

Sentencing Council

STATISTICAL BULLETIN: INTIMIDATORY OFFENCES

Introduction

This bulletin provides information on volumes and sentence outcomes for adult offenders¹ sentenced for certain offences² covered by the Sentencing Council's draft intimidatory offences guideline.

The draft sentencing guideline includes the offence of controlling or coercive behaviour in an intimate or family relationship. However, as this offence only came into force on 29 December 2015, there is limited sentencing data available and so is not included within this bulletin.

The Court Proceedings Database (CPD), maintained by the Ministry of Justice (MoJ), is the data source for this bulletin.

Additional figures are available to download as Excel spreadsheets at the following link:

<http://www.sentencingcouncil.org.uk/publications/?type=publications&s=&cat=statistical-bulletin>

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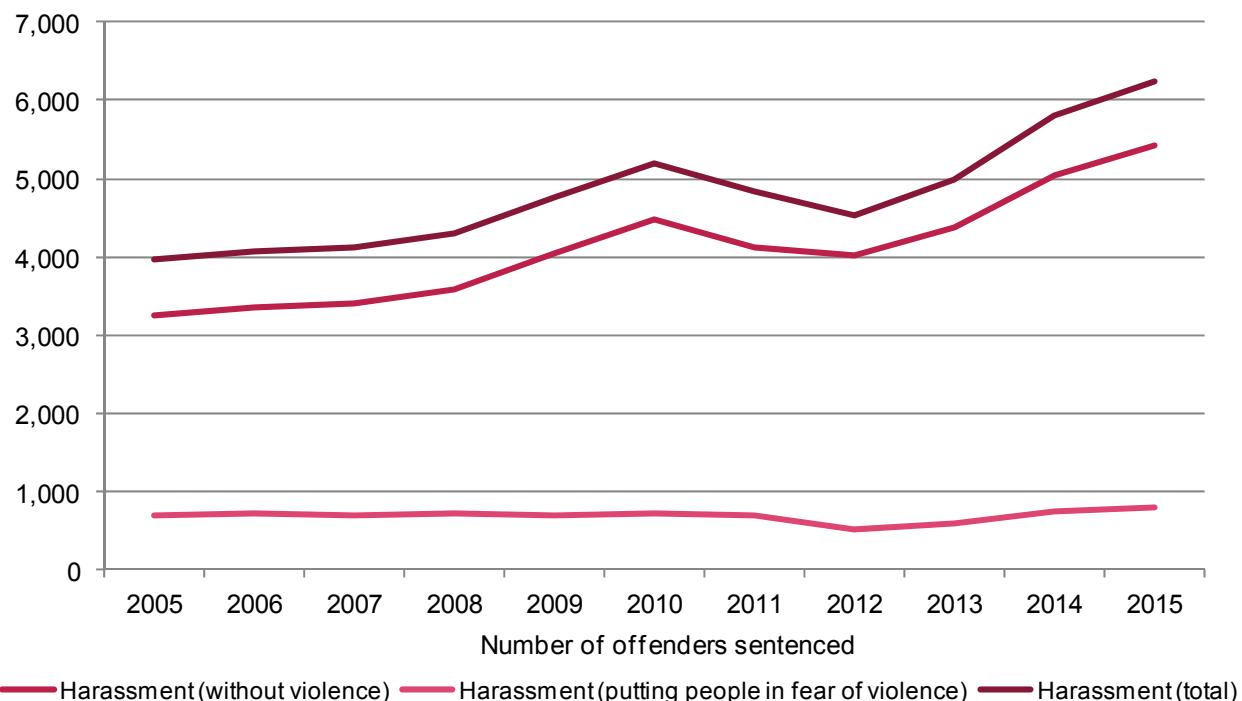
¹ Includes offenders aged 18 or over at the time of conviction.

² This bulletin contains data relating to harassment, stalking, racially and religiously aggravated harassment and stalking, threats to kill and disclosing private sexual photographs and films with intent to cause distress.

Harassment

- Harassment covers offences which cause alarm or distress, or offences which put people in fear of violence.³
- Since 2005 the number of offenders sentenced for harassment offences overall has been gradually increasing, from 4,000 in 2005 to 6,200 in 2015 (see Figure 1). The majority of this increase has been due to an increase in the number of offenders sentenced for harassment without violence offences (the section 2 offence), while the number of offenders sentenced for harassment (putting people in fear of violence) (the section 4 offence) has remained generally stable.
- The increase in offenders sentenced for harassment offences is in line with increases seen in the number of harassment crimes reported to police in 2014-15, according to the Office of National Statistics 'Crime in England & Wales' publication⁴. The report suggests that this increase is largely due to increased reporting and recording of domestic abuse offences in general, many of which involve some level of harassment.

Figure 1: Number of adult offenders sentenced for harassment offences, 2005-2015



Sentence outcomes

- Community sentences are the most frequently used sentence outcome for harassment without violence (comprising 43 per cent of sentence outcomes in 2015), while for harassment (putting people in fear of violence), custodial sentences were the most common outcome in 2015 (35 per cent received a suspended sentence order, while 34 per cent received an immediate custodial sentence).
- For harassment without violence (maximum sentence six months' imprisonment), the average custodial sentence length for those who received an immediate custodial sentence was 3 months in 2015, and has consistently been 3 months since 2005. For harassment (putting people in fear of

³ The term harassment is used to cover the 'causing alarm or distress' offences under section 2 of the Protection from Harassment Act 1997 (PHA) as amended, and 'putting people in fear of violence' offences under section 4 of the PHA:

http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/#a02a

⁴ <http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/2015-10-15>

violence), the average custodial sentence length was 10 months in 2015, and has consistently been 10 months for the past five years. The maximum sentence for this offence was five years' imprisonment⁵.

Stalking

- Stalking offences are offences which have the effect of curtailing a victim's freedom. For example, following a person, watching or spying on them or forcing contact with the victim through any means, including social media.⁶ Stalking offences came into force on 25 November 2012⁷.
- The number of offenders sentenced for stalking offences has increased since the offence was introduced. The majority (64 per cent in 2015) are sentenced for stalking without fear, alarm or distress (the section 2A offence).

Table 1: Number of adult offenders sentenced for stalking offences, 2012-2015

	2012	2013	2014	2015
Stalking without fear/alarm/distress	<5	190	350	340
Stalking involving fear of violence	0	10	40	50
Stalking involving serious alarm/distress	0	30	100	150
Stalking- Total	<5	230	490	530

Sentence outcomes

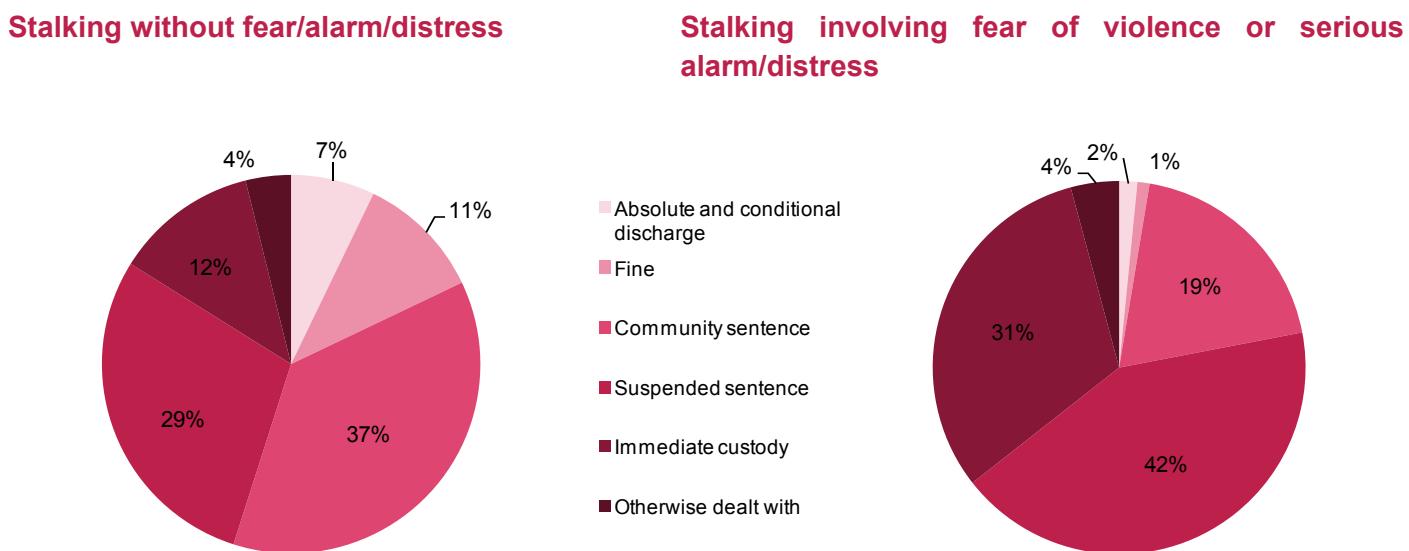
- Community orders are the most frequently used sentence for stalking without fear/alarm/distress (37 per cent in 2015) followed by suspended sentence orders (29 per cent).
- For stalking involving fear of violence or serious alarm or distress (the section 4A offence), suspended sentence orders were the most frequently used sentence outcome (42 per cent in 2015) followed by immediate custodial sentences (31 per cent) (see Figure 2).

⁵ This will increase to ten years on 3/4/2017 when provisions in the Policing and Crime Act come into force.

⁶ http://www.cps.gov.uk/legal/s_to_u/stalking_and_harassment/#a02b

⁷ Stalking contrary to section 2A PHA and stalking involving fear of violence or serious alarm or distress contrary to section 4A PHA as amended by the Protection of Freedoms Act 2012.

Figure 2: Sentence outcomes received by adult offenders sentenced for stalking, 2015⁸



- The average custodial sentence length for those sentenced for stalking without fear/alarm/distress (maximum sentence six months' imprisonment) was 3 months in 2015, and has consistently been 3 months since the first custodial sentences were given for this offence (in 2013).
- The average custodial sentence length for those sentenced for stalking involving fear of violence or serious alarm/distress was 14 months in 2015. This represents an increase from 10 months in 2013 and 11 months in 2014. The maximum sentence for this offence was five years' imprisonment⁹.

Racially or religiously aggravated harassment and stalking offences

- Since 2005, the number of racially or religiously aggravated harassment and stalking offences sentenced has been steadily increasing, from 100 in 2005 to 180 in 2015 (see Figure 3).
- There has also been a general increase in racially or religiously aggravated harassment offences recorded by the police¹⁰ over the past five years, as discussed in the Office for National Statistics "Crime in England and Wales" bulletin. The Home Office's statistical bulletin on Hate Crime¹¹ suggests that improvements in police recording may be a factor contributing to this increase. It also notes that there are sometimes rises in similar crimes following particular incidents, for example a peak in racially or religiously aggravated offences following the murder of Lee Rigby in July 2013; and an apparent rise in hate crime following the Charlie Hebdo shooting in January 2015.
- The majority of offenders (81 per cent in 2015) were sentenced for offences which did not involve violence. Increases in the number of offenders sentenced for these offences have contributed to the increase in racially or religiously aggravated offences overall, while the number of offences which involve putting people in fear of violence has remained stable at around 30-50 offenders sentenced each year.

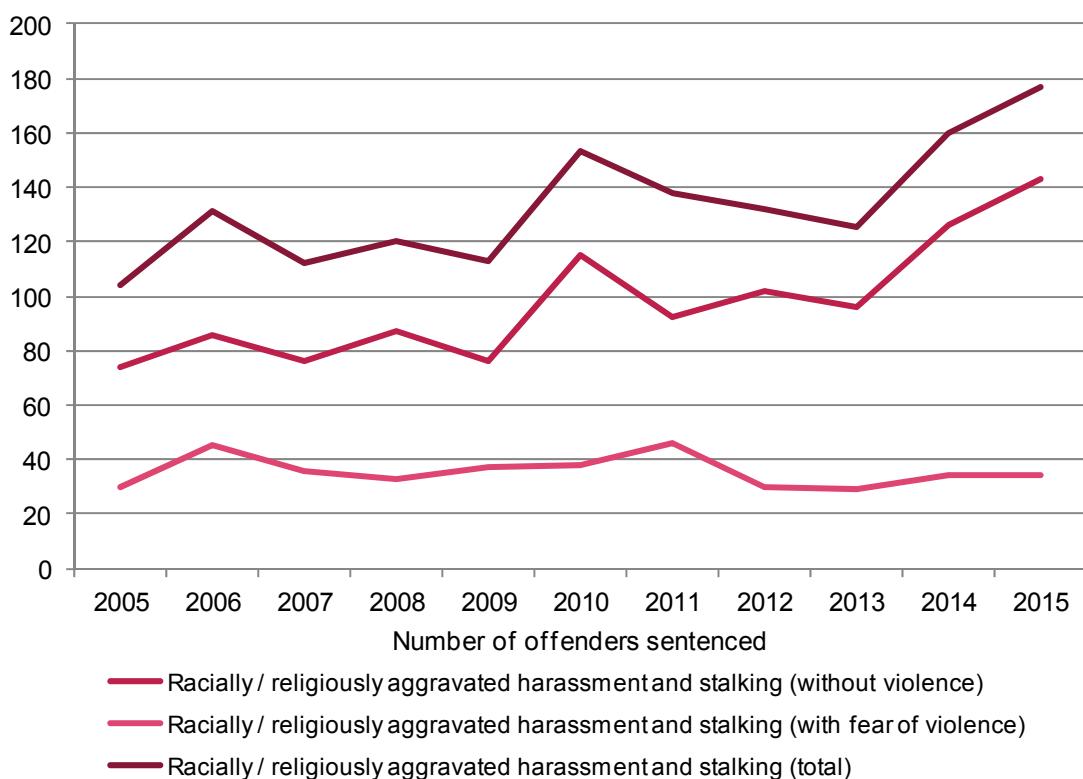
⁸ The category 'Otherwise dealt with' includes: one day in police cells; disqualification order; restraining order; confiscation order; travel restriction order; recommendation for deportation; compensation; and other miscellaneous disposals.

⁹ This will increase to ten years on 3/4/2017 when provisions in the Policing and Crime Act come into force.

¹⁰ [Crime in England and Wales: Year ending June 2016](#)

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559319/hate-crime-1516-hosb1116.pdf

Figure 3: Number of adult offenders sentenced for racially/religiously aggravated harassment and stalking offences, 2005-2015



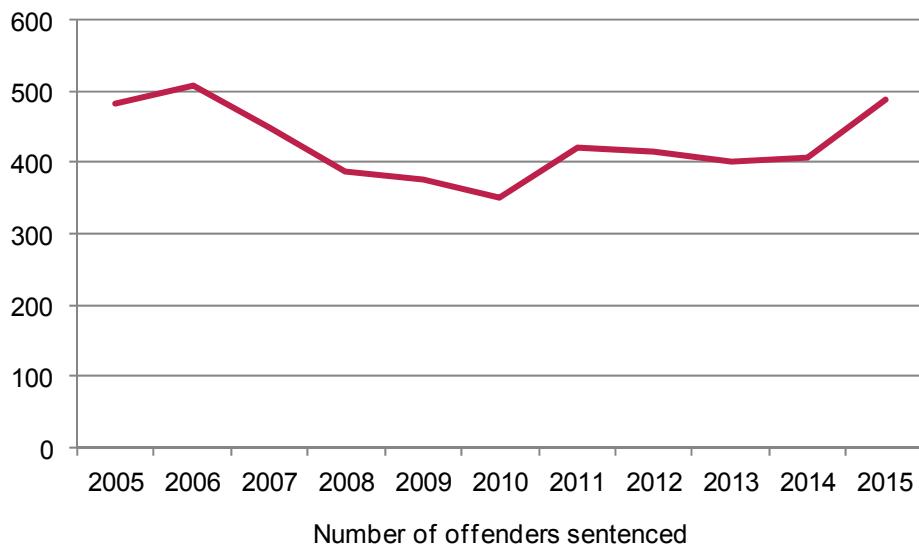
Sentence outcomes

- The highest frequency sentence outcome for racially or religiously aggravated harassment and stalking (without violence) in 2015 was a community sentence, comprising 36 per cent. This has been the most frequently used sentence for most years since 2005. For the 13 per cent who received immediate custodial sentences in 2015, their average custodial sentence length was 5 months. Average custodial sentence lengths have fluctuated between 4 and 8 months for this offence, since 2005.
- For racially or religiously aggravated harassment and stalking (putting people in fear of violence), the numbers sentenced each year are low and therefore outcomes fluctuate over time. Over the past five years (2011 – 2015), there has been a fairly even split between immediate custody (31 per cent) and community sentences (29 per cent), with a further 24 per cent receiving suspended sentence orders. The average custodial sentence length over this 5 year period was 8 months.

Threats to kill

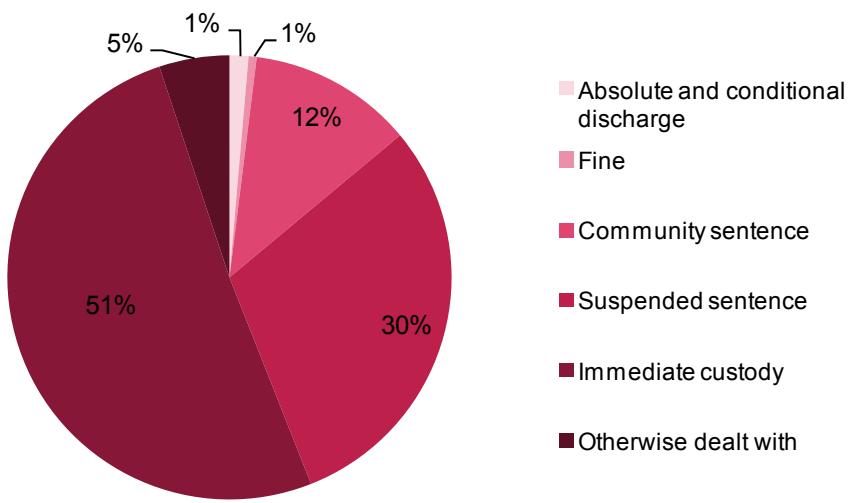
- Since 2005 there have been around 400-500 offenders per year sentenced for threats to kill (see Figure 4).

Figure 4: Number of adult offenders sentenced for threats to kill, 2005-2015



Sentence outcomes

Figure 5: Sentence outcomes for adult offenders sentenced for threats to kill, 2015



- The majority of offenders sentenced for threats to kill are given immediate custodial sentences (51 per cent in 2015). A further 30 per cent of offenders sentenced in 2015 were given suspended sentence orders.
- The average custodial sentence length for those who received an immediate custodial sentence was 17 months in 2015, and has fluctuated between 17 and 21 months over the past 5 years. The statutory maximum sentence for threats to kill is 10 years (when tried on indictment).

Disclosing private sexual photographs and films with intent to cause distress

- The offence of disclosing private sexual photographs and films with intent to cause distress (often referred to as “revenge porn”) came into force on 13th April 2015, as part of the Criminal Justice and Courts Act 2015.¹²
- In 2015, 60 offenders were sentenced for disclosing private sexual photographs and films. The majority received community sentences (37 per cent), with 29 per cent receiving suspended sentence orders, and 26 per cent receiving immediate custodial sentences.
- The average custodial sentence length for those who received an immediate custodial sentence in 2015 was 5 months.

¹² <http://www.legislation.gov.uk/ukpga/2015/2/section/33/enacted>

Further information

Volumes of sentences

The data presented in this bulletin only include cases where the offence detailed was the principal offence committed. When a defendant has been found guilty of two or more offences this is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in this bulletin.

Sentence outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made.

General conventions

Actual numbers of sentences have been rounded to the nearest 100, when more than 1,000 offenders were sentenced, and to the nearest 10 when less than 1,000 offenders were sentenced.

Data sources and quality

The source of data for this bulletin is the Court Proceedings Database (CPD), which is maintained by MoJ. Every effort is made by MoJ and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used. Subsequently, although numbers in the accompanying tables available online are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily accurate to the last digit shown.

Further details of the processes by which MoJ validate the records in the CPD can be found within the guide to their Criminal Justice Statistics publication which can be downloaded via the link: <https://www.gov.uk/government/collections/criminal-justice-statistics>

Contact points for further information

We would be very pleased to hear your views on our statistical bulletins. If you have any feedback or comments, please send them to: research@sentrncingcouncil.gsi.gov.uk

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Further information on the Sentencing Council and its work can be found at: <http://sentencingcouncil.org.uk>