



Northern Ireland
Assembly

Research and Information Service Research Paper

18 December 2012

Fiona O'Connell

Sentencing Comparisons in Northern Ireland and England and Wales

NIAR 749-12

This paper provides information on a comparison of sentencing statistics in Northern Ireland and England and Wales for a range of offences for the years 2007 and 2008.

Key Points

- This research paper provides information on a comparison of sentencing statistics between Northern Ireland and England and Wales for 2007 and 2008;
- The Department of Justice urges caution in comparing trends from previous years; in particular one of the reasons given is that the statistics in the most recent publication originate from a different source. Taking this into account, the paper does not attempt to compare trends from previous years;
- The NI publication does not present information in relation to disposals in a directly comparable format with those in England and Wales, therefore caution should be taken in drawing conclusions from comparisons made between the two jurisdictions, particularly in all courts disposals and Magistrates' courts;
- Care should be taken in making comparisons between the two jurisdictions- the numbers for some offences in NI are small and a slight change in the numbers could have an impact on the percentages.

Executive Summary

- The Magistrates' Court in England and Wales made more use of immediate custody in sexual offences than in NI in both years, however the Magistrates' court in NI made more use of immediate custody in burglary, robbery and criminal damage in both 2007 and 2008;
- The Magistrates' Court in NI made much more use of suspended sentences for several types of offences than the courts in England and Wales in 2007 and 2008 (violence against the person, burglary, robbery, theft, fraud and forgery, criminal damage and drugs offences);
- However the Magistrates' Court in England and Wales made slightly more use of suspended sentences in sexual offences than in NI in both years;
- The Magistrates' Court in England and Wales made much more use of community sentences than the courts in NI in both 2007 and 2008 for several types of offences (violence against the person, sexual offences, burglary, robbery, theft, fraud and forgery, criminal damage and drugs offences);
- The Magistrates' Court in NI made much more use of fines than the courts in England and Wales in both 2007 and 2008 in several types of offences (violence against the person, sexual offences, theft, fraud and forgery, criminal damage and drugs offences);
- The Crown Court in England and Wales made more use of immediate custody than in NI in theft, fraud and forgery, and drugs offences in both years; however the Crown Court in NI made more use of immediate custody than in England and Wales in burglary and robbery cases in both years;
- The Crown Court in England and Wales made more use of community sentences than in NI in several offences in both years (violence against the person, burglary, robbery, theft and criminal damage);
- However the Crown Court in NI made slightly more use of community sentences than in England and Wales in sexual offences, fraud and forgery and drug offences in 2008;
- The Crown Court in NI made more use of suspended sentences than in England and Wales in both years in several offences (violence against the person, sexual offences, theft, fraud and forgery, criminal damage and drugs offences);
- The Crown Court in England and Wales made more use of suspended sentences in robbery cases than the Crown Court in NI in 2007; however the gap narrowed in 2008, where the use of this disposal was broadly similar in the two jurisdictions.

Contents

- Key Points 1
- Executive Summary..... 3
- Contents..... 5
- 1 Introduction 7
- 2 Violence against the Person 8
 - 2.1 Disposals, all courts in 2007 and 2008 8
 - 2.2 Disposals for Violence Against the Person in Magistrates’ Courts and Crown Court in 2007 and 2008 9
- 3 Sexual Offences 10
 - 3.1 Disposals in all courts in 2007 and 2008..... 10
 - 3.2 Disposals in Sexual Offences in Magistrates’ Courts and Crown Court in 2007 and 2008..... 11
- 4 Burglary..... 11
 - 4.1 Disposals in all courts in 2007 and 2008..... 11
 - 4.2 Disposals for Burglary in Magistrates’ Courts and Crown Court in 2007 and 2008..... 13
- 5 Robbery..... 13
 - 5.1 Disposals in all courts in 2007 and 2008..... 13
 - 5.2 Disposals for Robbery in Magistrates’ Courts and Crown Court in 2007 and 2008 14
- 6 Theft..... 15
 - 6.1 Disposals in all courts in 2007 and 2008..... 15
 - 6.2 Disposals for Theft in Magistrates’ Courts and Crown Court in 2007 and 2008..... 16
- 7 Fraud and Forgery..... 17
 - 7.1 Disposals in all courts in 2007 and 2008..... 17
 - 7.2 Disposals for Fraud and Forgery in Magistrates’ Courts and Crown Court in 2007 and 2008 18
- 8 Criminal Damage..... 19
 - 8.1 Disposals in all courts in 2007 and 2008..... 19
 - 8.2 Disposals for Criminal Damage in Magistrates’ Courts and Crown Court in 2007 and 2008 20
- 9 Drug Offences 21
 - 9.1 Disposals in all courts in 2007 and 2008..... 21

9.2 Disposals for Drug Offences in Magistrates' Courts and Crown Court in 2007 and 2008	22
Annex A- Disposals in Magistrates' Courts 2007-08	25
Annex B- Disposals in Crown Court 2007-08.....	29

1 Introduction

This paper provides information on a comparison of sentencing statistics between Northern Ireland and England and Wales. The Department of Justice (DoJ) recently published sentencing statistics for the years 2007 and 2008 and this paper compares these figures with those provided by the Ministry of Justice.¹

The DoJ urges caution in directly comparing trends from previous years before 2007 for a number of reasons; most importantly as the statistics included in the most recent publication originate from a different source.² The statistics in the DoJ's most recent bulletin are based on data from the Criminal Records Viewer (CRV) whereas from 2000 to 2006 data came from the PSNI's Integrated Crime Information System (ICIS). Previous datasets included prosecutions as well as convictions however the CRV only contains data on convictions.³ Taking cognisance of this, the paper will not draw on comparisons from previous years.

It should also be noted that the most recent publication does not present information in relation to disposals in a directly comparable format with those in England and Wales. The main example is that the Ministry of Justice provides figures for summary non motoring offences and summary motoring offences whereas the Department of Justice does not present information in this way. This is important as these summary non-motoring offences and summary motoring offences account for a very large proportion of the cases dealt with in the Magistrates' courts in England and Wales.⁴ Therefore, it is necessary to treat with considerable caution any comparisons, particularly for disposals in all courts and in the Magistrates' courts. Comparisons for the Crown Court are likely to be more reliable given the smaller volume of summary offences that would be sentenced in this court.

This paper focuses on disposals for offences which are presented in a comparable format in both jurisdictions. The following sections provide information in relation to a number of offences including: violence against the person; sexual offences; burglary; robbery; theft; fraud and forgery; criminal damage; and drug offences.

¹ The sources of information used for this paper are: Department of Justice "Northern Ireland Conviction and Sentencing Statistics 2007 &2008 "Research and Statistical Bulletin 04/2012, September 2012; the Ministry of Justice "Sentencing Statistics: England and Wales 2009 Bulletin" published October 2010 and also supplementary tables 1b, 1c and 4d.

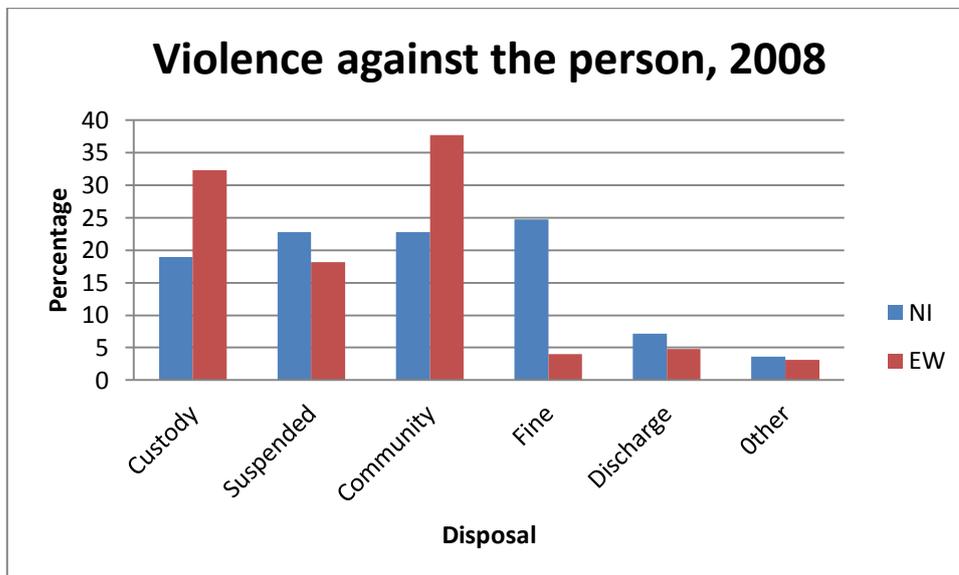
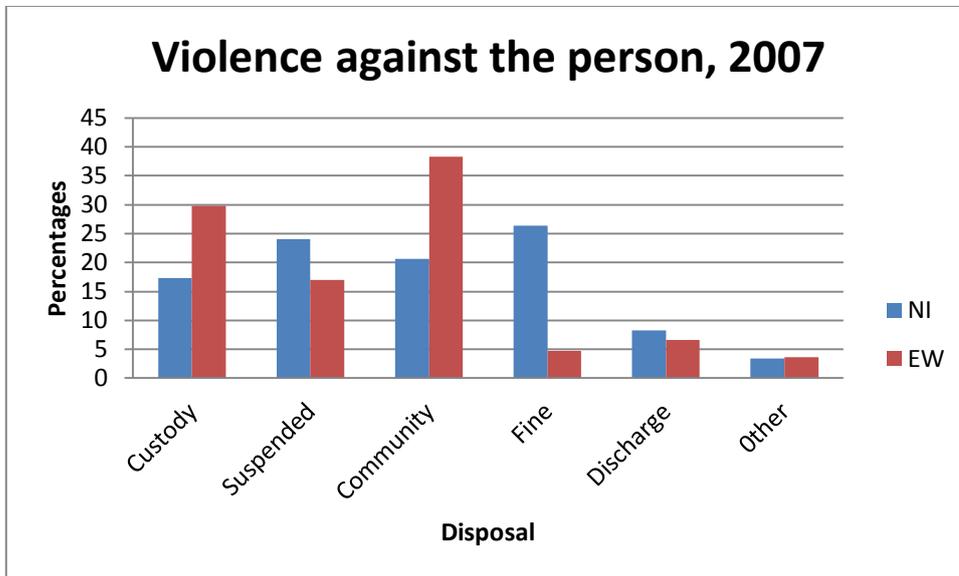
² Department of Justice "Northern Ireland Conviction and Sentencing Statistics 2007 &2008 " Research and Statistical Bulletin 04/2012, September 2012, 2

³ The CRV is held on Causeway and originated in PSNI using data from NICTS. Department of Justice "Northern Ireland Conviction and Sentencing Statistics 2007 &2008 " Research and Statistical Bulletin 04/2012, September 2012

⁴ The Ministry of Justice explains that summary offences are these offences triable only by magistrates' courts unless a defendant is tried at the Crown Court for a mixture of indictable and summary offences. This group is dominated by motoring offences for some penalties can be issued, but also includes such offences as common assault and criminal damage up to £5000.

2 Violence against the Person

2.1 Disposals, all courts in 2007 and 2008



- The courts in England and Wales made greater use of immediate custody (29.8% in 2007 and 32.3% in 2008) than courts in NI (17.3% in 2007 and 18.9% in 2008);

- The courts in England and Wales, made greater use of community sentences (38.3% in 2007 and 37.7% in 2008) than courts in NI (20.6% in 2007 and 22.8% in 2008);
- The courts in NI made greater use of suspended sentences (24.1% in 2007 and 22.8% in 2008) than courts in England and Wales (17.0% in 2007 and 18.1% in 2008);
- The courts in NI made much greater use of fines (26.4% in 2007 and 24.7% in 2008) than courts in England and Wales (4.7% in 2007 and 4.0% in 2008).

2.2 Disposals for Violence Against the Person in Magistrates' Courts and Crown Court in 2007 and 2008

In relation to violence against the person, there is a difference of less than 2% between the jurisdictions in the use of immediate custodial sentences in the Magistrates' Courts (**See Annex A**). Magistrates' courts in NI make greater use of suspended sentences (22.9% in 2007 and 22.3% in 2008) than the courts in England and Wales (12.0% in 2007 and 12.3% in 2008). The Magistrates' courts in England and Wales made much greater use of community sentences (53.3% in 2007 and 54.5% in 2008) compared to Magistrates' courts in Northern Ireland (22.0% in 2007 and 24.5% in 2008). In NI, Magistrates' courts made more use of fines (29.1% in 2007 and 27.3% in 2008) than courts in England and Wales (7.0% in 2007 and 6.4% in 2008).⁵

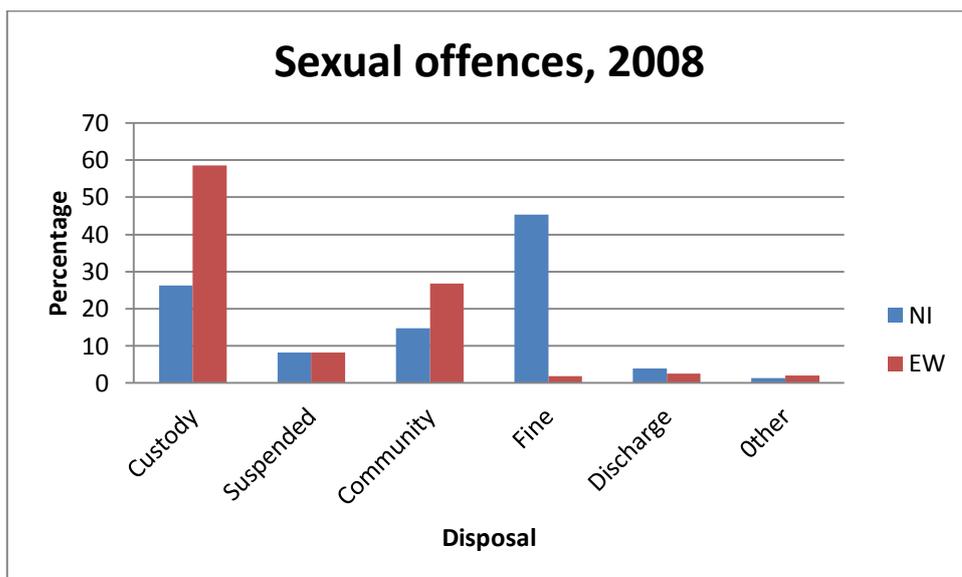
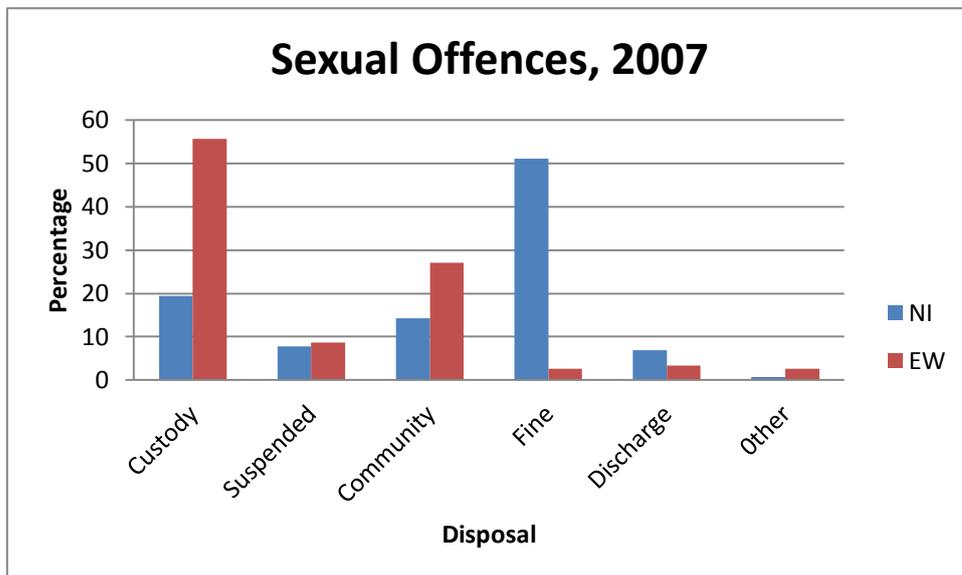
In the Crown Court in 2007, there was greater use of immediate custodial sentences in England and Wales (50.6%) compared to NI (45.4%). In 2008, the courts in NI made slightly more use of immediate custody (56.3%) than courts in England and Wales (52.6%). There was a greater use of community sentences in England and Wales (17.1% in 2007 and 16.4% in 2008) than in Northern Ireland (9.9% in 2007 and 9.3% in 2008), however the difference is much narrower in the Crown Courts. Again the Crown Courts in NI made more use of suspended sentences (33.1% in 2007, 27.4% in 2008) compared to Crown Courts in England and Wales (24.1% in 2007 and 25.4% in 2008).⁶

⁵ See table in Annex A of this paper

⁶ See Table in Annex B

3 Sexual Offences

3.1 Disposals in all courts in 2007 and 2008



- The courts in England and Wales made much greater use of custody (55.7% in 2007 and 58.6% in 2008) than the courts in Northern Ireland (19.4% in 2007 and 26.3% in 2008);
- The courts in NI made much greater use of fines (51.0% in 2007 and 45.4% in 2008) than courts in England and Wales (2.6% in 2007 and 1.8% in 2008);
- The courts in England and Wales made greater use of community sentences (27.1% in 2007 and 26.7% in 2008) than courts in Northern Ireland (14.3% in 2007 and 14.8% in 2008).

3.2 Disposals in Sexual Offences in Magistrates' Courts and Crown Court in 2007 and 2008

In relation to sexual offences, the Magistrates' courts in England and Wales made more use of immediate custody (12.7% in 2007, 14.7% in 2008) than Magistrates' Courts in NI (3.8% in 2007, 9.8% in 2008). Magistrates' courts in England and Wales made much greater use of community sentences (58.0% in 2007 and 60.7% in 2008) than courts in NI (14.0% in 2007 and 11.6% in 2008). Magistrates' courts in NI made much greater use of fines (67.0% in 2007 and 65.8% in 2008) than courts in England and Wales (8.6% in 2007 and 5.9% in 2008).⁷

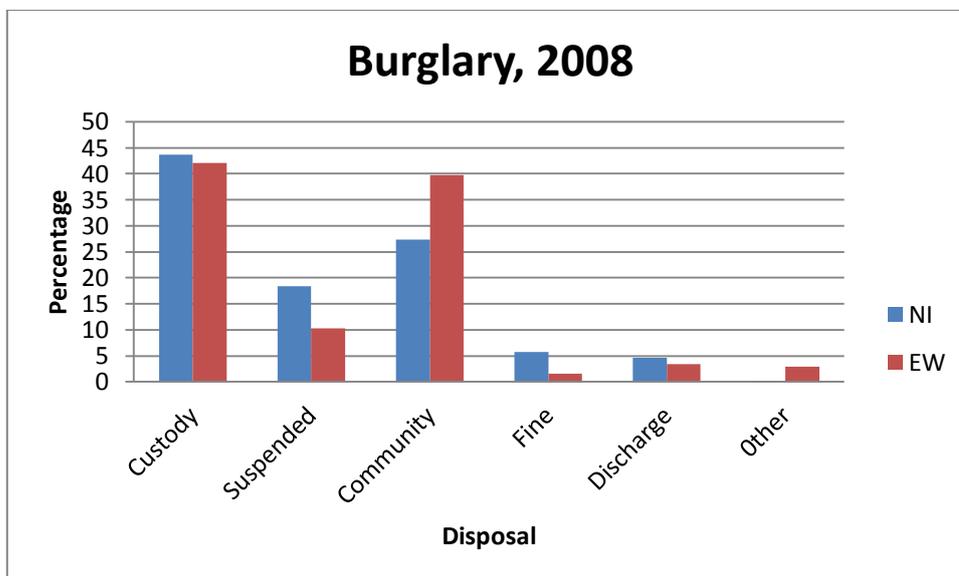
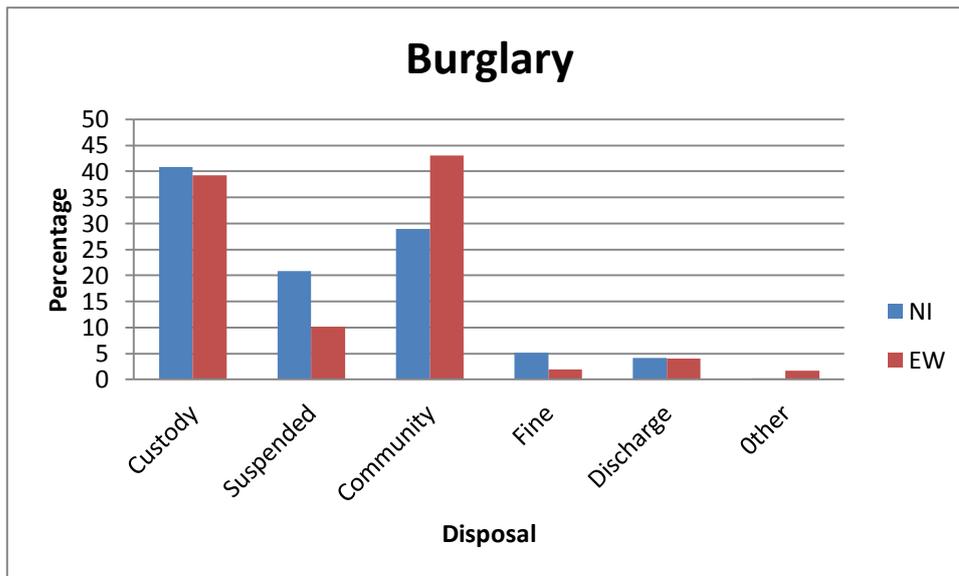
It is noteworthy that the very big differences observed for all courts and Magistrates' courts are not replicated when looking only at the Crown Court. In both England and Wales and Northern Ireland, fines were used in less than 1% of sexual offences cases at the Crown Court in 2007 and 2008. Custody is the most common disposal in both jurisdictions (70.6% in 2007 and 71.2% in 2008 in England and Wales and 69.2% for 2007 and 62.9% in 2008 in NI). In NI, suspended sentences were used more often than in England and Wales (15.0% in 2007 and 14.5% in 2008 in NI compared to 9.0% in 2007 and 8.4% in 2008 for England and Wales).⁸ The Crown Court in England and Wales made slightly more use of community sentences in 2007 than the Crown Court in NI (16.4% compared to 15.0%). However the Crown Court in NI made more use of community sentences in 2008 than the Crown Court in England and Wales (21.8% compared to 16.9%).

4 Burglary

4.1 Disposals in all courts in 2007 and 2008

⁷ See table in Annex A of this paper

⁸ See Table in Annex B



- The rates of the use of custody for burglary by all courts between the jurisdictions was broadly similar (40.8% in 2007 and 43.6% in 2008 in NI and 39.2% in 2007 and 42.1% in 2008 in E&W);
- The courts in NI made greater use of suspended sentences (20.8% in 2007 and 18.4% in 2008) compared to courts in England and Wales (10.2% in 2007 and 10.3% in 2008);
- However courts in England and Wales made much greater use of community sentences (43.0% in 2007 and 39.7% in 2008) compared to courts in NI (29.0% in 2007 and 27.4% in 2008);
- Courts in NI made more use of fines (5.1% in 2007 and 5.8% in 2008) than courts in England and Wales (2.0% in 2007 and 1.6% in 2008).

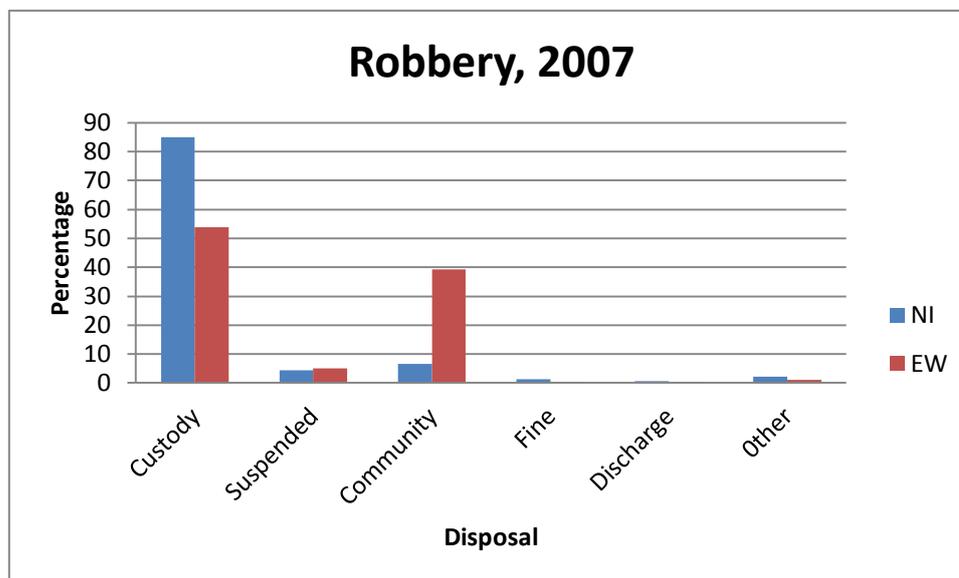
4.2 Disposals for Burglary in Magistrates' Courts and Crown Court in 2007 and 2008

In relation to burglary, custody was used more often by Magistrates' courts and the Crown Court in NI than in England and Wales in both years (**See Annex A and Annex B**). Magistrates Courts in NI made greater use of suspended sentences in both years than the courts in England and Wales (21.9% in 2007 and 18.6% in 2008 compared to 7.3% in 2007 and 7.2% in 2008). However the Magistrates' courts in England and Wales made greater use of community sentences in 2007 and 2008 than Magistrates' courts in NI (58.4% in 2007 and 56.7% in 2008 compared to 34.2% in 2007 and 31.9% in 2008).⁹

The Crown Court in England and Wales made more use of community sentences in burglary cases than the Crown Court in NI in both years (17.3% in 2007 and 15.1% in 2008 in E&W compared to 6.9% in 2007 and 6.3% in 2008 in NI). The use of suspended sentences in the Crown Court was broadly similar in 2007 in both jurisdictions, however NI Courts made slightly more use of suspended sentences than the courts in England and Wales in 2008 (17.9% compared to 14.7%).¹⁰

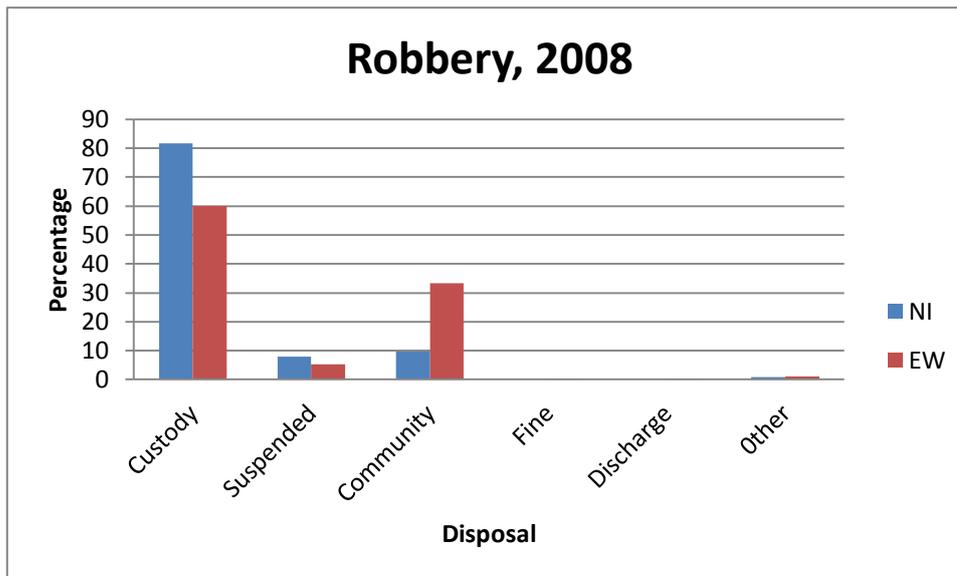
5 Robbery

5.1 Disposals in all courts in 2007 and 2008



⁹ See Annex A

¹⁰ See Annex B



- Custody was the most common disposal in robbery cases in both jurisdictions in 2007;
- However the courts in NI made much greater use of custody in robbery cases (84.9% in 2007 and 81.6% in 2008) than courts in England and Wales (53.8% in 2007 and 60.0% in 2008);
- The courts in England and Wales made much greater use of community sentences (39.2% in 2007 and 33.3% in 2008) compared to courts in NI (6.5% in 2007 and 9.6% in 2008).

5.2 Disposals for Robbery in Magistrates' Courts and Crown Court in 2007 and 2008

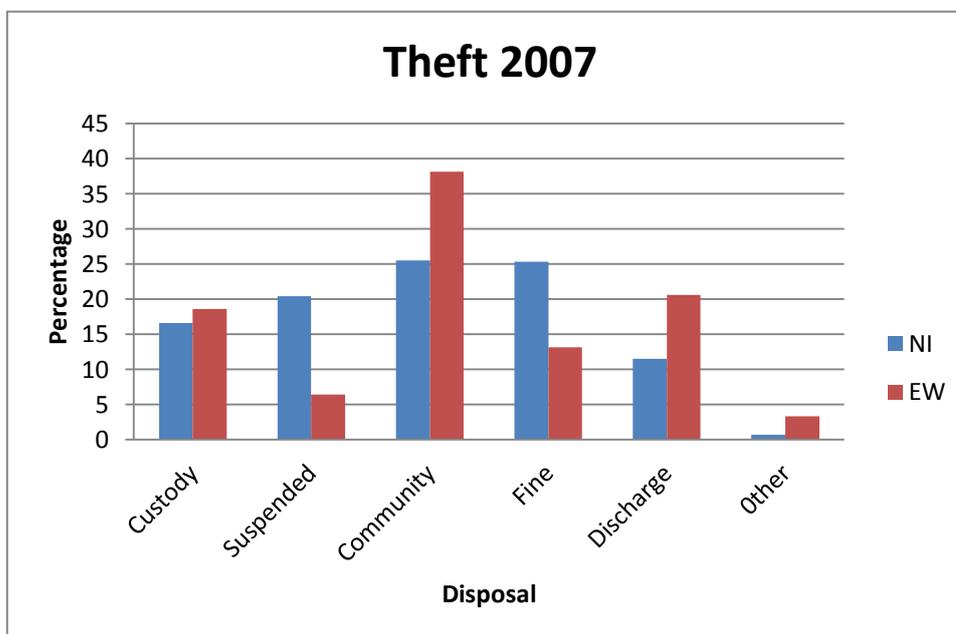
Regarding disposals for robbery, the Magistrates' courts in NI made greater use of custody than the courts in England and Wales (43.8% in 2007 and 20.0% in 2008, compared to 14.4% in 2007 and 17.0% in 2008; however in 2007 the difference was 29.4%, whereas the difference in 2008 was only 3.0%). The Magistrates' courts in NI made greater use of suspended sentences than courts in England and Wales in both years (12.5% in 2007 and 20.0% in 2008 compared to 0.1% in both years; a difference of 12.4% in 2007 and 19.9% in 2008). However the Magistrates' courts in England and Wales made much greater use of community sentences in robbery cases in both years, (82.8% in 2007 and 81.3% in 2008 compared to 31.3% in 2007 and 60.0% in 2008; a difference of 51.5% in 2007 and 21.3% in 2008). Care should be taken however in drawing too many conclusions from these comparisons as there were only 16 disposals in robbery cases in 2007 and 10 in 2008 in NI. In contrast there were 3439 disposals in 2007 and 2834 in 2008 in England and Wales. It is possible that because the numbers are so small that a few more disposals could result in radically different results.¹¹

¹¹ See Annex A

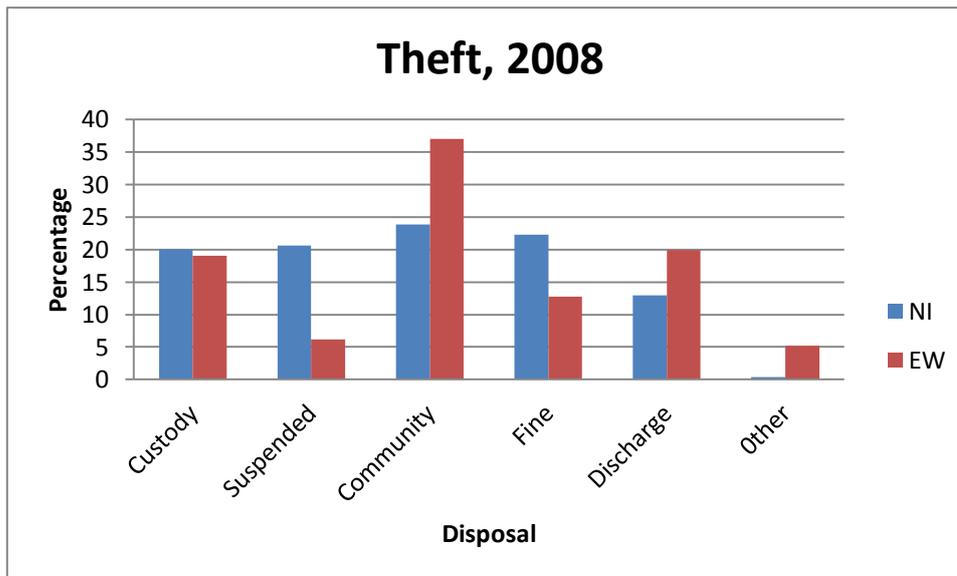
The NI Crown Court made more use of custody than the Crown Court in England and Wales in both years (90.2% in 2007 and 87.0% in 2008 compared to 78.9% in 2007 and 81.5% in 2008). The Crown Court in England and Wales made more use of community sentences (11.5% in 2007 and 9.3% in 2008 compared to 3.3% and 5.2 % in 2008). The Crown Court in England and Wales also made more use of suspended sentences in both years than in NI (8.2% in 2007 and 7.8% in 2008 compared to 3.3% in 2007 and 7.0% in 2008).¹²

6 Theft

6.1 Disposals in all courts in 2007 and 2008



¹² See Annex B



- The use of immediate custody in theft cases in all courts was broadly similar in both jurisdictions in both years;
- The courts in NI made much greater use of suspended sentences (20.4% in 2007 and 20.6% in 2008) than courts in England and Wales (6.4% in 2007 and 6.2% in 2008);
- The courts in NI also made greater use of fines (25.3% in 2007 and 22.3% in 2008 than courts in England and Wales (13.1% in 2007 and 12.7% in 2008);
- The courts in England and Wales made much greater use of community sentences (38.1% in 2007 and 37.0% in 2008) than courts in NI (25.5% in 2007 and 23.8% in 2008).

6.2 Disposals for Theft in Magistrates' Courts and Crown Court in 2007 and 2008

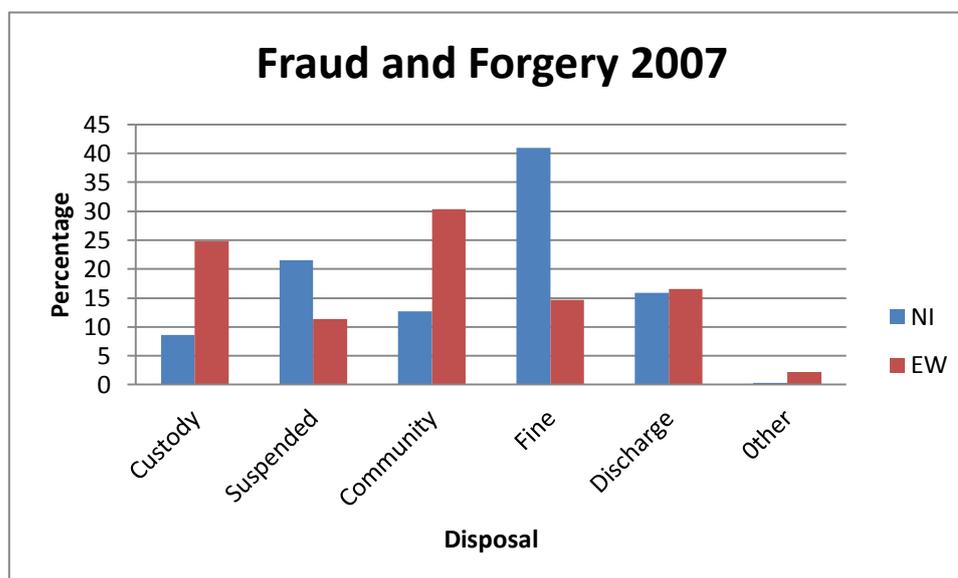
In relation to disposals for theft, Magistrates' courts in England and Wales made slightly more use of custody in 2007 (16.5% compared to 15.1% in 2007). However Magistrates' courts in NI made slightly more use of custody than courts in England and Wales in 2008 (18.7% compared to 16.7%). In both years the Magistrates' courts in Northern Ireland used suspended sentences more frequently than courts in England and Wales (19.5% in 2007 and 19.3% in 2008, compared to 5.2% in 2007 and 4.7% in 2008; the difference was 14.3% and 14.6% respectively). The Magistrates' courts in England and Wales made greater use of community sentences than courts in NI in both years (39.1 % in 2007 and 38.1% in 2008 compared to 26.5% in 2007 and 24.6%

in 2008; the difference in 2007 was 12.6% and 13.5% in 2008). The Magistrates' courts in NI used fines more often as a disposal in both years than courts in England and Wales (26.5% in 2007 and 23.5% in 2008 compared to 14.0% in 2007 and 13.6% in 2008; the difference was 12.5% in 2007 and 9.9% in 2008).¹³

The Crown Court in England and Wales made more use of custody as a disposal than courts in NI (43.4% in 2007 and 44.4% in 2008 compared to 39.4% in 2007 and 38.8% in 2008; the difference is 4.0% and 5.6% respectively). There is a difference in the use of suspended and community sentences. In both years, the Crown Court in NI used suspended sentences more often than the Crown Court in England and Wales (34.9% in 2007 and 39.7% in 2008 compared to 20.7% in 2007 and 22.1% in 2008). The Crown Court in England and Wales used community sentences more frequently than the Crown Court in NI (25.7% in 2007 and 24.3% in 2008 compared to 9.2% in 2007 and 12.9% in 2008).¹⁴

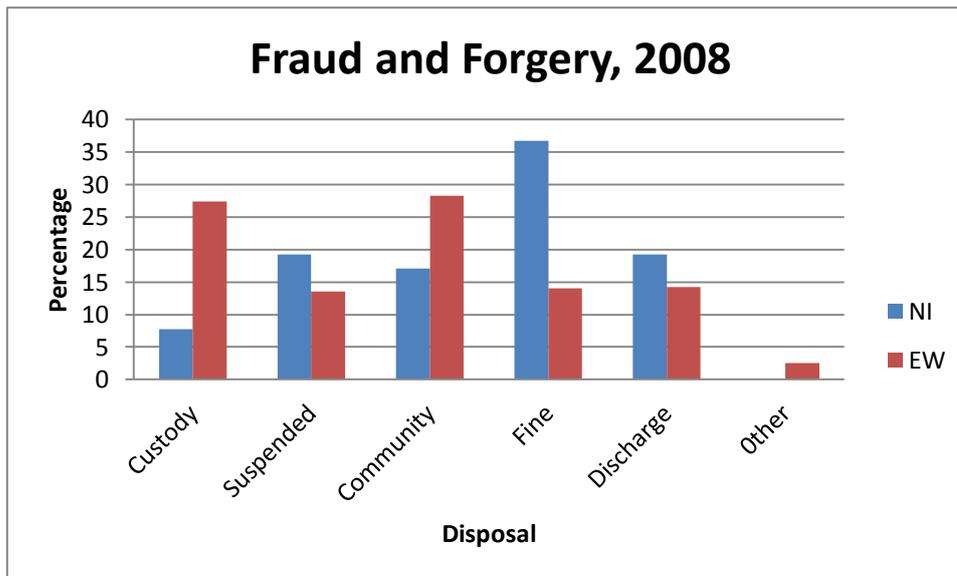
7 Fraud and Forgery

7.1 Disposals in all courts in 2007 and 2008



¹³ See Annex A

¹⁴ See Annex B



- The courts in England & Wales made much greater use of custody (24.8% in 2007 and 27.4% in 2008) compared to courts in NI (8.6% in 2007 and 7.7% in 2008);
- The courts in England and Wales made greater use of community sentences (30.4% in 2007 and 28.3% in 2008) compared to courts in NI (12.7% in 2007 and 17.1% in 2008);
- The courts in NI made greater use of suspended sentences (21.5% in 2007 and 19.2% in 2008) than courts in England and Wales (11.4% in 2007 and 13.5% in 2008);
- Northern Ireland courts made much greater use of fines (40.9% in 2007 and 36.7% in 2008) compared to courts in England and Wales (14.7% in 2007 and 14.0% in 2008).

7.2 Disposals for Fraud and Forgery in Magistrates' Courts and Crown Court in 2007 and 2008

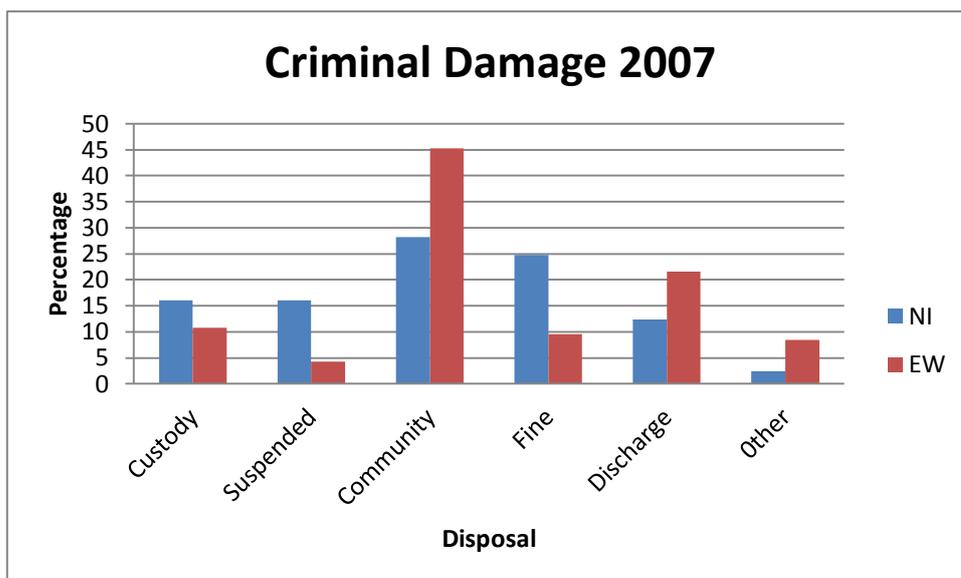
In relation to fraud and forgery cases, the use of custody as a disposal by the Magistrates' courts in both jurisdictions in 2007 and 2008 was broadly similar (a difference of 0.4% in 2007 and 2.3% in 2008-**see Annex A**). Magistrates' courts in NI made more use of suspended sentences in both years (15.6% in 2007 and 14.1% in 2008) than courts in England and Wales (6.8% in 2007 and 7.2% in 2008). Magistrates' courts in England and Wales used community sentences much more frequently in both years (38.9% in 2007 and 38.3% in 2008 compared to 13.5% and 17.5% respectively).

Magistrates' courts in NI made much greater use of fines (46.5% in 2007 and 42.1% in 2008, compared to 21.2% and 22.0% in England and Wales).¹⁵

The Crown Court in England and Wales imposed custodial sentences more often than the Crown Court in Northern Ireland (59.5% in 2007 and 58.7% in 2008 in E&W, compared to 20.2% and 24.2% in NI respectively). Correspondingly, the NI Crown Court made greater use of suspended sentences than the Crown Court in England and Wales (58.8% in 2007 and 51.6% in 2008 compared to 20.6% and 23.4% respectively). In 2007, the Crown Court in England and Wales made more use of community sentences (13.7%) than courts in NI (7.6%). However the Crown Court in NI made slightly more use of community sentences in 2008 than the Crown Court in England and Wales (14.8% compared to 12.7%). The Crown Court in NI made more use of fines than in England and Wales (5.0% in 2007 and 2.3% in 2008 compared to 1.8% and 1.6% respectively).¹⁶

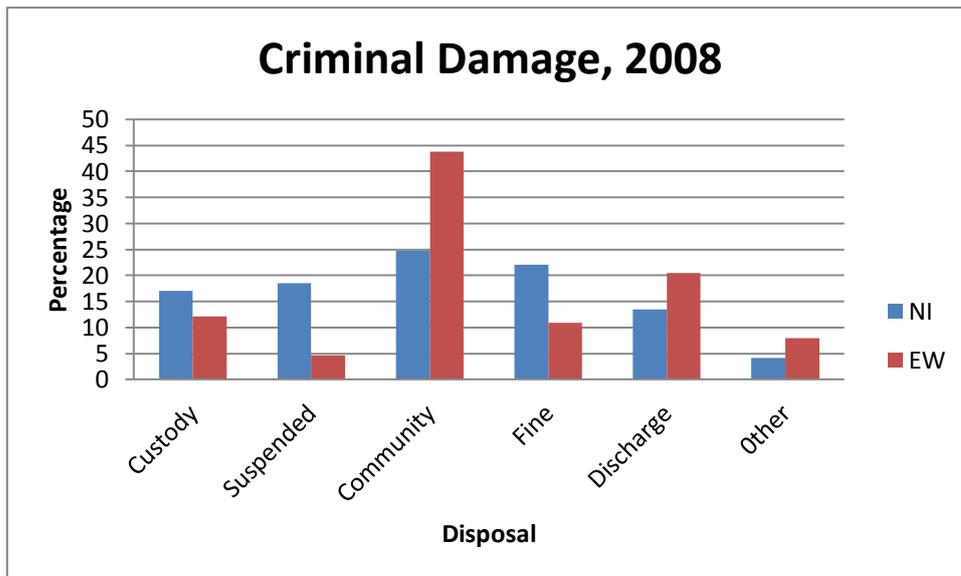
8 Criminal Damage

8.1 Disposals in all courts in 2007 and 2008



¹⁵ See Annex A

¹⁶ See Annex B



- Courts in NI made more use of immediate custody (16.0% in 2007 and 17.0% in 2008) than courts in England and Wales (10.8% in 2007 and 12.1% in 2008).
- Courts in NI made greater use of suspended sentences (16.0% in 2007 and 18.5% in 2008) compared to courts in England and Wales (4.3% in 2007 and 4.7% in 2008);
- Courts in NI also made much greater use of fines (24.8% in 2007 and 22.1% in 2008) compared to courts in England and Wales (9.6% in 2007 and 10.9% in 2008)
- Courts in England and Wales made much greater use of community sentences (45.2% in 2007 and 43.8% in 2008) than courts in Northern Ireland (28.2% in 2007 and 24.8% in 2008).

8.2 Disposals for Criminal Damage in Magistrates' Courts and Crown Court in 2007 and 2008

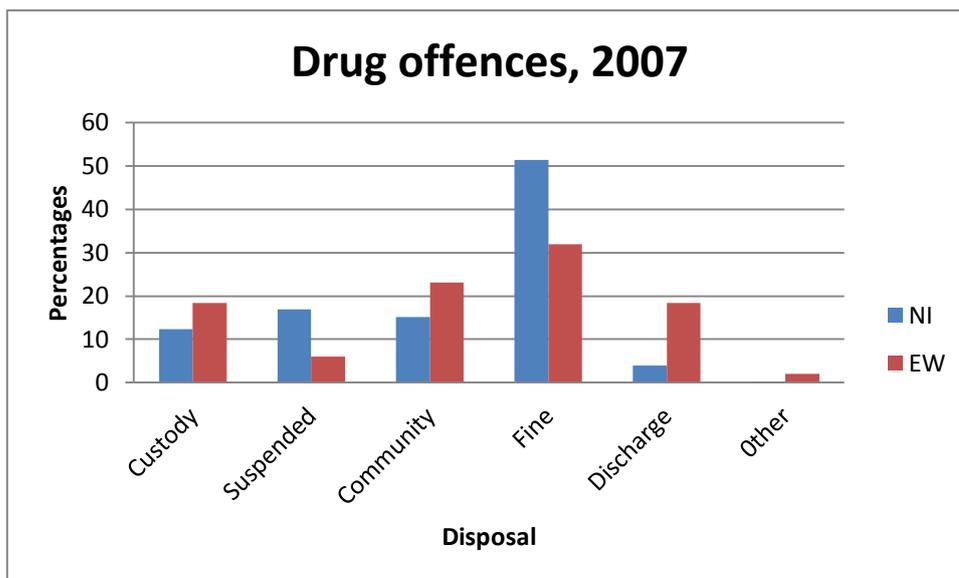
In criminal damage cases, the Magistrates' court in Northern Ireland made more use of immediate custody in both years (14.7% in 2007 and 15.9% in 2008, compared to 6.1% and 6.0% respectively in England and Wales). Magistrates' courts in NI made greater use of suspended sentences than Magistrates' courts in England and Wales in both years (14.8% in 2007 and 17.7% in 2008, compared to 2.5% and 2.2% respectively). Magistrates' courts in NI also made much greater use of fines in both years (26.0% in

2007 and 23.1% in 2008, compared to 10.6% and 12.8% respectively). However Magistrates' courts in England and Wales made greater use of community sentences in both years (48.3% in 2007 and 47.5% in 2008, compared to 29.0% and 24.9% respectively). Magistrates Courts in England and Wales also made more use of discharges in both years (23.9% in 2007 and 23.6% in 2008, compared to 13.0% and 14.2% respectively).¹⁷

In the Crown Court, the figures for custody in criminal damage cases in both jurisdictions in both years is broadly similar (**see Annex B**). The Crown Court in NI relies on suspended sentences more frequently than the Crown Court in England and Wales (40.3% in 2007 and 33.8% in 2008 compared to 16.0% in 2007 and 16.3% in 2008 in E&W). The Crown Court in England and Wales makes more use of community sentences than the Crown Court in NI, 24.7% in 2007 and 26.9% in 2008, compared to 12.9% in 2007 and 23.1% in 2008 (the difference in the jurisdictions in 2007 was 11.8% in 2007 but there was only 3.8% difference in 2008). The Crown Court in England and Wales made more use of fines in 2007 than courts in NI (3.2% compared to 0.0% in NI), however the Crown Court in NI made marginally more use of fines in 2008 (3.1% compared to 2.1%). The Crown Court in England and Wales made more use of discharges than courts in NI (6.4% in 2007 and 6.5% in 2008, compared to 1.6% and 1.5% respectively).¹⁸

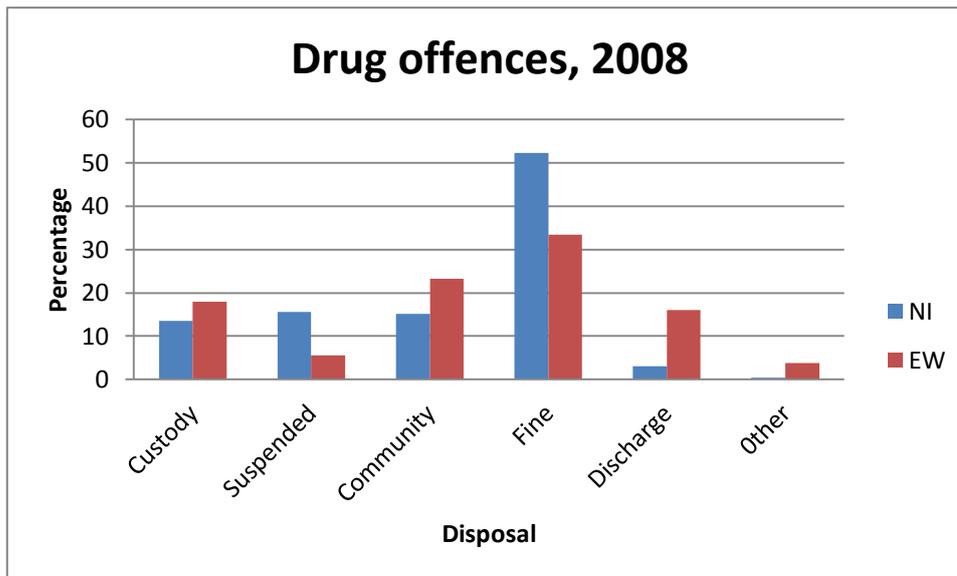
9 Drug Offences

9.1 Disposals in all courts in 2007 and 2008



¹⁷ See Annex A

¹⁸ See Annex B



- A fine was the most common disposal for drug offences in all courts in both jurisdictions, however courts in NI made much greater use of fines (51.3% in 2007, 52.2.% in 2008) compared to courts in England and Wales (31.9% in 2007 and 33.4% in 2008);
- Courts in England and Wales made more use of immediate custody (18.4% in 2007 and 17.9% in 2008) than courts in NI (12.4% in 2007 and 13.5% in 2008);
- Courts in England and Wales made greater use of discharges (18.4% in 2007 and 16.0% in 2008) compared to courts in NI (3.9% in 2007 and 3.1% in 2008);
- Courts in England and Wales made more use of community sentences (23.1% in 2007 and 23.2% in 2008) compared to courts in NI (15.1% in 2007 and 15.2% in 2008).

9.2 Disposals for Drug Offences in Magistrates' Courts and Crown Court in 2007 and 2008

In relation to drug offences, the figures for immediate custody in the Magistrates' court in both jurisdictions were broadly similar (**See Annex A**). Magistrates' courts in NI made more use of suspended sentences than Magistrates' courts in England and Wales (11.7% in 2007 and 11.9% in 2008 compared to 2.1% in 2007 and 1.5% in 2008). Magistrates' courts in NI also made greater use of fines in drug offences compared to courts in England and Wales (62.9% in 2007 and 65.2% in 2008 compared to 41.9% in 2007 and 43.7% in 2008). Magistrates' courts in England and Wales made more frequent use of community sentences (26.4% in both years compared to 16.1% in 2007 and 15.0% in 2008 in NI). Magistrates' courts in England

and Wales also used discharges more frequently than courts in NI (23.7% in 2007 and 20.4% in 2008 compared to 4.8% in 2007 and 3.4% in 2008).¹⁹

The Crown Court in England and Wales imposed custodial sentences more often than the Crown Court in NI (61.5% in 2007 and 62.1% in 2008 compared to 46.0% in 2007, and 50.5% in 2008). However the Northern Ireland Crown Court imposed suspended sentences more often than the Crown Court in England and Wales (38.0% in 2007 and 29.8% in 2008 compared to 17.5% in 2007 and 17.8% in 2008). The Crown Court in NI made slightly more use community sentences in 2008 than the Crown Court in England and Wales (15.9% compared to 13.5%) whereas in the previous year, the Crown Court in England and Wales made slightly more use of community sentences (13.6% compared to 11.2%).²⁰

¹⁹ See Annex A

²⁰ See Annex B

Annex A- Disposals in Magistrates' Courts 2007-08²¹

Offence group	Outcome	EW	EW	NI	NI	EW	EW	NI	NI
		2007	2007	2007	2007	2008	2008	2008	2008
		Nos	%	Nos	%	Nos	%	Nos	%
Violence against the person									
		<i>Number given:</i>							
	Immediate custody	3691	15.0	373	13.5	3745	16.2	397	14.3
	Suspended sentence	2956	12.0	633	22.9	2841	12.3	619	22.3
	Community sentences	13126	53.3	609	22.0	12608	54.5	680	24.5
	Fines	1712	7.0	805	29.1	1477	6.4	759	27.3
	Discharges	2370	9.6	246	8.9	1660	7.2	217	7.8
	Other disposals	753	3.1	101	3.7	801	3.5	108	3.9
	Total	24608	100	2767	100	23132	100	2780	100
Sexual offences									
		<i>Number given:</i>							
	Immediate custody	164	12.7	13	3.8	168	14.7	27	9.8
	Suspended sentence	98	7.6	19	5.6	85	7.4	15	5.5
	Community sentences	750	58.0	48	14.0	693	60.7	32	11.6
	Fines	111	8.6	229	67.0	67	5.9	181	65.8
	Discharges	115	8.9	30	8.8	93	8.2	16	5.8
	Other disposals	56	4.3	3	0.9	35	3.1	4	1.5
	Total	1294	100	342	100	1141	100	275	100

²¹ Information obtained from Department of Justice "Northern Ireland Conviction and Sentencing Statistics 2007 & 2008, (September 2012) Table 7 and Ministry of Justice Sentencing Statistics: England and Wales 2009, Table 1b and 4d Supplementary Tables

Offence group	Outcome	EW	<i>EW</i>	NI	<i>NI</i>	EW	<i>EW</i>	NI	<i>NI</i>
		2007	<i>2007</i>	2007	<i>2007</i>	2008	<i>2008</i>	2008	<i>2008</i>
		Nos	%	Nos	%	Nos	%	Nos	%
Burglary									
		<i>Number given:</i>							
	Immediate custody	3420	23.2	137	32.3	3304	23.6	165	37.3
	Suspended sentence	1074	7.3	93	21.9	1011	7.2	82	18.6
	Community sentences	8598	58.4	145	34.2	7944	56.7	141	31.9
	Fines	442	3.0	27	6.4	357	2.6	29	6.6
	Discharges	886	6.0	21	5.0	760	5.4	25	5.7
	Other disposals	315	2.1	1	0.2	624	4.5	0	0.0
	Total	14735	100	424	100	14000	100	442	100
Robbery									
		<i>Number given:</i>							
	Immediate custody	495	14.4	7	43.8	481	17.0	2	20.0
	Suspended sentence	5	0.1	2	12.5	4	0.1	2	20.0
	Community sentences	2848	82.8	5	31.3	2303	81.3	6	60.0
	Fines	28	0.8	1	6.3	1	0.0	0	0.0
	Discharges	18	0.5	1	6.3	17	0.6	0	0.0
	Other disposals	45	1.3	0	0.0	28	1.0	0	0.0
	Total	3439	100	16	100	2834	100	10	100
Theft and handling stolen goods									
		<i>Number given:</i>							
	Immediate custody	16084	16.5	260	15.1	16947	16.7	311	18.7
	Suspended sentence	5015	5.2	336	19.5	4797	4.7	321	19.3
	Community sentences	38093	39.1	456	26.5	38567	38.1	409	24.6
	Fines	13595	14.0	456	26.5	13732	13.6	392	23.5

Discharges	21266	21.8	204	11.9	21504	21.2	225	13.5
Other disposals	3314	3.4	9	0.5	5662	5.6	7	0.4
Total	97367	100	1721	100	101209	100	1665	100

Offence group	Outcome	EW 2007 Nos	EW 2007 %	NI 2007 Nos	NI 2007 %	EW 2008 Nos	EW 2008 %	NI 2008 Nos	NI 2008 %
---------------	---------	-------------------	-------------------------------	-------------------	-------------------------------	-------------------	-------------------------------	-------------------	-------------------------------

Fraud and forgery

Number given:

Immediate custody	1000	7.2	52	6.8	927	7.4	41	5.1
Suspended sentence	950	6.8	119	15.6	902	7.2	113	14.1
Community sentences	5424	38.9	103	13.5	4820	38.3	140	17.5
Fines	2951	21.2	354	46.5	2768	22.0	338	42.1
Discharges	3205	23.0	130	17.1	2684	21.3	170	21.2
Other disposals	407	2.9	3	0.4	487	3.9	0	0.0
Total	13937	100	761	100	12588	100	802	100

Criminal damage

Number given:

Immediate custody	650	6.1	187	14.7	473	6.0	188	15.9
Suspended sentence	265	2.5	188	14.8	173	2.2	210	17.7
Community sentences	5172	48.3	369	29.0	3731	47.5	295	24.9
Fines	1138	10.6	331	26.0	1004	12.8	274	23.1
Discharges	2559	23.9	165	13.0	1851	23.6	168	14.2
Other disposals	924	8.6	33	2.6	623	7.9	51	4.3
Total	10708	100	1273	100	7855	100	1186	100

Drug offences

Number given:

Immediate custody	1178	3.6	31	4.1	1293	3.3	32	4.0
-------------------	------	------------	----	------------	------	------------	----	------------

Suspended sentence	685	2.1	88	11.7	612	1.5	96	11.9
Community sentences	8748	26.4	121	16.1	10490	26.4	121	15.0
Fines	13877	41.9	474	62.9	17348	43.7	525	65.2
Discharges	7858	23.7	36	4.8	8109	20.4	27	3.4
Other disposals	752	2.3	3	0.4	1858	4.7	4	0.5
Total	33098	100	753	100	39710	100	805	100

Annex B- Disposals in Crown Court 2007-08²²

Offence group	Outcome	EW	EW	NI	NI	EW	EW	NI	NI
		2007	2007	2007	2007	2008	2008	2008	2008
		Nos	%	Nos	%	Nos	%	Nos	%
Violence against the person									
<i>Number given:</i>									
	Immediate custody	8844	50.6	169	45.4	9635	52.6	193	56.3
	Suspended sentence	4211	24.1	123	33.1	4659	25.4	94	27.4
	Community sentences	2980	17.1	37	9.9	3002	16.4	32	9.3
	Fines	285	1.6	23	6.2	200	1.1	11	3.2
	Discharges	386	2.2	15	4.0	341	1.9	8	2.3
	Other disposals	761	4.4	5	1.3	472	2.6	5	1.5
	total	17467	100	372	100	18309	100	343	100
Sexual offences									
<i>Number given:</i>									
	Immediate custody	2643	70.6	74	69.2	2832	71.2	78	62.9
	Suspended sentence	337	9.0	16	15.0	335	8.4	18	14.5
	Community sentences	614	16.4	16	15.0	674	16.9	27	21.8
	Fines	22	0.6	0	0.0	24	0.6	0	0.0
	Discharges	56	1.5	1	0.9	40	1.0	0	0.0
	Other disposals	73	1.9	0	0.0	75	1.9	1	0.8
	total	3745	100	107	100	3980	100	124	100

²² Information obtained from Department of Justice "Northern Ireland Conviction and Sentencing Statistics 2007 & 2008, Table 8 and Ministry of Justice Sentencing Statistics: England and Wales 2009, Table 1c and 4d Supplementary Tables

Offence group	Outcome	EW	<i>EW</i>	NI	<i>NI</i>	EW	<i>EW</i>	NI	<i>NI</i>
		2007 Nos	<i>2007</i> %	2007 Nos	<i>2007</i> %	2008 Nos	<i>2008</i> %	2008 Nos	<i>2008</i> %
Burglary									
	<i>Number given:</i>								
	Immediate custody	5817	<i>66.0</i>	77	<i>76.2</i>	6656	<i>69.0</i>	69	<i>72.6</i>
	Suspended sentence	1331	<i>15.1</i>	16	<i>15.8</i>	1421	<i>14.7</i>	17	<i>17.9</i>
	Community sentences	1525	<i>17.3</i>	7	<i>6.9</i>	1457	<i>15.1</i>	6	<i>6.3</i>
	Fines	19	<i>0.2</i>	0	<i>0.0</i>	12	<i>0.1</i>	2	<i>2.1</i>
	Discharges	46	<i>0.5</i>	1	<i>1.0</i>	44	<i>0.5</i>	0	<i>0.0</i>
	Other disposals	76	<i>0.9</i>	0	<i>0.0</i>	61	<i>0.6</i>	1	<i>1.1</i>
	total	8814	<i>100</i>	101	<i>100</i>	9651	<i>100</i>	95	<i>100</i>
Robbery									
	<i>Number given:</i>								
	Immediate custody	4277	<i>78.9</i>	111	<i>90.2</i>	4614	<i>81.5</i>	100	<i>87.0</i>
	Suspended sentence	447	<i>8.2</i>	4	<i>3.3</i>	440	<i>7.8</i>	8	<i>7.0</i>
	Community sentences	622	<i>11.5</i>	4	<i>3.3</i>	529	<i>9.3</i>	6	<i>5.2</i>
	Fines	5	<i>0.1</i>	1	<i>0.8</i>	5	<i>0.1</i>	0	<i>0.0</i>
	Discharges	16	<i>0.3</i>	0	<i>0.0</i>	8	<i>0.1</i>	0	<i>0.0</i>
	Other disposals	56	<i>1.0</i>	3	<i>2.4</i>	65	<i>1.1</i>	1	<i>0.9</i>
	Total	5423	<i>100</i>	123	<i>100</i>	5661	<i>100</i>	115	<i>100</i>

Theft and handling
stolen goods*Number given:*

Immediate custody	3528	43.4	43	39.4	4061	44.4	45	38.8
Suspended sentence	1685	20.7	38	34.9	2021	22.1	46	39.7
Community sentences	2088	25.7	10	9.2	2218	24.3	15	12.9
Fines	245	3.0	7	6.4	232	2.5	5	4.3
Discharges	431	5.3	7	6.4	478	5.2	5	4.3
Other disposals	153	1.9	4	3.7	129	1.4	0	0.0
Total	8130	100	109	100	9139	100	116	100

Offence group	Outcome	EW 2007	EW 2007	NI 2007	NI 2007	EW 2008	EW 2008	NI 2008	NI 2008
		Nos	%	Nos	%	Nos	%	Nos	%

Fraud and forgery

Number given:

Immediate custody	4196	59.5	24	20.2	4748	58.7	31	24.2
Suspended sentence	1451	20.6	70	58.8	1892	23.4	66	51.6
Community sentences	963	13.7	9	7.6	1028	12.7	19	14.8
Fines	126	1.8	6	5.0	132	1.6	3	2.3
Discharges	254	3.6	10	8.4	248	3.1	9	7.0
Other disposals	63	0.9	0	0.0	39	0.5	0	0.0
Total	7053	100	119	100	8087	100	128	100

Criminal damage

Number given:

Immediate custody	680	41.8	27	43.5	684	39.8	25	38.5
Suspended sentence	260	16.0	25	40.3	280	16.3	22	33.8
Community sentences	401	24.7	8	12.9	463	26.9	15	23.1
Fines	52	3.2	0	0.0	36	2.1	2	3.1
Discharges	104	6.4	1	1.6	112	6.5	1	1.5

Other disposals	128	7.9	1	1.6	144	8.4	0	0.0
Total	1625	100	62	100	1719	100	65	100

Drug offences

Number given:

Immediate custody	7008	61.5	86	46.0	8195	62.1	105	50.5
Suspended sentence	1993	17.5	71	38.0	2346	17.8	62	29.8
Community sentences	1548	13.6	21	11.2	1782	13.5	33	15.9
Fines	313	2.7	8	4.3	326	2.5	4	1.9
Discharges	346	3.0	1	0.5	374	2.8	4	1.9
Other disposals	194	1.7	0	0.0	178	1.3	0	0.0
Total	11402	100	187	100	13201	100	208	100