

Sentencing Council

BLADED ARTICLES AND OFFENSIVE WEAPONS: SENTENCING DATA

Introduction

This bulletin provides information on volumes and sentence outcomes for adult offenders¹ sentenced for offences covered by the Sentencing Council's draft guidelines on bladed articles and offensive weapons. There are two guidelines for adult offenders:

- Bladed Articles and Offensive Weapons – Possession; and
- Bladed Articles and Offensive Weapons – Threats.

The data in this bulletin have therefore been grouped accordingly into two sections; possession offences and threatening offences.²

The guideline offences are covered by the Prevention of Crime Act 1953 (sections 1(1), 1A), and the Criminal Justice Act 1988 (sections 139(1), 139A(1), 139A(2), 139AA(1)), and include offences committed in a public place as well as those on school premises.

The Court Proceedings Database (CPD), maintained by the Ministry of Justice, is the data source for this bulletin. The following sections cover all the above offences, with the exception of unauthorised possession in prison of a knife or offensive weapon.³

Note: The Ministry of Justice publishes Official Statistics on these offences in the 'Knife Possession Sentencing Quarterly' publication, available here: <https://www.gov.uk/government/collections/knife-possession-sentencing-quarterly>. This data is sourced from the Police National Computer (PNC) and includes cautions and convictions for all knife and offensive weapon offences.

Data from the CPD has been used for this bulletin, instead of data from the PNC, for the following reasons:

- a) The CPD contains information relating to principal offences only.⁴ This guideline will primarily be used to sentence offenders in cases where the bladed article or offensive weapon offence is the principal offence.
- b) Analysis undertaken during guideline development is based on CPD data covering actual sentence outcomes received by offenders (as opposed to estimated outcomes as in the 'Knife Possession Sentencing Quarterly' publication).

Additional figures, including those for youth offenders, are available to download as Excel spreadsheets at the following link:

<http://www.sentencingcouncil.org.uk/publications/?type=publications&s=&cat=statistical-bulletin>

Possession offences

Sentence volumes

- Overall, over the last decade, the number of adult offenders sentenced for possession of a bladed article has risen slightly from 4,900 in 2005 to 5,100 in 2015⁵ (see figure 1). The majority of offenders are sentenced in magistrates' courts; however, the overall number sentenced here has declined over the period, from 4,400 in 2005 to 3,500 in 2015.

¹ Includes offenders aged 18 or over at the time of conviction.

² Alongside the adult guidelines, the Sentencing Council has produced a Bladed Article and Offensive Weapons guideline for youths. Sentencing statistics for youth offenders can be found in the tables accompanying this bulletin.

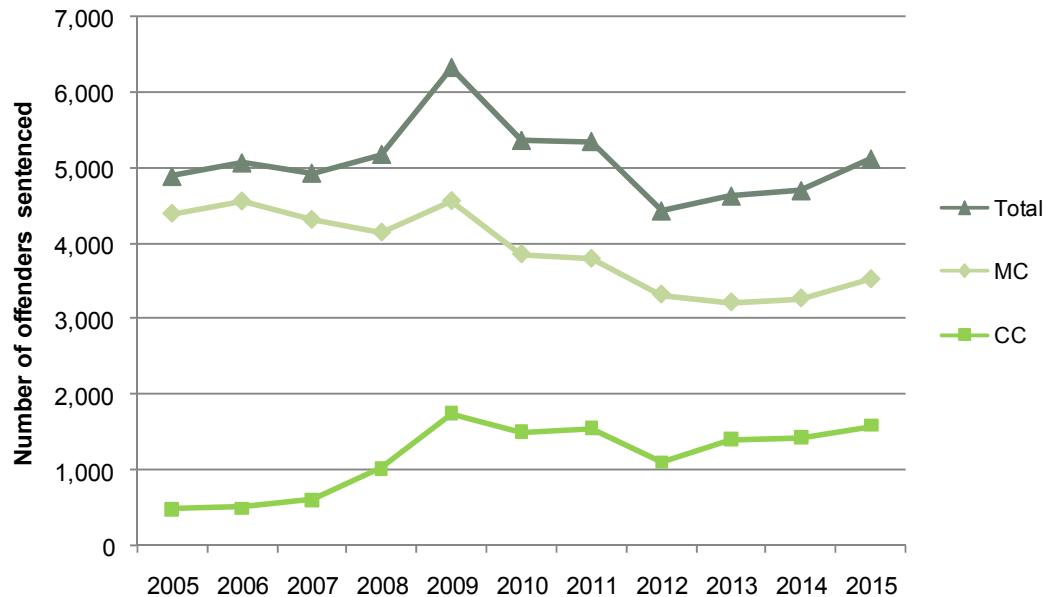
³ As this offence was only introduced in June 2015, under the Prison Act 1952 (section 40CA), data for this offence is limited.

⁴ For more information on principal offences please see the 'Further information' section at the end of this bulletin.

⁵ The increase seen in 2015 may be attributable in part to section 28 and Schedule 5 of the Criminal Justice and Courts Act 2015, which came into force in July 2015, and created a minimum custodial sentence for second strike knife offences. For further information see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/447961/second-strike-knife-possession.pdf

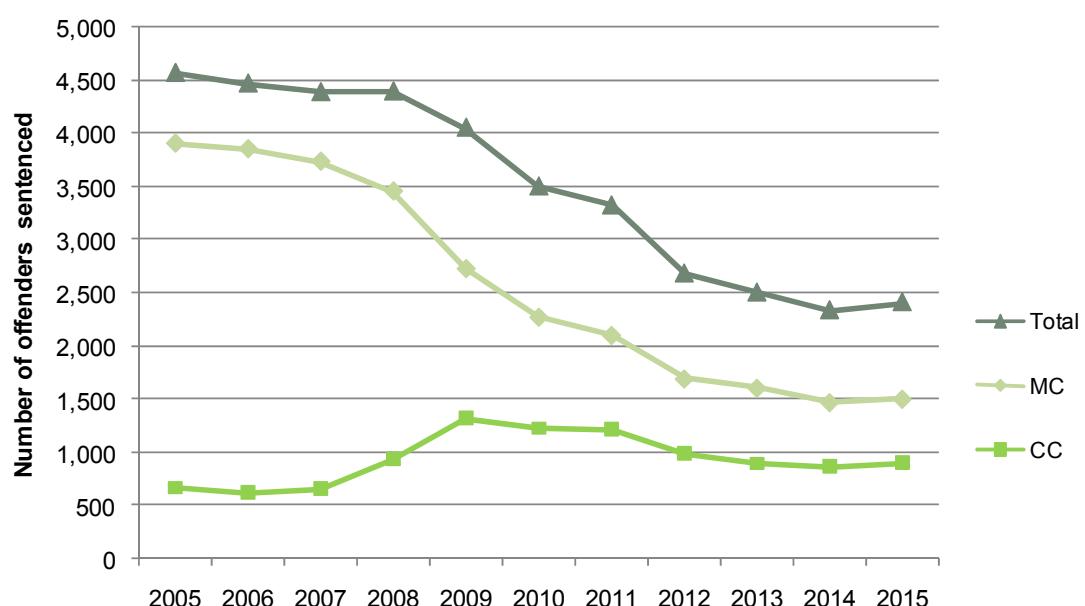
- Over the same period, offenders sentenced in the Crown Court have seen a steady, three-fold, increase, from less than 500 in 2005 to 1,600 in 2015;⁶ the relative proportion of offenders sentenced in the two courts has therefore shifted over time: in the early years of the decade 10-20 per cent of offenders were sentenced in the Crown Court; by the end of the decade this had risen to 30 per cent of offenders.

Figure 1: Number of adult offenders sentenced for possession of a bladed article, 2005-2015



- Over the last decade, there has been a steady decline in the number of offenders sentenced for possession of an offensive weapon – from 4,600 in 2005 to 2,400 in 2015. As with possession of a bladed article, the majority are sentenced in magistrates' courts, but again, the number of these has fallen over time (from 3,900 in 2005 to 1,500 in 2015; see figure 2).
- In contrast, the number of offenders sentenced in the Crown Court has risen (from 670 in 2005 to 910 in 2015), increasing the relative proportion sentenced in this court from less than 20 per cent prior to 2008 to over 35 per cent from 2010 onwards.

Figure 2: Number of adult offenders sentenced for possession of an offensive weapon, 2005-2015

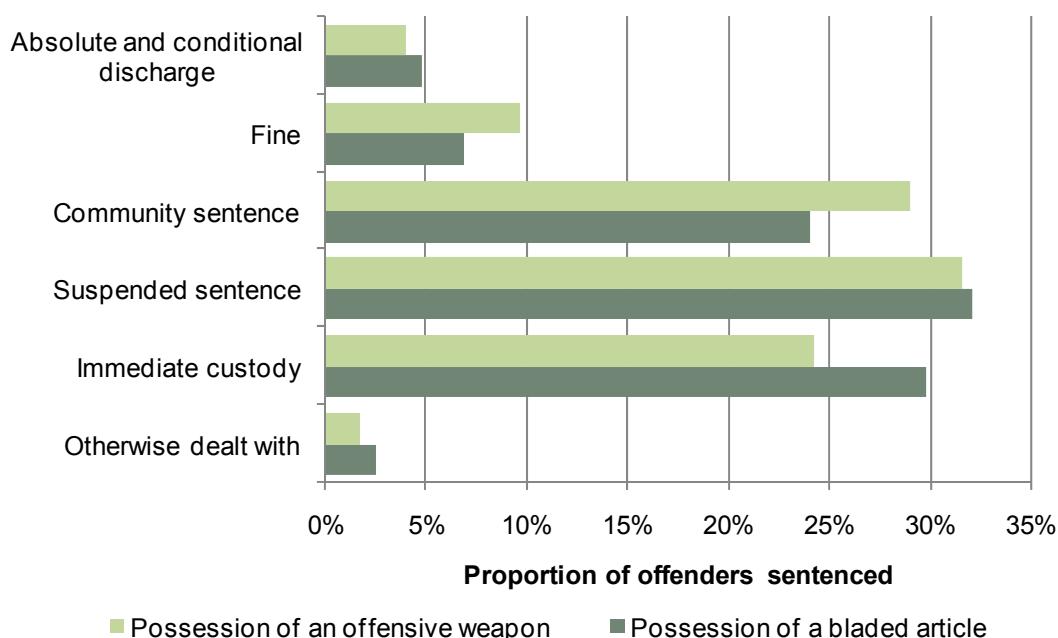


⁶ In the Crown Court, the increase was most marked in 2008 and 2009 which is likely to be attributable to the Court of Appeal decision in the case of Povey ([2008] EWCA Crim 1261), regarding sentencing for knife offences.

Sentence outcomes

- In 2015, the majority of sentences for possession of a bladed article (62 per cent) were custodial (30 per cent immediate and 32 per cent suspended; see figure 3). Just under a quarter (24 per cent) were community sentences, with seven per cent being fines. The use of custodial sentences, both immediate and suspended, has steadily increased since 2005; all other outcomes have decreased over the decade.
- Custodial sentences also accounted for the largest proportion of outcomes for possession of an offensive weapon in 2015 (32 per cent suspended sentences and 24 per cent immediate custody). Community sentences accounted for a further 29 per cent of cases, with 10 per cent being a fine (see figure 3). There has also been an increase in custodial sentences across the decade for these offences, the largest increase being in relation to suspended sentences (three per cent in 2005 and 32 per cent in 2015); correspondingly, community sentences have decreased (from 46 per cent in 2005 to 29 per cent in 2015). The trends in community sentences and suspended sentences are consistent with that seen across the whole criminal justice system.⁷

Figure 3: Sentence outcomes received by adult offenders sentenced for possession of a bladed article and possession of an offensive weapon, 2015⁸



Sentence lengths⁹

- In 2015, the average (mean¹⁰) custodial sentence length for possession of a bladed article was approximately six months; this is almost double that in 2005 (three months). Over the decade, sentence lengths have been steadily increasing. The median¹¹ sentence length was four months, also an increase from 2005 (however, median lengths tended to remain relatively constant – around three months – until rising in 2013).
- For possession of an offensive weapon, the average (mean) custodial sentence length was higher, at seven months. Again, mean sentence lengths have been steadily rising throughout the decade. The median sentence length in 2015 was six months, double that in 2005.

⁷ <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

⁸ The category "Otherwise dealt with" includes: one day in police cells, disqualification order, restraining order, confiscation order, travel restriction order, disqualification from driving, recommendation for deportation, compensation and other miscellaneous disposals.

⁹ Averages exclude life and indeterminate sentences.

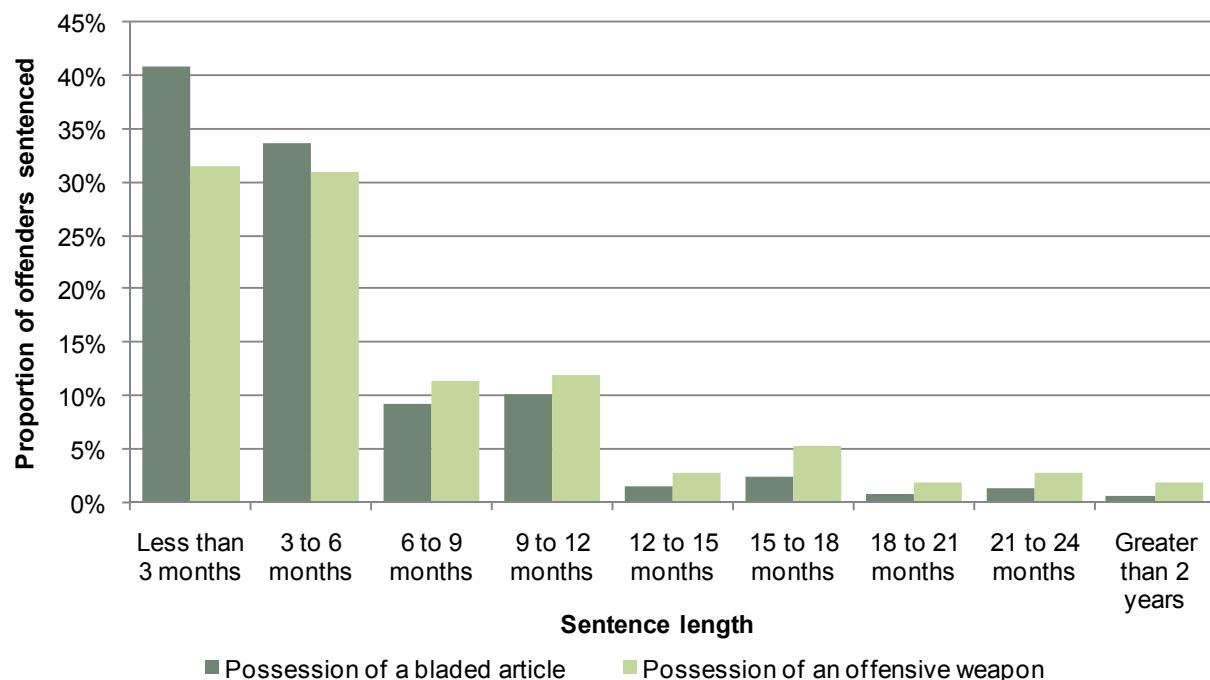
¹⁰ The mean is calculated by taking the sum of all values and then dividing by the number of values.

¹¹ The median is the value which lies in the middle of a set of numbers when those numbers are placed in ascending or descending order.

- In 2015, approximately a quarter of offenders sentenced to immediate custody for possession of a bladed article received a sentence length of over six months (see figure 4). For possession of an offensive weapon, the proportion of offenders receiving a sentence of over six months was higher (38 per cent).

Figure 4: Sentence lengths received by adult offenders sentenced to immediate custody for possession offences covered by the guideline, 2015

Note: Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category “less than 3 months” includes sentence lengths less than, and equal to, 3 months, and “3 to 6 months” includes sentence lengths over 3 months, and up to and including 6 months.



Threatening offences

Sentence volumes

- Offences of threatening with a bladed article or with an offensive weapon were only introduced in December 2012 and therefore data only exists from 2013 onwards. Numbers are low for all offences, with less than 20 offenders sentenced in 2015 in magistrates' courts and 260 in the Crown Court. The majority of offenders were sentenced for threatening with a bladed article, in the Crown Court.

Sentence outcomes

- For both groups of offences, custodial sentences were the most frequent sentence outcome in 2015: for threatening with a bladed article, immediate custody accounted for 65 per cent of sentences and suspended sentences for 29 per cent; for threatening with an offensive weapon, 55 per cent of outcomes were immediate custody and 33 per cent suspended sentences (although for all, it should be noted that overall numbers are low, and these figures should therefore be treated with caution).

Sentence lengths¹²

- The average custodial sentence lengths for both offences were longer than those for possession offences: in 2015, the mean sentence length for threatening with a bladed article was 12 months (the median was 10 months). For threatening with an offensive weapon, the mean sentence length was 10 months (the median was nine months). Again, figures should be treated with caution due to the low number of cases.

¹² Averages exclude life and indeterminate sentences.

Further information

Volumes of sentences

The data presented in this bulletin only include cases where the offence detailed was the principal offence committed. When a defendant has been found guilty of two or more offences this is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in this bulletin.

Sentence outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This contrasts with the sentencing ranges presented at step 2 of the draft guideline, which set out sentence lengths before taking into account certain factors, such as whether a reduction is appropriate for a guilty plea. Therefore, the sentence outcomes shown in the data are not directly comparable to the ranges provided in the draft guideline.

General conventions

Actual numbers of sentences have been rounded to the nearest 100, when more than 1,000 offenders were sentenced, and to the nearest 10 when less than 1,000 offenders were sentenced.

Data sources and quality

The source of data for this bulletin is the Court Proceedings Database (CPD), which is maintained by the Ministry of Justice (MoJ). Every effort is made by MoJ and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used. Subsequently, although numbers in the accompanying tables available online are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily accurate to the last digit shown.

Further details of the processes by which MoJ validate the records in the CPD can be found within the guide to their Criminal Justice Statistics publication which can be downloaded via the link:
<https://www.gov.uk/government/collections/criminal-justice-statistics>

Contact points for further information

We would be very pleased to hear your views on our statistical bulletins. If you have any feedback or comments, please send them to: research@sentrancingcouncil.gsi.gov.uk

Responsible Statistician: Caroline Nauth-Misir Tel: 020 7071 5778

Press Office enquiries: Nick Mann Tel: 020 7071 5792

Further information on the Sentencing Council and its work can be found at:

<http://www.sentencingcouncil.org.uk/>