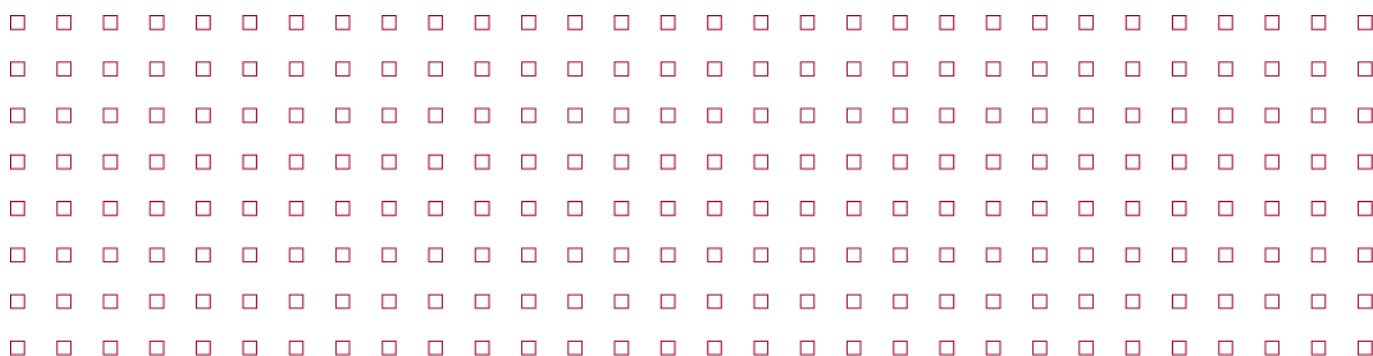


# **Sentencing Statistics**

## **Quarterly brief**

January to March 2010  
England and Wales  
Provisional data

August 2010



# Sentencing Statistics January to March 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 January to March 2010 are compared with January to March 2009 and are set in the context of sentencing patterns over the previous two years.

This quarterly publication presents the total numbers 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 with a focus primarily on 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 and published in the annual sentencing statistics publication.

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.

## Changes in this edition

Due to problems in the transmission of some records from the courts to the Ministry of Justice estimates have been made of the volume of some sentences. This affects sentences for cannabis possession in 2009 following the re-classification of cannabis in January 2009 and the new Youth Rehabilitation Order introduced in November 2009.

## Definitions

**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.

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

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

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

**Quarter 1**- January to March

**Quarter 2**- April to June

**Quarter 3**- July to September

**Quarter 4**- October to December

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

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

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

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

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

**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.

**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.

**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.

## Key points –January to March 2010

All key points relate to **indictable offences** and compare figures for the quarter January to March 2010 with January to March 2009.

- The number of persons sentenced following a criminal conviction fell by just over one per cent to 79,300. This comprised a 4.4 per cent fall at magistrates' courts (to 56,100) together with a 6.2 per cent rise in the number of people sentenced at the Crown Court (to 23,200). The number of persons sentenced at the Crown Court this quarter is the highest in any quarter in the period since 1998 and is a rise of 600 on the previous highest recorded figure of 22,600 in the fourth quarter of 2009.
- The percentage of person's sentenced to immediate custody for indictable offences at all courts fell by one percentage point to 23.5 per cent. This is the lowest immediate custody rate in the last two years having fallen from 25.1 per cent in the first quarter of 2008. The percentage of persons sentenced to immediate custody has fallen at both magistrates' courts and the Crown Court.
- The number of persons sentenced to immediate custody also fell, by 5.5 per cent to 18,600; this is reflected in the lower immediate custody rate and fewer people being sentenced.
- The number of community sentences issued at all courts fell by 8.3 per cent to 24,600 while the community sentence rate fell from 33.3 to 31.0 per cent.
- The largest change in sentencing in the past two years has been the rise in the use of fines, the number of convictions disposed of with a fine have risen by 15.6 per cent since Q1 2008 and by just under two per cent since Q1 2009. The vast majority of fines are given at magistrates' courts where the fine rate has risen from 19.1 per cent in Q1 2008 to 23.5 per cent this quarter.
- The number of juveniles (aged 10 to 17 at the point of sentence) sentenced fell by 7.3 per cent to 9,900 and the lowest figure recorded in the period since Q1 2008. There were small falls in the number of adults (21 and over) and young adults (aged 18 to 20) sentenced, falling by half a per cent to 58,900 and 1.5 per cent to 10,600 respectively.
- The number of males and females sentenced for indictable offences both fell, by 0.6 to 67,200 and 5.6 to 11,800 respectively.

- The average custodial sentence length (ACSL, excluding life and indeterminate sentences) rose by 0.5 months to 17.2 months. This is despite there being a fall of 0.1 months at magistrates' courts to 2.5 months and a fall of 0.2 months at the Crown Court to 24.9 months. The overall figure increased due to an 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 figure (see example below).

**Example of increase in overall ACSL while constituent ACSL's have fallen:**

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  $[(2.5 \times 50) + (24.9 \times 50)] / (50 + 50)$ . If then in the next quarter both ACSL's were to fall 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 15.8 months  $[(2.4 \times 40) + (24.8 \times 60)] / (60 + 40)$ . This is analogous to the situation this quarter, while the ACSL's for each court type have fallen the proportion of custodial sentences from the Crown Court has risen from 63 to 66 per cent and these longer sentences have had a greater effect on the overall figure.

### Sentences by offence group

- The offence group with the largest proportionate increase in numbers sentenced was **sexual offences**, increasing by 12.7 per cent to 1,400. The largest proportionate fall was for **indictable motoring offences**, which fell 11.2 per cent to 1,000.
- The largest absolute increase was for **drug offences** which rose 1,400 or just over 10 per cent to 14,900, this is the largest number of people sentenced for this offence group in a quarter since 1998. The largest absolute decrease was in the number sentenced for **theft and handling stolen goods** which fell by 2,100 (7.0 per cent) to 27,200.
- There were also falls in the numbers sentenced for: **robbery** offences which fell 8.5 per cent to 2,000; **theft and handling stolen goods** which fell 7.0 per cent to 27,200; **fraud and forgery** which fell 9.1 per cent to 5,000; and **criminal damage** which fell 9.3 per cent to 1,800.

- The ACSL rose for half of the ten offence groups. The largest increases were for **other indictable (excluding motoring) offences** which rose by 0.9 months to 12.9 months and for **indictable motoring offences** which rose 0.8 months to 9.9 months. The largest fall in ACSL was for **sexual offences** which fell by 3.5 months to 47.3 months. There were also decreases in ACSL for **drug offences**, down 2.1 months to 30.7 months, and **criminal damage**, which fell 2.3 months to 18.1 months, this is, however, still a rise of 4.4 months since the first quarter of 2008.
- Custody rates for the ten offence groups ranged from 59.0 per cent for **robbery** offences and 56.8 per cent for **sexual offences** to 15.8 per cent for **drug offences** and 14.8 per cent for **criminal damage**. Compared with the first quarter of 2009 the immediate custody rate fell for eight of the ten offence groups, the largest fall was for **fraud and forgery** which fell 3.2 percentage points to 23.1 per cent. The largest increase was for **criminal damage** which rose 1.4 percentage points to 14.8 per cent.
- Community sentence rates ranged from 41.6 per cent for **criminal damage** to 21.7 per cent for **other indictable (excluding motoring) offences**. Community sentence rates fell for seven of the ten offence groups, the largest fall was for **other indictable (excluding motoring) offences** which fell 3.2 percentage points to 21.7 per cent.
- As the time frames in which they are being measured are relatively short and the offence group categories are relatively small any changes in disposal rates are 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**

During the first quarter of 2010 there were 56,100 persons sentenced at magistrates' courts, a fall of just over four per cent on the same quarter of 2009.

- The immediate custody rate fell from 12.3 to 11.3 per cent. The number of persons sentenced to immediate custody fell by 12.6 per cent to 6,300.
- The average custodial sentence length fell slightly from 2.6 to 2.5 months. The ACSL at magistrates' courts is very stable and has fluctuated little over the past two years, this is due to the small range in which custodial sentences can be given at magistrates' courts (up to 6 months in the majority of cases but for juveniles convicted of more serious offences the maximum sentence is a 24 month Detention and Training Order).

- The community sentence rate has fluctuated in the past two years rising from 37.9 per cent in Q1 2008 to a peak of 39.7 per cent in Q4 2008, since then it has fallen in each quarter to 36.5 per cent this quarter.
- The fine rate stood at 23.5 per cent, a rise of 1.4 percentage points on Q1 2009 and 4.2 percentage points on Q1 2008. Despite the overall number of people being sentenced falling the number of fines issued rose by nearly two per cent to 13,200. The average fine given in magistrates' courts was £122.

### **Crown Court – sentence rates**

There were 23,200 persons sentenced at the Crown Court during the first quarter of 2010, an increase of 6.2 per cent on the same quarter of 2009.

- The immediate custody rate fell by 4.1 percentage points to 53.1 per cent, the lowest immediate custody rate of any quarter in the past two years.
- The ACSL fell by 0.7 per cent to 24.9 months. There has been little variation in average sentence lengths at the Crown Court since 2008.
- The community sentence rate this quarter of 17.7 per cent is the highest in the last two years and has risen by 1.5 percentage points since Q1 2008.
- The suspended sentence rate, 21.8 per cent, rose steadily through 2009 and has continued to rise in this quarter. The suspended sentence rate for adults and young adults (suspended sentences are only available for offenders aged 18 and over) are very similar between 20 and 22 per cent respectively.
- The number of fines rose by 6.0 per cent to 370, while the fine rate remained stable at 1.6 per cent. The average fine at the Crown Court was £1012.



**Table i: Persons sentenced by disposal**

	Magistrates <sup>1</sup>	Crown	All Courts
<b>Total Sentenced (all ages)</b> <i>(comparing Q1 2010 with Q1 2009)</i>	56,112 -4.4%	23,188 6.2%	79,300 -1.5%
<b>Fine</b>	13,193 1.8%	371 6.0%	13,564 1.9%
<b>Community sentence</b>	20,492 -11.3%	4,107 10.2%	24,599 -8.3%
<b>Immediate custody</b>	6,315 -12.6%	12,313 -1.4%	18,628 -5.5%
<b>Suspended sentence</b>	2,725 -6.4%	5,060 13.5%	7,785 5.6%
<b>Other sentence<sup>(2)</sup></b>	13,387 7.0%	1,337 67.5% <sup>(2)</sup>	14,274 7.3%
<b>Average custodial sentence length (months)<sup>(1)</sup></b>	2.5 -2.6%	24.9 -0.7%	17.2 2.8%

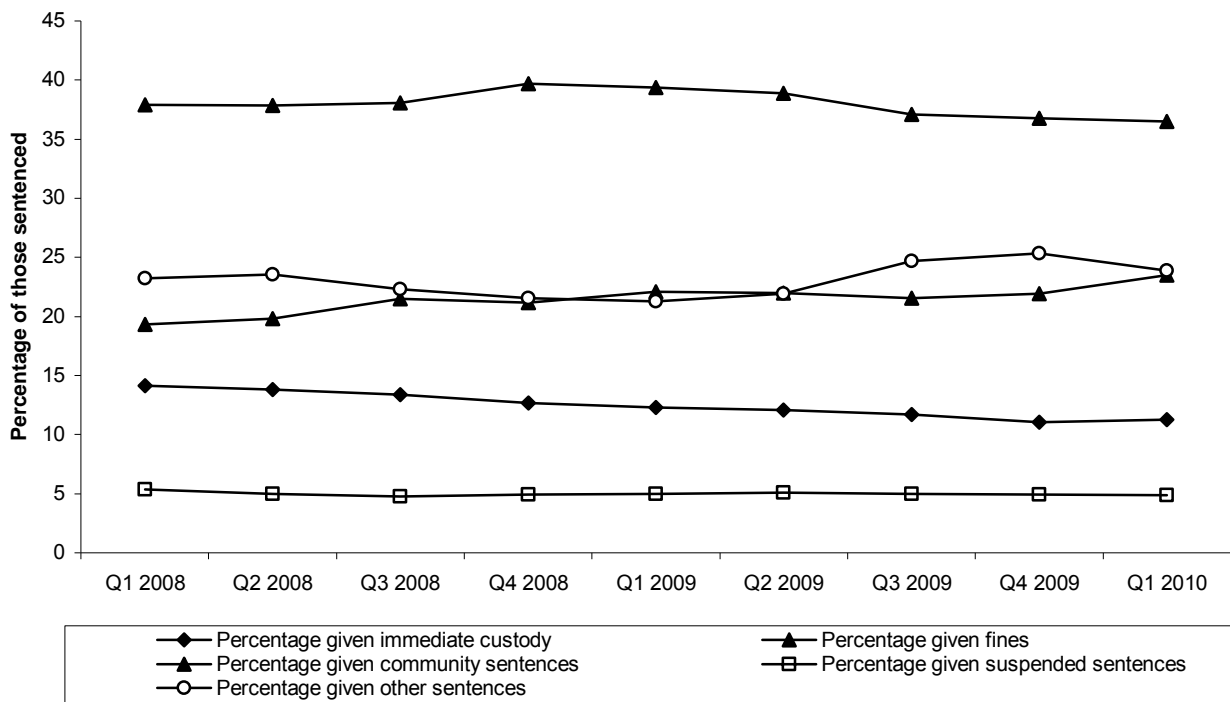
(1) *Excludes* life sentences and IPPs.

(2) The increase in other sentences is currently under investigation, but it has been caused by an increase in the number of restraining orders recorded in the first quarter of 2010, these are ancillary orders which should accompany other sentences and the records will be corrected in future editions. While the percentage increase may seem large it represents an increase of approximately 400 sentences within a population of 23,200 and as such does not represent a significant portion of the population or a shift in sentencing practice. As with previous editions pre-sentence drug testing orders have been removed from this category as initial investigations have suggested that these may have been double counted.

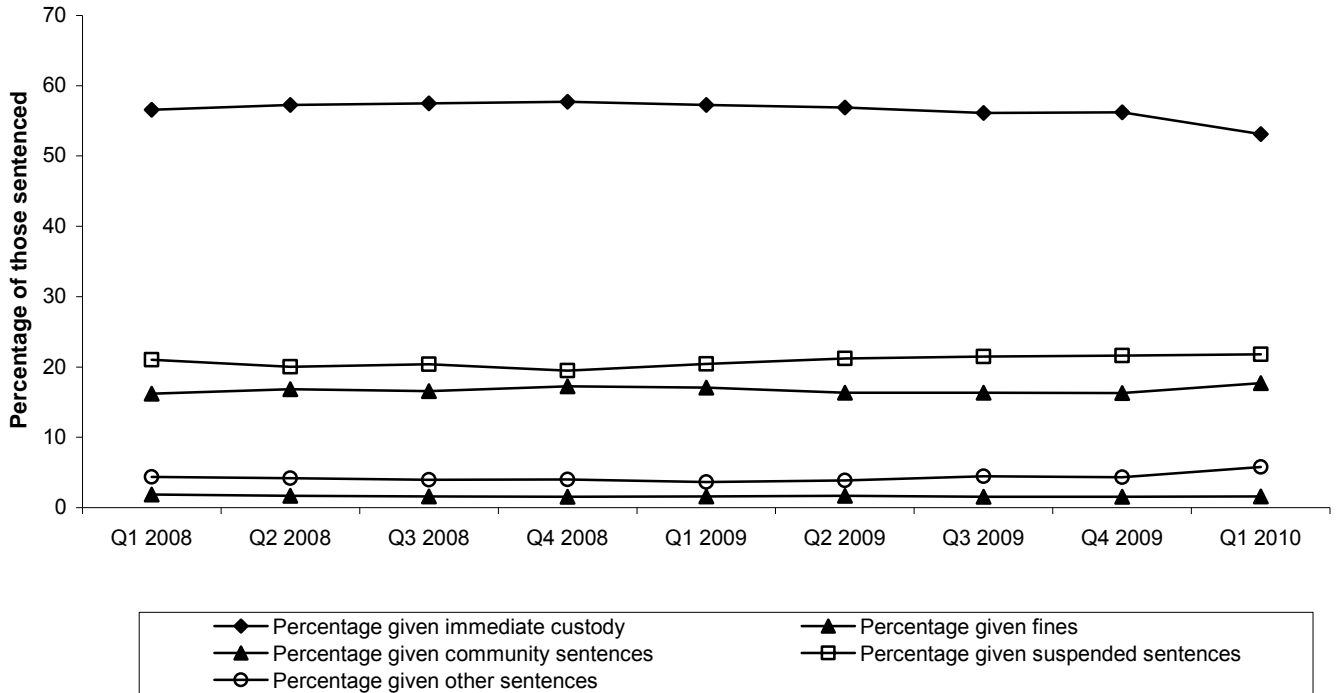
**Table ii: Persons sentenced by age**

	Magistrates <sup>1</sup>	Crown	All Courts
<b>Total Sentenced (all ages)</b> <i>(comparing Q1 2010 with Q1 2009)</i>	56,112 -4.4%	23,188 6.2%	79,300 -1.5%
<b>Juveniles</b>	9,282 -7.6%	570 -1.9%	9,852 -7.3%
<b>Young adults</b>	6,948 -3.1%	3,610 1.7%	10,558 -1.5%
<b>Adults</b>	39,882 -3.9%	19,008 7.4%	58,890 -0.5%

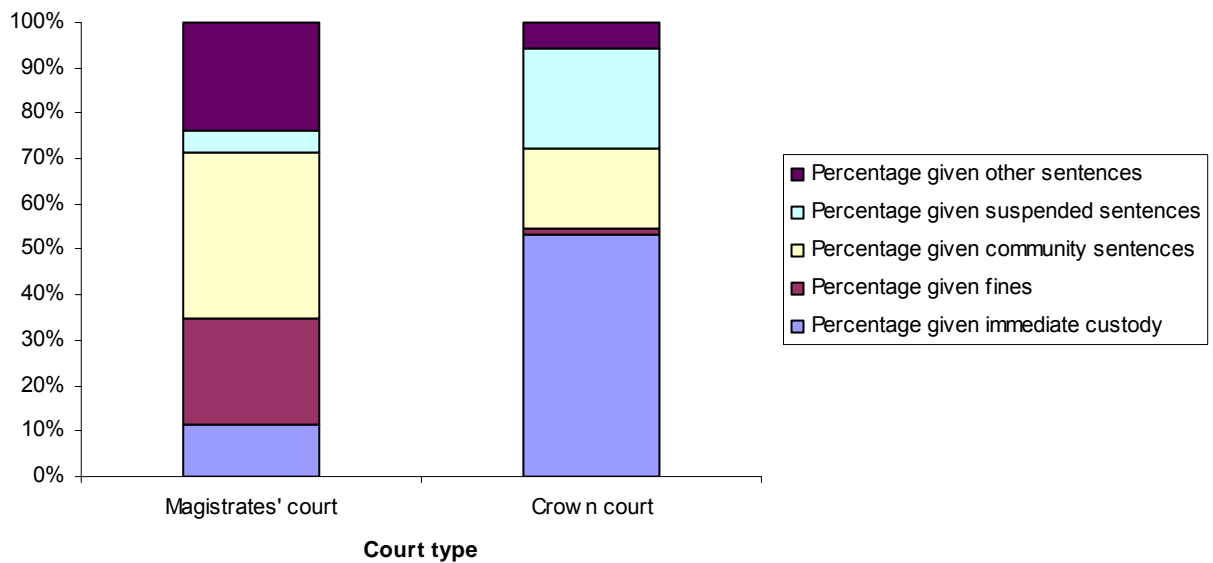
**Figure A: Disposal rates for magistrates' courts, Q1 2008-Q1 2010**



**Figure B: Disposal rates for the Crown Court, Q1 2008-Q1 2010**



**Figure C: Distribution of disposals by court type, Q1 2010**



## **Explanatory notes**

### **Data sources**

The source of the data for this publication is the Courts Proceedings Database, which covers details of every individual sentenced. 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; 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.

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**

As with the previous edition of this brief it has been necessary to impute a number of cannabis possession sentences for 2009. There has, however, been a refinement of the method used to estimate the number of 'missing' cases. Further investigation revealed that the problem only affected cases returned from the magistrates' courts. Therefore the imputation has been refined to only estimate magistrates' courts cases. The imputation for quarter one and two of 2009 have been recalculated on this basis. Further details of the method, reasoning and predicted values is shown below.

The problem arose following the re-classification of cannabis from class C to class B in January 2009. Justice Statistics Analytical Services (JSAS) working with Her Majesty's Court Service have undertaken an extensive exercise to identify and retrieve the missing records. This process has now been completed but the processing of the new records was not completed in time for their inclusion in this report. There have been no issues with sentences for cannabis possession in 2010 and all records have been received and are included in this report.

As a temporary solution and to ensure sentencing statistics for this period could be released, data was obtained from the Police National Computer (PNC) and a model of the number of cannabis possession sentences was created to estimate the shortfall in the data. This model has subsequently been used to impute the 'missing' sentences. The details of the imputed values and the associated 95 per cent prediction intervals are shown in table (a) below. The weighting that has been applied to the existing data results in non-integer values - the values shown in the resultant tables are ultimately dependant on the point in the calculation that the figures are rounded, this may lead to minor differences in the values published in different tables. Full details of the method used are available on request.

**Table (a) Predicted values for number of cannabis possession sentences on CPD January –December 2009 with associated prediction intervals**

	Predicted value	Lower prediction interval	Upper prediction interval
January	1544.3	1415.4	1672.2
February	1423.3	1294.6	1551.0
March	1598.2	1469.1	1726.2
April	1456.5	1327.8	1584.2
May	1390.8	1262.2	1518.5
June	1674.2	1544.9	1802.5
July	1825.5	1695.4	1954.4
August	1547.3	1418.4	1675.2
September	1800.4	1670.5	1929.2
October	1834.3	1704.9	1962.9
November	1812.2	1682.8	1940.7
December	1601.9	1472.5	1730.4

In addition problems in the recording of the new Youth Rehabilitation Order (YRO), which came in to effect for offences committed from 30 November 2009, have meant that records with an YRO have, in most cases, not been received. Some of those orders recorded in the fourth quarter of 2009 and the first quarter of 2010 have been recorded as community orders and are entered in the tables as such (although the community order is only available for over 18's and the YRO for under 18's) and for Q1 2010 a proxy count has been obtained from the Police National Computer. Estimates of the accuracy of this count by offence group are shown below and indicate a range of accuracy from 1 to 3.5 per cent. Details of the method used are available on request. The missing records, and the means to recover them, has been identified and will be included in the next edition of report due to be published on 30 November 2010.

**Table (b) Actual and predicted juvenile sentences for 2009, with estimate of accuracy.**

	Mean per month		Average absolute difference	Size of difference (% of actual mean)
	Actual CPD	Predicted from PNC		
Violence against the person	556.0	536.3	10.9	2.0
Sexual offences	41.2	41.7	1.6	3.9
Burglary	426.8	401.4	10.4	2.4
Robbery	290.1	283.4	6.3	2.2
Theft	1174.2	1125.1	22.9	2.0
Fraud and forgery	45.8	44.8	1.5	3.2
Criminal damage	153.6	148.9	3.3	2.2
Drug offences	511.8	502.2	10.5	2.0
Other indictable	241.4	235.3	6.1	2.5
Indictable motoring	21.9	19.7	0.7	3.4
Total	3462.6	3341.8	60.0	1.7

## 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:

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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 the official statistics system of the UK is available from [www.statistics.gov.uk](http://www.statistics.gov.uk)

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