

## Useful websites

For up-to-date information on the work of the Criminal Justice System in Suffolk, visit [www.scjb.co.uk](http://www.scjb.co.uk) or for national information please visit [www.cjsonline.gov.uk](http://www.cjsonline.gov.uk)

**Police Service:**  
[www.suffolk.police.uk](http://www.suffolk.police.uk)

**Crown Prosecution Service:**  
[www.cps.gov.uk](http://www.cps.gov.uk)

**HM Courts Service**  
[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

**HM Prison Service:**  
[www.hmprisonservice.gov.uk](http://www.hmprisonservice.gov.uk)

**Youth Offending Service:**  
[www.suffolkyot.co.uk](http://www.suffolkyot.co.uk)

**Suffolk Probation Service:**  
[www.suffolkprobation.gov.uk](http://www.suffolkprobation.gov.uk)

**Suffolk County Council:**  
[www.suffolk.gov.uk](http://www.suffolk.gov.uk)

**Crime Reduction:**  
[www.crimereduction.gov.uk](http://www.crimereduction.gov.uk)  
[www.smartjustice.org](http://www.smartjustice.org)  
[www.nacro.org.uk](http://www.nacro.org.uk)

**Reporting Crime:**  
[www.crimestoppers-uk.org](http://www.crimestoppers-uk.org)  
[www.report-it.org.uk](http://www.report-it.org.uk)

**Local Crime:  
Community Sentences**  
[www.lccs.org.uk](http://www.lccs.org.uk)

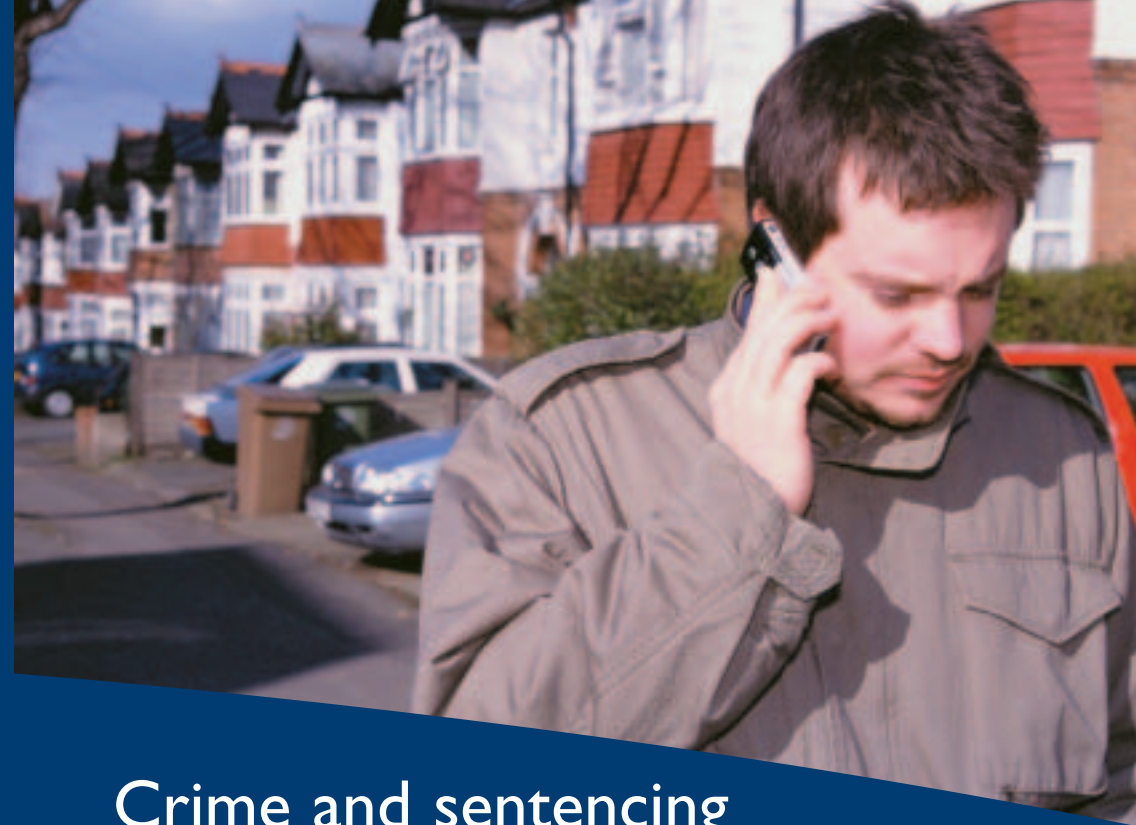
**Witness Care**  
[www.suffolkwitnesscare.co.uk](http://www.suffolkwitnesscare.co.uk)

**Victim Support and  
Witness Service:**  
[www.victimssupportsuffolk.co.uk](http://www.victimssupportsuffolk.co.uk)

**Rethinking Crime  
and Punishment**  
[www.rethinking.org.uk](http://www.rethinking.org.uk)

**Neighbourhood Watch:**  
[www.neighbourhoodwatch.uk.com](http://www.neighbourhoodwatch.uk.com)

**Youth Justice Board:**  
[www.youth-justice-board.gov.uk](http://www.youth-justice-board.gov.uk)



# Crime and sentencing in Suffolk

## sentencing explained

SUFFOLK  
CRIMINAL JUSTICE BOARD  
Criminal Justice System: working together for the public





# The sentencing process

When a crime is reported to the police, they will investigate it and try to identify a suspect. The police may arrest the suspect, or they may summon them to appear before a court.

When they have done so, they pass their evidence to the Crown Prosecution Service (CPS). A Crown Prosecutor decides whether there is enough evidence to prosecute, and whether it is in the public interest to do so.

When an offender is brought to court and convicted, magistrates and judges decide what the sentence they give should achieve. Their aims include:

- punishment of the offender;
- protection of the public;
- reform, reparation and rehabilitation (which are explained on pages 9 and 10);
- making amends to people affected by crime; and
- reducing crime in the future.

**Nearly all criminal cases are dealt with by magistrates' courts, but the most serious cases go to Crown courts.**



# Sentencing options

**Courts have a number of sentencing options to choose from.**

**These fall into four bands:**

- **discharges;**
- **fines;**
- **community sentences; and**
- **prison.**

Certain crimes carry automatic prison sentences. But in many cases, a sentence served in the community is more appropriate than a prison sentence. As well as punishing offenders, community sentences force the offender to think about their reasons for committing the crime.

Offenders are part of our society. As members of a community we can play a role in encouraging them to become law-abiding citizens.



**The sentence given by a court depends on how serious the crime is.**

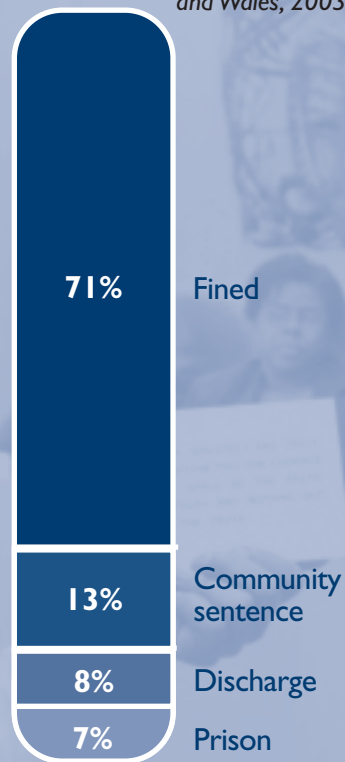
Before deciding on the most appropriate punishment, the court may ask probation staff to prepare a report on the offender, setting out their recommendations. Judges and magistrates decide on the sentence, but they are guided by probation staff, who have experience in advising on suitable punishments.

The sentence may also depend on the offender's history – a first-time offender is unlikely to get the same sentence as someone who has committed offences in the past.

Discharges and fines are given for less serious crimes, Community Orders for more serious crimes, and prison for the most serious of all.

## Who gets which sentence?

The statistics in this section come from *Criminal Statistics, England and Wales, 2003*, published by the Home Office.



**71% of people are fined**

Nearly three-quarters of crimes that come to court are in the 'less serious' category. Most of these result in a fine. Fines work – evidence suggests that people who receive fines are no more likely to be convicted again than people who are sentenced in other ways.

**13% of offenders are given community sentences**

Community sentences have a range of requirements. What the offender is required to do depends on how serious their crime is and what that court decides is appropriate. The following pages explain community sentences and Community Orders in more detail.

\*The figures in this graphic are rounded to the nearest whole number, and therefore add up to 99 per cent.

## 8% of people convicted of an offence receive a discharge

Even if they have been found guilty the court can decide that punishment would not be appropriate. The offender still gets a criminal record, so they haven't 'got away' with a crime.

### A discharge can be 'absolute' or 'conditional'.

**Absolute discharge** means that no further action is taken. Either the offence was very minor, or the court considers that the experience has been enough.

**Conditional discharge** means that the offender receives no immediate punishment. However, if they commit another offence within a certain period (up to three years), the court can punish them for the original offence as well as for the new one.

### Other financial penalties

**Compensation:** If someone is convicted, they can be ordered to pay money to their victim, through the court.

**Fixed penalty notices:** These are given for less serious offences, such as illegal parking or public disorder offences. If people who get fixed penalties pay within the time allowed, they won't have to go to court and risk getting a criminal record.

### Anti-Social Behaviour Orders (ASBOs)

ASBOs are civil orders given by magistrates' courts. They aim to protect communities by restricting individuals whose behaviour is intimidating or causes problems in their community.

If someone breaks the terms of their ASBO, they may be committing a criminal offence and will be punished accordingly.

Two-thirds of offenders who go to prison are given sentences of less than 12 months. At the moment these offenders can be released halfway through their sentence, with no ongoing supervision.

In autumn 2006 **Custody Plus** replaces sentences of less than 12 months. Offenders will then serve up to three months in prison and a minimum of six months under supervision in the community when they are released.

One third of offenders who go to prison are given sentences of more than 12 months. Most offenders who have been given these sentences can be released halfway through their sentence, but they will remain 'on licence' – under supervision – in the community for the whole of the rest of their sentence.

Dangerous offenders will receive either:

- an extended sentence for public protection, with no automatic early release and a longer period on licence; or
- an indeterminate sentence, which means the offender will only be released when it is safe to do so.

A very small proportion of offenders (0.5 per cent) receive life sentences and will continue to do so under the new sentencing framework.

## 7% of offenders are sentenced to prison

# What is a community sentence?

**Community sentences are given to offenders by courts. The offender remains based in the community, but they must follow the strict requirements of the order.**

Community sentences are changing. There are currently a range of orders, but for offences committed since April 2005, courts use the new single Community Order; which comes with a range of possible requirements. The requirements can be combined depending on the situation.

The requirement will differ according to the individual offender and the offence committed. For example, a Community Order; passed on an offender who commits crimes and has a gambling or alcohol addiction will differ from an order for someone who offends through a mental illness.

**It is very important that the courts find the right sentence for the offender as this can make a big difference to whether more crimes are committed.**

# Being tough on offenders

## Local Crime: Community Sentence Project

This is a national scheme aimed at increasing public awareness of punishment within the community including 'Unpaid Work Orders'. The Suffolk project is a partnership between the Probation service, Magistrates and Suffolk Criminal Justice Board.

We are looking for community groups that would be interested in learning more and having their say on sentencing, through an interactive presentation provided by both a Probation representative and a Magistrate.

If you or your group would like to learn more about these presentations, please email [suffolk.lcjb@cps.gsi.gov.uk](mailto:suffolk.lcjb@cps.gsi.gov.uk) or visit [www.lccs.org.uk](http://www.lccs.org.uk)



Offenders can be ordered to comply with one or more of a range of requirements as part of a Community Order.

For many offenders, Community Orders are tougher than a prison sentence because they are made to face the consequences of their actions. Community sentences vary in severity, but they are **not** a soft option, even for serious offenders.

- They vary in severity according to the individual offender and the crime committed.
- They deliver justice by combining a suitable **punishment** for the offender; sometimes with **reparation** – either by getting offenders to put something back into their community or make amends directly to the victim of their crime.



- They can play a major part in **rehabilitating an offender**. They make offenders face up to and deal with problems that might be causing them to commit crime – like drug abuse – and challenge them to change their behaviour. **A rehabilitated criminal is less likely to offend again.**

This all means that sentences can be tailored to respond to individual offences and offenders, increasing the chances of them developing a life away from crime.

### Community punishment – a recipe for success

An Unpaid Work Order is a court-ordered punishment that is issued to an offender convicted of a criminal offence. It is one of the options available under a Community Order issued in Magistrates and Crown Courts. Recent Unpaid Work projects in Suffolk include . . . building work at a primary school, decorating a day centre for the elderly and a football/rugby club pavilion, footpath and ramp construction to allow disabled access to a playing field, cleaning and gardening at a MENCAP residential home and more.

For further information or if you have a project in your area that may be of interest to the Suffolk Probation Area, please email [chiefofficer.communitypayback@suffolkprobation.gov.uk](mailto:chiefofficer.communitypayback@suffolkprobation.gov.uk)

# Offenders can be ordered to do one or more of a range of requirements as part of a Community Order

## Compulsory unpaid work

This involves demanding and constructive activities, such as conservation work, cleaning up graffiti, or working with a charity. The local community also benefits in some way. An offender will have to do up to 300 hours of compulsory unpaid work.

## Participation in any specified activities

These activities may include improving basic skills (such as reading and writing) or making reparation to the people affected by the crime.

## Programmes

These are aimed at changing an offender's behaviour. For example, an offender found guilty of domestic violence may be required to undertake a specific domestic violence programme.

### Prohibition from certain activities

An offender may be ordered not to do certain activities at specified times.

### Curfew

An offender may be ordered to stay at a particular location for certain hours of the day. Curfews help to structure an offender's life and break the cycle of offending. They will normally have to wear an electronic tag during their sentence.

### Exclusion

An offender may be prohibited from certain areas (for up to two years) and will normally have to wear an electronic tag during that time.

### Residence requirement

An offender may be required to live in a specified place, such as an approved hostel or other residential accommodation.

### Mental health treatment

After taking professional advice, the court may decide that the offender's sentence should include mental health treatment. The offender must consent to this treatment.

### Drug rehabilitation

If an offender commits crime as a result of a drug addiction, and if they consent to treatment, they may be required to go on a drug rehabilitation programme. The programmes last for between six months and three years, and may involve monthly reviews of an offender's progress.

### Alcohol treatment

This requirement is appropriate for offenders whose crime may be caused by alcohol abuse. An offender must agree to this treatment and it must last for at least six months.

### Supervision

This requirement means that an offender's rehabilitation is supervised by the Probation Service. Supervision may be used with other requirements, such as the participation in specified activities and programme requirements.

### Attendance centre requirement

Offenders under the age of 25 may be required to attend a particular centre at a specified time for between 12 and 36 hours, over the course of their sentence.

# Smart sentences mean less crime

**Since April 2005, courts have also been able to use Community Order requirements as part of other sentences.**

- If an offender is given a **Suspended Sentence Order**, they must comply with the requirements made in the order. If they break any of the requirements of the order, they will be returned to court and may be sent to prison to serve the prison element of their sentence.

- **Intermittent Custody** is a custodial sentence for offenders who would otherwise receive a full-time prison sentence, but who do not present such a serious risk to the public as to need immediate custody. If an offender is given an **Intermittent Custody Order**, they will spend part of the week in prison and part in the community, under Probation Service supervision. They can continue to work or care for their children, which means that they can maintain the law-abiding parts of their life and their links with society. Pilots of Intermittent Custody began in two prisons in 2004 and were extended in 2005.



- Prisoners who aren't considered dangerous, and who are serving sentences of 12 months or more (for offences committed after 4 April 2005), will be released halfway through their sentence. But they will continue to be 'on licence' until the end of their sentence. This means that if they break the conditions of their licence or commit another crime, they will be returned to prison immediately.
- Prisons are not only about punishing offenders – the Prison Service works to help rehabilitate offenders. For example, offenders in prison can study for qualifications or may be involved in workshop projects that can help them to get a job once they are released.

### Restorative justice with the Sycamore Tree programme

This new programme encourages offenders to understand the impact of their actions on their victims, families and the wider community. Fifteen men at HMP Highpoint have recently received certificates on completion of the course and it is expected that this will give them greater opportunities to obtain further training and employment upon their release.

## Protecting the public

### People living in the community who are considered to be dangerous are closely monitored.

- Criminal Justice agencies work with other organisations, such as health authorities, to monitor offenders who have committed violent and sexual crimes.

- Police, probation, prison and other agencies meet regularly under the Multi-Agency Public Protection Arrangements (MAPPA) to assess the risks posed by serious offenders, and set up joint plans to manage them.

New **public protection** prison sentences are being introduced as part of the Criminal Justice Act 2003. They will give courts even greater powers to lock up for longer periods, those they consider to be too dangerous to be out in the community.

### The chance of being a victim of crime is currently at its lowest since the British Crime Survey began in 1981.

The risk of becoming a victim has fallen from 40 per cent in 1995/96 to 26 per cent in 2003/04. In fact, 74 per cent of crime falls into the 'least serious' category, and public confidence in the Criminal Justice System is increasing.

# Working together to manage offenders

**Managing all offenders is important, whether they are in prison, serving a community sentence or on licence from prison.**

Changes are being made to bring the Prison and Probation Services closer together under the National Offender Management Service (NOMS).

NOMS will work with all the Criminal Justice agencies (eg Police, Prison and Probation Services and Courts) in an end-to-end system that oversees offenders from the time they are arrested through to the end of their sentence.

Offenders will be monitored and supported through the punishment, reparation and rehabilitation processes. The police, NOMS and other organisations, such as health and housing services, may continue to have a role even after the offender's sentence has been completed.

This support helps to protect the public and aims to ensure that re-offending is reduced.

The Courts work with the police so that offenders who are given fines pay them as ordered.

There are many opportunities for volunteers and mentors to assist in work to help offenders turn away from crime. To find out how you can work with different Criminal Justice agencies, visit [www.scjb.co.uk](http://www.scjb.co.uk)

# Dealing with young offenders


**The Youth Justice Board for England and Wales (YJB) oversees the youth justice system and aims to prevent offending by young people up to the age of 18.**

Youth Offending Teams (YOTs) have been set up in every local authority in England and Wales – there are 155 YOTs across the country. The teams are made up of representatives from the police, probation, education and social services, and health and drugs and alcohol misuse advisers.

When young people first get into trouble, by behaving anti-socially or by committing minor offences, they can be dealt with outside the court system. The police and local

authorities can use a variety of pre-court options, such as ASBOs, Reprimands and Final Warnings. These aim to stop young people getting involved in the Criminal Justice System, while offering them support to stop them offending.





## What sentences are available for young offenders?

Young people (up to the age of 18) who offend may receive one of a range of community penalties aimed at changing their offending behaviour.

Youth courts may hand down the following sentences:

- discharge (as explained on page 6);
- fine;
- Referral Order, which is given to offenders aged 10–17. The offender will be referred to a Youth Offender Panel, who will decide on reparation and activities to prevent further offending;
- Reparation Order, eg repairing damage caused to property or cleaning up graffiti;
- Community Order for 16 and 17 year olds, eg compulsory unpaid work with the elderly or conservation work;
- Community Rehabilitation Order for 16 and 17 year olds, eg attending programmes to address offensive behaviour;
- Curfew Order;
- Action Plan Order, which lasts three months and is tailored to meet the needs of the young offender, eg a Drug Rehabilitation Requirement;
- Supervision Order, which can last for up to three years;
- Parenting Order, which is given to the parents of a young person who offends, truants or who has received an ASBO;

- Intensive Supervision and Surveillance Programme (ISSP), which is the most severe non-custodial intervention available for young offenders. ISSPs target the most active repeat young offenders, and those who commit the most serious crimes; or
- Detention and Training Order (DTO), served partly in prison and partly in the community, for up to two years.

For more serious offences, a young person can be sentenced to custody for more than two years. Custody is only used as a last resort for young offenders.

You can get more information on youth sentences from the Youth Justice Board website:

[www.youth-justice-board.gov.uk](http://www.youth-justice-board.gov.uk)

### Help us to help you

Reforms to the Criminal Justice System are putting the needs of victims and witnesses first. But it can only work effectively with the help of the public.

- As a victim, you are not legally obliged to contact the police, but the information you give them could make the difference in bringing a criminal to justice.
- As a witness to a crime, you will help your community by reporting what you know.



## Need more information?

The *Victim's Charter*, which sets out the Home Office's aims and promises to victims, has now been replaced by a statutory **Victims Code of Practice**.

There is also a guide – *No Witness, No Justice* – that explains the support available to victims and witnesses who might feel intimidated when giving evidence.

In 2005, Witness Care Units were set up in Suffolk to act as a central point of contact for those required to give evidence in the Crown or Magistrates' Courts

Detailed information and useful publications can be found online at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) or for more local information visit [www.suffolkwitnesscare.co.uk](http://www.suffolkwitnesscare.co.uk)

### **Further information for victims of crime**

Being a victim of crime can be a traumatic experience. There are many public bodies and voluntary organisations that offer support. Victim Support volunteers are specially trained to assist victims of crime including rape, domestic violence and the families of homicide victims.

You can contact your local branch of **Victim Support** directly for help.

Ipswich and District: **01473 231964**

North Suffolk: **01502 584105**

West Suffolk: **01284 717188**

They can also be found online at [www.victimssupportsuffolk.co.uk](http://www.victimssupportsuffolk.co.uk)

Alternatively you may call the national **Victim Supportline 0845 30 30 900**  
[www.victimssupport.org.uk](http://www.victimssupport.org.uk)