



Ministry  
of Justice



# **Criminal Justice Statistics Quarterly Update to March 2016**

## **England and Wales**

Ministry of Justice  
Statistics bulletin

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## Introduction

This report presents the key statistics on activity in the Criminal Justice System (CJS) for England and Wales. It provides information for the latest twelve months (March 2015 to March 2016) with accompanying commentary, analysis and presentation of longer term trends.

The data provides users with information about proven offending and its outcomes in England and Wales. The contents of this bulletin will be of interest to government policy makers in the development of policy and their subsequent monitoring and evaluation. Others will be interested in the way different crimes are dealt with in the CJS. Where appropriate, comparisons are made with different sources covering activity in the CJS – in particular, numbers of crimes recorded by the police, often the starting point for crimes dealt with by other CJS agencies<sup>1</sup>

In this publication, criminal offences are divided into four main offence groups:

- Indictable proceedings cover the more serious offences such as violent and sexual offences and robbery. Initial proceedings are heard at magistrates' courts but they then may be passed on to the Crown Court, either for sentencing, or for a full trial with a judge and jury. They are split into two categories:
  - **Indictable only** offences, which can only be tried on indictment in the Crown Court by a judge and jury<sup>2</sup>; and
  - **Triable-either-way** offences, which are triable either summarily in a magistrates' court or on indictment in the Crown Court;
- Summary proceedings cover typically less serious offences which are almost always handled entirely in magistrates' courts when dealt with in court, with the majority being completed at the first hearing. They are split into two categories:
  - **Summary non-motoring** proceedings, such as TV license evasion and less serious criminal damage; and
  - **Summary motoring** proceedings, such as speeding and driving whilst disqualified.

The majority of information presented in this publication is reported on the principal offence and principal sentence. Where proceedings involve more than one offence, the principal offence is reported. 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;

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<sup>1</sup> Findings from the Crime Survey for England and Wales and police recorded crime data are published together in statistical bulletins by the Office for National Statistics.

<sup>2</sup> All offences committed by a child or young person (someone aged 10-17 years old) can be dealt with by a youth court, subject to the following exceptions which mean that the offence must be dealt with by the Crown Court: homicide; grave crimes where the youth court has determined that, if convicted, a sentence beyond its powers should be available; firearms possession by 16-17 year olds; offences that would attract at least four years custody under the dangerousness provisions; and where it is necessary in the interests of justice to try a youth and adult together.

- Where the same disposal is imposed for two or more offences, the offence selected is the one for which the statutory maximum penalty is the most severe.

The offence shown for each court proceeding is the one for which the court took its final decision and is not necessarily the same as the offence for which the defendant was initially prosecuted. Unless otherwise stated, the sentence shown is the most severe sentence or order given for the principal offence (i.e. the principal sentence) with secondary sentences given for the principal offence and sentences for non-principal offences not being counted in the tables.

The data presented in this publication are provisional. Final data for each calendar year is published in May each year in our Criminal Justice Statistics annual bulletin, following further data cleaning and the incorporation of additional cases not available in our original extracts of administrative data. In our current extract we have observed a substantial fall in the number of defendants prosecuted in magistrates' courts that we have received relating to March 2016 (relative to what we expected based on March 2015 and recent trends), together with a smaller fall in February 2016. This cannot be seen in the underlying administrative data used for the Criminal Court Statistics bulletin. These falls may well underpin a 1% fall relative to the previous year in the number of defendants prosecuted (i.e. broadly stable), which contrasts with the 2% rise commented on in our previous quarterly bulletin. We are investigating the reason for these falls, but would advise particular caution in interpreting changes in trends based on these provisional data.

## **Contents of Criminal Justice Statistics quarterly publication**

We are publishing the following products as part of this release:

- This statistical bulletin, with commentary on trends in criminal justice statistics.
- A technical guide providing further information on how the data is collected and processed, as well as information on legislation relevant to sentencing trends and background on the functioning of the criminal justice system.
- A set of overview tables, covering each section of this bulletin: an overview, out of court disposals, prosecutions, convictions, remand decisions and sentencing; as well as a diagram showing flows through the criminal justice system.
- A set of offending histories summary tables, alongside three data tools providing further information on first time entrants and offending histories.

## **Data Sources**

This report draws on data from the following data sources:

- Data on Penalty Notices for Disorder (PNDs) from 2013 onwards are drawn from the PentiP system. Prior to this, data were collected from individual police forces.
- From April 2011 all cautions data are collected from the Police National Computer (PNC). Prior to this, data were collected from individual police forces. Cautions and sentencing data within the offending histories section are also collected from the PNC.

- Data on cannabis / khat warnings, community resolutions and offences taken into consideration (TICs) are supplied by the Home Office.
- Statistics on proceedings, convictions, remand and sentencing are either derived from the LIBRA case management system, which holds magistrates' court records, or the CREST system, which holds Crown Court trial and sentencing data. Prior to November 2008 the police reported on magistrate court proceedings.

A technical document titled "[A Guide to Criminal Justice Statistics](#)" is available alongside this bulletin, which provides users with detailed information on the concepts and methods used in compiling this bulletin, including the quality of the data, along with guidance on statistical revisions and forthcoming changes.

## Interpretation

This publication presents information for the **latest 12 month period (the twelve months ending March 2016)** alongside the same rolling 12 month periods for the previous ten years. The comparison of 12 rolling month periods has the advantage over reporting on shorter timeframes – for example, covering only the latest quarter – of avoiding misinterpretation of short-term fluctuations caused by seasonality (for example, reduced court volumes every December when many of the courts are closed over the Christmas period), and enables the presentation of longer-term trends across comparable reporting periods.

In this publication:

- the "**latest year**" refers to the **12 months ending March 2016**;
- the "**previous year**" refers to the **12 months ending March 2015**; and
- any other reference period will be referred to explicitly.

Further guidance on the symbols and conventions used in the bulletin is provided in the 'Explanatory notes' section.

## **Key Findings**

The total number of individuals (which includes people and companies) who have been dealt with formally by the CJS in England and Wales, has been declining since 2007, and is now at a record low level (period 1970 to March 2016), with 1.7 million individuals dealt with in the 12 months ending March 2016.

In the latest year the use of out of court disposals has continued to decrease. The number of defendants proceeded against at magistrates' courts has remained broadly stable; with an observed fall in those proceeded against for indictable offences offsetting both summary non-motoring and summary motoring offences having continued to increase.

The numbers of offenders convicted and sentenced both remained broadly stable in the 12 months ending March 2016. There was a one percentage point increase in the conviction ratio to 84% in the latest year.

An increased proportion of offenders sentenced for summary offences has led to a slight decrease in the overall custody rate from 7.4% in the 12 months ending March 2015, to 7.3% in the year ending March 2016; whilst the custody rate for indictable offences has increased year on year for the past five years. The average custodial sentence length (ACSL) in the latest year was 16.3 months, an increase of 0.4 months on the previous year.

### **Offending Histories**

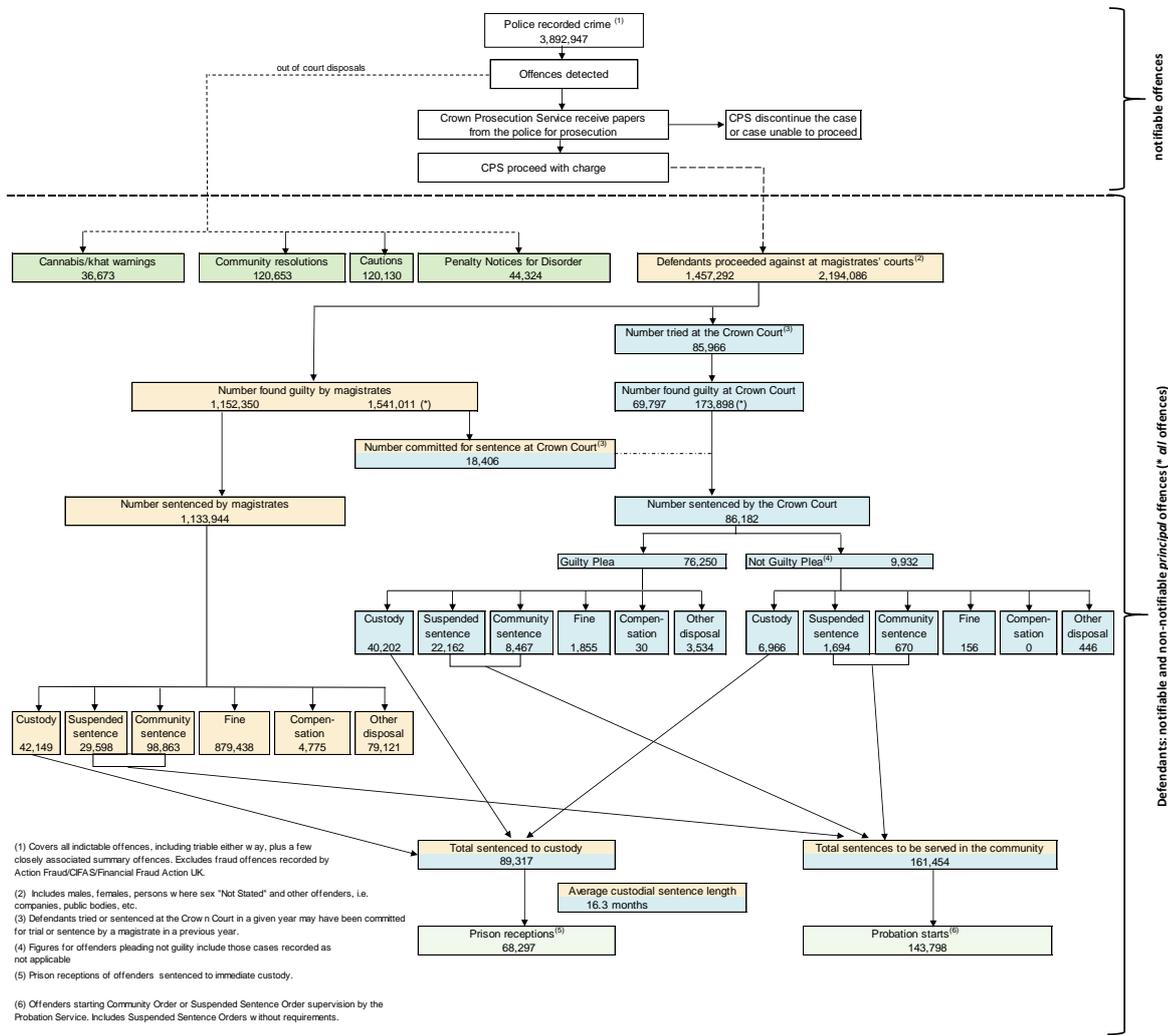
For the first time offenders dealt with for indictable offences with no previous convictions and cautions were as likely to go to court and be convicted as they were to receive a caution. This compares to only 23% of these offenders having been convicted 10 years ago.

38% of adults convicted of an indictable offence in 12 months ending March 2016 had a long criminal record (15 or more previous convictions or cautions) compared to 29% in 12 months ending March 2006.

40% of persistent offenders (those with 8 or more convictions or cautions) in 12 months ending March 2016 were given their first official sanction for a theft offence.

# 1. Overview of the Criminal Justice System

Figure 1.1: Flows through the CJS, 12 months ending March 2016

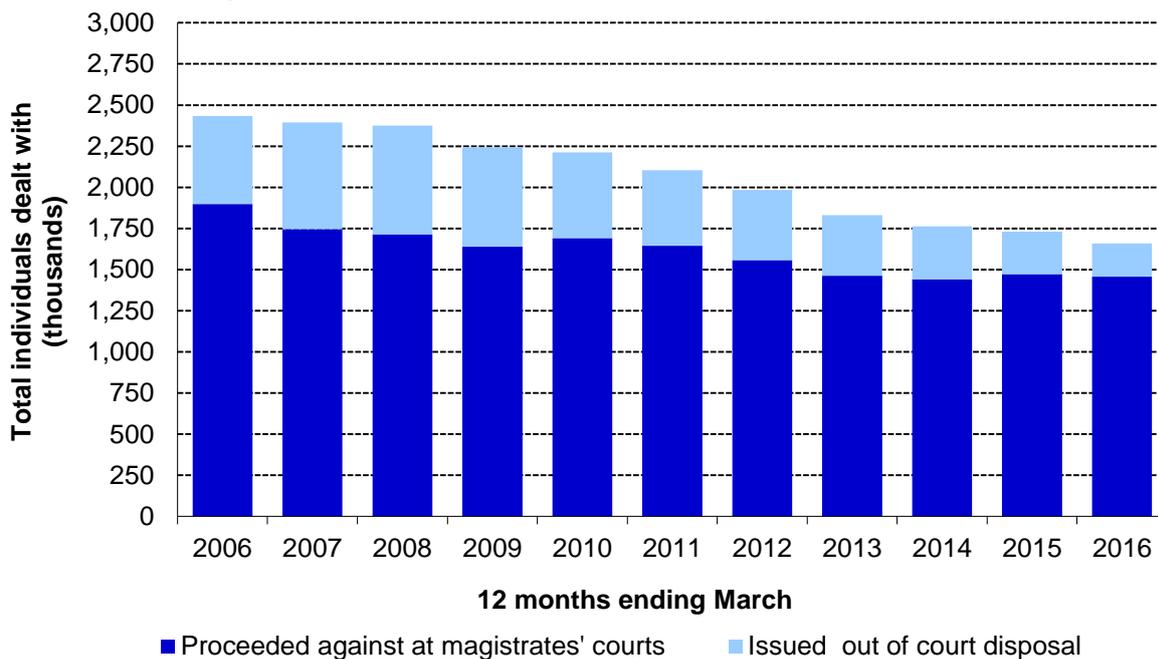


The total number of individuals (which includes people and companies) who have been dealt with formally by the CJS in England and Wales has been declining since 2007, with 1.7 million individuals dealt with in the year ending March 2016.

In the latest year, the use of out of court disposals has continued to decrease, while the number of defendants proceeded against at magistrates' courts has been broadly stable<sup>3</sup>. There has been a fall in the number of indictable offences, but this has been offset by the number of motoring and non-motoring summary offences having continued to increase.

<sup>3</sup> The decrease in the number of defendants proceeded against in magistrates' courts is at least in part due to an unexplained drop in volumes observed in February and March 2016. While we continue to investigate the reason for this drop, this and related statistics should be interpreted with caution. The data presented in this publication are provisional and are subject to change for the 2016 Criminal Justice Statistics annual bulletin, which is scheduled for publication in May 2017.

**Figure 1.2: Individuals dealt with formally by the CJS<sup>4</sup>, 12 months ending March 2006 to 12 months ending March 2016**



### Comparisons with crime statistics<sup>5</sup>

Latest figures from the Crime Survey for England and Wales (CSEW): year ending March 2016 showed that, for the offences it covers, there were an estimated 6.3 million incidents of crime against households and resident adults (aged 16 and over) in England and Wales. This is a 6% decrease compared with the previous year's survey. The CSEW covers a broad range of victim based crimes and includes crimes which do not come to the attention of the police. Furthermore, following the addition of new questions to the survey, it was estimated there were also 3.8 million fraud and 2.0 million computer misuse offences experienced by victims in the 12 months ending March 2016.

In contrast to the CSEW, there was an 8% increase in police recorded crime<sup>6</sup> compared with the previous year, to 4.5 million recordings. The renewed focus on the quality of crime recording is thought to have led to improved compliance with national recording standards, leading to proportionally more crimes reported to the police being recorded by them.

This is thought to have particularly affected the recording of "violence against the person" offences, which have increased by 27%. In contrast, the number of defendants proceeded against in the courts for this offence group decreased by 6% in the year ending March 2016. As demonstrated by this apparent disparity in trends, care should be taken when making comparisons between estimated victims data, crime data, counted on a crime basis and courts data, counted on a defendant basis.

<sup>4</sup> Individuals includes people and companies. A single individual can be counted more than once in a given year if they are dealt with by the CJS on more than one separate occasion. Excludes individuals dealt with by way of a community resolution.

<sup>5</sup> See Crime in England and Wales, year ending March 2016 [www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmar2016](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmar2016)

<sup>6</sup> This is the published figure for the overall change in police recorded crime. It may not align with the change shown in our overview tables, due to differences in which offences are included (we exclude fraud to allow for consistent comparisons over our time series).

## 2. Out of Court Disposals

Out of court disposals (OOCs)<sup>7</sup> are sanctions that are used by the police, with reference to the Crown Prosecution Service (CPS), to address offences without recourse to the courts. Out of court disposals have an important role to play in the criminal justice system. They allow the police to deal quickly and proportionately with low-level, often first-time offending which does not merit prosecution at court, freeing them up to spend more time on frontline duties and tackling serious crime. OOCs can also provide reparation and a prompt resolution for victims.

The out of court disposals available to the police and CPS up to the 12 months ending March 2016 included: cannabis and khat warnings<sup>8</sup>, Penalty Notices for Disorder (PNDs), simple<sup>9</sup> and conditional cautions<sup>10</sup>, and community resolutions<sup>11</sup>.

### Out of court disposals have continued to decrease since the year ending March 2007

The use of out of court disposals (excluding community resolutions) decreased by 55,700 (22%) in the latest year, with 201,100 individuals issued an out of court disposal. This continues the steady decline in the use of out of court disposals; a decrease of 447,900 (69%) since March 2007.

The observed decrease was driven by a number of factors: the replacement in April 2008 of a target to increase offences brought to justice (OBTJ) with one placing more emphasis on bringing serious crimes to justice, which was subsequently removed in May 2010 (it is thought the change in target had a greater impact on OOCs than on convictions); the introduction of community resolutions, a non-statutory disposal available to the police since 2008/09; and the restriction of the use of PNDs to adults only from 8<sup>th</sup> April 2013. In addition, there has been a steady decrease in police recorded crime across England and Wales from 2003/04 until 2013/14 and in police stops and searches since 2010/11.

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<sup>7</sup> A pilot scheme was implemented from early November in Leicestershire and Staffordshire police forces and from late November in West Yorkshire to reduce the types of out of court disposals available for adult offenders. In the pilot areas, the only out of court disposals available are community resolutions and conditional cautions.

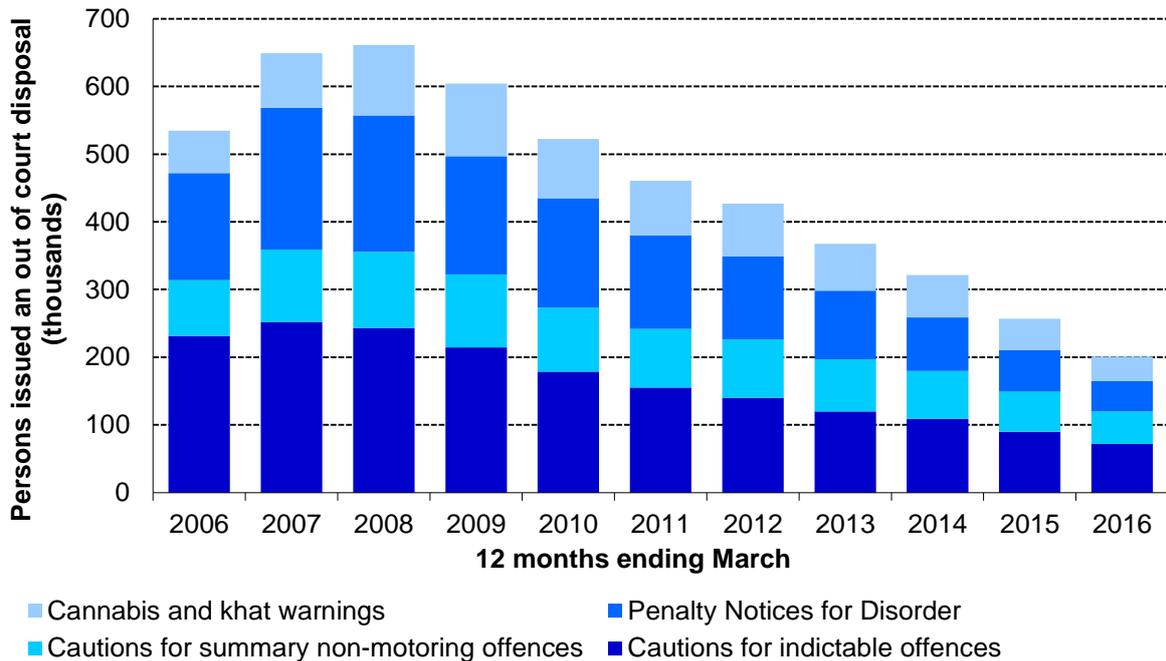
<sup>8</sup> Khat warnings are available from 24 June 2014.

<sup>9</sup> Available to adults only until 8<sup>th</sup> April 2013 at which point youth cautions were introduced, replacing reprimands and warnings for youths.

<sup>10</sup> From 8<sup>th</sup> April 2013, youth conditional cautions were made available for all 10-17 year olds in England and Wales. Originally, youth conditional cautions were only available for 16 and 17 year olds in five pilot areas from 26 January 2010.

<sup>11</sup> Community resolutions statistics provided by the Home Office show those community resolutions which (with or without formal Restorative Justice) have been applied in accordance with College of Policing guidance.

**Figure 2.1: Out of court disposals (excluding community resolutions) issued, by disposal, 12 months ending March 2006 to 12 months ending March 2016**



Cautions, PNDs and Cannabis and Khat warnings have each individually continued to decline

**Penalty Notices for Disorder**

There were 44,300 PNDs issued in the 12 months ending March 2016, which represents a 16,800 (27%) decrease from the previous year; the largest decline amongst the different forms of O OCD. The use of PNDs has been decreasing year on year since the peak in the 12 months ending March 2007 when 209,400 were issued. The decrease in the number of PNDs issued followed a number of reforms associated with the decline in O OCDs more generally.

**Cannabis and Khat Warnings**

Cannabis warnings could be issued to adults from 2004, while khat warnings could be issued to adults from June 2014. There were 36,700 cannabis and khat warnings issued in the year ending March 2016, a decrease of 10,000 (21%) from the previous year.

**Police Cautions and Cautioning Rate**

There were 120,100 offenders given simple and conditional cautions in the 12 months ending March 2016. This represents a 29,000 (19%) decrease compared with the previous 12 months. In the latest year, offenders cautioned for indictable offences (including triable-either-way offences) decreased by 17,800 (20%) to 72,000.

Theft, drug and criminal damage offences accounted for 55,400 (77%) of all offenders cautioned for indictable offences. The number of offenders administered a caution for a sexual offence in the year to March 2016 was the lowest over the past ten years. In the latest year, the number of offenders cautioned for sexual offences decreased by 100 (9%) compared with the previous year and 830 (44%) compared with the 12 months ending March 2007.

The cautioning rate presents the proportion of offenders who were either cautioned or convicted that were given a caution. This gives a measure of the share of all offenders either admitting guilt or being found guilty in a given period who are dealt with by a caution out of court as opposed to being processed through the courts.

The overall cautioning rate in the latest year was 14%, which was a decline from a peak of 31% in the 12 months ending March 2007 and down by three percentage points compared with the previous year.

### **Community Resolutions**

Community resolution is a non-statutory disposal available to the police and was rolled out in 2008/09. It is a new form of OOCd presenting a proportionate method of dealing with an offender for a lower-level crime, intended to be used in some cases where previously other disposals like PNDs and cannabis and khat warnings might have been used. Resolutions can be offered when the offender admits an offence and, in most cases, where the victim has agreed that they do not want more formal action taken.

The Home Office began centrally collecting data from forces on community resolutions from April 2014, and published national figures for the first time in July 2015. Their latest publication shows that 120,700 community resolutions were administered by the police in the 12 months ending March 2016; an increase of 3,500 (3%) from the 12 months ending March 2015. However, we are unable to isolate the direct effect of their availability on the decreasing volumes of other forms of OOCds, in particular how individuals may have been displaced from another category of disposal to community resolutions.

Further information about community resolutions can be obtained from the Home Office publication at the link below:

[www.gov.uk/government/statistics/police-recorded-crime-open-data-tables](http://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables)

### 3. Court Proceedings and Convictions

Defendants will start proceedings at magistrates' courts, regardless of the seriousness of the offence charged against them. Less serious offences (summary offences) will be entirely dealt with by magistrates' courts. The more serious offences (indictable offences) may be dealt with by the Crown Court. The most serious indictable offences (indictable only offences) must be tried at the Crown Court, the remaining indictable offences (triable-either-way) can either be tried at a magistrates' court or Crown Court.

The total number of defendants prosecuted in the latest 12 month period has remained broadly stable, but the trend differs by offence type

In the 12 months ending March 2016, 1.46 million defendants<sup>12</sup> were prosecuted at magistrates' courts. The total number of prosecutions remained broadly stable (decreasing by 1%), as it has done since the 12 months ending March 2013, prior to which it was consistently declining.

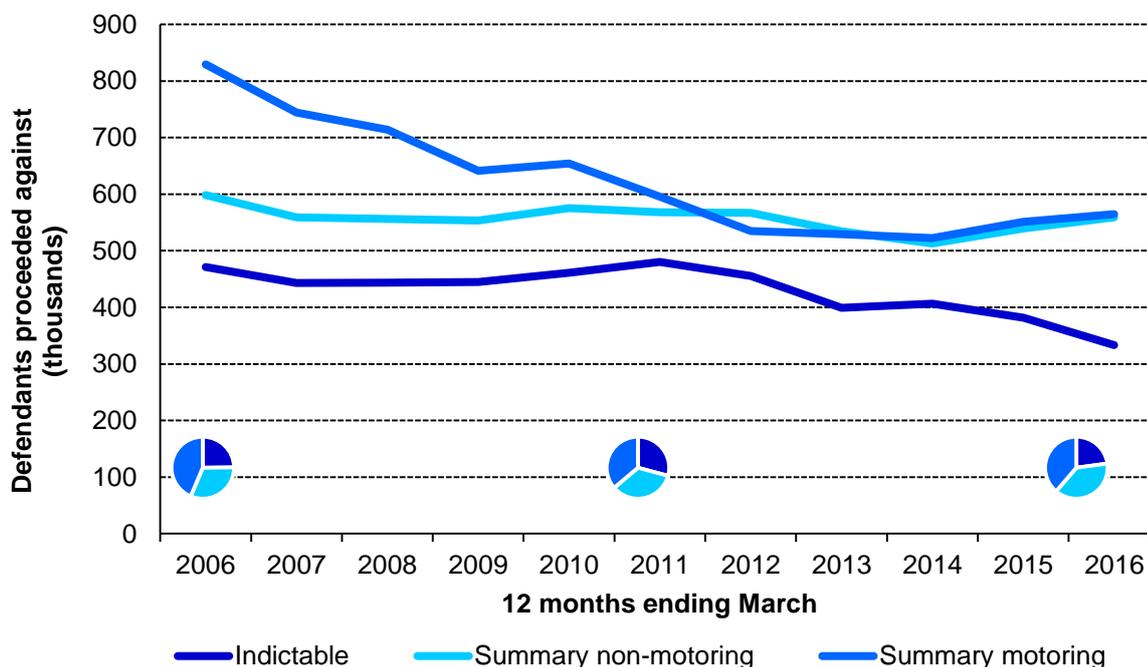
The number of defendants prosecuted at magistrates' courts for indictable offences has declined overall since the 12 months ending March 2011, from 400,000 to 330,000 in the 12 months ending March 2016. Conversely, the number prosecuted for summary offences has increased over the same period, from 1 million to 1.1 million. Prior to the increase in defendants prosecuted for summary offences in the last two years, this had also been declining almost year on year since the 12 months ending March 2006.

The increase in summary non-motoring offences has been driven by an increase in defendants prosecuted for TV licence evasion, common assault and battery and failure to pay for a motor vehicle licence.

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<sup>12</sup> The decrease in the number of defendants proceeded against in magistrates' courts is at least in part due to an unexplained drop in volumes observed in February and March 2016. While we continue to investigate the reason for this drop, this and related statistics should be interpreted with caution. The data presented in this publication are provisional and are subject to change for the 2016 Criminal Justice Statistics annual bulletin, which is scheduled for publication in May 2017.

**Figure 3.1: Defendants prosecuted at magistrates' courts, 12 months ending March 2006 to 12 months ending March 2016, and proportions of all proceedings for 12 months ending March 2006, March 2011 and March 2016, by type of offence**



In the most recent year, sexual offences saw an increase in the number of defendants prosecuted; rising by 4% from 12,000 in the year ending March 2015 to 12,500 in the year ending March 2016. This figure is the highest in the decade, and sharply increased after the year ending March 2013.

Defendants prosecuted for theft offences made up a third of all defendants prosecuted for indictable offences in the latest year, and this proportion has been fairly stable over the decade. This is the highest volume indictable offence group.

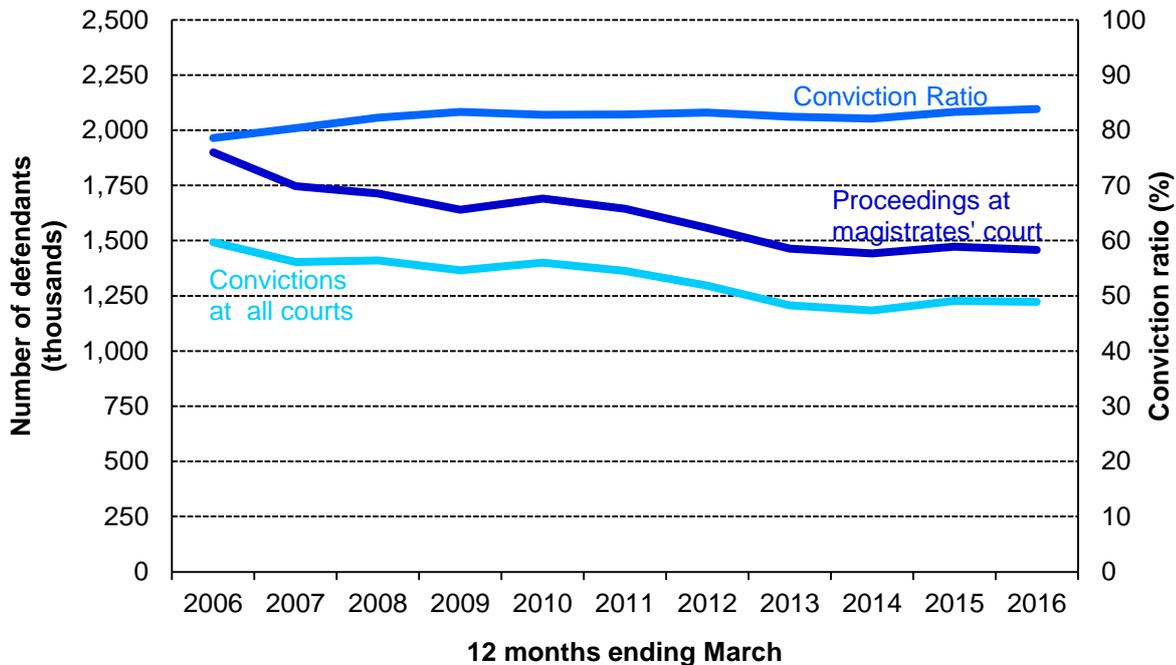
The conviction ratio has remained broadly stable over the past decade

In a similar trend to prosecutions, the total number of offenders convicted – that is, defendants who plead or are found guilty – remained fairly stable since the 12 months ending March 2013. In the most recent year, the number of offenders convicted for an indictable offence reduced by 9%, and the number convicted for summary offences increased by 3%. As with prosecutions, this increase in defendants convicted for summary offences is relatively recent; the number was declining until the 12 months ending March 2014.

Trends in the number of offenders convicted and sentenced at all courts are driven by two factors; the number of individuals dealt with through the courts (the trend in prosecutions) and the proportion of those individuals who are found guilty. Conviction ratios are calculated as the number of convictions as a proportion of the number of proceedings. This gives a measure of the relative number of defendants who are found guilty within a given year for a certain offence, when compared with the number who are prosecuted that year for the same offence. It is worth noting that offenders found guilty in a given year may well have been proceeded against in previous year. Further, defendants may be found guilty of a different offence to that for which they were originally proceeded against.

Prior to 2008, the conviction ratio had been increasing, but has since remained broadly stable, ranging from 82% in the 12 months ending March 2008 to 84% in the latest year. A similar trend has been seen in summary offences, for which the conviction ratio was also 84% in the latest year. However, the conviction ratio for indictable offences is at its highest in a decade (83%).

**Figure 3.2: Conviction ratio and defendant proceedings and convictions at all courts, 12 months ending March 2006 to 12 months ending March 2016**



More defendants are being sent for trial at the Crown Court, mostly for triable-either-way offences

In the 12 months ending March 2016, 81% of the 1.46 million defendants prosecuted were tried at the magistrates' court and 6% were sent for trial at the Crown Court. The remaining defendants relate to other outcomes, such as cases being discontinued, withdrawn or discharged.

Defendants sent for trial to the Crown Court account for a greater proportion of all proceedings in the latest year compared to a decade ago; at 6% in the latest year compared to 4% in the 12 months ending March 2006.

72% of defendants sent to the Crown Court were accused of triable-either-way offences. This was gradually increasing until the 12 months ending March 2014, and has remained fairly stable since then.

## 4. Remands

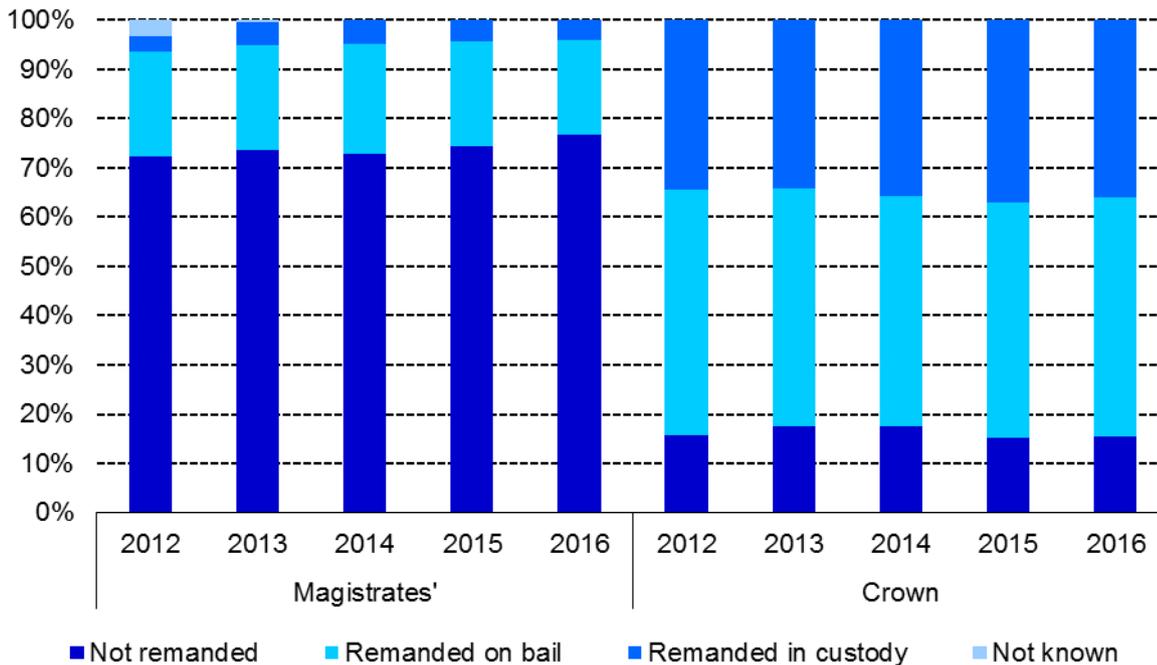
### Police bail and custodial remands have been declining

Police remands are decisions made by a police officer on whether to detain or bail a defendant pending their first appearance in court or send a notice summoning them to appear in court. In the year ending March 2016 there were 1.52 million defendants directed to appear at magistrates' courts (including those who failed to appear)<sup>13</sup>. The proportion of defendants remanded in custody by the police decreased to 10% in the latest year, whereas over the previous four years this varied between 11% and 12%. The proportion of defendants arrested and bailed by police decreased to 24% in the latest year, from 26% in the previous year, whilst the proportion being summonsed increased from 63% to 66%.

### The proportion of defendants remanded in custody at the Crown Court declined

Court remands are court decisions on whether a defendant charged with a criminal offence should be held in custody, or released on bail, during the period of their trial or while they are awaiting sentence.

**Figure 4.1: Defendants' remand status in magistrates' courts and the Crown Court, 12 months ending March 2012 to 12 months ending March 2016**



In the latest year, bail was granted to 19% of defendants proceeded against at magistrates' courts, while 4% were remanded in custody and the remaining 77% had their case concluded at magistrates' courts without being remanded.

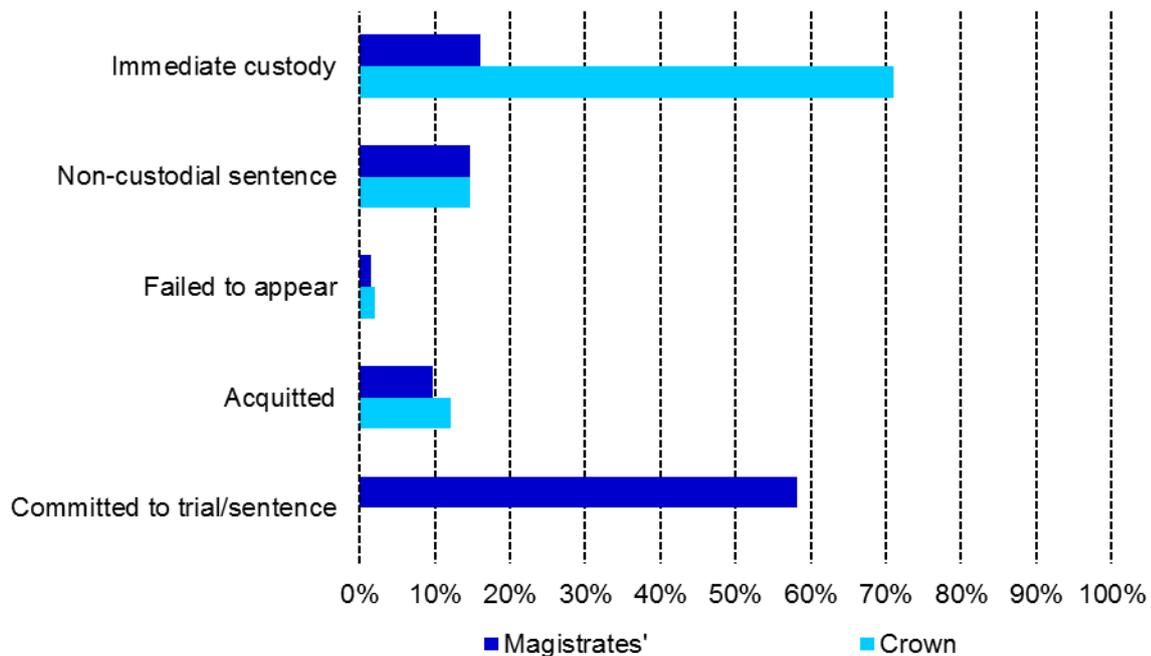
<sup>13</sup> The decrease in the number of defendants proceeded against in magistrates' courts is at least in part due to an unexplained drop in volumes observed in February and March 2016. While we continue to investigate the reason for this drop, this and related statistics should be interpreted with caution. The data presented in this publication are provisional and are subject to change for the 2016 Criminal Justice Statistics annual bulletin, which is scheduled for publication in May 2017.

Defendants are more likely to be remanded in custody for more serious, indictable offences than summary offences – as a result, the proportion of defendants remanded in custody at the Crown Court is higher than at magistrates’ courts. In the latest year, the proportion of defendants tried at the Crown Court who were remanded in custody was 36%, compared with 37% in the previous year. The proportion of defendants remanded on bail was 49%, compared with 48% in the previous year.

Defendants remanded in custody at the Crown Court were more likely to receive immediate custodial sentences

Of those defendants remanded in custody at the Crown Court in the year ending March 2016, 71% were sentenced to immediate custody. 16% of defendants remanded in custody by magistrates’ courts were sentenced there to immediate custody; although given that 58% of defendants remanded in custody in magistrates’ courts were committed for trial or sentencing at the Crown Court, which likely reflects the more serious nature of their crimes, it is expected that considerably more will have ultimately received a custodial sentence.

**Figure 4.2: Outcome of proceedings for defendants remanded in custody in magistrates’ courts and the Crown Court, 12 months ending March 2016**



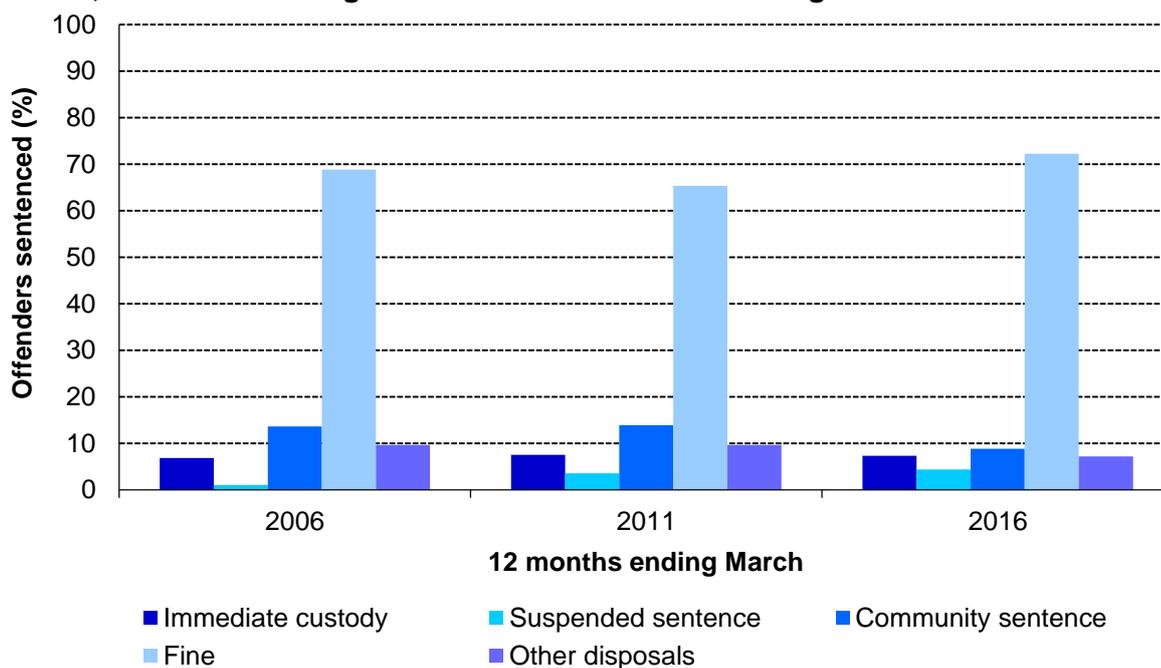
## 5. Sentencing

The total number of offenders sentenced at all courts has fallen since the 12 months ending March 2006, from 1.49m to 1.22m in the latest year<sup>14</sup>. The number of offenders sentenced has declined over the last decade for both indictable offences (by 20%) and summary offences (by 18%). In the most recent year the number of offenders sentenced for summary offences has increased (3%) while the number of offenders sentenced for indictable offences has continued to decline (10%). The total number of offenders sentenced has remained stable in the latest year. This mirrors the trend in proceedings and convictions.

### Fines have become more prevalent

The most common sentence given is a fine, accounting for 72% of offenders sentenced in the latest year. This has been consistently the most common sentence over the last decade, when it accounted for 69% of all sentences. The increase of 7 percentage points since March 2011 in the proportion sentenced to fines is due to changes in offence mix and legislation; mostly an increase in the proportion of summary offences (especially speeding and TV licence evasion). Fines are much less common for indictable and triable either way offences, accounting for 18% of offenders sentenced.

**Figure 5.1: Sentencing outcomes (percentage of all offenders sentenced) at all courts, 12 months ending March 2006 to 12 months ending March 2016**

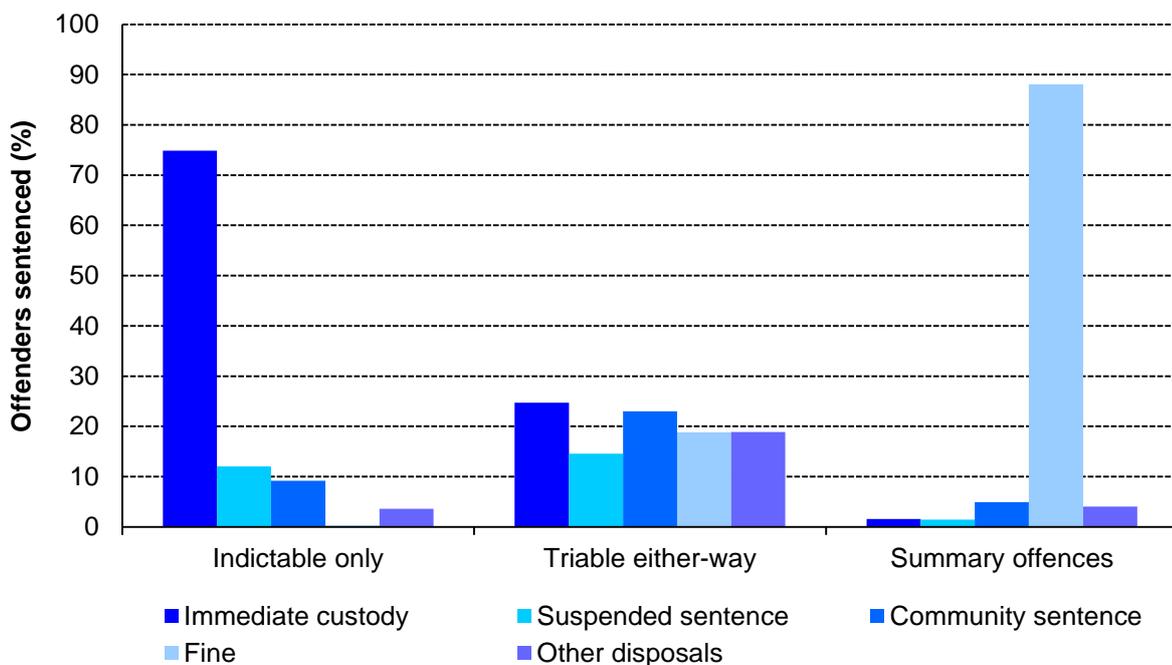


<sup>14</sup> The decrease in the number of defendants proceeded against in magistrates' courts is at least in part due to an unexplained drop in volumes observed in February and March 2016. While we continue to investigate the reason for this drop, this and related statistics should be interpreted with caution. The data presented in this publication are provisional and are subject to change for the 2016 Criminal Justice Statistics annual bulletin, which is scheduled for publication in May 2017.

### Offender outcomes vary by offence type

For indictable only offences, a greater proportion of offenders (75%) receive immediate custody than any other type of sentence. Triable either way offences receive a much wider variety of sentences; with the most common being community sentences, immediate custody, fines, suspended sentences and conditional discharges<sup>15</sup>.

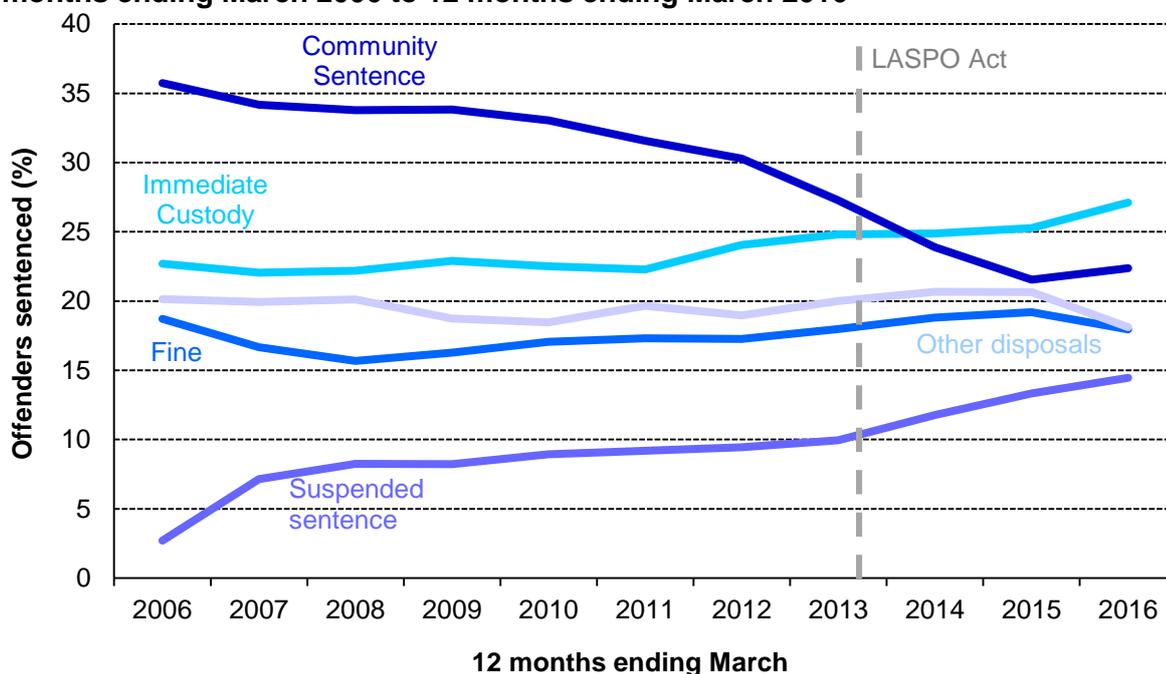
**Figure 5.2: Sentencing outcomes for indictable only, triable-either-way and summary offences (motoring and non-motoring) at all courts, 12 months ending March 2016**



<sup>15</sup> See the technical guide for details of what each sentence entails.

Considering these offence groups separately makes it easier to see trends in sentences other than fines for summary offences.<sup>16</sup>

**Figure 5.3: Trends in sentencing outcomes for indictable offences at all courts, 12 months ending March 2006 to 12 months ending March 2016**



The use of suspended sentences has been increasing

Since March 2006, the proportion of offenders given suspended sentences has increased by 3 percentage points. They were rarely given before the introduction of the suspended sentence order with community requirements by the Criminal Justice Act (CJA) in 2003. Under the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, these provisions were amended so that, since December 2012, custodial sentences of two years or less can be suspended and the imposition of community requirements is discretionary. This may have contributed to the increase in suspended sentences.

Community sentences have been declining for all offences but have increased in the latest year for indictable offences

Other sentences have declined since March 2006, including community sentences, which decreased more sharply since March 2011, from 14% to 9% of sentences given. This may be a result of the Criminal Justice and Immigration Act (CJIA) 2008, which restricted their usage and led to other sentences becoming more prevalent.

The overall custody rate has declined since March 2012, but increased for indictable offences

The custody rate (i.e. the proportion of sentences which are immediate custody) was increasing until March 2012, to a peak of 8.2%; but has fallen since then, to 7.4% in March 2016. This is due to the recent increase in summary offences, which have a lower custody

<sup>16</sup> The decrease in the number of defendants observed as being dealt with in magistrates' courts has increased the relative contribution of offences dealt with at the Crown Court to these trends. These are typically more serious and tend to attract more severe sentences.

rate. The custody rate for indictable offences has been increasing since March 2011, from 22.3% to 27.2%.

Average custodial sentence length has been increasing since March 2006, driven by legislative change and sexual offences

Average custodial sentence length (ACSL) has increased since March 2006 (from 12.5 to 16.3 months). This is in part caused by the ACSL for sexual offences increasing by 20 months. More people are being sentenced for sexual offences, and these sentences are getting longer, which is driving up the overall average. The total number of persons sentenced for sexual offences in March 2016 was 6,900, up from 4,900 in March 2006. This change was mirrored in proceedings and convictions. The change could be related to improved reporting and recording of sexual offences, as well as increased public focus.

This may also be due to numerous changes in legislation over the decade, including:

- The LASPO Act, passed on 3rd December 2012, which abolished IPPs and Extended Sentences for Public Protection (EPPs) and replaced them with new Extended Determinate Sentences (EDSs). EDSs are included within the ACSL calculation, whilst IPPs and EPPs were previously excluded.
- The introduction of the Criminal Justice and Immigration Act (CJIA) in 2008 restricted the use of indeterminate sentences for Public Protection (IPPs), which are excluded from ASCL. Following this, there has been an increase in long determinate sentences (defined as for 10 years or more).

## 6. Offending Histories

An offender's criminal history counts the number of occasions on which an offender has previously received a conviction, caution or youth caution for any offence which has been recorded on the PNC, including some offences committed outside of England and Wales<sup>17</sup>. This count differs from First Time Entrants (FTEs)<sup>18</sup> because all offenders prosecuted by an English or Welsh police force, irrespective of country of residence, are included.

Offenders dealt with for indictable offences with no criminal history were as likely to go to court as they were to receive a caution

For the first time offenders dealt with for indictable offences with no previous convictions and cautions were as likely to go to court and be convicted as they were to receive a caution. This compares to only 23% of these offenders having been convicted 10 years ago.

Over the last 10 years there has been a 17% fall in the number of offenders dealt with for indictable offences with no criminal history who received a conviction for their first offence, whereas the number receiving a caution over the same period declined by 75%.

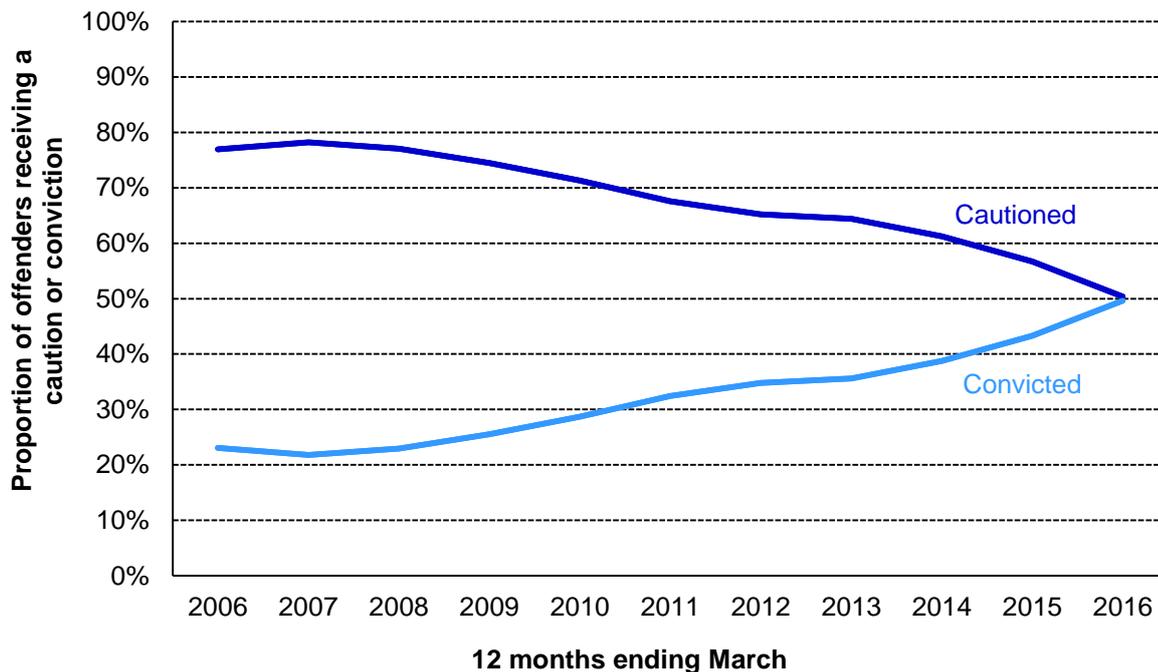
The decline in cautions has in part been driven by a number of factors as highlighted in chapter 2, most notably the replacement in April 2008 of a target to increase offences brought to justice (OBTJ) with one placing more emphasis on bringing serious crimes to justice, which was subsequently removed in May 2010.

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<sup>17</sup> Where there were multiple offences on the same occasion, only the primary offence as recorded on the PNC would be counted.

<sup>18</sup> 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. Offences resulting in a Penalty Notice for Disorder are not counted as first offences.

**Figure 6.1 Proportion of first time offenders dealt with for indictable offences by outcome, 12 months ending March 2006 to 12 months ending March 2016**



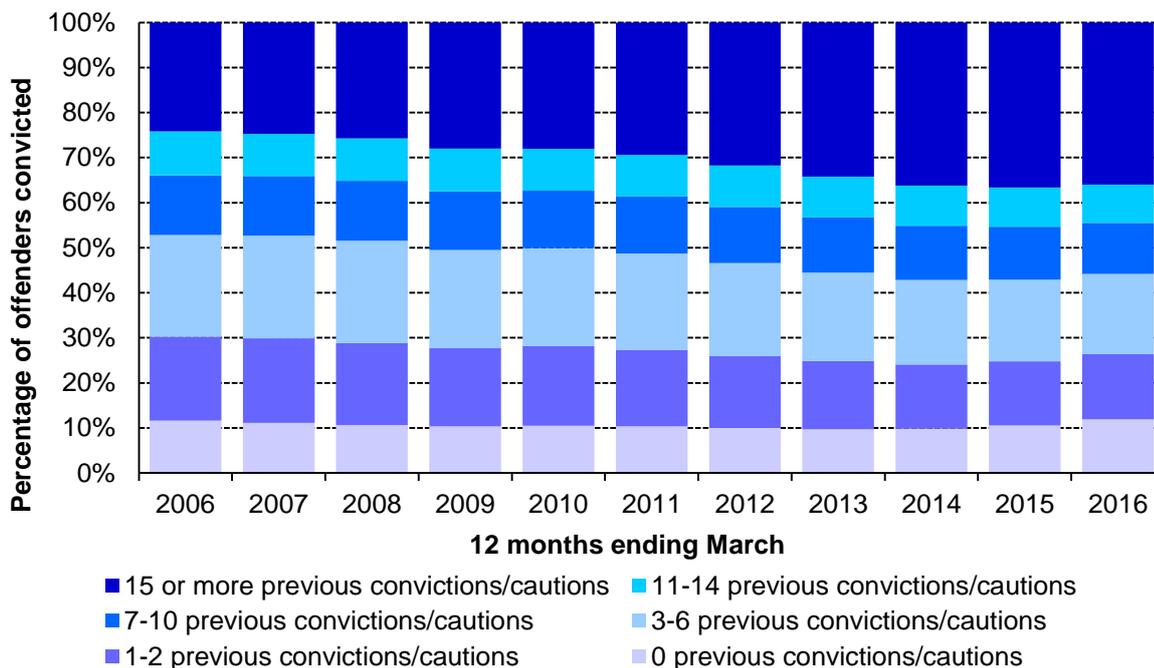
In contrast to the longer term trend, in the 12 months ending March 2016, the number of offenders with no previous convictions and cautions dealt with for indictable offences increased by 5%; a similar rise was also seen in the 12 months ending March 2015, where there was an increase of 2%. This is the first time an increase has been seen for two consecutive years in the last 10 years. The increase has been seen across all groups of offences except robbery and theft.

Conversely, the number of offenders with at least one previous conviction and caution sentenced for indictable offences declined by 8%, continuing the downward trend since the 12 months ending March 2011.

Offenders with long criminal records are more likely to receive immediate custody

In the latest period, around 91,800 adult offenders convicted of an indictable offence had 15 or more previous convictions or cautions (long criminal records – on average 34 previous sanctions). 38% of adults convicted of an indictable offence had a long criminal record compared to 29% in the same period 10 years ago, when the average number of previous sanctions was 26.

**Figure 6.2 Percentage of offenders convicted of indictable offences, by number of previous convictions or cautions, 12 months ending March 2006 to 12 months ending March 2016**



As might be expected, given that sentencing decisions will typically take into account previous offending history, the proportion of offenders receiving immediate custody for an indictable offence is higher for those groups of offenders with longer criminal records. In 12 months ending March 2016 41% of adults with 15 or more previous convictions or cautions received an immediate custodial sentence, compared to 14% of adults with no previous history of offending. The equivalent figures for juveniles were 43% and 2% respectively. For both adult and juvenile offenders with long criminal records who received an immediate custodial sentence for an indictable offence in 12 months ending March 2016, the most common offence for which they were sentenced was theft (57% and 46% respectively).

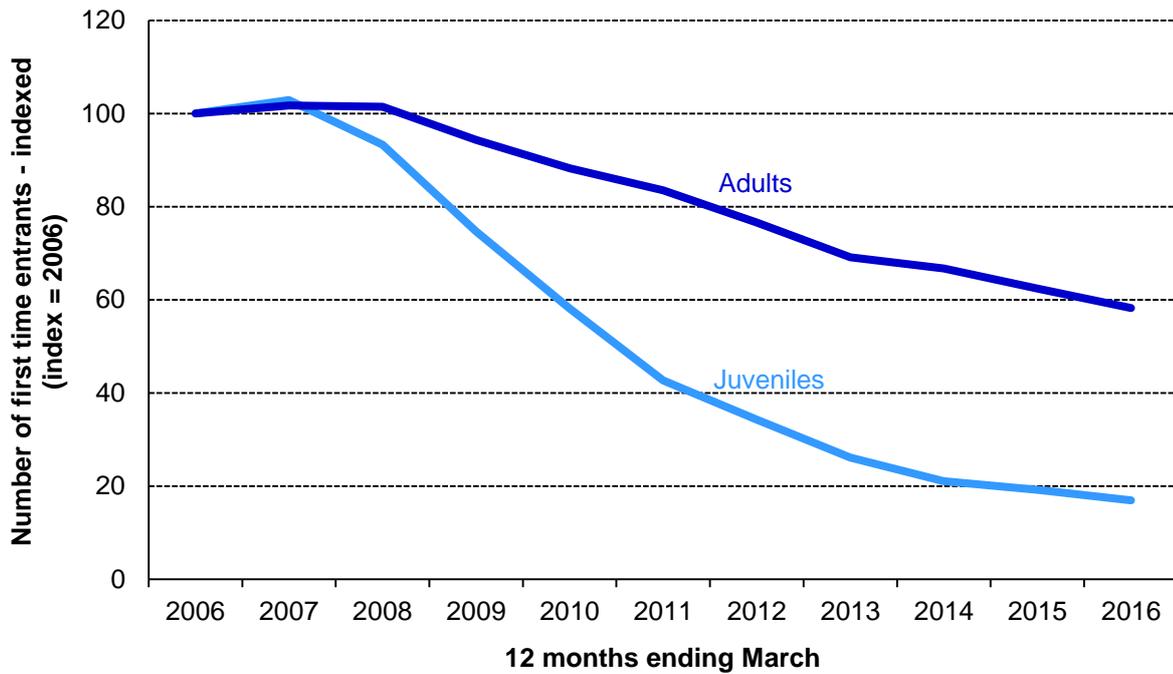
Persistent offenders have on average 24 previous sanctions

A persistent offender is defined as an offender with 8 or more conviction or cautions. Persistent offenders have on average 24 previous sanctions. There were around 214,000 persistent offenders in the 12 months ending March 2016 who accounted for over 5 million crimes throughout their criminal careers. Of these 40% were given their first official sanction for a theft offence.

## First Time Entrants (FTE)

The number of First Time Entrants to the criminal justice system has continued to fall since its peak in 2006/07. This decline has been much sharper for juveniles than for adults; the rate of decline for juvenile FTEs has halved since 2013.

**Figure 6.3 Change in number of juvenile and adult first time entrants to the criminal justice system, 12 months ending March 2006 (index=100) to 12 months ending March 2016**



## Revisions Policy

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 at:

<http://www.justice.gov.uk/downloads/statistics/mojstats/statistics-revisions-policy.pdf>

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.

Within the Ministry of Justice's statistical publications there can be three main reasons for statistics to be revised:

- Changes in how either source administrative systems collect information or a change in statistical methodology to improve accuracy and measurement.
- Receipt of subsequent information which alters our understanding of previous periods (for example – late recording on one of the administrative IT systems used operationally).
- Errors in our statistical systems and processes.

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.
- 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.
- 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.
- Publish a time-series of revisions due to errors in our statistical processes and procedures so we can monitor the quality of our outputs.

## Explanatory Notes

The statistics in the bulletin relate to cases in the Crown Court and magistrates' courts in England and Wales during 12 months ending March 2016. This bulletin subsumes a number of previous bulletins including Criminal Statistics: England & Wales, Quarterly Sentencing Statistics, and Young people aged 10-17 receiving their first reprimand, warning or conviction.

## Symbols and conventions

The following symbols have been used throughout the tables in this bulletin:

- = Nil
- \* = Not applicable
- .. = Not available
- (R) = Revised data
- (P) = Provisional data

## Guidance on tables

This bulletin is supported by Excel spreadsheet workbooks and pivot tables. These workbooks can be accessed at:

[www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2016](http://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2016)

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

General information about the official statistics system of the UK is available from: [statisticsauthority.gov.uk/about-the-authority/uk-statistical-system](http://statisticsauthority.gov.uk/about-the-authority/uk-statistical-system)

## Feedback

The structure and content of this report is continually being reviewed to reflect user requirements. If you have any feedback about the changes referred to in the Changes and Revisions section, or the report more generally, please contact the production team through the Justice Statistics Analytical Services division of the Ministry of Justice:

Email: [CJS\\_Statistics@justice.gsi.gov.uk](mailto:CJS_Statistics@justice.gsi.gov.uk)

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