

# Sentencing Council

**Sentencing Council meeting:** 18 December 2020  
**Paper number:** SC(20)DEC04 – Burglary Revision  
**Lead Council member:** Rebecca Crane  
**Lead officials:** Mandy Banks  
0207 071 5785

## 1 ISSUE

1.1 This is the fourth meeting to discuss the revision of the existing burglary guideline, this meeting will focus on a new draft aggravated burglary guideline and the Council will also be asked to agree sentence ranges across the three guidelines. There is one further scheduled meeting to sign off the guideline in March, at which point a draft resource assessment will also be presented, based on the sentence ranges agreed at this meeting.

## 2 RECOMMENDATION

2.1 That the Council:

- Considers a new version of an aggravated burglary guideline
- Considers and agrees the sentence levels across the guidelines

## 3 CONSIDERATION

### *Aggravated burglary guideline*

3.1 A new version of the aggravated burglary guideline has been developed with the input of Rebecca, and is attached at **Annex A**. The existing guideline can be seen [here](#). Council may recall from the meeting in July that the evaluation showed that the guideline contributed to the unanticipated increases seen in sentencing severity for aggravated burglary offences (although this finding should be treated with caution due to low volume of cases, (190 in 2019). The quantitative analysis conducted showed that offenders have been receiving longer sentences since the guideline came into force, and the qualitative work indicated that the harm and

culpability factors in the guideline caused the majority of cases to fall into category 1. In the post CCSS (Crown Court Sentencing Survey) data around 70% were put into category 1.

3.2 It may be helpful to set out that burglary can be committed in two ways:

- *s.9(1)(a)-trespass with intent to steal or intent to do GBH or intent to do criminal damage*
- *s.9(1)(b)-trespass and then steals/attempts to steal, or inflict GBH/attempt to inflict GBH*

It becomes an **aggravated burglary if at the time of committing the burglary he has with him a firearm/weapon of offence/explosive.**

3.3 In thinking about this guideline Rebecca was concerned as to whether all the factors for aggravated burglary are captured, and whether the guideline addresses the different ways the offence can be committed; theft or GBH, also intent re theft or GBH or actually stealing/inflicting GBH.

3.4 The CPS were contacted to ask about charging decisions: whether in aggravated burglary cases, if physical harm/injury is caused, would there always be separate assault charges brought. The response was that a separate assault charge would usually be preferred (at the relevant level for the assault inflicted) if physical harm/injury is caused.

3.5 If the Council wanted to, thought could be given to try and differentiate between the different ways that the offence could be committed. Potentially a high culpability factor '*intent to cause GBH*', could be added as a more serious version of the offence, with '*intent to steal*', added as a medium culpability factor. However, this may complicate things as this wouldn't capture actual GBH or actual theft. It may be simplest not to try and differentiate in this way.

3.6 The existing guideline has '*weapon present on entry*' as a high culpability factor. However this factor has given rise to some concerns, following the issues raised in *Sage*<sup>1</sup> of potential double counting. Considerable thought has been given to these issues by Rebecca, with the conclusion that, given the low volumes of cases it may apply to (only 190 aggravated burglary cases in total in 2019) the most pragmatic solution is to omit the factor. Also, to some extent it may already be covered by the planning factor.

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<sup>1</sup> [AG's Ref Sage \[2019\] EWCA Crim 934](#), [2019] 2 Cr App R (S) 50, paras 38 and 45

**Question 1: Does the Council agree not to include ‘weapon present on entry’?  
Does the Council agree not to include factors to try and differentiate between  
actual/intent to steal and actual/intent to cause GBH?**

3.7 The Council may also like to consider differentiating between different types of weapon within culpability. For example, in high culpability there could be ‘*highly dangerous weapon e.g firearm, blade, axe*’, and in medium culpability there could be ‘*all other weapons*’. This is to differentiate between more dangerous weapons, such as a gun which would fall into high culpability, and weapons such as a screwdriver, which would fall into medium.

3.8 However, developing such factors may not be as straightforward as it might appear- for example, where would an imitation firearm go, and would an unloaded firearm be in A or B? The definition of ‘*weapon of offence*’ is ‘*any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use*’. Again, it may be simplest not to try and differentiate between types of weapons.

**Question 2: Does the Council wish to differentiate between different types of  
weapon in the culpability levels?**

3.9 There are some additional differences between this guideline and the domestic and non-domestic ones Council have already considered. In culpability there is no lower culpability factor of ‘*offence committed on impulse, with limited intrusion into property*’ as there is in the other two, as for this offence trespassing and having a weapon are hard to describe as an impulsive act. It is proposed there is no ‘*equipped for burglary*’ factor for this offence as the offender will have a weapon for this offence.

3.10 At the last meeting on the domestic burglary guideline the Council agreed ‘*targeting of vulnerable victim*’ to cover cases where for example, elderly victims are targeted. For this offence targeting could be wider than just vulnerable victims, but the Council have previously discussed concerns that a factor relating generally to targeting could capture too many cases in category one. Therefore, it is recommended that this factor remains fairly tightly worded, to capture only the more serious cases of a vulnerable victim targeted.

3.11 It is also proposed for this offence that there is a variation on the harm factors agreed at the last meeting for domestic burglary of ‘*much greater emotional impact on the victim than would be normally be expected*’ in category one and so on. This is because for this offence arguably the factors need to be more about

physical/psychological injury, so in category 1 harm it is proposed '*substantial physical or psychological injury or other substantial impact on the victim*', '*some psychological injury or other some other impact on the victim*', in category 2 and '*limited psychological injury or other limited impact on the victim*' in category 3.

3.12 This is very similar wording to that in the existing guideline, except the word trauma has been replaced with impact, as Council had previously expressed concern at the word trauma. All cases where there was physical injury would go into category 1, given the factor '*victim at home or on the premises (or returns) while offender present*' is also in category 1, as there can be no physical injury if the victim is not present. There could still be psychological injury and other impact caused to the victim by the offending even if the victim wasn't present during the offence, so there is still reference to this in category 2 and 3 harm. To consider different levels of physical injury the factor relating to the victim being at home/on premises in category 1 would need to be reworded.

3.13 There are no category 3 harm factors covering such features as nothing stolen or limited damage caused to property as there is in the other two. This is because the previous Council wanted to avoid the potential for a case where there was a significant threat to the victim but no theft resulted, because the offender couldn't get into the safe etc, being regarded as lesser harm. Instead there is a mitigating factor of '*nothing stolen/property of low value*'.

**Question 3: is the Council content with the proposed harm factors?**

3.14 It is proposed that there is an additional aggravating factor of '*use of a disguise*' for situations where offenders have used masks/balaclavas, etc. The offence can be committed either in a dwelling or a non-dwelling but it is not suggested that the guideline draws a distinction between the two. However, if the Council felt a distinction should be drawn, because it is worse if it is in a dwelling as this is someone's home where they expect to feel safe and so on, there could be an aggravating factor of '*offence committed in a dwelling*'.

**Question 4: Does the Council wish to include the aggravating factor of 'use of a disguise' and/or 'offence committed in a dwelling'?**

3.15 The Council are also asked to consider the proposed draft sentence ranges for this offence, which are based on current sentencing practice, which can be seen on tabs 3.1-3.3 of **Annex B**. This tells us that the majority of offenders, 91%, were

sentenced to immediate custody, 9% were otherwise dealt with<sup>2</sup>. The ACSL in 2019 was 7 years 4 months (post guilty plea) the estimated pre-guilty plea in 2019 was 9 years 2 months. The breakdown of sentence lengths can be seen on tab 3.1.

3.16 When the existing guideline was developed, the Council considered the sentence ranges in relation to robbery, in particular robbery in a dwelling. Since then in 2016 the Council produced a new robbery guideline. The top of the range now for robbery in a dwelling is 16 years' custody (starting point of 13 years, bottom of the range 10 years). However, the Council should note that as part of the 'Cumulative Impacts' project,<sup>3</sup> robbery came out as one of the two offences that have been associated with the largest increases in prison places of all the guidelines evaluated to date. As it is estimated that only 19 offenders received a sentence of over 13 years (prior to guilty plea reduction) in 2019<sup>4</sup>, it is proposed that the top of the range is maintained, at 13 years, as in the existing guideline.

**Question 5: What is the Council's view of the draft sentence ranges?**

*Domestic and non- domestic burglary*

3.17 Similarly to aggravated burglary, thought has been given as to whether these two guidelines fully capture all the ways the offence can be committed, or if they have been drafted with the focus primarily on stealing. There are a number of ways to commit either a dwelling or non-dwelling burglary:

- a. Enter as a trespasser; and
- b. One of the following:
  - i. Steals
  - ii. Attempts to steal
  - iii. Intends to steal
  - iv. Inflicts GBH [trespass plus either s.20 or s.18 GBH]

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<sup>2</sup> The category 'Otherwise dealt with' usually includes a wide range of other miscellaneous disposals, including (amongst others) hospital orders, restraining orders; confiscation orders; and compensation.. However, on further inspection it appears that for at least some of the offenders in the 'Otherwise dealt with' category in the data (including all offenders in the 'Otherwise dealt with' category in 2019), their disposal may have been incorrectly recorded. It is not possible to determine what sentence was actually imposed in these cases, but the Statistics team will investigate this issue with the MoJ analysts who manage the database.

<sup>3</sup> This is one of the projects that the Council has undertaken as part of its 10-year anniversary, and for which initial findings were presented at the January and March 2020 Council meetings. The project seeks to estimate the cumulative impact of its guidelines that have been evaluated to date on sentencing severity and on the need for prison places, as well as comparing findings to the impact expected when the guidelines were published. A paper summarising the findings of this project will be circulated to the Council in due course, prior to publishing in early 2021.

<sup>4</sup> One additional offender received an indeterminate/life sentence.

- v. Attempts to inflict GBH [trespass plus attempted s.18 GBH]
- vi. Intends to inflict GBH [trespass plus intending to commit s.18 GBH]

3.18 The CPS were asked about charging decisions in these cases if injury was caused. The response was that if there was actual violence or threats of violence in order to effect a theft then cases would probably be charged as a robbery rather than burglary. If it was a burglary with intent to inflict GBH (rather than theft) then assault charges would be an alternative rather than an addition. In conclusion it seems as if there would not be many cases charged as burglary which involved actual physical injury that didn't have additional assault charges.

3.19 If the Council feel that the current drafts do not sufficiently reflect GBH burglaries, one option may be to say that these guidelines are only where there is stealing/attempt to steal/intent to steal and where there is GBH courts should look at the assault guidelines.

***Question 6: Does the Council wish to make any changes to the domestic/non domestic guidelines as a result of the issues raised above? And/or should there be a reference to the assault guidelines for the GBH type cases?***

*Domestic burglary*

3.20 The Council are asked to consider and indicate if they are content with the proposed sentence ranges in the guideline. These have been developed based on current sentencing practice, which can be seen on tabs 2.1-2.3 in **Annex B**. The ACSL in 2019 is 28.6 months post guilty plea, 39.4 months is the estimated ACSL for a pre-guilty plea in 2019).

3.21 Currently 88% of offenders receive custody (immediate and suspended sentences combined),<sup>5</sup> with 9% getting a community order. Of those receiving immediate custody, 12% received one year or less, 20% between one to two years, 16% between two to three years, 25% between three to four years, 14% between four to five years, and 7% between five to six years. 7% received sentences over six years.<sup>6</sup> Therefore the proposed top of the range is six years custody, the same as in the existing guideline. The bottom of the range stays the same, starting at a low level community order, as the amounts currently receiving a fine or discharge are less than one percent.

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<sup>5</sup> These and some other figures throughout this paper may appear to differ very slightly to those in the data tables. This is because some unrounded figures sum to different totals than if you summed the rounded figures in the tables.

<sup>6</sup> Sentence lengths are pre-guilty plea

3.22 The evaluation of the original guideline showed that the guideline may have had a slight effect on increasing severity: more offenders are now placed in category one; the custody rate in category one has been increasing; and greater harm/culpability factors are taken into account more often than their counterparts (seen from the 2012-2015 CCSS data).

3.23 The rest of the amendments agreed at the last meeting to the domestic burglary have been agreed, and can be seen in in **Annex C**.

**Question 7: Does the Council agree with the draft sentence ranges?**

*Non-domestic burglary*

3.24 The draft guideline is attached at **Annex D**. The sentence ranges again have been based on current sentencing data, which can be seen on tabs 1.1-1.3 of **Annex B**. This tells us that the post guilty plea ACSL in 2019 was 11 months' custody and the estimated pre-guilty plea ACSL was 16 months. 66% of offenders who received an immediate custodial sentence were given a sentence of one year or less, 13% between one to two years, 10% between two to three years, 5% between three to four years, 2% between 4 and 5 years, and 3% over five years. The top of the range at 5 years, is the same as in the existing guideline.

3.25 The Council may recall from the discussion in July that the evaluation of the existing guideline showed that there had been a steep increase in sentencing severity for non- domestic burglary, which had not been anticipated. It seems the increases were primarily driven by an increase in severity in the magistrates' courts, where both the ACSL and custody rate have been increasing. At that meeting the Council said that in revising the guideline it wished to look at sentencing at the lower end for this offence, and to try to encourage more community sentences. Between 2010 and 2019 the proportion of offenders receiving community orders decreased from 41% to 22%.

3.26 Previously the Council rejected a suggestion to include reference to alcohol treatment requirements (ATR's) and Drug Treatment Requirements (DRR's) and said there should just be a link to the Imposition guideline. The current [guideline](#) includes a reference to DRR's. The Council are respectfully asked if it would reconsider this decision. A high proportion of offenders commit these offences due to drug/alcohol addiction, so including specific text on community orders with ATR's and DRR's would encourage sentencers to think about these options, as it does in the shop theft guideline.

3.27 Including the text within the guideline rather than asking sentencers to refer to the Imposition guideline, even if they are familiar with it, will be quicker and give the wording on ATR's/DRR's more prominence. The text that is currently in shop theft is shown below - it is proposed that this text should also be included in non-domestic burglary instead of the link to Imposition. This text also appears in the general theft and criminal damage guidelines.

*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 [part 10](#), or an alcohol treatment requirement under [part 11](#), of Schedule 9 of the Sentencing Code may be a proper alternative to a short or moderate custodial sentence.*

**Question 8: Does the Council agree with the proposed sentence ranges?**

**Question 9: Does the Council agree to include text relating to ATR's and DRR's for non -domestic burglary?**

#### **4. EQUALITIES**

- 4.1 The additional demographic tables that were requested at the last meeting on ethnicity data broken down by sentence types, ACSLs and sentence length can be seen at **Annex B**. Age and sex were not requested, but as we plan to publish these extra breakdowns in future they have also been included. Ethnicity in these tables is still 'perceived ethnicity' but we will be moving over to self-identified ethnicity when the tables are published. Perceived and self- identified ethnicities were found to be similar but with 'self- identified' there is the extra 'Mixed' ethnicity group.
- 4.2 Below are some of the key features to mention on the additional ethnicity tables (seen at **Annex B**). Overall, the statistics suggest that while Black, Asian and Other ethnicity offenders received more severe sentences for some of the measures<sup>7</sup>, this was not consistently the case, and for some measures, White offenders received the most severe penalties. This suggests that for burglary offences overall, the evidence for disparities in sentencing is not as clear as it appeared to be for firearms or drug offences. Note that all figures quoted below are for adult offenders sentenced in 2019, and ACSLs are for final sentences, after any reduction for a guilty plea:

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<sup>7</sup> 'Measures' refers to the two main statistics that are being compared: the proportion of offenders sentenced to immediate custody, and the average custodial sentence length, and the fact that they are compared for the three burglary offences.



- a. For non-domestic burglary, Black, Asian and 'other ethnicity'<sup>8</sup> adults had a higher proportion sentenced to immediate custody (58%, 58% and 61% respectively) compared with White adults (54%). The ACSL varied slightly across the different groups: 9 months for Black offenders, 10 months for Asian offenders, 11 months for White offenders and 13 months for other ethnicity offenders.
- b. For domestic burglary offences, the 'other ethnicity' group had the highest proportion being sentenced to immediate custody (81%), followed by White offenders (77%), Asian offenders (76%) and Black offenders (69%). However, the 'other ethnicity' group had the lowest ACSL at 25.2 months, compared with around 28 months for Black and Asian offenders and 29 months for White offenders.
- c. For aggravated burglary offences, 96% of Black offenders were sentenced to immediate custody<sup>9</sup> whereas this proportion was 92% for White offenders. The remainder of each group were 'otherwise dealt with'. However, due to issues identified with the 'Otherwise dealt with' category for this offence, these differences may not be a true reflection of sentencing outcomes.<sup>10</sup> The ACSL for White offenders was the highest at 8.4 years compared to 7.6 years for Black offenders, 6.0 years for Asian offenders and 5.9 years for other ethnicity offenders.

**Question 10: Does the Council have any comments on the new data?**

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<sup>8</sup> 'Other ethnicity' includes those who were perceived as having Chinese, Japanese, south east Asian and Middle eastern ethnicities as well as those whose ethnicity could not be perceived by the police officer as White, Black or Asian.

<sup>9</sup> Care should be taken with these numbers as they were based on 23 black adults sentenced for aggravated burglary in 2019.

<sup>10</sup> See footnote 2 for further details.

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## Annex A

# Aggravated burglary

**Theft Act 1968 (section 10)**

**Triable only on indictment**

**Maximum: Life imprisonment**

**Offence range: x – xx years' custody**

This is a [Schedule 19](#) offence for the purposes of sections [274](#) and section [285](#) (required life sentence for offence carrying life sentence) of the Sentencing Code.

This is a specified offence for the purposes of sections [266](#) and [279](#) (extended sentence for certain violent, sexual or terrorism offences) of the Sentencing Code.

## STEP ONE

### Determining the offence category

The court should determine the offence category with reference only to the factors in the table 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. **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**

<b>Culpability</b> demonstrated by one or more of the following:	
<b>A-</b> High Culpability	<ul style="list-style-type: none"><li>• Targeting of vulnerable victim</li><li>• A significant degree of planning or organisation</li><li>• <b>Highly dangerous weapon e.g firearm, blade, axe</b></li></ul>
<b>B-</b> Medium culpability	<ul style="list-style-type: none"><li>• Some degree of planning or organisation</li><li>• <b>All other weapons</b></li><li>• Other cases that fall between categories A and C because:<ul style="list-style-type: none"><li>○ Factors are present in A and C which balance each other out <b>and/or</b></li><li>○ The offender's culpability falls between the factors described in A and C</li></ul></li></ul>
<b>C-</b> Lower culpability	<ul style="list-style-type: none"><li>• Involved through coercion, intimidation or exploitation</li><li>• Mental disorder or learning disability, where linked to the commission of the offence</li></ul>

## Harm

**The level of harm is assessed by weighing up all the factors of the case**

Category 1	<ul style="list-style-type: none"><li>• <b>Substantial physical or psychological injury or other substantial impact on the victim</b></li><li>• Victim at home or on the premises (or returns) while offender present</li><li>• Violence used or threatened against the victim, particularly involving a weapon</li><li>• Theft of/damage to property causing a substantial degree of loss to the victim (whether economic, commercial or personal value)</li><li>• Soiling of property and/or extensive damage or disturbance to property</li><li>• Context of public disorder</li></ul>
Category 2	<ul style="list-style-type: none"><li>• <b>Some psychological injury or some other impact on the victim</b></li></ul>

	<ul style="list-style-type: none"> <li>• Theft of/damage to property causing some degree of loss to the victim (whether economic, commercial or personal value)</li> <li>• Ransacking or vandalism to the property</li> </ul>
Category 3	<ul style="list-style-type: none"> <li>• No violence used or threatened and a weapon is not produced</li> <li>• Limited psychological injury or other limited impact on the victim</li> </ul>

## 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 conditions

Harm	Culpability		
	A	B	C
Category 1	<p><b>Starting Point</b> 10 years' custody</p> <p><b>Category Range</b> 9 -13 years' custody</p>	<p><b>Starting Point</b> 8 years' custody</p> <p><b>Category Range</b> 6 -11 years' custody</p>	<p><b>Starting Point</b> 6 year's custody</p> <p><b>Category Range</b> 4 – 9 years' custody</p>
Category 2	<p><b>Starting Point</b> 8 years' custody</p> <p><b>Category Range</b> 6 -11 years' custody</p>	<p><b>Starting Point</b> 6 year's custody</p> <p><b>Category Range</b> 4– 9 years' custody</p>	<p><b>Starting Point</b> 4 years' custody</p> <p><b>Category Range</b> 2-6 year's custody</p>
Category 3	<p><b>Starting Point</b> 6 year's custody</p> <p><b>Category Range</b> 4-9 years' custody</p>	<p><b>Starting Point</b> 4 years' custody</p> <p><b>Category Range</b> 2-6 years custody</p>	<p><b>Starting Point</b> 2 years custody</p> <p><b>Category Range</b> 1-4 years custody</p>

<https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/imposition-of-community-and-custodial-sentences/>

Below is a **non-exhaustive** list of additional elements providing the context of the offence and factors relating to the offender. Identify whether a combination of these or other relevant factors should result in any 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
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity

*Other aggravating factors:*

- Use of disguise
- Child at home (or returns home) when offence committed
- Offence committed at night
- Abuse of power and/or position of trust
- Restraint, detention or additional gratuitous degradation of the victim
- Vulnerable victim (where not captured at category one)
- Victim compelled to leave their home
- Offence was committed as part of a group
- Offences taken into consideration
- Any steps taken to prevent the victim reporting the incident or obtaining assistance and/or from assisting or supporting the prosecution
- Offence committed on licence or post sentence supervision or while subject to court order(s)
- Commission of offence whilst under the influence of alcohol or drugs
- Established evidence of community impact

**Factors reducing seriousness or reflecting personal mitigation**

- Nothing stolen or only property of low value to the victim (whether economic, commercial or personal)
- Offender has made voluntary reparation to the victim
- The offender was in a lesser or subordinate role if acting with others/performed limited role under direction
- No previous convictions **or** no relevant/recent convictions
- Remorse
- Good character and/or exemplary conduct
- Determination, and/or demonstration of steps taken to address addiction or offending behaviour
- Physical disability or serious medical conditions requiring urgent, intensive or long-term treatment
- Mental disorder or learning disability, where not linked to the commission of the offence
- Age and/or lack of maturity
- Delay since apprehension
- Sole or primary carer for dependent relatives

**STEP THREE****Consider any factors which indicate a reduction for assistance to the prosecution**

The court should take into account section 74 of the Sentencing Code (reduction in sentence for assistance to prosecution) 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 73 of the Sentencing Code and the *Reduction in Sentence for a Guilty Plea* guideline. Where a minimum sentence is imposed under section 314 of the Sentencing Code, the sentence must not be less than 80 percent of the appropriate custodial period after any reduction for a guilty plea.

**STEP FIVE****Dangerousness**

The court should consider whether having regard to the criteria contained in [Chapter 6 of Part 10 of the Sentencing Code](#) it would be appropriate to impose a life sentence (sections [274](#) and [285](#)) or an extended sentence (sections [266](#) and [279](#)). 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 in accordance with the Totality guideline.

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

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

**STEP EIGHT****Reasons**

Section 52 of the Sentencing Code imposes a duty to give reasons for, and explain the effect of, the sentence.

**STEP NINE****Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003 and section 325 of the Sentencing Code.

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**Non-domestic burglary**

- Tab 1.1 Sentencing volumes, types of disposal, Severity, ACSLs and Sentence lengths. (CPD data) - 2009-2019
- Tab 1.2 Post guideline Seriousness. (CCSS data)
- Tab 1.3 Post guideline factors. (CCSS data)
- Tab 1.4 Demographic breakdowns - Sentencing volumes (CPD data) -2019
- Tab 1.5 Demographic breakdowns - Types of disposal (CPD data) - 2019
- Tab 1.6 Demographic breakdowns - ACSLs (CPD data) -2019
- Tab 1.7 Demographic breakdowns - Sentence lengths (CPD data) - 2019

**Domestic burglary**

- Tab 2.1 Sentencing volumes, types of disposal, Severity, ACSLs and Sentence lengths. (CPD data) - 2009-2019
- Tab 2.2 Post guideline Seriousness. (CCSS data)
- Tab 2.3 Post guideline factors. (CCSS data)
- Tab 2.4 Demographic breakdowns - Sentencing volumes (CPD data) -2019
- Tab 2.5 Demographic breakdowns - Types of disposal (CPD data) - 2019
- Tab 2.6 Demographic breakdowns - ACSLs (CPD data) -2019
- Tab 2.7 Demographic breakdowns - Sentence lengths (CPD data) - 2019

**Aggravated burglary**

- Tab 3.1 Sentencing volumes, types of disposal, Severity, ACSLs and Sentence lengths. (CPD data) - 2009-2019
- Tab 3.2 Post guideline Seriousness. (CCSS data)
- Tab 3.3 Post guideline factors. (CCSS data)
- Tab 3.4 Demographic breakdowns - Sentencing volumes (CPD data) -2019
- Tab 3.5 Demographic breakdowns - Types of disposal (CPD data) - 2019
- Tab 3.6 Demographic breakdowns - ACSLs (CPD data) -2019
- Tab 3.7 Demographic breakdowns - Sentence lengths (CPD data) - 2019

## Sentencing trends for non-domestic burglary, 2009-2019<sup>1</sup>

Number and proportion of adult offenders sentenced for non-domestic burglary, by court type, 2009-2019

Court type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Magistrates' court	5,699	5,848	6,394	5,468	4,995	4,414	3,942	3,856	4,031	3,703	3,364
Crown Court	1,757	1,789	2,103	2,195	2,043	2,139	2,094	1,849	1,771	1,759	1,879
<b>Total</b>	<b>7,456</b>	<b>7,637</b>	<b>8,497</b>	<b>7,663</b>	<b>7,038</b>	<b>6,553</b>	<b>6,036</b>	<b>5,705</b>	<b>5,802</b>	<b>5,462</b>	<b>5,243</b>

Court type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Magistrates' court	76%	77%	75%	71%	71%	67%	65%	68%	69%	68%	64%
Crown Court	24%	23%	25%	29%	29%	33%	35%	32%	31%	32%	36%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

The number of offenders sentenced for non-domestic burglary has decreased from a high of 8,500 in 2011 to 5,200 in 2019. In 2019, 64 per cent of offenders were sentenced in magistrates' courts.

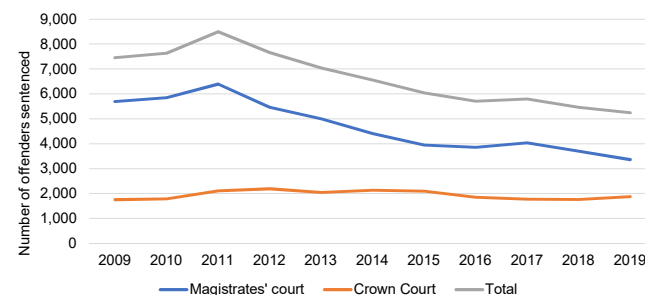
Number and proportion of adult offenders sentenced for non-domestic burglary, by sentence outcome, all courts, 2009-2019

Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Absolute discharge	4	5	5	3	4	4	10	6	5	2	1
Conditional discharge	350	324	350	230	205	226	187	133	97	107	90
Fine	255	318	340	234	218	259	205	168	188	157	113
Community sentence	3,023	3,107	3,187	2,526	1,911	1,462	1,375	1,132	1,122	1,163	1,147
Suspended sentence	956	1,014	1,158	1,072	1,169	1,209	1,227	1,211	1,205	1,034	912
Immediate custody	2,747	2,736	3,281	3,347	3,150	3,004	2,911	2,980	3,109	2,896	2,881
Otherwise dealt with	121	133	176	251	381	389	121	75	76	103	99
<b>Total</b>	<b>7,456</b>	<b>7,637</b>	<b>8,497</b>	<b>7,663</b>	<b>7,038</b>	<b>6,553</b>	<b>6,036</b>	<b>5,705</b>	<b>5,802</b>	<b>5,462</b>	<b>5,243</b>

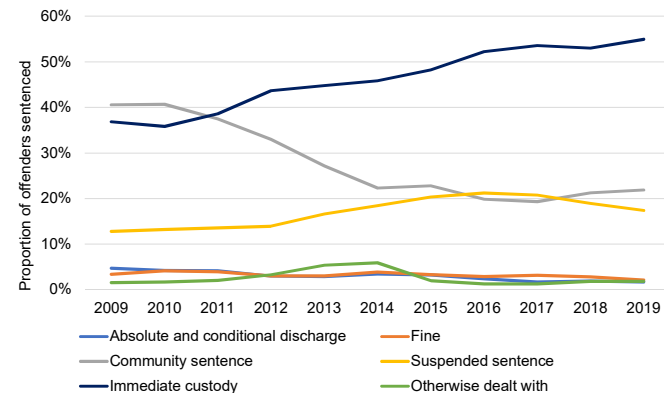
Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Absolute and conditional discharge	5%	4%	4%	3%	3%	4%	3%	2%	2%	2%	2%
Fine	3%	4%	4%	3%	3%	4%	3%	3%	3%	3%	2%
Community sentence	41%	41%	38%	33%	27%	22%	23%	20%	19%	21%	22%
Suspended sentence	13%	13%	14%	14%	17%	18%	20%	21%	21%	19%	17%
Immediate custody	37%	36%	39%	44%	45%	46%	48%	52%	54%	53%	55%
Otherwise dealt with	2%	2%	2%	3%	5%	6%	2%	1%	1%	2%	2%

Between 2010 and 2017, the proportion of offenders receiving a CO decreased from 41 per cent to 19 per cent. In 2018 and 2019 this increased slightly, to 21 and 22 per cent. The proportion of offenders receiving a custodial sentence (either immediate or suspended) increased during the period 2010 and 2017, and has since remained stable. In 2019, 17 per cent of offenders were given a suspended sentence, and 55 per cent were sentenced to immediate custody.

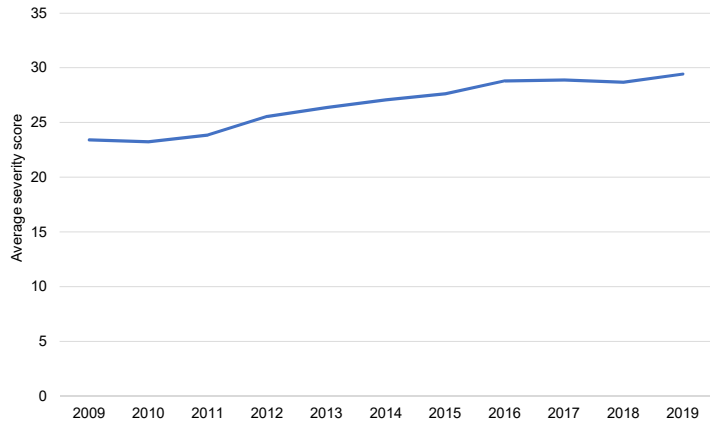
Number of adult offenders sentenced for non-domestic burglary, by court type, 2009-2019



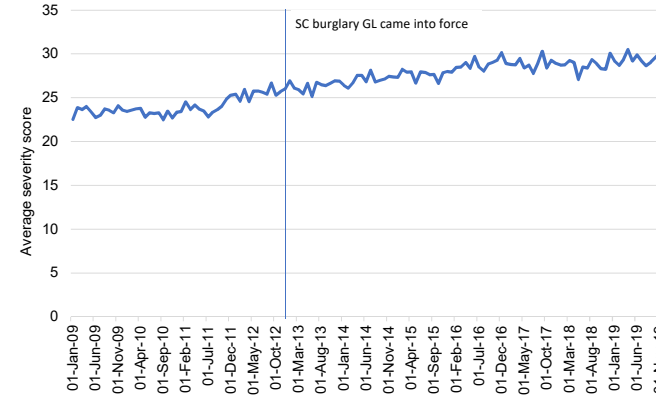
Sentence outcomes for adult offenders sentenced for non-domestic burglary, all courts, 2009-2019



Average sentencing severity per year for adult offenders sentenced for non-domestic burglary, all courts, 2009-2019

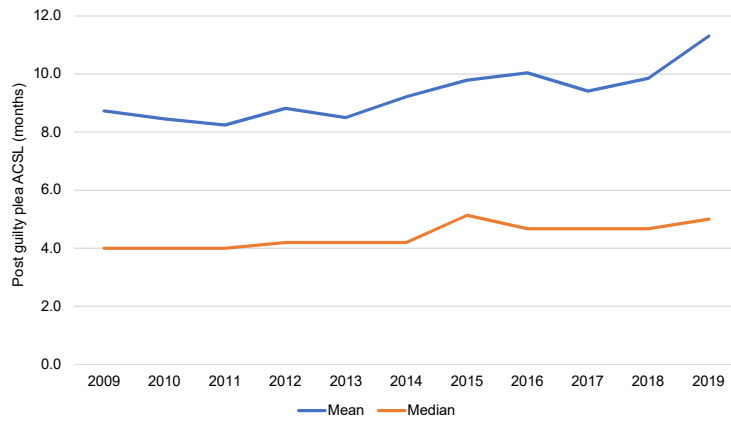


Average sentencing severity per month for adult offenders sentenced for non-domestic burglary, all courts, 2009-2019

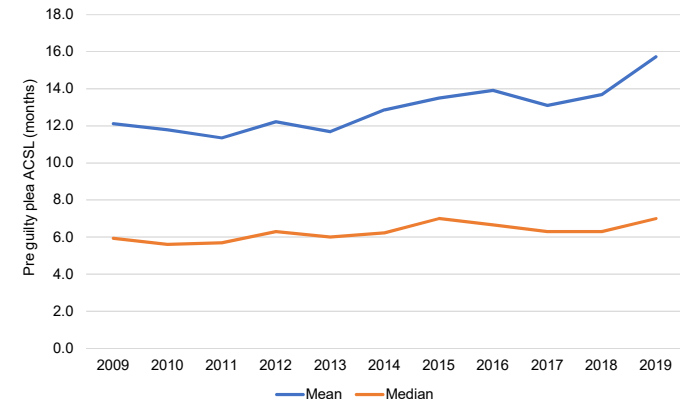


Between 2010 and 2016 there was an upward trend in sentence severity, which appears to have been driven by an increase in the proportion of offenders receiving a custodial sentence (either immediate or suspended), and a reduction in the proportion of offenders receiving a CO. Severity remained stable between 2016 and 2018 but in 2019 started to rise again.

Post guilty plea ACSLs received by adult offenders sentenced to immediate custody for non-domestic burglary, all courts, 2009-2019



Estimated ACSLs (pre guilty plea) received by adult offenders sentenced to immediate custody for non-domestic burglary, all courts, 2009-2019



Information is displayed for both the mean and median average custodial sentence lengths (ACSLs). Over time the ACSL (mean) has increased, from 8 months in 2011 to 11 months in 2019 (post guilty plea).

**Sentence length bands (post guilty plea) received by adult offenders sentenced to immediate custody for non-domestic burglary, all courts, 2009-2019**

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1 year or less	2,222	2,282	2,714	2,702	2,587	2,352	2,238	2,263	2,413	2,203	2,090
Between 1 and 2 years	331	247	359	416	352	413	412	434	422	399	438
Between 2 and 3 years	109	125	120	133	128	138	160	175	188	200	211
Between 3 and 4 years	56	39	44	59	46	71	63	57	50	65	66
Between 4 and 5 years	12	26	25	17	22	15	25	25	22	17	37
More than 5 years	17	17	19	20	15	15	13	26	14	12	39
<b>Total</b>	<b>2,747</b>	<b>2,736</b>	<b>3,281</b>	<b>3,347</b>	<b>3,150</b>	<b>3,004</b>	<b>2,911</b>	<b>2,980</b>	<b>3,109</b>	<b>2,896</b>	<b>2,881</b>

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1 year or less	81%	83%	83%	81%	82%	78%	77%	76%	78%	76%	73%
Between 1 and 2 years	12%	9%	11%	12%	11%	14%	14%	15%	14%	14%	15%
Between 2 and 3 years	4%	5%	4%	4%	4%	5%	5%	6%	6%	7%	7%
Between 3 and 4 years	2%	1%	1%	2%	1%	2%	2%	2%	2%	2%	2%
Between 4 and 5 years	0%	1%	1%	1%	1%	0%	1%	1%	1%	1%	1%
More than 5 years	1%	1%	1%	1%	0%	0%	0%	1%	0%	0%	1%

Over time, the proportion of offenders receiving a final sentence of 1 year or less has declined, and a higher proportion now receive sentences between 2 and 3 years.

**Sentence length bands (pre guilty plea) received by adult offenders sentenced to immediate custody for non-domestic burglary, all courts, 2009-2019**

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1 year or less	1,985	2,043	2,442	2,402	2,353	2,130	1,991	2,044	2,213	2,009	1,903
Between 1 and 2 years	386	362	449	527	423	414	445	429	369	368	372
Between 2 and 3 years	195	135	200	208	183	249	249	263	282	267	289
Between 3 and 4 years	69	81	81	99	98	94	115	116	130	130	156
Between 4 and 5 years	46	47	48	44	36	48	53	61	67	70	61
Between 5 and 6 years	40	30	30	39	29	44	34	22	22	27	32
Between 6 and 7 years	9	16	14	7	11	7	8	15	9	6	22
More than 7 years	17	22	17	21	17	18	16	30	17	19	46
<b>Total</b>	<b>2,747</b>	<b>2,736</b>	<b>3,281</b>	<b>3,347</b>	<b>3,150</b>	<b>3,004</b>	<b>2,911</b>	<b>2,980</b>	<b>3,109</b>	<b>2,896</b>	<b>2,881</b>

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1 year or less	72%	75%	74%	72%	75%	71%	68%	69%	71%	69%	66%
Between 1 and 2 years	14%	13%	14%	16%	13%	14%	15%	14%	12%	13%	13%
Between 2 and 3 years	7%	5%	6%	6%	6%	8%	9%	9%	9%	9%	10%
Between 3 and 4 years	3%	3%	2%	3%	3%	3%	4%	4%	4%	4%	5%
Between 4 and 5 years	2%	2%	1%	1%	1%	2%	2%	2%	2%	2%	2%
Between 5 and 6 years	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Between 6 and 7 years	0%	1%	0%	0%	0%	0%	0%	1%	0%	0%	1%
More than 7 years	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	2%

Source: Court Proceedings Database, Ministry of Justice

Note:

1) Excludes youths, and custodial sentences of over 10 years (the statutory maximum for this offence)

## Sentence outcomes and ACSLs for non-domestic burglary offences (post-guideline), Crown Court, 2012 Q2 - 2015 Q1<sup>1,2</sup>

### Offenders placed in each offence category (level of seriousness)

Seriousness	2012 Q234 (n=749)	2013 (n=1,108)	2014 (n=1,238)	2015 Q1 (n=282)
Level 1 (most)	28%	29%	36%	35%
Level 2	46%	49%	47%	51%
Level 3 (least)	26%	22%	17%	14%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Based on the most recent data available, 35 per cent of offenders currently fall in the highest category of seriousness, and 14% fall in the lowest category.

### Offence category 1 (most serious)

#### Proportion of offenders receiving each sentence outcome

Sentence outcome	2012 Q234 (n=211)	2013 (n=325)	2014 (n=450)	2015 Q1 (n=98)
Immediate custody	85%	82%	83%	74%
SSO	11%	18%	17%	24%
CO	4%	1%	0%	1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

In category 1 there has been a decrease in the use of immediate custody over time, and an increase in SSOs. The ACSL in category 1 has remained relatively stable since the guideline came into force, and was around 1 year 10 months in 2015 Q1 (post guilty plea) or 2 years 6 months pre guilty plea (note: the starting point for this category is 2 years).

#### Post guilty plea ACSLs for offenders sentenced to immediate custody

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	24.2	23.9	23.5	21.5
Median	21.0	20.0	22.0	21.0

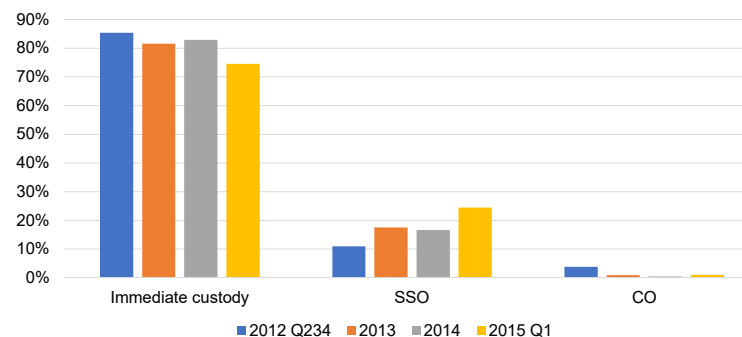
#### Pre guilty plea ACSLs for offenders sentenced to immediate custody

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	33.6	33.2	32.8	29.7
Median	29.9	28.0	29.9	26.9

### Offence categories in Sentencing Council non-domestic burglary definitive guideline

Offence Category	Starting Point (Applicable to all offenders)	Category Range (Applicable to all offenders)
Category 1	2 years' custody	1–5 years' custody
Category 2	18 weeks' custody	Low level community order – 51 weeks' custody
Category 3	Medium level community order	Band B fine – 18 weeks' custody

### Proportion of adult offenders, by sentence outcome, category 1 (most serious), 2012 to 2015



	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	2.0	2.0	2.0	1.8
Median	1.8	1.7	1.8	1.8

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	2.8	2.8	2.7	2.5
Median	2.5	2.3	2.5	2.2

### Offence category 2 (middle category)

#### Proportion of offenders receiving each sentence outcome

Sentence outcome	2012 Q234	2013	2014	2015 Q1
	(n=347)	(n=541)	(n=577)	(n=144)
Immediate custody	58%	60%	59%	60%
SSO	29%	30%	30%	31%
CO	11%	10%	11%	8%
Conditional discharge	0%	0%	0%	0%
Other	1%	0%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

The proportion of offenders placed in category 2 has fluctuated between 46 and 51 per cent since the guideline came into force. Both the use of disposal types and the ACSL in category 2 have remained broadly stable over time.

#### Post guilty plea ACSLs for offenders sentenced to immediate custody

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	13.0	11.1	10.9	11.6
Median	12.0	9.0	9.0	9.0

#### Pre guilty plea ACSLs for offenders sentenced to immediate custody

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	18.5	15.7	15.4	16.0
Median	17.9	11.9	11.9	11.9

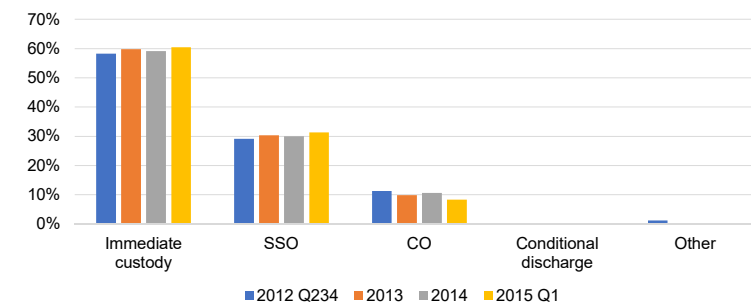
### Offence category 3 (least serious)

#### Proportion of offenders receiving each sentence outcome

Sentence outcome	2012 Q234	2013	2014	2015 Q1
	(n=191)	(n=242)	(n=211)	(n=40)
Immediate custody	46%	43%	49%	55%
SSO	18%	25%	22%	15%
CO	35%	29%	27%	28%
Fine	0%	1%	0%	0%
Conditional discharge	1%	2%	0%	0%
Other	0%	0%	1%	3%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

In category 3, the various disposal types and the ACSL have fluctuated over time.

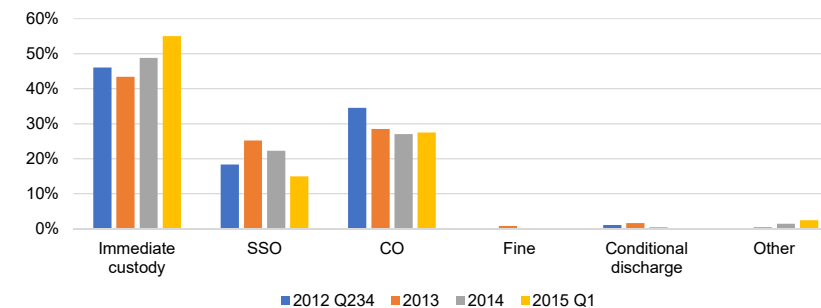
Proportion of adult offenders, by sentence outcome, category 2 (middle category), 2012 to 2015



	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	1.1	0.9	0.9	1.0
Median	1.0	0.8	0.8	0.8

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	1.5	1.3	1.3	1.3
Median	1.5	1.0	1.0	1.0

Proportion of adult offenders, by sentence outcome, category 3 (least serious), 2012 to 2015



**Post guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	8.9	7.7	8.3	5.8
Median	8.0	6.0	6.0	4.0

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	0.7	0.6	0.7	0.5
Median	0.7	0.5	0.5	0.3

**Pre guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	12.5	11.0	11.5	7.9
Median	10.6	9.0	8.6	5.3

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	1.0	0.9	1.0	0.7
Median	0.9	0.7	0.7	0.4

Source: Crown Court Sentencing Survey

**Notes:**

1) Excludes youths, and custodial sentences of over 10 years (the statutory maximum for this offence).

2) The CCSS response rate for the period 1 April - 31 December 2012 was 58%. In 2013 and 2014, the response rates were 60% and 64%, respectively. From 1 January - 31 March 2015 the response rate was 58%.

Frequency of factors for non-domestic burglary offences (post-guideline), Crown Court, 2012 Q2 - 2015 Q1<sup>1,2,3</sup>

	2012 Q234	2013	2014	2015 Q1		
Total forms included in analysis:	910	1,293	1,392	330		
So 10% is approximately:	91	129	139	33		
And 1% is approximately:	9	13	14	3		
<b>Factors indicating greater harm</b>						
Theft of/damage to property causing significant degree of loss	30%	31%	35%	32%	This has consistently been the most frequently used greater harm factor.	
Soiling/ransacking/vandalism of property	11%	11%	10%	12%		
Victim on/returns to premises while offender present	7%	9%	11%	8%		
Significant physical/psychological injury or trauma	2%	2%	2%	1%		
Violence used/threatened particularly involving a weapon	2%	1%	2%	2%		
Context of general public disorder	12%	3%	1%	0%		
None stated	52%	54%	53%	53%		
<b>Factors indicating lesser harm</b>						
No physical/psychological injury or trauma:	17%	16%	16%	12%		
No violence used/threatened and a weapon not produced	18%	16%	18%	15%		
Nothing stolen or of very low value	17%	18%	16%	13%		
Limited damage/disturbance to property	14%	15%	15%	16%		
None stated	66%	67%	67%	73%		
<b>Factors indicating higher culpability</b>						
Deliberately targeted	33%	33%	38%	30%	This factor has been used frequently over time.	
Significant degree of planning	23%	27%	35%	29%		
Weapon present on entry or carried	2%	2%	1%	2%	This factor has been used frequently over time.	
Equipped for burglary	25%	25%	32%	30%		
Member of group or gang	31%	31%	36%	33%	This factor has been used frequently over time.	
None stated	44%	43%	35%	36%		
<b>Factors indicating lower culpability</b>						
Offender exploited by others:	2%	2%	3%	3%	Most frequently used lower culpability factor.	
Offence committed on impulse/limited intrusiveness	9%	10%	8%	7%		
Mental disorder/learning disability where linked to the offence	1%	1%	1%	0%		
None stated	88%	88%	90%	90%		
<b>Factors increasing seriousness</b>						
<i>Statutory aggravating factors:</i>						
Previous relevant conviction:	70%	74%	80%	76%	High proportion of cases with previous convictions.	
Offence committed on bail	8%	7%	6%	5%		
None stated	28%	25%	19%	23%		
<i>Other aggravating factors include:</i>						
Child at home/returns	0%	1%	0%	0%	Frequently used aggravating factor.	
Committed at night	21%	24%	29%	23%		
Abuse of power/trust	2%	2%	2%	2%		
Gratuitous degradator	0%	0%	0%	0%		
Steps taken to prevent reporting/assisting prosecution	0%	0%	0%	0%		
Established evidence of community impact	3%	2%	3%	2%		
Offender was under the influence of alcohol/drug	12%	11%	13%	11%		
Failure to comply with current court order:	16%	12%	13%	15%		
On licence	9%	10%	11%	10%		
TIC's	4%	7%	5%	2%		
High level of gain/level of profit element/financially motivated offence	1%	0%	0%	1%		
Multiple/previous attempts at same type of offence	2%	1%	0%	1%		
Speed of reoffending	0%	1%	1%	0%		
No factors stated	49%	51%	48%	49%		
<b>Factors reducing seriousness or reflecting personal mitigation</b>						
Made voluntary reparation	0%	1%	1%	1%		Most frequently used mitigating factor.
Subordinate role in group or gang	7%	5%	7%	6%		
No previous relevant conviction:	7%	7%	6%	5%		
Remorse	16%	18%	15%	16%		
Good character/exemplary conduct	5%	4%	3%	2%		
Determination/demonstration to address addiction/behaviour	10%	11%	9%	13%		
Serious medical condition:	2%	2%	2%	3%		
Age/lack of maturity affecting responsibility:	6%	5%	3%	3%		
Lapse of time not fault of offender	2%	1%	1%	1%		
Mental disorder/learning disability where not linked to the commission of the offence	3%	2%	2%	2%		
Sole/primary career for dependant relatives	2%	2%	1%	3%		
Nothing stolen or of very little value	12%	9%	9%	8%		
Long gap between offences/lived legally in-between reoffending	1%	1%	0%	0%		
Suffering stress/under pressure at time of offence/family problems at time of offence	1%	1%	0%	0%		
Property recovered	0%	1%	0%	1%		
Is an addict	0%	0%	1%	1%		
Co-operation with authorities	1%	1%	0%	1%		
Offender responding well to existing order/sentence	1%	1%	1%	0%		
Currently in, or prospects of work/training	0%	0%	1%	1%		
No Factors stated	58%	62%	62%	62%		

Source: Crown Court Sentencing Survey

Notes:

- 1) Excludes youths, and custodial sentences of over 10 years (the statutory maximum for this offence).
- 2) In some cases, sentencers wrote additional factors in a free-text box on the form. These have been included in the table above if the proportion was at least 1% in more than one period. These factors have been highlighted in orange.
- 3) Factors in blue are those which are not specifically listed in the non-domestic burglary guideline, but were on the CCSS form, because they were in either the domestic or aggravated burglary guidelines.
- 4) The factor 'Nothing stolen or of very little value' is not actually a mitigating factor in the non-domestic burglary guideline (it is a lesser harm factor). It is, however, a mitigating factor for aggravated burglary, and therefore appeared in two places on the CCSS form (which covered all types of burglary). It was therefore possible for sentencers to tick this factor twice.



Demographics of adult offenders sentenced for Non-domestic Burglary, by sex, age and perceived ethnicity, 2019

Sex	Number of adults sentenced	Percentage of all adults sentenced <sup>1</sup>
Male	4,994	96
Female	208	4
Not recorded/not known	41	
<b>Total</b>	<b>5,243</b>	<b>100</b>

96% of those sentenced were male

Age Group	Number of adults sentenced	Percentage of all adults sentenced
18 to 21 years	378	7
22 to 29 years	1,004	19
30 to 39 years	2,118	40
40 to 49 years	1,430	27
50 to 59 years	284	5
60 years or older	28	1
Not recorded/not known	1	
<b>Total</b>	<b>5,243</b>	<b>100</b>

40% of the adults sentenced were in the 30 to 39 age group.

Perceived Ethnicity <sup>2</sup>	Number of adults sentenced	Percentage of all adults sentenced <sup>1</sup>
White	4,009	88
Black	358	8
Asian	125	3
Other	64	1
Not recorded/not known	687	
<b>Total</b>	<b>5,243</b>	<b>100</b>

88% of adults sentenced had 'white' recorded as their perceived ethnicity.

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) Percentage calculations do not include cases where the sex, age or perceived ethnicity was unknown.
- 2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

Number and proportion of adult offenders sentenced for non-domestic burglary, by gender, age and perceived ethnicity and sentence outcome, 2019

Number of adults sentenced								Proportion of adults sentenced							
Sex	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	Total	Sex	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
Male	81	107	1060	857	2797	92	<b>4994</b>	Male	2%	2%	21%	17%	56%	2%	<b>100%</b>
Female	9	4	78	44	68	5	<b>208</b>	Female	4%	2%	38%	21%	33%	2%	<b>100%</b>
Not recorded/not known	1	2	9	11	16	2	<b>41</b>	Not recorded/not known	2%	5%	22%	27%	39%	5%	<b>100%</b>
Age Group	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	Total	Age Group	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
18 to 21 years	20	16	152	58	121	11	<b>378</b>	18 to 21 years	5%	4%	40%	15%	32%	3%	<b>100%</b>
22 to 29 years <sup>2</sup>	13	35	221	181	539	16	<b>1005</b>	22 to 29 years <sup>2</sup>	1%	3%	22%	18%	54%	2%	<b>100%</b>
30 to 39 years	29	30	395	346	1287	31	<b>2118</b>	30 to 39 years	1%	1%	19%	16%	61%	1%	<b>100%</b>
40 to 49 years	18	23	300	272	785	32	<b>1430</b>	40 to 49 years	1%	2%	21%	19%	55%	2%	<b>100%</b>
50 to 59 years	9	8	74	52	132	9	<b>284</b>	50 to 59 years	3%	3%	26%	18%	46%	3%	<b>100%</b>
60 years or older	2	1	5	3	17	0	<b>28</b>	60 years or older	7%	4%	18%	11%	61%	0%	<b>100%</b>
Not recorded /not known	0	0	0	0	0	0	<b>0</b>	Not recorded /not known	-	-	-	-	-	-	<b>-</b>
Perceived Ethnicity <sup>3</sup>	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	Total	Perceived Ethnicity <sup>3</sup>	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
White	66	86	922	684	2179	72	<b>4009</b>	White	2%	2%	23%	17%	54%	2%	<b>100%</b>
Black	9	5	60	70	209	5	<b>358</b>	Black	3%	1%	17%	20%	58%	1%	<b>100%</b>
Asian	1	2	28	19	72	3	<b>125</b>	Asian	1%	2%	22%	15%	58%	2%	<b>100%</b>
Other	1	0	13	8	39	3	<b>64</b>	Other	2%	0%	20%	13%	61%	5%	<b>100%</b>
Not recorded/not known	14	20	124	131	382	16	<b>687</b>	Not recorded/not known	2%	3%	18%	19%	56%	2%	<b>100%</b>

Source: Court Proceedings Database, Ministry of Justice

Footnotes.

1) The category 'Otherwise dealt with' includes: one day in police cells; disqualification order; restraining order; confiscation order; travel restriction order; disqualification from driving; recommendation for deportation; compensation; and other miscellaneous disposals.

2) The 22-29 age group includes an adult whose age was unknown.

3) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

**Average custodial sentence lengths (ACSL) received by adult offenders sentenced for non-domestic burglary, by sex, age and perceived ethnicity, 2019**

<b>Gender</b>	<b>ACSL (months)<sup>1</sup></b>	
	<b>Mean</b>	<b>Median</b>
Male	11.5	5.4
Female	6.9	3.7
Not recorded/not known	3.23	3.03

<b>Age</b>	<b>Mean</b>	<b>Median</b>
18 to 21 years	13.1	6.0
22 to 29 years	12.5	6.0
30 to 39 years	11.4	4.7
40 to 49 years	10.0	5.1
50 to 59 years	11.0	4.7
60 years or older	20.2	9.0
Not recorded /not known	-	-

<b>Perceived Ethnicity<sup>2</sup></b>	<b>Mean</b>	<b>Median</b>
White	11.3	4.7
Black	8.8	4.0
Asian	9.8	4.7
Other	13.0	8.0
Not recorded/not known	13.0	7.5

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) Excludes life and indeterminate sentences.
- 2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

**Sentence lengths received by adult offenders sentenced to immediate custody for non-domestic burglary, by gender, age and perceived ethnicity, 2019**

Sex	Number of adults sentenced to each sentence length (years) <sup>1</sup>							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
Male	2018	428	209	66	37	13	26	<b>2797</b>
Female	56	10	2	0	0	0	0	<b>68</b>
Not recorded /not known	16	0	0	0	0	0	0	<b>16</b>

Age Group	Number of adults sentenced to each sentence length (years) <sup>1</sup>							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
18 to 21 years	83	21	10	2	1	1	3	<b>121</b>
22 to 29 years	365	97	45	10	14	4	4	<b>539</b>
30 to 39 years	938	186	93	35	14	7	14	<b>1287</b>
40 to 49 years	597	113	49	15	8	1	2	<b>785</b>
50 to 59 years	98	19	9	4	0	0	2	<b>132</b>
60 years or older	9	2	5	0	0	0	1	<b>17</b>
Not recorded /not known	-	-	-	-	-	-	-	-

Perceived Ethnicity <sup>2</sup>	Number of adults sentenced to each sentence length (years) <sup>1</sup>							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
White	1590	327	151	50	32	7	22	<b>2179</b>
Black	168	24	10	3	2	1	1	<b>209</b>
Asian	56	8	3	4	1	0	0	<b>72</b>
Other	24	8	5	2	0	0	0	<b>39</b>
Not recorded /not known	252	71	42	7	2	5	3	<b>382</b>

Sex	Proportion of adults sentenced to each sentence length (years)							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
Male	72%	15%	7%	2%	1%	0%	1%	<b>100%</b>
Female	82%	15%	3%	0%	0%	0%	0%	<b>100%</b>
Not recorded /not known	100%	0%	0%	0%	0%	0%	0%	<b>100%</b>

Age Group	Proportion of adults sentenced to each sentence length (years)							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
18 to 21 years	69%	17%	8%	2%	1%	1%	2%	<b>100%</b>
22 to 29 years	68%	18%	8%	2%	3%	1%	1%	<b>100%</b>
30 to 39 years	73%	14%	7%	3%	1%	1%	1%	<b>100%</b>
40 to 49 years	76%	14%	6%	2%	1%	0%	0%	<b>100%</b>
50 to 59 years	74%	14%	7%	3%	0%	0%	2%	<b>100%</b>
60 years or older	53%	12%	29%	0%	0%	0%	6%	<b>100%</b>
Not recorded /not known	-	-	-	-	-	-	-	-

Perceived Ethnicity <sup>2</sup>	Proportion of adults sentenced to each sentence length (years)							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
White	73%	15%	7%	2%	1%	0%	1%	<b>100%</b>
Black	80%	11%	5%	1%	1%	0%	0%	<b>100%</b>
Asian	78%	11%	4%	6%	1%	0%	0%	<b>100%</b>
Other	62%	21%	13%	5%	0%	0%	0%	<b>100%</b>
Not recorded /not known	66%	19%	11%	2%	1%	1%	1%	<b>100%</b>

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Less than 1 year' includes sentence lengths less than and equal to 1 year, and '1 to 2' includes sentence lengths over 1 year, and up to and including 2 years.

2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

## Sentencing trends for domestic burglary, 2009-2019

Number and proportion of adult offenders sentenced for domestic burglary, by court type, 2009-2019

Court type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Magistrates' court	2,034	2,237	2,321	1,903	1,508	1,256	1,035	989	921	720	598
Crown Court	7,638	8,272	8,759	8,357	8,183	7,500	6,370	5,261	4,914	4,399	4,053
<b>Total</b>	<b>9,672</b>	<b>10,509</b>	<b>11,080</b>	<b>10,260</b>	<b>9,691</b>	<b>8,756</b>	<b>7,405</b>	<b>6,250</b>	<b>5,835</b>	<b>5,119</b>	<b>4,651</b>

Court type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Magistrates' court	21%	21%	21%	19%	16%	14%	14%	16%	16%	14%	13%
Crown Court	79%	79%	79%	81%	84%	86%	86%	84%	84%	86%	87%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Domestic burglary volumes have decreased from a high of 11,100 in 2011 down to 4,700 in 2019. In 2019 87 per cent of offenders were sentenced in the Crown Court.

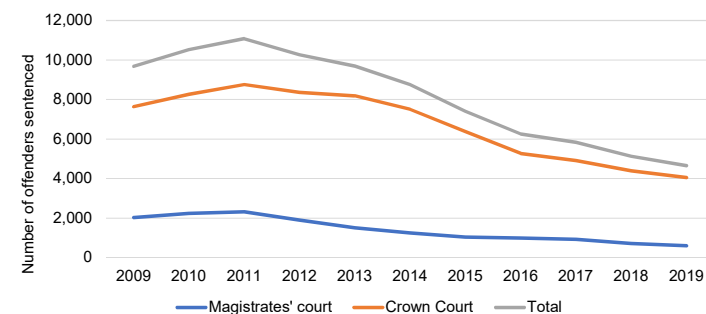
Number and proportion of adult offenders sentenced for domestic burglary, by sentence outcome, all courts, 2009-2019

Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Absolute discharge	3	4	1	0	2	2	1	5	0	3	5
Conditional discharge	84	99	81	57	44	57	47	32	35	29	25
Fine	29	44	32	34	38	41	38	21	18	18	16
Community sentence	1,913	2,116	2,010	1,648	1,181	895	740	529	451	459	423
Suspended sentence	1,408	1,571	1,561	1,494	1,547	1,524	1,352	962	805	653	546
Immediate custody	6,137	6,575	7,300	6,925	6,737	6,086	5,149	4,637	4,453	3,875	3,563
Otherwise dealt with	98	100	95	102	142	151	78	64	73	82	73
<b>Total</b>	<b>9,672</b>	<b>10,509</b>	<b>11,080</b>	<b>10,260</b>	<b>9,691</b>	<b>8,756</b>	<b>7,405</b>	<b>6,250</b>	<b>5,835</b>	<b>5,119</b>	<b>4,651</b>

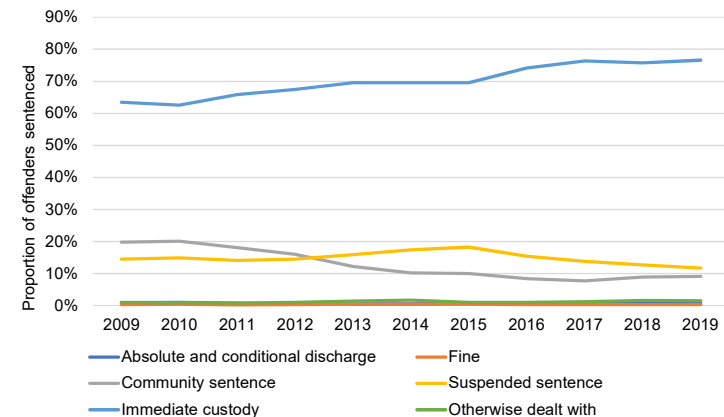
Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Absolute and conditional discharge	1%	1%	1%	1%	0%	1%	1%	1%	1%	1%	1%
Fine	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%
Community sentence	20%	20%	18%	16%	12%	10%	10%	8%	8%	9%	9%
Suspended sentence	15%	15%	14%	15%	16%	17%	18%	15%	14%	13%	12%
Immediate custody	63%	63%	66%	67%	70%	70%	70%	74%	76%	76%	77%
Otherwise dealt with	1%	1%	1%	1%	1%	2%	1%	1%	1%	2%	2%

Over the last decade there has been a gradual increase in the proportion of offenders sentenced to immediate custody, and in 2019 the proportion sentenced to immediate custody was 77 per cent. The proportion of offenders receiving suspended sentences increased during the period 2012 to 2015, but has since been decreasing, with 12 per cent of offenders receiving an SSO in 2019. The proportion receiving COs decreased in the period 2008 to 2017, but increased slightly in 2018, where it remains in 2019 at 9 per cent.

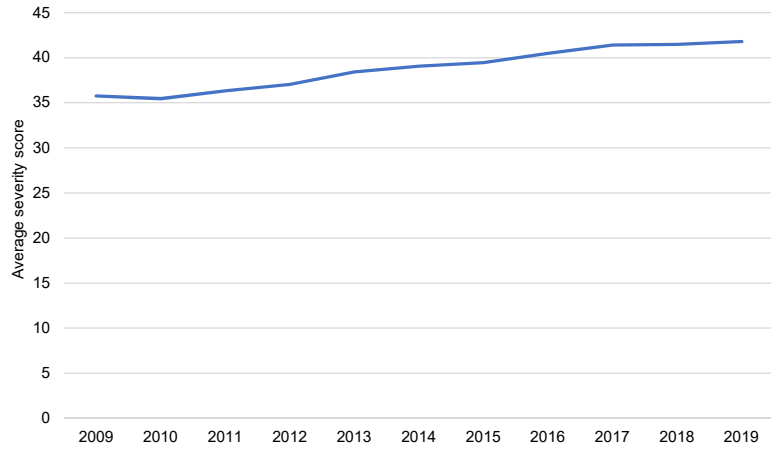
Number of adult offenders sentenced for domestic burglary, by court type, 2009-2019



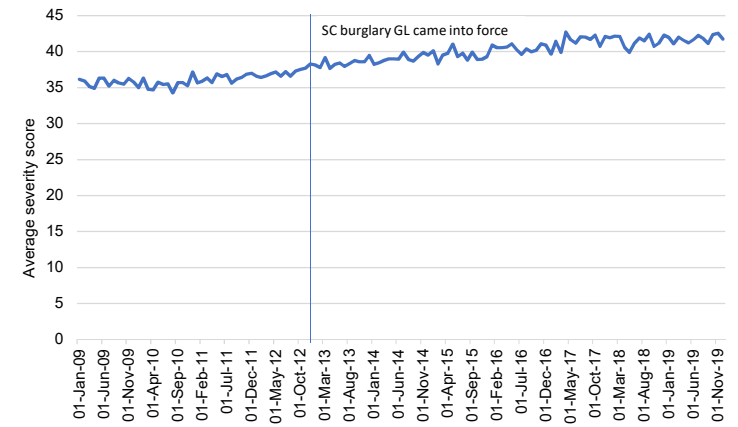
Sentence outcomes for adult offenders sentenced for domestic burglary, all courts, 2009-2019



Average sentencing severity per year for adult offenders sentenced for domestic burglary, all courts, 2009-2019

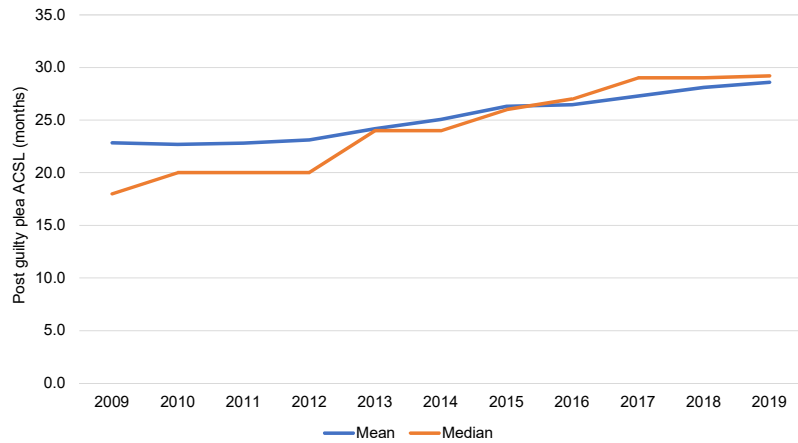


Average sentencing severity per month for adult offenders sentenced for domestic burglary, all courts, 2008-2018

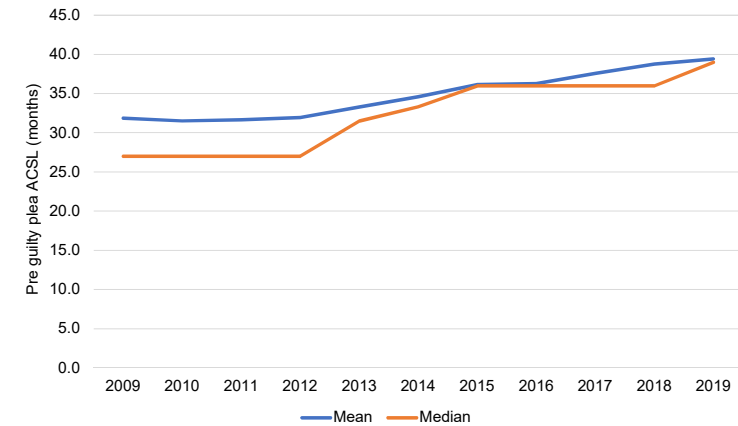


Over time there has been an upward trend in sentence severity, which appears to have been driven by an increase in the proportion of offenders sentenced to immediate custody, and an increase in ACSL.

Post guilty plea ACSLs received by adult offenders sentenced to immediate custody for domestic burglary, all courts, 2009-2019



Estimated ACSLs (pre guilty plea) received by adult offenders sentenced to immediate custody for domestic burglary, all courts, 2009-2019



Information is displayed for both the mean and median average custodial sentence lengths (ACSLs). Over time the ACSL (mean) has increased, from 22.8 months in 2011 to 28.6 months in 2019 (post guilty plea).

**Sentence length bands (post guilty plea) received by adult offenders sentenced to immediate custody for domestic burglary, all courts, 2009-2019**

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1 year or less	2,014	2,120	2,400	2,205	1,968	1,687	1,347	1,187	1,041	848	760
Between 1 and 2 years	1,787	1,958	2,085	1,891	1,762	1,558	1,214	1,095	1,018	893	778
Between 2 and 3 years	1,529	1,699	1,850	1,894	2,037	1,858	1,635	1,482	1,476	1,265	1,218
Between 3 and 4 years	548	553	678	651	690	652	605	572	611	536	490
Between 4 and 5 years	166	143	170	179	175	183	192	164	185	180	169
Between 5 and 6 years	54	61	73	65	55	87	84	83	76	95	79
More than 6 years	39	41	44	40	50	61	72	54	46	58	69
<b>Total</b>	<b>6,137</b>	<b>6,575</b>	<b>7,300</b>	<b>6,925</b>	<b>6,737</b>	<b>6,086</b>	<b>5,149</b>	<b>4,637</b>	<b>4,453</b>	<b>3,875</b>	<b>3,563</b>

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1 year or less	33%	32%	33%	32%	29%	28%	26%	26%	23%	22%	21%
Between 1 and 2 years	29%	30%	29%	27%	26%	26%	24%	24%	23%	23%	22%
Between 2 and 3 years	25%	26%	25%	27%	30%	31%	32%	32%	33%	33%	34%
Between 3 and 4 years	9%	8%	9%	9%	10%	11%	12%	12%	14%	14%	14%
Between 4 and 5 years	3%	2%	2%	3%	3%	3%	4%	4%	4%	5%	5%
Between 5 and 6 years	1%	1%	1%	1%	1%	1%	2%	2%	2%	2%	2%
More than 6 years	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	2%

Over time, the proportion of offenders receiving a final sentence of 1 year or less has declined, and a higher proportion now receive sentences between 2 and 4 years.

**Sentence length bands (pre guilty plea) received by adult offenders sentenced to immediate custody for domestic burglary, all courts, 2009-2019**

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1 year or less	1,129	1,203	1,353	1,313	1,178	980	771	699	623	481	425
Between 1 and 2 years	1,684	1,829	2,027	1,827	1,626	1,439	1,169	991	915	741	706
Between 2 and 3 years	1,179	1,266	1,360	1,209	1,227	1,068	865	822	737	721	554
Between 3 and 4 years	964	1,096	1,220	1,318	1,420	1,351	1,164	1,065	1,025	870	897
Between 4 and 5 years	628	648	728	720	726	693	614	561	616	536	492
Between 5 and 6 years	359	337	384	329	352	301	301	273	308	277	245
Between 6 and 7 years	62	64	70	70	85	77	92	80	85	95	94
Between 7 and 8 years	65	61	81	84	59	87	78	62	77	71	76
More than 8 years	67	71	77	55	64	90	95	84	67	83	74
<b>Total</b>	<b>6,137</b>	<b>6,575</b>	<b>7,300</b>	<b>6,925</b>	<b>6,737</b>	<b>6,086</b>	<b>5,149</b>	<b>4,637</b>	<b>4,453</b>	<b>3,875</b>	<b>3,563</b>

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
1 year or less	18%	18%	19%	19%	17%	16%	15%	15%	14%	12%	12%
Between 1 and 2 years	27%	28%	28%	26%	24%	24%	23%	21%	21%	19%	20%
Between 2 and 3 years	19%	19%	19%	17%	18%	18%	17%	18%	17%	19%	16%
Between 3 and 4 years	16%	17%	17%	19%	21%	22%	23%	23%	23%	22%	25%
Between 4 and 5 years	10%	10%	10%	10%	11%	11%	12%	12%	14%	14%	14%
Between 5 and 6 years	6%	5%	5%	5%	5%	5%	6%	6%	7%	7%	7%
Between 6 and 7 years	1%	1%	1%	1%	1%	1%	2%	2%	2%	2%	3%
Between 7 and 8 years	1%	1%	1%	1%	1%	1%	2%	1%	2%	2%	2%
More than 8 years	1%	1%	1%	1%	1%	1%	2%	2%	2%	2%	2%

Source: Court Proceedings Database, Ministry of Justice

Note:

1) Excludes youths, and custodial sentences of over 14 years (the statutory maximum for this offence)

## Sentence outcomes and ACSLs for domestic burglary offences (post-guideline), Crown Court, 2012 Q2 - 2015 Q1<sup>1,2</sup>

### Offenders placed in each offence category (level of seriousness)

Seriousness	2012 Q234 (n=2,902)	2013 (n=4,418)	2014 (n=4,362)	2015 Q1 (n=899)
Level 1 (most)	30%	33%	35%	32%
Level 2	54%	54%	54%	57%
Level 3 (least)	16%	13%	10%	11%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

### Offence categories in Sentencing Council domestic burglary definitive guideline

Offence Category	Starting Point (Applicable to all offenders)	Category Range (Applicable to all offenders)
Category 1	3 years' custody	2–6 years' custody
Category 2	1 year's custody	High level community order – 2 years' custody
Category 3	High Level Community Order	Low level community order – 26 weeks' custody

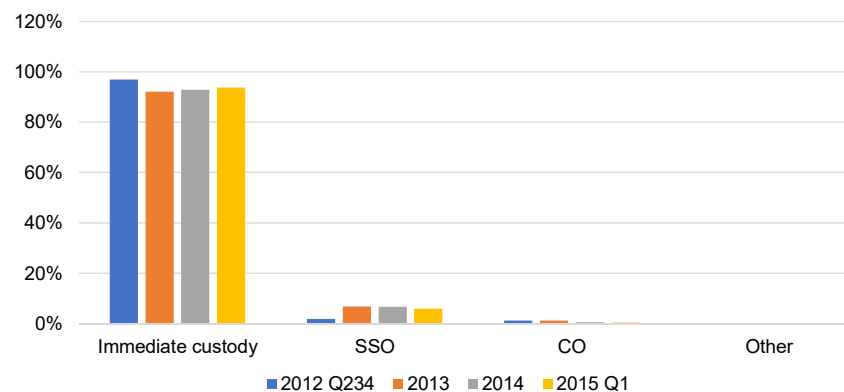
Based on the most recent data available, 32 per cent of offenders currently fall in the highest category of seriousness, and 11% fall in the lowest category.

### Offence category 1 (most serious)

#### Proportion of offenders receiving each sentence outcome

Sentence outcome	2012 Q234 (n=861)	2013 (n=1,450)	2014 (n=1,539)	2015 Q1 (n=289)
Immediate custody	97%	92%	93%	94%
SSO	2%	7%	7%	6%
CO	1%	1%	1%	0%
Other	0%	0%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

In category 1 there has been a small decrease in the use of immediate custody, and a small increase in SSOs. The ACSL in category 1 has increased slightly since the guideline came into force, and was around 3 years in 2015 Q1 (post guilty plea) or 4 years pre guilty plea (note: the starting point for this category is 3 years).



### Post guilty plea ACSLs for offenders sentenced to immediate custody

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	34.1	33.4	34.2	35.7
Median	32.0	32.0	32.0	32.0

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	2.8	2.8	2.8	3.0
Median	2.7	2.7	2.7	2.7



**Pre guilty plea ACSLs for offenders sentenced to immediate custody**

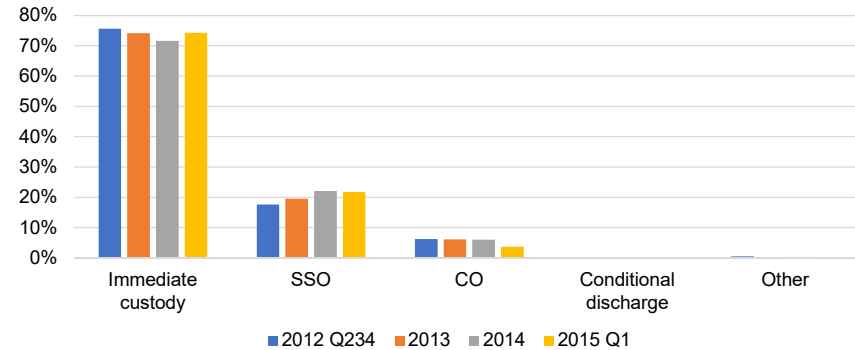
	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	46.6	45.6	46.3	47.6
Median	44.8	42.0	43.6	44.8

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	3.9	3.8	3.9	4.0
Median	3.7	3.5	3.6	3.7

**Offence category 2 (middle category)**

**Proportion of offenders receiving each sentence outcome**

Sentence outcome	2012 Q234 (n=1,578)	2013 (n=2,384)	2014 (n=2,370)	2015 Q1 (n=510)
Immediate custody	76%	74%	72%	74%
SSO	18%	20%	22%	22%
CO	6%	6%	6%	4%
Conditional discharge	0%	0%	0%	0%
Other	1%	0%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



The proportion of offenders placed in category 2 has been relatively stable since the guideline came into force. Similarly to category 1, the use of immediate custody has slightly decreased, and the use of SSOs has slightly increased. The ACSL in category 2 has remained fairly stable over time.

**Post guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	20.6	21.2	20.8	21.6
Median	16.0	18.0	16.0	18.0

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	1.7	1.8	1.7	1.8
Median	1.3	1.5	1.3	1.5

**Pre guilty plea ACSLs for offenders sentenced to immediate custody**

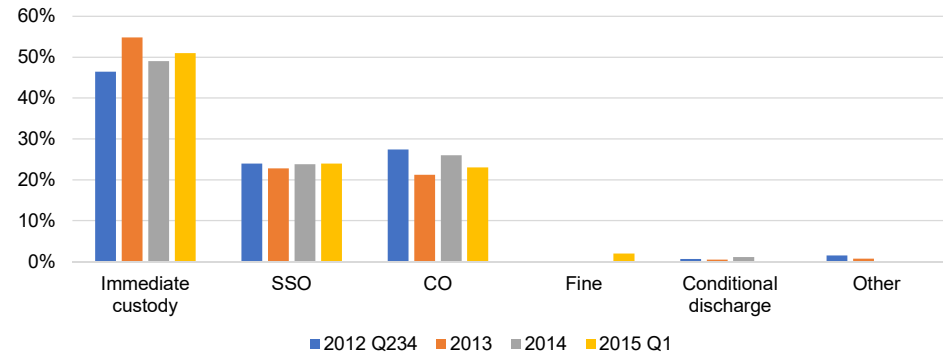
	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	28.2	29.0	28.2	29.2
Median	23.9	23.9	23.9	23.9

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	2.4	2.4	2.4	2.4
Median	2.0	2.0	2.0	2.0

**Offence category 3 (least serious)**

**Proportion of offenders receiving each sentence outcome**

Sentence outcome	2012 Q234 (n=463)	2013 (n=584)	2014 (n=453)	2015 Q1 (n=100)
Immediate custody	46%	55%	49%	51%
SSO	24%	23%	24%	24%
CO	27%	21%	26%	23%
Fine	0%	0%	0%	2%
Conditional discharge	1%	1%	1%	0%
Other	2%	1%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



In category 3, the various disposal types and the ACSL have fluctuated over time.

**Post guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	17.6	17.2	19.3	17.2
Median	14.0	12.0	15.0	12.0

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	1.5	1.4	1.6	1.4
Median	1.2	1.0	1.3	1.0

**Pre guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	24.1	23.6	25.8	22.7
Median	18.7	17.9	22.4	17.9

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	2.0	2.0	2.2	1.9
Median	1.6	1.5	1.9	1.5

Source: Crown Court Sentencing Survey

Notes:

- 1) Excludes youths, and custodial sentences of over 14 years (the statutory maximum for this offence).
- 2) The CCSS response rate for the period 1 April - 31 December 2012 was 58%. In 2013 and 2014, the response rates were 60% and 64%, respectively. From 1 January - 31 March 2015 the response rate was 58%.

Frequency of factors for domestic burglary offences (post-guideline), Crown Court, 2012 Q2 - 2015 Q1<sup>2,3</sup>

	2012 Q234	2013	2014	2015 Q1	
Total forms included in analysis:	3,355	5,121	5,096	1,036	
So 10% is approximately:	336	512	510	104	
And 1% is approximately:	34	51	51	10	
<b>Factors indicating greater harm</b>					
Theft of/damage to property causing significant degree of loss	23%	22%	22%	21%	This factor has been used frequently over time.
Soiling/ransacking/vandalism of property	12%	14%	12%	14%	
Victim on/returns to premises while offender present	36%	39%	39%	37%	This has consistently been the most frequently used greater harm factor.
Significant physical/psychological injury or trauma	10%	9%	10%	9%	
Violence used/threatened particularly involving a weapon	4%	4%	4%	3%	
Context of general public disorder	0%	0%	0%	0%	
None stated	39%	37%	37%	38%	
<b>Factors indicating lesser harm</b>					
No physical/psychological injury or trauma	14%	12%	11%	11%	
No violence used/threatened and a weapon not produced	19%	17%	16%	15%	
Nothing stolen or of very low value	15%	15%	13%	14%	
Limited damage/disturbance to property	17%	16%	15%	15%	
None stated	68%	69%	71%	72%	
<b>Factors indicating higher culpability</b>					
Deliberately targeted	23%	21%	24%	22%	This factor has been used fairly frequently.
Significant degree of planning	16%	17%	18%	16%	
Weapon present on entry or carried	1%	2%	1%	2%	
Equipped for burglary	14%	15%	16%	14%	
Member of group or gang	24%	26%	24%	21%	This factor has been used fairly frequently.
None stated	53%	51%	50%	56%	
<b>Factors indicating lower culpability</b>					
Offender exploited by others	3%	2%	2%	2%	
Offence committed on impulse/limited intrusion	12%	11%	10%	11%	Most frequently used lower culpability factor.
Mental disorder/learning disability where linked to the offence	1%	1%	1%	1%	
None stated	85%	86%	88%	87%	
<b>Factors increasing seriousness</b>					
<i>Statutory aggravating factors:</i>					
Previous relevant convictions	72%	73%	72%	76%	High proportion of cases with previous convictions.
Offence committed on bail	7%	6%	6%	4%	
None stated	27%	26%	27%	24%	
<i>Other aggravating factors include:</i>					
Child at home/returns	6%	6%	6%	4%	
Committed at night	27%	27%	27%	26%	Frequently used aggravating factor.
Abuse of power/trust	4%	3%	4%	4%	
Gratuitous degradator	1%	1%	1%	0%	
Steps taken to prevent reporting/assisting prosecution	0%	1%	0%	0%	
Victim compelled to leave home (domestic violence in particular)	1%	1%	1%	1%	
Established evidence of community impact	2%	2%	2%	1%	
Offender was under the influence of alcohol/drug	18%	17%	17%	18%	
Failure to comply with current court order	13%	11%	9%	10%	
On licence	11%	11%	12%	11%	
TICs	9%	8%	6%	4%	
Multiple/previous attempts at same type of offence	2%	1%	0%	1%	
Vulnerable victim	2%	1%	1%	2%	
Speed of reoffending	1%	1%	0%	1%	
No factors stated	38%	45%	46%	46%	
<b>Factors reducing seriousness or reflecting personal mitigation</b>					
Subordinate role in group or gang	5%	5%	5%	4%	
No previous relevant conviction	10%	9%	8%	8%	
Remorse	22%	22%	21%	19%	Most frequently used mitigating factor.
Good character/exemplary conduct	4%	4%	3%	3%	
Determination/demonstration to address addiction/behaviour	10%	9%	9%	8%	
Serious medical condition	1%	1%	1%	1%	
Age/lack of maturity affecting responsibility	8%	8%	6%	5%	
Lapse of time not fault of offender	1%	1%	1%	1%	
Mental disorder/learning disability where not linked to the commission of the offence	2%	2%	2%	3%	
Sole/primary carer for dependant relatives	2%	2%	1%	2%	
Nothing stolen or of very little value	9%	9%	8%	11%	
Made voluntary reparation	1%	1%	1%	2%	
Long gap between offences/lived legally in-between reoffending	1%	0%	1%	0%	
Co-operation with authorities	1%	1%	1%	0%	
No Factors stated	56%	58%	61%	62%	

Source: Crown Court Sentencing Survey

Notes:

1) Excludes youths, and custodial sentences of over 14 years (the statutory maximum for this offence).

2) In some cases, sentencers wrote additional factors in a free-text box on the form. These have been included in the table above if the proportion was at least 1% in more than one period. These factors have been highlighted in orange.

3) Factors in blue are those which are not specifically listed in the domestic burglary guideline, but were on the CCSS form, because they were in either the non-domestic or aggravated burglary guidelines.

4) The factor 'Nothing stolen or of very little value' is not actually a mitigating factor in the domestic burglary guideline (it is a lesser harm factor). It is, however, a mitigating factor for aggravated burglary, and therefore appeared in two places on the CCSS form (which covered all types of burglary). It was therefore possible for sentencers to tick this factor twice.

Demographics of adult offenders sentenced for domestic Burglary, by sex, age and perceived ethnicity, 2019

Sex	Number of adults sentenced	Percentage of all adults sentenced <sup>1</sup>
Male	4,319	93
Female	319	7
Not recorded/not known	13	
<b>Total</b>	<b>4,651</b>	<b>100</b>

93% of those sentenced were male

Age Group	Number of adults sentenced	Percentage of all adults sentenced
18 to 21 years	645	14
22 to 29 years	1,195	26
30 to 39 years	1,519	33
40 to 49 years	995	21
50 to 59 years	272	6
60 years or older	25	<1
Not recorded/not known	-	
<b>Total</b>	<b>4,651</b>	<b>100</b>

A third of the adults sentenced were in the 30 to 39 age group.

Perceived Ethnicity <sup>2</sup>	Number of adults sentenced	Percentage of all adults sentenced <sup>1</sup>
White	3,336	86
Black	316	8
Asian	126	3
Other	79	2
Not recorded/not known	794	
<b>Total</b>	<b>4,651</b>	<b>100</b>

86% of adults sentenced had 'white' as their recorded perceived ethnicity.

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) Percentage calculations do not include cases where the sex, age or perceived ethnicity was unknown.
- 2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

Number and proportion of adult offenders sentenced for domestic burglary, by gender, age and perceived ethnicity and sentence outcome, 2019

Sex	Number of adults sentenced						Total
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	
Male	19	14	366	468	3388	64	4319
Female	11	2	52	77	168	9	319
Not recorded/not known	0	0	5	1	7	0	13

Age Group	Number of adults sentenced						Total
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	
18 to 21 years	6	0	100	101	424	14	645
22 to 29 years	8	6	112	150	900	19	1195
30 to 39 years	5	5	113	165	1213	18	1519
40 to 49 years	10	3	86	87	794	15	995
50 to 59 years	1	2	11	34	217	7	272
60 years or older	0	0	1	9	15	0	25
Not recorded /not known	0	0	0	0	0	0	0

Perceived Ethnicity <sup>2</sup>	Number of adults sentenced						Total
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	
White	27	13	319	361	2569	47	3336
Black	1	2	34	53	219	7	316
Asian	0	0	10	17	96	3	126
Other	0	0	4	11	64	0	79
Not recorded/not known	2	1	56	104	615	16	794

Notes:

1) The category 'Otherwise dealt with' includes: one day in police cells; disqualification order; restraining order; confiscation order; travel restriction order; disqualification from driving; recommendation for deportation; compensation; and other miscellaneous disposals.

2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

Sex	Proportion of adults sentenced						Total
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	
Male	0%	0%	8%	11%	78%	1%	100%
Female	3%	1%	16%	24%	53%	3%	100%
Not recorded/not known	0%	0%	38%	8%	54%	0%	100%

Age Group	Proportion of adults sentenced						Total
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	
18 to 21 years	1%	0%	16%	16%	66%	2%	100%
22 to 29 years	1%	1%	9%	13%	75%	2%	100%
30 to 39 years	0%	0%	7%	11%	80%	1%	100%
40 to 49 years	1%	0%	9%	9%	80%	2%	100%
50 to 59 years	0%	1%	4%	13%	80%	3%	100%
60 years or older	0%	0%	4%	36%	60%	0%	100%
Not recorded /not known	0%	0%	0%	0%	0%	0%	-

Perceived Ethnicity <sup>2</sup>	Proportion of adults sentenced						Total
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with <sup>1</sup>	
White	1%	0%	10%	11%	77%	1%	100%
Black	0%	1%	11%	17%	69%	2%	100%
Asian	0%	0%	8%	13%	76%	2%	100%
Other	0%	0%	5%	14%	81%	0%	100%
Not recorded/not known	0%	0%	7%	13%	77%	2%	100%

Source: Court Proceedings Database, Ministry of Justice

**Average custodial sentence lengths (ACSL) received by adult offenders sentenced for domestic burglary, by sex, age and perceived ethnicity, 2019**

<b>Gender</b>	<b>ACSL (months)<sup>1</sup></b>	
	<b>Mean</b>	<b>Median</b>
Male	28.9	29.2
Female	24.0	24.0
Not recorded/not known <sup>2</sup>	4.5	5.6

<b>Age Group</b>	<b>Mean</b>	<b>Median</b>
18 to 21 years	24.3	24.0
22 to 29 years	27.9	28.0
30 to 39 years	28.3	29.0
40 to 49 years	30.8	30.0
50 to 59 years	33.7	32.0
60 years or older	24.1	29.0
Not recorded /not known	-	-

<b>Perceived Ethnicity<sup>3</sup></b>	<b>Mean</b>	<b>Median</b>
White	28.7	29.2
Black	28.0	29.2
Asian	27.6	24.0
Other	25.2	20.0
Not recorded/not known	28.9	28.0

Source: Court Proceedings Database, Ministry of Justice

- = No offenders were sentenced to immediate custody.

Notes:

- 1) ACSL was based on only 7 adults.
- 2) Excludes life and indeterminate sentences.
- 3) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

Sentence lengths received by adult offenders sentenced to immediate custody for domestic burglary, by gender, age and perceived ethnicity, 2019

Sex	Number of adults sentenced to each sentence length (years) <sup>1</sup>							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
Male	705	738	1161	472	166	77	69	<b>3388</b>
Female	48	40	57	18	3	2	0	<b>168</b>
Not recorded /not known	7	0	0	0	0	0	0	<b>7</b>

Age Group	Number of adults sentenced to each sentence length (years) <sup>1</sup>							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
18 to 21 years	111	140	117	37	10	2	7	<b>424</b>
22 to 29 years	210	204	294	115	40	15	22	<b>900</b>
30 to 39 years	279	249	415	155	57	35	23	<b>1213</b>
40 to 49 years	127	152	302	131	51	20	11	<b>794</b>
50 to 59 years	28	31	84	50	11	7	6	<b>217</b>
60 years or older	5	2	6	2	0	0	0	<b>15</b>
Not recorded /not known	0	0	0	0	0	0	0	<b>0</b>

Perceived Ethnicity <sup>2</sup>	Number of adults sentenced to each sentence length (years) <sup>1</sup>							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
White	541	539	893	362	130	59	45	<b>2569</b>
Black	46	38	90	31	8	3	3	<b>219</b>
Asian	24	28	24	10	6	1	3	<b>96</b>
Other	20	17	15	7	3	1	1	<b>64</b>
Not recorded /not known	129	156	196	80	22	15	17	<b>615</b>

Notes:

1) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Less than 1 year' includes sentence lengths less than and equal to 1 year, and '1 to 2' includes sentence lengths over 1 year, and up to and including 2 years.

2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

Sex	Proportion of adults sentenced to each sentence length (years)							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
Male	21%	22%	34%	14%	5%	2%	2%	<b>100%</b>
Female	29%	24%	34%	11%	2%	1%	0%	<b>100%</b>
Not recorded /not known	100%	0%	0%	0%	0%	0%	0%	<b>100%</b>

Age Group	Proportion of adults sentenced to each sentence length (years)							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
18 to 21 years	26%	33%	28%	9%	2%	0%	2%	<b>100%</b>
22 to 29 years	23%	23%	33%	13%	4%	2%	2%	<b>100%</b>
30 to 39 years	23%	21%	34%	13%	5%	3%	2%	<b>100%</b>
40 to 49 years	16%	19%	38%	16%	6%	3%	1%	<b>100%</b>
50 to 59 years	13%	14%	39%	23%	5%	3%	3%	<b>100%</b>
60 years or older	33%	13%	40%	13%	0%	0%	0%	<b>100%</b>
Not recorded /not known	-	-	-	-	-	-	-	<b>100%</b>

Perceived Ethnicity <sup>2</sup>	Proportion of adults sentenced to each sentence length (years)							Total
	1 year or less	Between 1 and 2 years	Between 2 and 3 years	Between 3 and 4 years	Between 4 and 5 years	Between 5 and 6 years	More than 6 years	
White	21%	21%	35%	14%	5%	2%	2%	<b>100%</b>
Black	21%	17%	41%	14%	4%	1%	1%	<b>100%</b>
Asian	25%	29%	25%	10%	6%	1%	3%	<b>100%</b>
Other	31%	27%	23%	11%	5%	2%	2%	<b>100%</b>
Not recorded /not known	21%	25%	32%	13%	4%	2%	3%	<b>100%</b>

Source: Court Proceedings Database, Ministry of Justice

## Sentencing trends for aggravated burglary, 2009-2019

### Number and proportion of adult offenders sentenced for aggravated burglary, by court type, 2009-2019

Court type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Magistrates' court	0	0	0	0	0	0	0	0	0	0	0
Crown Court	263	309	318	303	257	227	217	193	200	170	190
<b>Total</b>	<b>263</b>	<b>309</b>	<b>318</b>	<b>303</b>	<b>257</b>	<b>227</b>	<b>217</b>	<b>193</b>	<b>200</b>	<b>170</b>	<b>190</b>

Court type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Magistrates' court	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Crown Court	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

The number of offenders sentenced for aggravated burglary has decreased from a high of 320 in 2011 to 190 in 2019.

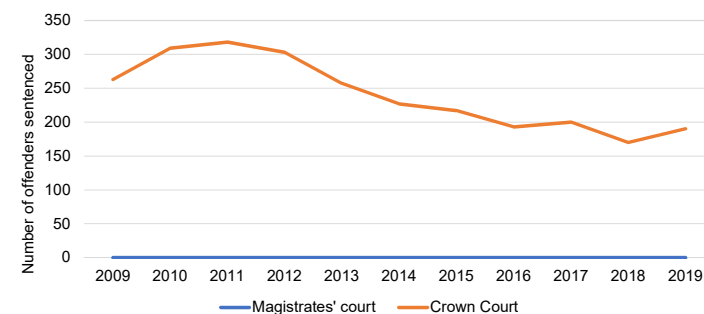
### Number and proportion of adult offenders sentenced for aggravated burglary, by sentence outcome, all courts, 2009-2019

Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Fine	0	0	0	0	0	0	1	0	0	0	0
Community sentence	5	11	4	3	0	3	1	0	2	1	0
Suspended sentence	10	15	8	3	4	2	6	2	2	1	0
Immediate custody	246	278	302	293	251	217	199	179	183	159	173
Otherwise dealt with	2	5	4	4	2	5	10	12	13	9	17
<b>Total</b>	<b>263</b>	<b>309</b>	<b>318</b>	<b>303</b>	<b>257</b>	<b>227</b>	<b>217</b>	<b>193</b>	<b>200</b>	<b>170</b>	<b>190</b>

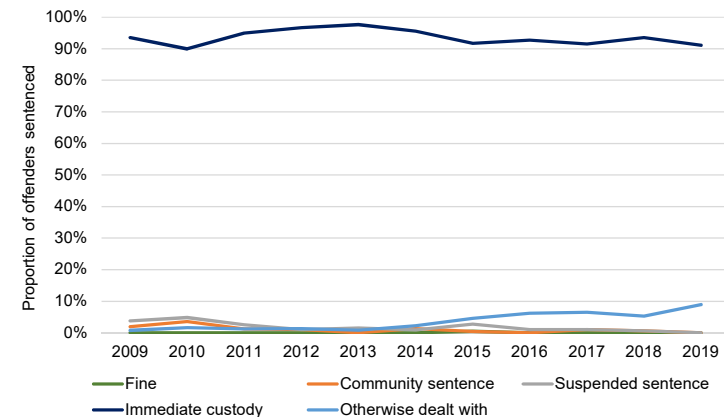
Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Fine	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Community sentence	2%	4%	1%	1%	0%	1%	0%	0%	1%	1%	0%
Suspended sentence	4%	5%	3%	1%	2%	1%	3%	1%	1%	1%	0%
Immediate custody	94%	90%	95%	97%	98%	96%	92%	93%	92%	94%	91%
Otherwise dealt with	1%	2%	1%	1%	1%	2%	5%	6%	7%	5%	9%

The majority of offenders sentenced for aggravated burglary are sentenced to immediate custody. In 2019, 91 per cent of offenders were sentenced to immediate custody and nine per cent were otherwise dealt with.

### Number of adult offenders sentenced for aggravated burglary, by court type, 2009-2019

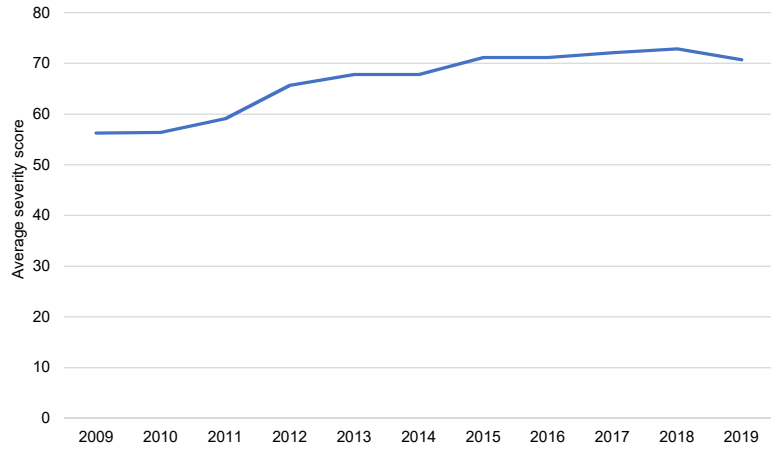


### Sentence outcomes for adult offenders sentenced for aggravated burglary, all courts, 2009-2019

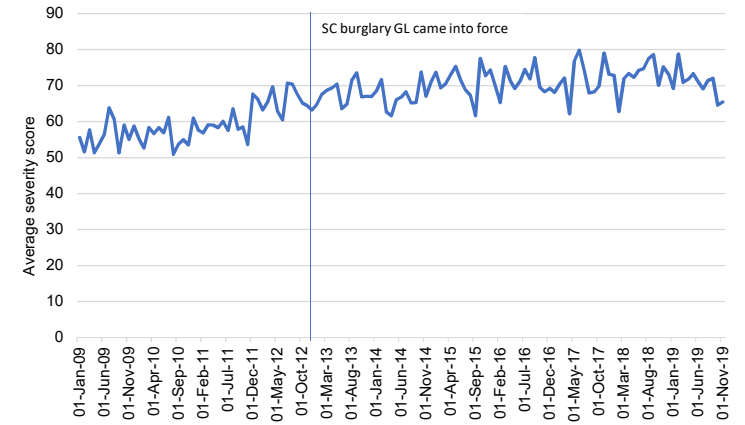




Average sentencing severity per year for adult offenders sentenced for aggravated burglary, all courts, 2009-2019

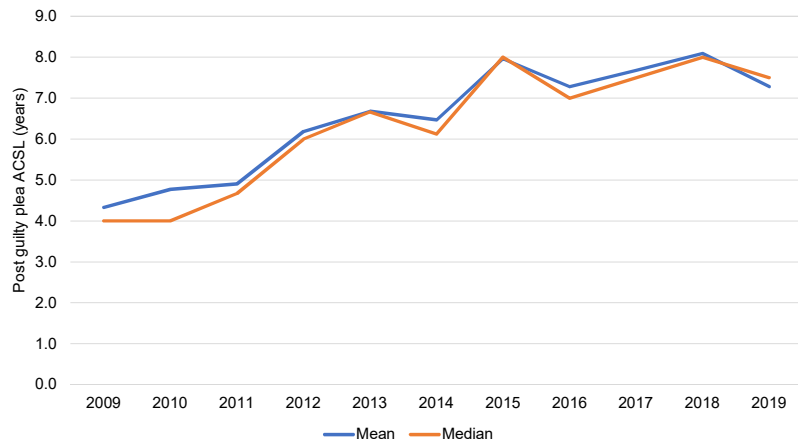


Average sentencing severity per month for adult offenders sentenced for aggravated burglary, all courts, 2009-2019

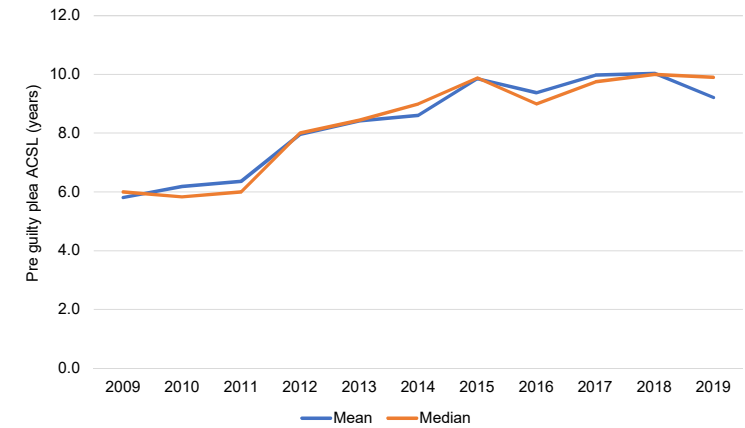


Since 2010 there has been an upward trend in sentence severity, but has started to drop in the last year.

Post guilty plea ACSLs received by adult offenders sentenced to immediate custody for aggravated burglary, all courts, 2009-2019



Estimated ACSLs (pre guilty plea) received by adult offenders sentenced to immediate custody for aggravated burglary, all courts, 2009-2019



Information is displayed for both the mean and median average custodial sentence lengths (ACSLs). Over time the ACSL (mean) has increased, from 4 years 4 months in 2009 to 7 years 3 months in 2019 (post guilty plea).

**Sentence length bands (post guilty plea) received by adult offenders sentenced to immediate custody for aggravated burglary, all courts, 2009-2019**

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2 years or less	36	29	28	12	8	5	3	2	3	1	6
Between 2 and 4 years	77	104	91	50	37	41	20	19	20	17	24
Between 4 and 6 years	85	67	102	94	70	62	37	43	41	30	36
Between 6 and 8 years	16	31	39	69	69	66	49	59	55	45	45
Between 8 and 10 years	5	11	12	29	51	29	51	39	38	36	34
More than 10 years	4	11	7	17	14	13	38	17	26	30	27
Indeterminate	23	25	23	22	2	1	1	.	.	.	1
<b>Total</b>	<b>246</b>	<b>278</b>	<b>302</b>	<b>293</b>	<b>251</b>	<b>217</b>	<b>199</b>	<b>179</b>	<b>183</b>	<b>159</b>	<b>173</b>

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2 years or less	15%	10%	9%	4%	3%	2%	2%	1%	2%	1%	3%
Between 2 and 4 years	31%	37%	30%	17%	15%	19%	10%	11%	11%	11%	14%
Between 4 and 6 years	35%	24%	34%	32%	28%	29%	19%	24%	22%	19%	21%
Between 6 and 8 years	7%	11%	13%	24%	27%	30%	25%	33%	30%	28%	26%
Between 8 and 10 years	2%	4%	4%	10%	20%	13%	26%	22%	21%	23%	20%
More than 10 years	2%	4%	2%	6%	6%	6%	19%	9%	14%	19%	16%
Indeterminate	9%	9%	8%	8%	1%	<1%	<1%	0%	0%	0%	<1%

In 2019, 46% of those sentenced receive a sentence of between six and ten years.

**Sentence length bands (pre guilty plea) received by adult offenders sentenced to immediate custody for aggravated burglary, all courts, 2009-2019**

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2 years or less	16	7	14	6	4	5	3	1	.	1	3
Between 2 and 4 years	38	52	46	25	16	13	6	7	7	6	11
Between 4 and 6 years	82	94	94	49	35	39	19	17	23	14	27
Between 6 and 8 years	54	56	61	64	59	36	30	42	29	23	23
Between 8 and 10 years	20	17	42	66	78	57	56	54	49	47	33
Between 10 and 12 years	6	16	15	49	33	47	48	31	40	44	52
More than 12 years	7	11	7	12	24	19	36	27	35	24	23
Indeterminate	23	25	23	22	2	1	1	.	.	.	1
<b>Total</b>	<b>246</b>	<b>278</b>	<b>302</b>	<b>293</b>	<b>251</b>	<b>217</b>	<b>199</b>	<b>179</b>	<b>183</b>	<b>159</b>	<b>173</b>

Sentence length band	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
2 years or less	7%	3%	5%	2%	2%	2%	2%	1%	0%	1%	2%
Between 2 and 4 years	15%	19%	15%	9%	6%	6%	3%	4%	4%	4%	6%
Between 4 and 6 years	33%	34%	31%	17%	14%	18%	10%	9%	13%	9%	16%
Between 6 and 8 years	22%	20%	20%	22%	24%	17%	15%	23%	16%	14%	13%
Between 8 and 10 years	8%	6%	14%	23%	31%	26%	28%	30%	27%	30%	19%
Between 10 and 12 years	2%	6%	5%	17%	13%	22%	24%	17%	22%	28%	30%
More than 12 years	3%	4%	2%	4%	10%	9%	18%	15%	19%	15%	13%
Indeterminate	9%	9%	8%	8%	1%	<1%	1%	0%	0%	0%	1%

Source: Court Proceedings Database, Ministry of Justice

Note:

1) Excludes youths, and cases which are recorded in the CPD as being sentenced in magistrates' courts (this offence is indictable only).

## Sentence outcomes and ACSLs for aggravated burglary offences (post-guideline), Crown Court, 2012 Q2 - 2015 Q1<sup>1,2</sup>

### Offenders placed in each offence category (level of seriousness)

Seriousness	2012 Q234 (n=123)	2013 (n=155)	2014 (n=160)	2015 Q1 (n=43)
Level 1 (most)	76%	68%	69%	81%
Level 2	23%	28%	29%	19%
Level 3 (least)	1%	4%	1%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

### Offence categories in Sentencing Council aggravated burglary definitive guideline

Offence Category	Starting Point (Applicable to all offenders)	Category Range (Applicable to all offenders)
Category 1	10 years' custody	9–13 years' custody
Category 2	6 years' custody	4–9 years' custody
Category 3	2 years' custody	1–4 years' custody

Based on the most recent data available, 81 per cent of offenders currently fall in the highest category of seriousness, and the remainder (19 per cent) fall in the middle category.

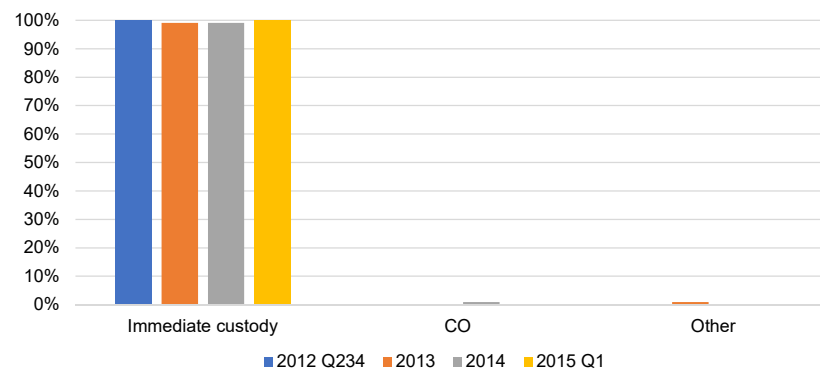
### Offence category 1 (most serious)

#### Proportion of offenders receiving each sentence outcome

Sentence outcome	2012 Q234 (n=94)	2013 (n=105)	2014 (n=111)	2015 Q1 (n=35)
Immediate custody	100%	99%	99%	100%
CO	0%	0%	1%	0%
Other	0%	1%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Since the guideline came into force, the ACSL in category 1 has ranged from 7 years 3 months to 8 years (post guilty plea). The pre guilty plea ACSL has ranged from 9 years 6 months to 9 years 10 months. (To note, the starting point in this category is 10 years.)

### Proportion of adult offenders, by sentence outcome, category 1 (most serious), 2012 to 2015



### Post guilty plea ACSLs for offenders sentenced to immediate custody

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	89.7	87.4	87.8	95.5
Median	90.0	90.0	88.0	108.0

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	7.5	7.3	7.3	8.0
Median	7.5	7.5	7.3	9.0

**Pre guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	117.7	113.5	113.6	115.0
Median	116.4	114.0	120.0	120.0

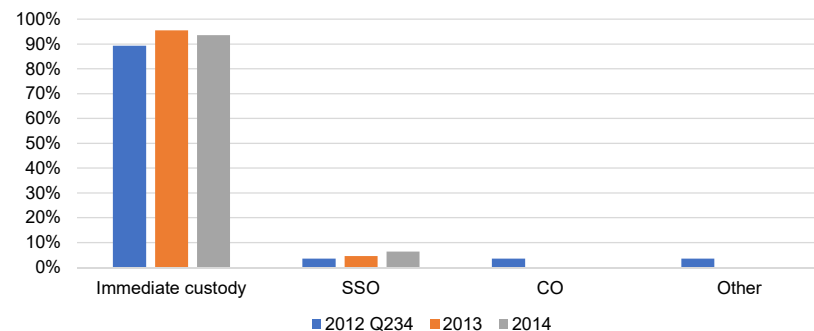
	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	9.8	9.5	9.5	9.6
Median	9.7	9.5	10.0	10.0

**Offence category 2 (middle category)**

**Proportion of offenders receiving each sentence outcome**

Sentence outcome	2012 Q234 (n=28)	2013 (n=44)	2014 (n=47)	2015 Q1 (n=8)
Immediate custody	89%	95%	94%	*
SSO	4%	5%	6%	*
CO	4%	0%	0%	*
Other	4%	0%	0%	*
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>*</b>

**Proportion of adult offenders, by sentence outcome, category 2 (middle category), 2012 to 2015**



The proportion of offenders placed in category 2 has fluctuated since the guideline came into force, as has the ACSL, which has ranged from 4 years 4 months to 4 years 8 months.

\* Proportions and ACSLs have not been shown for 2015 Q1, due to the low number of offenders placed within this category during this period.

**Post guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	54.9	55.9	52.4	*
Median	54.0	53.0	48.0	*

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	4.6	4.7	4.4	*
Median	4.5	4.4	4.0	*

**Pre guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	69.9	71.3	64.3	*
Median	71.6	69.2	60.0	*

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	5.8	5.9	5.4	*
Median	6.0	5.8	5.0	*

**Offence category 3 (least serious)**

**Proportion of offenders receiving each sentence outcome**

Sentence outcome	2012 Q234 (n=1)	2013 (n=6)	2014 (n=2)	2015 Q1 (n=0)
Immediate custody	*	*	*	*
SSO	*	*	*	*
<b>Total</b>	*	*	*	*

\* Proportions and ACSLs have not been shown for category 3, due to the very low number of offenders placed within this category each year.

**Post guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	*	*	*	*
Median	*	*	*	*

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	*	*	*	*
Median	*	*	*	*

**Pre guilty plea ACSLs for offenders sentenced to immediate custody**

	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	*	*	*	*
Median	*	*	*	*

	ACSL in years			
	2012 Q234	2013	2014	2015 Q1
Mean	*	*	*	*
Median	*	*	*	*

Source: Crown Court Sentencing Survey

Notes:

1) Excludes youths, and cases which are recorded in the CPD as being sentenced in magistrates' courts (this offence is indictable only).

2) The CCSS response rate for the period 1 April - 31 December 2012 was 58%. In 2013 and 2014, the response rates were 60% and 64%, respectively. From 1 January - 31 March 2015 the response rate was 58%.

Frequency of factors for aggravated burglary offences (post-guideline), Crown Court, 2012 Q2 - 2015 Q1 <sup>1,2,3</sup>

	2012 Q234	2013	2014	2015 Q1
Total forms included in analysis:	136	168	172	46
So 10% is approximately:	14	17	17	5
And 1% is approximately:	1	2	2	0

	2012 Q234	2013	2014	2015 Q1
<b>Factors indicating greater harm</b>				
Theft of/damage to property causing significant degree of loss	13%	9%	13%	17%
Soiling/ransacking/vandalism of property	12%	14%	12%	9%
Victim on/returns to premises while offender present	74%	68%	69%	74%
Significant physical/psychological injury or trauma	42%	39%	41%	57%
Violence used/threatened particularly involving a weapon	80%	75%	67%	72%
Context of general public disorder	4%	5%	3%	7%
None stated	8%	13%	12%	11%

Very frequently used greater harm factor  
Frequently used greater harm factor  
Very frequently used greater harm factor

<b>Factors indicating lesser harm</b>				
No physical/psychological injury or trauma	5%	7%	6%	11%
No violence used/threatened and a weapon not produced	1%	5%	4%	7%
Nothing stolen or of very low value <sup>4</sup>	10%	17%	8%	9%
Limited damage/disturbance to property	6%	11%	3%	9%
None stated	82%	79%	85%	83%

	2012 Q234	2013	2014	2015 Q1
<b>Factors indicating higher culpability</b>				
Deliberately targeted	51%	48%	45%	52%
Significant degree of planning	43%	42%	44%	39%
Equipped for burglary	32%	43%	37%	24%
Weapon present on entry or carried	77%	72%	76%	85%
Member of group or gang	62%	60%	52%	61%
None stated	7%	13%	13%	11%

Frequently used greater harm factor  
Frequently used greater harm factor  
Frequently used greater harm factor  
Very frequently used greater harm factor  
Very frequently used greater harm factor

<b>Factors indicating lower culpability</b>				
Offender exploited by others	5%	1%	2%	4%
Offence committed on impulse/limited intrusion	4%	4%	5%	0%
Mental disorder/learning disability where linked to the	1%	1%	1%	2%
None stated	90%	95%	92%	96%

	2012 Q234	2013	2014	2015 Q1
<b>Factors increasing seriousness</b>				
<i>Statutory aggravating factors:</i>				
Previous relevant convictions:	62%	61%	62%	57%
Offence committed on bail	4%	3%	4%	2%
None stated	35%	38%	36%	41%

High proportion of cases with previous convictions.

<i>Other aggravating factors include:</i>				
Child at home/returns	16%	20%	18%	26%
Committed at night	42%	38%	50%	48%
Abuse of power/trust	0%	2%	1%	0%
Gratuitous degradation	7%	9%	7%	4%
Steps taken to prevent reporting/assisting prosecution	2%	5%	3%	2%
Victim compelled to leave home (domestic violence in particular)	2%	10%	6%	9%
Established evidence of community impact	0%	2%	1%	0%
Offender was under the influence of alcohol/drugs	19%	21%	17%	37%
Failure to comply with current court orders	12%	4%	9%	13%
On licence	10%	9%	12%	13%
TIC's	4%	2%	1%	0%
Major role of offender including Facilitating/forcing involvement of others including child	1%	1%	0%	2%
Multiple/previous attempts at same type of offence	0%	1%	1%	0%
Newton hearing/trial of issue	1%	1%	0%	0%
Risk of harm to others/causing fear to others	0%	1%	0%	4%
Location of offence	1%	0%	1%	4%
Wearing of a disguise	1%	1%	0%	2%
Vulnerable victim	0%	1%	0%	2%
No factors stated	29%	38%	31%	26%

Frequently used aggravating factor.

	2012 Q234	2013	2014	2015 Q1
<b>Factors reducing seriousness or reflecting personal mitigation</b>				
Subordinate role in group or gang	13%	11%	14%	9%
Injuries caused recklessly	2%	5%	2%	2%
Nothing stolen or of very little value <sup>4</sup>	15%	15%	11%	11%
Made voluntary reparation	1%	0%	1%	0%
No previous relevant convictions	16%	17%	16%	2%
Remorse	29%	25%	25%	15%
Good character/exemplary conduct	10%	5%	8%	0%
Determination/demonstration to address addiction/behaviour	4%	5%	7%	4%
Serious medical conditions	2%	1%	4%	2%
Age/lack of maturity affecting responsibility	13%	15%	12%	13%
Lapse of time not fault of offender	1%	2%	1%	2%
Mental disorder/learning disability where not linked to the commission of the offence	2%	2%	3%	4%
Sole/primary carer for dependant relatives	1%	1%	1%	0%
Long gap between offences/lived legally in-between reoffending	0%	1%	1%	0%
Is an addict	0%	0%	1%	2%
Co-operation with authorities	2%	2%	0%	0%
Provocation	1%	1%	1%	0%
No Factors stated	45%	45%	52%	61%

Most frequently used mitigating factor.

Source: Crown Court Sentencing Survey

Notes:

- 1) Excludes youths.
- 2) In some cases, sentencers wrote additional factors in a free-text box on the form. These have been included in the table above if the proportion was at least 1% in more than one period. These factors have been highlighted in orange.
- 3) Factors in blue are those which are not specifically listed in the aggravated burglary guideline, but were on the CCSS form, because they were in either the domestic or non-domestic burglary guidelines.
- 4) The factor 'Nothing stolen or of very little value' is not actually a lesser harm factor in the aggravated burglary guideline (it is a mitigating factor). It is, however, a lesser harm factor for domestic/non-domestic burglary, and therefore appeared in two places on the CCSS form (which covered all types of burglary). It was therefore possible for sentencers to tick this factor twice.

**Demographics of adult offenders sentenced for Aggravated Burglary, by sex, age and perceived ethnicity, 2019**

<b>Sex</b>	<b>Number of adults sentenced</b>	<b>Percentage of all adults sentenced<sup>1</sup></b>
Male	181	95
Female	9	5
Not recorded/not known	-	-
<b>Total</b>	<b>190</b>	<b>100</b>

95% of those sentenced were male

<b>Age Group</b>	<b>Number of adults sentenced</b>	<b>Percentage of all adults sentenced</b>
18 to 21 years	46	24
22 to 29 years	65	34
30 to 39 years	43	23
40 to 49 years	26	14
50 to 59 years	10	5
60 years or older	-	-
Not recorded/not known	-	-
<b>Total</b>	<b>190</b>	<b>100</b>

81% of the adults sentenced were under 40 years of age.

<b>Perceived Ethnicity<sup>2</sup></b>	<b>Number of adults sentenced</b>	<b>Percentage of all adults sentenced<sup>1</sup></b>
White	119	78
Black	23	15
Asian	6	4
Other	5	3
Not recorded/not known	37	-
<b>Total</b>	<b>190</b>	<b>100</b>

78% of adults sentenced had 'white' as their recorded perceived ethnicity.

Source: Court Proceedings Database, Ministry of Justice

**Notes:**

- 1) Percentage calculations do not include cases where the sex, age or perceived ethnicity was unknown.
- 2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

**Number and proportion of adult offenders sentenced for aggravated burglary, by gender, age and perceived ethnicity and sentence outcome, 2019**

Sex	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
Male	168	13	<b>181</b>
Female	5	4	<b>9</b>
Not recorded/not known	-	-	-

Age Group	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
18 to 21 years	44	2	<b>46</b>
22 to 29 years	59	6	<b>65</b>
30 to 39 years	39	4	<b>43</b>
40 to 49 years	21	5	<b>26</b>
50 to 59 years	10	0	<b>10</b>
60 years or older	0	0	<b>0</b>
Not recorded/not known	0	0	<b>0</b>

Perceived Ethnicity <sup>2</sup>	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
White	109	10	<b>119</b>
Black	22	1	<b>23</b>
Asian	5	1	<b>6</b>
Other	5	0	<b>5</b>
Not recorded/not known	32	5	<b>37</b>

Sex	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
Male	93%	7%	<b>100%</b>
Female	56%	44%	<b>100%</b>
Not recorded/not known	-	-	-

Age Group	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
18 to 21 years	96%	4%	<b>100%</b>
22 to 29 years	91%	9%	<b>100%</b>
30 to 39 years	91%	9%	<b>100%</b>
40 to 49 years	81%	19%	<b>100%</b>
50 to 59 years	100%	0%	<b>100%</b>
60 years or older	-	-	-
Not recorded/not known	-	-	-

Perceived Ethnicity <sup>2</sup>	Immediate custody	Otherwise dealt with <sup>1</sup>	Total
White	92%	8%	<b>100%</b>
Black	96%	4%	<b>100%</b>
Asian	83%	17%	<b>100%</b>
Other	100%	0%	<b>100%</b>
Not recorded/not known	86%	14%	<b>100%</b>

Source: Court Proceedings Database, Ministry of Justice

**Notes:**

- 1) The category 'Otherwise dealt with' includes: one day in police cells; disqualification order; restraining order; confiscation order; travel restriction order; disqualification from driving; recommendation for deportation;
- 2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.



**Average custodial sentence lengths (ACSL) received by adult offenders sentenced for aggravated burglary, by sex, age and perceived ethnicity, 2019**

<b>Gender</b>	<b>ACSL (years)<sup>1</sup></b>	
	<b>Mean</b>	<b>Median</b>
Male	7.8	7.5
Female	6.9	8.0
Not recorded/not known	-	-

<b>Age Group</b>	<b>Mean</b>	<b>Median</b>
18 to 21 years	6.1	6.0
22 to 29 years	8.3	8.0
30 to 39 years	7.5	8.0
40 to 49 years	6.4	7.0
50 to 59 years	16.7	7.8
60 years or older	-	-
Not recorded /not known	-	-

<b>Perceived Ethnicity<sup>2</sup></b>	<b>Mean</b>	<b>Median</b>
White	8.4	8.0
Black	7.6	7.1
Asian	6.0	6.0
Other	5.9	6.5
Not recorded/not known	6.6	6.4

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) Excludes life and indeterminate sentences.
- 2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case.

Sentence lengths received by adult offenders sentenced to immediate custody for aggravated burglary, by gender, age and perceived ethnicity, 2019

Sex	Number of adults sentenced to each sentence length (years) <sup>1</sup>								
	2 years or less	Between 2 and 4 years	Between 4 and 6 years	Between 6 and 8 years	Between 8 and 10 years	Between 10 and 12 years	More than 12 years	Indeterminate	Total
Male	6	23	35	44	32	24	3	1	168
Female	0	1	1	1	2	0	0	0	5
Not recorded /not known	-	-	-	-	-	-	-	-	-

Age Group	Number of adults sentenced to each sentence length (years) <sup>1</sup>								
	2 years or less	Between 2 and 4 years	Between 4 and 6 years	Between 6 and 8 years	Between 8 and 10 years	Between 10 and 12 years	More than 12 years	Indeterminate	Total
18 to 21 years	0	8	19	9	7	1	0	0	44
22 to 29 years	2	5	8	15	14	14	1	0	59
30 to 39 years	2	5	6	11	9	5	1	0	39
40 to 49 years	2	5	3	4	3	3	1	0	21
50 to 59 years	0	1	0	6	1	1	0	1	10
60 years or older	0	0	0	0	0	0	0	0	0
Not recorded /not known	-	-	-	-	-	-	-	-	-

Perceived Ethnicity <sup>2</sup>	Number of adults sentenced to each sentence length (years) <sup>1</sup>								
	2 years or less	Between 2 and 4 years	Between 4 and 6 years	Between 6 and 8 years	Between 8 and 10 years	Between 10 and 12 years	More than 12 years	Indeterminate	Total
White	4	11	21	28	25	17	2	1	109
Black	0	4	5	4	4	4	1	0	22
Asian	0	1	2	1	1	0	0	0	5
Other	0	1	1	3	0	0	0	0	5
Not recorded /not known	2	7	7	9	4	3	0	0	32

Notes:

1) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category '2 years or less' includes sentence lengths less than and equal to 2 years, and '2 to 4' includes sentence lengths over 2 years, and up to and including 4 years.

2) The "perceived ethnicity" is the ethnicity of the offender as perceived by the police officer handling the case

Sex	Proportion of adults sentenced to each sentence length (years)								
	2 years or less	Between 2 and 4 years	Between 4 and 6 years	Between 6 and 8 years	Between 8 and 10 years	Between 10 and 12 years	More than 12 years	Indeterminate	Total
Male	4%	14%	21%	26%	19%	14%	2%	1%	100%
Female	0%	20%	20%	20%	40%	0%	0%	0%	100%
Not recorded /not known	-	-	-	-	-	-	-	-	-

Age Group	Proportion of adults sentenced to each sentence length (years)								
	2 years or less	Between 2 and 4 years	Between 4 and 6 years	Between 6 and 8 years	Between 8 and 10 years	Between 10 and 12 years	More than 12 years	Indeterminate	Total
18 to 21 years	0%	18%	43%	20%	16%	2%	0%	0%	100%
22 to 29 years	3%	8%	14%	25%	24%	24%	2%	0%	100%
30 to 39 years	5%	13%	15%	28%	23%	13%	3%	0%	100%
40 to 49 years	10%	24%	14%	19%	14%	14%	5%	0%	100%
50 to 59 years	0%	10%	0%	60%	10%	10%	0%	10%	100%
60 years or older	-	-	-	-	-	-	-	-	-
Not recorded /not known	-	-	-	-	-	-	-	-	-

Perceived Ethnicity <sup>2</sup>	Proportion of adults sentenced to each sentence length (years)								
	2 years or less	Between 2 and 4 years	Between 4 and 6 years	Between 6 and 8 years	Between 8 and 10 years	Between 10 and 12 years	More than 12 years	Indeterminate	Total
White	4%	10%	19%	26%	23%	16%	2%	1%	100%
Black	0%	18%	23%	18%	18%	18%	5%	0%	100%
Asian	0%	20%	40%	20%	20%	0%	0%	0%	100%
Other	0%	20%	20%	60%	0%	0%	0%	0%	100%
Not recorded /not known	6%	22%	22%	28%	13%	9%	0%	0%	100%

Source: Court Proceedings Database, Ministry of Justice

## Annex C

# Domestic burglary

**Theft Act 1968 (section 9)**

**Triable either way (except as noted below)**

**Maximum: 14 years' custody**

**Offence range: x – xx years' custody**

This is a **specified offence** for the purposes of sections [266](#) and [279](#) (extended sentence for certain violent, sexual or terrorism offences) of the Sentencing Code if it was committed with intent to:

- a. inflict grievous bodily harm on a person, or
- b. do unlawful damage to a building or anything in it.

This offence is **indictable only** where:

- a. it is a burglary comprising the commission of, or an intention to commit, an offence which is triable only on indictment; or
- b. any person in the dwelling was subjected to violence or the threat of violence; or
- c. if the defendant were convicted, it would be a third qualifying conviction for domestic burglary.

Where sentencing an offender for a qualifying **third domestic burglary**, the Court must apply [section 314 of the Sentencing Code](#) and impose a custodial term of at least three years, unless it is satisfied that there are particular circumstances which relate to any of the offences or to the offender which would make it unjust to do so.

## STEP ONE

### Determining the offence category

The court should determine the offence category with reference only to the factors in the table 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. **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**

<b>Culpability</b> demonstrated by one or more of the following:	
<b>A-</b> High Culpability	<ul style="list-style-type: none"><li>• Targeting of vulnerable victim</li><li>• A significant degree of planning or organisation</li><li>• Knife or other weapon carried (where not charged separately)</li></ul>
<b>B-</b> Medium culpability	<ul style="list-style-type: none"><li>• Some degree of planning or organisation</li><li>• Equipped for burglary (where not in high culpability)</li><li>• Other cases that fall between categories A and C because:<ul style="list-style-type: none"><li>○ Factors are present in A and C which balance each other out <b>and/or</b></li><li>○ The offender's culpability falls between the factors described in A and C</li></ul></li></ul>
<b>C-</b> Lower culpability	<ul style="list-style-type: none"><li>• Offence committed on impulse, with limited intrusion into property</li><li>• Involved through coercion, intimidation or exploitation</li><li>• Mental disorder or learning disability, where linked to the commission of the offence</li></ul>

## Harm

**The level of harm is assessed by weighing up all the factors of the case**

Category 1	<ul style="list-style-type: none"><li>• Much greater emotional impact on the victim than would normally be expected</li><li>• Occupier at home (or returns home) while offender present</li><li>• Violence used or threatened against the victim</li><li>• Theft of/damage to property causing a substantial degree of loss to the victim (whether economic, commercial or personal value)</li><li>• Soiling of property and/or extensive damage or disturbance to property</li><li>• Context of public disorder</li></ul>
<b>Category 2</b>	<ul style="list-style-type: none"><li>• Greater emotional impact on the victim than would normally be expected</li></ul>

	<ul style="list-style-type: none"> <li>• Theft of/damage to property causing some degree of loss to the victim (whether economic, commercial or personal value)</li> <li>• Ransacking or vandalism to the property</li> </ul>
Category 3	<ul style="list-style-type: none"> <li>• Nothing stolen or only property of low value to the victim (whether economic, commercial or personal)</li> <li>• Limited damage or disturbance to property</li> </ul>

## 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 conditions

Where sentencing an offender for a qualifying **third domestic burglary**, the Court must apply section 314 of the Sentencing Code and impose a custodial term of at least three years, unless it is satisfied that there are particular circumstances which relate to any of the offences or to the offender which would make it unjust to do so.

Harm	Culpability		
	A	B	C
<b>Category 1</b>	<p><b>Starting Point</b> 3 years' custody</p> <p><b>Category Range</b> 2 -6 years' custody</p>	<p><b>Starting Point</b> 2 years' custody</p> <p><b>Category Range</b> 1 -4 years' custody</p>	<p><b>Starting Point</b> 1 year 6 months custody</p> <p><b>Category Range</b> 6 months – 3 years' custody</p>
<b>Category 2</b>	<p><b>Starting Point</b> 2 years' custody</p> <p><b>Category Range</b> 1 -4 years' custody</p>	<p><b>Starting Point</b> 1 year 6 months custody</p> <p><b>Category Range</b> 6 months – 3 years' custody</p>	<p><b>Starting Point</b> 1 years' custody</p> <p><b>Category Range</b> High level community order-2 years custody</p>
<b>Category 3</b>	<p><b>Starting Point</b> 1 year 6 months custody</p> <p><b>Category Range</b> 6 months - 3 years' custody</p>	<p><b>Starting Point</b> 1 years' custody</p> <p><b>Category Range</b> High level community order-2 years custody</p>	<p><b>Starting Point</b> High level community order</p> <p><b>Category Range</b> Low level community order-6 months custody</p>

<https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/imposition-of-community-and-custodial-sentences/>

Below is a **non-exhaustive** list of additional elements providing the context of the

offence and factors relating to the offender. Identify whether a combination of these or other relevant factors should result in any 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
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity

#### *Other aggravating factors:*

- Child at home (or returns home) when offence committed
- Offence committed at night
- Restraint, detention or additional gratuitous degradation of the victim
- Vulnerable victim
- Victim compelled to leave their home
- Offence was committed as part of a group
- Offences taken into consideration
- Any steps taken to prevent the victim reporting the incident or obtaining assistance and/or from assisting or supporting the prosecution
- Offence committed on licence or post sentence supervision or while subject to court order(s)
- Commission of offence whilst under the influence of alcohol or drugs
- Established evidence of community impact

### **Factors reducing seriousness or reflecting personal mitigation**

- Offender has made voluntary reparation to the victim
- The offender was in a lesser or subordinate role if acting with others/performed limited role under direction
- No previous convictions **or** no relevant/recent convictions
- Remorse
- Good character and/or exemplary conduct
- Determination, and/or demonstration of steps taken to address addiction or offending behaviour
- Physical disability or serious medical conditions requiring urgent, intensive or long-term treatment
- Mental disorder or learning disability, where not linked to the commission of the offence
- Age and/or lack of maturity

- Delay since apprehension
- Sole or primary carer for dependent relatives

**STEP THREE****Consider any factors which indicate a reduction for assistance to the prosecution**

The court should take into account section 74 of the Sentencing Code (reduction in sentence for assistance to prosecution) 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 73 of the Sentencing Code and the *Reduction in Sentence for a Guilty Plea* guideline. Where a minimum sentence is imposed under section 314 of the Sentencing Code, the sentence must not be less than 80 percent of the appropriate custodial period after any reduction for a guilty plea.

**STEP FIVE****Dangerousness**

A burglary offence under section 9 Theft Act 1968 is a specified offence if it was committed with the intent to (a) inflict grievous bodily harm on a person, or (b) do unlawful damage to a building or anything in it. The court should consider whether having regard to the criteria contained section 308 of the Sentencing Code it would be appropriate to impose an extended sentence (sections 266 and 279).

**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 in accordance with the Totality guideline.

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

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

**STEP EIGHT****Reasons**

Section 52 of the Sentencing Code imposes a duty to give reasons for, and explain the effect of, the sentence.

**STEP NINE****Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003 and section 325 of the Sentencing Code.



## Annex D

# Non-domestic burglary

**Theft Act 1968 (section 9)**

**Triable either way (except as noted below)**

**Maximum: 10 years' custody**

**Offence range: x – xx years' custody**

This is a specified offence for the purposes of sections [266](#) and [279](#) (extended sentence for certain violent, sexual or terrorism offences) of the Sentencing Code if it was committed with intent to:

- a. inflict grievous bodily harm on a person, or
- b. do unlawful damage to a building or anything in it.

This offence is indictable only where it is a burglary comprising the commission of, or an intention to commit, an offence which is triable only on indictment.

**STEP ONE**

**Determining the offence category**

The court should determine the offence category with reference only to the factors in the table 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. **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**

<b>Culpability</b> demonstrated by one or more of the following:	
<b>A-</b> High Culpability	<ul style="list-style-type: none"><li>• A significant degree of planning or organisation</li><li>• Knife or other weapon carried (where not charged separately)</li></ul>
<b>B-</b> Medium culpability	<ul style="list-style-type: none"><li>• Some degree of planning or organisation</li><li>• Equipped for burglary where not in high culpability)</li><li>• Other cases that fall between categories A and C because:<ul style="list-style-type: none"><li>○ Factors are present in A and C which balance each other out <b>and/or</b></li><li>○ The offender's culpability falls between the factors described in A and C</li></ul></li></ul>
<b>C-</b> Lower culpability	<ul style="list-style-type: none"><li>• Offence committed on impulse, with limited intrusion into property</li><li>• Involved through coercion, intimidation or exploitation</li><li>• Mental disorder or learning disability, where linked to the commission of the offence</li></ul>

<b>Harm</b>	
<b>The level of harm is assessed by weighing up all the factors of the case</b>	
<b>Category 1</b>	<ul style="list-style-type: none"><li>• Much greater emotional impact on the victim than would normally be expected</li><li>• Victim on the premises (or returns) while offender present</li><li>• Violence used or threatened against the victim</li><li>• Theft of/damage to property causing a- substantial degree of loss to the victim (whether economic, commercial or personal value) Soiling of property and/or extensive damage or disturbance to property</li><li>• Context of public disorder</li></ul>
<b>Category 2</b>	<ul style="list-style-type: none"><li>• Greater emotional impact on the victim than would normally be expected</li></ul>

	<ul style="list-style-type: none"> <li>• Theft of/damage to property causing some degree of loss to the victim (whether economic, commercial or personal value)</li> <li>• Ransacking or vandalism of the property</li> </ul>
Category 3	<ul style="list-style-type: none"> <li>• Nothing stolen or only property of low value to the victim (whether economic, commercial or personal)</li> <li>• Limited damage or disturbance to property</li> </ul>

## 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 conditions

Courts may wish to note the Imposition guideline

<https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/imposition-of-community-and-custodial-sentences/>

Harm	Culpability		
	A	B	C
<b>Category 1</b>	<p><b>Starting Point</b> 2 years' custody</p> <p><b>Category Range</b> 1 -5 years' custody</p>	<p><b>Starting Point</b> 1 years' custody</p> <p><b>Category Range</b> High level community order - 2 years' custody</p>	<p><b>Starting Point</b> 6 months custody</p> <p><b>Category Range</b> Medium level community order – 1 years custody</p>
<b>Category 2</b>	<p><b>Starting Point</b> 1 years' custody</p> <p><b>Category Range</b> High level community order - 2 years' custody</p>	<p><b>Starting Point</b> 6 months custody</p> <p><b>Category Range</b> Medium level community order – 1 years custody</p>	<p><b>Starting Point</b> Medium level community order</p> <p><b>Category Range</b> Low -high level community order</p>
<b>Category 3</b>	<p><b>Starting Point</b> 6 months custody</p> <p><b>Category Range</b> Medium level community order - 1 years' custody</p>	<p><b>Starting Point</b> Medium level community order</p> <p><b>Category Range</b> Low – high level community</p>	<p><b>Starting Point</b> Band B fine</p> <p><b>Category Range</b> Discharge – Low level community order</p>

Below is a **non-exhaustive** list of additional elements providing the context of the offence and factors relating to the offender. Identify whether a combination of these or other relevant factors should result in any 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
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity

*Other aggravating factors:*

- Abuse of a position of trust
- Restraint, detention or additional gratuitous degradation of the victim
- Vulnerable victim
- Offence was committed as part of a group
- Offences taken into consideration
- Any steps taken to prevent the victim reporting the incident or obtaining assistance and/or from assisting or supporting the prosecution
- Offence committed on licence or post sentence supervision or while subject to court order(s)
- Commission of offence whilst under the influence of alcohol or drugs
- Established evidence of community impact

**Factors reducing seriousness or reflecting personal mitigation**

- Offender has made voluntary reparation to the victim
- The offender was in a lesser or subordinate role if acting with others/performed limited role under direction
- No previous convictions **or** no relevant/recent convictions
- Remorse
- Good character and/or exemplary conduct
- Determination, and/or demonstration of steps taken to address addiction or offending behaviour
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**STEP FIVE****Dangerousness**

A burglary offence under section 9 Theft Act 1968 is a specified offence if it was committed with the intent to (a) inflict grievous bodily harm on a person, or (b) do unlawful damage to a building or anything in it. The court should consider whether having regard to the criteria contained section 308 of the Sentencing Code it would be appropriate to impose an extended sentence (sections 266 and 279).

**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 in accordance with the Totality guideline.

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

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

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**STEP NINE****Consideration for time spent on bail (tagged curfew)**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003 and section 325 of the Sentencing Code.

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