

Sentencing Council

Sentencing Council meeting: 5 March 2021
Paper number: SC(21)MAR05 – Burglary Revision
Lead Council member: Rebecca Crane
Lead officials: Mandy Banks
0207 071 5785

1 ISSUE

1.1 This is the final meeting to discuss the revision of the existing burglary guideline, ahead of consultation in early June. At this meeting the Council will be asked to consider the amendments to the guidelines recommended by the working group and to consider the draft resource assessment.

2 RECOMMENDATION

2.1 That the Council:

- Considers the changes to the guidelines recommended by the working group
- Considers the draft resource assessment

3 CONSIDERATION

Amendments proposed by the burglary working group

3.1 At the December meeting it was agreed that a burglary working group should be set up to consider some matters of detail, to be brought back to this meeting for consideration. A working group consisting of Tim, Rebecca, Maura, Rosina and Naomi from the CPS was set up and met in January.

3.2 The first matter the group considered was the issue of '*weapon present on entry*', a high culpability factor in the existing [aggravated burglary](#) guideline, and the concerns raised in *Sage*¹. In summary, the concern raised in *Sage* is one of double counting around '*weapon present on entry*', as set out below.

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

3.3 If an offender commits an aggravated² burglary with intent to steal/inflict GBH/intent criminal damage [a 9(1)(a) burglary], they commit the offence at the point of the trespass when they enter the building. So for these offences, all aggravated burglaries would have the weapon present on entry. For the aggravated version of s.9(1)(b) the offence is not committed until the point of the theft/attempted theft or GBH/attempt GBH and therefore the offender may have the weapon on entry or have picked it up in the address. The point from *Sage* is that '*weapon present on entry*' is an essential element of an aggravated s.9(1)(a) offence and so should not automatically be put into high culpability.

3.4 The group considered some of the options put forward in the December meeting to deal with this issue, either to remove the factor all together, or try to differentiate between types of weapon, or try to focus on the use of the weapon, rather than whether it was being carried when the premises were entered or picked up whilst in the premises. The group also noted that there was a category 1 harm factor of '*violence used or threatened against the victim, particularly involving a weapon*'.

3.5 This issue is quite a difficult one to resolve. However after careful deliberation the group decided to remove the factor from high culpability and move it to step 2, to become an aggravating factor of '*weapon carried when entering the premises*'. By doing so, and retaining the harm factor referencing a weapon, it would avoid the problem of double counting referred to in *Sage*, but at the same time would:

- Enable the court to distinguish between the burglar who goes armed and the burglar who does not [with a warning, to avoid double counting]
- Enable the court to deal more severely with a burglar who uses/threatens a weapon which he brought into the premises
- Catch the armed burglar who finds the premises empty and therefore has no opportunity to use/threaten violence.

These proposed changes have been made and can be seen on page 4 of **Annex A**.

Question 1: Does the Council agree with the working groups' recommendation that 'weapon carried when entering the premises' becomes a step 2 aggravating factor?

² A person is guilty of aggravated burglary if he commits any burglary and at the time has with him any firearm or imitation firearm, any weapon of offence, or any explosive.

3.6 The next matter the working group considered was the issue discussed at the last Council meeting of sentence ranges and whether there should be some wording added that referred sentencers to the assault guidelines in burglary cases involving violence.

3.7 The working group noted the information provided by the CPS at the December meeting around charging decisions, that there would not be many cases charged as burglary which involved actual physical injury that didn't have additional assault charges (at the relevant level for the assault inflicted). Or, 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.

3.8 Therefore, the group decided that on balance, that it was not necessary to have any additional wording on this point. In making this decision the group also considered concerns around fairness to offenders, that they should only be sentenced for matters that they have been charged with, (e.g burglary) and not for those that they haven't (e.g assault). The group was also concerned that any possible wording would become quite complicated if it also tried to advise sentencers about totality where the violence is separately charged.

Question 2: Does the Council agree with the working groups' recommendation that the guidelines should not have any wording that refers to the assault guidelines?

3.9 The third issue the working group considered was the wording that the Council discussed at the last meeting should be added to the domestic burglary guideline, that cases of particular gravity could result in sentences above the top of the range. The group discussed this and agreed the wording should say:

'For cases of particular gravity, sentences above the top of the range may be appropriate.'

This can be seen above the sentence table in the domestic burglary guideline on page 3 of **Annex B**.

Question 3: Does the Council agree with the working groups' proposed wording for the domestic burglary guideline?

3.10 The rest of the changes agreed at the last Council meeting in December have been made to the guidelines and can be seen within **Annexes A-C**. The

consultation document and finalised guidelines will be circulated via email to Council members for comment in due course.

Draft resource assessment

3.11 The full draft resource assessment can be found at **Annex D**. Analysis was undertaken to assess whether changes to the existing guidelines would have an impact on sentencing for burglary offences. In summary, there is not enough evidence to suggest that the guidelines will have a notable impact on prison or probation resources at this stage.

3.12 There have been several changes to the placement of factors in the draft revised guidelines, which the analysis suggests may lead to changes in the categorisation of culpability in some cases, with potential subsequent impacts on sentences. This comprises the factor related to group offending within the non-domestic and domestic burglary guidelines, and the factor related to a weapon being present on entry to the premises within the aggravated burglary guideline. Additionally, some new wording related to alcohol dependency/misuse may lead to lower sentences.

3.13 Further research during the consultation stage will explore these issues in more detail, and there should therefore be further evidence available to estimate the impact of the guidelines for the final resource assessment.

3.14 Overall, aside from the specific issues mentioned above which will be explored during the consultation, for all three offences (non-domestic, domestic and aggravated burglary), analysis suggests that sentences should remain similar under the revised guidelines, and at this stage, there is no conclusive evidence to suggest that the guidelines will have a notable impact on prison or probation resources.

Potential changes as a result of the resource assessment analysis

3.15 At this stage of reviewing the guideline ahead of consultation, and considering the findings of the draft resource assessment, the Council could choose to look again at some of the decisions around the factors, in particular the one related to group offending. In discussing this factor previously the Council thought this factor could be problematic, citing concerns as to how many offenders constitute a group for example, and it was moved from high culpability to become an aggravating factor. However, there is the text within the [expanded explanations](#) on the 'offence committed as part of a group' factor, which states that membership of a group is two or more persons, so this and other additional detail on this factor may assist

sentencers. With burglary offences there does seem something inherently more serious from a victim's perspective in a group of offenders breaking in, as opposed to one person.

3.16 Given that the resource assessment indicates that for domestic and non-domestic burglary the removal of this factor from culpability may lead to a decrease in sentencing, the Council could decide to put the factor back into culpability from step two. In addition, the Council could decide to put the factor back into culpability for aggravated burglary also. The number of high culpability factors has reduced from five in the existing guideline to two or three in the revised guidelines, potentially making it more difficult for an offender to be placed in this category. Adding the '*offence was committed as part of a group*' factor will help redress this balance and make sure that the most serious cases can be sentenced accordingly. It is suggested that the mitigating factor of '*offender was in a lesser or subordinate role if acting with others/performed limited role under direction*' remains at step two, as in the existing guideline (rather than moving to become a lesser culpability factor).

3.17 It is not suggested however that the '*weapon present on entry*' factor is placed back into high culpability, for the reasons set out earlier in the paper. This was a difficult matter to resolve and the solution of placing the reworded factor at step two, with the existing reference to a weapon in harm is recommended as the most appropriate solution. And, the resource assessment indicates that the movement of this factor from step one to step two will not have an effect on the sentence in most cases.

Question 4: Does the Council have any observations on the draft resource assessment?

Question 5: Does the Council wish to place 'offence committed as part of a group' back into high culpability for all three offences?

4. EQUALITIES

- 4.1 At the December meeting the Council considered the additional demographic tables on ethnicity data broken down by sentence types, ACSLs and sentence length. **(Annex E)**. This suggested 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. Given this finding, the Council discussed whether the guideline should make any reference to it or not. It was then decided that the matter should be remitted to the Equalities and Diversity working group for further discussion, as any decision could have implications for other guidelines.

4.2 The Equalities and Diversity working group has met and decided that there should not be any reference to the research on the face of the guideline. The consultation document will explain what work has been carried out in this area and what it has shown and will ask if consultees have any comments.

Question 6: Is the Council content to sign off the guideline ahead of consultation?

Aggravated burglary

Theft Act 1968 (section 10)

Triable only on indictment

Maximum: Life imprisonment

Offence range: 1 – 13 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**

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

Harm

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

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

	<ul style="list-style-type: none"> • Ransacking or vandalism to the property
Category 3	<ul style="list-style-type: none"> • No violence used or threatened and a weapon is not produced • Limited psychological injury or other limited impact on the victim

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	Starting Point 10 years' custody Category Range 9 -13 years' custody	Starting Point 8 years' custody Category Range 6 -11 years' custody	Starting Point 6 years' custody Category Range 4 – 9 years' custody
Category 2	Starting Point 8 years' custody Category Range 6 -11 years' custody	Starting Point 6 years' custody Category Range 4– 9 years' custody	Starting Point 4 years' custody Category Range 2-6 years' custody
Category 3	Starting Point 6 years' custody Category Range 4-9 years' custody	Starting Point 4 years' custody Category Range 2-6 years' custody	Starting Point 2 years' custody Category Range 1-4 years' custody

<https://www.sentencingcouncil.org.uk/overarching-guides/crown-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.

Care should be taken to avoid double counting factors already taken into account at step one

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:

- Weapon carried when entering premises
- Use of face covering or disguise
- Offence committed in a dwelling
- 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.

STEP FIVE**Dangerousness**

The court should consider whether having regard to the criteria contained in [section 308 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](#).

Domestic burglary

Theft Act 1968 (section 9)

Triable either way (except as noted below)

Maximum: 14 years' custody

Offence range: Low level community order- six 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**

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

Harm	
The level of harm is assessed by weighing up all the factors of the case	
Category 1	<ul style="list-style-type: none"> • Much greater emotional impact on the victim than would normally be expected • Occupier at home (or returns home) while offender present • Violence used or threatened against the victim • 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 • Context of public disorder
Category 2	<ul style="list-style-type: none"> • Greater emotional impact on the victim than would normally be expected

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

STEP TWO

Starting point and category range

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

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.

For cases of particular gravity, sentences above the top of the range may be appropriate.

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

Category 3	Starting Point 1 year 6 months custody Category Range 6 months - 3 years' custody	Starting Point 1 years' custody Category Range High level community order-2 years' custody	Starting Point High level community order Category Range Low level community order-6 months custody
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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 in [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](#).

Non-domestic burglary

Theft Act 1968 (section 9)

Triable either way (except as noted below)

Maximum: 10 years' custody

Offence range: Discharge – five 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**

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

Harm

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

Category 1	<ul style="list-style-type: none"> • Much greater emotional impact on the victim than would normally be expected • Victim on the premises (or returns) while offender present • Violence used or threatened against the victim • 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 • Context of public disorder
Category 2	<ul style="list-style-type: none"> • Greater emotional impact on the victim than would normally be expected

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

STEP TWO

Starting point and category range

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

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.

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

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
- 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.

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](#).

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Consultation Stage Resource Assessment

Burglary Offences

Introduction

This document fulfils the Council's statutory duty to produce a resource assessment which considers the likely effect of its guidelines on the resources required for the provision of prison places, probation and youth justice services.¹

Rationale and objectives for new guideline

In January 2012, the Sentencing Council's definitive *Burglary Offences* guideline came into force. An assessment of the guideline published in January 2016 found that sentencing severity had increased beyond what was expected for non-domestic burglary offences.² Sentences were also found to have increased beyond what was expected for aggravated burglary, although due to low volumes for this offence, the findings were less conclusive. A further assessment published in July 2017, found that the guideline may have contributed to increases in sentencing severity for all three burglary offences, although the increase in domestic burglary was within the expected range.³

In light of the assessment findings, the Council decided to update the guidelines. The Council also decided to bring the guidelines into line with the structure now used for most guidelines. Previously, there were two levels of culpability and two levels of harm, leading to a sentencing table with three starting points. In the draft guideline, there are now medium levels of culpability and medium levels of harm leading to nine possible starting points in the sentencing table.

The Council's aim in developing the guidelines has been to ensure that sentencing for these offences is proportionate to the offence committed and to promote a consistent approach to sentencing. It was accepted by the Council that sentencing levels had increased since the guideline came into force, and the draft revised guidelines have been developed with recent sentencing levels in mind.

¹ Coroners and Justice Act 2009 section 127: www.legislation.gov.uk/ukpga/2009/25/section/127

² <https://www.sentencingcouncil.org.uk/wp-content/uploads/Burglary-assessment.pdf>

³ <https://www.sentencingcouncil.org.uk/wp-content/uploads/Burglary-further-assessment.pdf>

Scope

As stipulated by section 127 of the Coroners and Justice Act 2009, this assessment considers the resource impact of the guidelines on the prison service, probation service and youth justice services. Any resource impacts which may fall elsewhere are therefore not included in this assessment.

This resource assessment covers the following offences:

- Non-domestic burglary, Theft Act 1968 (section 9);
- Domestic burglary, Theft Act 1968 (section 9);
- Aggravated burglary, Theft Act 1968 (section 10).

The *Burglary Offences* guidelines apply to sentencing adults only; they will not directly apply to the sentencing of children and young people.

Current sentencing practice

To ensure that the objectives of the guidelines are realised, and to understand better the potential resource impacts of the guidelines, the Council has carried out analytical and research work in support of it.

The intention is that the new guidelines will encourage consistency of sentencing and in the vast majority of cases will not change overall sentencing practice as it is currently. In order to develop a guideline that maintains current practice, knowledge of recent sentencing was required.

Sources of evidence have included the analysis of transcripts of judges' sentencing remarks, sentencing data from the Court Proceedings Database,⁴ findings from the two burglary guideline assessments, Council members' experience of sentencing burglary cases and references to case law and news articles. Knowledge of the sentencing starting points, ranges and factors used in previous cases has helped the Council to create guidelines that should maintain current sentencing practice.

During the consultation stage, some small-scale research will be conducted with a group of sentencers, to check that the draft guidelines would work as anticipated. This research should also provide some further understanding of the likely impact of the guidelines on sentencing practice, and the subsequent effect on the prison population.

Detailed sentencing statistics for burglary offences covered by the draft guidelines have been published on the Sentencing Council website at the following link: <http://www.sentencingcouncil.org.uk/publications/?type=publications&s=&cat=statistical-bulletin&topic=&year>.

⁴ The Court Proceedings Database (CPD), maintained by the Ministry of Justice (MoJ), is the data source for these statistics. Data on average custodial sentence lengths presented in this resource assessment are those after any reduction for guilty plea. Further information about this sentencing data can be found in the accompanying statistical bulletin and tables published here: <http://www.sentencingcouncil.org.uk/publications/?s&cat=statistical-bulletin>

Non-domestic burglary

Around 5,200 adults were sentenced for a non-domestic burglary offence in 2019. This number has been decreasing since 2011 when 8,500 adults were sentenced for this offence. Around 64 per cent of offenders were sentenced in magistrates' courts, the remaining 36 were sentenced in the Crown Court.

Just over half (55 per cent) of those sentenced for non-domestic burglary in 2019 were sentenced to immediate custody. A further 22 per cent and 17 per cent of adults received a community sentence and a suspended sentence respectively. The rest received a fine (2 per cent), a discharge (2 per cent) or were otherwise dealt with⁵ (2 per cent).

The statutory maximum sentence for this offence is 10 years' custody. In 2019, the average custodial sentence length (ACSL)⁶ was 11.3 months (after any reduction for a guilty plea).

Domestic burglary

Around 4,700 adults were sentenced for a domestic burglary offence in 2019. This has been sharply decreasing since a high of 11,100 in 2011. Around 87 per cent of offenders were sentenced in the Crown Court, the remaining 13 per cent were sentenced in magistrates' courts.

Around 77 per cent of those adults sentenced for domestic burglary in 2019 received an immediate custodial sentence. This was followed by 12 per cent receiving a suspended sentence and 9 per cent receiving a community sentence. The rest received a fine (less than 0.5 per cent), a discharge (1 per cent) or were otherwise dealt with⁷ (2 per cent).

The statutory maximum sentence for this offence is 14 years' custody. The ACSL in 2019 was 28.6 months (after any reduction for a guilty plea).

Aggravated burglary

Around 190 adults were sentenced for an aggravated burglary in 2019. This is a reduction from 2011 when 320 adults were sentenced for the same offence. This offence is indictable only and therefore all offenders were sentenced in the Crown Court.

⁵ The category 'Otherwise dealt with' in this case includes: one day in police cells; hospital order; forfeiture of property; restraining order; a deferred sentence; compensation; and other miscellaneous disposals. Due to a data issue currently under investigation, there are a number of non-domestic burglary cases which are incorrectly categorised in the CPD as 'Otherwise dealt with'. The figures shown for 'Otherwise dealt with' should therefore be treated with caution.

⁶ The average referred to in the text is the mean, which is calculated by adding all of the individual values and dividing the total by the number of values.

⁷ The category 'Otherwise dealt with' in this case includes: one day in police cells; hospital order; compensation; restraining order; and other miscellaneous disposals. Due to a data issue currently under investigation, there are a number of domestic burglary cases which are incorrectly categorised in the CPD as 'Otherwise dealt with'. The figures shown for 'Otherwise dealt with' should therefore be treated with caution.

Nearly all (91 per cent) of the offenders received an immediate custodial sentence with the remaining 9 per cent 'otherwise dealt with'⁸.

The statutory maximum sentence for this offence is life imprisonment. The ACSL in 2019 was 7.8 years (after any reduction for a guilty plea). Under 0.5 per cent of those sentenced in 2019 received an indeterminate sentence⁹.

Key assumptions

To estimate the resource effect of a new guideline, an assessment is required of how it will affect aggregate sentencing behaviour. This assessment is based on the objectives of the new guideline and draws upon analytical and research work undertaken during guideline development. Additionally, in this case, findings from the two guideline evaluations have helped to inform guideline development. However, some assumptions must be made, in part because it is not possible precisely to foresee how sentencers' behaviour may be affected across the full range of sentencing scenarios. Any estimates of the impact of the new guideline are therefore subject to a substantial degree of uncertainty.

The resource impact of the new guideline is measured in terms of the change in sentencing practice that is expected to occur as a result of it. Any future changes in sentencing practice which are unrelated to the publication of the new guideline are therefore not included in the estimates.

In developing sentence levels for the different guidelines, existing guidance and data on current sentence levels has been considered.

While data exists on the number of offenders and the sentences imposed, assumptions have been made about how current cases would be categorised across the levels of culpability and harm proposed in the new guidelines, due to a lack of data available regarding the seriousness of current cases. Additionally, the draft guidelines have a medium level of culpability and a medium level of harm, which are not part of the current guideline, meaning that it is difficult to foresee how offences will map from the existing to draft guidelines. As a consequence, it is difficult to ascertain how sentence levels may change under the new guidelines.

It therefore remains difficult to estimate with any precision the impact the guidelines may have on prison and probation resources. To support the development of the guidelines and mitigate the risk of the guidelines having an unintended impact, interviews will be undertaken with sentencers during the consultation period, which will provide more information on which to base the final resource assessment accompanying the definitive guidelines.

⁸ The category 'Otherwise dealt with' in this case includes: otherwise dealt with on conviction (or finding of guilt). Due to a data issue currently under investigation, there are a number of aggravated burglary cases incorrectly categorised in the CPD as 'Otherwise dealt with'. The figures shown for 'Otherwise dealt with' should therefore be treated with caution.

⁹ Adults sentenced to indeterminate sentences are not included in ACSL and sentence length figures.

Resource impacts

This section should be read in conjunction with the draft guidelines available at: <http://www.sentencingcouncil.org.uk/consultations/>.

Summary

There have been several changes to the placement of factors in the draft revised guidelines, which the analysis suggests may lead to changes in the categorisation of culpability in some cases, with potential subsequent impacts on sentences. This comprises the factor related to group offending within the non-domestic and domestic burglary guidelines, and the factor related to a weapon being present on entry to the premises within the aggravated burglary guideline. Additionally, some new wording related to alcohol dependency/misuse may lead to lower sentences.

Further research during the consultation stage will explore these issues in more detail, and there should therefore be further evidence available to estimate the impact of the guidelines for the final resource assessment.

Overall, aside from the specific issues mentioned above which will be explored during the consultation, for all three offences (non-domestic, domestic and aggravated burglary), analysis suggests that sentences should remain similar under the revised guidelines, and at this stage, there is no conclusive evidence to suggest that the guidelines will have a notable impact on prison or probation resources.

Non-domestic burglary

The assessment of the impact of the existing guideline for this offence found that average sentencing severity increased beyond the expected levels when the guideline came into force, suggesting that the guideline had had an unintended impact of increasing sentences. The Council considered the findings of this assessment, as well as findings from the further assessment which explored the possible reasons for the increases.

The existing guideline has two levels of culpability and two levels of harm, leading to three levels of seriousness in the sentence starting point and range table. This goes from a starting point of a medium level community order for the least serious offence up to a starting point of two years' custody for the most serious.

The draft guideline has three levels of culpability and three levels of harm, leading to nine possible starting points and ranges. This goes from a starting point of a band B fine for the least serious offences up to two years' custody as a starting point for the most serious offences.

The Council decided to look carefully at the top categories of culpability and harm within the guideline, to ensure that only the most serious offences lead to the highest sentences. Accordingly, some changes to the factors in these categories were made. The intention was not necessarily to maintain or to decrease sentences, but instead to ensure that proportionate sentences were imposed relative to the seriousness of the offence. The Council also decided that sentences at the lower end of offending could better address the causes of the offending behaviour. Therefore, it was decided to include a new reference to alcohol treatment requirements alongside the

existing reference to drug treatment requirements in the guideline, as alternatives to short or moderate custodial sentences in appropriate cases. It was acknowledged that this may lead to decreases in sentence severity in some cases at the lower end of offending, but is intended to help reduce future offending.

A number of changes have been made to the wording and placement of the factors in the guideline. For example, the culpability factor of 'member of a group or gang' has been re-worded to 'offence was committed as part of a group' and has been moved from step one of the guideline to step two. Also 'premises or victim deliberately targeted'¹⁰ has been removed from the guideline factors. Several of the harm factors and aggravating and mitigating factors have also been re-worded, and the factor 'offence committed at night' has been removed from the aggravating factors.

An analysis of a small sample¹¹ of transcripts of Crown Court judges' sentencing remarks was undertaken to assess whether there might be any potential resource impact related to these changes. It should be noted that transcripts of judges' sentencing remarks are only available for offenders sentenced at the Crown Court. As around two thirds of offenders (64 per cent in 2019) are sentenced in magistrates' courts for this offence, this means that this transcript analysis covers only the most serious end of offending. Therefore, findings will not be representative of all offenders sentenced for this offence. Additionally, the sample analysed was fairly small, and is unlikely to have accounted for the full range of offending at the Crown Court, and so findings for this offence are tentative.

Based on this analysis of a small sample of cases, most of the changes in the draft guideline are not expected to result in an impact on prison or probation resources. Where a change in sentences was found, it was minimal in size, and where an increase in the sentence under the new guideline was observed for some cases, this was usually balanced out by a decrease of around the same magnitude in other cases.

One exception to this was for several cases where the judge had placed the offence within the higher culpability category under the existing guideline where one of the relevant factors was that the offender committed the offence as part of a group. Under the revised guideline, the analysis found that other higher culpability factors (such as 'significant planning was involved') would be taken into account in most cases to keep the offender within this higher culpability category. This suggests that this would not have an impact on sentences. However, different findings were found for domestic burglary (see later),¹² The impact of this change will therefore be explored in more detail as part of research planned for during the consultation.

As explained above, the small sample of transcripts analysed was mainly comprised of more serious offences, in particular those which judges had put into the highest harm categories. This means that it has not been possible at this stage to determine

¹⁰ The factor 'vulnerable victim' appears instead at step two under aggravating factors.

¹¹ A total of 15 transcripts were analysed for this offence, of which 9 transcripts covering 19 offenders contained enough detail to provide evidence of the possible impact of the revised guideline on sentences.

¹² Where similar changes were made to these factors in the domestic burglary guidelines, the analysis suggested that in some cases, the movement of this factor from step one to step two may lead to a lower culpability categorisation. However, while sentencers may take the 'offence committed as part of a group' aggravating factor into account at step two and increase the sentence, this may not fully offset the decrease in culpability.

the possible impact of the lower starting point for the lowest level of offending¹³. It is possible that sentences may decrease for the least serious offences, but without further evidence, it is not possible to determine this at this stage.

A few of the transcripts of sentencing remarks mentioned the offender having an issue with alcohol addiction. The text above the sentencing table in the existing guideline mentions that sentencers may choose a community order with a drug rehabilitation requirement (DRR) as an alternative to a custodial sentence where the offender is dependent on or has a propensity to misuse of drugs and there is sufficient prospect of success. The draft guideline has the same text but also mentions alcohol dependency/misuse and alcohol treatment requirements, which may lead to more community orders being given to those with alcohol dependency or misuse issues, leading to a possible decrease in sentencing severity in some cases. However, it has not been possible to estimate the impact of this change from the sample of sentencing remarks, as it was not possible to identify when this factor may be a sufficient reason to impose a community order instead of a custodial sentence, and it may be that community orders with alcohol treatment requirements are already being imposed whenever relevant. Additionally, as the transcripts covered the more serious end of offending for this offence, it may be that the relevant types of cases where this change could occur were just not present in the evidence used to inform this resource assessment.

Due to the small sample of transcripts and lack of cases falling into the lower harm categories, these issues will be explored further during the consultation stage. This will include research with sentencers, which will include offences at the lower end of seriousness as this is where most change to sentence starting points in the draft guideline, have been made.

Domestic burglary

The assessment of the impact of the existing guideline for this offence and the further assessment conducted to explore the evidence in more detail both concluded that sentencing severity had increased following the introduction of the guideline, although severity stayed within the bounds of the expected levels. The Council considered these findings and concluded that the higher sentences imposed under the existing guideline were proportionate to the seriousness of the offences. However, to bring the guideline into line with the Council's now standard structure and to revise some of the factors, the Council decided that a revision was still necessary.

The existing guideline has two levels of culpability and two levels of harm, leading to three levels of seriousness in the sentence starting point and range table. This goes from a starting point of a high level community order for the least serious offence up to a starting point of three years' custody for the most serious.

The draft guideline has three levels of culpability and three levels of harm, leading to nine possible starting points and ranges. This goes from the same starting point as

¹³ The lowest starting point in the current guideline is a medium level community order whereas the lowest starting point is a Band B fine in the draft guideline.

the current guideline (high level community order for the least serious offences) up to again, the same starting point for the most serious offences (three years' custody).

A number of changes have been made to the wording and placement of the factors in the guideline. For example, similarly to the non-domestic burglary guideline, the culpability factor of 'member of a group or gang' has been re-worded to 'offence was committed as part of a group' and moved from step one of the guideline to step two. Several of the harm factors and aggravating and mitigating factors have also been re-worded. Text has been added above the sentencing table telling sentencers that sentences above the top of the range may be appropriate for cases of particular gravity.

An analysis of a small sample¹⁴ of transcripts of Crown Court judges' sentencing remarks was undertaken to assess whether there might be any potential resource impact related to these changes. As the majority of offenders are sentenced at the Crown Court for this offence (87 per cent in 2019), it is expected that these transcripts are representative of most types of offending for this offence, except for those with the very lowest levels of seriousness. However, as this is a high-volume offence and the sample was small, it is unlikely that all types of offending have been captured within the analysis. Further research will be conducted during the consultation stage to better understand the possible impact of the guideline on sentencing.

Based on this analysis of a small sample of cases, most of the changes in the draft guideline are not expected to result in an impact on prison or probation resources. However, there were some exceptions.

The analysis found that in some cases, the movement of the factor related to group offending from step one to step two of the guideline could lead to a lowering of the culpability category under the draft guideline. Sentencers may take into account the relevant aggravating factor, but this may not fully offset any decrease to sentences caused by the lower culpability categorisation. There is not enough evidence at this stage to suggest that a decrease in sentences may occur as a result of this, but this will be explored in more detail as part of research planned for during the consultation.

A few of the transcripts of sentencing remarks mentioned the offender having an issue with alcohol addiction. The text above the sentencing table in the guideline has been revised in the same way as within the non-domestic burglary guideline, to capture dependency on or propensity to misuse alcohol. Similarly, this may lead to a greater use of community orders for this offence, but it has not been possible to estimate the impact of this from the sample of sentencing remarks.

Within the sample of transcripts, there were several cases which might fall under the definition of 'cases of particular gravity', and the text above the sentencing table advising sentencers that a sentence above the top of the range may be appropriate might apply in cases such as these. However, the sentence imposed in these cases was already above the top of the range, demonstrating that sentencers may already be sentencing in the way recommended by the additional wording. There is a possibility that in some cases, this is not currently happening, and so sentences may

¹⁴ A total of 21 transcripts were analysed for this offence, of which 11 transcripts covering 14 offenders contained enough detail to provide evidence of the possible impact of the revised guideline on sentences.

increase, but any impact of this is likely to be minimal, as the evidence suggests that for the small proportion of cases where this text would apply, at least some if not many sentencers are already imposing more severe sentences.

As explained above, due to the small sample of transcripts, it is recommended that further analysis and research is undertaken during the consultation stage to better understand the possible impact of the revised guideline on sentences, and subsequently on prison and probation resources.

Aggravated burglary

The assessment of the impact of the existing guideline for this offence and the further assessment conducted to explore the evidence in more detail both concluded that sentencing severity had increased following the introduction of the guideline. However, as the volume of offenders sentenced for this offence is relatively low, the findings needed to be treated with caution. The Council considered these findings and concluded that the higher sentences imposed under the existing guideline were proportionate to the seriousness of the offences. However, to bring the guideline into line with the Council's now standard structure and to revise some of the factors, the Council decided that a revision was still necessary.

The existing guideline has two levels of culpability and two levels of harm, leading to three levels of seriousness in the sentence starting point and range table. This goes from a starting point of two years' custody for the least serious offence up to a starting point of 10 years' custody for the most serious.

The draft guideline has three levels of culpability and three levels of harm, leading to nine possible starting points and ranges. This goes from the same starting point as the current guideline (two years' custody for least serious offences) up to again, the same starting point for most serious offences (10 years' custody).

In addition to the structural changes, a number of changes have been made to the culpability factors. The factors 'weapon present on entry' and 'member of a group or gang' have been moved from step one to step two (aggravating factors) and re-worded. 'Equipped for burglary' has been removed from all steps of the guideline and 'use of face covering or disguise' has been added to step two (aggravating factors).

An analysis of a small sample¹⁵ of transcripts of Crown Court judges' sentencing remarks was undertaken to assess whether there might be any potential resource impact related to these changes. As all offenders are sentenced at the Crown Court for this offence, the sample should represent the full range of offending, although, as with the burglary offences covered earlier, it is possible that some types of offending have not been captured by these transcripts as the sample is small.

Based on this analysis of a sample of cases, the movement of the 'weapon present on entry' factor may mean some cases are put into a lower level of culpability at step one, when under the existing guideline they were put into higher culpability. In three of the transcripts analysed, the removal of this factor from step one was not balanced out by taking into account 'weapon carried when entering premises' as an aggravating factor and instead led to a lower final sentence. However, in the majority

¹⁵ A total of 20 transcripts were analysed for this offence, of which 13 transcripts covering 20 offenders contained enough detail to provide evidence of the possible impact of the revised guideline on sentences.

of transcripts analysed, the culpability stayed at the same level due to the 'significant degree of planning' factor being present in the case. The factor 'Violence used or threatened against the victim, particularly involving a weapon' has remained within the high harm box and will also keep these cases within the higher end of the sentencing table. Therefore, the evidence suggests that the movement of this factor ('weapon present on entry') will not have an effect on the final sentence in most cases. There may be a decrease in sentences in a small proportion of cases where this factor is present. The analysis for domestic burglary found that the movement of the factor 'offence was committed as part of a group' from step one to step two may lead to lower categorisations of culpability. However, the analysis for aggravated burglary did not suggest a similar finding: there seemed consistently to be enough other culpability factors available in the revised guideline to maintain a high level of culpability for those offenders previously placed in higher culpability. Therefore, for this offence, categorisations of culpability are not expected to decrease. Given that this finding has not been consistent across the three burglary offences, this will be explored in more detail as part of research that will be conducted during the consultation, and may provide further evidence for the final resource assessment.

Further research will be conducted during the consultation stage to explore in more detail the possible impact of the guideline on sentences and subsequently on prison and probation resources.

Risks

Risk 1: The Council's assessment of current sentencing practice is inaccurate

An important input into developing sentencing guidelines is an assessment of current sentencing practice. The Council uses this assessment as a basis to consider whether current sentencing levels are appropriate or whether any changes should be made. Inaccuracies in the Council's assessment could cause unintended changes in sentencing practice when the new guidelines comes into effect.

This risk is mitigated by information that is gathered by the Council as part of the guideline development and consultation phase. This includes providing case scenarios as part of the consultation exercise which are intended to test whether the guidelines have the intended effect and inviting views on the guidelines. However, there are limitations on the number of factual scenarios which can be explored, so the risk cannot be fully eliminated.

Risk 2: Sentencers do not interpret the new guideline as intended

If sentencers do not interpret the guidelines as intended, this could cause a change in the average severity of sentencing, with associated resource effects.

The Council takes a number of precautions in issuing new guidelines to try to ensure that sentencers interpret them as intended. Sentencing ranges are agreed on by considering sentencing data in conjunction with Council members' experience of sentencing. Transcripts of sentencing remarks for 56 cases have also been studied to ensure that the guidelines are developed with current sentencing practice in mind. Research with sentencers carried out during the consultation period should also

enable issues with implementation to be identified and addressed prior to the publication of the definitive guidelines.

Consultees can also feed back their views of the likely effect of the guidelines, and whether this differs from the effects set out in the consultation stage resource assessment. The Council also uses data from the Ministry of Justice to monitor the effects of its guidelines.

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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, 2009-2019¹

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
Total	7,456	7,637	8,497	7,663	7,038	6,553	6,036	5,705	5,802	5,462	5,243

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%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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.

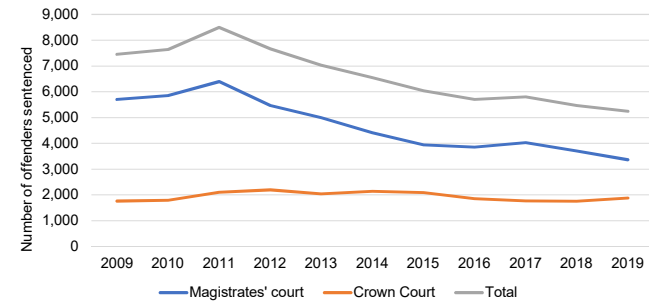
Number and proportion of adult offenders sentenced for non-domestic burglary, by sentence outcome, all courts, 2009-2019

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
Total	7,456	7,637	8,497	7,663	7,038	6,553	6,036	5,705	5,802	5,462	5,243

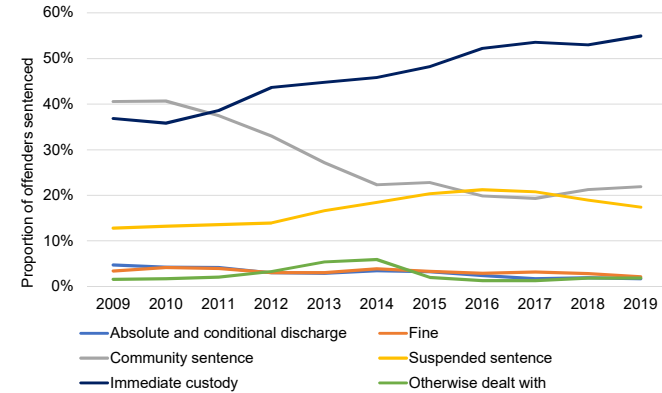
Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Absolute and conditional discharge	5%	4%	4%	3%	3%	4%	3%	2%	2%	2%	2%
Fine	3%	4%	4%	3%	3%	4%	3%	3%	3%	3%	2%
Community sentence	41%	41%	38%	33%	27%	22%	23%	20%	19%	21%	22%
Suspended sentence	13%	13%	14%	14%	17%	18%	20%	21%	21%	19%	17%
Immediate 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.

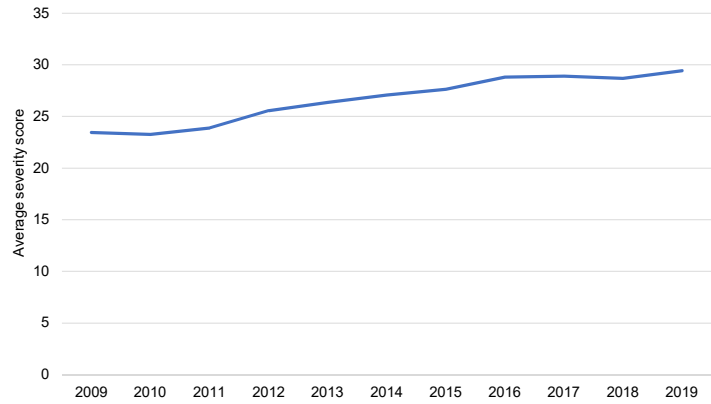
Number of adult offenders sentenced for non-domestic burglary, by court type, 2009-2019



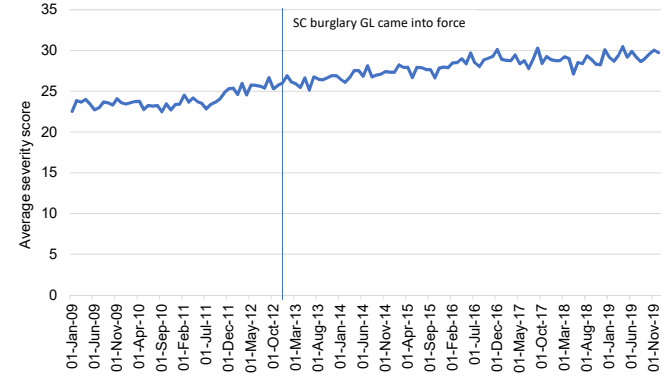
Sentence outcomes for adult offenders sentenced for non-domestic burglary, all courts, 2009-2019



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

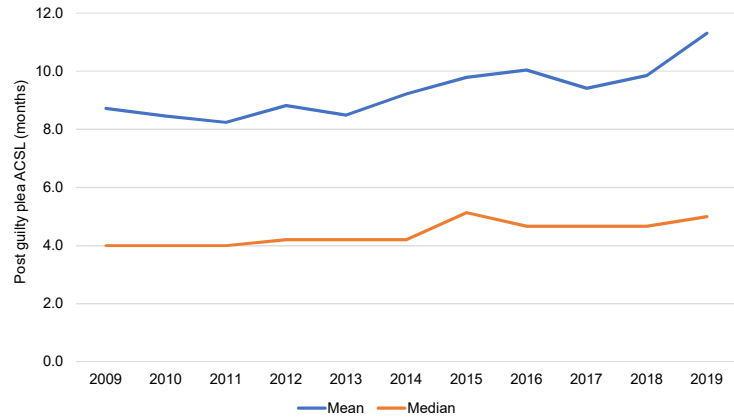


Average sentencing severity per month for adult offenders sentenced for non-domestic burglary, all courts, 2009-2019

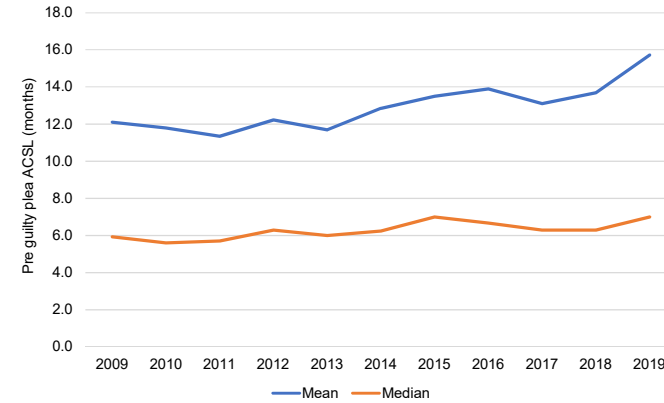


Between 2010 and 2016 there was an upward trend in sentence severity, which appears to have been driven by an increase in the proportion of offenders receiving a custodial sentence (either immediate or suspended), and a reduction in the proportion of offenders receiving a CO. Severity remained stable 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
Total	2,747	2,736	3,281	3,347	3,150	3,004	2,911	2,980	3,109	2,896	2,881

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
Total	2,747	2,736	3,281	3,347	3,150	3,004	2,911	2,980	3,109	2,896	2,881

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^{1,2}

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%
Total	100%	100%	100%	100%

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%
Total	100%	100%	100%	100%

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

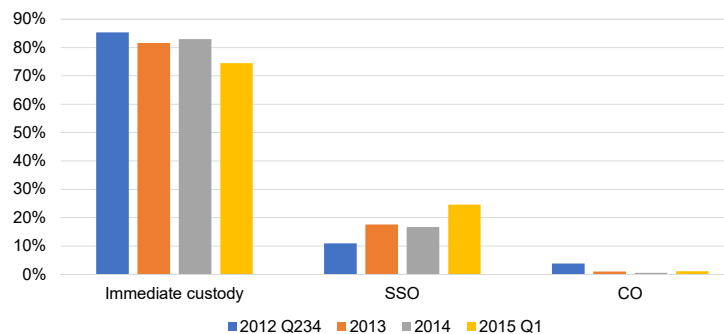
Pre guilty plea ACSLs for offenders sentenced to immediate custody

	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%
Total	100%	100%	100%	100%

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

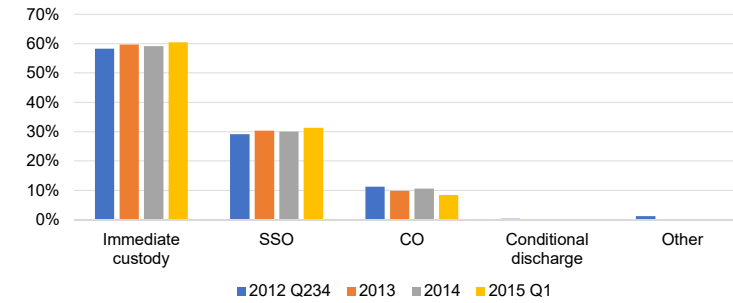
Offence category 3 (least serious)

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%
Total	100%	100%	100%	100%

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

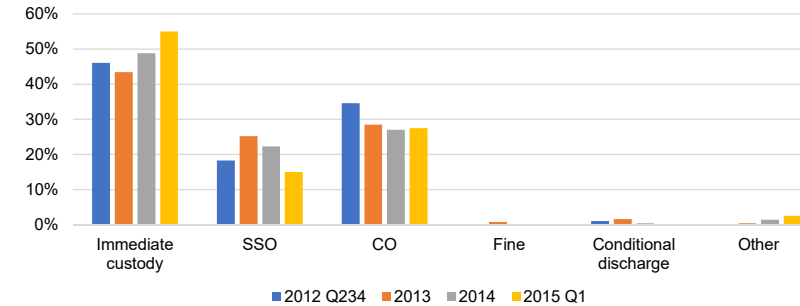
Proportion of adult offenders, by sentence outcome, category 2 (middle category), 2012 to 2015



	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^{1,2,3}

	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

	2012 Q234	2013	2014	2015 Q1
Factors indicating greater harm				
Theft of/damage to property causing significant degree of loss	30%	31%	35%	32%
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%

This factor has consistently been the most frequently used greater harm factor.

	2012 Q234	2013	2014	2015 Q1
Factors indicating lesser harm				
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%

	2012 Q234	2013	2014	2015 Q1
Factors indicating higher culpability				
Deliberately targeted	33%	33%	38%	30%
Significant degree of planning	23%	27%	35%	29%
Weapon present on entry or carried	2%	2%	1%	2%
Equipped for burglary	25%	25%	32%	30%
Member of group or gang	31%	31%	36%	33%
None stated	44%	43%	35%	36%

This factor has been used frequently over time.

This factor has been used frequently over time.

This factor has been used frequently over time.

This factor has been used frequently over time.

	2012 Q234	2013	2014	2015 Q1
Factors indicating lower culpability				
Offender exploited by others	2%	2%	3%	3%
Offence committed on impulse/limited intrusion	9%	10%	8%	7%
Mental disorder/learning disability where linked to the	1%	1%	1%	0%
None stated	88%	88%	90%	90%

Most frequently used lower culpability factor.

	2012 Q234	2013	2014	2015 Q1
Factors increasing seriousness				
<i>Statutory aggravating factors:</i>				
Previous relevant convictions	70%	74%	80%	76%
Offence committed on bail	8%	7%	6%	5%
None stated	28%	25%	19%	23%

High proportion of cases with previous convictions.

	2012 Q234	2013	2014	2015 Q1
<i>Other aggravating factors include:</i>				
Child at home/returns	0%	1%	0%	0%
Committed at night	21%	24%	29%	23%
Abuse of power/trust	2%	2%	2%	2%
Gratuitous degradation	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/drugs	12%	11%	13%	11%
Failure to comply with current court orders	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%

Frequently used aggravating factor.

	2012 Q234	2013	2014	2015 Q1
Factors reducing seriousness or reflecting personal mitigation				
Made voluntary reparation	0%	1%	1%	1%
Subordinate role in group or gang	7%	5%	7%	6%
No previous relevant convictions	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 conditions	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%

Most frequently used mitigating factor.

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 ¹
Male	4,994	96
Female	208	4
Not recorded/not known	41	
Total	5,243	100

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	
Total	5,243	100

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

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

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

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

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

Age	Mean	Median
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	-	-

Perceived Ethnicity²	Mean	Median
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) ¹							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	2797
Female	56	10	2	0	0	0	0	68
Not recorded /not known	16	0	0	0	0	0	0	16

Age Group	Number of adults sentenced to each sentence length (years) ¹							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	121
22 to 29 years	365	97	45	10	14	4	4	539
30 to 39 years	938	186	93	35	14	7	14	1287
40 to 49 years	597	113	49	15	8	1	2	785
50 to 59 years	98	19	9	4	0	0	2	132
60 years or older	9	2	5	0	0	0	1	17
Not recorded /not known	-	-	-	-	-	-	-	-

Perceived Ethnicity ²	Number of adults sentenced to each sentence length (years) ¹							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	2179
Black	168	24	10	3	2	1	1	209
Asian	56	8	3	4	1	0	0	72
Other	24	8	5	2	0	0	0	39
Not recorded /not known	252	71	42	7	2	5	3	382

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%	100%
Female	82%	15%	3%	0%	0%	0%	0%	100%
Not recorded /not known	100%	0%	0%	0%	0%	0%	0%	100%

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%	100%
22 to 29 years	68%	18%	8%	2%	3%	1%	1%	100%
30 to 39 years	73%	14%	7%	3%	1%	1%	1%	100%
40 to 49 years	76%	14%	6%	2%	1%	0%	0%	100%
50 to 59 years	74%	14%	7%	3%	0%	0%	2%	100%
60 years or older	53%	12%	29%	0%	0%	0%	6%	100%
Not recorded /not known	-	-	-	-	-	-	-	-

Perceived Ethnicity ²	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%	100%
Black	80%	11%	5%	1%	1%	0%	0%	100%
Asian	78%	11%	4%	6%	1%	0%	0%	100%
Other	62%	21%	13%	5%	0%	0%	0%	100%
Not recorded /not known	66%	19%	11%	2%	1%	1%	1%	100%

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
Total	9,672	10,509	11,080	10,260	9,691	8,756	7,405	6,250	5,835	5,119	4,651

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%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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.

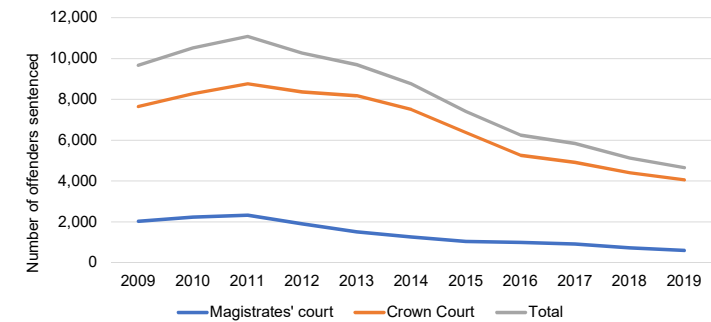
Number and proportion of adult offenders sentenced for domestic burglary, by sentence outcome, all courts, 2009-2019

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
Total	9,672	10,509	11,080	10,260	9,691	8,756	7,405	6,250	5,835	5,119	4,651

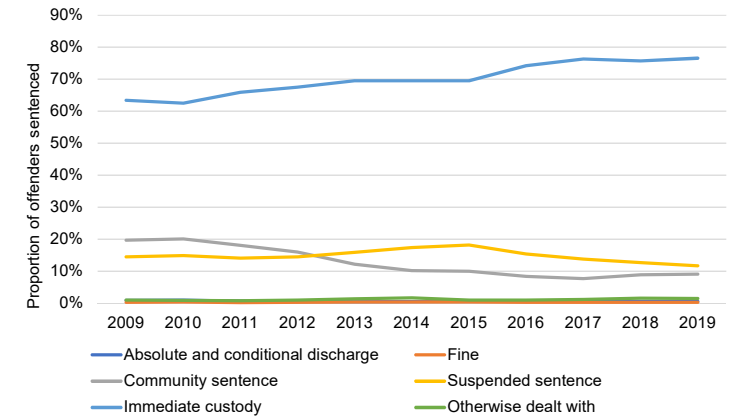
Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Absolute and conditional discharge	1%	1%	1%	1%	0%	1%	1%	1%	1%	1%	1%
Fine	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%
Community sentence	20%	20%	18%	16%	12%	10%	10%	8%	8%	9%	9%
Suspended sentence	15%	15%	14%	15%	16%	17%	18%	15%	14%	13%	12%
Immediate 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.

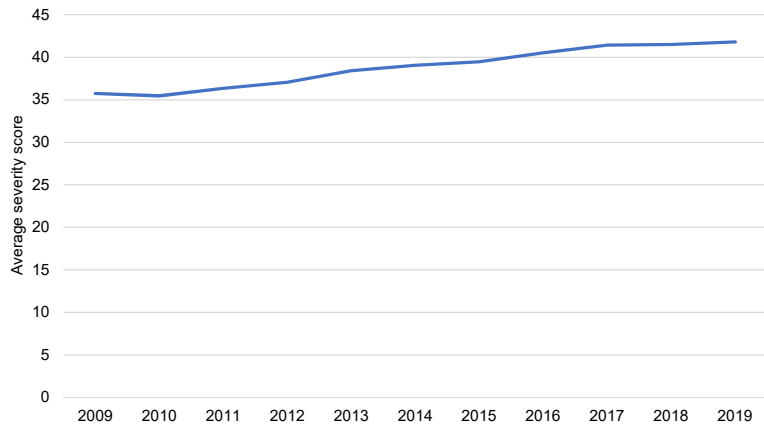
Number of adult offenders sentenced for domestic burglary, by court type, 2009-2019



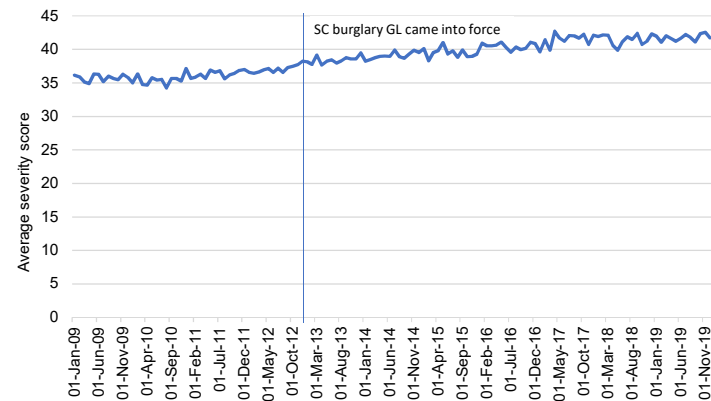
Sentence outcomes for adult offenders sentenced for domestic burglary, all courts, 2009-2019



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

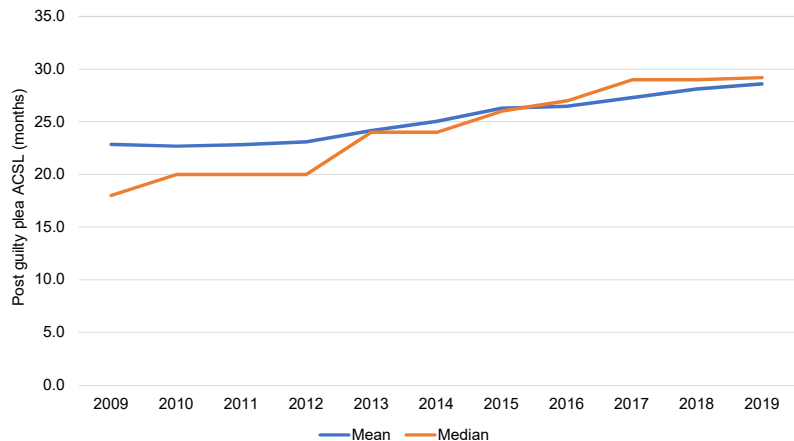


Average sentencing severity per month for adult offenders sentenced for domestic burglary, all courts, 2008-2018

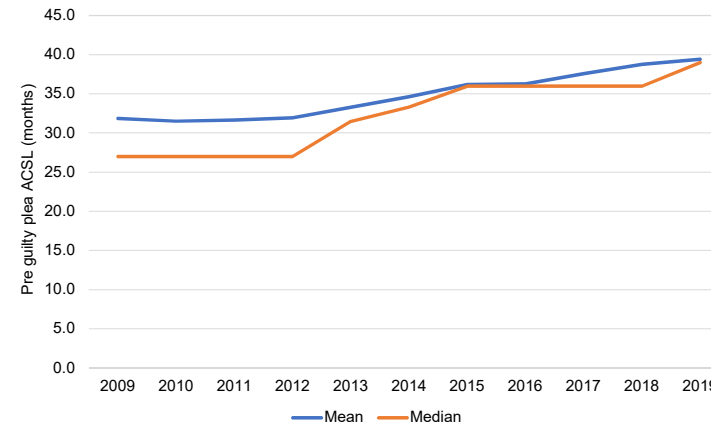


Over time there has been an upward trend in sentence severity, which appears to have been driven by an increase in the proportion of offenders sentenced to immediate custody, and an increase in ACSL.

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
Total	6,137	6,575	7,300	6,925	6,737	6,086	5,149	4,637	4,453	3,875	3,563

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
Total	6,137	6,575	7,300	6,925	6,737	6,086	5,149	4,637	4,453	3,875	3,563

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^{1,2}

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%
Total	100%	100%	100%	100%

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

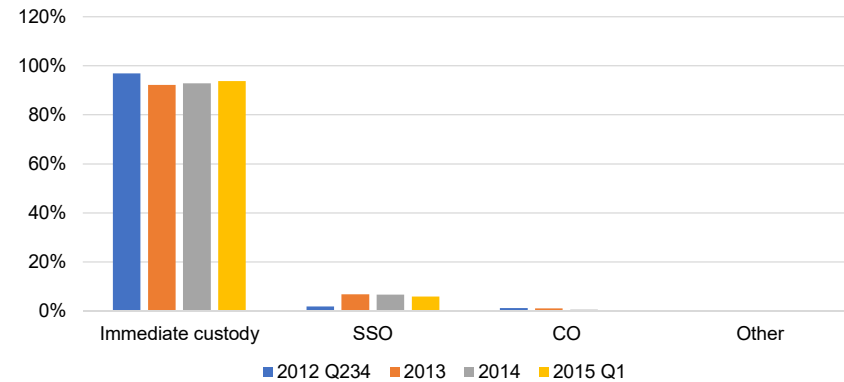
Based on the most recent data available, 32 per cent of offenders currently fall in the highest category of seriousness, and 11% fall in the lowest category.

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%
Total	100%	100%	100%	100%

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

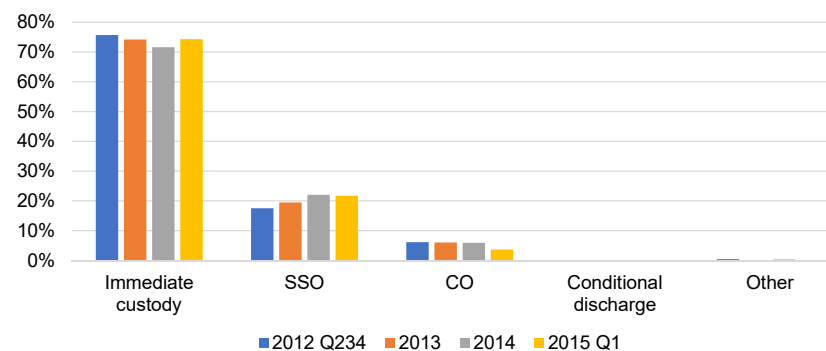
	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	46.6	45.6	46.3	47.6
Median	44.8	42.0	43.6	44.8

	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%
Total	100%	100%	100%	100%



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

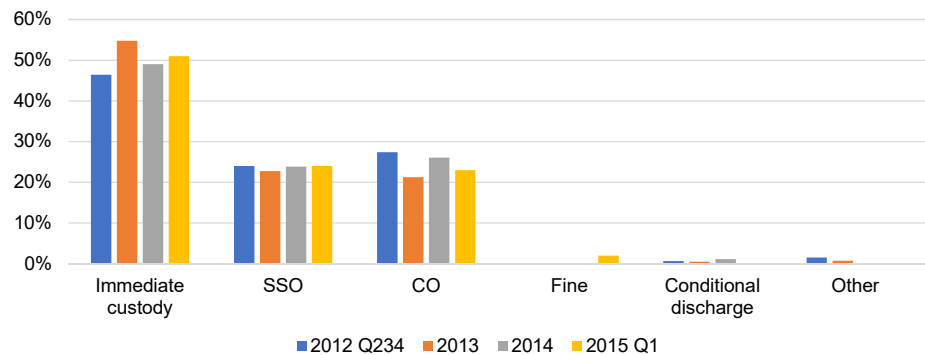
	ACSL in months			
	2012 Q234	2013	2014	2015 Q1
Mean	28.2	29.0	28.2	29.2
Median	23.9	23.9	23.9	23.9

	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%
Total	100%	100%	100%	100%



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^{1,2,3}

	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	
Factors indicating greater harm					
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%	
Factors indicating lesser harm					
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%	
Factors indicating higher culpability					
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%	
Factors indicating lower culpability					
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	1%	1%	1%	1%	
None stated	85%	86%	88%	87%	
Factors increasing seriousness					
<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 degradation	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/drugs	18%	17%	17%	18%	
Failure to comply with current court orders	13%	11%	9%	10%	
On licence	11%	11%	12%	11%	
TIC's	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%	
Factors reducing seriousness or reflecting personal mitigation					
Subordinate role in group or gang	5%	5%	5%	4%	
No previous relevant convictions	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 conditions	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 career 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 ¹
Male	4,319	93
Female	319	7
Not recorded/not known	13	
Total	4,651	100

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	-	
Total	4,651	100

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

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

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						
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ¹	Total
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						
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ¹	Total
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 ²	Number of adults sentenced						
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ¹	Total
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						
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ¹	Total
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						
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ¹	Total
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 ²	Proportion of adults sentenced						
	Discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ¹	Total
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

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

Age Group	Mean	Median
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	-	-

Perceived Ethnicity ³	Mean	Median
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) ¹							
	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	Total
Male	705	738	1161	472	166	77	69	3388
Female	48	40	57	18	3	2	0	168
Not recorded /not known	7	0	0	0	0	0	0	7

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

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

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)							
	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	Total
Male	21%	22%	34%	14%	5%	2%	2%	100%
Female	29%	24%	34%	11%	2%	1%	0%	100%
Not recorded /not known	100%	0%	0%	0%	0%	0%	0%	100%

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

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

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
Total	263	309	318	303	257	227	217	193	200	170	190

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%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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

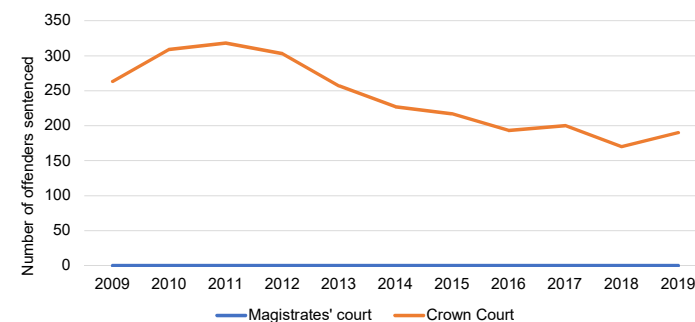
Number and proportion of adult offenders sentenced for aggravated burglary, by sentence outcome, all courts, 2009-2019

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
Total	263	309	318	303	257	227	217	193	200	170	190

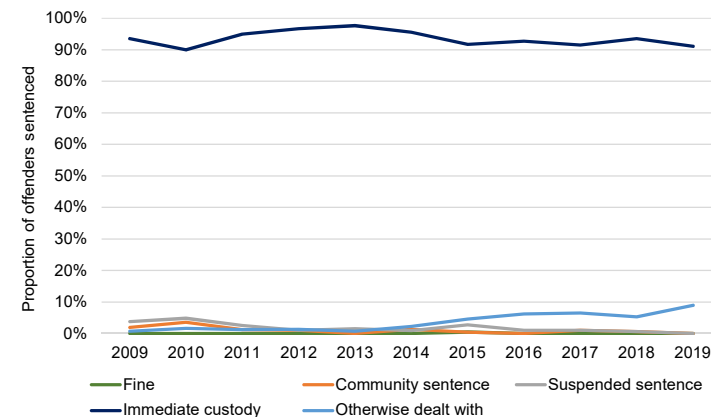
Outcome	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Fine	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Community sentence	2%	4%	1%	1%	0%	1%	0%	0%	1%	1%	0%
Suspended sentence	4%	5%	3%	1%	2%	1%	3%	1%	1%	1%	0%
Immediate custody	94%	90%	95%	97%	98%	96%	92%	93%	92%	94%	91%
Otherwise dealt with	1%	2%	1%	1%	1%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

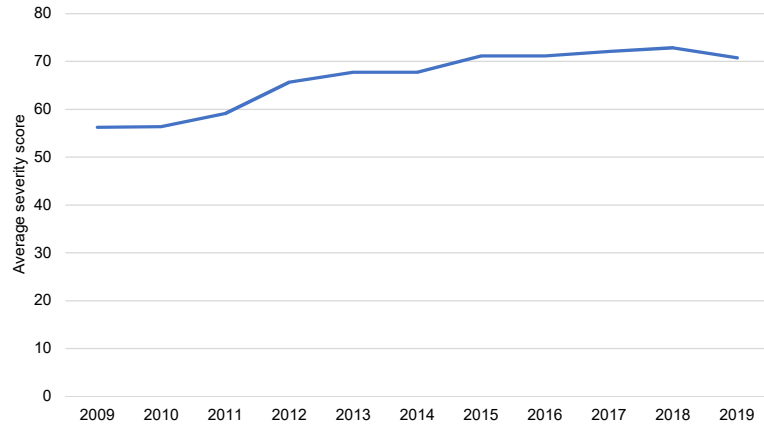
Number of adult offenders sentenced for aggravated burglary, by court type, 2009-2019



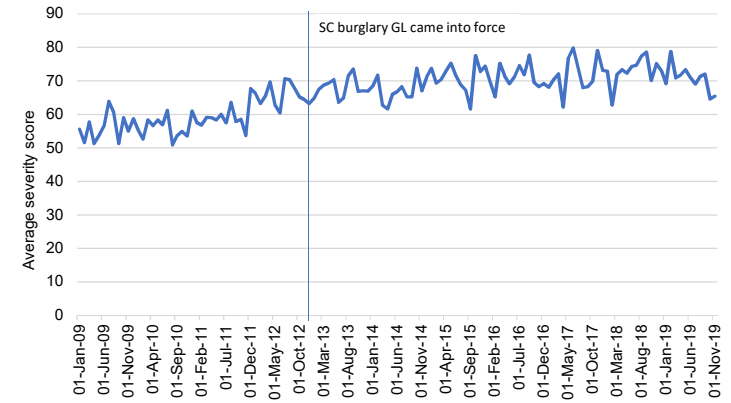
Sentence outcomes for adult offenders sentenced for aggravated burglary, all courts, 2009-2019



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

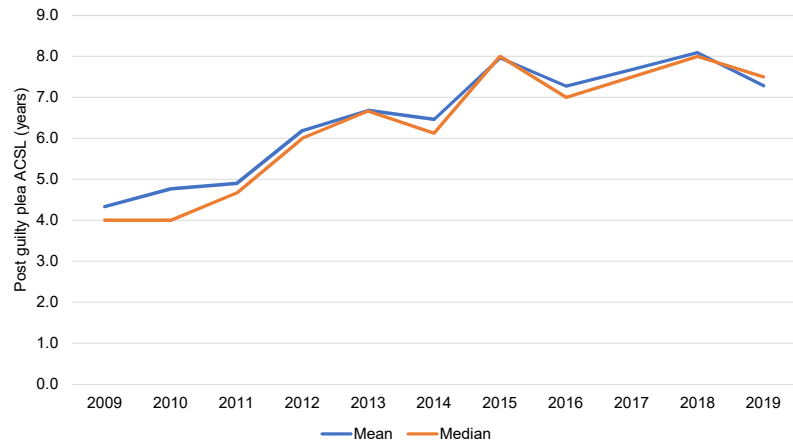


Average sentencing severity per month for adult offenders sentenced for aggravated burglary, all courts, 2009-2019

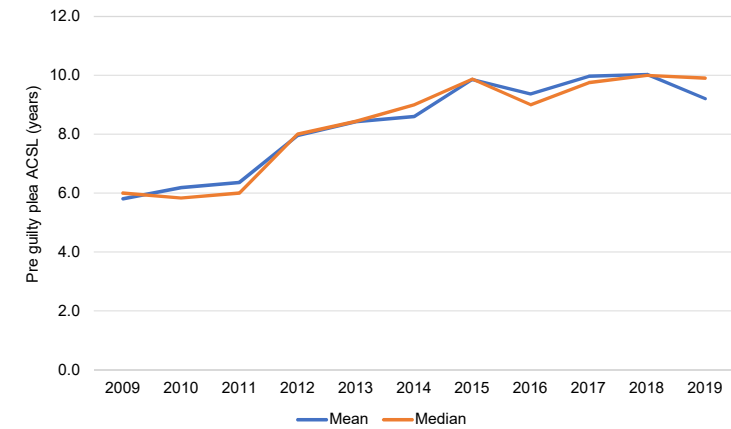


Since 2010 there has been an upward trend in sentence severity, but has started to drop in the last year.

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
Total	246	278	302	293	251	217	199	179	183	159	173

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
Total	246	278	302	293	251	217	199	179	183	159	173

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^{1,2}

Offenders placed in each offence category (level of seriousness)

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

Offence categories in Sentencing Council aggravated burglary definitive guideline

Offence Category	Starting Point <i>(Applicable to all offenders)</i>	Category Range <i>(Applicable to all offenders)</i>
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.

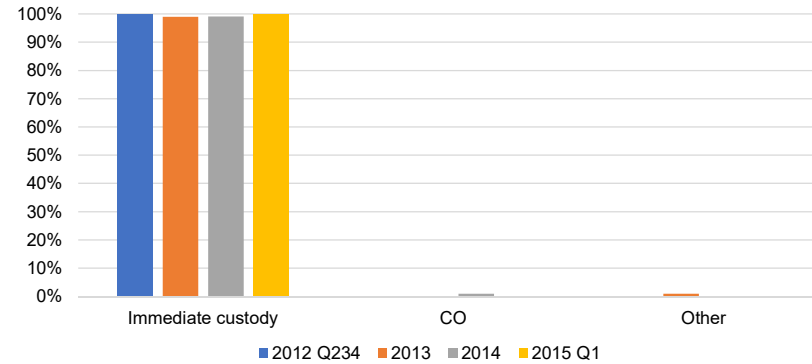
Offence category 1 (most serious)

Proportion of offenders receiving each sentence outcome

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

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)

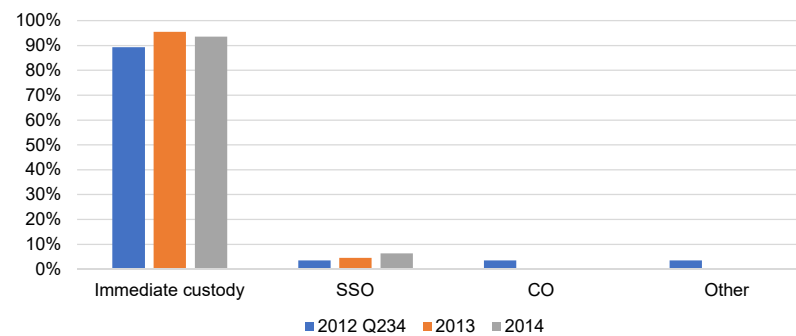
Proportion of offenders receiving each sentence outcome

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%	*
Total	100%	100%	100%	*

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.

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



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	*	*	*	*
Total	*	*	*	*

* 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^{1,2,3}

	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

Factors indicating greater harm

	2012 Q234	2013	2014	2015 Q1
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

Factors indicating lesser harm

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 ⁴	10%	17%	8%	9%
Limited damage/disturbance to property	6%	11%	3%	9%
None stated	82%	79%	85%	83%

Factors indicating higher culpability

	2012 Q234	2013	2014	2015 Q1
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

Factors indicating lower culpability

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%

Factors increasing seriousness

	2012 Q234	2013	2014	2015 Q1
<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.

Other aggravating factors include:

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.

Factors reducing seriousness or reflecting personal mitigation

	2012 Q234	2013	2014	2015 Q1
Subordinate role in group or gang	13%	11%	14%	9%
Injuries caused recklessly	2%	5%	2%	2%
Nothing stolen or of very little value ⁴	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

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

95% of those sentenced were male

Age Group	Number of adults sentenced	Percentage of all adults sentenced
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	-	-
Total	190	100

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

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

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 ¹	Total
Male	168	13	181
Female	5	4	9
Not recorded/not known	-	-	-

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

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

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

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

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

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

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

Age Group	Mean	Median
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	-	-

Perceived Ethnicity ²	Mean	Median
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) ¹								
	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) ¹								
	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 ²	Number of adults sentenced to each sentence length (years) ¹								
	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 ²	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