

Possession of a controlled drug (class A and B); production of a controlled drug (class B only); or cultivation of cannabis plant

This form is only to be completed where the PRINCIPAL OFFENCE (i.e. the offence which, on the facts of the case, has attracted the highest sentence) is **possession of a controlled drug (class A and B); production of a controlled drug (class B only) or cultivation of cannabis plant.**

For more detailed guidance on completion, please refer to the back of the form.

Part A: To be completed by the sentencer or the legal adviser/ court associate
PLEASE COMPLETE IN CAPITALS

Name of defendant	First name	<input type="text"/>
	Surname	<input type="text"/>
Date of birth	<input type="text" value="DD/MM/YY"/>	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Libra 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"/>	
Sentencing date	<input type="text" value="DD/MM/YY"/>	
Type of offence	Please tick the relevant box to indicate the PRINCIPAL OFFENCE ONLY:	
	<input type="checkbox"/> Possession of Class A drug	<input type="checkbox"/> Production of Class B drug
	<input type="checkbox"/> Possession of Class B drug	<input type="checkbox"/> Cultivation of cannabis plant

If you have any queries when completing this form, please contact either the Office of the Sentencing Council at research@sentencingcouncil.gsi.gov.uk, or RAND Europe at mdavies@rand.org or on 01223 227 588

Form ID

Part B: To be completed by the sentencer for the PRINCIPAL OFFENCE ONLY

1. Drug/ class of drug associated with the offence

- Cocaine Heroin LSD
 Ketamine Amphetamine
 Cannabis or cannabis resin MDMA (ecstasy)
 Other class A
 Other class B

Quantity

Please state amount and unit of measurement (e.g. grams, tablets, wraps, plants, squares)

If the offence is possession please go to **section 3 - offence category**

FOR PRODUCTION/ CULTIVATION OFFENCES ONLY

2. Culpability and harm

Please tick the relevant box to indicate level of culpability:

- Leading role Significant role Lesser role

On the basis of what factor(s) did you place the offender in this category?

Please tick the relevant box to indicate category of harm:

- Category 1 Category 3
 Category 2 Category 4

FOR POSSESSION OFFENCES ONLY

3. Offence category

Please tick the relevant box to indicate the offence category:

- Category 1 Category 2 Category 3

FOR ALL OFFENCES

4. Offence starting point

What was your starting point for this offence?

5. Previous convictions

Did the offender have any recent and relevant previous convictions?

- Yes No

If yes, how many previous convictions have you taken into account?

- None 1-3 4-9 10-19 20 or more

6. Other factors affecting offence seriousness

Please tick any factors that had an impact on the sentence. Any *additional factors (not listed)* should be inserted under 'other factors' and specified.

Aggravating factors: Production/ cultivation offences ONLY

- Exposure of others to more than usual danger
 High purity or high potential yield
 Level of any profit element
 Nature of likely supply
 Ongoing/ large scale operation
 Presence of a weapon
 Use of premises with unlawful access to utility supply

Aggravating factors: Possession offences ONLY

- Charged as importation of very small amount
 Possession of drug in prison
 Possession of drug in school/ licensed premises

Aggravating factors: ALL offences

- Attempts to conceal/ dispose of evidence
 Established evidence of community impact
 Failure to comply with current court orders
 Offence committed on bail or licence
 Presence of others, especially children and/ or non-users
 Other factors

- No relevant aggravating factors

Mitigating factors: ALL offences Please tick all that apply

- Age/ lack of maturity affecting responsibility
 Determination/ demonstration to address addiction/ offending behaviour
 Good character/ exemplary conduct
 Isolated incident
 Mental disorder/ learning disability
 No previous or relevant or recent convictions
 Remorse
 Serious medical conditions
 Sole/ primary carer for dependent relatives

Mitigating factors: Production/ cultivation offences ONLY

- Involvement due to pressure/ intimidation/ coercion
- Low purity
- Offender's vulnerability exploited

Mitigating factors: Possession offences ONLY

- Offender is using cannabis to help with a diagnosed medical condition

- Other factors

Please specify

- No relevant mitigating factors

7. What was your sentence, before taking into account any guilty plea?

Please specify

8. Indication of guilt/ guilty plea

Was a guilty plea entered for the principal offence?

- Yes
- No

If yes, was the guilty plea entered at the first reasonable opportunity?

- Yes
- No

When was the guilty plea indicated in the court process?

- First hearing
- Subsequent hearing before trial
- On day of trial

9. Reductions for guilty plea

If a guilty plea was entered, what reduction or allowance did you make for the guilty plea?

- Fewer requirements in a community order
- Percentage reduction in sentence (e.g. length of custody, fine, number of hours of unpaid work)

Please state percentage %

- Dropped down a threshold (e.g. from custody to community order or community order to fine)

10. Final sentence outcome (for the PRINCIPAL OFFENCE ONLY)

Please tick the relevant box to reflect the sentence imposed after accounting for any guilty plea:

- i) Discharge Absolute Conditional

ii) Fine

Please state band (A to C) in box

iii) Community order

- High level
- Medium level
- Low level

iv) Custody *Please state length*

LENGTH

Days/ weeks (please delete as appropriate)

Was the custodial sentence suspended?

- Yes
- No

If yes, please state suspension period

LENGTH

Months

- v) Committal to the Crown Court for sentence

vi) Other sentence

Please specify

11. Single most important factor

Taking all things into consideration, what would you say was the single most *important factor* affecting your sentence?

Please specify

12. Totality

Please only complete where there are multiple offences

Did you adjust the sentence to reflect totality?

- Yes
- No

GUIDANCE ON COMPLETION

Drug Offences Definitive Guideline Review

You are being asked to complete this form as part of the Sentencing Council's assessment of the drug offences definitive guideline in order to understand how the guideline influences sentencing in magistrates' courts.

This form is designed to record the basis upon which the magistrates or district judge approached the task of passing sentence. Please complete the form **after** you have sentenced the defendant or committed the defendant to the Crown Court for sentence.

The results of the review will be used to assess the guideline and inform further Sentencing Council guidelines. The aim of the review is not to assess magistrates' and district judges' use of the guideline at individual or court level (the small amount of personal data about the defendant that this form collects is only used for technical, quality assurances purposes).

Additional notes on completing the form

- The majority of the information for Part A will be on your court list (consult your legal adviser or court associate if unclear).
- If a defendant faces more than one drug offence within one case please complete the form for the main drug offence (i.e. the one which, on the facts of the case, has attracted the highest sentence). If the drug offences attract the same sentence, please select one (e.g. the most recent, if the drug offences are from different dates).
- If a defendant is being sentenced for more than one offence but the offences do not come under one case (each case will have a distinct Libra case number) please complete one form per case.
- If there are multiple defendants whose main offence is drugs within one case, please complete one form for each defendant.
- Do not complete this form if the sentence was activated following a suspended sentence order or conditional discharge.

Additional notes to Sections 7, 9 and 10

- **Section 7:** Please state the sentence in broad terms. For example, please write in here '6 weeks' immediate custody', or 'high level community order'.
- **Section 9:** We wish to know the reduction or allowance you have made for a guilty plea. If the sentence has a quantifiable element like length of custody or hours of unpaid work, please tell us the **percentage reduction** you have applied, **not** the reduction in the number of hours or weeks in absolute terms.
- **Section 10:** Please state the sentence in broad terms. If you have sentenced the defendant to custody, immediate or suspended, we would like to know the length in days or weeks. However, for a community order and sentences below this level we do not need to know requirements such as number of hours or length of curfew.

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