

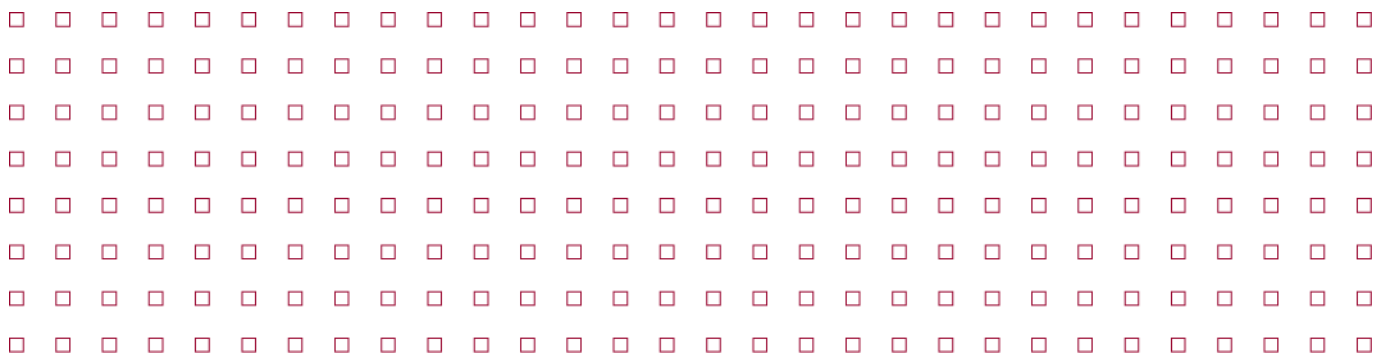


Criminal Statistics:

England and Wales 2009

Statistics bulletin

October 2010





Ministry of
JUSTICE

Criminal Statistics: England and Wales 2009

This information is also available on the Ministry of Justice website:
www.justice.gov.uk/publications/statistics.htm

Preface

This publication provides users with information about the delivery of justice in England and Wales. It focuses on the number of offences committed and the number of defendants dealt with by the police, in magistrates' courts or the Crown Court in the period 1999 to 2009. Key statistics presented include penalty notices for disorder, formal police cautions, reprimands or warnings, and court proceedings in England and Wales.

Detailed data tables and additional data are available in Excel format at <http://www.justice.gov.uk/publications/criminalannual.htm>.

This is a National Statistics publication produced by the Ministry of Justice to the standards specified in the Code of Practice for Official Statistics. The recent assessment by the UK Statistics Authority can be found at: <http://www.statisticsauthority.gov.uk/assessment/assessment-reports/index.html>

Data sources and quality

These data have been extracted and supplied to the Ministry of Justice by the courts and police forces from a variety of administrative data systems. Every effort is made to ensure that the figures presented in this publication are accurate and complete. Although care is taken in collating and analysing the returns used to compile these figures, the data are of necessity subject to the inaccuracies inherent in any large-scale recording system. Consequently, although figures are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily accurate to the last digit shown.

Records are individually validated in an automated process that highlights inconsistencies. In particular, checks are made, where possible, to ensure that:

- the disposal given for an offence is applicable in law;
- that hearings are consistent with the court they are heard in, for example indictable-only offences are heard in the Crown Court;
- that disposals follow sentencing guidance given the age of the offender.

In 2009, approximately ten per cent of court records received failed validation. These were checked with individual courts and appropriately amended.

Significant changes in this edition

Following a review of the compilation process of Criminal Statistics, during 2009 a number of issues have been resolved. These include the treatment of 'breach offences', presentation of ethnicity data, and the alignment of offence categories between the Ministry of Justice and the Home Office. These changes are detailed below:

1. Prior to 2009 offences resulting from a breach of a previously imposed court order¹, eg Anti Social Behaviour Orders (ASBOs), were excluded from the published statistics because of recording issues. For 2009, the recording process has been resolved, which has enabled the inclusion of these data for the first time.
2. Improvements in data recording mean that high level figures on the ethnicity of defendants can be presented for the first time. More detailed analyses will be published in 'Race and the Criminal Justice System' in 2011.
3. The Home Office and Ministry of Justice now group individual offences into the same offence categories. As a result bigamy has moved from sexual offences to 'other indictable offences'; 'concealment of birth' has moved from 'violence against the person' to 'other indictable offences'; and 'vehicle fraud' has moved from 'indictable motoring' to 'fraud and forgery'.

Symbols and conventions

The following symbols have been used throughout the tables in this bulletin:

0.0 = fewer than 50 or less than 0.05%

0 = fewer than 500 or less than 0.5%

- = nil

* = not applicable

(P) = Provisional

Tables presented within this bulletin are given an alphabetic suffix whereas tables that only appear in the supplementary Excel tables are given a numeric suffix.

Rounding

Unless otherwise stated, numbers in the text have been rounded to the nearest 100.

Full figures can be found in the Excel detailed tables.

¹ A full list of court cases is given in Appendix 2.

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Chapter 1 Summary of key findings

Introduction

This publication provides information about the criminal justice system (CJS) in England and Wales – focusing on progress through the system from police detection of the crime through to out of court disposals and court proceedings.

This volume therefore only relates to crimes that are recorded by the police and it is known that this represents only a fraction of all crime that is committed. For example, the British Crime Survey (BCS) which measures crimes experienced by the population resident in households, estimates substantially higher levels of offences than are recorded by the police. However, the BCS does not cover all offences, drug offences or fraud for example. Victims of an offence may not report it to the police in which case the CJS cannot pursue the case. This publication features offences reported to the police and outcomes from the CJS.

Once an offence is reported to the police it will either be detected (that is the person or persons responsible are identified) or undetected. If detected the police can then, depending on the severity and circumstances of the crime, choose to: take no further action; issue a warning or a caution or a Penalty Notice for Disorder if there is an admission of guilt; or refer a case to the courts.

The vast majority of criminal cases in England and Wales are dealt with at magistrates' courts or the Crown Court.

Virtually all criminal court cases start in a magistrates' court. The less serious offences are handled entirely in magistrates' courts. More serious offences are passed on to the Crown Court, either for sentencing after the defendant has been found guilty in a magistrates' court, or for a full trial with a judge and jury. The Crown Court also receives appeals against decisions of the magistrates' courts.

This chapter highlights some of the key statistics for the CJS from 1955 to 2009, although in the case of crime, detections and arrests the period covered is financial years from 2004/05 to 2009/10. It includes some statistics published elsewhere, most notably from Crime in England and Wales 2009/2010 published by the Home Office.

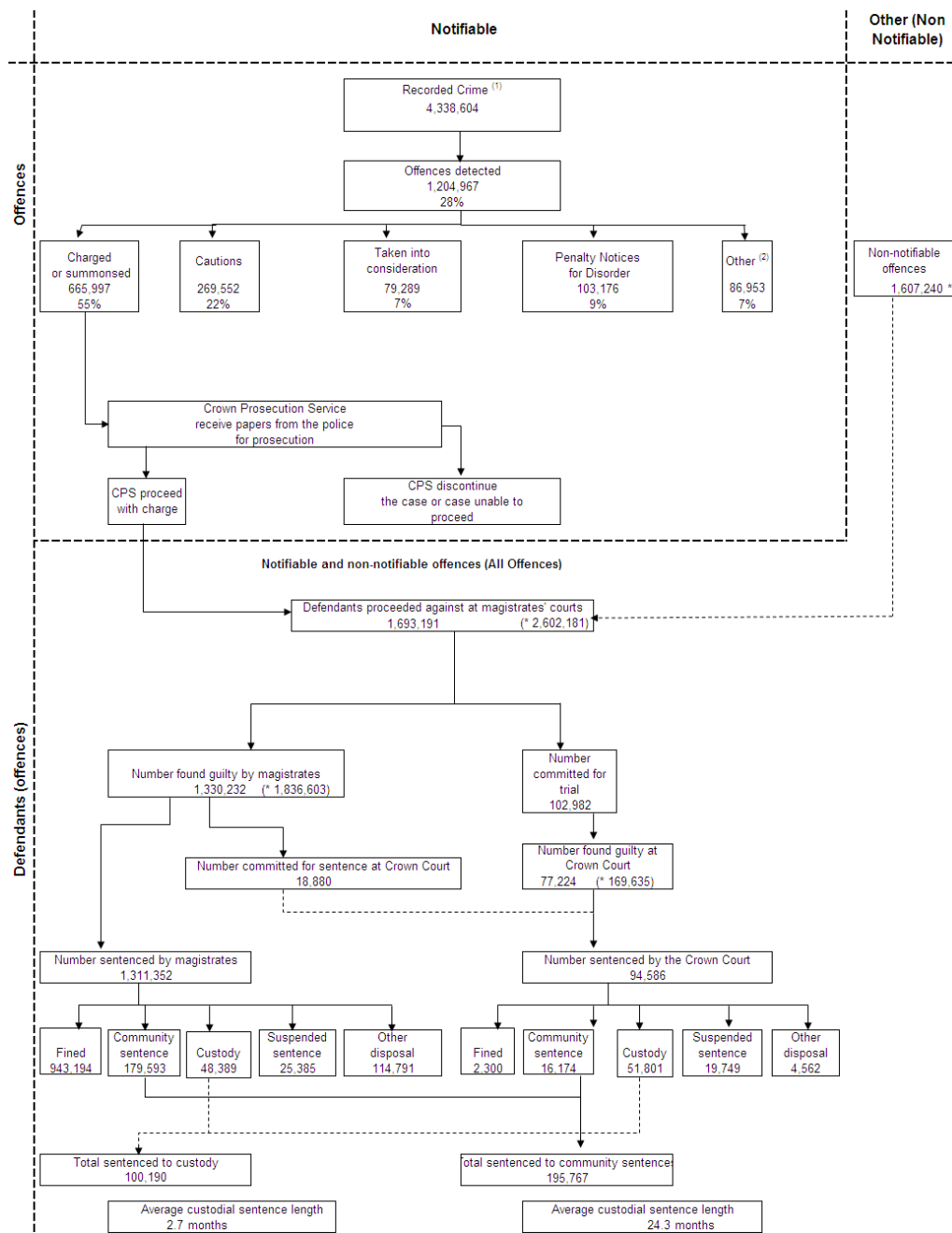
Any trends in recorded crime mentioned below will have been affected by the change in counting rules from 1 April 1998 (see Appendix 2) and by the introduction nationally of the National Crime Recording Standard (NCRS) in April 2002².

² Crime in England and Wales 2009/10; John Flatley et al; Home Office Statistical Bulletin; July 2010.

A Statistical overview of the criminal justice system in 2009

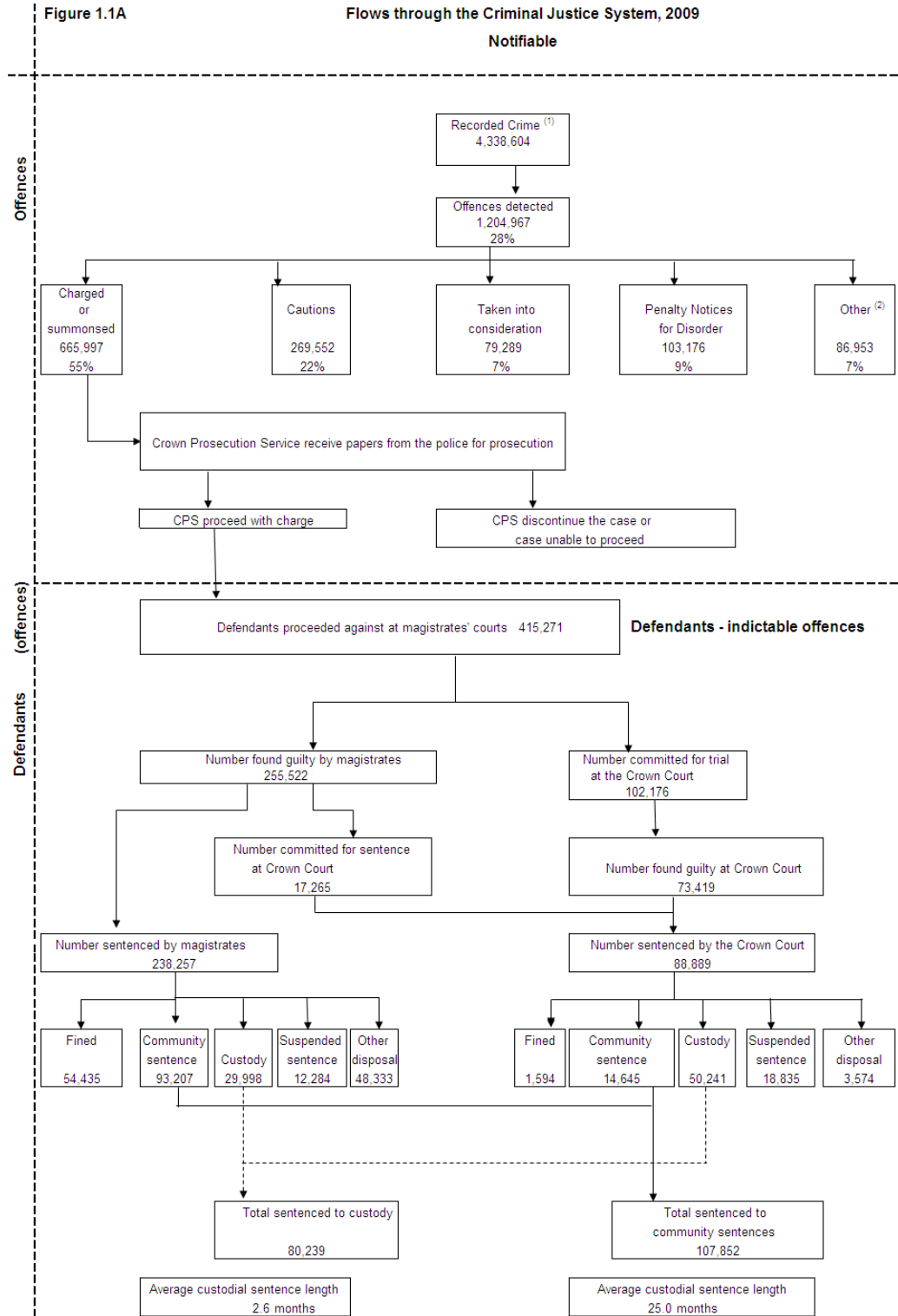
The key stages of the criminal justice system from the recording of crime by the police to the culmination of a court case are presented in the Figures 1.1, 1.1a and Table 1A.

Figure 1.1 Flows through the Criminal Justice System (all offences) 2009



1. Covers all indictable, including triable either way, offences plus a few closely associated summary offences.
 2. Includes formal warnings for cannabis possession and non-sanction detections.
 * Total number of offences committed rather than total number of defendants based on a principal offence basis.

Figure 1.1a Flows through the Criminal Justice System (Notifiable Offences and indictable offences) 2009



1. Covers all indictable, including triable either way, offences plus a few closely associated summary offences.
 2. Includes formal warnings for cannabis possession and non-sanction detections.

Table 1A Summary of criminal justice statistics, 1955, 1965, 1975, 1985, 1995 and 2005 - 2009

| England and Wales | Thousands | | | | | | | | | | 2008-2009 (% change) |
|---|------------|--------------|--------------|--------------|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|-------------------------|
| | 1955 | 1965 | 1975 | 1985 | 1995 | 2005 ⁽⁶⁾ | 2006 ⁽⁶⁾ | 2007 ⁽⁶⁾ | 2008 ⁽⁶⁾ | 2009 ⁽⁶⁾ | |
| Crime measured by British Crime Survey | * (1) | * (1) | * (1) | * (1) | 19,351 | 10,752 | 11,109 | 10,050 | 10,518 | 9,587 | -9 |
| Notifiable offences ⁽²⁾ | | | | | | | | | | | |
| - offences recorded by the police ⁽³⁾ | 438 | 1,134 | 2,106 | 3,426 | 4,886 | 5,555 | 5,428 | 4,951 | 4,703 | 4,339 | -8 |
| - offences detected | 214 | 445 | 922 | 1,212 | 1,277 | 1,516 | 1,475 | 1,373 | 1,339 | 1,205 | -10 |
| - detection rate (percentage) | 49 | 39 | 44 | 35 | 26 | 27 | 27 | 28 | 28 | 28 | -1 ⁽⁷⁾ |
| Number of offenders cautioned ⁽⁴⁾ of which indictable offences ⁽⁵⁾ | 68 13 | 60 28 | 136 102 | 219 145 | 291 203 | 299 183 | 350 204 | 363 205 | 328 181 | 291 160 | -11 -12 |
| Defendants proceeded against at magistrates' courts of which indictable offences ⁽⁵⁾ | 848 97 | 1,439 235 | 2,111 439 | 2,147 519 | 1,928 464 | 1,895 423 | 1,779 406 | 1,733 405 | 1,640 397 | 1,693 415 | 3 4 |
| Defendants found guilty at magistrates' courts of which indictable offences ⁽⁵⁾ | 719 91 | 1,346 196 | 1,936 350 | 1,829 362 | 1,359 234 | 1,426 253 | 1,363 248 | 1,351 252 | 1,293 250 | 1,330 256 | 3 2 |
| Defendants sentenced at the Crown Court after summary conviction Defendants tried at the Crown Court | 2 18 | 9 27 | 17 63 | 8 99 | 4 89 | 17 76 | 18 77 | 17 83 | 18 89 | 17 97 | -4 10 |
| Defendants found guilty at the Crown Court | 16 | 22 | 53 | 82 | 70 | 58 | 58 | 65 | 71 | 77 | 9 |
| Total offenders found guilty at both courts | 735 | 1,368 | 1,989 | 1,911 | 1,430 | 1,484 | 1,421 | 1,416 | 1,363 | 1,407 | 3 |
| of which indictable offences ⁽⁵⁾ | 107 | 218 | 403 | 444 | 302 | 308 | 303 | 313 | 317 | 329 | 4 |
| Total offenders found guilty or cautioned ⁽⁴⁾ of which indictable offences ⁽⁵⁾ | 803 120 | 1,428 246 | 944 505 | 1,076 589 | 1,721 505 | 1,783 491 | 1,771 507 | 1,779 518 | 1,691 498 | 1,698 488 | 0 -2 |

(1) The British Crime Survey was first conducted in 1982 and ran at mostly two-year intervals until 2001, when it became a continuous survey (prior to 2001, British Crime Survey were carried out in 1982, 1984, 1988, 1992, 1994, 1996, 1998 and 2000).

(2) Includes British Transport Police from 2002/03

(3) Excluding other criminal damage of value £20 and under until 1988/99. Figures are affected by the extended coverage and new counting rules introduced in 1998 and by the introduction of the National Crime Recording Standard in 2002/03.

(4) Cautions, written warnings and all fixed penalties for summary motoring offences are not covered in this volume but are published in the Home Office Statistical Bulletin 'Motoring offences and breath tests'.

(5) Indictable offences include those triable-either-way.

(6) Notifiable offences data are for financial years, i.e. 2004/05 to 2008/09. Prior to 2001/02, BCS estimates relate to crimes experienced in a given calendar year. From 2001/02 onwards BCS estimates relate to crimes experienced in the last 12 months based on interviews in the given financial year.

(7) This figure is based on the percentage point change in detection rate between 2007/08 and 2008/09.

* not applicable.

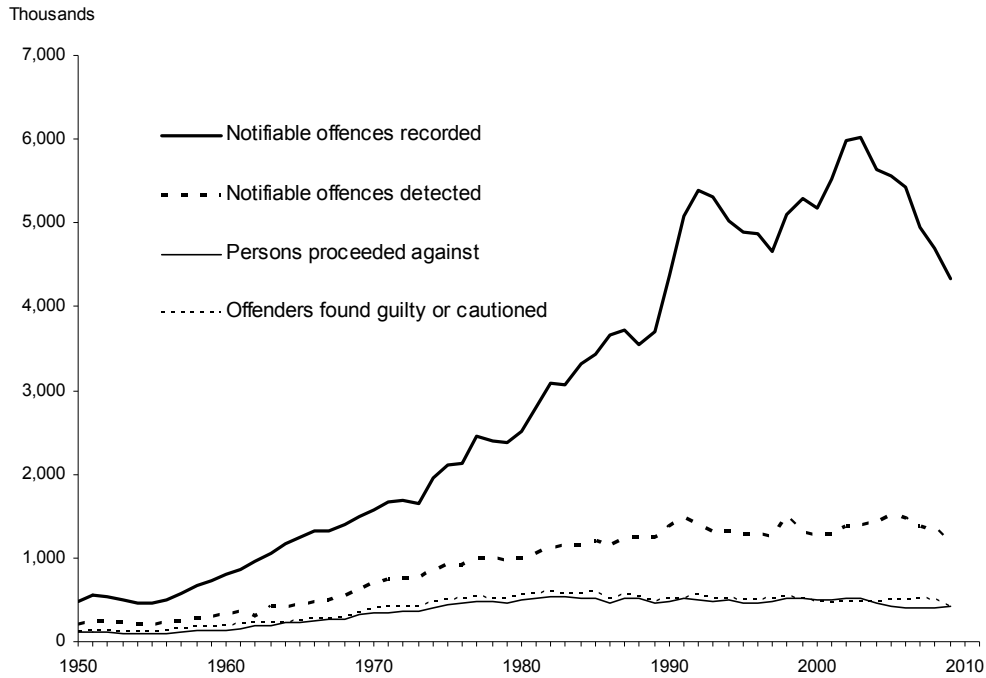
Crime in England and Wales

According to the British Crime Survey crime against adults living in private households fell by nine per cent between 2008/9 and 2009/10 to 9.59 million crimes. This continues the decline with crime, as measured by the BCS, down by 50 per cent since 1995.

Crime recorded by the police fell by eight per cent between 2008/9 and 2009/10 to 4.34 million crimes. This covers notifiable offences which includes all indictable offences plus some summary offences such as common assault and assaulting a police officer. Within recorded crime:

- Violent crimes against the person decreased four per cent from 903,400 to 871,700. Violent crimes leading to an injury decreased by five per cent from 421,000 to 401,700.
- Sexual offences increased by six per cent from 51,400 to 54,500. Rape of a female increased by 15 per cent from 12,100 to 14,000.
- Burglaries decreased by seven per cent from 581,600 to 540,700. Other theft offences decreased by four per cent from 1.08 million to 1.04 million. Offences against vehicles decreased by 16 per cent from 591,800 to 495,000.
- Fraud and forgery offences decreased by seven per cent from 163,200 to 152,300.
- Drug offences decreased by four per cent from 243,500 to 235,000.
- Criminal damage offences decreased by 14 per cent from 936,400 to 806,700.

Figure 1.2: Recorded crime, persons proceeded against and 'known offenders', 1950 – 2009 ^{(1) (2)}



(1) From 1998 the figures are for financial years. The recorded crime series was affected by new counting rules from 1998 onwards and by the NCRS from 2001/02 onwards.

(2) Indictable offences with allowance for under-recording where appropriate.

The Criminal Justice System

Changes in the number of people processed through the criminal justice system can be influenced by factors unrelated to the level of crime or the numbers of crimes cleared up. Table 1B summaries by offence group outcomes from the Criminal Justice System for 2008 and 2009. A longer time series from 1999 to 2009 can be seen in the Summary Excel Tables.

Table 1B: Offenders given a PND, Cautioned, Proceeded against, Found guilty, Sentenced and Sentence outcome, by offence group, 2008 - 2009

| Offence Group | Year | Outcome | | | | | Sentence Outcome | | | | | | | | | |
|-----------------------------------|-------------|----------------|----------------|-------------------|------------------|----------------------|---------------------|--------------------|-----------------------|----------------|--------------------|--------------------|-------------------|----------------------|--|--|
| | | PND | Cautioned (1) | Proceeded against | Found guilty (2) | Proven Offenders (3) | Total Sentenced (2) | Absolute discharge | Conditional discharge | Fine | Community sentence | Suspended sentence | Immediate custody | Otherwise dealt with | | |
| Violence against the person | 2008 | - | 37,880 | 59,941 | 41,517 | 79,397 | 41,441 | 112 | 1,889 | 1,677 | 15,610 | 7,500 | 13,380 | 1,273 | | |
| | 2009 | - | 27,305 | 65,380 | 43,426 | 70,731 | 43,195 | 77 | 1,546 | 1,712 | 16,041 | 8,547 | 14,084 | 1,188 | | |
| Sexual offences | 2008 | - | 1,681 | 8,421 | 5,116 | 6,797 | 5,121 | 7 | 126 | 91 | 1,367 | 420 | 3,000 | 110 | | |
| | 2009 | - | 1,478 | 9,357 | 5,106 | 6,584 | 5,092 | 8 | 87 | 87 | 1,391 | 412 | 2,987 | 120 | | |
| Burglary | 2008 | - | 5,407 | 30,860 | 23,882 | 29,289 | 23,651 | 74 | 730 | 369 | 9,401 | 2,432 | 9,960 | 685 | | |
| | 2009 | - | 4,398 | 30,847 | 22,973 | 27,371 | 22,758 | 24 | 536 | 294 | 9,214 | 2,374 | 10,026 | 290 | | |
| Robbery | 2008 | - | 382 | 13,096 | 8,475 | 8,857 | 8,495 | 2 | 23 | 6 | 2,832 | 444 | 5,095 | 93 | | |
| | 2009 | - | 205 | 13,647 | 8,644 | 8,849 | 8,663 | 5 | 15 | 8 | 2,914 | 476 | 5,155 | 90 | | |
| Theft and handling stolen goods | 2008 | 45,616 | 64,047 | 123,876 | 110,921 | 220,584 | 110,348 | 687 | 21,295 | 13,964 | 40,785 | 6,818 | 21,008 | 5,791 | | |
| | 2009 | 48,161 | 60,730 | 125,368 | 111,861 | 220,752 | 111,398 | 549 | 22,488 | 15,578 | 42,044 | 7,113 | 19,942 | 3,684 | | |
| Fraud and forgery | 2008 | - | 8,263 | 24,145 | 20,573 | 28,836 | 20,675 | 50 | 2,882 | 2,900 | 5,848 | 2,794 | 5,675 | 526 | | |
| | 2009 | - | 7,210 | 26,129 | 21,031 | 28,241 | 20,941 | 47 | 2,579 | 2,851 | 6,616 | 3,166 | 5,387 | 295 | | |
| Criminal damage | 2008 | - | 7,873 | 12,234 | 9,628 | 17,501 | 9,574 | 99 | 1,864 | 1,040 | 4,194 | 453 | 1,157 | 767 | | |
| | 2009 | - | 6,419 | 9,962 | 7,854 | 14,273 | 7,831 | 59 | 1,470 | 919 | 3,551 | 413 | 1,036 | 383 | | |
| Drug offences | 2008 | - | 47,038 | 56,963 | 52,943 | 99,981 | 52,911 | 382 | 8,101 | 17,674 | 12,272 | 2,958 | 9,488 | 2,036 | | |
| | 2009 | 11,491 | 43,808 | 61,639 | 56,793 | 112,092 | 56,620 | 353 | 7,200 | 20,970 | 13,653 | 3,118 | 9,425 | 1,901 | | |
| Indictable motoring offences | 2008 | - | - | 4,198 | 3,735 | 3,735 | 3,862 | 2 | 50 | 362 | 1,155 | 837 | 1,393 | 63 | | |
| | 2009 | - | - | 4,182 | 3,616 | 3,616 | 3,713 | 2 | 34 | 317 | 1,110 | 890 | 1,315 | 45 | | |
| Other indictable offences | 2008 | - | 8,609 | 63,736 | 40,079 | 48,688 | 39,822 | 489 | 2,977 | 11,563 | 9,318 | 3,799 | 8,902 | 2,774 | | |
| | 2009 | - | 7,982 | 68,760 | 47,637 | 55,619 | 46,935 | 530 | 3,016 | 13,293 | 11,318 | 4,610 | 10,882 | 3,286 | | |
| Indictable Offences | 2008 | 45,616 | 181,180 | 397,450 | 316,869 | 543,665 | 315,900 | 1,904 | 39,837 | 49,646 | 102,782 | 28,455 | 79,058 | 14,118 | | |
| | 2009 | 59,652 | 159,535 | 415,271 | 328,941 | 548,128 | 327,146 | 1,654 | 38,971 | 56,029 | 107,852 | 31,119 | 80,239 | 11,282 | | |
| Summary offences (excl. motoring) | 2008 | 130,548 | 146,712 | 593,335 | 494,152 | 771,412 | 493,943 | 3,286 | 43,208 | 344,262 | 65,687 | 7,696 | 14,089 | 15,715 | | |
| | 2009 | 110,741 | 131,110 | 618,755 | 514,394 | 756,245 | 514,573 | 2,977 | 41,248 | 369,762 | 67,759 | 8,962 | 14,687 | 9,178 | | |
| Summary motoring offences | 2008 | - | - | 649,238 | 552,197 | 552,197 | 552,221 | 4,544 | 4,577 | 496,388 | 21,702 | 5,000 | 6,378 | 13,632 | | |
| | 2009 | - | - | 659,165 | 564,121 | 564,121 | 564,219 | 4,330 | 5,197,003 | 20,156 | 5,053 | 5,264 | 6,059 | | | |
| Summary Offences | 2008 | 130,548 | 146,712 | 1,242,573 | 1,046,349 | 1,323,609 | 1,046,164 | 7,830 | 47,785 | 840,650 | 87,389 | 12,696 | 20,467 | 29,347 | | |
| | 2009 | 110,741 | 131,110 | 1,277,920 | 1,078,515 | 1,320,366 | 1,078,792 | 7,307 | 44,902 | 889,465 | 87,915 | 14,015 | 19,951 | 15,237 | | |
| All Offences | 2008 | 176,164 | 327,892 | 1,640,023 | 1,363,218 | 1,867,274 | 1,362,064 | 9,734 | 87,722 | 890,296 | 190,171 | 41,151 | 99,525 | 43,465 | | |
| | 2009 | 170,393 | 290,645 | 1,693,191 | 1,407,456 | 1,868,494 | 1,405,938 | 8,961 | 83,873 | 945,494 | 195,767 | 45,134 | 100,190 | 26,519 | | |

(1) From 1 June 2000 the Crime and Disorder Act 1998 came into force nationally and removed the use of cautions for persons under 18 and replaced them with reprimands and warnings. These are included in the totals.

(2) Figures are based on defendants found guilty and sentenced each year. Some of those sentenced may have been found guilty in a previous year so the number of offenders sentenced may exceed the number of guilty defendants.

(3) Defendants who have been proven to have committed an offence (through either a court conviction or caution/reprimand or warning or receiving a Penalty Notice for Disorder).

Detections³

The police detected 1.20 million crimes in 2009/10 - a fall of 10 per cent since 2008/09, while the overall number of offences fell by eight per cent in the same period, resulting in a small decrease in the sanction detection rate from 28.5 per cent to 27.9 per cent.

Arrests

In 2008/09, 1.46 million people were arrested for recorded crime (notifiable offences), a fall of one per cent from 2007/08. Recorded crime decreased by five per cent over the same period.

A three per cent decrease in arrests for violence against the person offences compares with a fall of six per cent in recorded violence against the person crimes.

For the third year in a row, more females were arrested for offences of violence against the person (34 per cent of all female arrests in 2008/09) than for theft and handling stolen goods (31 per cent in 2008/09).

Out of Court Disposals

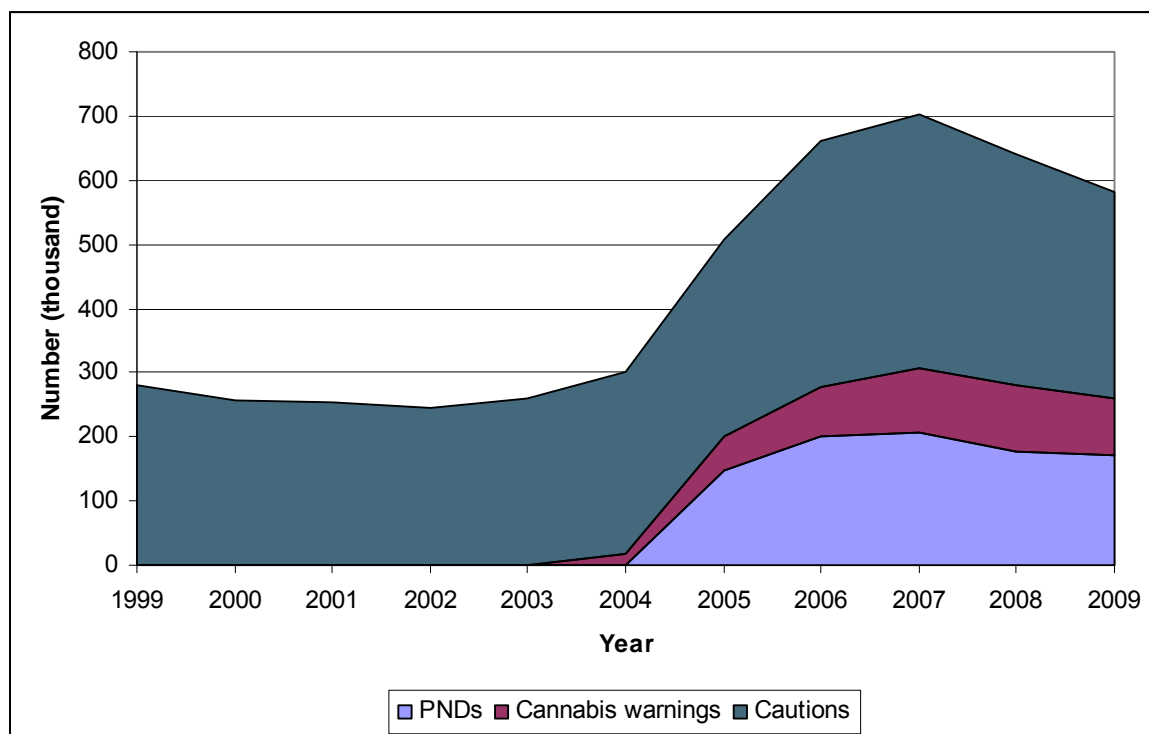
The two main out of court disposals in this publication are Penalty Notices for Disorder (PND) and cautions⁴. The number of 'formal warnings for cannabis possession' are also presented.

The total number of out of court disposals administered for notifiable or non-notifiable offences fell by nine per cent between 2008 and 2009 and between 2007 and 2008.

These falls followed a period of rapid growth from 2003 to 2007, when out of court disposals almost trebled. This increase was due to the introduction of PNDs and cannabis warnings in 2004, and an increase in the use of cautions. This coincided with the introduction of a public service agreement target, which took effect in 2002, to increase the total number of offences brought to justice. In April 2008, this target was replaced with a target focused only on serious violence, serious sexual and serious acquisitive crimes.

³ Crime in England and Wales 2009/10; John Flatley et al; Home Office Statistical Bulletin; July 2010.

⁴ Throughout this publication cautions includes reprimands and warnings for juvenile offenders and simple and conditional cautions for adult offenders.

Figure 1.3: Total number of out of court disposals 1999 to 2009**Penalty Notices for Disorder (PNDs)**

In 2009, there were 170,400 PNDs issued, down three per cent from 176,200 in 2008. During 2007 there were 207,500 PNDs issued; the highest in any year since their introduction.

Following the introduction of a PND for possession of cannabis in 2009, there were 11,500 given for this offence.

Of the 170,400 PNDs issued in 2009:

- 128,400 were given to males, down by 6,000 from 2008;
- 42,000 were given to females, up by 200 from 2008;
- 48,200 were issued for retail thefts under £200, which for the first time is the most common offence PNDs were issued, comprising an increase of six per cent since 2008;
- 43,300 were issued for causing harassment, alarm or distress - a fall of 25 per cent since 2008.

Cautions

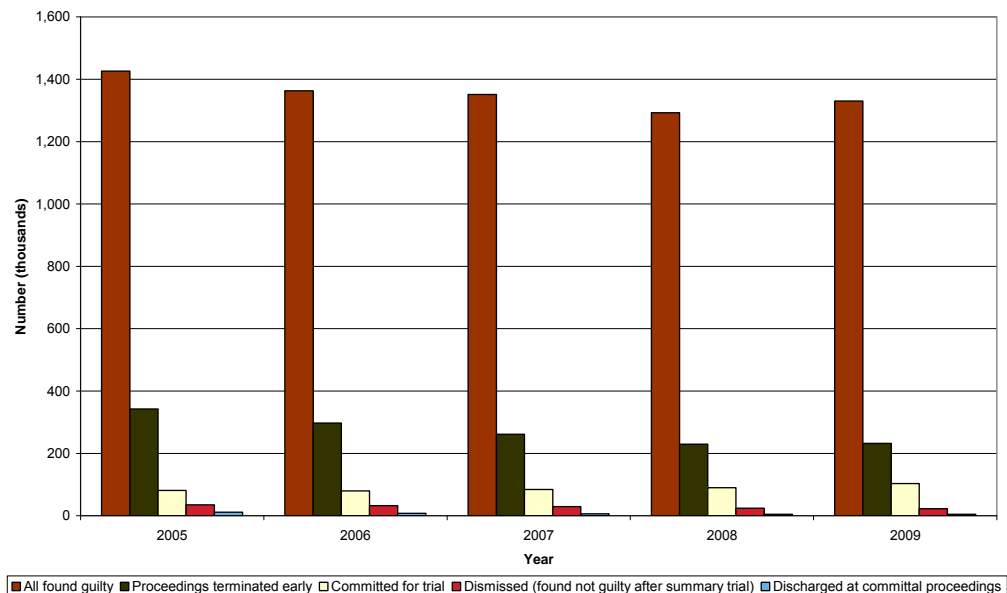
In 2009, there were 290,600 cautions⁵ administered to offenders, a decrease of 11 per cent (327,900) from 2008.

Of the 290,600 cautions administered:

- 78,700 were administered to juveniles a fall of 20 per cent from 2008 and the fewest given to juveniles in the 11 year time series presented;
- 212,000 were administered to adults, a fall of eight per cent from 2008;
- 159,300 cautioned were administered for indictable (including triable-either-way) offences and 131,100 for summary offences.
- For indictable offences, the most frequently administered caution was for 'theft and handling stolen goods'; accounting for 38 per cent of indictable cautions.
- 60,300 were administered for 'common assault' which accounted for 21 per cent of all cautions.

Court Proceedings

Figure 1.4: Defendants proceeded against at magistrates' courts by type of offence and result, 2005 - 2009



⁵ These data include 'simple cautions', 'conditional cautions' and reprimands and warnings (which replaced cautions for juvenile offenders on 1 June 2000).

In 2009, 1.69 million defendants were proceeded against in magistrates' courts - a rise of three per cent from 2008, bringing to an end a trend of year-on-year decreases since 2004 (Table 5.1). Part of this increase is due to the inclusion of breaches of bail offences in this year's data which accounts for less than 0.5 percentage points of the rise.

So readers can compare with recorded crime trends which only cover notifiable offences this covers 576,500 defendants proceeded against at court for notifiable offences and a further 1.12 million defendants who were summonsed to appear before court for non-notifiable offences.

Of the 1.69 million defendants proceeded against at magistrates' courts in 2009 (Table 1.1):

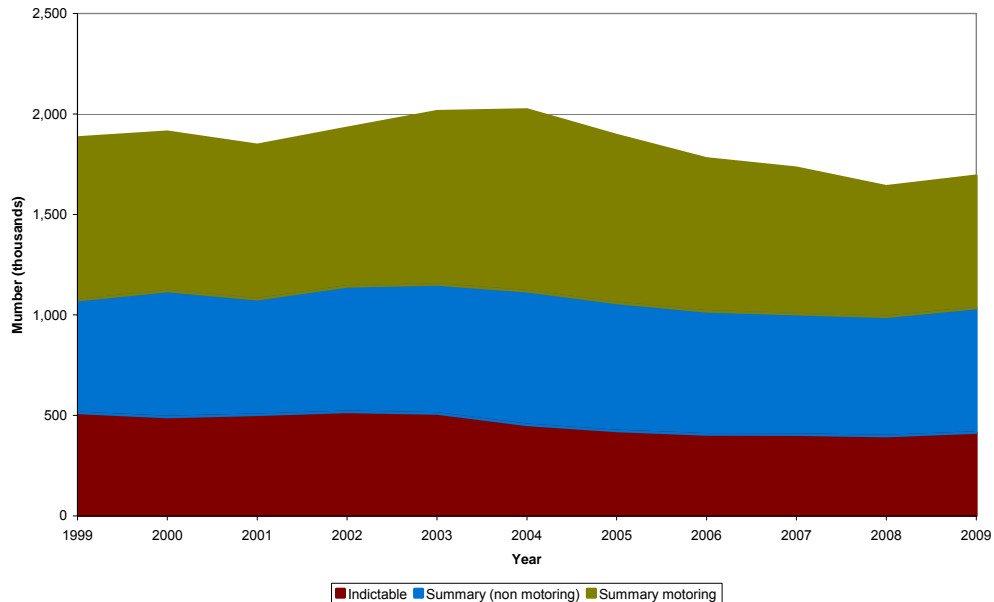
- 415,300 were proceeded against for indictable offences;
- 1.28 million were proceeded against for summary offences;
- 113,000 were committed for trial at the Crown Court.

There were 97,200 (over the age of 18) defendants received at the Crown Court for trial in 2009, of which (Table 5D):

- Of those with a stated sex 85,200 (88 per cent) were male, and 11,200 (12 per cent) were female;
- 28,700 were for indictable offences a rise of eight per cent from 2008;
- 68,500 were for triable-either-way offences (including motoring offences) a rise of 20 per cent from 2008.

The number of proceedings against defendants for summary motoring offences varied from 904,000 in 2004 to 649,200 in 2008, greater than the variation in indictable or summary non-motoring offences (Figure 1.5).

Figure 1.5: Defendants proceeded against at magistrates' courts by type of offence, 1999 - 2009



Convictions

In 2009, 1.41 million offenders were found guilty at all courts - a rise of three per cent from 2008 and the first annual rise since 2004, when 1.55 million offenders were found guilty (Table 6A):

The conviction ratio remained at 83 per cent between 2008 and 2009.

Conviction ratios (Table 6D) fell for most offence groups between 2008 and 2009 with the exceptions of:

- Other indictable non-motoring offences (which includes disparate acts such as failure to surrender to bail and affray), increasing from 63 to 69 per cent;
- Summary motoring offences, increasing from 85 to 86 per cent;
- Summary non-motoring offences, remaining at 83 per cent;
- Criminal damage, remaining at 79 per cent.

In 2009 1.33 million defendants were found guilty in magistrates' courts, an increase of three per cent from 1.29 million in 2008. (Table 5.7).

In 2009 97,200 adult defendants were committed for trial at the Crown Court, an increase of 16 per cent from 83,800 in 2008. (Table 5D).

The average waiting time for cases referred to the Crown Court remained at 15.4 weeks (Table 5A).

In 2009, 77,200 defendants were found guilty at the Crown Court, an increase of nine per cent from 70,700 in 2008. (Table 5E).

Sentencing

Table 1C presents a summary of sentence outcomes; ie use of fines, community sentences and custodial sentences for all types of offence.

In 2009, there were 945,000 offenders fined (67 per cent of those sentenced) compared with 890,000 in 2008.

Table 1C - Offenders sentenced for all offences by sentence type and court, 2007 - 2009

| | | thousands of offenders | | | | | percentage of those sentenced | | | | |
|---------------------|------|------------------------|-----------|-----------|-----------|-----------------|-------------------------------|-----------|-----------|-----------|-----------------|
| | | Fines | Community | Immediate | Suspended | Other disposals | Fines | Community | Immediate | Suspended | Other disposals |
| Magistrates' courts | | | | | | | | | | | |
| | 2007 | 939 | 182 | 51 | 25 | 136 | 70 | 14 | 4 | 2 | 10 |
| | 2008 | 888 | 175 | 50 | 24 | 136 | 70 | 14 | 4 | 2 | 11 |
| | 2009 | 943 | 180 | 48 | 25 | 115 | 72 | 14 | 4 | 2 | 9 |
| Crown Court | | | | | | | | | | | |
| | 2007 | 2 | 15 | 44 | 15 | 5 | 3 | 18 | 54 | 19 | 6 |
| | 2008 | 2 | 15 | 49 | 17 | 5 | 3 | 17 | 55 | 20 | 5 |
| | 2009 | 2 | 16 | 52 | 20 | 5 | 2 | 17 | 55 | 21 | 5 |
| All courts | | | | | | | | | | | |
| | 2007 | 942 | 196 | 95 | 41 | 141 | 67 | 14 | 7 | 3 | 10 |
| | 2008 | 890 | 190 | 100 | 41 | 141 | 65 | 14 | 7 | 3 | 10 |
| | 2009 | 945 | 196 | 100 | 45 | 119 | 67 | 14 | 7 | 3 | 8 |

The distribution of sentences handed down at magistrates' courts is different to those passed at the Crown Court. At magistrates' courts over 85 per cent of those sentenced receive a fine or community sentence. At Crown Court approximately 75 per cent of those sentenced receive an immediate custodial sentence or a suspended sentence.

The distribution of sentences handed down at magistrates' courts and the Crown Court have remained stable over the three years presented. In magistrates' court the use of fines increased by two percentage points from 70 per cent in 2007 to 72 per cent in 2009. In Crown Court community sentences reduced by one percentage point from 18 per cent in 2007 to seventeen per cent in 2009; immediate custody increased by one percentage point from 54 per cent to 55 per cent and suspended sentences increased two percentage points from 19 per cent to 21 per cent.

In 2009, 196,000 community sentences were given from all courts, an increase of three per cent compared with 2008 and a return to the number handed down in 2007.

In 2009, 100,000 immediate custodial sentences were given from all courts, the same as in 2008 and a five per cent increase compared to the 95,000 given in 2007.

Detailed sentencing statistics are published separately by the Ministry of Justice in 'Sentencing Statistics 2009. Detailed data on sentencing can also be found in the 'Supplementary Tables' that accompany this volume.

Notifiable Offences within the Criminal Justice System

'Offences Brought to Justice' is a measure of the number of crimes recorded by the police (notifiable offences) for which a defendant was held accountable and either cautioned, convicted or had the offence taken into consideration. In addition penalty notices for four notifiable offences and cannabis warnings were included following their introduction nationally during 2004.

This measure differs from those based on offenders. A single recorded crime can result in more than one conviction or caution and can therefore lead to more than one offence being counted as brought to justice. For example if a crime is recorded and as result three offenders are convicted each for two offences against the same victim, this counts as a single recorded crime but as six offences brought to justice.

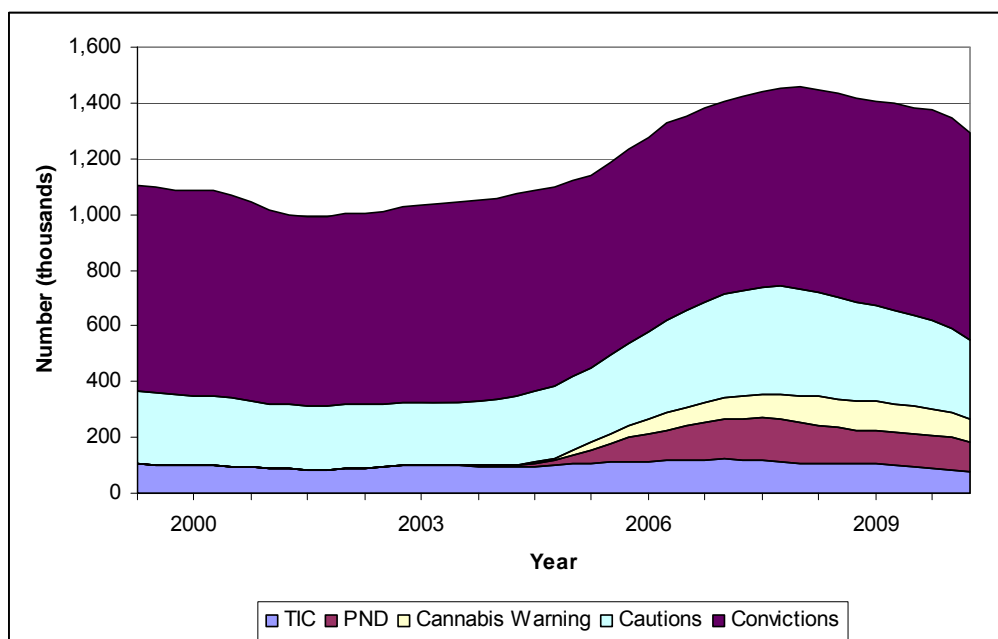
Summary of Offences Brought to Justice over the period 1999\00 to 2009\10

Recorded crimes figures have decreased from 6.01 million in the 12 months to March 2004 to 4.34 million in the 12 months to March 2010.

Offences brought to justice have increased from 0.99 million in the 12 months to September 2001 to 1.29 million in the 12 months to March 2010, having peaked at 1.46 million in the 12 months to December 2007.

The distribution of notifiable offences brought to justice by conviction, caution, cannabis warning, penalty notice for disorder and taken into consideration for 2009/10 is presented in Figure 1.6.

Figure 1.6: Distribution of notifiable offences brought to justice, 2000 to 2010



Chapter 2 Penalty Notices for Disorder (PNDs)

A Penalty Notice for Disorder (PND) is a fine of £50 or £80 for low-level, anti-social and nuisance offending which can be issued either on the spot or at a police station.

Key points for 2009

In 2009, there were 170,400 Penalty Notices for Disorder (PNDs) issued by police forces in England and Wales, compared to 176,200 in 2008, a decrease of three per cent. (Figure 2.1)

Of the 170,400 PNDs issued in 2009:

- There were 11,500 for possession of cannabis; this is a new PND introduced in 2009 and accounts for seven per cent of all PNDs issued. (Table 2.1)
- The offences of theft (48,200), 'drunk and disorderly' (43,600) and 'behaviour likely to cause harassment, alarm or distress' (43,300) accounted for 79 per cent of all PNDs issued. (Figure 2.2)
- The largest decrease in the number of PNDs issued was for the offence of 'behaviour likely to cause harassment, alarm or distress' which fell by 25 per cent over the year to 43,300. (Table 2C)
- Seventy five per cent of PNDs were issued to males. The highest number were for 'behaviour likely to cause harassment, alarm or distress' (37,200), comprising 29 per cent of the total PNDs issued to males. (Table 2D)
- Twenty five per cent were issued to females, most frequently for 'theft (retail under £200)', comprising 22,900 (55 per cent) of PNDs issued to women. (Table 2D)
- Ninety three per cent (158,700) were issued to persons aged 18 and over, with seven per cent (11,700) issued to persons aged 16 to 17. (Table 2C)
- Forty one per cent were paid within 21 days and a further twelve per cent were paid before a fine was registered. (Table 2.4)
- Fifty three per cent (90,200) were paid in full without any court action. (Table 2.4)
- Seventy per cent of PNDs were given to white people, two per cent to black people and five per cent to Asian people. Ethnicity was unknown or not recorded for 19 per cent of cases. (Table 2B)

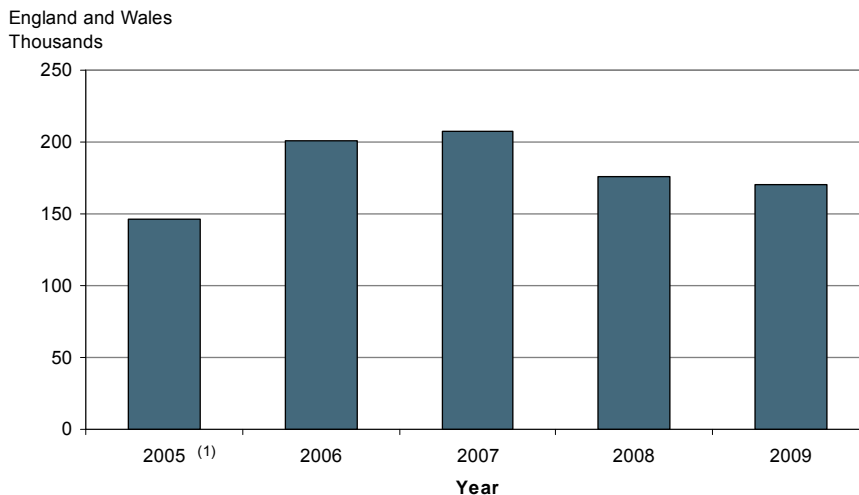
Introduction

This chapter covers Penalty Notices for Disorder (PNDs), more commonly known as 'on the spot fines'. These were introduced under the Criminal Justice and Police Act 2001 (sections 1-11) as part of the strategy to tackle low-level, anti-social and nuisance offending. PNDs were initially piloted in four police force areas in 2002 and rolled out to all police forces in England and Wales in April 2004.

Under the legislation, police can issue a fixed penalty of £50 or £80 for a specified range of minor disorder offences, either on the spot or at a police station. This saves police time, reduces bureaucracy and reserves courts for disputed and more complex cases.

A new PND for the offence of possession of cannabis was introduced in 2009. Revised statutory guidance on PNDs published in July 2009 limited the use of PNDs for cannabis possession to offenders aged 18 and over. Since this time a number of forces issued Penalty Notices for Disorder for possession of cannabis to under 18's. Forces have been made aware that these penalty notices are restricted to adults and are reviewing the situation.

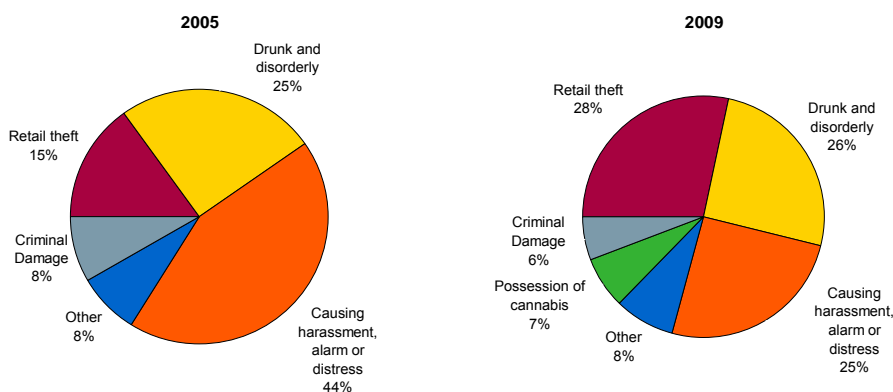
Figure 2.1: Penalty Notices for Disorder issued, 2005⁽¹⁾ - 2009



(1) First year of when PNDs were in full effect.

PNDs rose steadily from 146,500 in 2005 (the first full year of the PND scheme) to a peak of 207,500 in 2007. Since then they have gradually decreased. The decrease coincides with criminal justice agencies being asked to focus on improving performance in bringing to justice crimes involving serious violent, sexual and acquisitive offences.

Figure 2.2 Distribution of Penalty notices for disorder, 2005 and 2009



The offences: 'Retail theft' (48,200); 'drunk and disorderly' (43,600) 'behaviour likely to cause harassment, alarm or distress' (43,300) accounted for 79 per cent of all PNDs issued in 2009. Of the remaining offences, 'criminal damage' (10,100) accounted for six per cent of all PNDs. All other PND offences accounted for the remaining 15 per cent.

Since the first full year of the introduction of PNDs, the proportion related to 'drunk and disorderly' and 'criminal damage' has remained similar. In contrast the offence for 'behaviour likely to cause harassment, alarm or distress' fell from 44 per cent of all PNDs issued in 2005 to 25 per cent of all PNDs issued in 2009. This coincides with criminal justice agencies being asked to focus on improving performance in bringing to justice crimes involving serious violent, sexual and acquisitive offences. Conversely, the offence for retail theft' (of goods under the value of £200)' has risen from 15 per cent of all PNDs given in 2005 to 28 per cent in 2009.

The police force area with the greatest volume increase in PNDs administered in 2008 compared to 2009 was Merseyside, increasing 2,400 from 10,600 to 12,900. The greatest decrease was in Hertfordshire, falling 1,800 from 6,400 in 2008 to 4,600 in 2009.

Penalty Notices for Disorder by gender (Figure 2.3 and Table 2D)

Since the first full year of the introduction of PNDs in 2005, the proportion issued to females has increased from 19 per cent to 25 per cent in 2009. The most common offence for which females were issued PNDs in 2009 was 'retail theft' (of goods under the value of £200). In total, 22,900 PNDs were issued to females for this offence, representing 55 per cent of all PNDs issued to females in 2009.

'Behaviour likely to cause harassment, alarm and distress' was the most common offence for which males were issued PNDs in 2009 and represented 29 per cent of all PNDs issued to males.

Table 2A: Number of Penalty Notices for Disorder issued to males and females by offence, 2005 - 2009

| England and Wales | Number issued (thousands) | | | | |
|---------------------------------------|---------------------------|---------|---------|---------|---------|
| Sex / offence | 2005 | 2006 | 2007 | 2008 | 2009 |
| Males | | | | | |
| Causing Harassment, alarm or distress | 54,950 | 70,790 | 66,816 | 49,722 | 37,231 |
| Drunk and disorderly | 31,459 | 36,849 | 39,420 | 36,891 | 36,051 |
| Criminal Damage (under £500) | 10,750 | 18,142 | 17,343 | 11,569 | 8,710 |
| Retail Theft | 12,958 | 22,355 | 25,491 | 25,163 | 25,240 |
| Possession of Cannabis | * | * | * | * | 10,930 |
| Other | 8,306 | 11,701 | 12,929 | 11,024 | 10,232 |
| Total | 118,423 | 159,837 | 161,999 | 134,369 | 128,394 |
| Females | | | | | |
| Causing Harassment, alarm or distress | 9,057 | 11,445 | 11,011 | 8,051 | 6,107 |
| Drunk and disorderly | 5,579 | 6,707 | 7,576 | 7,520 | 7,519 |
| Criminal Damage (under £500) | 1,418 | 2,478 | 2,603 | 1,858 | 1,435 |
| Retail Theft | 9,039 | 16,417 | 19,655 | 20,453 | 22,921 |
| Possession of Cannabis | * | * | * | * | 561 |
| Other | 2,965 | 4,313 | 4,700 | 3,913 | 3,456 |
| Total | 28,058 | 41,360 | 45,545 | 41,795 | 41,999 |

* = Not applicable. Offence added with effect from 27 January 2009.

Penalty Notices for Disorder by age (Tables 2.1 and 2.2)

Ninety three per cent (158,700) of PNDs were issued to adults (persons aged 18 and over), with seven per cent (11,700) issued to persons aged 16 to 17.

There were 11,700 PNDs issued to persons aged 16 to 17 in 2009 a fall of 19 per cent compared with 2008. The largest decrease was for the offence of 'causing harassment, alarm or distress', falling 1,500 from 4,700 in 2008 to 3,200 in 2009.

PND payment

Once a PND has been issued the recipient has 21 days (the Suspended Enforcement Period - SEP) in which to either pay the penalty or request a court hearing. No admission of guilt is required and by paying the penalty the recipient discharges liability for conviction for the offence.

In 2009, 41 per cent of PNDs were paid within the SEP and a further 12 per cent were paid before the fine was registered for court enforcement action. The payment rate for PNDs has remained fairly constant since the roll out of the scheme to all forces at 50 per cent.

The payment rate for juveniles was 59 per cent in 2009 compared to 52 per cent for adults. The payment rate for juveniles has remained higher than for adults since the start of the scheme in 2004.

PNDs contested at court

Rather than paying the penalty, PND recipients can request a court hearing. Just one per cent of penalty notices have been contested at court in each year since PNDs were rolled out in England and Wales. This figure is consistent across all age groups and offences.

Fine registration

If a recipient fails to pay a PND or elects a court hearing within the SEP, a fine of one and half times the penalty amount is registered at the court, for enforcement action. Typically just over 40 per cent of PNDs issued are registered as fines each year.

PNDs by ethnicity

Table 2B: Penalty notices for disorder by ethnicity 2005 - 2009

| Year | England and Wales | | | | | | Ethnicity | | | | |
|------|-------------------|------------|---|-------|-------|---------|------------|---|-------|-------|---------|
| | Total | White Blac | k | Asian | Other | Unknown | White Blac | k | Asian | Other | Unknown |
| 2005 | 146,481 | 111,256 | 5 | 1 | 2,228 | 22,930 | 76 | 4 | 3 | 2 | 16 |
| 2006 | 201,197 | 149,089 | 6 | 8 | 3,951 | 35,244 | 74 | 3 | 3 | 2 | 18 |
| 2007 | 207,544 | 155,111 | 4 | 0 | 6,170 | 32,656 | 75 | 2 | 5 | 3 | 16 |
| 2008 | 176,164 | 131,882 | 3 | 7 | 5,831 | 26,183 | 75 | 2 | 5 | 3 | 15 |
| 2009 | 170,393 | 119,116 | 3 | 2 | 6,624 | 32,138 | 70 | 2 | 5 | 4 | 19 |

Percentage of the total (%)

Number

In 2009, 70 per cent (119,100) of PNDs were issued to white people, two per cent (3,300) to black people and five per cent (9,200) to Asian people. This distribution was fairly constant amongst the high volume PND offences, with the exception of 'being drunk and disorderly', where 77 per cent were issued to white people. (Table 2.5)

Comparing 2009 with 2008, PNDs fell by:

- 10 per cent for white people; and
- four per cent for black people.

And increased by:

- four per cent for Asian people; and
- 14 per cent for people of 'other' ethnicity.

Care should be exercised when using these figures as the relatively high proportion of unknowns in each year may affect the distribution of PNDs by ethnicity.

Notes

Penalty Notices for Disorder were piloted in four areas during 2002 and 2003 and were introduced nationally from April 2004. The four notifiable offences for which these notices can be given are:

- Harassment, alarm or distress – Public Order Act 1988 s5;
- Destroying or damaging property (value of damage under £500) Criminal Damage Act 1971 s1(1);
- Retail theft (goods under the value of £200) – Theft Act 1968 s1.
- Possession of a controlled drug of Class B - cannabis/cannabis resin s.5(2) & Sch 4 Misuse of Drugs Act 1971

Appendix 2 of 'User Guide to Home Office Statistics', Home Office, provides a list of recorded offences.

<http://rds.homeoffice.gov.uk/rds/pdfs10/crimestats-userguide.pdf>

Table 2C - Number of Penalty Notices for Disorder issued to offenders aged 16 and above by offence, 2005 - 2009

| Offence | All Ages | | | | | Aged 16-17 | | | | | Aged 18+ | | | | |
|--|-----------------------------------|----------------|----------------|----------------|----------------|---------------|---------------|---------------|---------------|--------------------|----------------|----------------|----------------|----------------|----------------|
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2005 | 2006 | 2007 | 2008 | 2009 | 2005 | 2006 | 2007 | 2008 | 2009 |
| | Higher Tier Offences (£80) | | | | | | | | | | | | | | |
| Wasting police time | 2,525 | 3,933 | 3,966 | 3,443 | 3,109 | 215 | 353 | 327 | 254 | 212 | 2,310 | 3,580 | 3,639 | 3,189 | 2,897 |
| Misuse of public telecommunications system | 405 | 909 | 1,193 | 888 | 747 | 24 | 79 | 106 | 88 | 45 | 381 | 830 | 1,087 | 800 | 702 |
| Giving false alarm to fire and rescue authority | 92 | 106 | 96 | 77 | 80 | 6 | 15 | 15 | 7 | 9 | 86 | 91 | 81 | 70 | 71 |
| Causing Harassment, alarm or distress | 64,007 | 82,235 | 77,827 | 57,773 | 43,338 | 5,846 | 8,122 | 7,068 | 4,673 | 3,199 | 58,161 | 74,113 | 70,759 | 53,100 | 40,139 |
| Throwing fireworks ⁽¹⁾ | 642 | 682 | 649 | 531 | 353 | 90 | 101 | 102 | 82 | 57 | 552 | 581 | 547 | 449 | 296 |
| Drunk and disorderly ⁽²⁾ | 37,038 | 43,556 | 46,996 | 44,411 | 43,570 | 2,354 | 3,009 | 2,941 | 2,538 | 2,244 | 34,684 | 40,547 | 44,055 | 41,873 | 41,326 |
| Criminal Damage (under £500) ⁽³⁾ | 12,168 | 20,620 | 19,946 | 13,427 | 10,145 | 1,408 | 2,866 | 2,796 | 1,815 | 1,241 | 10,760 | 17,754 | 17,150 | 11,612 | 8,904 |
| Theft (retail under £200) ⁽³⁾ | 21,997 | 38,772 | 45,146 | 45,616 | 48,161 | 1,806 | 3,861 | 4,474 | 4,040 | 3,817 | 20,191 | 34,911 | 40,672 | 41,576 | 44,344 |
| Breach of fireworks curfew ⁽⁴⁾ | 33 | 53 | 39 | 23 | 15 | 4 | 7 | 3 | 3 | 0 | 29 | 46 | 36 | 20 | 15 |
| Possession of category 4 firearm ⁽⁴⁾ | 13 | 28 | 22 | 23 | 56 | 2 | 6 | 5 | 6 | 2 | 11 | 22 | 17 | 17 | 54 |
| Possession by a person under 18 of adult firearm ⁽⁴⁾ | 47 | 76 | 106 | 67 | 59 | 42 | 69 | 106 | 57 | 53 | 5 | 7 | 0 | 10 | 6 |
| Sale of alcohol to drunken person ⁽⁵⁾ | 32 | 47 | 81 | 66 | 90 | 2 | 1 | 1 | 2 | 2 | 30 | 46 | 80 | 64 | 88 |
| Supply of alcohol to a person under 18 | 3 | 60 | 54 | 83 | 104 | 0 | 5 | 1 | 2 | 4 | 3 | 55 | 53 | 81 | 100 |
| Sale of alcohol to a person under 18 ⁽⁵⁾ | 2,058 | 3,195 | 3,583 | 2,824 | 3,002 | 79 | 91 | 77 | 42 | 40 | 1,979 | 3,104 | 3,506 | 2,782 | 2,962 |
| Purchasing alcohol for a person under 18 ⁽⁵⁾ | 170 | 407 | 555 | 524 | 429 | 20 | 45 | 51 | 33 | 22 | 150 | 362 | 504 | 491 | 407 |
| Purchasing alcohol for a person under 18 for consumption on the premises | 83 | 60 | 64 | 50 | 46 | 21 | 17 | 13 | 10 | 15 | 62 | 43 | 51 | 40 | 31 |
| Delivery of alcohol to a person under 18 or allowing such delivery ⁽³⁾ | 209 | 297 | 431 | 286 | 190 | 20 | 24 | 36 | 23 | 9 | 189 | 273 | 395 | 263 | 181 |
| Possession of Cannabis ⁽⁶⁾ | * | * | * | * | 11,491 | * | * | * | * | 148 ⁽⁷⁾ | * | * | * | * | 11,343 |
| Lower Tier Offences (£50) | | | | | | | | | | | | | | | |
| Trespassing on a railway | 220 | 1,042 | 1,527 | 1,488 | 1,552 | 73 | 256 | 291 | 257 | 240 | 147 | 786 | 1,236 | 1,211 | 1,312 |
| Throwing stones at a train / railway | 20 | 15 | 25 | 27 | 21 | 5 | 4 | 10 | 8 | 8 | 15 | 11 | 15 | 19 | 13 |
| Drunk in a highway | 3,138 | 2,712 | 2,066 | 1,438 | 999 | 103 | 149 | 106 | 57 | 31 | 3,035 | 2,563 | 1,960 | 1,381 | 968 |
| Consumption of alcohol in a designated public place | 712 | 1,061 | 1,544 | 1,761 | 1,596 | 56 | 136 | 172 | 126 | 87 | 656 | 925 | 1,372 | 1,635 | 1,509 |
| Depositing and leaving litter ⁽³⁾ | 737 | 1,169 | 1,374 | 1,202 | 1,148 | 185 | 253 | 301 | 241 | 181 | 552 | 916 | 1,073 | 961 | 967 |
| Consumption of alcohol by a person under 18 on relevant premises ⁽³⁾ | 84 | 75 | 85 | 36 | 27 | 74 | 67 | 85 | 31 | 19 | 10 | 8 | 0 | 5 | 8 |
| Allowing consumption of alcohol by a person under 18 on relevant premises ⁽³⁾ | 27 | 14 | 11 | 6 | 4 | 2 | 0 | 1 | 2 | 0 | 25 | 14 | 10 | 4 | 4 |
| Buying or Attempting to buy alcohol by a person under 18 ⁽⁶⁾ | 21 | 73 | 158 | 114 | 61 | 17 | 62 | 158 | 100 | 52 | 4 | 11 | 0 | 14 | 9 |
| Totals | | | | | | | | | | | | | | | |
| Total Higher Tier Offences | 141,522 | 195,036 | 200,754 | 170,112 | 164,985 | 11,939 | 18,671 | 18,122 | 13,675 | 11,119 | 129,583 | 176,365 | 182,632 | 156,437 | 153,866 |
| Total Lower Tier Offences | 4,959 | 6,161 | 6,790 | 6,052 | 5,408 | 515 | 927 | 1,124 | 822 | 618 | 4,444 | 5,234 | 5,666 | 5,230 | 4,790 |
| Total all offences | 146,481 | 201,197 | 207,544 | 176,164 | 170,393 | 12,454 | 19,598 | 19,246 | 14,497 | 11,737 | 134,027 | 181,599 | 188,298 | 161,667 | 158,656 |

(1) Offence moved from the lower tier (£50) to the upper tier (£80) on 5th March 2004.

(2) Offence moved from the lower tier (£50) to the upper tier (£80) on 1st November 2004.

(3) Offence added with effect from 1 November 2004. Penalty notices are no longer available for theft of goods valued at over £100 and may only be used for criminal damage up to a value of £300 from July 2009 onwards.

(4) Offence added with effect from 11 October 2004.

(5) Offence added with effect from 04 April 2005.

(6) Offence added with effect from 27 January 2009.

(7) Revised statutory guidance on PND's published in July 2009 limited the use of PND's for cannabis possession to offenders aged 18 and over. Since this time a number of forces issued penalty notices for possession of cannabis to under 18's. Forces have been made aware that these penalty notices are restricted to adults and are reviewing the situation.

Table 2B - Number of Penalty Notices for Disorder issued to offenders aged 16 and above by gender and by offence, 2009

| England and Wales | All offenders | Males | | | Females | | | | | | | | |
|--|----------------|----------------|--------------|--------------|----------|----------------|------------|---------------|-----------|--------------|----------|---------------|-----------|
| | | All ages | % Aged 16-17 | % Aged 18+ | All ages | % Aged 16-17 | % Aged 18+ | | | | | | |
| | | | | | | | | | | | | | |
| Higher Tier Offences (£80) | | | | | | | | | | | | | |
| Wasting police time | 3,109 | 1,987 | 64 | 142 | 5 | 1,845 | 59 | 1,122 | 36 | 70 | 2 | 1,052 | 34 |
| Misuse of public telecommunications system | 747 | 578 | 77 | 33 | 4 | 545 | 73 | 169 | 23 | 12 | 2 | 167 | 21 |
| Giving false alarm to fire and rescue authority | 80 | 63 | 79 | 8 | 10 | 55 | 69 | 17 | 21 | 1 | 1 | 16 | 20 |
| Causing harassment, alarm or distress | 43,338 | 37,231 | 86 | 2,712 | 6 | 34,519 | 80 | 6,107 | 14 | 487 | 1 | 5,620 | 13 |
| Throwing fireworks ⁽¹⁾ | 353 | 326 | 92 | 54 | 15 | 272 | 77 | 27 | 8 | 3 | 1 | 24 | 7 |
| Drunk and disorderly ⁽²⁾ | 43,570 | 36,051 | 83 | 1,755 | 4 | 34,296 | 79 | 7,519 | 17 | 489 | 1 | 7,030 | 16 |
| Criminal Damage (under £500) ⁽³⁾ | 10,145 | 8,710 | 86 | 1,095 | 11 | 7,615 | 75 | 1,435 | 14 | 146 | 1 | 1,289 | 13 |
| Theft (retail under £200) ⁽³⁾ | 48,161 | 25,240 | 52 | 2,012 | 4 | 23,228 | 48 | 22,921 | 48 | 1,805 | 4 | 21,116 | 44 |
| Breach of fireworks curfew ⁽⁴⁾ | 15 | 12 | 80 | 0 | 0 | 12 | 80 | 3 | 20 | 0 | 0 | 3 | 20 |
| Possession of category 4 firearm ⁽⁴⁾ | 56 | 35 | 63 | 2 | 4 | 33 | 59 | 21 | 38 | 0 | 0 | 21 | 38 |
| Possession by a person under 18 of adult firearm ⁽⁴⁾ | 59 | 53 | 90 | 49 | 83 | 4 | 7 | 6 | 10 | 4 | 7 | 2 | 3 |
| Sale of alcohol to drunken person ⁽⁵⁾ | 90 | 66 | 73 | 2 | 2 | 64 | 71 | 24 | 27 | 0 | 0 | 24 | 27 |
| Supply of alcohol to a person under 18 | 104 | 53 | 51 | 3 | 3 | 50 | 48 | 51 | 49 | 1 | 1 | 50 | 48 |
| Sale of alcohol to a person under 18 ⁽³⁾ | 3,002 | 1,785 | 59 | 27 | 1 | 1,758 | 59 | 1,217 | 41 | 13 | 0 | 1,204 | 40 |
| Purchasing alcohol for a person under 18 ⁽³⁾ | 429 | 357 | 83 | 21 | 5 | 336 | 78 | 72 | 17 | 1 | 0 | 71 | 17 |
| Purchasing alcohol for a person under 18 for consumption on the premises | 46 | 33 | 72 | 9 | 20 | 24 | 52 | 13 | 28 | 6 | 13 | 7 | 15 |
| Delivery of alcohol to a person under 18 or allowing such delivery ⁽³⁾ | 190 | 152 | 80 | 8 | 4 | 144 | 76 | 38 | 20 | 1 | 1 | 37 | 19 |
| Possession of Cannabis ⁽⁶⁾ | 11,491 | 10,930 | 95 | 143 | 1 | 10,787 | 94 | 561 | 5 | 5 | 0 | 566 | 5 |
| Lower Tier Offences (£50) | | | | | | | | | | | | | |
| Trespassing on a railway | 1,552 | 1,379 | 89 | 210 | 14 | 1,169 | 75 | 173 | 11 | 30 | 2 | 143 | 9 |
| Throwing stones at a train / railway | 21 | 20 | 95 | 8 | 38 | 12 | 57 | 1 | 5 | 0 | 0 | 1 | 5 |
| Drunk in a highway | 999 | 839 | 84 | 26 | 3 | 813 | 81 | 160 | 16 | 5 | 1 | 155 | 16 |
| Consumption of alcohol in a designated public place | 1,596 | 1,419 | 89 | 76 | 5 | 1,343 | 84 | 177 | 11 | 11 | 1 | 166 | 10 |
| Depositing and leaving litter ⁽²⁾ | 1,148 | 1,002 | 87 | 153 | 13 | 849 | 74 | 146 | 13 | 28 | 2 | 118 | 10 |
| Consumption of alcohol by a person under 18 on relevant premises ⁽³⁾ | 27 | 19 | 70 | 14 | 52 | 5 | 19 | 8 | 30 | 5 | 19 | 3 | 11 |
| Allowing consumption of alcohol by a person under 18 on relevant premises ⁽³⁾ | 4 | 3 | 75 | 0 | 0 | 3 | 75 | 1 | 25 | 0 | 0 | 1 | 25 |
| Buying or Attempting to buy alcohol by a person under 18 ⁽⁵⁾ | 61 | 51 | 84 | 43 | 70 | 8 | 13 | 10 | 16 | 9 | 15 | 1 | 2 |
| Totals | | | | | | | | | | | | | |
| Total Higher Tier Offences | 164,985 | 123,662 | 75 | 8,075 | 5 | 115,587 | 70 | 41,323 | 25 | 3,044 | 2 | 38,279 | 23 |
| Total Lower Tier Offences | 5,408 | 4,732 | 88 | 530 | 10 | 4,202 | 78 | 676 | 13 | 88 | 2 | 588 | 11 |
| Total all offences | 170,393 | 128,394 | 75 | 8,605 | 5 | 119,789 | 70 | 41,999 | 25 | 3,132 | 2 | 38,867 | 23 |

(1) Offence moved from the lower tier (£50) to the upper tier (£80) on 5th March 2004.
 (2) Offence moved from the lower tier (£50) to the upper tier (£80) on 1st November 2004.
 (3) Offence added with effect from 1 November 2004. Penalty notices are no longer available for theft of goods valued at over £100 and may only be used for criminal damage up to a value of £300 from July 2009 onwards.
 (4) Offence added with effect from 11 October 2004.
 (5) Offence added with effect from 04 April 2005.
 (6) Offence added with effect from 27 January 2009.
 (7) Revised statutory guidance on PND's published in July 2009 limited the use of PND's for cannabis possession to offenders aged 18 and over. Since this time a number of forces issued penalty notices for disorder for possession of cannabis to under 18's. Forces have been made aware that these penalty notices are restricted to adults and are reviewing the situation.

Chapter 3 Offenders cautioned

A caution is a formal warning given by a police officer to a person who admits to having committed a criminal offence which could have led to a prosecution.⁶

Key points for 2009

In 2009, there were 290,600 offenders cautioned (including reprimands and warnings) for all offences, a decrease of 11 per cent compared to 2008 (327,900) and a continuation of the downward trend since 2007. Cautions increased steadily from 225,400 in 2002 to a peak of 362,900 in 2007. (Figure 3.1 and Table 3A)

Of the 290,600 offenders who were cautioned in 2009:

- 159,500 were for indictable offences (excluding motoring) – down 12 per cent from 181,200 in 2008. (Figure 3.1 and Table 3A)
- 131,100 were for summary non-motoring offences – down 11 per cent from 146,700 in 2008. (Figure 3.1 and Table 3A)
- 215,500 males were cautioned, a decrease of 12 per cent from 245,800 in 2008. In comparison, 75,100 females were cautioned, a decrease of nine per cent from 82,100 in 2008. (Table 3B)
- Juveniles given a reprimand or warning decreased by 20 per cent from 98,200 in 2008 to 78,700 in 2009. In comparison, 212,000 adults (aged 18 and over) were cautioned, a decrease of eight per cent from 229,700 in 2008. (Figure 3.3 and Tables 3.3, 3.4)
- 'Common assault' – assault which results in no injury to the victim accounted for 21 per cent (60,300) of all cautions.
- The ethnicity of offenders cautioned for all offences showed 83 per cent were given to White people, seven per cent to Black people and five per cent to Asian people. (Table 3C)

⁶ In this chapter unless stated cautions data include 'simple cautions', 'conditional cautions' and 'reprimands and warnings' (which replaced cautions for juvenile offenders on 1 June 2000).

Introduction

This chapter covers offenders formally cautioned by the police by offence, sex, age and ethnicity. The cautions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a person has been cautioned for two or more offences at the same time, the principal offence is the more serious offence. (see Appendix 2).

The aims of the simple caution are to:

- Deal quickly and simply with less serious offences;
- Divert offenders where appropriate from appearing in criminal courts;
- Reduce the likelihood of re-offending.

Whether to administer a simple caution is an operational decision for the police and the Crown Prosecution (CPS) based on the circumstances of the individual case.

The Criminal Justice Act 2003 introduced conditional cautions for adults, and the Criminal Justice and Immigration Act 2008 extended the conditional caution to offenders aged 16-17 (currently being piloted in 5 areas). A conditional caution is a caution with conditions attached that an offender must agree to comply with. The offender must have admitted committing the offence. The decision to offer a conditional caution is made by the CPS. In this chapter conditional cautions have been counted as cautions.

Conditional cautions can only be given for offences as specified in the Directors Guidance on Adult Conditional Cautions. They are available for summary only offences and a few triable-either-way offences. They are not available for serious violent or serious sexual offences.

Simple and conditional cautions form part of a person's criminal record and may influence how they are dealt with should they come to the notice of the police again. Simple and conditional cautions may also be cited in court in any subsequent proceedings and can be made known to a prospective employer. If a caution is issued or administered for an offence under the Sexual Offences Act 2003, the offender will be placed on the sex offenders register for two years from the date the caution was issued.

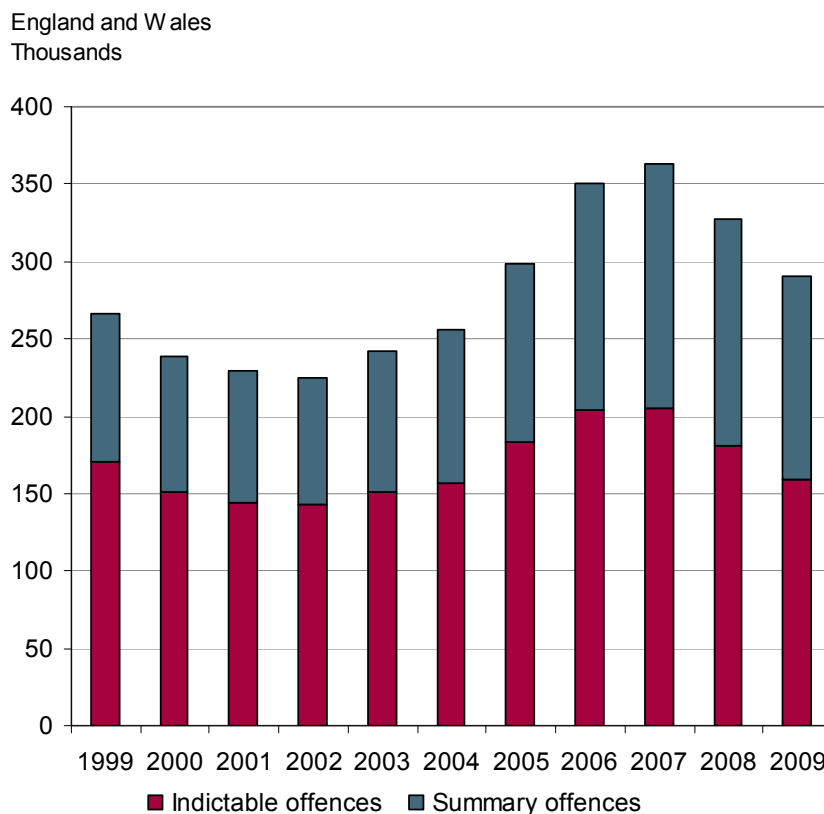
The Crime and Disorder Act 1998 introduced reprimands and warnings to replace cautions for juvenile offenders. In this chapter they have been counted as cautions except for Table 3.4 which gives reprimands and warnings by age group and offence type over the last five years in England and Wales. (see Appendix 1).

Trends in offenders cautioned, by offence type and group 1999 – 2009 (Figure 3.1 and Table 3A)

In 2009, there were 290,600 offenders cautioned (including reprimands and warnings) for all offences, 11 per cent fewer than 2008 (327,900). This was

due to a 12 per cent decrease in cautions for indictable offences from 181,200 to 159,500, and an 11 per cent decrease in cautions for summary offences from 146,700 to 131,100. There has been a downward trend in offenders cautioned since a peak of 362,900 in 2007.

Figure 3.1: Offenders cautioned by offence type, 1999 – 2009



Of the 290,600 offenders cautioned in 2009, 55 per cent were for indictable offences and 45 per cent for summary offences. This compares with 1999 when 64 per cent were for indictable offences and 36 per cent for summary non-motoring offences.

In comparison with 1999, the biggest change in the proportion of offenders cautioned by offence group in 2009 was for summary non-motoring offences, increasing by nine percentage points to 45 per cent. The biggest decrease was for property⁷ offences, down nine percentage points to 25 per cent.

⁷ Property offences include: burglary, theft and handling stolen goods, fraud and forgery.

Table 3A: Offenders cautioned by sex, offence type and offence group, 1999 - 2009

| England and Wales | Number of offenders (thousands) | | | | | | | | | | |
|--|---------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------------|--------------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 ^(R) | 2009 |
| Offence type / group | | | | | | | | | | | |
| Indictable offences | | | | | | | | | | | |
| Violence against the person | 21.2 | 19.9 | 19.6 | 23.6 | 28.8 | 36.6 | 51.0 | 57.3 | 52.3 | 37.9 | 27.3 |
| Sexual offences | 1.5 | 1.3 | 1.2 | 1.2 | 1.3 | 1.5 | 1.7 | 1.9 | 1.9 | 1.7 | 1.5 |
| Burglary | 7.7 | 6.6 | 6.4 | 5.8 | 5.6 | 5.6 | 6.5 | 7.7 | 7.0 | 5.4 | 4.4 |
| Robbery | 0.6 | 0.6 | 0.5 | 0.4 | 0.4 | 0.5 | 0.6 | 0.7 | 0.6 | 0.4 | 0.2 |
| Theft and handling stolen goods | 75.4 | 67.6 | 63.5 | 54.2 | 54.5 | 61.9 | 67.6 | 72.4 | 72.8 | 64.0 | 60.7 |
| Fraud and forgery | 7.2 | 6.2 | 5.8 | 5.3 | 5.5 | 6.0 | 6.9 | 8.0 | 8.6 | 8.3 | 7.2 |
| Criminal damage | 3.0 | 3.2 | 3.4 | 3.1 | 3.7 | 5.5 | 7.2 | 9.0 | 8.8 | 7.9 | 6.4 |
| Drug offences | 49.4 | 41.1 | 39.4 | 44.9 | 45.7 | 32.6 | 34.4 | 37.4 | 43.1 | 47.0 | 43.8 |
| Other (excluding motoring offences) | 4.6 | 4.4 | 4.2 | 4.4 | 5.3 | 6.0 | 6.9 | 9.4 | 10.0 | 8.6 | 8.0 |
| Total (excluding motoring offences)⁽¹⁾ | 170.6 | 150.9 | 143.9 | 142.9 | 150.7 | 156.3 | 182.9 | 203.8 | 205.1 | 181.2 | 159.5 |
| Summary offences | | | | | | | | | | | |
| (excluding motoring offences) | 95.6 | 88.1 | 85.9 | 82.4 | 91.1 | 99.5 | 116.0 | 146.2 | 157.8 | 146.7 | 131.1 |
| All offences⁽¹⁾ | | | | | | | | | | | |
| (excluding motoring offences) | 266.1 | 239.0 | 229.9 | 225.4 | 241.8 | 255.8 | 298.9 | 350.0 | 362.9 | 327.9 | 290.6 |

(R) Revised from data presented in Criminal Statistics, England and Wales 2008. There was an error in the collation process of caution data submitted from Nottinghamshire police force.

(1) May not sum due to rounding.

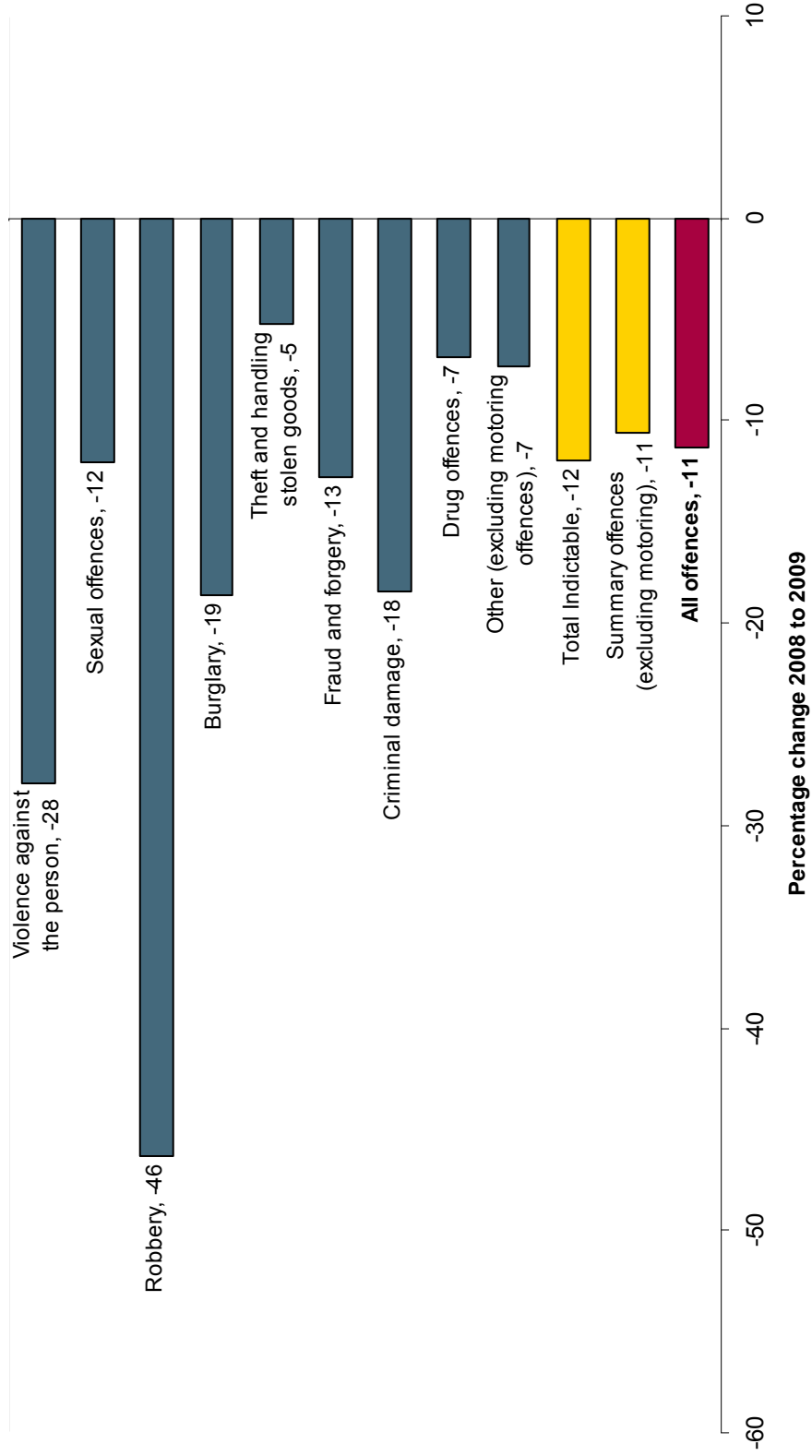
Since 2007, when offenders cautioned for all offences peaked at 362,900, there have been two year on year decreases; a fall of 10 per cent from 2007 to 2008, followed by a fall of 11 per cent from 2008 to 2009. This is mainly due to falls in:

- summary criminal damage (£5,000 or less) of 30 per cent, from 44,300 in 2007 to 30,900 in 2009;
- indictable criminal damage of 18 per cent, from 7,900 in 2008 to 6,400 in 2009 (this fall coincides with a 22 per cent fall in recorded crime for criminal damage from 1.04 million in 2007/08 to 806,700 in 2009/10)⁸;
- common assault of 12 per cent from 68,400 in 2007 to 60,300 in 2009;
- assaults occasioning actual bodily harm of 56 per cent from 42,000 in 2006 to 18,400 in 2009;
- drug offences of seven per cent from 47,000 in 2008 to 43,800 in 2009. This fall coincides with the introduction of a Penalty Notice for Disorder (PND) for possession of cannabis in January 2009. A total of 11,500 PNDs were issued for this offence. (see Chapter 2 for the contribution of cannabis possession to PNDs). In addition, cannabis was reclassified from a Class C to a Class B drug in January 2009.

Cautions are administered for serious offences such as rape only in exceptional circumstances. This will only be appropriate where the police and prosecutors believe that a prosecution would not be in the public interest. A caution for an indictable only offence may only be administered on the authority of a Crown Prosecutor. In 2009, 22 cautions were given for rape (down from 36 from 2008).

⁸ Crime in England and Wales 2009/10; John Flatley et al; Home Office Statistical Bulletin; July 2010

Figure 3.2: Percentage change in offenders cautioned by offence type and offence group, 2008 - 2009



Cautions by gender (Tables 3B and 3.1)

A total of 215,500 males were cautioned in 2009, 74 per cent of all persons, compared with 75,100 females cautioned (26 per cent). The proportion of persons cautioned by gender has remained fairly constant since 1999, the largest proportion who were male being 76 per cent in 1999 and the smallest 73 per cent in 2004.

Table 3B: Proportion of persons cautioned by sex, offence type and offence group, 2009

| England and Wales | | | |
|--|--------------------------|--------------------------------|-----------|
| Offence type / group | Cautioned (thousands) | Proportion of total by sex (%) | |
| | | Males | Females |
| Indictable offences | | | |
| Violence against the person | 27.3 | 74 | 26 |
| Sexual offences | 1.5 | 95 | 5 |
| Burglary | 4.4 | 89 | 11 |
| Robbery | 0.2 | 87 | 13 |
| Theft and handling stolen goods | 60.7 | 57 | 43 |
| Fraud and forgery | 7.2 | 66 | 34 |
| Criminal damage | 6.4 | 84 | 16 |
| Drug offences | 43.8 | 87 | 13 |
| Other (excluding motoring offences) | 8.0 | 81 | 19 |
| Total (excluding motoring offences) | 159.5 | 72 | 28 |
| Summary offences | | | |
| (excluding motoring offences) | 131.1 | 77 | 23 |
| All offences | | | |
| (excluding motoring offences) | 290.6 | 74 | 26 |

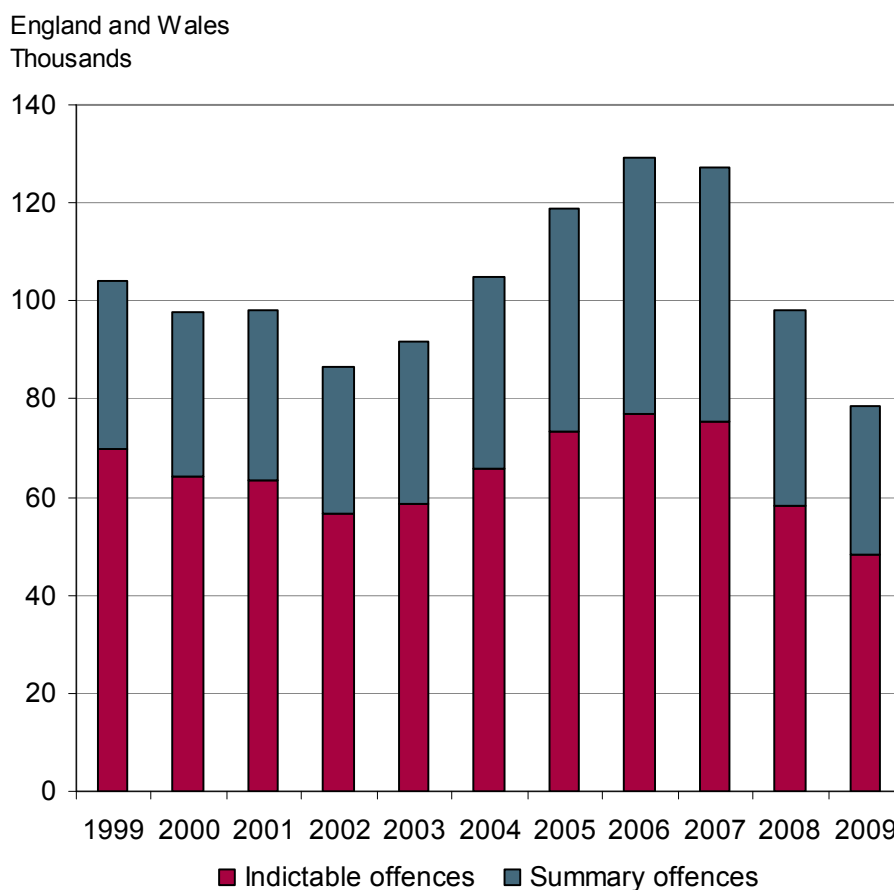
Of all cautions administered for offences relating to 'violence against the person' 22 per cent were given to females in 1999 increasing to 26 per cent in 2009, a rise of four percentage points. For 'theft and handling stolen goods' there was an increase from 39 per cent to 43 per cent, a rise of five percentage points.

In 2009, the highest volume offence for which males were cautioned for was 'common assault' at 44,700, a decrease of seven per cent compared with 2008 (48,100). For females it was 'theft from shops' at 21,200, an increase of three per cent compared with 2008 (20,500).

Cautions by age

Since 1 June 2000 reprimands and warnings instead of cautions have been available for use for juvenile offenders (see Appendix 1). Taking reprimands and warnings together, the number given for all offences in 2009 was 78,700, a decrease of 20 per cent compared with 2008. Indictable offences decreased by 17 per cent to 48,500, and summary non-motoring offences decreased by 24 per cent to 30,200.

Figure 3.3: Juveniles given reprimands and warnings by offence type, 1999 – 2009



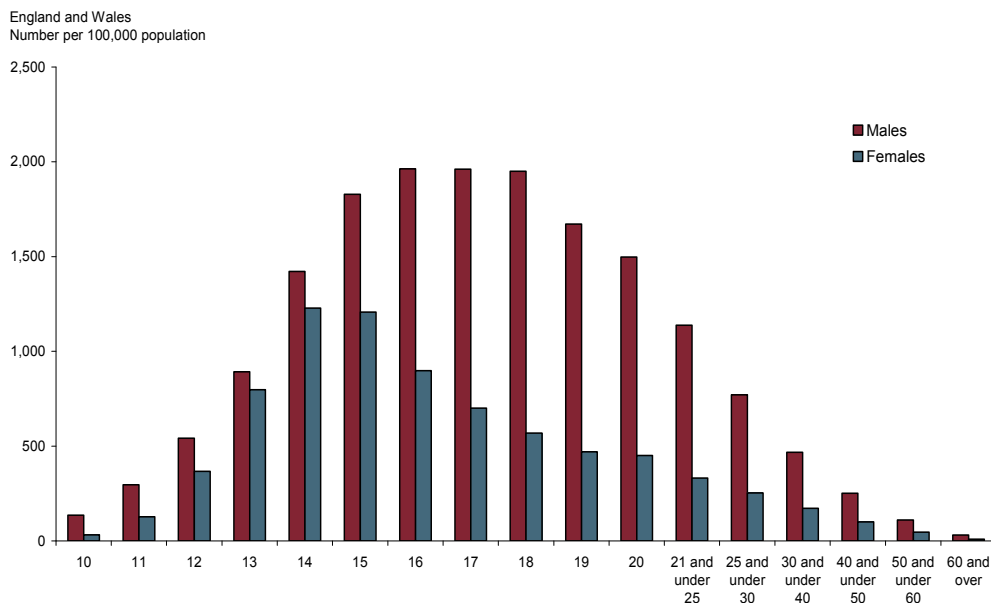
Since the introduction of reprimands and warnings, the highest number issued was in 2006 (129,100) and the lowest was in 2009 (78,700). This decrease coincides with a number of Criminal Justice Areas developing informal restorative approaches to disposing of low-level first time offending, particularly aimed at young people, contributing to a reduction of formal out of court disposals.

The proportion of reprimands or warnings for indictable offences decreased each year from 2000 (67 per cent) to 2007 (59 per cent).⁹ In 2008 the proportion remained at 59 per cent, rising by two percentage points in 2009 to 62 per cent.

In 2009, of the 78,700 reprimands and warnings, 68 per cent were reprimands and 32 per cent warnings. Older juveniles were more likely than younger juveniles to receive a warning rather than a reprimand.

In 2009, there were 53,100 males given a reprimand or warning, 68 per cent of the total given to all juveniles. Females were given 25,500, which is 32 per cent of the total.

Figure 3.4: Persons cautioned for indictable offences per 100,000 population by age group, 2009



A person cautioned on two or more separate occasions during the year is counted each time, so the rates shown in Figure 3.4 may over-state the proportion of the population who are offenders in 2009. On this basis, the overall rate of cautioning for indictable offences was 329 per 100,000 of the population in 2009.

The highest rate of male offenders cautioned for indictable offences was 1,964 per 100,000 of the male population aged 16, and 1,228 per 100,000 of the female population aged 14.

⁹ Figures for 2000 includes juvenile offenders administered with a caution prior to the introduction of warnings and reprimands.

Cautions by Ethnicity

The ethnic breakdown is based on the 4+1 visual appearance/officer identified classification – White, Black, Asian, Other and Unknown. Further detail on offenders cautioned by ethnicity and offence group, England and Wales 2009 is given in Table 3.6. A more detailed breakdown of cautions by ethnicity will be provided in the Ministry of Justice publication 'Race and the Criminal Justice System' due for publication in 2011.

Since the peak in offenders cautioned in 2007, there has been a 20 per cent fall in cautions given to white people, a 14 per cent fall for black people and a 13 per cent fall for Asian people. Care should be exercised when interpreting these figures due to the proportion of unknowns in each case.

Table 3C: Persons cautioned for all offences by ethnicity, 1999 - 2009

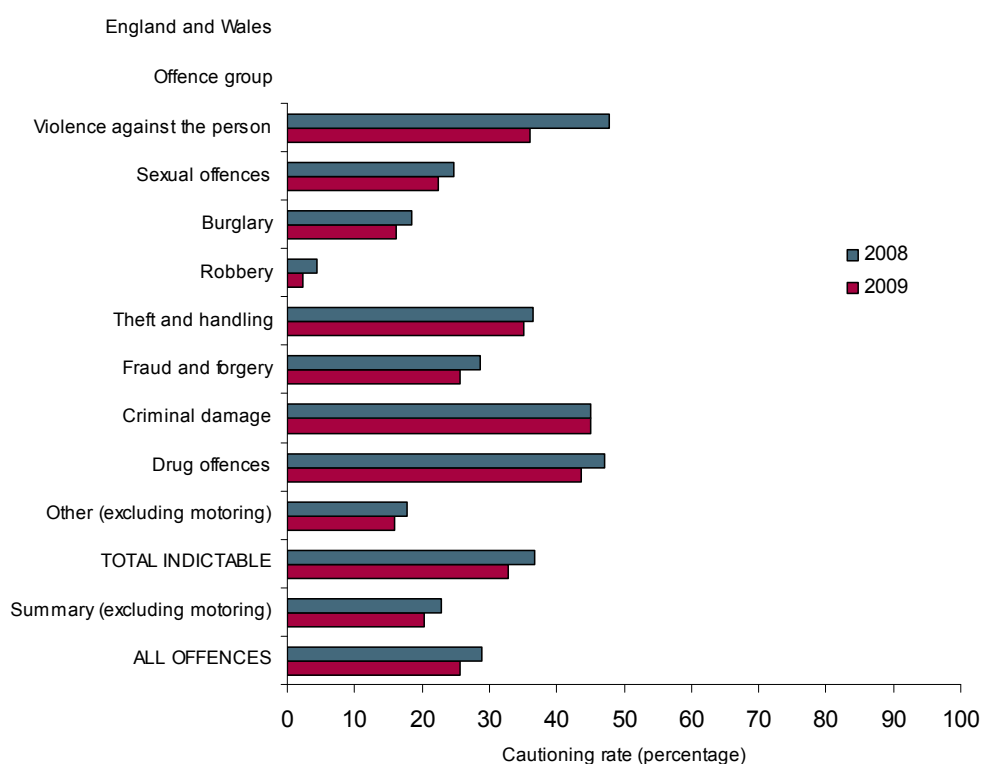
| Year | Ethnicity | | | | | Total | White | Black | Asian | Other | Unknown | Proportion of the total cautioned (%) |
|------|-----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---------|---------------------------------------|
| | Total | White | Black | Asian | Other | | | | | | | |
| 1999 | 266.1 | 232.2 | 14.9 | 10.8 | 2.6 | 5.7 | 87 | 6 | 4 | 1 | 1 | 2 |
| 2000 | 239.0 | 204.3 | 13.6 | 9.8 | 2.2 | 9.0 | 85 | 6 | 4 | 1 | 1 | 4 |
| 2001 | 229.9 | 197.3 | 13.1 | 9.9 | 2.5 | 7.0 | 86 | 6 | 4 | 1 | 1 | 3 |
| 2002 | 225.4 | 192.1 | 14.4 | 10.3 | 2.4 | 6.2 | 85 | 6 | 5 | 1 | 1 | 3 |
| 2003 | 241.8 | 205.3 | 15.1 | 10.6 | 2.9 | 7.9 | 85 | 6 | 4 | 1 | 1 | 3 |
| 2004 | 255.8 | 214.5 | 13.3 | 13.1 | 3.5 | 11.4 | 84 | 5 | 5 | 1 | 1 | 4 |
| 2005 | 298.9 | 250.4 | 18.3 | 13.2 | 4.0 | 13.0 | 84 | 6 | 4 | 1 | 1 | 4 |
| 2006 | 350.0 | 285.5 | 21.7 | 15.4 | 5.1 | 22.3 | 82 | 6 | 4 | 1 | 1 | 6 |
| 2007 | 362.9 | 300.0 | 23.2 | 16.4 | 5.1 | 18.2 | 83 | 6 | 5 | 1 | 1 | 5 |
| 2008 | 327.9 | 270.7 | 22.6 | 15.8 | 5.2 | 13.5 | 83 | 7 | 5 | 2 | 2 | 4 |
| 2009 | 290.6 | 240.6 | 19.9 | 14.3 | 4.9 | 10.9 | 83 | 7 | 5 | 2 | 2 | 4 |

To note: Totals may not sum due to rounding

Cautioning rate (Table 3.7)

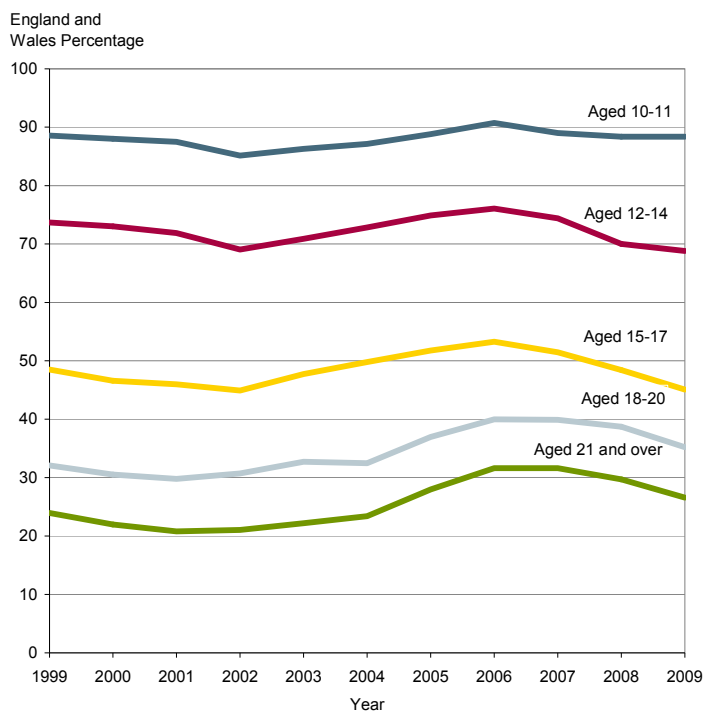
The cautioning rate is defined as offenders cautioned as a percentage of those found guilty or cautioned. In 2009 the cautioning rate for all offences excluding motoring offences was 26 per cent, a decrease of three percentage points compared with 2008.

Figure 3.5: Persons cautioned as a proportion of the total number of persons found guilty or cautioned by offence group, 2008 and 2009



The cautioning rate for all indictable offences decreased by four percentage points, from 37 per cent in 2008 to 33 per cent in 2009. Summary offences (excluding motoring) decreased three percentage points to 20 per cent in 2009. The main reason for the difference in the cautioning rate for indictable (excluding motoring) offences and summary offences (excluding motoring) is that a substantial proportion of summary offences (excluding motoring) comprise of Social Security, Revenue law and TV licence evasion offences for which the police do not generally bring proceedings. The option of a caution as an alternative to a prosecution is available to the respective prosecuting authorities in these cases, but such statistics are not collected centrally.

Figure 3.6: Persons cautioned for indictable offences⁽¹⁾ as a percentage of persons found guilty or cautioned for indictable offences by age group, 1999 - 2009



(1) Excluding motoring offences.

The cautioning rate for indictable offences peaked for all age groups in 2006, and has since decreased year on year for each age group. This change reflects an increase in the proportion of offenders being dealt with at court for more serious offences. The cautioning rate decreases with age. In 2009, 88 per cent of 10-11 year olds received a warning or reprimand, and 12 per cent received a conviction compared to 27 per cent of those aged over 21 receiving a caution and 73 per cent being convicted.

Police forces with the highest cautioning rates for indictable offences in 2009 were Dyfed-Powys with 50 per cent and Nottinghamshire with 49 per cent. The lowest were Greater Manchester with 20 per cent and South Wales with 23 per cent. However, these figures could be affected by the types of crime. (Table 3.8)

Police forces with the highest cautioning rates for summary offences (excluding motoring) were Wiltshire with 37 per cent and Kent and Devon and Cornwall with 33 per cent. The lowest were Nottinghamshire with eight per cent and Bedfordshire and Staffordshire with nine per cent. (Table 3.9)

Chapter 4 Remands

Police remands are the decisions made by a police officer whether to detain or bail a defendant pending their first appearance in court. Court remands are the court's decision on whether a defendant charged with a criminal offence should be placed in custody or released on bail during the period up to and including the trial, or awaiting sentence.

Key points for 2009

- Twenty three per cent of the 765,000 defendants arrested and charged, were held in custody by the police until their first court appearance - an increase of five per cent on 2008 and 10 per cent on 2007. (Table 4.5)
- Three per cent of the 1.78 million defendants proceeded against (including those who failed to appear) at Magistrates Court were remanded to custody by magistrates. This is consistent with the percentage remanded from 1999 onwards. (Table 4.3)
- Of the 117,200 defendants tried at the Crown Court, 34 per cent were remanded in custody, a decrease from 36 per cent in 2008, continuing the downwards trend from the peak of 41 per cent in 2005. (Table 4.4)
- Of the defendants remanded, 13 per cent were acquitted at magistrates' courts or Crown Court. (Table 4D)
- Following pleas of 'not guilty' at the Crown Court, almost 60 per cent of defendants remanded in custody were subsequently acquitted or not tried and nearly 70 per cent those granted bail were subsequently acquitted. (Table 4C)
- At the Crown Court, 34 per cent of white defendants tried were remanded in custody, compared to 36 per cent of Asian defendants and 49 per cent of Black defendants. (Tables 4.12b and 4.13b)

Introduction

This chapter covers: the use of bail and custody by the police following arrest and charge; remands on bail or in custody during magistrates' and proceedings at the Crown Court; and defendants' failure to attend after the granting of bail.

The police, magistrates and Crown Court may make different remand decisions at each point in the proceedings.

The police can release an arrested suspect on bail while they make further inquiries. This means that the suspect is released from custody on condition that they return to the police station on a specified date. The police can also give bail to a defendant who has been charged with an offence. In this situation the defendant is given bail on condition that they appear at a magistrates' court on a specified date.

A magistrates' court may: adjourn a hearing without remand; commit a defendant to the Crown Court for trial or sentence; or remand the defendant either in custody or on bail. There is a statutory right to bail, but this may be denied in specific circumstances, namely where the court has substantial grounds for believing that if a defendant were remanded on bail, he or she would fail to surrender to custody, commit an offence while on bail, interfere with witnesses, or otherwise obstruct the course of justice. The prosecution may, in certain circumstances, appeal to a Crown Court Judge against the decision by a magistrates' court to grant bail. The appeal must be made within 48 hours.

Those charged with, or convicted of, homicide or rape where the defendant has a previous conviction for any of those offences are only granted bail if there are exceptional circumstances which justify it. A magistrates' court has the power to remand a defendant in custody for up to eight days in the first instance but thereafter may remand him/her for up to 28 days, provided that the defendant is present in court and has previously been remanded in custody for the same offence.

The statistics in this chapter relate to persons remanded in each year in each court case, rather than to the number of remand decisions (a person may be remanded several times during a case). Cases are recorded in the year in which the final court decisions were made and this is not necessarily the same as the year in which the person was originally remanded.

Data quality

Following the introduction of the Libra case management system in 2008, the recording of remand decisions are more complete, however technical problems with the coding of magistrates' remand decisions persist. Therefore all magistrates' courts remand data published in this chapter are estimates.

For this edition of Criminal Statistics estimates for magistrates' courts remand have been produced using additional data sources and the assumptions detailed in Appendix 2.

Police remands (Table 4A)

Of those directed to appear at magistrates' courts in 2009, 57 per cent were summonsed, 33 per cent were arrested and bailed and ten per cent arrested and held in custody until their first court appearance.

The proportion of persons summonsed has been between 54 per cent and 59 per cent from 1999 to 2009.

Police held 27 per cent of those persons arrested for indictable (triable-either-way) offences in custody until their first court appearance, an increase of seven per cent on 2008 and 11 per cent on 2007.

Between 2008 and 2009 the proportion of offences in which the defendant was held in custody by the police until their first appearance in court:

- increased from five per cent to seven percent for summary non-motoring offences; and
- increased from one per cent to two per cent for summary motoring offences.

Remands by magistrates' courts and the Crown Court (Tables 4.3, 4.4 and 4.11)

Provided that a defendant initially appeared in court in answer to a summons, magistrates may adjourn the case without remanding the defendant for all appearances up to summary conviction or committal for trial at the Crown Court. In 2009, 63 per cent of persons proceeded against at magistrates' courts were not remanded.

Persons remanded in custody at some point during proceedings at magistrates' courts comprised three per cent of all those proceeded against in 2009.

Of the 117,200 defendants tried at the Crown Court in 2009:

- 51 per cent were bailed;
- 34 per cent were remanded in custody, decreasing from 41 per cent in 2004;
- 9,400 were remanded in custody for the entire period of remand, the largest group (2,200 defendants) for violence against the person.

Committals for trial at the Crown Court (Table 4.7)

There has been a 47 per cent increase in defendants committed for trial at the Crown Court from 70,200 in 2000 to 103,000 in 2009. The large annual increase between 2000 and 2001 from 70,200 to 79,100 was related to the introduction of Section 51 of the Crime and Disorder Act 1998, under the provisions of which an adult appearing before a magistrates' court charged with an offence triable only on indictment, is sent directly to the Crown Court for trial.

Between 2001 and 2006 the pattern of custodial remands for trial was fairly stable at approximately 30 per cent of defendants committed for trial. The proportion of committals in custody was highest for persons committed for robbery (51 per cent) and burglary offences (52 per cent).

Outcome of cases according to remand history (Tables 4.3, 4B and 4C)

Of the 1.78 million defendants proceeded against at magistrates' courts in 2009:

- 1.13 million were not remanded, 90 per cent of which were proceeded against for summary offences;
- 658,000 were remanded on bail or in custody, 53 per cent which were proceeded against for indictable or triable-either-way offences;
- 260,000 were acquitted or not proceeded against; 33 per cent had been bailed, and two per cent were remanded in custody at some stage.
- 73 per cent of defendants proceeded against at magistrates' courts in 2009 were sentenced, with a further seven per cent being either committed for sentence or trial.
- the most frequent outcome for those bailed was a fine (27 per cent);
- for those remanded in custody the most frequent outcome was an immediate custodial sentence (21 per cent).

Of the 117,200 defendants tried at the Crown Court in 2009:

- 65,200 were remanded on bail, 65 per cent of which entered a guilty plea;
- 22,200 were remanded on bail and pleaded 'not guilty', of whom 68 per cent were not convicted;
- 42,200 were remanded on bail and pleaded guilty, of whom 34 per cent were given an immediate custodial sentence;
- 34,100 were remanded in custody, 78 per cent of which entered a guilty plea;
- 7,300 were remanded in custody and pleaded 'not guilty', 58 per cent of whom were not convicted;
- 26,600 were remanded in custody and pleaded guilty, 84 per cent of whom received an immediate custodial sentence.

Just over 1.4 million defendants (83 per cent) were proceeded against and sentenced. A further 280,000 were acquitted or not proceeded against (17 per cent). Of those acquitted or not proceeded against, 13 per cent had been remanded in custody for at least part of the total period of remand.

Comparing each type of remand with the final outcome from all courts, 75 per cent of those not remanded received a fine, 55 per cent of those bailed received either a fine or a community sentence, and 61 per cent of those remanded in custody received immediate custody.

Failure to appear at court (Tables 4C and 4.10)

Approximately 91,000 defendants failed to appear to at magistrates' courts, representing 15 percent of those bailed at magistrates' courts. Three per cent (2,500 defendants) of those bailed at the Crown Court failed to appear at court in 2009, one percentage point fewer than in 2008.

In 2009, of the 75,300 defendants remanded on bail at the Crown Court:

- 4,700 were for burglary, 300 (seven per cent) of whom failed to appear;
- 20,100 were for violence against the person, 600 (three per cent) of whom failed to appear;
- 69,200 were for all indictable offences, 2,500 (four per cent) of whom failed to appear.

Remand proportionality by ethnicity (Tables 4.12a, 4.12b, 4.13a and 4.13b)

Of the 111,300 defendants tried at the Crown Court for indictable offences in 2009:

- 71,600 (64 per cent) were White or of White appearance, 34 per cent of whom were remanded in custody;
- 11,600 (ten per cent) were Black, 49 per cent of whom were remanded in custody;
- 7,100 (six per cent) were Asian; 37 per cent of whom were remanded in custody.

The proportion of black defendants remanded in custody is greater than the proportion of white defendants in every offence group, varying from one percentage point higher for criminal damage to 24 percentage points higher for sexual offences and 31 percentage points higher for fraud and forgery.

Of the 19,500 defendants that were tried at the Crown Court in 2009 were subsequently acquitted or not proceeded against:

- 11,600 were White, 19 per cent of whom had been remanded in custody;
- 2,400 were Black, 33 per cent of whom had been remanded in custody;
- 1,600 were Asian, 25 per cent of whom had been remanded in custody.

Table 4A - Defendants directed to appear at magistrates' courts⁽¹⁾ by type of offence and how directed to appear, 1999 - 2009 (e)

| England and Wales | Defendants proceeded against (thousands) | | | | | | | | | | Percentages | | | | | | | | | | | | |
|---|--|---------------------|---------------------|---------------------|---------------------|--------------|--------------|--------------|--------------|---------------------|--------------|---------------------|---------------------|---------------------|---------------------|---------------------|------------|------------|------------|------------|---------------------|------------|------------|
| | 1999 ⁽²⁾ | 2000 ⁽²⁾ | 2001 ⁽²⁾ | 2002 ⁽²⁾ | 2003 ⁽²⁾ | 2004 | 2005 | 2006 | 2007 | 2008 ⁽³⁾ | 2009 | 1999 ⁽²⁾ | 2000 ⁽²⁾ | 2001 ⁽²⁾ | 2002 ⁽²⁾ | 2003 ⁽²⁾ | 2004 | 2005 | 2006 | 2007 | 2008 ⁽³⁾ | 2009 | |
| How directed to appear | | | | | | | | | | | | | | | | | | | | | | | |
| Indictable offences | | | | | | | | | | | | | | | | | | | | | | | |
| Summoned | 49 | 36 | 48 | 51 | 54 | 56 | 47 | 48 | 48 | 43 | 39 | 8 | 6 | 8 | 8 | 9 | 10 | 9 | 10 | 10 | 10 | 9 | 8 |
| Arrested and bailed | 450 | 432 | 448 | 462 | 448 | 395 | 360 | 343 | 351 | 322 | 299 | 75 | 76 | 76 | 76 | 74 | 73 | 72 | 72 | 74 | 74 | 70 | 65 |
| Arrested and held in custody ⁽⁴⁾ | 98 | 100 | 91 | 99 | 101 | 93 | 91 | 84 | 76 | 92 | 125 | 16 | 18 | 15 | 16 | 17 | 17 | 18 | 18 | 16 | 16 | 20 | 27 |
| Total | 596 | 568 | 587 | 611 | 602 | 544 | 498 | 475 | 474 | 458 | 462 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Summary offences (other than motoring) | | | | | | | | | | | | | | | | | | | | | | | |
| Summoned | 347 | 423 | 368 | 408 | 410 | 459 | 435 | 407 | 387 | 386 | 407 | 59 | 64 | 61 | 61 | 60 | 66 | 65 | 64 | 62 | 63 | 64 | 64 |
| Arrested and bailed | 217 | 207 | 215 | 233 | 241 | 212 | 203 | 207 | 215 | 201 | 188 | 37 | 32 | 35 | 35 | 35 | 30 | 30 | 30 | 32 | 34 | 33 | 29 |
| Arrested and held in custody ⁽⁴⁾ | 28 | 26 | 23 | 24 | 31 | 25 | 28 | 27 | 25 | 30 | 43 | 5 | 4 | 4 | 4 | 5 | 4 | 4 | 4 | 4 | 4 | 5 | 7 |
| Total | 591 | 655 | 606 | 665 | 682 | 695 | 666 | 641 | 626 | 617 | 638 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Summary motoring offences | | | | | | | | | | | | | | | | | | | | | | | |
| Summoned | 717 | 708 | 684 | 695 | 751 | 798 | 722 | 647 | 615 | 542 | 574 | 82 | 82 | 82 | 80 | 80 | 82 | 81 | 80 | 81 | 81 | 82 | 84 |
| Arrested and bailed | 143 | 135 | 140 | 152 | 162 | 161 | 157 | 148 | 139 | 110 | 99 | 16 | 16 | 17 | 18 | 17 | 16 | 18 | 18 | 18 | 18 | 17 | 15 |
| Arrested and held in custody ⁽⁴⁾ | 18 | 16 | 14 | 18 | 21 | 16 | 16 | 12 | 9 | 9 | 10 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 2 |
| Total | 879 | 859 | 838 | 865 | 934 | 976 | 895 | 807 | 763 | 661 | 684 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| All offences | | | | | | | | | | | | | | | | | | | | | | | |
| Summoned | 1,113 | 1,167 | 1,101 | 1,154 | 1,215 | 1,313 | 1,205 | 1,102 | 1,049 | 971 | 1,020 | 54 | 56 | 54 | 54 | 55 | 59 | 59 | 57 | 56 | 56 | 57 | 57 |
| Arrested and bailed | 810 | 774 | 803 | 846 | 851 | 768 | 719 | 698 | 705 | 633 | 586 | 39 | 37 | 40 | 40 | 38 | 35 | 35 | 36 | 38 | 36 | 33 | 33 |
| Arrested and held in custody ⁽⁴⁾ | 143 | 142 | 128 | 141 | 153 | 135 | 135 | 123 | 110 | 131 | 179 | 7 | 7 | 6 | 7 | 7 | 6 | 7 | 6 | 6 | 6 | 8 | 10 |
| Total | 2,066 | 2,082 | 2,032 | 2,141 | 2,219 | 2,215 | 2,060 | 1,923 | 1,864 | 1,736 | 1,784 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

(e) Data for 2008 and 2009 are estimated.
 (1) The number of persons directed to appear includes those who failed to appear to a summons or to bail, who are excluded from the proceedings figures given in other chapters of this volume.
 (2) Approximately 91,000 persons (5 per cent of those directed to appear) failed to appear in 2009.
 (3) Includes estimates for those offences omitted from the data supplied.
 (4) Excludes remands data for Cardiff magistrates' court for April, July, and August 2008.
 (5) Includes those remanded for part of the time in custody and part on bail.
 Note: Some figures may not sum due to rounding.

Criminal Statistics: England and Wales 2009

Table 4B - Defendants proceeded against at magistrates' courts by type of court remand and outcome of proceedings⁽¹⁾, 2009 (e)

| England and Wales | | | | Defendants (thousands and percentages) | | |
|-------------------------------------|------------------------------------|-----------------------|---|--|---------------------|----------------|
| Outcome | All defendants charged or summoned | | | Total | | |
| | Not remanded by magistrates | Bailed by magistrates | Remanded in custody by magistrates ⁽²⁾ | 2009 | 2008 ⁽³⁾ | 2007 |
| Defendants (thousands) | | | | | | |
| Acquitted or not proceeded etc. | 168.0 | 86.9 | 5.1 | 260.0 | 258.0 | 297.0 |
| Convicted: | | | | | | |
| Discharge | 27.6 | 60.8 | 1.8 | 90.2 | 94.8 | 102.5 |
| Fine | 794.3 | 145.8 | 3.1 | 943.2 | 888.0 | 939.0 |
| Community sentence ⁽⁴⁾ | 32.7 | 142.4 | 4.5 | 179.6 | 174.8 | 181.6 |
| Suspended sentence | 6.5 | 17.0 | 1.9 | 25.4 | 23.7 | 25.5 |
| Immediate custody ⁽⁵⁾ | 20.3 | 15.6 | 12.6 | 48.4 | 50.4 | 51.2 |
| Otherwise dealt with ⁽⁶⁾ | 12.9 | 10.5 | 1.3 | 24.6 | 41.6 | 33.4 |
| Total number sentenced | 894.2 | 392.0 | 25.1 | 1,311.4 | 1,273.3 | 1,333.2 |
| Committed for sentence: | | | | | | |
| on bail | 2.0 | 8.2 | 0.8 | 11.0 | 10.9 | 10.0 |
| in custody | 2.7 | 0.0 | 4.9 | 7.6 | 8.2 | 7.9 |
| Committed for trial: | | | | | | |
| on bail | 12.0 | 53.7 | 4.5 | 70.2 | 59.4 | 57.7 |
| in custody | 11.4 | 0.0 | 20.0 | 31.5 | 29.2 | 26.7 |
| Total | 1,091.3 | 541.2 | 60.8 | 1,693.2 | 1,639.0 | 1,732.5 |
| Failed to appear | * | * | * | 91.1 | 113.0 | 131.0 |
| Percentages | | | | | | |
| Acquitted or not proceeded etc. | 15 | 16 | 8 | 15 | 16 | 16 |
| Convicted: | | | | | | |
| Discharge | 3 | 11 | 3 | 5 | 6 | 6 |
| Fine | 73 | 27 | 5 | 56 | 54 | 50 |
| Community sentence ⁽⁴⁾ | 3 | 26 | 7 | 11 | 11 | 10 |
| Suspended sentence | 1 | 3 | 3 | 1 | 1 | 1 |
| Immediate custody ⁽⁵⁾ | 2 | 3 | 21 | 3 | 3 | 3 |
| Otherwise dealt with ⁽⁶⁾ | 1 | 2 | 2 | 1 | 3 | 2 |
| Total percentage sentenced | 82 | 72 | 41 | 77 | 78 | 72 |
| Committed for sentence: | | | | | | |
| on bail | 0 | 2 | 1 | 1 | 1 | 1 |
| in custody | 0 | 0 | 8 | 0 | 1 | 0 |
| Committed for trial: | | | | | | |
| on bail | 1 | 10 | 7 | 4 | 4 | 3 |
| in custody | 1 | 0 | 33 | 2 | 2 | 1 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 |

(e) Data for 2009 are estimated.

(1) Includes estimates for those offences omitted from data supplied.

(2) Includes those remanded for part of the time in custody and part on bail.

(3) Excludes remands data for Cardiff magistrates' court for April, July, and August 2008.

(4) Includes community rehabilitation orders, supervision orders, community punishment orders, attendance centre orders, community punishment and rehabilitation orders, curfew orders, reparation orders, action plan orders and detention and training orders.

(5) Includes detention and training orders and unsuspended imprisonment.

(6) Includes one day in police cells, disqualification order, restraining order, confiscation order, travel restriction order, disqualification from driving, ASBO and recommendation for deportation and other disposals.

Note: Some figures may not sum due to rounding.

Table 4C - Defendants appearing at the Crown Court⁽¹⁾ by type of remand before trial or sentence, plea and outcome of proceedings, 2009 (e)

| Outcome | Committed for trial | | | | | | Committed for sentence | | Total |
|-------------------------------------|---------------------|-------------|------------------------------------|-----------------|-------------|--------------------------|------------------------------------|--------------|-------|
| | On Bail | | Remanded in custody ⁽⁵⁾ | | On Bail | | Remanded in custody ⁽⁵⁾ | | |
| | Not guilty plea | Guilty plea | All pleas ⁽⁶⁾ | Not guilty plea | Guilty plea | All pleas ⁽⁶⁾ | | | |
| England and Wales | 15.1 | 0.0 | 15.3 | 4.2 | 0.0 | 4.4 | 0.0 | 19.7 | |
| Acquitted or not proceeded etc. | | | | | | | | | |
| Convicted: | | | | | | | | | |
| Discharge | 0.2 | 2.0 | 2.1 | 0.0 | 0.2 | 0.2 | 0.3 | 2.7 | |
| Fine | 0.3 | 1.5 | 1.8 | 0.0 | 0.0 | 0.0 | 0.2 | 2.3 | |
| Community sentence ⁽²⁾ | 0.9 | 10.5 | 11.4 | 0.1 | 1.7 | 1.8 | 2.3 | 16.2 | |
| Fully suspended sentence | 1.2 | 12.8 | 14.0 | 0.1 | 1.8 | 1.8 | 3.1 | 19.7 | |
| Immediate custody ⁽³⁾ | 3.4 | 14.3 | 17.7 | 2.7 | 22.4 | 25.1 | 3.2 | 51.8 | |
| Otherwise dealt with ⁽⁴⁾ | 0.2 | 0.5 | 0.7 | 0.1 | 0.5 | 0.6 | 0.3 | 1.9 | |
| Total number sentenced | 6.1 | 41.6 | 47.7 | 3.0 | 26.6 | 29.5 | 9.5 | 94.6 | |
| Failed to appear | 1.0 | 0.6 | 2.2 | 0.1 | 0.0 | 0.2 | 0.4 | 2.9 | |
| Total | 22.2 | 42.2 | 65.2 | 7.3 | 26.6 | 34.1 | 9.9 | 117.2 | |
| | | | Percentages | | | | | | |
| England and Wales | 68 | 0 | 23 | 58 | 0 | 13 | * | 17 | |
| Acquitted or not proceeded etc. | | | | | | | | | |
| Convicted: | | | | | | | | | |
| Discharge | 1 | 5 | 3 | 0 | 1 | 1 | 3 | 2 | |
| Fine | 1 | 4 | 3 | 0 | 0 | 0 | 2 | 2 | |
| Community sentence ⁽²⁾ | 4 | 25 | 17 | 1 | 6 | 5 | 24 | 14 | |
| Fully suspended sentence | 5 | 30 | 21 | 1 | 7 | 5 | 32 | 17 | |
| Immediate custody ⁽³⁾ | 15 | 34 | 27 | 37 | 84 | 74 | 32 | 44 | |
| Otherwise dealt with ⁽⁴⁾ | 1 | 1 | 1 | 1 | 2 | 2 | 3 | 2 | |
| Total percentage sentenced | 27 | 99 | 73 | 41 | 100 | 87 | 96 | 81 | |
| Failed to appear | 4 | 1 | 3 | 2 | 0 | 1 | 4 | 2 | |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | |

(e) Data for 2009 are estimated.

(1) Crown Court cases are not necessarily concluded in the same year as the committal and so the figures in this table differ from those in Table 4.6.

(2) Community rehabilitation orders, supervision orders, community punishment orders, attendance centre orders, community punishment and rehabilitation orders, curfew orders, reparations orders, action plan orders and drug treatment and testing orders.

(3) Includes detention in a young offender institution, detention and training orders and unsuspended imprisonment.

(4) Includes one day in police cells, disqualification order, restraining order, confiscation order, travel restriction order, disqualification from driving, ASBO and recommendation for deportation and other disposals.

(5) Includes those remanded for part of the time in custody and part on bail.

(6) Includes those with no plea recorded: usually where the defendant failed to appear and Voluntary Bill of Indictment or Notice of Transfer cases.

Note: Some figures may not sum due to rounding.

Criminal Statistics: England and Wales 2009

Table 4D - Defendants proceeded against by type of remand and final outcome at magistrates' courts⁽¹⁾ and tried at the Crown Court, 2009 (e)

| England and Wales | | Defendants (thousands and percentages) | | |
|--------------------------------------|----------------|--|------------------------------------|----------------|
| Final outcome | Not remanded | Bailed | Remanded in custody ⁽⁵⁾ | Total |
| Defendants (thousands) | | | | |
| Acquitted or not proceeded with etc. | 168.0 | 102.2 | 9.5 | 279.7 |
| Convicted: | | | | |
| Discharge | 27.6 | 63.2 | 2.0 | 92.8 |
| Fine | 794.5 | 147.8 | 3.2 | 945.5 |
| Community sentence ⁽²⁾ | 32.7 | 156.1 | 6.9 | 195.8 |
| Suspended sentence | 6.5 | 34.1 | 4.5 | 45.1 |
| Immediate custody ⁽³⁾ | 20.4 | 36.4 | 43.4 | 100.2 |
| Otherwise dealt with ⁽⁴⁾ | 12.9 | 11.5 | 2.1 | 26.5 |
| Total Defendants sentenced | 894.7 | 449.2 | 62.1 | 1,405.9 |
| Total | 1,062.7 | 551.4 | 71.5 | 1,685.6 |
| Percentages | | | | |
| Acquitted or not proceeded with etc. | 16 | 19 | 13 | 17 |
| Convicted: | | | | |
| Discharge | 3 | 11 | 3 | 6 |
| Fine | 75 | 27 | 4 | 56 |
| Community sentence ⁽²⁾ | 3 | 28 | 10 | 12 |
| Suspended sentence | 1 | 6 | 6 | 3 |
| Immediate custody ⁽³⁾ | 2 | 7 | 61 | 6 |
| Otherwise dealt with ⁽⁴⁾ | 1 | 2 | 3 | 2 |
| Total percentage sentenced | 84 | 81 | 87 | 83 |
| Total | 100 | 100 | 100 | 100 |

(e) Data for 2009 are estimated.

(1) Magistrates' courts data presented in this table exclude those who failed to appear and committals for trial or sentence.

(2) Community rehabilitation orders, supervision orders, community punishment orders, attendance centre orders, community punishment and rehabilitation orders, curfew orders, reparation orders action plan orders and drug treatment and testing orders.

(3) Includes detention in a young offender institution, detention and training orders and unsuspended imprisonment.

(4) Includes one day in police cells, disqualification order, restraining order, confiscation order, travel restriction order, disqualification from driving, ASBO and recommendation for deportation and other disposals.

(5) Includes those remanded for part of the time in custody and part on bail.

Note: Some figures may not sum due to rounding.

Chapter 5 Court proceedings

A prosecution is defined by Her Majesty's Courts Service (HMCS) as "the institution or conduct of criminal proceedings against a person or company".

Key Points for 2009

- A total of 1.69 million defendants were proceeded against at magistrates' courts in 2009, three per cent more than in 2008. (Table 5.1)
- Defendants proceeded against for indictable and summary non-motoring offences increased by four per cent and for summary motoring offences by two per cent. (Table 5.1)
- Juveniles aged 10 to 17 proceeded against for indictable (triable either way) offences decreased four per cent in 2009 to 56,700. (Table 5.5)
- Of all cases completed at magistrates' courts in 2009, 87 per cent resulted in a conviction, the same as in 2008. (Table 5.6)
- The percentage of persons aged 18 or over committed for trial for indictable (triable either way) offences at the Crown Court (the committal rate) rose by two percentage points to 27 per cent. (Table 5D)
- Committals for trial at the Crown Court compared with 2008, increased by 10 per cent. Defendants committed for sentence to the Crown Court decreased by four per cent. (Figure 5.2)
- The percentage of those pleading guilty at the Crown Court in 2009 was 71 per cent in 2009, a one per cent increase compared to 2008. (Table 5.15)
- The proportion of persons who pleaded not guilty but were found guilty at the Crown Court for all violent offences in 2009 increased by five percentage points, compared to 2008, to 40 per cent. (Table 5.16)

Introduction

This chapter covers defendants proceeded against at magistrates' courts and tried at Crown Court for criminal offences. Approximately five per cent of all those proceeded against are dealt with at the Crown Court. Details of court procedures are given in Appendix 1. The coverage and basis used in compiling the statistics is given in Appendix 2.

The tables on prosecutions relate to proceedings completed in the year. A defendant will appear more than once in the tables if proceedings were completed against that defendant on more than one occasion during the year.

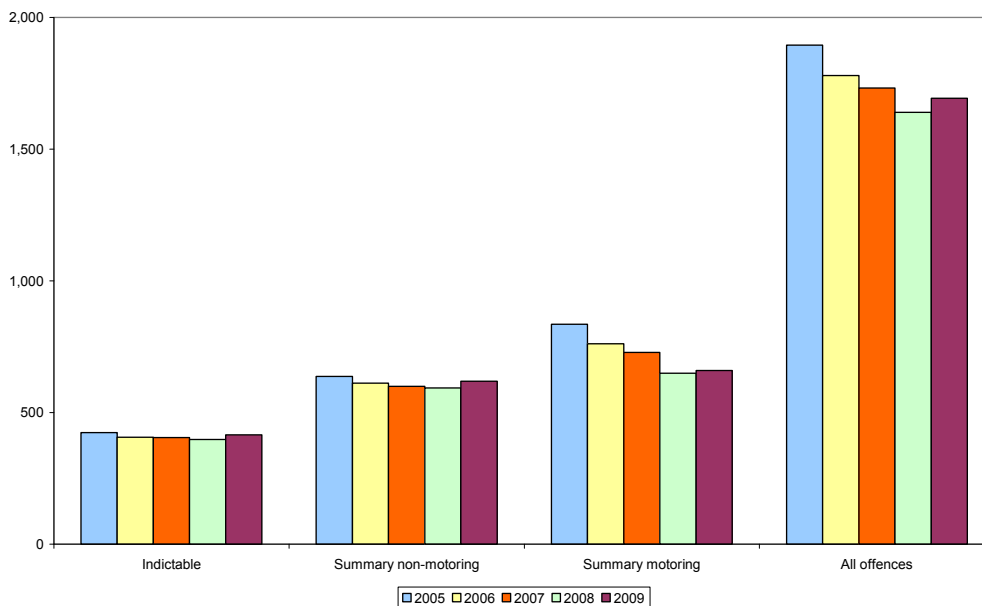
Defendants proceeded against at magistrates' courts

In 2009, 1.69 million defendants were proceeded against at magistrates' courts, a rise of 53,200 or three per cent on 2008. This increase comprised a four per cent

rise in indictable offences, a four per cent increase in summary non-motoring offences and a two per cent rise in summary motoring offences (Table 5.1)

Figure 5.1 illustrates recent trends in prosecutions in England and Wales. In 2009 there were 415,300 defendants proceeded against at magistrates' courts for indictable offences, an increase from 397,500 in 2008, reversing the decline over recent years. Prosecutions for summary offences had been declining since 2004, but in 2009 1.28 million defendants were proceeded against at magistrates' courts for summary offences, an increase of three per cent.

Figure 5.1: Defendants proceeded against at magistrates' courts by type of offence, 2005 - 2009



Figures provided by CPS of the cases completed by the Crown Prosecution Service at magistrates' courts (table 5.6) show that:

- the number of proceedings discontinued (including bindovers), as a proportion of all cases finalised, has remained at nine per cent in 2009, the same as in 2008;
- proceedings discontinued¹⁰ (including bindovers) fell each year from 12 per cent in 2005 to nine per cent in 2008 and remained at nine per cent in 2009;
- of all cases completed at magistrates' courts in 2009, 87 per cent resulted in a conviction, the same as in 2008. There had been an increase in each year from 82 per cent in 2005 to 87 per cent in 2008 but remained at 87 per cent in 2009;

¹⁰ Discontinued proceedings include cases where the witnesses: fail to appear; refuse to give evidence or change their evidence; where evidence is excluded because of material irregularity in its collection; and where defendants wait until the hearing day to produce driving documents showing that no offence has been committed. They also include cases discontinued on public interest grounds. The CPS can proceed only where there is sufficient evidence to provide a realistic prospect of conviction.

Of the 1.69 million defendants proceeded against and convicted at magistrates' court (Table 5C):

- ninety-eight per cent of defendants tried by magistrates in 2009 were found guilty, the same as in 2008;
- for indictable offences, 96 per cent were found guilty compared to 99 per cent for summary motoring and 98 per cent for other summary offences;
- the conviction ratio for indictable offences had increased by one per cent each year from 93 per cent in 2005 to 96 per cent in 2008 and remained at 96 per cent in 2009;

The CPS and MoJ figures shown in Tables 5.6, 5.7 and 5.8 are collected from two separate information systems (administered by the CPS and the magistrates' courts/police) which have different counting rules. Although there are a number of differences at the detailed level in terms of definition and coverage, the main difference between the CPS and MoJ figures in these tables is that non-police prosecutions are included in the MoJ figures but not in the CPS figures.

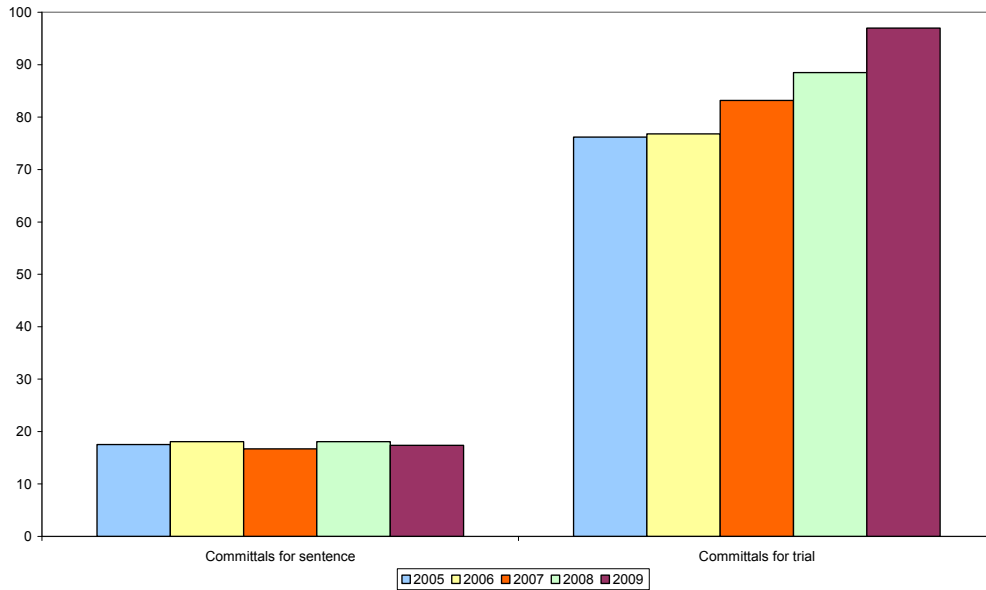
The average time from the date an indictable offence took place to completion in magistrates' courts¹¹: (Table 5.9):

- fell from 112 days in 2008 from to 111 days in 2009;
- fell each year from 2006 to 2009, from a high of 123 days in 2006 to a low of 111 days in 2009.

¹¹ Based on the Time intervals for criminal proceedings in magistrates' courts
<http://www.justice.gov.uk/publications/timeintervals.htm>

Committals

Figure 5.2: Defendants committed at magistrates' courts to the Crown Court for sentence or trial for all offences, 2005 – 2009



Committals

In 2009 there were 114,400 defendants appearing at Crown Court for either trial or sentencing, following committal from magistrates' courts, 7,700 more than in 2008. There were 97,000 defendants committed for trial in 2009, an increase of 8,500 (or ten per cent) and 17,400 defendants were committed for sentence in 2009, a decrease of 700 (or four per cent).

Juvenile and young adult defendants

In 2009, 56,700 juveniles (aged 10 to 17) were proceeded against for indictable (triable either way) offences, a decrease of four per cent compared to 2008. This compares with a figure of 84,500 in 2001, the highest over the last ten years.

In 2009 there were 58,300 young adults (aged between 18 and 20) proceeded against for indictable (triable either way) offences, an increase of seven per cent compared to 2008. This is the first rise in recent years after a 38 per cent fall from 88,000 in 1999 to 54,700 in 2008. (Table 5.5)

Mode of trial and business at the Crown Court

Adults (persons aged 18 and over) proceeded against and committed for trial at the Crown Court (Table 5D, 5.11 and 5.12) show that:

- 357,600 adults were proceeded against for indictable (including triable either way offences) in 2009, an increase of 20,200 compared to 2008;
- the proportion of adults proceeded against for indictable either way offences who were committed for trial rose to 27 per cent in 2009 from 25 per cent in 2008;
- for triable-either-way offences, the proportion committed for trial increased by three percentage point to 21 per cent;
- 29,300 adults were proceeded against for indictable offences in 2009, an increase of eight per cent compared with 2008.

The average waiting times from committal by magistrates' to the main court hearing in Crown Court was (Table 5A):

- for those remanded on bail, 17.0 weeks in 2009, falling from 17.2 weeks in 2008; and
- for those remanded in custody, 12.3 weeks in 2009, decreasing from 12.4 weeks in 2008.

Eighty one per cent of defendants tried at the Crown Court in 2009 were convicted, the same as in 2008. For indictable offences (including triable-either-way), the conviction ratios were highest for indictable motoring offences and drug offences (both 91 per cent). This compares with 61 per cent of defendants tried for sexual offences were convicted. (Table 5E)

Figure 5.3: Percentage of defendants aged 18 and over proceeded against at magistrates' courts who were committed for trial, by offence group, 2007 - 2009

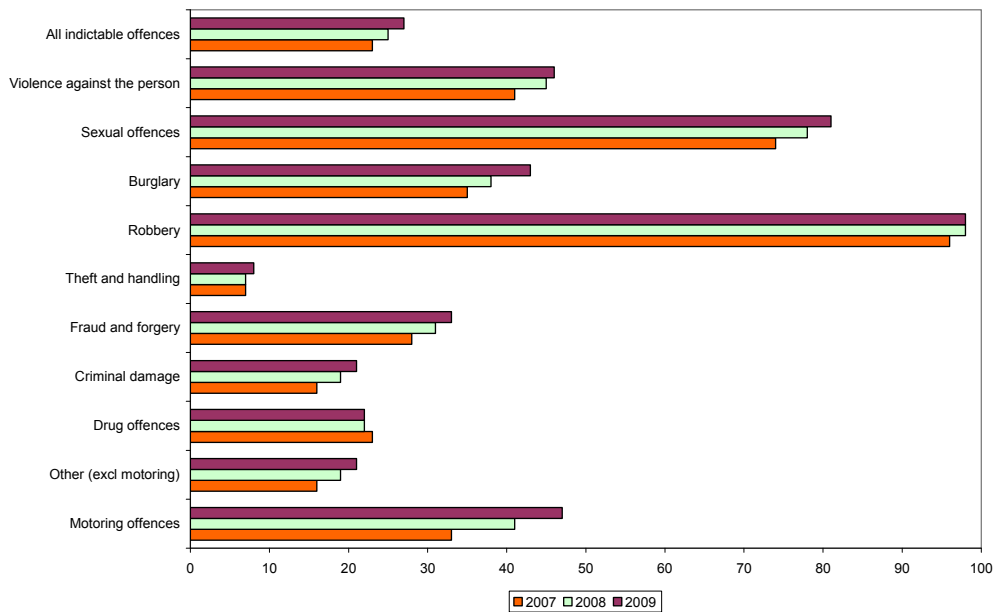


Table 5A: Average waiting times in the Crown Court for cases committed for trial⁽¹⁾ by remand status, 2005 - 2009⁽²⁾

| England and Wales | | | Weeks |
|-------------------|------------------------------|------|--------------------------|
| Year | Remand status ⁽³⁾ | | All cases ⁽⁴⁾ |
| | Custody | Bail | |
| 2005 | 13.1 | 17.1 | 15.7 |
| 2006 | 14.0 | 18.4 | 16.9 |
| 2007 | 12.8 | 18.2 | 16.3 |
| 2008 | 12.4 | 17.2 | 15.4 |
| 2009 | 12.3 | 17.0 | 15.4 |

Source: Ministry of Justice.

(1) From committal by magistrates' courts to the start of the main Crown Court hearing.

(2) The use of different counting rules impacts on the tables issued in previous editions of Criminal Statistics and means that the data for earlier years are not directly compatible.

(3) The defendant's remand status at the start of the first Crown Court hearing.

(4) Excludes bench warrant issued, no plea recorded, indictment to lie on file, found unfit to plead, and other.

Seventy one per cent of defendants tried at the Crown Court in 2009 pleaded guilty, an increase of one percentage point compared to 2008. For indictable (including triable either way) offences, the proportion pleading guilty varied from 39 per cent for sexual offences, to 83 per cent for drug offences.

Of those pleading not guilty at the Crown Court in 2009:

- 33 per cent were convicted, two percentage points less than 2008;
- the remaining 67 per cent who were acquitted following a not guilty plea include those discharged by the judge where no evidence was offered (for example because witnesses refused to testify).

Conviction ratios at the Crown Court following a not guilty plea varied widely by type of offence, with the highest rates being for summary offences (62 per cent), indictable motoring offences (53 per cent) and drug offences (48 per cent). By contrast, only 23 per cent of defendants pleading not guilty for the indictable offence of criminal damage were convicted.

Persons tried at the Crown Court for violent offences (this covers violence against the person, sexual offences and robbery) (Table 5.16) shows that:

- for all violent offences, 40 per cent of persons who pleaded not guilty were found guilty, an increase of five per cent compared to 2008;
- the percentage pleading guilty varies between the offence groups, from 30 per cent for “robbery” to 61 per cent for “sexual offences”.

Appeals against conviction and sentence

Statistics on appeals are compiled by the Ministry of Justice (MoJ). Appeals against decisions made at magistrates’ courts in England and Wales are heard in the Crown Court. Appeals against Crown Court decisions are heard by the Court of Appeal.

Appeals against magistrates’ court convictions or sentences (Table 5.3) show that:

- the Crown Court received 14,000 appeals, representing just over one per cent of all defendants convicted at the magistrates’ court, the same as 2008;
- nine per cent of these resulted in a change in the sentence and in a further 33 per cent of cases the appeal was allowed, i.e. the conviction was quashed.

Appeals heard by the Court of Appeal (Table 5.4) show that:

- there were 1,400 appeals against conviction in 2009, just over two per cent of all offenders convicted at the Crown Court;
- 430 of these were heard by the full court and of these 38 per cent resulted in the conviction being quashed;

- there were a further 5,400 appeals against sentence (or six per cent of those sentenced) with 73 per cent of those heard in full court resulting in a change in the sentence.

Table 5B - Defendants⁽¹⁾ proceeded against at magistrates' courts by type of offence, 1999 - 2009

| England and Wales | Total ⁽²⁾ number proceeded against (thousands) | Number of defendants (thousands) | | | Percentage | | |
|-------------------------------------|---|----------------------------------|---|------------------|------------------------|---|------------------|
| | | Indictable offences | Offences (excluding motoring offences) | Summary offences | Indictable offences | Offences (excluding motoring offences) | Summary offences |
| | | | | | | | |
| All defendants⁽¹⁾ | | | | | | | |
| 1999 | 1,882 | 513 | 560 | 809 | 27 | 30 | 43 |
| 2000 | 1,905 | 492 | 626 | 787 | 26 | 33 | 41 |
| 2001 | 1,838 | 501 | 572 | 765 | 27 | 31 | 42 |
| 2002 | 1,925 | 517 | 622 | 786 | 27 | 32 | 41 |
| 2003 | 2,001 | 509 | 634 | 858 | 25 | 32 | 43 |
| 2004 | 2,023 | 453 | 665 | 904 | 22 | 33 | 45 |
| 2005 | 1,895 | 423 | 637 | 835 | 22 | 34 | 44 |
| 2006 | 1,779 | 406 | 612 | 761 | 23 | 34 | 43 |
| 2007 | 1,733 | 405 | 599 | 728 | 23 | 35 | 42 |
| 2008 | 1,640 | 398 | 593 | 649 | 24 | 36 | 40 |
| 2009 | 1,693 | 415 | 619 | 659 | 25 | 37 | 39 |

(1) Including "other defendants" i.e. companies, public bodies, etc.

(2) May not sum due to rounding

Table 5C - Number of defendants proceeded against, number convicted and the conviction ratio for defendants tried at magistrates' courts, by offence group, 2005 - 2009⁽¹⁾⁽²⁾

| England and Wales | | | | | |
|--|----------------|----------------|----------------|----------------|----------------|
| Offence group | 2005 | 2006 | 2007 | 2008 | 2009 |
| Total number proceeded against (thousands) | | | | | |
| Indictable offences | | | | | |
| Violence against the person | 32.7 | 32.0 | 30.4 | 28.8 | 28.6 |
| Sexual offences | 2.1 | 2.0 | 2.0 | 1.7 | 1.6 |
| Burglary | 19.2 | 19.1 | 19.2 | 18.2 | 16.7 |
| Robbery | 3.2 | 3.9 | 4.3 | 3.3 | 3.9 |
| Theft and handling stolen goods | 102.5 | 97.3 | 103.6 | 106.9 | 106.8 |
| Fraud and forgery | 18.3 | 17.0 | 16.0 | 14.4 | 14.8 |
| Criminal damage | 11.1 | 12.2 | 11.9 | 8.6 | 6.7 |
| Drug offences | 32.1 | 32.8 | 36.5 | 43.2 | 46.3 |
| Other (ex. motoring offences) | 48.2 | 44.5 | 38.9 | 32.1 | 37.7 |
| Motoring offences | 3.3 | 3.2 | 3.0 | 2.3 | 2.0 |
| All indictable offences | 272.7 | 264.0 | 265.7 | 259.4 | 265.1 |
| Summary offences | | | | | |
| Offences (ex. motoring offences) | 520.5 | 507.1 | 502.0 | 501.7 | 520.9 |
| Motoring offences | 679.0 | 631.8 | 619.5 | 560.1 | 571.9 |
| All summary offences | 1,199.4 | 1,138.9 | 1,121.5 | 1,061.8 | 1,092.8 |
| All offences | 1,472.1 | 1,402.9 | 1,387.2 | 1,321.2 | 1,357.9 |
| Total number found guilty (thousands) | | | | | |
| Indictable offences | | | | | |
| Violence against the person | 27.1 | 27.9 | 27.1 | 26.3 | 26.0 |
| Sexual offences | 1.7 | 1.6 | 1.7 | 1.5 | 1.4 |
| Burglary | 17.4 | 17.7 | 18.0 | 17.2 | 15.8 |
| Robbery | 2.3 | 3.0 | 3.5 | 2.9 | 2.9 |
| Theft and handling stolen goods | 98.5 | 93.9 | 100.5 | 104.8 | 105.1 |
| Fraud and forgery | 17.4 | 16.1 | 15.3 | 13.8 | 14.3 |
| Criminal damage | 10.3 | 11.3 | 11.2 | 8.2 | 6.4 |
| Drug offences | 31.2 | 32.0 | 35.7 | 42.5 | 45.6 |
| Other (ex. motoring offences) | 43.9 | 41.1 | 36.1 | 30.2 | 36.2 |
| Motoring offences | 3.2 | 3.1 | 2.9 | 2.2 | 2.0 |
| All indictable offences | 252.9 | 247.6 | 251.9 | 249.6 | 255.5 |
| Summary offences | | | | | |
| Offences (ex. motoring offences) | 506.6 | 493.2 | 488.7 | 491.2 | 511.0 |
| Motoring offences | 666.6 | 622.1 | 610.5 | 551.7 | 563.7 |
| All summary offences | 1,173.3 | 1,115.3 | 1,099.2 | 1,042.9 | 1,074.7 |
| All offences | 1,426.1 | 1,362.9 | 1,351.1 | 1,292.5 | 1,330.2 |
| Conviction rate (%) | | | | | |
| Indictable offences | | | | | |
| Violence against the person | 83 | 87 | 89 | 91 | 91 |
| Sexual offences | 81 | 80 | 85 | 88 | 88 |
| Burglary | 91 | 93 | 94 | 95 | 95 |
| Robbery | 72 | 77 | 81 | 88 | 74 |
| Theft and handling stolen goods | 96 | 97 | 97 | 98 | 98 |
| Fraud and forgery | 95 | 95 | 96 | 96 | 97 |
| Criminal damage | 93 | 93 | 94 | 95 | 96 |
| Drug offences | 97 | 98 | 98 | 98 | 98 |
| Other (ex. motoring offences) | 91 | 92 | 93 | 94 | 96 |
| Motoring offences | 97 | 97 | 97 | 96 | 100 |
| All indictable offences | 93 | 94 | 95 | 96 | 96 |
| Summary offences | | | | | |
| Offences (ex. motoring offences) | 97 | 97 | 97 | 98 | 98 |
| Motoring offences | 98 | 98 | 99 | 99 | 99 |
| All summary offences | 98 | 98 | 98 | 98 | 98 |
| All offences | 97 | 97 | 97 | 98 | 98 |

(1) Excludes: cases that were discontinued, where the charge was withdrawn, where the defendant failed to appear, and committals for trial to the Crown Court.

Table 5D - Persons aged 18 and over proceeded against and committed for trial at the Crown Court for indictable (including triable either way) offences by offence group and sex, 2005 - 2009 ⁽¹⁾

| England and Wales | Number of persons (thousands) and percentages | | | | | | | | | | | | | | | | | | | |
|---------------------------------|---|--------------|--------------|--------------|--------------|----------------------------|-------------|-------------|-------------|-------------|-----------|-----------|-----------|-----------|-----------|--|--|--|--|--|
| | Total number proceeded against | | | | | Number committed for trial | | | | | | | | | | | | | | |
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2005 | 2006 | 2007 | 2008 | 2009 | | | | | | | | | | |
| Offence group | | | | | | | | | | | | | | | | | | | | |
| All persons | | | | | | | | | | | | | | | | | | | | |
| Violence against the person | 57.0 | 53.7 | 50.3 | 50.2 | 55.9 | 21.3 | 20.8 | 20.8 | 22.6 | 27.5 | 37 | 39 | 41 | 45 | 49 | | | | | |
| Sexual offences | 8.5 | 8.1 | 7.6 | 7.6 | 8.5 | 6.2 | 6.0 | 5.6 | 5.9 | 6.9 | 7.3 | 7.4 | 7.4 | 7.8 | 81 | | | | | |
| Burglary | 23.5 | 22.5 | 23.2 | 23.9 | 23.8 | 7.8 | 7.4 | 8.0 | 9.0 | 10.3 | 33 | 33 | 33 | 35 | 43 | | | | | |
| Robbery | 6.7 | 6.8 | 7.2 | 7.5 | 8.0 | 6.5 | 6.5 | 6.9 | 7.3 | 7.8 | 9.7 | 9.6 | 9.6 | 9.8 | 98 | | | | | |
| Theft and handling stolen goods | 102.0 | 96.5 | 100.5 | 105.5 | 108.4 | 5.9 | 6.1 | 6.5 | 6.8 | 8.3 | 6 | 6 | 6 | 7 | 8 | | | | | |
| Fraud and forgery | 25.0 | 24.1 | 24.8 | 23.5 | 25.4 | 4.0 | 4.6 | 6.9 | 7.3 | 8.5 | 16 | 19 | 28 | 31 | 33 | | | | | |
| Criminal damage | 12.2 | 12.7 | 12.1 | 9.0 | 7.5 | 2.1 | 2.0 | 1.9 | 1.7 | 1.6 | 17 | 16 | 16 | 19 | 21 | | | | | |
| Drug offences | 38.2 | 39.0 | 43.1 | 50.0 | 54.7 | 8.5 | 8.4 | 9.9 | 10.9 | 12.2 | 22 | 22 | 23 | 22 | 22 | | | | | |
| Other (ex. motoring offences) | 76.5 | 70.9 | 63.1 | 56.5 | 61.5 | 10.7 | 10.2 | 10.1 | 10.8 | 12.3 | 14 | 14 | 14 | 16 | 20 | | | | | |
| Motoring offences | 4.9 | 4.6 | 4.4 | 3.8 | 3.9 | 1.4 | 1.4 | 1.5 | 1.6 | 1.8 | 29 | 30 | 33 | 41 | 47 | | | | | |
| Total | 354.4 | 338.9 | 336.2 | 337.4 | 357.6 | 74.5 | 73.5 | 78.1 | 83.8 | 97.2 | 21 | 22 | 23 | 25 | 27 | | | | | |

(1) For persons aged 18 and over, offences of robbery are triable only on indictment.

() Percentages in brackets are based on totals of less than 100.

Table 5E - Number of defendants tried, number convicted and the conviction ratio for defendants tried at the Crown Court, by offence group, 2005 - 2009 ⁽¹⁾

| England and Wales | | | | | |
|----------------------------------|---------------------------------------|-------------|-------------|-------------|-------------|
| Offence group | 2005 | 2006 | 2007 | 2008 | 2009 |
| | Total number tried (thousands) | | | | |
| Indictable offences | | | | | |
| Violence against the person | 19.6 | 20.0 | 20.7 | 20.9 | 23.9 |
| Sexual offences | 5.6 | 5.8 | 5.8 | 5.9 | 6.2 |
| Burglary | 6.6 | 6.3 | 6.9 | 7.7 | 8.3 |
| Robbery | 6.2 | 6.6 | 6.9 | 7.1 | 7.2 |
| Theft and handling stolen goods | 6.6 | 6.6 | 7.0 | 7.7 | 8.5 |
| Fraud and forgery | 3.6 | 4.3 | 6.5 | 7.6 | 7.7 |
| Criminal damage | 2.0 | 1.8 | 1.8 | 1.8 | 1.9 |
| Drug offences | 8.9 | 8.4 | 9.8 | 11.4 | 12.3 |
| Other (ex. motoring offences) | 11.6 | 11.4 | 11.7 | 12.1 | 14.1 |
| Motoring offences | 1.7 | 1.5 | 1.6 | 1.7 | 1.8 |
| All indictable offences | 72.3 | 72.7 | 78.6 | 83.9 | 91.9 |
| Summary offences | | | | | |
| Offences (ex. motoring offences) | 2.3 | 2.6 | 2.9 | 3.0 | 3.5 |
| Motoring offences | 0.5 | 0.4 | 0.6 | 0.5 | 0.5 |
| All summary offences | 2.8 | 3.0 | 3.5 | 3.6 | 4.0 |
| All offences | 75.0 | 75.7 | 82.0 | 87.4 | 95.8 |
| | Total number found guilty (thousands) | | | | |
| Indictable offences | | | | | |
| Violence against the person | 13.8 | 13.9 | 14.8 | 15.2 | 17.4 |
| Sexual offences | 3.1 | 3.3 | 3.4 | 3.7 | 3.8 |
| Burglary | 5.6 | 5.3 | 5.8 | 6.7 | 7.2 |
| Robbery | 4.8 | 5.1 | 5.3 | 5.6 | 5.8 |
| Theft and handling stolen goods | 5.3 | 5.2 | 5.5 | 6.1 | 6.8 |
| Fraud and forgery | 3.0 | 3.6 | 5.7 | 6.7 | 6.7 |
| Criminal damage | 1.5 | 1.3 | 1.4 | 1.4 | 1.4 |
| Drug offences | 7.9 | 7.6 | 8.9 | 10.4 | 11.2 |
| Other (ex. motoring offences) | 9.2 | 9.0 | 9.3 | 9.8 | 11.5 |
| Motoring offences | 1.5 | 1.3 | 1.4 | 1.5 | 1.7 |
| All indictable offences | 55.6 | 55.6 | 61.5 | 67.2 | 73.4 |
| Summary offences | | | | | |
| Offences (ex. motoring offences) | 2.2 | 2.5 | 2.8 | 2.9 | 3.4 |
| Motoring offences | 0.4 | 0.4 | 0.6 | 0.5 | 0.4 |
| All summary offences | 2.7 | 2.9 | 3.4 | 3.5 | 3.8 |
| All offences | 58.3 | 58.5 | 64.8 | 70.7 | 77.2 |
| | Conviction rate (%) | | | | |
| Indictable offences | | | | | |
| Violence against the person | 71 | 70 | 71 | 73 | 73 |
| Sexual offences | 56 | 57 | 59 | 62 | 61 |
| Burglary | 85 | 84 | 85 | 86 | 86 |
| Robbery | 77 | 78 | 77 | 80 | 80 |
| Theft and handling stolen goods | 80 | 78 | 78 | 80 | 80 |
| Fraud and forgery | 82 | 84 | 89 | 89 | 88 |
| Criminal damage | 75 | 74 | 75 | 77 | 76 |
| Drug offences | 89 | 90 | 91 | 91 | 91 |
| Other (ex. motoring offences) | 79 | 79 | 80 | 81 | 82 |
| Motoring offences | 91 | 89 | 90 | 90 | 91 |
| All indictable offences | 77 | 76 | 78 | 80 | 80 |
| Summary offences | | | | | |
| Offences (ex. motoring offences) | 97 | 97 | 97 | 97 | 96 |
| Motoring offences | 97 | 98 | 98 | 98 | 97 |
| All summary offences | 97 | 97 | 97 | 97 | 96 |
| All offences | 78 | 77 | 79 | 81 | 81 |

(1) Excludes those not tried (i.e committed for sentence, failed to appear, indictment to lie on file, unfit to plead, defendant died etc.)

Chapter 6 Offenders found guilty

A conviction is where a person or a company is found guilty of a criminal offence at either magistrates' courts or the Crown Court.

Key points for 2009

In 2009, there were 1.41 million offenders found guilty for all offences, an increase of three per cent compared to 2008. This increase ended a downward trend in convictions from a peak of 1.55 million in 2004 to 1.36 million in 2008. (Figure 6.1 and Table 6A).

Of the 1.41 million offenders found guilty in 2009:

- 328,900 offenders were found guilty of indictable offences, up four per cent from 316,900 in 2008. (Figure 6.1 and Table 6A)
- 514,400 offenders were found guilty of summary non-motoring offences, up four per cent from 494,200 in 2008. (Figure 6.1 and Table 6A)
- 564,100 offenders were found guilty of summary motoring offences, up two per cent from 552,200 in 2008. (Figure 6.1 and Table 6A)
- The conviction ratio (ratio of prosecutions to convictions in a given year) for all offences was 83 per cent, unchanged from 2008. (Table 6D)
- A total of 1.05 million males were found guilty, unchanged from 2008, with 314,700 females found guilty, an increase of nine per cent compared with 2008. Trend data show the proportion of persons found guilty who were female has increased from 16 per cent in 1999 to 23 per cent in 2009. (Table 6.1)
- Juveniles found guilty decreased by eight per cent from 89,400 in 2008 to 81,500 in 2009. (Figure 6.3)
- Substantial improvements were seen in the recording of ethnicity for indictable offences, with 16 per cent of convictions having an unknown ethnicity in 2009 compared with 41 per cent in 2008.
- The ethnicity of offenders found guilty at all courts for indictable offences in 2009 showed 69 per cent were White people, nine per cent were Black people and four per cent were Asian people. (Table 6C)

Introduction

This chapter covers offenders found guilty at either magistrates' courts or the Crown Court. These figures relate to persons for whom these offences were the principal offences for which they were dealt with. When an offender has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

Trends in offenders found guilty at all courts 1999 - 2009 (Figure 6.1 and Table 6A)

In 2009, there were 1.41 million offenders found guilty for all offences, an increase of three per cent compared to 2008. This was due to a four per cent increase in indictable offences from 316,900 to 328,900, a four per cent increase in summary non-motoring offences from 494,200 to 514,400, and a two per cent increase in summary motoring offences from 552,200 to 564,100. The increase from 2008 to 2009 ended a downward trend from a peak of 1.55 million offenders found guilty in 2004 to 1.36 million in 2008.

Figure 6.1: Offenders found guilty by offence type, 1999 – 2009

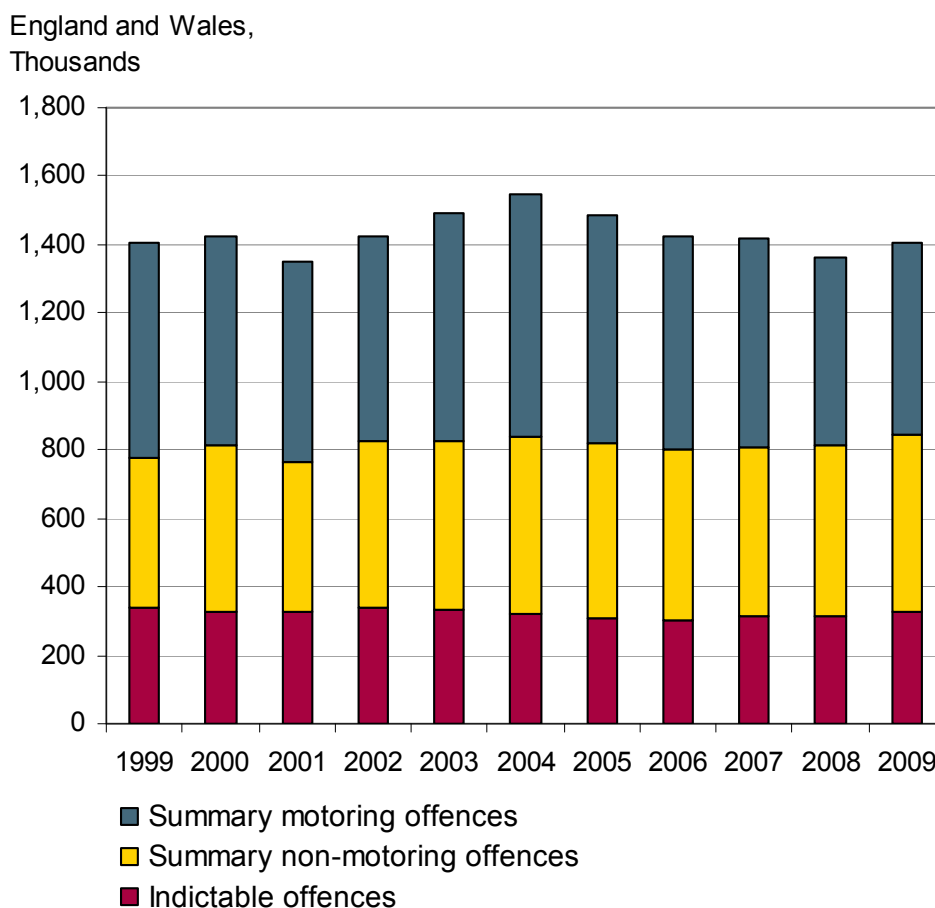


Table 6A: Offenders found guilty at all courts by offence type and offence group, 1999 - 2009⁽¹⁾⁽²⁾

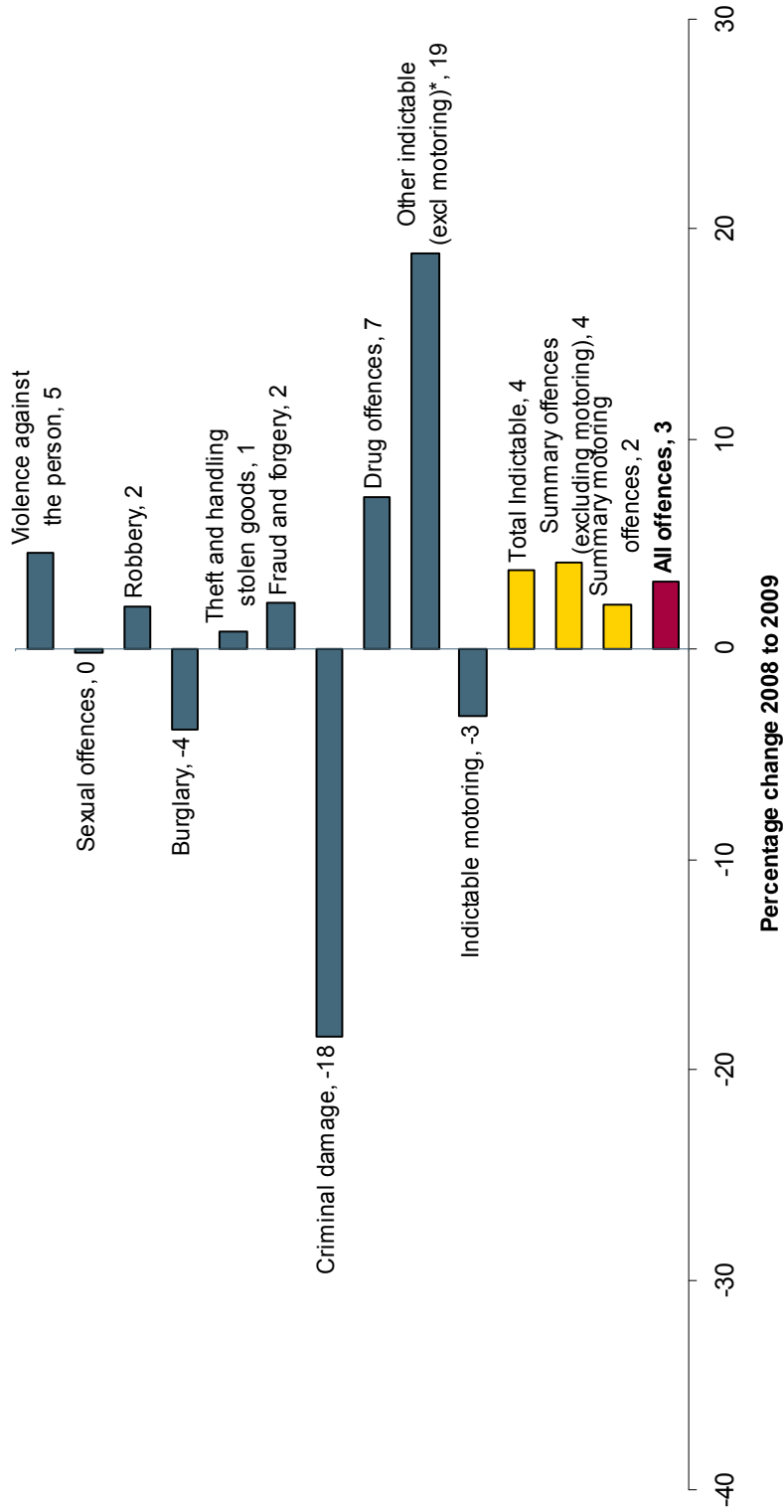
| England and Wales Offence type / group | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Indictable offences | | | | | | | | | | | |
| Violence against the person | 35.7 | 35.3 | 35.3 | 37.7 | 38.0 | 39.1 | 40.9 | 41.9 | 42.0 | 41.5 | 43.4 |
| Sexual offences | 4.3 | 3.9 | 4.0 | 4.4 | 4.3 | 4.8 | 4.8 | 4.9 | 5.1 | 5.1 | 5.1 |
| Burglary | 29.3 | 26.2 | 24.8 | 26.7 | 25.7 | 24.3 | 23.0 | 23.0 | 23.8 | 23.9 | 23.0 |
| Robbery | 5.6 | 5.9 | 6.8 | 7.7 | 7.3 | 7.5 | 7.1 | 8.1 | 8.8 | 8.5 | 8.6 |
| Theft and handling stolen goods | 131.2 | 128.0 | 127.0 | 127.3 | 119.1 | 110.6 | 103.8 | 99.0 | 106.0 | 110.9 | 111.9 |
| Fraud and forgery | 24.4 | 22.7 | 21.8 | 21.5 | 21.3 | 20.8 | 20.4 | 19.7 | 21.0 | 20.6 | 21.0 |
| Criminal damage | 10.9 | 10.3 | 10.7 | 11.0 | 11.2 | 11.7 | 11.7 | 12.7 | 12.5 | 9.6 | 7.9 |
| Drug offences | 48.7 | 44.6 | 45.6 | 49.0 | 51.2 | 39.2 | 39.1 | 39.6 | 44.6 | 52.9 | 56.8 |
| Other (excluding motoring offences) | 47.9 | 44.6 | 44.0 | 48.0 | 51.5 | 54.5 | 53.1 | 50.0 | 45.3 | 40.1 | 47.6 |
| Motoring offences | 4.0 | 4.1 | 4.2 | 4.9 | 5.5 | 5.4 | 4.7 | 4.4 | 4.3 | 3.7 | 3.6 |
| Total | 342.0 | 325.5 | 324.2 | 338.3 | 335.1 | 317.8 | 308.5 | 303.2 | 313.3 | 316.9 | 328.9 |
| Summary offences | | | | | | | | | | | |
| Offences (excluding motoring offences) | 433.6 | 490.7 | 442.1 | 487.2 | 493.5 | 522.8 | 508.9 | 495.7 | 491.5 | 494.2 | 514.4 |
| Motoring offences | 632.9 | 607.5 | 583.3 | 595.8 | 662.6 | 707.9 | 667.1 | 622.5 | 611.1 | 552.2 | 564.1 |
| Total | 1,066.5 | 1,098.2 | 1,025.5 | 1,083.0 | 1,156.1 | 1,230.7 | 1,175.9 | 1,118.2 | 1,102.6 | 1,046.3 | 1,078.5 |
| All offences | 1,408.5 | 1,423.7 | 1,349.7 | 1,421.3 | 1,491.2 | 1,548.5 | 1,484.4 | 1,421.4 | 1,415.9 | 1,363.2 | 1,407.5 |

To note: Totals may not sum due to rounding.

(1) There were shortfalls in the numbers of offenders found guilty in the years 1999-2003. See Appendix 2.

(2) Excludes convictions data for Cardiff magistrates' court for April, July, and August 2008. See Appendix 2.

Figure 6.2: Percentage change in offenders found guilty by offence type and offence group, 2008 - 2009



* Includes data for breach of an Anti-Social Behaviour Order (ASBO) for 2009. These data accounted for the majority of the increase in convictions for this offence group from 2008 to 2009. Excluding then, the increase would have been six per cent.

The four per cent increase in offenders found guilty for indictable offences and summary non-motoring offences, and the two per cent increase in summary motoring offences between 2008 and 2009 was mainly due to changes in the following offences:

- the inclusion of data for breach of an Anti-Social Behaviour Order (ASBO) in 2009¹². These data accounted for the majority of the increase from 2008 to 2009 in 'other indictable offences' (19 per cent). Excluding them, the increase for this offence group would have been six per cent;
- convictions for 'possession of a bladed article'¹³ increased by 20 per cent, from 6,400 to 7,600. (Since 1999 there has been a 22 per cent increase in offenders found guilty for violence against the person);
- 'possession of cannabis', which increased by 20 per cent, from 17,900 to 21,400. This increase coincided with the reclassification of cannabis from a Class C to a Class B drug in January 2009;
- 'Wireless Telegraphy Acts' (including television licence evasion) convictions increased by 22 per cent, from 122,000 to 148,800;
- 'vehicle registration offences' convictions increased from 12,700 to 37,200 and 'careless driving, which increased from 59,400 to 78,400.

In contrast, convictions for 'criminal damage' decreased by 18 per cent, from 9,600 to 7,900. This decrease coincides with a fall in the same period in offenders cautioned (18% fall) and recorded offences for 'criminal damage'.

Convictions by gender (Tables 6B and 6.1)

A total of 1.05 million males were found guilty in 2009, 77 per cent of all persons, compared with 314,700 females found guilty, 23 per cent of all persons.¹⁴ Trend data show that the proportion of persons found guilty who were female has increased from 16 per cent in 1999 to 23 per cent in 2009. This has been due to a 43 per cent increase in females found guilty during this period, from 220,000 to 314,700. In comparison, males found guilty fell from 1.18 million to 1.05 million, a decrease of 11 per cent.

¹² Prior to 2009 offences resulting from a breach of an Anti Social Behaviour Orders were excluded from the published statistics because of recording issues. For 2009, the recording process has been resolved, which has enabled the inclusion of these data for the first time.

¹³ Includes 'having an article with a blade or point in a public place', and 'having an article with a blade or point on school premises'.

¹⁴ These figures are based on known 'males' and 'females'. Following the introduction of the Libra case management system during 2008, offenders at magistrates' courts can now be recorded as sex 'Not Stated'. These figures have been excluded.

Table 6B: Number and proportion of males and females found guilty at all courts by sex, offence type and offence group, 2009

| England and Wales | | | |
|-------------------------------------|--|-----------------------|-----------|
| Offence type / group | Found guilty ⁽¹⁾ (thousands) | proportion by sex (%) | |
| | | Males | Females |
| Indictable offences | | | |
| Violence against the person | 43.3 | 88 | 12 |
| Sexual offences | 5.1 | 99 | 1 |
| Burglary | 22.9 | 96 | 4 |
| Robbery | 8.6 | 91 | 9 |
| Theft and handling stolen goods | 111.4 | 78 | 22 |
| Fraud and forgery | 20.6 | 70 | 30 |
| Criminal damage | 7.8 | 89 | 11 |
| Drug offences | 56.6 | 92 | 8 |
| Other (excluding motoring offences) | 46.4 | 88 | 12 |
| Motoring offences | 3.6 | 95 | 5 |
| Total | 326.4 | 85 | 15 |
| Summary offences | | | |
| (excluding motoring offences) | 490.0 | 66 | 34 |
| Summary motoring offences | 545.9 | 82 | 18 |
| All offences | 1,362.3 | 77 | 23 |

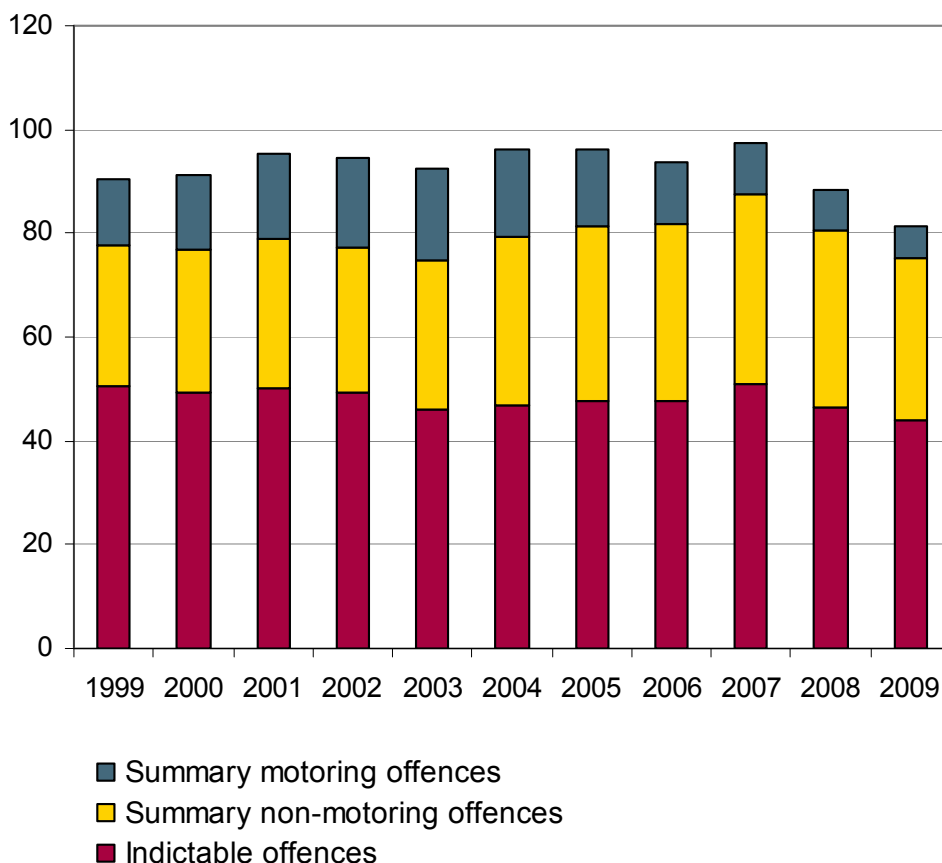
The overall increase in females found guilty from 1999 to 2009 was due to the increase in summary non-motoring offences, which increased by 79 per cent, from 94,400 to 168,700.

Further information on gender can be found in the publication 'Women and the criminal justice system' on the Ministry of Justice website
<http://www.justice.gov.uk/publications/statistics.htm>

Convictions by age

Figure 6.3: Juveniles found guilty by offence type, 1999 – 2009

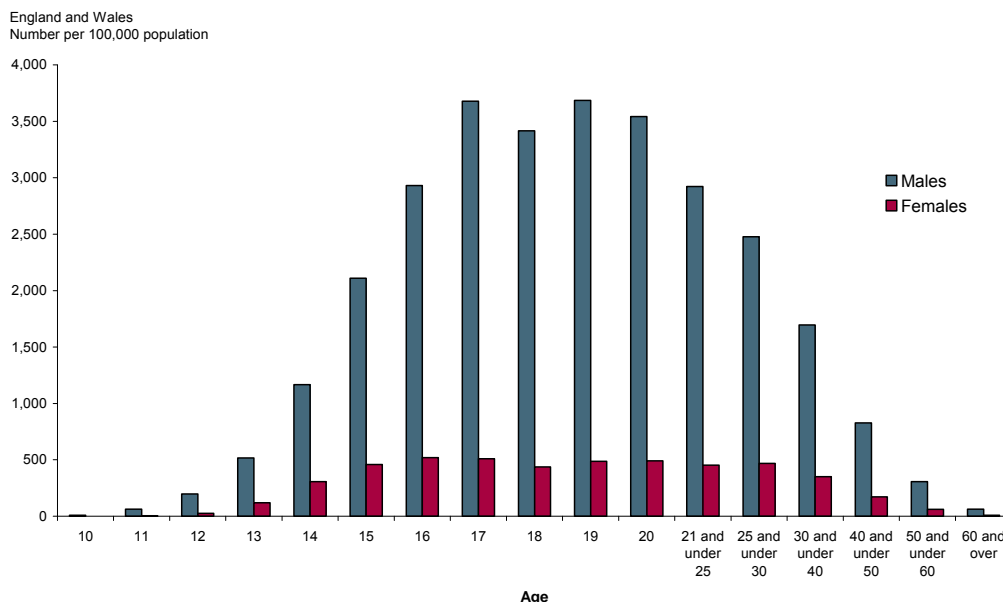
England and Wales,
Thousands



Juveniles (persons aged 10 to 17) found guilty since 1999, peaked at 97,400 in 2007. This was followed by two year on year decreases, with 81,500 found guilty in 2009, the lowest number in the last ten years. The proportion of juveniles found guilty for indictable offences has increased each year from 49 per cent in 2004 to 54 per cent in 2009.

A person found guilty on two or more separate occasions during the year is counted each time, so the rates shown in Figure 6.4 may over-estimate the proportion of the population who are offenders in 2009. On this estimated basis, the overall rate of convictions for indictable offences was 674 per 100,000 of the population in 2009. The highest rate of offenders found guilty of indictable offences was 19 year old males at 3,685 per 100,000 population. For females it was 16 year olds at 519 per 100,000 population.

Figure 6.4: Persons found guilty for indictable offences per 100,000 population by sex and age group, 2009



Convictions by ethnicity

Historically the recording of ethnicity data for magistrates' courts cases has been poor with high numbers of unknown ethnic identity. The recording of ethnicity data for indictable offences has historically been more complete compared to summary offences, as in charged cases the defendant will have been seen by the police and will have been asked about their ethnicity. In cases where the defendant received a summons, they will not have been seen by the prosecutor, and may not have appeared at court.

After a considerable programme of work, a substantial improvement in the data have been noted in the recording of ethnicity for indictable offences, with 16 per cent of convictions having an unknown ethnicity in 2009 compared with 41 per cent in 2008. However, while these improvements are promising, any conclusions made from the data should be treated with care as cases with unknown ethnicity still remain relatively high.

Further detail on ethnicity and the criminal justice system is provided in the Ministry of Justice publication 'Race and the Criminal Justice System.'
<http://www.justice.gov.uk/publications/statistics.htm>

Table 6C: Persons⁽¹⁾ found guilty at all courts of indictable offences by ethnicity, 1999 - 2009

| Year | England and Wales | | | | | | | | | | | |
|------|--|-------|-------|-------|-------|---------|--|-------|-------|-------|-------|---------|
| | Total | White | Black | Asian | Other | Unknown | Total | White | Black | Asian | Other | Unknown |
| | Number of persons found guilty (thousands) | | | | | | Proportion of the total found guilty (%) | | | | | |
| 1999 | 340.7 | 46.0 | 1.5 | 1.9 | 0.8 | 290.5 | 100 | 14 | 0 | 1 | 0 | 85 |
| 2000 | 324.2 | 49.7 | 2.1 | 2.0 | 0.9 | 269.5 | 100 | 15 | 1 | 1 | 0 | 83 |
| 2001 | 322.9 | 56.4 | 2.7 | 2.5 | 0.9 | 260.3 | 100 | 17 | 1 | 1 | 0 | 81 |
| 2002 | 337.1 | 72.2 | 4.6 | 4.0 | 1.6 | 254.7 | 100 | 21 | 1 | 1 | 0 | 76 |
| 2003 | 333.7 | 78.4 | 5.5 | 4.4 | 1.9 | 243.4 | 100 | 23 | 2 | 1 | 1 | 73 |
| 2004 | 316.7 | 80.1 | 6.9 | 4.4 | 2.2 | 223.1 | 100 | 25 | 2 | 1 | 1 | 70 |
| 2005 | 307.4 | 79.9 | 6.9 | 4.3 | 2.3 | 214.0 | 100 | 26 | 2 | 1 | 1 | 70 |
| 2006 | 302.2 | 80.2 | 7.5 | 4.4 | 2.3 | 207.8 | 100 | 27 | 2 | 1 | 1 | 69 |
| 2007 | 312.3 | 88.0 | 9.0 | 5.1 | 2.7 | 207.5 | 100 | 28 | 3 | 2 | 1 | 66 |
| 2008 | 316.0 | 153.5 | 18.7 | 8.6 | 4.7 | 130.5 | 100 | 49 | 6 | 3 | 1 | 41 |
| 2009 | 328.2 | 227.5 | 28.2 | 13.4 | 6.4 | 52.7 | 100 | 69 | 9 | 4 | 2 | 16 |

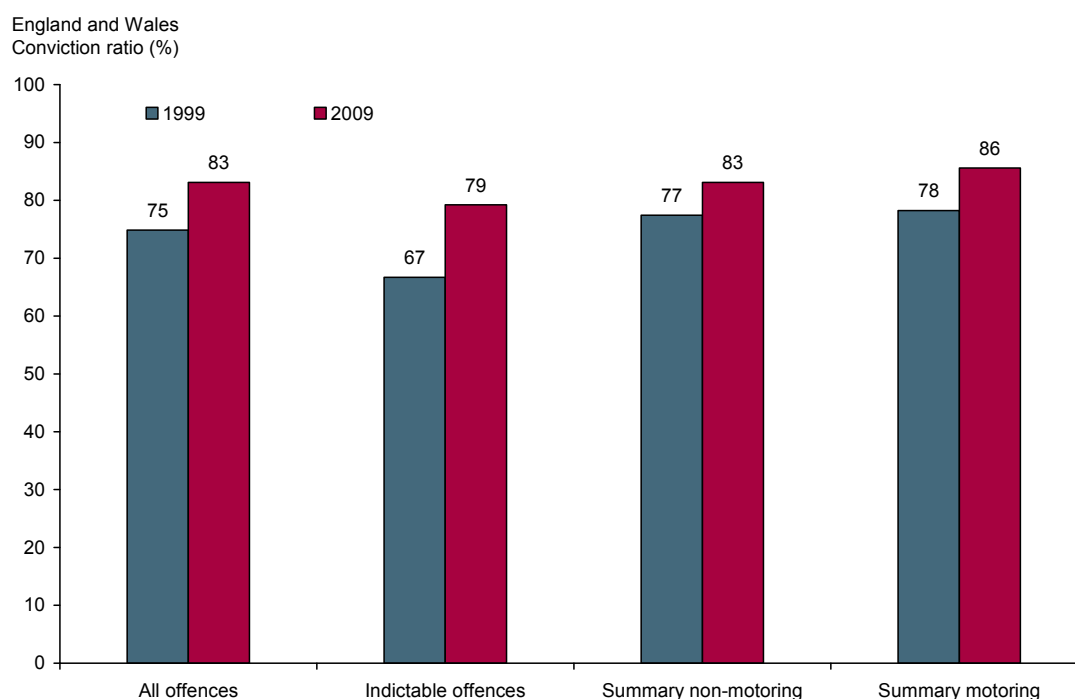
To note: Totals may not sum due to rounding.

(1) Includes sex 'not stated'.

Conviction ratio

The conviction ratio is defined as the ratio of convictions to prosecutions for a principal offence over one year. As trials can span more than one year, offenders found guilty in a reporting year are not always the same defendants who were prosecuted in that year.

Figure 6.5: Conviction ratio by offence type, 1999 and 2009



In comparison with 1999, the conviction ratio for all offences increased by eight percentage points in 2009 to 83 per cent. Indictable offences increased by 13 percentage points, summary non-motoring offences by six percentage points and summary motoring offences by seven percentage points.

All of the indictable offence groups conviction ratios (excluding sexual offences) in 2009 have increased in comparison with 1999. The largest increase was for violence against the person, which increased from 47 per cent to 66 per cent, an increase of 19 percentage points. This increase is reflected in the conviction ratio increase for 'assaults occasioning actual bodily harm' which also increased by 19 percentage points, from 47 per cent in 1999 to 66 per cent in 2009.

Table 6D: Conviction ratio⁽¹⁾ by offence type and offence group, 1999 - 2009

| England and Wales | Percentages | | | | | | | | | | |
|--|-------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Offence type / group | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| Indictable offences | | | | | | | | | | | |
| Violence against the person | 47 | 47 | 46 | 48 | 48 | 55 | 60 | 65 | 69 | 69 | 66 |
| Sexual offences | 55 | 54 | 48 | 48 | 48 | 50 | 49 | 54 | 59 | 61 | 55 |
| Burglary | 63 | 62 | 60 | 61 | 62 | 69 | 72 | 75 | 77 | 77 | 74 |
| Robbery | 55 | 49 | 46 | 49 | 53 | 60 | 57 | 61 | 63 | 65 | 63 |
| Theft and handling stolen goods | 77 | 78 | 78 | 78 | 78 | 82 | 84 | 85 | 87 | 90 | 89 |
| Fraud and forgery | 72 | 72 | 71 | 72 | 72 | 76 | 79 | 79 | 82 | 85 | 80 |
| Criminal damage | 61 | 60 | 58 | 59 | 60 | 66 | 71 | 73 | 75 | 79 | 79 |
| Drug offences | 86 | 87 | 85 | 86 | 87 | 89 | 90 | 90 | 91 | 93 | 92 |
| Other (excluding motoring offences) | 54 | 52 | 50 | 51 | 51 | 58 | 61 | 62 | 63 | 63 | 69 |
| Motoring offences | 73 | 74 | 73 | 76 | 77 | 80 | 84 | 85 | 87 | 89 | 86 |
| Total | 67 | 66 | 65 | 65 | 66 | 70 | 73 | 75 | 77 | 80 | 79 |
| Summary offences | | | | | | | | | | | |
| Offences (excluding motoring offences) | 77 | 78 | 77 | 78 | 78 | 79 | 80 | 81 | 82 | 83 | 83 |
| Motoring offences | 78 | 77 | 76 | 76 | 77 | 78 | 80 | 82 | 84 | 85 | 86 |
| Total | 78 | 78 | 77 | 77 | 78 | 78 | 80 | 81 | 83 | 84 | 84 |
| All offences | 75 | 75 | 73 | 74 | 75 | 77 | 78 | 80 | 82 | 83 | 83 |

(1) Ratio of convictions to prosecutions in a given year.

Chapter 7 Offences within the criminal justice system

An offence is brought to justice if it results in either a caution, a conviction, a penalty notice for disorder, a formal warning for a cannabis offence, or is taken into consideration by a court.

Key points for 2009/10

Notifiable offences

In 2009/10 1.29 million notifiable offences were brought to justice, a decrease of eight per cent compared with 2008/09. (Figure 7.1 and Table 7B). Of these:

- 740,000 (57 per cent) were convictions in the courts, a decrease of less than one per cent compared with 2008/09;
- 283,900 (22 per cent) were cautions;
- 103,000 (eight per cent) were Penalty Notices for Disorder;
- 84,900 (seven per cent) were by a formal warning for cannabis possession;
- 78,800 (six per cent) were taken into consideration.
- 369,000 (29 per cent) were for 'violence against the person', the offence group with the highest proportion of notifiable offences brought to justice, followed by 329,000 (26 per cent) for 'theft and handling stolen goods'. (Table 7C).

Between 2008/09 and 2009/10 notifiable offences brought to justice decreased in 39 out of the 42 criminal justice areas and increased in three areas. (Table 7.3)

Notifiable and non-notifiable offences

In 2009:

- 320,800 cautions were administered a decrease of 76,100 (19 per cent) from 397,000 in 2007, the year in which most cautions were administered (Table 7D);
- 2.06 million convictions were passed down, similar to the 2.04 million in 2008 and a decrease of 604,300 from the 2.66 million in 2004, the year in which most convictions were achieved. (Table 7E).

Introduction

The first part of this chapter covers notifiable Offences Brought to Justice (OBTJ). The second part covers offences convicted or cautioned - both notifiable and non-notifiable. This combination presents data on all criminal offences that pass through the court system. Notifiable Offences Brought to Justice were introduced by the Home Office in 2000 to measure the performance of the Criminal Justice System in England and Wales. This chapter has a description on the basis of this measure and the latest figures both at a national and a local level.

A notifiable offence is considered to have been brought to justice when an offender has been cautioned, convicted or had the offence 'Taken Into Consideration' (TIC). In addition penalty notices for three notifiable disorder offences (1) and cannabis warnings are included following their introduction nationally during 2004.

To provide a measure comparable in coverage to the figures for crimes recorded by the police, the count of offences brought to justice is on a different basis to the figures presented elsewhere in this volume. The differences are as follows:

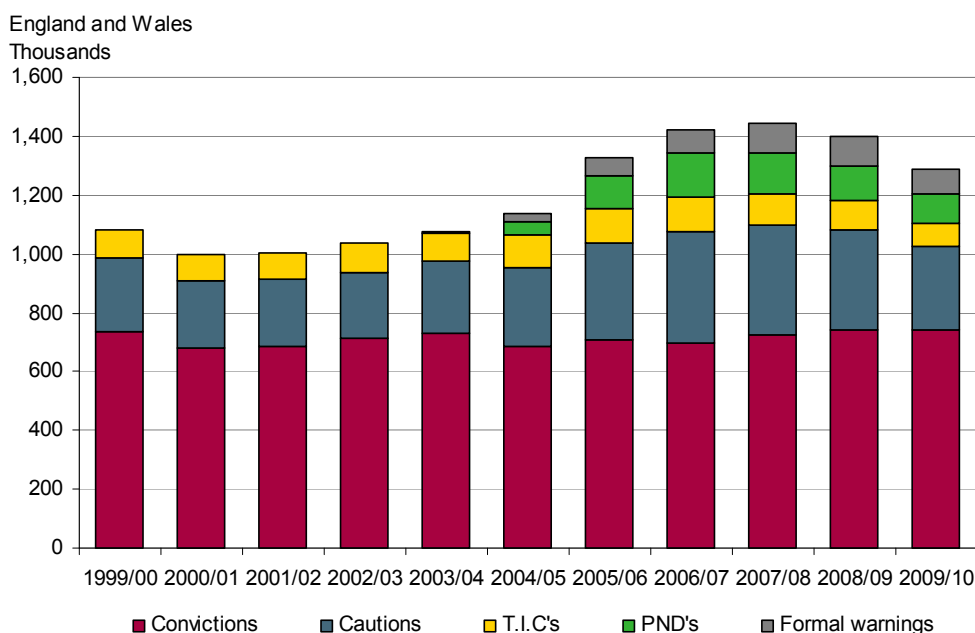
- only notifiable (recorded) offences are counted. Notifiable offences include most¹⁵ indictable and triable-either-way offences plus some closely related summary offences (2).
- convictions at magistrates' courts resulting from summonses by organisations other than the police are excluded. In 2009/10 an estimated 28,000 convictions for notifiable offences resulted from non-police prosecutions.
- the measure includes all the notifiable offences for which an individual has been cautioned or convicted, whereas the other figures in this volume cover only principal offences. OBTJ figures can therefore be considered to be on an 'offences' basis compared with the count of 'offenders' presented in previous chapters. On average, for every offender convicted there were roughly 1.7 offences brought to justice.
- figures presented are on a financial year basis, with 2009/10 data provisional and subject to change.

There is a difference in the method of counting offences between the recorded crime figures and the OBTJ measure. A single recorded crime can result in more than one conviction or caution and can therefore lead to more than one offence being counted as brought to justice. For example if a crime is recorded and as result three offenders are convicted each for two offences against the same victim, this counts as a single recorded crime but as six offences brought to justice. In addition, for most offences there will be a delay between the offence being recorded and it being brought to justice; this may result in it being included in the recorded crime figures for one period and the OBTJ figures for a later period. These factors should be borne in mind when the two series are being compared.

¹⁵ Excludes section 6 of the Bail Act 1976.

Part 1 : Notifiable offences brought to justice

Figure 7.1: Notifiable offences brought to justice by outcome, 1999/2000 to 2009/10



Notifiable offences brought to justice over a 12 month period in England and Wales decreased from 1999/2000 to 2000/01, when it fell below one million. They increased, reaching 1.45 million in 2007/08, 33 per cent higher than the 1999/2000 level. In 2009/10 there was a decrease to 1.29 million (Figure 7.1).

Crimes recorded by the police in England and Wales⁽³⁾ increased from 5.16 million in 2000/01 to a peak of 5.94 million in 2003/04. Since then it has declined and was 4.30 million in 2009/10, a decrease of eight per cent on 2008/09. However, the introduction of the National Crime Recording Standard (NCRS) in April 2002 resulted in significant increases in the number of crimes recorded⁽⁴⁾.

Components of the notifiable OBTJ measure (Table 7B)

Convictions at court constituted the largest proportion of OBTJ, accounting for 57 per cent of the total; there were 740,000 convictions in 2009/10 for notifiable offences compared with 742,500 in 2008/09, a decrease of less than one per cent. During the same period notifiable offences brought to justice by way of a police caution were 283,900 (22 per cent), 103,000 by Penalty Notice for Disorder (eight per cent), 84,900 by a formal warning for cannabis possession (seven per cent), and 78,800 were taken into consideration (six per cent).

Both Penalty Notices for Disorder and cannabis warnings were introduced nationally during 2004 and the use of these new approaches increased rapidly. Penalty notices and cannabis warnings accounted for a total of 187,900 OBTJs in 2009/10, 15 per cent of the total, compared to 173,000 in 2005/06, thirteen per cent of the total.

Notifiable offences brought to justice by offence type (Table 7C)

In 2009/10 there were 368,500 offences involving violence against the person brought to justice. This represents 29 per cent of all notifiable OBTJs. 'Theft and handling stolen goods' offences accounted for 26 per cent of all notifiable OBTJs, 'drug offences' accounted for 18 per cent, 'criminal damage' accounted for nine per cent, Other notifiable offences seven percent, fraud and forgery five per cent, burglary and robbery both at three per and sexual offences one per cent.

Of the 231,700 drug offences brought to justice, 37 per cent were by a formal warning for cannabis possession.

Offences brought to justice in Criminal Justice Areas (Table 7.3)

The trend in notifiable offences brought to justice at the national level over the last three years conceals considerable variation in this measure in individual Criminal Justice Areas. Most areas have experienced both rises and falls in offences brought to justice since 2000/01. Between 2008/09 and 2009/10, 39 areas (95 per cent) saw a decrease in OBTJs, however in Hampshire, Hertfordshire and South Wales there was an increase (seven per cent).

Part 2 - Notifiable and non-notifiable offences

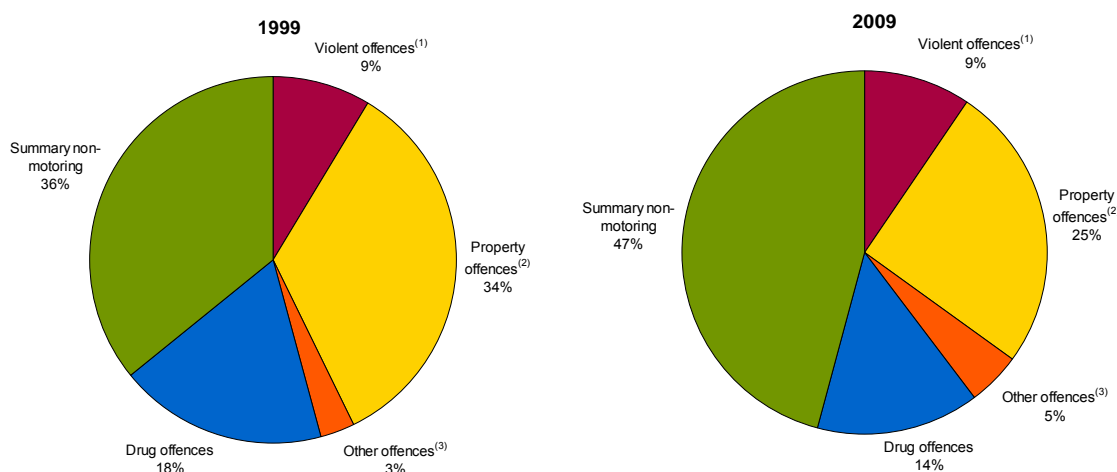
Cautions (Table 7D)

Cautions administered for notifiable and non-notifiable offences decreased 11 per cent from 359,400 in 2008 to 320,800 in 2009. Of these:

- the largest percentage decrease, 44 per cent, was for robbery which decreased from 395 cautions administered to 221;
- falls were also observed in the indictable offence groups: violence against the person, falling by 27 per cent; burglary and criminal damage falling by 20 per cent; fraud and forgery, falling by 14 per cent; and sexual offences, falling by 11 per cent.

Since 1999 cautions administered for notifiable and non-notifiable offences have risen 14 per cent, 280,700 to 320,800; falling between 1999 and 2002 by 13 per cent and rising quickly to 396,953 in 2007, an increase of 62 per cent on the lowest figure of 244,327 in 2002.

Figure 7.2: Cautions by offence group, 1999 and 2009



(1) Violent offences include: violence against the person, sexual offences and robbery.

(2) Property offences include: burglary, theft and handling stolen goods, fraud and forgery.

(3) Other offences include: criminal damage and other indictable offences.

Comparing 1999 with 2000, the biggest change in the proportion of cautions administered was for summary non-motoring offences, which have increased by 11 percentage points to 47 per cent. The biggest decrease was for property offences which decreased by nine percentage points to 25 per cent. (Figure 7.2)

Convictions (Table 7E)

Convictions for notifiable and non-notifiable offences rose by one per cent from 2.04 million in 2008 to 2.06 million in 2009.

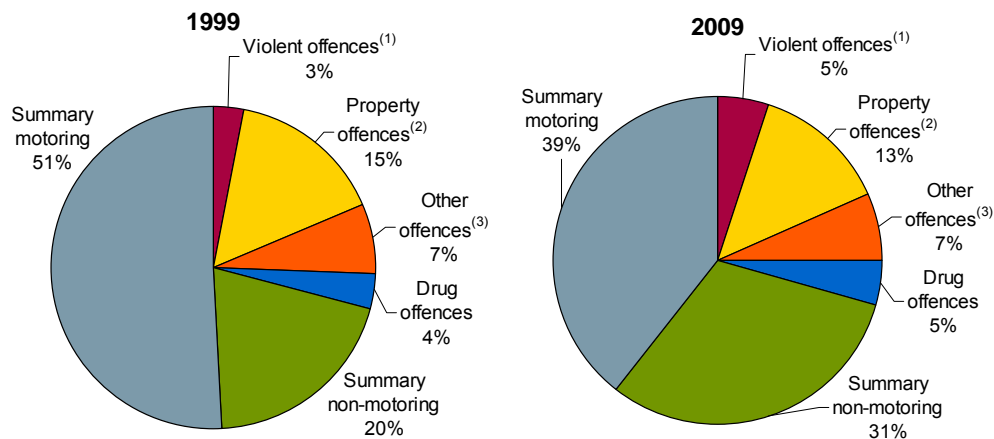
Offenders convicted of all offences rose between 1999 and 2004 by eight per cent to reach its highest figure in eleven years of 2.66 million. The numbers then fell each year until 2009 when they slightly increased on the 2008 figures.

The average number of offences committed by each offender, for which they were convicted, was highest for summary motoring offences at 3.6 offences per offender.

Table 7A: Number of offences per convicted offender, 2009

| England and Wales | | | |
|-------------------------------------|---------------------|--------------------|---|
| Type Of Offence | Number of offenders | Number of offences | Average Number of offences per offender |
| Violence against the person | 43,426 | 62,050 | 1.4 |
| Sexual offences | 5,106 | 17,386 | 3.4 |
| Burglary | 22,973 | 35,088 | 1.5 |
| Robbery | 8,644 | 13,159 | 1.5 |
| Theft and handling stolen goods | 111,861 | 182,088 | 1.6 |
| Fraud and forgery | 21,031 | 56,435 | 2.7 |
| Criminal damage | 7,854 | 12,990 | 1.7 |
| Drug offences | 56,793 | 94,870 | 1.7 |
| Other indictable offences | 47,637 | 128,494 | 2.7 |
| Indictable motoring offences | 3,616 | 5,462 | 1.5 |
| Summary offences excluding motoring | 514,394 | 809,168 | 1.6 |
| Summary motoring offences | 564,121 | 2,057,202 | 3.6 |
| All Offences | 1,407,456 | 4,114,404 | 2.9 |

Figure 7.3: Distribution of convictions by offence group, 1999 and 2009



(1) Violent offences include: violence against the person, sexual offences and robbery.
 (2) Property offences include: burglary, theft and handling stolen goods, fraud and forgery.
 (3) Other offences include: criminal damage, indictable motoring and other indictable offences.

Comparing 1999 with 2009, the biggest change in the proportion of convictions was for summary motoring offences, which have decreased by 12 percentage points to 39 per cent. The biggest increase was for summary non motoring offences which increased by 11 percentage points to 31 per cent. (Figure 7.3)

Notes

1. Penalty Notices for Disorder were piloted in four areas during 2002 and 2003 and were introduced nationally from April 2004. The four notifiable offences for which these notices can be given are:
 - Harassment, alarm or distress – Public Order Act 1988 s5;
 - Destroying or damaging property (value of damage under £500) Criminal Damage Act 1971 s1(1);
 - Retail theft (goods under the value of £200) – Theft Act 1968 s1.
 - Possession of a controlled drug of Class B - cannabis/cannabis resin s.5(2) & Sch 4 Misuse of Drugs Act 1971
2. Appendix 2 of 'User Guide to Home Office Statistics', Home Office, provides a list of recorded offences.
3. Excluding the British Transport Police.
4. For a fuller explanation please see 'Crime in England and Wales 2009/10: Volume 2', Home Office.

Criminal Statistics: England and Wales 2009

Table 7B - Offences brought to justice over a 12 month period by outcome and numbers of recorded crimes, 1998/99 - 2009/10 ⁽¹⁾⁽²⁾

| England and Wales | | Offences brought to justice (OBTJ) | | | | | | thousands of offences | |
|-------------------|--|---|--|-------------------------|-------------|---------------------------|--------------------------------|-----------------------|--|
| 12 months ending | Offences taken into consideration ⁽³⁾ | Penalty notices for disorder ⁽⁴⁾ | Formal warnings for cannabis possession ⁽⁵⁾ | Cautions ⁽⁶⁾ | Convictions | Total OBTJ ⁽⁷⁾ | Recorded crimes ⁽⁸⁾ | | |
| 1999 March | 105 | * | * | 260 | 737 | 1103 | 5,109 | | |
| June | 103 | * | * | 258 | 735 | 1096 | 5,195 | | |
| September | 99 | * | * | 255 | 732 | 1086 | 5,234 | | |
| December | 98 | * | * | 251 | 736 | 1085 | 5,261 | | |
| 2000 March | 97 | * | * | 249 | 737 | 1084 | 5,301 | | |
| June | 97 | * | * | 244 | 731 | 1071 | 5,262 | | |
| September | 93 | * | * | 237 | 716 | 1046 | 5,218 | | |
| December | 89 | * | * | 231 | 692 | 1013 | 5,195 | | |
| 2001 March | 87 | * | * | 229 | 679 | 996 | 5,162 | | |
| June | 85 | * | * | 228 | 676 | 989 | 5,209 | | |
| September | 84 | * | * | 230 | 675 | 989 | 5,298 | | |
| December | 88 | * | * | 231 | 682 | 1001 | 5,422 | | |
| 2002 March | 90 | * | * | 228 | 683 | 1002 | 5,525 | | |
| June | 94 | * | * | 225 | 691 | 1010 | 5,670 | | |
| September | 98 | 0 | * | 224 | 702 | 1025 | 5,787 | | |
| December | 99 | 1 | * | 223 | 708 | 1031 | 5,844 | | |
| 2003 March | 99 | 2 | * | 225 | 712 | 1038 | 5,898 | | |
| June | 98 | 2 | * | 227 | 717 | 1044 | 5,910 | | |
| September | 97 | 3 | * | 231 | 719 | 1051 | 5,932 | | |
| December | 95 | 3 | * | 238 | 723 | 1060 | 5,932 | | |
| 2004 March | 95 | 4 | * | 248 | 729 | 1077 | 5,935 | | |
| June | 97 | 8 | 5 | 254 | 723 | 1087 | 5,850 | | |
| September | 100 | 16 | 11 | 258 | 713 | 1097 | 5,750 | | |
| December | 104 | 30 | 19 | 264 | 707 | 1125 | 5,679 | | |
| 2005 March 1 | 06 | 49 | 26 | 268 | 688 | 1138 | 5,563 | | |
| June | 111 | 68 | 34 | 282 | 692 | 1187 | 5,523 | | |
| September | 113 | 85 | 44 | 297 | 696 | 1235 | 5,507 | | |
| December | 114 | 99 | 54 | 312 | 698 | 1277 | 5,504 | | |
| 2006 March | 117 | 110 | 63 | 329 | 709 | 1327 | 5479 | | |
| June | 118 | 122 | 70 | 345 | 699 | 1353 | 5452 | | |
| September | 121 | 132 | 73 | 358 | 698 | 1382 | 5414 | | |
| December | 123 | 142 | 77 | 370 | 694 | 1405 | 5387 | | |
| 2007 March 1 | 21 | 147 | 80 | 380 | 694 | 1422 | 5351 | | |
| June | 118 | 150 | 86 | 384 | 704 | 1442 | 5255 | | |
| September | 113 | 151 | 92 | 388 | 710 | 1453 | 5139 | | |
| December | 108 | 144 | 98 | 383 | 722 | 1456 | 4983 | | |
| 2008 March 1 | 07 | 137 | 102 | 376 | 724 | 1446 | 4883 | | |
| June | 105 | 129 | 103 | 367 | 729 | 1433 | 4803 | | |
| September | 105 | 122 | 104 | 355 | 730 | 1415 | 4771 | | |
| December | 105 | 117 | 105 | 344 | 731 | 1403 | 4722 | | |
| 2009 March 1 | 02 | 116 | 104 | 337 | 743 | 1401 | 4638 | | |
| June | 96 | 116 | 99 | 326 | 746 | 1383 | 4592 | | |
| September | 92 | 115 | 96 | 316 | 755 | 1374 | 4493 | | |
| December | 86 | 112 | 89 | 304 | 755 | 1346 | 4387 | | |
| 2010 March 79 | | 103 | 85 | 284 | 740 | 1290 | 4279 | | |

1. Excludes British Transport Police
2. Figures for 2009/10 are provisional.
3. Offences taken into consideration by the court and previously recorded by the police; figures for April 2004 onwards include offences not previously recorded
4. Piloted in 2002 and introduced nationally in 2004.
5. Introduced in April 2004
6. Includes reprimands and final warnings for juveniles. Excludes Lincolnshire Cautions data for January to March 2010.
7. Total will not equal the sum of the constituent parts due to rounding.
8. The introduction of the National Crime Recording Standards (NCRS) in April 2002 resulted in significant increases in the number of crimes recorded.

Table 7C Offences brought to justice by offence type, 1998/99 - 2009/10⁽¹⁾⁽²⁾⁽³⁾

| Type of offence | England and Wales | | | | | | | | | | thousands of offences and percentages | | | | | |
|--|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------------------------------------|---------|--|--|--|--|
| | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 | 2003/04 | 2004/05 | 2005/06 | 2006/07 | 2007/08 | 2008/09 | 2009/10 | | | | |
| | number of offences (thousands) | | | | | | | | | | | | | | | |
| Violence against person | 215 | 223 | 213 | 216 | 236 | 259 | 329 | 412 | 464 | 460 | 407 | 369 | | | | |
| Sexual Offences | 16 | 15 | 14 | 15 | 15 | 15 | 16 | 17 | 17 | 17 | 17 | 18 | | | | |
| Burglary | 96 | 87 | 75 | 76 | 81 | 77 | 70 | 41 | 42 | 40 | 39 | 35 | | | | |
| Robbery | 10 | 10 | 11 | 13 | 14 | 13 | 13 | 47 | 51 | 47 | 47 | 41 | | | | |
| Theft and handling stolen goods | 390 | 381 | 352 | 348 | 337 | 362 | 326 | 356 | 370 | 369 | 366 | 329 | | | | |
| Fraud and forgery | 89 | 93 | 82 | 79 | 77 | 73 | 78 | 73 | 63 | 62 | 65 | 64 | | | | |
| Criminal damages | 96 | 100 | 94 | 95 | 96 | 104 | 120 | 144 | 162 | 156 | 136 | 115 | | | | |
| Drug offences | 146 | 132 | 114 | 119 | 133 | 117 | 127 | 173 | 191 | 229 | 245 | 232 | | | | |
| Other notifiable offences | 46 | 43 | 41 | 42 | 49 | 58 | 59 | 64 | 64 | 66 | 78 | 88 | | | | |
| All notifiable offences ⁽⁴⁾ | 1,103 | 1,084 | 996 | 1,002 | 1,038 | 1,077 | 1,138 | 1,327 | 1,422 | 1,446 | 1,401 | 1,290 | | | | |
| | percentage of all offences brought to justice | | | | | | | | | | | | | | | |
| Violence against person | 20 | 21 | 21 | 22 | 23 | 24 | 29 | 31 | 33 | 32 | 29 | 29 | | | | |
| Sexual offences | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | | | | |
| Burglary | 9 | 8 | 7 | 8 | 8 | 7 | 6 | 3 | 3 | 3 | 3 | 3 | | | | |
| Robbery | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 4 | 4 | 3 | 3 | 3 | | | | |
| Theft and handling stolen goods | 35 | 35 | 35 | 35 | 32 | 34 | 29 | 27 | 26 | 25 | 26 | 26 | | | | |
| Fraud and forgery | 8 | 9 | 8 | 8 | 7 | 7 | 7 | 6 | 4 | 4 | 5 | 5 | | | | |
| Criminal damages | 9 | 9 | 9 | 9 | 9 | 10 | 11 | 11 | 11 | 11 | 10 | 9 | | | | |
| Drug offences | 13 | 12 | 11 | 12 | 13 | 11 | 11 | 13 | 13 | 16 | 17 | 18 | | | | |
| Other notifiable offences | 4 | 4 | 4 | 4 | 5 | 5 | 5 | 5 | 4 | 5 | 6 | 7 | | | | |
| All notifiable offences | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | | | | |

1. Figures for 2009/10 are provisional.
 2. Excludes British Transport Police.
 3. Excludes Lincolnshire Cautions data for January to March 2010.
 4. Total will not equal the sum of the constituent parts due to rounding.

Table 7D Cautions administered by offence group 1999-2009 ⁽¹⁾

| England and Wales | thousands of offences | | | | | | | | | | |
|-------------------------------------|-----------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| Offence group | | | | | | | | | | | |
| Violence against the person | 22.1 | 20.6 | 20.6 | 24.8 | 30.2 | 38.3 | 51.8 | 59.4 | 54.1 | 39.3 | 28.5 |
| Sexual offences | 1.5 | 1.4 | 1.4 | 1.3 | 1.5 | 1.7 | 1.8 | 2.1 | 2.1 | 1.8 | 1.6 |
| Burglary | 8.1 | 7.0 | 7.0 | 6.2 | 5.9 | 6.1 | 6.8 | 8.4 | 7.5 | 6.0 | 4.8 |
| Robbery | 0.6 | 0.6 | 0.6 | 0.4 | 0.4 | 0.5 | 0.6 | 0.7 | 0.6 | 0.4 | 0.2 |
| Theft and handling stolen goods | 80.0 | 74.4 | 73.6 | 61.5 | 61.3 | 71.0 | 72.5 | 81.9 | 82.2 | 73.4 | 68.8 |
| Fraud and forgery | 8.1 | 7.2 | 7.1 | 6.6 | 6.6 | 7.2 | 7.4 | 9.3 | 9.6 | 9.2 | 8.0 |
| Criminal damage | 3.2 | 3.5 | 3.9 | 3.5 | 4.1 | 5.9 | 7.5 | 9.9 | 9.7 | 8.7 | 6.9 |
| Drug offences | 51.3 | 42.4 | 40.9 | 46.5 | 47.4 | 34.4 | 34.5 | 39.7 | 45.9 | 50.0 | 46.1 |
| Other indictable offences | 5.0 | 4.7 | 4.6 | 4.7 | 5.6 | 6.3 | 7.0 | 9.9 | 10.5 | 9.1 | 8.5 |
| Summary offences excluding motoring | 100.9 | 93.4 | 93.3 | 88.7 | 98.1 | 109.8 | 118.8 | 161.3 | 174.7 | 161.5 | 147.4 |
| All Offences | 280.7 | 255.4 | 253.0 | 244.3 | 261.1 | 281.2 | 308.8 | 382.8 | 397.0 | 359.4 | 320.8 |

(1) Excluding all motoring offences.

Table 7E Convictions by offence group 1999-2009 ⁽¹⁾

| England and Wales | thousands of offences | | | | | | | | | | |
|-------------------------------------|-----------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| Offence group | | | | | | | | | | | |
| Violence against the person | 51.7 | 49.9 | 50.2 | 53.6 | 54.7 | 56.2 | 58.8 | 60.3 | 59.8 | 57.9 | 62.1 |
| Sexual offences | 14.0 | 12.5 | 12.9 | 14.0 | 13.6 | 15.3 | 15.4 | 15.8 | 17.1 | 16.8 | 17.4 |
| Burglary | 54.4 | 46.9 | 43.7 | 47.5 | 45.7 | 41.4 | 38.3 | 37.7 | 37.7 | 36.9 | 35.1 |
| Robbery | 9.0 | 9.4 | 10.6 | 12.2 | 11.9 | 12.1 | 11.4 | 12.8 | 14.2 | 12.9 | 13.2 |
| Theft and handling stolen goods | 247.4 | 230.5 | 226.2 | 227.3 | 215.0 | 197.1 | 183.2 | 177.7 | 183.0 | 184.2 | 182.1 |
| Fraud and forgery | 78.8 | 72.8 | 70.5 | 68.8 | 66.9 | 68.5 | 66.2 | 59.7 | 57.4 | 55.6 | 56.4 |
| Criminal damage | 21.0 | 19.5 | 18.9 | 19.6 | 20.2 | 21.4 | 21.3 | 23.3 | 21.9 | 16.3 | 13.0 |
| Drug offences | 91.1 | 80.5 | 80.6 | 86.9 | 92.1 | 76.0 | 76.0 | 77.2 | 82.2 | 93.8 | 94.9 |
| Other indictable offences | 143.2 | 133.6 | 134.8 | 149.5 | 170.4 | 164.2 | 156.1 | 140.9 | 139.5 | 126.4 | 128.5 |
| Indictable motoring offences | 6.0 | 6.0 | 6.2 | 7.3 | 7.9 | 7.7 | 6.7 | 6.2 | 6.2 | 5.6 | 5.5 |
| Summary offences excluding motoring | 492.5 | 521.8 | 515.2 | 540.1 | 565.7 | 641.7 | 643.0 | 622.7 | 624.3 | 619.4 | 640.0 |
| Summary motoring offences | 1248.5 | 1200.1 | 1164.0 | 1215.3 | 1333.6 | 1359.9 | 1234.6 | 1099.3 | 958.2 | 818.2 | 809.2 |
| All Offences | 2457.6 | 2383.6 | 2333.8 | 2442.1 | 2597.6 | 2661.5 | 2510.9 | 2333.6 | 2201.4 | 2044.0 | 2057.2 |

(1) Excludes convictions data for Cardiff magistrates' court for April, July, and August 2008. See Annex 2 paragraph 8

Chapter 8 Motoring offences dealt with by the courts

The term 'motoring offence' in this publication means an offence relating to a mechanically propelled vehicle intended or adapted for use on roads, and includes motor cycles, motor scooters, mechanically propelled invalid carriages, road rollers and tractors.

Key points

Motoring offences dealt with by the magistrates' court in 2009 decreased six per cent compared to 2008, with a total of 1.11 million proceeded against. Proceedings peaked in 2003 at 2.33 million and have shown continued annual decreases. (Table 8A)

- The 536,100 proceedings for offences within the 'licence, insurance and record keeping' category accounted for around half of all motoring offences dealt with by the magistrates' court in 2009. (Table 8A)
- In 2009 there was a two per cent increase in the number of defendants proceeded against for summary motoring offences at magistrates' courts compared with 2008. From the peak in 2004 there were year on year falls up to and including 2008.
- The largest increase in motoring offences dealt with by the magistrates' court was for 'careless driving', which rose from 51,100 in 2008 to 79,100 in 2009, a 55 per cent increase. (Table 8A)
- Of those proceeded against 78 per cent were found guilty in 2009, the same as 2008 and remains the highest proportion across the ten year period. (Table 8B)
- At all courts 88 per cent of sentences for motoring offences were fines; this has remained consistent throughout the period. (Table 8.5)
- The proportion of disqualifications for more than one year for offences of 'driving etc. after consuming alcohol or taking drugs' has steadily increased from 64 per cent in 1999 to 72 per cent in 2009. (Table 8.9)

Introduction

This chapter covers motoring offences dealt with by the courts. Motoring offences cover a variety of criminal legislative Acts across a broad spectrum of seriousness. The vast majority of motoring offences are summary offences, as such the disposals handed down will reflect the nature of these low level offence categories.

The method of counting presented in this chapter other than where stated differs from the principal offence basis¹⁶. The tables show the numbers of offences or alleged offences dealt with and not persons appearing in court. However, research suggests that groups of motoring offences dealt with together in court generally arise from a single traffic incident (rather than from other events).¹⁷

In years prior to 2009 the reporting of court proceedings, in particular those relating to summary motoring offences, may be less than complete for some police force areas.

The Fixed Penalty Offences Order 2009 and Road Safety (Immobilisation, Removal and Disposal of Vehicles Regulation) 2009 introduced new offences for which fines and possible court appearances can occur relating to driver's hours, foreign goods vehicles, unfit or overloaded vehicles and failure to comply with the financial penalty deposit required. The legislation came into effect from 1 April 2009 and as such will have more impact on full year data for 2010 following the bedding of the scheme across police forces and courts.

Court Proceedings

Motoring offences accounted for 42 per cent of all defendants proceeded against at the Magistrates court in 2009 (see Chapter 5, Table 5C). This is a one per cent decrease from 2008.

Proceedings peaked in 2003 at 2.33 million and have shown continued annual decreases. In 2009 proceedings at magistrates' courts for offences relating to motor vehicles fell by six per cent to 1.11 million compared with 2008. This is the lowest total in the last ten years.

In 2009, 659,200 defendants were proceeded against for summary motoring offences, an increase of two per cent compared with 2008. Proceedings for careless driving rose by 41 per cent and by 20 per cent for use of a hand held mobile phone whilst driving.

Proceedings for licence, insurance and record keeping offences¹⁸ accounted for around half of the offences in 2009, which is similar to 2007 and 2008. The introduction of the police power to seize vehicles driven without licence or

¹⁶ See Appendix 2

¹⁷ Department for Transport 'Road Casualties Great Britain: 2006 – Annual Report'

¹⁸ Including offences of driving while disqualified and using motor vehicle uninsured against third party risks.

insurance and to retain vehicles seized¹⁹ may have impacted on the number of cases that go through the courts within this offence category.

Offences of careless driving were up from 51,100 in 2008 to 79,100 in 2009, accounting for seven per cent of total proceedings (up three percentage points from 2008). The introduction of an offence of breach of requirements as to control of vehicle in 2008 (as part of the Road Safety Act 2006) coincides with this increase.

Offences proceeded against for the use of hand held mobile phone whilst driving continued to rise with a 24 per cent increase to 37,600. Between 2007 and 2008 proceedings more than doubled from 14,000 in 2007 to 30,400 in 2008. This offence accounted for five per cent of all defendants proceeded against in 2009 for motoring offences on a principal offence basis, compared to one per cent in 2007.

In analysing long term trends between 1999 and 2009, proceedings for obstruction, waiting and parking offences have shown a reduction from 24,900 in 1999 to 7,100 in 2009. This coincides with the increase in the use of fixed penalty notices and penalty charge notices by local authorities.

Court proceedings for unauthorised taking or theft of a motor vehicle gradually fell from 49,900 in 1999 to 18,900 in 2009, despite a slight upturn in 2001 and 2002.

Findings of guilt (Table 8B and 8.4)

The percentage of motoring offences that resulted in a finding of guilt has increased from 66 per cent in 1999 to 78 per cent in 2009.

For the period 2005 to 2009, on average 87 per cent of those found guilty of motoring offences at court are male. This is particularly apparent for offences specific to motor cycles and load offences.

The proportion of those aged under 21 found guilty was 12 per cent in 2009. Almost a quarter (23 per cent) of offenders found guilty for causing death or bodily harm were aged under 21 years in 2009 (a seven percentage point increase on 2008). Offenders aged under 21 continued to account for the majority of offences specific to motor cycles (73 per cent) and unauthorised taking or theft of a motor vehicle (53 per cent).

Sentencing (Tables 8.5, 8.6 and 8.7)

Ninety-nine per cent of sentences or orders imposed for motoring offences in 2009 were at the magistrates' court reflecting the less serious nature of most motoring offences.

¹⁹ Sections 165A and 165B Road Traffic Act 1988 as inserted by section 152 Serious Organised Crime and Police Act 2005.

In 2009 fines account for 88 per cent of all sentences or orders imposed for motoring offences, similar to the average of 86 per cent of from 1999.

In 2009 the average fine imposed at magistrates' courts was £217 for all offences. When inflation is taken into account there was a 22 per cent increase in real terms from £135 in 2008 to £165 for 2009. The average fines ranged from £159 for speed limit offences to £510 for load offences. In 2009, apart from 'driving etc. after consuming alcohol or taking drugs' which fell from £248 to £235, all other offence groups saw average fine amounts increased.

Immediate custodial sentences²⁰ continued to be the most frequent sentence imposed at the Crown Court reflecting the relative seriousness of the offences dealt with. Fifty-nine per cent of sentences at the Crown Court were for immediate custody, compared to one per cent at the magistrates' court. In terms of the absolute number of immediate custodial sentences given between 1999 and 2009, the magistrates' court (26,500) deal with almost four times as many cases than the Crown court (6,900) on average.

In 2009 there was a 15 per cent annual decrease in the total number of those receiving immediate custody at all courts, continuing the downward trend seen since peaking in 2003.

This decrease is most markedly seen in a 74 per cent fall in those receiving immediate custody for 'driving while disqualified' since 2003, this is consistent with a fall in proceedings and subsequent findings of guilt for this offence. However it still accounts for the highest proportion (43 per cent) of all immediate custody sentences given in 2009.

The offence most likely to be dealt with by an immediate custodial sentence was causing death or bodily harm – 72 per cent, a 17 percentage point decrease on 2008. The proportion of immediate custodial sentences given on conviction for 'driving while disqualified' remained stable following a fall from 53 per cent in 2001 to 34 per cent in 2007, 2008 and 2009.

Disqualifications and Endorsements (Table 8C and 8.9)

Driving licence disqualifications given by the courts peaked at 191,000 in 2003. Following year on year decreases the figure for 2009 was 115,000. A similar trend can be seen in the total number of endorsements given, peaking in 2004 (711,000) before falling and reaching a ten year low of 525,000 in 2009.

In 2009 a further 24,000 persons were disqualified under the penalty points or 'totting up' system. When these are taken into consideration the total number of disqualifications decreased by five per cent from 2008.

²⁰ Immediate custody includes detention and training orders, youth custody/young offenders institutions and unsuspended sentences.

In 2009 nearly two-thirds of disqualifications were in relation to 'driving etc, after consuming alcohol or taking drugs', this is a three per cent decrease on 2008.

Fifty-two per cent of disqualifications in 2009 were for more than one year, including 72 per cent for 'driving etc, after consuming alcohol or taking drugs'. The proportion disqualified for more than one year for this offence has increased from 64 per cent in 1999.

Police force areas (Table 8.10 and 8.11)

In 2009 two-thirds of forces in England and Wales recorded an annual decrease in magistrates' court proceedings for motoring offences and the subsequent total findings of guilt.

Table 8A - Proceedings at magistrates' courts for offences relating to motor vehicles by type of offence, 1999 to 2009⁽¹⁾

| England and Wales Offence class | Offence type | Thousands of offences | | | | | | | | | | | |
|------------------------------------|--|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | |
| 1 | Causing death or bodily harm | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.5 | 0.7 |
| 2 | Dangerous driving | 9.4 | 9.1 | 9.5 | 10.7 | 11.3 | 10.3 | 8.4 | 7.4 | 6.9 | 5.8 | 5.8 | 5.8 |
| 3 | Driving etc. after consuming alcohol or taking drugs | 99.5 | 96.2 | 96.0 | 102.0 | 105.7 | 107.1 | 103.5 | 101.4 | 97.0 | 87.0 | 81.2 | 79.1 |
| 4(pt) | Careless driving | 56.4 | 51.5 | 47.5 | 43.8 | 42.1 | 40.1 | 38.3 | 35.3 | 34.0 | 30.4 | 20.4 | 20.4 |
| 4(pt) | Use of hand held mobile phone whilst driving | * | * | * | * | 0.0 | 0.8 | 2.1 | 2.7 | 14.0 | 30.4 | 37.6 | 37.6 |
| 5 | Accident offences | 27.3 | 26.7 | 28.1 | 28.4 | 29.5 | 27.8 | 25.3 | 23.8 | 23.5 | 16.8 | 16.8 | 20.4 |
| 6 | Unauthorised taking or theft of a motor vehicle | 49.9 | 44.2 | 44.3 | 46.1 | 43.0 | 34.7 | 28.8 | 25.1 | 24.2 | 20.8 | 18.9 | 18.9 |
| 7(pt),9(pt)-12,14 | Licence, insurance and record keeping offences | 696.0 | 688.2 | 668.5 | 717.3 | 807.1 | 802.4 | 663.2 | 525.8 | 390.0 | 329.3 | 298.4 | 298.4 |
| 7(pt) | Driving while disqualified | 50.0 | 49.0 | 51.3 | 55.5 | 63.4 | 59.5 | 50.8 | 41.7 | 34.6 | 26.5 | 21.3 | 21.3 |
| 9(pt) | Using motor vehicle uninsured against third party risks | 387.4 | 391.7 | 388.3 | 411.0 | 447.3 | 441.8 | 392.8 | 353.5 | 299.6 | 246.3 | 216.3 | 216.3 |
| 13,15 | Vehicle test and condition offences | 402.3 | 385.2 | 371.0 | 394.0 | 406.7 | 376.5 | 304.9 | 230.3 | 132.9 | 86.2 | 67.7 | 67.7 |
| 16 | Speed limit offences | 168.1 | 154.7 | 150.3 | 144.2 | 165.5 | 172.3 | 192.2 | 180.6 | 177.9 | 147.8 | 153.1 | 153.1 |
| 17-19 | Neglect of traffic signs and directions and of pedestrian rights | 46.9 | 45.5 | 41.8 | 40.0 | 42.8 | 44.6 | 42.9 | 43.9 | 42.7 | 32.4 | 35.6 | 35.6 |
| 20 | Obstruction, waiting and parking offences | 24.9 | 21.6 | 21.3 | 19.4 | 19.9 | 15.4 | 12.0 | 10.0 | 7.0 | 7.0 | 7.1 | 7.1 |
| 21,22 | Lighting and noise offences | 29.9 | 25.5 | 20.6 | 19.4 | 17.8 | 15.9 | 14.3 | 11.1 | 8.1 | 7.1 | 6.7 | 6.7 |
| 23 | Load offences | 16.6 | 14.8 | 12.8 | 10.6 | 11.0 | 9.4 | 7.9 | 7.1 | 6.6 | 6.6 | 5.9 | 5.9 |
| 24 | Offences peculiar to motor cycles | 2.5 | 2.7 | 2.8 | 2.4 | 2.5 | 2.7 | 3.7 | 3.4 | 2.6 | 2.0 | 2.0 | 2.0 |
| 25(pt) | Miscellaneous motoring offences | 54.8 | 50.3 | 66.9 | 77.1 | 104.5 | 128.4 | 123.6 | 110.6 | 114.1 | 71.1 | 50.4 | 50.4 |
| 25(pt) | Seat belt offences | 6.9 | 5.7 | 5.2 | 4.7 | 5.0 | 5.4 | 5.9 | 5.7 | 4.5 | 3.7 | 4.4 | 4.4 |
| | Total (thousands) | 2,129.1 | 2,062.9 | 2,026.7 | 2,127.0 | 2,325.6 | 2,295.6 | 2,021.1 | 1,719.9 | 1,420.6 | 1,178.5 | 1,112.6 | 1,112.6 |

(1) Excludes data for Cardiff magistrates' court for April, July and August 2008. See Appendix 2.

Table 8B - Findings of guilt at all courts by type of offence, 1999 - 2009⁽¹⁾

| England and Wales | | Thousands of offences | | | | | | | | | | |
|--|--|-----------------------|---------|---------|---------|---------|---------|---------|---------|---------|-------|-------|
| Offence class | Offence type | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
| 1 | Causing death or bodily harm | 0.3 | 0.3 | 0.0 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.4 | 0.3 | 0.5 |
| 2 | Dangerous driving | 5.2 | 5.2 | 5.4 | 6.3 | 6.8 | 6.6 | 5.8 | 5.2 | 5.0 | 4.4 | 4.3 |
| 3 | Driving etc. after consuming alcohol or taking drugs | 89.4 | 85.8 | 84.8 | 90.5 | 93.7 | 96.2 | 93.7 | 92.7 | 89.2 | 80.9 | 75.4 |
| 4(pt) | Careless driving | 46.8 | 41.3 | 36.9 | 33.6 | 31.7 | 29.9 | 28.3 | 26.2 | 25.8 | 38.6 | 55.9 |
| 4(pt) | Use of hand held mobile phone whilst driving | .. | .. | .. | .. | 0.0 | 0.6 | 1.8 | 2.3 | 12.8 | 27.6 | 34.3 |
| 5 | Accident offences | 16.4 | 15.8 | 15.9 | 16.3 | 17.1 | 16.3 | 15.2 | 14.5 | 14.5 | 10.8 | 13.1 |
| 6 | Unauthorised taking or theft of a motor vehicle | 29.5 | 25.4 | 24.6 | 25.8 | 24.2 | 21.8 | 19.2 | 17.7 | 17.4 | 15.0 | 13.7 |
| 7(pt),9-12,14 | Licence, insurance and record keeping offences | 409.4 | 406.1 | 388.5 | 417.5 | 492.8 | 497.5 | 420.2 | 346.2 | 270.6 | 239.7 | 219.0 |
| 7(pt) | Driving while disqualified | 43.9 | 42.8 | 44.6 | 48.5 | 55.6 | 52.9 | 45.5 | 37.7 | 34.6 | 24.4 | 19.9 |
| 9 (pt) | Using motor vehicle uninsured against third party risks | 259.5 | 264.6 | 266.8 | 289.1 | 323.4 | 322.8 | 289.3 | 267.7 | 232.8 | 196.3 | 173.2 |
| 13,15 | Vehicle test and condition offences | 227.4 | 217.2 | 203.1 | 211.4 | 221.9 | 205.9 | 165.2 | 125.8 | 76.6 | 54.0 | 43.8 |
| 16 | Speed limit offences | 153.6 | 141.4 | 135.6 | 124.6 | 140.1 | 143.2 | 160.4 | 154.4 | 148.6 | 127.6 | 128.3 |
| 17-19 | Neglect of traffic signs and directions and of pedestrian rights | 38.2 | 37.7 | 34.6 | 32.6 | 33.9 | 35.7 | 34.4 | 35.3 | 33.8 | 27.4 | 29.2 |
| 20 | Obstruction, waiting and parking offences | 16.6 | 14.2 | 14.0 | 13.2 | 14.0 | 10.7 | 8.3 | 6.8 | 4.5 | 4.6 | 4.6 |
| 21,22 | Lighting and noise offences | 21.2 | 17.9 | 14.2 | 13.6 | 12.4 | 11.2 | 10.2 | 8.1 | 6.0 | 5.4 | 5.2 |
| 23 | Load offences | 14.8 | 13.3 | 11.6 | 9.6 | 10.0 | 8.5 | 7.2 | 6.4 | 6.0 | 6.1 | 5.5 |
| 24 | Offences peculiar to motor cycles | 2.1 | 2.1 | 2.2 | 1.8 | 2.0 | 2.1 | 3.1 | 2.9 | 2.2 | 1.7 | 1.7 |
| 25(pt) | Miscellaneous motoring offences | 35.4 | 29.1 | 38.6 | 44.3 | 66.0 | 82.8 | 79.9 | 71.9 | 75.3 | 46.2 | 32.7 |
| 25(pt) | Seat belt offences | 5.5 | 4.4 | 4.0 | 3.6 | 3.7 | 4.1 | 4.7 | 4.6 | 3.7 | 3.1 | 3.6 |
| Total (thousands) | | 1,415.2 | 1,364.6 | 1,325.8 | 1,382.7 | 1,549.6 | 1,549.2 | 1,392.7 | 1,226.7 | 1,056.9 | 914.1 | 863.9 |
| As a percentage of total court proceedings (Table 8.1) | | 66 | 66 | 66 | 65 | 67 | 68 | 69 | 71 | 74 | 78 | 78 |

(1) Excludes data for Cardiff magistrates' court for April, July and August 2008. See Appendix 2.

Table 8C - Driving licence disqualifications and endorsements given by the courts, by type of offence, 1999 - 2009

| England and Wales | | Thousands of offences | | | | | | | | | | |
|--|--|-----------------------|------|------|------|------|------|------|------|------|---------------------|------|
| Offence class | Offence type | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 ⁽²⁾ | 2009 |
| Disqualifications | | | | | | | | | | | | |
| 1, 2, 4, 5 | Dangerous, careless driving and accident offences | 7 | 7 | 8 | 9 | 10 | 11 | 10 | 9 | 9 | 7 | 7 |
| 3 | Driving etc. after consuming alcohol or taking drugs | 83 | 80 | 79 | 85 | 87 | 90 | 87 | 87 | 84 | 75 | 72 |
| 16-19 | Speed limit offences and neglect of traffic signs, directions and of pedestrian rights | 12 | 12 | 11 | 10 | 11 | 10 | 11 | 11 | 9 | 7 | 7 |
| 7,9,10,12 | Licence and insurance offences | 44 | 46 | 59 | 72 | 76 | 73 | 62 | 53 | 41 | 29 | 23 |
| [6, 11, 13-15, 0-25] 2 | Other offences | 9 | 8 | 7 | 7 | 7 | 7 | 6 | 6 | 6 | 6 | 6 |
| | Total | 156 | 153 | 165 | 184 | 191 | 190 | 176 | 166 | 150 | 125 | 115 |
| | Persons disqualified under the penalty points system⁽¹⁾ | 34 | 34 | 30 | 30 | 33 | 31 | 29 | 26 | 22 | 22 | 24 |
| Endorsements without disqualifications | | | | | | | | | | | | |
| 1,2,4,5 | Dangerous, drunken, careless driving and accident offences | 56 | 51 | 46 | 42 | 40 | 37 | 35 | 33 | 42 | 68 | 95 |
| 3 | Driving etc. after consuming alcohol or taking drugs | 5 | 4 | 4 | 4 | 4 | 4 | 4 | 3 | 3 | 3 | 2 |
| 16-19 | Speed limit offences and neglect of traffic signs, directions and of pedestrian rights | 165 | 156 | 143 | 130 | 142 | 150 | 165 | 161 | 156 | 139 | 142 |
| 7,9,10,12 | Licence and insurance offences | 362 | 372 | 366 | 392 | 444 | 445 | 396 | 353 | 308 | 271 | 246 |
| [6, 11, 13-15, 20-25] | Other offences | 50 | 43 | 42 | 43 | 57 | 74 | 71 | 63 | 70 | 49 | 40 |
| | Total | 637 | 626 | 600 | 611 | 687 | 711 | 671 | 614 | 580 | 530 | 525 |

(1) Excludes those persons who were disqualified for their current offences.

(2) Excludes data for Cardiff magistrates' court for April, July and August 2008. See Appendix 2.

Glossary of terms used in the publication

All persons:

In this publication 'all persons' includes males, females and those with no gender specified. For further information please see Appendix 2.

Caution:

Cautions include 'simple cautions', 'conditional cautions' and reprimands and warnings (which replaced cautions for juveniles on 1 June 2000). A caution may be given to an offender aged 18 or over when there is sufficient evidence for a conviction and it is not considered to be in the public interest to instigate criminal proceedings. Offenders must admit guilt and consent to a caution in order for one to be given. For offenders aged 10 to 17, there is a system of reprimands and warnings.

Community Order:

Offenders sentenced to a community order serve their whole sentence in the community rather than prison.

Conviction:

When a person is found or pleads guilty for a criminal offence in court.

Detections:

Crimes that have been 'cleared up' by the police (previously known as clear ups).

Disposal:

The end result of a trial at court. In this publication the disposals of interest are sentence, but other disposals are possible, for example where there is no finding of guilt.

Defendant:

A person or company against whom a charge is brought in court.

Immediate custodial sentence:

An immediate custodial sentence is the mandatory incarceration of a guilty offender either in prison or secure therapeutic centre. This differs from a suspended custodial sentence which is served in the community (see definition below).

Indictable offence:

In this publication 'indictable offences' include offences triable only on indictment (indictable only) and 'triable-either-way' offences unless otherwise stated.

Juveniles:

Juveniles are those aged between 10 (the age of criminal responsibility) and 17 at the point of sentence (although note in some cases it is the offender's age when s/he committed the offence that will affect the sentences that are

available to the sentencing judge). The majority of juveniles are sentenced at youth courts.

No further action taken

The police may decide to take no action because they consider there is insufficient evidence to prosecute or that an informal warning may be sufficient. This will include cases where the suspects are children under ten years and are below the age of criminal responsibility

Notifiable Offences \ Recorded Crime

Police recorded crime statistics cover all 'notifiable' offences recorded by the police. This does not mean all criminal offences, as almost all the more minor summary offences are excluded (even though the police may record them for their own investigations). The term 'notifiable' covers offences that are notified to the Home Office, and they are collectively known as 'recorded crime'.

Offence:

A criminal act punishable by law.

Offence Type:

A split of offences into three main types of offence Indictable (including triable-either-way), Summary non-motoring and Summary motoring.

Offence Group:

A split of offences into 12 separate groups. A more detailed split of the ten Indictable offences (violence against the person, sexual offences, burglary, robbery, theft and handling and stolen goods, fraud and forgery, criminal damage, drug offences, other indictable offences (excluding motoring), indictable motoring). Plus Summary non-motoring and Summary motoring offence types.

Offence triable only on indictment:

These offences are the most serious breaches of criminal law, and must be tried at the Crown Court.

Offender:

An individual or company (see 'others' below) found guilty or cautioned for breaking the law.

Others:

Companies or public bodies sentenced for offences. These are most often offences relating to fraud or health and safety.

Penalty Notices for Disorder (PND)

PNDs were introduced as part of the government's strategy to tackle low-level, anti-social and nuisance offending. The police may issue a PND for one of twenty five offences including three notifiable offences. See Appendix 2 for more details.

Percentage point change:

The difference between two percentages.

Principal Offence

Where proceedings involve more than one offence the principal offence is defined as follows:

- where a defendant is found guilty of one offence and acquitted of another, the offence selected is the one for which they are found guilty;
- where a defendant is found guilty of two or more offences, the offence selected is the one for which the heaviest sentence is imposed;
- where the same disposal is imposed for two or more offences, the offence selected is the one for which the statutory maximum penalty is the most severe.

Recorded detection:

Police recorded crimes are those crimes which are recorded by the police and notified to the Home Office. All indictable and triable-either-way offences are included together with certain closely associated summary offences.

Remands:

When adjourning a hearing, or committing a defendant to the Crown Court for trial or sentence, a magistrates' court may remand the defendant either in custody or on bail. There is a statutory right to bail, but this may be denied in specific circumstances: namely where the court has substantial grounds for believing that if a defendant were remanded on bail, he or she would fail to surrender to custody, commit an offence while on bail, interfere with witnesses, or otherwise obstruct the course of justice.

Reprimands and warnings:

These were implemented nationally from 1 June 2000. They replace the system of cautioning for young offenders aged under 18. Reprimands can be given to first-time offenders for minor offences.

Sanction and non-sanctioned detection:

An offence cleared by positive action on completion i.e. the offender is charged, given a caution, issued with a penalty notice for disorder or a cannabis warning, or the offence is taken into consideration at court. A non-sanction detection can be claimed when an offence is cleared up but no further action is taken.

Suspended (custodial) sentence:

A suspended sentence is made up of the same requirements as a Community Order and, in the absence of breach is served wholly in the community. It consists of an 'operational period' (the time for which the custodial sentence is suspended) and a 'supervision period' (the time during which any requirements take effect). Both may be between six months and two years and the 'supervision period' cannot be longer than the 'operational period', although it may be shorter. Failure to comply with the requirements of the order or commission of another offence will almost certainly result in a custodial sentence.

Triable only on indictment

These offences are the most serious breaches of the criminal law and must be tried at the Crown Court. These 'indictable-only' offences include murder, manslaughter, rape and robbery.

Triable-either-way

These offences may be tried either at the Crown Court or at a magistrates' court. These offences include criminal damage where the value is £5,000 or greater, theft and burglary.

Summary offence

These offences are triable only by a magistrates' court (unless a defendant is tried at the Crown Court for a mixture of indictable and summary offences). This group is dominated by motoring offences for some of which fixed penalties can be issued, but also includes such offences as common assault and criminal damage up to £5,000.

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Appendix 1 – Procedures within the Criminal Justice System and legislation affecting the statistics

Introduction

1. The text of this appendix is based on extracts from the October 2000 publication, "A Guide to the Criminal Justice System in England and Wales" by Becca Chapman and Stephen Niven (1). The procedures and sentences described relate mainly to the period from the implementation of the Criminal Justice Act 1991 on 1 October 1992 to the end of 2007. No account is taken of changes introduced in 2009 by means of legislation, circulars etc.

Detection and charging

2. Following the detection of an alleged offender for a crime, the options open to the police are:

No further action - The police may decide to take no action because they consider there is insufficient evidence to prosecute or that an informal warning may be sufficient. This will include cases where the suspects are children under ten years and are below the age of criminal responsibility ⁽²⁾.

Cautioning - A caution can be given when there is sufficient evidence for a conviction and it is not considered to be in the public interest to institute criminal proceedings. Additionally, the offender must admit guilt and consent to a caution in order for one to be given. A formal caution may be given by, or on the instructions of, a senior police officer. Cautions have traditionally been most used for first time offenders.

Reprimands and warnings - These were piloted under the Crime and Disorder Act 1998 in selected areas between September 1998 and May 2000 and implemented nationally from 1 June 2000. They replace the system of cautioning for young offenders aged under 18. Reprimands can be given to first-time offenders for minor offences. Any further offending results in either a warning or a charge. The warning triggers immediate referral to a local youth offending team which will assess the young person and, unless they consider it inappropriate, prepare a rehabilitation programme (or 'change' programme, as it is now known) designed to tackle the reasons for the young person's offending behaviour and to prevent any future offending. This assessment will usually involve contacting the victim to assess whether victim/offender mediation or some form of reparation to the victim or community is appropriate.

Penalty notices for disorder (PND) - These were piloted in four police force areas commencing August 2002 and introduced nationally from April 2004 under the Criminal Justice and Police Act 2001. They were introduced as part of the government's strategy to tackle low-level, anti-social and nuisance offending. The police may issue a PND for one of twenty five

offences including three notifiable offences. See Appendix 2 for more details.

Fixed penalties - The police may issue a fixed penalty notice for a wide range of motoring offences. Unpaid notices are registered as a fine by magistrates' courts without any court appearance being necessary. The court will then pursue payment of the amount.

Charging - The Criminal Justice Act 2003, required that the decision to charge a person in all but the most minor or routine offences is now undertaken by the Crown Prosecution Service (CPS). The police remain responsible for responding to allegations that a person has committed a crime, deciding whether an investigation is required and conducting it. The police may then decide to take no further action (above) or refer the case to the Crown Prosecution Service for early advice or a charging decision under the Charging Scheme. Under the charging arrangements, the Director of Public Prosecutions' Guidance requires that charging decisions are made by Crown Prosecutors in accordance with the Code for Crown Prosecutors following a review of the evidence cases save for those where an offender is to be detained in custody before appearing in court and where the appropriate evidence in the case is not readily available for examination and review. In such cases the threshold test as outlined by the Director of Public Prosecutions in an addendum to the Code for Crown Prosecutors, will be applied. These arrangements allow for strong cases to be built from the start and cases where there is not enough evidence to bring a prosecution are weeded out as quickly as possible.

Once an accused person is charged, the law requires that they are brought before a magistrates' court as soon as possible. There are three main methods of ensuring the defendant attends court. The first is that they have been held in custody by the police to appear as soon as practicable. Secondly, they may have been released on bail to attend court. Finally, a person may be summoned to appear in court. Generally, an arrest warrant may only be issued where (a) the offence is triable only on indictment (see below), or is punishable with imprisonment or (b) the address of the accused is not sufficiently established for a summons to be served.

No branch of the government or the judiciary can direct a police officer or the CPS to bring criminal proceedings (or not to do so) in a particular case⁽³⁾ – this includes Ministers of the Crown. The CPS will continue to review cases after a Charging Decision has been made and throughout the court process in accordance with the Code for Crown Prosecutors. If as part of this on-going review, the CPS considers there is no longer sufficient evidence for a realistic prospect of conviction or that prosecution is no longer in the public interest, it may discontinue the proceedings at any time before the start of the trial or committal⁽⁴⁾.

In most situations, any person or group of people may bring a private prosecution and commence criminal proceedings. These often occur when the CPS has decided not to prosecute. If the prosecution fails, those bringing the case may be ordered to pay costs by the court, and even if the case succeeds, the costs of bringing the prosecution are not met by public

funds. In certain circumstances, the CPS can take over a private prosecution either to continue or discontinue the proceedings.

As well as the CPS, other bodies also bring prosecutions. The main organisations that do this are:

- HM Revenue and Customs;
- The TV Licensing Records Office;
- The Serious Fraud Office;
- The Department for Business, Enterprise and Regulatory Reform (formerly the DTI);
- The Driver and Vehicle Licensing Agency (DVLA);
- The Department of Work and Pensions;
- The Health and Safety Executive;
- Local Authorities;
- The National Society for the Prevention of Cruelty to Children;
- The Royal Society for the Prevention of Cruelty to Animals;

Remands

3. When adjourning a hearing, or committing a defendant to the Crown Court for trial or sentence, a magistrates' court may remand the defendant either in custody or on bail. There is a statutory right to bail, but this may be denied in specific circumstances: namely where the court has substantial grounds for believing that if a defendant were remanded on bail, he or she would fail to surrender to custody, commit an offence while on bail, interfere with witnesses, or otherwise obstruct the course of justice(5). The prosecution may, in certain circumstances, appeal to a Crown Court Judge against the decision by a magistrates' court to grant bail(6). The appeal must be made within 48 hours. Bail may also be denied for the protection of the defendant. Where the defendant appears before the court accused or convicted of an offence allegedly committed on bail, the court need not grant bail. If a person who is summonsed or released on bail fails to appear without good reason, they are said to have absconded and the court may issue a warrant for arrest. In addition to the general grounds for refusing bail, special conditions apply for young people under the age of 17 remanded in custody.
4. Those charged with, or convicted of, homicide or rape where the defendant has a previous conviction for any of those offences should only be granted bail if there are exceptional circumstances which justify it(7). A magistrates' court has the power to remand a defendant in custody for up to eight days in the first instance but thereafter may remand him/her for up to 28 days, provided that the defendant is present in court and has previously been remanded in custody for the same offence(8).
5. Young people under 17 who are charged and not released on bail will usually be remanded to local authority accommodation. Conditions such as a curfew can be imposed on the child and the authority. Also since June 1999, courts

have had the power under the Crime and Disorder Act 1998 to order a secure remand direct to local authority accommodation. This is available for females aged 12 to 16 and males aged 12 to 14 where the child is charged with or convicted of a violent or sexual offence, or an offence where an adult could be sentenced to 14 years or more imprisonment. It is also available for the same age groups if there is a recent history of absconding while remanded to local authority accommodation and if the young person is charged or convicted of an imprisonable offence committed while remanded. Additionally, the court must be of the opinion that only a remand to secure accommodation would be adequate to protect the public. In the case of boys aged 15 and 16, secure remands (ordered under the same conditions as above) will generally be to prison service accommodation. In exceptional cases where the boy is deemed vulnerable, the remand may be made to secure local authority accommodation (9).

Categories of offences

6. Criminal offences are split into three categories as follows:

i) Triable only on indictment

These offences are the most serious breaches of the criminal law and must be tried at the Crown Court. These 'indictable-only' offences include murder, manslaughter, rape and robbery.

ii) Triable-either-way

These offences may be tried either at the Crown Court or at a magistrates' court. These offences include criminal damage where the value is £5,000 or greater, theft and burglary.

iii) Summary

These offences are triable only by a magistrates' court. This group is dominated by motoring offences for some of which fixed penalties can be issued, but also includes such offences as common assault and criminal damage up to £5,000.

Proceedings at Magistrates' Courts

7. From 15 January 2001, committal proceedings for indictable-only offences were abolished and new provisions contained in Section 51, 52 and Schedule 3 of the Crime and Disorder Act 1998 were introduced to speed up the justice process. Defendants charged with an indictable-only offence and appearing before a magistrates' court for the first time on or after the date are sent immediately to the Crown Court. Magistrates will consider bail and other minor issues, but they do not consider whether there is a case to answer. Indictable-only charges that could, prior to 15 January 2001, be transferred under either the 1987 or 1991 Acts are sent to the Crown Court under the section 51 procedure (Schedule 8, Paragraphs 65 and 93 Crime and Disorder Act 1998).
8. In serious or complex fraud cases, and those involving child witnesses, there is provision for the prosecutor to lodge a notice with the magistrates' court, stating that the case should be immediately transferred to the Crown Court.

These cases then automatically transfer, and a judge is assigned to the case and hears any application to dismiss the charges.

9. For a triable-either-way offence, magistrates have to decide whether to try the case themselves (summary trial) or to commit the case for trial to the Crown Court (trial on indictment).
10. Even if the magistrates decide not to commit the case to Crown Court, the defendant may elect to be tried by jury.
11. Since October 1997, magistrates have been able to hear the defendant's plea before making a decision on where the case should be tried. This procedure is known as 'Plea Before Venue' (10). If the defendant indicates a guilty plea, the magistrates are required to convict the offender, and either pass sentence or commit the defendant to the Crown Court for sentence if the magistrates feel that the appropriate sentence is beyond their powers (magistrates can sentence up to six months in prison and fine up to £5,000). If the defendant indicates a not guilty plea, the magistrates must decide whether they consider the case is too serious to be dealt with summarily. Hence, under this new procedure, some defendants who would have been committed for trial to the Crown Court under the old system will be dealt with entirely by proceedings in magistrates' courts or be committed for sentence to the Crown Court thereby reducing the numbers committed for trial.
12. When the charge is for several offences, some of which are triable-either-way and others summarily, and the triable-either-way offences are transferred for trial, certain specific summary offences may also be included on the indictment, including driving while disqualified, common assault and taking a motor vehicle without authority. However, the Crown Court may only pass sentences that are within magistrates' powers for these offences.

Proceedings before magistrates

13. On summary trial the court will read the charge to the accused and ask whether they plead guilty or not guilty. If the accused pleads not guilty, the court will hear evidence and may convict the accused or dismiss the case. Over 90 per cent of defendants on summary trial plead guilty. In this case, the court will usually hear an outline of the case from the prosecution and then proceed to the sentencing stage. However, where the defendant pleads guilty and then says something which indicates a defence to the charge or says, for example, that the plea is entered 'to get the case over with', the guilty plea must be rejected. If the prosecutor appears but the accused fails to appear as requested then the court, on proof of service of summons, may proceed in their absence or adjourn the hearing or, in certain cases, issue a warrant for arrest. If the accused appears but the prosecutor does not, the court may dismiss the case or adjourn the trial. Where the offender is convicted, the court may proceed to sentence immediately or may adjourn if further information is required before sentencing. Defendants may be invited to plead guilty for certain summary (mostly motoring) offences by post and therefore avoid a court appearance.

Trial at the Crown Court

14. The usual route to the Crown Court is by committal from magistrates' courts. Two alternative routes exist:

- The first is by application to the High Court for leave to prefer a "voluntary bill of indictment" where no proceedings for committal have taken place, or where a magistrates' court has dismissed a charge.
- The second is by "notice of transfer" where a person can be sent direct to the Crown Court when certain conditions apply.

15. Crown Court trial for defendants pleading not guilty is before a judge and jury. A jury consists of 12 persons randomly selected from a list of all those persons aged 18 to 70 who registered as electors and are neither ineligible nor disqualified. These jurors take an oath:

"I swear by Almighty God that I will faithfully try the defendant and give a true verdict according to the evidence."

The duty of the jury is to listen to the evidence and to give their verdict as to whether the accused is guilty or not guilty. The accused and the prosecution have the right to challenge any juror if it is believed someone involved in the case knows them or if they appear unable to understand the proceedings. The verdict of the jury in criminal proceedings need not be unanimous but must be at least ten to two. If the verdict is guilty, the judge of the court pronounces sentence. The court may order a convicted offender to pay the whole or any part of the costs incurred by the prosecution. On acquittal, the court may order the payment of defence costs from the central funds.

Proceedings involving young persons

16. Young people aged between 10 and 17 inclusive are mainly dealt with in the youth courts by specially trained magistrates. The youth court was introduced from 1 October 1992 and replaced the juvenile court, established in 1908, which dealt with offenders only up to and including those aged 16(11). In youth courts, no person is allowed to be present unless authorised by the court, except for the members and officers of the court, parties to the case (normally including parents/guardians), their legal representatives, witnesses and bona fide representatives of the media. Proceedings may be reported in the press but the young person may not generally be identified.

17. A child or young person is generally tried in the youth court unless any of the below apply:

- he or she is charged with homicide (e.g. murder or manslaughter), when they must be sent to the Crown Court for trial;
- he or she is aged 10 and under 18 and is charged with a 'grave crime' (an offence for which an adult could be imprisoned for at least 14 years), indecent assault or dangerous driving. These cases may be sent to the Crown Court if magistrates decide that if convicted, the appropriate sentence would be more than they have the power to give;
- he or she is charged jointly with another person aged 18 or over, when both should be dealt with in the Crown Court.

Appendix 2 – Coverage and recording practice affecting the statistics

Police cautioning

1. The statistics include formal police cautions by, or on the instructions of, a senior police officer. They exclude informal warnings and other informal action, written warnings or cautions issued for motoring offences, and warnings or cautions given by non-police bodies, e.g. a department store in the case of shoplifting. Where a person has been cautioned for one or more indictable offences and, at the same time, for one or more summary non-motoring offences, the indictable offence with the highest maximum penalty has been given.
2. The scheme of reprimands and warnings under the Crime and Disorder Act 1998 was piloted for 18 months from 30 September 1998 in a few selected areas (see Appendix 1). The scheme replaced police cautions for juveniles from June 2000.
3. The new scheme of conditional cautions was introduced under the Criminal Justice Act 2003 for Adults aged over 18. The scheme was piloted in 6 police force areas starting December 2004. Conditional cautions are included within the overall cautions data in this volume.
4. Cautions data for Nottinghamshire have been revised. Due to an issue with the data collation process cautions for black people were omitted for the 2008 calendar year. These have now been recovered, which will increase the total number of cautions from the figures originally reported in Criminal Statistics 2008.

Court proceedings

5. The complexities of the criminal justice system and the constraints on resources in collating and processing data, necessarily limit the amount of information collected routinely and so only the final outcome of proceedings at magistrates' courts and the Crown Court (where applicable) is recorded. The statistics of court proceedings are based on data supplied by police forces or magistrates' courts. Although these include offences where there has been no police involvement, such as those prosecutions instigated by government departments and private organisations and individuals, the reporting of these types of offences is known to be incomplete. Moreover, it is thought that for some police force areas, the reporting of court proceedings, in particular those relating to motoring offences and to TV Licence evasion, may also be less than complete; the extent of under-reporting may vary from year to year and this could be responsible in part for the annual variations in the published statistics.
6. All magistrates' courts data for 2008 were received on magnetic tape, disk or via secure email. From November 2008 all magistrates' courts data were provided by the Libra case management system. As for Crown Court

data, from 1 July 1995 all data on trials and sentences were received directly from the Court Service's CREST computer system and this continues to be the source of Crown Court data. For trials completed after this date, information can be analysed by the final plea recorded at the completion of the trial.

7. Lancashire police in 1999, Norfolk police in 2000 and Humberside, Merseyside, Northumbria, Staffordshire and Surrey police in 2001 were not able to supply all the returns for summary proceedings within the required timescale. In addition there were two further problems which affected magistrates' courts data in 2000. Staffordshire police were only able to supply a nine per cent sample of data covering one full week in each quarter of 2000. This data has been used to estimate the total number of defendants for which magistrates' court proceedings were completed in that area. Hence all Staffordshire figures for 2000 are estimates and the England and Wales figures for 2000 have been constructed using those estimates. Also, for the first time, problems were encountered with the electronic submission of data directly from the courts. Shortfalls in summary motoring offences were discovered for Northamptonshire from June 2000 onwards. In 2001, a single month's shortfall or part thereof was found for indictable and summary motoring offences at Humberside, Merseyside, Staffordshire and Surrey police. In 2002, part shortfalls were noted for Merseyside over all offences groups for a five-month period, together with summary motoring and/or summary non-motoring for Gwent, Norfolk and Northamptonshire. The estimates in the table below reflect those shortfalls. In 2003 there were shortfalls for South Yorkshire and Thames Valley for summary non-motoring offences. For summary motoring offences the main shortfalls were for Suffolk and Northamptonshire. Estimates for these and for other minor shortfalls are reflected in the table. No significant shortfalls were identified in 2004, 2005, 2006 or 2007.
8. The following estimates have been constructed on the shortfalls in the number proceeded against in magistrates' courts for each year since 1999, arising from the circumstances described in the previous paragraph. For practical reasons it is not possible to include these estimates in the main tables of Chapter 5 and the numerous other tabulations of court proceedings data produced by the Ministry of Justice.

Criminal Statistics: England and Wales 2009

Table A2.1 - Defendants proceeded against at magistrates' courts by type of offence, adjusted for shortfalls in data, 1999 - 2009

| England and Wales | | Number (thousands) and percentages | | | | | | | | | | |
|--|---------|------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|--|
| Type of offence | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | |
| Estimated shortfall in data (thousands) | | | | | | | | | | | | |
| Indictable | 0.5 | 0.8 | 2.2 | 0.9 | 0.8 | - | - | - | - | - | - | |
| Summary non-motoring | 0.5 | 0.8 | 3.7 | 2.2 | 7.7 | - | - | - | - | - | - | |
| Summary motoring | 0.8 | 5.3 | 2.5 | 2.5 | 4.9 | - | - | - | - | - | - | |
| All offences | 1.8 | 6.9 | 8.4 | 5.6 | 13.4 | - | - | - | - | - | - | |
| Number proceeded against with allowance for shortfall (thousands) | | | | | | | | | | | | |
| Indictable | 513.2 | 492.6 | 503.1 | 518.0 | 510.0 | 453.3 | 423.4 | 406.2 | 404.9 | 397.5 | 415.3 | |
| Summary non-motoring | 560.5 | 626.7 | 575.7 | 624.2 | 641.8 | 665.3 | 637.0 | 612.0 | 599.3 | 593.3 | 618.8 | |
| Summary motoring | 809.8 | 792.2 | 767.3 | 788.3 | 862.5 | 904.0 | 834.7 | 761.1 | 728.4 | 649.2 | 659.2 | |
| All offences | 1,883.6 | 1,911.6 | 1,846.1 | 1,930.4 | 2,014.2 | 2,022.6 | 1,895.0 | 1,779.3 | 1,732.5 | 1,640.0 | 1,693.2 | |
| Change on a year earlier (percentages) | | | | | | | | | | | | |
| Indictable | 1 | -4 | 2 | 3 | -2 | -11 | -7 | -4 | 0 | -2 | 4 | |
| Summary non-motoring | -5 | 12 | -8 | 8 | 3 | 4 | -4 | -4 | -2 | -1 | 4 | |
| Summary motoring | -5 | -2 | -3 | 3 | 9 | 5 | -8 | -9 | -4 | -11 | 2 | |
| All offences | -4 | 1 | -3 | 5 | 4 | 0 | -6 | -6 | -3 | -5 | 3 | |

9. During 2008, data from Cardiff magistrates' court for April, July and August were corrupted during the transmission to the Ministry of Justice. Despite all efforts by the court staff and IT departments it has proved impossible to retrieve the information and has subsequently been excluded from this report.
10. Although some information on the use of remands⁽¹⁾ during proceedings is collected, the amount of detail recorded is limited and does not identify separately every individual offence, except where the data has been supplied directly from a court computer system. Moreover, it is known that in some police force areas, information on remand decisions is not always readily available to those coding court proceedings returns. In certain cases, the return may be mistakenly coded as if no remand had taken place. For magistrates' court proceedings, the number of remands and more importantly, the number which are in custody, are believed to be under-recorded in total. The extent of under-recording is not known, as only limited checks are available with independently collected data. However, it is clear that the breakdown of remands into bail and custody cases is not accurate for a number of forces, and estimates have to be made to provide national figures.
11. Following the introduction of the Libra case management system recording of remand decisions are more complete. Although the coverage of remands decisions have improved there are still coding issues surrounding the actual type of court remand, as the same code could be applied to more than one type of decision e.g. "remanded in custody" or "not remanded". Police remands were unaffected. For the 2008 and 2009 editions of Criminal Statistics estimates for magistrates' courts remand have been produced using additional data sources and assumptions detailed below:
 - Magistrates' courts data were matched with prisons remand receptions data. Where a matched case existed, it was accepted that the remand decision was "custody".
 - Where a match did not exist the following assumptions were made;

- For 2008 data provided from the Libra case management system, the remand decisions by the police and magistrates' were considered. If the police remand decision was "bail" and the code at magistrates' court was also "bail", the final remand decision shown will be "bail". Otherwise the remand decision will be "not remanded". For non Libra data, the previous years' methodologies were employed. Where the court remand decision at the first hearing or a subsequent hearing was "bail" and there was no "custody" decision at any hearing then the final remand decision is "bail". If at any court hearing the remand decision is "custody" then the final remand decision recorded is "custody". Otherwise the remand decision will be "not remanded".
- For 2009 all data were received from the Libra case management system. Where there was no match against the prison remand receptions data, those cases flagged as bail throughout the hearing were accepted as bail, otherwise recorded as "Not Remanded". The "Not Remanded" category includes those where the remand status is *not stated or not known*.

(1) See Appendix 1 for information on the remand process.

12. For the reason above the remand data published this year are marked as provisional.
13. Data on Crown Court remand decisions are taken directly from the Crown Court computer system. The accuracy of data about Crown Court remand decisions has improved as a result of data being returned directly from the Crown Court computer system.
14. Previously breaches of court orders that once breached become a criminal offence (e.g. breach of an anti-social behaviour order) were excluded from the count of court proceedings because of recording issues. For 2009 the recording process has been resolved, which has enabled the inclusion of breach offences data for the first time. Data for previous years have not been revised to follow this change.
15. The tables on court proceedings relate to proceedings completed in the year. Within Chapters 5 and 6 a defendant will appear more than once in the tables if proceedings were completed against that defendant on more than one occasion during the year. In the statistics, the term 'other defendants' is used to denote companies and other businesses, local authorities, public bodies, etc. Additionally, following the introduction of the Libra case management system, defendants at magistrates' courts can be recorded as sex "Not Stated". Detailed comparisons by gender of defendants are no longer possible.
16. The main breakdown in these tables is by offence, into indictable and summary (see Appendix 1). The former term includes both indictable only and triable either way offences. In chapters 5 and 6, a defendant is recorded only once for each set of court proceedings, against the principal offence involved.
17. Where proceedings involve more than one offence, the tables record the principal offence. The basis for the selection of the principal offence is as follows:

- a. where a defendant is found guilty of one offence and acquitted of another, the offence selected is the one for which he is found guilty;
 - b. where a defendant is found guilty of two or more offences, the offence selected is the one for which the heaviest sentence is imposed;
 - c. where the same disposal is imposed for two or more offences, the offence selected is the one for which the statutory maximum penalty is the most severe.
18. Changes in the maximum penalties and in whether offences with different maximum penalties are separately coded, may affect the selection of the principal offence at stage (c) above. Such changes are likely to be most apparent for proceedings in which no sentence is imposed, including committals by magistrates.
19. The offence shown in the tables on court proceedings as the one for which the court took its final decision, is not necessarily the same as the offence for which the defendant was initially prosecuted, for example the court may accept a plea of guilty on a lesser charge. Unless otherwise stated, the sentence shown is the most severe sentence or order given for the principal offence (i.e. the principal sentence); thus, secondary sentences given for the principal offence and sentences for non-principal offences are not counted in the tables, with the exception of those on compensation, confiscation and forfeiture where one of the first three disposals may be counted.
20. The basis of Chapters 2 to 4 is not concerned with offences recorded by the police for the following reasons:
- the police statistics cover only those offences which come under 'recorded crime' and not other types of offence;
 - the offence can be "cleared up" without any offender being dealt with, for example the person may be under the age of criminal responsibility or the police may decide to take no further action, or if proceeded against, without a conviction resulting;
 - an offender may be dealt with by the police or the courts in a later year than that in which the offence was recorded as "cleared up" by the police.
21. In order to reduce the number of returns supplied by police forces, the detailed offence descriptions within 'Drug offences' were revised with effect from 1 January 1993, so that both the class and type of drug can be identified.
22. A defendant appearing at the Crown Court on the same occasion both for trial and for sentence after summary conviction is counted twice in the tables.

Court proceedings for Motoring offences

23. A person appearing in court can be dealt with for more than one offence at the appearance. The tables within Chapter 8, covering motoring statistics court proceedings show the numbers of offences or alleged offences dealt

with and not the number of persons appearing in court. This method of counting differs from the principal offence basis and within Chapters 5 and 6 of this volume.

24. The following cases are not included in the table on disqualifications and endorsements:
- disqualifications ordered under Section 28(1) of the Road Traffic Offenders Act 1988 in respect of offences under Section 25 of the Theft Act 1968 (going equipped for stealing, etc) with reference to the theft or taking of a motor vehicle;
 - disqualifications ordered under Section 44 of the Powers of Criminal Courts Act 1973 which empowers the Crown Court to order an offender who used a vehicle in the commission of an offence to be disqualified from driving;
 - licences suspended pending their production to court (under the terms of Section 27(3) of the Road Traffic Offenders Act 1988); and
 - disqualifications ordered under Section 146(1) of the Powers of Criminal Courts (Sentencing) Act 2000 – the court by or before which a person is convicted of any offence committed after 31 December 1997 may, instead of or in addition to dealing with him in any other way, order him to be disqualified, for such a period as it thinks fit from holding or obtaining a driving licence.

Time intervals at magistrates' courts

25. The Time Intervals Survey collects information on the time taken between stages of proceedings for defendants in completed criminal cases in magistrates' courts. The survey is conducted quarterly in March, June, September and December. Information on indictable and triable either way cases were collected in one sample week of each quarter with information on summary offences additionally collected in the first and third quarters.

Penalty notices for disorder (PND)

26. The statistics cover all penalty notices for specified offences issued by police forces. They include data on all payments made within the 21 day payment period, but exclude those paid following "fine registration" within the courts and any subsequent payment.
27. Offences which attract a PND are as follows:
- Those attracting an £80 penalty:
- Wasting police time or giving a false report;
 - Using a public telecommunications system for sending false messages;
 - Knowingly giving a false alarm to a fire brigade;
 - Causing harassment, alarm or distress**;
 - Throwing fireworks in a thoroughfare;
 - Drunk & disorderly;

- Selling alcohol to person under 18;
- Selling alcohol to a person who is drunk;
- Supplying alcohol to a person under 18;
- Purchasing alcohol for person under 18 in licensed premises;
- Purchasing alcohol for person under 18 for consumption in a bar in licensed premises;
- Delivering alcohol to person under 18 or allowing such delivery;
- Destroying/damaging property (under £500)**;
- Theft (retail under £200)**;
- Breach of fireworks curfew;
- Possessing Category 4 firework;
- Possessing adult firework by person under 18;
- Possessing cannabis (from 26th January 2009)**.

Those attracting a £50 penalty;

- Trespassing on a railway;
- Throwing stones etc. at trains or other things on railways;
- Being drunk in a highway, other public place or licensed premises;
- Consuming alcohol in designated public place;
- Depositing and leaving litter;
- Consuming alcohol by person under 18 in licensed premises;
- Allowing consumption of alcohol by person under 18 in licensed premises;
- Purchase of alcohol by a person under 18.

** = Notifiable offence included within OBTJ figures

Some useful terms relating to PNDs are:

Issued - Penalty Notice Issued by a Police Officer, Police Community Support Officer or Accredited Person for an offence for which Penalty Notices are issued.

Paid in full within 21 days - Paid within the time limit set for PND notices to be paid.

Paid in full after 21 days - Paid after the time limit set out for the payment of PNDs of 21 days, but before fine registration (at 35 days).

Fine registered - If the PND remains unpaid after 35 days, a fine is registered at the court for one-and-a-half times the amount of the penalty notice issued.

Court hearing requested - Where someone issued with a penalty notice elects to have the case against him or her heard at court rather than accept the penalty notice.

Paid unconfirmed - This refers to uncleared cheques.

Ethnic Monitoring

28. Section 95 of the Criminal Justice Act 1991 requires the Secretary of State to publish such information as he considers expedient in order to enable those involved in the criminal justice system to become aware of the financial implications of their decisions, or to avoid improper discrimination on grounds of race, sex or any other improper grounds. The Home Office published a series of documents from 1992 onwards on the issue of race within the criminal justice system. The publication brings together both points relating to the Government's policy on race as well as statistical information.
29. The latest publication, 'Statistics on Race and the Criminal Justice System, 2008/09', presents data, broken down by ethnicity, on the Police and Criminal Evidence Act (PACE) stops and searches, victims and homicide, arrests and cautions, prosecutions and sentencing, the prison population, racist incidents, police complaints and employment by criminal justice agencies .

(<http://www.justice.gov.uk/publications/raceandcjs.htm>)

Data validation

30. The data received from the police and court systems that are used in this report go through a number of internal and external validation and consistency checks. Records are individually validated in an automated process that highlights inconsistencies. In particular, checks are made, where possible, to ensure that:
- the disposal given for an offence is applicable in law;
 - that hearings are consistent with the court they are heard in, for example indictable-only offences are heard in the Crown Court;
 - that disposals follow sentencing guidance given the age of the offender.
31. For especially serious offences including homicide and serious sexual offences, and for severe disposals including life imprisonment, records are flagged for manual confirmation to further reduce the possibility of error.
32. Where these validation checks fail courts data are corrected by referring to original court registers. For cautions and PND data, police are asked to confirm the information provided. However, the process of validating records can take up to six months to complete after the record has been received.
33. In 2009, approximately ten percent of courts records received contained at least one validation check failure that was flagged for confirmation or correction.

Concluding comments on data quality

34. Every effort is made to ensure that the figures presented in this publication are accurate and complete. However, it is important to note that these data have been extracted by the courts and police forces from a variety of administrative data systems and the detail supplied to Justice Statistics Analytical Services (JSAS) within the Ministry of Justice is therefore subject to the inaccuracies inherent in any large-scale recording system. Although some figures in this volume are shown to the last digit, the figures are not necessarily accurate to the last digit shown. It is important that users of the data take these limitations into account when using and interpreting the data presented in this volume and in the accompanying Supplementary Tables. Where the statistics shown are rounded, the components may not add exactly to the rounded total because they have been rounded independently.

Comparison of ‘Criminal Statistics’ and ‘Judicial and Court Statistics’

35. The Ministry of Justice publications “Criminal Statistics 2009” (CS) and “Judicial and Court Statistics 2009” (JCS) both contain data on the number of proceedings heard in the Crown Court. However, while both sets of figures are produced from the same core source (the CREST system used to administer Crown Court cases), they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation mechanics and the counting and validation rules used, and they reflect the different underlying drivers of the analyses being performed. By way of broad illustration, CS counts numbers of defendants and is focused on the final outcomes of criminal court proceedings, while JCS counts numbers of cases, or completed offences and is focused on flows through the court system. The number of proceedings at magistrates’ courts report in JCS exceeds those in CS, for the following reason:

- The criminal workload data, from magistrates’ courts, in JCS are the number of offences that were completed in the year. Every completed offence is counted unless there was more than one offence completing on the same day, in which case the most serious offence only is counted.
- During 2010/11 the Ministry of Justice is running a project to investigate the collation and counting rule differences between the two publications, with a view to aligning the two sets of figures in the future.

Appendix 3 – Statistics on the Criminal Justice System

Directory of related Internet sites

The following list of web sites contains information in the form of publications and/or statistics relating to the criminal justice system that may be of interest.

Ministry of Justice

<http://www.justice.gov.uk/publications/statistics.htm> - Gives details of Ministry of Justice Statistical and Research publications, including the criminal statistics annual report, most of which can be viewed on-line. For historic publications, see the links to 'earlier volumes in the series' on individual publication pages.

Prison and Probation

www.justice.gov.uk/publications/prisonandprobation.htm - Information on prison and offender management caseload statistics.

CJS Online

www.cjsonline.co.uk - Gives detailed information on all aspects of the CJS through news releases/updates, publications and projects being worked on. Also has a 'Link Library' with hyperlinks to many other listed agencies.

HM Prison Service

www.hmprisonservice.gov.uk/ - Gives information about news releases and updates, publications and links to UK government and parliamentary sites, international organisations and prison services around the world.

National Probation Service

www.probation.homeoffice.gov.uk/ - Provides information about the service, its work and effectiveness, guidance to practitioners together with news releases/updates/publications and UK criminal justice links.

HM Courts Service

www.hmcourts-service.gov.uk - Provides information on the delivery of justice and work of HM Courts Service.

The Crown Prosecution Service

www.cps.gov.uk - Gives information on the department and provides particulars in relation to legal guidance/victims and witnesses, in addition to details of publications.

Youth Justice Board

www.yjb.gov.uk/en-gb/ - Press releases, contacts, data on youth offending teams, latest legislation, statistics and other background information.

The Attorney General's Office

www.attorneygeneral.gov.uk - Provides information on the role of the department including news releases; updates; reports; reviews and links to other law officer's departments and organisations.

The Welsh Assembly Government

www.wales.gov.uk - Gives information on all aspects of the Welsh Assembly together with details of publications and statistics.

The Scottish Government

www.scotland.gov.uk - Gives information on all aspects of the Scottish Executive together with details of publications and statistics.

Criminal Justice System Northern Ireland

www.cjsni.gov.uk - Provides access to the main statutory agencies and organisations that make up the CJS together with details of publications.

UK National Statistics Publication Hub

www.statistics.gov.uk/ - This is the UK's home of official statistics, reflecting Britain's economy, population and society at national and local level. There are links to the Office for National Statistics and the UK Statistics Authority.

Sentencing Guidelines Council

www.sentencing-guidelines.gov.uk/news/newsletter - This newsletter called, "The Sentence", keeps you informed about the work of the Sentencing Guidelines Council and the Sentencing Advisory Panel and reports all the latest news on sentencing issues generally.

Appendix 4 – Criminal Statistics: England and Wales 2009, Supplementary tables listing

Detailed annual figures for 2009 are published separately in volumes of supplementary tables on the Ministry of Justice web site at:
<http://www.justice.gov.uk/publications/criminalannual.htm>

Their contents are listed below:

Volume 1 Proceedings in magistrates' courts

Defendants proceeded against at magistrates' courts by offence, sex, result, and by age group

| | |
|----------------|---|
| Table S1.1 (A) | Defendants proceeded against by offence, sex and result |
| Table S1.1 (B) | Persons aged 10 and under 12 proceeded against by offence, sex and result |
| Table S1.1 (C) | Persons aged 12 and under 15 proceeded against by offence, sex and result |
| Table S1.1 (D) | Persons aged 15 and under 18 proceeded against by offence, sex and result |
| Table S1.1 (E) | Persons aged 10 and under 18 proceeded against by offence, sex and result |
| Table S1.1 (F) | Persons aged 18 and under 21 proceeded against by offence, sex and result |
| Table S1.1 (G) | Persons aged 21 and over proceeded against by offence, sex and result |

Defendants 'otherwise dealt with' at magistrates' courts by offence group, sex, result, and by age group

| | |
|-------------------|--|
| Table S1.1 (a)(i) | Defendants 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (b)(i) | Persons aged 10 and under 12 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (c)(i) | Persons aged 12 and under 15 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (d)(i) | Persons aged 15 and under 18 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (e)(i) | Persons aged 10 and under 18 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (f)(i) | Persons aged 18 and under 21 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (g)(i) | Persons aged 21 and over 'otherwise dealt with' by offence group, sex and sentence |

Defendants proceeded against at magistrates' courts for other summary offences, by offence, sex, court decision, and by age group

| | |
|--------------------|--|
| Table S1.1 (a)(ii) | Defendants proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision |
| Table S1.1 (b)(ii) | Persons aged 10 and under 12 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision |
| Table S1.1 (c)(ii) | Persons aged 12 and under 15 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision |
| Table S1.1 (d)(ii) | Persons aged 15 and under 18 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision |
| Table S1.1 (e)(ii) | Persons aged 10 and under 18 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision |
| Table S1.1 (f)(ii) | Persons aged 18 and under 21 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision |
| Table S1.1 (g)(ii) | Persons aged 21 and over proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision |

Persons sentenced to immediate custody at magistrates' courts by sex, length of sentence and average sentence length

| | |
|-------------|---|
| Table S1.3 | Persons sentenced to unsuspended imprisonment by offence, sex, length of sentence and average sentence length |
| Table S1.4 | Persons sentenced to young offender institution by offence, sex, length of sentence and average sentence length |
| Table S1.5 | Persons sentenced to detention and training order by offence, sex, length of sentence and average sentence length |
| Table S1.5a | Persons sentenced to immediate custody by offence, sex, length of sentence and average sentence length |

Persons fined or ordered to pay compensation at magistrates' courts by sex, amount and type of offence

| | |
|----------------|---|
| Table S1.2 | Persons fined for all offence by amount of fine, sex and type of offence |
| Table S1.6 (A) | Offenders ordered to pay compensation by amount of compensation and type of offence |
| Table S1.6 (B) | Percentage of offenders in each age group ordered to pay compensation by amount of compensation and type of offence |

Appendix 5 – Offence classification numbers used for court proceedings

The classifications defined in this appendix are those used for 2009. Generally, attempting, conspiring, inciting, aiding, abetting, causing or permitting a crime is classified under the heading of the crime itself, though in certain cases it is shown separately.

This information is available in Excel format and can be downloaded from <http://www.justice.gov.uk/publications/criminalannual.htm>.

References

- (1) "A Guide to the Criminal Justice System in England and Wales", Becca Chapman and Stephen Niven (Home Office, October 2000). Copies of this publication are available, free, from RDS Communication and Development Unit, call 0870 000 1585.
- (2) S.50 Children and Young Persons Act, 1933 as amended by s.16 Children and Young Persons Act, 1963.
- (3) "Decision making in two English Police Forces", J.B. Morgan and D.W.B. Webb (Exeter, 1984).
- (4) S.23 Prosecution of Offences Act 1985.
- (5) Bail Act 1976.
- (6) Bail (Amendment) Act 1993.
- (7) Criminal Justice and Public Order Act 1994.
- (8) S.128A Magistrates' Courts Act 1980.
- (9) Secure remands are allowed for under section 23 of the Children and Young Persons Act 1969, but amended under the Crime and Disorder Act 1998.
- (10) Crime (Sentences) Act 1997.
- (11) S.70 Criminal Justice Act 1991.

Contact points for further information

Current and previous editions of this publication are available for download at <http://www.justice.gov.uk/publications/criminalannual.htm>

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Email: pressofficenewsdesk@justice.gsi.gov.uk

Other enquiries about these statistics should be directed to:

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London
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We welcome the views of users on the format, content and timing of reports. These views and other general enquiries about the statistical work of the Ministry of Justice can be emailed to: statistics.enquiries@justice.gsi.gov.uk

Other National Statistics publications, and general information about the official statistics system of the UK, are available from www.statistics.gov.uk

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