



You be the Judge: **Threatening Behaviour case**

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This is a transcript for the Threatening Behaviour case on the You be the Judge interactive guide to sentencing.

INTRO VIDEO

Have you ever wondered how judges and magistrates decide on the sentences they pass? The sentence should fit the crime. But what else should it achieve? Our guide to sentencing shows how the decision-making process works, and then gives you an opportunity to pass sentence yourself.

These offenders have each been charged with a criminal offence and are waiting to hear their fate. The scenarios are based on real-life cases, and last about five minutes. You will hear the evidence and then decide on the sentence. Afterwards, we'll tell you exactly what sentence they actually received, and why. How will your sentence compare? You be the Judge.

**Before we start, please tell us:
What do you think about sentencing?**

It's too lenient / It's about right / It's too harsh

THREATENING BEHAVIOUR VIDEO 1

Plea hearing: Chris Williams

Legal adviser

Mr Williams, on November 19th you acted in a threatening way, putting Mrs Emily Dixon in fear of physical violence. Do you plead guilty or not guilty?

Offender

Guilty.

Legal adviser

In magistrates' courts, cases are generally heard by three magistrates, who are ordinary members of the community trained for the role. My job is to advise them about legal matters, including the sentencing guidelines.

In this case, the magistrates needed more information about the offender's background to confirm their initial view, so they asked the probation officer to prepare a Pre-Sentence Report. We rejoin them at the sentencing hearing.

Sentencing hearing

Magistrate

Mr Williams, you have pleaded guilty to the charge of threatening behaviour. We will now hear the facts of the offence before passing sentence.

Four weeks earlier: Police interview with Mrs Dixon

Police officer

You rang about a disturbance at around 6:30 this evening. Can you tell me what happened?

Victim

Chris Williams and his friends were down the road kicking their football at people's dustbins, knocking them over and making a lot of noise. I called out from my front door but he didn't take any notice so I went up to my front gate and told him to stop making a nuisance.

Police officer

Did you say it in those words?

Victim

No, I told him exactly what I thought. I said they'd turned the estate into a slum, and they should either get a job or be locked up.

Police officer

So what happened then?

Victim

He ran up to me and shouted at me, he was this far away from my face. (She puts her hand to her face to show proximity.) He said, 'Why don't you eff off you nosy old bitch'.

Police officer

Anything else?

Victim

Then he said, 'If you don't shut your mouth I'm gonna punch your effing lights out'. I thought he was going to hit me.

Will the fact that Mrs Dixon is elderly influence your sentence?

Yes / Not sure / No

THREATENING BEHAVIOUR VIDEO 2

Four weeks earlier: Police interview with Chris Williams

Police officer

I'm led to believe that you swore at Mrs Dixon and threatened her physically when she asked you to stop creating a disturbance.

Offender

She came out and started shouting at us from down the street. We ignored her cos she's always on our case and we didn't want any trouble. But then she came over and gave me a right mouthful.

Police officer

In her statement she said that you put your face up to hers and said you were going to punch her effing lights out. Is that right?

Offender

I can't remember what I said to be honest. We were just minding our own business playing football. She was the one who came over and started mouthing off, saying we should be locked up.

Do you think the fact that Chris was provoked is significant?

Yes / Not sure / No

THREATENING BEHAVIOUR VIDEO 3

Four weeks earlier: Police interview with Chris Williams (cont.)

Police officer

Mrs Dixon felt extremely threatened by your aggressive behaviour and the language you used.

Offender

She's always calling us jobs and stuff. There's nothing to do round here, I was just hanging out with my mates. That's not a crime is it?

Police officer

But threatening behaviour *is* a crime.

Offender

Yeah I did threaten her, but I didn't want to scare her. I know it was a bit over the top but I just wanted her to leave us alone.

Present day: Sentencing hearing

Prosecution

I would remind your worships that the victim has been considerably affected by this incident. She said in her victim personal statement...

Victim (voice over)

It's made me a nervous wreck, they've made my life a complete misery. The noise's been constant, day and night, especially during the summer. I can't bear going out of my front door anymore.

Defence

My client, Mr Williams, has no previous convictions. He entered an early guilty plea and has expressed remorse for his behaviour. In addition, he has agreed to apologise to Mrs Dixon in person for what he describes himself as an over-the-top reaction. He would like now to express his remorse to the court.

Offender

I lost my temper, I shouldn't have sworn at Mrs Dixon like that. I can see now it would have felt threatening for her. I'm sorry.

Does the fact that Chris pleaded guilty from the start affect your sentence?

Yes / Not sure / No

THREATENING BEHAVIOUR VIDEO 4

Legal adviser

You've heard the arguments. Now it's time for you to be the judge.

(She turns to the offender.) Please stand Mr Williams.

Magistrate to offender

You have pleaded guilty to threatening behaviour. The sentence of this court is...

What sentence should Chris get? Choose from the following options:

- Fine: £300
- Community sentence: 80 hours unpaid work + £100 compensation + £90 costs
- Community sentence: 200 hours unpaid work + weekly supervision meetings with a probation officer for 2 years
- Prison: up to 3 months

After selecting their sentence, users are shown what sentence other people chose, with their own choice highlighted in orange.

THREATENING BEHAVIOUR VIDEO 5

Sentence explained

Magistrate to offender

Mrs Dixon is elderly and vulnerable. Causing her to fear immediate violence was a serious offence, and we've taken account of the impact of your behaviour on her, as she expressed in her statement.

We do not consider this offence to be serious enough for a prison sentence, but it does deserve a community sentence. Although it was an impulsive action and you may have felt you were to some degree provoked, this is not an excuse.

We noted that you have no previous convictions. We also noted that you pleaded guilty and that you have shown genuine remorse. We give you credit for this.

Taking all these factors into account, we are sentencing you to a community sentence with a requirement to carry out 80 hours of compulsory unpaid work.

We also order that you pay Mrs Dixon £100 in compensation, along with court costs of £90.

Sentence given:

Community sentence: 80 hrs unpaid work + £100 compensation + £90 costs (option 2)

Legal adviser

So how did this compare to your own sentence?

Chris Williams pleading guilty from the start avoided Mrs Dixon having to give evidence in court. For this reason, his sentence was reduced by a third, to 80 hours, rather than the 120 he would otherwise have got.

If Chris breaks any of the requirements of his sentence, it may be increased or he may be re-sentenced, which could involve going to prison.

Unpaid work, like doing up the garden of a retirement home, is punishment as well as a way for Chris to make amends. This is why it's often called community payback.

And having to pay compensation to Mrs Dixon out of his unemployment benefit, in addition to court costs, will remind him of the considerable distress he has caused her.

And that concludes this case. I hope we've shed some light on the thinking behind sentencing decisions.

**Having viewed this case, please tell us:
How do you feel about sentencing?**

It's too lenient / It's about right / It's too harsh