

# Sentencing Council

**Sentencing Council meeting:**  
**Paper number:**  
**Lead official:**  
**Lead Council member:**

**19 June 2015**  
**SC(15)JUNE05 – Theft**  
**Mandy Banks 020 7071 5785**  
**Sarah Munro**

## **1 ISSUE**

1.1 This meeting will focus on the sentence ranges throughout the theft guidelines. The Council is also asked to consider whether or not to include the wording agreed at the last meeting around previous convictions in all the guidelines, and to consider removing the reference to Community Impact statements from the prevalence wording.

## **2 RECOMMENDATION**

2.1 That the Council :

- Agrees the proposed changes to the sentence ranges within the handling guideline, as discussed in **para 3.11, page 4 onwards**
- Agrees to the suggested rewording of a culpability factor within the handling guideline as discussed at **para 3.16 page 5 onwards**
- Agrees the revised sentence ranges for the rest of the guidelines, as discussed from **para 3.18 page 6 onwards**
- Considers whether to include the wording regarding previous convictions throughout the guidelines, as discussed at **para 3.25, page 8 onwards**
- Agrees to remove the reference to Community Impact statements from the prevalence wording, as set out in **para 3.27, page 9 onwards**

## **3 CONSIDERATION**

3.1 The sentence ranges did not attract a great deal of comment within the consultation responses, similarly the sentence ranges were not an issue that raised much attention during road testing, other than some comments made about the ranges and categories in handling. There was no consensus on the handling ranges:

some thought that they were too high, and some too low, but this has prompted scrutiny of the ranges, the results of which are discussed in paras 3.11 onwards.

3.2 In re- examining all the sentence ranges prior to producing the definitive theft guideline, it may be helpful to first recall the principles used to develop the ranges prior to consultation (the sentence ranges used in the consultation can be seen at Annex H). The Council agreed that it would not seek to change current sentencing practice for these offences, accordingly current sentencing practice data was used to inform sentence ranges. The statistics bulletin attached at Annex A<sup>1</sup> provides full sentencing data, the breakdown of types of disposals given, and average custodial sentence lengths, and so on for the theft offences covered by the guideline. The Council was also mindful of the risks of escalating sentencing for theft offences.

3.3 It was also agreed that greater emphasis should initially be placed on the level of the culpability of the offender. Therefore the sentences become progressively more severe from right to left across the tables, as the culpability increases from C, lower culpability, through to A, in high culpability. This is so the sentence initially reflects the intention of the offender. For example, an offender who plays a leading role, or coerces others, so falls into category A, but who only manages to steal small value items without any additional harm caused, will receive a more severe sentence than an offender who performs a limited role under direction or is coerced, but steals items of a higher value (albeit that the sentence still reflects the value of the items stolen).

3.4 The harm caused by theft offences is still an important consideration. The principle described above works in conjunction with the uplift in sentence that can be given for any significant additional harm caused.

3.5 Overlaps between the sentence ranges and categories were deliberately created within the theft ranges - overlaps have always been a feature within the Sentencing Council guidelines, to reflect the fact that some offenders sit on the cusp between the top of one range, and the bottom of the next higher range, so seek to provide some transition from one category to another. Lord Justice Hughes described this in Healey<sup>2</sup> *'...The format which is adopted by the Sentencing Council in producing its guidelines is to present the broad categories of offence frequently encountered pictorially in boxes....It may be that the pictorial boxes which are part of the presentation may lead a superficial reader to think that adjacent boxes are*

- \_\_\_\_\_
- <sup>1</sup> The bulletin was published with the consultation and is based on 2012 data- an update using more recent sentencing data was considered, but initial work on the update showed relatively little change to the trends from the 2012 data, so was not pursued.
- <sup>2</sup> *R v Healey and others [2012] EWCA Crim 1005.*

*mutually exclusive, one of the other. They are not. There is an inevitable overlap between the scenarios which are described in adjacent boxes. In real life offending is found on a sliding scale of gravity with few hard lines. The guidelines set out to describe such sliding scales and graduations...'*

3.6 The extent of the overlap can vary between guidelines. In the theft guidelines there is generally a small overlap, for example the top of the range in one category might be a high level community order, with the bottom of the range in the category immediately above being a medium level community order.

3.7 The overlaps within the theft guidelines also fulfil another important function. As noted above, the revised harm structure allows for a sentence to be increased into the category above if there is significant additional harm caused (this is a feature within shop theft, general theft, making off without payment and the handling guidelines). In shop theft for example, attached at Annex B, medium value goods stolen up to £1,000 fall into category 2, but if there is significant harm, they can move into category 1. In order to preserve the principle of the courts being able to take into account the additional harm caused by some theft offences, but without this causing an escalation in sentencing, the small overlaps work to limit any increase in sentencing caused by upward adjustments for harm. In addition, across the guidelines, a number of the sentence ranges have been slightly reduced, to reflect the additional increase in sentence that potentially could be made for additional harm, so that adjustment can be made without causing escalation in sentencing.

3.8 The Council will also recall that when the draft sentence ranges were developed prior to consultation, proportionality across offences, particularly with fraud was considered. Some offences may be charged interchangeably, such as abuse of position in fraud, or theft in breach of trust, and there is also a link between money laundering and handling. Proportionality between offences can be difficult to achieve, when the financial values and statutory maximums can be different. Also, there are differences between a shop theft involving £1,000, representing a more serious level of offending within that offence, and a fraud case involving £1,000, at the lower end of offending for that offence, for example.

3.9 Whilst developing the ranges, the existing sentencing guidance, where it existed for theft offences was considered. Comparisons between the sentence ranges for the individual offences within the guidelines were made, such as shop theft and making off without payment. The expertise of Council members in sentencing theft cases was also used to develop the ranges. In addition, once the ranges had been developed, they were tested by using sentenced cases, to see if

the new ranges lead to similar outcomes when re-sentencing the case with the same details.

3.10 Reflecting all of these principles simultaneously whilst trying to set sentence ranges is challenging. The paper will now examine the sentence ranges for each of the guidelines.

*Handling guideline- Annex C*

3.11 Sentencing data for this offence can be seen from page 14 onwards of Annex A. Where immediate custody is used, the average custodial sentence length was 6 months and 3 weeks custody, with 68% of those offenders receiving a custodial sentence less than 8 months, this reflects the majority of handling offences being sentenced in the magistrates' courts. This data was used to develop the sentence ranges prior to consultation. These ranges have been reviewed in light of changes made to the assessment of harm of the guideline as discussed in para 3.7 above, and following an issue raised with the guideline during road testing. The issue raised was whether the ranges at the very top of the handling range, were too high in comparison with the burglary guideline, which could lead a handler receiving a more severe sentence than a domestic burglar. The starting point in A1 of the draft handling guideline used in consultation was 6 years, within a range of 3-8 years, compared to a starting point of 3 years, in a range of 2-6 years in the domestic burglary guideline. Both offences have a 14 year statutory maximum.

3.12 Accordingly, the handling ranges have been carefully considered, and some adjustments made, these can be seen at page 4 of Annex C. As a check, the ranges were tested using sentenced handling cases, to see if by using the new guideline, different sentences would be arrived at than those given by the courts. If the results showed that different sentences might be given for the same facts, this would indicate that the ranges were not right, and if unaltered, might change sentencing practice. The results showed that broadly, the ranges were correct, although the ranges did need to be lowered in some places. Accordingly, some of the ranges have been very slightly lowered, this also works to resolve the concern discussed above in para 3.7, about the changes needed due to the potential upward movement for additional harm.

3.13 The Council will note that the top ranges in category 1 have been slightly lowered, and are closer to the ranges in burglary. The handling ranges are still higher than domestic burglary to provide the flexibility to sentence those cases where a professional handler is effectively creating an incentive for multiple underlying offences to be committed.

3.14 The effect of lowering the ranges has also had the effect of bringing this guideline more into proportion with money laundering sentence ranges within the fraud guideline.

3.15 Alongside these changes, it is also suggested that the financial values within harm should be increased, this can be seen in track changes on page 3 of Annex C. The purpose of these increases is twofold: to prevent escalation in sentencing by making it more difficult for offenders to fall into the higher categories, particularly category 1, which should be only for the most serious of handling offences; and also to reflect the principles outlined in the guideline judgment of *Webbe*<sup>3</sup> At paragraph 30 of the judgment it states:

*'Where the value of the goods is in excess of £100,000, or where the offence is highly organised and bears the hallmarks of a professional commercial operation, a sentence of 4 years and upwards is likely to be appropriate, and it will be the higher where the source of the handled property is known by the handler to be a serious violent offence such as armed robbery. As we have earlier indicated, sentences significantly higher than 4 years also may be appropriate where a professional handler, over a substantial period of time, demonstrated by his record or otherwise, has promoted and encouraged, albeit indirectly, criminal activity by others.'*

**Question one - Does the Council agree with the revised sentencing ranges in handling?**

3.16 Due to the risk of escalation of sentencing due to cases with additional harm moving up for example into category 1 which has a range up to 8 years, it is suggested that one of the culpability factors are reconsidered. A factor agreed recently by the Council and placed in culpability A reads: 'advance knowledge that the stolen goods were to come from a domestic burglary or a robbery' and there is also a harm factor of 'property stolen from a domestic burglary or a robbery'. Although these factors separately reflect culpability and harm, it is recommended that the factor in harm remains unaltered, to reflect the harm caused by offences of that nature, but that the culpability factor is reworded.

3.17 This should now read '*Advance knowledge of the primary offence*'. This is to reflect one of the other factors described in *Webbe* as making an offence more serious, the closeness of the offender to the primary offence. The factor of '*possession of recently stolen goods*' will partly capture offenders on this point, but this reworded factor will capture other offenders who can also be linked in some way

■ \_\_\_\_\_  
■ <sup>3</sup> *R v Webbe and others [2001] EWCA Crim 1217*

to the original offence. This makes their culpability greater than an offender in culpability B who generally plays a more passive role in acquiring goods for resale, who has no link to the primary offence.

***Question two - Does the Council agree to the reworded culpability factor of 'Advance knowledge of the primary offence'?***

*Shop theft guideline- Annex B*

3.18 Sentencing data for this offence can be seen at page 8 of Annex A onwards, which shows the distribution of types of disposals given for shop theft. The average custodial sentence length is 8 weeks, with 75% of offenders receiving a sentence length of 12 weeks and less. The ranges, which can be seen at page 3 of Annex B have been slightly lowered, due to the potential upwards movement for either cases involving additional harm, and/or for offenders with many previous convictions, who represent a significant proportion of those sentenced for this offence. Given that only 5% of offenders receive a sentence length greater than 18 weeks, the top of the range within A1 is quite high, but provides sentences for the most serious cases, which it is envisaged relatively few offenders will fall into.

***Question three – Does Council agree with the revised sentence ranges in shop theft?***

*General theft - Annex D*

3.19 Sentencing data for general theft offences appears on page 27 of Annex A onwards, which shows the distribution of types of disposals given for general theft offences (which include all section one Theft Act offences other than shop theft). The median custodial sentence length is 3 months 3 weeks, with just over two thirds of offenders receiving a sentence of shorter than 5 months. As with shop theft, the sentence ranges in general theft have been slightly lowered, due to the potential upwards movement for cases either involving additional harm and/or for offenders with many previous convictions, who again represent a significant proportion of those sentenced for these offences. The effect of lowering the ranges has also had the effect of bringing this guideline more into proportion with the relevant sentence ranges within the fraud guideline (Section 1 Fraud Act 2006 cases).

3.20 There are a further two reasons to lower the sentence ranges from the consultation version. Firstly, to counter the inflationary effect the draft guideline had, particularly on breach of trust cases, which was identified from the first round of road testing and the transcript exercise, discussed at the September 2014 Council meeting. This showed that on average sentences for breach of trust cases increased by around seven months. Following the discussion at that meeting, changes were

made to the culpability factors to try to reduce the inflation, two factors were removed from culpability A, and two were added to culpability B, to reduce the amount of cases that might be captured within culpability A. As a general rule, the more factors there are in a culpability category, the more cases are likely to fall into it- and culpability A for this guideline contains more factors than the rest of the theft guidelines, so potentially more cases will fall into category A. Therefore, it is recommended that the ranges are reduced.

3.21 Secondly, the effect of lowering the ranges makes the general theft guideline more proportionate in relation to the other offences within the theft guideline, such as shop theft and making off without payment – to try and reduce the possibility of a perverse outcome in the sentencing of similar theft offences with similar financial amounts involved.

***Question four- Does the Council agree with the revised ranges in the general theft guideline?***

*Making off without payment – Annex E*

3.22 Sentencing data for this offence can be seen at page 33 onwards of Annex A. The most commonly used disposal for this offence is a fine. For the small proportion of offenders given a custodial sentence, the large majority of sentences are under 13 weeks. The sentence ranges on page 3 of Annex E reflect this sentencing data. It is suggested that relatively few changes are made to the ranges used during consultation, other than a slight lowering within some of the ranges to reflect the potential uplift for any additional harm within this guideline.

***Question five – Does the Council agree with the revised sentence ranges within the making off without payment guideline?***

*Abstracting electricity – Annex F*

3.23 Sentencing data for this offence can be seen at page 38 onwards. The most commonly used disposal for this offence is a community order. For the very small proportion of offenders given a custodial sentence, the large majority of sentences are under 13 weeks. The sentence ranges on page 3 of Annex F reflect this data. Although there is no uplift within this guideline for any additional harm, the ranges have been lowered slightly from the consultation version, as on reconsideration of the sentencing data, they appeared slightly too severe.

***Question six – Does the Council agree with the revised sentence ranges within the abstracting electricity guideline?***

*Going Equipped – Annex G*

3.24 Relevant sentencing data for this offence can be seen on page 20 of Annex A. The average custodial length for this offence is just under 4 months, with 70% of offenders receiving a custodial sentence less than 4 months. As with abstracting electricity, there is no uplift for additional harm, but the ranges have been lowered slightly from the consultation version, as on reconsideration of the sentencing data, they appeared slightly too severe.

***Question seven – Does the Council agree with the revised sentence ranges within the going equipped guideline?***

*Inclusion of the wording regarding previous convictions within the guidelines*

3.25 At the last meeting, the Council agreed to use the wording regarding relevant recent convictions and persistent offending from model 1, the wording used in the consultation paper, but place it within the existing wording regarding previous convictions under aggravating factors (model 2). This new format can be seen at page 4 of Annex B. The Council indicated that this wording should only be included in the shop theft and general theft guidelines. However, due to the significant proportion of offenders sentenced for theft offences with large numbers of previous convictions, this wording was used across all the guidelines in the consultation. Numbers of previous convictions held by offenders does vary between offences, and can be seen in detail within Annex A, but briefly:

- 41% of offenders sentenced for shop theft had 10 or more relevant and recent convictions
- 47% of offenders sentenced for going equipped had 10 or more relevant and recent convictions
- 36% of offenders sentenced for handling had 4 or more relevant and recent convictions
- 33% of offenders sentenced for making off without payment had 4 or more relevant and recent convictions
- 32% of offenders sentenced for general theft had 4 or more relevant recent convictions.

3.26 Given these figures, the Council may like to consider further whether to place the wording in all of the guidelines. A particular feature of sentencing for theft offences is the relatively low values involved, but that the offences are committed by persistent offenders, which can make sentencing of these offenders difficult. However, as Council is mindful of the concern around escalation in sentencing, this may be a reason not to include the wording throughout the guidelines. If Council



decides to only include the wording within some guidelines and not all as in the consultation, the rationale behind this change will need to be explained in the consultation response document.

***Question eight- Does Council wish to include the wording regarding previous convictions within guidelines other than just the shop theft and general theft guidelines?***

*Prevalence wording- reference to Community Impact statements.*

3.27 At the last meeting it was agreed to keep the text regarding prevalence at the bottom of the list of aggravating factors, with the addition of the words 'before taking account of prevalence', this can be seen at page 4 of Annex B. It was also agreed that this text should only be included within the shop theft and general theft guidelines. The Council will recall the discussion at the last meeting around examples of the evidence that can be used, such as the example listed of Community Impact statements. Since the last meeting, further thought has been given to this issue, and it is suggested that the reference is removed, in order to avoid criticism that inclusion of a reference to Community Impact Statements is inconsistent with the position in relation to Victim Personal Statements (VPS). In addition, the Council has generally tried to avoid providing examples in its guidelines; first, because long lists can be impractical, and second, because sentencers tend to read them as exhaustive lists. The question of references to both types of statements is perhaps more appropriately addressed as part of a broader consideration of cross-cutting issues relevant to all guidelines.

***Question nine – Does the Council agree to remove the reference to Community Impact statements?***

*Rewording of the harm factors within the going equipped guideline.*

3.28 Since the consultation a number of different ways of re wording the assessment of harm in the going equipped has been considered. It is now recommended that the wording reverts back to a simpler format used in the consultation, without listing specific examples, and can be seen on page 2/3 of Annex G. As noted above in para 3.27, it can be unhelpful to give specific examples, and in trying to do so for this offence, has led to complications. As revised, the wording '*possession of item(s) which have the potential to facilitate an offence affecting a large number of victims*' and '*possession of item(s) which have the potential to facilitate an offence involving high value items*' would cover the previously listed examples, heritage assets, metal from railway lines, expensive goods, potential risk to life and so on.

**Question ten - Does the Council agree to the re wording of the harm factors within the going equipped guideline?**

3.29 At the last meeting there was a discussion about the implications of the current cautions and out of court disposal work for the theft guideline. One of the potential implications is that far greater educational/diversionary work may have already been done with an offender prior to their first court appearance, which has raised concerns that this may leave courts with fewer non custodial options. However, just because various options have been tried once with offenders, doesn't mean that the courts shouldn't consider them again, if appropriate. Organisations like the Prison Reform Trust point out that the road to change for some offenders can be a long one, taking a number of interventions along the way.

3.30 Given the concerns around escalation in sentencing, a line, as suggested below, and included in track changes on page 3 of Annex B, could be added to the guidelines to remind courts that they can consider all options when sentencing, even if various options have been tried prior to an offender's first appearance, so that non custodial options are not ruled out unnecessarily.

*'Previous diversionary work conducted with an offender does not preclude the court from considering this type of sentencing option again if appropriate'.*

**Question eleven – Does the Council wish to include some guidance regarding previous diversionary work with offenders prior to court within the guidelines?**

3.31 The minor changes to the aggravating and mitigating factors agreed at the last meeting have been made. In particular, the wording of the aggravating factor to reflect offences motivated by any protected characteristics of a victim has been reworded, and can be seen at page 4 of Annex B. As agreed at the last meeting, this factor is only to be included within the shop theft and general theft guidelines.

3.32 As agreed at the last meeting, additional wording *'where high value goods are stolen'* has been added to the text within category 1 of the sentencing tables for shop theft, general theft, handling and making off without payment. This can be seen at pages 3/4 of Annexes B, C, D, and E (wording slightly varies as appropriate to each guideline).

3.33 There is one further Council meeting in July to discuss the coherence of the theft guideline overall and sign off the definitive guidelines, ahead of publication of the definitive guideline scheduled for October.

## 4 IMPACT/RISKS

4.1 As previously noted, theft offences are sentenced in very high volumes and consequently account for a substantial proportion of correctional resources. In 2013 a total of 92,284 offenders were sentenced for the theft offences covered by the new guideline, constituting 8.1% of cases sentenced in all courts. Further, adults sentenced for theft offences in 2013 constituted:

- 4.7% of the prison time that was sentenced<sup>4</sup>
- 21.9% of all community orders given
- 16.8% of all suspended sentences given

4.2 Clearly, the theft guideline has the potential to create a real impact on correctional resources, which is why the Council has been focused on avoiding escalation in sentencing, and maintaining and regularising current sentencing practice. The issues involved in the sentencing of theft offences were more complex than were envisaged at the start of the work, accordingly the timeframe for the guideline was extended to ensure that the definitive guidelines are as robust as possible. As discussed previously, the revisions and improvements to the draft guidelines will resolve some of complexities identified, but will not necessarily bring a narrowing of sentencing outcomes, although should provide for consistency of approach to sentencing these offences.

---

■ <sup>4</sup> This is different to time served

Blank page

## Theft Offences Sentencing Data

This bulletin provides statistics on the outcomes and demographics of adult offenders<sup>1</sup> sentenced for offences covered by the draft guideline on theft offences. The consultation period for the theft offences draft guideline will begin on 3 April 2014 and close on 26 June 2014.

Further information on these offences and the draft guideline can be found in the consultation document which can be accessed via the Current Consultations page on the Sentencing Council website, at the following link:

<http://sentencingcouncil.judiciary.gov.uk/get-involved/consultations-current.htm>

The Court Proceedings Database (CPD), maintained by the Ministry of Justice, is the main source of the data for this bulletin. Data on the CPD is categorised by the relevant legislation under which proceedings are brought. This has been supplemented with information from the Crown Court Sentencing Survey, maintained by the Sentencing Council, for the tables on recent and relevant previous convictions.

## Background information

There are six draft theft guidelines:

- Theft from a shop or stall (shoplifting)
  - Theft Act 1968 Section 1(1): theft from shop/stall (and attempt/conspire)
- Handling stolen goods
  - Theft Act 1968 Section 22(1): Receive stolen goods (and attempt/conspire)
  - Theft Act 1968 Section 22(1): Handle stolen goods (and attempt/conspire)

---

<sup>1</sup> Includes adult offenders (aged 18 or over) at the time of sentence

- Going equipped for theft
  - Theft Act 1968 Section 25(1): Going equipped for theft, burglary and cheat
- General theft
  - Theft Act 1968 Section 1(1): Theft by employee (and attempt & conspire)
  - Theft Act 1968 Section 1(1): Theft in a dwelling other than from automatic machine/meter (and attempt)
  - Theft Act 1968 Section 1(1): Theft of pedal cycle (and attempt)
  - Theft Act 1968 Section 1(1): Theft from the person of another (and attempt)
  - Theft Act 1968 Section 1(1): Theft from motor vehicle (and attempt/conspire)
  - Theft Act 1968 Section 1(1): Theft of motor vehicle (and attempt/conspire)
- Abstracting electricity
  - Theft Act 1968 Section 13: Abstracting electricity
- Making off without payment
  - Theft Act 1978 Section 3(1): Make off without making payment (and attempt)

The figures on which all of the tables and charts provided in this bulletin are based are available for download as Excel spreadsheets at the following link:

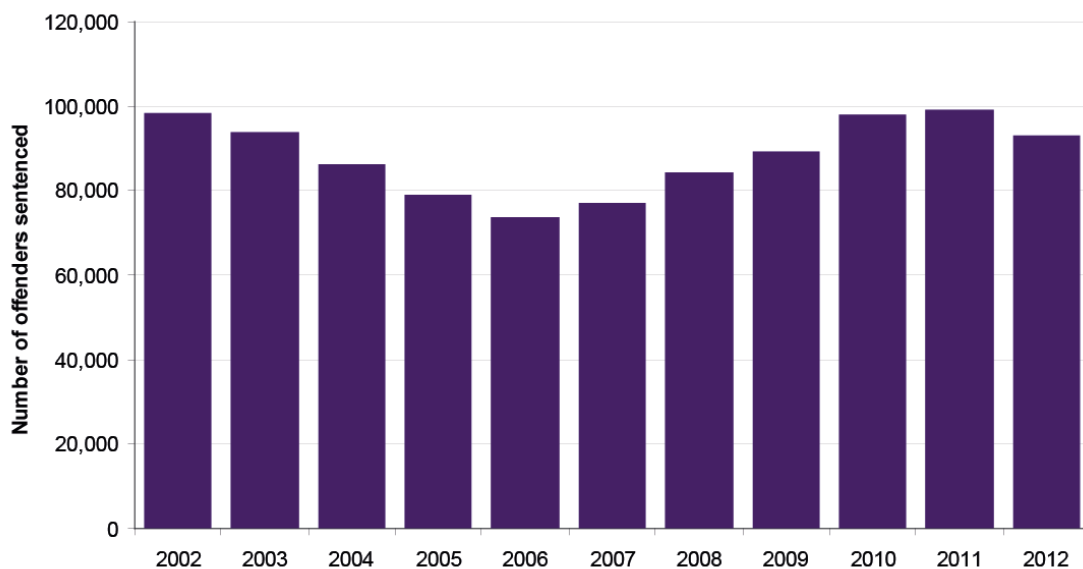
<http://sentencingcouncil.judiciary.gov.uk/facts/research-and-analysis-publications.htm>

## Section 1: General trends across all theft offence guidelines

This section summarises data across all theft offences covered by the draft guideline, for which data is available. When reading this section it is important to bear in mind that it includes a wide range of offences, with a difference in statutory maximum sentences which range from two years for making off without payment to 14 years for handling stolen goods. Most theft offences included in the draft guideline, 92 per cent in 2012, were sentenced at the magistrates' court.

Figure 1.1 shows the volume of adult offenders sentenced for theft offences since 2002. The volume of offenders sentenced declined by 25 per cent between 2002 and 2006, from 98,500 in 2002 to 73,600 in 2006. This trend then reversed, with the volume of offenders sentenced increasing by just over a third, to 99,000 offenders sentenced in 2011. There was a 6 per cent decline in 2012, with 92,900 offenders sentenced, though it is unclear whether this is a new trend or a one-year decline.

**Figure 1.1: Number of adult offenders sentenced for theft offences covered by the guideline 2002 to 2012**

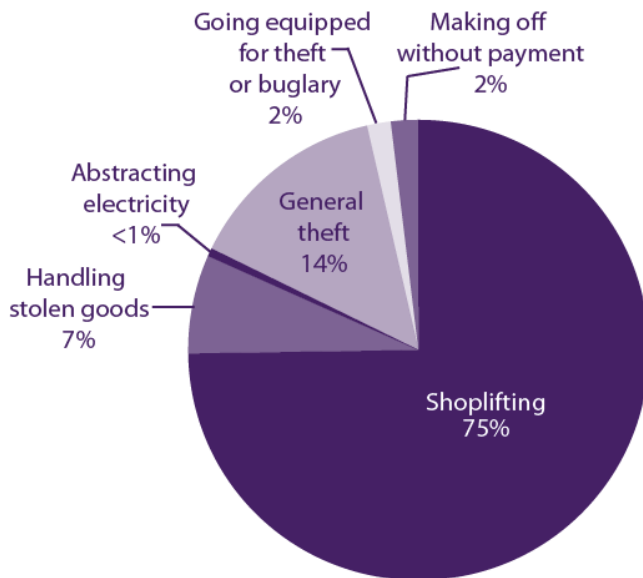


In 2012, 67,900 offenders were sentenced for theft from a shop or stall (shoplifting), which represents just under three quarters of all offenders sentenced for the theft offences included in the draft guideline. In 2012, 14,800 offenders were sentenced for offences covered by the general theft guideline, which is 16 per

cent of offenders sentenced for all theft offences in 2012. The remaining four guidelines account for 11 per cent of offenders sentenced in 2012. Further information can be found in **table 1.1** and **figure 1.2**.

Table 1.1: Offenders sentenced for theft offences broken down by individual guideline in 2012	
	Number of offenders sentenced
Abstracting Electricity	480
General Theft	14,800
Going equipped for theft or burglary	1,700
Making off without payment	1,700
Handling stolen goods	6,300
Theft from a shop or stall (shoplifting)	67,900
<b>Total</b>	<b>92,900</b>

**Figure 1.2: Proportion of offenders sentenced for theft offences broken down by individual guideline in 2012**



In 2012, for all theft offences covered by the Council's proposed guideline 41 per cent of offenders that were sentenced had 4 or more previous convictions



identified by the sentencer at the time of sentencing to be recent and relevant to the offence. Further information is given in table 1.2 below.

Table 1.2:  
Proportion of adults offenders sentenced in 2012, by number of relevant & recent previous convictions

No previous convictions	36%
1 to 3	22%
4 to 9	19%
10 or more	22%
<b>Total</b>	<b>100%</b>

## Section 2: Theft from a shop or stall

The draft guideline for theft from a shop or stall covers the offence of:

- Theft Act 1968 Section 1(1): theft from shop/stall (and attempt/conspire)

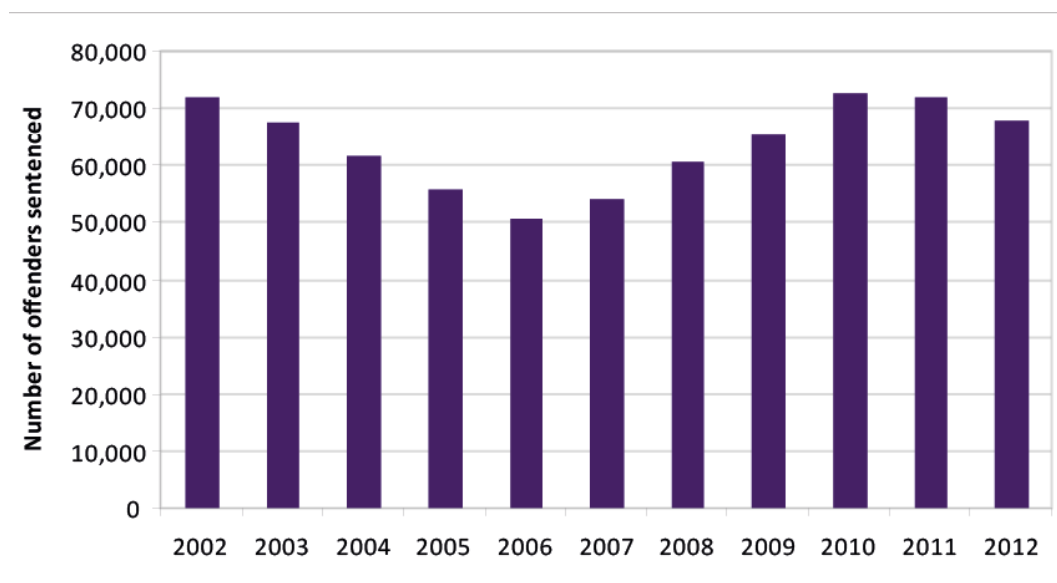
Statutory maximum: 7 years' custody

### Sentences received by adults sentenced for theft from a shop or stall

In 2012, 67,900 adult offenders were sentenced for offences under theft from a shop and stall. Of these, 98 per cent were sentenced at the magistrates' court.

Figure 2.1 shows how the number of adult offenders sentenced for theft from a shop or stall offences has changed since 2002.

**Figure 2.1: Number of adult offenders sentenced for theft from a shop or stall, 2002-2012**

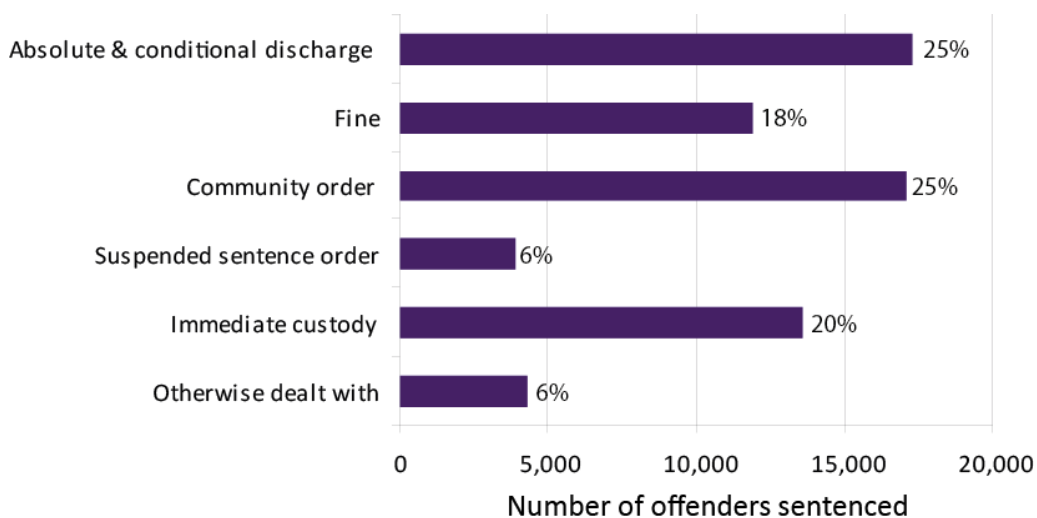


The number of adult offenders sentenced steadily declined year on year between 2002 and 2006, however this trend reversed, leading to a year on year increase between 2006 and 2010. The volume sentenced in 2012 is 7 per cent lower than the 2010 peak of 72,600, however it is too early to tell if this is part of a new trend.

The proportionate use of sentence disposals has been relatively consistent since 2006, following a brief period of volatility between 2002 and 2006. Community order and absolute or conditional discharge have been the most commonly used disposal since 2003, each accounting for roughly 25 per cent of adult offenders sentenced between 2002 and 2012. Further information is available in the accompanying tables available online.

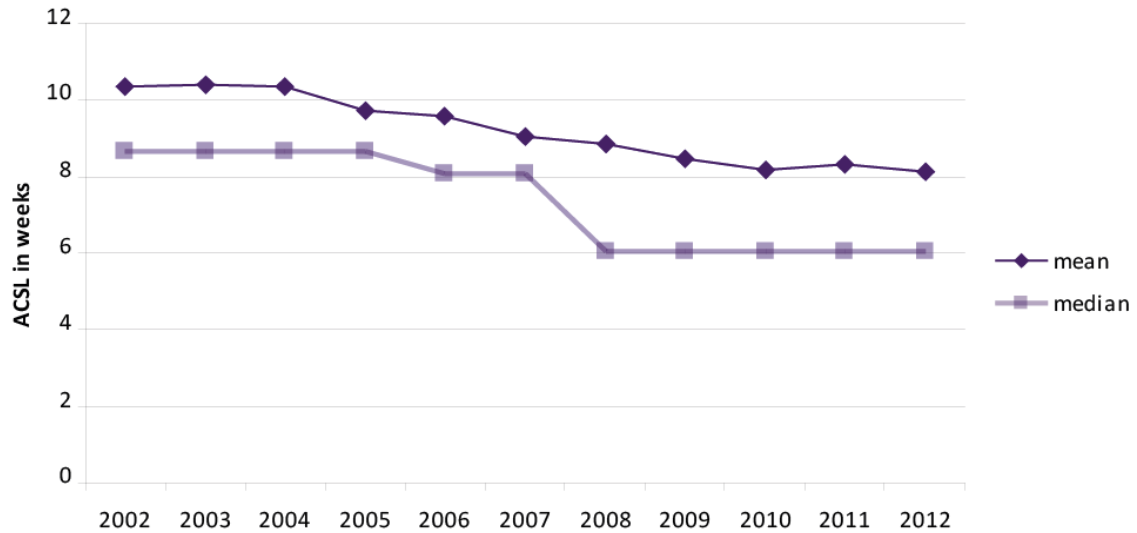
In 2012, absolute or conditional discharge was the most frequently used sentence, given to 17,300 offenders (25 per cent). Community order was the next most common disposal used, given to a further 17,100 offenders (25 per cent) and immediate custody was used when sentencing 13,600 offenders (20 per cent). The proportionate use of community order and immediate custody has been relatively stable since 2006. Figure 2.2 shows the disposals received by offenders in 2012, ordered from top to bottom by least severe to most severe in terms of sentence severity, followed by otherwise dealt with.

**Figure 2.2: Adult offenders sentenced for theft from a shop or stall, by sentence disposal, in 2012**



The average sentence length imposed (in weeks) on adult offenders sentenced to immediate custody for theft from a shop or stall offences between 2002 and 2012 is shown in Figure 2.3. The sentence length listed is the length imposed after taking into account guilty plea reductions, if relevant.

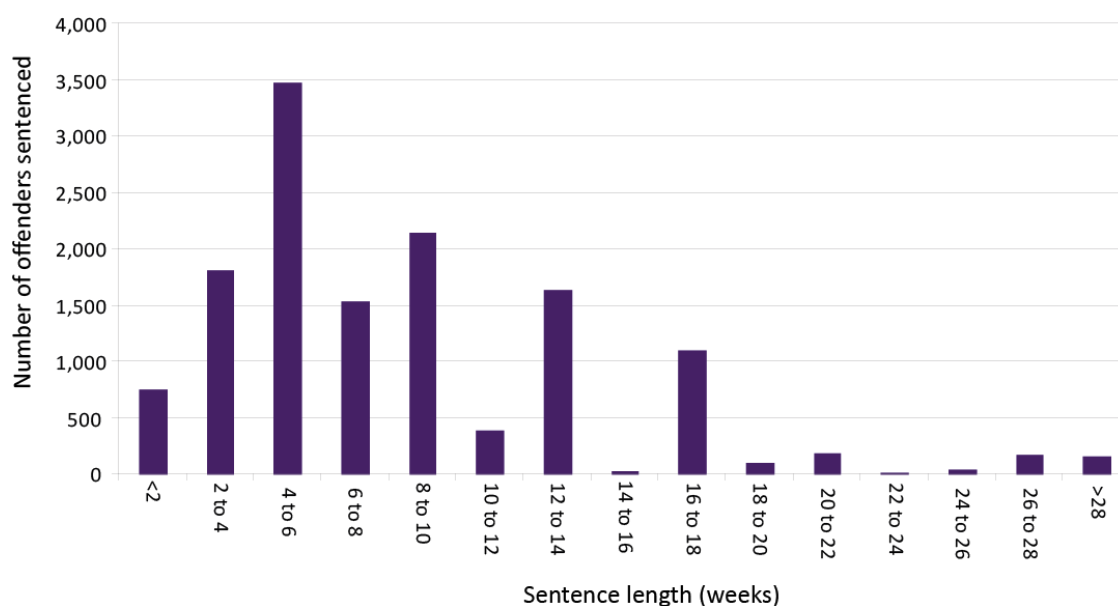
**Figure 2.3: Average custodial sentence length (ACSL) received by offenders sentenced to immediate custody for theft from a shop or stall, 2002 to 2012 in weeks**



The mean custodial sentence length for shoplifting has steadily declined from its peak of about 10 weeks in 2004 to 8 weeks in 2012, a 21 per cent decline in this period. The median has declined by 30 per cent over this time period, from 9 weeks in 2004 to 6 weeks in 2012.

Figure 2.4 presents the full range of sentence lengths imposed for offenders sentenced to immediate custody in 2012.

**Figure 2.4: Sentence lengths received by offenders sentenced to immediate custody for theft from a shop or stall in 2012**



Three quarters of offenders received a sentence length of twelve weeks or less, compared to five per cent receiving a sentence length of longer than eighteen weeks.

In 2012, for the offence of theft from a shop or stall 41 per cent of offenders that were sentenced had 10 or more previous convictions identified by the sentencer at the time of sentencing to be relevant and recent to the offence. An additional 24 per cent of adult offenders had between 4 and 9 relevant and recent previous convictions. Further information is given in table 2.1 below.

**Table 2.1 Proportion of adults offenders sentenced by number of relevant & recent previous convictions**

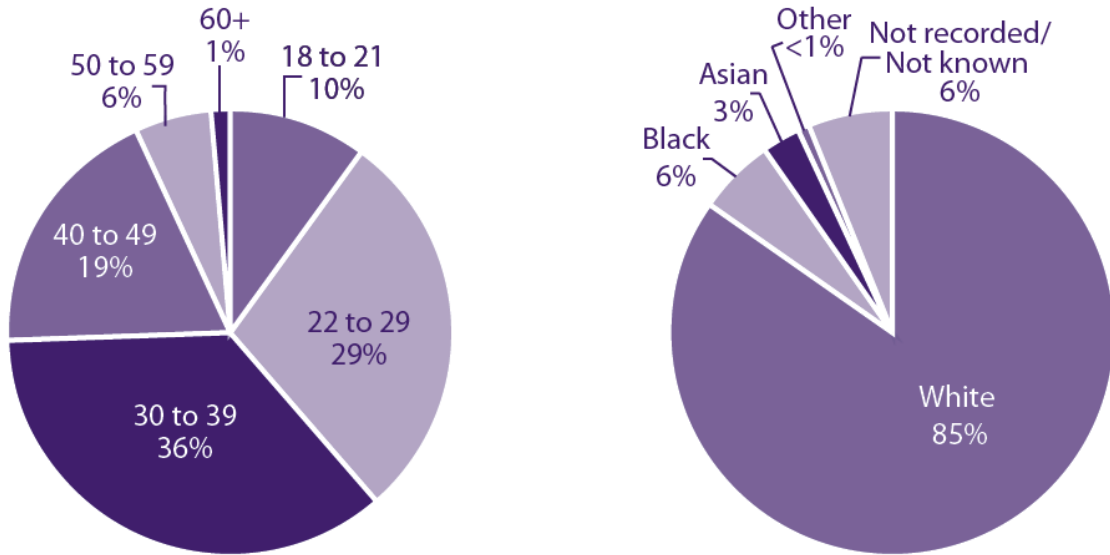
No previous convictions	15%
1 to 3	20%
4 to 9	24%
10 or more	41%
<b>Total</b>	<b>100%</b>

## Demographics

In 2012, 74 per cent of adult offenders sentenced for theft from a shop and stall were male. Thirty-six per cent of offenders were between the ages of 30 to 39, and a further 29 per cent were in the age bracket 22 to 29. The majority of offenders sentenced, 85 per cent, were perceived to be of White origin by the police officer dealing with their case. The proportions amongst those for whom data on perceived ethnicity was provided may not reflect the demographics of the full

population of those sentenced. Further information on the age and ethnicity of offenders can be found in **Figure 2.5**.

**Figure 2.5: Age demographics and perceived ethnicity of adults sentenced for shoplifting in 2012**





### Section 3: Handling stolen goods

The draft guideline for handling stolen goods covers the offences of:

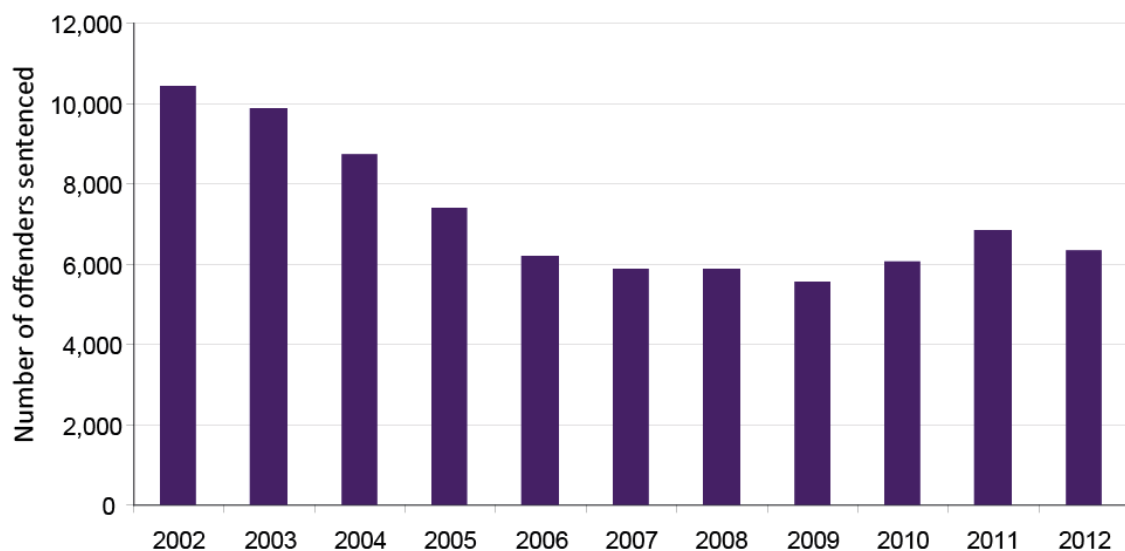
- Theft Act 1968 Section 22(1): Receive stolen goods (and attempt/conspire)
- Theft Act 1968 Section 22(1): Handle stolen goods (and attempt/conspire)

Statutory maximum: 14 years' custody

### Sentences received by adults sentenced for handling stolen goods

In 2012, there were approximately 6,300 adult offenders sentenced for handling offences included in this section, as shown in **Figure 3.1**. The majority of offenders sentenced, 70 per cent, were seen at the magistrates' court.

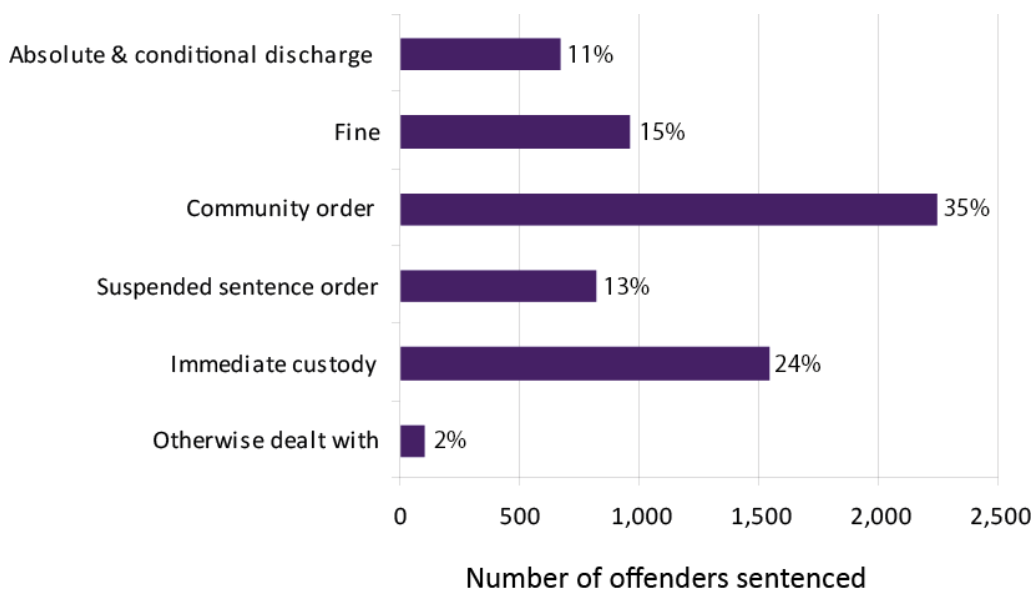
**Figure 3.1: Number of adult offenders sentenced for handling offences, 2002 – 2012**



Community order has been the most common disposal used when sentencing these offences since 2002. However, the proportionate use of community order has been on the decline since its peak in 2004, when it was given to 45 per cent of offenders. By 2012, community order was used for 35 per cent of offenders. The use of fines has been increasing since 2007 from 11 per cent to 15 per cent in 2012, while the use of discharge has declined from 16 per cent to 11 per cent over this same time period. Further information is available in the accompanying tables available online.

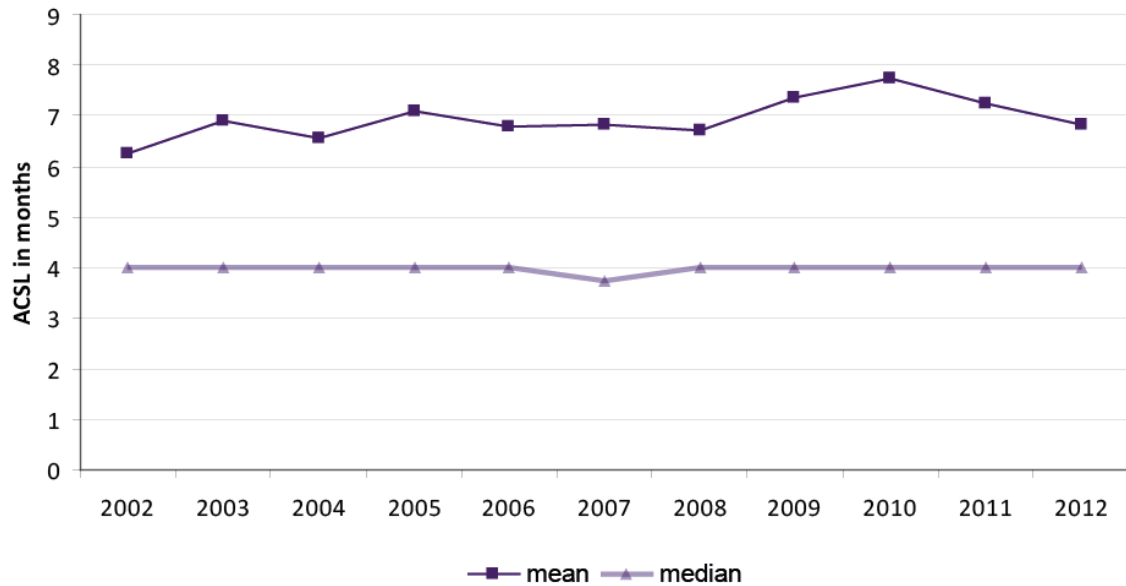
In 2012, 2,200 adult offenders received a community order and a further 1,500 were sentenced to immediate custody, making these the two most frequently used disposals, as shown in **Figure 3.2**, where disposals are ordered from top to bottom by least severe to most severe in terms of sentence severity, followed by otherwise dealt with.

**Figure 3.2: Disposals received by adult offenders sentenced for handling stolen goods, 2012**



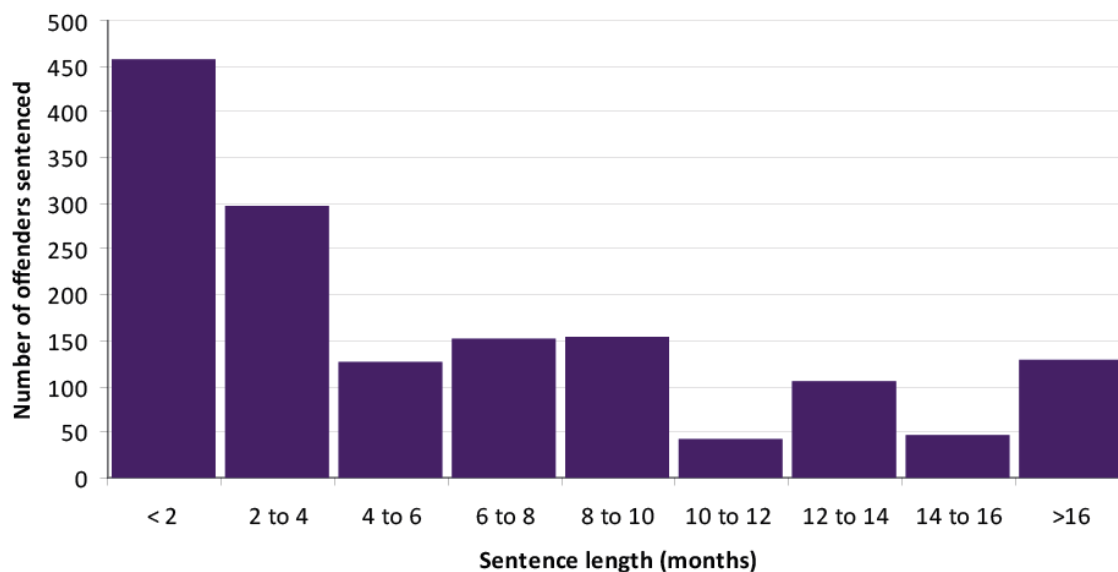
Where the sentence outcome was an immediate custodial sentence, the average custodial sentence length received in 2012, following a guilty plea reduction where relevant, was 6 months and 3 weeks (median length 4 months). The longest average custodial sentence over the past decade was in 2010, at 7 months and 3 weeks (mean), however the median has been broadly consistent at 4 months over the past decade, suggesting that the 2010 peak was likely influenced by a small number of longer sentence lengths. This trend can be observed in Figure 3.3. The averages shown are the actual sentence received by the offender, after a reduction for a guilty plea where relevant.

**Figure 3.3: Average custodial sentence length (ACSL) received by adult offenders sentenced to immediate custody for Handling Stolen Goods, 2002 to 2012 in months**



**Figure 3.4** shows the full range of sentence lengths received by adult offenders sentenced to immediate custody in 2012 for handling stolen goods. Just over two-thirds (68 per cent) of offenders receiving a custodial sentence, received a sentence shorter than eight months, and nearly 12 per cent received a sentence longer than 14 months.

**Figure 3.4: Sentence lengths received by offenders sentenced to immediate custody for Handling Stolen Goods in 2012**



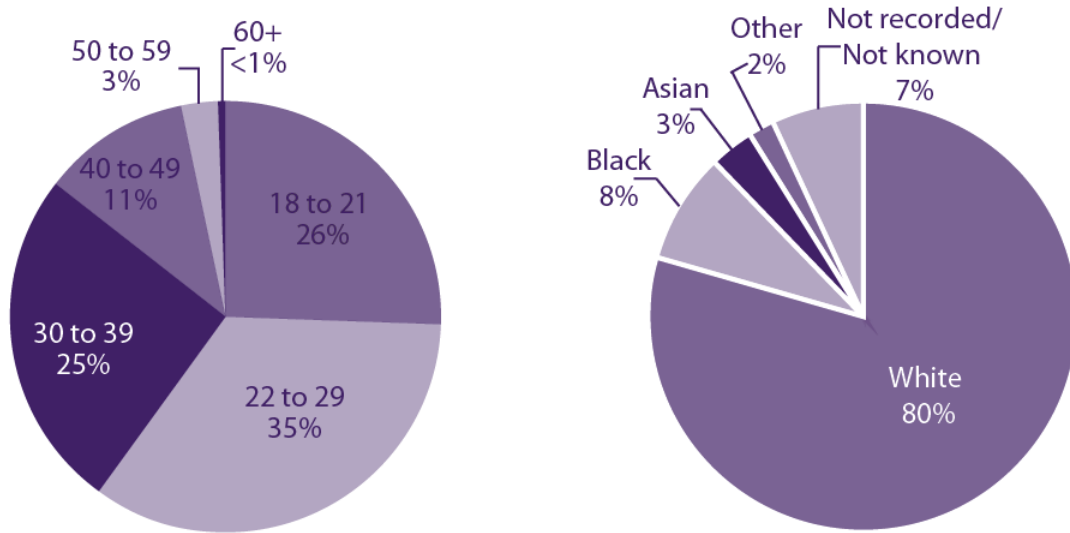
In 2012, for the offence of handling stolen goods 36 per cent of offenders that were sentenced had 4 or more previous convictions identified by the sentencer at the time of sentencing to be relevant and recent to the offence. Further information is given in table 3.1 below.

No previous convictions	36%
1 to 3	28%
4 to 9	19%
10 or more	17%
<b>Total</b>	<b>100%</b>

### Demographics

Of all adult offenders sentenced for handling offences in 2012, 88 per cent were male. Just over a third (35 per cent) of those sentenced were aged 22 to 29, and one in four were between the ages of 30 and 39. In 4 out of 5 cases, the offender was perceived to be of white origin by the police officer dealing with the case. Further detail on the age and perceived ethnicity of adults sentenced for handling can be seen in Figure 3.5.

**Figure 3.5: Age demographics and perceived ethnicity of adults sentenced for handling offences in 2012**



## Section 4: Going equipped for theft or burglary

The draft guideline for going equipped for theft covers the offence of:

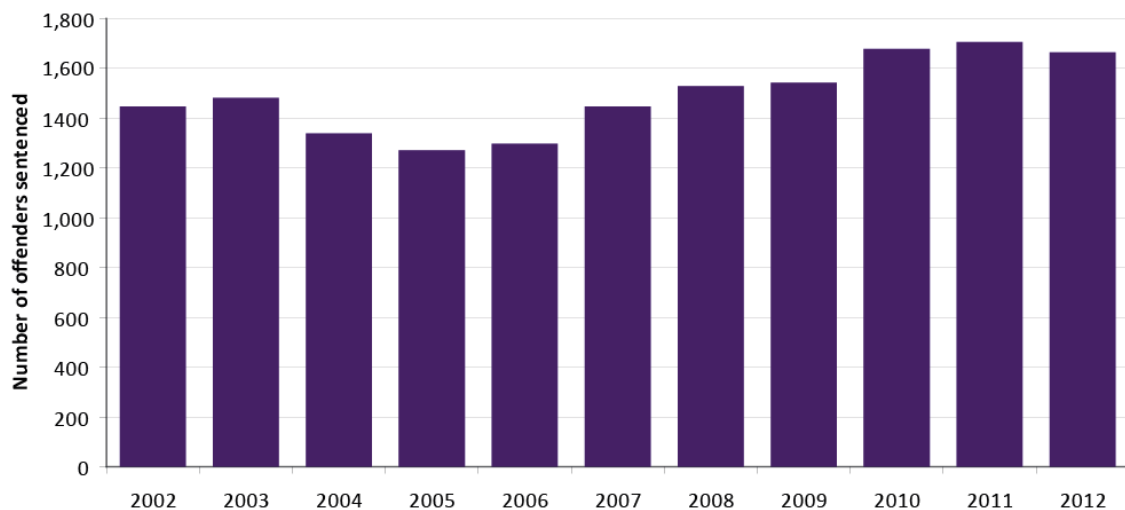
- Theft Act 1968 Section 25(1): Going equipped for theft, burglary and cheat<sup>2</sup>

Statutory maximum: 3 years' custody

### Sentences received by adults sentenced for going equipped for theft or burglary

In 2012 approximately 1,700 offenders were sentenced for going equipped for theft. The majority of offenders (88 per cent) were sentenced at the magistrates' court. **Figure 4.1** shows how the number of adults sentenced for going equipped offences has changed since 2002. Between 2005 and 2011, the number of adults sentenced for going equipped for theft showed a year on year increase, rising from 1,300 sentences in 2005 to 1,700 sentences in 2010, an increase of a third during this time period. Between 2011 and 2012, there was a two per cent decrease in the volume of offenders sentenced. Though this is similar to the volume of offenders sentenced in 2010, it is too early to identify if the volume of offenders sentenced has leveled off or if this is part of a new trend.

**Figure 4.1: Number of offenders sentenced for going equipped for theft, 2002 - 2012**

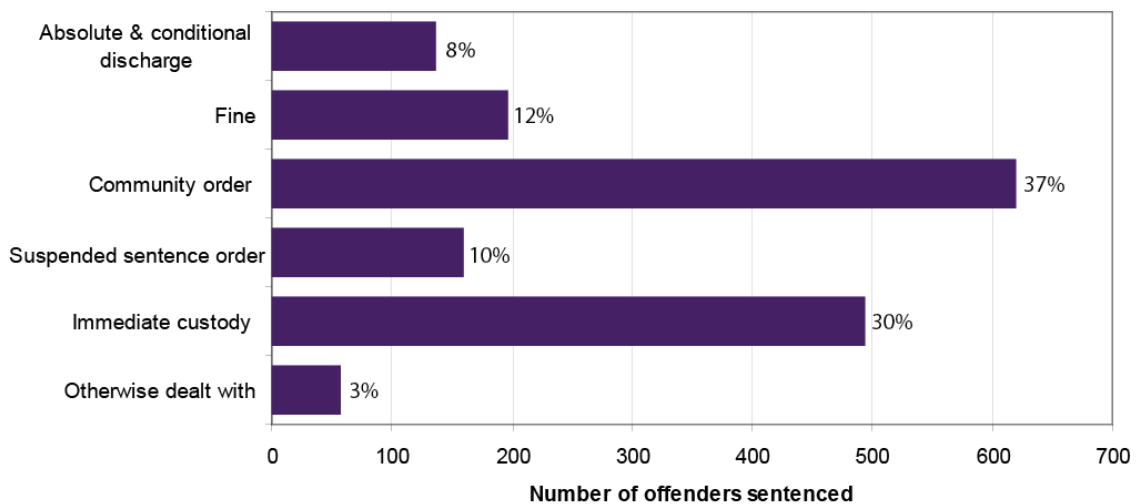


<sup>2</sup> Due to data classification, going equipped for cheat is included in these statistics from 2002 to 2007 only.

The use of community order, the most frequently used disposal, has fallen by 5 percentage points between 2009 and 2012. During this same time period, the use of the second most common disposal, immediate custody, increased by 6 percentage points. The proportionate use of absolute and conditional discharge has been on the decline since its peak of 15 per cent in 2007, while the use of fine, suspended sentence order and otherwise dealt with have increased, by varying degrees, since 2007. Further information is available in the accompanying tables available online.

The most recent picture of sentences passed for going equipped is seen in **Figure 4.2**, with disposals ordered from top to bottom by least severe to most severe in terms of sentence severity. Community order was the most commonly used disposal, given to 37 per cent of offenders. Immediate custody was the next most frequently used disposal and was used when sentencing 30 per cent of offenders in 2012. A further 12 per cent received a fine, 10 per cent received a suspended sentence order and 8 per cent received an absolute or conditional discharge.

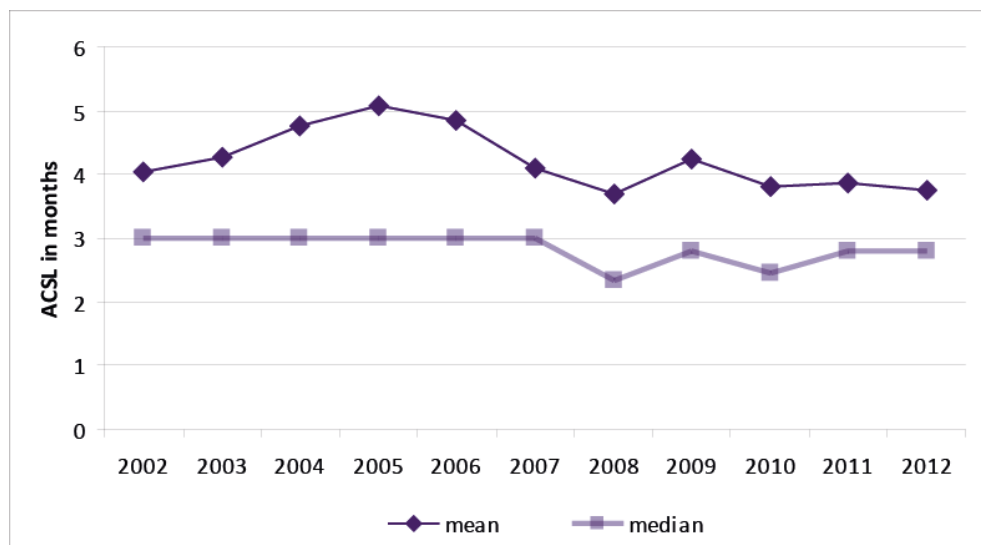
**Figure 4.2: Disposals received by offenders sentenced for going equipped for theft, 2012**



**Figure 4.3** shows the average custodial sentence lengths imposed on adult offenders between 2002 and 2012. The sentence length listed is the length imposed after taking into account any reduction for a guilty plea, where relevant.

Between 2002 and 2005, the mean custodial sentence length increased by 26 per cent, from 4 months in 2002 to 5 months 3 days in 2005. Following this peak in 2005, the mean then dropped by 27 per cent, to 3 months and 3 weeks in 2008, the lowest over the past decade. The median however, remained constant at 3 months between 2002 and 2007 and dropped to 2 months 9 days in 2008, a decrease of 22 per cent. Both the mean and median have experienced some volatility since 2008, averaging just below 4 months, mean (median 2 months, 3 weeks).

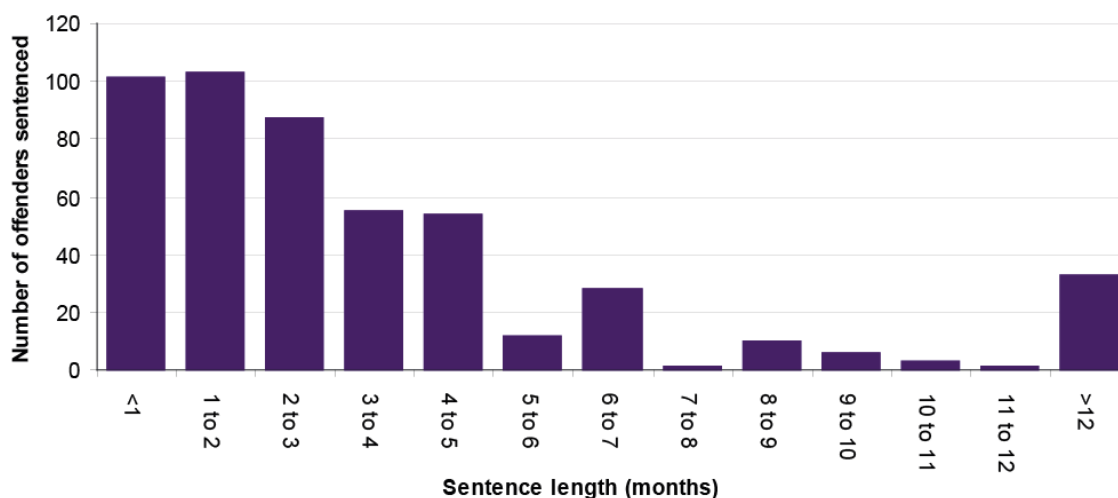
**Figure 4.3: Average custodial sentence length (ACSL) received by adult offenders sentenced to immediate custody for going equipped for theft in 2012 (months)**



**Figure 4.4** presents the full range of sentence lengths received by adult offenders sentenced to immediate custody in 2012. Seventy per cent of offenders received a custodial sentence shorter than 4 months, and a relatively small amount of offenders, 7 per cent, received a sentence greater than 1 year.

**Figure 4.4: Sentence lengths received by adult offenders sentenced to immediate custody for going equipped for theft in 2012**





In 2012, for the offence of going equipped for theft and burglary 47 per cent of offenders that were sentenced had 10 or more previous convictions identified by the sentencer at the time of sentencing to be relevant and recent to the offence. An additional 16 per cent of adult offenders had between 4 and 9 relevant and recent previous convictions. Further information is given in table 4.1 below.

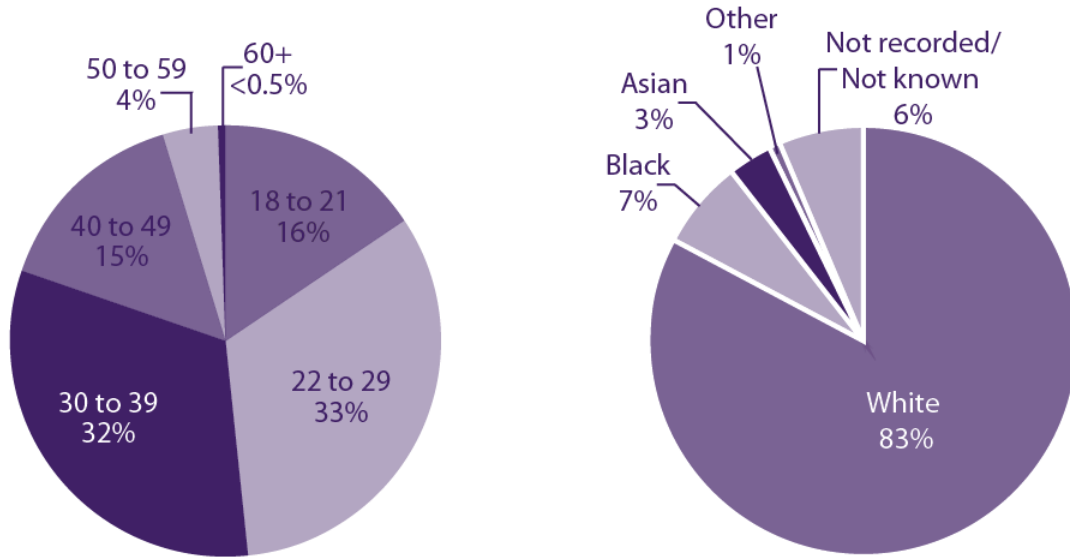
**Table 4.1 Proportion of adults offenders sentenced by number of relevant & recent previous convictions**

No previous convictions	12%
1 to 3	26%
4 to 9	16%
10 or more	47%
<b>Total</b>	<b>100%</b>

### Demographics of offenders sentenced for going equipped for theft

Of all adult offenders sentenced in 2012, 90 per cent were male, 9 per cent were female (1 per cent not recorded). A third of all offenders were in the age bracket 22 to 29, and nearly a third were between the ages of 30 to 39. Approximately 15 per cent of offenders were in each of the age brackets 18 to 21 and 40 to 49. In 83 per cent of cases, the offender was believed to have been of white origin by the police officer dealing with the case. The proportions amongst those for whom data on perceived ethnicity was provided may not reflect the demographics of the population of those sentenced. Further detail on age and perceived ethnicity of offenders sentenced for going equipped for theft are shown in **Figure 4.5**.

**Figure 4.5: Age demographics and perceived ethnicity of adults sentenced for going equipped for theft in 2012**



## **Section 5: General Theft**

The draft guideline for general theft includes the offences of:

- Theft Act 1968 Section 1(1): Theft by employee (& attempt & conspire)
- Theft Act 1968 Section 1(1): Theft in a dwelling other than from automatic machine/meter (& attempt)
- Theft Act 1968 Section 1(1): Theft of pedal cycle (& attempt)
- Theft Act 1968 Section 1(1): Theft from the person of another (& attempt)
- Theft Act 1968 Section 1(1): Theft from motor vehicle (& attempt/conspire)
- Theft Act 1968 Section 1(1): Theft of motor vehicle (& attempt/conspire)

Statutory maximum for all general theft offences: 7 years' custody

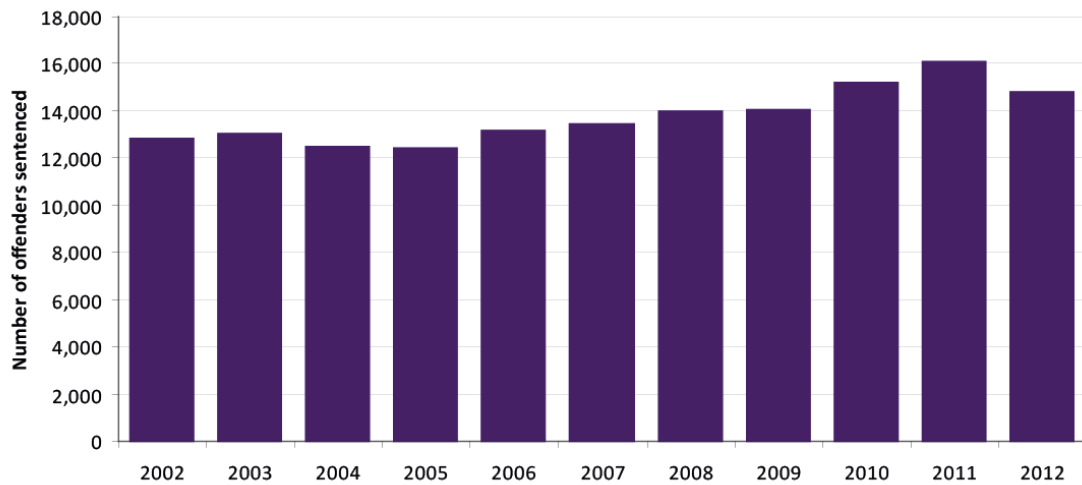
### **Sentences received by adults sentenced for general theft**

Approximately 14,800 adult offenders were sentenced for offences included in the general theft guideline in 2012. Of these, 78 per cent were sentenced at the magistrates' court.

**Figure 5.1** shows how the number of adult offenders sentenced for these offences has changed since 2002.

Until 2005, the number of offenders sentenced for general theft offences was fairly stable, averaging 12,700 offenders per annum. The volume of offenders sentenced has slowly increased since 2005 to its peak in 2011, from 12,400 to 16,100 offenders sentenced, a 30 per cent increase. There was nearly an 8 per cent decline in the volume of offenders sentenced from 16,100 in 2011 to 14,800 in 2012. It is too early to identify if this decline in offenders sentenced is due to a new trend.

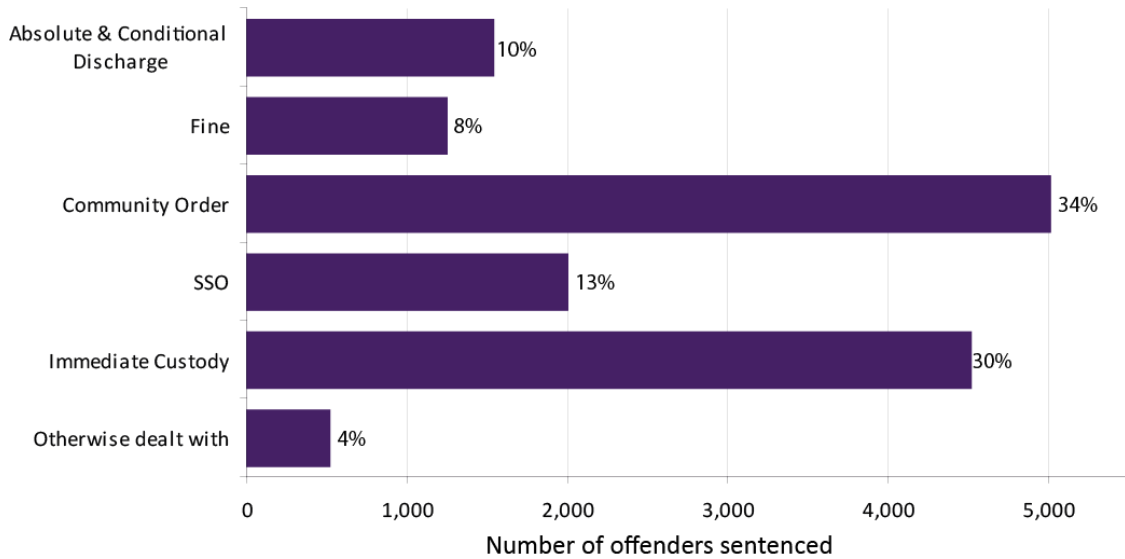
**Figure 5.1: Number of offenders sentenced for General Theft, 2002 – 2012**



Community order has remained the most common disposal use for these offences since 2002, however its use has declined from its peak in 2004, where 42 per cent of offenders sentenced received a community order, to 34 per cent in 2012. There has been some minor fluctuation in the use of other disposals since 2005, with the most notable being the use of immediate custody, increasing from 28 per cent to 30 per cent. Further information is available in the accompanying tables available online.

Community order was the most commonly used disposal in 2012, given to a third of all offenders sentenced (n=5,000), as shown in **Figure 5.2**. The second most frequent disposal, immediate custody, was used when sentencing a further 4,500 offenders (30 per cent).

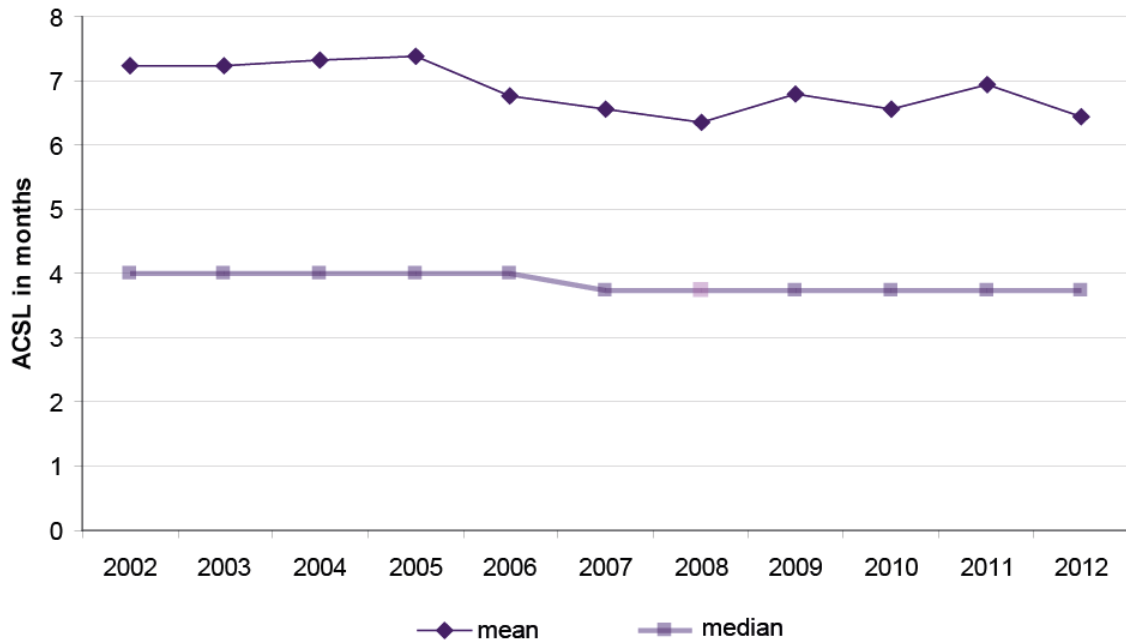
**Figure 5.2: Disposals received by adult offenders sentenced for general theft in 2012**



**Figure 5.3** presents the average custodial sentence lengths imposed on offenders sentenced to custody for general theft. The sentence length listed is the length imposed after taking into account any reduction for a guilty plea, where relevant.

There has been some minor fluctuation in the average custodial sentence length (ACSL) received by offenders over the last decade. The highest ACSL over the past decade was 7 months 2 weeks (mean), in 2004, and the lowest was 6 months 2 weeks (mean) in 2012. Though there has been some fluctuation in the mean, the median has remained consistent since 2007 at 3 months 3 weeks.

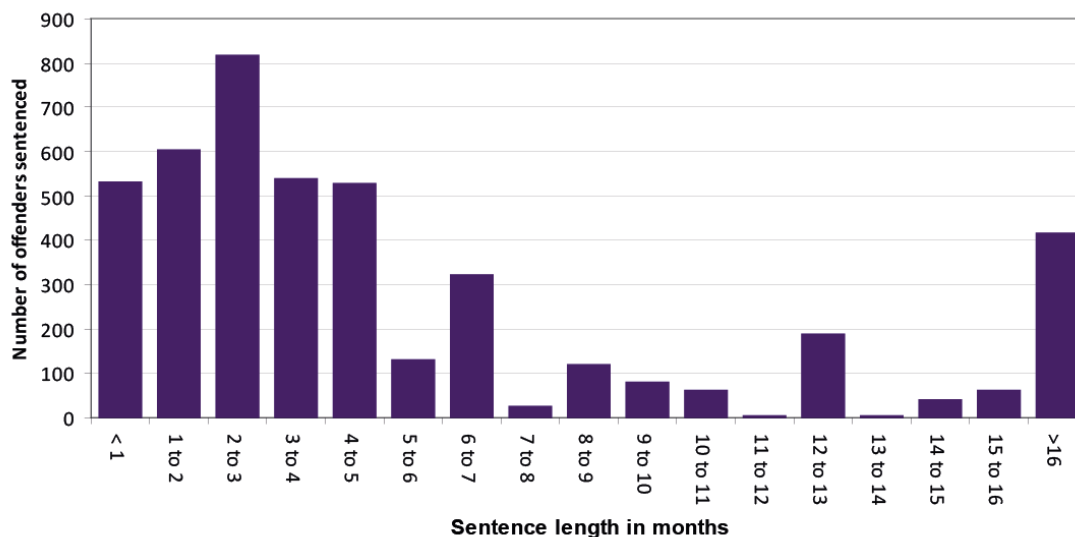
**Figure 5.3: Average custodial sentence length (ACSL) received by adult offenders sentenced to immediate custody for general theft, 2002 to 2012**



**Figure 5.4** presents the full range of sentences lengths received by offenders sentenced to immediate custody in 2012. The sentence length presented is after the consideration of a guilty plea.

Just over two thirds of offenders (3,000 offenders) received a sentence of shorter than 5 months and nearly 10 per cent (420 offenders) received a sentence longer than 16 months.

**Figure 5.4: Sentence lengths received by offenders sentenced to immediate custody for general theft in 2012**



In 2012, for the offence of general theft 32 per cent of offenders that were sentenced had 4 or more previous convictions identified by the sentencer at the time of sentencing to be relevant and recent to the offence. Further information is given in table 5.1 below.

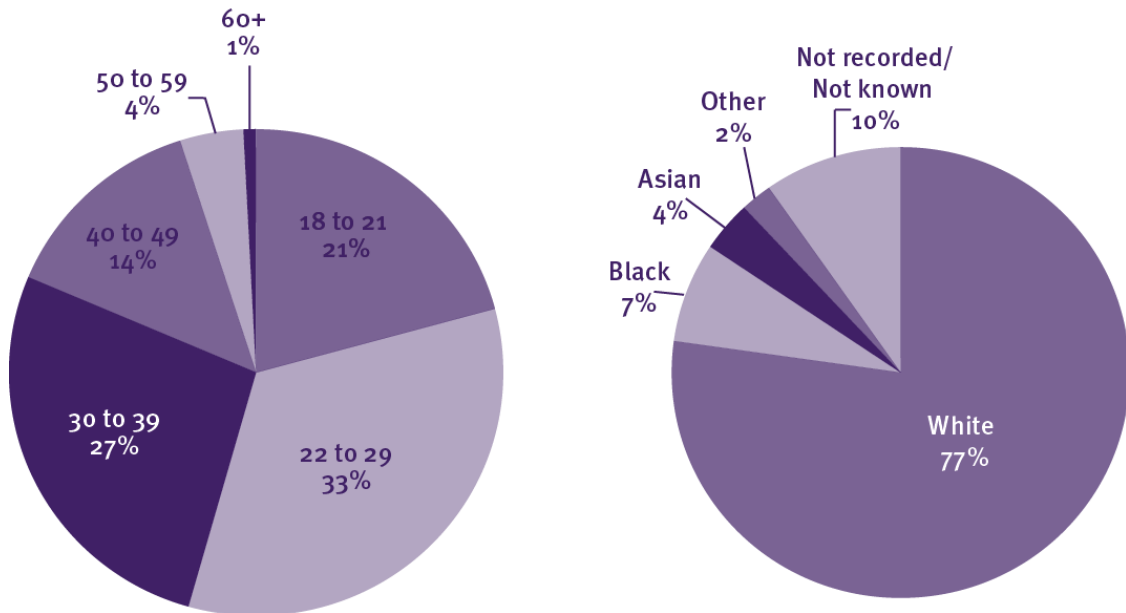
**Table 5.1 Proportion of adults offenders sentenced by number of relevant & recent previous convictions**

No previous convictions	48%
1 to 3	20%
4 to 9	16%
10 or more	16%
<b>Total</b>	<b>100%</b>

### **Demographics of offenders sentenced for general theft**

In 2012, 85 per cent of offenders sentenced for general theft were male. Seventy seven per cent of offenders sentenced were perceived to be of White origin by the police officer dealing with the case. The proportions amongst those for whom data on perceived ethnicity was provided may not reflect the demographics of the full population of those sentenced. A third of offenders sentenced were between the ages of 22 to 29 and a further 27 per cent of offenders were between ages 30 to 39. Further detail on age and perceived ethnicity of offenders sentenced for general theft are shown in **Figure 5.5**.

**Figure 5.5: Age demographics and perceived ethnicity of adults sentenced for general theft in 2012**





## Section 6: Making off without payment

The draft guideline for making off without payment covers the offence of:

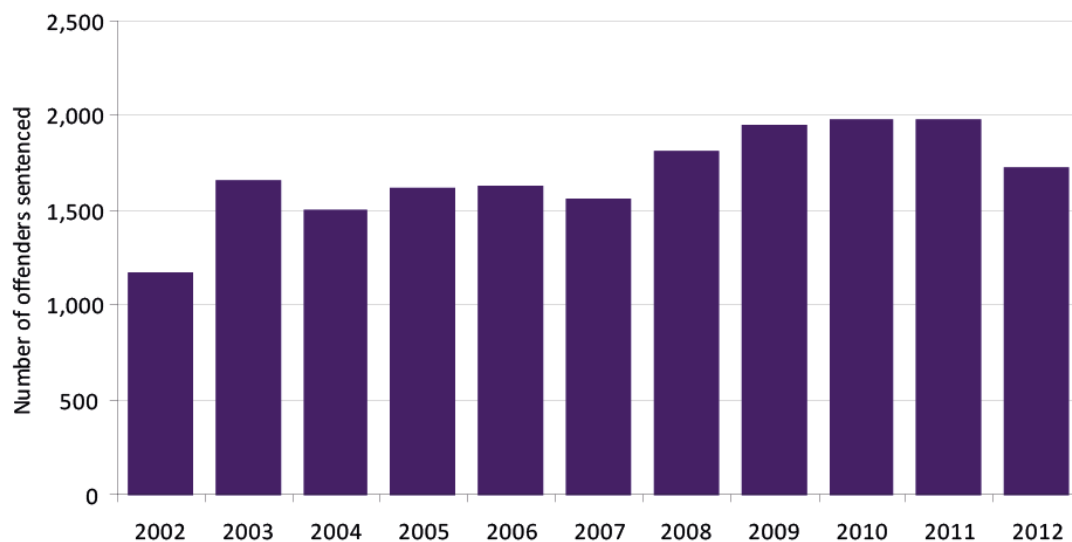
- Theft Act 1978 Section 3(1): Make off without making payment (and attempt)

Statutory maximum: 2 years' custody

### Sentences received by adults sentenced for making off without payment

In 2012 approximately 1,700 adults were sentenced for making off without payment, of which 95 per cent were sentenced at the magistrates' court. The number of adults sentenced in 2012 decreased by 13 per cent on the previous year, however this is still up from the volumes sentenced in the first half of the last decade. **Figure 6.1** shows how the number of adults sentenced for making off without payment has changed over the last decade.

**Figure 6.1: Number of adult offenders sentenced for making off without payment, 2002 – 2012**

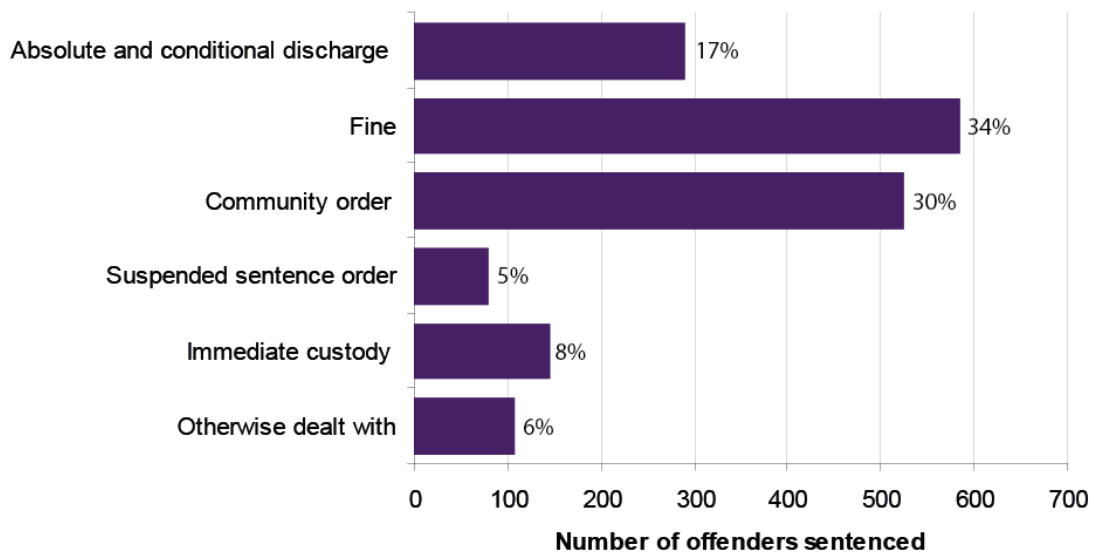


Between 2002 and 2007 the proportionate use of disposals experienced some minor fluctuation. Since 2007, the use of community order has increased from 22

per cent to 30 per cent, while the use of absolute and conditional discharge has fallen from 27 per cent to 17 per cent. The proportionate use of the other disposals has remained relatively consistent since 2007. Further information on the relative use of disposals over the last decade is available online.

The disposals received by adults sentenced for making off without payment in 2012 are shown in **figure 6.2**. The most frequent disposal used was a fine, followed by community order, with just over a third of offenders receiving a fine and 30 per cent of offenders receiving a community order.

**Figure 6.2: Disposals received by adult offenders sentenced for making off without payment, in 2012**



Where the outcome was a fine, the average fine amount given in 2012 was £118 (mean, median=£100). The mean fine amount has increased from 2002 to 2009, however it has been roughly the same from 2009 to 2012. The median fine increased from 2003 to 2007, but has remained constant at £100 since 2007. Figure 6.3 shows how fine amounts have changed over the last decade. No attempt has been made to adjust the fine amounts for inflation.

**Figure 6.3: Average fine amount received by offenders sentenced to a fine for making off without payment, 2002 to 2012**

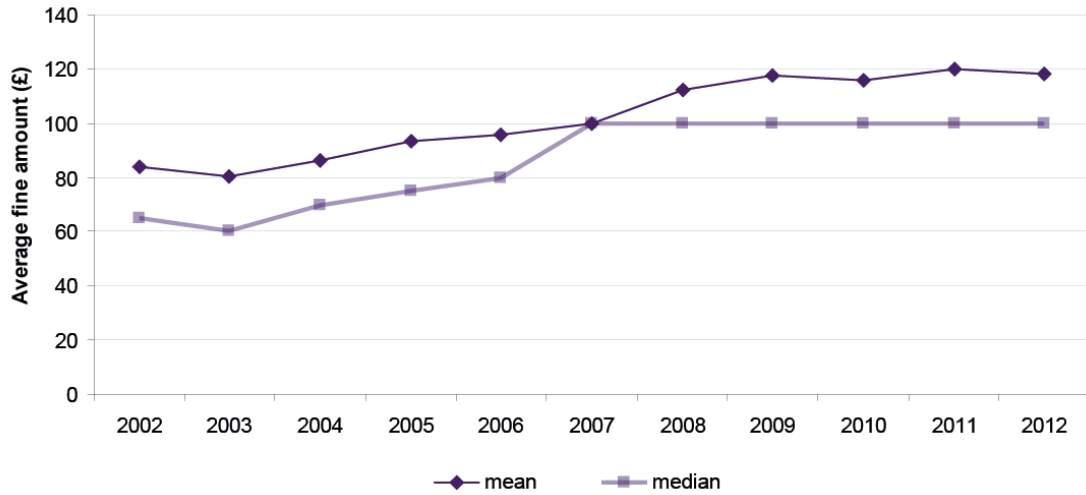
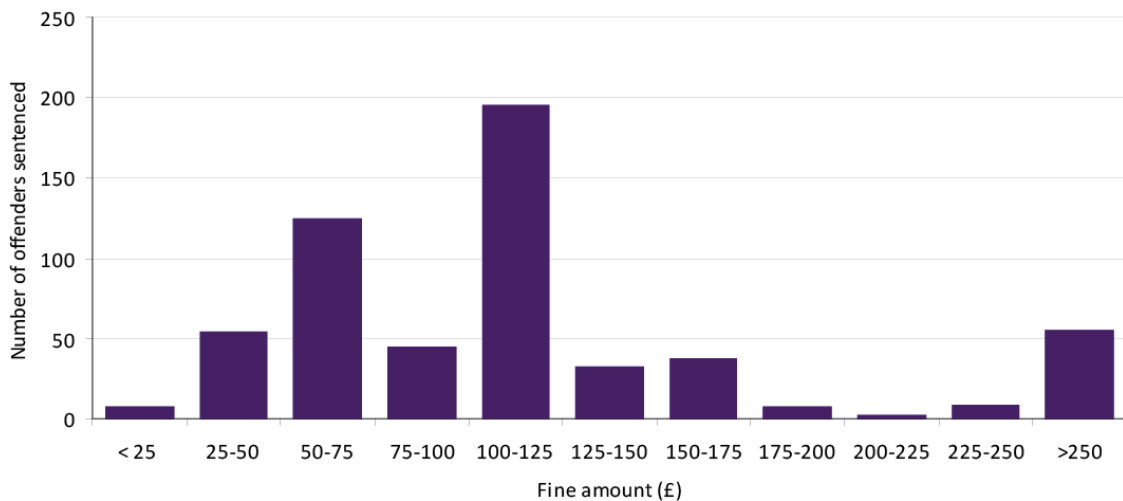


Figure 6.4 shows the full range of fine amounts received by adult offenders’ sentenced to a fine in 2012. Three quarters of offenders received a fine of £125 or less and ten per cent of offenders received a fine of more than £250. The highest fine given to an offender sentenced in 2012 was £665.

**Figure 6.4: Fine amount received by adult offenders sentenced to a fine for making off without payment in 2012**



In 2012, for the offence of making off without payment 33 per cent of offenders that were sentenced had 4 or more previous convictions identified by the sentencer at

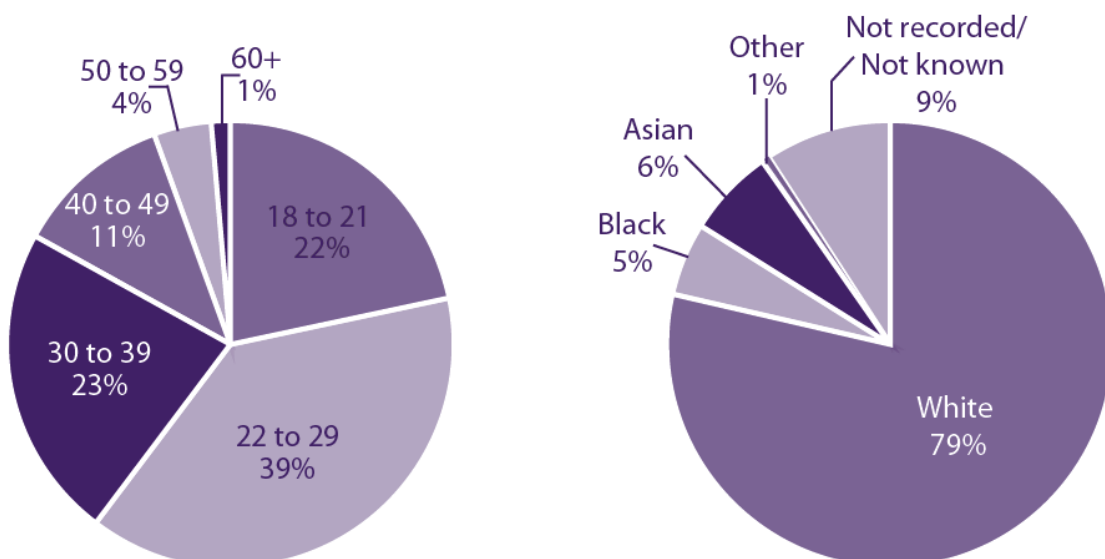
the time of sentencing to be relevant and recent to the offence. Further information is given in table 6.1 below.

Table 6.1 Proportion of adults offenders sentenced by number of relevant & recent previous convictions	
No previous convictions	33%
1 to 3	33%
4 to 9	20%
10 or more	13%
<b>Total</b>	<b>100%</b>

### Demographics of offenders sentenced for making off without payment

In 2012, 83 per cent of adult offenders sentenced for making off without payment were male. Thirty-nine per cent of offenders were in the age bracket 22 to 29, and over a fifth were in each of the age brackets between 18 to 21 and 30 to 39. Seventy-nine per cent of adults sentenced were perceived to be of White origin by the police officer dealing with their case. Further detail on the age and perceived ethnicity of adults sentenced for making off without payment can be seen in figure 6.5.

**Figure 6.5: Age demographics and perceived ethnicity of adults sentenced for making off without payment in 2012**



## Section 7: Abstracting Electricity

The draft guideline for abstracting electricity covers the offence of:

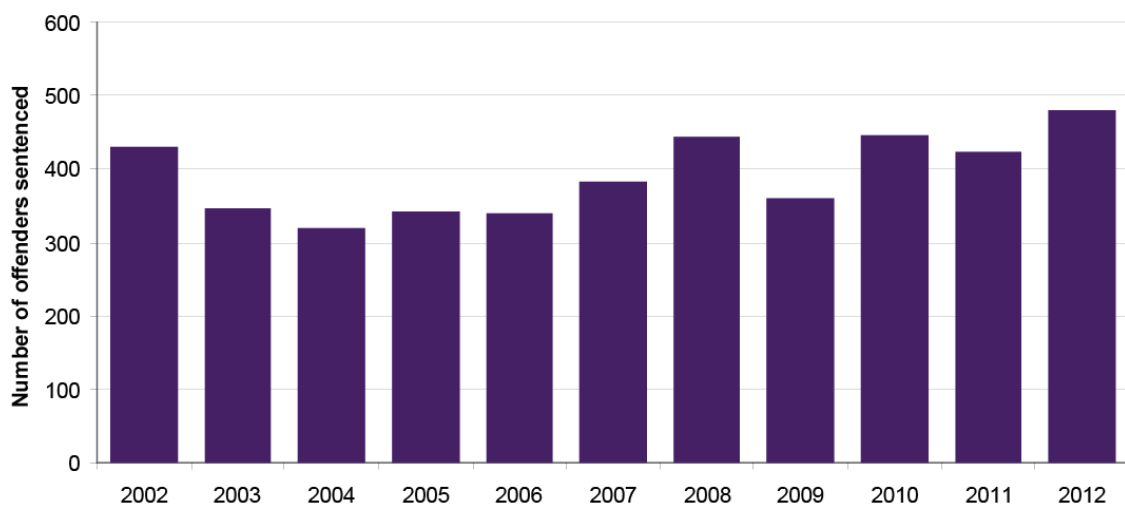
- Theft Act 1968 Section 13: Abstracting electricity

Statutory maximum: 5 years' custody

### Sentences received by adults sentenced for abstracting electricity

In 2012 approximately 480 adult offenders were sentenced for abstracting electricity. The majority (72 per cent) of offenders were sentenced at the magistrates' court. **Figure 7.1** shows how the volume of this offence has changed since 2002. There has been no clear trend over the last decade, although, the volume of offenders sentenced was at its highest level in 2012.

**Figure 7.1: Number of offenders sentenced for Abstracting Electricity, 2002 – 2012**

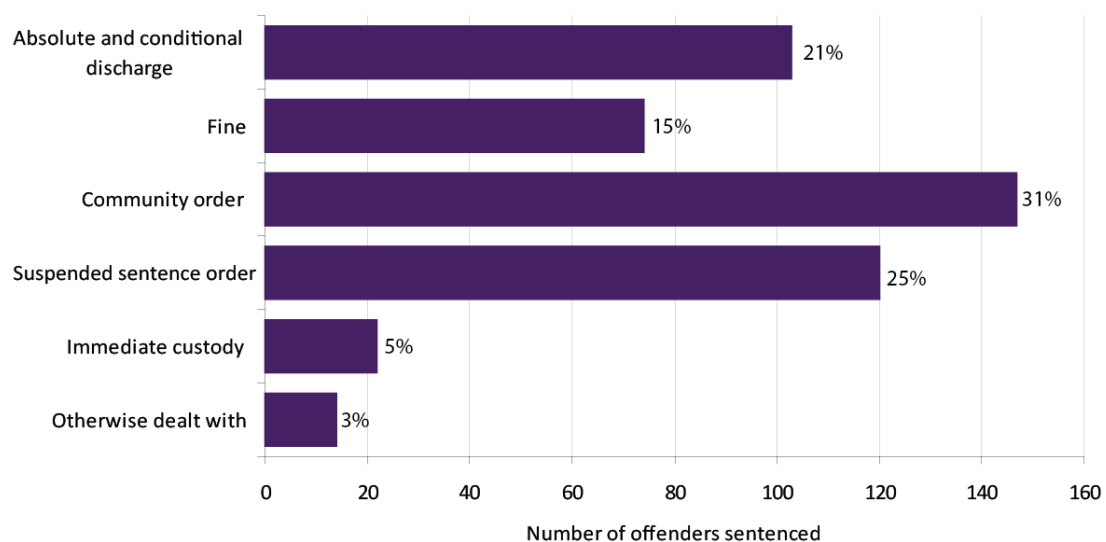


There has been a significant amount of fluctuation in the proportionate use of disposals over the last decade, largely due to the small volume of offenders sentenced. Since 2006, the relative use of absolute and conditional discharge when sentencing offenders has declined from 44 per cent to 21 per cent, with the lowest level in 2011 at 18 per cent. The use of fine has also declined during this time, from 25 per cent in 2006 to 15 per cent in 2012. Between 2006 and 2009 there was an increase in the use of community order, from 21 per cent to 40 per cent,

however this has fallen relatively steadily since 2009, to 31 per cent in 2012. Since 2009, there has been an increase in the use of suspended sentence order from 5 per cent to 25 per cent by 2012. Further information on the proportionate use of disposals over the last decade is available online.

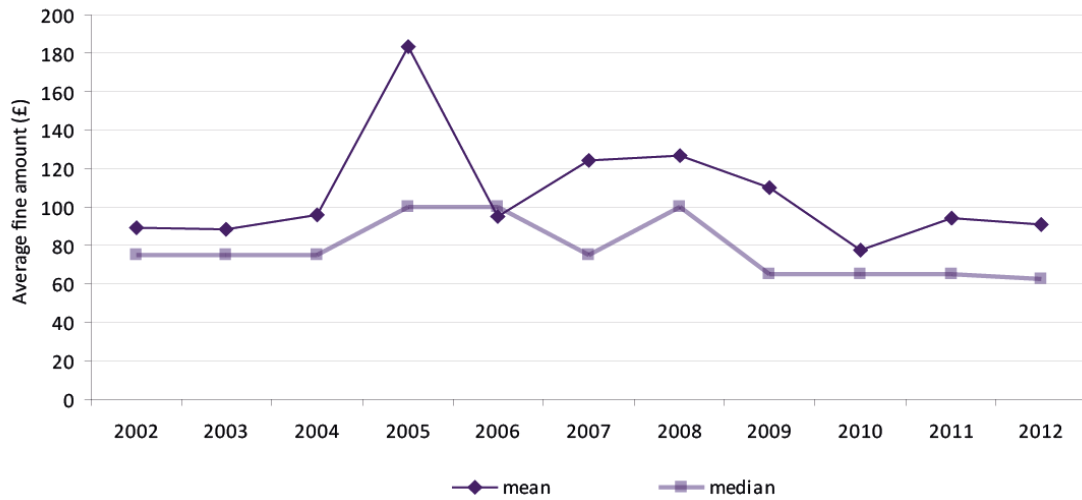
The disposals received by adults sentenced for abstracting electricity in 2012 are shown in **Figure 7.2**. Community order was the most frequently used disposal, with nearly a third of offenders receiving one, followed by suspended sentence order, given to a quarter of all offenders sentenced in 2012.

**Figure 7.2: Disposals received by adult offenders sentenced for abstracting electricity in 2012**



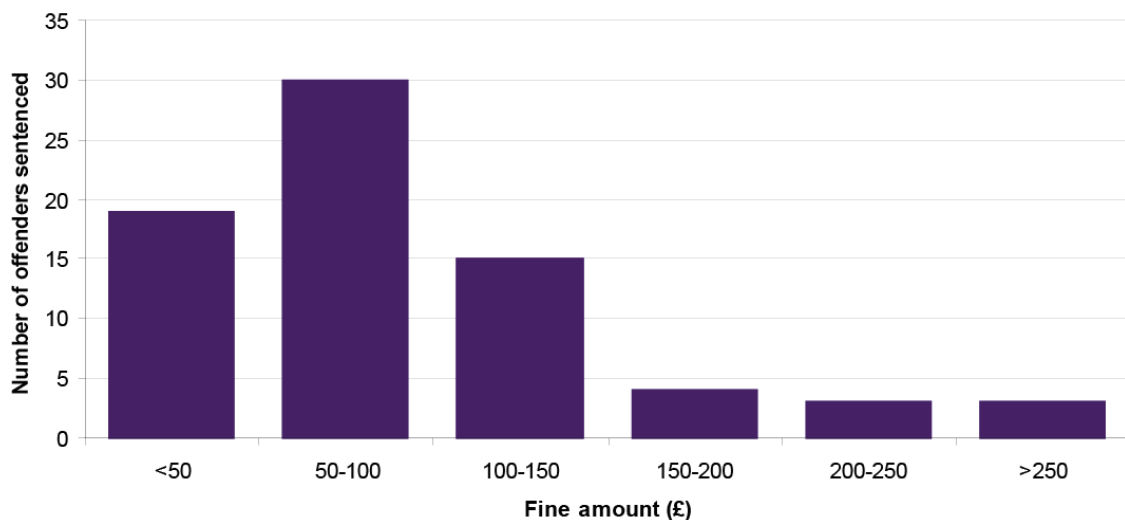
Where the outcome was a fine in 2012 (15 per cent of cases), the average fine received was £91 (mean, median=£63). **Figure 7.3** presents the average fine received by adult offenders sentenced for abstracting electricity over the last decade. The largest mean fine received was in 2005 at £184, however due to the low volume of offenders sentenced to a fine each year; this figure is likely to be skewed by a low volume of offenders receiving a large fine. The median fine has remained in the range of £62-£65 since 2009, and suggests that one or two very large fines are the cause of the volatility in the mean fine.

**Figure 7.3: Average fine amount received by adult offenders sentenced for abstracting electricity, 2002 to 2012**



The full range of fines received by adult offenders sentenced to a fine in 2012 can be seen in **Figure 7.4**. Two thirds of offenders received a fine of £100 or less, and 14 per cent of offenders received a fine of greater than £150. The largest fine received in 2012 was £1,000, however this was only given to one offender; the next largest fine was £265.

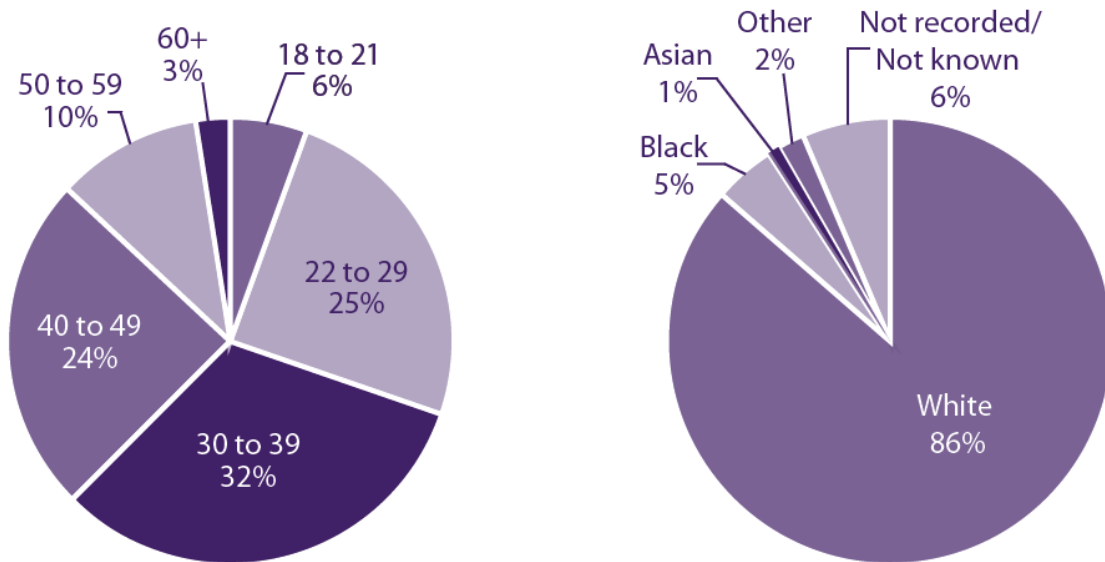
**Figure 7.4: Fine amount received by adult offenders sentenced to a fine for abstracting electricity in 2012**



### Demographics of adult offenders sentenced for abstracting electricity

In 2012, the majority of adults sentenced for abstracting electricity were male (79 per cent). About a third of offenders were between the ages of 30 to 39, and a further quarter of offenders were in each age bracket of 22 to 29 and 40 to 49. The majority, 86 per cent, of offenders sentenced were perceived to be of White origin by the police officer dealing with the case. Further detail on the age and perceived ethnicity of adults sentenced for abstracting electricity can be seen in **Figure 7.5**.

**Figure 7.5: Age demographics and perceived ethnicity of adults sentenced for abstracting electricity in 2012.**





## **Further information**

### **Notes on the data**

#### ***Volumes of sentences***

The data presented in this bulletin only include cases where the theft offence was the principal offence committed. Where an offender commits multiple offences on a single occasion, the offence which received the most severe sentence is taken to be the principal offence. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in this bulletin. This way of presenting the data is consistent with the Ministry of Justice publication, *Criminal Justice Statistics*.

#### ***Sentence Outcomes***

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This contrasts with the sentencing ranges presented at step 2 of the draft guideline, which are the recommended sentence lengths before taking into account certain factors, such as whether a reduction is appropriate for a guilty plea. Therefore, the sentence outcomes shown in the data are not directly comparable to the ranges provided in the new guideline.

#### ***Fine amount***

Where historic fine amounts are described, nominal amounts are shown. No attempt has been made to adjust for the price level (inflation). Additionally, the fine amounts listed are the amounts imposed after any reduction for guilty plea, where relevant.

#### ***Offender Gender and Ethnicity***

Where the ethnicity of sentenced adults is described, the ethnicity as perceived by the police officer dealing with the case is used. Perceived ethnicity is the most comprehensive data source available on ethnicity; therefore it is used in preference to any other source of ethnicity data. However, for some offences, there are a high proportion of cases where the perceived ethnicity was not known or not recorded. Therefore the ethnicity data should be read with some caution. The

proportions reflected amongst those for whom data was provided may not reflect the demographics of the full population sentenced.

### *General Conventions*

The following conventions have been applied to the data:

- Actual number of sentences have been rounded to the nearest 100, when more than 1000 offenders were sentenced, and to the nearest 10 when less than 1000 offenders were sentenced
- Percentages derived from the data have been provided in the narrative and displayed on charts to the nearest whole percentage, except when the nearest whole percentage is zero. In some instances, this may mean that percentages shown, for example in pie charts, do not add up to 100 per cent.
- Where the nearest whole per cent is zero, the convention '0.5' has been used.
- Where totals have been provided, these have been calculated using unrounded data and then rounded.

### *Data Sources and Quality*

The primary source of data for this bulletin is the Court Proceedings Database. This is supplied to the Sentencing Council by the Ministry of Justice who obtain it from a variety of administrative data systems compiled by courts and police forces.

Every effort is made by the Ministry of Justice and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. Although care is taken in collating and analysing the returns used to compile these figures, the data are of necessity subject to the inaccuracies inherent in any large-scale recording system. Consequently, although numbers in the accompanying tables available online and charts are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily accurate to the last digit shown. The figures in the text have been rounded to the nearest 100, or 10, as described in the section on *general conventions*.

Further details of the processes by which the Ministry of Justice validate the records in the Court Proceedings Database can be found within the guide to their Criminal Justice Statistics publication which can be downloaded via the link:

<https://www.gov.uk/government/collections/criminal-justice-statistics>

The Sentencing Council's Crown Court Sentencing Survey has been used to for the information given on previous convictions. This information is collected directly from the sentencer at the time of sentencing and identified by them as being relevant and recent to the offence. Sentencers are asked to identify relevant and recent previous convictions in the ranges: none; 1 to 3; 4 to 9; and 10 or more.

[http://sentencingcouncil.judiciary.gov.uk/docs/CCSS\\_Annual\\_2012.pdf](http://sentencingcouncil.judiciary.gov.uk/docs/CCSS_Annual_2012.pdf)

## **Background Information**

The Ministry of Justice publishes a quarterly statistical publication, Criminal Justice Statistics, which includes a section focusing on sentencing data at national level. This section breaks down the data by offence group and by demographic factors such as age, gender and ethnicity. The full publication can be accessed via the Ministry of Justice website at:

<https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

Detailed sentencing data from the Ministry of Justice's Court Proceedings Database can be accessed via the Open Justice website at:

<http://open.justice.gov.uk/sentencing/>

This website allows the data to be viewed by offence category, local police force area and sentencing court. The offence categories used on this website are consistent with those used by the Ministry of Justice in their Criminal Justice Statistics publication, which is at a higher aggregate level than that used in this bulletin.

Further information on general sentencing practice in England in Wales can be found on the Council's website at:

<http://sentencingcouncil.judiciary.gov.uk/index.htm>

Alternatively, you may wish to visit the sentencing area on the Direct.gov website, which can be accessed at:

<http://sentencing.cjsonline.gov.uk/>

## **Uses Made of the Data**

Data provided in the Council's range of analysis and research bulletins are used to inform public debate of the Council's work. In particular, this bulletin aims to provide the public with the key data that the Council has used to help formulate the draft guideline on fraud offences.

## **Contact Points for Further Information**

We would be very pleased to hear your views on our analysis and research bulletins. If you have any feedback or comments, please send them to:

[research@sentencingcouncil.gsi.gov.uk](mailto:research@sentencingcouncil.gsi.gov.uk)

**Responsible Statistician**

Trevor Steeples  
020 7071 5793

**Press Office Enquires**

Nick Mann  
020 7071 5792

Further information on the Sentencing Council and their work can be found at:

<http://sentencingcouncil.org.uk>

## Theft from a shop or stall

Theft Act 1968 (section 1)

Triable either way

Maximum: 7 years' custody

**(Except for an offence of low-value shoplifting which is treated as a summary only offence in accordance with section 22A of the Magistrates' Courts Act 1980 where the maximum is 6 months' custody.)**

Offence range: Discharge – 3 years' custody

**STEP ONE****Determining the offence category**

The court should determine the offence category with reference only to the factors identified in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was planned and the sophistication with which it was carried out.

**Culpability** demonstrated by one or more of the following:

## A - High culpability:

- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Sophisticated nature of offence/significant planning
- Significant use or threat of force
- Offender subject to a banning order from the relevant store
- Child accompanying offender is actively used to **facilitate** the offence (not merely present when offence is committed)

## B - Medium culpability:

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Limited use or threat of force
- All other cases where characteristics for categories A or C are not present

## C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Mental disorder/learning disability where linked to commission of the offence

**Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.**

**Harm** is assessed by reference to the **financial loss** that results from the theft **and any significant additional harm** suffered by the victim or others – examples of additional harm may include but are not limited to: emotional distress, damage to property, effect on business, a greater impact on the victim due to the size of their business, or a particularly vulnerable victim.

Intended loss should be used where actual loss has been prevented.

**Harm**

Category 1	High value goods stolen (above £1,000) <b>or</b> Medium value with significant additional harm to the victim or others
Category 2	Medium value goods stolen (£200 to £1,000) <b>and</b> no additional harm <b>or</b> Low value with significant additional harm to the victim or others
Category 3	Low value goods stolen (up to £200) <b>and</b> Little or no significant additional harm to the victim or others



**STEP TWO****Starting point and category range**

Having determined the category at step one, the court should use the starting point to reach a sentence within the appropriate category range in the table below.

The starting point applies to all offenders irrespective of plea or previous convictions.

Harm	Culpability		
	A	B	C
<b>Category 1</b> Where the value greatly exceeds £1,000 it may be appropriate to move outside the identified range. <a href="#">Adjustment should be made for any significant additional harm where high value goods are stolen</a>	<b>Starting point</b> 26 weeks' custody  <b>Category range</b> 13 weeks'-3 years' custody	<b>Starting point</b> Medium level community order  <b>Category range</b> Low level community order -13 weeks' custody	<b>Starting point</b> Band C fine  <b>Category range</b> Band B fine- Low level community order
<b>Category 2</b>	<b>Starting point</b> 13 weeks' custody  <b>Category range</b> High level community order -26 weeks' custody	<b>Starting point</b> Low level community order  <b>Category range</b> Band C fine – Medium level community order	<b>Starting point</b> Band B fine  <b>Category range</b> Band A fine –Band C fine
<b>Category 3</b>	<b>Starting point</b> High level community order  <b>Category range</b> Low level community order-13 weeks' custody	<b>Starting point</b> Band C fine  <b>Category range</b> Band B fine - Low level community order	<b>Starting point</b> Band A fine  <b>Category range</b> Discharge –Band B fine

Consecutive sentences for multiple offences may be appropriate-please refer to the Offences Taken Into Consideration and Totality Definitive Guideline.

[Previous diversionary work with an offender does not preclude the court from considering this type of sentencing option again if appropriate.](#)

Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under section 209, or an alcohol treatment requirement under section 212 of the Criminal Justice Act 2003 may be a proper alternative to a short or moderate custodial sentence.

Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under section 207 of the Criminal Justice Act 2003 may be a proper alternative to a short or moderate custodial sentence.

The court should then consider further adjustment for any aggravating or mitigating factors. The following is a **non exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far.

#### Factors increasing seriousness

##### Statutory aggravating factors:

- Previous convictions, having regard to a) the **nature** of the offence to which the conviction relates and its **relevance** to the current offence; and b) the **time** that has elapsed since the conviction. [Relevant recent convictions may justify an upward adjustment, including outside the category range. In cases involving significant persistent offending, the community and custodial thresholds may be crossed even though the offence may otherwise warrant a lesser sentence.](#)
- Offence committed whilst on bail

##### Other aggravating factors:

- Stealing goods to order
- [Offence motivated by, or demonstrating hostility based on, characteristics of the victim including, but not limited to, race, age, sex or disability](#)
- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Attempts to conceal/dispose of evidence
- Offender motivated by intention to seek revenge
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Established evidence of community/wider impact
- Prevalence - see below

##### Prevalence

There may be exceptional local circumstances that arise which may lead a court to decide that prevalence should influence sentencing levels. The pivotal issue in such cases will be the harm caused to the community.

It is essential that the court [before taking account of prevalence](#):

- has supporting evidence from an external source, to justify claims that a particular crime is prevalent in their area, **and** is causing particular harm in that community, **and**
- is satisfied that there is a compelling need to treat the offence more seriously than elsewhere.

**Deleted:** , for example, Community Impact statements,

**STEP THREE****Consider any factors which indicate a reduction, such as assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

**STEP FOUR****Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the Guilty Plea guideline.

**STEP FIVE****Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour.

**STEP SIX****Confiscation, compensation and ancillary orders**

The court must proceed with a view to making a confiscation order if it is asked to do so by the prosecutor or if the court believes it is appropriate for it to do so.

Where the offence has resulted in loss or damage the court must consider whether to make a compensation order.

If the court makes both a confiscation order and an order for compensation and the court believes the offender will not have sufficient means to satisfy both orders in full, the court must direct that the compensation be paid out of sums recovered under the confiscation order (section 13 of the Proceeds of Crime Act 2002).

The court may also consider whether to make ancillary orders. These may include a deprivation order, or a restitution order.

**STEP SEVEN****Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

**STEP EIGHT**

**Consideration for time spent on bail** The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Blank page

## Handling stolen goods

Theft Act 1968 (section 22)

Triable either way

Maximum: 14 years' custody

Offence range: Discharge - 8 years' custody

**STEP ONE**  
**Determining the offence category**

The court should determine the offence category with reference **only** to the factors identified in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was **planned** and the **sophistication** with which it was carried out. Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

CULPABILITY demonstrated by one or more of the following:	
A - High culpability:	
<ul style="list-style-type: none"> <li>▪ A leading role where offending is part of a group activity</li> <li>▪ Involvement of others through coercion, intimidation or exploitation</li> <li>▪ Abuse of position of power or trust or responsibility</li> <li>▪ <u>Professional and sophisticated offence</u></li> <li>▪ <u>Advance knowledge of the primary offence</u></li> <li>▪ <u>Possession of recently stolen goods</u></li> </ul>	
B - Medium culpability:	
<ul style="list-style-type: none"> <li>▪ Other cases where characteristics for categories A or C are not present</li> <li>▪ A significant role where offending is part of a group activity</li> <li>▪ Offender acquires goods for resale</li> <li>▪ Some degree of planning involved</li> </ul>	
C - Lesser culpability:	
<ul style="list-style-type: none"> <li>▪ Performed limited function under direction</li> <li>▪ Involved through coercion, intimidation or exploitation</li> <li>▪ Little or no planning/sophistication</li> <li>▪ Limited awareness or understanding of offence</li> <li>▪ Goods acquired for offender's own personal use</li> </ul>	

**Deleted:** <#>¶  
 <#>Closeness in time or place to the underlying offence ¶  
 <#>The provision in advance of the underlying offence of a safe haven or the means of disposal of stolen property¶

**Deleted:** <#>Advance knowledge that the stolen goods were to come from a domestic burglary or a robbery¶

**Deleted:** <#>Offender makes self available to other criminals as willing to handle the proceeds of crime¶  
 <#>Offences are committed by offender as part of commercial activity¶  
 <#>¶  
 <#>Other cases where characteristics for categories A or C are not present¶

The handling of stolen goods is ancillary to other offences, often to a serious underlying offence

**Harm** is assessed by reference to the **financial value** (to the loser) of the stolen goods **and any significant additional harm** associated with the underlying offence on the victim or others – examples of additional harm may include but are not limited to:

- Property stolen from a domestic burglary or a robbery
- Items stolen of an economic, sentimental or personal value
- Metal theft causing disruption to infrastructure
- Damage to heritage assets
- Items stolen which may endanger life

Harm	
Category 1	Very high value goods stolen (above <del>£100,000</del> ) <b>or</b> High value with significant additional harm to the victim or others
Category 2	High value goods stolen ( <del>£10,000 to £100,000</del> ) <b>and no</b> additional harm <b>or</b> Medium value with significant additional harm to the victim or others
Category 3	Medium value goods stolen ( <del>£1,000 to £10,000</del> ) <b>and no</b> additional harm <b>or</b> Low value with significant additional harm to the victim or others
Category 4	Low value goods stolen (up to <del>£1,000</del> ) <b>and</b> Little or no significant additional harm to the victim or others

Deleted: 50

Deleted: 5

Deleted: 50

Deleted: 5

Deleted: 5

Deleted: 5

**STEP TWO**  
**Starting point and category range**

Having determined the category at step one, the court should use the starting point to reach a sentence within the appropriate category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Harm	Culpability		
	A	B	C
<b>Category 1</b> <u>Where the value greatly exceeds £100,000, it may be appropriate to move outside the identified range. Adjustment should be made for any significant additional harm where very high value goods are stolen.</u>	<b>Starting point</b> 5 years' custody  <b>Category range</b> 3-8 years' custody	<b>Starting point</b> 2 years 6 months' custody  <b>Category range</b> 1-4 years' custody	<b>Starting point</b> 1 year's custody  <b>Category range</b> 13 weeks custody-1 year 6 months custody
<b>Category 2</b>	<b>Starting point</b> 3 years' custody  <b>Category range</b> 1 year 6 months -4 years' custody	<b>Starting point</b> 1 year's custody  <b>Category range</b> 26 weeks'-1 year 6 months custody	<b>Starting point</b> High level community order  <b>Category range</b> Low level community order-26 weeks custody
<b>Category 3</b>	<b>Starting point</b> 1 years' custody  <b>Category range</b> 36 weeks'-2 years' custody	<b>Starting point</b> High level community order  <b>Category range</b> Low level community order-26 weeks custody	<b>Starting point</b> Band C fine  <b>Category range</b> Band B fine –Low level community order
<b>Category 4</b>	<b>Starting point</b> High level community order  <b>Category range</b> Medium level community order – 36 weeks custody	<b>Starting point</b> Low level community order  <b>Category range</b> Band C fine –High level community order	<b>Starting point</b> Band B fine  <b>Category range</b> Discharge –Band C fine



Consecutive sentences for multiple offences may be appropriate- please refer to the Offences Taken Into Consideration and Totality Definitive Guideline.

The court should then consider further adjustment for any aggravating or mitigating factors. The following is a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point.

#### Factors increasing seriousness

##### Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail

##### Other aggravating factors:

- Seriousness of the underlying offence, for example, armed robbery
- Deliberate destruction, disposal or defacing of stolen property
- Damage to third party for example, loss of employment to legitimate employees
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Established evidence of community/wider impact

#### Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

**Deleted:** In particular, **relevant recent convictions** may justify an upward adjustment, including outside the custody range. In cases involving significant persistent offending, the community and custodial thresholds may be crossed even though the offence may otherwise warrant a lesser sentence.¶  
Consecutive sentences for multiple offences may be appropriate- please refer to the Offences Taken Into Consideration and Totality Definitive Guideline.¶  
Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under section 209 of the Criminal Justice Act 2003 may be a proper alternative to a short or moderate custodial sentence.¶

**STEP THREE****Consider any factors which indicate a reduction, such as assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

**STEP FOUR****Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the Guilty Plea guideline.

**STEP FIVE****Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour.

**STEP SIX****Confiscation, compensation and ancillary orders**

The court must proceed with a view to making a confiscation order if it is asked to do so by the prosecutor or if the court believes it is appropriate for it to do so.

Where the offence has resulted in loss or damage the court must consider whether to make a compensation order.

If the court makes both a confiscation order and an order for compensation and the court believes the offender will not have sufficient means to satisfy both orders in full, the court must direct that the compensation be paid out of sums recovered under the confiscation order (section 13 of the Proceeds of Crime Act 2002).

The court may also consider whether to make ancillary orders. These may include a deprivation order, or a restitution order.

**STEP SEVEN****Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

**STEP EIGHT**

**Consideration for time spent on bail**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Blank page

## General Theft

Including:

Theft from the person

Theft in a dwelling

Theft in breach of trust

Theft from a motor vehicle

Theft of a motor vehicle

Theft of pedal bicycles

and all other section 1 Theft Act 1968 offences, excluding theft from a shop or stall

Theft Act 1968 (section 1)

Triable either way

Maximum: 7 years' custody

Offence range: Discharge - 5 years' custody

**STEP ONE****Determining the offence category**

The court should determine the offence category with reference only to the factors identified in the tables below. In order to determine the category the court should assess **culpability** and **harm**.

The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was planned and the sophistication with which it was carried out.

CULPABILITY demonstrated by one or more of the following:

## A - High culpability:

- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Significant breach of degree of trust or responsibility
- Sophisticated nature of offence/significant planning
- Offence conducted over sustained period of time
- Large number of persons affected by the offence
- Theft involving intimidation or the use or threat of force
- Deliberately targeting victim on basis of vulnerability

## B - Medium culpability:

- A significant role where offending is part of a group activity
- Some degree of planning involved
- Breach of degree of trust or responsibility
- All other cases where characteristics for categories A or C are not present

## C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence

**Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.**

**Harm** is assessed by reference to the **financial loss** that results from the theft **and any significant additional harm** suffered by the victim or others – examples of significant additional harm may include but are not limited to: items stolen of an economic, sentimental or personal value; high level of inconvenience caused to the victim or others; consequential financial harm to victim or others; emotional distress, fear/loss of confidence caused by the crime; risk of or actual injury to persons or damage to property; impact of theft on a business; damage to heritage assets; disruption caused to infrastructure

Intended loss should be used where actual loss has been prevented.

**Harm**

Category 1	Very high value goods stolen (above £50,000) <b>or</b> High value with significant additional harm to the victim or others
Category 2	High value goods stolen (£5,000 to £50,000) <b>and</b> no additional harm <b>or</b> Medium value with significant additional harm to the victim or others
Category 3	Medium value goods stolen (£500 to £5,000) <b>and</b> no additional harm <b>or</b> Low value with significant additional harm to the victim or others
Category 4	Low value goods stolen (up to £500) <b>and</b> Little or no significant additional harm to the victim or others

**STEP TWO****Starting point and category range**

Having determined the category at step one, the court should use the starting point to reach a sentence within the appropriate category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Harm	Culpability		
	A	B	C
<b>Category 1</b> Where the value greatly exceeds £50,00, it may be appropriate to move outside the identified range. <u>Adjustment should be made for any significant additional harm factors where very high value goods are stolen.</u>	<b>Starting point</b> 3 years' 6 months custody  <b>Category range</b> 2 - 5 years' custody	<b>Starting point</b> 1 year 6 months custody  <b>Category range</b> 36 weeks - 2 years' custody	<b>Starting point</b> 13 weeks' custody  <b>Category range</b> High level community order –26 weeks' custody
<b>Category 2</b>	<b>Starting point</b> 2 years' custody  <b>Category range</b> 1- 3 years' custody	<b>Starting point</b> 26 weeks' custody  <b>Category range</b> 13 weeks' -36 weeks custody	<b>Starting point</b> Medium level community order  <b>Category range</b> Low level community order-13 weeks custody
<b>Category 3</b>	<b>Starting point</b> 26 weeks' custody  <b>Category range</b> 13 weeks' - 1 year 6 months custody	<b>Starting point</b> Medium level community order  <b>Category range</b> Low level community order-13 weeks' custody	<b>Starting point</b> Band C fine  <b>Category range</b> Band B fine – Low level community order
<b>Category 4</b>	<b>Starting point</b> High level community order  <b>Category range</b> Medium level community order – 13 weeks' custody	<b>Starting point</b> Low level community order  <b>Category range</b> Band C fine –Medium level community order	<b>Starting point</b> Band B fine  <b>Category range</b> Discharge –Band C fine

Consecutive sentences for multiple offences may be appropriate- please refer to the Offences Taken Into Consideration and Totality Definitive Guideline.

Where the offender is dependent on or has a propensity to misuse drugs or alcohol and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under section 209, or an alcohol treatment requirement under section 212 of the Criminal Justice Act 2003 may be a proper alternative to a short or moderate custodial sentence.

Where the offender suffers from a medical condition that is susceptible to treatment but does not warrant detention under a hospital order, a community order with a mental health treatment requirement under section 207 of the Criminal Justice Act 2003 may be a proper alternative to a short or moderate custodial sentence.

The court should then consider further adjustment for any aggravating or mitigating factors. The following is a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far.

**Factors increasing seriousness**

**Statutory aggravating factors:**

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction. Relevant recent convictions may justify an upward adjustment including outside the category range. In cases involving significant persistent offending, the community and custodial thresholds may be crossed even though the offence may otherwise warrant a lesser sentence
- Offence committed whilst on bail

**Other aggravating factors:**

- Stealing goods to order
- Offence motivated by, or demonstrating hostility based on characteristics of the victim including, but not limited to, race, age, sex or disability
- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Offender motivated by intention to cause harm or out of revenge
- Attempts to conceal/dispose of evidence
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Blame wrongly placed on others

- Established evidence of community/wider impact (for issues other than prevalence)

**Factors reducing seriousness or reflecting personal mitigation**

- No previous convictions or no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability (where not linked to the commission of the offence)
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

**Prevalence**

There may be exceptional local circumstances that arise which may lead a court to decide that prevalence should influence sentencing levels. The pivotal issue in such cases will be the harm caused to the community.

It is essential that the court before taking account of prevalence:

- has supporting evidence from an external source to justify claims that a particular crime is prevalent in their area, and is causing particular harm in that community, and
- is satisfied that there is a compelling need to treat the offence more seriously than elsewhere.

**Deleted:** , for example, Community Impact statements, t



**STEP THREE****Consider any factors which indicate a reduction, such as assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

**STEP FOUR****Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the Guilty Plea guideline.

**STEP FIVE****Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour.

**STEP SIX****Confiscation, compensation and ancillary orders**

The court must proceed with a view to making a confiscation order if it is asked to do so by the prosecutor or if the court believes it is appropriate for it to do so.

Where the offence has resulted in loss or damage the court must consider whether to make a compensation order.

If the court makes both a confiscation order and an order for compensation and the court believes the offender will not have sufficient means to satisfy both orders in full, the court must direct that the compensation be paid out of sums recovered under the confiscation order (section 13 of the Proceeds of Crime Act 2002).

The court may also consider whether to make ancillary orders. These may include a deprivation order, or a restitution order.

**STEP SEVEN****Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

**STEP EIGHT****Consideration for time spent on bail**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Blank page

### Making off without payment

Theft Act 1978 (section 3)

Triable either way

Maximum: 2 years' custody

Offence range: Discharge- 9 months' custody

**STEP ONE**  
**Determining the offence category**

The court should determine the offence category with reference **only** to the factors identified in the tables below. In order to determine the category the court should assess culpability and harm.

The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was planned and the sophistication with which it was carried out. Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

CULPABILITY demonstrated by one or more of the following:

A - High culpability:

- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Sophisticated nature of offence/significant planning
- Offence involving intimidation or the use or threat of force
- Deliberately targeting victim on basis of vulnerability

B - Medium culpability:

- A significant role where offending is part of a group activity
- All other cases where characteristics for categories A or C are not present
- Some degree of planning involved

C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Little or no planning
- Limited awareness or understanding of offence
- 

**Harm** is assessed by reference to the **actual loss** that results from the offence **and any significant additional harm** suffered by the victim or others – examples of additional harm may include **but are not limited to**: a high level of inconvenience caused to the victim, emotional distress, fear/loss of confidence caused by crime, a greater impact on the victim due to the size or type of their business.

Harm	
Category 1	Goods or services obtained above £200 <b>or</b> goods/services up to £200 with significant additional harm to the victim or others
Category 2	Goods or services obtained up to £200 <b>and</b> Little or no significant additional harm to the victim or others

**STEP TWO**  
**Starting point and category range**

Having determined the category at step one, the court should use the starting point to reach a sentence within the appropriate category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Harm	Culpability		
	A	B	C
<b>Category 1</b> <u>Where the value greatly exceeds £200, it may be appropriate to move outside the identified range. Adjustment should be made for any significant additional harm for offences above £200</u>	<b>Starting point</b> 13 weeks custody  <b>Category range</b> High level community order -9 months custody	<b>Starting point</b> Low level community order  <b>Category range</b> Band C fine -High level community order	<b>Starting point</b> Band B fine  <b>Category range</b> Band A fine- Low level community order
<b>Category 2</b>	<b>Starting Point</b> Medium level community order  <b>Category range</b> Low level community order-13 weeks custody	<b>Starting Point</b> Band C fine  <b>Category range</b> Band B fine – Low level community order	<b>Starting Point</b> Band A fine  <b>Category range</b> Discharge –Band B fine

Consecutive sentences for multiple offences may be appropriate – please refer to the Offences Taken Into Consideration and Totality Definitive Guideline.

The court should then consider further adjustment for any aggravating or mitigating factors. The following list is a **non exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender.

Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point.

**Factors increasing seriousness**

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail

**Other aggravating factors:**

- Steps taken to prevent the victim reporting or obtaining assistance and/or from assisting or supporting the prosecution
- Attempts to conceal/dispose of evidence
- Failure to comply with current orders
- Offence committed on licence
- Offences taken into consideration
- Established evidence of community/wider impact

**Deleted:** In particular, **relevant recent convictions** may justify an upward adjustment, including outside the category range. In cases involving significant persistent offending, the community and custodial thresholds may be crossed even though the offence may otherwise warrant a lesser sentence.¶  
Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under section 209 of the Criminal Justice Act 2003 may be a proper alternative to a short or moderate custodial sentence.¶

**Factors reducing seriousness or reflecting personal mitigation**

- No previous convictions **or** no relevant/recent convictions
- Remorse, particularly where evidenced by voluntary reparation to the victim
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

**Deleted:** <#>Prevalence¶  
**Prevalence¶**  
There may be exceptional local circumstances that arise which may lead a court to decide that prevalence should influence sentencing levels. The pivotal issue in such cases will be the harm caused to the community. ¶  
It is essential that the court before taking into account of prevalence: ¶  
<#>has supporting evidence from an external source, for example, Community Impact statements, to justify claims that a particular crime is prevalent in their area, **and** is causing particular harm in that community, **and** ¶  
<#>is satisfied that there is a compelling need to treat the offence more seriously than elsewhere. ¶

... [1]

**STEP THREE**  
**Consider any factors which indicate a reduction, such as assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

#### **STEP FOUR**

##### **Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the Guilty Plea guideline.

#### **STEP FIVE**

##### **Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour.

#### **STEP SIX**

##### **Confiscation, compensation and ancillary orders**

The court must proceed with a view to making a confiscation order if it is asked to do so by the prosecutor or if the court believes it is appropriate for it to do so.

Where the offence has resulted in loss or damage the court must consider whether to make a compensation order.

If the court makes both a confiscation order and an order for compensation and the court believes the offender will not have sufficient means to satisfy both orders in full, the court must direct that the compensation be paid out of sums recovered under the confiscation order (section 13 of the Proceeds of Crime Act 2002).

The court may also consider whether to make ancillary orders. These may include a deprivation order, or a restitution order.

#### **STEP SEVEN**

##### **Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

#### **STEP EIGHT**

##### **Consideration for time spent on bail**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.





## Abstracting electricity

Theft Act 1968 (section 13)

Triable either way

Maximum: 5 years' custody

Offence range: Discharge -1 year's custody

**STEP ONE**  
**Determining the offence category**

The court should determine the offence category with reference **only** to the factors identified in the tables below. In order to determine the category the court should assess culpability and harm.

The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was planned and the sophistication with which it was carried out. Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

CULPABILITY demonstrated by one or more of the following:

A - High culpability:

- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Sophisticated nature of offence/significant planning
- Abuse of position of power or trust or responsibility
- Commission of offence in association with or to further criminal activity

B : Medium culpability:

A significant role where offending is part of a group activity  
All other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Performed limited function under direction
- Involved through coercion, intimidation or exploitation
- Limited awareness or understanding of offence

**Harm**

The level of harm is assessed by weighing up all the factors of the case to determine the level of harm caused.

**Greater harm:**

A significant risk of, or actual injury to persons or damage to property.

Significant volume of electricity extracted as evidenced by length of time of offending and/or advanced type of illegal process used.

**Lesser harm**

All other cases.

**STEP TWO**

**Starting point and category range**

Having determined the category at step one, the court should use the starting point to reach a sentence within the appropriate category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Harm	Culpability		
	A	B	C
<b>Greater</b>	<p><b>Starting point</b> 13 weeks' custody</p> <p><b>Category range</b> High level community order- 1 year's custody</p>	<p><b>Starting point</b> Medium level community order</p> <p><b>Category range</b> Low level community order – 13 weeks' custody</p>	<p><b>Starting point</b> Band C fine</p> <p><b>Category range</b> Band B fine –Low level community order</p>
<b>Lesser</b>	<p><b>Starting point</b> High level community order</p> <p><b>Category range</b> Medium level community order- 13 weeks' custody</p>	<p><b>Starting point</b> Low level community order</p> <p><b>Category range</b> Band C fine – Medium level community order</p>	<p><b>Starting point</b> Band A fine</p> <p><b>Category range</b> Discharge –Band C fine</p>

The court should then consider further adjustment for any aggravating or mitigating factors. The table below contains a **non exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender.

Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point.

## Factors increasing seriousness

### Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail

### Other aggravating factors:

- Electricity extracted from another person's property
- Attempts to conceal/dispose of evidence
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration
- Blame wrongly placed on others
- Established evidence of community/wider impact

## Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

### **STEP THREE**

#### **Consider any factors which indicate a reduction, such as assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a

**Deleted:** In particular, **relevant recent convictions** may justify an upward adjustment, including outside the category range. In cases involving significant persistent offending, the community and custodial thresholds may be crossed even though the offence may otherwise warrant a lesser sentence.¶¶  
Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under section 209 of the Criminal Justice Act 2003 may be a proper alternative to a short or moderate custodial sentence.¶¶  
¶¶

discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

#### **STEP FOUR**

##### **Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the Guilty Plea guideline.

#### **STEP FIVE**

##### **Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour.

#### **STEP SIX**

##### **Confiscation, compensation and ancillary orders**

The court must proceed with a view to making a confiscation order if it is asked to do so by the prosecutor or if the court believes it is appropriate for it to do so.

Where the offence has resulted in loss or damage the court must consider whether to make a compensation order.

If the court makes both a confiscation order and an order for compensation and the court believes the offender will not have sufficient means to satisfy both orders in full, the court must direct that the compensation be paid out of sums recovered under the confiscation order (section 13 of the Proceeds of Crime Act 2002).

The court may also consider whether to make ancillary orders. These may include a deprivation order, or a restitution order.

#### **STEP SEVEN**

##### **Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

#### **STEP EIGHT**

##### **Consideration for time spent on bail**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Blank page

## Going equipped for theft or burglary

Theft Act 1968 (section 25)

Triable either way

Maximum: 3 years' custody

Offence range: Discharge - 18 months' custody

**STEP ONE**  
**Determining the offence category**

The court should determine the offence category with reference **only** to the factors identified in the tables below. In order to determine the category the court should assess culpability and harm.

The level of culpability is determined by weighing up all the factors of the case to determine the offender's role and the extent to which the offending was planned and the sophistication with which it was carried out. Where there are characteristics present which fall under different levels of culpability, the court should balance these characteristics to reach a fair assessment of the offender's culpability.

CULPABILITY demonstrated by one or more of the following:

A - High culpability:

- A leading role where offending is part of a group activity
- Involvement of others through coercion, intimidation or exploitation
- Significant steps taken to conceal identity and/or avoid detection
- Sophisticated nature of offence/significant planning
- Circumstances suggest offender equipped for robbery or domestic burglary

B - Medium culpability:

- A significant role where offending is part of a group activity
- All other cases where characteristics for categories A or C are not present

C - Lesser culpability:

- Involved through coercion, intimidation or exploitation
- Limited awareness or understanding of offence
- Little or no planning

This guideline refers to preparatory offences where no theft has been committed. The level of harm is determined by weighing up all the factors of the case to determine the harm that would be caused if the item(s) were used to commit a substantive offence.

**Harm**

**Greater harm:**



Possession of item(s) which have the potential to facilitate an offence affecting a large number of victims

Possession of item(s) which have the potential to facilitate an offence involving high value items

**Lesser harm**

All other cases.

**Deleted:** Greater harm is indicated by the possession of any of the following, ¶  
 The possession of items to facilitate:¶  
 Theft which would affect a large number of people¶  
 Theft which may endanger life¶  
 Theft of high value items¶  
 Theft of heritage assets¶  
 Possession of items(s) which have the potential to facilitate a theft affecting a large number of victims, for example, items intended to be used to steal metal from railway lines.¶  
 Possession of item(s) which have the potential to facilitate a theft involving high value goods or large sums of money, for example, a master key for high value motor vehicles.¶

**STEP TWO**

**Starting point and category range**

Having determined the category at step one, the court should use the starting point to reach a sentence within the appropriate category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

Harm	Culpability		
	A	B	C
<b>Greater</b>	<p><b>Starting point</b> 36 weeks custody</p> <p><b>Category range</b> 26 weeks' -1 year 6 months custody</p>	<p><b>Starting point</b> 13 weeks' custody</p> <p><b>Category range</b> High level community order – 26 weeks custody</p>	<p><b>Starting point</b> Medium level community order</p> <p><b>Category range</b> Low level community order – High level community order</p>
<b>Lesser</b>	<p><b>Starting point</b> 26 weeks' custody</p> <p><b>Category range</b> 13 weeks custody- 36 weeks custody</p>	<p><b>Starting point</b> High level community order</p> <p><b>Category range</b> Medium level community order – 13 weeks custody</p>	<p><b>Starting point</b> Band C fine</p> <p><b>Category range</b> Discharge – Medium level community order</p>

Consecutive sentences for multiple offences may be appropriate - please refer to the Offences Taken Into Consideration and Totality Definitive Guideline.

The court should then consider further adjustment for any aggravating or mitigating factors. The following is a **non exhaustive** list of additional factual elements

providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point.

### Factors increasing seriousness

#### Statutory aggravating factors

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail

#### Other aggravating factors

- Attempts to conceal/dispose of evidence
- Established evidence of community/wider impact
- Failure to comply with current court orders
- Offence committed on licence
- Offences taken into consideration

**Deleted:** In particular, **relevant recent convictions** may justify an upward adjustment, including outside the category range. In cases involving significant persistent offending, the community and custodial thresholds may be crossed even though the offence may otherwise warrant a lesser sentence.¶  
Consecutive sentences for multiple offences may be appropriate - please refer to the Offences Taken Into Consideration and Totality Definitive Guideline.¶  
Where the defendant is dependent on or has a propensity to misuse drugs and there is sufficient prospect of success, a community order with a drug rehabilitation requirement under section 209 of the Criminal Justice Act 2003 may be a proper alternative to a short or moderate custodial sentence.¶

#### Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Good character and/or exemplary conduct
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

#### STEP THREE

##### Consider any factors which indicate a reduction, such as assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a

discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

#### **STEP FOUR**

##### **Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the Guilty Plea guideline.

#### **STEP FIVE**

##### **Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour.

#### **STEP SIX**

##### **Confiscation, compensation and ancillary orders**

The court must proceed with a view to making a confiscation order if it is asked to do so by the prosecutor or if the court believes it is appropriate for it to do so.

Where the offence has resulted in loss or damage the court must consider whether to make a compensation order.

If the court makes both a confiscation order and an order for compensation and the court believes the offender will not have sufficient means to satisfy both orders in full, the court must direct that the compensation be paid out of sums recovered under the confiscation order (section 13 of the Proceeds of Crime Act 2002).

The court may also consider whether to make any ancillary orders, such as a deprivation order.

#### **STEP SEVEN**

##### **Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

#### **STEP EIGHT**

##### **Consideration for time spent on bail**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003.

Blank page

## Annex H

### Sentence ranges used in the consultation

#### Shop theft

Harm	Culpability		
	A	B	C
<p><b>Category 1</b> Above £1,000</p> <p>Starting point based on £2,500</p>	<p><b>Starting point</b> 36 weeks' custody</p> <p><b>Category range</b> 26 weeks'-4 years' custody</p>	<p><b>Starting point</b> High level community order</p> <p><b>Category range</b> Medium level community order - 36 weeks' custody</p>	<p><b>Starting point</b> Medium level community order</p> <p><b>Category range</b> Low level community order-13 weeks' custody</p>
<p><b>Category 2</b> £250 to £1,000</p> <p>Starting point based on £500</p>	<p><b>Starting point</b> 13 weeks custody</p> <p><b>Category range</b> High level community order -1 year's custody</p>	<p><b>Starting point</b> Medium level community order</p> <p><b>Category range</b> Low level community order-26 weeks custody</p>	<p><b>Starting point</b> Band C fine</p> <p><b>Category range</b> Band B fine – Medium level community order</p>
<p><b>Category 3</b> Up to £250</p> <p>Starting point based on £125</p>	<p><b>Starting point</b> High level community order</p> <p><b>Category range</b> Low level community order-13 weeks custody</p>	<p><b>Starting point</b> Low level community order</p> <p><b>Category range</b> Band B fine- High level community order</p>	<p><b>Starting point</b> Band B fine</p> <p><b>Category range</b> Discharge -Low level community order</p>

#### General theft

Harm	Culpability		
	A	B	C
<p><b>Category 1</b> £50,000 or more</p> <p>Starting point based on £250,000</p>	<p><b>Starting point</b> 5 years' custody</p> <p><b>Category range</b> 3-6 years' custody</p>	<p><b>Starting point</b> 3 years' custody</p> <p><b>Category range</b> 1-4 years' custody</p>	<p><b>Starting point</b> 1 year's custody</p> <p><b>Category range</b> 26 weeks' –1 year 6 months' custody</p>
<p><b>Category 2</b> £5,000 to £50,000</p> <p>Starting point based on £25,000</p>	<p><b>Starting point</b> 3 years' custody</p> <p><b>Category range</b> 1-4 years' custody</p>	<p><b>Starting point</b> 1 year's custody</p> <p><b>Category range</b> 26 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 13 weeks' custody</p> <p><b>Category range</b> Medium level community order-1</p>

			year's custody
<b>Category 3</b> £500 to £5,000  Starting point based on £2,500	<b>Starting point</b> 36 weeks' custody  <b>Category range</b> 13 weeks'-2 years' custody	<b>Starting point</b> High level community order  <b>Category range</b> Low level community order-1 year's custody	<b>Starting point</b> Medium level community order  <b>Category range</b> Band B fine -13 weeks' custody
<b>Category 4</b> Up to £500  Starting point based on £250	<b>Starting point</b> High level community order  <b>Category range</b> Medium level community order – 1 year's custody	<b>Starting point</b> Medium level community order  <b>Category range</b> Band B fine –13 weeks' custody	<b>Starting point</b> Low level community order  <b>Category range</b> Discharge -High level community order

### Abstracting electricity

Harm	Culpability		
	A	B	C
<b>Greater</b>	<b>Starting point</b> 26 weeks' custody  <b>Category range</b> High level community order -1 year's custody	<b>Starting point</b> 13 weeks' custody  <b>Category range</b> Medium level community order – 26 weeks' custody	<b>Starting point</b> Medium level community order  <b>Category range</b> Low level community order – High level community order
<b>Lesser</b>	<b>Starting point</b> High level community order  <b>Category range</b> Medium level community order-13 weeks' custody	<b>Starting point</b> Medium level community order  <b>Category range</b> Low level community order – High level community order	<b>Starting point</b> Band B fine  <b>Category range</b> Discharge –Low level community order

## Making off without payment

Harm	Culpability		
	A	B	C
<p><b>Category 1</b> £200 and over</p> <p>Starting point based on £500</p>	<p><b>Starting point</b> High level community order</p> <p><b>Category range</b> Medium level community order -9 months custody</p>	<p><b>Starting point</b> Low level community order</p> <p><b>Category range</b> Band C fine -High level community order</p>	<p><b>Starting point</b> Band B fine</p> <p><b>Category range</b> Band A fine- Medium level community order</p>
<p><b>Category 2</b> Up to £200</p> <p>Starting point based on £50</p>	<p><b>Starting Point</b> Medium level community order</p> <p><b>Category range</b> Low level community order- 13 weeks custody</p>	<p><b>Starting Point</b> Band C fine</p> <p><b>Category range</b> Band A fine – High level community order</p>	<p><b>Starting Point</b> Band A fine</p> <p><b>Category range</b> Discharge –Band B fine</p>

## Handling

Harm	Culpability		
	A	B	C
<p><b>Category 1</b> £50,000 or more</p> <p>Starting point based on £250,000</p>	<p><b>Starting point</b> 6 years' custody</p> <p><b>Category range</b> 3-8 years' custody</p>	<p><b>Starting point</b> 3 years' custody</p> <p><b>Category range</b> 1-4 years' custody</p>	<p><b>Starting point</b> 1 year's custody</p> <p><b>Category range</b> 26 weeks' –2 years' custody</p>
<p><b>Category 2</b> £5,000 to £50,000</p> <p>Starting point based on £25,000</p>	<p><b>Starting point</b> 3 years' custody</p> <p><b>Category range</b> 1-4 years' custody</p>	<p><b>Starting point</b> 1 year's custody</p> <p><b>Category range</b> 26 weeks'-2 years 6 months' custody</p>	<p><b>Starting point</b> 13 weeks's custody</p> <p><b>Category range</b> High level community order-1 year's custody</p>
<p><b>Category 3</b> £500 to £5,000</p> <p>Starting point</p>	<p><b>Starting point</b> 36 weeks' custody</p> <p><b>Category range</b></p>	<p><b>Starting point</b> High level community order</p> <p><b>Category range</b></p>	<p><b>Starting point</b> Medium level community order</p> <p><b>Category range</b></p>

based on £2,500	13 weeks'-3 years' custody	Medium level community order-1 year's custody	Band C fine -13 weeks' custody
<b>Category 4</b> Up to £500  Starting point based on £250	<b>Starting point</b> High level community order  <b>Category range</b> Medium level community order – 1 year's custody	<b>Starting point</b> Medium level community order  <b>Category range</b> Band B fine –13 weeks' custody	<b>Starting point</b> Low level community order  <b>Category range</b> Discharge -high level community order

## Going Equipped

Harm	Culpability		
	A	B	C
<b>Greater</b>	<b>Starting point</b> 1 year's custody  <b>Category range</b> 26 weeks' -18 months' custody	<b>Starting point</b> 26 weeks' custody  <b>Category range</b> High level community order – 1 year's custody	<b>Starting point</b> High level community order  <b>Category range</b> Medium level community order – 26 weeks' custody
<b>Lesser</b>	<b>Starting point</b> 26 weeks' custody  <b>Category range</b> High level community order-1 year's custody	<b>Starting point</b> High level community order  <b>Category range</b> Medium level community order – 26 weeks' custody	<b>Starting point</b> Band B fine  <b>Category range</b> Discharge – Medium level community order