
D10 Weapons and explosives offences	20	10.6	62	14.7	73	11.3
D20 Disorderly and offensive conduct	15	8.0	35	8.3	45	6.9
D30 Public nuisance offences	5	2.7	11	2.6	17	2.6
D40 Public security offences	0	0.0	0	0.0	0	0.0
Justice procedure offences						
E10 Justice procedures	19	10.1	45	10.7	74	11.4
E20 Breaches of orders	55	29.3	314	74.4	478	73.8
Other offences						
F10 Regulatory driving offences	6	3.2	40	9.5	57	8.8
F20 Transport regulation offences	≤ 3	1.1	0	0.0	≤ 3	0.3
F30 Other government regulatory offences	0	0.0	0	0.0	≤ 3	0.3
F90 Miscellaneous offences	0	0.0	0	0.0	0	0.0

* One person can be recorded for charges of multiple different types, and therefore may be counted in multiple CSA Offence Subdivisions

Supplementary Table 3. Sentenced women by reception charge type (Offence Subdivision) and reception year

Reception charge CSA Offence Subdivision *	2012		2015		2018	
	N	%	N	%	N	%
Crimes against the person						
A10 Homicide and related offences	0	0	0	0	0	0
A20 Assault and related offences	13	16.0	12	15.8	19	18.4
A30 Sexual offences	≤ 3	2.5	≤ 3	2.6	≤ 3	1.9
A40 Abduction and related offences	0	0	0	0	0	0
A50 Robbery	0	0	0	0	≤ 3	1.9
A60 Blackmail and extortion	0	0	0	0	0	0
A70 Stalking, harassment and threatening behaviour	5	6.2	≤ 3	2.6	≤ 3	1.9
A80 Dangerous and negligent acts endangering people	8	9.9	≤ 3	2.6	8	7.8
Property and deception offences						
B10 Arson	≤ 3	2.5	≤ 3	2.6	≤ 3	1.9
B20 Property damage	9	11.1	7	9.2	8	7.8
B30 Burglary/break and enter	6	7.4	≤ 3	2.6	5	4.9
B40 Theft	29	35.8	35	46.1	62	60.2
B50 Deception	5	6.2	9	11.8	25	24.3
B60 Bribery	0	0	0	0	0	0
Drug offences						
C10 Drug dealing and trafficking	4	4.9	9	11.8	13	12.6
C20 Cultivate or manufacture drugs	≤ 3	2.5	≤ 3	2.6	0	0.0
C30 Drug use and possession	6	7.4	14	18.4	19	18.4
C90 Other drug offences	0	0.0	0	0.0	0	0.0
Public order and security offences						
D10 Weapons and explosives offences	≤ 3	2.5	12	15.8	15	14.6
D20 Disorderly and offensive conduct	12	14.8	4	5.3	8	7.8
D30 Public nuisance offences	4	4.9	≤ 3	2.6	≤ 3	1.9
D40 Public security offences	0	0.0	0	0.0	0	0.0
Justice procedure offences						
E10 Justice procedures	10	12.3	4	5.3	14	13.6
E20 Breaches of orders	35	43.2	42	55.3	57	55.3
Other offences						
F10 Regulatory driving offences	22	27.2	16	21.1	25	24.3
F20 Transport regulation offences	0	0.0	0	0.0	0	0.0
F30 Other government regulatory offences	0	0.0	0	0.0	0	0.0
F90 Miscellaneous offences	0	0.0	≤ 3	2.6	0	0.0

* One person can be recorded for charges of multiple different types, and therefore may be counted in multiple CSA Offence Subdivisions