

Sentencing Council meeting: 22 June 2018
Paper number: SC(18)JUN03 – Assault
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1 ISSUE

1.1 This paper sets out the issues identified with the existing guideline for common assault offences, and proposes a new draft guideline.

1.2 Decisions will be sought regarding structure and factors only at this meeting, with principles regarding sentence level development to be discussed.

2 RECOMMENDATION

That the Council:

- considers the issues relating to the existing assault guideline and;
- considers and agrees factors for a revised guideline for common assault.

3 CONSIDERATION

3.1 Assault and battery, sometimes collectively called “common assault” are the highest volume offences covered by the assault guideline, with around 42,200 adult offenders sentenced in 2017. An assault is committed when a person intentionally or recklessly causes another to apprehend the immediate infliction of unlawful force. A battery is committed when a person intentionally and recklessly applies unlawful force to another. Battery is any act of unlawful personal violence; mere touching is enough – no injury need be caused. “Unlawful” means that the physical contact was neither consented to nor justified in the circumstances. Assault and battery are summary offences and carry a maximum penalty of six months’ imprisonment. Racially aggravated versions of the offences are either way and carry a maximum penalty of two years’ imprisonment.

3.2 The consideration at this meeting is restricted to the basic offence of common assault only. The aggravated versions will be considered once feedback is available on aggravated approaches currently out for consultation (public order and arson and criminal damage offences).

The existing guideline – issues

3.3 The existing guideline for this offence is contained within **Annex A**. The evaluation of the guideline highlighted a number of issues with the existing guideline (which are also relevant to some other assault guidelines). In interviews with sentencers and practitioners, issues relevant to common assault which emerged related to the guideline not adequately providing for ‘middling’ harm (where the injury is neither more nor less serious in the context of the offence), and while most thought the factors appropriate, issues were highlighted with interpretation of some of the factors. These included;

- The difficulty in establishing injury in cases of common assault, especially “in the context of the offence”;
- The potential for differing interpretations of “sustained or repeated assault on the same victim” in greater harm;
- Concerns over the potential to double-count victim vulnerability as it is included in both greater harm (‘victim is particularly vulnerable because of personal circumstances’) and higher culpability (‘deliberate targeting of a vulnerable victim’) – albeit with a different emphasis;
- The potential to interpret the phrase “a significant degree of premeditation” in different ways; it was suggested that the word ‘pre-planning’ may be more suitable for situations when the defendant has planned the assault well in advance of perpetrating it.
- The wish from several participants to see ‘spitting’ reintroduced as an important consideration within the guideline (particularly in the context of assault on a police officer). Most felt it should be a greater harm or higher culpability factor at step 1.
- Further consideration (raised by a small number only) of culpability factors such as “a greater degree of provocation than normally expected”.

3.4 As this offence is summary only, there were low volumes of transcripts available for this offence to assist in analysis of factors and current sentencing practice. Transcripts that were available related to offences which were dealt with at the Crown Court either by being sentenced with other offences or a plea to a common assault being accepted as an alternative to ABH. A feedback exercise was therefore recently undertaken with magistrates to gather their views on three aspects of the common assault guideline. This sought views on factors, the structure of the guideline and the sentence starting points and ranges. Other more general comments were also invited. Broad findings from the 47 responses received were;

- Factors which were raised as problematic corresponded with views in the evaluation of the guideline. A number of responses also expressed concern at the factor 'deliberately causes more harm than is necessary for commission of offence', questioning what this means. For the factor relating to injury in the context, the 'context' aspect was questioned and examples given of how this could be inconsistently interpreted.
- Views on the structure of the guideline varied, with some respondents finding the existing model clear and easy to follow, while others suggested changes to the layout.
- The majority of respondents thought the sentence starting points were too low, or the ranges too wide. The low starting point issue was particularly evident for a category 3 offence. Some of these responses related to the guideline factors not providing for medium harm cases adequately, resulting in a low categorisation of an offence and subsequent starting point where a high threshold of harm could not be demonstrated.
- In other comments, a number of responses mentioned undercharging of offences. This was discussed at the last meeting, and was also apparent in analysis of transcripts for common assault. Since the last meeting the CPS have published revised charging guidance, removing suggestions that offences should be charged as common assault rather than ABH to expedite proceedings. The guidance also states that common assault should not be preferred as an alternative charge where the offence is clearly ABH.

Anticipated and actual impact of the common assault guideline

3.5 The assessment of the impact and implementation of the common assault guideline noted the following;

“For common assault, there was a shift away from suspended sentences and community orders, and towards fines and discharges. The use of immediate custody was broadly similar before and after the guideline came into force, as was the adjusted ACSL of 0.3 years. Sentence severity also decreased, despite the overall trend of a steady increase since 2004. Analysis suggests these changes were caused by the new guideline, with actual sentencing going outside the “forecasted severity region”.

This impact of the guideline in decreasing sentence severity is broadly consistent with the impact anticipated in the resource assessment – which included between 400 to 900 fewer community orders and additional fines and conditional discharges (between 1,200 and 2,900, and 400 and 900, respectively). However, while the resource assessment anticipated between 1,300 and 3,000 fewer custodial sentences, analysis shows there was no change in the use of custodial sentences before and after the guideline came into force. It was also broadly in line with sentencers’ perceptions that sentences have decreased for common assault, which was attributed to the difficulty in establishing injury in cases of common assault, especially “in the context of the offence”. Observations of sentencers included the following;

It’s often hard to get into category 1 because there really has to be some injury...and common assault doesn’t usually involve injury (District judge)

We find that if you follow the guidelines properly that a lot of common assaults end up category 3...if there is no injury then you are automatically down a category (magistrate)”

3.6 The main conclusion drawn from sentencer comments and evidence of sentencing trends is that the decrease in sentences is at the lower end of the scale, rather than at the top end as was anticipated at the introduction of the guideline. The fact that there was no change in custody rate or sentence length indicates that the cases at the upper end of seriousness were treated broadly the same pre and post the introduction of the guideline. The shift from community orders to fines appears to be largely attributable to a high threshold of harm being required for a case to be

captured by the top and middle categories of the guideline, with only the lowest category providing for less serious harm. As noted by sentencer comments, given the low level of harm required for this offence, it is likely that a high proportion of cases have been captured at category 3 which provides a starting point of a Band A fine, with a range of a discharge to a Band C fine. This is likely to be the predominant factor causing the decrease in sentences at the lower end of seriousness rather than at the top end.

3.7 As a result of these findings and observations of the Council at the last meeting, a revised guideline is proposed. This is in the format of more recent Council guidelines, and removes problematic factors and provides for three gradations of harm. Where research has indicated that factors are working well, these have been retained but reworded to be more consistent with recent guidelines.

3.8 The revised draft guideline is included at **Annex B**.

Culpability factors

3.9 Step one of assessment of seriousness in the existing guideline includes factors indicating greater or lesser harm, and factors indicating higher or lower culpability. These give rise to three categories of seriousness, depending on the level of harm and culpability identified.

3.10 As already noted, there are a number of factors which have proved problematic as they are difficult to define and result in inconsistent interpretation. It is also considered a number of existing step one factors would be more suitable as aggravating or mitigating factors. The table below includes the culpability and harm factors in the existing assault guideline, and sets out how it is proposed the factor will be addressed by the revised guideline;

	Existing guideline	Revised guideline
Factors indicating higher culpability	A significant degree of premeditation	Significant planning now included at high culpability
	Threatened or actual use of weapon or weapon equivalent	Threat or use of weapon included at high culpability
	Intention to commit more serious harm than actually	Removed

	resulted from offence	
	Deliberately causes more harm than is necessary for commission of offence	Removed
	Deliberate targeting of vulnerable victim	Retained
	Leading role in group or gang	Targeting of individual by group dealt with at high culpability – role dealt with in aggravating factors
Factors indicating lower culpability	Subordinate role in group or gang	Targeting of individual by group dealt with at high culpability – role dealt with in aggravating factors
	A greater degree of provocation than normally expected	Removed from culpability and added as mitigating factor, as the Council have previously expressed reservations regarding use of this factor
	Lack of premeditation	High culpability provides for significant planning. A spontaneous assault may be as serious as a premeditated one, so not proposed this factor be explicitly available to reduce seriousness.
	Mental disorder or learning disability where linked to commission of offence	Retained at lower culpability.
	Excessive self defence	Retained at lower culpability

3.11 The proposed revised guideline factors are accompanied by italicised text which is explanatory and included only for Council consideration. What are thought to be the most serious culpability factors are included at high culpability at step one. Lesser culpability retains some of the factors in this category in the existing guideline as well as including an 'all other cases' category. The factors 'lack of premeditation' and 'subordinate role' have been removed from step one, as a spontaneous assault may still be serious, and role is now assessed at step two. Additional asterisked guidance is included underneath the culpability assessment to provide some definitions of 'weapon equivalent', which are currently included with the factor in the existing guideline.

3.12 In developing factors consideration has also been given to similarities that common assault shares with the S4 Public Order offence. The S4 offence involves threatening or provocation of violence, for which a draft guideline was recently developed. While the S4 offence involves the fear or provocation of violence rather than the use or threat of force required for common assault, analysis of existing factors in both the existing assault and recent draft S4 guidelines has illustrated that they could have factors in common. The offences share the same statutory maximum of 6 months imprisonment and 2 years for the racially or religiously aggravated offence. As with the S4 guideline, the factors need to provide for both use or threat (or apprehension) of force.

Question One: Does the Council agree with the proposed culpability factors?

Harm

3.13 As already noted, the harm factors are the biggest concern with the existing guideline as they do not provide for cases of medium harm, and interpretation of the term 'within the context of the offence' has proved problematic.

3.14 The revised guideline proposes three harm categories, which describe and gradate harm more clearly. It is important to note that a common assault should never involve serious harm, as this would cause a more serious offence to be charged. The gradations are therefore expressed as no/minor/more than minor harm. Existing factors indicating greater harm have either been removed, included as an aggravating factor or incorporated at high culpability;

	Existing guideline	Revised guideline
Factors indicating greater harm	Injury or fear of injury which is serious in the context of the offence (must normally be present)	Removed. New factors describe level of harm required; ranging from more than minor to low or no harm
	Victim is particularly vulnerable because of personal circumstances	Removed from harm. 'Deliberate targeting of vulnerable victim' included at step one, so would double count to include at harm.
	Sustained or repeated assault on same victim	Factor now included at high culpability. Question as to whether 'repeated' necessary as would be likely to result in additional charges?
Factors indicating lesser harm	Injury which is less serious in the context of the offence	Removed. New factors describe level of harm required; ranging from more than minor physical or psychological to low or no.

Question Two: Does the Council agree with the proposed harm factors?

Aggravating factors

3.15 An additional aggravating factor of 'spitting' has been included in the draft guideline, as this has been raised in both the evaluation and recent feedback exercise as a factor which the guideline should provide for. It is not thought it should be a high culpability factor as there is no data as to how frequently this factor occurs, so there is a risk it would inflate sentences if included at high culpability.

3.16 The existing factors include a number of factors which are specifically relevant to domestic incidents. It is proposed that these should be removed and additional guidance be included to refer sentencers to the guideline overarching principles: domestic abuse where this is relevant. This has been included in the draft guideline before the culpability assessment.

3.17 The revised draft guideline includes factors which are thought to be the most relevant. Details of aggravating factors which were included in the previous guideline but have not been included or where wording has been amended are provided in the table below;

Existing guideline	Revised guideline
Location/Timing of offence	This factor is not included in current guidelines. New factor 'victim had no opportunity to escape situation'. This is a recently agreed public order factor.
Ongoing effect on the victim	Remove - Provided for by step 1 harm factor (more than minor psychological harm).
In domestic violence cases, victim forced to leave their home	Remove and include instruction to refer to DA guideline in relevant cases
Exploiting contact arrangements with a child to commit an offence	Remove and include instruction to refer to DA guideline in relevant cases
Established evidence of community impact	Remove – relevant to racially or religiously aggravated offences which will be addressed separately in guideline
An attempt to conceal or dispose of evidence	Remove – could apply to every offence and is not thought to be particularly relevant to common assault

Question Three: Does the Council agree with the proposed aggravating factors?

Mitigating factors

3.18 Upon reviewing the existing guideline it has been noted that a greater range of mitigating factors are included than is the case in more recent guidelines. Some of

these relate to broader considerations of the type of sentence which may be appropriate, such as serious medical conditions and demonstration of steps taken to address addiction or offending. While more recent guidelines may not have included some of these, they have been retained as they may help to address the broader consideration the Council have recently been undertaking in relation to achieving greater balance between aggravating and mitigating factors.

3.19 As well as retaining the majority of mitigating factors in the existing guideline, some existing factors indicating lower culpability have been transposed to step two (including role and provocation).

3.20 The table below includes factors which currently mitigate the offence which it is proposed be removed, and the rationale for doing so;

Existing guideline	Revised guideline
Isolated incident	Removed. Isolated or 'one off' incident could still be serious. If minor would be assessed at lesser culpability.
Single blow	Removed. Single blow could still be serious. Minor physical contact provided for at lesser culpability.

Question Four: Does the Council agree with the proposed mitigating factors?

Sentences

3.21 Existing sentence starting points and ranges for this offence are included at **Annex A**. As already noted, a key finding in assessing evidence to revise the guideline is that due to the existing guideline factors a high proportion of cases appear to be falling within category 3, therefore attracting a low starting point. The other categories require a greater level of harm, which is not required for the offence to be charged.

3.22 Those cases which have attracted a higher categorisation are likely to include cases which were charged as common assault when they were actually ABH cases, or where common assault was accepted as an alternative to ABH.

3.23 As has been noted, it has not been possible to analyse a broad range of transcripts for this offence due to the lower level assault offences being sentenced primarily in the magistrates' courts.

3.24 **Annex C** includes statistical information on sentencing trends between the period 2007-2017, including how sentence outcomes have changed over time. This illustrates the point made earlier that custodial sentences remained broadly consistent following the guideline's introduction in June 2011, contrary to the anticipated impact of a reduction in custodial sentences. Instead, the change in disposal type has occurred at the lower end of the scale, with a shift from community orders to fines.

3.25 It is thought that the introduction of revised CPS charging guidance will significantly impact the current distribution of common assault sentences. As a result of this, it is likely a significant proportion of the custodial common assault sentences will be redistributed across ABH offence outcomes. By revising the factors and providing for three categories of harm, it is intended that common assault cases will be captured in the appropriate categories.

3.26 Before sentence levels are developed, the Council are asked to consider whether the revised guideline should seek to achieve the original intended impact of the guideline. Specifically, this would be to reduce the volumes of custodial sentences for this offence, although it should be noted that this is likely to occur without the guideline if ABH type offences are not charged or sentenced as common assault. Consideration will also be required as to whether the current deflationary impact of the guideline should be reviewed, and a lower proportion of fines imposed as a disposal. These decisions will need to be made in view of factor placement, to determine which principles should underpin the sentence level development (i.e. should cases involving high harm and culpability attract a custodial sentence).

Question Five: Does the Council wish to change or maintain current sentencing practice in relation to this offence? Are there specific principles which should apply to sentence development?

Wider issues with factors and structure of guideline

3.27 The existing guideline includes specific imposition related guidance, directing courts to consider the type of sentence which may be appropriate in each category. This can be seen at the top of page 2 of **Annex A**. The Council is asked to consider

whether this information should be retained in the revised guideline. The Imposition guideline has since been introduced which includes these considerations, but the existing guideline requires sentencers to consider the custody threshold question before identifying aggravating and mitigating factors. Embedding similar text from the Imposition guideline would provide a mechanism for ensuring Imposition is fully and consistently considered in each case, without the need for it to be referred to separately. The broader mitigating factors included may assist the court in determining whether the custody threshold is crossed in appropriate cases, and provide for adjustment of the sentence. However, this is a point the Council may wish to consider more broadly in relation to all guidelines.

Question Six: Does the Council wish to retain the additional step two guidance directing the court to undertake the Imposition related assessment?

4 IMPACT /RISKS

4.1 It will be important reputationally to ensure a thorough assessment of the evidence available and for principled decisions to be made regarding sentences for this offence.

4.2 Early testing of the guidelines with sentencers will be undertaken to identify potential issues and impact prior to sign off of the guideline.

STEP ONE**Determining the offence category**

The court should determine the offence category using the table below.

Category 1	Greater harm (injury or fear of injury must normally be present) and higher culpability
Category 2	Greater harm (injury or fear of injury must normally be present) and lower culpability; or lesser harm and higher culpability
Category 3	Lesser harm and lower culpability

The court should determine the offender's culpability and the harm caused, or intended, by reference **only** to the factors below (as demonstrated by the presence of one or more). These factors comprise the principal factual elements of the offence and should determine the category.

Factors indicating greater harm	Threatened or actual use of weapon or weapon equivalent (for example, shod foot, headbutting, use of acid, use of animal)
Injury or fear of injury which is serious in the context of the offence (must normally be present)	Intention to commit more serious harm than actually resulted from the offence
Victim is particularly vulnerable because of personal circumstances	Deliberately causes more harm than is necessary for commission of offence
Sustained or repeated assault on the same victim	Deliberate targeting of vulnerable victim
Factors indicating lesser harm	Leading role in group or gang
Injury which is less serious in the context of the offence	Offence motivated by, or demonstrating, hostility based on the victim's age, sex, gender identity (or presumed gender identity)
Factors indicating higher culpability	Factors indicating lower culpability
<i>Statutory aggravating factors:</i>	Subordinate role in group or gang
Offence motivated by, or demonstrating, hostility to the victim based on his or her sexual orientation (or presumed sexual orientation)	A greater degree of provocation than normally expected
Offence motivated by, or demonstrating, hostility to the victim based on the victim's disability (or presumed disability)	Lack of premeditation
<i>Other aggravating factors:</i>	Mental disorder or learning disability, where linked to commission of the offence
A significant degree of premeditation	Excessive self defence

STEP TWO**Starting point and category range**

Having determined the category, the court should use the corresponding starting points to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out below.

Offence Category	Starting Point (<i>Applicable to all offenders</i>)	Category Range (<i>Applicable to all offenders</i>)
Category 1	High level community order	Low level community order – 26 weeks' custody
Category 2	Medium level community order	Band A fine – High level community order
Category 3	Band A fine	Discharge – Band C fine

The table below contains a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

When sentencing **category 1** offences, the court should also consider the custody threshold as follows:

- has the custody threshold been passed?
- if so, is it unavoidable that a custodial sentence be imposed?
- if so, can that sentence be suspended?

When sentencing **category 2** offences, the court should also consider the community order threshold as follows:

- has the community order threshold been passed?

Factors increasing seriousness	
<i>Statutory aggravating factors:</i>	
Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction	Exploiting contact arrangements with a child to commit an offence
Offence committed whilst on bail	Established evidence of community impact
<i>Other aggravating factors include:</i>	Any steps taken to prevent the victim reporting an incident, obtaining assistance and/or from assisting or supporting the prosecution
Location of the offence	Offences taken into consideration (TICs)
Timing of the offence	
Ongoing effect upon the victim	
Offence committed against those working in the public sector or providing a service to the public	
Presence of others including relatives, especially children or partner of the victim	
Gratuitous degradation of victim	
In domestic violence cases, victim forced to leave their home	
Failure to comply with current court orders	
Offence committed whilst on licence	
An attempt to conceal or dispose of evidence	
Failure to respond to warnings or concerns expressed by others about the offender's behaviour	
Commission of offence whilst under the influence of alcohol or drugs	
Abuse of power and/or position of trust	
	Factors reducing seriousness or reflecting personal mitigation
	No previous convictions or no relevant/recent convictions
	Single blow
	Remorse
	Good character and/or exemplary conduct
	Determination and/or demonstration of steps taken to address addiction or offending behaviour
	Serious medical conditions requiring urgent, intensive or long-term treatment
	Isolated incident
	Age and/or lack of maturity where it affects the responsibility of the offender
	Lapse of time since the offence where this is not the fault of the offender
	Mental disorder or learning disability, where not linked to the commission of the offence
	Sole or primary carer for dependent relatives

Section 29 offences only: The court should determine the appropriate sentence for the offence without taking account of the element of aggravation and then make an addition to the sentence, considering the level of aggravation involved. It may be appropriate to move outside the identified category range, taking into account the increased statutory maximum.

STEP ONE**Determining the offence category**

The court should determine the offence category with reference **only** to the factors listed in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The level of culpability is determined by weighing up all the factors of the case. **Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.**

Where the offence is committed in a domestic context, consideration must be given to the definitive guideline 'Overarching Principles: Domestic Abuse'

Culpability demonstrated by one or more of the following:**A - High culpability:**

- Targeting of individual(s) by a group (*new factor as included in public order offences as would increase seriousness. Role assessed at step two instead of existing guideline step one*)
- Deliberate targeting of vulnerable victim (*existing higher culpability factor*)
- Sustained or repeated assault (*replaces greater harm factor of sustained or repeated assault on same victim*)
- Use of substantial force (*replaces higher culpability factors: intention to commit more serious harm and deliberately causes more harm than necessary*)
- Threatened or actual use of weapon or weapon equivalent* (*including shod foot, headbutting, use of acid, use of animal*) retained from existing guideline
- Significant planning (*replaces higher culpability factor significant degree of premeditation*)
- Intention to cause fear of serious harm (*to capture assault offences where victim apprehends use of force but force not actually used*)

B – Lesser culpability

- Minor or no physical contact;
- Excessive self defence
- Mental disorder or learning disability, where linked to the commission of the offence
- All other cases not captured by category 1 factors

*Examples of a weapon equivalent can include but are not limited to: a shod foot, headbutting, use of acid, use of animal in commission of offence

Harm The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.	
Category 1	More than minor physical or psychological harm
Category 2	Minor physical or psychological harm
Category 3	No physical injury Very low level of distress

STEP TWO

Having determined the category, the court should use the corresponding starting points to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability in step one, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out below.

(SENTENCE TABLE TO BE INSERTED WHEN DEVELOPED)

Aggravating and mitigating factors**Factors increasing seriousness****Statutory aggravating factors:**

Previous convictions, having regard to a) the **nature** of the offence to which the conviction relates and its **relevance** to the current offence; and b) the **time** that has elapsed since the conviction

Offence committed whilst on bail

Offence motivated by, or demonstrating hostility based on any of the following characteristics of the victim: disability, sexual orientation or transgender identity

Other aggravating factors:

Spitting

Offence committed against those working in the public sector or providing a service to the public

Leading role in group

History of antagonising the victim

Victim had no opportunity to escape situation (ie: on public transport)

Presence of others including relatives, particularly children or partner of the victim

Gratuitous degradation of victim

Abuse of power and/or position of trust

Failure to respond to warnings or concerns expressed by others about the offender's behaviour

Any steps taken to prevent the victim reporting an incident, obtaining assistance and/or from assisting or supporting the prosecution

Other offences taken into consideration (TICs)

Commission of offence whilst under the influence of alcohol/drugs

Offence committed whilst on licence or subject to post sentence supervision

History of failure to comply with court orders

Factors reducing seriousness or reflecting personal mitigation

No previous convictions or no relevant/recent convictions

Remorse

Good character and/or exemplary conduct

Minor or peripheral role in group activity

Significant degree of provocation

Age and/or lack of maturity where it affects the responsibility of the offender

Mental disorder or learning disability, where not linked to the commission of the offence

Sole or primary carer for dependent relatives

Determination and/or demonstration of steps taken to address addiction or offending behaviour

Serious medical conditions requiring urgent, intensive or long-term treatment

Lapse of time since the offence where this is not the fault of the offender

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Sentencing trends for common assault, 2007-2017^{1,2}

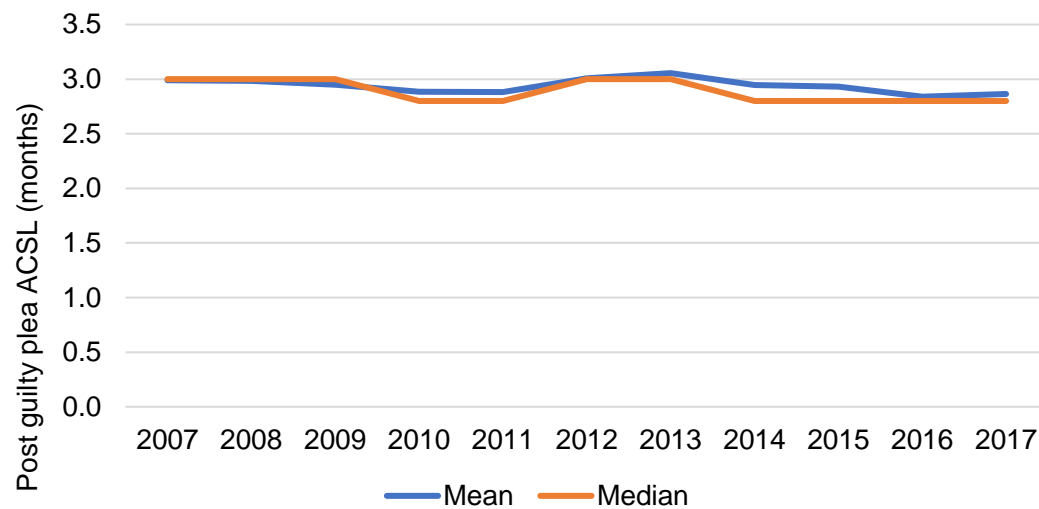
Proportion of adult offenders sentenced for common assault, by sentence outcome, all courts, 2007-2017

Outcome	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Absolute and conditional discharge	20%	16%	13%	15%	15%	15%	15%	16%	15%	15%	14%
Fine	11%	11%	12%	11%	13%	14%	14%	15%	16%	16%	16%
Community sentence	42%	44%	46%	45%	43%	42%	39%	37%	39%	38%	39%
Suspended sentence	10%	10%	12%	12%	12%	11%	12%	12%	13%	14%	14%
Immediate custody	14%	15%	15%	14%	15%	15%	14%	14%	14%	14%	14%
Otherwise dealt with	4%	4%	2%	3%	3%	3%	5%	5%	3%	3%	3%

¹ Source: Court Proceedings Database, Ministry of Justice

² Excludes youths, section 29 offences (racially/religiously aggravated), and custodial sentences of over 6 months (the statutory maximum for this offence)

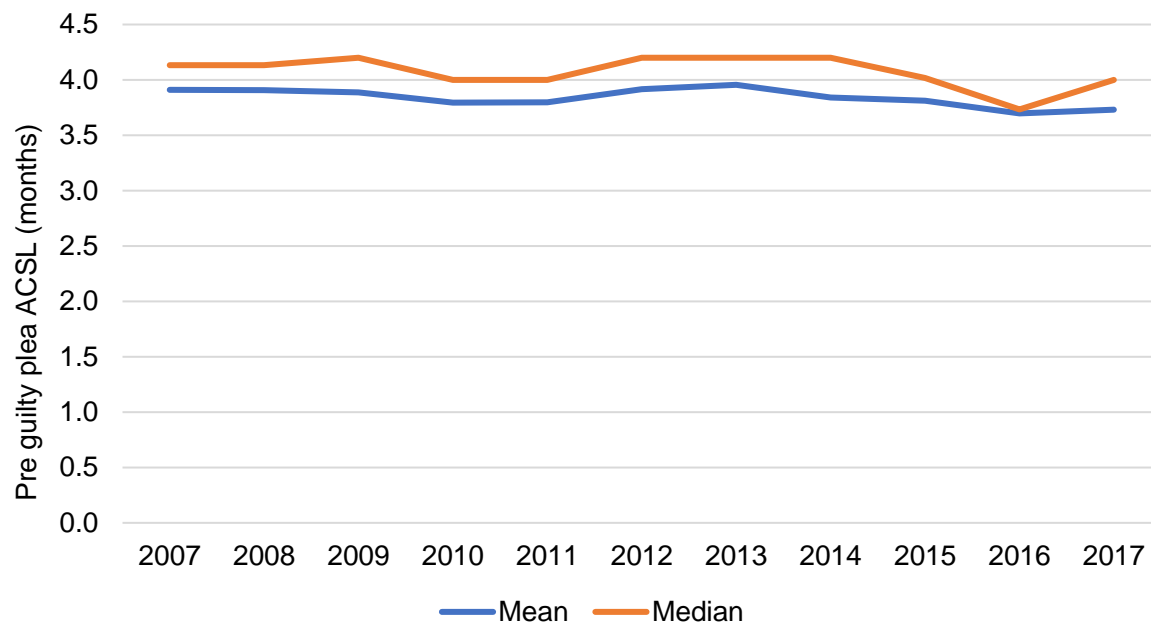
Post guilty plea average custodial sentence lengths (ACSLs) received by adult offenders sentenced to immediate custody for common assault, all courts, 2007-2017



Post guilty plea sentence length bands received by adult offenders sentenced to immediate custody for common assault, all courts, 2007-2017

Sentence length band	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
1 month or less	13%	13%	12%	13%	14%	13%	13%	14%	14%	16%	16%
Between 1 and 2 months	22%	21%	21%	22%	21%	19%	18%	20%	20%	21%	21%
Between 2 and 3 months	24%	23%	25%	25%	24%	23%	22%	22%	22%	23%	21%
Between 3 and 4 months	27%	27%	26%	24%	24%	25%	25%	23%	22%	21%	21%
Between 4 and 5 months	8%	10%	11%	10%	11%	13%	13%	13%	13%	12%	13%
Between 5 and 6 months	6%	6%	6%	5%	6%	8%	9%	8%	8%	8%	8%

Estimated pre guilty plea average custodial sentence lengths (ACSLs) received by adult offenders sentenced to immediate custody for common assault, all courts, 2007-2017



Estimated pre guilty plea sentence length bands received by adult offenders sentenced to immediate custody for common assault, all courts, 2007-2017

Sentence length band	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
1 month or less	4%	4%	5%	5%	5%	5%	4%	5%	5%	6%	7%
Between 1 and 2 months	14%	13%	13%	13%	14%	13%	12%	14%	14%	15%	14%
Between 2 and 3 months	20%	20%	19%	20%	21%	17%	18%	19%	19%	20%	19%
Between 3 and 4 months	12%	12%	12%	12%	12%	12%	12%	11%	12%	11%	11%
Between 4 and 5 months	19%	19%	20%	20%	20%	20%	19%	20%	18%	19%	18%
Between 5 and 6 months	31%	32%	31%	29%	29%	33%	34%	32%	32%	29%	31%

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