

Sentences increased for 61 criminals

[New statistics for 2020](#) (MS Excel Spreadsheet, 149KB) show 61 offenders had their sentences increased, after the Attorney General and Solicitor General (the Law Officers) challenged their sentences because they thought they were too low.

Under the Unduly Lenient Sentence (ULS) scheme, victims of crime, members of the public, and the Crown Prosecution Service can ask for certain Crown Court sentences to be reviewed if they believe they are too low. Only one referral is required in order for it to be considered by the Attorney General's Office.

The Law Officers carefully consider each case personally, and if they think the sentence is too low, they will ask the Court of Appeal to review the sentence. They can only ask the Court of Appeal to review a sentence with a view to increasing it if that sentence is not just lenient but unduly so, such that the sentencing judge made a gross error or imposed a sentence outside the range of sentences available.

The statistics show that in the vast majority of cases, judges get it right. There has also been a fall in the number of referrals for sentences to be reviewed.

The Law Officers received 552 applications for sentences to be reviewed which met the necessary criteria to be considered under the Scheme. Of these, 97 were referred to the Court of Appeal. The Court of Appeal agreed that 61 sentences were too low, and as a result 61 offenders had their sentences increased. 5 people were imprisoned after avoiding prison time at their original sentencing. In a further 16 cases, the Court of Appeal agreed that it was right to ask for the sentence to be reviewed (known as 'granting leave') but these sentences were not ultimately increased.

Of the 61 offenders who were referred to the Court of Appeal, these related to crimes in the following categories:

- Child sex offences
- Aggravated Burglary
- Causing death by dangerous driving
- Causing grievous bodily harm with intent
- Distributing indecent images of children
- Possession with intent to supply Class A drugs
- Manslaughter
- Murder
- Rape
- Robbery
- Stalking
- Wounding with intent

The scheme allows judges to provide guidance to assist sentencing for future

cases. In 2020, the Attorney General's Office identified, in referrals received, a group of cases involving 3 offenders who engaged in sexual communications with people who they thought were children or their parents – they were in fact communicating with undercover police officers or vigilante groups. The Attorney General raised these cases with the Court of Appeal. As a result the Court provided guidance which emphasised that where a defendant sets out to sexually abuse a child, even though there is no child, the sentence should reflect the seriousness of the harm the defendant had intended to cause that child.

Commenting on the Scheme's performance in 2020, the Attorney General, Rt Hon Michael Ellis QC MP, said:

"The ULS scheme allows anyone, including victims of crime, to ask for a review of certain sentences they believe are too low. In 2020, this meant that over 60 criminals had their sentences increased and many more victims and their families had a second chance at justice.

"In the vast majority of cases judges get it right, but the scheme remains an important tool to ensure that cases can be reviewed where there may have been a gross error in the sentencing decision. It's not just about increasing sentences, the scheme also provides an important avenue for my office to ask the Court of Appeal for guidance, to help shape the sentencing framework and ensure more consistent sentencing for complex cases."

The Law Officers have 28 days from the date of sentencing to refer a case to the Court of Appeal, so it's important for them to receive a referral as early as possible in order to properly consider a case. A referral must be lodged with the Court of Appeal no later than 5pm on the last business day of the 28 days.

The ULS scheme came into force on 1st February 1989. It was introduced after public outcry over the lenient sentencing of the offenders involved in the 1986 rape of a 21 year old. The victim was brutally raped by a gang of burglars at her father's vicarage.

The scheme was extended in 2017 to include an additional 19 terror-related offences, and again in 2019 to cover more sexual offences as well as coercive control and stalking and harassment involving violence.

ENDS

Notes

- The first ever ULS hearing took place in July 1989 for a man who committed incest on his daughter and had his sentence doubled from 3 to 6 years.
- The ULS scheme was legislated for within the Criminal Justice Act 1988.
- Anyone is able to ask a Crown Court sentence to be reviewed by the Attorney General's Office and the progress of referrals can be followed on the website. The ULS scheme only applies to certain Crown Court offences. Details of some of the offences covered by the scheme can be

found on gov.uk and the CPS website.

- Under the ULS scheme a case must be referred to the Court of Appeal within 28 days of the date of sentencing. This deadline cannot be extended and in order to ensure we have time to properly consider a case we ask that referrals are made early in the process. It is very difficult to consider a case which is submitted late and it is not possible to do so outside of working hours.