



## Criminal Justice Statistics quarterly, England and Wales, year ending March 2021 (quarterly)

### Main points

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

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**1.07 million individuals were dealt with by the CJS in the year ending March 2021 (excluding cautions)**



The number of individuals formally dealt with by the criminal justice system (CJS) in England and Wales fell 28% in the latest year.

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**Prosecutions at magistrates' courts fell by 32% in the latest year due to the impact of the COVID-19 pandemic**



This was driven by a sharp reduction in court activity during the second quarter of 2020, after which prosecutions began to recover.

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



In the latest year, 11% of defendants were remanded in custody by police prior to appearing at court, 5% were remanded in custody at magistrates' court, and 39% at the Crown Court.

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**The average custodial sentence length for all offences was 18.6 months**



This is a decrease of 0.9 months from the previous year, when average custodial sentence length was at its highest in the decade.

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This publication provides criminal justice statistics for the latest 12-month period, presented alongside the same 12-month period for the previous year where available, more detail is available in the overview tables. Alongside this report we are publishing an ad-hoc table which breaks down proceedings, convictions and sentencing by month covering the period April 2019 to March 2021 to provide more detail on the impacts of the COVID-19 pandemic and highlighting potential increased volatility in the series during the recovery period.

**We continue to review our data gathering, access and release practices during the pandemic, focusing efforts on priority analysis and statistics. Our [statement](#) explains this further. Of particular note, we have now resumed access to the Police National Computer following the pause to minimise non-essential travel by our analysts. A backdated series for offender histories (quarterly data from year ending Q1 to year ending Q4 2020) has been provided alongside this bulletin. However, work is being resumed on a priority basis in line with guidance from the Office for Statistics Regulation, we expect cautions data to be reinstated in subsequent releases. We will keep users updated of any further changes via our published release calendar.**

## Statistician's comment:

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

The monthly data shows that following the sharp falls in overall prosecutions and convictions immediately following the March 2020 'lockdown', these have since recovered, although not quite to pre-pandemic levels. Indictable offences have recovered faster than summary offences, reflecting the prioritisation of cases that were likely to result in a custodial sentence, this has also led to an increase in the proportion of defendants remanded in custody.

The custody rate increased in the latest year due to a higher proportion of indictable offences dealt with in court since April 2020, however, most offence groups have seen a decrease in the average custodial sentence length. The types of cases prioritised during the pandemic and pleas associated with these are likely to have contributed to the short-term fluctuations in custody rates and average sentence lengths.

## Change to note

### **Common Platform and reform to criminal court data**<sup>1</sup>

The 'Common Platform' is a new digital case management system for the magistrates' and Crown Courts. The system seeks to streamline data collection, data accessibility and improve the way criminal cases are processed across the Criminal Justice System. It will eventually replace the existing 'legacy' criminal court systems Libra (magistrates') and XHIBIT (Crown), with a single, streamlined system.

Early adopter courts across England and Wales have tested the system prior to roll-out to all criminal courts. Derbyshire magistrates' and Crown Court began this process in September 2020 and the roll-out has continued across England and Wales<sup>2</sup>.

Court proceedings data recorded on the Common Platform are not included in this publication. It is estimated that in the period covered by this publication, a maximum of 1,700 cases from these courts are missing as a result. This accounts for less than 1% of published court proceedings data for this period. This proportion is expected to rise for future quarterly publications as the roll-out continues.

It is not yet known how significant the impact will be, but as a minimum we expect some series to be disrupted, and we may also decide to withhold or delay some publications of quarterly data. We are committed to ensuring that published statistics remain accurate, robust and coherent for users during the operational transition of data systems at the criminal courts.

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<sup>1</sup> <https://www.gov.uk/government/news/common-platform-system-tested-in-criminal-courts>

<sup>2</sup> <https://www.gov.uk/guidance/hmcts-common-platform-participating-criminal-courts>

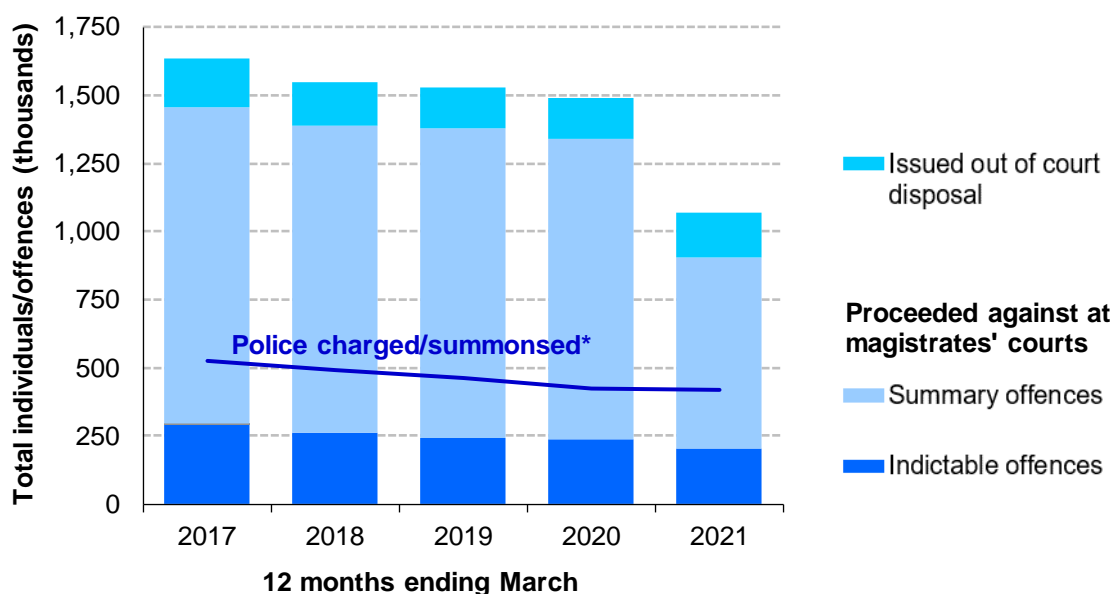
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## 1. Overview of the Criminal Justice System

**1.07 million individuals were dealt with by the CJS in the year ending March 2021 (excluding cautions<sup>3</sup>).**

The number of individuals<sup>4</sup> formally dealt with by the criminal justice system (CJS)<sup>5</sup> in England and Wales fell 28% in the latest year.

**Figure 1: Individuals dealt with formally by the CJS, offences resulting in a police charge/summons, 12 months ending March 2017 to 12 months ending March 2021 (Source: Tables Q1.1 and Q1.2)<sup>6</sup>**



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

The number of defendants prosecuted at all courts fell by 32% in the latest year and a similar trend was seen in convictions (see the Prosecutions and Convictions chapter).

In the latest year police recorded crime (including fraud) decreased by 10%, and the number of offences charged by the police decreased by 1%. The review of court arrangements in response to the COVID-19 pandemic<sup>7</sup> resulted in an increase in outstanding cases at magistrates' courts. Levels of outstanding cases in January to March 2021 (397,000) were up by 21% compared to the same period in 2020<sup>8</sup>, therefore trends in offences charged by police are less comparable to prosecutions.

In response to the restrictions put in place due to the COVID-19 pandemic, the Judiciary published guidance on the prioritisation of listings<sup>9</sup>. During the reporting period, all offences

<sup>3</sup> Cautions are excluded due to limited access to the Police National Computer due to the COVID-19 pandemic.

<sup>4</sup> An individual (includes companies) can be counted more than once in a year if dealt with by the CJS on multiple separate occasions.

<sup>5</sup> The number of individuals formally dealt with by the CJS is the sum of all defendants prosecuted at magistrates' court plus all individuals issued an out of court disposal (including cautions, Penalty Notice for Disorder, cannabis/khat warning community resolutions).

<sup>6</sup> Following the implementation of a new IT system, Greater Manchester have been unable to supply data since July 2019 so there will be missing data for OOCs and police charged/summonsed for 2019 and 2020.

<sup>7</sup> [Review of court arrangements due to COVID-19, message from the Lord Chief Justice.](#)

<sup>8</sup> For more information, see [Criminal court statistics quarterly: January to March 2021](#)

<sup>9</sup> [Note on listing in magistrates' courts – COVID-19.](#)

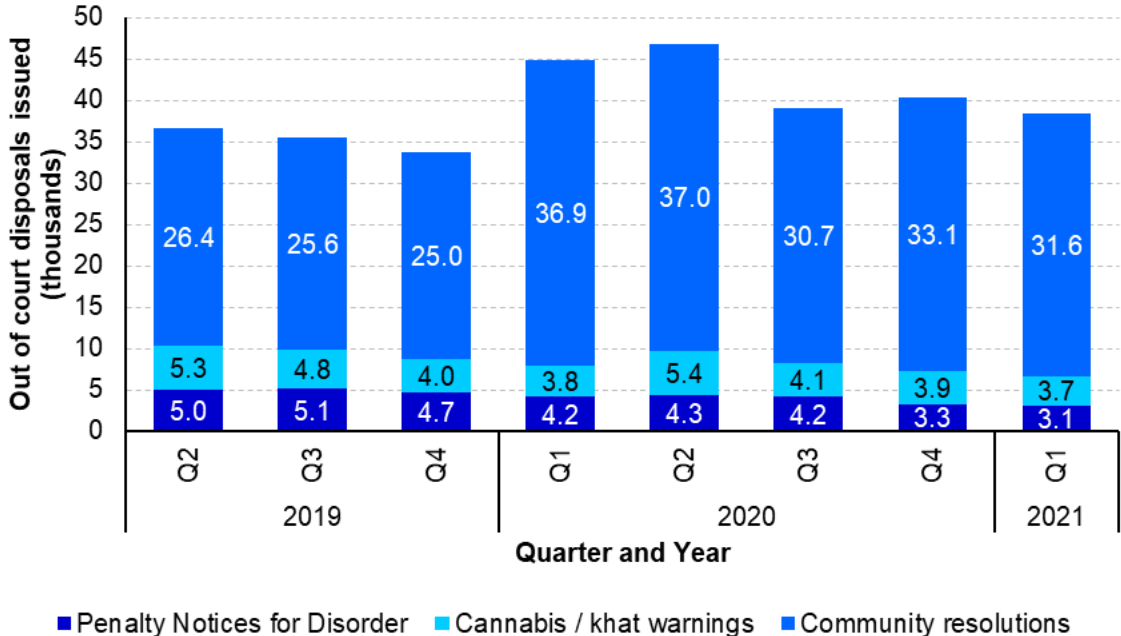
likely to result in custody were prioritised which impacted outcomes such as custody rate and average custodial sentences.

## 2. Out of Court Disposals

The release of this quarter’s cautions data is delayed as access to the Police National Computer resumes on a prioritised based following restricted access during the COVID-19 pandemic. A separate series on cautions issued by the police for notifiable offences is published by the Home Office and is available in their [Crime Outcomes data tables](#).

Out of court disposals (OOCs) are sanctions used by the police to address offences without the need to be dealt with at court. Excluding cautions, there were 164,000 OOCs in the year ending March 2021, a 9% increase compared to the previous year. This increase was driven by a 16% increase in community resolutions, of which 132,000 were issued.

**Figure 2: Out of court disposals (excluding cautions) issued, Q2 2019 to Q1 2021, England and Wales (Source: AH\_1)**



The use of Penalty Notices for Disorder (PNDs) has continued to decline with 14,900 issued in the year ending March 2021, falling 22% from the previous year. The most common offences that resulted in a PND were possession of cannabis, accounting for 48% of PNDs issued, and drunk and disorderly behaviour accounting for 25%.

There were 17,100 cannabis and khat warnings issued, a decrease of 4% from the previous year.

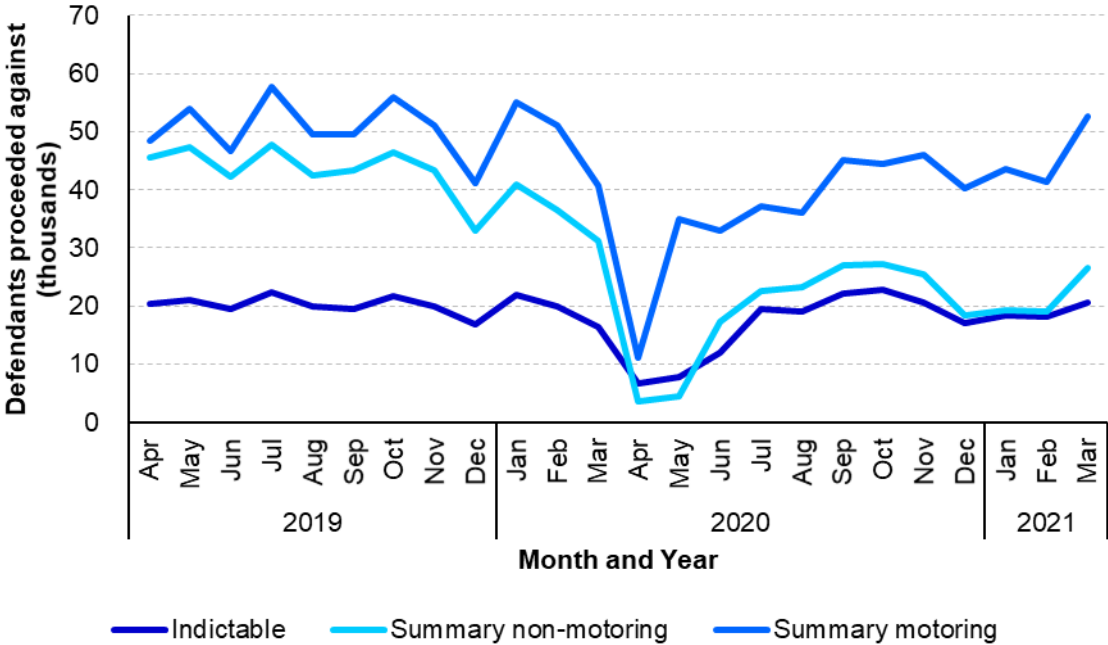
### 3. Court prosecutions and convictions

**Prosecutions at magistrates’ courts fell by 32% in the latest year due to the impact of the COVID-19 pandemic.**

This was driven by a sharp reduction in court activity during the second quarter of 2020, after which prosecutions began to recover.

Reduced court activity during the COVID-19 pandemic had a large impact on prosecutions and convictions throughout the year ending March 2021. During this twelve-month period, 905,000 defendants were proceeded against at magistrates’ courts, 32% fewer than in the year ending March 2020. Prosecutions fell to a low of 21,300 in April 2020 and began to recover over the following months. In March 2021, there were 99,900 prosecutions.

**Figure 3: Prosecutions at magistrates' courts, monthly by type of offence, England and Wales, April 2019 to March 2021 (Source: Table AH\_1)**



The overall reduction in prosecutions was driven by a decrease in defendants prosecuted for summary non-motoring offences (down 53% to 234,000 from the year ending March 2020), summary motoring offences (down 23% to 466,000) and indictable theft offences (down 35% to 40,400). Prosecutions for these offence groups recovered more slowly than for more serious offence groups, reflecting prioritisation in the courts.

While prosecutions overall fell in the latest year, the number of prosecutions for the most serious offence groups have risen, with the number of defendants proceeded against for offences of violence against the person at 47,700, 2% higher than the year ending March 2020. Prosecutions for drug offences also increased by 2% to 45,100 and prosecutions for sexual offences increased by 6% to 8,300.

Convictions have recovered less quickly. There were 768,000 offenders convicted at all courts in the year ending March 2021, a reduction of 34% compared with the previous year. Convictions were lower than the previous year across all offence groups. Trends in convictions for indictable offences tend to lag behind prosecutions due to the time taken between proceedings at magistrates’ and case completion at Crown Court.

## 4. Remands

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

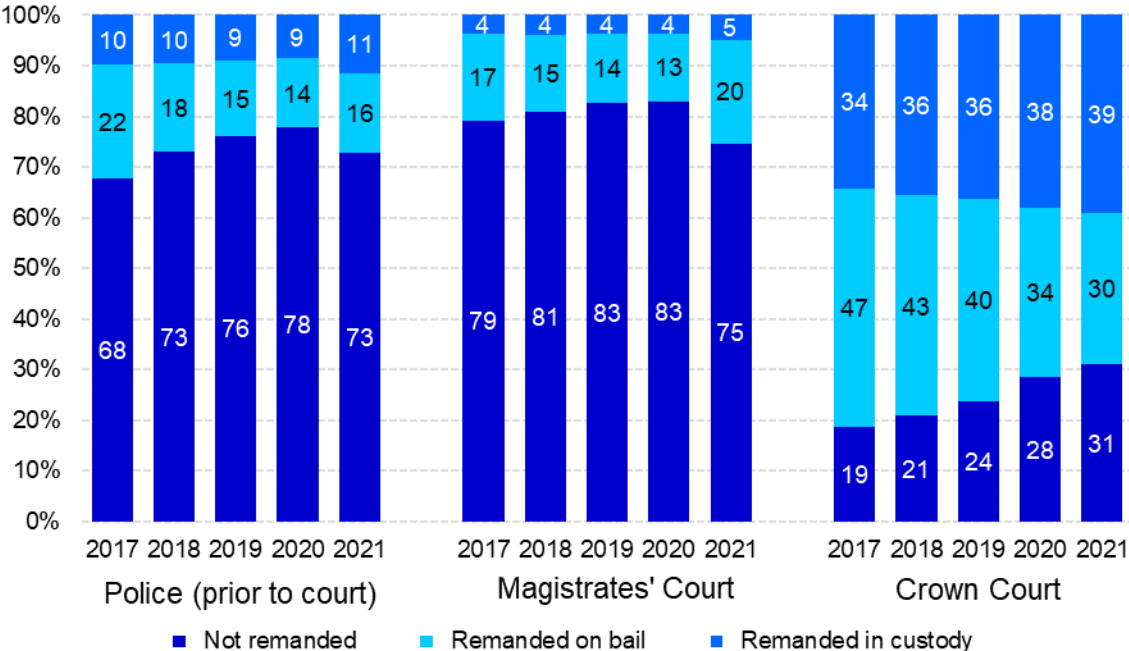
In the latest year, 11% of defendants were remanded in custody by police prior to appearing at court, 5% were remanded in custody at magistrates’ court, and 39% at the Crown Court.

In the year ending March 2021, 963,000 defendants were directed to appear at magistrates’ courts (including failures to appear). The proportion of defendants not remanded/summonsed prior to appearing at magistrates’ courts decreased to 73% from 78%. The proportion remanded in custody by police increased to 11% from 9%. This was primarily driven by the prioritisation of more serious offences where defendants were more likely to be remanded in custody during the pandemic.

At magistrates’ court, COVID-19 prioritisation of more serious offences led to the proportions increasing for both defendants granted bail and those remanded in custody increased for the first time in 5 years. In the latest year, 20% were remanded on bail, and 5% in custody. Similarly to police remands, this was largely driven by the impacts of the pandemic.

At Crown Court, the proportion of defendants not remanded continued to increase and the proportion bailed continued to decrease (falling 4 pp in the latest year). The proportion remanded in custody increased 1 pp to 39% in the latest year, which was influenced by the prioritisation of offences likely to result in custody in response to COVID-19.

**Figure 4: Defendants’ remand status with Police (prior to court), at magistrates’ courts and at Crown Court, 12 months ending March 2017 to 12 months ending March 2021 (Source: Tables Q4.1, Q4.2 & Q4.3)**



Defendants are more often remanded in custody for indictable offences than summary offences, so the proportion remanded in custody at Crown Court is higher than at magistrates’ courts. In the latest year, of the defendants remanded in custody at magistrates’ courts, 12% were sentenced to immediate custody, and a further 67% were committed for trial or sentencing at Crown Court. Of those remanded in custody at Crown Court, 75% were sentenced to immediate custody. Of all defendants who were not remanded at Crown Court, 48% received an immediate custodial sentence.

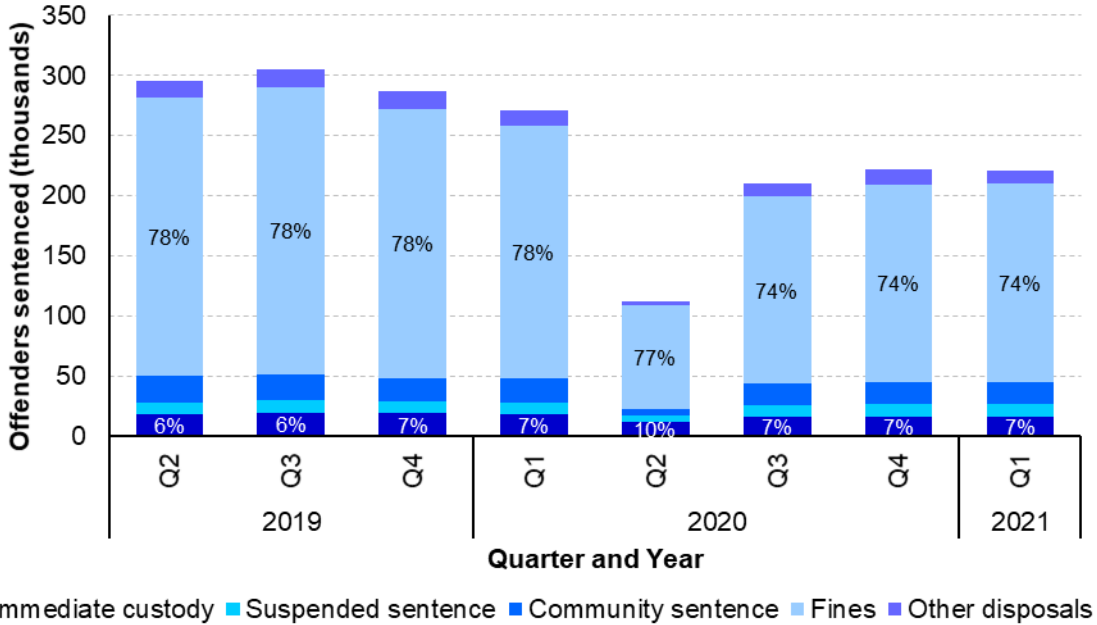
## 5. Sentencing

The average custodial sentence length for all offences was 18.6 months.

This is a decrease of 0.9 months from the previous year, when average custodial sentence length was at its highest in the decade.

In line with prosecutions and convictions, the overall number of offenders sentenced in the year ending March 2021 fell by 34% compared with the previous year, to 766,000. Most of the decrease occurred during the second quarter of 2020, when court activity was most severely impacted by the COVID-19 pandemic.

Figure 5: Number and proportions of each sentence type given each quarter, England and Wales, Q2 2019 to Q1 2021 (Source: Table AH\_1)<sup>10 11</sup>



Fines remained the most common sentencing outcome, accounting for 75% of all sentences given in the year ending March 2021. Out of all sentencing outcomes, the proportion of immediate custodial (8%) and community sentences (8%) increased slightly in the latest year, due to the prioritisation of more severe offences. Suspended sentences (5%) were least impacted by the pandemic, only decreasing in volume by 7% in the latest year (compared to 34% for all sentences).

The proportion of suspended sentences given for indictable offences increased to 18% from 15% in the previous year. The custody rate<sup>12</sup> for indictable offences remained stable at 33%. The average custodial sentence length (ACSL) for indictable offences was 21.0 months, a decrease of 1 month from the previous year, and decreased for almost all offence groups. ACSL for violence against the person fell 22% to 18.5 months, and for sexual offences fell 12% to 52.4 months (the lowest since 2011).

Short-term fluctuations in custody rates and average sentence lengths are likely to be affected by the application of sentencing principles during the pandemic<sup>13</sup> and the types of offences prioritised in the latest year and pleas associated with these.

<sup>10</sup> Other disposals include compensation, restriction orders, hospital orders, guardianship orders, police cells, and other disposals.

<sup>11</sup> Offenders includes persons, companies and public bodies, etc

<sup>12</sup> The proportion of immediate custodial sentences out of all sentences.

<sup>13</sup> [The application of sentencing principles during the Covid-19 emergency – Sentencing \(sentencingcouncil.org.uk\)](https://www.sentencingcouncil.org.uk)

## Further information

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

## Accompanying files

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

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

## National Statistics status

National Statistics status means that official statistics meet the highest standards of trustworthiness, quality and public value. This bulletin recently underwent a compliance check with the Office for Statistics Regulation and retained its National Statistics status in May 2020<sup>14</sup>. All official statistics should comply with all aspects of the Code of Practice for Statistics. They are awarded National Statistics status following an assessment by the Authority's regulatory arm. The Authority considers whether the statistics meet the highest standards of Code compliance, including the value they add to public decisions and debate. It is the Ministry of Justice's responsibility to maintain compliance with the standards expected for National Statistics. If we become concerned about whether these statistics are still meeting the appropriate standards, we will discuss any concerns with the Authority promptly. National Statistics status can be removed at any point when the highest standards are not maintained and reinstated when standards are restored.



## Future publications

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

## Contact

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**Next update: 18 November 2021**

**URL:** <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2021>

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<sup>14</sup> <https://osr.statisticsauthority.gov.uk/correspondence/mark-pont-to-david-blunt-proven-re-offending-and-criminal-justice-system-statistics/>