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'Summary justice' soars as courts bypassed

Richard Ford, Home Correspondent

Out-of-court punishments accounted for more than half of all offences dealt with by the criminal justice system last year, according to figures published today.

The rise of summary justice at the expense of formal court hearings in courts is worrying both magistrates and judges who fear it is making a mockery of justice.

Today's figures highlight how few crimes in England and Wales are ever detected with figures amounting to just 1.37m of the 4.9m offences reported to the police.

Only 49 per cent of offences were dealt with by a person being charged or summonsed to appear in court - while the rest were dealt with outside a court, either through a caution, being taken into consideration or an on-the-spot fine.

The increase in out-of-court punishments has been fuelled by the introduction across the country in 2004 of fixed penalty notices - on-the-spot fines - for disorder offences and a continuing rise in offenders being cautioned at police stations.

The number of fixed penalty notices has more than tripled in three years to reach a record 207,000 last year, an increase of seven per cent on 2006, figures from the Ministry of Justice show.

At the same time, the number of people cautioned by police rose by four per cent in a year to 306,000, including 34 cautioned for the rape or attempted of a male or female. The number of cautions for rape or attempted rape is an increase of ten on the previous year.

The figures show that, despite the increase in on-the-spot fines, only 60 per cent are paid within the 21 days in which payment is required.

If someone fails to pay a fixed penalty notice, a fine of one and half times the penalty payment is imposed, and last year 44 per cent of notices ended in a fine.

The overall use of fines to deal with minor matters in court has fallen again, despite repeated assertions by Government ministers that they wished to revive their use as a simple and effective method of dealing with low level crimes.

The number of offenders fined for all offences peaked at 1.08m in 2004 but has since decreased year on year and fell by 13 per cent to 941,5000 in 2007 - lower than the level when Labour came to power in 1997. The average fine handed out in the magistrates courts rose by three per cent from £149 to £154 between 2006 and 2007.

Today's figures also show that one in four - or 70,000 - offenders sentenced for serious crimes in all courts had fifteen or more serious convictions.

More than one third of those convicted of burglary, and a similar percentage of those convicted of theft and handling stolen goods, had fifteen or more previous convictions .

Sixty per cent of those convicted of shoplifting had three or more previous sanctions for the same crime, thirty eight per cent of burglars and thirty per cent of people punished for drunkenness.

A separate report published by the Ministry of Justice showed huge regional variations in sentencing in England and Wales with eighteen per cent of offenders sentenced in magistrations courts for serious



Fixed penalty notices have hugely altered the way crimes are dealt with

crimes being given immediate jail terms compared with only 7.5 per cent in Northumbria.

The highest rate for offenders given community sentences in magistrates courts was 46 per cent in Warwickshire compared with the lowest 24 per cent in Dorset. Twenty seven per cent of offenders sentenced by magistrates in Surrey for indictable crimes received a fine compared with 7.6 per cent in Humberside.

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