Sentencer Survey
December 2010

This report was prepared by
Statistics & Research Branch
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Key Findings

- Ninety-five percent of sentencers stated they were satisfied (quite and very) with the overall service provided by PBNi in the last 12 months, which replicates the 2007 findings.

- Ninety-five percent of sentencers stated they were satisfied (quite and very) with the information provided in PSRs in aiding sentencing decisions.

- Ninety-five percent of sentencers were satisfied (quite and very) with the overall usefulness of PSRs in reaching a sentencing decision.

- All sentencers who had requested an SSR in the last 12 months stated the report contained sufficient information to help reach a sentencing decision.

- Seventy-nine percent of sentencers stated it would be useful if PBNi were to attend meetings of the Judicial Studies Board to discuss the work of PBNi and future Criminal Justice developments.

- Almost three quarters of sentencers found briefings provided by PBNi in relation to the new Public Protection Sentences useful.

- All 11 sentencers with experience of Public Protection Sentences stated that Risk of Serious Harm (RoSH) assessments were useful when reaching a decision on dangerousness.

- Fifty-three percent of sentencers felt that a quarterly PBNi newsletter would be useful to update them on the current workload of PBNi and new developments.
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1. Introduction

Annually the Probation Board for Northern Ireland (PBNI) provides approximately 6,000 Pre-Sentence Reports (PSRs) to assist sentencers in making appropriate sentencing decisions. Seventeen percent of these reports are provided to the Crown Court, 77% to Magistrates’ Courts and 5% to Youth Courts. PBNI also provide a shorter report for sentencers, the Specific Sentence Report (SSR), which is usually available within a number of days if not the same day as requested. This report is reserved for less serious offenders dealt with at Magistrates’ Courts. During 2009/2010 a total of 325 SSRs were completed by PBNI.

PBNI also provide briefings to sentencers with regards to new developments within criminal justice; the most recent of which being the introduction of the new public protection sentences which were introduced in the Criminal Justice (Northern Ireland) Order 2008.

Recognising sentencers as a key customer, PBNI wish to ensure sentencers are content with the services provided. It is therefore essential to establish how services provided by the organisation are being received and which areas could be improved upon in order to maintain a high level of service.

One method of achieving this is to conduct a survey of sentencers. Such surveys have been completed on three previous occasions, in 2002, 2004 and 2007. Previous surveys were conducted by the Statistics and Research Branch of the Northern Ireland Office (now the Department of Justice, DOJ), using a postal survey method. Increased capacity allowed the current survey to be completed within PBNI Statistics and Research Branch (SRB) using an online survey tool. All responses were made anonymously, only asking the sentencer to state their judicial status. Results from previous surveys have not been published.
2. Methodology

2.1 Sample
Each member of the judiciary sitting in criminal cases was eligible to be surveyed. In total 52 members of the Court of the Judicature, County Court and Magistrates’ Court (District Judges) were approached to take part. Two sentencers contacted SRB to explain they had not dealt with any criminal cases in the last 12 months and therefore were not able to provide responses to the survey. A total response rate of 38% was obtained with 19 of the possible 50 eligible sentencers completing the survey. The 2007 survey received a 62% response rate, with the 2004 and 2002 surveys receiving response rates of 71% and 62% respectively.

2.2 Approach
All sentencers were asked to complete the survey expressing their own views of the service provided to the courts by PBNI. An electronic survey tool was utilised to facilitate this exercise, with a mid point reminder sent out. To ensure an adequate response rate the closing date was extended to 14 January 2011.

2.3 Survey Tool and Analysis
SRB created the survey using the online survey tool, Survey Monkey. Analysis was also conducted with the assistance of Survey Monkey, with results and tables being downloaded to Excel for further analysis by SRB.
3. Results

A total of 19 sentencers provided responses to the Sentencer Survey resulting in a 38% response rate. The results from the previous surveys will be used as a comparison throughout this section of the report, where applicable. The 2010 survey tool was revised from previous surveys and therefore not all questions will have a comparator. Please note that due to the small sample size obtained for this study, comparisons need to be viewed with caution.

3.1 Demographics

The survey was anonymous asking the sentencers to state which judicial status they held and for how long. Eighteen sentencers responded to this question and the breakdown of responses is shown in Table 3.1. Due to the establishment of the Supreme Court of the United Kingdom, on 1 October 2009 the Supreme Court of the Judicature changed its name to the Court of the Judicature. With this came a change in judicial status titles and therefore the comparisons between respondents from previous surveys cannot be directly made.

<table>
<thead>
<tr>
<th>Judicial Status</th>
<th>Number of Sentencers</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge of the Court of Judicature</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td>County Court Judge</td>
<td>9</td>
<td>47%</td>
</tr>
<tr>
<td>District Judge (Magistrates’ Court)</td>
<td>8</td>
<td>42%</td>
</tr>
<tr>
<td>Not stated</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Sentencers were also asked to state how long they had held their current judicial status. The 18 sentencers who provided their judicial status responded to this question with responses ranging from 1 year (1) to 11+ years (9). All responses to this question are detailed in Table 3.2.
Table 3.2 Length of Service (in current judicial role)

<table>
<thead>
<tr>
<th>Length of Service (in current judicial role)</th>
<th>Number of Sentencers</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 year</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td>1-5 years</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td>6-10 years</td>
<td>7</td>
<td>37%</td>
</tr>
<tr>
<td>11 years +</td>
<td>9</td>
<td>47%</td>
</tr>
<tr>
<td>None stated</td>
<td>1</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

Due to the possibility of identification further responses will not be examined in relation to this demographic information.

### 3.2 Content of PSRs and SSRs

The survey began by examining 2 types of reports completed by PBNI; Pre-Sentence Reports (PSRs) and Specific Sentence Reports (SSRs). Each report type requires a varying amount of information to be provided and different timescales for submission. Specifically, the PSR is a more detailed report available within 20 working days or a date specified by the Court and SSRs are a shorter report available on the day or within a few days of request. Both these reports are used to assist the judiciary when making sentencing decisions.

#### 3.2.1 PSRs

Pre-Sentence Reports provide a professional assessment of the nature and causes of a defendant’s offending behaviour and identify any actions that may reduce the likelihood of re-offending. Organisational standards require that PSRs are completed within 20 working days of their request or by a date specified by the court.

PSRs are broken down into 4 sections; Analysis of the Offenders Life Setting, Offence Analysis, Risk of Serious Harm (RoSH), and Conclusion which includes the sentencing options available. Each section was examined separately in this survey.

All 19 sentencers stated they were satisfied (quite and very) with the Analysis of the Offenders Life Setting and with the Offence Analysis sections of PSRs. In 2007 all sentencers were also satisfied with Offence Analysis section.

For Risk of Serious Harm (RoSH), 2 sentencers felt that they did not have sufficient experience to provide comment. Of the 17 sentences eligible to answer this question 94%
(16) of sentencers were satisfied with the content of this section. The remaining 1 sentencer stated they were quite dissatisfied with this section and stated that,

“It is not clear whether probation is applying the appropriate legal test because of the language used nor is it clear how the decision has been reached. Where circumstances of previous offences have been taken into account insufficient detail is given to assist the judge.”

In terms of the Conclusion and sentencing options, 95% (18) of sentencers were satisfied with the general content of this section. One sentencer stated they were dissatisfied due to unrealistic sentencing options being proposed in serious cases.

All 19 sentencers stated that they felt that sufficient information was provided to assist in reaching a sentencing decision most or all of the time. Ninety-five percent of sentencers stated they were satisfied (quite and very) with the overall usefulness of PSRs in reaching a sentencing decision. This is a similar finding to the 2007 survey where 95% reported being satisfied but a decline from 2004 (98%).

3.2.2 SSRs
SSRs are shorter reports which are intended to provide the court with useful information about a defendant and their offences. These reports are not as detailed as PSRs and can be produced on the day in court. They are intended for use with less serious offenders; where a specific sentence is under consideration.

SSRs are not as frequently requested by the courts as PSRs, with 325 reports completed during 2009/10 compared to 6000 PSRs. Out of 19 sentencers who responded, only 8 (42%) had requested an SSR in the last 12 months.

The following findings are therefore based on responses made by the 8 sentencers who had requested this report in the past 12 months.

Seven sentencers who had requested a SSR were satisfied with the Offence Analysis. One sentencer was quite dissatisfied with this analysis stating that any SSR they have requested did not contain an offence analysis.
All 8 sentencers were satisfied with the Offender Assessment and the sentence proposals detailed in SSRs. All 8 were also satisfied that the SSRs contained sufficient information to aid sentencing decisions.

When all 19 sentencers were asked if they felt SSRs could be used more within courts 6 felt that they could. They stated:
- “SSRs would be best suited in cases were the sentencer knows what s/he wants to impose as a sentence and is simply looking for confirmation that the sentence is available for that particular offender (most frequently Community Service)”;
- “In most non-serious cases this should be adequate, however it would require a Probation Officer to be present in court everyday and this is a rare occasion in my division”;
- “This would expedite the process of dealing entirely with any case within the shortest possible timescale”;
- “They could be used more, however only within their limits and when PBNI have the capacity to complete these reports”;
- “Would enable a final disposal of a case to be delivered on the day which is to everyone’s advantage”;
- “They could meet the needs of about half of cases with consequent savings”.

Thirteen sentencers felt that SSRs could not be used more within courts and the following 8 responses were provided to explain the reasons why:
- They do not provide enough information for Crown Court sentencing (3);
- They are not suitable for serious cases (3);
- Too many limitations on the suitability of offenders for SSRs (2).

Sentencers were then asked what factors prevent them from requesting an SSR. Just over one quarter (26%) of sentencers stated they were unsure of the format of these reports and therefore did not request them. Sentencers could state as many reasons as were applicable. The responses to this question were:
- Not enough information is contained in an SSR (6);
- Unfamiliarity of format of an SSR (5);
- Offences too serious (3);
- No suitable offenders (3);
Sentencer Survey

- Unsure of suitability criteria for the offenders (2);
- Other (3).

The 3 sentencers who stated other were asked to explain their reasons for not requesting an SSR. These were:
- “Probation Officers not attending court”;
- “Crown Court Judge”;  
- “None of the above”.

3.3 Recent Developments

All 19 sentencers completed this section of the survey. None of the questions are comparable with previous surveys.

Seventy-nine percent (15) of sentencers believed it would be useful if PBNI were to attend meetings of the Judicial Studies Board to discuss issues relating to the work of PBNI and also to discuss new developments within Criminal Justice.

Fourteen sentencers (74%) stated the Public Protection Sentences briefings provided by PBNI were useful (quite and very), 4 (21%) stated these briefings were neither useful nor not useful and 1 (5%) sentencer stated they were not at all useful.

Of the 12 sentencers who had sufficient experience of Public Protection Sentences to respond to this question, all 12 found having a Probation Officer present in court useful (quite and very).

Of these 12 sentencers, 11 felt they had sufficient experience of Public Protection Sentencers to answer further questions in relation to these sentences. The survey asked if sentencers felt that the information provided in PSRs in relation to Public Protection Sentences was useful. All 11 stated they found this information useful (quite and very).

Ten sentencers (91%) stated the RoSH assessment was useful (quite and very) and 1 (9%) stated that it was not useful. The sentencer that stated it was not useful provided the following reason,

“The report is generally formulaic in content. I would find it of more assistance to have a detailed summary of the issues raised and opinions voiced by those who
“attended the Risk Management Meeting arising from which the assessment was made.”

All 11 sentencers with experience of Public Protection Sentences and RoSH assessments stated that the assessment was useful (quite and very) for assisting in reaching a decision on the dangerousness of the offender.

3.4 Contact with PBNI
Fourteen sentencers had received feedback from PBNI on individual cases. Thirteen (93%) stated that they had been satisfied with the feedback provided and 1 sentencer stated they were neither satisfied nor dissatisfied with the feedback. This shows an increase from the 2007 survey where 91% were satisfied with the feedback provided in respect of specific offenders.

Seventeen sentencers had sufficient experience to state how satisfied they had been in the last 12 months with the contact they had had with PBNI managers. Fourteen of the 17 sentencers (82%) stated they were satisfied with the contact they had had and 3 (18%) stated they were neither satisfied nor dissatisfied.

3.5 Use of Organisational Resources
This section examined how useful sentencers felt various aspects of PBNI resources were in relation to the courts and sentencers. This section has not been included in previous surveys.

Eleven sentencers had read and were familiar with the content of the PBNI Business Plan. Eighty-two percent (9) stated that the information provided in the Business Plan was useful. The remaining 2 sentencers stated it was not very useful and the reasons for this were stated as:

- “not relevant”;
- “I am afraid I have not had time to consider it”.

A similar question was asked of the PBNI Annual Report and again 11 sentencers had read and were familiar with the content of this report. Ninety-one (10) percent of sentencers found the Annual Report quite useful and one sentencer found it not very useful stating it was “just statistics”.
Eight sentencers had visited the website and all 8 found it quite useful.

3.6 Overall Satisfaction
Ninety-five percent (18) of sentencers state they were satisfied (quite and very) with the overall service provided by PBNI in the last 12 months. Table 3.3 compares the overall satisfaction with the service provided by PBNI in the last 12 months in the last 3 surveys.

Table 3.3 Overall Satisfaction

<table>
<thead>
<tr>
<th>Year</th>
<th>Satisfied</th>
<th>Neither Satisfied nor Dissatisfied</th>
<th>Dissatisfied</th>
<th>Insufficient Work seen to form a view</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>95%</td>
<td>5%</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>2007</td>
<td>95%</td>
<td>-</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>2004</td>
<td>100%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

3.7 Future Developments
Fifty-eight percent (11) of sentencers felt that a quarterly newsletter provided by PBNI detailing the organisation’s current workload and new developments would be useful (quite and very). Sixteen percent (3) stated that it would be neither useful nor not useful, 21% (4) thought it would not be very useful and 5% (1) thought it would be not useful at all.

3.8 Additional Questions
An opportunity was provided to comment on what sentencers particularly valued about the work of PBNI in courts and also any improvements PBNI could make. Due to the possibility of identifying individual respondents through these comments this information has not been included in this report. It will however be used when formulating actions arising from this survey.
4. Conclusion

A 38% response rate was achieved for this survey and although lower than previous surveys, valuable feedback has been obtained and will be used to review PBNI practice.

› Overall sentencers gave positive feedback about the work of PBNI in courts, maintaining high levels of satisfaction reported in previous surveys. Pre-Sentence Reports (PSR) are reported as being particularly useful to the sentencing process. Information provided in relation to the new Public Protection Sentences also appears to have been appropriately targeted with sentencers reporting satisfaction with both RoSH assessments and the use of RoSH in determining dangerousness.

› Specific Sentence Reports (SSR), although requested less frequently were also seen as useful. Support for SSRs is particularly encouraging given the focus on reducing avoidable delay.

PBNI values all feedback received from sentencers and is committed to completing this survey on a biennial basis as part of ongoing communications between the two organisations. The next survey, if agreed, will take place in September 2012.