

Crown Court Sentencing Survey

OFFICIAL WHEN COMPLETE

Offences Causing Death

[PRINCIPAL OFFENCE ONLY]

Form Details

Form ID

Issued

Please refer to guidance on completing this form overleaf
COMPLETE FOR THE PRINCIPAL OFFENCE ONLY

OFFENCES CAUSING DEATH – IMPORTANT NOTE

This form should be used for recording any offences causing death, including any driving offences causing death.

Part A: To be completed by the sentencing Judge/Recorder or Court Clerk

PLEASE COMPLETE IN CAPITALS

Case Details

Sentence date

 / /

CREST case ID

Offender Details – Individual

Offender name

Surname

Forename

Offender DOB

 / /

Offender gender

- Male
 Female

Offender Details – Company

Company name

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

Murder of persons aged one year or over

Attempted murder

Making threats to kill

Causing death by dangerous driving

Causing death by careless driving when under the influence of drink or drugs

Causing death by careless or inconsiderate driving (disqualification obligatory)

Causing death by driving: unlicensed, disqualified or uninsured drivers

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

Exclusion

Residence

Foreign travel prohibition

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

Level 2

Level 3

Level 4 – least serious

No existing guideline

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 2 3+

5. Aggravating factors indicating higher culpability and harm

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

Pre-planning or premeditation

Victim particularly vulnerable

Mental or physical suffering inflicted on the victim

Abuse of power/trust

Victim providing a public service/performing a public duty

Concealment, destruction or dismemberment of the body

Driving off to avoid detection or apprehension

Serious injury to others in addition to the death(s)

Offender was on bail or 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

Provocation

Good driving record

Lack of premeditation

Acted to an extent in self-defence

Mental disorder/learning disability

Giving assistance

Effect on the offender

Actions of the victim or a third party

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 preliminary hearing

Between preliminary hearing and PCMH

At PCMH

After PCMH/prior to day of trial

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

Consecutive sentence

Concurrent sentence

Multiple defendants

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)

Compensation Order

Confiscation Order

Costs

Serving another sentence

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)
Offences Causing Death (red)	

OFFENCES CAUSING DEATH

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 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.

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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