

Publicising Criminal Convictions

The importance of telling the public

Summary

Letting local communities know about sentences handed out in the courts opens up the criminal justice service, making it more transparent and accountable to the public, and increases the public's confidence. The public want to know this information.

65%

65% think that it is important for the public to be provided with information on the sentences handed out to offenders locally.

24%

But only 24% feel informed about what is happening locally to people convicted of offences.

Those who think that information should be available to the public are also clear what kind of information they want:

83%

83% want to know what sentence people convicted of crime have received and

69%

69% want to know the names of people who have been convicted.¹

These new findings support the findings of the Casey Review, which illustrated how little the public know about the consequences of breaking the law – 9 out of 10 respondents to the Review wanted to know what happens to people following arrest: *“Why do criminals suddenly become invisible when they are caught? We have a right to know about what happens to them but the powers that be all conspire to keep us in the dark!”*²

Those convicted of offences should not expect to be ‘invisible’ to the communities they have harmed through their actions. If someone is convicted in court, then this is a matter of public record and the public are entitled to know (unless a court imposes restrictions on reporting).

Giving the public more information about the punishments or restrictions handed out in the courts in their area – by newsletters or leaflets through their front doors – increases public confidence, encourages people to come forward to report crime and discourages offenders. It should be seen as an important and regular part of work to tackle and reduce crime.

Introduction

Justice Seen Justice Done

is a Government programme which is about opening up the criminal justice service and making it more transparent to the public. It has so far included:

- The introduction of the **Policing Pledge** so that the public know the standards that they should expect from the police
- Raising public awareness of **Community Payback** through offenders wearing high visibility orange jackets and giving the public the opportunity to have a say on what work offenders do in their area
- Increasing **public access to information** on what is being done to tackle crime and anti-social behaviour in their area through **www.direct.gov.uk/localcrime** and information leaflets in high crime areas
- A package of measures announced in ***Engaging Communities in Criminal Justice*** aimed at making the criminal justice service more responsive to local priorities
- **Community Cashback**, which gives members of the public the chance to have a say on how assets seized from criminals are spent in their community
- The **Community Crime Fighters Programme**, providing people who are already active in communities with training and information about the standards they should expect from the criminal justice service.

Why the public need more information

The public believe that the criminal justice service is concerned with the needs of offenders rather than the victims of crime. **79%** of the public feel that the criminal justice service respects the rights of offenders, as opposed to a third who believe it meets the needs of victims.³

The Casey Review found that this belief arises partly because the public do not feel they get enough information about what they believe is the criminal justice service's core business – detecting, arresting and punishing offenders.

In the absence of straightforward information about the outcome of cases, the public can be forgiven for thinking that there are no consequences for those who break the law – and so fewer people will think it is worth coming forward to help the police, give evidence in court or support their neighbours to do the same.

New research confirms that the public want more information:

- Only **24%** of the public feel informed about what is happening locally to people convicted of offences
- However, **65%** think that it is important that the public are provided with such information locally
- **48%** are personally interested in receiving information about sentencing
- Over **4 in 10** say that hearing more about sentencing would make them more confident in the criminal justice service.⁴

There should be an expectation that any conviction made in the court could be subject to publicity. The legal guidance accompanying this document: *Publicising Sentencing Outcomes*⁵ makes it clear that in the vast majority of cases, there are no legal barriers to publicising details of cases. Of course, as public bodies, the police and local authorities must act reasonably and proportionately. But the community's right to information and to reassurance that action is being taken on their behalf makes publicity both necessary and desirable in many cases.

The public want to know

When asked about the kind of information they wanted to get from the police, the public rate '**progress in tackling priorities**' and '**feedback on action to tackle crime**', information about '**sentences and punishments**' and information about '**people convicted of crime**' as their highest priorities.⁶

Of the two thirds of people who think that providing information on convictions is important:

- **83%** want to know what sentence people convicted of crime have received
- **81%** want information about the length or conditions of the sentence
- **76%** want to know what is being done to rehabilitate people who have been convicted
- **74%** want information about the previous convictions of people who have been convicted
- **69%** want to know the names of people who have been convicted
- **57%** want to see photographs of people who have been convicted.⁷

Those living in high crime areas are nearly **20%** more likely than those living in low crime areas to be interested in receiving information about what happens to criminals who are convicted – showing that interest increases with people's experience of crime. If the crime is serious – or a type of offence that is of concern locally – the public are also more likely to want to know details of the individual who has been convicted.

The public's right to know

Not only are the public interested in this information, they are entitled to know. The courts are, in the main, open to the public and proceedings and decisions made there are a matter of public record unless the judge or magistrate determines otherwise (for example by imposing reporting restrictions or where proceedings take place in the youth court).

Where an individual is convicted of an offence, the victim is entitled to know the outcome of a case: the Victim's Code of Practice makes this a statutory right. Where a community is a victim – for example where a spate of crime occurs in an area and many people are affected – they should also expect to learn what convictions have been given to those found guilty.

The Casey Review also highlighted 'secondary victimisation' at work among the public – whereby the public's perception is that crime is prevalent and that other members of the public will be victims, and that perpetrators will get away with it. This means that even people who are not directly or personally affected by crime can end up feeling distrustful of the system, thus undermining confidence among a wider group of people.

Local papers have always carried cases of local interest and are a source of information

for residents about those brought to justice in their areas. However, the decline over the years of court reporters and local papers means less information gets reported this way.

In 2008, the Justice Secretary abolished fees for making copies of the court register (containing the outcome of criminal cases and details of upcoming court cases) available to newspapers, to increase the volume of cases being reported. Several areas have reported that this has helped to boost the coverage of local cases.

However, if local media are reporting on fewer case outcomes than before, there will remain a gap in local accountability: how do the public find out what is happening on an issue of such importance locally?

Information on convictions through the use of newsletters and leaflets from the police and local authority is one important way of both raising public confidence that there are consequences for criminals and also of filling that accountability gap. The evidence shows that the humble local newsletter from police, about action being taken on crime and anti-social behaviour, is an important and trusted way to communicate with the public.⁸

An informed and confident public

As outlined above, there is a strong public appetite for information about action to tackle crime – people are keen to know what action is being taken locally to deal with problems.

Some argue that giving people more information about sentencing outcomes will simply fuel perceptions that sentencing is too lenient. But failing to communicate that information has more negative effects – if you hear nothing you assume that nothing

happened and myths grow up in the gap left by the lack of information. This argument also treats the public as if they can't be trusted and that the system knows best, undermining accountability and transparency in our justice system.

Research also supports the case for more, and not less information. Those who feel informed about what action the police are taking, are more likely to be confident in the police. Similarly, new research shows that those who feel least informed about sentencing, particularly locally, have less confidence in the criminal justice service.

The police now have one single measure of performance – that of public confidence that **'the police and the local council are dealing with the anti-social behaviour and crime issues that matter in this area'**. It is now local residents rather than central government who are telling the police what they should be focused on in their neighbourhoods – and the evidence strongly supports the provision of information in building their confidence.

The national performance targets for the criminal justice service are to raise the numbers of people who believe that the system is fair and effective. At present there is significant public concern about whether sentences are too lenient – yet as we have seen, less than a quarter feel informed about sentences in their local area.

Confidence also has other effects – people are more likely to report crime in the knowledge that something will be done. When asked what would most encourage people to report crime they have witnessed – the top answers were – 'knowing that something would be done' about the crime they reported and that 'the person committing the crime would be punished'.⁹

Publicity following a conviction for a crime, particularly one that has affected an individual, their neighbour or their community, means the public know that someone has faced the consequences for the harm they have caused.

Deterring offenders

Publicising convictions also acts as a deterrent to other criminals if they think that the consequence of committing crime is likely to result in publicity. There is no doubt that offenders will not want such publicity – but they should not be able to hide behind the criminal justice service.

The public's role in enforcement: ASBOs

Anti-social behaviour orders (ASBOs) are not criminal convictions but civil orders designed to protect the public generally or individuals in particular from anti-social behaviour.

Publicity about who has been given an ASBO by the court, including a photo, and the restrictions placed on their behaviour will usually be necessary so that local residents can report breaches of the order. Case law confirms that publicising the terms of an ASBO is essential to their purpose and should be expected in most cases. Home Office Guidance: *Publicising Anti-social Behaviour Orders* first published in 2005 sets out more details.

Government action to encourage use of publicity

The legal guidance, *Publicising Sentencing Outcomes*, is part of a wider policy to make information about criminal convictions information available to the public.

- For example, one of the Policing Pledge's ten commitments is for the police to provide monthly updates on local crime and policing issues, including information on specific crimes and what happened to those brought to justice.

- A new national system of crime maps is now available, giving the public consistent information about local crime levels linked to data about the numbers of offences brought to justice in the area.
- And in order to support the process of making information about sentences more readily available to the public, Her Majesty's Court Service has established a 'Court Results Enquiry Service' which makes it easier for police and local authorities to follow up on the outcome of cases of local interest.
- Plans are being delivered which will make court results available to the public online, in a way that is simple, clear and informative.

What cases do the public want to know about?

Not every case passing through the courts should or need be the subject of publicity – however, crown court, magistrates and county courts proceedings could all be of interest.

Police forces are increasingly publishing information about convictions for serious offences in the crown court. The more serious an offence, the more likely it is that publicity is sought.

However, it does not follow that only convictions for so-called 'serious' offences can be published. It may well be that less 'serious' offences are in fact those that are causing most concern locally and where publicity would actually do more to reassure communities that action is being taken and build confidence and trust in services. These are vital considerations in informing local policy on publicity. Such cases may include:

- Cases which reflect the **priorities in the community** – under the Policing Pledge, the community and Neighbourhood Policing Team agree what problems matter most locally

- Crime or anti-social behaviour which has particularly affected the community and where there have been **multiple victims**
 - Where a criminal has been convicted for a **prevalent local crime**
 - **Persistent offenders** who have caused ongoing harm in their community
 - Cases where the **offence itself attracted publicity**
 - Local authority prosecutions such as **fly tipping** and **civil cases** heard in the county courts, such as anti-social behaviour related injunctions and possession cases
 - Where the terms of an order require **publicity for their enforcement** – most notably in ASBO cases.
1. Ipsos MORI (2009) Omnibus Survey for NCJG
 2. Cabinet Office (2008) Engaging Communities in Fighting Crime
 3. Home Office (2007) Crime in England and Wales 2006/07
 4. Ipsos MORI (2009) Omnibus Survey for NCJG
 5. Publishing Sentencing Outcomes: guidance for public authorities on publicising information about individual sentencing outcomes within the current legal framework, November 2009, O CJR
 6. Cabinet Office (2008) Engaging Communities in Fighting Crime
 7. Ipsos MORI (2009) Omnibus Survey for NCJG
 8. Ipsos MORI (2008) Closing the Gaps: crime and public perceptions
 9. Cabinet Office (2008) Engaging Communities in Fighting Crime

As with all information about crime and anti-social behaviour, the public are most likely to be interested in convictions as a result of crime that has happened very locally to them – in the area immediately surrounding their home, or the group of streets around a shopping centre for example.

The public have the right to know about the justice that is administered in their name. Police and local authorities should, through letting the public know about sentences being handed out to criminals in their area, meet this legitimate expectation and support openness, transparency and confidence in the criminal justice system.

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