

Crown Court Sentencing Survey

OFFICIAL WHEN COMPLETE

Indecent Photographs of Children

[PRINCIPAL OFFENCE ONLY]

Form Details

Form ID	<input type="text"/>
Issued	<input type="text"/>

Please refer to guidance on completing this form overleaf
COMPLETE FOR THE PRINCIPAL OFFENCE ONLY

Part A: To be completed by the sentencing Judge/Recorder or Court Clerk
PLEASE COMPLETE IN CAPITALS

Case Details

Sentence date	<input type="text" value="Day"/> / <input type="text" value="Month"/> / <input type="text" value="Year"/>
CREST case ID	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Offender Details

Offender name	<input type="text" value="Surname"/>
	<input type="text" value="Forename"/>
Offender DOB	<input type="text" value="Day"/> / <input type="text" value="Month"/> / <input type="text" value="Year"/>
Offender gender	<input type="checkbox"/> Male <input type="checkbox"/> Female

If you have any queries when completing this form or on the Crown Court Sentencing Survey in general, you can contact the Office of the Sentencing Council at research@sentencingcouncil.gsi.gov.uk or 020 7071 5793

1. Type of offence FOR BREACHES, SEE NOTES OVERLEAF

- Single offence
- Multiple offences - ANSWER FOR THE PRINCIPAL OFFENCE ONLY
- Possession of indecent photograph of child
- Indecent photographs of children
- Other (please specify in box below)

2. Sentence outcome (for the PRINCIPAL OFFENCE ONLY)

SEE NOTES OVERLEAF, TICK ALL THAT APPLY

(a) Custodial Sentence

- Determinate
- Extended
- Life
- Hospital Order

(b) Suspended Sentence Order or Community Order

- SSO
- Community Order

Requirements of Suspended Sentence Order or Community Order
TICK ALL ADULT REQUIREMENTS GIVEN OR NEAREST YRO EQUIVALENT

- Supervision
- Unpaid work
- Curfew
- Activity
- Prohibited activity
- Exclusion
- Residence
- Foreign travel prohibition
- Attendance centre
- Programme(s) (please specify in box below)
- Mental health treatment
- Drug rehabilitation
- Alcohol treatment
- Alcohol abstinence and monitoring (pilot scheme)

(c) Other outcome

- Fine
- Conditional discharge
- Absolute discharge

RECORD COMPENSATION, CONFISCATION & COSTS IN SECTION 6

3. Definitive guideline - Step 1

(a) Activity

- Possession
- Distribution
- Production

(b) Category

- Category A – most serious
Where harm is identified as 'Category A', tick all that apply:
 - Image(s) involving penetrative sexual activity
 - Image(s) involving sexual activity with an animal or sadism
- Category B
- Category C – least serious

4. Definitive guideline - Step 2

(a) Factors increasing seriousness

Statutory aggravating factors

- Previous relevant convictions: 1-3 4-9 10+
- Offence committed on bail

Other aggravating factors

- Failure to comply with current court orders
- Offence committed whilst on licence
- Age/vulnerability of child depicted
- Discernable pain/distress of child depicted
- Period over which images possessed/distributed/produced
- High volume of images possessed/distributed/produced
- Placing images where potential for high volume of viewers
- Collection includes moving images
- Attempts to dispose of concealed evidence
- Abuse of trust
- Child depicted known to offender
- Involvement in a network/process that creates/shares images
- Commercial exploitation/motivation
- Deliberate/systematic searching for images portraying young children, category A images or familial sexual abuse
- Large number of different victims
- Child depicted intoxicated/drugged
- Other factors (please specify in box below)

(b) Factors reducing seriousness or reflecting personal mitigation

- No previous relevant/recent convictions
- Remorse
- Good character/exemplary conduct
- Age/lack of maturity affecting responsibility
- Mental disorder/learning disability
- Demonstration of steps to address behaviour
- Other factors (please specify in box below)

5. Indication of guilt/guilty plea SEE NOTES OVERLEAF

Was guilt indicated at police station?

- Yes No Don't know

Was a guilty plea entered for the principal offence?

- Yes No

Where was guilty plea indicated in the court process?

- At magistrates' court At PCMH
- At preliminary hearing After PCMH/prior to day of trial
- Between preliminary hearing and PCMH At/after day of trial

Was the guilty plea entered at the first reasonable opportunity?

- Yes No

Approximately what reduction for guilty plea was given?

SEE NOTES OVERLEAF

6. Additional factors

Were any of the following other factors present or stated to have influenced the sentence imposed?

DO NOT INCLUDE ANYTHING THAT IS COVERED ELSEWHERE ON THIS FORM

- Totality principle Compensation Order
- Consecutive sentence Confiscation Order
- Concurrent sentence Costs
- Multiple defendants Serving another sentence
- Ancillary Order
- Other factors that you stated and are relevant to the sentencing decision, for example S.116 Return to Custody, TICs (please specify in box below)

RELATIONSHIP OF FORM TO SENTENCING REMARKS

The form is designed to record the basis upon which the Judge/Recorder approached the task of passing sentence; fundamental to the principles of open justice, it is important that nothing is included on the form which is not reflected in the sentencing remarks. Judges may therefore find it helpful to complete the form and use it as a checklist when passing sentence. The majority of the information for Part A will be contained in or on the front of the case file.

- You should complete only **ONE** form for the **principal offence** where more than one offence appears on a single indictment in a sentenced case (including committal for sentence cases). However, if on a single sentencing occasion you have more than one indictment for unrelated cases, complete a form for the principal offence on each indictment.
- If an offender is being sentenced for more than one offence, the principal offence will be the offence which attracts the **highest** sentence.
- If there is more than one offence attracting the highest sentence, the principal offence should be the one for which the highest maximum penalty exists.
- If the offences have the same maximum penalty you are asked to (randomly) select one as the principal offence.
- If there are **multiple offenders** in a case a form must be completed for the principal offence for **each offender**.

Breaches: You do not need to complete a separate form for breach proceedings unless the breach attracts a sentence in its own right e.g. breach of Protective Order or ASBO. In which case use the 'Other Offences' form (light brown).

OFFENCE FORMS AVAILABLE

Arson & Criminal Damage (violet)	Robbery & Assault with Intent to Rob (orange)
Assault & Public Order (blue)	Sexual Offences (turquoise)
Burglary (green)	Indecent Photographs of Children (light turquoise)
Driving Offences (dark brown)	Theft, Dishonesty, Fraud (purple)
Drug Offences (maroon)	Other Offences (light brown)
Offences Causing Death (red)	

INDECENT PHOTOGRAPHS OF CHILDREN

GUIDANCE ON COMPLETION

Section 1: Type of offence

Tick the relevant box to reflect the **principal offence** for which the offender is being sentenced. If the principal offence is not listed, please tick 'Other' and specify the offence, but please confirm that there is not another offence form that would be more appropriate e.g. the sexual offences form.

Section 2: Sentence outcome

Tick the relevant box to reflect the sentence/s imposed. In all cases where a length, term, extension period etc. is given, please ensure that the measurement is also included e.g. hours, days, weeks,

years. If a programme requirement was given, please specify what the specific accredited programmes were. If you impose a curfew, specify the length of the curfew only, do not provide the time of day for which the curfew is in force. If you have imposed an Ancillary Order, Compensation or Confiscation Order this should be recorded under Section 8 'Additional factors'. Please record the actual sentence imposed without taking into account the period credited for remand time.

Section 3: Guideline Step 1 - Offence activity and category factors

Tick the appropriate activity and category boxes.

If it is a category A offence also tick the factor(s) that placed this in category A. Category B and C only have one factor each therefore ticking either of these categories assumes the relevant factor is present or not in the case of category C.

Sections 4: Guideline Step 2 - Aggravating and mitigating factors

Tick all the relevant factors for step 2 that you stated you took into account on reaching the sentence imposed. Any additional factors (not listed) should be inserted under 'Other factors' and specified.

'Previous convictions' is now a guideline step 2 factor. If you tick this box please also indicate the number of previous convictions you took into account. Tick the box '1-3' for 'few', '4-9' for 'many' and '10+' for 'substantial'.

Section 5: Indication of guilt/guilty plea

Tick the relevant box to reflect whether there was an indication of guilt at the police station and if a guilty plea was entered for the principal offence. If a guilty plea was entered, tick the relevant box to indicate; at which proceedings it was entered and whether it was entered at the first reasonable opportunity. Write the percentage reduction that was in mind for the guilty plea only, and ignore any other discounts applied. Where a percentage reduction is not appropriate given the nature of the sentence/s imposed, please write in 'Full credit' or 'Not applicable'. If a guilty plea was not entered, only answer the first two questions in this section.

Section 6: Additional factors

A number of other factors may have been present in the case or have influenced the final sentence imposed, if so tick all of the boxes that apply to those stated in your sentencing remarks. You should use this section to record compensation and confiscation orders and any costs imposed. Any additional factors (which have not been specified or could not be included elsewhere on the form) that you stated and which you think were relevant should be inserted under 'Other factors'. This may include, among others, S.116 Return to Custody.

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