



Ministry
of Justice



A Technical Guide to Statistics on Women and the Criminal Justice System, 2017

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Introduction

This document provides more detail on the statistics presented in the publication *Statistics on Women and the Criminal Justice System 2017*, and is intended to be used as a guide to concepts and definitions.

The key areas covered are:

- An overview of *Statistics on Women and the Criminal Justice System 2017* 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.

Further information can be found in the the [Guide to Criminal Justice Statistics](#) published alongside the 2017 annual bulletin.

Overview of Statistics on Women and the Criminal Justice System 2017

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 Women and the Criminal Justice System 2017

Section 95 of the Criminal Justice Act 1991 states that:

'The Secretary of State shall in each year publish such information as they consider 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 women (and men) 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 the sexes and over time. The identification of differences should not be equated with unequal treatment, however, as there are many reasons why apparent disparities may exist which would require further investigation.

Following the consultation in 2010 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 Women and the Criminal Justice System and will be followed next year by its sister publication Statistics on Race 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. Time series' have been presented wherever possible, of whichever length is most appropriate in context. Where changes to data systems or data quality issues do not allow for long time series', trends have been presented for the longest periods possible. The most recent data available during the compilation of this report has been included (usually the 2017 calendar year, referred to as the 'latest year'), though it is important to note that more recent data may have since been published. The publication is published on a biennial basis. The next publication is scheduled for release in 2018.

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.](#)

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.

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.

Large figures are generally presented rounded to the nearest thousand, and percentages to the nearest percentage point in the bulletin text (or however is most appropriate), although all calculations have been conducted on unrounded figures (so totals may not sum). Unrounded figures are shown in the accompanying tables, except where data suppliers have asked us to suppress or round small numbers to protect individuals' privacy. Details of the suppression or rounding can be found alongside the tables in question.

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

All breakdowns of court data 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.

Sex can be considered to refer to whether someone is male or female based on their physiology, with 'gender' representing a social construct or sense of self that takes a wider range of forms. Throughout this report we refer to sex rather than gender, because the binary classification better reflects how individuals are generally reported or managed through the CJS. For example, prisons are either male or female institutions, with prisoners normally placed based on their legally recognised gender. However, given the range of recording practises (see technical guide for details) throughout the CJS, it is likely that most recording includes a mixture of physiological and personal identity.

Individuals with an unknown or not stated sex are not included in the analysis, because it is impossible to tell where they should be counted. High levels of missing sex data would be of concern, both in terms of sample sizes and the risk of systematic bias. To allow users to assess the confidence they have in the data we are using, levels of missing or unreported sex data are reported throughout.

Ethnicity has been reported using self-identification unless specified otherwise, based on the 5+1 summary grouping of the 16+1 2001 Census ethnicity categories (or 18+1 2011 Census categories) – i.e. as White, Black, Mixed, Asian, Chinese or other, or unknown.

Revisions

In accordance with Principle 2 of the Code of Practice for Official 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.

Relative Rate Index (RRI)

The RRI is an increasingly adopted metric of disparity in outcomes, utilising a pre-existing statistical approach to comparison of the relative difference in rates between two groups. The RRI gives a simple, standardised, comparable measure of disparity between groups, independent of variation in overall rates. This means this measure gives a clear and simple indication of the level of disparity in the rates of particular outcomes, facilitating straightforward direct comparisons across different time periods.

The RRI is the rate of an event occurring for one group (e.g. females) divided by the rate for another group (e.g. males), thus creating a single standardised ratio measure of relative disparity in outcomes between those two groups. As interpretation of the RRI is to see this value as the comparison of outcomes of a group of interest (the group as the numerator in the calculation) to a baseline group (the group as the denominator), it is logical that the baseline should be the historically overrepresented group.

An RRI value of 1 indicates no disparity, an RRI greater than 1 means the group of interest (e.g. females) had a greater likelihood of experiencing an outcome than the baseline group (e.g. males), while an RRI less than 1 indicates the group of interest was less likely than the baseline to experience the outcome. As the RRI is the relative likelihood of the group of interest experiencing the outcome compared to the likelihood of the baseline group, an RRI of 1.5 for example would be interpreted as females being 1.5 times as likely (50% more likely) to have experienced the outcome than males, whereas an RRI of 0.5 would be interpreted as females being half as likely (50% less likely) to experience the outcome than males.

To further aid interpretation, using the '4/5ths rule of thumb for adverse impact'^{2,3}, RRI values that fall within a range of 0.8 to 1.25 (the zone of parity) are not likely to indicate a disparity in outcomes resulting in adverse impact. This does not imply that an RRI falling outside of this range is indicative of the presence of an adverse impact; it is important to also consider whether parity falls within the confidence intervals, particularly with smaller samples. Even in large datasets, it is useful to know whether an apparent difference in the rates is significant, even if the effect size (as reflected by the 4/5 rule) is small. As such, it is advised that the 4/5 rule should be applied in conjunction with assessment of the confidence intervals for all cases.

² Dan Biddle. Adverse Impact and Test Validation: A Practitioner's Guide to Valid and Defensible Employment Testing. Aldershot, Hants, England: Gower Technical Press. pp. 2–5. ISBN 0-566-08778-2.

³ [Toward a Coherent Test for Disparate Impact Discrimination: Peresie, J.L. 2009](#)

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](https://www.gov.uk) website and the [Office for National Statistics](https://www.ons.gov.uk) website. It also briefly describes the key data sources. For further technical data and quality statements see appendices in the parent publications.

Overview

Statistics on Women and the Criminal Justice System 2017 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)
- 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 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 Women and the Criminal Justice System 2017

Chapter	Topic	Parent publication	Most recent reference period	How sex is recorded	Link to latest bulletin / source
3. Victims	Risk of victimisation Perceptions of the Criminal Justice System Personal crime Violent crime	Crime in England and Wales	2017/18	Self-identified	www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmarch2018
	Violent crime	The Nature of Violent Crime in England and Wales	2016/17	Self-identified	www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/thenatureofviolentcrimeappendixables
	Intimate violence (Sexual Assault)	Sexual Offences in England and Wales	2016/17	Self-identified	www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/sexualoffencesinenglandandwales/yearendingmarch2017
	Intimate violence (domestic abuse)	Domestic Abuse: Findings from the Crime Survey for England and Wales	2017/18	Self-identified	www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018
	Homicide	Homicide in England and Wales	2016/17	Officer identified	www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/yearendingmarch2017
4. Police Activity	Out of court disposals (PNDs and Cautions)	Criminal Justice Statistics	2017	Mix of self-reported and officer identified	www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017
	Arrests	Police Powers and Procedures	2017/18	Mix of self-reported and officer identified	www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2018
	Liaison and diversion services	N/A – experimental pilot data	2017/18	Self-reported	NHS England
	Individuals formally dealt with by the CJS Prosecutions and convictions (prosecutions, part of Crown Court committal, plea at the Crown Court, convictions) Remands Sentencing Ethnicity and sex Relative rate index	Criminal Justice Statistics	2017	Mix of self-reported and officer identified	www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017

5. Defendants	Prosecutions and convictions (prosecuting authority, part of Crown Court committal, representation at Crown Court,) Case management Appeals	Criminal Court statistics	2017	Mix of self-reported and officer identified	www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2018
	Prosecutions and convictions (criminal legal aid)	Legal aid statistics quarterly	2017	Unknown ⁴	www.gov.uk/government/statistics/legal-aid-statistics-april-to-june-2018
	Pre-sentence reports	Offender Management Statistics	2017	Self-reported	www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2018
6. Offenders under Supervision or in Custody	Prison population	Offender Management Statistics	June 2018	Sex of establishment	www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2018
	Receptions Releases Probation	Offender Management Statistics	2017	Sex of establishment	www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017
	HMIP Prisons Inspectorate Survey Report	HMIP annual report	2016-18	Self-reported	www.justiceinspectorates.gov.uk/hmiprison/inspections/annual-report-2016-17/ www.justiceinspectorates.gov.uk/hmiprison/inspections/annual-report-2017-18/
	Restricted Patients	Offender Management Statistics	2017	Sex of establishment	www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017
	Offender learning	FE data library: other statistics and research	2016/17	Self-reported	www.gov.uk/government/statistical-data-sets/fe-data-library-education-and-training
	Discipline in prison establishments	Offender Management Statistics	2017	Sex of establishment	www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017
	Safety in prison custody	Safety in Custody Statistics	2017	Sex of establishment	www.gov.uk/government/collections/safety-in-custody-statistics

⁴ Information about the sex is provided by the legal aid provider firm, which is based on information they would have completed with the client when they opened the case.

	Youth Custody	Youth Custody data	June 2018	Sex of establishment	www.gov.uk/government/statistics/youth-custody-data
7. Offender Characteristics	Offending Histories	Criminal Justice Statistics	2017	Officer identified	www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017
	Proven reoffending	Proven Reoffending Statistics	2016	Officer identified	www.gov.uk/government/statistics/proven-reoffending-statistics-october-to-december-2016
	Employment, income and benefits	Update of Experimental statistics from the 2013 MoJ/ DWP/ HMRC data share	2013	Officer identified	www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share
8. Offence analysis	TV license evasion Common assault Actual Bodily Harm and Grievous Bodily Harm Shoplifting Drug offences Truancy Cruelty to or neglect of children Benefit fraud Offences with long custodial sentences	Criminal Justice Statistics	2017	Mix of self-reported and officer identified	www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2017
	SJP offences	Criminal Court Statistics	2017	Mix of self-reported and officer identified	www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2018
	Knife crime	Knife possession sentencing quarterly brief	2017	Officer identified	www.gov.uk/government/statistics/knife-possession-sentencing-quarterly-brief-april-to-june-2018
9. Practitioners	Police	Police workforce England and Wales statistics	As at 31 March 2018	Self-reported	www.gov.uk/government/collections/police-workforce-england-and-wales
	Crown Prosecution Service	Crown Prosecution Service Data – Equality and Diversity	2017-18	Self-reported	www.cps.gov.uk/equality-and-diversity

	Ministry of Justice	MoJ workforce monitoring report	As at March 2017	Self-reported	www.gov.uk/government/publications/moj-annual-diversity-report-2016-to-2017
	Her Majesty's Prison and Probation Service (formerly NOMS)	HMPPS workforce quarterly statistics	As at 31 March 2018	Self-reported	www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-march-2018
	Judiciary	Judicial Diversity Statistics	As at 1 April 2018	Self-reported	www.judiciary.gov.uk/subject/judicial-diversity/
	Magistracy	Judicial Diversity Statistics	As at 1 April 2018	Self-reported	www.judiciary.gov.uk/subject/judicial-diversity/

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](#). 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 2017 and March 2018 (unless specified otherwise), and therefore cover a mix of crimes occurring in 2016, 2017 and 2018. 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](#).

The Nature of Violent Crime in England and Wales

Women and the Criminal Justice System 2017 presents data on violent offences, as reported in [The Nature of Violent Crime in England and Wales](#).

The Nature of Violent Crime is based on further breakdowns of the CSEW, and is the first time violent crime data has been broken down in a separate publication. See the section above for more information on the CSEW.

Sexual Offences in England and Wales

Women and the Criminal Justice System 2017 presents data on sexual offences, as reported in [Sexual Offences in England and Wales](#). Sexual Offences brings together statistics from the CSEW and police recorded crime. This is the first time sexual offence data have been broken down in a separate publication.

Figures sourced from police recorded crime are not designated National Statistics. In accordance with the Statistics and Registration Service Act 2007, statistics based on police recorded crime data have been assessed against the Code of Practice for Official Statistics and found not to meet the required standard for designation as National Statistics.

Police recorded crime figures are supplied by the 43 territorial police forces of England and Wales, plus the British Transport Police, via the Home Office, to ONS. The coverage of police recorded crime is defined by the Notifiable Offence List, which includes a broad range of offences, from murder to minor criminal damage, theft and public order offences. Police recorded crime is the primary source of sub-national crime statistics and for relatively serious, but low volume, crimes that are not well measured by a sample survey. It covers victims (including, for example, residents of institutions and tourists as well as the resident population) and sectors (for example, commercial bodies) excluded from the CSEW sample.

Domestic Abuse: Findings from the Crime Survey for England and Wales

Women and the Criminal Justice System 2017 presents data on domestic abuse, as reported in [Domestic Abuse: Findings from the Crime Survey for England and Wales](#), based on further breakdowns of the CSEW.

Homicide in England and Wales

Women and the Criminal Justice System 2017 presents data on homicide, as reported in [Homicide in England and Wales](#). This is the first time homicide data have been broken down in a separate publication.

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).

Police Powers and Procedures, England and Wales

Statistics on Women and the Criminal Justice System 2017 presents data on stops and searches, detentions under section 136 of the Mental Health Act (1983) and arrests as reported in [Police Powers and Procedures, England and Wales, year ending 31 March 2018](#).

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 information provided by the 43 local police forces in England and Wales, and cover number of arrests for notifiable offences, 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.

Detentions under section 136 of the Mental Health Act (1983) are carried out by police if, in the officer's judgement, an individual appears to be suffering from mental ill health and is in need of immediate care or control. Individuals are detained under section 136 of the Mental Health Act to enable quick access to mental health care and not because an offence has been committed.

Further information on these data can be found in the [User Guide to Police Powers and Procedures Statistics](#).

Criminal Justice Statistics quarterly: December 2017

Statistics on Women and the Criminal Justice System 2017 uses Penalty Notices for Disorder (PND), cautions, court proceedings, convictions, sentencing and offender histories data from [Criminal Justice Statistics quarterly: December 2017](#) (and the underlying Court Proceedings Database [CPD]).

The three main sources the statistics are compiled from are:

- Data from the Home Office, including from the Penalty Notice Processing (PentiP) system.
- Data extracts from the Police National Computer.
- Data extracts from court administrative systems.

From mid-2004, when PNDs were launched, until 2013, the Ministry of Justice received data directly from individual police forces on a monthly basis. These returns provided details of PNDs issued and their subsequent outcomes, and the data were checked by the statistical teams for completeness and accuracy. A new IT system, PentiP, commenced roll-out to police forces during 2012, as a single replacement for the existing individual police force databases; for one year data were received by MoJ from both the new 'PentiP' data base and the individual police forces in parallel. Before 2013, any anomalies uncovered in the process of data quality checks were queried directly with the individual force and corrected.

From 2013, all PND data has been received by MoJ from the 'PentiP' data base. Details of PNDs issued and their subsequent outcomes were extracted from the live administrative system on a quarterly basis rather than via manual monthly returns. The data are checked in the same way as previously by the statistical teams for completeness and accuracy, but any anomalies found are directed to the 'PentiP' system administrators instead of the individual police force. On an annual basis, a full reconciliation process was undertaken when 'PentiP' administrators were asked to provide updated data prior to publication. 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 the most serious offences, particularly rape, are investigated thoroughly with 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 has been received directly from CREST, and from November 2008 all magistrates' courts data has been provided directly from LIBRA. Prior to November 2008 the police reported on magistrate court proceedings. 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. In particular, we are aware of shortfalls for Cardiff magistrates' court, for April, July and August 2008.

The volume and complexity of offending patterns when reporting on all offences for which each individual is prosecuted and sentenced is too great for meaningful commentary and analysis. For this reason all content provided is on a principal offence basis, i.e. with each defendant reported only against their 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;
- 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.

On the same grounds, unless otherwise stated, each offender is reported only against the most severe sentence or order given for their principal offence (i.e. the principal sentence); secondary sentences given for the principal offence and sentences for non-principal offences are not generally counted in the tables. The exception to this is the 'Compensation – all' line and financial breakdown of compensation in the data tool presenting outcomes by detailed offence group, where secondary sentences for the principal offence are counted, because compensation falls overwhelmingly into this category and otherwise the averages presented would be misleading.

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 number of offenders sentenced to immediate custody has decreased from 95,200 in 2007 by 9% to 86,300 in 2017. However, the sentences are getting longer - average custodial sentence length (ACSL) has increased from 12.4 in 2007 to 16.9 in 2017. The longer term increase of 4.5 months in overall ACSL is in part caused by the number of offenders sentenced to immediate custody for sexual offences increasing by 47% as well as the ACSL for sexual offences increasing by 16.6 months since 2007. The largest increase within this offence group was for rape of a female child under 13 by a male, for which ACSL has almost doubled and the number sentenced has doubled since 2007.

The Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012 abolished IPP/EPPs⁵ and introduced EDS⁶. Since determinate sentences are included in the ACSL calculation and indeterminate are not, this has resulted in an increase in ACSL over the past few years.

Further information on data sourced from the [Criminal Justice Statistics quarterly: December 2017](#) can be found in the [Guide to Criminal Justice Statistics](#).

Note on the differences between Criminal Court Statistics (CCS) and Criminal Justice Statistics (CJS)

Plea:

In statistics sourced from CJS the plea refers to the defendants plea to the principal offence only. For CCS plea is based on the defendants plea to all offences (counts), specifically:

A guilty plea is recorded when a defendant: (i) pleads guilty to all counts; (ii) pleads guilty to some counts and not guilty to others and no jury is sworn in respect of the not guilty counts; or (iii) pleads not guilty to some or all counts but offers a guilty plea to alternatives which are accepted (providing no jury is sworn in respect of the other counts).

This means that statistics relating to plea from CJS and CCS are not directly comparable.

Offence type:

The offence type categorises offences on how they proceed through the criminal court system. These four categories are:

- Indictable only
- Triable-either-way
- Summary non-motoring
- Summary motoring

They define the severity of an offence and how it should be dealt with in the criminal courts. Indictable only offences are the most serious and can only be tried at the Crown Court whilst triable-either-way offences can be the second most serious and can be tried at either magistrates' court or the Crown Court.

In statistics sourced from CJS the offence type is defined from the principal offence. In statistics sourced from CCS the offence type is based on the case rather than the offences relating to the cases. This means that statistics relating to offence type from CJS and CCS are not directly comparable.

⁵ Indeterminate sentence for Public Protection/Extended sentence for Public Protection

⁶ Extended Determinate Sentence

Offender Management Statistics quarterly

Statistics on Women and the Criminal Justice System 2017 source concordance levels for pre-sentence reports⁷, probation statistics and prison population, receptions, releases, licence recalls and adjudications data from the [Offender Management Statistics quarterly](#).

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 sex breakdowns for 2009 (when both systems produced results) and for this reason 2009 information has been presented only once.

Due to improvements in IT systems, prisons admissions data starting from 2015 is now taken from a different source and, for statistical reporting purposes only, are produced using a different method and therefore cannot be compared to previous years. The 2015 figures from both the old and new systems have been presented to aid comparison. 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 Custody Service (YCS) operated secure estate⁸. The populations presented are an annual series, recorded on the 30 June each year.⁹

First receptions

A 'First reception' describes the movement of unique individuals that are first received into prison custody following a court hearing for a particular set of offences committed, which gives the best indication of the number of new prisoners. This excludes those on remand in custody, who are then convicted and sentenced into custody.¹⁰

⁷ Pre-sentencing reports are specified in S. 158 of the Criminal Justice Act 2003.

⁸ Please see [YJB Statistics](#).

⁹ Please see [Offender management statistics: definitions and measurements](#) for further details.

¹⁰ A first reception is a measure which counts a prisoners first movement into custody following a court hearing for a particular set of offences committed, and therefore gives the best indication of the number of new prisoners in the reporting period. A first reception has three categories:

- i. **remand first reception:** this describes a prisoners first movement into custody where the prisoner spends at least one day on remand.
- ii. **sentenced first reception:** this describes a prisoners first movement into custody where the prisoner has been sentenced at court, and thus spends no time on remand.
- iii. **civil non-criminal first reception:** this describes a prisoners first movement into custody where the prisoner has only been committed to custody for a civil offence (e.g. contempt of court).

Remand admissions

'Remand admissions' refer to the number of individuals who enter custody or have their custody status changed while on remand. There are two types of admission; untried admissions and convicted unsentenced admissions.

Untried admissions are the number of prisoners that are received into custody following a court hearing as untried (i.e. awaiting commencement or continuation of trial prior to verdict), and convicted unsentenced admissions are the number of prisoners that are classified as convicted unsentenced (i.e. awaiting sentence) following a court hearing.

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 (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.

Release on temporary license (ROTL)

Release on temporary license (ROTL) is a mechanism that enables prisoners to participate in necessary activities, outside of the prison establishment, that directly contribute to their resettlement into the community and their development of a purposeful, law-abiding life. Following a small number of serious failures of the ROTL process in 2012 and 2013, the ROTL rules were subsequently tightened. It has now become a complex process that can involve regular psychological assessments and constant risk management, particularly when it concerns prisoners who are considered to present a high risk of harm should they reoffend.

There is no automatic right of entitlement for ROTL to be granted. A prisoner will only be released on temporary licence if they are eligible for release and once they have satisfied a stringent risk assessment carried out by a designated ROTL Board at the prison.

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 behaviour¹¹.

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 issues¹². (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.)

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 behaviour¹³.

Restricted Patients

Statistics on *Women and the Criminal Justice System* source data on Restricted Patients from *Offender Management Statistics*¹⁴. Information on Restricted Patients was obtained from the Public Protection Unit Database (PPUD) administered by the Mental Health Casework Section within the Safer Custody & Public Protection Group of Her Majesty's Prison and Probation Service.

There are two routes into the restricted patient system. The Crown Court may impose a hospital order and restriction order, or may make a hospital direction at the same time as imposing a sentence of imprisonment. The Secretary of State also has powers to direct the transfer of a serving or remand prisoner to hospital for treatment.

¹¹ Please see [Community Sentences: Punishment without Prison](#) for further details.

¹² 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.

¹³ Missing data regarding ethnicity is much lower for this group at around 4%.

¹⁴ The Restricted Patients publication and data tables are published alongside the October to December 2017 [Offender Management Statistics](#) publication.

Under section 37 of the Mental Health Act 1983 (MHA) the Court may, in the case of a mentally-disordered offender convicted of an offence (other than one which attracts a mandatory life sentence) make a hospital order admitting the offender to hospital for treatment rather than imposing punishment. The offender is thereby diverted away from the criminal justice system and into the secure hospital system. The court may also impose a restriction order under section 41 of the MHA if it considers it necessary to protect the public from serious harm. The offender will remain detained until discharged by the Secretary of State for Justice or the independent First-tier Tribunal (Mental Health) for England or the Mental Health Review Tribunal for Wales (the Tribunal).

The Crown Court also has the power to make a hospital direction and limitation direction under section 45A of the MHA. Here an offender is sentenced to a term of imprisonment but it is considered necessary to immediately divert them to hospital for treatment. If they recover sufficiently to no longer meet the criteria for detention in hospital, and there is time still left on their sentence, they will usually then return to prison to complete their sentence.

The Justice Secretary has the power to transfer prisoners to hospital for treatment, if this treatment cannot be provided in prison, if two clinical assessments have been provided and deemed it appropriate. In these cases, remand prisoners can be transferred to hospital via section 48 of the MHA. Section 48 also empowers the Justice Secretary to transfer other detainees, such as those held under immigration powers. Serving prisoners may be transferred to hospital under section 47 of the MHA. The Justice Secretary

may also add a restriction direction under section 49 of the MHA to a s47 or s48 transfer, which imposes the same restrictions as a section 41 restriction order. Once they no longer meet the MHA criteria for detention in hospital, detainees will usually be returned to prison (or immigration removal centre).

The Justice Secretary and Tribunal may conditionally discharge a restricted patient held under a s37/41 MHA order if they no longer meet the criteria for detention in hospital. They will no longer be detained and live in the community, however they will be monitored and the Justice Secretary has power to recall a conditionally discharged patient to hospital if their mental health has deteriorated and they present an increased risk to the public. Patients can also be absolutely discharged, where the restriction order is lifted, by either the Justice Secretary or Tribunal. Both the Tribunal and Justice Secretary would need to be satisfied that the patient is well and no longer poses a risk to the public. Once absolutely discharged the Justice Secretary no longer has any involvement in the patient's case.

The next publication of Restricted Patients Statistical release is scheduled for April 2019.

Further information on data sourced from the *Offender Management Statistics quarterly* can be found in [Offender management statistics: definitions and measurements](#).

Safety in Custody statistics

Statistics on Women and the Criminal Justice System 2017 source data on assaults and self-harm incidents in custody from [Safety in Custody statistics](#).

The data relating to self-harm and assault incidents in this publication are drawn from the HMPPS 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.

This section does not cover deaths in prison custody as the total number of deaths in female establishments are too low to provide any comparison between male and female cohorts (4 to 12 deaths each year in female establishments over the past 10 years). Data on deaths in prison custody can be found in the [Safety in Custody update to December Quarterly Release](#). The HMPPS Offender Equalities 2017 report also includes information on Deaths in Custody and the community for certain protected characteristics.

Further information on data sourced from *Safety in Custody statistics* can be found in the [Guide to Safety in Custody statistics](#).

Other Statistical publications

Other statistical publications and data sources drawn upon in Statistics on Women and the Criminal Justice System 2017 are briefly detailed below.

Knife possession sentencing quarterly brief

Knife possession data is an extract of data held on the Police National Computer (PNC). The PNC is a large administrative database containing information about police cautions and court convictions held by individual offenders in England and Wales, as held by the police. As an administrative system, the PNC is regularly updated as new information about particular individuals becomes available. There is no requirement for a criminal case to have been completed for information to be recorded, as there is for prosecution

Note that knife possession offence figures from the Police National Computer are on an all offence basis – meaning that all knife possession offences are counted, regardless of whether they occurred alongside a more serious crime, while figures from the MoJ Court Outcomes Database are on a principal offence basis as discussed above. This means that any comparison between them will not be exact.

Legal aid statistics

The majority of crime lower work, which splits into work with pre-charge defendants (mainly police station work), charged defendants, magistrates' court work and prison law, are held on the Contracted Work and Administration (CWA) system. This data source has been used for the 'Women and the Criminal Justice system' publication to extract an additional breakdown by offence type.

Providers submit bulk electronic data generated through their own case management software. The information submitted to the CWA system contains information at an individual level for each claim for payment of legal aid. Please note that the data cannot be used to measure how many individual clients receive legal aid in a given period. Furthermore, legal aid grants and proceedings data cannot directly be compared since the former relate to the period the claim for payment came in, not the time of the court proceedings.

Reoffending

Reoffending data are sourced from [Proven Reoffending Statistics](#). Information regarding the proven re-offending behaviour of offenders has been compiled 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 court¹⁵. Published proven reoffending figures exclude those who are deported on release from prison, but include those who leave the country at

¹⁵ Details on the measurement of proven re-offending are available in the [Guide to Proven Reoffending Statistics](#)

a later date or after receiving a court order/caution etc. Because of the follow-up time and the waiting period, the most-up-to-date data for a calendar year relates to offenders released from custody, convicted, cautioned, reprimanded or given a warning in 2013. 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 [Guide to Proven Reoffending Statistics](#).

Substance Misuse Treatment in Secure Settings

Public Health England produce statistics from the National Drug Treatment Monitoring System (NDTMS) on those in substance misuse treatment in the detained estate and those in treatment in the community who were referred to treatment via the Criminal Justice system. However, the published community statistics do not break down the Criminal Justice referrals by sex.

[The latest report](#) covers 2016/17 and was published in January 2018.

The report is split into two main sections, one on adults and one on young people (under 18s). In the adult section there is a table which shows a breakdown of the numbers of individuals that were in treatment over the course of the year by gender and by substance group (Table 4.3.1). The figures in this table include individuals who received treatment in a prison, YOI (18-21s) or one of the immigration removal centres (IRCs). The proportion of those in treatment who were treated in an IRC is less than 1% overall and the vast majority of these are males (please see Table 4 which breaks down the figures by establishment type).

NDTMS data is routinely collected by PHE. Drug and alcohol treatment providers in a secure setting submit a monthly extract and this is checked for data quality by regional NDTMS teams. Data submissions are aggregated and reconciled against previous submissions to create a single national data submission. PHE operates a continual programme of improvement and secure setting treatment providers work with their regional NDTMS team to improve each monthly submission throughout the year.

For more information, please see the [Secure setting statistics from the NDTMS report](#).

Offender learning

Offender learning is available to prisoners in England aged 18 and above through the Offender Learning and Skills Service (OLASS)^{16,17}.

Data on offender learning is available from the Skills Funding Agency and is published annually as part of [Further education and skills](#).

¹⁶ In eight contracted estate prisons, education delivery remains part of the price-per-place contract.

¹⁷ All offenders included in published offender learning statistics are of known sex

Restricted patients

Restricted patients data are sourced from *Restricted Patients*, a subset of the annual [Offender Management Statistics](#) collection¹⁸.

Experimental statistics from the 2014/15 MoJ /DWP /HMRC data share

An administrative data share between the Ministry of Justice (MoJ), the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC) took place in 2016, linking offender data to out-of-work benefits data, P45 employment data and P14 income data, for 4.7 million offenders who received at least one caution or conviction for a recordable offence in England and Wales between 2000 and mid-2015. This section is an update of the [Experimental Statistics from the 2013 MoJ/DWP/HMRC data share](#), adding an extra year of analysis by updating the index year to 2011/12 for out-of-work benefits and P45 employment and adding 2013/14 P14 income data.

Please note the methodology has been altered; in Experimental statistics from the 2013 MoJ /DWP /HMRC data share, all prison spells that overlapped with the start of a benefit spell were shortened to remove the overlap. These spells have not been adjusted for this analysis, unless the prison spell is known to be an estimate. For further technical details please refer to the 2013 publication.

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.

- Police data are available from [Police Workforce England and Wales statistics](#) which provides figures on numbers of officers and staff of the 43 police forces in England and Wales. For more technical details please refer to the [User Guide to Police Workforce Statistics](#).
- The Crown Prosecution Service publish [Workforce Diversity Data](#). 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](#). 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 staff defined as 'Off Strength', the National Offender Management Service, Her Majesty's Prison and Probation Service (HMPPS, formerly NOMS), the National

¹⁸ High-level definitions of some of the key terms used in this release can be found in the Glossary on page 23 of the main SFR under the following link:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/556015/SFR_commentary_June_2016_final_JuneOfqual_update.pdf

Archives, the UK Supreme Court or the Land Registry, which also come under the justice umbrella.

- Her Majesty's Prison and Probation Service (HMPPS, formerly NOMS) , including HQ, HM Prison Service and National Probation Service staff data are available in the [HMPPS workforce quarterly statistics](#).
- Survey data on Her Majesty's Inspectorate of Prisons for England & Wales are available as part of the [HMIP annual report 2017-18](#).
- Judiciary and Magistracy data are available as part of the [Judicial Diversity Statistics](#).

Liaison and Diversion services

National Liaison and Diversion pilot data are from NHS England, and are previously unpublished and experimental. Individuals who are refused access to the services are not included in the analysis.

Liaison and diversion (L&D) services identify people who have mental health, learning disability, substance misuse or other vulnerabilities when they first come into contact with the youth and adult criminal justice system as suspects, defendants or offenders. Until 2014, these schemes were all operated locally, with a variety of types and levels of provision. In many areas there was no provision at all. From April 2014 a pilot national approach, led by NHS England, was trialled in 10 areas of the country, and as at April 2018 has been rolled out to cover 82% of the population in England¹⁹.

Further information on NHS national Liaison and Diversion services can be found on the [NHS England website](#).

¹⁹ However, there remained the freedom for local standalone services to be retained, which may affect the usage of some pilot services (particularly in relation to substance abuse) in some areas. In addition, the partial coverage means the population to whom the national service was available may not be perfectly representative of the population as a whole. This data has been collected for operational and evaluative purposes and does not represent Official Statistics.

Background to the Criminal Justice System

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. where the victim agrees to informal resolution or a 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, until it was merged into the Crown Prosecution Service in 2010.

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 less serious cases will decide whether to administer an out-of-court disposal or charge the individual.

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 (OOCs)

When the police, either alone or in conjunction with the CPS, determine that an OOC is the most appropriate way to address the offending behaviour, they have the following options:

For adults (aged 18+), a:

Cannabis or Khat warning;

Simple caution;

Conditional caution;

Penalty Notice for Disorder;

Fixed Penalty Notice (for driving offences);

Community Resolution

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

Simple caution (available for offences from 8th April 2013);

Conditional caution (from 8 April 2013, or from 26 January 2010 in five pilot areas);

Reprimand or warning for youths (prior to 8 April 2013, when these were repealed and replaced by youth cautions).

Penalty Notice for Disorder (prior to 8th April 2013).

Penalty Notices for Disorder (PNDs) and Fixed Penalty Notices

Penalty Notices for Disorder (PNDs) 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.

PNDs 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. PNDs provide an efficient means for the police to tackle minor offences which may not previously have warranted the resources required for prosecution.

Under the scheme the police may issue a person who has committed a penalty offence with a fixed penalty of £60 for lower tier offence and £90 penalty for higher 26

tier offence. Fixed penalties increased to £60 from £50 for lower tier offences and £90 from £80 for higher tier offences from July 2013. The recipient then has 21 days (the Suspended Enforcement Period - SEP) in which to pay the penalty amount in full or request a court hearing. If the penalty is paid they discharge all liability to conviction of the penalty offence and there is no criminal record. As an alternative to paying the penalty amount in full, recipients of PNDs can request a court hearing. Just one per cent of penalty notices have been contested at court in each year since PNDs were rolled out in England and Wales in 2004. This figure is consistent across all age groups and offences. If a court hearing is requested the process defaults to a standard prosecution. If no action is taken within the SEP then a fine of one and a half times the penalty amount is automatically registered (without the need for a court case) against the recipient. The fine will be enforced in the same way as any other fine by the courts.

The scheme is based on the long standing Fixed Penalty Notice scheme for road traffic offences. PNDs are issued to individuals and there is no requirement for an admission of guilt nor is a conviction recorded against the recipient. PNDs are issued to individuals who are suspected of committing specified penalty offences. The offences are divided into lower and higher tiers which attract penalties of £60 and £90 respectively:

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
- Possessing Khat (from 24th of June 2014)

A new PND for the offence of possession of cannabis was introduced in 2009. Revised statutory guidance on PNDs published in July 2009 limited the use of PNDs for cannabis possession to offenders aged 18 and over. (However, since this time a number of forces have issued PNDs for possession of cannabis to under 18's.)

In 2012, three new PNDs were enforced, namely depositing and leaving litter in a Royal Park, using a pedal cycle in a Royal Park and failing to remove animal faeces from a Royal Park, following the approval of The Criminal Justice and Police Act 2001 (Amendment) Order 2012.

From 8th April 2013, PNDs ceased to be available for persons below 18 years of age.

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, can now receive simple cautions, but prior to 8th April 2013 were instead given similar reprimands and warnings, which could also involve interventions to prevent further offending.

Simple cautions are currently available for all offences. A caution may be given by, or on the instructions of, a senior police officer, for summary and either way offences, and the CPS must authorise the decision to administer a caution for indictable only offences.

Conditional cautions

A 'conditional caution' is a caution with conditions attached. A conditional caution can be given when there is sufficient evidence for a prosecution, it is in the public interest to prosecute, but the offending behaviour is better dealt with through compliance with a conditional caution. Again, the offender must admit guilt and consent to a conditional caution being administered. The conditions must be completed within a reasonable period (12 weeks) or the offender may be prosecuted for the original offence. They are also administered by the police, using their own discretion, for

summary and either way offences, with the CPS authorising their use for indictable only offences.

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 the completion of an alcohol treatment programme;
- Reparation - conditions that aim to repair the damage done by the offender, such as by an apology to the victim or an agreement to 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. Currently conditional cautions are only available for summary (non-motoring) offences and a few either way offences such as criminal damage and theft.

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.

Cannabis and Khat warnings

Cannabis warnings were introduced in 2004. They are intended to address simple offences of possession of cannabis by an adult, with the aim of diverting offenders from the wider CJS. They are used in circumstances where aggravating factors, such as a prior cannabis warning, are not present, and consist of a verbal warning and confiscation of the cannabis.

Equivalent warnings for possession of khat were introduced in 2014.

Cannabis and khat warnings data cannot be split by sex.

Community Resolutions

Community resolutions were introduced in 2009. They are intended to represent a proportionate approach to dealing with lower level crime, where the offender admits to an offence, and usually where the victim does not want more formal action to be taken. Resolutions can include the offender apologising, making reparations or being advised about their future behaviour.

Data on Community Resolutions cannot be split by sex.

Court proceedings

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

Charging and case management

The Criminal Justice Act 2003 requires that the decision to charge a person for 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.

The Director of Public Prosecutions' guidance requires that charging decisions are made – whether by the police or CPS – in accordance with the Code for Crown Prosecutors and following a review of the evidence. The [guidance for prosecutors](#) can be found on the CPS website.

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 cases where the police have charged the defendant, these decisions are made prior to the first hearing. These arrangements allow for strong cases to be built from the start and for cases where there is not enough evidence to bring a prosecution to be 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:

- being held in custody by the police to appear as soon as practicable;
- being released on bail to attend court;
- being summonsed to appear in court.

Generally, an arrest warrant may only be issued where

- the offence is triable only on indictment or is potentially 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. If the 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.

Court jurisdiction and types of case

There are three broad types of offence, based on severity: indictable only, triable-either-way and summary offences. Indictable only offences are the most serious and must be tried at the Crown Court; summary offences are the least serious and must be tried at magistrates' courts; and triable-either-way offences are of intermediate severity and may be tried at either court based on the circumstances of the case.

Magistrates' courts

Virtually all criminal cases start in magistrates' courts and around 95 per cent of cases finish there. As well as hearing criminal cases magistrates deal with family matters. Cases in magistrates' courts are usually heard by a panel of three lay magistrates (Justices of the Peace) supported by a legally qualified court clerk. There are also around 140 district judges, who are experienced barristers or solicitors who sit alone and deal with more complex or sensitive cases. Magistrates cannot normally order sentences of imprisonment that exceed six months (or 12 months for consecutive sentences), with the specific limitations depending on the offence before them.

Indictable only offences are initially proceeded against at magistrates' courts, but are committed by them to the Crown Court for trial. Triable-either-way cases may also be committed for trial, if the magistrates' do not believe their sentencing powers would be sufficient in the event of a conviction or (in almost all circumstances) if the defendant elects to be tried on indictment. In cases that are triable-either-way, the offender may also be committed by the magistrates to the Crown Court for sentencing if a more severe sentence is thought necessary.

The Crown Court

The Crown Court deals with more serious criminal cases such as murder, rape or robbery, almost exclusively either referred from magistrates' courts or on appeal from them. Trials are heard by a Judge and a 12 person jury. Members of the public are selected at random for jury service or may have to go to court as witnesses. Data was received from 74 identified Crown Court centres across England and Wales. Potential penalty levels vary according to a wide range of factors, including the offence itself.

Proceedings involving young persons

Young people aged between 10 and 17 are mainly dealt with in the youth courts by specially trained magistrates. In youth courts, no person is allowed to be present unless authorised by the court, except for the members and officers of the court, parties to the case (normally including parents/guardians), their legal representatives, witnesses and bona fide representatives of the media. Proceedings may be reported in the press but the young person may not generally be identified.

A child or young person is generally tried in the youth court unless any of the below apply:

- He or she is charged with homicide (such as murder or manslaughter), when they must be sent to the Crown Court for trial;

- He or she is aged 10 and over and under 18 and is charged with a 'grave crime' (an offence for which an adult could be imprisoned for at least 14 years), indecent assault or dangerous driving. These cases may be sent to the Crown Court if magistrates decide that if convicted, the appropriate sentence would be more than they have the power to give;
- He or she is charged jointly with another person aged 18 or over, when both should be dealt with in the Crown Court.

Remand decisions

The police, magistrates and Crown Court may make different remand decisions at each point in the proceedings. The police can release an arrested suspect on bail while they make further inquiries. This means that the suspect is released from custody on condition that they return to the police station on a specified date. The police can also grant bail to a defendant who has been charged with an offence. In this situation the defendant is given bail on condition that they appear at a magistrates' court on a specified date.

A magistrates' court may: adjourn a hearing without remand; commit a defendant to the Crown Court for trial or sentence; or remand the defendant either in custody or on bail. There is a statutory right to bail, but this may be denied in specific circumstances, namely where the court has substantial grounds for believing that if a defendant were remanded on bail, he or she would fail to surrender to custody, commit an offence while on bail, interfere with witnesses, or otherwise obstruct the course of justice. The prosecution may, in certain circumstances, appeal to a Crown Court Judge against the decision by a magistrates' court to grant bail. The appeal must be made within 48 hours.

Those charged with, or convicted of, homicide or rape where the defendant has a previous conviction for any of those offences are only granted bail if there are exceptional circumstances which justify it. A magistrates' court has the power to remand a defendant in custody for up to eight days in the first instance but thereafter may remand him/her for up to 28 days, provided that the defendant is present in court and has previously been remanded in custody for the same offence.

The court is not bound to act as recommended by either the defence or the prosecution, or on the historic past recommendations of another court. It must decide, on each occasion, whether the defendant presents such a bail risk as to warrant custody. The court may decide to grant bail, but only under certain conditions and, should these conditions be broken, the defendant would be liable to immediate arrest. The court has to make a risk assessment, balancing the risk which releasing the defendant on bail may pose to the public or the administration of justice, against the consideration that it is a serious step to remand in custody.

Failure to Appear (FTA) warrants are issued by courts when defendants do not turn up at court on a specified date having either been summonsed or granted bail at an earlier stage of proceedings. Police forces then attempt to execute these warrants. The categorisation of these warrants and urgency with which they are executed depend primarily on the severity of the offence and risk to the public. (For further information, see the equivalent guide provided alongside *Criminal Justice Statistics: Update to December 2014*.)

Data

The figures in the remands chapter relate to defendants remanded in each year in each completed court case rather than to the number of remand decisions (a defendant may be remanded several times during a case). Cases are recorded in the year in which the final court outcome was made and this is not necessarily the same year in which the person was originally remanded. Because individuals cannot be robustly tracked between courts and cases, they will be counted separately in both Crown Court and magistrates' courts totals if their case spans both, and would be counted more than once if remanded as part of multiple completed court cases.

Each individual is reported against their principal remand status at that court, that is, the remand status involving the greatest degree of court control – i.e. custody if any period of the trial or sentencing was spent on custodial remand, else bail if any period was spent on bail and no period was spent in custody, else not remanded.

All magistrates' court data prior to June 2012 are estimated; please see an explanation of the methodology below. This continued following the introduction of LIBRA in 2008 because of overreporting of custodial and bail remands at that time.

Estimation process part 1 – matching with prisons remand receptions

Magistrates' court remands data from 2008 was matched with prison remand reception data (which records when defendants were received into custody). Where a defendant in the court data was also found to be recorded in the prison data, it was taken that the defendant had been remanded in custody at some point. The criteria used to determine whether a match exists were surname, initial, date of birth and sex, with the additional criterion being that the date of the reception into prison had to be earlier than the date of conclusion of the case at the magistrates' court. In addition, a degree of fuzzy matching was employed to allow for common variations in the spelling of defendants' surnames. Where a matched case exists, we accept that the court remand decision is "custody".

Estimation process part 2 – deriving volumes remanded on bail

For Quarter 2 of 2010 onwards, alongside the matching process with prison remand reception data, magistrates' courts data was matched with data on the number of magistrates' court hearings related to each defendant within the court proceedings, to assist in making assumptions on whether a defendant was remanded on bail. Due to data limitations, it has not been possible to match every defendant to a number of court hearings – for example, for 2012 87% of defendants proceeded against in magistrates' courts (including failures to appear) were matched with the database providing their number of hearings.

Where a match with prison remand reception data does not exist, the following assumptions are made:

- The number of court hearings and the proceedings outcome are considered. If the defendant is reported to have only appeared once before a magistrate, and their proceedings outcome was committal to the Crown Court for sentencing or trial, the final remand decision shown will be "bail";
- Otherwise, if the defendant is reported to have appeared more than once before a magistrate, and the magistrates' court remand decision is "bail", the final remand decision shown will be "bail";

- Otherwise, if it was not possible to match to a number of court hearings for the defendant but their proceedings outcome was a 'failure to appear while on bail', the final remand decision (regardless of which magistrates' court remand decision is recorded) is "bail";
- Otherwise, if it was not possible to match to a number of court hearings for the defendant, and their magistrates' court remand decision is "bail" but their proceedings outcome is anything other than a failure to appear while on bail, then the final remand decision shown will be "Not known". Cases flagged as bail are not automatically accepted as bail due to the over-reporting of the "bail" remand status on Libra – in this scenario, not enough information is recorded centrally about the cases in question to justify the reported "bail" status.
- Otherwise, the remand decision will be "Not Remanded". The "Not Remanded" category includes those where the remand status is not stated or not recorded.

It is not possible to use the methodology outlined above to produce estimates of the number of defendants remanded on bail for calendar years 2008 and 2009 and Quarter 1 of 2010, as data is not centrally held on the number of court hearings for defendants proceeded against during these years. As such, only the estimated number of defendants remanded into custody can be presented for these reference periods.

Magistrates' remands data from June 2012

A solution to the LIBRA interface problems causing the overcounting was developed and introduced during 2012, commencing in May, and is believed to have been effective. As such, from the *Criminal Justice Statistics Quarterly: June 2013* onwards, it was possible to move to publishing magistrates' court remand data based on data collated directly from Libra.

Data from June 2012 is formed on a revised basis; a combination of remand status before conviction or acquittal and at the point of committal to the Crown Court, rather than a combination of the former and remand status at committal hearing. This change in methodology reflects an improvement in data quality and was made as a result of the abolition of committal hearings - those sent to the Crown Court for trial no longer necessarily have multiple hearings at the magistrates' court and so their remand status may only be recorded at one point during the proceeding (i.e. at the point of committal).

Failure to appear (FTA) warrants

Prior to the *Criminal Justice Statistics Quarterly: June 2015*, information was published on failure to appear (FTA) warrants: Table Q3.5 presented statistics on the number of FTA warrants received and executed in each police force area in England and Wales, by category of warrant. In the bulletin covering the 12 months ending March 2015, we were only able to publish this table with reservations as to the data quality, as reflected within the table footnotes. Most significantly, only 9 months of data was present for the Metropolitan Police, the largest police force area. Over the subsequent two quarters, a still smaller proportion of the required data was available across police forces, and it is believed that what is held would not represent a fair national picture, leading to the withdrawal of Table Q3.5 from these releases. This reduction in data availability was related to the abolition of a requirement for police forces to supply this data, which makes it impossible for us to continue to supply robust data on the previous basis. As such, we consulted users in the *Update to September 2015* on whether they would like us to include, subject to data quality

proving sufficient, a breakdown of court data on failures to appear. Having received some interest, we investigated the feasibility of including this from the *Update to December 2015* on, and published experimental statistics for the calendar year 2015 in the *Update to June 2016*. We are continuing to investigate whether anything further can be done to demonstrate or improve its quality with a view to reincorporating it into routine publication.

Data are either derived from the LIBRA case management system, which holds the magistrates' courts records, or the Crown Court's CREST system. The data includes offences where there has been no police involvement, such as those prosecutions instigated by government departments and agencies, private organisations and individuals. Data is presented on a defendant-failure basis so that each event counted represents a specific occasion when a defendant failed to appear to a court case and the proceeding against them could not continue. For example, a defendant failing to appear who was being prosecuted for multiple offences at the same time would be counted as one failure to appear. For another example, if a defendant failed to appear at court on a certain date for certain offence(s) leading to the discontinuation of the court proceedings, and then also failed to appear on another occasion for the same or different offences leading to the discontinuation of a separate court proceedings, then this would count as two failures to appear.

The numbers of defendants who failed to appear in 2015 is provided broken down by offence type and court type. Totals do not match the totals for 2015 in Table 4.4 of the *Update to December 2015* release, published in May 2016. This is the result of improvements to the data processing undertaken as part of the preparation for releasing these experimental statistics.

Pleas and Convictions

As part of proceedings, defendants will usually be required to enter a plea. However, plea information is only provided for the Crown Court as part of this bulletin, because it is not held centrally for magistrates' court cases.

Proceedings may be ended for a variety of reasons, primarily because the defendant was either convicted or acquitted (at the Crown Court) / dismissed or discharged (at magistrates' courts). Following conviction, an offender will be sentenced; either at the court where they were convicted, or, for triable-either-way offences convicted at magistrates' courts but where magistrates feel their sentencing powers are insufficient, at the Crown Court following committal.

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 the 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 often tend to cluster much lower than the maximum penalty.

Short sentences – Under 12 months

Standard determinate sentences

All offenders serving a standard determinate sentence are subject to release at the half-way point of their custodial term and serve the rest of their sentence on licence in the community (under the Criminal Justice Act 2003, as amended by the Offender Rehabilitation Act 2013). In addition, under the Offender Rehabilitation Act 2014, all offenders sentenced to more than one day in custody are subject to supervision in the community for a minimum of 12 months. For those offenders whose licence

period is less than 12 months they are therefore subject to post-sentence supervision to make up the balance.

Special determinate sentence

The Criminal Justice and Courts Act 2015 introduced a special determinate sentence for offenders of particular concern, which came into force on 13 April 2015. The sentence comprises the appropriate custodial term plus a further one year licence period, with discretionary release between the half-way and end point of the custodial term and the remainder of the sentence spent on licence in the community. The sentence must be imposed where the offender has committed a specified offence listed on Schedule 18A to the Criminal Justice Act 2003 and the court has determined that a custodial sentence is necessary but does not impose either a life sentence nor an extended determinate sentence.

Public protection sentences

Until they were abolished under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), offenders convicted of a specified sexual or violent offence may be sentenced to a **public protection sentence**. In such cases, the court had 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. Prisoners serving an IPP or EPP sentence imposed on conviction prior to 3 December 2012 continue to be released as before.

The **Criminal Justice and Immigration Act 2008** changed the provisions so as to give judges more discretion over the use of public protection sentences; they were to be restricted to offences for meriting custodial sentences of four years or more (that is, two years served in custody); and for release from an extended sentence to be automatically at the half way point of the custodial period with licence extending from then until the end of the extension period. These changes apply to cases sentenced on or after 14 July 2008.

Extended Determinate Sentences

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), which was largely commenced on 3 December 2012, abolished the sentence of Imprisonment for Public Protection (IPP) and Extended Sentences for Public

Protection (EPPs). These were replaced by a new Extended Determinate Sentence (EDS) which is for dangerous offenders who previously would have been eligible for an IPP or an extended sentence under the 2003 Act (see also automatic life sentences below).

Licence

For the duration of the licence, an offender is obliged to comply with the terms of that licence. These may include requirements to report to the probation service, restrictions as to where he may live and what work he may undertake, and requirements to attend programmes. If an offender breaches his licence he is liable to be recalled to prison, potentially until the end of his sentence.

Life sentences

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

Mandatory life sentences for murder

All murder convictions must result in a life sentence:

- 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.

Automatic life sentence

LASPO Act 2012 introduced an automatic life sentence for specified serious offences (listed in Schedule 15B Criminal Justice Act 2003) where the offender has a previous conviction also for a specified offence resulting in a custodial sentence of 10 years or more (or a minimum term of five years or more) and the index offence also merits a sentence of 10 years or more.

Discretionary life sentences

Discretionary life sentences are available for serious offences with a maximum penalty of a life sentence:

- 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.

Minimum custodial sentences

The Powers of Criminal Courts (Sentencing) Act 2000 introduced minimum custodial sentences of:

- Seven years for a third Class A drug trafficking offence committed after 30 September 1997.
- Three years for a third domestic burglary committed after 30 November 1999.
- An automatic life sentence for a second serious offence committed after 30 September 1997. This section has subsequently been replaced from 4 April 2005 by indeterminate sentences for public protection.

The Criminal Justice Act 2003 also introduced a minimum sentence of five years (three years in the case of those aged 16 or 17) for certain offences under section 5 of the Firearms Act 1968.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012, introduced a minimum sentence of six months' imprisonment for adults, four months' Detention and Training Order for 16 and 17 year olds, for the offence of carrying a knife or offensive weapon and going on to use it to threaten and cause a risk of immediate harm. This was commenced in December 2012.

The Criminal Justice and Courts Act 2015 contained provisions for minimum sentences for repeat offences of possession of a knife or offensive weapon, which were commenced on 17 July 2015, which also provide for a minimum sentence of six months' imprisonment for adults, and four months Detention and Training Order for 16 and 17 year olds.

Apart from the minimum sentence for firearms offences, the court may reduce the sentence by up to 20 per cent for an early guilty plea.

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.

Under the LASPO Act 2012, these provisions were amended so that since December 2012 custodial sentences of two years or less can be suspended and the imposition of community requirements is discretionary.

Community sentences

Since the implementation of the Criminal Justice Act 2003, there has been a single community order that can comprise one or more of the specified 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.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced two further community requirements:

- Foreign travel prohibition requirement;
- Alcohol abstinence and monitoring requirement – currently being piloted in London.

The Offender Rehabilitation Act 2014 replaced the supervision and activity requirements with a new rehabilitation activity requirement.

Typically, the more serious the offence and the more extensive the offender's needs, the more requirements there may be (or the requirements may be more intensive/longer). 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 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 unlimited

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. Under provisions in the Crime and Courts Act 2013, there is no limit on the value of a single compensation order handed down to an adult offender by a magistrates' court (£5,000 limit in the magistrates' court where the offender is under the age of 18). 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.

Sentences specifically for juveniles

Sentencing for juveniles is bound by the provisions of the Crime and Disorder Act 1998 and the Children and Young Persons Act 1933. The Acts set out two main purposes of youth sentencing:

- Every court in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.
- It shall be the principal aim of the youth justice system to prevent offending by children and young persons.

Custodial sentences

The custodial sentences available for juveniles are:

- Detention and Training Order: Detention and Training Orders (DTO's: sections 100–107 of PCC(S)A 2000) were introduced from 1 April 2000 to replace the sentences of Detention in a YOI for 15–17 year olds and the Secure Training Order for 12–14 year olds. A DTO may be given for a term of 4, 6, 8, 10, 12, 18 or 24 months, of which usually half is served in detention and the remainder in the community under supervision.
- Section 91 Powers of Criminal Courts (Sentencing) Act 2000: Section 91 Powers of Criminal Courts (Sentencing) Act 2000 (PCC(S) A 2000) restated the power (originally in section 53(2) of the Children and Young Persons Act 1933) to detain juveniles who commit certain serious offences (mostly those with a statutory maximum of 14 years imprisonment or more in the case of an adult) for a period

equivalent to the maximum for which an adult committing the same offence could be imprisoned.

- Section 90 Powers of Criminal Courts (Sentencing) Act 2000: A juvenile offender convicted of murder will be sentenced to Detention during Her Majesty's Pleasure, the provisions of which are found in S.90 of the Powers of Criminal Courts (Sentencing) Act 2000. Offences committed prior to August 2000 would have been sentenced under S. 53(1) (2) Children and Young Persons Act 1933.
- 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.

Community sentences

Community sentences for juveniles are supervised by Youth Offending Teams (YOTs) and comprise different orders than are available for adults. The community order is not available for juveniles and a reform of juvenile sentencing means all the orders listed below, with the exception of the Reparation Order and the Referral Order, have been replaced by the Youth Rehabilitation Order for offences committed from 30 November 2009.

A) Community sentences available prior to 30 November 2009:

- Action Plan Order is a three month programme available for 10–17 year olds and comprises a short intensive community based programme which may include reparation and attendance centre sessions.
- Attendance Centre Orders are available for 10–17 year olds and are run by police with offenders attending on Saturdays for between four and 24 hours. The sessions; usually two hours long, involve physical exercise and group work.
- Curfew Orders with electronic monitoring: Available for 10–17 year olds and for up to three months. The court can order an offender to comply with a curfew backed up with electronic monitoring. The tagged curfews can help to break patterns of offending by keeping offenders off the street and out of trouble at times they are most likely to offend.
- Supervision Order: Available for 10–17 year olds and can last from six months up to three years. The offender is supervised by a member of the YOT. A range of conditions can be attached for more serious offences; these can include drug treatment, residence requirements, curfews, and additional activities specified by the YOT (normally reparation, offending behaviour, group work or anger management).
- Community Punishment and Rehabilitation Order: Available for offenders aged 16+ and the order can last from 12 months up to three years. The order requires an offender to be under supervision and to perform unpaid work for not less than 40 and no more than 100 hours.
- Community Punishment Order: Available for offenders aged 16+ and for between 40 and 240 hours. Involves undertaking unpaid work in the community, typically work such as carpentry workshops, conservation, decorating or caring tasks.
- Community Rehabilitation Order: Available for offenders aged 16+ and lasts between six months and three years. It is the juvenile equivalent of supervision by the probation service and is only available for 'mature' 16 and 17 year olds. It can also come with conditions attached such as residence requirements.

B) Current community sentences:

- Referral Order: Is given to 10–17 year olds pleading guilty for a first offence only where the court deems a custodial sentence is not warranted. They are required to attend a youth offender panel, which is made up of two volunteers from the local community and panel adviser from a YOT. The panel, with the young person, their parents/carers and the victim (where appropriate), agree a contract lasting between three and 12 months. The aim of the contract is to repair the harm caused by the offence and address the causes of the offending behaviour. The conviction is 'spent' once the contract has been successfully completed. This means that in most circumstances the offence will not have to be disclosed by the young person when applying for work.
- Reparation Order: Available for 10–17 year olds convicted of an offence it must comprise a maximum of 24 hours and must be completed within three months of the date the order is passed. The views of the victim must be sought before a reparation order can be made. If the victim is not prepared to have any further contact with the offender then reparation can be made to the community at large. Reparation cannot consist of financial reparation; courts have other means to enforce financial reparation if they believe it to be suitable.
- Youth Rehabilitation Order (YRO): has replaced most of the previously available community sentences with a 'menu' of requirements that can be tailored to suit the individual risks and needs of an offender. In this respect it is similar to the community order available for adults. The YRO can be made for up to three years.

The following requirements can be attached to a YRO:

- Activity Requirement
- Curfew Requirement
- Exclusion Requirement
- Local Authority Residence Requirement
- Education Requirement
- Mental Health Treatment Requirement
- Unpaid Work Requirement (16/17 years)
- Drug Testing Requirement
- Intoxicating Substance Treatment Requirement
- Supervision Requirement
- Electronic Monitoring Requirement
- Prohibited Activity Requirement
- Drug Treatment Requirement
- Residence Requirement
- Programme Requirement
- Attendance Centre Requirement
- Intensive Supervision and Surveillance (based on the current ISSP)
- Intensive Fostering.

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 HMPPS 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. HMPPS 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 Order

This replaced all pre-Criminal Justice Act community sentences for adults. Under this order, a number of possible requirements must be added, such as supervision, unpaid work and drug treatment.

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.

MoJ Court Outcomes Database

The MoJ Court Outcomes 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.

CRCs

Refers to Community Rehabilitation Companies.

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.

Female

See sex.

Fighter

A prisoner involved in an assault incident whose role has been recorded on the HMPPS 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).

First reception

A first reception is a measure which counts a prisoners first movement into custody following a court hearing for a particular set of offences committed, and therefore gives the best indication of the number of new prisoners in the reporting period. A first reception has three categories:

- i. remand first reception: this describes a prisoners first movement into custody where the prisoner spends at least one day on remand.
- ii. sentenced first reception: this describes a prisoners first movement into custody where the prisoner has been sentenced at court, and thus spends no time on remand.
- iii. civil non-criminal first reception: this describes a prisoners first movement into custody where the prisoner has only been committed to custody for a civil offence (e.g. contempt of court).

Fixed term recall

This is a recall for a fixed period of time after which an offender is released automatically to continue serving the sentence on licence. The fixed term is 28 days for offenders serving determinate sentences of 12 months or more and 14 days for offenders serving determinate sentences of less than 12 months. This is appropriate for lower risk offenders where a breach of licence is not considered to indicate the public is at risk.

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.

Gender

See sex.

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)

The MoJ agency responsible for prisons and probation (formerly NOMS).

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 above.

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.

Index disposal

The sentencing outcome for an offence resulting in an offender's inclusion in the offender cohort (for proven reoffending).

Index offence

The original offence that leads to an offender being included in the offender cohort (for proven reoffending) is called the index offence.

Intimate (personal) violence (CSEW)

Intimate personal violence is the CSEW collective term used to describe domestic abuse, non-sexual abuse by a partner, non-sexual abuse by a family member, emotional or financial abuse, threats, force, sexual assault, rape, assault by penetration and stalking. For the definition of each of these categories see the [CSEW user guide](#)

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.

Male

See sex.

Men

See sex.

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 Offender Management Service (NOMS)

Former name for Her Majesty's Prison and Probation Service (HMPPS)

NPS

Refers to the 'National Probation Service'.

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.

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](#).

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.

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

Probation Service

The service responsible for supervising offenders who are given community sentences and Suspended Sentence Orders by the courts, as well as offenders given custodial sentences, both before and after their release. (In 2015, responsibility for management of probation changed as part of the Transforming Rehabilitation programme, passing to Community Rehabilitation Companies and a new National Probation Service. However, because this report concentrates on 2014, the only section where this change affects interpretation is when the NOMS workforce is considered.)

Prosecution

The institution or conduct of criminal proceedings against a person.

Proven reoffence

A proven re-offence is any offence committed in a one year follow-up period that resulted in a court conviction, caution, reprimand or warning within the one year follow-up or within a further six month waiting period to allow the offence to be proven in court.

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.

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.

Release

A release is defined as a release from prison where the prisoner has finished serving the custodial term of their sentence(s) and excludes:

- civil non-criminal offenders
- persons committed to custody for non-payment of a fine
- releases to hospital
- deported prisoners from NOMS operated Immigration Removal Centres (IRCs)
- for determinate sentenced prisoners, releases following recall after release on licence, except occasions
 - i. where the offender has committed a new offence and is committed to custody for a new sentence and the subsequent release date falls after the sentence expiry date of the original sentence, or
 - ii. where upon release the offender is subject to the licence conditions of the new custodial sentence.

Release on Temporary Licence (ROTL)

Release on Temporary Licence (ROTL) is the mechanism under which offenders may be released into the community, generally towards the end of their sentences, for rehabilitative purposes. It can play an important role in public protection by allowing risk management plans for offenders to be tested in the community under strict conditions before they are released. It also provides a valuable means of helping offenders prepare for their resettlement in the community by, for example, finding work or rebuilding links with their families, which helps to reduce reoffending. The decision to allow temporary release is always balanced by an active consideration, by means of rigorous risk assessment, of the need for maintaining public safety and the public's confidence in the judicial system.

Remand (prison)

Prisoners in custody on remand are those awaiting commencement or continuation of trial prior to verdict. This category also includes those prisoners that are convicted unsentenced. These are prisoners that have been convicted but are still waiting to be sentenced.

Remand admissions

Remand admissions refer to the number of individuals who enter custody or have their custody status changed while on remand. There are two types of admission; untried admissions and convicted unsentenced admissions.

Remand (court)

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.

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.

Sex

‘Sex’ can be considered to refer to whether someone is male or female based on their physiology, with ‘gender’ representing a social construct or sense of self that takes a wider range of forms. Throughout this report we refer to sex rather than gender, because the binary classification better reflects how individuals are generally reported or managed through the CJS. For example, prisons are either male or female institutions, with prisoners normally placed based on their legally recognised gender. However, given the range of recording practises (see earlier in this guide for details) throughout the CJS, it is likely that most recording includes a mixture of physiological and personal identity. (Similarly, we refer to females / males and women / men interchangeably in this report, as a reflection of the binary classification in use.)

Sexual offences

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

Standard recall

This is a recall which means the offender does not have a pre-determined re-release date. This is the only type of recall available for indeterminate sentenced offenders who can then only be re-released by the independent Parole Board. Determinate sentenced offenders are liable to be held until the end of their sentence but can be released earlier either by referral to the independent Parole Board or by executive release.

Statistical significance

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

Stops and searches

Statistics on Women and the Criminal Justice System 2015 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 outcomes 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.

Suspended Sentence Order (SSO) with requirements attached

This new Order was introduced for offences which pass the custody threshold. One or more of the same set of possible requirements must be added to this order. Time periods associated with SSOs:

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).

Women

See sex.