

# Emerging findings on the nature, extent and outcomes of serious and organised crime cases prosecuted in England and Wales

Author: Dr Tim McSweeney

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This Data Insight examines serious organised crime cases appearing before the Crown Court in England and Wales between 2013 and 2020. It was developed as part of the inaugural Data First Research Fellowship<sup>1</sup> using de-identified, research-ready datasets made available through the Data First programme<sup>2</sup>: a groundbreaking data-linkage initiative, led by the Ministry of Justice (MoJ) and funded by ADR UK, to link and enable access to administrative data from across the justice system for research purposes.

## Summary

Developing a better understanding of the threat posed by those involved in serious and organised crime (SOC) is one of the priority areas identified for research to support the effective implementation of HM Government's 2018 serious and organised crime strategy.<sup>3</sup>

The study used de-identified, defendant-level records from the Crown Court case management system (XHIBIT) in order to estimate (i) the prevalence and incidence of SOC appearing before the higher courts in England and Wales between 2013 and 2020, and (ii) describe the characteristics of the defendants charged with these offences, and (iii) their associated outcomes. Using a comparative design, the study assesses: the severity and geographic distribution of offending associated with SOC and other (non-SOC) appearances; the extent to which cases were discontinued, dismissed or resulted in an acquittal (and the factors most predictive of this outcome); and the rate and frequency of re-appearances before the criminal courts over time.

## Background

SOC is considered a national security threat by HM Government,<sup>4</sup> and protecting the public from serious offenders is one of three priority outcomes set for the MoJ by the 2020 Spending Review.<sup>5</sup> This focus reflects the considerable social and economic costs to the UK associated with SOC, recently estimated at £37 billion annually by the National Audit Office (NAO).<sup>6</sup>

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. In addition, several recent, high-profile reports by the Home Office,<sup>7</sup> Police Foundation<sup>8</sup> and HM Inspectorate of Constabulary<sup>9</sup> have raised concerns about the effectiveness of the criminal justice system's response to different forms of SOC.

## What we did

The study involved secondary analyses<sup>10</sup> of a de-identified file relating to 1,001,309 individual-level records of appearances before the Crown Court in England and Wales between January 2013 and December 2020. Following discussion with the Data First team, duplicate records relating to hearings transferred out from the Crown Court during this period, cases involving an appeal (which routinely lacked information on offences) and other cases with missing data on the most serious offence were excluded from the analyses (14%).

This Data Insight presents provisional and emerging findings from the project with a particular focus on the demographic and offence profiles of defendants committed to the Crown Court, and rates of discontinuation, dismissal and acquittal observed for these cases.

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 convicted of an offence considered to require a degree of planning, control and co-ordination, and which had attracted a custodial sentence of at least three years on conviction.<sup>11</sup> This is the definition of SOC used for the current study. The original Home Office commissioned investigation and subsequent research<sup>12</sup> using the same definition found low prevalence levels of SOC (<1%) within the known offender populations examined.

The key limitations associated with using this definition have been discussed by the original research team who developed it.<sup>13</sup> The current project represents a starting point in attempts to use Data First resources to examine the nature, extent and outcomes for SOC-related cases appearing before the criminal courts in England and Wales. **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.** The proxy definition of SOC used here nevertheless seeks to provide a valuable insight into the nature, extent and outcomes of such cases and the characteristics of defendants and groups linked to them.

## What we found

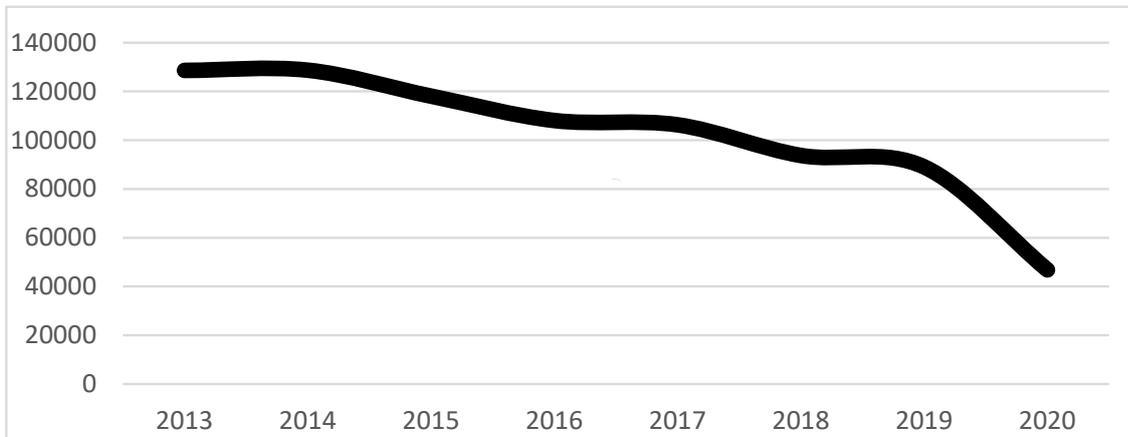
The total number of all appearances before the Crown Court in England and Wales fell by 31% between 2013 and 2019. These numbers fell sharply between 2019 and 2020 (by 47%), as the impact of the Covid-19 pandemic took effect (Figure 1 below).<sup>14</sup> The proportion of appearances meeting the proxy definition of SOC remained stable, however, between 2013 and 2018, before falling from 2019.

6% of appearances before the Crown Court in England and Wales between 2013 and 2020 met the proxy criteria for SOC used by the current study. This was equivalent to 3% of all cases dealt with by the Crown Court during this period.

Most Crown Court appearances (90%) and those considered to be SOC-related (83%) involved male defendants. These proxy SOC defendants were similar in age to other defendants (32.2 vs. 32.5 years).<sup>15</sup> Many of the appearances involved defendants who self-identified as White (58%), but data on ethnicity was missing in one in four cases. Most cases considered to have a SOC dimension (77%) were ethnically homogenous and comprised defendants from the same ethnic group.

Almost three in five (57%) of the appearances deemed to be SOC-related were for drugs offences. Relative to the wider Crown Court caseload, those designated as SOC were over-represented in offences relating to drugs, fraud and miscellaneous crimes (around one-third of which were money laundering offences associated with concealing or transferring the proceeds of crime), but comparatively under-represented in offences involving violence, theft, sexual crimes, and possession of weapons (Table 1 below). Around four in five (87%) of these SOC-related cases involved a charge for only one offence type.

Figure 1. Number of appearances before the Crown Court, by year received (2013-2020) (N=819,489)<sup>16</sup>



There were more than 2.6 million hearings before the Crown Court over the eight-year period examined. On average, SOC-related cases involved more hearings when compared with other cases (6.7 vs. 3.3).

In around half (49%) of the appearances before the Crown Court between 2013 and 2020 the defendant entered a guilty plea, with SOC-related appearances being more likely to do so compared to non-SOC ones (65% vs. 47%).

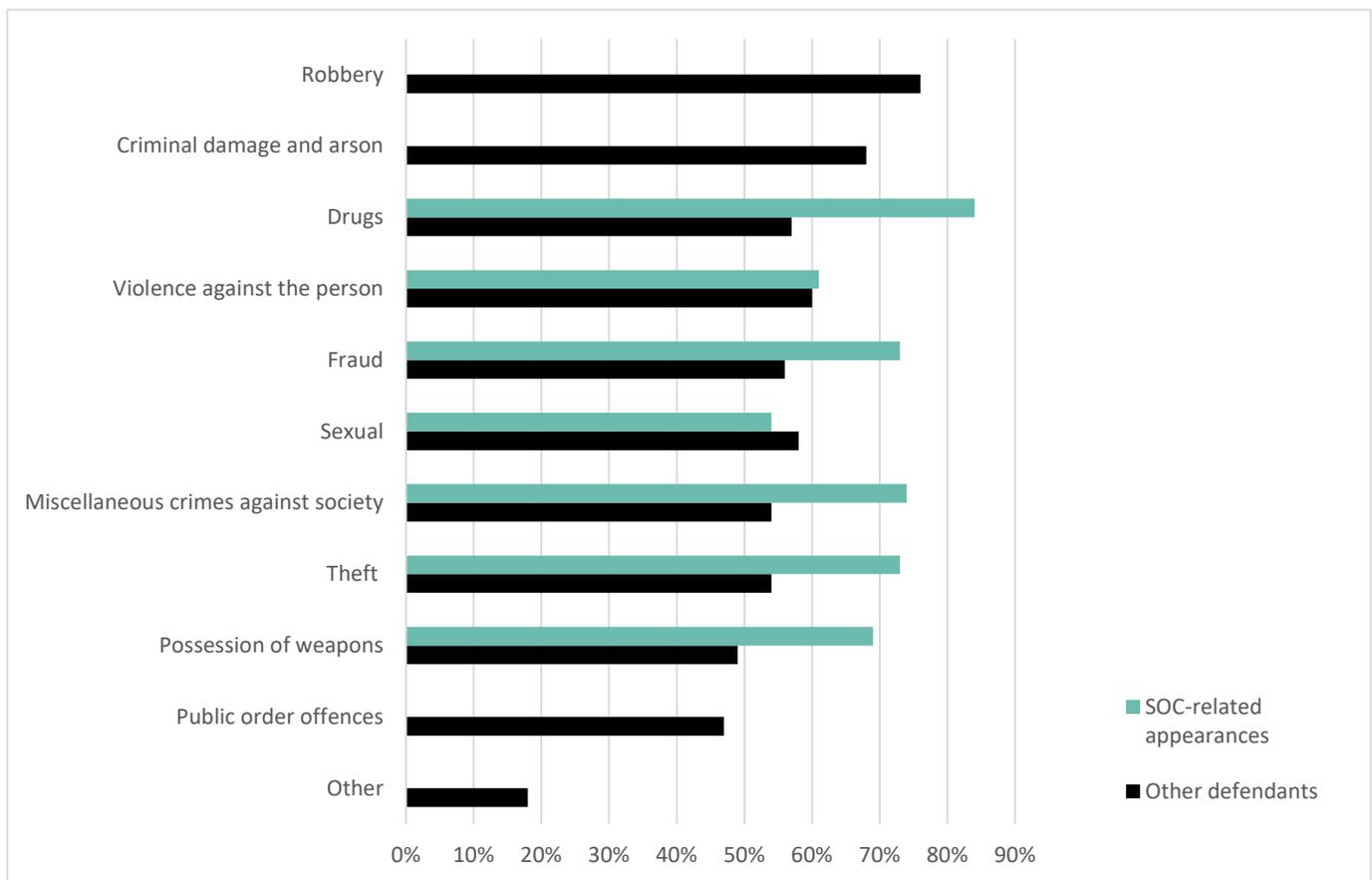
Table 1. Main offence at committal to the Crown Court, by SOC status (2013-2020) (N=862,816)

Main offence (at committal)	SOC-related appearances	Other appearances	Overall Crown Court caseload
Violence against the person	4%	21%	20%
Theft	2%	18%	17%
Drugs	57%	15%	17%
Miscellaneous crimes against society	24%	13%	14%
Sexual	<1%	8%	8%
Robbery	0%	6%	6%
Fraud	12%	4%	5%
Possession of weapons	1%	6%	5%
Public order offences	0%	5%	5%
Criminal damage and arson	0%	2%	2%
Other	0%	2%	2%

Conviction rates were higher among those appearances considered to be involved in SOC when compared to other defendants (79% vs. 56%) and these rates were more stable for SOC-related appearances over the eight-year period examined.

As illustrated in Figure 2, below, conviction rates for those appearances meeting the proxy definition of SOC varied by offence, ranging from 84% for drugs offences to 54% for sexual offences. Except for sexual offences, conviction rates were higher among SOC-related appearances for all comparable offence categories (relative to other Crown Court appearances).

Figure 2. Conviction rates by main offence at committal to the Crown Court and SOC status (2013-2020) (N=862,816)



Those SOC-related appearances not entering a guilty plea were more likely to have been convicted (40% vs. 17%). However, they were also more likely to have been acquitted (including no evidence being offered, the defendant not being proceeded against, and the charge(s) withdrawn) when compared with other appearances (46% vs. 23%).

At a case level, three in ten (30%) Crown Court hearings considered to involve an element of SOC saw proceedings against at least one defendant being dismissed, discontinued, or them being acquitted, compared to around one in eight (12%) cases involving other defendants.

Three in five (61%) defendants convicted at Crown Court in England and Wales between 2013 and 2020 received a custodial sentence, with similar rates of imprisonment for those deemed to be involved in SOC (62%) and other convicted offenders (61%).

There are a range of possible reasons as to why those convicted may not have been subsequently imprisoned by the Crown Court. For example, not all defendants will have been convicted for the most serious offence for which they were charged. Among those appearances considered to be SOC-related, around one in six (16%) were convicted for a less serious offence.<sup>17</sup> Importantly, the criminal courts' datasets contain no information on any mitigating factors which may have informed a decision not to impose a custodial sentence.

## Why it matters

Emerging findings from the project provide new insights into the nature and extent of SOC-related defendants and cases appearing before the Crown Court in England and Wales, and the court outcomes associated with them. This evidence contributes towards informing a key Ministry of Justice (MoJ) priority: the effective and efficient delivery of justice and promoting confidence in the justice system and the rule of law.

The project is also relevant to a key area of research interest for the MoJ, as it speaks to a potential driver of future demand on the justice system and offers insights into how the courts might better respond to SOC offending.

The work is also aligned to the strategic objectives of other criminal justice agencies; for example, recent strategic assessments by the National Crime Agency<sup>18</sup> highlight the need to better understand the nature and extent of the threat posed by SOC to the UK's communities, economy and institutions.

The lack of consensus around a definition of SOC can limit our understanding of the problem and stifle attempts to develop and invest in effective responses.<sup>19</sup> Going forward, the data owners, in consultation with other relevant stakeholders like the Home Office, may wish to consider the feasibility of developing and testing a dedicated SOC flag or marker for use within the criminal courts' datasets.

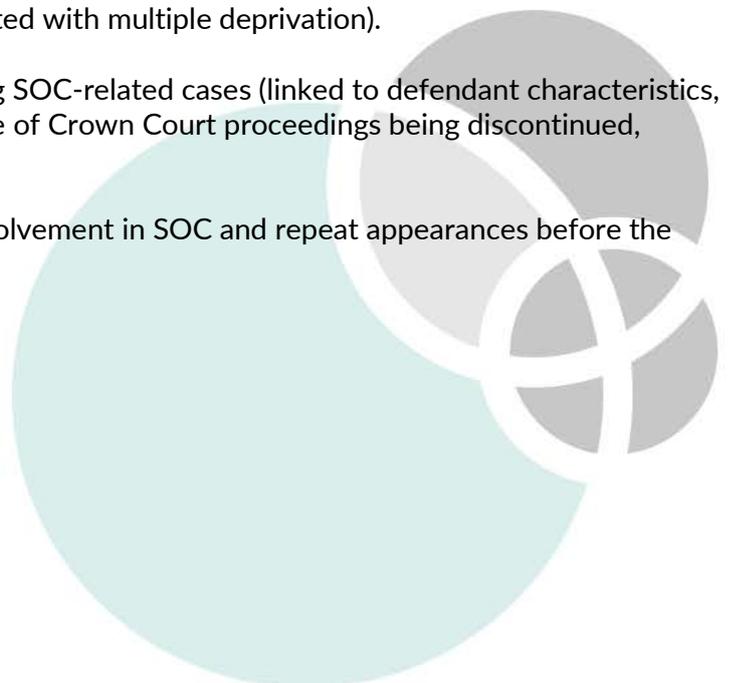
It seems likely that demand for other markers or flags (e.g., linked to identifying involvement in 'gangs', 'county lines', and joint enterprise offences) may also emerge from this work. The various Data First resources would seem to offer a valuable and unique test bed for trialing, adapting, and developing such activity.

## What next?

Ongoing analyses as part of the current project are focused on quantifying the severity of offending associated with SOC-related cases, and whether this is equally distributed across (i) offence types, (ii) the different groups considered to be involved in SOC, and (iii) geographic locations (e.g., in order to assess the extent to which this type of offending may be associated with multiple deprivation).

Current activity is also examining which factors among SOC-related cases (linked to defendant characteristics, group size, main offence, and location) were predictive of Crown Court proceedings being discontinued, dismissed or the defendant being acquitted.

The project will also test for associations between involvement in SOC and repeat appearances before the criminal courts over time.



## Acknowledgements

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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 MoJ 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.

## About ADR UK

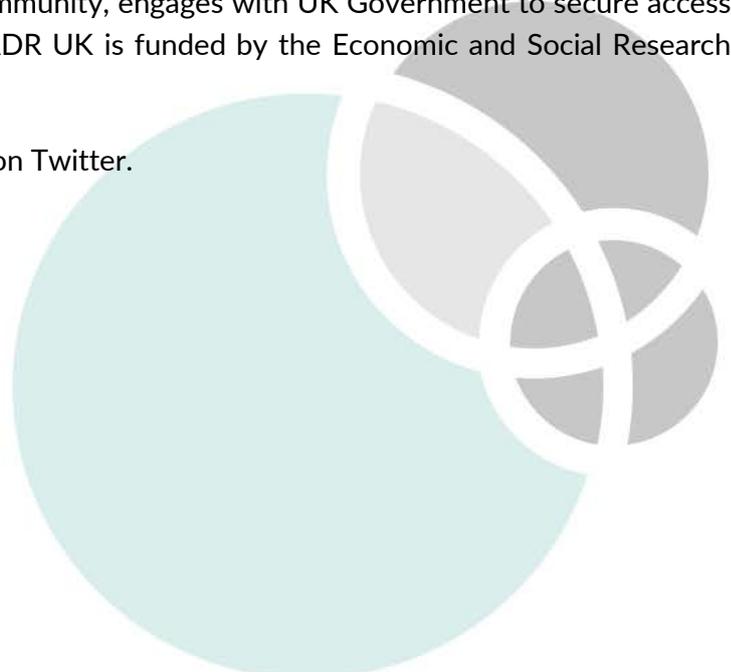
ADR UK (Administrative Data Research UK) is a partnership transforming the way researchers access the UK's wealth of public sector data, to enable better informed policy decisions that improve people's lives.

By linking together data held by different parts of government and facilitating safe and secure access for accredited researchers to these newly joined-up and de-identified data sets, ADR UK is creating a sustainable body of knowledge about how our society and economy function –tailored to give decision makers the answers they need to solve important policy questions.

ADR UK is made up of four national partnerships (ADR England, ADR Northern Ireland, ADR Scotland and ADR Wales) and the Office for National Statistics (ONS). Together they ensure data provided by UK government bodies is accessed by researchers in a safe and secure form with minimal risk to data owners or the public.

The partnership is coordinated by a UK-wide Strategic Hub, which also promotes the benefits of administrative data research to the public and the wider research community, engages with UK Government to secure access to data, and manages a dedicated research budget. ADR UK is funded by the Economic and Social Research Council (ESRC), part of UK Research and Innovation.

To find out more, visit [adruk.org](http://adruk.org) or follow [@ADR\\_UK](https://twitter.com/ADR_UK) on Twitter.



## References

- <sup>1</sup> 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/>
- <sup>2</sup> Source: <https://www.gov.uk/guidance/ministry-of-justice-data-first>
- <sup>3</sup> Home Office (2018). *Serious and Organised Crime Strategy*. London: Home Office.
- <sup>4</sup> Mackey, C. (2020). *Independent Review of Serious and Organised Crime*. London: Home Office.
- <sup>5</sup> HM Treasury (2020). *Spending Review 2020*. London: HM Treasury.
- <sup>6</sup> National Audit Office (NAO) (2019). *Tackling serious and organised crime*. London: NAO.
- <sup>7</sup> Scholes, A. (2018). *The scale and drivers of attrition in reported fraud and cyber crime. Research Report 97*. London: Home Office.
- <sup>8</sup> The Police Foundation and Perpetuity Research (2017). *The impact of organised crime on local communities*. London: The Police Foundation.
- <sup>9</sup> HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) (2019). *Fraud: Time to choose – An inspection of the police response to fraud*. London: HMICFRS.
- <sup>10</sup> All data analyses were undertaken within the Secure Research Service (SRS) hosted by the Office for National Statistics.
- <sup>11</sup> 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.
- <sup>12</sup> Ashby, M.P.J. (2016). Is metal theft committed by organised crime groups, and why does it matter? *Criminology and Criminal Justice*, 16 (2): 141-157.
- <sup>13</sup> Francis et al., 2013: 14-15.
- <sup>14</sup> The data owners urge caution when interpreting these figures as there may be ongoing cases relating to 2020 which are excluded from XHIBIT at the point of data extraction. For example, cases starting in 2020 which were subsequently disposed of in 2021 will be excluded, providing only a partial picture of activity during that year.
- <sup>15</sup>  $p=.535$ . All differences reported throughout this Insight are statistically significant at  $p<.001$ , unless otherwise stated.
- <sup>16</sup> This excludes data for 43,327 (5%) appearances recorded on XHIBIT as having been received by the Crown Court before 2013.
- <sup>17</sup> Based on the priority score for the offence linked to the most serious disposal being higher (i.e., less serious) than the corresponding score for the most serious offence at the committal stage. The corresponding figure for other defendants was 27%.
- <sup>18</sup> National Crime Agency (NCA) (2019). *National Strategic Assessment of Serious and Organised Crime*. London: NCA.
- <sup>19</sup> See for example: Independent Inquiry into Child Sexual Abuse (IICSA) (2022). *Child sexual exploitation by organised networks. Investigation Report*. London: Her Majesty’s Stationery Office.

## Contact

Dr Tim McSweeney

Email: [t.mcsweeney@herts.ac.uk](mailto:t.mcsweeney@herts.ac.uk)