



Ministry
of Justice

Rt Hon Mike Penning MP
Minister of State for Policing,
Criminal Justice and Victims
102 Petty France
London SW1H 9AJ

T 020 3334 3555
F 020 3334 3669
E general.queries@justice.gsi.gov.uk

www.gov.uk/moj

Philip Davies MP
House of Commons
London
SW1A 1AA

Our ref: PQ214192, PQ214193

January 2015

Dear Philip

PARLIAMENTARY QUESTION

In reply to your Parliamentary Questions:

To ask the Secretary of State for Justice, how many and what proportion of custodial sentences for a second or subsequent offence were handed down to run concurrently with another custodial sentence in each of the last four years.

To ask the Secretary of State for Justice, how many and what proportion of offenders being sentenced to a custodial sentence for a second or subsequent offence were given a concurrent custodial sentence in each of the last four years.

On 21 November 2014, I undertook to write to you with the information when this was available.

I enclose my replies to your Questions at Annex A. I hope you find this information helpful. I am placing a copy of this letter in the Library of the House.

Regards
MP

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Annex A

To ask the Secretary of State for Justice, how many and what proportion of custodial sentences for a second or subsequent offence were handed down to run concurrently with another custodial sentence in each of the last four years. (214192)

To ask the Secretary of State for Justice, how many and what proportion of offenders being sentenced to a custodial sentence for a second or subsequent offence were given a concurrent custodial sentence in each of the last four years. (214193)

Since 2010, crime has continued to fall. Under this Government fewer individuals are entering the criminal justice system for the first time but those who do offend are more likely to go to prison, and for longer.

The court has discretion as to how sentences should be served. The independent Sentencing Council issued a guideline, *Offences Taken Into Consideration and Totality*, which all courts must follow so that there is a consistency of approach. The guideline says that there is no inflexible rule governing whether sentences should be structured as concurrent or consecutive components but the overriding principle is that the overall sentence must be just and proportionate.

The general approach on whether sentences should be served consecutively or concurrently as it applies to determinate custodial sentences, is that concurrent sentences will ordinarily be appropriate where the offences arise out of the same incident, or where there is a series of offences of the same or similar kind. Consecutive sentences will normally be appropriate where the offences arise out of unrelated facts or incidents, the offences are of a similar kind but where the overall criminality will not be sufficiently reflected by concurrent sentences, or where one or more offences qualifies for a minimum sentence and concurrent sentences would improperly undermine that minimum. The guideline deals in more detail with various circumstances including where the offender is serving an existing custodial sentence and is being sentenced to custody for another offence.

The number and proportion of custodial sentences for a second or subsequent offence imposed to run concurrently with another custodial sentence, and the number of proportion of offenders receiving such concurrent sentences is contained in the tables below.

The number and proportion of concurrent⁽¹⁾ custodial sentences given for a second or subsequent offence between 2009 and 2013⁽²⁾⁽³⁾⁽⁴⁾					
	2009	2010	2011	2012	2013
Number of Concurrent Custodial Sentences	92,243	86,508	87,197	88,997	87,623
Proportion of Concurrent custodial Sentences	74.8%	76.2%	76.2%	74.7%	74.9%
All custodial Sentences	123,379	113,560	114,471	119,194	117,001
<p>(1) A concurrent sentence is when an offender is found guilty of two or more offences on the same sentencing occasion. The judge will rule that the sentences may all be served at the same time, with the longest period controlling the total sentence length.</p>					
<p>(2) Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.</p>					
<p>(3) The figures given in the table relate to all non-principal offences for which offenders were sentenced. When an offender has been found guilty of two or more offences, each of the non-principal offences has been counted.</p>					
<p>(4) There are known data quality issues with concurrent sentences so figures represent the best estimates and should be treated with caution when used.</p>					

The number and proportion of offenders sentenced to a concurrent⁽¹⁾ custodial sentence for a second or subsequent offence between 2009 and 2013⁽²⁾⁽³⁾⁽⁴⁾					
	2009	2010	2011	2012	2013
Number of offenders given a concurrent custodial sentence	38,837	37,483	38,802	37,366	36,277
Proportion of offenders given a concurrent custodial sentence	76.9%	76.9%	77.1%	76.7%	77.2%
Number of offenders sentenced to a custodial Sentence	50,497	48,764	50,352	48,690	47,003
<p>(1) A concurrent sentence is when an offender is found guilty of two or more offences on the same sentencing occasion. The judge will rule that the sentences may all be served at the same time, with the longest period controlling the total sentence length.</p>					

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(3) The figures given in the table relate to offenders for whom these offences were the second or subsequent (non-principal) offence for which they were dealt with. When an offender has been sentenced for two or more non-principal offences on the same sentencing occasion then only one has been counted.

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