

Crown Court Sentencing Survey

OFFICIAL WHEN COMPLETE

Drug 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

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"/>

Offender Details – Individual

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

Offender Details – Company

Company name	<input type="text"/>
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1a. Type of offence FOR BREACHES, SEE NOTES OVERLEAF

Single offence
 Multiple offences - ANSWER FOR THE PRINCIPAL OFFENCE ONLY

Possession
 Supplying
 Possession with intent to supply
 Conspiracy to supply
 Other (please specify in box below)

Bringing in/taking out controlled drug
 Production/being concerned in production/cultivation
 Permitting premises to be used

1b. Drug/Class of drug associated with the offence

Cocaine
 Heroin
 Other Class A

Cannabis or Cannabis resin
 Other Class B
 Class C

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

No existing guideline

For the offence of 'permitting premises to be used' or 'possession'

Category 1 – most serious
 Category 2
 Category 3 – least serious

For all other drug offences

(a) Culpability (role of offender)

Leading role
 Significant role
 Lesser role

(b) Harm (quantity)

Category 1 – most serious
 Category 2
 Category 3
 Category 4 – least serious

Where harm is identified as 'Category 3', complete if appropriate:

Street Dealer Prison Employee Basis of quantity

4. Definitive guideline - Step 2

(a) Factors increasing seriousness

Statutory aggravating factors

Previous relevant convictions: 1-3 4-9 10+
 Permitted under 18 year old to deliver etc.
 Offence committed on bail
 18 years or over supplies in the vicinity of school etc.

Other aggravating factors

Sophisticated nature of concealment/attempts to avoid detection
 Attempt to conceal/dispose of evidence
 Exposure of others to more than usual danger
 Presence of weapon
 High purity or high potential yield
 Failure to comply with current court orders
 On licence
 Targeting premises of vulnerable people
 On-going/large scale evidenced by specialist equipment
 Presence of others, especially children and/or non-users
 Use of premises with unlawful access to utility supply
 Level of profit element
 Premises adapted to facilitate drug activity
 Location of premises
 Length of time premises used
 Charged as importation of very small amount
 Nature of likely supply
 Possession of drug in school/licensed premises
 Possession of drug in prison
 Volume of activity permitted
 Established evidence of community impact
 Other factors (please specify in box below)

(b) Factors reducing seriousness or reflecting personal mitigation

Lack of sophistication as to nature of concealment
 Involvement due to pressure/intimidation/coercion
 Mistaken belief regarding type of drug
 Isolated incident
 Low purity
 No previous relevant convictions
 Offender's vulnerability exploited
 Remorse
 Good character/exemplary conduct
 Determination/demonstration to address addiction/behaviour
 Serious medical conditions
 Age/lack of maturity affecting responsibility
 Mental disorder/learning disability
 Sole/primary carer for dependent relatives
 Offender addicted to same drug
 Offender using cannabis to help diagnosed medical condition
 Other factors (please specify in box below)

5. Indication of guilt/guilty plea

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

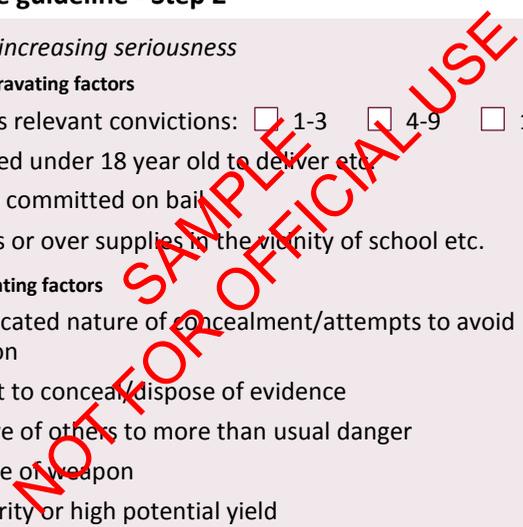
Was the guilty plea entered at the first reasonable opportunity?
 Yes No

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 (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)

DRUG OFFENCES

GUIDANCE ON COMPLETION

Section 1: Type of offence

Tick the two relevant boxes to reflect (a) the **principal offence** for which the offender is being sentenced and (b) the drug associated with the principal offence. 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 6 '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

For this you will need the latest sentencing guideline where available. If the offence is not yet covered by a sentencing guideline (e.g. 'conspiracy to supply') then tick the box 'No existing guideline'. For the offences of 'permitting premises to be used' and 'possession', please tick the relevant category box depending on the level of harm and culpability. For other offences, each guideline presents a table with levels of culpability demonstrated by the offender's role and categories of harm. Associated with each combination of role and category there is a starting point and sentencing range. Tick one box relating to the offender's role and one box for the category of harm. Where harm is identified as 'Category 3', please also indicate the basis for the offence being at this level if appropriate.

Section 4: 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 in 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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