

Crown Court Sentencing Survey

OFFICIAL WHEN COMPLETE

Assault & Public Order [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"/>

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
- S.18
 - S.4A POA
 - S.20
 - S.4 POA
 - S.47
 - S.5 POA
 - Common assault
 - Harassment
- Was this a S.29 offence? Yes No
- Other offences**
- Assault on a police constable
 - Affray
 - Assault: intent to resist arrest
 - Violent Disorder
 - Cruelty/neglect of a child
 - 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
 - Mental health treatment
 - Exclusion
 - Drug rehabilitation
 - Residence
 - Alcohol treatment
 - Foreign travel prohibition
 - Alcohol abstinence and monitoring (pilot scheme)
 - Attendance centre
 - Programme(s) (please specify in box below)

(c) Other outcome

- Fine
- Conditional discharge
- Absolute discharge

RECORD COMPENSATION, CONFISCATION & COSTS IN SECTION 7

3. Definitive guideline - Step 1

- (a) Factors indicating greater harm**
- Injury/fear of injury which is serious in context of the offence
 - Victim particularly vulnerable
 - Sustained or repeated assault on same person
- (b) Factors indicating lesser harm**
- Injury/fear of injury which is less serious in context of the offence
- (c) Factors indicating higher culpability**
- Statutory aggravating factors**
- Offence motivated by/demonstrating hostility to:
- Race/religion
 - Disability
 - Sexual orientation
 - Transgender identity
- Other aggravating factors**
- Significant degree of premeditation
 - Threatened/actual use of weapon/equivalent
 - Intention to cause more serious harm
 - Deliberately causes more harm than necessary
 - Targeting of vulnerable victim(s)
 - Leading role in group or gang
 - Offence motivated by/demonstrating hostility to age or sex
- (d) Factors indicating lower culpability**
- Subordinate role in group or gang
 - Greater degree of provocation
 - Lack of premeditation
 - Mental disorder/learning disability where linked to the commission of the offence
 - Excessive self defence

4. Offence seriousness SEE NOTES OVERLEAF, INCLUDING GUIDANCE ON OFFENCES THAT FALL BETWEEN TWO CATEGORIES

- Category 1 Most serious
- Category 2
- Category 3 Least serious
- No guideline

5. 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 include**
- Location
 - Timing
 - On-going effect on victim
 - Offence against those in the public sector/service to public
 - Presence of others
 - Gratuitous degradation
 - Victim compelled to leave home (domestic violence in particular)
 - Failure to comply with current court orders
 - On licence
 - Attempt to conceal/dispose of evidence
 - Failure to respond to warnings/concerns
 - Offender was under the influence of alcohol/drugs
 - Abuse of power/trust
 - Exploiting contact arrangements
 - Previous violence/threats
 - Established evidence of community impact
 - Steps taken to prevent reporting/assisting prosecution
 - TICs
 - Other factors (please specify in box below)

(b) Factors reducing seriousness or reflecting personal mitigation

- No previous relevant convictions
- Single blow
- Remorse
- Good character/exemplary conduct
- Determination/demonstration to address addiction/behaviour
- Serious medical conditions
- Isolated incident
- Age/lack of maturity affecting responsibility
- Lapse of time not fault of offender
- Mental disorder/learning disability where not linked to the commission of the offence
- Sole/primary carer for dependent relatives
- Other factors (please specify in box below)

6. 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

7. 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 (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)

ASSAULT & PUBLIC ORDER

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.

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 7 'Additional factors'. Please record the actual sentence imposed without taking into account the period credited for remand time.

Section 3: Guideline Step 1 - Factors indicating greater or lesser harm and higher or lower culpability

Tick all the relevant factors for step 1 that you stated you took into account on reaching the sentence imposed.

Section 4: Offence seriousness

Tick the box relating to the category of offence seriousness that you stated in your sentencing remarks – wherever possible tick only one box, unless the seriousness level of the offence is so unclear, in which case tick two adjacent levels. If the offence is not yet covered by a sentencing guideline then tick the box 'No existing guideline'.

Section 5: Guideline Step 2 - Factors increasing and reducing seriousness or reflecting personal mitigation

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 6: 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 7: 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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