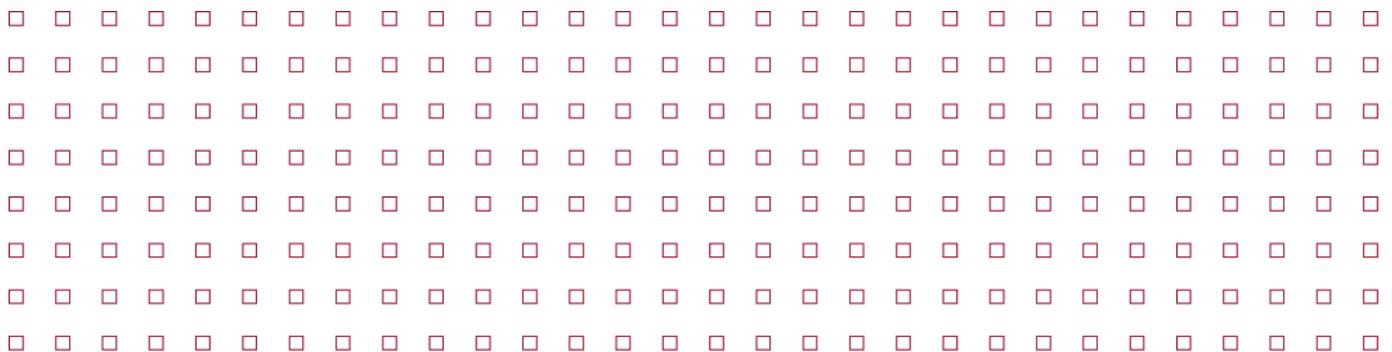




# **Sentencing Statistics:** England and Wales 2009 Statistics Bulletin

October 2010





Ministry of  
**JUSTICE**

## **Sentencing Statistics: England and Wales 2009**

**This information is also available on the Ministry of Justice website:  
[www.justice.gov.uk](http://www.justice.gov.uk)**

## Preface

This publication has been prepared by the Criminal Justice System Statistics section of Justice Statistics Analytical Services. It contains key statistics describing the sentencing of offenders in England and Wales.

This is a National Statistics publication produced by the Ministry of Justice to the standards specified in the Code of Practice for Official Statistics. It was recently assessed in a report published by the UK Statistics Authority.<sup>1</sup> It was determined that the statistics presented are readily accessible, produced according to sound methods and managed impartially and objectively in the public interest.

Detailed statistics related to this publication appear in the supplementary volumes of 'Criminal Statistics: England and Wales 2009' also available at the Ministry of Justice website. A summary description of what is included in these volumes appears in Appendix 5.

### Data sources and quality

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

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

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

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

For further information on proceedings at the courts, including a definition of the disposals used, please see Appendix 1. For information on legislation affecting the statistics and details of the offences, see Appendix 2 and

---

<sup>1</sup> Statistics on the Criminal Justice System published on 29 July 2010 and available at <http://www.statisticsauthority.gov.uk/assessment/assessment-reports/index.html>

Appendix 6 (separate Excel file). For information on data coverage and recording practices please see Appendix 3.

### **Significant changes in this edition**

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

These changes are detailed below:

- Prior to 2009 offences resulting from a breach of a previously imposed court order, e.g. Anti Social Behaviour Orders (ASBOs), were excluded from the published statistics because of recording issues. For 2009, the recording process has been resolved which has enabled the inclusion of these data for the first time.
- For the first time Sentencing Statistics includes a basic breakdown of ethnicity in each chapter. More detailed analyses will be published in 'Race and the Criminal Justice System' in 2011.
- To align offence categories with the Home Office. 'Bigamy' has moved from 'sexual offences' to 'other indictable offences'; 'concealment of birth' has moved from 'violence against the person' to 'other indictable offences'; and 'vehicle fraud' has moved from 'motoring' to 'fraud and forgery'.
- Data quality work undertaken this year has affected the number of sentences recorded as 'otherwise dealt with'. Specifically the number of pre-sentence drug testing orders was investigated and it was found that many of these sentences were double counted as they were also subsequently being recorded as community sentences. The work undertaken has identified those duplicate cases and removed them from the database. It was not, however, possible to undertake this work retrospectively.
- Further data quality work has reduced the number of sentences wrongly recorded as having a compensation order as the principal disposal (compensation orders are ancillary orders and should seldom being given as the principal disposal). Furthermore the number of 'one night in the cells' has been reduced as many of these disposals were in fact fines which had been wrongly coded. These changes should be borne in mind when looking at the change in the number of offenders 'otherwise dealt with' as the vast majority of these changes reflect improvements in data collection and quality rather than shifts in sentencing practice.

### **Changes in presentation from previous editions**

In this edition custody rates have been calculated as the percentage of persons sentenced receiving a custodial sentence; in previous editions the custody rate was also expressed as the percentage of all offenders sentenced, i.e. in addition to persons it included 'others' such as companies

and public bodies. As 'others' cannot receive a custodial sentence all custody rates are now calculated using the same method and exclude 'others'.

This year the average fine has been defined as the median fine amount rather than the arithmetic mean. Occasional large fines (>£1,000,000) handed down to companies or other organisations can have a misleading impact when using the mean to represent average fine amounts. In this situation the median (the middle number in a sorted list of numbers) is more informative about the true mid-point of the data than a simple (mean) average. Only fine amounts have been affected by this change. Other tables showing the average value of other financial disposals (such as compensation and confiscation orders) remain unaffected as there is a more balanced spread of values, so the mean is still an appropriate statistic to report.

#### **Example illustrating the differences between the mean and the median**

Defendants in 13 cases were sentenced to the following fine amounts: £5, £5, £10, £10, £10, £10, £20, £20, £20, £20, £50, £50, £2,000. Calculating the average (mean) and mid-point (median) values from this list will produce very different results. The mean is calculated by taking the sum of all values and then dividing by the number of values. In this example, the mean fine amount is £171.54.

The median however, looks at the value which lies in the middle of the set of numbers when those numbers are placed in ascending or descending order. In this instance, the middle value is £20 (the 7<sup>th</sup> value in the list).

For this example, £20 is more representative of the fines issued than £172.

Finally Youth Rehabilitation Orders (YROs) were introduced for offences committed from 30 November 2009. These have been entered in the tables as community orders.

#### **Symbols and conventions**

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

- \* = Not applicable
- = Nil
- 0 = Less than one

#### **Rounding**

Unless otherwise stated, numbers in the text have been rounded for ease of reading using the following rules:

Numbers from 1,000 and over are rounded to the nearest 100

Numbers from 10–1,000 are rounded to the nearest 10

Numbers under 10 are unrounded.

Full figures can be found in the Excel tables in Sentencing Statistics 2009 and Criminal Statistics 2009.



## Contents

Background	3
Chapter 1 – National sentencing trends and key criminal justice system statistics	4
Chapter 2 – Custodial sentences	24
Chapter 3 – Sentences in the community	35
Chapter 4 – Fines and other disposals	48
Chapter 5 – Criminal justice areas	62
Chapter 6 – Previous criminal histories	73
Glossary of terms used in the publication	87
List of figures and tables in the publication	89
List of main tables	91
List of supplementary tables	93
Appendix 1 – Procedures within the Criminal Justice System	97
Appendix 2 – Legislation affecting the statistics	108
Appendix 3 – Coverage and recording practice affecting the statistics	116
Appendix 4 – Statistics on the Criminal Justice System	122
Appendix 5 – Criminal Statistics: England and Wales 2009, Supplementary tables listing	124
Appendix 6 – Offence Classifications	135
Contact points for further information	136

---



## Background

This publication provides information relating to offenders who have been sentenced at criminal courts in England and Wales. There are three types of offences that these offenders may have committed:

- Summary, which need only be tried in magistrates' courts;
- 'Either way' offences, which may be tried in either magistrates' courts or the Crown Court; and
- Indictable only, which may only be tried in the Crown Court.

In this volume the second and third types of offence are combined and described as 'indictable'.

Less serious offences are generally handled entirely in magistrates' courts and dealt with by either two or three lay magistrates (local people who volunteer their services, who may not have formal legal qualifications but will have undertaken a training programme to develop the necessary skills) or by one District Judge (legally qualified, paid, full-time professionals, who are usually based in the larger cities and normally hear the more complex or sensitive cases).

More serious offences are passed on to the Crown Court, either for sentencing after the defendant has been found guilty in a magistrates' court, or for a full trial with a judge and jury. The Crown Court also receives appeals against decisions of magistrates' courts. Crown Court cases may be heard by Circuit Judges, Recorders or a High Court Judge, depending on the seriousness of the offence.

The Criminal Justice Act 2003 sets out in statute the principles underlying sentencing: punishment, crime reduction, reform and rehabilitation, public protection and reparation. While courts are obliged to have regard to the principles, sentence will generally be determined according to seriousness of the offence (for further detail see Appendix 1).

Statistics are provided on trends in custody, community sentences, fines and other disposals with breakdowns on sentence length and criminal histories. Separate figures are provided for magistrates' courts and the Crown Court. The publication provides the figures for 2009 and the previous ten years.

## Chapter 1 – National sentencing trends and key criminal justice system statistics

The key flows through the Criminal Justice System are summarised in Figure 1.1 (all offences) and Figure 1.1a (notifiable offences). More details about the processes prior to an offender being sentenced are provided in the Ministry of Justice publication ‘Criminal Statistics: England and Wales 2009’.

### Key points for 2009

#### Prior to sentencing

##### *Crime and detection*

According to the British Crime Survey<sup>2</sup> crime against adults living in private households fell by nine per cent between 2008/09 and 2009/10 to 9.59 million crimes. Crime<sup>3</sup> recorded by the police fell by eight per cent between 2008/09 and 2009/10 to 4.34 million crimes and the police detected 1.20 million crimes in 2009/10 – a fall of ten per cent compared to 2008/09.

##### *Out of court disposals*

The total number of out of court disposals, which includes Penalty Notices for Disorder (PND), cautions and ‘formal warnings for cannabis possession’, fell by ten per cent compared to 2008. This followed a nine per cent fall between 2007 and 2008.

##### *Prosecutions*

There were 1,693,200 defendants proceeded against at all courts in 2009 – a rise of three per cent from 2008 (1,640,000).

##### *Convictions*

There were 1,407,500 offenders found guilty at court in 2009 – a rise of three per cent from 2008 and the first annual rise since 2005.

### Sentencing

#### *Overview*

In 2009, there were 1,405,900 offenders sentenced at magistrates’ courts and the Crown Court in England and Wales. Of these the majority (93 per cent) were sentenced at magistrates’ courts and seven per cent at the Crown Court. At magistrates’ courts the volume of cases dealt with increased by three per cent compared to 2008, although this was still lower than the levels seen

---

<sup>2</sup> Crime in England and Wales 2009/10’, by Flatley et al., Home Office Statistical Bulletin, July 2010.

<sup>3</sup> These are notifiable offences which include all indictable offences and a few closely related summary offences (e.g. Common Assault).

during the period 2002 to 2008. At the Crown Court there was an increase of six per cent continuing the increasing trend since 2004.

Of the 1,405,900 offenders sentenced in 2009 (Table 1(i)):

- Seven per cent (100,200) were sentenced to immediate custody with average custodial sentence length (ACSL) of 13.7 months. The proportion of defendants sentenced to immediate custody has remained stable over the eleven year period while the trend in average sentence lengths has been increasing, now 2.2 months higher than 1999.
- Three per cent (45,100) were given Suspended Sentence Orders (SSO), a rise of ten per cent from 2008 and 35 per cent on 2006. SSOs allow a custodial sentence of less than 12 months to be suspended for a period of between six months and two years providing the offender undertakes certain requirements in the community.
- Fourteen per cent (195,800) were given a community sentence – three per cent more than in 2008 and 29 per cent more than in 1999.
- Sixty seven per cent (945,500) of offenders were given a fine, an increase of six per cent compared with 2008 but a fall of five per cent from 1999.
- Eight per cent (119,400) of offenders were given other sentences which included conditional discharges; absolute discharges and otherwise dealt with.

#### *Criminal histories* (Chapter 6)

Of all sentences given the proportion given to offenders with 15 or more previous convictions or cautions has risen steadily from 17 per cent in 2000 to 28 per cent in 2009. Seven per cent of juveniles receiving a custodial sentence in 2009 had no previous criminal history compared with ten per cent for adult offenders.

#### *Immediate custody* (Chapter 2)

Although the percentage of defendants being sentenced to immediate custody has remained relatively stable, there have been increases in ACSL (average custody sentence length) for determinate sentences. The ACSL given in 2009 was 13.7 months – up from 13.3 months in 2008 and 11.5 months in 1999. Over the last ten years the custody rate (the percentage of sentenced persons given immediate custody) has risen for violence against the person, fraud and forgery, criminal damage and other (excluding motoring) offences.

The Criminal Justice and Immigration Act 2008 introduced changes for those sentenced from 14 July 2008 which allows courts greater discretion in imposing sentences of imprisonment or detention for publication protection (IPP). In 2009, there were 1,000 persons sentenced to an indeterminate period which is a 35 per cent decrease from 1,540 in 2008.

A further 420 persons were given a life sentence which is a 20 per cent fall from 520 in 2008.

*Suspended sentences* (Chapter 3)

There were 45,100 Suspended Sentence Orders (SSO) in 2009, this is a rise of ten per cent on 2008 and 35 per cent on 2006 – the first full year in which SSOs were available. The offence group with the highest percentage of offenders given a suspended sentence was indictable motoring offences with 24 per cent of offenders sentenced receiving a suspended sentence.

*Community sentences* (Chapter 3)

There have been increases in the percentage of persons receiving community sentences (community sentence rate) for all age groups, most markedly for juveniles (10 to 17 year old) for whom there was an increase from 34 per cent in 1999 to 69 per cent in 2009. For males there has been an increase in the community sentence rate from 11 to 16 per cent while for females the rate has remained relatively stable, rising by just 0.2 percentage points to 10.3 per cent.

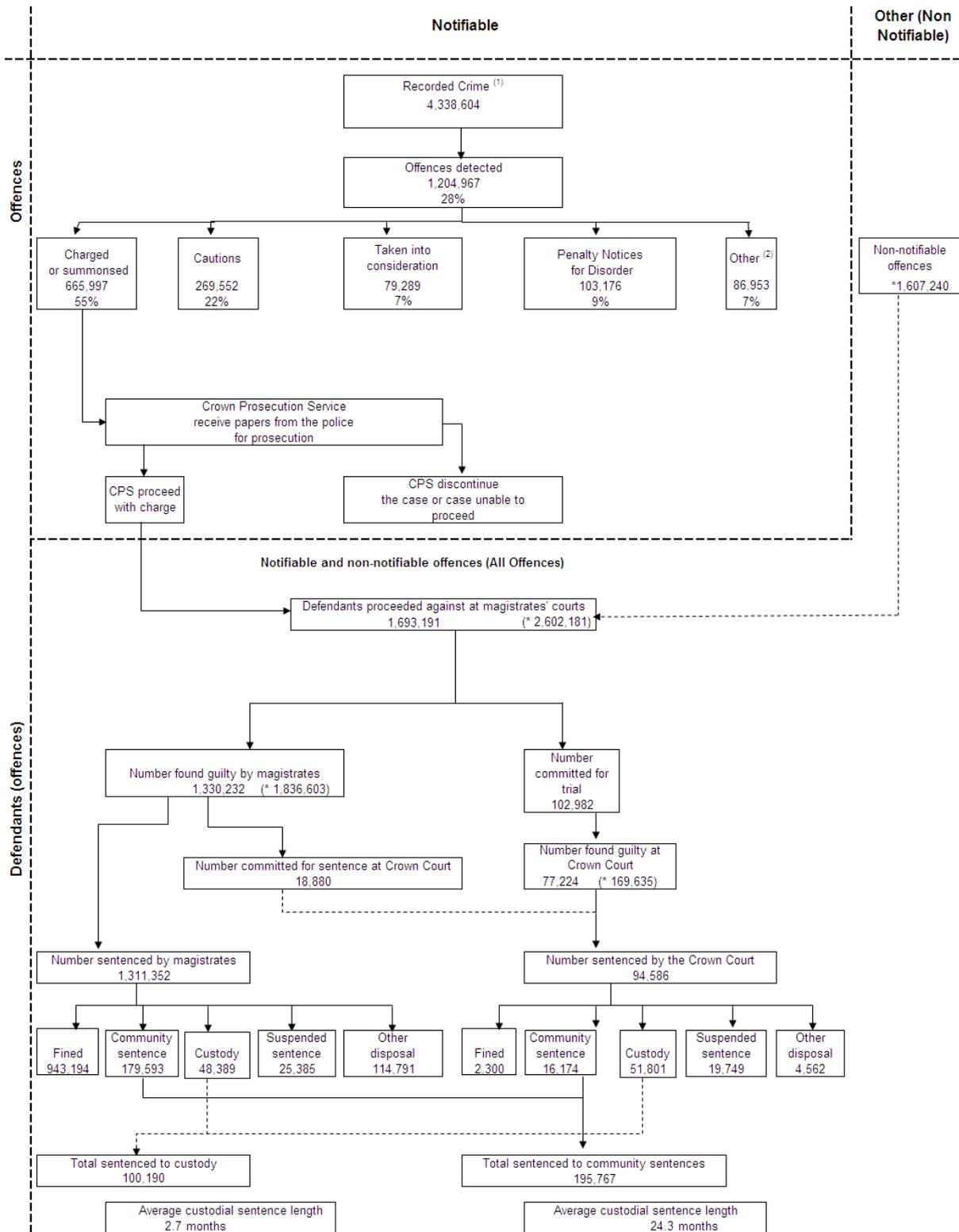
More community sentences are handed down for theft and handling stolen goods than any other indictable offence group and they account for 21 per cent of all community sentences. The number of community sentences given in 2009 was 195,800, a rise of three per cent on 2008.

*Fines* (Chapter 4)

Fines were the most common disposal in 2009 and increased by six per cent from 890,300 in 2008 to 945,500 in 2009; the vast majority were handed down for summary offences (94 per cent). The percentage of sentenced offenders given a fine (fine rate) for all offences at all courts rose slightly from 65 per cent in 2008 to 67 per cent in 2009. The median fine amount for all offenders and offences was £175 which was a rise of £50 on 2008. Nearly all fines (99.8 per cent) were handed down in magistrates' courts.

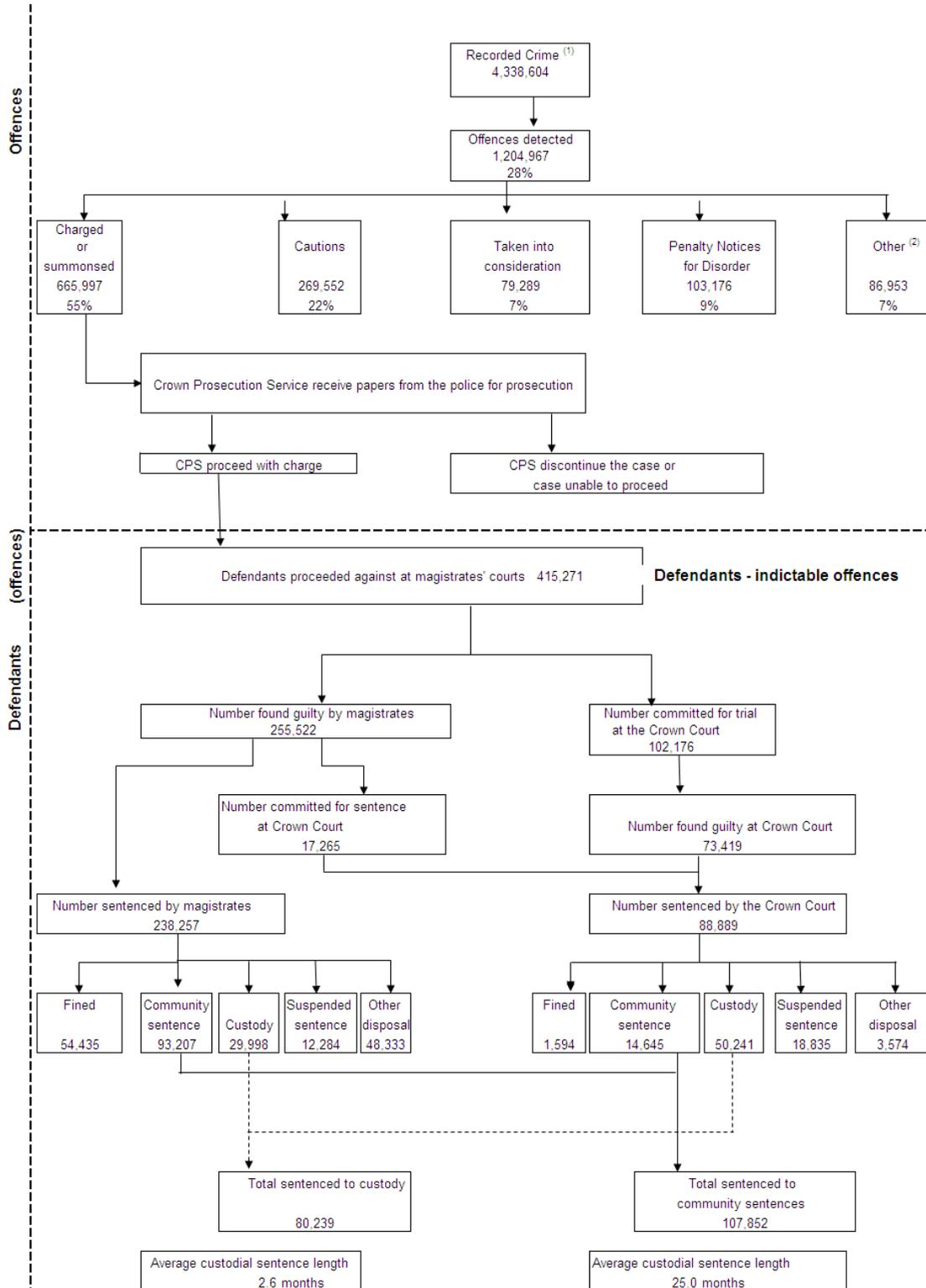
For indictable offences 2009 is the first year since 2003 that the fine rate has risen. The indictable offence group for which the most fines were issued was drug offences, with 21,000 fines, accounting for 38 per cent of all fines handed down for indictable offences.

Figure 1.1 Flows through the Criminal Justice System 2009



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

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



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

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

Offence Group	Year	Outcome					Total Sentenced <sup>(2)</sup>	Sentence Outcome							Otherwise dealt with
		PND	Cautioned <sup>(1)</sup>	Proceeded against	Found guilty <sup>(2)</sup>	Proven Offenders <sup>(3)</sup>		Absolute discharge	Conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody		
Violence against the person	2008	-	37,880	59,941	41,517	79,397	41,441	112	1,889	1,677	15,610	7,500	13,380	1,273	
	2009	-	27,305	65,380	43,426	70,731	43,195	77	1,546	1,712	16,041	8,547	14,084	1,188	
Sexual offences	2008	-	1,681	8,421	5,116	6,797	5,121	7	126	91	1,367	420	3,000	110	
	2009	-	1,478	9,357	5,106	6,584	5,092	8	87	87	1,391	412	2,987	120	
Burglary	2008	-	5,407	30,850	23,882	29,289	23,651	74	730	369	9,401	2,432	9,960	685	
	2009	-	4,398	30,847	22,973	27,371	22,758	24	536	294	9,214	2,374	10,026	290	
Robbery	2008	-	382	13,096	8,475	8,857	8,495	2	23	6	2,832	444	5,095	93	
	2009	-	205	13,647	8,644	8,849	8,663	5	15	8	2,914	476	5,155	90	
Theft and handling stolen goods	2008	45,616	64,047	123,876	110,921	220,584	110,348	687	21,295	13,964	40,785	6,818	21,008	5,791	
	2009	48,161	60,730	125,368	111,861	220,752	111,398	549	22,488	15,578	42,044	7,113	19,942	3,684	
Fraud and forgery	2008	-	8,263	24,145	20,573	28,836	20,675	50	2,882	2,900	5,848	2,794	5,675	526	
	2009	-	7,210	26,129	21,031	28,241	20,941	47	2,579	2,851	6,616	3,166	5,387	295	
Criminal damage	2008	-	7,873	12,234	9,628	17,501	9,574	99	1,864	1,040	4,194	453	1,157	767	
	2009	-	6,419	9,962	7,854	14,273	7,831	59	1,470	919	3,551	413	1,036	383	
Drug offences	2008	-	47,038	56,953	52,943	99,981	52,911	382	8,101	17,674	12,272	2,958	9,488	2,036	
	2009	11,491	43,808	61,639	56,793	112,092	56,620	353	7,200	20,970	13,653	3,118	9,425	1,901	
Indictable motoring offences	2008	-	-	4,198	3,735	3,735	3,862	2	50	362	1,155	837	1,393	63	
	2009	-	-	4,182	3,616	3,616	3,713	2	34	317	1,110	890	1,315	45	
Other indictable offences	2008	-	8,609	63,736	40,079	48,688	39,822	489	2,977	11,563	9,318	3,799	8,902	2,774	
	2009	-	7,982	68,760	47,637	55,619	46,935	530	3,016	13,293	11,318	4,610	10,882	3,286	
<b>Indictable Offences</b>	<b>2008</b>	<b>45,616</b>	<b>181,180</b>	<b>397,450</b>	<b>316,869</b>	<b>543,665</b>	<b>315,900</b>	<b>1,904</b>	<b>39,937</b>	<b>49,646</b>	<b>102,782</b>	<b>28,455</b>	<b>79,058</b>	<b>14,118</b>	
	<b>2009</b>	<b>59,652</b>	<b>159,535</b>	<b>415,271</b>	<b>328,941</b>	<b>548,128</b>	<b>327,146</b>	<b>1,654</b>	<b>38,971</b>	<b>56,029</b>	<b>107,852</b>	<b>31,119</b>	<b>80,239</b>	<b>11,282</b>	
Summary offences (excl. motoring)	2008	130,548	146,712	593,335	494,152	771,412	493,943	3,286	43,208	344,262	65,687	7,696	14,089	15,715	
	2009	110,741	131,110	618,755	514,394	756,245	514,573	2,977	41,248	369,762	67,759	8,962	14,687	9,178	
Summary motoring offences	2008	-	-	649,238	552,197	552,197	552,221	4,544	4,577	496,388	21,702	5,000	6,378	13,632	
	2009	-	-	659,165	564,121	564,121	564,219	4,330	3,654	519,703	20,156	5,053	5,264	6,059	
<b>Summary Offences</b>	<b>2008</b>	<b>130,548</b>	<b>146,712</b>	<b>1,242,573</b>	<b>1,046,349</b>	<b>1,323,609</b>	<b>1,046,164</b>	<b>7,830</b>	<b>47,785</b>	<b>840,650</b>	<b>87,389</b>	<b>12,696</b>	<b>20,467</b>	<b>29,347</b>	
	<b>2009</b>	<b>110,741</b>	<b>131,110</b>	<b>1,277,920</b>	<b>1,078,515</b>	<b>1,320,366</b>	<b>1,078,792</b>	<b>7,307</b>	<b>44,902</b>	<b>889,465</b>	<b>87,915</b>	<b>14,015</b>	<b>19,951</b>	<b>15,237</b>	
<b>All Offences</b>	<b>2008</b>	<b>176,164</b>	<b>327,892</b>	<b>1,640,023</b>	<b>1,363,218</b>	<b>1,867,274</b>	<b>1,362,064</b>	<b>9,734</b>	<b>87,722</b>	<b>890,296</b>	<b>190,171</b>	<b>41,151</b>	<b>99,525</b>	<b>43,465</b>	
	<b>2009</b>	<b>170,393</b>	<b>290,645</b>	<b>1,693,191</b>	<b>1,407,456</b>	<b>1,868,494</b>	<b>1,405,938</b>	<b>8,961</b>	<b>83,873</b>	<b>945,494</b>	<b>195,767</b>	<b>45,134</b>	<b>100,190</b>	<b>26,519</b>	

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

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

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

**Table 1(ii): Sentencing summary 1999, 2008 and 2009**

	1999	2008	2009	% change (percentage point change) since 1999	% change (percentage point change) since 2008
Total offenders sentenced:	1,407,998	1,362,064	1,405,938	-0.1%	3.2%
Of which:					
Total magistrates' courts	1,330,828	1,273,236	1,311,352	-1.5%	3.0%
(% of total sentenced)	94.5%	93.5%	93.3%	(-1.2 percentage points)	(-0.2 percentage points)
Total Crown Court	77,170	88,828	94,586	22.6%	6.5%
(% of total sentenced)	5.5%	6.5%	6.7%	(+1.2 percentage points)	(+0.2 percentage points)
Total fines	992,420	890,296	945,494	-4.7%	6.2%
% of total sentences (fine rate)	70.5%	65.4%	67.3%	(-3.2 percentage points)	(+1.9 percentage points)
Total persons sentenced:	1,397,786	1,353,937	1,397,310	-0.0%	3.2%
Of which:					
Total immediate custody	105,323	99,525	100,190	-4.9%	0.7%
% of total sentences (Immediate custody rate)	7.5%	7.4%	7.2%	(-0.4 percentage points)	(-0.2 percentage points)
Average immediate custodial sentence length <sup>(1)</sup>	11.5 months	13.3 months	13.7 months	19.5%	3.2%
Of which:					
Under 12 month immediate custodial sentences	74,773	64,996	64,529	-13.7%	-0.7%
% of all immediate custodial sentences	71.0%	65.3%	64.4%	(-6.6 percentage points)	(-0.9 percentage points)
12 month and over immediate custodial sentences	30,550	34,529	35,661	16.7%	3.3%
% of all immediate custodial sentences	29.0%	34.7%	35.6%	(+6.6 percentage points)	(+0.9 percentage points)
Total community sentences	151,633	190,171	195,767	29.1%	2.9%
% of total sentences (Community sentence rate)	10.8%	14.0%	14.0%	(+3.2 percentage points)	(+0.0 percentage points)

(1) Excludes life and indeterminate sentences

## National Sentencing Trends

### Introduction

This chapter covers defendants who were sentenced at either magistrates' courts or the Crown Court by type of sentence, age, sex, ethnicity of the offender and the principal offence committed.

When someone is convicted for a crime, they will be given a sentence by a court. Under a statutory framework for sentencing introduced in the Criminal Justice Acts 1991 (and subsequent amendments in 1993, 2003 and 2008) courts are generally required to impose sentences which reflect the seriousness of the offence or offences committed by the offender. Sentences are typically a discharge, fine, suspended sentence, community sentence or time spent in prison (custody).

Statistics presenting detailed offence data are available from the supplementary volumes in the Ministry of Justice publication 'Criminal Statistics: England and Wales 2009'.

### Trends in offenders sentenced (Table 1.1)

In 2009 there were 1,405,900 offenders sentenced for all offences, an increase of three per cent compared to 2008. At magistrates' courts the volume of cases dealt with increased by three per cent, although this was still lower than the levels seen in the period 2002 to 2008, and at the Crown Court there was an increase of six per cent continuing the increasing trend seen since 2004.

### Offenders sentenced by offence type (Table 1(iii))

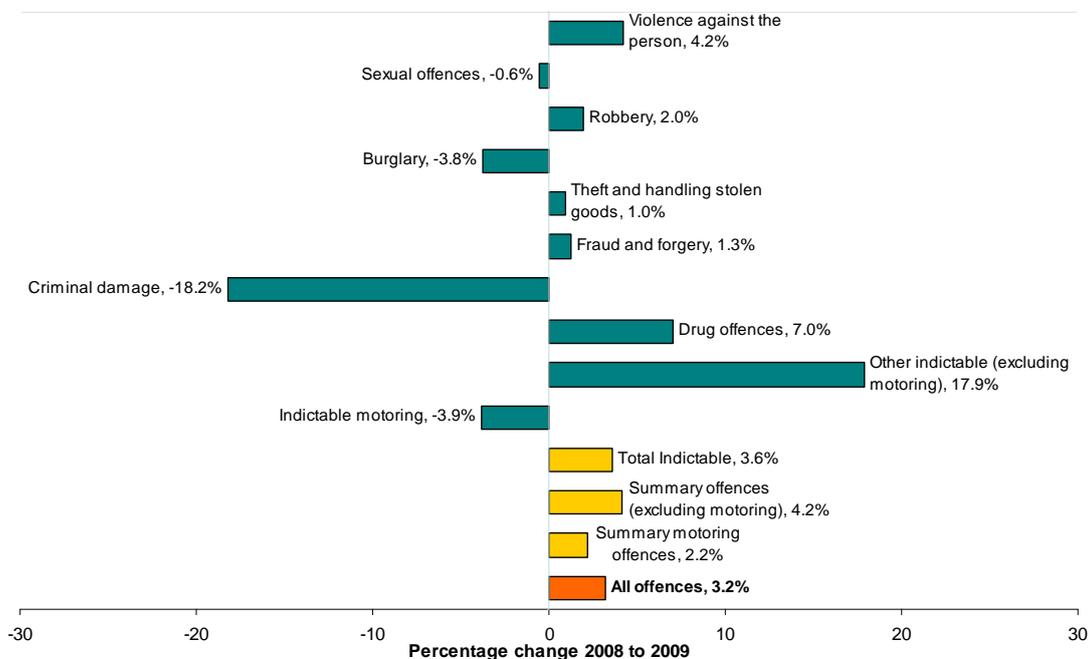
Comparing 2009 to 2008 there was a four per cent increase in indictable offences from 315,900 to 327,100, a four per cent increase in summary non-motoring offences from 493,900 to 514,600, and a two per cent increase in summary motoring offences from 552,200 to 564,200. The increase from 2008 to 2009 ended a downward trend from a peak of 1,547,400 offenders sentenced in 2004 to 1,362,100 in 2008.

The increase in offenders sentenced for indictable offences between 2008 and 2009 was mainly due to changes in the following offence groups:

- sentences for violence against the person offences increased by four per cent to 43,200 in 2009. The majority of this increase was due to sentences for 'Malicious Wounding etc' which increased from 37,400 to 39,000 and of these 1,200 were for possession of a knife in a public place. Since 1999 there has been an increase of 20 per cent in offenders sentenced for violence against the person.
- sentences for theft and handling stolen goods increased by one per cent, from 110,300 to 111,400. Within this group the largest increase was for 'theft from shops' which increased by seven per cent, from 67,900 to 72,600.
- criminal damage sentences decreased by 18 per cent, from 9,600 to 7,800. Within this group the largest decrease was for 'other criminal damage' with 1,600 fewer offenders sentenced, a decrease of 22 per cent.

- sentences for drug offences increased by seven per cent, from 52,900 to 56,600. There were an extra 3,000 sentences for cannabis possession which may be due to the re-classification of this offence in 2009.
- sentences for other indictable (excluding motoring) offences increased by 18 per cent, from 39,800 to 46,900. Within this group the largest increase was due to the inclusion in 2009 of data for breach of an Anti-Social Behaviour Order (ASBO). These offences accounted for the majority of the increase from 2008 to 2009. Excluding these offences the increase would have been five per cent.
- Offenders sentenced for summary non-motoring offences in 2009 increased by four per cent compared with 2008, from 493,900 to 514,600. The majority of this increase was due to the increase in offenders sentenced for offences under 'Wireless Telegraphy Acts' (including television licence evasion) which increased by 22 per cent, from 122,000 to 148,800.
- Offenders sentenced for summary motoring offences in 2009 increased by two per cent compared with 2008, from 552,200 to 564,200. The majority of this increase was due to convictions for 'vehicle registration offences', which increased from 12,700 to 37,200 and 'careless driving', which increased from 59,400 to 78,400.

**Figure 1.2: Percentage change in offenders sentenced by offence group, 2008–2009**



The offence types which have seen substantial changes over the 11 year period differ from the changes seen over the past year. Since 1999, the highest increase in offenders sentenced was for robbery, up 53 per cent. The largest decrease was for criminal damage (down 27 per cent).

Table 1(iii) Offenders sentenced by offence group, all courts, 1999-2009

Offence group	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Violence against the person	35,981	35,533	35,434	37,773	38,027	39,257	40,751	41,902	42,075	41,441	43,195
Sexual offences	4,282	3,927	4,020	4,358	4,315	4,800	4,729	4,920	5,039	5,121	5,092
Burglary	29,329	26,694	24,655	26,376	25,360	24,133	22,652	22,675	23,549	23,651	22,758
Robbery	5,652	5,944	6,846	7,731	7,339	7,513	7,139	8,169	8,862	8,495	8,663
Theft and handling stolen goods	130,648	127,580	126,410	126,717	118,594	110,241	103,318	98,646	105,497	110,348	111,398
Fraud and forgery	24,305	22,631	21,740	21,473	21,321	20,675	20,219	19,857	20,990	20,675	20,941
Criminal damage	10,728	10,159	10,526	10,826	11,112	11,582	11,502	12,518	12,333	9,574	7,831
Drug offences	48,946	44,955	45,680	49,015	51,215	39,147	38,899	39,478	44,500	52,911	56,620
Other (excluding motoring offences)	47,594	44,566	43,550	47,369	51,015	54,004	52,586	49,765	45,044	39,822	46,935
Motoring offences	4,199	4,221	4,342	5,106	5,632	5,585	4,803	4,607	4,369	3,862	3,713
<b>Indictable offences</b>	<b>341,664</b>	<b>326,210</b>	<b>323,203</b>	<b>336,744</b>	<b>333,930</b>	<b>316,937</b>	<b>306,598</b>	<b>302,537</b>	<b>312,258</b>	<b>315,900</b>	<b>327,146</b>
Summary non-motoring	433,475	490,603	441,946	487,028	493,286	522,498	508,729	495,520	491,345	493,943	514,573
Summary motoring	632,859	607,536	583,345	595,836	662,611	707,917	667,126	622,514	611,139	552,221	564,219
<b>Summary offences</b>	<b>1,066,334</b>	<b>1,098,139</b>	<b>1,025,291</b>	<b>1,082,864</b>	<b>1,155,897</b>	<b>1,230,415</b>	<b>1,175,855</b>	<b>1,118,034</b>	<b>1,102,484</b>	<b>1,046,164</b>	<b>1,078,792</b>
<b>Total</b>	<b>1,407,998</b>	<b>1,424,349</b>	<b>1,348,494</b>	<b>1,419,608</b>	<b>1,489,827</b>	<b>1,547,352</b>	<b>1,482,453</b>	<b>1,420,571</b>	<b>1,414,742</b>	<b>1,362,064</b>	<b>1,405,938</b>

**Demography of persons sentenced (Tables 1(iv) and 1(v))**

Juveniles sentenced fell by eight per cent from 88,400 in 2008 to 81,500 in 2009 (6,900 fewer juveniles sentenced). This is the lowest number of juveniles sentenced in the eleven year period.

In 2009, 1,046,300 males were sentenced, which was 77 per cent of all persons with known gender. Since 1999 the proportion of persons sentenced who were male has slowly decreased from 84 per cent to 77 per cent in 2009.

**Table 1(iv): Number of persons sentenced at all courts by sex and age group, 1999, 2008 and 2009**

	1999	2008	2009	% change from 1999	% change from 2008
<b>Sex</b>					
Males	1,177,779	1,045,223	1,046,281	*(1)	0.1%
Females	220,007	288,338	314,627	*(1)	9.1%
Gender not stated	*	20,376	36,402	:	78.7%
<b>Age</b>					
Juveniles (10–17)	90,160	88,375	81,490	-9.6%	-7.8%
Young adults (18–20)	165,412	137,575	141,884	-14.2%	3.1%
Adults (21 and over)	1,142,214	1,127,987	1,173,936	2.8%	4.1%
<b>Total</b>	<b>1,397,786</b>	<b>1,353,937</b>	<b>1,397,310</b>	<b>0.0%</b>	<b>3.2%</b>

(1) A direct gender comparison is not given due to the introduction of the 'Not Stated' category in 2008

The indictable offence group for which males received the highest proportion of sentences was sexual offences (99 per cent); for females it was fraud and forgery (30 per cent).

The highest proportion of sentences for indictable offences committed by juveniles was robbery (42 per cent). Juveniles accounted for nearly a quarter of sentences for offences of criminal damage and burglary.

**Table 1(v): Proportion of persons<sup>(1)</sup> sentenced at all courts by sex, age group, and offence group, 2009**

Offence type/group	Sentenced (thousands)	Proportion by sex (%)		Proportion by age group (%)	
		Males <sup>(1)</sup>	Females	Under 18s	18 and over
Indictable offences					
Violence against the person	43,195	88.4%	11.6%	15.8%	84.2%
Sexual Offences	5,092	98.5%	1.5%	9.9%	90.1%
Burglary	22,758	95.7%	4.3%	23.6%	76.4%
Robbery	8,663	91.1%	8.9%	41.7%	58.3%
Theft and handling stolen goods	111,398	78.1%	21.9%	13.1%	86.9%
Fraud and Forgery	20,932	70.4%	29.6%	2.7%	97.3%
Criminal Damage	7,831	88.5%	11.5%	24.2%	75.8%
Drug Offences	56,620	91.6%	8.4%	11.1%	88.9%
Other (excluding motoring offences)	46,174	88.0%	12.0%	8.7%	91.3%
Motoring Offences	3,712	95.0%	5.0%	7.5%	92.5%
<b>Total Indictable Offences</b>	<b>326,375</b>	<b>85.0%</b>	<b>15.0%</b>	<b>13.5%</b>	<b>86.5%</b>
Summary non-motoring	513,011	67.1%	32.9%	6.1%	93.9%
Summary motoring Offences	557,924	82.6%	17.4%	1.2%	98.8%
<b>Total Summary Offences</b>	<b>1,070,935</b>	<b>75.2%</b>	<b>24.8%</b>	<b>3.5%</b>	<b>96.5%</b>
<b>Total All offences</b>	<b>1,397,310</b>	<b>77.5%</b>	<b>22.5%</b>	<b>5.8%</b>	<b>94.2%</b>

(1) Figures for males include 'Not Stated' gender

### Sentencing by ethnicity (Table 1vi)

Historically the recording of ethnicity data for magistrates' courts cases has been poor with high numbers of unknown ethnic identity. The recording of ethnicity data for indictable offences has generally been more complete compared to summary offences, as in charged cases the defendant will have been seen by the police and will have been asked about their ethnicity. In summons cases, the defendant will not have been seen by the prosecutor, and may not have appeared at court. The ethnic breakdown is based on the 4+1 visual appearance/officer identified classification – White, Black, Asian, Other and Unknown.

**Table 1(vi): Persons<sup>(1)</sup> sentenced at all courts for indictable offences by ethnicity and result, 2009**

	Total	White	Black	Asian	Other	Unknown
<b>Indictable offences</b>						
Absolute discharge	1,645	1,190	124	46	17	268
Conditional discharge	38,954	28,824	2,439	1,049	618	6,024
Fine	55,300	36,868	5,074	2,441	817	10,100
Community sentence	107,850	77,201	8,400	3,727	1,585	16,937
Suspended Sentence	31,119	21,804	2,313	1,436	630	4,936
Immediate custody	80,239	52,973	8,113	4,295	2,624	12,234
Otherwise dealt with	11,268	7,574	1,452	448	235	1,559
<b>Total</b>	<b>326,375</b>	<b>226,434</b>	<b>27,915</b>	<b>13,442</b>	<b>6,526</b>	<b>52,058</b>
<b>Proportion of the total sentenced (Percentage)<sup>(2)</sup></b>						
Absolute discharge	0.5%	0.5%	0.4%	0.3%	0.3%	0.5%
Conditional discharge	11.9%	12.7%	8.7%	7.8%	9.5%	11.6%
Fine	16.9%	16.3%	18.2%	18.2%	12.5%	19.4%
Community sentence	33.0%	34.1%	30.1%	27.7%	24.3%	32.5%
Suspended Sentence	9.5%	9.6%	8.3%	10.7%	9.7%	9.5%
Immediate custody	24.6%	23.4%	29.1%	32.0%	40.2%	23.5%
Otherwise dealt with	3.5%	3.3%	5.2%	3.3%	3.6%	3.0%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

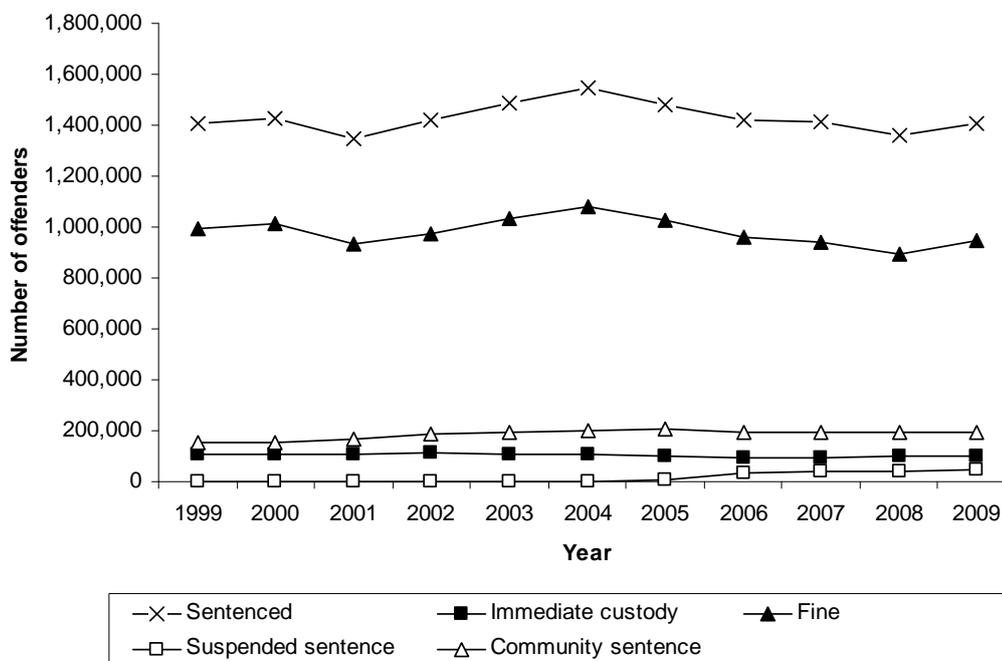
(1) Includes sex not stated

(2) May not sum due to rounding

### Disposal patterns for all offences (Table 1.2)

Fines are the most common disposal, with 945,500 handed down in 2009, accounting for 67 per cent of all sentences, an increase of six per cent from 2008, but less than the levels seen in 2006 and before. The use of suspended sentences<sup>4</sup> has increased over this period, rising from two per cent (33,500) of sentences in 2006 to three per cent (45,100) of sentences in 2009. Community sentences accounted for 195,800 sentences in 2009. This equates to 14 per cent of all sentences, up from 11 per cent in 1999. Immediate custody was given to seven per cent (100,200) of all offenders in 2009 consistent with the levels seen over the last ten years.

<sup>4</sup> The suspended sentence order (SSO) was introduced by the Criminal Justice Act 2003 for offences committed from April 2005 and replaced the fully suspended sentence (FSS). This new sentence may be given to persons aged 18 and above with a range of additional requirements similar to the community order.

**Figure 1.3: Total offenders sentenced and disposals used for all offences at all courts 1999–2009****Disposals for indictable offences (Tables 1.1, 1.2, 1.3, 1.4)**

The most common disposal for indictable offences was a community sentence accounting for 33 per cent of all sentences in 2009. The use of fines for indictable offences has steadily decreased from 27 per cent in 1999 to 17 per cent in 2009. The use of suspended sentences has increased, particularly since the introduction of the new suspended sentence order in 2005. This disposal accounted for ten per cent of sentences for indictable offences in 2009, up from 0.7 per cent of sentences in 2004.

**Table 1 (vii): Total offenders and percentage change by disposal type for indictable offences, 1999, 2008 and 2009**

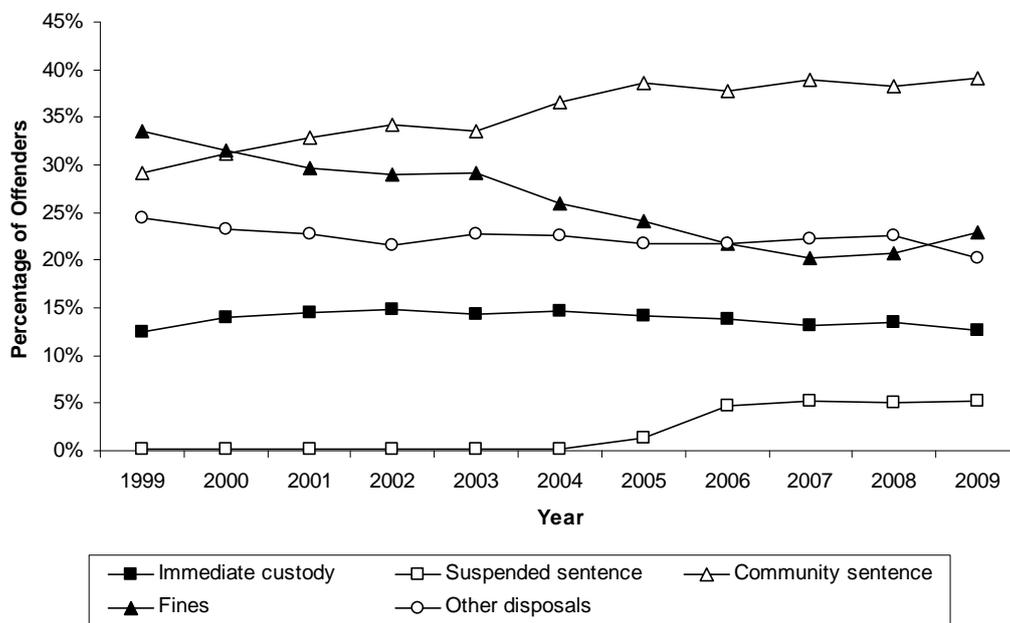
	1999	2008	2009	% change from 1999	% change from 2008
Total number sentenced	341,664	315,900	327,146	-4.2%	3.6%
Immediate custody	79,788	79,058	80,239	0.6%	1.5%
Suspended sentence <sup>(1)</sup>	2,547	28,455	31,119	*	9.4%
Community sentence	97,748	102,782	107,852	10.3%	4.9%
Fine	92,121	49,646	56,029	-39.2%	12.9%
Otherwise dealt with	69,460	55,959	51,907	-25.3%	-7.2%

(1) Fully suspended sentence for offences committed prior to 4 April 2005, suspended sentence order from 4 April 2005

### Magistrates' Courts

At magistrates' courts, the most significant change over the eleven years in sentencing for indictable offences has been the marked decline in the use of fines (down 40 per cent since 1999) although the last two years have seen slight increases in the use of this disposal. Over the last eleven years the use of immediate custody for indictable offences peaked at 15 per cent of all those sentenced in 2002 and has declined slightly over the last seven years (in 2009 13 per cent of persons sentenced received this disposal).

**Figure 1.4: Distribution of disposals for indictable offences at magistrates' courts, 1999–2009**



### Crown Court

At the Crown Court, immediate custody is the most commonly used disposal for indictable offences. Fifty-seven per cent of persons sentenced for indictable offences were for immediate custody.

Figure 1.5: Distribution of disposals for indictable offences at the Crown Court, 1999–2009

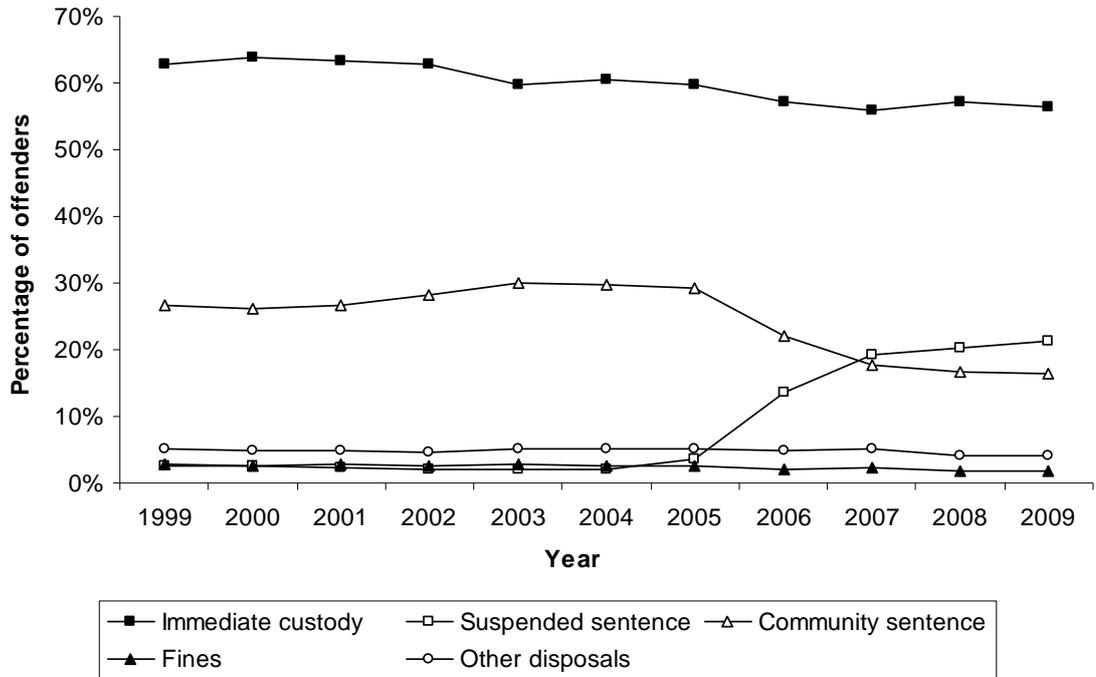


Table 1.1 Recorded crime and defendants proceeded against, convicted, cautioned and sentenced by type of offence, 1999-2009

England and Wales	1999/00 <sup>(2)</sup>	2000/01	2001/02	2002/03 <sup>(3)</sup>	2003/04 <sup>(3)</sup>	2004/05 <sup>(3)</sup>	2005/06 <sup>(3)</sup>	2006/07	2007/08	2008/09	2009/10
Total recorded crime <sup>(1)(4)</sup>	5,301,187	5,170,843	5,525,024	5,974,960	6,013,759	5,637,511	5,555,172	5,427,558	4,951,173	4,702,717	4,338,604
Penalty notices for disorder (PND) <sup>(4)</sup>	*	*	*	*	*	63,639	146,481	201,197	207,544	176,164	170,402
Cannabis warnings	*	*	*	*	*	18,898	50,476	77,148	98,198	105,261	89,078
Total cautioned <sup>(5)(5)</sup>	266,132	238,987	229,860	225,358	241,806	255,768	298,945	349,977	362,895	327,892 <sup>(R)</sup>	290,645
Total proceeded against	1,881,765	1,904,677	1,837,733	1,924,828	2,000,822	2,022,604	1,895,002	1,779,307	1,732,506	1,640,023	1,693,191
Total found guilty	1,408,461	1,423,702	1,349,673	1,421,285	1,491,210	1,548,500	1,484,424	1,421,401	1,415,904	1,363,218	1,407,456
Total sentenced	1,407,998	1,424,349	1,348,494	1,419,608	1,489,827	1,547,352	1,482,453	1,420,571	1,414,742	1,362,064	1,405,938
Indictable only offences	13,219	13,160	14,574	15,845	15,478	16,273	16,053	17,953	20,598	20,813	20,295
Percentage sentenced for indictable only offences	0.9	0.9	1.1	1.1	1.0	1.1	1.1	1.3	1.5	1.5	1.4
Triable either way (TEW) offences	328,445	313,050	308,629	320,899	318,452	300,664	290,556	284,584	291,918	295,087	306,851
Percentage sentenced for TEW offences	23.3	22.0	22.9	22.6	21.4	19.4	19.6	20.0	20.6	21.7	21.8
Summary non-motoring offences	433,475	490,603	441,946	487,028	493,286	522,498	508,729	495,520	491,345	493,943	514,573
Percentage sentenced for summary non-motoring offences	30.8	34.4	32.8	34.3	33.1	33.8	34.3	34.9	34.7	36.3	36.6
Summary motoring offences	632,859	607,536	583,345	595,836	662,611	707,917	667,126	622,514	611,139	552,221	564,219
Percentage sentenced for summary motoring offences	44.9	42.7	43.3	42.0	44.5	45.8	45.0	43.8	43.2	40.5	40.1
Total sentenced at magistrates' courts	1,330,828	1,350,008	1,276,426	1,343,417	1,413,764	1,471,098	1,406,712	1,343,985	1,333,236	1,273,236	1,311,352
Total committed for trial to the Crown Court	72,290	70,240	79,169	82,825	81,595	78,409	80,874	79,468	84,435	89,493	102,982
Total committed for sentence to the Crown Court	20,417	17,296	16,882	18,220	17,756	16,937	19,424	18,935	17,834	19,303	18,880
Total sentenced at the Crown Court	77,170	74,341	72,068	76,191	76,063	76,254	75,741	76,586	81,506	88,828	94,586

(1) Recorded crime figures relate to notifiable offences recorded by the police whereas court proceedings count individual offenders on a principle offence basis. For these reasons the two sets of data are not directly comparable.  
 (2) The number of crimes recorded in the financial year using the expanded coverage and revised counting rules which came into effect on 1 April 1998.  
 (3) Numbers of recorded crimes will be affected by changes in reporting and recording. The national impact of recording changes in 2002/03 was estimated to be ten per cent for total recorded crime. The impact will vary for different types of offences. British Transport Police figures have been included from 2002/03.  
 (4) All or part of the data in these rows come from sources of data other than the court proceedings database.  
 (5) Includes reprimands and final warnings given to 10 to 17-year-olds who are too young to receive cautions, but not warnings given for possession of cannabis.  
 (R) Revised from data presented in Criminal Statistics, England and Wales 2008. There was an error in the collation process of caution data submitted from Nottinghamshire police force.

Table 1.2 Offenders sentenced by offence group and outcome, all courts, 1999-2009

England and Wales		Number of offenders										
Offence group	Outcome	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All indictable offences</b>	<b>Total number sentenced</b>	341,664	326,210	323,203	336,744	333,930	316,937	306,598	302,537	312,258	315,900	327,146
	<i>Number given:</i>											
	Immediate custody	79,788	80,784	80,273	85,151	80,794	79,938	76,291	73,532	74,037	79,058	80,239
	Suspended sentence	2,547	2,453	2,139	1,963	2,055	2,143	5,610	20,799	27,254	28,455	31,119
	Community sentences	97,748	97,948	102,063	110,768	109,549	111,013	111,724	102,971	105,142	102,782	107,852
<b>Summary non-motoring offences</b>	Fines	92,121	82,110	77,466	78,470	78,250	65,095	58,433	51,628	49,463	49,646	56,029
	Other disposals	69,460	62,915	61,262	60,392	63,282	58,748	54,540	53,607	56,362	55,959	51,907
	Average custodial sentence length (months) <sup>(1)</sup>	14.2	14.0	14.7	15.5	15.7	16.1	15.8	15.3	15.2	16.0	16.5
	<b>Total number sentenced</b>	433,475	490,603	441,946	487,028	493,286	522,498	508,729	495,520	491,345	493,943	514,573
	<i>Number given:</i>											
<b>Summary motoring offences</b>	Immediate custody	9,776	9,318	9,051	9,545	9,470	11,215	12,075	12,571	13,277	14,089	14,687
	Suspended sentence	236	248	259	216	264	320	1,515	6,041	7,266	7,696	8,962
	Community sentences	27,774	31,494	35,079	41,231	43,310	50,859	58,029	59,585	65,188	66,687	67,759
	Fines	335,041	390,551	341,296	379,448	378,689	394,954	375,891	356,512	343,429	344,262	369,762
	Average custodial sentence length (months) <sup>(1)</sup>	2.6	2.7	2.7	2.7	2.7	2.8	2.8	2.8	2.7	2.7	2.6
<b>Summary motoring offences</b>	<b>Total number sentenced</b>	632,859	607,536	583,345	595,836	662,611	707,917	667,126	622,514	611,139	552,221	564,219
	<i>Number given:</i>											
	Immediate custody	15,759	16,085	16,949	16,911	17,406	15,169	12,870	9,914	7,892	6,378	5,264
	Suspended sentence	378	371	357	340	398	392	2,541	6,669	6,168	5,000	5,053
	Community sentences	26,111	26,096	27,855	34,521	38,563	39,631	34,494	28,281	26,094	21,702	20,156
<b>All offences</b>	Fines	565,258	540,686	511,359	514,819	576,678	622,641	590,740	553,395	548,642	496,388	519,703
	Other disposals	25,353	24,298	26,825	29,245	29,566	30,084	26,481	24,255	22,343	22,753	14,043
	Average custodial sentence length (months) <sup>(1)</sup>	3.4	3.4	3.4	3.4	3.5	3.5	3.4	3.4	3.3	3.2	3.1
	<b>Total number sentenced</b>	1,407,998	1,424,349	1,348,494	1,419,608	1,489,827	1,547,352	1,482,453	1,420,571	1,414,742	1,362,064	1,405,938
	<i>Number given:</i>											
<b>All offences</b>	Immediate custody	105,323	106,187	106,273	111,607	107,670	106,322	101,236	96,017	95,206	99,525	100,190
	Suspended sentence	3,161	3,072	2,755	2,519	2,717	2,855	9,666	33,509	40,688	41,151	45,134
	Community sentences	151,633	155,538	164,997	186,520	191,422	201,503	204,247	190,837	196,424	190,171	195,767
	Fines	992,420	1,013,347	930,121	972,737	1,033,617	1,082,690	1,025,064	961,535	941,534	890,296	945,494
	Average custodial sentence length (months) <sup>(1)</sup>	155,461	146,205	144,348	146,225	154,401	153,982	142,240	138,673	140,890	140,921	119,353
		11.5	11.4	11.8	12.6	12.6	12.9	12.6	12.4	13.3	13.7	

(1) Excludes life and indeterminate sentences.

Table 1.3 Offenders sentenced by offence group and outcome, magistrates' courts, 1999-2009

England and Wales		Number of offenders										
Offence group	Outcome	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All indictable offences</b>	<b>Total number sentenced</b>	267,681	255,151	254,355	263,748	261,188	244,151	234,410	229,796	235,442	232,255	238,257
	<i>Number given:</i>											
	Immediate custody	33,388	35,480	36,674	39,286	37,304	35,848	33,221	31,879	31,118	31,263	29,988
	Suspended sentence	576	576	534	475	513	604	3,074	10,877	10,877	11,572	12,284
	Community sentences	78,090	79,429	83,685	90,272	87,635	89,438	86,886	86,886	91,610	88,833	93,207
<b>Summary non-motoring offences</b>	<b>Total number sentenced</b>	431,141	488,148	439,504	484,637	490,767	519,825	505,915	492,347	487,648	489,828	509,771
	<i>Number given:</i>											
	Immediate custody	9,179	8,726	8,519	9,018	8,953	10,642	11,385	11,835	12,377	12,964	13,370
	Suspended sentence	213	225	236	200	253	306	1,479	5,784	5,784	6,912	7,244
	Community sentences	26,979	30,616	34,139	40,309	42,383	49,867	56,976	58,570	64,061	64,445	66,378
<b>Summary motoring offences</b>	<b>Total number sentenced</b>	632,006	606,709	582,567	595,032	661,809	707,122	666,387	621,842	610,146	551,153	563,324
	<i>Number given:</i>											
	Immediate custody	15,407	15,769	16,675	16,609	17,139	14,894	12,644	9,717	7,677	6,121	5,021
	Suspended sentence	370	370	352	338	393	390	2,528	6,613	6,062	4,889	4,943
	Community sentences	25,908	25,887	27,645	34,283	38,310	39,391	34,284	28,149	25,936	21,554	20,008
<b>All offences</b>	<b>Total number sentenced</b>	1,330,828	1,350,008	1,276,426	1,343,417	1,413,764	1,471,098	1,406,712	1,343,985	1,333,236	1,273,236	1,311,352
	<i>Number given:</i>											
	Immediate custody	57,974	59,975	61,868	64,913	63,396	61,384	57,250	53,431	51,172	50,348	48,389
	Suspended sentence	1,159	1,171	1,122	1,013	1,159	1,300	7,081	23,274	25,471	23,705	25,385
	Community sentences	130,977	135,932	145,469	164,864	168,328	178,696	181,844	173,605	181,607	174,832	179,593
<b>Other disposals</b>	<b>Total number sentenced</b>	989,713	1,010,835	927,571	970,384	1,030,918	1,080,236	1,022,710	959,394	939,046	887,976	943,194
	<i>Number given:</i>											
	Fines	151,005	142,095	140,396	142,243	149,963	149,482	137,827	134,281	135,940	136,375	114,791
	Other disposals	151,005	142,095	140,396	142,243	149,963	149,482	137,827	134,281	135,940	136,375	114,791
	Average custodial sentence length (months)	2.8	3.0	3.1	3.1	3.1	3.0	3.0	2.9	2.9	2.7	2.7

Table 1.4 Offenders sentenced by offence group and outcome, the Crown Court, 1999-2009

England and Wales		Number of offenders										
Offence group	Outcome	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All indictable offences</b>	<b>Total number sentenced</b>	73,983	71,059	68,848	72,996	72,742	72,786	72,188	72,741	76,816	83,645	88,889
	<i>Number given:</i>	46,400	45,304	43,599	45,865	43,490	44,090	43,070	41,653	42,919	47,795	50,241
	Immediate custody	1,971	1,877	1,605	1,488	1,542	1,539	2,536	9,922	14,777	16,883	18,835
	Suspended sentence	19,658	18,519	18,378	20,496	21,914	21,575	21,140	16,085	13,532	13,949	14,645
	Community sentences	2,119	1,876	1,966	1,832	2,079	1,849	1,815	1,562	1,735	1,570	1,594
<b>Summary non-motoring offences</b>	Fines	3,835	3,483	3,300	3,315	3,717	3,733	3,627	3,519	3,853	3,448	3,574
	Other disposals	22.5	22.8	24.5	26.3	26.8	27.0	25.9	25.2	24.6	25.1	25.0
	Average custodial sentence length (months) <sup>(1)</sup>											
	<b>Total number sentenced</b>	2,334	2,455	2,442	2,391	2,519	2,673	2,814	3,173	3,697	4,115	4,802
<i>Number given:</i>	597	592	532	527	517	573	690	736	900	1,125	1,317	
Immediate custody	23	23	23	16	11	14	36	257	354	452	804	
Suspended sentence	795	878	940	922	927	992	1,053	1,015	1,015	1,127	1,242	
Community sentences	345	387	354	321	396	368	337	366	366	410	365	
Fines	574	575	593	605	668	726	698	799	799	906	931	
Other disposals	3.6	3.5	3.3	3.4	3.4	3.5	3.7	3.9	3.5	3.5	3.3	
Average custodial sentence length (months) <sup>(1)</sup>												
<b>Summary motoring offences</b>	<b>Total number sentenced</b>	853	827	778	804	802	795	739	672	993	1,068	895
	<i>Number given:</i>	352	316	274	302	267	275	226	197	215	257	243
	Immediate custody	8	1	5	2	5	2	13	56	86	111	110
	Suspended sentence	203	209	210	238	253	240	210	132	158	148	148
	Community sentences	243	249	230	200	224	237	202	213	343	385	303
Fines	47	52	59	62	53	41	88	74	74	191	91	
Other disposals	4.0	3.8	3.8	3.7	4.0	3.8	3.7	3.7	3.5	3.3	3.2	
Average custodial sentence length (months) <sup>(1)</sup>												
<b>All offences</b>	<b>Total number sentenced</b>	77,170	74,341	72,068	76,191	76,063	76,254	75,741	76,586	81,506	88,828	94,586
	<i>Number given:</i>	47,349	46,212	44,405	46,694	44,274	44,938	43,986	42,586	44,034	49,177	51,801
	Immediate custody	2,002	1,901	1,633	1,506	1,558	1,555	2,585	10,235	15,217	17,446	19,749
	Suspended sentence	20,656	19,606	19,528	21,656	23,094	22,807	22,403	17,232	14,817	15,339	16,174
	Community sentences	2,707	2,512	2,550	2,353	2,699	2,454	2,354	2,141	2,488	2,320	2,300
Fines	4,456	4,110	3,952	3,982	4,438	4,500	4,413	4,392	4,392	4,950	4,562	
Other disposals	22.1	22.4	24.2	25.9	26.3	26.5	25.5	24.7	24.0	24.5	24.3	
Average custodial sentence length (months) <sup>(1)</sup>												

(1) Excludes life and indeterminate sentences.

## Chapter 2 – Custodial sentences

Immediate custodial sentences include standard determinate sentences (SDS), indeterminate or public protection sentences (PPS), and detention and training orders for young offenders

### Key points for 2009

- For all offences there were 100,200 persons sentenced to immediate custody at all courts, a one per cent increase on 2008 and five per cent decrease compared to 1999 (Table 2.1).
- For all persons sentenced in 2009, the custody rate (the percentage of sentenced persons given immediate custody) was 7.2 per cent, a decrease of 0.2 percentage points compared to 2008 (Table 2.1).
- The average custodial sentence length (ACSL) was 13.7 months in 2009, an increase of 0.4 months on 2008. This is the longest ACSL in the eleven year period and is an increase of 2.2 months from 1999. At magistrates' courts the ACSL remained stable at 2.7 months and at the Crown Court it decreased slightly from 24.5 months in 2008 to 24.3 months (Table 2.2, 2.3).
- Fifty-five per cent of persons sentenced at the Crown Court received an immediate custodial sentence, a total of 51,800. This is a five per cent rise from 2008 and is the highest use of custody at the Crown Court in the eleven year period (Table 2.3).
- There were 80,200 sentences of immediate custody for indictable offences, a one per cent increase on 2008 and a continuation of the rising trend seen since 2006. This comprised eighty per cent of all immediate custodial sentences in 2009 (Table 2.1).
- There were 1,000 persons sentenced to an indeterminate period which is a 35 per cent decrease from 1,540 in 2008. A further 420 persons were given a life sentence, a 20 per cent fall from 2008 (Table 2.1).

## Introduction

Imposing a custodial sentence is the most severe penalty available to the courts, and is only available for more serious offences.

The type and length of custody will largely depend upon the seriousness of the offence committed and the maximum penalty available for the offence. The maxima are set across bands ranging from one month imprisonment through to life imprisonment and reflect the gravity of the worst possible instance for a particular offence. For a small number of specific offences there are also mandatory minimum sentences (MMS) which must be imposed, unless the court finds that there are exceptional circumstances.

Immediate custody is the direct detention of defendants aged over 18 following sentencing at court. This can be in the form of either a standard determinate sentence (SDS), an indeterminate or life sentence.

Offenders receiving a SDS of 12 months or over serve the first half of the sentence in prison and the second half in the community on licence. For offenders given an indeterminate sentence the court sets a minimum term which must be served in full, after which they may be released on licence in the community but only if and when the Parole Board determines it is safe to do so. If released, an offender serving a life sentence will be on licence, and subject to recall to prison, for the rest of his natural life. The Criminal Justice Act 2003 introduced on 1 April 2005 sentences of imprisonment or detention for public protection (IPP and DPP) and extended sentences (EPP) for specified serious violent and sexual offences. An IPP (or DPP) is similar to a life sentence in that the court will set a minimum term to be served in full, after which release is at the discretion of the Parole Board on grounds of public safety. Once the offender has been on licence for ten years he may apply to the Parole Board for the termination of the licence. An EPP enables an extended license period following release, this can be up to five years for violent offenders and a maximum of eight years for sexual offenders.

The Courts must impose a life sentence on any individual convicted of murder. This is the only sentence available for such a conviction. The maximum sentence that can be awarded by the Courts for a number of other types of offences, for example rape, manslaughter and arson is life imprisonment. It is for the Court to decide whether the circumstances of the offence and the risk presented by the individual warrant the maximum sentence of life imprisonment.

### All offences (Table 2.1)

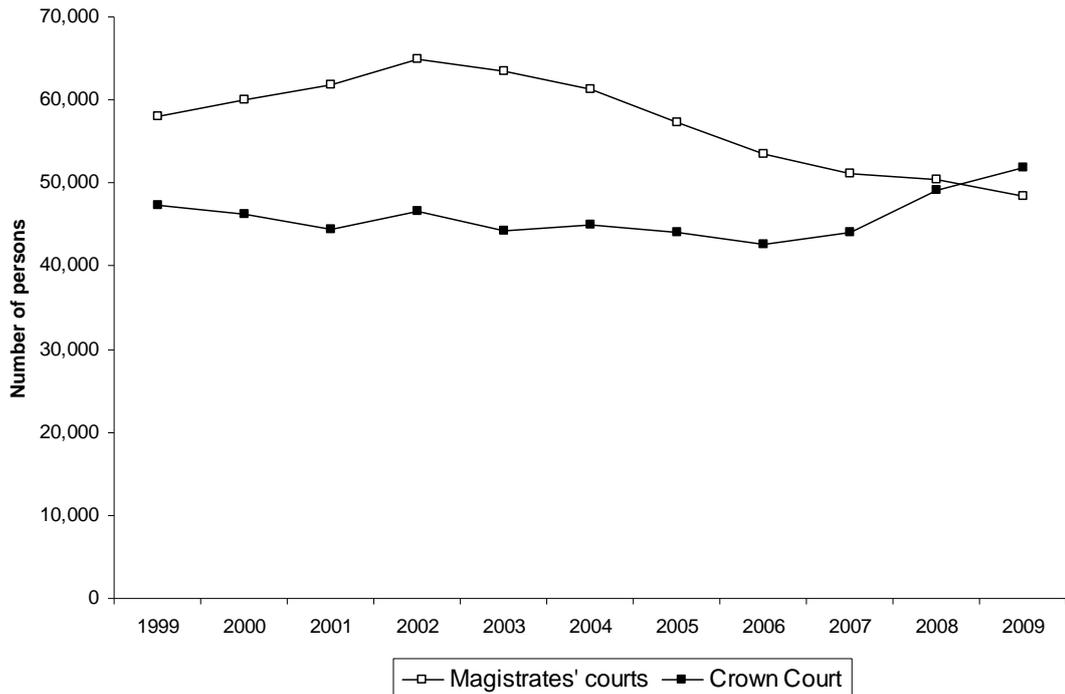
In 2009, 100,200 persons<sup>5</sup> were sentenced to immediate custody following conviction at all courts. This is a one per cent increase in the number of sentences given when compared to 2008 and a five per cent decrease since 1999. The person custody rate (the percentage of sentenced persons

---

<sup>5</sup> Persons include males, females and those cases where the sex is not recorded.

disposed of given immediate custody) was 7.2 per cent, a decrease of 0.2 percentage points since 2008.

**Figure 2.1: Persons given immediate custody for all offences, by court, 1999–2009**



In 2009 nearly two thirds (64 per cent) of immediate custodial sentences given were for under 12 months. The average length of determinate custodial sentences was 13.7 months in 2009, this is a rise of 0.4 months on 2008. Since 1999 the average custodial sentence length has increased by 2.2 months.

Over the last ten years the custody rate for indictable offences has risen by 1.2 percentage points but fallen by 0.5 percentage points for summary offences. The largest increases are for 'fraud and forgery' and 'other indictable (excluding motoring) offences' which have increased by nine and seven percentage points respectively (Table 2(i)).

Table 2(i) Number of persons sentenced to immediate custody and custody rate by offence group, 1999-2009

Offence group	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Violence against the person	11,038	11,414	11,389	11,792	11,467	12,274	12,842	12,354	12,535	13,380	14,084
	30.7	32.1	32.1	31.2	30.2	31.3	31.5	29.5	29.8	32.3	32.6
Sexual offences	2,601	2,427	2,398	2,561	2,502	2,832	2,697	2,806	2,807	3,000	2,987
	60.7	61.8	59.7	58.8	58.0	59.0	57.0	57.0	55.7	58.6	58.7
Burglary	14,345	13,677	12,476	13,350	11,820	10,814	9,550	9,229	9,237	9,960	10,026
	48.9	51.2	50.6	50.6	46.6	44.8	42.2	40.7	39.2	42.1	44.1
Robbery	4,085	4,341	4,775	5,881	5,150	5,063	4,407	4,802	4,772	5,095	5,155
	72.3	73.0	69.7	76.1	70.2	67.4	61.7	58.8	53.8	60.0	59.5
Theft and handling stolen goods	24,427	25,983	26,205	27,945	25,517	22,759	20,472	19,631	19,612	21,008	19,942
	18.7	20.4	20.7	22.1	21.5	20.6	19.8	19.9	18.6	19.0	17.9
Fraud and forgery	4,056	3,735	3,835	3,774	3,903	4,173	4,582	4,410	5,196	5,675	5,387
	16.7	16.5	17.7	17.6	18.3	20.2	22.7	22.2	24.8	27.5	25.7
Criminal damage	1,252	1,222	1,202	1,178	1,201	1,266	1,282	1,333	1,330	1,157	1,036
	11.7	12.0	11.4	10.9	10.8	10.9	11.1	10.6	10.8	12.1	13.2
Drug offences	8,731	8,141	8,499	8,284	8,140	7,981	7,783	7,532	8,186	9,488	9,425
	17.8	18.1	18.6	16.9	15.9	20.4	20.0	19.1	18.4	17.9	16.6
Other (excluding motoring offences)	7,622	8,106	7,585	8,178	8,725	10,470	10,685	9,715	8,790	8,902	10,882
	16.5	18.7	18.0	17.7	17.6	19.8	20.7	19.9	20.0	22.9	23.6
Motoring offences	1,631	1,738	1,909	2,208	2,369	2,306	1,991	1,720	1,572	1,393	1,315
	38.8	41.2	44.0	43.2	42.1	41.3	41.5	37.3	36.0	36.1	35.4
<b>Total indictable</b>	79,788	80,784	80,273	85,151	80,794	79,938	76,291	73,532	74,037	79,058	80,239
	23.4	24.9	24.9	25.4	24.3	25.3	25.0	24.4	23.8	25.1	24.6
Summary offences (excluding motoring)	9,776	9,318	9,051	9,545	9,470	11,215	12,075	12,571	13,277	14,089	14,687
	2.3	1.9	2.1	2.0	1.9	2.2	2.4	2.5	2.7	2.9	2.9
Summary motoring offences	15,759	16,085	16,949	16,911	17,406	15,169	12,870	9,914	7,892	6,378	5,264
	2.5	2.7	2.9	2.9	2.7	2.2	1.9	1.6	1.3	1.2	0.9
<b>Total summary</b>	25,535	25,403	26,000	26,456	26,876	26,384	24,945	22,485	21,169	20,467	19,951
	2.4	2.3	2.6	2.5	2.3	2.2	2.1	2.0	1.9	2.0	1.9
<b>All offences</b>	105,323	106,187	106,273	111,607	107,670	106,322	101,236	96,017	95,206	99,525	100,190
	7.5	7.5	7.9	7.9	7.3	6.9	6.9	6.8	6.8	7.4	7.2

### Courts (Tables 2.2 and 2.3)

A magistrates' court may not sentence offenders to more than six months for any one offence and no longer than twelve months in total. Where a longer sentence is deemed suitable the defendant is sent to the Crown Court for sentencing. Youth courts do have the power to sentence young people (those aged 12 to 17 years old) to up to two years under a Detention and Training Order.

Magistrates' courts imposed 48,400 sentences of immediate custody in 2009, a decrease of four per cent from 2008 (50,300). The use of immediate custody as a disposal fell slightly from 4.0 per cent in 2008 to 3.7 per cent in 2009 continuing the downward trend since 2001. The average sentence length for sentences of immediate custody remained at 2.7 months from 2008 and decreased from 2007 (2.9 months).

At the Crown Court there were 51,800 sentences of immediate custody which is the highest number in the eleven year period. However there was a 0.6 percentage point decrease in the custody rate from 2008, with 54.9 per cent of persons sentenced at the Crown Court receiving an immediate custodial sentence.

At the Crown Court, the average determinate sentence length was 24.3 months, down from 24.5 months in 2008. This excludes the 1,420 life and indeterminate sentences in 2009. Of those sentenced to immediate custody 80 per cent were for less than four years.

**Table 2(ii): Persons sentenced to immediate custody, 2009 and percentage change from 2008 and 1999**

	Magistrates' courts	Crown Court	All courts
All persons	48,389	51,801	100,190
Percentage change from 2008 (%)	-3.9	5.3	0.7
Percentage change from 1999 (%)	-16.5	9.4	-4.9
Immediate custody rate (%)	3.7	54.9	7.2
Percentage point change in immediate custody rate from 2008	-0.3	-0.6	-0.2
Percentage point change in immediate custody rate from 1999	-0.7	-6.6	-0.3

### Indictable offences (Tables 2.1, 2.2 and 2.3)

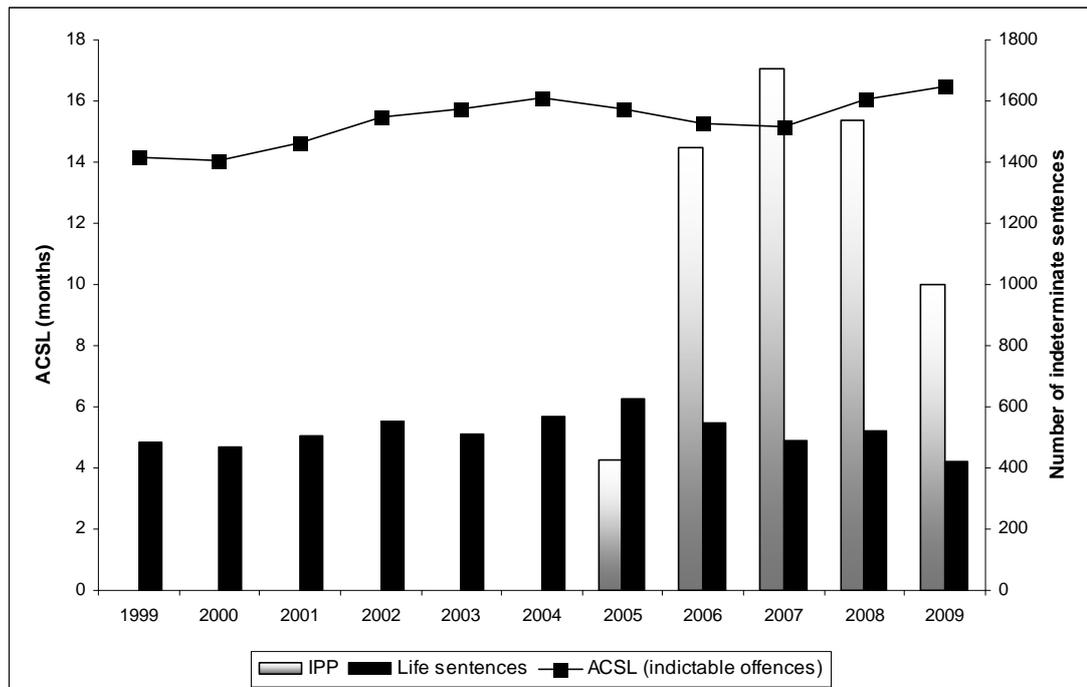
Indictable offences accounted for 80 per cent of immediate custodial sentences in 2009. There were 80,200 persons sentenced to immediate custody, an increase of one per cent on 2008 continuing the recent upward trend from 2006. This represents 25 per cent of the total persons sentenced for indictable offences, down by 0.5 percentage points on 2008. The average length of immediate custodial sentences given in all courts for indictable offences was 16.5 months in 2009 which is an increase from 16.0 months in 2008 and the longest ACSL in the past eleven years.

*Indeterminate and life sentences*

In 2009, there were 1,000 persons sentenced to an indeterminate period which is a 35 per cent decrease from 1,540 in 2008. The Criminal Justice and Immigration Act 2008 introduced changes for those sentenced from 14 July 2008 which allows courts greater discretion in imposing an IPP and is intended to ensure that IPPs are only imposed on the most dangerous offenders; this is likely to be responsible for the reduction in IPP sentences since 2007.

A further 420 persons were given a life sentence which is a 20 per cent fall from 520 in 2008.

**Figure 2.2: Average custodial sentence length for indictable offences and number of indeterminate sentences, 1999–2009**



**Average custodial sentence length (ACSL) for indictable offences**

The introduction of IPP sentences in 2004 has had a noticeable effect on the ACSL for indictable offences. Their introduction in 2005 saw a reduction of 0.3 months in ACSL; this was because offenders receiving an IPP would have previously received a long determinate sentence and their removal would reduce the ACSL calculation. The Criminal Justice and Immigration Act 2008 made changes to the circumstances in which an IPP could be given so that the minimum term for which an IPP could be given was two years. This change had caused the recent reduction in IPPs, from 1,700 in 2007 to 1,000 in 2009 and has resulted in the increase in ACSL.

## Sentencing Statistics: England and Wales 2009

**Table 2.1 Persons sentenced to immediate custody at all courts by length of sentence and average custodial sentence length, 1999-2009**

England and Wales	Number of persons										
Persons given immediate custody and sentence length	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All offences</b>											
Total persons sentenced	1,397,786	1,414,188	1,338,522	1,410,505	1,479,812	1,536,825	1,473,275	1,412,940	1,406,788	1,353,937	1,397,310
Number given immediate custody	105,323	106,187	106,273	111,607	107,670	106,322	101,236	96,017	95,206	99,525	100,190
<i>Percentage given immediate custody (%)</i>	7.5	7.5	7.9	7.9	7.3	6.9	6.9	6.8	6.8	7.4	7.2
Up to and including 3 months	43,059	41,585	40,884	42,542	40,748	39,707	37,100	34,712	34,427	35,738	36,042
Over 3 months and up to and including 6 months	26,203	28,514	29,030	29,419	29,504	28,492	26,756	24,422	23,109	22,338	21,310
Over 6 months and less than 12 months	5,511	5,940	5,670	5,724	5,340	5,678	5,851	5,728	6,154	6,920	7,177
12 months	5,720	5,635	5,478	5,683	5,256	5,244	5,414	5,245	5,479	5,652	5,837
Over 12 months and up to and including 18 months	7,078	6,706	6,512	7,046	6,518	6,366	6,258	6,232	6,271	6,751	7,289
Over 18 months and up to and including 3 years	10,379	10,261	10,273	11,241	10,562	10,695	10,385	10,374	10,470	11,516	12,076
Over 3 years and less than 4 years	1,222	1,354	1,617	1,969	1,861	2,082	1,745	1,533	1,458	1,629	1,811
4 years	1,737	1,789	1,917	2,251	2,128	2,146	1,745	1,607	1,603	1,903	1,977
Over 4 years and up to and including 5 years	1,539	1,536	1,748	2,099	2,090	2,161	1,920	1,670	1,611	1,998	1,980
Over 5 years and up to and including 10 years	2,055	2,091	2,332	2,679	2,747	2,772	2,658	2,190	2,109	2,614	2,784
Over 10 years and less than life	337	309	309	399	403	409	353	309	316	405	485
Indeterminate sentence <sup>(1)</sup>	:	:	:	:	:	:	426	1,447	1,707	1,538	1,001
Life	483	467	503	555	513	570	625	548	492	523	421
Average custodial sentence length (months) <sup>(2)</sup>	11.5	11.4	11.8	12.6	12.6	12.9	12.6	12.4	12.4	13.3	13.7
<b>Indictable offences</b>											
Total persons sentenced	340,304	324,882	321,866	335,523	332,466	315,806	305,502	301,488	311,191	314,941	326,375
Number given immediate custody	79,788	80,784	80,273	85,151	80,794	79,938	76,291	73,532	74,037	79,058	80,239
<i>Percentage given immediate custody (%)</i>	23.4	24.9	24.9	25.4	24.3	25.3	25.0	24.4	23.8	25.1	24.6
Up to and including 3 months	27,528	27,119	26,428	28,093	26,439	25,437	23,808	22,381	22,421	23,533	23,671
Over 3 months and up to and including 6 months	16,210	17,580	17,494	17,418	16,942	16,380	15,109	14,285	13,952	14,083	13,764
Over 6 months and less than 12 months	5,505	5,939	5,664	5,720	5,336	5,677	5,848	5,725	6,150	6,916	7,158
12 months	5,718	5,633	5,477	5,682	5,255	5,243	5,412	5,241	5,477	5,650	5,828
Over 12 months and up to and including 18 months	7,075	6,706	6,511	7,045	6,518	6,366	6,257	6,230	6,271	6,750	7,284
Over 18 months and up to and including 3 years	10,379	10,261	10,273	11,241	10,562	10,695	10,385	10,369	10,470	11,516	12,075
Over 3 years and less than 4 years	1,222	1,354	1,617	1,969	1,861	2,082	1,745	1,532	1,458	1,629	1,811
4 years	1,737	1,789	1,917	2,251	2,128	2,146	1,745	1,607	1,603	1,903	1,977
Over 4 years and up to and including 5 years	1,539	1,536	1,748	2,099	2,090	2,161	1,920	1,670	1,611	1,998	1,980
Over 5 years and up to and including 10 years	2,055	2,091	2,332	2,679	2,747	2,772	2,658	2,189	2,109	2,614	2,784
Over 10 years and less than life	337	309	309	399	403	409	353	309	316	405	485
Indeterminate sentence <sup>(1)</sup>	:	:	:	:	:	:	426	1,446	1,707	1,538	1,001
Life	483	467	503	555	513	570	625	548	492	523	421
Average custodial sentence length (months) <sup>(2)</sup>	14.2	14.0	14.7	15.5	15.7	16.1	15.8	15.3	15.2	16.0	16.5

(1) Sentences of imprisonment for public protection introduced by the Criminal Justice Act 2003 on 4 April 2005.

(2) Excludes life and indeterminate sentences.

## Sentencing Statistics: England and Wales 2009

**Table 2.2 Persons sentenced to immediate custody at magistrates' courts by length of sentence and average custodial sentence length, 1999-2009**

England and Wales	Number of persons										
Persons given immediate custody and sentence length	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All offences</b>											
Total persons sentenced	1,320,751	1,339,986	1,266,634	1,334,440	1,403,921	1,460,706	1,397,675	1,336,501	1,325,453	1,265,287	1,302,917
Number given immediate custody	57,974	59,975	61,868	64,913	63,396	61,384	57,250	53,431	51,172	50,348	48,389
<i>Percentage given immediate custody (%)</i>	4.4	4.5	4.9	4.9	4.5	4.2	4.1	4.0	3.9	4.0	3.7
Up to and including 3 months	38,529	37,300	37,396	39,476	37,850	36,798	34,377	32,254	31,787	32,596	32,386
Over 3 months and less than 6 months	15,387	17,212	18,440	19,370	19,841	19,161	18,365	16,839	15,529	14,277	13,227
6 months	3,974	4,549	4,696	4,553	4,413	4,173	3,336	3,018	2,661	2,313	1,689
Over 6 months <sup>(1)</sup>	84	914	1,336	1,514	1,292	1,252	1,172	1,320	1,195	1,162	1,087
Average custodial sentence length (months)	2.8	3.0	3.1	3.1	3.1	3.0	3.0	3.0	2.9	2.7	2.7
<b>Indictable offences</b>											
Total persons sentenced	266,452	253,961	253,195	262,653	259,895	243,152	233,450	228,892	234,541	231,472	237,677
Number given immediate custody	33,388	35,480	36,674	39,286	37,304	35,848	33,221	31,879	31,118	31,263	29,998
<i>Percentage given immediate custody (%)</i>	12.5	14.0	14.5	15.0	14.4	14.7	14.2	13.9	13.3	13.5	12.6
Up to and including 3 months	23,454	23,296	23,368	25,457	23,937	22,947	21,510	20,353	20,326	21,132	20,896
Over 3 months and less than 6 months	7,552	8,428	8,963	9,339	9,189	8,874	8,237	7,953	7,641	7,173	6,682
6 months	2,298	2,843	3,011	2,979	2,889	2,775	2,308	2,266	1,960	1,803	1,362
Over 6 months <sup>(1)</sup>	84	913	1,332	1,511	1,289	1,252	1,166	1,307	1,191	1,155	1,058
Average custodial sentence length (months)	2.7	2.9	3.0	3.0	3.0	3.0	2.9	2.9	2.8	2.7	2.6

(1) Over 6 months sentences relate to secure training orders given to juveniles (introduced in 1998) and replaced by detention and training orders in April 2000.

## Sentencing Statistics: England and Wales 2009

**Table 2.3 Persons sentenced to immediate custody at the Crown Court by length of sentence and average custodial sentence length, 1999-2009**

England and Wales											Number of persons
Persons given immediate custody and sentence length	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All offences</b>											
Total persons sentenced	77,035	74,202	71,888	76,065	75,891	76,119	75,600	76,439	81,335	88,650	94,393
Number given immediate custody	47,349	46,212	44,405	46,694	44,274	44,938	43,986	42,586	44,034	49,177	51,801
<i>Percentage given immediate custody (%)</i>	<i>61.5</i>	<i>62.3</i>	<i>61.8</i>	<i>61.4</i>	<i>58.3</i>	<i>59.0</i>	<i>58.2</i>	<i>55.7</i>	<i>54.1</i>	<i>55.5</i>	<i>54.9</i>
Up to and including 3 months	4,530	4,285	3,488	3,066	2,898	2,909	2,723	2,458	2,640	3,142	3,656
Over 3 months and up to and including 6 months	6,842	6,753	5,894	5,496	5,250	5,158	5,055	4,565	4,919	5,748	6,394
Over 6 months and less than 12 months	5,489	5,505	5,001	5,076	4,746	5,094	5,290	5,081	5,584	6,342	6,622
12 months	5,677	5,316	5,019	5,130	4,800	4,811	5,001	4,775	5,059	5,257	5,480
Over 12 months and up to and including 18 months	7,061	6,575	6,323	6,769	6,297	6,150	6,079	6,060	6,096	6,583	7,130
Over 18 months and up to and including 3 years	10,378	10,232	10,254	11,205	10,541	10,676	10,366	10,343	10,440	11,495	12,060
Over 3 years and less than 4 years	1,222	1,354	1,617	1,969	1,861	2,082	1,745	1,533	1,458	1,629	1,811
4 years	1,737	1,789	1,917	2,251	2,128	2,146	1,745	1,607	1,603	1,903	1,977
Over 4 years and up to and including 5 years	1,539	1,536	1,748	2,099	2,090	2,161	1,920	1,670	1,611	1,998	1,980
Over 5 years and up to and including 10 years	2,054	2,091	2,332	2,679	2,747	2,772	2,658	2,190	2,109	2,614	2,784
Over 10 years and less than life	337	309	309	399	403	409	353	309	316	405	485
Indeterminate sentence <sup>(1)</sup>	*	*	*	*	*	*	426	1,447	1,707	1,538	1,001
Life	483	467	503	555	513	570	625	548	492	523	421
Average custodial sentence length (months) <sup>(2)</sup>	22.1	22.4	24.2	25.9	26.3	26.5	25.5	24.7	24.0	24.5	24.3
<b>Indictable offences</b>											
Total persons sentenced	73,852	70,921	68,671	72,870	72,571	72,654	72,052	72,596	76,650	83,469	88,698
Number given immediate custody	46,400	45,304	43,599	45,865	43,490	44,090	43,070	41,653	42,919	47,795	50,241
<i>Percentage given immediate custody (%)</i>	<i>62.8</i>	<i>63.9</i>	<i>63.5</i>	<i>62.9</i>	<i>59.9</i>	<i>60.7</i>	<i>59.8</i>	<i>57.4</i>	<i>56.0</i>	<i>57.3</i>	<i>56.6</i>
Up to and including 3 months	4,074	3,823	3,060	2,636	2,502	2,490	2,298	2,028	2,095	2,401	2,775
Over 3 months and up to and including 6 months	6,360	6,309	5,520	5,100	4,864	4,731	4,564	4,066	4,351	5,107	5,720
Over 6 months and less than 12 months	5,483	5,504	4,998	5,074	4,745	5,093	5,290	5,081	5,583	6,342	6,620
12 months	5,675	5,315	5,019	5,129	4,799	4,810	5,001	4,775	5,058	5,257	5,477
Over 12 months and up to and including 18 months	7,058	6,575	6,322	6,769	6,297	6,150	6,079	6,060	6,096	6,583	7,130
Over 18 months and up to and including 3 years	10,378	10,232	10,254	11,205	10,541	10,676	10,366	10,342	10,440	11,495	12,060
Over 3 years and less than 4 years	1,222	1,354	1,617	1,969	1,861	2,082	1,745	1,532	1,458	1,629	1,811
4 years	1,737	1,789	1,917	2,251	2,128	2,146	1,745	1,607	1,603	1,903	1,977
Over 4 years and up to and including 5 years	1,539	1,536	1,748	2,099	2,090	2,161	1,920	1,670	1,611	1,998	1,980
Over 5 years and up to and including 10 years	2,054	2,091	2,332	2,679	2,747	2,772	2,658	2,189	2,109	2,614	2,784
Over 10 years and less than life	337	309	309	399	403	409	353	309	316	405	485
Indeterminate sentence <sup>(1)</sup>	*	*	*	*	*	*	426	1,446	1,707	1,538	1,001
Life	483	467	503	555	513	570	625	548	492	523	421
Average custodial sentence length (months) <sup>(2)</sup>	22.5	22.8	24.5	26.3	26.8	27.0	25.9	25.2	24.6	25.1	25.0

(1) Sentences of imprisonment for public protection introduced by the Criminal Justice Act 2003 on 4 April 2005.

(2) Excludes life and indeterminate sentences.

Table 2.4 Percentage of persons sentenced to immediate custody by type of court and offence group, 1999-2009

Type of court and year		Offence group													Percentage sentenced to immediate custody		
		Violence against the person	Sexual offences	Burglary	Robbery	Theft and handling stolen goods	Fraud and forgery	Criminal damage	Drug offences	Other (excluding motoring)	Motoring offences	Total indictable offences	Summary non-motoring offences	Summary motoring offences	Total summary offences	Total all offences	
<b>Magistrates' courts</b>																	
1999		15.1	16.3	25.8	17.7	15.3	9.7	6.0	3.5	7.5	23.4	12.5	2.1	2.5	2.3	4.4	
2000		16.1	18.7	28.4	22.7	17.2	9.8	6.3	3.3	8.8	25.9	14.0	1.8	2.6	2.3	4.5	
2001		15.6	18.1	29.7	25.1	18.1	11.1	6.0	3.3	8.7	30.0	14.5	1.9	2.9	2.5	4.9	
2002		15.3	19.6	30.1	28.6	19.6	11.4	5.9	2.9	8.8	28.9	15.0	1.9	2.8	2.4	4.9	
2003		15.0	18.7	29.2	21.9	19.2	12.3	6.0	2.6	8.6	28.2	14.4	1.8	2.6	2.3	4.5	
2004		15.4	18.0	27.7	21.0	18.2	12.9	5.9	2.9	11.4	26.3	14.7	2.1	2.1	2.1	4.2	
2005		15.9	13.9	25.3	18.6	17.5	9.8	6.2	3.3	12.1	27.0	14.2	2.3	1.9	2.1	4.1	
2006		15.0	14.4	24.0	18.9	17.6	7.5	6.2	3.5	12.4	21.2	13.9	2.4	1.6	1.9	4.0	
2007		15.0	12.7	23.2	14.4	16.5	7.2	6.1	3.6	12.0	21.0	13.3	2.5	1.3	1.8	3.9	
2008		16.2	14.7	23.6	17.0	16.7	7.4	6.0	3.3	13.4	16.3	13.5	2.7	1.1	1.8	4.0	
2009		15.7	12.9	22.8	14.2	15.3	7.7	5.6	2.4	14.6	15.0	12.6	2.6	0.9	1.7	3.7	
<b>The Crown Court</b>																	
1999		57.9	73.1	76.1	84.9	56.9	52.1	40.6	65.1	49.4	63.8	62.8	25.6	41.3	29.8	61.5	
2000		59.1	73.6	77.3	87.2	58.4	50.3	41.7	65.8	51.6	65.9	63.9	24.1	38.2	27.7	62.3	
2001		59.0	74.1	76.3	86.3	55.5	49.9	40.3	69.3	49.7	65.1	63.5	21.8	35.2	25.1	61.8	
2002		56.9	74.1	74.7	88.0	53.9	47.2	38.3	69.7	49.9	61.8	62.9	22.0	37.6	25.9	61.4	
2003		53.9	73.7	68.9	85.4	50.8	47.2	37.4	67.1	50.1	60.2	59.9	20.5	33.3	23.6	58.3	
2004		56.2	75.7	67.9	84.9	50.4	50.4	37.9	68.5	52.0	58.3	60.7	21.5	34.6	24.5	59.0	
2005		55.7	73.6	67.2	82.2	48.3	58.5	40.0	65.9	52.0	57.3	59.8	24.6	30.6	25.8	58.2	
2006		51.3	72.2	68.1	81.8	46.5	58.0	40.2	63.8	46.3	55.1	57.4	23.2	29.3	24.3	55.7	
2007		50.6	70.6	66.0	78.9	43.4	59.5	41.8	61.5	44.3	52.5	56.0	24.4	21.7	23.8	54.1	
2008		52.6	71.2	69.0	81.5	44.4	58.7	39.8	62.1	45.6	50.7	57.3	27.4	24.1	26.7	55.5	
2009		51.2	71.8	71.6	81.9	45.0	55.7	40.9	61.4	45.9	48.3	56.6	27.4	27.2	27.4	54.9	
<b>All Courts</b>																	
1999		30.7	60.7	48.9	72.3	18.7	16.7	11.7	17.8	16.5	38.8	23.4	2.3	2.5	2.4	7.5	
2000		32.1	61.8	51.2	73.0	20.4	16.5	12.0	18.1	18.7	41.2	24.9	1.9	2.7	2.3	7.5	
2001		32.1	59.7	50.6	69.7	20.7	17.7	11.4	18.6	18.0	44.0	24.9	2.1	2.9	2.6	7.9	
2002		31.2	58.8	50.6	76.1	22.1	17.6	10.9	16.9	17.7	43.2	25.4	2.0	2.9	2.5	7.9	
2003		30.2	58.0	46.6	70.2	21.5	18.3	10.8	15.9	17.6	42.1	24.3	1.9	2.7	2.3	7.3	
2004		31.3	59.0	44.8	67.4	20.6	20.2	10.9	20.4	19.8	41.3	25.3	2.2	2.2	2.2	6.9	
2005		31.5	57.0	42.2	61.7	19.8	22.7	11.1	20.0	20.7	41.5	25.0	2.4	1.9	2.1	6.9	
2006		29.5	57.0	40.7	58.8	19.9	22.2	10.6	19.1	19.9	37.3	24.4	2.5	1.6	2.0	6.8	
2007		29.8	55.7	39.2	53.8	18.6	24.8	10.8	18.4	20.0	36.0	23.8	2.7	1.3	1.9	6.8	
2008		32.3	58.6	42.1	60.0	19.0	27.5	12.1	17.9	22.9	36.1	25.1	2.9	1.2	2.0	7.4	
2009		32.6	58.7	44.1	59.5	17.9	25.7	13.2	16.6	23.6	35.4	24.6	2.9	0.9	1.9	7.2	

Table 2.5 Average length of immediate custodial sentence<sup>(1)</sup> by type of court and offence group, 1999-2009

Type of court and year	England and Wales													Average length of sentence (months)		
	Violence against the person	Sexual offences	Burglary	Robbery	Theft and handling stolen goods	Fraud and forgery	Criminal damage	Drug offences	Other (excluding motoring)	Motoring offences	Total indictable offences	Summary non-motoring offences	Summary motoring offences	Total summary offences	Total all offences	
<b>Magistrates' courts</b>																
1999	3.2	3.5	3.6	3.9	2.4	3.0	2.3	2.3	2.2	4.0	2.7	2.5	3.3	3.0	2.8	
2000	3.6	4.4	4.3	6.6	2.5	3.0	2.8	2.5	2.4	4.5	2.9	2.7	3.4	3.1	3.0	
2001	3.9	4.3	4.5	8.0	2.5	3.1	2.7	2.6	2.4	4.8	3.0	2.7	3.4	3.2	3.1	
2002	3.8	4.2	4.7	9.7	2.5	3.0	2.7	2.4	2.4	4.9	3.0	2.7	3.4	3.2	3.1	
2003	3.9	3.9	4.5	9.1	2.5	3.2	2.7	2.5	2.2	5.2	3.0	2.7	3.5	3.2	3.1	
2004	3.9	4.0	4.5	9.4	2.5	3.3	2.7	2.6	1.8	5.0	3.0	2.7	3.5	3.2	3.0	
2005	3.9	4.1	4.5	8.4	2.4	2.9	2.5	2.8	1.8	4.8	2.9	2.7	3.4	3.1	3.0	
2006	4.0	4.3	4.5	8.7	2.4	2.8	2.6	2.6	1.9	5.0	2.9	2.7	3.4	3.0	3.0	
2007	3.9	4.3	4.3	8.4	2.3	2.8	2.4	2.5	2.0	4.9	2.8	2.7	3.3	2.9	2.9	
2008	4.0	4.0	4.2	8.4	2.1	2.8	2.3	2.5	1.9	4.9	2.7	2.6	3.2	2.8	2.7	
2009	3.8	3.0	4.3	8.7	2.0	2.6	2.4	2.2	2.1	4.8	2.6	2.6	3.1	2.7	2.7	
<b>The Crown Court</b>																
1999	21.7	39.8	20.5	37.3	10.7	13.5	25.6	33.4	12.0	10.0	22.5	3.6	4.0	3.7	22.1	
2000	21.6	41.2	20.8	38.3	10.4	14.4	24.6	34.5	11.9	9.7	22.8	3.5	3.8	3.6	22.4	
2001	22.6	40.7	22.3	38.4	11.1	14.6	26.4	37.2	13.2	10.1	24.5	3.3	3.8	3.5	24.2	
2002	23.9	43.4	23.5	41.3	11.5	14.6	28.2	39.5	14.7	10.3	26.3	3.4	3.7	3.5	25.9	
2003	25.6	43.8	24.0	41.7	12.1	15.5	28.8	40.0	14.7	10.5	26.8	3.4	4.0	3.6	26.3	
2004	25.6	43.5	24.6	41.1	12.3	15.3	28.3	41.3	14.3	10.6	27.0	3.5	3.8	3.6	26.5	
2005	24.5	44.4	24.7	38.0	12.8	13.7	27.2	40.4	15.5	10.3	25.9	3.7	3.7	3.7	25.5	
2006	23.2	44.1	24.4	35.7	12.7	13.4	25.3	38.8	15.7	10.8	25.2	3.9	3.7	3.9	24.7	
2007	23.0	45.8	24.0	34.3	12.4	11.7	24.0	36.9	15.8	10.6	24.6	3.5	3.5	3.5	24.0	
2008	23.0	46.8	24.1	35.3	11.7	12.3	24.7	37.5	17.4	10.5	25.1	3.3	3.3	3.3	24.5	
2009	22.7	51.4	24.3	35.8	12.0	12.2	27.7	35.9	16.3	9.9	25.0	3.2	3.2	3.2	24.3	
<b>All Courts</b>																
1999	15.7	37.7	15.7	35.7	4.5	8.4	15.5	28.7	8.5	7.8	14.2	2.6	3.4	3.1	11.5	
2000	15.8	38.7	15.9	36.1	4.2	8.7	14.9	30.1	8.5	7.7	14.0	2.7	3.4	3.1	11.4	
2001	16.7	37.8	16.6	35.4	4.2	8.6	15.9	32.5	8.5	7.9	14.7	2.7	3.4	3.2	11.8	
2002	17.6	39.6	17.5	38.9	4.1	8.4	16.4	34.5	9.9	8.3	15.5	2.7	3.4	3.2	12.6	
2003	18.8	40.0	17.1	39.3	4.2	8.7	16.5	35.2	9.9	8.5	15.7	2.7	3.5	3.2	12.6	
2004	18.8	40.0	17.5	38.4	4.3	9.1	16.7	37.3	8.6	8.7	16.1	2.8	3.5	3.2	12.9	
2005	17.8	41.6	17.4	35.0	4.3	10.3	15.1	35.8	9.2	8.5	15.8	2.8	3.4	3.1	12.6	
2006	16.8	41.0	17.1	32.3	4.3	10.8	12.9	33.8	9.0	9.1	15.3	2.8	3.4	3.0	12.4	
2007	16.9	42.9	16.7	31.3	4.1	10.0	12.6	31.9	9.5	8.8	15.2	2.7	3.3	3.0	12.4	
2008	17.2	44.0	17.4	32.5	4.0	10.8	14.9	32.7	10.9	9.4	16.0	2.7	3.2	2.8	13.3	
2009	17.7	48.7	18.4	33.6	4.2	10.4	18.9	32.1	9.9	9.1	16.5	2.6	3.1	2.8	13.7	

(1) Excludes life and indeterminate sentences.

## Chapter 3 – Sentences in the community

A community sentence is served in the community and requires the offender to comply with requirements imposed by the court, which can be both punitive and rehabilitative. A SSO is a custodial sentence, but the custodial sentence is suspended and the court imposes community requirements on the offender. Where the SSO is breached or a further offence is committed during the period of suspension the custodial period takes effect.

### Key points for 2009

In 2009 195,800 people were given a community sentence on conviction, this represents an increase of three per cent from 2008 and 29 per cent from 1999. In the past decade the number of community sentences rose steadily from 151,600 in 1999 to a peak of 204,200 in 2005. The community sentence rate (the percentage of persons sentenced who receive a community sentence) was 14 per cent in 2009 and has remained relatively stable since the introduction of the community order in 2005.

Of the 195,800 community sentences in 2009:

- 179,600 were handed down in magistrates' courts – a rise of three per cent on 2008 and 37 per cent on 1999 (Table 3.2).
- 92 per cent of all community sentences were handed down in magistrates' courts, this is in line with the proportion of persons sentenced at magistrates' courts which was 93 per cent (Table 3.2).
- The 16,200 community sentences handed down in the Crown Court was a rise of five per cent on 2008 but a fall of 22 per cent on 1999. The community sentence rate at the Crown Court has fallen from 27 per cent in 1999 to 17 per cent in 2009 (Table 3.3).
- 29 per cent of community sentences were given to juveniles (10 to 17 years old) although juveniles represent only six per cent of all persons sentenced (Table 3(ii)).
- 83 per cent of community sentences were given to males who comprise 75 per cent of all people sentenced (Table 3(ii)).
- There were 45,100 Suspended Sentence Orders (SSO) in 2009, this is a rise of ten per cent on 2008 and 34 per cent on 2006 (Table 3(iii)).

## Introduction

This chapter covers persons given a sentence to be served in the community, by type of sentence, age, sex of the offender and the principal offence committed.

## Community Sentences

Section 148 (1) of the Criminal Justice Act 2003 states:

“A court must not pass a community sentence on an offender unless it is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was serious enough to warrant such a sentence”.

Since the implementation of the Criminal Justice Act 2003 on 4 April 2005, there has been a single community order for adults that can comprise up to 12 requirements depending on the offence and the offender. These include: unpaid work; curfew; mental health treatment and drug treatment (see Appendix 2 for full details).

Typically, the more serious the offence and the more extensive the offender's needs, the more requirements there will be. Most orders will comprise one or two requirements but courts may impose more requirements where appropriate. The court tailors the order as appropriate and is guided by the probation service through a pre-sentence report. Prior to 2008 a community order could be given to any offender aged 18 and above convicted of any offence; however, changes brought in the Criminal Justice and Immigration Act 2008 mean that as of 14 July 2008 community orders are only available for persons convicted of an imprisonable offence, i.e. an offender convicted of an offence for which the statutory maximum penalty is a fine cannot be given a community order.

Prior to the introduction of the generic community order, community sentences comprised individual orders such as the Community Punishment Order and Drug Treatment and Testing Orders.

Community sentences for juveniles are supervised by Youth Offending Teams (YOTs) and comprise different orders than are available for adults. The Community Order is not available for juveniles and a reform of juvenile sentencing means that all juvenile community sentences, except the referral order, were replaced by the Youth Rehabilitation Order for offences committed from 30 November 2009.

## Suspended sentence orders

These sentences were introduced under the Criminal Justice Act 2003 and are available for offences committed on or after 4 April 2005. They enable a court which passes a custodial sentence of 12 months or less to suspend that sentence for a period of between six months and two years while ordering the offender to undertake certain requirements in the community (drawn from the same list as those available for the community order). If the offender breaches

the requirements or commits a further offence during the period of suspension there is a presumption that the custodial period will take effect.

### **Community sentences comparison between 2008 and 2009**

There were 195,800 community sentences handed down in 2009, a rise of three per cent on 2008. The number of community sentences for indictable offences rose by five per cent while for summary offences they rose by just under one per cent. The community sentence rate remained stable for both indictable and summary offences from 2008 to 2009 at 33 per cent and eight per cent respectively (Table 3.1).

For adults the number of community orders handed down has continued to rise since they were introduced in 2005 while for most of the old community sentences the numbers continued to fall. These old orders are being phased out gradually by the community order and should only be given to persons who committed their offence before 4 April 2005. There were 137,900 community orders in 2009, a rise of eight per cent on 2008.

For juveniles, who cannot receive a community order, the most commonly used community sentences are referral orders and supervision orders. The number of juveniles given each type of order fell in comparison with 2008 while the percentage of juveniles sentenced to a community sentence remained stable at 69 per cent. Thirty-five per cent of all juveniles sentenced were given a referral order.

Table 3 (j) Number of persons given a community sentence and community sentence rate, by offence group, 1999-2009

Offence group	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Violence against the person	13,734 38.2	14,093 39.7	14,552 41.1	16,471 43.6	16,992 44.7	17,905 45.6	19,026 46.7	17,229 41.1	16,106 38.3	15,610 37.7	16,041 37.1
Sexual offences	1,152 26.9	1,057 26.9	1,039 25.8	1,198 27.5	1,161 26.9	1,396 29.1	1,440 30.5	1,342 27.3	1,364 27.1	1,367 26.7	1,391 27.3
Burglary	11,228 38.3	10,136 38.0	9,949 40.4	11,081 42.0	11,624 45.8	11,573 48.0	11,112 49.1	9,940 43.8	10,123 43.0	9,401 39.7	9,214 40.5
Robbery	1,306 23.1	1,392 23.4	1,833 26.8	1,715 22.2	2,024 27.6	2,292 30.5	2,539 35.6	2,957 36.2	3,470 39.2	2,832 33.3	2,914 33.6
Theft and handling stolen goods	39,995 30.6	41,488 32.5	44,572 35.3	47,095 37.2	43,381 36.6	41,946 38.0	40,866 39.6	36,947 37.5	40,181 38.1	40,785 37.0	42,044 37.7
Fraud and forgery	8,415 34.7	8,144 36.0	7,805 35.9	8,292 38.6	7,469 35.1	7,567 36.6	7,393 36.6	6,630 33.4	6,387 30.4	5,848 28.3	6,616 31.6
Criminal damage	3,888 36.2	4,028 39.6	4,277 40.6	4,844 44.7	4,992 44.9	5,522 47.7	5,675 49.3	6,049 48.3	5,573 45.2	4,194 43.8	3,551 45.3
Drug offences	8,635 17.6	8,064 17.9	8,267 18.1	8,803 18.0	9,568 18.7	8,983 22.9	9,693 24.9	9,127 23.1	10,296 23.1	12,272 23.2	13,653 24.1
Other (excluding motoring offences)	7,791 16.8	7,873 18.2	8,026 19.0	9,079 19.7	9,757 19.7	11,221 21.2	11,878 23.1	11,164 22.9	10,300 23.4	9,318 24.0	11,316 24.5
Motoring offences	1,604 38.2	1,673 39.6	1,743 40.1	2,190 42.9	2,581 45.8	2,608 46.7	2,102 43.8	1,586 34.4	1,342 30.7	1,155 29.9	1,110 29.9
<b>Total indictable</b>	97,748 28.7	97,948 30.1	102,063 31.7	110,768 33.0	109,549 33.0	111,013 35.2	111,724 36.6	102,971 34.2	105,142 33.8	102,782 32.6	107,850 33.0
Summary offences (excluding motoring)	27,774 6.4	31,494 6.4	35,079 8.0	41,231 8.5	43,310 8.8	50,859 9.8	58,029 11.4	59,585 12.1	65,188 13.3	65,687 13.3	67,759 13.2
Summary motoring offences	26,111 4.2	26,096 4.3	27,855 4.8	34,521 5.9	38,563 5.9	39,631 5.7	34,494 5.2	28,281 4.6	26,094 4.3	21,702 4.0	20,156 3.6
<b>Total summary</b>	53,885 5.1	57,590 5.3	62,934 6.2	75,752 7.0	81,873 7.1	90,490 7.4	92,523 7.9	87,866 7.9	91,282 8.3	87,389 8.4	87,915 8.2
<b>All offences</b>	151,633 10.8	155,538 11.0	164,997 12.3	186,520 13.2	191,422 12.9	201,503 13.1	204,247 13.9	190,837 13.5	196,424 14.0	190,171 14.0	195,765 14.0

Community sentence trends by offence group in 2009 were (Table 3(i)):

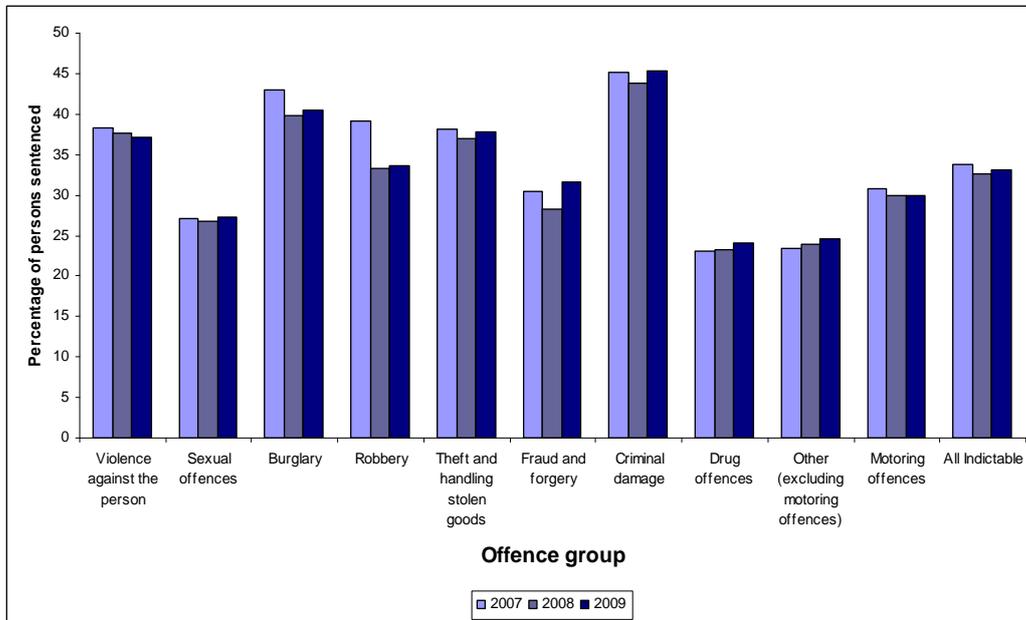
- There was a three per cent rise in the number of community sentences for 'violence against the person' offences but, as the people sentenced for these offences increased, the community sentence rate fell by one percentage point to 37 per cent. The violent offence for which most community sentences were handed down was assault occasioning actual bodily harm (ABH) with 6,400 community sentences, approximately 40 per cent of persons sentenced of this offence. Seventy-seven per cent of community sentences for violence against the person were given for just three offences: ABH; possession of offensive weapons without lawful authority or reasonable excuse; and having an article with a blade or point in a public place.
- There were 1,400 community sentences for sexual offences in 2009 which was an increase of just under two per cent on 2008. However the percentage of persons given a community sentence for sexual offences remained stable at 27 per cent. Juveniles tend to be given community sentences for sexual offences; the community sentence rate for juveniles is 76 per cent which compares with 22 per cent for persons aged 18 and over.
- There were 9,200 community sentences for burglary in 2009 which was a fall of two per cent on 2008. However due to the fall in the total number of persons sentenced for burglary the community sentence rate remained at 40 per cent.
- There were 2,900 community sentences for robbery in 2009 which was an increase of three per cent on 2008. Ninety per cent of community sentences for robbery are given to juveniles despite juveniles comprising only 40 per cent of persons sentenced. The community sentence rate for adults sentenced for robbery is six per cent compared with 73 per cent for juveniles.
- More community sentences are handed down for theft and handling stolen goods than any other indictable offence group and they account for 21 per cent of all community sentences. The number given in 2009 was 42,000 a rise of three per cent on 2008.
- In 2009 there was a 13 per cent rise in the number of community sentences for fraud and forgery. The community sentence rate rose three percentage points to 32 per cent.
- There was a fall of 15 per cent in the number of community sentences given for criminal damage but, given the even larger fall in the number sentenced for criminal damage, the community sentence rate rose slightly to 45 per cent.
- There were 13,700 community sentences for drug offences in 2009; this was a rise of 11 per cent on 2009 and the community sentence rate was 24 per cent, up from 17 per cent in 1999. Thirty-five per cent of all community sentences for drug offences were given for possession of cannabis or cannabis resin.

- There were 11,300 community sentences for other indictable (excluding motoring) offences which was a rise of 21 per cent on 2008.
- There were 1,100 community sentences for indictable motoring offences in 2009 which was a fall of four per cent compared to 2008.
- There were 87,900 community sentences for summary offences in 2009 which was virtually unchanged from 2008. For 2009 77 per cent were for summary non-motoring offences which had a community sentence rate of 13 per cent compared to only four per cent for summary motoring offences. Of the total 87,900 community sentences nearly 60 per cent were given for just three offences: 27,800 for common assault (53 per cent of persons convicted of this offence); 13,500 for criminal damage of £5,000 or less (41 per cent of persons convicted); and 10,700 for driving while under the influence of alcohol (18 per cent of persons sentenced).

Table 3(ii) Number of persons sentenced to community sentences and community sentence rate by sex and age group, 1999-2009

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Males</b>											
Total number sentenced	1,177,779	1,158,098	1,101,025	1,151,909	1,219,195	1,257,340	1,190,661	1,135,228	1,117,283	1,045,223	1,046,281
Number given community sentences	129,464	131,913	139,878	158,082	162,911	170,988	172,859	161,444	165,807	158,292	162,396
Community sentence rate	11.0	11.4	12.7	13.7	13.4	13.6	14.5	14.2	14.8	15.1	15.5
<b>Females</b>											
Total number sentenced	220,007	256,090	237,497	258,595	260,617	279,485	282,614	277,712	289,505	288,338	314,627
Number given community sentences	22,169	23,625	25,119	28,438	28,511	30,515	31,388	29,393	30,617	30,809	32,396
Community sentence rate	10.1	9.2	10.6	11.0	10.9	10.9	11.1	10.6	10.6	10.7	10.3
<b>Juveniles</b>											
Total number sentenced	90,160	91,480	95,485	94,548	92,531	96,188	96,203	93,806	97,387	88,375	81,490
Number given community sentences	30,623	35,972	42,859	54,187	54,952	56,715	61,106	61,498	66,007	60,043	55,923
Community sentence rate	34.0	39.3	44.9	57.3	59.4	59.0	63.5	65.6	67.8	67.9	68.6
<b>Young adults</b>											
Total number sentenced	165,412	162,090	157,907	159,384	162,067	156,399	146,051	142,694	140,276	137,575	141,884
Number given community sentences	26,934	26,499	26,368	26,743	26,462	27,460	26,756	24,879	25,314	24,259	26,031
Community sentence rate	16.3	16.3	16.7	16.8	16.3	17.6	18.3	17.4	18.0	17.6	18.3
<b>Adults</b>											
Total number sentenced	1,142,214	1,160,618	1,085,130	1,156,572	1,225,214	1,284,238	1,231,021	1,176,440	1,169,125	1,127,987	1,173,936
Number given community sentences	94,076	93,067	95,770	105,590	110,008	117,328	116,385	104,460	105,103	105,869	113,811
Community sentence rate	8.2	8.0	8.8	9.1	9.0	9.1	9.5	8.9	9.0	9.4	9.7
<b>All persons</b>											
Total number sentenced	1,397,786	1,414,188	1,338,522	1,410,504	1,479,812	1,536,825	1,473,275	1,412,940	1,406,788	1,353,937	1,397,310
Number given community sentences	151,633	155,538	164,997	186,520	191,422	201,503	204,247	190,837	196,424	190,171	195,765
Community sentence rate	10.8	11.0	12.3	13.2	12.9	13.1	13.9	13.5	14.0	14.0	14.0

**Figure 3.1: Percentage of persons sentenced to a community sentence for indictable offences by offence group, 2007–2009**

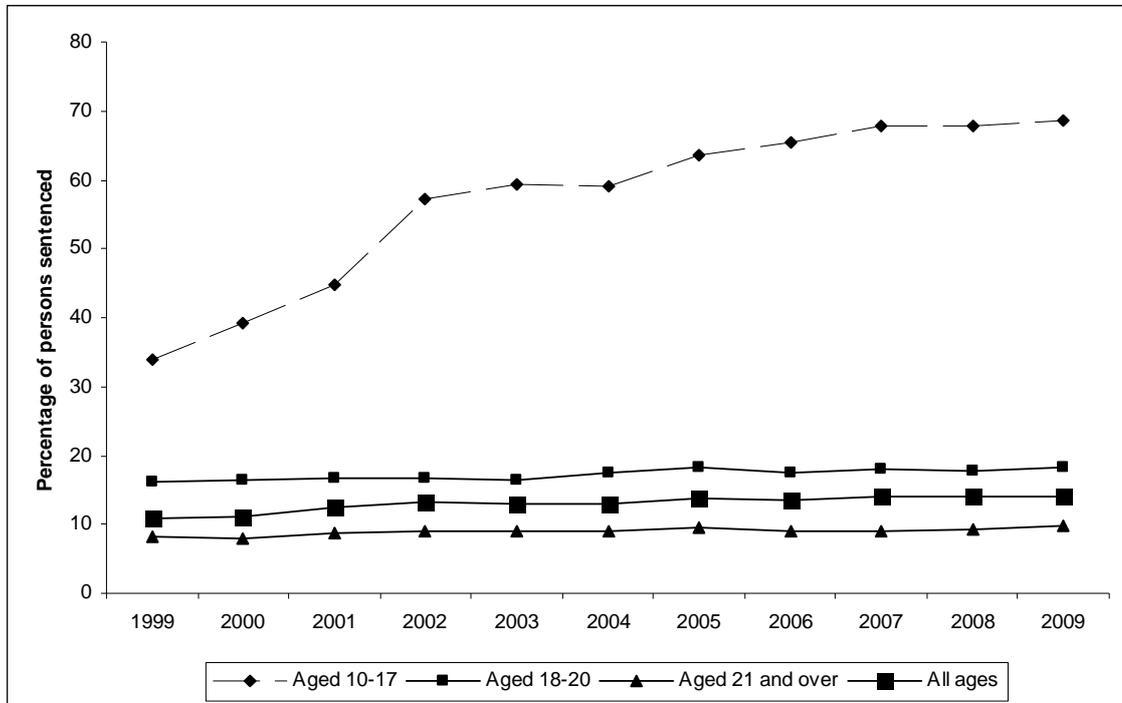


### Community sentences comparison between 1999 and 2009

Compared with 1999 there has been a 29 per cent rise in the number of persons given a community sentence and a three percentage point rise in the community sentence rate to 14 per cent. Since 1999 the community order has been introduced to replace the old style community sentences and this is responsible for the large decreases in most types of community sentence in the past decade. It is difficult to discern trends in the use of different types of community sentences due to the large changes in community sentencing legislation, in particular since 2005 (Table 3.1).

There have been increases in the community sentence rate for all age groups, most markedly for juveniles for whom the community sentence rate has risen from 34 per cent in 1999 to 69 per cent in 2009 with smaller increases for young adults (aged 18 to 20) and adults (aged 21 or over). For males there has been an increase in the community sentence rate from 11 to 16 per cent while it has remained more stable for females rising by just 0.2 percentage points (Table 3(ii)).

Figure 3.2: Community sentence rate by age band, 1999–2009



**Suspended sentences (Table 3(iii))**

There were 45,100 Suspended Sentence Orders (SSO) in 2009, a rise of ten per cent on 2008 and 35 per cent on 2006 – the first full year in which SSOs were available. The offence groups with the highest number of persons given suspended sentences were: 9,000 summary non-motoring offences (two per cent of persons sentenced for this offence group) and 8,500 violence against the person (20 per cent of persons sentenced for this offence group). The offence group with the highest percentage of persons given a suspended sentence was indictable motoring offences with 24 per cent of persons sentenced receiving a suspended sentence.

Table 3(iii) Number of persons sentenced to suspended sentences and suspended sentence rate by offence group, 1999-2009

Offence group	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Violence against the person	524 1.5	516 1.5	459 1.3	504 1.3	473 1.2	505 1.3	1,335 3.3	5,569 13.3	7,167 17.0	7,500 18.1	8,547 19.8
Sexual offences	89 2.1	79 2.0	75 1.9	58 1.3	78 1.8	62 1.3	115 2.4	295 6.0	435 8.6	420 8.2	412 8.1
Burglary	150 0.5	130 0.5	100 0.4	106 0.4	121 0.5	94 0.4	408 1.8	1,752 7.7	2,405 10.2	2,432 10.3	2,374 10.4
Robbery	36 0.6	31 0.5	31 0.5	26 0.3	35 0.5	33 0.4	60 0.8	264 3.2	452 5.1	444 5.2	476 5.5
Theft and handling stolen goods	499 0.4	403 0.3	375 0.3	342 0.3	369 0.3	343 0.3	1,502 1.5	5,554 5.6	6,700 6.4	6,818 6.2	7,113 6.4
Fraud and forgery	427 1.8	453 2.0	404 1.9	330 1.5	314 1.5	379 1.8	621 3.1	1,691 8.5	2,401 11.4	2,794 13.5	3,166 15.1
Criminal damage	49 0.5	42 0.4	48 0.5	30 0.3	46 0.4	53 0.5	119 1.0	428 3.4	525 4.3	453 4.7	413 5.3
Drug offences	344 0.7	334 0.7	275 0.6	245 0.5	276 0.5	254 0.6	516 1.3	1,848 4.7	2,678 6.0	2,958 5.6	3,118 5.5
Other (excluding motoring offences)	384 0.8	417 0.9	324 0.7	257 0.5	293 0.6	367 0.7	764 1.5	2,634 5.3	3,628 8.1	3,799 9.5	4,610 9.8
Motoring offences	45 1.1	48 1.1	48 1.1	65 1.3	50 0.9	53 0.9	170 3.5	764 16.6	863 19.8	837 21.7	890 24.0
<b>Total indictable</b>	2,547 0.7	2,453 0.8	2,139 0.7	1,963 0.6	2,055 0.6	2,143 0.7	5,610 1.8	20,799 6.9	27,254 8.7	28,455 9.0	31,119 9.5
Summary offences (excluding motoring)	236 0.1	248 0.1	259 0.1	216 0.0	264 0.1	320 0.1	1,515 0.3	6,041 1.2	7,266 1.5	7,696 1.6	8,962 1.7
Summary motoring offences	378 0.1	371 0.1	357 0.1	340 0.1	398 0.1	392 0.1	2,541 0.4	6,669 1.1	6,168 1.0	5,000 0.9	5,053 0.9
<b>Total summary</b>	614 0.1	619 0.1	616 0.1	556 0.1	662 0.1	712 0.1	4,056 0.3	12,710 1.1	13,434 1.2	12,696 1.2	14,015 1.3
<b>All offences</b>	3,161 0.2	3,072 0.2	2,755 0.2	2,519 0.2	2,717 0.2	2,855 0.2	9,666 0.7	33,509 2.4	40,688 2.9	41,151 3.0	45,134 3.2

## Sentencing Statistics: England and Wales 2009

**Table 3.1 Persons sentenced to community sentences at all courts by type of community sentence, 1999-2009**

England and Wales										Number of persons and percentages	
Type of community sentence	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All offences</b>											
Total persons sentenced	1,397,786	1,414,188	1,338,522	1,410,505	1,479,812	1,536,825	1,473,275	1,412,940	1,406,788	1,353,937	1,397,310
<i>Percentage given community sentences (%)</i>	<i>10.8</i>	<i>11.0</i>	<i>12.3</i>	<i>13.2</i>	<i>12.9</i>	<i>13.1</i>	<i>13.9</i>	<i>13.5</i>	<i>14.0</i>	<i>14.0</i>	<i>14.0</i>
<b>Community sentences:</b>											
Community rehabilitation order <sup>(1)</sup>	58,368	56,459	58,947	63,781	63,202	60,661	33,583	3,854	2,282	2,033	1,720
Supervision order	12,679	11,556	11,083	10,502	9,870	10,119	10,600	11,196	11,952	9,642	8,071
Community punishment order <sup>(1)</sup>	49,597	49,983	49,764	50,791	50,382	53,886	34,808	5,832	2,541	2,070	1,819
Attendance centre order	8,679	7,041	5,824	4,031	3,283	3,432	3,305	3,169	3,455	2,868	2,516
Community punishment and rehabilitation order <sup>(1)</sup>	20,733	19,241	14,662	15,484	15,159	15,972	10,812	2,268	1,588	1,598	1,708
Curfew order	1,577	2,597	3,863	6,266	9,599	15,142	12,129	6,511	6,594	6,710	7,077
Reparation order <sup>(4)</sup>	*	3,984	7,975	5,004	3,111	3,087	3,217	3,745	4,055	4,066	3,559
Action plan order <sup>(4)</sup>	*	4,356	8,650	6,181	4,348	4,486	4,832	4,867	4,865	4,074	3,242
Drug treatment and testing order <sup>(4)</sup>	*	321	4,229	5,272	7,058	8,596	5,541	306	38	10	3
Referral order <sup>(2)</sup>	*	*	*	19,208	25,410	26,122	29,958	30,070	32,142	29,423	28,139
Community order <sup>(3)</sup>	*	*	*	*	*	*	55,462	119,019	126,912	127,677	137,911
<b>Total community sentences</b>	<b>151,633</b>	<b>155,538</b>	<b>164,997</b>	<b>186,520</b>	<b>191,422</b>	<b>201,503</b>	<b>204,247</b>	<b>190,837</b>	<b>196,424</b>	<b>190,171</b>	<b>195,765</b>
<b>Indictable offences</b>											
Total persons sentenced	340,304	324,882	321,866	335,523	332,466	315,806	305,502	301,488	311,191	314,941	326,375
<i>Percentage given community sentences (%)</i>	<i>28.7</i>	<i>30.1</i>	<i>31.7</i>	<i>33.0</i>	<i>33.0</i>	<i>35.2</i>	<i>36.6</i>	<i>34.2</i>	<i>33.8</i>	<i>32.6</i>	<i>33.0</i>
<b>Community sentences:</b>											
Community rehabilitation order <sup>(1)</sup>	38,920	37,248	38,399	39,991	37,091	32,935	18,548	2,592	1,523	1,288	1,117
Supervision order	9,224	8,047	7,700	7,015	6,247	6,286	6,521	7,042	7,558	5,924	5,090
Community punishment order <sup>(1)</sup>	30,519	29,941	28,221	27,941	26,829	27,126	19,127	3,840	1,551	1,268	1,116
Attendance centre order	5,776	4,440	3,564	2,286	1,807	1,873	1,721	1,708	1,810	1,521	1,371
Community punishment and rehabilitation order <sup>(1)</sup>	12,403	11,352	8,023	8,520	8,197	8,474	6,127	1,662	1,140	1,127	1,213
Curfew order	906	1,490	2,231	3,557	5,220	8,263	6,944	3,953	4,028	4,149	4,635
Reparation order <sup>(4)</sup>	*	2,261	4,376	2,570	1,462	1,409	1,453	1,726	1,868	1,811	1,697
Action plan order <sup>(4)</sup>	*	2,873	5,582	3,616	2,458	2,431	2,546	2,481	2,482	2,093	1,698
Drug treatment and testing order <sup>(4)</sup>	*	296	3,967	4,878	6,460	7,834	5,037	271	30	7	3
Referral order <sup>(2)</sup>	*	*	*	10,394	13,778	14,382	16,594	16,372	17,725	16,199	15,983
Community order <sup>(3)</sup>	*	*	*	*	*	*	27,106	61,324	65,427	67,395	73,927
<b>Total community sentences</b>	<b>97,748</b>	<b>97,948</b>	<b>102,063</b>	<b>110,768</b>	<b>109,549</b>	<b>111,013</b>	<b>111,724</b>	<b>102,971</b>	<b>105,142</b>	<b>102,782</b>	<b>107,850</b>

(1) Some community sentences were renamed in April 2001. Community rehabilitation order was previously probation order, community punishment order was previously community service order and community punishment and rehabilitation order was previously combination order.

(2) Referral orders were introduced nationally on 1 April 2002. The figures include extensions of referral orders (retrospectively for 2002 - 2004).

(3) The community order was introduced on 4 April 2005 and applies to offences committed on or after that date.

(4) Numbers of reparation, action plan and drug treatment and testing orders given in pilot areas in 1998 and 1999 are included under 'Otherwise dealt with' in Chapter 4 as are referral orders given in pilot areas in 2000 and 2001.

## Sentencing Statistics: England and Wales 2009

**Table 3.2 Persons sentenced to community sentences at magistrates' court by type of community sentence, 1999-2009**

England and Wales										Number of persons and percentages	
Type of community sentence	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All offences</b>											
Total persons sentenced	1,320,751	1,339,986	1,266,634	1,334,440	1,403,921	1,460,706	1,397,675	1,336,501	1,325,453	1,265,287	1,302,917
Percentage given community sentences (%)	9.9	10.1	11.5	12.4	12.0	12.2	13.0	13.0	13.7	13.8	13.8
<b>Community sentences:</b>											
Community rehabilitation order <sup>(1)</sup>	50,635	49,366	50,967	56,010	55,269	53,407	28,229	3,004	2,055	1,822	1,557
Supervision order	11,821	10,872	10,526	9,845	9,421	9,696	10,208	10,850	11,589	9,256	7,712
Community punishment order <sup>(1)</sup>	41,128	41,725	41,859	42,503	41,942	45,613	27,919	4,453	2,297	1,892	1,733
Attendance centre order	8,612	6,985	5,778	4,007	3,275	3,421	3,300	3,162	3,451	2,863	2,511
Community punishment and rehabilitation order <sup>(1)</sup>	17,292	16,045	13,091	12,733	12,066	12,703	8,272	1,747	1,407	1,433	1,553
Curfew order	1,489	2,426	3,615	5,794	8,927	14,260	11,486	6,235	6,348	6,451	6,805
Reparation order <sup>(4)</sup>	*	3,975	7,949	4,987	3,106	3,075	3,211	3,738	4,052	4,059	3,556
Action plan order <sup>(4)</sup>	*	4,318	8,577	6,120	4,326	4,467	4,813	4,845	4,844	4,058	3,229
Drug treatment and testing order <sup>(4)</sup>	*	220	3,107	3,657	4,586	5,932	3,436	157	25	8	3
Referral order <sup>(2)</sup>	*	*	*	19,208	25,410	26,122	29,958	30,070	32,142	29,423	28,139
Community order <sup>(3)</sup>	*	*	*	*	*	*	51,012	105,344	113,397	113,567	122,793
<b>Total community sentences</b>	<b>130,977</b>	<b>135,932</b>	<b>145,469</b>	<b>164,864</b>	<b>168,328</b>	<b>178,696</b>	<b>181,844</b>	<b>173,605</b>	<b>181,607</b>	<b>174,832</b>	<b>179,591</b>
<b>Indictable offences</b>											
Total persons sentenced	266,452	253,961	253,195	262,653	259,895	243,152	233,450	228,892	234,541	231,472	237,677
Percentage given community sentences (%)	29.3	31.3	33.1	34.4	33.7	36.8	38.8	38.0	39.1	38.4	39.2
<b>Community sentences:</b>											
Community rehabilitation order <sup>(1)</sup>	31,559	30,550	30,890	32,654	29,589	26,082	13,509	1,777	1,302	1,085	962
Supervision order	8,387	7,385	7,157	6,379	5,815	5,876	6,145	6,707	7,206	5,554	4,738
Community punishment order <sup>(1)</sup>	22,519	22,182	20,861	20,157	18,879	19,364	12,616	2,519	1,317	1,102	1,037
Attendance centre order	5,714	4,391	3,525	2,268	1,800	1,863	1,717	1,701	1,806	1,517	1,366
Community punishment and rehabilitation order <sup>(1)</sup>	9,087	8,295	6,506	5,866	5,225	5,357	3,705	1,156	966	968	1,065
Curfew order	824	1,334	2,001	3,128	4,585	7,449	6,336	3,687	3,800	3,915	4,385
Reparation order <sup>(4)</sup>	*	2,253	4,352	2,556	1,457	1,400	1,448	1,719	1,865	1,806	1,694
Action plan order <sup>(4)</sup>	*	2,839	5,520	3,562	2,440	2,415	2,530	2,463	2,462	2,079	1,689
Drug treatment and testing order <sup>(4)</sup>	*	200	2,873	3,308	4,067	5,250	2,989	124	17	5	3
Referral order <sup>(2)</sup>	*	*	*	10,394	13,778	14,382	16,594	16,372	17,725	16,199	15,983
Community order <sup>(3)</sup>	*	*	*	*	*	*	22,995	48,661	53,144	54,603	60,283
<b>Total community sentences</b>	<b>78,090</b>	<b>79,429</b>	<b>83,685</b>	<b>90,272</b>	<b>87,635</b>	<b>89,438</b>	<b>90,584</b>	<b>86,886</b>	<b>91,610</b>	<b>88,833</b>	<b>93,205</b>

(1) Some community sentences were renamed in April 2001. Community rehabilitation order was previously probation order, community punishment order was previously community service order and community punishment and rehabilitation order was previously combination order.

(2) Referral orders were introduced nationally on 1 April 2002. The figures include extensions of referral orders (retrospectively for 2002 - 2004).

(3) The community order was introduced on 4 April 2005 and applies to offences committed on or after that date.

(4) Numbers of reparation, action plan and drug treatment and testing orders given in pilot areas in 1998 and 1999 are included under 'Otherwise dealt with' in Chapter 4 as are referral orders given in pilot areas in 2000 and 2001.

**Sentencing Statistics: England and Wales 2009**

**Table 3.3 Persons sentenced to community sentences at the Crown Court by type of community sentence, 1999-2009**

England and Wales		Number of persons and percentages									
Type of community sentence	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All offences</b>											
Total persons sentenced	77,035	74,202	71,888	76,065	75,891	76,119	75,600	76,439	81,335	88,650	94,393
Percentage given community sentences (%)	26.8	26.4	27.2	28.5	30.4	30.0	29.6	22.5	18.2	17.3	17.1
<b>Community sentences:</b>											
Community rehabilitation order <sup>(1)</sup>	7,733	7,093	7,980	7,771	7,933	7,254	5,354	850	227	211	163
Supervision order	858	684	557	657	449	423	392	346	363	386	359
Community punishment order <sup>(1)</sup>	8,469	8,258	7,905	8,288	8,440	8,273	6,889	1,379	244	178	86
Attendance centre order	67	56	46	24	8	11	5	7	4	5	5
Community punishment and rehabilitation order <sup>(1)</sup>	3,441	3,196	1,571	2,751	3,093	3,269	2,540	521	181	165	155
Curfew order	88	171	248	472	672	882	643	276	246	259	272
Reparation order <sup>(3)</sup>	*	9	26	17	5	12	6	7	3	7	3
Action plan order <sup>(3)</sup>	*	38	73	61	22	19	19	22	21	16	13
Drug treatment and testing order <sup>(3)</sup>	*	101	1,122	1,615	2,472	2,664	2,105	149	13	2	-
Community order <sup>(2)</sup>	*	*	*	*	*	*	4,450	13,675	13,515	14,110	15,118
<b>Total community sentences</b>	<b>20,656</b>	<b>19,606</b>	<b>19,528</b>	<b>21,656</b>	<b>23,094</b>	<b>22,807</b>	<b>22,403</b>	<b>17,232</b>	<b>14,817</b>	<b>15,339</b>	<b>16,174</b>
<b>Indictable offences</b>											
Total of persons sentenced	73,852	70,921	68,671	72,870	72,571	72,654	72,052	72,596	76,650	83,469	88,698
Percentage given community sentences (%)	26.6	26.1	26.8	28.1	30.2	29.7	29.3	22.2	17.7	16.7	16.5
<b>Community sentences:</b>											
Community rehabilitation order <sup>(1)</sup>	7,361	6,698	7,509	7,337	7,502	6,853	5,039	815	221	203	155
Supervision order	837	662	543	636	432	410	376	335	352	370	352
Community punishment order <sup>(1)</sup>	8,000	7,759	7,360	7,784	7,950	7,762	6,511	1,321	234	166	79
Attendance centre order	62	49	39	18	7	10	4	7	4	4	5
Community punishment and rehabilitation order <sup>(1)</sup>	3,316	3,057	1,517	2,654	2,972	3,117	2,422	506	174	159	148
Curfew order	82	156	230	429	635	814	608	266	228	234	250
Reparation order <sup>(3)</sup>	*	8	24	14	5	9	5	7	3	5	3
Action plan order <sup>(3)</sup>	*	34	62	54	18	16	16	18	20	14	9
Drug treatment and testing order <sup>(3)</sup>	*	96	1,094	1,570	2,393	2,584	2,048	147	13	2	-
Community order <sup>(2)</sup>	*	*	*	*	*	*	4,111	12,663	12,283	12,792	13,644
<b>Total community sentences</b>	<b>19,658</b>	<b>18,519</b>	<b>18,378</b>	<b>20,496</b>	<b>21,914</b>	<b>21,575</b>	<b>21,140</b>	<b>16,085</b>	<b>13,532</b>	<b>13,949</b>	<b>14,645</b>

(1) Some community sentences were renamed in April 2001. Community rehabilitation order was previously probation order, community punishment order was previously community service order and community punishment and rehabilitation order was previously combination order.

(2) The community order was introduced on 4 April 2005 and applies to offences committed on or after that date.

(3) Numbers of reparation, action plan and drug treatment and testing orders given in pilot areas in 1998 and 1999 are included under 'Otherwise dealt with' in Chapter 4.

## Chapter 4 – Fines and other disposals

Fines are a monetary penalty imposed on individuals and organisations who have committed a criminal act.

### Key points for 2009

There were 945,500 fines issued following convictions at all courts in 2009. This represents an increase of six per cent compared with 2008, but a decrease of five per cent compared to 1999 (992,400). As fines are generally issued for more minor offences these disposals have fallen in line with the decrease in the number of summary offences (Table 4.1).

The fine rate (the percentage of offenders sentenced who were given a fine) for all offences at all courts rose slightly from 65 per cent in 2008 to 67 per cent in 2009.

Of the 945,500 fines issued in 2009:

- Ninety-nine per cent (943,200) were handed down in magistrates' courts, with just 2,300 being given at the Crown Court (Table 4(iii)).
- Ninety-four per cent (889,500) were given for summary offences. This proportion has risen from 91 per cent in 1999, with the number of fines issued for indictable offences declining over the same period. Compared to 2008, the number of fines given has increased by 11 per cent (Table 4.1).
- The indictable offence group for which the most fines were issued was drug offences, with 21,000 fines. This offence group accounted for 37 per cent of all fines handed down for indictable offences (Table 4.1).
- The median fine amount for all offenders and offences was £175, a rise of £50 on 2008. The median fine amount for indictable offences fell by £20 to £75, while for summary offences it increased by £40 to £175 (Table 4(iv)).
- 152,500 offenders were ordered to pay compensation in 2009 at all courts, a decrease of 11 per cent since 2008 (Table 4.2).
- The total amount confiscated in 2009 for drug trafficking offences was £5,430,000, for which 9,800 offenders were sentenced (Table 4.3).

## Introduction

This chapter covers fines and 'other' sentences including the number of absolute and conditional discharges and the number of offenders 'otherwise dealt with'. Compensation orders, confiscation orders and forfeiture orders are also presented by court and offence type.

Fines are different from custodial and community sentences in that they may be imposed on companies and other organisations.

Fines are available to punish all offenders (other than where a mandatory, or mandatory minimum sentence applies, such as for murder). In general, the maximum fine that can be imposed by a magistrates' court is defined in terms of level. There are five levels, currently set as follows:

Level 1	£200
Level 2	£500
Level 3	£1,000
Level 4	£2,500
Level 5	£5,000.

In practice, fines imposed are generally much less than the maximum as courts must take account of offenders' financial means when deciding on the appropriate penalty. The Crown Court can impose an unlimited fine amount.

## Fines comparison between 2008 and 2009

In 2009, 945,500 offenders were sentenced to a fine, a rise of six per cent on 2008. This increase comprised a six per cent rise in the number of offenders fined for summary offences and a 13 per cent rise in the number of offenders fined for indictable offences. Of the fines given for indictable offences, the biggest rise was in the number given for drug offences, which rose by 3,300 (19 per cent) to 21,000 in 2009 (Table 4.1).

In 2009, 94 per cent of all fines issued were given for summary offences. This is similar to the proportion from 2008 (Table 4.1).

For all offenders the median fine rose by £50 (to £175) in 2009 (Table 4(iv)).

## Fines issued by offence type

Of the 56,100 fines issued for indictable offences, over half (55 per cent) were given for just three offences: 11,900 for shoplifting; 11,000 for possession of cannabis or cannabis resin; and 7,800 for "absconding by person released on bail". The fine rate (the proportion of offenders who were given a fine) for indictable offences ranged from less than two per cent for burglary, robbery and sexual offences to 28 per cent for other indictable offences and 37 per cent for drug offences (Table 4(iii)).

There were 889,500 fines issued for summary offences in 2009, of which 369,800 were for summary non-motoring offences and 519,700 for summary motoring offences. The fine rate for both types of summary offence rose

compared to 2008, for summary non-motoring offences from 70 to 72 per cent, and for summary motoring offences from 90 to 92 per cent. Thirty eight per cent of fines for summary offences (over 35 per cent of all fines issued) were given for just three offences: TV licence evasion or related offences under the Communications Act 2003 (148,000); driving a car while uninsured (125,600); and speeding offences, not including those detected by speed camera (65,500).

The median fine amount decreased for most indictable offence groups, but the total amount collected increased due to a rise in the number of fines for summary offences. The range of fines issued in 2009 was from nominal amounts of less than £5 in all offence groups, to a maximum of £2,000,000 for an 'other' indictable offence.

**Table 4(i): Median, mean and mode fine amount by offence group, 2009**

	Median (£)	Mean (£)	Mode (£)
Violence against the person	100	262	100
Sexual offences	235	319	100
Burglary	100	149	100
Robbery	75	440	50
Theft and handling stolen goods	65	90	50
Fraud and forgery	100	201	100
Criminal damage	100	125	100
Drug offences	75	101	100
Other (excluding motoring offences)	70	1482	50
Motoring offences	280	450	100
<b>Total indictable</b>	<b>75</b>	<b>439</b>	<b>100</b>
Summary offences (excluding motoring)	175	168	175
Summary motoring offences	175	232	525
<b>Total summary</b>	<b>175</b>	<b>205</b>	<b>175</b>
<b>All offences</b>	<b>175</b>	<b>219</b>	<b>175</b>

### Trends in fines 1999–2009 (Table 4.1)

There were five per cent fewer offenders given a fine in 2009 compared to 1999, and during this period the fine rate also decreased, from 70 per cent to 67 per cent. The total number of fines issued tends to vary in line with the fluctuations in the number of summary offence sentences issued.

Offenders given fines for indictable offences fell by 39 per cent since 1999, from 92,100 to 56,000 in 2009. The fine rate has fallen dramatically over time – 27 per cent of offenders sentenced for indictable offences in 1999 were given a fine, compared to a low in 2008 of 16 per cent and now a slight increase to 17 per cent in 2009.

The largest decrease in the number of fines issued has been for sentences concerning theft and handling stolen goods, which fell from 31,800 in 1999 (24 per cent of offenders sentenced), to 15,600 in 2009 (14 per cent of offenders sentenced).

The largest proportionate decreases were for burglary which fell by 73 per cent, from 1,100 fines issued in 1999 (four per cent of offenders sentenced), to 300 in 2009 (one per cent of offenders sentenced); and violence against the person which fell by 62 per cent, from 4,500 fines issued in 1999 (12 per cent of offenders sentenced), to 1,700 issued in 2009 (four per cent of offenders sentenced).

Table 4(ii): Number of persons<sup>(1)</sup> fined and fine rate by sex and age group, 1999-2009

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Gender</b>											
Males	822,639	808,382	745,056	772,162	831,572	863,646	802,747	745,424	715,180	652,141	662,189
	69.8	69.8	67.7	67.0	68.2	68.7	67.4	65.7	64.1	62.4	63.3
Females	160,040	195,173	175,418	191,815	192,593	208,855	213,461	208,738	217,764	213,090	241,939
	72.7	76.2	73.9	74.2	73.9	74.7	75.5	75.2	75.2	73.9	76.9
<b>Age Group</b>											
Juveniles (10-17)	20,695	21,391	22,039	15,120	13,508	15,666	14,054	11,599	10,453	9,047	7,944
	23.0	23.4	23.1	16.0	14.6	16.3	14.6	12.4	10.7	10.2	9.7
Young adults (18-20)	98,092	96,161	92,450	94,112	98,641	93,663	85,351	80,910	75,536	75,680	80,029
	59.3	59.3	58.5	59.0	60.9	59.9	58.4	56.7	53.8	55.0	56.4
Adults (21+)	863,892	886,003	805,985	854,745	912,016	963,172	916,803	861,653	847,828	797,777	849,133
	75.6	76.3	74.3	73.9	74.4	75.0	74.5	73.2	72.5	70.7	72.3

(1) Excludes 'others' such as companies and public bodies

Table 4(iii): Number of offenders fined and fine rate by court and offence group, 1999-2009

Court	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Magistrates' court	989,713 74.4	1,010,835 74.9	927,571 72.7	970,384 72.2	1,030,918 72.9	1,080,236 73.4	1,022,710 72.7	959,394 71.4	939,046 70.4	887,976 69.7	943,194 71.9
Crown Court	2,707 3.5	2,512 3.4	2,550 3.5	2,353 3.1	2,699 3.5	2,454 3.2	2,354 3.1	2,141 2.8	2,488 3.1	2,320 2.6	2,300 2.4
<b>Offence group</b>											
Violence against the person	4,450 12.4	3,990 11.2	3,915 11.0	4,001 10.6	3,944 10.4	3,487 8.9	2,811 6.9	2,273 5.4	1,997 4.7	1,677 4.0	1,712 4.0
Sexual offences	175 4.1	112 2.9	202 5.0	264 6.1	259 6.0	191 4.0	178 3.8	165 3.4	133 2.6	91 1.8	87 1.7
Burglary	1,101 3.8	818 3.1	616 2.5	609 2.3	545 2.1	468 1.9	423 1.9	415 1.8	461 2.0	369 1.6	294 1.3
Robbery	14 0.2	16 0.3	14 0.2	9 0.1	12 0.2	7 0.1	21 0.3	13 0.2	33 0.4	6 0.1	8 0.1
Theft and handling stolen goods	31,823 24	29,103 23	25,755 20	23,898 19	21,975 19	18,647 17	16,060 16	13,328 14	13,840 13	13,964 13	15,578 14
Fraud and forgery	7,065 29	6,238 28	5,986 28	5,553 26	5,726 27	4,944 24	4,118 20	3,530 18	3,077 15	2,900 14	2,851 14
Criminal damage	1,868 17	1,696 17	1,811 17	1,715 16	1,687 15	1,595 14	1,432 12	1,384 11	1,190 10	1,040 11	919 12
Drug offences	23,207 47	20,638 46	20,049 44	21,651 44	22,424 44	14,019 36	13,539 35	13,271 34	14,190 32	17,674 33	20,970 37
Other (excluding motoring offences)	21,606 45	18,830 42	18,569 43	20,217 43	21,132 41	21,220 39	19,429 37	16,827 34	14,103 31	11,563 29	13,293 28
Motoring offences	812 19	669 16	549 13	553 11	546 10	517 9	422 9	422 9	439 10	362 9	317 9
Indictable offences	92,121 27.0	82,110 25.2	77,466 24.0	78,470 23.3	78,250 23.4	65,095 20.5	58,433 19.1	51,628 17.1	49,463 15.8	49,646 15.7	56,029 17.1
Summary non-motoring	335,041 77.3	390,551 79.6	341,296 77.2	379,448 77.9	378,689 76.8	394,954 75.6	375,891 73.9	356,512 71.9	343,429 69.9	344,262 69.7	369,762 71.9
Summary motoring	565,258 89.3	540,686 89.0	511,359 87.7	514,819 86.4	576,678 87.0	622,641 88.0	590,740 88.5	553,395 88.9	548,642 89.8	496,388 89.9	519,703 92.1
Summary offences	900,299 84.4	931,237 84.8	852,655 83.2	894,267 82.6	955,367 82.7	1,017,595 82.7	966,631 82.2	909,907 81.4	892,071 80.9	840,650 80.4	889,465 82.5
Total	992,420 70.5	1,013,347 71.1	930,121 69.0	972,737 68.5	1,033,617 69.4	1,082,690 70.0	1,025,064 69.1	961,535 67.7	941,534 66.6	890,296 65.4	945,494 67.3

**Table 4(iv): Median fine amounts (£) by offence group and year, 1999-2009**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Violence against the person	100	100	100	100	100	100	130	150	150	150	100
Sexual offences	200	180	150	100	100	100	150	100	150	215	235
Burglary	100	100	100	100	100	100	100	100	100	100	100
Robbery	200	110	200	50	201	50	100	200	35	300	75
Theft and handling stolen goods	75	75	60	65	65	65	75	75	75	75	65
Fraud and forgery	100	100	100	100	100	100	125	145	150	125	100
Criminal damage	100	90	100	100	100	100	100	100	100	100	100
Drug offences	60	70	70	60	60	75	75	80	85	85	75
Other (excluding motoring offences)	50	50	50	50	50	50	50	50	50	75	70
Motoring offences	250	250	250	250	250	300	300	300	300	250	280
<b>Total indictable</b>	<b>75</b>	<b>75</b>	<b>65</b>	<b>60</b>	<b>60</b>	<b>65</b>	<b>75</b>	<b>75</b>	<b>100</b>	<b>95</b>	<b>75</b>
Summary offences (excluding motoring)	80	90	95	100	100	100	100	100	100	105	175
Summary motoring offences	120	120	100	100	110	120	130	150	150	150	175
<b>Total summary</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>110</b>	<b>110</b>	<b>120</b>	<b>135</b>	<b>175</b>
<b>All offences</b>	<b>100</b>	<b>110</b>	<b>120</b>	<b>125</b>	<b>175</b>						

**Table 4(v): Mean fine amounts (£) by offence group and year, 1999-2009**

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Violence against the person	174	171	169	168	181	186	203	218	237	307	262
Sexual offences	300	325	222	180	211	185	279	214	280	375	319
Burglary	151	136	162	143	161	168	181	162	161	165	149
Robbery	1,213	1,205	284	384	329	161	297	461	73	313	440
Theft and handling stolen goods	94	93	87	88	96	95	102	108	105	103	90
Fraud and forgery	194	152	166	160	214	204	214	237	274	287	201
Criminal damage	114	109	111	116	114	131	125	121	126	123	125
Drug offences	94	97	92	88	91	102	110	112	112	111	101
Other (excluding motoring offences)	844	595	731	583	696	894	1,137	879	1,159	1,941	1,482
Motoring offences	361	335	367	375	387	452	438	448	467	485	450
<b>Total indictable</b>	<b>285</b>	<b>221</b>	<b>257</b>	<b>228</b>	<b>273</b>	<b>375</b>	<b>465</b>	<b>378</b>	<b>428</b>	<b>556</b>	<b>439</b>
Summary offences (excluding motoring)	106	110	110	113	113	125	121	125	130	147	168
Summary motoring offences	164	166	146	157	170	158	163	170	175	200	232
<b>Total summary</b>	<b>145</b>	<b>145</b>	<b>133</b>	<b>140</b>	<b>149</b>	<b>147</b>	<b>149</b>	<b>155</b>	<b>160</b>	<b>179</b>	<b>205</b>
<b>All offences</b>	<b>159</b>	<b>152</b>	<b>144</b>	<b>148</b>	<b>159</b>	<b>161</b>	<b>168</b>	<b>168</b>	<b>175</b>	<b>201</b>	<b>219</b>

**Other sentences comparison 1999–2009 (Table 4(vi))**

**Discharges**

A court may discharge a person either absolutely or conditionally where the court takes the view that it is not necessary to impose punishment. An absolute discharge requires nothing from the offender and imposes no restrictions on future conduct. The majority of discharges are conditional discharges where the offender remains liable to punishment for the offence if he is convicted of a further offence within a period specified by the court (but not more than three years).

The number of offenders given an absolute discharge has fallen 43 per cent since 1999 due entirely to the fall in absolute discharges in magistrates' courts, as fewer than 150 are handed down in the Crown Court each year. The majority of absolute discharges are given for summary offences (82 per cent). Offenders given an absolute discharge fell by eight per cent from 2008 to 9,000. In 2009 there were 83,900 conditional discharges (out of a total of 119,400 other sentences), which was a fall of four per cent from 2008.

Compared to 1999 there has been a fall of 26 per cent in the number of offenders given a conditional discharge, but in that time the proportion of offenders given a conditional discharge remained relatively stable, falling from eight per cent to six per cent. As with absolute discharges the majority of conditional discharges are given at magistrates' courts (97 per cent), but unlike absolute discharges a large proportion (46 per cent) are given for indictable offences.

#### Otherwise dealt with

Sentences within this category include disposals such as compensation orders on the principal offence only, hospital or guardianship orders, short period detention in police cells or recognizances.

From 2008 there was a 39 per cent decrease in the number of offenders 'otherwise dealt with', to 26,500 in 2009. Within this group there were large falls in the number sentenced to a compensation order, the number sentenced to spend one night in police cells, and the number given a pre-sentence drug testing order. These changes reflect improvements in data collection and quality rather than shifts in sentencing practice

**Table 4(vi): Offenders sentenced to 'other' disposals, 1999–2009**

	Absolute discharge	Conditional discharge	Otherwise dealt with <sup>(1)</sup>	Total offenders sentenced
1999	15,854	114,010	25,597	155,461
2000	15,620	105,733	24,852	146,205
2001	15,181	101,271	27,896	144,348
2002	18,981	98,423	28,821	146,225
2003	18,811	103,142	32,448	154,401
2004	14,938	98,312	40,732	153,982
2005	13,140	92,745	36,355	142,240
2006	11,879	87,442	39,352	138,673
2007	11,028	94,082	35,780	140,890
2008	9,734	87,722	43,465	140,921
2009	8,961	83,873	26,519	119,353

(1) Includes disposals such as compensation, hospital and guardianship orders, police cells and recognizances

### **Further sentences and orders**

Other punishments are used to a lesser extent. These include binding over orders, confiscation orders, exclusion orders and disqualification from driving. When a defendant stands convicted before the Crown Court of a drug trafficking offence, the Court is required to determine whether he or she has benefited from drug trafficking at any time, and if so, makes a confiscation order. The amount to be recovered is what the court assesses to be the value of the defendant's proceeds from drug trafficking, or that which can be realised. The courts have general power to penalise a defendant by making an order for the forfeiture of property associated with the offence.

### **Compensation orders (Table 4.2)**

In cases involving death, injury, loss or damage, the courts are required to consider making a compensation order, and to give reasons if no such order is made. A compensation order can also be made in addition to any other sentence or order, or can be the only sentence imposed for a particular offence. Magistrates' courts can order compensation up to a maximum of £5,000 per offence, but there is no such limit in the Crown Court. However, courts are required to have regard to the financial means of the offender when deciding whether to make a compensation order and when deciding on its amount. When the defendant makes payments against financial penalties, compensation orders are paid off before fines.

In 2009, 152,500 offenders were ordered to pay compensation at all courts (146,900 offenders at magistrates' courts and 5,500 at the Crown Court). The average compensation amount for all offences at magistrates' courts was £233, compared to £1,700 at the Crown Court. The offence group with the highest average compensation amount at magistrates' courts was theft and handling stolen goods. At the Crown Court it was fraud and forgery and theft and handling stolen goods.

### **Confiscation orders for drug trafficking (Table 4.3)**

In 2009, 9,800 offenders were sentenced for drug trafficking offences, with a six per cent increase since 2008 and a 42 per cent increase since 2004. A total of 1,200 confiscation orders were made in 2009. This was a decrease of 24 per cent compared to 2008. The total amount confiscated in 2009 was £5,429,000; in the past six years the highest total amount confiscated was in 2008 of £20,500,600.

### **Forfeiture orders (Table 4.4)**

There were 51,800 forfeiture orders given in 2009 at magistrates' courts for all offences. In 2009 this was seven per cent of all offenders sentenced. At the Crown Court, 14,600 orders were made representing 16 per cent of offenders sentenced. At both courts drug offences was the offence group with the highest proportion of offenders subject to a forfeiture order. At magistrates' courts 90 per cent of offenders were subject to a forfeiture order compared to 62 per cent of offenders at Crown Court.

Sentencing Statistics: England and Wales 2009

Table 4.1 Offenders sentenced to fines at all courts by sex and offence group, 1999-2009

England and Wales											Number of offenders	
Sex and offence group	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	
<b>Males</b>												
<b>Indictable offences</b>												
Violence against the person	4,178	3,733	3,709	3,760	3,712	3,253	2,602	2,129	1,828	1,509	1,525	
Sexual offences	172	108	200	262	257	191	177	162	130	89	84	
Burglary	1,074	808	593	581	519	456	402	404	439	358	286	
Robbery	13	12	13	9	11	7	15	12	30	6	6	
Theft and handling stolen goods	26,767	24,186	21,415	19,795	18,126	15,271	13,267	11,210	11,494	11,531	12,492	
Fraud and forgery	6,187	5,428	5,226	4,843	4,997	4,232	3,497	2,890	2,482	2,223	2,102	
Criminal damage	1,785	1,614	1,727	1,619	1,579	1,497	1,366	1,320	1,118	977	860	
Drug offences	21,765	19,425	18,950	20,429	21,094	13,122	12,682	12,532	13,396	16,515	19,695	
Other (excluding motoring offences)	17,878	15,280	15,013	16,518	16,993	17,400	15,993	13,994	11,616	9,236	10,746	
Motoring offences	773	638	523	518	511	480	379	388	410	324	285	
<b>Total</b>	<b>80,592</b>	<b>71,232</b>	<b>67,369</b>	<b>68,334</b>	<b>67,799</b>	<b>55,909</b>	<b>50,380</b>	<b>45,041</b>	<b>42,943</b>	<b>42,768</b>	<b>48,081</b>	
<b>Summary offences</b>												
Offences (excluding motoring offences)	254,436	274,322	240,630	266,515	274,028	279,745	252,328	233,537	213,941	204,238	203,089	
Motoring offences	487,611	462,828	437,057	437,313	489,745	527,992	500,039	466,846	458,296	405,135	411,019	
<b>Total</b>	<b>742,047</b>	<b>737,150</b>	<b>677,687</b>	<b>703,828</b>	<b>763,773</b>	<b>807,737</b>	<b>752,367</b>	<b>700,383</b>	<b>672,237</b>	<b>609,373</b>	<b>614,108</b>	
<b>All offences</b>	<b>822,639</b>	<b>808,382</b>	<b>745,056</b>	<b>772,162</b>	<b>831,572</b>	<b>863,646</b>	<b>802,747</b>	<b>745,424</b>	<b>715,180</b>	<b>652,141</b>	<b>662,189</b>	
<b>Females</b>												
<b>Indictable offences</b>												
Violence against the person	272	257	206	241	232	234	209	144	169	160	177	
Sexual offences	3	4	2	2	2	-	1	3	2	2	3	
Burglary	27	10	23	28	26	12	21	11	22	9	6	
Robbery	1	4	1	-	1	-	6	1	3	-	2	
Theft and handling stolen goods	5,056	4,917	4,340	4,103	3,849	3,376	2,793	2,118	2,339	2,378	3,023	
Fraud and forgery	856	787	740	698	713	695	613	629	585	621	659	
Criminal damage	83	82	84	96	108	98	66	64	72	56	56	
Drug offences	1,442	1,212	1,098	1,222	1,327	897	857	739	789	1,055	1,198	
Other (excluding motoring offences)	2,429	2,291	2,277	2,523	3,005	2,741	2,393	1,881	1,471	1,199	1,536	
Motoring offences	39	31	26	35	35	37	43	34	29	37	30	
<b>Total</b>	<b>10,208</b>	<b>9,595</b>	<b>8,797</b>	<b>8,948</b>	<b>9,298</b>	<b>8,090</b>	<b>7,002</b>	<b>5,624</b>	<b>5,481</b>	<b>5,517</b>	<b>6,690</b>	
<b>Summary offences</b>												
Offences (excluding motoring offences)	78,675	114,270	98,889	111,335	102,956	113,426	122,089	121,404	127,572	126,352	143,814	
Motoring offences	71,157	71,308	67,732	71,532	80,339	87,339	84,370	81,710	84,711	81,221	91,435	
<b>Total</b>	<b>149,832</b>	<b>185,578</b>	<b>166,621</b>	<b>182,867</b>	<b>183,295</b>	<b>200,765</b>	<b>206,459</b>	<b>203,114</b>	<b>212,283</b>	<b>207,573</b>	<b>235,249</b>	
<b>All offences</b>	<b>160,040</b>	<b>195,173</b>	<b>175,418</b>	<b>191,815</b>	<b>192,593</b>	<b>208,855</b>	<b>213,461</b>	<b>208,738</b>	<b>217,764</b>	<b>213,090</b>	<b>241,939</b>	
<b>All offenders</b>												
<b>Indictable offences</b>												
Violence against the person	4,450	3,990	3,915	4,001	3,944	3,487	2,811	2,273	1,997	1,677	1,712	
Sexual offences	175	112	202	264	259	191	178	165	133	91	87	
Burglary	1,101	818	616	609	545	468	423	415	461	369	294	
Robbery	14	16	14	9	12	7	21	13	33	6	8	
Theft and handling stolen goods	31,823	29,103	25,755	23,898	21,975	18,647	16,060	13,328	13,840	13,964	15,578	
Fraud and forgery	7,043	6,215	5,966	5,541	5,710	4,927	4,110	3,519	3,070	2,892	2,842	
Criminal damage	1,868	1,696	1,811	1,715	1,687	1,595	1,432	1,384	1,190	1,040	919	
Drug offences	23,207	20,637	20,048	21,651	22,421	14,019	13,539	13,271	14,190	17,674	20,970	
Other (excluding motoring offences)	20,307	17,571	17,290	19,041	19,998	20,141	18,386	15,875	13,099	10,661	12,574	
Motoring offences	812	669	549	553	546	517	422	422	439	362	316	
<b>Total</b>	<b>90,800</b>	<b>80,827</b>	<b>76,166</b>	<b>77,282</b>	<b>77,097</b>	<b>63,999</b>	<b>57,382</b>	<b>50,665</b>	<b>48,452</b>	<b>48,736</b>	<b>55,300</b>	
<b>Summary offences</b>												
Offences (excluding motoring offences)	333,111	388,592	339,519	377,850	376,984	393,171	374,417	354,941	342,011	342,845	368,258	
Motoring offences	558,768	534,136	504,789	508,845	570,084	615,331	584,409	548,556	543,354	490,923	513,548	
<b>Total</b>	<b>891,879</b>	<b>922,728</b>	<b>844,308</b>	<b>886,695</b>	<b>947,068</b>	<b>1,008,502</b>	<b>958,826</b>	<b>903,497</b>	<b>885,365</b>	<b>833,768</b>	<b>881,806</b>	
<b>All offences</b>	<b>982,679</b>	<b>1,003,555</b>	<b>920,474</b>	<b>963,977</b>	<b>1,024,165</b>	<b>1,072,501</b>	<b>1,016,208</b>	<b>954,162</b>	<b>933,817</b>	<b>882,504</b>	<b>937,106</b>	

## Sentencing Statistics: England and Wales 2009

**Table 4.1 (cont) Offenders sentenced to fines at all courts by sex and offence group, 1999-2009**

England and Wales											Number of offenders
Sex and offence group	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>Others<sup>(1)</sup></b>											
<b>Indictable offences</b>											
Violence against the person	-	-	-	-	-	-	-	-	-	-	-
Sexual offences	-	-	-	-	-	-	-	-	-	-	-
Burglary	-	-	-	-	-	-	-	-	-	-	-
Robbery	-	-	-	-	-	-	-	-	-	-	-
Theft and handling stolen goods	-	-	-	-	-	-	-	-	-	-	-
Fraud and forgery	22	23	20	12	16	17	8	11	7	8	9
Criminal damage	-	-	-	-	-	-	-	-	-	-	-
Drug offences	-	1	1	-	3	-	-	-	-	-	-
Other (excluding motoring offences)	1,299	1,259	1,279	1,176	1,134	1,079	1,043	952	1,004	902	719
Motoring offences	-	-	-	-	-	-	-	-	-	-	1
<b>Total</b>	<b>1,321</b>	<b>1,283</b>	<b>1,300</b>	<b>1,188</b>	<b>1,153</b>	<b>1,096</b>	<b>1,051</b>	<b>963</b>	<b>1,011</b>	<b>910</b>	<b>729</b>
<b>Summary offences</b>											
Offences (excluding motoring offences)	1,930	1,959	1,777	1,598	1,705	1,783	1,474	1,571	1,418	1,417	1,504
Motoring offences	6,490	6,550	6,570	5,974	6,594	7,310	6,331	4,839	5,288	5,465	6,155
<b>Total</b>	<b>8,420</b>	<b>8,509</b>	<b>8,347</b>	<b>7,572</b>	<b>8,299</b>	<b>9,093</b>	<b>7,805</b>	<b>6,410</b>	<b>6,706</b>	<b>6,882</b>	<b>7,659</b>
<b>All offences</b>	<b>9,741</b>	<b>9,792</b>	<b>9,647</b>	<b>8,760</b>	<b>9,452</b>	<b>10,189</b>	<b>8,856</b>	<b>7,373</b>	<b>7,717</b>	<b>7,792</b>	<b>8,388</b>
<b>All offenders</b>											
<b>Indictable offences</b>											
Violence against the person	4,450	3,990	3,915	4,001	3,944	3,487	2,811	2,273	1,997	1,677	1,712
Sexual offences	175	112	202	264	259	191	178	165	133	91	87
Burglary	1,101	818	616	609	545	468	423	415	461	369	294
Robbery	14	16	14	9	12	7	21	13	33	6	8
Theft and handling stolen goods	31,823	29,103	25,755	23,898	21,975	18,647	16,060	13,328	13,840	13,964	15,578
Fraud and forgery	7,065	6,238	5,986	5,553	5,726	4,944	4,118	3,530	3,077	2,900	2,851
Criminal damage	1,868	1,696	1,811	1,715	1,687	1,595	1,432	1,384	1,190	1,040	919
Drug offences	23,207	20,638	20,049	21,651	22,424	14,019	13,539	13,271	14,190	17,674	20,970
Other (excluding motoring offences)	21,606	18,830	18,569	20,217	21,132	21,220	19,429	16,827	14,103	11,563	13,293
Motoring offences	812	669	549	553	546	517	422	422	439	362	317
<b>Total</b>	<b>92,121</b>	<b>82,110</b>	<b>77,466</b>	<b>78,470</b>	<b>78,250</b>	<b>65,095</b>	<b>58,433</b>	<b>51,628</b>	<b>49,463</b>	<b>49,646</b>	<b>56,029</b>
<b>Summary offences</b>											
Offences (excluding motoring offences)	335,041	390,551	341,296	379,448	378,689	394,954	375,891	356,512	343,429	344,262	369,762
Motoring offences	565,258	540,686	511,359	514,819	576,678	622,641	590,740	553,395	548,642	496,388	519,703
<b>Total</b>	<b>900,299</b>	<b>931,237</b>	<b>852,655</b>	<b>894,267</b>	<b>955,367</b>	<b>1,017,595</b>	<b>966,631</b>	<b>909,907</b>	<b>892,071</b>	<b>840,650</b>	<b>889,465</b>
<b>All offences</b>	<b>992,420</b>	<b>1,013,347</b>	<b>930,121</b>	<b>972,737</b>	<b>1,033,617</b>	<b>1,082,690</b>	<b>1,025,064</b>	<b>961,535</b>	<b>941,534</b>	<b>890,296</b>	<b>945,494</b>

(1) Includes others such as companies and public bodies

## Sentencing Statistics: England and Wales 2009

**Table 4.2 Offenders<sup>(1)</sup> ordered to pay compensation by offence<sup>(2)</sup>, 1999 and 2004-2009**

England and Wales								Number of offenders and percentages	
Type of court and offence group	Total number of offenders ordered to pay compensation							2009	
	1999	2004	2005	2006	2007	2008	2009	Offenders given compensation orders as a percentage of all offenders sentenced	Average compensation (£)
<b>Magistrates' courts</b>									
<b>Indictable offences</b>									
Violence against the person	9,918	7,483	7,940	8,137	8,221	7,247	6,920	30.6	261
Sexual offences	270	313	330	308	368	332	337	29.7	205
Burglary	4,254	3,823	3,831	3,951	4,212	4,143	4,147	32.3	216
Robbery	482	850	1,075	1,239	1,543	1,244	1,369	47.8	85
Theft and handling stolen goods	17,763	15,912	16,071	16,509	19,943	21,662	22,400	22.0	381
Fraud and forgery	5,098	3,839	3,667	3,535	3,419	3,661	3,842	29.4	1940
Criminal damage	4,561	4,969	4,760	5,504	5,517	4,007	2,926	47.7	225
Drug offences	30	25	31	32	1,453	1,385	54	0.1	75
Other (excluding motoring offences)	1,323	1,112	1,079	1,178	2,341	1,799	1,108	3.3	313
Motoring offences	75	104	103	96	113	81	66	4.6	326
<b>Total</b>	<b>43,774</b>	<b>38,430</b>	<b>38,887</b>	<b>40,488</b>	<b>47,130</b>	<b>45,561</b>	<b>43,169</b>	<b>18.1</b>	<b>461</b>
<b>Summary offences</b>									
(excluding motoring offences)	54,847	79,255	87,356	91,381	112,944	119,875	103,779	20.4	138
<b>All offences</b>									
(excluding summary motoring offences)	98,621	117,685	126,243	131,869	160,074	165,436	146,948	19.6	233
<b>As sole or main penalty for all offences</b>									
(excluding summary motoring offences)	6,684	6,636	6,820	7,591	7,954	6,533	5,194	:	208
<b>The Crown Court</b>									
<b>Indictable offences</b>									
Violence against the person	2,259	2,460	2,430	2,650	2,705	2,506	2,454	11.9	682
Sexual offences	46	47	39	44	56	63	43	1.1	584
Burglary	505	359	335	299	307	304	314	3.2	450
Robbery	152	156	169	176	212	188	205	3.5	1,455
Theft and handling stolen goods	752	685	676	622	712	782	751	7.7	4,634
Fraud and forgery	456	373	407	353	366	467	442	5.6	4,981
Criminal damage	284	294	248	212	215	242	212	12.5	672
Drug offences	8	4	7	4	23	12	19	0.1	2,220
Other (excluding motoring offences)	692	664	652	683	668	593	493	3.7	2,381
Motoring offences	30	74	70	81	57	98	74	3.2	552
<b>Total</b>	<b>5,184</b>	<b>5,116</b>	<b>5,033</b>	<b>5,124</b>	<b>5,321</b>	<b>5,255</b>	<b>5,007</b>	<b>5.6</b>	<b>1,841</b>
<b>Summary offences</b>									
(excluding motoring offences)	338	442	411	453	479	558	536	11.2	386
<b>All offences</b>									
(excluding summary motoring offences)	5,522	5,558	5,444	5,577	5,800	5,813	5,543	5.9	1,701
<b>As sole or main penalty for all offences</b>									
(excluding summary motoring offences)	92	109	114	112	171	136	80	:	656
<b>All Courts</b>									
<b>Indictable offences</b>									
Violence against the person	12,177	9,943	10,370	10,787	10,926	9,753	9,374	0.2	371
Sexual offences	316	360	370	352	424	397	380	7.5	247
Burglary	4,759	4,182	4,166	4,250	4,519	4,447	4,461	19.6	232
Robbery	634	1,006	1,244	1,415	1,755	1,432	1,574	18.2	263
Theft and handling stolen goods	18,515	16,597	16,747	17,131	20,655	22,444	23,151	20.8	519
Fraud and forgery	5,554	4,208	4,067	3,882	3,727	4,061	4,284	20.5	2,254
Criminal damage	4,845	5,263	5,008	5,716	5,732	4,249	3,138	40.1	255
Drug offences	38	29	38	36	1,476	1,397	73	0.1	634
Other (excluding motoring offences)	2,015	1,776	1,730	1,861	3,009	2,390	1,601	3.4	950
Motoring offences	105	182	180	182	228	246	140	3.8	445
<b>Total</b>	<b>48,958</b>	<b>43,546</b>	<b>43,920</b>	<b>45,612</b>	<b>52,451</b>	<b>50,816</b>	<b>48,176</b>	<b>14.7</b>	<b>605</b>
<b>Summary offences</b>									
(excluding motoring offences)	55,185	79,769	87,767	91,834	113,423	120,433	104,315	20.3	139
<b>All offences</b>									
(excluding summary motoring offences)	104,143	123,315	131,687	137,446	165,874	171,249	152,491	18.1	286
<b>As sole or main penalty for all offences</b>									
(excluding summary motoring offences)	6,776	6,745	6,934	7,703	8,125	6,669	5,274	:	214

(1) Including compensation orders given as secondary disposals for principal offences.

(2) Excluding summary motoring offences.

**Table 4.3 Offenders ordered to pay confiscation orders for drug trafficking offences by amount, 2004-2009**

England and Wales	Number of offenders and amount					
	2004	2005	2006	2007	2008	2009
Total sentenced for drug trafficking offences <sup>(1)</sup>	6,906	6,911	6,676	7,767	9,191	9,775
Confiscation order not made	6,197	5,929	5,715	6,639	7,705	8,580
Confiscation order made						
under £1,000	378	604	590	728	1,043	863
£1,000 and under £3,000	124	196	203	213	219	178
£3,000 and under £10,000	102	93	84	92	104	79
£10,000 and under £30,000	38	49	39	46	61	39
£30,000 and under £100,000	44	24	30	30	34	25
£100,000 and under £300,000	15	11	7	13	16	8
£300,000 and under £1 million	6	4	6	5	6	3
£1 million and over	2	1	2	1	3	1,195
Total with order made	709	982	961	1,128	1,486	1,195
Orders made as a percentage of eligible offences	10.3	14.2	14.4	15.0	16.2	12.2
Total amount confiscated (£)	16,170,000	7,895,964	11,411,952	8,858,736	20,529,573	5,429,216
Average amount of confiscation order (£)	22,807	8,041	11,875	7,853	13,815	4,543

(1) Excludes offenders committed for sentence or where the sentence could have been awarded at the magistrates' court.

Table 4.4 Offenders<sup>(1)</sup> ordered to pay forfeiture orders by type of court and offence<sup>(2)</sup>, 1999 and 2004-2009

England and Wales		Number of offenders and percentages						
Type of court and offence group	Total number of offenders given forfeiture orders							2009
	1999	2004	2005	2006	2007	2008	2009	Offenders given forfeiture orders as a percentage of all offenders sentenced
<b>Magistrates' courts</b>								
<b>Indictable offences</b>								
Violence against the person	4,466	7,556	7,335	7,505	7,127	7,539	7,394	32.7
Sexual offences	3	2	1	11	10	11	10	0.9
Burglary	107	79	98	106	103	122	113	0.9
Robbery	9	8	18	12	29	18	14	0.5
Theft and handling stolen goods	417	318	377	396	462	496	587	0.6
Fraud and forgery	244	355	365	276	267	332	439	3.4
Criminal damage	38	81	66	71	86	78	53	0.9
Drug offences	19,411	20,305	20,737	21,298	23,694	31,965	38,856	90.4
Other (excluding motoring offences)	1,887	2,075	2,114	2,177	2,301	2,499	2,546	7.6
Motoring offences	9	120	105	77	48	28	7	0.5
<b>Total</b>	<b>26,591</b>	<b>30,899</b>	<b>31,216</b>	<b>31,929</b>	<b>34,127</b>	<b>43,088</b>	<b>50,019</b>	<b>21.0</b>
<b>Summary offences</b> (excluding motoring offences)								
	1,341	1,408	2,039	1,834	1,821	1,921	1,821	0.4
<b>All offences</b> (excluding summary motoring offences)								
	27,932	32,307	33,255	33,763	35,948	45,009	51,840	6.9
<b>The Crown Court</b>								
<b>Indictable offences</b>								
Violence against the person	1,130	1,366	1,328	1,168	1,170	2,036	2,488	12.1
Sexual offences	69	57	79	83	85	149	99	2.5
Burglary	230	172	150	151	150	188	177	1.8
Robbery	271	237	203	237	220	231	216	3.7
Theft and handling stolen goods	163	153	126	174	158	224	231	2.4
Fraud and forgery	161	216	411	506	637	992	1,031	13.1
Criminal damage	34	44	26	28	34	42	31	1.8
Drug offences	7,232	6,670	6,354	5,984	6,480	8,656	8,439	61.8
Other (excluding motoring offences)	823	1,509	1,562	1,274	1,266	1,812	1,795	13.4
Motoring offences	18	45	37	31	32	39	28	1.2
<b>Total</b>	<b>10,131</b>	<b>10,469</b>	<b>10,276</b>	<b>9,636</b>	<b>10,232</b>	<b>14,369</b>	<b>14,535</b>	<b>16.4</b>
<b>Summary offences</b> (excluding motoring offences)								
	59	51	71	77	68	91	109	2.3
<b>All offences</b> (excluding summary motoring offences)								
	10,190	10,520	10,347	9,713	10,300	14,460	14,644	15.6

(1) Including forfeiture orders given as secondary disposals for principal offences.

(2) Excluding summary motoring offences.

## Chapter 5 – Criminal justice areas

Criminal justice areas correspond to police force areas, with the exception of the Metropolitan and City of London Police which combine to form the London criminal justice area.

### Key Points

- Per 100,000 of the population in England and Wales, 2,890 persons were convicted and sentenced in 2009, an increase from 2,810 persons in 2008. This compares to 3,280 persons convicted and sentenced in 2004, the highest since 1999 (Table 5.1).
- Per 100,000 of the population, Northumbria had 3,950 persons convicted and sentenced in 2009, and continues the trend of having, proportionately, the most persons convicted and sentenced of all the criminal justice areas since 2004 (Table 5.1).
- Per 100,000 of the population, Gloucestershire had 1,870 persons convicted and sentenced in 2009, which represents the fewest, proportionately persons convicted and sentenced within the criminal justice areas in 2009 (Table 5.1).

## **Introduction**

This chapter presents statistics by criminal justice area. Criminal justice areas correspond to police force areas except for the Metropolitan and City of London Police which combine to form the London criminal justice area. In order to present a fairer comparison between criminal justice areas for all offences, this chapter presents certain figures as a 'per 100,000 of the population' measure within the area. This chapter looks at offenders convicted and sentenced; including a more detailed analysis for indictable offences, which compares across criminal justice areas the percentage of offenders sentenced to immediate custody, fines and community sentences, as well as the average custodial sentence length.

## **Persons convicted and sentenced**

Table 5(i) shows, by criminal justice area, the total number of persons convicted and sentenced against persons convicted and sentenced per 100,000 of the population. It is clear that London has the most persons convicted and sentenced overall (254,000); but per 100,000 of the population it ranks third with 3,770 persons compared to 3,950 persons in Northumbria which is the highest of the criminal justice areas. This means, for every 100,000 people within Northumbria, 3,950 persons were convicted and sentenced in 2009.

**Table 5(i): Persons convicted and sentenced for all offences, by Criminal Justice Area, 2009**

Criminal Justice Area	Total number convicted and sentenced	Number of offenders convicted and sentenced per 100,000 of the population
Avon and Somerset	33,199	2,319
Bedfordshire	15,036	2,857
Cambridgeshire	17,197	2,506
Cheshire	24,706	2,771
Cleveland	18,495	3,744
Cumbria	13,622	3,059
Derbyshire	18,931	2,120
Devon and Cornwall	28,718	1,910
Dorset	15,768	2,465
Durham	13,276	2,452
Essex	41,823	2,752
Gloucestershire	9,774	1,865
Greater Manchester	76,428	3,352
Hampshire	41,183	2,475
Hertfordshire	25,503	2,659
Humberside	25,647	3,134
Kent	34,691	2,361
Lancashire	44,904	3,513
Leicestershire	19,658	2,255
Lincolnshire	17,298	2,762
London	254,450	3,773
Merseyside	46,568	3,876
Norfolk	16,774	2,187
North Yorkshire	16,334	2,281
Northamptonshire	14,635	2,444
Northumbria	50,111	3,951
Nottinghamshire	26,371	2,745
South Yorkshire	33,645	2,879
Staffordshire	22,754	2,398
Suffolk	18,022	2,842
Surrey	18,603	1,898
Sussex	32,149	2,306
Thames Valley	41,754	2,144
Warwickshire	10,301	2,166
West Mercia	24,013	2,265
West Midlands	75,916	3,312
West Yorkshire	60,363	3,088
Wiltshire	14,805	2,568
<b>England</b>	<b>1,313,423</b>	<b>2,871</b>
Dyfed-Powys	10,299	2,267
Gwent	14,977	3,023
North Wales	19,217	3,178
South Wales	39,392	3,541
<b>Wales</b>	<b>83,887</b>	<b>3,146</b>
<b>England and Wales</b>	<b>1,397,310</b>	<b>2,886</b>

Figure 5.1 shows the immediate custody rate (the percentage of convicted and sentenced persons given immediate custodial sentences) for all offences for magistrates' courts and the Crown Court combined in 2009. Derbyshire has the highest immediate custodial rate in England and Wales for all offences, with just over ten per cent of persons sentenced to immediate custody. Wiltshire, with three per cent, has the lowest immediate custody rate. This compares to an immediate custody rate of seven per cent across England and Wales for all offences.

**Figure 5.1: Immediate custody rates for all courts and all offences, by criminal justice area, 2009**

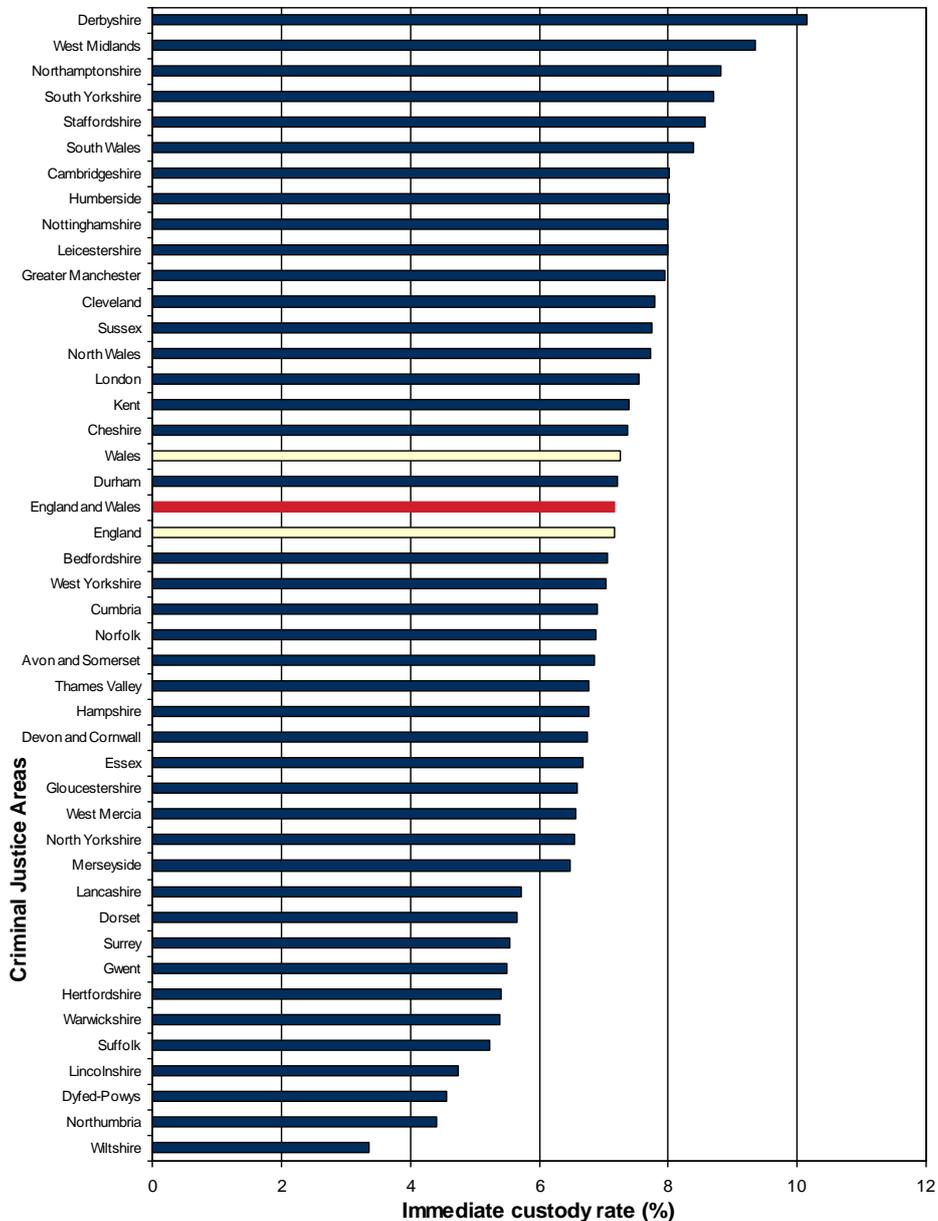
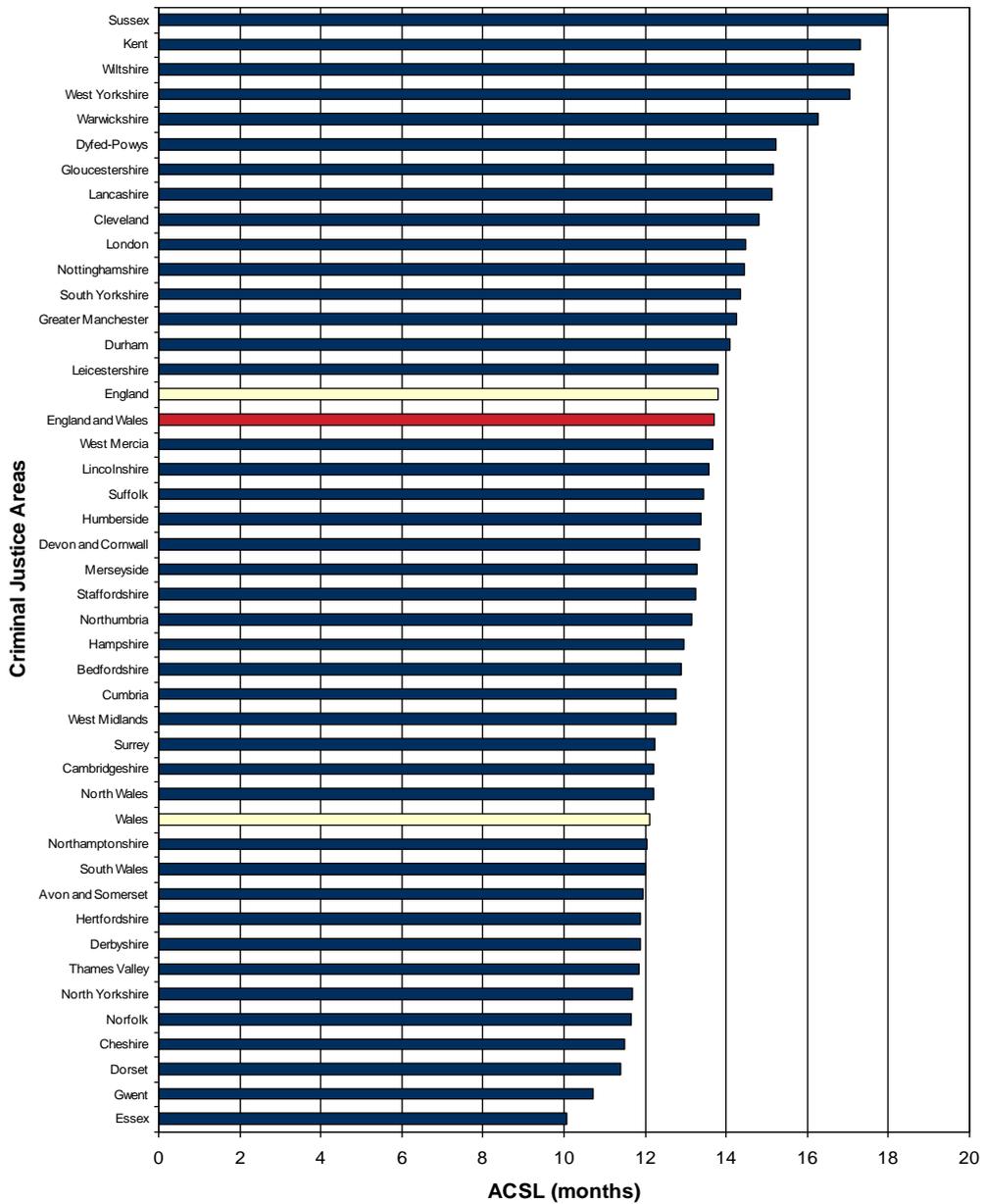


Figure 5.2 shows the average custodial sentence length (ACSL), for all offences at magistrates' courts and the Crown Court combined in 2009. Sussex had the highest ACSL in 2009, at 18 months. This compares to a low of 10.1 months in Essex and an England and Wales average of 13.7 months for all offences.

**Figure 5.2: Average custodial sentence length<sup>(1)</sup> for all offences at all courts, by criminal justice area, 2009**



(1) ACSL excludes life and indeterminate sentences

## Indictable offences

Table 5(ii) shows the variation across criminal justice areas for different types of sentences issued by both magistrates' courts and the Crown Court for indictable offences in 2009.

The immediate custody rate shows the percentage of convicted and sentenced persons given immediate custodial sentences. Across the 42 criminal justice areas, Northamptonshire had the highest immediate custody rate for indictable offences at all courts in 2009 (31 per cent), with Dyfed-Powys the lowest (15 per cent). For magistrates' courts (which deal with less serious offences), West Midlands had the highest immediate custody rate (18 per cent), with Wiltshire having the lowest (five per cent). For the Crown Court (which deals with more serious offences), North Wales had the highest immediate custody rate (67 per cent), with Durham having the lowest (44 per cent).

The community sentence rate shows the percentage of convicted and sentenced persons given community sentences. Across the 42 criminal justice areas, West Yorkshire had the highest community sentence rate for indictable offences at all courts in 2009 (40 per cent), with Dorset, and Devon and Cornwall, the lowest (27 per cent). This compares to an average across England and Wales of 33 per cent.

The fine rate shows the percentage of convicted and sentenced defendants given fines. Across the 42 criminal justice areas, Dyfed-Powys and Merseyside had the highest fine rates for indictable offences across all courts in 2009 (27 per cent), while Humberside and Leicestershire had the lowest (nine per cent). This compares to an average across England and Wales of 17 per cent.

The average custodial sentence length (ACSL) for indictable offences across England and Wales in all courts in 2009 was 18 months, with Sussex having the highest (21 months), and Gwent and Essex the lowest (13 months) across the 42 criminal justice areas. The variation in ACSL between magistrates' courts and the Crown Court (three months in England and Wales for magistrates' courts compared to 25 months for the Crown Court), is due to the different types of cases heard in each court (Table 5.2).

## Variability across criminal justice areas

A statistic known as the inter-quartile range is used to indicate the degree of variability within the group. It covers the middle 50 per cent of the data (i.e. it excludes the highest and lowest 25 per cent of the data set). The larger the inter-quartile range, the greater the variability or spread of the data. For example, at all Courts in England and Wales, 50 per cent of criminal justice areas had an immediate custody rate between 20 per cent and 27 per cent (the lower and upper quartiles), representing an inter-quartile range of seven percentage points. The equivalent inter-quartile range for magistrates' courts and the Crown Court are three percentage points (11 per cent to 14 per cent) and six percentage points (54 per cent to 59 per cent) respectively.

**Table 5(ii): Persons convicted and sentenced for indictable offences, 2009**

Criminal Justice Area	Immediate Custody Rate %			Community sentence rate %			Fine Rate %		
	Magistrates' Court	Crown Court	All Courts	Magistrates' Court	Crown Court	All Courts	Magistrates' Court	Crown Court	All Courts
Avon and Somerset	13%	53%	23%	42%	19%	36%	20%	2%	15%
Bedfordshire	14%	61%	28%	39%	16%	32%	39%	2%	19%
Cambridgeshire	16%	56%	27%	38%	14%	31%	38%	1%	16%
Cheshire	15%	60%	26%	40%	14%	34%	40%	1%	16%
Cleveland	9%	54%	19%	44%	15%	38%	44%	2%	16%
Cumbria	12%	52%	23%	43%	20%	37%	43%	1%	24%
Derbyshire	17%	58%	30%	43%	20%	36%	43%	2%	13%
Devon and Cornwall	11%	55%	23%	32%	14%	27%	32%	3%	17%
Dorset	10%	57%	20%	30%	14%	27%	30%	3%	22%
Durham	11%	44%	22%	43%	24%	37%	43%	2%	12%
Essex	15%	50%	25%	38%	18%	32%	38%	2%	19%
Gloucestershire	7%	58%	18%	38%	14%	33%	38%	4%	21%
Greater Manchester	12%	53%	24%	43%	20%	37%	43%	1%	13%
Hampshire	10%	53%	20%	42%	21%	37%	42%	2%	20%
Hertfordshire	12%	51%	22%	38%	19%	33%	38%	3%	25%
Humberside	13%	56%	27%	40%	18%	32%	40%	1%	9%
Kent	12%	64%	27%	44%	12%	34%	44%	1%	15%
Lancashire	8%	50%	19%	42%	19%	36%	42%	1%	17%
Leicestershire	16%	60%	29%	44%	15%	35%	44%	1%	9%
Lincolnshire	8%	61%	20%	34%	12%	29%	34%	1%	17%
London	15%	61%	29%	35%	17%	29%	23%	2%	17%
Merseyside	10%	53%	20%	35%	17%	31%	35%	2%	27%
Norfolk	11%	55%	24%	34%	17%	29%	34%	2%	16%
North Yorkshire	11%	50%	19%	42%	21%	38%	42%	1%	17%
Northamptonshire	17%	65%	31%	39%	11%	31%	39%	2%	12%
Northumbria	7%	46%	16%	39%	22%	36%	39%	1%	15%
Nottinghamshire	14%	56%	26%	45%	18%	37%	45%	1%	13%
South Yorkshire	13%	56%	26%	46%	16%	37%	46%	1%	11%
Staffordshire	15%	60%	30%	37%	15%	30%	37%	1%	16%
Suffolk	10%	58%	22%	34%	15%	30%	34%	3%	24%
Surrey	12%	59%	24%	39%	16%	33%	39%	3%	23%
Sussex	12%	58%	26%	39%	14%	31%	39%	3%	17%
Thames Valley	12%	57%	23%	35%	18%	31%	35%	2%	22%
Warwickshire	11%	64%	23%	43%	9%	36%	43%	1%	18%
West Mercia	12%	55%	23%	40%	18%	34%	40%	2%	15%
West Midlands	18%	56%	29%	37%	16%	31%	37%	1%	19%
West Yorkshire	11%	55%	24%	48%	20%	40%	48%	1%	13%
Wiltshire	5%	58%	16%	41%	15%	36%	41%	4%	18%
<b>England</b>	<b>13%</b>	<b>56%</b>	<b>25%</b>	<b>39%</b>	<b>17%</b>	<b>33%</b>	<b>23%</b>	<b>2%</b>	<b>17%</b>
Dyfed-Powys	7%	56%	15%	36%	14%	33%	36%	2%	27%
Gwent	12%	59%	20%	39%	13%	34%	39%	2%	21%
North Wales	13%	67%	28%	39%	6%	30%	39%	0%	20%
South Wales	14%	58%	26%	38%	16%	32%	38%	1%	19%
<b>Wales</b>	<b>12%</b>	<b>60%</b>	<b>24%</b>	<b>38%</b>	<b>13%</b>	<b>32%</b>	<b>27%</b>	<b>1%</b>	<b>20%</b>
<b>England and Wales</b>	<b>12.6%</b>	<b>56.5%</b>	<b>24.5%</b>	<b>39.1%</b>	<b>16.5%</b>	<b>33.0%</b>	<b>22.8%</b>	<b>1.8%</b>	<b>17.1%</b>
Q1, Q3	10.5,13.8	53.6,59.1	20.3,26.9	36.9,42.3	14.0,18.7	30.7,35.8	19.9,26.2	1.3,2.1	15.3,20.3
Interquartile Range	3.4	5.6	6.6	5.4	4.6	5.1	6.3	0.8	4.9

## Sentencing Statistics: England and Wales 2009

**Table 5.1 Persons sentenced by criminal justice area, percentage sentenced to immediate custody and average custodial sentence length<sup>1</sup>, 1999-2009**

England and Wales		Number of persons, percentage and average custodial sentence length										
Criminal justice area	Outcome	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Avon and Somerset	Total number sentenced	36,564	37,491	35,746	38,378	43,161	43,183	41,049	39,211	37,033	33,441	33,199
	Percentage given immediate custody (%)	6.7	6.5	6.2	6.5	6.3	5.8	5.8	5.8	6.1	6.8	6.9
	Average custodial sentence length (months)	9.5	10.3	11.2	11.8	11.6	11.9	10.9	10.7	11.5	11.7	12.0
	Number sentenced per 100,000 of population	2,815	2,865	2,711	2,886	3,215	3,179	2,978	2,816	2,625	2,350	2,319
Bedfordshire	Total number sentenced	13,018	12,973	12,260	12,977	15,405	14,066	17,403	17,541	17,382	14,927	15,036
	Percentage given immediate custody (%)	10.1	10.1	10.4	10.2	8.5	9.3	7.8	6.3	6.1	7.3	7.0
	Average custodial sentence length (months)	9.1	9.4	11.3	11.7	10.8	9.7	9.5	10.4	11.1	13.6	12.9
	Number sentenced per 100,000 of population	2,706	2,669	2,494	2,615	3,080	2,799	3,433	3,436	3,371	2,862	2,857
Cambridgeshire	Total number sentenced	12,192	10,225	9,009	9,114	10,478	10,896	13,034	17,411	17,697	16,941	17,197
	Percentage given immediate custody (%)	7.6	9.4	11.0	11.5	11.9	9.6	8.0	6.2	6.1	7.4	8.0
	Average custodial sentence length (months)	11.6	15.0	14.6	15.0	14.6	14.9	12.8	12.0	12.3	12.5	12.2
	Number sentenced per 100,000 of population	1,983	1,651	1,442	1,448	1,639	1,687	1,985	2,618	2,632	2,490	2,506
Cheshire	Total number sentenced	24,454	26,842	25,322	28,331	27,549	30,276	25,745	24,215	27,759	25,357	24,706
	Percentage given immediate custody (%)	8.7	7.6	7.2	6.4	6.9	5.9	7.3	8.2	6.6	7.5	7.4
	Average custodial sentence length (months)	11.4	11.2	11.0	13.5	11.2	11.2	11.5	10.0	10.7	11.6	11.5
	Number sentenced per 100,000 of population	2,852	3,119	2,929	3,264	3,154	3,452	2,921	2,738	3,127	2,852	2,771
Cleveland	Total number sentenced	17,436	18,642	19,891	20,480	19,689	21,108	18,530	17,391	18,095	17,411	18,495
	Percentage given immediate custody (%)	7.5	8.0	7.7	7.7	7.5	6.3	6.5	7.2	7.0	8.0	7.8
	Average custodial sentence length (months)	11.4	10.8	12.2	14.5	13.5	15.5	15.4	13.3	14.1	13.7	14.8
	Number sentenced per 100,000 of population	3,634	3,869	4,109	4,216	4,040	4,320	3,780	3,542	3,680	3,533	3,744
Cumbria	Total number sentenced	15,761	13,611	11,519	11,336	14,889	15,430	14,972	15,147	15,472	14,801	13,622
	Percentage given immediate custody (%)	5.4	6.0	7.6	7.7	5.2	5.6	5.7	5.3	5.7	6.2	6.9
	Average custodial sentence length (months)	12.5	10.3	11.0	11.1	11.8	12.4	11.9	11.6	11.1	13.1	12.8
	Number sentenced per 100,000 of population	3,654	3,152	2,658	2,602	3,391	3,482	3,361	3,395	3,463	3,319	3,059
Derbyshire	Total number sentenced	23,166	25,631	27,996	26,678	26,660	26,709	24,553	20,844	23,467	20,188	18,931
	Percentage given immediate custody (%)	8.3	7.5	7.1	8.0	8.3	7.8	7.7	7.2	7.4	8.9	10.1
	Average custodial sentence length (months)	9.4	9.8	10.1	11.1	11.0	11.9	11.0	11.5	10.9	10.3	11.9
	Number sentenced per 100,000 of population	2,761	3,038	3,297	3,117	3,093	3,077	2,809	2,368	2,649	2,268	2,120
Devon and Cornwall	Total number sentenced	30,834	33,359	32,235	35,803	39,064	35,767	33,725	31,393	29,930	28,329	28,718
	Percentage given immediate custody (%)	6.9	5.8	5.9	5.0	5.0	5.1	5.4	4.9	4.7	5.7	6.7
	Average custodial sentence length (months)	10.9	10.1	10.9	11.3	12.0	11.0	12.2	11.6	12.1	12.3	13.3
	Number sentenced per 100,000 of population	2,238	2,392	2,291	2,520	2,727	2,471	2,305	2,124	2,004	1,888	1,910
Dorset	Total number sentenced	13,278	15,012	13,814	14,339	15,286	14,855	16,793	15,458	14,763	14,108	15,768
	Percentage given immediate custody (%)	9.5	7.9	8.1	8.6	7.1	6.6	6.5	6.1	5.8	5.7	5.7
	Average custodial sentence length (months)	9.2	8.6	8.1	10.0	9.4	10.7	10.7	10.2	9.9	12.2	11.4
	Number sentenced per 100,000 of population	2,174	2,434	2,225	2,294	2,441	2,372	2,667	2,441	2,307	2,201	2,465
Durham	Total number sentenced	14,938	14,821	14,471	14,032	12,409	11,263	10,621	9,823	11,451	13,866	13,276
	Percentage given immediate custody (%)	9.0	8.3	9.2	8.8	9.2	8.5	8.7	8.6	7.6	5.8	7.2
	Average custodial sentence length (months)	8.2	10.2	9.3	11.0	11.0	12.0	12.0	12.0	12.3	14.7	14.1
	Number sentenced per 100,000 of population	2,860	2,835	2,765	2,674	2,361	2,137	2,006	1,844	2,134	2,569	2,452
Essex	Total number sentenced	43,617	42,958	41,256	47,534	42,195	41,032	41,575	42,149	43,576	41,066	41,823
	Percentage given immediate custody (%)	6.7	5.9	6.8	6.5	7.4	8.3	8.0	6.9	6.4	7.2	6.7
	Average custodial sentence length (months)	9.2	9.1	8.5	9.3	8.5	9.1	8.4	8.4	8.4	10.0	10.1
	Number sentenced per 100,000 of population	3,128	3,057	2,913	3,332	2,939	2,839	2,851	2,867	2,932	2,726	2,752
Gloucestershire	Total number sentenced	12,580	14,258	12,700	12,916	11,563	12,118	11,629	10,813	10,837	10,147	9,774
	Percentage given immediate custody (%)	4.8	4.6	5.1	4.9	6.4	6.7	7.2	6.9	6.3	7.5	6.6
	Average custodial sentence length (months)	10.1	12.2	10.1	10.9	12.3	11.0	9.2	12.1	14.2	13.6	15.2
	Number sentenced per 100,000 of population	2,555	2,871	2,551	2,585	2,300	2,390	2,273	2,099	2,084	1,946	1,865
Greater Manchester	Total number sentenced	103,895	111,962	96,714	97,047	97,580	104,060	95,291	89,442	84,492	77,118	76,428
	Percentage given immediate custody (%)	7.4	6.6	7.2	7.3	7.2	6.4	6.5	6.8	7.3	7.9	7.9
	Average custodial sentence length (months)	11.7	11.5	11.9	12.4	13.0	13.1	13.0	12.4	11.9	13.8	14.3
	Number sentenced per 100,000 of population	4,767	5,119	4,404	4,401	4,396	4,669	4,259	3,981	3,746	3,405	3,352
Hampshire	Total number sentenced	48,017	46,547	44,894	45,025	44,133	44,199	42,013	38,328	38,461	38,849	41,183
	Percentage given immediate custody (%)	6.1	6.3	6.4	6.4	6.1	6.7	6.8	7.0	7.1	7.3	6.8
	Average custodial sentence length (months)	10.0	9.8	10.4	12.4	11.1	11.4	11.7	12.6	11.5	11.1	12.9
	Number sentenced per 100,000 of population	3,101	2,989	2,860	2,850	2,772	2,762	2,602	2,360	2,348	2,351	2,475
Hertfordshire	Total number sentenced	20,624	20,842	20,095	20,777	24,449	26,723	28,125	26,422	24,634	24,193	25,503
	Percentage given immediate custody (%)	5.1	5.7	6.3	6.4	5.2	5.4	5.8	5.0	4.6	4.8	5.4
	Average custodial sentence length (months)	10.8	11.0	12.4	14.1	13.4	12.2	11.5	10.4	11.2	12.5	11.9
	Number sentenced per 100,000 of population	2,322	2,329	2,228	2,290	2,680	2,924	3,053	2,844	2,625	2,547	2,659
Humberside	Total number sentenced	23,899	23,488	23,355	24,114	28,153	28,360	27,156	24,362	21,016	14,547	25,647
	Percentage given immediate custody (%)	8.1	8.8	8.3	8.2	7.8	7.8	7.2	7.8	10.2	13.8	8.0
	Average custodial sentence length (months)	11.8	10.8	11.2	12.0	13.3	14.1	12.1	13.6	12.6	12.9	13.4
	Number sentenced per 100,000 of population	3,124	3,065	3,032	3,101	3,579	3,566	3,384	3,016	2,590	1,783	3,134
Kent	Total number sentenced	25,042	27,633	30,402	33,767	39,865	42,546	37,171	34,389	33,551	34,076	34,691
	Percentage given immediate custody (%)	10.2	10.3	10.2	9.5	7.5	6.1	6.7	6.9	7.2	7.3	7.4
	Average custodial sentence length (months)	13.2	14.5	13.3	12.3	12.8	14.7	14.1	14.4	14.4	17.2	17.3
	Number sentenced per 100,000 of population	1,842	2,016	2,200	2,426	2,842	3,007	2,604	2,392	2,316	2,334	2,361
Lancashire	Total number sentenced	46,461	49,376	47,681	47,917	52,303	44,879	46,255	43,568	46,986	44,481	44,904
	Percentage given immediate custody (%)	7.4	6.8	6.6	7.6	6.2	6.3	6.0	6.0	5.8	5.8	5.7
	Average custodial sentence length (months)	11.2	11.2	11.6	13.6	13.2	13.8	13.2	12.8	13.6	15.1	15.1
	Number sentenced per 100,000 of population	3,777	3,996	3,840	3,836	4,152	3,537	3,624	3,404	3,666	3,479	3,513
Leicestershire	Total number sentenced	28,181	27,538	27,491	29,734	33,577	31,371	26,215	23,530	22,060	20,284	19,658
	Percentage given immediate custody (%)	7.4	7.4	7.5	7.1	6.0	5.8	6.2	6.2	6.9	7.7	8.0
	Average custodial sentence length (months)	9.9	10.2	9.6	10.7	11.5	12.8	11.7	11.1	11.1	11.2	13.8
	Number sentenced per 100,000 of population	3,507	3,410	3,379	3,626	4,062	3,754	3,105	2,755	2,560	2,335	2,255
Lincolnshire	Total number sentenced	19,475	18,416	21,237	21,173	23,186	23,217	20,344	19,385	18,562	19,568	17,298
	Percentage given immediate custody (%)	4.1	4.5	4.6	4.3	3.5	3.8	3.8	3.4	3.8	4.2	4.7
	Average custodial sentence length (months)	12.4	12.2	10.5	12.9	13.6	13.4	12.5	13.0	12.0	14.5	13.6
	Number sentenced per 100,000 of population	3,486	3,252	3,697	3,628	3,914	3,852	3,342	3,153	2,991	3,135	2,762
London <sup>(2)</sup>	Total number sentenced	198,891	194,066	174,754	200,855	197,069	213,389	215,425	221,524	225,909	241,507	254,450
	Percentage given immediate custody (%)	8.7	9.0	10.0	9.9	9.5	8.6	8.4	8.1	7.8	8.1	7.6
	Average custodial sentence length (months)	13.3	12.5	13.8	14.2	13.7	14.6	14.4	14.0	13.9	14.5	14.5
	Number sentenced per 100,000 of population	3,208	3,085	2,734	3,116	3,051	3,288	3,287	3,354	3,400	3,611	3,773

## Sentencing Statistics: England and Wales 2009

**Table 5.1 (cont) Persons sentenced by criminal justice area, percentage sentenced to immediate custody and average custodial sentence length<sup>1</sup>, 1999-2009**

England and Wales		Number of persons, percentage and average custodial sentence length										
Criminal justice area	Outcome	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Merseyside	Total number sentenced	36,245	40,435	41,211	44,121	49,638	48,496	42,443	37,746	40,819	45,470	46,568
	Percentage given immediate custody (%)	10.0	9.4	8.4	8.2	7.6	8.3	9.1	9.3	8.3	6.7	6.5
	Average custodial sentence length (months)	10.7	10.6	11.7	12.5	13.2	11.9	11.6	12.4	11.5	13.8	13.3
	Number sentenced per 100,000 of population	3,012	3,359	3,424	3,663	4,120	4,021	3,516	3,129	3,389	3,783	3,876
Norfolk	Total number sentenced	16,394	15,112	16,600	16,527	19,473	18,859	17,798	18,549	14,812	15,173	16,774
	Percentage given immediate custody (%)	6.6	7.3	6.5	6.8	5.9	6.3	6.2	5.6	7.7	7.6	6.9
	Average custodial sentence length (months)	9.2	10.1	10.0	10.8	11.3	11.5	12.6	12.8	13.3	12.1	11.7
	Number sentenced per 100,000 of population	2,352	2,144	2,333	2,300	2,682	2,575	2,407	2,487	1,967	1,992	2,187
North Yorkshire	Total number sentenced	16,666	14,989	13,640	13,679	13,627	14,884	14,597	12,763	14,950	16,199	16,334
	Percentage given immediate custody (%)	7.1	8.7	8.7	7.4	7.4	6.9	7.0	7.1	5.7	5.1	6.5
	Average custodial sentence length (months)	9.0	10.5	11.0	13.5	12.5	13.3	14.2	14.0	14.8	11.4	11.7
	Number sentenced per 100,000 of population	2,553	2,272	2,042	2,029	2,003	2,168	2,111	1,833	2,130	2,286	2,281
Northamptonshire	Total number sentenced	16,080	14,672	11,821	10,382	19,068	20,710	17,338	16,015	14,220	13,581	14,635
	Percentage given immediate custody (%)	8.2	8.6	9.1	10.3	6.2	6.2	6.9	6.7	8.9	8.8	8.8
	Average custodial sentence length (months)	11.4	11.3	12.7	12.1	11.4	13.3	12.1	11.7	12.4	12.5	12.0
	Number sentenced per 100,000 of population	2,986	2,698	2,148	1,864	3,387	3,651	3,016	2,750	2,411	2,281	2,444
Northumbria	Total number sentenced	45,557	50,243	51,445	49,646	50,871	51,768	55,175	55,935	55,480	50,448	50,111
	Percentage given immediate custody (%)	7.1	5.9	6.3	6.0	5.3	4.4	3.9	3.5	3.7	4.0	4.4
	Average custodial sentence length (months)	10.6	11.3	11.6	12.6	13.0	12.9	12.9	12.9	13.6	12.9	13.1
	Number sentenced per 100,000 of population	3,687	4,076	4,167	4,004	4,096	4,162	4,416	4,469	4,421	4,006	3,951
Nottinghamshire	Total number sentenced	26,088	28,035	28,013	28,819	32,094	32,172	30,980	28,310	29,165	26,438	26,371
	Percentage given immediate custody (%)	11.3	10.3	9.6	9.1	8.1	7.9	7.7	7.7	6.9	8.4	8.0
	Average custodial sentence length (months)	11.3	11.4	11.0	12.0	13.1	12.7	12.2	12.2	11.9	14.6	14.5
	Number sentenced per 100,000 of population	2,925	3,141	3,120	3,176	3,499	3,467	3,305	3,001	3,076	2,768	2,745
South Yorkshire	Total number sentenced	35,592	38,405	35,878	40,508	35,408	38,126	37,249	35,997	35,071	34,703	33,645
	Percentage given immediate custody (%)	9.1	9.3	9.8	8.3	9.4	8.3	8.1	8.1	8.1	8.9	8.7
	Average custodial sentence length (months)	10.6	10.4	12.2	12.8	14.2	15.2	13.8	12.6	13.8	13.0	14.3
	Number sentenced per 100,000 of population	3,212	3,466	3,227	3,622	3,148	3,367	3,264	3,137	3,038	2,991	2,879
Staffordshire	Total number sentenced	28,898	21,279	16,519	18,624	21,543	24,793	24,616	22,225	23,200	23,743	22,754
	Percentage given immediate custody (%)	6.8	11.2	13.2	12.7	10.7	8.3	8.2	8.5	8.0	8.4	8.6
	Average custodial sentence length (months)	12.5	8.9	10.3	11.1	11.1	11.5	10.5	10.9	11.6	12.8	13.2
	Number sentenced per 100,000 of population	3,142	2,310	1,786	2,005	2,308	2,645	2,616	2,357	2,454	2,504	2,398
Suffolk	Total number sentenced	14,660	14,339	14,526	15,814	15,977	18,513	19,163	17,693	17,299	16,344	18,022
	Percentage given immediate custody (%)	7.0	6.7	6.0	5.7	6.2	6.0	5.3	5.9	5.3	5.4	5.2
	Average custodial sentence length (months)	10.3	10.9	10.5	11.8	10.7	9.8	10.1	9.5	9.6	13.3	13.4
	Number sentenced per 100,000 of population	2,512	2,432	2,463	2,663	2,663	3,052	3,114	2,857	2,766	2,590	2,842
Surrey	Total number sentenced	14,347	15,844	16,313	15,157	14,146	15,596	15,943	16,505	19,546	18,462	18,603
	Percentage given immediate custody (%)	4.3	4.4	4.6	4.7	5.1	5.3	5.2	5.5	4.6	5.0	5.5
	Average custodial sentence length (months)	12.5	13.2	13.9	12.3	14.8	11.8	11.7	12.4	11.9	12.2	12.2
	Number sentenced per 100,000 of population	1,552	1,709	1,751	1,624	1,510	1,663	1,689	1,735	2,033	1,905	1,898
Sussex	Total number sentenced	27,258	29,956	29,408	27,705	28,784	28,965	30,733	31,330	33,456	31,905	32,149
	Percentage given immediate custody (%)	8.5	7.8	9.0	9.5	7.8	7.4	7.3	7.4	7.4	8.1	7.8
	Average custodial sentence length (months)	15.1	16.8	18.3	18.5	18.2	17.9	18.2	16.0	16.3	16.1	18.0
	Number sentenced per 100,000 of population	2,074	2,268	2,214	2,076	2,147	2,147	2,263	2,292	2,429	2,300	2,306
Thames Valley	Total number sentenced	40,131	43,874	39,976	45,744	44,637	49,331	48,335	42,749	42,012	37,923	41,754
	Percentage given immediate custody (%)	5.2	5.4	6.1	5.9	5.1	4.9	5.2	6.0	6.2	7.5	6.8
	Average custodial sentence length (months)	12.8	11.5	12.7	12.9	13.4	13.7	13.2	13.5	11.3	12.1	11.8
	Number sentenced per 100,000 of population	2,218	2,406	2,179	2,485	2,410	2,652	2,574	2,260	2,199	1,966	2,144
Warwickshire	Total number sentenced	12,550	15,004	12,597	10,701	10,640	13,878	11,393	10,951	10,630	8,930	10,301
	Percentage given immediate custody (%)	5.3	4.0	4.9	5.9	4.7	3.4	4.6	4.4	4.8	6.3	5.4
	Average custodial sentence length (months)	11.7	13.1	13.2	13.1	12.7	14.3	14.9	15.7	14.4	14.7	16.3
	Number sentenced per 100,000 of population	2,860	3,402	2,819	2,371	2,338	3,027	2,462	2,349	2,260	1,883	2,166
West Mercia	Total number sentenced	23,862	25,108	25,952	26,280	25,239	29,044	28,334	29,401	28,970	25,778	24,013
	Percentage given immediate custody (%)	7.1	7.0	7.1	7.2	7.4	7.3	7.1	6.2	5.2	6.2	6.6
	Average custodial sentence length (months)	12.4	12.7	12.3	12.6	12.8	11.2	10.7	10.7	10.2	11.6	13.7
	Number sentenced per 100,000 of population	2,382	2,483	2,540	2,557	2,442	2,799	2,720	2,809	2,754	2,439	2,265
West Midlands	Total number sentenced	81,659	79,452	78,861	88,192	92,442	97,866	86,577	80,595	81,193	76,180	75,916
	Percentage given immediate custody (%)	8.1	8.9	9.8	9.9	9.1	8.7	8.3	9.0	8.6	9.7	9.4
	Average custodial sentence length (months)	10.9	11.2	10.6	11.3	12.0	12.1	12.2	11.5	11.3	11.9	12.8
	Number sentenced per 100,000 of population	3,670	3,577	3,542	3,945	4,121	4,351	3,828	3,555	3,576	3,338	3,312
West Yorkshire	Total number sentenced	76,299	73,900	61,736	58,051	67,926	75,856	69,725	63,350	58,807	59,238	60,363
	Percentage given immediate custody (%)	7.8	7.9	9.4	10.5	8.2	7.4	6.8	6.6	7.3	7.5	7.0
	Average custodial sentence length (months)	12.6	12.3	11.8	12.1	12.0	13.3	14.1	12.4	13.3	15.4	17.0
	Number sentenced per 100,000 of population	4,253	4,107	3,402	3,172	3,684	4,073	3,695	3,319	3,054	3,054	3,088
Wiltshire	Total number sentenced	18,601	14,374	15,058	15,366	17,577	17,232	16,872	16,310	15,625	13,407	14,805
	Percentage given immediate custody (%)	3.7	4.5	4.6	4.7	4.0	4.0	3.5	3.6	3.0	3.6	3.4
	Average custodial sentence length (months)	10.1	10.8	9.9	11.2	10.5	12.0	11.5	11.8	13.2	14.4	17.1
	Number sentenced per 100,000 of population	3,541	2,716	2,813	2,843	3,220	3,130	3,040	2,918	2,762	2,343	2,568
<b>England</b>	Total number sentenced	1,303,210	1,320,712	1,252,396	1,317,643	1,377,753	1,431,536	1,374,895	1,318,770	1,318,388	1,279,127	1,313,423
	Percentage given immediate custody (%)	7.6	7.6	8.0	8.0	7.4	7.0	6.9	6.9	6.8	7.3	7.2
	Average custodial sentence length (months)	11.5	11.5	11.9	12.6	12.6	13.0	12.7	12.5	12.5	13.3	13.8
	Number sentenced per 100,000 of population	3,045	3,066	2,885	3,016	3,134	3,236	3,083	2,938	2,917	2,812	2,871

## Sentencing Statistics: England and Wales 2009

**Table 5.1 (cont) Persons sentenced by criminal justice area, percentage sentenced to immediate custody and average custodial sentence length<sup>1</sup>, 1999-2009**

England and Wales		Number of persons, percentage and average custodial sentence length										
Criminal justice area	Outcome	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Dyfed-Powys	Total number sentenced	13,672	13,239	11,923	12,788	14,011	11,994	11,999	11,145	10,852	10,105	10,299
	Percentage given immediate custody (%)	5.1	4.5	5.6	5.0	4.2	4.5	4.4	4.5	4.8	5.1	4.6
	Average custodial sentence length (months)	10.7	8.9	11.7	11.2	11.8	11.3	10.3	11.3	10.1	13.3	15.2
	Number sentenced per 100,000 of population	3,204	3,081	2,761	2,937	3,189	2,707	2,696	2,489	2,403	2,225	2,267
Gwent	Total number sentenced	23,282	21,421	20,140	20,190	20,981	19,071	18,198	18,453	18,375	13,754	14,977
	Percentage given immediate custody (%)	4.8	5.0	5.7	5.7	4.9	6.1	5.8	5.3	4.8	6.6	5.5
	Average custodial sentence length (months)	10.1	10.9	11.6	12.6	10.6	12.2	10.9	10.8	9.8	10.5	10.7
	Number sentenced per 100,000 of population	4,872	4,465	4,177	4,165	4,312	3,904	3,716	3,757	3,729	2,782	3,023
North Wales	Total number sentenced	16,010	17,022	16,394	19,424	21,351	23,039	21,146	22,611	19,520	18,569	19,217
	Percentage given immediate custody (%)	7.4	6.8	6.6	5.8	5.0	5.1	5.6	4.9	5.5	6.5	7.7
	Average custodial sentence length (months)	9.3	10.4	9.6	10.2	11.1	9.9	10.2	10.6	12.2	11.2	12.2
	Number sentenced per 100,000 of population	2,770	2,924	2,798	3,296	3,603	3,867	3,542	3,776	3,242	3,074	3,178
South Wales	Total number sentenced	41,612	41,794	37,669	40,459	45,716	51,185	47,037	41,961	39,653	32,382	39,392
	Percentage given immediate custody (%)	7.9	7.5	8.6	8.2	6.6	6.5	6.4	6.5	7.0	9.4	8.4
	Average custodial sentence length (months)	11.0	11.0	10.7	10.8	11.6	11.5	11.1	10.5	11.2	12.5	12.0
	Number sentenced per 100,000 of population	3,943	3,952	3,561	3,804	4,272	4,743	4,336	3,841	3,607	2,928	3,541
<b>Wales</b>	Total number sentenced	94,576	93,476	86,126	92,861	102,059	105,289	98,380	94,170	88,400	74,810	83,887
	Percentage given immediate custody (%)	6.6	6.4	7.1	6.7	5.6	5.9	5.9	5.7	5.9	7.6	7.3
	Average custodial sentence length (months)	10.5	10.7	10.8	11.1	11.4	11.3	10.8	10.7	11.1	12.0	12.1
	Number sentenced per 100,000 of population	3,726	3,667	3,367	3,609	3,943	4,039	3,760	3,580	3,341	2,814	3,146
<b>England and Wales</b>	Total number sentenced	1,397,786	1,414,188	1,338,522	1,410,504	1,479,812	1,536,825	1,473,275	1,412,940	1,406,788	1,353,937	1,397,310
	Percentage given immediate custody (%)	7.5	7.5	7.9	7.9	7.3	6.9	6.9	6.8	6.8	7.4	7.2
	Average custodial sentence length (months)	11.5	11.4	11.8	12.6	12.6	12.9	12.6	12.4	12.4	13.3	13.7
	Number sentenced per 100,000 of population	3,083	3,100	2,912	3,049	3,179	3,281	3,120	2,973	2,940	2,812	2,886

<sup>1</sup> Excludes life and indeterminate sentences.

<sup>2</sup> Includes Metropolitan and City of London Police Force Areas.

# Sentencing Statistics: England and Wales 2009

**Table 5.2 Offenders sentenced for indictable offences by criminal justice area, type of court and outcome, 2009**

England and Wales															Number of offenders	
Criminal justice area	Magistrates' courts					The Crown Court					All Courts					
	Sentenced	Immediate custody	Average custodial sentence length (months) <sup>(1)</sup>	Community sentence	Fine	Sentenced	Immediate custody	Average custodial sentence length (months) <sup>(1)</sup>	Community sentence	Fine	Sentenced	Immediate custody	Average custodial sentence length (months) <sup>(1)</sup>	Community sentence	Fine	
Avon and Somerset	5,918	790	3	2,467	1,169	1,865	990	24.6	362	34	7,783	1,780	14.6	2,829	1,203	
Bedfordshire	2,165	304	2.4	841	568	885	544	23.0	138	19	3,050	848	15.5	979	587	
Cambridgeshire	3,050	485	2.4	1,145	683	1,181	659	23.1	166	11	4,231	1,144	14.2	1,311	694	
Cheshire	3,938	577	2.4	1,587	824	1,320	794	23.6	186	19	5,258	1,371	14.5	1,773	843	
Cleveland	5,158	478	2.5	2,278	1,055	1,429	771	25.7	212	25	6,587	1,249	16.7	2,490	1,080	
Cumbria	2,268	273	3.0	984	721	826	428	24.4	163	11	3,094	701	16.0	1,147	732	
Derbyshire	3,215	551	3.2	1,375	585	1,488	856	23.0	297	27	4,703	1,407	15.1	1,672	612	
Devon and Cornwall	4,755	533	2.4	1,534	1,095	1,775	984	24.2	241	47	6,530	1,517	16.4	1,775	1,142	
Dorset	2,779	276	1.6	837	763	776	443	21.2	111	21	3,555	719	13.6	948	784	
Durham	2,592	297	2.6	1,103	428	1,183	524	23.8	285	19	3,775	821	16.0	1,388	447	
Essex	5,599	835	2.4	2,135	1,473	2,266	1,140	21.2	401	41	7,865	1,975	13.2	2,536	1,514	
Gloucestershire	2,315	171	2.1	890	579	613	355	25.8	83	24	2,928	526	18.0	973	603	
Greater Manchester	14,514	1,804	2.9	6,276	2,608	5,986	3,190	25.0	1,211	63	20,500	4,994	16.8	7,487	2,671	
Hampshire	8,197	859	2.5	3,410	2,116	2,425	1,285	25.4	512	48	10,622	2,144	16.0	3,922	2,164	
Hertfordshire	3,695	448	2.4	1,396	1,176	1,189	605	24.4	225	41	4,884	1,053	14.9	1,621	1,217	
Humberside	3,955	504	2.8	1,578	523	1,963	1,106	22.6	344	16	5,918	1,610	16.3	1,922	539	
Kent	5,548	650	3.0	2,417	1,145	2,270	1,457	28.5	264	26	7,818	2,107	20.5	2,681	1,171	
Lancashire	8,201	673	2.8	3,428	1,901	2,971	1,475	24.7	565	43	11,172	2,148	17.7	3,993	1,944	
Leicestershire	2,891	452	2.7	1,267	382	1,292	779	25.5	197	15	4,183	1,231	17.0	1,464	397	
Lincolnshire	2,617	204	2.4	898	575	763	468	22.0	95	11	3,380	672	16.0	993	586	
London <sup>(2)</sup>	38,484	5,811	2.6	13,436	8,686	16,160	9,910	26.0	2,153	414	54,644	15,721	17.2	15,589	9,100	
Merseyside	9,581	958	3.0	3,354	3,236	2,779	1,468	24.6	480	64	12,360	2,426	15.9	3,834	3,300	
Norfolk	2,830	320	2.0	955	629	1,129	626	19.9	189	21	3,959	946	13.7	1,144	650	
North Yorkshire	3,457	365	2.5	1,457	721	977	488	22.7	206	14	4,434	853	14.0	1,663	735	
Northamptonshire	2,252	374	3.0	872	377	961	623	21.9	109	20	3,213	997	14.8	981	397	
Northumbria	8,746	612	2.5	3,454	1,695	2,594	1,185	22.5	581	35	11,340	1,797	15.6	4,035	1,730	
Nottinghamshire	4,678	637	2.9	2,103	826	1,858	1,046	26.6	335	22	6,536	1,683	17.5	2,438	848	
South Yorkshire	6,424	833	2.9	2,937	977	2,777	1,547	24.8	455	39	9,201	2,380	17.0	3,392	1,016	
Staffordshire	3,393	523	2.7	1,263	775	1,634	980	23.7	237	14	5,027	1,503	16.3	1,500	789	
Suffolk	2,574	270	2.2	883	787	788	458	25.8	117	21	3,362	728	16.8	1,000	808	
Surrey	2,467	303	2.2	957	755	856	502	22.7	139	23	3,323	805	14.9	1,096	778	
Sussex	5,285	634	2.2	2,042	1,227	2,419	1,403	30.3	349	74	7,704	2,037	21.4	2,391	1,301	
Thames Valley	7,449	917	2.2	2,578	2,136	2,312	1,315	23.0	406	42	9,761	2,232	14.3	2,984	2,178	
Warwickshire	1,590	176	2.5	689	354	455	292	29.2	43	6	2,045	468	18.9	732	360	
West Mercia	4,065	485	2.6	1,616	819	1,407	772	25.6	260	28	5,472	1,257	16.5	1,876	847	
West Midlands	14,147	2,564	2.6	5,175	3,711	5,450	3,071	26.4	893	76	19,597	5,635	15.4	6,068	3,787	
West Yorkshire	10,672	1,134	2.9	5,087	1,959	4,404	2,429	27.8	899	39	15,076	3,563	19.8	5,986	1,998	
Wiltshire	2,053	103	2.6	848	435	538	310	26.2	83	22	2,591	413	20.1	931	457	
<b>England</b>	<b>223,517</b>	<b>28,183</b>	<b>2.6</b>	<b>87,552</b>	<b>50,474</b>	<b>83,964</b>	<b>47,278</b>	<b>25.1</b>	<b>13,992</b>	<b>1,535</b>	<b>307,481</b>	<b>75,461</b>	<b>16.6</b>	<b>101,544</b>	<b>52,009</b>	
Dyfed-Powys	2,065	140	2.4	751	659	422	237	28.0	58	7	2,487	377	18.3	809	666	
Gwent	2,461	288	2.7	956	623	561	331	22.8	74	10	3,022	619	13.4	1,030	633	
North Wales	3,053	404	2.5	1,203	837	1,108	747	21.7	66	5	4,161	1,151	14.9	1,269	842	
South Wales	7,161	983	2.6	2,745	1,842	2,834	1,648	21.5	455	37	9,995	2,631	14.4	3,200	1,879	
<b>Wales</b>	<b>14,740</b>	<b>1,815</b>	<b>2.6</b>	<b>5,655</b>	<b>3,961</b>	<b>4,925</b>	<b>2,963</b>	<b>22.2</b>	<b>653</b>	<b>59</b>	<b>19,665</b>	<b>4,778</b>	<b>14.7</b>	<b>6,308</b>	<b>4,020</b>	
<b>England and Wales</b>	<b>238,257</b>	<b>29,998</b>	<b>2.6</b>	<b>93,207</b>	<b>54,435</b>	<b>88,889</b>	<b>50,241</b>	<b>25.0</b>	<b>14,645</b>	<b>1,594</b>	<b>327,146</b>	<b>80,239</b>	<b>16.5</b>	<b>107,852</b>	<b>56,029</b>	

(1) Excludes life and indeterminate sentences

(2) Includes Metropolitan and City of London Police Force Areas

## Chapter 6 – Previous criminal histories

Criminal history figures<sup>6</sup> are counts of separate previous occasions when the offender received a reprimand, final warning, caution or conviction.

### Key points

- Of all sentences given for indictable offences, the proportion given to offenders with 15 or more previous convictions or cautions has risen steadily from 17 per cent in 2000 to 28 per cent in 2009 (Figure 6.1).
- Criminal history varies with the type of offence. In 2009 only five per cent of those convicted for burglary, six per cent of those convicted of theft and handling stolen goods, and seven per cent for drugs offences were first time offenders. This compares with 38 per cent of those convicted of sexual offences and 36 per cent of those convicted of fraud and forgery (Table 6.1).
- Seven per cent of juveniles receiving a custodial sentence in 2009 had no previous criminal history compared with ten per cent for adult offenders (Table 6.2).
- Among juveniles receiving custodial sentences in 2009, 16 per cent had previously had three or more custodial sentences. The equivalent figure for adults was 47 per cent (Table 6.3).
- Offenders sentenced for shoplifting in 2009 often had many previous convictions or cautions for shoplifting: 62 per cent had three or more previous sanctions for this offence. The equivalent figures for burglary and drunkenness were 37 per cent and 30 per cent (Table 6.4).

---

<sup>6</sup> The figures for the previous criminal history of sentenced offenders presented in this chapter have been taken from the Ministry of Justice's extract from the Police National Computer (PNC), the operational database used by all police forces in England and Wales. The PNC covers 'recordable' offences, which are defined as offences that can attract a custodial sentence plus some additional offences defined in legislation. Some non-recordable offences are also included on the PNC, particularly when they accompany recordable offences in the same case. A range of less serious summary offences are not recorded on the PNC.

## Introduction

This chapter presents an analysis of sentencing occasions recorded on the Police National Computer (PNC) for indictable offences, although some figures are given in Table 6.1 for those summary offences that are recorded by the police. Where an offender has been sentenced on more than one occasion the offender's criminal history on each occasion has been included. Where an offender has been sentenced on the same occasion for several offences it is the details of primary offence that have been presented.

The figures relate to sentencing occasions for offences prosecuted by police forces in England and Wales; they exclude sentences resulting from prosecutions brought by other authorities such as the DWP, HMRC, MOD and British Transport Police. Although some of these cases are recorded on the PNC they may not always be linked to the offender's previous criminal history and have therefore been excluded. Certain offences, such as benefit fraud, which are commonly prosecuted by non-police authorities, are undercounted in these tables.

The tables show criminal history figures for offenders at each sentencing occasion. These criminal history figures are counts of separate previous occasions when the offender received a reprimand, final warning, caution or conviction. They cover all offences recorded by the police on the PNC including both indictable and summary offences and include cases brought by non-police prosecuting authorities. Table 6.4 is exceptional in that it shows figures for offenders sentenced for particular offences or groups of offences along with their previous criminal histories for the same offences or groups of offences.

The numbers of sentences shown in this chapter differ from the figures elsewhere in this volume for a number of reasons, the main ones being:

- they are taken from information recorded by the police rather than data supplied to the Ministry of Justice by the courts;
- they exclude cases brought by non-police prosecuting authorities such as the DWP, HMRC, MOD and British Transport Police;
- they are based largely on recordable offences and therefore exclude a range of less serious summary offences such as television licence evasion, driving without insurance, speeding and vehicle tax offences;
- while they exclude breaches of community orders or suspended sentence orders they include offences that accompany breach offences on the same sentencing occasion.

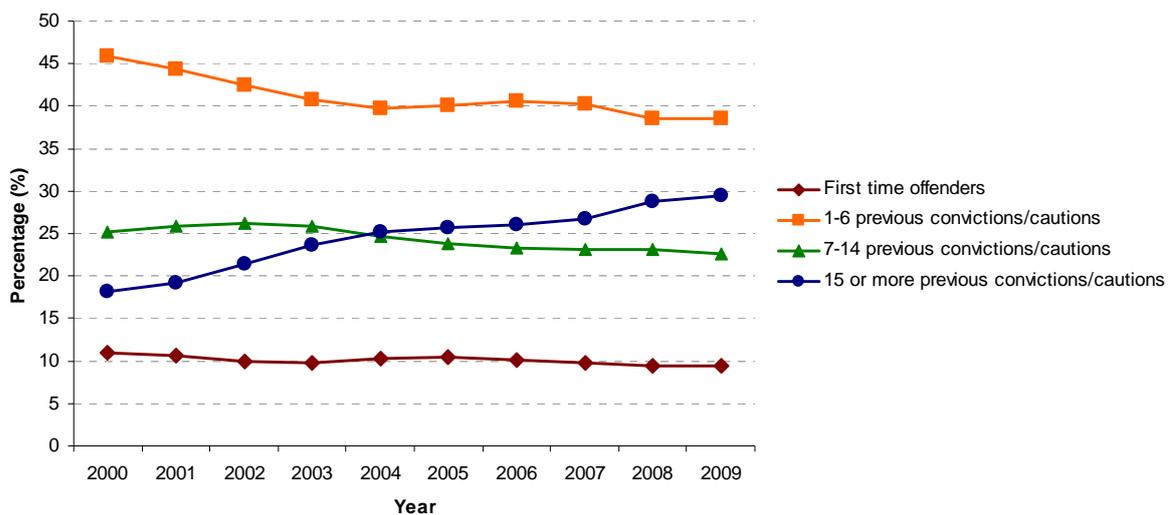
The recording on the PNC of previous cautions, and also previous convictions for some offences, is known to be incomplete before 1996. However analysis shows that this does not have a major impact on the trends in criminal histories presented in this chapter. Appendix 3 contains further background to this chapter and the Police National Computer (PNC).

### Criminal histories of sentenced offenders

While the figures cover 323,000 sentences for indictable offences in 2009, the number of distinct offenders involved is lower as some offenders will receive more than one sentence in a given year. In the figures for 2009, there were 34,000 distinct juvenile offenders and 212,000 distinct adult offenders.

Of all sentences given for indictable offences, the proportion given to offenders with 15 or more previous convictions or cautions in their whole previous criminal history has risen steadily from 17 per cent in 2000 to 28 per cent in 2009 while the proportions with fewer previous offences has fallen (see Figure 6.1).

**Figure 6.1 Offenders sentenced by number of previous convictions and cautions, 2000–2009**



If pre-court disposals are excluded from the count the proportion with 15 or more previous offences shows an increase from 16 per cent in 2000 to 25 per cent in 2009. More than half of those sentenced had received another conviction or caution in the previous 12 months, a proportion that has remained largely unchanged since 2000 (Table 6b).

### Offence type

Criminal history varies with the type of offence. In 2009, only five per cent of those convicted of burglary, six per cent of those convicted of theft and handling stolen goods, and seven per cent of those with drugs offences were first time offenders. This compares with 38 per cent of those convicted of sexual offences and 36 per cent of those convicted of fraud and forgery. There were also notable differences for those with 15 or more previous convictions or cautions.

In 2009, 37 per cent of people convicted of burglary and 40 per cent of those convicted of theft and handling stolen goods had 15 or more previous convictions or cautions, compared with eight per cent for sexual offences and 12 per cent for fraud and forgery. It should be noted though that an offender who has been sentenced for burglary does not necessarily have previous convictions for burglary (Table 6.1).

### **Court Type**

A greater proportion of Crown Court sentences are given to first time offenders than is the case at magistrates courts (18 per cent at the Crown Court in 2009 compared with seven per cent at magistrates courts). A first time offender is defined here as one with no previous convictions or cautions recorded on the PNC at the time of their sentence (Table 6.3).

### **Age**

As is to be expected older offenders tend to have more previous convictions and cautions than younger offenders. For example, among those sentenced offenders with only one or two previous sanctions, juveniles made up the largest proportion in 2009 (27 per cent) whereas 25 to 29 year olds are the most frequent age group among offenders with 15 or more sanctions (20 per cent). It should be noted though that older offenders are more frequent among sentenced first time offenders than among the groups of offenders with one to two and three to six previous convictions or cautions (Table 6d).

### **Previous offending and sentence type**

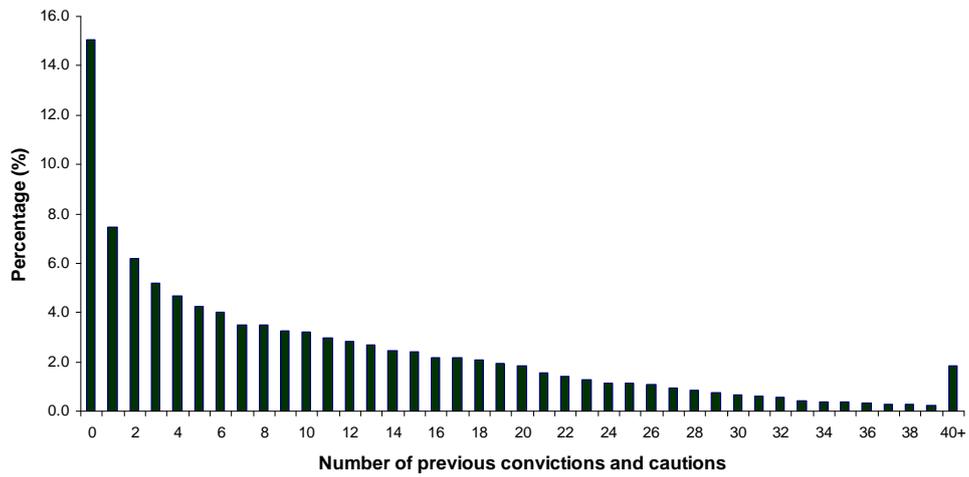
Those offenders with a substantial previous criminal history are most likely to receive a custodial sentence. In 2009, 38 per cent of sentenced offenders with 15 or more previous convictions or cautions received a custodial sentence compared with 15 per cent for those with only one or two previous sanctions. Although there are a substantial number of sentenced first time offenders receiving custodial sentences, 26 per cent in 2009 compared with 18 per cent in 2000, these are offenders whose first conviction is for a relatively serious offence in contrast to the majority of offenders who have a longer criminal history of minor offences.

In 2009, seven per cent of juveniles receiving a custodial sentence had no previous criminal history compared with 10 per cent for adult offenders. For both age groups the proportion of custodial sentences given to offenders with 15 or more previous sanctions has risen steadily since 2000.

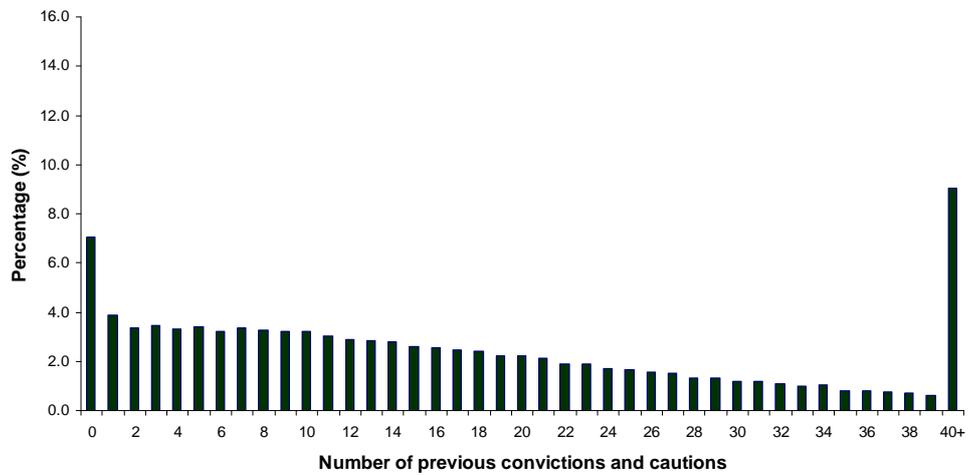
Figure 6.2 illustrates the differences in the previous criminal histories of offenders of all ages receiving the main kinds of sentences (Table 6.2).

**Figure 6.2 Number of previous convictions and cautions for offenders of all ages who received different types of sentence in 2009**

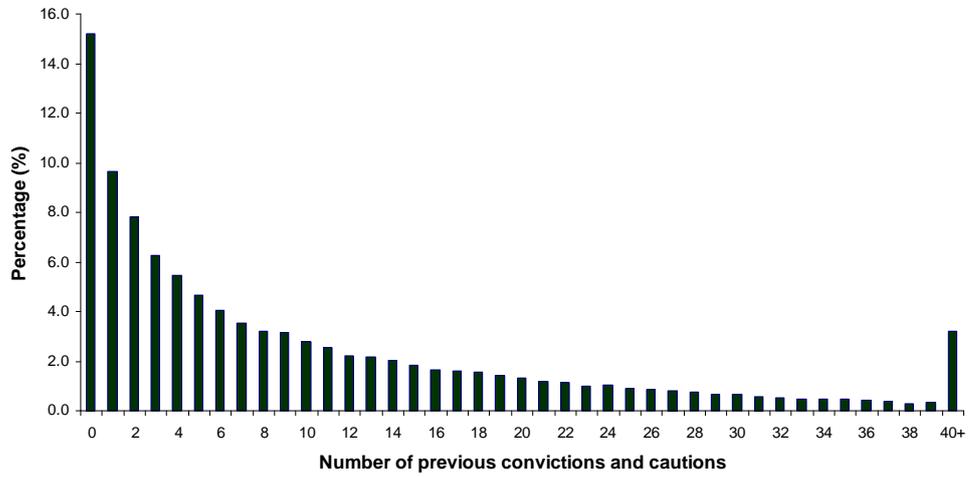
*Immediate Custody (12 months or more)*



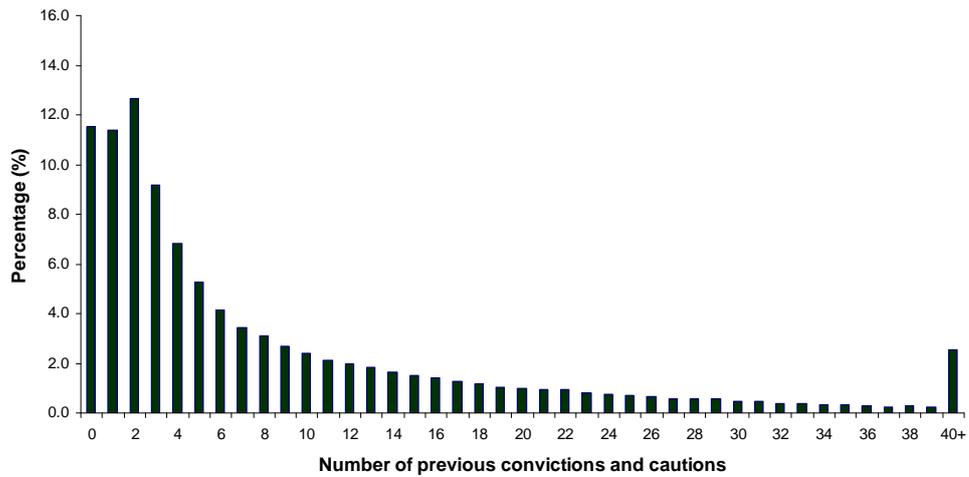
*Immediate Custody (less than 12 months)*



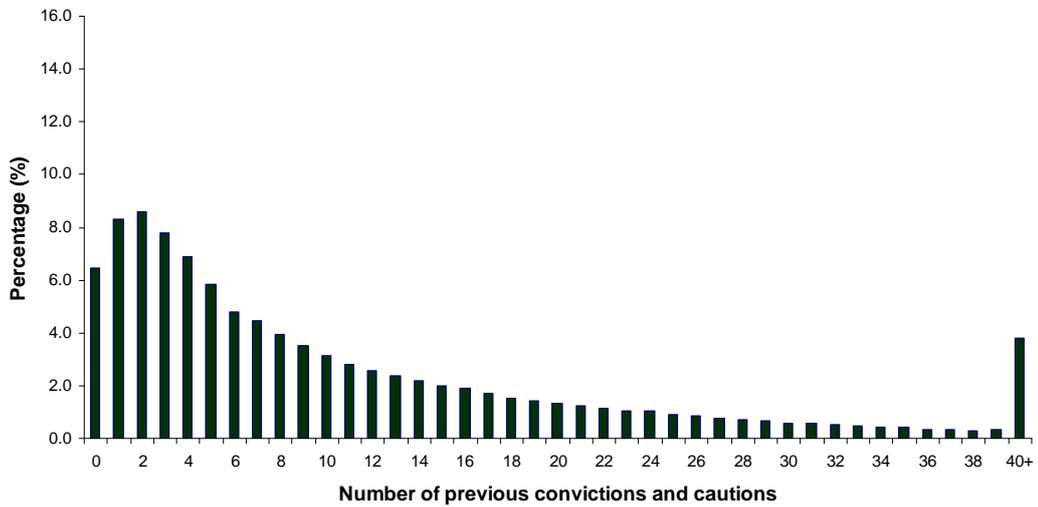
*Suspended sentence orders*



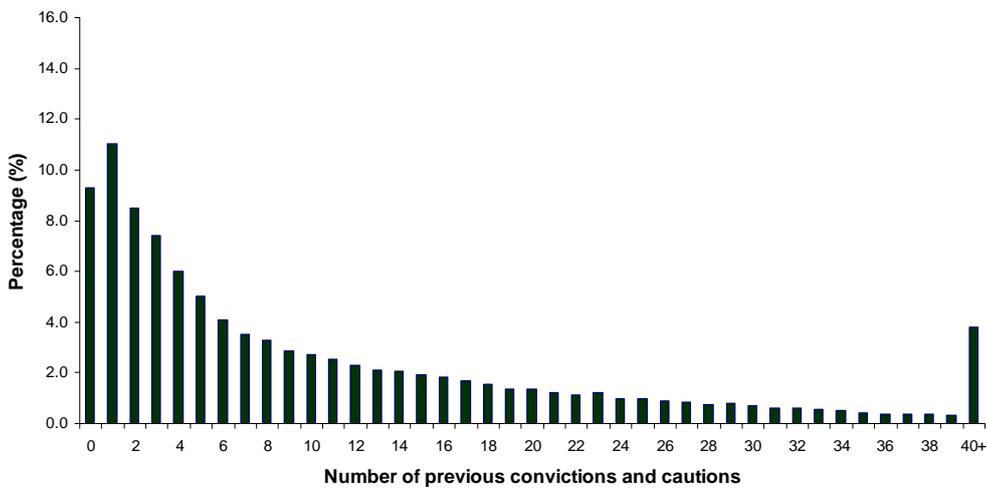
*Community orders*



*Fines*



*Conditional discharges*



**Previous custodial and community sentences**

Among juveniles receiving custodial sentences in 2000, eight per cent had previously had three or more custodial sentences, a figure that rose to 16 per cent by 2009, while the proportion receiving their first custodial sentence fell. Among adults receiving custodial sentences in 2009 a little under half (47 per cent) had had at least three previously while just under a third were receiving their first custodial sentence (Table 6.3).

46 per cent of all juveniles receiving a community sentences in 2009 had not had one previously, while 21 per cent had had at least three before, a figure that has risen steadily since 2000. In 2009, 34 per cent of the adults were

receiving their first community sentence while 41 per cent had received three or more community sentences previously (Table 6i).

### **First time offenders**

For juveniles with no previous convictions or cautions sentenced in 2009 more than half had committed violence, theft or robbery; the proportion sentenced for robbery has risen steadily from eight per cent in 2000 to 19 per cent in 2009. For sentenced adults the most frequent first offences involve violence, theft or fraud and forgery (Table 6j).

### **Third time burglars**

Section 111 of the Powers of Criminal Courts (Sentencing) Act 2000 came into force on 1 December 1999. This requires the Crown Court to impose a custodial sentence of at least three years for a third domestic burglary when the following conditions are met:

- the offence was committed on or after 1 December 1999.
- the offender was over 18 when they committed the offence.
- the offender had been convicted of two domestic burglaries before the current conviction (one committed after conviction for the other).
- both previous burglaries had been committed on or after 1 December 1999.

The court has the discretion not to impose such a sentence if there are exceptional circumstances relating either to the offence or the offender which justify it not doing so.

The PNC data indicates that 784 offenders met these criteria in 2009 and that 682 of these (87 per cent) were given a custodial sentence. Offenders pleading guilty can receive a 20 per cent reduction in the length of their sentence, reducing a three year sentence to 28.8 months; half of those given a custodial sentence received a sentence of 28.8 months or more (Table 6k).

### **Previous criminal history for the same offence**

The figures for previous criminal histories in this chapter count all previous offences recorded on the PNC regardless of the type of offence. It is also of interest to examine the extent to which offenders sentenced for a particular offence have previous convictions or cautions for that offence or for very similar offences.

Offenders sentenced for shoplifting very often had many previous convictions or cautions for shoplifting – 62 per cent had three or more previous sanctions for this offence. The equivalent figures for burglary and drunkenness were 37 per cent and 30 per cent. Twenty-nine per cent of offenders sentenced for failing to surrender to bail were found to have had three or more previous offences of this kind.

In contrast, rape and serious sexual offences and possession of a knife or offensive weapon, only four per cent had three or more previous offences for the same or very similar offences.

It is also fairly common for offenders sentenced for driving while disqualified to have several previous convictions for this offence (27 per cent had three or more in 2009) but far less common for the offence of dangerous driving or for drink driving offences (two per cent had three or more previous convictions in both cases) (Table 6.4).

## Sentencing Statistics: England and Wales 2009

**Table 6.1 Offenders sentenced by offence group and previous criminal history, 2000 - 2009**

England & Wales	Number and percentage of offenders									
Offence group and number of previous convictions or cautions	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All offenders</b>										
<b>Violence against the person</b>										
First time offenders	19.9	19.8	18.1	17.1	15.9	15.2	14.3	12.8	13.7	14.1
1-2 previous convictions/cautions	26.5	25.6	25.1	24.3	22.6	22.0	21.8	21.5	20.9	21.0
3-6 previous convictions/cautions	25.3	25.1	25.1	24.2	24.4	24.1	24.2	24.8	23.1	22.5
7-10 previous convictions/cautions	12.2	12.4	12.8	12.8	13.4	13.1	13.5	13.7	13.6	12.9
11-14 previous convictions/cautions	6.6	7.1	7.4	8.1	8.3	8.4	8.4	8.8	9.0	8.6
15 or more previous convictions/cautions	9.5	10.1	11.4	13.6	15.4	17.1	17.8	18.4	19.8	20.9
All offenders (100%)	35,663	36,005	38,647	39,888	43,035	46,800	48,847	49,349	49,866	49,326
<b>Sexual offences</b>										
First time offenders	36.8	35.0	34.0	32.8	35.7	36.3	36.1	36.2	38.1	37.8
1-2 previous convictions/cautions	24.1	25.4	23.9	24.5	22.5	22.8	24.4	25.2	23.1	23.7
3-6 previous convictions/cautions	17.7	18.4	19.4	19.2	18.5	18.5	18.6	18.3	18.7	18.2
7-10 previous convictions/cautions	8.4	8.4	8.9	8.5	8.5	8.2	8.4	7.6	7.9	7.7
11-14 previous convictions/cautions	4.6	4.9	5.6	5.3	5.4	5.0	4.6	4.7	4.3	4.9
15 or more previous convictions/cautions	8.3	7.8	8.3	9.7	9.4	9.1	7.9	8.1	7.9	7.6
All offenders (100%)	4,169	4,230	4,600	4,572	5,052	4,963	4,986	5,176	5,173	5,128
<b>Burglary</b>										
First time offenders	5.6	5.2	4.2	4.3	5.1	5.2	4.8	4.5	4.2	4.8
1-2 previous convictions/cautions	16.2	15.0	14.6	13.4	14.1	16.0	15.8	15.5	14.0	14.1
3-6 previous convictions/cautions	25.9	24.0	21.9	20.3	19.6	19.5	20.6	20.9	19.3	19.5
7-10 previous convictions/cautions	18.2	18.4	17.7	16.5	15.4	13.7	14.5	13.5	13.3	12.9
11-14 previous convictions/cautions	12.4	13.1	14.1	14.1	12.9	12.4	11.4	11.3	11.4	11.2
15 or more previous convictions/cautions	21.7	24.3	27.4	31.4	33.0	33.3	33.0	34.3	37.9	37.4
All offenders (100%)	27,651	25,813	27,645	26,812	25,108	23,542	23,903	24,635	24,819	23,656
<b>Robbery</b>										
First time offenders	13.8	14.2	12.6	11.7	13.6	13.8	15.6	16.2	14.6	14.9
1-2 previous convictions/cautions	21.6	21.5	20.1	19.4	20.4	22.9	23.2	25.1	23.2	23.5
3-6 previous convictions/cautions	27.7	27.5	24.9	24.2	24.4	24.7	24.7	24.4	23.3	21.8
7-10 previous convictions/cautions	15.8	16.3	16.5	15.9	14.5	13.8	13.2	12.5	13.1	12.6
11-14 previous convictions/cautions	8.9	9.3	10.2	10.8	10.0	9.7	9.0	8.0	9.0	9.2
15 or more previous convictions/cautions	12.2	11.2	15.7	18.0	17.1	15.1	14.3	13.8	16.8	18.0
All offenders (100%)	5,911	6,805	7,593	7,189	7,411	6,947	8,063	8,774	8,459	8,541
<b>Theft and handling stolen goods</b>										
First time offenders	7.3	6.8	6.3	5.8	6.1	6.4	6.3	5.9	5.3	5.5
1-2 previous convictions/cautions	18.0	17.1	15.7	14.9	15.2	15.7	15.7	15.1	14.0	14.2
3-6 previous convictions/cautions	25.5	24.2	22.7	21.1	20.4	20.0	20.0	20.2	18.7	18.5
7-10 previous convictions/cautions	16.0	16.4	15.9	15.1	13.9	13.1	12.4	12.7	12.5	11.8
11-14 previous convictions/cautions	10.8	11.2	12.0	12.2	11.4	10.8	10.4	9.9	10.1	9.7
15 or more previous convictions/cautions	22.5	24.2	27.3	30.9	33.1	34.1	35.2	36.3	39.4	40.2
All offenders (100%)	125,944	125,696	126,698	121,636	113,228	105,368	101,127	107,396	114,810	114,814
<b>Fraud and forgery</b>										
First time offenders	28.4	29.5	28.7	29.2	32.5	32.6	34.2	38.7	38.3	35.6
1-2 previous convictions/cautions	23.6	23.0	22.9	21.4	20.4	19.8	20.5	20.3	20.9	21.2
3-6 previous convictions/cautions	21.4	21.2	20.8	20.2	19.3	18.9	18.3	17.0	16.6	17.4
7-10 previous convictions/cautions	10.7	10.8	10.5	10.9	9.8	9.7	9.4	8.4	8.0	8.4
11-14 previous convictions/cautions	6.0	6.0	6.5	6.7	6.4	6.5	5.7	5.1	4.9	5.4
15 or more previous convictions/cautions	9.8	9.4	10.7	11.6	11.6	12.4	12.0	10.5	11.2	12.1
All offenders (100%)	21,770	21,218	20,811	20,977	19,951	17,199	15,630	15,559	15,645	14,820
<b>Criminal damage</b>										
First time offenders	12.9	12.1	10.9	11.0	10.4	10.3	9.6	9.4	9.1	9.3
1-2 previous convictions/cautions	27.1	27.2	26.1	26.1	25.3	25.2	24.9	25.3	24.3	23.3
3-6 previous convictions/cautions	30.8	29.5	29.8	29.4	29.9	28.9	29.9	29.9	29.8	28.4
7-10 previous convictions/cautions	12.8	13.7	14.1	13.8	13.3	14.2	13.6	13.5	13.2	14.7
11-14 previous convictions/cautions	6.6	7.2	7.6	7.5	7.9	8.2	8.2	7.9	8.2	8.0
15 or more previous convictions/cautions	9.7	10.3	11.4	12.2	13.2	13.2	13.7	14.0	15.4	16.3
All offenders (100%)	17,032	15,570	15,031	14,740	14,323	12,860	12,082	10,631	9,566	8,601
<b>Drug offences</b>										
First time offenders	11.4	11.5	10.2	8.9	9.8	8.9	8.5	8.2	7.5	7.0
1-2 previous convictions/cautions	24.7	23.9	22.6	22.3	20.7	20.5	20.0	19.7	19.6	18.8
3-6 previous convictions/cautions	28.8	28.7	29.3	28.8	27.3	27.5	27.4	27.9	27.5	28.0
7-10 previous convictions/cautions	14.2	14.4	15.0	15.2	15.1	15.2	15.3	15.3	15.3	15.7
11-14 previous convictions/cautions	8.5	8.6	9.1	9.5	9.4	9.7	9.6	9.6	10.1	10.0
15 or more previous convictions/cautions	12.4	12.9	13.9	15.2	17.8	18.2	19.3	19.3	20.0	20.5
All offenders (100%)	43,696	44,509	48,165	50,891	39,712	39,113	40,370	44,987	52,808	55,994

Sentencing Statistics: England and Wales 2009

Table 6.1 (continued) Offenders sentenced by offence group and previous criminal history, 2000 - 2009

England & Wales		Number and percentage of offenders									
Offence group and number of previous convictions or cautions	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	
<b>All offenders</b>											
<b>Indictable motoring offences</b>											
First time offenders	22.5	19.4	18.8	19.6	20.4	21.8	21.8	23.9	23.7	24.0	
1-2 previous convictions/cautions	19.1	19.2	18.1	18.1	17.9	18.3	17.9	19.1	20.6	20.0	
3-6 previous convictions/cautions	22.8	23.2	21.6	21.1	21.4	19.7	21.0	19.6	19.3	21.0	
7-10 previous convictions/cautions	13.5	14.3	14.6	14.0	13.1	12.6	11.9	12.7	10.8	11.9	
11-14 previous convictions/cautions	8.7	9.4	9.8	10.1	10.3	9.6	9.1	8.3	9.0	8.4	
15 or more previous convictions/cautions	13.5	14.5	17.1	17.1	16.8	18.0	18.3	16.4	16.6	14.6	
All offenders (100%)	3,793	3,981	4,783	5,157	5,150	4,508	4,340	4,151	3,928	3,693	
<b>Other indictable offences</b>											
First time offenders	14.3	13.6	13.1	13.2	12.6	13.6	13.2	12.2	12.3	12.9	
1-2 previous convictions/cautions	19.6	18.9	18.2	16.9	16.9	17.5	18.1	18.2	17.5	18.3	
3-6 previous convictions/cautions	26.5	26.1	25.3	24.3	23.8	23.4	23.5	23.7	23.1	22.8	
7-10 previous convictions/cautions	15.3	15.5	15.7	15.8	15.4	14.6	14.7	14.5	14.5	13.8	
11-14 previous convictions/cautions	9.0	9.8	10.0	10.4	10.6	10.0	9.7	9.8	9.8	9.5	
15 or more previous convictions/cautions	15.3	16.2	17.7	19.3	20.7	20.8	20.9	21.7	22.7	22.6	
All offenders (100%)	35,289	36,205	41,309	45,893	49,472	46,653	43,887	43,180	41,082	38,311	
<b>All Indictable offences</b>											
First time offenders	12.3	12.0	11.2	10.9	11.5	11.6	11.3	10.8	10.4	10.4	
1-2 previous convictions/cautions	20.9	20.2	19.1	18.5	18.1	18.5	18.6	18.3	17.5	17.5	
3-6 previous convictions/cautions	26.0	25.2	24.4	23.4	22.7	22.4	22.6	22.8	21.8	21.7	
7-10 previous convictions/cautions	14.8	15.1	15.0	14.7	14.0	13.4	13.3	13.3	13.2	12.8	
11-14 previous convictions/cautions	9.3	9.7	10.3	10.5	10.1	9.8	9.5	9.3	9.5	9.3	
15 or more previous convictions/cautions	16.8	17.9	20.0	22.2	23.7	24.3	24.7	25.5	27.6	28.2	
All offenders (100%)	320,918	320,032	335,282	337,755	322,442	307,953	303,235	313,838	326,156	322,884	
<b>Summary Offences</b>											
First time offenders	25.4	24.8	23.9	23.0	23.3	23.8	23.2	21.8	20.5	19.8	
1-2 previous convictions/cautions	24.7	24.6	24.2	24.0	23.7	23.7	24.0	24.2	23.7	23.4	
3-6 previous convictions/cautions	22.5	22.8	22.9	22.9	22.9	22.7	23.1	23.6	23.5	23.5	
7-10 previous convictions/cautions	10.7	10.9	11.2	11.1	10.9	10.9	10.7	11.0	11.3	11.4	
11-14 previous convictions/cautions	6.2	6.2	6.6	6.8	6.8	6.5	6.4	6.5	6.9	6.9	
15 or more previous convictions/cautions	10.6	10.7	11.3	12.1	12.4	12.5	12.6	13.0	14.2	15.0	
All offenders (100%)	245,262	250,263	265,750	284,946	290,627	280,647	285,207	294,290	284,631	269,556	

(1) The figures for previous convictions and cautions are counts of all separate occasions at any time in the offender's previous criminal history when he or she received a conviction, caution, reprimand and final warning that was recorded on the Police National Computer for any indictable or summary offence.

\* cases less than 50

## Sentencing Statistics: England and Wales 2009

**Table 6.2 Offenders sentenced for indictable offences by previous criminal history and sentence received, 2000 - 2009**

England & Wales	Number and percentage of offenders									
Number of previous convictions or cautions and disposal	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
<b>All offenders</b>										
<b>First time offenders</b>										
Absolute discharge	0.4	0.5	0.8	0.9	0.8	0.6	0.6	0.6	0.5	0.4
Conditional discharge	21.6	19.2	16.2	15.7	14.4	13.5	12.4	11.5	9.7	9.7
Fine	20.6	18.9	18.0	18.2	16.5	14.7	12.9	11.4	10.7	10.6
Community sentence	34.0	36.2	39.3	39.7	41.2	41.6	37.8	34.7	33.7	34.1
Fully suspended	1.9	1.9	1.6	1.6	1.7	3.2	9.4	12.0	13.4	14.3
Immediate custody	17.9	19.8	20.9	21.0	22.7	23.6	24.0	26.5	28.1	26.3
Other	3.5	3.6	3.2	2.8	2.6	2.8	2.9	3.3	3.8	4.5
All offenders (100%)	39,446	38,331	37,536	36,689	36,962	35,597	34,176	33,968	33,937	33,560
<b>1-2 previous convictions/cautions</b>										
Absolute discharge	0.4	0.5	1.2	1.5	1.3	1.1	1.0	1.1	0.9	0.9
Conditional discharge	23.1	20.8	17.3	17.0	16.0	14.4	13.2	12.5	12.2	12.0
Fine	26.4	25.8	23.8	23.5	20.0	17.9	16.1	15.3	15.4	16.4
Community sentence	33.4	36.6	41.8	42.6	45.8	48.4	47.2	46.5	44.6	42.3
Fully suspended	0.7	0.6	0.5	0.6	0.6	1.6	6.0	8.2	9.2	9.7
Immediate custody	12.3	12.2	12.1	11.8	13.2	13.5	13.5	13.6	14.6	15.0
Other	3.5	3.5	3.3	3.1	3.0	3.0	2.9	2.9	3.1	3.7
All offenders (100%)	67,047	64,543	64,199	62,366	58,248	56,980	56,396	57,556	57,148	56,637
<b>3-6 previous convictions/cautions</b>										
Absolute discharge	0.5	0.5	0.7	0.8	0.8	0.8	0.8	0.8	0.7	0.6
Conditional discharge	15.1	14.6	14.2	15.0	14.3	13.4	12.5	12.1	11.4	11.2
Fine	26.3	25.5	25.9	26.9	23.4	21.3	18.7	18.0	19.0	19.9
Community sentence	34.2	35.7	35.7	34.4	37.1	39.2	37.9	37.7	36.9	36.1
Fully suspended	0.5	0.5	0.5	0.5	0.6	1.9	6.8	8.8	8.8	9.2
Immediate custody	19.6	19.2	18.8	18.3	19.7	19.5	19.5	18.8	19.5	18.9
Other	3.9	4.0	4.3	4.1	4.1	3.9	3.8	3.9	3.7	4.0
All offenders (100%)	83,387	80,550	81,735	78,915	73,074	69,083	68,666	71,549	70,975	69,956
<b>7-10 previous convictions/cautions</b>										
Absolute discharge	0.6	0.6	0.6	0.6	0.5	0.5	0.5	0.5	0.4	0.3
Conditional discharge	12.9	12.8	12.8	13.7	13.0	12.9	11.6	11.3	10.5	10.4
Fine	23.0	22.2	23.2	23.9	21.5	20.1	17.9	17.5	18.6	19.9
Community sentence	28.0	28.6	28.2	27.8	29.2	29.6	28.6	28.1	28.3	27.9
Fully suspended	0.6	0.5	0.5	0.5	0.6	2.3	7.6	9.4	9.4	9.7
Immediate custody	30.8	30.8	30.0	29.1	30.7	30.1	29.5	28.7	28.8	27.4
Other	4.2	4.5	4.8	4.4	4.4	4.4	4.4	4.4	4.1	4.4
All offenders (100%)	47,473	48,347	50,438	49,484	45,023	41,352	40,384	41,623	42,901	41,446
<b>11-14 previous convictions/cautions</b>										
Absolute discharge	0.5	0.6	0.6	0.6	0.5	0.4	0.4	0.5	0.4	0.3
Conditional discharge	11.7	12.3	12.2	12.9	12.4	12.3	11.5	11.3	10.5	10.4
Fine	22.3	21.0	21.1	21.7	19.5	18.3	16.4	16.2	17.4	18.1
Community sentence	24.0	24.3	24.1	23.4	25.1	25.5	23.2	23.5	23.4	24.9
Fully suspended	0.6	0.5	0.5	0.5	0.5	2.5	7.7	9.4	9.0	9.4
Immediate custody	36.4	36.4	36.4	36.1	37.4	36.3	36.3	34.6	35.0	32.3
Other	4.4	4.9	5.0	4.8	4.7	4.8	4.4	4.5	4.3	4.6
All offenders (100%)	29,731	31,054	34,472	35,463	32,676	30,228	28,673	29,190	31,140	30,165
<b>15 or more previous convictions/cautions</b>										
Absolute discharge	0.6	0.6	0.6	0.6	0.6	0.5	0.5	0.6	0.4	0.4
Conditional discharge	11.9	12.3	12.1	13.0	12.1	12.3	11.4	11.4	10.3	10.5
Fine	22.1	20.8	21.0	20.4	18.4	16.6	15.0	14.4	14.9	15.9
Community sentence	20.3	21.0	20.0	20.0	21.3	21.0	18.6	19.0	20.3	21.6
Fully suspended	0.5	0.4	0.4	0.5	0.5	2.5	7.8	9.2	8.7	8.8
Immediate custody	40.0	40.0	40.7	40.5	42.1	42.1	42.0	40.4	40.6	37.8
Other	4.6	4.8	5.0	4.9	5.0	5.0	4.6	5.0	4.7	5.0
All offenders (100%)	53,834	57,207	66,902	74,838	76,459	74,713	74,940	79,952	90,055	91,120
<b>All offenders</b>										
Absolute discharge	0.5	0.5	0.8	0.9	0.8	0.7	0.7	0.7	0.6	0.5
Conditional discharge	16.4	15.5	14.2	14.6	13.7	13.2	12.1	11.8	10.9	10.8
Fine	24.1	23.0	22.7	22.9	20.1	18.3	16.3	15.6	16.1	17.1
Community sentence	29.8	31.2	31.8	31.2	33.1	34.1	32.2	31.6	30.9	30.8
Fully suspended	0.7	0.7	0.6	0.6	0.7	2.3	7.4	9.3	9.4	9.8
Immediate custody	24.5	25.0	25.6	25.8	27.5	27.4	27.4	27.0	28.1	26.7
Other	4.0	4.2	4.3	4.1	4.0	4.0	3.9	4.0	4.0	4.4
All offenders (100%)	320,918	320,032	335,282	337,755	322,442	307,953	303,235	313,838	326,156	322,884

**Table 6.3 Offenders receiving immediate custodial sentences for indictable offence by the number of previous immediate custodial sentences, 2000-2009**

England & Wales		Number and percentage of offenders									
Number of previous custodial sentences	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	
<b>Juveniles</b>											
0	62.3	60.7	58.1	56.2	54.4	53.8	53.7	54.0	55.1	54.1	
1	20.6	21.5	20.3	21.4	21.3	20.1	20.7	20.5	19.4	19.0	
2	9.4	9.9	10.7	10.5	10.9	11.3	10.9	11.1	10.5	10.6	
3+	7.7	7.9	10.9	11.9	13.3	14.7	14.7	14.4	14.9	16.3	
All offenders (100%)	6,225	6,256	6,335	5,765	6,366	6,358	6,720	6,746	6,592	5,176	
<b>Adults</b>											
0	33.3	32.9	30.7	29.2	29.6	30.5	30.6	31.7	31.0	32.0	
1	14.8	14.1	13.7	13.1	12.7	12.2	12.4	12.5	12.2	12.5	
2	10.6	10.3	10.0	9.8	9.3	9.0	8.7	8.6	8.5	8.3	
3+	41.3	42.7	45.6	48.0	48.3	48.3	48.3	47.2	48.4	47.2	
All offenders (100%)	72,397	73,660	79,504	81,212	82,314	78,048	76,246	77,856	84,992	80,896	
<b>All ages<sup>(1)</sup></b>											
0	35.6	35.1	32.7	31.0	31.4	32.2	32.5	33.5	32.7	33.4	
1	15.2	14.7	14.2	13.6	13.4	12.8	13.0	13.1	12.7	12.9	
2	10.5	10.3	10.0	9.8	9.4	9.2	8.9	8.8	8.6	8.4	
3+	38.6	39.9	43.0	45.6	45.8	45.7	45.6	44.6	45.9	45.3	
All offenders (100%)	78,634	79,931	85,848	86,992	88,700	84,423	82,982	84,620	91,613	86,103	

(1) The all ages figures include offenders where age is unknown

**Table 6.4 Offenders sentenced for selected offences in 2009, by gender and by the number of previous convictions or cautions for the same offence <sup>(1)</sup>**

England & Wales	Offence	Males					Females					All offenders				
		Previous convictions or cautions for same offence (%)					Previous convictions or cautions for same offence (%)					Previous convictions or cautions for same offence (%)				
		Offenders (100%)	0	1	2	3 or more	Offenders (100%)	0	1	2	3 or more	Offenders (100%)	0	1	2	3 or more
	Actual or grievous bodily harm	20,011	69.2	18.7	6.6	5.5	2,647	77.4	15.8	4.6	2.3	22,677	70.2	18.4	6.3	5.1
	Common assault	41,542	52.8	25.1	11.3	10.8	7,526	52.2	24.2	11.0	12.5	49,131	52.8	25.0	11.3	11.0
	Causing harassment, alarm or distress; fear or provocation of violence; affray	37,161	49.1	23.6	10.9	16.5	5,012	57.4	20.6	9.7	12.4	42,209	50.1	23.2	10.7	16.0
	Shoplifting	55,140	16.3	12.4	8.6	62.7	19,676	16.0	13.5	9.4	61.1	74,853	16.2	12.7	8.8	62.2
	Rape; sexual assault; unlawful sexual intercourse	3,996	87.0	6.4	2.6	4.0	52	92.3	7.7	0.0	0.0	4,053	87.1	6.4	2.5	3.9
	Possession of knife or offensive weapon	11,552	74.5	16.3	5.2	4.0	845	81.3	10.5	3.6	4.6	12,409	75.0	15.9	5.1	4.0
	Burglary	22,092	38.1	15.1	8.8	37.9	1,027	69.2	13.7	5.5	11.6	23,132	39.5	15.1	8.7	36.7
	Robbery	7,660	76.1	12.9	5.1	5.9	741	85.6	7.8	3.1	3.5	8,407	76.9	12.4	4.9	5.7
	Criminal damage	33,661	40.2	23.5	13.4	23.0	3,586	56.9	21.2	9.1	12.8	37,281	41.8	23.2	13.0	22.0
	Cannabis possession	21,072	36.9	27.3	15.9	19.9	1,029	62.4	22.2	7.9	7.6	22,121	38.2	27.0	15.5	19.3
	Drunkennes	15,912	41.5	17.9	9.7	30.9	2,719	44.0	19.6	10.3	26.1	18,647	41.9	18.1	9.8	30.1
	Drink driving; failing to provide a specimen	56,458	74.7	18.1	4.6	2.6	10,957	87.4	10.5	1.6	0.4	67,538	76.8	16.8	4.1	2.2
	Dangerous driving	3,233	87.5	8.2	2.4	1.8	163	98.8	1.2	0.0	0.0	3,416	88.1	7.8	2.3	1.7
	Driving whilst disqualified	11,780	47.1	16.4	8.7	27.8	709	71.8	14.1	5.2	8.9	12,512	48.5	16.3	8.5	26.7
	Failing to surrender to bail	14,437	44.6	16.0	10.0	29.4	2,459	45.9	15.6	8.2	30.3	16,905	44.9	15.9	9.7	29.5

<sup>(1)</sup> The figures relate to sentences for primary offences in 2008, but the previous counts cover all cautions or sentencing occasions for these offences at any time in the offender's previous criminal history, including occurrences when they were not the primary offence. The previous history figures are therefore counts of previous offences rather than previous occasions.

## Glossary of terms used in the publication

**Average custodial sentence length (ACSL):** Average length of determinate custodial sentences given in months. This excludes indeterminate sentences (life or imprisonment for public protection sentences) as the length of these sentences is not recorded.

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

**Disposal:** The end result of a trial at court. In this publication the disposals of interest are sentences, but other disposals are possible, for example where there is no finding of guilt and the defendant is acquitted.

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

**Fine:** A financial penalty imposed following conviction.

**Immediate custodial sentence:** The mandatory incarceration of a guilty offender either in prison or secure therapeutic centre. This differs from a suspended custodial sentence which is served in the community.

**Indictable offence:** In this publication 'indictable offences' include offences triable only on indictment (indictable only) and 'triable-either-way' offences.

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

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

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

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

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

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

## List of figures and tables in the publication

### Chapter 1

- Figure 1.1 Flows through the criminal justice system, 2009
- Figure 1.1a Flows through the Criminal Justice System 2009 (Notifiable and Indictable Offences)
- Figure 1.2 Percentage change in offenders sentenced by offence group, 2008–2009
- Figure 1.3 Total offenders sentenced and disposals used for all offences at all courts 1999–2009
- Figure 1.4 Distribution of disposals for indictable offences at magistrates' court, 1999–2009
- Figure 1.5 Distribution of disposals for indictable offences at the Crown Court, 1999–2009
- Table 1(i) Offenders given a Penalty Notice for Disorder, Cautioned, Prosecuted, Convicted and Sentence Outcomes, by offence group, 2008–2009
- Table 1(ii) Sentencing summary 1999, 2008 and 2009
- Table 1(iii) Offenders sentenced by offence group, all courts 1999–2009
- Table 1(iv) Number of persons sentenced at all courts by sex and age group, 1999, 2008 and 2009
- Table 1(v) Proportions of persons sentenced at all courts by sex, age group and offence group, 2009
- Table 1(vi) Persons sentenced at all courts for indictable offences by ethnicity and result, 2009
- Table 1(vii) Total offenders and percentage change by disposal type for indictable offences, 1999, 2008 and 2009

### Chapter 2

- Figure 2.1 Number of persons given immediate custody for all offences by courts 1999–2009
- Figure 2.2 Average custodial sentence length for indictable offences and number of indeterminate sentences, 1999–2009
- Table 2(i) Persons sentenced to immediate custody and custody rate by offence group, 1999–2009
- Table 2(ii) Persons sentenced to immediate custody, 2009 and percentage change from 2008 and 1999

### Chapter 3

- Figure 3.1 Percentage of persons sentenced to a community sentence for indictable offences by offence group, 2007–2009
- Figure 3.2 Community sentence rate by age band, 1999–2009
- Table 3(i) Number of persons given a community sentence and community sentence rate by offence group, 1999–2009
- Table 3(ii) Number of persons sentenced to community sentences and community sentence rate by sex and age group for the period 1999–2009.
- Table 3(iii) Number of persons sentenced to suspended sentences and suspended sentence rate by offence group, 1999–2009

### Chapter 4

- Table 4(i) Median, mean and mode fine amount by offence group, 2009
- Table 4(ii) Number of persons fined and fine rate by sex and age group, 1999–2009
- Table 4(iii) Number of offenders fined and fine rate by court and offence group, 1999–2009
- Table 4(iv) Median fine amounts by offence group and year, 1999–2009
- Table 4(v) Mean fine amounts by offence group and year, 1999–2009
- Table 4(vi) Offenders sentenced to 'other' disposals, 1999–2009

### Chapter 5

- Figure 5.1 Immediate custody rates for all courts and all offences by criminal justice area, 2009
- Figure 5.2 Average custodial sentence length for all offences at all courts by criminal justice area, 2009
- Table 5(i) Persons convicted and sentenced for all offences, by criminal justice area 2009
- Table 5(ii) Persons convicted and sentenced for indictable offences, 2009

### Chapter 6

- Figure 6.1 Offenders sentenced by number of previous convictions and cautions, 2000–2009
- Figure 6.2 Number of previous convictions and cautions for offenders of all ages who received different types of sentence in 2009

## List of main tables

These tables can be downloaded in Excel format from [www.justice.gov.uk/publications/sentencingannual.htm](http://www.justice.gov.uk/publications/sentencingannual.htm).

### Chapter 1

- |           |   |
|-----------|---|
| Table 1.1 | Recorded crime and defendants proceeded against, convicted, cautioned and sentenced by type of offence, 1999–2009 |
| Table 1.2 | Offenders sentenced by offence group and outcome, all courts, 1999–2009   |
| Table 1.3 | Offenders sentenced by offence group and outcome, magistrates' courts, 1999–2009                                  |
| Table 1.4 | Offenders sentenced by offence group and outcome, the Crown Court, 1999–2009                                      |

### Chapter 2

- |           |  |
|-----------|--|
| Table 2.1 | Persons sentenced to immediate custody at all courts by length of sentence and average custodial sentence length, 1999–2009          |
| Table 2.2 | Persons sentenced to immediate custody at magistrates' courts by length of sentence and average custodial sentence length, 1999–2009 |
| Table 2.3 | Persons sentenced to immediate custody at the Crown Court by length of sentence and average custodial sentence length, 1999–2009     |
| Table 2.4 | Percentage of persons sentenced to immediate custody by type of court and offence group, 1999–2009                                   |
| Table 2.5 | Average length of immediate custodial sentence by type of court and offence group, 1999–2009   |

### Chapter 3

- |           |   |
|-----------|---|
| Table 3.1 | Persons sentenced to community sentences at all courts by type of community sentence, 1999–2009         |
| Table 3.2 | Persons sentenced to community sentences at magistrates' courts by type of community sentence 1999–2009 |
| Table 3.3 | Persons sentenced to community sentences at the Crown Court by type of community sentence 1999–2009     |

#### Chapter 4

- Table 4.1 Offenders sentenced to fines at all courts by sex and offence group, 1999–2009
- Table 4.2 Offenders ordered to pay compensation by offence group, 1999 and 2004–2009
- Table 4.3 Offenders ordered to pay confiscation orders for drug trafficking offences by amount, 2004–2009
- Table 4.4 Offenders ordered to pay forfeiture orders by type of court and offence, 1999 and 2004–2009

#### Chapter 5

- Table 5.1 Persons sentenced by criminal justice area, percentage sentenced to immediate custody and average custodial sentence length, 1999–2009
- Table 5.2 Offenders sentenced for indictable offences by criminal justice area, type of court and outcome, 2009

#### Chapter 6

- Table 6.1 Offenders sentenced by offence group and previous criminal history, 2000–2009
- Table 6.2 Offenders sentenced for indictable offences by previous criminal history and sentenced received, 2000–2009
- Table 6.3 Offenders receiving immediate custodial sentences for indictable offence by the number of previous immediate custodial sentences, 2000–2009
- Table 6.4 Offenders selected for selected offences in 2009 by gender and by the number of previous convictions or cautions for the same offence

## List of supplementary tables

These tables can be downloaded in Excel format from [www.justice.gov.uk/publications/sentencingannual.htm](http://www.justice.gov.uk/publications/sentencingannual.htm).

### Chapter 1

Table 1a	Offenders sentenced by offence group and outcome, all courts, 1999–2009
Table 1b	Offenders sentenced by offence group and outcome, magistrates' courts, 1999–2009
Table 1c	Offenders sentenced by offence group and outcome, the Crown Court, 1999–2009
Table 1d	Offenders sentenced by disposals by sex, age, type of court and type of sentence, 1999–2009
Table 1e	Offenders sentenced by sex, age and offence group, all courts, 1999–2009

### Chapter 2

Table 2a	Persons sentenced to immediate custody by offence group and type of sentence, 1999–2009
Table 2b	Persons sentenced under the Powers of Criminal Courts (Sentencing) Act 2000, 2000–2009
Table 2c	Persons sentenced for firearms offences liable for mandatory minimum custodial sentence as prescribed by the Criminal Justice Act 2003, 2003–2009
Table 2d	Persons sentenced to life imprisonment by sex and age, 1999–2009
Table 2e	Persons sentenced to immediate custody by age group, sex and type of sentence, 1999–2009
Table 2f	Persons sentenced to determinate and indeterminate custodial sentences by age group, sex and type of sentence, 1999–2009
Table 2g	Persons sentenced to immediate custody by sex and offence group, 2009
Table 2h	Persons sentenced to immediate custody by age and sex showing number of prison places (excluding life and indeterminate sentence prisoners) required, 1999–2009
Table 2i	Percentage of persons given immediate custody by sex and offence group, 1999–2009

Table 2j	Average length of immediate custody by sex and offence group, 1999–2009
Table 2k	Average length of immediate custody at magistrates' courts by age and offence group, 1999–2009
Table 2l	Average length of immediate custody at the Crown Court by age and offence group, 1999–2009
Table 2m	Average length of immediate custody at all courts by age and offence group, 1999–2009
Table 2n	Percentage of persons sentenced to immediate custody by age and offence group, 1999–2009
Table 2o	Persons sentenced to indictable offences at the Crown Court: Plea, immediate custody and average sentence length, by sex and age group, 2009
Table 2p	Persons sentenced for indictable offences at the Crown Court: Plea, immediate custody and average sentence length, by sex, 1999–2009

### Chapter 3

Table 3a	Persons sentenced to community sentences and percentage sentenced to community sentence by age and sex, 1999–2009
Table 3b	Persons sentenced to community sentences by offence group and type of sentence, 1999–2009
Table 3c	Persons sentenced to community sentences by sex and offence group, 2009
Table 3d	Persons sentenced to community sentences by age group, sex and type of sentence, 1999–2009
Table 3e	Percentage of persons sentenced to community sentences by age and offence group, 1999–2009
Table 3f	Percentage of persons sentenced to community sentences by offence group and type of sentence, 1999–2009
Table 3g	Percentage of persons sentenced to community sentences by sex and offence group, 2009
Table 3h	Percentage of persons sentenced to community sentences by type of court and offence group, 1999–2009
Table 3i	Persons sentenced to suspended sentence by sex, age and type of court, 1999–2009
Table 3j	Persons sentenced to suspended sentence by offence group and type of court, 1999–2009
Table 3k	Percentage of persons sentenced to suspended sentence by offence group and type of court, 1999–2009

**Chapter 4**

Table 4a	Offenders sentenced to fines at magistrates' courts by sex and offence group, 1999–2009
Table 4b	Offenders sentenced to fines at the Crown Court by sex and offence group, 1999–2009
Table 4c	Offenders sentenced to fines and 'other' disposals by sex, age, type of court and type of sentence, 1999–2009
Table 4d	Offenders sentenced to fines and 'other' disposals by offence group, type of court and type of sentence, 1999–2009
Table 4e	Average fine amounts imposed at magistrates' courts by type of offence and sex, 1999–2009
Table 4f	Average fine amounts imposed at the Crown Court by type of offence and sex, 1999–2009
Table 4g	Average fine amounts imposed at all courts by type of offence and sex, 1999–2009

**Chapter 5**

Table 5a	Recorded crime, defendants proceeded against, found guilty, cautioned and sentenced by criminal justice area, 2009
Table 5b	Defendants sentenced by criminal justice area for indictable offences by court, committed for trial, and committed for sentence, 1999–2009
Table 5c	Offenders sentenced at magistrates' courts by criminal justice area, type of sentence and average custodial sentence length (months), 1999–2009
Table 5d	Offenders sentenced at the Crown Court by criminal justice area, type of sentence and average custodial sentence length (months) 1999–2009
Table 5e	Offenders sentenced at all courts by criminal justice area, type of sentence and average custodial sentence length (months) 1999–2009

**Chapter 6**

Table 6a	Offenders sentenced for indictable offences by age group, gender and number of distinct offenders, 2000–2009, as recorded on the Police National Computer
Table 6b	Offenders sentenced for indictable offences by previous criminal history and gender, 2000–2009

Table 6c	Offenders sentenced for indictable offences by court type and previous criminal history, 2000–2009
Table 6d	Offenders sentenced for indictable offences by previous criminal history and age at sentence, 2000–2009
Table 6e	Offenders sentenced for indictable offences by previous criminal history and sentence received, 2000–2009
Table 6f	Offenders receiving community sentences for indictable offences by the number of previous community sentences, 2000–2009
Table 6g	First time offenders sentenced for indictable offences by age group and offence type, 2000–2009
Table 6h	Number of third time domestic burglary offenders by gender and type of sentence received, 2000–2009
Table 6i	Number of third time domestic burglary offenders receiving custodial sentences by length of sentence, 2000–2009

## Appendix 1 – Procedures within the Criminal Justice System

### Court jurisdiction

There are three types of offences:

- Summary, which may only be tried in magistrates' courts;
- 'Either way' offences, which may be tried in either magistrates' courts or the Crown Court; and
- Indictable only, which may only be tried in the Crown Court.

In this volume the second and third types of offence are combined and described as 'indictable'.

Penalty levels vary depending on the court trying the offence. Magistrates' courts may not impose more than six months' imprisonment for a single offence nor generally fine more than £5,000.

**Magistrates' courts:** Virtually all criminal cases start in magistrates' courts and 95 per cent of cases finish there, as well as hearing criminal cases magistrates deal with family matters. Cases in magistrates' courts are usually heard by a panel of three magistrates (Justices of the Peace) supported by a legally qualified Court Clerk. There are also around 130 district judges. They are experienced barristers or solicitors who sit alone and deal with more complex or sensitive cases. Magistrates cannot normally order sentences of imprisonment that exceed six months (or 12 months for consecutive sentences), or fines exceeding £5,000. In cases that are triable either way (in either magistrates' courts or the Crown Court) the offender may be committed by the magistrates to the Crown Court for sentencing if a more severe sentence is thought necessary.

**The Crown Court:** The Crown Court deals with more serious criminal cases such as murder, rape or robbery, some of which are on appeal or referred from magistrates' courts. Trials are heard by a Judge and a 12 person jury. Members of the public are selected for jury service or may have to go to court as witnesses. The Crown Court is based at 77 centres across England and Wales. It deals with cases transferred from magistrates' courts. It also hears appeals against decisions of magistrates' courts, and deals with cases sent for sentence from magistrates' courts. Penalty levels vary depending on the court trying the offence.

### Sentencing for adults and young adults

The Criminal Justice Act 2003 sets out five purposes of sentencing for adults:

- the punishment of offenders;
- the reduction of crime (including its reduction by deterrence);

- the reform and rehabilitation of offenders;
- the protection of the public; and
- the making of reparation by offenders to persons affected by their offences.

While courts are obliged to have regard to these principles, sentence will generally be determined according to seriousness of the offence. Seriousness is made up of:

- harm caused by the offence; and
- culpability of the offender in committing it.

There is also a presumption that recent and relevant previous convictions make an offence more serious.

There are thresholds of penalty based on seriousness:

- offences that are **so serious** that only custody will represent a sufficient response;
- offences that are **serious enough** to warrant a community sentence.

If neither of these thresholds is reached then a fine or a discharge will be appropriate.

### **Immediate Custody**

Adults aged over 21 will be sentenced to imprisonment, adults aged 18–20 will be sentenced to detention in a young offenders institution.

Maximum penalties are specified for all offences according to the seriousness of the offence. Generally, the maximum will fall into one of the following bands:

- 1 month;
- 3 months;
- 6 months;
- 12 months;
- 2 years;
- 5 years;
- 7 years;
- 10 years;
- 14 years;
- life.

One of the characteristics of the criminal law in England and Wales is that offences are defined very broadly. Hence penalties tend to cluster much lower than the maxima.

### Short sentences – Under 12 months

Those sentenced to **under 12 months** (made under the Criminal Justice Act 1991) spend the first half of their sentence in prison and are then released and considered '**at risk**' for the remaining period. This means they are under no positive obligations and do not report to the probation service but, if they commit a further imprisonable offence during the at risk period, they can be made to serve the remainder of the sentence in addition to the punishment for the new offence. The exception to this is those aged 18–20 who have a minimum of three months' supervision on release.

### Sentences of 12 months or over

The Criminal Justice Act 2003 created a distinction between **standard determinate sentences** and **public protection sentences**.

Offenders sentenced to a **standard determinate sentence** serve the first half in prison and the second half in the community on **licence**. Offenders convicted of a sexual or violent offence may be sentenced to a **public protection sentence**. In such cases, the court has to determine whether the offender is dangerous to the extent that he is likely to cause serious harm to the public through the commission of a further sexual or violent offence. If the court does consider that to be the case, it may impose a public protection sentence. There are two such sentences:

- **Imprisonment or detention for public protection (IPP – sections 225 and 226 of the Criminal Justice Act 2003)** – where the maximum for the offence is ten years or more and where life is not available or appropriate. An IPP is an indeterminate sentence; an offender will serve the tariff as set by the judge and then is eligible to be released if considered safe by the Parole Board. The only significant distinction between life and IPP is that, whereas life sentences last for the whole of the offender's life, the Parole Board can bring an IPP licence to an end at any point after 10 years in the community following release.
- **Extended sentence (EPP – section 227 of the 2003 Act)** – where the maximum for the offence is less than 10 years. An extended sentence comprises the normal determinate custodial period plus an extension period. The offender may be released at any time between the half way point and the end of the normal custodial period and is on licence until the end of the extension period.

The Criminal Justice and Immigration Act 2008 changed the provisions so as to give judges more discretion over the use of public protection sentences; they were to be restricted to offences for which two years real time is justified; and for release from an extended sentence to be automatically at the half way point of the custodial period with licence extending from then until the end of the extension period. These changes apply to cases sentenced on or after 14 July 2008.

## Life Sentence

The main types of life sentence and the respective age related variants are as follows:

### Mandatory Life Sentences

- Imprisonment for Life – this is the only sentence that can be imposed on anyone over the age of 21 who is convicted of murder.
- Detention during Her Majesty's Pleasure – this is the mandatory sentence for a person convicted of murder who was aged 10 or over but under 18 at the time of the offence.
- Custody for Life – this is the mandatory sentence for a person aged 18 or over but under 21 at the time of the offence who is convicted of murder and sentenced while under 21.

### Discretionary Life Sentences

- Imprisonment for Life – this is the maximum sentence for those over 21 convicted of a serious offence, e.g. manslaughter, attempted murder, rape, armed robbery, arson etc.
- Detention for Life – this is the maximum sentence for a person aged 10 or over but under 18, who is convicted of offences other than murder for which a discretionary life sentence may be passed on a person over 21.
- Custody for Life – this sentence may also be imposed where a person aged 18 or over but under 21 at the time of the offence is convicted of any other offence for which a discretionary life sentence may be passed on an adult.

### Automatic Life Sentence

In the absence of exceptional circumstances, the courts passed this sentence on anyone who was 18 or over on or after 1 October 1997 who was convicted of a second serious violent or sexual offence. The automatic life sentence was replaced by the indeterminate sentence of Imprisonment for Public Protection for offences committed on or after 4 April 2005. However, there will continue to be automatic life sentence prisoners in the system for some years to come. Transitional arrangements enable those automatic life sentences imposed before 4 April 2005, and the related life licence provisions to remain in force.

### Licence

For the duration of the licence, an offender is obliged to comply with the terms of that licence. These may include requirements to report to the probation service, restrictions as to where he may live and what work he may undertake, and requirements to attend programmes. If an offender breaches his licence he is liable to be recalled to prison, potentially until the end of his sentence.

### **Mandatory minimum custodial sentences**

The Powers of Criminal Courts (Sentencing) Act 2000 introduced mandatory minimum sentences of:

- Seven years for a third Class A drug trafficking committed since 30 September 1997
- Three years for a third domestic burglary committed since 30 November 1999
- An automatic life sentence for a second serious offence committed since 30 September 1997. This section has subsequently been replaced from 4 April 2005 by indeterminate sentences for public protection.
- The Criminal Justice Act 2003 also introduced a mandatory minimum sentence of five years (three years in the case of those aged 16 or 17) for certain offences under section 5 of the Firearms Act 1968.

### **Suspended sentence orders**

These sentences were introduced under the Criminal Justice Act 2003 and are available for offences committed on or after 4 April 2005. They enable a court which passes a custodial sentence of less than 12 months to suspend that sentence for a period of between six months and two years while ordering the offender to undertake certain requirements in the community (drawn from the same list as those available for the community order).

### **Community Sentences**

Since the implementation of the Criminal Justice Act 2003, there has been a single community order that can comprise up to 12 requirements depending on the offence and the offender. These are:

- unpaid work (formerly community service/community punishment) – a requirement to complete between 40 and 300 hours' unpaid work;
- activity – e.g. to attend basic skills classes;
- programme – there are several designed to reduce the prospects of reoffending;
- prohibited activity – requirement not to do something that is likely to lead to further offence or nuisance;
- curfew – electronically monitored;
- exclusion – not much used as no reliable electronic monitoring yet available;
- residence – requirement to reside only where approved by probation officer;
- mental health treatment (requires offender's consent);
- drug rehabilitation (requires offender's consent);

- alcohol treatment (requires offender's consent);
- supervision – meetings with probation officer to address needs/offending behaviour;
- attendance centre – three hours of activity, usually on Saturday afternoons, between a minimum of 12 hours and a maximum of 36 in total.

Typically, the more serious the offence and the more extensive the offender's needs, the more requirements there will be. Most orders will comprise one or two requirements but there are packages of several available where required. The court tailors the order as appropriate and is guided by the probation service through a pre-sentence report.

### **Adult sentences no longer in use**

**Intermittent Custody** was introduced by the Criminal Justice Act 2003. A pilot ran from January 2004 to November 2006. It applied only for sentences of under 12 months. Rather than offenders serving continuous imprisonment, custody was only at times fixed by the court. This was intended to maintain community and family ties, or try to develop them, and employment.

The community order reformed community sentencing for adults and replaced a number of old orders with a single 'menu' of requirements. The orders replaced by the community order include:

- Community rehabilitation order;
- Community punishment order;
- Community punishment and rehabilitation order;
- Drug treatment and testing order;

These orders are still being recorded in some cases by the courts. These are likely to be historical cases.

### **Sentencing for juveniles**

Sentencing for juveniles in 2008 was bound by the provisions of the Crime and Disorder Act 1998 and the Children and Young Persons Act 1933. The Acts set out two main purposes of youth sentencing:

Every court in dealing with a child or young person who is brought before it, either as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

It shall be the principal aim of the youth justice system to prevent offending by children and young persons.

In addition to the differences in the purposes of sentencing, juvenile offenders are generally dealt with in separate youth courts. The youth court is a section

of the magistrates' court and can be located in the same building. It deals with almost all cases involving young people under the age of 18. This section of the magistrates' court is served by youth panel magistrates and district judges. They have the power to give Detention and Training Orders of up to 24 months, as well as a range of sentences in the community.

Youth courts are less formal than magistrates' courts, are more open and engage more with the young person appearing in court and their family. Youth courts are essentially private places and members of the public are not allowed in. The victim(s) of the crime, however, has/have the opportunity to attend the hearings of the court if they want to, but they must make a request to the court if they wish to do so. The needs and wishes of victims will always be considered by the court and, through the youth offending team (YOT), they often have the opportunity to have an input into the sentencing process.

Juveniles can also be tried in the Crown or magistrates' courts. This usually happens if:

- the juvenile is being tried with an adult;
- due to the seriousness of the offence it can only be tried at the Crown Court;
- the case has been sent to the Crown Court for sentencing;
- there is an appeal against the sentence imposed in a youth court.

### **Custodial sentences**

When sentenced to detention a young offender will be sentenced to serve their sentence in a Young Offenders Institution (YOI). These are facilities run by both the Prison service and the private sector and can accommodate 15 to 21 year olds although those aged 15–17 held in a YOI will, generally be held in separate wings. YOIs do not have as high a staff to offender ratio as those institutions for younger offenders.

The custodial sentences available for juveniles are:

- **Detention and Training Order:** Detention and Training Orders (DTOs: sections 100–107 of PCC(S)A 2000) were introduced from 1 April 2000 to replace the sentences of Detention in a YOI for 15–17 year olds and the Secure Training Order for 12–14 year olds. A DTO may be given for a term of 4, 6, 8, 10, 12, 18 or 24 months, of which usually half is served in detention and the remainder in the community under supervision.
- **Section 91 Powers of Criminal Courts (Sentencing) Act 2000:** Section 91 Powers of Criminal Courts (Sentencing) Act 2000 (PCC(S) A 2000) restated the power (originally in section 53(2) of the Children and Young Persons Act 1933) to detain juveniles who commit certain serious offences (mostly those with a statutory maximum of 14 years imprisonment or more in the case of an adult) for a period equivalent to the maximum for which an adult committing the same offence could be imprisoned.

- **Section 90 Powers of Criminal Courts (Sentencing) Act 2000:** A juvenile offender convicted of murder will be sentenced to Detention during Her Majesty's Pleasure, the provisions of which are found in S.90 of the Powers of Criminal Courts (Sentencing) Act 2000. Offences committed prior to August 2000 would have been sentenced under S. 53(1) (2) Children and Young Persons Act 1933.
- **Detention for Life:** This is the maximum sentence for a person aged 10 or over but under 18, who is convicted of offences other than murder for which a discretionary life sentence may be passed on a person over 21.

### Community sentences

Community sentences for juveniles are supervised by Youth Offending Teams (YOTs) and comprise different orders than are available for adults. The community order is not available for juveniles and a reform of juvenile sentencing means all the orders listed below, with the exception of the Reparation Order and the Referral Order, have been replaced by the Youth Rehabilitation Order for offences committed from 30 November 2009.

**Action Plan Order** is a three month programme available for 10–17 year olds and comprises a short intensive community based programme which may include reparation and attendance centre sessions.

**Attendance Centre Orders** are available for 10–17 year olds and are run by police with offenders attending on Saturdays for between four and 24 hours. The sessions; usually two hours long, involve physical exercise and group work.

**Curfew Orders** with electronic monitoring: Available for 10–17 year olds and for up to three months. The court can order an offender to comply with a curfew backed up with electronic monitoring. The tagged curfews can help to break patterns of offending by keeping offenders off the street and out of trouble at times they are most likely to offend.

**Supervision Order:** Available for 10–17 year olds and can last from six months up to three years. The offender is supervised by a member of the YOT. A range of conditions can be attached for more serious offences; these can include drug treatment, residence requirements, curfews, and additional activities specified by the YOT (normally reparation, offending behaviour, group work or anger management).

**Community Punishment and Rehabilitation Order:** Available for offenders aged 16+ and the order can last from 12 months up to three years. The order requires an offender to be under supervision and to perform unpaid work for not less than 40 and no more than 100 hours.

**Community Punishment Order:** Available for offenders aged 16+ and for between 40 and 240 hours. Involves undertaking unpaid work in the community, typically work such as carpentry workshops, conservation, decorating or caring tasks.

**Community Rehabilitation Order:** Available for offenders aged 16+ and lasts between six months and three years. It is the juvenile equivalent of supervision by the probation service and is only available for 'mature' 16 and 17 year olds. It can also come with conditions attached such as residence requirements.

**Referral Order:** Is given to 10–17 year olds pleading guilty for a first offence only where the court deems a custodial sentence is not warranted. They are required to attend a youth offender panel, which is made up of two volunteers from the local community and panel adviser from a youth offending team (YOT). The panel, with the young person, their parents/carers and the victim (where appropriate), agree a contract lasting between three and 12 months. The aim of the contract is to repair the harm caused by the offence and address the causes of the offending behaviour.

The conviction is 'spent' once the contract has been successfully completed. This means that in most circumstances the offence will not have to be disclosed by the young person when applying for work.

**Reparation Order:** Available for 10–17 year olds convicted of an offence it must comprise a maximum of 24 hours and must be completed within three months of the date the order is passed. The views of the victim must be sought before a reparation order can be made. If the victim is not prepared to have any further contact with the offender then reparation can be made to the community at large. A reparation cannot consist of financial reparation; courts have other means to enforce financial reparation if they believe it to be suitable.

### Legislation implemented in 2009

Sentencing for juveniles has recently been reformed by the Criminal Justice and Immigration Act 2008. For offences committed after 30 November 2009, a new order, the Youth Rehabilitation Order (YRO), has replaced most of the previously available community sentences with a 'menu' of requirements that can be tailored to suit the individual risks and needs of an offender. In this respect it is similar to the community order available for adults.

The following requirements can be attached to a YRO:

- Activity Requirement
- Curfew Requirement
- Exclusion Requirement
- Local Authority Residence Requirement
- Education Requirement
- Mental Health Treatment Requirement
- Unpaid Work Requirement (16/17 years)
- Drug Testing Requirement
- Intoxicating Substance Treatment Requirement

- Supervision Requirement
- Electronic Monitoring Requirement
- Prohibited Activity Requirement
- Drug Treatment Requirement
- Residence Requirement
- Programme Requirement
- Attendance Centre Requirement
- Intensive Supervision and Surveillance (based on the current ISSP)
- Intensive Fostering.

### **Juvenile sentences no longer in use**

#### **Secure Training Orders**

The Secure Training Order was introduced by the Criminal Justice and Public Order Act 1994 for offenders aged 12, 13 and 14. It comprised a sentence of detention in a secure training centre followed by a period of supervision in the community. It was replaced by the Detention and Training Order from 1 April 2000.

### **Sentences for adults and juveniles**

#### **Fines**

Fines are available to punish all offenders (other than where mandatory minimum sentences apply, such as for murder). In general, the maximum fine that can be imposed by magistrates' courts is defined in terms of level. There are five levels, currently set as follows:

Level 1	£200
Level 2	£500
Level 3	£1,000
Level 4	£2,500
Level 5	£5,000

In practice, fine levels are generally much less than the maximum as courts must take account of offenders' means when deciding on the amount to impose.

The Crown Court may fine an unlimited amount.

#### **Discharges**

A court may discharge a person either absolutely or conditionally where the court takes the view that it is not necessary to impose punishment. An absolute discharge requires nothing from the offender and imposes no restrictions on future conduct. The majority of discharges are conditional discharges where the offender remains liable to punishment for the offence if he is convicted of a further offence within whatever period the court specifies (but not more than three years).

### **Compensation**

In cases involving death, injury, loss or damage, the courts are required to consider making a compensation order, and to give reasons where no such order is made. A compensation order can also be made in addition to any other sentence or order, or can be the only sentence imposed for a particular offence. Magistrates' courts can order compensation up to a maximum of £5,000 per offence, but there is no such limit in the Crown Court. However, courts are required to have regard to the means of the offender when deciding whether to make a compensation order and when deciding on its amount. When the defendant makes payments against financial penalties, compensation orders are paid off before fines. There was a statutory instrument that came into force on 31 July 2006, which made amendments to the Proceeds of Crime Act 2002 (Recovery of Cash in Summary Proceedings: Minimum Amount) Order 2006. This has reduced the minimum amount recoverable from £5,000 to £500.

### **Further sentences and orders**

Other punishments are used to a lesser extent. These include binding over orders, confiscation orders, exclusion orders and disqualification from driving. When a defendant stands convicted before the Crown Court of a drug trafficking offence, the Court is required to determine whether he has benefited from drug trafficking at any time, and if so, to make a confiscation order. The amount to be recovered is what the court assesses to be the value of the defendant's proceeds from drug trafficking, or that which can be realised. The courts have general power to penalise a defendant by making an order for the forfeiture of property associated with the offence.

## Appendix 2 – Legislation affecting the statistics

### Introduction

The legislation described below relates mainly to legislation that came into force in the period from January 1997 to the end of 2009.

### Legislation coming into effect in the period covered by this bulletin

The coverage of the sentencing statistics in this volume may have been affected by the following legislation, which has altered the modes of trial, sentencing framework or significantly altered the range of offences:

- Crime (Sentences) Act 1997
- Crime and Disorder Act 1998
- Criminal Justice and Courts Services Act 2000
- Powers of Criminal Courts (Sentencing) Act 2000
- Criminal Justice and Police Act 2001
- Proceeds of Crime Act 2002
- Criminal Justice Act 2003
- Sexual Offences Act 2003
- Fraud Act 2006
- Criminal Justice and Immigration Act 2008

### Changes in legislation since 1997

Provisions of the Crime (Sentences) Act 1997 implemented on 1 October 1997 included, for persons aged 18 or over:

- An automatic life sentence for a second serious violent or sexual offence unless there are exceptional circumstances. This was later replaced with the Indeterminate sentence for Public Protection (IPP)
- A minimum sentence of seven years for an offender convicted for a third time of a class A drug trafficking offence unless the court considers this to be unjust in all the circumstances.
- A new section 38A of the Magistrates' Courts Act 1980 extending the circumstances in which magistrates' courts may commit a person convicted of an offence triable either way to the Crown Court for sentence. It was implemented in conjunction with section 49 of the Criminal Procedure and Investigations Act 1996, which involves the magistrates' courts in asking defendants to indicate plea before the mode of trial decision is taken and compels the court to sentence or commit for sentence any defendant who indicates a guilty plea.

- A mandatory minimum sentence of three years for third time domestic burglary was implemented in December 1999. The **Crime and Disorder Act 1998** commenced from 31 July 1998 introduced Anti-social behaviour orders, drug treatment and testing orders and range of other criminal and civil orders. It also introduced extended sentences for violent or sexual offenders consisting of custodial term no less than four years and an extended licence period. Many of the provisions of the Act were subsequently consolidated by the Powers of Criminal Courts (Sentencing) Act 2000 (see below).
- The **Criminal Justice and Court Services Act 2000** commenced from 30 November 2000 created two new services: the National Probation Service for England and Wales and the Family Court Advisory and Support Service. It also set up an integrated system to prevent unsuitable people from working with children, with a system of automatic banning following conviction for certain offences. The Act also increased the maximum penalties for offences relating to indecent photographs of children.

Part III of the Act dealt with community orders including the renaming of some orders and greater use of electronic monitoring and stricter enforcement. Part III also introduced new powers for the compulsory drug testing of offenders and allowed a court to take into account drug misuse when considering applications for bail. It also introduced the Final Warning Scheme which allowed for new powers to give reprimands or final warnings.

Part IV of the Act increased the penalty for parents who fail to ensure their child regularly attends school and extended the range of persons able to serve as responsible officers for the purposes of a parenting order.

The **Powers of Criminal Court (Sentencing) Act 2000** consolidated legislation on sentencing and the treatment of offenders that was previously contained within twelve other Acts. It was divided into the following parts:

- **Part I Powers exercisable before sentence**, covering deferment of sentence, committal to the Crown Court for sentence, powers to remit young offenders to youth courts for sentence and the power for magistrates' to adjourn sentencing to enable a medical exam.
- **Part II Absolute and Conditional Discharge**, giving the power for a court to discharge an offender absolutely or conditionally in cases where the penalty is not fixed by law or imposed under section 109(2), 110(2) or 111(2) of this act. Conditional discharges require an offender not to commit another offence within a period no greater than three years, if breached the original court is to sentence for the original offence as if he had just been convicted before that court.
- **Part III Mandatory and discretionary referral of young offenders**, establishing referral orders (see Appendix 1) where offenders aged under 18 who have pleaded guilty to an offence can be referred to a youth offender panel.

- **Part IV Community orders and reparation orders** establishing curfew orders, action plan orders and general provisions for community sentences, most of this section was subsequently repealed by the Criminal Justice Act 2003.
- **Part V Custodial sentences etc.** consolidated legislation establishing six months as the maximum term for which magistrates' can sentence to custody, also introduced the custodial sentence with extended licence period for specified violent or sexual offences.

Chapter II of part V contained many provisions regarding the detention and custody of offenders under 21 years of age. Sections 90–91 still apply to offenders aged under 18 convicted of serious offences such as murder or rape and specify the periods of detention that can or should be imposed.

Section 100 consolidated legislation in the Crime and Disorder Act which introduced Detention and Training Orders (DTOs) for offenders aged under 18 convicted of an offence which would be punishable by imprisonment for an offender aged over 21. A DTO is for a set period of 4, 6, 8, 10, 12, 18 or 24 months with half the sentence to be served in secure accommodation and the remaining period to be served in the community but with supervision by a local social work department or Youth offending team.

Sections 109–111 consolidated legislation on mandatory minimum terms for: offenders convicted of a second serious offence in which case the minimum term is life imprisonment, a third class A drug trafficking offence in which case the court should impose a custodial sentence of seven years or a third domestic burglary in which case a custodial sentence of three years should be imposed. Section 109 relating to life imprisonment has since been replaced by the provisions contained within the Criminal Justice Act 2003 for IPP sentences.

Section 118 contained some provisions on the imposition of suspended sentences which have since been replaced by the Suspended Sentence Order.

The **Criminal Justice and Police Act 2001** introduced on the spot fixed penalties for a range of offences including drunk and disorderly, allowed local councils to create areas in which drinking could be restricted and the power to confiscate alcohol in these areas. It also introduced a new offence of protesting in an intimidating manner, as well as making kerb crawling, 'hit and run' accidents, and importing obscene material arrestable offences. It also gave new powers to magistrates to remand children aged between 12 and 16 into custody when charged with offences such as theft and criminal damage.

The **Proceeds of Crime Act 2002** consolidated drug trafficking and criminal justice legislation on the confiscation of convicted defendants earnings. Confiscation orders can only be made in the Crown Court and the powers of magistrates to make a confiscation order were also abolished by this Act. The Act made the power to confiscate mandatory and the Crown Court must instigate confiscation proceedings if requested by the prosecutor. Confiscation

hearings are conducted according to the civil standard of proof, i.e. on the balance of probabilities. In some cases the court is empowered to assume that the defendants assets and earnings from the six years prior to conviction have been derived from criminal conduct and to make an order accordingly, the court is further required to make this assumption following a conviction for drug trafficking.

The **Criminal Justice Act 2003** brought in means to involve the Crown Prosecution Service in charging decisions and to reform the system for allocating cases to court. It introduced a new presumption against bail in certain circumstances where an offence has been committed while on bail or for defendants charged with an imprisonable offence. The Act aimed to ensure that criminal trials are run more efficiently and to ensure a reduction in abuse of the system:

- Reformed the rules on advance disclosure of evidence, with effect from 4 May 2005.
- Allowed for a judge-alone trial in cases involving threats and intimidation of juries, and paved the way for a judge-alone trial in exceptionally long, complex serious fraud cases (not yet in force).
- Rules on evidence were changed to allow the use of previous convictions where relevant, and to allow the use of reported (hearsay) evidence where there is good reason why the original source cannot be present, or where the judge otherwise considers it would be appropriate, with effect from 4 April 2005.
- A right of appeal for the prosecution against judicial decisions to direct or order an acquittal before the jury has been asked to consider the evidence. This will be introduced to balance the defendant's right of appeal against both conviction and sentence (not yet in force).
- The Act also makes it possible in certain very serious cases for a retrial to take place despite an earlier acquittal if there is new and compelling evidence of an accused's guilt, with effect from 4 April 2005.

The Act provides a sentencing framework that is clearer and more flexible than before:

- The purposes of sentencing of adults are identified in statute for the first time, as punishment, crime reduction, reform and rehabilitation, public protection and reparation.
- The principles of sentencing are set out, including that any previous convictions, where they are recent and relevant, should be regarded as an aggravating factor, which will increase the severity of the sentence, with effect from 4 April 2005.
- Through the implementation of section 167 of the act, a new Sentencing Guidelines Council was established on 27 February 2004. This Council and the Sentencing Advisory Panel work together to ensure that sentencing guidelines are produced which encourage consistency in

sentencing throughout the courts of England and Wales and support sentencers in their decision making.

- Sentence lengths of 12 months or over are served in full, with half in custody, half in the community and with supervision extended to the end of the sentence rather than the  $\frac{3}{4}$  point as previously, with effect from 4 April 2005.

It brought in changes to the sentences available to the courts:

- The various kinds of community orders for adults were replaced by a single community order with a range of possible requirements, commenced 4 April 2005 (see Appendix 1).
- Serious violent and sexual offenders were given new sentences, to ensure that they are kept in prison or under supervision for longer periods than previously, with effect from 4 April 2005 (see Appendix 1).
- An increase in sentence length for aggravated offences related to disability, sexuality, race or religion, with effect from 4 April 2005.
- Some new short custodial sentences were introduced. These include intermittent custody and a reformed suspended sentence in which offenders have to complete a range of requirements imposed by the court. Intermittent custody was piloted from January 2004 to November 2006, but not implemented, and the new suspended sentence was commenced from 4 April 2005.

The Act also addressed a number of other areas:

- It contains a number of provisions on drug related offending, extending to those aged 14 and above, the provisions to test persons in police detention and at other points in the criminal justice system for specified Class A drugs. It also reclassified Cannabis as a class C drug, introduced on 1 August 2004. This decision was subsequently reversed and cannabis was re-classified as a class B drug from 26 January 2009.
- It established a five year mandatory minimum custodial sentence for unauthorised possession of a prohibited firearm, with effect from 22 January 2004.
- It increased the maximum penalty for causing death by dangerous driving from 10 to 14 years, with effect from 27 February 2004.
- In relation to juveniles, the Act extended the use of parenting orders by making them available at an earlier stage and introduced individual support orders, requiring young people with anti-social behaviour orders to undertake education-related activities, introduced on 27 February 2004.
- In relation to fines it introduced the financial circumstances order which compelled offenders to inform the court of their financial circumstances so that the court can impose a fine that both reflects the seriousness of the offence and the ability of pay of the offender.

The **Sexual Offences Act 2003** was brought in from May 2004 and repealed virtually all of the previous legislation relating to sexual offences. It included the following main offences, with effect from 1 May 2004:

- Rape and the evidential and conclusive presumptions about consent regarding adults, covering an individual's ability to make a choice or where violence or threats of violence take place.
- Assault by penetration, committing an offence, causing a person to engage in sexual activity without consent.
- Rape and other offences against children under 13, where the offence is committed intentionally.
- Child sex offences, including causing or inciting a child to engage in sexual activity making it constitute an offence regardless of whether the activity incited actually takes place.
- Causing a child to watch a sexual act and child sex offences committed by children or young persons.
- Re-enacting and amending abuse of position of trust under sections 3 and 4 of the Sexual Offences (Amendment) Act 2000.
- Familial child sex offences, including intension and incitement of the offence.
- Offences against persons with a mental disorder.
- Indecent photographs of children redefining a 'child' for the purposes of the Protection of Children Act 1978, as a person under 18 years of age.
- Abuse of children through prostitution and pornography, covering under 18s and under 13s.
- Exploitation of prostitution including trafficking of a person into or out of the UK for sexual exploitation.
- Preparatory offences and sex with an adult relative.
- The act also defined the interpretation of the terms 'sexual' and 'consent'.

The Act also introduced new civil preventative orders:

- Notification orders: This is an order which can be made, on application by a chief officer of police, in respect of individuals who have been convicted, cautioned etc. abroad for sexual offences equivalent to the sexual offences listed in Schedule 3 of the 2003 Act. The effect of the order is to make such offenders subject to the notification requirements of Part 2 of the 2003 Act as if they had been convicted, cautioned etc. in the UK of a relevant offence, with effect from 1 May 2004.
- Sexual offences prevention orders (SOPOs): This order replaced both the sex offender order and the restraining order. Therefore, a SOPO can be made on application by a chief officer of police in respect of a convicted sex offender or by a court at conviction. The SOPO is also an

improvement on the existing orders. A conditional discharge cannot be received as punishment for breach of a SOPO, with effect 1 May 2004.

- Foreign travel orders: This order enables the courts, in certain circumstances and on application by a chief officer of police, to prohibit those convicted of sexual offences against children aged under 16 from travelling overseas where there is evidence that they intend to cause serious sexual harm to children in a foreign country, with effect 1 May 2004.
- Risk of sexual harm orders (RSHOs): This order, similar to the SOPO, aims to restrict the activities of those involved in grooming children for sexual activity. A previous conviction, caution etc. for a sexual offence is not a prerequisite in applying for a RSHO, with effect 1 May 2004.

None of the provisions in the act applied retrospectively.

The **Fraud Act 2006** commenced from 15 January 2007 and summarised fraud into three categories:

- Fraud by false representation;
- Fraud by failing to disclose information;
- Fraud by abuse of position.

It also created new offences for:

- Obtaining Services Dishonestly;
- Possessing, making or supplying articles for use in Fraud;
- Sole traders, who are now subject to fraudulent trading charges.

The aim of the Act was to criminalise the intent of a fraudulent act rather than the act itself, this will allow the Act to respond to technological advances which may alter the means by which a fraudulent act can be committed.

The **Criminal Justice and Immigration Act 2008** commenced from November 2008 and was a wide ranging Act which aimed to make further provisions about the criminal justice system; dealing with offenders; the management of offenders; and to amend the Repatriation of Prisoners Act 1984.

It created or amended a number of offences, including:

- A new offence of inciting hatred on the grounds of sexual orientation;
- A ban on the possession of extreme pornographic images;
- Clarification of the law on self-defence;
- New civil penalties for serious breaches of data protection principles and made unlawfully obtaining personal data an offence punishable by up to two years in prison;
- Abolished the common law offence of blasphemy and blasphemous libel.

It also made changes to sentencing, including:

- The creation of Violent Offender Orders (VOOs): Civil preventative orders that allow courts to impose post-sentence restrictions on those convicted of violent offences.
- The clarification of sentencing procedures for young offenders.
- The creation of the youth conditional caution and the Youth Rehabilitation Order (YRO) a generic community sentence similar to the adult community order in which a 'menu' of requirements is chosen from to create a bespoke order specific to an offender and their offending behaviour. The YRO came into effect on 30 November 2009.
- Amended provisions in the Criminal Justice Act 2003 so as to give judges more discretion over the use of public protection sentences; for the use of public protection sentences to be restricted to offences for which two years real time in prison is justified or where the offender has previously been convicted of a specified offence (listed in Schedule 15A to the 2003 Act); and for release from an extended sentence to be automatic at the half way point of the custodial period with licence extending then until the end of the extension period. These changes apply to cases sentenced on or after 14 July 2008.

The **Coroners and Justice Act 2009** introduced several new offences:

- Offences relating to encouraging or assisting suicide
- Possession of prohibited images of children.

It also made changes to:

- Retrospective application of genocide, crimes against humanity and war crimes
- Persons suffering from diminished responsibility, partial defence: loss of control relating to murder
- Driving disqualifications for those also sentenced to immediate custody
- Added certain terrorist offence to the list for which Indeterminate sentences for public protection are available.

The Act introduced provisions for anonymity in certain investigations and for certain witness. It established the Sentencing Council to replace the Sentencing guidelines Council.

The **Policing and Crime Act 2009** introduced new offences:

- Paying for sexual services of a prostitute subjected to force etc.
- Soliciting
- Persistently possessing alcohol in a public place and amended:
- Loitering etc for purposes of prostitution.

## **Appendix 3 – Coverage and recording practice affecting the statistics**

### **Sentencing Statistics for court proceedings**

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

All magistrates' courts data for 2008 were received on magnetic tape, disk or via secure email. From November 2008 all magistrates' courts data were provided by the Libra case management system. As for Crown Court data, from 1 July 1995 all data on trials and sentences were received directly from the Court Service's CREST computer system and this continues to be the source of Crown Court data. For trials completed after this date, information can be analysed by the final plea recorded at the completion of the trial.

Lancashire police in 1999, Norfolk police in 2000 and Humberside, Merseyside, Northumbria, Staffordshire and Surrey police in 2001 were not able to supply all the returns for summary proceedings within the required timescale. In addition there were two further problems which affected magistrates' courts data in 2000. Staffordshire police were only able to supply a nine per cent sample of data covering one full week in each quarter of 2000.

This data has been used to estimate the total number of defendants for which magistrates' courts proceedings were completed in that area. Hence all Staffordshire figures for 2000 are estimates and the England and Wales figures for 2000 have been constructed using those estimates. Also, for the first time, problems were encountered with the electronic submission of data directly from the courts. Shortfalls in summary motoring offences were discovered for Northamptonshire from June 2000 onwards.

In 2001, a single month's shortfall or part thereof was found for indictable and summary motoring offences at Humberside, Merseyside, Staffordshire and Surrey police. In 2002, part shortfalls were noted for Merseyside over all offences groups for a five-month period, together with summary motoring and/or summary non-motoring for Gwent, Norfolk and Northamptonshire.

The estimates in the table below reflect those shortfalls. In 2003 there were shortfalls for South Yorkshire and Thames Valley for summary non-motoring offences. For summary motoring offences the main shortfalls were for Suffolk and Northamptonshire. Estimates for these and for other minor shortfalls are reflected in the table. No significant shortfalls were identified in 2004, 2005, 2006 or 2007.

The following estimates have been constructed on the shortfalls in the number proceeded against in magistrates' courts for each year since 1999, arising from the circumstances described in the previous paragraphs. For practical reasons it is not possible to include these estimates in the numerous tabulations of court proceedings data produced by the Ministry of Justice.

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

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

During 2008, data from Cardiff magistrates' court for April, July and August were corrupted during the transmission to the Ministry of Justice. Despite all efforts by the court staff and IT departments it has proved impossible to retrieve the information and has subsequently been excluded from this report.

Previously, breaches of court orders that once breached become a criminal offence (e.g. breach of an anti-social behaviour order) were excluded from the count of court proceedings because of recording issues. For 2009 the recording process has been resolved, which has enabled the inclusion of breach offences data for the first time. Data for previous years have not been revised to follow this change.

The tables on court proceedings relate to proceedings completed in the year. A defendant will appear more than once in the tables if proceedings were completed against that defendant on more than one occasion during the year. In the statistics, the term 'other defendants' is used to denote companies and other businesses, local authorities, public bodies, etc. Additionally, following

the introduction of the Libra case management system, defendants at magistrates' courts can be recorded as sex "Not Stated". Detailed comparisons by gender of defendants are no longer possible.

The main breakdown in the tables of this report is by offence, into indictable and summary. The former term includes both indictable only and triable either way offences. A defendant is recorded only once for each set of court proceedings, against the principal offence involved. Where proceedings involve more than one offence, the tables record the principal offence. The basis for the selection of the principal offence is as follows:

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

Changes in the maximum penalties and in whether offences with different maximum penalties are separately coded, this may affect the selection of the principal offence at stage (c) above. Such changes are likely to be most apparent for proceedings in which no sentence is imposed, including committals by magistrates.

The offence shown in the tables on court proceedings as the one for which the court took its final decision, is not necessarily the same as the offence for which the defendant was initially prosecuted, for example the court may accept a plea of guilty on a lesser charge. Unless otherwise stated, the sentence shown is the most severe sentence or order given for the principal offence (i.e. the principal sentence); thus, secondary sentences given for the principal offence and sentences for non-principal offences are not counted in the tables, with the exception of those on compensation, confiscation and forfeiture where one of the first three disposals may be counted.

### **Ethnic Monitoring**

Section 95 of the Criminal Justice Act 1991 requires the Secretary of State to publish such information as he considers expedient in order to enable those involved in the criminal justice system to become aware of the financial implications of their decisions, or to avoid improper discrimination on grounds of race, sex or any other improper grounds. The Home Office published a series of documents from 1992 onwards on the issue of race within the criminal justice system. The publication brings together both points relating to the Government's policy on race as well as statistical information.

The latest publication, 'Statistics on Race and the Criminal Justice System – 2008/09', presents data, broken down by ethnicity, on the Police and Criminal Evidence Act (PACE) stops and searches, victims and homicide, arrests and cautions, prosecutions and sentencing, the prison population, racist incidents,

police complaints and employment by criminal justice agencies.  
<http://www.justice.gov.uk/stats-race-and-the-criminal-justice-system-2008-09c1.pdf>

### **Average custodial sentence length**

The average custodial sentence length (ACSL) is calculated for all determinate custodial sentences. Indeterminate sentences, such as life sentences and imprisonment for public protection sentences (introduced in April 2005 under the Criminal Justice Act 2003) cannot be included, as the length of the sentence is not known. Offenders receiving an indeterminate sentence for public protection for a serious offence would under previous sentencing frameworks have received a lengthy determinate sentence that would have been included in the calculation of average custodial sentence length. Changes implemented in 2008 by the Criminal Justice and Immigration Act 2008 were designed to give sentencing judges more discretion in the use of public protection sentences and may, consequently, have the effect of increasing the ACSL as fewer indeterminate and more, longer, determinate sentences are handed down.

### **Data validation**

The data received from the police and court systems that are used in this report go through a number of internal and external validation and consistency checks. Records are individually validated in an automated process that highlights inconsistencies. In particular, checks are made, where possible, to ensure that:

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

For especially serious offences including homicide and serious sexual offences, and for severe disposals including life imprisonment, records are flagged for manual confirmation to further reduce the possibility of error.

Where these validation checks fail courts data are corrected by referring to original court registers. For cautions and PND data, police are asked to confirm the information provided. However, the process of validating records can take up to six months to complete after the record has been received.

In 2009, approximately ten percent of courts records received contained at least one validation check failure that was flagged for confirmation or correction.

### **Concluding comments on data quality**

Every effort is made to ensure that the figures presented in this publication are accurate and complete. However, it is important to note that these data have been extracted by the courts and police forces from a variety of administrative

data systems and the detail supplied to Justice Statistics Analytical Services (JSAS) within the Ministry of Justice is therefore subject to the inaccuracies inherent in any large-scale recording system. Although some figures in this volume are shown to the last digit, the figures are not necessarily accurate to the last digit shown. It is important that users of the data take these limitations into account when using and interpreting the data presented in this volume and in the accompanying detailed tables, available for download in Excel format. Where the statistics shown are rounded, the components may not add exactly to the rounded total because they have been rounded independently.

### **Sentencing Statistics from the Police National Computer**

The figures for the previous criminal history of sentenced offenders presented in this chapter have been taken from the Ministry of Justice's extract from the Police National Computer (PNC), the operational database used by all police forces in England and Wales.<sup>7</sup>

#### **Coverage of offences**

The tables relate to sentencing occasions recorded on the PNC for indictable offences, although some figures are given in table 6.1 for those summary offences that are recorded by the police.<sup>8</sup> Where an offender has been sentenced on more than one occasion the offender's criminal history on each occasion has been included. Where an offender has been sentenced on the same occasion for several offences it is the details of primary offence<sup>9</sup> that have been presented. The figures relate to sentencing occasions for offences prosecuted by police forces in England and Wales; they exclude sentences resulting from prosecutions brought by other authorities such as the DWP, HMRC, MOD and British Transport Police. Although some of these cases are recorded on the PNC they may not always be linked to the offender's previous criminal history and have therefore been excluded. Certain offences, such as benefit fraud, which are commonly prosecuted by non-police authorities, are undercounted in these tables.

The tables show criminal history figures for offenders at each sentencing occasion. These criminal history figures are counts of separate previous occasions when the offender received a reprimand, final warning, caution or conviction. They cover all offences recorded by the police on the PNC including both indictable and summary offences and include cases brought by non-police prosecuting authorities. Table 6.4 is exceptional in that it shows figures for offenders sentenced for particular offences or groups of offences

---

<sup>7</sup> Like any other large scale administrative database the PNC is subject to delays and errors on recording and data entry. All the figures shown may be subject to later revision as more information is recorded by the police.

<sup>8</sup> The PNC covers 'recordable' offences, which are defined as offences that can attract a custodial sentence plus some additional offences defined in legislation. Some non-recordable offences are also included on the PNC, particularly when they accompany recordable offences in the same case. A range of less serious summary offences are not recorded on the PNC.

<sup>9</sup> Generally the offence for which the heaviest sentence was imposed.

along with their previous criminal histories for the same offences or groups of offences.

### **Changes to offence classifications**

Since the last publication of this report there have been two changes to the classification of offences that have had a small impact on the presentation of the sentences covered in chapter 6: offences involving fraud or forgery associated with vehicle or driver records have been moved from the indictable motoring class to the fraud and forgery class.

The coding of some common assault offences has been corrected; these had previously been incorrectly coded as fraud offences. This change means that these offences have been reclassified as summary rather than indictable offences and has therefore resulted in their exclusion from most of the tables in chapter 6.

### **Impact of incompleteness of the PNC prior to 1996 on criminal histories of offenders**

The PNC has been in use by the police since 1995, and from that date any offenders charged for a recordable offence have been included along with their previous criminal history. Analysis of PNC records shows that although cautions have been increasingly used since 1980s they were not recorded in the criminal history of offenders before the PNC was introduced. In addition there were changes in the coverage of recordable offences around 1995 and 1996 with the addition offences such as drink driving, drunk and disorderly and criminal damage.

The Ministry of Justice has conducted a study to examine whether these changes have had an impact on the trends in criminal histories by using different approaches to calculate the criminal histories for adult offenders between 2000 and 2008. (The criminal histories for juvenile offenders from 2000 onwards are largely unaffected by changes in coverage in 1995 and 1996.) Rather than include all convictions and cautions for all previous periods criminal histories were constructed covering only the previous 8 or the previous 5 years in order to exclude the period before 1997 that was affected by the changes. Criminal histories were also constructed that counted only previous convictions, i.e. excluding cautions, and in addition that excluded convictions for those offences affected by the coverage changes including drink driving, drunk and disorderly and criminal damage.

The study showed that similar upward trends in the percentage of sentenced offenders with a substantial criminal history were found using all the approaches examined. The study concluded that the deficiencies in the recording of criminal histories on the PNC before 1996 had not had any major impact on the statistics on previous criminal history.

## Appendix 4 – Statistics on the Criminal Justice System

### Directory of related Internet sites

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

**Ministry of Justice**, <http://www.justice.gov.uk/publications/statistics.htm>  
Gives details of Ministry of Justice Statistical and Research publications, most of which can be viewed on-line. For historic publications, see the links to 'earlier volumes in the series' (on Home Office site) on individual publication pages. Information on prison and offender management caseload statistics can be found at [www.justice.gov.uk/publications/prisonandprobation.htm](http://www.justice.gov.uk/publications/prisonandprobation.htm)

**CJS Online**, [www.cjsonline.gov.uk/](http://www.cjsonline.gov.uk/)  
Gives detailed information on all aspects of the CJS through news releases/updates, publications and projects being worked on. Also has a 'Link Library' with hyperlinks to many other listed agencies.

**HM Prison Service**, [www.hmprisonservice.gov.uk](http://www.hmprisonservice.gov.uk)  
Gives information about news releases and updates, publications and links to UK government and parliamentary sites, international organisations and prison services around the world.

**National Probation Service**, [www.probation.homeoffice.gov.uk](http://www.probation.homeoffice.gov.uk)  
Provides information about the service, its work and effectiveness, guidance to practitioners together with news releases/updates/publications and UK criminal justice links.

**HM Courts Service**, [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)  
Provides information on the delivery of justice and work of HM Courts Service.

**The Crown Prosecution Service**, [www.cps.gov.uk](http://www.cps.gov.uk)  
Gives information on the department and provides particulars in relation to legal guidance/victims and witnesses, in addition to details of publications.

**Youth Justice Board**, [www.yjb.gov.uk/en-gb/](http://www.yjb.gov.uk/en-gb/)  
Press releases, contacts, data on youth offending teams, latest legislation, statistics and other background information.

**The Attorney General's Office**, [www.attorneygeneral.gov.uk](http://www.attorneygeneral.gov.uk)  
Provides information on the role of the department including new releases; updates; reports; reviews and links to other law officer's departments and organisations.

**The Welsh Assembly Government**, [www.wales.gov.uk](http://www.wales.gov.uk)  
Gives information on all aspects of the Welsh Assembly together with details of publications and statistics.

**The Scottish Government**, [www.scotland.gov.uk](http://www.scotland.gov.uk)

Gives information on all aspects of the Scottish Executive together with details of publications and statistics.

**Criminal Justice System Northern Ireland**, [www.cjsni.gov.uk](http://www.cjsni.gov.uk)

Provides access to the main statutory agencies and organisations that make up the CJS together with details of publications.

**UK National Statistics Publication Hub**, [www.statistics.gov.uk](http://www.statistics.gov.uk)

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

**Sentencing Guidelines Council**,

[www.sentencing-guidelines.gov.uk/news/newsletter](http://www.sentencing-guidelines.gov.uk/news/newsletter)

This newsletter called, The Sentence, keeps you informed about the work of the Sentencing Guidelines Council and the Sentencing Advisory Panel and reports all the latest news on sentencing issues.

## **Appendix 5 – Criminal Statistics: England and Wales 2009, Supplementary tables listing**

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

### **Volume 1 Proceedings in magistrates' courts**

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

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

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

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

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

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

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

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

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

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

## **Volume 2 Proceedings in the Crown Court**

### **Defendants tried and/or sentenced at the Crown Court by offence, sex, result, and by age group**

Table S2.1 (A)	Defendants tried and/or sentenced by offence, sex and result
Table S2.1 (B)	Persons aged 10 and under 12 tried and/or sentenced by offence, sex and result
Table S2.1 (C)	Persons aged 12 and under 15 tried and/or sentenced by offence, sex and result
Table S2.1 (D)	Persons aged 15 and under 18 tried and/or sentenced by offence, sex and result
Table S2.1 (E)	Persons aged 10 and under 18 tried and/or sentenced by offence, sex and result
Table S2.1 (F)	Persons aged 18 and under 21 tried and/or sentenced by offence, sex and result
Table S2.1 (G)	Persons aged 21 and over tried and/or sentenced by offence, sex and result

### **Defendants 'otherwise dealt with' at the Crown Court by offence group, sex, sentence, and by age group**

Table S2.1 (A)(i)	Persons 'otherwise dealt with' by offence group, sex and sentence
Table S2.1 (C)(i)	Persons aged 12 and under 15 'otherwise dealt with' by offence group, sex and sentence
Table S2.1 (D)(i)	Persons aged 15 and under 18 'otherwise dealt with' by offence group, sex and sentence
Table S2.1 (E)(i)	Persons aged 10 and under 18 'otherwise dealt with' by offence group, sex and sentence
Table S2.1 (F)(i)	Persons aged 18 and under 21 'otherwise dealt with' by offence group, sex and sentence
Table S2.1 (G)(i)	Persons aged 21 and over 'otherwise dealt with' by offence group, sex and sentence

### **Defendants tried and/or sentenced by Crown Court centre and result**

Table S2.2	Defendants tried and/or sentenced by Crown Court centre and result
------------	--

### **Persons sentenced to immediate custody at the Crown Court by offence, sex, length of sentence and average length of sentence**

Table S2.4	Persons sentenced to unsuspended imprisonment by offence, sex, length of sentence and average length of sentence
------------	--

Table S2.5	Persons sentenced to young offender institution by offence, sex, length of sentence and average length of sentence
Table S2.6	Persons sentenced to detention and training order by offence, sex, length of sentence and average length of sentence
Table S2.7	Persons sentenced under section 91/92 of the Powers of the Criminal Court (Sentencing) Act 2000 by offence, sex, length of sentence and average length of sentence
Table S2.7a	Persons sentenced to immediate custody by offence, sex, length of sentence and average length of sentence

**Persons fined or ordered to pay compensation at the Crown Court by sex, amount and offence group**

Table S2.3	Persons fined for all offences by amount of fine, sex and offence group
Table S2.8A	Offenders ordered to pay compensation by amount of compensation and offence group
Table S2.8B	Percentage of offenders in each offence group ordered to pay compensation by amount of compensation

### **Volume 3 Court proceedings and cautions by police force area**

#### **Persons found guilty of all offences at magistrates' courts by police force area, sex and type of offence**

Table S3.1 (A)	Total persons
Table S3.1 (B)	Persons aged 10 and under 12
Table S3.1 (C)	Persons aged 12 and under 15
Table S3.1 (D)	Persons aged 15 and under 18
Table S3.1 (E)	Persons aged 18 and under 21
Table S3.1 (F)	Persons aged 21 and over
Table S3.1 (G)	Other offenders

#### **Persons proceeded against at magistrates' courts for indictable offence by police force area, sex and result**

Table S3.2 (A)	Total persons
Table S3.2 (B)	Persons aged 10 and under 12
Table S3.2 (C)	Persons aged 12 and under 15
Table S3.2 (D)	Persons aged 15 and under 18
Table S3.2 (E)	Persons aged 18 and under 21
Table S3.2 (F)	Persons aged 21 and over

#### **Persons found guilty of all offences at the Crown Court by police force area, sex and type of offence**

Table S3.3 (A)	Total persons
Table S3.3 (B)	Persons aged 10 and under 12
Table S3.3 (C)	Persons aged 12 and under 15
Table S3.3 (D)	Persons aged 15 and under 18
Table S3.3 (E)	Persons aged 18 and under 21
Table S3.3 (F)	Persons aged 21 and over
Table S3.3 (G)	Other offenders

#### **Persons tried and/or sentenced at the Crown Court for indictable offences by police force area, sex and result**

Table S3.4 (A)	Total persons
Table S3.4 (B)	Persons aged 10 and under 12
Table S3.4 (C)	Persons aged 12 and under 15
Table S3.4 (D)	Persons aged 15 and under 18
Table S3.4 (E)	Persons aged 18 and under 21
Table S3.4 (F)	Persons aged 21 and over

**Persons cautioned by police force area, sex and offence group**

Table S3.5 (A)	Total persons
Table S3.5 (B)	Persons aged 10 and under 12
Table S3.5 (C)	Persons aged 12 and under 15
Table S3.5 (D)	Persons aged 15 and under 18
Table S3.5 (E)	Persons aged 18 and under 21
Table S3.5 (F)	Persons aged 21 and over

**Persons cautioned by police force area, sex and age**

Table S3.6 (A)	For indictable offences
Table S3.6 (B)	For summary offences (excluding motoring)

**Persons cautioned by offence, sex and age**

Table S3.7 (A)	For indictable offences
Table S3.7 (B)	For summary offences (excluding motoring)
Table S3.7 (C)	Other offenders found guilty or cautioned

**Offences brought to justice**

Table S3.8	Number of offences brought to justice by Force
------------	--

**Penalty notices for disorder issued by police force area and month**

Table S3.9 (A)	Notices issued to persons aged 16 and under 18
Table S3.9 (B)	Notices issued to persons aged 18 and over
Table S3.9 (C)	Notices issued to persons aged 16 and over (all ages)

**Penalty notices for disorder issued by offence and police force area**

Table 3.10 (A)	Notices issued to persons aged 16 and under 18
Table 3.10 (B)	Notices issued to persons aged 18 and over
Table 3.10 (C)	Notices issued to male persons aged 16 and over (all ages)
Table 3.10 (D)	Notices issued to female persons aged 16 and over (all ages)
Table 3.10 (E)	Notices issued to persons aged 16 and over (all ages)

**Penalty notices for disorder issued with payment rates and outcomes, by police force area.**

Table S3.11 (A)	Notices issued to persons aged 16 and under 18
Table S3.11 (B)	Notices issued to persons aged 18 and over
Table S3.11 (C)	Notices issued to persons aged 16 and over (all ages)

**Penalty notices for disorder issued with payment rates and outcomes,  
by offence.**

Table S3.12 (A) Notices issued to persons aged 16 and under 18

Table S3.12 (B) Notices issued to persons aged 18 and over

Table S3.12 (C) Notices issued to persons aged 16 and over (all ages)

**Volume 4 Proceedings in magistrates' courts – data for individual Petty Sessional Areas**

**Sentencing indicators for all indictable offences**

Table S4.1 (A)	All indictable offence
Table S4.1 (B)	Persons aged 10–17 for all indictable offences
Table S4.1 (C)	Persons aged 18–20 for all indictable offences
Table S4.1 (D)	Persons aged 21 and over for all indictable offences
Table S4.1 (E)	Females all ages for all indictable offences

**Sentencing indicators for selected offences**

Table S4.2	Assault occasioning actual bodily harm
Table S4.3	Common assault
Table S4.4	Assault on a constable
Table S4.5	Burglary in a dwelling
Table S4.6	Theft, excluding shoplifting
Table S4.7	Unauthorised taking of a motor vehicle
Table S4.8	Receiving stolen goods
Table S4.9	Criminal damage
Table S4.10	Possession of class B drugs
Table S4.11	Public Order Act 1986 (s4) – fear or provocation of violence
Table S4.12	Driving while disqualified
Table S4.13	Driving without insurance
Table S4.14	Driving or attempting to drive with excess alcohol

**Volume 5: Proceedings at all courts**

Table S5.1	Defendants prosecuted, convicted and sentenced at all courts by offence
Table S5.2	Persons aged 10 and under 12 prosecuted, convicted and sentenced at all courts by offence
Table S5.3	Persons aged 12 and under 15 prosecuted, convicted and sentenced at all courts by offence
Table S5.4	Persons aged 15 and under 18 prosecuted, convicted and sentenced at all courts by offence
Table S5.5	Persons aged 10 and under 18 prosecuted, convicted and sentenced at all courts by offence
Table S5.6	Persons aged 18 and under 21 prosecuted, convicted and sentenced at all courts by offence
Table S5.7	Persons aged 21 and over prosecuted, convicted and sentenced at all courts by offence
Table S5.8	Persons sentenced to immediate custody by offence at all courts, sex, length of sentence and average length of sentence

**Volume 6: Court Proceedings Offences relating to motor vehicles****Court Proceedings – Magistrates’ Courts**

Table S6.1	Proceedings at magistrates’ courts by offence type and outcome
Table S6.2	Findings of guilt at magistrates’ courts by offence type and sentence or order imposed
Table S6.3	Sentences of immediate (unsuspended) imprisonment imposed at magistrates’ courts by length of sentence
Table S6.4(a)	Sentences of young offender institution imposed at magistrates’ courts by length of sentence
Table S6.4(b)	Sentences of detention and training orders imposed at magistrates’ courts by length of sentence
Table S6.5	Fines imposed at magistrates’ courts by offence group and amount

**Court Proceedings – The Crown Court**

Table S6.6	Proceedings for trial at the Crown Court by offence type and outcome
Table S6.7	Proceedings at the Crown Court for sentencing after summary conviction by offence type and sentence or order imposed
Table S6.8	Sentences of immediate (unsuspended) imprisonment imposed at the Crown Court by length of sentence
Table S6.9(a)	Sentences of young offender institution imposed at the Crown Court by length of sentence
Table S6.9(b)	Sentences of detention and training orders imposed at the Crown Court by length of sentence
Table S6.9(c)	Sentences of S91/92 of The Powers of the Criminal Courts (Sentencing) Act 2000 imposed at the Crown Court by length of sentence
Table S6.10	Fines imposed at trials at the Crown Court by offence group and amount
Table S6.11	Fines imposed at the Crown Court on sentencing after summary conviction by offence group and amount

**Endorsements and Disqualifications**

Table S6.12	Driving licence endorsements and disqualifications imposed at magistrates’ courts by offence group and period of disqualification
Table S6.13	Driving licence endorsements and disqualifications imposed at the Crown Court by offence group and period of disqualification

**Drink/driving**

Table S6.14 Findings of guilt at all courts for offences of driving etc. after consuming alcohol or taking drugs by offence type and age group of offender

**Proceedings and findings of guilt by police force area**

Table S6.15(a) Proceedings at magistrates' courts by offence group and police force area

Table S6.15(b) Findings of guilt at all courts by offence group and police force area

**Findings of guilt by age and sex of offender**

Table S6.16 Findings of guilt at all courts by offence group, sex and age of offender

## **Appendix 6 – Offence Classifications**

The classifications defined in this appendix are those used for 2009. Generally, attempting, conspiring, inciting, aiding, abetting, causing or permitting a crime is classified under the heading of the crime itself, though in certain cases it is shown separately. This information is available in Excel format and can be downloaded from <http://www.justice.gov.uk/publications/sentencingannual.htm>

## Contact points for further information

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

Press enquiries should be directed to the Ministry of Justice press office:

Tel: 020 3334 3536

Email: [pressofficenewsdesk@justice.gsi.gov.uk](mailto:pressofficenewsdesk@justice.gsi.gov.uk)

Other enquiries about these statistics should be directed to:

Iain Bell  
Ministry of Justice  
Justice Statistics Analytical Services  
7th Floor  
102 Petty France  
London  
SW1H 9AJ

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

Other National Statistics publications, and general information about the official statistics system of the UK, are available from [www.statistics.gov.uk](http://www.statistics.gov.uk)

© Crown copyright  
Produced by the Ministry of Justice

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk)

This publication is available on our website at [www.justice.gov.uk](http://www.justice.gov.uk)

Alternative format versions of this report are available on request from [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)