CREST Centre for Research and Evidence on Security Threats

Prosecuting Extremists in the UK:
An Exploration of Charging, Prosecution, and Sentencing Outcomes

FULL REPORT

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This report was produced as part of the CREST project, which delivers a comprehensive insight into the prosecution landscape for extremist actors in the UK from charges brought, offences prosecuted, and for those extremist actors guilty of criminal offences, the sentences received using an interdisciplinary mixed method approach. You can find all the outputs from this project at: *www.crestresearch.ac.uk/projects/prosecuting-extremists-in-the-united-kingdom/*

ABOUT CREST

The Centre for Research and Evidence on Security Threats (CREST) is funded by the UK's Home Office and security and intelligence agencies to identify and produce social science that enhances their understanding of security threats and capacity to counter them. Its funding is administered by the Economic and Social Research Council (ESRC Award ES/V002775/1).

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There is a lack of data regarding prosecution and sentencing for terrorism and terrorism-related offences across the three legal jurisdictions of the UK (England and Wales, Scotland, and Northern Ireland). This project employed a review of relevant literature, interviews with stakeholders, analysis of judges' sentencing remarks, and creation and analysis of a sentencing database (2001-2022) to answer key research questions about the prosecution landscape. The three main research questions were:

1. What criminal offences (terrorism offences, terrorism-related, and violent extremism) are extremist actors being convicted of? Does type of offence differ based on extraneous factors such as ideological motivation and gender?

2. What sentences are being imposed, and do sentences differ based on extraneous factors such as ideological motivation and gender?

3. Is there any evidence of changes in sentencing over time that align with the introduction of sentencing guidelines in England & Wales, or major terrorism events?

Related to RQ1, results demonstrate that NI-related extremist actors are far more likely to be convicted of terrorism-related offences than terrorism or violent extremism offences. This is one of the clearest differences evident from the data. To a lesser extent, right-wing offenders are more likely than other motivation groups to be convicted of violent extremism offences, and Islamist offenders are more likely to be convicted of terrorism offences.

Related to RQ2, sentence length is influenced by offence type, plea, and total counts (all variables with legitimate impacts), but sentence length is also impacted by extraneous factors of gender and co-accused (i.e., whether an offender has co-defendants). Despite qualitative evidence to the contrary, ethnicity (white or non-white), age of an offender, and their ideological motivation were not shown to have an impact on sentences. According to the model, an individual most likely to receive the longest sentence would be a male with co-defendants, who does not plead guilty, is accused of multiple counts, and is charged with a terrorism-related offence.

Related to RQ3, sentence length has remained relatively steady over time (despite indications that it has increased). Number of offenders sentenced has fluctuated over time, with spikes in numbers appearing to align with contextual changes (including an increase in number of right-wing offenders sentenced after a clamp down in 2016). Analysis of all cases in E&W reveals no overall difference in sentences after implementation of the 2018 guidelines, but analysis of specific sections (s. 5, s. 58, and s. 2) reveals increases in sentences post-guidelines in each case.

Overall, despite qualitative evidence and indications from other sources that the prosecution of extremist actors is inconsistent across variables including ethnicity, age, and ideological motivation, we did not find an impact of these extraneous variables. This is positive evidence in favour of consistent use of legislation and sentencing sources, despite reports to the contrary. Differences were found relating to gender (women receive shorter sentences than men) and co-accused (having co-defendants increases sentences). We also found that ideological groups differ in offence type they are most likely to be convicted of, and that this may have indirect effects on sentencing. These are considerations in striving for consistency in the implementation of legislation and sentencing sources.

OVERVIEW

There is a lack of data regarding prosecution and sentencing for terrorism and terrorism-related offences across the three legal jurisdictions of the UK (England and Wales, Scotland, and Northern Ireland). The current study sought to provide a better understanding of the prosecution landscape for extremist actors in the UK by describing, analysing, and comparing the sentencing outcomes of individuals convicted of terrorism, terrorism-related and violent extremism offences in each of the three legal jurisdictions of the UK since the beginning of April 2001 through to the end of March 2022. This project employed a review of relevant literature, interviews with stakeholders, analysis of judges' sentencing remarks, and creation and analysis of a sentencing database to answer the following key research questions about the prosecution landscape:

1. What criminal offences (terrorism offences, terrorism-related, and violent extremism) are extremist actors being convicted of? Does type of offence differ based on extraneous factors such as ideological motivation and gender?

2. What sentences are being imposed, and do sentences differ based on extraneous factors such as ideological motivation and gender?

3. Is there any evidence of changes in sentencing over time that align with the introduction of sentencing guidelines in England & Wales, or major terrorism events?

Related to RQ1, in the statistical model predicting offence type from potential predictors (motivation, age, gender, ethnicity, and co-accused), age and motivation group were shown to predict offence type. NI-related extremist actors are far more likely to be convicted of terrorism-related offences than terrorism or violent extremism offences. This is one of the clearest differences evident from the data. Despite being convicted of terrorism and violent extremism in approximately equal proportions, right-wing offenders are the most likely of all groups to be convicted of violent extremism offences, and Islamist offenders are more likely to be convicted of terrorism offences. Regarding the impact of age, as age increases, offenders are more likely to be convicted of a violent extremism offence (compared to terrorism or terrorism-related). This may reflect a bias towards convicting older people with violent extremism offences compared to other offence types, or the nature of offences committed by older individuals may be more likely to align with violent extremism rather than terrorism or terrorism-related offences.

In terms of the principal offences employed in each jurisdiction, these align with the trend noted above. In E&W, the two most frequent offences that extremist actors were convicted of were terrorism offences, specifically preparation of acts of terrorism (23%) and collecting information likely to be of useful to a person committing or preparing an act of terrorism (14%). In NI, the two most frequent offences were attempting to cause an explosion, or making or keeping explosives with intent to endanger life or property (21%), and the offences of murder, manslaughter and attempted murder (14%). In Scotland, due to a very small number of cases, five offences all had the same frequency (14%). Three of these offences constituted terrorism offences. Together, these findings highlight both the patterns and differences in the use of terrorism and non-terrorism legislation for extremist actors in the UK.

Related to RQ2, sentence length is influenced by offence type, plea, and total counts (all variables with legitimate impacts), but sentence length is also impacted by extraneous factors of gender and co-accused (i.e., whether an offender has co-defendants). Despite qualitative evidence to the contrary, ethnicity (white or non-white), age of an offender, and their

ideological motivation were not shown to have an impact on sentences. According to the model, an individual most likely to receive the longest sentence would be a male with co-defendants, who does not plead guilty, is accused of multiple counts, and is charged with a terrorism-related offence. In terms of gender, we find that the sentence length for males is nearly two-thirds higher than for females, accounting for other variables. This is consistent with previous research on the US criminal justice system. Galica (2020) highlighted three primary framing narratives that might account for this effect (the denial of autonomy, naivety, and motherhood). Media coverage of judges' sentencing remarks provide evidence in favour of these framing narratives.

Related to RQ3, analysis of sentencing over time revealed that sentence length has remained relatively steady over the years included in the dataset (despite indications that it has increased). In terms of fluctuations due to changing contextual environments, we were interested in whether sentences increased or decreased in the aftermath of notable terrorism events such as the 7/7 bombings in 2005 and the murder of Jo Cox MP in 2016. While two peaks were identified in 2007-2008 and 2017-2018 with respect to the number of Islamist offenders being convicted there was no corresponding change in sentencing outcomes. Similarly, for right-wing offenders the number of individuals convicted peaks in 2018 but there was no corresponding change in sentencing outcomes. These results indicate that noteworthy terrorism events may impact the number of similarly motivated cases sentenced in subsequent years, but do not appear to impact sentence length. This aligns with previous research which found in the periods after the Oklahoma City bombing and 9/11 that the number of individuals indicted increased.

Analysis of all cases in E&W reveals no overall difference in sentences after implementation of the 2018 guidelines. However, analysis of three specific offences (with adequate samples sizes pre- and post-guidelines) demonstrated an impact of guidelines. These were preparation of acts of terrorism (s. 5 of the Terrorism Act 2006), collecting information likely to be of useful to a person committing or preparing an act of terrorism (s. 58 of the Terrorism Act 2000), and dissemination of terrorist publications (s. 2 of the Terrorism Act 2006). The findings demonstrated significant increases, with sentences for s. 5 and s. 2 being ~50%-59% higher (respectively) in the post-guideline period, and s. 58 sentences 85% higher. This is in line with insights from the interviews and wider criminological literature suggesting that the introduction of sentencing guidelines may have contributed to greater sentence severity.

Although these findings provide important insight into the prosecution landscape of extremist actors in the UK, some important limitations must be noted. In examining the prosecution landscape, we do so only by examining those extremist actors who have been convicted and sentenced, therefore, our sample is inherently characterised by a selection bias. As we have utilised publicly available information, we are aware such an approach has its own drawbacks (also noted in other research) in that the level of detail varies and at times we were reliant on media coverage to identify extremist actors. Subsequently, our dataset only includes those convicted extremist actors we could find and not all cases will have been reported in the media due to a lack of newsworthiness or reporting restrictions. Despite limitations with the use of publicly available information and potentially missing cases, we feel these were outweighed by the benefits of now being able to share our data with other researchers.

Moreover, the findings presented in this study provide much needed information about the prosecution landscape for extremist actors in the UK by describing, analysing, and comparing the sentencing outcomes of individuals convicted of terrorism, terrorism-related, and violent extremism offences in each of the three legal jurisdictions of the UK. By creating the database, we have extended the existing data (mostly aggregate figures held within separate jurisdictions) to a database appropriate for analysis, including the

principal offence and type of offence that extremist actors are convicted of UK-wide, their motivation, the principal offences of those extremist actors convicted in NI (no information previously held on individual convictions), and provided separate Scotland only data. Using the new data, we have been able to test a range of hypotheses in relation to not only motivation and sentence lengths for all extremist actors in the UK over a 21-year period, but also sentencing outcomes by type of offence, ideological motivation, gender, plea, having multiple counts, ethnicity, age, and co-defendants. We are also able to explore trends in the aftermath of the introduction of sentencing guidelines in E&W and notable terrorism events.

One potentially confounding factor throughout this report (and other available literature) is the absence of a workable severity measure. Within the extant academic literature on the sentencing of terrorists, we found no appropriate measure of severity to allow comparison both within and across different offences. This is important since the impact of one variable (e.g., women receive shorter sentences than men) may be confounded by severity of offences (e.g., this would not reflect an inconsistency in sentencing if, for example, women actually commit offences that are less severe). In Section 3.5, severity was coded for all s. 5 offences using part of the sentencing guidelines for this offence, and an exploration of severity as confounding was conducted. Analysis of severity and sentence length aligned with logical expectations (greater severity associated with greater sentences) and with research demonstrating that severity is a significant predictor of sentence length. Overall, some trends were evident regarding potential confounds (based on the association between severity and other variables), but these did not reveal cause for great concern (assuming s. 5 offences are representative of the dataset as a whole). One strength of the current project is the use of mixed methods. In some cases, combining statistical results with data from interviews and existing literature provided insight into the nature of an effect where the potential impact of severity was uncertain.

From conducting this research, we would suggest there is a need for UK-wide data on the prosecution landscape for extremist actors with a consistent approach to data collection. This would allow not only for certainty regarding number of offenders included, but for more reliable and nuanced measures to be created and utilised in research (more precise data on ethnicity, nationality, details of prior convictions etc.). Given the scope of this study, there are of course areas for future research including the development of a better severity measure, which would capture severity between and within offences. This would also be improved if information was fed directly from the source, since useful details are often missing in publicly available information including the media, limiting post-hoc analyses. In light of our finding on gender, a more thorough examination of this is required to identify if the three framing narratives identified by Galica (2020) are in operation in the UK context.

Overall, despite qualitative evidence and indications from other sources that the prosecution of extremist actors is inconsistent across variables including ethnicity, age, and ideological motivation, we did not find an impact of these extraneous variables, nor did we find evidence in general of sentencing increasing over time. This is positive evidence in favour of consistent use of legislation and sentencing sources, despite reports to the contrary. Differences were found relating to gender (women receive shorter sentences than men) and co-accused (having co-defendants increases sentences). We also found that ideological groups differ in offence type they are most likely to be convicted of, and that this may have indirect effects on sentencing. These are considerations in striving for consistency in the implementation of legislation and in sentencing outcomes.

1. INTRODUCTION

There are no overall statistics for the United Kingdom (UK)[1] with respect to perpetrators of terrorism and terrorism-related offences[2]. This is due to the existence of three distinct legal jurisdictions in operation and different counting practices, namely in England and Wales, Scotland, and Northern Ireland. Since 9/11 until the end of December 2022, 1473 persons have been charged with terrorism and terrorism-related offences in Great Britain (GB). Of those prosecuted, 88% were convicted (Home Office, 2023a). In Northern Ireland (NI), from April 2001 until the end of December 2021, 892 persons arrested under s. 41 of the Terrorism Act 2000 were charged with criminal offences including terrorism and terrorism-related offences (PSNI, 2023).[3] Of those persons arrested under s. 41 of the Terrorism Act 2000 and subsequently prosecuted between 2013 until the end of December 2021, 72% were convicted of terrorism or terrorism-related offences (NI Office, 2022).[4]

Whilst the official data can inform us of the number of persons charged, prosecuted, convicted etc. (see for example Allen et al., 2022; Home Office 2023a, 2023b; NI Office, 2022; Sentencing Council, 2022), very little is known about the prosecution and punishment of extremist actors who have engaged in terrorism or violent extremism in the UK. Despite indications of inconsistencies across jurisdictions and the potential influence of extraneous variables on prosecution and sentencing (e.g., racial or ethnic background of the offender), there exists a lack of research and investigation of the prosecution landscape for extremist actors. For example, does the prosecution landscape (charging, prosecution, and sentencing) vary in the UK for extremist actors depending upon the legal jurisdiction? Does the ideological motivation behind an extremist actor's criminal offence affect whether they are charged under terrorism or non-terrorism legislation? Can differences in sentencing outcomes be observed with respect to the extremist actor's ideological motivation or gender? It is the answers to such questions that this research is concerned with.

1.1 PREVIOUS RESEARCH

Surprisingly to date, much of the research on the prosecution of extremist actors has been conducted in North America. This research is detailed in Appendix 2 but findings suggest international terrorists are more likely to be punished more severely than domestic terrorists (Smith et al., 2002), politically motivated offenders convicted of the same crimes as non-politically motivated offenders receive longer sentences (Smith and Damphousse, 1996), crime severity was a significant predictor of sentence length (Smith and Damphousse, 1996; Bradley-Engen et al., 2009) and terrorists were twice as likely as non-terrorists to be found guilty following a trial (Shields et al., 2006). Additionally, not pleading guilty was associated with longer sentence length (Bradley-Engen et al., 2012; Smith and Damphousse, 1996) and a greater number of counts was found to increase the likelihood of being prosecuted, tried, and convicted (Johnson, 2012). Research also suggests that the implementation of

1 The United Kingdom is comprised of Great Britain (which is the collective name for England, Scotland and Wales and their collective islands) and Northern Ireland.
2 A terrorism offence is an offence under terrorism legislation and a terrorism-related offence is an offence under non-terrorism legislation, which is considered to be terrorism-related.
3 Whilst the vast majority of individuals will have been charged with terrorism or terrorism-related offences, a small number may not have been. The Police Service of Northern Ireland (PSNI) Statistics Branch were unable to quantify this. This clarification was provided by e mail from the PSNI Statistics Branch.
4 This data is provided by the PSNI and is not available prior to 2013. The PSNI hold separate data on the number of persons arrested under s. 41 of the Terrorism Act 2000 or 'other' legislation (i.e., Police and Criminal Evidence Act 1984) who were subsequently charged with terrorist and/or serious public order offences between April 2001 and September 2007. Post-September 2007, the PSNI Statistics Branch stopped collating statistics on the number of individuals who were arrested under 'other' legislation as part of their Security Situation statistics. This information was provided by e mail from the PSNI Statistics Branch.

federal sentencing guidelines in the United States (US) resulted in the incarceration rate for terrorists and non-terrorists increasing substantially while the average sentence length for terrorists significantly decreased (Bradley-Engen et al., 2009). The ideological affiliation of individuals was found to affect their treatment within the criminal justice system with eco-terrorists receiving shorter sentences than left-wing and right-wing terrorists (Murray, 2018), and jihadists were more likely to be investigated and charged than single-issue or far-left group members (Yon and Milton, 2021). Research on the effect of contextual factors, namely a major terrorist attack (i.e., Oklahoma City bombing and 9/11) found that there was an increase in the number of individuals charged in the two years after such attacks but that the average sentence length decreased (Damphousse and Shields, 2007).

Offender characteristics such as race were not found to have an impact on sentence length (Yon and Milton, 2021) but age did appear to impact the likelihood of an investigation being undertaken, namely it increased with age (Yon and Milton, 2021). Gender was found to result in differential (preferential) treatment within the criminal justice system for those women engaged in terrorism-related activity in terms of arrest, conviction, and sentence lengths (Jackson et al., 2021; Galica, 2020; Alexander and Turkington, 2018; Makin and Hoard, 2014). Such findings are consistent with research on gender and the wider criminal justice system, which found that gender, has a role to play with women offenders often receiving differential (preferential) treatment and sentencing outcomes such as being less likely to be convicted (Goulette et al., 2015) and if convicted receiving lenient custodial sentences compared to male offenders (Doerner and Demuth, 2014).

In comparison to North America, there has been little academic research on this topic in the UK and what has been undertaken falls into two main areas: the penology of terrorism (e.g., the impact of legislation or policy generally) and research on specific types of terrorism and extremism (e.g., Islamist or right wing). Some of this research is of a comparative nature.

THE PENOLOGY OF TERRORISM

Walker and colleagues have explored a number of issues relating to the penology of terrorism centred on adjustments to punishments and penal regimes (Lee and Walker, 2022a, 2022b; Appleton and Walker, 2015; Walker, 2011, 2020). In their research on terrorism prisoners in the UK, Appleton and Walker (2015, p. 447) identify three responses, namely the categorisation of such prisoners as 'especially' dangerous and the subsequent sentences handed down (e.g., determinate or indeterminate sentences), the development of prison regimes that address their dangerousness, and their post-release treatment. In the post-9/11 period, they point to sentences being "severely ratcheted up in two directions: lengthier determinate sentences plus more indeterminate life sentences" (p. 451) citing the examples of R. v Bourgass and R v Barot.[5] As Bajwa (2010) notes, Barot's judgement raised a number of significant points for subsequent sentences handed down to terrorists in that both indeterminate sentences and longer sentences for the most serious terrorist cases were now considered appropriate. Appleton and Walker (2015, p. 447) also considered sentencing in England and Wales and Northern Ireland and concluded, "not all terrorists are treated equally. Terrorist activity in Northern Ireland receives much more lenient treatment than equivalent activity in Britain" (Appleton and Walker, 2015, p. 447), citing the cases of Ryan McDowell and Abu Bakr Mansha. McDowell was convicted in Northern Ireland of helping to construct a non-viable pipe-bomb (contrary to s. 4 of the Explosive Substances Act 1883) and received 24 months' probation and 100 hours of community service. Mansha was convicted of possessing information likely to be useful to a person committing or preparing an act of terrorism,

5 Bourgass received a life sentence for the murder of a police officer with a minimum term of 240 months (20 years). Barot initially received a life sentence with a minimum of 480 months (40 years) for conspiracy to murder, which was reduced on appeal to 360 months (30 years).

namely the name and address of a soldier who had been decorated for gallantry in Iraq (contrary to s. 58 of the Terrorism Act 2000) and received a 72 month custodial sentence.

More recent research on sentencing trends supports the earlier observations, with Lee and Walker (2022a, p. 317) arguing that legislative changes "inevitably impose greater severity". This is due to the nature of the changes which allow for enhanced sentencing of offences under non-terrorism legislation where the offence is considered terrorism, the increase of maximum sentence terms, and reform of notification requirements. In their most recent article, Lee and Walker (2022b) examine the introduction of the Counter-Terrorism and Sentencing Act 2021 and consider the development of counter-terrorism policy and law with respect to terrorist prisoners and ex-prisoners. They argue that the cumulative effect of such developments is intensification in terms of "expanded and enhanced penal experiences" (Lee and Walker 2022b, p. 864). In relation to sentencing, they argue this is achieved through sentencing modifications including increases in maximum penalties, the fixing of minimum penalties, and extended detention.

Amirault and Bouchard's (2017) research examined a sample of 156 terrorist offenders convicted in England and Wales between the end of 2006 and 2012 and was concerned with the impact of legislative (e.g., type of legislation convicted under) and incident-based contextual factors (e.g., being adjudicated following a major terrorist act) on sentencing outcomes.[6] The outcome variable of interest in their study was final sentence length and they found on average offenders were sentenced to 109.73 months, with sentencing outcomes ranging from 7.20 to 360 months. In terms of type of legislation offenders were convicted under, these were categorised as convicted under terrorism legislation, convicted under non-terrorism legislation, and convicted under both. They found that the sentencing outcomes of offenders convicted under terrorism legislation (M=81.41 months, p<.001) differed significantly from those convicted under non-terrorism legislation (M=175.49 months, p<001). No significant group differences were found for offenders convicted under both terrorism and non-terrorism legislation with the average sentence length was 89.43 months (p. 276). Moreover, they found offenders motivated by Islamic extremism (M=138.16, p<.001) received significantly longer sentences than offenders not motivated by Islamic extremism (M=65.46) (p. 278). With respect to contextual factors, Amirault and Bouchard (2017, p. 282) found that offenders sentenced after a major terrorist incident (in this case after the July 2005 bombings in London) are "punished less harshly" although they acknowledge they may have discovered a "lingering 9/11 effect". Having co-defendants was found to increase sentence length. They also included a severity variable, namely 'decreased threat to human lives' and 'increased threat to human lives', which sought to capture those offences that had either resulted in deaths or serious injuries or had the potential to do so (i.e., conspiracy to murder, preparation of terrorism acts, attempted murder, and possession of explosives). They found that crime severity "was found to be a significant predictor of increased sentence severity" (p. 280).

THE PENOLOGY OF TERRORISM AND RIGHT-WING EXTREMISM AND TERRORISM

Zedner (2021), Blackbourn (2021) and Lowe's (2020, 2021) work straddle both areas of research and examine right-wing and far-right extremism in the context of legislation and legal provisions. Zedner's focus is on the UK while Blackbourn and Lowe adopt a comparative approach. The key question for Zedner is when an individual who expresses fanatical or abhorrent views should be considered an extremist and when they should be considered a terrorist. She notes that this "threshold question is not only a matter of terminology or legal definition, it is also a political

6 Their sample was generated from the Crown Prosecution Services list of successful terrorist prosecutions and details supplemented with additional information sourced from the British and Irish Legal Information Institute (BAILLI), news sources and Google.

choice" (p. 59) and points to the frequent labelling of Islamist groups who threaten violence as terrorist groups and far right-wing groups as extremists, thereby suggesting they constitute a lesser threat. Moreover, Zedner examines the change in the law to the offence of collecting, making or possessing information of a kind likely to be useful to a person committing or preparing an act of terrorism (s. 58 of the Terrorist Act 2000), which now criminalises the viewing or accessing of such information via the internet.[7] She argues that the amendment of s. 58 risks "criminalizing those with 'inquisitive minds' or who engage in a one-off Internet search 'sparked by mere curiosity'…..[and] mere viewing – without further action may constitute right-wing extremism, but it is not terrorism" (p. 74).

Blackbourn (2021) scrutinises counter-terrorism legislation and its application to far-right terrorism in the UK and Australia over a 5-year time period drawing upon open source data primarily from government sources on plots, attacks and prosecutions.[8] Within Australia, there were no charges of 'engaging in a terrorist act' brought under s. 101.1 of the Criminal Code as there had been no successful far-right terrorist attacks in the time period under consideration. Two plots were thwarted, which led to prosecutions but while one trial had completed, the offender had not been sentenced; the trial of individuals arrested for the second plot had not taken place. In terms of the UK, Blackbourn notes a range of terrorism offences have been used for those involved in far-right terror attacks including the offence of encouraging terrorism (s. 1 of the Terrorism Act 2006) of which four far-right offenders have been convicted. However, the offence of preparation of acts of terrorism (s. 5 of the Terrorism Act 2006), which has become she argues, "one of the most consistently used offences in the UK's counterterrorism regime" (p.80) has not been used that often for far-right offenders. In the time period under consideration, out of a total of 77 individuals convicted of this offence, only four were far-right offenders. Moreover, far-right offenders are more likely to be convicted of collecting information likely to be useful to a person committing or preparing an act of terrorism (s. 58 of the Terrorism Act 2000) with the majority of sentences ranging from 36-60 months. The proscription of National Action in 2016 has seen 15 offenders convicted with 11 receiving sentences of between 60-156 months and four noted as awaiting sentencing. The proscription of far-right terrorist organisations, she argues, is not only a useful tool to counter far-right terrorism but can result in "a significant number of prosecutions (and convictions) for proscribed organisation offences" (p. 90).

Lowe's (2020) comparative study of five countries including the UK examined the respective legal provisions regarding the right to freedom of expression[9], hate crime, and the proscription of terrorist organisations. For the purposes of his study, he distinguishes between far-right (e.g., anti-immigration, anti-Islam and in Europe, anti-European Union) and extreme far-right (e.g., neo-Nazi groups which are anti-Semitic, homophobic, racist, supporting white supremacy and the violent overthrow of liberal democracies). Similar to Zedner, Lowe is concerned with a threshold question, namely when right-wing statements and narratives shift from being offensive to hate crime. He finds disparity in terms of how states deal with hate crime, noting an absence of legislation in New Zealand covering such crime whereas in Australia it is treated as civil litigation. The UK and Canada are considered "very proactive in enforcing" their respective hate crime law while difficulties in the US context are outlined including the issue of cross burning.[10] Lowe also finds disparity between the

7 The change was brought about by s. 3 of the Counter-Terrorism and Border Security Act 2019. The maximum custodial penalty was also increased from 120 months to 180 months.

8 Surprisingly, Blackbourn does not provide the exact time period for her research, the reader is just told "over the past 5 years" (p. 78).

9 As noted by Lowe (2021, p. 54) "in a liberal democracy, the right to freedom of expression is a vital human right that differentiates it from an authoritarian regime, and, as such, most liberal democracies have some form of legislative provision protecting that right from being incrementally eroded by the state". For example, Article 10(1) of the Council of Europe's European Convention of Human Rights and the US Bill of Rights. For more details, see Lowe (2021).

10 Cross burning is a practice that is associated with the Ku Klux Klan, who since the early 20th century, have burned crosses as a way to intimidate and threaten African Americans, ethnic and religious minorities and anyone else they consider an enemy such as trade union (labour) organisers. For more details see Bell (2004).

countries under study in relation to the proscribing of extreme far-right groups as terrorist organisations, noting that the UK was the first western state to do so with the proscription of National Action. Canada followed suit in 2019 proscribing Blood & Honor and Combat 18 as terrorist organisations. Australia and New Zealand have proscribed extreme far-right groups as terrorist organisations since Lowe's research was published.[11] In the US, the designation of domestic groups as terrorists is not straightforward and is linked to the type of weaponry involved. For example, Glendon Scott Crawford, a Ku Klux Klan member was convicted of domestic terrorism in 2015 as he attempted to use a 'weapon of mass destruction', namely a radiation dispersal device. In contrast, the use of a firearm in an ideologically motivated attack, which results in death, is prosecuted as homicide or a hate crime (e.g., Dylan Roof's attack in 2015 on the Emanuel African Methodist Church in Charleston, South Carolina). Lowe also briefly examined hate crime legislation and the impact this can have on extreme far-right and far-right social media and website content stating that such content "can influence individuals to carry out violent attacks" (p. 14). Whilst noting that in the UK, a number of far-right social media account holders have had their accounts suspended; the picture for the US is less clear given the absence of emotional or psychological injury from the Hate Crimes Act.[12] Moreover, he argues that "while it may seem obvious as to what content is extremist in nature that could inspire hatred and violence, when it comes to freedom of expression social media and communications companies must follow the law" (p. 14). Thus, both a degree of consistency in the wording with respect to the right to freedom of expression amongst the states under examination exists and a divergence as to the activity that constitutes hate crime or a civil case. This then results in a subsequent discrepancy in terms of sentencing. Looking specifically at the UK, Lowe (2021, p. 67) contends that the right to freedom of expression includes "the offensive, contentious, and unpopular commentary. What breaches the limit of this legal boundary is when comments promote, incite, or glorify violence".

RESEARCH ON ISLAMIST TERRORISM

With respect to the second area of research, specific types of terrorism, Stuart's (2017a, 2017b) research on Islamist terrorism involves an analysis of offences and attacks including suicide attacks in the UK. Her sample consists of 264 convictions following arrests between 1998 and 2015 with 69% of offenders convicted under terrorism legislation and 31% under non-terrorism related legislation. The most common principal offences were preparation of acts of terrorism contrary to s. 5 of the Terrorism Act 2006 (27%), possession of items/collection of information useful for terrorism contrary to ss. 57 and 58 of the Terrorism Act 2000 (14%), and fundraising offences contrary to ss. 15-18 of the Terrorist Act 2000 (8%). More than half of her sample (54%) pleaded guilty and 96% of offenders received a custodial sentence. Determinate sentences were the most common type of sentence (after appeal): between 12-48 months (35%), between 48-120 months (27%) and between 120-240 months (15%). Life sentences (indeterminate sentence) accounted for 15% of sentences and minimum terms ranged from 168 months to a whole life order (Stuart, 2017a, pp. x-xi). Additionally, Stuart (2017a, p. xi) looked at two distinct time periods within her data, namely 1998-2010 and 2011-2015 and found that determinate sentences were more likely to be handed down than indeterminate sentences in the latter time period and, on average, sentences have become shorter. For example, sentences of between 12-48 months rose by 17 percentage points across the time periods (from 26% to 43%) while life sentences fell by ten percentage points (from 17% to 7%). Convictions for preparation of acts of terrorism contrary to s. 5 of the Terrorism Act 2006 rose by 27 percentage points across the time

11 Australia has proscribed a number of right-wing groups including Sonnenkrieg Division (August 2021), The Base (December 2021) and the National Socialist Order (February 2022). In June 2022, New Zealand proscribed two US based far-right groups, the Proud Boys and The Base, as terrorist organisations

12 Under s. 249 of the Hate Crimes Prevention Act 2009 it is an offence to cause or attempt to physically injure a person due to their race, colour, national origin, religion, gender, gender identity, sexual orientation or disability. For more details, see Lowe (2020).

periods (from 15% to 42%) and dissemination of terrorist publications contrary to s. 2 of the Terrorism Act 2006 increased by 7 percentage points (from 3% to 10%). It is suggested that these increases were related to Syria-related travel and the increasing use of the internet by Islamists for jihadist propaganda purposes. Moreover, Stuart (2017b, p. 20) contends that the "findings suggest an increase in disruptive policing, utilising both less serious terrorism-related offences as well as other criminal offences" whilst acknowledging that the latter offences were not included in her sample.

RESEARCH ON RIGHT-WING TERRORISM

Jupp's (2022) research on UK counter-terrorism legislation and extreme right-wing terrorism (ERWT) draws upon a dataset of 70 individuals convicted of offences under the Terrorism Act 2000 and 2006 in the period 2007-2022. He found that that the most common offence individuals were convicted of was collection of information useful for terrorism contrary to s. 58 of the Terrorism Act 2000 (54%) followed by membership of a proscribed organisation contrary to s. 11 of the Terrorism Act 2000 (24%) and dissemination of terrorist publications contrary to s. 2 of the Terrorism Act 2006 (23%). Only 19% of convictions involved the offence of preparation of acts of terrorism contrary to s. 5 of the Terrorism Act 2006. The majority of offenders were male (97%) and 67% of offenders were acting alone (p. 7). In his discussion of sentencing outcomes, Jupp explores the offence of preparation of acts of terrorism and highlights its selective use in the prosecution of ERWT offenders (e.g., cases of Nathan Worrell[13] and Ryan McGee[14] where it could have been used and was not). Moreover, he mentions an interviewee who believed the case of McGee involved "unconscious bias that in their experience existed amongst both juries and the judiciary which results in leniency in decisions to prosecute, convict and sentence individuals inspired by right-wing ideology as opposed to those associated with Islamist-inspired terrorism" (p. 13).

COMMENTARIES ON THE SENTENCING OF CHILDREN AND YOUNG ADULTS

Stone (2022a, 2022b) provides a legal commentary on the sentencing of children for violent extremism and examines the cases of six children and young adults convicted in the UK, namely John Wootton, RXG, Kieran Cleary, Conor Scothern, Paul Dunleavy and Ben John.[15] In Wootton's case, aggravating (e.g., involvement in terrorism and the murder of a police officer) and mitigating (e.g., age) factors are discussed. Likewise, discussion of Cleary's case centred on his sentencing and subsequent appeal with aggravating (e.g., risk posed to others) and mitigating (e.g., age, lack of prior convictions, and difficult circumstances) factors noted. Discussion of RXG's case revolved around the potential removal of his anonymity and the impact that this could have including an increase in risk to him from both "hostile anti-extremists" and Islamist or other extremist prisoners in the adult estate "who might particularly seek to target him for re-radicalisation" following his transfer when he reached 18 (p. 104). The introduction of a sentencing guideline for terrorism offences is discussed with respect to Scothern as is a range of mitigating factors including age and immaturity, a supportive family, change in political ideology, and three older co-defendants. In contrast, discussion of Dunleavy focuses on his failed appeal against his conviction based upon a pre-trial psychological assessment, which suggested that he

13 Worrell was convicted of possession of articles for terrorist purposes contrary to s. 57 of the Terrorism Act 2000, namely instructions of how to make improvised explosive devices (IEDs).

14 McGee was convicted of making an improvised explosive device, namely a 'nail bomb' contrary to s. 4 of the Explosive Substances Act 1883 and possession of a document (The Anarchist's Cook Book) for terrorist purposes contrary to s. 58 of the Terrorism Act 2000.

15 Wootton was convicted of the dissident republican murder of a police officer in Northern Ireland and was aged 17 at the time of the offence. RXG, aged 14 at the time of the offence was convicted of inciting terrorism overseas contrary to s. 59 of the Terrorism Act 2006. Cleary was prosecuted aged 16 for making an explosive substance contrary to s. 4 of the Explosive Substance Act 1883. He is described by Stone (2022a, p. 105) as having a "free-range fascination with violence". Scothern was convicted of membership of a proscribed organisation contrary to s. 11 of the Terrorism Act 2000. Dunleavy was convicted of preparation of a terrorist act contrary to s. 5 of the Terrorism Act 2006 and collection of terrorist information contrary to s. 58 of the Terrorism Act 2000. John was also convicted of s. 58 of the Terrorism Act 2000.

appeared to meet the criteria for a diagnosis of high-functioning Autism Spectrum Disorder (ASD) and subsequently, whether this was relevant in pursuing a defence "that he 'had a reasonable excuse for his action or possession', namely that he was pursuing 'legitimate research out of boyish curiosity'" (p. 224). John's sentence, namely a 24 month custodial sentence suspended for 24 months, is discussed in light of its referral to the Unduly Lenient Sentence scheme.[16]

From the discussion above of the extant literature, we can see that there has been to date no research that looks at the whole of the UK in terms of extremist actors despite claims to the contrary. Indeed, Amirault and Bouchard (2017) state that their sample of convicted terrorist offenders is for the UK but this is not the case as their sample is drawn from information from the Crown Prosecution Service's website, which only covers England and Wales. Appleton and Walker (2015) in discussing sentencing outcomes between England and Wales and NI conclude that terrorists convicted in NI receive more lenient treatment than terrorists convicted for "equivalent activity in Britain" yet Scotland is omitted from their discussion. While Stone's (2022a, 2022b) commentaries discuss cases from England and Wales and NI, they are descriptive in nature and only consider six such cases. Moreover, the research conducted by Jupp (2022) and Stuart (2017a, 2017b) only consider one type of terrorism, namely, right-wing and Islamist respectively. Thus, the research contained in this report seeks to provide a more comprehensive picture of the prosecution of extremist actors in the whole of the UK over a 21 year time period.

1.2 THE CURRENT STUDY

We note that within not only the academic literature, there is much debate and disagreement as to the meaning of terms such as 'terrorism', 'extremism' and 'violent extremism' given they are social constructs.[17] We do not intend to contribute to this debate but rather our research is only concerned with those individuals (extremist actors) charged, prosecuted and convicted of a terrorism, terrorism-related or violent extremism offence as defined in either legislation, Government guidance or by the prosecution authorities in the UK.

Under section 1 of the Terrorism Act 2000, terrorism is defined in UK law as:

1. […] the use or threat of action where—
    - **a.** the action falls within subsection (2),
    - **b.** the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and
    - **c.** the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.
2. Action falls within this subsection if it—
    - **a.** involves serious violence against a person,
    - **b.** involves serious damage to property,
    - **c.** endangers a person's life, other than that of the person committing the action,
    - **d.** creates a serious risk to the health or safety of the public or a section of the public, or
    - **e.** is designed seriously to interfere with or

16 In certain cases, the Attorney General has the power to refer to the Court of Appeal sentences for certain offences that they believe are unduly lenient. This has become known as the unduly lenient sentence scheme. The scheme was established by the Criminal Justice Act 1988 and came into force the following year. The purpose of the scheme is to address gross errors in sentencing and an application to review a sentence must be made within 28 days from when the sentence was imposed. If the Court of Appeal agrees that the sentence was unduly lenient it may increase the sentence. Likewise, in NI, the Director of the Public Prosecution Service has the power to ask the Court of Appeal to review a sentence on the grounds that it is unduly lenient and in Scotland, the Lord Advocate may request a review.
17 Their definitions are often value-laden, their meanings fluctuate and they are context-specific. See Awan et al. (2019) and Winter et al. (2020) for a good discussion of this. Moreover, Winter et al. (2020, p. 3) observe, "a group or individual can hold 'extremist' views without necessarily undertaking 'extremist' actions".

seriously to disrupt an electronic system.

3. The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

4. In this section—

   a. "action" includes action outside the United Kingdom,

   b. a reference to any person or to property is a reference to any person, or to property, wherever situated,

   c. a reference to the public includes a reference to the public of a country other than the United Kingdom, and

   d. "the government" means the government of the United Kingdom, of a Part of the United Kingdom or of a country other than the United Kingdom.

5. In this Act a reference to action taken for the purposes of terrorism includes a reference to action taken for the benefit of a proscribed organisation.[18]

This research is concerned with those individuals who have been charged, prosecuted, and convicted of a terrorism or terrorist-related offence since 1st April 2001[19] until the end March 2022 (the time period under study). This includes offences contrary to terrorism legislation, namely the Terrorism Acts 2000 and 2006; the Anti-Terrorism Crime and Security Act 2001; the Prevention of Terrorism Act 2005; the Terrorism Prevention and Investigation Measures Act 2011; and the Counter-Terrorism and Border Security Act 2019. Individuals may also be charged, prosecuted, and convicted of terrorism-related offences under non-terrorism legislation. These offences may be contrary to common law (e.g., murder or conspiracy to murder) or other legislation such as the Explosive Substances Act 1883, Offences against the Person Act 1861 (e.g., soliciting murder and violent physical attacks) and the Public Order Act 1986 (e.g., inciting racial or religious hatred, or hatred based on sexual orientation). The research is not concerned with offences of entering into a funding arrangement for the purposes of terrorism (s. 17 of the Terrorism Act 2000) unless those individuals charged with such offences were demonstrably motivated by advancing the terrorist cause.[20]

The research is also concerned with those individuals who have been charged, prosecuted, and convicted of offences considered by the prosecution[21] as violent extremism in the time period under study. The Crown Prosecution Service (2015) has defined 'violent extremism' as "[t]he demonstration of unacceptable behaviour by using any means or medium to express views which:

- Foment, justify or glorify terrorist violence in furtherance of particular beliefs;
- Seek to provoke others to terrorist acts;
- Foment other serious criminal activity or seek to provoke others to serious criminal acts; or
- Foster hatred which might lead to inter-community violence in the UK."

18 A proscribed organisation is a banned organisation based on an assessment by the Home Secretary that it commits or participates in, prepares for, promotes or encourages, or is otherwise concerned in terrorism. See Home Office (2021) Policy Paper Proscribed Terrorist Groups or Organisations for details of the proscription criteria and list of current organisations that are proscribed, available at https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2

19 While the Home Office has collected statistics relating to terrorism and the employment of counter-terrorism legislation since the 1970s, the publication and consistent collection of data stopped in 2001. Statistical bulletins restarted in 2008 with most data series backdated to 9/11. As Home Office data utilises the financial year as opposed to calendar year, we have opted to do the same in terms of the time period under study. The PSNI security statistics and the NI Office Terrorism Legislation Annual Statistics also use the financial year. Having said that, some of our tables and graphs may utilise calendar years. The start date for the period under study is the beginning of the financial year closest to when the Terrorism Act 2000 came into effect on the 19 February 2001. We appreciate that there may be a very small number of prosecutions after this date where individuals were charged with offences under terrorism legislation, which was repealed by the Terrorism Act 2000, e.g., the Prevention of Terrorism (Temporary Provisions) Act 1989.

20 An example, not included in our research, would be that of John Letts and Sally Lane who received suspended jail sentences after being found guilty of sending money to their son (Jack Letts) while he was living under Islamic State in Syria that could have been used to fund terrorism. See Davies (2019) for more details.

21 Although the research is exploring the prosecution landscape of the three separate legal jurisdictions in the UK, we only found one prosecution authority's definition of violent extremism. This issue was explored in the interview phase of the research.

Such offences would include those arising from the written word (e.g., publications, notes and internet entries) and through spoken words (e.g., the creation of audio and video recordings of speeches and chanting). Specific offences that could be considered include incitement to disaffection (various Acts of Parliament), sedition and seditious libel (common law), and the distribution, showing or playing of a visual or audio recording with the intent to stir up racial or religious hatred, or based on sexual orientation (ss. 21-23, Public Order Act 1986). Additionally, a number of offences under the Terrorism Act 2000 (e.g., terrorist financing offences ss. 15-18) and Terrorism Act 2006 (e.g., encouragement of terrorism s. 1) are included for consideration as violent extremism offences. A full list of offences can be found in Appendix 3.

Thus, the research aims to deliver a comprehensive insight into the prosecution landscape for extremist actors in the UK in terms of the offences that extremist actors are convicted of, and the sentences received, using an interdisciplinary mixed method approach. As such, the research involved six main stages. A comprehensive review and amalgamation of the existing academic literature relating to the charging, prosecution and sentencing of extremist actors was undertaken (stage 1). This also included consideration of the wider criminological and criminal justice literature on the prosecution landscape of non-extremist actors to identify potential variables of interest. A database of convicted extremist actors in the UK was created (stage 2) from a variety of publicly available information sources. The knowledge gained from the literature review informed specific research questions, which were addressed through qualitative interviews (stage 3) with relevant key criminal justice stakeholders with respect to the prosecution landscape for extremist actors. Interviewees included representatives from law enforcement, prosecution, relevant government departments and public bodies, academic experts, and other expert observers. A content analysis (stage 4) of a sample of sentencing remarks from criminal cases involving extremist actors was undertaken and the findings used to support the development of the working hypotheses about the factors that shape sentencing outcomes. Hypotheses relating to charging and prosecution (informed by interviews) and relating to sentencing outcomes (informed by interviews and content analysis) were quantitatively tested (stage 5) via statistical analysis of the database. A synthesis of the findings of the research (stage 6) was undertaken.

1.3 AIMS AND RESEARCH QUESTIONS

The overarching aim of this research project is to provide a better understanding of the prosecution landscape for extremist actors in the UK by describing, analysing and comparing the prosecution landscapes of the three legal jurisdictions of the UK since April 2001. In order to achieve the project's overarching aim, we addressed three research questions:

RQ1. What criminal offences are extremist actors being convicted of?

(RQ1.1) Which legislation and which acts are most common?

(RQ1.2) Are there any patterns or differences in the use of terrorism and non-terrorism legislation?

Whilst official data from the Home Office (2023a) contains the number of persons proceeded against by the Crown Prosecution Service (CPS) and convicted of terrorism and terrorism-related offences, the level of detail varies on the principal offence depending upon which type of legislation a person was convicted under. For those convicted under terrorism legislation, the section of the legislation is given (e.g., preparation for terrorism acts, s. 5) while those individuals convicted under non-terrorism legislation, only the name of the legislation is provided and not the specific section. Therefore, it is not clear if any individuals have been convicted of any of the offences identified by the CPS as constituting violent extremism with respect to the Public Order Act 1986. Scotland is included in the GB data but it is not separated from

E&W data and no separate data for Scotland is publicly available. Data from NI includes charges brought against persons detained in NI under s. 41 of the Terrorism Act 2000 by individual offence and also the number charged with offences under provisions of the Terrorism Act 2006 or the Counter-Terrorism Act 2008 (NI Office, 2022) but again some violent extremism offences are not included. Moreover, there is no detail as to the principal offence offenders were convicted of. Additionally, the current data does not include consideration of ideological motivation. This research question is addressed through the interviews and interrogation of the database.

RQ2. What sentences are being imposed on extremist actors?

(RQ2.1) What are the sources for sentencing decisions?

(RQ2.2) Does the sentence differ in terms of ideological motivation for the offence?

(RQ2.3) Does the sentence differ dependent upon the legal jurisdiction?

(RQ2.4) What, if any, are the impacts of other extraneous variables on sentencing?

There are a number of sources for sentencing decisions in the UK including relevant sentencing guidelines, the maximum penalties outlined in statutes, mandatory and minimum sentences introduced by Parliament, case law and guideline judgements issued by the Court of Appeal. The sources for sentencing decisions are addressed through the literature review, interviews and content analysis of sentencing remarks. Existing commentary by academic experts and other expert observers suggests that sentences in NI for terrorism and terrorism-related offences are shorter in comparison to the equivalent sentence an offender would receive if convicted in England and Wales (Appleton and Walker, 2015; Hall, 2021). Extant research on non-extremist actors and the wider criminal justice system has found that gender has a role to play with women often receiving differential (preferential) treatment (Goulette et al., 2015; Pina-Sánchez and Harris, 2020), and race and ethnicity have been found to affect prosecution outcomes (Lammy, 2017; Spohn, 2014). Interrogation of the database addresses the questions concerned with sentence differences with respect to ideological motivation, legal jurisdiction and the impact of extraneous variables.

RQ3. Is there any evidence of a change over time with respect to either prosecution patterns or sentencing outcomes?

(RQ3.1) Have there been any changes since the introduction of sentencing guidelines in England and Wales in 2018?

(RQ3.2) Can any fluctuations be observed due to changing contextual environments?

Research suggests that the introduction of sentencing guidelines may result in increases in sentence severity (Allen, 2016; Pina-Sánchez et al., 2017) and that changes in the contextual environment can significantly affect sentencing outcomes (Amirault and Bouchard, 2017; Damphousse and Shields, 2007). Interrogation of the database addresses whether there is any evidence of a change over time in terms of the prosecution landscape for extremist actors.

2. METHODS

As already noted, an interdisciplinary mixed method approach was utilised for this research project involving both qualitative and quantitative methods of data gathering and analysis. Ethical approval was secured from both Coventry University's Research Ethics Committee (Ethical Approval – P126258) and the Centre for Research and Evidence on Security Threats' (CREST) Security Research Ethics Committee and due consideration given to informed consent, data protection, confidentiality and anonymity.

2.1 INTERVIEWS

Given the focus of the research, the selection of potential interviewees involved purposive sampling and relevant key criminal justice stakeholders and experts were approached. Semi-structured interviews (n=15) were undertaken with representatives from law enforcement, prosecution, the legal profession, relevant government departments and public bodies, academic experts and other expert observers.[22] All interviewees were provided with a copy of the Participant Information Sheet and Consent Form. Interviews were conducted in person or on-line with one interview conducted by telephone. Where consent was given, interviews were audio recorded. Discussions covered knowledge and experience of charging, prosecution and sentencing of extremist actors in the UK, including perception of any extraneous variables that participants recognise might affect outcomes (location, racial or ethnic background of the offender, ideological motivation etc.).

2.2 DATABASE CREATION

A database of individuals convicted of terrorism, terrorism-related or violent extremism offences from publicly available information was created, including details relating to:

i. Gender

ii. Ethnicity

iii. Jurisdiction

iv. Age

v. Ideological motivation

vi. Group affiliation, link or inspiration

vii. Type of offence

viii. Details of principal offence

ix. Plea

x. Co-accused

xi. Sentencing outcome

Gender was recorded as male or female. The ethnicity of the extremist actor was based upon information found in the data sources including details of ethnic heritage or background and photographs. The extremist actor may consider themselves to be of a different ethnic origin than what was recorded by the research team. Where ethnicity was noted, we have used the ethnic groups as per the 2021 Census (GOV.UK, ND).[23] Jurisdiction refers to the legal jurisdiction where

22 A number of stakeholders declined the opportunity to be interviewed or failed to respond to email requests. Additionally, some potential interviewees who had initially agreed to take part in the research did not respond to follow-up requests to set up a date/time for the interview to go ahead.
23 Ethnic groups were recorded as Asian or Asian British, Black or Black British which included Caribbean or African as well), Mixed or multiple ethnic groups, White and Other Ethnic Group. For more details, see GOV.UK (ND).

the trial took place and was recorded as England and Wales (E&W), Northern Ireland (NI) and Scotland.[24] We have recorded where available age at arrest and age at conviction. The ideological motivation of the extremist actor was recorded and group affiliation, link or inspiration where available. Offences were divided into three categories, namely terrorism offences (excluding those offences considered as violent extremism), terrorism-related offences (e.g., offences under other legislation but which are considered terrorist-related) and violent extremism offences.[25] The principal offence is usually the offence that has the statutory highest maximum sentence. In some cases, there were a number of offences, which all carried the same highest maximum sentence. In such cases, we used either the first mentioned offence or the offence with the most number of counts (i.e., charges) from the publicly available information. In addition, where individuals were charged with violent extremism offences and a non-ideologically motivated offence involving indecent and prohibited images of children, the violent extremism offence was used as the principal offence. Plea was record as guilty or not guilty. We also recorded if the individual had co-defendants or co-accused. The sentence outcome is the initial sentence in months handed down by the trial judge at sentencing.[26] Subsequent appeals against conviction or sentence are not included as we are interested in the sentence handed down in the first instance. Nor are increases in sentence as a result of the Unduly Lenient Sentence scheme recorded.

The data was identified and collected from legal research databases[27], media coverage, prosecution authorities websites[28], the Independent Reviewer of Terrorism Legislation Reports, law enforcement reports and news items on police websites[29], academic articles, think tank publications[30] and sentencing remarks made by judges and Court of Appeal judgments.[31] To mitigate potential source limitations, triangulation of sources was undertaken with legal sources given precedence where available.

As already noted the research was not concerned with offences of entering into a funding arrangement for the purposes of terrorism (s. 17 of the Terrorism Act 2000) unless those individuals charged with such offences were demonstrably motivated by advancing the terrorist cause. Nor was it concerned with offences committed under schedule 7 of the Terrorism Act 2000[32] such as refusal to submit to a search or answer questions at the UK border by a designated ports (e.g., police, customs or immigration) officer as it was not possible to ascertain that the refusal to comply was motivated by terrorism. Additionally, a number of individuals convicted of terrorism offences were omitted from the database as they did not appear to have a terrorist motivation as noted by the judge or prosecution.[33] A very small number of individuals

24 The Counter-Terrorism Act 2008 extended the UK-wide jurisdiction (concurrent jurisdiction) to terrorist offences. This means that terrorist offences can be brought to trial in the courts of any of the UK countries regardless of where the offence took place. For more details, see the Joint Statement by Her Majesty's Attorney General and the Lord Advocate (2009).

25 With respect to violent extremism offences, we have used those offences that the CPS said could be considered (full list available in Appendix 3). Additionally, we have included a number of other offences such as s. 1 of the Criminal Damage Act 1971 where the perpetrator's ideological motivation was clearly evident. We have also included s. 29C of the Public Order Act 1986 as this covers inciting hatred on religious grounds or grounds of sexual orientation.

26 There is one exception where the 'slip rule' was applied, which allows trial judges to recall a sentence if it is believed a mistake has been made or new evidence comes to light. In this case, the trial judge realised they had made a mistake in determining the minimum sentence for a terrorist given a life sentence and his minimum sentence was increased six days after his original sentencing.

27 These included the British and Irish Legal Information Institute (BAILLI), Lexis, Westlaw and the lawpages.com.

28 These included the Crown Prosecution Service and the Crown Office and Procurator Fiscal Service respective websites. The Public Prosecution Service Northern Ireland's website was examined but no items relevant to the creation of the database were found.

29 These included Europol's EU Terrorism Situation and Trend Reports, the Metropolitan Police Service News section on its website and social media posts by various police forces.

30 For example, Hannah Stuart's (2017) research on Islamist terrorism published by The Henry Jackson Society.

31 These were sourced via BAILII, Westlaw, Lexis+UK, the Judiciary of Scotland and the Courts, Tribunals and Judiciary websites.

32 Schedule 7 of the Terrorism Act 2000 permits designated port officers to stop, search, and detain any person passing through the UK border for up to 6 hours in order to determine whether they are a terrorist.

33 Examples include Roger Smith and Vincent Potter. Smith was convicted in 2017 of possessing a document for terrorist purposes (s. 58 of Terrorism Act 2000) and two counts of having explosive substances (s. 4 of the Explosive Substances Act 1883). The prosecution informed the jury that they did not believe Smith was a terrorist or that he was going to personally commit an act of terror. For more details see BBC (2017) Nottingham man who got explosives fearing 'Isis attack' jailed. Potter was convicted in 2018 of an offence contrary to s. 114 of the Anti-Terrorism, Crime and Security Act 2001 as he had sent a hoax 'anthrax' letter to the Prime Minister. The prosecution 'did not put the case as one motivated by terrorism as defined by s.1 of the Terrorism Act 2000' (CPS, 2022).

who appeared as co-defendants with extremist actors and were convicted of terrorism-related offences under non-terrorism legislation were also not included as it was not clear they had a terrorist motivation.[34]

In total, 809 extremist actors in the UK were identified from publicly available information and included in the database.

2.3 ANALYSIS OF SENTENCING REMARKS

A total of 53 sentencing remarks were identified and collected from publicly available sources[35] and of these 20 were randomly selected for analysis.[36] The sample contained sentencing remarks from all three legal jurisdictions (11 from E&W, 2 from Scotland and 7 from NI).

Offenders were sentenced between April 2005 and January 2021. Sentencing remarks relate to individual offenders (n=12) and to trials involving co-defendants (n=8). The principal offence in six sentencing remarks was contrary to terrorism legislation (but excluding those offences considered as violent extremism), in twelve contrary to non-terrorism legislation but considered terrorism-related and in two, the principal offence was considered violent extremism. The ideological motivation of the extremist actors in the sample was NI-related (n=7), Islamist (n=7), right-wing (n=3), Kurdish separatism (n=1), misogyny (n=1) and unspecified (n=1).[37]

A directed approach involving a broad surface (manifest) content analysis was undertaken.[38] With a directed approach, analysis starts with relevant research findings as identified from the literature review as guidance for initial codes. Coding categories were derived directly from the text data leading to the identification of themes.

2.4 QUANTITATIVE ANALYSIS

The database includes 809 offenders sentenced between November 2001 and March 2022 (arrested between November 1999 and July 2021). As noted earlier, the time period for the study is 1st of April 2001 until end of March 2022. Entries are based on principal offences though offenders may also have secondary (additional) offences.

2.4.1 ACCOUNTING FOR SHARED OFFENCES (NESTING)

Individual entries in the database reflect individuals sentenced, though some individuals shared offences. Though individuals share offences, they may differ in total counts, plea, and sentencing outcome. Shared offences must be accounted for in statistical analysis of the database since individual's sentences for the same offence are likely to be treated more similarly. Multilevel regression modelling[39] is used throughout this section to account for the hierarchical/nested nature of the data, with shared offence treated as a level two variable (i.e., the multilevel regression models take account of the clusters of individuals with shared offences when determining the impact of predictors on outcomes). This is what is meant by 'nested data', or 'accounting for clusters of shared offences' throughout the report.

34 For example, Nyall Hamlett and Nathan Cuffy were co-defendants of Tarrik Hassane and Suheib Majeed. Hassane and Mujeed were convicted of conspiracy to murder and preparation of terrorist acts contrary to s. 5 of the Terrorism Act 2006 and were inspired by Islamic State. Majeed was also convicted of firearms offences. Hamlett and Cuffy were convicted of a number of firearms offences and were described by the trial judge as 'street criminals'. The jury accepted the claim by both men that they did not know the gun was to be used in a terrorist attack and were found not guilty of conspiracy to murder and preparation of terrorist acts. See R -v- Hassane, Majeed, Hamlett and Cuffy (Sentencing Remarks of Mr Justice Wilkie)

35 These included the British and Irish Legal Information Institute (BAILLI), Lexis, Westlaw, Judiciary of Scotland, Judiciary Northern Ireland the Courts, Tribunals and Judiciary websites.

36 Each sentencing remark was assigned a number 1 through 53 and using a random number generator, a sample of 20 were selected for analysis.

37 Although no ideological motivation was identified in the trial, the trial judge in their sentencing remarks considered whether the offences were of a terrorist nature and concluded they were.

38 For more details on the different types of content analysis, see Bengettson (2016).

39 Regression modelling is used to analyse the impact of some predictor variable/s (e.g., age and gender) on an outcome of interest (e.g., sentencing or offence type)

The 809 individuals in the database comprise 522 unique offences (389 individuals who do not share offences, and 420 individuals who share the remaining 133 cases). Groups of individuals sharing offence range from 2 to 11 offenders.

2.4.2 OPERATIONALISATION OF VARIABLES

Offence type: Offence type is comprised of three groups based on the legislation used (for an individual's principal offence). Table 1 provides a breakdown.

	Frequency	%
Terrorism	359	44.4
Terrorism-related	231	28.6
Violent extremism	219	27.1
Total	**809**	**100.0**

Table 1. Offence type

Motivation: Three groups of ideologically motivated offenders were present in the database. The 'Other' group is comprised of offending groups with few cases present. See Appendix 4 for composition of the 'Other' motivation group. Table 2 provides a breakdown.

	Frequency	%
Islamist	499	61.7
NI-related	145	17.9
Right-wing	130	16.1
Other	35	4.3
Total	**809**	**100.0**

Table 2. Motivation group

Jurisdiction: The three legal jurisdictions of the UK are England and Wales (E&W), Northern Ireland (NI), and Scotland. Table 3 provides a breakdown.

	Frequency	%
E&W	661	81.7
NI	126	15.6
Scotland	22	2.7
Total	**809**	**100.0**

Table 3. Jurisdiction

Co-accused: This is a binary variable (had co-accused or did not). A total of 378 individuals did not have co-accused (46.7%), and a total of 431 did have co-accused (53.3%). Note this differs slightly from the shared offences accounted for in the database since some people had co-accused offenders who were found not guilty and therefore not sentenced (i.e., were not entered into our sentencing data).

Plea: This is a binary variable (guilty plea, or not guilty plea) related to the principal offence for which the offender is charged. A total of 466 offenders gave guilty pleas (57.6%), compared to 341 who did not (42.2%). There were 2 values in the database which did not accord with this binary so were treated as missing.[40]

Sentence: There is no perfect measure of sentencing outcomes that accounts for inconsistencies across jurisdictions and uncertainty regarding the actual term to be served in any instance. In NI, determinate sentences are usually stated in terms of custodial months and months on licence (custodial years typically comprising half of the total sentence). In E&W and Scotland, however, determinate sentences are usually stated as fixed length for the prison sentence. If an offender is sentenced to four years in prison, for example, that is the maximum time spent in custody. They will not necessarily spend the whole of this time in prison as they are usually released on licence part way through their custodial sentence (as in NI, though not explicitly stated at time of sentencing).

40 One involved a not fit to plead and the other involved multiple counts of the principal offence where the individual pleaded both guilty and not guilty.

We note the recent changes introduced by the Terrorist Offenders (Restriction of Early Release) Act 2020, which ensures that terrorist offenders serving or sentenced to a determinate sentence can no longer be released before the end of their custodial term without agreement of the Parole Board. The earliest point at which terrorist offenders will now be considered for release will be at the two-thirds point of their sentence.[41] Additionally, the Counter-Terrorism and Sentencing Act 2021, ends the prospect of early release for anyone convicted of a serious terror offence (those offenders serving an extended determinate sentence) and requires them to spend their whole term in jail. For these reasons, we operationalise sentence length as the totality of the sentence given by the judge or magistrate (including custodial and/or licence elements).[42] We do not separate sentence for principal offence from overall sentence. As we are relying on publicly available information to construct the database, it was not always possible to determine whether the total sentence length was for the principal offence only or if consecutive sentences for multiple offences or counts was factored in. However, most sentences for multiple counts run concurrently, rather than consecutively, so in most cases the total sentence will match the sentence for a principal offence.

Sentence length is operationalised in months in keeping with previous studies examining sentencing outcomes. For those individuals given indeterminate sentences (i.e., life) where there is no fixed end date, we have used the minimum amount of time (tariff) the offender must spend in prison before becoming eligible to be considered for release on licence (as the exact period on licence is unknown). We appreciate this isn't perfect, but since such tariffs are usually lengthy, they represent the severity of the indeterminate sentences whilst maintaining their length in a logical order relative to other cases. Indeed, we could see no discussion in the academic research of how those with life or indeterminate sentences were treated in the data. Moreover, the Sentencing Council (2022) in their average custodial sentence lengths for those terrorism offences covered by sentencing guidelines excludes such individuals from their calculations. In cases where a 'whole life order' is handed down (n=3), there is no specified minimum custodial sentence before the offender can be considered for release on licence. Since a whole life order reflects a lifetime in prison, we use the figure of 960 months (80 years) to reflect the severity of this sentence.

Sentence months range from 5 to 960, with 797 valid sentences (12 missing values; M = 99.52; SD = 109.419). The measure of sentence months has an extreme right skew and must be log transformed for analysis, meeting assumptions of normality (see Appendix 5.1 for histograms; M = 4.14; SD = 0.97). A skewed distribution has data values that trail off to one side (in this case, there are a small amount of very long sentences, creating a tail trailing to the right). This can make it difficult to meet the statistical assumptions for analysis. A log transformation is used to reduce skewness. The order of values is retained but rather than working with absolute values (additive), the log-scale informs about relative changes (multiplicative). Instead of determining impacts on sentence in absolute values (i.e., months), we will determine percentage changes in sentence outcomes. In cases where sentence is analysed for only a proportion of offences (e.g., for offences relating to one specific legislative section/act) sentence can be operationalised using the original measure of months as data is distributed more normally.

Age: Though age at time of arrest or charge is a useful measure, this information was missing for many individuals. Age at time of conviction is more readily available through publicly available sources and was obtainable for most offenders. For offenders with both age at charge and age at conviction recorded, the strong, positive correlation approaches 1 (r=.993), indicating that the two measures do not differ significantly, and

41 Accordingly, offenders will be assessed by the Parole Board at the two-third point of their sentence, and only released before the end of their custodial term if the Parole Board deems it is safe to do so. For more details, see the contents of the Act.
42 We also do not differentiate between other elements in sentencing such as suspended sentences, community or youth rehabilitation orders, probation or intensive referral orders etc.

perhaps suggesting that the average time from charge to sentencing is relatively consistent across subjects (sentenced individuals in our data set). Therefore, we are satisfied with age at conviction as it retains maximum data.

Age ranged from 15 to 79 years, with 794 valid subjects (15 missing values; M = 30.63; SD = 10.02). Age has a moderate right skew and was log transformed for analysis, meeting assumptions of normality (see Appendix 5.2 for histograms; M = 3.37; SD = 0.31). For notes on skewness and log transformation, see section above regarding sentencing.

Total counts: Total number of counts for which an offender is charged ranges from 1 to 200 (M = 3.53; SD = 8.571), with a median of 2 counts. There is one missing value (information about counts not available). The right skew of this measure is so extreme that no transformation approaches normality. The decision was made to cap the number of counts at 6 (this cap aligned best with assumptions for regression analysis predicting sentence), retaining a scale variable with effects capped at 6 or more counts (i.e., the impact on counts is expected to plateau after 6 counts are reached; see Appendix 5.3 for histograms).

Ethnicity binary: Though ethnicity of offenders was reported in some cases, it was not always possible to determine. Publicly available information, including photographs of offenders, allowed for a reliable binary only of white versus non-white offenders. This measure is included in analyses, recognising its reductive and simplistic nature. White offenders make up 39.1% of subjects, and non-white offenders make up 60.9%.

Gender: Males comprise 91.7% of the database, with only 67 subjects being female. Though this split is undesirable for analysis, the female group does not demonstrate an inflated standard error for sentencing outcomes.

2.4.3 NOTES ON INTERPRETING RESULTS

For each regression model in this report, the impact of each significant predictor will be outlined. For example, the impact of being female (as opposed to male) or younger (rather than older) might be shown to increase sentence length. Each of these effects is part of the overall model (which includes the other predictors that also had an impact on the outcome), and of course the expected value of the outcome (e.g., length of sentence) for the male group will be different at different values of age. The impact of each predictor (gender, age, etc.) is interpreted whilst holding all other predictors in the model at fixed values (e.g., the mean of age, or the category of male) to show the individual impact of that predictor in the model.

One potentially confounding factor throughout this report is the absence of a severity measure. Within the extant academic literature on the sentencing of terrorists, we found two such measures. The first used in many of the US studies utilising data from the American Terrorism Study is an ordinal crime severity measure, which involves a list of 29 US federal crimes, which are given a number; 1 being least severe (i.e., miscellaneous), through to 29 most severe (i.e., treason).[43] However, ordering in this way does not capture differences that exist within offences of the same crime. To account for severity in our database, it would be important not only to understand what crime an offender committed (e.g., an offence contrary to s.5), but to compare severity both within and this category and across other categories. The other measure used by Amirault and Bouchard (2017) involved a simple binary variable of 'decreased threat to human lives' and 'increased threat to human lives'. We did consider constructing a crime severity measure using maximum sentences as stated within legislation, or incorporating Amirault and Bouchard's severity measure, but we felt that none of the available measures would have captured severity differences

43 The list is generated from a combined ranking of maximum punishments as indicated by the Federal Criminal Code and Rules, 1993 and The National Survey of Crime Severity rankings (cited in Smith and Damphousse, 1996).

within an offence. Additionally, maximum sentences have been subject to change over the years.

Having said that, severity is important. A logical assumption is that offences of greater severity will result in longer sentences. The statistical models presented in Sections 3.1 – 3.4 demonstrate significant impacts of variables like gender on sentencing outcomes. We can conclude, for example, that females receive shorter sentences than males, but we cannot conclude whether this is a result of bias in the system or related to a phenomenon of females committing less severe offences. Likewise, equivalent sentence lengths across ideological groups may indicate equitable use of legislation, but equivalent sentences for groups that differ in severity of offences would actually indicate discrepancies. When pleading guilty is shown to predict shorter sentences, we can't be sure whether a guilty plea reduces sentences or whether people might be more likely to plead guilty to less serious offences (though we have found no evidence for this). Similarly, if a greater number of total counts increases sentences, we need to consider that these variables might be correlated (an individual with greater counts might be more likely to have committed a more severe offence). All results should be interpreted with this caveat in mind. In Section 3.5, severity is coded for all s. 5 offences and an exploration of severity as confounding is conducted.

One strength of the current project is the use of mixed methods. In some cases, combining statistical results with data from interviews and existing literature can provide insight into the nature of an effect. In Section 3.5, we employ a severity measure for a subset of the data (s. 5 of the Terrorism Act 2006 offences) and explore some of these issues in more detail.

It should also be noted that the process of model creation involves removal of non-significant predictors that cannot be shown to have a meaningful effect on the outcome (this is a process of making a model more parsimonious, using the least number of predictors to explain the most amount of variance in the outcome). Variables removed from the model cannot be determined to have no effect. We can only show evidence for what appear to be the strongest effects whilst acknowledging that we are using artificial categories and binaries, and imperfect classifications of sentence length and offence, to find evidence in the data. For example, we have some qualitative evidence that an offender's ethnicity might impact the length of their sentence. Ethnicity is not a significant predictor in any of the quantitative models, but it is operationalised based only on a binary of white vs. non-white, a binary that may not capture an effect.

3. RESULTS

3.1 OFFENCE TYPE

This section addresses the following research questions:

RQ1. What criminal offences are extremist actors being convicted of?

(RQ1.1) Which legislation, and which acts are most common?

(RQ1.2) Are there any patterns or differences in the use of terrorism and non-terrorism legislation?

3.1.1 QUALITATIVE FINDINGS

Insights from both the interviews and the small body of literature available for the UK informed us that we should expect NI-related extremist actors to be charged more frequently with terrorism-related offences (i.e., not under terrorism legislation), and non-Northern Ireland-related extremist actors to be charged more frequently with terrorism offences (including Islamist extremist actors). While NI-related extremist actors are primarily arrested under s. 41 of the Terrorist Act 2000 this is not translated into charges brought under terrorism legislation. Indeed, the Independent Reviewer of Terrorism Legislation has noted in their most recent report that "[a]s with previous years, Northern Ireland accounted for a very high proportion of arrests made under section 41 of the Terrorism Act 2000…. This year the Northern Ireland figure was 80% of all section 41 arrests in the United Kingdom (last year it was 75%)" (Hall, 2023, p. 143). Also in terms of NI, insights from interviews suggested that (dissident) republicans were more likely to be charged with terrorism and terrorism-related offences (e.g., offences under terrorism legislation and offences under non-terrorism legislation) than loyalists and substantive charges such as possession of explosives or firearms were preferred to the more broad offence of preparation of acts of terrorism. Insights from interviews also informed us that we should expect right-wing extremist actors to be charged with violent extremism offences rather than terrorism or terrorism-related offences. In terms of specific offences, insights from the interviews suggested the evidential threshold for proving the offence of possession or collection of information useful for terrorism (s. 58 of the Terrorism Act 2000) is relatively low, therefore we would expect to see it frequently used. Additionally, it was suggested that the evidential threshold for proving the offence of membership of a proscribed organisation (s. 11 of the Terrorism Act 2000) was very high in NI vis-à-vis E&W, therefore we would expect to see relatively few convictions for this offence in NI and more in E&W. In light of these findings, we formulated four hypotheses:

> **Hypothesis 1:** Islamist extremist actors are more likely to be convicted of terrorism offences (e.g., offences under terrorism legislation but excluding those considered as violent extremism)
>
> **Hypothesis 2:** Right-wing extremist actors are more likely to be convicted of violent extremism offences
>
> **Hypothesis 3:** NI-related extremist actors are more likely to be convicted of terrorism-related offences (e.g., offences under non-terrorism legislation)
>
> **Hypothesis 4:** For NI-related extremist actors, republicans are more likely than loyalists to be convicted of terrorism and terrorism-related offences (e.g., offences under terrorism legislation but excluding those considered as violent extremism, and terrorism-related offences under non-terrorism legislation).

3.1.2 DESCRIPTIVE STATISTICS

Note that descriptives do not account for the nested nature of the data. We are interested in offence type by jurisdiction (E&W, NI, Scotland) and by motivation of offender (Islamist, NI-related, right-wing).

Ideally, we would have looked at an interaction between jurisdiction and motivation (to understand whether perpetrators of different motivations are sentenced differently across jurisdictions). However, cross-tabulations of jurisdiction and motivation (see Table 4) demonstrate that each motivation group is sentenced almost exclusively in a single jurisdiction (NI-related in NI, and Islamist and right-wing in E&W). Therefore, both variables cannot be used in the same analysis. We decided to focus on motivation for two reasons. Firstly, it separates Islamist and right-wing offenders that are otherwise lumped together under the jurisdiction of E&W. Secondly, data from Scotland is retained amongst the three motivation groups (with only 22 offenders, there are potential problems with including Scotland as a group for analysis).

	E&W	NI	Scotland	Total
Islamist	494	1	4	499
NI-related	12	124	9	145
Right-wing	123	1	6	130
Other	32	0	3	35
Total	**661**	**126**	**22**	**809**

Table 4. Jurisdiction by motivation cross-tabulation

Descriptive analysis of offence type by motivation group reveals interesting differences across groups (see Table 5 and Figure 1). Note that other motivations are excluded from the graph for clarity (sample sizes too small for interpretation).

	Terrorism	Terrorism Related	Violent Extremism	Total
Islamist	265	97	137	499
NI-related	29	105	11	145
Right-wing	56	20	54	130
Other	9	9	17	35
Total	**359**	**231**	**219**	**809**

Table 5. Motivation by offence type cross-tabulation

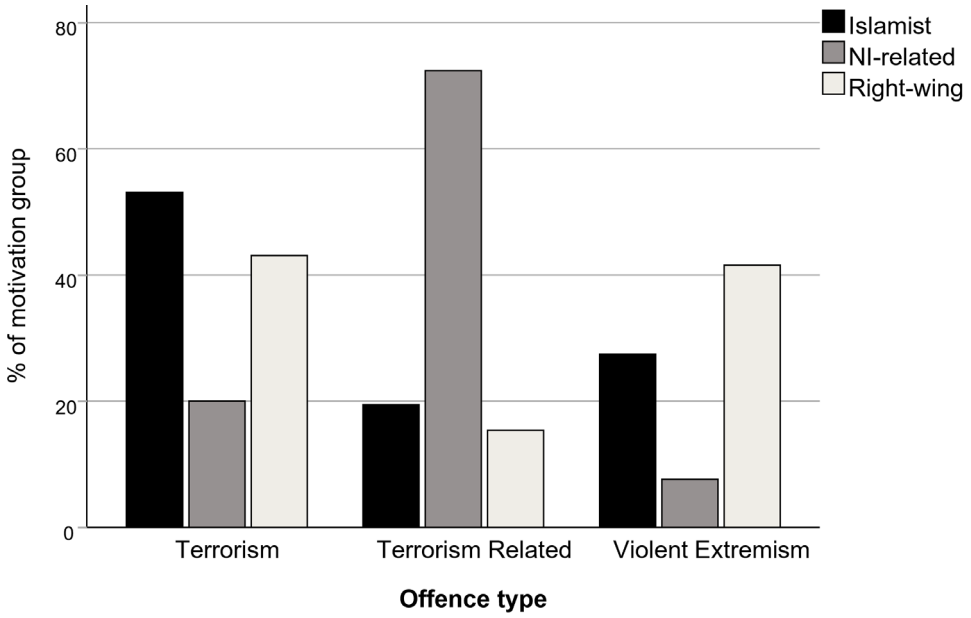

Figure 1. Offence type by motivation of offender

Offence Type	Motivation group			
	Islamist	NI-related	Right-wing	Other
Terrorism	265 **(6.3)**	29 **(-6.5)**	56 (-.3)	9 (-2.3)
Terrorism-Related	97 **(-7.3)**	105 **(12.9)**	20 **(-3.6)**	9 (-.4)
Violent Extremism	137 (.3)	11 **(-5.8)**	54 **(4.1)**	17 (2.9)

*Table 6. Observed frequencies and adjusted standardised residuals for motivation*offence type chi-square analysis*

It is clear from Figure 1 that motivation and offence type are associated (i.e., the percentages of each motivation group falling into each offence type category is not approximately equal). A chi-square test of association was run to determine the strength of this association between motivation group and offence type, as well as identify the extent to which specific groups deviate from a baseline assumption of no association.[44] This is important since offence type and motivation group are both included in the model predicting sentence (implications are discussed further in Section 3.2.4). There was a statistically significant association between motivation and offence type; $\chi 2(6) = 187.375$, $p < .001$. The association was moderately strong (Cohen, 1988), Cramer's V = .340.

Analysis of adjusted standardised residuals allows comparison of expected versus observed frequencies to understand the nature of the association (i.e., which groups fall into categories with greater or lesser frequency than would be expected if there was no association), with a focus on residual values greater than 3 (Agresti, 2007). These values are highlighted in Table 6 (note adjusted standardised residuals appear in parentheses below observed frequencies). If an

44 All expected cell frequencies were greater than 5 (as required), even with the inclusion of the 'Other' motivation group

adjusted standardized residual is positive, there are more observations for this combination of variables than we would expect if motivation and offence type were independent of each other (i.e., if there was no association). If an adjusted standardized residual is negative, there are less observed frequencies for this combination. The larger the value (either positive or negative), the more evidence we have that there is a deviation from independence (that is, cells with larger values are most responsible for the association between motivation and offence type).

There are seven cell values greater than 3, with the cell for NI-related motivation and terrorism-related offences having the highest residual value. These results align with Figure 1, where we see a greater likelihood of NI-related offenders being convicted of terrorism-related offences. Also aligning with Figure 1, the other values indicate that there are a greater number of Islamist offenders and a lower number of NI-related offenders being convicted of terrorism offences (compared to an expected baseline of no association). There are fewer Islamist and right-wing offenders being convicted under terrorism legislation than expected at a baseline of no association. For violent extremism offences, Islamist offenders appear as expected, but there are fewer NI-related offenders, and more right-wing offenders than would be expected at a baseline.

These results support hypotheses 1-3, demonstrating that Islamists are more likely to be convicted of terrorism offences, NI-related offenders are more likely to be convicted of terrorism-related offences, and right-wing offenders are more likely to be convicted of violent extremism offences (compared to a baseline of no association between motivation and offence type).

When Table 6 and Figure 1 are replicated using jurisdiction in place of motivation, the figure appears very similar (see Table 7 and Figure 2).

	Terrorism	Terrorism Related	Violent Extremism	Total
E&W	322	135	204	661
NI	25	90	11	126
Scotland	12	6	4	22
Total	359	231	219	809

Table 7. Jurisdiction by offence type crosstabulation

Differences between the outputs for motivation and jurisdiction will be based largely on differences between Islamists and right-wing offenders in E&W (since these two large motivational groups are lumped together in the jurisdictional comparison). Since lower numbers of right-wing (compared to Islamist) in E&W might wash out differences, Figure 3 shows percentages of both groups by offence type.

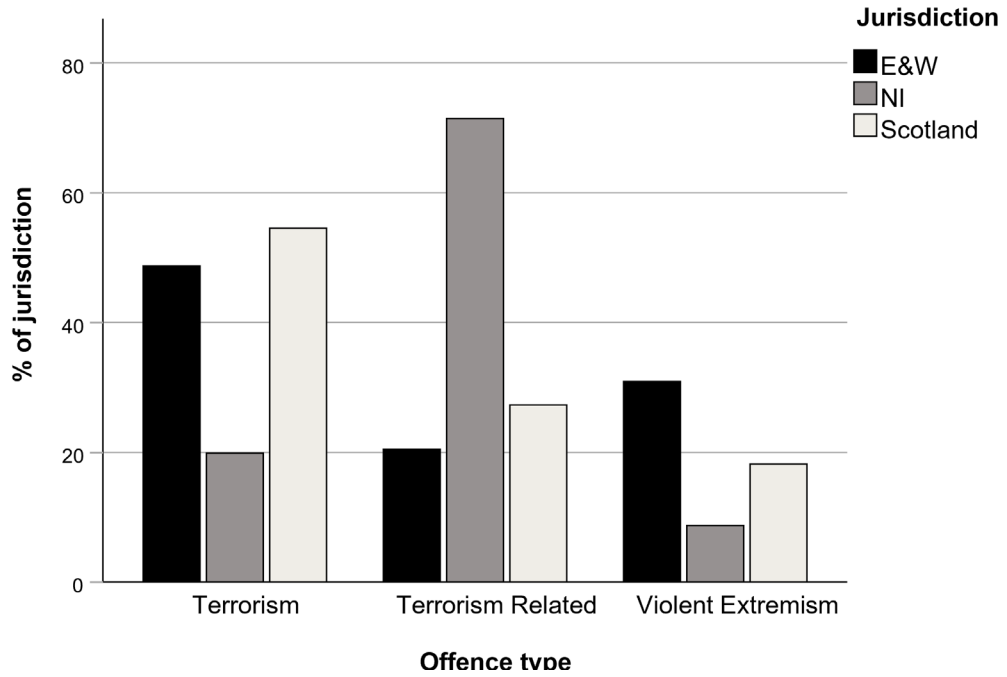

Figure 2. Offence type by jurisdiction

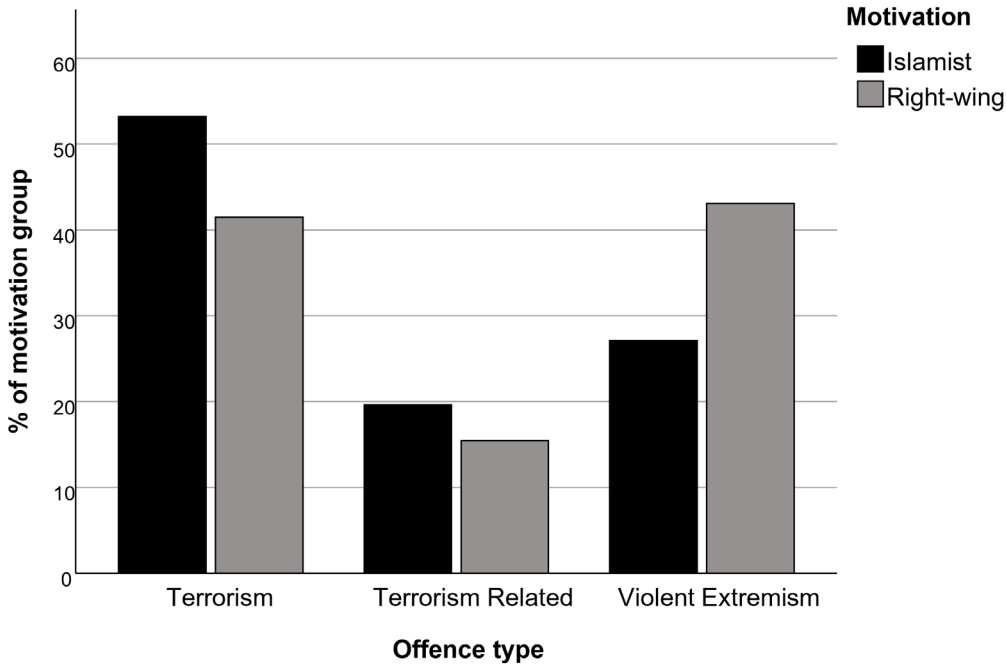

Figure 3. Offence type by motivation of offender (E&W only)

Splitting the 122 NI-related offences sentenced in NI (124 in total, 2 missing values) by loyalist and republican motivation reveals that 33% are loyalist and 67% republican (i.e., twice as many republicans convicted and sentenced). This aligns with expectations from insights informed by the interviews as loyalist paramilitaries are seen to be primarily involved with criminality as opposed to terrorism whereas many of the (dissident) republican groups are considered a terrorism threat. Examining type of offence by affiliation group does reveal a slightly greater percentage of loyalists being convicted of terrorism-related offences and republicans being convicted of terrorism offences, but these differences are not large since the majority of both groups fall in terrorism-related (see Figure 4).

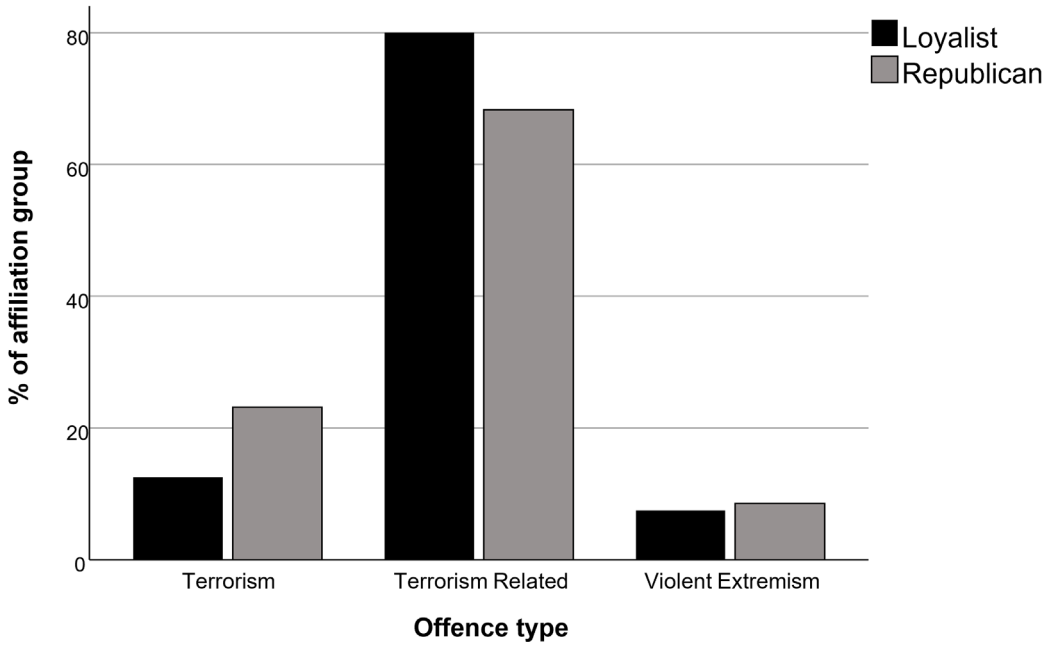

Figure 4. Offence type by affiliation (NI only)

Overall, the descriptive analysis appears to support the qualitative findings from the interviews and extant literature. We found that non-Northern Ireland-related extremist actors are charged, prosecuted and convicted of terrorism offences and although right-wing extremist actors are charged, prosecuted and convicted of violent extremism offences they are also charged, prosecuted and convicted of terrorism offences at a comparable level. Blackbourn (2021) noted that the offence of encouraging terrorism (violent extremism offence) and collecting information likely to be useful to a person committing or preparing an act of terrorism (terrorism offence) have been used in the conviction of far-right offenders. Islamist extremist actors are charged, prosecuted and convicted of terrorism offences. Stuart's (2017a, 2017b) research on Islamist terrorism also found that the majority of offenders (69%) were convicted under terrorism legislation; however, this figure includes offences we have coded as violent extremism. From her list of most common principal offences, we were able to subtract those offences that we have coded as violent extremism (e.g., fundraising and dissemination) and the majority of Islamist extremist actors are charged, prosecuted and convicted of terrorism offences. In terms of NI, NI-related extremist actors are charged, prosecuted and convicted of terrorism-related offences and (dissident) republicans are more likely to be charged, prosecuted and convicted of terrorism and terrorism-related offences than loyalists.

As well as type of offence, we can look at the individual offences employed in each jurisdiction (Tables 7-9).

In E&W, 23% of principal offences (154 of 661 cases) were preparation of terrorism acts contrary to s. 5 of the Terrorism Act 2006, which was employed in only two trials in NI (against five offenders) and once in Scotland in the same period. While seven of the top ten offences employed in E&W are part of the Terrorism Act 2000 and 2006, four of these are considered terrorism offences, and three are considered violent extremism offences (encouragement of terrorism contrary to s. 1 of the Terrorism Act 2006, dissemination of terrorist publications contrary to s. 2 of the Terrorism Act 2006, and terrorist financing contrary to s. 17 of the Terrorism Act 2000). See Tables 7-9 for most frequent offences by jurisdiction.

Section/Act	Frequency	% (of E&W)	Offence Type
S. 5 of Terrorism Act 2006	154	23%	Terrorism
S. 58 of Terrorism Act 2000	94	14%	Terrorism
S. 2 of Terrorism Act 2006	57	9%	Violent Extremism
S. 3 of Explosive Substances Act 1883	26	4%	Terrorism Related
Murder or Attempted Murder [Common Law]	23	2%	Terrorism Related
S. 57 of Terrorism Act 2000	20	3%	Terrorism
S. 17 of Terrorism Act 2000	20	3%	Violent Extremism
S. 19 of Public Order Act 1986	17	3%	Violent Extremism
S. 11 of Terrorism Act 2000	17	3%	Terrorism
Conspiracy to Murder [Common Law and S. 1 of Criminal Law Act 1977]	17	3%	Terrorism Related
S. 1 of Terrorism Act 2006	15	2%	Violent Extremism
S. 15 of Terrorism Act 2000	13	2%	Violent Extremism

Table 8. Legislation employed in E&W for principal offences (most frequent)

In NI, 21% of principal offences (26 of 126 cases) were charged under s. 3 of the Explosive Substances Act 1883, which was also employed 26 times in E&W in the same period (comprising 4% of cases in E&W). In NI, we see far greater use of explosives and firearms offences relative to terrorism offences (note s. 12, inviting support for a proscribed organisation was considered as a violent extremism offence). Terrorism-related offences are among the most frequently employed.

Section/Act	Frequency	% (of NI)	Offence Type
S. 3 of Explosive Substances Act 1883	26	21%	Terrorism Related
Murder, Attempted Murder, Aiding and Abetting Murder, or Manslaughter [Common Law]	18	14%	Terrorism Related
Article 17 of Firearms (NI) Order 1981	9	7%	Terrorism Related
Article 58 of Firearms (NI) Order 2004	8	6%	Terrorism Related
S. 4 of Explosive Substances Act 1883	7	6%	Terrorism Related
S. 57 of Terrorism Act 2000	6	5%	Terrorism
S. 12 of Terrorism Act 2000	6	5%	Violent Extremism
S. 11 of Terrorism Act 2000	6	5%	Terrorism
S. 5 of Terrorism Act 2006	5	4%	Terrorism

Table 9. Legislation employed in NI for principal offences (most frequent)

The type of offences that extremist actors are convicted of in Scotland is very mixed. The table below is complete (shows all 22 cases for Scotland), with each offence used between 1 and 3 times. Moreover, 6 of the 9 most used offences are part of the Terrorism Act 2000 and 2006 with two offences considered as violent extremism offences, namely encouragement of terrorism contrary to s. 1 of Terrorism Act 2006 and terrorist financing contrary to s. 17 of the Terrorism Act 2000.

Section/Act	Frequency	% (of Scotland)	Offence Type
S. 58 of Terrorism Act 2000	3	14%	Terrorism
S. 57 of Terrorism Act 2000	3	14%	Terrorism
Conspiracy to Murder [Common Law]	3	14%	Terrorism Related
S. 1 of Terrorism Act 2006	3	14%	Violent Extremism
S. 13 of Terrorism Act 2000	3	14%	Terrorism
Conspiracy to Assault [Common Law]	2	9%	Terrorism Related
S. 114 of Anti-terrorism, Crime and Security Act 2001	2	9%	Terrorism
S. 5 of Terrorism Act 2006	1	4%	Terrorism
S. 17 of Terrorism Act 2000	1	4%	Violent Extremism
S. 3 of Explosive Substances Act 1883	1	4%	Terrorism Related

Table 10. Legislation employed in Scotland for principal offences

Overall, the descriptive analysis appears to support the qualitative findings from the interviews and extant literature. In terms of E&W, specific offences that were identified as being frequently used, namely, preparation of terrorism acts (s. 5 of the Terrorism Act 2006), dissemination of terrorist publications (s. 2 of the Terrorism Act 2006), and possession of information likely to be useful to a person committing or preparing an act of terrorism (s. 58 of the Terrorism Act 2000) all featured in the top 10 most frequent principal offences in E&W. The offence of encouragement of terrorism (s. 1 of the Terrorism Act 2006) also appeared in E&W and Scotland, but with relatively low frequency. Interviewees that discussed NI suggested that extremist actors were more likely to be prosecuted and convicted of explosive and firearm offences rather than specific terrorism offences such as preparation of terrorism acts. Approximately 44% of those convicted in NI were for explosive and firearm offences. Furthermore, republicans were more likely than loyalists to be prosecuted and convicted for offences covered in our research. Only 5% of convictions in NI were for membership of a proscribed organisation (s. 11 of the Terrorism Act 2000), thereby reflecting the high threshold alluded to in interviews for this offence despite 14 NI-related groups being proscribed since the enactment of the Terrorism Act 2000.[45] While the percentage in E&W for the same offence is only 3%, 15 of the 17 individuals convicted were members of National Action, which was only proscribed in December 2016.

3.1.3 PREDICTING OFFENCE TYPE

As discussed in Section 2.4.1, jurisdiction and motivation cannot be included in a single model. However, two iterations are run to cover both and check for consistency. The final models are comparable (both retaining age and motivation/jurisdiction).

The model shown below is a multilevel multinomial logistic regression model predicting type of offence used (Terrorism, Terrorism-Related, Violent Extremism) from a list of potential predictors (ethnicity binary, motivation, co-accused, age, and gender). Total number of offences included in the initial model was 794 (15 excluded due to missing age). The model includes random intercepts for shared offence (see Appendix 6.1 for more details).

Non-significant predictors were removed in a series of steps to make a more parsimonious model:

1. Remove ethnicity binary (p =.937)
2. Remove gender (p = .865)
3. Remove co-accused (p = .792)

In the model including jurisdiction instead of motivation, the same three non-significant predictors were removed, resulting in two equivalent models (one comprising age and motivation group, the other comprising age and jurisdiction). The final model output (including motivation) is shown in Tables 11 and 12 (model including jurisdiction can be found in Appendix 6.3). For clarity, the output table does not include the small 'other' motivation group (not core to analysis), but this output can be found in Appendix 6.2

	df	F	p
Motivation group	6	16.384	<.001
Age (log)	2	9.035	<.001

Table 11. Multilevel regression predicting offence type - fixed effects

45 Prior to the Terrorism Act 2000, the 14 groups were proscribed under other legislation including the Northern Ireland (Emergency Provisions) Act 1973 and The Northern Ireland (Emergency Provisions) Act 1991 (Amendment) Order 1992.

Offence type (Terrorism as reference)		Estimate	SE	t	p	Exp(B)	95% CI for Exp (lower)	95% CI for Exp (upper)
Violent Extremism	Right-wing motivation	.579	.2907	1.991	.047	1.784	1.008	3.156
	NI-related motivation	-1.026	.5086	-2.017	.044	.359	.132	.973
	Islamist motivation (reference)	-	-	-	-	-	-	-
	Age (log)	1.538	.3784	4.065	<.001	4.655	2.215	9.784
Terrorism Related	Right-wing motivation	.490	.3759	1.303	.193	1.632	.780	3.413
	NI-related motivation	3.152	.3805	8.283	<.001	23.381	11.078	49.347
	Islamist motivation (reference)	-	-	-	-	-	-	-
	Age (log)	.174	.4590	.379	.705	1.190	.483	2.930

Table 12. Multilevel regression predicting offence type - estimates of fixed effects

Age:

- As age increases, offenders are less likely to be convicted of terrorism offences than violent extremism offences, and less likely to be convicted of terrorism-related than violent extremism offences (i.e., an offender is more likely to be convicted of a violent extremism offence compared to other offences as age increases)
- Age does not differentiate between terrorism-related and terrorism offences.

Motivation group:

Compared to other motivations, NI-related is by far the most likely to be convicted of terrorism-related offences (compared to terrorism or violent extremism offences). Compared to Islamist offenders, NI-related offenders are ~24x more likely to be convicted of terrorism-related offences (compared to terrorism), and ~45x as likely to be convicted of terrorism-related offences (compared to violent extremism). The confidence intervals for these estimates are wide (between 18x and 115x for the latter), so we cannot be confident in the exact numbers. However, we can be confident that the effects are very large. This is consistent with both insights from the interviews and from our findings in Section 3.1.2 and is supportive of Hypothesis 3, namely that NI-related extremist actors are more likely to be convicted of terrorism-related offences.

Right-wing offenders are most likely to be convicted of violent extremism offences compared to terrorism offences. Within the model, right-wing offenders are ~1.7x as likely as Islamist, and ~5x as likely as NI-related, to be convicted of violent extremism compared to terrorism offences. This is consistent with insights from interviews and is supportive of Hypothesis 2, namely right-wing extremist actors are more likely to be convicted of violent extremism offences.

Islamists and right-wing offenders differ in their likelihood of being sentenced for terrorism offences compared to violent extremism offences. Islamists

are ~2x as likely to be convicted of terrorism offences (compared to violent extremism) than right-wing offenders. This is consistent with insights from interviews and the extant literature and is supportive of Hypothesis 1, namely Islamist extremist actors are more likely to be convicted of terrorism offences.

Re-run with jurisdiction:

Non-significant predictors were removed in a series of steps to make a more parsimonious model:

1. Remove gender (p= .885)
2. Remove co-accused (p =.703)
3. Remove ethnicity (p= .204)

The final model is comprised of jurisdiction and age (equivalent to motivation and age in the initial run). The results for age are the same in this model (i.e., an offender is more likely to be convicted of a violent extremism offence compared to other offences as age increases).

The results for jurisdiction mirror the initial model as expected given the crosstabulation between motivation and jurisdiction. Compared to other jurisdictions, NI is by far the most likely to utilise terrorism-related legislation (compared to terrorism or violent extremism). This is consistent with insights from interviews and our findings from Section 3.1.2. Compared to E&W, NI is ~18x as likely to employ terrorism-related legislation (compared to terrorism), and ~37x as likely to employ terrorism-related (compared to violent extremism). As with motivation groups, the confidence intervals for these estimates are wide (between 8x and 38x for the latter), so we cannot be confident in the exact numbers. However, we can be confident that the effects are very large. Despite low numbers in the Scottish group, results show a significant difference also between NI and Scotland in employment of terrorism-related legislation. Terrorism-related offences are ~14x as likely in NI than in Scotland, compared to violent extremism offences.

There is also a significant difference between E&W and NI in the employment of violent extremism legislation compared to terrorism legislation. Violent extremism offences are ~3x as likely in E&W than in NI, compared to terrorism offences. Since almost all right-wing sentences occur in E&W, this mirrors the right-wing results from the initial model including motivation.

Jurisdiction vs. Motivation

Given the crosstabulation between jurisdiction and motivation (Table 4), it is not possible to compare or tease apart the impact of each variable. We cannot draw conclusions about which of the variables is responsible for the stated effects and whether or how they interact to predict outcomes.

3.1.4 SUMMARY – OFFENCE TYPE

The following is a summary of qualitative and descriptive findings relating to the research questions:

RQ1. What criminal offences are extremist actors being convicted of?

(RQ1.1) Which legislation, and which acts, are most common?

(RQ1.2) Are there any patterns or differences in the use of terrorism and non-terrorism legislation?

Consistent with expectations from the interviews, NI-related offenders tend to be most frequently prosecuted and convicted under non-terrorism legislation for terrorism-related offences (rather than terrorism or violent extremism offences). Legislation used by jurisdiction aligns with this trend. Consistent with expectations from the interviews and the extant literature, in E&W (where most Islamist offenders are sentenced), prosecutions and convictions are most frequently secured under terrorism legislation. This is also the case in Scotland. In NI, prosecutions and convictions under terrorism legislation are less commonly employed and offences involving explosive substances and firearms constitute 44% of convictions. In E&W, Islamist offenders are most frequently

prosecuted and convicted of terrorism offences, whereas right-wing offenders are most frequently prosecuted and convicted of both terrorism and violent extremism offences.

We found support for Hypotheses 1, 2, and 3. Islamist extremist actors are more likely to be convicted of terrorism offences (Hypothesis 1) and NI-related extremist actors are more likely to be convicted of terrorism-related offences (Hypothesis 3). We hypothesised that right-wing extremist actors would be convicted most frequently with violent extremism offences (Hypothesis 2). Sentencing data showed that right-wing offenders were convicted of terrorism offences at a comparable level to violent extremism offences, they were also the most likely of all groups to be convicted of violent extremism (providing support for Hypothesis 2). We also found that while republicans were more likely to be prosecuted and convicted than loyalists, the differences in terms of types of offences was not large. That is, Hypothesis 4 (that republicans are more likely to be convicted of terrorism and terrorism-related offences than their loyalist counterparts) was supported by small differences, but most offenders in both groups were convicted of terrorism-related offences.

In the quantitative model predicting offence type from potential predictors, age and motivation/jurisdiction group were shown to have the greatest effects on offence type. As age increases, offenders are more likely to be convicted of a violent extremism offence compared to terrorism or terrorism-related. NI-related offenders are far more likely than other motivation groups to be convicted of terrorism-related offences (compared to terrorism or violent extremism offences), thereby supporting Hypothesis 3. This result is mirrored in results for jurisdiction (NI is far more likely to employ terrorism-related offences compared to other types) and is the strongest and clearest effect demonstrated across all analyses in the current report. As discussed, the results for motivation and jurisdiction cannot be teased apart.

Smaller differences are detected between other motivation/jurisdiction groups. Right-wing offenders are more likely than other motivation groups to be convicted of violent extremism compared to terrorism. Islamists are more likely to be convicted of terrorism offences (compared to violent extremism) than right-wing offenders. These results support Hypotheses 1 and 2 and align with descriptive findings discussed above.

Rather than severity in this model, the greatest potential confound is nature of offences committed. It appears that motivation and age impact offence type a person is convicted of, but what is not clear from the statistical model is whether individuals from different motivation groups, and younger/older individuals, actually tend to commit offences that fall more readily within one offence type (or whether there are contextual and political reasons for the results). In this case, qualitative data helps to shed light on the results. As already noted, insights from the interviews with respect to NI suggested that NI-related extremist actors were more likely to be prosecuted and convicted of terrorism-related offences as substantive charges such as possession of explosives or firearms were preferred to the broader offence of preparation of acts of terrorism. Moreover, it was suggested that much of the terrorism in NI involved plots whereas many cases in E&W involved encouragement of terrorism, which is considered a violent extremism offence. Thus, many of the offences considered as violent extremism do not readily apply in the context of NI.

3.2 SENTENCING OUTCOMES

This section addresses the following research questions:

RQ.2 What sentences are being imposed on extremist actors?

(RQ2.1) What are the sources for sentencing decisions?

(RQ2.2) Does the sentence differ in terms of ideological motivation for the offence?

(RQ2.3) Does the sentence differ dependent upon the legal jurisdiction?

(RQ2.4) What, if any, are the impacts of extraneous variables on sentencing?

3.2.1 QUALITATIVE FINDINGS

Insights from interviews and the literature informed us that there are numerous sources for sentencing decisions. In all jurisdictions, judges and magistrates consider a number of factors when deciding the appropriate sentence for an offender. These factors include the seriousness of the offence, the maximum and minimum penalties contained in the legislation, the range of available disposals (e.g., fines, community sentences or imprisonment), the offender's circumstances, the impact upon the victim, the protection of the public and the existence of mitigating (e.g., age, lack of criminal record or guilty plea) and aggravating (e.g., lack of remorse, recidivism and the harm to the victim) factors.[46] Additionally, judges and magistrates can also draw upon case law (e.g., sentences handed down in similar cases in the past) and guideline judgements issued by the Court of Appeal.[47] In E&W, judges are expected to follow any relevant sentencing guidelines developed by the Sentencing Council of England and Wales.[48] Insights from the interviews and content analysis of sentencing remarks suggests that judges do consider these factors when deciding upon the appropriate sentence. However, we note the Independent Reviewer of Terrorism Legislation's observation with respect to the sentencing of dissident republican Patrick 'Mooch' Blair in Northern Ireland that the custodial starting points "were very significantly lower than those that apply in England and Wales" (Hall, 2022, p. 135).

Insights from interviews and the extant literature also informed us that we should expect Islamist extremist actors to receive lengthier sentences than non-Islamist extremist actors and that right-wing and Northern Ireland-related extremist actors to receive shorter sentences than others. Previous research also suggests that the number of counts, having co-defendants and entering a guilty plea also has an impact on sentencing. With respect to both the gender and race variables, in terms of extremist actors, Yon and Milton (2021) found these did not have an impact on sentencing. However, insights from the wider criminological literature suggest that we should expect female offenders to receive shorter sentences than their male counterparts and non-white extremist actors to receive lengthier sentences than white extremist actors. Other research on the gender variable already discussed did find gender had an impact. In light of these findings, we formulated five hypotheses:

- **Hypothesis 1:** Islamist extremist actors receive lengthier sentences than non-Islamist extremist actors
- **Hypothesis 2:** NI-related extremist actors receive shorter sentences than other extremist actors
- **Hypothesis 3:** Extremist actors with co-defendants receive longer sentences than those

46 For more details, see Ashworth (2015) and O'Connell (2011).
47 In NI, these guidelines are disseminated via the Judicial Studies Board webpage: https://www.judiciaryni.uk/sentencing-guidelines-northern-ireland
48 There are now 14 specific offence terrorism guidelines available on the Sentencing Council's website: https://www.sentencingcouncil.org.uk/crown-court?s&collection=terrorism-offences. These include mainly offences under the Terrorism Acts 2000 and 2006 and two offences (ss. 2-3) under the Explosive Substances Act 1883. There are also guidelines with respect to guilty pleas, attempted murder and offences relating to stirring up racial or religious hatred and hatred based on sexual orientation.

without co-defendants

- **Hypothesis 4:** Multiple counts result in longer sentence lengths
- **Hypothesis 5:** Female extremist actors receive shorter sentences than male extremist actors.

3.2.2 DESCRIPTIVE STATISTICS

Analysis of descriptive statistics for sentencing is complicated by the severe right skew in the measure (see Section 2.4.2). Analysis of raw scores, including means, is skewed by outliers. Figure 5 (boxplot of sentence length by jurisdiction) shows that most of the outlying sentences are high values occurring in E&W. Though analysis of log transformed descriptives does not illustrate the true magnitude of differences between groups for comparison, Figures 6 and 7 use log transformed values to illustrate spread of sentencing outcomes by motivation and jurisdiction. Graphs do not account for the nested nature of the data.

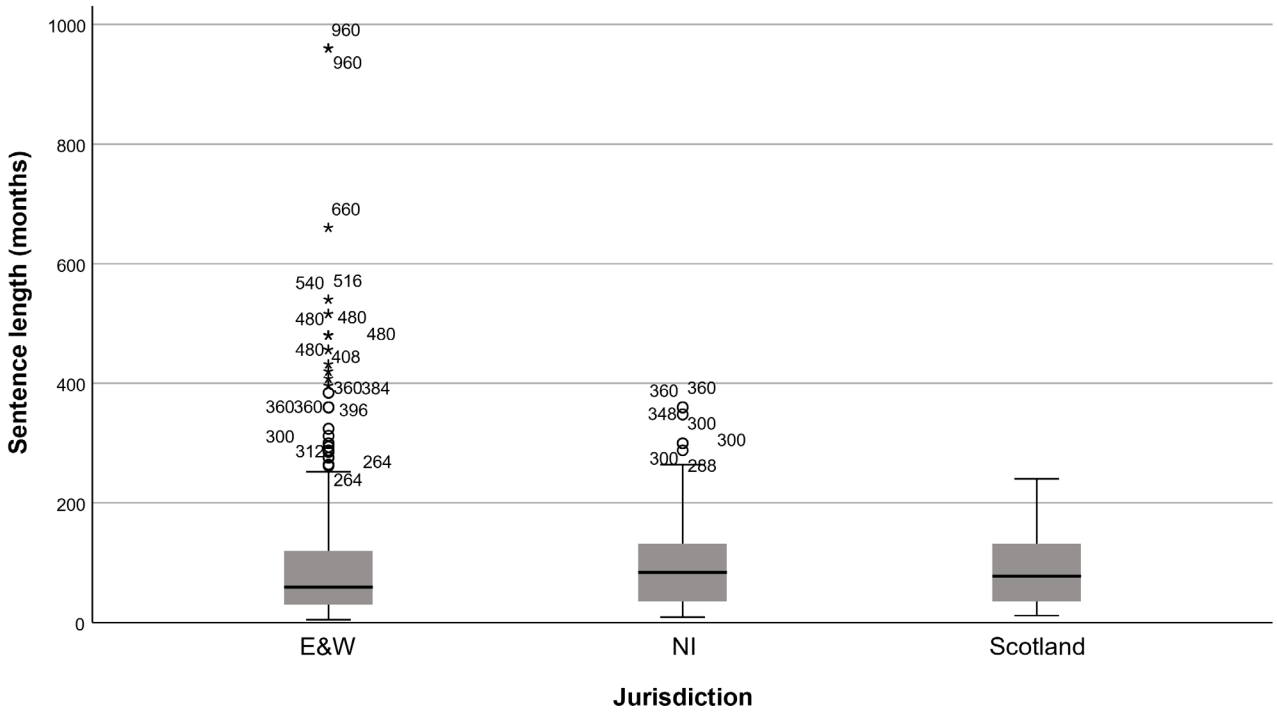

Figure 5. Boxplot of sentence length by jurisdiction (non-transformed values to highlight outliers)

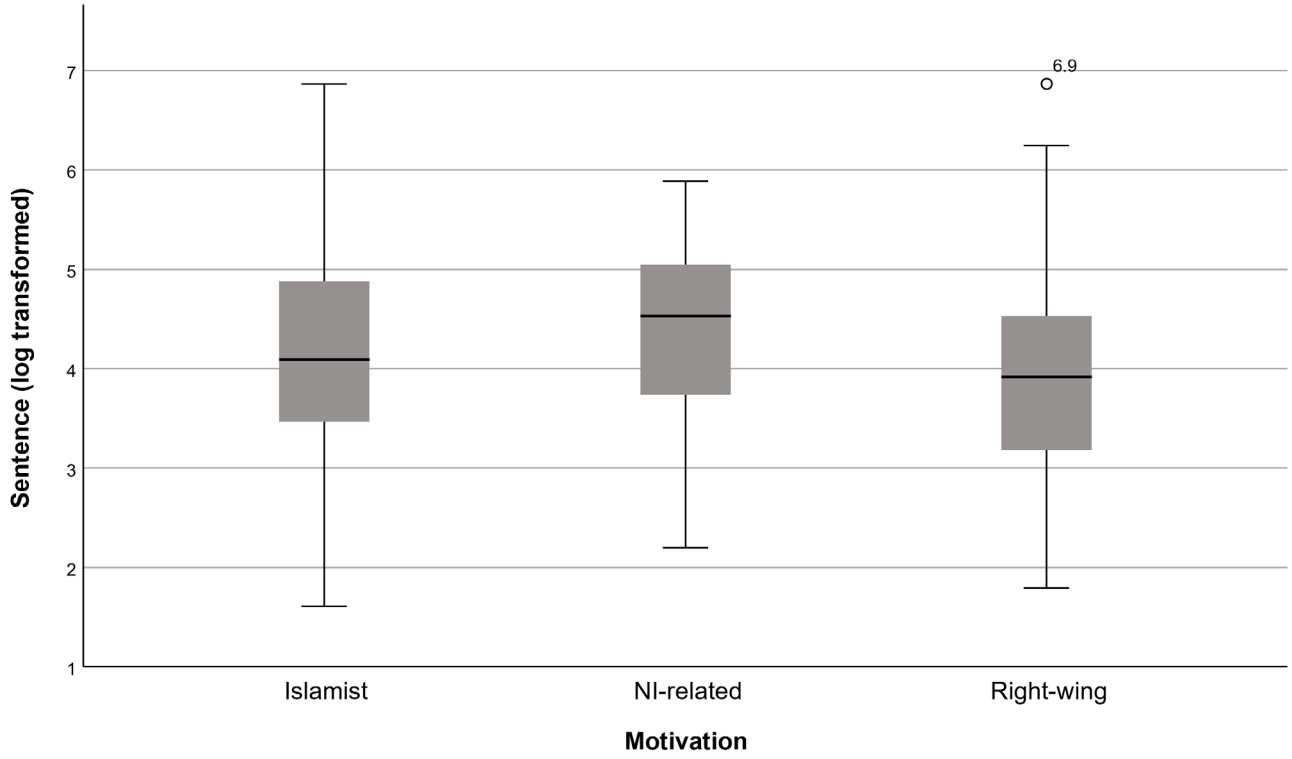

Figure 6. Boxplot of sentence length by motivation group (log transformed)

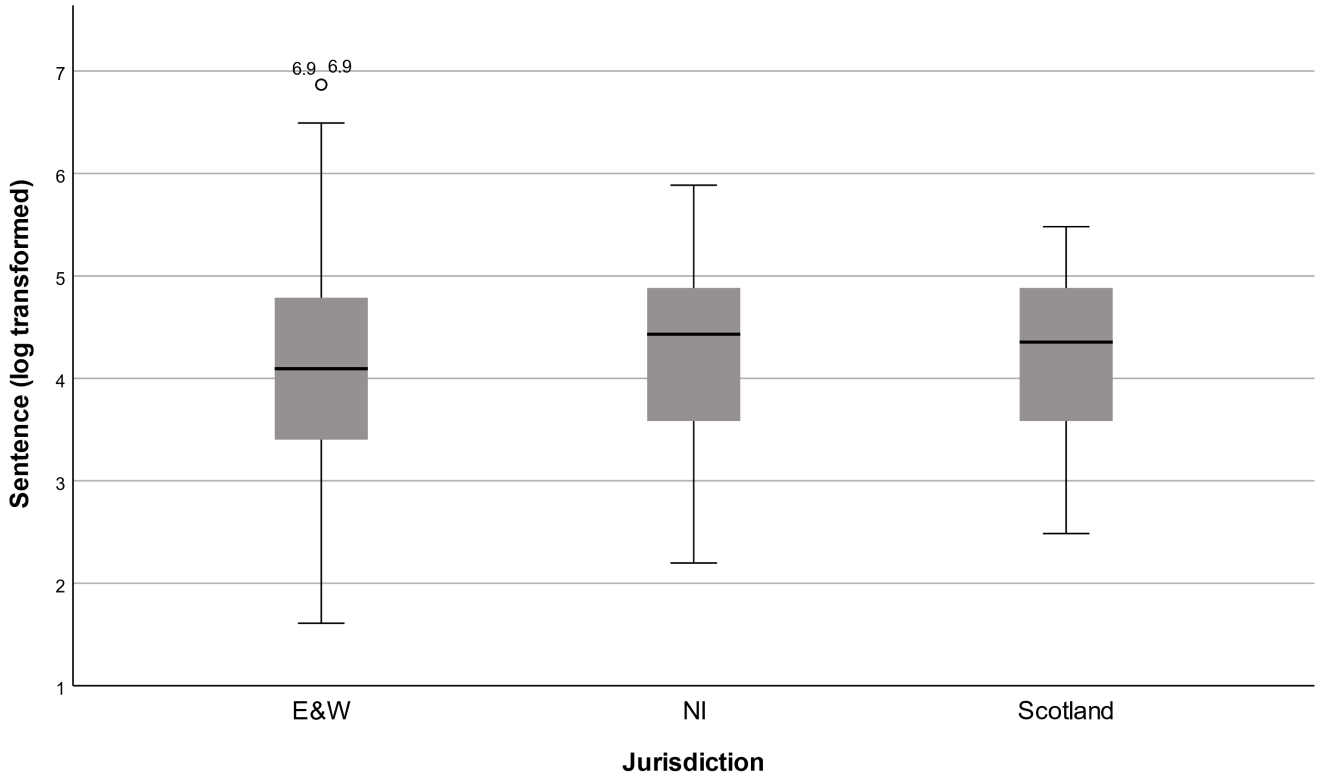

Figure 7. Boxplot of sentence length by jurisdiction (log transformed)

Analysis by motivation group suggests that right-wing offenders may have shorter sentences compared to other groups on average. This will be tested as part of the model predicting sentence length (accounting for nested offences) in Section 3.2.4. It also appears that sentences for Islamist offenders do not differ in median length from other groups but have a distribution that extends to longer sentences at the top quartile (i.e., sentences in the top range may be slightly longer). Findings do not support shorter sentences for NI (compared to E&W), which would seem to contradict previous research, perceptions, and interview data. Figure 5 demonstrates many high outliers in E&W. It is possible that outlying cases in E&W are most prominent and well-known, inflating perceptions of sentence length in E&W across the board.

There are two other things that might account for the discrepancy. Firstly, the earliest record found in the literature of the suggestion that offenders in NI receive shorter sentences is in 2012 (Anderson, 2013).[49] The analysis above compares sentences since 2001. We looked at overall sentencing outcomes by jurisdiction for those arrested since 2012 (468 in total) to determine whether the effect is more recent, though this does not reveal shorter sentences in NI compared to E&W.

Secondly, claims of shorter sentences in NI also appear to relate specifically to preparation of terrorist acts (the perceived harshness of sentencing s. 5 of the Terrorism Act 2006 offences in E&W compared to offenders in NI being sentenced for explosive and firearm offences). Extremist actors in NI could potentially be charged with a s. 5 offence when found in possession of explosives and or firearms/ammunition but they are not. Less than 4% of extremist actors in NI are convicted of a s. 5 offence compared to nearly 23% in E&W (Table 9). To explore further, we used firearms and explosives offences as a proxy for s. 5 and compared sentencing outcomes for s. 5 in E&W (152 sentences) to all offences falling under firearms or explosives legislation in NI (55 sentences). A s. 5 offence has a maximum sentence of life imprisonment, as do the firearms or explosives offences for 52 of the 55 NI instances. For this comparison, mean sentence length in NI for firearms and explosives offences (a proxy for s. 5) appears shorter than s. 5 offences in E&W, consistent with expectations (issues of severe skewness and outliers are not evident in this case so analysis of raw scores and means is appropriate). Figures 8 and 9 illustrate the difference by jurisdiction. Replicating Figures 8 and 9 with individuals arrested only since 2012 reveal very similar trends, though slightly greater differences between groups (sentences for NI s. 5-proxy offences appear shorter). See Appendix 7.2 for replicated figures.

49 The Independent Reviewer of Terrorism Legislation, David Anderson Q.C. noted in his report "[i]t has been suggested to me that terrorist offences in Great Britain are more heavily sentenced than equivalent offences in Northern Ireland" (2013, p. 129).

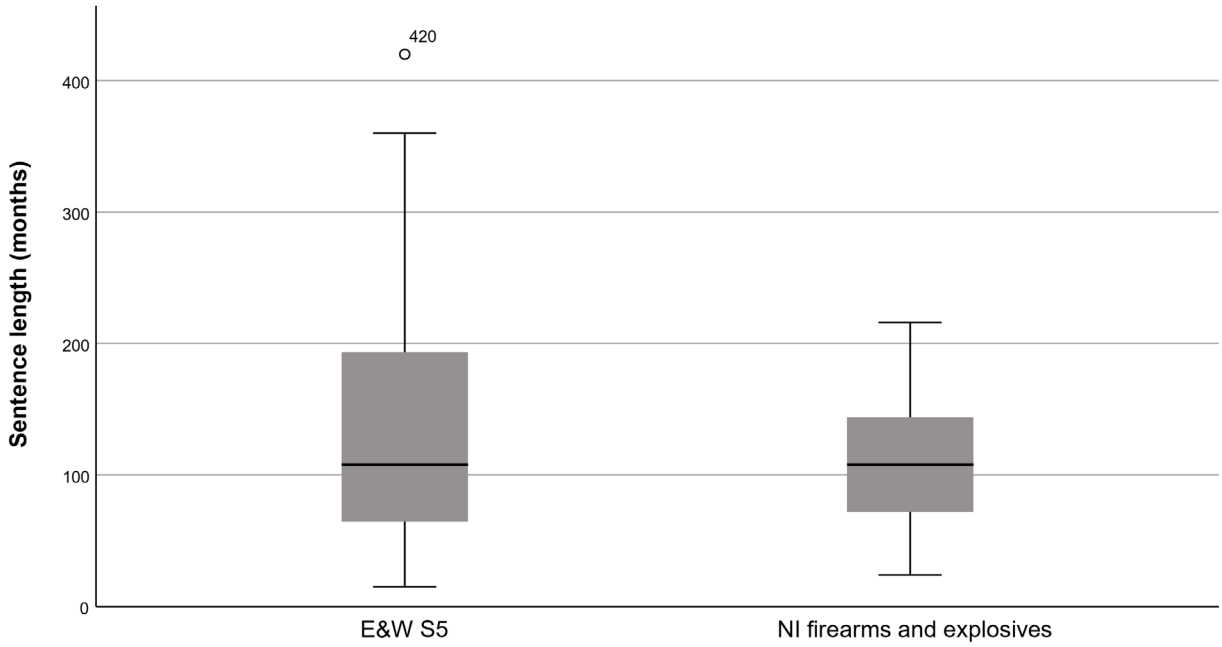

Figure 8. Boxplot of sentence length – s. 5 E&W, compared to firearms/explosives offences in NI

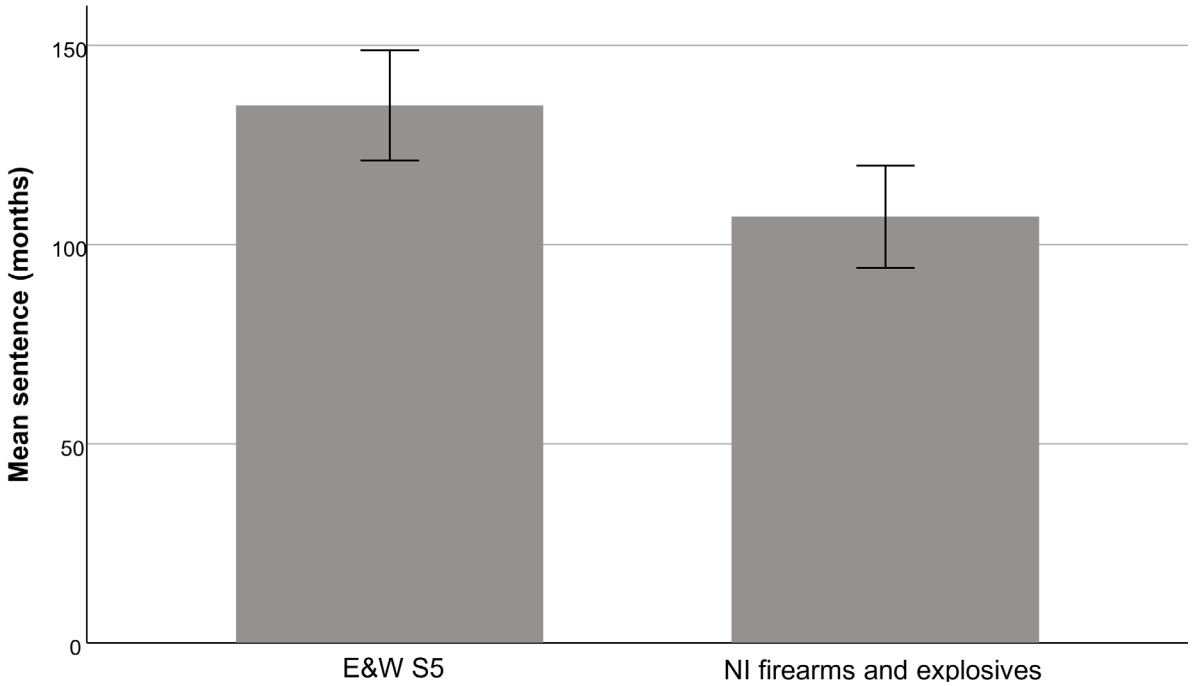

Figure 9. Mean of sentence length – s. 5 E&W, compared to firearms/explosives in NI

3.2.3 JURISDICTIONAL DIFFERENCES FOR S. 5 IN E&W, COMPARED TO FIREARMS/EXPLOSIVES IN NI

The difference illustrated in Figures 8 and 9 is tested using a multilevel regression model (accounting for nested offences) predicting sentence length from group (E&W s. 5 or NI firearms and explosives). Regression assumptions are met using a non-transformed measure of sentence length. Including all relevant sentences in the database (152 from E&W, and 55 from NI), the estimated marginal mean for sentence length for s. 5 E&W is ~26 months higher than comparable offences in NI (estimated means of 131 and 105 months, respectively), though this does not reach statistical significance when accounting for nested offences (p=.062). See Appendix 7.3 for more information on this model.

The analysis is also run selecting offenders sentenced since 2012 only (since the information we have relates specifically to this period). The model accounts for nesting using random intercepts (see Appendix 7.1 for more details). There are 132 sentences from s. 5 E&W and 31 comparable sentences from NI). The final model indicates a significant difference between the two groups in sentencing outcomes (F=5.323; p=.023), with a mean difference in sentence length of ~39 months. However, wide confidence intervals make it difficult to pinpoint a reliable figure. The strength and direction of the effect indicates only that a relatively large difference is evident. Tables 13 and 14 show estimates of the fixed effect and estimated marginal means.

	Estimate	SE	t	p	95% CI (lower)	95% CI (upper)
E&W Section 5	38.775	16.806	2.307	.023	5.504	72.046
NI firearms and explosives	.	.	.	.	.	.

Table 13. Multilevel regression predicting sentence length (months) from s. 5 relevant group - estimates of fixed effects

	Mean	SE	95% CI (lower)	95% CI (upper)
E&W Section 5	135.974	7.966	120.182	151.767
NI firearms and explosives	97.199	14.798	67.913	126.485

Table 14. Multilevel regression predicting sentence length (months) from s. 5 relevant group - estimated marginal means

3.2.4 PREDICTING SENTENCING OUTCOMES

As discussed in Section 2.4.2 sentencing is operationalised using total number of months including licence periods to allow greatest opportunity for comparison across jurisdictions. Note that the standard errors for Scotland (using jurisdiction) and Other (using motivation) are large using a raw measure of sentence, but relatively small using the log transformed values of sentence in the statistical analyses (i.e., able to be retained in the models despite small sample sizes). The models were also re-run excluding these groups to check that final models were not meaningfully changed by their retention.

The model shown below predicts sentencing outcomes by several predictors including motivation. As discussed in Section 2.4.2, jurisdiction and motivation cannot be included in a single model. However, two iterations are run to cover both and check for consistency. The process for the model including jurisdiction can be found in Appendix 8.2. However, the final iterations of the model for both processes are identical (since motivation and jurisdiction are both removed from the model).

The chi-square analysis in section 3.1.2 (Table 6) demonstrated a considerable association between motivation group and offence type. Since both categorical variables are included as predictors in the model, the potential impact of this association is considered in the interpretation of results.

A multilevel linear regression model was run predicting overall sentence length from age, ethnicity, motivation (or jurisdiction), plea, co-accused, total counts, gender, and offence type. Total number of sentences included in the initial model was 782 (27 excluded due to missing data, including unspecified sentence, or mental health-related sentence). The model includes random intercepts for shared offence and random slopes for offence type (see Appendix 8.1 for more details).

Non-significant predictors were removed in a series of steps to make a more parsimonious model:

1. Age removed (p=.342)
2. Ethnicity removed (p=.432)
3. Motivation removed (p=.066)

The model with five remaining predictors is identical from this point to the model including jurisdiction, as motivation and jurisdiction are both removed at this stage. That is, no matter whether motivation group or jurisdiction is included, the final model is identical.

The final model output is shown in Tables 15 and 16.

	df	F	p
Plea (binary)	1	53.802	<.001
Co-accused (binary)	1	9.555	.002
Total counts (cap 6)	1	53.938	<.001
Offence type	2	68.438	<.001
Gender	1	27.594	<.001

Table 15. Multilevel regression predicting sentence length- fixed effects

	Estimate	SE	t	p	95% CI (lower)	95% CI (upper)
Plea (not guilty)	-.417	.0569	-7.335	<.001	-.529188	-.305740
Plea (guilty)	0	0	.	.	.	.
Co-accused (no)	-.235	.0761	-3.091	.002	-.384951	-.085664
Co-accused (yes)	0	0	.	.	.	.
Total counts (cap 6)	.118	.016	7.344	<.001	.086745	.150034
Legislation: Terrorism	.465	.0811	5.734	<.001	.305488	.624141
Legislation: Terrorism-related	1.083	.0923	11.689	<.001	.900694	1.264678
Legislation: Violent extremism	0	0	.	.	.	.
Gender (male)	.505	.096	5.253	<.001	.316070	.693285
Gender (female)	0	0	.	.	.	.

Table 16. Multilevel regression predicting sentence length - estimates of fixed effects

Plea: Those who plead guilty receive sentences ~34% less than those who do not plead guilty (those who do not plead guilty receive sentences 1.5x higher than those who do).

Gender: Sentence length for males is ~66% higher than for females.

Total counts: For each additional count (effect capped at 6 counts), sentence length increases by ~12.5%.

Co-accused: Those with co-accused receive sentences that are ~27% higher than those without co-accused (or those without co-accused receive sentence ~20% shorter).

Offence type: Violent extremism has the lowest sentences (compared to terrorism and terrorism-related). Terrorism-related offences have the greatest sentences.

- Compared to violent extremism, sentences for terrorism-related offences are approximately double (~95% higher)
- Compared to violent extremism, sentences for terrorism offences are ~60% higher (1.6x as high).
- Compared to terrorism offences, sentences for terrorism-related offences are ~85% higher.

Though motivation group was not a significant predictor in the model, the association between motivation and offence type is clear (Table 6). We know that Islamist offenders are more likely than expected (if there was no association) to be convicted of a terrorism offence, and less likely than expected to be convicted of a terrorism-related offence. NI-related offenders are far more likely than expected to be convicted of terrorism-related offences and less likely than expected (at a baseline of no association) to be convicted of either terrorism or violent extremism offences. Right-wing offenders are more likely than expected to be convicted of violent extremism and less likely for terrorism-related offences. Given this association, we must consider that the impact of offence type to some extent reflects indirect impacts on motivational groups, despite motivation not being retained as a separate predictor in the model.

3.2.5 SUMMARY – SENTENCING OUTCOMES

The following is a summary of the qualitative and descriptive findings relating to the research questions:

RQ.2 What sentences are being imposed on extremist actors?

(RQ2.1) What are the sources for sentencing decisions?

(RQ2.2) Does the sentence differ in terms of ideological motivation for the offence?

(RQ2.3) Does the sentence differ dependent upon the legal jurisdiction?

(RQ2.4) What, if any, are the impacts of extraneous variables on sentencing?

Sources for sentencing decisions involve a range of factors including the seriousness of the offence, the maximum and minimum penalties contained in the legislation, the range of disposals, the offender's circumstances, previous criminal convictions, impact upon the victim, the protection of the public and the existence of mitigating and aggravating factors. Moreover, judges and magistrates can also draw upon case law, guideline judgements issued by the Court of Appeal and where applicable relevant sentencing guidelines developed by the Sentencing Council of England and Wales.

Descriptive analysis and a regression model predicting sentencing indicate that sentences do not differ significantly across jurisdictions or motivational groups. This contradicts qualitative findings that indicate sentences in NI are shorter than in E&W (few cases in Scotland). We conclude it is possible that many high outliers for sentence length in E&W may account for perceptions of higher sentences in E&W across the board.

Since previous information and insights from interviews relate specifically to sentences for preparation offences (typically sentenced under s. 5 of the Terrorism Act 2006 in E&W and under firearms and explosive legislation in NI), sentences for these offences were compared. Inspection of differences revealed that sentences for s. 5-related offences do appear to be shorter in NI than in E&W. This was also tested using a multilevel regression, indicating shorter sentences in NI for s. 5-comparable offences; though this did not reach statistical significance when random intercepts were accounted for. The same analysis run with those arrested only since 2012 indicates a significant difference. The estimated means for s. 5 in E&W are relatively stable in both cases, and the estimated mean sentences are also similar (greater difference between jurisdictions when selecting for cases after 2012). Accounting for nesting in each case, the estimated marginal means demonstrate a difference in expected sentence of ~26 months including all sentences, and ~39 months since 2012 (higher sentences in E&W). However, wide confidence intervals (particularly for NI) mean we cannot be confident in a specific number – we can only conclude that the difference is significant and relatively large.

In predicting overall sentence, ethnicity, age, and motivation were not significant predictors (accounting for all other variables in the model). These were all variables that were expected to have an impact based on insights from the interviews, the extant literature on the prosecution of extremist actors, and the wider criminological literature. However, this result does align with Yon and Milton's (2021) research on extremism in the US, which found that factors such as age and race had less of a consistent impact on the severity of the legal outcome than leadership activity and the commission of an act of violence. In terms of age, they did find that the likelihood of an initial investigation being undertaken increased with age – we note that this could be possible in the UK, but our database does not include data on initial investigations (only outcomes for those eventually sentenced), and at this point, age within our model does not seem to have an impact.

We recognise limitations of the operationalisation ethnicity in particular since we are working with a binary. Having co-defendants predicted increases in sentence length, which aligns with previous research. The gender variable was found to have an impact in our model on predicting sentencing outcomes and aligns with not only the findings of unequal sentencing rates between male and female terrorists in the US but also with findings in the wider criminological literature. Research concerned with gender and sentencing has found that found female offenders if convicted received lenient custodial sentences compared to their male counterparts. A potential confound could be that women commit lesser offences, however, analysis of the list of offences committed by women in our database[50] combined with qualitative evidence including sentencing remarks reported in the media[51] suggest this is likely a genuine gender effect.

An individual expected to receive the greatest sentence based on the model (and acknowledging that this does not account for severity of offence) is a male with co-accused offenders, who does not plead guilty, is accused of multiple counts, and is charged with a terrorism-related offence.

In terms of the five hypotheses, we did not find Islamist extremist actors receive lengthier sentences than non-Islamist extremist actors (Hypothesis 1). Contrary to the qualitative findings, we did not find that NI-related extremist actors receive shorter sentences than other extremist actors (Hypothesis 2) We did find that extremist actors with co-defendants receive longer

50 28% of women in our database were convicted of offences with maximum sentences of life imprisonment.
51 For example Jamila Henry was given a suspended 12 month custodial sentence for trying to travel to Syria on her sister's passport. The judge in his sentencing remarks said "I have decided in your case I can take an exceptional course, which will immediately allow you to re-establish contact with your child and put your life in order" (quoted in Gardham, 2015). Henry had previously made two abortive attempts to travel to Syria in 2014, but was twice stopped at Heathrow and Luton airports. She eventually succeeded in travelling to Syria via Dover and Belgium but returned to the UK with her son. In March 2015, she was deported from Turkey and arrested by counter-terror police at Luton airport.

sentences than those without co-defendants (support for Hypothesis 3). We did find multiple counts resulted in longer sentence lengths (Hypothesis 4) and that female extremist actors receive shorter sentences than their male counterparts (Hypothesis 5).

Though we did not find evidence of difference by motivation group, the association between motivation and offence type should be acknowledged. The model demonstrated that those convicted of violent extremism offences have the shortest sentences, and terrorism-related offences have the longest sentences. Descriptive analysis (Table 6) demonstrated that Islamists are more likely to be convicted of terrorism offences, NI-related offenders are more likely to be convicted of terrorism-related offences, and right-wing offenders are more likely to be convicted of violent extremism offences (compared to a baseline of no association between motivation and offence type). Though motivation group was not retained in the model, there may be an indirect effect on sentencing due to likelihood of being convicted under different offence types. Right-wing offenders are most likely to be convicted of violent extremism which has the lowest sentences (aligns with hypothesis that right-wing offenders receive shortest sentences). However, contrary to qualitative data, NI-related offenders would be associated with longest sentences (since terrorism-related offences receive the longest sentences).

3.3 DIFFERENCES PRE- VERSUS POST- 2018 GUIDELINES

This section addresses the following research question:

(RQ3.1) Have there been any changes since the introduction of sentencing guidelines in England and Wales in 2018?

3.3.1 QUALITATIVE FINDINGS

Insights from the interviews suggested that the introduction of sentencing guidelines for terrorism offences and terrorism-related offences would result in lengthier sentences. Research from the US found in the post-guidelines period, on average non-terrorists received significantly longer sentences while the average sentence length for terrorists significantly decreased. Research from the wider criminological literature suggests that the introduction of sentencing guidelines has contributed to greater severity in sentencing. In light of these findings, we formulated the following hypothesis:

> **Hypothesis 1:** Sentences increased in the post-guidelines period for those offences covered by the guidelines

3.3.2 DESCRIPTIVE STATISTICS

Since the 2018 guidelines are relevant only to E&W, this section uses data from E&W only.

Analysis of descriptive statistics for sentencing is complicated by the extreme right skew in the measure (see Section 2.4.2), as was the case in Section 3.2. Analysis of raw scores, including means, is skewed by outliers. Though analysis of log transformed descriptives does not illustrate the true magnitude of differences between groups for comparison, or the nested nature of the data, boxplots of log transformed values of sentence do illustrate differences pre- and post-guidelines. Acknowledging limitations, boxplots are used below in addition to median values of sentence (non-transformed), retaining the measure in months and accounting for outliers.

	Non-guideline offences (not directly impacted)	Guideline offences (impacted directly by guidelines)	Total
Pre- guidelines	185	316	501
Post- guidelines	39	121	160
Total	224	437	661

Table 17. Guideline-relevant offences pre- and post- guideline implementation

Table 17 shows the proportion of sentences in E&W that fall under guideline-relevant sections, pre- and post- 2018. The guideline-affected binary does not make intuitive sense pre-guidelines (as there was no impact at this point), but it allows interesting comparisons. We would expect the implementation of guidelines to affect only included offences (see Table 18 for guideline-affected offences). Non-affected offences are expected to be relatively stable, with no significant changes in sentencing outcomes across time periods.

Figures 10 and 11 demonstrate the spread of (log transformed) sentencing outcomes pre- and post-guideline implementation for those offences that fall under the guidelines and those that do not. Though the magnitude of the effect is not clear, it appears that sentences reduce post-guidelines for those offences that were not affected by the guidelines (Figure 10; we would expect no effect here). For guideline-relevant sections, median and maximum sentences remain relatively stable, though the tail of shorter sentences shifts upwards (Figure 11).

Assessing (non-transformed) median sentences for affected and non-affected offences pre- and post-guidelines, the reduction in sentences not affected by guidelines is demonstrated (see Figure 12).

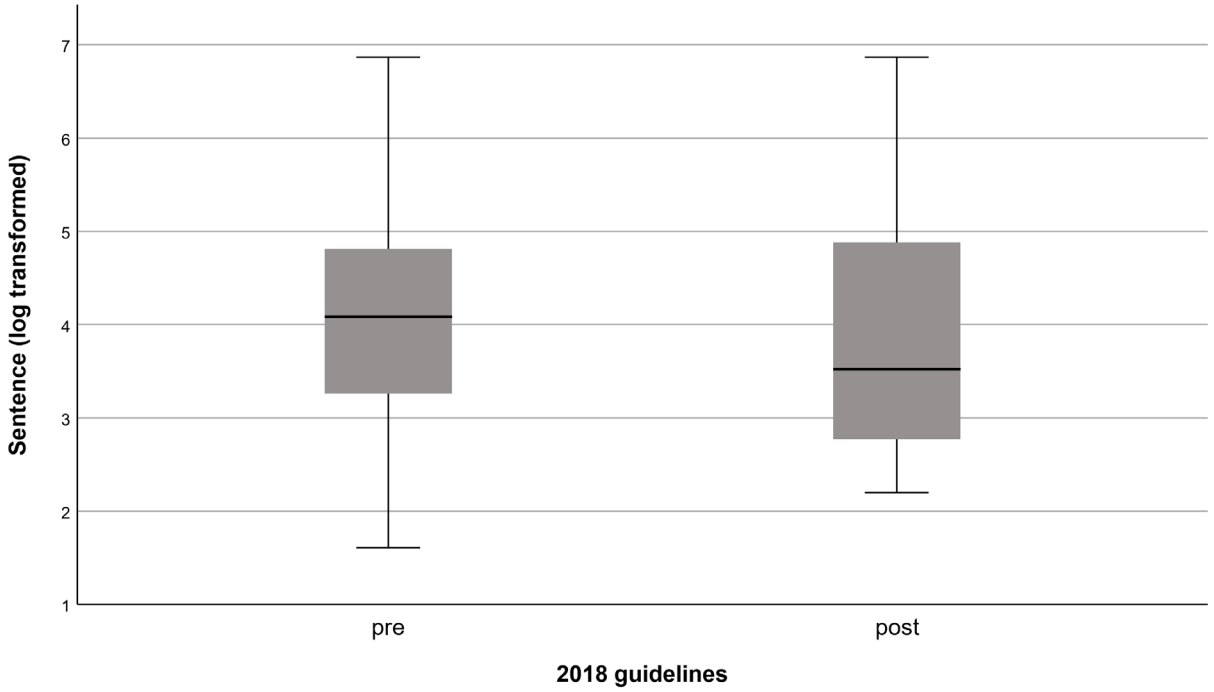

Figure 10. Sentence length pre- and post-guideline implementation (non-guideline offences)

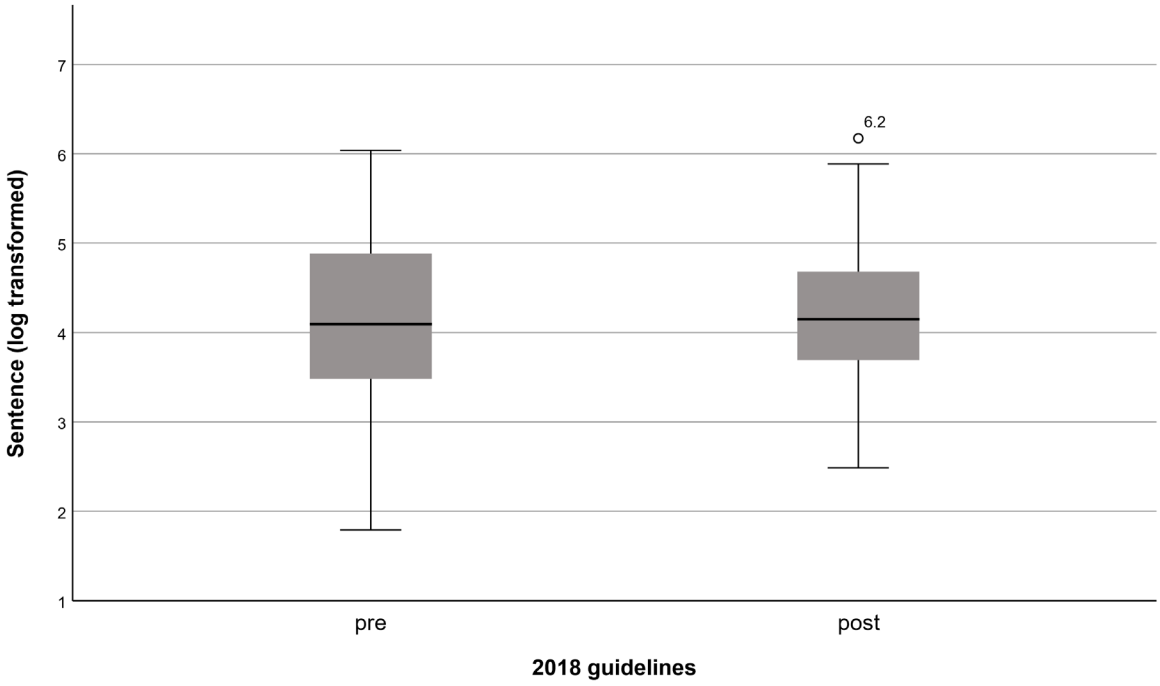

Figure 11. Sentence length pre- and post-guideline implementation (guideline-affected offences)

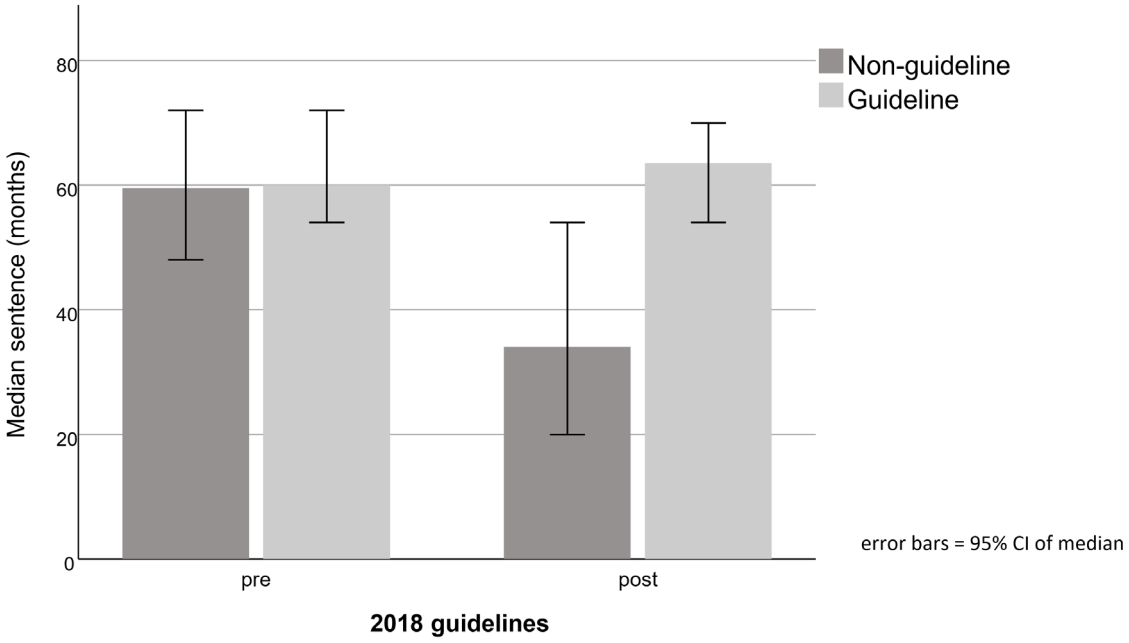

Figure 12. Median sentence pre- and post-guideline implementation, affected and non-affected offences

Table 18 shows frequency of each Section/Act used pre- and post-guidelines in E&W. Since the database covers approximately 21 years (2001 to 2022), and guidelines were implemented in April 2018, it would be expected that approximately 20% of all uses fall in the few years since guidelines were implemented. However, of those sections affected by guidelines, some are used with far greater frequency than would be expected after they are subject to guidelines. Table 18 includes those offences with sufficient numbers to show trends. Offences that increase in frequency post-guidelines tend to be guideline-affected, whereas most

that show a decrease (or are no longer in use) are non-guideline. Within our data, s. 11 of the Terrorism Act 2000 was used 4 times in ~18 years to 2018, and 13 times in the few years since implementation (76% of s. 11 sentences in E&W have occurred since April 2018). S. 58 and s. 2 show similar trends, with over 40% taking place since guidelines.

These findings could be explained by a preference for this legislation once guidelines were implemented. It is also possible that the nature of offences has changed in the last few years, aligning with offences that happen to be impacted by guidelines. However, it appears that this data is skewed by the conviction of groups. For example, 13 of 15 right-wing offenders arrested in 2017 (comprising 4 shared trial groups in the database) were sentenced post-guidelines, and all members were convicted of membership of a proscribed organisation (National Action) contrary to s. 11 of the Terrorism Act 2000 (accounting for the jump in s. 11 offences). Had more of these groups been sentenced more swiftly, the bulk of s. 11 sentences might fall pre-guidelines. Similarly, the offence of conspiracy to murder (contrary to Common Law and s. 1 of the Criminal Law Act 1977), whilst featuring 17 times prior to the introduction of the guidelines, did not feature in the post-guideline period. However, 12 of the 17 individuals were involved in two specific plots. Likewise, the eight individuals convicted of conspiracy to commit fraud (contrary to Common Law and s. 12 of the Criminal Law Act 1977) were all involved with one specific plot. In other instances of individual offences inflating results, we can analyse cases alongside individual sentences. However, it is more difficult to account for in this case since not all individuals sharing trials also share offences (offence differs within groups).

	Section/Act	Number pre-guidelines	Number post-guidelines	% post-guidelines	Guideline affected legislation?
Use increased post-guidelines	S. 11 of Terrorism Act 2000	4	13	76%	Y
	S. 2 of Terrorism Act 2006	32	25	44%	Y
	S. 58 of Terrorism Act 2000	55	39	41%	Y
Use decreased post-guidelines	S. 57 of Terrorism Act 2000	19	1	5%	Y
	Common Law and S. 1 of Criminal Law Act 1977	17	0	0%	N
	S. 4 of Criminal Law Act 1967	12	0	0%	N
	S. 12 of Terrorism Act 2000	10	0	0%	Y
	S. 18 of Offences against the Person Act 1861	9	0	0%	N
	S. 59 of Terrorism Act 2000	9	0	0%	N
	Common Law and S. 12 of Criminal Law Act 1977	8	0	0%	N
	S. 1 of Criminal Damage Act 1971	7	0	0%	N

Table 18. Section/act frequency pre- and post-guidelines in E&W

Table 19 shows the frequency of guideline-relevant offences by motivation group pre- and post-implementation of guidelines in E&W (not enough data for NI-related and other motivations to include). Offences affected by guidelines are implemented with relative stability pre- and post-guidelines for Islamist offenders, but it seems the offences covered by guidelines are favoured for right-wing offenders (increasing from 21% pre-guidelines to 70% of right-wing instances after implementation). Figure 13 illustrates the post-guideline changes in offences for right-wing offenders. Again, it is possible that the nature of right-wing offences has changed in the last few years and offences now happen to fall under guideline-related offences that were less relevant in previous years, though we do not have evidence of this change. Group effects must also be considered, since we know that at least one large group of right-wing offenders post-guidelines was sentenced for terrorism offences.

Table 19 also highlights a large increase in the number of right-wing offenders sentenced in recent years, with 67 of the total 123 (55%) occurring in the last few years since the guidelines were implemented (compared to an expected 20% if sentencing remained stable).

	Guidelines	Frequency of guideline-affected	Total (including non-guideline)	%
Islamist	Pre	292	411	71%
	Post	73	83	88%
Right-wing	Pre	13	57	23%
	Post	46	66	70%

Table 19. Guideline-affected offences implemented pre- and post-guidelines, by motivation, E&W

Analysis of specific offences used for right-wing offenders in E&W pre- and post-guidelines demonstrates a shift from the use of public order legislation to use of the terrorism legislation. Table 20 shows the most common sections used pre- and post-guidelines, illustrating this trend, and aligning with a general shift towards guideline-affected offences. The proscription of National Action in the post-guideline period accounts for all of s. 11 of the Terrorism Act 2000 in Table 20. Consistent with these results, Jupp (2022) also found that the most common offence right-wing offenders were convicted of was collection of information useful for terrorism (s. 58 of Terrorism Act 2000).

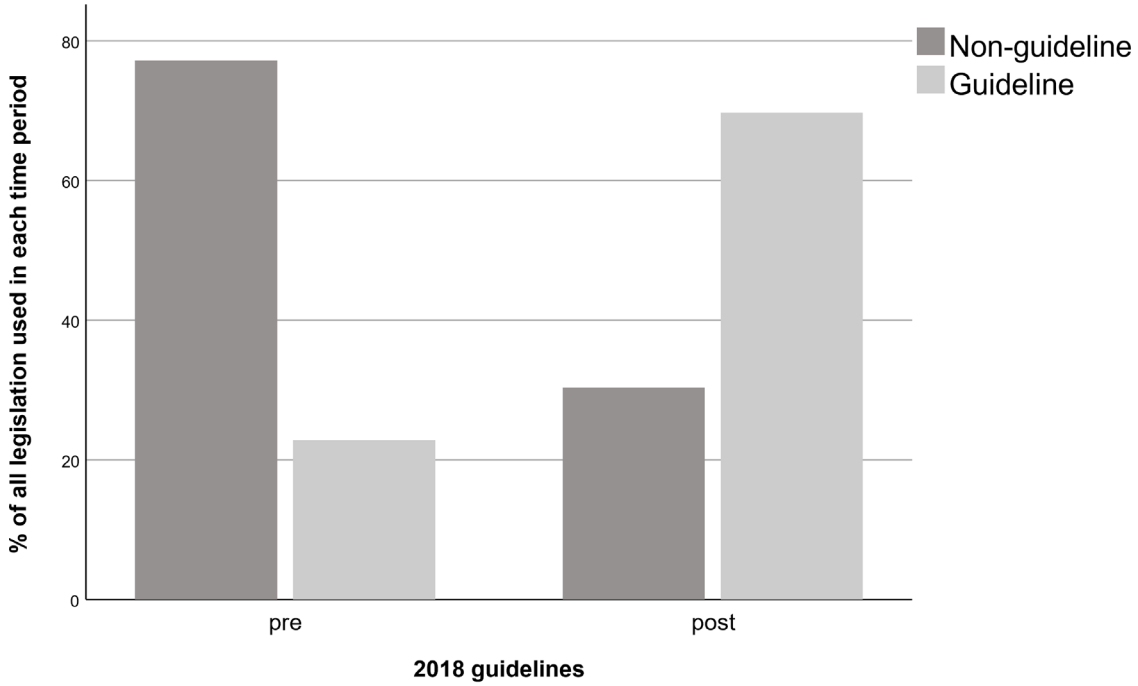

Figure 13. Percentage of guideline-affected and non-affected offences used pre- and post-guidelines for right-wing offenders

	Frequency	Percent
Pre-guidelines		
S. 19 of Public Order Act 1986	11	19%
S. 4 of Explosive Substances Act 1883	6	10%
S. 19 Public Order Act 1986 and S. 1 of Criminal Law Act 1977	5	9%
S. 5 of Terrorism Act 2006	5	9%
Post-guidelines		
S. 58 of Terrorism Act 2000	20	30%
S. 11 of Terrorism Act 2000	13	20%
S. 5 of Terrorism Act 2006	5	8%

Table 20. Common offences for right-wing offenders in E&W, pre- and post-guidelines

3.3.3 ANALYSIS OF GUIDELINES IMPACT

Based on the literature and interviews, it was hypothesised that analysis of sentences pre- and post-guidelines in E&W would demonstrate an increase in guideline-affected sentences after implementation. Since a t-test will not account for the nesting of shared offences in the database, a multilevel regression model is run instead with time (pre or post) predicting sentence. There are 437 sentences included (316 pre and 121 post). The model uses random intercepts to account for shared offence clusters (see Appendix 9.1 for more details), resulting in a parameter estimate of .126 (indicating that post-guidelines sentences are ~13% higher than pre-guidelines). However, this effect remains non-significant (p=.227).

This finding both aligns with descriptive statistics comparing sentencing outcomes across jurisdictions and contradicts hypotheses. However, Table 20 illustrates that use of offence may have changed meaningfully after guideline implementation, making a holistic comparison difficult. It is interesting to look at differences in sentencing outcomes for specific offences to ensure comparability. Three legislative sections with adequate sample size, namely sections 5, 58, and 2 of the Terrorism Acts were selected for analysis.

Section 5 of Terrorism Act 2006

Figure 14 shows boxplots of (log transformed) sentencing outcomes pre- and post-guidelines for s. 5 (descriptive only – does not account for nesting of shared offence). An increase in sentences post-guidelines is evident.

A multilevel regression is run predicting sentence from time (pre versus post) to test significance of the effect. There are 154 sentences included (130 pre and 24 post). The model uses random intercepts to account for shared offence clusters (see Appendix 9.2 for more details). The impact of guidelines on sentences is significant (p=.014). The estimate of .407 for log transformed sentence indicates that sentences for s. 5 offences are 1.5 times higher (or 50% higher) after guidelines are implemented.

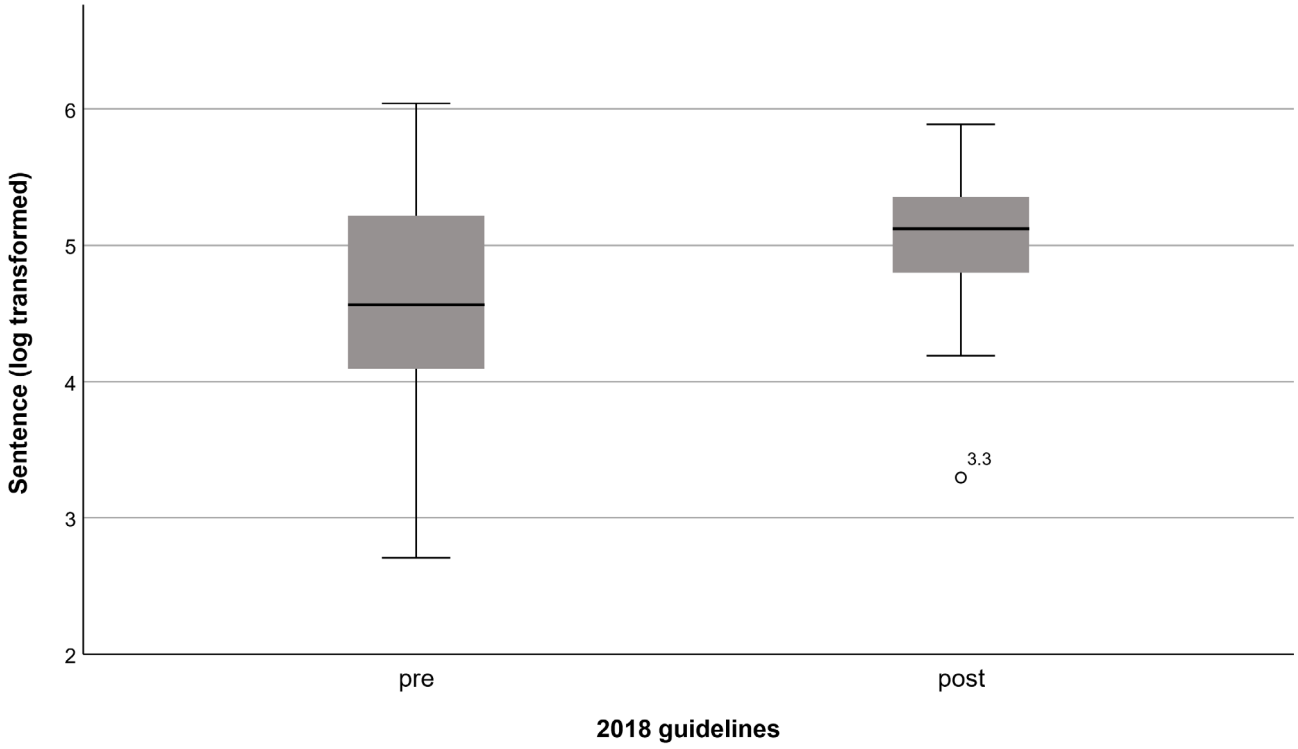

Figure 14. Sentencing outcomes pre- and post-guideline implementation – s. 5 E&W

	Estimate	SE	t	p	95% CI (lower)	95% CI (upper)
Pre- guidelines	-.407	.163	-2.499	.014	-.729	-.085
Post- guidelines	.	.	.	.	.	

Table 21. Multilevel regression predicting sentence - estimates of fixed effects (s. 5)

Section 58 of Terrorism Act 2000

Figure 15 shows boxplots of (log transformed) sentencing outcomes pre- and post-guidelines for s. 58 (descriptive only – does not account for nesting of shared offence). An increase in sentences post-guidelines is evident.

A multilevel regression is run predicting sentence from time (pre versus post) to test significance of the effect. There are 94 sentences included (55 pre and 39 post). The model uses random intercepts to account for shared offence clusters (see Appendix 9.3 for more details). The impact of guidelines on sentences is significant (p=<.001). The estimate of .617 for log transformed sentence indicates that sentences for s. 58 offences are 85% higher (or nearly twice as high) after guidelines are implemented.

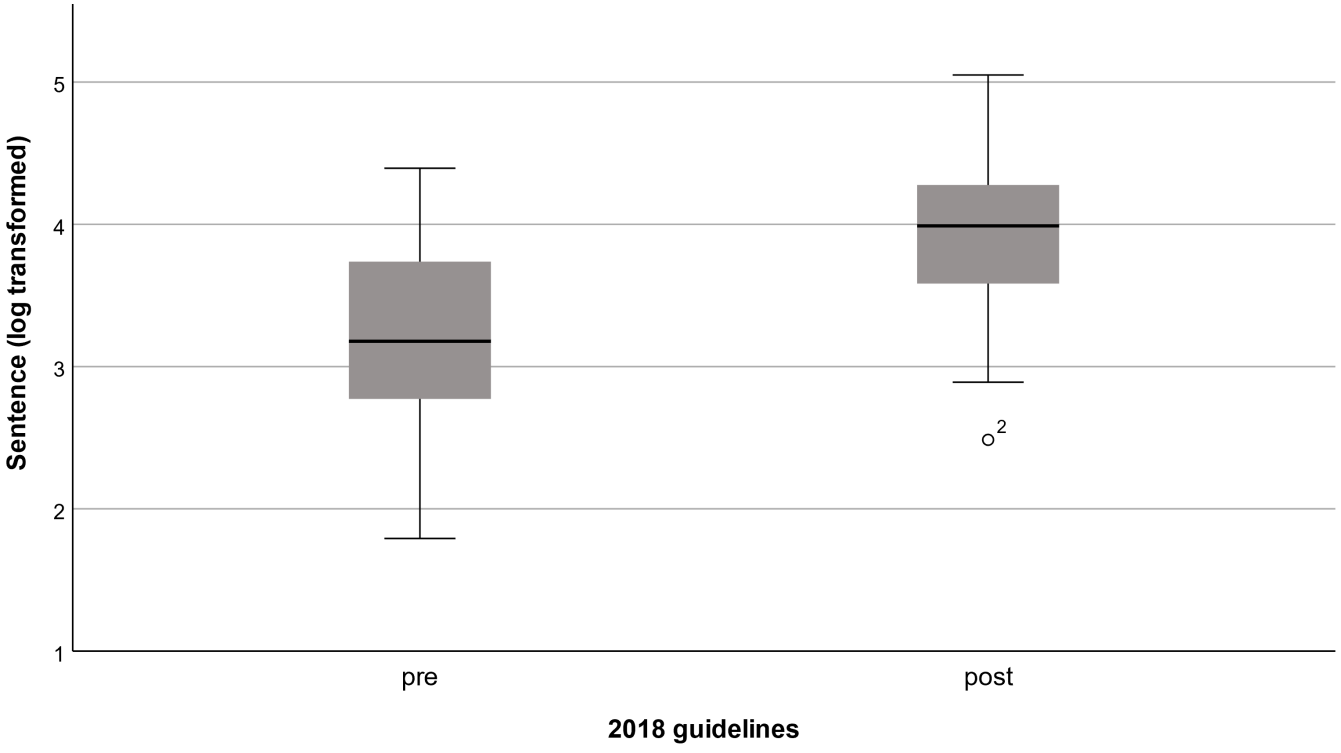

Figure 15. Sentencing outcomes pre- and post-guideline implementation – s. 58 E&W

	Estimate	SE	t	p	95% CI (lower)	95% CI (upper)
Pre- guidelines	-.617	.134	-4.603	<.001	-.883	-.350
Post- guidelines	.	.	.	.	.	

Table 22. Multilevel regression predicting sentence - estimates of fixed effects (s. 58)

Section 2 of Terrorism Act 2006

Figure 16 shows boxplots of (log transformed) sentencing outcomes pre- and post-guidelines for s. 2 (descriptive only – does not account for nesting of shared offence). An increase in sentences post-guidelines is evident. A multilevel regression is run predicting sentence from time (pre versus post) to test significance of the effect.

There are 57 sentences included (32 pre and 25 post). Accounting for clusters of shared offence does not significantly improve the fit of the model. Therefore, the model with no random effect is interpreted (see Appendix 9.4 for more details).

The impact of guidelines on sentences is significant (p=.008). The estimate of .471 for log transformed sentence indicates that sentences for s. 2 offences are ~1.6 times as high (or 60% higher) after guidelines are implemented.

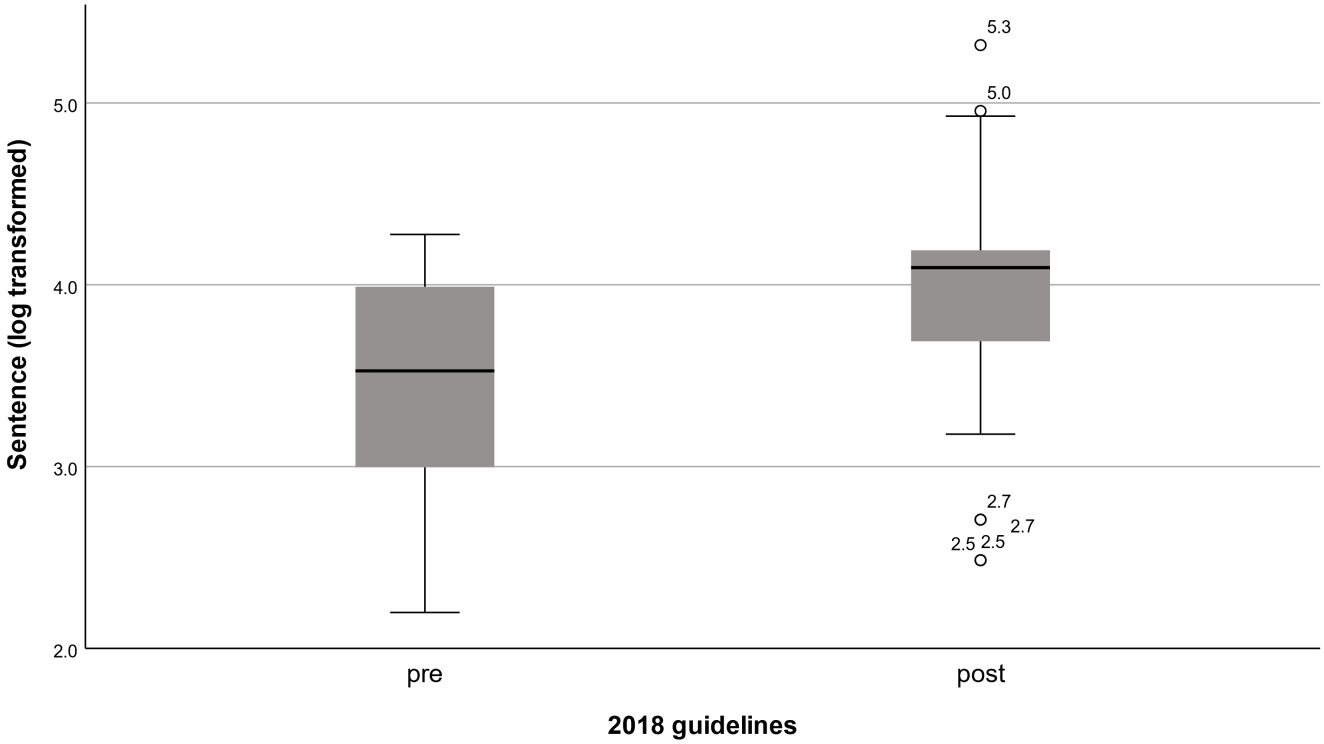

Figure 16. Sentencing outcomes pre- and post-guideline implementation – s. 2 E&W

	Estimate	SE	t	p	95% CI (lower)	95% CI (upper)
Pre- guidelines	-.471	.170	-2.765	.008	-.812	-.130
Post- guidelines	.	.	.	.	.	

Table 23. Multilevel regression predicting sentence - estimates of fixed effects (s. 2)

3.3.4 SUMMARY – IMPACT OF GUIDELINES

Insights from the interviews and wider criminological literature suggested that the introduction of sentencing guidelines for terrorism offences and terrorism-related offences would result in lengthier sentences. Based on these findings, an increase in sentence length was expected post-guidelines. Offences were split into two groups (affected by guidelines, or not relevant to guidelines) to test whether sentences increased for guideline-affected cases after the implementation of guidelines. No change was expected for non-relevant offences. Findings contradicted expectations (Hypothesis 1 not supported). Using all individuals, sentences appear relatively stable for guideline-affected offences (no significant increase due to guidelines), but a reduction in non-relevant sentences is evident post-guidelines (where no effect was expected). There is also a trend towards increased use of offences included affected by the guidelines after their implementation in 2018 (perhaps reflecting a preference to use legislation that falls under the guidelines), though this is inflated to some extent by groups of offenders in the database.

Inconsistent use of offences pre- and post-guidelines complicates a comparison of sentencing outcomes. Specific offences with adequate sample sizes are analysed pre and post (differences in sentence over time for comparable offences). In this case, ss. 2 and 5 of the Terrorism Act 2006 and s. 58 of the Terrorism Act 2000 all demonstrate significant increases in sentence length after guidelines (between 1.5x and 1.9x higher), consistent with expectations. When offences are examined by section, Hypothesis 1 is supported.

As in other analyses, severity is a potential confound since it is possible that, within each of the specific offences tested, severity of offences happened to increase after guidelines were implemented, accounting for increased sentences (however, this seems unlikely). See Section 3.5.4 for an investigation.

3.4 SENTENCING OVER TIME

This section addresses the following research question:

(RQ3.2) Can any fluctuations be observed due to changing contextual environments?

In addition to the impact of guidelines, other events or contextual changes may impact use of legislation or sentencing outcomes. Insights from the extant literature suggests that in the US and the UK, offenders were punished less severely after a major terrorist incident (Damphousse and Shields, 2007; Amirault and Bouchard, 2017). However, there is also reason to expect increases in number and severity of sentences following some incidents (for example, following a clamp down on right-wing groups after the murder of Jo Cox MP in 2016; da Silva et al., 2022; Jupp, 2022). Given a lack of clarity about the impact of terrorism events on sentencing, we do not formulate specific hypotheses. Instead, a visual analysis was used to explore trends and changes over time and facilitate a discussion of alignment with key events and contextual changes (RQ 3.2). Specifically, we were interested in the sentencing outcomes for right-wing offenders, and/or number of right-wing offenders convicted and sentenced in the aftermath of the murder of Jo Cox MP in 2016. Additionally, we were interested in the sentencing outcomes and/or convictions for Islamist offenders in the aftermath of the 7/7 bombings in 2005 and/or in the aftermath of the Ariana Grande attack in 2017, and whether they show any evidence of an increase or decrease.

This section is based only on descriptive analysis and visualisation of the data and can speak only to correlation between context and outcomes. Though we can't draw conclusions from the analysis, it is possible to analyse trends. Note that year of sentence is used as there is only one missing value for sentencing year in the database (compared to more substantial missing values for year of arrest, year of charge, and year of conviction). Since sentencing often takes place in the year(s) following an arrest and charge, we must consider that impacts may take longer to appear in sentencing data.

Overall trends are explored first, including all sentences. Corresponding tables for each graph in this section can be found in Appendix 10. Figure 17 shows number of individual offenders and number of cases sentenced by complete year in the dataset (2002-2021). Figure 18 shows mean and median sentence length by year. It appears that the number of cases per year has increased relatively steadily over time, with a sharp decrease in 2020 (presumably due to Covid impacts). A peak in sentence length appears evident in earlier years, however, this is based on a very small number of cases (just 3 sentences in 2004 where sentences peak). As number of cases/offenders increases, sentence length appears to remain relatively steady (with a mean around 100 months, and a median around 50 months). This might indicate that only the most severe cases in the UK were being sentenced in the early 2000s. Of those sentenced in this period (2001 – 2003), some 72% were for offences which carried a potential maximum sentence of life imprisonment.

Results for Islamist offenders mirror the results for offenders overall (see Appendix 10.3), including a spike in number of offenders in 2007-2008, which may reflect an increase after the 7/7 bombings in 2005 (though there is no corresponding change in sentencing outcomes). As in overall results, a second peak is evident in number of Islamist sentences around 2017. This is likely too early to align with contextual impacts of the Ariana Grande attack in 2017, and this peak does not continue in subsequent years. The peak roughly corresponds to the period where ISIS called for supporters to undertake attacks in their home countries, and nearly 40% of those convicted were for the offence of preparation of terrorism acts.

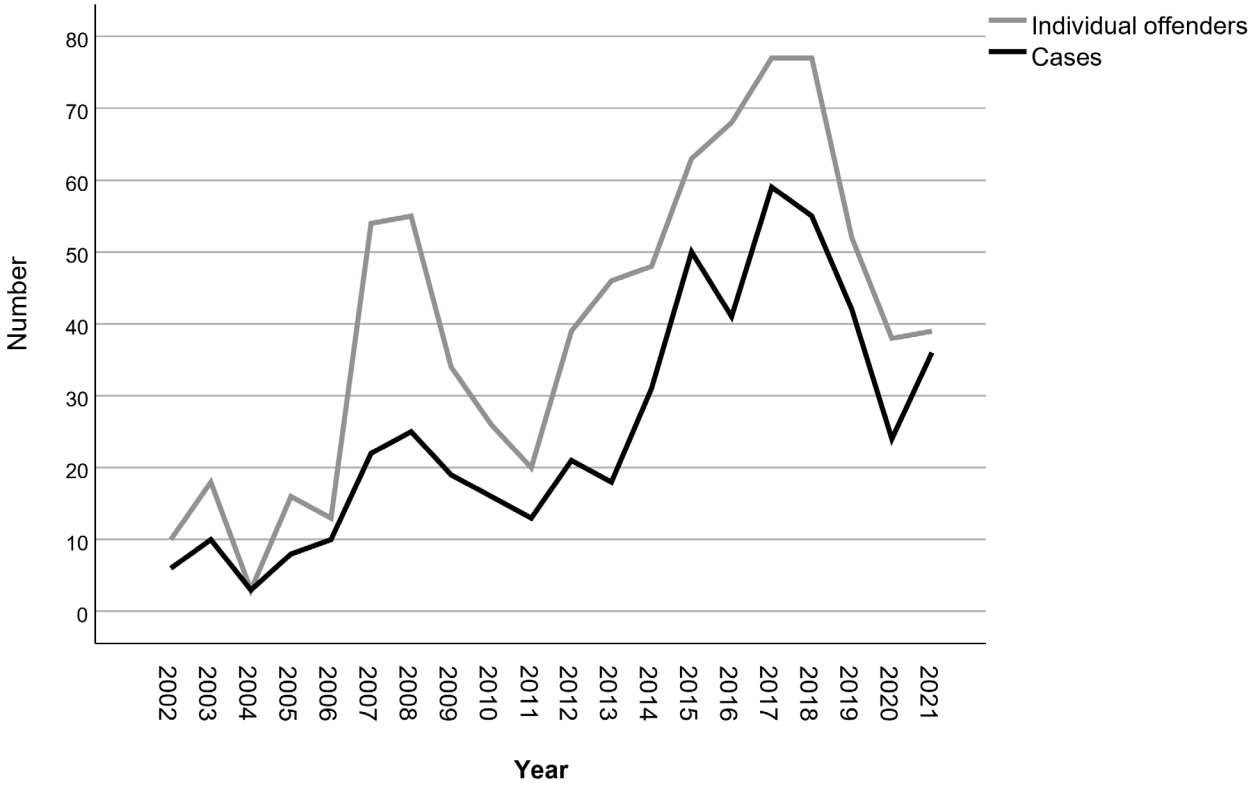

Figure 17. Number of offenders and cases sentenced by year (overall)

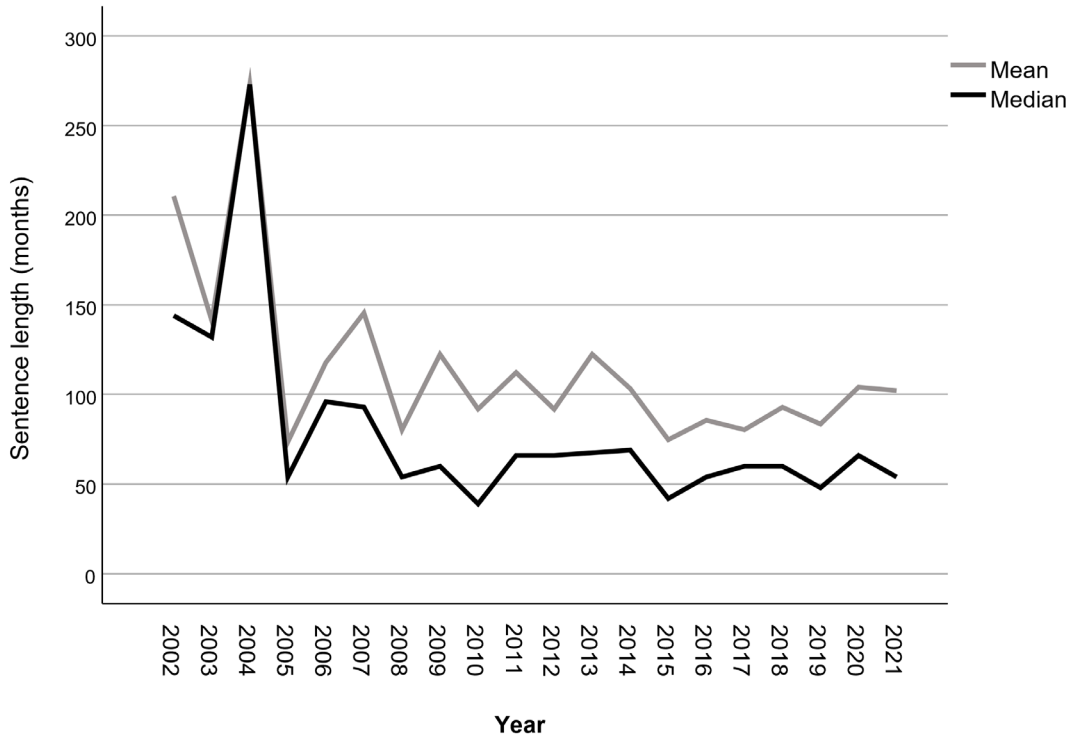

Figure 18. Mean and median sentence length by year (overall)

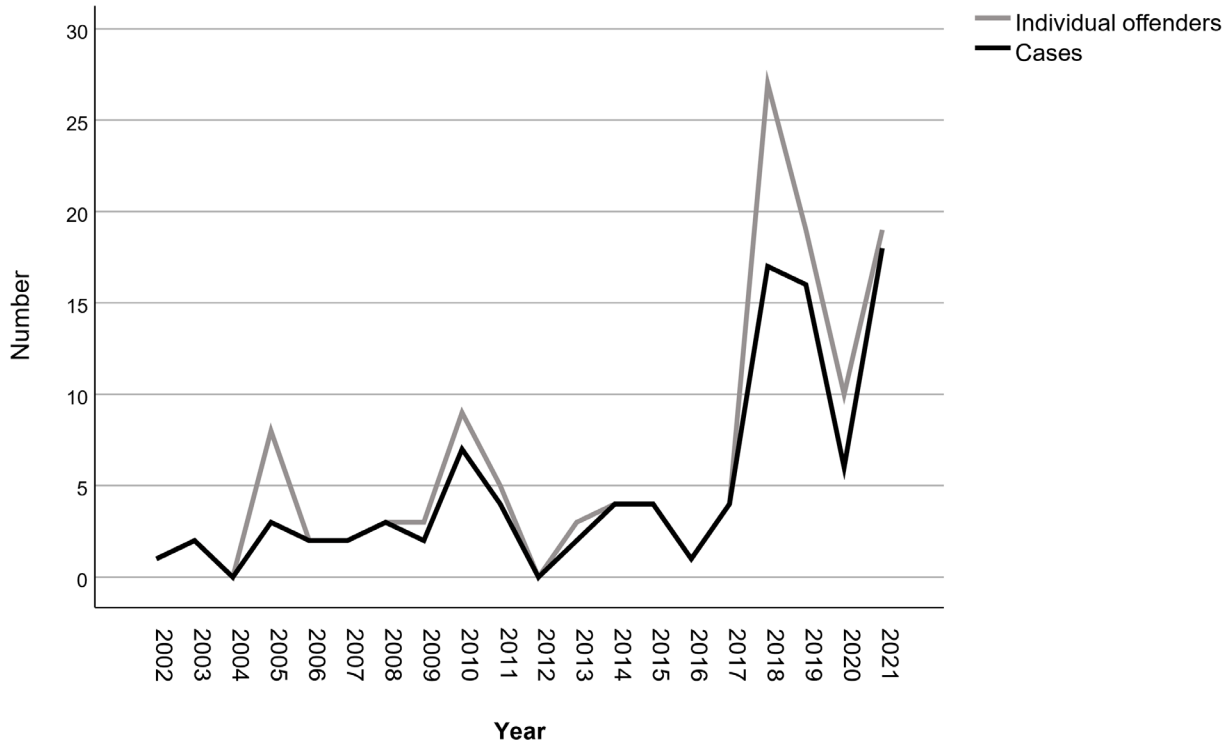

Figure 19. Number of offenders and cases sentenced by year (right-wing)

Right-wing sentences show a striking spike in 2016, however this graph is not included in-text since the 2016 sentencing mean is based on only one sentence rather than being indicative of a trend (can be found in Appendix 10.2). The 2016 spike relates to the sentencing of the individual responsible for the terrorist murder of Jo Cox MP and shows only that this particular sentence was unusually high. More interesting for right-wing offences is a spike in the number of cases and offenders sentenced beginning in 2018 (see Figure 19), perhaps a result of the clamp down (e.g., proscription of National Action in December 2016) on right-wing groups in the aftermath of Jo Cox's murder. A sharp decrease in 2020 is again presumed to be related to Covid.

3.4.1 SUMMARY – SENTENCING OVER TIME

This section is based only on descriptive analysis and visualisation of the data and can speak only to correlation between context and outcomes. Though we can't draw conclusions from the analysis, it is possible to analyse trends. NI-related results show no meaningful trends and can be found in Appendix 10.4.

Graphs of overall sentences and Islamist sentences show peaks in numbers in 2007-2008, and in 2017-2018. The first peak aligns with an increase in Islamist sentences after 7/7, though a corresponding increase in sentence length is not apparent. We must consider the possibility that increased number of offenders sentenced in the years following noteworthy attacks may be due, at least in part, to the sentencing of those who carried out the events in question. Since the 7/7 attacks were committed by suicide bombers, we can rule out this possibility. However, there was a failed attack later in the same month (21/7) for which ~15 individuals were sentenced in subsequent years.

Sentence length appears relatively steady over time with the exception of the early 2000s, though there are very few cases in this time period. An increase in the number of right-wing sentences after the murder of Jo Cox MP is evident, but not a corresponding increase in sentences (only one very high sentence for the individual guilty of Cox's murder). These results indicate that noteworthy terrorism events in the UK may impact the number of similarly motivated cases sentenced in subsequent years, but do not appear to impact sentence lengths.

As in other analyses, the absence of a severity measure may be confounding since fluctuations in the sentencing data may track (or not track) with fluctuations in severity. For example, we cannot determine whether sentences increased after 2017 for right-wing offenders due to context, or an increase in the severity of their offences. However, evidence from the interviews and extant literature points to tangible effects of context (e.g., Cox's murder in 2016 did lead to a clamp down of right-wing groups, notably the proscription of National Action in late 2016). An exploration of severity and sentencing over time for s. 5 cases can be found in Section 3.5.4.

3.5 SEVERITY ANALYSIS

A major limitation of the analyses thus far is the absence of a severity measure for inclusion in the models (see Section 2.4.3).

Accounting for severity across the board is a complex undertaking (and beyond the scope of this project). There is also no precise or objective way in which to code severity across offences. However, sentencing guidelines for some offences provide a way to categorise severity within groups of the same offence. The most frequent offence group (preparation of acts of terrorism offences, contrary to s. 5 of the Terrorism Act 2006) is comprised of sufficient sentences (n= 158)[52] to carry out an offence-specific analysis. The measure is based on three harm categories outlined in the s. 5 sentencing guidelines. Though this is based on a partial dataset, it will provide insight into the impacts of severity inclusion.

52 After excluding two offenders with indefinite sentences (mental health related)

According to the sentencing guidelines, "harm is assessed based on the type of harm risked and the likelihood of that harm being caused. When considering the likelihood of harm, the court should consider the viability of any plan" (Sentencing Council, 2018, p. 6). The three harm categories utilised from the sentencing guidelines (our severity measure) are as follows:

Category 1 (greatest harm):

- Multiple deaths risked and very likely to be caused

Category 2:

- Multiple deaths risked but not very likely to be caused
- Any death risked and very likely to be caused

Category 3:

- Any death risked but not very likely to be caused
- Risk of widespread or serious damage to property or economic interests
- Risk of a substantial impact upon civic infrastructure
- Any other cases

The nature of this measure highlights difficulties with attempting to use a severity measure across all cases. Risk of death and damage is an appropriate measure for s. 5 (preparation of terrorist acts) but would not be relevant to other offences with standards of severity based, for example, on financial support to terrorism. Determining equivalence in severity across the board is problematic (see Section 2.4.3).

Analyses of sentence length (Section 3.2), pre- versus post-guideline sentences (Section 3.3) and sentencing over time (Section 3.4) are explored in this section for associations with severity, using only s. 5 offences. Since s. 5 is a single offence type, the offence type analysis (Section 3.1) is not re-visited.

3.5.1 INTER-RATER RELIABILITY

Given subjectivity in the application of the severity measure, an inter-rater reliability analysis was conducted to determine whether two raters demonstrated sufficient agreement. Weighted kappa[53] (κw) is a measure of inter-rater agreement for ordinal scales when there are two raters, which considers disagreement to be more serious when raters' decisions are more distant rather than proximate (i.e., raters' scores of 2 and 3 would be considered a less serious disagreement than raters' scores of 1 and 3). Rater 1 is a criminologist familiar with the sentencing guidelines and coded all s. 5 occurrences in the database for analysis. Ratings were based largely on publicly available information in the media, notably coverage of the sentence hearing including the judge's comments. In cases where they were available, judges' sentencing remarks or remarks contained in Court of Appeal documents were used to determine harm/severity. In a number of cases, reference was made to the sentencing guidelines and harm categories. Rater 2 coded a subset of 39 offences in the database to determine evidence for sufficient agreement.

Raters agreed on 30/39 ratings, and all disagreements regarded proximate categories. There was a statistically significant agreement between the two raters, $\kappa w = .681$ (95% CI, .504 to .858), $p < .001$. The strength of agreement was classified as good (Landis and Koch, 1977; Fleiss et al., 2003). Though agreement was not excellent, this was deemed sufficient to proceed with coding by rater 1 for the entirety of s. 5 offences (acknowledging some subjectivity in the coding). The final categorisation is shown in Table 24.

	Number	%
Category 1	40	25%
Category 2	44	27.5%
Category 3	74	46.3%

Table 24. Severity coding

53 Used in this case with quadratic weights

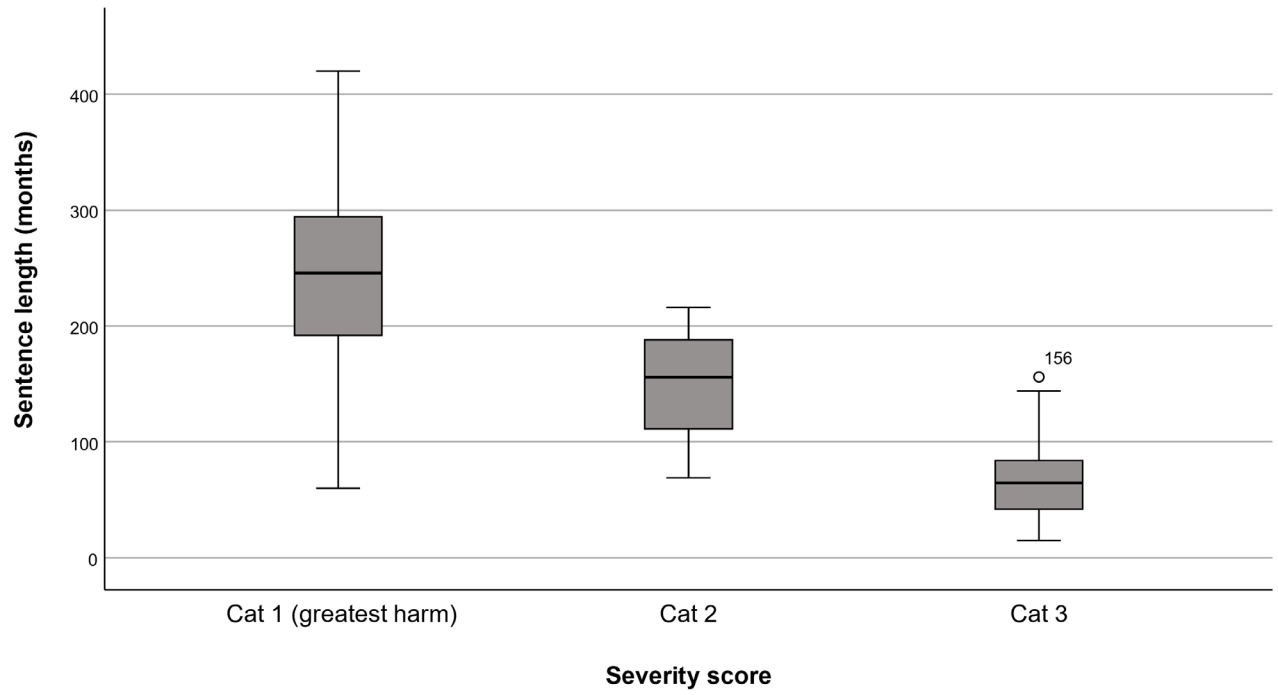

Figure 20. Sentence length by severity category (s. 5)

SEVERITY CATEGORY (S. 5)

Analysis of sentence length by severity category conforms to expectations (i.e., s. 5 offences of greater severity will result in longer sentences). Figure 20 shows boxplots of sentence length by severity category, with sentence length decreasing as harm decreases. These results align with expected outcomes by severity category in the Sentencing Council's (2018) guidelines. Starting points for a category 1 offence (greatest harm) with the lowest culpability score is 180 months, and for those with the highest culpability score, life imprisonment with a tariff of 420 months. For a category 2 offence with the lowest culpability score, the sentence starting point is 96 months, and for the highest culpability score, life imprisonment with 300 months. The sentencing starting point for category 3 with the lowest culpability score is 48 months, and for the highest culpability score 192 months. On determining the offence category, the judge must then consider additional factual elements including aggravating (e.g., previous convictions) and mitigating (e.g., lack of maturity) factors and if applicable the reduction in sentence for a guilty plea. Such consideration can result in an upward or downward adjustment of the sentence from the starting points outlined above.

Severity	EM mean	Standard error	95% CI (lower)	95% CI (upper)
1 (greatest harm)	241.670	9.221	223.446	259.895
2	160.850	7.898	145.242	176.458
3	71.103	6.338	58.564	83.642

Table 25. Multilevel regression predicting sentence from severity (s. 5) - EM means

	Estimate	SE	t	p	95% CI (lower)	95% CI (upper)
Category 1 (greatest harm)	170.567	10.525	16.206	<.001	149.777	191.358
Category 2	89.747	9.351	9.598	<.001	71.276	108.218
Category 3 (least harm)	.	.	.	.	.	.

Table 26. Multilevel regression predicting sentence from severity (s. 5) – estimates of fixed effects

To test the significance and magnitude of this effect, a traditional ANOVA will not account for the nesting of shared offences in the database. A multilevel regression model is run instead with severity category predicting sentence. The model uses random intercepts to account for shared offence clusters (see Appendix 11.1 for more details). Results outlined in Table 25 shows estimated marginal means for each group in months (expected means, accounting for nesting in the model) and Table 26 shows estimates of fixed effects from the regression analysis. The impact of severity group on sentences is significant (F=139.299; p=<.001) and all groups differ significantly from one another.

3.5.3 EXPLORING POTENTIAL CONFOUNDS IN PREDICTING SENTENCE LENGTH (S. 5)

With only 158 sentences in this subset of the database, it is not possible to rerun the model predicting sentence with all predictors plus severity (due to a lack of power). We are less interested in modelling results for s. 5 and more interested in exploring the potential for variables included in the initial model to confound results due to relationships with severity (discussed in Section 2.4.2). This exploration must rest on an assumption that trends seen in the s. 5 data are likely to hold across the whole dataset, which is not a guarantee. However, there is no reason to expect this subset to differ significantly.

Of the 158 included sentences, 141 are Islamist motivated (precluding analysis by motivation group), and 144 are male (precluding analysis by gender). Offence type is not included since s. 5 cases fall within a single offence type. Remaining variables explored are co-accused, plea, ethnicity, age, and total counts. Descriptive data (including chi-square tests[54]) and graphs are used to explore relationships between severity and each variable of interest. These descriptive analyses do not account for the nested nature of the data but provide insight into associations. Most graphs included in this section are shown in percentages for comparability across groups, and tables of raw numbers can be found in Appendix 11.2.

Co-accused

Figure 21 shows an equal proportion of those with Category 3 offences having co-accused and no co-accused. For Category 2 and 1 (greater harm), the proportion of those with co-accused approaches 80%. Rather than an ordinal effect (likelihood of having co-accused increases as severity increases), it appears to demonstrate a binary effect (less likely to have co-accused with Category 3 offences, and more likely for Categories 2 and 1). A chi-square test of independence was conducted between severity and co-accused binary. There was a statistically significant association, $\chi2(2) = 10.67$, $p = .005$. This means that the two variables are associated (not independent). The association was moderately strong (Cohen, 1988), Cramer's $V = .260$.

In the overall model predicting sentence (Section 3.2.4), having co-accused was shown to be associated with longer sentences. One potential confound discussed was that offences including co-accused

54 A chi-square test determines whether two categorical variables are statistically independent (certain levels of severity are not associated with changes in another outcome of interest) or whether the two variables are associated. It also gives an indication of the strength of an association.

might also be most likely to be severe (i.e., group offences may potentially be associated with more severe offences; though we had no qualitative or other evidence of this). There is some evidence from this s. 5 analysis that Category 2 and Category 1 offences (most severe) may also be more likely to involve co-accused. If this association were to hold across the whole dataset, we might expect some of the variance in sentencing attributed to co-accused to be attributed instead to severity.

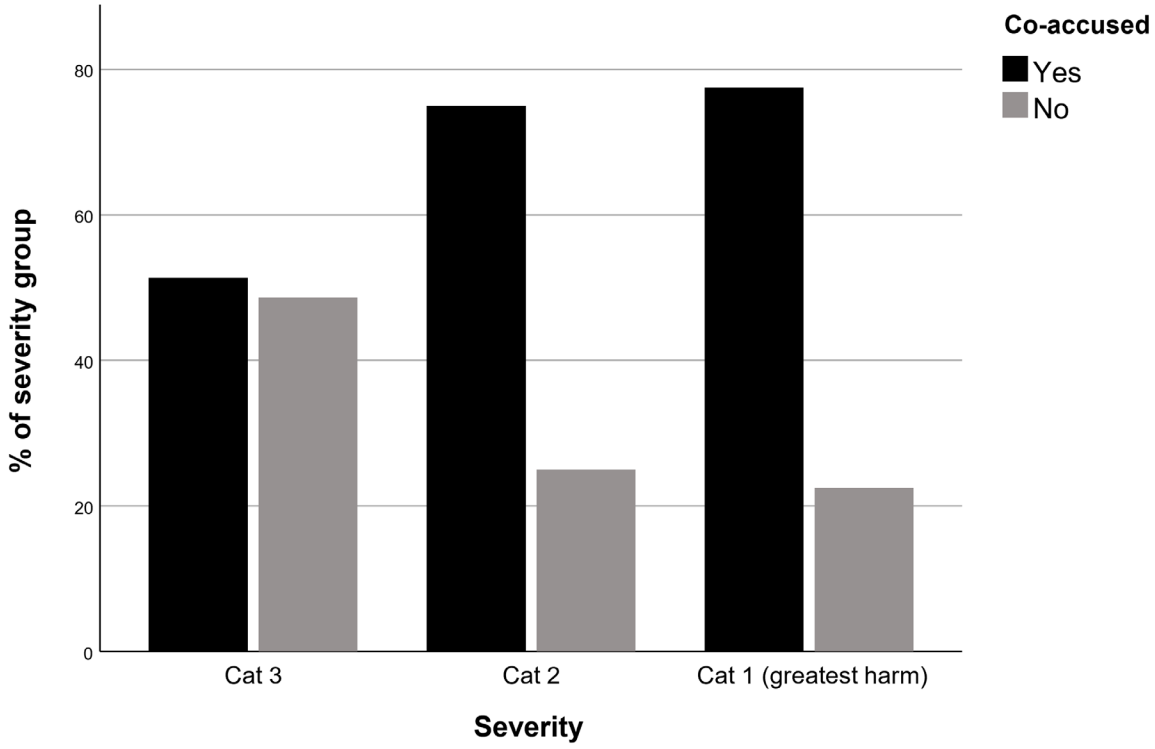

Figure 21. Percentage of each severity group with co-accused

Plea

Figure 22 shows an equal proportion of those in each severity category pleading guilty and not guilty (i.e., no relationship between severity and plea). A chi-square test of independence was conducted between severity and plea binary. There was not a statistically significant association, $\chi2(2) = .20$, $p = .905$, Cramer's $V = .036$. This indicates that severity and plea are statistically independent.

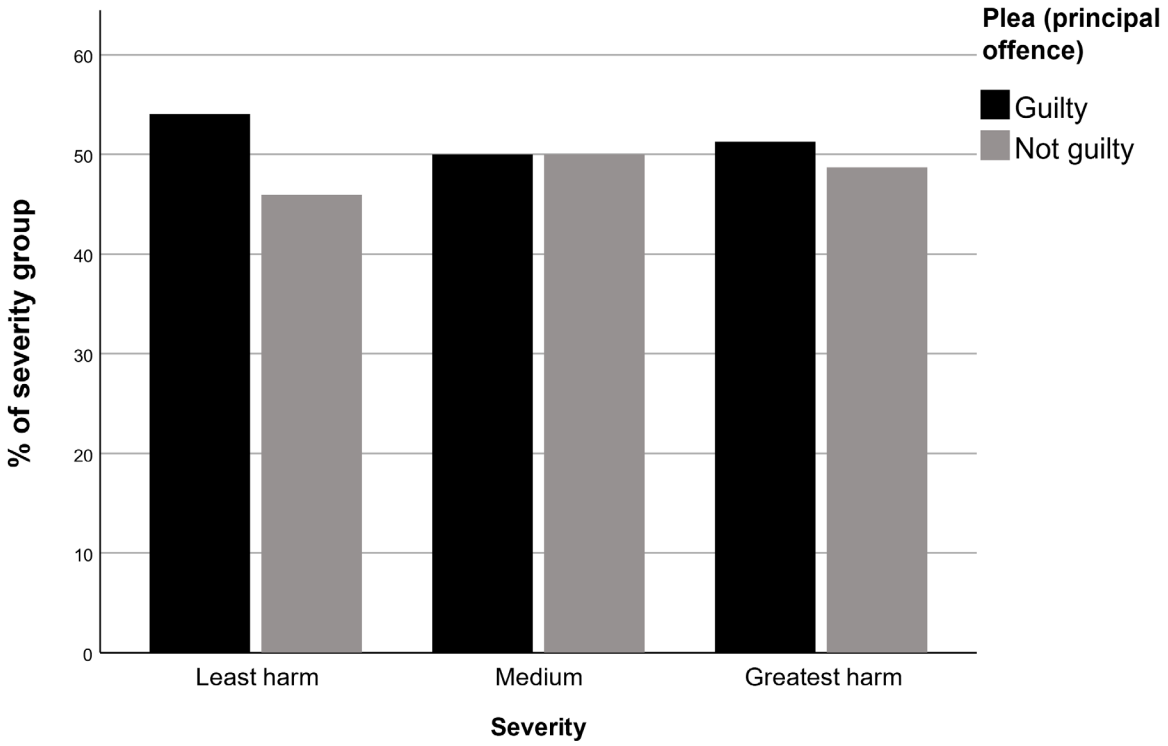

Figure 22. Percentage of each severity group with guilty plea

In the overall model predicting sentence (Section 3.2.4), guilty pleas were shown to be associated with a reduction in sentence. One potential confound discussed was that people may be more likely to plead guilty to less severe offences, accounting for this result (though we had no qualitative or other evidence of this). If the lack of association between severity and plea demonstrated here holds across the whole dataset, we can be confident that severity was not a confounding factor (i.e., that a guilty plea is truly a predictor of lesser sentences, as expected).

Ethnicity

Figure 23 shows approximately equal percentages of each ethnicity group committing Category 1 offences (most severe; differ by less than 10%). However, a greater difference appears in the proportion of white and non-white offenders committing Category 2 and Category 3 offences. A chi-square test of independence was conducted between severity and ethnicity binary. There was a statistically significant association, $\chi2(2) = 6.68$, $p = .035$. This indicates that there is an association between ethnicity and severity. The association was small to moderate (Cohen, 1988), Cramer's V = .206.

A small number of white offenders in this subset of the data should be acknowledged (27 in total; see Appendix 11.2). Figure 24 graphs raw numbers (rather than percentages) by severity and ethnic group, highlighting that the use of percentages for comparability across ethnic groups may inflate small differences within the white group.

In the overall model predicting sentence (Section 3.2.4), ethnicity category was not shown to be a significant predictor of sentence length (despite some evidence to the contrary in the wider criminological literature). In addition to issues with a simplistic measure of ethnicity (using a binary), a potential confound for this result was that no difference in sentences across the groups could reflect equivalent use of legislation across groups, but if groups differed in sentence severity, could actually reflect inconsistent sentencing for white and non-white offenders (e.g., if the non-white group committed less severe offences but received the same sentences, this would reflect a difference which aligns

with some of our qualitative evidence). Figure 23 gives some evidence (based on s. 5) that a non-significant difference across ethnicity groups could reflect a meaningful difference when accounting for severity, since non-white offenders appear to be more likely to commit less severe offences (if percentage numbers hold across the dataset). However, the small number of white offenders makes it difficult to draw a conclusion.

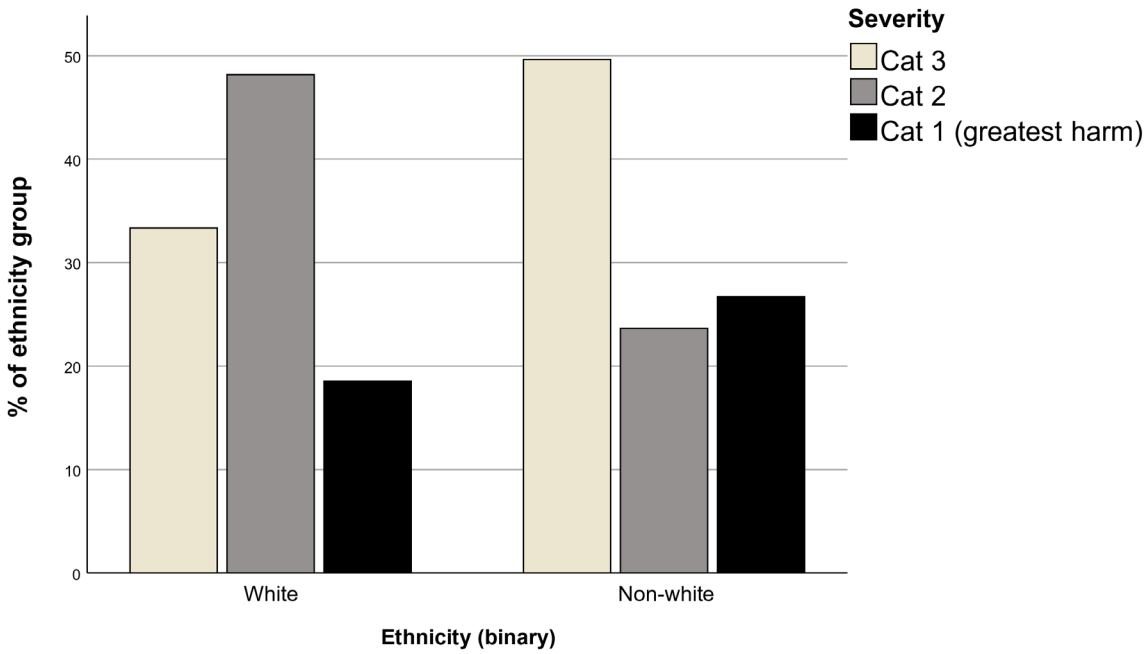

Figure 23. Percentage of severity category by ethnic group (binary)

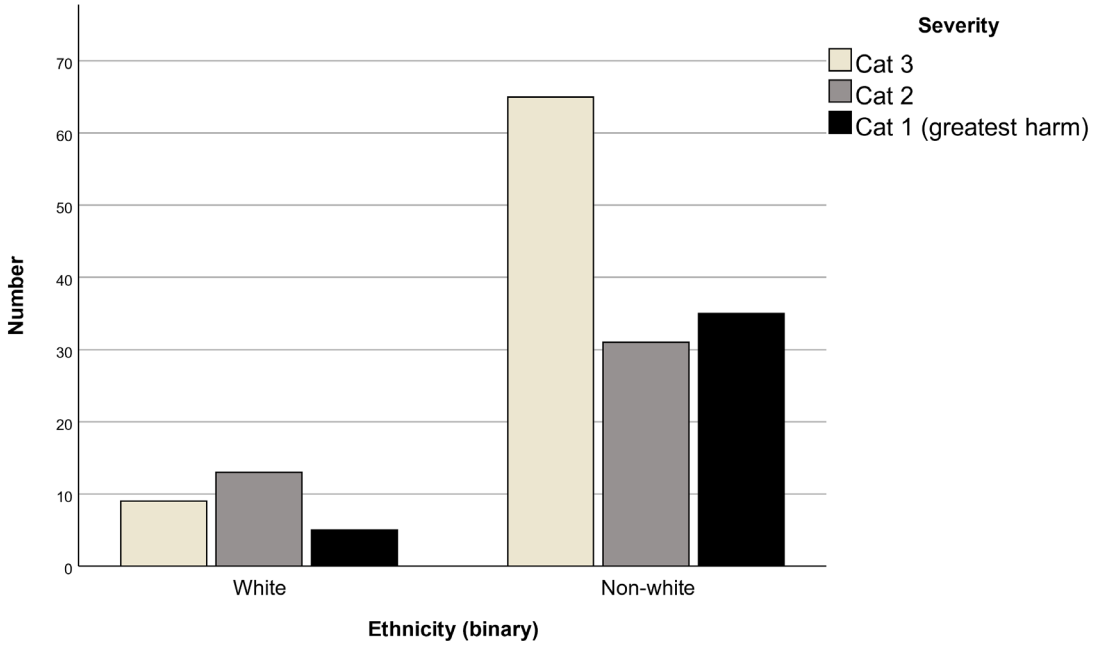

Figure 24. Number of severity category by ethnicity group (binary)

Total counts

For the analysis including all sentences in the database, total counts was capped at 6 (see Section 2.4.2). Due to a smaller number of offenders in this subset, and a large proportion having only one count (92 of 158), total counts is operationalised as a binary (one count versus two or more counts) to allow analysis of its relationship with severity, acknowledging that we lose the linear nature of the variable and limit its utility. A chi-square test of independence was conducted between severity and total counts (binary). There was not a statistically significant association, $\chi 2(2) = 2.74$, $p = .255$, Cramer's $V = .132$. This indicates that total counts and severity are statistically independent.

However, a potential trend is evident in analysis of Figure 25. As with the relationship between severity and co-accused, there may be a weak binary distinction - we see an approximately equal proportions of those with Category 2 and 1 offences having one count versus more than one count (slight difference for Category 1, difference of only ~10%). For Category 3 (least harm), the proportion of those with only a single count is higher. There is no clear evidence that total counts acts as a pseudo-measure of severity (i.e., those with more total counts may also be those with the most severe sentences, a possibility discussed in Section 2.4.2). This weak association based on a binary for s. 5 cases suggests that there could be some impact, but that multicollinearity[55] between trends and severity would not be considered a concern.

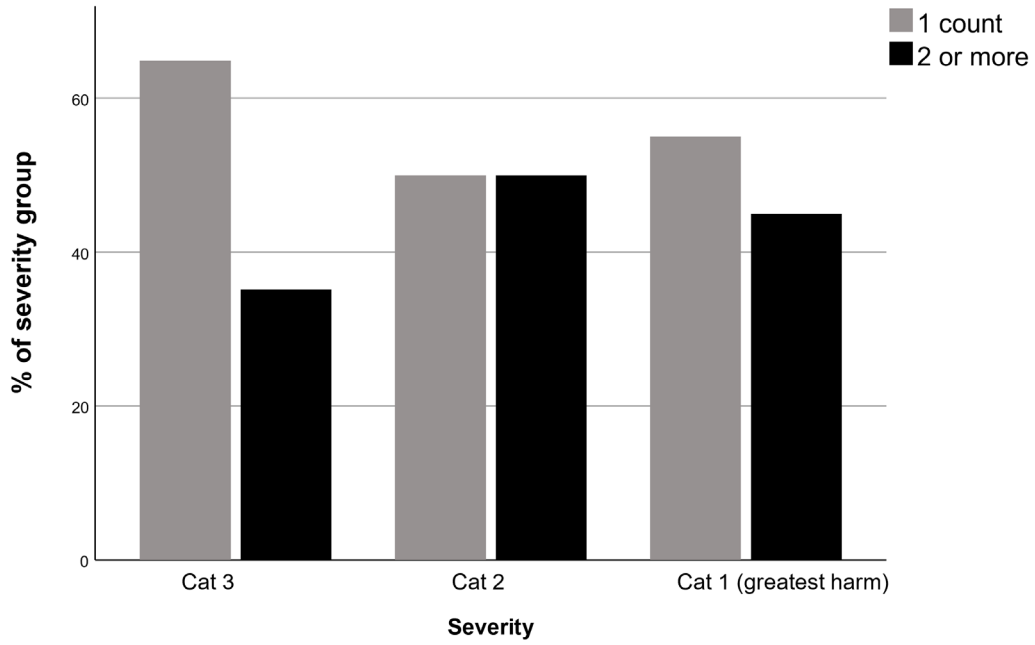

Figure 25. Percentage of each severity group with more than one count

55 Multicollinearity occurs when predictors in a regression model have a high correlation with one another, making it difficult to determine the individual effect each predictor has on the outcome.

Age

Figure 26 shows approximately equal distributions of age for each severity category (Figure 26 is based on the log of age, but raw descriptive data by category can be found in Appendix 11.2). A Spearman's correlation[56] is not run since the severity and age do not demonstrate a monotonic relationship (do not increase/decrease together in a predictable way), but we can be confident from analysis of descriptive data and graphs that no meaningful relationship exists between the two variables.

In the overall model predicting sentence (Section 3.2.4), age was not shown to be a significant predictor of sentence length. This could mean, straightforwardly, that age does not affect sentences. However, if severity of offences increases or decreases with age, and sentences do not increase or decrease in parallel, consistent sentencing outcomes could actually reflect inconsistent use of legislation when accounting for severity. Based on this s. 5 data, there is no evidence for a confounding effect – age does not appear to be associated with severity, meaning we can be more confident that the non-significance of age in the model truly reflects no impact of age on sentencing.

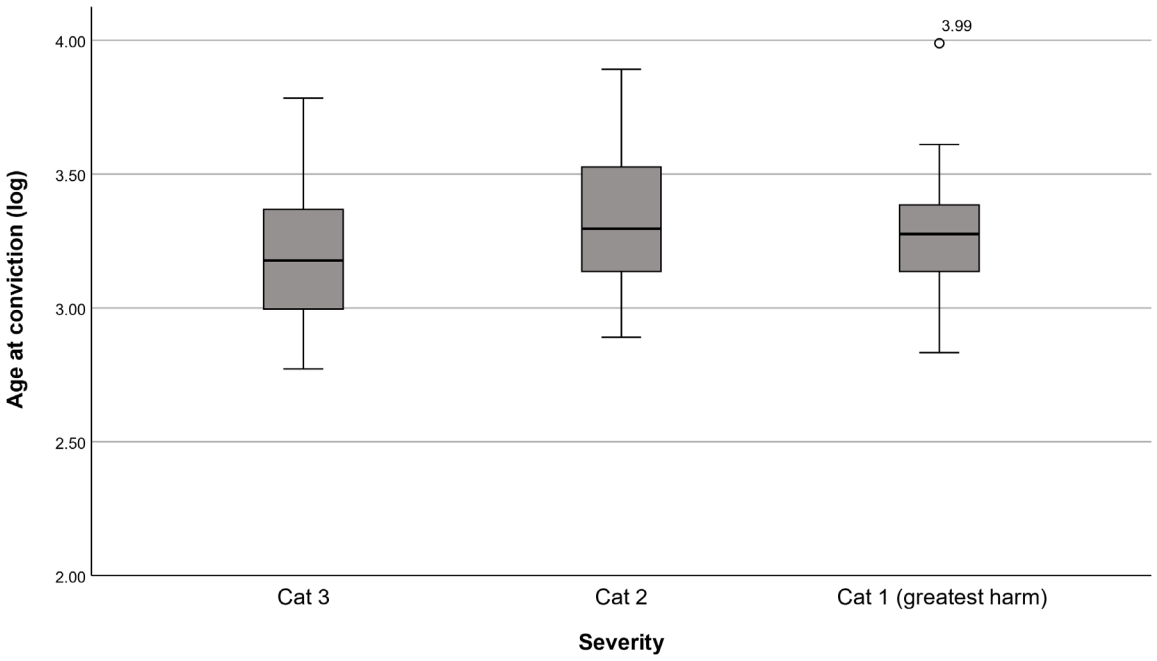

Figure 26. Age by severity group

56 Spearman's correlation is a method of determining the association between ranked variables (as in our severity measure).

3.5.4 SEVERITY EFFECTS IN PRE-POST GUIDELINE ANALYSIS (S. 5)

In Section 3.3, analysis of all sentences in the dataset did not reveal a significant difference in sentence length after the 2018 guidelines. Analysis of three specific offences revealed significant increases in sentence length after the guidelines (between 1.5x and 1.9x higher) within each subset. This ensured comparable offences were being used in each time period. Though it seems unlikely, and we do not have supporting evidence from other sources, it remains a possibility that severity of offences within each section happened to increase after guidelines were implemented, accounting for the increases. It is not possible to re-run the regression analysis predicting sentence from time period and adding severity due to a very small number of instances in the post-guidelines group for s. 5. (only 24). Instead, we look at frequency of severity categories pre- and post-guidelines to find any association between time period and severity that might indicate a confounding effect. As in the case of ethnicity and severity above, Figure 28 graphs raw numbers (rather than percentages) by severity and time period, highlighting that the use of percentages for comparability across time periods may inflate small differences within the post-guidelines group.

Analysis of Figure 27 shows a greater proportion of Category 3 offences (least harm) pre-guidelines than post-guidelines. This may indicate that shorter sentences pre-guidelines align appropriately with a greater percentage of less severe offences. However, Figure 28 highlights that this distinction may be inflated given a small number of instances post-guidelines (with approximately equal spread across severity groups), making it difficult to draw a conclusion about severity and time period for s. 5.

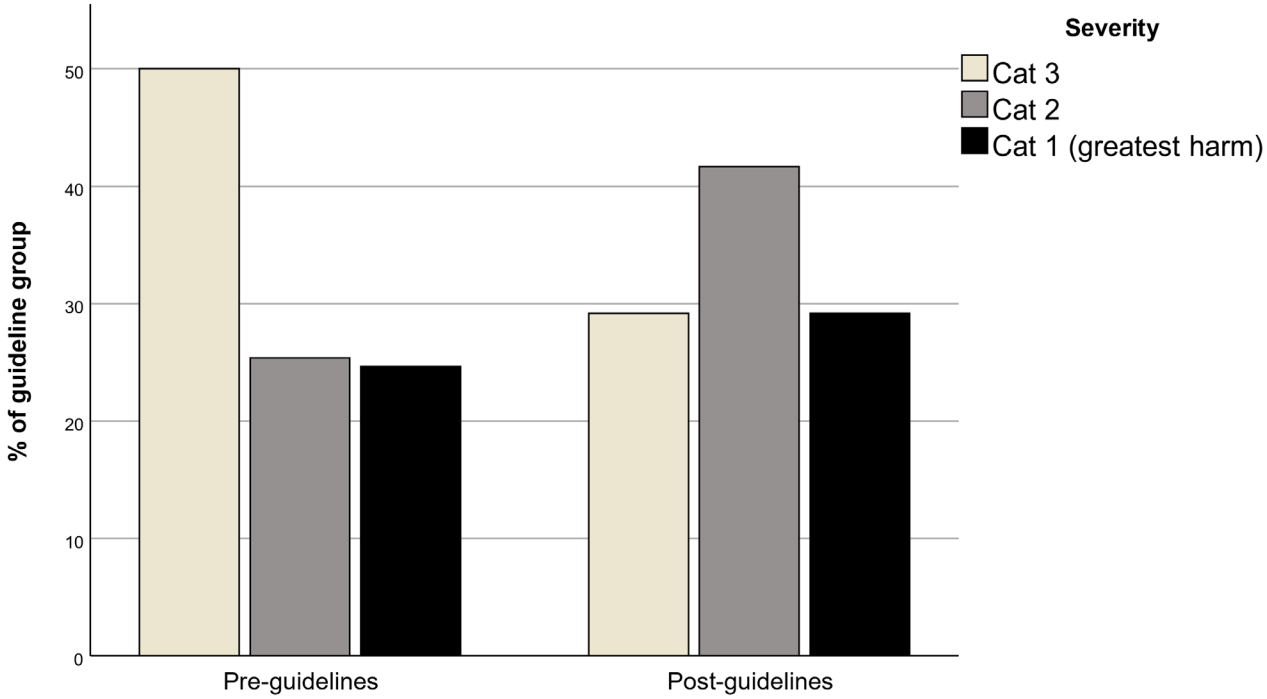

Figure 27. Percentage of severity category by time period (pre- or post-guidelines)

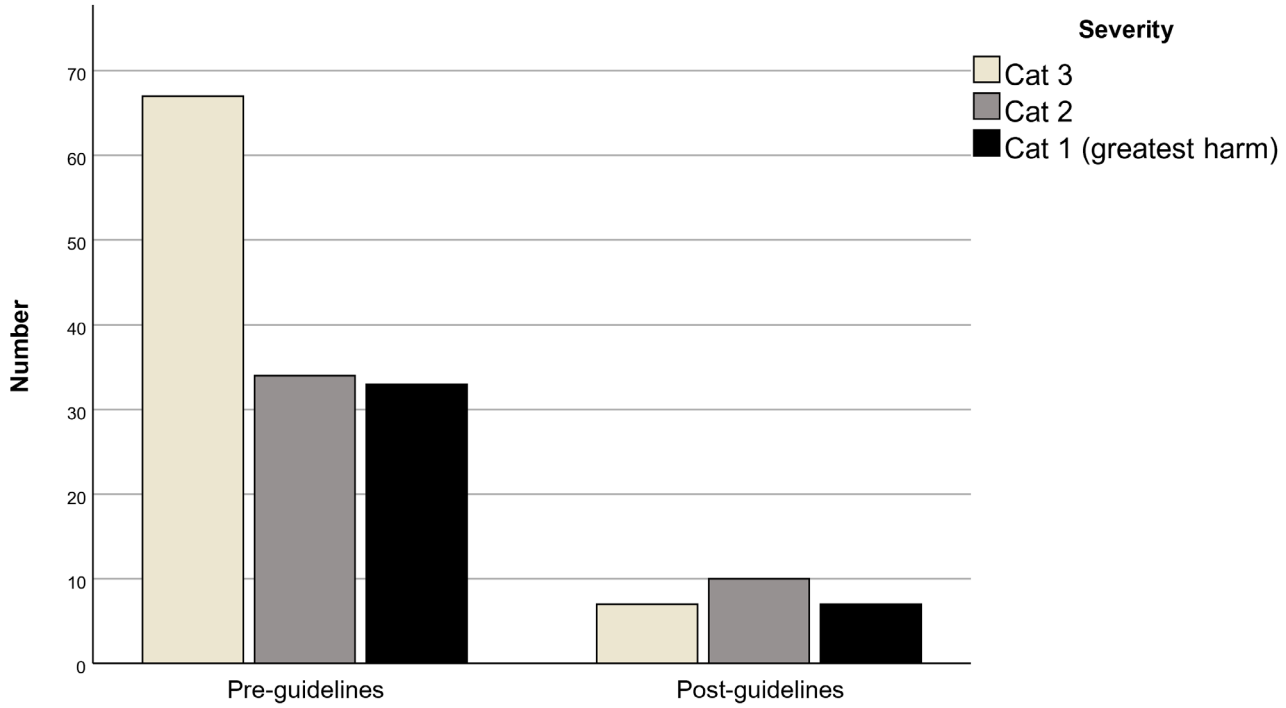

Figure 28. Number of severity category by time period (pre- or post-guidelines)

3.5.5 SENTENCING OVER TIME ACCOUNTING FOR SEVERITY (S. 5)

Sentencing over time is graphed for s. 5 offences overall (Figure 29) and by severity group (Figure 30). If offenders within the same severity category have received similar sentences over time, we would expect to see a relatively straight line for each severity category, indicating that fluctuations and trends in the overall data are likely due to changes in severity over time, rather than changes in sentencing for cases of similar severity. Figure 30 shows relatively straight lines for Categories 2 and 3 (particularly for Category 3; note that graph of median trends does not differ). Earlier years with shorter mean sentences are also years in which no Category 1 sentences are present. A stacked bar chart showing number of cases by year for each severity group can be found in Appendix 11.4.

Category 1 offences make up the greatest number of sentences and appear to underpin fluctuations in the overall data (Category 1 sentences appear to map relatively well onto the overall fluctuations by year), whilst sentences become more stable as severity decreases. This result aligns with the boxplot of sentences by severity category (Figure 20), which demonstrates a narrow range of sentences for Categories 2 and 3, and a broad range of sentences for Category 1.

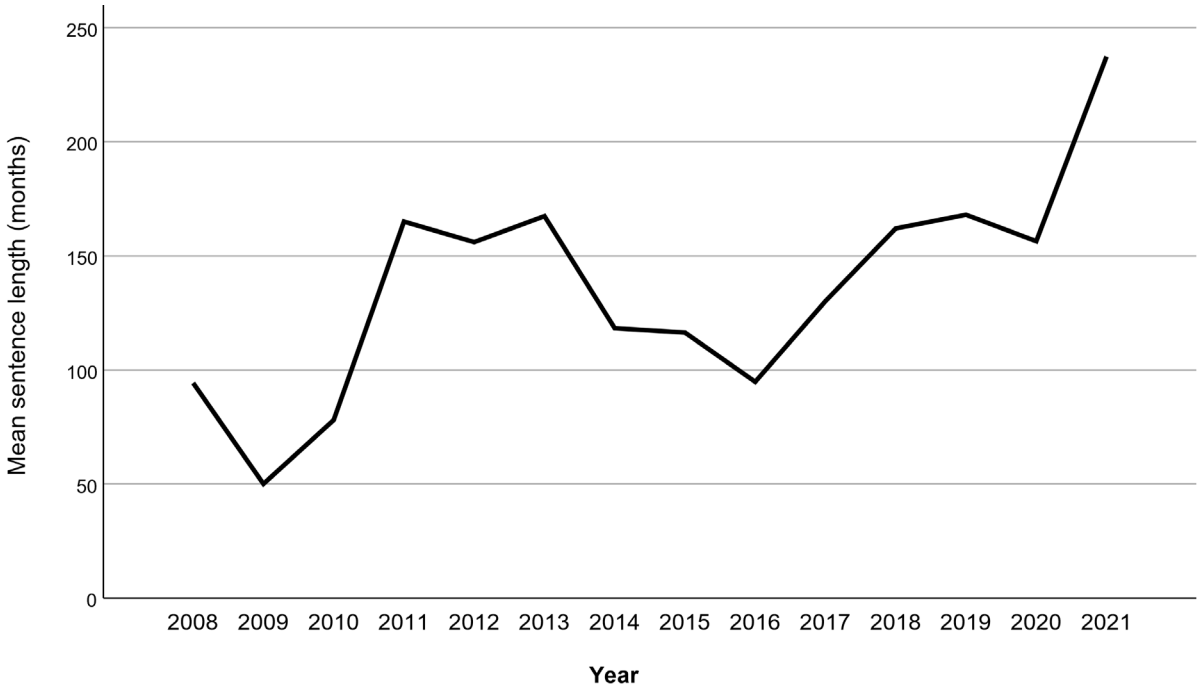

Figure 29. Mean sentence length by year (overall, s. 5)

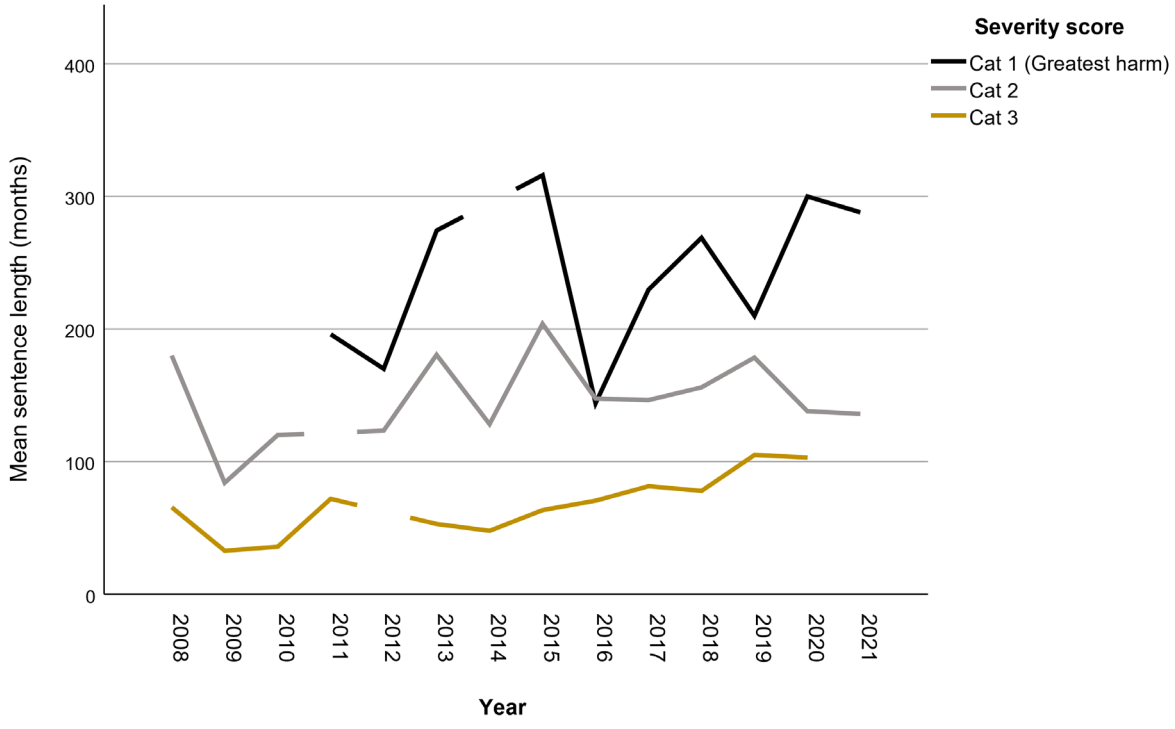

Figure 30. Mean sentence length by year and severity group (s. 5)

3.5.6 SUMMARY – SEVERITY ANALYSIS

The extant literature on the use of severity measures with respect to the sentencing of terrorists has done so either utilising a list of offences from least to most severe or by way of a binary variable (i.e., poses/does not pose increased threat to life). Utilising excerpts from the s. 5 sentencing guidelines, we have operationalised severity within an offence. Coding severity for s. 5 offences revealed strong and clear differences in sentencing outcomes between the three severity categories, demonstrating estimated means (accounting for offence clusters) for Category 3, Category 2, and Category 1 (greatest harm) of ~70, ~160, and ~240 months, respectively. This result supports logical expectations (greater severity associated with greater sentences) and aligns with research demonstrating that severity is a significant predictor of sentence length (Amirault and Bouchard, 2017; Bradley-Engen et al., 2009).

Potentially confounding associations were explored between severity and other variables that had been included in the model predicting sentence (Section 3.2.4). Gender and motivation group were not analysed due a lack of variation within s. 5 offenders (almost all male, and almost all Islamist), and the graphs used do not account for nesting of shared offences. Overall, some trends were evident regarding potential confounds, but these are largely weak and do not reveal cause for great concern. Results are discussed in the context of the overall model from Section 3.2.4, though is it important to remember that the generalisability of s. 5 findings to the whole dataset is unknown.

No association was found between severity and plea, or severity and age, giving us more confidence that the impact of these variables in the model would not have been confounded by the addition of severity (i.e., more confidence that a guilty plea reduces sentences, and more confidence that age does not have an effect on sentences). We considered that total counts or co-accused could act as pseudo-measures of severity (i.e., those with more counts or those who offend in larger groups may also be those with the most severe sentences). Category 2 and Category 1 offences (most severe) do appear more likely to involve co-accused, and Category 3 (least severe) offenders do appear slightly more likely to have only one count (compared to two or more). Therefore, we might expect some of the variance in sentencing attributed to co-accused or total counts to be attributed instead to severity, but the associations would not be strong enough to flag multicollinearity concerns. Ethnicity results suggest that non-white offenders may be more likely to commit less severe sentences (potentially indicating inconsistent use of sentencing across ethnic groups). However, the small number of white offenders inflates distinctions when raw numbers are converted to percentages, making it difficult to draw a conclusion.

Exploring the impact of severity in the pre- and post-guidelines analysis reveals a greater proportion of Category 3 offences (least harm) evident pre-guidelines, potentially indicating that shorter sentences pre-guidelines were not a function of time period, but rather a function of severity. However, a conclusion is difficult to draw for the same reason as in ethnicity – distinctions in the post-guidelines group are inflated due to a very small number of sentences. Since number of cases post-guidelines will continue to increase, this is a consideration to revisit with more data in future.

Graphing mean sentences over time for s. 5 cases by severity group (Figure 30) showed less stability in sentences as severity increases (the mean sentence for Category 3 remaining relatively stable across time, and sentences for Category 1 fluctuating to a greater extent). This result aligns with boxplots (Figure 20) demonstrating narrow ranges for Category 2 and 3 sentences, and a greater spread of sentences for Category 1 (greatest harm category).

4. DISCUSSION AND CONCLUSIONS

The current study sought to provide a better understanding of the prosecution landscape for extremist actors in the UK by describing, analysing, and comparing the sentencing outcomes of individuals convicted of terrorism, terrorism-related and violent extremism offences in each of the three legal jurisdictions of the UK since the beginning of April 2001 through to the end of March 2022. Our first research question was concerned with what criminal offences extremist actors are being convicted of. The findings indicate that the majority of extremist actors in E&W and Scotland are convicted of terrorism offences (e.g., offences under terrorism legislation but excluding those offences considered violent extremism). In NI, the majority of extremist actors are convicted of terrorism-related offences (e.g., offences under other legislation or the common law but which are considered terrorist-related). When looking at the motivation of offender (Islamist, NI-related, right-wing, and other), we found that the three main motivation groups are sentenced almost exclusively in a single jurisdiction (NI-related in NI, and Islamist and right-wing in E&W).[57]

In the statistical model predicting offence type from potential predictors (motivation, age, gender, ethnicity, and co-accused), age and motivation group were shown to predict offence type. The findings reveal that Islamist extremist actors are more likely to be convicted of terrorism offences, in line with Stuart's (2017a, 2017b) research. NI-related extremist actors are more likely to be convicted of terrorism-related offences and this finding concurs with insights from interviews. Right-wing extremist offenders are convicted of equal amounts of terrorism and violent extremism offences consistent with Blackbourn's (2021) assertion that right-wing offenders have been convicted of the offence of encouraging terrorism (violent extremism offence) and collecting information likely to be of useful to a person committing or preparing an act of terrorism (terrorism offence). Despite being convicted of terrorism and violent extremism in approximately equal proportions, right-wing offenders are still the most likely of all groups to be convicted of violent extremism offences. Regarding the impact of age, as age increases, offenders are more likely to be convicted of a violent extremism offence (compared to terrorism or terrorism-related). This may reflect a bias towards convicting older people with violent extremism offences compared to other offence types, or the nature of offences committed by older individuals may be more likely to align with violent extremism rather than terrorism or terrorism-related.

In terms of the principal offences employed in each jurisdiction, these align with the trend noted above. In E&W, the two most frequent offences that extremist actors were convicted of were terrorism offences, specifically preparation of acts of terrorism (23%) and collecting information likely to be of useful to a person committing or preparing an act of terrorism (14%). In Scotland, due to a very small number of cases, five offences all had the same frequency (14%). Three of these offences constituted terrorism offences, namely collecting information likely to be of useful to a person committing or preparing an act of terrorism, wearing clothing, carrying or displaying articles in public as to arouse reasonable suspicion that an individual is a member or supporter of a proscribed organisation, and possessing an article for a purpose connected with terrorism. In contrast, in NI the two most frequent offences were attempting to cause an explosion, or making or keeping explosives with intent to endanger life or property (21%), and the offences of murder, manslaughter and attempted murder (14%). Together, these findings highlight both the patterns and

57 Within Scotland, the three main motivation groups were present with no group being sentenced almost exclusively within the jurisdiction.

differences in the use of terrorism and non-terrorism legislation for extremist actors in the UK.

Our second research question was concerned with what sentences are being imposed on extremist actors. In terms of the sources for sentencing decisions, judges and magistrates consider a range of factors in deciding the appropriate sentence for an offender. In E&W, definitive sentencing guidelines exist for a number of offences including some terrorism, terrorism-related, and violent extremism offences. Maximum penalties are contained for most offences within legislation and Parliament has introduced mandatory sentences and mandatory minimum sentences for certain offences (e.g., murder, and possession of firearms). For offences where there are no such requirements or where no binding sentencing guidelines exist, judges and magistrates seek comparisons of case law and judicial precedent to aid their decisions and sentencing outcomes. Additionally, the offender's circumstances, prior criminal record (if any), the impact upon the victim and aggravating and mitigating factors are also considered. Thus, there can be considerable variance in terms of sentencing outcomes for similar offences.

Statistical modelling demonstrated that sentence length is influenced by offence type, plea, and total counts (all variables with legitimate impacts), but sentence length is also impacted by extraneous factors of gender and co-accused (i.e., whether an offender has co-defendants). Despite qualitative evidence to the contrary, ethnicity (white or non-white), age of an offender, and their ideological motivation were not shown to have an impact on sentences. According to the model, an individual most likely to receive the longest sentence would be a male with co-defendants, who does not plead guilty, is accused of multiple counts, and is charged with a terrorism-related offence.

Contrary to previous research by Amirault and Bouchard (2017), we did not find that Islamist extremist actors received longer sentences than other extremist actors, though boxplots suggest slightly greater sentence lengths in the top quartile of Islamist sentences compared to others (i.e., longest sentences might be longer for this group). The findings also indicate that sentences in NI are not shorter than elsewhere in the UK, which is at variance with the insights from interviews, observations of Independent Reviewers of Terrorism Legislation and Appleton and Walker (2015). We considered two things that might account for this variance, namely the time period considered, and the perception of lengthy sentences for those convicted of preparation of acts of terrorism in E&W compared to sentences for NI offenders convicted of explosive and firearms offences. We looked at the whole time period, and then from 2012 onwards (first mention of shorter sentences) – in both instances we did not find shorter sentences. However, using explosives and firearms offences as a proxy for the offence of preparation of acts of terrorism, we did find for the whole time period the mean sentence length appears shorter in NI, and for the period 2012-2022 the difference is slightly greater, again with NI sentences appearing shorter. We did find, however, evidence of offence type having an impact on sentence length and that different motivations being more likely to have different offence types, so the effect of motivation on sentence could be indirect. Right-wing offenders are most likely to be convicted of violent extremism which has the lowest sentences (this association would align with the hypothesis that right-wing offenders receive shortest sentences), but contrary to qualitative data, NI-related offenders would be associated with longest sentences (since terrorism-related offences receive the longest sentences).

In terms of gender, we find that the sentence length for males is nearly two-thirds higher than for females, accounting for other variables. This is consistent with Alexander and Turkington's (2018) and Jackson et al.'s (2021) research, which found that men and women engaged in terrorist-related activity receive differential treatment within the US criminal justice system with female terrorists receiving shorter sentences. Additional research by Galica (2020) highlighted three primary framing narratives (the denial of autonomy, naivety, and motherhood) in terms of the sentences

of females charged with terrorism offences since the growth of ISIS. The case of Farhana Begum Ahmed who pleaded guilty to one count of encouraging terrorism and three counts of disseminating terrorist publications exhibits the framing narrative of motherhood. The judge in sentencing Ahmed to a suspended sentence of 24 months took into account the 'suffering' of her five children and is quoted as saying "the sooner you are returned to your children, the better for all concerned".[58]

As noted by Smith and Damphousse (1996) and Bradey-Engen et al. (2012) and further supported by the findings reported here, a guilty plea has a significant impact on sentence length. This was not surprising as in E&W, judges and magistrates have to consider a reduction in sentence for a guilty plea as per s. 144 of the Criminal Justice Act 2003. An updated definitive guideline was published by the Sentencing Council in 2017, which deals with a reduction in sentence for a guilty plea. In NI, in accordance with Article 33 of the Criminal Justice (Northern Ireland) Order 1996, an offender who pleads guilty may expect some credit in the form of a reduced sentence.[59] Reductions in sentence for a guilty plea are thus contained both in statute and in case law. In Scotland, reductions in sentencing for a guilty plea are enshrined in s. 196 of the Criminal Procedure (Scotland) Act 1995, which provides that the court must take into account the stage in the proceedings at which, and the circumstances in which, the offender indicated their intention to plead guilty.

Our third research question was concerned with evidence of a change over time with respect to either prosecution patterns or sentencing outcomes. With respect to the introduction of sentencing guidelines for terrorism offences (covers some offences we have coded as terrorism, terrorism-related and violent extremism) in E&W in 2018, our findings indicate that sentences appear relatively stable using all the offences covered by the guidelines, but there was a large reduction in sentences not covered by the guidelines – we expected no effect. This may be explained by an apparent preference for guideline-affected legislation after the implementation of the guidelines, perhaps meaning that non-affected legislation was less likely to be used for the most severe cases after 2018. We also looked at three specific offences where there were adequate samples sizes pre- and post-guidelines. These were preparation of acts of terrorism (s. 5 of the Terrorism Act 2006), collecting information likely to be of useful to a person committing or preparing an act of terrorism (s. 58 of the Terrorism Act 2000), and dissemination of terrorist publications (s. 2 of the Terrorism Act 2006). The findings demonstrated significant increases with sentences for s. 5 and s. 2 being ~50%-59% higher (respectively) in the post-guideline period, and s. 58 sentences 85% higher. This is in line with insights from the interviews and wider criminological literature. Both Allen (2016) and Pina-Sánchez et al. (2017) suggest that the introduction of sentencing guidelines may have contributed to greater sentence severity. For Islamist extremist actors sentenced for offences affected by the guidelines, we found relative stability in sentences pre- and post-guidelines. However, findings for right-wing extremist actors suggested offences covered by the guidelines were now being favoured. Thus, a shift from public order offences (violent extremism) to terrorism offences was observed in the post-guideline period with the most frequent offences being s. 58 and membership of a proscribed organisation (s. 11 of the Terrorism Act 2000). This is in line with Jupp's (2022) findings, which also showed that the two most common offences for right-wing convictions were s. 58 and s. 11. However, we acknowledge the timing of sentencing for large offender groups may have skewed these results.

Analysis of sentencing over time revealed that sentence length has remained relatively steady over the years included in the dataset (despite indications

58 For more details, see Dearden (2017). Other mitigating factors included a guilty plea and remorse.
59 In R v Maughan [2019] NICA 66 the Court of Appeal suggested that one reason why discounts for a guilty plea tend to be higher in NI than in E&W is that legal advice in NI is always given to the accused by a qualified solicitor whereas in E&W non-solicitor advisers are sometimes used.

that it has increased). In terms of fluctuations due to changing contextual environments, we were interested in whether sentences increased or decreased in the aftermath of notable terrorism events such as the 7/7 bombings in 2005 and the murder of Jo Cox MP in 2016. While two peaks were identified in 2007-2008 and 2017-2018 with respect to the number of Islamist offenders being convicted there was no corresponding change in sentencing outcomes. Similarly, for right-wing offenders the number of individuals convicted peaks in 2018 but there was no corresponding change in sentencing outcomes. These results indicate that noteworthy terrorism events may impact the number of similarly motivated cases sentenced in subsequent years, but do not appear to impact sentence length. This is similar to Damphousse and Shields (2007) research which found in the periods after the Oklahoma City bombing and 9/11 that the number of individuals indicted increased.

Although these findings provide important insight into the prosecution landscape of extremist actors in the UK, some important limitations must be noted. In examining the prosecution landscape, we do so only by examining those extremist actors who have been convicted and sentenced, therefore, our sample is inherently characterised by a selection bias. As we have utilised publicly available information, we are aware such an approach has its own drawbacks[60] in that the level of detail varies and at times we were reliant on media coverage to identify extremist actors. Subsequently, our dataset only includes those convicted extremist actors we could find and not all cases will have been reported in the media due to a lack of newsworthiness or reporting restrictions. Despite limitations with the use of publicly available information and potentially missing cases, we feel these were outweighed by the benefits of now being able to share our data with other researchers. Moreover, the findings presented in this study provide much needed information about the prosecution landscape for extremist actors in the UK by describing, analysing, and comparing the sentencing outcomes of individuals convicted of terrorism, terrorism-related, and violent extremism offences in each of the three legal jurisdictions of the UK. By creating the database, we have extended the existing data (mostly aggregate figures held within separate jurisdictions) to a database appropriate for analysis, including the principal offence and type of offence that extremist actors are convicted of UK-wide, their motivation, the principal offences of those extremist actors convicted in NI (no information previously held on individual convictions), and provided separate Scotland only data. Using the new data, we have been able to test a range of hypotheses in relation to not only motivation and sentence lengths for all extremist actors in the UK over a 21-year period, but also sentencing outcomes by type of offence, ideological motivation, gender, plea, having multiple counts, ethnicity, age, and co-defendants. We are also able to explore trends in the aftermath of the introduction on sentencing guidelines in E&W and notable terrorism events.

One potentially confounding factor throughout this report (and other available literature) is the absence of a workable severity measure. This is important since the impact of one variable (e.g., women receive shorter sentences than men) may be confounded by severity of offences (e.g., this would not reflect an inconsistency in sentencing if, for example, women actually commit offences that are less severe). Within the extant academic literature on the sentencing of terrorists, we found no appropriate measure of severity to allow comparison both within and across different offences. In Section 3.5, severity was coded for all s. 5 offences using part of the sentencing guidelines for this offence, and an exploration of severity as confounding was conducted. Overall, some trends were evident regarding potential confounds, but these did not reveal cause for great concern (assuming s. 5 offences are representative of the dataset as a whole). One strength of the current project is the use of mixed methods. In some cases, combining statistical results with data

60 Other research using open-source data has noted similar issues, see Gill (2020).

from interviews and existing literature provided insight into the nature of an effect where the potential impact of severity was uncertain.

From conducting this research, we would suggest there is a need for UK-wide data on the prosecution landscape for extremist actors with a consistent approach to data collection. This would allow not only for certainty regarding number of offenders included, but for more reliable and nuanced measures to be created and utilised in research (more precise data on ethnicity, nationality, details of prior convictions etc.). Given the scope of this study, there are of course areas for future research including the development of a better severity measure, which would capture severity between and within offences. This would also be improved if information was fed directly from the source, since useful details are often missing in publicly available information including the media, limiting post-hoc analyses. In light of our finding on gender, a more thorough examination of this is required to identify if the three framing narratives identified by Galica (2020) are at play in the UK context.

Overall, despite qualitative evidence and indications from other sources that the prosecution of extremist actors is inconsistent across variables including ethnicity, age, and ideological motivation, we did not find an impact of these extraneous variables, nor did we find evidence in general of sentencing increasing over time. This is positive evidence in favour of consistent use of legislation and sentencing sources, despite reports to the contrary. Differences were found relating to gender (women receive shorter sentences than men) and co-accused (having co-defendants increases sentences). We also found that ideological groups differ in offence type they are most likely to be convicted of, and that this may have indirect effects on sentencing. These are considerations in striving for consistency in the implementation of legislation and in sentencing outcomes.

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6. APPENDICES

APPENDIX 1 – GLOSSARY

Aggravating factor	A circumstance that makes a crime more serious such as lack of remorse, multiple victims, previous convictions and not pleading guilty.
Concurrent sentence	Sentences for two or more convictions will all be served at once.
Consecutive sentence	Sentences for each conviction that have to be served one after the other.
Count	In criminal cases, each charge on an indictment is known as a count and alleges a different crime.
Determinate sentence	A sentence for a fixed length of time and can include a period of time in prison and a period of time in the community 'on licence'.
Indeterminate sentence	A sentence that does not have a fixed length of time meaning there is no set date for release and prisoners will spend a minimum amount of time in prison before they are considered for release 'on licence'.
Indictment	The formal document that outlines the charge/s to be tried.
Mitigating factor	A circumstance that may reduce your sentence, such as a guilty plea, remorse, age, immaturity and co-operating with the authorities.
Principal offence	The offence that has the statutory highest maximum sentence.
Regression modelling	Involves statistical modelling that estimates the relationship between one dependent variable and one or more independent variables.
Terrorism offence	An offence under terrorism legislation (for the purposes of our analysis it excludes those offences considered as violent extremism).
Terrorism-related offence	An offence under non-terrorism legislation, which is considered to be terrorism-related.
Violent extremism offence	Those offences listed in Appendix 3.3.

APPENDIX 2 – EXPANDED LITERATURE REVIEW

As noted in Section 1.1. Previous research, much of the existing research on the prosecution of extremist actors has been conducted in North America. Three main areas of research can be identified: the penology of terrorism (e.g., the impact of legislation or policy generally), research on specific types of terrorism or extremism (e.g., Islamist or right-wing) and extraneous variables (e.g., gender).

US RESEARCH: THE PENOLOGY OF TERRORISM

Smith and colleagues have examined the prosecution and punishment of politically motivated offenders in the United States (Shields et al., 2016; Bradley-Engen et al., 2009; Shields et al., 2006; Smith et al., 2005; Smith et al., 2002; Smith and Damphousse, 1996; Smith and Orvis, 1993) Much of this research utilises data from the American Terrorism Study, which has been collecting, coding and analysing terrorism-related federal court cases in the US since 1988[61] and includes an initial period up to 2002.

Examining the prosecution and punishment of international terrorists over a 20-year period prior to 9/11, Smith et al. (2002) found that international terrorists were more likely to have their crimes explicitly politicised (e.g., they were charged with political offences such as treason and seditious conspiracy). They were much less likely to plead guilty and on conviction, they were punished more severely than domestic terrorists. Smith and Orvis (1993, p. 669) in their research on domestic terrorists in the period between 1980-1989 contend, "few of the offenses for which American terrorists have been indicted evoke images of political criminality" and were more likely to involve racketeering and racketeer influenced and corrupt organisations (RICO) charges.

Research on the impact of the labelling of politically motivated offenders as 'terrorists' suggests, "when the prosecution explicitly politicizes a case, the defendant is more likely to go to trial, more likely to be acquitted, and more likely to engage in 'political' defense strategies" (Smith et al., 2005, p. 209). For those defendants labelled 'terrorist' and who are convicted, Smith and Damphousse (1996) found that such a label was not only a significant predictor of sentence length but also the dominant explanatory variable. On comparing politically motivated offenders with non-politically motivated offenders convicted of the same crimes, terrorists received an average sentence of 167 months and non-terrorists 46 months. Not pleading guilty also had a negative effect on sentence length. They also found that "[w]hile crime severity is positively and significantly related to sentence length for both groups, it has a significantly larger effect on sentence length for terrorists than nonterrorists" (p. 309).[62] Similarly, Shields et al. (2006) examined a sample of both terrorist and non-terrorist offenders and found that terrorists were twice as likely as non-terrorists to be convicted following a criminal trial. Other variables with a significant effect were age in that as age increases so does the likelihood of being convicted at trial and number of counts. Likewise, Johnson[63] (2012, p. 183) found that the number of counts was "a strong and significant predictor in all outcomes, increasing the likelihood that a case will be prosecuted, tried and convicted".

61 To be included in the American Terrorism Study, cases must be the result of an FBI terrorism investigation, come from a specific list of cases from the FBI or the individual must appear on an official federal government list of terrorism cases, meet the FBI's definition of terrorism ("The unlawful use of force or violence against persons or property to intimidate or coerce a Government, the civilian population, or any segment thereof, in furtherance of political or social objectives") and involve a perpetrator federally indicted in the US. The American Terrorism Study is housed at the Terrorism Research Center, University of Arkansas. For more details on the American Terrorism Study please visit https://terrorismresearch.uark.edu/research/american-terrorism-study/

62 The terrorist data this article is based on was provided by the FBI, the Administration Office of the US Courts and the US Sentencing Commission and grew to become the American Terrorism Study. With respect to severity, an ordinal crime severity scale was used with 1 being least severe (i.e., miscellaneous) through to 29 most severe (i.e., treason, sedition). The scale while mentioned in the publication is not provided or discussed in any detail. However, the scale is included in an appendix in Shields et al. (2006) and is a list of 29 crimes, which do not include specific terrorism offences such as providing material support.

63 Johnson's (2012) sample of 574 terrorist suspects is drawn from the American Terrorism Study for the time period 1980-2002.

Bradley-Engen et al. (2009) explored the sentencing of terrorists and non-terrorists with respect to the implementation of sentencing guidelines.[64] They found that the incarceration rate for both groups increased substantially following the introduction of sentencing guidelines. All convicted terrorists and 82% of non-terrorists received a custodial sentence in the post-guidelines period up from 80% and 64% respectively in the pre-guideline period. Moreover, in the post-guidelines period, on average non-terrorists received significantly longer sentences while the average sentence length for terrorists significantly decreased. They concluded that "although terrorists continue to receive longer sentences relative to nonterrorists, the gap between these groups appears to be closing" (p. 449).

Damphousse and Shields (2007), who assessed the effect of major terrorist attacks on prosecution strategies and outcomes, examined the role of contextual factors. They compared the period before and after the Oklahoma City bombing in 1995 and 9/11.[65] They found that the number of individuals indicted and the number of indictments issued increased after both terrorist attacks. Moreover, they suggest a process of net-widening in which relatively minor offenders are treated more harshly than in 'normal times' occurred to a greater extent in the post-9/11 period "as the government sought a wider range of charges against individuals and small groups compared to the era before 9/11" (p. 186). Of those offenders convicted (N=226), the average sentence length decreased after both terrorist attacks. In terms of the Oklahoma City bombing, the average sentence length prior to the terrorist attack was 234.4 months and in the post-bombing period 91.9 months (a significant difference of 142.5 months). In the period prior to 9/11, the average sentence was 98 months and in the post-attack period 54 months (a difference of 44 months). They note "this is surprising given the expectation that the postevent environment might result in longer punishment" (p. 191). They also found that in terms of prosecutorial strategy federal prosecutors were more likely to use a conventional criminality strategy (i.e., one that treated terrorists as common criminals) and less likely to employ explicit politicality (i.e., the labelling of the offender as a terrorist and their portrayal in the media as a terrorist) in the post-attack periods. Thus, in the periods following both the Oklahoma City bombing and 9/11, Damphousse and Shields (2007, p. 193) contend that "whether intentional or not, major terrorism events result in the prosecution of cases that are generally less serious, are less complicated, and are treated much more like 'traditional' crimes by the state".

In a similar vein, Bradley-Engen et al. (2012) examined the contextual factor of time with respect to the relationship between time to conviction and trial versus plea disparities in sentencing.[66] Differentiating between the mode of conviction (i.e., whether the defendant pleaded guilty or was found guilty following a trial) and time to conviction, they investigated the theoretical implications of 'time' in relation to sentence severity plea-trial disparity. Within their sample the majority of defendants were male (89%) and white (76%) with 28% convicted following a trial and some 70% convicted via guilty pleas. Within the larger criminological literature, "the bulk of evidence since the 1980s indicates that, among persons who are convicted, whether he or she pled guilty or was found guilty by trial is likely to have a unique and significant influence on his/her sentence" (p. 831). Sentence length is used as the dependent variable with a number of independent (e.g. months to conviction and mode of conviction) and control variables (e.g., age, race, gender, criminal history, severity[67] and total number

64 US sentencing guidelines were introduced in the late 1980s following the passing of the Sentencing Reform Act of 1984. They were designed to achieve 'honesty in sentencing' and reduce the disparity in sentencing for similar criminal offences committed by similar offenders. For more details, see Said (2014). In terms of Bradley-Engen et al. (2009) research, the post-guidelines era in their research is 1988-1998.

65 Damphousse and Shields (2007) selected cases from the American Terrorism Study in the periods 1993-1997 (the 2 years before and after the Oklahoma City bombing) and 1999-2003 (the 2 years before and after 9/11). Excluding individuals associated with both attacks, the resulting data set contained 123 indictments against 285 individuals.

66 Bradley-Engen et al.'s (2012) data set comprised of 463 convicted terrorists in the time period 1983-2004 and is derived from the American Terrorism Study.

67 With respect to severity, the American Terrorism Study data employs an ordinal crime severity scale. See footnote 63 for details.

of counts). They found that both mode of conviction and time have effects on sentence severity. Similar to previous research, they found that a trial conviction resulted in an increased sentence length and that a time penalty was observable with respect to sentence length, namely as the time to conviction from indictment increases so does the sentence length. Moreover, "[t]ime conditions the plea-trial disparity, widening the punishment gap between trial convictions and guilty pleas" (p. 848).

More recent research by Shields et al. (2016) has explored the impact of policy changes post-9/11 including changes to the Attorney General's Guidelines, which establish the parameters for FBI investigations of federal crimes in the US and the impact of the USA PATRIOT Act. With respect to the first policy change, they highlight that the type of charges brought has changed over time. For example, in the years immediately following 9/11, immigration fraud and financial fraud charges were used primarily, by 2009 more serious charges involving possession of weapons of mass destruction and material support cases were being brought and by 2010 all cases involving jihadism centred on national security or material support charges.[68] The USA PATRIOT Act enacted following 9/11 resulted in the expansion of law enforcement investigations into suspected terrorists, tightened immigration rules, relaxed restrictions on surveillance procedures, strengthened international money laundering controls and extended the definitions of material support. They note that the number of individuals indicted each year for terrorism-related crimes has more than doubled since 9/11 and that the conviction rate for terrorism cases increased from 80% to 89%. Moreover, they contend, "the severity of charges has been steadily increasing since 2004, yet the conviction rate remains higher than pre-9/11 levels" (p. 505). Harms' (2017) in his study[69] of cases involving individuals charged with providing material support to terrorists found a conviction rate of 85%. Furthermore, changes to the terrorism enhancement provision[70] within the sentencing guidelines following 9/11 has resulted in the increasing punishment of certain offenders according to Said (2014). He suggests, "the modern terrorism prosecution now relies largely on material support charges unconnected to any violence and inchoate criminal activity not likely to result in actual violence" (p. 527). This view is echoed by Stephens (2020) who found that young US citizens under the age of 25 constitute the majority of individuals charged with providing material support to foreign terrorist organisations, an offence which now carries a statutory maximum sentence of 240 months.[71] The breadth of the federal statutes concerned with providing material support to terrorists "means there are people prosecuted who may not be as much of a true believer of ISIS or another F[oreign] T[errorist] O[rganisation], or as fully radicalized, as the label 'terrorist' connotates" (p. 219). In terms of sentencing, Chesney[72] (2007) found that those convicted of providing material support to terrorists received a median sentence of 120 months (the offence had a statutory maximum sentence of 180 months). Additionally, he concludes, "sentencing patterns continue to reflect the impact of pleading versus proceeding to trial" in that offenders convicted by a jury received considerably longer sentences than those who pleaded guilty (p.887).

Some research has provided a legal analysis of either hate crime and/or terrorism legislation in the

68 Material support charges are brought under two federal criminal statutes, namely 18 U.S.C. § 2339A (providing material support to terrorists) and 18 U.S.C. § 2339B (providing material support or resources to designated foreign terrorist organisations).
69 Harms utilised data (n=255) from the American Terrorism Study for the time period 2000-2007.
70 The terrorism enhancement provision applies if any offence is considered, or was intended to promote, a federal crime of terrorism. A federal crime of terrorism "is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct" (quoted in Said, 2014, p. 499) and involves some fifty crimes. A terrorism enhancement can increase a sentence beyond the statutory maximum permitted for an offence. For more details, see Ahmed (2017) and Brown (2014).
71 The statutory maximum sentence was increased from 180 months to 240 months in 2015.
72 In addition to the American Terrorism Study, Chesney (2007) searched PACER, Westlaw and Nexis for relevant cases. He identified 108 individuals who had been charged between September 2001 and July 2007. Of these, 39 individuals were convicted, 9 at trial and 30 pleaded guilty (plea agreement) with 30 sentenced in the time period of his study.

US (McCann and Pimley, 2019; Norris, 2020). As McCann and Pimley (2019, p. 1) note, "the distinction between hate crime and terrorism is a contentious legal issue that impacts how respective crimes are labelled and prosecuted". In their study, they content analysed state hate crime and terrorism laws and found that at a definitional level hate crime and terrorism are more similar than they are dissimilar. Issues arise in that hate crime laws focus upon protecting victims of hate protected classes (e.g., specific groups) rather than addressing crimes that seek to realise political change and definitions of terrorism found in statutes seldom differentiate between groups of people beyond combatants and non-combatants. On closer examination of hate crimes reported to the FBI between 1992 and 2016, they found that 32% of all hate crimes involved vandalism or destruction of property, 30% intimidation and 31% assault. Using comparable data from the Global Terrorism Database [73], 70% of terrorism crimes involved property damage, 18% physical harm and 14% death.

RESEARCH ON THE PENOLOGY OF TERRORISM AND RIGHT-WING TERRORISM

Norris (2020) explored when and where right-wing terrorists can be charged with terrorism focusing primarily on the US but also looked at 34 other countries' terrorism legislation.[74] He found that most domestic ideologically motivated offenders including 'mass murderers' in the US cannot be charged with a federal terrorism offence. In comparison, relatively minor offences committed in support of a foreign terrorist organisation can and are charged as terrorism and that Muslims constitute the overwhelmingly majority of those charged. One of the main reasons for this discrepancy in charging practices is "that the federal statute defining terrorism is an administrative statute, not a criminal statute and there is no general statute enabling all acts that qualify as terrorism under the definition to be charged as terrorism" (p. 520). Within the US, he found that 18 states had no criminal terrorism laws while 25 states plus the District of Columbia had wide-ranging terrorism statutes in which any person whose criminal activity corresponds to a general definition could be charged with a terrorism offence. Surprisingly, Norris finds only a handful of cases where right-wing terrorists were charged with terrorism under US states' terrorism laws. Moreover, nearly all of the other 34 countries in the study had legislation under which persons whose criminal activity fits with a general definition of terrorism could be charged with terrorism finding some 31 cases involving the prosecution of right-wing terrorists across 12 countries.

RESEARCH ON SPECIFIC TYPES OF TERRORISM

In addition to the research already discussed relating to differences between domestic and international terrorists and terrorists and non-terrorists, Murray (2018) examined three major domestic terrorism groups in the US, namely eco-terrorists, left-wing extremists and right-wing extremists in terms of conviction outcomes.[75] She found that the three groups were significantly different from each other in terms of demographics but also in terms of their treatment within the criminal justice system. For example, eco-terrorists were on average younger, they were relatively more women involved and they were all white. Moreover, they were "more likely to make plea bargains and have their cases dismissed/acquitted and less likely to have a trial conviction compared to left-wing and right-wing terrorists" (p. 85). Even when controlling for count severity as measured by the seriousness of the crime they still received shorter sentences.

73 The Global Terrorism Database is an open-source database of information on terrorist incidents around the world from 1970 through 2020 created from media reports. It is available from the National Consortium for the Study of Terrorism and Responses to Terrorism (START), University of Maryland.
74 In addition to the US, Norris' study included Canada, Australia, New Zealand, India, Switzerland, Norway and 28 European Union member states including the UK (the UK left the EU at the end of January 2020).
75 Murray uses data from the American Terrorism Study from the early 1980s to 2012. Her sample (n=528) includes 67 eco-terrorists, 189 left-wing terrorists and 272 right-wing terrorists.

In contrast, 84% of right-wing and 73% of left-wing terrorists were convicted (c.f. 61% of eco-terrorists). More recently, Yon and Milton[76] (2021, p. 1) found that the ideological affiliation of individuals increases "the severity of the legal outcome". For example, individuals associated with either a single-issue or far-left group were less likely than a jihadist to either be investigated or charged with a criminal offence. They also examined other factors such as race and age, which has been shown in the wider criminological literature to have an impact on an individual's experience of the criminal justice system. They found "at least for those accused of terrorism, race does not have as tangible an impact on the length of time they are sentenced to prison" (p. 13) and the likelihood of law enforcement pursuing an investigation increases with age. Burtis and Butler (2021) in their analysis of factors influencing sentence length examined three cases in depth with differing ideological motivation, namely, right-wing, jihadist and left-wing. Consistent with previous research, they found the defendant's plea was an important factor. Additionally, the defendant's level of remorse, their degree of commitment to the ideological motivation and whether or not they co-operated with law enforcement, all had an impact on the sentence length.

Vidino and Hughes (2015) in their research on ISIS in America examined all cases of US persons (e.g., citizens and permanent residents) arrested, indicted or convicted in the US for ISIS-related activities from March 2014 through November 2015. Utilising legal documents, media reports, social media monitoring and interviews with prosecutors, reporters and in some cases family members of those charged, they identified three categories of individuals: legal case, 'At-large' and deceased. In terms of the legal cases, they identified 71 individuals who had been charged on ISIS-related charges. In terms of demographics, 86 % were male and the average age was 26 with ages ranging from 15-47. Surprisingly, no details are provided of the types of charges or sentences handed down to those convicted.

GENDER

The role of extraneous variables such as gender have been explored with respect to female terrorist offenders in the US in general (Alexander and Turkington, 2018; Jackson et al., 2021; Makin and Hoard, 2014; Weaver and Doty, 2021) and to ISIS in particular (Galica, 2020). Alexander and Turkington (2018, p. 24) contend that men and women engaged in terrorism-related activity receive differential treatment within the criminal justice system. Examining a range of sources[77] including in-depth case studies (e.g., Keonna Thomas[78]), they found that "women involved in crimes motivated by violent extremism are less likely to be arrested, less likely to be convicted, and finally sentenced at unequal rates" (p. 24). For example, in 2018 every women sentenced in the Program on Extremism's Islamic State in America dataset[79] received less than the average (156 months) duration for sentenced cases (male and female). Moreover, the average period of incarceration for men was 164 months, for women it was only 68 months. In their examination of the PIRUS dataset[80], they found equal amounts (26%) of men and women had successfully executed plots and that radicalised men and women were broadly similar in terms of the severity of their crimes. However, approximately 73% of men were arrested

76 Yon and Milton's data is drawn from the American Terrorism Study and the Profiles of Individual Radicalization in the United States (PIRUS) datasets and covers the period 1947-2017. The PIRUS dataset is created from public sources of information and contains anonymised individual-level information on the backgrounds, attributes, and radicalisation processes of over 2,200 violent and non-violent extremists motivated by far-right, far-left, Islamist, or single issue ideologies in the US between 1948-2018. It is available from the National Consortium for the Study of Terrorism and Responses to Terrorism (START), University of Maryland.

77 Sources included the George Washington University's Program on Extremism and PIRUS. The George Washington University's Program on Extremism was established in 2015 and researches domestic extremists (e.g., white supremacists, accelerationists and the militia movement), global jihadism, homegrown extremism (e.g., IS and other jihadist groups in the US) and Islamism.

78 For more than a year, Keonna Thomas was a vocal supporter of IS using social media platforms such as Twitter to promote the organisation. She pleaded guilty to a charge of attempting to provide material support to IS and received an 8-year sentence.

79 The dataset contained 87 male cases and 9 female cases.

80 The dataset contained 1,685 male profiles and 182 female profiles.

and indicted compared to 66% of women. A disparity was also observed in conviction rates with 38% of men convicted compared to 29% of women.

Similarly, Jackson et al.[81] (2021, p. 10) found that females "are treated relatively more leniently by the courts". Female terrorist defendants were more likely to receive bail in comparison to males (62% vs. 33%), less likely to be convicted (83% vs. 88%) and on average were given shorter average prison sentences (74.8 months vs. 190.3 months) than their male counterparts. Makin and Hoard (2014) examined the criminal participation of women within domestic terrorism between 1980 and 2002, with a particular focus on the ruthlessness and lethality of female terrorists and whether they are more likely to be associated with a specific group type, namely left-wing.[82] In order to test ruthlessness and lethality, indictment charges were coded as either violent or non-violent. They found that 67% of women and 54% of men had committed nonviolent offences, moreover only 5% of individuals charged with violent offences were women. Thus, they argue, "the belief that women are more lethal in their acts of terrorism, within the time period and context of domestic terrorism, must be rejected" (p. 542). In terms of group type, women (52%) were disproportionately in left-wing groups when compared to men (22%), however, when examining within gender (i.e., female-to-female), they found women were only marginally more likely to be involved in left-wing terrorism (52% left wing) as opposed to right-wing terrorism (47%).[83]

Weaver and Doty's (2021) research explored gender interaction effects on judicial sentencing rhetoric by analysing sentencing hearings, memorandums, judgements and transcripts using a corpus linguistic approach. Their sample included 54 female and 91 men defendants. They hypothesised that there would be gender-based biases within the sentencing rhetoric in their sample. Their findings suggest that in the sentencing of females more positive words were found in the documents under analysis and that their "women's social capital plays a larger role in mitigation than it plays for their male counterparts" (Weaver and Doty, 2021, p. 143).

Galica (2020) explored the impact and presence of framing narratives on the sentences of males and females charged with terrorism offences since the growth of ISIS. She notes that within the US two main charges are brought against terrorists, namely providing material support to terrorist groups and making false material statements.[84] Her sample included 62 individuals who were charged with providing material support or making false material statements in the period between March 2014 and September 2018 and who had received a custodial sentence and were not sentenced as juveniles. Of the sample, nine individuals were female. Galica found that the average sentence for females convicted of making false statements was 49.5 months in contrast to 87.2 months for males. For providing material support to terrorist groups, the average sentence for females was 86.4 months and for males 155.2 months. In terms of primary narratives, three were identified, namely infantilisation (i.e., the denying of autonomy), reliance on male ISIS members (i.e., naivety) and parental responsibilities (i.e., motherhood). She concludes that "overall, the combination of these narratives disparagingly contribute to the relative lack of consequences for women who commit terrorism crimes" (Galica, 2020, p. 135).

81 Their sample taken from the American Terrorism Study included 1,926 male and 221 female defendants and the data coded in terms of extra-legal (e.g., gender, ideology, age at time of arrest, education and marital/family status) and legal (e.g., charge type, number of counts, indicted with others and average prison sentence length) variables.

82 Their dataset comprised 211 men and 36 women and was derived from the American Terrorism Study.

83 They note "…the within-gender comparison yielded surprising results. Women indicted for criminal offenses relating to domestic terrorism were nearly evenly found within right-wing and left-wing groups" (Makin and Hoard, 2014, pp. 544-545).

84 For more details on Providing Material Support to Terrorists 18 U.S.C § 2339A (2018) and Providing Material Support or Resources to Designated Foreign Terrorist Organization 18 U.S.C. § 2339B (2018) please see Galica (2020). In terms of Statements or Entries Generally, 18 U.S.C. § 1001 (2018), Galica (2020, p. 127) notes, "the crime of making false material statement involves conveying deceptive or fraudulent statements to federal officials". Such statements would include giving a false name to authorities.

The findings discussed above are consistent with research on gender and the wider criminal justice system, which found that gender, has a role to play with women often receiving differential (preferential) treatment and sentencing differences (e.g., less likely to be convicted and if convicted receive a custodial sentence) for non-terrorism-related criminal offenders (Goulette et al., 2015). However, they did not find that a defendant's sex had a significant main effect on sentence length. In contrast, Doerner and Demuth (2014, p. 242) found "that female defendants receive more lenient sentence outcomes than their male counterparts. Legal factors account for a large portion of the gender differences, but even after controlling for legal characteristics a substantial gap in sentencing outcomes remains".

CANADA: THE PENOLOGY OF TERRORISM

Diab's (2011, 2013) research examines the statutory frameworks and early case law. The introduction of the Anti-Terrorism Act 2001 affected the Canadian framework for terrorist sentencing in a number of ways. It created new terrorism offences, provided for a maximum life sentence for the commission of an indictable offence for the benefit of a terrorist group (s 83.2) and in cases where individuals were given multiple sentences for terrorism offences, these offences were to run consecutively (with the exception of a life sentence). However, mandatory minimum sentences were not introduced for terrorism offences. A number of early terrorism cases are examined and Diab (2011) makes the following observation with respect to the sentencing outcomes: "Canadian cases have involved a wider range of penalties in analogous cases, with shorter periods of parole ineligibility and often much shorter sentences" (p. 267).

More recently, Nesbitt and colleagues have empirically examined terrorism prosecutions in Canada taking 2001 as their starting point (Nesbitt, 2019; Nesbitt et al., 2019; Nesbitt and Hagg, 2020). Prior to the passing of the Anti-Terrorism Act 2001, Canada did not have a 'terrorism offence' in law and the country's anti-terrorism criminal laws are located in Part II. 1 of the *Criminal Code of Canada*.[85] Nesbitt (2019, p. 97) notes that the prosecution authority in Canada (Public Prosecution Services of Canada) releases limited information with respect to those charged under Part II. 1 of the Criminal Code and thus "there remains an information and empirical vacuum, when it comes to the specifics of terrorism charging practices and trials in Canada". This vacuum is addressed by Nesbitt and colleagues' research. In the period from 2001 to September 2018, 54 individuals were charged with terrorism offences under Part II. 1 resulting in 15 criminal trials (12 convictions) and 14 guilty pleas (Nesbitt, 2019). The two most frequent charges used in prosecutions were commission of an indictable offence for the benefit of a terrorist group (s 83.2) and participating in a terrorist group (s 83.18). The custodial sentence length of the 26 offenders (all male) found guilty varies and ranges from 6 months to life imprisonment and all offenders were given custodial sentences. The corresponding rate for offenders in non-terrorism trials was 37% (Nesbitt et al., 2019).

Moreover, the median sentence for terrorism offences was 120 months, in comparison to 60 months for homicide offences. Terrorism prosecutions have less guilty pleas and more trials. Having said that, Nesbitt (2019) found that findings of guilt in terrorism trials (62%) were comparable to non-terrorism trials (63%). However, terrorist offenders are not receiving discounted sentences for guilty pleas as Nesbitt et al. (2019, p. 13) found "there is little discernible difference, at least on the numbers alone, between sentences for those convicted after a full trial and defence and those who plead guilty to terrorism charges". They also found the average sentence for those found guilty after trial was 175 months and for

85 The Anti-Terrorism Act 2001 created ten new criminal terrorism offences with an additional five added after 2013. Additionally, for sentencing purposes s 718.2(a)(i) of the Criminal Code was amended by the Act and requires judges to consider terrorism as an aggravating factor. For more details, see Nesbitt and Hagg (2020).

those who pleaded guilty 138 months. Nesbitt and Hagg's (2020) looked at the elements of offences and found that a number of terrorism offences had not been used in charging offenders between 2001 and September 2018. These include using or possessing property for terrorist purposes (s 83.04), advocating or promoting commission of terrorism offences (s 83.221) and concealing a person who carried out terrorist activity (s 83.23).

According to Nesbitt's (2021, p. 38) research, of the 56 individuals charged with a terrorism offence in Canada between December 2001 and December 2019, "not a single such individual was associated with a far-right group or espoused a far-right ideology". He identified those individuals charged with offences associated with hate crimes[86] and where hate was considered an aggravating factor in sentencing.[87] Additionally, he reviewed the Canadian media to identify any extremists who had not either been charged with terrorism or offences associated with hate crimes or where hate had not been considered an aggravating factor in sentencing. He found 20 publicly reported cases (26 individuals), which involved charges concerning the promotion of hate with only two cases involving mischief as hate. Seventeen publicly reported sentences (15 individuals) where hate was recorded as an aggravating factor were identified - all individuals thus far have been male. Moreover, all terrorist prosecutions in the time period under study have involved Al Qaeda (AQ)-inspired males and all non-terrorism cases where hate has been identified as a motive for the offence have involved far-right extremists. Thus, he argues "far-right inspired actions are charged as hate crimes, while AQ-inspired extremism is charged as terrorism" (p. 45). In terms of sentencing, 11 of the 17 cases of far-right motivated offences not involving speech have been for serious crimes, namely, murder, manslaughter or assault, which he argues is not that qualitatively different to crimes committed by AQ-inspired extremists. The average custodial sentence for an offender convicted of hate speech was 6.8 months and 10 months for those receiving a non-custodial sentence. In contrast, the average custodial sentence for an individual convicted of terrorism was 156 months with no offenders receiving a non-custodial sentence. Thus, he argues that the choice of offences offenders are charged with is influenced by the very nature of Canada's terrorism and hate speech offences. Canada's terrorism legislation was a response to 9/11 and AQ-inspired terrorism whereas hate offences were brought in to tackle far-right extremism. Nesbitt concludes that the "legislative history and the resultant practice has created what looks like systemic discrimination, where AQ-inspired extremism is charged, prosecuted and sentenced differently and more seriously than similarly ideological far-right violent crime" (pp. 52-53).

RESEARCH ON SPECIFIC TYPES OF TERRORISM

Canada also experienced separatist terrorism in the twentieth century. Amirault and Bouchard (2015, p. 512) studied the impact of cohort effects on the sentencing outcomes of members of the Front de Liberation du Quebec (FLQ) from the perspective of the 'recidivist sentencing premium', which "states that offenders who continually engage in criminal activities should be sanctioned more harshly as their careers progress". Utilising Tremblay et al.'s concept of the 'collective career', they examined the 10 year campaign by the FLQ (1963-1972) in terms of was there a) any evidence of cohort effects and b) whether the collective career of the FLQ resulted in a recidivist sentencing premium. Identifying 108 individuals convicted of an offence on behalf or in support of the FLQ from open-source information, they found the average sentence length was 66.21 months and that the sentencing range was 4.5 to 300 months. Four phases of the campaign were identified, namely onset, persistence, escalation and desistance and offenders coded accordingly. Additionally, they coded for age, entering a guilty plea

86 Nesbitt notes that Canada does not have a hate crime per se, rather offences usually associated with hate crimes were used as a proxy. These are s. 319 of the Criminal Code (hate speech and inciting hatred) and s 430(4.) (mischief as hate).
87 For sentencing purposes s. 718.2(a)(i) of the Criminal Code requires judges to consider whether the offence was motivated by bias, hate or prejudice.

and whether there were co-offenders involved. In terms of sentencing patterns across the collective career of the FLQ, they found a high level of variability. For example, committing an explosive related offence was significantly associated with a shorter sentence length and offenders sentenced in the onset and persistence phases were sentenced significantly less severely than offenders in the desistance phase. Moreover, they found offenders who were tried with co-defendants, and those who committed their offences with more co-defendants, were sanctioned less severely. Surprisingly, they found "that despite the decreasing proportion of offenders entering a guilty plea, this factor results in an increased sentence severity" (p.530). Additional research by Amirault et al. (2016) examined the sentencing outcomes of terrorist offenders in Canada from 1963-2010.[88] Their findings suggest that offenders who were convicted of general Criminal Codes offences "were sanctioned more harshly than those convicted of terrorism-specific offenses alone" (p. 803).

RESEARCH FROM ELSEWHERE

Research that examines the non-North American or non-UK context is scant with a few notable exceptions. In addition to the research by Blackbourn (2021) and Lowe's (2020) already discussed, Crowley's (2010) examined the sentencing of terrorists in Australia with particular reference to one Islamic terror trial involving Benbrika and others.[89] Arguing that "sentencing terrorists represents a new chapter driven by a political imperative to be perceived as being tough on terrorism" (p. 286), he makes a number of observations. Firstly, that for terrorism cases sentences have been severe. Secondly, the way in which legislation is drafted means that it is easier to charge and convict suspected terrorists. Thirdly, the use of control orders has the potential of extending the punishment of convicted terrorists beyond their sentence length. McGarrity (2013, p. 32) examined the cases of 26 convicted terrorists in Australia in detail and concludes, "the overwhelming determinant of the sentence handed down in a terrorism case is the objective seriousness of the offence". Thus, the sentences imposed are likely to be lengthy and factors that are usually taken into account in the sentencing process such as age, family situation and previous convictions become of secondary importance when terrorism offences are concerned. The issue of female involvement with IS was also examined in a policy brief by Strømmen for PRIO Centre on Gender, Peace and Security. Strømmen notes that where women have been prosecuted and convicted of their involvement with IS[90], that their sentences have been shorter than their male counterparts or they have been pardoned suggesting that "women who carry out the hijra (migration) to the Caliphate are, however, not criminalized or feared to the extent that their male counterparts are" (p. 2).

Both Koehler (2019) and da Silva et al. (2022) discuss the lack of criminalisation of extreme right-wing violence in Germany and Portugal respectively. While Koehler (2019) acknowledges that perpetrators of extreme right-wing violence are prosecuted, they are by and large not prosecuted as terrorists. They are usually prosecuted under a variety of criminal statutes including causing an explosion, possession of illegal firearms and attempted murder. In several cases such perpetrators have been given sentences equal to or longer than the sentences they would have received if they had been convicted under terrorism legislation. In practical terms, this has a number of repercussions in that "terrorism prosecution and legislation seems to not accurately catch violent tactics and organisational forms used by the far-right. It also seems to be more difficult to clearly label extreme right-wing violence as 'terrorism'. Both aspects might distort official statistics and threat assessments" (Koehler, 2019, p.

88 Their study used a sample of 153 convicted terrorist from the Officially Adjudicated Terrorists in Canada dataset, which they created. For more details on its creation, see Amirault et al. (2016).

89 Abdul Nacer Benbrika was convicted of a variety of terrorism offences including membership of terrorist organisation, directing a terrorist organisation and possessing of a thing connected with preparation for an act of terrorism – he was sentenced to 180 months. Six others were also convicted of a variety of terrorism offences.

90 There is little detail as to where these prosecutions and convictions have occurred apart from a few examples from the UK, US and Belgium.

13). Similarly, da Silva et al. (2022) examine the lack of terrorism prosecutions in Portugal for extreme right-wing violence noting that there have been five terrorism convictions under the 2003 counter-terrorism legislation. Their preliminary study compares two case files, one involving a member of ETA, the Basque separatist group who was convicted under counter-terrorism law and the other involving defendants accused of extreme right-wing violence who were not charged under terrorism law. They suggest that in Portugal there is a penal selectivity with respect to perpetrators of extreme right-wing violence and that such violence is seldom considered with respect to the counter-terrorism legislation. Moreover, they argue that extreme right-wing "violence is not treated with the seriousness it deserves, exacerbating marginalisation and discrimination practices, and being simply unjust" (da Silva et al., 2022, p. 116).

APPENDIX 3 – LIST OF MAIN OFFENCES

APPENDIX 3.1 - OFFENCES CONSIDERED TERRORISM

Terrorism Act 2000	
s. 11	membership of a proscribed organisation (Maximum sentence (original) 10 years; as from 29/06/2021 14 years)
s. 13	wearing a uniform of a proscribed organisation (Maximum sentence 6 months)
s. 38B	information about acts of terrorism (Maximum sentence (original) 5 years; as from 12/04/2019 10 years)
s. 54	weapons training (Maximum sentence (original) 10 years; as from 13/04/2015 life imprisonment)
s. 56	directing a terrorist organisation (Maximum sentence life imprisonment)
s. 57	possession of an article for terrorist purposes organisation (Maximum sentence (original) 10 years; as from 13/04/2006 15 years)
s. 58	collecting/making/possessing information of a kind likely to be useful to a person committing or preparing an act of terrorism organisation (Maximum sentence (original) 10 years; as from 12/04/2019 15 years)

Anti-Terrorism, Crime and Security Act 2001	
s. 113	use of noxious substances (Maximum sentence 14 years)
s. 114	hoaxes involving noxious substances (Maximum sentence 7 years)

Terrorism Act 2006	
s. 5	preparation of acts of terrorism (Maximum sentence life imprisonment)
s. 6	training for terrorism (Maximum sentence (original) 10 years; as from 13/04/2015 life imprisonment)
s. 8	attendance at a place for terrorist training (Maximum sentence (original) 10 years; as from 29/06/2021 14 years)

APPENDIX 3.2 - OFFENCES CONSIDERED TERRORISM-RELATED

Common Law - Murder (Mandatory maximum life sentence)

Common Law and s. 1(1) of the Criminal Attempts Act 1981 - Attempted Murder (Maximum sentence life imprisonment)

Common Law and s. 1 of Criminal Law Act 1977 - Conspiracy to murder (Maximum sentence life imprisonment)

Common Law and s. 12 of Criminal Law Act 1977 - Conspiracy to commit fraud (Maximum sentence 10 years)

Explosive Substances Act 1883	
s. 2	causing an explosion likely to endanger life or property (Maximum sentence life imprisonment)
s. 3	attempt to cause explosion, or making/ keeping explosive with intent to endanger life or property (Maximum sentence since Criminal Law 1977 amendment life imprisonment)
s. 4	making/possessing an explosive substance (Maximum sentence (original) 14 years; as from 13/04/2015 life imprisonment)

Firearms (NI) Order 1981	
Article 17	possession of firearm/ammunition with intent to injure (Maximum sentence life imprisonment)
Article 23	possession of firearm/ammunition in suspicious circumstances (Maximum sentence 10 years)

Firearms (NI) Order 2004	
Art. 58(1)	possession of firearm/ammunition with intent to endanger life or cause serious damage to property (Maximum sentence life imprisonment)
Art. 58(2)	possession of firearm with intent to cause fear of violence (Maximum sentence 10 years)

APPENDIX 3.3 - OFFENCES CONSIDERED VIOLENT EXTREMISM

Offences that could be considered include:

Treason (Desiring death of the monarch, levying war against the monarch, giving aid and comfort to enemies of the state,) Maximum sentence life imprisonment

Soliciting Murder: s. 4 of the Offences against the Person Act 1861 (Encouraging or persuading any person to murder any other person) Maximum sentence life imprisonment

Incitement to commit acts of terrorism overseas: s. 59 of the Terrorism Act 2000 (Maximum sentence varies according to type of act)

Incitement to disaffection: Various Acts

Inciting racial hatred - Part III Public Order Act 1986 (as amended by the Racial & Religious Hatred Act 2006)

Sedition and Seditious Libel (inciting hatred or contempt and violence against the state and its institutions)

Inviting support for proscribed organisation: s. 12 of the Terrorism Act 2000 (Maximum sentence (original) 10 years; as from 29/06/2021 14 years)

Terrorist financing offences: ss. 15-18 of Terrorism Act 2000 (Maximum sentence 14 years)

Encouragement of terrorism: s. 1 of the Terrorism Act 2006 (Maximum sentence (original) 7 years; as from 12/04/2019 15 years)

Dissemination of terrorist publications: s.2 of the Terrorism Act 2006 (Maximum sentence (original) 7 years; as from 12/04/2019 15 years)

Offences of encouragement and dissemination using the internet: Terrorism Act 2006 and Part 3 Public Order Act 1986

Distributing, showing playing or possessing a recording, with intent to stir up racial hatred: ss. 21 - 23, Public Order Act 1986

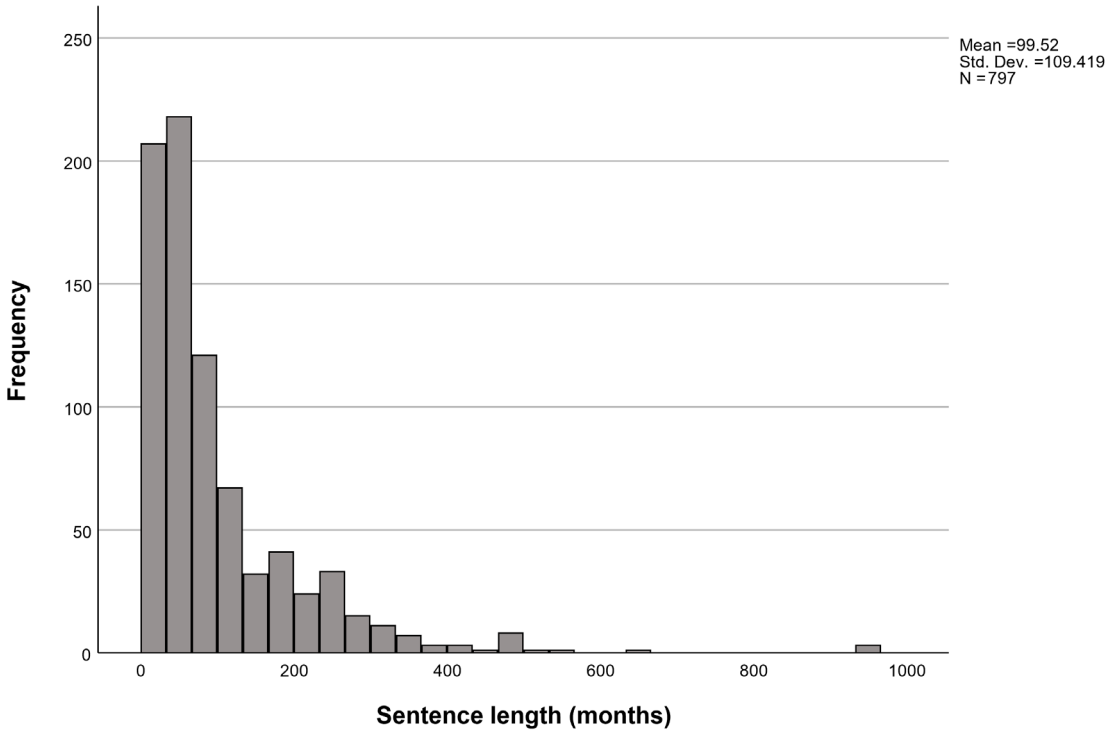
Adapted from CPS (2015).

APPENDIX 4 – 'OTHER' MOTIVATION GROUP

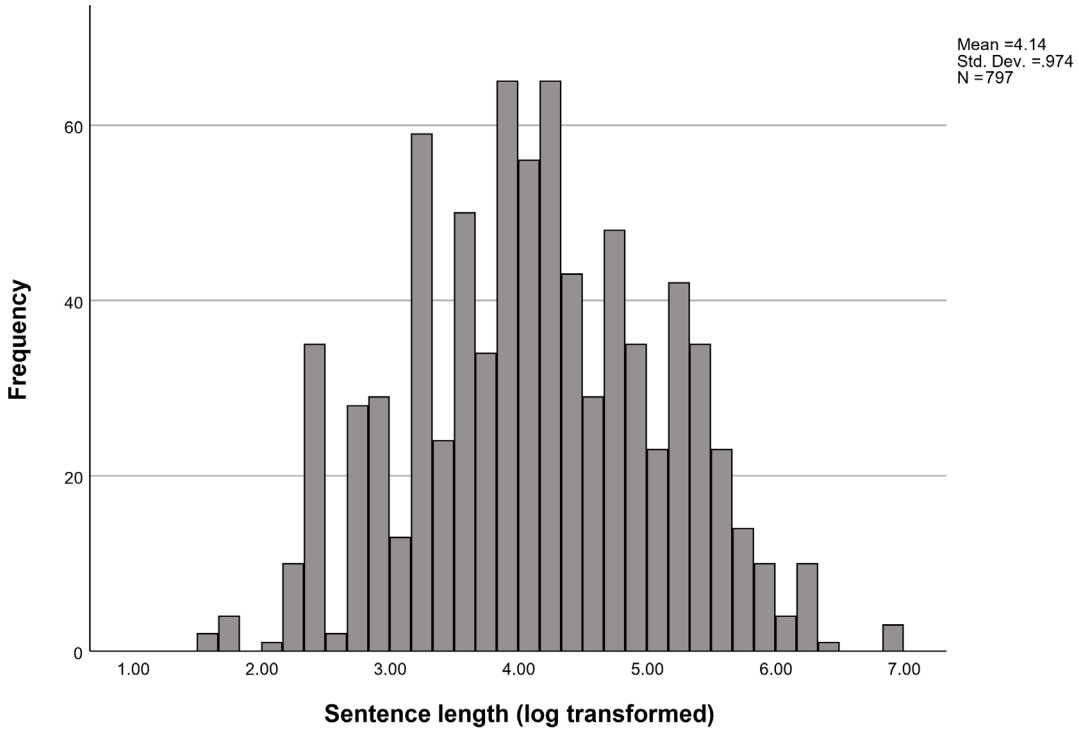
Composition of Other motivation group (not Islamist, right-wing, or NI-related):	
Anti-Muslim	12
Pro-Yaruba Supremacy	1
Anti-Semitism	2
Anti-Bangladeshi Govt.	1
Sikh separatism	5
Kurdish separatism	5
Unspecified	2
Scottish separatism	3
Tamil separatism	1
Ukraine	1
Environment	1
Misogyny	1
Total	**35**

APPENDIX 5 – TRANSFORMATION OF VARIABLES

APPENDIX 5.1 - LOG TRANSFORMATION OF SENTENCE

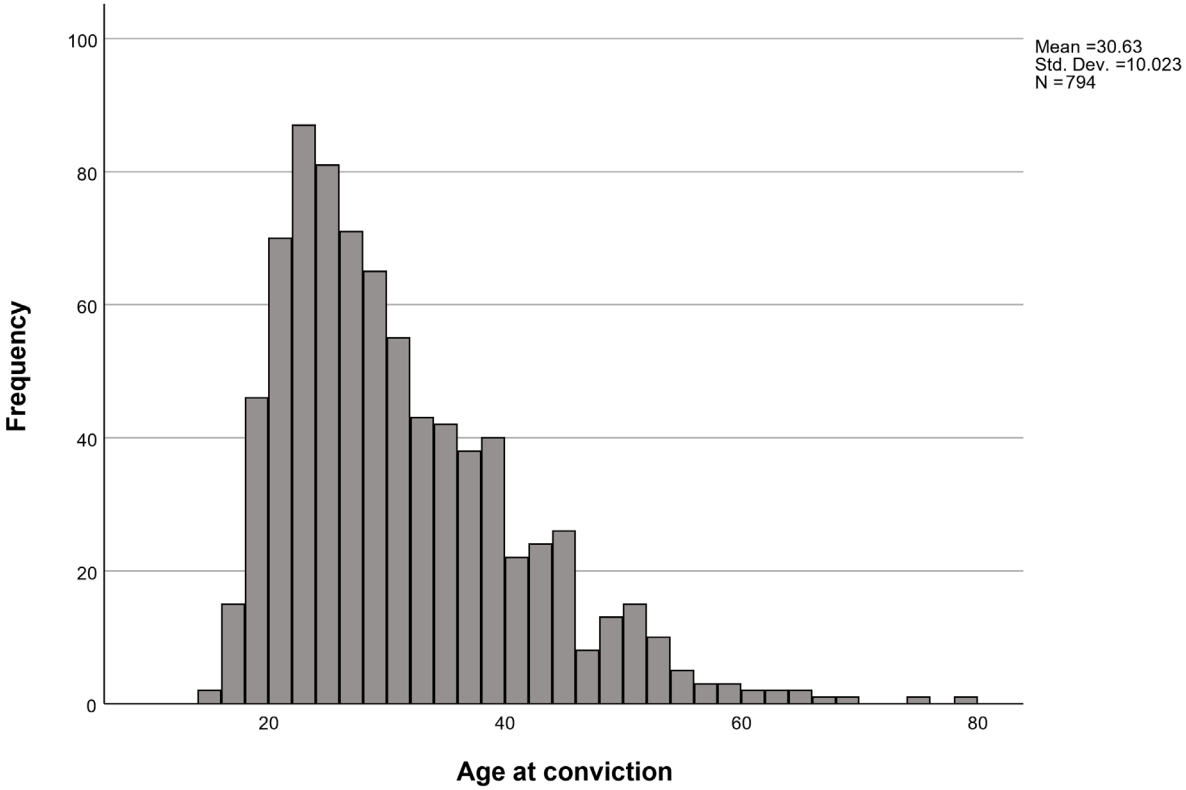


Original measure (severe right skew)

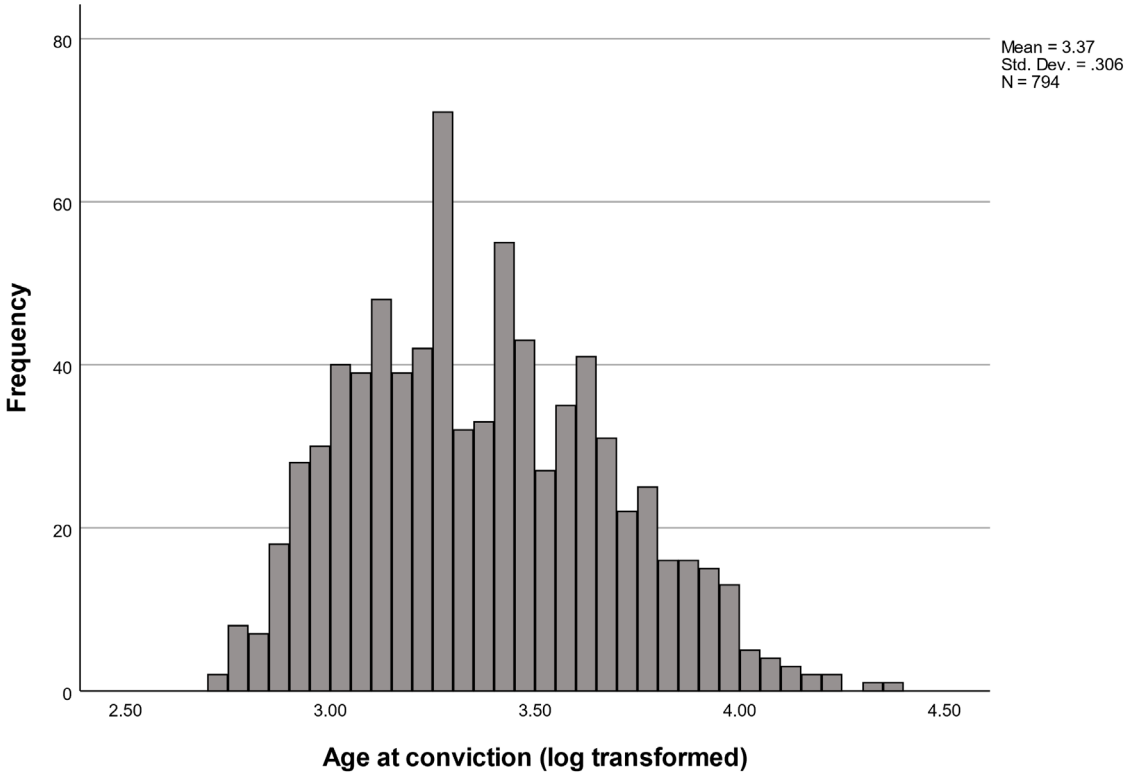


Natural log transformation employed

APPENDIX 5.2 – LOG TRANSFORMATION OF AGE

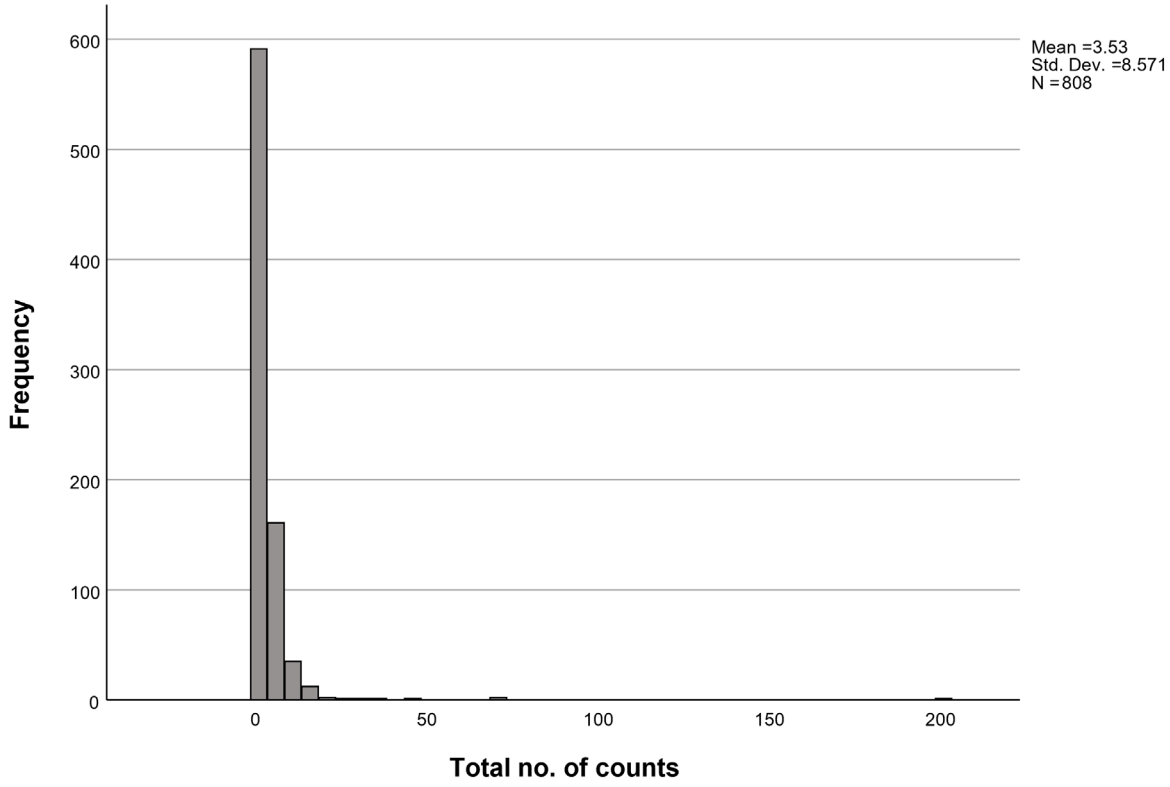


Original measure (moderate right skew)

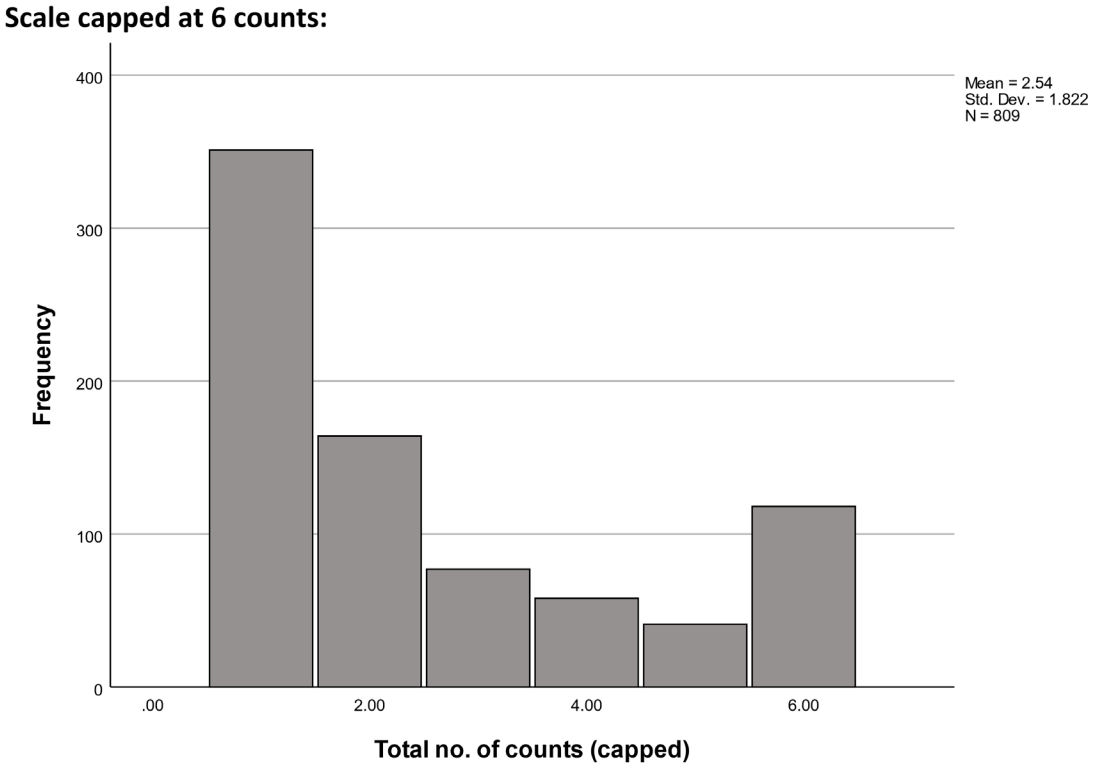


Natural log transformation employed

APPENDIX 5.3 – TOTAL COUNTS (CAPPED)



Original measure (unable to be transformed)



Scale capped at 6 counts

APPENDIX 6 – PREDICTING OFFENCE TYPE

APPENDIX 6.1 – NESTING DETAILS

Likelihood values for the fixed and random effects models are not compared using -2LL (as in other models for this study) as the multinomial regression does not employ maximum likelihood (values not comparable). The decision to retain random intercepts for shared offence type in this case is based on significant values for random effect clustering ($p < .001$) and a large increase in classification percentage. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model.

Significant predictors (final model) were tested allowing random slopes (to determine whether model fit was significantly improved but resulted in warnings regarding validity of model fit and model convergence. The model is rolled back to the previous iteration including random intercepts for shared offence clusters only.

APPENDIX 6.2 – OUTPUT INCLUDING MOTIVATION

Offence type (Terrorism as reference)		Estimate	SE	t	p	Exp(B)		95% CI for Exp (lower)	95% CI for Exp (upper)
Violent Extremism	Other motivation	.987	.5905	1.671	.095	2.683	.842	8.550	.987
	Islamist motivation (reference)	-	-	-	-	-	-	-	-
Terrorism Related	Other motivation	.901	.7475	1.205	.229	2.461	.567	10.675	.901
	Islamist motivation (reference)	-	-	-	-	-	-	-	-

Multilevel regression predicting offence type - estimates of fixed effects for 'Other' motivation

APPENDIX 6.3 - OUTPUT INCLUDING JURISDICTION:

	df	F	p
MODEL	6	16.922	.000
Jurisdiction	4	19.727	<.001
Age (log)	2	9.542	<.001

Multilevel regression predicting offence type - fixed effects

APPENDIX 7 - JURISDICTIONAL DIFFERENCES FOR S. 5-RELEVANT OFFENCES

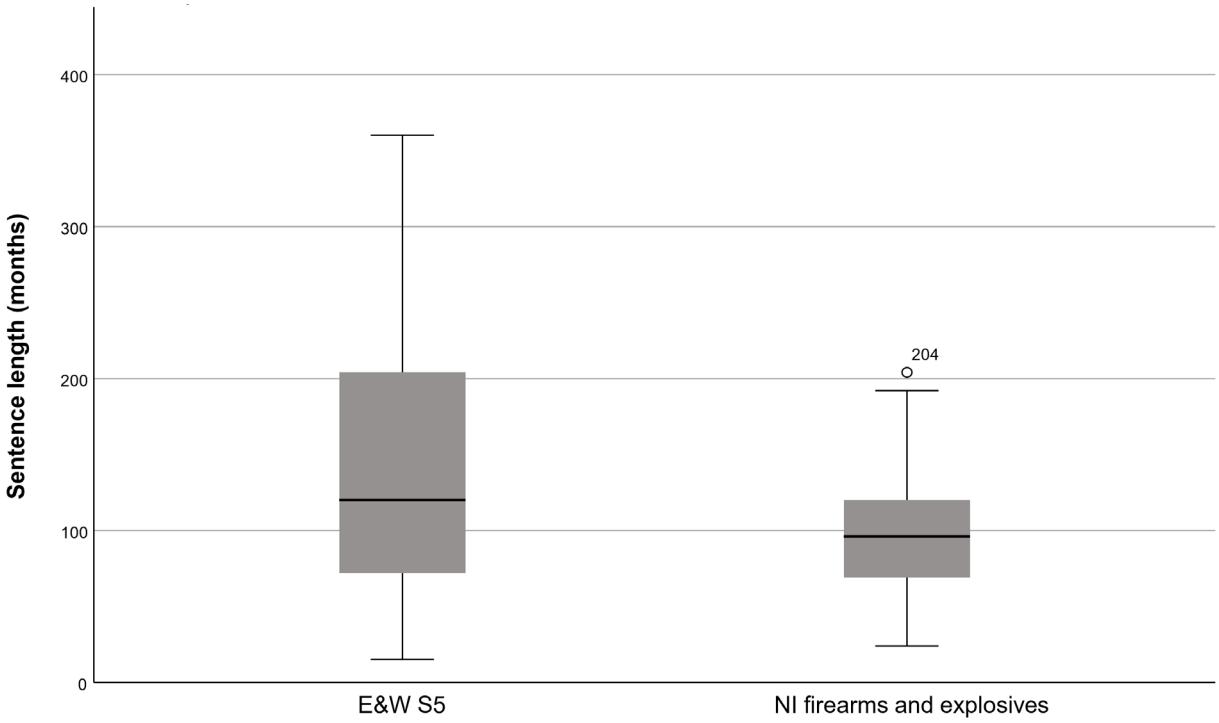
APPENDIX 7.1 – NESTING DETAILS

Running a model including predictors but no random effect gives an initial -2LL value of 1883.96 (with 3 parameters). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 1858.40 (with 4 parameters). The $\chi 2$ change of 25.56 (1883.96 – 1858.40) is higher than the critical value for a significant change ($\chi 2 = 3.84$) and the Wald statistic is also significant at $p < .001$. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model. Allowing random slopes for the predictor produces warnings regarding convergence so random slopes are not utilised.

APPENDIX 7.2 - FIGURES WITH SENTENCES SINCE 2012 ONLY

Offence type (Terrorism as reference)		Estimate	SE	t	p	Exp(B)	95% CI for Exp (lower)	95% CI for Exp (upper)
Violent Extremism	Scotland	-.924	.7123	-1.297	.195	.397	.098	1.607
	NI	-1.067	.5124	-2.083	.038	.344	.126	.940
	E&W (reference)	.	.	.	.	.	.	.
	Age (log)	1.639	.3753	4.368	<.001	5.151	2.466	10.760
Terrorism Related	Scotland	.095	.7475	.127	.899	1.099	.253	4.768
	NI	2.887	.3793	7.611	<.001	17.940	8.520	37.776
	E&W (reference)	0b	.	.	.	.	.	.
	Age (log)	.492	.4459	1.103	.271	1.635	.681	3.923

Multilevel regression predicting offence type - estimates of fixed effects

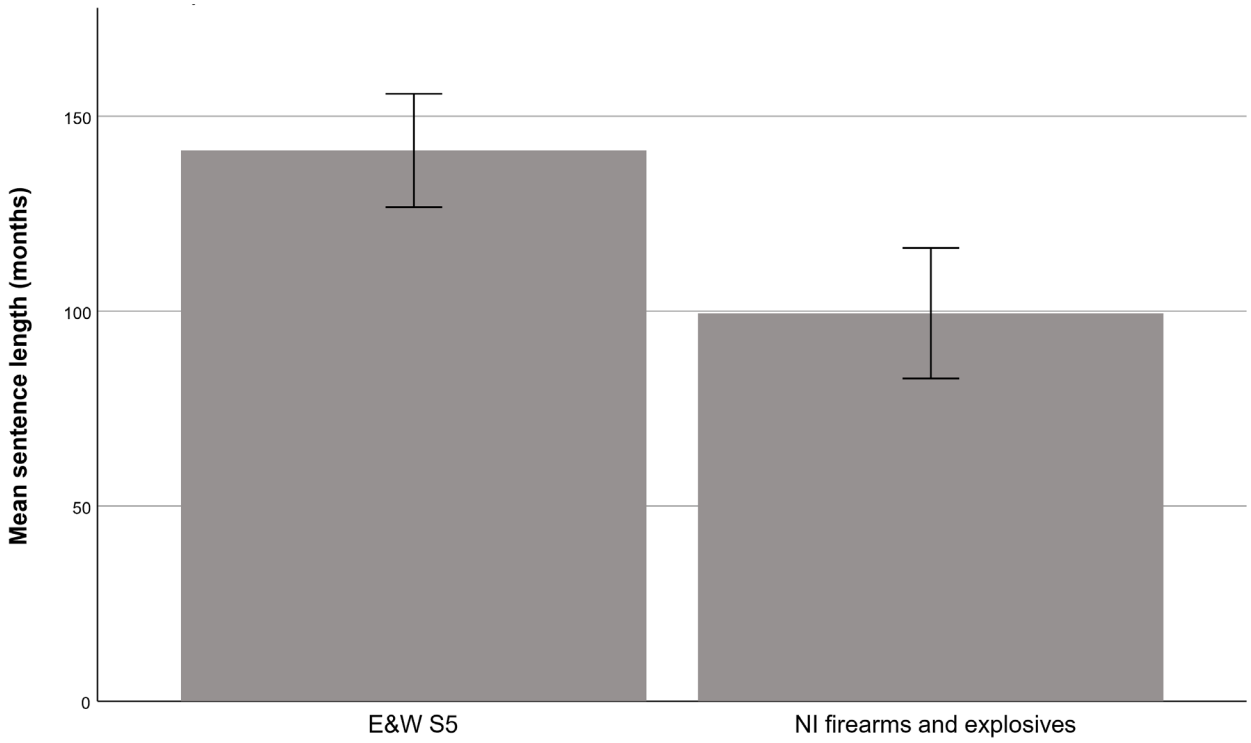


Boxplot of sentence length by s. 5 relevant offences (E&W and NI) - since 2012 only

APPENDIX 7.3 REGRESSION OUTPUT - ALL SENTENCES INCLUDED

Running a model including predictors but no random effect gives an initial -2LL value of 2388.97 (with 3 parameters) and indicates significance of the predictor (p=.023). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 2354.53 (with 4 parameters). The $\chi 2$ change of 34.44 (2388.97 - 2354.53) is higher than the critical value for a significant change ($\chi 2 = 3.84$) and the Wald statistic is also significant at $p < .001$. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model. Accounting for random intercepts, the p-value for the predictor is no longer significant at 0.05. Allowing random slopes for the predictor produces warnings regarding convergence so random slopes are not utilised.

The final model indicates a difference between the two groups in sentencing outcomes that does not reach significance (F=3.534; p=.063), with a mean difference in sentence of ~26 months. Tables below show estimates of the fixed effect and estimated marginal means.



Mean of sentence length by s. 5 relevant offences (E&W and NI); error bars = 95% CI of mean - since 2012 only

	Estimate	SE	t	p	95% CI for Exp (lower)	95% CI for Exp (upper)
E&W Section 5	25.685	13.664	1.880	.062	-1.330	52.700
NI firearms and explosives	-	-	-	-	-	-

Multilevel regression predicting sentence from s.5 relevant group - estimates of fixed effects (all sentences)

	Mean	SE	95% CI (lower)	95% CI (upper)
E&W Section 5	131.118	7.436	116.409	145.827
NI firearms and explosives	105.433	11.463	82.773	128.093

Multilevel regression predicting sentence from s. 5 relevant group - estimated marginal means (all sentences)

APPENDIX 8 – ANALYSIS PREDICTING SENTENCE

APPENDIX 8.1 – NESTING DETAILS

Running a model including predictors but no random effect gives an initial -2LL value of 1894.939 (with 13 parameters). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 1696.487 (with 14 parameters). The $\chi 2$ change of 198.452 (1894.939 – 1696.487) is much higher than the critical value for a significant change ($\chi 2 = 3.84$) and the Wald statistic is also significant at $p < .001$. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model.

Each significant predictor that varies within offence groups (plea, offence type, gender, total counts) was tested allowing random slopes (to determine whether model fit was significantly improved).

The -2LL value from the model thus far is 1758.712 (with 9 parameters). Allowing random slopes for total counts (-2LL = 1758.712; $\chi 2$ change = 0) resulted in no significant model improvement. Allowing random slopes for offence type (Terrorism, Terrorism Related, Violent Extremism) reduced -2LL to 1745.108 ($\chi 2$ change = 13.604; higher than critical value of 3.84) and the Wald statistic is also significant at $p = .049$. Allowing random slopes for gender only (in a series of individual tests) reduced -2LL to 1754.232 (an $\chi 2$ change of 4.48 but non-significant Wald; $p = .152$). Allowing random slopes for plea (only) reduced -2LL to 1753.360 ($\chi 2$ change of 5.352 but non-significant Wald; $p = .108$). Despite significant increases in -2LL, allowing slopes to vary for gender or plea in addition to offence type results in warnings regarding failure of the model to converge. Given this, and non-significant values for fit, we proceed with random slopes for offence type only (-2LL = 1745.108 with 10 parameters).

Given that there is significant variability in slopes for offence type, the degree to which the slopes and intercepts correlate (or covary) should be assessed by adding a covariance term to the model and assessing model fit. We include the covariance between random intercepts and random slopes in the model by selecting an unstructured covariance matrix (removing the assumption that covariances between slopes and intercepts is zero). The $\chi 2$ change is not significant at the critical value of 15.51 (1745.108 with 10 parameters – 1733.902 with 18 parameters = $\chi 2$ change of 11.206 with 8 degrees of freedom). This model also produces warning messages about failure to converge and redundancy of parameters. Therefore, it is not appropriate to retain the covariance term.

The model is rolled back to the previous iteration including random intercepts for shared offence clusters and allowing random slopes for offence type.

APPENDIX 8.2 – REPLICATION WITH JURISDICTION

Replicating model predicting sentence, with jurisdiction instead of motivation:

(Case processing summary is as above, replacing motivation with jurisdiction.)

A multilevel linear regression model was run predicting overall sentence length from age, ethnicity, motivation, plea, co-accused, total counts, gender, and offence type.

Running a model including predictors but no random effect gives an initial -2LL value of 1893.311 (with 12 parameters). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 1701.290 (with 13 parameters). The $\chi 2$ change of 192.021 (1893.311 – 1701.290) is much higher than the critical value for a significant change ($\chi 2 = 3.84$) and the Wald statistic is also significant at $p < .001$. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model.

Non-significant predictors were removed in a series of steps to make a more parsimonious model:

1. Ethnicity removed (p=.382)
2. Age removed (p=.276)
3. Jurisdiction removed (p=.207)

At this point, the model is identical to the same stage in the previous model (included in body text). Therefore, the results do not differ (since motivation and jurisdiction are both removed).

APPENDIX 9 – ANALYSIS OF GUIDELINES IMPACT

APPENDIX 9.1 – NESTING DETAILS (OVERALL ANALYSIS)

Running a model including predictors but no random effect for shared offence gives an initial -2LL value of 1117.25 (with 3 parameters) and shows no significant effect of guidelines on sentences (p=.900 and parameter estimate of 0.12 indicating no effect). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 1027.06 (with 4 parameters). The $\chi 2$ change of 90.19 (1117.25 – 1027.06) is much higher than the critical value for a significant change ($\chi 2 = 3.84$) and the Wald statistic is also significant at $p < .001$. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model.

APPENDIX 9.2 – NESTING DETAILS (SECTION 5)

Running a model including predictors but no random effect gives an initial -2LL value of 318.12 (with 3 parameters). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 292.49 (with 4 parameters). The $\chi 2$ change of 25.63 (318.12 – 292.49) is much higher than the critical value for a significant change ($\chi 2 = 3.84$) and the Wald statistic is also significant at $p < .001$. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model.

APPENDIX 9.3 – NESTING DETAILS (SECTION 58)

Running a model including predictors but no random effect gives an initial -2LL value of 172.71 (with 3 parameters). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 167.03 (with 4 parameters). The $\chi 2$ change of 5.68 (172.71 – 167.03) is higher than the critical value for a significant change ($\chi 2 = 3.84$; at p=.05) and the Wald statistic is also significant at $p < .001$. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model.

APPENDIX 9.4 – NESTING DETAILS (SECTION 2)

Running a model including predictors but no random effect gives an initial -2LL value of 110.47 (with 3 parameters). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 109.75 (with 4 parameters). The $\chi 2$ change of 0.72 (110.47 – 109.75) is not higher than the critical value for a significant change ($\chi 2 = 3.84$) and the Wald statistic is also not significant ($p = .336$). This demonstrates that accounting for clusters of shared offence does not significantly improve the fit of the model. Therefore, the model with no random effect is interpreted.

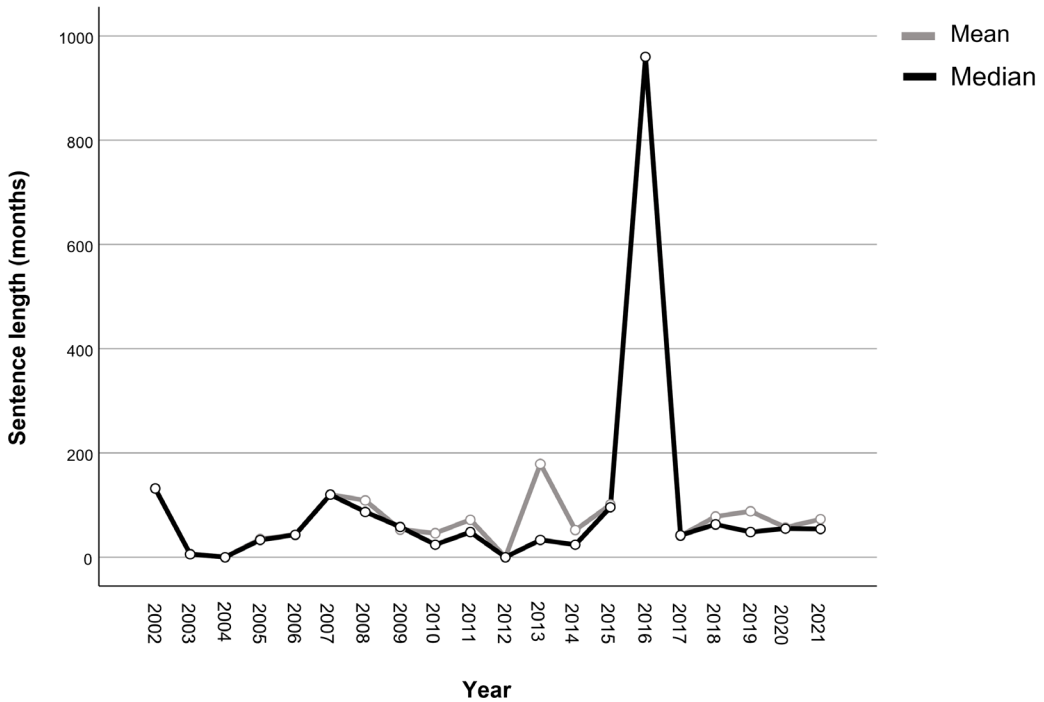
APPENDIX 10 – SENTENCING OVER TIME

APPENDIX 10.1 – OVERALL

Year	Individual offenders	Cases	Mean sentence	Median sentence
2002	10	6	190	132
2003	18	10	130	132
2004	3	3	273	273
2005	16	8	92	66
2006	13	10	91	90
2007	54	22	118	87
2008	55	25	88	72
2009	34	19	109	59
2010	26	16	85	36
2011	20	13	117	60
2012	39	21	81	60
2013	46	18	118	48
2014	48	31	100	48
2015	63	50	73	42
2016	68	41	101	57
2017	77	59	80	62
2018	77	55	96	56
2019	52	42	88	53
2020	38	24	124	68
2021	39	36	107	57

APPENDIX 10.2 - RIGHT-WING

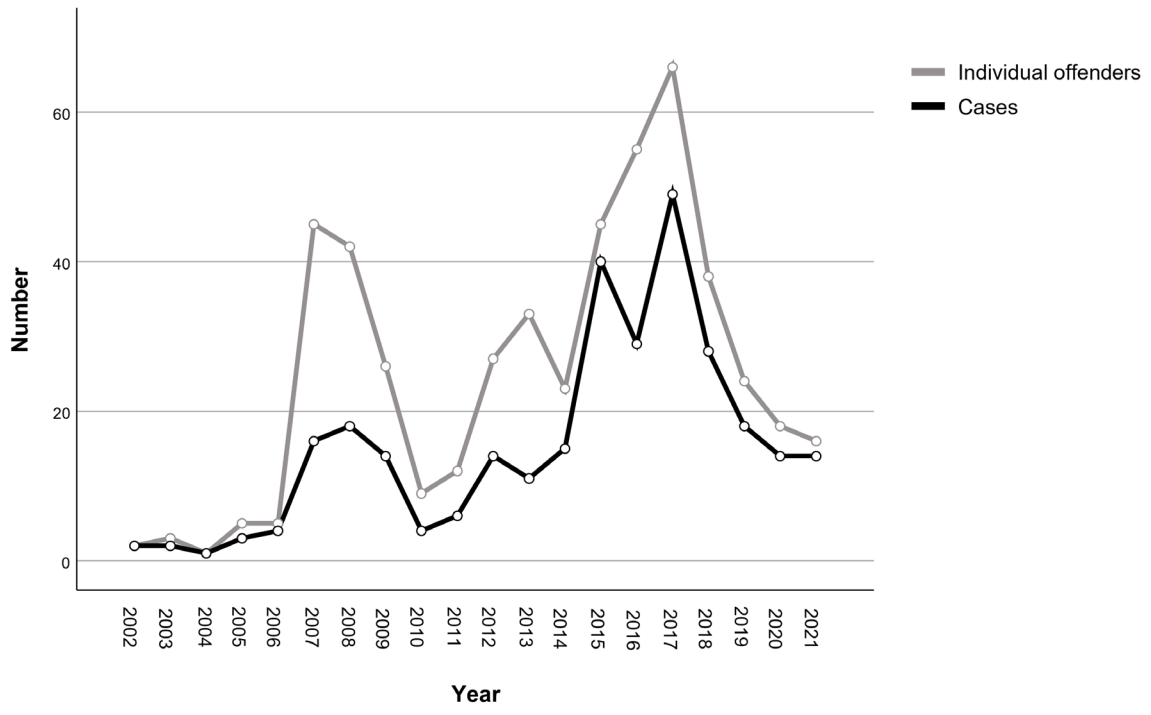
Year	Individual offenders	Cases	Mean sentence	Median sentence
2002	1	1	132	132
2003	2	2	6	6
2004	0	0	-	-
2005	8	3	35	33
2006	2	2	43	43
2007	2	2	120	120
2008	3	3	109	87
2009	3	2	53	58
2010	9	7	46	24
2011	5	4	72	48
2012	0	0	-	-
2013	3	2	179	33
2014	4	4	52	24
2015	4	4	101	96
2016	1	1	960	960
2017	4	4	41	42
2018	27	17	78	63
2019	19	16	88	48
2020	10	6	57	55
2021	19	18	73	54



Mean and median sentence by year

APPENDIX 10.3 – ISLAMIST

Year	Individual offenders	Cases	Mean sentence	Median sentence
2002	2	2	240	240
2003	3	2	124	132
2004	1	1	246	246
2005	5	3	127	156
2006	5	4	170	108
2007	45	16	146	81
2008	42	18	83	57
2009	26	14	118	54
2010	9	4	119	60
2011	12	6	120	66
2012	27	14	75	36
2013	33	11	124	63
2014	23	15	116	36
2015	45	40	73	42
2016	55	29	77	60
2017	66	49	78	60
2018	38	28	121	63
2019	24	18	77	51
2020	18	14	144	70
2021	16	14	125	56

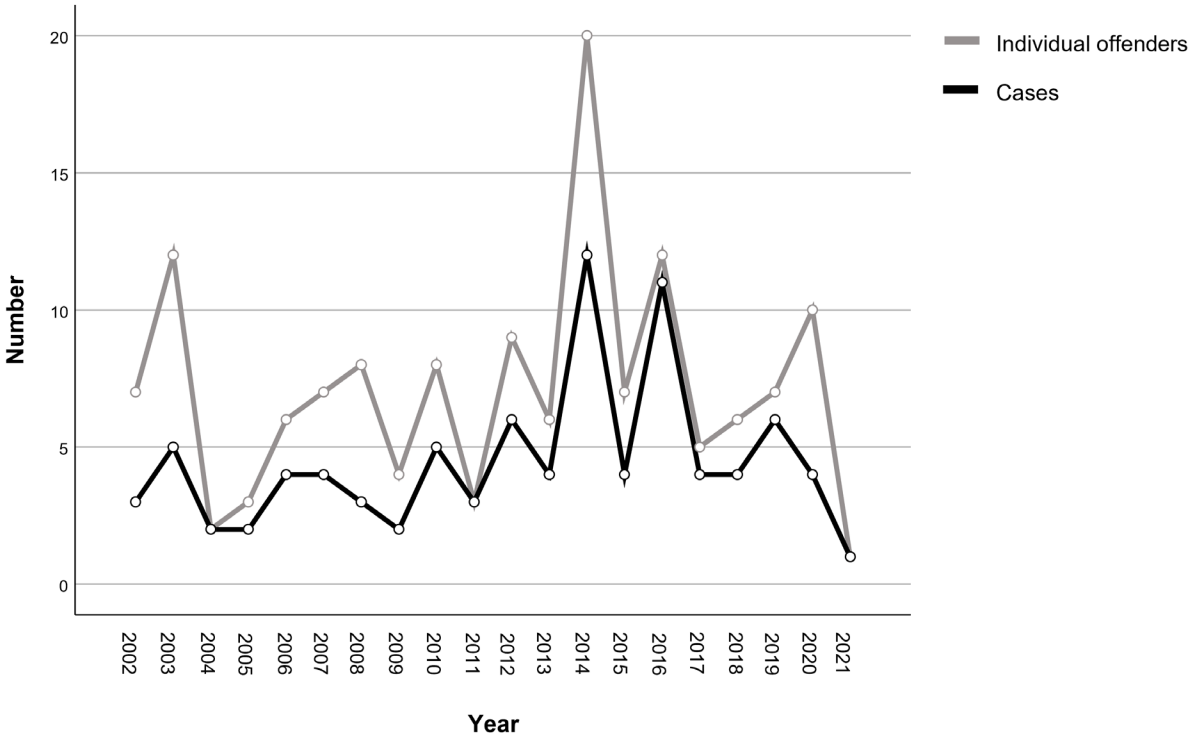


Number of individuals and cases sentenced by year

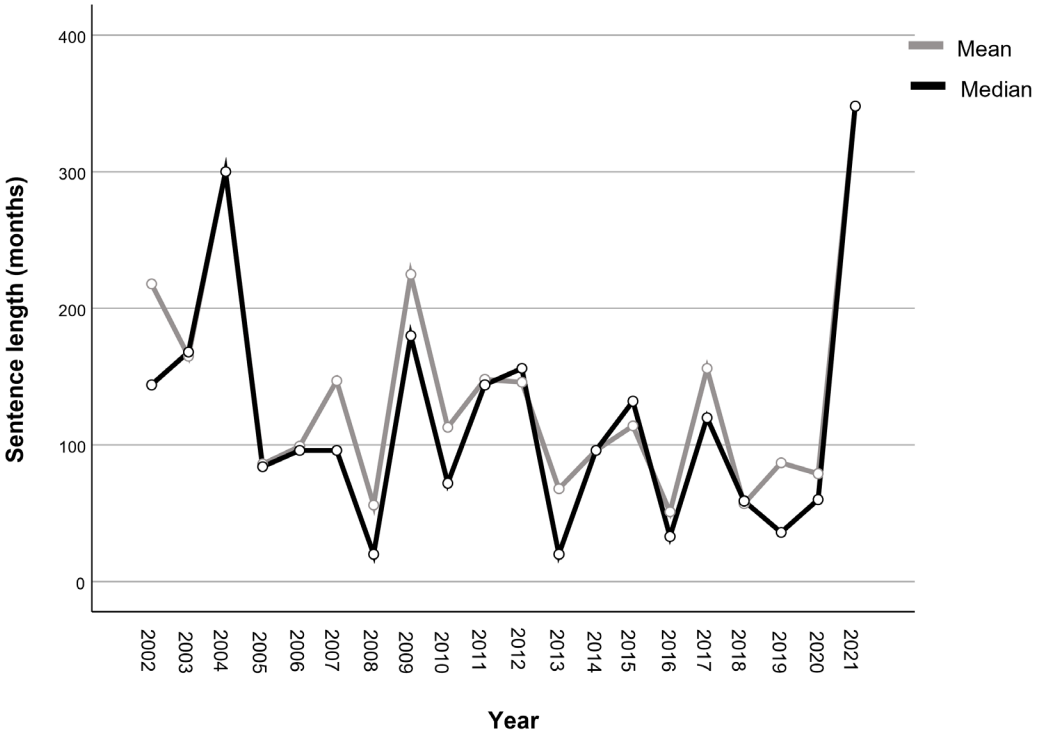
Mean and median sentence by year

APPENDIX 10.4 – NI RELATED

Year	Individual offenders	Cases	Mean sentence	Median sentence
2001	7	3	218	144
2002	12	5	165	168
2003	2	2	300	300
2004	3	2	86	84
2005	6	4	99	96
2006	7	4	147	96
2007	8	3	56	20
2008	4	2	225	180
2009	8	5	113	72
2010	3	3	148	144
2011	9	6	146	156
2012	6	4	68	20
2013	20	12	96	96
2014	7	4	114	132
2015	12	11	51	33
2016	5	4	156	120
2017	6	4	57	59
2018	7	6	87	36
2019	10	4	79	60
2020	1	1	348	348
2021	7	3	218	144



Number of individuals and cases sentenced by year



Mean and median sentence by year

APPENDIX 11 – SEVERITY ANALYSIS (S. 5)

APPENDIX 11.1 – NESTING DETAILS (SENTENCE BY SEVERITY CATEGORY)

Running a model including predictors but no random effect gives an initial -2LL value of 1691.49 (with 4 parameters). Adding random intercepts for shared offences (i.e., accounting for the hierarchical/nested nature of the data) reduces the -2LL to 1667.88 (with 5 parameters). The $\chi 2$ change of 23.61 (1691.49 – 1667.88) is much higher than the critical value for a significant change ($\chi 2 = 3.84$) and the Wald statistic is also significant at $p < .001$. This demonstrates that accounting for clusters of shared offence significantly improves the fit of the model.

APPENDIX 11.2 – SEVERITY BY OTHER VARIABLES (CROSS-TABULATIONS)

	Co-accused	No co-accused	Total
Cat 3	38	36	74
Cat 2	33	11	44
Cat 1 (greatest harm)	31	9	40
Total	**102**	**56**	**158**

Co-accused by severity cross-tabulation

	Guilty	Not guilty	Total
Cat 3	40	34	74
Cat 2	22	22	44
Cat 1 (greatest harm)	20	19	39
Total	**82**	**75**	**157**

Plea by severity cross-tabulation

	White	Non-white	Total
Cat 3	9	65	74
Cat 2	13	31	44
Cat 1 (greatest harm)	5	35	40
Total	**27**	**131**	**158**

Ethnicity (binary) by severity cross-tabulation

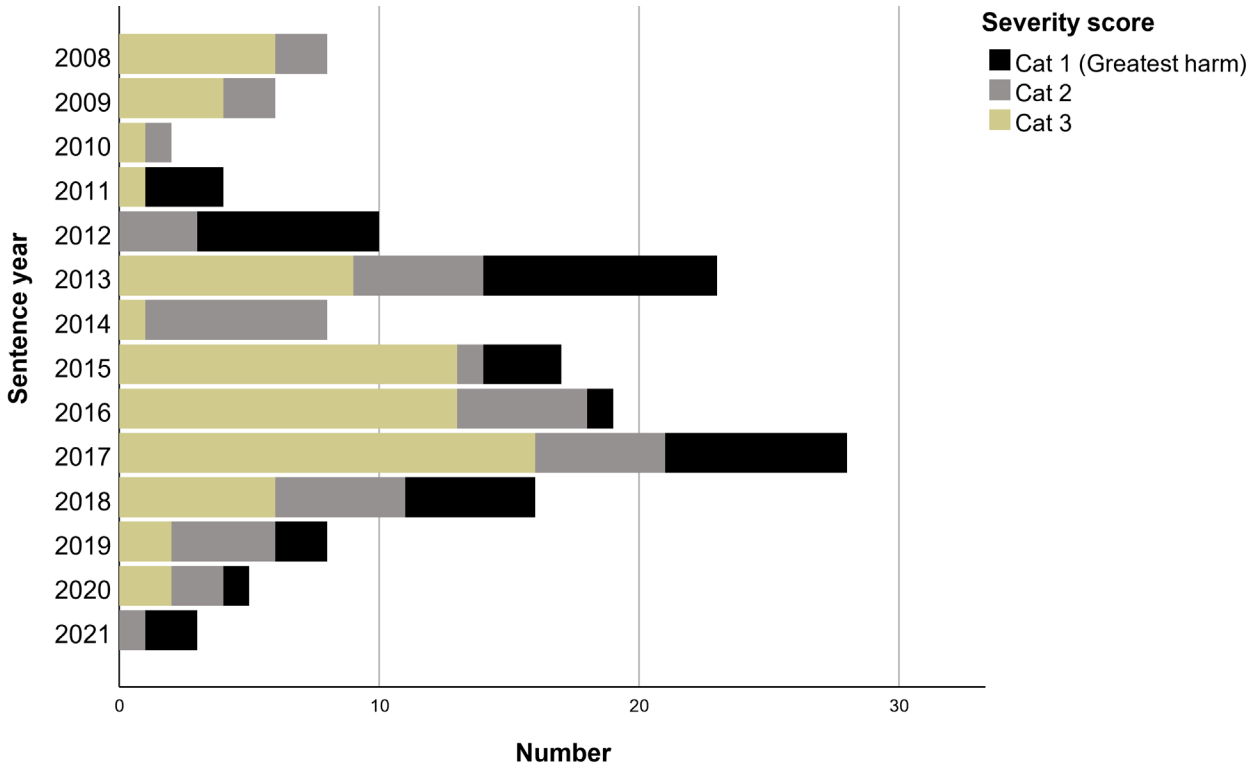
	White	Non-white	Total
Cat 3	9	65	74
Cat 2	13	31	44
Cat 1 (greatest harm)	5	35	40
Total	**27**	**131**	**158**

Counts (binary) by severity cross-tabulation

	Age	
Cat 3	Mean	25.32
	Median	24.00
	SD	6.72
Cat 2	Mean	28.75
	Median	27.00
	SD	7.573
Cat 1 (greatest harm)	Mean	26.83
	Median	26.50
	SD	6.356

Age by severity – descriptive output

APPENDIX 11.3 – SEVERITY CASES BY YEAR



Number of cases by year (severity categories)

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