

# The impact of court fines on people on low incomes

## A data review



Funded by the abrdn Financial Fairness Trust.

## Purpose of the data review

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- As part of our research, we reviewed publically available data on criminal court fines.
- This data review, which is summarised in our report, '*Where the hell am I going to get that money from?: The impact of court fines on people on low incomes*', specifically seeks answers to the following questions:
  - How has the court fine been used over the past five years?
  - Which offences do people get fined for?
  - Who gets fined? What are the demographics of those individuals who receive fines?
  - What are the outcomes associated with fines, specifically repayment rates, re-offending rates and imprisonment for fine default?

## Purpose of the data review

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- Our initial work identified that there was little public data on crucial aspects of the demographics profile and socio-economic circumstances of people who received fines.
- In order to explore the characteristics of those most likely to face fine arrears, we worked with Citizens Advice, the national network of social advice provision.
- The data presented below represents a picture of fine arrears amongst a particular population – clients of Citizens Advice. We should, therefore, be cautious about inferring trends from this group to the wider population.
- However, in the absence of other data, this represents a useful snapshot of those people who are falling behind in fine repayment and seeking support.

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- What we know
  - The use of fines
  - Fines and offences
  - Who gets fined
  - Outcomes associated with court fines
- What we don't know
- Filling in the gaps: Citizen's Advice data

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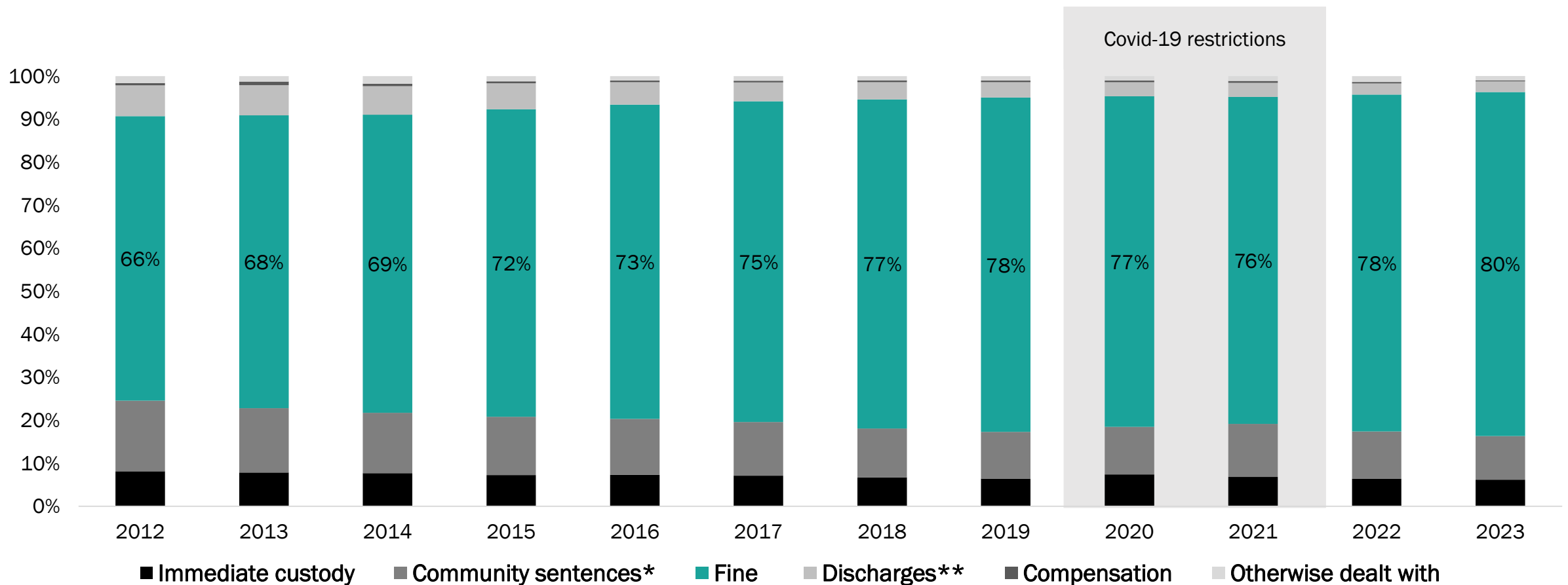
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# Use of the fine: The proportion of sentences which are fines

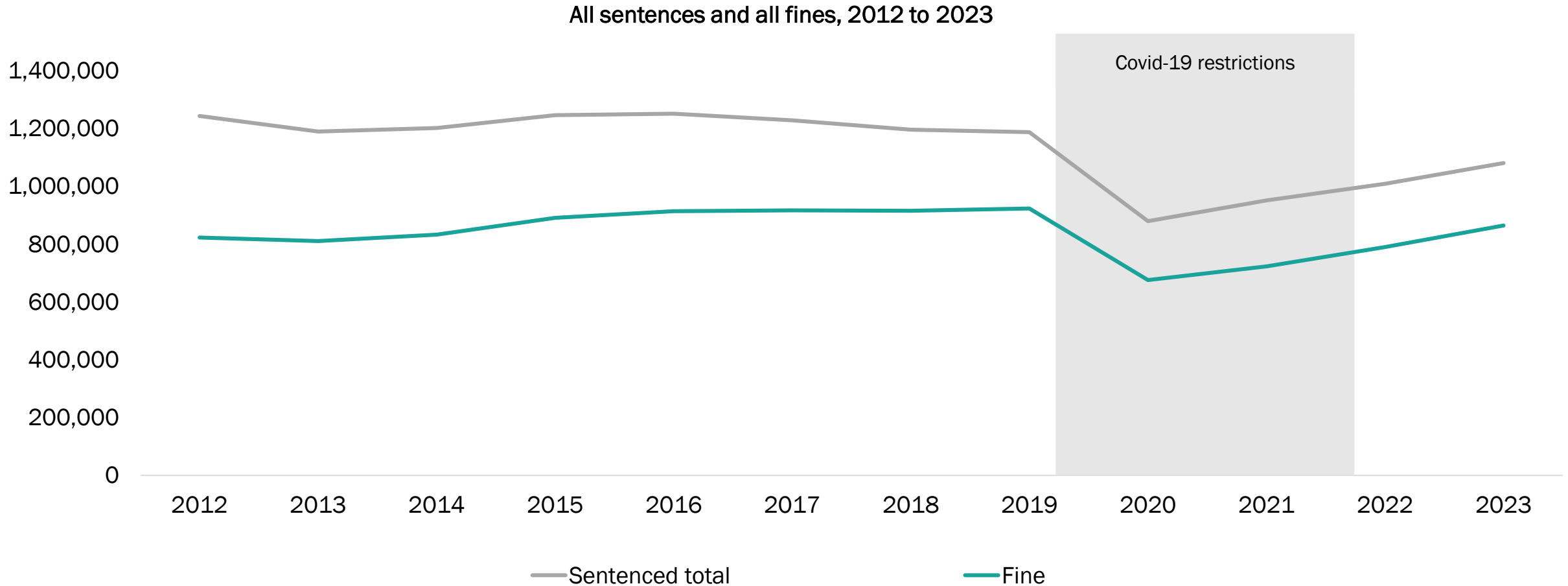
- The fine is the most commonly used sentence of our criminal courts. Since 2012, it has steadily been used more, compared to other sentences— rising from 66% of all sentences in 2012 to 80% in 2023.

Proportion of all sentences, by sentence type, 2012 to 2023



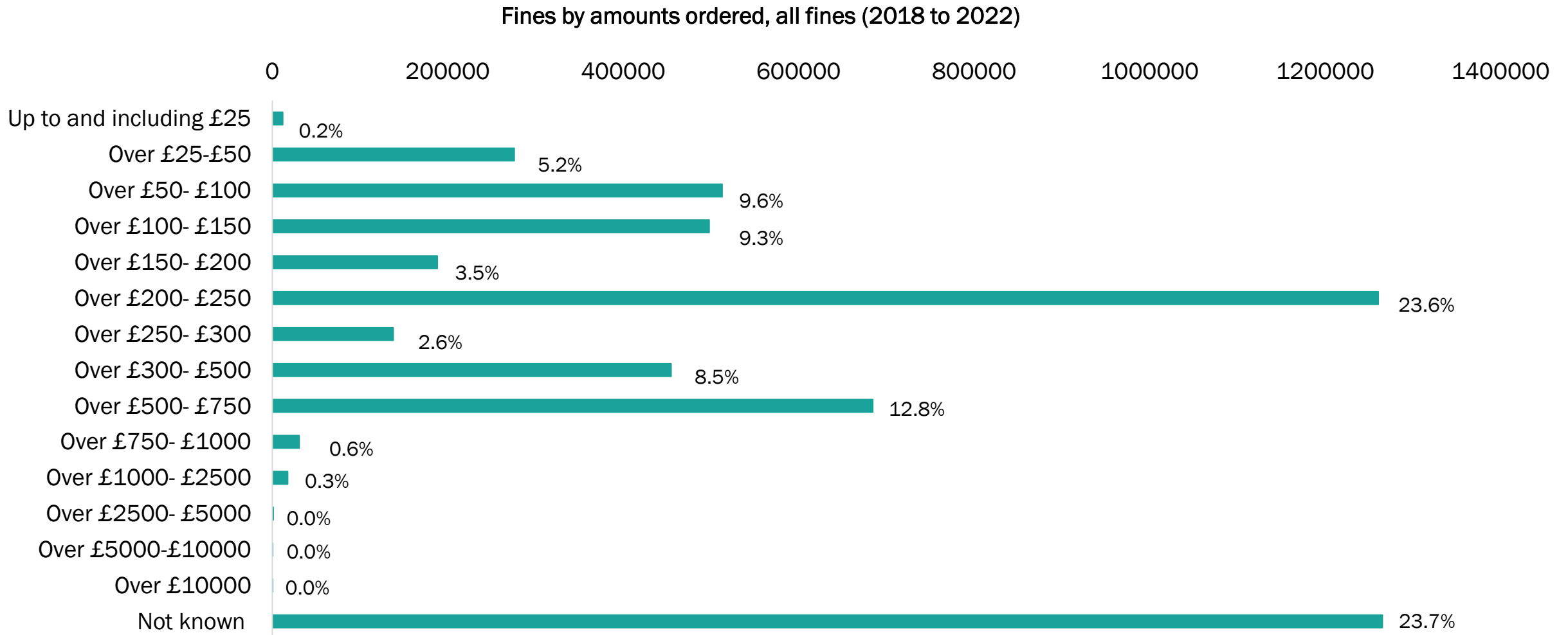
## Use of the fine: The fine over time

- Since 2012, the number of sentences given out by courts has decreased by 13%, while the number of fines has risen by 5%.



## Use of the fine: Court fines by amounts

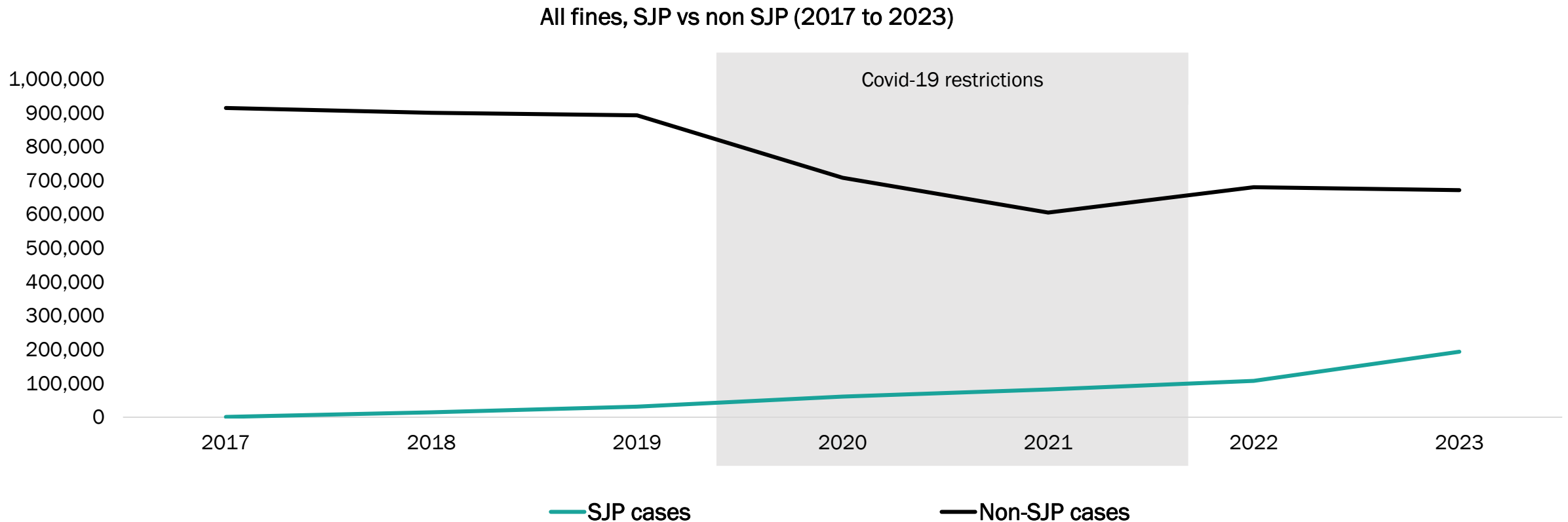
- The most common amount people are fined for is between £200 to £250. Over 50% of all fines issued are for less than £250.





## Use of the fine: The single justice procedure (SJP)

- In 2017, the SJP was introduced,\* in which a single magistrate, supported by a legal adviser, can decide adult, summary-only, non-imprisonable offences, where a defendant has pleaded guilty or has not responded. By 2023, 22% of all fines are processed via the SJP.



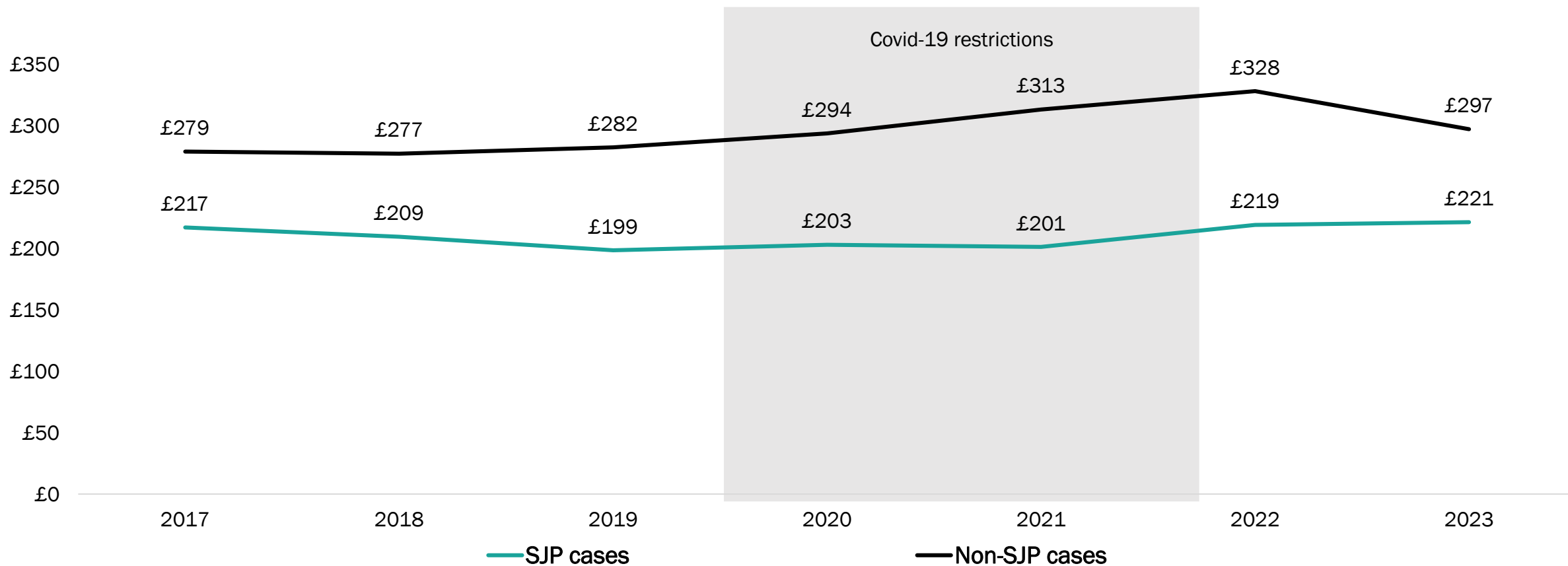
\* The SJP replaced existing processes where sentences were passed in open court in cases where people had not responded to a court summons.

Source: Ministry of Justice Court Proceedings Database.

## Use of the fine: The SJP and fine amounts

- Average fine amounts are lower for cases heard via the SJP. This may reflect differences in the seriousness of the offences which are processed via the SJP.

Average fine amount, SJP vs non SJP (2017 to 2023)



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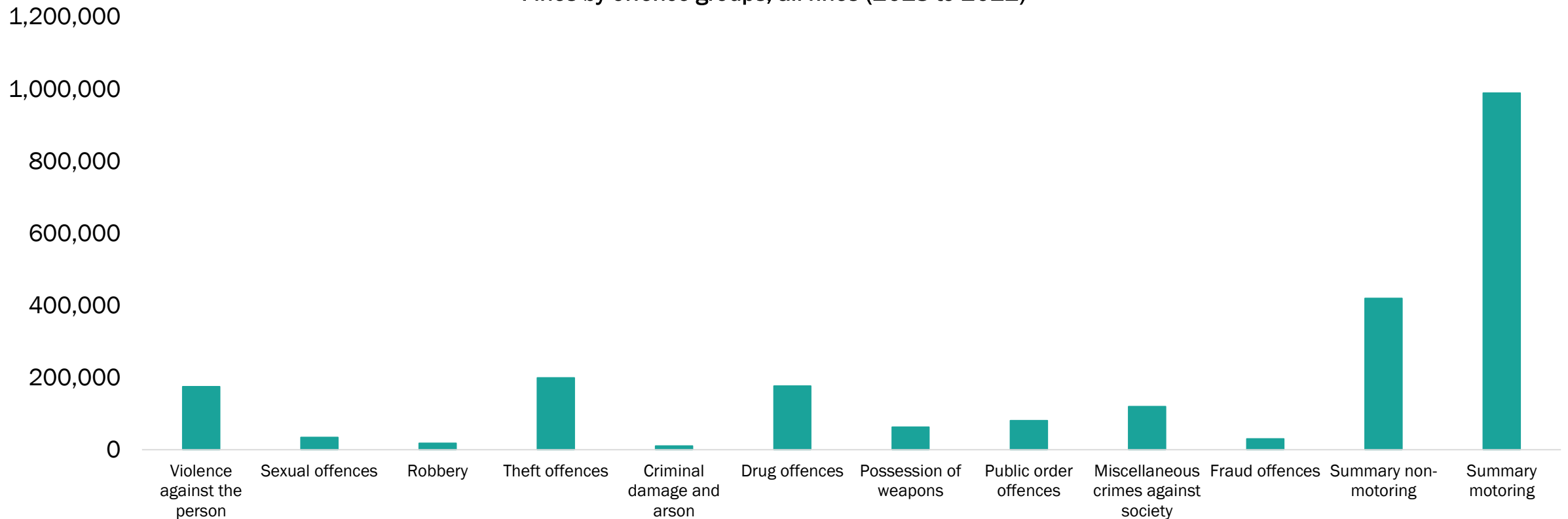
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# Fines & offences: Offence groups

- Between 2018 and 2022, over 2 million fines were issued. The most common ‘offence groups’ for which the fine is used are summary non-motoring and summary motoring offences.\* These are the least serious offence groups.

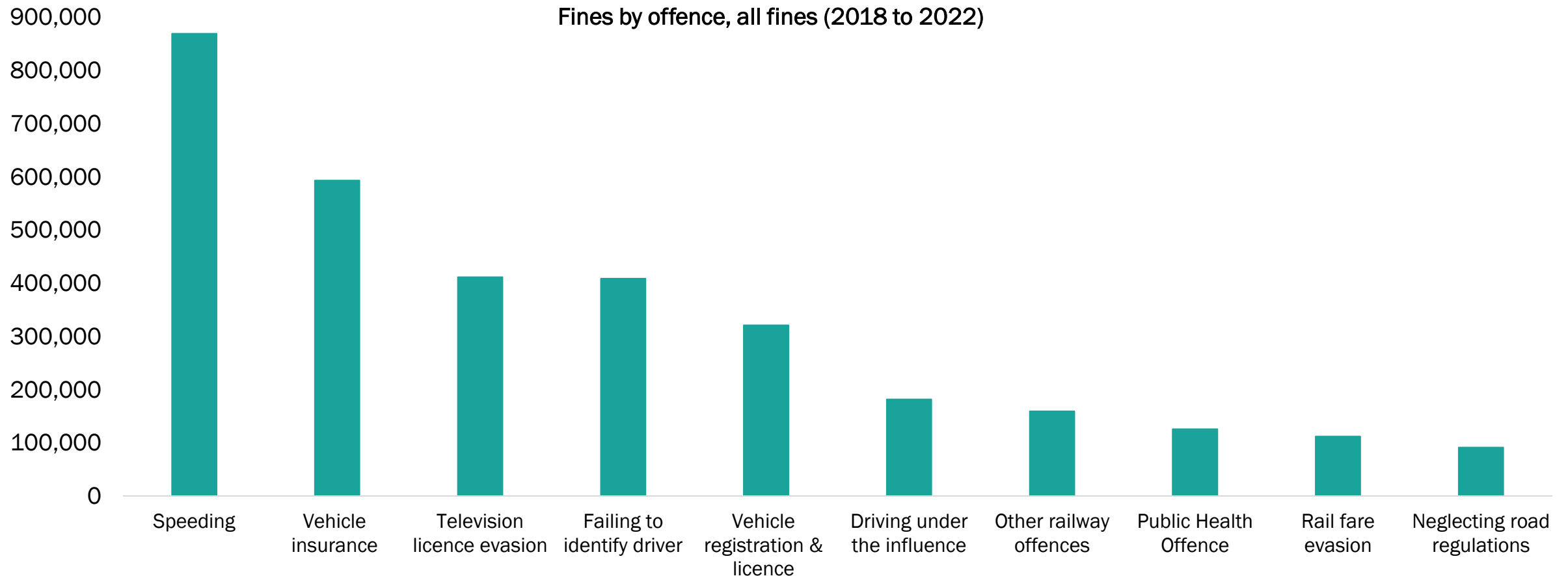
Fines by offence groups, all fines (2018 to 2022)



\*A criminal offence that is only triable (summarily) in the magistrates' court. In limited circumstances, specific summary offences can be dealt with in the Crown Court if attached to a relevant either-way or indictable-only offence in that court (section 40, Criminal Justice Act 1998). Each offence carries a maximum penalty of six months' imprisonment and/or a fine of up to £5,000 in both courts.

## Fines & offences: Specific offences

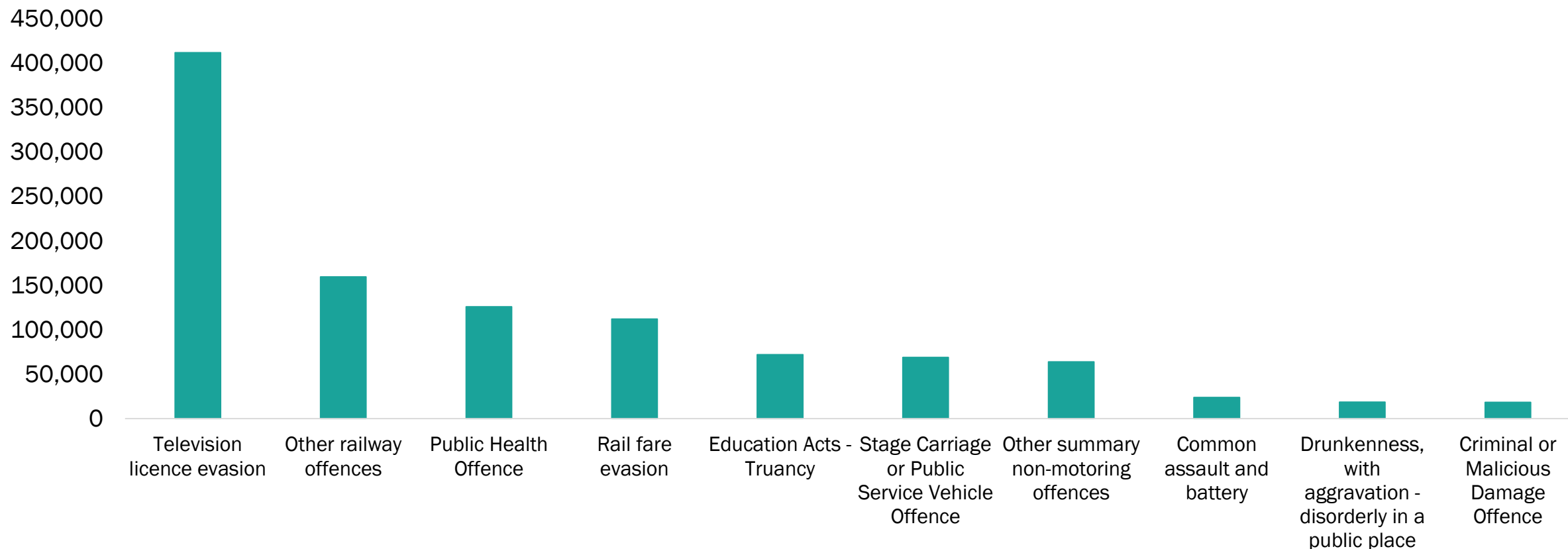
- Looking at more detailed offences within those groups, the top three offences for which people received a fine for between 2018 and 2022 were speeding, vehicle insurance offences, and TV licence evasion.



## Fines & offences: Specific offences (non-motoring)

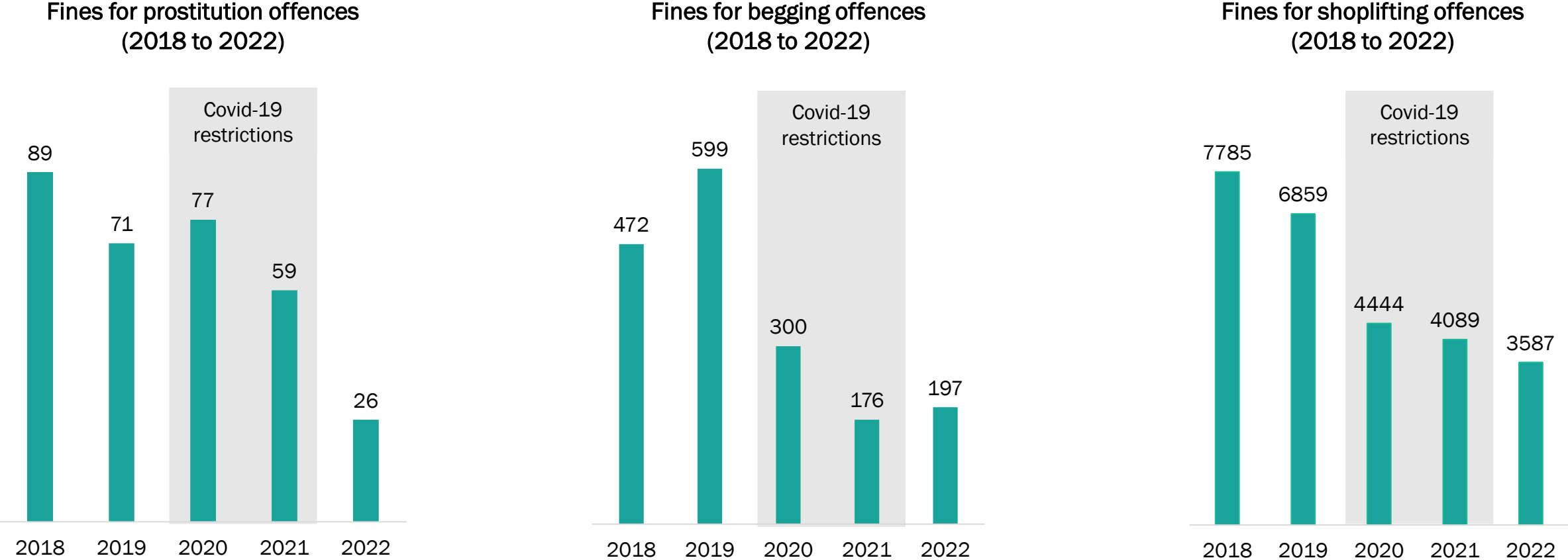
- Removing motoring offences, the most common offence for which people received a court fine was for television licence evasion. Other common non-motoring offences are associated with public transport, such as rail fare evasion.

Fines by non-motoring offences, all fines (2018 to 2022)



# Fines & offences: Other poverty-related offences

- Beyond the offences we have looked at already, like TV licence evasion, there are other offences that are also strongly associated with poverty, including prostitution, begging, and shoplifting offences.



Source: Criminal Justice System Statistics publication: Outcomes by Offence Pivot Table Analytical Tool for England and Wales 2022

## Fines & offences: Court fines related to the covid-19 pandemic.

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- As part of its response to the covid-19 pandemic, the Government created new criminal offences via public health regulations. People found in breach of these regulations were primarily issued with fixed penalty notices (FPNs). Police processed a total of 118,978 Fixed FPNs between March 2020 and February 2022.
- People were only were prosecuted in court where the fine was not paid within 28 days or where a not guilty plea was entered. Most of these court cases are likely to have been processed via the Single Justice Procedure. According the House of Commons' Justice Select Committee's report in 2021, the number of Covid-19 related offences dealt with via the Single Justice Procedure since 1 March 2020 was 7,234. It is unclear if there were additional cases heard at court not via the Single Justice Procedure.
- CPS data suggests that of 2,273 finalized cases that were reviewed to ensure that correct offences had been charged and prosecuted, in only 52 cases were the accused found not guilty after a trial.
- It is not clear from Government data what the sentencing outcomes of these cases were, though as almost all covid-19 offences created were summary-only, they would only be punishable by a fine.



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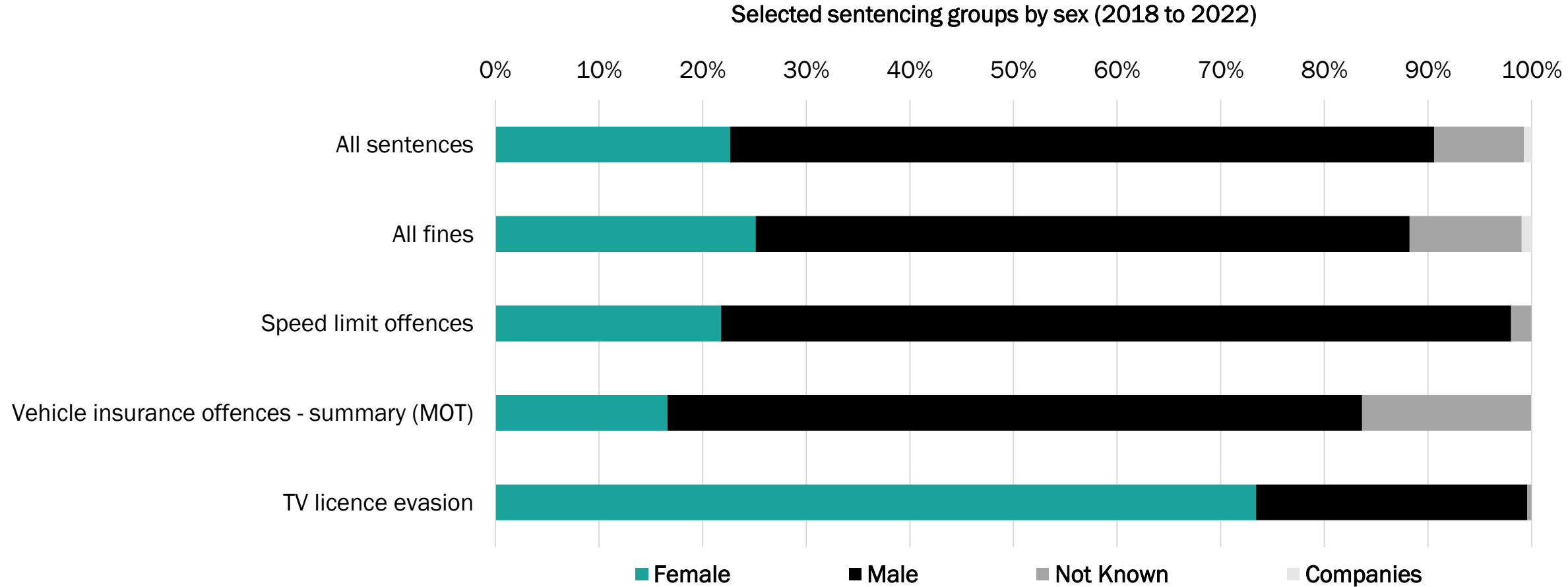
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# Who gets fined: Fines and sex

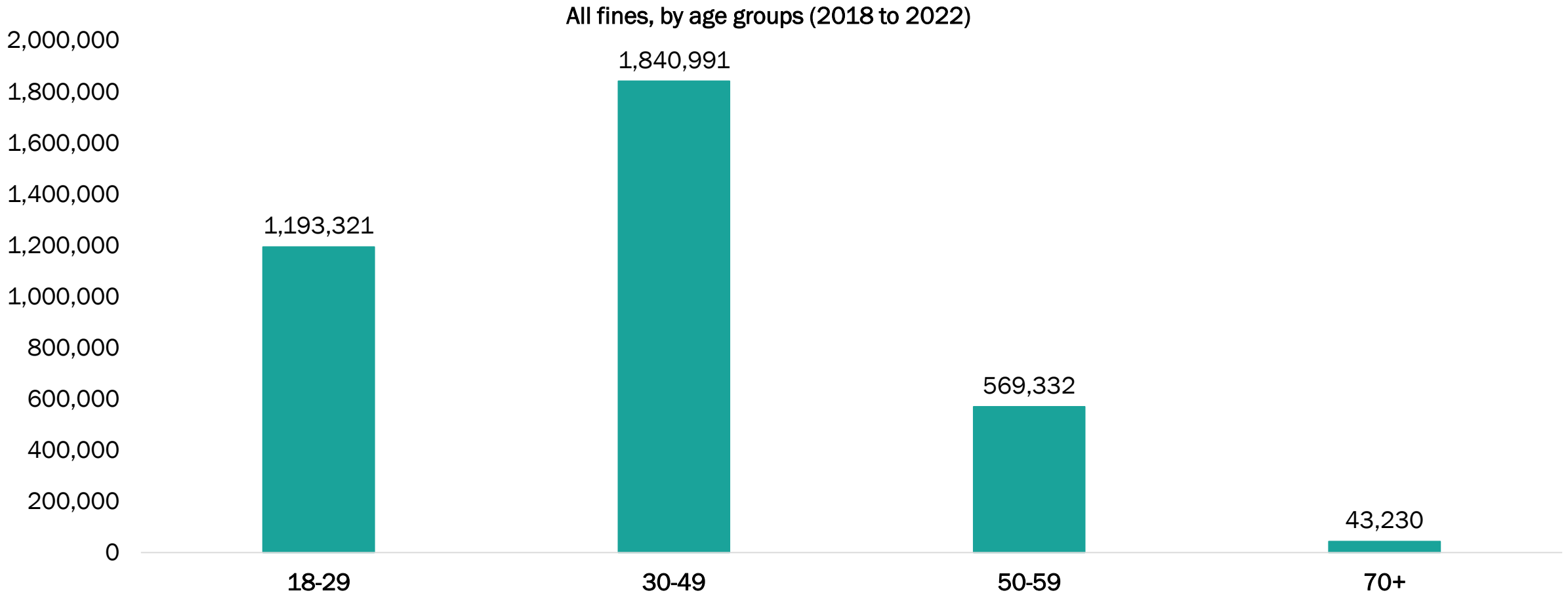
- Men are most likely to receive a fine (in keeping with their greater preponderance in the criminal court caseload generally). However, for fines issued for TV licence evasion, women are account for over 70% of those fined, compared to just over 20% for all fines.



Source: Criminal Justice System Statistics publication: Outcomes by Offence 2018 to 2022: Pivot Table Analytical Tool for England and Wales

## Who gets fined: Fines and age

- 30-49 year olds receive the most fines. This is in line with broader data on sentencing (unsurprisingly, given how prevalent fines are).



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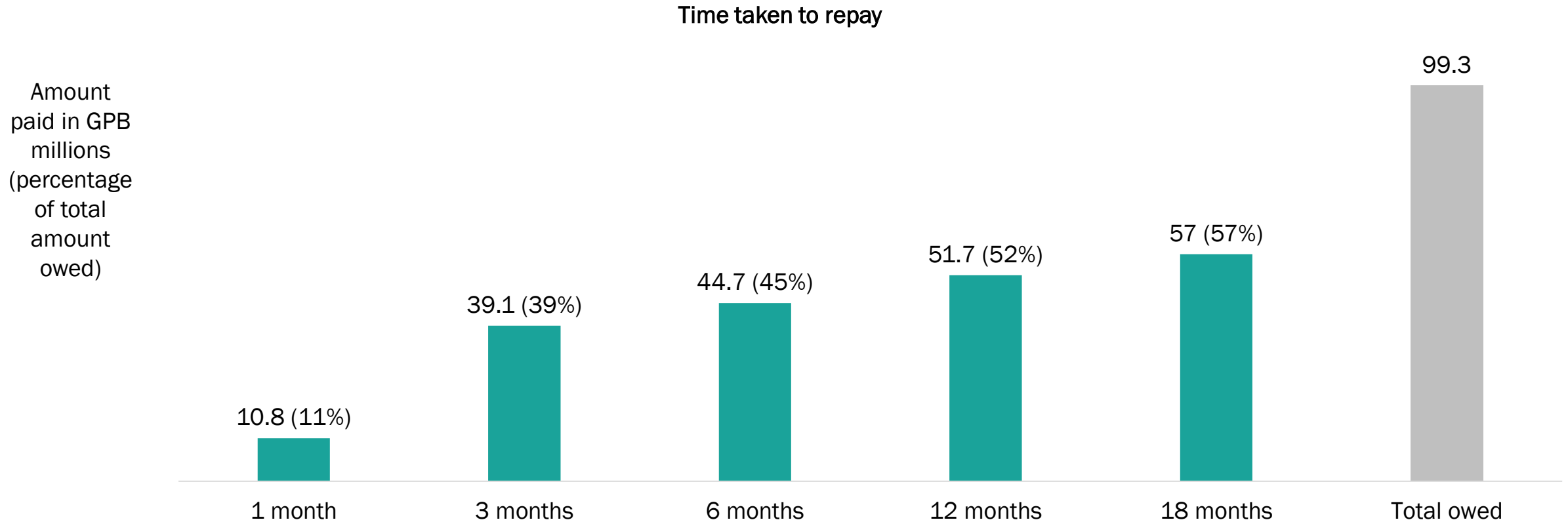
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## Outcomes for fines: Repayment of fines over time

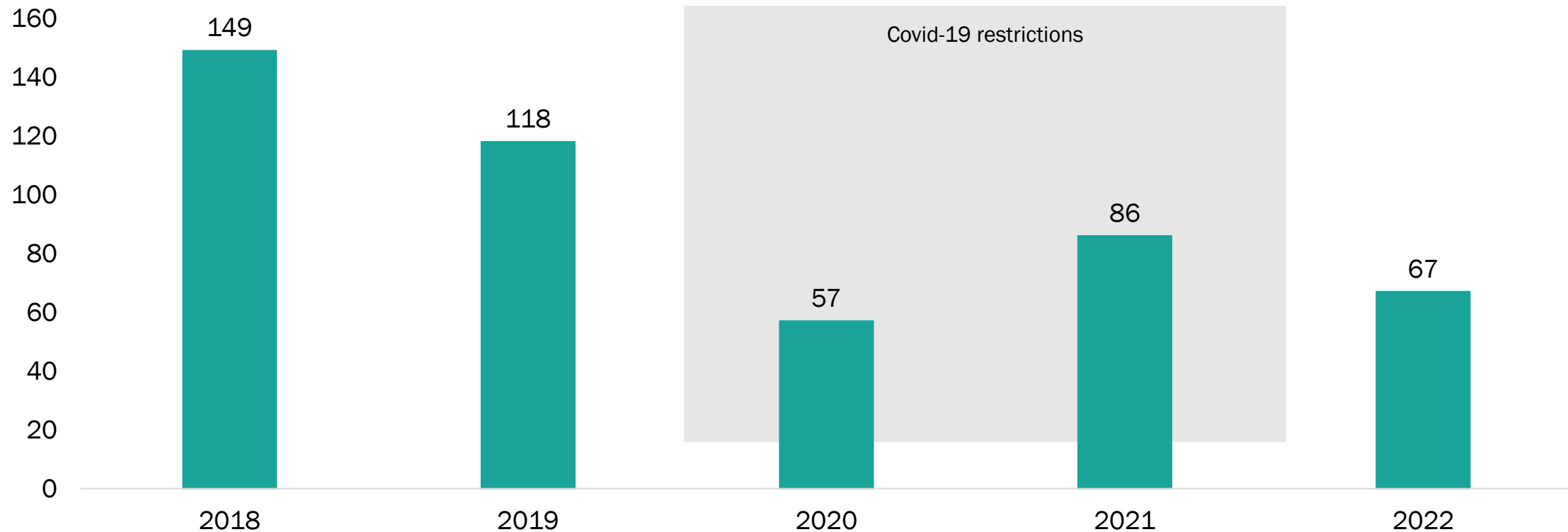
- Latest complete and available data (from 2019) suggests that 48.2% of the amount owed in court fines had not been paid within 12 months (the timeframe in which the legislation suggest a fine ought to be paid within). This figure averages at 50% over the last five years.



# Outcomes for fines: The use of prison sentences for defaulting on a fine

- There has been a 55% decline in numbers of people sent to prison for fine default over the last five years.

Prison first receptions\* for fine defaulting, 2018-2022



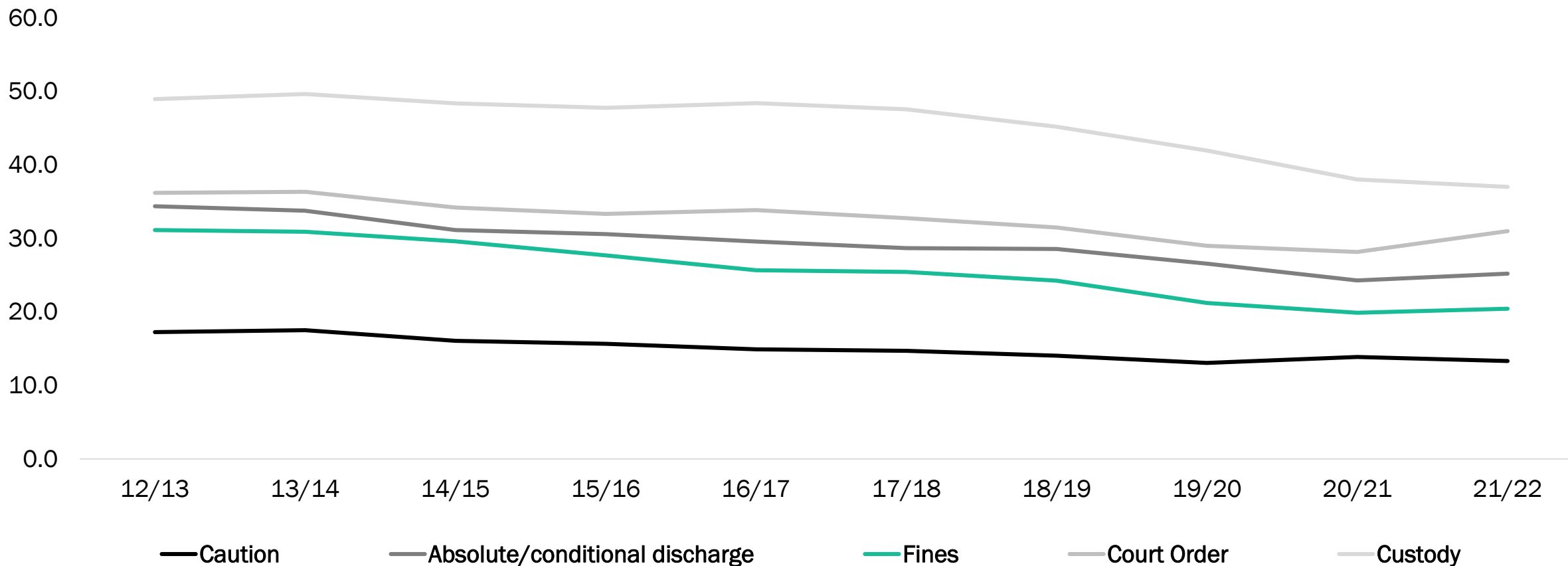
\*A first reception is a measure which counts a prisoner's first movement into custody following a court hearing

Source: Offender Management Statistics quarterly: Prison receptions: Table 2.1: First prison receptions(1) by type of first reception, sentence length and sex.

# Outcomes for fines: Re-offending for people who receive fines

- Binary re-offending rates\* have broadly fallen over the last 10 years for all sentences, including the fine.

Binary re-offending rates (%) by disposal, 12/13 to 21/22



\*Binary re-offending rates measure whether an individual has had a proven re-offence within a specific follow up period. Ministry of Justice proven offences are defined as any offence committed in a one-year follow-up period that leads to a court conviction, caution, reprimand, or warning in the one-year follow-up or within a further six-month waiting period to allow the offence to be proven in court.

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## What we don't know: Socio-economic status and fines

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- The courts regularly collect data on people's means, via a Statement of Means form, which is designed to clarify a defendant's income and outgoings, so that the court can set the fine at an amount that can be paid within 12 months. Courts also can issue an Attachment of Earnings Order, which deducts the amount owed for fine directly from people's earnings, or a Deduction from Benefit Order, as a way of enforcing a court fine.
- However, none of this income and means data is collected, collated, analysed or published nationally. We do not believe it is collected locally either. Therefore, there is no existing data set to indicate the socio-economic status of individuals who receive court fines.
- The Government also does not hold data post-2016/17 on how many warrants of control were issued in respect of financial penalties imposed by the criminal courts.\* In 2016/17, 590,649 were issued.

\* This leads to action from bailiffs to retribute the amount owed for the fine.

## What we don't know: The differing ability of people to pay their court fines

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- The Government is not collecting national data that disaggregates which individuals have paid their court fines and who have not.
- Additionally, due to a lack of socio-economic data on individuals who have been given court fines, there is no available way of identifying which groups, by socio-economic status, are repaying the court fine and which are not nationally.
- This means there is no way, at a national level, to identify if people who are not paying their fines are disproportionately on low incomes or not.
- The Government does not hold data on who specifically were sentenced to prison for the non-repayment of fines, as compared to other financial penalties. Moreover, we do not know how many people are sentenced to other penalties for non-payment.

## What we don't know: Fines and ethnicity

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- As already identified within the Lammy review, there is no ethnicity data collected and published on people sentenced to summary offences.
- Therefore, for fines, it is not possible to know the ethnicity of 96% of those fined.

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## Filling in the gaps: Magistrates court arrears among Citizens Advice clients

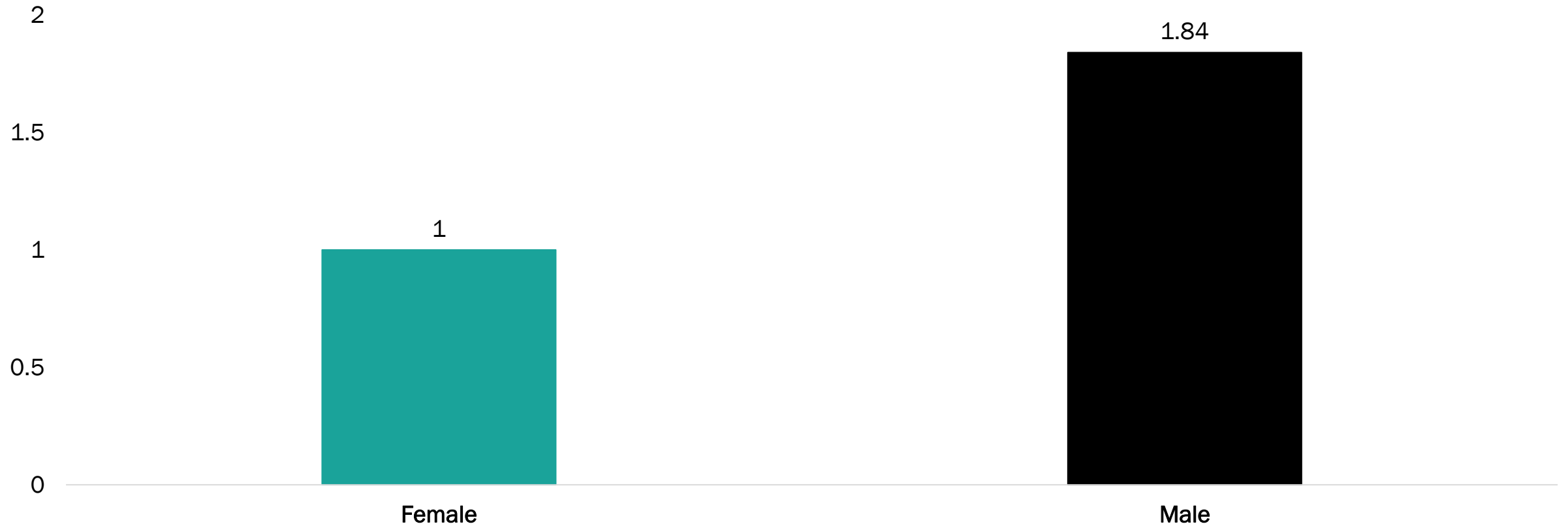
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- In order to explore the characteristics of those most likely to face fine arrears, we worked with Citizens Advice, the national network of social advice provision. We analysed a dataset containing records of all their clients in England from January 2019 to March 2023 to identify which characteristics were particularly associated with fine arrears. Care should be taken in generalising trends within the Citizens Advice client group to the wider population.
- We used a regression technique to identify categorical variables with the client database which showed statistically significant relationships to our outcome variable “Magistrates Courts Arrears” (a binary variable indicating whether or not the client reports that they are in arrears with payments to Magistrates Courts). The approach that we used, binomial logistic regression, predicts the probability that an observation falls into one of two categories of a dichotomous dependent variable based on one or more independent variables.
- We have measured the strength and direction of the relationship between characteristics and likelihood of reporting arrears as an odds ratio, calculating how much more or less likely people with a particular characteristic in that variable are to have magistrates court arrears compared to a reference value (whose likelihood is fixed at 1). The use of an odds-ratio means that it is not possible to directly compare values across different variables as the reference points are different, though it is possible to compare the strength of relationships.

## Filling in the gaps: Gender

- Male clients are nearly twice as likely (84% more) to report magistrates court arrears than female clients. This is in line with broader trends, with males significantly more likely than females to receive court fines

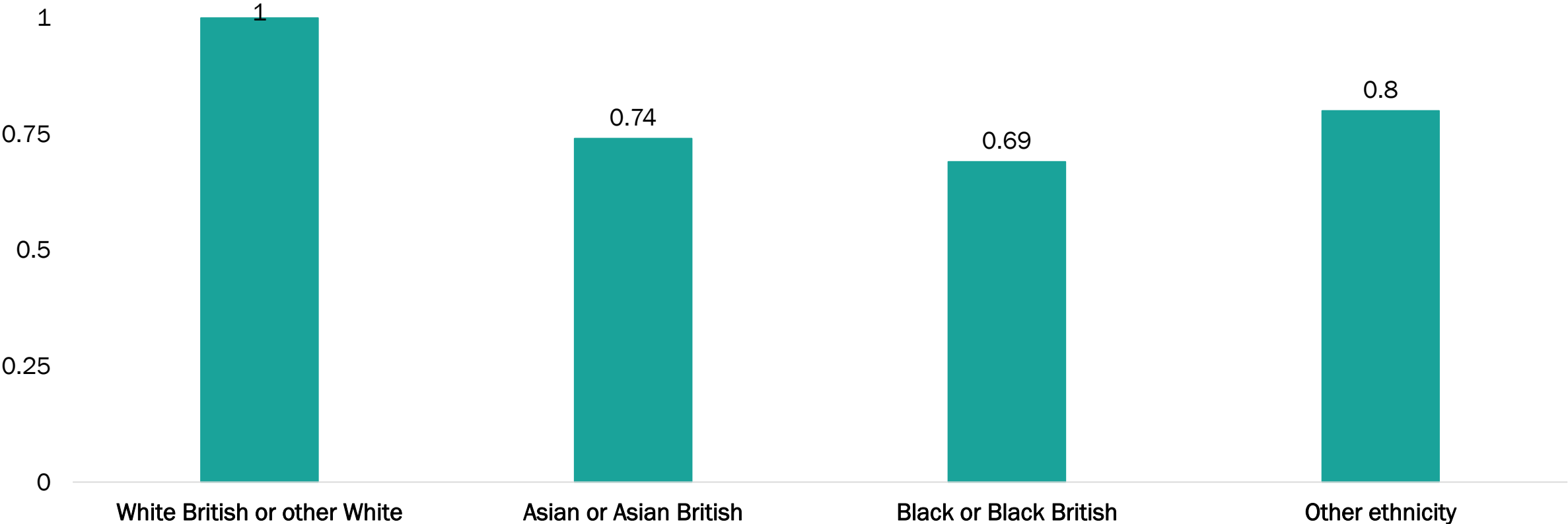
Relative chances of reporting magistrates court arrears by gender, Citizens Advice clients, Jan 2019 - Mar 2023



# Filling in the gaps: Ethnicity

- Citizens advice clients from minoritised communities are significantly less likely than White clients to report magistrates court arrears. This is a striking finding given that we know that people from minoritised communities are over-represented in the criminal justice system.

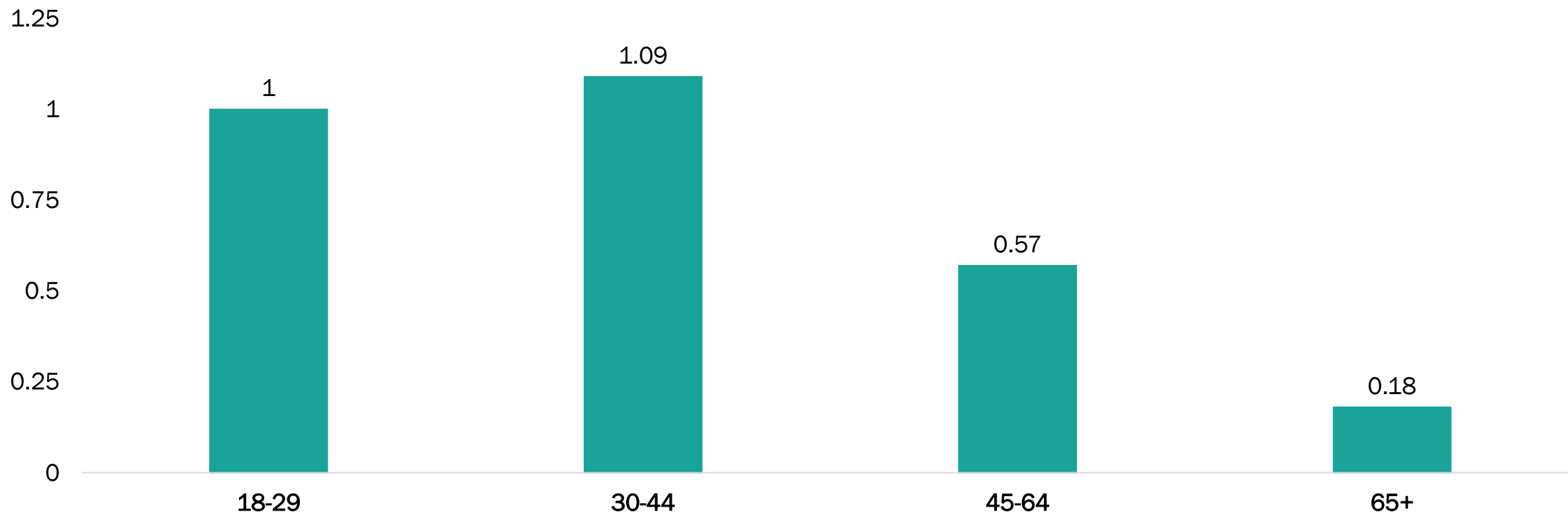
Relative chances of reporting magistrates court arrears by ethnicity, Citizens Advice clients, Jan 2019 - Mar 2023



## Filling in the gaps: Age

- Magistrates court arrears are most common for people aged 30-44, while older people are significantly less likely to have magistrates court arrears. This is broadly in line with the wider pattern which shows that the most prevalent age decade for sentenced offenders is 30-39.

Relative chances of reporting magistrates court arrears by age, Citizens Advice clients, Jan 2019 - Mar 2023

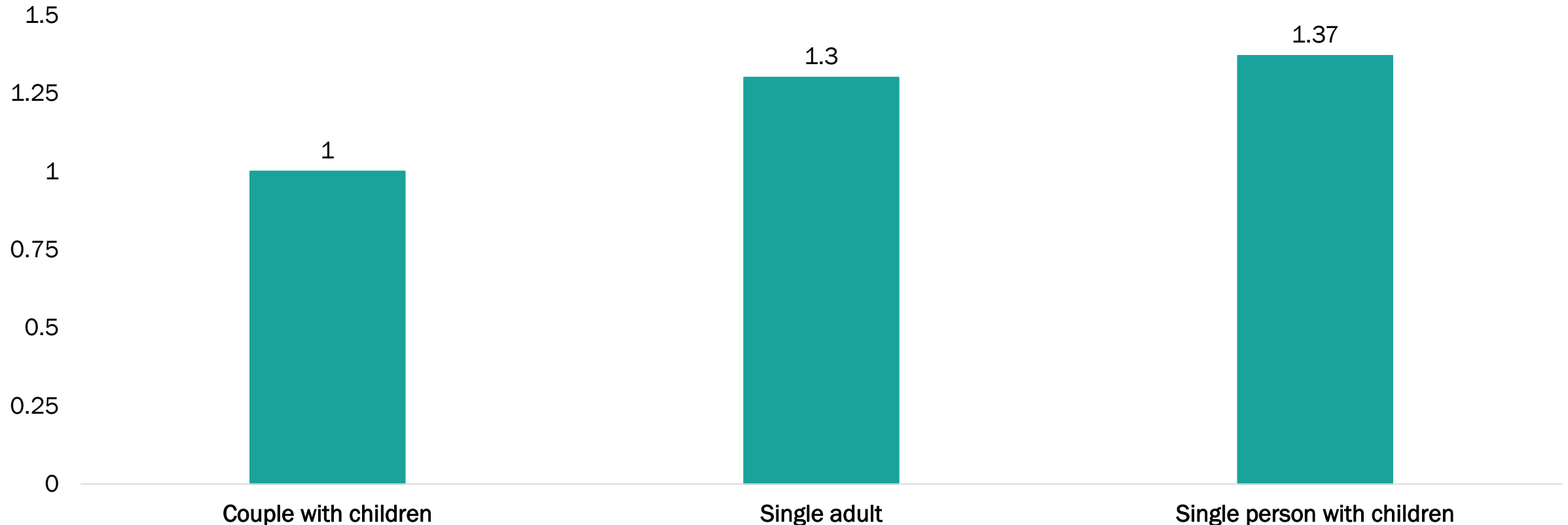




## Filling in the gaps: Household makeup

- Both single adults and single people with children are more likely than people living in couples with children to report arrears. Single parents have the highest prevalence of arrears being a little more than a third (37%) more likely to have arrears than couples with children.

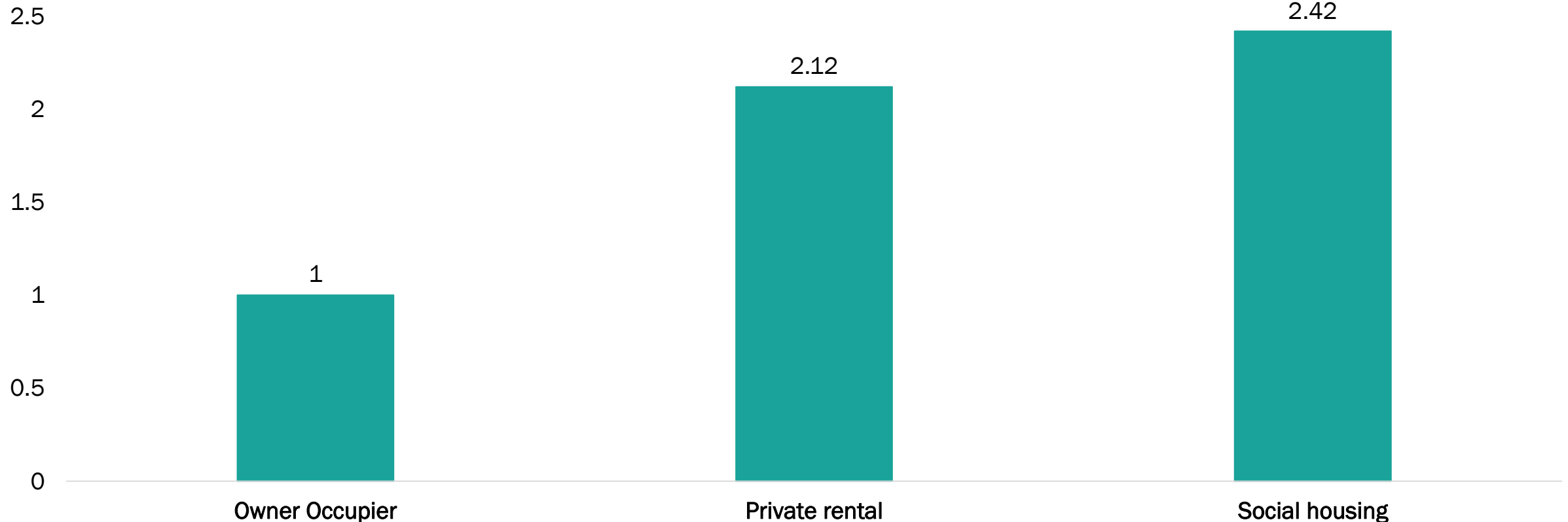
Relative chances of reporting magistrates court arrears by household makeup, Citizens Advice clients, Jan 2019 - Mar 2023



## Filling in the gaps: Housing type

- Clients in private rental accommodation or social housing are both more than twice as likely as those in owner occupied housing to report magistrates court arrears. Those in social housing are the most likely to be in arrears, being 142% more likely than owner occupiers to have arrears.

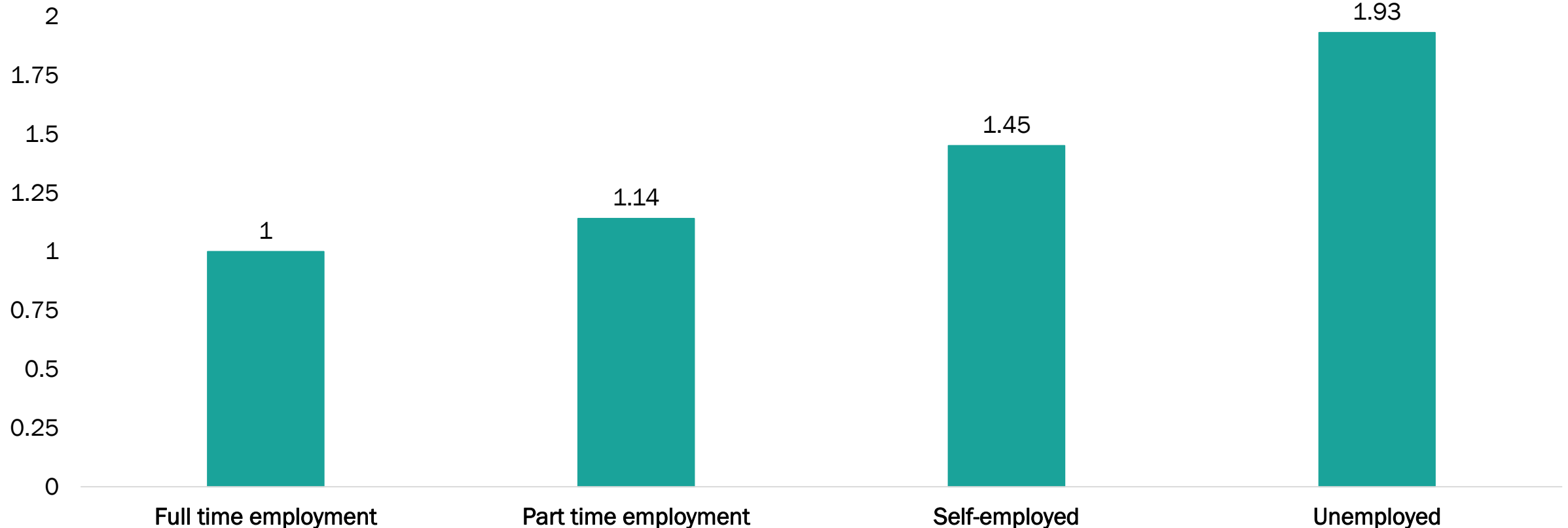
Relative chances of reporting magistrates court arrears by housing type, Citizens Advice clients, Jan 2019 - Mar 2023



## Filling in the gaps: Employment status

- People in part-time employment, self-employment or who were unemployed were all more likely to reports magistrates court arrears than those in full time employment. The most likely to report arrears were the unemployed who were nearly twice as likely (93%) as those in full time employment.

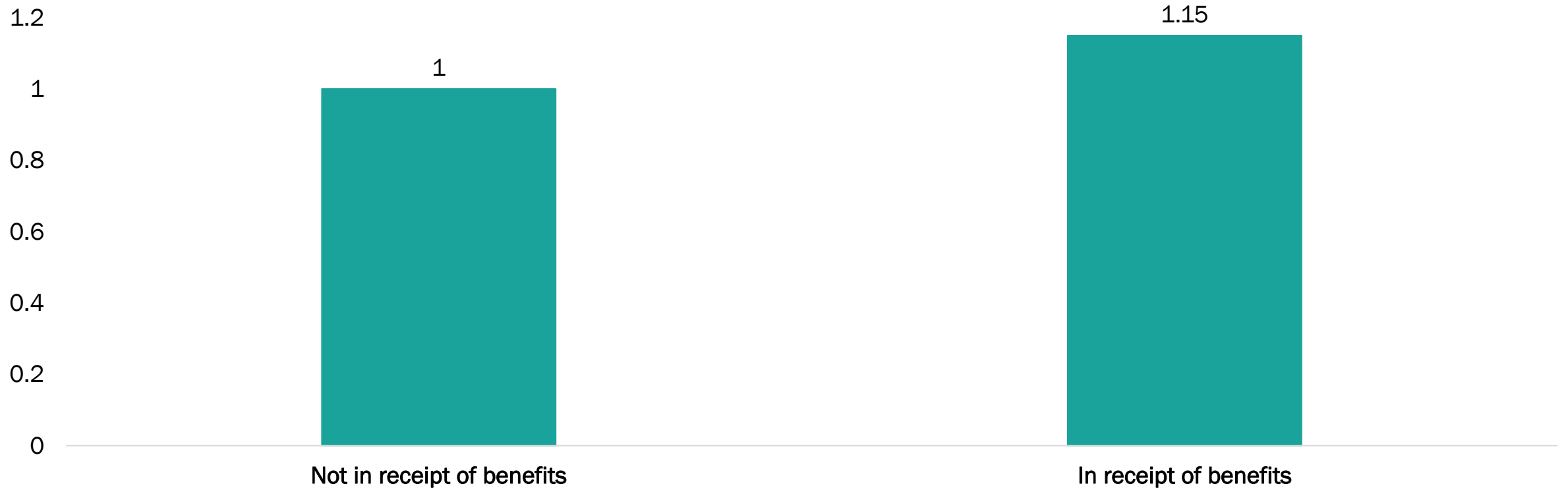
Relative chances of reporting magistrates court arrears by employment status, Citizens Advice clients, Jan 2019 - Mar 2023



## Filling in the gaps: Benefit status

- Clients in receipt of benefits were somewhat more likely (1.15%) to report magistrates court arrears than those not in receipt of benefits.

Relative chances of reporting magistrates court arrears by benefit status, Citizens Advice clients, Jan 2019 - Mar 2023



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