

The outcomes of serious and organised crime cases appearing before the criminal courts in England and Wales

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This Data Insight presents further findings from an exploratory study undertaken as part of an inaugural Data First Research Fellowship.¹ Drawing on over 12.6 million linked records from the criminal courts and prison system over an eight-year period (2013-2020), it overviews the main findings and implications of a unique study examining the extent, nature and outcomes of serious and organised crime (SOC)-related appearances and cases heard before the Crown Court in England and Wales.

What we did

The research used de-identified, individual-level records derived from case management systems for the magistrates' and Crown courts, along with an extract from the Prison National Offender Management Information System, an operational database used for the management of prisoners.²

This research used administrative data to:

- estimate the rate and volume of SOC appearing before the higher courts in England and Wales between 2013 and 2020
- describe the characteristics of the defendants charged with these offences
- describe their associated outcomes.

In the absence of a specific marker or flag for SOC within the criminal courts' datasets, one had to be constructed for the study. Home Office funded research on this topic had previously defined SOC as a case involving co-defendants who had been prosecuted for an offence considered to require a degree of planning, control and coordination, and which had attracted a custodial sentence of at least three years on conviction.³ This is the definition of SOC used for the current study. It does not provide a complete or comprehensive picture of SOC but should instead be interpreted as relating to a proxy group of such cases.

Background

Serious and organised crime (SOC) is considered a national security threat by HM

Government and protecting the public from serious offenders is one of three priority outcomes set for the Ministry of Justice by the 2020 Spending Review. This focus reflects the considerable social and economic costs to the UK associated with SOC, recently estimated by the National Audit Office (NAO) to be £37 billion annually.

Despite these costs, the NAO had expressed concern that government and law enforcement agencies do not yet have the extent or depth of data they need to formulate an effective response, and data and insights are not shared consistently. We also know little about the extent and nature of SOC being prosecuted before the criminal courts, or the outcomes associated with these cases.

What we found

Few Crown Court appearances (6%) in England and Wales between January 2013 and December 2020 met the criteria for SOC used in this study. This was equivalent to 3% of all cases dealt with by the Crown Court during this period where at least one defendant had been charged with a SOC-related offence (using this definition).⁴

Findings indicate that SOC defendants are predominantly men and White

The defendant was male in most Crown Court appearances (90%) and in most of those considered to be SOC in nature (83%). Among SOC-related cases (i.e., where at least one defendant met the criteria for SOC), 63% were comprised exclusively of male defendants. 2% of these SOC cases were female-only enterprises. The remainder (35%) were a mix of male and female defendants.

SOC-related defendants were similar in age to other defendants (32.2 vs. 32.5 years).⁵ A small proportion of SOC-related cases (0.3%) involved only children (aged 17 or under). 8% involved only young adults (aged between 18 and 21 years).

The majority of Crown Court defendants self-identified as White (58%), but data on ethnicity was missing in one in four appearances. 68% of defendants deemed to be involved in SOC self-identified as White. Most (77%) cases considered to be SOC-related comprised only one ethnic group.

On average, SOC appearances generated higher levels of crime-related 'harm'

Office for National Statistics (ONS) Crime Severity Scores (CSS) were used as an indicative, relative or proxy measure of crime severity or 'harm'. In this, more severe offence categories attract a higher weighting based on sentencing data for England and Wales over a five-year period (2015-2019) (e.g., murder has a CSS of 7,832; cannabis possession, by contrast, has a CSS of 2). A small proportion of all Crown Court appearances accounted for a disproportionate amount of the total crime severity generated: 10% of appearances were responsible for almost half (46%) of the total crime severity dealt with by the higher courts in England and Wales.

Average crime severity scores for SOC-related appearances were more than three times higher than non-SOC appearances (667 vs. 203), which accounted for 5% of the overall crime severity associated with the Crown Court caseload between 2013 and 2020. Most (72%) of the total crime severity associated with SOC-related appearances was attributable to drug offences (followed by violence at 12%).

Adjusting for population size, CSS linked to SOC-related appearances varied geographically, e.g., the per capita rate of SOC-related crime severity was two to three times higher in North West England and London compared with other regions of England and Wales over the eight-year period examined.

SOC appearances were concentrated in certain locations

Between 2013 and 2020, the five local authority areas of residence with the highest number of SOC-related appearances were:

- Birmingham ($n=1,549$)
- Liverpool ($n=1,164$)
- Leeds ($n=834$)
- Manchester ($n=819$)
- Bradford ($n=805$)

The geographical distribution of SOC-related appearances is illustrated in Figure 1 (below).⁶

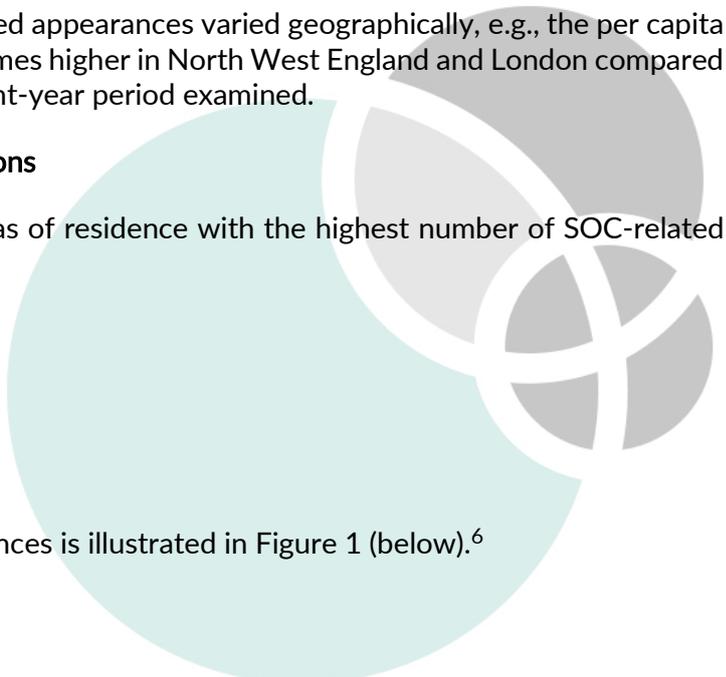
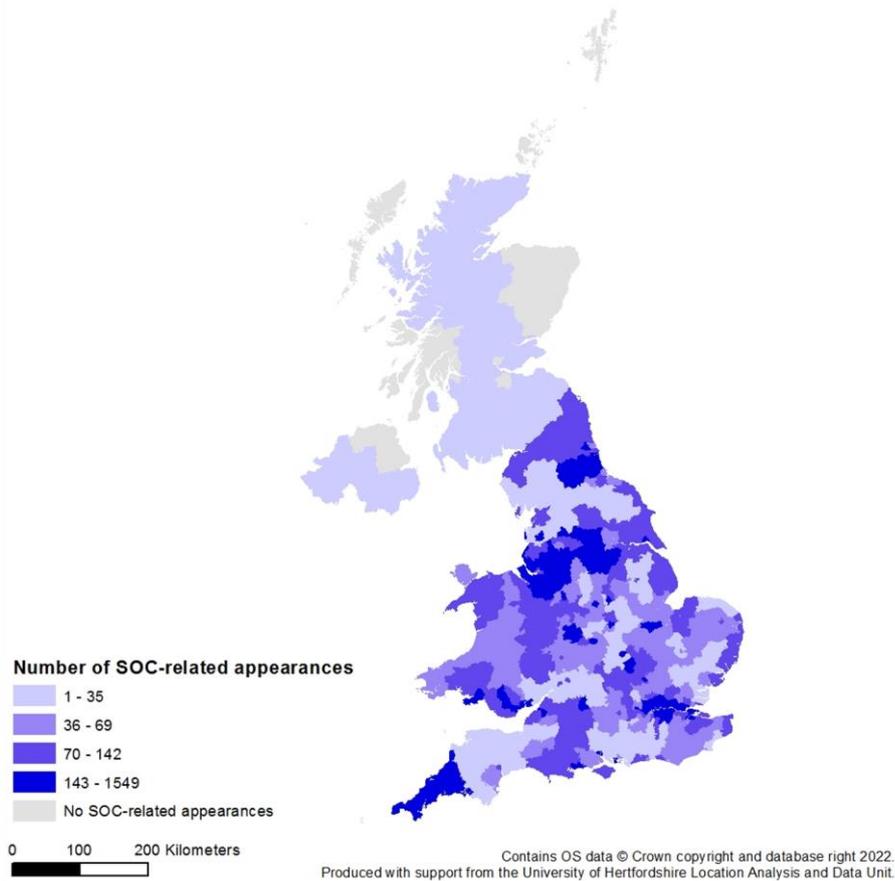


Figure 1. SOC-related appearances before the Crown Court in England and Wales, by local authority of residence (2013-2020) ($N=42,379$)



Compared to other Crown Court appearances, SOC was typically linked to more affluent areas

SOC-related appearances tended to involve defendants residing in more affluent areas. Indices of multiple deprivation (IMD) rankings were, on average, higher (i.e., less deprived) for SOC-related appearances in England (the average IMD rank for SOC appearances was 8,225 vs. 7,794 for other appearances) and Wales (524 vs. 492). Overall, SOC-related appearances were less likely to have involved defendants who resided in the 20% most deprived areas in England and Wales (42% vs. 44%).⁷

SOC appearances were more likely to involve a guilty plea, result in a conviction, and their trials were longer

Half (49%) of all Crown Court appearances between 2013 and 2020 involved a guilty plea, with this being significantly more likely for SOC-related appearances (65% vs. 47%). Conviction rates were higher for SOC-related appearances too (79% vs. 56%) and these were more stable over the eight-year period examined.

Around one-third (35%) of appearances involved a defendant who had been remanded into custody at the point of committal to the Crown Court (i.e., they were held in prison until their trial). The rate of pre-trial detention was lower for appearances considered to be SOC-related (31%) in contrast to other appearances before the higher courts (36%). Two-thirds (67%) of those held in prison until their trial were subsequently convicted. The conviction rate following pre-trial detention was higher for SOC-related appearances (86%) than others (65%).

The average (median) length of Crown Court trials between 2013 and 2020 in England and Wales was 14 days. Trials were, on average, significantly longer for those cases involving at least one defendant meeting the criteria for SOC (121 days) when compared with other cases heard before the Crown Court (10 days).

Those SOC appearances heard before a jury were more likely to result in a discontinuation, dismissal, or acquittal

A higher proportion of SOC appearances heard before a jury had proceedings against the defendant discontinued, dismissed, or resulted in an acquittal (a DDA outcome) (46% vs. 23%). The variable which exerted the greatest influence on a DDA outcome for SOC-related appearances was sex. Controlling for other factors linked to SOC-related defendants' age, ethnicity, main offence, crime severity, and region of residence, the odds of a female SOC-related defendant having a DDA outcome were found to be 90% higher than the odds for SOC-related appearances involving a male defendant.⁸ This means that if 100 SOC-related appearances involving each sex were to be heard by a jury at Crown Court, we could expect around 43 male and 59 female defendants to have a DDA outcome (around 16 more female than male SOC-related defendants).⁹

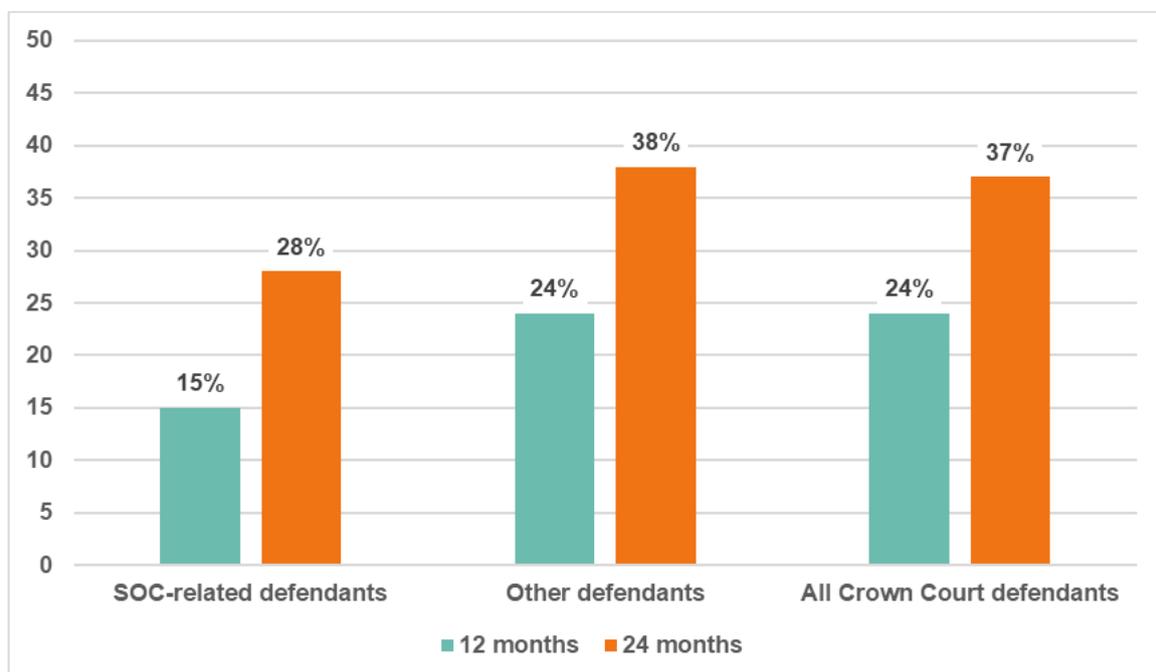
Three in five (61%) of all appearances resulting in a conviction at Crown Court during this period received a custodial sentence, with broadly equivalent rates of imprisonment for SOC-related (62%) and other appearances (61%).

Among those defendants receiving a custodial sentence following their first Crown Court appearance between 2013 and 2018, 8% had been recalled to custody within two years of their subsequent release date (e.g., for breaking the conditions of their licence, or being charged with another offence). The rate of custodial recall was lower for SOC-related defendants (2%).¹⁰

Fewer SOC defendants reappeared in court for further offences within two years

Almost two in five Crown Court defendants (37%) reappeared before the criminal courts within 24 months for another offence. As illustrated in Figure 2, the rate of reappearance was lower for SOC-related defendants (28%) over this two-year follow-up period relative to other defendants (38%).¹¹

Figure 2. Reappearance rates before the criminal courts for a further charge within 12 and 24 months of the first Crown Court appearance between 2013 and 2018, by group (N=387,914)



SOC-related defendants were found to be at reduced risk of reappearing before the criminal courts in England and Wales within two years, accounting for any influence exerted by defendants' age, sex, ethnicity, main offence, region of residence and experience of multiple deprivation. SOC-related defendants had a 17% reduced risk of reappearing before the criminal courts for a further offence when compared to other defendants who had been committed to the Crown Court.¹²

The average (median) time to first reappearance over the 24-month follow-up period was 277 days, with SOC defendants taking longer to reappear (342 days) than others (273 days).

There were 336,689 separate reappearances for further offences within two years of the first Crown Court appearance. Among those being prosecuted for further offences during this period, the average (median) number of reappearances was two. On average, SOC defendants had fewer reappearances (1) than other defendants (2).

Almost four in five (78%) reappearances within 24 months were for a less serious offence (as measured using Home Office offence priority codes). Compared to others, those SOC-related defendants reappearing before the criminal courts were more likely to do so for further offences of reduced seriousness (88% vs. 78%), and less likely to have been charged for further offences of equivalent (8% vs. 12%) or increased severity (3% vs. 10%).

Why it matters

The findings from the project provide new insights into the extent and nature of SOC heard before the Crown Court in England and Wales, and the outcomes associated with them. This evidence contributes towards informing a key Ministry of Justice priority: the effective and efficient delivery of justice and promoting confidence in the justice system and the rule of law.

Developing a better understanding of the threat posed by those involved in SOC is also one of the priority areas identified for research to support the effective implementation of HM Government's 2018 serious and organised crime strategy.

What next?

The findings from the study highlight further areas of potential research interest for developing a better understanding of SOC and the effectiveness of responses to it. Examples of relevant research questions include:

- Why are SOC-related defendants more likely to enter a guilty plea at Crown Court?
- At what stage in trial proceedings are these guilty pleas most likely to be made and why?
- Why are SOC-related appearances involving female defendants more likely to result in a discontinuation, dismissal or acquittal?
- What do the custodial journeys of those imprisoned for SOC offences look like and what impact, if any, does their presence in custody have on prison safety and security?
- 'What works' in the effective management of SOC-related defendants (e.g., in terms of the most effective forms of post-sentence supervision, licence conditions and post-release requirements to reduce the risk of breach, recall and/or reconviction)?

Disclaimer

This work was produced using administrative data accessed through the ONS Secure Research Service. The use of the data in this work does not imply the endorsement of the ONS or data owners (e.g. the Ministry of Justice and HM Courts and Tribunals Service) in relation to the interpretation or analyses of the statistical data.

The work uses research datasets which may not exactly reproduce National Statistics aggregates. National statistics follow consistent statistical conventions over time and cannot be compared to Data First linked datasets.

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About ADR UK

ADR UK (Administrative Data Research UK) is a partnership transforming the way researchers access the UK's wealth of public sector data, to enable better informed policy decisions that improve people's lives. To find out more, visit [adruk.org](https://www.adruk.org) or follow @ADR_UK on Twitter.

Endnotes

1. Source: <https://www.adruk.org/our-work/browse-all-projects/adr-uk-research-fellows-the-first-users-of-the-data-first-magistrates-and-crown-court-datasets-422/>
Emerging findings from the project have previously been published by ADR UK; see: McSweeney, T. (2022). *Data Insight: Emerging findings on the nature, extent and outcomes of serious and organised crime cases prosecuted in England and Wales*. Swindon: ADR UK.
2. The following Data First resources were used during the project: Ministry of Justice. (Released 9 November 2021). *Ministry of Justice Data First Crown Court Defendant – England and Wales*. ONS SRS Metadata Catalogue. DOI: 10.57906/a5ds-fc94 Ministry of Justice. (Released 9 November 2021). *Ministry of Justice Data First Magistrates' Court Defendant – England and Wales*, ONS SRS Metadata Catalogue, DOI: 10.57906/de97-0m89 Ministry of Justice (Released 19 July 2022). *Ministry of Justice Data First Prisoner Custodial Journey – England and Wales*. ONS SRS Metadata Catalogue. DOI: 10.57906/t9d0-j521
3. Francis, B., Humphreys, L., Kirby, S. and Soothill, K. (2013). *Understanding criminal careers in organised crime*. London: Home Office. The sentence element of this definition was calculated where the Home Office offence code for the 'most serious offence' on charge corresponded with one of the 'most serious disposal codes' attracting a custodial sentence of three years or more upon conviction across the entire Crown Court caseload between 2013 and 2020.

4. The study drew primarily on Crown Court (XHIBIT) data relating to 862,816 appearances linked to 780,326 cases involving an estimated 548,028 defendants. These were supplemented with magistrates' court (LIBRA; $N > 10.4$ million) and prison (p-NOMIS; $N > 1.3$ million) records.
5. $p = .535$. All between group differences are statistically significant at $p < .001$, unless otherwise stated.
6. These numbers – which have not been adjusted for population size – are likely to be influenced considerably by policing activities and priorities in these areas. See, for example, the work undertaken by Programme Challenger in Greater Manchester. Figure 1 illustrates how some residents from Scottish and Northern Irish local authorities will have been charged and prosecuted before the Crown Court for SOC-related offences committed in England and Wales during this period.
7. IMD is an official measure of relative deprivation for different areas. Drawing on data from seven different domains (relating to income, employment, education, health, and crime), the IMD produces a generic measure of deprivation. The IMD for England in 2019, for example, ranked every small area or neighbourhood from 1 (most deprived area) to 32,844 (least deprived area). Separate IMD scales exist for both England and Wales.
8. Odd ratio (OR) = 1.904, 95% CI = 1.740–2.085.
9. Odds ratios have been interpreted using the *RealRisk* tool, developed by the Winton Centre for Risk and Evidence Communication at the University of Cambridge.
10. Recalls and reappearances were measured using defendants' first (or index) appearance before the Crown Court between January 2013 and December 2018 ($N = 387,914$) as a reference point. 71% of defendants sentenced to imprisonment following their index Crown Court appearance during this period had a custodial release date on or before 31 December 2018. Any defendants still in custody at the start of 2019, or with no effective release date recorded on p-NOMIS, were excluded from the analysis of recalls and reappearances.
11. Additional analysis of appearances before the criminal courts within 24 months using case control matching for over 33,000 SOC-related and other defendants – i.e., relating to two groups of equal size ($n = 16,795$) who were identical to each other in terms of their demographics, main offence, region of residence and conviction status following their index Crown Court appearance – produced similar findings. Using this approach, the rate of reappearance was again found to be lower for SOC-related defendants (31%) during this two-year follow-up period relative to other (matched) defendants (47%).

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