

Sentencing Council

Sentencing Council meeting: 28 January 2022
Paper number: SC(22)JAN02 – Burglary Revision
Lead Council member: Rebecca Crane
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1 ISSUE

1.1 This is the third meeting to discuss the burglary guideline post consultation. There is one further scheduled meeting to sign off the definitive guideline and consider the resource assessment in March. The guideline will then be published in May and come into force in July. It is necessary to adhere to this timetable due to the data collection starting in the courts in the Autumn.

1.2 This meeting will focus on looking at responses relating to aggravating and mitigating factors across all three guidelines and continue considering sentence levels across the three guidelines. The changes agreed to the harm factors at the last meeting can be seen in track changes within the guidelines.

2 RECOMMENDATION

2.1 That the Council:

- Considers the responses relating to aggravating and mitigating factors
- Agrees to reword the aggravating factor regarding weapon carried
- Continues considering issues regarding sentence levels

3 CONSIDERATION

Aggravating and mitigating factors

3.1 Three magistrates' benches asked for '*offence committed at night*' to be included within the non-domestic burglary guideline. In the consultation it was an aggravating factor within both aggravated and domestic burglary, but not non-

domestic burglary. In the original guideline there was an aggravating factor of *'offence committed at night especially where staff present or likely to be present'*. This factor was not included at consultation as there was a reference at step one of *'victim on the premises (or returns) while offender present.'* However, it is the reference to the offence occurring at night that these consultees felt was important, they commented that those present at night in non-domestic premises often have less support, with fewer staff on, sometimes working alone, hence aggravating the overall effect of the offence.

3.2 The Justice Committee (JC) questioned why *'use of a face covering or disguise'* was only an aggravating factor in aggravated burglary, and not in the other two guidelines.

Question 1: Does the Council wish to add 'offence committed at night' to non-domestic burglary?

Question 2: Does the Council wish to add 'use of a face covering or disguise' to domestic and non-domestic burglary?

3.3 The JCS suggested that there should be an additional aggravating factor of *'presence of a child, especially where used to facilitate the commission of an offence'*, in relation to distraction burglaries. Rory Kelly, an academic, suggested a number of additional aggravating and mitigating factors:

- *Stealing, attempting or intending to steal goods to order*
- *Attempts to conceal/dispose of evidence*
- *Offender motivated by revenge*
- *Self-reporting*
- *Co-operation with the investigation/early admissions*

It is not clear how often these factors may apply, particularly the presence of child factor. It may be appropriate not to include that factor as the list is non-exhaustive and courts could take it into account where appropriate. The other factors are more standard, the first three appear in the general theft guideline, and the mitigating factors are standard ones, therefore it may be more appropriate to add these to the guideline.

Question 3: Does the Council agree not to include the presence of a child factor but include the rest in the list above?

3.4 The Chief Magistrate and Council of Her Majesty's Circuit Judges questioned the inclusion of '*delay since apprehension*' as a mitigating factor, stating they did not think this was an appropriate factor to include. This was a mitigating factor in the original guideline, although it was '*lapse of time since the offence where this is not the fault of the offender*'. Some newer guidelines have '*delay since apprehension*' as a factor, and others don't, so its inclusion is decided on a guideline by guideline basis. There is an expanded explanation for this factor which explains it more fully. The Council did discuss this factor previously and had some reservations about its inclusion, so it may be appropriate to remove it.

Question 4: Does the Council wish to remove '*delay since apprehension*'?

3.5 Turning now specifically to the aggravated burglary guideline, attached at **Annex A**. The Council may recall that it was decided to move the '*weapon present on entry*' factor in culpability to become an aggravating factor. This was due to concerns around double counting, following *R v Sage*¹. To assist sentencers to decide whether or not the factor applied, text was provided in a drop down box, shown here in print form on page four of **Annex A**. This movement of the factor and additional guidance was supported by consultation respondents, including CPS, CLSA, JCS, and HM Council of District Judges. The Council of HM Circuit Judges also agreed but commented that where a particularly dangerous weapon is used/carried to the property, then this should be a further aggravating factor

3.6 However, the results from the road testing (page five of **Annex B**) show that the additional guidance in the drop down box was misunderstood. Nine Judges sentenced scenario C, five out of the nine Judges incorrectly applied it as an aggravating factor, and two incorrectly applied it at step one. Only two correctly applied the guidance. In this case as it was a s.9(1)(a) offence, intent to steal, having a weapon present on entry was an essential element of the offence, so it should not have been taken into account a second time. When the expanded explanation text was pointed in the interviews Judges took note, however some Judges still chose to apply the factor in order to make an assessment of the dangerousness of the weapon. Although this was a small scale exercise, with nine Judges, the results of the road testing are never the less concerning.

3.7 Rebecca, the guideline lead, and the Chairman have discussed these findings prior to the meeting, and propose alternative, simplified wording than that consulted on. The aggravating factor would become: '*In a s.9(1)(b) offence, weapon*

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

carried when entering premises'. Then in a drop down box the additional information would read:

'This factor does not apply to s.9(1)(a) offences because it is an inherent part of such offences: see AG's Ref Sage [2019] EWCA Crim 934, [2019] 2 Cr App (S) 50. In s9(1)(b) offences, however, the fact that the offender had taken a weapon to the premises, and was in possession of it when entering, will normally aggravate the offence.'

3.8 It is also proposed to remove the reference to a weapon within the harm factor at step one, *'violence used or threatened against the victim, particularly involving a weapon'*, so it would just read: *'violence used or threatened against the victim'*. The dangerousness of the weapon used was raised by some Judges in road testing and by the Council of HM Circuit Judges, however it is suggested that the aggravating factors do not reference this, as it may over complicate the issue. As the list of aggravating factors is not exhaustive sentencers could take the dangerousness of the weapon into account when applicable.

Question 5: Does the Council agree to reword the aggravating factor involving a weapon in the way proposed?

Question 6: Does the Council agree to remove the reference to a weapon at step one?

3.9 At the last meeting the Council discussed the response from English Heritage which asked that a harm factor of *'loss or damage caused to heritage and/or cultural assets'* be included at step one. The Council asked that the guidelines be checked to see if this factor occurs elsewhere at either step one, or at step two. This has been done. The factor is a step 2 aggravating factor of *'damage caused to heritage and/or cultural assets'* within:

- Criminal damage
- Arson
- Arson/criminal damage with intent to endanger life or reckless as to whether life was endangered

It occurs at step one in harm as *'damage to heritage assets'* in:

- Handling stolen goods
- General Theft

It may be more appropriate to add this as a step one factor for these guidelines as it

is an acquisitive crime like theft, so the loss of irreplaceable items should be captured within harm at step one. It is suggested it goes into category two harm.

Question 7: Does the Council agree to add ‘loss or damage caused to heritage and/or cultural assets’ at step one harm?

3.10 Turning now to sentence ranges, firstly non-domestic burglary at **Annex C**. At the last meeting the Council agreed to make some increases at the lower end of the table, as shown in the table below, specifically to C2, C3 and B3. This was because some respondents thought the gap between the starting points of C1 and C2 was too great. The comments from the Chief Magistrate were also considered, that compared to the sentences for going equipped, the sentences consulted on were too low. However, Rebecca has requested that we consider those decisions again, this time reflecting on the Council’s rationale for setting the sentence ranges at consultation. Sentencing data for this offence can be seen at tabs 1.1-1.8 of **Annex D** and shows that the average custodial sentence length (ACSL) was 10.6 months, 74 per cent of offenders receive sentences of one year or less, and only one per cent receive sentences above five years, the top of the range.

Changes made at the last meeting to the non -domestic guideline

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 High level community order Category Range Low level community order – 6 months custody
Category 3	Starting Point 6 months custody Category Range Medium level community order - 1 years’ custody	Starting Point High level community order Category Range Low level community order- 6 months custody	Starting Point Medium level community order Category Range Band B fine –High level community order

3.11 At consultation, the Council set out the findings of the evaluation of the original [guideline](#), which had shown some unanticipated increases in sentence severity. Accordingly, some changes were made at the lower end of the sentencing range, to slightly decrease the sentence ranges, to assist in the appropriate sentence being given for low level offences. The sentence ranges consulted on can be seen below.

Consultation version of the non- domestic guideline

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

3.12 Rebecca is concerned that in making any changes to the sentence levels consulted on, the Council should be mindful of the impact any changes would have, and to reflect on the rationale for setting the ranges at consultation. So that the ranges are not lower than those in going equipped, but are not increased as much as agreed at the last meeting, Rebecca proposes that in C3, the starting point could just be raised to a lower level community order, instead of a medium level community order, with the range a band B fine to a medium level community order. In addition, since there was rationale in the large gap between C1 and C2 at consultation, there is justification for leaving the ranges as they are, with a starting point of 6 months custody in C1, and a medium level community order in C2 and B3.

Question 8: Does the Council wish to revise the decisions made at the last meeting and leave the starting point of C2 as a medium level community order?

Question 9: Does the Council wish to reconsider the changes at C3, so the starting point is a lower level community order, with the range a band B fine to a medium level community order.

3.13 Turning now to the sentence levels for domestic burglary, at **Annex E**. Sentencing data can be seen at tabs 2.1 to 2.8 of **Annex D** and show that in 2020 the mean ACSL is two years four months, 91 per cent of offenders received a sentence of four years or less, and two per cent received sentences above six years, the top of the range. At the last meeting the Council agreed to remove the wording above the sentence table: *'for cases of particular gravity, sentences above the top of the range may be appropriate'*. Also at the last meeting the Council discussed whether or not there should be any increases to the top of the range in A1, as some respondents and some Judges at road testing thought the ranges and starting points were too low, particularly at A1.

3.14 To summarise the responses, one Judge commented that all the starting points and ranges were too low, and that he believed most Judges thought this, and that the reason why only 2 per cent of cases went above the top of the existing range was due to fear of the case being appealed if they sentenced above the range, which they may have wished to. Another judge and a magistrate bench thought the starting point for A1 was far too low, that it should be far closer to the statutory maximum. The JC also queried the large gap between the top of the range and the statutory maximum. The Judge thought the starting point should be nearer six years in a range of three - nine years. A barrister also said that the starting point in A1 was too low at three years, and it would lead to too many suspended sentences being given.

3.15 Another magistrate thought that all the sentences should be increased by one level. The JC thought the gap between the starting points in C2 and C3 was too great, at 1 year's custody and a high level community order, they suggested that the starting point in C3 should be six months' custody to reflect the seriousness of domestic burglary. The Council of Circuit Judges thought the ranges were too low, but with the additional wording above the table *'for cases of particular gravity'* etc, that it worked (although this wording is now being removed). In contrast, PRT thought there should be more community orders available within the table, and the MA

queried the ranges in A3/B2/C1, saying that they were higher than the equivalent in [the existing guideline](#), and asked if this was deliberate.

3.16 In road testing, a number of Judges felt from past experience that the area was under sentenced, and felt the proposed levels were too low, especially in A1. Alternative ranges of three to ten years with a starting point of four years, and four to eight years with a starting point of five years were suggested.

3.17 Before any decisions were made the Council asked that further work be carried out to look at the impact of making any of the changes to sentence levels of the various options suggested at the meeting. This has been done and is shown below. Also considered as part of this analysis was the estimated and actual impact of the original guideline published in 2012. Council may recall that there was unexpected increase in sentence severity following the publication of the guideline, although this was mainly seen in relation to non-domestic burglary, but it is thought that the domestic burglary guideline may have had a slight effect on increasing sentence severity. Given that this is revision of an existing guideline there may be an increased focus on the stated impact of the revised guideline. It is also worth noting here that the sentence levels of the original guideline were maintained at consultation, and not decreased, and that domestic burglary is a reasonably high-volume offence, with 3,700 offenders sentenced in 2020.

3.18 The Burglary resource assessment (published in October 2011) stated that the Burglary guideline would have no impact on prison places and resources. The Burglary guideline assessment (published in July 2017) stated:

‘For domestic burglary there has been a shift towards more severe sentences. However, this was anticipated and appears to be part of a long-term trend, and therefore unlikely to be as a result of the release of the guideline.’

Additional analysis of domestic burglary data has shown that the guideline may have had a slight effect on increasing severity for these offences: more offenders are now placed in category 1; the custody rate in category 1 has been increasing; and greater harm/higher culpability factors are taken into account more often than their counterparts.

3.19 The Burglary offences draft resource assessment (published June 2021) stated in the rationale and objectives section:

'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.'

In relation to domestic burglary, the resource impacts section stated:

'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. 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 domestic burglary guideline on sentences, and subsequently on prison and probation resources. '

3.20 Transcript analysis from the draft stage was available to use with this modelling. The majority of offenders sentenced for domestic burglary and all offenders for aggravated burglary are sentenced at Crown Court, so the transcripts should be representative of the majority of offending. However, the sample of domestic and aggravated burglary transcripts containing enough details for resentencing was extremely low (14 offender transcripts for domestic burglary compared to 5,100 offenders sentenced in 2018² and 20 offender transcripts for aggravated burglary compared with 170 offenders sentenced in 2018). Therefore, it was decided that any analysis using these volumes would not be robust enough on its own. Instead, pre-guilty plea estimates from the Court Proceedings Database (CPD) were used to compare the different options and to give an idea of the relative impacts.

A number of assumptions have been made for this analysis:

- Since the guideline sentence tables are developed with pre-guilty plea sentences, the estimated pre-guilty plea custodial sentence lengths from the CPD were used

² 2018 is used as the comparison year for these volumes as this is the year in which sentencing occurred that the transcript sample was taken from. The impact calculations use 2019 instead since this is the most recent year of data for which volumes were not potentially impacted by the COVID-19 pandemic.

instead. These are calculated using an algorithm to estimate what the pre-guilty plea sentence could be, using the known final sentence and proportions from the CCSS, since guilty plea details are not available in the CPD.

The aggregate impacts give an indication of the pre-guilty plea sentence levels, but these estimates are not reliable on an individual case level.

- The CPD does not include detail on the offence categorisation e.g. A1. Therefore, when it comes to modelling the impacts of changes to cases falling within A1, the scope of these impacts have been assumed based on the length of the pre-guilty plea custodial sentence alone.

An offender receiving a sentence of four years pre-guilty plea could have been categorised as A1 but they also could have been categorised as an A2 or B1.

However, since four years' custody is above the starting point for category A1, this case would be included in the scope of potential impacts regardless.

Table 1: comparison of impacts of options for increasing sentence levels for domestic burglary

Option	Impacts	Assumption
1 – No change	No impacts.	No changes to sentence levels from current draft.
2 – Increase top of A1 range by 2 years (from 6 to 8)	<ul style="list-style-type: none"> • At least 7 per cent of adult offenders (around 260) could get a custodial sentence 2 years longer. Findings consistent with transcript analysis where 1/14 transcripts (7 per cent) were categorised as A1 receiving exactly the top of range. • Further 38 per cent (1,300) could also be in scope of increase of up to 2 years who currently receive above starting point but below top of range. • Further 5 per cent (160) could also be in scope of increase of up to 2 years who currently receive above top of current category range but below top of new range. • Total: 49 per cent of adult offenders (around 1,800) 	<ul style="list-style-type: none"> • Assumes all offenders previously receiving a pre-GP sentence at top of category range (5-6 years) get 2 years longer • Assumes offenders with pre-GP sentence between starting point (3-4 years) and top of category range (5-6 years) could get 2 years longer. • Assumes offenders currently receiving pre-GP sentence above 6 but less than 8 years could get 2 years longer.
3 – Increase top of A1 range by 1 year (from 6 to 7 years)	<ul style="list-style-type: none"> • At least 7 per cent of adult offenders (around 260) could get a custodial sentence 1 year longer. • Further 38 per cent (1,300) could also be in scope of increase of up to 1 year who currently receive above starting point but below top of range. • Further 3 per cent (100) could also be in scope of increase of up to 1 year who currently receive above 	<ul style="list-style-type: none"> • Assumes all offenders previously receiving a pre-GP sentence at top of category range (5-6 years) get 1 year longer • Assumes offenders with pre-GP sentence between starting point (3-4 years) and top of category range (5-6 years) could get 1 year longer.

	<p>top of current category range but below top of new range.</p> <ul style="list-style-type: none"> • Total: 48 per cent of adult offenders (around 1,700) 	<ul style="list-style-type: none"> • Assumes offenders currently receiving pre-GP sentence 6-7 years could get 1 year longer.
<p>4 – As with option 2 but also increase starting point for A1 by 2 years (from 3 to 5)</p>	<ul style="list-style-type: none"> • At least 45 per cent of adult offenders (around 1,600) could get a custodial sentence 2 years longer. Findings consistent with transcript analysis where 7/14 offenders were categorised as A1. • Further 5 per cent (160) could also be in scope of increase of up to 2 years who currently receive above top of current category range but below top of new range. • Further 17 per cent (600) receiving between bottom of range and starting point currently could also be in scope of increase of up to 2 years. • Total: 66 per cent of adult offenders (around 2,400) 	<ul style="list-style-type: none"> • Assumes all offenders with pre-GP sentence higher than current starting point (3-4 years) and up to top of current category range (5-6 years) will get up to 2 years longer. • Assumes offenders currently receiving pre-GP sentence above 6 but less than 8 years could get 2 years longer. • Assumes offenders receiving pre-GP sentence between bottom of range and current starting point (2-3 years) could get 2 years longer. Please note it is likely that a high proportion of offenders currently receiving a pre-GP sentence in this bracket are not A1.
<p>5 – Same as option 4 but increasing all other sentences proportionately</p>	<ul style="list-style-type: none"> • At least as much impact as option 4 but possibly all offenders in scope of some increase since all categories except C3 have a starting point of custody. 1/14 offenders in the domestic burglary transcript sample was categorised as C3. 	

Source: Court Proceedings Database (2019 data)

3.21 The Council can see from this analysis that there could be a considerable impact in implementing any of the options above, except for option one. In the response to consultation the Council would need to set out the reasons for making any increases to levels, given the potential impact and the fact that the guideline consulted on already incorporated the increase in sentence severity from the original guideline. The Council would need to explain why it thought the levels were still too low and what had happened since setting the levels for consultation to merit increases. As noted above, some respondents felt the levels were too low, but it was not an overwhelming majority of respondents that thought so.

Question 10: In light of the analysis above, does the Council wish to make any changes to sentence levels? If so, what are the reasons for doing so?

Aggravated burglary

3.22 The guideline is attached at **Annex A**. Sentencing data can be seen at tabs 3.1 to 3.8 and show that the mean ACSL in 2020 is seven years two months, 89 per cent of offenders received sentences of 10 years or less, and only two per cent

received a sentence above 12 years. The vast majority of respondents agreed with the proposed sentence levels, with just one Judge saying he thought the levels were too low and the starting point should be closer to the top of the range. In road testing, the majority of the Judges were comfortable with the proposed sentence levels. At the last meeting the Council asked that further work be carried out to consider the impact of making any increases to the ranges. This has been done and is shown below.

3.23 Volumes for aggravated burglary are much lower, with around 200 offenders sentenced in both 2019 and 2020. The 2011 Resource Assessment had forecasted that no change in sentencing severity would occur as a result of the original guideline. The evaluation of the original guideline showed that there was an increase in sentence severity for these offences following the introduction of the guideline, and it was thought that the increase was attributable to the guideline; custodial sentence lengths increased and a higher proportion of offenders were placed in category one. However, these findings need to be treated with caution due to the low numbers involved.

Table 2: comparison of impacts of options for increasing sentence levels for aggravated burglary

Option	Impacts	Assumption
1 – No change	No impacts.	No changes to sentence levels from current draft.
2 – Increase top of A1 range by 2 years (from 13 to 15)	<ul style="list-style-type: none"> At least 2 per cent of adult offenders (fewer than 5) could get a custodial sentence 2 years longer. In transcript analysis no offenders received exactly 13 years' custody pre-GP, but in 13/20 transcripts the offender was categorised as A1. Further 27 per cent (around 50) could also be in scope of increase of up to 2 years who currently receive above starting point but below top of range. Further 8 per cent (around 10) could also be in scope of increase of up to 2 years who currently receive above top of current category range but below top of new range. Total: 36 per cent of adult offenders (around 60) 	<ul style="list-style-type: none"> Assumes all offenders previously receiving a pre-GP sentence at top of category range (12-13 years) get 2 years longer Assumes offenders with pre-GP sentence between starting point (10-11 years) and top of category range (12-13 years) could get 2 years longer. Assumes offenders currently receiving pre-GP sentence above 13 but less than 15 years could get 2 years longer.
3 – Increase top of A1 range by 1 year (from 13 to 14 years)	<ul style="list-style-type: none"> At least 2 per cent of adult offenders (fewer than 5) could get a custodial sentence 1 year longer. Further 27 per cent (around 50) 	<ul style="list-style-type: none"> Assumes all offenders previously receiving a pre-GP sentence at top of category range (12-13 years) get 1 year longer

	<p>could also be in scope of increase of up to 1 year who currently receive above starting point but below top of range.</p> <ul style="list-style-type: none"> • Further 5 per cent (around 10) could also be in scope of increase of up to 1 year who currently receive above top of current category range but below top of new range. • Total: 34 per cent of adult offenders (around 60) 	<ul style="list-style-type: none"> • Assumes offenders with pre-GP sentence between starting point (10-11 years) and top of category range (12-13 years) could get 1 year longer. • Assumes offenders currently receiving pre-GP sentence 13-14 years could get 1 year longer.
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3.24 The Council can see that there could be a considerable impact if either option two or three was implemented. The majority of consultation respondents were content with the proposed sentence levels, so the Council would need to articulate in the consultation response document the reasons for any increase to sentence levels.

Question 11: In light of this analysis, does the Council wish to make any changes to sentence levels? If so, what are the reasons why?

Aggravated burglary and the minimum term

3.25 Whilst working on the ACE tool Ruth has noticed that it differentiates between domestic and non-domestic aggravated burglary. This is because for the domestic version it says that the minimum term applies. This has led Ruth to consider whether we should include some minimum term wording within the aggravated burglary guideline. The domestic burglary guideline contains wording relating to the minimum three-year term for a third 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.’

It is arguable that the minimum term also applies to an aggravated burglary committed in respect of a dwelling. Section 10 of the Theft Act 1968 defines the aggravated offence in the following terms:

(1) 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; etc...

The provisions relating to the minimum term are in the Sentencing Code which states:

314 Minimum sentence of 3 years for third domestic burglary

- (1) This section applies where—
- (a) a person is convicted of a domestic burglary (“the index offence”) committed on or after 1 December 1999,
-
- (5) In this section “domestic burglary” means a burglary committed in respect of a building or part of a building which is a dwelling.

Very few offenders convicted of aggravated burglary receive sentences of less than three years and it is likely that where the offence takes place in a dwelling, higher harm factors would apply and so the guideline would lead to a sentence in excess of three years in any event. However, for completeness it is proposed that the minimum term wording is included in the aggravated burglary guideline.

Question 12: Does the Council agree to include the minimum term wording in the aggravated burglary guideline?

4. EQUALITIES

4.1 The available demographic data is provided for each guideline within **Annex D**. The Council may recall that at the consultation stage the available demographic data had shown that Black offenders seemed to represent a larger proportion of those sentenced for aggravated burglary. In their consultation response the Howard League suggested that the Council should carry out some further analysis in this area, which has now been done. The analysis added in 2020 data and looked at the last five years of data, from 2016, grouped together for higher volumes, looking at volumes, sentence outcomes, ACSLs and sentence lengths split by the offender’s self-reported ethnicity. In summary the results of this analysis showed:

- For aggravated burglary, a larger proportion of Black adults are getting custodial sentences over 10 years when compared to White adults sentenced for the same offence between 2016 and 2020 (20 per cent versus 14 per cent). However, despite grouping five years of data, numbers are still very low (the 20% equates to 17 Black adults and the 14 per cent equates to 82 White adults) so unable to say if this is a statistically significant difference and not just down to chance.
- No large differences could be seen in sentence outcomes or ACSLs for the different ethnic groups who had been sentenced for aggravated burglary.

- No large differences could be seen in sentence outcomes, ACSLs or sentence lengths banded for the different ethnic groups sentenced for the other types of burglary (domestic and non-domestic).
- In terms of volumes for each year from 2016 to 2020, the proportion of each ethnic group sentenced stayed fairly stable for all three offences. The only trend worth picking out was in aggravated burglary where the number of Black adults dropped in 2020 and White adults increased. However, aggravated burglary numbers are low each year and so any small change in volumes can lead to substantial changes in proportions.

4.2 This further work will be outlined in the response to consultation paper. Since no strong evidence of disparities in sentencing relating to ethnicity were found as a result of this further analysis, it will not be necessary to include any text on this within the guideline. All guidelines have text stating:

Guideline users should be aware that the [Equal Treatment Bench Book](#) covers important aspects of fair treatment and disparity of outcomes for different groups in the criminal justice system. It provides guidance which sentencers are encouraged to take into account wherever applicable, to ensure that there is fairness for all involved in court proceedings.

Question 13: Does the Council have any comments or concerns on this further analysis?

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Annex A

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 physical or 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 physical or 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 ([consultation version](#))
Care should be taken to avoid double counting in these cases. If an offender commits an aggravated burglary with intent to steal/inflict GBH/ do 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. *R v Sage (AG's ref SAGE [2019] EWCA Crim 934, [2019] 2 Cr App R (S) 50)* sets out that having a weapon present on entry is an essential element of an aggravated s.9(1)(a) offence and so care needs to be taken in s.9(1)(a) cases that the fact the offender has a weapon present on entry is not taken into account a second time. In s9(1)(b) cases, however, the fact that the offender had taken a weapon to the premises, and was in possession of it when entering, will normally aggravate the offence (unless already taken into account at step 1).
- [In a s.9\(1\)\(b\) offence, weapon carried when entering premises \(reworded version\)](#)
[This factor does not apply to s.9\(1\)\(a\) offences because it is an inherent part of such offences: see AG's Ref Sage \[2019\] EWCA Crim 934, \[2019\] 2 Cr App \(S\) 50. In s9\(1\)\(b\) offences, however, the fact that the offender had taken a weapon to the premises, and was in possession of it when entering, will normally aggravate the offence.'](#)
- 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. The court must give reasons if it decides not to order compensation. ([Sentencing Code, s.55](#)).

- [Ancillary orders – Magistrates' Court](#)
- [Ancillary orders – Crown Court Compendium](#)

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](#).

Road testing with Crown Court judges and magistrates: Domestic, Non-domestic and Aggravated burglary

Introduction

The current burglary guidelines were published by the Council in January 2012. At this time, the resource assessment did not predict any impact on prison and probation services. However, when reviewed in 2016, the initial assessment indicated that since the guidelines had come into force, sentencing severity had increased for domestic (s.9), non-domestic (s.9) and aggravated burglary (s.10). Further research indicated that the increase in sentence severity for non-domestic burglary in the magistrates' court and Crown Court, could be attributable to the guideline, though for domestic burglary this appeared to be part of a longer-term trend rather than resulting from the guideline. Due to low volumes of cases of aggravated burglary, it was not possible to conclude if this increase was caused by the implementation of the guideline.

Alongside amendments to some factors, as outlined below, the draft guidelines update the existing guidelines to reflect the stepped approach used in more recent guidelines produced by the Council and introduces new medium levels of culpability/harm. Therefore, research was needed to understand how amendments to the structure of the guideline, and changes to factors could impact sentencing practice; and to ensure the draft guidelines are clear and usable. As they were new elements to the guidelines, particular attention was paid to the following elements of the draft guidelines to understand:

Domestic burglary: How sentencers interpreted guidance on the application of flexibility regarding cases of particular gravity and whether guidance wording in relation to imposing community orders with drug or alcohol treatment requirements is clear.

Non-domestic burglary: What, if any, are the issues being seen by magistrates when sentencing cases of non-domestic burglary, that could contribute to the increase in sentence severity in this court.

Aggravated burglary: How sentencers applied new guidance on carrying a weapon on entry of the premises as an aggravating factor as compared with a factor used in assessing culpability.

Methodology

Twenty-one interviews were conducted, consisting of nine magistrates and twelve Crown Court judges. Participants were selected by random sample from the Council's research pool. Qualitative interviews were conducted via MS Teams with sentencers from across England and Wales. Judges considered three scenarios (summarised below) and magistrates, two, relating to the Non-domestic burglary guideline only. Participants received the draft guidelines a week prior to the interview and sentenced each scenario twice, using the draft and existing guidelines.

Scenario	Summary of scenario
A – Domestic	<p>K, with another defendant, broke into a home of an elderly couple at night by smashing glass in the back door. The resident confronted K who threatened him with a screwdriver. Keys, a wallet, jewellery and a brand new Motability car valued at £23,000 were stolen. The couple felt violated and felt they had to install extra security measures to make them feel safe.</p> <p>CCTV captured the defendant approaching the property, alongside the number plate of the vehicle, with his hood up partially obscuring his face, using a torch and holding a screwdriver. CCTV from the day before captured K loitering outside the house, peering through the window.</p> <p>The court heard that K had been on a burglary expedition that evening, with two other attempted burglaries taking place nearby (subject to separate charges), both of which were foiled by passers-by. K was convicted after trial. He has over 100 previous convictions for theft, burglary and robbery and was out on licence at the time of the offence.</p>
B – Domestic	<p>A, 21, entered a home through an open ground floor window during the afternoon. He had been drinking for most of the day and needed money to buy alcohol, which led to the offence. He was disturbed by the victim, who found him in the living room, going through her handbag but left emptyhanded. He pleaded guilty at the first opportunity and has one previous conviction for domestic burglary. The pre-sentence report detailed that he has had a troubled background and suffered a trauma which led to him having problems with alcohol addiction. He is now willing to accept he has an alcohol problem and wants to tackle it. The victim was very upset and scared by the incident, leaving her anxious about security and being at home on her own.</p>
C – Aggravated	<p>R, 21, forced his way into a convenience store, along with two others, just as it was closing for the night and the shutters were being rolled down. R was carrying a machete which he used to force the shutters back up. Two staff members had seen this on CCTV and retreated to a locked back room and called the police. R and the others emptied the tills and contents of the cigarette store into bags they had brought with them for that purpose. Police came in time to apprehend them.</p> <p>Damage was done to the shutters, costing around £500 to repair. R pleaded guilty at the first opportunity. He has two previous unrelated convictions. The victim impact statements said they were terrified in the incident.</p>
D - Non-domestic	<p>W, 50, stole a handbag from behind a reception desk at a local hospital whilst there for an appointment. The receptionist was in the back room. The handbag (an expensive one) contained a purse with £70 cash, bank cards and the victim's driving licence and the only copy of an assignment for the receptionist's college course. The bag was found in a nearby alleyway, minus the cash, cards and licence. The handbag and assignment were ruined by heavy rain. W pleaded guilty at the first opportunity. He had many previous convictions for dishonesty. The victim was upset by what had happened and had the inconvenience of having to cancel all her cards, wait for new ones, and apply for a new licence. She was also upset by the loss of the handbag (a 21st Birthday gift).</p>
E – Non-domestic	<p>P, aged 29, and a friend who had been drinking most of the day, broke into an office on a new housing development. They vandalised some of the walls, damaged some furnishings, and broke a window. P said he committed the offence on impulse whilst walking past on the way home. He has one unrelated previous conviction and pleaded guilty at the first possible opportunity.</p>

Key Points

- The guidelines road tested well, and judges and magistrates found the draft guidelines clear and usable. The update to the stepped approach was highly favoured across each of the draft guidelines, especially three levels of culpability and harm.
- Under the s.9 Domestic and Non-domestic draft guidelines, a theme of concern arose surrounding assessment of two harm factors: ‘much greater emotional impact on the victim than would normally be expected’ and ‘greater emotional impact on the victim than would normally be expected’. Multiple sentencers thought this to be highly subjective and thought the harm categories lacked a position for a normal level of emotional impact.
- One scenario (A – Domestic burglary) was sentenced consistently across the draft and existing guidelines and between judges. Sentences for scenarios B-E remained largely consistent between the draft and existing guidelines however, varied depending on sentencer. For the most part, the differences are small.¹
- Domestic burglary: Additional wording relating to cases of particular gravity was found to be clear and usable. Additional wording on Alcohol Treatment Requirements (ATR) as an alternative to short or moderate custodial sentences was not opposed although some judges stated they would have to be persuaded to apply this in the case of domestic burglary or they would need evidence that addiction was the root cause of the offending behaviour.
- Aggravated burglary: On the whole, there was not opposition to the movement of the ‘weapon carried when entering premises’ from a factor of culpability to an aggravating factor. Five of the nine judges that considered the Aggravated burglary scenario (C), applied this factor under aggravation, hence double counting the factor, and two judges applied it at step one. One did so on the basis that it may need to be taken into account when considering taking the sentence outside of the guideline and the other was initially undecided on harm categories, but focused on the weapon element of the harm factor: ‘Violence used or threatened against the victim, particularly involving a weapon’, and thought the carrying of the machete to be applicable to the factor. When reading the aggravating factor of ‘weapon carried when entering premises’, they said ‘that effectively confirms it’s category one [harm]’.
- Magistrates reported they had not perceived changes to the types of non-domestic burglary cases seen in court and there were no particular difficulties in sentencing non-domestic burglaries.

¹ A breakdown of the sentences can be seen at the end of this document.

s.9 Domestic burglary

Scenario A (s.9 Domestic burglary)

Sentencing as expected by policy:

In Scenario A, the offender was expected to be placed in Category 1A, with a 3 year starting point. The sentence could go above the top of the range, because it was a case of particular gravity, leading to a sentence of above 6 years.

- Eight of the nine judges assessed Scenario A, relating to Domestic burglary to be category A1 as expected. Due to uncertainty surrounding if the screwdriver would constitute a weapon, one judge assessed this as B1. Five of the nine judges applied the wording 'for cases of particular gravity, sentences above the top of the range may be appropriate' and their final sentences ranged from 7-9 years. The four remaining sentences ranged between three and a half and six years.
 - It was agreed the wording was clear and workable.
 - To emphasise the additional wording, it was suggested this wording be highlighted or put in larger type.
- A point to note in relevance to the Domestic and Non-domestic draft guidelines is the assessment of 'much greater' or 'greater emotional harm than is normally expected'. Multiple judges and magistrates expressed concern about this element and felt this was highly subjective. One judge commented there was no categorisation of emotional impact on the victim that was not more than would normally be expected. They therefore felt the guideline would exclude a case of what would be thought to be a 'normal' level of emotional impact as this would automatically be assigned to a category three, which was thought to be too low to reflect the impact on victims. However, this did not appear to produce inconsistencies in the assessment of harm.

Scenario B (s.9 Domestic burglary)

Sentencing as expected by policy:

In Scenario B, the offender was expected to be placed in Category B1, with a starting point of 2 years and then a reduction for guilty plea. A community order with an alcohol treatment requirement may be a proper alternative to a short of moderate custodial sentence.

Two of the nine judges categorised Scenario B, relating to Domestic burglary, as B1 as expected. Three assessed it to be C1, three C2 and one B2. Five judges imposed suspended sentence orders (SSO) ranging between six months and one year and two months. Eight imposed custodial sentences ranging from one year to two years and six months. One judge did not state their sentence pre and post-guilty plea and imposed a suspended sentence of 6 months with an ATR and unpaid work.

- Those who assessed culpability to be category B (as expected) agreed that the offence was committed on impulse, but that there was more than 'limited intrusion'.

Those who assessed it as category C said there was limited intrusion, and some pointed out that there was no targeting in the case.

- Those categorising the offender under high harm (as expected) agreed this was due to the occupier being present. Those who assessed harm as category two agreed on the factor of the victim being present, but balanced this with the fact nothing was stolen.
- The wording in relation to imposing community orders with drug or alcohol treatment requirements was generally accepted, with judges saying they would be applied if alcohol was the root cause of the offending behaviour. However, two judges said they would need '*some persuasion*' that it would be an appropriate sentence for Domestic burglary. Another judge said they would be hesitant to impose non-custodial penalties due to this area being 'under sentenced': "*The impact on some of this sort of thing is just enormous, and to the extent that deterrence works for those who are inclined to commit offences, which is, I think very much in doubt, but to the extent it does work, they need to know that if you break into someone's house, you're going in.*"
- Participants were positive about the guideline and liked the flexibility of the stepped approach. Concerns were raised on the assessment of the '*normally expected*' emotional impact on victims included within the harm categorisation. Additional wording relating to cases of particular gravity was found to be clear and usable.
- Judges were happy with the culpability under the Domestic burglary guideline and favoured the addition of the third category of culpability, which was thought to give more flexibility and scope to analyse the case in a more critical and detailed way. '*The guidelines really identify the factors that touch upon culpability and harm.*'
- Aggravating and mitigating factors were widely accepted. One comment was made, suggesting the factors relating to the offence itself should be grouped together, followed by the remaining factors.

s.10 Aggravated burglary

Scenario C (s.10 Aggravated burglary)

Sentencing as expected by policy:

In Scenario C, the offender was expected to be placed in category B2 with a starting point of 6 years, with an increase within the range for aggravating factors.

- Four judges placed the offender in culpability A and five judges in culpability B. Those placing the offender in the higher category did so on the basis of a significant degree of planning and targeting of a vulnerable victim. Those placing the offender in category B did so on the basis of some degree of planning or organisation.
- Six judges assessed harm to be category one and three as category two. Those placing the offender in category one did so on the basis of the presence of the victim, trauma to the victim and a significant degree of loss. Those placing the offender in category two did so on the basis of some degree of loss and psychological impact to the victim.
- Five of nine judges applied the factor 'weapon carried when entering premises' under Step 2, double counting, and two applied the factor under Step 1. Of the two,

one did so on the basis that the factor should remain in culpability as, 'it might be the fact that you feel it should be taken into account when taking it outside of the guideline.' The other judge was initially undecided between harm categories one and two but focused on the weapon element of the harm factor: *'Violence used or threatened against the victim, particularly involving a weapon'*, and thought the carrying of the machete to be applicable to the factor. When reading the aggravating factor of *'weapon carried when entering premises'*, they said *'that effectively confirms it's category one [harm]'*.

- Judges imposed custodial sentences ranging from six to ten years.
- The guideline was well received and sentencers were in favour of the stepped approach. On the whole, there was not opposition to the movement of the factor *'weapon carried when entering premises'* from a factor of culpability to an aggravating factor. However, some clarification was called for on the wording and whether the weapon need be visible or concealed.
- Under Scenario C, no judges made an increase in their imposed sentence using the draft guideline in comparison to that using the existing guidelines. Five judges imposed sentences that were less than that under the existing guideline, the decreases range between one (three judges) and three years (one judge). One judge made a decrease of a year and a half.
- It was noted that the addition of the middle category was helpful to have in terms of starting points: *'It's a very useful area and there's a nice degree of overlap as well between the ranges with different categories, which is always good to see because it enables you to finesse things more than if the guideline categories were hard edged between the different brackets'*.
- There were no points to note on aggravating or mitigating factors. One judge commended the Council on the addition of the factor *'Offence committed in a dwelling'* – *'I think that's a very useful addition to reflect in the new guideline that isn't present in the old [existing] one.'*

s.9 Non-domestic burglary

Scenario D (s.9 Non-domestic burglary)

Sentencing as expected by policy:

In Scenario D, the offender was expected to be placed in category C1 with a starting point of 6 months, aggravated by previous convictions to around 1 year. Reduced to around 6 months following guilty plea.

- Nine judges and nine magistrates were asked to sentence scenario D. Thirteen judges and magistrates assessed Scenario D (Non-domestic burglary) to be category C2, three C1 (as expected), one B2 and one C1 or 2. Those categorising harm to be level two, did so on the basis of the factors of *'some degree of loss'*, *'greater emotional impact than expected'*, *'soiling of property'* and *'victim on premises'*.
- Sentences imposed by judges ranged from a Community Order to 8 months custody. Pre-GP sentences by magistrates ranged from Medium-Level Community Order to six months custody. Five judges' sentences remained consistent across the existing and draft guidelines and two of the magistrates sentences remained consistent.

- Two judges made increases of two months to their sentences using the draft guideline. Three magistrates made increases using the draft guideline. Two increased their sentence by one and a half months and one increased from a high-level community order to six months custody. One judge and three magistrates made a decrease using the draft guideline, all of which reduced a custodial sentence to community orders.

Scenario E (s.9 Non-domestic burglary)

Sentencing as expected by policy:

In Scenario E, the offender was expected to be placed in category C2 with a starting point of a medium-level community order. This could be aggravated to a high-level community order however, credit for a guilty plea could reduce the sentence back to a medium-level community order.

- Four of nine magistrates assessed Scenario E (Non-domestic burglary) to be category C2 as expected, four as B2, and one as C3. Those categorising under category C based the decision on the factor of the offence being committed on impulse with limited intrusion. Three of four of those under category B based this on the offence committed on impulse but with more than limited intrusion.
- Most (8 of 9) magistrates assessed harm to be category 2 based on 'some degree of loss' and 'ransacking or vandalism'. One magistrate categorised the scenario as category 3 and alongside 'some degree of loss', applied the factor of 'nothing stolen'.
- Sentences included Band B fine (2), medium-level community order (4) and 6 months custody (4). Four magistrates imposed a higher sentence using the draft guideline. Increases range from one and a half months to four months. One magistrate increased their sentence from a low-level community order to six months custody. Four magistrates sentences remained consistent and one made a decrease from four and a half months custody to a MLCO.

Comments on the s.9 Non-domestic burglary guideline:

- It was generally thought the guideline worked well and was relatively easy to follow. A point to note in relevance to the Domestic and Non-domestic draft guidelines is the assessment 'much greater' or 'greater emotional harm than is normally expected'. It was felt this was highly subjective. One judge commented there was no categorisation of emotional impact on the victim that was not more than would normally be expected. They therefore felt the guideline would exclude a case of what would be thought to be a 'normal' level of emotional impact as this would automatically be assigned to a category three, which was thought to be too low to reflect the impact on victims.
- Other than the above note on emotional impact, most judges and magistrates were happy with the three levels of harm and culpability and felt that there was a greater range of factors 'which fit better with the nuanced nature of the offence'.
- One magistrate thought the draft guideline to be pitched at a better starting point than the existing Non-domestic burglary guideline.
- There were no objections to aggravating or mitigating factors.

- Magistrates reported they had not perceived changes to the types of non-domestic burglary cases seen in court and there were no particular difficulties in sentencing non-domestic burglaries.

Scenario A – Domestic burglary

Existing guideline		Draft guideline									
	SP (years)	Final sentence (years)	Culpability	Factors	Harm	Factors	SP (years)	Aggravating factors	Mitigating factors	Final sentence (years)	
Expected			A	<ul style="list-style-type: none"> Targeting of vulnerable victims Significant degree of planning Other weapon carried Equipped for burglary 	1	<ul style="list-style-type: none"> Occupier at home Violence used or threatened against the victim Substantial degree of loss 	3	<ul style="list-style-type: none"> Previous convictions Offence committed at night Vulnerable victim(s) Offence committed as part of a group Offence committed on licence 	None	Above 6 years	
	1	3.5 years	3.5 years	A	<ul style="list-style-type: none"> Targeting of vulnerable victim <i>Threat of violence**</i> 	1	<ul style="list-style-type: none"> Occupier at home Economic loss to victim 	3.5 years*	<ul style="list-style-type: none"> Previous convictions Offence committed as part of a group Offence committed on licence 	None	3.5 years
	2	4.5 years	6 years	A	<ul style="list-style-type: none"> Targeting of vulnerable victim Significant degree of planning 	1	<ul style="list-style-type: none"> Occupier at home Violence or threatened against victim 	6 years	<ul style="list-style-type: none"> Previous convictions Offence committed at night Offence committed as part of a group Steps taken to prevent the victim reporting Offence committed on licence 	None	7 years
	3	3 years	6 years	B	<ul style="list-style-type: none"> Culpability falls between A and C <i>Other weapon carried?</i> 	1	<ul style="list-style-type: none"> Occupier at home Violence threatened against victim 	3 years	<ul style="list-style-type: none"> Previous convictions Offence committed at night Offence was committed as part of a group Steps taken to prevent the victim reporting Offence committed on licence <i>Other offending</i> 	None	6 years
	4	3 years	7 years	A	<ul style="list-style-type: none"> Significant degree of planning Other weapon carried 	1	<ul style="list-style-type: none"> emotional impact Occupier at home Violence threatened against victim Substantial degree of loss 	3 years	<ul style="list-style-type: none"> Offence committed at night Offence committed as part of a group Offence committed on licence <i>Serious consequences for the victims</i> 	None	7 years
	5	6 years	6-8 years	A	<ul style="list-style-type: none"> Significant degree of planning Equipped for burglary 	1	<ul style="list-style-type: none"> Substantial degree of loss <i>Age of victims</i> <i>Significant impact on the victims</i> <i>Violation</i> 	6 years	<ul style="list-style-type: none"> Previous convictions Offence committed at night Offence committed on licence <i>Homeowner present</i> <i>Value of property stolen</i> 	None	6-8 years

								• <i>Evidence of bad character</i>		
6	6 years	9 years	A	<ul style="list-style-type: none"> • Degree of planning • Other weapon carried 	1	<ul style="list-style-type: none"> • Much greater emotional impact than expected • Occupier at home • Violence threatened against victim • Substantial degree of loss 	6 years	<ul style="list-style-type: none"> • Previous convictions • Offence committed at night • Vulnerable victim • Offence committed as part of a group • Offence committed on licence 	None	9 years
7	3 years	4.5 years	A	<ul style="list-style-type: none"> • Planning • Other weapon carried 	1	<ul style="list-style-type: none"> • Greater emotional impact than expected • Occupier at home • Violence threatened against victim • Substantial degree of loss 	3 years	<ul style="list-style-type: none"> • Previous convictions • Offence committed at night • Offence committed on licence 	None	4.5-5 years
8	5-6 years	5-6 years	A	<ul style="list-style-type: none"> • Targeting of vulnerable victims • Other weapon carried • Some degree of planning • Equipped for burglary 	1	<ul style="list-style-type: none"> • Occupier at home • Violence threatened against victim • Substantial degree of loss 	3 years	<ul style="list-style-type: none"> • Previous convictions • Offence committed at night • Vulnerable victim • Offence committed as part of a group • <i>Threatening</i> 	None	5-6 years
9	3 years	8 years	A	<ul style="list-style-type: none"> • Significant degree of planning 	1	<ul style="list-style-type: none"> • Emotional impact • Occupier at home • Violence threatened against victim • <i>Significant</i> substantial loss 	3 years	<ul style="list-style-type: none"> • Offence committed at night • Vulnerable victim • Offence committed as part of a group • Offence committed on licence 	None	8 years

* raised from 3 years to reflect previous convictions.

** a harm factor but applied in culpability

Scenario B – Domestic burglary

Existing guideline			Draft guideline								
	SP (years and months)	Pre-GP sentence (years and months)	Culpability	Factors	Harm	Factors	SP (years and months)	Aggravating	Mitigating	Pre – GP sentence	Final sentence, Post-GP (years)
Expected			B	<ul style="list-style-type: none"> Some degree of planning 	1	<ul style="list-style-type: none"> Occupier at home Confrontation 	2 years	<ul style="list-style-type: none"> Previous conviction Commission of offence whilst under the influence of alcohol 	<ul style="list-style-type: none"> Determination to address addiction Age 	2 years	Around 1 or CO with an ATR
1	1 year	1 year	B	<ul style="list-style-type: none"> Committed on impulse 	1	<ul style="list-style-type: none"> Occupier at home Nothing stolen 	1 year, 9 months	<ul style="list-style-type: none"> Commission of offence whilst under the influence of alcohol 	<ul style="list-style-type: none"> Determination to address addiction Age and/or lack of maturity 	1 year 9 months	1 year 2 months susp. 2 years
2	1 year	1 year	C	<ul style="list-style-type: none"> No targeting not equipped 	1	<ul style="list-style-type: none"> Occupier at home 	6 months	-	-	-	6 months susp. 1 year (ATR/UPW)
3	1 year	10-13 months	C	-	2	<ul style="list-style-type: none"> Occupier at home 	1 year	<ul style="list-style-type: none"> Previous conviction Commission of offence whilst under the influence of alcohol 	<ul style="list-style-type: none"> Determination to address addiction Age and/or lack of maturity 	1 year 3 months	10 months
4	1 year	1 year	C	<ul style="list-style-type: none"> Committed on impulse No targeting 	2	<ul style="list-style-type: none"> Occupier at home Property of low value stolen 	1 year	-	<ul style="list-style-type: none"> Determination to address addiction origins of problem guilty plea 	1 year	8 months susp. 2 years (RAR/UPW/curfew)
5	1 year	8 months susp. 2 years (ATR)	C	<ul style="list-style-type: none"> Committed on impulse with limited intrusion. 	1	<ul style="list-style-type: none"> Occupier at home Greater degree of emotional impact 	-	<ul style="list-style-type: none"> Previous conviction 	<ul style="list-style-type: none"> Remorse Determination of steps taken to address offending behaviour Age and/or lack of maturity 	1 year 6 months	1 year susp. 2 years
6	1 year 6 months	1 year 6 months	C	-	2	<ul style="list-style-type: none"> Nothing stolen or only property of 	1 year	<ul style="list-style-type: none"> Previous conviction 	<ul style="list-style-type: none"> Remorse Some indication to address 	1 year	9 months

						<ul style="list-style-type: none"> low value to the victim Limited damage to property 		<ul style="list-style-type: none"> Commission of offence whilst under the influence of alcohol 	<ul style="list-style-type: none"> addiction/offending behaviour Age 		
7	1 year	1 year 9 months	B	<ul style="list-style-type: none"> Committed on impulse <i>but not limited intrusion</i> 	1	<ul style="list-style-type: none"> Greater emotional impact than expected Nothing stolen 	2 year	<ul style="list-style-type: none"> Previous convictions Commission of offence whilst under the influence of alcohol 	<ul style="list-style-type: none"> <i>Willingness</i> to address addiction <i>Traumatic background</i> 	2 year 6 months	1 year 8 months
8	9 months	1 year	B	<ul style="list-style-type: none"> Committed on impulse <i>but not limited intrusion</i> 	2	<ul style="list-style-type: none"> Occupier at home Nothing stolen or only property of low value to the victim 	1 year	<ul style="list-style-type: none"> Previous convictions 	<ul style="list-style-type: none"> Remorse <i>Willingness</i> to address addiction 	1 year 3 months	1 year
9	1 year	1 year 3 months	C	<ul style="list-style-type: none"> Committed on impulse 	1	<ul style="list-style-type: none"> Occupier at home Much greater impact than expected 	1 year, 6 months	<ul style="list-style-type: none"> Previous convictions 	<ul style="list-style-type: none"> <i>Acceptance of alcohol problem</i> 	1 year 9 months	1 year 2 months susp. 2 years

Scenario C – Aggravated burglary

Existing guideline		Draft guideline									
SP (years)	Final Sentence Pre-GP (years and months)	Culpability	Factors	Harm	Factors	SP (years)	Aggravating	Mitigating	Pre-GP (years)	Final sentence Post-GP (years)	
Expected			B	<ul style="list-style-type: none"> Some degree of planning 	2	<ul style="list-style-type: none"> Some psychological harm Some degree of loss to the victim 	6 years	<ul style="list-style-type: none"> Use of face covering Offence committed at night Offence committed as part of a group 	<ul style="list-style-type: none"> No relevant previous convictions Age 	7 years	4 years, 8 months
1	10 years	9 years	A	<ul style="list-style-type: none"> Targeting of vulnerable victim Degree of planning 	1	<ul style="list-style-type: none"> Victim on the premises <i>Violence against property</i> Substantial degree of loss Psychological impact to the victim Ransacking or vandalism <i>Weapon carried</i> 	10 years	<ul style="list-style-type: none"> Weapon carried when entering premises Offence committed as part of a group 	<ul style="list-style-type: none"> No relevant convictions Age and lack of maturity 	7 years, 6 months	5 years
2	11 years	10 years	A	<ul style="list-style-type: none"> Some impact or loss <i>Victim on premises</i> 	1	<ul style="list-style-type: none"> Victim on the premises Some degree of loss 	10 years	<ul style="list-style-type: none"> Weapon carried when entering premises Use of face covering Offence committed at night Offence was committed as part of a group 	<ul style="list-style-type: none"> No relevant convictions Remorse Age and lack of maturity 	10 years	6 years, 6 months
3	10 years	10 years	A	<ul style="list-style-type: none"> Significant degree of planning 	1	<ul style="list-style-type: none"> Victim on the premises 	10 years	-	-	10 years	6 years, 8 months
4	10 years	8 years	A	<ul style="list-style-type: none"> Significant planning and targeting and <i>slight</i> vulnerability Weapon 	1 or 2	<ul style="list-style-type: none"> Victim on the premises Violence threatened <i>Attempt to steal what would be a substantial loss</i> 	10 years	<ul style="list-style-type: none"> Weapon carried when entering premises Use of face covering 	<ul style="list-style-type: none"> Nothing stolen No previous convictions 	8 years	5 years, 4 months

						<ul style="list-style-type: none"> • <i>Equipped for burglary</i> • Some psychological impact • <i>Weapon produced</i> 		<ul style="list-style-type: none"> • Offence committed in a dwelling • Offence committed as part of a group 	<ul style="list-style-type: none"> • Age and lack of maturity 		
5	10 years	9 years	B	-	1	<ul style="list-style-type: none"> • Significant psychological trauma to the victim • Victim on the premises • <i>Some degree of violence threatened, involving a weapon</i> 	8 years	<ul style="list-style-type: none"> • Use of face covering • Vulnerable victim • Offence committed as part of a group 	<ul style="list-style-type: none"> • No relevant previous conviction • Age and lack of maturity 	8 years	5 years, 4 months
6	10 years	9 years	B	<ul style="list-style-type: none"> • Some planning or organisation 	2	<ul style="list-style-type: none"> • Victim on the premises • <i>Significant degree of loss</i> • Vulnerable victim 	9 years	<ul style="list-style-type: none"> • Unrelated previous convictions • Weapon carried when entering premises • Use of face covering • Vulnerable victim (taken into account at step 1) • Committed at night 	<ul style="list-style-type: none"> • Age 	8 years	5 years, 4 months
7	10 years	9 years	B	<ul style="list-style-type: none"> • Some degree of planning • <i>Part of a group</i> • <i>Committed at night</i> 	1	<ul style="list-style-type: none"> • Violence used or threatened against the victim • Some psychological injury to the victim • Some degree of loss • Victim on the premises 	9 years	<ul style="list-style-type: none"> • <i>Unrelated previous convictions*</i> • Weapon carried when entering premises (taken into account at step 1) • Use of face covering • Committed at night 	<ul style="list-style-type: none"> • No relevant previous convictions • Age and lack of maturity 	9 years	6 years
8	9 years	9 years	B	<ul style="list-style-type: none"> • Some degree of planning 	1	-	8 years	-	-	8 years	5 years, 4 months
9	10 years	9 years	B	<ul style="list-style-type: none"> • Targeting of vulnerable victim • Some degree of planning or organisation 	2	<ul style="list-style-type: none"> • Victims on the premises • Some degree of loss • Some psychological injury or impact on the victim 	6 years	<ul style="list-style-type: none"> • Weapon carried when entering premises • Use of face covering • Offence committed at night • Offence committed as part of a group 	<ul style="list-style-type: none"> • No relevant previous convictions • Age 	6 years	4 years

* a mitigating factor but applied under aggravation

Scenario D – Non-domestic burglary (judges)

	Existing guideline		Draft guideline							
	SP (mths)	Final Sentence (months)	Culpability	Factors	Harm	Factors	SP (mths)	Aggravating	Mitigating	Final sentence (years and mths)
Expected			C	<ul style="list-style-type: none"> Committed on impulse with limited intrusion 	1	<ul style="list-style-type: none"> Victim on premises Substantial degree of loss 	6 months	<ul style="list-style-type: none"> Previous convictions 	None	1 year
1	4.5 months	6 months	C	<ul style="list-style-type: none"> Committed on impulse 	1	<ul style="list-style-type: none"> Victim on premises Substantial degree of loss Limited damage or disturbance to property 	6 months	<ul style="list-style-type: none"> Previous convictions 	None	8 months
2	4.5 months	6 months	C	<ul style="list-style-type: none"> Committed on impulse 	2	<ul style="list-style-type: none"> Some degree of loss 	HLCO	<ul style="list-style-type: none"> Previous convictions 	None	6 months
3	MLCO	HLCO	C	<ul style="list-style-type: none"> Committed on impulse 	2	<ul style="list-style-type: none"> Some degree of loss 	MLCO	<ul style="list-style-type: none"> Previous convictions 	None	HLCO
4	CO	HLCO/SO	C	<ul style="list-style-type: none"> Committed on impulse 	2	<ul style="list-style-type: none"> Some degree of loss 	MLCO	None	None	CO
5	HLCO	-	C	<ul style="list-style-type: none"> Committed on impulse with limited intrusion into property 	2	<ul style="list-style-type: none"> Loss Impact on victim 	MLCO	<ul style="list-style-type: none"> Previous convictions 	None	HLCO (UW/RAR)
6	4.5 months/LLCO	6 months	C	<ul style="list-style-type: none"> Committed on impulse (<i>opportunistic</i>) 	2	<ul style="list-style-type: none"> Some degree of loss 	MLCO	<ul style="list-style-type: none"> Previous convictions 	None	6 months
7	4.5 months	6 months possibly susp.	C	<ul style="list-style-type: none"> Committed on impulse with limited intrusion into property 	2	<ul style="list-style-type: none"> Greater emotional impact 	CO	<ul style="list-style-type: none"> Previous convictions 	None	MLCO (curfew)
8	9 months	6 months (assuming GP)	C	<ul style="list-style-type: none"> Committed on impulse 	1/2	<ul style="list-style-type: none"> Substantial degree of loss Emotional impact (greater or much greater) 	6 months/MLCO	-	None	6 months

9	4.5 months/ MLCO	6 months	C	• Committed on impulse	1	• Substantial degree of loss	6 months/ MLCO	• Previous convictions	None	8 months
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Scenario D – Non-domestic burglary (Magistrates)

Existing guideline		Draft guideline									
Expected	SP (mths)	Final Sentence Pre-GP	Culpability	Factors	Harm	Factors	SP	Aggravating	Mitigating	Sentence (Pre-GP)	Final sentence (Post-GP)
				C	<ul style="list-style-type: none"> Committed on impulse, with limited intrusion 	1	<ul style="list-style-type: none"> Victim on premises Substantial degree of loss 	6 months	<ul style="list-style-type: none"> Previous convictions 	None	1 year
1	4.5 months	MLCO	C	<ul style="list-style-type: none"> Committed on impulse, with limited intrusion 	2	<ul style="list-style-type: none"> Some degree of loss 	MLCO	<ul style="list-style-type: none"> Previous convictions 	None	MLCO	MLCO
2	4.5 months	4.5 months	C	<ul style="list-style-type: none"> Committed on impulse, with limited intrusion 	2	<ul style="list-style-type: none"> Some degree of loss 	MLCO	<ul style="list-style-type: none"> Previous convictions 	None	HLCO (200hr UW)	HLCO (180hr UW)
3	HLCO	HLCO	C	<ul style="list-style-type: none"> Committed on impulse, with limited intrusion 	2	<ul style="list-style-type: none"> Greater emotional impact Damage of property causing some degree of loss 	MLCO	<ul style="list-style-type: none"> Previous convictions 	None	HLCO (UPW?)	HLCO (discount hrs)
4	4.5 months	3 months	C	<ul style="list-style-type: none"> Committed on impulse, with limited intrusion Victim on premises 	2	<ul style="list-style-type: none"> Greater emotional impact Some degree of loss 	MLCO	<ul style="list-style-type: none"> Previous convictions 	None	MLCO/ Band B fine (100hr UW)	MLCO/Band B fine (66% WI and 66hr UW)
5	4.5 months	2 months 1week	C	<ul style="list-style-type: none"> <i>Defendant was not an intruder as was at the hospital when the offence was committed</i> 	2	<ul style="list-style-type: none"> Greater emotional impact <i>Multiple items stolen</i> 	MLCO	<ul style="list-style-type: none"> Previous convictions Abuse of a position of trust 	<ul style="list-style-type: none"> <i>GP at earliest opportunity</i> 	Custody*	HLCO
6	MLCO	HLCO	B	<ul style="list-style-type: none"> Committed on impulse, with limited intrusion 	2	<ul style="list-style-type: none"> Some degree of loss 	6 months	<ul style="list-style-type: none"> Previous convictions 	None	6 months	4 months possibly susp

7	MLCO	4.5 months	C	<ul style="list-style-type: none"> Limited intrusion 	2	<ul style="list-style-type: none"> Victim on premises Soiling of property Some degree of loss Theft/damage to property 	MLCO	<ul style="list-style-type: none"> Previous convictions 	None	HLCO (victim comp)	HLCO (lower hours)
8	4.5 months	4.5 months	C	<ul style="list-style-type: none"> Committed on impulse, with limited intrusion <i>Little planning</i> 	1	<ul style="list-style-type: none"> Victim on premises Some degree of loss 	6 months	<ul style="list-style-type: none"> Previous convictions 	None	6 months	6 months (credit for GP is not sending to CC)
9	4.5 months	4.5 months	C	<ul style="list-style-type: none"> Committed on impulse, with limited intrusion 	2	<ul style="list-style-type: none"> Some degree of loss Emotional impact on victim 	6 months	<ul style="list-style-type: none"> Previous convictions <i>Emotional impact on the victim</i> <i>A place of work</i> <i>Public place</i> <i>Damage to property</i> 	<ul style="list-style-type: none"> <i>Committed on impulse with limited intrusion</i> <i>Low value property but high sentimental value</i> 	6 months	4 months sups. 1 year

* unspecified length.

Scenario E – Non-domestic burglary (Magistrates)

Existing guideline		Draft guideline								
SP (years)	Final Sentence Pre-GP (months)	Culpability	Factors	Harm	Factors	SP (mths)	Aggravating	Mitigating	Pre-GP (months)	Final sentence Post-GP (months)
Expected			<ul style="list-style-type: none"> Offence committed on impulse, with limited intrusion 	2	<ul style="list-style-type: none"> Some degree of loss Ransacking or vandalism 	MLCO	<ul style="list-style-type: none"> Part of a group Under the influence of alcohol 	None	HLCO	MLCO
1	4.5 months	MLCO	<ul style="list-style-type: none"> Committed on impulse 	2	<ul style="list-style-type: none"> Ransacking or vandalism 	MLCO	<ul style="list-style-type: none"> Part of a group Under influence of alcohol 	<ul style="list-style-type: none"> No relevant previous convictions <i>Guilty plea</i> 	MLCO	LLCO (ATR; RAR)
2	MLCO	MLCO	<ul style="list-style-type: none"> Committed on impulse 	2	<ul style="list-style-type: none"> Some degree of loss Ransacking or vandalism 	MLCO	<ul style="list-style-type: none"> Part of a group Under influence of alcohol 	<ul style="list-style-type: none"> No relevant previous convictions <i>Guilty plea</i> 	MLCO (100 hrs UPW)	MLCO (50 hrs UPW)
3	LLCO	LLCO	<ul style="list-style-type: none"> <i>More than limited intrusion</i> 	2	<ul style="list-style-type: none"> Some degree of loss 	6 months	<ul style="list-style-type: none"> Under influence of alcohol 	<ul style="list-style-type: none"> No relevant previous convictions <i>Guilty plea</i> 	6 months	HLCO
4	MLCO	MLCO (120hr UPW) and Band B fine	<ul style="list-style-type: none"> Committed on impulse 	2	<ul style="list-style-type: none"> Some degree of loss <i>Some degree of damage to property</i> 	MLCO	<ul style="list-style-type: none"> Part of a group Under influence of alcohol 	-	MLCO (120hr UPW) Band B fine (70% weekly income)	MLCO (80 hrs UPW) Band B fine (100% weekly income)
5	4.5 months	2 months	<ul style="list-style-type: none"> <i>Not limited intrusion</i> 	2	<ul style="list-style-type: none"> Some degree of loss Ransacking or vandalism 	6 months	-	<ul style="list-style-type: none"> No relevant previous convictions <i>Guilty plea</i> 	6 months	4 months

6	4.5 months	4.5 months	B	<ul style="list-style-type: none"> Committed on impulse <i>Intrusion on property</i> 	2	<ul style="list-style-type: none"> Some degree of loss <i>Some damage to property</i> 	6 months	<ul style="list-style-type: none"> previous convictions Under influence of alcohol 	-	6 months	4 months SSO
7	4.5 months	4.5 months	C	<ul style="list-style-type: none"> Offence committed on impulse 	2	<ul style="list-style-type: none"> Some degree of loss Ransacking or vandalism 	MLCO	<ul style="list-style-type: none"> Under influence of alcohol 	<ul style="list-style-type: none"> No relevant previous convictions 	MLCO	MLCO
8	LLCO (40hr UPW)	LLCO	C	<ul style="list-style-type: none"> Offence committed on impulse, with limited intrusion 	3	<ul style="list-style-type: none"> Some degree of loss Nothing stolen 	Band B fine	<ul style="list-style-type: none"> Under influence of alcohol 	<ul style="list-style-type: none"> No relevant previous convictions <i>Reasonably good character</i> <i>Guilty plea</i> 	Band B fine	Band B fine (1/3 reduction)
9	4.5 months	4.5 months	B	<ul style="list-style-type: none"> Offence committed on impulse, with limited intrusion 	2	<ul style="list-style-type: none"> Some degree of loss Ransacking or vandalism <i>Intrusion</i> 	6 months	<ul style="list-style-type: none"> Under influence of alcohol 	<ul style="list-style-type: none"> No relevant previous convictions 	6 months	M-HLCO

Annex C

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 (<u>see step 6 on totality when sentencing more than one offence</u>)
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">• <u>Violence used/serious violence threatened against the victim</u>• <u>Substantial physical or psychological injury or substantial emotional or other impact on the victim</u>• <u>Person(s) on premises or returns or attends while offender present</u>• 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• <u>Offence committed in the context of public disorder</u>
Category 2	<ul style="list-style-type: none">• <u>Violence threatened but not used against the victim (where not at category 1)</u>• <u>Moderate physical or psychological injury or some emotional or other impact on the victim</u>

	<ul style="list-style-type: none"> Theft of/damage to property causing a moderate degree of loss to the victim (whether economic, commercial or personal value) Moderate damage or disturbance to property
Category 3	<ul style="list-style-type: none"> Limited physical or psychological injury or limited emotional or other impact on the victim 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 High level community order Category Range Low level community order - – 6 months custody
Category 3	Starting Point 6 months custody Category Range Medium level community order - 1 years' custody	Starting Point High level community order Category Range Low level community order- 6 months custody	Starting Point Medium level community order Category Range Band B fine –High 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:

- Loss or damage caused to heritage and/or cultural assets
- 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. The court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).

- [Ancillary orders – Magistrates' Court](#)
- [Ancillary orders – Crown Court Compendium](#)

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](#).

Burglary offences

These data tables provide statistics on the outcomes and demographics of offenders sentenced for offences covered by the Sentencing Council definitive guideline for burglary offences, which can be found here

<https://www.sentencingcouncil.org.uk/crown-court/>

Section 1: Non-domestic burglary

Table 1 1	Number of adult offenders sentenced for non-domestic burglary covered by the definitive guideline, all courts, 2010-2020
Table 1 2	Number and proportion of adult offenders sentenced for non-domestic burglary covered by the definitive guideline, by sentence outcome, 2010-2020
Table 1 3	Average custodial sentence lengths (ACSL) received by adult offenders sentenced for non-domestic burglary covered by the definitive guideline, 2010-2020
Table 1 4	Sentence lengths received by adult offenders sentenced to immediate custody for non-domestic burglary covered by the definitive guideline, 2020
Table 1 5	Demographics of adult offenders sentenced for non-domestic burglary covered by the definitive guideline, by sex, age and ethnicity, 2020
Table 1 6	Number and proportion of adult offenders sentenced for non-domestic burglary covered by the definitive guideline, by sex, age and ethnicity and sentence outcome, 2020
Table 1 7	Average custodial sentence lengths (ACSL) received by adult offenders sentenced for non-domestic burglary covered by the definitive guideline, by sex, age and ethnicity, 2020
Table 1 8	Sentence lengths received by adult offenders sentenced to immediate custody for non-domestic burglary covered by the definitive guideline, by sex, age and ethnicity, 2020

Section 2: Domestic burglary

Table 2 1	Number of adult offenders sentenced for domestic burglary covered by the definitive guideline, all courts, 2010-2020
Table 2 2	Number and proportion of adult offenders sentenced for domestic burglary covered by the definitive guideline, by sentence outcome, 2010-2020
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Notes

Annex D

Data sources and quality

The Court Proceedings Database (CPD), maintained by the Ministry of Justice (MoJ), is the source of the data for these data tables. Every effort is made by MoJ and the Sentencing Council to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. These restrictions resulted in reduction of court activity to adhere to new rules on movement and social interaction and the prioritisation of certain types of court case involving cases that are more likely to result in custody. This means that the figures presented on an offence specific basis may reflect these rules to varying degrees depending on the offence in question and whether these cases continued to be heard throughout the time period. Therefore, it is important to note that these short-term trends might mostly reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the long term. From September 2020, some cases proceeded at Derby Crown and magistrates' courts were recorded on the new Common Platform (CP) case management system. Data processing development is currently underway on this new system, and as a result the small number of cases recorded on the CP system during the latter part of 2020 are not included in the CPD.

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

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

Volumes of sentences

The data presented in these data tables only include cases where the specified offence was the principal offence committed. When a defendant has been found guilty of two or more offences this is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in these data tables.

Sentence outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This is because the sentence length information available in the Court Proceedings Database is the final sentence imposed, after any reduction for guilty plea.

The sentence outcome shown is the most severe sentence or order given for the principal offence (i.e. the principal sentence), secondary sentences given for the principal offence are not included in the tables.

Offender demographics

Ethnicity is the self-identified ethnicity as defined by the individual and is categorised using the 5+1 self-identified classification. The Not recorded/not known category includes all others for whom ethnicity information is not available, either because they have chosen not to state their ethnicity or because no information has been recorded. Prior to May 2020, this was based on the 16+1 classification used in the 2001 census. Since May 2020, this has been replaced by the 18+1 classification used in the 2011 Census. This had caused two key changes to the data presented in our publications:

1) The data now captures a further two ethnicity classifications: Gypsy or Irish Traveller which will fall into the broader category of 'White' and Arab which will fall into the broader category of 'Other'. While the data suggests that no offenders from these ethnic backgrounds have been sentenced since the 18+1 classification was introduced, these ethnic groups will begin to be captured in the 2021 data.

2) The movement of the Chinese ethnicity classification from the broad category of 'Chinese and Other' into 'Asian'. Due to the small number of offenders sentenced who identified as Chinese (around 310 offenders in 2020 across all offences), this change has had little impact on overall trends presented in the data, we have also applied this change to the whole timeseries presented to allow for continued comparison across years. However, it means that the 'Chinese and Other' category will be renamed 'Other' within our data tables to account for this change.

Therefore, the ethnicity categories for self-identified ethnicity are: Asian, Black, Mixed, Other, White, Not recorded/not known. More information on the 18+1 classification can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691544/self-defined-ethnicity-18plus1.pdf

The proportions reflected amongst those for whom data was provided may not reflect the demographics of the full population sentenced. In the CPD, prior to 2017 adults of unknown ages were defaulted to 25. From 2017 onwards, the majority of records where the age is unknown have been grouped within an 'age unknown' variable, however there may still be some cases where the age is unknown and has therefore been defaulted to 25.

Due to the small number of offenders sentenced for some offences, care should be taken when comparing figures across different groups. This is particularly true where there are only a small number of offenders within a specific demographic group, as small numeric changes can present as large percentage changes when they are calculated using small volumes. This should be considered when comparing percentages across groups.

General conventions

The following conventions have been applied to the data:

- Percentages derived from the data have been provided in the tables to the nearest whole percentage, except when the nearest whole percentage is zero. In some instances, this may mean that percentages shown do not add up to 100 per cent.
- Where the nearest whole per cent is zero, the convention '<0.5' has been used.
- Where totals have been provided, these have been calculated using unrounded data and then rounded.

Uses made of the data

Data provided in the Council's range of statistical bulletins and tables are used to inform public debate of the Council's work.

Background information

Further information on the Sentencing Council and its work, as well as information on general sentencing practice in England and Wales can be found on the Council's website at:

<https://sentencingcouncil.org.uk>

The Ministry of Justice publishes a quarterly statistical publication, Criminal Justice Statistics, which includes a chapter focusing on sentencing in England and Wales. This chapter includes information on the number of offenders sentenced by offence group and by demographic factors such as age, sex and self-identified ethnicity. The full publication can be accessed via the Ministry of Justice website at: <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

Detailed sentencing data from the Ministry of Justice's Court Proceedings Database can be accessed via the data tool published alongside the annual Criminal Justice Statistics publication. The tool enables data covering the last decade to be viewed by offence, sex, age range and ethnicity, and can be accessed via the following link (for example, see the 'Outcomes by Offence data tool'):

<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2020>

Contact points for further information

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Table 1.1: Number of adult offenders sentenced for non-domestic burglary, all courts, 2010-2020²

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Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Magistrates' court	5,848	6,420	5,474	4,995	4,414	3,942	3,856	4,031	3,703	3,364	2,833
Crown Court	1,789	2,477	2,459	2,044	2,139	2,094	1,849	1,772	1,759	1,879	1,557
Total	7,637	8,897	7,933	7,039	6,553	6,036	5,705	5,803	5,462	5,243	4,390

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Magistrates' court	77%	72%	69%	71%	67%	65%	68%	69%	68%	64%	65%
Crown Court	23%	28%	31%	29%	33%	35%	32%	31%	32%	36%	35%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) In August 2011, riots occurred in London and other major cities across England and Wales. Around 50 per cent of the people arrested in connection with the riots were charged with burglary offences. Around 670 offenders sentenced for non-domestic burglary and 60 offenders sentenced for domestic burglary included in these data tables 2011 and 2012 were sentenced for offences relating to the riots. Sentencing trends for these cases and for others dealt with around the same time may have been affected the severity of the riots, and so users should bear this in mind when interpreting data from around this period.

Table 1.2: Number and proportion of adult offenders sentenced for non-domestic burglary, by sentence outcome, 2010-2020^{1,2}

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Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Absolute and conditional discharge	329	355	233	209	230	197	139	102	109	91	85
Fine	318	340	234	218	259	205	168	188	157	113	131
Community sentence	3,107	3,189	2,534	1,911	1,462	1,375	1,132	1,122	1,163	1,147	796
Suspended sentence	1,014	1,198	1,100	1,169	1,209	1,227	1,211	1,205	1,034	912	877
Immediate custody	2,736	3,639	3,581	3,151	3,004	2,911	2,980	3,110	2,896	2,881	2,398
Otherwise dealt with ³	133	176	251	381	389	121	75	76	103	99	103
Total	7,637	8,897	7,933	7,039	6,553	6,036	5,705	5,803	5,462	5,243	4,390

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Absolute and conditional discharge	4%	4%	3%	3%	4%	3%	2%	2%	2%	2%	2%
Fine	4%	4%	3%	3%	4%	3%	3%	3%	3%	2%	3%
Community sentence	41%	36%	32%	27%	22%	23%	20%	19%	21%	22%	18%
Suspended sentence	13%	13%	14%	17%	18%	20%	21%	21%	19%	17%	20%
Immediate custody	36%	41%	45%	45%	46%	48%	52%	54%	53%	55%	55%
Otherwise dealt with ³	2%	2%	3%	5%	6%	2%	1%	1%	2%	2%	2%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) In August 2011, riots occurred in London and other major cities across England and Wales. Around 50 per cent of the people arrested in connection with the riots were charged with burglary offences. Around 670 offenders sentenced for non-domestic burglary and 60 offenders sentenced for domestic burglary included in these data tables for 2011 and 2012 were sentenced for offences relating to the riots. Sentencing trends for these cases and for others dealt with around the same time may have been affected by the severity of the riots, and so users should bear this in mind when interpreting data from around this period.

3) The category 'Otherwise dealt with' covers miscellaneous disposals. Please note that due to a data issue currently under investigation, there are a number of cases which are incorrectly categorised in the Court Proceedings Database (CPD) as 'Otherwise dealt with'. Therefore, these volumes and proportions should be treated with caution.

Table 1.3: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for non-domestic burglary, 2010-2020²[Index](#)

ACSL (months) ^{3,4}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Mean	8.5	9.0	9.4	8.5	9.2	9.8	10.0	9.4	9.9	11.3	10.6
Median	4.0	4.2	4.7	4.2	4.2	5.1	4.7	4.7	4.7	5.0	5.6
Indeterminates as percentage of custodial sentences ^{5,6}	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) In August 2011, riots occurred in London and other major cities across England and Wales. Around 50 per cent of the people arrested in connection with the riots were charged with burglary offences. Around 670 offenders sentenced for non-domestic burglary and 60 offenders sentenced for domestic burglary included in these data tables for 2011 and 2012 were sentenced for offences relating to the riots. Sentencing trends for these cases and for others dealt with around the same time may have been affected by the severity of the riots, and so users should bear this in mind when interpreting data from around 2011 and 2012.
- 3) Excludes life and indeterminate sentences.
- 4) Excludes two cases of non-domestic burglary over the period 2010-2020 where the data suggested that the sentence was above the statutory maximum for this offence (10 years' custody).
- 5) This is calculated as the number of offenders given an indeterminate custodial sentence, out of the number of offenders given a sentence of immediate custody.
- 6) For 2010-2012, the indeterminate sentence figures include the sentences of Imprisonment for Public Protection (IPP) and Extended Sentences for Public Protection (EPP). These sentences were introduced in 2005 and abolished in 2012.

Table 1.4: Sentence lengths received by adult offenders sentenced to immediate custody for non-domestic burglary, 2010-2020¹

[Index](#)

Sentence length (years)^{2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Less than 1 year	2,282	2,828	2,777	2,587	2,352	2,238	2,263	2,413	2,203	2,090	1,786
1 to 2	247	568	543	352	413	412	434	422	399	438	377
2 to 3	125	149	159	128	138	160	175	188	200	211	134
3 to 4	39	47	65	46	71	63	57	50	65	66	45
4 to 5	26	28	17	22	15	25	25	22	17	37	21
Greater than 5 years	17	19	20	15	15	13	26	14	12	39	35
Total	2,736	3,639	3,581	3,150	3,004	2,911	2,980	3,109	2,896	2,881	2,398

Sentence length (years)^{2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Less than 1 year	83%	78%	78%	82%	78%	77%	76%	78%	76%	73%	74%
1 to 2	9%	16%	15%	11%	14%	14%	15%	14%	14%	15%	16%
2 to 3	5%	4%	4%	4%	5%	5%	6%	6%	7%	7%	6%
3 to 4	1%	1%	2%	1%	2%	2%	2%	2%	2%	2%	2%
4 to 5	1%	1%	<0.5%	1%	<0.5%	1%	1%	1%	1%	1%	1%
Greater than 5 years	1%	1%	1%	<0.5%	<0.5%	<0.5%	1%	<0.5%	<0.5%	1%	1%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) 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 or equal to 1 year, and '1 to 2' includes sentence lengths over 1 year, and up to and including 2 years.

3) Excludes two cases of non-domestic burglary over the period 2010-2020 where the data suggested that the sentence was above the statutory maximum for this offence (10 years' custody).

Table 1.5: Demographics of adult offenders sentenced for non-domestic burglary, by sex, age and ethnicity, 2020¹

Sex	Number of adults sentenced	Percentage of all adults sentenced⁴
Female	203	5%
Male	4,146	95%
Not recorded/not known	41	
Total	4,390	100%

Age group	Number of adults sentenced	Percentage of all adults sentenced⁴
18 to 20	216	5%
21 to 24	320	7%
25 to 29	579	13%
30 to 39	1,695	39%
40 to 49	1,281	29%
50 to 59	285	6%
60 to 69	14	<0.5%
70 and over	0	0%
Not recorded/not known	0	
Total	4,390	100%

Ethnicity^{2,3}	Number of adults sentenced	Percentage of all adults sentenced⁴
Asian	75	2%
Black	185	5%
Mixed	105	3%
Other	40	1%
White	3,155	89%
Not recorded/not known	830	
Total	4,390	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

3) For a proportion of adults sentenced (19%), their ethnicity was either not recorded or it was not known. Therefore the proportions amongst those for whom data was provided may not reflect the demographics of the full population, and these figures should be treated with caution.

4) Percentage calculations do not include cases where sex, age group or ethnicity was unknown.

Table 1.6: Number and proportion of adult offenders sentenced for non-domestic burglary, by sex, age and ethnicity, and sende outcome, 2020¹

[Index](#)

Sex	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
Female	6	13	55	40	79	10	203
Male	78	114	731	829	2,302	92	4,146
Not recorded/not known	1	4	10	8	17	1	41

Age group	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
18 to 20	14	11	94	32	58	7	216
21 to 24	13	9	62	83	146	7	320
25 to 29	7	19	88	119	334	12	579
30 to 39	23	51	295	311	969	46	1,695
40 to 49	21	31	200	263	739	27	1,281
50 to 59	7	10	53	66	145	4	285
60 to 69	0	0	4	3	7	0	14
70 and over	0	0	0	0	0	0	0
Not recorded/not known	0	0	0	0	0	0	0

Ethnicity ³	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
Asian	2	5	13	17	38	0	75
Black	2	5	35	37	104	2	185
Mixed	2	0	16	21	62	4	105
Other	0	1	4	15	20	0	40
White	59	88	582	630	1,726	70	3,155
Not recorded/not known	20	32	146	157	448	27	830

Sex	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
Female	3%	6%	27%	20%	39%	5%	100%
Male	2%	3%	18%	20%	56%	2%	100%
Not recorded/not known	2%	10%	24%	20%	41%	2%	100%

Age group	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
18 to 20	6%	5%	44%	15%	27%	3%	100%
21 to 24	4%	3%	19%	26%	46%	2%	100%
25 to 29	1%	3%	15%	21%	58%	2%	100%
30 to 39	1%	3%	17%	18%	57%	3%	100%
40 to 49	2%	2%	16%	21%	58%	2%	100%
50 to 59	2%	4%	19%	23%	51%	1%	100%
60 to 69	0%	0%	29%	21%	50%	0%	100%
70 and over	-	-	-	-	-	-	-
Not recorded/not known	-	-	-	-	-	-	-

Ethnicity ³	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
Asian	3%	7%	17%	23%	51%	0%	100%
Black	1%	3%	19%	20%	56%	1%	100%
Mixed	2%	0%	15%	20%	59%	4%	100%
Other	0%	3%	10%	38%	50%	0%	100%
White	2%	3%	18%	20%	55%	2%	100%
Not recorded/not known	2%	4%	18%	19%	54%	3%	100%

Source: Court Proceedings Database, Ministry of Justice

- = No proportions have been calculated as no offenders were sentenced.

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) The category 'Otherwise dealt with' covers miscellaneous disposals. Please note that due to a data issue currently under investigation, there are a number of cases which are incorrectly categorised in the Court Proceedings Database (CPD) as 'Otherwise dealt with'. Therefore, these volumes and proportions should be treated with caution.

3) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

Table 1.7: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for non-domestic burglary, by sex, age and ethnicity, 2020¹

[Index](#)

Sex	ACSL (months) ^{2,3}	
	Mean	Median
Female	5.1	3.3
Male	10.8	6.0
Not recorded/not known	3.0	2.3

Age group	Mean	Median
18 to 20	10.5	6.0
21 to 24	10.2	5.6
25 to 29	12.8	6.0
30 to 39	10.2	5.6
40 to 49	10.1	4.7
50 to 59	9.6	4.2
60 to 69	25.4	4.2
70 and over	-	-
Not recorded/not known	-	-

Ethnicity ⁴	Mean	Median
Asian	8.4	6.0
Black	8.6	4.2
Mixed	11.8	6.0
Other	14.4	10.0
White	10.7	6.0
Not recorded/not known	10.3	4.7

Source: Court Proceedings Database, Ministry of Justice

* = ACSL has not been calculated where the number of offenders sentenced to immediate custody is fewer than 5.

- = No offenders were sentenced to a determinate custodial sentence.

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) Excludes life and indeterminate sentences.

3) The statutory maximum sentence for this offence is 10 years' custody.

4) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

Table 1.8: Sentence lengths received by adult offenders sentenced to immediate custody for non-domestic burglary, by sex, age and ethnicity, 2020¹

[Index](#)

Sex	Number of adults sentenced to each sentence length (years) ^{2,3}						Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	Greater than 5 years	
Female	73	5	1	0	0	0	79
Male	1,696	372	133	45	21	35	2,302
Not recorded/not known	17	0	0	0	0	0	17

Age group	Number of adults sentenced to each sentence length (years) ^{2,3}						Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	Greater than 5 years	
18 to 20	43	11	2	0	2	0	58
21 to 24	112	20	7	3	3	1	146
25 to 29	225	61	27	11	2	8	334
30 to 39	735	138	59	19	6	12	969
40 to 49	556	121	35	8	8	11	739
50 to 59	111	24	4	4	0	2	145
60 to 69	4	2	0	0	0	1	7
70 and over	0	0	0	0	0	0	0
Not recorded/not known	0	0	0	0	0	0	0

Ethnicity ⁴	Number of adults sentenced to each sentence length (years) ^{2,3}						Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	Greater than 5 years	
Asian	32	4	2	0	0	0	38
Black	84	13	6	0	0	1	104
Mixed	48	5	6	0	0	3	62
Other	12	3	4	0	0	1	20
White	1,275	287	87	33	20	24	1,726
Not recorded/not known	335	65	29	12	1	6	448

Sex	Proportion of adults sentenced to each sentence length (years) ^{2,3}						Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	Greater than 5 years	
Female	92%	6%	1%	0%	0%	0%	100%
Male	74%	16%	6%	2%	1%	2%	100%
Not recorded/not known	100%	0%	0%	0%	0%	0%	100%

Age group	Proportion of adults sentenced to each sentence length (years) ^{2,3}						Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	Greater than 5 years	
18 to 20	74%	19%	3%	0%	3%	0%	100%
21 to 24	77%	14%	5%	2%	2%	1%	100%
25 to 29	67%	18%	8%	3%	1%	2%	100%
30 to 39	76%	14%	6%	2%	1%	1%	100%
40 to 49	75%	16%	5%	1%	1%	1%	100%
50 to 59	77%	17%	3%	3%	0%	1%	100%
60 to 69	57%	29%	0%	0%	0%	14%	100%
70 and over	-	-	-	-	-	-	-
Not recorded/not known	-	-	-	-	-	-	-

Ethnicity ⁴	Proportion of adults sentenced to each sentence length (years) ^{2,3}						Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	Greater than 5 years	
Asian	84%	11%	5%	0%	0%	0%	100%
Black	81%	13%	6%	0%	0%	1%	100%
Mixed	77%	8%	10%	0%	0%	5%	100%
Other	60%	15%	20%	0%	0%	5%	100%
White	74%	17%	5%	2%	1%	1%	100%
Not recorded/not known	75%	15%	6%	3%	0%	1%	100%

Source: Court Proceedings Database, Ministry of Justice

- = No proportions have been calculated as no offenders were sentenced to immediate custody.

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) 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 or equal to 1 year, and '1 to 2' includes sentence lengths over 1 year, and up to and including 2 years.

3) The statutory maximum sentence for this offence is 10 years' custody.

4) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

Table 2.1: Number of adult offenders sentenced for domestic burglary, all courts, 2010-2020²

[Index](#)

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Magistrates' court	2,237	2,322	1,904	1,508	1,256	1,035	989	921	720	598	462
Crown Court	8,272	8,799	8,375	8,183	7,500	6,370	5,261	4,915	4,400	4,053	3,229
Total	10,509	11,121	10,279	9,691	8,756	7,405	6,250	5,836	5,120	4,651	3,691

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Magistrates' court	21%	21%	19%	16%	14%	14%	16%	16%	14%	13%	13%
Crown Court	79%	79%	81%	84%	86%	86%	84%	84%	86%	87%	87%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) In August 2011, riots occurred in London and other major cities across England and Wales. Around 50 per cent of the people arrested in connection with the riots were charged with burglary offences. Around 670 offenders sentenced for non-domestic burglary and 60 offenders sentenced for domestic burglary included in these data tables 2011 and 2012 were sentenced for offences relating to the riots. Sentencing trends for these cases and for others dealt with around the same time may have been affected the severity of the riots, and so users should bear this in mind when interpreting data from around this period.

Table 2.2: Number and proportion of adult offenders sentenced for domestic burglary, by sentence outcome, 2010-2020¹

[Index](#)

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Absolute and conditional discharge	103	82	57	46	59	48	37	35	32	30	16
Fine	44	32	34	38	41	38	21	18	18	16	10
Community sentence	2,116	2,012	1,649	1,181	895	740	529	451	459	423	317
Suspended sentence	1,571	1,563	1,497	1,547	1,524	1,352	962	805	653	546	513
Immediate custody	6,575	7,337	6,940	6,737	6,086	5,149	4,637	4,454	3,876	3,563	2,770
Otherwise dealt with ²	100	95	102	142	151	78	64	73	82	73	65
Total	10,509	11,121	10,279	9,691	8,756	7,405	6,250	5,836	5,120	4,651	3,691

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Absolute and conditional discharge	1%	1%	1%	<0.5%	1%	1%	1%	1%	1%	1%	<0.5%
Fine	<0.5%	<0.5%	<0.5%	<0.5%	<0.5%	1%	<0.5%	<0.5%	<0.5%	<0.5%	<0.5%
Community sentence	20%	18%	16%	12%	10%	10%	8%	8%	9%	9%	9%
Suspended sentence	15%	14%	15%	16%	17%	18%	15%	14%	13%	12%	14%
Immediate custody	63%	66%	68%	70%	70%	70%	74%	76%	76%	77%	75%
Otherwise dealt with ²	1%	1%	1%	1%	2%	1%	1%	1%	2%	2%	2%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) The category 'Otherwise dealt with' covers miscellaneous disposals. Please note that due to a data issue currently under investigation, there are a number of cases which are incorrectly categorised in the Court Proceedings Database (CPD) as 'Otherwise dealt with'. Therefore, these volumes and proportions should be treated with caution.

Table 2.3: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for domestic burglary, 2010-2020²[Index](#)

ACSL (years) ³	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Mean	1.9	1.9	1.9	2.0	2.1	2.2	2.2	2.3	2.3	2.4	2.4
Median	1.7	1.7	1.7	2.0	2.0	2.2	2.3	2.4	2.4	2.4	2.4
Indeterminates as percentage of custodial sentences ^{4,5}	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) In August 2011, riots occurred in London and other major cities across England and Wales. Around 50 per cent of the people arrested in connection with the riots were charged with burglary offences. Around 670 offenders sentenced for non-domestic burglary and 60 offenders sentenced for domestic burglary included in these data tables for 2011 and 2012 were sentenced for offences relating to the riots. Sentencing trends for these cases and for others dealt with around the same time may have been affected by the severity of the riots, and so users should bear this in mind when interpreting data from around this period.

3) Excludes life and indeterminate sentences. Excludes two cases of domestic burglary over the period 2010-2020 where the data suggested that the sentence was above the statutory maximum for this offence (14 years' custody).

4) This is calculated as the number of offenders given an indeterminate custodial sentence, out of the number of offenders given a sentence of immediate custody.

5) For 2010-2012, the indeterminate sentence figures include the sentences of Imprisonment for Public Protection (IPP) and Extended Sentences for Public Protection (EPP). These sentences were introduced in 2005 and abolished in 2012.

Table 2.4: Sentence lengths received by adult offenders sentenced to immediate custody for domestic burglary, 2010-2020¹

[Index](#)

Sentence length (years)^{2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Less than 1 year	2,120	2,408	2,209	1,968	1,687	1,347	1,187	1,041	848	760	637
1 to 2	1,958	2,109	1,898	1,762	1,558	1,214	1,095	1,018	893	778	559
2 to 3	1,699	1,854	1,898	2,037	1,858	1,635	1,482	1,476	1,265	1,218	961
3 to 4	553	679	651	690	652	605	572	611	536	490	372
4 to 5	143	170	179	175	183	192	164	185	180	169	131
5 to 6	61	73	65	55	87	84	83	76	95	79	53
Greater than 6 years	41	44	40	50	61	72	54	46	58	69	57
Total	6,575	7,337	6,940	6,737	6,086	5,149	4,637	4,453	3,875	3,563	2,770

Sentence length (years)^{2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Less than 1 year	32%	33%	32%	29%	28%	26%	26%	23%	22%	21%	23%
1 to 2	30%	29%	27%	26%	26%	24%	24%	23%	23%	22%	20%
2 to 3	26%	25%	27%	30%	31%	32%	32%	33%	33%	34%	35%
3 to 4	8%	9%	9%	10%	11%	12%	12%	14%	14%	14%	13%
4 to 5	2%	2%	3%	3%	3%	4%	4%	4%	5%	5%	5%
5 to 6	1%	1%	1%	1%	1%	2%	2%	2%	2%	2%	2%
Greater than 6 years	1%	1%	1%	1%	1%	1%	1%	1%	1%	2%	2%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) 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 or equal to 1 year, and '1 to 2' includes sentence lengths over 1 year, and up to and including 2 years.

3) Excludes two cases of domestic burglary over the period 2010-2020 where the data suggested that the sentence was above the statutory maximum for this offence (14 years' custody).

Table 2.5: Demographics of adult offenders sentenced for domestic burglary, by sex, age and ethnicity, 2020¹

[Index](#)

Sex	Number of adults sentenced	Percentage of all adults sentenced⁴
Female	299	8%
Male	3,388	92%
Not recorded/not known	4	
Total	3,691	100%

Age group	Number of adults sentenced	Percentage of all adults sentenced⁴
18 to 20	335	9%
21 to 24	397	11%
25 to 29	588	16%
30 to 39	1,267	34%
40 to 49	865	23%
50 to 59	217	6%
60 to 69	20	1%
70 and over	2	<0.5%
Not recorded/not known	0	
Total	3,691	100%

Ethnicity^{2,3}	Number of adults sentenced	Percentage of all adults sentenced⁴
Asian	53	2%
Black	166	5%
Mixed	92	3%
Other	39	1%
White	2,684	88%
Not recorded/not known	657	
Total	3,691	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

3) For a proportion of adults sentenced (18%), their ethnicity was either not recorded or it was not known. Therefore the proportions amongst those for whom data was provided may not reflect the demographics of the full population, and these figures should be treated with caution.

4) Percentage calculations do not include cases where sex, age group or ethnicity was unknown.

Table 2.6: Number and proportion of adult offenders sentenced for domestic burglary, by sex, age and ethnicity, and sentence outcome 2020¹

[Index](#)

Sex	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
Female	3	0	63	58	162	13	299
Male	13	10	252	453	2,608	52	3,388
Not recorded/not known	0	0	2	2	0	0	4

Age group	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
18 to 20	4	0	65	76	186	4	335
21 to 24	2	2	34	76	275	8	397
25 to 29	0	1	35	79	463	10	588
30 to 39	6	3	99	160	979	20	1,267
40 to 49	3	3	64	93	690	12	865
50 to 59	1	0	17	27	161	11	217
60 to 69	0	0	3	2	15	0	20
70 and over	0	1	0	0	1	0	2
Not recorded/not known	0	0	0	0	0	0	0

Ethnicity ³	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
Asian	0	0	6	5	41	1	53
Black	2	0	12	25	123	4	166
Mixed	1	0	6	13	69	3	92
Other	0	0	2	5	30	2	39
White	8	7	233	356	2,039	41	2,684
Not recorded/not known	5	3	58	109	468	14	657

Sex	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
Female	1%	0%	21%	19%	54%	4%	100%
Male	<0.5%	<0.5%	7%	13%	77%	2%	100%
Not recorded/not known	0%	0%	50%	50%	0%	0%	100%

Age group	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
18 to 20	1%	0%	19%	23%	56%	1%	100%
21 to 24	1%	1%	9%	19%	69%	2%	100%
25 to 29	0%	<0.5%	6%	13%	79%	2%	100%
30 to 39	<0.5%	<0.5%	8%	13%	77%	2%	100%
40 to 49	<0.5%	<0.5%	7%	11%	80%	1%	100%
50 to 59	<0.5%	0%	8%	12%	74%	5%	100%
60 to 69	0%	0%	15%	10%	75%	0%	100%
70 and over	0%	50%	0%	0%	50%	0%	100%
Not recorded/not known	-	-	-	-	-	-	-

Ethnicity ³	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ²	
Asian	0%	0%	11%	9%	77%	2%	100%
Black	1%	0%	7%	15%	74%	2%	100%
Mixed	1%	0%	7%	14%	75%	3%	100%
Other	0%	0%	5%	13%	77%	5%	100%
White	<0.5%	<0.5%	9%	13%	76%	2%	100%
Not recorded/not known	1%	<0.5%	9%	17%	71%	2%	100%

Source: Court Proceedings Database, Ministry of Justice

- = No proportions have been calculated as no offenders were sentenced.

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) The category 'Otherwise dealt with' covers miscellaneous disposals. Please note that due to a data issue currently under investigation, there are a number of cases which are incorrectly categorised in the Court Proceedings Database (CPD) as 'Otherwise dealt with'. Therefore, these volumes and proportions should be treated with caution.
- 3) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

Table 2.7: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for domestic burglary, by sex, age and ethnicity, 2020

[Index](#)

Sex	ACSL (years) ^{2,3}	
	Mean	Median
Female	2.0	2.0
Male	2.4	2.4
Not recorded/not known	-	-

Age group	Mean	Median
18 to 20	2.0	1.8
21 to 24	2.2	2.0
25 to 29	2.3	2.4
30 to 39	2.4	2.4
40 to 49	2.4	2.4
50 to 59	2.7	2.4
60 to 69	2.4	2.0
70 and over	*	*
Not recorded/not known	-	-

Ethnicity ⁴	Mean	Median
Asian	1.8	1.6
Black	2.1	2.3
Mixed	2.5	2.5
Other	2.2	1.9
White	2.4	2.4
Not recorded/not known	2.3	2.3

Source: Court Proceedings Database, Ministry of Justice

* = ACSL has not been calculated where the number of offenders sentenced to immediate custody is fewer than 5.
 - = No offenders were sentenced to a determinate custodial sentence.

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) Excludes life and indeterminate sentences.
- 3) The statutory maximum sentence for this offence is 14 years' custody.
- 4) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

Table 2.8: Sentence lengths received by adult offenders sentenced to immediate custody for domestic burglary, by sex, age and ethnicity, 2020¹

Sex	Number of adults sentenced to each sentence length (years) ^{2,3}							Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	5 to 6	Greater than 6 years	
Female	50	32	57	17	5	1	0	162
Male	587	527	904	355	126	52	57	2,608
Not recorded/not known	0	0	0	0	0	0	0	0

Age group	Number of adults sentenced to each sentence length (years) ^{2,3}							Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	5 to 6	Greater than 6 years	
18 to 20	53	57	52	11	7	4	2	186
21 to 24	76	71	70	32	12	6	8	275
25 to 29	102	104	160	65	14	6	12	463
30 to 39	209	194	366	127	46	22	15	979
40 to 49	158	110	254	109	38	10	11	690
50 to 59	34	20	57	25	13	3	9	161
60 to 69	5	3	2	2	1	2	0	15
70 and over	0	0	0	1	0	0	0	1
Not recorded/not known	0	0	0	0	0	0	0	0

Ethnicity ⁴	Number of adults sentenced to each sentence length (years) ^{2,3}							Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	5 to 6	Greater than 6 years	
Asian	14	9	15	2	0	1	0	41
Black	33	21	51	12	4	0	2	123
Mixed	11	13	23	17	4	1	0	69
Other	12	5	5	4	3	0	1	30
White	450	407	720	281	99	40	42	2,039
Not recorded/not known	117	104	147	56	21	11	12	468

- = No proportions have been calculated as no offenders were sentenced to immediate custody.

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) 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 or equal to 1 year, and '1 to 2' includes sentence lengths over 1 year, and up to and including 2 years.
- 3) The statutory maximum sentence for this offence is 14 years' custody.
- 4) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

[Index](#)

Sex	Proportion of adults sentenced to each sentence length (years) ^{2,3}							Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	5 to 6	Greater than 6 years	
Female	31%	20%	35%	10%	3%	1%	0%	100%
Male	23%	20%	35%	14%	5%	2%	2%	100%
Not recorded/not known	-	-	-	-	-	-	-	-

Age group	Proportion of adults sentenced to each sentence length (years) ^{2,3}							Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	5 to 6	Greater than 6 years	
18 to 20	28%	31%	28%	6%	4%	2%	1%	100%
21 to 24	28%	26%	25%	12%	4%	2%	3%	100%
25 to 29	22%	22%	35%	14%	3%	1%	3%	100%
30 to 39	21%	20%	37%	13%	5%	2%	2%	100%
40 to 49	23%	16%	37%	16%	6%	1%	2%	100%
50 to 59	21%	12%	35%	16%	8%	2%	6%	100%
60 to 69	33%	20%	13%	13%	7%	13%	0%	100%
70 and over	0%	0%	0%	100%	0%	0%	0%	100%
Not recorded/not known	-	-	-	-	-	-	-	-

Ethnicity ⁴	Proportion of adults sentenced to each sentence length (years) ^{2,3}							Total
	Less than 1 year	1 to 2	2 to 3	3 to 4	4 to 5	5 to 6	Greater than 6 years	
Asian	34%	22%	37%	5%	0%	2%	0%	100%
Black	27%	17%	41%	10%	3%	0%	2%	100%
Mixed	16%	19%	33%	25%	6%	1%	0%	100%
Other	40%	17%	17%	13%	10%	0%	3%	100%
White	22%	20%	35%	14%	5%	2%	2%	100%
Not recorded/not known	25%	22%	31%	12%	4%	2%	3%	100%

Source: Court Proceedings Database, Ministry of Justice

Table 3.1: Number of adult offenders sentenced for aggravated burglary, all courts, 2010-2020²[Index](#)

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Crown Court	309	318	303	257	227	217	193	200	170	190	196
Total	309	318	303	257	227	217	193	200	170	190	196

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) Figures shown here differ from those published by the MoJ, as there were seven aggravated burglary cases in the CPD between 2010-2020 which indicates that the offender was sentenced in a magistrates' court. These cases have been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.

Table 3.2: Number and proportion of adult offenders sentenced for aggravated burglary, by sentence outcome, 2010-2020

[Index](#)

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Absolute and conditional discharge	0	0	0	0	0	0	0	0	0	0	0
Fine	0	0	0	0	0	1	0	0	0	0	0
Community sentence	11	4	3	0	3	1	0	2	1	0	3
Suspended sentence	15	8	3	4	2	6	2	2	1	0	7
Immediate custody	278	302	293	251	217	199	179	183	159	173	185
Otherwise dealt with ³	5	4	4	2	5	10	12	13	9	17	1
Total	309	318	303	257	227	217	193	200	170	190	196

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Absolute and conditional discharge	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Fine	0%	0%	0%	0%	0%	<0.5%	0%	0%	0%	0%	0%
Community sentence	4%	1%	1%	0%	1%	<0.5%	0%	1%	1%	0%	2%
Suspended sentence	5%	3%	1%	2%	1%	3%	1%	1%	1%	0%	4%
Immediate custody	90%	95%	97%	98%	96%	92%	93%	92%	94%	91%	94%
Otherwise dealt with ³	2%	1%	1%	1%	2%	5%	6%	7%	5%	9%	1%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) Figures shown here differ from those published by the MoJ, as there were seven aggravated burglary cases in the CPD between 2010-2020 which indicates that the offender was sentenced in a magistrates' court. These cases have been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.
- 3) The category 'Otherwise dealt with' covers miscellaneous disposals. Please note that due to a data issue currently under investigation, there are a number of cases which are incorrectly categorised in the Court Proceedings Database (CPD) as 'Otherwise dealt with'. Therefore, these volumes and proportions should be treated with caution.

Table 3.3: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for aggravated burglary, 2010-2020²[Index](#)

ACSL (years)^{3,4}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Mean	4.8	4.9	6.2	6.7	6.5	8.0	7.3	7.7	8.1	7.5	7.2
Median	4.0	4.7	6.0	6.7	6.1	8.0	7.0	7.5	8.0	7.5	7.3
Indeterminates as percentage of custodial sentences ^{5,6}	9%	8%	8%	1%	<0.5%	1%	0%	0%	0%	1%	0%

Source: Court Proceedings Database, Ministry of Justice

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) Figures shown here differ from those published by the MoJ, as there were seven aggravated burglary cases in the CPD between 2010-2020 which indicates that the offender was sentenced in a magistrates' court. These cases have been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.
- 3) Excludes life and indeterminate sentences.
- 4) The statutory maximum sentence for this offence is life imprisonment.
- 5) This is calculated as the number of offenders given an indeterminate custodial sentence, out of the number of offenders given a sentence of immediate custody.
- 6) For 2010-2012, the indeterminate sentence figures include the sentences of Imprisonment for Public Protection (IPP) and Extended Sentences for Public Protection (EPP). These sentences were introduced in 2005 and abolished in 2012.

Table 3.4: Sentence lengths received by adult offenders sentenced to immediate custody for aggravated burglary, 2010-2020^{1,2}

[Index](#)

Sentence length (years)^{3,4}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Less than 2 years	29	28	12	8	5	3	2	3	1	4	6
2 to 4	104	91	50	37	41	20	19	20	17	20	19
4 to 6	67	102	94	70	62	37	43	41	30	36	42
6 to 8	31	39	69	69	66	49	59	55	45	46	58
8 to 10	11	12	29	51	29	51	39	38	36	34	40
10 to 12	7	4	15	10	12	25	11	15	18	29	17
Greater than 12 years	4	3	2	4	1	13	6	11	12	3	3
Indeterminate	25	23	22	2	1	1	0	0	0	1	0
Total	278	302	293	251	217	199	179	183	159	173	185

Sentence length (years)^{3,4}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Less than 2 years	10%	9%	4%	3%	2%	2%	1%	2%	1%	2%	3%
2 to 4	37%	30%	17%	15%	19%	10%	11%	11%	11%	12%	10%
4 to 6	24%	34%	32%	28%	29%	19%	24%	22%	19%	21%	23%
6 to 8	11%	13%	24%	27%	30%	25%	33%	30%	28%	27%	31%
8 to 10	4%	4%	10%	20%	13%	26%	22%	21%	23%	20%	22%
10 to 12	3%	1%	5%	4%	6%	13%	6%	8%	11%	17%	9%
Greater than 12 years	1%	1%	1%	2%	<0.5%	7%	3%	6%	8%	2%	2%
Indeterminate	9%	8%	8%	1%	<0.5%	1%	0%	0%	0%	1%	0%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) Figures shown here differ from those published by the MoJ, as there were seven aggravated burglary cases in the CPD between 2010-2020 which indicates that the offender was sentenced in a magistrates' court. These cases have been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.

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

4) The statutory maximum sentence for this offence is life imprisonment.

Table 3.5: Demographics of adult offenders sentenced for aggravated burglary, by sex, age and ethnicity, 2020^{1,2}

[Index](#)

Sex	Number of adults sentenced	Percentage of all adults sentenced⁵
Female	7	4%
Male	189	96%
Not recorded/not known	0	
Total	196	100%

Age group	Number of adults sentenced	Percentage of all adults sentenced⁵
18 to 20	36	18%
21 to 24	33	17%
25 to 29	41	21%
30 to 39	53	27%
40 to 49	25	13%
50 to 59	6	3%
60 to 69	2	1%
70 and over	0	0%
Not recorded/not known	0	
Total	196	100%

Ethnicity^{3,4}	Number of adults sentenced	Percentage of all adults sentenced⁵
Asian	6	4%
Black	11	7%
Mixed	9	6%
Other	1	1%
White	135	83%
Not recorded/not known	34	
Total	196	100%

Source: Court Proceedings Database, Ministry of Justice

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) Figures shown here differ from those published by the MoJ, as there were seven aggravated burglary cases in the CPD between 2010-2020 which indicates that the offender was sentenced in a magistrates' court. These cases have been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.

3) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

4) For a proportion of adults sentenced (17%), their ethnicity was either not recorded or it was not known. Therefore the proportions amongst those for whom data was provided may not reflect the demographics of the full population, and these figures should be treated with caution.

5) Percentage calculations do not include cases where sex, age group or ethnicity was unknown.

Table 3.6: Number and proportion of adult offenders sentenced for aggravated burglary, by sex, age and ethnicity, and sentence outcome, 2020^{1,2}

[Index](#)

Sex	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ³	
Female	0	0	0	1	6	0	7
Male	0	0	3	6	179	1	189
Not recorded/not known	0	0	0	0	0	0	0

Age group	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ³	
18 to 20	0	0	3	3	30	0	36
21 to 24	0	0	0	0	33	0	33
25 to 29	0	0	0	0	41	0	41
30 to 39	0	0	0	1	51	1	53
40 to 49	0	0	0	3	22	0	25
50 to 59	0	0	0	0	6	0	6
60 to 69	0	0	0	0	2	0	2
70 and over	0	0	0	0	0	0	0
Not recorded/not known	0	0	0	0	0	0	0

Ethnicity ⁴	Number of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ³	
Asian	0	0	0	1	5	0	6
Black	0	0	1	0	10	0	11
Mixed	0	0	0	0	9	0	9
Other	0	0	0	0	1	0	1
White	0	0	2	6	126	1	135
Not recorded/not known	0	0	0	0	34	0	34

- = No proportions have been calculated as no offenders were sentenced.

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) Figures shown here differ from those published by the MoJ, as there were seven aggravated burglary cases in the CPD between 2010-2020 which indicates that the offender was sentenced in a magistrates' court. These cases have been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.
- 3) 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.
- 4) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

Sex	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ³	
Female	0%	0%	0%	14%	86%	0%	100%
Male	0%	0%	2%	3%	95%	1%	100%
Not recorded/not known	-	-	-	-	-	-	-

Age group	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ³	
18 to 20	0%	0%	8%	8%	83%	0%	100%
21 to 24	0%	0%	0%	0%	100%	0%	100%
25 to 29	0%	0%	0%	0%	100%	0%	100%
30 to 39	0%	0%	0%	2%	96%	2%	100%
40 to 49	0%	0%	0%	12%	88%	0%	100%
50 to 59	0%	0%	0%	0%	100%	0%	100%
60 to 69	0%	0%	0%	0%	100%	0%	100%
70 and over	-	-	-	-	-	-	-
Not recorded/not known	-	-	-	-	-	-	-

Ethnicity ⁴	Proportion of adults sentenced						Total
	Absolute and conditional discharge	Fine	Community sentence	Suspended sentence	Immediate custody	Otherwise dealt with ³	
Asian	0%	0%	0%	17%	83%	0%	100%
Black	0%	0%	9%	0%	91%	0%	100%
Mixed	0%	0%	0%	0%	100%	0%	100%
Other	0%	0%	0%	0%	100%	0%	100%
White	0%	0%	1%	4%	93%	1%	100%
Not recorded/not known	0%	0%	0%	0%	100%	0%	100%

Source: Court Proceedings Database, Ministry of Justice

Table 3.7: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for aggravated burglary, by sex, age and ethnicity, 2020²

[Index](#)

Sex	ACSL (years) ^{3,4}	
	Mean	Median
Female	5.9	6.0
Male	7.2	7.3
Not recorded/not known	-	-

Age group	Mean	Median
18 to 20	5.7	5.8
21 to 24	6.4	6.7
25 to 29	7.8	7.7
30 to 39	7.7	8.0
40 to 49	8.2	7.2
50 to 59	7.0	7.4
60 to 69	*	*
70 and over	-	-
Not recorded/not known	-	-

Ethnicity ⁵	Mean	Median
Asian	7.7	8.0
Black	7.3	7.3
Mixed	5.3	5.7
Other	*	*
White	7.2	7.1
Not recorded/not known	7.5	7.6

Source: Court Proceedings Database, Ministry of Justice

* = ACSL has not been calculated where the number of offenders sentenced to immediate custody is fewer than 5.
 - = No offenders were sentenced to a determinate custodial sentence.

Notes:

1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.

2) Figures shown here differ from those published by the MoJ, as there were seven aggravated burglary cases in the CPD between 2010-2020 which indicates that the offender was sentenced in a magistrates' court. These cases have been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.

3) Excludes life and indeterminate sentences.

4) The statutory maximum sentence for this offence is life imprisonment.

5) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

Table 3.8: Sentence lengths received by adult offenders sentenced to immediate custody for aggravated burglary, by sex, age and ethnicity, 2020^{1,2}

[Index](#)

Sex	Number of adults sentenced to each sentence length (years) ^{3,4}								Indeterminate	Total
	Less than 2 years	2 to 4	4 to 6	6 to 8	8 to 10	10 to 12	Greater than 12 years			
Female	0	1	3	2	0	0	0	0	0	6
Male	6	18	39	56	40	17	3	0	0	179
Not recorded/not known	0	0	0	0	0	0	0	0	0	0

Age group	Number of adults sentenced to each sentence length (years) ^{3,4}								Indeterminate	Total
	Less than 2 years	2 to 4	4 to 6	6 to 8	8 to 10	10 to 12	Greater than 12 years			
18 to 20	1	7	13	6	2	1	0	0	0	30
21 to 24	2	4	9	11	5	2	0	0	0	33
25 to 29	3	0	3	19	11	5	0	0	0	41
30 to 39	0	6	9	12	19	3	2	0	0	51
40 to 49	0	0	7	6	3	5	1	0	0	22
50 to 59	0	1	1	3	0	1	0	0	0	6
60 to 69	0	1	0	1	0	0	0	0	0	2
70 and over	0	0	0	0	0	0	0	0	0	0
Not recorded/not known	0	0	0	0	0	0	0	0	0	0

Ethnicity ⁵	Number of adults sentenced to each sentence length (years) ^{3,4}								Indeterminate	Total
	Less than 2 years	2 to 4	4 to 6	6 to 8	8 to 10	10 to 12	Greater than 12 years			
Asian	0	0	1	2	2	0	0	0	0	5
Black	0	1	3	3	2	1	0	0	0	10
Mixed	2	2	1	2	2	0	0	0	0	9
Other	0	0	1	0	0	0	0	0	0	1
White	3	12	32	38	25	13	3	0	0	126
Not recorded/not known	1	4	4	13	9	3	0	0	0	34

- = No proportions have been calculated as no offenders were sentenced to immediate custody.

Notes:

- 1) Figures presented for 2020 include the time period since March 2020 in which restrictions were placed on the criminal justice system due to the COVID-19 pandemic. It is therefore possible that these figures may reflect the impact of the pandemic on court processes and prioritisation and the subsequent recovery, rather than a continuation of the longer-term series, so care should be taken when interpreting these figures.
- 2) Figures shown here differ from those published by the MoJ, as there were seven aggravated burglary cases in the CPD between 2010-2020 which indicates that the offender was sentenced in a magistrates' court. These cases have been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.
- 3) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Less than 2 years' includes sentence lengths less than or equal to 2 years, and '2 to 4' includes sentence lengths over 2 years, and up to and including 4 years.
- 4) The statutory maximum sentence for this offence is life imprisonment.
- 5) Ethnicity is the self-identified ethnicity as defined by the individual, and is categorised using the 5+1 self-identified classification based on the 18+1 classification used in the 2011 Census.

Sex	Proportion of adults sentenced to each sentence length (years) ^{3,4}								Indeterminate	Total
	Less than 2 years	2 to 4	4 to 6	6 to 8	8 to 10	10 to 12	Greater than 12 years			
Female	0%	17%	50%	33%	0%	0%	0%	0%	0%	100%
Male	3%	10%	22%	31%	22%	9%	2%	0%	0%	100%
Not recorded/not known	-	-	-	-	-	-	-	-	-	0%

Age group	Proportion of adults sentenced to each sentence length (years) ^{3,4}								Indeterminate	Total
	Less than 2 years	2 to 4	4 to 6	6 to 8	8 to 10	10 to 12	Greater than 12 years			
18 to 20	3%	23%	43%	20%	7%	3%	0%	0%	0%	100%
21 to 24	6%	12%	27%	33%	15%	6%	0%	0%	0%	100%
25 to 29	7%	0%	7%	46%	27%	12%	0%	0%	0%	100%
30 to 39	0%	12%	18%	24%	37%	6%	4%	0%	0%	100%
40 to 49	0%	0%	32%	27%	14%	23%	5%	0%	0%	100%
50 to 59	0%	17%	17%	50%	0%	17%	0%	0%	0%	100%
60 to 69	0%	50%	0%	50%	0%	0%	0%	0%	0%	100%
70 and over	-	-	-	-	-	-	-	-	-	0%
Not recorded/not known	-	-	-	-	-	-	-	-	-	0%

Ethnicity ⁵	Proportion of adults sentenced to each sentence length (years) ^{3,4}								Indeterminate	Total
	Less than 2 years	2 to 4	4 to 6	6 to 8	8 to 10	10 to 12	Greater than 12 years			
Asian	0%	0%	20%	40%	40%	0%	0%	0%	0%	100%
Black	0%	10%	30%	30%	20%	10%	0%	0%	0%	100%
Mixed	22%	22%	11%	22%	22%	0%	0%	0%	0%	100%
Other	0%	0%	100%	0%	0%	0%	0%	0%	0%	100%
White	2%	10%	25%	30%	20%	10%	2%	0%	0%	100%
Not recorded/not known	3%	12%	12%	38%	26%	9%	0%	0%	0%	100%

Source: Court Proceedings Database, Ministry of Justice

Annex E

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 (<u>see step six on totality when sentencing more than one offence</u>)
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">• <u>Violence used/serious violence threatened against the victim</u>• <u>Substantial physical or psychological injury or substantial emotional or other injury on the victim</u>• <u>Persons(s) on premises or returns or attends while offender present</u>• 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• <u>Offence committed in the context of public disorder</u>
Category 2	<ul style="list-style-type: none">• _____

	<ul style="list-style-type: none"> • <u>Violence threatened but not used against the victim (where not at category 1)</u> • <u>Moderate physical or psychological injury or some emotional or other impact on the victim</u> • Theft of/damage to property causing <u>a moderate some</u> degree of loss to the victim (whether economic, commercial or personal value) • <u>Moderate damage or disturbance</u> to property
Category 3	<ul style="list-style-type: none"> • <u>Limited physical or psychological injury or limited emotional or other impact on the victim</u> • 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	Starting Point	Starting Point 1 years' custody

	Category Range 1 -4 years' custody	1 year 6 months' custody Category Range 6 months – 3 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

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 (where not already taken into account at step 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

- 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. The court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).

- [Ancillary orders – Magistrates' Court](#)
- [Ancillary orders – Crown Court Compendium](#)

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](#).