MoJ and ADR UK Data First Research Symposium
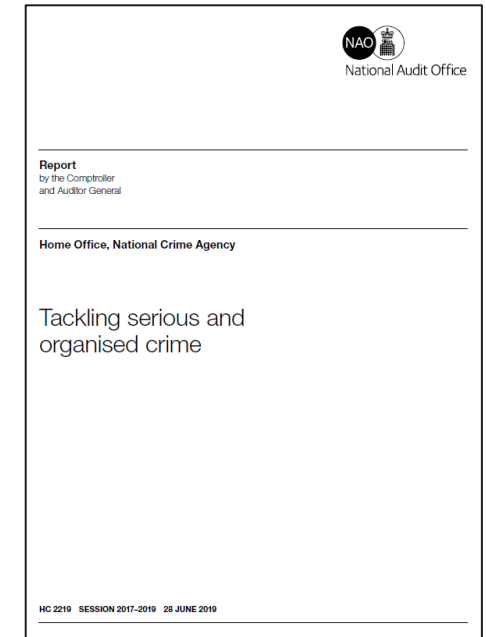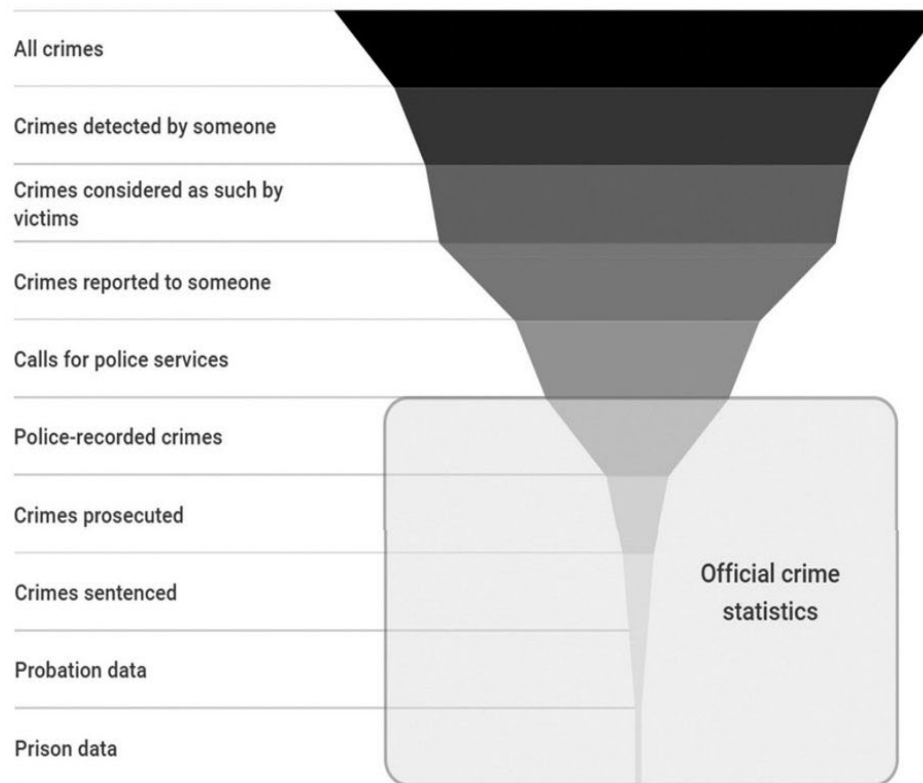
24th November 2022

Understanding the nature, extent and outcomes of serious and organised crime cases heard before the Crown Courts in England and Wales (2013-2020)

Tim McSweeney

What I'll cover…

- Background – Why a focus on serious and organised crime (SOC)?

- Research questions and data sources.

- How SOC was identified within the court data.

- Main findings.

- Some tentative recommendations for data owners and policy.

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First some caveats: The offending dealt with by the criminal courts is clearly unrepresentative of all crime

Figure 1. The 'funnel' of crime data.

All crimes

Crimes detected by someone

Crimes considered as such by victims

Crimes reported to someone

Calls for police services

Police-recorded crimes

Crimes prosecuted

Crimes sentenced

Probation data

Prison data

Official crime statistics

Not all forms of SOC known to local police intelligence are 'mapped' and proactively investigated (e.g., only 6 of 43 groups considered to be involved in child sexual exploitation (CSE) in Bristol according to Skidmore et al., 2016).

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Source: Buil-Gil et al., 2022

And discrimination and bias apparent at each stage of the criminal justice process…and reflected in data
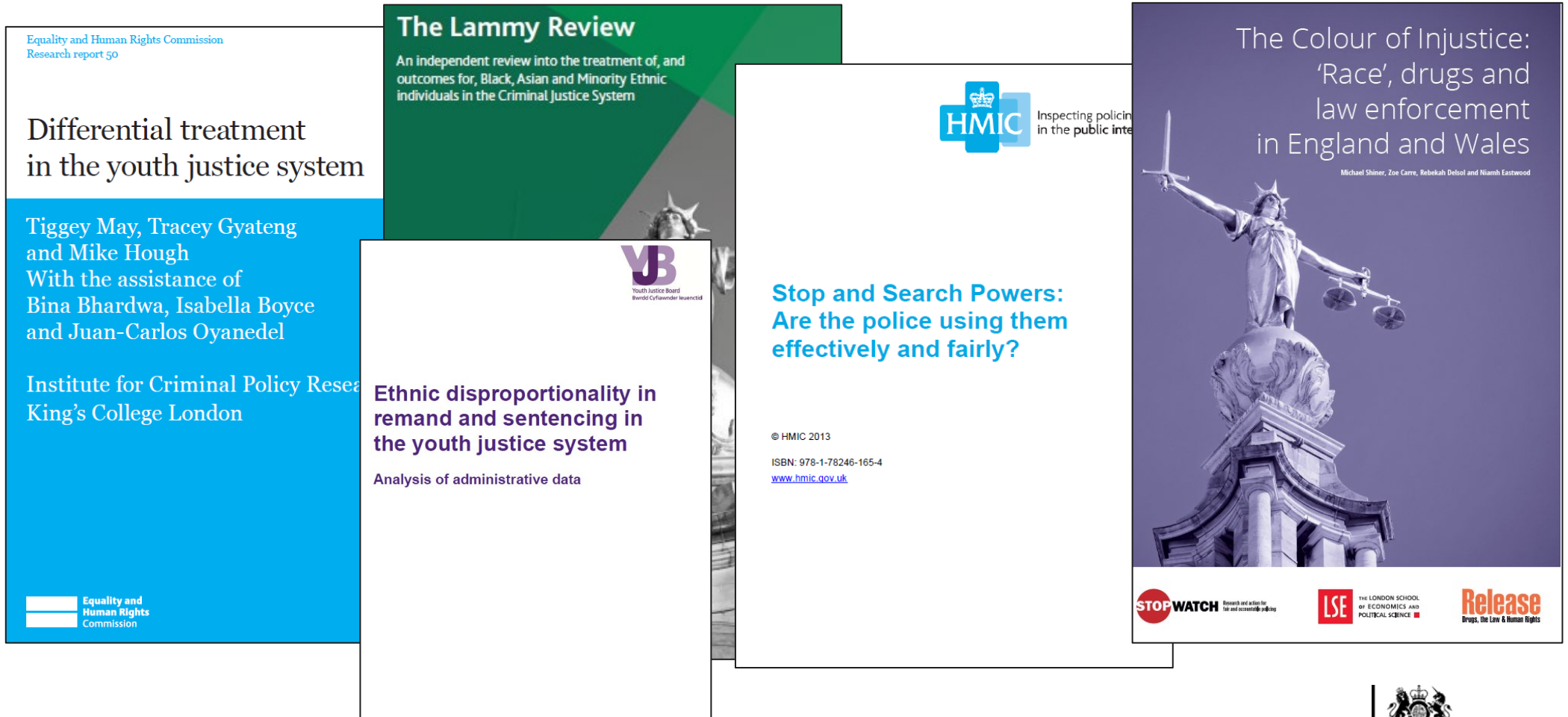
Background – Why a focus on SOC?

- A growing area of policy interest. Serious and organised crime (SOC) is considered a **national security threat** by HM Government (Mackey, 2020).

- Protecting the public from **serious offenders is one of three priority outcomes** set for the MoJ by the 2020 Spending Review. Crime and Justice 1 of 5 **priority areas** for the £15M EAF.

- Considerable **social and economic costs** to the UK associated with SOC: estimated at **£37 billion** in 2015-16 (NAO, 2019).

- But NAO concerned government does not yet have the **extent or depth of data** that it needs to formulate an effective response.

- Several recent high-profile reports have raised **concerns about the effectiveness** of CJS responses to SOC (e.g. Home Office, 2018; Police Foundation, 2018; HMIC, 2019; JSC, 2022).

What were the aims of the project?

Undertake exploratory analysis to:

- Better understand the **extent, nature and outcomes** of serious and organised crime (SOC) heard before the Crown Courts in England and Wales between 2013 and 2020.

- Estimate the **crime 'severity'** or harm attributable to these SOC appearances (vs. non-SOC ones) using ONS Crime Severity Scores.

- Assess how this crime severity was distributed across different offence types, SOC groups, and locations (including any links between SOC and indices of multiple deprivation).

- Test for any association between SOC status and the likelihood of **cases being discontinued, dismissed or acquitted** (and factors most predictive of this outcome).

- Finally, it assessed the feasibility of measuring subsequent **reappearances of SOC defendants before the courts** over time (vs non-SOC defendants).

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Funding & data sources

Funder

- ADR UK and MoJ Data First Research Fellowship (via the ESRC/UKRI).

Data sources

- Crown Court Data (XHIBIT, N=>862k individual-level records between 2013-2020).

- Magistrates' Court Data (LIBRA, N=>10.5M individual-level records between 2013-2020).

- Prisoner Custodial Journey Dataset (p-NOMIS, N=>1.3M individual-level records between 2011-2020).

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Identifying SOC cases within the court data

- The administrative datasets do not contain SOC or OCG-specific flags. These have to be constructed.

- SOC is a **contested concept** and **various definitions** exist (e.g. von Lampe has identified 200+).

- Francis et al (2013) defined SOC as 185 offences with some degree of **planning, control and co-ordination**, receiving a **minimum custodial sentence of three years** upon conviction, and where **co-defendants** were involved.

- **Using this definition does not provide a complete or comprehensive picture of SOC, but should instead be interpreted as relating to a proxy group of such cases.**

- Francis et al and more recently Ashby (2015) found **low prevalence levels of SOC** (0.2% and 0.5% respectively) within the known offender groups they examined using this definition.

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Extent and nature of SOC appearing at Crown Court

- **6% of appearances** (*N*=862,816) before the Crown Court in England and Wales between 2013 and 2020 met this proxy criteria for SOC. This was equivalent to **3% of all cases** (*N*=780,326) dealt with by the Crown Court during this period.

- Most Crown Court appearances (90%) and those considered to be SOC in nature (83%) involved a **male** defendant.

- Among SOC-related cases, 63% were **comprised exclusively of male defendants**.

- 2% of OCGs were **female-only enterprises**. The remainder (35%) were a **mix** of males and females.

- These SOC defendants were similar in **age** to other defendants (32.2 vs. 32.5 years).

- 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 defendants self-identified as **White** (58%), but data on ethnicity were missing in one in four cases.

- 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**.

Case numbers fell 31% between 2013 and 2019, before falling sharply during 2020 (by 47%)

Figure 2. *Number of appearances before the Crown Court, by year received (2013-2020) (N=819,489)*
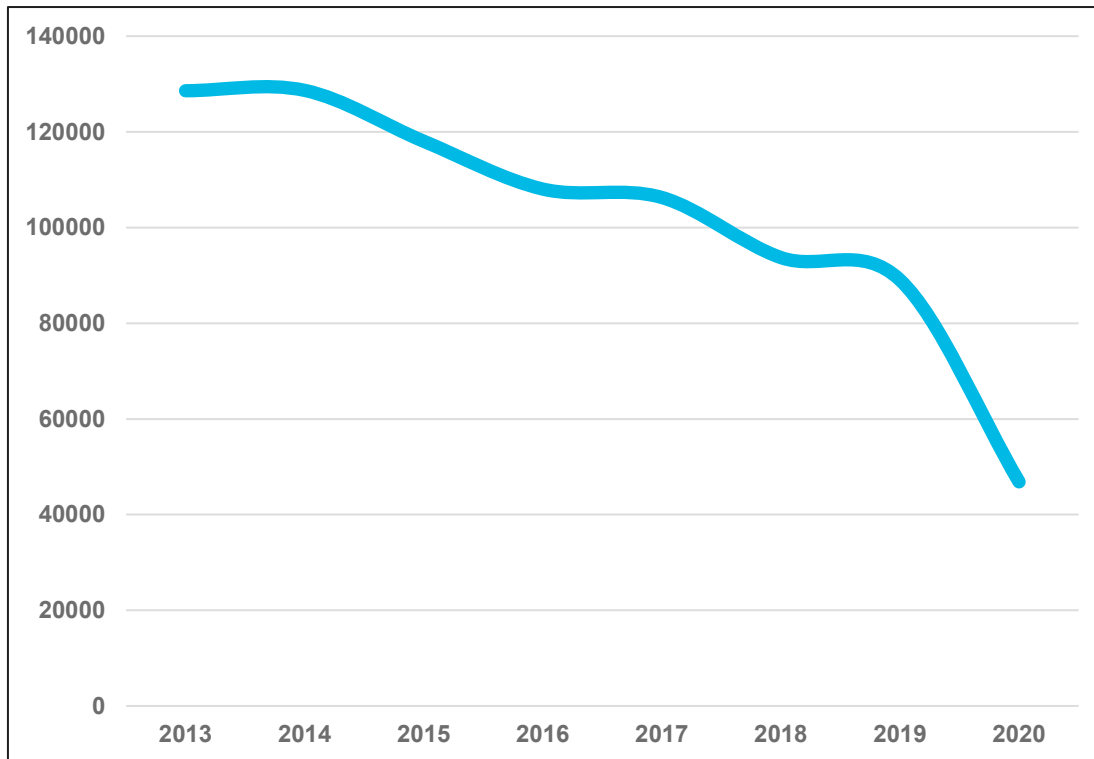
- The proportion of Crown Court appearances considered to be SOC-related remained stable – at **6%** – between 2013 and 2018.

- But fell in 2019 (**5%**).

- And did so again in 2020 (**4%**).

Significant differences in the offence profiles of SOC-related appearances and others - notably drug offences

Figure 3. *Main offence of all Crown Court appearances at committal (2013-2020) (N=862,816)*
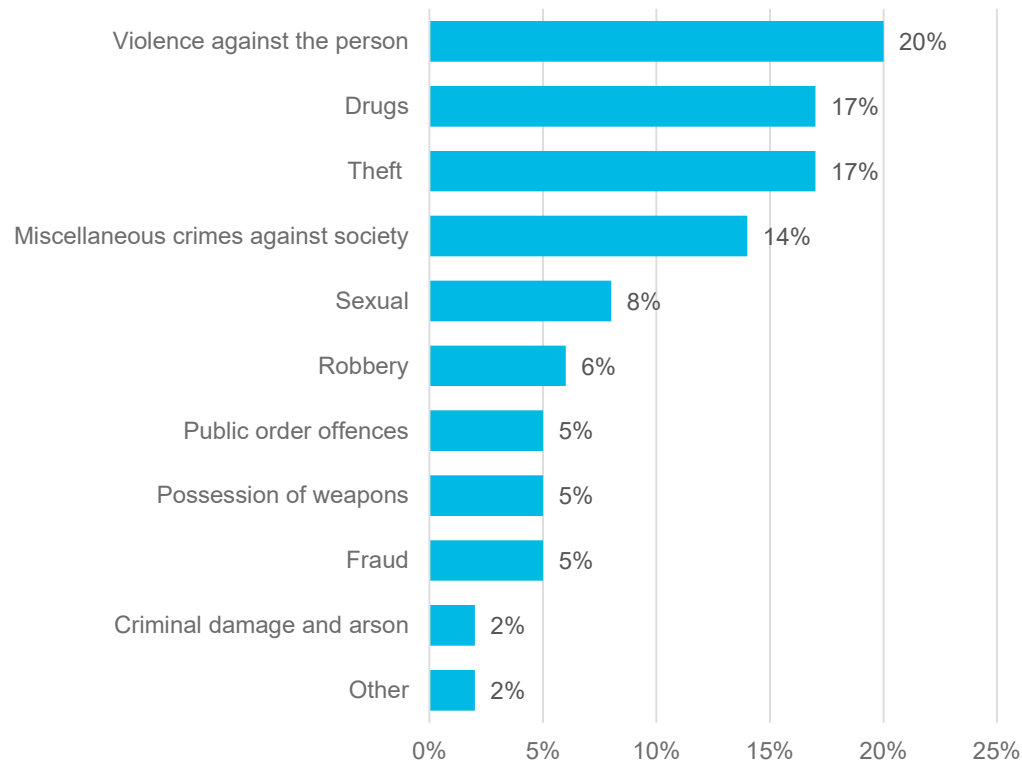

- Relative to the wider Crown Court caseload, SOC-related appearances were **over-represented** in offences relating to:

  ➢ drugs (57% vs. 15%)
  ➢ miscellaneous crimes against society (24% vs. 13%)
  ➢ fraud (12% vs. 4%)

- But comparatively **under-represented** in all other offence types (and absent from some) i.e.,

  ➢ violence (4% vs. 21%)
  ➢ theft (2% vs. 18%)
  ➢ sexual (<1% vs. 8%)
  ➢ possession of weapons (1% vs. 6%)
  ➢ robbery (0% vs. 6%)
  ➢ public order (0% vs. 5%)
  ➢ criminal damage and arson (0% vs. 2%)
  ➢ other (0% vs. 2%)

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Disproportionate crime severity which was experienced differently across England and Wales

- The **'severity' of offending** was measured using ONS Crime Severity Scores – a weight calculated using sentencing data for England and Wales over a five-year period (2015-2019) (e.g., murder=7,832; cannabis possession=2).

- A small % 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%) the total crime severity dealt with by the Crown Court.

- Average (median) crime severity scores were more than **3x higher** for SOC-related appearances (667 vs. 203), which **accounted for 5% of the overall crime severity** associated with Crown Court caseload.

- Most (72%) of the total **severity associated with SOC-related appearances** was attributable to drugs offences (followed by violence at 12%).

- Adjusting for population size, **per capita crime severity** linked to SOC-related appearances **varied geographically** (e.g., being two to three times the rate in the North West and London compared with other regions of E&W).

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At a local authority level, SOC-related appearances were concentrated in the North West and Midlands

Figure 4. *SOC-related appearances before the Crown Court in England and Wales, by local authority of residence (2013-2020) (N=42,379)*
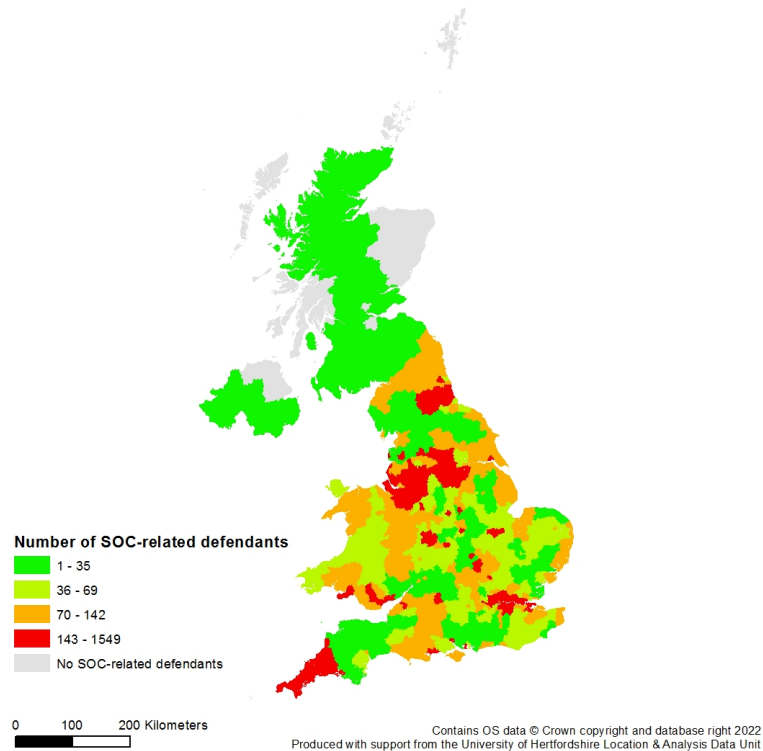
Between 2013-2020, the five local authority areas of residence with the highest number of SOC-related appearances before the higher courts were:

- Birmingham
- Liverpool
- Leeds
- Manchester
- Bradford

Number of SOC-related defendants

- 1 - 35
- 36 - 69
- 70 - 142
- 143 - 1549
- No SOC-related defendants

0   100   200 Kilometers

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SOC appearances linked to more affluent areas and they experienced different court outcomes

- Deprivation rankings were, on average, higher (i.e., **less deprived**) for SOC-related appearances in England (8,225 vs. 7,794) 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%).

- Half (49%) of Crown Court appearances involved a **guilty plea**, with this being significantly more likely for SOC-related appearances (65% vs. 47%). **Conviction rates** higher too (79% vs. 56%), but varied by offence.

- A higher proportion of SOC appearances **heard before a jury** had proceedings against them **discontinued, dismissed**, or were **acquitted** (a DDA outcome) (46% vs. 23%).

- The variable which exerted the greatest influence on a DDA outcome in multivariate analysis for SOC-related appearances was **gender**.

- Controlling for other factors linked to 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 *(OR=1.904; 95%CI=1.740–2.085).*

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

Figure 5. *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)*
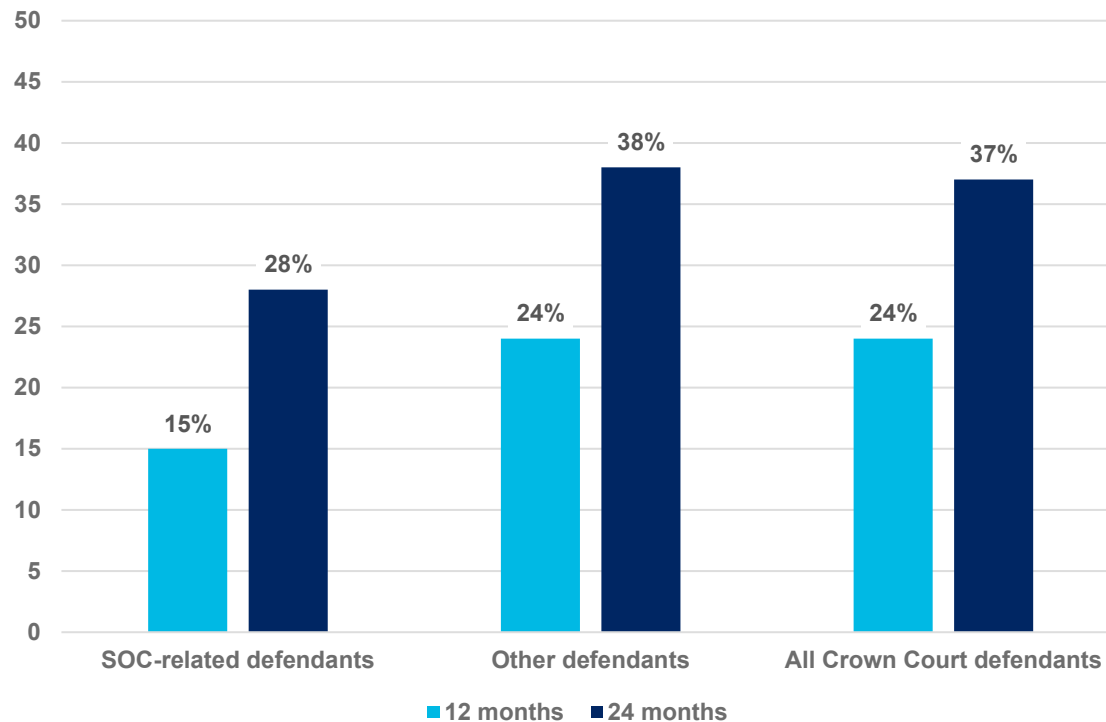
- Almost two in five **Crown Court defendants (37%)** reappeared before the criminal courts within 24 months for another offence/charge.

- The rate of reappearance was lower for **SOC-related defendants (28%)** over this two-year follow-up period relative to **other defendants (38%)**.

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SOC defendants took longer to reappear, their charges had reduced in severity and there were fewer reappearances

Figure 6. *Survival analysis for days to first reappearance for a further offence within 24 months, by group (N=387,914)*
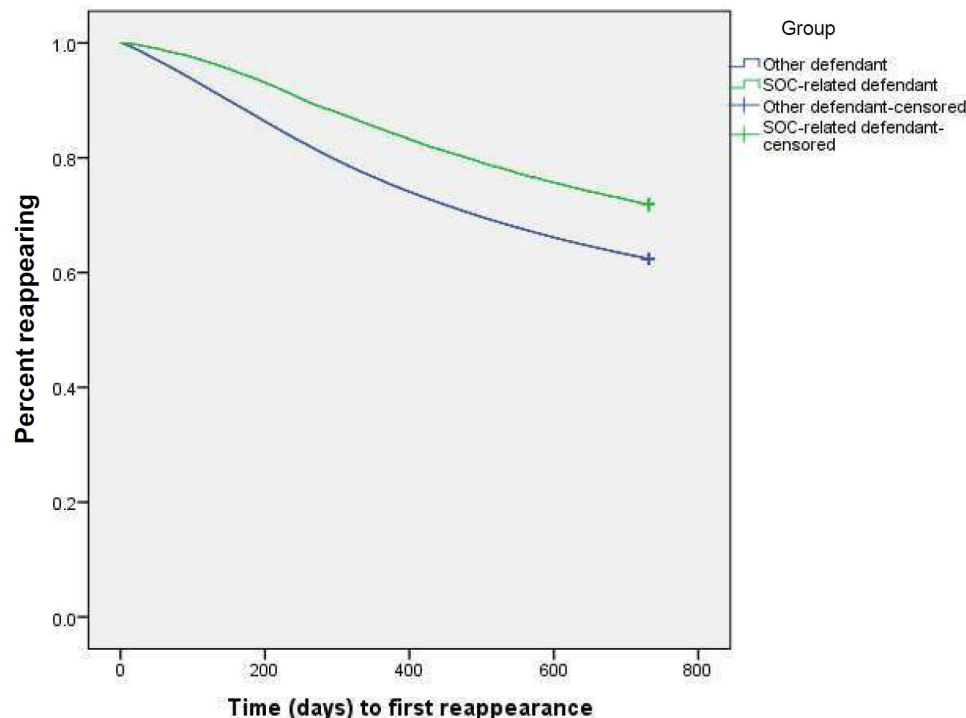
- SOC defendants **took longer to reappear** (342 days) than others (273 days).

- SOC-related defendants were more likely to have reappeared for **further charges of reduced seriousness** (88% vs. 78%).

- On average, SOC defendants **had fewer reappearances** (1) than other defendants (2) *(IRR=.65, 95% CI=.63-.68)*.

- For those imprisoned, 8% had been **recalled to custody** within two years of their release date, but less likely for SOC defendants (2% vs. 8%).

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SOC-related defendants had a reduced risk of reappearing before the criminal courts (controlling for a range of relevant factors)

- Survival (or time-to-event) analysis used to control for any influence exerted by defendants' age, sex, ethnicity, main offence, region of residence and experience of multiple deprivation on risk of reappearing at court within two years.

- SOC-related defendants had a **17% reduced risk of reappearing** before the criminal courts within two years for a further offence compared to other defendants.

Table 1. *Descriptive statistics and results of a Cox proportional hazards model on reappearances before the courts within 24 months (N=387,914)*

Covariate	Person years of follow-up	Total number of reappearances	Rate of reappearance (95% CI)	Hazards ratio (HR) (95% CI)	Adjusted HR (95% CI)*	*X2*	*p*
SOC status	Non-SOC=561,679	321,207	0.38 (0.37-0.38)				
	SOC=48,760	15,482	0.28 (0.28-0.29)	.686 (.670-.701)	.834 (.811-.858)	154.3	.000

- **Interpretation:** If 100 defendants from each group were committed to the Crown Court with these characteristics, we could expect around **38 non-SOC defendants** and **33 SOC defendants** to reappear before the courts for a further offence within two years (**five more non-SOC defendants than SOC defendants**).

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Tentative recommendations relate to the extent to which data owners have scope to address key limitations

The main limitations encountered by the project were largely due to the absence of:

- a **dedicated SOC flag or marker** within the datasets used;

- information on the **full range of offences** being prosecuted;

- any data on **complainants and victims** (and areas being impacted); and

- details of **aggravating and mitigating factors** which may have been relevant to sentencing decisions (e.g., as previously captured by the Crown Court Sentencing Survey).

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Finally, some implications for policy in this area include developing a better understanding of…

- Why are SOC-related defendants more likely to enter a **guilty plea** at Crown Court?

- What are the drivers behind SOC-related appearances involving **female defendants** being more likely to result in a **discontinuation, dismissal or acquittal**?

- The **custodial journeys** of those imprisoned for SOC offences and their impact on **prison safety and security**.

- 'What works' in the **effective management of SOC-related cases** (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)?

Thanks for listening

Disclaimer: *This work was produced using statistical data from ONS.*

The use of the ONS statistical data in this work does not imply the endorsement of the ONS or other data owners (e.g., MoJ and HMCTS) in relation to the interpretation or analysis of the statistical data.

This work uses research datasets which may not exactly reproduce National Statistics aggregates.

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