



Criminal Justice Statistics quarterly, England and Wales, year ending December 2021 (annual)

Main points

1.31 million individuals have been dealt with by the CJS.



The total number of individuals formally dealt with by the Criminal Justice System (CJS) in England and Wales increased by 11% in the latest year.

1.11 million defendants were prosecuted in 2021.



Prosecutions at magistrates' courts in 2021 were 19% lower than in 2019 and 16% higher than in 2020.

Out of court disposals decreased overall, whilst community resolutions remain 25% higher than 2019.



OOCs decreased by 10% in the most recent year, and by 2% compared to 2019.

The proportion of defendants remanded in custody returns to pre-pandemic levels.

In 2021, 9% defendants were remanded in custody by police prior to appearing at court in comparison to 8% in 2019 and 11% in 2020. The proportion of defendants remanded in custody at all courts was the same as in 2019.

The custody rate for indictable offences was 32%, a decrease of 2pp from 2020.



The custody rate for indictable offences returned to 2019 levels at 32% (up from 26% in 2011).

The average custodial sentence length (ACSL) for indictable offences was 24.9 months in 2021, up from 21.1 months in 2020.



The ACSL was 16.8 months for indictable offences in 2011 and has increased year-on-year, with the only decrease in 2020 (to 21.1 months) likely due to the COVID-19 pandemic.

This is the 2021 Criminal Justice Statistics annual bulletin; it is based on data that has undergone additional quality assurance and includes cases for previous periods that have become available since earlier publications. The bulletin is accompanied by tools and experimental statistics providing additional insight for users. For technical detail about sources, quality and terminology, please refer to the accompanying technical guide to criminal justice statistics.

Statistician's comment:

The figures published today highlight the continued recovery of the criminal justice system since the impact of the COVID-19 pandemic on court processes and prioritisation. The number of defendants prosecuted has increased since 2020, though it remains around 19% lower than in 2019. Summary non-motoring prosecutions have recovered at a slower rate than indictable offences.

The custody rate has fallen slightly in the latest year - this is likely due to, at least in part, the continued recovery of the courts. In 2020, during the early stages of the pandemic, courts prioritised the most serious cases, whereas, more of the cases less likely to result in custody flowed through the courts in 2021.

However, for those serious cases resulting in custody, average custodial sentence length continues to increase to a high of 24.9 months for indictable offences. This has increased year-on-year (from 16.8 months in 2011), with the only decrease in 2020 likely due to the COVID-19 pandemic.

Introduction

This report presents key statistics on activity in the Criminal Justice System (CJS) for England and Wales. It provides commentary for January to December 2021 (referred to as the 'latest year') with accompanying data tools providing offence level information.

The contents of this bulletin will be of interest to government policy makers in the development of policy and their subsequent monitoring and evaluation. Others will be interested in the way different crimes are dealt with in the CJS, trends in sentencing outcomes and understanding the impacts of the COVID-19 pandemic.

The recovery at the criminal courts continued following the impacts of the COVID-19 response. Most measures in this bulletin have been impacted by the COVID-19 response and the latest figures represent both a reflection of the pandemic response impact and the initial indication of the continuation of trends that were apparent prior to the pandemic.

Changes and revisions in this publication

From September 2020, some cases were recorded on the new Common Platform (CP) case management system. We have incorporated this data alongside both LIBRA and XHIBIT data for 2020 and 2021 in order to include them in our prosecutions, convictions, remands and sentencing figures. Therefore, figures in this edition may not be consistent with those previously published, due to the addition of CP data in this edition. For further information please see the Technical Guide.

Offender Histories and First Time Entrants (FTE) data has been removed from the scope of this publication and is now part of a separate collection. Please see the Criminal Justice Statistics collection for more information.

Some additions and amendments have been made to the tools published alongside this bulletin:

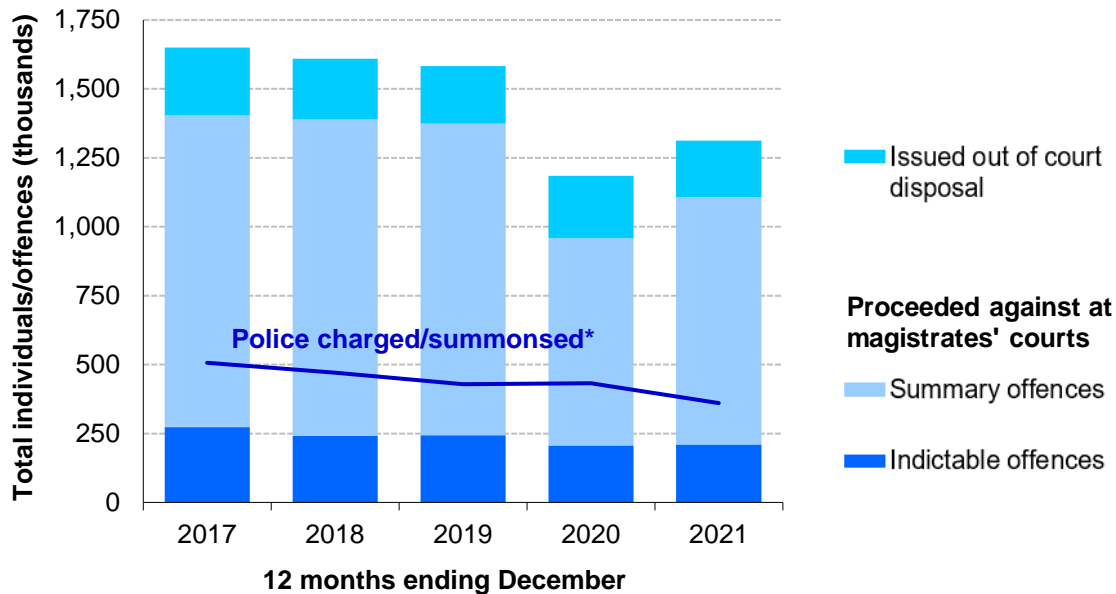
- Caution type has been added to the Out of Court Disposals (OOCs) data tool
- A User Guide provided alongside this publication lists all the products available alongside this release; this will allow easy navigation of the data tools
- Data tools have been combined and reduced where possible to ease navigation, improve accessibility and the overall customer experience – see User Guide for details

1. Overview of the Criminal Justice System

1.31 million individuals were dealt with by the CJS in 2021.

The number of individuals¹ formally dealt with by the Criminal Justice System (CJS)² in England and Wales increased by 11% in the latest year, reflecting the recovery of the system following a steep decline in 2020 due to the Covid-19 pandemic.

Figure 1: Individuals dealt with formally by the CJS, offences resulting in a police charge/summons, 12 months ending December 2017 to 12 months ending December 2021 (Source: Tables Q1.1 and Q1.2)³



* Number of notifiable offences given a charged/summonsed outcome, excludes fraud offences

The number of defendants prosecuted at all courts increased by 16% in the latest year. This displays the initial recovery of court processes after the impacts of the COVID-19 pandemic.

In the latest year there was a 9% increase in police recorded crime⁴ (including fraud), and a 17% decrease in the number of offences charged by the police⁵. This represents a continuation of trends prior to the pandemic. In 2021, the volume of cases disposed at Magistrates' courts increased 12% to 1.17 million from a series low of 1.04 million in 2020 - this remains 19% lower than 2019. Disposed cases at Crown courts increased 22% to 95,500 in 2021, from 78,100 in 2020 – this remains 4% lower than 2019.⁶

¹ An individual (includes companies) can be counted more than once in a year if dealt with by the CJS on multiple separate occasions. Includes prosecutions, cautions, Penalty Notice for Disorder, cannabis/khat warning and community resolutions.

² The number of individuals formally dealt with by the CJS is the sum of all defendants prosecuted at magistrates' court plus all individuals issued an out of court disposal (including community resolutions).

³ Following the implementation of a new IT system, Greater Manchester Police were unable to supply outcomes data from July 2019 to March 2020, so there will be missing data for OOCs and police charged/summonsed for 2019 and 2020.

⁴ The term 'notifiable' covers offences that are notified to the Home Office, and they are collectively known as 'recorded crime'. Notifiable offences include all indictable and triable-either-way offences (excluding section 6 of the Bail Act 1976), together with certain closely associated summary offences. Police recorded crime statistics cover notifiable offences.

⁵ <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

⁶ <https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-october-to-december-2021>

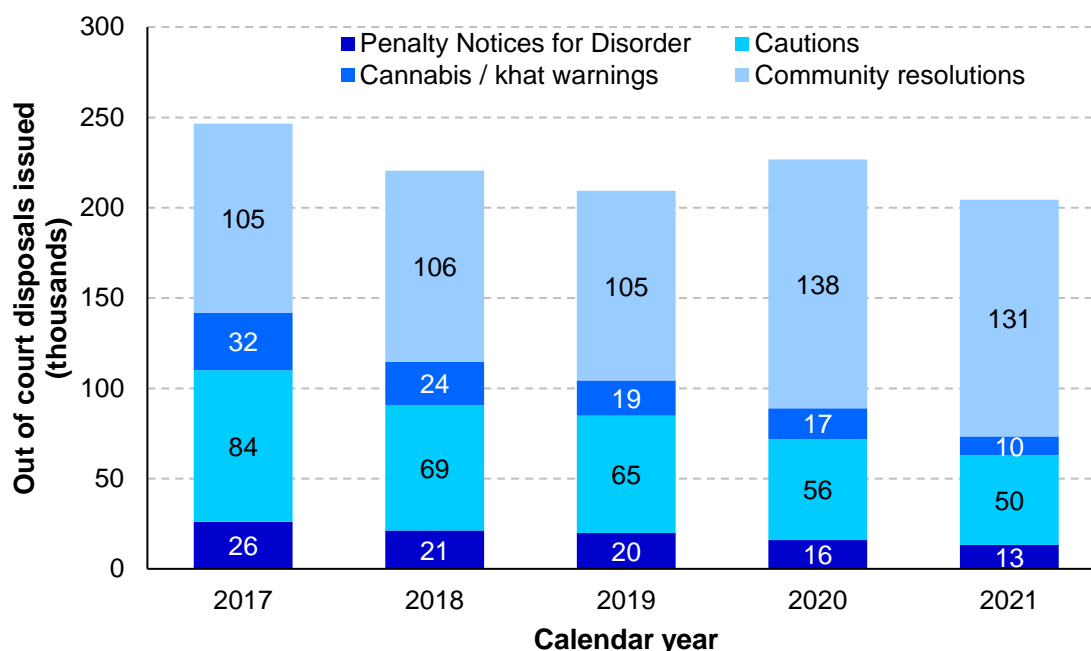
2. Out of Court Disposals

Out of court disposals decreased overall, whilst community resolutions remain 25% higher than 2019.

OOCs decreased by 10% in the most recent year, a 2% decrease compared to 2019.

Out of court disposals (OOCs) are sanctions used by the police to address offences without the need to be dealt with at court. There were 204,000 OOCs in the year ending December 2021, a 10% decrease compared to the previous year. This was driven by decreases across all types of OOC. Community resolutions accounted for 64% of all OOCs in 2021, decreasing 5% in the latest year to 131,000. However, community resolutions remain 25% higher than 2019.

Figure 2: OOCs issued, 2017 to 2021, England and Wales (Source: Q1.1)⁷



The use of Penalty Notices for Disorder (PND) continued to decline with 13,300 issued in 2021, falling 16% from the previous year. The most common offences that resulted in a PND were possession of cannabis, accounting for 37% of PNDs, and drunk and disorderly behaviour accounting for 38%. There were 10,400 cannabis and khat warnings issued in 2021, a decrease of 40% since 2020. This is consistent with their ongoing decrease (down 68% since 2017).

In 2021, 49,700 offenders were given a simple or conditional caution⁸. Cautions issued continued to fall since 235,000 were issued in 2011 (representing a 79% decline over the decade). Just over half (56%) of cautions issued in 2021 were for indictable offences. Most offence types were consistent with this decline, except for violence against the person. This has seen a 35% increase since 2018, primarily due to the introduction of the Assault of an Emergency Worker offence, for which cautions issued increased 14% in the most recent year.

⁷ Following the implementation of a new IT system, Greater Manchester Police were unable to supply outcomes data from July 2019 to March 2020, so there will be missing data for the year ending December 2019 and 2020.

⁸ Cautions are presented on a principal offence and principal caution basis, where only the most serious caution received is reported. See the technical guide for more information.

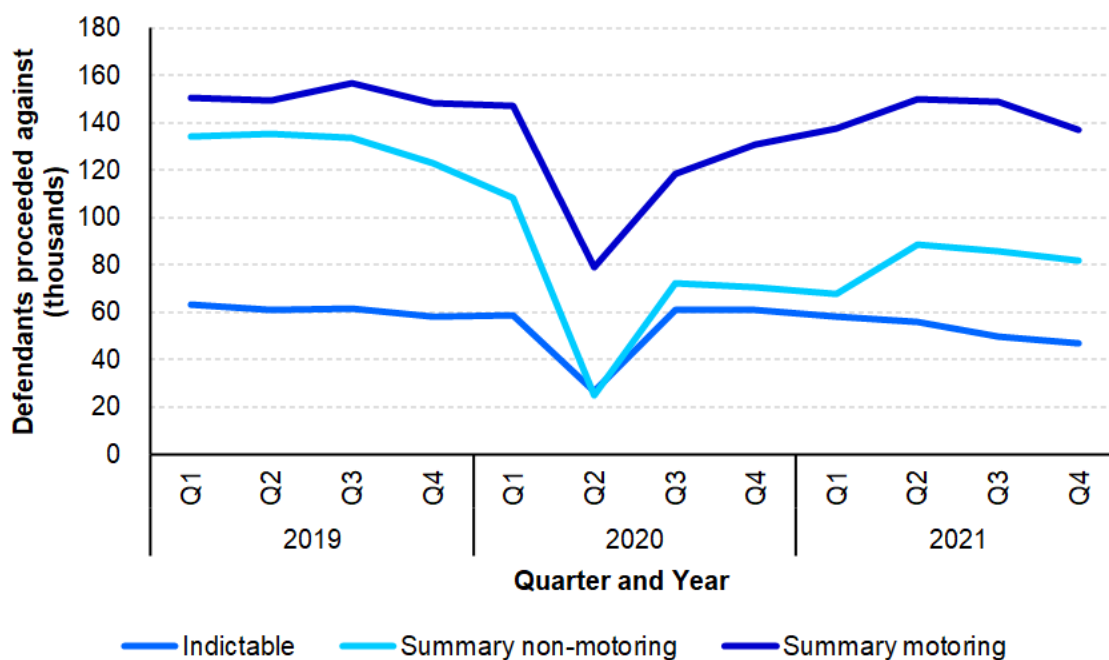
3. Court prosecutions and convictions

Prosecutions at magistrates' court continued to recover following the impact of the COVID-19 pandemic.

Prosecutions at magistrates' courts in 2021 were 16% higher than in 2020 and were 19% lower than in 2019.

In the latest year, prosecutions and convictions increased following the court recovery from the COVID-19 pandemic. In 2021, 1.11 million defendants were proceeded against at magistrates' courts, 19% lower than in 2019 and 16% higher than in 2020. Despite an increase in the number of prosecutions for all offence between 2020 and 2021, prosecutions for all offences in 2021 were lower compared to pre-pandemic levels in 2019. Indictable offences recovered faster than summary offences. Summary non-motoring offences were 38% lower in 2021 compared to pre-pandemic levels in 2019.

Figure 3: Prosecutions at magistrates' courts, quarterly by type of offence, England and Wales, January 2019 to December 2021 (Source: Table AH_1 2020 and 2021)



Prosecutions for sexual offences were 4% higher in 2021 than in 2020, increasing for the third consecutive year since 2018. Prosecutions for violence against the person increased 7% between 2020 and 2021. In contrast, prosecutions for indictable theft, robbery and fraud offences decreased between 2020 and 2021.

Convictions followed a similar trend to prosecutions. In 2021, 958,000 offenders were convicted at all courts, 20% lower than 2019 and 17% higher than 2020. Trends in convictions for indictable offences tend to lag prosecutions due to the way the two metrics are counted in the data and the time taken between completing proceedings in the magistrates' court (counted as prosecutions) and case completing at Crown Court (convictions).

4. Remands

The proportion of defendants remanded in custody returns to pre-pandemic levels.

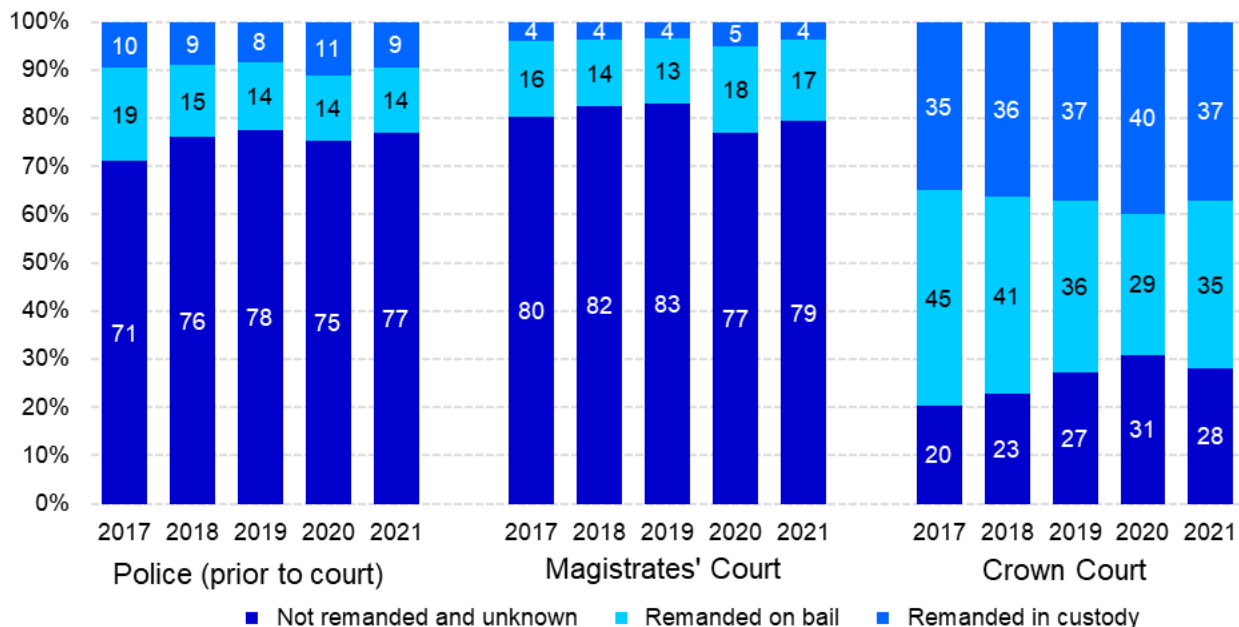
In 2021, 9% of defendants were remanded in custody by police prior to appearing at court in comparison to 8% in 2019 and 11% in 2020. The proportion of defendants remanded in custody at magistrates' court (4%) and at the Crown Court (37%) both fell compared with 2020 to return to the same proportions as in 2019.

In the year ending December 2021, 1.16 million defendants were directed to appear at magistrates' courts (including failures to appear). In comparison with 2020, the proportion of defendants remanded in custody by police decreased to 9% from 11%, compared with 8% in 2019. The proportion of defendants arrested and bailed by the police remained stable and was 14%, the same as in 2019 and 2020.

In 2020, COVID-19 prioritisation of more serious offences led to an increase of the proportion of defendants granted bail and remanded in custody at magistrates' court - in 2021 these proportions slightly decreased. In the latest year, 17% were remanded on bail, and 4% in custody compared to 18% and 5% in 2020 and 13% and 4% in 2019.

At Crown Court, the proportion of defendants bailed has decreased from 45% in 2017 to 29% in 2020 but rose 6 percentage points to 35% in the latest year, similar to 2019. The proportion remanded in custody increased from 35% in 2017 to 40% in 2020 but decreased to 37% in 2021, the same level as in 2019, as the effect of the prioritisation of offences likely to result in custody in response to COVID-19 diminished.

Figure 4: Defendants' remanded with Police (prior to court), at magistrates' courts and at Crown Court, 2017 to 2021. (Source: Table Q4.1, Q4.2 & Q4.3)



In the latest year, of the defendants remanded in custody at magistrates' courts, 11% were sentenced to immediate custody, and a further 65% were committed for trial or sentencing at Crown Court. Of those remanded in custody at Crown Court, 74% were sentenced to immediate custody in 2021.

5. Sentencing

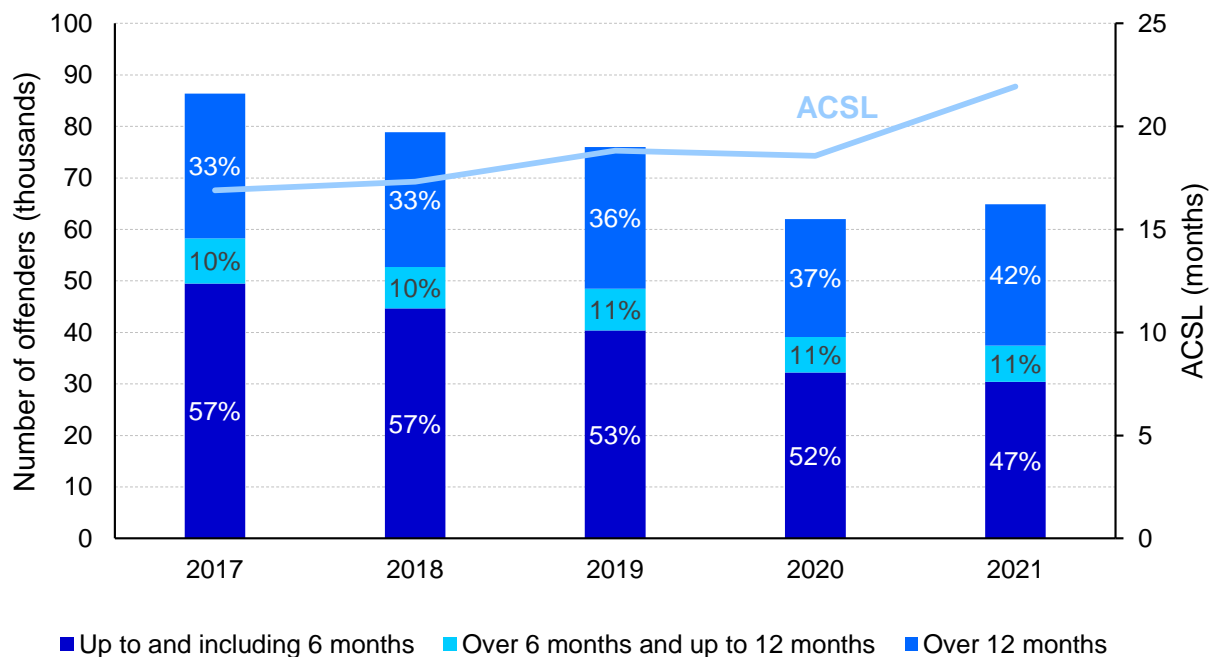
The average custodial sentence length (ACSL) for indictable offences was 24.9 months in 2021, up from 21.1 months in 2020.

The ACSL was 16.8 months for indictable offences in 2011 and has increased year-on-year, with the only decrease in 2020 (to 21.1 months) likely due to the COVID-19 pandemic.

The total number of offenders sentenced increased in the latest year by 18% to 962,000, however, this figure is down 19% from 2019 and has decreased 27% since 2011. This decrease from pre-pandemic levels was likely driven by a 40% decrease in summary non-motoring offences compared to 2019 (and accounts for 80% of the overall drop in sentences since 2019). All other offence types have returned close to pre-pandemic levels.

Fines remained the most common sentence, accounting for 77% of all sentences, an increase of 1 percentage point from 2020. The custody rate for indictable offences in 2021 was 32%, a decrease of 2 percentage points from 2020 - a break from the steady increase since 2011.

Figure 5.1: Offenders sentenced to immediate custody at all courts, by sentence length, 12 months ending December 2017 to 12 months ending December 2021, in England and Wales. ACSL plotted on the secondary axis. (Source: Table AH_1)



The number of offenders sentenced to immediate custody for sexual offences is the highest it has been since 2017, increasing by a fifth from 2019, with the ACSL increasing 2.6 months in the same period. The number of offenders sentenced for theft continued to decline, dropping 42% compared to 2019 and 69% compared to 2011.

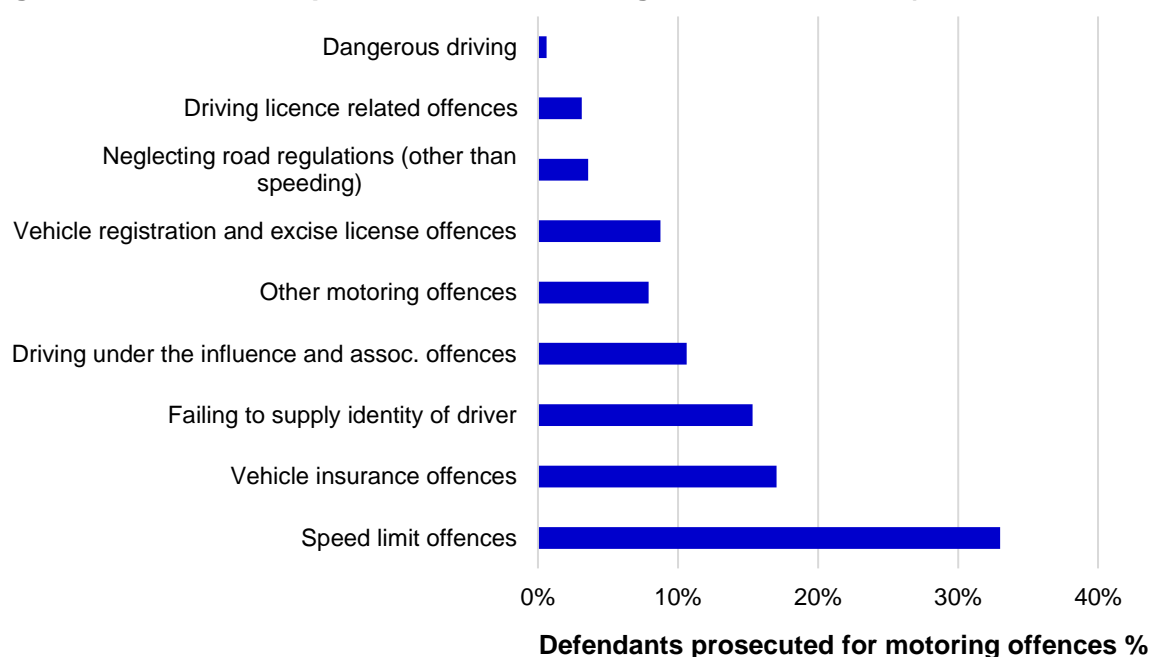
The ACSL for all offences was 21.9 months, an increase of 3.4 months from 2020 and an increase of 7.7 months, or 54%, from 2011. The increase can be partly attributed to the slower recovery of sentences for summary non-motoring offences, reducing the number of shorter custodial sentences. Additionally, there has been a decrease in the proportion of sentences of 6 months or less but an increase in longer sentences (over 12 months) over the past 5 years, resulting in the increase in ACSL (as seen in Figure 5.1).

6. Motoring

In line with court recovery from the COVID-19 pandemic, the number of prosecutions for motoring offences increased by 22% from 516,000 in 2020 to 632,000 in 2021. Convictions also increased by 22% from 463,000 in 2020 to 565,000 in 2021, with sentencing following the same trend. However, prosecutions are still 11% down and convictions 10% down when compared to 2019.

Speed limit offences and vehicle insurance offences remained the most common motoring offences, accounting for 50% of all motoring prosecutions in 2021.

Figure 6.1: Defendants prosecuted for motoring offences, 2021^{9,10} (Source: Table A6.1)



The majority (94%) of motoring offences were dealt with by a fine in 2021, which has remained stable over the last 5 years. The average fine has increased over the last 5 years, from £323 in 2017 to £341 in 2021 (unchanged from 2020). The overall custodial rate was 1%, with an average custodial sentence length (ACSL) of 8.8 months which has remained stable across the last 3 years.

Prosecutions for motoring offences which caused death or injury have declined over the last 5 years, from a peak of 914 in 2017 to 758 in 2020, showing a slight increase to 792 in 2021. The custody rate fluctuated between 60% and 67% over the last 5 years and was 60% in 2021.

The number of sentenced offenders directly disqualified for motoring offences increased by 31% in the latest year, and by 11% compared to 2019, to 78,800. Of these offenders disqualified, 54% were disqualified for more than a year. A further 384,000 offenders received points on their licence without a disqualification; a 21% increase compared to 2020, and an 11% increase compared to 2019.

⁹ Other motoring offences includes: Causing danger by interfering with a vehicle, road or traffic equipment, Using or causing others to use a mobile phone whilst driving, Careless driving offences (excl. mobile phone offences), Failing to stop or provide information after accident, Theft of a motor vehicle/aggravated vehicle taking, Work record and employment offences, Fraud, forgery etc. associated with vehicle or driver records, Defective vehicle parts, Vehicle test offences, Miscellaneous (other) motoring offences, Causing death by dangerous driving and Causing injury by dangerous driving.

¹⁰ The Home Office publishes data in relation to motoring offences including fixed penalty notices (FPNs) for speeding in [Police powers and procedures England and Wales statistics](#). FPNs are out of court disposals where the speeding offence is not serious enough to warrant a criminal court proceeding and where the offender does not contest being issued with the FPN.

Further information

Presented here is the final data for the 2021 calendar year. Data for Q4 2021 remain provisional until May 2022, following further data cleaning and the incorporation of additional cases not available in our original extracts of administrative data.

Accompanying files

As well as this bulletin, the following products are published as part of this release:

- A technical guide with information on data collection and processing, information on the revisions policy, legislation relevant to sentencing trends and background on the Criminal Justice System
- A user guide listing all products alongside this release; this allows easy navigation of the data tools
- A set of overview tables, covering each section of this bulletin
- A set of interactive data tools
- CSV files underpinning all data tools
- An infographic showing visualisations of key messages
- A machine-readable offence group classification document outlining offence groupings

National Statistics status



National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value. This bulletin recently underwent a compliance check with the Office for Statistics Regulation and retained its National Statistics status in May 2020¹¹. All official statistics should comply with all aspects of the Code of Practice for Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate. It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained and reinstated when standards are restored.

Future publications

Our statisticians regularly review the content of publications. Development of new and improved statistical outputs is dependent on reallocating existing resources. As part of our continual review and prioritisation, we welcome user feedback on existing outputs including content, breadth, frequency and methodology. Please send any comments you have on this publication.

Contact

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Other enquiries about these statistics should be directed to the Data and Evidence as a Service division of the Ministry of Justice:

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Next update: 18 August 2022

URL: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2021>

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Alternative formats are available on request from ESD@justice.gov.uk

¹¹ <https://osr.statisticsauthority.gov.uk/correspondence/mark-pont-to-david-blunt-proven-re-offending-and-criminal-justice-system-statistics/>