



Ministry  
of Justice



# **A Technical Guide to Statistics on Women and the Criminal Justice System, 2021**

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## Introduction

This document provides more detail on the statistics presented in the publication *Statistics on Women and the Criminal Justice System 2021*, 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 2021* detailing the background and intention of this release, the frequency and timings of the bulletin, the data used and presented and the revisions policy.
- Details of the parent statistics publications that are referenced within the bulletin and brief details of the data sources.
- A high level background to the criminal justice system (CJS) on the topics featured within the bulletin.
- A glossary of the main terms used within the publication.

## Overview of Statistics on Women and the Criminal Justice System 2021

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 2021

Section 95 of the Criminal Justice Act 1991 states that:

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

Documents fulfilling this requirement have been published since 1992, in the form of statistical information. This report, as with previous editions, brings together information on the representation of women (and men) among victims, suspects, defendants and offenders within the Criminal Justice System. It also provides details of practitioners within the Criminal Justice System (CJS).

The publication aims to help practitioners, policy makers, academics and members of the public understand trends in the CJS in England and Wales, and how these vary between the sexes and over time. The identification of differences should not be equated with unequal treatment, however, as there are many reasons why apparent disparities may exist which would require further investigation.

### Timeframe and publication frequency

Data are presented in terms of calendar and financial years, reflecting the reporting cycles and data collection of the agencies contributing information for this publication. For example, data on arrests are presented in financial years, while data from courts, prison and probation are presented in calendar years.

Time series have been presented wherever possible, of whichever length is most appropriate in context. Where changes to data systems or data quality issues do not allow for long time series, trends have been presented for the longest periods possible.

The most recent data available during the compilation of this report has been included (usually the 2021 calendar year or 2021/22 financial year), referred to as the 'latest year', though it is important to note that more recent data may have since been published. The publication is published on a biennial basis. The next publication is scheduled for release in 2024.

## Data

Every effort is made to ensure that the figures presented are accurate and complete. However, these data have been extracted from large administrative data systems generated by the courts, police forces and other agencies. As a consequence, care should be taken to ensure the limitations of these data are taken into account.

Although we explore differences between sexes, it is important that inferences are not made about individuals from group-level data – since we consider averaged outcomes that do not take into consideration the unique sub-set of circumstances in each case. If we take, for example, defendants: there can be a number of points of contact with the CJS, which range from an out of court disposal to standing trial in front of a jury. The sentencing outcome that a person receives depends upon the crime committed, their offending history and a series of mitigating and aggravating factors unique to the person or crime. Because of this, the statistics presented in this report do not represent the expected experiences of an individual female (or male) throughout the Criminal Justice System, but they can highlight areas where further investigation or research may be warranted.

It is important to note that for the majority of the report, no controls have been applied for other characteristics of those in contact with the CJS, such as average income or age, so it is not possible to determine what proportion of any differences identified in this report are directly attributable to sex. Much of the published annual Criminal Justice Statistics and some of the statistics published elsewhere can be cross-tabulated with other protected characteristics, such as ethnicity and age, however care must be taken when interpreting the results. It is also not possible to make any causal links between sex and CJS outcomes.

All results relate to England and Wales unless explicitly stated otherwise.

Source data for bulletin charts and analysis is already in the public domain or being placed there as part of this release. This can be found in the accompanying tables for each chapter, with new breakdowns presented in tables and previously published data and supporting information accessible through links in the user guide.

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

Differences between groups in survey data have only been discussed where they are statistically significant, unless stated otherwise. Those where sex (or other relevant information) is not held have generally been excluded from analysis, to reflect the lack of knowledge of the true characteristics of the unknown group.

All breakdowns of court data including offence are presented on a principal offence basis; that is, offenders are only reported against the most serious offence they were convicted for, where they have been convicted of more than one offence during their trial. Similarly, sentencing breakdowns

are presented on a principal disposal basis; that is, offenders are only reported against the most serious sentence they received, where they were given multiple sentences during their trial. (For further detail, see the Glossary and Criminal Justice Statistics sections below.)

It is not generally possible to robustly track offenders between different databases or incidents, meaning that, for example, it is not possible to directly link the population arrested to those subsequently convicted, or those tried in one year and convicted in the next. This means that if an individual has two or more separate interactions with the CJS in a given year, they may be captured twice, and that it is not possible to track changes in offence between charge and conviction in court data.

Some breakdowns have been presented by police force area or by specific offences. However, it is important to bear in mind that the smaller the group being considered, the more susceptible it is to fluctuations caused by chance or by anomalies in the recording of administrative data.

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

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

Ethnicity has been reported using self-identification unless specified otherwise, based on the 5+1 summary grouping of the 18+1 2001 Census ethnicity categories – i.e. as white, black, mixed, Asian, other, or unknown.

In response to the restrictions put in place due to the COVID-19 pandemic, the Judiciary published guidance on the prioritisation of listings<sup>1</sup>. During the reporting period, all offences likely to result in custody were prioritised which impacted outcomes such as custody rate and average custodial sentences. This should be taken into consideration when interpreting trends that incorporate affected figures (e.g. prosecutions, convictions, sentencing, including ACSL and custody rates).

## **Relative Rate Index (RRI)**

The Relative Rate Index (RRI) has been used in this publication, which is a statistical approach used for the comparison of the relative difference in rates between two fixed populations and was recommended for use in the Lammy Review, 2017. A rate is defined as the proportion of individuals who experienced an outcome out of the total number of people who could have experienced the outcome. The RRI is the outcome rate for one group (usually the group 'at risk') divided by the rate for another group (the 'baseline'), thus creating a single standardised ratio measure of relative difference in outcomes between those two groups. Throughout this publication, the White ethnic group have been used as the baseline.

An RRI value of 1 indicates no disparity, an RRI greater than 1 means the group of interest had a greater likelihood of experiencing the particular outcome and an RRI less than 1 indicates the group of interest was less likely than the baseline to experience said outcome. For example, when considering the rate at which Asian offenders were given a custodial sentence compared to White

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<sup>1</sup> [https://www.judiciary.uk/wp-content/uploads/2020/07/07072020\\_-\\_Amended-Note-on-Listing-Magistrates-re-breaches\\_APPROVED-3.pdf](https://www.judiciary.uk/wp-content/uploads/2020/07/07072020_-_Amended-Note-on-Listing-Magistrates-re-breaches_APPROVED-3.pdf)

offenders, an RRI of 1.11 indicates that Asian offenders were 1.11 times as likely (or 11% more likely) to be given a custodial sentence than White offenders.

To further aid interpretation, using the '4/5ths rule of thumb for adverse impact'<sup>2</sup>, RRI values that fall within a range of 0.8 to 1.25 (the zone of tolerance) are not likely to indicate a disparity in outcomes resulting in adverse impact. This does not imply that an RRI falling outside of this range is indicative of the presence of an adverse impact; it is important to also consider whether parity falls within the confidence intervals, particularly with smaller samples. It's important to note that this rule of thumb is a simplification and whilst it may be valid in most cases, with smaller samples the margin of error may be wider than the zone of tolerance. Establishing a difference as evidence of a disparity requires that the observed RRI value is significantly different to parity, i.e. 1 does not fall within the confident intervals of the observed RRI.

## Revisions

In accordance with Principle 2 of the Code of Practice for Official Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found here: [Statistics revision policy](#). The Ministry of Justice aims to avoid the need for revisions to publications unless they are absolutely necessary and put systems and processes in place to minimise the number of revisions. The three reasons specified for statistics needing to be revised are changes in sources of administrative systems or methodology changes, receipt of subsequent information, and errors in statistical systems and processes. Each of these points, and its specific relevance to this publication, are addressed below:

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

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

### 2. Receipt of subsequent information

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

### 3. Errors in statistical systems and processes

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

Our policy in handling revisions is to be transparent with users about the need for revisions, how and when to expect revisions as part of our standard processes and the processes by which other revisions will be communicated and published. To meet these commitments, all of our statistical publications will: ensure that the need for major revisions for any series are pre-announced on the Ministry of Justice website; include a detailed revisions policy within every release; detail how users will be informed of the need for revisions; and give detailed and full explanations as to why the revisions were necessary. In addition, the annual report from the Head of Profession to the National Statistician will provide information on how many revisions were required to our publications and the reasons for these and publish a time-series of revisions due to errors in our statistical processes and procedures so we can monitor the quality of our outputs.

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<sup>2</sup> <http://workpsychcentral.com/index.php/4-5ths-rule>

## Parent Statistical Publications and Data Sources

This section lists the primary statistical publications from which the data presented in this report are gathered. The basic statistical information in this document should be considered in conjunction with the parent statistical publications and research reports that are now available on related issues. Most of these reports are now published on websites such as the [GOV.UK](https://www.gov.uk) website and the [Office for National Statistics](https://www.ons.gov.uk) website. It also briefly describes the key data sources. For further technical data and quality statements see appendices in the parent publications. For information on related publications not included in this report, please see the accompanying user guide.

### Overview

*Statistics on Women and the Criminal Justice System 2021* draws on data from a number of statistical publications, which in turn draw on various sources across the Criminal Justice System, including data collected by the police, the courts and prisons.

Key parent statistical publications include;

- Crime Survey of England and Wales (as reported in Crime in England and Wales)
- Criminal Justice Statistics Quarterly
- First time entrants (FTE) into the Criminal Justice System
- Offender Management Statistics Quarterly
- Safety in Custody

The publication also draws on data from staff data from various agencies across the Criminal Justice System including the Crown Prosecution Service, Magistrates and Judiciary. Table G.01 below outlines the main sources drawn upon in the report.

In addition to these published data sources, we have drawn on additional breakdowns of the underlying data in some cases. These additional breakdowns can be found in the accompanying data tables.

**Table G.01: Overview of publications presented or associated with Statistics on Women and the Criminal Justice System 2021**

Chapter	Topic	Parent publication (hyperlink to latest edition)	Most recent reference period	How sex is recorded
3. Victims	Risk of victimisation Personal crime Violent crime	<a href="#">Crime in England and Wales</a>	2021/22	Self-identified
	Homicide	<a href="#">Homicide in England and Wales</a>	2020/21	Officer identified
4. Police Activity	Out of court disposals (PNDs and Cautions)	<a href="#">Criminal Justice Statistics Quarterly</a>	2021	Mix of self-reported and officer identified
	Stop and Searches Arrests	<a href="#">Police Powers and Procedures</a>	March 22	Mix of self-reported and officer identified
5. Defendants	Prosecutions, convictions remands and sentencing.	<a href="#">Criminal Justice Statistics Quarterly</a>	2021	Mix of self-reported and officer identified
	Prosecuting authority, part of Crown Court committal, representation at Crown Court, case management, appeals	<a href="#">Criminal Court statistics Quarterly</a>	2021	Mix of self-reported and officer identified

	Criminal legal aid	<a href="#">Legal aid statistics quarterly</a>	2021	Self-reported
	Pre-sentence reports	<a href="#">Offender Management Statistics quarterly</a>	2021	Self-reported
<b>6. Offender Management</b>	Prison population Sentences served	<a href="#">Offender Management Statistics quarterly</a>	June 2022	Sex of establishment
	Receptions Releases	<a href="#">Offender Management Statistics quarterly</a>	2021	Sex of establishment
	Probation	<a href="#">Offender Management Statistics quarterly</a>	2021	As on birth certificate
	HMIP Prisons Inspectorate Survey Report	<a href="#">HMIP annual report</a>	March 2022	Self-reported
	Self-harm in prison	<a href="#">Safety in Custody Statistics</a>	2021	Sex of establishment
	Youth Custody	<a href="#">Youth Custody data</a>	June 2022	Sex of establishment
	Parole board	<a href="#">Public Protection Unit Database</a>	March 2022	Sex of establishment
<b>7. Offender Characteristics</b>	Offending Histories	<a href="#">First time entrants (FTE) into the Criminal Justice System</a>	2021	Officer identified
	Proven Reoffending	<a href="#">Proven Reoffending Statistics</a>	April 2019 – March 2020	Officer identified
	Comparing the educational background of young offenders in Key Stage 2	MoJ / DfE Data Share (Bespoke analysis)	2019-2020	Officer identified
<b>8. Offence analysis</b>	Prosecutions, convictions and sentencing outcomes for specific offences.	<a href="#">Criminal Justice Statistics Quarterly</a>	2021	Mix of self-reported and officer identified
<b>9. Practitioners</b>	Police	<a href="#">Police workforce England and Wales statistics</a>	As at 31 March 2022	Self-reported
	Crown Prosecution Service	<a href="#">Crown Prosecution Service Data – Equality and Diversity</a>	As at 31 March 2022	Self-reported
	Ministry of Justice	<a href="#">MoJ workforce monitoring report</a>	As at 31 March 2021	Self-reported
	Her Majesty's Prison and Probation Service	<a href="#">HMPPS workforce quarterly statistics</a>	As at 31 March 2021	Self-reported
	Judiciary	<a href="#">Judicial Diversity Statistics</a>	As at 1 April 2021	Self-reported
	Magistracy	<a href="#">Judicial Diversity Statistics</a>	As at 1 April 2021	Self-reported



## Telephone-operated Crime Survey of England and Wales (TCSEW)

The Crime Survey for England and Wales (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 face-to-face nationally representative survey that asks people about their victimisation (including crimes not reported to the police) in the last 12 months. Only certain offences are covered: violence (though murder cannot be included), robbery, theft (personal, burglary, vehicle, bicycle, other household) and criminal damage. The survey does not cover crimes where there is no direct victim, such as possession of drugs or motoring offences.

The face-to-face CSEW was suspended on 17 March 2020 because of the coronavirus (COVID-19) pandemic, as part of the efforts to minimise social contact and stop the spread of COVID-19. On 20 May 2020, an interim telephone-operated survey (TCSEW) was launched based on a reduced set of questions. Survey estimates published for the year ending March 2021 and March 2022 are based on the TCSEW and are classed as [Experimental Statistics](#).

For the crime types and population groups it covers, the TCSEW provides a better reflection of the true extent of crime experienced by the population resident in households in England and Wales than police recorded statistics, because the survey includes crimes that are not reported to, or recorded by, the police.

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 TCSEW is to provide national-level estimates for the crime types it covers; it is not intended to provide a total count of crime.

The coverage of the TCSEW is limited to crimes which involve a specific identifiable victim, for example where an individual has been assaulted, a household has had property stolen or vandalised. The survey excludes other crime where a specific victim is more difficult to identify, for example, public order offences without a specific targeted victim. Such crimes (if reported) will, however, be included in the police recorded crime data.

TCSEW estimates are not directly comparable with those previously published from the face-to-face CSEW.

Information on significance testing of the estimates can be found in section 7.1 of the [User Guide to Crime Statistics for England and Wales](#). For further technical details about the TCSEW please also refer to the previous link.

## Homicide in England and Wales

*Women and the Criminal Justice System 2021* presents data on homicide, as reported in [Homicide in England and Wales 2021](#).

Homicide statistics are based on data from the Home Office Homicide Index which contains detailed record-level information about each homicide recorded by police in England and Wales. These figures provide much more detail about the nature and circumstances of homicide offences than the main police recorded crime dataset. 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). Read more at the [ONS data quality section](#), in the Homicide in England and Wales report.

## Police Powers and Procedures, England and Wales

*Statistics on Women and the Criminal Justice System 2021* presents data on stops and searches and arrests as reported in [Police Powers and Procedures, England and Wales, year ending 31 March 2022](#).

Police Powers and Procedures data reflect police activity and should not be used to infer levels of crime committed by offenders, or their specific characteristics. The data presented are drawn from information provided by the 43 local police forces in England and Wales, and cover number of arrests for notifiable offences, as well as breakdowns by offence group and gender. As with any data collection system, differences in recording practice can impact on the comparability of figures over time and across police force areas.

The following points should be borne in mind when considering these data:

- Figures on arrests for notifiable offences are not strictly comparable with cautions and court proceedings data. This is mainly because the aggregated offence categories for notifiable offences do not directly compare with indictable (including triable-either-way) offence groups. Additionally, court proceedings figures relate to the year of the final court decision, rather than the year of arrest, and may differ.
- Furthermore, where a person has been arrested for more than one notifiable offence on the same occasion, the offence with the highest maximum penalty is recorded. A person will appear more than once in the tables if arrested on more than one occasion during the year.
- To allow for consistency between overall totals for stops and searches and arrests, data from the British Transport Police (BTP) data has been excluded. This is because there is no population data suitable to contextualise the BTP results. Numbers on stops and searches and arrests conducted by BTP can be found in supplementary tables published by the Home Office.
- Stop and search figures discussed in this publication include stops and searches under section 1 of the Police and Criminal Evidence Act and associated legislation<sup>3</sup> as well as section 60 of the Criminal Justice and Public Order Act 1994. Up to the year ending 31 March 2017 there had been no stops and searches under section 47a of the Terrorism Act 2000 (TACT 2000).
- On 30 April 2014, the Best Use of Stop and Search (BUSS) scheme was announced<sup>4</sup> and as part of the scheme, forces are required to report on whether the outcome<sup>5</sup> was linked to the initial reason for conducting the search. Data from the Metropolitan Police and City of London police force areas were combined to produce a London total.

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

## Criminal Justice Statistics (CJS) quarterly: December 2021

*Statistics on Women and the Criminal Justice System 2021* uses Penalty Notices for Disorder (PND), cautions, court proceedings, convictions, remands and sentencing data from [Criminal Justice Statistics quarterly: December 2021](#) (and the underlying Court Proceedings Database [CPD]).

The three main sources the statistics are compiled from are:

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

### *Penalty Notices for Disorder*

From 2013, all PND data has been received by MoJ from the PentiP database. Details of PNDs issued and their subsequent outcomes were extracted from the live administrative system on a

quarterly basis rather than via manual monthly returns. The data are checked in the same way as previously by the statistical teams for completeness and accuracy, but any anomalies found are directed to the PentiP system administrators instead of the individual police force. On an annual basis, a full reconciliation process was undertaken when PentiP administrators were asked to provide updated data prior to publication.

### *Cautions*

From April 2011 all cautions data are collected from the Police National Computer; the records are validated for accuracy and completeness and amended as necessary. Additionally, any apparent cautions given for the most serious offences, particularly rape, are investigated thoroughly with forces.

### *Prosecutions, convictions and sentencing*

Statistics on prosecutions, convictions and sentencing are either derived from the LIBRA case management system, which holds magistrates' courts records, or the CREST system (or from March 2019 the XHIBIT system) which holds Crown Court trial and sentencing data. The data includes offences where there has been no police involvement, such as those prosecutions instigated by government departments, private organisations and individuals.

From July 1995, all Crown Court data has been received directly from CREST/XHIBIT, and from November 2008 all magistrates' courts data has been provided directly from LIBRA. From May 2017, Transport for London cases (where no 'not guilty' plea had been received and the case proceeded in the absence of the defendants) have been provided from a new case management system. From December 2018, this system began to include TV licence evasion offences.

In September 2020, a new digital case management system for the magistrates' and Crown Courts (Common Platform) began roll-out across England and Wales. It will eventually replace the existing 'legacy' criminal court systems Libra (magistrates') and XHIBIT (Crown), with a single, streamlined system. As at November 2022, Common Platform was live in over 100 courts. New cases entering courts from the point at which they adopt the Common Platform are held on the new system – cases that began at court prior to that court transitioning to Common Platform will remain on the 'legacy' system (e.g., LIBRA or XHIBIT). Most measures in this publication relating to defendants dealt with at magistrates' courts and Crown Courts include both 'legacy' and Common Platform estimates – this is the first edition of the WCJS (or its sister publication, Ethnicity and the Criminal Justice system) to do so.

We incorporate new offences as we become aware of them and as they feed through into the data that we see. There can be a lag in seeing some new offences, both as a result of the time it takes for an offence to be investigated and charged by the police, prosecuted and have the court case complete and as a result of the lag between the offence being commenced and being available through court data systems. One effect of this is that we would expect to see a higher ratio of cautions to convictions when an offence is new than in subsequent years, because cautions can be issued more quickly and will hence get into the data sooner.

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

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

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

Occasionally, updates are made to the data processing and therefore it is advised to always use the latest published tool, found here: [Criminal Justice Statistics](#)

## **Criminal Court Statistics (CCS) quarterly: December 2021**

*Statistics on Women and the Criminal Justice System 2021* uses data on prosecuting authority, representation and plea at Crown Court and case management from [Criminal Court Statistics quarterly: December 2021](#) (and the underlying Court Proceedings Database [CPD]). This publication utilises data from the same source as the CJSQ publication (see above).

In the magistrates' courts, a trial which starts on a scheduled date and reaches a conclusion is recorded as an 'effective trial'. In the Crown Court, a trial is effective once a jury has been sworn in, regardless of whether they go on to reach a verdict.

An 'ineffective trial' does not commence on the due date and requires rescheduling. This could be due to the absence of a defendant or a witness, the case not being ready or due to administrative reasons at the court centre.

In contrast, a 'cracked trial' does not commence on the scheduled date and the trial is not rescheduled, as it is no longer required. Cracked trials are usually the result of an acceptable guilty plea being entered by the defendant on the day or the case ending as the prosecution decides not to proceed (offers no evidence) against the defendant.

*Note on the differences between CCS and CJS*

### Counting rules:

Different validation procedures are undertaken in the separate generation of data used in the respective CCS and CJS publications. For example, CJS data only allows the inclusion of cases finalised at each court, thus defendants are only recorded once an outcome has been assigned. CCS data include defendants regardless of stage of case finalisation, resulting in a difference between figures to CJS.

### Plea:

In statistics sourced from CJS the plea refers to the defendants plea to the principal offence<sup>3</sup> only. For CCS, plea is based on the defendants plea to all offences (counts), specifically:

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

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

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<sup>3</sup> See Glossary for full definition of terms

## Offence type:

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

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

They define the severity of an offence and how it should be dealt with in the criminal courts.

Indictable only offences are the most serious and can only be tried at the Crown Court whilst triable-either-way offences can be the second most serious and can be tried at either magistrates' court or the Crown Court.

In statistics sourced from CJS, the offence type is defined by the principal offence, whereby the offence with the most severe outcome is selected. In statistics sourced from CCS, the offence type is based on the most serious offences at the point of receipt. This means that statistics relating to offence type from CJS and CCS are not directly comparable.

## **Offender Histories**

*Statistics on Women and the Criminal Justice System 2021* source data on offending histories from [First time entrants \(FTE\) into the Criminal Justice System](#)

The figures on First Time Offenders (FTO) and previous offending histories have been extracted from the MoJ's Police National Computer (PNC). Previous reports have focussed on First Time Entrant (FTE) statistics, but FTOs and FTEs are measured differently. A first time entrant to the criminal justice system is an offender residing in England and Wales at the time of the offence, who has been recorded on the PNC by an English or Welsh police force as having received their first conviction, caution or youth caution. Published figures for first time entrants exclude any offenders who, at the time of their first conviction or caution, were resident outside England or Wales. Offenders who had a conviction or caution outside England and Wales and who were arrested by a police force in England and Wales would be counted as a first time offender. The PNC data undercounts the true number of cautions and convictions, as some less serious summary offences such as TV licence evasion and many motoring offences, are not recorded on the PNC.

## **Offender Management Statistics quarterly**

*Statistics on Women and the Criminal Justice System 2021* source concordance levels for pre-sentence reports<sup>4</sup>, probation statistics and prison population, receptions and releases, data from the [Offender Management Statistics quarterly](#).

Until June 2009, the prison population data used for analysis were derived by combining two sources: the individual level data collected on the Inmate Information System (IIS) and a set of aggregate totals from each prison establishment giving the numbers held in each prison broadly subdivided according to age group, sex, custody type and sentence length. The individual level data were scaled to the aggregate totals to create the monthly prison population dataset used for all analysis. A more detailed method of scaling was developed in 2004.

Following the rollout of the new prison IT system – Prison-NOMIS – the prison population data are now drawn from a single source, removing the need for the scaling process used previously. All prison population data from July 2009 onwards have been taken from this new data source. Thus, for all annual tables showing the prison population over time, 2010 figures have been taken from a

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<sup>4</sup> Pre-sentencing reports are specified in S.158 of the Criminal Justice Act 2003

different source to earlier years. The two systems produce virtually identical sex breakdowns for 2009 (when both systems produced results) and for this reason 2009 information has been presented only once.

Due to improvements in IT systems, prisons admissions data starting from 2015 is now taken from a different source and, for statistical reporting purposes only, are produced using a different method and therefore cannot be compared to previous years. The 2015 figures from both the old and new systems have been presented to aid comparison.

The total prison population includes offenders sentenced to immediate custody, those on remand, non-criminal prisoners and fine defaulters and does not include offenders under the age of 15 years accommodated in the Youth Custody Service (YCS) operated secure estate<sup>5</sup>. The populations presented are an annual series, recorded on the 30 June each year<sup>6</sup>.

### *First receptions*

A 'First reception' describes the movement of unique individuals that are first received into prison custody following a court hearing for a particular set of offences committed, which gives the best indication of the number of new prisoners. This excludes those on remand in custody, who are then convicted and sentenced into custody<sup>7</sup>.

### *Remand admissions*

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

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

### *Prison sentences*

Prison sentences can be divided into two broad groups: determinate sentences which are for a fixed period, and indeterminate sentences, which include life sentences and indeterminate sentences for public protection (IPPs), that have a minimum fixed period, known as a tariff that must be served before release is considered by the parole board. The LASPO Act, which was passed on 3rd December 2012, abolished two types of indeterminate sentence: the Indeterminate sentences for Public Protection (IPPs) and Extended Sentence for Public protection (EPP) and replaced them with a determinate sentence, the Extended Determinate Sentences (EDS).

### *Community sentence or suspended sentence order with requirements*

When a court imposes a community sentence or a suspended sentence order with a requirement, the offender doesn't go to prison. But the court says there are specific things the offender can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the offender for their crime, while

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<sup>5</sup> Please see [YJB Statistics](#).

<sup>6</sup> Please see [Offender management statistics: definitions and measurements](#) for further details.

<sup>7</sup> A first reception is a measure which counts a prisoners first movement into custody following a court hearing for a particular set of offences committed, and therefore gives the best indication of the number of new prisoners in the reporting period. A first reception has three categories:

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



also reducing the risk of them offending again. Requirements types include rehabilitation, unpaid work and supervision. Unpaid work consists of offenders being required to work for up to 300 hours on local community projects under close supervision. This may include cleaning litter or public land, redecorating community centres and other public buildings or removing graffiti. Supervision consists of the offender attending appointments with a manager from the Probation Service. The frequency and content of the supervision is specified in the sentence, and can include monitoring and reviewing patterns of behaviour, helping to increase the offender's motivation, providing practical support to help the offender comply with the order, supporting and reinforcing learning and modelling of pro-social behaviour.<sup>8</sup>

Offenders given custodial sentences are subject to statutory supervision on release from prison. For those sentenced to under two years in custody, this includes receiving a period of 'post-sentence' supervision after their licence expires to make sure they get 12 months supervision in the community. If this period is breached, the offender can be taken back to court and given a Supervision Default Order to be served in the community or committed to prison for up to 14 days.

Offenders serving a sentence of 12 months and over released from prison, in most cases automatically at the halfway point of their sentence, are also subject to licensed supervision by the Probation Service. They are subject to a set of standard licence conditions, requiring them to report regularly to the Probation Service, live at an address approved by the Probation Service and to be of good behaviour.<sup>9</sup>

#### *Restricted Patients*

Further information on data sourced from the *Offender Management Statistics quarterly* can be found in [Guide to Offender Management Statistics](#).

## **Safety in Custody statistics**

*Statistics on Women and the Criminal Justice System 2019* source data on assaults and self-harm incidents in custody from [Safety in Custody statistics](#).

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

In prisons, as in the community, self-harm is often covert and assaults may go unreported. In prison custody, however, such incidents are more likely to be detected and counted. Recording of self-harm 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](#).

## **Comparing the educational background of young offenders in Key Stage 4: MoJ/DfE Data Share**

A data sharing exercise between the MoJ and the Department for Education (DfE), with analysis on a matched cohort of those who were in Year 6 in either 2008/09 or 2009/10 and who were aged

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<sup>8</sup> Please see [Community Sentences: Punishment without Prison](#) for further details.

<sup>9</sup> Missing data regarding ethnicity is much lower for this group at around 4%.

ten at the start of those academic years. To avoid inconsistency in the length of their offending histories, for those with an academic year of 2008/09 their offending data has been considered up to 31 December 2019 and for those with an academic year of 2009/10 it has been considered up to 31 December 2020.

The analysis compares the genders in the matched cohort of young people cautioned or sentenced for an offence, broken down by disposal, educational attainment, pupil characteristics, persistent absence and exclusion.

It is important to note that in the analysis there are many young people in the overall pupil population that have the characteristics described and do not go on to offend. Some of the proportions presented in the analysis are based on small sample sizes, so care should be taken when comparing results for different genders.

### *Data sources*

Data from several large datasets were brought together in this data share. A brief description of the two main datasets is included below:

- National Pupil Database (NPD) – DfE. A wide range of information about pupils and students which provides evidence on educational performance and context. The data includes detailed information about pupils' test and exam results, prior attainment, and progression between each key stage for all state schools in England. It also includes information about the characteristics of pupils in the state sector and non-maintained special schools, such as their gender, ethnicity, first language, eligibility for Free School Meals, information about Special Educational Needs, and detailed information about any absences and exclusions.
- Police National Computer (PNC) – MoJ. This dataset includes recordable offences committed, with separate entries for each offence committed by a person, although only some information (e.g. personal characteristics) will be available through the linked data. The data analysed in this report is a subset of the total number of individuals. This report is based on offenders from the PNC that were successfully matched to the NPD, covering the period 2000 – 2020. Gender as recorded on the PNC which includes Male/Female/Unknown categories. The PNC is an administrative dataset, therefore the way in which sex/gender is recorded is dependent on how it is recorded at the individual local police force level.

### *How was the data matched?*

The methodology used to match the data sources together was similar to that used in other MoJ data linking projects, such as the previous data share and descriptive statistics publication between MoJ and DfE<sup>10</sup>. The share used a deterministic approach, developing matching rules using common variables<sup>11</sup> between the different sources. Matching rules included combinations of at least an exact match on three of the five variables available, as well as applying 'fuzzy matching' techniques to names.

### *Match Rate*

Not all offenders on the PNC were involved in the match to the National Pupil Database (NPD) as the NPD only began to record data from the 2001/02 academic year. Whilst attempting to match as many offenders on the PNC as possible, due to the limited time coverage of the NPD, it was only possible to match offenders between the ages of 10 and 35 as at December 2020. This meant the records of around 2.18 million offenders, aged between 10 and 35 years, from between 2000 and 2020 who were on the PNC were shared with DfE. Of those, around 1.67 million were matched and included in the final matched dataset after cleaning. A good match rate of around 77% was

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<sup>10</sup> <https://www.gov.uk/government/publications/education-childrens-social-care-and-offending>

<sup>11</sup> Forename, Surname, Date of Birth, Postcode, Gender



achieved. The match rate increased to 91% when filtered to offenders with an English postcode (DfE covers England only). Figures in this publication are based on matched offenders only and, as a result, volumes will be lower than published statistics from individual data sources.

### *Caveats when using matched data*

There are several caveats which should be considered when using the matched data:

- The matched data has been produced using administrative data sources whose main purposes are not solely statistical. Therefore, as with any large recording system, the data are subject to possible errors with data entry and processing. Quality assurance procedures, including cleaning of duplicated offender entries and checks for completeness and representativeness, have been applied to the matched data
- Comparisons on representativeness provide some assurances that the matched data is broadly reflective of the offender cohort, but it should be made clear that this is not the full offender population.
- Analysis in this report is based only on the final matched PNC dataset. Around 23% of offenders aged 35 and under were not uniquely matched to the NPD. Likely reasons for this include:
  - o They offended in England or Wales and were educated in Wales, Scotland, Northern Ireland or outside of the United Kingdom
  - o Different names were recorded (potentially due to the offender changing their name or reporting a different name) on the NPD and the PNC
  - o They have a common set of characteristics (i.e., the same name, date of birth and/or postcode) that make it difficult to determine a unique match across the datasets

## **Other Statistical publications**

Other statistical publications and data sources drawn upon in Statistics on Women and the Criminal Justice System 2021 are briefly detailed below.

### *Legal aid statistics*

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

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

### *Reoffending*

Reoffending data are sourced from [Proven Reoffending Statistics](#). Information regarding the proven re-offending behaviour of offenders has been compiled using the Ministry of Justice's extract from the Police National Computer (PNC). The process involves matching offender details from the prison and probation data to the personal details recorded on the PNC.

After offenders are released from custody or receive a non-custodial conviction at court or who receive a caution, reprimand or warning, they may re-enter the Criminal Justice System if they are proven to re-offend. For the purpose of the statistics presented below, a proven re-offence is

defined as any offence committed in a one year follow-up period that leads to a court conviction, caution, reprimand or warning in the one year follow-up or within a further six month waiting period to allow the offence to be proven in court<sup>12</sup>. Published proven reoffending figures exclude those who are deported on release from prison, but include those who leave the country at a later date or after receiving a court order/caution etc. Because of the follow-up time and the waiting period, the most-up-to-date data for a calendar year relates to offenders released from custody, convicted, cautioned, reprimanded or given a warning in 2013. Ethnicity is assigned by the police officers processing the offence based on the offender appearance

For a more detailed explanation of the data used in the *Proven Re-offending Statistics* series, please see the [Guide to Proven Reoffending Statistics](#).

### *HMIP Survey*

Survey data on Her Majesty's Inspectorate of Prisons for England & Wales are available as part of the HMIP annual report 2021/22. The data is drawn from surveys undertaken to inform adult prison inspections which were published between 1st April 2021 and 31st March 2022.

Questions that are unique to the female questionnaire from July 2021 are based on responses from prisoners in female establishments only and are indicated using an Asterix. Percentage unique to the female questionnaire from July 2021 reflect responses from three out of five establishments inspected in the reporting year.

A statistically significant difference between the two samples is one that is unlikely to have arisen by chance alone and can therefore be assumed to represent a real difference between the two populations. The significance level is set at 0.01, this indicates that there is less than 1% probability that the difference is due to chance.

### *Parole Board*

This report uses Parole Board management information data to provide figures on Parole Board oral hearing results. The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community.

Data source: Public Protection Unit Database (PPUD) for financial years 2019/20 to 2020/21. The Parole board considers an outcome to be a release, a recommendation regarding open conditions or a knockback (not released).

The detailed sex figures are currently not published elsewhere, only the headline number of oral hearing are published via the Parole Board annual report.

To ensure the published figures are of sufficient quality a data matching exercise took place matching conditions of the Parole Board data to releases from prison flows data. The same time period was taken from each dataset and matched on NOMS ID, a unique reference code for each offender. The match rate of this exercise was 70%.

Due to the nature of the different review types there is a variance in terms of the hearing results. Therefore, these have been grouped into three separate categories:

- **Release:** The Prisoner's release has been directed by the Parole Board and this should be actioned by the Secretary of State.
- **Open Conditions:** The Parole Board has made a recommendation for the prisoner to remain or be transferred into the open conditions. The outcome of open conditions could relate to a prisoner remaining in open conditions or being recommended for a move to the open prison estate. The purpose of transferring a prisoner to open conditions is to test the prisoner's suitability for release at a future date.

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<sup>12</sup> Details on the measurement of proven re-offending are available in the [Guide to Proven Reoffending Statistics](#)

- **Not Released:** This is where a prisoner has been refused release within this review period.

#### *Various workforce publications*

Staff data from different agencies involved with the Criminal Justice System are sourced from the databases underlying various workforce publications. Figures are based on headcount for all agencies except the police, who provided full-time equivalent figures. Police data are therefore not directly comparable with data from other agencies.

It is important to be aware that the workforce data presented may not align exactly with data published in the various workforce publications, due to rounding, suppression and differences in counting rules associated with differences in the aims of the publications.

- Police data are available from [Police Workforce England and Wales statistics](#) which provides figures on numbers of officers and staff of the 43 police forces in England and Wales. For more technical details please refer to the [User Guide to Police Workforce Statistics](#).
- The Crown Prosecution Service publish [Workforce Diversity Data](#). Data from the Crown Prosecution Service HR database excludes all career break staff and does not include non salaried, fee paid, Non Executive Directors or G1 grades nor casual staff i.e. agency/contractors & the Corporate Division. These data are based on the ONS headcount specification and may differ from other published figures due to differing specifications.
- Ministry of Justice staff data are released through the [MoJ workforce monitoring report](#). Ministry of Justice figures include staff in Ministry of Justice Head Quarters (MoJ HQ), HM Courts and Tribunals Service (HMCTS) and the Office of the Public Guardian (OPG). They do not include staff defined as 'Off Strength', the National Offender Management Service, Her Majesty's Prison and Probation Service (HMPPS, formerly NOMS), the National Archives, the UK Supreme Court or the Land Registry, which also come under the justice umbrella.
- His Majesty's Prison and Probation Service (HMPPS, formerly NOMS) , including HQ, HM Prison Service and National Probation Service staff data are available in the [HMPPS workforce quarterly statistics](#).
- Judiciary and Magistracy data are available as part of the [Judicial Diversity Statistics](#).

# Background to the Criminal Justice System

A background to the Criminal Justice System (CJS) can be found in the Technical Guide to Criminal Justice Statistics published alongside the most recent [Criminal justice system statistics quarterly: June 2022](#). This includes further information on:

- Reporting crime,
- Out of court disposals (OOCs),
- Court proceedings, and
- Disposals given in court.

## Glossary

**Absolute discharge:** When the court decides someone is guilty, but decides not to punish them further at this time, they will be given a 'discharge'. Discharges are given for minor offences. An 'absolute discharge' means that no more action will be taken.

**Accused:** An individual charged with committing an offence.

**Acquittal:** The defendant is not found guilty for any offence.

**Act:** Law (as in an Act of Parliament).

**Adjudications:** The adjudication process allows prison governors and independent adjudicators to deal with breaches of prison discipline internally, although the most serious offences can be referred to the police and ultimately dealt with by the courts

**Adult:** A person aged 18 and above.

**Arrest:** The power of a police officer to deprive a person of his or her liberty for the investigation and prevention of crime. Police officers have the power to arrest anyone who has committed an offence, is about to commit an offence, or is in the act of committing an offence. They also have the power of Arrest when a person is suspected of involvement in an offence.

**Assailant:** A prisoner involved in an assault incident whose role has been recorded on the HMPPS incident reporting system as an 'assailant'. The system does not record details of non-prisoner assailants for example visitors. Where an assault in prison involves a clear aggressor and victim, participants are categorised as assailants or victims. Where an incident does not involve a clear aggressor or victim, participants are categorised as fighters.

**Assaults:** Assaults in prison custody cover a wide range of violent incidents including fights between prisoners. HMPPS does not use the Home Office counting rule definitions of Actual Bodily Harm (ABH), Grievous Bodily Harm (GBH), affray etc. and figures cannot be compared directly.

**Average Custodial Sentence Length (ACSL) :** Average length of determinate custodial sentences given in months. This excludes indeterminate sentences (life or imprisonment for public protection sentences) as the length of these sentences is not recorded.

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

**Burglary:** When a person enters any building as a trespasser and with intent to commit an offence of theft, grievous bodily harm or unlawful damage.

**Cannabis or Khat Warnings:** A verbal warning issued by a police officer when an offender has been caught with Cannabis (from 2004) or Khat (from 2014). If an offender is caught again, then they would usually receive a fixed penalty notice for disorder (PND).

**Case:** An action, suit or claim in a court of law.

**Caution:**

- *Simple caution* – a non-statutory warning given to adults (aged 18 and over) by the police following an admission of guilt. A simple caution is an alternative to prosecution, which, though not a conviction, forms part of a person's criminal record.
- *Conditional caution* – a warning with reparative and/or rehabilitative conditions attached, issued by the police to adults (aged 18 and over) under the Criminal Justice Act 2003. A conditional caution can be given following a CPS decision to issue and an offenders admission of guilt, and, although not a conviction, forms part of a person's criminal record.

**Charge:** A formal accusation of a criminal offence against a person.

**Committal:**

- *Committal for trial:* the referral of a case involving an either-way offence to the Crown Court, following examination by magistrates.
- *Committal for sentence:* the referral of a case to the Crown Court for sentencing, when magistrates consider an offence to justify a sentence greater than they are empowered to impose.
- *Committal order:* an order of the Court committing someone to prison.

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

**Community sentence:** When a court imposes a community sentence, the offender doesn't go to prison. But the court says there are specific things the offender can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the offender for their crime, while also reducing the risk of them offending again.

**Compensation:** Payment of damages to restore an injured party to his former position. Sometimes combined with 'otherwise dealt with'.

**Conditional discharge:** When the court decides someone is guilty, but decides not to punish them further at this time, they will be given a 'discharge'. Discharges are given for minor offences. A 'conditional discharge' means that the offender won't be punished unless they commit another offence within a set period of time (no longer than three years).

**Conviction:** A conviction occurs after a guilty verdict in the magistrates' or the Crown Court. A guilty verdict can be reached either through a trial or through the defendant pleading guilty.

**Conviction ratio:** The conviction ratio is defined as the ratio of convictions to prosecutions for a principal offence over one year. As trials can span more than one year, offenders found guilty in a reporting year are not always the same defendants who were prosecuted in that year.

**MoJ Court Outcomes Database:** The MoJ Court Outcomes database holds information on out of court disposals and court outcomes of defendants tried at a magistrates' or Crown Court in England and Wales. It also contains information on age, sex and ethnicity of defendants.

**Court (of law):** A judicial tribunal presided over by a judge, judges, or magistrates, and established to administer justice in civil and criminal cases.

**Crime Survey for England and Wales (CSEW):** The Crime Survey for England and Wales (formally known as the British Crime Survey) is a large, nationally representative survey that asks people in detail about their experiences of crime in the last twelve months. For further information on the CSEW, see section above.

**Criminal:** A person who is guilty of a criminal offence.

**Criminal damage:** Criminal damage results from any person who without lawful excuse destroys or damages any property belonging to another, while intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged.

**Criminal damage and arson:** The criminal damage and arson offence group includes a range of offences such as Criminal damage endangering life, racially or religiously aggravated criminal damage and arson not-endangering/ endangering life.

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

**CRCs:** Refers to Community Rehabilitation Companies.

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

**Crown Prosecution Service (CPS):** As the principle prosecuting authority in England and Wales, the CPS advises the police on prosecution matters, determines charges in more complex cases, and prepares and presents cases at court.

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

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

**Custody rate:** The custody rate is the proportion of all offenders sentenced to immediate custody, out of all sentencing outcomes.

**Dangerous instruments:** Defined in the Criminal Justice and Public Order Act 1994 as instruments which have a blade or are sharply pointed.

**Defendant:** A person sued, standing trial or appearing for sentence.

**Determinate and Indeterminate Sentences:** Prison sentences can be divided into two broad groups: determinate sentences which are for a fixed period, and indeterminate sentences, which include life sentences and indeterminate sentences for public protection (IPPs), that have a minimum fixed period, known as a tariff that must be served before release is considered by the parole board. The LASPO Act, which was passed on 3rd December 2012, abolished two types of indeterminate sentence: the Indeterminate sentences for Public Protection (IPPs) and Extended Sentence for Public protection (EPP) and replaced them with a determinate sentence, the Extended Determinate Sentences (EDS).

**Discharge (see absolute discharge, conditional discharge):** The offender is found guilty of the offence, and the conviction appears on his or her criminal record, but either no further action is taken at all (absolute discharge), or no further action is taken as long as the offender does not offend again in a certain period of time (conditional discharge).

**Disposal:**

- *Court disposal* - The end result of a trial at court. In this publication, the disposals of interest are sentences, but other disposals are possible, for example, where there is a not guilty verdict.

- *Out of court disposal* - A disposal issued before a case gets to court, when a defendant admits to a minor offence. Out of court disposals include cautions, reprimands and warnings.

**Drug offences:** Drug offences include a range of offences involving illegal drugs of class A (for example heroin and cocaine), B (for example cannabis) and C (for example tranquillisers and anabolic steroids), such as unlawful importation, possession, and production, supply and possession with intent to supply.

**Female:** See sex.

**Fighter:** A prisoner involved in an assault incident whose role has been recorded on the HMPPS incident reporting system as a 'fighter'. The system does not record details of non-prisoners who may be involved in fights for example, visitors. Where an assault in prison involves a clear aggressor and victim, participants are categorised as assailants or victims. Where an incident does not involve a clear aggressor or victim, participants are categorised as fighters.

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

**Fine:** Fines are the most common criminal sentence overall (when looking at all sentences, for summary and indictable offences combined), given to punish an offender financially. They're usually given for less serious crimes that don't merit a community or prison sentence. They limit the amount of money offenders have to spend. How much someone is fined depends on how serious a crime is, and the offender's ability to pay.

**First Time Offender (FTO) and First Time Entrant (FTE):** The definition of "first time offender" is different from "first time entrant". A first time entrant (FTE) to the criminal justice system is an offender residing in England and Wales at the time of the offence, who has been recorded on the Police National Computer (PNC) by an English or Welsh police force as having received their first conviction, caution or youth caution. Published figures for first time entrants exclude any offenders who, at the time of their first conviction or caution, were resident outside England or Wales. Offenders who had a conviction or caution outside England and Wales and who were arrested by a police force in England and Wales would be counted as a First Time Offenders (FTO).

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

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

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

**Foreign national prisoner:** The nationality data are obtained from self reports of prisoners: this information is not checked by prison establishments before being entered on Prison-NOMIS (Prison National Offender Management Information System). A foreign national prisoner is any prisoner who does not report a nationality of British.

**Fraud offences:** Fraud offences include a range of offences such as false accounting, benefit fraud and bankruptcy offences.

**Gender:** See sex.

**Going equipped:** An offence under section 25 of the Theft Act 1968, in which a person is in possession of an article for use in the course of, or in connection with, a burglary or theft.

**Grievous Bodily Harm (GBH):** Refers to offences arising from sections 18 (with intent) and 20 of the Offences Against the Person Act 1861. This is a more serious offence than Actual Bodily Harm (ABH).

**Hate crime:** Hate crime is defined as 'any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic', such as race or religion.

**Her Majesty's Courts and Tribunals Service (HMCTS):** A Ministry of Justice agency responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales; and non-devolved tribunals in Scotland and Northern Ireland. It provides for a fair, efficient and effective justice system delivered by an independent judiciary.

**Her Majesty's Prison and Probation Service (HMPPS):** The MoJ agency responsible for prisons and probation (formerly NOMS).

**Higher- or lower-tier offences (in the context of fixed penalty notices):** Higher- and lower-tier offences are the types of offence where a fixed penalty notice is issued by the police, such as theft and trespassing on a railway. The higher offences tend to be more serious, attracting a fine of £90 from July 2013 (previously £80), while the lower cost £60 (previously £50).

**Home Detention Curfew:** On release from prison, offenders who are not subject to deportation procedures may go directly into the community unsupervised, into the community whilst being supervised by the probation service under license (discussed below) or into the community under Home Detention Curfew (HDC). HDC applies to prisoners who are serving sentences of between three months and under four years, allowing prisoners to live outside of prison, providing they do not breach the rules of their curfew. It is designed to help prisoners prepare for life after their release.

**Home Office:** The government department responsible for counter-terrorism, police, drugs policy, and related science and research.

**Homicide:** The term 'homicide' covers the offences of murder, manslaughter and infanticide. Murder and manslaughter are common law offences that have never been defined by statute, although they have been modified by statute. The offence of infanticide was created by the Infanticide Act 1922 and refined by the Infanticide Act 1938 (s1).

**Homicide Index:** A database held by the Home Office, which is continually updated with revised information on homicides from the police and the courts.

**Immediate custody:** Prison sentences are given when an offence is so serious that it is the only suitable punishment. A prison sentence will also be given when the court believes the public must be protected from the offender. There are two types of immediate custodial sentences: determinate sentences (those having a fixed term) and indeterminate sentences (which have only a minimum term and include life sentences).

**Independent Monitoring Boards (IMBs):** Independent boards that monitor day-to-day life in local prisons or removal centres, and ensure that proper standards of care and decency are maintained.

**Indeterminate sentence:** See determinate sentence above.



**Indictable offence:** Any offence triable at the Crown Court. Includes both indictable only and triable either way offences.

**Indictable only offence:** These offences are the most serious breaches of the criminal law and must be tried at the Crown Court before a judge and jury. These 'indictable-only' offences include murder, manslaughter, rape and robbery. Indictable only and triable either way offences are frequently amalgamated to form indictable offences.

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

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

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

**Judicial/Judiciary:** Relating to the administration of justice or to the judgment of a court. Judges, magistrates, or other officers empowered to act as a judge.

**Jury:** A body of 12 people sworn to try a case and reach a verdict according to the evidence in a court.

**Juvenile:** A person under 18 years of age.

**Law:** The system made up of rules established by an Act of Parliament, custom or practice, enjoining or prohibiting certain action.

**Lower-tier offences:** See higher-tier offences above.

**Magistrate:** A person appointed to administer judicial business in a magistrates' court. A magistrate also sits in the Crown Court with a judge or recorder to hear appeals and committals for sentence.

**Magistrates' Courts:** Courts where criminal proceedings are commenced before magistrates, who examine the evidence/statements and either deal with the case themselves, or commit it to the Crown Court for trial or sentence. All criminal cases are initially proceeded against here, with the majority of less serious offences being both tried and sentenced in magistrates' courts.

**Male/Men:** See sex.

**Ministry of Justice (MoJ):** The government department responsible for the various components of the justice system, including courts, prisons, probation services and attendance centres. The Ministry of Justice works to protect the public and reduce reoffending, and to provide a more effective, transparent and responsive criminal justice system for victims and the public.

**Miscellaneous crimes against society:** The miscellaneous crimes against society offence group is composed of a wide range of offences such as money laundering, forgery, handling stolen goods and revenue law offences.

**National Offender Management Service (NOMS):** Former name for Her Majesty's Prison and Probation Service (HMPPS)

**NPS:** Refers to the 'National Probation Service'.

**Notifiable offence:** An offence deemed serious enough to be recorded by the police (also referred to as recorded crime), including most indictable and triable-either-way offences.

**Offence:** A breach of law or rule; an illegal act.

**Offender:** An individual convicted of a crime.

**Offensive weapon:** Defined in the Police and Criminal Evidence Act 1984 as any article made or adapted for use for causing injury to persons (or intended by the person having it with him for such use by him or by some other person).

**Otherwise dealt with:** Includes a number of low-volume orders, for example hospital orders and confiscation orders. Otherwise dealt with may also include compensation orders.

**Out of court disposals:** Out of court disposals can be used by the police to deal with low risk, low level and mostly first-time offenders outside the court system. They are not suitable for contested or more serious cases and would not normally be considered for those who repeatedly offend (subject to relevant guidance). The two out of court disposals discussed in this publication are Penalty Notices for Disorder (PND) and cautions, but they also include Cannabis/Khat warnings and Community Resolutions.

**Penalty Notices for Disorder (PND):** Penalty Notices for Disorder (PNDs) are more commonly known as 'on the spot fines'. They are a fixed penalty of £50 or £80 designed to tackle low-level, anti-social and nuisance offending for offenders aged 16 or over and are issued for a range of minor offences.

**Personal crime – CSEW:** Personal crimes, as recorded in the CSEW, refer to all crimes against the individual (not that of other people in the household), for example, an assault. Published CSEW data for 'all personal crime' excludes sexual offences (except for 'wounding with a sexual motive') as the number of these types of offences picked up by the survey is too small to give reliable estimates. Full CSEW definitions can be found in the [CSEW User Guide](#).

**Plea:** A defendant's reply to a charge put to him by a court; i.e. guilty or not guilty.

**Penalty Notices for Disorder (PND):** PNDs were introduced in 2001 to tackle low-level, anti-social and nuisance offending. The police may issue a PND for one of twenty-five offences including three notifiable offences, following published guidance.

**Police force area (PFA):** The geographic area of jurisdiction covered by a particular police force. There are 43 PFAs in England and Wales.

**Possession of weapons:** Possession of weapon offences include a range of offences covering unlawful knife and firearm possessions.

**Pre- and Post-release supervision:** All prisoners given a custodial sentence of 12 months or more serve a proportion of their sentence in custody and are then released on licence. They are supervised by probation staff before and after release from custody. In addition, offenders with sentences of less than 12 months who are aged under 22 receive a minimum of three months post-release supervision, provided this does not extend beyond their 22nd birthday. (This report does not reflect changes following Transforming Rehabilitation, as the period covered precedes the changes.) Home supervising officers along with probation staff in prisons work jointly with prison staff on sentence planning and management, including consideration of post-release issues.

**Pre-sentence reports (PSRs):** A report submitted by an appropriate officer to assist the court in determining the most suitable method of dealing with an offender.

**Principal disposal:** A disposal is a particular penalty an offender receives through sentencing, with the principal disposal being the most severe punishment. Guidance to National Probation Service staff on proposing suspended sentence orders (SSO) changed in 2018, which led to substantial drops in the numbers of SSOs proposed in 2018 and 2019, please see:

<https://www.sentencingcouncil.org.uk/wp-content/uploads/Imposition-definitive-guideline-Web.pdf>, please note the section that states that “A suspended sentence MUST NOT be imposed as a more severe form of community order. A suspended sentence is a custodial sentence. Sentencers should be clear that they would impose an immediate custodial sentence if the power to suspend were not available. If not, a non-custodial sentence should be imposed.”

**Primary/Principal offence:** Where more than one offence is considered in a court case or cautioning occasion, the offence that would/did attract the most severe sentencing outcome is deemed to be the Principal offence and other offences also dealt with in that case would be ignored. If two offences in the same case attract the same sentence the offence with the statutory maximum sentence is deemed the ‘Principal offence’.

**Principal suspect (Homicide Index):** For the purposes of the Homicide Index, a suspect is defined as

- (i) a person who has been arrested for an offence initially classified as homicide and charged with homicide or
- (ii) a person who is suspected by the police of having committed the offence but is known to have died or committed suicide prior to arrest/being charged.

As more than one suspect may be tried for an offence and sometimes no suspect is ever brought to trial, the number of suspects is not the same as the number of offences.

**Probation requirement:** When a court imposes a community sentence or a suspended sentence with a requirement, the offender doesn't go to prison. But the court says there are specific things the offender can, can't and must do while serving their sentence. The magistrate or judge will decide which combination of these 'requirements' will most effectively punish the offender for their crime, while also reducing the risk of them offending again. The most common requirements are unpaid work and supervision. Unpaid work consists of offenders being required to work for up to 300 hours on local community projects under close supervision. This may include cleaning litter or public land, redecorating community centres and other public buildings or removing graffiti. Supervision consists of the offender attending appointments with a manager from the Probation Service. The frequency and content of the supervision is specified in the sentence, and can include monitoring and reviewing patterns of behaviour, helping to increase the offender's motivation, providing practical support to help the offender comply with the order, supporting and reinforcing learning and modelling of pro-social behaviour

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

**Prosecution:** The institution or conduct of criminal proceedings against a person.

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

**Public order offences:** Public order offences include a range of offences such as rioting, violent disorder, affray and racially or religiously aggravated harassment and stalking.

**Racially and religiously aggravated offences (from police records):** An offence may be defined as racially or religiously aggravated if: 1) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates toward the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious

group; or 2) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.

The racially or religiously aggravated offences category currently comprises offences of assault (with and without injury), harassment, causing public fear, alarm or distress) and criminal damage

**Racist incidents (from police records):** A racist incident is any incident that is perceived to be racist by the victim or any other person. The scope of racist incidents is wider than that for racially aggravated offences and a religiously aggravated offence may not constitute a racist incident.

Racist incidents include notifiable offences, non-notifiable offences (e.g. some types of anti-social behaviour) and incidents that were not subsequently recorded as crimes. Furthermore, certain race hate crimes may not have been initially recorded as racist incidents if the racial motivation was not immediately apparent. For these reasons, the racist incidents total does not match the race hate crimes total which is reported separately by the home office.

**Recalls:** Offenders released on licence are subject to recall to prison immediately by Public Protection Casework Section if the supervising probation trust reports the offender as having breached the conditions of their licence

**Recorded crime:** Police recorded crime covers crimes which are recorded by the police and which are notified to the Home Office. All indictable and triable-either-way offences are included together with certain closely associated summary offences. Attempts are also included. The latest recorded crime (notifiable offence) list appears on the GOV.UK website at:

<https://www.gov.uk/government/publications/counting-rules-for-recorded-crime>.

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

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

**Release on Temporary Licence (ROTL):** Release on Temporary Licence (ROTL) is the mechanism under which offenders may be released into the community, generally towards the end of their sentences, for rehabilitative purposes. It can play an important role in public protection by allowing risk management plans for offenders to be tested in the community under strict conditions before they are released. It also provides a valuable means of helping offenders prepare for their resettlement in the community by, for example, finding work or rebuilding links with their families, which helps to reduce reoffending.

The decision to allow temporary release is always balanced by an active consideration, by means of rigorous risk assessment, of the need for maintaining public safety and the public's confidence in the judicial system.

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

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

**Remand (court):** To send a prisoner or accused person into custody or admit them to bail.

**Reprimand:** A warning issued to juveniles for a first minor offence.

**Robbery:** The robbery offence group includes robbery offences only. Robbery is defined as taking the property of another, by means of force or fear. While most forms of theft are triable either way offences, robbery is an indictable only offence (i.e. more severe).

**Self-harm:** Self-harm in prison custody is defined as, “any act where a prisoner deliberately harms themselves irrespective of the method, intent or severity of any injury.”<sup>67</sup> In the community, self-harm is common but often covert. In prisons, such incidents are more likely to be detected and counted.

**Sentencing:** If a defendant is found guilty (also called convicted) in a criminal prosecution, this will be followed by an event called sentencing. A sentence is the punishment ordered by the court.

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

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

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

**Statistical significance:** A statistical term for a result that is unlikely to have occurred by chance.

**Stops and searches:** Statistics on Women and the Criminal Justice System 2015 includes data on stops and searches conducted by police under:

- Section 1 of PACE and associated legislation (collectively referred to as section 1 of PACE); the other legislation includes stop and search powers under section 47 of the Firearms Act 1968, section 23 of the Misuse of Drugs Act 1971, section 43 of the Terrorism Act 2000 as well as other legislation;
- Section 60 of the Criminal Justice and Public Order Act 1994 in anticipation of violence;

**Summary offences:** Summary offences are usually heard only by a magistrates’ court. This group includes motoring offences, for some of which fixed penalties can be issued, and non-motoring offences such as common assault and criminal damage up to £5,000. Ethnicity coverage for summary offences in the Court Proceedings outcomes is relatively poor.

**Suspended sentence:** A court may give an offender a 'suspended' prison sentence if the time they would otherwise spend in prison is under 12 months. With a suspended sentence, the offender doesn't go directly to prison but they do have to meet conditions in the community, set by

the court. These conditions can last for up to two years. If the offender breaks these conditions, or commits another offence, they will usually have to serve the original sentence in prison.

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

**Suspect:** A person being investigated in relation to a particular offence or offences.

**Terminations:** A period of supervision (e.g. a community order) which comes to an end, either because the order has been completed successfully, or because the order has been breached and terminated early for negative reasons (such as failing to comply with its requirements) or because of some other neutral reason, such as the order being quashed by the court or the person having died.

**Theft offences:** Theft offences include a range of offences where property is unlawfully taken, such as shoplifting and burglary

**Triable only on indictment:** See indictable only.

**Triable either-way:** These offences may be tried either at the Crown Court or at a magistrates' court. These offences include criminal damage where the value is £5,000 or greater, theft, burglary and drink driving. Triable only on indictment and triable either way are frequently amalgamated to form indictable offences.

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

**Victims (in the context of offenders in custody):** A prisoner involved in an assault incident whose role has been recorded on the NOMS incident reporting system as an 'assailant'. The system does not record details of non-prisoner assailants for example visitors. Where an assault in prison involves a clear aggressor and victim, participants are categorised as assailants or victims. Where an incident does not involve a clear aggressor or victim, participants are categorised as fighters

**Victim Support:** A national charity giving free and confidential help to victims of crime, witnesses, their family, friends and anyone else affected across England and Wales.

**Violence against the person:** A term that includes serious violence offences where the injury inflicted or intended is life threatening and offences resulting in death, regardless of intent. This offence group also includes offences involving less serious injury, certain offences that involve no physical injury and some involving serious intent. Violence against the person encompasses a range of offences involving violence, such as grievous bodily harm or common assault.

**Violent crime – CSEW:** Violent crime, as measured by the CSEW, covers a range of offence types from minor assaults, such as pushing that result in no physical harm, to (but not including) murder. This includes offences where the victim was threatened with violence, regardless of whether or not there was any injury. CSEW violent crime is categorised according to offence type (wounding, assault with minor injury, assault without injury and robbery), and offender-victim relationship (domestic violence, stranger violence, acquaintance violence).

**Women:** See sex.