



Ministry
of Justice

Knife Possession Sentencing Quarterly, England and Wales

January to March 2015

Ministry of Justice
Statistics bulletin

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Introduction

This bulletin presents key statistics describing the trends in the number of offenders receiving cautions and convictions, being under probation supervision and in the prison population for possession of knife offences in England and Wales. This bulletin does not cover all knife crimes (offences involving a knife) as published by the Office for National Statistics¹.

The publication provides provisional figures for the latest quarter (January to March 2015) with accompanying commentary and analysis. The information provided is a summary of three types of knife and weapon possession offences:

- possession offences of having an article with a blade or point in a public place or on school premises,
- possession of offensive weapon without lawful authority or reasonable excuse in a public place or on school premises,
- offences involving threatening with a knife or offensive weapon in a public place or on school premises (introduced on 3rd December 2012² – an aggravated form of a possession offence occurs when an offender in possession of a knife or offensive weapon uses it to threaten and endangers others).

In previous bulletins where reference was made to knife possession offences only offences involving the possession of knives or offensive weapons were included, key statistics describing the trends in aggravated offences were presented separately. In this bulletin where reference is made to knife possession offences all three types, as described above, are included. This change has been made so that overall trends in the possession of knife offences in England and Wales can be presented. Tables providing information for each of the three offence groups individually are also presented.

The key events that might be expected to affect the statistics presented in this bulletin can be found in Annex B.

Data Sources

This report draws on data from the following sources:

- Data on cautions and convictions are collected from the Police National Computer (PNC) – tables 1-9. Due to the number of updates as more case information becomes available on the PNC an estimation methodology is used to estimate the number and breakdown of disposals given for the possession of a

¹ www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-december-2014/crime-in-england-and-wales--year-ending-december-2014.html#tab-Offences-involving-knives-and-sharp-instruments. Details of other official statistics publications regarding knife related statistics can be found in Annex E.

² www.gov.uk/government/news/new-sentences-and-criminal-offences-come-into-effect.

- The probation data has been drawn from local probation administrative IT systems – tables 10 - 12
- Prison population are drawn from prison administrative IT systems.

Feedback requested

The structure and content of this report is continually being reviewed to reflect user requirements. If you have any feedback about these changes, or report more generally, please contact the production team using the contact details at the back of the report.

Current and previous editions of this publication are available for download at www.gov.uk/government/organisations/ministry-of-justice/series/knife-possession-sentencing-quarterly.

The next publication of the Knife Possession Sentencing Quarterly is scheduled to be published on 10th September 2015, covering the period April to June 2015.

Key findings

Estimates indicate that for the period January to March 2015 (Q1 2015):

- the total number of offences formally dealt with by the criminal justice system (CJS) for the possession of knife offences continues to be relatively stable. In the latest quarter; 4,117 offences were dealt with by the CJS, compared to 3,992 offences in Q1 2014 and 4,083 in the previous quarter.

Of those crimes;

- the number of adult offenders given cautions continues to fall - in the latest quarter just 10% of adult offenders received a caution, this is the lowest level it has been since 2007.
- the use of suspended sentences continues to increase and is now at its highest level since their introduction in April 2005. More than one in five (23%) of adult offenders now receive a suspended sentence for these offences, an increase of 22% when compared with Q1 2014 and 4% higher when compared with the previous quarter.
- compared to 7 years ago, juvenile offenders are now more likely to receive an immediate custodial sentence; 13% of juvenile offenders received an immediate custodial sentence compared to 6% in Q1 2008.
- aggravated possession of a knife or offensive weapon accounted for 3% of all knife possession offences.

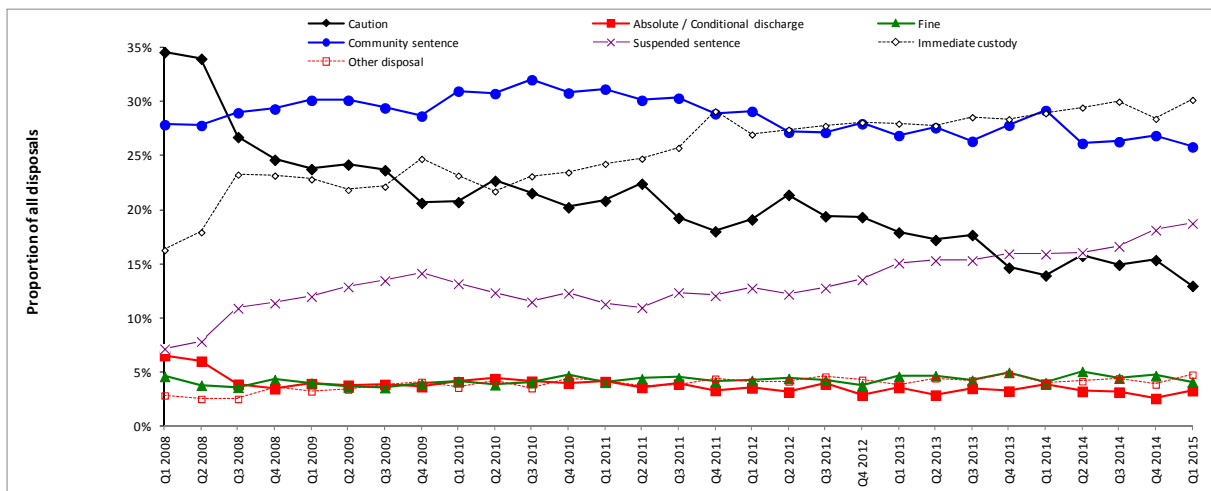
Knife Possession Sentencing

The total number of offences formally dealt with by the criminal justice system (CJS) for the possession of knife offences continues to be relatively stable. In the latest quarter, 4,117 offences were dealt with by the CJS, compared to 3,992 offences in Q1 2014 and 4,083 in the previous quarter.

On 3rd December 2012 an aggravated form of a possession offence was introduced. This offence occurs when an offender in possession of a knife or offensive weapon uses it to threaten and endangers others i.e. offences relate to threatening offences rather than offences where a knife is actually used. In Q1 2015 this offence accounted for 3% of all knife possession offences.

The levels of police recorded crime³ for offences involving a knife or sharp instrument over the same period has also been relatively stable. In the year ending December 2014 the police recorded 26,000 offences involving a knife or sharp instrument, 1% less than the same period a year ago.

Figure 1: Proportion of type of disposal given for knife possession offences in England and Wales, between Q1 2013 and Q1 2015



Notes:

- 1) Figures for Q2 – Q4 2014 and Q1 2015 include estimated figures based on historical data changes. Please see Annex C for further details.
- 2) From Q1 2013 offences involving threatening with a knife or offensive weapon have been included.

The most common disposal for a knife possession offence continues to be immediate custodial sentences (30%) followed by community sentences (26%).

Adult offenders were more likely to receive an immediate custodial sentence for knife possession offences (34%). However, the use of suspended sentences continues to increase and in the latest quarter more than one in five (23%) of adult offenders

³www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-december-2014/crime-in-england-and-wales--year-ending-december-2014.html#tab-Offences-involving-knives-and-sharp-instruments

received a suspended sentence; an increase of 22% when compared with Q1 2014 and 4% higher over the previous quarter.

Over time there has been a significant fall in the proportion of adult offenders given a caution. In the latest quarter, 10% of adults offenders received a caution which is the lowest level it has been since 2007. This decline has in part been driven by the revised guidance on cautions that was issued in November 2013. The guidance made it clear that simple cautions should not be given for possession of a knife, and other serious either way offences, unless their issue was signed off by at least an Inspector. Since then statutory restrictions around the use of cautions, including their use for possession of a knife, have also been included in the Criminal Justice and Courts Act 2015⁴ which came into force in April 2015.

Juvenile offenders were more likely to receive a community sentence for possession of a knife offence (52%). Just over a quarter (28%) were given a youth caution⁵ - this proportion has remained relatively stable during the last 12 months, but is significantly lower than in Q1 2008 where 47% of juvenile offenders received cautions.

There has also been an increase in the number of juvenile offenders receiving an immediate custodial sentence; in Q1 2015 13% of juvenile offenders received an immediate custodial sentence compared with 6% in Q1 2008.

Criminal history of those cautioned or sentenced for knife possession offences

Offenders with no previous knife possession offences were more likely to receive a community sentence (30%) in the 12 months ending March 2015, whereas offenders with at least one previous possession offence on their record were more likely to receive an immediate custodial sentence (45%).

The likelihood of a custodial sentence for adult offenders rose in relation to the number of previous possession offences; 24% of adult offenders with no previous convictions received an immediate custodial sentence compared to 57% for those with three or more previous offences.

Juvenile offenders were more likely to receive a community sentence whether or not they had a previous knife possession offence; 54% of those with no previous knife possession offences and 63% of those with one or more previous knife possession offence. Only 3% of juvenile offenders received a caution after having a previous possession offence which compares to 33% of offenders with no previous possession offences.

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

⁵ Since April 8th 2013 youth cautions were introduced replacing reprimands and warnings for young offenders.

Offenders commencing probation

In Q1 2015 there were 1,061 court order starts under probation supervision for possession of an offensive weapon; this represents an increase of 3% from Q1 2014 and 19% from Q1 2013. Community orders decreased by 8% over the past year, whilst suspended sentence orders increased by 19%.

The proportion of those given unpaid work for community orders, as a percentage of all requirements, has risen over the past year, from 29% to 32%; for suspended sentence orders it fell from 26% to 23%.

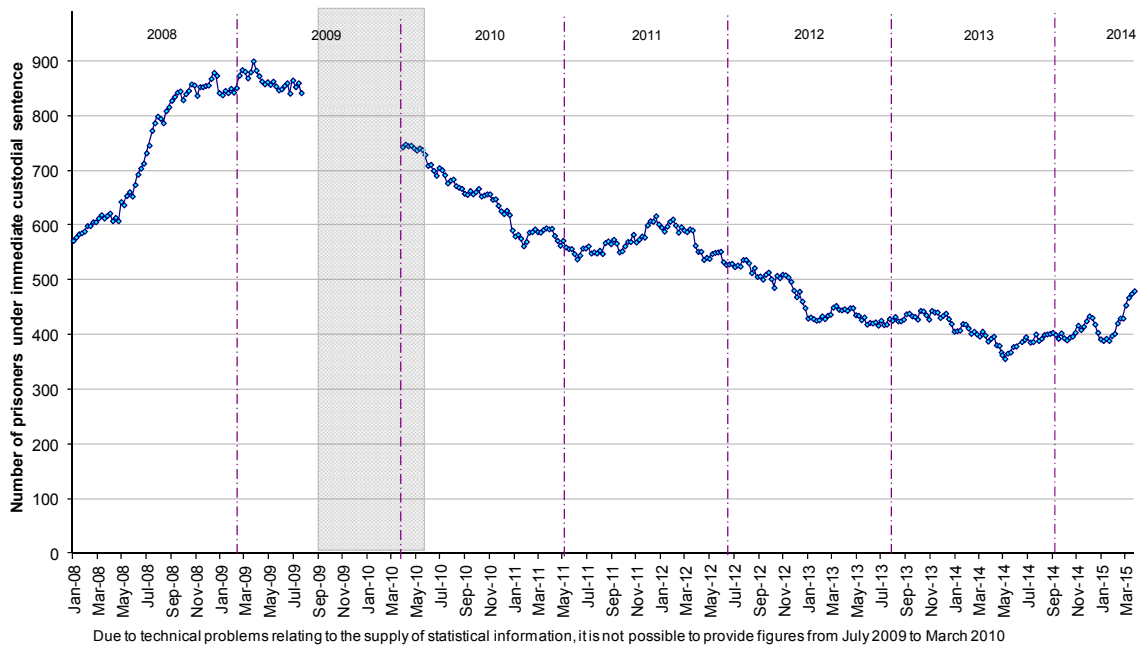
Where unpaid work requirements were started under community orders the proportion of longer requirements has decreased over the past year; for suspended sentence orders the proportion has also decreased.

- For community orders, in Q1 2015, 11% of unpaid work requirements were recorded as being 200 hours or longer, compared to 12% in Q1 2014.
- For suspended sentence orders, in Q1 2015, 15% of unpaid work requirements were recorded as being 200 hours or longer, compared to 17% in Q1 2014.

Offenders in prison for knife possession offences

480 offenders were in prison serving a sentence for possession of an offensive weapon on 27 March 2015, up 24% from a year ago and reversing the overall downward trend seen in the prison population for this offence since early 2009. This trend now appears to coincide with the general increasing use and length of custodial sentences for possession offences.

Figure 2: Prison population under sentence for possession of an offensive weapon⁶ (excludes recalls) in England and Wales, between January 2008 and March 2015



⁶ Includes having an article with a blade or a point.

Annex A: List of Accompanying Tables

Accompanying this publication are the following tables

Table 1	Knife Possession offences resulting in a caution or sentence, in England and Wales, annually from year ending March 2009 and quarterly from Q4 2007
Table 1a	Offences involving the possession of a knife or offensive weapon resulting in a caution or sentence, in England and Wales, annually from year ending March 2009 and quarterly from Q4 2007
Table 1b	Offences involving threatening with a knife or offensive weapon resulting in a caution or sentence, in England and Wales, annually from year ending March 2014 and quarterly from Q1 2013
Table 2	Offences involving the possession of a knife or offensive weapon resulting in a caution or sentence by age group, in England and Wales, annually from year ending March 2009 and quarterly from Q4 2007
Table 3	Offences involving the possession of a knife or offensive weapon resulting in a caution or sentence by type of offence, in England and Wales, annually from year ending March 2009 and quarterly from Q4 2007
Table 4	Offences involving the possession of a knife or offensive weapon resulting in an immediate custodial sentence, in England and Wales, annually from year ending March 2009 and quarterly from Q4 2007
Table 5	Offences involving the possession of a knife or offensive weapon resulting in a caution or sentence by police force area, in England and Wales, annually from year ending March 2009
Table 6	Number of previous convictions or cautions for the possession of a knife or offensive weapon offences for offenders convicted or cautioned for a possession offence by disposal category, in England and Wales, annually from year ending March 2009
Table 7	Number of previous convictions or cautions for the possession of a knife or offensive weapon offences for offenders convicted or cautioned for a possession offence by disposal category, broken down by age group, in England and Wales, annually from year ending March 2009
Table 8	Number of previous convictions or cautions for the possession of a knife or offensive weapon offences for offenders convicted or cautioned for threatening with a knife or offensive weapon by disposal category, broken down by age group, in England and Wales, annually from year ending March 2014

- Table 9 Offences involving threatening with a knife or offensive weapon resulting in a caution or sentence by age group, in England and Wales, annually from year ending March 2014 and quarterly from Q1 2003
- Table 10 Offenders commencing a court order under probation supervision for possession of an offensive weapon, in England and Wales, annually from year ending March 2009 and quarterly from Q4 2007
- Table 11 Requirement starts for possession of offensive weapon, in England and Wales, annually from year ending March 2009 and quarterly from Q4 2007
- Table 12 Unpaid work requirements started by length of requirement given for possession of offensive weapon in England and Wales, annually from year ending March 2009 and quarterly from Q4 2007

Annex B: Key Events

The key events that might be expected to affect the statistics in this bulletin were:

- On 21 May 2008, the Court of Appeal issued the judgment in *Povey*⁷ that said, because of prevalence, magistrates should normally sentence those convicted of knife crime possession offences at the top end of the range.
- The Sentencing Guidelines Council issued an update to the magistrates' courts guidelines, with effect from 4 August 2008, which set out the effect of the Court of Appeal judgment and made it clear that the starting point for the lowest level of knife possession amongst adults should be 12 weeks' custody. This applies in cases where a first time offender pleads not guilty to possession of a knife in non-dangerous circumstances. A guilty plea would attract a discount in the normal way, as would any personal mitigation, and could take the sentence below the custody threshold.
- Since September 2008 all probation areas have been able to provide intensive delivery of 300 hour Community Payback sentences for unemployed offenders convicted of knife crime offences, who are on the brink of custody. In January 2009 this offer of intensive delivery of a minimum of 18 hours per week over three days was extended to Community Payback sentences of any length imposed for an offence of knife crime, when an offender is unemployed.
- From 3 December 2012, a new offence of aggravated knife possession came into force. Anyone aged 16 or over who uses a knife or offensive weapon to threaten and endanger others will face a mandatory custodial sentence, unless the court considers there to be particular circumstances which would make it unjust to do so.⁸

⁷ Povey & Ors, R. v, Court of Appeal - Criminal Division, May 21, 2008, [2008] EWCA Crim 1261.

⁸ For legislation, see: www.legislation.gov.uk/ukpga/2012/10/contents/enacted

Annex C: Assessing the accuracy of estimation method

During the development of the October to December (Q4) 2013 bulletin, a methodology was introduced to estimate the number and breakdown of disposals given for two types of knife possession offences:

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

This annex assesses the accuracy of this methodology.

Whilst developing the bulletin significant changes were seen in the disposal figures from those initially published for each quarter when compared with those released over the following year. The main reason for this change was that the data held on the Police National Computer (PNC) is updated with new information each month for not only the current month, but also for all previous months included in the PNC dataset. This difference was particularly noticeable for the number of immediate custodial sentences and other disposals. Initial investigations showed that the scale of the changes over time was stable, and so a new methodology was introduced to predict these final sentencing figures for the most recent four quarters.

Table 1 below illustrates the accuracy of the estimation process that was used to provide the statistics that were published for Q1 2014 by comparing non-estimated and estimated figures by disposal group with the actual figures published one (Q1 2015) year on.

Table 1: Changes in the number of disposals reported for knife possession offences in Q1 2014 between the non-estimated, estimated and final actual figures

Disposal category	Q1 2014 - non estimated	Q1 2014- estimated	Q1 2014 - actual figures	% change - non estimated to actual figures	% change - estimated to actual figures
Caution	545	552	554	2	0
Absolute/Conditional discharge	144	157	156	8	-1
Fine	153	164	161	5	-2
Community sentence	1,160	1138	1,149	-1	1
Suspended sentence	624	606	616	-1	2
Immediate custody	936	1099	1,118	19	2
Other disposal	333	198	155	-53	-22
All disposals	3,895	3,914	3,909	0	0

As outlined above, figures show that there were large differences between the non-estimated and the actual final figures for those receiving an immediate custodial sentence or other disposal, with differences of 19% and 53% respectively. However, when the estimated figures are compared with the actual final figures for these two disposal categories there is less change, with difference of 2% and 22% respectively.

The biggest impact/change is seen in an increase in the figures for immediate custody and related decrease in the 'other disposal category'.

This showed that the methodology being used had been successful in predicting the changes seen in disposals over the year and so it was decided that future bulletins would continue to use this methodology for the most recent four quarters.

We continue to review this methodology and provide updates on the accuracy of our estimates. In the future we are going to be looking into extending this estimation methodology for the aggravated knife offences.

Annex D: Explanatory notes

Data quality and sources

Tables 1 to 9

The statistics presented in tables 1 to 9 in this bulletin are drawn from an extract of data held on the Police National Computer (PNC) as at 1st May 2015.

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

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

In addition, the different disposals recorded in the PNC extract for knife possession offences in recent quarters are also subject to some change. This is partly due to the delays in updating recent court outcomes on the PNC, but is also due to the fact that, while some individuals will have been convicted of a knife possession offence in a magistrate's court during the quarter, information about the disposal they received is not yet available as the case has been passed to the Crown Court for sentencing at a later date. These cases will be updated when information about the final sentence given for the offence becomes available.

As a result of these updates, the statistics presented in this bulletin for the most recent four quarters are based on estimates as described in Annex C.

Tables 10 to 12 and Figure 3

The probation data has been processed from data collected and held centrally by the Ministry of Justice. The data are drawn from the local probation administrative IT systems from each of the 35 probation trusts in England and Wales. The figures showing the numbers starting court orders relate to the number of *offenders* starting probation supervision in a given period. The numbers drawn from the PNC data in tables 1 to 5 relate to the total number of *offences* committed by offenders given particular disposals, which are likely to be greater than the number of offenders. Also, the probation data shows offenders convicted of the more general offence of 'possession of an offensive weapon'. This will include possession of knives, as well the particular offence of 'possession of an article with a blade or point', but these cannot be separately distinguished in the probation data.

Prison population data presented in this bulletin are drawn from the prison administrative IT systems. The figures showing the numbers under sentence refer to the number of *offenders* serving a custodial sentence. Figures drawn from PNC data refer to the number of *offences* committed by offenders given particular disposals. Prison establishments routinely provide records of the numbers of persons held in custody at the end of each month, broadly subdivided according to age, sex, custody type and sentence length. The records are collated and processed centrally. However, data recorded by prisons only show the numbers serving a sentence for the general offence of “possession of an offensive weapon”. This offence includes the possession of a knife but can also include possession of other dangerous weapons (excluding firearms).

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

Annex E: Other knife and sharp object related statistical released

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

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

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

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

- The Home Office also publish statistics of offences involving knives and sharp instruments. This is contained within the *Crime in England and Wales* statistical bulletin and has a section called *Offences involving knives and sharp instruments*.

www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-december-2014/crime-in-england-and-wales--year-ending-december-2014.html#tab-Offences-involving-knives-and-sharp-instruments

- The Office for National Statistics publishes information on recorded crime for selected violent and sexual offences involving a knife or sharp instrument and offences involving firearms, see additional Tables 9 and 10.

www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-372973

- The Department for Health release hospital admission data for assaults on an ad hoc basis. Within this data there is a category for X99 - *Assault by sharp object*. The link for the most recently released publication is listed below and the data can usually be found in the *Monthly HES data – Monthly topic of interest* section of the HES online website.

www.hscic.gov.uk/hes

Annex F: Glossary

Adult: An offender aged 18 and over.

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

Community sentence: An alternate to custodial sentence (sending offenders to prison) which allows offenders to make amends for their crimes. For juveniles the main community sentence used are the referral order and the Youth Rehabilitation Order (YRO). With a community sentence there are specific things the offender can, can't and must do while serving their sentence. Elements of a community sentence include: Supervision, Unpaid work, Specified activities, Prohibited activities, Accredited programmes, Curfew, exclusion, Residence, Mental health treatment, Drug rehabilitation, Alcohol treatment and attendance centre requirement for under 25s.

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

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

Juvenile: An offender between the ages 10 and 17.

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

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

Youth cautions: Introduced on April 8th 2013. They are formal out-of-court disposals for young offenders (aged 10 to 17) and intended to allow a more flexible response to offending than the preceding Final Warning Scheme. These now replace reprimands and warnings.

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

Contacts

Press enquiries on the contents of this bulletin should be directed to the Ministry of Justice press office:

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General enquiries about the statistical work of the Ministry of Justice can be e-mailed to: statistics.enquiries@justice.gsi.gov.uk

General information about the official statistics system of the United Kingdom is available from www.statistics.gov.uk

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