



Ministry  
of Justice

# **A Guide to Women and the Criminal Justice System**

Last updated November 2014

## Contents

<b>Introduction .....</b>	<b>3</b>
<b>Overview of Statistics on Women and the Criminal Justice System .....</b>	<b>4</b>
Background to Statistics on Women and the Criminal Justice System .....	4
Timeframe and publication frequency .....	4
Revisions .....	5
<b>Parent Statistical Publications and Data Sources .....</b>	<b>6</b>
Overview .....	6
Crime Survey of England and Wales (CSEW) .....	8
Focus on: Violent Crime and Sexual Offences .....	9
Police Powers and Procedures, England and Wales .....	9
Criminal Justice Statistics quarterly .....	10
Offender Management Statistics quarterly .....	12
Safety in Custody statistics .....	12
Other Statistical publications .....	13
<b>Background to the Criminal Justice System .....</b>	<b>15</b>
Reporting crime .....	15
Out of court disposals .....	17
Cautions .....	18
Court proceedings .....	19
Conviction and sentencing .....	20
<b>Glossary .....</b>	<b>25</b>
<b>Directory of related internet websites on the Criminal Justice System .....</b>	<b>34</b>

# Introduction

This document provides more detail on the statistics presented in the publication *Statistics on Women and the Criminal Justice System* 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* detailing the frequency and timings of the bulletin 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.
- A list of relevant internet sites on the Criminal Justice system.

# Overview of Statistics on Women and the Criminal Justice System

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

## Background to Statistics on Women and the Criminal Justice System

Section 95 of the Criminal Justice Act 1991 states that:

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

Documents specifically fulfilling this requirement have been published since 1992, in the form of statistical information as detailed below.

This current report, as with previous editions, brings together statistical information on the representation of men and women as victims, suspects, defendants and offenders within the Criminal Justice System. It also provides details of employees within the criminal justice agencies. The publication aims to help practitioners, policy makers, academics and members of the public understand trends in the Criminal Justice System in England and Wales, how these vary between men and women, and over time.

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.<sup>1</sup> 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 second 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. Five or ten year trends have been presented wherever possible. Where changes to data systems or data quality issues do not allow for this, trends have been presented for the longest periods possible. The publication reflects the most recently published statistics. This varies across the different topic areas covered within the report. For example, the most

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

recently published re-offending data are for the 2012 cohort, the most recent arrests data are for 2012/13, the latest court outcomes data are for 2013, whilst victims data from the Crime Survey of England and Wales (CSEW) is available to 2013/14.

The publication is published on a biennial basis. The next publication is scheduled for release in 2016.

## **Revisions**

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

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/218490/statistics-revisions-policy.pdf](http://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 the criminal justice statistics publication, are addressed below:

### 1. Changes in source of administrative systems/methodology changes

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

### 2. Receipt of subsequent information

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

### 3. Errors in statistical systems and processes

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

## Parent Statistical Publications and Data Sources

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

### Overview

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

Key parent statistical publications include;

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

The publication also draws on data from the Crown Court Sentencing Survey and 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.

**Table G.01: Overview of publications presented in Women and the CJS**

Chapter	Topic	Parent publication	Most recent reference period	Primary Source/Further Information
<b>3. Victims</b>	Personal Crime (Crime Survey of England and Wales)	Crime in England and Wales	2013/14	<a href="http://ons.gov.uk/ons/taxonomy/index.html?nscl=Crime+in+England+and+Wales">ons.gov.uk/ons/taxonomy/index.html?nscl=Crime+in+England+and+Wales</a>
	Intimate partner violence Homicide	Focus on: Violent Crime and Sexual Offences	2012/13	<a href="http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/index.html">www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/index.html</a>
<b>4. Police Activity</b>	Arrests	Police Powers and Procedures	2012/13	<a href="http://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales">www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales</a>
	PNDs Cautions	Criminal Justice Statistics	2013	<a href="http://www.gov.uk/government/collections/criminal-justice-statistics-quarterly">www.gov.uk/government/collections/criminal-justice-statistics-quarterly</a>
<b>5. Defendants (7. Offence analysis)</b>	Prosecutions Remands Sentences	Criminal Justice Statistics	2013	<a href="http://www.gov.uk/government/collections/criminal-justice-statistics-quarterly">www.gov.uk/government/collections/criminal-justice-statistics-quarterly</a>
	Pre-sentence reports	Offender Management Statistics	2013	<a href="http://www.gov.uk/government/collections/offender-management-statistics-quarterly">www.gov.uk/government/collections/offender-management-statistics-quarterly</a>
<b>6. Offender Characteristics</b>	Criminal Histories	Criminal Justice Statistics	2013	<a href="http://www.gov.uk/government/collections/criminal-justice-statistics-quarterly">www.gov.uk/government/collections/criminal-justice-statistics-quarterly</a>
	Mitigating and Aggravating Factors	Crown Court Sentencing Survey annual publication	2013	<a href="http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm">sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm</a>
	Employment, income and benefits	Experimental statistics from the 2013 MoJ/ DWP/ HMRC data share		<a href="http://www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share">www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share</a>
<b>8. Offenders</b>	Prison population HDC ROTL Adjudications Probation	Offender Management Statistics	2013	<a href="http://www.gov.uk/government/collections/offender-management-statistics-quarterly">www.gov.uk/government/collections/offender-management-statistics-quarterly</a>
	Assaults Self-harm Deaths in custody	Safety in Custody Statistics	2013	<a href="http://www.gov.uk/government/collections/safety-in-custody-statistics">www.gov.uk/government/collections/safety-in-custody-statistics</a>
	Accredited programmes (prison / probation)	Accredited Programmes annual bulletin	2013/14	<a href="http://www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014">www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014</a>

	Reoffending	Proven Re-Offending	2012	<a href="http://www.gov.uk/government/collections/proven-reoffending-statistics">www.gov.uk/government/collections/proven-reoffending-statistics</a>
<b>9. Practitioners</b>	Police	Police workforce England and Wales statistics	2013/14	<a href="http://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2014">www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2014</a>
	Crown Prosecution Service	Crown Prosecution Service Data – Equality and Diversity	2013/14	<a href="http://www.cps.gov.uk/data/equality_and_diversity/index.html">www.cps.gov.uk/data/equality_and_diversity/index.html</a>
	Ministry of Justice	MoJ Diversity Report	2013/14	<a href="http://www.gov.uk/government/publications/diversity-report-2013-to-2014">www.gov.uk/government/publications/diversity-report-2013-to-2014</a>
	National Offender Management Service	National Offender Management Service workforce statistics	2013/14	<a href="http://www.gov.uk/government/collections/national-offender-management-service-workforce-statistics">www.gov.uk/government/collections/national-offender-management-service-workforce-statistics</a>
	Probation Service	Probation Service workforce quarterly statistics	2013/14	<a href="http://www.gov.uk/government/collections/probation-service-workforce-quarterly-reports">www.gov.uk/government/collections/probation-service-workforce-quarterly-reports</a>
	Judiciary	Judicial Diversity Statistics	2013/14	<a href="http://www.judiciary.gov.uk/subject/judicial-diversity/">www.judiciary.gov.uk/subject/judicial-diversity/</a>
	Magistracy	Judicial Diversity Statistics	2013/14	<a href="http://www.judiciary.gov.uk/subject/judicial-diversity/">www.judiciary.gov.uk/subject/judicial-diversity/</a>

## 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*.<sup>2</sup> As not all crimes are reported to the police and the police recorded crime data held centrally does not include information about victim gender, 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.

<sup>2</sup> [ons.gov.uk/ons/taxonomy/index.html?nsc1=Crime+in+England+and+Wales](http://ons.gov.uk/ons/taxonomy/index.html?nsc1=Crime+in+England+and+Wales)



The CSEW figures presented in this publication are based on interviews conducted between April 2013 and March 2014, and therefore cover a mix of crimes occurring in 2012, 2013 and 2014. 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.

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.

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

## **Focus on: Violent Crime and Sexual Offences**

*Statistics on Women and the CJS* presents data on intimate partner violence and homicide as reported in Chapter 4 and Chapter 2 respectively of *Focus on: Violent Crime and Sexual Offences*.<sup>4</sup>

Intimate partner violence figures are based on the self-completion module of the CSEW. Rape and other sexual offences are not included in the CSEW main crime count, due to the sensitivity of reporting in the context of a face-to-face interview. However, victimisation estimates for sexual offences are provided via a separate self-completion module on intimate violence.

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

For further technical details about the data used within *Focus on: Violent Crime and Sexual Offences*, please refer to the *User Guide to Crime Statistics for England and Wales*.<sup>5</sup>

## **Police Powers and Procedures, England and Wales**

*Statistics on Women and the CJS* presents data on arrests as reported in Chapter 1 of *Police Powers and Procedures*.<sup>6</sup>

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<sup>3</sup> Available here: [www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guides/index.html](http://www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guides/index.html)

<sup>4</sup> The most recent publication (2012/13) is available here: [www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/index.html](http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/index.html)

<sup>5</sup> Available here: [www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guides/index.html](http://www.ons.gov.uk/ons/guide-method/method-quality/specific/crime-statistics-methodology/user-guides/index.html)

<sup>6</sup> Available here: [www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales](http://www.gov.uk/government/collections/police-powers-and-procedures-england-and-wales)

These data reflect police activity and should not be used to infer levels of crime committed by offenders, or their specific characteristics. The data presented are drawn from returns from the 43 local police forces in England and Wales, and cover trends in arrest rates, as well as breakdowns by offence group and gender.

The following issues 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 these may differ.

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.

As with any data collection system, differences in recording practice can impact on the comparability of figures over time and across police force areas.

Further information on arrests data can be found in the *User Guide to Police Powers and Procedures Statistics*.<sup>7</sup>

## **Criminal Justice Statistics quarterly**

*Statistics on Women and the CJS* sources Penalty Notices for Disorder (PND), cautions, court proceedings, convictions, sentencing and offender histories data from *Criminal Justice Statistics quarterly*.<sup>8</sup>

The three main sources the statistics are compiled from are:

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

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

From April 2011 all cautions data are collected from the Police National Computer, the records are validated for accuracy and completeness and amended as necessary. Additionally any apparent cautions given for serious offences, such as

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<sup>7</sup> Available here: [www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112-user-guide](http://www.gov.uk/government/publications/police-powers-and-procedures-in-england-and-wales-201112-user-guide)

<sup>8</sup> [www.gov.uk/government/collections/criminal-justice-statistics-quarterly](http://www.gov.uk/government/collections/criminal-justice-statistics-quarterly)

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

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

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

- Where a defendant is found guilty of one offence and acquitted of another, the offence selected is the one for which they are found guilty;
- Where a defendant is found guilty of two or more offences, the offence selected is the one for which the heaviest sentence is imposed;
- Where the same disposal is imposed for two or more offences, the offence selected is the one for which the statutory maximum penalty is the most severe.

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

The figures on First Time Entrants (FTE) and previous offending histories have been taken from the Ministry of Justice's extract from the Police National Computer. A FTE is an offender who has received their first reprimand, warning, caution or conviction for an offence processed by a police force in England or Wales or by the British Transport Police. The measure excludes any offenders who at the time of their first conviction or caution, according to their PNC record, were resident outside England or Wales. Penalty notices for disorder, other types of penalty notice, cannabis warnings and other sanctions given by the police are not counted.

Further information on data sourced from the *Criminal Justice Statistics quarterly* can be found in the *Guide to Criminal Justice Statistics*.<sup>9</sup>

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<sup>9</sup> User guide for the most recent annual publication (update to December 2013) can be found here: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311307/guide-to-criminal-justice-statistics-may-2014.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311307/guide-to-criminal-justice-statistics-may-2014.pdf)

## Offender Management Statistics quarterly

*Statistics on Women and the CJS* source concordance levels for pre-sentence reports, probation statistics and prison population, releases and adjudications data from the *Offender Management Statistics quarterly*.<sup>10</sup>

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. To aid comparison, the 2009 figures from both the old and new systems have been presented.

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.

Further information on data sourced from the *Offender Management Statistics quarterly* can be found in *Offender management statistics: definitions and measurement*.<sup>11</sup>

## Safety in Custody statistics

*Statistics on Women and the CJS* source data on assaults, self-harm incidents and deaths in custody from *Safety in Custody statistics*.<sup>12</sup>

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

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<sup>10</sup> [www.gov.uk/government/collections/offender-management-statistics-quarterly](http://www.gov.uk/government/collections/offender-management-statistics-quarterly)

<sup>11</sup> User guide for the most recent annual publication October to December 2013 and annual can be found here: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/305750/oms-definitions-and-measurement.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/305750/oms-definitions-and-measurement.pdf)

<sup>12</sup> [www.gov.uk/government/collections/safety-in-custody-statistics](http://www.gov.uk/government/collections/safety-in-custody-statistics)

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

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

Further information on data sourced from *Safety in Custody statistics* can be found in the *Guide to Safety in Custody Statistics*.<sup>13</sup>

## Other Statistical publications

Other statistical publications and data sources drawn upon in Statistics on Women and the CJS are briefly detailed below.

### Reoffending

Reoffending data are sourced from *Proven Reoffending Statistics*.<sup>14</sup> 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. For a more detailed explanation of the data used in the *Proven Re-offending Statistics* series, please see the accompanying 'Definitions and Measurement' document.<sup>15</sup>

### Accredited programmes

Data on starts and completions of accredited programmes in prison and in the community are sourced from the *Accredited programmes annual bulletin*.<sup>16</sup> The Probation data are drawn from the Integrated Accredited Programmes System (IAPS), an operational database now used by all Probation Trusts for the management of programme caseloads. Prison data are drawn from NOMS prison data collections which are comprised of course level treatment returns sent in by prison establishments on a monthly basis.

### Crown Court Sentencing Survey annual publication

Data on aggravating and mitigating factors are sourced from the Crown Court Sentencing Survey annual publication.<sup>17</sup> The Crown Court Sentencing Survey

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<sup>13</sup> User guide for the most recent annual publication Update to December 2013 can be found here: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/305615/safety-in-custody-statistics-guide.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/305615/safety-in-custody-statistics-guide.pdf)

<sup>14</sup> [www.gov.uk/government/collections/proven-reoffending-statistics](http://www.gov.uk/government/collections/proven-reoffending-statistics)

<sup>15</sup> User guide for the most recent publication can be found here: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/368435/proven-reoffending-definitions-measurement-oct13.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368435/proven-reoffending-definitions-measurement-oct13.pdf)

<sup>16</sup> [www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014](http://www.gov.uk/government/statistics/accredited-programmes-annual-bulletin-2013-to-2014)

<sup>17</sup> [sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm](http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2013.htm)

(CCSS) was launched on 1 October 2010. The CCSS is a census, not a sample survey; for every *new* sentence imposed at the Crown Court, the sentencing judge is expected to complete a survey form. The survey records details on the factors taken into account by the judge when determining the appropriate sentence for an offender and the final sentence given. For a more detailed explanation please refer to the *Guide to CCSS Statistics*.<sup>18</sup>

#### Experimental statistics from the 2013 MoJ /DWP /HMRC data share

An administrative data share between the Ministry of Justice, the Department for Work and Pensions and HM Revenue and Customs took place in 2013, linking offender data to P45 employment data and benefit data, for 4.3 million offenders who received at least one caution or conviction for a recordable offence in England and Wales between 2000 and February 2013. For further technical details please refer to the publication.<sup>19</sup>

#### Various workforce publications

Staff data from different agencies involved with the Criminal Justice System are sourced from 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.

- Police data are available from *Police Workforce England and Wales statistics*<sup>20</sup> which provides figures on numbers of officers and staff of the 44 police forces in England and Wales. For more technical details please refer to the *User Guide to Police Workforce Statistics*.<sup>21</sup>
- The Crown Prosecution Service publish a range of annual diversity reports.<sup>22</sup> 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 taken from the *MoJ Diversity report*.<sup>23</sup> Ministry of Justice figures include staff in Ministry of Justice Head Quarters (MoJ HQ), HM Courts and Tribunals Service (HMCTS) and the Office of the Public Guardian (OPG). They do not include the National Offender Management Service (NOMS), the National Archives, the UK Supreme Court or the Land Registry, which also come under the justice umbrella.

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<sup>18</sup> User guide for the most recent publication can be found here:  
[sentencingcouncil.judiciary.gov.uk/docs/CCSS\\_Annex\\_A\\_2013.pdf](http://sentencingcouncil.judiciary.gov.uk/docs/CCSS_Annex_A_2013.pdf)

<sup>19</sup> [www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share](http://www.gov.uk/government/statistics/experimental-statistics-from-the-2013-moj-dwp-hmrc-data-share)

<sup>20</sup> [www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2014](http://www.gov.uk/government/statistics/police-workforce-england-and-wales-31-march-2014)

<sup>21</sup> User guide available here:  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330329/police-workforce-user-guide.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330329/police-workforce-user-guide.pdf)

<sup>22</sup> [www.cps.gov.uk/data/equality\\_and\\_diversity/index.html](http://www.cps.gov.uk/data/equality_and_diversity/index.html)

<sup>23</sup> [www.gov.uk/government/publications/diversity-report-2013-to-2014](http://www.gov.uk/government/publications/diversity-report-2013-to-2014)

- National Offender Management Service HQ and prison staff data are taken from the quarterly *National Offender Management Service workforce statistics*.<sup>24</sup>
- Probation Service data within Statistics on Women and the CJS provides a gender split of data originally published within the *Probation Service workforce quarterly reports*.<sup>25</sup>
- Judiciary and Magistracy data are taken from the *Judicial Diversity Statistics*.<sup>26</sup>

## Background to the Criminal Justice System<sup>27</sup>

### Reporting crime

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

### Investigation

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

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

Once their investigations are complete, the police will either:

- Charge the suspect, in conjunction with the Crown Prosecution Service (CPS);
- Apply for a summons for the suspect to appear at court;
- Deal with them by using an out-of-court disposal (an alternative to prosecution);
- Resolve the matter informally (e.g. the victim agrees to informal resolution or restorative justice approach);

<sup>24</sup> Data in this publication are taken from the March 2014 publication available here: [www.gov.uk/government/statistics/national-offender-management-service-workforce-statistics-march-2014](http://www.gov.uk/government/statistics/national-offender-management-service-workforce-statistics-march-2014)

<sup>25</sup> 2013/14 quarterly reports are available here: [www.gov.uk/government/statistics/probation-service-quarterly-reports-20132014](http://www.gov.uk/government/statistics/probation-service-quarterly-reports-20132014)

<sup>26</sup> 2013/14 data available here: [www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014/](http://www.judiciary.gov.uk/publications/judicial-diversity-statistics-2014/)

<sup>27</sup> A more detailed overview of the CJS is available within the Guide to Criminal Justice Statistics here: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311307/guide-to-criminal-justice-statistics-may-2014.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311307/guide-to-criminal-justice-statistics-may-2014.pdf)

- Release the individual without charge on the basis they should not face criminal action.

### **Offences not prosecuted by the police**

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

### **Deciding what happens with a case**

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

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

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

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

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

For adults (aged 18+), a:

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



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

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

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

## **Out of court disposals**

### **Penalty Notices for Disorder (PND)**

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

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

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

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

- Wasting police time or giving a false report;
- Misuse of public telecommunications system;
- Knowingly giving a false alarm to a fire brigade;
- Causing harassment, alarm or distress;
- Throwing fireworks in a thoroughfare;
- Drunk and disorderly;
- Selling alcohol to person under 18;
- Selling alcohol to a person who is drunk;
- Supplying alcohol to a person under 18;
- Purchasing alcohol for person under 18 in licensed premises;
- Purchasing alcohol for person under 18 for consumption in a bar in licensed premises;
- Delivering alcohol to person under 18 or allowing such delivery;

- Destroying/damaging property (under £300, or prior to July 2009 under £500);
- Theft (retail under £100, or prior to July 2009, under £200);
- Breach of fireworks curfew;
- Possessing Category 4 firework;
- Possessing adult firework by person under 18;
- Possessing cannabis (from 26th January 2009).

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

- Trespassing on a railway;
- Throwing stones etc. at trains or other things on railways;
- Being drunk in a highway, other public place or licensed premises;
- Consuming alcohol in designated public place;
- Depositing and leaving litter;
- Consumption of alcohol by a person under 18 on relevant premises
- Allowing consumption of alcohol by a person under 18 on relevant premises
- Buying or Attempting to buy alcohol by a person under 18
- Depositing and leaving litter in a Royal Park
- Use pedal cycle in a Royal Park
- Failing to remove animal faeces from a Royal Park

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

PND payment

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

PND's contested at court

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

Fine registration

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

**Cautions**

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

## Simple cautions

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

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

## Conditional cautions

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

Examples of conditions might be:

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

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

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

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

## **Court proceedings**

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

Charging - The Criminal Justice Act 2003 requires that the decision to charge a person in all but the most minor or routine offences is now undertaken by the Crown Prosecution Service (CPS). The police remain responsible for responding to

allegations that a person has committed a crime, deciding whether an investigation is required and subsequently conducting the investigation. The police can still charge both summary only and either way offences if there is an anticipation of a guilty plea and the likely sentence would be handed down in a magistrates' court.

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

[www.cps.gov.uk/publications/directors\\_guidance/dpp\\_guidance\\_4.html](http://www.cps.gov.uk/publications/directors_guidance/dpp_guidance_4.html)

Prosecutors are responsible for making charging decisions in the most serious cases, ensuring pre-charge decisions are timely, and identifying cases appropriate for out of court disposals prior to charge. In police charged cases these are made prior to the first hearing. These arrangements allow for strong cases to be built from the start and cases where there is not enough evidence to bring a prosecution are sifted out as quickly as possible.

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

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

Generally, an arrest warrant may only be issued where

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

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

## **Conviction and sentencing**

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

[www.cps.gov.uk/legal/s\\_to\\_u/sentencing\\_-\\_general\\_principles/](http://www.cps.gov.uk/legal/s_to_u/sentencing_-_general_principles/)

[www.cps.gov.uk/legal/s\\_to\\_u/sentencing\\_manual/](http://www.cps.gov.uk/legal/s_to_u/sentencing_manual/)

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

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

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

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

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

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

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

## **Disposals given in court**

### **Immediate custody**

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

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

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

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

Sentences of 12 months or over The Criminal Justice Act 2003 created a distinction between **standard determinate sentences** and **public protection sentences**. Offenders sentenced to a **standard determinate sentence** serve the first half in prison and the second half in the community on **licence** and subject to conditions. Offenders convicted of a sexual or violent offence may be sentenced to a **public protection sentence**. In such cases, the court has to determine whether the offender is dangerous to the extent that there is a significant risk to the public of serious harm through the commission by him or her of a further sexual or violent offence. If the court does consider that to be the case, it may impose a public protection sentence. There are two such sentences:

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

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

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

## **Life sentences**

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

### Mandatory life sentences

- Imprisonment for Life – this is the only sentence that can be imposed on anyone over the age of 21 who is convicted of murder.

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

#### Discretionary life sentences

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

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

#### **Suspended sentence orders**

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

#### **Community sentences**

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

- Unpaid work (formerly community service/community punishment) – a requirement to complete between 40 and 300 hours' unpaid work;
- Activity – e.g. to attend basic skills classes;

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

Typically, the more serious the offence and the more extensive the offender's needs, the more requirements there will be. Most orders will comprise one or two requirements but there are packages of several available where required. The court tailors the order as appropriate and is guided by the probation service through a pre-sentence report.

### **Fines**

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

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

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

### **Discharges**

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



## **Compensation**

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

## **Further sentences and orders**

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

## **Glossary**

### **Absolute discharge**

The court takes no further action against an offender, but the offender's discharge will appear on his or her criminal record.

### **Accused**

An individual charged with committing an offence.

### **Acquittal**

The discharge of a defendant following a verdict or direction of not guilty.

### **Act**

Law (as in an Act of Parliament).

### **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.

### **Bail**

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

### **Barristers**

A lawyer entitled to represent clients in all courts.

### **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.

### **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 sentences**

A term that refers to all court orders (except Suspended Sentence Orders and deferred sentences), which may have a custodial component.

### **Conditional discharge**

The discharge of a convicted defendant without sentence on condition that he/she does not reoffend within a specified period of time.

### **Conviction**

The outcome of a criminal prosecution which concludes that the defendant is guilty of the crime charged. The conviction then appears on the offender's criminal record.

### **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 Justice System**

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

### **Crown Court**

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

### **Crown Prosecution Service (CPS)**

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

### **Custodial sentence**

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

### **Custody**

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

### **Defendant**

A person sued, standing trial or appearing for sentence.

### **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.

### **Domestic Abuse – CSEW**

Domestic abuse includes non-sexual emotional or financial abuse, threats, physical force, sexual assault or stalking carried out by a current or former partner or other family member.

### **Either-way Offence**

An offence for which the accused may elect the case to be dealt with either summarily by the magistrates or by committal to the Crown Court to be tried by jury.

### **Final warning**

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

### **Fine**

A sentence whereby the offender pays money to the court as punishment for their crime.

### **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.

### **Home Office**

The government department responsible for reducing crime.

### **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.

### **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.

### **Indictable offence**

A criminal offence triable only by the Crown Court.

**Intimate violence – CSEW**

Intimate violence is a collective term used in the CSEW to describe any partner or family domestic abuse, including non-physical abuse (emotional or financial abuse), threats, force, sexual assault (including attempts) and stalking.

**Judge**

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

**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.

**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' Court**

A Court 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.

**Ministry of Justice**

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.

**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.

**Parole Board**

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

**Penalty Notices for Disorder (PND)**

PNDs were introduced as part of the previous Government's strategy 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.

### **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.

### **Police force area (PFA)**

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

### **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.

### **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.

### **Prosecution**

The institution or conduct of criminal proceedings against a person.

### **Recorder**

Members of the legal profession (barristers or solicitors) who are appointed to act in a judicial capacity on a part-time basis. Recorders may progress to become full-time judges.

### **Restorative Justice**

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

### **Remand**

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

### **Reprimand**

A warning issued to juveniles for a first minor offence.

### **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." In the

community, self-harm is common but often covert. In prisons, such incidents are more likely to be detected and counted.

### **Sexual assault – CSEW**

The CSEW measure of sexual assault includes indecent exposure, sexual threats and unwanted touching, rape or assault by penetration including attempts, by any person including a partner or family member. “Serious” sexual assaults include rape or assault by penetration, including attempts.

### **Solicitor**

A member of the legal profession concerned with advising clients, preparing their cases and representing them in some Courts. Solicitors may also act as advocates before certain Courts or tribunals.

### **Stalking – CSEW**

One or more incidents (causing distress, fear or alarm) of obscene or threatening unwanted letters or phone calls, waiting or loitering around home or workplace, following or watching, or interfering with or damaging personal property by any person, including a partner or family member.

### **Statistical significance**

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

### **Summary offence**

A criminal offence which is triable only by a magistrates’ court.

### **Suspended sentence**

A custodial sentence that will not take effect unless there is a subsequent offence within a specified period.

### **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 from the Person – CSEW**

Theft from the person, as measured by the CSEW, covers theft (including attempts) of property directly from the victim, but without the use of physical force against the victim, or the threat of it.

### **Victim (of Crime)**



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

### **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.

### **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).

### **Youth Offending Team (YOT)**

A Youth Offending Team is made up of local representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. The YOT identifies the needs of each young offender, and the specific problems that make the young person offend, as well as measuring the risk they pose to others. This enables the YOT to identify suitable programmes to address the needs of the young person with the intention of preventing further offending.

## Directory of related internet websites on the Criminal Justice System

The following list of web sites contains information in the form of publications and/or statistics relating to the criminal justice system that may be of interest.

### Ministry of Justice

[www.gov.uk/government/organisations/ministry-of-justice](http://www.gov.uk/government/organisations/ministry-of-justice)

This site provides information on the organisations within the justice system, reports and data, and guidance:

- Details of Ministry of Justice statistical publications, which can be viewed on-line, can be found at:  
[www.gov.uk/government/organisations/ministry-of-justice/about/statistics](http://www.gov.uk/government/organisations/ministry-of-justice/about/statistics) For historic publications, see the links to 'earlier volumes in the series' (on National Archives website) on individual publication pages.
- Information on the bodies within the justice system, such as HM Prison Service, the Youth Justice Board and HM Courts & Tribunals Service can be found at:  
[www.justice.gov.uk/about/index.htm](http://www.justice.gov.uk/about/index.htm)

**The Crown Prosecution Service** [www.cps.gov.uk](http://www.cps.gov.uk) Gives information on the department and provides particulars in relation to legal guidance/victims and witnesses, in addition to details of publications.

**The Attorney General's Office** [www.gov.uk/government/organisations/attorney-generals-office](http://www.gov.uk/government/organisations/attorney-generals-office)

Provides information on the role of the department including new releases; updates; reports; reviews and links to other law officer's departments and organisations.

**The Welsh Assembly Government**, [www.wales.gov.uk](http://www.wales.gov.uk) Gives information on all aspects of the Welsh Assembly together with details of publications and statistics.

**The Scottish Government**, [www.scotland.gov.uk](http://www.scotland.gov.uk) Gives information on all aspects of the Scottish Executive together with details of publications and statistics.

**Criminal Justice System Northern Ireland**, [www.nidirect.gov.uk/justice](http://www.nidirect.gov.uk/justice) Provides access to the main statutory agencies and organisations that make up the CJS together with details of publications.

**UK National Statistics Publication Hub**, [www.statistics.gov.uk](http://www.statistics.gov.uk) This is the UK's home of official statistics, reflecting Britain's economy, population and society at national and local level. There are links to the Office for National Statistics and the UK Statistics Authority.

**The Sentencing Council**, [sentencingcouncil.judiciary.gov.uk/](http://sentencingcouncil.judiciary.gov.uk/) The Sentencing Council is an independent, non-departmental public body of the Ministry of Justice and replaces the Sentencing Guidelines Council and the Sentencing Advisory Panel. The site contains information on: sentencing guidelines; general information on sentencing; and research and analysis undertaken by the Sentencing Council.