



Ministry
of Justice



A Technical Guide to Statistics on Race and the Criminal Justice System, 2016

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Introduction

This document provides more detail on the statistics presented in the publication *Statistics on Race and the Criminal Justice System 2016* and is intended to be used as a guide to concepts and definitions.

The key areas covered are:

- An overview of *Statistics on Race and the Criminal Justice System* detailing the background and intention of this release, the frequency and timings of the bulletin, the data used and presented and the revisions policy.
- Details of the parent statistics publications that are referenced within the bulletin and brief details of the data sources.
- A high level background to the Criminal Justice System (CJS) on the topics featured within the bulletin.
- A glossary of the main terms used within the publication.

Overview of Statistics on Race and the Criminal Justice System

This section describes the background to the bulletin, the timing and frequency of the publication and the revisions policy relating to the statistics published.

Background to Statistics on Race and the Criminal Justice System 2016

Section 95 of the Criminal Justice Act 1991 states that:

“The Secretary of State shall in each year publish such information as he considers expedient for the purpose... of facilitating the performance of those engaged in the administration of justice to avoid discriminating against any persons on the ground of race or sex or any other improper ground.”

Documents fulfilling this requirement have been published since 1992, in the form of statistical information. This report, as with previous editions, brings together information on the representation of ethnic groups among victims, suspects, defendants and offenders within the Criminal Justice System. It also provides details of practitioners within the Criminal Justice System (CJS).

The publication aims to help practitioners, policy makers, academics and members of the public understand trends in the CJS in England and Wales, and how these vary between ethnic groups, and over time. The identification of differences should not be equated with discrimination, however, as there are many reasons why apparent disparities may exist.

Following the consultation in 2010¹ on improvements to the range of statistics published by the Ministry of Justice, the Chief Statistician announced that, in future, this publication would focus on drawing together a compendium of previously published statistics, and would be produced biennially.¹ This development complements arrangements made at the same time for all Ministry of Justice and relevant Home Office publications to release annual data on gender. This is the fourth biennial compendium of Statistics on Race and the Criminal Justice System and will be followed next year by its sister publication Statistics on Women and the Criminal Justice System.

Timeframe and publication frequency

Data are presented in terms of calendar and financial years, reflecting the reporting cycles and data collection of the agencies contributing information for this publication. For example, data on arrests are presented in financial years, while data from courts, prison and probation are presented in calendar years. Five year trends have been presented wherever possible, and where changes to data systems or data quality issues do not allow for this trends have been presented for the longest periods possible. The most recent data available during the compilation of this report has

¹ See Ministry of Justice (2012). Consultation on improvements to Ministry of Justice Statistics: Response to Consultation CP(R), 15/10, 17 March 2011, Ministry of Justice.
[webarchive.nationalarchives.gov.uk/20111121205348/http://www.justice.gov.uk/consultations/565.htm](http://www.justice.gov.uk/consultations/565.htm)

been included, though it is important to note that more recent data may have since been published – for example, updated figures on stops and searches and arrests. The publication is published on a biennial basis. The next publication is scheduled for release in 2019.

Data

Every effort is made to ensure that the figures presented are accurate and complete. However, these data have been extracted from large administrative data systems generated by the courts, police forces and other agencies. As a consequence, care should be taken to ensure the limitations of these data are taken into account.

All results relate to England and Wales unless explicitly stated otherwise.

Large figures are generally presented rounded to the nearest thousand, and percentages to the nearest percentage point in the bulletin text, although all calculations have been conducted on unrounded figures (so totals may not sum). Unrounded figures are shown in the accompanying tables, with the exception of the practitioners chapter, for which small numbers have been suppressed and all others rounded to protect individuals' privacy. Numbers of staff in the practitioners tables have been rounded to the nearest 10. Percentages have been rounded to the nearest decimal place, except where a grade split is shown, when they are rounded to the nearest percentage point to account for the smaller underlying cell sizes. (These percentages have been calculated from unrounded source data, for accuracy.) Suppression has been applied to cells containing fewer than 5 staff, with the exception of MoJ data, which has been suppressed for 5 or fewer in line with their release practises.

Differences between groups in Crime Survey of England and Wales data have only been discussed where they are statistically significant, unless stated otherwise.

Source data for bulletin charts and analysis is already in the public domain or being placed there as part of this release. This can be found in the accompanying tables for each chapter, with new breakdowns presented in tables and previously published data and supporting information accessible through links.

All breakdowns including offence are presented on a principal offence basis; that is, offenders are only reported against the most serious offence they were convicted for, where they have been convicted or more than one offence during their trial. Similarly, sentencing breakdowns are presented on a principal disposal basis; that is, offenders are only reported against the most serious sentence they received, where they were given multiple sentences during their trial. (For further detail, see the Glossary and Criminal Justice Statistics sections below.)

It is not generally possible to robustly track offenders between different databases or incidents, meaning that, for example, it is not possible to directly link the population arrested to those subsequently convicted, or those tried in one year and convicted in the next. This means that if an individual has two or more separate interactions with the CJS in a given year, they may be captured twice, and that it is not possible to track changes in offence between charge and conviction in court data.

Some breakdowns have been presented by police force area or by specific offences. However, it is important to bear in mind that the smaller the group being considered, the more susceptible it is to fluctuations caused by chance or by anomalies in the

recording of administrative data. (Offenders with missing PFA data in the accompanying CSV files have been added to the Metropolitan Police to minimise any distortion.)

Ethnicity has been reported using self-identification where possible, with some use of officer-identification where required – see **Appendices I and II** of the accompanying bulletin for a discussion of the rationale and where each form is used.

Rates of CJS interactions have also been presented, for example, arrests per 1,000 members of the population. These have been based on the 2011 Census, as the most recent well-validated source of information about the ethnic composition of England and Wales; see **Appendix III** of the accompanying bulletin for further details.

Relative Rate Index (RRI)

The Relative Rate Index (RRI) has been used in this publication, which is an increasingly adopted statistical approach to the comparison of the relative difference in rates between two fixed populations and was recommended for use in the Lammy Review, 2017. A rate is defined as the proportion of individuals who did experience an outcome out of the total number of people who could have experienced the outcome. The RRI is then simply the outcome rate for one group (usually the group 'at risk') divided by the rate for another group (the 'baseline'), thus creating a single standardised ratio measure of relative difference in outcomes between those two groups. Throughout this publication, the White ethnic group have been used as the baseline.

Using the RRI, rates for each ethnic group relative to the White ethnic group were compared to determine whether their outcomes differ significantly from one another. An RRI value of 1 indicates no disparity, whereas an RRI greater than 1 means the group of interest had a greater likelihood of experiencing the particular outcome and an RRI less than 1 indicates the group of interest was less likely than the baseline to experience said outcome. For example, when considering the rate at which Asian offenders were given a custodial sentence compared to White offenders, an RRI of 1.11 indicates that Asian offenders were 1.11 times as likely (or 11% more likely) to be given a custodial sentence than White offenders. To assess whether the RRI represents a statistically significant disparity in outcome between the two groups, a z-test has been used where proportions are assessed at the 95% confidence level.

Revisions

In accordance with Principle 2 of the Code of Practice for Office Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/218490/statistics-revisions-policy.pdf

The three reasons specified for statistics needing to be revised are changes in sources of administrative systems or methodology changes, receipt of subsequent information, and errors in statistical systems and processes. Each of these points, and its specific relevance to this publication, are addressed below:

1. Changes in source of administrative systems/methodology changes

The data within this publication comes from a variety of administrative systems. This technical document will clearly present where there have been revisions to data accountable to switches in methodology or administrative systems. In addition, statistics affected within the publication will be appropriately footnoted.

2. Receipt of subsequent information

The nature of any administrative system is that data may be received late. For the purpose of this criminal justice statistics publication, the late data will be reviewed on a quarterly basis but, unless it is deemed to make significant changes to the statistics released; revisions will only be made as part of the final release containing the calendar year statistics. However should the review show that the late data has major impact on the statistics then revisions will be released as part of the subsequent publication.

3. Errors in statistical systems and processes

Occasionally errors can occur in statistical processes; procedures are constantly reviewed to minimise this risk. Should a significant error be found the publication on the website will be updated and an errata slip published documenting the revision.

Parent Statistical Publications and Data Sources

This section lists the primary statistical publications from which the data presented in this report are gathered. The basic statistical information in this document should be considered in conjunction with the parent statistical publications and research reports that are now available on related issues. Most of these reports are now published on websites such as the GOV.UK website (www.gov.uk/government/statistics) and the Office for National Statistics website (www.ons.gov.uk/ons/taxonomy/index.html?nscl=Crime). It also briefly describes the key data sources. For further technical data and quality statements see appendices in the parent publications.

Overview

Statistics on Race and the Criminal Justice System 2016 draws on data from a number of statistical publications, which in turn draw on various sources across the Criminal Justice System, including data collected by the police, the courts and prisons.

Key parent statistical publications include;

- Crime Survey of England and Wales (as reported in Crime in England and Wales)
- Focus on: Violent Crime and Sexual Offences
- Police Powers and Procedures, England and Wales
- Criminal Justice Statistics
- Offender Management Statistics Quarterly
- Safety in Custody

The publication also draws on data from staff data from various agencies across the Criminal Justice System including: the Crown Prosecution Service, Magistrates, Parole Board, HM Inspectorate of Prisons and Judiciary. Table G.01 below outlines the main sources drawn upon in the report.

In addition to these published data sources, we have drawn on additional breakdowns of the underlying data in some cases. These additional breakdowns can be found in the accompanying data tables.

Table G.01: Overview of publications presented or associated with Statistics on Race and the Criminal Justice System 2014

Chapter	Topic	Parent publication/source	Ethnic groups
3. Victims	Personal Crime and racially motivated incidents	Crime in England and Wales (Crime Survey of England and Wales)	5 (no unknowns)
	Racist incidents Racially or Religiously Aggravated Crimes (police recorded)	Hate Crime, England and Wales (police records)	N/A
	Racially or Religiously Aggravated Crimes (court proceedings)	Criminal Justice Statistics (Court Proceedings database)	5+1
	Homicide	Focus on: Violent Crime and Sexual Offences (police records)	4+1
4. Police Activity	Stops and Searches Arrests	Police Powers and Procedures (police records)	5+1
	PNDs Cautions	Criminal Justice Statistics (police records)	5+1 (based on 4+1 for some police forces) 4+1
	Liaison and Diversion	NHS England	5+1
	Prosecutions Convictions Remands Sentences	Criminal Justice Statistics (Court Proceedings database)	5+1
5. Defendants and 8. Offence analysis	Pre-sentence reports	Offender Management Statistics (prison records and probation records)	5+1
	Criminal Legal aid	Legal Aid Statistics (Contracted Work and Administration system)	5+1
	Criminal courts data	Criminal Courts Statistics (CREST MIS and LIBRA MIS)	5+1
	Offending Histories	Criminal Justice Statistics (police records)	4+1
6. Offender Characteristics	Gender	Criminal Justice Statistics (Courts Proceedings database)	5+1
	Youth Offenders	Criminal Justice Statistics (Courts Proceedings database)	5+1
	Educational Backgrounds	MoJ-Dfe data share	4+1
	Reoffending	Proven reoffending (police records)	4+1
	Prison population Sentences served Adjudications Probation / supervision	Offender Management Statistics (prison records and probation records)	5+1
	7. Offenders: under supervision or in custody	Incentives and earned privileges	NOMS annual offender equalities report (prison records and probation records)
Assaults Self-harm Deaths in custody		Safety in Custody Statistics (prison records and by Public Protection Casework Section)	5+1
Reoffending		Proven Re-Offending (police records)	4+1

	Parole Board	Public Protection Unit Database	5+1
	HMIP survey	HMIP Annual Report	4+1
	Police	Police workforce England and Wales statistics (police records)	5+1
9. Practitioners	Crown Prosecution Service	Crown Prosecution Service Data – Equality and Diversity (CPS records)	5+1
	Ministry of Justice	MoJ Diversity Report (MoJ records)	5+1
	National Offender Management Service	National Offender Management Service workforce statistics (NOMS records)	5+1
	Judiciary	Judicial Diversity Statistics (judiciary records)	5+1 (except Chinese in Asian)
	Magistracy	Judicial Diversity Statistics (magistrates records)	5+1

Crime Survey of England and Wales (CSEW)

Findings from the *Crime Survey of England and Wales (CSEW)* are reported in *Crime in England and Wales*.² As not all crimes are reported to the police and the police recorded crime data held centrally does not include information about victim ethnicity, the CSEW, formerly known as the British Crime Survey (BCS), provides the main source of information on the incidence and risks of victimisation. The CSEW is a large nationally representative survey that asks people about their victimisation (including crimes not reported to the police) in the last 12 months.

For the crime types and population groups it covers, the CSEW provides a more reliable measure of trends in crime than police recorded crime statistics, as it has a consistent methodology and is unaffected by changes in levels of reporting to the police, recording practice or police activity.

The CSEW figures presented in this publication are based on interviews conducted between April 2014 and March 2015, and therefore cover a mix of crimes occurring in 2013, 2014 and 2015. The survey is weighted to adjust for possible non-response bias and to ensure that the sample reflects the profile of the general population. The primary purpose of the CSEW is to provide national-level estimates for the crime types it covers; it is not intended to provide a total count of crime.

The Crime Survey for England and Wales (CSEW) is a face-to-face victimisation survey in which adults aged 16 and over resident in households in England and Wales are asked about their experiences of crime in the 12 months prior to interview. (Since January 2009, the CSEW has also asked children aged 10 to 15 residing in households in England and Wales about their experience of crime in the previous 12 months.)

Figures reported in some other publications are 12-month averages of the estimates from three survey years; this bulletin reports on single years only. The coverage of the CSEW is limited to crimes which involve a specific identifiable victim, for example where an individual has been assaulted, a household has had property stolen or vandalised. The survey excludes other crime where a specific victim is more difficult to identify, for example, public order offences without a specific targeted victim. Such crimes (if reported) will, however, be included in the police recorded crime data. A relatively small number of respondents to the survey are victims of racist incidents and as a result the margins of error around the estimates for racist incidents from the CSEW are large. While they cannot be fairly compared directly to police or court records of that crime, they do, however, provide context to these statistics.

For further technical details about the CSEW please refer to the *User Guide to Crime Statistics for England and Wales*.³

² [ons.gov.uk/ons/taxonomy/index.html?nscl=Crime+in+England+and+Wales](https://www.ons.gov.uk/ons/taxonomy/index.html?nscl=Crime+in+England+and+Wales)

³ Available here: www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guides/index.html

Hate Crime, England and Wales

Statistics on Race and the Criminal Justice System 2014 presents data on racist incidents reported to the police and racially or religiously aggravated crimes as reported in *Hate Crime, England and Wales, 2014 to 15*⁴.

Hate crime is defined as ‘any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.’ This common definition was agreed in 2007 by the police, Crown Prosecution Service, Prison Service (now the National Offender Management Service) and other agencies that make up the criminal justice system. This publication mentions hate crimes with a racial or religious background. Hate crimes are a subset of notifiable crimes that are recorded by the police and make up around one per cent of all crimes⁵.

A ‘**racist incident**’ is any incident, including any crime, which is perceived by the victim or any other person to be motivated by a hostility or prejudice based on a person’s race or perceived race. Racist incidents recorded by the police in England and Wales (excluding British Transport Police) include notifiable offences, non-notifiable offences (e.g. some types of anti-social behaviour), incidents that were not subsequently recorded as crimes and ‘cancelled or transferred records’ (formerly referred to as no crimes)⁶. Conversely, certain race hate crimes may not have been initially recorded as racist incidents if the racial motivation was not immediately apparent. For these reasons, the racist incidents total does not match the race hate crimes total mentioned above.

Specific **racially and religiously aggravated offences** were introduced into law by sections 28 to 32 of the Crime and Disorder Act 1998 and Section 39 of the Anti-terrorism, Crime and Security Act 2001. These aggravated offences were created to allow more severe sentencing for these specific categories of crime and, as such, should not be seen as a wider measure of hate crime. Racially or religiously aggravated offences are by definition (see above) hate crimes. However, the police can identify any offence as a hate crime, not just those for which there is a separate racially or religiously aggravated offence for the police to record against. Therefore, the number of race or religious hate crimes will be greater than the total number of police recorded racially or religiously aggravated offences.

Note on comparability of police recorded and court recorded crime from the Ministry of Justice court proceedings database (CPD)

It is not currently feasible to track individual cases from initial recording by the police through the CJS. However, it is possible to some extent to make generalised comparisons of overall volumes of offences or people counted at each stage of the system whilst taking into account a number of important caveats.

Firstly, police recorded crime and Ministry of Justice court proceedings data are on a different basis; while police recorded crime and detections figures are on a **victim basis**, criminal justice outcome statistics are on an **offender basis**. Crimes can take

⁴ Available here: www.gov.uk/government/statistics/hate-crime-england-and-wales-2014-to-2015

⁵ (based on police recorded crime figures for 2014/15 see Crime in England and Wales, Year Ending March 2015):

<http://www.ons.gov.uk/rel/crime-stats/crime-statistics/year-ending-march-2015/index.html>

⁶ A cancelled or transferred record occurs when the police have originally recorded an offence, but have subsequently determined that the crime did not take place, or was recorded in error.

place which involve more than one victim or more than one offender, and also there may be multiple victims and offenders relating to a single crime. For example, if two people are assaulted by three people who are then proceeded against, the Home Office figures will show two crimes and two detections while the Court Proceedings database figures will show three criminal proceedings, one for each of the three offenders.

Additionally, for police recorded crime, the crime is recorded according to the Home Office Counting Rules, and stays recorded as this crime unless there is further evidence to the contrary. However, the police may decide to issue a caution or the police or CPS decides to prosecute, for a lesser offence. Court proceedings figures will show the caution issued or prosecution for the lesser offence and not the crime which was originally recorded by the police.

Lastly, it is important to note that police recorded crime figures are counted in the year the crime was reported, irrespective of when the offence took place. The court proceedings data is counted at the date of the final outcome, again irrespective of when the crime took place. As such, with time lags occurring between the recording of a crime and the appearance of a defendant in court, it is not straightforward to compare volumes occurring within each time period across the different stages of the criminal justice system.

Court outcomes for racially or religiously aggravated offences – specific offences included

- 'Racially aggravated malicious wounding:- wounding or inflicting grievous bodily harm'
- 'Racially aggravated assaults occasioning actual bodily harm'
- 'Racially aggravated Common Assault'
- 'Racially aggravated causing intentional harassment, alarm or distress'
- 'Racially aggravated offence of harassment'
- 'Racially aggravated putting people in fear of violence'
- 'Religiously aggravated malicious wounding: - wounding or inflicting grievous bodily harm;
- 'Religiously aggravated assaults occasioning actual bodily harm'
- 'Religiously aggravated common assault'
- 'Religiously aggravated causing intentional harassment alarm or distress'
- 'Religiously aggravated offence of harassment'
- 'Religiously aggravated putting people in fear of violence'
- 'Racially or religiously aggravated malicious wounding: -wounding or inflicting grievous bodily harm'
- 'Racially or religiously aggravated assaults occasioning actual bodily harm'
- 'Racially or religiously aggravated causing intentional harassment alarm or distress'
- 'Racially or religiously aggravated offence of harassment'
- 'Racially or religiously aggravated putting people in fear of violence'
- 'Racially or religiously aggravated intentional harassment or alarm or distress – words or writing'
- 'Racially or religiously aggravated stalking without violence'
- 'Racially or religiously aggravated common assault or beating '
- 'Racially or religiously aggravated stalking with fear of violence'
- 'Racially or religiously aggravated wounding or grievous bodily harm'
- 'Racially or religiously aggravated assault occasioning actual bodily harm'
- 'Racially aggravated other criminal damage any amount'
- 'Religiously aggravated other criminal damage any amount';
- 'Racially or religiously aggravated other criminal damage any amount'

'Racially or religiously aggravated criminal damage '

'Racially aggravated fear or provocation of violence'

'Religiously aggravated fear or provocation of violence'

'Racially or religiously aggravated fear or provocation of violence'

'Use of words or behaviour or display of written material intended or likely to stir up racial hatred '

'Publishing or distributing written material intended or likely to stir up racial hatred '

'Public performance of a play intended or likely to stir up racial hatred '

'Distributing, showing or playing a recording intended or likely to stir up racial hatred'

'Broadcasting or including a programme in a programme service intended or likely to stir up racial hatred'

'Possession of racially inflammatory material'

'Use of words or behaviour or display of written material (acts intended to stir up religious hatred)'

'Publishing or distributing written material (acts intended to stir up religious hatred) '

'Public performance of a play (acts intended to stir up religious hatred) ';

'Distributing, showing or playing a recording (acts intended to stir up religious hatred)'

'Provider of programme broadcasting or including programme in programme service (acts intended to stir up religious hatred) '

'Producer or director of programme broadcasting or including programme in programme service (acts intended to stir up religious hatred)'

'Using offending words or behaviour broadcasting or including programme in programme service (acts intended to stir up religious hatred)'

'Possession of inflammatory material (acts intended to stir up religious hatred) '

'Racially or religiously aggravated fear or provocation of violence – words or writing'

'Taking part in indecent or racist chanting'

'Racially aggravated harassment, alarm or distress'

'Religiously aggravated harassment, alarm or distress'

'Racially or religiously aggravated harassment, alarm or distress'

'Racially or religiously aggravated harassment or alarm or distress – words or writing'

Focus on: Violent Crime and Sexual Offences

Statistics on Race and the Criminal Justice System 2014 presents data on homicide as reported in Chapter 2 of *Focus on: Violent Crime and Sexual Offences*.⁷

Homicide statistics are based on data from the Home Office Homicide Index which contains record level information on homicides recorded in England and Wales. Data from the Homicide Index are deemed a better source of data than the separate main recorded crime dataset as it is continually being updated with revised information from the police and the courts. These data may therefore change in future publications as subsequent court hearings take place or other information is received. Offences are shown according to the year in which the police initially recorded the offence as homicide (not necessarily the year in which the incident took place or the year in which any court decision was made).

For further technical details about the data used within *Focus on: Violent Crime and Sexual Offences*, please refer to the *User Guide to Crime Statistics for England and Wales*.⁸

⁷ The most recent publication (2013/14) is available here: www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2013-14/rpt-chapter-2.html

⁸ Available here: www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guides/index.html

Police Powers and Procedures, England and Wales

Statistics on Race and the Criminal Justice System 2016 presents data on stops and searches, and arrests as reported in *Police Powers and Procedures ending March 2017*.⁹

Police Powers and Procedures data reflect police activity and should not be used to infer levels of crime committed by offenders, or their specific characteristics. The data presented are drawn from returns from the 43 local police forces in England and Wales, and cover trends in arrest rates, as well as breakdowns by offence group and gender. As with any data collection system, differences in recording practice can impact on the comparability of figures over time and across police force areas.

The following points should be borne in mind when considering these data:

Figures on arrests for notifiable offences are not strictly comparable with cautions and court proceedings data. This is mainly because the aggregated offence categories for notifiable offences do not directly compare with indictable (including triable-either-way) offence groups. Additionally, court proceedings figures relate to the year of the final court decision, rather than the year of arrest, and may differ.

Furthermore, where a person has been arrested for more than one notifiable offence on the same occasion, the offence with the highest maximum penalty is recorded. A person will appear more than once in the tables if arrested on more than one occasion during the year.

To allow for consistency between analysis of rates per 1,000 and overall totals for stops and searches and arrests, data from the British Transport Police (BTP) data has been excluded. This is because there is no population data suitable to contextualise the BTP results. Numbers on stops and searches and arrests conducted by BTP can be found in the supplementary tables.

Stop and search figures discussed in this publication include stops and searches under section 1 of the Police and Criminal Evidence Act and associated legislation¹⁰ as well as section 60 of the Criminal Justice and Public Order Act 1994. Up to the year ending 31 March 2017 there had been no stops and searches under section 47a of the Terrorism Act 2000 (TACT 2000).

Data from the Metropolitan Police and City of London police force areas were combined to produce a London total.

Further information on these data can be found in the *User Guide to Police Powers and Procedures Statistics*.¹¹

⁹ <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2017>

¹⁰ A list of other legislation included in figures for s1 stops and searches can be found in the guide to police powers and procedures

¹¹ Available here: www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112-user-guide

Criminal Justice Statistics quarterly: December 2016

Statistics on Race and the Criminal Justice System 2016 uses Penalty Notices for Disorder (PND), cautions, court proceedings, convictions, sentencing and offender histories data from *Criminal Justice Statistics quarterly: December 2016* (and the underlying Court Proceedings database [CPD]).¹²

The three main sources these statistics are compiled from are:

- Data extracts from individual police forces or Penalty Notice Processing (PentiP) system.
- Data extracts from court database administrative systems.
- Data extracts from the Police National Computer.

Since mid 2004, when PNDs were launched, the Ministry of Justice (MoJ), statistical team receives data directly from the individual police forces on a monthly basis. A new IT system, PentiP, commenced roll-out to police forces during 2012, as a single replacement for the existing individual police force databases. As a result, from 2013, all PNDs data were received by MoJ from the 'PentiP' database.

From April 2011 all cautions data are collected from the Police National Computer, the records are validated for accuracy and completeness and amended as necessary. Additionally any apparent cautions given for serious offences, such as rape, are investigated thoroughly with police forces. All cautions data prior to April 2011 were collected directly from police forces and have been through the same validation process.

Statistics on prosecutions, convictions and sentencing are either derived from the LIBRA case management system, which holds the magistrates' courts records, or the Crown Court's CREST system which holds the trial and sentencing data. The data includes offences where there has been no police involvement, such as those prosecutions instigated by government departments, private organisations and individuals.

From July 1995, all Crown Court data on trials and sentences has been received directly from the Court Service's CREST computer system. From November 2008 all magistrates' courts data has been provided by the LIBRA case management system.

Prior to November 2008 the police reported on magistrates' court proceedings and it is thought that for some police force areas there may have been under-reporting of proceedings, in particular those relating to motoring offences, TV Licence evasion and other summary offences with no police involvement. The extent of under-reporting may vary from year to year.

Where proceedings involve more than one offence, the tables report the principal offence. The basis for the selection of the principal offence is as follows:

- Where a defendant is found guilty of one offence and acquitted of another, the offence selected is the one for which they are found guilty;
- Where a defendant is found guilty of two or more offences, the offence selected is the one for which the heaviest sentence is imposed;

¹² www.gov.uk/government/collections/criminal-justice-statistics-quarterly

- Where the same disposal is imposed for two or more offences, the offence selected is the one for which the statutory maximum penalty is the most severe.

The offence shown in the tables on court proceedings is the one for which the court took its final decision and is not necessarily the same as the offence for which the defendant was initially prosecuted, for example when the court accepts a guilty plea from the defendant on a lesser charge.

Unless otherwise stated, the sentence shown is the most severe sentence or order given for the principal offence (i.e. the principal sentence), secondary sentences given for the principal offence and sentences for non-principal offences are not counted in the tables.

The figures on First Time Offenders (FTO) and previous offending histories have been extracted from the MoJ's Police National Computer (PNC). Previous reports have focussed on First Time Entrant (FTE) statistics, but FTOs and FTEs are measured differently. A first time entrant to the criminal justice system is an offender residing in England and Wales at the time of the offence, who has been recorded on the PNC by an English or Welsh police force as having received their first conviction, caution or youth caution. Published figures for first time entrants exclude any offenders who, at the time of their first conviction or caution, were resident outside England or Wales. Offenders who had a conviction or caution outside England and Wales and who were arrested by a police force in England and Wales would be counted as a first time offender. The PNC data undercounts the true number of cautions and convictions, as some less serious summary offences such as TV licence evasion and many motoring offences, are not recorded on the PNC.

Note on average custodial sentence length increase

The overall increase in ACSL may have occurred due to changes in sentencing guidelines (e.g. maximum and minimum sentences. For example, the introduction of the Criminal Justice and Immigration Act (CJIA) in 2008 restricted the use of indeterminate sentences for Public Protection (IPPs), which are excluded from ACSL. Following this, there has been an increase in long determinate sentences (defined as for 10 years or more). The Legal Aid Sentencing and Punishment Offenders (LASPO) Act, which was passed on 3rd December 2012, abolished IPPs and Extended Sentence for Public protection (EPP) and replaced them with new Extended Determinate Sentences (EDS), which are included in the ACSL calculation. Furthermore it legislated that adult offenders will receive mandatory life sentences for a second serious sexual or violent offence. Further legislative changes have made sentence lengths longer for certain offences – for example, the powers to sentence offenders convicted of a third domestic burglary offence to a mandatory minimum sentence of three years custody, as introduced by the Crime (Sentences) Act 1997 for offences committed after 30th November 1999, have been used increasingly in the last decade.

Further information on data sourced from the *Criminal Justice Statistics quarterly: December 2016* can be found in the *Guide to Criminal Justice Statistics*.¹³

¹³ User guide for the most recent annual publication (update to December 2014) can be found here: www.gov.uk/government/uploads/system/uploads/attachment_data/file/311307/guide-to-criminal-justice-statistics-may-2014.pdf

Legal Aid

Statistics on Race and the Criminal Justice System 2016 source data on Legal aid from *Legal aid statistics*.¹⁴

The legal aid system dates from 1949. The scheme was administered by the Law Society until the Legal Aid Act 1988, which established the Legal Aid Board. Following substantial increases to the legal aid budget in the early 1990's a review of the system was carried out in 1997, leading to the Access to Justice Act 1999 and the creation of the Legal Services Commission (LSC). The LSC was a Non Departmental Public Body (NDPB) with statutory duties in relation to the Community Legal Service Fund (CLSF) and Criminal Defence Service (CDS), funding legal advice and representation in civil and criminal law. A subsequent review recommended that the LSC be aligned more closely with the Ministry of Justice (MoJ) and therefore on 1 April 2013 the LSC was abolished as a NDPB as a result of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. An executive agency of the MoJ was created to administer legal aid from 1 April 2013, called the Legal Aid Agency (LAA).

The legal aid data sources used for this report are Contracted Work and Administration (CWA) and Means Assessment Administration Tool (MAAT). Legal aid statistics are based entirely on administrative data. Their quality is managed and assured using the best practice guidance and tools published by the UK Statistics Authority.

The majority of data are held on the CWA system, where providers submit bulk electronic data generated through their own case management software. The information submitted contains information at an individual level for each claim for payment of legal aid. All claims must be entered onto CWA for the provider to receive payment. Hence the data are linked to an operational process, a good safeguard of accuracy.

The data held on MAAT for each application for criminal legal aid includes information on the court case in question and on the finances of the applicant. It is used to assess the legal aid application against the two main criteria for funding: the Interests of Justice test and the means test.

Data are extracted from the same administrative systems for each area of legal aid as the rest of the statistics they report on. For crime higher, all the diversity data is taken from MAAT as this is application based and the alternative of using both the Crown court Litigators fee scheme (CCLF) and Crown Court Remuneration (CCR) systems would double count some crime higher clients, and these are claims based systems. However, CWA is used for Crime Lower figures as MAAT only includes work in the magistrates' courts and not at the police station or prison law. Further information on data sourced from *Legal aid statistics* can be found in the *User guide to legal aid statistics in England and Wales*.¹⁵

¹⁴ <https://www.gov.uk/government/collections/legal-aid-statistics>

¹⁵ User guide for the most recent annual publication can be found here: [User guide to legal aid statistics in England and Wales - GOV.UK](#)

Offender Management Statistics quarterly

Statistics on Race and the Criminal Justice System 2016 source concordance levels for pre-sentence reports¹⁶, probation statistics and prison population, releases and adjudications data from the *Offender Management Statistics quarterly*.¹⁷

Until June 2009, the prison population data used for analysis were derived by combining two sources: the individual level data collected on the Inmate Information System (IIS) and a set of aggregate totals from each prison establishment giving the numbers held in each prison broadly subdivided according to age group, sex, custody type and sentence length. The individual level data were scaled to the aggregate totals to create the monthly prison population dataset used for all analysis. A more detailed method of scaling was developed in 2004.

Following the rollout of the new prison IT system – Prison-NOMIS – the prison population data are now drawn from a single source, removing the need for the scaling process used previously. All prison population data from July 2009 onwards have been taken from this new data source. Thus, for all annual tables showing the prison population over time, 2010 figures have been taken from a different source to earlier years. The two systems produce virtually identical ethnic breakdowns for 2009 (when both systems produced results) and for this reason 2009 information has been presented only once.

The total prison population includes offenders sentenced to immediate custody, those on remand, non-criminal prisoners and fine defaulters and does not include offenders under the age of 15 years accommodated in the Youth Justice Board (YJB) operated secure estate¹⁸. The populations presented are an annual series, recorded on the 30 June each year.¹⁹

Following the 2011 Census, the 18-point ethnicity classification was introduced onto the prison IT system. However, to maintain comparability in the prison series any data received under the new classification are adjusted back to the previous 16 point classification which is used throughout this report. In particular, the Chinese category has been moved from the Asian/Asian British heading to the Chinese or Other (C&O) ethnic group heading. This repositioning of the Chinese category may have some impact on comparability between the old and new classifications²⁰.

Prison sentences

Prison sentences can be divided into two broad groups: determinate sentences which are for a fixed period, and indeterminate sentences, which include life sentences and indeterminate sentences for public protection (IPPs), that have a minimum fixed period, known as a tariff that must be served before release is considered by the parole board. The LASPO Act, which was passed on 3rd December 2012, abolished two types of indeterminate sentence: the Indeterminate sentences for Public Protection (IPPs) and Extended Sentence for Public protection

¹⁶ Pre-sentencing reports are specified in S. 158 of the Criminal Justice Act 2003.

¹⁷ www.gov.uk/government/collections/offender-management-statistics-quarterly

¹⁸ YJB Statistics can be found at www.gov.uk/government/publications/youth-justice-statistics

¹⁹ Please see *Offender management statistics: definitions and measurements* for further details www.gov.uk/government/uploads/system/uploads/attachment_data/file/192439/omsq-definitions.pdf

²⁰ www.ons.gov.uk/ons/guide-method/census/2011/the-2011-census/2011-census-questionnairecontent/final-recommended-questions-2011---ethnic-group.pdf

(EPP) and replaced them with a determinate sentence, the Extended Determinate Sentences (EDS).

Home Detention Curfews

On release from prison, offenders who are not subject to deportation procedures may go directly into the community unsupervised, into the community whilst being supervised by the probation service under license (discussed below) or into the community under Home Detention Curfew (HDC). HDC applies to prisoners who are serving sentences of between three months and under four years and allows prisoners to live outside of prison providing they do not breach the rules of their curfew and is designed to help prisoners prepare for life after their release.

Since 2005, detailed information on the supervision of offenders (at the individual offender level) has been submitted by probation trusts on a monthly basis. These monthly 'probation listings' include information on offenders starting and terminating probation supervision and those supervised on the probation caseload at the end of each month.

Community sentence or suspended sentence requirements

When a court imposes a community sentence or a suspended sentence with a requirement, the offender doesn't go to prison. But the court says there are specific things the offender can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the offender for their crime, while also reducing the risk of them offending again. The most common requirements are unpaid work and supervision. Unpaid work consists of offenders being required to work for up to 300 hours on local community projects under close supervision. This may include cleaning litter or public land, redecorating community centres and other public buildings or removing graffiti. Supervision consists of the offender attending appointments with a manager from the Probation Service. The frequency and content of the supervision is specified in the sentence, and can include monitoring and reviewing patterns of behaviour, helping to increase the offender's motivation, providing practical support to help the offender comply with the order, supporting and reinforcing learning and modelling of pro-social behaviour²¹.

Pre-release and post-release supervision

All prisoners aged 21 or older given a custodial sentence of 12 months or more and all prisoners aged 18 to 21 are subject to pre-release and post-release supervision. Before a prisoner is released, home supervising officers along with probation staff in prison work jointly with prison staff on sentence planning and management, including consideration of post-release issues²²²³. (The period covered by this report predates the changes to probation that took place as part of Transforming Rehabilitation; no impact will be seen from the extension to short custodial sentences or the introduction of the National Probation Service.)

²¹ <http://www.inbrief.co.uk/court-judgements/community-sentences.htm>

²² Offender management statistics: definitions and measurement at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/218139/oms-definitions-measurement.pdf

²³ Whilst ethnicity is self-declared, declaring ethnicity is not a requirement for prisoners – which may explain why the proportion of missing ethnicity data is 19% for offenders under pre-release supervision, a higher proportion than for other data-series used in this chapter.

Offenders serving a sentence of 12 months and over are released from prison, in most cases automatically at the half way point of their sentence, under licensed supervision to the Probation Service. They are subject to a set of standard licence conditions, requiring them to report regularly to the Probation Service, live at an address approved by the Probation Service and to be of good behaviour²⁴.

Further information on data sourced from the *Offender Management Statistics quarterly* can be found in *Offender management statistics: definitions and measurement*.²⁵

Safety in Custody statistics

Statistics on Race and the Criminal Justice System 2016 source data on assaults, self-harm incidents and deaths in custody from *Safety in Custody statistics*.²⁶

The data relating to deaths in prison custody are drawn from the NOMS Deaths in Prison Custody database. The data are closely scrutinised and are considered to be of high quality. However, the nature of deaths may change over time as new information emerges in particular following inquests which often take place some years after a death. Overall, numbers of deaths in prison custody should be absolute. However, a single reclassification of a death following inquest will affect numerous tables. Tables dependent on classification of deaths should therefore be treated as provisional.

The data relating to self-harm and assault incidents in this publication are drawn from the NOMS Incident Reporting System, which collects information on a range of different types of incident. Although care is taken when processing and analysing returns related to these incidents, the detail collected is subject to the inaccuracies inherent in any large-scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number.

In prisons, as in the community, self-harm is often covert and assaults may go unreported. In prison custody, however, such incidents are more likely to be detected and counted. Recording of self-harm and assault incidents in prison custody has improved over the years but it remains the case that they cannot be counted with absolute accuracy.

Further information on data sourced from *Safety in Custody statistics* can be found in the *Guide to Safety in Custody Statistics*.²⁷

²⁴ Missing data regarding ethnicity is much lower for this group at around 4%.

²⁵ User guide for the most recent annual publication can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424912/offender-management-statistics-accompanying-information.pdf

²⁶ www.gov.uk/government/collections/safety-in-custody-statistics

²⁷ User guide for the most recent annual publication Update to December 2013 can be found here: www.gov.uk/government/uploads/system/uploads/attachment_data/file/305615/safety-in-custody-statistics-guide.pdf

Other Statistical publications

Other statistical publications and data sources drawn upon in Statistics on Race and the Criminal Justice System 2016 are briefly detailed below.

Understanding education backgrounds of offenders

The analysis in this report builds as previous analysis in this space using the same methodology and datasets. In December 2016 the initial analysis was undertaken by the Ministry of Justice and the Department for Education the full report and methodology can be found here:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/577542/understanding-educational-background-of-young-offenders-full-report.pdf

In September 2017, the Lammy Review also published a supplementary research paper with a focus ethnicity breakdowns looking at offenders receiving custody, this paper and supplementary tables can be found here:

www.gov.uk/government/statistics/exploratory-analysis-of-the-youth-secure-estate-by-bame-groups

In addition to the previous analysis, this report also presents figures on other outcomes and comparisons to all pupil populations.

For comparisons of the datasets for total pupil population and matched cohort offenders can be seen in the table below:

	Years covered	Link
Attainment	2011, 2012, 2013	www.gov.uk/government/uploads/system/uploads/attachment_data/file/402634/SFR06_2015_National_and_LA.xls
Free School Meals	2011, 2012, 2013, 2014	
Special Educational Needs	2011, 2012, 2013, 2014	

‘Student population’ refers to all pupils at the end of KS4 from all schools.

Analysis of attainment data focuses on those sentenced to custody in 2014 that were at the end of KS4 in the 2011/12 and 2012/13 academic year. Academic year 2013/14 data has not been included because of the reforms to vocational qualifications brought in for this year²⁸. Analysis of characteristics such as SEN and FSM is based on academic years 2011/12, 2012/13 and 2013/14. The total size (rounded to nearest 10) of the matched cohort across all three academic years was 870 for those on sentences less than 12 months, 3910 for those on sentences of 12 months or longer, 2,160 for those on YROs, 2,520 for those on ROs and 5,390 for those receiving cautions. Data in published tables is rounded to the nearest 10, and data of 5 pupils or less is suppressed (indicated by “-“), where data is 0, this means that there were zero pupils in this category.

The Moj-DfE data link section of the Race and CJS 2016 report has an ‘Asian and Other’ ethnic category, different to the usual 4+1 or 5+1 classification found in Appendix I.01. This is due to the small numbers in both the ‘Asian’ and ‘Other’ classification in the data.

²⁸ www.gov.uk/government/publications/wolf-recommendations-progress-report

Definitions:

SEN

Special educational needs are learning difficulties or disabilities that make it harder for a pupil to learn than most children of the same age.

SEN without a statement: this comprises those at school action and school action plus:

School Action – where extra or different help is given, from that provided as part of the school's usual curriculum.

School Action Plus – where the class teacher and the SEN coordinator receive advice or support from outside specialists (the specialist teacher, an educational psychologist, a speech and language therapist or other health professionals).

SEN statement – a pupil has a statement of SEN when a formal assessment has been made. This is a document setting out the child's needs and the extra help they should receive is in place.

(www.gov.uk/government/uploads/system/uploads/attachment_data/file/584167/SFR_03_2017_QualityandMethodology.pdf)

Looked after Child

A child looked after by their local authority. See the Children Act 1989 for a more detailed definition.

(www.gov.uk/government/uploads/system/uploads/attachment_data/file/577542/understanding-educational-background-of-young-offenders-full-report.pdf)

Persistent Absence

A young offender has been classified as being persistently absent from school when they have taken absences (both unauthorised and authorised) during the school year that account for more than 10% of the total number of school sessions available.

Referral Orders

Referral Orders are a type of community order where the young person is referred to a YOT panel and agrees a contract of interventions lasting between 3 -12 months.

(www.gov.uk/government/uploads/system/uploads/attachment_data/file/577542/understanding-educational-background-of-young-offenders-full-report.pdf)

Youth Rehabilitation Order

This is a community sentence which can include one or more of 18 different requirements that the offender must comply with for up to three years. Some examples of the requirements that can be imposed are a curfew, supervision, unpaid work, electronic monitoring, drug treatment, mental health treatment and education requirements.

(www.sentencingcouncil.org.uk/about-sentencing/young-people-and-sentencing/types-of-sentences-for-young-people/)

Reoffending

Reoffending data are sourced from *Proven Reoffending Statistics*.²⁹ Information regarding the proven re-offending behaviour of offenders has been compiled

²⁹ www.gov.uk/government/collections/proven-reoffending-statistics

using the Ministry of Justice's extract from the Police National Computer (PNC). The process involves matching offender details from the prison and probation data to the personal details recorded on the PNC.

After offenders are released from custody or receive a non-custodial conviction at court or who receive a caution, reprimand or warning, they may re-enter the Criminal Justice System if they are proven to re-offend. For the purpose of the statistics presented below, a proven re-offence is defined as any offence committed in a one year follow-up period that leads to a court conviction, caution, reprimand or warning in the one year follow-up or within a further six month waiting period to allow the offence to be proven in court³⁰. Published proven reoffending figures exclude those who are deported on release from prison, but include those who leave the country at a later date or after receiving a court order/caution etc.

The proven reoffending statistics in this chapter are based on the new methodology, as announced in 'Response to consultation on changes to proven reoffending statistics' in April 2016. A key change to the methodology is changing to a three month cohort from the previous twelve month cohort. The publication reports on offenders who are released from custody, received a non-custodial conviction at court, or received a caution within a three month period, for all measures of reoffending, including for juveniles. The data source used to compile the statistics has changed from October 2015 following probation services reforms³¹. The most recent reoffending data available is for the October to December 2015 cohort which uses the new data source, therefore users should be cautious when making any comparison between the October to December 2015 cohort and earlier cohorts. Ethnicity is assigned by the police officers processing the offence based on the offender appearance.

For a more detailed explanation of the data used in the *Proven Re-offending Statistics* series, please see the accompanying 'Definitions and Measurement' document.³²

³⁰ Details on the measurement of proven re-offending are available from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424830/proven-reoffending-definitions-measurement-apr15.pdf

³¹ For more information on the impact of these changes please see 'How the measure of proven reoffending has changed and the effect of these changes' in <https://www.gov.uk/government/statistics/proven-reoffending-statistics-october-2015-to-december-2015>. It is important to note that data for the October-December 2015 is not comparable with previous cohorts, due to the change in data source.

³² User guide for the most recent publication can be found here: [/www.gov.uk/government/uploads/system/uploads/attachment_data/file/368435/proven-reoffending-definitions-measurement-oct13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368435/proven-reoffending-definitions-measurement-oct13.pdf)

Parole Board

The “Statistics on Race and the Criminal Justice System 2016 publications” uses Parole Board management information data to provide figures on Parole Board oral hearing results. The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community.

Data source:

Public Protection Unit Database (PPUD) 2016/17 financial year

The Parole board would consider an outcome to be a release, a recommendation in regards to open conditions or a knockback (not released). This has generated 5154 outcomes which is in line with the data which was published in the Parole Board annual report and accounts.

The detailed ethnicity figures are currently not published elsewhere, only the headline number of oral hearing are published via the Parole Board annual report found here: www.gov.uk/government/publications/parole-board-annual-report

To ensure the published figures are of sufficient quality a data matching exercise took place matching conditions of the Parole Board data to releases from prison flows data. The same time period was taken from each dataset and matched on NOMS ID, a unique reference code for each offender. The match rate of this exercise was 70%

Due to the nature of the different review types there is a variance in terms of the hearing results. In particular there is different terms used for release and not released. Therefore these were grouped together to have three separate categories:

- Release: The Prisoner’s release has been directed by the Parole Board and this should be actioned by the secretary of State.
- Open Conditions: The Parole Board has made a recommendation for the prisoner to remain or be transferred into the open conditions. The outcome of open conditions could relate to a prisoner remaining in open conditions or being recommended for a move to the open prison estate. The purpose of transferring a prisoner to open conditions is to test the prisoner’s suitability for release at a future date.
- Not Released: This is where a prisoner has been refused release within this review period.

Similarly, there are several types of review, to simplify the presentation in this report the review types have been set out in two board groups:

- Review: Advice case, GPP-I, GPP-D (EDS) (SOPC) (DCR/EPP) (How review types are displayed on PPUD)

A review is to determine whether certain prisoners serving determinate and indeterminate sentences can be released on licence after they have served set custodial periods. If a prisoner is not released they will ordinarily be subject to a further review within 1-2 years.

- Recall Review: Standard 255c recall review, ESP Annual Review, Ongoing review, annual review, ISP Recall and Oral Hearing – ISP Recall (How recall types are displayed on PPUD)

A recall review is to determine whether prisoners recalled to prison for a breach of licence can be re-released.

HMIP Survey

Survey data on Her Majesty's Inspectorate of Prisons for England & Wales are available as part of the *HMIP annual report 2016/17*³³. The data is drawn from surveys undertaken to inform adult prison inspections which were published between 1 April 2016 and 31 March 2017.

The data relating to filtered questions are clearly indented within the tables provided and preceded by an explanation of how the filters has been applied. Percentages for filtered questions refer to the number of respondents filtered to that question. For all other questions, percentages refer to the entire sample. All missing responses have been excluded from analyses.

The data used has been weighted to enable valid statistical comparison between establishments. A statistically significant difference between the two samples is one that is unlikely to have arisen by chance alone, and can therefore be assumed to represent a real difference between the two populations. The significance level is set at 0.01 which means that there is only a 1% likelihood that the difference is due to chance.

Liaison and Diversion services

National Liaison and Diversion data are from NHS England, and are previously unpublished and experimental. Further information on NHS national Liaison and Diversion services can be found at the following link:

www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/

Various workforce publications

Staff data from different agencies involved with the Criminal Justice System are sourced from the databases underlying various workforce publications. Figures are based on headcount for all agencies except the police, who provided full-time equivalent figures. Police data are therefore not directly comparable with data from other agencies.

It is important to be aware that the workforce data presented may not align exactly with data published in the various workforce publications, due to rounding, suppression and differences in counting rules associated with differences in the aims of the publications. For example, this publication reports on MoJ data excluding NOMS, which is presented separately, but both are encompassed by MoJ diversity reporting.

³³ www.gov.uk/government/uploads/system/uploads/attachment_data/file/629719/hmip-annual-report-2016-17.pdf

- Police data are available from *Police Workforce England and Wales statistics*³⁴ which provides figures on numbers of officers and staff of the 44 police forces in England and Wales. For more technical details please refer to the *User Guide to Police Workforce Statistics*.³⁵
- The Crown Prosecution Service publish a range of *annual diversity reports*.³⁶ Data from the Crown Prosecution Service HR database excludes all career break staff and does not include non salaried, fee paid, Non Executive Directors or G1 grades nor casual staff i.e. agency/contractors & the Corporate Division.
- Ministry of Justice staff data are released through the *MoJ Workforce Monitoring report*.³⁷ Ministry of Justice figures include staff in Ministry of Justice Head Quarters (MoJ HQ), HM Courts and Tribunals Service (HMCTS) and the Office of the Public Guardian (OPG). They do not include the National Offender Management Service (NOMS), the National Archives, the UK Supreme Court or the Land Registry, which also come under the justice umbrella.
- Her Majesty's Prison and Probation Service (formerly known as National Offender Management Service) HQ and prison staff data are released through the quarterly *National Offender Management Service workforce statistics*.³⁸
- Judiciary and Magistracy data are released through the *Judicial Diversity Statistics*.³⁹

³⁴ <https://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2017>

³⁵ User guide available here:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629802/user-guide-to-police-workforce-statistics.pdf

³⁶ www.cps.gov.uk/data/equality_and_diversity/index.html

³⁷ <https://www.gov.uk/government/publications/moj-workforce-monitoring-report-2015-to-2016>

³⁸ Data in this publication are taken from the March 2017 publication available here:
<https://www.gov.uk/government/statistics/national-offender-management-service-workforce-quarterly-march-2017>

³⁹ 2016/17 data available here: <https://www.judiciary.gov.uk/publications/judicial-statistics-2017>

Background to the Criminal Justice System⁴⁰

Reporting crime

This section relates to crimes that are reported to the Police and recorded by them. The Criminal Justice System (CJS) cannot work without the support of the community. In particular, victims and witnesses play a vital part in the justice process. If crimes aren't reported, offenders can't be brought to justice.

Investigation

Following the report of a crime the police will investigate, their role is to:

- Investigate the crime;
- Identify suspects;
- Arrest and question them.

Once their investigations are complete, the police will either:

- Charge the suspect, in conjunction with the Crown Prosecution Service (CPS);
- Apply for a summons for the suspect to appear at court;
- Deal with them by using an out-of-court disposal (an alternative to prosecution);
- Resolve the matter informally (e.g. the victim agrees to informal resolution or restorative justice approach);
- Release the individual without charge on the basis they should not face criminal action.

Offences not prosecuted by the police

Not all offences under law are investigated or prosecuted by the Police. For example television licence evasion is investigated by the TV licensing authority, and offences relating to benefits were prosecuted by the Revenue and Customs Prosecution Office (RCPO) which was an independent prosecuting authority reporting to the Attorney General. The RCPO was merged into the Crown Prosecution Service from 1 January 2010.

⁴⁰ A more detailed overview of the CJS is available within the Guide to Criminal Justice Statistics here: www.gov.uk/government/uploads/system/uploads/attachment_data/file/311307/guide-to-criminal-justice-statistics-may-2014.pdf

Deciding what happens with a case

The Crown Prosecution Service (CPS) is responsible for prosecuting suspects in court. However, the police investigate the alleged offence and in some cases will decide whether to administer an out-of-court disposal or charge the individual.

In the most serious cases, Crown Prosecutors will decide whether to charge a person with a criminal offence, and will determine the appropriate charge or charges. The CPS will decide whether or not to prosecute by applying the Code for Crown Prosecutors to the facts of the particular case. In those less serious cases where the police determine the charge, they apply the same principles.

When a file is received from the police, a Crown Prosecutor will decide whether or not there is enough evidence against the suspect and if it is in the public interest to bring that person to court.

Because circumstances can change, the Crown Prosecutor must keep the case under continual review. If the Crown Prosecutor is thinking of changing the charges, i.e. downgrading the original offence, or stopping the case, they will contact the police wherever possible. This gives the police the chance to provide more information that may affect the decision.

Although the police and the CPS work closely together, both organisations are independent of each other, and the final responsibility for the decision as to whether or not to proceed with an offence that has been charged rests with the CPS. When deciding whether a case should be prosecuted, the police and Crown Prosecutors consider the alternatives to prosecution, i.e. out-of-court disposals, in appropriate circumstances. These include:

For adults (aged 18+), a:

- Cannabis warning;
- Simple caution;
- Conditional caution;
- Penalty Notice for Disorder;
- Fixed Penalty Notice (for driving offences);

For young people (aged 10–17 years), a:

- Reprimand;
- Final warning;
- Penalty notice for disorder – since 8 April 2013, penalty notices for disorder are no longer available for young persons.

More information on crime, detection, court procedures and sentencing can be found at the following link: www.direct.gov.uk/en/CrimeJusticeAndTheLaw/index.htm

Out of court disposals

Penalty Notices for Disorder (PND)

Penalty Notices for Disorder (PND's) were introduced in s1-11 of the Criminal Justice and Police Act 2001. Their aim was to provide the police with a quick and effective means of dealing with low-level, nuisance behaviour and are available for a specified range of offences including being drunk and disorderly in a public place, retail theft under £100 (under £200 prior to July 2009), behaviour likely to cause fear, alarm or distress, and cannabis possession.

The majority of offences included in the scheme are summary offences where the most likely court outcome would be a fine. The scheme enables the police to issue penalty notices on the spot, in a police station, or at a suitable location such as a suspect's house.

PND's can offer a quick and proportionate alternative to prosecution, which helps to reduce the burden on the courts. The police have less paperwork to complete, allowing them to spend more time on frontline duties and tackling serious crime. PND's provide an efficient means for the police to tackle minor offences which may not previously have warranted the resources required for prosecution.

Offences which attracts £90 (previously £80) penalty are:

- Wasting police time or giving a false report;
- Misuse of public telecommunications system;
- Knowingly giving a false alarm to a fire brigade;
- Causing harassment, alarm or distress;
- Throwing fireworks in a thoroughfare;
- Drunk and disorderly;
- Selling alcohol to person under 18;
- Selling alcohol to a person who is drunk;
- Supplying alcohol to a person under 18;
- Purchasing alcohol for person under 18 in licensed premises;
- Purchasing alcohol for person under 18 for consumption in a bar in licensed premises;
- Delivering alcohol to person under 18 or allowing such delivery;
- Destroying/damaging property (under £300, or prior to July 2009 under £500);
- Theft (retail under £100, or prior to July 2009, under £200);
- Breach of fireworks curfew;
- Possessing Category 4 firework;
- Possessing adult firework by person under 18;
- Possessing cannabis (from 26th January 2009).

Offences which attracts £60 (previously £50) penalty are:

- Trespassing on a railway;
- Throwing stones etc. at trains or other things on railways;
- Being drunk in a highway, other public place or licensed premises;
- Consuming alcohol in designated public place;
- Depositing and leaving litter;
- Consumption of alcohol by a person under 18 on relevant premises

- Allowing consumption of alcohol by a person under 18 on relevant premises
- Buying or Attempting to buy alcohol by a person under 18
- Depositing and leaving litter in a Royal Park
- Use pedal cycle in a Royal Park
- Failing to remove animal faeces from a Royal Park

From 8 of April 2013, Penalty notices for disorder (PND), for persons below 18 years were stopped by the police.

PND payment

Once a PND has been issued the recipient has the SEP in which to either pay the penalty amount in full or request a court hearing. No admission of guilt is required and by paying the penalty the recipient discharges all liability to conviction of the offence.

PND's contested at court

As an alternative to paying the penalty amount in full, recipients of PND's can request a court hearing. Just one per cent of penalty notices have been contested at court in each year since PND's were rolled out in England and Wales in 2004. This figure is consistent across all age groups and offences.

Fine registration

If a recipient fails to pay the penalty amount or request a court hearing within the SEP, a fine of one and half times the penalty amount is registered against the recipient by the courts, for enforcement action.

Cautions

A caution can be administered when there is sufficient evidence to provide a realistic prospect of a conviction but it is not considered to be in the public interest to institute criminal proceedings. Additionally, the offender must admit guilt and consent to a caution in order for one to be given. Cautions are intended for low level, often first time, offending. There are two types of cautions, simple cautions and conditional cautions.

Simple cautions

A 'simple caution' is used to deal quickly and simply with those who commit less serious crimes. It aims to divert offenders away from court, and to reduce the likelihood that they will offend again. If you are given a simple caution you will be officially warned about the unacceptability of your behaviour, that the simple caution forms part of your criminal record and may be disclosed, and the likely consequences of committing further crimes will be explained to you. Young people, aged 10-17, cannot get simple cautions but are instead given similar reprimands and warnings which can also involve interventions to prevent further offending.

Simple cautions are currently available for all offences. The decision to offer a simple caution is made by the police except in indictable only offences where the decision must be made by a Crown Prosecutor.

Conditional cautions

A 'conditional caution' is a caution with conditions attached.

Examples of conditions might be:

- Rehabilitation – conditions that help to change the behaviour of the offender, reduce the likelihood of re-offending or help to reintegrate the offender into society such as an alcohol treatment programme;
- Reparation - conditions that aim to repair the damage done by the offender such as an apology to the victim or to physically repair any damage caused.

In January 2010 punitive financial penalty conditions and a youth conditional caution for 16 and 17 year olds were piloted in five police force areas. An offender has to admit the offence and agree to accept the caution and the conditions. If the conditions are not complied with the offender may be prosecuted for the original offence.

Currently conditional cautions are only available for summary (non-motoring) offences and a few either way offences such as criminal damage and theft. Conditional cautions are available for adults aged 18 or over and in some areas for young people aged 16-17. The decision to administer a conditional caution is currently made by the Crown Prosecution Service.

Like simple cautions, conditional cautions aim to keep lower level offenders from overburdening the court system. They also address the needs of both victims and offenders by dealing with the offender's behaviour quickly, and allowing action to be taken to rehabilitate the offender or to repair the damage caused by the offence.

Court proceedings

If an out of court disposal is not deemed to be appropriate the next step is for court proceedings to be initiated.

Charging - The Criminal Justice Act 2003 requires that the decision to charge a person in all but the most minor or routine offences is now undertaken by the Crown Prosecution Service (CPS). The police remain responsible for responding to allegations that a person has committed a crime, deciding whether an investigation is required and subsequently conducting the investigation. The police can still charge both summary only and either way offences if there is an anticipation of a guilty plea and the likely sentence would be handed down in a magistrates' court.

Under the charging arrangements, the Director of Public Prosecutions' Guidance requires that charging decisions are made - by the police or CPS - in accordance with the Code for Crown Prosecutors following a review of the evidence. The guidance for prosecutors can be found at the following link:

www.cps.gov.uk/publications/code_for_crown_prosecutors/index.html

Prosecutors are responsible for making charging decisions in the most serious cases, ensuring pre-charge decisions are timely, and identifying cases appropriate for out of court disposals prior to charge. In police charged cases these are made prior to the first hearing. These arrangements allow for strong cases to be built from

the start and cases where there is not enough evidence to bring a prosecution are sifted out as quickly as possible.

Once an accused person is charged, the law requires that they are brought before a magistrates' court as soon as possible. There are three main methods of ensuring the defendant attends court:

- they have been held in custody by the police to appear as soon as practicable;
- they may have been released on bail to attend court;
- they have been summoned to appear in court.

Generally, an arrest warrant may only be issued where

- the offence is triable only on indictment or is punishable with imprisonment; or
- the address of the accused is not sufficiently established for a summons to be served.

No branch of the government or the judiciary can direct a police officer or the CPS to bring criminal proceedings (or not to do so) in a particular case – this includes Ministers of the Crown. The CPS will continue to review cases after a Charging Decision has been made and throughout the court process in accordance with the Code for Crown Prosecutors. If as part of this on-going review, the CPS considers there is no longer sufficient evidence for a realistic prospect of conviction or that prosecution is no longer in the public interest, it may discontinue the proceedings at any time before the start of the trial or committal.

Conviction and sentencing

The section below details the main purposes of sentencing and describes some of the major disposals presented in this publication, the web addresses shown below from the Crown Prosecution Service give more detail of sentencing practice and the available orders.

www.cps.gov.uk/legal/s_to_u/sentencing_-_general_principles/

www.cps.gov.uk/legal/s_to_u/sentencing_manual/

When an offender is convicted, in either a magistrates' or the Crown Court, the court can either pass sentence immediately or if further information is required they may adjourn to a later date.

The Criminal Justice Act 2003 set out the five main purposes of sentencing for adults:

- The punishment of offenders;
- The reduction of crime (including its reduction by deterrence);
- The reform and rehabilitation of offenders;
- The protection of the public;
- The making of reparation of offenders to persons affected by their offences.

While courts are obliged to have regard to these principles, sentence will generally be determined according to seriousness of the offence. Seriousness is made up of the harm caused by the offence and the culpability of the offender in committing it.

There is also a statutory aggravating which provides that recent and relevant previous convictions make an offence more serious. There are thresholds of penalty based on seriousness:

- Offences that are **so serious** that neither a fine alone nor a community sentence can be justified;
- Offences that are **serious enough** to warrant a community sentence.

If neither of these thresholds is reached then a fine or a discharge will be appropriate.

Disposals given in court

Immediate custody

Adults aged over 21 will be sentenced to imprisonment, adults aged 18–20 will be sentenced to detention in a young offenders institution. Maximum penalties are specified for all offences according to the seriousness of the offence. Generally, the maximum custodial penalties are set at one of the following levels:

- 1 month;
- 3 months;
- 6 months;
- 12 months;
- 2 years;
- 5 years;
- 7 years;
- 10 years;
- 14 years;
- life.

One of the characteristics of the criminal law in England and Wales is that offences are defined very broadly. Hence sentences imposed tend to cluster much lower than the maxima.

Short sentences – Under 12 months Those sentenced to **under 12 months** (made under the Criminal Justice Act 1991) spend the first half of their sentence in prison and are then released and considered '**at risk**' for the remaining period. This means they are under no positive obligations and do not report to the probation service but, if they commit a further imprisonable offence during the at risk period, they can be made to serve the remainder of the sentence in addition to the punishment for the new offence. The exception to this is those aged 18–20 who have a minimum of three months' supervision on release.

Sentences of 12 months or over The Criminal Justice Act 2003 created a distinction between **standard determinate sentences** and **public protection sentences**. Offenders sentenced to a **standard determinate sentence** serve the first half in prison and the second half in the community on **licence** and subject to conditions. Offenders convicted of a sexual or violent offence may be sentenced to a **public protection sentence**. In such cases, the court has to determine whether the

offender is dangerous to the extent that there is a significant risk to the public of serious harm through the commission by him or her of a further sexual or violent offence. If the court does consider that to be the case, it may impose a public protection sentence. There are two such sentences:

Imprisonment or detention for public protection (IPP – sections 225 and 226 of the Criminal Justice Act 2003) – where the maximum for the offence is ten years or more and where a life sentence is not available or appropriate. An IPP is an indeterminate sentence; an offender will serve the tariff (minimum term) as set by the judge and then is eligible to be released if considered safe by the Parole Board. The only significant distinction between life and IPP is that, whereas life sentences last for the whole of the offender's life, the Parole Board can bring an IPP licence to an end after a minimum of 10 years in the community following release.

Extended sentence (EPP – section 227 of the 2003 Act) – where the maximum for the offence is less than 10 years. An extended sentence comprises the normal determinate custodial period plus an extended period on licence. The offender may be released at any time between the half way point and the end of the normal custodial period and is on licence until the end of the extension period.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), which passed on 3 December 2012, abolishes the sentence of Imprisonment for Public Protection (IPP) and Extended Sentences for Public Protection (EPPs). These are replaced by a new Extended Determinate Sentence (EDS) which will be used for offenders who previously would have received an IPP or an extended sentence under the 2003 Act. Prisoners serving an IPP or EPP sentence imposed prior to 3 December 2012 will continue to be released as before – under the provisions of the Crime (Sentences) Act 1997 and the Criminal Justice Act 2003 respectively, which remain unchanged for these prisoners.

Life sentences

The main types of life sentence and the respective age related variants are as follows:

Mandatory life sentences

- Imprisonment for Life – this is the only sentence that can be imposed on anyone over the age of 21 who is convicted of murder.
- Detention during Her Majesty's Pleasure – this is the mandatory sentence for a person convicted of murder who was aged 10 or over but under 18 at the time of the offence.
- Custody for Life – this is the mandatory sentence for a person aged 18 or over but under 21 at the time of the offence who is convicted of murder and sentenced while under 21.
- The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act, which received Royal Assent on 1 May 2012, legislated that adult offenders will receive mandatory life sentences for a 'second listed' offence. This refers to serious sexual or violent offences listed in Part 1 of Schedule 15B of the Criminal Justice Act 2003.

Discretionary life sentences

- Imprisonment for Life – this is the maximum sentence for those over 21 convicted of certain serious offences, e.g. manslaughter, attempted murder, rape, armed robbery, arson etc.
- Detention for Life – this is the maximum sentence for a person aged 10 or over but under 18, who is convicted of offences other than murder for which a discretionary life sentence may be passed on a person over 21.
- Custody for Life – this sentence may also be imposed where a person aged 18 or over but under 21 at the time of the offence is convicted of any other offence for which a discretionary life sentence may be passed on an adult.

Under any life sentence the court determines the minimum term to be served in custody before the offender can be considered for release by the Parole Board. If and when the offender is released he or she remains on licence, and subject to recall to custody, for the rest of their lives.

Suspended sentence orders

These sentences were introduced under the Criminal Justice Act 2003 and are available for offences committed on or after 4 April 2005. They enable a court which passes a custodial sentence of 12 months or less to suspend that sentence for a period of between six months and two years while ordering the offender to undertake certain requirements in the community (drawn from the same list as those available for the community order). If the offender breaches the requirements there is a presumption that the custodial sentence will be given effect.

Community sentences

Since the implementation of the Criminal Justice Act 2003, there has been a single community order that can comprise up to 12 requirements depending on the offence and the offender. These are:

- Unpaid work (formerly community service/community punishment) – a requirement to complete between 40 and 300 hours' unpaid work;
- Activity – e.g. to attend basic skills classes;
- Programme – there are several designed to reduce the prospects of reoffending;
- Prohibited activity – requirement not to do something that is likely to lead to further offender or nuisance;
- Curfew – electronically monitored;
- Exclusion – not much used as no reliable electronic monitoring yet available;
- Residence – requirement to reside only where approved by probation officer;
- Mental health treatment (requires offender's consent);
- Drug rehabilitation (requires offender's consent);
- Alcohol treatment (requires offender's consent);
- Supervision – meetings with probation officer to address needs/offending behaviour;
- Attendance centre – three hours of activity, usually on Saturday afternoons, between a minimum of 12 hours and a maximum of 36 in total.

Typically, the more serious the offence and the more extensive the offender's needs, the more requirements there will be. Most orders will comprise one or two requirements but there are packages of several available where required. The court

tailors the order as appropriate and is guided by the probation service through a pre-sentence report.

Fines

Fines are available to punish all offenders (other than where mandatory minimum sentences apply, such as for murder). In general, the maximum fine that can be imposed by magistrates' courts is defined in terms of level. There are five levels, currently set as follows:

- Level 1 £200
- Level 2 £500
- Level 3 £1,000
- Level 4 £2,500
- Level 5 £5,000

In practice, fine levels are generally much less than the maximum as courts must take account of offenders' means when deciding on the amount to impose. The Crown Court may fine an unlimited amount.

Discharges

A court may discharge a person either absolutely or conditionally where the court takes the view that it is not necessary to impose punishment. An absolute discharge requires nothing from the offender and imposes no restrictions on future conduct. The majority of discharges are conditional discharges where the offender remains liable to punishment for the offence if he is convicted of a further offence within whatever period the court specifies (but not more than three years).

Compensation

In cases involving death, injury, loss or damage, the courts are required to consider making a compensation order, and to give reasons where no such order is made. A compensation order can also be made in addition to any other sentence or order, or can be the only sentence imposed for a particular offence. Magistrates' courts can order compensation up to a maximum of £5,000 per offence, but there is no such limit in the Crown Court. However, courts are required to have regard to the means of the offender when deciding whether to make a compensation order and when deciding on its amount. When the defendant makes payments against financial penalties, compensation orders are paid off before fines.

Further sentences and orders

Other punishments are used to a lesser extent. These include binding over orders, confiscation orders, exclusion orders and disqualification from driving. When a defendant stands convicted before the Crown Court of a drug trafficking offence, the Court is required to determine whether he has benefited from drug trafficking at any time, and if so, to make a confiscation order. The amount to be recovered is what the court assesses to be the value of the defendant's proceeds from drug trafficking, or that which can be realised. The courts have general power to penalise a defendant by making an order for the forfeiture of property associated with the offence.

Glossary

Absolute discharge

When the court decides someone is guilty, but decides not to punish them further at this time, they will be given a 'discharge'. Discharges are given for minor offences. An 'absolute discharge' means that no more action will be taken.

Accused

An individual charged with committing an offence.

Acquittal

The defendant is not found guilty for any offence.

Act

Law (as in an Act of Parliament).

Adjudications

The adjudication process allows prison governors and independent adjudicators to deal with breaches of prison discipline internally, although the most serious offences can be referred to the police and ultimately dealt with by the courts.

Adult

A person aged 18 and above.

Arrest

The power of a police officer to deprive a person of his or her liberty for the investigation and prevention of crime. Police officers have the power to arrest anyone who has committed an offence, is about to commit an offence, or is in the act of committing an offence. They also have the power of Arrest when a person is suspected of involvement in an offence.

Assailant

A prisoner involved in an assault incident whose role has been recorded on the NOMS incident reporting system as an 'assailant'. The system does not record details of non-prisoner assailants for example visitors. Where an assault in prison involves a clear aggressor and victim, participants are categorised as assailants or victims. Where an incident does not involve a clear aggressor or victim, participants are categorised as fighters.

Assaults

Assaults in prison custody cover a wide range of violent incidents including fights between prisoners. NOMS does not use the Home Office counting rule definitions of Actual Bodily Harm (ABH), Grievous Bodily Harm (GBH), affray etc. and figures cannot be compared directly.

Average Custodial Sentence Length (ACSL)

Average length of determinate custodial sentences given in months. This excludes indeterminate sentences (life or imprisonment for public protection sentences) as the length of these sentences is not recorded.

Bail

The release of a defendant or charged individual from custody, subject sometimes to security being given and/or compliance with certain conditions.

Burglary

When a person enters any building as a trespasser and with intent to commit an offence of theft, grievous bodily harm or unlawful damage.

Cannabis or Khat Warnings:

A verbal warning issued by a police officer when an offender has been caught with Cannabis (from 2004) or Khat (from 2014). If an offender is caught again, then they would usually receive a fixed penalty notice for disorder (PND).

Case

An action, suit or claim in a court of law.

Caution

Simple caution – a non-statutory warning given to adults (aged 18 and over) by the police following an admission of guilt. A simple caution is an alternative to prosecution, which, though not a conviction, forms part of a person's criminal record.

Conditional caution – a warning with reparative and/or rehabilitative conditions attached, issued by the police to adults (aged 18 and over) under the Criminal Justice Act 2003. A conditional caution can be given following a CPS decision to issue and an offenders admission of guilt, and, although not a conviction, forms part of a person's criminal record.

Charge

A formal accusation of a criminal offence against a person.

Committal

Committal for trial: the referral of a case involving an either-way offence to the Crown Court, following examination by magistrates.

Committal for sentence: the referral of a case to the Crown Court for sentencing, when magistrates consider an offence to justify a sentence greater than they are empowered to impose.

Committal order: an order of the Court committing someone to prison.

Community sentence

When a court imposes a community sentence, the offender doesn't go to prison. But the court says there are specific things the offender can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the offender for their crime, while also reducing the risk of them offending again.

Compensation

Payment of damages to restore an injured party to his former position. Sometimes combined with 'otherwise dealt with'.

Conditional discharge

When the court decides someone is guilty, but decides not to punish them further at this time, they will be given a 'discharge'. Discharges are given for minor offences. A 'conditional discharge' means that the offender won't be punished unless they commit another offence within a set period of time (no longer than three years).

Conviction

A conviction occurs after a guilty verdict in the magistrates' or the Crown Court. A guilty verdict can be reached either through a trial or through the defendant pleading guilty.

Court (of law)

A judicial tribunal presided over by a judge, judges, or magistrates, and established to administer justice in civil and criminal cases.

Court Proceedings database (CPD)

The MoJ Court Proceedings database holds information on out of court disposals and court outcomes of defendants tried at a magistrates' or Crown Court in England and Wales. It also contains information on age, sex and ethnicity of defendants.

Conviction ratio

The conviction ratio is defined as the ratio of convictions to prosecutions for a principal offence over one year. As trials can span more than one year, offenders found guilty in a reporting year are not always the same defendants who were prosecuted in that year.

Court (of law)

A judicial tribunal presided over by a judge, judges, or magistrates, and established to administer justice in civil and criminal cases.

Crime Survey for England and Wales (CSEW)

The Crime Survey for England and Wales (formally known as the British Crime Survey) is a large, nationally representative survey that asks people in detail about their experiences of crime in the last twelve months. For further information on the CSEW, see section above.

Criminal

A person who is guilty of a criminal offence.

Criminal damage

Criminal damage results from any person who without lawful excuse destroys or damages any property belonging to another, while intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged.

Criminal damage and arson

The criminal damage and arson offence group includes a range of offences such as Criminal damage endangering life, racially or religiously aggravated criminal damage and arson not-endangering/ endangering life.

Criminal Justice System

The system of law enforcement directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offences.

Crown Court

The Crown Court deals with all crime committed or sent for trial by magistrates' courts. Cases for trial are heard before a judge and jury. The Crown Court also acts as an appeal court for cases heard and dealt with by magistrates.

Crown Prosecution Service (CPS)

As the principle prosecuting authority in England and Wales, the CPS advises the police on prosecution matters, determines charges in more complex cases, and prepares and presents cases at court.

Custodial sentence

A sentence where the offender is detained in a prison, young offender institution or secure training centre.

Custody

The state of being detained or held under guard by the police or in a prison.

Custody rate

The custody rate is the proportion of all offenders sentenced to immediate custody, out of all sentencing outcomes.

Dangerous instruments

Defined in the Criminal Justice and Public Order Act 1994 as instruments which have a blade or are sharply pointed.

Defendant

A person sued, standing trial or appearing for sentence.

Determinate and Indeterminate Sentences

Prison sentences can be divided into two broad groups: determinate sentences which are for a fixed period, and indeterminate sentences, which include life sentences and indeterminate sentences for public protection (IPPs), that have a minimum fixed period, known as a tariff that must be served before release is considered by the parole board. The LASPO Act, which was passed on 3rd December 2012, abolished two types of indeterminate sentence: the Indeterminate sentences for Public Protection (IPPs) and Extended Sentence for Public protection (EPP) and replaced them with a determinate sentence, the Extended Determinate Sentences (EDS).

Discharge (see absolute discharge, conditional discharge)

The offender is found guilty of the offence, and the conviction appears on his or her criminal record, but either no further action is taken at all (absolute discharge), or no further action is taken as long as the offender does not offend again in a certain period of time (conditional discharge).

Disposal

Court disposal - The end result of a trial at court. In this publication, the disposals of interest are sentences, but other disposals are possible, for example, where there is a not guilty verdict.

Out of court disposal - A disposal issued before a case gets to court, when a defendant admits to a minor offence. Out of court disposals include cautions, reprimands and warnings.

Drug offences

Drug offences include a range of offences involving illegal drugs of class A (for example heroin and cocaine), B (for example cannabis) and C (for example tranquillisers and anabolic steroids), such as unlawful importation, possession, and production, supply and possession with intent to supply.

Fighter

A prisoner involved in an assault incident whose role has been recorded on the NOMS incident reporting system as a 'fighter'. The system does not record details of non-prisoners who may be involved in fights for example, visitors. Where an assault in prison involves a clear aggressor and victim, participants are categorised as assailants or victims. Where an incident does not involve a clear aggressor or victim, participants are categorised as fighters.

Final warning

A formal warning issued to juveniles by the police for a second offence (no matter how minor).

Fine

Fines are the most common criminal sentence overall (when looking at all sentences, for summary and indictable offences combined), given to punish an offender financially. They're usually given for less serious crimes that don't merit a community or prison sentence. They limit the amount of money offenders have to spend. How much someone is fined depends on how serious a crime is, and the offender's ability to pay.

First Time Offender (FTO) and First Time Entrant (FTE)

The definition of "first time offender" is different from "first time entrant". A first time entrant (FTE) to the criminal justice system is an offender residing in England and Wales at the time of the offence, who has been recorded on the Police National Computer (PNC) by an English or Welsh police force as having received their first conviction, caution or youth caution. Published figures for first time entrants exclude any offenders who, at the time of their first conviction or caution, were resident outside England or Wales. Offenders who had a conviction or caution outside England and Wales and who were arrested by a police force in England and Wales would be counted as a First Time Offenders (FTO).

Foreign national prisoner

The nationality data are obtained from self reports of prisoners: this information is not checked by prison establishments before being entered on Prison-NOMIS (Prison National Offender Management Information System). A foreign national prisoner is any prisoner who does not report a nationality of British.

Fraud offences

Fraud offences include a range of offences such as false accounting, benefit fraud and bankruptcy offences.

Going equipped

An offence under section 25 of the Theft Act 1968, in which a person is in possession of an article for use in the course of, or in connection with, a burglary or theft.

Grievous Bodily Harm (GBH)

Refers to offences arising from sections 18 (with intent) and 20 of the Offences Against the Person Act 1861. This is a more serious offence than Actual Bodily Harm (ABH).

Hate crime

Hate crime is defined as 'any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic', such as race or religion.

Her Majesty's Courts and Tribunals Service (HMCTS)

A Ministry of Justice agency responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales; and non-devolved tribunals in Scotland and Northern Ireland. It provides for a fair, efficient and effective justice system delivered by an independent judiciary.

Her Majesty's Prison and Probation Service (HMPPS)

On 1 April 2017, Her Majesty's Prison and Probation Service (HMPPS) replaced the National Offender Management Service (NOMS), an agency of the Ministry of Justice. HMPPS is focussed on supporting operational delivery and the effective running of prison and probation services across the public and private sectors. HMPPS works with a number of partners to carry out the sentences given by the courts, either in custody or the community. This publication covers the reporting period up to 31 March 2017 and therefore presents ethnicity of NOMS staff.

Higher- or lower-tier offences (in the context of fixed penalty notices)

Higher- and lower-tier offences are the types of offence where a fixed penalty notice is issued by the police, such as theft and trespassing on a railway. The higher offences tend to be more serious, attracting a fine of £90 from July 2013 (previously £80), while the lower cost £60 (previously £50).

Home Detention Curfew

On release from prison, offenders who are not subject to deportation procedures may go directly into the community unsupervised, into the community whilst being supervised by the probation service under license (discussed below) or into the community under Home Detention Curfew (HDC). HDC applies to prisoners who are serving sentences of between three months and under four year and allows prisoners to live outside of prison providing they do not breach the rules of their curfew and is designed to help prisoners prepare for life after their release.

Home Office

The government department responsible for counter-terrorism, police, drugs policy, and related science and research.

Homicide

The term 'homicide' covers the offences of murder, manslaughter and infanticide. Murder and manslaughter are common law offences that have never been defined by statute, although they have been modified by statute. The offence of infanticide was created by the Infanticide Act 1922 and refined by the Infanticide Act 1938 (s1).

Homicide Index

A database held by the Home Office, which is continually updated with revised information on homicides from the police and the courts.

Immediate custody

Prison sentences are given when an offence is so serious that it is the only suitable punishment. A prison sentence will also be given when the court believes the public must be protected from the offender. There are two types of immediate custodial sentences: determinate sentences (those having a fixed term) and indeterminate sentences (which have only a minimum term and include life sentences).

Independent Monitoring Boards (IMBs)

Independent boards that monitor day-to-day life in local prisons or removal centres, and ensure that proper standards of care and decency are maintained.

Indeterminate sentence

See determinate sentence.

Indictable offence

Any offence triable at the Crown Court. Includes both indictable only and triable either way offences.

Indictable only offence

These offences are the most serious breaches of the criminal law and must be tried at the Crown Court before a judge and jury. These 'indictable-only' offences include murder, manslaughter, rape and robbery. Indictable only and triable either way offences are frequently amalgamated to form indictable offences.

Judge

An officer appointed to administer the law and who has the authority to hear and try cases in a court of law.

Judicial/Judiciary

Relating to the administration of justice or to the judgment of a court. Judges, magistrates, or other officers empowered to act as a judge.

Jury

A body of 12 people sworn to try a case and reach a verdict according to the evidence in a court.

Juvenile

A person under 18 years of age.

Law

The system made up of rules established by an Act of Parliament, custom or practice, enjoining or prohibiting certain action.

Lower-tier offences

See higher-tier offences above.

Magistrate

A person appointed to administer judicial business in a magistrates' court. A magistrate also sits in the Crown Court with a judge or recorder to hear appeals and committals for sentence.

Magistrates' Courts

Courts where criminal proceedings are commenced before magistrates, who examine the evidence/statements and either deal with the case themselves, or commit it to the Crown Court for trial or sentence. All criminal cases are initially proceeded against here, with the majority of less serious offences being both tried and sentenced in magistrates' courts.

Ministry of Justice (MoJ)

The government department responsible for the various components of the justice system, including courts, prisons, probation services and attendance centres. The Ministry of Justice works to protect the public and reduce reoffending, and to provide a more effective, transparent and responsive criminal justice system for victims and the public.

Miscellaneous crimes against society

The miscellaneous crimes against society offence group is composed of a wide range of offences such as money laundering, forgery, handling stolen goods and revenue law offences.

National Probation Service

On 1 June 2014, the way that probation services were delivered changed. Prior to that date probation services were delivered by 35 Probation Trusts across England and Wales, which were responsible for their own staffing. On 1 June 2014, the National Probation Service (NPS), which is responsible for high-risk offenders in the community, was created and staff in the NPS joined HMPPS (formerly NOMS) as civil servants. The remainder of offenders are managed by Community Rehabilitation Companies (CRCs), which are now contracted out to the private and voluntary sectors and so not included in the NPS figures presented in this publication.

Notifiable offence

An offence deemed serious enough to be recorded by the police (also referred to as recorded crime), including most indictable and triable-either-way offences.

Offence

A breach of law or rule; an illegal act.

Offender

An individual convicted of a crime.

Offensive weapon

Defined in the Police and Criminal Evidence Act 1984 as any article made or adapted for use for causing injury to persons (or intended by the person having it with him for such use by him or by some other person).

Otherwise dealt with

Includes a number of low-volume orders, for example hospital orders and confiscation orders. Otherwise dealt with may also include compensation orders.

Out of court disposals

Out of court disposals can be used by the police to deal with low risk, low level and mostly first-time offenders outside the court system. They are not suitable for contested or more serious cases and would not normally be considered for those who repeatedly offend (subject to relevant guidance). The two out of court disposals discussed in this publication are Penalty Notices for Disorder (PND) and cautions, but they also include Cannabis/Khat warnings and Community Resolutions.

P14 income (median adjusted)

P14 income includes information on gross income derived from P14 forms sent to HMRC by employers. Income from self-employment, cash-in-hand work and some lower paid jobs is not included. P14 income includes income for part-year and part-time work, so does not only reflect full-time, annual income. P14 data in the report has been adjusted using Seasonally Adjusted Average Weekly Earnings data from the Office for National Statistics (ONS), using 2012/13 as the base year.

P45 employment

P45 employment excludes self employment, cash-in-hand work and some lower paid jobs.

PACE

Refers to the Police and Criminal Evidence Act 1984, which instituted a legislative framework for the powers of police officers in England and Wales to combat crime, as well as providing codes of practice for the exercise of those powers.

Parole Board

An independent body that works to protect the public by risk-assessing prisoners to decide whether they can be safely released into the community.

Penalty Notices for Disorder (PND)

Penalty Notices for Disorder (PNDs) are more commonly known as 'on the spot fines'. They are a fixed penalty of £50 or £80 designed to tackle low-level, anti-social and nuisance offending for offenders aged 16 or over and are issued for a range of minor offences.

Personal crime – CSEW

Personal crimes, as recorded in the CSEW, refer to all crimes against the individual (not that of other people in the household), for example, an assault. Published CSEW data for 'all personal crime' excludes sexual offences (except for 'wounding with a sexual motive') as the number of these types of offences picked up by the survey is too small to give reliable estimates. Full CSEW definitions can be found in the CSEW User Guide: www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/index.html.

Plea

A defendant's reply to a charge put to him by a court; i.e. guilty or not guilty.

Penalty Notices for Disorder (PND)

PNDs were introduced in 2001 to tackle low-level, anti-social and nuisance offending. The police may issue a PND for one of twenty-five offences including three notifiable offences, following published guidance.

Police force area (PFA)

The geographic area of jurisdiction covered by a particular police force. There are 43 PFAs in England and Wales.

Population figures

Some of the tables and graphs in this volume use resident population figures for different ethnic groups to calculate rates – for example, for the number of police arrests and stops and searches per 1,000 population. The underlying data has been drawn from the 2011 census – see Appendix III of the accompanying bulletin for further details.

Possession of weapons

Possession of weapon offences include a range of offences covering unlawful knife and firearm possessions.

Pre- and Post-release supervision

All prisoners given a custodial sentence of 12 months or more serve a proportion of their sentence in custody and are then released on licence. They are supervised by probation staff before and after release from custody. In addition, offenders with sentences of less than 12 months who are aged under 22 receive a minimum of three months post-release supervision, provided this does not extend beyond their 22nd birthday. (This report does not reflect changes following Transforming Rehabilitation, as the period covered precedes the changes.) Home supervising officers along with probation staff in prisons work jointly with prison staff on sentence planning and management, including consideration of post-release issues.

Pre-sentence reports (PSRs)

A report submitted by an appropriate officer to assist the court in determining the most suitable method of dealing with an offender.

Principal disposal

A disposal is a particular penalty an offender receives through sentencing, with the principal disposal being the most severe punishment.

Primary/Principal offence

Where more than one offence is considered in a court case or cautioning occasion, the offence that would/did attract the most severe sentencing outcome is deemed to be the Principal offence and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence the offence with the statutory maximum sentence is deemed the 'Principal offence'.

Principal suspect (Homicide Index)

For the purposes of the Homicide Index, a suspect is defined as (i) a person who has been arrested for an offence initially classified as homicide and charged with homicide or (ii) a person who is suspected by the police of having committed the offence but is known to have died or committed suicide prior to arrest/being charged. As more than one suspect may be tried for an offence and sometimes no suspect is ever brought to trial, the number of suspects is not the same as the number of offences.

Probation requirement

When a court imposes a community sentence or a suspended sentence with a requirement, the offender doesn't go to prison. But the court says there are specific things the offender can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the offender for their crime, while also reducing the risk of them offending again. The most common requirements are unpaid work and supervision. Unpaid work consists of offenders being required to work for up to 300 hours on local community projects under close supervision. This may include cleaning litter or public land, redecorating community centres and other public buildings or removing graffiti. Supervision consists of the offender attending appointments with a manager from the Probation Service. The frequency and content of the supervision is specified in the sentence, and can include monitoring and reviewing patterns of behaviour, helping to increase the offender's motivation, providing practical support to help the offender comply with the order, supporting and reinforcing learning and modelling of pro-social behaviour.

Prosecution

The institution or conduct of criminal proceedings against a person.

Public order offences

Public order offences include a range of offences such as rioting, violent disorder, affray and racially or religiously aggravated harassment and stalking.

Racially and religiously aggravated offences (from police records)

An offence may be defined as racially or religiously aggravated if: 1) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates toward the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or 2) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

The racially or religiously aggravated offences category currently comprises offences of assault (with and without injury), harassment, causing public fear, alarm or distress) and criminal damage.

Racist incidents (from police records)

A racist incident is any incident that is perceived to be racist by the victim or any other person. The scope of racist incidents is wider than that for racially aggravated offences and a religiously aggravated offence may not constitute a racist incident.

Racist incidents include notifiable offences, non-notifiable offences (e.g. some types of anti-social behaviour) and incidents that were not subsequently recorded as crimes. Furthermore, certain race hate crimes may not have been initially recorded as racist incidents if the racial motivation was not immediately apparent. For these reasons, the racist incidents total does not match the race hate crimes total which is reported separately by the home office.

Racially or religiously aggravated offences (from the Court Proceedings database)

Racially or religiously aggravated offences are selected summary non-motoring and triable either way offences with a racial or religious aspect.

Recalls

Offenders released on licence are subject to recall to prison immediately by Public Protection Casework Section if the supervising probation trust reports the offender as having breached the conditions of their licence.

Recorded crime

Police recorded crime covers crimes which are recorded by the police and which are notified to the Home Office. All **indictable** and **triable-either-way offences** are included together with certain closely associated **summary offences**. Attempts are also included. The latest recorded crime (notifiable offence) list appears on the GOV.UK website at: www.gov.uk/government/publications/counting-rules-for-recorded-crime.

Restorative Justice

An approach to justice that emphasises reparation to the victim or the affected members of the community by the offender.

Resultant arrest rate

The proportion of stops and searches that resulted in an arrest.

Remand

To send a prisoner or accused person into custody or admit them to bail.

Reprimand

A warning issued to juveniles for a first minor offence.

Robbery

The robbery offence group includes robbery offences only. Robbery is defined as taking the property of another, by means of force or fear. While most forms of theft are triable either way offences, robbery is an indictable only offence (i.e. more severe).

Self-harm

Self-harm in prison custody is defined as, “any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury.”⁶⁷ In the community, self-harm is common but often covert. In prisons, such incidents are more likely to be detected and counted.

Self-inflicted death

Any death of a person who has apparently taken his or her own life irrespective of intent. This is one of the four main categories used in the NOMS system for classifying deaths. It includes a wider range of deaths than just suicides.

Sentencing

If a defendant is found guilty (also called convicted) in a criminal prosecution, this will be followed by an event called sentencing. A sentence is the punishment ordered by the court.

Sexual offences

Sexual offences encompass a range of offences involving crime with a sexual motive, such as rape and sexual assault.

Statistical significance

A statistical term for a result that is unlikely to have occurred by chance.

Stops and searches

Statistics on Race and the Criminal Justice System 2014 includes data on stops and searches conducted by police under:

- Section 1 of PACE and associated legislation (collectively referred to as section 1 of PACE); the other legislation includes stop and search powers under section 47 of the Firearms Act 1968, section 23 of the Misuse of Drugs Act 1971, section 43 of the Terrorism Act 2000 as well as other legislation
- Section 60 of the Criminal Justice and Public Order Act 1994 in anticipation of violence

Summary offences

Summary offences are usually heard only by a magistrates' court. This group includes motoring offences, for some of which fixed penalties can be issued, and non-motoring offences such as common assault and criminal damage up to £5,000. Ethnicity coverage for summary offences in the Court Proceedings database is relatively poor.

Suspended sentence

A court may give an offender a 'suspended' prison sentence if the time they would otherwise spend in prison is under 12 months. With a suspended sentence, the offender doesn't go directly to prison but they do have to meet conditions in the community, set by the court. These conditions can last for up to two years. If the offender breaks these conditions, or commits another offence, they will usually have to serve the original sentence in prison.

Suspect

A person being investigated in relation to a particular offence or offences.

Terminations

A period of supervision (e.g. a community order) which comes to an end, either because the order has been completed successfully, or because the order has been breached and terminated early for negative reasons (such as failing to comply with its requirements) or because of some other neutral reason, such as the order being quashed by the court or the person having died.

Theft offences

Theft offences include a range of offences where property is unlawfully taken, such as shoplifting and burglary.

Triable only on indictment

See indictable only.

Triable-either-way

These offences may be tried either at the Crown Court or at a magistrates' court. These offences include criminal damage where the value is £5,000 or greater, theft, burglary and drink driving. Triable only on indictment and triable either way are frequently amalgamated to form indictable offences.

Victims

A person who has suffered as a result of criminal conduct.

Victims (in the context of offenders in custody)

A prisoner involved in an assault incident whose role has been recorded on the NOMS incident reporting system as an 'assailant'. The system does not record details of non-prisoner assailants for example visitors. Where an assault in prison involves a clear aggressor and victim, participants are categorised as assailants or

victims. Where an incident does not involve a clear aggressor or victim, participants are categorised as fighters.

Victim Support

A national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected across England and Wales.

Violence against the person

A term that includes serious violence offences where the injury inflicted or intended is life threatening and offences resulting in death, regardless of intent. This offence group also includes offences involving less serious injury, certain offences that involve no physical injury and some involving serious intent. Violence against the person encompasses a range of offences involving violence, such as grievous bodily harm or common assault.

Violent crime – CSEW

Violent crime, as measured by the CSEW, covers a range of offence types from minor assaults, such as pushing that result in no physical harm, to (but not including) murder. This includes offences where the victim was threatened with violence, regardless of whether or not there was any injury. CSEW violent crime is categorised according to offence type (wounding, assault with minor injury, assault without injury and robbery), and offender-victim relationship (domestic violence, stranger violence, acquaintance violence).