

Crown Court Sentencing Survey

OFFICIAL WHEN COMPLETE

Driving Offences

[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

AGGRAVATED VEHICLE TAKING – IMPORTANT NOTE

Any driving offences causing death should be recorded on the 'Offences Causing Death' (red) form. This includes the offence of 'Aggravated vehicle taking where, owing to the driving of the vehicle, an accident occurs causing the death of any person'.

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	Surname	<input type="text"/>			
	Forename	<input type="text"/>			
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

Dangerous Driving

Making false statement/withholding information in order to obtain insurance

Making false statements to obtain or failure to produce revoked licence

Careless driving – without due care and attention

Aggravated vehicle taking (please see important note in box overleaf)

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 8

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

Level 1 – most serious No existing guideline

Level 2

Level 3

Level 4 – least serious

4. Previous convictions

Did the offender have any recent and relevant previous convictions?

Yes No

If yes... How many did the court state it has taken into account?

None 1-3 4-9 10+

5. Aggravating factors indicating higher culpability and harm

PLEASE SELECT THE FACTORS THAT WERE STATED AS HAVING HAD A SIGNIFICANT IMPACT ON THE SENTENCE

Offender was under the influence of alcohol/drugs

Disregard of warnings

Aggressive driving

Carrying out other tasks while driving

Injury to others

Damage to other vehicles or property

Poorly maintained or dangerously loaded vehicle

Tiredness

Driving when knowingly suffering from a medical condition which significantly impairs driving

Offender was on bail of licence

More than one victim

Other factors (please specify in box below)

6. Mitigating and personal factors indicating lower culpability and harm

PLEASE SELECT THE FACTORS THAT WERE STATED AS HAVING HAD A SIGNIFICANT IMPACT ON THE SENTENCE

Age

Genuine remorse

Offender responding well to existing order/sentence

Offender can/is addressing needs/addiction

Offender is main carer/has responsibilities

Currently in, or prospects of work/training

Loss of job or reputation

Physical or mental illness

Difficult/deprived background

Offence out of character

Co-operation with authorities

Good driving record

Genuine emergency

Other factors (please specify in box below)

7. 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

8. 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)

DRIVING OFFENCES

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.

Aggravated vehicle taking – Any driving offences causing death should be recorded on the 'Offences Causing Death' (red) form. This includes the offence of 'Aggravated vehicle taking where, owing to the driving of the vehicle, an accident occurs causing the death of any person'.

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: Offence seriousness

Not all the guidelines have numbering attached to levels of seriousness. If this is the case, consider the most serious level at the top of the table as 'Level 1'. Tick the box relating to the level 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 4: Previous convictions

Tick the box to reflect whether the offender had any recent and relevant previous convictions that were taken into account. If there were recent and relevant previous convictions state how many were taken into consideration. If no specific number was stated, tick the box '3' for 'few', '4-9' for 'many' and '10+' for 'substantial'.

Sections 5 and 6: Aggravating and mitigating factors

Tick all the relevant aggravating and mitigating factors that you stated you took into account as having had a significant impact on the sentence imposed. Any additional factors should be inserted under 'Other factors' and specified. A full list of aggravating and mitigating factors can be found in offence specific guidelines and the guideline on 'Overarching Principles: Seriousness'. If no factors were stated in court, leave blank.

Section 7: 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 8: 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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