



Ministry of
JUSTICE

Local Variation in Sentencing in England and Wales

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5 December 2007

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Key findings

This study describes geographic variation in custodial sentencing in England and Wales for the period 2003 to 2006 and the possible reasons for it. An assessment of court data has shown that:

- Custody rates, average custodial sentence lengths (ACSL) and the use of life and Indeterminate sentences for Public Protection (IPPs) vary significantly across the 42 Criminal Justice Areas (CJAs) in England and Wales.
- Sentencing practice for individual CJAs tends to be relatively constant over the period 2003 to 2006, with the majority of variation in sentencing among areas attributable to a relatively small number of CJAs.
- The range in custody rates in magistrates' courts and ACSLs in the Crown Court narrowed between 2003 and 2006, suggesting that sentencing practice became more consistent across the CJAs over this period.

Analysis revealed that variation in sentencing practices across the CJAs was not well explained by variations between CJAs in the make-up of sentencing caseloads:

- A link between seriousness of offences being sentenced and sentencing practice in the Crown Courts existed, but this only offered a partial explanation for variation in sentencing between CJAs.
- Local differences in how magistrates' committed defendants to the Crown Court for trial and/or sentencing did not explain geographic variations in custody rates or ACSLs for magistrates' courts or Crown Court centres.
- Variation in sentencing amongst the CJAs was not well explained by local crime rates, although there was a weak relationship between recorded crime rates and magistrates' court custody rates for theft and handling stolen goods offences.
- No statistically significant relationships existed between changes over time of recorded crime and sentencing in magistrates' courts and Crown Court centres by CJA.

These results are consistent with published research on geographical variations in sentencing which concluded that:

- Differences among areas in sentencing practice could not be explained solely in terms of the characteristics of the cases or of the offenders coming before

the courts, and whilst these factors can contribute to sentencing variations, they did not fully account for them.

- Variations in sentencing practice may be the result of 'local justice' or the 'human factor', defined as the need to establish and maintain consistent policy in individual courts, which may have taken priority over maintaining consistency at a national level.
- The relationship between sentencers and other agencies of the Criminal Justice System (CJS), particularly the police and probation service, was identified as another factor which could influence sentencing practice.

Introduction

Sentencing disparities have long been a source of concern as consistency in sentencing is a fundamental principle of justice. Wherever possible each court should be consistent in its handling of different cases and, other things being equal, different courts should pursue similar sentencing approaches. This study describes geographic variation in custodial sentencing and the possible reasons for it.

In 2006, 411,000 people were sentenced for recorded crime offences¹ by courts in England and Wales². Of those sentenced in the Crown Court, 56% were sentenced to immediate custody (the custody rate), and for those sentenced to determinate custodial sentences the average custodial sentence length (ACSL) was 25 months³. By contrast, of those sentenced in magistrates' courts, 12% were sentenced to immediate custody and the ACSL was 3 months. Whilst highlighting the differences in sentencing between the Crown Court and magistrates' courts, these national figures hide geographical variations in custody rates and ACSLs across the 42 Criminal Justice Areas (CJAs)⁴ in England and Wales. This report examines these differences.

Variations across the CJAs can be attributed to one of two factors. On the one hand, sentencers in different CJAs may pursue the same approach to sentencing, but the offences and offenders that they have to sentence may differ systematically. On the other hand, the caseloads may be the same, but the sentencing approach different. In this case, there may be factors which explain the differences – for example, courts in high-crime areas may pass heavier sentences than those where crime is low. Alternatively, the explanation may be found in less systematic and more idiosyncratic differences between courts.

The report is divided into three parts:

1. **Local patterns in sentencing:** describes how custody rates and ACSLs have varied between CJAs for the period 2003 to 2006.

¹ Recorded crime statistics cover all indictable and triable either way offences together with a few closely related summary offences e.g. common assault. Full details of all the offences in the series are given in Appendix 2 of 'Crime in England and Wales 2006/07', Home Office Statistical Bulletin 11/07.

² All sentencing statistics quoted for 2006 are provisional.

³ See Annex 1 for definitions of the sentencing measures used.

⁴ See Sentencing Statistics series, latest published data for 2005.

2. **Assessing sources of sentencing variation:** explores why local differences may occur by comparing sentencing patterns with the seriousness of offences sentenced and local crime rate statistics.
3. **Influences on sentencing:** presents a review of work that has sought to account for local differences in sentencing. Some of this is statistical in nature and has examined similar factors to those considered in parts 1 and 2, but has also examined possible influences that are less susceptible to statistical analysis.

To allow comparison with police recorded crime data, custody rates and ACSLs considered for this analysis are for recorded crime offences only.

Details of the datasets used in the study and caveats associated with this analysis are listed in Annex 1. Further information on local variations in sentencing practice can be found in Chapter 5 of Sentencing Statistics England and Wales (2005) and in 'The Sentence' published by the Sentencing Guidelines Council.

Local patterns in sentencing

To assess local patterns in sentencing across England and Wales, custody rates and average custodial sentence lengths (ACSLs) for the 42 CJAs⁵ have been compared for all recorded crime offences sentenced in the courts for the period 2003 to 2006. The 42 CJAs coincide with police force areas with the exception of London where the Metropolitan and City of London police force areas are combined. Each CJA typically comprises a number of magistrates' courts and one or more Crown Court centres.

The sentencing measures described (custody rates and ACSLs) were influenced by a wide variety of factors including legislative changes at both a local and national level. For example, the introduction of Indeterminate Sentences for Public Protection (IPPs)⁶ in April 2005 resulted in a slight fall in ACSLs in the Crown Court (see below). This is because many offenders who would previously have been given long determinate sentences are now given IPPs which are not accounted for in the ACSL measure. To assess the impact of the introduction of IPPs, variations in the use of life and IPP sentences across the 42 CJAs for the Crown Court are reported.

A summary of sentencing variation by court type is presented below. These results demonstrate that:

- Variations in custody rates, ACSLs and the use of Life and IPP sentences across the 42 CJAs in England and Wales are large, particularly for custody rates in magistrates' courts and the use of Life and IPP sentences in the Crown Court (see Table 1).

⁵ Sentencing data have been grouped into the 42 CJAs based on the prosecuting authority that brought the proceedings to court originally. This is consistent with the approach used by the Ministry of Justice for reporting Sentencing Statistics (see Sentencing Statistics, 2005) but differs from that used by the Sentencing Guidelines Council (SGC) which group data based on the court where the sentence was issued (as in SGC 'The Sentence' publication). Whilst the two measures are broadly similar as the majority of offenders are sentenced in the CJA of the prosecuting authority, exceptions may occur in the Crown Court where some cases may be referred to Crown Court centres that fall outside the CJA in which the magistrates' court is based.

⁶ Indeterminate Sentences for Public Protection (IPPs) are a new sentence that detains offenders convicted of specified offences for an unspecified period where there is a significant risk to public safety through reoffending.

Table 1 Summary of the variation in sentencing between the 42 Criminal Justice Areas in England and Wales for 2006

Sentencing Measure		Magistrates' courts	Crown Court
Custody Rates	Average	11%	56%
	Range	6% to 16%	45% to 68%
Average Custodial Sentence Lengths (months)	Average	3.0	24.1
	Range	2.4 to 3.6	19.5 to 28.3
Life + IPP Custody Rates	Average	*	2.6%
	Range	*	1.3% to 4.3%

Note 1: All figures are for recorded crime offences and are taken from the Courts Proceedings Database.

Note 2: No figures are given for Life + IPP custody rates for the magistrates' courts as all such cases must be sentenced in the Crown Court.

- Sentencing practice for individual CJAs tends to be relatively constant over the period 2003 to 2006, with the majority of variation in sentencing between areas attributable to a relatively small number of CJAs.
- The range in custody rates in magistrates' courts and ACSLs in the Crown Court narrowed between 2003 and 2006, suggesting that sentencing practice has become more consistent across the CJAs over this period.

Geographical variation in sentencing for magistrates' courts

- For 2006, custody rates for the majority of CJAs were close to the average of 11%, with a total range from 5.9% to 15.7% (see Figure 1(a)). 21 of the 42 CJAs were within ± 1.7 percentage points of the average.
- Whilst average custody rates in magistrates' courts have been relatively stable through time (see Figure 1(b)), the range in custody rates has narrowed from 15.7 percentage points in 2003 to 9.8 percentage points in 2006.
- Of those CJAs with custody rates in the top five for 2006, three (Essex, Bedfordshire and London) were consistently in the top five for 2003, 2004 and 2005. Similarly for those CJAs with custody rates in the bottom five for 2006, two (Dyfed-Powys and Lincolnshire) were consistently in the bottom five for 2003, 2004 and 2005.
- For 2006, ACSLs for the majority of CJAs were close to the average of 3.0 months with a total range from 2.3 to 3.6 months (see Figure 1(c)). 21 of the 42 CJAs are within ± 0.2 months of the average.

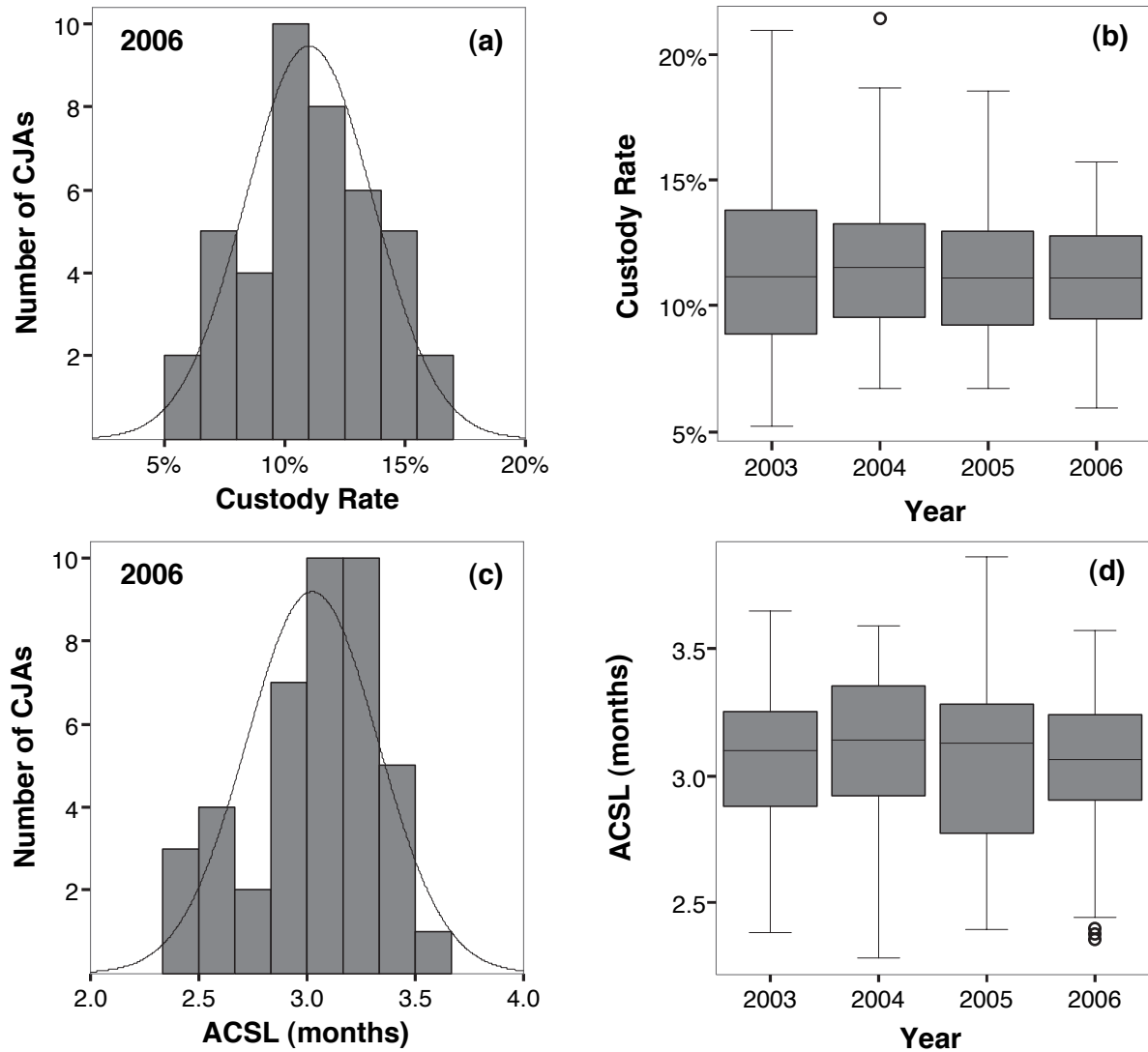


Figure 1 (a to d) Bar charts[#] (a and c) and box plots^{*} (b and d) illustrating the variation in magistrates' court custody rates (a and b) and average custodial sentence lengths (c and d) across the 42 Criminal Justice Areas in England and Wales.

[#]The bar charts on the left-hand side present 2006 data for recorded crime offences. Each bar illustrates how many CJAs fall into predefined intervals (e.g. in Figure 1(a) we see that 10 CJAs have custody rates that fall between 9.5% and 11%). Normal curves are superimposed on the bar charts, demonstrating that the datasets approximate to the normally distributed.

^{*}The box plots on the right-hand side present custody rates and ACSLs by year for recorded crime offences. The plots show how CJAs' sentencing patterns have varied through time. For each year the box contains the middle 50% of CJAs, with the top of the box representing the 75% percentile, the line in the middle of the box representing the median or mid point of all values, and the bottom of the box representing the 25% percentile. The 'whiskers', which extend from the top and bottom of the boxes, represent the total range for the 42 CJAs excluding suspected outliers and extreme outliers. Suspected outliers are defined as data points that are more than 1.5 times the inter-quartile range away from the median (shown as open circles), while extreme outliers are defined as data points that are 3 times the inter-quartile range away from the median (shown as stars).

- ACSLs have remained relatively stable between 2003 and 2006 (see Figure 1(d)), and the range in ACSLs for CJAs has fluctuated by between 1.2 and 1.5 months per year.
- Of those CJAs with ACSLs in the top five for 2006, two (Northumbria and Cumbria) were consistently in the top five for 2003, 2004 and 2005. Similarly for those CJAs with ACSLs in the bottom five for 2006, two (Devon & Cornwall and Essex) were consistently in the bottom five for 2003, 2004 and 2005.

Geographical variation in sentencing for the Crown Court

- For 2006, custody rates for the majority of CJAs were close to the average of 56%, with a total range from 45% to 68% (see Figure 2(a)). 21 of the 42 CJAs were within ± 3.2 percentage points of the average.
- Despite a small fall in custody rates between 2005 and 2006 that may be attributed to greater use by courts of Suspended Sentence Orders⁷, the range in custody rates has remained relatively stable since 2003, averaging 23.6 percentage points (see Figure 2(b)).
- Of those CJAs with custody rates in the top five for 2006, two (Northamptonshire and Bedfordshire) were consistently in the top five for 2003, 2004 and 2005. Similarly for those CJAs with custody rates in the bottom five for 2006, one (Northumbria) was consistently in the bottom five for 2003, 2004 and 2005.
- For 2006, ACSLs for the majority of CJAs were close to the average of 24 months with a total range in ACSLs from 19.5 to 28.3 months (see Figure 2(c)). 21 of the 42 CJAs were within ± 1.8 months of the average.
- Whilst ACSLs remained relatively stable between 2003 and 2006 (see Figure 2(d)), the range in ACSLs has narrowed from 15.2 months in 2003 to 8.8 months in 2006.
- Of those CJAs with ACSLs in the top five for 2006, two (Sussex and London) were consistently in the top five for 2003, 2004 and 2005. Similarly for those CJAs with ACSLs in the bottom five for 2006, one (South Wales) was consistently in the bottom five for 2003, 2004 and 2005.

⁷ Suspended Sentence Orders were introduced in April 2005 as part of the Criminal Justice Act 2003. They offer sentencers an option for suspending imprisonment for offenders whose offence is serious enough to attract a custodial sentence.

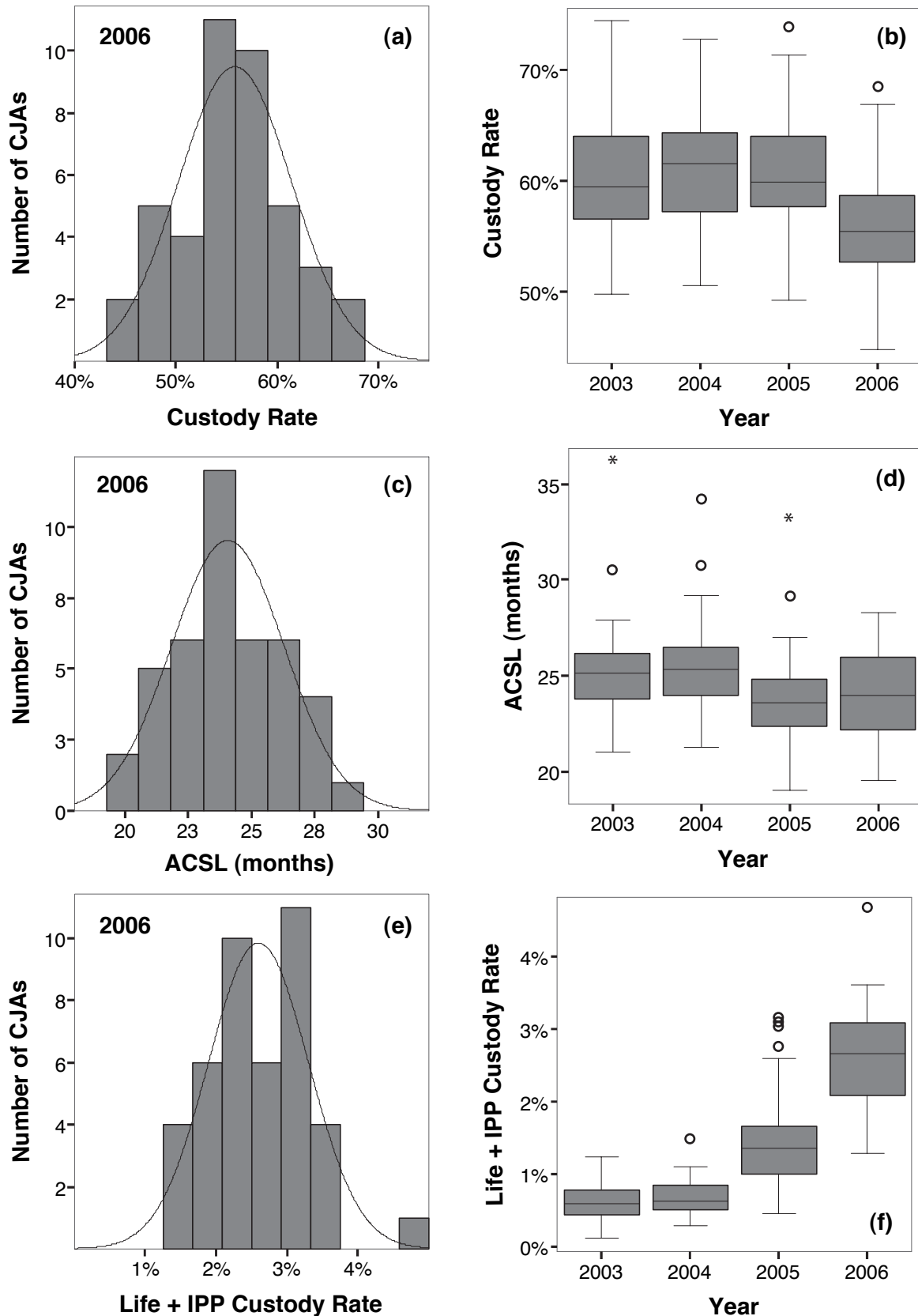


Figure 2 (a to f) Bar charts (a, c and e) and box plots (b, d and f) illustrating the variation in Crown Court custody rates (a and b), average custodial sentence lengths (c and d), and Life + IPP custody rates (e and f) across the 42 Criminal Justice Areas in England and Wales. See the caption to Figure 1 for guidance to interpreting these plots.

- For 2006, the majority of CJAs had a Life + IPP custody rate⁸ close to the average of 2.6% with a total range from 1.3% to 4.6% (see Figure 2(e)). 21 of the 42 CJAs were within ± 0.5 percentage points of the average.
- Over the last 4 years the Life + IPP custody rate has significantly increased from 0.6% in 2003 to 2.6% in 2006 (see Figure 2(f)). This pattern reflects the introduction of IPP sentences in April 2005 which sentencers are required to use instead of determinate custodial sentences for a number of offences where criminal history indicate a risk of further offending.
- Of those CJAs with Life + IPP custody rates in the top five for 2006, none were consistently in the top five for 2003, 2004 and 2005, although three did appear more than once (Northumbria, Warwickshire and Northamptonshire). Similarly for those CJAs with Life + IPP custody rates in the bottom five for 2006, none were consistently in the bottom five for 2003, 2004 and 2005, although three did appear more than once (Surrey, West Mercia and Sussex).
- One CJA (Northumbria) had an unusually high value, being 1 percentage point higher than any other CJA. This can be attributed to a proportionately greater use of IPP sentences in Northumbria.

Common geographical trends in sentencing

The local variability described above for custody rates, ACSLs and Life + IPP custody rates demonstrates that whilst the majority of CJAs issued sentences broadly in line with the national average, marked exceptions occurred in a small number of CJAs, which account for the majority of sentencing variation.

The largest geographical variability in sentencing was observed for:

- custody rates in magistrates' courts, and
- the use of Life + IPP in the Crown Court.

For both measures, the highest rates were over three times the lowest rates (see Table 1).

The analysis has also shown that these local patterns are consistent through time and, for the most part, individual CJAs show relatively small changes in custody rates, ACSLs and Life + IPP custody rates between 2003 and 2006, compared to the variations observed between CJAs. In two instances (custody rates in magistrates' courts, and ACSLs in the Crown Court), sentencing variation has

⁸ The Life + IPP custody rate refers to the total number of life and Indeterminate Sentences for Public Protection (IPP) given as a proportion of all sentences given in the Crown Court.

narrowed between 2003 and 2006. The cause of these reductions remains unknown; possible explanations include more consistent sentencing following guidance from the SGC, changes in legislation (e.g. the introduction of IPPs and SSOs as part of the CJA 2003), and changes in the number and/or type of cases committed from magistrates' courts to the Crown Court for trial and/or sentencing.

As custody rates, ACSLs and Life + IPP custody rates are partially dependent on each other (i.e. a sentencer, by choosing to use a certain type of custodial sentence, influences all three measures simultaneously through their decision), some relationships might be expected between how these measures vary geographically. However, a comparison between custody rates, ACSLs and/or Life + IPP custody rates by court type and between court types for 2006 has identified no statistically significant relationships between these factors by CJA. This demonstrates that any interactions between these sentencing measures are small relative to the variations in sentencing practice between CJAs.

Assessing sources of sentencing variation

Significant variations in custody rates, ACSLs and Life + IPP custody rates occur across the CJAs. Several factors may account for these differences, such as (1) the average seriousness of offences being sentenced; (2) the criminal histories of offenders being sentenced; (3) local practices for committing cases from magistrates' courts to the Crown Court for trial and/or sentencing; and (4) the amount of crime committed in an area and clear up rates for crime. Due to the lack of readily available data on criminal histories of offenders by CJA it was not possible to assess point (2). However, a number of hypotheses relating to these factors have been tested:

- Hypothesis 1:** The severity of sentencing within a CJA is related to the seriousness of crimes being sentenced by the courts
- Hypothesis 2:** Committal practices in CJAs influence sentencing in the courts
- Hypothesis 3:** Local crime rates and sentencing practice are related.
- Hypothesis 4:** Changing levels of crime and changes in sentencing by CJA are linked

Table 2 presents correlation coefficients relating to these hypotheses which will be discussed in detail under each of the following sections. Our analyses revealed that variation in sentencing practices across the CJAs was not well explained by the data on crime and seriousness of offences sentenced:

- A link between seriousness of offences being sentenced and sentencing practice in the Crown Court existed, but this only offered a partial explanation for variation in sentencing between CJAs;
- Committal practices did not significantly relate to sentencing with the exception of Life + IPP custody rates which showed a weak negative relationship with committal for trial rates;
- Despite a weak relationship between recorded crime rates and magistrates' court custody rates for theft and handling stolen goods offences, variation in sentencing between CJA was not well explained by local crime rates;
- No statistically significant relationships were found between temporal changes in recorded crime and sentencing in magistrates' courts and Crown Court centres by CJA.

Table 2 Pearson's correlation coefficients for how five factors (the seriousness score, committal for trial rates, committal for sentence rates, recorded crime rates and changes in recorded crime rates through time) relate to custody rates, average custodial sentence lengths (ACSLs) and Life + Indeterminate Sentences for Public Protection (IPPs) custody rates by court type for the 42 Criminal Justice Areas in England and Wales.

Factor	Period	<i>Magistrates' courts</i>		<i>Crown Court</i>		Life + IPP Custody Rate
		Custody Rate	ACSL	Custody Rate	ACSL	
Seriousness score	2003	0.247	0.372	0.370	0.447	0.177
	2004	0.183	0.454	0.591	0.390	-0.078
	2005	0.373	0.315	0.615	0.451	0.415
	2006	0.473	0.274	0.403	0.397	0.149
Committal for trial rates	2003	0.296	-0.055	-0.298	0.491	-0.268
	2004	0.426	0.003	-0.241	0.390	0.204
	2005	0.261	-0.001	-0.297	0.389	-0.449
	2006	0.290	-0.118	-0.123	-0.153	-0.435
Committal for sentence rates	2003	-0.053	0.075	-0.237	-0.035	-0.262
	2004	0.100	0.092	0.007	0.016	-0.112
	2005	0.133	-0.058	-0.098	-0.022	-0.166
	2006	0.192	0.014	-0.037	0.095	-0.110
Recorded crime rates	2003	0.425	0.174	-0.055	0.294	0.199
	2004	0.357	0.240	-0.027	0.346	0.282
	2005	0.421	0.218	-0.080	0.424	-0.055
	2006	0.474	0.276	0.049	0.369	0.214
Change in recorded crime rates through time	2003 to 2006	0.234	-0.009	0.024	0.063	-
	2004 to 2006	0.193	0.030	0.071	0.056	-
	2005 to 2006	-0.016	-0.016	0.015	0.015	-

Note 1: All figures quoted are based on recorded crime offences.

Note 2: Individual relationships significant at a 99% confidence level are highlighted in bold text. Only those cases where two or more of the periods under investigation yield significant correlation coefficients are deemed to be related. For example the relationship between the seriousness score and ACSLs is considered to represent a significant relationship in the Crown Court but not magistrates' courts. Cases where a significant relationship occurs have been highlighted by grey shading.

Note 3: The figures quoted for 'change in recorded crime rates through time' represent the comparison between net changes in crime rates, and net changes in the sentencing parameter under consideration in each case. Figures are not quoted for Life + IPP custody rates due to small numbers compromising the analysis.

Hypothesis 1: The severity of sentencing within a CJA is related to the seriousness of crimes being sentenced by the courts

Rationale

Courts that on average sentence offenders for a more serious mix of crimes will have higher than average custody rates and/or ACSLs.

Methodology

To assess how the mix of crimes being sentenced differs between CJAs a seriousness ranking derived from past sentencing practice has been applied to each of the 42 CJAs. This seriousness ranking groups offences into 10 categories ranging from Rank 1 (which includes Murder and represents the most serious offences) to Rank 10 (which includes relatively minor offences, e.g., minor motoring offences). The seriousness ranking has been converted into a 'seriousness score' based on all principal offences⁹ sentenced by court type (i.e. magistrates' courts and the Crown Court) for each CJA. These scores provide a measure of the average seriousness of cases being sentenced. Details of how the seriousness scores are calculated are presented in Annex 2.

Table 2 shows the correlation coefficients between the seriousness measure and custody rates, ACSLs and Life + IPP custody rates for the magistrates' and Crown Court. Relationships are considered to be statistically significant if the correlation coefficient (r) is above the 99% confidence threshold¹⁰ for two or more of the 4 years under investigation (see greyed cells).

Results

The key findings are:

- Seriousness of offences sentenced was positively correlated with custody rate in the Crown Court (with r values up to 0.615 for 2005).
- Weak positive correlations were observed between seriousness of offences sentenced and ACSLs in the Crown Court (with r values up to 0.451 for 2005).

⁹ Principal offence is the offence for which the heaviest penalty is imposed when a defendant has been found guilty of two or more offences. 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.

¹⁰ The 99% confidence threshold refers the level of confidence (99%) that a statistically significant correlation exists. By using a 99% confidence threshold as opposed to a 95% confidence threshold, very weak correlations were ignored. This approach was adopted to avoid over interpreting weak relationships that make very small contributions of the overall variation in sentencing between CJAs.

- No statistically significant relationships were observed between seriousness of offences sentenced and either custody rates or ACSLs in magistrates' courts.
- No statistically significant relationships were observed between seriousness of offences sentenced and Life + IPP custody rates in the Crown Court.

Conclusions

The results demonstrate a link between the seriousness of offences being sentenced and sentencing practice in the Crown Court. At maximum 38%¹¹ and 20% of the observed variation in custody rates and ACSLs respectively can be attributed to differences in the seriousness of offences being sentenced between CJAs. Whilst these relationships are notable they still leave the majority of variation in Crown Court sentencing unaccounted for. Furthermore, the lack of a clear relationship between seriousness and sentencing in magistrates' courts suggests that the mix of offences sentenced in magistrates' courts was not a significant factor in explaining sentencing variation across the CJAs. Thus, whilst local differences in the mix of offences being sentenced was part of the explanation for geographical variation in sentencing, it does not explain the totality of the variation observed.

Hypothesis 2: Committal practices in CJAs influence sentencing in the courts

Rationale

Areas that commit¹² a greater proportion of defendants from the magistrates' to the Crown Court for trial and/or sentencing may influence sentencing by changing the mix of offences being sentenced in the magistrates' and Crown Court.

Methodology

To assess whether committal practices are related to sentencing in the 42 CJAs, custody rates, ACSLs and Life + IPP custody rates for recorded crime offences have been compared to two measures: (1) committal for trial rates for offenders expressed as a proportion of all those proceeded against in magistrates' courts for

¹¹ The percentage of variation that can be accounted for by differences in the seriousness of offences sentenced in the courts is calculated from the square of the correlation coefficient.

¹² Magistrates can commit defendants to the Crown Court for trial or sentencing for triable either way offences, which are those offences that can be brought before a magistrates' court or the Crown Court. For triable either way offences the defendant also has the right to choose to be tried at the Crown Court. The committal for trial rate measure accounts for both committals decisions made by magistrates' and by defendants.

triable either way offences and (2) committal for sentence rates for offenders expressed as a proportion of those that were found guilty in the magistrates' court for indictable offences.

Table 2 shows the correlation coefficients between the committal measures and custody rates, ACSLs and Life + IPP custody rates for the magistrates' and Crown Court. Relationships are considered to be statistically significant if the correlation coefficient (r) is above the 99% confidence threshold for two or more of the 4 years under investigation (see greyed cells).

Results

The key findings are:

- No statistically significant relationships were found between committal for trial rates and custody rates or ACSLs in the magistrates' and Crown Court.
- A weak negative correlation was observed between committal for trial rates and Life + IPP custody rates in the Crown Court (with r values up to 0.449 for 2005).
- No statistically significant relationships were found between committal for sentence rates and custody rates, ACSLs or Life + IPP custody rates in the magistrates' and Crown Court.

Conclusions

For the most part, committal practices did not explain geographical variations in sentencing. The weak negative correlation observed between committal for trial rates and Life + IPP custody rates in the Crown Court is consistent with a dilution effect whereby higher committal for trial rates result in more relatively minor offences being heard and sentenced in the Crown Court – lowering the Life + IPP custody rate. These cases are unlikely to attract Life or IPP sentences as the majority of offenders who receive Life or IPP offences will have been sent directly to the Crown Court for trial.

Hypothesis 3: Local crime rates and sentencing are related

Rationale

The level of crime in an area will influence the volumes and potentially the mix of crimes and types of offenders sentenced in the courts (e.g. areas with relatively low crime rates may have spare resources to pursue less serious crimes, resulting in lower custody rates and/or ACSLs in the courts).

Methodology

Recorded crime data have been compared to custody rates, ACSLs and Life + IPP custody rates by court type to assess if any of the observed variation in sentencing between CJAs can be attributed to differences in recorded crime. To avoid the larger CJAs dominating the analysis (e.g., London which has close to 10 times more crime than the average CJA), crime rates per capita rather than absolute levels are considered. The relationships between recorded crime rates and sentencing for nine offence groupings (burglary, criminal damage, drug offences, fraud and forgery, robbery, sexual offences, theft and handling stolen goods, violence against the person, and other offences)¹³ have also been investigated individually to assess whether crime type plays a role.

Table 2 presents a series of correlation coefficients (r) that highlight whether statistically significant relationships exist between recorded crime per capita and sentencing practice in the magistrates' and Crown Court for each of the four years under investigation. Relationships are considered to be statistically significant if the correlation coefficient is above the 99% confidence threshold for two or more of the 4 years under investigation (see greyed cells). Results of the offence group analysis are presented in Table A1 in Annex 3.

Results

The key findings are:

- Recorded crime per capita was weakly positively correlated with custody rates in magistrates' courts (with r values up to 0.474 for 2006). Thus areas with high crime rates sentenced a greater proportion of offenders to custody in magistrates' court.
- Recorded crime per capita was not correlated with custody rates in the Crown Court.

¹³ The nine offence groupings correspond to those used for reporting recorded crime and sentencing statistics.

- Recorded crime per capita is not correlated to ACSL for either magistrates' courts or the Crown Court.
- Recorded crime per capita was not correlated to the Life + IPP custody rate for the Crown Court.
- By offence group, theft and handling stolen goods offences form a statistically significant correlation between recorded crime rates and magistrates' court custody rates (with r values of up to 0.494 in 2005). Theft and handling stolen goods offences accounted for 36% of all recorded crime and attracted the third highest custody rate by offence groups in magistrates' courts in 2006 (after burglary and robbery). Thus it is reasonable to conclude that theft and handling stolen goods offences largely governed the observed correlation between all recorded crime per capita and custody rates in the magistrates' courts.
- No statistically significant relationships were found between recorded crime rates and sentencing practice for any other offence groupings.

Conclusions

For the most part, local variation in sentencing could not be explained by differences in local crime rates. The exception to this is magistrates' courts custody rates where a weak but statistically significant correlation exists between custody rates and recorded crime rates for theft and handling stolen goods offences. The cause of this relationship remains unknown. One untested explanation is that CJAs with high crime rates for theft offences also have high reoffending rates for theft offences, which tips sentencing from community orders to custody.

At maximum recorded crime rates accounted for only 25% of the observed local variation in magistrates' court custody rates. Thus crime rates were not a key factor in explaining local variation in sentencing.

Hypothesis 4: Changing levels of crime and changes in sentencing by CJA are linked

Rationale

Whilst only a weak relationship exists between recorded crime rates and custody rates in the magistrates' courts, it is possible that changes in crime rates and sentencing are synchronised (i.e. sentencing behaviour changes in response to changes in crime rates).

Methodology

The net change¹⁴ in recorded crime rates, custody rates and ACSLs by court type was calculated over three time periods (Q1 2003 to Q4 2006, Q1 2004 to Q4 2006 and Q1 2005 to Q4 2006¹⁵) for the 42 CJAs. These differences were compared to determine if changes in recorded crime rates and changes in sentencing practice are related.

Table 2 shows the correlation coefficients between changes in recorded crime rates and the changes in custody rates, ACSLs and Life + IPP custody rates for the three time periods under investigation. Relationships are considered statistically significant if the correlation coefficient (r) is above the 99% confidence threshold on two or more occasions.

Results

The key findings are:

- No systematic relationships existed between changes in recorded crime rates and changes in custody rates or ACSLs over the past four years in either magistrates' courts or the Crown Court.
- Repeating the analysis for individual offences groups also found no systematic relationships between changes in recorded crime and changes in sentencing over the past four years.

¹⁴ Net changes have been calculated by fitting a linear regression line to quarterly time series data for each measure and taking the difference between the value of the trend line at the start and end of the period under investigation. This approach was used to smooth short-term variations in the time series data that could otherwise mask the net changes through time.

¹⁵ Three time periods were used in the study to assess any potential bias in recorded crime rates associated with changes in recorded practices in April 2002 following the introduction of the National Crime Recording Standard.

Conclusions

The lack of any statistically significant relationships between changes in recorded crime and sentencing in the magistrates' and Crown Courts suggests that the two are not linked. Furthermore, these results suggest that the 10% reduction in recorded crime between 2003 and 2006 had no systematic impact on sentencing practice in the courts.

Influences on sentencing

The analysis presented above examined variation in sentencing across the 42 CJAs. It focused on (1) local patterns in sentencing, by describing how custody rates and ACSLs have varied across the CJAs from 2003 to 2006, and (2) sources of sentencing variation to explore why local differences occurred, by comparing sentencing patterns with the seriousness of offences sentenced and local crime rate statistics.

The analysis found large variation in custody rates, ACSLs and the use of Life and IPP sentences. Sentencing practice for individual CJAs tended to be relatively constant and the majority of variation in sentencing was attributable to a relatively small number of CJAs. The range in custody rates in magistrates' courts and ACSLs in the Crown Court has narrowed, suggesting sentencing practice has become more consistent.

However, although the analysis found a link between seriousness of offences being sentenced and sentencing practice in the Crown Courts, this only partially explained variation in sentencing. Furthermore, variation in sentencing was not well explained by local crime rates, and no statistically significant relationship existed between changes in recorded crime and sentencing in the magistrates' and Crown Courts by CJA. The statistical analysis undertaken reflects the findings from a number of studies¹⁶, described below, which have explored variation in sentencing. These studies have employed a mix of quantitative and qualitative methods. Those using the latter have tended to provide explanations for the observed variation in sentencing which are additional to those arising from the statistical analyses.

The studies reviewed considered a range of possible influences on sentencing. The findings concluded:

- Previous research has also found variation in sentencing which could not be explained solely in terms of the characteristics of the cases or of the offenders coming before the courts. Although these factors can contribute to sentencing variations, they did not fully account for them.
- Variations in sentencing practice may be the result of 'local justice' (Herbert 2004) or the 'human factor' (Tarling 1979), reflecting the desire to establish and

¹⁶ Studies conducted in other jurisdictions were not included in this review as their relevance to decisions taken in courts in England and Wales is limited.

maintain consistent policy in individual courts, which may have taken priority over maintaining consistency at a national level.

- The relationship between sentencers and other CJS agencies (particularly the police and probation service), who inform the sentencing process, was identified as another factor that could influence sentencing practice.

Characteristics of the offence and the offender

Tarling (2006) concluded from a robust statistical analysis of variation in sentencing practice in 25 magistrates' courts¹⁷, that differences between areas in sentencing practice could not be explained solely in terms of the characteristics of the cases or of the offenders coming before the courts. Although these factors can contribute to sentencing variations, they did not fully account for them. This finding was consistent with his own and others' earlier research, despite the changes in the sentencing landscape (Green, 1961; Hood, 1962; Patchett and McClean, 1965; Tarling, 1979).

A study of variations in the committal of triable either way cases to the Crown Court, using case analysis and qualitative interviews (Herbert, 2004), confirmed that there were no major differences between courts in the gender or age of the defendants; nor were there differences in the number of charges faced by individual defendants. This evidence suggested that these factors did not underlie differences in committal practice. In addition, differences in the gravity of offences and different charging practices only partly provided an explanation for the variation in committal rates¹⁸.

This study focused on three magistrates' courts and, although the strategy for sampling cases within courts was sound, the small number of courts makes it difficult to generalise the findings to other courts in England and Wales. The data assessed included 580 committal decisions, observation of 340 'plea before venue' procedures, analysis of 1,168 entries in court registers detailing either way decisions and 38 semi-structured interviews with court participants.

Another study assessing triable either way cases found that considerable variation in sentencing at both magistrates' courts and the Crown Court could not be fully explained by factors related to variations in either offenders or offences

¹⁷ This work was an update of earlier work carried out in 1979 in 30 magistrates' courts (Tarling, 1979). Due to court reorganisation it was not possible to collect comparable data from all 30 courts in the follow-up study.

¹⁸ Earlier research by Riley and Vennard (1988) also suggested that the way in which magistrates exercised their discretion in the committal of either way cases had an important bearing on differences between areas in committal rates, although the study was not able to provide evidence of the factors which affected this discretion.

(Hedderman and Moxon, 1992). This study assessed over 400 triable either way cases drawn from seven magistrates' courts and 500 drawn from five Crown Court centres. Although the methods and analyses used in the study were generally sound, a larger sample size would have provided a more robust evidence base. The small number of courts sampled and the changes that have occurred in the judicial process since this research was conducted make it difficult to generalise from these findings to current practice in England and Wales.

A large-scale study by Flood-Page and Mackie (1998) suggested that large disparities in sentencing between courts, which were apparent from routine statistics, indicated that different factors carried different weight in sentencing decisions and this could result in a lack of consistency. The study found that variables such as the type and number of offences, plea, whether offenders were subject to court orders when they committed offences, mental illness of the offender and whether there was premeditation could explain variation in custody rates to some extent.

The Flood-Page and Mackie study used a mix of quantitative and qualitative methods to examine 3,000 cases in 25 magistrates' courts and 2,000 cases in 18 Crown Court centres. In addition, 126 magistrates were interviewed (at 12 of the 25 courts). Statistical analyses were conducted to identify the factors which influenced the type of sentences given. Magistrates were also asked for their views on the different sentencing options available. This study was well designed, using both quantitative and qualitative techniques, with robust sample sizes for both the research approaches.

Flood-Page and Mackie (1998) found that, although the basic associations between case factors and sentences showed that these factors did exert a certain amount of influence, as might be expected, attempts to predict sentences on the basis of case factors were not particularly successful. In particular, a model which sought to predict which community penalty would be imposed, having regard to case factors, achieved a low success rate, suggesting wide differences in the way that sentences are used.

A recent unpublished qualitative study conducted by Research Development and Statistics in the National Offender Management Service (RDS NOMS, 2006), in conjunction with the Sentencing Guidelines Council (SGC), to explore factors that influence the size of the prison population, found that there was a perception amongst sentencers interviewed that offenders coming before the courts had committed more serious offences than in the past, and this was reflected in the custodial terms given¹⁹. The research was conducted in 11 Criminal Justice Areas. However, there was little evidence that these perceptions varied by area and it is

¹⁹ Similar perceptions were also noted by Hough, Jacobsen and Millie (2003) in a study of sentencers' use of imprisonment.

not therefore possible to conclude that this is an explanatory factor in geographical differences in sentencing practice.

Local Justice

Tarling (1979) interviewed court clerks in 28 of the 30 magistrates' courts included in the study. He found that they considered maintaining consistency in sentencing practice at their court to be important but this did not extend to maintaining consistency with their neighbouring courts. Clerks believed that court decisions should be determined by the particular characteristics of the offender and of the district the court served. Local conditions and patterns of crime were viewed as peculiar to that locality and their belief was that sentencing policy should be adapted accordingly. These assumptions were informed by a variety of rationales: to act as a constraint on the initiative of individual magistrates; to uphold a feeling for court tradition (for example, favouring custody for certain types of offence); to act as a deterrent; and to respond to a perceived local problems such as the increase in prevalence of an offence. While it was not possible directly to test the findings on courts' sentencing practice, the analysis indicated that each court's sentencing patterns over the five years analysed had been very consistent, variation had been small and the evidence suggested that each court had its own sentencing tradition in its use of disposals from year to year. Unfortunately, this aspect of the study was not repeated in Tarling's 2006 update. However, he observed that the continued disparity in sentencing practice between courts suggests that such traditions may well continue to exist.

The inference that there were cultural differences amongst benches accepting or declining jurisdiction in contested cases was supported by findings in Herbert's small-scale study of committals (Herbert, 2004). Interviews suggested that each of the sampled courts had identified an established pattern of decision making and individual decisions generally conformed to expectations of these within the court making them. These decisions, however, were different from those that would have been anticipated in other courts. He argued that each decision enhanced that court's reputation for making that type of decision, thus perpetuating the culture. Further evidence of the concept of individual court cultures was provided by interviews with magistrates, who suggested that most viewed the responsibility to meet the needs of the local community as overriding the needs of national consistency. In his discussion of these findings, Herbert (2004) referred to this concept as 'local justice'. He suggested that the rationale of local justice, central to the philosophy of magistrates and the culture of individual courts, had an effect on the working practices of all participants.

Hedderman and Moxon (1992) found that, despite national guidance, large differences in committal rates between areas remained at that time. They found that the proportion of either way cases in which magistrates declined jurisdiction

ranged from 5% to 18%, suggesting that there was a strong local culture, which could influence the way in which national guidance was interpreted.

The qualitative RDS NOMS (2006) '11 areas work' suggested that there was a perception among interviewed sentencers that, in the light of locally prevalent offences of public concern, there was felt to be a need in some areas - but not all - to 'send a message' to the local community to deter future offending.

CJS Agencies

Tarling's statistical analysis identified crime rate, use of police cautioning and availability of resources to the courts (for example, in terms of probation reports) as further explanations of sentencing discrepancies. However, these factors did not fully account for the variations (Tarling 1979).

The '11 areas work' also suggested that sentencers' understandings about the availability of programmes for offenders in their area may affect their propensity to use community sentences. There was a perception among sentencers in some of the 11 areas that not all options were available for community orders, either because there were very long waiting lists or a lack of some programmes (RDS NOMS, 2006)

Conclusions

The conclusion that can be drawn from this limited study is that factors such as offence seriousness and the characteristics of offenders provide only part of the explanation for variation in sentencing practice. A common explanation offered is that some kind of local 'court culture' is at work which perpetuates differences between areas in sentencing outcomes for comparable cases. There may be other factors causing disparities between areas in sentencing practice but these have not have been measured in the studies examined.

The existence of local 'court cultures' has to be seen in the light of changes over time in the sentencing landscape and social environment in which the courts operate. Much of the work described above was conducted before the setting up of the SGC. Their guidelines on specific aspects of sentencing are increasingly adding to the material available to the courts on the exercise of sentencing discretion. Magistrates' Court Sentencing Guidelines and Court of Appeal guideline judgments have been in existence for longer and these change in response to circumstances (such as new legislation). However, as Tarling's (2006) recent study has noted, sentencing disparities continue to exist between areas. If 'court culture' is an important factor in sentencing disparities, this needs to be defined in contemporary terms and research undertaken into how this arises, how it is maintained in the light of changes in the framework in which courts operate and what the practical consequences are in terms of sentencing outcomes. Any such

research in this area would need to consider how local 'court cultures' had an impact on the way in which guidelines issued from the centre are received and interpreted.

The issue of consistency across courts is itself something which may merit further examination in order to arrive at a clear understanding of what our expectations of consistency are and of the extent to which guidelines are designed to achieve this nationally. In particular, it is relevant to ask to what extent it is acceptable for sentencing decisions to vary due to the flexibility within the guidelines and at what level departures from guidelines may be seen as reaching an unacceptable level.

Acknowledgements

We would like to express our thanks to all the people who assisted in the production of this report.

We would particularly like to thank Ruth Allan, Charlotte Allen, Catherine Allison, Geraldine Brown, Paul Cowell, Jack Cunliffe, Pat Dowdeswell, Jessica Harris, Graham Wilkins and Katherine Williamson together with our colleagues in the Research and Statistics Directorate (RDS NOMS) for their advice, support and encouragement.

Professor Brian Francis and colleagues at the Centre for Applied Statistics at Lancaster University are thanked for their work in developing the seriousness ranking for offences.

Chris Kershaw, Paul Taylor and Paul Robb are thanked for their input on the recorded crime statistics and Mike Morgan Rowe is thanked for providing committal for trial data.

We would also like to thank to our peer reviewers for their guidance:

Professor Andrew Ashworth, University of Oxford.

Professor Mike Hough, Director, Institute for Criminal Policy Research, King's College London.

Professor Roger Tarling, Department of Sociology, University of Surrey.

References

Crime in England and Wales 2006/07 (2007) Home Office Statistical Bulletin 11/07.

Flood-Page C. and Mackie A. (1998) *Sentencing Practice; an Examination of Decisions in Magistrates' Courts and the Crown Court in the Mid-1990s*. Home Office Research Study No. 180 London: Home Office.

Green E. (1965) *Judicial Attitudes in Sentencing*. London: Macmillan.

Herbert A. (2004) *Mode of Trial and the Influence of Local Justice*. Howard Journal of Criminal Justice, vol. 43 No. 1.

Hood R. (1962) *Sentencing in Magistrates Courts*. London: Stevens.

Moxon D. and Hedderman, C (1992) *Magistrates' court or Crown Court? Mode of trial decisions and sentencing differences between courts*. Home Office Research Study No.125, London: Home Office.

Patchett K.W. and McClean J. D. (1965) *Decision making in Juvenile cases*. Criminal Law Review, December pp. 699-710.

Research Development and Statistics Directorate (RDS), National Offender Management Service (NOMS), in conjunction with the Sentencing Guidelines Council (SGC) *The 11 Areas Report* (2006 Unpublished).

The Sentence (2007) Sentencing Guidelines Council Publication, Issue 6

Sentencing Statistics 2005 England and Wales (2007) Home Office Statistical Bulletin 03/07.

Tarling R (1979) *Sentencing Practice in Magistrates' Courts*. Home Office Research Study No. 56, London: HMSO.

Tarling R. (2006) *Sentencing Practice in Magistrates' Courts Revisited*. Howard Journal of Criminal Justice, vol.45 No. 1.

Annex 1: Data sources and definitions of sentencing measures

Sentencing measures

Three measures of sentencing have been used throughout the report and are defined as follows:

- **Custody Rate** – This is a measure of all persons sentenced to immediate custody as a proportion of all persons sentenced. It excludes offenders sentenced to non-custodial sentences and Suspended Sentence Orders, but includes all determinate custodial sentences, life sentences and Indeterminate Sentences for Public Protection (IPPs).
- **Average Custodial Sentence Length** – This is the average custodial sentence length given to all persons sentenced to determinate custodial sentences. It excludes life and IPP sentences as these sentences only have a tariff imposed.
- **Life + IPP Custody Rate** – This is the proportion of all persons sentenced in the Crown Court who are sentenced to a life or IPP sentence.

Data sources for sentencing statistics

The source of sentencing data for this publication is the Courts Proceedings Database, which covers details of every individual sentenced in England and Wales. Data referring to magistrates' courts comes either directly from the magistrates' courts computer systems or from police forces. Data on the Crown Court comes from the Court Service's CREST computer system.

All sentencing statistics relate to the principal offence. This is the one attracting the heaviest sentence. To assess the variation in sentencing between the 42 CJAs in England and Wales, data have been grouped based on the prosecuting authority that brought the proceedings to court originally. This is consistent with the approach used by the Ministry of Justice for reporting Sentencing Statistics (see Sentencing Statistics, 2005) but differs from that used by the Sentencing Guidelines Council (SGC) which group data based on the court where the sentence was issued (as in SGC 'The Sentence' publication). Whilst the two measures are broadly similar as the majority of offenders are sentenced in the CJA of the prosecuting authority, exceptions may occur in the Crown Court where some cases may be referred to Crown Court centres that fall outside the CJA in which

the magistrates' court is based. Such discrepancies are unlikely to have resulted in any significant bias to the data.

Although care is taken in processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system.

Recorded crime data

Police recorded crime is those crimes which are recorded by the police and are notified to the Home Office. Recorded crime statistics cover all indictable and triable either way offences together with a few closely related summary offences e.g. common assault. Full details of all the offences in the series are given in Appendix 2 of 'Crime in England and Wales 2006/07', Home Office Statistical Bulletin 11/07. Recorded crime statistics are considered to provide a good measure of trends in well-reported crimes and can be used for local crime pattern analysis.

A number of features associated with how recorded crime statistics are gathered need consideration when interpreting these data including:

- Recorded crime data do not include crimes that have not been reported to the police or incidents that the police decide not to record. Furthermore, more proactive policing in a given area could lead to an increase in crimes recorded without any real change in the underlying crime trends
- Police recorded crime statistics, like any administrative data are affected by the rules governing the recording of data and operational decisions in respect to the allocation of resources

With respect to recording practices, The National Crime Recording Standard was introduced in all police force areas in April 2002 to ensure better consistency of crime recording. In 2006 the Audit Commission published an assessment of crime recording which found that there has been significant improvements in crime recording in the three years up to 2005 and that most police forces now have the right approach to crime recording (for further details see 'Crime in England and Wales 2006/07, Home Office Statistical Bulletin 11/07).

Annex 2: Methodology on seriousness scores

The seriousness ranking, upon which the seriousness scores used in the study are based, was developed through a joint exploratory analysis carried out by RDS NOMS and Lancaster University in consultation with the Sentencing Guidelines Council (SGC) and legal experts.

Methodology

The seriousness ranking has been developed using data from the Home Office (now Ministry of Justice) Police National Computer (HOPNC). It is based on severity of sentencing for the full range of disposals given for offences sentenced in all courts from January 2000 to December 2004. This large sample increases the confidence held in each offence's ranking, especially so for those with a high frequency in the sample.

The seriousness ranking has been derived using Correspondence Analysis (CA) whereby each offence has been assigned a CA scores based on the types of sentencing disposals given by the courts. This CA score was subsequently transformed to give a ranking from 1 (most serious) to 10 (least serious). Following consultation with representatives from the SGC and legal experts the ranking was refined to cover 227 of the most common offences (see Table 2.1). This ranking has been used to calculate a 'seriousness score' for each CJA based on the offences sentenced for magistrates' courts and the Crown Court separately.

It should be noted that the 10 rankings do not represent a scale (i.e. an offence assigned level 4 is not 'half' as severe as one rated level 8). Furthermore, no moral judgements have been made on the seriousness of offences (i.e. seriousness scores are derived from the disposals given to offences and not how serious the offences may be in the eyes of the public).

Caveats

- The 227 offences included in this analysis cover over 95% of the offences lodged on the HOPNC since the beginning of 2000. However, changes to the CJS have meant that new offence codes have been introduced. These may not have been included in the analysis due to their low frequencies in the sample used for this analysis, e.g., offences defined under the 2003 Sexual Offences Act. Some of the most pertinent have been added manually via the consultation exercise with the SGC and legal advisors.
- In all cases, and for all scores, there are margins of error. Not all offences are always given the same disposal and each offence has a range that results from these differing disposals.
- Due to its complexity this is not the measure of seriousness/severity that will be used to measure seriousness of re-offending under the new PSA on re-offending.

Table 2.1: Seriousness groups of offences

Offence Code	Offence description	Type	Seriousness Group
1.01	Common Law Murder of persons aged 1 year or over.	Violence against the person	1st
1.02	Common Law Murder of infants under 1 year of age.	Violence against the person	1st
4.01	'Common Law.' & 'Offences against the Person Act 1861' S.5; 9; 10. Manslaughter.	Violence against the person	2nd
4.04	Road Traffic Act 1988 Sec.1 (1). As amended by the Road Traffic Act 1991 S.1 & CJA 1993 S.67 Causing death by dangerous driving.	Violence against the person	2nd
5.01	Offences against the Person Act 1861. Sec.18. Wounding with intent to do grievous bodily harm.	Violence against the person	2nd
8.13	Firearms Act 1968 Sec.17 (2) (Group1). Possessing firearm or imitation firearm at time of committing or being arrested for an offence specified in schedule 1 of the Act.	Violence against the person	2nd
8.16	Firearms Act 1968 Sec. 18 (1) (Group 1). Possessing firearm or imitation firearm with intent to commit an indictable offence or resist arrest.	Violence against the person	2nd

17.11	Sexual Offences Act 1956 Sec.15. Indecent assault on male person under 16 years.	Sexual	2nd
17.13	Assault on a male by penetration - Sexual Offences Act 2003 S.2	Sexual	2nd
17.14	Assault of a male child under 13 by penetration - Sexual Offences Act 2003 S.6	Sexual	2nd
17.15	Sexual assault on a male - Sexual Offences Act 2003 S.3	Sexual	2nd
17.16	Sexual assault of a male child under 13 - Sexual Offences Act 2003 S.7	Sexual	2nd
19.07	Rape of a female aged under 16 - Sexual Offences Act 2003 S.1	Sexual	2nd
19.08	Rape of a female aged 16 or over - Sexual Offences Act 2003 S.1	Sexual	2nd
19.09	Rape of a male aged under 16 - Sexual Offences Act 2003 S.1	Sexual	2nd
19.1	Rape of a male aged 16 or over - Sexual Offences Act 2003 S.1	Sexual	2nd
19.16	Rape of a female child under 13 by a male - Sexual Offences Act 2003 S.5	Sexual	2nd
19.17	Rape of a male child under 13 by a male - Sexual Offences Act 2003 S.5	Sexual	2nd
20.01	Sexual Offences Act 1956 Sec.14 as amended by Indecency with Children Act 1960 Sec.2 Indecent assault on females under 16 years of age.	Sexual	2nd
20.02	Sexual Offences Act 1956 Sec.14 Indecent assault on females aged 16 Years or over.	Sexual	2nd
20.03	Assault on a female by penetration - Sexual Offences Act 2003 S.2	Sexual	2nd
22	Sexual Offences Act 1956 Sec.6 Unlawful sexual intercourse with girl under 16.	Sexual	2nd
34.01	Theft Act 1968 Sec.8 Robbery.	Robbery	2nd

34.02	Theft Act 1968 Sec.8 Assault with intent to rob.	Robbery	2nd
35	Theft Act 1968 Sec.21 Blackmail	Other non motoring indictable	2nd
36.01	Common Law. Kidnapping.	Other non motoring indictable	2nd
36.03	Common Law False imprisonment	Other non motoring indictable	2nd
56.01	Criminal Damage Act 1971 Sec.1 (2) & (3) Arson endangering life.	Criminal damage	2nd
74.01	Indecency with Children Act 1960 Sec.1 Gross indecency with children (with boys).	Sexual	2nd
74.02	Indecency with Children Act 1960 Sec.1 Gross indecency with children (with girls).	Sexual	2nd
92.01	Customs and excise management act 1979 SEC 50[2;3;5]-170(1)(2)(4)- [CLASS UNSPECIFIED]UNLAWFUL IMPORTATION OF CONTROLLED DRUG UNDER MISUSE OF DRUGS ACT 1971	Drug	2nd
92.03	Customs and excise management act 1979 S.50[2;3;5] 170[1;2;3] UNLAWFUL IMPORTATION OF A CLASS A DRUG	Drug	2nd
92.3	Supplying, offering to supply or being concerned in class A controlled drug Cocaine. Misuse of Drugs Act 1971 sec 4 (3).	Drug	2nd
92.31	Supplying, offering to supply or being concerned in class A controlled drug Heroin. Misuse of Drugs Act 1971 sec 4 (3).	Drug	2nd
92.33	Supplying, offering to supply or being concerned in class A controlled drug MDMA. Misuse of Drugs Act 1971 sec 4 (3).	Drug	2nd
92.34	Supplying or offering to supply a controlled drug Class A' Crack'	Drug	2nd
92.39	Supplying, offering to supply or being concerned in other class A controlled drug. Misuse of Drugs Act 1971 sec 4 (3).	Drug	2nd
92.7	Possession with intent to supply class A controlled drug	Drug	2nd

	Cocaine. Misuse of Drugs Act 1971 Sec 5 (3)		
92.71	Possession with intent to supply class A controlled drug Heroin. Misuse of Drugs Act 1971 Sec 5 (3).	Drug	2nd
92.73	Possession with intent to supply class A controlled drug MDMA Misuse of Drugs Act 1971 Sec 5 (3).	Drug	2nd
92.74	Having possession of a controlled drug with intent to supply. Class A ' Crack'	Drug	2nd
92.79	Possession with intent to supply other class A controlled drug. Misuse of Drugs Act 1971 Sec 5 (3).	Drug	2nd
8.01	Offences against the Person Act 1861 Sec. 20 Malicious wounding - Wounding or inflicting grievous bodily harm.	Violence against the person	3rd
3.01	Offences against the Person Act 1861 sec. (16 as amended). Making threats to kill.	Violence against the person	3rd
8.23	Possession of a firearm or imitation firearm with intent to cause fear of violence (Group 1) Firearms (Amendment) Act 1994 S.16A	Violence against the person	3rd
11.03	Children and Young Persons Act 1933 Sec.1 Cruelty or neglect of children.	Violence against the person	3rd
19.11	Attempted rape of a female aged under 16 - Sexual Offences Act 2003 S.1	Sexual	3rd
19.12	Attempted rape of a female aged 16 or over - Sexual Offences Act 2003 S.1	Sexual	3rd
19.13	Attempted rape of a male aged under 16 - Sexual Offences Act 2003 S.1	Sexual	3rd
19.14	Attempted rape of a male aged 16 or over - Sexual Offences Act 2003 S.1	Sexual	3rd
19.18	Attempted rape of a female child under 13 by a male - Sexual Offences Act 2003 S.5	Sexual	3rd
19.19	Attempted rape of a male child under 13 by a male - Sexual Offences Act 2003 S.5	Sexual	3rd
29	Theft Act 1968 Sec.10 Aggravated burglary in a dwelling	Burglary	3rd

	(including attempts)		
78.01	Immigration Act 1971 Sec. 25 (1) Knowingly facilitates (or assists) the entry of an illegal entrant. (IM marker)	Other non motoring indictable	3rd
81.17	Firearms Act 1968 Sec. 5 (1) (Group 1). Possessing or distributing prohibited weapons or ammunition.	Other non motoring indictable	3rd
92.4	Supplying, offering to supply or being concerned in class B controlled drug. Amphetamine. Misuse of Drugs Act 1971 Sec 4 (3).	Drug	3rd
92.41	Supplying, offering to supply or being concerned in class B controlled drug. Cannabis. Misuse of Drugs Act 1971 Sec 4 (3).	Drug	3rd
92.8	Possession with intent to supply class B drug Amphetamine. Misuse of Drugs Act 1971 Sec 5 (3).	Drug	3rd
92.81	Possession with intent to supply class B controlled drug Cannabis. Misuse of Drugs Act 1971 Sec 5 (3).	Drug	3rd
8.06	Offences against the Person Act 1861 Sec.47 (in part) Assaults occasioning actual bodily harm (malicious wounding)	Violence against the person	4th
8.3	Putting people in fear of violence. Protection from Harassment Act 1997 Sec.4	Violence against the person	4th
8.31	Breach of a restraining order Protection from Harassment Act 1997 Sec.5	Violence against the person	4th
8.32	Crime & Disorder Act 1998 S.1 (10) Breach of Anti Social Behaviour Order.	Violence against the person	4th
8.35	Crime & Disorder Act 1998 S.29 (1) (c) & (30) Racially aggravated common assault.	Violence against the person	4th
28.03	Theft Act 1968 Sec.9 Other burglary in a dwelling.	Burglary	4th
30.02	Theft Act 1968 Sec.9 Other burglary in a building other than a dwelling.	Burglary	4th
37.01	Theft Act 1968 S.12A as added by the Aggravated Vehicle Taking Act 1992 S.1 - Aggravated taking where owing to the driving of the vehicle an accident occurs causing the death	Violence against the person	4th

	of any person		
52.01	False accounting. Theft Act 1968 S.17; Protection of Depositors Act 1963 S.1	Fraud and forgery	4th
53.01	Theft Act 1968 Sec.15 Obtaining property by deception.	Fraud and forgery	4th
53.02	Theft Act 1968 Sec.16 (1) (2) (b) & (c) Obtaining pecuniary advantage by deception (except railway frauds)	Fraud and forgery	4th
53.04	Conspiracy to defraud. Common Law and Criminal Justice Act 1987 S.12	Fraud and forgery	4th
53.16	Theft Act 1968 Sec.20 (2) Dishonestly procuring execution of a document.	Fraud and forgery	4th
53.23	Theft Act 1978 Sec.1 Obtaining services by deception (except railway frauds)	Fraud and forgery	4th
53.24	Evasion of liability by deception (except railway frauds)	Fraud and forgery	4th
53.25	Theft Act 1978 Sec.3 Making off without payment.	Fraud and forgery	4th
53.31	THEFT ACT 1968 S.15A AS ADDED BY THEFT (AMENDMENT) ACT 1996 S.1 - OBTAINING A MONEY TRANSFER BY DECEPTION	Fraud and forgery	4th
53.33	Dishonest representation for obtaining benefit etc Social Security Administration Act 1992 S.111A as added by Social Security Administration Fraud Act 1997 S.13	Fraud and forgery	4th
61.23	Forgery and Counterfeiting Act 1981 Sec.5. Possess false instrument or materials to make false instrument.	Fraud and forgery	4th
65	Public Order Act 1986 Sec.2 Violent Disorder.	Other non motoring indictable	4th
78.04	IMMIGRATION ACT 1971 SEC. 24A as added by Immigration & Asylum Act 1999 Sec.23 Non-British citizen, by means inc. deception obtains or seeks to leave to enter or remain in the UK or, postponement, avoidance or revocation of enforcement action against him.	Other non motoring indictable	4th
79.01	Attempting to pervert the course of Justice.	Other non motoring indictable	4th

79.02	Intimidating a juror or witness or person assisting in the investigation of offences.	Other non motoring indictable	4th
80	Common Law Absconding from lawful custody (Breaking prison and Escape from lawful custody)	Other non motoring indictable	4th
81.03	Firearms Act 1968 Sec.1 (1) (Group 1) Possessing etc. firearms or ammunition without firearms certificate.	Other non motoring indictable	4th
86.02	Protection of Children Act 1978 Sec.1 Take, permit to be taken, distribute or publish indecent photographs of Children	Other non motoring indictable	4th
86.1	Possession of indecent photograph of a child	Other non motoring indictable	4th
99.23	Customs and Excise Management Act 1979 Sec. 50 (2) (3) 68 (2) 170 (1) (2) Fraudulent evasion of duty etc. other than drugs.	Other non motoring indictable	4th
195.6	Crime & Disorder Act 1998 S.77(3) Breach of requirements of supervision pt of Det. & Trng. Order	Summary non motoring	4th
195.79	Crime & Disorder Act 1998 S.105 (1) (4) Failure to comply with licence conds. release on lic. following ret. to prison.	Summary non motoring	4th
8.11	Prevention of Crime Act 1953 Sec.1 Possession of offensive weapons without lawful authority or reasonable excuse.	Violence against the person	5th
8.2	Offences against the Person Act 1861 Sec.38 Assault with intent to resist apprehension or assault on person assisting a constable.	Violence against the person	5th
8.26	Having an article with a blade or point in a public place Criminal Justice Act 1988 S.139 (1) as amended by Offensive Weapons Act 1996 S.3 (1)	Violence against the person	5th
8.36	Public Order Act 1986 S.4A Racially aggravated intentional harassment, alarm or distress (as amended by C & D Act 1998 S.31(1)(b)&(4))	Violence against the person	5th
33	Theft Act 1968 Sec.25 Going equipped for stealing etc.	Other non motoring indictable	5th
37.02	Theft Act 1968 S.12 A - aggravated taking where: A) the vehicle was driven dangerously on a road or other public place. Or B) owing to the driving of the vehicle an accident occurred causing injury to any person or damage to any	Theft and handling	5th

	property other than the vehicle.		
39	Theft Act 1968 Sec.1 Stealing from the person of another.	Theft and handling	5th
41	Theft Act 1968 Sec.1 Stealing by an employee.	Theft and handling	5th
42	Post Office Act 1953 Sec.53 Unlawfully taking away or opening mail bag.	Theft and handling	5th
48.01	Theft Act 1968 Sec.1 Theft of motor vehicle.	Theft and handling	5th
54.01	Theft Act 1968 Sec.22 Receiving stolen goods.	Theft and handling	5th
54.02	Theft Act 1968 Sec.22 Undertaking or assisting in the retention, removal, disposal or realisation of stolen goods or arranging to do so.	Theft and handling	5th
55.01	Offences in relation to bankruptcy and Insolvency. Deeds of Arrangement Act 1914 S.17; Insolvency Act 1986 (TEW offences).	Fraud and forgery	5th
56.02	Criminal Damage Act 1971 Sec.1 (1) & (3) Arson not endangering life.	Criminal damage	5th
60.21	Forgery and Counterfeiting Act 1981 Secs.1, 2 Forgery etc. of prescription in respect of scheduled drug.	Fraud and forgery	5th
60.22	Forgery and Counterfeiting Act 1981 Secs.3, 4. Using a false instrument etc. in respect of scheduled drug.	Fraud and forgery	5th
61.21	Forgery and Counterfeiting Act 1981 Other forgery or copying false instruments.	Fraud and forgery	5th
61.22	Forgery and Counterfeiting Act 1981 Secs.3, 4. Using a false instrument or a copy of a false instrument.	Fraud and forgery	5th
61.25	Forgery and Counterfeiting Act 1981 Section 15. Pass etc. counterfeit coin or note as genuine.	Fraud and forgery	5th
61.26	Forgery and Counterfeiting Act 1981 Section16. Possess counterfeit coin or note.	Fraud and forgery	5th
66.01	Public Order Act 1986 Sec.3 Affray.	Other non motoring indictable	5th
130.01	Theft Act 1968 S.12 (1) as amended by Criminal Justice Act	Summary non motoring	5th

	1988 S.37 Unauthorised taking of a motor vehicle		
131.01	Theft Act 1968 S.12A as added by the Aggravated Vehicle Taking Act 1992 S.2 - Aggravated taking where the only aggravating factor is criminal damage of £5000 or under.	Summary non motoring	5th
802	Road Traffic Act 1988 Sec.2 As amended by the Road Traffic Act 1991. Dangerous Driving.	Indictable motoring	5th
40	Theft Act 1968 Sec.1 Stealing in a dwelling other than from automatic machines and meters.	Theft and handling	6th
45.1	Theft Act 1968 Sec.1 Stealing from motor vehicles.	Theft and handling	6th
47	Theft Act 1968 Sec.1 Stealing from automatic machines and meters.	Theft and handling	6th
49.1	Theft Act 1968 Sec.1 Stealing not classified elsewhere.	Theft and handling	6th
58	Other criminal damage -Criminal Damage Act 1971 S.1[1]. Explosive Substances Act 1883 S.2 & 3[in pt.]; Ancient Monuments & Archaeological Areas Act 1979, Sec. 28(1) Malicious Damage Act 1861 S.35;36;47;48. Electric Lighting Act 1882 s.22. Post Office Ac	Criminal damage	6th
58.01	Racially aggravated other criminal damage (£5,000+) - Criminal Damage Act 1971 S.1[1] as amended by C & D Act 1998 S.30	Criminal damage	6th
59.11	Criminal Damage Act 1971 Sec.2 Threat to commit criminal damage.	Criminal damage	6th
59.13	Criminal Damage Act 1971 Sec.3 Possession with intent to commit criminal damage.	Criminal damage	6th
66.09	Public Order Act 1986 S.4 Racially aggravated fear or provocation of violence (as amended by C & D Act 1998)	Other non motoring indictable	6th
66.22	Public Nuisance - Common Law	Other non motoring indictable	6th
81.04	Firearms Act 1968 Sec.2 (1) (Group 2) as amended by C J A 1988 Sec. 44. Possessing etc. shotgun without certificate.	Other non motoring indictable	6th
81.7	Possessing or distributing prohibited weapons designed for discharge of noxious liquid etc - Firearms Act 1968 S.5(1)(b)	Other non motoring indictable	6th

	(Group 1) as amended by Criminal Justice Act 2003 S.288		
84.01	Trade Descriptions Act 1968 Sec.1 False trade descriptions.	Other non motoring indictable	6th
84.08	Unauthorised use of Trade Mark. Trade Marks Act 1994. SS.92&94	Other non motoring indictable	6th
86.05	Persons video recording of unclassified work for the purpose of supply. Video recording act 1984 Sec.9 as amended by C J & P O 1994 S. 88 (3)	Other non motoring indictable	6th
99.99	Other Indictable Offences not specified above.	Other non motoring indictable	6th
104.23	Police Act 1996 S.89[1] Assault on a constable	Summary non motoring	6th
126	Criminal Attempts Act 1981. Section 1. Attempts to commit offences are punishable as, and should be classified as the substantive offence except where a separate classification is proved. Criminal Attempts Act 1981 Sec9. Interference with a motor vehicle.	Summary non motoring	6th
130.02	Theft Act 1968 S.12 (1) as amended by CJA 1988 S.37. Unauthorised taking of conveyance other than motor vehicles or pedal cycle	Summary non motoring	6th
139	Vagrancy Act 1824 Sec.4. Indecent exposure with intent to insult any female. Exposing the person in any street & or in view there of, ordinary place or public resort with intent to insult any female.	Summary non motoring	6th
195.55	Crime & Disorder Act Sch.5 p 3 (1) (2) Failure to comply with Reparation Order.	Summary non motoring	6th
195.56	Crime & Disorder Act 1998 Sch.5 p 3 (1) (2) Failure to comply with Action Plan Order	Summary non motoring	6th
195.99	This sub - classification should include all summary offences not specified elsewhere.	Summary non motoring	6th
807.01	Road Traffic Act 1988 Sec.103 (1) (b) Driving whilst disqualified.	Summary motoring	6th
5.11	Road Traffic Act 1988.S.22A as added to by the Road Traffic Act 1991 Sec 6 Causing danger by causing anything to be	Violence against the person	7th

	on a road, interfering with a vehicle or traffic equipment.		
43	Theft Act 1968 Sec.13 Abstracting electricity.	Theft and handling	7th
44	Theft Act 1968 Sec.1 Stealing pedal cycles.	Theft and handling	7th
46	Theft Act 1968 Sec.1 Stealing from shops and stalls (shoplifting)	Theft and handling	7th
73.03	Failure to notify police of name or names	Sexual	7th
73.04	Failure to notify police of home address	Sexual	7th
83.01	Bail Act 1976 Sec.6. Failing to surrender to bail.	Other non motoring indictable	7th
92.21	Production or being concerned in the production of a controlled class B drug Cannabis. Misuse of Drugs Act 1971 Sec. 4 (2). Misuse of Drugs Act Sec 6 (2) and Cultivation of Cannabis Plant	Drug	7th
92.5	Possession of Class A controlled drug Cocaine. Misuse of Drugs Act 1971 Sec 5 (2).	Drug	7th
92.51	Possession of Class A controlled drug Heroin. Misuse of Drugs Act 1971 Sec 5 (2).	Drug	7th
92.53	Possession of controlled class A drug MDMA Misuse of Drugs Act 1971 Sec 5 (2).	Drug	7th
92.54	Having Possession of a controlled drug. Class A ' Crack'	Drug	7th
92.55	Misuse of Drugs Act 1971 - Sec 5 (2) Having Possession of a controlled Class A Drug - Methadone	Drug	7th
92.59	Possession of other class A controlled drug. Misuse of Drugs Act 1971 Sec 5 (2).	Drug	7th
92.6	Possession of controlled class B drug Amphetamine. Misuse of Drugs Act 1971 Sec 5 (2).	Drug	7th
92.61	Possession of controlled class B drug Cannabis Misuse of Drugs Act 1971 Sec 5 (2).	Drug	7th
92.65	Possession of controlled class B drug Misuse of Drugs Act 1971 Sec 5 (2).	Drug	7th

93.21	Permitting premises to be used for unlawful purposes. Class B drug Cannabis Misuse of Drugs Act 1971 Sec 8.	Drug	7th
93.3	Obstructing exercise of powers of search concealing etc. Misuse of Drugs Act 1971 Sec 23 (4).	Drug	7th
104.33	Police Act 1964 Sec.51 (3) Resisting or obstructing constable in execution of duty.	Summary non motoring	7th
105.01	Criminal Justice Act 1988 Sec.39. Common assault and battery.	Summary non motoring	7th
105.03	Police Act 1964 Sec.51 (1) Assault a person assisting a constable Sec.51 (3) Assaulting Resisting or obstructing a person assisting a constable.	Summary non motoring	7th
108.02	Protection of Animals Act 1911 (as amended) Cruelty to Animals (excl. offences under S .1 when in respect of an animal at a designated establishment).	Summary non motoring	7th
125.09	Causing intentional harassment, alarm o or distress. Public Order Act 1986 Part 1 Sec. 4 A as added by C J & P O 1994 S. 154	Summary non motoring	7th
125.11	Public Order Act 1986 Sec.4 Fear or provocation of violence.	Summary non motoring	7th
137.18	Theft Act 1968 Sec.12 (5) or Bylaw. Take or ride a pedal cycle without consent etc.	Summary non motoring	7th
151.14	Social Security Act 1986 Failure to maintain, false representations, Breach of Regulations etc.	Summary non motoring	7th
185.01	Vagrancy Act 1824 Sec.4 Being on enclosed premises for an unlawful purpose.	Summary non motoring	7th
195.51	Telecommunications Act 1984 Sec. 43 Improper use of public Telecommunication system. Sec. 46 - Assaults etc. on persons engaged in the business of public telecommunications operator. Sec. 2 - Offences against the Telecommunications Code.	Summary non motoring	7th
195.63	Criminal Law Act 1977 Sec.6. Violence for securing entry.	Summary non motoring	7th
195.67	Failure of young offender to comply with supervision requirements. (S.65 C J A 1991)	Summary non motoring	7th

195.94	Offence of harassment Protection from Harassment Act 1997 Sec.2.	Summary non motoring	7th
803.02	Road Traffic Act 1988 Sec.5 (1) (a) Driving or attempting to drive a mechanically propelled vehicle while having a breath, blood or urine alcohol concentration in excess of the prescribed limit.	Summary motoring	7th
803.1	Driving or attempting to drive a motor vehicle whilst unfit through drink or drugs (impairment) - drugs. Road Traffic Act 1988 S.4(1)	Summary motoring	7th
8.21	Dangerous Dogs Act 1991 Section 3 (1). Owner or person in charge allowing dog to be dangerously out of control in a public place injuring any person.	Violence against the person	8th
92.26	Production of or being concerned in the production of a controlled drug:- Cannabis and cannabis resin. Misuse of Drugs Act 1971 S.4(2)	Drug	8th
92.66	Having possession of a controlled drug:- Cannabis and cannabis resin. Misuse of Drugs Act 1971 S.5(2)	Drug	8th
92.68	Possession of class C controlled drug. Misuse of Drugs Act 1971 Sec 5 (2).	Drug	8th
92.69	Possession of unspecified controlled drug. Misuse of Drugs Act 1971 Sec 5 (2).	Drug	8th
111.18	Dangerous Dogs Act 1991 Section 3 (1) Owner or person in charge allowing dog to be dangerously out of control in a public place, no injury being caused.	Summary non motoring	8th
115.28	Firearms Act 1968 Sec. 19 (Group 3). Carrying loaded firearm in public place etc.	Summary non motoring	8th
125.12	Public Order Act 1986 Sec.5 Harassment, alarm or distress.	Summary non motoring	8th
125.58	Public Order Act 1986 S.5 racially aggravated harassment, alarm or distress (as amended by C&D act 1998 S.31(1)(c)&(4))	Summary non motoring	8th
151.11	Social Security Administration Act 1992 offences against regulations.	Summary non motoring	8th
162.03	Town Police Clauses Act 1847 Sec.28 Other offences	Summary non motoring	8th

	(against Police regulations).		
164.12	Town Police Clauses Act 1847 Sec.28 Wilfully and indecently exposing the person.	Summary non motoring	8th
195.53	Criminal Law Act 1967 Sec.5 (2). Causing wasteful employment of the police etc. Criminal Law Act 19 7 Section 1.	Summary non motoring	8th
803.03	Road Traffic Act 1988 Sec. 7 (6) Driving or attempting to drive a mechanically propelled vehicle and failing without reasonable excuse to provide a specimen for a laboratory test or two specimens for analysis of breath.	Summary motoring	8th
803.05	Road Traffic Act 1988 Sec. 5 (1) (b) In charge of a mechanically propelled vehicle while having a breath, blood or urine alcohol concentration in excess of the prescribed limit.	Summary motoring	8th
803.06	Road Traffic Act 1988 Sec. 7 (6) In charge of a mechanically propelled vehicle and failing without reasonable excuse to provide a specimen for a laboratory test or two specimens for analysis of breath.	Summary motoring	8th
803.09	Driving or attempting to drive a motor vehicle whilst unfit through drink or drugs (impairment) - drink. Road Traffic Act 1988 S.4(2)	Summary motoring	8th
803.11	Being in charge of a mechanically propelled vehicle whilst unfit to drive through drink or drugs. (impairment) - drink. Road Traffic Act 1988 S.4(2)	Summary motoring	8th
805.01	Road Traffic Act 1988 Sec.170 (4) Failing to stop after accident.	Summary motoring	8th
805.02	Road Traffic Act 1988 Sec. 170 (7) Failing to report accident within 24 hours.	Summary motoring	8th
805.03	Failing to give name and address after an accident. Road Traffic Act 1988 S.170(4)	Summary motoring	8th
807.02	Road Traffic Act 1988 Sec. 87 (1), (2) as amended by the Road Traffic Act 1991 S.17. & MV (DL) Regs 1996 S.15 Driving, causing or permitting a person to drive otherwise than in accordance with a licence (except H G V).	Summary motoring	8th

807.9	Road Traffic Act 1988 SECS.13[1],94[3],99[5],96[1;3],103[1];110[1;2],112[6;7],114[2],117[4]164(6;9),174[1]MV (DL) REGS 1987-REG 12 ;MV (DL) REGS 1996 REG 18 & 77; other driving license offences (ex forgery - see 814)	Summary motoring	8th
814.01	Road Traffic Act 1988 Sec. 173 (1) With intent to deceive, forging, etc., licence or making document resembling.	Indictable motoring	8th
814.02	Road Traffic Act 1988 Sec.173 (1); 175[a] With intent to deceive, forging, etc., certificate of insurance.	Indictable motoring	8th
814.03	Vehicle excise and registration act 1984 S.44; 45 Public Passenger Vehicles Act 1981 S.65[1][b],2] registration and licensing – forging, using, lending etc. with intent to deceive, false information.	Indictable motoring	8th
814.04	Transport Act 1968 Sec.99 (5). Falsification of records with intent to deceive.	Indictable motoring	8th
814.06	Road Traffic Act 1988 Sec.173 (1) Test certificate - fraudulently using, lending, altering.	Indictable motoring	8th
66.99	Collect record or possession of information likely to be of use to terrorists. Prevention of Terrorism (Temporary Provisions) Act 1989.	Other non motoring indictable	9th
125.29	Football Offences Act 1991 Sec. 4 Going onto the playing area or adjacent area without lawful authority or excuse.	Summary non motoring	9th
140.01	Licensing Act 1872 Sec.12 Being found drunk in a highway or other Public place whether a building or not, or a licensed premises.	Summary non motoring	9th
140.06	Sporting Events (Control of Alcohol, etc.) Act 1985 Section 2 (2) Drunk in, or when entering, a designated sports event.	Summary non motoring	9th
141.01	Criminal Justice Act 1967 Sec. 91. Any person who in any public place is guilty, while drunk, of disorderly behaviour.	Summary non motoring	9th
141.12	Licensing Act 1902 Sec.2 Being drunk in any Highway or other public place or on licensed premises while having charge of a child under seven years.	Summary non motoring	9th
149	Allotments Act 1922, Sec. 19 Causing damage to an allotment through negligence or any unlawful act Criminal	Summary non motoring	9th

	Damage Act 1971 Sec. 1 (1) Criminal Damage, £2,000 or less.		
165.01	Sexual Offences Act 1985 Sec.1 Kerb - crawling.	Summary non motoring	9th
166.04	Street Offences Act 1959 Sec.1 Common prostitute loitering or soliciting for the purpose of prostitution.	Summary non motoring	9th
170	Vehicle Excise Act 1971 Sec.8. Keeping a motor vehicle on highway without a current vehicle excise licence.	Summary non motoring	9th
182	Vagrancy Act 1824 Sec.3 Begging, wandering a broad or being in any street & c, to beg or gather alms or causing or procuring any child so to do.	Summary non motoring	9th
803.07	Road Traffic Act 1988 Sec. 6 (4) Failing without reasonable excuse to provide a specimen of breath for a preliminary test.	Summary motoring	9th
809.01	Road Traffic Act 1988 Sec.143 (2) Using motor vehicle uninsured against third party risks.	Summary motoring	9th
813	Road Traffic Act 1988 Sec. 47 & 53 (2) Vehicle Test Offences.	Summary motoring	9th
815.03	Road Traffic Act 1988 Sec. 41(A) RV (C & U) Regs 1986, Regs .25 - 27 As added to by Road Traffic Act 1991 Tyres defective.	Summary motoring	9th
169.01	Railways Regulation Acts 1840 to 1889 as amended by Transport Act 1962 Offences in relation to railways.	Summary non motoring	10th
173.2	Touting for hire car services in a public place. C J & PO 1994 S.167.	Summary non motoring	10th
195.21	Magistrates Courts Act 1980 (except Sec.106) Those matters concerning the Magistrates Courts.	Summary non motoring	10th
804.01	Road Traffic Act 1988 Sec.3 Careless driving - without due care and attention.	Summary motoring	10th
809.9	MV (TPR) Regs 1961 Road Traffic Act 1988 Sec.165 (3) Insured failing to supply police with particulars and other offences under the regulations.	Summary motoring	10th

810.9	Vehicle Excise and Registration Act 1994 SS.34,35,37,42,43,46&59; Other offences connected with vehicle registration and excise licence (except forgery and deception offences)	Summary motoring	10th
816.01	Speeding offences not detected by camera devices. Road Traffic Regulation Act 1984	Summary motoring	10th
818.01	Road Traffic Act 1988 Sec. 36 (1) Failing to comply with traffic light signals.	Summary motoring	10th
818.9	Road Traffic Act 1988 Sec. 35 (1) 36 (1) Other offences of neglect of traffic directions. Failing to stop on signal of traffic constable. Neglect or refusal to keep or proceed in line of traffic when directed to do so by traffic constable etc.	Summary motoring	10th
824.01	Road Traffic Act 1988 Sec.16 (4) Motor Cycle (Protective Helmets) Reg 80 Driving or riding on a motor bicycle without wearing protective head gear.	Summary motoring	10th
825.02	Road Traffic Act 1972 Sec.14 (3), 15 (2), 15 (4). Driving / riding in motor vehicle not wearing a seat belt Road Traffic Act 1972 Sec.33 B Driving motor vehicle with child not wearing seat belt.	Summary motoring	10th
825.03	Road Traffic Act 1988 Sec.165 (3)[6],168[a],170[4] Failing to give name and address etc. after accident.	Summary motoring	10th
825.9	Road Traffic Act 1988 Miscellaneous offences e.g. Road Traffic Act 1988 Sec.13.	Summary motoring	10th

Annex 3: Supplementary tables

Table A1 Part 1 Pearson's correlation coefficients for how recorded crime relates to custody rates and average custodial sentence lengths (ACSLs) by offence group and court type for the 42 Criminal Justice Areas in England and Wales.

Offence Category	Year	<i>Magistrates' courts</i>		<i>Crown Court</i>	
		Custody Rate	ACSL	Custody Rate	ACSL
Burglary	2003	0.276	0.258	-0.034	0.016
	2004	0.321	0.238	0.028	0.138
	2005	0.166	0.351	0.157	0.013
	2006	0.255	0.277	0.130	-0.084
Criminal Damage	2003	0.039	0.211	-0.206	0.171
	2004	-0.347	0.238	0.230	-0.165
	2005	-0.240	0.153	-0.240	0.108
	2006	-0.057	0.118	0.048	0.114
Drug offences	2003	-0.333	0.111	-0.178	-0.069
	2004	-0.167	0.244	-0.176	-0.023
	2005	-0.105	0.131	0.063	0.040
	2006	-0.162	-0.178	0.115	0.348
Fraud and forgery	2003	0.139	0.057	0.061	0.154
	2004	0.157	0.093	0.201	0.258
	2005	0.210	-0.032	0.289	-0.218
	2006	0.077	0.150	0.391	0.062
Other offences	2003	0.420	0.132	-0.233	0.066
	2004	0.358	0.044	-0.360	0.008
	2005	0.319	0.259	-0.523	0.177
	2006	0.224	0.268	-0.322	0.163

Note 1: All figures quoted are based on recorded crime offences

Note 2: Individual relationships that are significant at a 99% confidence level are highlighted in bold text. Only those cases where two or more of the periods under investigation yield significant correlation coefficients are deemed to be related. Using these criteria the only significant relationship identified is between recorded crime and custody rates for theft and handling stolen goods offences in magistrates' courts. Cases where a significant relationship occurs have been highlighted by grey shading.

Table A1 Part 2 Pearson's correlation coefficients for how recorded crime relates to custody rates and average custodial sentence lengths (ACSLs) by offence group and court type for the 42 Criminal Justice Areas in England and Wales.

Offence Category	Year	<i>Magistrates' courts</i>		<i>Crown Court</i>	
		Custody Rate	ACSL	Custody Rate	ACSL
Robbery	2003	-0.214	-0.085	-0.191	-0.024
	2004	-0.245	-0.048	-0.119	-0.042
	2005	-0.192	0.082	-0.231	0.090
	2006	-0.160	-0.048	0.041	0.150
Sexual Offences	2003	-0.098	0.235	-0.076	0.213
	2004	-0.033	-0.078	-0.280	-0.090
	2005	-0.006	0.046	-0.193	0.257
	2006	-0.155	-0.136	-0.103	0.013
Theft and handling stolen goods	2003	0.451	0.157	-0.021	-0.103
	2004	0.346	0.159	0.068	-0.188
	2005	0.494	0.079	-0.079	-0.137
	2006	0.455	-0.035	-0.005	0.051
Violence against the person	2003	0.076	0.067	-0.204	0.129
	2004	0.163	0.128	-0.174	0.020
	2005	0.197	0.155	-0.138	0.301
	2006	0.269	0.279	-0.255	0.095

Note 1: All figures quoted are based on recorded crime offences

Note 2: Individual relationships that are significant at a 99% confidence level are highlighted in bold text. Only those cases where two or more of the periods under investigation yield significant correlation coefficients are deemed to be related. Using these criteria the only significant relationship identified is between recorded crime and custody rates for theft and handling stolen goods offences in magistrates' courts. Cases where a significant relationship occurs have been highlighted by grey shading.

Annex 4: Key studies examined by the literature review

Tarling's study of sentencing practice in magistrates' courts in England and Wales

Tarling's study was a statistical analysis of variation in sentencing practice among magistrates' courts. His original work was carried out in 1979 and updated in 2006.

Methods

The original research investigated sentencing practice in a random sample of 30 English magistrates' courts using Home Office criminal statistics data (Tarling, 1979). In addition, interviews were carried out with clerks in 28 of the 30 magistrates' courts about the organisation and the working of their courts.

The 2006 study followed the same statistical analysis techniques adopted previously (correlation and analysis of variants of the average use made of the main disposals), where possible using data from 2000 and comparing it to data from 1975. However, due to the considerable re-organisation of the courts in the intervening 25 years (e.g. due to boundary changes and amalgamations) the original sample of 30 courts was reduced to 25 in this follow-up study.

The research is generally sound in terms of the statistical analysis used in both the 1979 and 2006 studies. However, the 'sentencing traditions' he refers to were mainly identified through qualitative research methods. Therefore, whilst these can be seen as possible explanations for sentencing variation the small number of interviews and the length of time since the study means that this should be viewed tentatively. In addition, Tarling was unable to repeat this element of the research in his 2006 study so the effect of changes e.g. the new guidelines from the Sentencing Guidelines Council (SGC), could not be evaluated in this study.

Herbert's study of decision making in three magistrates' courts.

This study concentrated on variations in the committal of triable either way cases to the Crown Court. Since the higher court has greater sentencing powers, the committal decision potentially has an important bearing on the level of sentences passed in any given area. The findings of this work are reported in an article entitled 'Mode of trial and the influence of local justice' (Herbert, 2004). This was a small scale study which focused on just three magistrates' courts.

Methods

The study was carried out in three magistrates' courts in the Midlands and Home Counties during 1999 and 2000. The study adopted four methods of data collection:

- Statistical analysis in order to identify courts with historically different committal rates; three courts were then chosen for more detailed study. The committal rates for trial by lay benches revealed a significant range of 18% to 48%²⁰
- Observation of 340 'plea before venue' procedures in the three courts over a seven-month period. One week at a time was spent in each court in order to observe over a period of six months rather than a block period of two months.
- Analysis of 1168 entries in court registers detailing either-way decisions over a three-month period. This was carried out over the same time period as the observational work to assess reliability and validity of the observation sample. This yielded a total sample of 1,211 cases in which lay magistrates made mode of trial or sentencing decisions
- Semi structured interviews with 38 court participants: these were lay and stipendiary magistrates, court legal advisers and defence solicitors.

The methods and analysis used in the study were generally sound, with adequate sample sizes for the quantitative work and robust qualitative methods.

1994 Home Office study of mode of trial decisions and sentencing differences between courts

In this study, Moxon and Hedderman, looked at the way comparable cases were sentenced at the Crown Court and magistrates' courts, and at differences between individual courts.

Methods

The study drew on court records at five Crown Court centres and seven magistrates' courts for information on the mode of trial decision and for details relating to the offence, the offender and the sentence. Interviews were also conducted with magistrates, justices' clerks and Chief Crown Prosecutors.

The target samples were 60 cases of each type at the magistrates' courts and 100 at the Crown Court.

²⁰ Chi-squared tests were carried out to test if variation between each of the three courts was statistically significant. (Court A: n=256; Court B: n=126, Court C: n=198).

Although the method and analysis used in the study were generally sound, a larger sample size would have provided a more robust evidence base.

Although this study provides further evidence of variation on sentencing between courts the small number of courts sampled and the changes in the period from these findings cannot be generalised to current practice across England and Wales.

Home Office study of sentencing practice in magistrates' and Crown Courts

This study was carried out in the mid-90s²¹ to examine the factors which influence the types of sentences given by both magistrates and Crown Court judges.

Methods

Flood-Page and Mackie used a mix of quantitative and qualitative methods to examine 3,000 magistrates' court cases (in 25 magistrates' courts) and 2,000 Crown Court cases. In addition, 126 magistrates were interviewed (at 12 of the 25 courts). Statistical analyses were carried out to identify the factors which influenced the type of sentences given. Magistrates were asked for their views on the different sentencing options available.

This study was well designed, using both quantitative and qualitative techniques, with a robust sample size for each approach.

The Research Development and Statistics Directorate (RDS) in the National Offender Management Service (NOMS) 11 areas work

In autumn 2006, the Research Development and Statistics Directorate (RDS) in the National Offender Management Service (NOMS), in conjunction with the Sentencing Guidelines Council (SGC), conducted a study to examine the factors that influence the size of the prison population. The aim was to reach a better understanding of both the local and national factors that affect the number of people in custody. The research also addressed a range of other topics, including sentencers' awareness of and attitudes to the SGC and their published guidelines, and magistrates' attitudes to the use of fines.

Methods

Using Ministry of Justice sentencing data, the study selected 11 criminal justice areas which had either higher than average custody rates, higher than average custodial sentence lengths or high volumes of cases resulting in custodial

²¹ Data collection took place between July 1994 and May 1995

sentences. The study was qualitative and involved interviews and focus groups with sentencers and criminal justice professionals working in the 11 areas. In all, around 60 interviews or focus groups were conducted with sentencers (magistrates, district judges and circuit judges), probation officers, court clerks, police officers and CPS lawyers.

This research was based on a qualitative approach. The sampling process and sample sizes of total numbers interviewed was generally sound, however due to sample size and use of only one methodological approach the findings from this study should be regarded as exploratory.

Annex 5: Research methods

The literature review described in this report was undertaken in November 2007. Only a limited number of studies were identified and not all these could be quoted because their findings had not been published.

This review was pragmatic because it was time constrained and there was limited availability of relevant studies.

Relevant literature was identified by conducting searches of databases held by the Home Office library, and by reviewing a recent unpublished RDS NOMS report examining the factors driving the prison population at the sentencing stage.

The following database sources were scanned using terms such as 'sentencing variation'; 'sentencing disparity'; justice by geography.

CSA Illumina (previously Cambridge Scientific Abstracts) which provides access to:

- ASSIA: Applied Social Sciences Index and Abstracts
- Criminal Justice Abstracts
- EconLit
- ERIC
- National Criminal Justice Reference Service Abstracts
- PAIS International
- PsycARTICLES
- PILOTS Database
- PsycINFO
- Social Services Abstracts
- Sociological Abstracts

SilverPlatter, which provides access to:

- The International Bibliography of the Social Sciences (IBSS)
- International Science Database
- Social Policy and Practice
- Medline