

### About this Publication

This publication is aimed at the general public to provide an overview of the wealth of new information on sentencing practice at the Crown Court being collected through the Sentencing Council's Crown Court Sentencing Survey.

The information is primarily collected to fulfil the Council's legislative duty under section 128(1) of the Coroners and Justice Act 2009, to "monitor the operation and effect of its sentencing guidelines". However, it is also used by analysts at the Sentencing Council to feed into the package of analytical evidence used to inform the development of new guidelines. One example of this is the use of the information on guilty plea reductions to allow better estimation of the appropriate ranges to include in a new guideline. These ranges (provided at Step 2 of new Sentencing Council guidelines) are applicable to sentences before any reduction for a guilty plea is subtracted. Prior to the Crown Court Sentencing Survey, detailed information on guilty plea reductions was not available to inform guideline ranges.

Methods are also being developed to consider the most appropriate way to evaluate the impact of Sentencing Council definitive guidelines on sentencing practice and on the consistency of sentencing – questions which it would not be possible to answer without the data collected by the Crown Court Sentencing Survey.

### Acknowledgements

The Council is very grateful to the Crown Court judges at all Crown Court centres in England and Wales for their participation in this ongoing survey. Without their continued dedication, this new and valuable source of information on sentencing practice would not be available.

The Council would also like to express its gratitude to the court staff involved in the survey for their patience, cooperation and assistance, especially at times when changes have had to be made to the survey and its administration.

## Executive Summary

The Sentencing Council for England and Wales launched the Crown Court Sentencing Survey on 1 October 2010. It collects information directly from judges on the factors taken into account when they impose a sentence at the Crown Court.

This publication presents the findings of the survey for sentences passed by the Crown Court in 2012. The first part of the publication builds a picture of the general characteristics of cases sentenced by the courts in 2012. It also explores the impact of these characteristics on the sentence imposed. The second part considers the proportion of sentences falling within the guideline offence ranges for sentences passed since each of the Sentencing Council guidelines: *Assault, Definitive Guideline*; *Burglary Offences, Definitive Guideline*; and *Drug Offences, Definitive Guideline*, came into effect.

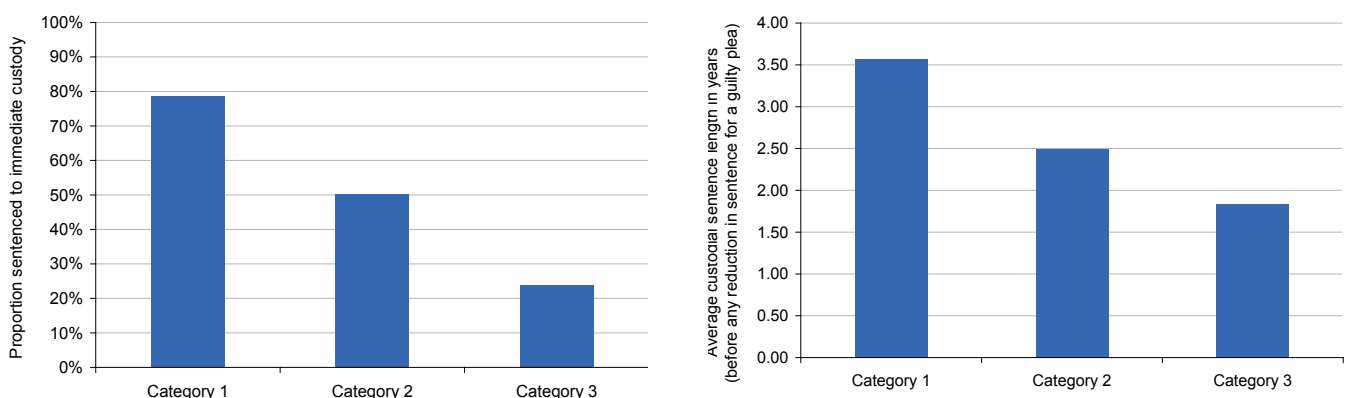
### Offence category/level

The first decision that a judge will make when sentencing an offender is to determine the offence category (or level), which is a measure of the harm caused and the culpability of the offender *compared to other offences of the same type*. Category/level 1 indicates the most serious type of offence involving a high level of harm and culpability. Category/level 2 indicates a less serious offence than a category/level 1 and so on.

The proportion of offences falling into the highest offence category/level varies across offence types. In 2012, offences causing death had the highest proportion of offences falling into the top level of harm and culpability with 34 per cent of offences sentenced being categorised as level 1. On the other hand, sentences for the specific drug offences of possession and permitting premises had the highest proportion of sentences for low level offending with 59 per cent falling into the bottom category/level.

Across all offence types, an offender being sentenced for an offence involving a high level of harm and a high level of culpability (a category/level 1 offence) was more likely to be sentenced to immediate custody and for a longer period than an offender who committed a similar offence but caused less harm and was shown to be less culpable (a category/level 2, or less serious, offence). For example, in cases of assault and public order, the charts below show how the proportion of offenders sentenced to immediate custody and the average custodial sentence length vary with offence category.

*Sentences for cases of assault and public order, Crown Court, 2012*

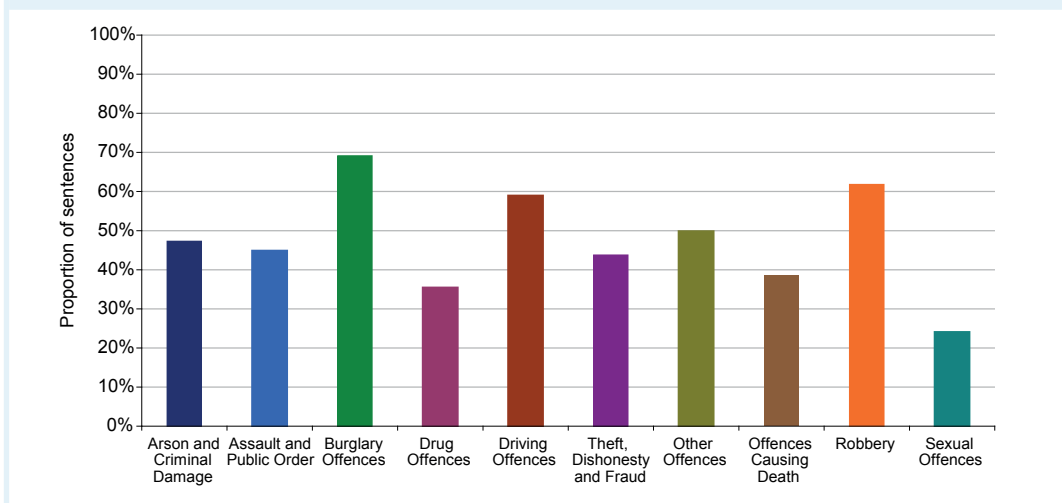


## Previous convictions taken into account

Where the offender has previous convictions that are considered recent or relevant to the offence being sentenced, the judge must decide how to take these into account.

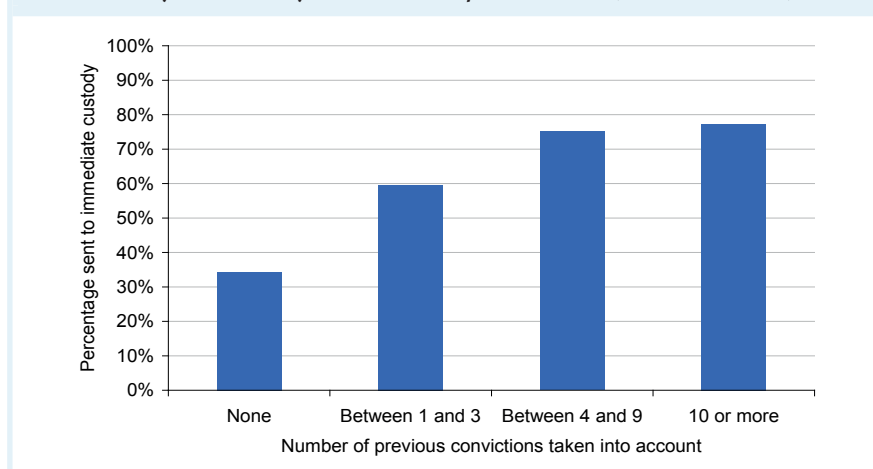
How likely an offender is to have previous convictions that are considered recent and relevant enough to influence the sentence they receive will generally depend on the type of offence being sentenced. The chart below shows the proportion of offenders sentenced at the Crown Court in 2012 who had at least one previous conviction taken into account to determine their sentence.

*Proportion of sentences where the offender had at least one previous conviction taken into account to determine their sentence, Crown Court, 2012*



Where an offender had recent and relevant previous convictions, that offender was more likely to be sentenced to immediate custody, with this likelihood increasing as the number of previous convictions increased. For cases of assault and public order, this is shown in the chart below.

*Sentences for cases of assault and public order, Crown Court, 2012*



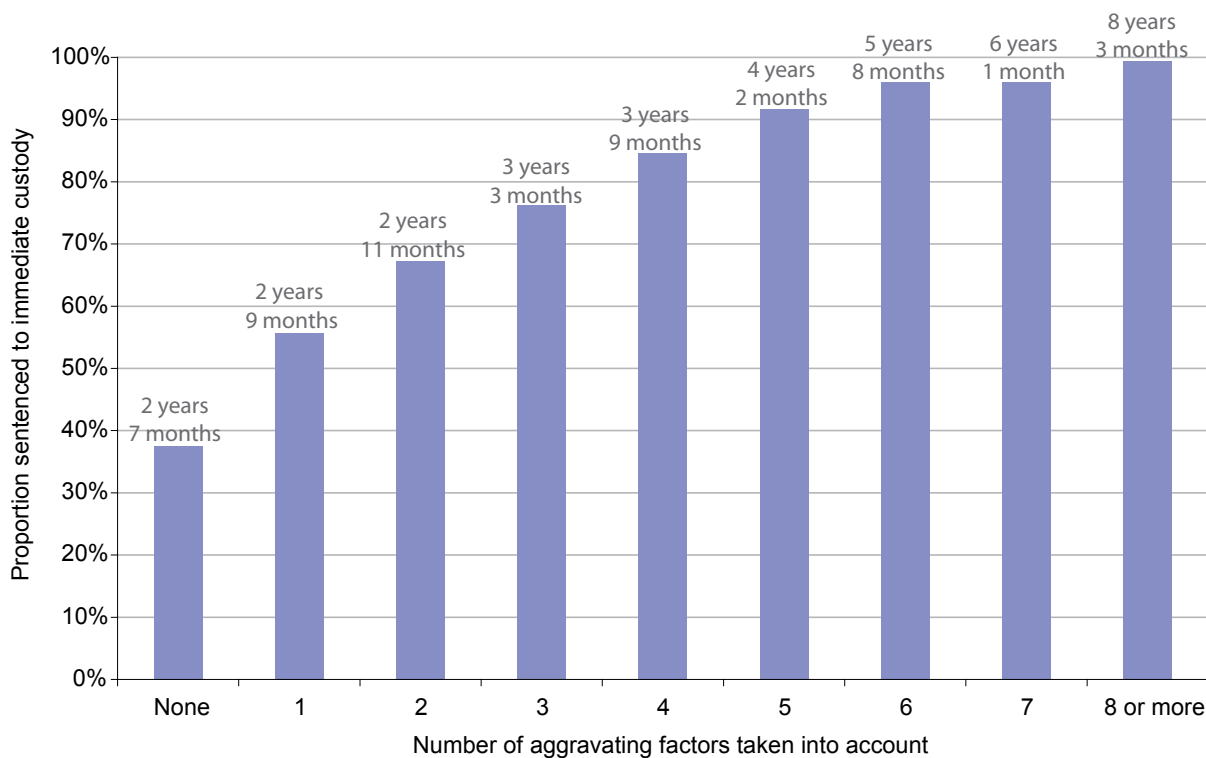
## Aggravating and mitigating factors

Aggravating and mitigating factors are other factors relating to the case or the offender that provide the context to how and why the offence was committed. In each case, these factors will have differing levels of importance in determining the sentence, depending on the specific circumstances of that case.

In 2012, on average, between 1 and 2 aggravating factors were taken into account when determining the sentence, except for cases of drug offences and robbery. In cases of robbery, which had the highest number of aggravating factors on average, the most frequently recorded aggravating factors present were that the offender was in a group or gang, the offender targeted a vulnerable victim and that the offender used a weapon during the crime, seen in 53 per cent, 46 per cent and 38 per cent of robbery cases sentenced, respectively.

The results for 2012 show that an offender with a number of aggravating factors was more likely to be sentenced to immediate custody and for a longer period of time. This is summarised in the chart below which covers all offence types.

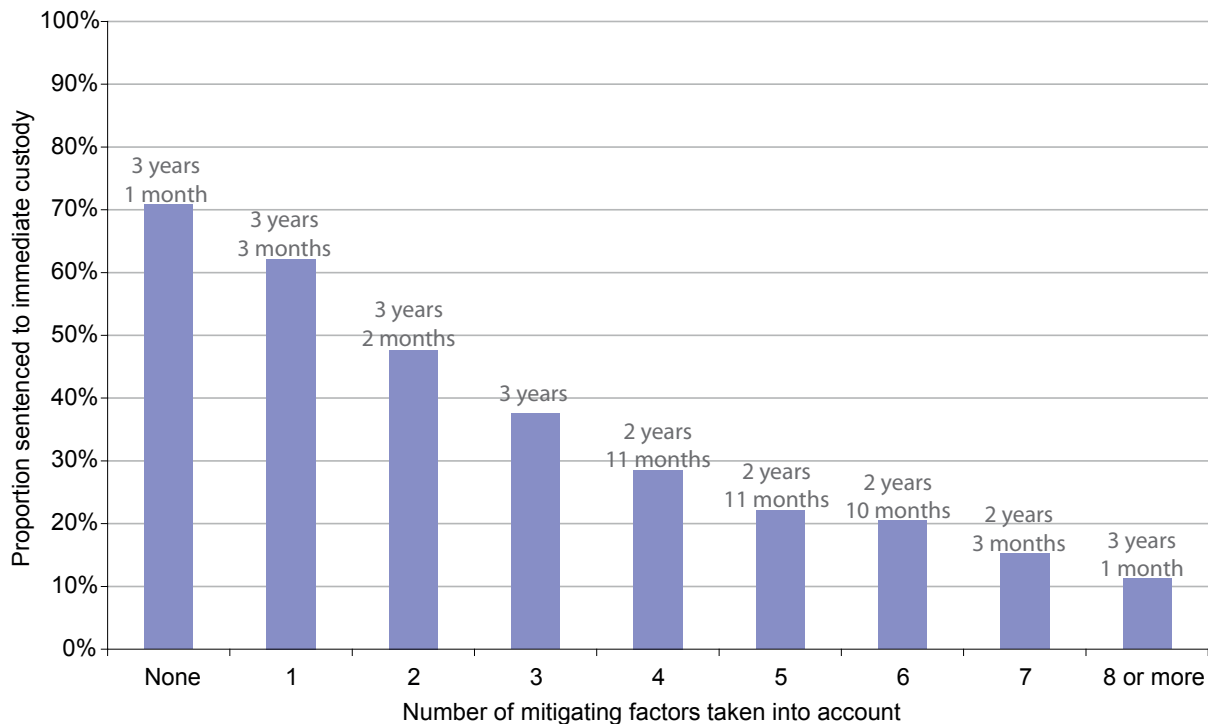
*Proportion of offenders sentenced to immediate custody and average custodial sentence length (before any reduction in sentence for a guilty plea) broken down by number of aggravating factors, Crown Court, 2012*



For mitigating factors, on average, between 1 and 2 factors were taken into account when determining the sentence, except for cases of burglary. The presence of mitigation was least likely in cases of burglary where 58 per cent of cases sentenced had no mitigating factors taken into account. In cases of arson and criminal damage, which had the most mitigating factors present on average, the most commonly recorded mitigating factors present were that the offender was remorseful, the age or lack of maturity of the offender, and that the offender had a physical or mental illness, which were present in 38 per cent, 30 per cent and 22 per cent of cases of arson and criminal damage sentenced, respectively.

With mitigating factors, as the chart below shows, the likelihood of being sentenced to immediate custody, and the sentence length imposed, both generally decreased with the number of mitigating factors present.

*Proportion of offenders sentenced to immediate custody and average custodial sentence length (before any reduction in sentence for a guilty plea) broken down by number of mitigating factors, Crown Court, 2012*



## Guilty pleas

Defendants can enter a guilty plea at various stages in the court process. The court must take account of this and it will usually result in a reduction to the sentence length. The reduction applied will depend on the stage of the process at which the plea was made and the circumstances in which the plea was made. In general, the earlier the plea is entered, the greater the reduction in sentence. Guidance for this is provided in the Sentencing Guidelines Council guideline, *Reduction in sentence for a guilty plea*.

In 2012, 79 per cent of offenders sentenced at the Crown Court pleaded guilty to the offence. Most frequently, where a guilty plea was made, the plea was entered at an early stage of the proceedings, with 77 per cent of offenders pleading guilty either before or at the Plea and Case Management Hearing (PCMH). Where a plea was entered either before or at the PCMH, 84 per cent were granted the highest level of reduction. A further 10 per cent were granted a reduction of between 21 and 32 per cent, and 6 per cent were granted a reduction of 20 per cent or less.

## Departures from the Sentencing Council guidelines

Courts are not required to stay within the relevant category range defined by sentencing guidelines; however they are under a legislative duty to impose a sentence which is within the offence range specified by the guideline, unless it is in the interests of justice to depart from the range. The offence range is the full spectrum of sentences over all offence categories.

The survey results show that in 2012, for offences covered by the guideline, *Assault, Definitive Guideline*, 96 per cent of sentences fell within the relevant offence range, 2 per cent fell below and 2 per cent were above.

Between the introduction of the guideline, *Burglary Offences, Definitive Guideline*, on 16 January 2012 and 31 December 2012, 97 per cent of sentences for offences covered by the guideline fell within the relevant offence range, < 0.5 per cent fell below and 3 per cent were above.

Between the introduction of the guideline, *Drug Offences, Definitive Guideline*, on 27 February 2012 and 31 December 2012, 99 per cent of sentences for offences covered by the guideline fell within the relevant offence range, < 0.5 per cent fell below and 1 per cent were above.

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## Introduction

The Crown Court Sentencing Survey (CCSS) began on 1 October 2010. It collects information directly from judges on the factors taken into account when they impose a sentence at the Crown Court. The survey was primarily designed to collect the information required by the Council to fulfil its legislative duty under section 128(1) of the Coroners and Justice Act 2009, to “monitor the operation and effect of its sentencing guidelines”. However, it has also been recognised as an important source of new data to supplement the range of criminal justice data already available and for improving understanding of how sentences are determined.

This is the third publication of data from the survey, providing information on sentences passed at the Crown Court in 2012. The results presented in this publication have been weighted to reflect national sentencing levels. Details of the estimation methodology used are provided on page 42. For those readers who are less familiar with the sentencing process, a supplementary document, *A Guide to CCSS Statistics*, is provided alongside this release.<sup>1</sup> This document provides background information on the factors that a judge will consider when deciding on the appropriate sentence.

When considering the results presented, it is important to note that **every criminal case is unique**. There may be considerations other than those noted here or collected in the Crown Court Sentencing Survey that have also impacted on the sentence.<sup>2</sup> Furthermore, although the same factors may be present in two cases of the same offence, the specific circumstances of each case may mean that the factors are not given the same importance in both cases. Whilst the survey provides a more detailed picture of cases sentenced at the Crown Court, it will not capture every factor considered by a judge when sentencing. What it does do is shed light on the key considerations at sentencing and their influence on the sentence imposed.

<sup>1</sup> A Guide to CCSS Statistics can be accessed on the Council’s website at:  
<http://sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm>

<sup>2</sup> For example, the requirements attached to a community order might differ depending on the opinion of the court as to which are the most suitable for the offender.



## Background to the Crown Court Sentencing Survey

The survey is a census, not a sample survey. For every new criminal case sentenced at the Crown Court, the sentencing judge is expected to complete a survey form. When completing the form, the judge is required to consider only the principal offence (most severe offence) being sentenced on that occasion. Where the sentence is not a new sentence, the judge is not required to complete a form. For example, if the sentence resulted from the breach of a previous sentence, this sentence would not be new and therefore a form would not be completed.<sup>3</sup>

Over the period covered by this release, the survey data were collected using ten different **offence type** forms:

- arson and criminal damage;
- assault and public order<sup>4</sup>;
- burglary offences<sup>4</sup>;
- driving offences;
- drug offences<sup>4</sup>;
- offences causing death;
- other offences;
- robbery and assault with intent to rob;
- sexual offences; and
- theft, dishonesty and fraud.

Only one form is completed, depending on the nature of the **principal offence** being sentenced. The different offence type variations reflect the fact that some of the factors taken into account will be specific to the type of offence committed; therefore, each offence type has its own form.

To limit the burden placed on judges, each form consists of a single side of paper. Therefore, not all considerations will be captured by the survey. The key areas covered are:

- the **offence category/level** (a measure of the harm caused and the blameworthiness, or **culpability**, of the offender);
- the number of recent and relevant **previous convictions** of the offender;
- **aggravating** and **mitigating** factors present in the case; and
- any reduction given for a **guilty plea**, where a guilty plea was entered.

For definitions and further details on each of the factors covered by the survey, please refer to the document *A Guide to CCSS Statistics* which can be found on the Council's website.<sup>5</sup> For links to copies of the forms, please refer to page 46.

<sup>3</sup> There are a limited number of court orders, which if breached, do receive a new sentence. In these cases, a form would be completed. Further details are provided in the guidance notes on the back of the survey forms, to which a link is provided in the further information section on page 46.

<sup>4</sup> For the offences covered by these three forms, a definitive guideline has been introduced by the Sentencing Council. Therefore, the structure of these forms varies slightly from the other forms. This has been done so that they better reflect the decision making process defined by Sentencing Council definitive guidelines.

<sup>5</sup> <http://sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm>

The results presented have been split into the following sections:

### Section 1: Results for England and Wales, 2012

The first section gives a national overview of the results of the survey in 2012. By providing detailed information on the factors relevant to the sentencing decision in each case, this section builds a picture of the general characteristics of cases sentenced by the courts, not just the offence sentenced. It also explores the impact of these characteristics on the sentence imposed.

### Section 2: Departures from Sentencing Council Guidelines

This section provides an overview of the operation of the first three offence specific Sentencing Council guidelines: *Assault, Definitive Guideline*; *Burglary Offences, Definitive Guideline*; and *Drug Offences, Definitive Guideline*. It considers the proportion of sentences falling within the new guideline offence ranges for sentences passed either for the whole of 2012 or since the guidelines came into effect.

### Section 3: Further Information

This section provides background information on the quality assurance process, how the survey data were analysed to produce the results presented and the improvements that have been made since the last publication.

## Section 1: Results for England and Wales, 2012

### 1.1 Survey response rates

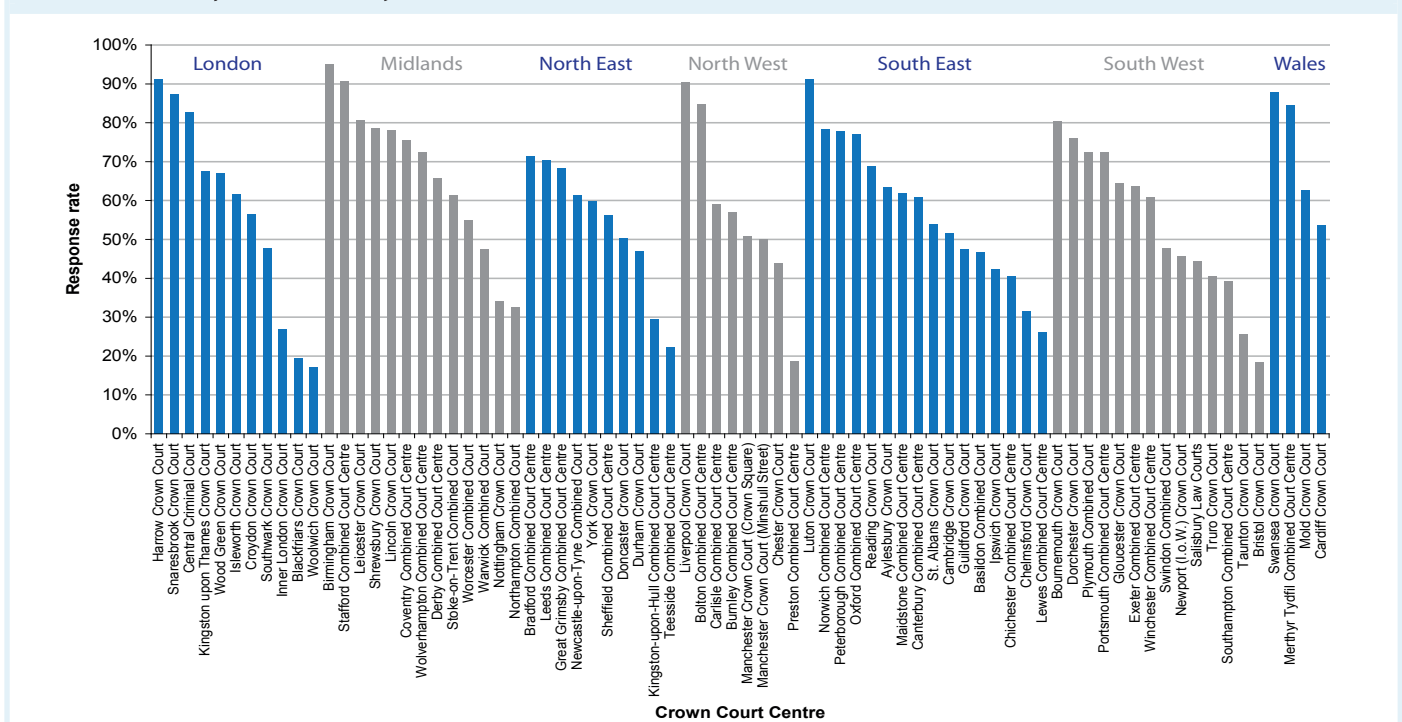
The data processing responsibility for the survey changed to a new contractor in April 2012. Due to this change, the response rates shown are calculated using forms returned between 01 April 2012 and 31 December 2012. Further information is provided in Section 3.2 on page 41.

Across all Crown Court locations in England and Wales, between 01 April 2012 and 31 December 2012, a survey form was completed for 39,645 sentences. Of these, it has been possible to confirm that 93 per cent of the forms returned relate to the principal offence through comparison with the administrative database, CREST.<sup>6</sup> The other 7 per cent have been excluded from the results presented as it is not possible to say whether these forms relate to the principal offence.

In 2012, there were 87,739 sentences<sup>7</sup> passed for principal offences at the Crown Court, of which 63,357 sentences were passed in the period 01 April 2012 to 31 December 2012. Over the period of 01 April 2012 to 31 December 2012, the overall national response rate is therefore 58 per cent.<sup>8</sup> However, response rates by location vary from 17 per cent to 95 per cent.

Chart 1.11 shows the distribution of response rates across the court locations, separated by regions.

Chart 1.11: Response rates by Crown Court location, 2012



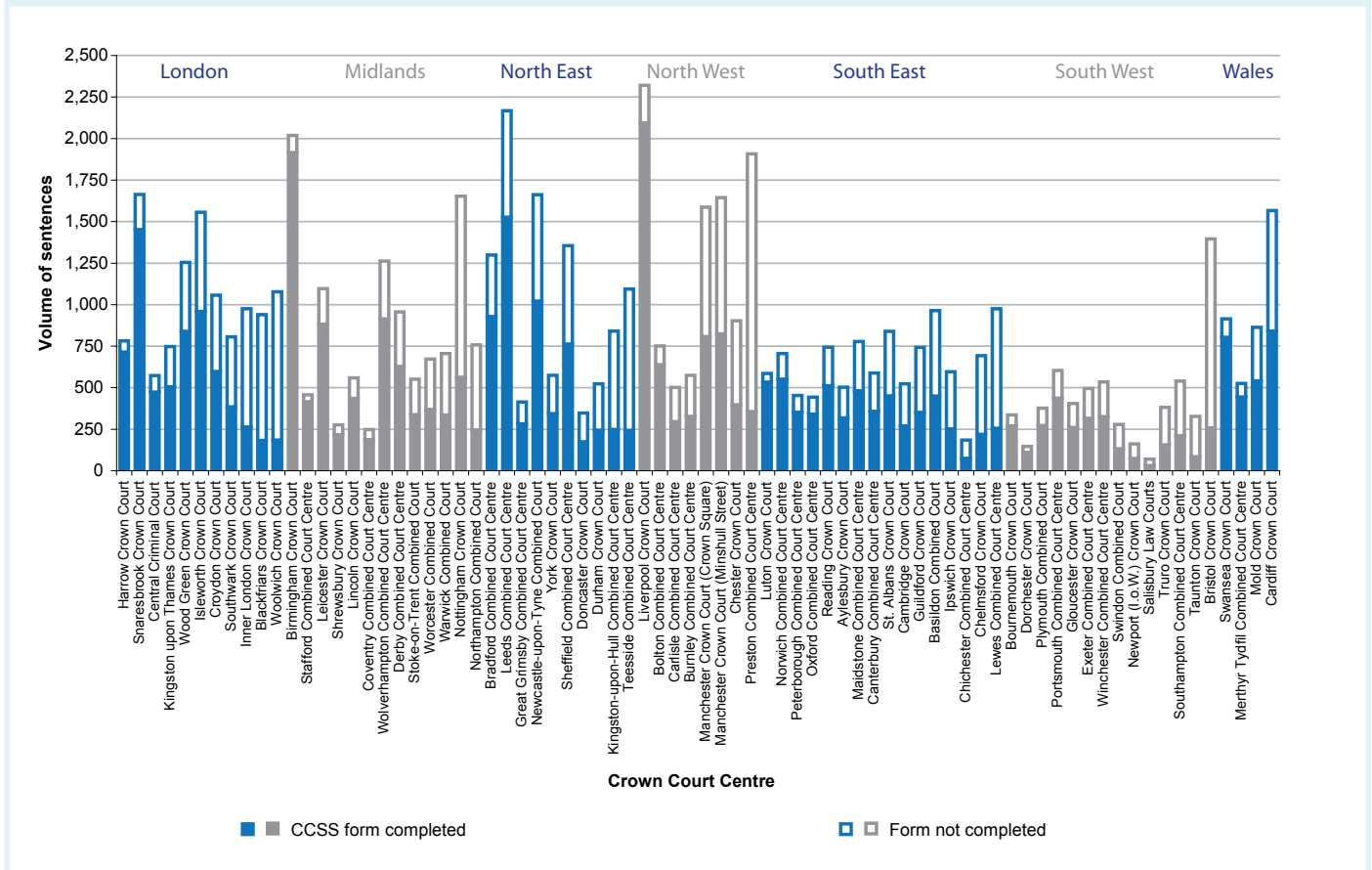
6 CREST (Crown Court Electronic Support System) is the case management system used by the Crown Court for tracking case progression.

7 This differs from the total number of sentences reported in the Ministry of Justice publication Criminal Justice Statistics Annual, 2012. Further details are provided in section 3.4 on page 45.

8 This is based on the 93 per cent of survey forms returned for which a match could be obtained. Including the unmatched 7 per cent of sentences provides a national response rate of 63 per cent.

The volume of sentences passed at each Crown Court location will vary. Even if the response rate of a Crown Court location is not particularly high, it may still represent a significant proportion of the overall set of forms analysed. The actual volumes of forms returned by each court in 2012 are shown in chart 1.12.

Chart 1.12: Volume of sentences by Crown Court location, 2012



Although there is variation in the response rates amongst courts, the sentences for which survey forms were completed do provide a good representation of the national picture of sentencing at the Crown Court in 2012.

This has been confirmed by comparing the survey responses to information provided by the Ministry of Justice on the full population of sentences passed at the Crown Court in England and Wales in 2012. Additionally, to ensure that the national level estimates presented in this bulletin are robust, an estimation methodology based on probability weighting, which makes use of the data from the Ministry of Justice, has been used. Further information is provided in section 3.2 on page 42.

## 1.2 National level totals

The following table shows how the national volume of sentences would have been distributed across the different form types had a form been returned for every sentence passed at the Crown Court in 2012. The results in the rest of the publication are based on the nationally representative totals shown in this table.

Form type	Frequency	Proportion of all sentences in 2012
Arson and criminal damage	1,707	2%
Assault and public order	20,405	23%
Burglary offences	10,786	12%
Drug offences	12,385	14%
Driving offences	3,173	4%
Theft, dishonesty and fraud	15,297	17%
Other offences	7,968	9%
Offences causing death	1,225	1%
Robbery	5,702	7%
Sexual offences	6,212	7%
Former burglary (same as the theft, dishonesty and fraud)	433	< 0.5%
Former drug offences	2,446	3%
<b>Total number of sentences</b>	<b>87,736</b>	<b>100%</b>

The former burglary offences form (which was included on the theft, dishonesty and fraud form) applies to sentences for burglary offences passed before the introduction of the new definitive guideline for burglary offences on 16 January 2012.

The former drug offences form applies to sentences for drug offences passed before the introduction of the new definitive guideline for drug offences on 27 February 2012.

Where results have been presented according to the relevant form type, results have not been provided for the former burglary and former drug offences forms due to the very short period of 2012 for which these forms were applicable.

## 1.3 Offence category (level of harm and culpability)

### Background

The offence category is a measure of the seriousness of the offence and is determined by an assessment of the harm caused, or potentially caused, by the offender when committing the offence, and how much the offender was to blame for the offence committed (the offender's culpability). The offence category measures the scale of seriousness of the offence being sentenced **in comparison to other offences of the same type**.

This means that the offence category does not give any information about the seriousness of an offence relative to an offence of another type, even if the categories of the two offences are the same. For example, a category 1 assault cannot be compared to a category 1 theft.

The sentencing guideline for any particular offence defines a set of offence categories which are based on the **culpability** of the offender and the **harm** caused.<sup>9</sup> For each category, the guideline provides a range of appropriate sentences. Sentencing guidelines introduced before the creation of the Sentencing Council do not refer to explicit categories but instead provide a narrative description to define the level of harm and culpability involved. On those forms relating to older sentencing guidelines, the word "level" is used rather than "category".

For any specific offence, the most serious cases are categorised as **category 1 (level 1)** offences. These relate to offences where a **high level of harm** was caused, or potentially caused, and the offender had a **high level of culpability**. Less serious offences, where lesser harm was caused or the offender had lower culpability, are categorised by a higher category number. Therefore a category 2 (level 2) offence is considered less serious than a category 1 (level 1) offence and so on. The total number of categories available on each form type will depend on how many categories are defined in the relevant sentencing guideline. Most guidelines have three or four categories; however, some have more, for example some offences in the guideline on fraud have five categories.

Not all offences have a sentencing guideline. For those offences with a guideline, the Crown Court Sentencing Survey form captures the offence category. Where it is felt that the offence falls between two adjacent categories, the judge is requested to tick both categories.<sup>10</sup> If a guideline does not exist for the offence being sentenced, the judge is requested to tick "no existing guideline" on the form.

### Summary: Relationship between the offence category and sentence outcome

There is a clear relationship between the severity of the sentence imposed and the level of harm and culpability, as reflected by the offence category. An offender being sentenced for an offence involving a high level of harm and high level of culpability is more likely to be sentenced to immediate custody, for a longer period than an offender who committed a similar offence, but caused less harm and was less culpable for the offence. For example, for offences of assault and public order, 79 per cent of cases classified at the highest

<sup>9</sup> For some offences, only one of the parameters, harm or culpability, is used to determine the category. For example, in cases of theft, the categories are based purely on an assessment of the harm caused.

<sup>10</sup> More than one category was ticked on a very small proportion of forms. Where this occurred, the category which indicates the highest harm and culpability out of those ticked has been used in the results presented.

category were sentenced to immediate custody with an average custodial sentence length of 3 years 7 months (before any reduction in sentence for a guilty plea), compared to 24 per cent receiving immediate custody for the lowest category, with an average custodial sentence length of 1 year 10 months (before any reduction in sentence for a guilty plea).

### Results: Offences with a sentencing guideline that was introduced before the creation of the Sentencing Council

Table 1.31 shows the levels of harm and culpability that were indicated on the different offences forms for those offences with a sentencing guideline that was introduced before the creation of the Sentencing Council.

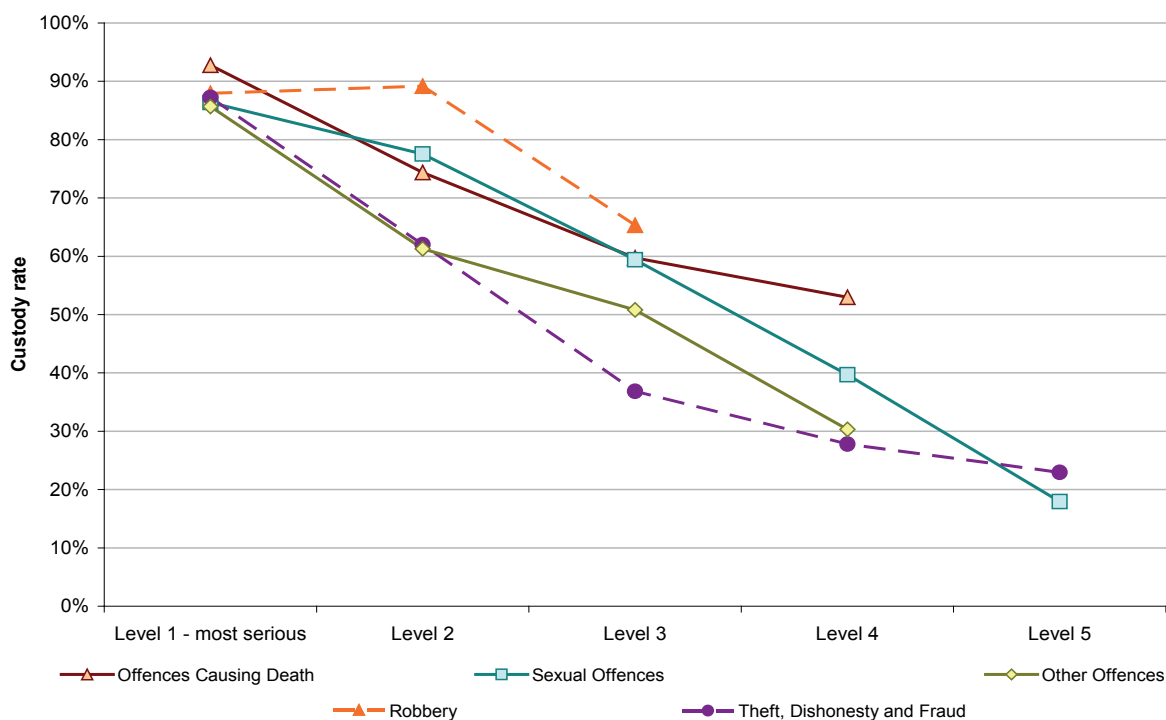
*Table 1.31: The level of offence committed by offenders convicted of offences with a sentencing guideline that was introduced before the creation of the Sentencing Council, Crown Court, 2012*

Form type	Level 1 (most serious)	Level 2	Level 3	Level 4	Level 5	Total (with a sentencing guideline)	No existing guideline	Total sentences
	Number (proportion) of sentences							
Arson and Criminal Damage	-	-	-	-	-	-	1,707	1,707
Driving Offences	-	-	-	-	-	-	3,173	3,173
Theft, Dishonesty and Fraud	881 (9%)	2,408 (25%)	3,012 (32%)	1,792 (19%)	1,434 (15%)	9,526 (100%)	5,771	15,297
Other Offences	295 (15%)	603 (30%)	506 (25%)	607 (30%)	-	2,010 (100%)	5,958	7,968
Offences Causing Death	241 (34%)	278 (39%)	136 (19%)	49 (7%)	-	704 (100%)	521	1,225
Robbery	433 (8%)	3,097 (59%)	1,761 (33%)	-	-	5,291 (100%)	411	5,702
Sexual Offences	1,375 (26%)	1,261 (24%)	1,192 (23%)	655 (12%)	795 (15%)	5,278 (100%)	934	6,212

- indicates that this level/category is not available in the relevant guideline.

Offences causing death and sexual offences had the highest proportion of offences falling into the top level of harm and culpability, with 34 per cent and 26 per cent of offences sentenced being categorised as level 1, respectively (where a sentencing guideline exists). On the other hand, robbery and other offences had the highest proportions of sentences for low level offending, with 30 per cent and 33 per cent of offences sentenced falling into the bottom level, respectively (where a sentencing guideline exists).

*Chart 1.32: Proportion of offenders sentenced to immediate custody (custody rate) for offences with a sentencing guideline that was introduced before the creation of the Sentencing Council, broken down by level, Crown Court, 2012*

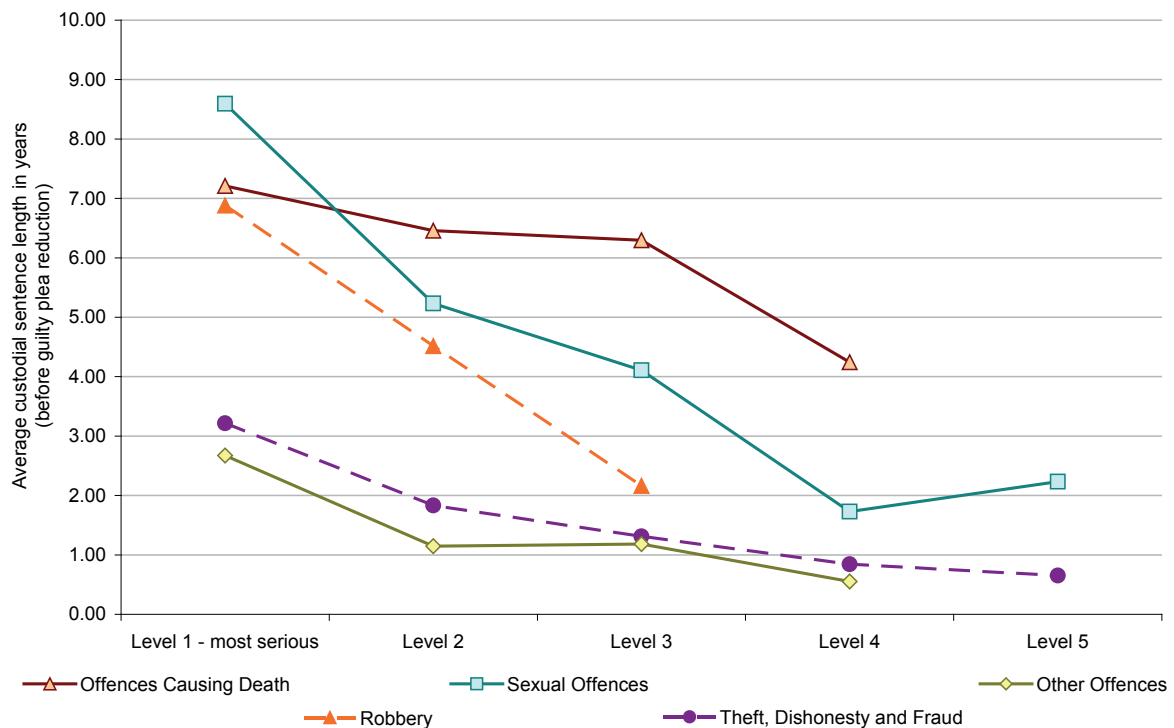


For each of these form types, charts 1.32 and 1.33 show how the proportion sentenced to immediate custody (the custody rate) and the average custodial sentence length change across the offence levels. The sentencing guidelines define a set of appropriate sentence ranges for each of the offence levels, which increase as the level of harm and culpability increases. This is reflected in charts 1.32 and 1.33 which show that the likelihood of being sentenced to immediate custody and the average custodial sentence length both increased as the level of harm and culpability increased.

For the offences shown, at least 86 per cent of level 1 offenders were sentenced to immediate custody. This custody rate decreases by at least 28 percentage points for the lowest level of offenders. A similar trend is seen for the average custodial sentence length. Compared to the lowest level of offenders, the average custodial sentence length of level 1 offenders was at least 1 year and 5 months higher.



Chart 1.33: Average custodial sentence length (before any reduction in sentence for a guilty plea) received by offenders sentenced to immediate custody for offences with a sentencing guideline that was introduced before the creation of the Sentencing Council, broken down by level, Crown Court, 2012



## Other considerations

It is important to take into consideration that each of the form types shown cover a wide variety of different offences from those that are relatively minor to very violent or harmful offences, for example, the form type of assault and public order includes anything from non-violent disorderly behaviour up to causing grievous bodily harm (GBH). When judges are sentencing an offence they decide upon the level indicating seriousness by comparison with other offences of the same type. For example, an offence of common assault is compared to other common assaults, not against other assault and public order offences. The information in this section covers all offences on a particular form type so offences captured under level 1 may still include relatively minor offences.

Even within a single sentencing guideline, individual offences can have a different number of categories defined. Therefore, not all offences covered by a form type will cover the full range of categories shown for that form type.

## Results: Offences covered by a new Sentencing Council guideline

Tables 1.34 to 1.37 show the category of harm and culpability that was indicated on the form types for those offences covered by a new Sentencing Council definitive guideline. This is the category that is reached after taking into account the factors defined at step one of the decision making process defined in the guidelines.<sup>11</sup> Also shown is the custody rate for offences falling into each of the categories and the average sentence length received by those sentenced to immediate custody. The average custodial sentence length shown is before taking into account any reduction in sentence for a guilty plea.

Some offences recorded on the forms relevant to a new Sentencing Council guideline are not covered by the guideline. For example, the form type relating to the definitive guideline for assault also covers public order offences which are not within the guideline. Therefore, the “no existing guideline” option is available on these forms.

For assault and burglary offences covered by the Sentencing Council guidelines: *Assault, Definitive Guideline* and *Burglary Offences, Definitive Guideline*, the largest proportion of offences were classed as category 2 offences with 59 per cent and 53 per cent of offences sentenced falling into this category, respectively. According to the guidelines, these are offences with either an element of high harm and low culpability or vice versa. Under both guidelines, there is a clear increasing relationship between the offence category and the likelihood of being sentenced to immediate custody, and the average custodial sentence length.

Table 1.34: The level of offence committed by offenders convicted of assault and public order offences, Crown Court, 2012

Assault and public order	Category 1 - most serious	Category 2	Category 3 - least serious	Total (with a sentencing guideline)	No existing guideline	Total
Number of sentences	3,559	9,347	2,931	15,837	4,568	20,405
Proportion of sentences	(22%)	(59%)	(19%)	(100%)		
Custody rate	79%	50%	24%			
Average custodial sentence length	3 years 7 months	2 years 6 months	1 year 10 months			

<sup>11</sup> Please refer to *Assault, Definitive Guideline, 2011; Burglary Offences, Definitive Guideline, 2012; or Drug Offences, Definitive Guideline, 2012* for a description of the decision making process.

Table 1.35: The level of offence committed by offenders convicted of burglary offences, Crown Court, 2012

Burglary offences	Category 1 - most serious	Category 2	Category 3 - least serious	Total (with a sentencing guideline)	No existing guideline	Total
Number of sentences	2,879	5,530	2,023	10,432	354	10,786
Proportion of sentences	(28%)	(53%)	(19%)	(100%)		
Custody rate	94%	74%	47%			
Average custodial sentence length	4 years 2 months	2 years 5 months	1 year 8 months			

For the majority of offences covered by the guideline: *Drug Offences, Definitive Guideline*, a different methodology is used for categorising harm and culpability:

- For the offence of permitting premises, a single scale of categories (from 1 to 3) is used in a similar way to the assault and burglary guidelines.
- In the case of possession offences, the offence category is purely determined by the class of the drug, where category 1 relates to an offence involving the possession of a class A drug, category 2 to class B drugs and category 3 to class C drugs.
- For all other drug offences, there are separate scales for harm and culpability. The culpability of the offender is demonstrated by their role which can either be leading, significant or lesser; and the category of harm is determined by the quantity of drugs concerned (for importation and supply offences) or the output or potential output of drugs (for production/cultivation offences), where category 1 is the most serious and 4 is the least serious.

For the specific drug offences of possession and permitting premises to be used, the majority of offenders (59 per cent) were classed as category 3.

For all other drug offences covered by the guideline, the largest proportion of offenders (41 per cent) fell under the harm/culpability combination of category 3/significant role.

Table 1.36: The level of offence committed by offenders convicted of possession and permitting premises, Crown Court, 2012

Drug offences - possession and permitting premises	Category 1 - most serious	Category 2	Category 3 - least serious	Total (with a sentencing guideline)
Number of sentences	503	922	2,085	3,510
Proportion of sentences	(14%)	(26%)	(59%)	(100%)
Custody rate	35%	14%	14%	
Average custodial sentence length	10 months	8 months	5 months	

Table 1.37: The level of offence committed by offenders convicted of other drug offences, Crown Court, 2012

Drug offences – other		Leading role	Significant role	Lesser role
Category 1 - most serious	Number of sentences	42	78	117
	Proportion of sentences	(1%)	(1%)	(2%)
	Custody rate	100%	100%	99%
	Average custodial sentence length	12 years 4 months	7 years 7 months	4 years 9 months
Category 2	Number of sentences	57	636	539
	Proportion of sentences	(1%)	(8%)	(7%)
	Custody rate	97%	88%	73%
	Average custodial sentence length	6 years 7 months	4 years	2 years 10 months
Category 3	Number of sentences	86	3,087	1,470
	Proportion of sentences	(1%)	(41%)	(19%)
	Custody rate	76%	59%	50%
	Average custodial sentence length	3 years 11 months	3 years 3 months	2 years 10 months
Category 4 - least serious	Number of sentences	26	529	929
	Proportion of sentences	(< 0.5%)	(7%)	(12%)
	Custody rate	48%	25%	15%
	Average custodial sentence length	1 year 4 months	2 years 3 months	1 years 9 months
Total covered by guideline	Number of sentences			7,596
	Proportion of sentences			(100%)
No existing guideline	Number of sentences			1,279
Total	Number of sentences			8,875

## 1.4 Number of previous convictions taken into account

### Background

Not all previous convictions will be taken into account when determining the sentence. The court must have regard to the relevance of the previous conviction to the current offence and the time that has elapsed since the previous conviction.<sup>12</sup> Where an offender has previous convictions which are very different in nature to the current offence, or where they occurred a long time ago, they are unlikely to have a significant effect on the sentence. The previous convictions that the judge decides to treat as an aggravating factor are referred to here as previous convictions **taken into account**. This may be different to the actual number of previous convictions the offender has.<sup>13</sup>

The Crown Court Sentencing Survey forms capture whether the offender had any previous convictions that were considered to be recent or relevant and how many of these offences the judge decided to **take into account** when determining the sentence.

The options available to select for the number of previous convictions taken into account differ on the form for offences causing death. In the results presented, offences causing death have been excluded, except for table 1.41 where the results for this form type are shown separately.

### Summary: Relationship between previous convictions taken into account at sentencing and sentence outcome

How likely an offender is to have previous convictions that are considered recent and relevant enough to influence the sentence they receive will generally depend on the type of offence being sentenced. In 2012, for offences such as burglary, robbery and driving offences, offenders were more likely to have recent and relevant previous convictions that influenced their sentence, whereas offenders being sentenced for sexual offences were much less likely to have previous convictions that were recent and relevant. Where an offender does have recent and relevant previous convictions taken into account by the judge, that offender is more likely to be sentenced to immediate custody, with this likelihood increasing as the number of previous convictions increases. For example, for offences of assault and public order, 77 per cent of offenders with ten or more previous convictions taken into account were sentenced to immediate custody, compared to 34 per cent of offenders with no previous convictions taken into account.

<sup>12</sup> s.143(2) Criminal Justice Act 2003

<sup>13</sup> This is important to bear in mind when looking at other sources of information on previous convictions, as these will generally include all previous convictions regardless of whether they are taken into account at sentencing.

## Results

For offenders sentenced at the Crown Court in 2012, table 1.41 shows how many previous convictions were taken into account when determining their sentence, broken down by form type.

*Table 1.41: The number of previous convictions that were taken into account, broken down by form type, Crown Court, 2012*

### Offences with a sentencing guideline that was introduced before the creation of the Sentencing Council

Form type		Number of previous convictions taken into account				Total
		None	1 to 3	4 to 9	10 or more	
Arson and Criminal Damage	Number of sentences	900	512	158	137	1,707
	Proportion of sentences	(53%)	(30%)	(9%)	(8%)	(100%)
Driving Offences	Number of sentences	1,305	1,106	486	276	3,173
	Proportion of sentences	(41%)	(35%)	(15%)	(9%)	(100%)
Theft, Dishonesty and Fraud	Number of sentences	8,602	3,003	1,784	1,908	15,297
	Proportion of sentences	(56%)	(20%)	(12%)	(12%)	(100%)
Other Offences	Number of sentences	4,002	2,341	1,016	609	7,968
	Proportion of sentences	(50%)	(29%)	(13%)	(8%)	(100%)
Robbery	Number of sentences	2,179	2,068	901	554	5,702
	Proportion of sentences	(38%)	(36%)	(16%)	(10%)	(100%)
Sexual Offences	Number of sentences	4,721	1,098	289	104	6,212
	Proportion of sentences	(76%)	(18%)	(5%)	(2%)	(100%)
		None	1	2	3 or more	Total
Offences causing death	Number of sentences	753	123	83	266	1,225
	Proportion of sentences	(61%)	(10%)	(7%)	(22%)	(100%)

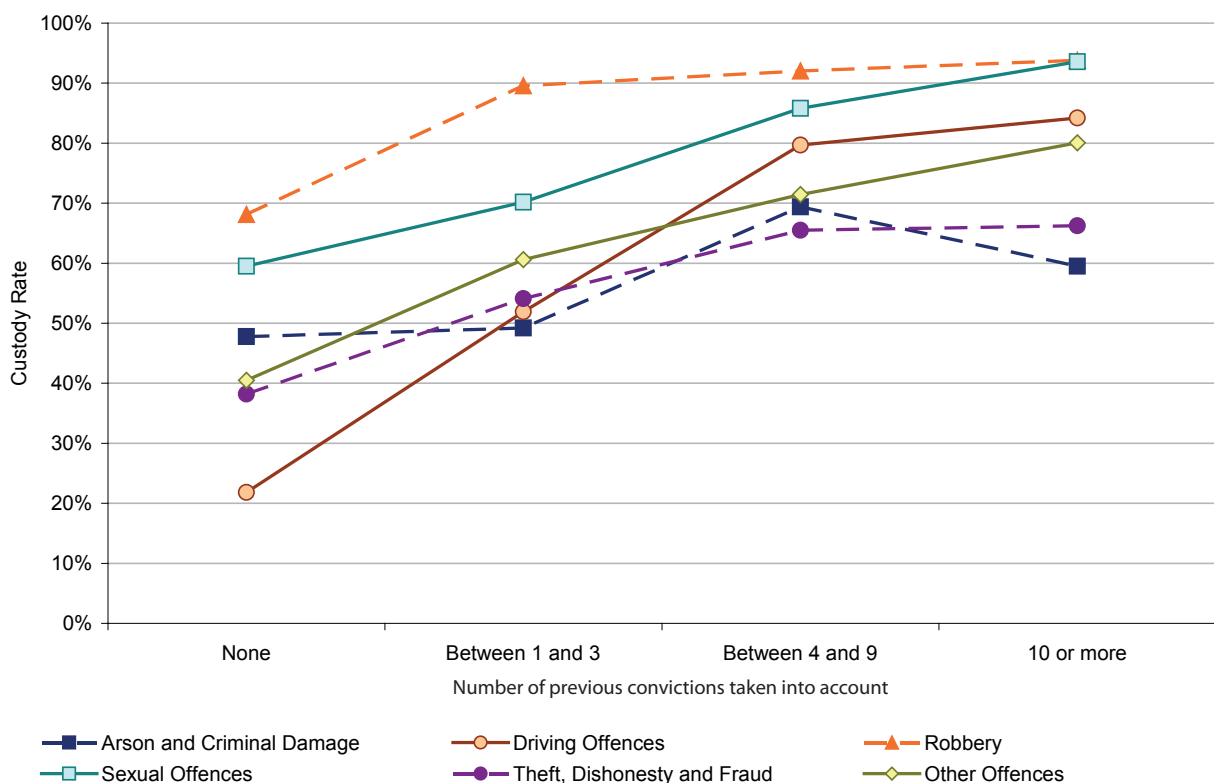
### Offences covered by a new Sentencing Council guideline

Form type		Number of previous convictions taken into account				Total
		None	1 to 3	4 to 9	10 or more	
Assault and Public Order	Number of sentences	11,266	5,790	2,480	869	20,405
	Proportion of sentences	(55%)	(28%)	(12%)	(4%)	(100%)
Burglary Offences	Number of sentences	3,332	2,890	2,278	2,287	10,786
	Proportion of sentences	(31%)	(27%)	(21%)	(21%)	(100%)
Drug Offences	Number of sentences	8,005	3,220	755	406	12,385
	Proportion of sentences	(65%)	(26%)	(6%)	(3%)	(100%)

The offences for which offenders were least likely to have any previous convictions that were considered recent and relevant enough to be taken into account were sexual offences. At least one previous conviction was taken into account in 24 per cent of sentences for sexual offences. On the other hand, the offences for which offenders were most likely to have recent and relevant previous convictions that influenced their sentence were burglary offences, with 69 per cent of sentences for burglary offences being aggravated by the presence of at least one recent or relevant previous conviction.

For each of the form types, charts 1.42 and 1.43 show the proportion of offenders who were sentenced to immediate custody (the custody rate) broken down by the number of previous convictions taken into account by the judge.

*Chart 1.42: Proportion of offenders sentenced to immediate custody (custody rate) for offences with a sentencing guideline that was introduced before the creation of the Sentencing Council, broken down by number of previous convictions taken into account, Crown Court, 2012*

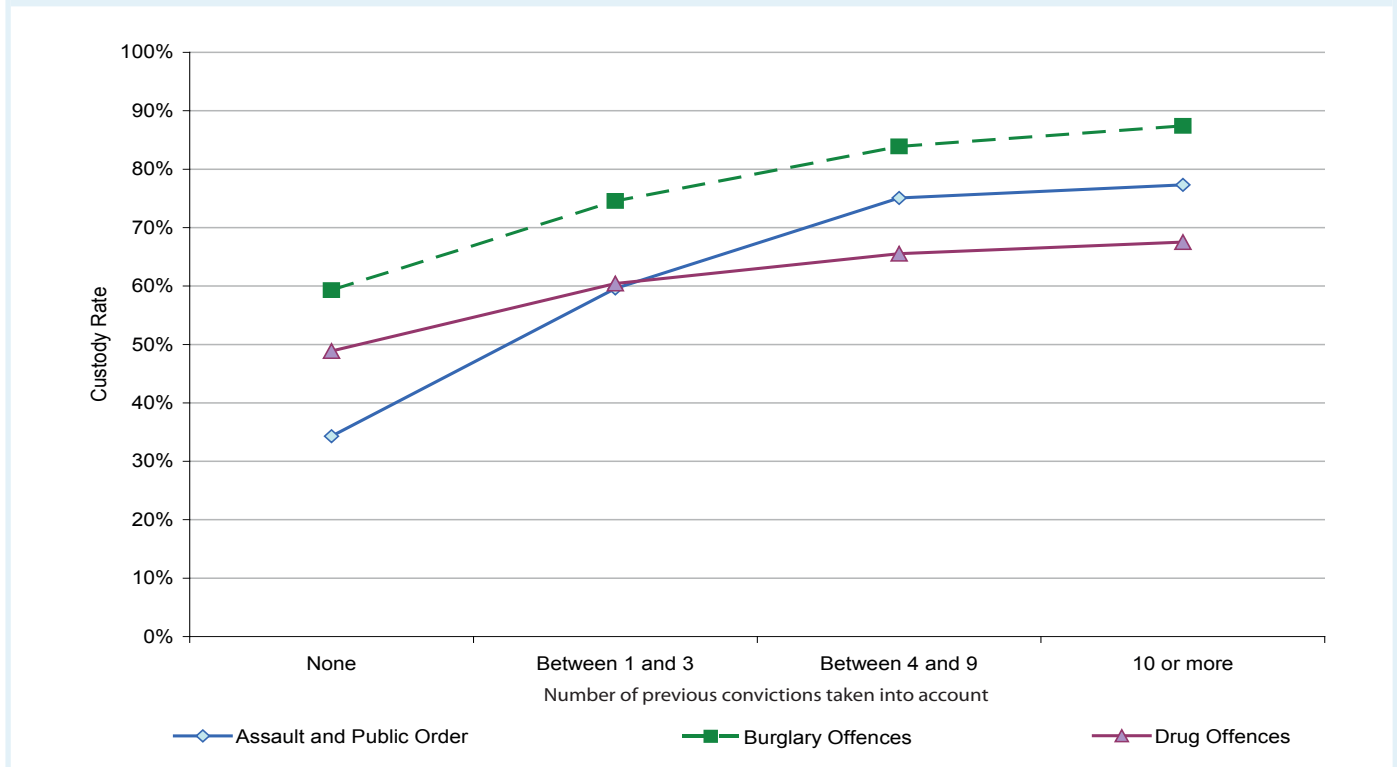


For all offence types, the presence of at least one recent and relevant previous conviction increased the chance of being sentenced to immediate custody. This increase is most prominent for driving offences where for offenders with no previous convictions taken into account, 22 per cent were sentenced to immediate custody, increasing to a custody rate of 52 per cent for offenders with between 1 and 3 recent and relevant previous convictions.

For all offence types except sexual offences and arson and criminal damage, where an offender already had at least one recent and relevant previous conviction, any further ones taken into account by the judge had less of an impact on the likelihood of being sentenced to immediate custody. This is shown by the difference

in custody rate between offenders with between 4 and 9 previous convictions taken into account, and those with 10 or more. The largest difference in custody rate between these two groups for any one form type is 9 percentage points.

*Chart 1.43: Proportion of offenders sentenced to immediate custody (custody rate) for offences with a new Sentencing Council guideline, broken down by number of previous convictions taken into account, Crown Court, 2012*



## Other considerations

For offenders receiving immediate custody, the average custodial sentence length has not been shown in this section.

The 2011 CCSS publication<sup>14</sup> highlighted the problem with looking at the association between the average custodial sentence length and the number of previous convictions taken into account.

Offenders convicted of relatively minor crimes are more likely to have committed a string of similar offences, whilst those offenders convicted of more serious crimes are much less likely to have committed a string of similar offences. Therefore, the more serious offences which attract longer sentences are more likely to be captured under the data relating to an offender with fewer previous convictions taken into account.

Without also taking account of the level of seriousness of offences covered by a single form type, this can make it appear as though offenders with a higher number of previous convictions taken into account are given lower custodial sentence lengths. Therefore, to avoid misinterpretation, these results have not been shown.

<sup>14</sup> Crown Court Sentencing Survey Statistics, 2011, can be accessed on the Council's website at: <http://sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm>



## 1.5 Aggravating and mitigating factors

### Background

Once the judge has made an assessment of the harm and culpability involved in an offence (the offence category), they will then take into account other factors relating to the case or the offender that provide the context to how and why the offence was committed. These other factors can be aggravating factors which suggest that a more severe sentence is appropriate or mitigating factors which suggest that a less severe sentence is appropriate. The extent to which the sentence is increased or decreased due to the presence of a particular aggravating or mitigating factor will depend on the relative importance of that factor on the overall case.

On the Crown Court Sentencing Survey forms, judges are requested to indicate which aggravating and mitigating factors had an influence on the sentence imposed. However, they are not requested to record the relative importance of these factors.

For offences covered by a new sentencing guideline introduced by the Sentencing Council, these are any factors that are taken into consideration at step two of the decision making process. Factors taken into account at step one, which determine the category of the offence, are not included in this section.<sup>15</sup>

### Summary: Relationship between aggravating and mitigating factors and sentence outcome

As we would expect, a case with a high degree of aggravation is dealt with more severely than a case with few aggravating factors and a case with many mitigating factors is dealt with less severely than a case with few or no mitigating factors. For example, in 2012, where no aggravating factors were present in the case, 38 per cent of offenders were sentenced to immediate custody, compared to a custody rate of 85 per cent for offenders with 4 aggravating factors, and 99 per cent for offenders with 8 or more aggravating factors. Where no mitigating factors were present in the case, 71 per cent of offenders were sentenced to immediate custody, decreasing to a custody rate of 30 per cent for offenders with 4 mitigating factors and 14 per cent for offenders with 8 or more mitigating factors.

The nature of aggravating factors varies according to the type of offence being sentenced. For example, for assault and public order offences, the most common aggravating factors present were the location of the offence and that the offender was under the influence of alcohol or drugs. Whereas for other crimes such as driving offences, the most common aggravating factors were the degree to which the driving was deemed to be aggressive and the extent of damage to other vehicles or property. Mitigating factors include factors relating to personal mitigation. Although mitigating factors also vary depending on the nature of the offence being sentenced, they do to a lesser extent. For all offence types, the most common mitigating factor was either the age/lack of maturity of the offender or remorse shown by the offender.

<sup>15</sup> For a list of factors taken into account at step one of the definitive guidelines for assault, burglary offences and drug offences, please refer to copies of the survey forms. These can be downloaded at the link provided on page 46.

## Results: Aggravating factors

Although the presence of recent and relevant previous convictions is considered to be an aggravating factor, this factor has been excluded from the following tables as it is covered separately in section 1.4.

For each form type, table 1.51 reports the number of aggravating factors that influenced the sentence imposed by the judge.

*Table 1.51: Number of aggravating factors taken into account to determine the sentence broken down by form type, Crown Court, 2012*

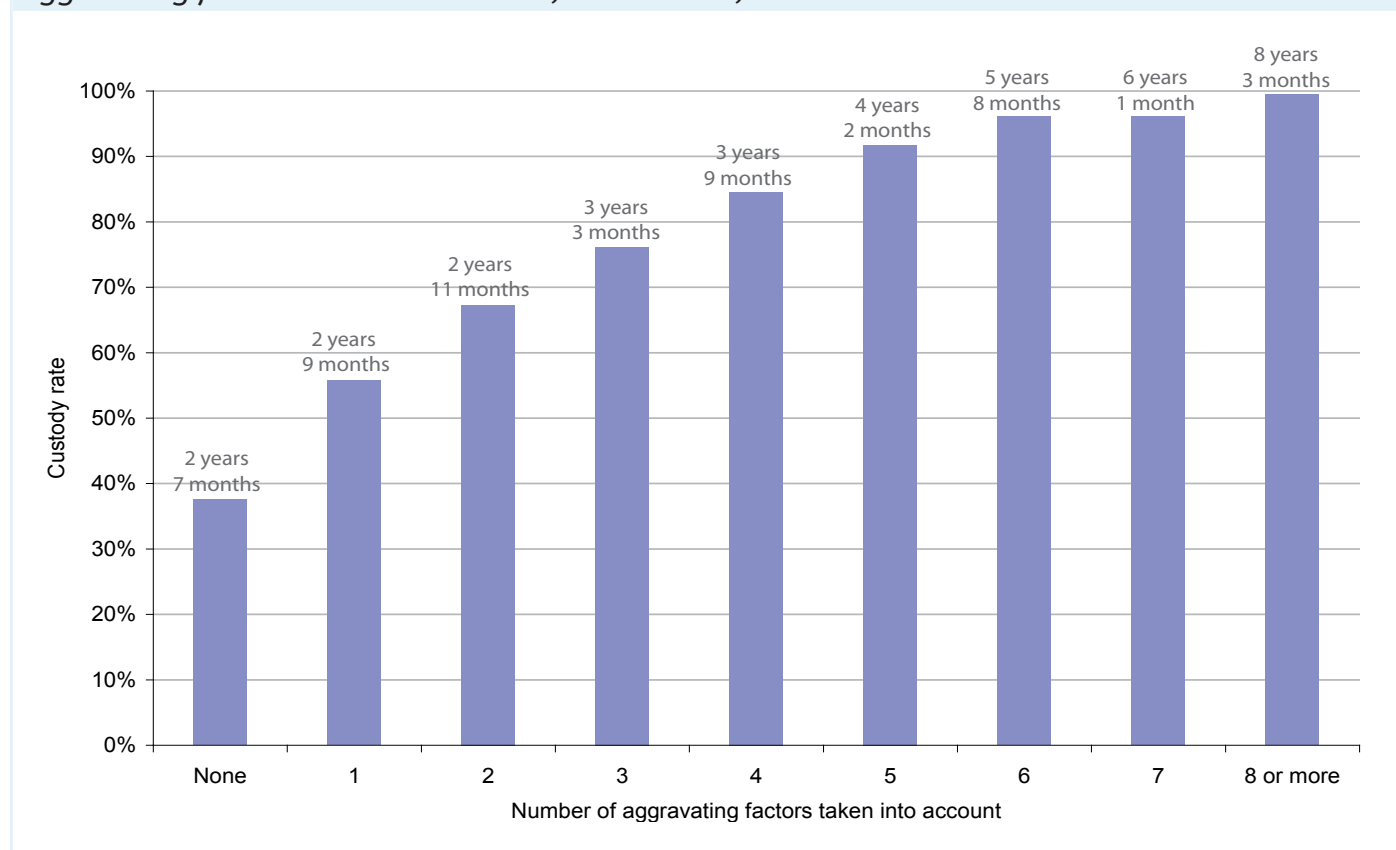
		Number of aggravating factors taken into account				Average number of factors
		None	Between 1 and 3	4 or more	Total	
Arson and Criminal Damage	Number of sentences	560	974	173	1,707	1.48
	Proportion of sentences	(33%)	(57%)	(10%)	(100%)	
Assault and Public Order	Number of sentences	6,780	10,628	2,997	20,405	1.68
	Proportion of sentences	(33%)	(52%)	(15%)	(100%)	
Burglary Offences	Number of sentences	4,301	6,169	315	10,786	1.04
	Proportion of sentences	(40%)	(57%)	(3%)	(100%)	
Drug Offences	Number of sentences	7,458	4,521	406	12,385	0.69
	Proportion of sentences	(60%)	(37%)	(3%)	(100%)	
Driving Offences	Number of sentences	627	2,077	470	3,173	1.89
	Proportion of sentences	(20%)	(65%)	(15%)	(100%)	
Theft, Dishonesty and Fraud	Number of sentences	6,069	7,706	1,522	15,297	1.31
	Proportion of sentences	(40%)	(50%)	(10%)	(100%)	
Other Offences	Number of sentences	3,919	3,530	519	7,968	1.03
	Proportion of sentences	(49%)	(44%)	(7%)	(100%)	
Offences Causing Death	Number of sentences	352	683	189	1,225	1.73
	Proportion of sentences	(29%)	(56%)	(15%)	(100%)	
Robbery	Number of sentences	476	3,017	2,208	5,702	3.10
	Proportion of sentences	(8%)	(53%)	(39%)	(100%)	
Sexual Offences	Number of sentences	2,082	3,009	1,121	6,212	1.80
	Proportion of sentences	(34%)	(48%)	(18%)	(100%)	

On average, between 1 and 2 aggravating factors were taken into account when determining a sentence, except for cases of drug offences and robbery. The presence of aggravation was least likely in cases of drug offences where 60 per cent of cases sentenced had no aggravating factors. Robbery offences were the most likely to involve some feature of aggravation, with sentences, on average, having over 3 aggravating factors taken into account by the judge.

Table 1.52 shows which aggravating factors were most common amongst cases being sentenced. It provides a breakdown of the aggravating factors which occur most frequently, broken down by form type. The aggravating factors most commonly seen vary significantly depending on the offence. In cases of robbery, which had the highest number of aggravating factors on average, the most frequently recorded aggravating factors present were that the offender was in a group or gang, the offender targeted a vulnerable victim and that the offender used a weapon during the crime, seen in 53 per cent, 46 per cent and 38 per cent of robbery cases sentenced, respectively.

Chart 1.53 shows how the number of aggravating factors present influenced both the likelihood of being sentenced to immediate custody (the custody rate), and the average custodial sentence length across all offence types. The average custodial sentence lengths shown are before taking into account any reduction in sentence for a guilty plea.

*Chart 1.53: Custody rate and average custodial sentence lengths, broken down by the number of aggravating factors taken into account, Crown Court, 2012*



The influence of aggravating factors is clear – each additional factor increased the likelihood of immediate custody and the average length of custodial sentences. Between zero and six aggravating factors, the addition of another factor had a noticeable increase on the likelihood of being sentenced to immediate custody; however, where the offender had more than six aggravating factors present, further aggravating factors had less of an impact on the likelihood of being sentenced to immediate custody.

**Table 1.52: Five most common aggravating factors ticked<sup>16</sup>, broken down by offence type, Crown Court, 2012**

Offence type	Five most common aggravating factors	Proportion of sentences	Offence type	Five most common aggravating factors	Proportion of sentences
Assault and Public Order	Location	36%	Theft, Dishonesty and Fraud	Pre-planning or premeditation	30%
	Offender was under the influence of alcohol/drugs	24%		Member of group or gang	18%
	Timing	20%		High level of gain	14%
	On-going effect on victim	20%		High value of the property to the victim or substantial loss	14%
	Presence of others	20%		Offender was on bail or licence	10%
Burglary Offences	Committed at night	25%	Sexual Offences	Abuse of power/trust	30%
	Offender was under the influence of alcohol/drugs	16%		Victim particularly vulnerable	30%
	Failure to comply with current court orders	13%		A sustained assault or repeated assaults on the same victim	25%
	On licence	10%		Pre-planning or premeditation	18%
	Offences taken into consideration (TICs)	8%		More than one victim	13%
Drug Offences	High purity or high potential yield	10%	Offences Causing Death	Victim particularly vulnerable	23%
	Level of profit element	8%		Pre planning or premeditation	20%
	On-going/large scale evidenced by specialist equipment	5%		Mental or physical suffering inflicted on the victim	10%
	Failure to comply with current court orders	5%		Use of weapon (including body and shod feet)	9%
	Premises adapted to facilitate drug activity	5%		Offender was on bail or licence	9%
Arson and Criminal Damage	Offender was under the influence of alcohol/drugs	30%	Robbery	Member of a group or gang	53%
	Pre-planning or premeditation	17%		Targeting of vulnerable victim (s)	46%
	Damage of high value	17%		Use of weapon (including body and shod feet)	38%
	Act of revenge	14%		Offence committed at night/hours of darkness	35%
	Offender was on bail or licence	12%		Degree of force of violence	25%
Driving Offences	Aggressive driving	36%	Other Offences	Pre-Planning or premeditation	15%
	Damage to other vehicles or property	31%		Intimidation or forced used	10%
	Offender was under the influence of alcohol/drugs	27%		Victim particularly vulnerable	9%
	Disregard of warnings	18%		Member of a group or gang	7%
	Offender was on bail or licence	17%		Detrimental impact on the administration of justice	7%

<sup>16</sup> Does not include factors indicated at step one of Sentencing Council definitive guidelines which are factors used to determine the category of harm and culpability of the offence (for example, in cases of assault, use of a weapon is a step one factor).

## Results: Mitigating factors

In new definitive guidelines introduced by the Sentencing Council, a lack of previous convictions may be taken as mitigation.<sup>17</sup> However, this factor has been excluded from the following tables as it is covered separately in section 1.4.

For each form type, table 1.54 reports the number of mitigating factors that influenced the sentence imposed by the judge.

On average, between 1 and 2 mitigating factors were taken into account when determining a sentence, except for cases of burglary. The presence of mitigation was least likely in cases of burglary where 58 per cent of cases sentenced had no mitigating factors taken into account. Although robbery offences were the most likely to involve some element of aggravation, they were also the most likely to involve some feature of mitigation with 27 per cent of robberies having no mitigating factors present.

*Table 1.54: Number of mitigating factors taken into account to determine the sentence broken down by form type, Crown Court, 2012*

		Number of mitigating factors taken into account				Average number of factors
		None	Between 1 and 3	4 or more	Total	
Arson and Criminal Damage	Number of sentences	471	954	282	1,707	1.85
	Proportion of sentences	(28%)	(56%)	(16%)	(100%)	
Assault and Public Order	Number of sentences	8,923	9,936	1,546	20,405	1.19
	Proportion of sentences	(44%)	(49%)	(8%)	(100%)	
Burglary Offences	Number of sentences	6,291	4,149	346	10,786	0.73
	Proportion of sentences	(58%)	(38%)	(3%)	(100%)	
Drug Offences	Number of sentences	4,644	6,209	1,532	12,385	1.49
	Proportion of sentences	(37%)	(50%)	(12%)	(100%)	
Driving Offences	Number of sentences	1,026	1,655	493	3,173	1.72
	Proportion of sentences	(32%)	(52%)	(16%)	(100%)	
Theft, Dishonesty and Fraud	Number of sentences	5,460	7,415	2,422	15,297	1.68
	Proportion of sentences	(36%)	(48%)	(16%)	(100%)	
Other Offences	Number of sentences	3,096	3,902	970	7,968	1.46
	Proportion of sentences	(39%)	(49%)	(12%)	(100%)	
Offences Causing Death	Number of sentences	346	697	182	1,225	1.69
	Proportion of sentences	(28%)	(57%)	(15%)	(100%)	
Robbery	Number of sentences	1,557	3,294	851	5,702	1.77
	Proportion of sentences	(27%)	(58%)	(15%)	(100%)	
Sexual Offences	Number of sentences	1,989	3,173	1,049	6,212	1.77
	Proportion of sentences	(32%)	(51%)	(17%)	(100%)	

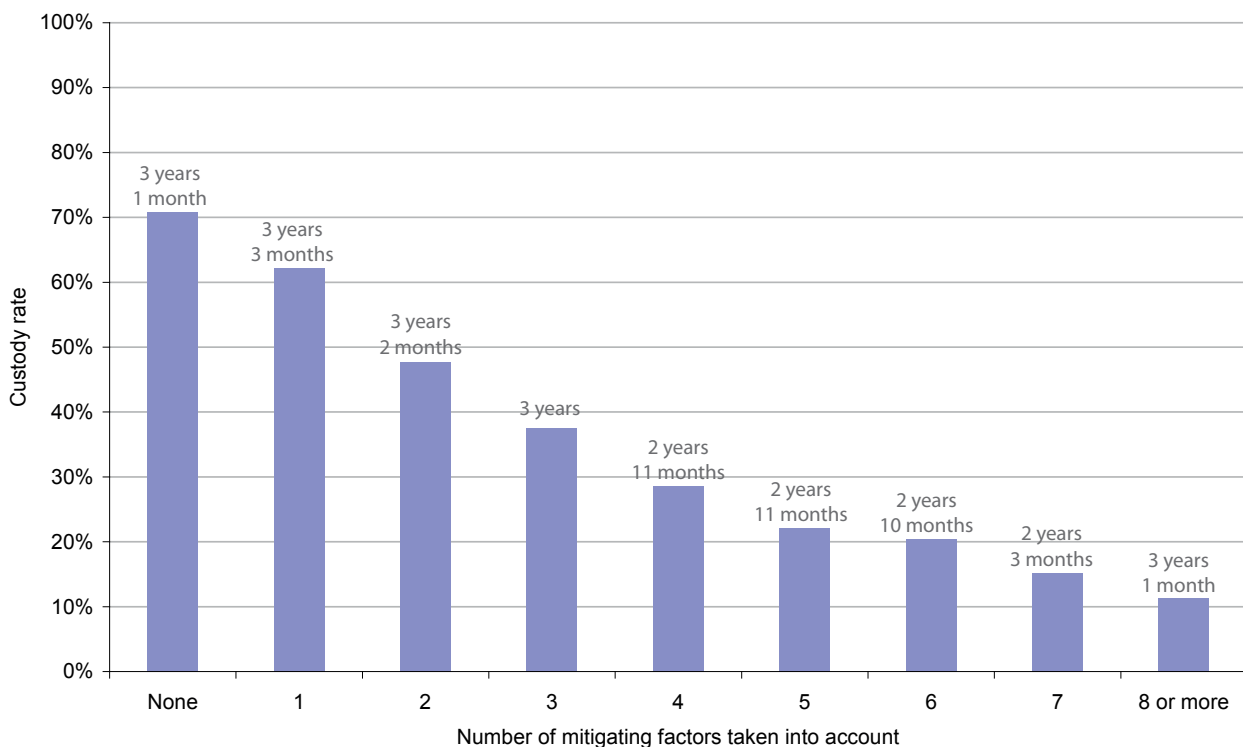
<sup>17</sup> In Sentencing Council definitive guidelines, it is not assumed that the starting point sentence only applies to first time offenders. Therefore, an element of mitigation may be taken into account where the offender has no previous convictions.

Table 1.55 shows which mitigating factors were most common amongst cases being sentenced. It provides a breakdown of the mitigating factors which occur most frequently, broken down by form type. The mitigating factors most commonly seen were fairly similar across the different offence types with remorse or age/lack of maturity being the most common factor present across all cases.

In cases of arson and criminal damage, which had the most mitigating factors present on average, the most commonly recorded mitigating factors present were that the offender was remorseful, the age or lack of maturity of the offender, and that the offender had a physical or mental illness, which were present in 38 per cent, 30 per cent and 22 per cent of cases of arson and criminal damage sentenced, respectively.

Chart 1.56 shows how the number of mitigating factors present influenced both the likelihood of being sentenced to immediate custody (the custody rate), and the average custodial sentence length across all offences. The average custodial sentence lengths shown are before taking into account any reduction in sentence for a guilty plea.

*Chart 1.56: Custody rate and average custodial sentence lengths received by offenders sentenced, broken down by the number of mitigating factors taken into account, Crown Court, 2012*



Again, the influence of mitigation is clear - each additional factor present decreased the likelihood of being sentenced to immediate custody. Like aggravating factors, where there was already a high number of mitigating factors, each additional factor had less of an impact on decreasing the likelihood of custody. Each additional mitigating factor also, generally, decreased the average custodial sentence length, except for cases with 8 or more mitigating factors. The likely reason for the break in trend here is the low volume of immediate custodial sentences for offenders with 8 or more mitigating factors.

**Table 1.55: Five most common mitigating factors ticked, broken down by offence type, Crown Court, 2012**

Offence type	Five most common mitigating factors <sup>18</sup>	Proportion of sentences	Offence type	Five most common mitigating factors <sup>18</sup>	Proportion of sentences
Assault and Public Order	Remorse	34%	Theft, Dishonesty and Fraud	Remorse	30%
	Isolated incident	17%		Age/lack of maturity affecting responsibility	25%
	Good character/exemplary conduct	16%		Offence out of character	22%
	Single blow	15%		Offender is main carer/has responsibilities	13%
	Age/lack of maturity affecting responsibility	10%		Loss of job or reputation	11%
Burglary Offences	Remorse	21%	Sexual Offences	Age/lack of maturity affecting responsibility	34%
	Nothing stolen or of very little value	10%		Remorse	29%
	Determination/demonstration to address addiction/behaviour	9%		Offence out of character	25%
	Age/lack of maturity affecting responsibility	9%		Loss of job or reputation	14%
	Subordinate role in group or gang	6%		Co-operation with authorities	13%
Drug Offences	Remorse	26%	Offences Causing Death	Remorse	36%
	Good character/exemplary conduct	17%		Age/lack of maturity affecting responsibility	31%
	Offender addicted to same drug	16%		Lack of premeditation	23%
	Determination/demonstration to address addiction/behaviour	13%		Good driving record	12%
	Lack of sophistication as to nature of concealment	12%		Effect on the offender	10%
Arson and Criminal Damage	Remorse	38%	Robbery	Age/lack of maturity affecting responsibility	43%
	Age/lack of maturity affecting responsibility	30%		Remorse	35%
	Physical or mental illness	22%		Unplanned/opportunistic	19%
	Offence out of character	21%		Offence out of character	18%
	Offender can/is addressing needs/addiction	15%		Difficult/deprived background	12%
Driving Offences	Remorse	33%	Other Offences	Remorse	28%
	Age/lack of maturity affecting responsibility	28%		Age/lack of maturity affecting responsibility	22%
	Currently in, or prospects of work/training	20%		Offence out of character	21%
	Offence out of character	19%		Co-operation with authorities	10%
	Good driving record	11%		Physical or mental illness	10%

<sup>18</sup> Remorse will only be taken as mitigation where the judge deems it to be genuine. Simple statements of remorse will rarely be sufficient to satisfy a sentencer of their true nature unless accompanied by other evidence of remorse, including the time at which the remorse was expressed.

## 1.6 Pleading guilty to the offence

### Background

Where an offender pleads guilty to an offence, the court is under a duty to take into account the stage in the proceedings at which the plea is indicated and the circumstances in which the indication is given.<sup>19</sup> This will normally result in a reduction to their sentence and the reduction is applied to the sentence after all aggravating and mitigating factors have been taken into account.

The reduction principle derives from the need for effective administration of justice. It takes account of the fact that a guilty plea avoids the need for a trial, shortens the gap between charge and sentence, saves considerable cost, and, where the plea is entered early, saves victims and witnesses from the concern about giving evidence.

The Sentencing Guidelines Council (SGC)<sup>20</sup> definitive guideline, *Reduction in sentence for a guilty plea*, recommends a reduction of up to one third when the offender pleads guilty at the first reasonable opportunity.<sup>21</sup> The level of reduction diminishes when the plea is entered later than the first reasonable opportunity. Guidance on where the first reasonable opportunity occurs is also provided in the guideline.

The stages at which the defendant has an opportunity to plead guilty will vary depending on the case. All cases begin in the magistrates' court and in some types of cases, the defendant will be afforded the opportunity to plead guilty at this stage. In cases where the law does not allow a plea to be entered at the magistrates' court, the first reasonable opportunity to plead guilty will often be at the Plea and Case Management Hearing (PCMH) in the Crown Court. However, some Crown Court locations hold a separate hearing prior to the PCMH specifically to give the offender the opportunity to plead guilty at the earliest opportunity. After the PCMH, there may be several other opportunities to plead guilty, including on the day of trial.

For those cases where a guilty plea was entered, the Crown Court Sentencing Survey captures the stage at which the plea was entered and the reduction applied to the sentence. This section presents the findings from this part of the form.

### Summary: Relationship between sentencing practice and reduction in sentence for a guilty plea

The majority of offenders who plead guilty did so early on in the court process, with 77 per cent of guilty pleas being entered either before, or at, the PCMH and 23 per cent entering a plea at some point after the PCMH. The way in which guilty plea reductions were granted for these offenders was, on the whole, consistent with the approach recommended by the guideline, *Reduction in sentence for a guilty plea*. For those offenders who pleaded guilty at one of these early stages, a higher reduction was usually granted, whilst for the smaller volume entering a plea later in the process, the level of reduction granted was usually lower.

<sup>19</sup> s.144 Criminal Justice Act 2003.

<sup>20</sup> Predecessor body of the Sentencing Council.

<sup>21</sup> A copy of the SGC Guideline, *Reductions for a Guilty Plea*, can be accessed on the Council's website at: <http://sentencingcouncil.judiciary.gov.uk/guidelines/guidelines-to-download.htm>



## Results

In 2012, 79 per cent of offenders sentenced at the Crown Court pleaded guilty to the offence. Where the offender entered a guilty plea, table 1.61 shows the reduction given to the offender, broken down by the stage of plea.

*Table 1.61: Of offenders pleading guilty, the stage at which the plea was entered, and the reduction applied to their sentence, Crown Court, 2012*

Stage of Plea		Reduction given					Total
		0%	1-10%	11-20%	21-32%	33% or more*	
Up to, or at, the PCMH	Number of sentences	491	373	2,033	5,506	45,153	53,557
	Proportion of sentences	(1%)	(1%)	(4%)	(10%)	(84%)	(100%)
After the PCMH but before the day of trial	Number of sentences	75	332	1,948	1,671	1,398	5,423
	Proportion of sentences	(1%)	(6%)	(36%)	(31%)	(26%)	(100%)
On or after the day of trial	Number of sentences	665	5,311	2,618	753	1,340	10,688
	Proportion of sentences	(6%)	(50%)	(24%)	(7%)	(13%)	(100%)

\* 6 per cent of this group indicated a discount of **greater than** 33 per cent.

The majority of offenders who entered a guilty plea did so either before or at the PCMH, with 77 per cent of guilty pleas being entered at this stage. For those offenders who entered a plea before or at the PCMH, the highest level of reduction was granted in 84 per cent of cases. Where the offender entered a plea at the latest stage, either at or after trial, a reduction of between 1 and 20 per cent was granted in 74 per cent of cases.

## Other considerations

The stage at which the defendant has the first reasonable opportunity to enter a plea will vary depending on the circumstances of the case, and the way in which the case reached the Crown Court. The guideline, *Reduction in sentence for a guilty plea*, provides guidance on where the first reasonable opportunity for an offender to plead guilty occurs.

When considering the table above, it is important to bear in mind that there are legitimate reasons as to why the recommended approach in the guideline may not be appropriate. For example, in cases where the offender was caught “red handed”, a lesser reduction may be given even if a plea was entered at the earliest opportunity. On the other hand, in cases where the defendant is willing to plead guilty, but only to a lesser offence than that presented by the prosecution, it is only after the lesser offence is accepted by all parties that the guilty plea can be entered. This may be late in the process, but will still constitute the defendant’s first opportunity to plead guilty to the lesser offence and therefore may still receive the highest level of discount. Such cases cannot be distinguished in the table shown.

As is the case with all sentencing guidelines, where it is in the interests of justice to do so, it may be entirely appropriate for the court to depart from the approach recommended by the guideline, *Reduction in sentence for a guilty plea*.

## Section 2: Departures from Sentencing Council Guidelines

### Background

Before 2011, all sentencing guidelines in use were issued by the Sentencing Council's predecessor body, the Sentencing Guidelines Council (SGC). In 2011, the Sentencing Council issued its first definitive guideline, which became applicable to sentences passed after 13 June 2011. This was for assault offences and replaced the previous SGC guideline: *Assault and Other Offences against the Person*.

In 2012, a further four definitive guidelines came into force. These were: the Burglary Offences definitive guideline which came into force on 16 January 2012; the Drug Offences definitive guideline which came into force on 27 February 2012; the Offences Taken Into Consideration and Totality definitive guideline which came into force on 11 June 2012; and the Dangerous Dog Offences guideline which came into force on 20 August 2012.

This section discusses the guidelines: *Assault, Definitive Guideline*; *Burglary Offences, Definitive Guideline*; and *Drug Offences, Definitive Guideline*. It considers how often sentences fell outside the guideline offence ranges in 2012 or since the introduction of the new guideline, as appropriate.

### 2.1 Departures from the offence range

Under any Sentencing Council guideline, the first factor that the judge should determine when sentencing is the category of the offence being sentenced. For each category, the guideline recommends a range of sentences to apply. These are known as the category ranges.

Courts are not required to stay within the relevant category range, however they are under a legislative duty to impose a sentence which is within the offence range, unless it would be contrary to the interests of justice to do so.<sup>22</sup> The offence range is the full spectrum of sentences over all offence categories. It begins at the bottom of the range for the lowest (least serious) offence category and ends at the top of the range for the highest (most serious) offence category. For example, for the offence of Actual Bodily Harm (ABH), the offence range goes from a fine to 3 years' immediate custody.

The following results show how often, in 2012, sentences for assault, burglary and drug offences departed from the offence ranges set by the new guidelines. In the case of assault offences the results shown cover the whole year, for burglary offences they cover offences sentenced on or after 16 January 2012 and for drug offences they cover offences sentenced on or after 27 February 2012. For the latter two guidelines, the results may not fully reflect how often sentences depart from the new guideline as there is likely to be a period of transition whilst judges familiarise themselves with the changes and implement them.

Sentences where the offender was a youth (under 18 years of age), or the sentence imposed was an IPP (Imprisonment for Public Protection) or life sentence, or where a hospital order was handed down, have been excluded from the results shown. Furthermore, due to the volatility of small volumes of data, for offences where the nationally adjusted volume of sentences falls below 100, the results have not been shown.

22 s.125(3) Criminal Justice Act 2003

## 2.2 Results: Assault, Definitive Guideline

For each offence covered by *Assault, Definitive Guideline*, table 2.21 shows the proportion that fell below, within, or above the offence ranges specified. Racially and religiously aggravated assaults are also covered by the guideline and these have therefore been included in the results shown.

*Table 2.21: Sentences in 2012 against the Sentencing Council guideline for Assault Offences*

Offence	Volume of sentences*	Below range	Within range	Above range	Bottom of offence range	Top of offence range
Assault occasioning actual bodily harm	7,000	1%	96%	3%	Fine	3 years
Assault on a police constable in execution of his duty <sup>23</sup>	< 1,000	0%	95%	5%	Fine	26 weeks
Assault with intent to resist arrest	< 100	-	-	-	Fine	51 weeks
Causing grievous bodily harm with intent to do grievous bodily harm/wounding with intent to do grievous bodily harm	2,000	11%	89%	< 0.5%	3 years	16 years
Common assault <sup>24</sup>	2,000	0%	99%	1%	Discharge	26 weeks
Inflicting grievous bodily harm/unlawful wounding	4,000	< 0.5%	98%	2%	Community Order	4 years
Total	14,000	2%	96%	2%	-	-

\*Volumes have been rounded to the nearest 1000.  
Sentences for youths and those resulting in an IPP or life sentence have been excluded.

The offence of “causing grievous bodily harm with intent” (GBH with intent) had the highest proportion of sentences falling outside the offence range during 2012. For this offence, 89 per cent of sentences fell within the offence range, and 11 per cent fell outside. The offence with the highest proportion of sentences falling within the offence range was common assault, with 99 per cent of sentences falling within the range. Over all sentences covered by the guideline, 96 per cent fell within the offence range in 2012.

23 Includes cases where the statutory maximum was given after applying a guilty plea reduction. For further detail, please see “Other Considerations” on page 39.

24 Includes cases where the statutory maximum was given after applying a guilty plea reduction, and religiously or racially aggravated offences where the statutory maximum is 2 years’ custody. For further detail, please see “Other Considerations” on page 39.

## 2.3 Results: *Burglary offences, Definitive Guideline*

For each offence covered by *Burglary Offences, Definitive Guideline*, table 2.31 shows the proportion that fell below, within, or above the offence ranges specified.

**Table 2.31: Sentences after 16 January 2012 against the Sentencing Council guideline for burglary offences**

Offence	Volume of sentences*	Below range	Within range	Above range	Bottom of offence range	Top of offence range
Aggravated burglary	< 1,000	2%	94%	4%	1 year	13 years
Domestic burglary	4,000	< 0.5%	97%	3%	Community Order	6 years
Non domestic burglary	< 1,000	< 0.5%	98%	2%	Fine	10 years
Total	5,000	< 0.5%	97%	3%	-	-

\*Volumes have been rounded to the nearest 1000.  
Sentences for youths and those resulting in an IPP or life sentence have been excluded.

Between the introduction of the new Sentencing Council Guideline: *Burglary Offences, Definitive Guideline* on 16 January 2012, and 31 December 2012, 97 per cent of sentences for offences covered by the guideline fell within the relevant offence range, < 0.5 per cent fell below and 3 per cent were above. The offence of aggravated burglary had the highest proportion of sentences falling outside the offence range in the first eleven months after the guideline was introduced. For this offence, 94 per cent of sentences fell within the offence range, and 6 per cent fell outside. Sentences for non domestic burglary had the smallest proportion of departures from the offence range in the new guideline, with 98 per cent of sentences falling in the range defined.

## 2.4 Results: Drug offences, Definitive Guideline

For each offence covered by *Drug Offences, Definitive Guideline*, table 2.41 shows the proportion that fell below, within, or above the offence ranges specified.

Table 2.41: Sentences after 27 February 2012 against the Sentencing Council guideline for drug offences

Offence	Volume of sentences*	Below range	Within range	Above range	Bottom of offence range	Top of offence range
Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug class A	< 1,000	7%	91%	2%	3 years 6 months	16 years
Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug class B	< 100	-	-	-	12 weeks	10 years
Fraudulent evasion of a prohibition by bringing into or taking out of the UK a controlled drug class C	< 100	-	-	-	Community Order	8 years
Permitting premises to be used class A	< 100	-	-	-	Community Order	4 years
Permitting premises to be used class B	< 100	-	-	-	Fine	18 months
Permitting premises to be used class C	< 100	-	-	-	Discharge	26 weeks
Possession of a controlled drug class A	< 1,000	9%	87%	5%	Fine	51 weeks
Possession of a controlled drug class B	< 1,000	0%	98%	2%	Discharge	26 weeks
Possession of a controlled drug class C	< 100	-	-	-	Discharge	Community Order
Production of a controlled drug class A	< 100	-	-	-	Community Order	16 years
Production of a controlled drug class B/Cultivation of a cannabis plant	2,000	< 0.5%	100%	0%	Discharge	10 years
Production of a controlled drug class C	< 100	-	-	-	Discharge	8 years

\*Volumes have been rounded to the nearest 1,000.

Sentences for youths and those resulting in an IPP or life sentence have been excluded.

Table 2.41: Sentences after 27 February 2012 against the Sentencing Council guideline for drug offences (continued)

Offence	Volume of sentences*	Below range	Within range	Above range	Bottom of offence range	Top of offence range
Supply or offering to supply a controlled drug/Possession of a controlled drug with intent to supply it to another class A	2,000	< 0.5%	100%	< 0.5%	Community Order	16 years
Supply or offering to supply a controlled drug/Possession of a controlled drug with intent to supply it to another class B	2,000	< 0.5%	100%	< 0.5%	Fine	10 years
Supply or offering to supply a controlled drug/Possession of a controlled drug with intent to supply it to another class C	< 100	-	-	-	Fine	8 years
Total	6,000	1%	99%	< 0.5%	-	-

\*Volumes have been rounded to the nearest 1,000.  
Sentences for youths and those resulting in an IPP or life sentence have been excluded.

Between the introduction of the new Sentencing Council Guideline: *Drug Offences, Definitive Guideline* on 27 February 2012, and 31 December 2012, the offence of possession of a controlled drug class A had the highest proportion of sentences falling outside the offence range. For this offence, 87 per cent of sentences fell within the offence range, and 13 per cent fell outside. Sentences for production of a controlled drug class B/cultivation of a cannabis plant had the smallest proportion of departures from the offence range in the new guideline, with 100 per cent of sentences falling in the range defined. Over all sentences covered by the new guideline, 99 per cent fell within the offence range in the first ten months after the introduction of the guideline.

## Other considerations

It is important to note that some assault offences are summary only offences, therefore would ordinarily be tried at the magistrates' court. Possible reasons why these offences have been sentenced at the Crown Court are:

- The offence might have been racially/religiously aggravated. Racial or religious aggravation may also be the reason for some sentences falling above the range specified.
- Such offences may enter the Crown Court as, or alongside, a more serious offence, but during the course of proceedings, circumstances may arise which result in a conviction for the lesser offence only. In these circumstances the primary charge then becomes a summary only offence. However, as the case has already entered the Crown Court it will be completed there, including the final sentence and is therefore captured by the survey.

Furthermore, where the statutory maximum for an offence was given after applying any reduction in sentence for a guilty plea, the estimated "pre-guilty plea reduction" sentence length which is used to assess departures from the ranges may lie above that maximum.

## Section 3: Further Information

### 3.1 Presentation of the results

The results present each of the key influencing factors: offence category; previous convictions; aggravating and mitigating factors; and guilty pleas, individually. It is important to bear in mind that in reality, there will be some interaction of the different factors present in a case. For example, even across all offences in a single offence category, there will be variation in the final sentence due to the presence of other factors such as aggravating and mitigating factors. This release does not attempt to analyse the interaction of the different factors captured by the form.

Immediate custodial sentences include sentences of Imprisonment for Public Protection (IPP) and life sentences, which are types of indeterminate sentence. The large majority of indeterminate sentences are IPPs. When sentencing an offender to an IPP, the judge must set a minimum term tariff for the sentence. This minimum term is not included in the calculation of the average custodial sentence length, which is the average length over all determinate custodial sentences.

The sentence length of a determinate custodial sentence refers to the full sentence imposed, not just the period spent in prison. Some of this time may ultimately be served in the community on licence and home detention curfew, where applicable, due to statutory release provisions.

Where average custodial sentence lengths are provided, these are estimates of the average sentence lengths before the application of any reduction for a guilty plea. These estimates make use of the information on guilty plea reductions recorded at Part B, Section 7 (indication of guilt/guilty plea) of the form.

The following conventions have been applied to the data:

- percentages shown are provided to the nearest whole percentage, except when the nearest whole per cent is zero per cent, or a finer level of detail is required to show a trend.
- where totals have been provided, these have been calculated using unrounded data and then rounded; therefore, percentages provided in the narrative may differ slightly from the sum of percentages shown on charts; and
- where the nearest whole per cent is zero per cent, the convention “< 0.5” per cent has been used.



## 3.2 Methodology for analysis

### Survey data received before 01 April 2012

A significant amount of work is required to convert the survey forms, as completed by respondents, to a final database for analysis. In April 2012, the data processing responsibilities were transferred to a new organisation. Although this change led to a more efficient, cost-effective service, it created a break in the database structure between the period covering October 2010 to March 2012 and the period covering April 2012 to December 2012. Due to this inconsistency, forms returned between January 2012 and March 2012 have not been used to inform this bulletin but have been used in earlier analysis.

Work is currently underway to convert all records from the beginning of the survey to a single structure so that future analysis can be based on the full set of data available to the Council.

### Preparation of the data

Prior to producing this report, the dataset received from the data processors has been subject to a number of quality assurance and validation routines. Details of these are provided here.

Using the personal information collected on the form, the survey records were initially matched to a database of records on principal offences provided by the Ministry of Justice from the CREST database.<sup>25</sup> Where a match has been found, this guarantees that the form corresponds to a principal offence. To avoid capturing secondary offences, all results provided in this report are based only on the set of survey records for which a match has been found on the CREST database. For 93 per cent of forms, a match has been made. After matching, further routines have been applied to ensure that responses are consistent across the whole form.

Due to the nature of the survey, for most questions on the form, it is not possible to recover missing responses. Only where variables are common to the Ministry of Justice database and the survey has it been possible to complete areas of missing information.

However, any data collection of this kind will be subject to some recording errors. Although every attempt has been made to prevent and correct for such errors through the processes described, there will inevitably be some error that remains in the data presented.

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<sup>25</sup> CREST (Crown Court Electronic Support System) is the case management system used by Crown Courts for tracking case progression.

## Estimation methodology

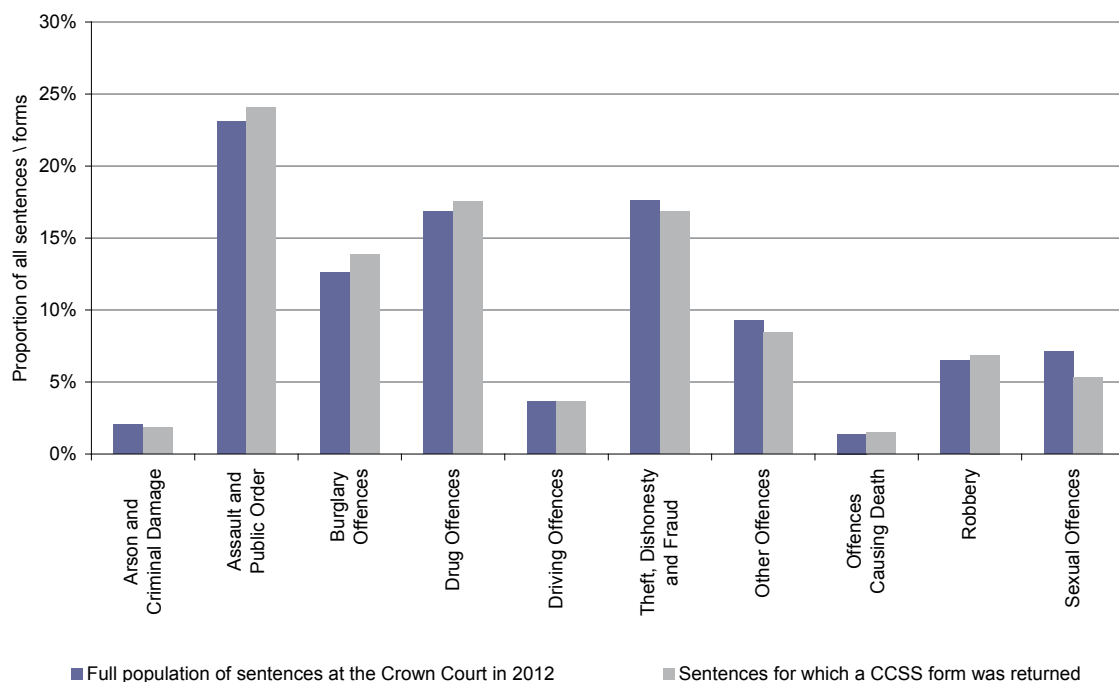
The Ministry of Justice database used in the matching exercise records a variety of variables for the full population of sentences at the Crown Court, including the sentence received and the offence being sentenced.

As it has not been possible to make use of the survey forms received from the first three months of 2012, methods were used to identify whether national level results could be inferred from the rest of the sample.

First of all, a comparison was made between the survey records from 01 April 2012 to 31 December 2012 and the full population of sentences at the Crown Court in 2012.<sup>26</sup> These comparisons are displayed below. They suggest that survey sample used is representative of the case load seen by the Crown Court across the whole year.

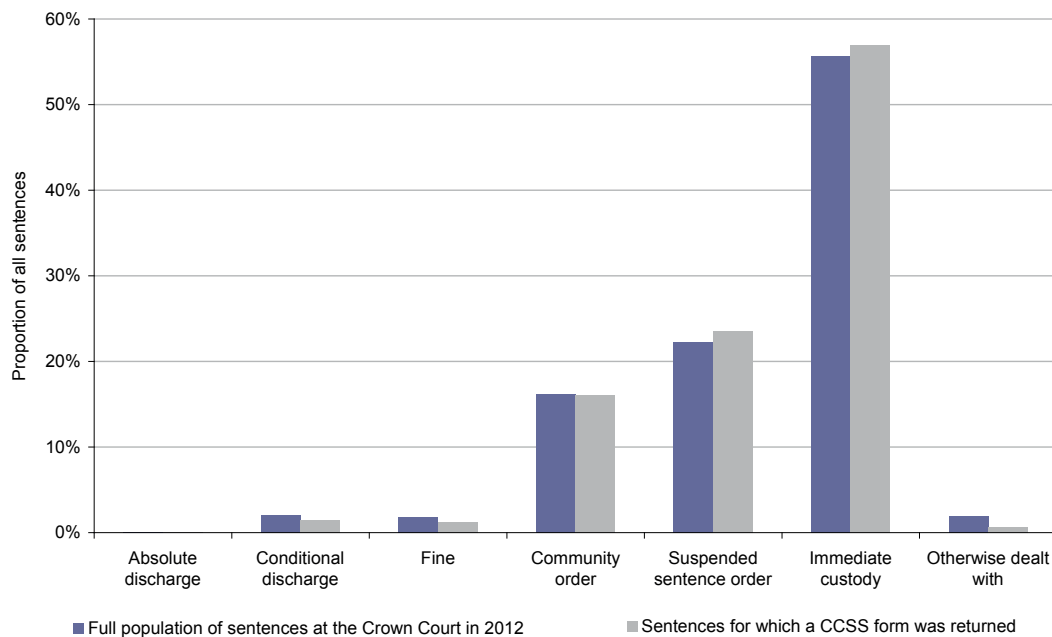
A probability weighting methodology was then developed to correct for the section of missing data between 01 January 2012 and 31 March 2012, but also any missing data across the rest of the sample. This method uses the variables available for the whole population of sentences in the Ministry of Justice and logistic modelling techniques to predict the probability of any single record being missing. These probabilities are then used to generate weights to estimate national level totals.

*Chart 3.21: Comparison of use of disposal types between Ministry of Justice database and Crown Court Sentencing Survey responses, 2012*



<sup>26</sup> The distributions and results shown for the full population of sentences at the Crown Court may differ from those reported in the Ministry of Justice publication, Criminal Justice Statistics Annual 2012. The reason for this is provided in section 3.4 on page 45.

*Chart 3.22: Comparison of proportion of sentences of different offence categories between Ministry of Justice database and Crown Court Sentencing Survey responses, 2012*



*Table 3.23: Comparison of custodial sentences between the Ministry of Justice database and Crown Court Sentencing Survey responses, 2012*

Immediate custodial sentences	All Crown Court sentences in 2012	Sentences for which a Crown Court Sentencing Survey form was completed
Average custodial sentence length	2 years 2 months	2 years 5 months

By using this method, it has been possible to correct for any identifiable differences between the Crown Court Sentencing Survey sample and the full population of Crown Court sentences when producing national estimates. However, it is acknowledged that there may still be possible sources of bias due to variables not captured in the Ministry of Justice database that this estimation methodology will not account for.

### 3.3 Changes to the survey in 2012

#### Change of data processors in April 2012

The contract for processing the survey forms and transferring them to a database came to an end in March 2012. A new organisation took over this responsibility in April 2012. This change was taken as an opportunity to implement further changes to reduce the scope for error at the data entry stage of the process. This included a complete redesign of the physical layout of the form (with no change to the questions asked) which has made it much clearer and easier to complete.

#### Introduction of new forms in 2012

Whenever a new guideline comes into effect, it is necessary to revise the form relating to offences covered by that new guideline. This is to ensure that the correct information is being collected to allow the new guideline to be effectively monitored from the point of introduction.

When the definitive guideline for burglary offences was introduced on 16 January 2012, a new survey form was created. Prior to this, burglary offences were recorded on the theft, dishonesty and fraud form. Similarly, when the definitive guideline for drug offences was introduced on 27 February, a replacement for the previous version of the drug offences form was created.

Where form specific results are provided in this bulletin, results from sentences passed for drug offences and burglary offences before the introduction of these guidelines are not included.

Legislative changes can also require changes to be made to the survey forms. The implementation of the Legal Aid Sentencing and Punishment of Offenders Act in 2012 changed the disposals available to judges when deciding on a sentence. This affected the options available at Part B of the form – sentence outcome – from December 2012 onwards.

#### Revision to 2011 publication

In the process of producing this publication, a discrepancy was identified in Table 1.42 on page 22 of the 2011 publication, which has now been corrected. To access the revised figures, please download the 2011 results bulletin at the following link:

<http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2011.htm>

No other figures published in the Crown Court Sentencing Survey Statistics 2011 publication have been affected by this discrepancy.

### 3.4 Limitations that continue to be addressed

#### Total number of principal offences sentenced at the Crown Court in England and Wales in 2012

The figures in this release have been adjusted to reflect a national total of 87,736 sentences for principal offences across England and Wales in 2012 at the Crown Court. This differs from the Ministry of Justice publication, *Criminal Justice Statistics Annual 2012*, which reports this total as 90,564.

The reasons for the difference are as follows:

- a provisional version of the Ministry of Justice database of all Crown Court sentences was used to conduct the matching and subsequent analysis of the Crown Court Sentencing Survey data. This was necessary to allow a timely release of the CCSS data; and
- whilst completing the matching exercise, a number of records were found in the Ministry of Justice database which warrant further inspection. For consistency with previous years, these records have been left in the Ministry of Justice database, whereas for the purposes of this publication, these records have been excluded from the total number of sentences.

Once investigations into the discrepancy have been completed, any necessary revisions will be made.

### 3.5 Additional tables

The underlying data from this report are available for download as spreadsheets from the Sentencing Council's website:

<http://sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm>

#### Record level data

The record level data underlying the 2011 publication are now available to download from the Sentencing Council website. It can be accessed at the following link:

<http://sentencingcouncil.judiciary.gov.uk/facts/crown-survey-results-2011.htm>

It is recommended that the guidance notes and metadata file are read before making use of this dataset.

At present, the record level database for 2012 will not be made available to the public. Due to the change of contractor dealing with the data processing of the survey in April 2012, data from the first quarter of 2012 are currently held in a different structure to records from sentences passed after this date. Work is currently underway to convert all records from the beginning of the survey to a single structure. Once complete, the 2012 record level data will be made available as soon as practically possible.

## 3.6 Relevant background

### A Guide to Crown Court Sentencing Survey (CCSS) Statistics

A supplementary document, *A Guide to CCSS Statistics*, has been published alongside this release. This document aims to provide the necessary background information on sentencing practice in order to set the context for the data presented in this release. It can be accessed via the Council's website at:

<http://sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm>

### Copies of guidelines

All sentencing guidelines that are relevant to the Crown Court can be downloaded from the Council's website at:

<http://sentencingcouncil.judiciary.gov.uk/guidelines/guidelines-to-download.htm>

### Copies of forms

Copies of the survey forms are available for download at:

<http://sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm>

### Other sources of statistics and general information on sentencing

#### *Ministry of Justice: Criminal Justice Statistics*

The Ministry of Justice publishes both a quarterly and annual statistical release on criminal justice statistics. This includes a chapter on sentencing which focuses on national level trends in sentencing for all offences.

These statistics can be accessed via the Ministry of Justice statistics homepage:

<https://www.gov.uk/government/organisations/ministry-of-justice/series/criminal-justice-statistics>

#### *Sentencing Council website*

Further information on general sentencing practice in England in Wales can be found on the Council's website:

<http://sentencingcouncil.judiciary.gov.uk>

#### *Gov.uk website*

Alternatively, the sentencing area on the Gov.uk website provides information on how sentences are determined and the different types of sentence available:

<https://www.gov.uk/browse/justice>

### 3.7 Uses made of the data

The Council primarily intends to use the information from the survey to fulfil its statutory duty under s.128 of the Coroners and Justice Act 2009 to “monitor the operation and effect of its sentencing guidelines”. The information provided will further contribute to other legislative functions of the Council including:

- s.129(1) to publish local area information regarding the sentencing practice of the magistrates’ courts and the Crown Court; and
- s.127 to publish a resource assessment in respect of guidelines issued.

The Council intends to continue publishing the data collected in a regular statistical release. By doing so, the Council aims to increase awareness and understanding of sentencing practice in the Crown Court and the different factors that are taken into account when determining a sentence.

Furthermore, the Council envisages that this information will be useful to the judiciary and to organisations associated with the criminal justice system.

### 3.8 Your views

We continue to welcome the feedback of users and other interested parties on this publication and the statistics presented in it.

Whether you found this publication interesting, useful or difficult to understand, or if you have suggestions for alternative methods of providing the data collected by the Crown Court Sentencing Survey, we would like to hear from you.

Alternatively, if you would like to find out more about the survey and the data it collects, contact us using the contact details provided below.

### 3.9 Contact us

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Further information on the Sentencing Council and its work can be found at:

[www.sentencingcouncil.judiciary.gov.uk/](http://www.sentencingcouncil.judiciary.gov.uk/)