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Sentencing Comparisons in Northern Ireland and England and Wales

This paper provides information on a comparison of sentencing statistics in Northern Ireland and England and Wales in relation to a range of offences for the year 2006.

Key Points

This research paper provides information on a comparison of sentencing statistics between Northern Ireland and England and Wales.

- There is a lack of data in Northern Ireland on recent sentencing trends as the most recent figures available on sentencing in certain offences are for 2006. Therefore the comparisons in this paper only relate to 2006. Work is currently ongoing in the DoJ to produce recent data.
- The information is collated and presented in different formats in both jurisdictions which make it difficult to make direct comparisons in some instances.
- The most common disposal in both jurisdictions in 2006 was a fine.
- For several types of offences the Magistrates' courts in Northern Ireland imposed longer custodial sentences on average than the courts in England and Wales (robbery, theft, burglary, fraud and forgery, criminal damage).
- For several types of offences the Crown court in Northern Ireland imposed longer custodial sentences on average than the courts in England and Wales (violence against the person, sexual offences and robbery).
- For drugs offences, the courts in England and Wales impose longer custodial sentences on average than the courts in Northern Ireland.
- For several types of offences (violent, acquisitive, drugs), the courts in England and Wales make greater use of immediate custodial sentences than the courts in NI.
- In relation to sexual offences, the use of immediate custodial sentencing in both jurisdictions was broadly similar.
- For several types of offences (violent, acquisitive, sexual, drugs) the courts in England and Wales make more use of community sentences than do the Northern Ireland courts which made greater use of suspended sentences and fines.

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1 Introduction

This paper provides information on a comparison of sentencing statistics between Northern Ireland and England and Wales. The paper looks at statistics for the year 2006 as this is the most recent sentencing data available from the Department of Justice (DoJ) in Northern Ireland.¹ The DoJ were contacted to ascertain if more recent data is available. In its response to correspondence, the DoJ stated that officials are currently working on data for 2007/08, however the timescale for publication is unknown.² The DoJ further explain the reasons for the delay in the publication of more recent data in the most recent Digest of the Criminal Justice System published in April 2012.³ The DoJ explained that the conviction statistics in the sentencing chapter of the Digest only relate to data up to and including 2006 and work is currently ongoing to provide data from 2007-08 from an alternative data source. The DoJ indicated that work on the databases for the years 2009, 2010 and 2011 is progressing in parallel. The reasons given by the DoJ for the delay is that the work has been hampered by IT difficulties in translating files from legacy systems.⁴

This contrasts with the position in England and Wales which has published data covering the period up to June 2011.⁵ Furthermore, the Ministry of Justice (MoJ) has published an ad hoc bulletin on some criminal justice statistics which includes some sentencing data on the public disorder of August 2011.⁶ In addition, the Ministry of Justice makes publicly available the relevant spreadsheets which contain the raw data that form the basis for the reports. The Department of Justice does not publish the spreadsheets along with the Digest of Information on the Northern Ireland Criminal Justice System, but did provide this information upon request to assist this paper and to make comparisons with the data in England and Wales possible.⁷ It should be noted that the published reports do not always present information in a comparable format and it has been necessary to extrapolate information from the data in the spreadsheets.

¹ Department of Justice "Department of Justice Digest of Information on the Northern Ireland Criminal Justice System" Autumn 2011, Volume 3, http://www.dojni.gov.uk/index/statistics-research/stats-research-publications/digest-of-information-on-the-northern-ireland-criminal-justice-system-autumn_2011.pdf

² Response in email from the DoJ 15/02/12

³ Department of Justice "Department of Justice Digest of Information on the Northern Ireland Criminal Justice System" Spring 2012, Volume 4.

⁴ Department of Justice "Department of Justice Digest of Information on the Northern Ireland Criminal Justice System" Spring 2012, Volume Four, 63

⁵ Ministry of Justice Criminal Justice Statistics in England and Wales <http://www.justice.gov.uk/statistics/criminal-justice/criminal-justice-statistics>

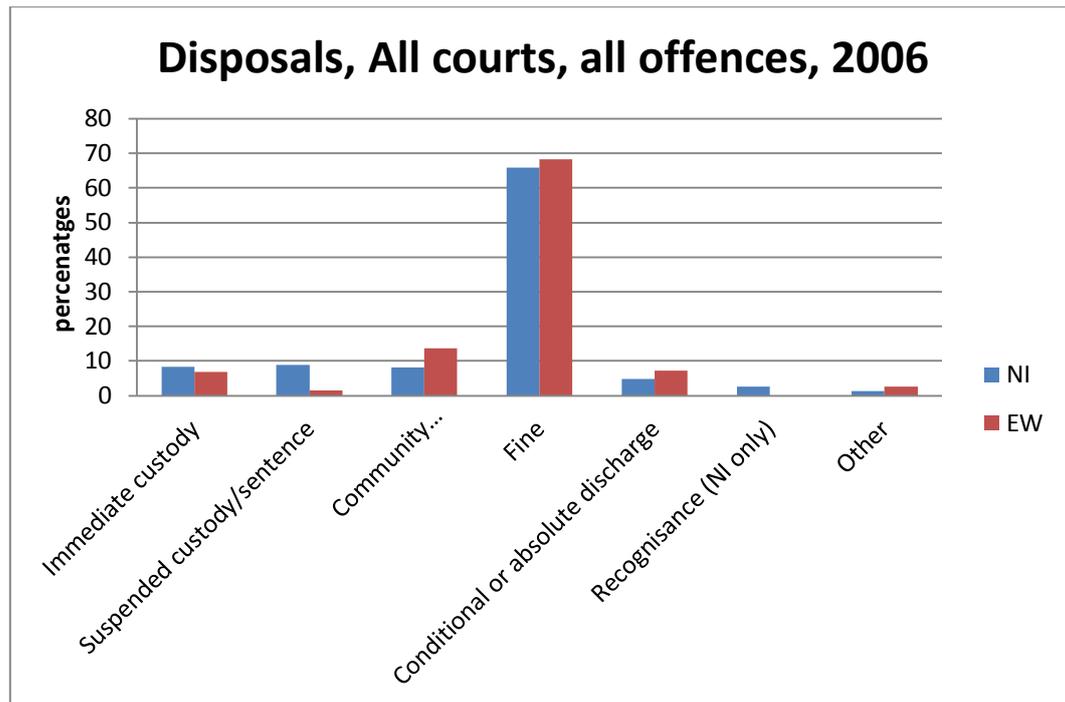
⁶ Ministry of Justice "Statistical Bulletin on the Public Disorder of 6th-9th August 2011" <http://www.justice.gov.uk/statistics/criminal-justice/public-disorder-august-11>

⁷ Information received with thanks via email 1 March 2012

2 All Court Sentencing

The following table provides comparative information on all court sentencing for all offences in Northern Ireland and England and Wales in 2006.

Table 1: Disposals at all courts for all offences⁸



The figures indicate in relative terms the following:

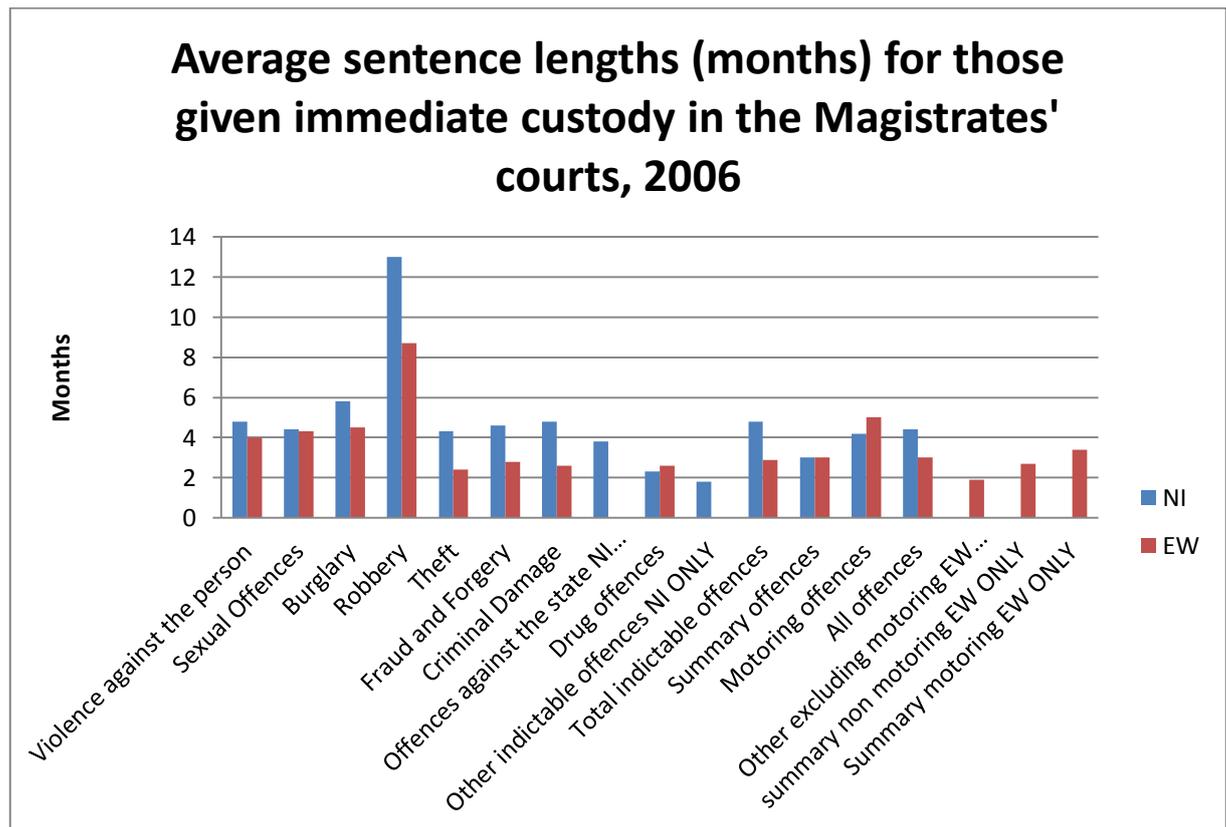
- Immediate custody was slightly more common in Northern Ireland than in England and Wales (8.4% compared to 6.8%).
- Courts in Northern Ireland imposed suspended sentences more often (8.9% compared to 1.5%).
- Courts in England and Wales made more use of community sentences (13.6% compared to 8.1% in NI)
- The most common disposal in both jurisdictions was a fine (65.9% in NI, 68.3% in England and Wales).

⁸ These figures are based on data provided by the Department of Justice in an email on 1 March 2012 which expand on the details provided in the Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, vol 3, pg 65, and on published figures by the Ministry of Justice in Ministry of Justice Criminal Justice Statistics in England and Wales- 12 months ending June 2011 in Sentencing Tables table Q5.1 available at <http://www.justice.gov.uk/statistics/criminal-justice/criminal-justice-statistics>

3 Immediate Custodial Sentencing Patterns

This section provides information in tables comparing sentencing trends in immediate custodial sentences in a range of offences in Northern Ireland with England and Wales in 2006. Table 1 provides information on immediate custodial sentences in the Magistrates' Court and table 2 provides information on immediate custodial sentences in the Crown Court.

Table 2: Immediate custodial sentences in the Magistrates' Court 2006⁹



There were a number of offences where the average length of immediate custodial sentences given in the Magistrates' Court was longer (more than a month on average) in Northern Ireland than in England and Wales in 2006. These include:

- The average length of immediate custodial sentence given for Robbery in Northern Ireland was 13 months compared to 8.7 months in England and Wales;
- For the offence of theft, the average length of sentence in Northern Ireland was 4.3 months in Northern Ireland compared to 2.4 months in England and Wales;
- The average length of immediate custodial sentence for burglary was 5.8 months in NI compared to 4.5 months in England and Wales;

⁹ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 68 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 34.

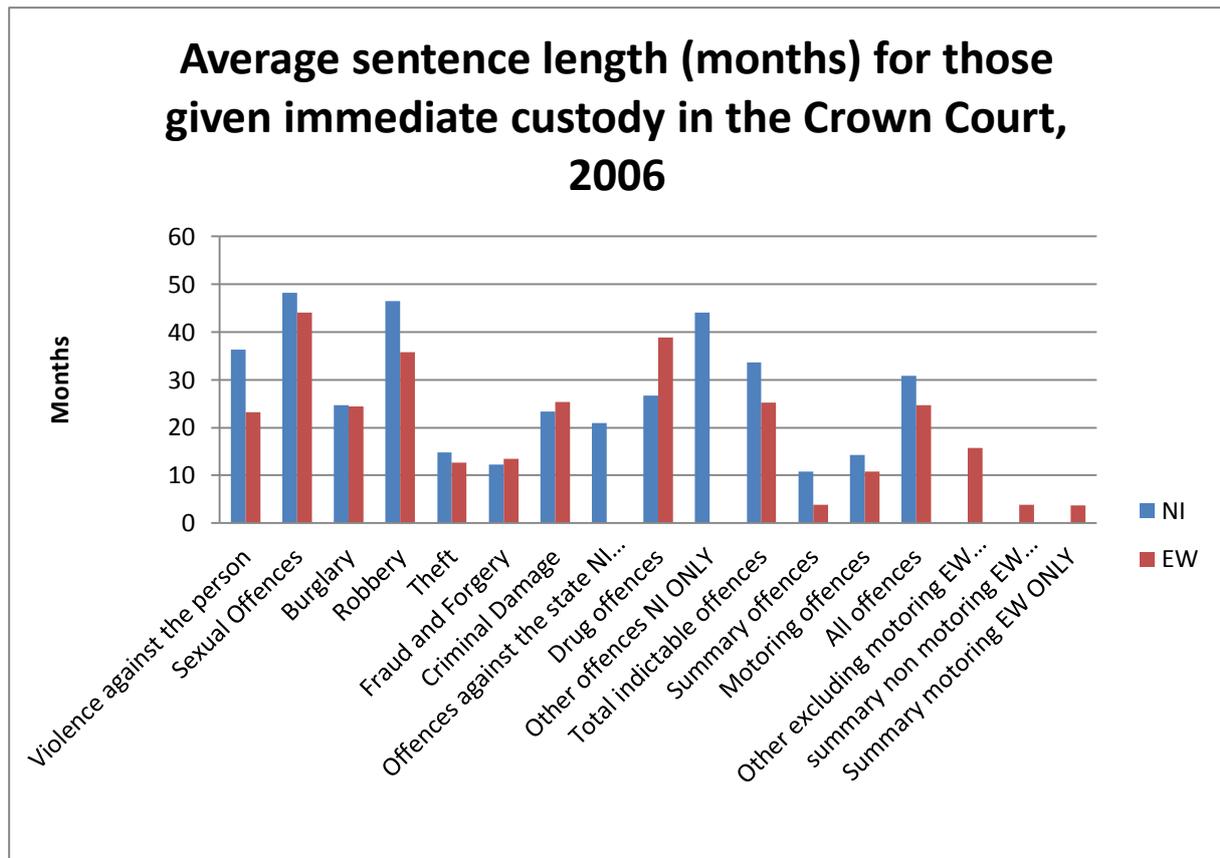
- The average length of immediate custodial sentence for fraud and forgery was 4.6 months compared to 2.8 months in England and Wales;
- The average length of immediate custodial sentence for criminal damage in Northern Ireland was 4.8 months compared to 2.6 months in England and Wales;

There were some offences where the average lengths of immediate custodial sentences given in the Magistrates' court were broadly similar between the two jurisdictions in 2006 (a difference of less than one month). These include:

- The average length of immediate custodial sentence given in Northern Ireland for violence against the person was 4.8 months and in England and Wales the average length of sentence was 4 months;
- For sexual offences, the average length of immediate custodial sentence was 4.4 months in NI and 4.3 months in England and Wales;
- The average length of immediate custodial sentence for drug offences was 2.3 months in NI and in England and Wales 2.6 months.
- The average length of sentence for motoring offences was 4.2 months in Northern Ireland and 5 months in England and Wales.

Table 3: Immediate Custodial Sentencing in the Crown Court 2006¹⁰

¹⁰ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 70 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 34.



There were some offences where the average length of immediate custodial sentences given in the Crown Court was higher in NI than in England and Wales in 2006. These include:

- Immediate custodial sentences for Violence against the Person offences were longer in NI at 36.3 months compared to 23.2 months in England and Wales;
- Sentences for sexual offences were on average longer in Northern Ireland at 48.2 months compared to 44 months in England and Wales;
- Robbery attracted on average a longer immediate custodial sentence of 46.4 months in NI compared to 35.7 months in England and Wales;
- However average immediate custodial sentences for drug offences were longer in England and Wales at 38.3 months compared to approximately 26.7 months in Northern Ireland.

There were some offences in 2006 where sentencing patterns were broadly similar (a difference of less than 2.5 months). They include:

- Theft attracted an average immediate custodial sentence of 14.8 months in NI compared to 12.7 months in England and Wales;
- The average length of immediate custodial sentence for fraud and forgery was 12.2 months in Northern Ireland and 13.4 months in England and Wales;
- The average length of immediate custodial sentence for criminal damage was 23.4 months in Northern Ireland and 25.3 months in England and Wales;

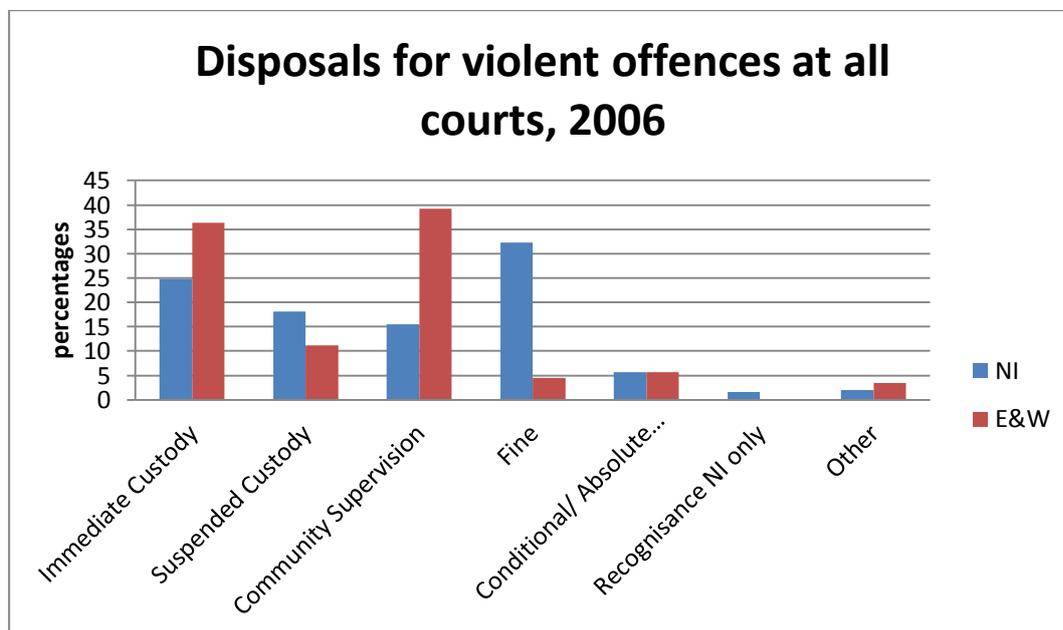
- The average length of immediate custodial sentence for burglary was 24.7 months in NI and 24.4 months in England and Wales.

There are some areas in which it is not possible to directly compare data in both the Magistrates' court and Crown Court as it is collated in different ways between the two jurisdictions. For example there are figures available in England and Wales for summary motoring and summary non-motoring offences in England and Wales. Another example in Northern Ireland, there is data given for Offences against the State, whereas such data is not available in England and Wales.

4 Disposals for Violent Offences at all Courts

This section provides information on violent offences at all courts in 2006 in NI and England and Wales. Violent offences include violence against the person, sexual offences and robbery.

Table 4: Disposals for violent offences at all courts 2006¹¹



¹¹ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 71 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, and supplementary tables

- In 2006, proportionately more persons were given immediate custody in England and Wales (36.3%) than in NI (24.8%);
- The percentage of people given community supervision in England and Wales for violent offences was significantly higher (39.2%) compared to NI (15.5%);
- However proportionately more people were given suspended custody in NI for violent offences (18.1) compared to England and Wales (11.1%);
- Significantly more people (as a percentage) were given fines in NI (32.3%) compared to England and Wales (4.5%)

The following tables provide a breakdown of disposals for each of the three offences under the heading of violent offences: violence against the person, sexual offences and robbery.

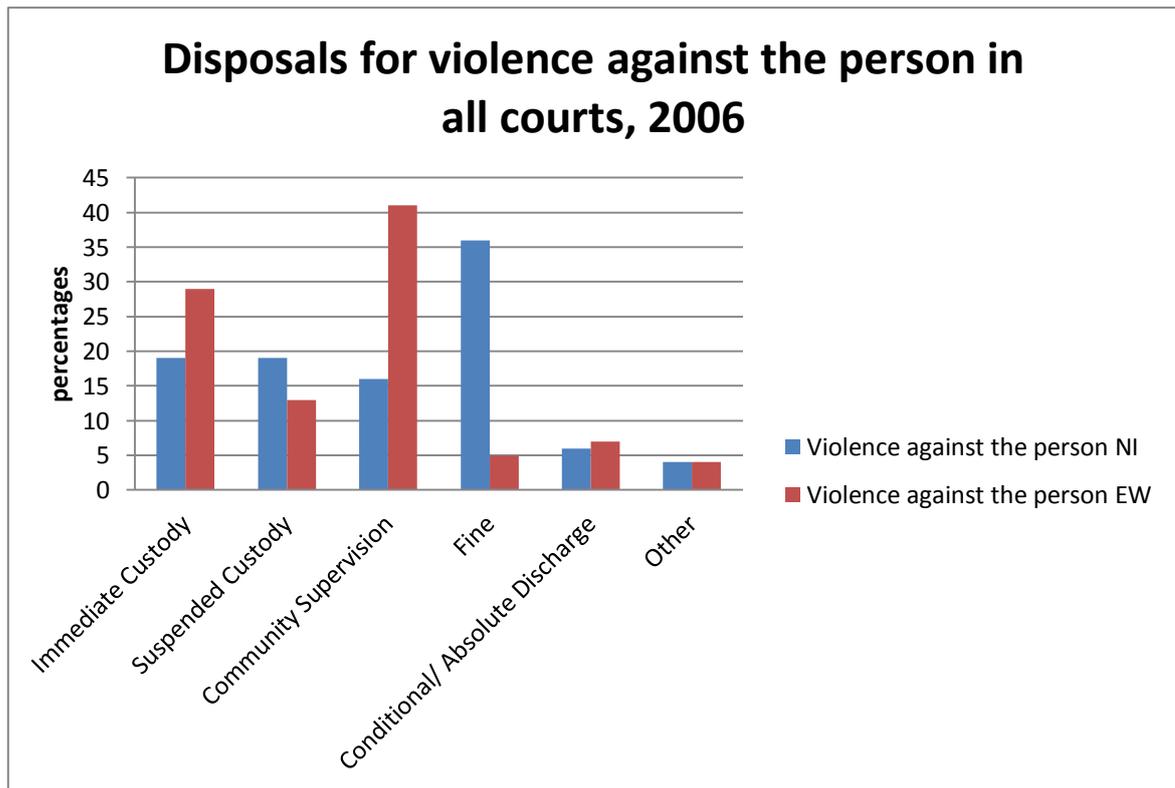
4.1 Violence against the Person

This section provides comparative information for disposals for Violence against the Person at all courts for NI and England and Wales in 2006.¹²

- In 2006, 29% of convicted persons were given immediate custody in England and Wales, compared to 19% in Northern Ireland;
- 19% of convicted persons in Northern Ireland were given suspended sentences compared to 13% in England and Wales;
- There were a substantially higher number of convicted persons given community supervision in England and Wales (41%) compared to NI (16%). However 36% of convicted persons were given fines in NI, compared to England and Wales (5%)

Table 5: Disposals for Violence against the Person in all courts, 2006

¹² The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice via emails on 1 March 2012 and 20 March 2012 which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 73 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 33, 38, 44 and supplementary tables



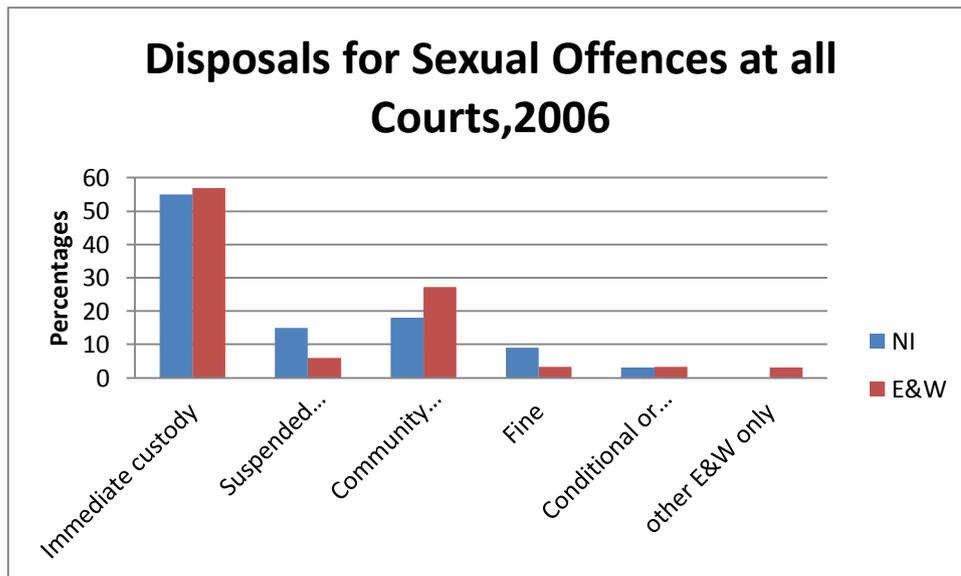
4.2 Sexual Offences

This section provides comparative information for disposals for sexual offences at all courts for NI and England and Wales in 2006.¹³

- In 2006, immediate custodial sentence was the most common disposal for sexual offences in both NI (55%) and England (57%);
- 15% of convicted persons were given a suspended sentence for sexual offences in NI compared to 6% in England and Wales. However 27.3% of persons were given a community supervision disposals in England and Wales compared to 18% in NI;
- Conditional/Absolute discharges were similar in both jurisdictions (3% and 3.3%).

Table 6: Disposals for Sexual Offences at all courts

¹³ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice via email 1 March 2012 and 20 March 2012 which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 73 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 33, 38, 44 and supplementary tables



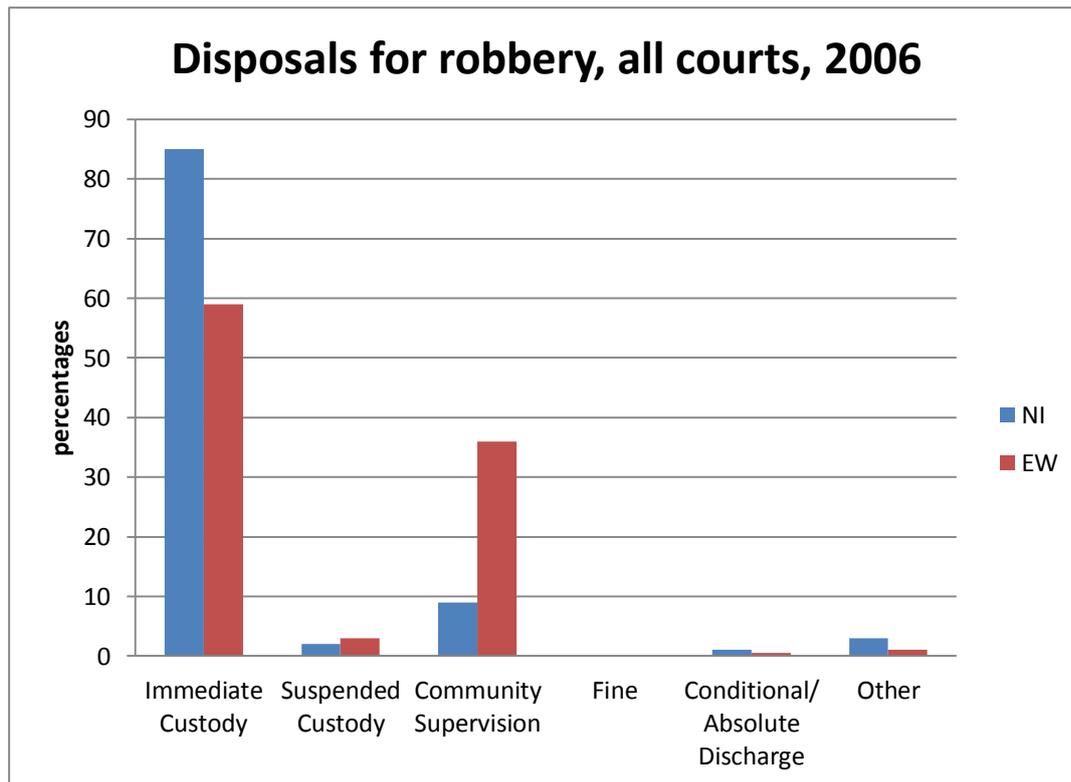
4.3 Robbery

This section provides comparative information for disposals for robbery at all courts for NI and England and Wales in 2006.¹⁴

- Immediate custody was the most common disposal given by the courts in both NI and England and Wales. However convicted persons in NI were more likely to be given an immediate custodial sentence in NI (85%) compared to England and Wales (59%);
- In England and Wales, 36% of convicted persons were given community supervision compared to NI (9%).

Table 7: Disposals for robbery in all courts in 2006

¹⁴ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice via email 1 March 2012 and 20 March 2012 which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 73 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 33, 38, 44 and supplementary tables

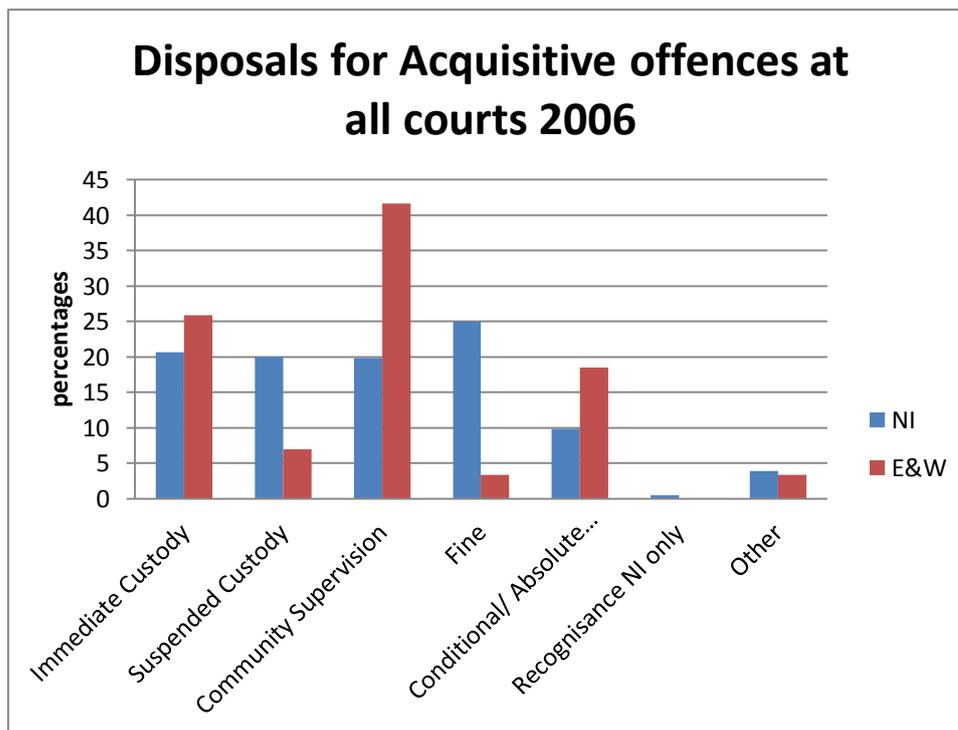


5 Disposals for Acquisitive Offences at all Courts

This section provides comparative information on sentencing patterns for acquisitive offences in NI and England and Wales in 2006. Acquisitive offences include theft, burglary, fraud and forgery.

Table 8: Disposals for Acquisitive Offences at all courts, 2006 ¹⁵

¹⁵ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice via email 1 March 2012 and 20 March 2012 which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 72 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, and supplementary tables



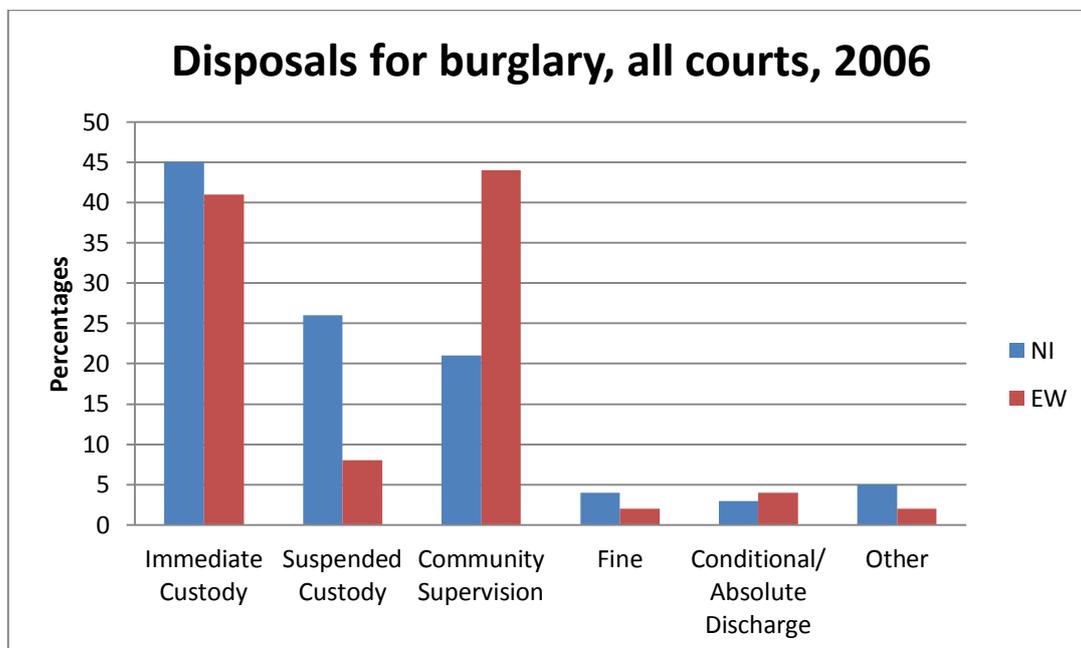
- Courts in NI have made a greater use of suspended sentences (20%) than courts in England and Wales (7%);
- Courts in NI have made a greater use of fines for acquisitive offences (25%) compared to courts in England (3.4%);
- However courts in England and Wales have made a greater use of immediate custody (25.9%) than courts in NI (20.7%);
- Courts in England and Wales have made a greater use community supervision disposals (41.7%) compared to courts in NI (19.9%);
- Courts in England and Wales have made a higher use of conditional and absolute discharge (18.5%) than courts in NI (9.9%).

The following tables provide a breakdown of disposals for each of the three offences under the heading of acquisitive offences in all courts in 2006: burglary, theft and fraud and forgery.

5.1 Burglary

This section provides comparative information for disposals for burglary at all courts for NI and England and Wales in 2006.¹⁶

Table 9: Disposals for Burglary at all courts, 2006



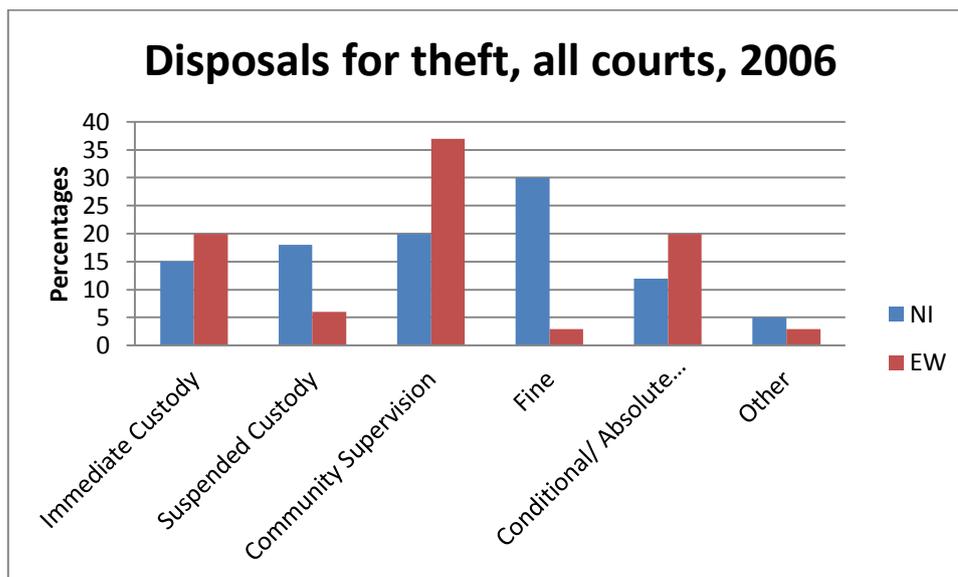
- The figures indicate that the use of immediate custodial sentencing in burglary for 2006 in both jurisdictions is broadly the same: 45% of convicted persons in NI were given immediate custodial sentences compared to 41% in England and Wales;
- Courts in NI made a greater use of suspended sentences in burglary offences (26%) compared to England and Wales (8%);
- However courts in England and Wales made a greater use of community supervision in burglary offences (44%) compared to courts in NI (21%).

¹⁶ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice via email 1 March 2012 and 20 March 2012 which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 73 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 33, 38, 44 and supplementary tables

5.2 Theft

This section provides comparative information for disposals for theft at all courts for NI and England and Wales in 2006.¹⁷

Table 10: Disposals for theft all courts in 2006



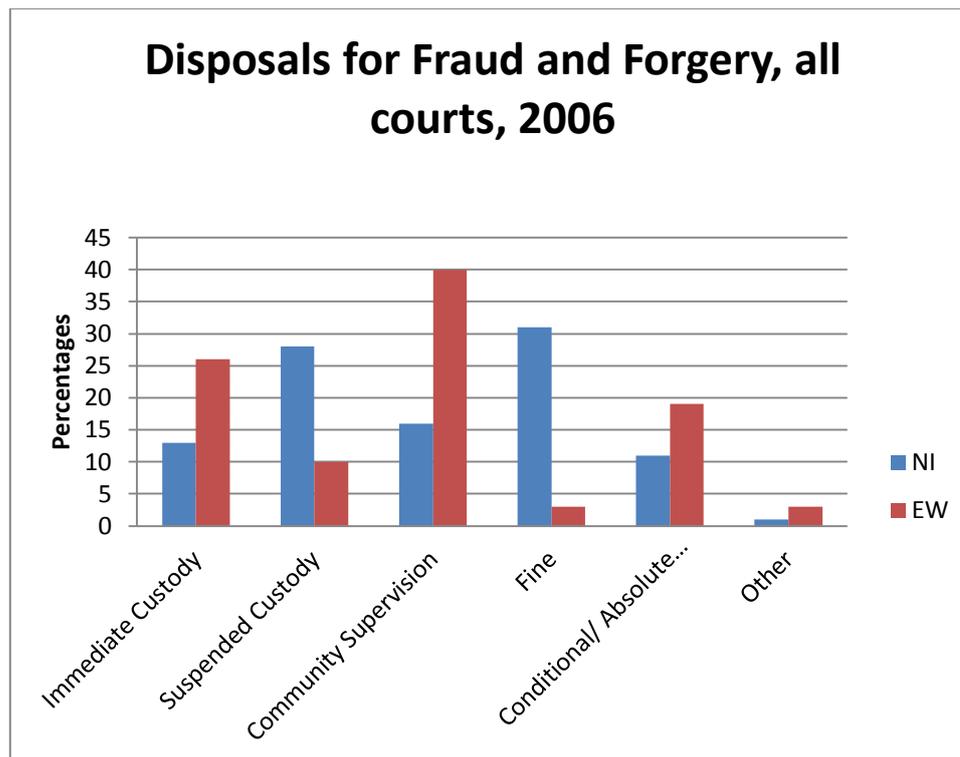
- Courts in England and Wales made a greater use of immediate custody (20%) than courts in NI (15%);
- Courts in England and Wales made a greater use of Community supervision (37%) than in NI (20%);
- Courts in England and Wales made greater use of conditional and absolute discharge (20%) compared to NI (12%);
- Courts in NI made a greater use of suspended sentences (18%) compared to England and Wales (6%);
- Courts in NI made a significantly higher use of fines (30%) compared to 3% in England and Wales.

¹⁷ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice via email 1 March 2012 and 20 March 2012 which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 73 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 33, 38, 44 and supplementary tables

5.3 Fraud and Forgery

This section provides comparative information for disposals for fraud and forgery at all courts for NI and England and Wales in 2006.¹⁸

Table 11: Disposals for Fraud and Forgery in all courts in 2006



- Courts in England and Wales made a greater use of immediate custody (26%) compared to 13% in NI;
- Courts in England and Wales made a significantly higher use of community supervision (40%) compared to courts in NI (16%);
- Courts in NI made a much greater use of suspended custody (28%) than courts in England and Wales (10%);
- Courts in NI made a much greater use of fines (31%) than courts in England and Wales (3%).

¹⁸ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice via email 1 March 2012 and 20 March 2012 which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 73 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 33, 38, 44 and supplementary tables

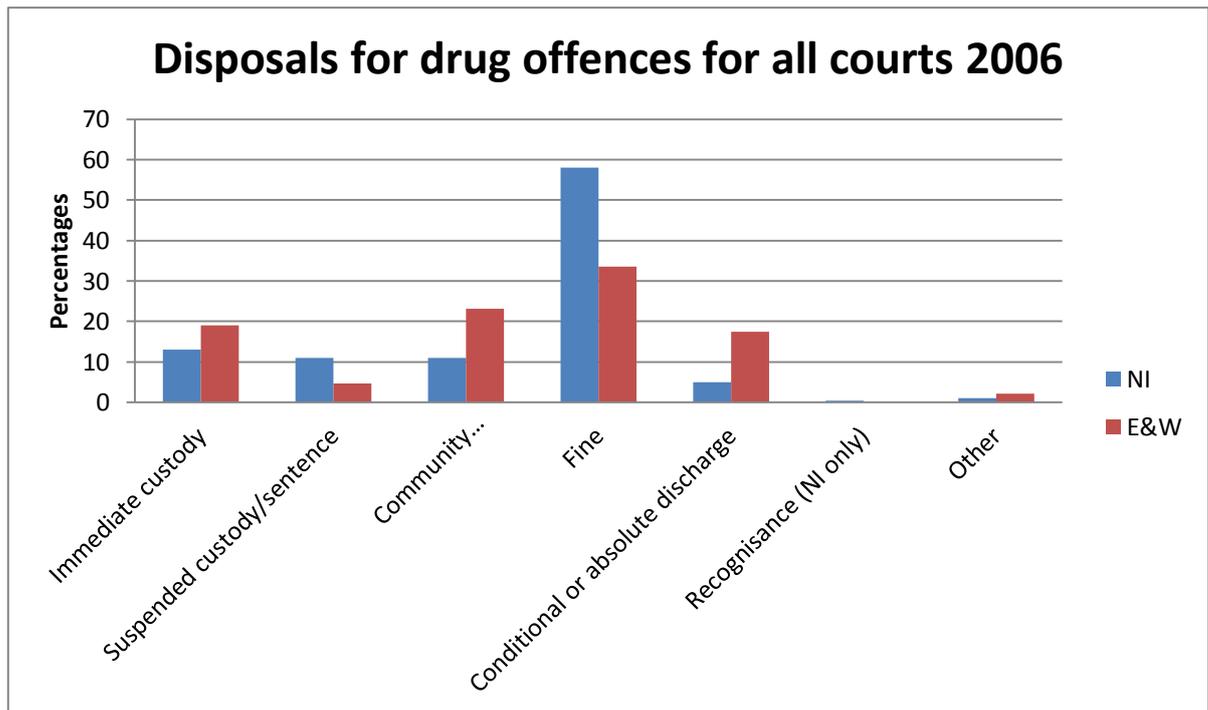
6 Disposals for Drug Offences at all Courts

This section provides comparative information on disposals for drug offences for all courts in 2006 in NI and England and Wales.¹⁹

- In 2006 a fine was the most common disposal for drug offences in both NI (58%) and England and Wales (33.6%);
- As a percentage, more persons were given immediate custody in England and Wales for drug offences in 2006 (19.1%) than in NI (13%). However greater use was made of suspended sentences in NI (11%) than in England and Wales (4.7%);
- In England and Wales, 23.1% of sentences for drugs offences were community sentences compared to 11% in NI;
- The courts in England and Wales made greater use of conditional or absolute discharge for drug offences (17.4%) compared to NI (5%).

Table 12: Disposals for drug offences for all courts

¹⁹ The figures are based on information obtained in an excel spreadsheet obtained from the Department of Justice via email 1 March 2012 which expand on information contained in the Department of Justice Digest on Information on the Northern Ireland Criminal Justice System, Autumn 2011, Vol 3, pg 74 and the Ministry of Justice Sentencing Statistics England and Wales 2009, published in October 2010, pg 33, 38, 44 and supplementary tables



7 Conclusion

This paper has compared the sentencing data in England and Wales and Northern Ireland for the year 2006. The paper has focused on 2006 as more recent data is not published for Northern Ireland; data is available for England and Wales up to June 2011. While comparisons may be made for 2006, it is not possible to know if any similarities or differences still exist due to the non-availability of more recent NI figures.

The overall patterns for disposals (Table 1) disclosed that a fine was the most common disposal in both jurisdictions. Northern Irish courts made greater use of suspended sentences and (to a lesser extent) custodial sentences than courts in England and Wales. Courts in England and Wales made greater use of community sentences.

When examining the average length of immediate custodial sentences in Magistrates Courts (Table 2), the sentences imposed in NI for a range of different offences (most significantly robbery, theft, burglary, fraud and forgery, criminal damage) were longer on average than those imposed in England and Wales. There were some offences where the sentences were somewhat longer on average in England and Wales (drugs offences, motoring offences).

In examining the average length of immediate custodial sentences in Crown Courts (Table 3), the sentences imposed in NI for a range of different offences (violence against the person, sexual offences and robbery) were longer on average than those imposed in England and Wales. However the average length of immediate custodial sentence imposed for drug offences in England and Wales in the Crown Court were longer.

When it comes to violent offences which include violence against the person, sexual offences and robbery (Table 4), the courts in England and Wales made greater use of immediate custodial sentences and significantly greater use of community sentences. The courts in NI made a greater use of suspended custody and fines in NI.

In violence against the person offences (Table 5), the courts in England and Wales made greater use of immediate custodial sentences and significantly higher use of community sentences than in NI. However courts in NI made greater use of suspended sentences and significantly greater use of fines than courts in England and Wales.

In relation to sexual offences (Table 6) immediate custodial sentence was the most common disposal given by courts in both jurisdictions. However courts in NI made greater use of suspended sentences and fines for sexual offences, whereas courts in England and Wales made greater use of community sentences.

In relation to robbery, (Table 7) immediate custodial sentences were the most common disposal in both jurisdictions. However courts in NI made a greater use of immediate custodial sentences than courts in England and Wales. Courts in England and Wales made much greater use of community supervision than courts in NI.

In acquisitive offences, which include burglary, theft, fraud and forgery, (table 8) courts in NI again made greater use of fines and suspended sentences. Courts in England and Wales made greater use of immediate custodial sentences, conditional and absolute discharge and significantly higher use of community sentences.

In burglary offences, (Table 9) the use of immediate custodial sentences was broadly the same in both jurisdictions. Courts in Northern Ireland made greater use of suspended sentences than courts in England and Wales. However courts in England and Wales made greater use of community supervision.

In relation to theft offences, (Table 10) courts in England and Wales made a greater use of community supervision than courts in NI. However courts in NI made a greater use of suspended sentences and fines than courts in England and Wales.

In fraud and forgery offences, (table 11) courts in England and Wales made greater use of immediate custodial sentences and significantly greater use of community supervision than courts in NI. Courts in NI made greater use of suspended sentences and fines than courts in England and Wales.

In examining drug offences, (Table 12), fines were the most common disposal given by courts in both jurisdictions. However courts in England and Wales made greater use of immediate custodial sentences, community sentences and conditional and absolute discharge. However courts in NI made greater use of suspended sentences and fines.

One notable feature when looking at the kinds of disposals for various kinds of offences is the significant difference between the two jurisdictions in the use of community sentences in 2006. Courts in England and Wales made greater use of community

sentences than courts in NI whereas courts in NI made greater use of fines and suspended sentences for some offences.