



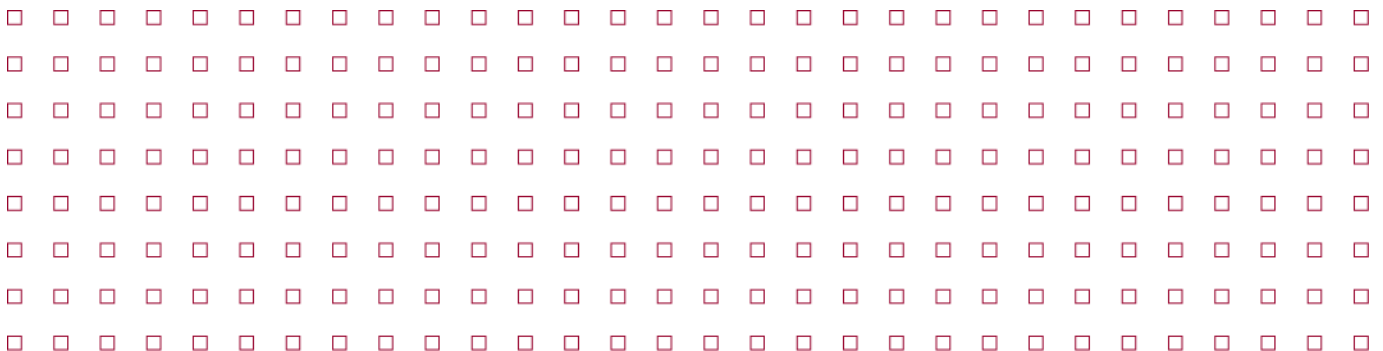
# **Sentencing Statistics**

## **Quarterly brief**

July to September 2010  
England and Wales

Provisional data

February 2011



## 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.

Subject to the outcome of the Ministry of Justice consultation on improvements to its statistics it is proposed that this will be the last quarterly sentencing statistics bulletin. The information contained within will be incorporated into a new quarterly criminal statistics bulletin due to be published in Spring 2011.

Key statistics for July to September 2010 are compared with July to September 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) for persons sentenced in the reference quarter. These statistics do not cover sentences for companies and other bodies.

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 – July to September 2010

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

Persons sentenced following a criminal conviction increased by 7.7 per cent to 89,800, the highest in the last two years. Of these:

- 65,500 persons were sentenced at magistrates' courts and 24,300 persons at the Crown Court. There was an increase of 7.3 per cent at the magistrates' courts and 8.5 per cent at the Crown Court [Table 4].
- The number of sentences rose for nine of the ten offence groups. Of these, sentences for theft and handling stolen goods rose 12.4 per cent to 31,400 (+3,500 sentences). The second largest absolute increase was drug offences (+1,200 sentences to 15,900). The only fall was in sentences for indictable motoring offences which decreased by 1.9 per cent to 900 [Table 6].
- There was a 3.6 per cent increase in people sentenced to immediate custody, to 20,900. The rise was largely driven by increases in those sentenced for theft and handling. Overall the percentage of persons sentenced to immediate custody for indictable offences fell one percentage point to 23.3 per cent [Table 4 and 7].
- The average custodial sentence length (ACSL, excluding life and indeterminate sentences) rose by 0.2 months to 16.4 months. There was an increase of 0.4 months at the Crown Court to 25.1 months and a decrease of 0.2 months at the magistrates' courts to 2.5 months. [Table 4].
- Community sentences given rose by 4.0 per cent to 28,200, one of the highest in the last two years. The community sentence rate fell by 1.1 percentage points to 31.4 per cent [Tables 4 and 7].
- The use of fines fell by 0.6 percentage points to 16.4 per cent but remains 0.2 percentage points higher than two years ago. Most fines are given at magistrates' courts where the fine rate fell by 0.8 percentage points over the last year to 21.9 per cent [Table 7].
- Juveniles (persons aged 10 to 17 at the point of sentence) sentenced fell by 3.0 per cent to 11,100. This was due to a 3.5 per cent drop at magistrates' courts to 10,400; juveniles sentenced at the Crown Court increased 7.1 per cent to 700. Young adults (aged 18 to 20) and adults sentenced both rose, by 7.1 per cent to 12,100 and by 9.8 per cent to 66,600 respectively [Table 3].
- Males sentenced increased by 7.9 per cent to 76,400 and females by 6.0 per cent to 13,000 [Table 4].

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

Sentences increased for nine of the ten offence groups. Sentences for sexual offences showed the largest proportionate increase, rising by 15.0 per cent to 1,500 (200 sentences) followed by sentences for theft and handling stolen goods which rose 12.4 per cent to 31,400. The largest absolute increases were for theft and handling stolen goods (up 3,500 sentences to 31,400) and drug offences (up 1,200 sentences to 15,900). The only fall was in sentences for indictable motoring offences which decreased by 1.9 per cent to 900.

Custody rates for the ten offence groups ranged from 56.3 per cent for robbery offences and 55.6 per cent for sexual offences, reflecting the serious nature of offences in these groups, to 14.9 per cent for drug offences and 14.3 per cent for criminal damage. Compared with the third quarter of 2009 the immediate custody rate fell for seven of the ten offence groups, the largest fall was for robbery which fell three percentage points to 56.3 per cent. The immediate custody rate for criminal damage increased by 1.4 percentage points to 14.3 per cent, for theft and handling offences by 0.7 percentage points to 18.4 per cent, and for burglary by 0.3 percentage points to 43.6 per cent.

The ACSL rose for all offence groups apart from criminal damage and drug offences, which fell 0.9 months to 16.0 months and 0.5 months to 30.9 months respectively. The largest increases were for sexual offences which rose by 1.2 months to 46.8 months and fraud and forgery offences which rose by 0.8 months to 11.3 months. Other indictable offences excluding motoring (this includes offences of affray and absconding whilst on bail), rose by 0.6 months to 9.8 months and violence against the person offences rose by 0.6 months to 18.0 months.

Suspended sentence rates were highest for indictable motoring offences at 25.6 per cent of 900 sentences, and lowest for criminal damage at 4.9 per cent of 2,100 sentences. Suspended sentence rates for indictable motoring offences showed the largest increase of 1.9 percentage points to 25.6 per cent. The biggest decreases were for violence against the person, down 0.7 percentage points to 19.7 per cent and fraud and forgery offences, down 0.7 percentage points to 15.2 per cent.

Community sentence rates ranged from 42.2 per cent for criminal damage to 21.2 per cent for drug offences. Community sentence rates fell for six of the ten offence groups; the biggest decrease was for criminal damage which fell 3.6 percentage points to 42.2 per cent. The largest increases were for fraud and forgery offences which increased 4.2 percentage points to 34.6 per cent and violence against the person which increased 0.5 percentage points to 37.6 per cent.

Fine rates were highest for drug offences at 37.8 per cent – an increase of 1.4 percentage points, and lowest for robbery which was stable at 0.1 per cent. The largest decreases in fine rate were for criminal damage (down 2.0

percentage points to 10.2 per cent) and other indictable offences (excluding motoring) which fell 3.7 percentage points to 23.4 per cent.

Discharge rates (included with 'other sentences' in the accompanying tables) remained highest for criminal damage (20.8 per cent) and theft (20.7 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 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 [Table 4]

In the third quarter of 2010 there were 65,500 persons sentenced at magistrates' courts for indictable offences, a 7.3 per cent increase compared to the same quarter of 2009 and the highest in two years. Of these:

- Persons sentenced to immediate custody rose by 5.7 per cent to 8,100. However, the immediate custody rate fell 0.2 percentage points to 12.3 per cent.
- The average custodial sentence length fell from 2.7 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.
- Persons given a suspended sentence rose 7.4 per cent to 3,400. The suspended sentence rate at magistrates' courts remained at 5.2 per cent.
- The community sentence rate has fluctuated in the past two years rising from 38.1 per cent in Q3 2008 to a peak of 40.4 per cent in Q1 2009. It then fell to 35.3 per cent in Q1 2010; since then it has risen once more to 36.1 per cent this quarter. Community sentences given increased 0.9 per cent to 23,700.
- Whilst fines issued were the highest in two years at 14,400, the fine rate stood at 21.9 per cent, 0.8 percentage points lower than Q3 2009 and the lowest since Q4 2008. Within magistrates' courts the median fine given was £75 and the mean fine was £125; this is an increase compared to Q3 2009 when the median fine was £70 and the mean fine £121.
- Absolute or conditional discharges (included with 'other sentences') comprised 16.7 per cent of magistrates' sentences in Q3 2010, a 0.9 percentage point rise on the same period in 2009.

## Crown Court [Tables 3 and 4]

24,300 persons were sentenced at the Crown Court during the third quarter of 2010, an increase of 8.5 per cent on the same quarter of 2009 and the highest in two years. Of these:

- The immediate custody rate fell by 3.2 percentage points to 52.9 per cent. This was due to an increase in the proportion of theft and handling sentences given at the Crown Court; 44 per cent of these received a custodial sentence which led to the drop in the average immediate custody rate.
- The ACSL increased by 1.7 per cent to 25.1 months. There has been little variation in average sentence lengths at the Crown Court since 2008.
- The community sentence rate this quarter of 18.7 per cent is 2.3 percentage points higher than Q3 2008. An increase in the number of community orders, from 3,200 to 4,300 over this period, contributed to the rise.
- The suspended sentence rate increased by 0.1 percentage points to 21.9 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 0.1 percentage points to 1.7 per cent. Fines issued rose by 18.6 per cent to 410; 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 £250 and the mean fine given was £805. In Q3 2009 the median fine was £265 and the mean fine was £641.
- The discharge rate (included with 'other sentences') rose to 2.8 per cent of all Crown Court sentences (676 sentences) compared to 2.5 per cent in the same period of 2009 (549 sentences).

**Table i: Persons sentenced by disposal**

	<b>Magistrates'</b>	<b>Crown</b>	<b>All Courts</b>
<b>Total Sentenced (all ages)</b> <i>(comparing Q3 2010 with Q3 2009)</i>	65,540 7.3%	24,302 8.5%	89,842 7.7%
<b>Fine</b>	14,357 3.8%	408 18.6%	14,765 4.1%
<b>Community sentence</b>	23,681 0.9%	4,552 23.9%	28,233 4.0%
<b>Immediate custody</b>	8,063 5.7%	12,847 2.3%	20,910 3.6%
<b>Suspended sentence</b>	3,397 7.4%	5,310 9.3%	8,707 8.5%
<b>Other sentence<sup>(1)</sup></b>	16,042 23.9%	1,185 24.3%	17,227 23.9%
<i>Of which absolute or conditional discharge</i>	10,938 13.4%	676 23.1%	11,614 13.9%
<b>Average custodial sentence length (months)<sup>(2)</sup></b>	2.5 -4.1%	25.1 1.7%	16.4 1.0%

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

(2) Excludes life sentences and IPPs.

Note: 2010 data are provisional

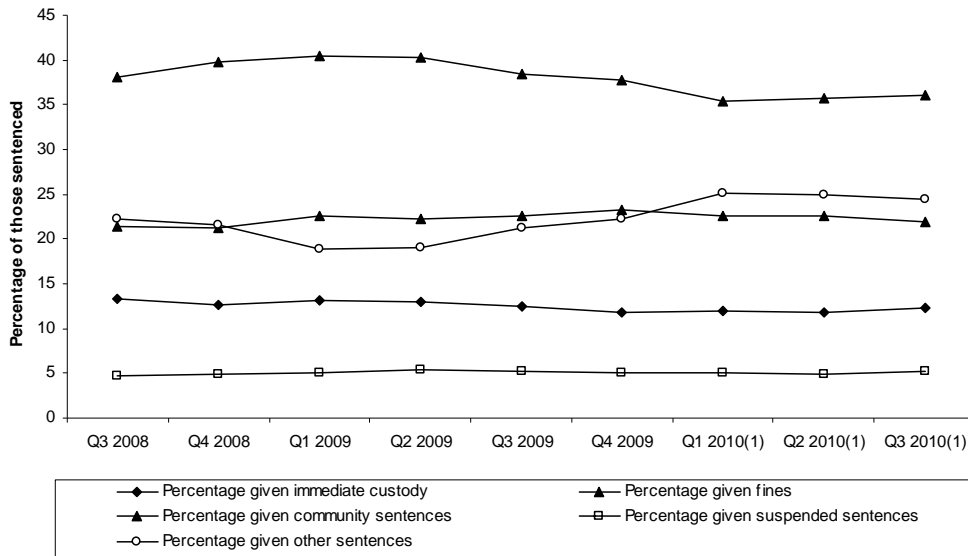
**Table ii: Persons sentenced by age**

	<b>Magistrates'</b>	<b>Crown</b>	<b>All Courts</b>
<b>Total Sentenced (all ages)</b> <i>(comparing Q3 2010 with Q3 2009)</i>	65,540 7.3%	24,302 8.5%	89,842 7.7%
<b>Juveniles</b>	10,442 -3.5%	662 7.1%	11,104 -3.0%
<b>Young adults</b>	8,283 6.3%	3,858 8.8%	12,141 7.1%
<b>Adults</b>	46,815 10.3%	19,782 8.5%	66,597 9.8%

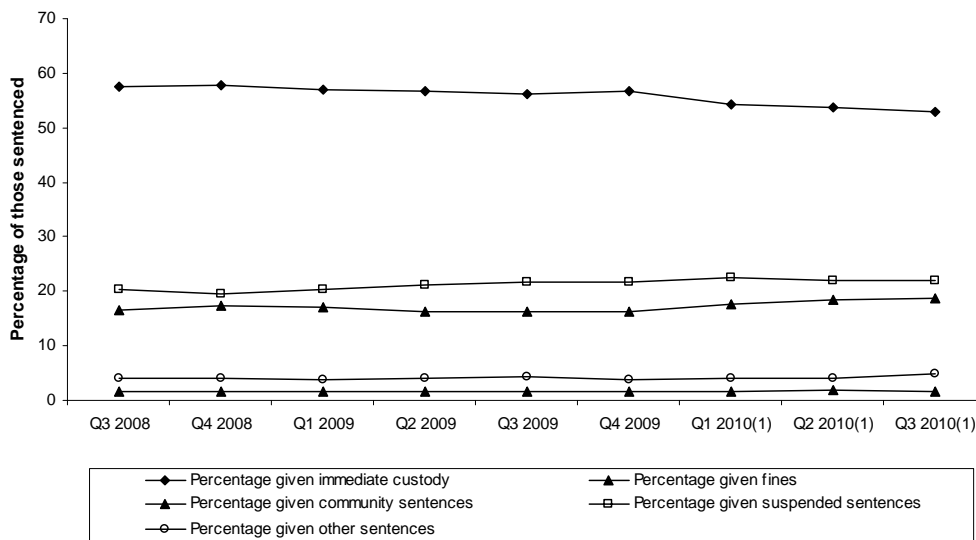
Note: 2010 data are provisional



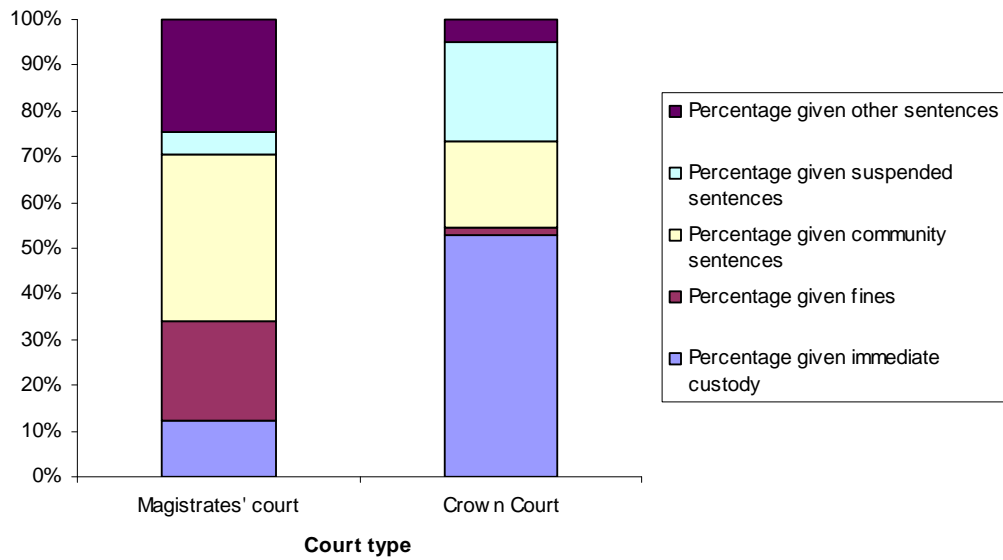
**Figure A: Disposal rates for magistrates' courts, Q3 2008 – Q3 2010**



**Figure B: Disposal rates for the Crown Court, Q3 2008 – Q3 2010**



**Figure C: Distribution of disposals by court type, Q3 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 and 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

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

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

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