

SEXUAL OFFENCES SENTENCING DATA

This bulletin provides statistics on the outcomes and the demographics of adults (aged 18 and over)¹ sentenced for sexual offences.

The consultation period for the draft sexual offences guideline will begin on 6 December 2012 and close on 14 March 2012. All of the consultation documents can be accessed via the Current Consultations page on the Sentencing Council website, at the following link:

<http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

The draft guideline for sexual offences is split into a series of separate guidelines, some of which are applicable to more than one offence. The first section of this bulletin provides aggregate sentencing data across all sexual offences, including those not covered by any part of the draft guideline. The sections which follow provide sentencing data for the five individual guidelines which will cover the highest volume of offences based on sentencing data from 2011. Following the order that they appear in the draft guideline, these are:

- Rape (victim 13 or over)
- Sexual Assault (victim 13 or over)
- Sexual Activity with a Child
- Indecent Photographs of Children
- Exposure

Only the five highest volume guidelines have been considered in detail as they account for the majority of sexual offences sentenced. For all other guidelines, a summary of sentencing data is provided at Annex A on page 23.

Unlike previous analysis and research data bulletins, the custodial sentence lengths shown in this bulletin are estimates of the sentence lengths prior to guilty plea reductions. This is to allow a direct comparison of current sentencing practice to the ranges defined at step two of the draft guideline, which are applicable to cases before taking account of any reductions for a guilty plea. This has been made possible due to new information on guilty plea reductions collected by the Council on their Crown Court Sentencing Survey. Where the outcome was not an immediate custodial sentence, it has been assumed that any guilty plea reductions applied will not have changed the type of sentence imposed.

¹ based on the offender's age at the time of sentence.

The Sexual Offences Act, 2003 (the Act) redefined the legislation for sexual offences, which resulted in the creation of many new offences. This required a change in the way that sexual offences were recorded in the Court Proceedings Database (maintained by the Ministry of Justice and the source of data for this bulletin). As a consequence, data recorded after the change in legislation are not directly comparable to data recorded prior to the change. For this reason, sentencing data prior to 2005, the first full year after which the final sections of the Act came into force, are not provided in this bulletin.

The nature of sexual offences, amongst other reasons, may contribute to a prolonged period of time before a case reaches the courts. If the offence was committed prior to the Act coming into force, that offence will be charged and sentenced under the previous legislation, even if the sentence was passed after 2005. It is important to be aware that these cases will not be counted within the figures provided in the five guideline specific sections of this bulletin.

The figures on which all of the tables and charts provided in this bulletin are based are available for download as Excel spreadsheets at the following link:

<http://sentencingcouncil.judiciary.gov.uk/facts/research-and-analysis-publications.htm>

General trends across all sexual offences

This section looks at data across all sexual offences, excluding summary only offences. This definition has been used to be consistent with the definition of the ‘Sexual Offences’ indictable offence category used by the Ministry of Justice in their Criminal Justice Statistics publication.² However, one difference occurs in the case of offences involving indecent photographs of children. These particular offences have been included in this section, whilst they are excluded from the Ministry of Justice definition.³

When reading this section, it is important to bear in mind that sexual offences cover a wide range of behaviours as illustrated by the difference in the statutory maximum sentences of offences in this group. For the 54 offences covered by the draft guideline, the statutory maximum sentences range from 2 years’ custody to life imprisonment.

Chart 1.1: Number of adults sentenced for a sexual offence between 2005 and 2011

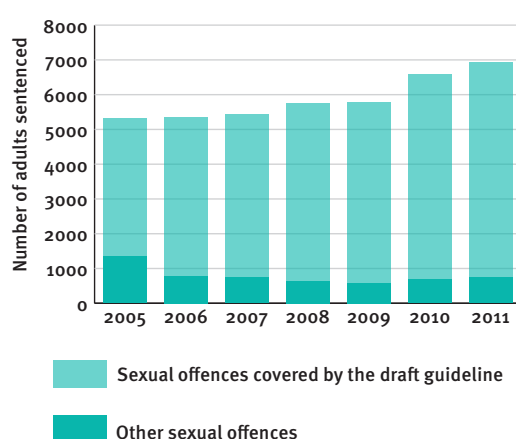
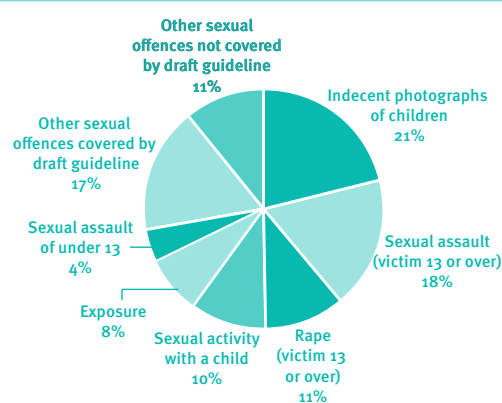


Chart 1.1 shows the volume of adults sentenced for a sexual offence since 2005. The number of sexual offences sentenced has shown a year on year increase, rising from 5,310 sentenced in 2005 to 6,932 sentences in 2011.

Of those sentenced for a sexual offence in 2011, 89 per cent were for offences that will be covered by the draft guideline. The other 11 per cent of sentences largely include offences charged and sentenced under the previous legislation.

The draft guideline for sexual offences contains a series of separate guidelines, some of which are applicable to more than one offence. Chart 1.2 provides a breakdown of all sentences passed for a sexual offence in 2011 broken down by the separate guidelines.

Chart 1.2: Adults sentenced for a sexual offence in 2011 broken down by individual guidelines



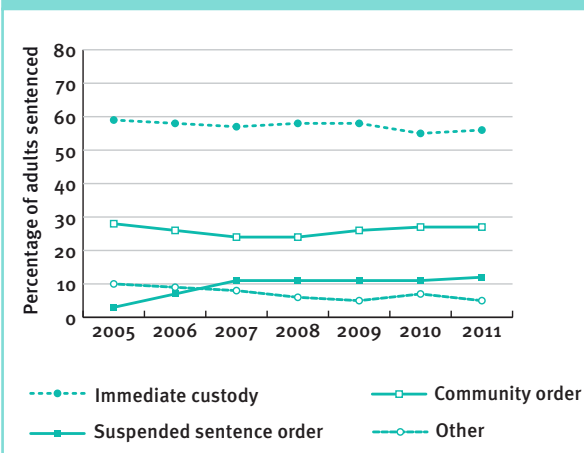
The five guidelines for which the highest volume of offences were sentenced in 2011 were: indecent images of children; sexual assault; rape; sexual activity with a child and; exposure. The offences covered by these five guidelines accounted for 68 per cent of all sexual offences sentenced in 2011. These guidelines are considered in more detail later.

² This publication can be accessed via the Ministry of Justice website at: <http://www.justice.gov.uk/statistics/criminal-justice/criminal-justice-statistics>

³ Ministry of Justice data instead include these offences within the indictable offence category of ‘Other (excluding motoring offences)’.

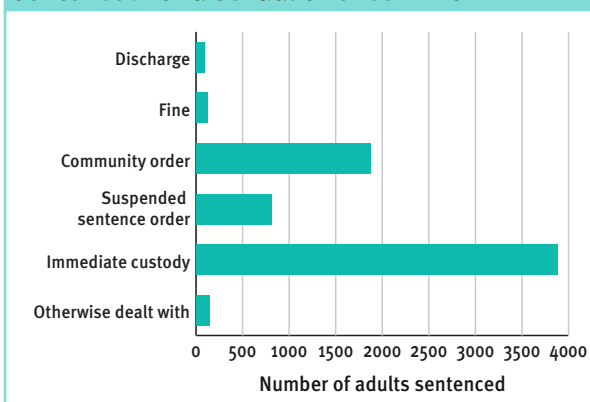
Chart 1.3 shows how outcomes received by adults sentenced for a sexual offence have changed since 2005. The majority of offenders sentenced for a sexual offence receive immediate custody. In 2005, 59 per cent of adults sentenced were sent to immediate custody, falling marginally to 56 per cent in 2011. Immediately after the introduction of suspended sentence orders in 2005, there was an increase in the use of this type of sentence. However since 2007, the use of suspended sentence orders has remained fairly stable. There has been a decline since 2005 in the use of ‘other disposals’, which include discharges and fines. In 2005, 10 per cent of adults sentenced received an ‘other’ disposal reducing to 5 per cent of adults sentenced in 2011.

Chart 1.3: Outcomes received by adults sentenced for a sexual offence between 2005 and 2011



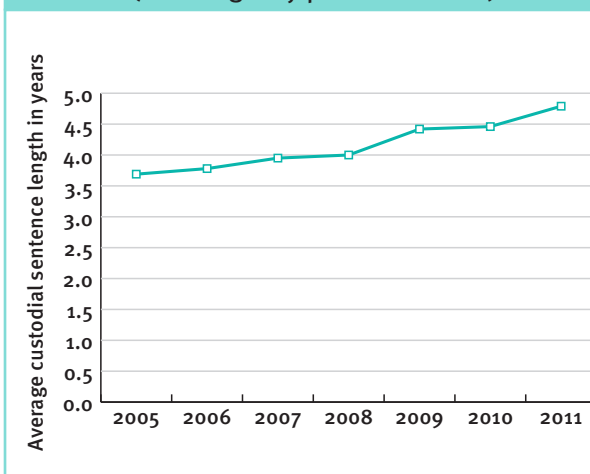
The most recent picture of sentences passed for a sexual offence is shown in chart 1.4. This shows the outcomes received by adults sentenced for a sexual offence in 2011. In 2011, the most common outcome was immediate custody accounting for 56 per cent of all adults sentenced. A further 12 per cent received a suspended sentence order and 27 per cent received a community order.

Chart 1.4: Outcomes received by adults sentenced for a sexual offence in 2011



For those offenders sentenced to immediate custody, chart 1.5 shows how the average custodial sentence length imposed has changed since 2005.⁴ The averages shown are based on estimates of the sentence lengths that were received prior to any reductions for a guilty plea.

Chart 1.5: Average custodial sentence length received by adults sentenced to immediate custody for a sexual offence between 2005 and 2011 (before guilty plea reduction)



⁴ Average custodial sentence lengths are calculated from determinate custodial sentences only. Sentences of Imprisonment for Public Protection (IPPs) and life sentences are not included in this calculation. Further information is provided on page 19.

From this, it can be seen that immediate custodial sentence lengths have shown an increase almost every year since 2005. Between 2005 and 2011, the average length has risen by 30 per cent from 3 years and 8 months in 2005 to 4 years and 9 months in 2011.

However, without knowing the relative severity or other details of cases coming to the courts each year, it is not possible to say whether any of these trends indicate a change in the way that the courts are dealing with sexual offences or whether it is down to other factors, for example, a change in the types of cases coming to the courts.

The following sections of this bulletin provide further detail on the five individual guidelines which will cover the highest volume of offences based on sentencing data from 2011.

Rape

The draft guideline for rape covers the offence of:

- Sexual Offences Act 2003 Section 1: rape (statutory maximum: life imprisonment).

This does not include cases where the victim was under 13 years of age. These cases are covered by a separate draft guideline. For further information, please see the full consultation.⁵

The data shown here only include the specific offence of rape as defined by Section 1 of the Sexual Offences Act 2003, as this is the only offence covered the draft guideline for sexual assault. This is not consistent with the definition of rape used by the Ministry of Justice in their statistics publications, which includes offences such as attempted rape and rape of an under 13⁶ - offences that are not covered by this particular draft guideline.

Sentences received by adults sentenced for rape.

In 2011, 751 adults were sentenced for rape. Chart 2.1 shows the number of adults sentenced for rape each year between 2005 and 2011. Since 2005, most years have seen an increase in the number of adults sentenced from the previous year. Overall, between 2005 and 2011, the number of adults sentenced for this offence has risen by 31 per cent, from 575 sentences in 2005 to 751 sentences in 2011.

The outcomes received by adults sentenced for rape in 2011 are shown in chart 2.2. Immediate

custodial sentences were imposed in all but 2 per cent of cases. Where the outcome was an immediate custodial sentence, the average custodial sentence length received in 2011 before applying any reductions for a guilty plea was 9 years and 10 months. This is the highest level since 2005 as shown by chart 2.3 which displays how average custodial sentence lengths have changed since 2005.⁷ The averages shown are based on estimates of the sentence lengths that were received prior to any reductions for a guilty plea.

Chart 2.1: Number of adults sentenced for rape between 2005 and 2011

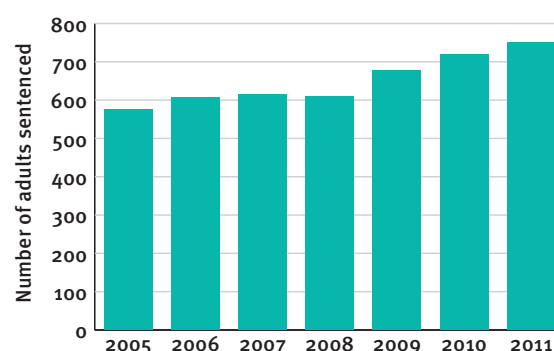
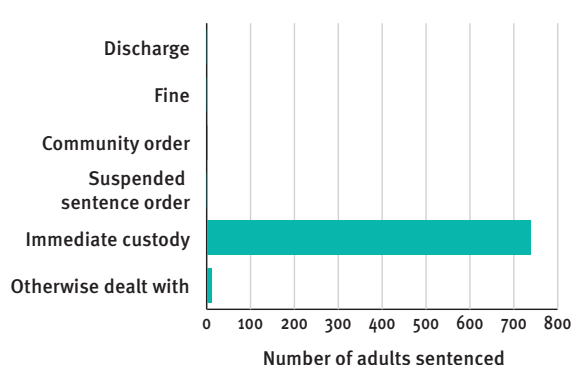


Chart 2.2: Outcomes received by adults sentenced for rape in 2011



⁵ <http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

⁶ Rape of an under 13 is covered by a separate draft guideline.

⁷ Average custodial sentence lengths are calculated from determinate custodial sentences only. Sentences of Imprisonment for Public Protection (IPPs) and life sentences are not included in this calculation. Further information is provided on page 19.

Chart 2.3: Average custodial sentence length received by adults sentenced to immediate custody for rape between 2005 and 2011 (before guilty plea reduction)

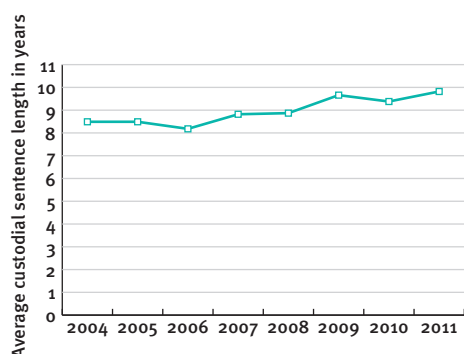


Chart 2.4 shows the full range of sentence lengths received by offenders sentenced to immediate custody in 2011. Again, the sentence lengths shown are estimates of the sentence lengths before applying any reductions for a guilty plea. Indeterminate sentences (which include sentences of Imprisonment for Public Protection - IPPs - and life sentences) are captured under the final column marked 'IND'.⁸

Chart 2.4: Sentence lengths received by adults sentenced to immediate custody for rape in 2011 (before guilty plea reduction)⁹



⁸ Further explanation on determinate and indeterminate sentences can be found on page 19.

⁹ The range of sentence lengths indicated excludes the lower bound but includes the upper bound. For example '2 to 4 years' excludes sentences of exactly 2 years in length but includes sentences of exactly 4 years in length.

Note on average custodial sentence lengths

When considering the average sentence length of immediate custodial sentences, it is important to note that these do not include indeterminate sentences, which are also immediate custodial sentences. For rape, a significant proportion of custodial sentences passed are indeterminate sentences. In 2011, 18 per cent of immediate custodial sentences were indeterminate. For indeterminate sentences, although there is no automatic release date, the sentencing judge will set a minimum term. This provides an indication of the length of an equivalent determinate sentence.¹⁰ Data from the Council's Crown Court Sentencing Survey suggest that indeterminate sentences received by adults for rape in 2011 were, on average, equivalent to a determinate sentence of around 13 years and 5 months.

The offence range for rape in the draft guideline is a 4 to 19 years' custody. In 2011, 94 per cent of adults sentenced fell within this range.¹¹

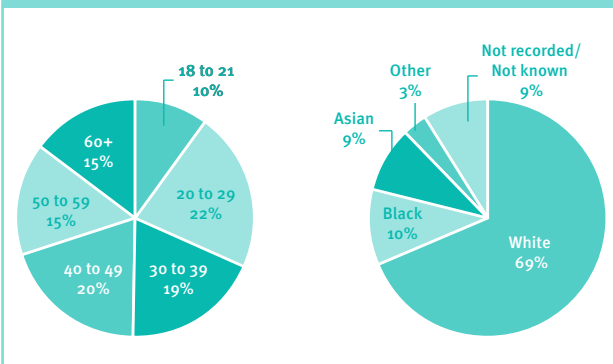
¹⁰ Further guidance on how courts set the minimum term of an IPP is provided in the Court of Appeal decision *Lang [2006] 2 Cr App R (S) 3*

¹¹ Indeterminate sentences and sentences that were 'otherwise dealt with' are excluded from this calculation.

Demographics of adults sentenced for rape

The offence of rape can only be committed by a male. Fifty four per cent of adults sentenced for rape were between the ages of 30 and 59, and in 69 per cent of cases, the offender was perceived to be of white origin by the police officer dealing with their case. Further detail on the age and perceived ethnicity of adults sentenced for rape are shown in chart 2.5.

Chart 2.5: Age demographics and perceived ethnicity of adults sentenced for rape in 2011



Sexual Assault

The draft guideline for sexual assault covers the offence of:

- Sexual Offences Act 2003 Section 3: non consensual sexual touching (statutory maximum: 14 years' custody).

This does not include cases where the victim was under 13 years of age. These cases are covered by a separate draft guideline. For further information, please see the full consultation.¹²

The data shown here only include the specific offence of sexual assault as defined by Section 3 of the Sexual Offences Act 2003, as this is the only offence covered the draft guideline for sexual assault. This is not consistent with the definition of sexual assault used by the Ministry of Justice in their statistics publications, which includes offences such as assault by penetration and sexual assault of an under 13¹³ - offences that are not covered by this particular draft guideline.

Sentences received by adults sentenced for sexual assault.

In 2011, 1,240 adults were sentenced for sexual assault, of which 61 per cent were sentenced at the Crown Court. Since 2005, the total number of offenders sentenced for sexual assault has increased year on year. In 2011, the number of adults sentenced rose by 7 per cent on the previous year, and 68 per cent since 2005. This can be seen in chart 3.1 which shows how the number of adults sentenced for sexual assault has changed since 2005.

¹² <http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

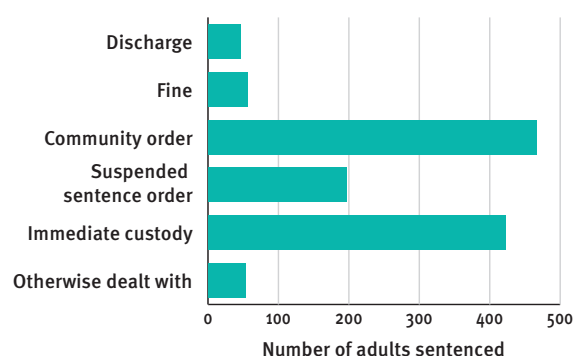
¹³ Both of these offences are covered by a separate draft guideline.

Chart 3.1: Number of adults sentenced for sexual assault between 2005 and 2011



The outcomes received by adults sentenced for sexual assault in 2011 are shown in chart 3.2. The most frequent outcomes were either a community order or an immediate custodial sentence, with 38 per cent of adults sentenced for sexual assault receiving a community order, and 34 per cent being sent to immediate custody.

Chart 3.2: Outcomes received by adults sentenced for sexual assault in 2011



Where the outcome was an immediate custodial sentence, the average custodial sentence length received in 2011 was 1 year and 6 months. Average custodial sentence lengths for this offence have remained at similar level to this since 2006.

This can be seen in chart 3.3 which shows how average custodial sentence lengths for sexual assault have changed since 2005.¹⁴ The averages shown are based on estimates of the sentence lengths that were received prior to any reductions for a guilty plea.

Chart 3.3: Average custodial sentence length received by adults sentenced to immediate custody for sexual assault between 2005 and 2011 (before guilty plea reduction)

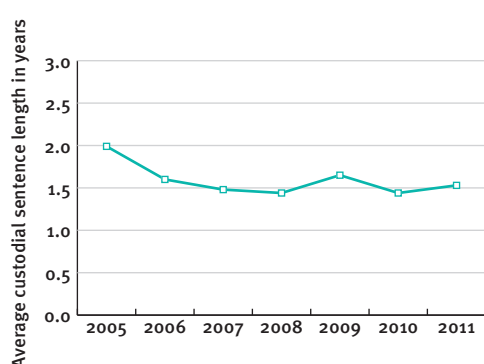
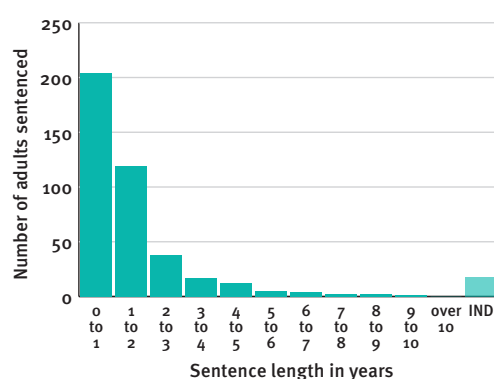


Chart 3.4: Sentence lengths received by adults sentenced to immediate custody for sexual assault in 2011 (before guilty plea reduction)¹⁵



¹⁴ Average custodial sentence lengths are calculated from determinate custodial sentences only. Sentences of Imprisonment for Public Protection (IPPs) are not included in this calculation. Further information is provided on page 19.

¹⁵ The range of sentence lengths indicated excludes the lower bound but includes the upper bound. For example '1 to 2 years' excludes sentences of exactly 1 year in length but includes sentences of exactly 2 years in length.

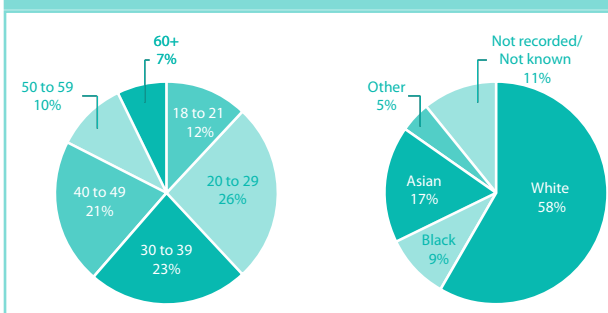
Chart 3.4 shows the full range of sentence lengths received by offenders sentenced to immediate custody in 2011. Again, the sentence lengths shown are estimates of the sentence lengths before applying any reductions for a guilty plea. Indeterminate sentences (which include sentences of Imprisonment for Public Protection - IPPs) are captured under the final column marked 'IND'.¹⁶

The offence range for sexual assault in the draft guideline is a community order to 7 years' custody. In 2011, 92 per cent of adults sentenced fell within this range.¹⁷

Demographics of adults sentenced for sexual assault

In 2011, 99 per cent of adults sentenced for sexual assault were male. Fifty five per cent of adults sentenced were between the ages of 30 and 59, and in 58 per cent of cases, the offender was perceived to be of white origin by the police officer dealing with their case. Further detail on the age and perceived ethnicity of adults sentenced for sexual assault are shown in chart 3.5.

Chart 3.5: Age demographics and perceived ethnicity of adults sentenced for sexual assault in 2011



¹⁶ Further explanation on determinate and indeterminate sentences can be found on page 19.

¹⁷ Indeterminate sentences and sentences that were 'otherwise dealt with' are excluded from this calculation.

Sexual Activity with a Child

The draft guideline for sexual activity with a child covers the offences of:

- Sexual Offences Act 2003 Section 9: sexual activity with a child (statutory maximum: 10 years' custody); and
- Sexual Offences Act 2003 Section 10: causing or inciting a child to engage in sexual activity (statutory maximum: 10 years' custody).

This only includes cases where:

- the offender was 18 or over at the time of the offence;
- the victim is under 16 years of age and the offender did not reasonably believe that the victim was 16 or over; or
- the victim is under 13 years of age.

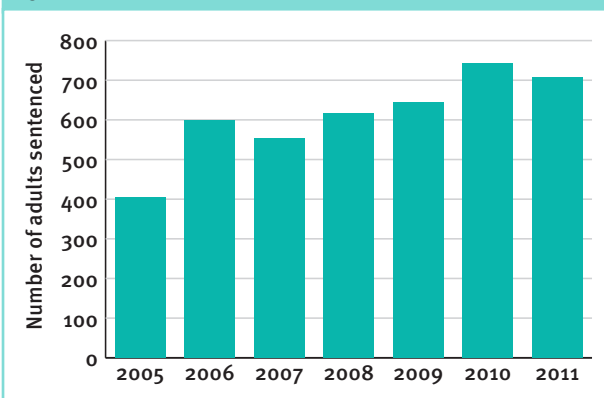
Cases where the offender was under the age of 18 at the time of the offence are covered by a separate draft guideline. For further information, please see the full consultation.¹⁸

The data shown here only include the specific offences of: sexual activity with a child as defined by Section 9 of the Sexual Offences Act 2003; and causing or inciting sexual activity with a child as defined by Section 10 of the Sexual Offences Act 2003, as these are the only offences covered the draft guideline for sexual activity with a child. This is not consistent with the definition of sexual activity with a child used by the Ministry of Justice in their statistics publications, which includes offences sentenced under the previous legislation.

Sentences received by adults sentenced for sexual activity with a child

In 2011, 707 adults were sentenced for sexual activity with a child, of which 21 per cent were for Section 10, causing or inciting sexual activity with a child. The majority of these sentences, 96 per cent, were sentenced at the Crown Court. Chart 4.1 shows how this number has changed since 2005. Between 2007 and 2010, the number of adults sentenced for sexual activity with a child showed a year on year increase, rising from 553 sentences in 2007 to 743 sentences in 2010, an average increase of 10 per cent per year. However, in 2011 there was a decline in the number of adults sentenced compared to the previous year, with the total volume dropping by 5 per cent between 2010 and 2011.

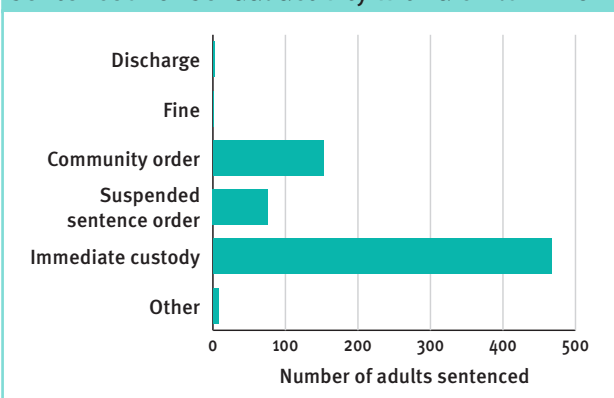
Chart 4.1: Number of adults sentenced for sexual activity with a child between 2005 and 2011



The outcomes received by adults sentenced for sexual activity with a child in 2011 are shown in chart 4.2. Immediate custodial sentences were imposed in almost two thirds of all cases. The next most frequent outcome was a community order which was imposed in 22 per cent of cases.

¹⁸ <http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

Chart 4.2: Outcomes received by adults sentenced for sexual activity with a child in 2011



Where the outcome was an immediate custodial sentence, the average custodial sentence length received in 2011 before applying any reductions for a guilty plea was 3 years and 9 months. This is the highest level since 2005 as shown by chart 4.3 which displays how average custodial sentence lengths have changed since 2005. The averages shown in this chart are based on estimates of the sentence lengths that were received prior to any reductions for a guilty plea.

Chart 4.3: Average custodial sentence length received by adults sentenced to immediate custody for sexual activity with a child between 2005 and 2011 (before guilty plea reduction)

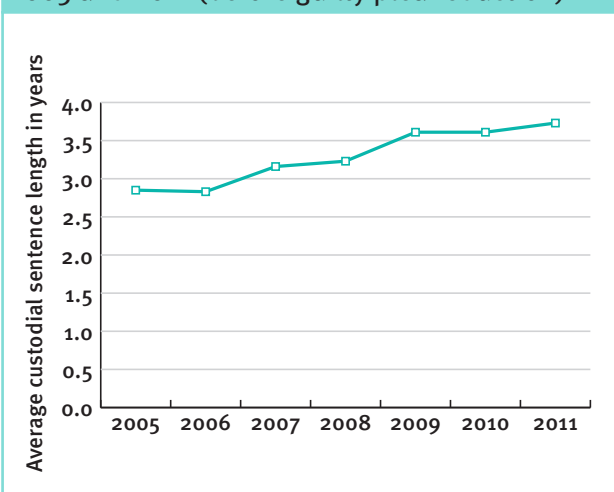
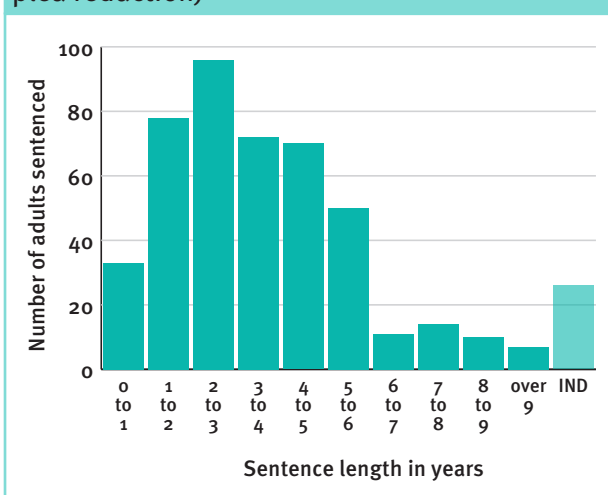


Chart 4.4 shows the full range of sentence lengths received by offenders sentenced to immediate custody in 2011. Again, the sentence lengths shown are estimates of the sentence lengths before applying any reductions for a guilty plea.

The offence range for sexual activity with a child in the draft guideline is a community order to 10 years' custody. In 2011, 98 per cent of adults sentenced fell within this range.¹⁹

Chart 4.4: Sentence lengths received by adults sentenced to immediate custody for sexual activity with a child in 2011 (before guilty plea reduction)²⁰



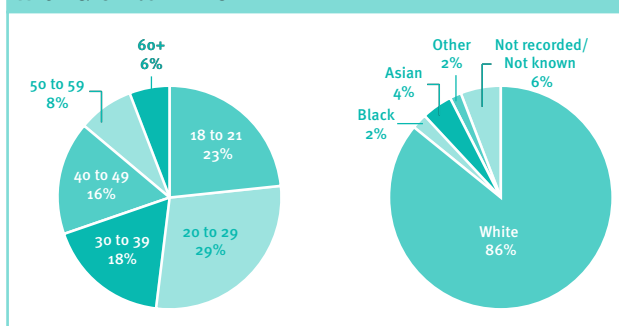
¹⁹ Sentences that were 'otherwise dealt with' are excluded from this calculation.

²⁰ The range of sentence lengths indicated excludes the lower bound but includes the upper bound. For example '1 to 2 years' excludes sentences of exactly 1 year in length but includes sentences of exactly 2 years in length.

Demographics of adults sentenced for sexual activity with a child

In 2011, all adults sentenced for sexual activity with a child were male. Under half, 42 per cent, of adults sentenced were between the ages of 30 and 59, and in 86 per cent of cases, the offender was perceived to be of white origin by the police officer dealing with their case. Further detail on the age and perceived ethnicity of adults sentenced for sexual activity with a child are shown in chart 4.5.

Chart 4.5: Age demographics and perceived ethnicity of adults sentenced for sexual activity with a child in 2011



Indecent Photographs of Children

The draft guideline for indecent photographs of children covers the offences of:

- Protection of Children Act 1978 Section 1(1): taking, distributing or publishing indecent photographs of children (statutory maximum: 10 years' custody); and
- Criminal Justice Act 1988 Section 160: possession of indecent photograph of a child (statutory maximum: 5 years' custody).

For further information, please see the full consultation.²¹

Although the data have been split between the two offences above, it should be noted that in cases where indecent photographs of children have been deleted from the suspect's computer system or other property, the offence may be charged as either 'making' an indecent photograph of a child under section 1(1)(a) of the Protection of Children Act 1978 or possessing an indecent image under section 160 of the Criminal Justice Act 1988. Therefore, there may be a number of offences included in the statistics for taking, distributing or publishing images, which are in fact, more akin to possession and their eventual sentence will reflect this.

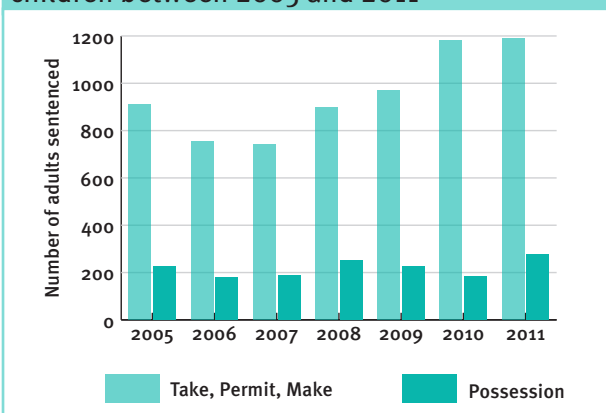
Sentences received by adults sentenced for offences involving indecent photographs of children.

In 2011, 1,468 adults were sentenced for offences involving indecent photographs of children. Of these, 81 per cent were for offences involving the taking, distributing or publishing of

indecent photographs, whilst the remaining 19 per cent were for possession.

Chart 5.1 shows how the number of adults sentenced for offences involving indecent photographs of children has changed since 2005.

Chart 5.1: Number of adults sentenced for offences involving indecent photographs of children between 2005 and 2011



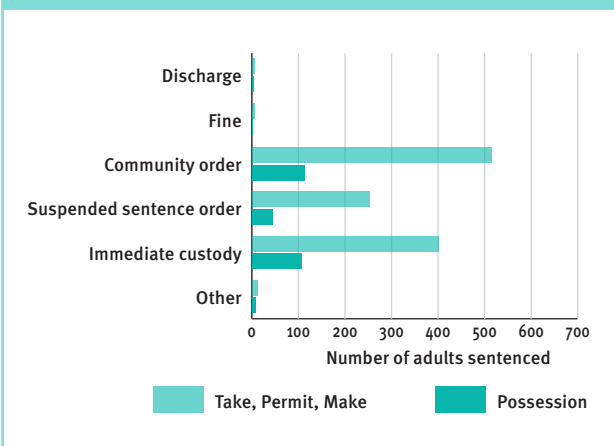
Between 2005 and 2007, there was a dip in the number of offenders sentenced for offences of this kind. Since 2007, the number of offenders sentenced for taking, distributing, or publishing indecent photographs has shown a year on year increase, the smallest increase being between 2010 and 2011 when the volume sentenced rose by less than 1 per cent. For possession, there does not appear to be any trend in the number of sentences each year. In 2011, the number of adults sentenced for possession and for taking, distributing or publishing were both at their highest volume since 2005.

The outcomes received by adults sentenced in 2011 are shown in chart 5.2. In 2011, the most frequent outcomes were either a community order or an immediate custodial sentence. For offences involving taking, distributing or publishing indecent photographs, 43 per cent of all offenders sentenced received a community

²¹ <http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

order and 34 per cent were sent to immediate custody. For possession offences, 41 per cent of adults sentenced received a community order, and 39 per cent were sent to immediate custody.

Chart 5.2: Outcomes received by adults sentenced for offences involving indecent photographs of children in 2011

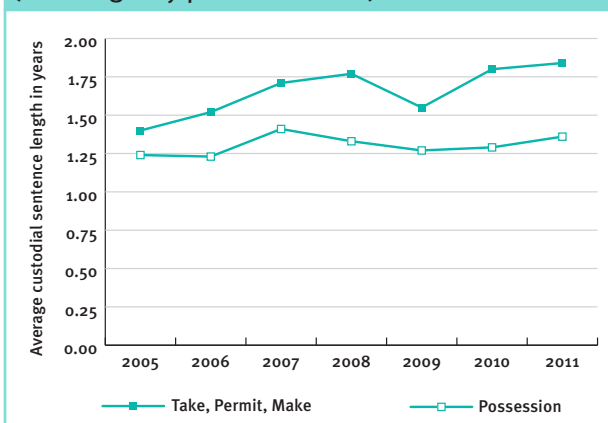


Where the outcome was an immediate custodial sentence, chart 5.3 shows how the average custodial sentence length received has changed since 2005.²² The averages shown are based on estimates of the sentence lengths that were received prior to any reductions for a guilty plea.

On the whole, average custodial sentence lengths have risen, increasing from 1 year and 5 months in 2005 to 1 year and 10 months in 2011 for taking, distributing or publishing indecent photographs and from 1 year and 3 months in 2005 to 1 year and 4 months in 2011 for the possession of indecent photographs.

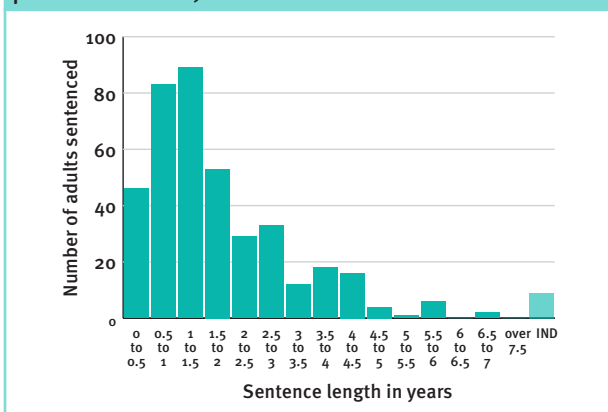
²² Average custodial sentence lengths are calculated from determinate custodial sentences only. Sentences of Imprisonment for Public Protection (IPPs) are not included in this calculation. Further information is provided on page 18.

Chart 5.3: Average custodial sentence length received by adults sentenced to immediate custody for offences involving indecent photographs of children between 2005 and 2011 (before guilty plea reduction)



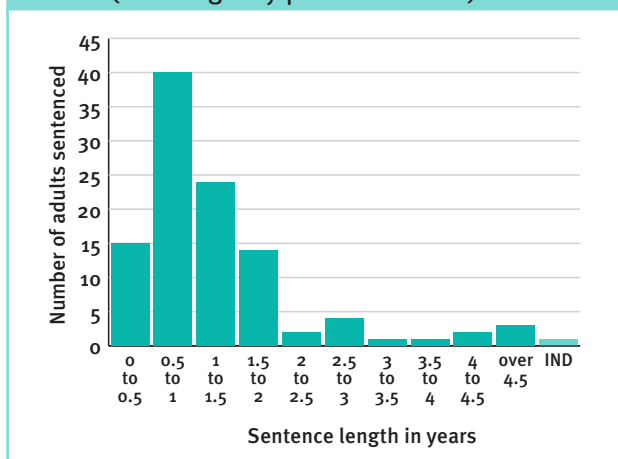
Charts 5.4(a) and 5.4(b) show the full range of sentence lengths received by offenders sentenced to immediate custody in 2011. Again, the sentence lengths shown are estimates of the sentence lengths before applying any reductions for a guilty plea. Indeterminate sentences (which include sentences of Imprisonment for Public Protection - IPPs) are captured under the final column marked 'IND'.²³

Chart 5.4(a): Sentence lengths received by adults sentenced to immediate custody for taking, distributing or publishing indecent photographs of children in 2011 (before guilty plea reduction)⁸



²³ Further explanation on determinate and indeterminate sentences can be found on page 19.

Chart 5.4(b): Sentence lengths received by adults sentenced to immediate custody for possession of indecent photographs of children in 2011 (before guilty plea reduction)²⁴



The draft guideline for indecent photographs of children distinguishes between the three separate activities of production, distribution and possession.

In the data, it is not possible to distinguish between the activities of production and distribution, therefore these offences have been considered together.

The combined offence range across distribution and production in the draft guideline is a community order to 9 years' custody. In 2011, 99 per cent of adults sentenced for making, taking, or distributing fell within this range.²⁵

The offence range for possession in the draft guideline is a community order to 2 years' custody. In 2011, 94 per cent of adults sentenced for this offence fell within this range.²⁶

²⁴ The range of sentence lengths indicated excludes the lower bound but includes the upper bound. For example '1 to 1.5 years' excludes sentences of exactly 1 year in length but includes sentences of exactly 1.5 years in length.

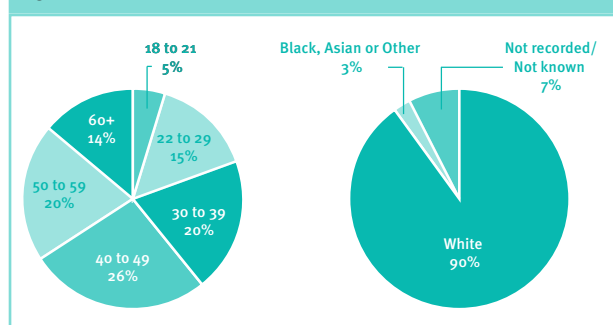
²⁵ Indeterminate sentences and sentences that were 'otherwise dealt with' are excluded from this calculation.

²⁶ Sentences that were 'otherwise dealt with' are excluded from this calculation.

Demographics of adults sentenced for offences involving indecent photographs of children.

In 2011, over 99 per cent of adults sentenced for offences involving indecent photographs of children were male. Two thirds of adults sentenced were between the ages of 30 and 59, and in 90 per cent of cases, the offender was perceived to be of white origin by the police officer dealing with their case. Further detail on the age and perceived ethnicity of adults sentenced for offences of this kind are shown in chart 5.5.

Chart 5.5: Age demographics and perceived ethnicity of adults sentenced for offences involving indecent photographs of children in 2011



Exposure

The draft guideline for Exposure covers the offence of:

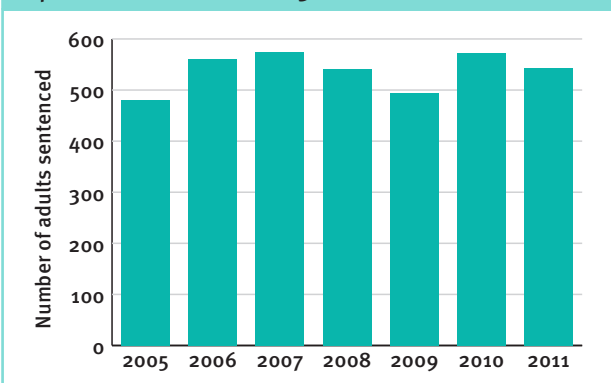
- Sexual Offences Act 2003 Section 66: exposure (statutory maximum: 2 years' custody).

For further information, please see the full consultation.²⁷

Sentences received by adults sentenced for exposure

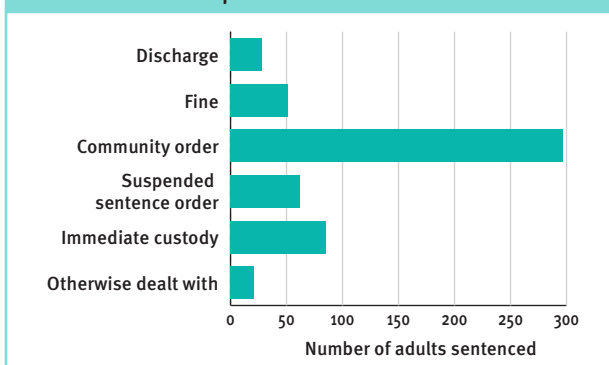
In 2011, 544 adults were sentenced for the offence of exposure. Chart 6.1 shows how this number has changed since 2005. This appears to show no trend over the period shown in the chart.

Chart 6.1: Number of adults sentenced for exposure between 2005 and 2011



The outcomes received by adults sentenced for exposure in 2011 are shown in chart 6.2. The most commonly imposed sentence was a community order which was received by 55 per cent of adults sentenced. The next most frequent outcome was immediate custody, accounting for 16 per cent of adults sentenced.

Chart 6.2: Outcomes received by adults sentenced for exposure in 2011



Where the outcome was an immediate custodial sentence, the average custodial sentence length received in 2011 was 7 months before applying any reductions for a guilty plea. Chart 6.3 displays how average custodial sentence lengths have changed since 2005 for this offence. The averages shown are based on estimates of the sentence lengths that were received prior to any reductions for a guilty plea. Over the period shown by the chart, the average custodial sentence length for exposure was at its highest in 2005, at 9 months.

Chart 6.3: Average custodial sentence length received by adults sentenced to immediate custody for exposure between 2005 and 2011 (before guilty plea reduction)



²⁷ <http://www.sentencingcouncil.org.uk/sentencing/consultations-current.htm>

Chart 6.4 shows the full range of sentence lengths received by offenders sentenced to immediate custody in 2011. Again, the sentence lengths shown are estimates of the sentence lengths before applying any reductions for a guilty plea.

Chart 6.4: Sentence lengths received by adults sentenced to immediate custody for exposure in 2011 (before guilty plea reduction)²⁸

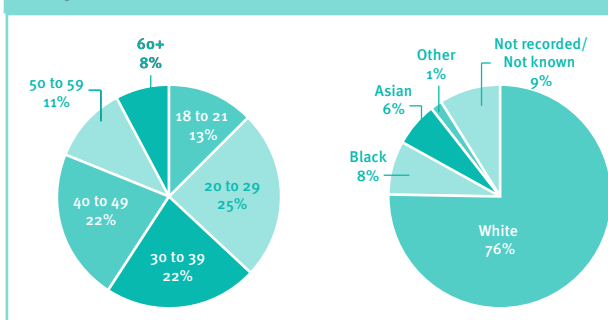


The offence range for exposure in the draft guideline is a fine to 18 months' custody. In 2011, 94 per cent of adults sentenced fell within this range.²⁹

Demographics of adults sentenced for exposure

In 2011, 99 per cent of adults sentenced for exposure were male. Fifty five per cent of adults sentenced were between the ages of 30 and 59, and in 76 per cent of cases, the offender was perceived to be of white origin by the police officer dealing with their case. Further detail on the age and perceived ethnicity of adults sentenced for offences of this kind are shown in Chart 6.5.

Chart 6.5: Age demographics and perceived ethnicity of adults sentenced for exposure in 2011



²⁸ The range of sentence lengths indicated excludes the lower bound but includes the upper bound. For example '1 to 1.25 years' excludes sentences of exactly 1 year in length but includes sentences of exactly 1.25 years in length.

²⁹ Sentences that were 'otherwise dealt with' are excluded from this calculation.

FURTHER INFORMATION

Notes on the Data

Definition of sexual offences

The aggregate data across all sexual offences provided in the ‘General Trends’ chapter of this bulletin will not directly correspond to sentencing data for sexual offences provided in the Ministry of Justice publication, *Criminal Justice Statistics*. The Ministry of Justice publish statistics under a ‘Sexual Offences’ indictable offence category, which does not contain offences relating to indecent photographs of children (these are instead included within the Ministry of Justice indictable offence category of ‘Other (excluding motoring offences)’). However, as the purpose of this bulletin is to present data on the offences covered by the Sentencing Council’s draft guideline which includes offences relating to indecent photographs of children, for the ‘General Trends’ section, these offences have been added to the Ministry of Justice definition.

It is also worth noting that individual guideline sections of this bulletin include only offences prosecutable under the Sexual Offences Act 2003. In contrast, Ministry of Justice figures for similarly titled offence categories will also cover historic offences sentenced under previous legislation relating to each offence type. For example, in this bulletin, the ‘Sexual Assault’ category only includes offences under Section 3 of the Sexual Offences Act 2003, whereas the ‘Sexual Assault’ category in Ministry of Justice statistics includes additional Sections of the Sexual Offences Act 2003 and related offences under the Sexual Offences Act 1956.

Volumes of sentences

The data presented in this bulletin only include cases where the sexual offence was the principal offence committed. Where an offender commits multiple offences on a single occasion, the offence which received the most severe sentence is taken to be the principal offence. 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. This way of representing the data is consistent with the Ministry of Justice publication, *Criminal Justice Statistics*.

Outcomes

Immediate custodial sentences include sentences of Imprisonment for Public Protection (IPP) and life sentences, which are types of indeterminate sentence for which there is no automatic release date. The large majority of indeterminate sentences are IPPs. When sentencing an offender to an indeterminate sentence, the judge must set a minimum term tariff for the sentence. This is the minimum amount of time that the offender must spend in prison before they can be considered for release. This is different to the sentence length of other immediate custodial sentences which are not IPPs or life sentences (called determinate sentences).

The sentence length of a determinate custodial sentence refers to the full sentence imposed, not just the period spent in prison. Some of this time may ultimately be served in the community on licence and home detention curfew, where applicable, due to statutory release provisions. Where average custodial sentence lengths are provided, these are the average lengths over determinate custodial sentences and, therefore, do not include IPPs and life sentences.

Where the outcome was a determinate immediate custodial sentence, the sentence length has been adjusted to reflect what the sentence would have been before taking account of any reductions for a guilty plea. Therefore, all average custodial sentence lengths and histograms of custodial sentence lengths shown reflect the sentence length before prior to any reductions for a guilty plea. This has been done to allow a direct comparison of custodial sentence lengths with the draft guideline ranges.

Where the outcome was not a custodial sentence, it has been assumed that any guilty plea reductions applied will not have changed the type of sentence imposed, therefore no adjustment has been made.

Offence severity

The data provided takes account of the type of offence committed, but not the severity of the offence compared to other offences of the same type. This is especially important to note when analysing the variation in sentencing through time: it is not possible to distinguish whether variation is due to changes in sentencing practice, or whether it is due to changes in the severity of the crimes for which offenders are being sentenced.

Offender Ethnicity

Where the ethnicity of sentenced adults is described, the ethnicity as perceived by the police officer dealing with the case is used. Perceived ethnicity is the most comprehensive and robust data available on ethnicity, therefore it is used in preference to any other source of ethnicity data.

General Conventions

The following conventions have been applied to the data:

- Percentages derived from the data have been provided in the narrative and displayed on charts to the nearest whole percentage, except when the nearest whole percent is zero. In some instances, this may mean that percentages shown, for example in pie charts, do not add up 100 per cent.
- Where the nearest whole percent is zero, the convention ' < 0.5 per cent ' has been used.
- Where totals have been provided, these have been calculated using unrounded data and then rounded. Therefore percentages provided in the narrative may differ slightly from the sum of percentages shown on the pie charts.

Data Sources and Quality

The primary source of data for this bulletin is the Court Proceedings Database which is supplied to the Sentencing Council by the Ministry of Justice who obtain it from a variety of administrative data systems compiled by courts and police forces. Every effort is made by the Ministry of Justice and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. Although care is taken in collating and analysing the returns used to compile these figures, the data are of necessity subject to the inaccuracies inherent in any large-scale recording system. Consequently, although numbers in tables and charts 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.

Details of the processes by which the Ministry of Justice validate the records in this database can be found within the guide to their Criminal Justice Statistics publication which can be downloaded at:

<http://www.justice.gov.uk/publications/statistics-and-data/criminal-justice/criminal-justice-statistics.htm>

A secondary source of information used is the Sentencing Council's Crown Court Sentencing Survey. This has been used to obtain information on the average level of guilty plea reductions to allow estimates of the length of sentences before the reduction was applied to be made.

Further information on the Crown Court Sentencing Survey can be found on the Council's website at: <http://sentencingcouncil.judiciary.gov.uk/facts/sentencing-survey.htm>

Uses Made of the Data

Data provided in the Council's range of analysis and research bulletins are used to inform public debate of the Council's work. In particular, this bulletin aims to provide the public with the key data that the Council has used to help formulate the draft guideline on sexual offences.

Background Information

The Ministry of Justice publishes a quarterly statistical publication, *Criminal Justice Statistics*, which includes a section focusing on sentencing data at national level. This section breaks down the data by offence group and by demographic factors such as age, gender and ethnicity. The full publication can be accessed via the Ministry of Justice website at:

<http://www.justice.gov.uk/statistics/criminal-justice/criminal-justice-statistics>

The Ministry of Justice, Home Office and ONS are scheduled to release a bespoke statistical bulletin 'An Overview of Sexual Offending in England & Wales' on 10 January 2013. It is one of a planned series of topical bulletins which aim to provide further insight into the flow of specific groups of offences/offenders through the whole criminal justice system. This publication will be accessible via the Ministry of Justice, Home Office and ONS statistics homepages. The Ministry of Justice statistics homepage can be accessed at:

<http://www.justice.gov.uk/statistics>

Detailed sentencing data from the Ministry of Justice's Court Proceedings Database can be accessed via the Open Justice website at:

<http://open.justice.gov.uk/sentencing/>

This website allows the data to be viewed by offence category, local police force area and sentencing court. The offence categories used on this website are consistent with those used by the Ministry of Justice in their Criminal Justice Statistics publication.

Further information on general sentencing practice in England in Wales can be found on the Council's website or at the Ministry of Justice website at:

<http://www.justice.gov.uk/>

Alternatively, you may wish to visit the sentencing area on the Direct.gov website, which can be accessed at:

<http://sentencing.cjsonline.gov.uk/>

Contact Points for Further Information

We would be very pleased to hear your views on our analysis and research bulletins. If you have any feedback or comments, please send them to:

research@sentencingcouncil.gsi.gov.uk

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Further information on the Sentencing Council and their work can be found at:

<http://www.sentencingcouncil.org.uk>

ANNEX A: 2011 SENTENCING DATA SUMMARY

The table below provides a summary of sentencing data from 2011 for the individual guidelines within the Sentencing Council's draft guideline for sexual offences. Data is not shown for guidelines where the volume of offences sentenced in 2011 was less than 100.

Guideline	Volume of adults sentenced in 2011 (of which sentenced at the Crown Court)	Outcome				Proposed guideline offence range and proportion of sentences in 2011 that fell within the range
		Community order	Suspended sentence order	Immediate custody	of which indeterminate	
						Average custodial sentence length
Indecent photographs of children: Take, Permit, Make	1191 (90%)	43%	21%	34%	2%	1 year and 10 months
Indecent photographs of children: Possession	277(88%)	41%	16%	39%	1%	1 year and 4 months
Sexual assault	1240 (61%)	38%	16%	34%	4%	1 year and 6 months
Rape	751 (100%)	0%	0%	98%	18%	9 years and 10 months
Sexual activity with a child and causing or inciting a child to engage in sexual activity (offender over 18 at commission of offence)	707 (96%)	22%	11%	66%	6%	3 years and 9 months
Exposure	544 (30%)	55%	11%	16%	0%	7 months
Sexual assault under 13	303 (96%)	16%	9%	72%	8%	3 years and 2 months
Rape of a child under 13	211 (100%)	1%	1%	97%	15%	11 years and 3 months
						6 to 19 years' custody
						82%

Guideline Group	Volume of adults sentenced in 2011 (of which sentenced at the Crown Court)	Outcome				Proposed guideline offence range and proportion of sentences in 2011 that fell within the range
		Community order	Suspended sentence order	Immediate custody	of which indeterminate	Average custodial sentence length
Assault by penetration	177 (100%)	5%	9%	83%	12%	4 years and 3 months
Voyeurism	107 (49%)	71%	10%	8%	0%	11 months
Sexual activity with a child family member and inciting a child family member to engage in sexual activity (offender over 18 at commission of offence)	103 (99%)	20%	4%	75%	4%	4 years and 7 months
						Community order to 19 years
						Fine to 18 months
						Community order to 8 years' custody
						92%