

## STATISTICAL BULLETIN: PUBLIC ORDER OFFENCES

### Introduction

This bulletin provides information on volumes and sentence outcomes for adult offenders<sup>1</sup> sentenced for offences covered by the Sentencing Council's draft public order offences guideline.

The draft guideline covers offences under the Public Order Act 1986. In addition, the racially and religiously aggravated public order offences are provided for by s31 of the Crime and Disorder Act 1998.

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

Additional figures covering sentencing trends since 2006 and the demographics of offenders sentenced for public order offences are available to download as an Excel spreadsheet at the following link:

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

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<sup>1</sup> Includes offenders aged 18 or over at the time of conviction.

## Summary

- Public order offences are offences involving the use of violence and/or intimidation by individuals or groups.<sup>2,3</sup>
- Since 2006 the number of offenders sentenced for public order offences covered by the draft guideline has been decreasing, from 35,800 offenders sentenced in 2006 to 22,500 offenders sentenced in 2016.
- The offence of threatening behaviour makes up the highest volume of offenders sentenced for public order offences (29 per cent of offenders sentenced in 2016 for public order offences covered by the draft guideline were sentenced for this offence), followed by disorderly behaviour (22 per cent).
- The analysis below considers statistics for the offences covered by the Sentencing Council's draft public order guideline.

## Section 1: Riot

- Riot is an offence where 12 or more people present together use or threaten unlawful violence for a common purpose and their conduct (taken together) would cause a person of reasonable firmness to fear for their personal safety.<sup>4</sup>
- Riot is a low volume offence, with 40 offenders sentenced for the offence over the past decade (2006-2016).

### Sentence outcomes

- All offenders sentenced for riot over the past decade were given immediate custodial sentences, with an average custodial sentence length<sup>5</sup> of 5 years 3 months. The statutory maximum sentence for this offence is 10 years' imprisonment.

## Section 2: Violent disorder

- Violent disorder is an offence where three or more people present together use or threaten unlawful violence and their conduct (taken together) would cause a person of reasonable firmness to fear for their personal safety.<sup>6</sup>
- Violent disorder is a relatively low volume offence, with 340 offenders sentenced for the offence in 2016.
- The number of offenders sentenced for violent disorder has fluctuated over time, however there has been a general decrease over time from 480 offenders sentenced in 2006 to 340 offenders sentenced in 2016.

### Sentence outcomes

- The majority of offenders sentenced for violent disorder received custodial sentences (69 per cent of offenders sentenced in 2016 received an immediate custodial sentence, and a further 23 per cent of offenders received a suspended sentence).

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<sup>2</sup> [http://www.cps.gov.uk/legal/p\\_to\\_r/public\\_order\\_offences/](http://www.cps.gov.uk/legal/p_to_r/public_order_offences/)

<sup>3</sup> For further details on these offences, see: <https://www.legislation.gov.uk/ukpga/1986/64> and <https://www.legislation.gov.uk/ukpga/1998/37/part/II>

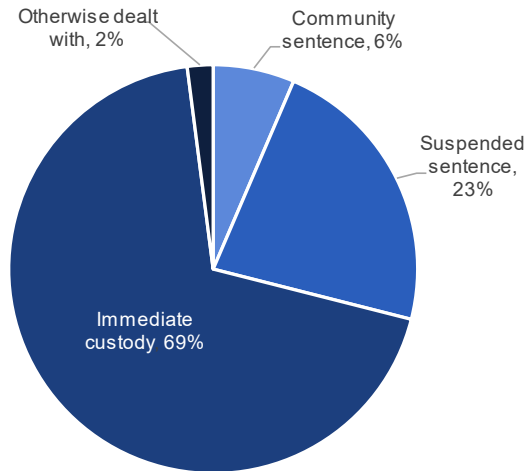
<sup>4</sup> This offence is contained within s1 of the Public Order Act 1986.

<sup>5</sup> The average custodial sentence lengths presented in this report are mean average custodial sentence length values for offenders sentenced to determinate custodial sentences, after any reduction for guilty plea.

<sup>6</sup> This offence is contained within s2 of the Public Order Act 1986.

- The average custodial sentence length for offenders given an immediate custodial sentence in 2016 was 1 year 7 months. The statutory maximum sentence for this offence is five years' imprisonment.

**Figure 1: Sentence outcomes for adult offenders sentenced for violent disorder, 2016<sup>7</sup>**



### Section 3: Affray

- Affray is an offence where a person has used or threatened unlawful violence towards another, and their conduct is such as would cause a person of reasonable firmness to fear for their personal safety.<sup>8</sup>
- Affray is a relatively high volume offence, with 3,000 offenders sentenced for the offence in 2016.
- The number of offenders sentenced for affray has almost halved over the past decade, with 5,900 offenders sentenced for the offence in 2006.

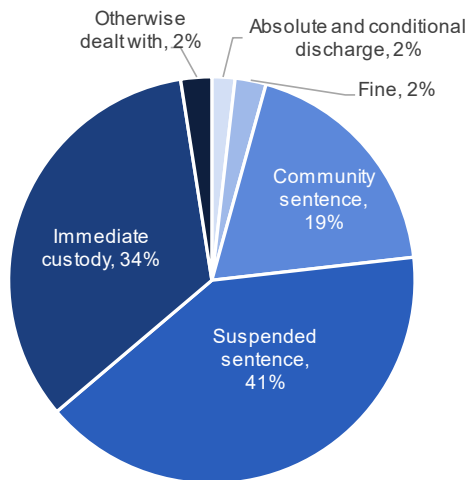
#### Sentence outcomes

- The majority of offenders sentenced for affray received custodial sentences (41 per cent of offenders sentenced in 2016 received a suspended sentence, and a further 34 per cent of offenders received an immediate custodial sentence).
- The average custodial sentence length for offenders given an immediate custodial sentence in 2016 was 10 months. The statutory maximum sentence for this offence is three years' imprisonment.

<sup>7</sup> The category 'Otherwise dealt with' includes: one day in police cells; disqualification order; restraining order; confiscation order; travel restriction order; disqualification from driving; recommendation for deportation; compensation; and other miscellaneous disposals.

<sup>8</sup> This offence is contained within s3 of the Public Order Act 1986.

**Figure 2: Sentence outcomes for adult offenders sentenced for affray, 2016**



#### **Section 4: Threatening behaviour, disorderly behaviour with intent and disorderly behaviour**

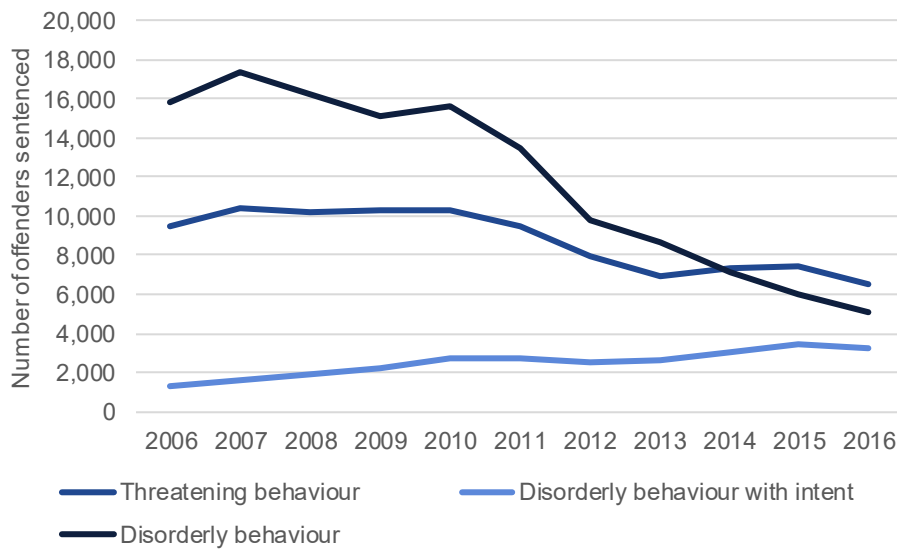
- These are offences where a person uses threatening, abusive or insulting words towards another person, or distributes or displays any writing, sign or other visible representation which is threatening, abusive or insulting, to another person.
- For the offence of threatening behaviour, the offence is committed with intent to cause that person to believe that immediate unlawful violence will be used against the person.<sup>9</sup> For the offence of disorderly behaviour with intent, the behaviour causes harassment, alarm or distress.<sup>10</sup> For the offence of disorderly behaviour, the behaviour takes place within the hearing or sight of a person likely to be caused harassment, alarm or distress.<sup>11</sup>
- The number of offenders sentenced for threatening behaviour has declined over the past decade, from 9,500 offenders sentenced in 2006 to 6,500 offenders sentenced in 2016. The number of offenders sentenced for the offence of disorderly behaviour has also declined over this period, from 15,800 in 2006 to 5,100 in 2016.
- The number of offenders sentenced for disorderly behaviour with intent has increased over the past decade, from 1,300 offenders sentenced in 2006 to 3,200 offenders sentenced in 2016.

<sup>9</sup> This offence is contained within s4 of the Public Order Act 1986.

<sup>10</sup> This offence is contained within s4A of the Public Order Act 1986.

<sup>11</sup> This offence is contained within s5 of the Public Order Act 1986.

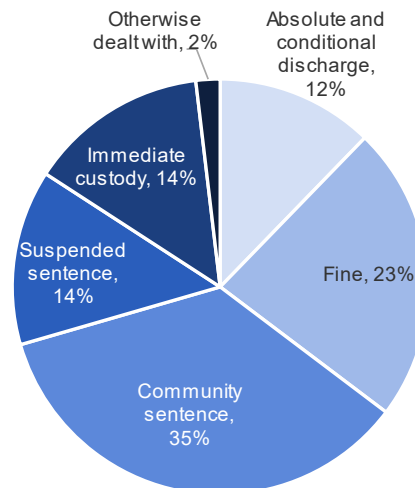
**Figure 3: Number of adult offenders sentenced for threatening behaviour, disorderly behaviour with intent and disorderly behaviour offences covered by the draft guideline, 2006-2016**



### Sentence outcomes

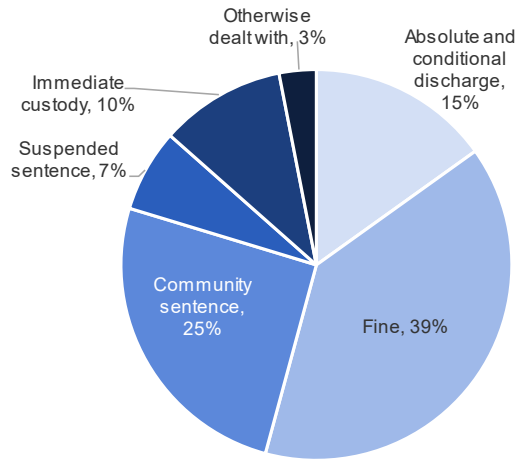
- Community sentences were the most frequently used sentence for threatening behaviour (35 per cent of offenders sentenced in 2016 received a community sentence), followed by fines (23 per cent).
- The average custodial sentence length for offenders given immediate custodial sentences (14 per cent of offenders were sentenced to immediate custody for this offence in 2016) was two months. The statutory maximum sentence for this offence is six months' imprisonment.

**Figure 4: Sentence outcomes for adult offenders sentenced for threatening behaviour, 2016**



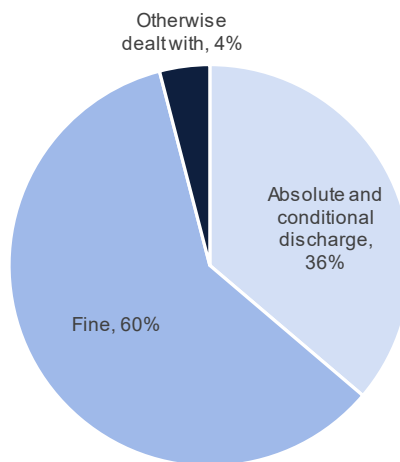
- Fines were the most frequently used sentence for disorderly behaviour with intent (39 per cent of offenders sentenced in 2016 received a fine), followed by community sentences (25 per cent).
- For the 10 per cent of offenders sentenced to immediate custody in 2016, the average custodial sentence length was two months. The statutory maximum sentence for this offence is six months' imprisonment.

**Figure 5: Sentence outcomes for adult offenders sentenced for disorderly behaviour with intent, 2016**



- The majority of offenders sentenced for disorderly behaviour received a fine (60 per cent of offenders sentenced in 2016 received a fine). A further 36 per cent were given an absolute or conditional discharge.
- The statutory maximum sentence for this offence is a level 3 fine.<sup>12</sup> The average fine amount imposed<sup>13</sup> was £80 in 2016.

**Figure 6: Sentence outcomes for adult offenders sentenced for disorderly behaviour, 2016**



## Section 5: Racially or religiously aggravated threatening behaviour, disorderly behaviour with intent and disorderly behaviour<sup>14</sup>

- The number of offenders sentenced for racially or religiously aggravated threatening behaviour has remained fairly stable over the past decade, with 580 offenders sentenced for the offence in 2006 and 580 offenders sentenced in 2016.

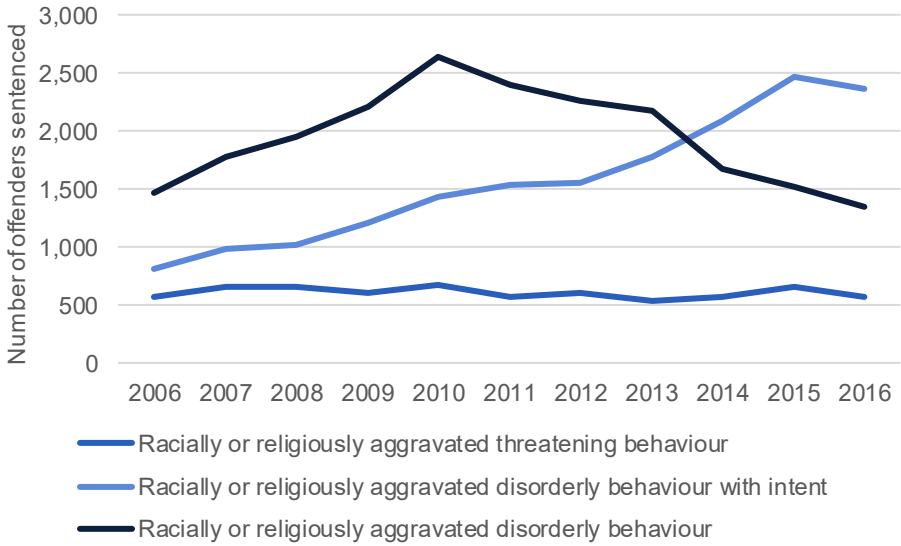
<sup>12</sup> A level 3 fine represents a fine with a statutory limit of £1,000, see here for more details: <https://www.sentencingcouncil.org.uk/explanatory-material/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/9-maximum-fines/>

<sup>13</sup> The averages for fine values presented in this report are median average fine values.

<sup>14</sup> Offences covered by s31 of the Crime and Disorder Act 1998.

- The number of offenders sentenced for racially or religiously aggravated disorderly behaviour with intent has increased over the past decade, from 820 offenders sentenced in 2006 to 2,400 offenders sentenced in 2016.
- The number of offenders sentenced for racially or religiously aggravated disorderly behaviour increased from 1,500 offenders sentenced in 2006 to 2,600 offenders sentenced in 2010. Since 2010, the number of offenders sentenced has declined to 1,400 offenders sentenced in 2016.

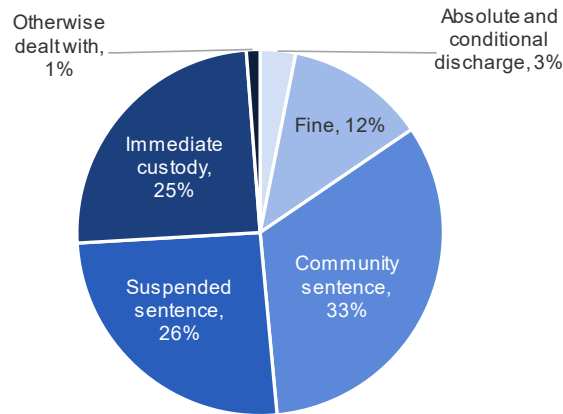
**Figure 7: Number of adult offenders sentenced for racially or religiously aggravated threatening behaviour, disorderly behaviour with intent and disorderly behaviour offences covered by the draft guideline, 2006-2016**



**Sentence outcomes**

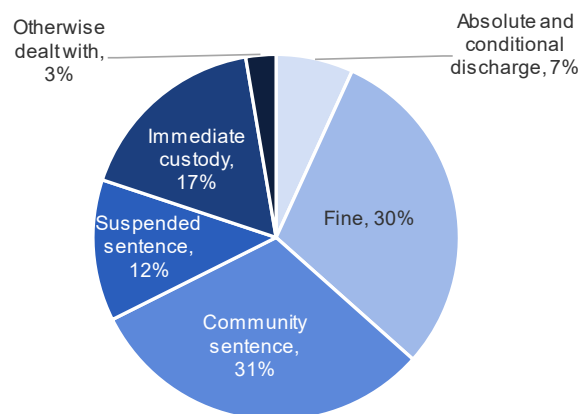
- Community sentences were the most frequently used sentence for racially or religiously aggravated threatening behaviour (33 per cent of offenders sentenced in 2016 received a community sentence), followed by suspended sentences (26 per cent) and immediate custody (25 per cent).
- The average custodial sentence length for offenders given immediate custodial sentences was four months in 2016. The statutory maximum sentence for this offence is two years' imprisonment.

**Figure 8: Sentence outcomes for adult offenders sentenced for racially or religiously aggravated threatening behaviour, 2016**



- Community sentences were the most frequently used sentence for racially or religiously aggravated disorderly behaviour with intent (31 per cent of offenders sentenced in 2016 received a community sentence), followed by fines (30 per cent).
- For the 17 per cent of offenders sentenced to immediate custody in 2016, the average custodial sentence length was three months. The statutory maximum sentence for this offence is two years' imprisonment.

**Figure 9: Sentence outcomes for adult offenders sentenced for racially or religiously aggravated disorderly behaviour with intent, 2016**

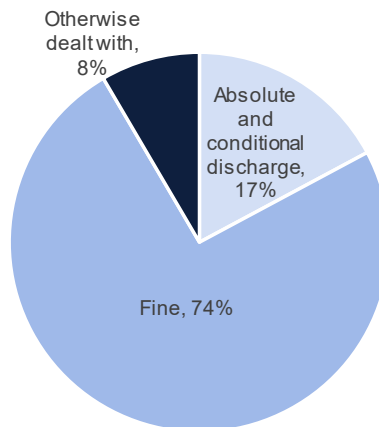


- The majority of offenders sentenced for racially or religiously aggravated disorderly behaviour received a fine (74 per cent of offenders sentenced in 2016 received a fine). A further 17 per cent were given an absolute or conditional discharge.
- The statutory maximum sentence for this offence is a level 4 fine.<sup>15</sup> The average fine amount imposed was £135 in 2016.

<sup>15</sup> A level 4 fine represents a fine with a statutory limit of £2,500, see here for more details: <https://www.sentencingcouncil.org.uk/explanatory-material/item/fines-and-financial-orders/approach-to-the-assessment-of-fines-2/9-maximum-fines/>



**Figure 10: Sentence outcomes for adult offenders sentenced for racially or religiously aggravated disorderly behaviour, 2016**



**Section 6: Racial hatred offences and hatred against persons on religious grounds or grounds of sexual orientation<sup>16</sup>**

- These hatred offences are low volume, with around 70 offenders sentenced over 2006-2016. Some data quality issues were identified when looking at the data for these offences, therefore this figure should be treated with caution, and sentence outcome figures are not provided in this bulletin so as not to mislead. The statutory maximum sentence for these offences is seven years' imprisonment.

<sup>16</sup> Offences covered by the Public Order Act 1986, s18, s19, s23, s29B-29G.

## 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. This is because the sentence length information available in the Court Proceedings Database is the final sentence imposed, after any reduction for guilty plea.

### 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@sentencingcouncil.gov.uk](mailto:research@sentencingcouncil.gov.uk)

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**Press Office enquiries:**      Nick Mann      Tel: 020 7071 5792

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