

How offenders are sentenced in England and Wales

Hello and welcome to this short film on sentencing, brought to you by the Sentencing Council.

Imagine you were given the details of several different crimes. How would you go about working out the right sentence for each offender? How would you make sure the victim felt that justice had been done? And how would you try to make sure the offender didn't do it again?

You might think about which crimes were most serious. What happened to the victim? Why did the offender do it? Was it on the spur of the moment, or did they mean to do it.

These are the kinds of questions judges and magistrates think about every day and this short film aims to explain a bit more about how sentences are decided.

How do judges and magistrates decide on a sentence?

One of the most important things is to make sure *appropriate* sentences are given for each crime – in other words, the punishment should fit the crime.

To do this, judges and magistrates in England and Wales use sentencing guidelines. These also help them sentence in the same way, whether they're in Newcastle, Newport or Newbury.

Every crime and every offender is different and no two cases or victims are ever the same, but the way in which a judge or magistrate decides the sentence **is** the same.

What factors are taken into account?

For each crime there is a range of sentences available and the judge or magistrates have to decide which type of sentence is right.

The judge or magistrates will think about:

- How **serious** the offence is. The more serious, the greater the sentence. For example, a burglar who kicked down someone's front door and threatened them with a knife would be treated more seriously than a burglar who reached through an open window to steal something.

- Then there's the **harm** caused to the victim. This could be physical injury like a broken arm, psychological effects such as stress or the loss of possessions or money.
- And the offender's level of **blame**. For example, planning the offence, using a weapon or targeting a vulnerable victim, would all make the offender more blameworthy.
- **The judge or magistrates will also think about whether the offender already has a criminal record:** someone who has been found guilty of similar crimes before will be treated more harshly.
- **Personal circumstances** will also be considered – for example the offender might look after dependent relatives.
- They might have shown they are genuinely sorry, or come clean and admitted that they committed the crime and **pleaded guilty**. The earlier an offender admits their guilt the better as it will save victims and witnesses the stress of going through a trial as well as saving court costs and time. If an offender admits to a crime, it usually means they get a lower sentence – up to a third off – when they admit it at the earliest opportunity. The later the guilty plea, the smaller the reduction, which, when you think about it, is a good way of getting offenders to admit their guilt sooner rather than later.

Judges and magistrates will also think about what sort of sentence would be most likely to change the offender's behaviour. None of us wants to become another victim of the same offender so it is important that the sentence helps stop them committing more crime in the future.

There are four main types of sentence: the toughest, prison, is used when a crime is so serious, or an offender's record is so bad, no other sentence will do. Offenders will normally spend half their sentence in prison, and the rest on licence in the community. Being on licence means offenders have to obey certain rules, which could include wearing an electronic tag which restricts where they can go. If they don't follow the rules, they can be sent back to prison.

Community sentences both punish, through things such as unpaid work removing graffiti, and try to help people stay out of trouble through things like treatment for drug addiction. This is not a soft option - offenders can be made to do between 40 and 300 hours of demanding work.

Fines are for less severe offences and are the most common type of sentence. The amount of fine is set by the court after considering the seriousness of the offence and how much money the offender has.

Finally, we have discharges - these are used for the least serious offences for which the experience of being taken to court is thought to be punishment enough. But a discharge can come with conditions that mean the offender must stay out of trouble – if they commit another crime, they can be sentenced for the first offence and the new one.

So, hopefully this short film has given you a better idea of how sentencing works.

If you'd like to find out more about sentencing, please visit our website at www.sentencingcouncil.org.uk.

Thank you.