

Prosecuting Extremists in the UK:

An Exploration of Charging, Prosecution, and Sentencing Outcomes

Rachel Monaghan, Bianca Slocombe, John Cuddihy & Neale Gregg

INTRODUCTION

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).¹ 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 extremism²) 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

¹ Although the Home Office does release regular statistics on the number of arrests for terrorist-related activity and outcomes (such as charges and convictions) broken down by legislation this is only for Great Britain. Moreover, the data is not sufficient in detail for the Research Questions that we are addressing.

² Terrorism offences are those offences under terrorism legislation but excluding those offences considered violent extremism. Terrorism-related offences are those offences under other legislation or the common law but which are considered terrorist-related. Violent extremism offences are those offences 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" (Crown Prosecution Service, 2015).

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.

ABOUT THIS PROJECT

This Executive Summary comes from the full report produced from the Prosecuting Extremists in the UK project. This project 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/

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