

LAW

It is an inherent feature of statistics on law, crime and justice that they differ substantially in the accuracy of their measurements. In some cases it is possible to be confident that the figures give a precise indicator of what they purport to be measuring: in others it is accepted that they can only offer approximations. As always, problems of definitions and changes of definitions exist, but in the case of crime there is the fundamental difficulty that there is no way of knowing its actual extent: so reliance has to be placed on some concept of 'known' crime. The issues of uniformity and universality are also critical when practice and policy may vary between police forces, and the sentencing policies between different courts may be far from homogeneous.

These cautions do not have much application to the first table. Both the agreed level of establishment in each of the four Welsh police authorities which were established in 1974 and their actual strength on a given date in each year are reasonably straight forward to define and permit fairly precise counting. The situation is quite different in the case of Tables 12.2 and 12.3. As already indicated these should not be taken as showing the total number of offences committed: they show the offences which were notified to and recorded by the police. There are thus two areas of uncertainty: how many offences were not notified to the police and were those notified all recorded, or recorded in the same way? The further complication is that there is no reason for believing that these areas of uncertainty remained at a constant level. It is generally believed, for example, that part of the increase in recorded burglary arises because more people are insured against this and insurance claims will only be recognised if offences have been notified to the police. Similarly police practice on recording offences can vary both between forces and within a particular force over time - over, for example, the level and nature of evidence required before recording.

The following tables (12.4 to 12.8) relate to the how and where of the application of

justice and are mostly confined to indictable offences. The broad division of crimes is largely described by the practical grounds of the separation into the indictable, where the accused always has the right to trial by jury, and the non-indictable offences, which were disposed of summarily by magistrates without a jury. Thus all summary offences must be tried at Magistrates' Courts which have more limited powers of sentencing than Crown Courts, presumably indicating that society views them less seriously. Which offences are indictable and which summary is clearly a matter of definition usually determined by legislation. The boundaries between these categories can and do shift. In the present instance a major change was introduced by the Criminal Justice Act 1988 which re-classified as summary many offences which had previously been indictable. Earlier Acts (like the 1968 Theft Act and the Criminal Damage Act 1971) had gone in the other direction and re-classified some previously summary offences (e.g. unauthorised taking of a motor vehicle, and malicious damage) as indictable.

Once the classification between summary and indictable offences has been resolved (for any particular moment of time), the essential accuracy of the numbers found guilty (Tables 12.4 and 12.5), cautioned (Tables 12.6 and 12.7) and of the nature of sentences imposed (Table 12.8) is quite high. The other large remaining issue is the determination of the type of court in which an offence will be heard. Roughly stated, those indictable offences which are deemed serious in themselves, whatever the particular circumstances, can only be tried in a crown court. Even so, the initial proceedings usually take place at a magistrates' court with the Bench sitting as examining judges to determine whether there is sufficient evidence to justify committal to a higher court. Then there are the less serious non-indictable cases which,

as already indicated, can only be tried in a magistrates' court where there is no jury and the magistrates alone determine questions of law and fact (including the question of guilt). There are other indictable offences which are said to be 'triable either way'. These are cases which vary in seriousness depending on circumstances. They are initially proceeded against at magistrates' courts where the initial hearing will recommend in which type of court the case should be tried, depending on such matters as the circumstances of the case and the representations made by prosecution and defence. But any recommendation for a

summary trial still needs the consent of the accused since indictable offences carry a right to trial by jury.

Table 12.9 gives separately the number of proceedings at Magistrate' Courts for motor vehicle offences. This is justified on the grounds that, during these years, motor offences have, numerically, come to dominate the justice system. In contrast the figures on drugs (Table 12.10) are accorded separate treatment not because of any great numerical significance but rather because drug use is often portrayed as offering a relatively recent, rapidly growing and peculiarly threatening danger to society.

12.1 Police establishment and strength by police force area, quinquennially (a)

	Police force area				All areas	<i>Number</i>
	<u>Dyfed-Powys</u>	<u>North Wales</u>	<u>Gwent</u>	<u>South Wales</u>		
Establishment:						
1974	866	1,216	928	2,886		5,896
1979	934	1,309	975	3,069		6,287
1984	934	1,316	978	3,109		6,337
1989	935	1,330	1,007	3,137		6,409
1994	972	1,369	1,010	3,168		6,519
Strength:						
1974	850	1,147	907	2,825		5,729
1979	918	1,271	958	3,025		6,172
1984	922	1,281	957	3,106		6,266
1989	934	1,332	1,000	3,118		6,384
1994	980	1,363	1,004	3,026		6,373

Source: Digest of Welsh Statistics and Home Office, Crime and Criminal Justice Unit

- (a) Both the authorised establishment and the strength shown exclude constables employed on additional or seconded duties. At 31 December in each year. Under the police re-organisation of 1 April 1974, the North Wales police area covered the counties of Gwynedd and Clwyd; the Dyfed-Powys police force covered the counties of Dyfed and Powys; the Gwent police force covered the county of Gwent; and the South Wales police force covered the counties of Mid Glamorgan, South Glamorgan and West Glamorgan.

12.2 Notifiable offences recorded and proportions cleared up by the police, quinquennially (a)

	1974	1979	1984	1989	1994
Offence group (number of offences):					
Violence against the person	3,515	5,125	6,057	10,218	13,478
Sexual offences (b)	1,312	1,294	1,063	1,615	1,422
Burglary	29,102	27,866	42,730	39,013	57,750
Robbery	329	264	280	386	639
Theft and handling stolen goods (c)	61,964	67,961	88,905	100,099	127,346
Fraud and forgery	5,412	7,361	8,128	6,705	6,571
Criminal damage (d)	3,512	17,475	23,797	36,690	50,732
Other offences (e)	441	121	575	1,159	3,296
Total	105,587	127,467	171,535	195,885	261,232
Percentage cleared up of those recorded (f):					
Violence against the person	90	87	85	89	85
Sexual offences (b)	84	88	89	93	90
Burglary	38	39	39	34	25
Robbery	47	50	51	57	44
Theft and handling stolen goods (c)	49	51	45	41	30
Fraud and forgery	90	93	85	82	50
Criminal damage (g)	41	41	34	31	22
Other offences (e)	95	94	97	98	95
Total (h)	50	52	47	43	32

Source: Digest of Welsh Statistics and Home Office, Crime and Criminal Justice Unit

- (a) The Theft Act 1968 redefined many types of indictable offences of dishonesty. The Act also made indictable the formerly non-indictable offences of unauthorised taking of a motor vehicle and minor offences of theft. The Criminal Damage Act 1971 made indictable many formerly non-indictable offences of malicious damage. New counting rules were introduced at the beginning of 1980 to improve the consistency by the police of the recording of multiple, continuous and repetitive offences.
- (b) Includes from 1983 'gross indecency with a child'.
- (c) Includes offences of abstracting electricity from 1979 onwards, previously in 'other offences'.
- (d) Figures for 1979 onwards include offences of criminal damage, value £20 and under.
- (e) Includes from 1983 'trafficking in controlled drugs' and 'going equipped for stealing' (transferred from 'burglary').
- (f) Offences cleared up include those attributed to children under the age of criminal responsibility and those taken into consideration by a court when the offender is found guilty on another charge, as well as those for which the person is arrested or summoned. Some offences recorded by the police in one year may be cleared up in a later year. It is therefore possible that more offences may be cleared up in one year than were recorded by the police in that year.
- (g) Figures exclude offences of criminal damage, value under £20.
- (h) The totals for Wales cover a wide variation between the police forces. For example, in 1994, the overall clean-up rate was 53 per cent for Dyfed-Powys, 47 per cent for Gwent, 39 per cent for North Wales and 24 per cent for South Wales.

12.3 Notifiable offences recorded by the police, by offence group and police force area, quinquennially (a)

									<i>Number</i>
	Violence against the person	Sexual offences	Burglary	Robbery	Theft and handling of stolen goods	Fraud and forgery	Criminal damage	Other offences	Total
Dyfed-Powys:									
1975	332	221	1,942	13	5,658	908	421	229	9,724
1979	505	244	1,823	24	6,012	1,019	2,101	24	11,752
1984	683	225	2,681	16	8,282	1,355	2,532	166	15,940
1989	1,444	264	2,721	19	8,443	1,136	3,465	194	17,686
1994	2,192	250	3,491	41	9,667	631	4,816	514	21,602
Gwent:									
1975	800	211	3,785	61	10,477	872	582	189	16,977
1979	1,041	254	3,349	35	11,697	1,262	2,850	10	20,498
1984	1,334	250	4,941	36	13,813	1,591	3,977	64	26,006
1989	1,980	322	3,838	63	13,426	1,052	4,447	140	25,268
1994	2,533	270	6,639	79	19,841	1,160	7,047	862	38,431
North Wales:									
1975	936	339	5,655	70	12,432	1,526	832	160	21,950
1979	1,152	325	4,699	39	12,775	2,125	2,444	30	23,589
1984	1,340	249	8,665	52	15,932	2,190	4,177	145	32,750
1989	2,260	523	7,387	67	16,242	1,796	6,160	257	34,692
1994	2,612	352	10,215	100	20,611	1,103	7,917	541	43,451
South Wales:									
1975	1,984	541	18,173	274	35,630	1,960	2,252	465	61,279
1979	2,427	471	17,995	166	37,477	2,955	10,080	57	71,628
1984	2,700	339	26,443	176	50,878	2,992	13,111	200	96,839
1989	4,532	506	25,067	237	61,988	2,721	22,618	568	118,237
1994	6,141	550	37,405	419	77,227	3,677	30,952	1,377	157,748
All areas:									
1975	4,052	1,312	29,555	418	64,197	5,266	4,087	1,043	109,930
1979	5,125	1,294	27,866	264	67,961	7,361	17,475	111	127,467
1984	6,057	1,063	42,730	280	88,905	8,128	23,797	575	171,535
1989	10,218	1,615	39,013	386	100,099	6,705	36,690	1,159	195,885
1994	13,478	1,422	57,750	639	127,346	6,571	50,732	3,294	261,232

Source: Digest of Welsh Statistics and Home Office, Crime and Criminal Justice Unit

- (a) The Theft Act 1968 redefined many types of indictable offences of dishonesty. The Act also made indictable the formerly non-indictable offences of unauthorised taking of a motor vehicle and minor offences of theft. The Criminal Damage Act 1971 made indictable many formerly non-indictable offences of malicious damage. New counting rules were introduced at the beginning of 1980 to improve the consistency by the police of the recording of multiple, continuous and repetitive offences. The initial data are for 1975 because, due to the reorganisation to the police force areas, this breakdown is not available for 1974.

12.4 Persons found guilty of indictable offences, by age and type of court (a)

	<i>Number</i>									
	10 and under 14		14 and under 17		17 and under 21		21 and over		All age groups	
	Magistrates courts	Crown court	Magistrates courts	Crown court	Magistrates courts	Crown court	Magistrates courts	Crown court	Magistrates court	Crown court
1974	2,079	-	4,888	36	5,079	661	9,572	1,514	21,618	2,211
1975	2,030	1	4,685	76	5,652	737	10,727	1,853	23,094	2,667
1976	1,815	3	4,200	60	5,448	680	11,434	1,844	22,897	2,587
1977	1,701	1	4,697	81	5,867	741	11,567	1,865	23,832	2,688
1978	1,572	2	4,680	49	5,900	669	11,030	1,850	23,182	2,570
1979	1,284	2	4,076	38	5,564	526	11,296	1,560	22,220	2,126
1980	1,620	1	4,584	34	6,526	548	12,394	1,702	24,824	2,285
1981	1,318	-	4,430	36	6,950	573	12,377	1,510	25,075	2,119
1982	1,118	-	4,067	62	7,353	785	13,709	1,778	26,247	2,625
1983	943	-	3,719	48	6,951	889	13,786	2,192	25,399	3,129
1984	913	-	3,794	92	6,667	874	13,330	2,266	24,704	3,232
1985	729	1	3,319	63	6,768	1,006	13,512	2,474	24,328	3,544
1986	489	-	2,549	65	5,636	828	11,698	2,173	20,372	3,066
1987	320	1	2,388	77	5,927	1,038	12,160	2,590	20,795	3,706
1988	332	1	2,073	77	5,927	955	12,308	2,675	20,640	3,690
1989	214	1	1,340	71	4,945	1,079	10,853	2,674	17,352	3,825
1990	228	-	1,526	77	5,593	1,108	11,526	2,841	18,873	4,026
1991	154	-	1,315	106	5,418	1,234	11,461	3,179	18,348	4,519
1992	173	4	1,080	77	5,076	1,137	11,459	3,136	17,788	4,354
1993	149	2	2,370 (b)	177	3,870 (c)	817	11,578	2,978	17,967	3,974
1994	218	2	2,586 (b)	228	3,451 (c)	778	11,643	3,125	17,898	4,133
1995	207	5	2,646 (b)	222	3,247 (c)	753	10,586	2,985	16,686	3,965

Source: Digest of Welsh Statistics and Home Office, Crime and Criminal Justice Unit

- (a) From 1979 the information is based on indictable offences as redefined by the Criminal Law Act 1977 and on a new counting procedure.
 (b) From 1993 figures relate to 14 and under 18.
 (c) From 1993 figures relate to 18 and under 21.

12.5 Number guilty of indictable offences at Magistrates' Courts by police force area, quinquennially (a)

	<i>Number</i>				
	Dyfed-Powys	Gwent	North Wales	South Wales	All areas
1975 (b)	1,753	4,330	4,488	12,523	23,094
1979	2,017	4,681	4,292	11,230	22,220
1984	2,440	4,748	4,843	12,673	24,704
1989	1,776	2,904	4,019	8,653	17,352
1994	2,193	2,697	4,096	8,912	17,898

Source: Digest of Welsh Statistics

- (a) The Theft Act 1968 redefined many types of indictable offences of dishonesty. The Act also made indictable the formerly non-indictable offences of unauthorised taking of a motor vehicle and minor offences of theft. The Criminal Damage Act 1971 made indictable many formerly non-indictable offences of malicious damage. From 1979 the information is based on indictable offences as redefined by the Criminal Law Act 1977 and on a new counting procedure. A number of indictable offences were re-classified as summary following the Criminal Justice Act 1988, thus figures for 1989 onwards are not comparable with earlier years.
 (b) The initial data are for 1975 because, due to the reorganisation to the police force areas, this breakdown is not available for 1974. Under the police re-organisation of 1 April 1974, the North Wales police area covered the counties of Gwynedd and Clwyd; the Dyfed-Powys police force covered the counties of Dyfed and Powys; the Gwent police force covered the county of Gwent; and the South Wales police force covered the counties of Mid Glamorgan, South Glamorgan and West Glamorgan.

12.6 Persons cautioned by the police by offence group, quinquennially (a)

	1975	1979	1984	1989	Number 1994
Indictable offences:					
Violence against the person	168	200	334	602	921
Sexual offences	132	118	139	179	136
Burglary	763	660	899	847	643
Robbery	7	6	6	9	10
Theft and handling stolen goods	2,895	3,667	4,464	3,931	4,818
Fraud and forgery	43	57	81	122	217
Criminal damage	295	83	215	482	428
Drug offences				89	2,587
Other indictable offences (other than motoring)	11	55	103	246	224
Total	4,314	4,846	6,241	6,507	9,984
Summary offences (other than motoring)	2,153	3,084	3,702	4,624	4,720
Total	6,467	7,930	9,943	11,131	14,704

Source: Digest of Welsh Statistics

- (a) Excludes motoring offences; such offences do not normally attract formal oral cautions. From 1979 the information is based on indictable and summary offences as redefined by the Criminal Law Act 1977. A number of indictable offences were re-classified as summary following the Criminal Justice Act 1988 and as such figures for 1989 onwards are not directly comparable with earlier years. Figures are not available on this basis for 1974.

12.7 Persons cautioned by the police, by sex and age, quinquennially (a)

	1976	1980	1984	1989	Number 1994
Indictable offences:					
Males:					
10 and under 14 years	1,942	2,145	2,351	1,685	1,417
14 and under 17 (b)	1,995	2,583	3,079	3,543	3,593
17 and under 21 (b)	419	445	615	1,083	1,708
21 and over	1,794	1,845	1,894	2,803	4,847
Total	6,150	7,018	7,939	9,114	11,565
Females:					
10 and under 14 years	448	540	511	258	416
14 and under 17 (b)	431	779	787	714	1,068
17 and under 21 (b)	96	127	131	225	355
21 and over	524	588	575	820	1,300
Total	1,499	2,034	2,004	2,017	3,139

Source: Digest of Welsh Statistics

- (a) Excludes motoring offences; such offences do not normally attract formal oral cautions. From 1979 the information is based on indictable and summary offences as redefined by the Criminal Law Act 1977. A number of indictable offences were re-classified as summary following the Criminal Justice Act 1988 and as such figures for 1989 onwards are not directly comparable with earlier years. Figures are not available on this basis until 1976.
- (b) For 1994 the figures relate to '14 and under 18' and '18 and under 21' respectively.

12.8 Sentences of persons found guilty of indictable offences at Magistrates' and Crown Courts, quinquennially (a)

	1974	1979	1984	1989	Number 1994
Magistrates Courts:					
Absolute discharge	300	189	180	138	138
Conditional discharge	3,608	2,906	4,090	3,346	4,435
Probation order	1,011	1,036	1,743	1,371	1,689
Supervision order	1,375	1,149	924	321	469
Fine	12,401	12,610	12,466	9,175	7,570
Community service order	.	.	1,794	869	1,362
Attendance centre order	.	.	313	121	149
Combination order (b)	416	237	120	16	310
Young offender institution (c)	.	.	895	363	397
Fully suspended sentence	715	1,102	857	529	..
Immediate imprisonment (d)	471	748	740	407	1,643
Otherwise dealt with (e)	1,321	2,243	582	696	427
All sentences	21,618	22,220	24,704	173	17,662
Crown Courts:					
Conditional discharge	86	70	128	181	251
Probation order	159	105	205	410	416
Supervision order	4	4	24	17	45
Fine	474	263	276	273	197
Community service order	.	.	345	388	700
Combination order (b)	1	1	2	1	153
Young offender institution (c)	183	145	490	529	583
Fully suspended sentence	435	371	476	607	139
Immediate imprisonment (d)	695	771	1,141	1,281	1,843
Otherwise dealt with (e)	174	396	145	138	44
All sentences	2,211	2,126	3,232	3,825	4,371

Source: Digest of Welsh Statistics

- (a) From 1979 the information is based on indictable offences as redefined by the Criminal Law Act 1977 and on a new counting procedure. A number of indictable offences were re-classified as summary following the Criminal Justice Act 1988, thus figures for 1989 onwards are not directly comparable with 1974.
- (b) Figures from 1974 to 1989 are in respect of Care Orders which were replaced in 1992 by the Combination Order.
- (c) Includes borstal training (abolished January 1983), detention centre order and youth custody (both abolished October 1988).
- (d) From 1984 the figures include persons given a partly suspended sentence under Section 47 of the Criminal Law Act 1977, implemented on 29 March 1982.
- (e) Persons committed for sentence to the Higher Courts are included in 'otherwise dealt with'.

12.9 Motor vehicle offences: proceedings at Magistrates' Courts (a)

Number

	Main categories of offences							All offences
	Driving after alcohol/ drugs	Careless driving (b)	Insurance	Registration and Excise licence	Dangerous or defective vehicle	Speed limit	Vehicle test	
1974	4,377	14,537	12,268	13,113	12,635	11,850	6,792	140,207
1975	4,902	15,576	12,839	14,363	13,386	12,277	7,976	145,469
1976	4,169	14,203	12,976	15,571	13,319	14,266	8,302	140,358
1977	4,301	14,584	12,539	10,462	12,717	14,411	7,722	132,404
1978	4,679	14,850	12,499	7,967	11,414	14,185	7,958	124,351
1979	5,730	15,266	13,146	11,241	11,046	14,079	8,667	132,116
1980	6,242	16,468	16,521	12,430	12,244	18,348	10,375	156,096
1981	5,505	15,472	17,127	10,057	12,223	15,095	10,981	143,806
1982	5,617	14,450	17,318	10,543	10,962	12,306	12,058	136,885
1983	7,675	15,317	19,517	17,311	11,158	15,288	13,841	156,865
1984	7,816	13,321	19,463	19,399	11,712	14,931	13,429	151,923
1985	7,642	12,418	19,626	18,412	11,052	12,766	13,669	145,428
1986 (c)	7,706	11,860	21,339	18,504	11,530	16,929	14,375	158,112
1987	8,142	10,698	24,864	16,950	7,422	7,613	17,144	138,491
1988	8,021	10,377	29,296	16,888	7,200	7,172	20,095	146,926
1989	7,660	11,856	30,096	14,941	6,715	8,485	20,234	145,398
1990	8,073	10,200	29,495	15,987	6,955	7,676	18,507	145,621
1991	7,409	9,605	31,935	17,652	6,638	6,458	20,754	150,707
1992	6,837	8,926	33,151	17,598	6,128	5,589	23,234	150,649
1993	6,294	7,044	34,955	15,470	4,993	3,897	26,107	142,451
1994	6,182	6,506	33,425	17,626	5,231	3,637	25,514	140,934
1995	6,427	6,765	35,215	22,838	5,168	3,774	27,758	150,600

Source: Digest of Welsh Statistics

- (a) The table shows the number of offences and not the number of persons since a person can be charged with one or more offences at the same time, e.g. in 1994 the 140,934 offences were incurred by 65,982 persons.
- (b) Includes accident offences.
- (c) From October 1986, when the Extended Fixed Penalty System was introduced, many minor motoring offences have been dealt with by fixed penalty rather than court proceedings.

12.10 Persons found guilty of drug offences, by type of drug (a)

	Cocaine	Heroin	Methadone	Dipipanone	LSD	Cannabis	Amphetamines	Other	All drugs
1974	26	10	26	12	40	476	47	92	578
1975	32	29	22	28	59	517	61	92	651
1976	16	13	16	15	30	566	34	59	634
1977	8	10	7	13	13	518	51	51	576
1978	3	9	3	9	11	405	11	27	437
1979	16	11	14	18	8	557	33	43	605
1980	7	11	6	15	8	755	17	33	800
1981	13	12	6	25	18	711	47	44	771
1982	12	15	4	27	24	911	90	26	1,000
1983	15	25	3	19	21	1,005	136	43	1,110
1984	28	54	5	13	32	1,158	159	41	1,297
1985	19	37	11	11	43	1,095	169	50	1,221
1986	7	21	4	1	13	781	135	36	885
1987	13	24	2	3	14	926	137	52	1,037
1988	7	22	3	-	10	1,006	163	80	1,145
1989 (b)	13	30	2	-	19	1,199	146	79	1,303
1990 (b)	8	21	3	3	10	1,184	112	78	1,308
1991 (b)	3	19	1	1	37	869	137	67	974
1992 (c)	12	19	1	-	58	1,572	230	36	1,795
1993 (c)	136	49	..	-	90	3,216	436	160	3,738
1994 (c)	133	87	113	4,422	558	230 (d)	5,077
1995 (c)	89	99	-	-	120	4,812	814	267	5,605

Source: Digest of Welsh Statistics and Home Office, Research and Statistics Department

- (a) A person may have been convicted in respect of more than one drug: thus the figures for different drugs cannot be simply added together. From 1991 figures are also given for MDMA ('Ecstasy'): 7 in 1991; 24 in 1992; 22 in 1993; and 37 in 1994; 121 in 1995.
- (b) From 1989 the figures are also available on the wider basis of the number 'found guilty, cautioned, or dealt with'. The figures in the main table are given on the basis of the number found 'guilty' only, in order to maintain comparability. The differences are only significant in a few categories. The number under the wider definition for these main categories are:

Drug	1989	1990	1991
Cannabis	1,363	1,546	1,476
Amphetamines	146	115	152
Other	91	96	76

- (c) From 1992 the figures are only available on the 'guilty, cautioned, and dealt with' basis, and are not strictly comparable with data for earlier years.
- (d) Includes 2 'crack'.