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# Criminal Justice Statistics quarterly, England and Wales, October 2019 to September 2020

## Main points

The most recent figures in this publication show the impact of the pandemic on courts and the criminal justice system following guidance and restrictions since March 2020. Therefore, most recent trends initially reflect the restricted operation of courts followed by the recovery.

**1.19 million individuals were dealt with by the CJS in the 12 months ending September 2020 (excluding cautions)**

The total number of individuals formally dealt with by the CJS in England and Wales **fell** by 22% when compared to the previous year but **increased** 64% in the latest quarter.

**Prosecutions at magistrates' court began to recover following the impact of the COVID-19 pandemic**

Prosecutions **fell** in April 2020 but have risen since and were 16% **lower** in the year ending September 2020, compared to the previous year.

**The proportion of defendants remanded in custody was at a 5-year high**

In the latest year, 10% of defendants were remanded in custody by police prior to appearing at court, 5% were remanded in custody at magistrates' court, and 41% at the Crown Court.

**The average custodial sentence length was the highest in the decade at 19 months**

The average custodial sentence length **increased** across most offence groups over the latest year and was 21.4 months for indictable offences and 2.7 months for summary offences.

This publication gives criminal justice statistics for the latest 12-month period. These are presented alongside the same 12-month period for the previous years where available. Alongside this report we are publishing an ad-hoc table which breaks down proceedings, convictions and sentencing by month covering the period October 2018 to September 2020 to provide more detail of the period during which restrictions were put in place in response to the COVID-19 pandemic.

The figures in this report are subject to change prior to the 2020 Criminal Justice Statistics annual bulletin, scheduled to be published on 20 May 2021. For technical detail please refer to the accompanying guide to criminal justice statistics.

**We continue to review our data gathering, access and release practices, during the pandemic, focusing efforts on priority analysis and statistics. Our [statement](#) explains this further. In particular, we have limited access to the Police National Computer to minimise non-essential travel by our analysts. In line with guidance from the Office for Statistics Regulation, the decision has been made to delay the publication of cautions and first time entrants data.**

For feedback related to the content of this publication, please contact us at [CJS\\_Statistics@justice.gov.uk](mailto:CJS_Statistics@justice.gov.uk)

## **Statistician's comment:**

The figures published today highlight the impact on criminal court prosecutions and convictions of the COVID-19 pandemic. Latest short-term trends are mostly reflective of the impact of the pandemic on court processes and prioritisation rather than a continuation of the longer-term series.

The monthly data shows that following the sharp falls in prosecutions and convictions immediately following the March 2020 'lockdown', these have recovered by September 2020, although not quite to pre-pandemic levels.

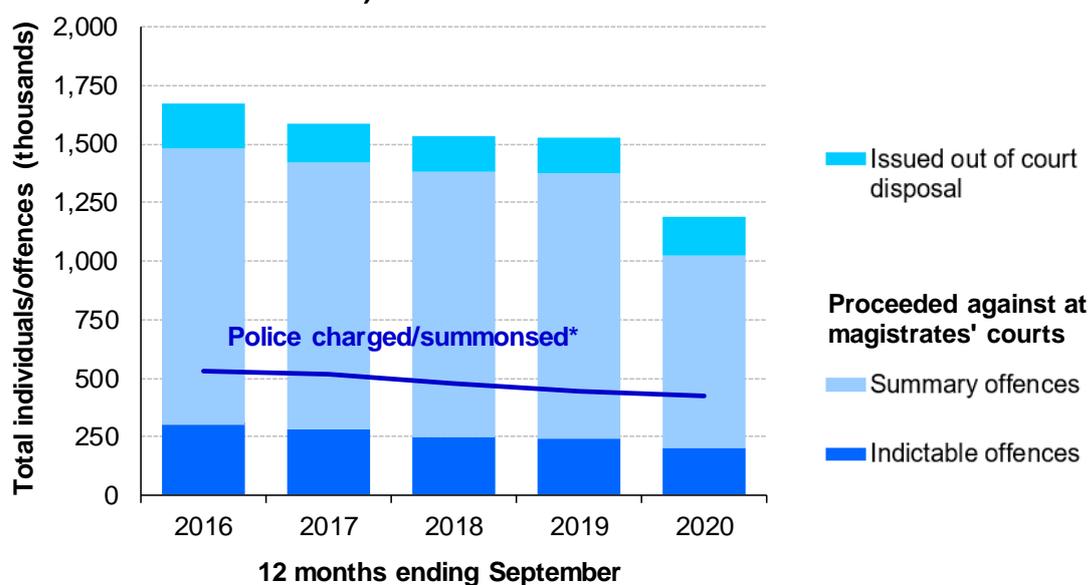
Custody rates and average sentence lengths have both increased overall. For custody rates, this is likely to partially reflect the prioritisation in courts of more serious offences since April 2020 – meaning a greater concentration of court time for offences more likely to get a prison sentence. The increase in average sentence lengths continues the trend of the last 10 years, and it is less clear from the monthly data what impact, if any, the pandemic may have had.

# 1. Overview of the Criminal Justice System

## 1.19 million individuals were dealt with by the Criminal Justice System (CJS) in the 12 months ending September 2020 (excluding cautions<sup>1</sup>)

The total number of individuals formally dealt with by the CJS<sup>2</sup> in England and Wales fell by 22% when compared to the previous year but increased 64% in the latest quarter.

**Figure 1: Individuals dealt with formally by the CJS, offences resulting in a police charge/summons, year ending September 2016 to year ending September 2020 (Source: Tables Q1.1 & Q1.2)<sup>3,4</sup>**



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

The number of defendants prosecuted at all courts fell by 25% in the latest year. The COVID-19 pandemic resulted in a review of court arrangements and quarterly data (Table Q1.4) shows that following the 58% fall in prosecutions between Q1 and Q2, there was a subsequent increase of 93% in the latest quarter, where changes in national movement restrictions allowed more hearings to go ahead. A similar trend was seen in convictions (see the Prosecutions and Convictions chapter).

In the latest year there was a 5% decrease in police recorded crime (including fraud), and a 2% decrease in the number of offences charged by the police<sup>5</sup>. The review of court arrangements due to the pandemic resulted in an increase of 43% in outstanding cases at magistrates' court in July to September 2020 compared to the same period in 2019<sup>6</sup>, therefore trends in offences charged by police are less comparable to prosecutions.

In response to the restrictions put in place due to the COVID-19 pandemic, the Judiciary published guidance on the prioritisation of listings<sup>7</sup>. During the reporting period, all offences likely to result in custody were prioritised which has impacted outcomes such as custody rate and average custodial sentences.

<sup>1</sup> Cautions have been excluded due to limited access to the Police National Computer as a result of the COVID-19 pandemic.

<sup>2</sup> An individual (includes companies) can be counted more than once in a year if dealt with by the CJS on multiple separate occasions. Includes prosecutions, cautions, Penalty Notice for Disorder, cannabis/khat warning and community resolutions.

<sup>3</sup> Figures for out of court disposals exclude cautions.

<sup>4</sup> Following the implementation of a new IT system, Greater Manchester have been unable to supply data since July 2019 so there will be missing data for OOCs and police charged/summonsed for 2019 and 2020.

<sup>5</sup> Recorded crime and offences charged by police exclude Greater Manchester police force. Latest data can be found in [Crime outcomes in England and Wales 2019 to 2020](#).

<sup>6</sup> For more information, see [Criminal court statistics quarterly: July to September 2020](#)

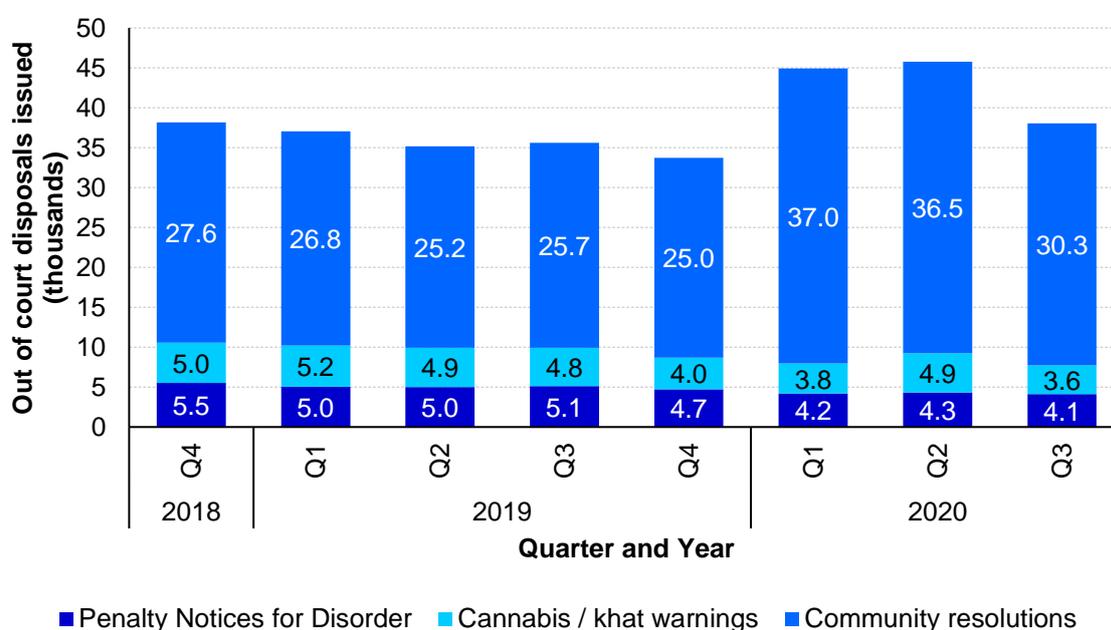
<sup>7</sup> [https://www.judiciary.uk/wp-content/uploads/2020/07/07072020\\_-\\_Amended-Note-on-Listing-Magistrates-re-breaches\\_APPROVED-3.pdf](https://www.judiciary.uk/wp-content/uploads/2020/07/07072020_-_Amended-Note-on-Listing-Magistrates-re-breaches_APPROVED-3.pdf)

## 2. Out of Court Disposals<sup>8</sup>

The release of this quarter's cautions data is delayed as the COVID-19 pandemic continues to cause MoJ to review our data gathering, access and release practices, focusing efforts on priority analysis and statistics. Our [statement](#) explains this further and in particular, we have limited access to the Police National Computer to minimise non-essential travel by our analysts. A separate series on cautions issued by the police for notifiable offences is published by the Home Office and is available in their [Crime Outcomes data tables](#).

Out of court disposals (OOCs) are sanctions used by the police to address offences without the need to be dealt with at court. Excluding cautions, there were 162,000 OOCs in the year ending September 2020, an 11% increase compared to the previous year<sup>9</sup>. This increase was driven by a 22% increase in community resolutions, of which 129,000 were issued, the highest yearly figure since they were introduced in 2015.

**Figure 2: Out of court disposals (excluding cautions) issued, Q4 2018 to Q3 2020, England and Wales (Source: Table AH\_1)<sup>10</sup>**



The use of Penalty Notices for Disorder (PNDs) has continued to decline with 17,300 issued in the year ending September 2020, falling 16% from the previous year. The most common offences that resulted in a PND were possession of cannabis, accounting for 39% of PNDs issued, and drunk and disorderly behaviour accounting for 35%.

There were 16,300 cannabis and khat warnings issued, a decrease of 18% from the previous year.

<sup>8</sup> Following the implementation of a new IT system, Greater Manchester were unable to supply data since July 2019. Therefore numbers of OOCs presented in this chapter exclude those issued by Greater Manchester Police and will be lower than the national total of OOCs issued.

<sup>9</sup> This comparison excludes Greater Manchester.

<sup>10</sup> Excluding Greater Manchester.

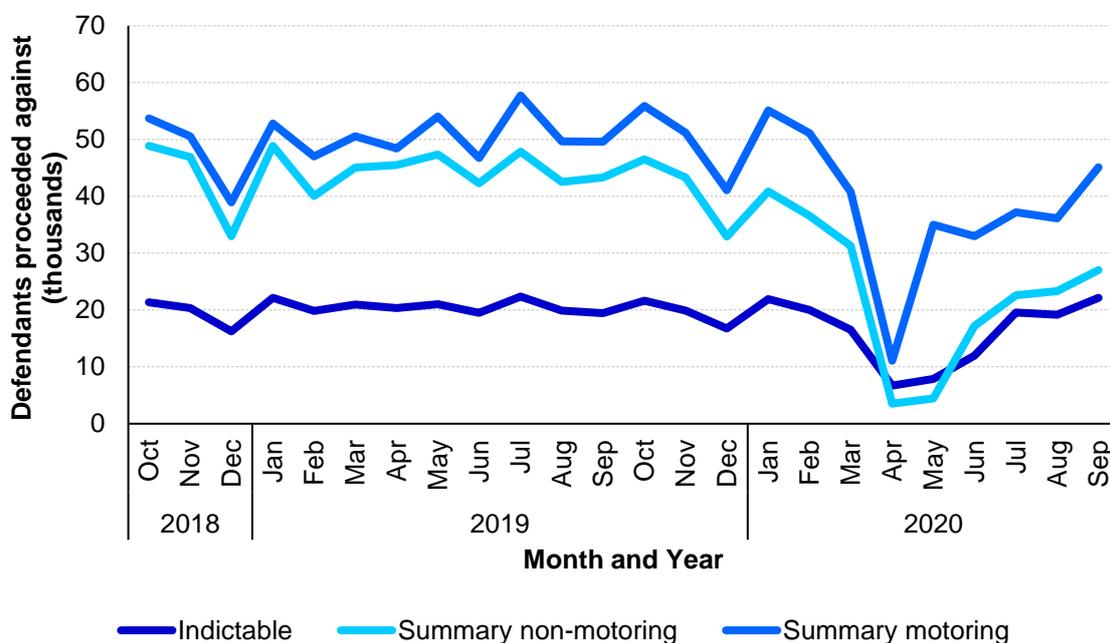
### 3. Court prosecutions and convictions

#### Prosecutions at magistrates' court began to recover following the impact of the COVID-19 pandemic

Prosecutions fell in April 2020 but have risen since and were 16% lower in the year ending September 2020, compared to the previous year.

The COVID-19 pandemic had a large impact on both prosecutions and convictions across the second and third quarters of 2020 (Figure 3). The number of individuals prosecuted at magistrate's courts fell in April 2020 as a result of the pandemic but began to rise subsequently. In the year up to the end of September 2020 there were 16% fewer prosecutions than in the year to September 2019. Convictions followed a similar pattern and were 19% lower than in the year ending September 2020 compared with a year earlier.

**Figure 3: Defendants prosecuted at magistrates' courts monthly, October 2018 to September 2020, by type of offence (Source: Table AH\_1)**



Prosecutions recovered more quickly for more serious offence types. For example, in Q3 2020, more individuals were prosecuted for violence, sexual and drug offences compared with Q3 2019 following the volumes of each falling in April. This may be due to the courts catching up with the backlog of cases from the first 3 months of the March 2020 'lockdown'.

In Q3 2020, the number of offenders convicted at all courts remained lower than in Q3 2019 across nearly all offence groups, except for violence against the person (where convictions in Q3 2020 were 6% higher than in Q3 2019) and drug offences (2% higher). Trends in convictions for indictable offences tend to lag behind prosecutions due to the time taken between proceedings at magistrates' and case completion at Crown Court.

## 4. Remands

### The proportion of defendants remanded in custody was at a 5-year high

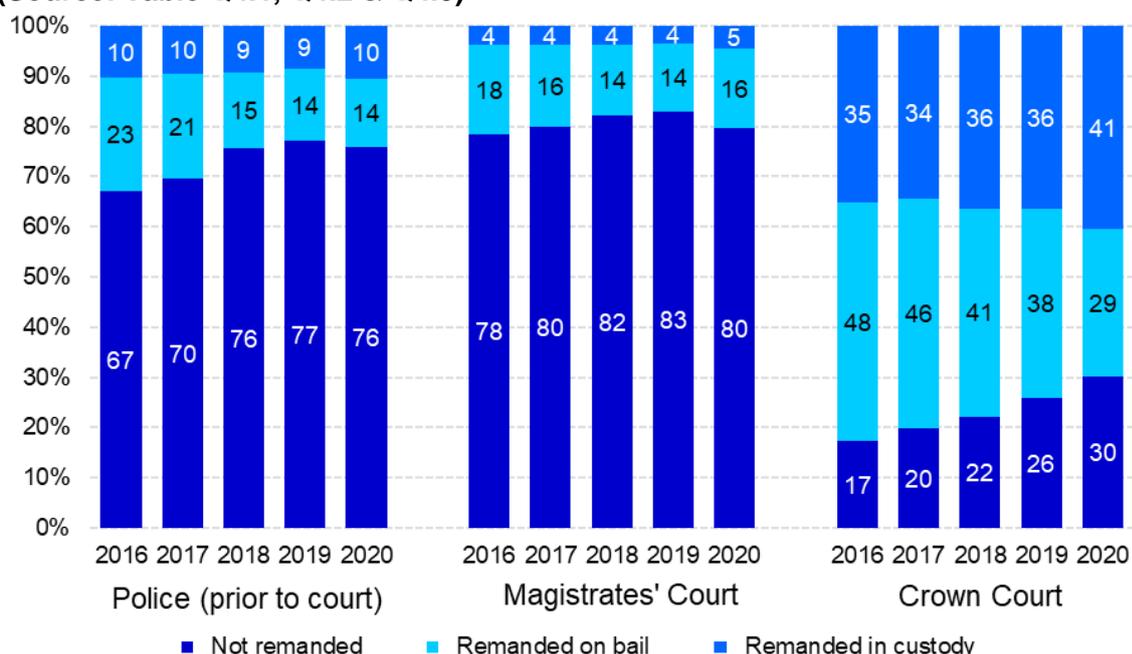
In the latest year, 10% of defendants were remanded in custody by police prior to appearing at court, 5% were remanded in custody at magistrates' court, and 41% at the Crown Court.

In the year ending September 2020, 1.08 million defendants were directed to appear at magistrates' courts (including failures to appear). Over the last 5 years, the proportion of defendants not remanded prior to appearing at magistrates' court increased to 76% from 67%. The proportion arrested and bailed by the police<sup>11</sup> decreased to 14% from 23%. The proportion remanded in custody by police remained broadly stable and was 10%.

At magistrates' court, COVID-19 prioritisation of more serious offences has led to the proportion of defendants granted bail and remanded in custody increasing for the first time in 5 years. In the latest year, 16% were remanded on bail and 5% were remanded in custody.

At Crown Court, the proportion of defendants not remanded continued to increase and the proportion bailed continued to decrease (falling 8 percentage points in the latest year). The proportion remanded in custody meanwhile increased 4 percentage points to 41% in the latest year, which will have been influenced by the prioritisation of offences likely to result in custody in response to the COVID-19.

**Figure 4: Defendants' remand status with Police (prior to court), at magistrates' courts and at Crown Court, year ending September 2016 to year ending September 2020**  
(Source: Table Q4.1, Q4.2 & Q4.3)



Defendants are more often remanded in custody for indictable offences than summary offences, so the proportion remanded in custody at Crown Court is higher than at magistrates' courts. In the latest year, of the defendants remanded in custody at magistrates' courts, 12% were sentenced to immediate custody, and a further 67% were sent for trial or sentencing at Crown Court. Of those remanded in custody at Crown Court, 76% were sentenced to immediate custody. Of all defendants who were not remanded at Crown Court, 51% received an immediate custody sentence.

<sup>11</sup> This may be associated with new legislation under the Policing and Crime Act 2017, which came into force on 3rd April 2017 and introduced a bail limit of 28 days.

## 5. Sentencing

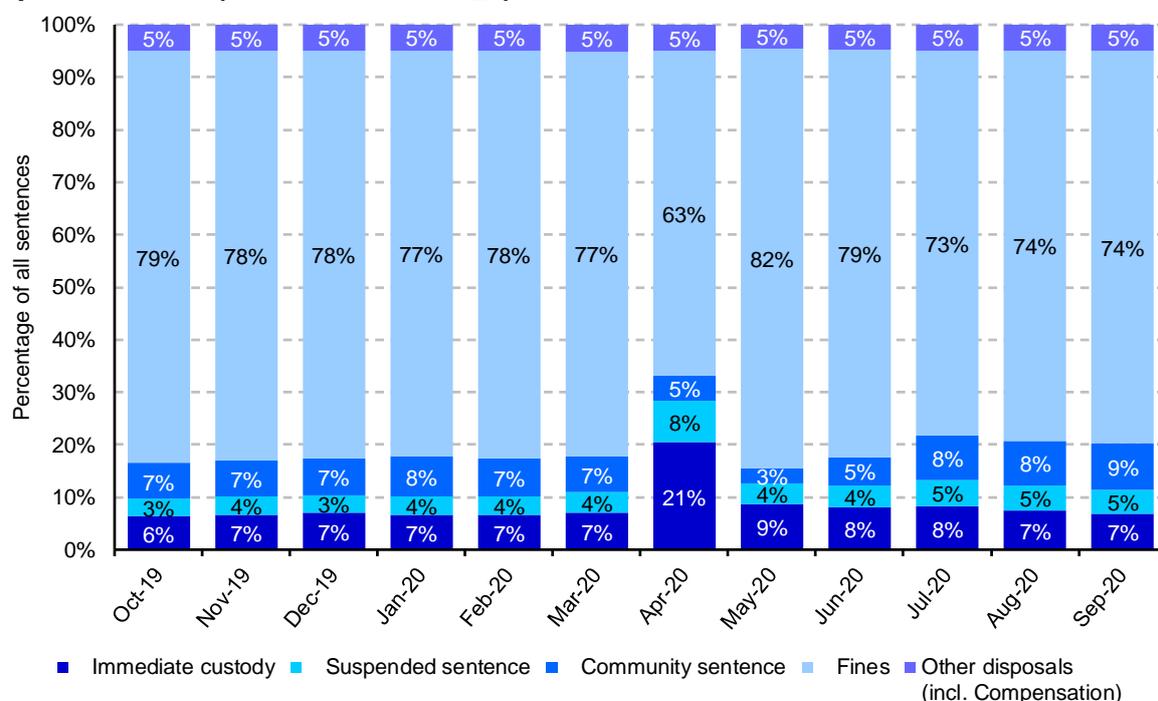
### The average custodial sentence length for offenders was the highest in the decade at 19 months

The average custodial sentence length increased across most offence groups over the latest year and was 21.4 months for indictable offences and 2.7 months for summary offences.

The overall number of offenders sentenced at all courts was impacted by the restrictions put in place in response to the COVID-19 pandemic, resulting in a decrease of 26% to 881,000 in comparison to the year ending September 2019. This was driven by a decline in offenders sentenced for all offence types, although most substantial decreases were for indictable and summary non-motoring offences, which decreased by 20% and 39%, respectively.

The monthly total sentences issued continued to recover following the fall in April 2020 and was around 20% lower in September 2020 compared with the corresponding month a year ago.

**Figure 5: Proportions of each sentence type given each month, October 2019 to September 2020 (Source: Table AH\_1)**



Fines remained by far the most common sentence, accounting for 77% of all sentences in the latest year.

Immediate custody remained the most common sentence for indictable offences (34%). Custody rates for indictable offences continued to increase in the latest year, including violence against the person (by 1.2pp), theft (3.5pp) and drug offences (3.1pp), though part of the increase may reflect courts prioritising more serious offences during the pandemic.

Within the latest year, overall custody rates saw a peak of 21% in April 2020 in response to court prioritisation of severe cases; this began to return to pre-COVID levels of 7% in September 2020.

The average custodial sentence length was the highest in the decade at 19 months, an increase of 1 month from the previous year.

## Further information

The data presented in this publication are provisional. Final data for each calendar year is published in May, following further data cleaning and the incorporation of additional cases not available in our original extracts of administrative data.

## Accompanying files

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

- A technical guide providing further information on how the data is collected and processed, as well as information on the revisions policy and legislation relevant to sentencing trends and background on the functioning of the criminal justice system.
- A set of overview tables, covering each section of this bulletin.

## National Statistics status

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value. This bulletin recently underwent a compliance check with the Office for Statistics Regulation and retained its National Statistics status in May 2020<sup>12</sup>. All official statistics should comply with all aspects of the Code of Practice for Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate. It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained and reinstated when standards are restored.



## Future publications

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

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## Next update: 20 May 2021

URL: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-september-2020>

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<sup>12</sup> <https://osr.statisticsauthority.gov.uk/correspondence/mark-pont-to-david-blunt-proven-re-offending-and-criminal-justice-system-statistics/>