

Sentencing Council

Sentencing Council meeting: 25 September 2015
Paper number: SC(15)SEP04 - Robbery
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1 ISSUE

- 1.1 This is the fourth consideration of the guidelines post consultation. The aim is for the guidelines to be signed off at the next Council meeting in October, published in January 2016 and come into force in April 2016. The main purpose of this paper is to confirm that the Council is content with the sentencing levels within each of the guidelines, and to note some minor changes.
- 1.2 The Council will also have the opportunity to see a mock up of the Robbery guidelines as they will appear when published (subject to any further changes made). This is attached at **Annex A**.

2 RECOMMENDATION

The Council is asked to consider

- The sentencing levels set out in each of the guidelines; and
- Whether 'value' should be considered at step 1 or step 2 in the combined street/ less sophisticated commercial robbery guideline.

3 CONSIDERATION

Sentencing Levels

- 3.1 At the June meeting the Council reached broad agreement about the sentencing levels in each of the guidelines, but the Council asked for further work to be undertaken in two areas:
- In the combined street/ less sophisticated commercial robbery guideline - to reconsider the ranges as they appeared to be too broad

- In the professionally planned commercial robbery guideline – to check that the sentence starting point for a category A1 offence is correct and inline with relevant authorities

Street/ less sophisticated commercial robbery guideline

3.2 The ranges have been considered and some proposed changes are set out below in bold red. There are only a small number of changes that can be made in order to narrow the ranges but keep the same starting points. The main factor that affects narrowing the ranges is the upper limit of 12 years in category A1. This is the same upper limit that is in the existing SGC Robbery guideline and the Council may feel that to reduce the maximum sends a message about the Council’s intentions which could affect sentencing practice, and may also be contrary to the message the Council put out in the consultation paper that sentence levels should reflect the serious social problem of offenders carrying knives.

3.3 If the Council agrees that the upper limit of 12 years has to be kept then the range within that category would have to cover a period of at least 6 years. Narrower ranges can be achieved in the other categories though as set out below.

Harm	Culpability		
	A	B	C
Category 1	Starting point 8 years’ custody Category range 7 – 12 years’ custody	Starting point 5 years’ custody Category range 3 – 8 years’ 4-8 years’ custody	Starting point 4 years’ custody Category range 2 - 7 years’ custody 3-6 years’ custody
Category 2	Starting point 5 years’ custody Category range 3 – 8 years’ custody 4-8 years’ custody	Starting point 4 years’ custody Category range 2 - 7 years’ custody 3-6 years’ custody	Starting point 2 years’ custody Category range 1 year – 4 years’ custody
Category 3	Starting point 4 years’ custody Category range 2 - 7 years’ custody 3-6 years’ custody	Starting point 2 years’ custody Category range 1 year – 4 years’ custody	Starting point 1 year custody Category range High Level Community Order – 3 years’ custody

Question 1: Does the Council agree to the amended sentencing ranges for the combined street/ less sophisticated commercial robbery?

Professionally Planned Commercial Robbery

3.4 In June the Council agreed, in principle, to the sentencing starting points and ranges in the professionally planned commercial robbery guideline as set out below.

Harm	Culpability		
	A	B	C
Category 1	Starting point 16 years' custody Category range 12 – 20 years' custody	Starting point 9 years' custody Category range 7 – 14 years' custody	Starting point 5 years' custody Category range 4 – 8 years' custody
Category 2	Starting point 9 years' custody Category range 7 – 14 years' custody	Starting point 5 years' custody Category range 4 – 8 years' custody	Starting point 3 years' custody Category range 2 – 5 years' custody
Category 3	Starting point 5 years' custody Category range 4 – 8 years' custody	Starting point 3 years' custody Category range 2 – 5 years' custody	Starting point 2 year's custody Category range 18 months custody - 4 years' custody

3.5 There was, however, discussion about the upper sentencing starting point- in category A1, of 16 years. Some Council members were concerned that it may not be high enough as some sentences of around 20 years have been imposed for robberies of banks/ building societies or post offices involving firearms.

3.6 I have, therefore, carried out a further analysis of sentencing decisions to ensure that 16 years is appropriate and to find out whether those sentences of around 20 years are only in cases involving a series of robberies. Some key cases are set out below for the Council's consideration.

3.7 The 1975 case of *R v Turner* held that the normal sentence for anyone taking part in a bank robbery, or in the hold up of a security or Post Office van, should be 15 years if firearms were carried and no serious injury done. It has

now been acknowledged, in a number of cases, that this decision is out of date and no longer provides the same level of guidance to sentencing judges as it used to, as terms of imprisonment on conviction of murder and other serious violence offences are higher than they were in 1975 when *Turner* was decided. The following cases, therefore post date *Turner*.

- *R v Thomas and Others* 2011 EWCA Crim1497

K and C, with others, robbed the Graff jewellery store in New Bond Street using converted firearms. To assist their escape a female employee was seized for 40 seconds. £40 million worth of jewellery was stolen and none of it was recovered. No one was injured but death threats were made, and shots were fired at a pursuing car. K and C had no relevant previous convictions. The sentences after trial were **16 year's imprisonment each for conspiracy to rob**, and consecutive sentences for possession of a firearm resulting in K receiving 23 years imprisonment, and C 21 year's imprisonment. It was held that the sentence of 23 years may have been slightly less than it might have been, and the sentence of 21 years was not manifestly excessive.

- *R v Twomey and Others* 2011 EWCA Crim 8

T, H, C and others were involved in a carefully planned and professionally executed armed robbery at a secure warehouse premises. Each of the six robbers was armed with a firearm, one of which was a sub machine gun. More than a dozen employees were rounded up, threatened and restrained. T was sentenced to **20 ½ years' imprisonment** for robbery and 7 years' imprisonment to run concurrently for possession of a firearm with intent to commit robbery: H was sentenced to **17 ½ years imprisonment** for his involvement in the robbery, with 7 years to run concurrent for the firearm, and C was sentenced to **15 ½ years imprisonment** for the robbery, also with 7 years concurrent for possession of a firearm. H & C appealed against their sentence on the basis that the starting point for sentence was too high (based on a reliance of the decision in *R v Turner*), and that the sentences did not adequately reflect personal mitigation. It was held that the 35 year old decision in *R v Turner* is no longer a reliable guide. The sentences in the case of H and C fell within the appropriate bracket of sentence.

- *R v McCartney & Others* 2003 EWCA Crim 1372

During a period of two years 20 armed robberies or attempted armed robberies were committed in the Manchester area. H & M were involved to differing degrees; H was involved in 11 robberies, and sentenced to **22 years imprisonment**, and M was involved in 2 robberies and sentenced to **11 years imprisonment**, to be served consecutively to his existing 8 years sentence for an unrelated offence involving a firearm. The Court of Appeal held these sentences were not manifestly excessive.

- *R v Jenkins & Others* 2008 EWCA Crim 1372

Five robberies had occurred over a six-month period, all involving the use of sawn-off shotguns and were planned and targeted on security guards delivering cash to building societies at night. The guards had been threatened with the guns, one having been hit with the butt of a gun. The issue was whether the starting point of 25 years was too high. The guidance for robberies of this gravity had to be found in cases such as *R. v McCartney* and *R. v Atkinson*, which supported the view that **the maximum sentence for a number of armed robberies where violence was actually used was in the region of 25 years.**

- *R v Atkinson* 2004 EWCA Crim 3223

X and S had been the leaders in arranging a series of armed robberies of sub post offices. There were nine robberies and two attempted robberies, resulting in a total of £424,000 being stolen, but X and S had not participated in all of them. Violence was used on the victims, who were also threatened with guns and knives. X contended that, in view of the authorities, his sentence was manifestly excessive. Held, allowing the appeals, that in **cases of multiple armed robberies, a sentence of 25 years' imprisonment was at the top of the range and should be reserved for the gravest offences.** In the instant case there had been no actual physical injury caused to the victims, and on the facts X's sentence was reduced to 22 years' imprisonment.

- 3.8 The authorities seem to indicate that sentences in the region of 20+ years are reserved for serious multiple robberies. The draft guideline currently provides for a starting point of 16 years imprisonment for an A1 category offence, with a sentencing range of 12 – 20 years, which appears to be appropriate in light of the relevant authorities.

Question 2: Is the Council content with the sentencing starting point and range for a category A1 professionally planned commercial robbery?

Value

- 3.9 At the June Council meeting, when robbery was last on the agenda, the Council was asked to consider the combined street and less sophisticated commercial robbery guideline to decide whether 'value' should be a step 1 harm consideration or a step 2 aggravating feature. The Council could not reach agreement and it was decided that the matter should be brought back at a later date, when there was expected to be a greater number of Council members at the meeting.
- 3.10 The issue around value arose when it was agreed that the street and less sophisticated commercial robbery guidelines should be combined. The benefits of combining the guidelines were that it would avoid confusion about which guideline a sentencer should use in the case of a robbery in a taxi or a robbery on the street, targeting commercial takings; and it meant that the guidelines would operate similarly to the existing SGC guideline which sentencers are familiar with. However by combining the guidelines the Council have been left with the decision of where value should be considered.
- 3.11 When the guidelines were separate the Council was keen that, for street robbery, value should be considered only at step 2, as value is not a key consideration of harm. The main issue when assessing harm in a street robbery case is the effect the robbery has had on the victim, rather than the value of goods taken which is often down to chance.
- 3.12 The guidelines that were subject to public consultation included a separate street robbery guideline; a commercial robbery guideline which covered all forms of commercial robbery; and a dwelling robbery guideline. When the guidelines were arranged in this way value was a step 1 consideration within the commercial robbery guideline, as clearly value is a key factor in professionally planned commercial robberies.
- 3.13 When the Council agreed that the two guidelines should be combined it was suggested that value appear at step 1 with the caveat that it should only be considered in commercial cases. As set out below:-

Harm

The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none">• Serious physical and/or psychological harm caused to the victim• Serious detrimental effect on the business• Very high value goods or sums (whether economic, personal or sentimental) (commercial robberies only)
Category 2	<ul style="list-style-type: none">• Some physical harm caused to the victim• Some psychological harm caused to the victim above the level of harm inherent in the offence of robbery• Some detrimental effect on business• High or medium value goods or sums (whether economic, personal or sentimental) (commercial robberies only)
Category 3	<ul style="list-style-type: none">• Factors in categories 1 and 2 not present

3.14 In June I brought the issue back to the Council to raise some potential concerns with the guideline being drafted in that way. There were three main concerns:

- Treating value differently for street and less sophisticated commercial robberies as above will mean that the Council will need to clearly define the circumstances in which a case would be classed as a street robbery, and when a commercial robbery. The Council spent a long time deliberating over these issues and considering the various scenarios that could potentially fall within either classification (e.g. robbery of a taxi, robbery of a man on the street who is carrying commercial takings, robbery of a pizza delivery man). Ultimately the Council decided that combining the guidelines was the best way to overcome the problem and to ensure that sentencers were consistent with the guideline they used. The benefits of combining the guideline would, therefore, be lost if we adopt the above approach.

- Including value at step 1 with the caveat that it only applies to commercial robberies adds a complexity to the guideline, and a potential for sentencers to misread it and apply the factors incorrectly. In May and June the office undertook a transcript exercise to test out the sentencing levels within each of the guidelines. In that transcript exercise the testers were given this combined street/less sophisticated commercial robbery guideline with value at step 1 and the caveat. However a number of testers overlooked the caveat when working through a street robbery case and considered value at step 1. This was a very small sample size, but does highlight the risks of overly complicating a guideline. The danger is that if sentencers misapply the guideline street robbery sentences could be inflated.
- The existing SGC guideline, which combines street and less sophisticated commercial robbery, includes value as an aggravating factor (at step 2). To change the structure so that value is considered at step 1 for less sophisticated commercial robberies may risk inflating sentences for those types of robberies and may affect sentencing practice.

3.15 Placing value at step 2 for both street and less sophisticated robbery would resolve the above concerns. However, the issue for many members of the Council was that value is a key consideration when sentencing less sophisticated commercial robberies, as most robbers will have chosen their target on the assumption that they would obtain high value goods, and therefore value should be considered at step 1.

3.16 'Value' as a harm factor is intended to capture the harm caused to the business/ organisation as a result of the loss. Another factor within step 1 is 'serious detrimental effect on the business'. Arguably any high value loss to a business would result in serious detriment to that business. The use of this factor perhaps better captures the real harm of a less sophisticated commercial robbery than value would. In addition the wording of this factor would ensure that it would only ever be applicable to a commercial type robbery rather than a street robbery.

3.17 At consultation the Association of Convenience Stores commented that in a commercial robbery of a small business, "the loss of goods or money may be of less significance compared to the time the store needs to close or the cost of supporting the staff thereafter". This supports the idea that harm is better

captured through the 'detriment to business' factor as opposed to an assessment of the value lost.

Question 3: Does the Council agree to move value to a step 2 consideration in the combined street/ less sophisticated commercial robbery guideline?

4 IMPACT

The guidelines were developed based on a careful assessment of current sentencing practice and were then tested via roadtesting with sentencers. The guidelines put to Council today have been tested by a transcript exercise in which the new guideline was tested against real cases that were sentenced in the Crown Court to ensure that the impact of the proposals on the criminal justice system is neutral, and to ensure that the guideline is easy to follow.

5 RISK

The main risk remains the potential for an increase in the prison population if the impact is not accurately assessed, or the problems already identified with the guideline are not addressed.

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Robbery – street and less sophisticated commercial

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment
Maximum: Life imprisonment

Offence range: Community order – 12 years' custody

This guideline applies only to offenders aged 18 and older.

Street/less sophisticated commercial robbery refers to robberies committed in public places, including those committed in taxis or on public transport. It also refers to unsophisticated robberies within commercial premises or targeting commercial goods.

The Sentencing Guidelines Council Robbery Definitive Guideline includes a guideline for sentencing young offenders which continues to be in force.

General principles to be considered in the sentencing of youths are available in the Sentencing Guidelines Council's definitive guideline, *Overarching principles – Sentencing Youths*, which will continue to be in force pending new and updated youth guidance.

Check www.sentencingcouncil.org.uk for amendments to guidance for youth offenders.

STEP ONE**Determining the offence category**

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

The court should weigh all the factors set out below in determining the offender's culpability.

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"> • Use of a weapon to inflict violence • Production of a bladed article or firearm or imitation firearm to threaten violence • Use of very significant force in the commission of the offence • Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation))
B – Medium culpability	<ul style="list-style-type: none"> • Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence • Threat of violence by any weapon (but which is not produced) • Other cases where characteristics for categories A or C are not present
C – Lesser culpability	<ul style="list-style-type: none"> • Involved through coercion, intimidation or exploitation • Threat or use of minimal force • Mental disability where linked to the commission of the offence

Harm

The court should consider the factors set out below to determine the level of harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on the business
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present
Category 3	<ul style="list-style-type: none"> • No/minimal physical or psychological harm • No/minimal detrimental effect on the business

STEP TWO

Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 8 years' custody	Starting point 5 years' custody	Starting point 4 years' custody
	Category range 7 – 12 years' custody	Category range 4 – 8 years' custody	Category range 3 – 6 years' custody
Category 2	Starting point 5 years' custody	Starting point 4 years' custody	Starting point 2 years' custody
	Category range 4 – 8 years' custody	Category range 3 – 6 years' custody	Category range 1 – 4 years' custody
Category 3	Starting point 4 years' custody	Starting point 2 years' custody	Starting point 1 year's custody
	Category range 3 – 6 years' custody	Category range 1 – 4 years' custody	Category range High level community order – 3 years' custody

The table on the next page 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. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability

Involvement of others through coercion, intimidation or exploitation

Prolonged nature of event

Restraint, detention or additional degradation of the victim

Sophisticated organised nature of offence

A leading role where offending is part of a group activity

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

Failure to respond to warnings about behaviour

Timing of the offence

Location of the offence

Attempt to conceal identity (for example, wearing a balaclava or hood)

Commission of offence whilst under the influence of alcohol or drugs

Targeting of large sums of money or valuable goods

High value goods or sums (whether economic, personal or sentimental)

Location of offence also victim's residence

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

Little or no planning

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 for 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**Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

STEP SIX**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 SEVEN**Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT**Reasons**

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

STEP NINE**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.

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Robbery – professionally planned commercial (including banks, shops, businesses)

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment
Maximum: Life imprisonment

Offence range: 18 months' – 20 years' custody

This guideline applies only to offenders aged 18 and older.

Professionally planned commercial robbery refers to robberies involving a significant degree of planning, sophistication or organisation.

STEP ONE**Determining the offence category**

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

The court should weigh all the factors set out below in determining the offender's culpability.

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"> • Use of a weapon to inflict violence • Production of a bladed article or firearm or imitation firearm to threaten violence • Use of very significant force in the commission of the offence • A leading role where offending is part of a group activity • Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation)) • Abuse of position
B – Medium culpability	<ul style="list-style-type: none"> • Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence • Threat of violence by any weapon (but which is not produced) • A significant role where offending is part of a group activity • Other cases where characteristics for categories A or C are not present
C – Lesser culpability	<ul style="list-style-type: none"> • Performed limited function under direction • Involved through coercion, intimidation or exploitation • Threat or use of minimal force • Mental disability where linked to the commission of the offence

Harm

The level of **harm** is determined by weighing up all the factors of the case to determine the harm that has been caused or was intended to be caused to the victim. The victim relates both to the commercial organisation that has been robbed and any individual(s) who has suffered the use or threat of force during the commission of the offence.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Serious detrimental effect on business • Very high value goods or sums (whether economic, personal or sentimental)
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present
Category 3	<ul style="list-style-type: none"> • No/minimal physical or psychological harm • No/minimal detrimental effect on the business • Low value goods or sums (whether economic, personal or sentimental)

STEP TWO**Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of high culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm have been caused.

Where multiple offences or a single conspiracy to commit multiple offences of particular severity have taken place sentences in excess of 20 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 16 years' custody	Starting point 9 years' custody	Starting point 5 years' custody
	Category range 12 – 20 years' custody	Category range 7 – 14 years' custody	Category range 4 – 8 years' custody
Category 2	Starting point 9 years' custody	Starting point 5 years' custody	Starting point 3 years' custody
	Category range 7 – 14 years' custody	Category range 4 – 8 years' custody	Category range 2 – 5 years' custody
Category 3	Starting point 5 years' custody	Starting point 3 years' custody	Starting point 2 years' custody
	Category range 4 – 8 years' custody	Category range 2 – 5 years' custody	Category range 18 months' – 4 years' custody

The table on the next page 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. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability

Involvement of others through coercion, intimidation or exploitation

Restraint, detention or additional degradation of the victim

Prolonged nature of attack

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

Failure to respond to warnings about behaviour

Timing of the offence

Attempt to conceal identity (for example, wearing a balaclava or hood)

Commission of offence whilst under the influence of alcohol or drugs

Targeting of large sums of money or valuable goods (except where considered at step one)

Location of offence also victim's residence

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

STEP THREE**Consider any factors which indicate a reduction for 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**Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

STEP SIX**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 SEVEN**Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT**Reasons**

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

STEP NINE**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.

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Robbery – dwelling

Theft Act 1968 (section 8(1))

This is a serious specified offence for the purposes of section 224 of the Criminal Justice Act 2003.

Triable only on indictment
Maximum: Life imprisonment

Offence range: 1 year's custody – 16 years' custody

This guideline applies only to offenders aged 18 and older.

STEP ONE**Determining the offence category**

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

The court should weigh all the factors set out below in determining the offender's culpability.

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"> • Use of a weapon to inflict violence • Production of a bladed article or firearm or imitation firearm to threaten violence • Use of very significant force in the commission of the offence • Sophisticated organised nature of offence • A leading role where offending is part of a group activity • Offence motivated by, or demonstrating, hostility based on the victim's personal characteristics (for example, sex, race, sexual orientation (or presumed sexual orientation)) • Abuse of position
B – Medium culpability	<ul style="list-style-type: none"> • Production of a weapon other than a bladed article or firearm or imitation firearm to threaten violence • Threat of violence by any weapon (but which is not produced) • A significant role where offending is part of a group activity • Other cases where characteristics for categories A or C are not present
C – Lesser culpability	<ul style="list-style-type: none"> • Performed limited function under direction • Involved through coercion, intimidation or exploitation • Threat or use of minimal force • Very little or no planning • Mental disability where linked to the commission of the offence

Harm

The court should weigh up all the factors set out below to determine the harm that has been caused or was intended to be caused to the victim.

Category 1	<ul style="list-style-type: none"> • Serious physical and/or psychological harm caused to the victim • Very high value of goods (whether economic, sentimental or personal) • Soiling, ransacking or vandalism of property
Category 2	<ul style="list-style-type: none"> • Other cases where characteristics for categories 1 or 3 are not present
Category 3	<ul style="list-style-type: none"> • No/minimal physical or psychological harm • Low value goods or sums (whether economic, personal or sentimental) • Limited damage or disturbance to property

STEP TWO

Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range below. The starting point applies to all offenders irrespective of plea or previous convictions. A case of particular gravity, reflected by multiple features of culpability or harm in step 1, could merit upward adjustment from the starting point before further adjustment for aggravating or mitigating features, set out on the next page.

Consecutive sentences for multiple offences may be appropriate particularly where exceptionally high levels of harm may be caused.

In a case of particular gravity, reflected by extremely serious violence, a sentence in excess of 13 years may be appropriate.

Harm	Culpability		
	A	B	C
Category 1	Starting point 13 years' custody	Starting point 8 years' custody	Starting point 5 years' custody
	Category range 10 – 16 years' custody	Category range 6 – 10 years' custody	Category range 4 – 8 years' custody
Category 2	Starting point 8 years' custody	Starting point 5 years' custody	Starting point 3 years' custody
	Category range 6 – 10 years' custody	Category range 4 – 8 years' custody	Category range 2 – 5 years' custody
Category 3	Starting point 5 years' custody	Starting point 3 years' custody	Starting point 18 months' custody
	Category range 4 – 8 years' custody	Category range 2 – 5 years' custody	Category range 1 – 3 years' custody

The table on the next page 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. In particular, relevant recent convictions are likely to result in an upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range.

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

Victim is targeted due to a vulnerability (or a perceived vulnerability), including but not limited to age, mental or physical disability

Involvement of others through coercion, intimidation or exploitation

Prolonged nature of event

Restraint, detention or additional degradation of the victim

A leading role where offending is part of a group activity

Child or vulnerable person at home (or returns home) when offence committed

Victim compelled to leave their home

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

Failure to respond to warnings about behaviour

Timing of the offence

Attempt to conceal identity (for example, wearing a balaclava or hood)

Commission of offence whilst under the influence of alcohol or drugs

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

STEP THREE**Consider any factors which indicate a reduction for 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**Dangerousness**

The court should consider whether having regard to the criteria contained in Chapter 5 of Part 12 of the Criminal Justice Act 2003 it would be appropriate to impose a life sentence (section 224A) or an extended sentence (section 226A). When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

STEP SIX**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 SEVEN**Compensation and ancillary orders**

In all cases the court should consider whether to make compensation and/or other ancillary orders.

Where the offence involves a firearm or an offensive weapon the court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention order.

STEP EIGHT**Reasons**

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

STEP NINE**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.

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