Criminal Statistics:
England and Wales 2008
Statistics bulletin
Criminal Statistics: England and Wales 2008

This information is also available on the Ministry of Justice website:
www.justice.gov.uk/publications/statistics.htm
Preface

This publication has been prepared by the Criminal Justice Systems Statistics section of Justice Statistics Analytical Services (JSAS). It contains key statistics relating to penalty notices for disorder, formal police cautions, reprimands or warnings, and court proceedings in England and Wales. It is available as an online publication via the Ministry of Justice website at: http://www.justice.gov.uk/publications/criminalannual.htm.

Detailed data tables and additional data are available in Excel format and can be downloaded from http://www.justice.gov.uk/publications/criminalannual.htm.

This is a National Statistics publication produced by the Ministry of Justice. National Statistics are produced to high professional standards set out in the National Statistics Code of Practice. They undergo regular quality assurance reviews to ensure that they meet customer needs. They are produced free from any political interference.

Detailed statistics related to this publication appear in the supplementary volumes of Criminal Statistics England and Wales also available at the Ministry of Justice site. A summary description of what is included in these volumes appears in Appendix 4.

Data sources and quality

These data have been extracted and supplied to the Ministry of Justice by the courts and police forces from a variety of administrative data systems. Every effort is made 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 figures 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.

Data used in this publication are on a principal offence basis. Offenders are only recorded once for each set of court proceedings resulting in sentencing, against the principal offence involved. For further details please see Appendix 2.

For information on legislation affecting the statistics and details of the offences, see Appendix 1. For information on data coverage and recording practices please see Appendix 2.
Significant changes in this edition
Following the introduction of the Libra case management system during 2008, offenders at magistrates’ courts can now be recorded as sex ‘Not Stated’. In 2008 one per cent of offenders sentenced were recorded as sex ‘Not Stated’ as well as ‘Male’, ‘Female’, or ‘Other’. Amendments to the data tables have been made to accommodate this new category. Tables split by gender are now formatted as males, females and then ‘all persons’ which includes the ‘Not Stated’ category. Detailed comparisons by gender are no longer possible and hence some figures/tables within the text which showed a gender breakdown in previous editions have been removed.

Symbols and conventions
The following symbols have been used throughout the tables in this bulletin:

0.0 = less than 50 or less than 0.05%
0 = less than 500 or less than 0.5%
- = nil
* = not applicable
(P) = Provisional

Rounding
Unless otherwise stated, numbers in the text have been rounded to the nearest 100.

Full figures can be found in the Excel detailed tables.
## Contents

List of figures and tables in the publication  
Glossary of terms used in the publication  
Chapter 1 Summary  
Chapter 2 Penalty Notices for Disorder  
Chapter 3 Offenders cautioned  
Chapter 4 Remands  
Chapter 5 Court Proceedings  
Chapter 6 Offenders found guilty  
Chapter 7 Offences Brought to Justice  
Chapter 8 Motoring offences dealt with by the courts  
Appendix 1 – Procedures within the Criminal Justice System and legislation affecting the statistics  
Appendix 2 – Coverage and recording practice affecting the statistics  
Appendix 3 – Statistics on the Criminal Justice System  
Appendix 4 – Criminal Statistics, England and Wales 2008, Supplementary Tables  
Appendix 5 – Offence classification numbers used for court proceedings  
Contact points for further information
List of figures and tables in the publication

Chapter 1 – Summary
Figure 1.1 Flows through the Criminal Justice System, 2008
Figure 1.2 Recorded crime, persons proceeded against and ‘known’ offenders, 1950–2008
Table 1.2 Offenders sentenced for all offences by sentence type and court, 2006–2008

Chapter 2 – Penalty Notices for Disorder
Figure 2.1 Number of Penalty Notices for Disorder issued, 2004–2008
Figure 2.2 Distribution of Penalty Notices for Disorder, 2008
Figure 2.3 Proportion of Penalty Notices for Disorder issued to males and females, 2008
Table 2.1 Number of Penalty Notices for Disorder issued to offenders aged 16 and above by offence, 2004–2008
Table 2.2 Number of Penalty Notices for Disorder issued to offenders aged 16 and above by gender and offence, 2008
Table 2.3 Number of Penalty Notices for Disorder issued to offenders aged 16 and above, by police force area, 2004–2008
Table 2.4 Number of Penalty Notices for Disorder issued to all persons aged 16 and above, by age group, 2004–2008

Chapter 3 – Offenders cautioned
Figure 3.1 Number of offenders cautioned by offence type, 1998–2008
Figure 3.2 Number of offenders cautioned by offence group, 1998–2008
Figure 3.3 Percentage change in offenders cautioned by offence group, 2007–2008
Figure 3.4 Distribution of cautions by offence group, 1998 and 2008
Figure 3.5 Number of offenders cautioned for all offences by sex, 1998–2008
Figure 3.6 Number of juveniles given reprimands and warnings by offence type, 1998–2008
Figure 3.7  Persons cautioned as a proportion of the total number of persons found guilty or cautioned by offence group, 2007 and 2008

Figure 3.8  Offenders cautioned for indictable offences as a percentage of offenders found guilty or cautioned for indictable offences by age and sex, 1998–2008

Figure 3.9  Persons cautioned for indictable offences per 100,000 population by age group, 2008

Table 3A  Proportion of persons cautioned by sex and offence type and group, 2008
Table 3.1  Offenders cautioned by sex and type of offence, 1998–2008
Table 3.2  Offenders cautioned by type of offence, sex and age group, 2008
Table 3.3  Number and proportion of juveniles given reprimands and warnings by age group and type of offence, 2006–2008
Table 3.4  Offenders cautioned as a percentage of offenders found guilty or cautioned by type of offence, sex and age group, 1998–2008
Table 3.5  Cautioning rate by type of offence, 1998–2008
Table 3.6  Persons cautioned for indictable (excluding motoring) offences as a percentage of persons found guilty or cautioned by police force area, sex and age group, 2008
Table 3.7  Persons cautioned for summary (excluding motoring) offences as a percentage of persons found guilty or cautioned by police force area, sex and age group, 2008

Chapter 4 – Remands
Table 4.1  Persons directed to appear at magistrates' courts by type of offence and how directed to appear, 1998–2008
Table 4.2  Persons directed to appear at magistrates' courts by type of offence, how directed to appear and outcome, 2008
Table 4.3  Persons proceeded against at magistrates' courts who were remanded by magistrates, by type of offence and type of remand, 1998–2008
Table 4.4  Persons proceeded against at the Crown Court who were remanded by type of offence and type of remand, 2004–2008
Table 4.5  Persons directed to appear at magistrates' courts(1) who were arrested and charged and held in custody by the police, by type of offence, 1998–2008
Table 4.6  Persons proceeded against at magistrates' courts by type of court remand and outcome of proceedings, 2008
Table 4.7 Persons committed for trial and committals in custody by offence group, 1998–2008
Table 4.8 Persons appearing at the Crown Court by type of remand before trial or sentence, plea and outcome of proceedings, 2008
Table 4.9 Persons proceeded against by type of remand and final outcome at magistrates' courts and the Crown Court, 2008
Table 4.10 Persons remanded on bail at magistrates' courts or the Crown Court: proportion who failed to appear by type of offence, 2008
Table 4.11 Persons remanded into custody throughout the entire period at magistrates' courts or the Crown Court: by type of offence, 2008

Chapter 5 – Court Proceedings
Figure 5.1 Defendants proceeded against at magistrates' courts by type of offence, 2004–2008
Figure 5.2 Defendants committed at magistrates' courts to the Crown Court for sentence or trial for all offences, 2004–2008
Figure 5.3 Percentage of defendants aged 18 and over proceeded against at magistrates' courts who were committed for trial, by offence group, 2006–2008

Table 5.1 Defendants proceeded against at magistrates' courts by type of offence, adjusted for shortfalls in data, 1998–2008
Table 5.2 Average waiting times in the Crown Court for cases committed for trial by remand status, 2001 to 2008
Table 5.3 Appeals against magistrates' court convictions or sentences, 2003–2008
Table 5.4 Appeals against Crown Court convictions or sentences, 2003–2008
Table 5.5 Defendants proceeded against at magistrates' courts by type of offence, 1998–2008
Table 5.6 Cases completed by the Crown Prosecution Service at magistrates' courts by type of disposal and case result 2002–2008
Table 5.7 Defendants proceeded against at magistrates' courts by type of offence and result, 2003–2008
Table 5.8 Number of defendants proceeded against, number convicted and the conviction rate for defendants tried at magistrates' courts, by offence group, 2003–2008
Table 5.9  Defendants proceeded against at magistrates' courts –
average time for criminal cases by offence type and stage of
proceedings, percentage dealt with on first appearance,
average number of times case listed and average length of
adjournments, 2003–2008

Table 5.10  Persons aged 18 and over proceeded against and
committed for trial at the Crown Court for indictable
(including triable-either-way) offences by offence group and
sex, 2003–2008

Table 5.11  Persons aged 18 and over proceeded against and
committed for trial at the Crown Court for triable-either-way
offences by offence group and sex, 2004–2008

Table 5.12  Persons aged 18 and over proceeded against and
committed for trial at the Crown Court for Indictable offences
by offence group and sex, 2004–2008

Table 5.13  Defendants appearing at the Crown Court for trial or for
sentence after summary conviction by age, reason for
appearance and year of sentence or of conclusion of trial,
1998–2008

Table 5.14  Number of defendants tried, number convicted and the
conviction rate for defendants tried at the Crown Court,
by offence group, 2003–2008

Table 5.15  Proportion pleading guilty and conviction rate following a not
guilty plea for defendants tried at the Crown Court, by
offence group, 2003–2008

Table 5.16  Proportion pleading guilty and conviction rate following a not
guilty plea for persons tried at the Crown Court, for violent
offences, 2008

Chapter 6 – Offenders found guilty

Figure 6.1  Conviction rate by offence type, 1998 and 2008

Figure 6.2  Conviction rate by indictable offence group, 1998 and 2008

Figure 6.3  Number of offenders found guilty by offence type,
1998–2008

Figure 6.4  Percentage change in offenders found guilty by offence
group, 2007–2008

Figure 6.5  Number of offenders found guilty for all offences by sex,
1998–2008

Figure 6.6  Number of juveniles found guilty by offence type, 1998–2008

Figure 6.7  Persons found guilty for indictable offences per 100,000
population by age group, 2008
Table 6.1 Conviction rate by type of offence, 1998–2008
Table 6.2 Offenders found guilty at all courts by sex and type of offence, 1998–2008
Table 6.3 Offenders found guilty at all courts by type of offence, sex and age group, 2008

Chapter 7 – Offences Brought to Justice
Figure 7.1 Number of offences brought to justice by outcome, 1999/2000 to 2008/09
Table 7.1 Number of offences brought to justice over a 12 month period by outcome and numbers of recorded crimes, 1998/99 to 2008/09
Table 7.2 Number of offences brought to justice by offence type, 1998/99 to 2008/09
Table 7.3 Number of offences brought to justice by criminal justice areas, 2001/02 to 2008/09

Chapter 8 – Motoring offences dealt with by the courts
Table 8.1 Proceedings at magistrates’ courts for offences relating to motor vehicles by type of offences, 1998 to 2008
Table 8.2 Defendants proceeded against at magistrates’ courts for summary motoring offences, 1998–2008
Table 8.3 Findings of guilt at all courts by type of offence, 1998–2008
Table 8.4 Findings of guilt at all courts by type of offence, age and sex of offender, 2004–2008
Table 8.5 Sentences and orders imposed by magistrates’ courts and the Crown Court for offences relating to motor vehicles, 1998–2008
Table 8.6 Average fines at magistrates’ courts for certain motoring offences and average fines, 1998–2008
Table 8.7 Sentences of immediate custody at all courts and as a percentage of all findings of guilt, 1998–2008
Table 8.8 Driving licence disqualifications and endorsements given by the courts, by type of offence, 1998–2008
Table 8.9 Driving licence disqualifications: disqualifications of over one year, and as a percentage of all disqualifications, by type of offence, 1998–2008
Table 8.10 Proceedings at magistrates’ courts for motoring offences by police force area, 1998–2008
Table 8.11 Total findings of guilt at all courts for motoring offences by police force area, 1998–2008
## Annex A – Additional tables

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 1</td>
<td>Offenders found guilty or cautioned by type of offence, sex and age group, 2006–2008</td>
</tr>
<tr>
<td>Table 2</td>
<td>Offenders found guilty at all courts or cautioned by sex and type of offence, 1998–2008</td>
</tr>
<tr>
<td>Table 3</td>
<td>Offenders found guilty at all courts or cautioned by type of offence, sex and age group, 2008</td>
</tr>
<tr>
<td>Table 4</td>
<td>Offenders found guilty at all courts or cautioned for offences of violence against the person by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 5</td>
<td>Offenders found guilty at all courts or cautioned for indictable sexual offences by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 6</td>
<td>Offenders found guilty at all courts or cautioned for offences of burglary and robbery by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 7</td>
<td>Offenders found guilty at all courts or cautioned for offences of theft and handling stolen goods by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 8</td>
<td>Offenders found guilty at all courts or cautioned for offences of fraud and forgery by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 9</td>
<td>Offenders found guilty at all courts or cautioned for offences of criminal damage by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 10</td>
<td>Offenders found guilty at all courts or cautioned for indictable drug offences, 1998–2008</td>
</tr>
<tr>
<td>Table 11</td>
<td>Offenders found guilty at all courts or cautioned for other indictable offences (excluding motoring offences) by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 12</td>
<td>Offenders found guilty at all courts for motoring offences by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 13</td>
<td>Offenders found guilty at all courts or cautioned for selected summary offences (excluding motoring offences) by offence, 1998–2008</td>
</tr>
<tr>
<td>Table 14</td>
<td>Persons found guilty at all courts or cautioned for indictable offences and number per 100,000 population in the age group by sex and age, 1998–2008</td>
</tr>
<tr>
<td>Table 15</td>
<td>Persons found guilty at all courts or cautioned for indictable offences and number per 100,000 population in age group, by sex and age, 2003–2008</td>
</tr>
<tr>
<td>Table 16</td>
<td>Persons found guilty or cautioned for, indictable offences by police force area, per 100,000 population in the age group by sex and age group, 2008</td>
</tr>
</tbody>
</table>
Glossary of terms used in the publication

**All persons:**
In this publication ‘all persons’ includes males, females and those with no gender specified. For further information please see Appendix 2.

**Caution:**
A caution may be given to an offender aged 18 or over when there is sufficient evidence for a conviction and it is not considered to be in the public interest to instigate criminal proceedings. Offenders must admit guilt and consent to a caution in order for one to be given. For offenders aged 10 to 17, there is a system of reprimands and warnings.

**Conviction:**
When a person is found or pleads guilty for an offence in a court.

**Detections:**
Crimes that have been ‘cleared up’ by the police (previously known as clear ups).

**Disposal:**
The end result of a trial at court. In this publication the disposals of interest are sentences, but other disposals are possible, for example where there is no finding of guilt.

**Defendant:**
A person or company against whom a charge is brought in court.

**Indictable offence:**
In this publication ‘indictable offences’ include offences triable only on indictment (indictable only) and ‘triable-either-way’ offences.

**Juveniles:**
Juveniles are those aged between 10 (the age of criminal responsibility) and 17 at the point of sentence (although note in some cases it is the offender’s age when s/he committed the offence that will affect the sentences that are available to the sentencing judge). The majority of juveniles are sentenced at youth courts.

**Offence:**
An act punishable by law.

**Offence Type:**
A split of offences into three main types of offence Indictable, Summary non-motoring and Summary motoring.
**Offence Group:**
A split of offences into 12 separate groups. A more detailed split of the ten Indictable offences (violence against the person, sexual offences, burglary, robbery, theft and handling and stolen goods, fraud and forgery, criminal damage, drug offences, other indictable offences (excluding motoring), indictable motoring). Plus Summary non-motoring and Summary motoring offence types.

**Offence triable only on indictment:**
These offences are the most serious breaches of criminal law, and must be tried at the Crown Court.

**Offender:**
An individual or company (see ‘others’ below) found guilty or cautioned for breaking the law.

**Others:**
Companies or public bodies sentenced for offences. These are most often offences relating to fraud or health and safety.

**Percentage point change:**
The difference between two percentages.

**Recorded detection:**
Police recorded crimes are those crimes which are recorded by the police and notified to the Home Office. All indictable and triable-either-way offences are included together with certain closely associated summary offences.

**Sanction detection:**
An offence cleared by positive action on completion i.e. the offender is charged, given a caution, issued with a penalty notice for disorder or a cannabis warning, or the offence is taken into consideration at court.

**Summary offence:**
These offences are heard at magistrates’ courts (unless a defendant is tried at the Crown Court for a mixture of indictable and summary offences).

**Triable-either-way offence:**
These offences may be tried at either magistrates’ courts or the Crown Court.
Chapter 1 Summary

Key Points for 2008

- Information from the British Crime Survey (BCS) shows that there has been a five per cent increase, between 2007/08 and 2008/09, in crimes against adults living in a private household.

- There were a total of 10.69 million crimes against adults living in a private household in 2008/09 as recorded by the BCS.

- Between 2007/08 and 2008/09 the number of crimes recorded by the police fell by five per cent. During the same period the number of crimes detected by the police, by the way of a ‘sanction detection’ fell by three per cent.

- The number of cautions (including reprimands and warnings) issued for all offences in 2008 fell by 10 per cent to 326,900, when compared to 2007.

- Of the total cautioned, 30 per cent cover juveniles, who received 97,900 reprimands or warnings.

- There were 176,200 Penalty Notices for Disorder (PNDs) and 105,700 Cannabis Warnings issued in 2008.

- The number of defendants dealt with by the magistrates’ courts during 2008 fell by five per cent to 1.64 million, a decrease of 92,500 in comparison to 2007.

- Of the total number of offenders sentenced at magistrates’ courts, 888,000 (70 per cent) were fined, 174,800 (14 per cent) were given a community sentence, 53,300 (four per cent) were given an immediate custodial sentence, and 160,100 (13 per cent) were otherwise dealt with.

- In 2008 there were 88,500 defendants tried at the Crown Court an increase of six per cent compared with 2007.

- Of the total of 88,800 offenders sentenced at the Crown Court, 49,200 (55 per cent) were given an immediate custodial sentence, 17,400 (20 per cent) were given a suspended sentence, 15,300 (17 per cent) were given a community sentence, 2,300 (three per cent) were fined, and 4,500 (five per cent) were otherwise dealt with.
Introduction

1. This chapter highlights some of the key statistics for the Criminal Justice System for 2008, although in the case of crime, clear-ups and arrests the period covered is the financial year 2008/09. It includes some statistics published elsewhere, most notably from Crime in England and Wales 2008/2009 published by the Home Office. Any trends in recorded crime mentioned below will have been affected by the change in counting rules from 1 April 1998 and by the introduction nationally of the National Crime Recording Standard (NCRS) in April 2002.1

A statistical overview of the criminal justice system in 2008 (Tables 1.1 and 1.2 and Figures 1.1 and 1.2)

Crime in England and Wales2

2. The British Crime Survey (BCS) asks about peoples’ experience and perception of crime, and includes crimes that are not reported to or recorded by the police.

3. The BCS interviews took place between April 2008 and March 2009. The 2008/09 BCS estimated that there were approximately 10.69 million crimes against adults living in private households. Compared with estimates for those interviewed in 2007/08, BCS household crime increased by five per cent and personal crime increased by four per cent. There were 4.7 million crimes recorded by the police in 2008/09, a fall of five per cent compared with 2007/08.

4. Recorded crime figures show that total violence against the person fell by six per cent between 2007/08 and 2008/09. Within the category of violence against the person, the number of violent crimes which led to injury fell by seven per cent.

5. During 2008/09 there just over 51,400 sexual offences recorded by the police a decrease of four per cent compared to 2007/08, with the number of recorded rapes against females increasing by four per cent.

6. The number of acquisitive crimes recorded by the police show that burglary levels were almost unchanged between 2007/08 and 2008/09 with around 582,000 recorded in the latest year. The number of robberies decreased by five per cent between 2007/08 and 2008/09 and the with other theft offences decreasing by four per cent and the number of offences against vehicles decreasing by 10 per cent over the same period. The BCS estimates that the number of vehicle related thefts remained almost unchanged between 2007/08 and 2008/09.

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2 ibid.
7. Fraud and forgery and drug offences recorded by the police increased by five per cent and six per cent respectively between 2007/08 and 2008/09.

8. Vandalism has risen by three per cent according to the BCS when comparing 2007/08 and 2008/09. The number of criminal damage offences recorded by the police fell by 10 per cent between 2007/08 and 2008/09 with less than one million such offences recorded in the latest year.

The Criminal Justice System

9. Changes in the number of people processed through the criminal justice system can be influenced by factors unrelated to the level of crime or the numbers of crimes cleared up. The flows through the criminal justice system are illustrated in Figure 1.1 and a more detailed description of the procedures is given in paragraphs 1–17 of Appendix 1.

Detections

10. There were just under 1.34 million crimes detected using sanction detections in 2008/09 and there were nearly 3,000 offences detected through other methods (non-sanction detections). New rules governing non-sanction detections significantly limit the occasions for which such administrative disposals can now be applied.

11. The proportion of recorded crimes detected by means of sanction detection increased from 27.7 per cent in 2007/08 to 28.4 per cent in 2008/09. The overall detection rate in 2008/09 (i.e. including sanction and non-sanction detections) was 28.5 per cent, an increase of less than one percentage point over 2007/08.

12. The overall number of recorded detections in 2008/09 dropped by three per cent compared with 2007/08 figures, while the number of offences recorded fell by five per cent.

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Arrests

13. Final figures for 2007/08\(^4\) show that there were 1.475 million arrests for recorded crime (notifiable offences) made in England and Wales, half a per cent fewer than during 2006/07. Information collected from the 43 police forces shows that 21 per cent of persons arrested were aged under 18, and 83 per cent all arrests were male. Theft and handling was the most prevalent offence group for arrestees aged 10 to 17 (26 per cent of all arrests for that age group), whereas violence against the person was the most prevalent for the 18 to 20 and 21 and over age groups (30 per cent and 35 per cent respectively).

Offenders

14. In 2008, 1.69 million offenders were found guilty or cautioned, five per cent fewer than in 2007. The number found guilty or cautioned for indictable (including triable-either-way) offences fell by four per cent to 497,200.

Penalty Notices for Disorder (PNDs)

15. In 2008, there were 176,200 Penalty Notices for Disorder (PNDs) issued by police forces in England and Wales, compared to 207,500 in 2007, a decrease of 15 per cent.

Cautions

16. In 2008 there were 326,900 offenders cautioned for all offences – 10 per cent fewer than in 2007. Cautions include 97,900 juveniles who were given reprimands or warnings under the Crime and Disorder Act 1998, a fall of 23 per cent compared with 2007. The cautioning rate for indictable offences (i.e. the number of offenders cautioned as a percentage of those found guilty or cautioned) in 2008 was 37 per cent a fall of three percentage points compared to 2007.

Figure 1.1: Flows through the Criminal Justice System, 2008

Estimated Number of offences

- Crime measured by the BCS\(^{1}\) 10,687,000

Recorded offences

- Recorded Crime \(^{2}\) 4,702,500
  - Offences detected 1,335,800 100%

Defendants - indictable offences

- Crown Prosecution Service receive papers from the police for prosecution
  - CPS proceed with charge
  - CPS discontinue the case or case unable to proceed

- Defendants proceeded against at magistrates' courts, 397,500 \(^{4}\)

- Number committed for trial to the Crown Court 88,600
- Number found guilty by magistrates 249,600
- Number committed for sentence at Crown Court 17,400
- Number sentenced by magistrates 232,300

- Number sentenced by the Crown Court 83,600
- Fined 48,100
- Community sent. 88,800
- Imm cust 64,100
- Other disposal 21,900

- Total sentenced to community sentences 102,800
- Total sentenced to immediate custody 79,100

1. Covers crimes against households and individuals, reported in the 2008/09 British Crime Survey, that were not necessarily reported to the police. This set of offences is not strictly comparable to recorded crime.
2. Covers all indictable, including triable either way, offences plus a few closely associated summary offences.
3. Includes formal warnings for cannabis possession and non-sanction detections.
4. See Table 5.7 for numbers of proceedings terminated early and defendants discharged at the committal proceedings stage or dismissed.

**England and Wales**

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<td>Notifiable offences(2)</td>
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<td>807</td>
<td>1,666(4)</td>
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<td>6,014</td>
<td>5,638</td>
<td>5,555</td>
<td>5,428</td>
<td>4,951</td>
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<td>247</td>
<td>361</td>
<td>775(5)</td>
<td>1,056</td>
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<td>1,406</td>
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<td>45(4)</td>
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<td>Number of offenders cautioned(5)</td>
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<tr>
<td>Defendants proceeded against at magistrates' courts</td>
<td>736</td>
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<td>2,294</td>
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<td>2,001</td>
<td>2,023</td>
<td>1,895</td>
<td>1,779</td>
<td>1,733</td>
<td>1,640</td>
<td>-5</td>
</tr>
<tr>
<td>of which Indictable offences(6)</td>
<td>122</td>
<td>159</td>
<td>374</td>
<td>523</td>
<td>510</td>
<td>509</td>
<td>453</td>
<td>423</td>
<td>406</td>
<td>405</td>
<td>397</td>
<td>-2</td>
</tr>
<tr>
<td>Defendants found guilty at magistrates' courts</td>
<td>705</td>
<td>1,121</td>
<td>1,648</td>
<td>2,042</td>
<td>1,438</td>
<td>1,432</td>
<td>1,488</td>
<td>1,426</td>
<td>1,363</td>
<td>1,351</td>
<td>1,293</td>
<td>-4</td>
</tr>
<tr>
<td>of which Indictable offences(6)</td>
<td>115</td>
<td>151</td>
<td>282</td>
<td>402</td>
<td>269</td>
<td>278</td>
<td>260</td>
<td>253</td>
<td>248</td>
<td>252</td>
<td>250</td>
<td>-1</td>
</tr>
<tr>
<td>Defendants sentenced at the Crown Court after summary conviction</td>
<td>3</td>
<td>4</td>
<td>14</td>
<td>14</td>
<td>7</td>
<td>16</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td>17</td>
<td>18</td>
<td>9</td>
</tr>
<tr>
<td>Defendants tried at the Crown Court</td>
<td>20</td>
<td>34</td>
<td>48</td>
<td>79</td>
<td>100</td>
<td>80</td>
<td>80</td>
<td>76</td>
<td>77</td>
<td>83</td>
<td>89</td>
<td>6</td>
</tr>
<tr>
<td>Defendants found guilty at the Crown Court</td>
<td>18</td>
<td>31</td>
<td>40</td>
<td>63</td>
<td>81</td>
<td>60</td>
<td>60</td>
<td>58</td>
<td>58</td>
<td>65</td>
<td>71</td>
<td>9</td>
</tr>
<tr>
<td>Total offenders found guilty at both courts</td>
<td>723</td>
<td>1,152</td>
<td>1,688</td>
<td>2,105</td>
<td>1,519</td>
<td>1,491</td>
<td>1,549</td>
<td>1,484</td>
<td>1,421</td>
<td>1,416</td>
<td>1,363</td>
<td>-4</td>
</tr>
<tr>
<td>of which Indictable offences(6)</td>
<td>133</td>
<td>182</td>
<td>342</td>
<td>465</td>
<td>347</td>
<td>335</td>
<td>318</td>
<td>308</td>
<td>303</td>
<td>313</td>
<td>317</td>
<td>1</td>
</tr>
<tr>
<td>Total offenders found guilty or cautioned(6)</td>
<td>723(7)</td>
<td>1,222</td>
<td>1,797</td>
<td>2,259</td>
<td>1,796</td>
<td>1,733</td>
<td>1,804</td>
<td>1,783</td>
<td>1771</td>
<td>1,779</td>
<td>1,690</td>
<td>-5</td>
</tr>
<tr>
<td>of which Indictable offences(6)</td>
<td>133(7)</td>
<td>207</td>
<td>419</td>
<td>568</td>
<td>527</td>
<td>486</td>
<td>474</td>
<td>491</td>
<td>507</td>
<td>518</td>
<td>497</td>
<td>-4</td>
</tr>
</tbody>
</table>

(1) The British Crime Survey did not commence until 1982, where interviews were based on the previous year's experience of crime.
(2) Includes British Transport Police from 2002/03.
(3) Excluding other criminal damage of value £20 and under. Includes estimates for criminal damage over £20 for Merseyside and Metropolitan Police. Figures were affected by the new counting rules from 1998 onwards and by the NCRS from 2002/03 onwards.
(4) Adjusted to take account of the Criminal Damage Act 1971.
(5) Caution figures were not collected until 1954.
(6) Indictable offences include those triable either way.
(7) Both British Crime Survey data and notifiable offences data are for financial years, i.e. 2003/04 to 2008/09.
Figure 1.2: Recorded crime, persons proceeded against and 'known offenders', 1950–2008

17. The number of defendants proceeded against at magistrates’ courts in 2008 was 1.64 million, five per cent less than in 2007. Looking at offence types (Chapter 5, Table 5.1):
   - indictable (including triable-either-way) offences fell by two per cent to 397,500;
   - summary non-motoring offences fell by one per cent to 593,300;
   - summary motoring offences were down by 11 per cent to 649,200.

18. The estimated average time from offence to completion for defendants in indictable cases at magistrates’ courts fell in 2008 to 112 days from 118 days in 2007. (Chapter 5, Table 5.9)

19. Among defendants entering a plea in CPS cases heard summarily at magistrates’ courts, 68 per cent pleaded guilty in 2008, compared with 67 per cent in 2007. There were 20,400 contested cases where the case
was dismissed in 2008, less than one per cent more compared to 2007. The proportion of proof in absence cases, where the defendant has not entered a plea and prosecution evidence is received in the defendant's absence, increased by one percentage point to 15 per cent in 2008.\(^5\)

**Crown Court**

20. Among defendants proceeded against for indictable offences, 88,600 were committed for trial at the Crown Court, six per cent higher than in 2007. In total, 70 per cent of defendants pleaded guilty at trial in 2008. Of those pleading not guilty 35 per cent were convicted. (Chapter 5, Table 5.15)

21. The average waiting time for trials at the Crown Court,\(^6\) from committal to the start of hearing, fell from 16.3 weeks in 2007 to 15.4 weeks in 2008.

**Sentencing**

22. Table 1.2 presents summary figures on the use of fines, community sentences and custodial sentences for all types of offence. In 2008, there were 890,300 offenders fined compared with 941,500 in 2007. Seventy per cent of those sentenced at the magistrates’ court were fined.

**Table 1.2 – Offenders sentenced for all offences by sentence type and court, 2006–2008**

<table>
<thead>
<tr>
<th></th>
<th>England and Wales</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>thousands of offenders</td>
<td></td>
<td></td>
<td>percentage of those sentenced</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>fine</td>
<td>community sentence</td>
<td>immediate custody</td>
<td>other sentences</td>
<td>fine</td>
<td>community sentence</td>
<td>immediate custody</td>
</tr>
<tr>
<td>Magistrates’ courts</td>
<td>2006</td>
<td>959</td>
<td>174</td>
<td>53</td>
<td>158</td>
<td>71</td>
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<td></td>
<td>2007</td>
<td>939</td>
<td>182</td>
<td>51</td>
<td>161</td>
<td>70</td>
<td>14</td>
<td>4</td>
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<tr>
<td></td>
<td>2008</td>
<td>888</td>
<td>175</td>
<td>50</td>
<td>160</td>
<td>70</td>
<td>14</td>
<td>4</td>
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<tr>
<td>Crown Court</td>
<td>2006</td>
<td>2</td>
<td>17</td>
<td>43</td>
<td>14</td>
<td>3</td>
<td>22</td>
<td>57</td>
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<td></td>
<td>2007</td>
<td>2</td>
<td>15</td>
<td>44</td>
<td>20</td>
<td>3</td>
<td>18</td>
<td>54</td>
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<td></td>
<td>2008</td>
<td>2</td>
<td>15</td>
<td>49</td>
<td>21</td>
<td>3</td>
<td>17</td>
<td>56</td>
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<td>All courts</td>
<td>2006</td>
<td>961</td>
<td>191</td>
<td>96</td>
<td>172</td>
<td>68</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>2007</td>
<td>942</td>
<td>196</td>
<td>95</td>
<td>181</td>
<td>67</td>
<td>14</td>
<td>7</td>
</tr>
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<td></td>
<td>2008</td>
<td>890</td>
<td>190</td>
<td>100</td>
<td>182</td>
<td>65</td>
<td>14</td>
<td>7</td>
</tr>
</tbody>
</table>

\(^5\) Source: Crown Prosecution Service.

\(^6\) Source: Time Intervals Surveys for Criminal Proceedings in magistrates’ courts – conducted by the Ministry of Justice.
23. The number of community sentences decreased by three per cent in 2008; with 190,200 offenders receiving community sentences. Fourteen per cent of offenders at the magistrates' courts received a community sentence compared with 17 per cent at the Crown Court.

24. At the Crown Court immediate custody was given in 55 per cent of cases in 2008 (49,200 offenders), one percentage point higher than the previous year. Across all courts, a total of 99,500 offenders received some kind of immediate custodial sentence in 2008, five per cent more when compared to 2007.

25. Detailed sentencing statistics are published separately by the Ministry of Justice in ‘Sentencing Statistics 2008’. Detailed data on sentencing can also be found in the ‘Supplementary Tables' that accompany this volume.

Offences Brought to Justice

26. Data from a range of sources are combined by the Ministry of Justice to provide a measure of the number of Offences Brought to Justice (OBTJ). This measure covers notifiable offences; its components are cautions, convictions and offences taken into consideration at the court, formal warnings for cannabis possession and penalty notices for disorder. The number of offences brought to justice in 2008/09 in England and Wales is provisionally put at 1.38 million. The number of offences brought to justice has risen steadily since 2000/01 when it stood at 995,600. Chapter 7 provides more details about the basis of this measure and the recent trends.

7 Sentencing Statistics 2008, England and Wales, Ministry of Justice; Criminal Statistics England and Wales 2008, Supplementary Tables 1–5, Ministry of Justice (see Appendix 4); can be found at www.justice.gov.uk.

8 ibid.
Chapter 2 Penalty Notices for Disorder

Key points for 2008

- In 2008, there were 176,200 Penalty Notices for Disorder (PNDs) issued by police forces in England and Wales, compared to 207,500 in 2007, a decrease of 15 per cent. (Figure 2.1)

- The largest decrease in PNDs issued was for the offence of ‘behaviour likely to cause harassment, alarm or distress’ which decreased by 26 per cent to 57,800, compared to 77,800 in 2007. (Table 2.1)

- The largest number of PNDs issued were for the offences of ‘behaviour likely to cause harassment, alarm or distress’ (57,800), ‘theft (retail under £200)’ (45,600) and ‘drunk and disorderly’ (44,400). These three offences accounted for 84 per cent of all PNDs issued. (Figure 2.2)

- There were 134,400 PNDs issued to males in 2008, which was 76 per cent of all PNDs issued. The highest number was for ‘behaviour likely to cause harassment, alarm or distress’ (49,700), which represents 37 per cent of PNDs issued to males. (Table 2.2)

- There were 41,800 PNDs issued to females in 2008, which was 24 per cent of all PNDs issued. The highest number was for ‘theft (retail under £200)’ (20,500), which represents 49 per cent of PNDs issued to females. (Table 2.2)

- Of all PNDs issued, 92 per cent (161,700) were issued to persons aged 18 and over, with eight per cent (14,500) issued to persons aged 16 to 17. (Table 2.1)

- Of the 176,200 PNDs issued in 2008, 52 per cent (91,300) were paid in full without any court action. (Table 2.4)
Introduction

27. Penalty Notices for Disorder (PNDs), more commonly known as ‘on the spot fines’, were introduced under the Criminal Justice and Police Act 2001 (sections 1–11). This disposal was introduced as part of the government’s strategy to tackle low-level, anti-social and nuisance offending. The scheme was initially piloted in four police force areas in England and Wales beginning in August 2002. It was rolled out to all 43 police forces in England and Wales in April 2004.⁹

28. Under the legislation, police can issue a fixed penalty of £50 or £80 for a specified range of minor disorder offences, either on the spot or at a police station. The disposal has been designed to provide officers with a means of dealing with simple, straightforward cases in a prompt and effective way, saving police time, reducing bureaucracy and reserving courts for disputed and more complex cases.

⁹ Penalty notices for disorder were piloted in four areas during 2002 and 2003 and were introduced nationally from April 2004. The three notifiable offences for which these notices can be given are:

- Harassment, alarm or distress – Public Order Act 1988 s5;
- Destroying or damaging property (value of damage under £500) Criminal Damage Act 1971 s1(1);
- Retail theft (goods under the value of £200) – Theft Act 1968 s1.

Appendix 2 of ‘Crime in England and Wales 2008/09: Volume 2, Home Office, provides a list of notifiable offences.

http://www.homeoffice.gov.uk/rds/pdfs09/hosb1109vol2.pdf
Figure 2.1: Number of penalty notices for disorder issued, 2004[^10]–2008

England and Wales
Thousands

<table>
<thead>
<tr>
<th>Year</th>
<th>PNDs Issued</th>
</tr>
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<tbody>
<tr>
<td>2004</td>
<td>50</td>
</tr>
<tr>
<td>2005</td>
<td>150</td>
</tr>
<tr>
<td>2006</td>
<td>200</td>
</tr>
<tr>
<td>2007</td>
<td>250</td>
</tr>
<tr>
<td>2008</td>
<td>200</td>
</tr>
</tbody>
</table>

29. There were 176,200 PNDs issued in 2008, a decrease of 15 per cent compared with 2007. This was the first fall in the number of PNDs issued since they were fully rolled out in April 2004. In 2006, there were 201,200 PNDs issued, an increase of 37 per cent compared with 2005. In 2007 there were 207,500 PNDs issued, an increase of three per cent compared with 2006.

[^10]: First year of PND scheme. Fully rolled out to all forces on 1 April 2004.
30. The largest number of PNDs issued were for the offences of ‘behaviour likely to cause harassment, alarm or distress’ (57,800), ‘retail theft’ (of goods under the value of £200) (45,600) and ‘drunk and disorderly’ (44,400). These three offences accounted for 84 per cent of all PNDs issued. Of the remaining offences, ‘criminal damage’ (13,400) accounted for eight per cent of all PNDs. All other PND offences accounted for the remaining eight per cent. Within this group no offence accounted for more than two per cent of all PNDs.

### Gender differences in the distribution of penalty notices for disorder (Figure 2.3 and Table 2.2)

31. Of the total number of PNDs issued in 2008, 76 per cent were issued to males and 24 per cent to females.

32. Since the introduction of PNDs in 2004, the proportion of PNDs issued to males has decreased from 85 per cent in 2004 to 76 per cent in 2008.

33. The most common offence for which males were issued PNDs in 2008 was ‘behaviour likely to cause harassment, alarm and distress’. In total, 49,700 PNDs were issued to males for this offence, which represents 37 per cent of all PNDs issued to males. The most common offence for which females were issued PNDs in 2008 was ‘retail theft’ (of goods under the value of £200). In total, 20,500 PNDs were issued to females.
for this offence, representing 49 per cent of all PNDs issued to females in 2008.

Figure 2.3: Proportion of penalty notices for disorder issued to males and females, 2008

Age differences in the distribution of penalty notices for disorder (Tables 2.1 and 2.2)

34. Of the total number of PNDs issued in 2008, 92 per cent (161,700) were issued to persons aged 18 and over (adults), with 8 per cent (14,500) issued to persons aged 16 to 17.

35. Since the introduction of PNDs in 2004, the proportion of PNDs issued to adults was at its lowest in 2006 (90 per cent) and at its highest in 2004 (94 per cent).

36. The number of PNDs issued to adults in 2008 was 161,700, a fall of 14 per cent compared with 2007. This is the first time that PNDs given to adults has decreased since their introduction. The largest decrease was for the offence of ‘causing harassment, alarm or distress’ which decreased to 53,100, a fall of 25 per cent compared with 2007.

37. The number of PNDs issued to persons aged 16 to 17 in 2008 was 14,500, a fall of 25 per cent compared with 2007. The largest decrease was for the offence of ‘causing harassment, alarm or distress’ (4,700). However, this offence still accounted for the highest number of PNDs issued to persons aged 16 to 17, being 32 per cent of the total.
‘Retail theft’ (of goods under the value of £200) was the second highest with 4,000 PNDs issued in 2008, 28 per cent of the total issued to this age group.

**PND payment**

38. Once a PND has been issued the recipient has 21 days, the Suspended Enforcement Period (SEP), in which to either pay the penalty or request a court hearing. No admission of guilt is required and by paying the penalty the recipient discharges liability for conviction for the offence.

39. In 2008, 40 per cent of PNDS were paid within the SEP and a further 11 per cent were paid before a fine was registered. The payment rate for PNDs has remained fairly constant since the start of the scheme at 52 per cent in 2004, 53 per cent in 2005, 52 per cent in 2006, 52 per cent in 2007 and 52 per cent in 2008.

40. The payment rate for juveniles (aged 16 and 17) was 58 per cent in 2008 compared to 51 per cent for adults. The payment rate for juveniles remains constantly higher than for adults since the start of the scheme in 2004.

**PNDs contested at court**

41. Rather than paying the penalty, PND recipients can request a court hearing. Just one per cent of penalty notices have been contested at court in each year since PNDs were rolled out in England and Wales. This figure is consistent among all age groups and offences.

**Fine registration**

42. If a recipient fails to pay a PND or elect a court hearing within the SEP, a fine of one and half times the penalty amount is registered by the court. In 2008, of the total number of PNDs issued, 43 per cent were registered as fines (44 per cent for adults and 38 per cent for juveniles). In 2004, 44 per cent of PNDs were fine registered, 42 per cent in 2005, 44 per cent in 2006 and 43 per cent in 2007.
Chapter 3  Offenders cautioned

Key points for 2008

- There were 326,900 offenders cautioned (including reprimands and warnings) for all offences, a decrease of 10 per cent compared with 2007. (Figure 3.1, 3.3 and Table 3.1)

- The number of offenders cautioned for indictable offences (excluding motoring) decreased by 12 per cent to 180,300. (Figure 3.3)

- The number of offenders cautioned for summary offences (excluding motoring) fell by seven per cent to 146,600 in 2008. (Figure 3.3)

- Summary non-motoring offences accounted for 45 per cent of all cautions issued in 2008. (Figure 3.4)

- The highest number of cautions issued in 2008 per offence type was for ‘common assault’ (65,400), which accounted for 20 per cent of all cautions.

- Of the total number of persons cautioned, 75 per cent were male (245,000) and 25 per cent were female (81,900).

- In 2008, there were 97,900 reprimands or warnings given to juvenile offenders, a decrease of 23 per cent compared with 2007. (Table 3.3)

- The cautioning rate for all offences fell by two percentage points in comparison with 2007 to 29 per cent. (Table 3.5)
Introduction

43. This chapter covers offenders formally cautioned by the police by offence, age and sex. The figures presented relate to the principal offence for which the offender was cautioned or convicted (see paragraph 1, Appendix 2).

44. A police caution is a formal warning given by a senior police officer to a person who admits to having committed a criminal offence which could have led to a prosecution (see paragraph 2, Appendix 1). The aims of the simple caution are to:

- Deal quickly and simply with less serious offences;
- Divert offenders where appropriate from appearing in criminal courts;
- Reduce the likelihood of re-offending.

45. The Crime and Disorder Act 1998 introduced reprimands and warnings to replace cautions for juvenile offenders (see paragraph 2 of Appendix 1). For the purpose of this chapter they have been counted as cautions except for Table 3.3 which gives the number of reprimands and warnings nationally by age group and type of offence over the last three years.

Figure 3.1: Number of offenders cautioned by offence type, 1998–2008

England and Wales Thousands

![Graph showing the number of offenders cautioned by offence type from 1998 to 2008.]

- Indictable offences
- Summary offences
46. In 2008, 326,900 offenders were cautioned, 10 per cent less than in 2007. These figures include juveniles given a reprimand or final warning. Prior to 2008 the last time that cautions fell was in 2002, since then the number of cautions has increased each year, with the largest being in 2006, when the number of cautions issued rose by 17 per cent compared with 2005. Since 1998 the highest number of cautions issued was in 2007 (362,900), with the lowest in 2002 (225,400).

47. The total cautioned for indictable offences fell by 12 per cent to 180,300. A seven per cent decrease for offenders cautioned for summary non-motor offences took the figure to 146,600 in 2008.

48. The proportion of cautions issued for indictable offences in 2008 was 55 per cent with 45 per cent issued for summary offences. The proportion of cautions issued for indictable offences has decreased from 67 per cent in 1998 to 55 per cent in 2008.

**Figure 3.2: Number of offenders cautioned by offence group, 1998–2008**

England and Wales
Thousands

(1) Excluding motoring offences.
(2) Property offences include: burglary, theft and handling stolen goods, fraud and forgery.
(3) Violent offences include: violence against the person, sexual offences and robbery.
(4) Other offences include: criminal damage and other indictable offences.

49. Cautions for all offences have increased from 287,900 in 1998 to 326,900 in 2008, a rise of 14 per cent. The majority of this increase is due to the increase in cautions for summary non-motor offences which increased from 96,200 in 1998 to 146,600 in 2008, a rise of 52 per cent.
Figure 3.3: Percentage change in offenders cautioned by offence group, 2007–2008

Summary offences (excluding motoring), -7
Other (excluding motoring) offences, -14
Drug offences, 9
Drug offences, 9

Criminal damage, -12
Fraud and forgery, -4
Criminal damage, -12

Total indictable, -12
Summary offences (excluding motoring), -7

Robbery, -38
Burglary, -23
Theft and handling stolen goods, -12

Sexual offences, -14
Violence against the person, -28

Percentage change 2007 to 2008

All offences, -10

Drug offences, 9

Criminal Statistics: England and Wales 2008
50. The changes in cautioning by offence type and group between 2007 and 2008 (Figure 3.3 and Table 3.1) were:

- The number of offenders cautioned for violence against the person offences decreased from 52,300 in 2007 to 37,600 in 2008, a fall of 28 per cent. Within this group the largest fall was for ‘other wounding’ (this includes the offence of ‘assaults occasioning actual bodily harm’), with 14,600 fewer people being cautioned, a decrease of 29 per cent compared with 2007.

- Cautions for sexual offences decreased from 2,000 in 2007 to 1,700 in 2008, a fall of 14 per cent. Within this group the largest fall was for offences of ‘sexual assault on a female’ with 200 fewer people being cautioned, a decrease of 20 per cent compared with 2007.

- Burglary cautions decreased from 7,000 in 2007 to 5,400 in 2008, a fall of 23 per cent. Within this group the largest fall was for ‘non-domestic burglary’ with 1,100 fewer people being cautioned, a decrease of 25 per cent compared with 2007.

- Robbery cautions decreased from 600 in 2007 to 400 in 2008, a fall of 38 per cent.

- Theft and handling stolen goods cautions decreased from 72,800 in 2007 to 63,800 in 2008, a fall of 12 per cent. Within this group the largest fall was for ‘theft from shops’ with 6,000 fewer people being cautioned, a decrease of 13 per cent.

- Fraud and forgery cautions decreased from 8,600 in 2007 to 8,200 in 2008, a fall of four per cent.

- Criminal damage cautions for indictable offences decreased from 8,800 in 2007 to 7,700 in 2008 a fall of 12 per cent. Within this group the largest fall was for ‘other criminal damage’ with 600 fewer people being cautioned, a fall of nine per cent.

- Cautions for drug offences increased from 43,100 in 2007 to 46,900 in 2008, a rise of nine per cent. In addition 105,700 warnings for cannabis possession were given in 2008 compared with 99,500 in 2007, a rise of six per cent (see Chapter 7 for the contribution of cannabis warnings to the count of offences brought to justice).

- Cautions for other indictable offences (excluding motoring) decreased from 10,000 in 2007 to 8,600 in 2008, a fall of 14 per cent. Within this group the largest fall was for ‘other offences against the State or public order with 1,000 fewer people being cautioned, a fall of 15 per cent.

- Numbers cautioned in 2008 for summary non-motoring offences decreased from 157,800 in 2007 to 146,700 in 2008, a fall of seven per cent. The majority of this decrease is due to the decrease in cautions for three offences; criminal damage (£5,000 or less), common assault and offences against public order. The number of cautions for criminal damage (£5,000 or less) decreased from 44,300 in 2007 to 37,300 in 2008, a fall of 16 per cent (this decrease
accounted for 62 per cent of the fall of summary non-motoring cautions). The number of cautions for common assault decreased from 68,400 in 2007 to 65,400, a decrease of 4 per cent. The number of cautions for offences against public order decreased from 20,600 in 2007 to 19,000 in 2008, a fall of eight per cent.

51. In comparison with 1998, the biggest change in the proportion of cautions issued by offence group in 2008 was for summary non-motoring offences, which have increased by 12 percentage points to 45 per cent. The biggest decrease was for property offences which decreased by 11 percentage points to 24 per cent.
Figure 3.5: Number of offenders cautioned for all offences\(^{(1)}\) by sex, 1998–2008

![Graph showing the number of offenders cautioned for all offences by sex from 1998 to 2008.](image)

\(^{(1)}\) Excluding motoring offences.

Table 3A: Proportion of persons cautioned by sex and type of offence, 2008

<table>
<thead>
<tr>
<th>England and Wales</th>
<th>Cautioned (thousands)</th>
<th>proportion by sex (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Males</td>
<td>Females</td>
</tr>
<tr>
<td><strong>Indictable offences</strong></td>
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<td></td>
</tr>
<tr>
<td>Violence against the person</td>
<td>37.6</td>
<td>76</td>
</tr>
<tr>
<td>Sexual offences</td>
<td>1.7</td>
<td>95</td>
</tr>
<tr>
<td>Burglary</td>
<td>5.4</td>
<td>89</td>
</tr>
<tr>
<td>Robbery</td>
<td>0.4</td>
<td>83</td>
</tr>
<tr>
<td>Theft and handling stolen goods</td>
<td>63.8</td>
<td>59</td>
</tr>
<tr>
<td>Fraud and forgery</td>
<td>8.2</td>
<td>68</td>
</tr>
<tr>
<td>Criminal damage</td>
<td>7.7</td>
<td>84</td>
</tr>
<tr>
<td>Drug offences</td>
<td>46.9</td>
<td>87</td>
</tr>
<tr>
<td>Other (excluding motoring offences)</td>
<td>8.6</td>
<td>80</td>
</tr>
<tr>
<td><strong>Total (excluding motoring offences)</strong></td>
<td>180.3</td>
<td>74</td>
</tr>
<tr>
<td><strong>Summary offences</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>(excluding motoring offences)</strong></td>
<td>146.6</td>
<td>77</td>
</tr>
<tr>
<td><strong>All offences</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>(excluding motoring offences)</strong></td>
<td>326.9</td>
<td>75</td>
</tr>
</tbody>
</table>
52. In 2008, 245,000 males were cautioned, which was 75 per cent of the total issued to all persons. The number of females cautioned was 81,900 which was 25 per cent of the total. The proportion of males cautioned of the total has remained fairly constant, with the lowest rate being 73 per cent in 2004, and the highest being 76 per cent in 1998. The highest proportion of cautions issued in 2008 by offence group was for ‘sexual offences’ for males (95 per cent), and ‘theft and handling stolen goods’ for females (41 per cent).

Figure 3.6: Number of juveniles given reprimands and warnings by offence type, 1998–2008

53. Since 1 June 2000, reprimands and warnings have been issued to persons aged under 18 instead of cautions (see paragraph 2 of Appendix 1). Taking reprimands and warnings together, the number given for all offences decreased to 97,900 in 2008, a fall of 23 per cent compared with 2007. Indictable offences fell by 23 per cent to 58,100, and summary non-motoring offences fell by 23 per cent to 39,900.

54. Since the introduction of reprimands and warnings, the highest number issued was in 2006 (129,100) and the lowest number 2002 (86,600).
55. The proportion of reprimands or warnings for indictable offences decreased each year since 2000 (67 per cent) to 2007 (59 per cent). In 2008 the proportion remained at 59 per cent.

56. In 2008, of the 97,900 reprimands and warnings issued, 69 per cent were reprimands and 31 per cent warnings. Older juveniles are more likely than younger juveniles to receive warnings rather than reprimands.

57. In 2008, 68,200 males were given a reprimand or warning, which was 70 per cent of the total issued to all persons. The number issued to females was 29,700 which was 30 per cent of the total.

**Cautioning rate**

58. The cautioning rate is defined as the number of offenders cautioned as a percentage of those found guilty or cautioned (excluding motoring offences). In 2008 the cautioning rate for all offences was 29 per cent, a fall of two percentage points compared with 2007.

**Figure 3.7: Persons cautioned as a proportion of the total number of persons found guilty or cautioned by offence group, 2007 and 2008**

![Graph showing cautioning rate by offence group for 2007 and 2008]
59. The changes in cautioning by indictable offence group between 2007 and 2008 (Table 3.5) were:

- **violence against the person** fell by eight percentage points to 48 per cent.
- **sexual offences** fell by three percentage points to 25 per cent.
- **burglary** fell by five percentage points to 18 per cent.
- **robbery** fell by three percentage points to four per cent.
- **theft and handling stolen goods** fell by four percentage points to 37 per cent.
- **fraud and forgery** fell by one percentage point to 29 per cent.
- **criminal damage** rose by four percentage points to 45 per cent.
- **drug offences** fell by two percentage points to 47 per cent.
- **other indictable offences** (excluding motoring) remained at 18 per cent.

60. The cautioning rate for all indictable offences fell by three percentage points, from 40 per cent in 2007 to 37 per cent in 2008. In 2008, the cautioning rate for males was 34 per cent and for females was 51 per cent.

61. The cautioning rate for summary non-motoring offences fell one percentage point to 23 per cent in 2008. The main reason for the difference in the cautioning rate for indictable (excluding motoring) offences and summary non-motoring offences is that a substantial proportion of summary non-motoring offences comprise Social Security, Revenue law and TV licence evasion offences for which the police do not generally bring proceedings. The option of a caution as an alternative to a prosecution is available to the respective prosecuting authorities in these cases, but such statistics are not collected centrally.
62. For males, the breakdown in the cautioning rate for indictable offences by age group was:
   - aged 10 to 11, fell by one percentage point to 86 per cent.
   - aged 12 to 14, fell five percentage points to 63 per cent.
   - aged 15 to 17, fell two percentage points to 44 per cent.
   - aged 18 to 20 remained at 37 per cent.
   - aged 21 and over, fell two percentage points to 28 per cent.

63. For females, the breakdown in the cautioning rate for indictable offences by age group was:
   - aged 10 to 11, rose by one percentage point to 97 per cent.
   - aged 12 to 14, fell three percentage points to 84 per cent.
   - aged 15 to 17, fell two percentage points to 68 per cent.
   - aged 18 to 20, fell three percentage points to 54 per cent.
   - aged 21 and over, fell three percentage points to 40 per cent.

64. The police forces with the highest cautioning rates for indictable offences in 2008 were Dyfed-Powys with 53 per cent and Hertfordshire and Warwickshire with 50 per cent. The lowest rates were Greater Manchester with 24 per cent and Hampshire with 26 per cent. However, these figures could be affected by the types of crime.
65. The police forces with the highest cautioning rates for summary non-motoring offences were Humberside with 37 per cent and Devon and Cornwall and Wiltshire with 36 per cent. The lowest rates were Nottinghamshire with 10 per cent and Bedfordshire and Merseyside with 11 per cent.

**Figure 3.9: Persons cautioned for indictable offences per 100,000 population by age group, 2008**

66. A person cautioned on two or more separate occasions during the year is counted each time, so the rates shown in Figure 3.9 over-estimate the proportion of the population who are offenders in 2008. On this over-estimated basis, the overall rate of cautioning for indictable offences was 375 per 100,000 of the population in 2008.

67. The highest rate of offenders cautioned for indictable offences was 2,282 per 100,000 of the population for males aged 16, and the highest rate for females was 1,339 for 15 year olds.
Chapter 4 Remands

Key points for 2008

- Of the 109,600 persons who were proceeded against at the Crown Court, the vast majority (95 per cent) were for indictable offences. Of all those proceeded against at the Crown Court, 38 per cent were remanded in custody.

- Of those committed for trial to the Crown Court that pleaded not guilty and were remanded in custody, 54 per cent were subsequently acquitted or not proceeded against. (Table 4.8)

- Of those remanded on bail by the Crown Courts 2,600 or four per cent failed to appear. The largest proportion of those failing to appear were for Burglary offences. (Table 4.10)
Introduction

68. This chapter covers the use of bail and custody by the police following arrest and charge together with remands on bail or in custody during magistrates’ and Crown Court proceedings. Information relating to failure to appear after the granting of bail has also been included. The procedures relating to police bail and court remand are described in paragraphs 3–5 of Appendix 1. The statistics contained in this chapter relate to the number of persons remanded in each year in each set of proceedings, rather than to the number of remand decisions (a person may be remanded several times during a set of proceedings). In addition, cases are recorded in the year in which the final court decisions have been made and this is not necessarily the same as the year in which the courts made the remand decisions. Further details of the basis for and coverage of the figures in this chapter are given in Appendix 2.

Quality of data

69. For the magistrates’ court proceedings, the number of remands is under-reported in the data provided to the Ministry of Justice, additionally for 2008 following the introduction of the Libra case managements system problems have arisen in the supply of information on magistrates’ remand decisions (see paragraph 10 of Appendix 2). Therefore all magistrates’ courts remand data published in this chapter are provisional estimates. For a number of police forces, the breakdown of magistrates’ court remands into bail and custody are inaccurate or incomplete. It is expected that from 2009 this issue will be resolved following the complete rollout of the Libra case management system at the end of 2008. Similarly, the data on failure to appear is also known to be incomplete and the breakdown into failure to appear to a summons or to bail is believed to be inaccurate. For proceedings in the Crown Court the information is more complete.

70. Figures in this chapter on remands in custody are not directly comparable with the number of persons received on remand into Prison Service establishments (now published annually in ‘Offender Management Caseload Statistics’). This is mainly because the criminal statistics figures relate to the year of the initial reception into prison on remand, which may be different.

Police bail (Table 4.1)

71. Of the 1.74 million persons who were directed to appear at magistrates’ courts in 2008, around 56 per cent were summoned. Over the period 1998 to 2008, the proportion of persons summoned has ranged from 54 per cent to 59 per cent. Thirty six per cent of persons directed to appear at magistrates’ court were arrested and bailed (633,000) and, eight per cent were arrested and held in custody (131,000) until their first court appearance. Twenty per cent of those persons arrested for indictable (triable-either-way) offences were held in custody until their first court
appearance. This compares with five per cent for summary non-motoring
offences and one per cent for summary motoring offences.

Remands by magistrates’ courts and Crown Courts (Tables 4.3, 4.4
and 4.11)

72. Provided that a defendant initially appeared in court in answer to a
summons and has not subsequently been remanded, magistrates may
adjourn the case without remanding the defendant at all appearances up
to summary conviction or committal for trial at the Crown Court. In 2008,
63 per cent of persons proceeded against at magistrates’ courts were in
this situation.

73. An estimated 37 per cent of all persons proceeded against at magistrates’
courts throughout England and Wales were remanded at some stage
during proceedings. Seventy thousand persons were remanded in
custody (around 13 per cent of those remanded) with more than three
quarters of these (53,000) being charged with indictable offences.

74. Of the 109,600 persons who were tried at the Crown Court, the vast
majority (95 per cent) were for indictable offences. Of all those proceeded
against at the Crown Court, 36 per cent were remanded in custody and
49 per cent were remanded on bail. The number of defendants remanded
in custody in 2008 was six per cent greater than in 2007.

75. Table 4.11 provides details of persons remanded in custody by either
type of court for the entire period of remand. Fewer than 11,000 persons
were remanded in custody for the entire period of remand and the largest
group (2,300) was those persons proceeded against for violence against
the person. It is estimated that the Crown Courts made over ten times
more custodial remands covering the entire period than magistrates’
courts. The magistrates’ courts did however remand in custody more
persons proceeded against for summary offences than the Crown Courts.

Committals for trial at the Crown Court (Table 4.7)

76. The effect of plea before venue (introduced on 1 October 1997) was to
reduce the number of persons committed for trial at the Crown Court.
The numbers of persons so committed fell from 87,700 in 1997 to 70,200
in 2000. However, the total has since risen; with the number committed
for trial in 2008 greater than 1997 standing at 89,500. The large increase
in 2001 was related to the introduction of Section 51 of the Crime and
Disorder Act 1998 under the provisions of which an adult, appearing
before a magistrates’ court charged with an offence triable only on
indictment, is sent directly to the Crown Court for trial. Although between
2001 and 2006 the pattern of custodial remands for trial remained fairly
stable, there has been nearly a nine per cent increase between 2006 and
2007 from 24,600 to 26,700. There has been another nine per cent
increase between 2007 and 2008 with the total committed for trial being
29,200. The proportion of committals in custody was highest for persons committed for Robbery (52 per cent) and Burglary (50 per cent).

Outcome of cases according to remand history (Tables 4.6 and 4.8)

77. The outcome of court proceedings is related to the remand history of those proceeded against, largely because remand status reflects the seriousness of the charges. Most of those not remanded were dealt with for summary offences, whereas those charged with indictable and triable wither way offences accounted for the majority of remands on bail or in custody. A substantial number of those remanded were committed to the Crown Court for trial or sentence. In Table 4.6, for example, it shows that whereas two per cent of those not remanded were committed to the Crown Court for trial, the corresponding proportion for those remanded in custody was 37 per cent. Similarly, whereas less one per cent those not remanded were committed to Crown Court for sentence, six per cent of those remanded in custody by magistrates were committed to Crown Court for sentence.

78. The figures in Table 4.6 refer to those cases completed at the magistrates’ court in 2008. There will sometimes be a delay of months, or occasionally years, before cases committed from the magistrates’ court are completed at the Crown Court: differences between Tables 4.6 and 4.8 reflect this delay.

79. Table 4.6 shows that in 2008, 18 per cent of those bailed by magistrates, and 12 per cent of those remanded in custody, were acquitted or not proceeded against. Overall, 78 per cent of persons proceeded against at magistrates’ courts were sentenced, with a further eight per cent being either committed for sentence or trial. The most common sentence at magistrates’ court for those bailed was a community sentence (26 per cent); three per cent were given immediate custody. It is estimated that just under a quarter (23 per cent) of those remanded in custody were given an immediate or suspended custodial sentence at the magistrates’ courts.

80. In Table 4.8 details of persons appearing at the Crown Court by type of remand for 2008 are given. A high proportion of those either remanded on bail before trial at the Crown Court (63 per cent) and those similarly remanded in custody (77 per cent), eventually pleaded guilty. Fifty-four per cent of those who pleaded not guilty and were remanded in custody to the Crown Court before trial, and 67 per cent of those pleading not guilty after having been remanded on bail, were acquitted or not proceeded against. Eighty-four per cent of those pleading guilty who were remanded in custody to the Crown Court before trial, and 32 per cent of those pleading guilty after having been remanded on bail, were sentenced to immediate custody. Thirty-two per cent of those committed to the Crown Court for sentence on bail, and 76 per cent of those
81. Just under 1.3 million persons were sentenced. A further 258,100 were acquitted and not proceeded against and sentenced. Of those acquitted or not proceeded against 7,600 had been remanded in custody for at least part of the total period of remand. Comparing type of remand with the final outcome from all courts, 70 per cent of those not remanded received a fine, 56 per cent of those bailed received either a fine or a community sentence, and 34 per cent of those remanded in custody received immediate custody.

Failure to appear at court (Tables 4.8 and 4.10)

82. The number of defendants estimated as failing to appear at magistrates’ courts fell by 14 per cent between 2007 and 2008. Also at magistrates’ courts, it is estimated that of those failing to appear 54,600 or 11 per cent did so whilst on bail. Four per cent of those bailed at the Crown Court were reported as having failed to appear at court in 2008, the same as 2007. At the Crown Court an estimated 3,100 persons were given bail but failed to appear in 2008, the same total as the previous year.

83. In 2008, of all defendants tried at the Crown Court for Burglary offences eight per cent (318) were reported as having ‘failed to appear to bail’. Of all those defendants bailed for offences of Violence against the person 579 ‘failed to appear to bail’, this represents just over three per cent of total bailed by the Crown Court for these offences.
Chapter 5 Court Proceedings

Key Points for 2008

- There were 1.64 million defendants proceeded against at magistrates' courts in 2008, five per cent less than in 2007. (Table 5.1)

- The number of people proceeded against for summary motoring offences decreased by 11 per cent, the number for indictable offences decreased by two per cent, and the number for summary non-motoring decreased by one per cent. (Table 5.1)

- The number of proceedings discontinued (including bindovers), as a proportion of all cases finalised was nine per cent, a fall of one percentage point compared with 2007. (Table 5.6)

- Inclusive of guilty pleas, convictions in cases involving the CPS amounted to 87 per cent of all outcomes, an increase of two percentage points compared with 2007. (Table 5.6)

- The average time from offence to completion for defendants in indictable cases at magistrates' courts decreased from 118 days in 2007, to 112 days in 2008. (Table 5.9)

- The average waiting time from committal by magistrates’ courts to the start of Crown Court hearing for those remanded in custody decreased from 12.8 weeks in 2007 to 12.4 weeks in 2008. The average waiting time for those remanded on bail decreased by one week to 17.2 weeks in 2007. (Table 5.2)

- The percentage of those pleading guilty at the Crown Court in 2008 increased by two and a half percentage points to 70 per cent. (Table 5.15)

- The proportion of persons who pleaded not guilty but were found guilty at the Crown Court for all violent offences in 2008 increased by one percentage point, compared to 2007, to 35 per cent. (Table 5.16)

- There was a increase of 12 per cent for the number of defendants committed for sentence to the Crown Court, as well as an increase of six per cent for those committed for trial at the Crown Court, compared with 2007. (Figure 5.2)

- The percentage of persons aged 18 or over committed for trial for indictable (triable-either-way) offences at the Crown Court (the committal rate) rose by two percentage points to 25 per cent. (Table 5.10)
The number of juveniles aged 10 to 17 proceeded against for indictable (triable-either-way) offences decreased 13 per cent in 2008 to 58,800. (Table 5.5)

There were 14,000 appeals heard by the Crown Courts in 2008 an increase of six per cent compared to 2007. (Table 5.3)

In 2008 the number of appeals received by the Court of Appeal against conviction stood at 5,400 an increase of seven per cent on 2007. (Table 5.4)

Introduction

This chapter is concerned with the number of defendants against whom proceedings for criminal offences were completed in magistrates’ courts or the Crown Court. About five per cent of all those proceeded against are dealt with at the Crown Court. Details of procedures relevant to this chapter are given in paragraphs 6 to 17 of Appendix 1. The coverage and basis used in compiling the statistics is given in paragraphs 3 to 19 of Appendix 2.

Data shortfalls

For the reasons outlined in paragraphs 6 to 9 of Appendix 2, there have been various shortfalls in the data in the years between 1999 and 2003. Estimates of these shortfalls are included in Table 5.1 and Figure 5.1. For practical reasons it is not possible to include these estimates in the main tables of this chapter and the numerous other tabulations of court proceedings data produced by the Ministry of Justice.

Changes in the division of workload between magistrates’ courts and the Crown Court

Over the last ten years there have been three changes which have had significant effects on the division of workload between magistrates’ courts and the Crown Court. These were plea before venue, the power for the youth court to sentence young offenders to detention and training orders for up to 24 months, and the power for magistrates’ courts to send persons for trial to the Crown Court forthwith without committal proceedings. The following paragraphs provide more details about each of these changes.
87. Prior to the introduction of plea before venue on 1 October 1997, magistrates had to decide on mode of trial in triable-either-way cases without the defendant being given the opportunity to plead. The new provisions enabled the defendant to indicate their plea in the magistrates' court before the mode of trial decision is taken. If the defendant indicates a guilty plea they will be convicted following summary trial and they may be committed for sentence to the Crown Court if magistrates consider that the offence warrants a more severe sentence than they have power to impose. Where a defendant indicates a not guilty plea the magistrate considers the appropriate mode of trial (as prior to 1 October 1997).
Table 5.1 – Defendants proceeded against at magistrates’ courts by type of offence, adjusted for shortfalls in data, 1998–2008

England and Wales Number (thousands) and percentages

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
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<tr>
<td>Estimated shortfall in data (thousands)</td>
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<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Indictable</td>
<td>-</td>
<td>0.5</td>
<td>0.8</td>
<td>2.2</td>
<td>0.9</td>
<td>0.8</td>
<td>-</td>
<td>-</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Summary non-motoring</td>
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<td>0.5</td>
<td>0.8</td>
<td>3.7</td>
<td>2.2</td>
<td>7.7</td>
<td>-</td>
<td>-</td>
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</tr>
<tr>
<td>Summary motoring</td>
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<td>8.4</td>
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<td>13.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>Number proceeded against with allowance for shortfall (thousands)</td>
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<td></td>
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<tr>
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<td>517.9</td>
<td>510.0</td>
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<td>406.2</td>
<td>404.9</td>
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<td>761.1</td>
<td>728.4</td>
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<td>1951.9</td>
<td>1,883.6</td>
<td>1,911.6</td>
<td>1,846.1</td>
<td>1,930.4</td>
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<td>2,022.6</td>
<td>1,895.0</td>
<td>1,779.3</td>
<td>1,732.5</td>
<td>1,640.0</td>
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<td>Change on a year earlier (percentages)</td>
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<td>-8</td>
<td>8</td>
<td>3</td>
<td>4</td>
<td>-4</td>
<td>-2</td>
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<td>-1</td>
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<tr>
<td>Summary motoring</td>
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<td>-2</td>
<td>-3</td>
<td>3</td>
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<td>-5</td>
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</table>
88. The broad effect of plea before venue was to redistribute triable-either-way caseload between magistrates' courts and the Crown Court and to influence caseload mix at both courts. Magistrates' courts subsequently dealt with more defendants pleading guilty for triable-either-way offences who would have been previously dealt with at the Crown Court, but commit more cases for sentence. In July 1998 the R. v Warley, Staines and N.E. Suffolk Courts ex parte DPP judgement was made. This judgement stated that magistrates should take into account any discount for early guilty pleas before deciding whether they have the power to sentence in a particular case. This effectively gives magistrates the power to sentence up to 9 months for triable either-way offences where the offender pleads guilty, thus reducing the likelihood of committal for sentence.

89. The Crime and Disorder Act 1998 introduced two further changes connected with persons committed for trial. The first, section 51, which became effective nationally on 15 January 2001, introduced the power for magistrates' courts to send persons for trial to the Crown Court forthwith without committal proceedings. This applies to those charged with indictable only offences but includes triable-either-way and summary offences charged at the same time together with any other adults or juveniles jointly charged with them. This caused a temporary surge in the number of persons committed for trial (around 22,000 of the 79,000 total defendants so committed in 2001 were under s51), and a greater number of persons to be discharged at the Crown Court prior to indictment, if sufficient evidence for trial is not found.

90. The second, section 73, introduced in April 2000, relates to the power granted to the youth court to impose custody for those aged between 12 and under 18 (detention and training orders) for set periods up to 24 months (so long as the term does not exceed the maximum term of imprisonment that the Crown Court could impose for an adult for the particular offence). This had the effect of reducing the number of young persons committed to the Crown Court for trial. Committals for sentence are no longer possible.

Defendants proceeded against at magistrates' courts

91. In 2008, 1.64 million defendants were proceeded against at magistrates' courts, a fall of 92,500 or five per cent on 2007. This decrease is made up of a less than two per cent fall in indictable offences, a one per cent fall in summary offences and an 11 per cent fall in summary motoring offences (Table .5.1)

92. Figure 5.1 illustrates recent trends in the number of prosecutions in England and Wales. The number of prosecutions for indictable offences has continued the decline of recent years. In 2008 there were 397,500 proceedings completed at magistrates' courts, for indictable offences. The number of prosecutions for summary offences has been declining since 2004, in 2008 total proceedings for all summary offences stood at 1.24 million.
93. The Crown Prosecution Service (CPS) figures in Table 5.6 show that the number of proceedings discontinued (including bindovers), as a proportion of all cases finalised, has fallen to nine per cent in 2008, a fall of one percentage point compared with 2007. Discontinued proceedings include cases where the witnesses fail to appear, refuse to give evidence or change their evidence; where evidence is excluded because of material irregularity in its collection; and where defendants wait until the hearing day to produce driving documents showing that no offence has been committed. They also include cases discontinued on public interest grounds. The CPS can proceed only where there is sufficient evidence to provide a realistic prospect of conviction.

94. Inclusive of guilty pleas, convictions in cases involving the CPS amounted to 87 per cent of all outcomes, an increase of two percentage points compared with 2007.

95. The CPS also records an administrative finalisation where it is not possible to proceed because the defendant cannot be found by the police, or has died, or the case has been adjourned sine die. The proportion of cases recorded in this way remains unchanged compared to 2007. Where the defendant is subsequently traced, proceedings are recommenced.

96. Figures compiled by the Ministry of Justice (MoJ) on the outcome of court proceedings at magistrates’ courts are shown in Table 5.8. They show that 98 per cent of defendants tried by magistrates in 2007 were found guilty, one percentage point greater than 2007. For indictable offences, 96 per cent were found guilty compared to 99 per cent for summary motoring and 98 per cent for other summary offences.
97. The CPS and MoJ figures shown in Tables 5.6, 5.7 and 5.8 are collected from two separate information systems administered by the CPS and the magistrates' courts/police, which have different counting rules. Although there are a number of differences at the detailed level in terms of definition and coverage the main difference between the CPS and MoJ figures in these tables is that non-police prosecutions are included in the MoJ figures but not in the CPS figures.

98. The Ministry of Justice (MoJ) produces information about estimated average times for defendants proceeded against in completed criminal cases at magistrates' courts (Table 5.9). The average time from offence to completion for defendants in indictable cases at magistrates' courts fell again in 2008 from 118 to 112 days. This decrease was due to a decrease from 47 to 37 days in the period from “first listing to completion”, which was somewhat offset by increases in “from offence to charge or laying of information” (62 days) and “from charge or laying of information to first listing” (12 days).

99. MoJ figures also show that the proportion of all defendants proceeded against at magistrates’ courts for indictable offences who initially pleaded guilty was 61 per cent in 2008 compared with 59 per cent in 2007. (Table 5.9)
Figure 5.2: Defendants committed at magistrates’ courts to the Crown Court for sentence or trial for all offences, 2004–2008

Committals

100. In 2008 there were 108,800 defendants committed at magistrates’ courts for either trial or sentencing at the Crown Court, 6,500 more than in 2007. The number of defendants committed for trial increased by 5,100 (or six per cent) to 89,500. The number of defendants committed for sentence increased by 1,500 (or eight per cent) to 19,300.

Youth and young adult defendants

101. The number of youths aged under 18 proceeded against for indictable (triable-either-way) offence in 2008 was 58,800, a decrease of 13 per cent compared to 2007. This compares with a figure of 84,000 in 2001, the highest over the last ten years. Recent falls may be due, at least in part, to increases in the use of cautioning and penalty notices for disorder for this age group (see Chapters 2 and 3 for details).

102. The number of young adults (those aged between 18 and 20) proceeded against for indictable offence has declined from a peak of 88,000 in 1999 to the current level, a fall of 38 per cent. (Table 5.5)
Mode of trial and business at the Crown Court

103. About 338,600 persons aged 18 or over were proceeded against for indictable (triable-either-way) offences in 2008, an increase of 1,000 compared to 2007. The proportion of persons aged 18 or over proceeded against for indictable (indictable either way) offences who were committed for trial rose to 25 per cent in 2008, compared to 23 per cent in 2007. For triable-either-way offences, the proportion committed for trial increased by three percentage point to 20 per cent. The number of persons age over 18 and proceeded against for indictable only offences increased by five per cent in 2008 to 27,100.

104. The average waiting time for trials at the Crown Court from committal by magistrates' courts to start of the main court hearing fell from 18.2 weeks in 2007 to 17.2 weeks in 2008 for those remanded on bail, and from 12.8 weeks to 12.4 weeks for those remanded in custody.

105. The number of defendants due to appear for trial at the Crown Court rose in 2008 to 88,500, compared with 83,200 in 2007 an increase of 6 per cent.

106. Tables 5.14, 5.15 and 5.16 present figures for persons who were tried at the Crown Court by offence group. They show the proportions of defendants found guilty, defendants pleading guilty and defendants pleading not guilty who were found guilty.

107. Eighty one per cent of defendants tried at the Crown Court in 2008 were convicted, compared with 79 per cent in 2007. For indictable offences (including triable-either-way) the conviction rates were highest for drug offences (92 per cent), indictable motoring and fraud and forgery offences (89 per cent). By way of contrast, 62 per cent of defendants tried for sexual offences were convicted, an increase of three percentage points compared to 2007.
Figure 5.3: Percentage of defendants aged 18 and over proceeded against at magistrates' courts who were committed for trial, by offence group, 2006–2008

Table 5.2 – Average waiting times in the Crown Court for cases committed for trial(1) by remand status, 2001 to 2008(2)(3)

<table>
<thead>
<tr>
<th>Year</th>
<th>Custody(3)</th>
<th>Bail(3)</th>
<th>All cases(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>10.1</td>
<td>16.7</td>
<td>14.6</td>
</tr>
<tr>
<td>2002</td>
<td>11.3</td>
<td>16.6</td>
<td>14.8</td>
</tr>
<tr>
<td>2003</td>
<td>11.9</td>
<td>16.6</td>
<td>14.9</td>
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<tr>
<td>2004</td>
<td>12.6</td>
<td>17.0</td>
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<tr>
<td>2005</td>
<td>13.1</td>
<td>17.1</td>
<td>15.7</td>
</tr>
<tr>
<td>2006</td>
<td>14.0</td>
<td>18.4</td>
<td>16.9</td>
</tr>
<tr>
<td>2007</td>
<td>12.8</td>
<td>18.2</td>
<td>16.3</td>
</tr>
<tr>
<td>2008</td>
<td>12.4</td>
<td>17.2</td>
<td>15.4</td>
</tr>
</tbody>
</table>

Source: Ministry of Justice.

(1) From committal by magistrates’ courts to start of Crown Court hearing.
(2) The use of different counting rules impacts on the tables issued in previous editions of Criminal Statistics and means that the data for earlier years are not directly compatible.
(3) Transposing error at source data for years 2001 to 2006 remedied accordingly.
(4) Includes bench warrant issues, indictment to lie on file, found unfit to plead, and other.
108. Seventy per cent of defendants tried at the Crown Court in 2008 pleaded guilty, an increase of three percentage points compared to 2007. For indictable (including triable wither way) offences, the proportion pleading guilty varied from 40 per cent for sexual offences, four percentage points greater than 2007, to 82 per cent for fraud and forgery offences and drug offences.

109. Of those pleading not guilty at the Crown Court in 2008, 35 per cent were convicted, one percentage point greater than 2007. The 65 per cent who were acquitted following a not guilty plea include those discharged by the judge where no evidence was offered (for example because witnesses refused to testify).

110. Conviction rates at the Crown Court following a not guilty plea varied widely by type of offence, with the highest rates being for summary offences (70 per cent), drug offences (53 per cent) and indictable motoring offences (52 per cent). By contrast, only 22 per cent of defendants pleading not-guilty for indictable offences of criminal damage were convicted.

111. Table 5.16 shows the number of persons who were tried at the Crown Court for violent offences. (This covers violence against the person, sexual offences and robbery). It also gives the proportion of persons pleading guilty to these offences and the proportion of those pleading not guilty who were convicted.

112. For all violent offences, 35 per cent of persons who pleaded not guilty were found guilty. This varied between the offence groups, from 32 per cent for “violence against the person” to 37 per cent for “sexual offences”.

**Appeals against conviction and sentence**

113. Statistics on appeals are compiled by the MoJ. Appeals against decisions made at magistrates’ courts in England and Wales are heard in the Crown Court. Appeals against Crown Court decisions are heard by the Court of Appeal.

114. Table 5.3 shows that the number of appeals against decisions at the magistrates’ courts in 2008 increased by six per cent compared to 2007. The Crown Court received 14,000 appeals, representing just over one per cent of all defendants convicted at the magistrates’ court, the same as 2007. Ten per cent of these resulted in a change in the sentence and in a further 32 per cent of cases the appeal was allowed, i.e. the conviction was quashed.
115. The number of appeals heard by the Court of Appeal is given in Table 5.4. In these figures appeals against conviction are shown separately from appeals against sentence. Appeals against both conviction and sentence are counted in both sets of figures. There were 1,600 appeals against conviction in 2008, representing just over two per cent of all offenders convicted at the Crown Court; 438 of these were heard by the full court and of these 43 per cent resulted in the conviction being quashed. There were a further 5,400 appeals against sentence (or six per cent of those sentenced) with 75 per cent of those heard in full court resulting in a change in the sentence.
Chapter 6  Offenders found guilty

Key points for 2008

- The conviction rate for all offences was 83 per cent, a rise of one percentage point compared with 2007. For summary non-motoring offences there was a rise of one percentage point to 83 per cent and for summary motoring offences there was a rise of one percentage point to 85 per cent. (Table 6.1)

- The number of offenders found guilty for all offences in comparison with 2007 decreased by four per cent to 1.36 million. (Figure 6.3 and Table 6.2)

- The number of offenders found guilty for indictable offences increased by one per cent to 316,900. (Figure 6.3 and Table 6.2)

- The number of offenders found guilty for summary non-motoring offences increased by one per cent to 494,200. (Figure 6.3 and Table 6.2)

- The number of offenders found guilty of summary motoring offences decreased by 10 per cent to 552,200. (Figure 6.3 and Table 6.2)

- The number of juveniles found guilty for all offences in comparison with 2007 decreased by nine per cent in 2008 to 88,400. (Figure 6.6)
Conviction rate

116. The conviction rate is defined as the proportion of defendants proceeded against who were found guilty. In 2008, the conviction rate for all offences was 83 per cent, a rise of one percentage point compared with 2007.

117. The conviction rate for indictable offences increased from 77 per cent in 2007 to 80 per cent in 2008, a rise of three percentage points. The changes in the conviction rate by indictable offence group between 2007 and 2008 (Table 6.3) are described below:

- violence against the person remained at 69 per cent;
- sexual offences rose by two percentage points to 61 per cent;
- burglary remained at 77 per cent;
- robbery rose two percentage points to 65 per cent;
- theft and handling stolen goods rose three percentage points to 90 per cent;
- fraud and forgery rose three percentage points to 85 per cent;
- criminal damage rose by four percentage points to 79 per cent;
- drug offences rose by two percentage points to 93 per cent;
- other indictable offences (excluding motoring) remained at 63 per cent;
- indictable motoring offences rose by three percentage points to 87 per cent.

118. The conviction rate for summary non-motoring offences increased from 82 per cent in 2007 to 83 per cent in 2008, a rise of one percentage point. For summary motoring offences, there was an increase from 84 per cent in 2007 to 85 per cent in 2008, a rise of one percentage point.
In comparison with 1998 the conviction rate for all offences in 2008 increased from 75 per cent to 83 per cent, a rise of eight percentage points. For indictable offences there was a rise of 13 percentage points, for summary non-motor offences a five percentage points rise and for summary motoring offence a seven percentage point rise.
Figure 6.2: Conviction rate by indictable offence group, 1998 and 2008

120. All of the indictable offence groups conviction rates in 2008 have increased in comparison with 1998. The largest increase was for violence against the person, which increased from 49 per cent in 1998 to 69 per cent in 2008, a rise of 20 percentage points. The next highest was criminal damage which increased from 62 per cent in 1998 to 79 per cent in 2008, a rise of 17 percentage points. The conviction rates for all of the indictable offences groups in 2008 are at their highest levels in the period from 1998 to 2008.

Offenders found guilty by the courts (Figure 6.3 and Table 6.2)

121. The number of offenders found guilty for all offences in 2008 was 1.36 million, a decrease of four per cent compared with 2007. For indictable offences, the figure was 316,900, a rise of one per cent compared with 2007. Summary non-motoring offences increased by one per cent to 494,200. The number of offenders found guilty of summary motoring offences fell by 10 per cent to 552,200.

122. Convictions for indictable offences accounted for 23 per cent of the total number of offenders found guilty in 2008. Summary non-motoring offences accounted for 36 per cent, and summary motoring offences 41 per cent.
Since 1998, the highest number of offenders found guilty was in 2004 (1.55 million), with the lowest in 2001 (1.35 million).

The highest proportion of offenders found guilty for indictable offences was in 1999 (24 per cent), with the lowest being in 2004 (21 per cent). The highest proportion of summary non-motor offences was in 2008 (36 per cent) and the lowest in 1999 (31 per cent). The highest proportion of summary motoring offences was in 2004 (46 per cent) and the lowest in 2008 (41 per cent).
Figure 6.4: Percentage change in offenders found guilty by offence group, 2007–2008

- All offences, -4
- Category A (excluding motoring), 1
- Category B, -10
- Indictable, -16
- Other (excluding motoring), -12
- Summary motoring, -10
- Summary offences (excluding motoring), 1
- Total Indictable, 1
- Theft and handling stolen goods, 5
- Violence against the person, -1
- Burglary, 0
- Fraud and forgery, -1
- Criminal damage, -23
- Drug offences, 19

Percentage change 2007 to 2008
125. Changes in the number of offenders found guilty by indictable offence group between 2007 and 2008 (Figure 6.4 and Table 6.2) were:

- The number of offenders found guilty for violence against the person offences decreased from 42,000 in 2007 to 41,500 in 2008, a fall of one per cent. Within this group the largest fall was for ‘other wounding’ (this includes the offence of ‘assaults occasioning actual bodily harm’) with 500 fewer offenders found guilty, a decrease of one per cent compared with 2007.

- convictions for sexual offences increased by one per cent to 5,100.

- burglary convictions increased from 23,800 in 2007 to 23,900 in 2008, a rise of less than half of one per cent.

- robbery convictions decreased from 8,800 in 2007 to 8,500 in 2008, a fall of four per cent.

- theft and handling stolen goods convictions increased from 106,000 in 2007 to 110,900 in 2008, a rise of five per cent. Within this group the largest rise was for ‘theft from shops’ with 5,800 more offenders found guilty, an increase of nine per cent.

- fraud and forgery convictions decreased from 19,900 in 2007 to 19,800 in 2008, a fall of one per cent. Within this group the largest fall was for ‘handling stolen goods’ with 300 fewer offenders found guilty, a decrease of four per cent.

- criminal damage convictions decreased from 12,500 in 2007 to 9,600 in 2008, a fall of 23 per cent. Within this group the largest fall was for ‘other criminal damage’ with 2,800 fewer offenders found guilty, a decrease of 28 per cent.

- convictions for drug offences increased from 44,600 in 2007 to 52,900 in 2008, a rise of 19 per cent.

- convictions for other indictable offences (excluding motoring) decreased from 45,300 in 2007 to 40,100 in 2008, a fall of 12 per cent. Within this group the largest fall was for ‘failing to surrender to bail’ with 4,800 fewer offenders found guilty, a decrease of 21 per cent.

- convictions for indictable motoring offences decreased from 5,400 in 2007 to 4,500 in 2008, a fall of 16 per cent. Within this group the largest fall was for ‘dangerous driving’ with 600 fewer offenders found guilty, a decrease of 14 per cent.

126. The number of offenders found guilty for summary non-motoring offences in 2008 rose by one per cent compared with 2007. The majority of this increase was due to the increase in the number of offenders found guilty for ‘public service vehicle offences’ which increased by 6,900, a rise of 27 per cent.

127. The number of offenders found guilty for summary motoring offences in 2008 decreased by 10 per cent compared with 2007. The majority of this
decrease was due to the decreases in the following three offences; miscellaneous motoring offences, vehicle insurance offences and speed limit offences. The number of offenders found guilty for miscellaneous motoring offences decreased by 38 per cent to 44,700. Convictions for vehicle insurance offences decreased by 15 per cent to 146,800, and speed limit offences decreased by 14 per cent to 122,500.

Figure 6.5: Number of offenders found guilty for all offences by sex, 1998–2008

128. The number of males found guilty for all offences in 2008 fell to 1.05 million, a fall of six per cent compared to 2007. The number of females found guilty in 2008 fell to 288,500, although this was less than half of one per cent.

129. Since 1998 the highest number of males found guilty for all offences was in 2004 (1.26 million) and the lowest was in 2008 (1.05 million). For females, the highest number of convictions was in 2007 (289,500) and the lowest was in 1999 (220,000).
130. The number of persons aged 10 to 17 (juveniles) found guilty in 2008 was 88,400, a decrease of nine per cent compared with 2007.

131. Since 1998, the highest number of juveniles found guilty was in 2007 (97,400), with the lowest in 1998 (86,500).

132. The highest proportion of juvenile offenders found guilty for indictable offences was in 1998 (57 per cent), with the lowest being in 2004 (49 per cent). The highest proportion of summary non-motor vehicle offences was in 2008 (39 per cent) and the lowest in 1998 (29 per cent). The highest proportion of summary motor vehicle offences was in 2003 (19 per cent) and the lowest in 2008 (nine per cent).
Figure 6.7: Persons found guilty for indictable offences per 100,000 population by age group, 2008

133. A person found guilty on two or more separate occasions during the year is counted each time, so the rates shown in Figure 6.7 over-estimate the proportion of the population who are offenders in 2008. On this over-estimated basis, the overall rate of convictions for indictable offences was 656 per 100,000 of the population in 2008.

134. The highest rate of offenders convicted for indictable offences for both males and females was 17 year olds, with males at 3,675 per 100,000 of the population, and females at 485 per 100,000 population.
Chapter 7 Offences Brought to Justice

Key points for 2008/09

- In 2008/09 the number of Offences Brought to Justice (OBTJs) in comparison with 2007/08 decreased by four per cent to 1.38 million. (Figure 7.1 and Table 7.1)

- Of the total number of OBTJs, 732,900 were convictions in the courts (53 per cent of the total), an increase of one per cent compared with 2007/08.

- During the same period offences brought to justice by way of a police caution were 336,200 (24 per cent), 108,500 by Penalty Notices for Disorder (eight per cent), 104,100 by a Formal warning for cannabis possession (eight per cent), and 101,700 were Taken into consideration (seven per cent). (Table 7.1)

- Violence against the person was the offence group with the highest proportion of OBTJs (29 per cent), followed by Theft and handling stolen goods (26 per cent) and Drug offences (17 per cent). (Table 7.2)

- There is variation in the recent trends in OBTJ at a local level. Between 2007/08 and 2008/09 the number of offences brought to justice decreased in 31 out of the 42 (74 per cent) criminal justice areas, increased in nine areas (21 per cent), and remained the same in two areas (five per cent). (Table 7.3)
Introduction

135. The count of Offences Brought to Justice (OBTJ) was introduced by the Home Office in 2000 to measure the performance of the Criminal Justice System in England and Wales. This chapter describes the basis of this measure and presents the latest figures both at a national and a local level.

136. An offence is considered to have been brought to justice when an offender has been cautioned, convicted or had the offence taken into consideration. In addition penalty notices for three notifiable disorder offences\(^1\) (1) and cannabis warnings are included following their introduction nationally during 2004.

137. To provide a measure comparable in coverage to the figures for crimes recorded by the police, the count of offences brought to justice is on a different basis to the figures presented elsewhere in this volume. The differences are as follows:

- only notifiable (recorded) offences are counted. Notifiable offences include most\(^12\) indictable and triable-either-way offences plus some closely related summary offences.\(^13\)
- convictions at magistrates’ courts resulting from summonses by organisations other than the police are excluded. In 2008/09 an estimated 28,000 convictions for notifiable offences resulted from non-police prosecutions.
- the measure includes all the notifiable offences for which an individual has been cautioned or convicted, whereas the other figures in this volume cover only principal offences. OBTJ figures can therefore be considered to be on an ‘offences’ basis compared with the count of ‘offenders’ presented in previous chapters. On average, for every offender convicted there were roughly 1.7 offences brought to justice.
- figures are presented on a financial year rather than a calendar year basis.

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\(^1\) Penalty notices for disorder were piloted in four areas during 2002 and 2003 and were introduced nationally from April 2004. The three notifiable offences for which these notices can be given are:
- Harassment, alarm or distress – Public Order Act 1988 s5;
- Destroying or damaging property (value of damage under £500) – Criminal Damage Act 1971 s1 (1);
- Retail theft (under £200 in value) – Theft Act 1968 s1.

\(^12\) Excludes Bail Act offences.

\(^13\) Appendix 2 of ‘Crime in England and Wales 2008/09: Volume 2, Home Office, provides a list of notifiable offences.
138. However there is a difference in the method of counting offences between the recorded crime figures and the OBTJ measure. A single recorded crime can result in more than one conviction or caution and can therefore lead to more than one offence being counted as brought to justice. For example if a crime is recorded and as result three offenders are convicted each for two offences against the same victim, this counts as a single recorded crime but as six offences brought to justice. In addition, for most offences there will be a delay between the offence being recorded and it being brought to justice; this may result in it being included in the recorded crime figures for one period and the OBTJ figures for a later period. These factors should be borne in mind when the two series are being compared.

139. The figures presented for 2008/09 are provisional and subject to change.

Offences brought to justice in England and Wales (Figure 7.1 and Table 7.1)

Figure 7.1: Number of offences brought to justice by outcome, 1999/2000 to 2008/09

140. The number of offences brought to justice over a 12 month period in England and Wales decreased from 1999/2000 to 2000/01, when it fell below one million. The number then increased, reaching an estimated 1.45 million in 2007/08, 33 per cent higher than the 1999/2000 level. In 2008/09 the number of OBTJ decreased to 1.38 million (Figure 7.1).
141. The number of crimes recorded by the police in England and Wales increased from 5.16 million in 2000/01 to a peak of 5.94 million in 2003/04. Since then it has declined and was 4.70 million in 2008/09, a decrease of five per cent on 2007/08. However, the introduction of the National Crime Recording Standard (NCRS) in April 2002 resulted in significant increases in the number of crimes recorded.

Components of the OBTJ measure (Table 6.1)

142. Convictions at court constituted the largest proportion of OBTJ, accounting for 53 per cent of the total; there were 732,900 convictions in 2008/09 for notifiable offences compared with 724,300 in 2007/08, an increase of one per cent. During the same period offences brought to justice by way of a police caution were 336,200 (24 per cent), 108,500 by Penalty Notice for Disorder (eight per cent), 104,100 by a Formal warning for cannabis possession (eight per cent), and 101,700 were Taken into consideration (seven per cent).

143. Both penalty notices for disorder and cannabis warnings were introduced nationally during 2004 and the use of these new approaches increased rapidly. Penalty notices and cannabis warnings accounted for a total of 212,600 OBTJs in 2008/09, 15 per cent of the total, compared to 239,000 in 2005/06 (first full financial year), 17 per cent of the total.

Offences brought to justice by offence type (Table 7.2)

144. In 2008/09 there were 404,100 offences involving violence against the person brought to justice. This represents 29 per cent of all OBTJs. Theft and handling stolen goods accounted for 26 per cent of all OBTJs, Drug offences accounted for 17 per cent, Criminal damage accounted for 10 per cent, Burglary, Fraud and Forgery and Other notifiable offences were all five per cent, Sexual offence and Robbery were both one per cent.

145. Of the 240,100 drug offence OBTJs, 43 per cent of these were by a formal warning for cannabis possession.

Offences brought to justice in Criminal Justice Areas (Table 7.3)

146. The rising trend in offences brought to justice at the national level over the last three years conceals considerable variation in this measure in individual Criminal Justice Areas. Most areas have experienced both rises and falls in the number of offences brought to justice in their area since 2000/01. Between 2007/08 and 2008/09 31 areas (74 per cent) saw a decrease in OBTJs, nine areas increased (21 per cent) and two (5 per cent) remained the same.

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14 Excluding the British Transport Police.
Chapter 8  Motoring offences dealt with by the courts

Key points for 2008

- The number of motoring offences dealt with by the courts in 2008 was 1.2 million, down 17 per cent compared to 2007. (Table 8.1, paragraph 8.2)

- Proceedings for offences within the ‘licence, insurance and record keeping’ category comprised 602,200, over half all motoring offences dealt with by the court. (Table 8.1, paragraph 8.2)

- The largest increase in motoring offences dealt with by the courts occurred for offences of ‘careless driving’ (which includes the new offence of ‘breach of requirements as to control of vehicle’), up from 34,000 in 2007 to 51,100 in 2008. (Table 8.1, paragraph 8.3)

- Offences of ‘use of hand held mobile phone while driving’ dealt with by the courts were up from 14,000 in 2007 to 30,400 in 2008. (Table 8.1, paragraph 8.4)

- 78 per cent of all court proceedings for motoring offences resulted in findings of guilt in 2008, up four percentage points on 2007. (Table 8.3, paragraph 8.11)

- 88 per cent of sentences imposed at magistrates’ courts for motoring offences were fines, the same as recorded in 2007. (Table 8.5, paragraph 8.14)

- The proportion of disqualifications for more than one year for offences of ‘driving etc. after consuming alcohol or taking drugs’ has steadily increased from 64 per cent in 1999 to 72 per cent in 2007. (Table 8.9, paragraph 8.19)
Introduction

147. This chapter covers the number of motoring offences dealt with by the courts. This method of counting differs from the principal offence basis used in the preceding Chapters 5 and 6 (see paragraph 15, Appendix 2).

Court Proceedings (Tables 5.8 and 8.2)

148. The number of proceedings at magistrates’ courts for offences relating to motor vehicles fell by 17 per cent between 2007 and 2008 to 1.2 million. Proceedings were most often taken for offences within the licence, insurance and record keeping offences category (including offences of driving while disqualified and using motor vehicle uninsured against third party risks), amounting to 602,200 or 51 per cent of offences in 2008 compared to 724,200 in 2007. The introduction of the police power to seize vehicles driven without licence or insurance and retention of vehicles seized (sections 165A and 165B Road Traffic Act 1988 as inserted by section 152 Serious Organised Crime and Police Act 2005), which came into force on 1 July 2005 will have impacted on the number of cases that go through the courts within this offence category.

149. Between 2007 and 2008, the number of offences dealt with by the courts increased in only two of the 19 offence groups. The largest increase in court proceedings occurred for offences of careless driving which were up from 34,000 in 2007 to 51,100 in 2008. This was mainly due to the introduction of the new offence breach of requirements as to control of vehicle for which 24,600 proceedings were recorded. The offence came into force in February 2007 but was not identified separately until 2008. (Table 8.1)

150. Offences proceeded against for the use of hand held mobile phone whilst driving more than doubled from 14,000 in 2007 to 30,400 in 2008. The offence was introduced from 1 December 2003.

151. In comparing longer term trends between 1998 and 2008 obstruction, waiting and parking offences have shown a reduction from 24,700 in 1998 to 7,000 in 2008. This reflects the increase in the use of fixed penalty notices and the introduction of the penalty charge notice scheme by local authorities.

152. The number of court proceedings for unauthorised taking or theft of a motor vehicle gradually fell from 50,200 in 1998 to 20,800 in 2008, despite a slight upturn in 2001 and 2002. The introduction of the National Crime Recording Standard (NCRS) which counts crime against individual victims rather than offences committed by perpetrators against one or more victims may have had an impact but this is not quantifiable.

153. Court proceedings for the load offences group, were at their highest in 1998 at 19,600 but have shown a long term reduction to 6,600 in 2007 and 2008.
154. There was a 22 per cent decrease in court proceedings for offences peculiar to motor cycles from 2,600 in 2007 to 2,000 in 2008.

155. Speed limit offences and neglect of traffic signs and directions and of pedestrian rights are two of the offence categories for which cameras are used. There was a decrease of 17 per cent in the number of prosecutions for speed limit offences from 177,900 in 2007 to 147,800 in 2008. Similarly there was a decrease in the number of prosecutions from 42,700 in 2007 to 32,400 in 2008 for offences of neglect of traffic signs and directions and of pedestrian rights (which includes traffic light offences detected by cameras). The majority of these offences will have been dealt with by fixed penalty notices issued by the police.

156. Table 8.2 shows how many defendants were proceeded against in magistrates’ courts where the principal offence was a summary motoring offence. These figures differ from those in Table 8.1 because a defendant can be proceeded against for more than one offence on each occasion and also because, for some, the principal offence is not a motoring offence. The table is, however, on the same basis as Table 5.7 within Chapter 5, which allows comparisons to be made with defendants proceeded against for non-motoring offences. Research suggests that groups of offences dealt with together in court generally arise from a single traffic incident (rather than from other events).

Findings of guilt (Table 8.3 and 8.4)

157. Seventy eight per cent of all court proceedings for motoring offences resulted in findings of guilt in 2008, up four percentage points on 2007. In total there were 914,100 findings of guilt in 2008, compared to 1.06 million in 2007.

158. Table 8.4 shows that in 2008 85 per cent of those found guilty of motoring offences were male. The highest percentage of males were recorded for offences peculiar to motor cycles (98 per cent), load offences (97 per cent), dangerous driving and unauthorised taking or theft of a motor vehicle (both at 95 per cent). The highest percentages of females were recorded for obstruction, waiting and parking offences (28 per cent) and speed limit offences and miscellaneous motoring offences (both 20 per cent).

159. Disproportionate numbers of offenders were aged under 21 for offences peculiar to motor cycles (73 per cent), which include driving or riding on a motor cycle without wearing protective headgear and unlawful pillion riding, and offences of unauthorised taking or theft of a motor vehicle (56 per cent).

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Sentencing (Tables 8.5–8.7)

160. In 2008, around 88 per cent of sentences or orders imposed at magistrates’ courts were fines, the same as in 2007 (Table 8.5). By contrast, immediate custodial sentences were the most frequent sentence or order imposed at the Crown Court reflecting the relative seriousness of the motoring offences dealt with. In 2008, fifty seven per cent of sentences at the Crown Court resulted in immediate custody, compared to 61 per cent in 2007, a decrease of four percentage points. Nevertheless magistrates’ courts gave more sentences of immediate custody for motoring offences (13,000) than the Crown Court (5,500). A substantial proportion of proceedings (15 per cent) result in the offence being ‘not separately dealt with’, because a sentence or order has been imposed for another offence.

161. The average fine imposed at magistrates’ courts during 2008 was £178, an increase of £28 on 2007 (Table 8.6). However when inflation is taken into account, at 1998 prices, there was an increase in real terms from £118 in 2007 to £135 for the year 2008. The average fines, in 2008, varied from £137 for speed limit offences to £476 for dangerous driving.

162. Table 8.7 shows that 45 per cent of immediate custody given for motoring offences at all courts were for offences of driving while disqualified. The offence most likely to be dealt with by a custodial sentence was causing death or bodily harm – 89 per cent, the same as in 2007. In addition 41 per cent of convictions for dangerous driving attracted sentences of immediate custody, the same as in 2007. Custodial sentences given on conviction for driving while disqualified continued to fall from 53 per cent in 2001 to 34 per cent in 2007 and 2008.

Disqualifications and Endorsements (Table 8.8 and 8.9)

163. During 2008, there were 125,000 disqualifications for specific motoring offences in England and Wales, down 25,100 on 2007 (Table 8.8). A further 22,300 persons were disqualified under the penalty points or ‘totting up’ system. An increase of 600 compared with 2007. In 2008 74,700 persons were disqualified for driving etc, after consuming alcohol or taking drugs, a decrease of 9,300 on the 2007 total of 84,000. The number of disqualifications for this offence steadily declined until 1999, since then it had been relatively stable up until 2007.

164. The number of endorsements given for specific motoring offences by the courts peaked at 711,000 in 2004 before falling to 529,600 in 2008 (a decrease of nine per cent on the 2007 figure of 580,100).

165. Fifty per cent of disqualifications in 2008 were for more than one year, including 72 per cent of disqualifications for driving etc, after consuming alcohol or taking drugs (Table 8.9). The proportion disqualified for more than one year for this offence has steadily increased from 63 per cent in 1998.
Police Force Areas (Table 8.10 and 8.11)

166. A comparison between 2007 and 2008 showed that 41 forces recorded decreases in the number of court proceedings for motoring offences (Table 8.10). The largest percentage decreases were in the City of London (down 77 per cent) from 15,500 in 2007 to 3,600 in 2008 and Gwent (down 42 per cent) from 16,900 in 2007 to 9,800 in 2008.

167. Two forces showed an increase in the number of court proceedings. These were the Metropolitan Police (up three per cent) from 154,600 in 2007 to 159,500 in 2008 and Northamptonshire (up three per cent) from 13,500 in 2007 to 13,900 in 2008.

168. Table 8.11 identifies findings of guilt for motoring offences from 1998 to 2008 by police force area. A comparison between 2007 and 2008 showed that 41 forces recorded decreases. The largest percentage decreases were in City of London (down 73 per cent) from 9,100 in 2007 to 2,500 in 2008 and Humberside (down 37 per cent) from 14,100 in 2007 to 8,900 in 2008.

169. Two forces showed an increase in findings of guilt. The largest percentage increase was recorded for North Yorkshire (up nine per cent) from 11,400 in 2007 to 12,400 in 2008. The Metropolitan Police recorded an increase from 128,300 in 2007 to 136,000 in 2008 (up six per cent).
Appendix 1 – Procedures within the Criminal Justice System and legislation affecting the statistics

Introduction
1. The text of this appendix is based on extracts from the October 2000 publication, "A Guide to the Criminal Justice System in England and Wales" by Becca Chapman and Stephen Niven. The procedures and sentences described relate mainly to the period from the implementation of the Criminal Justice Act 1991 on 1 October 1992 to the end of 2007. No account is taken of changes introduced in 2008 by means of legislation, circulars etc.

Detection and charging
2. Following the detection of an alleged offender for a crime, the options open to the police are:

No further action – The police may decide to take no action because they consider there is insufficient evidence to prosecute or that an informal warning may be sufficient. This will include cases where the suspects are children under ten years and are below the age of criminal responsibility.

Cautioning – A caution can be given when there is sufficient evidence for a conviction and it is not considered to be in the public interest to institute criminal proceedings. Additionally, the offender must admit guilt and consent to a caution in order for one to be given. A formal caution may be given by, or on the instructions of, a senior police officer. Cautions have traditionally been most used for first time offenders.

Reprimands and warnings – These were piloted under the Crime and Disorder Act 1998 in selected areas between September 1998 and May 2000 and implemented nationally from 1 June 2000. They replace the system of cautioning for young offenders aged under 18. Reprimands can be given to first-time offenders for minor offences. Any further offending results in either a final warning or a charge. The final warning triggers immediate referral to a local youth offending team which will assess the young person and, unless they consider it inappropriate, prepare a rehabilitation programme (or ‘change’ programme, as it is now known) designed to tackle the reasons for the young person’s offending behaviour and to prevent any future offending. This assessment will usually involve


18 S.50 Children and Young Persons Act, 1933 as amended by s.16 Children and Young Persons Act, 1963.
Contacting the victim to assess whether victim/offender mediation or some form of reparation to the victim or community is appropriate.

**Penalty notices for disorder (PND)** – These were piloted in four police force areas commencing August 2002 and introduced nationally from April 2004 under the Criminal Justice and Police Act 2001. They were introduced as part of the government’s strategy to tackle low-level, anti-social and nuisance offending. The police may issue a PND for one of twenty five offences including three notifiable offences. See Appendix 2 for more details.

**Fixed penalties** – The police may issue a fixed penalty notice for a wide range of motoring offences. Unpaid notices are registered as a fine by magistrates’ courts without any court appearance being necessary. The court will then pursue payment of the amount.

**Charging** – The Criminal Justice Act 2003, required that the decision to charge a person in all but the most minor or routine offences is now undertaken by the Crown Prosecution Service (CPS). The police remain responsible for responding to allegations that a person has committed a crime, deciding whether an investigation is required and conducting it. The police may then decide to take no further action (above) or refer the case to the Crown Prosecution Service for early advice or a charging decision under the Charging Scheme. Under the charging arrangements, the Director of Public Prosecutions’ Guidance requires that charging decisions are made by Crown Prosecutors in accordance with the Code for Crown Prosecutors following a review of the evidence cases save for those where an offender is to be detained in custody before appearing in court and where the appropriate evidence in the case is not readily available for examination and review. In such cases the threshold test as outlined by the Director of Public Prosecutions in an addendum to the Code for Crown Prosecutors, will be applied. These arrangements allow for strong cases to be built from the start and cases where there is not enough evidence to bring a prosecution are weeded out as quickly as possible.

Once an accused person is charged, the law requires that they are brought before a magistrates’ court as soon as possible. There are three main methods of ensuring the defendant attends court. The first is that they have been held in custody by the police to appear as soon as practicable. Secondly, they may have been released on bail to attend court. Finally, a person may be summoned to appear in court. Generally, an arrest warrant may only be issued where (a) the offence is triable only on indictment (see below), or is punishable with imprisonment or (b) the address of the accused is not sufficiently established for a summons to be served.

No branch of the government or the judiciary can direct a police officer or the CPS to bring criminal proceedings (or not to do so) in a particular
case\textsuperscript{19} – this includes Ministers of the Crown. The CPS will continue to review cases after a Charging Decision has been made and throughout the court process in accordance with the Code for Crown Prosecutors. If as part of this on-going review, the CPS considers there is no longer sufficient evidence for a realistic prospect of conviction or that prosecution is no longer in the public interest, it may discontinue the proceedings at any time before the start of the trial or committal.\textsuperscript{20}

In most situations, any person or group of people may bring a private prosecution and commence criminal proceedings. These often occur when the CPS has decided not to prosecute. If the prosecution fails, those bringing the case may be ordered to pay costs by the court, and even if the case succeeds, the costs of bringing the prosecution are not met by public funds. In certain circumstances, the CPS can take over a private prosecution either to continue or discontinue the proceedings.

As well as the CPS, other bodies also bring prosecutions. The main organisations that do this are:

\begin{itemize}
\item HM Revenue and Customs;
\item The TV Licensing Records Office;
\item The Serious Fraud Office;
\item The Department for Business, Enterprise and Regulatory Reform (formerly the DTI);
\item The Driver and Vehicle Licensing Agency (DVLA);
\item The Department of Work and Pensions;
\item The Health and Safety Executive;
\item Local Authorities;
\item The National Society for the Prevention of Cruelty to Children;
\item The Royal Society for the Prevention of Cruelty to Animals;
\end{itemize}

Remands

3. When adjourning a hearing, or committing a defendant to the Crown Court for trial or sentence, a magistrates’ court may remand the defendant either in custody or on bail. There is a statutory right to bail, but this may be denied in specific circumstances: namely where the court has substantial grounds for believing that if a defendant were remanded on bail, he or she would fail to surrender to custody, commit an offence while on bail, interfere with witnesses, or otherwise obstruct the course of justice.\textsuperscript{21} The prosecution

\textsuperscript{20} S.23 Prosecution of Offences Act 1985.
\textsuperscript{21} Bail Act 1976.
may, in certain circumstances, appeal to a Crown Court Judge against the
decision by a magistrates’ court to grant bail.\textsuperscript{22} The appeal must be made
within 48 hours. Bail may also be denied for the protection of the defendant.
Where the defendant appears before the court accused or convicted of an
offence allegedly committed on bail, the court need not grant bail. If a person
who is summoned or released on bail fails to appear without good reason,
they are said to have absconded and the court may issue a warrant for
arrest. In addition to the general grounds for refusing bail, special conditions
apply for young people under the age of 17 remanded in custody
(paragraph 5).

4. Those charged with, or convicted of, homicide or rape where the defendant
has a previous conviction for any of those offences should only be granted
bail if there are exceptional circumstances which justify it.\textsuperscript{23} A magistrates’
court has the power to remand a defendant in custody for up to eight days in
the first instance but thereafter may remand him/her for up to 28 days,
provided that the defendant is present in court and has previously been
remanded in custody for the same offence.\textsuperscript{24}

5. Young people under 17 who are charged and not released on bail will usually
be remanded to local authority accommodation. Conditions such as a curfew
can be imposed on the child and the authority. Also since June 1999, courts
have had the power under the Crime and Disorder Act 1998 to order a
secure remand direct to local authority accommodation. This is available for
females aged 12 to 16 and males aged 12 to 14 where the child is charged
with or convicted of a violent or sexual offence, or an offence where an adult
could be sentenced to 14 years or more imprisonment. It is also available for
the same age groups if there is a recent history of absconding while
remanded to local authority accommodation and if the young person is
charged or convicted of an imprisonable offence committed while remanded.
Additionally, the court must be of the opinion that only a remand to secure
accommodation would be adequate to protect the public. In the case of boys
aged 15 and 16, secure remands (ordered under the same conditions as
above) will generally be to prison service accommodation. In exceptional
cases where the boy is deemed vulnerable, the remand may be made to
secure local authority accommodation.\textsuperscript{25}

\textsuperscript{22} Bail (Amendment) Act 1993.
\textsuperscript{24} S.128A Magistrates’ Courts Act 1980.
\textsuperscript{25} Secure remands are allowed for under section 23 of the Children and Young
Categories of offences

6. Criminal offences are split into three categories as follows:

i) Triable only on indictment
   These offences are the most serious breaches of the criminal law and must be tried at the Crown Court. These ‘indictable-only’ offences include murder, manslaughter, rape and robbery.

ii) Triable either way
   These offences may be tried either at the Crown Court or at a magistrates’ court. These offences include criminal damage where the value is £5,000 or greater, theft and burglary.

iii) Summary
   These offences are triable only by a magistrates’ court. This group is dominated by motoring offences for some of which fixed penalties can be issued, but also includes such offences as common assault and criminal damage up to £5,000.

Proceedings at Magistrates' Courts

7. From 15 January 2001, committal proceedings for indictable-only offences were abolished and new provisions contained in Section 51, 52 and Schedule 3 of the Crime and Disorder Act 1998 were introduced to speed up the justice process. Defendants charged with an indictable-only offence and appearing before a magistrates’ court for the first time on or after the date are sent immediately to the Crown Court. Magistrates will consider bail and other minor issues, but they do not consider whether there is a case to answer. Indictable-only charges that could, prior to 15 January 2001, be transferred under either the 1987 or 1991 Acts are sent to the Crown Court under the section 51 procedure (Schedule 8, Paragraphs 65 and 93 Crime and Disorder Act 1998).

8. In serious or complex fraud cases, and those involving child witnesses, there is provision for the prosecutor to lodge a notice with the magistrates’ court, stating that the case should be immediately transferred to the Crown Court. These cases then automatically transfer, and a judge is assigned to the case and hears any application to dismiss the charges.

9. For a triable-either-way offence, magistrates have to decide whether to try the case themselves (summary trial) or to commit the case for trial to the Crown Court (trial on indictment).

10. Even if the magistrates decide not to commit the case to Crown Court, the defendant may elect to be tried by jury.
11. Since October 1997, magistrates have been able to hear the defendant’s plea before making a decision on where the case should be tried. This procedure is known as ‘Plea Before Venue’. If the defendant indicates a guilty plea, the magistrates are required to convict the offender, and either pass sentence or commit the defendant to the Crown Court for sentence if the magistrates feel that the appropriate sentence is beyond their powers (magistrates can sentence up to six months in prison and fine up to £5,000). If the defendant indicates a not guilty plea, the magistrates must decide whether they consider the case is too serious to be dealt with summarily. Hence, under this new procedure, some defendants who would have been committed for trial to the Crown Court under the old system will be dealt with entirely by proceedings in magistrates’ courts or be committed for sentence to the Crown Court thereby reducing the numbers committed for trial.

12. When the charge is for several offences, some of which are triable either way and others summarily, and the triable-either-way offences are transferred for trial, certain specific summary offences may also be included on the indictment, including driving while disqualified, common assault and taking a motor vehicle without authority. However, the Crown Court may only pass sentences that are within magistrates’ powers for these offences.

Proceedings before magistrates

13. On summary trial the court will read the charge to the accused and ask whether they plead guilty or not guilty. If the accused pleads not guilty, the court will hear evidence and may convict the accused or dismiss the case. Over 90 per cent of defendants on summary trial plead guilty. In this case, the court will usually hear an outline of the case from the prosecution and then proceed to the sentencing stage. However, where the defendant pleads guilty and then says something which indicates a defence to the charge or says, for example, that the plea is entered ‘to get the case over with’, the guilty plea must be rejected. If the prosecutor appears but the accused fails to appear as requested then the court, on proof of service of summons, may proceed in their absence or adjourn the hearing or, in certain cases, issue a warrant for arrest. If the accused appears but the prosecutor does not, the court may dismiss the case or adjourn the trial. Where the offender is convicted, the court may proceed to sentence immediately or may adjourn if further information is required before sentencing. Defendants may be invited to plead guilty for certain summary (mostly motoring) offences by post and therefore avoid a court appearance.

Trial at the Crown Court

14. The usual route to the Crown Court is by committal from magistrates’ courts. Two alternative routes exist:

- The first is by application to the High Court for leave to prefer a “voluntary bill of indictment” where no proceedings for committal have taken place, or where a magistrates’ court has dismissed a charge.

- The second is by “notice of transfer” where a person can be sent direct to the Crown Court when certain conditions apply.

15. Crown Court trial for defendants pleading not guilty is before a judge and jury. A jury consists of 12 persons randomly selected from a list of all those persons aged 18 to 70 who registered as electors and are neither ineligible nor disqualified. These jurors take an oath:

“I swear by Almighty God that I will faithfully try the defendant and give a true verdict according to the evidence.”

The duty of the jury is to listen to the evidence and to give their verdict as to whether the accused is guilty or not guilty. The accused and the prosecution have the right to challenge any juror if it is believed someone involved in the case knows them or if they appear unable to understand the proceedings. The verdict of the jury in criminal proceedings need not be unanimous but must be at least ten to two. If the verdict is guilty, the judge of the court pronounces sentence. The court may order a convicted offender to pay the whole or any part of the costs incurred by the prosecution. On acquittal, the court may order the payment of defence costs from the central funds.

Proceedings involving young persons

16. Young people aged between 10 and 17 inclusive are mainly dealt with in the youth courts by specially trained magistrates. The youth court was introduced from 1 October 1992 and replaced the juvenile court, established in 1908, which dealt with offenders only up to and including those aged 16. In youth courts, no person is allowed to be present unless authorised by the court, except for the members and officers of the court, parties to the case (normally including parents/guardians), their legal representatives, witnesses and bona fide representatives of the media. Proceedings may be reported in the press but the young person may not generally be identified.

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17. A child or young person is generally tried in the youth court unless any of the below apply:

- he or she is charged with homicide (e.g. murder or manslaughter), when they must be sent to the Crown Court for trial;
- he or she is aged 10 and under 18 and is charged with a ‘grave crime’ (an offence for which an adult could be imprisoned for at least 14 years), indecent assault or dangerous driving. These cases may be sent to the Crown Court if magistrates decide that if convicted, the appropriate sentence would be more than they have the power to give;
- he or she is charged jointly with another person aged 18 or over, when both should be dealt with in the Crown Court.
Appendix 2 – Coverage and recording practice affecting the statistics

Police cautioning
1. The statistics include formal police cautions by, or on the instructions of, a senior police officer. They exclude informal warnings and other informal action, written warnings or cautions issued for motoring offences, and warnings or cautions given by non-police bodies, e.g. a department store in the case of shoplifting. Where a person has been cautioned for one or more indictable offences and, at the same time, for one or more summary non-motoring offences, the indictable offence with the highest maximum penalty has been given.

2. The scheme of reprimands and warnings under the Crime and Disorder Act 1998 was piloted for 18 months from 30 September 1998 in a few selected areas (see paragraph 2 of Appendix 1). The scheme replaced police cautions for juveniles from June 2000.

3. The new scheme of conditional cautions was introduced under the Criminal Justice Act 2003 for Adults aged over 18. The scheme was piloted in 6 police force areas starting December 2004. Conditional cautions are included within the overall cautions data in this volume.

Court proceedings
4. The complexities of the criminal justice system and the constraints on resources in collating and processing data, necessarily limit the amount of information collected routinely and so only the final outcome of proceedings at magistrates' courts and the Crown Court (where applicable) is recorded. The statistics of court proceedings are based on data supplied by police forces or magistrates' courts. Although these include offences where there has been no police involvement, such as those prosecutions instigated by government departments and private organisations and individuals, the reporting of these types of offences is known to be incomplete. Moreover, it is thought that for some police force areas, the reporting of court proceedings, in particular those relating to motoring offences and to TV Licence evasion, may also be less than complete; the extent of under-reporting may vary from year to year and this could be responsible in part for the annual variations in the published statistics.

5. All magistrates' courts data for 2008 were received on magnetic tape, disk or via secure email. From November 2008 all Magistrates’ Court data were provided by the Libra case management system. As for Crown Court data, from 1 July 1995 all data on trials and sentences were received directly from the Court Service's CREST computer system and this continues to be the source of Crown Court data. For trials completed after this date,
information can be analysed by the final plea recorded at the completion of the trial.

6. Lancashire police in 1999, Norfolk police in 2000 and Humberside, Merseyside, Northumbria, Staffordshire and Surrey police in 2001 were not able to supply all the returns for summary proceedings within the required timescale. In addition there were two further problems which affected magistrates’ courts data in 2000. Staffordshire police were only able to supply a nine per cent sample of data covering one full week in each quarter of 2000. This data has been used to estimate the total number of defendants for which magistrates’ court proceedings were completed in that area. Hence all Staffordshire figures for 2000 are estimates and the England and Wales figures for 2000 have been constructed using those estimates. Also, for the first time, problems were encountered with the electronic submission of data directly from the courts. Shortfalls in summary motoring offences were discovered for Northamptonshire from June 2000 onwards. In 2001, a single month’s shortfall or part thereof was found for indictable and summary motoring offences at Humberside, Merseyside, Staffordshire and Surrey police. In 2002, part shortfalls were noted for Merseyside over all offences groups for a five-month period, together with summary motoring and/or summary non-motoring for Gwent, Norfolk and Northamptonshire. The estimates in the table below reflect those shortfalls. In 2003 there were shortfalls for South Yorkshire and Thames Valley for summary non-motoring offences. For summary motoring offences the main shortfalls were for Suffolk and Northamptonshire. Estimates for these and for other minor shortfalls are reflected in the table. No significant shortfalls were identified in 2004, 2005, 2006 or 2007.

7. The following estimates have been constructed on the short-falls in the number proceeded against in magistrates’ courts for each year since 1999, arising from the circumstances described in the previous paragraph:

<table>
<thead>
<tr>
<th>Type of offence</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indictable</td>
<td>0.5</td>
<td>0.8</td>
<td>2.2</td>
<td>0.9</td>
<td>0.8</td>
</tr>
<tr>
<td>Summary non-motoring</td>
<td>0.5</td>
<td>0.8</td>
<td>3.6</td>
<td>2.2</td>
<td>7.7</td>
</tr>
<tr>
<td>Summary motoring</td>
<td>0.8</td>
<td>5.3</td>
<td>2.5</td>
<td>2.5</td>
<td>4.9</td>
</tr>
<tr>
<td>All offences</td>
<td>1.8</td>
<td>6.9</td>
<td>8.3</td>
<td>5.6</td>
<td>13.4</td>
</tr>
</tbody>
</table>

8. During 2008, data from Cardiff Magistrates’ court for April, July and August were corrupted during the transmission to the Ministry of Justice. Despite
all efforts by the court staff and IT departments it has proved impossible to retrieve the information and has subsequently been excluded from this report.

9. Although some information on the use of remands during proceedings is collected, the amount of detail recorded is limited and does not identify separately every individual offence, except where the data has been supplied directly from a court computer system. Moreover, it is known that in some police force areas, information on remand decisions is not always readily available to those coding court proceedings returns. In certain cases, the return may be mistakenly coded as if no remand had taken place. For magistrates’ court proceedings, the number of remands and more importantly, the number which are in custody, are believed to be under-recorded in total. The extent of under-recording is not known, as only limited checks are available with independently collected data. However, it is clear that the breakdown of remands into bail and custody cases is not accurate for a number of forces, and estimates have to be made to provide national figures.

10. Following the introduction of the Libra case management system recording of remand decisions are more complete. All though the coverage of remands decisions have improved there are still coding issues surrounding the actual type of court remand, as the same code could be applied to more than one type of decision e.g. “remanded in custody” or “not remanded”. Police remands were unaffected. For this edition of Criminal statistics provisional estimates for magistrates’ courts remand have been produced using additional data sources and assumptions detailed below:

- Initially, magistrates’ courts data were matched where possible with prisons remand receptions data. Where a matched case existed, it was accepted that the remand decision was “custody”.
- Where a match did not exist the following assumptions were made:
  - For data provided from the Libra case management system, the remand decisions by the police and magistrates’ were considered. If the police remand decision was “bail” and the code at magistrates’ court was also “bail”, the final remand decision shown will be “bail”. Otherwise the remand decision will be “not remanded”.
  - For non Libra data, the previous years methodologies were employed. Where, the court remand decision at the first hearing or a subsequent hearing was “bail” and there was no “custody” decision at any hearing then the final remand decision is “bail”. If at any court hearing the remand decision is “custody” then the final remand decision recorded is “custody”. Otherwise the remand decision will be “not remanded”.

11. For the reason above the remand data published this year are marked as provisional.

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See Annex 1 paragraph 3 for information on the remand process.
12. Data on Crown Court remand decisions are taken directly from the Crown Court computer system. The accuracy of data about Crown Court remand decisions has improved as a result of data being returned directly from the Crown Court computer system, see paragraph 4, with more detailed analyses being possible from 1996.

13. The tables on court proceedings relate to proceedings completed in the year. Within Chapters 5 and 6 a defendant will appear more than once in the tables if proceedings were completed against that defendant on more than one occasion during the year. In the statistics, the term ‘other defendants’ is used to denote companies and other businesses, local authorities, public bodies, etc. Additionally, following the introduction of the Libra case management system, defendants at magistrates’ courts can be recorded as sex “Not Stated”. Detailed comparisons by gender of defendants are no longer possible.

14. The main breakdown in these tables is by offence, into indictable and summary (see paragraph 6 of Appendix 1). The former term includes both indictable only and triable-either-way offences. In Chapters 5 and 6, a defendant is recorded only once for each set of court proceedings, against the principal offence involved (see paragraph 13).

15. Where proceedings involve more than one offence, the tables record the principal offence. The basis for the selection of the principal offence is as follows:

- where a defendant is found guilty of one offence and acquitted of another, the offence selected is the one for which he is found guilty;
- where a defendant is found guilty of two or more offences, the offence selected is the one for which the heaviest sentence is imposed;
- where the same disposal is imposed for two or more offences, the offence selected is the one for which the statutory maximum penalty is the most severe.

16. Changes in the maximum penalties and in whether offences with different maximum penalties are separately coded, may affect the selection of the principal offence at stage (c) above. Such changes are likely to be most apparent for proceedings in which no sentence is imposed, including committals by magistrates.

17. The offence shown in the tables on court proceedings as the one for which the court took its final decision, is not necessarily the same as the offence for which the defendant was initially prosecuted, for example the court may accept a plea of guilty on a lesser charge. Unless otherwise stated, the sentence shown is the most severe sentence or order given for the principal offence (i.e. the principal sentence); thus, secondary sentences given for the principal offence and sentences for non-principal offences are not counted in the tables, with the exception of those on compensation, confiscation and forfeiture where one of the first three disposals may be counted.
18. The basis of Chapters 2 to 4 is not concerned with offences recorded by the police for the following reasons:

- the police statistics cover only those offences which come under ‘recorded crime’ and not other types of offence;
- the offence can be "cleared up" without any offender being dealt with, for example the person may be under the age of criminal responsibility or the police may decide to take no further action, or if proceeded against, without a conviction resulting;
- an offender may be dealt with by the police or the courts in a later year than that in which the offence was recorded as "cleared up" by the police.

19. In order to reduce the number of returns supplied by police forces, the detailed offence descriptions within 'Drug offences' were revised with effect from 1 January 1993, so that both the class and type of drug can be identified.

20. A defendant appearing at the Crown Court on the same occasion both for trial and for sentence after summary conviction is counted twice in the tables.

**Court proceedings for Motoring offences**

21. A person appearing in court can be dealt with for more than one offence at the appearance. The tables within Chapter 8, covering motoring statistics court proceedings show the numbers of offences or alleged offences dealt with and not the number of persons appearing in court. This method of counting differs from the principal offence basis (as described in paragraph 11 above) and within Chapters 5 and 6 of this volume.

22. The following cases are not included in the table on disqualifications and endorsements:

- disqualifications ordered under Section 28(1) of the Road Traffic Offenders Act 1988 in respect of offences under Section 25 of the Theft Act 1968 (going equipped for stealing, etc) with reference to the theft or taking of a motor vehicle;
- disqualifications ordered under Section 44 of the Powers of Criminal Courts Act 1973 which empowers the Crown Court to order an offender who used a vehicle in the commission of an offence to be disqualified from driving;
- licences suspended pending their production to court (under the terms of Section 27(3) of the Road Traffic Offenders Act 1988); and
- disqualifications ordered under Section 146(1) of the Powers of Criminal Courts (Sentencing) Act 2000 – the court by or before which a person is convicted of any offence committed after 31 December 1988.
1997 may, instead of or in addition to dealing with him in any other way, order him to be disqualified, for such a period as it thinks fit from holding or obtaining a driving licence.

**Time intervals at magistrates’ courts**

23. The Time Intervals Survey collects information on the time taken between stages of proceedings for defendants in completed criminal cases in magistrates’ courts. The survey is conducted quarterly in March, June, September and December. Information on indictable and triable-either-way cases were collected in one sample week of each quarter with information on summary offences additionally collected in the first and third quarters.

**Penalty notices for disorder (PND)**

24. The statistics cover all penalty notices for specified offences issued by police forces. They include data on all payments made within the 21 day payment period, but exclude those paid following “fine registration” within the courts and any subsequent payment.

25. Offences which attract a PND are as follows:

Those attracting an £80 penalty:

- Wasting police time or giving a false report;
- Using a public telecommunications system for sending false messages;
- Knowingly giving a false alarm to a fire brigade;
- Causing harassment, alarm or distress**;
- Throwing fireworks in a thoroughfare;
- Drunk & disorderly;
- Selling alcohol to person under 18;
- Selling alcohol to a person who is drunk;
- Supplying alcohol to a person under 18;
- Purchasing alcohol for person under 18 in licensed premises;
- Purchasing alcohol for person under 18 for consumption in a bar in licensed premises;
- Delivering alcohol to person under 18 or allowing such delivery;
- Destroying/damaging property (under £500)**;
- Theft (retail under £200)**;
- Breach of fireworks curfew;
- Possessing Category 4 firework;
- Possessing adult firework by person under 18.
Those attracting a £50 penalty;
- Trespassing on a railway;
- Throwing stones etc. at trains or other things on railways;
- Being drunk in a highway, other public place or licensed premises;
- Consuming alcohol in designated public place;
- Depositing and leaving litter;
- Consuming alcohol by person under 18 in licensed premises;
- Allowing consumption of alcohol by person under 18 in licensed premises;
- Purchase of alcohol by a person under 18.

** = Notifiable offence included within OBTJ figures

**Some useful terms relating to PNDs are:**

**Issued**
Penalty Notice Issued by a Police Officer, Police Community Support Officer or Accredited Person for an offence for which Penalty Notices are issued.

**Paid in full within 21 days**
Paid within the time limit set for PND notices to be paid.

**Paid in full after 21 days**
Paid after the time limit set out for the payment of PNDs of 21 days, but before fine registration (at 35 days).

**Fine registered**
If the PND remains unpaid after 35 days, a fine is registered at the court for one-and-a-half times the amount of the penalty notice issued.

**Court hearing requested**
Where someone issued with a penalty notice elects to have the case against him or her heard at court rather than accept the penalty notice.

**Paid unconfirmed**
This refers to uncleared cheques.

**Ethnic Monitoring**
26. Section 95 of the Criminal Justice Act 1991 requires the Secretary of State to publish such information as he considers expedient in order to enable those involved in the criminal justice system to become aware of the financial implications of their decisions, or to avoid improper discrimination on grounds of race, sex or any other improper grounds. The Home Office
published a series of documents from 1992 onwards on the issue of race within the criminal justice system. The publication brings together both points relating to the Government’s policy on race as well as statistical information.


Concluding comments on data quality

28. Every effort is made 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 by the courts and police forces from a variety of administrative data systems and the detail supplied to Justice Statistics Analytical Services (JSAS) within the Ministry of Justice is therefore subject to the inaccuracies inherent in any large-scale recording system. Although some figures in this volume are shown to the last digit, the figures are not necessarily accurate to the last digit shown. It is important that users of the data take these limitations into account when using and interpreting the data presented in this volume and in the accompanying Supplementary Tables. Where the statistics shown are rounded, the components may not add exactly to the rounded total because they have been rounded independently.

Comparison of ‘Criminal Statistics’ and ‘Judicial and Court Statistics’

29. The Ministry of Justice publications “Criminal Statistics 2008” (CS) and “Judicial and Court Statistics 2008” (JCS) both contain data on the number of proceedings heard in the Crown Court. However, while both sets of figures are produced from the same core source (the CREST system used to administer Crown Court cases), they are not directly comparable as there are known differences between them. These are due to a number of factors, including differences in the data collation mechanics and the counting and validation rules used, and they reflect the different underlying drivers of the analyses being performed. By way of broad illustration, CS counts numbers of defendants and is focused on the final outcomes of criminal court proceedings, while JCS counts numbers of cases, or completed offences and is focused on flows through the court system. The number of proceedings at magistrates’ court report in JCS exceeds those in CS, for the following reason:

- The criminal workload data, from magistrates’ court, in JCS are the number of offences that were completed in the year. Every completed offence is counted unless there was more than one offence completing on the same day, in which case the most serious offence only is counted.
30. Since the creation of the Ministry of Justice on 9 May 2007, work has commenced to investigate both collation and counting rule differences between the two publications, with a view to aligning the two sets of figures in the future.
Appendix 3 – Statistics on the Criminal Justice System

Directory of related Internet sites
The following list of web sites contains information in the form of publications and/or statistics relating to the criminal justice system that may be of interest.

Gives details of Ministry of Justice Statistical and Research publications, most of which can be viewed on-line. For historic publications, see the links to ‘earlier volumes in the series’ (on Home Office site) on individual publication pages.
Information on prison and offender management caseload statistics can be found at www.justice.gov.uk/publications/prisonandprobation.htm

Gives detailed information on all aspects of the CJS through news releases/updates, publications and projects being worked on. Also has a ‘Link Library’ with hyperlinks to many other listed agencies.

Gives information about news releases and updates, publications and links to UK government and parliamentary sites, international organisations and prison services around the world.

National Probation Service, www.probation.homeoffice.gov.uk
Provides information about the service, its work and effectiveness, guidance to practitioners together with news releases/updates/publications and UK criminal justice links.

HM Courts Service, www.hmcourts-service.gov.uk
Provides information on the delivery of justice and work of HM Courts Service.

Gives information on the department and provides particulars in relation to legal guidance/victims and witnesses, in addition to details of publications.

Press releases, contacts, data on youth offending teams, latest legislation, statistics and other background information.
Provides information on the role of the department including new releases; updates; reports; reviews and links to other law officer’s departments and organisations.

Gives information on all aspects of the Welsh Assembly together with details of publications and statistics.

The Scottish Government, www.scotland.gov.uk
Gives information on all aspects of the Scottish Executive together with details of publications and statistics.

Criminal Justice System Northern Ireland, www.cjsni.gov.uk
Provides access to the main statutory agencies and organisations that make up the CJS together with details of publications.

This is the UK’s home of official statistics, reflecting Britain’s economy, population and society at national and local level. There are links to the Office for National Statistics and the UK Statistics Authority.

This newsletter called, The Sentence, keeps you informed about the work of the Sentencing Guidelines Council and the Sentencing Advisory Panel and reports all the latest news on sentencing issues generally.
Appendix 4 – Criminal Statistics, England and Wales 2008, Supplementary Tables

Detailed annual figures for 2008 are published separately in volumes of supplementary tables on the Ministry of Justice web site at: http://www.justice.gov.uk/publications/criminalannual.htm

Their contents are listed below.

Volume 1  Proceedings in magistrates' courts

Defendants proceeded against at magistrates’ courts by offence, sex, result, and by age group

| Table S1.1 (A) | Defendants proceeded against by offence, sex and result |
| Table S1.1 (B) | Persons aged 10 and under 12 proceeded against by offence, sex and result |
| Table S1.1 (C) | Persons aged 12 and under 15 proceeded against by offence, sex and result |
| Table S1.1 (D) | Persons aged 15 and under 18 proceeded against by offence, sex and result |
| Table S1.1 (E) | Persons aged 10 and under 18 proceeded against by offence, sex and result |
| Table S1.1 (F) | Persons aged 18 and under 21 proceeded against by offence, sex and result |
| Table S1.1 (G) | Persons aged 21 and over proceeded against by offence, sex and result |

Defendants ‘otherwise dealt with’ at magistrates’ courts by offence group, sex, result, and by age group

| Table S1.1 (a)(i) | Defendants 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (b)(i) | Persons aged 10 and under 12 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (c)(i) | Persons aged 12 and under 15 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (d)(i) | Persons aged 15 and under 18 'otherwise dealt with' by offence group, sex and sentence |
| Table S1.1 (e)(i) | Persons aged 10 and under 18 'otherwise dealt with' by offence group, sex and sentence |
Table S1.1 (f)(i)  Persons aged 18 and under 21 'otherwise dealt with' by offence group, sex and sentence  
Table S1.1 (g)(i)  Persons aged 21 and over 'otherwise dealt with' by offence group, sex and sentence  

**Defendants proceeded against at magistrates’ courts for other summary offences, by offence, sex, court decision, and by age group**  
Table S1.1 (a)(ii)  Defendants proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision  
Table S1.1 (b)(ii)  Persons aged 10 and under 12 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision  
Table S1.1 (c)(ii)  Persons aged 12 and under 15 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision  
Table S1.1 (d)(ii)  Persons aged 15 and under 18 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision  
Table S1.1 (e)(ii)  Persons aged 10 and under 18 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision  
Table S1.1 (f)(ii)  Persons aged 18 and under 21 proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision  
Table S1.1 (g)(ii)  Persons aged 21 and over proceeded against for other summary offences (excluding motoring offences) by offence, sex and court decision  

**Persons sentenced to immediate custody at magistrates’ courts by sex, length of sentence and average sentence length**  
Table S1.3  Persons sentenced to unsuspended imprisonment by offence, sex, length of sentence and average sentence length  
Table S1.4  Persons sentenced to young offender institution by offence, sex, length of sentence and average sentence length  
Table S1.5  Persons sentenced to detention and training order by offence, sex, length of sentence and average sentence length  
Table S1.5a  Persons sentenced to immediate custody by offence, sex, length of sentence and average sentence length
Persons fined or ordered to pay compensation at magistrates’ courts by sex, amount and type of offence

Table S1.2  Persons fined for all offence by amount of fine, sex and type of offence
Table S1.6 (A)  Offenders ordered to pay compensation by amount of compensation and type of offence
Table S1.6 (B)  Percentage of offenders in each age group ordered to pay compensation by amount of compensation and type of offence
Volume 2  Proceedings in the Crown Court

Defendants tried and/or sentenced at the Crown Court by offence, sex, result, and by age group

<table>
<thead>
<tr>
<th>Table S2.1 (A)</th>
<th>Defendants tried and/or sentenced by offence, sex and result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table S2.1 (B)</td>
<td>Persons aged 10 and under 12 tried and/or sentenced by offence, sex and result</td>
</tr>
<tr>
<td>Table S2.1 (C)</td>
<td>Persons aged 12 and under 15 tried and/or sentenced by offence, sex and result</td>
</tr>
<tr>
<td>Table S2.1 (D)</td>
<td>Persons aged 15 and under 18 tried and/or sentenced by offence, sex and result</td>
</tr>
<tr>
<td>Table S2.1 (E)</td>
<td>Persons aged 10 and under 18 tried and/or sentenced by offence, sex and result</td>
</tr>
<tr>
<td>Table S2.1 (F)</td>
<td>Persons aged 18 and under 21 tried and/or sentenced by offence, sex and result</td>
</tr>
<tr>
<td>Table S2.1 (G)</td>
<td>Persons aged 21 and over tried and/or sentenced by offence, sex and result</td>
</tr>
</tbody>
</table>

Defendants 'otherwise dealt with' at the Crown Court by offence group, sex, sentence, and by age group

| Table S2.1 (A)(i) | Persons 'otherwise dealt with' by offence group, sex and sentence |
| Table S2.1 (C)(i) | Persons aged 12 and under 15 'otherwise dealt with' by offence group, sex and sentence |
| Table S2.1 (D)(i) | Persons aged 15 and under 18 'otherwise dealt with' by offence group, sex and sentence |
| Table S2.1 (E)(i) | Persons aged 10 and under 18 'otherwise dealt with' by offence group, sex and sentence |
| Table S2.1 (F)(i) | Persons aged 18 and under 21 'otherwise dealt with' by offence group, sex and sentence |
| Table S2.1 (G)(i) | Persons aged 21 and over 'otherwise dealt with' by offence group, sex and sentence |

Defendants tried and/or sentenced by Crown Court centre and result

| Table S2.2 | Defendants tried and/or sentenced by Crown Court centre and result |
Persons sentenced to immediate custody at the Crown Court by offence, sex, length of sentence and average length of sentence

Table S2.4  Persons sentenced to unsuspended imprisonment by offence, sex, length of sentence and average length of sentence

Table S2.5  Persons sentenced to young offender institution by offence, sex, length of sentence and average length of sentence

Table S2.6  Persons sentenced to detention and training order by offence, sex, length of sentence and average length of sentence

Table S2.7  Persons sentenced under section 91/92 of the Powers of the Criminal Court (Sentencing) Act 2000 by offence, sex, length of sentence and average length of sentence

Table S2.7a  Persons sentenced to immediate custody by offence, sex, length of sentence and average length of sentence

Persons fined or ordered to pay compensation at the Crown Court by sex, amount and offence group

Table S2.3  Persons fined for all offences by amount of fine, sex and offence group

Table S2.8A  Offenders ordered to pay compensation by amount of compensation and offence group

Table S2.8B  Percentage of offenders in each offence group ordered to pay compensation by amount of compensation
### Volume 3  Court proceedings and cautions by police force area

#### Persons found guilty of all offences at magistrates' courts by police force area, sex and type of offence

<table>
<thead>
<tr>
<th>Table S3.1 (A)</th>
<th>Total persons</th>
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<tbody>
<tr>
<td>Table S3.1 (B)</td>
<td>Persons aged 10 and under 12</td>
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<tr>
<td>Table S3.1 (C)</td>
<td>Persons aged 12 and under 15</td>
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<tr>
<td>Table S3.1 (D)</td>
<td>Persons aged 15 and under 18</td>
</tr>
<tr>
<td>Table S3.1 (E)</td>
<td>Persons aged 18 and under 21</td>
</tr>
<tr>
<td>Table S3.1 (F)</td>
<td>Persons aged 21 and over</td>
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<tr>
<td>Table S3.1 (G)</td>
<td>Other offenders</td>
</tr>
</tbody>
</table>

#### Persons proceeded against at magistrates' courts for indictable offence by police force area, sex and result

<table>
<thead>
<tr>
<th>Table S3.2 (A)</th>
<th>Total persons</th>
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<tbody>
<tr>
<td>Table S3.2 (B)</td>
<td>Persons aged 10 and under 12</td>
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<tr>
<td>Table S3.2 (C)</td>
<td>Persons aged 12 and under 15</td>
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<td>Table S3.2 (D)</td>
<td>Persons aged 15 and under 18</td>
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<td>Table S3.2 (E)</td>
<td>Persons aged 18 and under 21</td>
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<tr>
<td>Table S3.2 (F)</td>
<td>Persons aged 21 and over</td>
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</table>

#### Persons found guilty of all offences at the Crown Court by police force area, sex and type of offence

<table>
<thead>
<tr>
<th>Table S3.3 (A)</th>
<th>Total persons</th>
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<tbody>
<tr>
<td>Table S3.3 (B)</td>
<td>Persons aged 10 and under 12</td>
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<tr>
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<td>Persons aged 18 and under 21</td>
</tr>
<tr>
<td>Table S3.3 (F)</td>
<td>Persons aged 21 and over</td>
</tr>
<tr>
<td>Table S3.3 (G)</td>
<td>Other offenders</td>
</tr>
</tbody>
</table>

#### Persons tried and/or sentenced at the Crown Court for indictable offences by police force area, sex and result

<table>
<thead>
<tr>
<th>Table S3.4 (A)</th>
<th>Total persons</th>
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</thead>
<tbody>
<tr>
<td>Table S3.4 (B)</td>
<td>Persons aged 10 and under 12</td>
</tr>
<tr>
<td>Table S3.4 (C)</td>
<td>Persons aged 12 and under 15</td>
</tr>
<tr>
<td>Table S3.4 (D)</td>
<td>Persons aged 15 and under 18</td>
</tr>
<tr>
<td>Table S3.4 (E)</td>
<td>Persons aged 18 and under 21</td>
</tr>
<tr>
<td>Table S3.4 (F)</td>
<td>Persons aged 21 and over</td>
</tr>
</tbody>
</table>
### Persons cautioned by police force area, sex and offence group

Table S3.5 (A) Total persons
Table S3.5 (B) Persons aged 10 and under 12
Table S3.5 (C) Persons aged 12 and under 15
Table S3.5 (D) Persons aged 15 and under 18
Table S3.5 (E) Persons aged 18 and under 21
Table S3.5 (F) Persons aged 21 and over

### Persons cautioned by police force area, sex and age

Table S3.6 (A) For indictable offences
Table S3.6 (B) For summary offences (excluding motoring)

### Persons cautioned by offence, sex and age

Table S3.7 (A) For indictable offences
Table S3.7 (B) For summary offences (excluding motoring)
Table S3.7 (C) Other offenders found guilty or cautioned

### Offences brought to justice

Table S3.8 Number of offences brought to justice by Force

### Penalty notices for disorder issued by police force area and month

Table S3.9 (A) Notices issued to persons aged 16 and under 18, 2008
Table S3.9 (B) Notices issued to persons aged 18 and over, 2008
Table S3.9 (C) Notices issued to persons aged 16 and over (all ages), 2008

### Penalty notices for disorder issued by offence and police force area

Table 3.10 (A) Notices issued to persons aged 16 and under 18, 2008
Table 3.10 (B) Notices issued to persons aged 18 and over, 2008
Table 3.10 (C) Notices issued to male persons aged 16 and over (all ages), 2008
Table 3.10 (D) Notices issued to female persons aged 16 and over (all ages), 2008
Table 3.10 (E) Notices issued to persons aged 16 and over (all ages), 2008

### Penalty notices for disorder issued with payment rates and outcomes, by police force area

Table S3.11 (A) Notices issued to persons aged 16 and under 18, 2008
Table S3.11 (B) Notices issued to persons aged 18 and over, 2008
### Table S3.11 (C)
Notices issued to persons aged 16 and over (all ages), 2008

**Penalty notices for disorder issued with payment rates and outcomes, by offence.**

<table>
<thead>
<tr>
<th>Table S3.12 (A)</th>
<th>Notices issued to persons aged 16 and under 18, 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table S3.12 (B)</td>
<td>Notices issued to persons aged 18 and over, 2008</td>
</tr>
<tr>
<td>Table S3.12 (C)</td>
<td>Notices issued to persons aged 16 and over (all ages), 2008</td>
</tr>
</tbody>
</table>
Sentencing indicators for all indictable offences
Table S4.1 (A) All indictable offence
Table S4.1 (B) Persons aged 10–17 for all indictable offences
Table S4.1 (C) Persons aged 18–20 for all indictable offences
Table S4.1 (D) Persons aged 21 and over for all indictable offences
Table S4.1 (E) Females all ages for all indictable offences

Sentencing indicators for selected offences
Table S4.2 Assault occasioning actual bodily harm
Table S4.3 Common assault
Table S4.4 Assault on a constable
Table S4.5 Burglary in a dwelling
Table S4.6 Theft, excluding shoplifting
Table S4.7 Unauthorised taking of a motor vehicle
Table S4.8 Receiving stolen goods
Table S4.9 Criminal damage
Table S4.10 Possession of class B drugs
Table S4.11 Public Order Act 1986 (s4) – fear or provocation of violence
Table S4.12 Driving whilst disqualified
Table S4.13 Driving without insurance
Table S4.14 Driving or attempting to drive with excess alcohol
Volume 5: Proceedings at all courts

Table S5.1  Defendants prosecuted, convicted and sentenced at all courts by offence
Table S5.2  Persons aged 10 and under 12 prosecuted, convicted and sentenced at all courts by offence
Table S5.3  Persons aged 12 and under 15 prosecuted, convicted and sentenced at all courts by offence
Table S5.4  Persons aged 15 and under 18 prosecuted, convicted and sentenced at all courts by offence
Table S5.5  Persons aged 10 and under 18 prosecuted, convicted and sentenced at all courts by offence
Table S5.6  Persons aged 18 and under 21 prosecuted, convicted and sentenced at all courts by offence
Table S5.7  Persons aged 21 and over prosecuted, convicted and sentenced at all courts by offence
Table S5.8  Persons sentenced to immediate custody by offence at all courts, sex, length of sentence and average length of sentence
Volume 6: Court Proceedings Offences relating to motor vehicles
England and Wales 2008

Court Proceedings – Magistrates’ Courts
Table S6.1 Proceedings at magistrates’ courts by offence type and outcome
Table S6.2 Findings of guilt at magistrates’ courts by offence type and sentence or order imposed
Table S6.3 Sentences of immediate (unsuspended) imprisonment imposed at magistrates’ courts by length of sentence
Table S6.4(a) Sentences of young offender institution imposed at magistrates’ courts by length of sentence
Table S6.4(b) Sentences of detention and training orders imposed at magistrates’ courts by length of sentence
Table S6.5 Fines imposed at magistrates’ courts by offence group and amount

Court Proceedings – The Crown Court
Table S6.6 Proceedings for trial at the Crown Court by offence type and outcome
Table S6.7 Proceedings at the Crown Court for sentencing after summary conviction by offence type and sentence or order imposed
Table S6.8 Sentences of immediate (unsuspended) imprisonment imposed at the Crown Court by length of sentence
Table S6.9(a) Sentences of young offender institution imposed at the Crown Court by length of sentence
Table S6.9(b) Sentences of detention and training orders imposed at the Crown Court by length of sentence
Table S6.9(c) Sentences of S91/92 of The Powers of the Criminal Courts (Sentencing) Act 2000 imposed at the Crown Court by length of sentence
Table S6.10 Fines imposed at trials at the Crown Court by offence group and amount
Table S6.11 Fines imposed at the Crown Court on sentencing after summary conviction by offence group and amount
**Endorsements and Disqualifications**

Table S6.12  
Driving licence endorsements and disqualifications imposed at magistrates’ courts by offence group and period of disqualification

Table S6.13  
Driving licence endorsements and disqualifications imposed at the Crown Court by offence group and period of disqualification

**Drink/driving**

Table S6.14  
Findings of guilt at all courts for offences of driving etc. after consuming alcohol or taking drugs by offence type and age group of offender

**Proceedings and findings of guilt by police force area**

Table S6.15(a)  
Proceedings at magistrates’ courts by offence group and police force area

Table S6.15(b)  
Findings of guilt at all courts by offence group and police force area

**Findings of guilt by age and sex of offender**

Table S6.16  
Findings of guilt at all courts by offence group, sex and age of offender
Appendix 5 – Offence classification numbers used for court proceedings

The classifications defined in this appendix are those used for 2008. Generally, attempting, conspiring, inciting, aiding, abetting, causing or permitting a crime is classified under the heading of the crime itself, though in certain cases it is shown separately.

This information are available in Excel format and can be downloaded from http://www.justice.gov.uk/publications/criminalannual.htm.
Contact points for further information

Current and previous editions of this publication are available for download at http://www.justice.gov.uk/publications/sentencingannual.htm

Press enquiries should be directed to the Ministry of Justice press office:
Tel: 020 3334 3536
Email: pressofficenewsdesk@justice.gsi.gov.uk

Other enquiries about these statistics should be directed to:
Ministry of Justice
Justice Statistics Analytical Services
7th Floor
102 Petty France
London
SW1H 9AJ
Tel: 020 3334 3737

We welcome the views of users on the format, content and timing of reports. These views and other general enquiries about the statistical work of the Ministry of Justice can be emailed to:
statistics.enquiries@justice.gsi.gov.uk

Other National Statistics publications, and general information about the official statistics system of the UK, are available from www.statistics.gov.uk