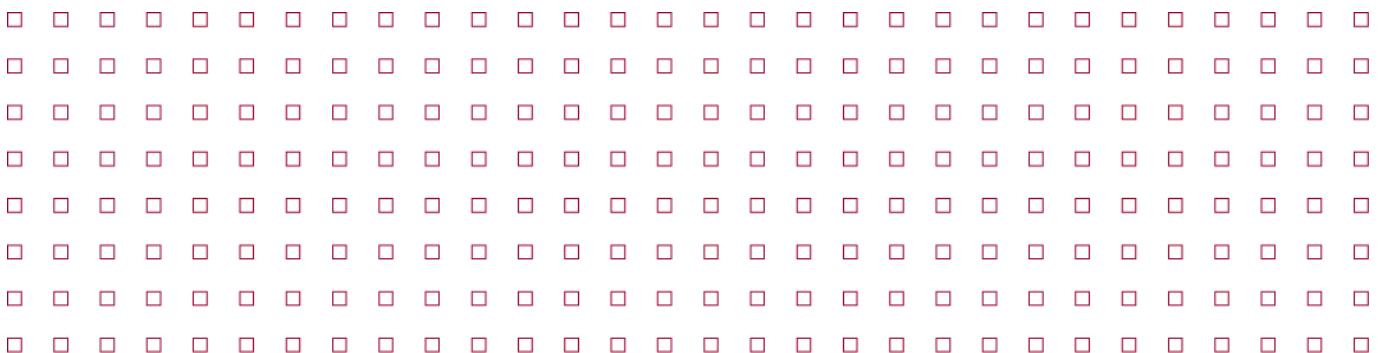




**Sentencing Statistics**  
**Quarterly brief**  
April to June 2010  
England and Wales  
Provisional data

November 2010



## Introduction

This publication has been prepared by Justice Statistics Analytical Services (Criminal Justice System Statistics Team) to provide the latest trends in sentencing in England and Wales, based on provisional sentencing data.

Key statistics for April to June 2010 are compared with April to June 2009 and are set in the context of sentencing patterns over the previous two years.

This quarterly publication presents the persons sentenced for *indictable* offences. These include:

- *indictable only* offences (which are the most serious breaches of criminal law, and must be tried at the Crown Court) and
- *triable-either-way* offences (which may be tried at either the Crown Court or a magistrates' court).

Statistics are shown for magistrates' courts and the Crown Court separately and covers the use of fines, community sentences, immediate custody, suspended sentences and average custodial sentence lengths (ACSL).

The data are provisional. Data goes through further validation and quality checks before being finalised.

Information by offence group and for the types of sentence handed down is provided in the accompanying tables, available for download here:

[Sentencing statistics brief \(quarterly\) - Ministry of Justice](#)

Where figures have been quoted in the text they have been rounded to the nearest 100. Where percentage changes are shown in the text or accompanying tables they are a comparison with the same quarter of the previous year.

## Key points – April to June 2010

All key points relate to **indictable offences** and compare figures for the quarter April to June 2010 with April to June 2009 unless stated.

Persons sentenced following a criminal conviction increased by just under one per cent to 80,400. Of these:

- 58,300 persons were sentenced at magistrates' courts and 22,100 persons at the Crown Court. Whilst the levels at magistrates' courts remained the same there was an increase of 3.1 per cent at the Crown Court [Table 4].
- The percentage of persons sentenced to immediate custody for indictable offences fell by two percentage points to 23.3 per cent. This is the lowest immediate custody rate in the last two years [Table 7].
- Persons sentenced to immediate custody fell by 5.5 per cent to 18,700; this is reflected in the lower immediate custody rate [Table 4].
- The average custodial sentence length (ACSL, excluding life and indeterminate sentences) rose by 0.5 months to 16.6 months. There was an increase of 0.2 months at the Crown Court to 25.0 months and a decrease of 0.1 months at the magistrates' courts to 2.5 months. The overall figure increased more sharply due to the increase in the proportion of custodial sentences from the Crown Court (which tend to have longer sentences) and hence will have a greater effect on the overall figures (see example below). [Table 4]
- Community sentences issued fell by 7.9 per cent to 24,900. The community sentence rate fell by 2.9 percentage points to 30.9 per cent, one of the lowest in the last two years. [Table 4].
- The use of fines continues to increase, rising by one percentage point to 17.7 and by three percentage points over the last two years. The vast majority of fines are given at magistrates' courts where the fine rate has risen by 1.5 percentage points over the last year to 23.8 per cent. [Table 7].
- Juveniles (persons aged 10 to 17 at the point of sentence) sentenced fell by 13 per cent to 9,600. Young adults (aged 18 to 20) sentenced was similar, falling by 0.4 per cent to 10,900, and adults sentenced increased by 4 per cent to 59,900. [Table 3].
- Males sentenced for indictable offences increased by 1.6 per cent to 68,100 whilst for females there was a decrease of 3.0 per cent to 11,900. [Table 4]

**Example of a greater increase in overall ACSL than constituent ACSL's:**

If in one quarter there were 50 custodial sentences at both magistrates' (ACSL 2.5 months) and the Crown Court (ACSL 24.9 months), then this would result in an ACSL of 13.7 months  $[(2.5*50)+(24.9*50)/(50+50)]$ . If then in the next quarter both ACSL's were to increase by 0.1 months and the proportion was to change so that 60 custodial sentences were to come from the Crown Court and 40 from magistrates' courts this would result in an ACSL of 16.0 months  $[(2.4*40)+(25.0*60)/(60+40)]$ . This is analogous to the situation this quarter; while the magistrates' ACSL has fallen and the Crown Court ACSL has risen only slightly, the proportion of custodial sentences from the Crown Court has risen from 62 to 63 per cent and these longer sentences have had a greater effect on the overall figure.

## Sentences by offence group [Tables 6 and 7]

Sentences for drug offences showed the largest increase, rising by 1,400 to 14,800 (10.3 per cent). There were also increases in persons sentenced for sexual offences which increased by 6.7 per cent to 1,300; theft and handling stolen goods which increased by 1.1 per cent to 28,100; and other indictable (excluding motoring) offences, this includes offences of affray and absconding whilst on bail, which increased by 5.4 per cent to 11,300. The largest proportionate fall was for robbery, which fell 11.4 per cent to 2,000. The largest absolute decrease was in sentences for violence which fell by 600 (5.7 per cent) to 10,000.

Custody rates for the ten offence groups ranged from 57.5 per cent for robbery offences and 56.0 per cent for sexual offences, reflecting the serious nature of offences in these groups, to 16.8 per cent for drug offences and 13.4 per cent for criminal damage. Compared with the second quarter of 2009 the immediate custody rate fell for eight of the ten offence groups, the largest fall was for fraud and forgery offences which fell 4.3 percentage points to 21.9 per cent. The immediate custody rate for criminal damage increased by 1.0 percentage points to 13.4 per cent and was stable for drug offences at 16.8 per cent.

The ACSL rose for six of the ten offence groups. The largest increases were for violence against the person offences which rose by 0.9 months to 18.0 months and for robbery offences which rose 0.8 months to 34.0 months. The largest falls in ACSL were for drug offences which fell by 0.8 months to 30.9 months and other indictable offences (excluding motoring) which fell by 0.3 months to 10.1 months.

Suspended sentence rates were highest for indictable motoring offences at 24.7 per cent, and lowest for robbery at 5.4 per cent. Suspended sentence rates for sexual offences showed the largest increase of 2.1 percentage points to 8.5 per cent. The biggest decrease was for robbery, down 0.2 percentage points to 5.4 per cent.

Community sentence rates ranged from 41.5 per cent for criminal damage to 21.3 per cent for drug offences. Community sentence rates fell for nine of the ten offence groups; the only increase was for fraud and forgery offences which increased 3.0 percentage points to 34.8 per cent.

Fine rates were highest for drug offences at 38.5 per cent – an increase of 1.7 percentage points, and lowest for robbery which received none – a decrease of 0.1 percentage points.

Discharge rates (included with 'other sentences' in the accompanying tables) remained highest for theft (21.7 per cent) and criminal damage (21.1 per cent) offences and lowest for robbery (0.2 per cent).

As the measurement time frames are relatively short and the offence group categories relatively small, any change in disposal rates is more likely to be indicative of changes in the relative seriousness of offences coming before the courts rather than any wider change in sentencing practice.

## Magistrates' courts [Table 4]

During the second quarter of 2010 there were 58,300 persons sentenced at magistrates' courts for indictable offences, similar to the levels in same quarter of 2009. Of these:

- The immediate custody rate fell from 13.0 to 11.8 per cent. Persons sentenced to immediate custody fell by 9.1 per cent to 6,900.
- The average custodial sentence length fell from 2.6 to 2.5 months. The ACSL at magistrates' courts has fluctuated little over the past two years as magistrates can only give a limited range of custodial sentences, up to 6 months in the majority of cases. For juveniles convicted of more serious offences the maximum sentence is a 24 month Detention and Training Order.
- The suspended sentence rate at magistrates' courts fell from 5.3 to 4.9 per cent, the lowest since Q4 2008.
- The community sentence rate has fluctuated in the past two years rising from 37.9 per cent in Q2 2008 to a peak of 40.4 per cent in Q1 2009, since then it has fallen to 35.7 per cent this quarter.
- The fine rate stood at 23.8 per cent, a rise of 1.5 percentage points on Q2 2009 and 3.9 percentage points on Q2 2008. Despite stability in the overall number of people being sentenced, fines issued rose by 6.6 per cent to 13,800. Within magistrates' courts the median fine given was £70 and the mean fine was £122; this is a decrease compared to Q2 2009 when the median fine was £75 and the mean fine £129.
- Absolute or conditional discharges (included with 'other sentences') comprised 17.3 per cent of magistrates' sentences in Q2 2010, a one percentage point rise on Q2 2009.

## Crown Court [Tables 3 and 4]

There were 22,100 persons sentenced at the Crown Court during the second quarter of 2010, an increase of 3.1 per cent on the same quarter of 2009. Of these:

- The immediate custody rate fell by 3.5 percentage points to 53.3 per cent, the lowest immediate custody rate of any quarter in the past two years.
- The ACSL increased by 1.0 per cent to 25.0 months. There has been little variation in average sentence lengths at the Crown Court since 2008.
- The community sentence rate this quarter of 18.4 per cent is the highest in the last two years and has risen by 1.6 percentage points since Q2 2008. An increase in the number of community orders, from 3,300 to 3,900 over this period, contributed to the rise.
- The suspended sentence rate increased by 0.6 percentage points to 21.8 per cent. The suspended sentence rate for adults and young adults (suspended sentences are only available for offenders aged 18 and over) have remained stable over the past two years, between 19 and 23 per cent respectively.
- The fine rate at the Crown Court increased by 0.2 percentage points to 1.9 per cent. Fines issued rose by 16.7 per cent to 420; the large percentage increase was due to the relatively small number of fines issued at this venue. Within Crown Court the median fine given was £300, the same as in Q2 2009, and the mean fine given was £1,695.
- The discharge rate (included with 'other sentences') remained stable at 2.3 per cent, totalling 506 sentences.



**Table i: Persons sentenced by disposal**

	Magistrates'	Crown	All Courts
<b>Total Sentenced (all ages)</b> <i>(comparing Q2 2010 with Q2 2009)</i>	58,280 <i>0.0%</i>	22,137 <i>3.1%</i>	80,417 <i>0.8%</i>
<b>Fine</b>	13,842 <i>6.6%</i>	419 <i>16.7%</i>	14,261 <i>6.9%</i>
<b>Community sentence</b>	20,781 <i>-11.5%</i>	4,072 <i>16.0%</i>	24,853 <i>-7.9%</i>
<b>Immediate custody</b>	6,901 <i>-9.1%</i>	11,805 <i>-3.2%</i>	18,706 <i>-5.5%</i>
<b>Suspended sentence</b>	2,862 <i>-7.6%</i>	4,818 <i>6.2%</i>	7,680 <i>0.6%</i>
<b>Other sentence<sup>(1)</sup></b>	13,894 <i>24.7%</i>	1,023 <i>17.7%</i>	14,917 <i>24.2%</i>
<i>Of which absolute or conditional discharge</i>	10,064 <i>5.3%</i>	506 <i>5.0%</i>	10,570 <i>5.3%</i>
<b>Average custodial sentence length (months)<sup>(2)</sup></b>	2.5 <i>-5.6%</i>	25.0 <i>1.0%</i>	16.6 <i>2.6%</i>

(1) *Includes discharges, compensation order and detention in police cells.*

(2) *Excludes life sentences and IPPs.*

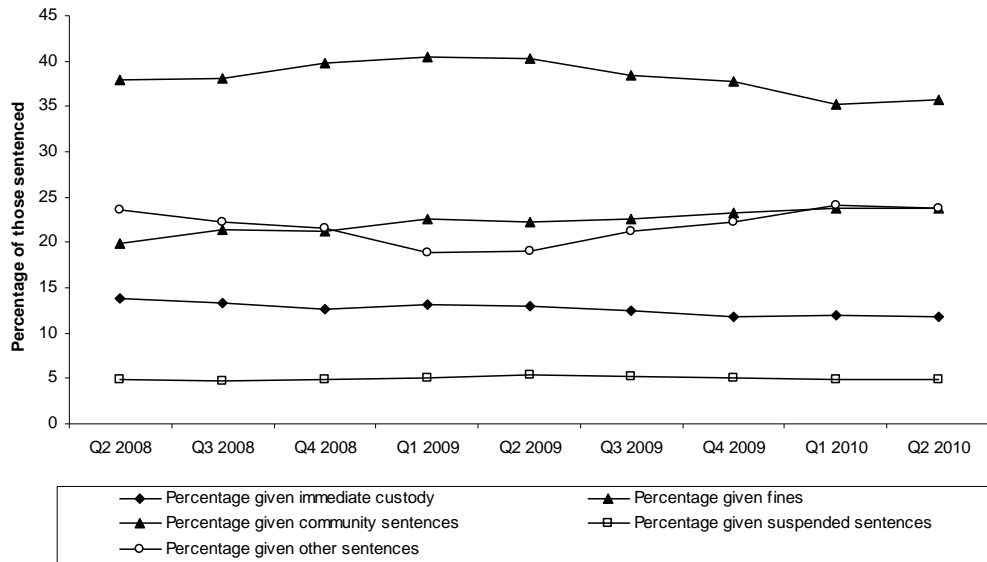
Note: 2010 data are provisional

**Table ii: Persons sentenced by age**

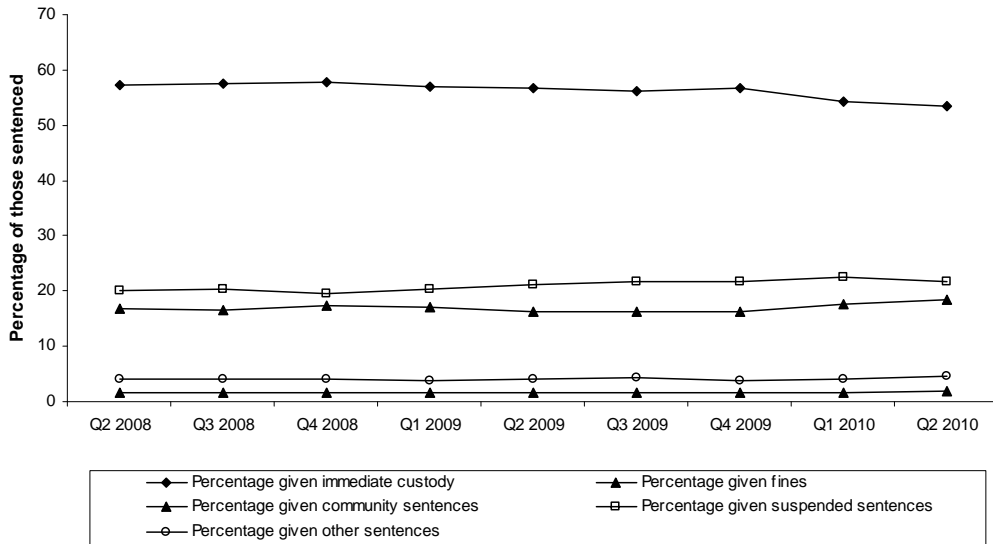
	Magistrates'	Crown	All Courts
<b>Total Sentenced (all ages)</b> <i>(comparing Q2 2010 with Q2 2009)</i>	58,280 <i>0.0%</i>	22,137 <i>3.1%</i>	80,417 <i>0.8%</i>
<b>Juveniles</b>	9,127 <i>-13.2%</i>	479 <i>-15.1%</i>	9,606 <i>-13.3%</i>
<b>Young adults</b>	7,450 <i>-1.5%</i>	3,452 <i>2.1%</i>	10,902 <i>-0.4%</i>
<b>Adults</b>	41,703 <i>3.7%</i>	18,206 <i>3.9%</i>	59,909 <i>3.7%</i>

Note: 2010 data are provisional

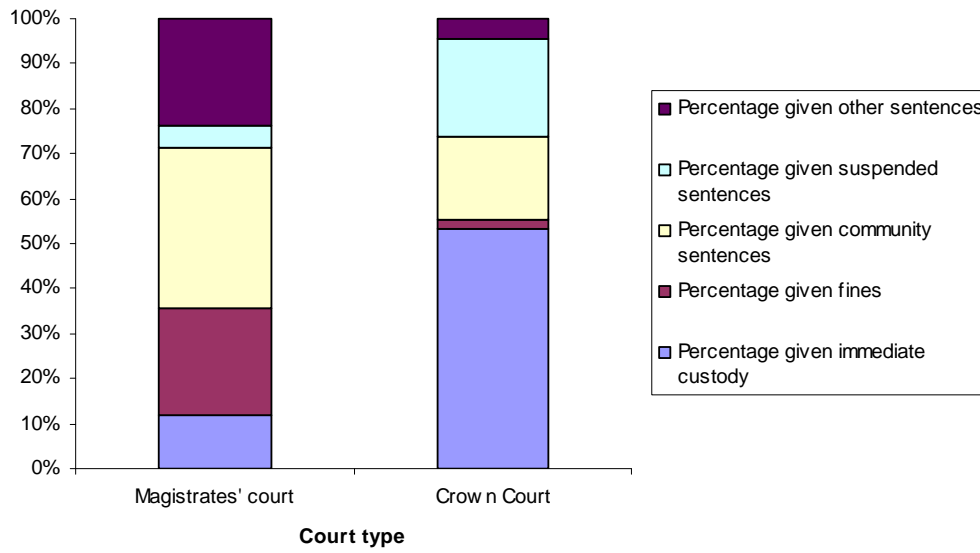
**Figure A: Disposal rates for magistrates' courts, Q2 2008 - Q2 2010**



**Figure B: Disposal rates for the Crown Court, Q2 2008 - Q2 2010**



**Figure C: Distribution of disposals by court type, Q2 2010**



## Definitions

**Adults** – offenders aged 21 or over at sentence

**Average custodial sentence length (ACSL) (months)** – this excludes life and other indeterminate sentences. Average custodial sentence length is the length of the sentence given at court and is not representative of the length of time spent in custody which will be determined by the various release arrangements. Life and indeterminate sentences are not included which have no fixed length although they will be given a tariff.

**Community sentence** – for **adults (18 and over)** the main community sentence, which is supervised by the Probation Service, is the community order introduced by the Criminal Justice Act 2003 for offences committed on or after 4 April 2005. The court must add at least one (but could potentially add all 12) of the following requirements: supervision, unpaid work, specified activities, prohibited activities, accredited programmes, curfew, exclusion, residence, mental health treatment, drug rehabilitation, alcohol treatment and attendance centre requirement for under 25s. For **juveniles** the main community sentences used are the referral order, for first-time offenders who plead guilty on their first court appearance and do not merit a discharge or custodial sentence, and the supervision order (up to 3 years, may have additional requirements) although curfew orders, reparation orders, action plan orders and attendance centre orders are also available. Youth Offending Teams supervise orders for juveniles.

**Community sentence rate** – The percentage of persons sentenced who received a community sentence.

**Discharge** – When the court decides someone is guilty, but decides not to punish them further at this time, they will be given a ‘discharge’. Discharges can be ‘absolute’ which means that no more action will be taken, or ‘conditional’, which means that the offender won’t be punished unless they commit another offence within a set period of time.

**Fine rate** – The percentage of persons sentenced who received a fine.

**Immediate custodial sentences** – these include detention and training orders, young offender institution, unsuspended imprisonment, extended sentences for public protection and indeterminate sentences for public protection<sup>1</sup>.

**Immediate custody rate** – The percentage of persons sentenced who received an immediate custodial sentence.

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<sup>1</sup> Introduced by the Criminal Justice Act 2003 for offences committed on or after 4 April 2005

**Juveniles** – offenders aged 10-17 at sentence

**Mean fine** – An average calculated by summing all fines given and dividing by the number of fines.

**Median fine** – An average calculated by arranging all fines in numeric order and selecting the middle value.

**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 seventh value in the list).

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

**Offence group** – There are ten indictable offence groups these are high level definitions of the offence committed. Each offence group is made up of a number of individual offences.

**Offence type** – There are three offence types (indictable, summary motoring, and summary non-motoring), only one, indictable, is used in this publication.

**Percentage point** – Percentage point is a term used to measure the absolute difference between two percentages.

**Quarter 1** – January to March

**Quarter 2** – April to June

**Quarter 3** – July to September

**Quarter 4** – October to December

**Suspended Sentence** – available for **adults (18 and over)** only. It is a sentence of custody of under 12 months, suspended for a period ranging from six months to two years. During the suspension period the court sets a number of requirements, from the same options as are available for the community order, and these are supervised by the Probation Service.

**Young adults** – offenders aged 18-20 at sentence

## Explanatory notes

### Data sources

The source of the data for this publication is the Courts Proceedings Database, which covers details of every individual sentenced at criminal courts in England and Wales. Data referring to magistrates' courts comes either directly from magistrates' court computer systems, all of which now have the new LIBRA system or from police forces. National implementation of LIBRA was completed by the end of 2008. Data on the Crown Court comes from the Court Service's CREST computer system.

The data received from the court systems used in this report go through a number of internal and external validation, and consistency checks. In particular checks are made, where possible, to ensure that: the sentence given for an offence is applicable in law and that hearings are consistent with the court they are heard in, for example indictable-only offences are heard in the Crown Court. Where these validation checks fail courts 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 per cent of court records received failed validation. These were checked with individual courts and amendments were made.

All the statistics shown relate to the principal offence. In cases where the offender has been found guilty of more than one offence, the principal offence is the offence attracting the heaviest sentence. Where an offender has received an equal sentence for two or more offences the principal offence is the one for which the statutory maximum is the most severe.

Although care is taken in processing and analysing the returns the detail collected is subject to the inaccuracies inherent in any large scale recording system. Therefore, the figures are not necessarily accurate to the last digit shown.

Where the number of offenders sentenced in a particular group is less than 50 (in either of the quarters being compared), we do not show the percentage change. This is because smaller numbers do not always give a meaningful percentage change. In these cases, the percentage change is denoted with a star (\*).

Percentage changes have been calculated from figures with a greater level of accuracy than those displayed in cells. Displayed values are shown to one decimal place while the underlying data is available to several decimal places. The underlying data is available by highlighting the relevant cells in the Excel version of the tables.

Following the introduction of the Libra case management system during 2008, offenders at magistrates' courts can now be recorded as sex 'Not Stated'.

In 2008 and 2009 less than one per cent of offenders sentenced were recorded as sex 'Not Stated'. Amendments to the data tables have been made to accommodate this new category. Tables split by gender are now formatted as males, females and then 'all persons' which includes the 'Not Stated' category. Detailed breakdowns by gender are no longer possible as the contribution made by 'not stated' could have a larger impact on small groups, and hence some figures/tables within the text which showed a gender breakdown in previous editions have been removed.

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.

#### **Technical note**

Problems in the recording of the new Youth Rehabilitation Order (YRO), which came into effect for offences committed from 30 November 2009, have meant that records with a YRO were, in most cases, recorded as community orders in Q4 2009. In the first two quarters of 2010 the majority of YROs were not received or were recorded as community orders. The YROs received as community orders have been entered in the tables as such (although the community order is only available for over 18's and the YRO for under 18's).

The missing records for 2010 have now been recovered but have not been included in this publication as expected, as reclassifying the missing offences has proven complicated. They will be included in the annual report, due in mid 2011.

## Contact points for further information

Current and previous editions of this publication are available for download at:

[Sentencing statistics brief \(quarterly\) - Ministry of Justice](#)

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

Tel: 020 3334 3536

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

Other enquiries about these statistics should be directed to the Justice Statistics Analytical Services division of the Ministry of Justice:

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

General enquiries about the statistical work of the Ministry of Justice can be e-mailed to [statistics.enquiries@justice.gsi.gov.uk](mailto:statistics.enquiries@justice.gsi.gov.uk)

General information about UK official statistics is available from [www.statistics.gov.uk](http://www.statistics.gov.uk)

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