

Digest 4

Chapter 5 - Sentencing

The data contained in some of the charts in this chapter, are accessible by clicking below. You will need Excel 4.0 or later installed on your computer to be able to view the spreadsheets.

[Offenders sentenced by type of court, type of sentence or order and type of offence 1997](#)

[Persons sentenced to immediate custody by sex, type of offence and type of court](#)

[Sentencing for indictable offences at magistrates' courts 1987-97](#)

[Sentencing for indictable offences at the Crown Court 1986-97](#)

[Persons commencing supervision by the probation service\(1\)](#)

[Persons sentenced to immediate custody\(1\) by type of offence and type of court](#)

[Offenders sentenced for indictable offences](#)

[Offenders sentenced \(thousands\) for indictable offences by offence group and type of sentence or order](#)

[Appeals at the Crown Court](#)

[Appeals at the Court of Appeal](#)

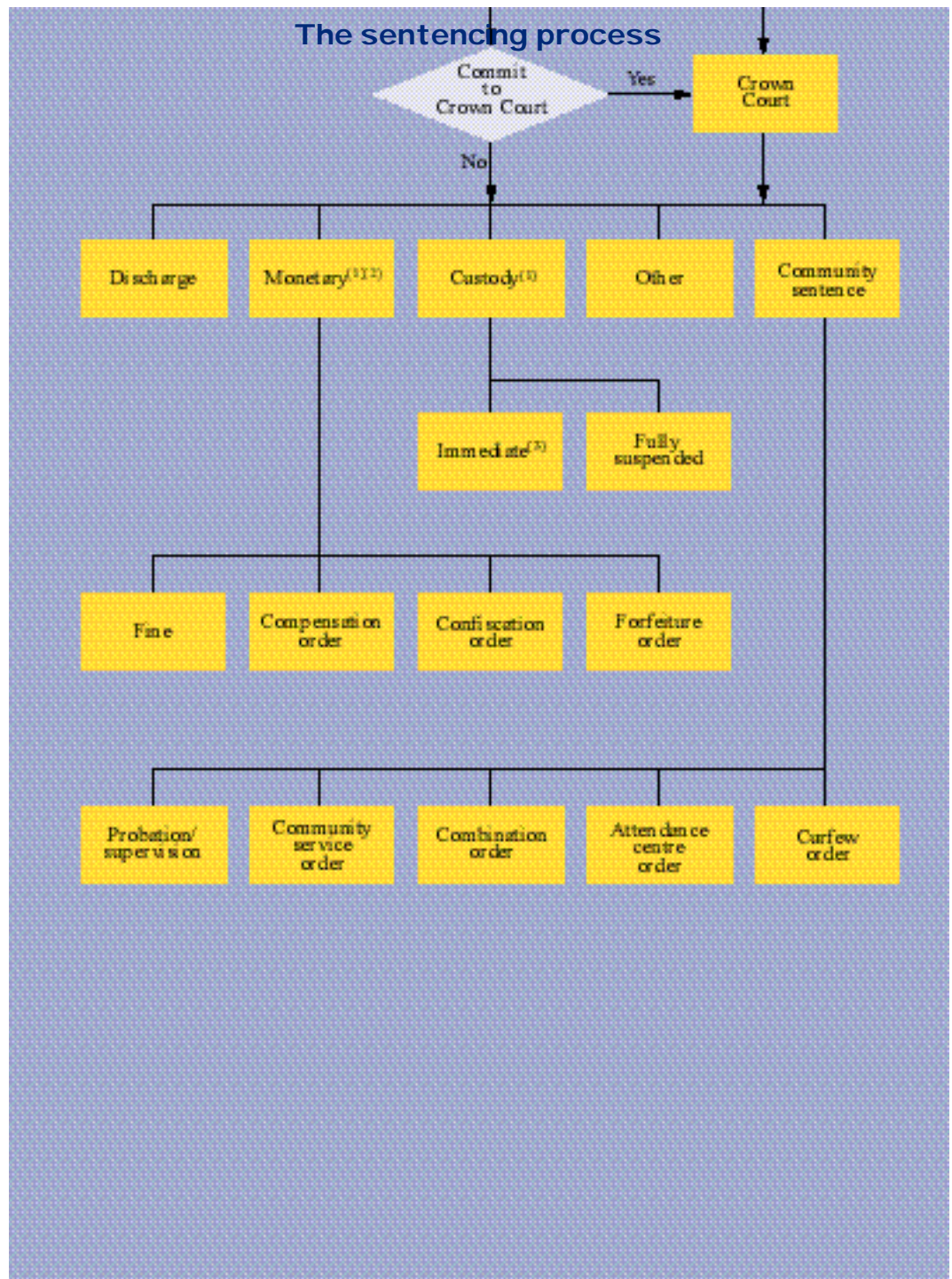


Introduction

Following conviction, the magistrates or judge will decide upon the most appropriate sentence. In making this decision, account will be taken of the facts of the offence and the circumstances of the offender.

Summary

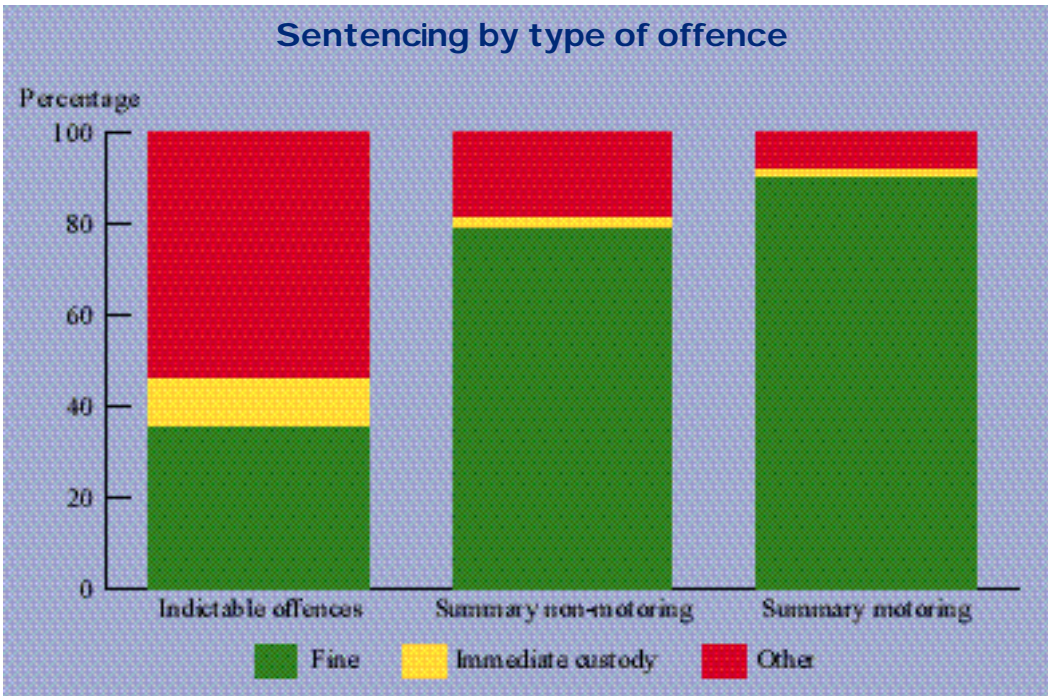
- ④ 1.4 million offenders were sentenced in 1997 for indictable and summary offences.
- ④ At magistrates' courts in 1997, 35% of those sentenced for indictable offences were fined, 29% given a community sentence, 23% sentenced to a conditional or absolute discharge, 10% to immediate custody and 3% were otherwise dealt with.
- ④ At the Crown Court in 1997, 61% of those sentenced for indictable offences were sentenced to immediate custody, 28% to a community sentence, 4% were fined, 3% received an absolute or conditional discharge and 5% were otherwise dealt with.
- ④ 163,000 persons began supervision under the probation service in 1997 for a criminal offence, 73% of them under court orders and the remainder for pre- and post-release supervision during or following a custodial sentence.
- ④ 93,000 persons were sentenced to immediate custody in 1997, an increase of 61% since 1992. Over this period, the number of juvenile offenders aged 14 to 17 sentenced to custody rose by 58%, young adult offenders aged 18 to 20 by 43% and adults by 65%.
- ④ The average custodial sentence length for male offenders convicted of indictable offences was 15.8 months in 1997, well above that for 1994 and 1995 (14.8 months).
- ④ The numbers sentenced to immediate custody for summary offences rose from 4,600 in 1987 to 22,000 in 1997.
- ④ Following the Criminal Appeals Act 1995, the number of appeals against decisions made in magistrates' courts fell by 26% in 1996. The Court of Appeal dealt with 9% more appeals in 1996 than in 1995. 12% of all offenders convicted at the Crown Court appealed.



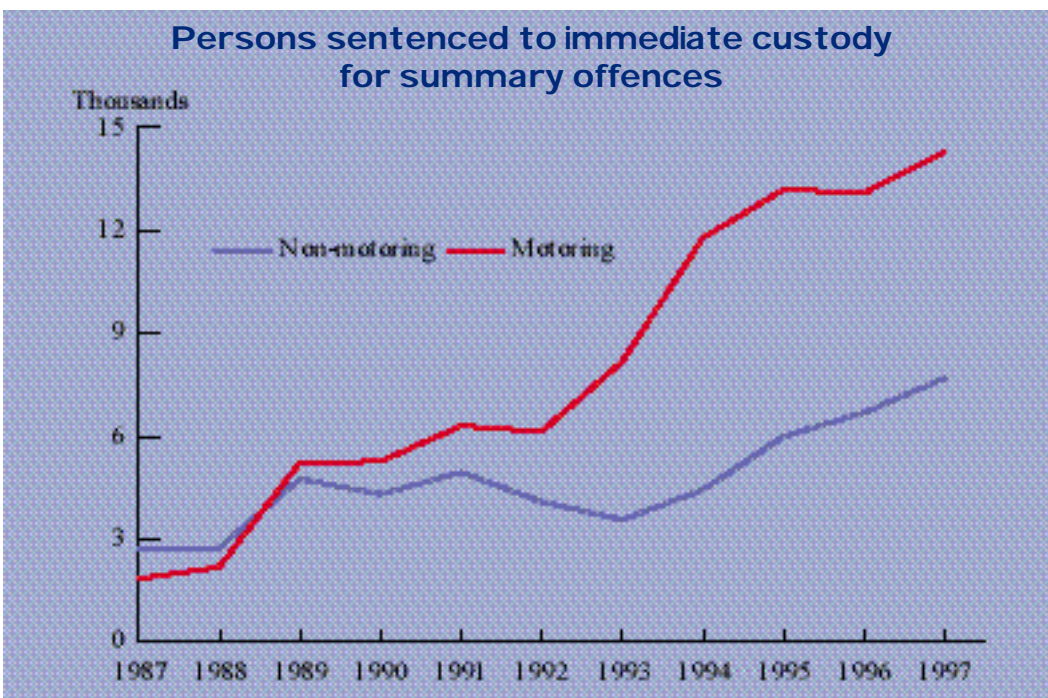
- (1) Magistrates' courts and the Crown Court differ in their powers to award monetary and custodial penalties.
- (2) May either be the sole penalty or in association with another disposal.
- (3) Includes detention in a young offenders' institution and unsuspended imprisonment.

All types of offences

- 1.4 million offenders were sentenced by the courts in 1997, 94% of them by the magistrates' courts. 72% of all offenders sentenced were fined and 7% were sentenced to immediate custody.
- In 1997, 79% of persons sentenced for summary non-motoring offences and 90% for summary motoring offences were fined.



- The numbers sentenced to immediate custody for summary non-motoring offences rose from 2,800 in 1987 to 7,700 in 1997; for summary motoring offences the rise was from 1,800 in 1987 to 14,300 in 1997. The main offences covered were common assaults, assault on a constable and driving while disqualified or after consuming alcohol/taking drugs.



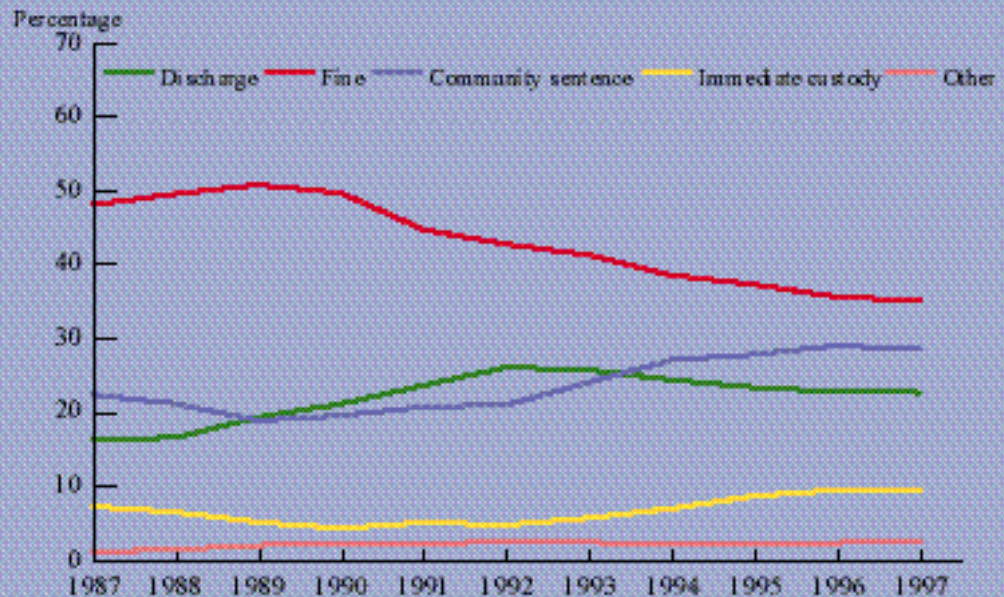
- For motoring offences, 201,000 persons in 1997 received written warnings and 3.4 million fixed penalty notices were issued (excluding local authorities).

Source: *Criminal statistics, England and Wales, 1997 (The Stationery Office)* and *Motoring offences, England and Wales 1997 (Home Office Statistical Bulletin (12/99))*.

Indictable offences

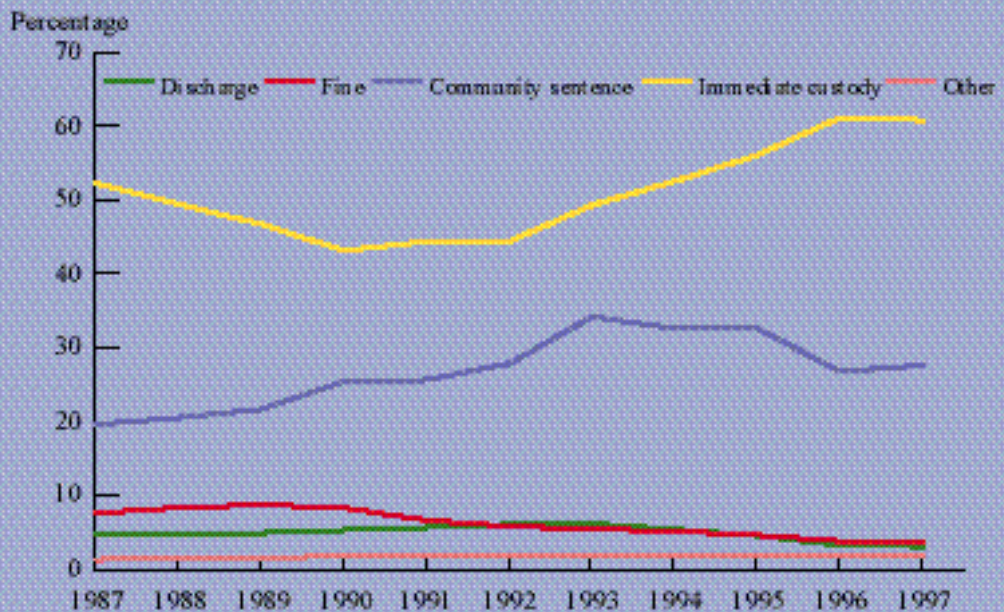
- At magistrates' courts, the use of fines for indictable offences has fallen consistently from 51% (1989) to 35% (1997), initially compensated by an increase in the use of a discharge and more recently by an increase in community sentences. The use of custody fell from 7.5% in 1987 to 4.5% in 1990 but has since risen to just under 10% in 1997.

Sentencing for indictable offences: magistrates' courts



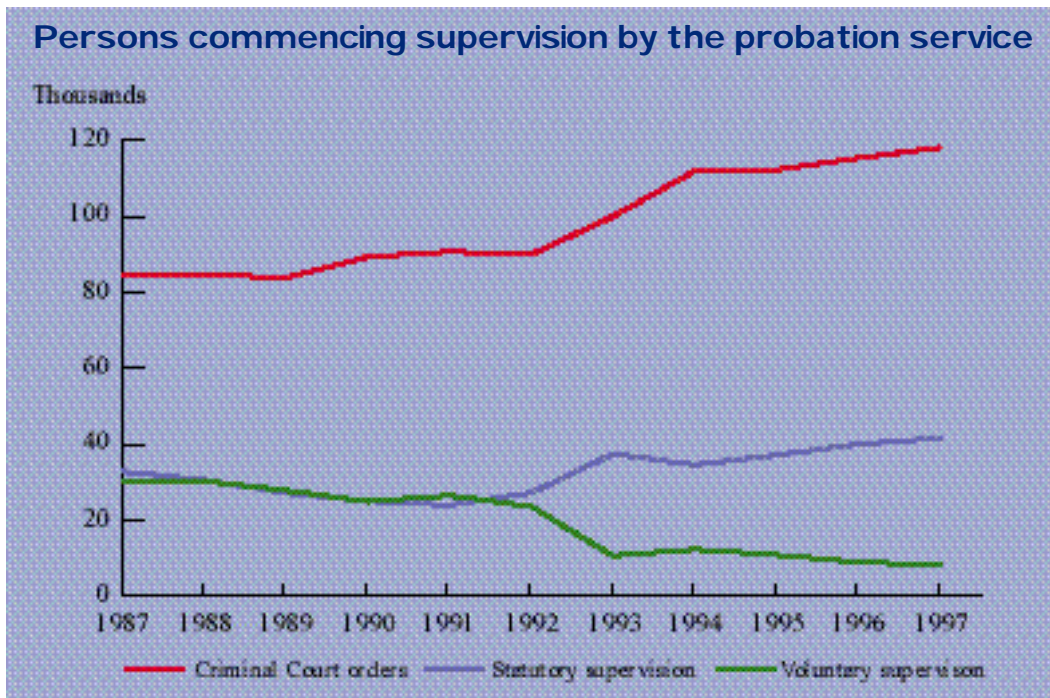
- At the Crown Court, the use of custody fell from 1987 (52%) to 1990 (43%) but then steadily rose before levelling off in 1997 (61%). A sharp fall in 'other disposals' between 1992 and 1994 resulted from a large drop in the use of fully suspended sentences following the 1991 Criminal Justice Act.

Sentencing for indictable offences: Crown Court



Community-based disposals: probation service workload

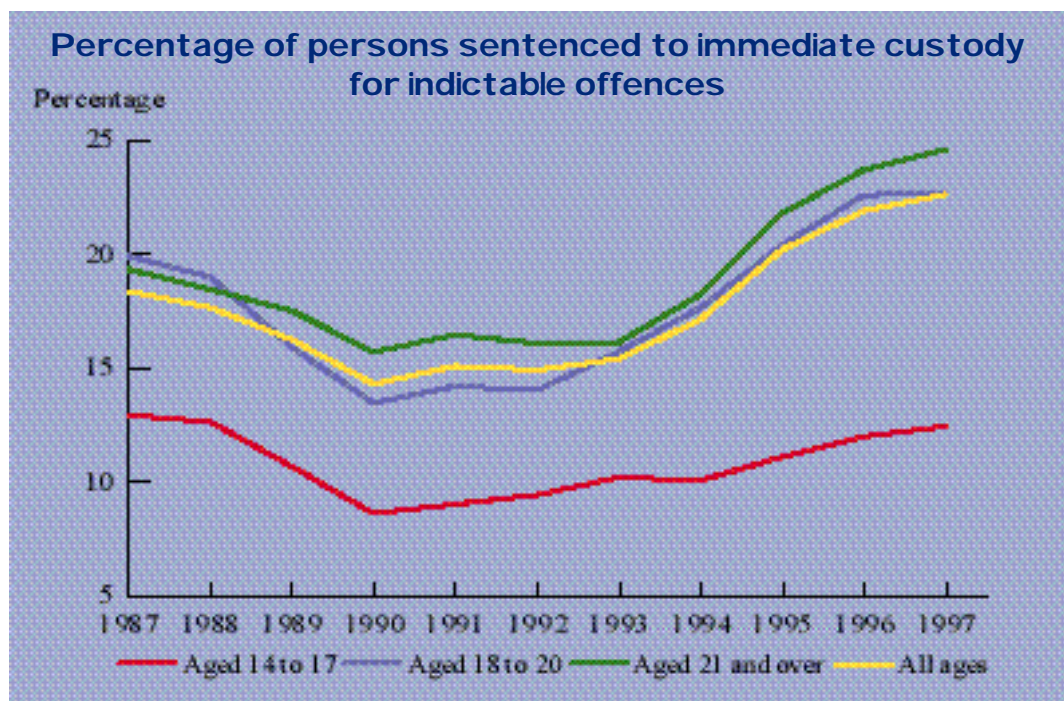
- ④ The number of persons commencing supervision with the probation service resulting from court orders made in criminal proceedings rose by 31% from 85,000 in 1987 to 119,000 in 1997.
- ④ The number of persons commencing statutory pre- and post-release supervision fell from 33,000 in 1987 to 24,000 in 1991 before rising sharply following changes in conditional release procedures under the Criminal Justice Act 1991. In 1997 there were 42,000 commencements.
- ④ Numbers commencing voluntary supervision fell sharply from 30,400 in 1987 to 8,200 in 1997.



- ④ At 31 December 1997, a total of 185,000 persons were being supervised by the probation service; 118,000 persons for court orders in criminal proceedings, 71,000 for pre- and post-release supervision, and 400 for family court supervisions.
- ④ At 31 December 1997, court order supervision included 56,200 persons supervised under a probation order, 34,200 for a community service order and 23,700 for a combination order.
- ④ At 31 December 1997, pre- and post-release supervision included 43,600 adults given Automatic Conditional Release, 2,300 under parole, 13,200 young offenders and 760 sex offenders supervised to the end of sentence under s44 Criminal Justice Act 1991.

Custody

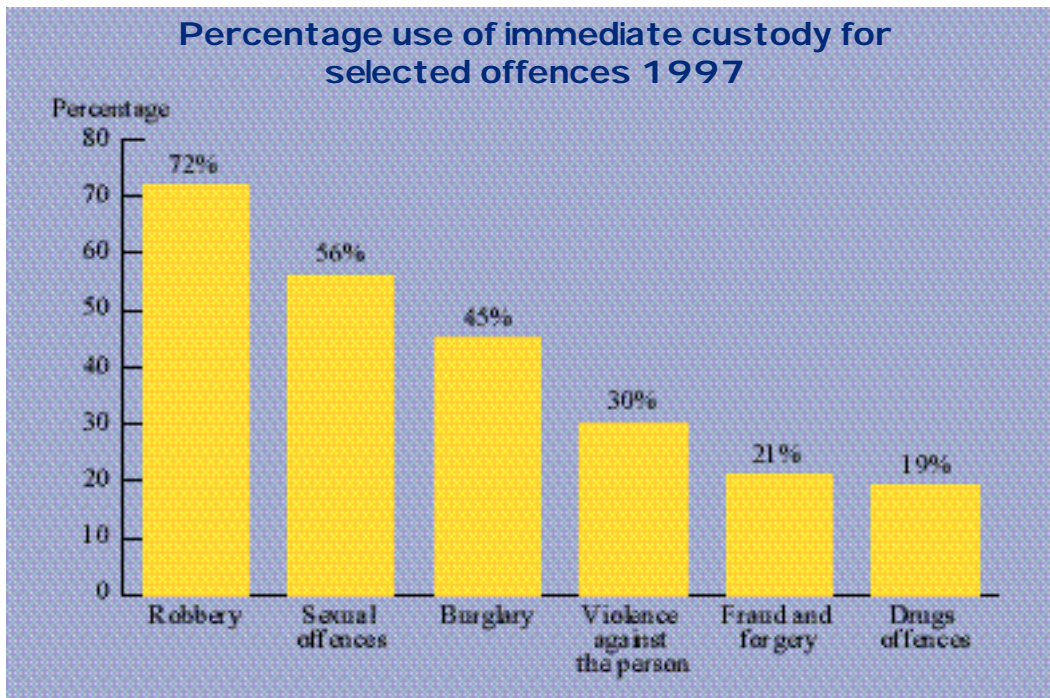
- ④ The number of persons sentenced to immediate custody each year fell from about 74,000 in 1987 to 58,000 in 1990, but has since risen to 93,000 in 1997.
- ④ In 1997, 71,000 were sentenced for indictable offences, 7,700 for summary non-motoring offences and 14,300 for summary motoring offences.
- ④ Since 1987, the number of young offenders aged 14 to 17 sentenced to immediate custody fell from 8,700 to 3,900 in 1993 before rising again to 6,300 in 1997. Young adult offenders aged 18 to 20 fell from 17,700 in 1987 to 11,100 in 1992 but rose to 15,800 in 1997. For adult offenders aged 21 and over the numbers sentenced to custody fell from 48,000 in 1987 to 42,900 in 1992 but have since risen to 71,000 in 1997.
- ④ 7% of the male population born in 1953 had been given at least one custodial sentence before the age of 40.



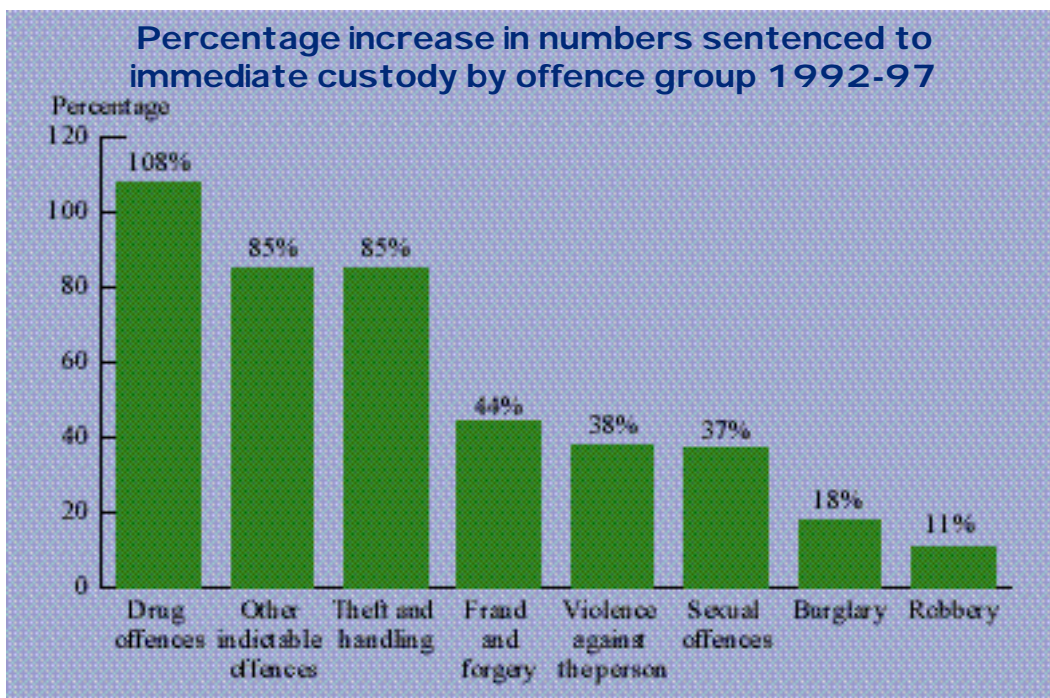
- ④ The proportionate use of immediate custody for indictable offences fell for all age groups from 1987 to 1990 but has risen steadily since then. In 1997, 12% of young offenders (aged 14 to 17), 23% of young adults (aged 18 to 20) and 25% of all adults were sentenced to immediate custody for indictable offences.

Use of custody⁽¹⁾ by offence

- ④ In 1997, 72% of those convicted for robbery, 56% of those convicted of sexual offences, 45% for burglary and 30% for violence against the person were sentenced to immediate custody.



- ④ Respondents to the British Crime Survey were asked to estimate the actual proportion of those sentenced to prison. Over one-half underestimated the proportion by over 30% for offences of rape, burglary and robbery.
- ④ Between 1992 and 1997, the largest percentage rise in the numbers sentenced to custody have been for drug offences (108%), other indictable offences (mainly public order) (85%) and theft and handling stolen goods (85%).



(1) Offenders sentenced to unsuspended imprisonment or young persons detained in a young offenders' institution or under s53 Children and Young Persons Act 1933.

Source: *Criminal statistics, England and Wales, 1997 (The Stationery Office)* and *Attitudes to punishments: findings from the British Crime Survey (Home Office Research Study No. 179)*.

Average sentence length: indictable offences

- ④ The average sentence length for male offenders sentenced to immediate custody at all courts in 1997 was 15.8 months, similar to that in 1996 (15.7 months) but above that for 1994 and 1995 (14.8 months).
- ④ For males aged 21 and over sentenced at magistrates' courts, the average sentence length was 2.6 months in 1997 compared with 2.9 months in 1987. For adult females it was 2.2 months in 1997 compared with 2.6 months in 1987.
- ④ For males aged 21 and over sentenced at the Crown Court the average sentence length was 24.2 months in 1997 compared with 19.2 months in 1987. For adult females it was 19.5 months in 1997, compared with 16.2 months in 1987.

Average sentence length⁽¹⁾ (in months) for those sentenced aged 21 and over to immediate custody for indictable offences

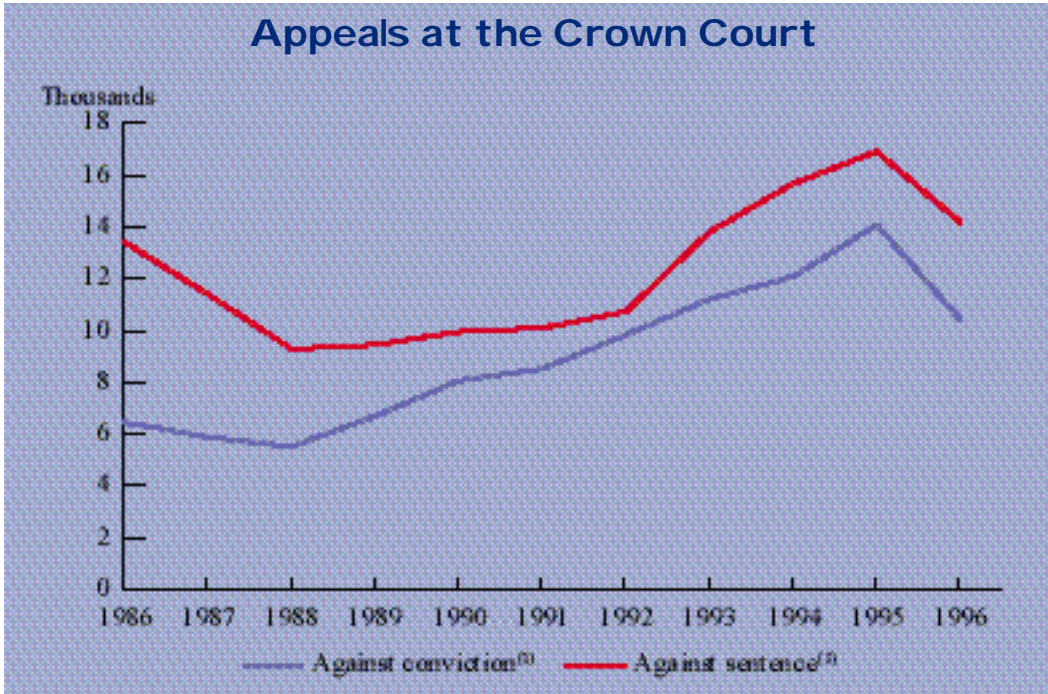
	Magistrates' courts		Crown Court	
	Males	Females	Males	Females
1987	2.9	2.6	19.2	16.2
1988	2.9	2.5	19.0	17.1
1989	2.7	2.5	20.5	18.6
1990	2.6	2.3	20.5	17.7
1991	2.6	2.4	20.5	18.1
1992	2.7	2.2	21.1	17.7
1993	3.2	2.6	21.8	17.7
1994	3.1	2.5	21.6	18.5
1995	2.8	2.4	22.0	17.7
1996	2.7	2.3	23.6	20.0
1997	2.6	2.2	24.2	19.5

(1) Excluding indeterminate sentences (e.g. life).

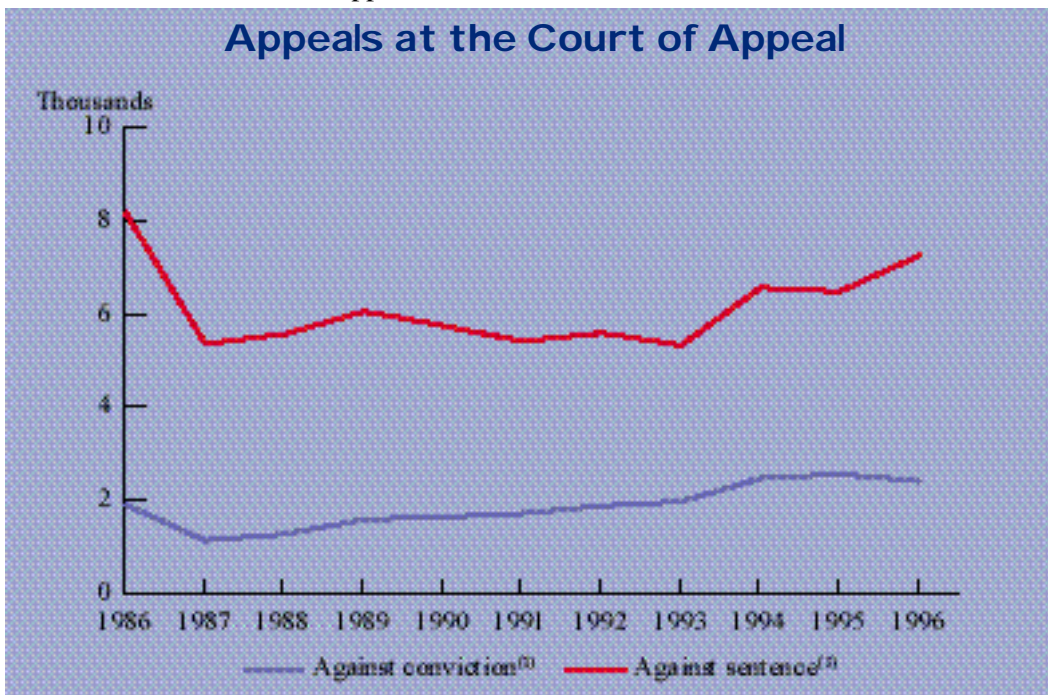
Source: *Criminal statistics, England and Wales, 1997 (The Stationery Office)*.

Appeals: conviction or sentence

- At the Crown Court in 1996, there were 10,440 appeals against conviction⁽¹⁾ and 14,190 appeals against sentences⁽¹⁾ from magistrates' courts. These were 26% and 16% respectively lower than in 1995 following the Criminal Appeals Act 1995 which enabled magistrates to re-examine cases so that mistakes could be rectified without reference to the Crown Court.
- In 1996, 33% of appeals were allowed against conviction and 43% against sentence.



- At the Court of Appeal in 1996, there were 2,400 appeals against conviction⁽¹⁾ and 7,250 appeals against sentence from the Crown Court. 11% of appeals were allowed against conviction and 19% against sentence. 12% of offenders convicted at the Crown Court appealed.



- In 1997 there were 70 referrals to the Attorney General about lenient sentences of which 43 resulted in increased sentences (in 1992 there were 37 referrals and 29 increased sentences).

(1) Includes joint appeals for conviction and sentence.

Source: *Criminal Appeals, England and Wales, 1995 and 1996 (Home Office Statistical Bulletin 3/98)*.

