



Ministry
of Justice

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Technical Guide to Knife and Offensive Weapon Sentencing Statistics

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1. Introduction

This document provides more detail on the knife and offensive weapon sentencing statistics presented in the Knife and Offensive Weapon Sentencing Statistics publications, and is intended to be used as a guide to concepts and definitions. It also provides information on key events and policy changes that may be relevant to the publication's findings, as well as technical guidance on the methodologies employed for collecting, presenting and (where relevant) estimating the statistics laid out in the publication.

The bulletin presents information on knife and offensive weapon offences. Unless the offences are separately specified this includes:

- possession offences of having an article with a blade or point in a public place or on school premises,
- possession of offensive weapon without lawful authority or reasonable excuse in a public place or on school premises,
- offences involving threatening with a knife or offensive weapon in a public place or on school premises (introduced on 3rd December 2012 – an aggravated form of a possession offence occurs when an offender in possession of a knife or offensive weapon uses it to threaten and endangers others)

2. Key events

Key events that might be expected to affect the statistics in this bulletin include:

- On 21 May 2008, the Court of Appeal issued the judgment in *Povey*¹ that said, because of prevalence, magistrates should normally sentence those convicted of knife crime possession offences at the top end of the range.
- The Sentencing Guidelines Council issued an update to the magistrates' courts guidelines, with effect from 4 August 2008, which set out the effect of the Court of Appeal judgment and made it clear that the starting point for the lowest level of knife possession amongst adults should be 12 weeks' custody. This applies in cases where a first time offender pleads not guilty to possession of a knife in non-dangerous circumstances. A guilty plea would attract a discount in the normal way, as would any personal mitigation, and could take the sentence below the custody threshold.
- From 3 December 2012, new offences of aggravated knife, or offensive weapon, possession came into force. Anyone aged 16 or over who uses a knife or offensive weapon to threaten and endanger others in a public place or in a school will face a minimum custodial sentence, unless the court considers there to be particular circumstances which would make it unjust to do so².
- In November 2013 revised guidance on cautions was issued. The guidance made it clear that simple cautions should not be given for possession of a knife, and other serious either way offences, unless their issue was signed off by at least an Inspector.
- In April 2014, the Court of Appeal issued the judgment in *Monterio*³ that said the Youth Courts should maintain the sharp focus called for in *Povey* by imposing appropriate sentences that will contribute to preventing further offending and to a reduction in knife crime.
- Statutory restrictions around the use of cautions, including their use for possession of a knife or offensive weapon, included in the Criminal Justice and Courts Act 2015⁴, came into force in April 2015.
- In 2001, a target was introduced to increase the number of offences brought to justice. This was replaced in 2008 placing more emphasis on bringing serious crimes to justice⁵.
- On 17 July 2015 Section 28 and Schedule 5 to the Criminal Justice and Courts Act 2015 came into force⁶. This introduced a minimum custodial sentence for those aged 16 or over who are convicted of a second offence of possessing an offensive weapon or bladed article. The minimum custodial sentence is six months for those aged 18 or over and a four month detention and training order for 16 and 17 year olds.

¹ *Povey & Ors, R. v, Court of Appeal - Criminal Division, May 21, 2008, [2008] EWCA Crim 1261*

² For legislation, see: www.legislation.gov.uk/ukpga/2012/10/contents/enacted

³ *Monterio & Others, R. v, Court of Appeal - Criminal Division, April 16, 2014, [2014] EWCA Crim 747*

⁴ See section 17 at www.gov.uk/government/uploads/system/uploads/attachment_data/file/428204/cjc-act-circular.pdf

⁵ <https://www.cps.gov.uk/publications/prosecution/justicegap.html>

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447961/second-strike-knife-possession.pdf

3. Repeat offences for possession knife or offensive weapon offences

On 17 July 2015 a new minimum sentence for repeat knife or offensive weapon possession came into force. The key points regarding this new legislation are:

- Section 28 of, and Schedule 5 to, the Criminal Justice and Courts Act 2015 (CJC Act) create a minimum custodial sentence for those aged 16 and over convicted of a second or subsequent offence of possession of a knife or offensive weapon.
- The minimum custodial sentence for second or subsequent conviction is at least six months imprisonment for adults, and at least a four month Detention and Training Order (DTO) for 16 and 17 year olds. Aggravating and mitigating factors are applied subsequently.
- A minimum custodial sentence can only be given on conviction of a second or subsequent offence where that offence is committed on or after the date of the commencement of these provisions.
- Any relevant previous conviction will satisfy the 'previous conviction' condition for the imposition of the minimum sentence, regardless of when that prior offence was committed. (I.e. there is no time limit on when the first offence must have been committed.)
- A previous conviction for threatening with a knife or offensive weapon counts as a 'first strike'.
- A conviction for an equivalent service offence counts as a 'first strike' for the purposes of the minimum sentence.
- The judge must impose the minimum sentence unless there are particular circumstances which relate to the offence, the previous offence(s), or the offender which would make the imposition of the minimum sentence unjust in all the circumstances.

It is possible some youths may not receive a custodial sentence. This is because a 4 month DTO is the minimum custodial sentence available to judges when sentencing youths in any circumstance and if the court applies a reduction in sentence for a guilty plea then a non-custodial sentence will result. In the case of adults, where the court imposes the minimum sentence this can be reduced by up to 20% for an early guilty plea, resulting in a sentence of 4.8 months.

4. Estimation methodology

During the development of the October to December (Q4) 2013 bulletin, it was noted that the latest disposal figures recorded on the Police National Computer for Q4 2012 were significantly higher than those published at the time. The main reason for this is that cases can take some time to pass through the criminal justice system. This means that the 'actual' number of cases dealt with in a particular quarter may not be finally recorded until up to a year later.

Further analysis revealed that the extent of this increase tended to be stable over time. This enabled us to develop a methodology to estimate the number of each category of disposals given for two types of knife or offensive weapon possession offences:

- possession offences of having an article with a blade or point in a public place or on school premises.
- possession of offensive weapon without lawful authority or reasonable excuse in a public place or on school premises.

To estimate a particular statistic, the method looks at the average change between the observed and actual figures for that statistic over the previous 8 quarters. This average change is used to create a grossing factor, which is then applied to the current observed figure. These estimated figures are presented in the data tables where actual data is not yet available. Estimated figures are highlighted in all tables and charts presented in the bulletin.

As an example of the workings and accuracy of this estimation process, the Q4 2011 figures for possession of a knife or offensive weapon were first published in March 2012. We now know that there were an additional 30 more disposals given for possession offences in the quarter than originally suggested and that a much larger proportion of these were for immediate custody. When the figures for Q4 2011 were initially published, this information was obviously not yet available. However, it would have been possible to track data for Q1, Q2, Q3 and Q4 2010 through from their original published values to the version of the figures updated one year subsequently. This information is shown in the table below along with the average change when compared to the figures published a year later for all four quarters.

Table 1: Change between figures initially published for Q1 - Q4 2010 and revised figures published a year later

	Q1 2010	Q2 2010	Q3 2010	Q4 2010	Average
Caution	1.6%	0.7%	0.8%	1.4%	1.1%
Absolute/Conditional discharge	11.4%	9.0%	6.3%	2.6%	7.3%
Fine	3.3%	6.8%	5.2%	8.1%	5.8%
Community sentence	-0.2%	-1.8%	-3.9%	-1.6%	-1.9%
Suspended sentence	2.3%	-1.5%	-3.6%	-1.7%	-1.1%
Immediate custody	17.5%	20.0%	21.6%	15.9%	18.7%
Other disposal	-48.6%	-47.8%	-44.8%	-42.8%	-46.0%

Clearly the biggest impact seen was an increase in the figures for immediate custody and related decrease in the 'other disposal' category. The table also demonstrates that the direction and scale of change for each of the four quarters was consistent providing

confidence that the figures would change similarly for the numbers initially available for Q4 2011.

Through applying these average change values for the previous four quarters to the Q4 2011 figures as at the time of their initial publication in March 2012, we could have estimated what the final figures for the quarter would be. These estimates are shown below along with the actual revised values as they have been published within this release.

Table 2: Difference between initial figures published for Q4 2011, the revised figures published within this bulletin and the figures that would have been estimated through the method described above

	Q4 2011 (initially published)	Q4 2011 (estimated)	Q4 2011 (revised in this bulletin)	% change - revised vs initial	% change revised vs estimated
Total	4,781	4796	4,811	1%	0%
Caution	902	906	914	1%	1%
Absolute/Conditional discharge	142	150	152	7%	1%
Fine	186	195	194	4%	-1%
Community sentence	1,420	1382	1,397	-2%	1%
Suspended sentence	614	597	586	-5%	-2%
Immediate custody	1,148	1368	1,363	19%	0%
Other disposal	369	198	205	-44%	4%

We continuously assess the accuracy of the estimation method and update the model as more data become available. Whilst estimated figures tend to be within a few percentage points of the actual figures, there are often sizeable differences between the non-estimated and the actual final figures for all disposal types, particularly immediate custodial sentences and other disposals. The average accuracy of the estimated figures has been greater than that of the non-estimated figures in every release to date, and as such will continue to be used in future bulletins.

Tables providing a detailed analysis of the accuracy of the estimation method are available on request.

5. Data quality and sources

Tables 1 to 8

The statistics presented in tables 1 to 8 in this bulletin, the interactive pivot table tool and Sankey diagram, are drawn from an extract of data held on the Police National Computer (PNC) approximately one month after the period the publication covers.

The PNC is a large administrative database containing information about police cautions and court convictions held by individual offenders in England and Wales. The PNC is regularly updated as new information about particular individuals becomes available. For example, an offender with previous convictions may have recently been charged with another offence, appeared in court against this charge and then been subsequently convicted of this offence. This information would then be updated accordingly against that individual's record in the PNC.

As these updates involve manual data entry alongside more automated systems, there can be delays in the database becoming updated with the latest information about an offender's convictions. As such, the number of cautions/convictions recorded in the PNC extract for knife or offensive weapon offences, in particular for the most recent quarter included in this bulletin, is likely to be lower than the actual number of cautions/convictions given in the period.

In addition, the different disposals recorded in the PNC extract for knife or offensive weapon offences in recent quarters are also subject to some change. This is partly due to the delays in updating recent court outcomes on the PNC, but is also due to the fact that, while some individuals will have been convicted of a knife or offensive weapon offence in a magistrate's court during the quarter, information about the disposal they received is not yet available as the case has been passed to the Crown Court for sentencing at a later date. These cases will be updated when information about the final sentence given for the offence becomes available. As a result of these updates, the statistics presented in this bulletin for the most recent four quarters are based on estimates as described in section 3.

Prison population data

Prison population data presented in this bulletin are drawn from the prison National Offender Management Information System (p-NOMIS). Whilst the PNC provides details on offences committed and sentences given to offenders, snapshot data taken from p-NOMIS provide information on the number of offenders currently serving custodial sentences. The figures presented in this bulletin do not include offenders that have been recalled to custody after being released on license.

The prison population data presented in this bulletin for time periods prior to 30 June 2015 represent those serving a sentence for a "possession of an offensive weapon" offence. This category includes knives but can also include other dangerous weapons (excluding firearms). Since the 30 June 2015, due to improvements in the system used for processing data extracted from p-NOMIS, more detailed information about the prison population has been available. This means that the data now show the numbers serving a sentence for offences relating to the possession of an offensive weapon, possession of an article with a blade or point, or threatening with an offensive weapon.

Due to technical problems relating to the supply of data for statistical purposes it has not been possible to provide data relating to the prison population for specific offence types from July 2009 to March 2010.

6. Other statistical releases relating to knives and sharp objects

Other government departments also release statistics relating to knives and sharp objects. Below are some links and brief outlines of other available sources.

- The Home Office provide a guidance document regarding the law for knives and offensive weapons.

www.gov.uk/government/uploads/system/uploads/attachment_data/file/186911/Knives_and_offensive_weapons_information_GDS_FAQ.pdf

www.gov.uk/find-out-if-i-can-buy-or-carry-a-knife

- The Office for National Statistics also publish statistics on offences involving knives, offensive weapons and sharp instruments. This is contained within the *Crime in England and Wales* statistical bulletin and has a section called *Offences involving knives and sharp instruments*.

www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice

- The MOJ publishes information on criminal court timeliness (Table T6). These statistics relate to how quickly criminal cases are dealt with in magistrates' courts and the Crown Court in England and Wales.

www.gov.uk/government/collections/criminal-court-statistics

- The Department for Health release hospital admission data for assaults on an ad hoc basis. Within this data there is a category for X99 - *Assault by sharp object*. You can access this data by clicking the link below, then opening the latest Hospital Admitted Patient Care Activity page and downloading the "External causes" spreadsheet.

www.content.digital.nhs.uk/searchcatalogue?q=title%3a+%22Admitted+Patient+Care%22+-+Monthly&sort=Most+recent&size=10&page=1#top

Additional information:

content.digital.nhs.uk/hes

- The National Offender Management Service (NOMS) publishes information on assaults and other incidents in prisons, including those involving knives and sharp objects, in their *Safety in Custody* publication. A bulletin is released quarterly, with additional tables published on an annual basis.

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

7. Glossary

Adult: An offender aged 18 or over.

Caution: A warning given to adult offenders who admit guilt and agree to be cautioned. They are issued on the instructions of a senior police officer where there is sufficient evidence for a conviction and it is not considered to be in the public interest to institute criminal proceedings.

Community sentence: A non-custodial sentence which is served in the community over a period of time, and can involve the compliance of the offender with one or more 'requirements' (things the offender must or must not do while serving their sentence). For juveniles the community sentences used are the Referral Order, Reparation Order and the Youth Rehabilitation Order (YRO), while for adults it is the Community Order. Potential requirements associated with a community sentence include: supervision; unpaid work; specified or prohibited activities; accredited programmes; curfew; exclusion from or residence at a particular address; mental health, drug or alcohol treatment (with offender consent); and attendance at a centre (for under 25s). The requirements aim to punish offenders, to change offenders' behaviour so they don't commit crime in the future, and to make amends to the victim of the crime or the local community.

England and Wales: Total figures for England and Wales now include all police forces in England and Wales and the British Transport Police (BTP). The Home Office is responsible for policing the 43 police forces in England and Wales. There are also other authorities who prosecute offenders such as: Department for Work and Pensions (DWP), HM Revenue and Customs (HMRC) and Ministry of Defence (MOD).

Immediate custody: Unsuspended imprisonment for adults aged 21 or over and detention in a young offender institution for those aged 18 to 20. The maximum sentence available for adult knife or offensive weapon offenders is 4 years. Juveniles aged 12 to 17 may receive a detention and training order of 4, 6, 8, 10, 12, 18 or 24 months.

Juvenile: An offender between the ages 10 and 17.

Knife or offensive weapon offences: In this bulletin where reference is made to knife or offensive weapon offences, unless they are separately specified, this refers to:

- possession of an article with a blade or point on school premises or in a public place;
- possession of an offensive weapon without lawful authority or reasonable excuse on school premises or in a public place; and
- threatening with a knife or offensive weapon on school premises or in a public place.

Offensive weapon: Any article made or adapted for use for causing injury to a person, or intended by the person having it with him for such. Examples include: a swordstick, a hollow walking-stick or cane containing a blade.

Reprimand and warning: Issued to juvenile first time offenders for minor offences. Reprimand and warning for juveniles are equivalent of cautions for adults. These were replaced by youth cautions on April 8th 2013.

Youth cautions: Introduced on April 8th 2013. They are formal out-of-court disposals for young offenders (aged 10 to 17) and intended to allow a more flexible response to offending than the preceding Final Warning Scheme. These now replace reprimands and warnings. Guidance on youth cautions can be found at <http://www.justice.gov.uk/out-of-court-disposals>.

Suspended Sentence: A custodial sentence of 6 months or less in magistrate's courts and 2 years or less in the Crown Court, suspended for a period ranging from six months to two years available for **adults** only.

Further information

Accompanying files

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

- The main Knife and Offensive Weapon Sentencing bulletin, containing key figures, commentary and analysis relating to the latest knife and offensive weapon sentencing statistics
- A set of overview tables, covering each section of the bulletin
- An interactive table tool to look at previous offences involving possession of a blade, point or offensive weapon. The tool provides further breakdowns by gender and police identified ethnicity.
- A Sankey diagram looking at outcomes of those offenders sentenced for knife and offensive weapon offences. The diagram provides further breakdowns by gender and offence type.

Official Statistics status

Official statistics are produced under the remit of the Code of Practice for Official Statistics. They are produced impartially and are free from political influence. More information can be found on the UK Statistics Authority website, accessible via the link below.

<https://www.statisticsauthority.gov.uk/monitoring-and-assessment/code-of-practice/>.

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www.gov.uk/government/collections/knife-and-offensive-weapon-sentencing-quarterly

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