

**Aggravated vehicle taking – step 1 factors (provisionally agreed by Council in the May meeting)**

***Vehicle/property damage***

<b>HARM</b>	
Category 1	<ul style="list-style-type: none"> <li>• High value damage</li> </ul>
Category 2	<ul style="list-style-type: none"> <li>• Cases that fall between categories A or C because:               <ul style="list-style-type: none"> <li>○ Factors are present in A and C which balance each other out, and/or,</li> <li>○ The offender's culpability falls between the factors as described in A and C</li> </ul> </li> </ul>
Category 3	<ul style="list-style-type: none"> <li>• Total damage caused of under £5,000</li> </ul>

<b>CULPABILITY</b>	
A - High	<ul style="list-style-type: none"> <li>• Vehicle or property deliberately destroyed</li> <li>• Intention to cause serious damage</li> <li>• Under influence of alcohol/drugs</li> <li>• Significant planning</li> <li>• Police pursuit</li> <li>• Leading role in group offending</li> </ul>
B - Medium	<ul style="list-style-type: none"> <li>• Cases that fall between categories A or C because:               <ul style="list-style-type: none"> <li>○ Factors are present in A and C which balance each other out, and/or,</li> <li>○ The offender's culpability falls between the factors as described in A and C</li> </ul> </li> </ul>
C - Lower	<ul style="list-style-type: none"> <li>• Vehicle not driven in unsafe manner</li> <li>• Minor role in group offending</li> <li>• Exceeding authorised use of e.g. employer's or relative's vehicle</li> <li>• Retention of hire car for short period beyond return date</li> </ul>

**Injury**

<b>HARM</b>	
Category 1	<ul style="list-style-type: none"> <li>• Grave and/or life-threatening injury caused</li> <li>• Injury results in physical or psychological harm resulting in lifelong dependency on third party care or medical treatment</li> <li>• Offence results in a permanent, irreversible injury or condition</li> </ul>
Category 2	<ul style="list-style-type: none"> <li>• Other cases of serious harm</li> </ul>
Category 3	<ul style="list-style-type: none"> <li>• All other cases</li> </ul>

<b>CULPABILITY</b>	
A - High	<ul style="list-style-type: none"> <li>• Risk of serious injury caused to persons</li> <li>• Under influence of alcohol/drugs</li> <li>• Significant planning</li> <li>• Police pursuit</li> <li>• Leading role in group offending</li> </ul>
B - Medium	<ul style="list-style-type: none"> <li>• Other cases that fall between categories A or C because:               <ul style="list-style-type: none"> <li>○ Factors are present in A and C which balance each other out, and/or,</li> <li>○ The offender's culpability falls between the factors as described in A and C</li> </ul> </li> </ul>
C - Lower	<ul style="list-style-type: none"> <li>• Vehicle not driven in unsafe manner</li> <li>• Minor role in group offending</li> <li>• Exceeding authorised use of e.g. employer's or relative's vehicle</li> <li>• Retention of hire car for short period beyond return date</li> </ul>

**Death**

<b>HARM</b>
For all cases of aggravated vehicle taking causing death, the harm caused will inevitably be of the utmost seriousness. The loss of life is taken into account in the sentencing levels at step two.

<b>CULPABILITY</b>	
A - High	<ul style="list-style-type: none"> <li>• Risk of serious injury caused to persons</li> <li>• Under influence of alcohol/drugs</li> <li>• Significant planning</li> <li>• Police pursuit</li> <li>• Leading role in group offending</li> </ul>
B - Medium	<ul style="list-style-type: none"> <li>• Other cases that fall between categories A or C because:               <ul style="list-style-type: none"> <li>○ Factors are present in A and C which balance each other out, and/or,</li> <li>○ The offender's culpability falls between the factors as described in A and C</li> </ul> </li> </ul>
C - Lower	<ul style="list-style-type: none"> <li>• Vehicle not driven in unsafe manner</li> <li>• Minor role in group offending</li> <li>• Exceeding authorised use of e.g. employer's or relative's vehicle</li> <li>• Retention of hire car for short period beyond return date</li> </ul>

**Dangerous driving**

<b>HARM</b>	
Category 1	<ul style="list-style-type: none"> <li>• Offence results in injury to others</li> <li>• Circumstances of offence created a high risk of serious harm to others</li> <li>• Damage caused to vehicles or property</li> </ul>
Category 2	<ul style="list-style-type: none"> <li>• All other cases</li> </ul>

<b>CULPABILITY</b>	
<b>A-</b> High Culpability	<ul style="list-style-type: none"> <li>• Deliberate decision to ignore the rules of the road and disregard for the risk of danger to others.</li> <li>• Prolonged, persistent and deliberate course of dangerous driving</li> <li>• Consumption of substantial amounts of alcohol or drugs leading to gross impairment</li> <li>• Offence committed in course of police pursuit</li> <li>• Racing or competitive driving against another vehicle</li> <li>• Disregarding warnings of others</li> <li>• Lack of attention to driving for a substantial period of time</li> <li>• Speed greatly in excess of speed limit</li> <li>• <b>Leading role in group offending</b></li> </ul>
<b>B-</b> Medium culpability	<ul style="list-style-type: none"> <li>• Brief but obviously highly dangerous manoeuvre</li> <li>• Engaging in a brief but avoidable distraction</li> <li>• Driving knowing that the vehicle has a dangerous defect or is dangerously loaded</li> <li>• Driving at a speed that is inappropriate for the prevailing road or weather conditions, although not greatly excessive</li> <li>• Driving whilst ability to drive is impaired as a result of consumption of alcohol or drugs</li> <li>• Disregarding advice relating to driving when taking medication or as a result of a known medical condition which significantly impaired the offender's driving skills</li> <li>• Driving when knowingly deprived of adequate sleep or rest</li> <li>• The offender's culpability falls between the factors as described in high and lower culpability</li> </ul>
<b>C-</b> Lower culpability	<ul style="list-style-type: none"> <li>• Standard of driving was just over threshold for dangerous driving</li> <li>• Momentary lapse of concentration</li> <li>• <b>Minor role in group offending</b></li> </ul>