



IMPOSITION OF COMMUNITY AND CUSTODIAL SENTENCES

RESPONSE TO CONSULTATION

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Foreword

On behalf of the Sentencing Council I would like to thank all those who responded to the consultation on a guideline for the imposition of community and custodial sentences. I also extend my thanks to the members of the judiciary who gave their time to participate in the research exercises undertaken to inform the development of this guideline. As with all Sentencing Council consultations, the responses received were carefully considered and of great value in shaping the content of the definitive guideline.

Community and custodial sentences are important elements of the sentencing framework available to the courts and are used daily in sentencing a wide range of offences. In imposing these sentences, sentencers must have regard to the legal framework set by Parliament, as well as seeking to achieve the aims of sentencing which include the punishment, and often the rehabilitation of, offenders. These are difficult issues requiring careful, and balanced, considerations on a case by case basis. To develop one guideline which encapsulates all of the necessary and appropriate considerations was challenging.

As the consultation paper on this guideline highlighted, the Council identified the need for this guideline when it started work on developing a guideline for breach of orders, in light of emerging evidence of inconsistency of approach and in particular, a tendency for suspended sentences to be imposed when the sentence should have been a community order. It decided that courts would benefit from a guideline providing a structured approach to sentencing, taking them through the relevant factors in the correct order, which would improve consistency. In order to design this, it was necessary to try to dissect the sentencing exercise to identify which factors should be considered at which time. Although this is an exercise conducted every day in every court, this was an illuminating and difficult task even for experienced

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judicial members of the Council, and we are very grateful for responses which highlighted where greater clarity, or a reconsideration of the approach in the draft guideline, was required.

As a result of the consultation, a number of changes have been made to improve the draft guideline and provide sentencers with an effective and functional guideline. This will ensure the relevant considerations are made at the appropriate time, and that the statutory framework and legal principles for these sentences are consistently observed.

This definitive guideline on imposition of community and custodial sentences is closely linked to the guideline on breach of orders, on which the Council has launched a consultation today. For a guideline on breach of orders to work effectively, it is essential that the right disposal is imposed at the original point of sentence. The Council's intention is that this definitive guideline for imposition of community and custodial sentences takes effect a year in advance of a definitive guideline on breach of orders, in order that the breach guideline does not result in unintended consequences.

Lord Justice Treacy, Chairman, Sentencing Council

Introduction

The Sentencing Council is the independent body responsible for developing sentencing guidelines for the courts to use when passing a sentence.

The consultation on the draft imposition of community and custodial sentences guideline was held from 14 January 2016 until 25 February 2016. The objective of the consultation was to seek views on consolidated and updated guidance for the imposition of community and custodial sentences to provide a more concise, up to date and functional guideline, which is applicable in all courts.

As set out in the consultation document, the Sentencing Guidelines Council (SGC) issued the definitive guideline, *New Sentences - Criminal Justice Act 2003* in December 2004, which contains guidance on community and custodial sentences.¹ The SGC guideline is out of date as a result of legislative changes since 2004. Given the frequency of imposition of community and custodial sentences, the Council decided that it would be highly beneficial to have up to date guidelines for imposing these sentences. There is no Council-issued guidance for these sentences for the Crown Court, although Council-issued guidance for imposing these sentences is available for magistrates' courts in the Magistrates' Court Sentencing Guidelines (MCSG).

The decision was also prompted by evidence identified during the Council's early work to develop a guideline for breach of orders that, in some cases, suspended sentences are being imposed as a more severe form of community order.

A small number of informal discussions were carried out during the consultation period with magistrates, legal advisers and Crown Court judges to explore their opinions of the guideline and how it might work in practice.

The new guideline is for use by all sentencers, which will promote consistency in imposing these sentences across the justice system.

The guideline will apply to all individual offenders aged 18 and older who are sentenced on or after 1 February 2017 regardless of the date of the offence.

¹ <http://www.sentencingcouncil.org.uk/publications/item/new-sentences-criminal-justice-act-2003-definitive-guideline/>

Summary of responses

The consultation sought views from respondents on three main areas.

- The content and structure of the imposition of community sentences section.
- The approach to imposing a custodial sentence.
- The approach to imposing a suspended sentence.

There were a total of **243** respondents to the consultation, of which **30** provided email or paper responses and **213** responded online.

Breakdown of respondents*

| Type of Respondent | Number |
|---|------------|
| Judiciary (2 of these were representative bodies) | 3 |
| Magistrates (8 collective and 197 individual responses) | 205 |
| Professional Body/Agency | 10 |
| Legal Practitioners | 6 |
| Individuals | 7 |
| Charity/Interest group | 8 |
| Academics (1 collective and 3 individual responses) | 4 |
| Total | 243 |

* *Not all respondents answered each question.*

The Council has carefully considered all the responses received and these are addressed in this consultation response. Feedback received from the Council's consultation events and interviews with sentencers during the consultation period is also reflected in the *specific issues* section of this paper.

Responses to the proposals in the draft guideline were broadly positive. However, the Council was grateful for suggestions of areas in which the guideline could be improved, and where clarification was required.

The principal substantive themes emerging from responses related to:

- the general principles for imposing a community order;
- which requirements of a community order should be imposed for the purpose of punishment;
- the presentation of the custodial sentences section; and
- the absence of factors influencing suspension of a custodial sentence.

'The proposals overall are welcomed and could only enhance the work of sentencers across England and Wales.'

- Magistrate

'We felt this draft guideline is compact and offers a good aide memoire for sentencing. It also gives a timely reminder of the sentencing process which has not been reviewed for a long time and does incorporate the legislation. It is good to have these principles reinforced.'

- Grimsby & Cleethorpes Bench

'Overall I think the proposals bring admirable clarity and should assist benches in making more structured decisions, particularly in regard to custodial sentences in general and SSOs in particular.'

-Magistrate

Summary of changes

The Council carefully considered all consultation responses and findings from its research with sentencers relating to the content and practical application of the guideline. On the basis of this feedback, a number of changes have been made to the guideline. Where these are significant, this paper explains the rationale for amendments which have been effected.

The main changes relate to;

- the inclusion of legislative references in the guideline;
- the removal of an indication of requirements which may be imposed for the purpose of punishment;
- a more balanced focus on rehabilitative requirements and greater detail of requirements;
- a combined section on immediate custodial and suspended custodial sentences;
- slight revisions to the content of the approach to imposing custodial sentences; and
- the inclusion of factors relevant to the decision to suspend a custodial sentence.

Specific issues

Imposition of Community Orders

Questions 1-7 of the consultation document related to the community order section of the guideline. The questions related to the content and structure of this section of the guideline, and sought views on whether the content was clear and comprehensive.

The majority of responses to these questions were positive, but some improvements were suggested which are explained below.

Legislative references

The draft guideline did not include legislative references, as the Council generally tries to avoid extensive reference to legislation in its guidelines to avoid them becoming outdated. However, one response expressed concern that a lack of legislative references would make it difficult for sentencers to identify which sections of the guideline they are obliged to follow, and which can be departed from in the interests of justice as provided for by the Coroners and Justice Act 2009. It was suggested that the guideline should be explicit in this respect by including legislative references.

'The Council has adopted a style that eschews footnotes and detailed references. We consider that this compromises the usefulness of the guidance as the courts are obliged to apply statutory provisions, whereas definitive guidelines only need to be followed 'unless it would be contrary to the interests of justice to do so.'

- Academic response

The Council agreed with this concern and concluded that this is particularly relevant to the section of the guideline setting out general principles, many of which reflect legislation so must be applied. The guideline now includes legislative references in this section and a number other areas, which are noted throughout this paper.

General principles

The inclusion of legislative references is particularly prominent in the general principles section. Footnotes are now included to highlight which principles are informed by statutory provisions.

Question one of the consultation asked if respondents agreed with the general principles for community orders, and for any additional principles they believed should be included to be highlighted. Ninety-seven per cent of those who answered this question agreed with the general principles, although based on responses some principles have been slightly reworded for clarity, and one principle which duplicated another has been removed.

The second general principle prompted a number of dissenting comments; in particular the sentence 'where an offender is being sentenced for a non-imprisonable offence, the court may not make a community order'. This principle accurately reflects the law, which states at section 150A Criminal Justice Act 2003:

(1)The power to make a community order is only exercisable in respect of an offence if—

(a)the offence is punishable with imprisonment; or

(b)in any other case, section 151(2) confers power to make such an order.

A small number of respondents thought the principle was inaccurate and made reference to section 151(2) Criminal Justice Act 2003, which would allow sentencers to impose community orders for non-imprisonable offences in particular circumstances. However, these provisions have not been commenced, so where the statutory penalties (rather than offence specific guidelines) for an offence do not include imprisonment, this principle applies. The Council has slightly reworded the principle to clarify that if the offence is not punishable with imprisonment there is no power to make a community order.

There was a suggestion that an additional principle should be included to highlight that sentences need not escalate in severity on each occasion, and that subject to the provisions of section 148 Criminal Justice Act 2003 being satisfied then community orders can be imposed on successive sentencing occasions, the range of which should depend upon the seriousness of the offence being sentenced. The Council agreed that this was a relevant and important principle and has included this within the definitive guideline.

Finally, the Council agreed with a suggestion that the third principle should include reference to a Band D fine as a suitable alternative to a community order when considering available disposals.

Community Order levels and requirements

Questions 2-4 sought views on the section of the guideline relating to community order levels and requirements. Ninety-eight per cent of respondents agreed that this section was clear. One particular omission was highlighted, which relates to factors which allow the court not to impose a punitive requirement as part of a community order. The draft guideline stated that where 'exceptional circumstances apply to the offender' the court is not compelled to impose a punitive requirement. It was pointed out that the legislation states that the exceptional circumstances can apply to the offence or to the offender.² The definitive guideline reflects the statutory wording.

There were conflicting views about how the draft guideline dealt with requirements imposed for the purpose of punishment. The community order levels section of the draft guideline indicated which requirements may be considered punitive, but did not explicitly define them. Some respondents suggested the guideline should go further than the statutory wording and define which requirements should be considered punitive. However, other respondents thought that rehabilitative requirements could have a punitive impact for certain offenders and could therefore be imposed for the purpose of punishment; and also questioned whether Parliament intended that punitive requirements should be defined given that it did not do so in drafting the legislation.

The Council gave very careful consideration to this point, and ultimately decided that as Parliament did not specify which requirements should be imposed as punishment, the guideline should not limit the discretion of sentencers by determining which requirements should be imposed for the purpose of punishment. In reaching this decision the Council also considered section 148 of the Criminal Justice Act 2003; specifically section 148(2)a, which provides that requirements imposed must be most suitable for the offender and section 148(2)b, which states that any restriction on liberty imposed must be commensurate with the seriousness of an offence. It concluded that attempting to prescribe the punitive requirements that must be included, in addition to balancing considerations of suitability and proportionality as required by these other legislative provisions, as well as having regard to the rehabilitation of the offender, would place a disproportionate restriction on the sentencer's overall discretion.

² s.177(2B)(a) Criminal Justice Act 2003

There were other concerns in consultation responses that this section of the guideline provided an insufficient focus on rehabilitative requirements. The definitive guideline therefore includes a more balanced summary of requirements to be included at each level, although it is not possible to be prescriptive regarding suitable levels of rehabilitative requirements due to the need for such requirements to be tailored to an offender's needs.

The requirements section has been slightly restructured in the definitive guideline so that the 'specific considerations in determining requirements' appear before the list of requirements. In response to a number of submissions, the detail of requirements has also been expanded to provide improved and more comprehensive guidance than in the draft guideline. Information about the types of requirements that may be imposed and, where applicable, the statutory range of requirements are now included.

A number of respondents made specific reference to Rehabilitation Activity Requirements (RARs) and proposed that ranges of activity days which may be suitable for a RAR should be included for each level of community order. The Council considered this, but given the bespoke nature of a RAR and the wide variety of RAR interventions between providers, decided guidance may be unhelpful and restrictive in terms of an offender's rehabilitation. This point was discussed with Probation colleagues during a consultation event. They agreed that a RAR may not be able to function as intended if the guideline specified minimum and maximum days, but suggested that wording be added to emphasise that sentencers should be satisfied that the activity length imposed under the RAR is suitable and proportionate. This guidance, and a summary of the purpose of a RAR, have been included in the definitive guideline.

Guidance on Pre Sentence Reports and electronic monitoring

Question 5 of the consultation sought views on whether the guidance on pre-sentence reports and electronic monitoring was clear and comprehensive, and asked respondents to highlight any additional information they believed should be included.

A number of points were raised in relation to the Pre Sentence Report (PSR) section, which was informed by the Senior Presiding Judge's practice direction on requesting PSRs and was based on existing guidance in the MCSG. Some respondents were concerned that directing the court to indicate to the probation officer the level of community order which may be appropriate could 'tie the hands' of the sentencing court. The Council considers that this is qualified by the guidance that the court must make it clear to the offender that all options remain open to the sentencing court, which is prominent in the definitive guideline. The academic response expressed

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concern that giving an indication of sentence level may not align with the statutory provisions for PSR's which require the court to obtain and consider a PSR *before* forming an opinion as to whether the case is serious enough for a community order. However, the Council does not consider that the wording 'whenever the court reaches the provisional view that a community order may be appropriate' suggests that at the point the PSR is requested, the court has already formed an opinion that a community order is suitable, so the wording has been retained.

Finally, it was pointed out that the legislative provisions for PSRs require the court to obtain and consider a PSR unless it is of the opinion that a report is unnecessary in the circumstances of the case. The wording of the section has been amended to include the statutory qualification.

In relation to the electronic monitoring section of the guideline, some responses called for the guideline to clarify the 'limited exceptions' to electronic monitoring of a curfew or exclusion requirement. The legislative provisions for exceptions are contained within three different sections of the Criminal Justice Act 2003, and provide for both practical situations and judicial discretion. The definitive guideline now summarises the exceptions as well as referencing the provisions to confirm these are statutory exceptions and not guidance, and to assist sentencers wishing to review the provisions.

Imposition of Custodial Sentences

The most significant changes made to the guideline are in relation to the custodial sentences section. The draft guideline included separate sections on custodial sentences and suspended sentences. In the definitive guideline these have been combined. A number of consultation responses and discussions with sentencers highlighted that the way in which the draft guideline presented this guidance exacerbated the incorrect perception that suspended sentences are distinct from custodial sentences.

Given the concerns raised under "current position" in the consultation document it seems counter-productive to continue to issue guidance for "Custodial Sentences" and "Suspension of Custodial Sentences" under separate main headings which might encourage the view that they are discrete disposals. Surely it would be simpler and more logical for the guidance on suspension to be included as a final section of "Custodial Sentences" - Magistrate

The sentencing exercise is often complex and difficult, requiring sentencers to have regard to a number of considerations. The definitive guideline now clarifies which decisions should be made at which point when considering a custodial sentence, to ensure that the appropriate sentence is passed. The guideline ensures a structured approach to imposing custodial sentences, so that the decision about whether to suspend the sentence may only be made after the court has determined that a custodial sentence is the appropriate sentence.

While the vast majority of responses were positive regarding questions 8 and 9, improvements were proposed in relation to two specific areas. One was that a definition, or at least further guidance, should be provided on the custody threshold and what makes an offence 'so serious' that the threshold is crossed. The second related to the lack of guidance about when it may be appropriate to suspend a custodial sentence.

The Custody Threshold

In response to the first point, the Council has clarified in the definitive guideline that there is no general definition of the custody threshold. The legislative provisions for the custody threshold are contained within Section 152(2) Criminal Justice Act 2003 which provides:

“The court must not pass a custodial sentence unless it is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was so serious that neither a fine alone nor a community sentence can be justified for the offence.”

The vast variation in offence types and factors which affect seriousness mean it is not possible to provide one general definition of the custody threshold. The Council is clear that offence-specific guidelines are the appropriate place to provide guidance on relevant considerations in assessing offence seriousness and when a custodial offence may be appropriate. The following guidance is now included in the definitive guideline where the question is posed as to whether the custody threshold has been crossed:

‘There is no general definition of where the custody threshold lies. The circumstances of the individual offence and the factors assessed by offence specific guidelines will determine whether an offence is ‘so serious that neither a fine alone nor a community sentence can be justified.’

Some respondents also requested that the guideline specify which factors should be considered in assessing offence seriousness. As already stated, offence-specific guidelines assess seriousness, but the definitive guideline includes a summary of other factors which should be considered where no offence-specific guideline is available. These include previous convictions, which are also taken into account in assessing seriousness in offence-specific guidelines, and addresses a point raised by a number of respondents that individual offences may not appear serious, but previous offending by an offender may increase seriousness:

‘However, there is a gaping hole here. One of the main drivers of custodial sentencing is escalation and totality of offending (the depth of the offenders previous record for like offences), but the individual offence taken in isolation would not cross the custody threshold. The typical example is theft (shoplifting in particular) where individual instances of theft may be under £100, but the offender is prolific. In such cases, although somewhat subjective, the bench is often given little choice but to opt for immediate custody.’

– Magistrate

The guideline now includes the following guidance, which confirms that previous offending is a factor relevant to the assessment of seriousness:

'Where no offence specific guideline is available to determine seriousness, the harm caused by the offence, the culpability of the offender and any previous convictions will be relevant to the assessment.'

The custody threshold section now makes it clear that it is offence seriousness which determines whether the custody threshold is passed. The guideline then requires a consideration of whether custody is unavoidable, even where the threshold is passed.

The draft guideline stated that the question of whether or not custody was unavoidable centred on whether the aims of sentencing (in particular punishment, rehabilitation and protection of the public) could be achieved by a non-custodial sentence, in light of offender mitigation. However, the Council has reconsidered which factors should be relevant to the question of whether custody is unavoidable. The Council is clear that this requires a consideration of whether any other sentence could achieve the aims of sentencing. The draft guideline also referred to offender mitigation as being relevant to the assessment of whether custody is unavoidable. Following consultation, the Council has removed offender mitigation from this assessment in the definitive guideline, as it considers that offender mitigation is more relevant to the question of whether or not the sentence can be suspended. The other factor relevant to the assessment of whether custody is unavoidable relates only to offenders on the cusp of custody, where imprisonment should not be imposed where there would be an impact on dependants which would make a custodial sentence disproportionate. This is not offender mitigation, but a legal principle established in the case of *R v Petherick*³ to which the court is required to have regard. The guideline makes it clear that this principle only applies in cases where an offender is on the cusp of custody and that in such cases it is only relevant where the impact of custody would be disproportionate. Some respondents questioned what should be considered to assess whether the impact would be disproportionate. The definitive guideline now clarifies that where this applies the relevant consideration is whether a custodial sentence is a proportionate way to achieve the aims of sentencing, as provided by s142 Criminal Justice Act 2003.

³ *R v Petherick* [2012] EWCA Crim 2214

Factors relevant to suspending a custodial sentence

A further significant point raised in responses related to the question of which factors are relevant to determining whether a sentence can be suspended. A number of respondents called for the definitive guideline to set out factors which are relevant to the decision to suspend.

'The guidance says that a suspended sentence can only be imposed when the custody threshold has been passed AND that a custodial sentence is "unavoidable". The test for whether prison is "unavoidable" already encompasses personal mitigation and impact on dependants. It is to be noted that no distinction is made between personal mitigation which affects the seriousness of the offence and that which is completely external to seriousness [such as the offender having a terminal illness]. The intention appears therefore to be that all personal mitigation is to be taken into account in deciding if the sentence is unavoidable. So if, having considered all the defendant's personal mitigation and the impact it would have on his dependants to send him to prison, the judge thinks that prison is unavoidable, it is difficult to imagine what further factors would then allow the judge to nevertheless suspend the sentence. The Guideline is silent on what those factors would be.'

- Crown Prosecution Service

The Council agreed that this omission should be addressed. It analysed the findings from discussion forums held with sentencers and probation staff in the development of the breach guideline, and the discussions with sentencers regarding the draft imposition guideline, to identify which factors would be relevant to a decision to suspend a custodial sentence. The definitive guideline now includes a requirement to make an assessment of which factors should influence the decision to suspend a custodial sentence, weighing the following:

Factors indicating that it would not be appropriate to suspend a custodial sentence:

- Offender presents a risk/danger to the public
- Appropriate punishment can only be achieved by immediate custody
- History of poor compliance with court orders

Factors indicating that it may be appropriate to suspend a custodial sentence:

- Realistic prospect of rehabilitation
- Strong personal mitigation
- Immediate custody will result in significant harmful impact upon others

Flowchart

Question 6 of the consultation sought views on a flowchart for imposition of a community order, asking for views on the structure and content of the flowchart for imposition of community orders and for any additional information respondents believed should be included. Ninety-four per cent of respondents agreed that the flowchart was useful, but some questioned the absence of a flowchart for custodial sentences:

'We believe the flowchart is good for Community Orders but note the absence of a similar flowchart for Custodial Sentences. As this is a combined guideline for Community and Custody we would have preferred a combined flowchart'
– Sussex Probation group

Other respondents agreed, requesting a more comprehensive flowchart incorporating relevant general principles to ensure a full and comprehensive structured sentencing exercise. Given the Council's decision to combine the two sections of the guideline dealing with custodial sentences, it decided that a new, combined flowchart, setting out the sentencing decision process and covering both community orders and custodial sentences should replace the single flowchart on community orders in the draft guideline. The flowchart highlights the important aspects of the narrative content of the guideline to prompt appropriate decision making. This is intended to serve as a useful tool for sentencers and ensure that the appropriate considerations are made in the sentencing exercise.

Conclusion and Next Steps

The consultation has been an important part of the Council's consideration of this guideline. Responses received from a variety of sources have informed changes made to the definitive guideline.

The definitive guideline will apply to all individual offenders aged 18 and older and organisations who are sentenced on or after 1 February 2017, regardless of the date of the offence.

Throughout the development of the guideline the equality impacts of the guideline have been fully considered. The Council particularly considered this in relation to inclusion in the guideline of the legal principle established in the case of *R v Petherick* that imprisonment should not be imposed where there would be a disproportionate impact on dependants. The Council considered submissions that statistically this could apply to females more than males, as they are more likely to be primary carers. However, the Council considers that the important principle of avoiding a disproportionate impact on dependants, which is already established by case law and applies regardless of the sex of the offender, justifies any perceived disadvantage to males.

Following the implementation of the definitive guideline, the Council will monitor the impact of the guideline.

Annex A – List of consultation questions:

Question 1: Do you agree with the general principles for community orders? Please highlight any additional principles you believe should be included.

Question 2: Is the guidance on how to identify the level of community order clear? Please highlight any additional information you believe should be included.

Question 3: Is the list of requirements clear and comprehensive? Please highlight any additional information you believe should be included.

Question 4: Are the specific considerations to be made when determining requirements of a community order clear and comprehensive? Please highlight any additional information you believe should be included.

Question 5: Is the guidance on pre-sentence reports and electronic monitoring clear and comprehensive? Please highlight any additional information you believe should be included.

Question 6: Do you agree with the structure and content of the flowchart for imposition of community orders? Please give your reasons if you do not agree and/or highlight any additional information you believe should be included.

Question 7: Do you agree with the overall proposed guidance on imposition of community orders? Please give your reasons if you do not agree and/or highlight any additional information you believe should be included.

Question 8: Do you agree with the approach to imposing custodial sentences? Please give your reasons if you do not agree and/or highlight any additional information you believe should be included in this section of the guidance.

Question 9: Do you agree with the approach to suspending custodial sentences? Please give your reasons if you do not agree and/or highlight any additional information you believe should be included in this section of the guidance.

Question 10: Do you agree with the overall proposed guidance on imposition of community and custodial sentences? Please give your reasons if you do not agree and/or highlight any additional information you believe should be included.

Annex B – List of respondents:

Academic response:

Professor Andrew Ashworth, University of Oxford
Dr. Antje du Bois-Pedain, University of Cambridge
Lyndon Harris, University of Oxford
Professor Mike Hough, Birkbeck, University London
Dr. Jessica Jacobson, Birkbeck, University of London
Dr. Carly Lightowlers, University of Leeds
Professor Allan Manson, Queen's University, Canada
Nicky Padfield, University of Cambridge
Professor Elaine Player, King's College, University of London
Dr. Hannah Quirk, University of Manchester
Dr. Findlay Stark, University of Cambridge
 Agenda
 Julia Aisbitt
 Martin Alderman
 Rob Allen
 Derek Allsop
 Chris Anderton
 Anne Arnold
 ARW
 Rosemary Ashford
 Amelia Ashton
 Deborah Backhaus
 John Baker
 Ian Balmer
 Dominique Baptiste
 Janine Barber
 Derrick Barlow
 Roy Barnes
 Sarah Barney
 Mark Bate
 Lindsey Beard
 Terry Begent
 Andrew Bell
 Kevin Bettles
 Robert Birch
 Black Country Bench
 Judith Blackman
 John Blair-Gould

Neil Blues JP
 Bradford and Keighley Bench
 Teresa Brooke
 Susan Bruckel
 Robert Caccavale
 Michael Cadman
 Claire Cain
 Gerard Canavan
 Rosemary Carawan
 Trevor Cass
 Sara Cator
 Central and South West Staffordshire Bench
 Mrs Gloria Chambers
 Stuart Chittenden
 Bob Cinnamon
 Errol Clancy
 Anthony Clark
 A Clarke
 Phillip Clarkson
 Richard Coats
 Elizabeth Collison
 John Cooper
 A-M Cousins
 Criminal Bar Association
 Criminal Law Review
 Criminal Sub-Committee of the Council of HM Circuit Judges
 P Crook
 Crown Prosecution Service
 Jacquie Dabnor
 Bob Dale
 Alison Davies
 Karen Davies
 Christine Dawson
 Peter Dawson
 Lynne Dean
 Vanna Derosas
 Alan Donovan
 Geoff Dyett
 Joyce Emson
 Rhiannon England
 Aimée Blattmann Esswood
 Jenny Farmer
 Alexia Fetherstonhaugh
 Carole Findlay
 Andrew Fletcher
 Frank Fletcher
 Gillian Fogg
 Michael Ford
 Peter Forster

Margaret Fraser
Mike Freeman
Gill Fryzer
Bryan Gallagher
Paul Gane
Sarah Garwood
Debbie Gibbs
David F Gilbert
Andrew Gill
Dawn Girling
Sherry Gladwin
Alan Golding BA
David Goodman
Pamela Gordon
Frances Griffiths
Grimsby Cleethorpes
Bench
Richard Hannay
John Harrison
S Hays
Dr K Hester
Hill
Malcolm Hogarth
Nick Holt-Kentwell
Howard League for Penal
Reform
Dr Judy Hultgren
Professor Peter
Hungerford-Welch
Julia Hurrell
Richard Hutchings
Kath Ireland
Malcolm Jarrett
Susan Jeffs
Tania Johnson
Alan Jones
Bryn Jones
Dr Rachael Jones
Stephen Jones
Feridun Kadir
Kelly
Penny Kingham
Tim Knight
Gina Lane
The Law Society
LCCSA
Janice Leach
David Leathart
Edward Leniston
Russell Lester
Gael Lewis
John Lewis
Rachel Lipscomb
Keith Livesey
Philip Lombard

David Longmore
Paul Longshaw
Derek Lott
John Low
Jim Ludlam MBE
Gareth Luke
Malcolm J Maclean
Magistrates' Association
G L Martin
James Robin Mather
Ian Mathison
Rod Mayall
Alison McBrayne
Emma McCabe
Kevin McCallum
Lucy McKane
Doug McNicholas
Connor Michaels
Michael C Milne
Peter Moore
Mrs Ann Morecraft
Dr Peter Morgan
Trevor Morgan
Paul Moseley
Nicholas Moss
Tim Mullins
Harvey Nash
Jerry Noble
Dr Nancy North
Alex Osler
Nicky Padfield
Tony Palmer
Anne Marie Parker
Tarun Patel
Geoff Paul
Liz Payne
Kerry Pepperell
John Perera
John Pickersgill
Maria Pitt
Alison Pocock
Eifion Pomeroy
Ian Potter
Gary Price
Kathy Pye
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Eddie Reilly
Barbara Richardson
Jane Richardson
Juliet Rix
Sarah Roberts

Diane Rooney
Rebecca Rose
Clive Russell
Sally Ryan
Mrs D Salmon
Andrew Scarborough
Victoria Scott
Keith Scrivens
Andrew Seabrook
Christine Selwyn
Andrew Shanahan
Sarah Simmons
R F C Skinner
H J Smart
Chris Smith
David Smith
Peter E Smith
David Sobczak
Somerset Bench
Fiona Sommerville
South East London Bench
South West London Bench
Southern Derbyshire Bench
Richard Spoons
Annette Stansfield
Elizabeth Stead
Julia Steels
Nicky Stubbs
William Summers
Peter Swithenbank
Nicholas Tarry
Tim Thirst
D Hywel Thomas
David Thurston
Transition to Adulthood
Alliance
André Usborne
Eve Vamvas
Martin Waddington
Sheila Ward
Stephen Watkins
Peter Watson
Stephen Webb

Dr D F Webster
Paul Welsh
Sue Whitney
Gillian Wilkins
Stuart Wilkinson
Katherine Williams
Marie Williams
Reverend David Michael
Williams
Jeremy Willoughby
Angela Wilson
Gerald Wood
District Judge Zara