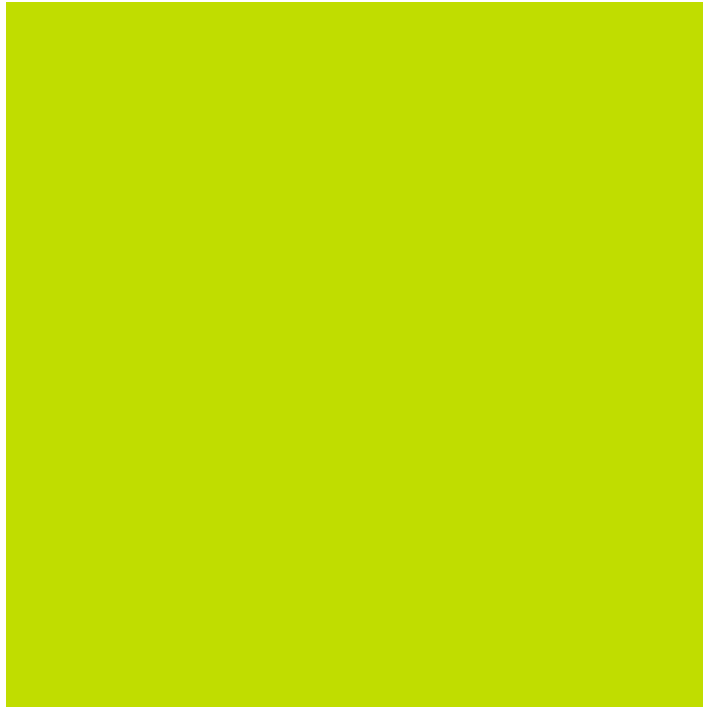


**Catching up
with crime and
sentencing**



What do we know about crime?

Crime has been falling for the last few years

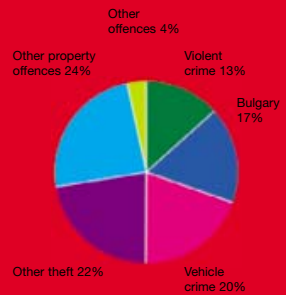
Whether you look at the number of crimes recorded by the police, or the number of crimes counted by household surveys (which also count crimes which are not reported to the police), there are now fewer crimes than there were in the early nineties.

Most crime does not involve violence

It is true that some violent crimes have been increasing recently, but these types of crime remain relatively rare. Only 13% of crimes recorded by the police involve violence, and a third of these are cases of common assault—where there is little or no injury.

What sorts of Crime are most common?

Notifiable Offences Recorded by the Police 1999/2000



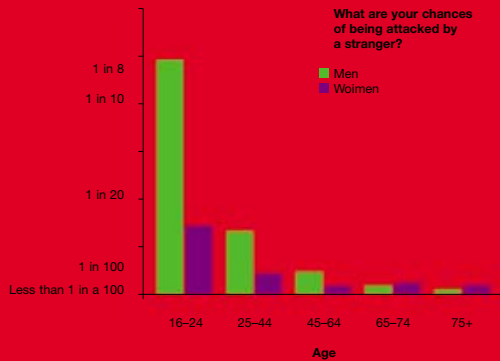
Crime is a topic many people are interested in.

But how much do you know about crime and about how the various parts of the criminal justice system respond to crime? This leaflet gives some basic information. At the end of the leaflet there are some suggestions as to where you can find out more.

Young men are at highest risk of violent attack by a stranger

The chance of being a victim of crime varies according to where you live and how you spend your time. People living in inner-city areas, for

instance, are far more likely to be victims than those in more rural areas. Also, young men are far more at risk than any other group of being attacked by a stranger. The elderly are at least risk.



The police make just under 2 million arrests a year.

What happens when a crime is reported to the police?

The police will investigate the crime and if they identify a suspect they may arrest them, or require them to appear before a court. The police make just under 2 million arrests a year.

The CPS decide whether an offender is prosecuted

The police pass all the evidence to the Crown Prosecution Service (CPS). A Crown Prosecutor decides whether there is enough evidence to continue with the case, and whether it is in the public interest to do so.

How are crimes dealt with by the courts?

Most people plead guilty
When an accused appears in court he or she is asked whether they plead guilty or not guilty to the offence. The majority of people plead guilty and are then sentenced for the crime. If someone pleads guilty it can reduce their sentence by up to a third. If they plead not guilty there has to be a trial. A trial is to decide whether or not they are guilty.

There are three types of offence, each dealt with in a different way by the courts.

- 73% are the least serious **summary** offences (such as speeding and TV licence evasion)
- 25% are **either-way** offences (such as burglary and other thefts)
- 2% are the most serious **indictable-only** offences (such as rape and robbery)

The least serious cases are tried in the magistrates' courts
Summary offences are tried and sentenced in the magistrates' courts by either a legally qualified District Judge or, more usually, by a panel of lay magistrates. Lay magistrates are carefully selected volunteers from the local community who have the help of a legally qualified adviser when dealing with cases.



The majority of people plead guilty.

Juries decide whether the accused is guilty or not at the Crown Court
Indictable-only

offences can only be tried and sentenced in the Crown Court. In a Crown Court trial, a jury of 12 members of the public decides whether the accused is guilty or not. If they are found guilty, a judge decides the sentence.

Either-way offences can be heard in either the magistrates' court or the Crown Court. This is because magistrates' sentencing powers are generally restricted to: a £5,000 fine, a community sentence, or a custodial sentence of up to six months. If this is not sufficient for the seriousness of the offence, the magistrates will send the accused to the Crown Court for sentence or trial. Even

if the magistrates do not do this, the accused can currently choose to be tried in the Crown Court.

A third of all men have at least one conviction by the time they reach the age of 40.

Most people are dealt with at a magistrates' court

In total 96% of cases are dealt with in the magistrates' courts. Only 4% of cases are dealt with in the Crown Court.

An accused can be represented in court by a solicitor or barrister. The courts provide support to witnesses, victims and their families through the Witness Service, which is run by Victim Support.

A third of men have at least one conviction by the age of 40

A lot of people have been convicted of a crime by the courts at some time in their life.

A third of all men have at least one conviction by the time they reach the age of 40. This compares with less than one in ten women. These convictions exclude some of the minor offences such as speeding.

What sentences do people convicted of crimes get?

The sentence given by the court depends largely on the seriousness of the crime. Financial penalties are given for the least serious crimes, community sentences for more serious crimes, and custody for the most serious of all.

Community Sentences— Usually supervised by the Probation Service and can include unpaid work in the community or organised programmes.

Custody—Spent in prison and the community.

Discharge—no immediate punishment, but if they commit another crime they may be sentenced for both crimes

Discharge
9% of people receive a discharge.

Absolute
Conditional

Financial Penalties
70% of people receive a financial penalty.

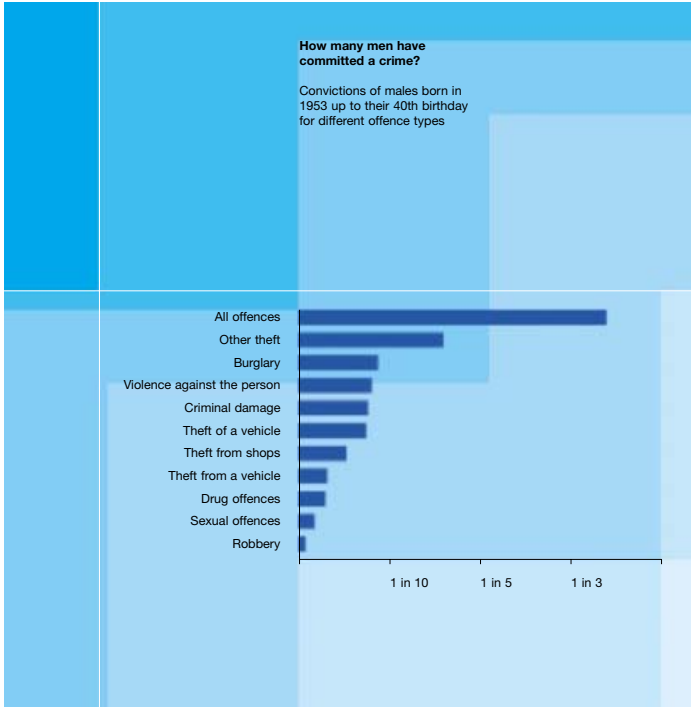
Fine
Compensation

Community Sentences
13% of people receive a community penalty.

Community Service Order
Attendance Centre Order
Probation Order
Curfew Order (this could be monitored using electronic tagging)
Combination Order
Supervision Order

Custody
8% of people are sentenced to custody.

Suspended
Immediate



The fine is the most common sentence

The fine is the most commonly given sentence. This is because three-quarters of crimes that come to court are the least serious Summary offences, and the vast majority of these result in a fine. Fines are used much less for the more serious, but rarer, Indictable and Either-way offences.

Fines are a very cheap sentence, and the available evidence suggests they are as effective as other penalties.

<p>Some crimes concern people a great deal, such as burglary, robbery and rape. The following cases give an idea about what sort of sentence an offender might receive for these crimes.</p> <p><i>Robbers and rapists nearly always go to prison</i></p> <p>Robbery is: using force or threats of force when stealing from someone</p> <p>Burglary is: Entering a house as a trespasser and carrying out, or meaning to carry out, theft, rape, grievous bodily harm (GBH) or criminal damage.</p>	<p>John, 25 years old, is a house burglar. He has quite a high chance of going to prison because 72% of house burglars over the age of 21 are sentenced to immediate custody. He is likely to get a custodial sentence of about 2 years.</p> <p>If this was his third burglary he would receive at least a three year sentence.</p> <p>If it was decided not to send him to prison he could get a community sentence. About 22% of house burglars get a community sentence and 2% are fined.</p>	<p>Mike, 23 years old is a robber. He has an even greater chance of going to prison because 91% of robbers are sentenced to immediate custody. He is likely to be sentenced to custody for about 4 years.</p>
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<p>What does it mean to get a custodial sentence?</p>	<p>A custodial sentence is the most severe penalty imposed by the courts, and involves going to prison. There are 137 prisons in the country and currently 65,000 prisoners. There are different types of prison. The most dangerous prisoners are held in high security prisons. At the other extreme, prisoners who can be reasonably trusted are held in open prisons, where they are more likely to have opportunities to work in the community.</p> <p>It costs about £26,000 per year to keep someone in prison.</p> <p>When Mike is sentenced to four years in prison, he will first be sent to a busy local prison. Here he will have to face the shock of coming into</p>	<p>prison, and start to plan how he will spend his time in prison. He will then be moved to another prison, where there will be more opportunity for him to work, perhaps making jeans or preparing food. He might be able to learn a trade, such as industrial cleaning. If he needs it, he will have the chance to improve his reading and writing, or participate in a programme designed to help him learn how to stay away from crime in the future. In the evenings he might be allowed to associate with other prisoners for an hour or so and then everyone will be locked up from about 8pm until 7am the following day. Mike may have to share his cell with another prisoner. If he behaves well, he might be</p>
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Frank, 21 years old, is a rapist. He has the highest chance of going to prison because 99% of rapists are sentenced to immediate custody. He is likely to get a custodial sentence of between 8 and 9 years.

allowed to have a television in his cell. Mike will be given some help preparing for his release, such as finding somewhere to live and looking for a job, so that he is less likely to commit another crime.

A custodial sentence is served in prison and the community

A custodial sentence is served in two parts. The first part is in prison and the second part in the community. How much of a custodial sentence is spent in prison depends on the length of the sentence.


Offenders who are sentenced to less than 4 years must be released when they have served half their sentence. So John, who was sentenced to 2 years will be released

after 1 year. If his risk of re-offending is low, he could be released 2 months earlier than this, but he would have to wear an electronic tag and obey a curfew.

Offenders who are sentenced to 4 or more years must be released after they have served two-thirds of their sentence. But they can be considered for what is called 'parole' when they are halfway through their sentence, if their risk of re-offending is low. This means that Mike, who was given a 4-year sentence, may be released on parole after he has served 2 years. If he is not, he must be released after 2.6 years. Whenever he is released he may be subject to conditions, such as taking part in a drugs prevention programme.

After release from prison the sentence continues in the community. John and Mike will be supervised by a probation officer, who will help them settle back into the community and avoid further criminal behaviour. If at any time they do something wrong they may have to go back to prison for the remainder of their sentence.

Offenders that get a life-sentence are only considered for parole after they have spent a long time in prison. They can only be released on parole if they are no risk to the public. Even when they are released they are put on probation for the rest of their life and can be made to go back to prison at any time if necessary.

<p>What is a Community sentence?</p>	<p>If John received a community sentence for his burglary offence, the Probation Service will suggest the most suitable community sentence for him and supervise him for this sentence.</p> <p>One of the community sentences that John could get, is a combination order. This involves both community service and probation supervision. As part of his community service John may have to clear some scrub land so that a playground can be built. The length of time</p>
	

<p>What effect do sentences have?</p>	<p>...people are more likely to re-offend the more crimes they have committed before.</p>
<p>Although over half of people who are convicted of a crime do not, as far as we know, commit another crime, many do. Levels of convictions suggest that people are more likely to re-offend the more crimes they have committed before. So what can be done?</p> <p>Some people think that prison is the most effective way of stopping people re-offending. In fact, when comparing</p>	<p>like for like, there is no difference in the proportion of those receiving a prison sentence and a community sentence who get convicted again.</p> <p>We hope you have found this information interesting. If you would like to find out more, some suggestions are on the back page.</p>

he will have to do this may vary, but he might be expected to work 5 hours a week for 5 months. He may also be required to go on a course to tackle his offending behaviour. If one of the reasons he did the burglary was because he did not have a job, he may have to

attend an offender's job scheme.

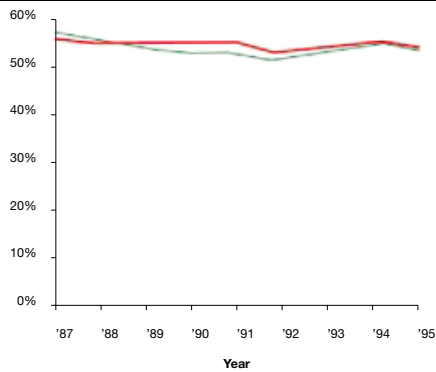
A community sentence costs about £2,000.



Percentage of people who re-offend after 2 years.

Adjusted Reconviction rates within two years for those released from prison and for community penalties.

- Prison
- Community penalties



If you would like further information about the criminal justice system:

Guide to the Criminal Justice System in England and Wales
<http://www.homeoffice.gov.uk/rds/cjspub1.html>
☎ 020 7273 2084

The Court Service
<http://www.courtservice.gov.uk>
☎ 020 7210 2266

The Prison Service
<http://www.hmprisonservice.gov.uk>

The Police and Probation Service
<http://www.homeoffice.gov.uk>

The Crown Prosecution Service (CPS)
<http://www.cps.gov.uk>
☎ 020 7796 8500

Payback
<http://www.payback.org.uk>
☎ 020 7700 8123

If you would like to find out more about crime:

Digest
<http://www.homeoffice.gov.uk/rds/digest41.html>

British Crime Survey
information about the risks of being a victim
<http://www.homeoffice.gov.uk/bcs2000/bcs2000.htm>
☎ 020 7273 2084

If you have been a victim of crime
and would like help or information:

Victim's Charter

<http://www.homeoffice.gov.uk/vicfore.htm>

Victim Supportline

For details of the nearest Victim
Support and Witness Service
scheme call:

Victim Support

☎ 0845 3030 900

or contact:

Victim Support

Cranmer House
39 Brixton Road
London SW9 6DZ

Crime Reduction

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

Further copies of this
leaflet are available from:

Communication

& Development Unit

Research Development
and Statistics Directorate
Room 201
Home Office
50 Queen Anne's Gate
London SW1H 9AT

☎ 020 7273 2084

The information in this
leaflet is about England
and Wales and is correct
at 19th October 2000.