

Sentencing Council

Sentencing Council meeting: 04 March 2022
Paper number: SC(22)MAR04 – Burglary Revision
Lead Council member: Rebecca Crane
Lead officials: Mandy Banks
0207 071 5785

1 ISSUE

1.1 This is the final meeting to discuss the burglary guideline post consultation. 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 considering the resource assessment and the Council will be asked to sign off the three definitive guidelines ahead of publication. The consultation response document and finalised guidelines will be circulated to Council members via email in due course.

2 RECOMMENDATION

2.1 That the Council:

- Considers the final resource assessment
- Agrees to sign off the definitive guidelines ahead of publication

3 CONSIDERATION

Definitive guidelines

3.1 The final versions of the three guidelines can be seen at **Annexes A-C**. The main changes made to the guidelines post consultation are listed below:

Culpability

- In domestic and non-domestic burglary adding a new reference to step 6 on totality alongside the '*knife or other weapon carried*' factor

Harm

Category one harm – domestic and non-domestic burglary

- Changing the factor '*much greater emotional impact on the victim than would normally be expected*' to '*substantial physical or psychological injury or substantial emotional or other impact on the victim*'
- Changing the factor '*violence used or threatened against the victim*' to '*violence used/serious violence threatened against the victim*'
- Changing the factor '*victim on the premises (or returns) while offender present*' in domestic and non-domestic burglary to '*violence used/serious violence threatened against the victim*'

Category two harm- domestic and non-domestic burglary

- Changing the factor '*greater emotional impact on the victim than would normally be expected*' to '*moderate physical or psychological injury or some emotional or other impact on the victim*'
- Adding in a new factor of '*violence threatened but not used against the victim (where not at category one)*'
- Changing the factor of '*theft of/damage to property causing some degree of loss to the victim (whether economic, commercial or personal value)*' to '*theft of/damage to property causing a moderate degree of loss to the victim (whether economic, commercial or personal value)*'
- Changing '*ransacking or vandalism of the property*' to '*moderate damage or disturbance to property*'

Category three harm- domestic and non-domestic burglary

- Adding a new factor of '*limited physical or psychological injury or limited emotional or other impact on the victim*'

Category one harm- aggravated burglary

- Removing the reference to a weapon, so the factor reads '*violence used or threatened against the victim*'

3.2 In reviewing the changes post consultation any potential inconsistencies within the guidelines can be identified. Some of the changes to the harm factors listed above in non domestic and domestic burglary were not also made within aggravated burglary, so there are similar factors, but worded differently. This can be seen if the harm factors on pages two of **Annexes A and B** are compared.

So that the Council can see what the factors within aggravated burglary would look like if they were worded the same as the relevant factors in the other two guidelines the changes have been made in track changes within aggravated burglary at **Annex A**.

3.3 However, it should be noted that there are deliberate differences between aggravated burglary and the other two guidelines. There is no reference to an offence committed on impulse within lower culpability within aggravated burglary, as for this offence trespassing and having a weapon are hard to describe as an impulsive act. There is also no reference to nothing stolen or limited damage caused to property within harm category three. This is because we want to avoid the potential for a case where there was a significant threat to the victim but no theft resulted, or only minor damage caused because they couldn't get into a safe for example, being regarded as lesser harm. Instead there is a mitigating factor of nothing stolen.

Question 1: Does the Council wish to update the relevant harm factors in aggravated burglary to the factors within the other two guidelines?

3.4 Within aggravated burglary next to the sentence table there is a link to the imposition guideline. This was placed there following the discussion to add text relating to alcohol and drug treatment orders being an alternative to short/moderate sentences only within the other two guidelines, and not within the aggravated burglary guideline. At the time the Council thought it may be useful to link to the guidance within the Imposition guideline here. However all guidelines have the custodial sentences drop down which links to the Imposition guideline so possibly by linking to it here as well it doesn't add any additional guidance. The link could be removed, or more specific bespoke guidance added, if the Council felt additional guidance to sentencers was required.

Question 2: Does the Council wish to remove the link to the Imposition guideline?

Changes to sentence levels

3.5 The only change in domestic burglary is the removal of the phrase '*for cases of particular gravity, sentences above the top of the range may be appropriate*'. There were no changes to sentence levels in aggravated burglary. At the last meeting it was decided that the sentence levels in non-domestic burglary should be the ones consulted on, which can be seen on page three of **Annex C**.

Changes to aggravating and mitigating factors

3.6 Across all guidelines the mitigating factor of '*delay since apprehension*' has been removed. In aggravated burglary, the '*weapon carried when entering premises*' aggravated factor, with its additional explanation, has been changed to '*In a s.9(1)(b) offence, weapon carried when entering premises*', with a shorter, revised additional explanation.

3.7 Also agreed at the last meeting was to add text to the aggravated burglary guideline on the minimum term in domestic aggravated burglary cases. This can be seen on the front page of the guideline and immediately before the sentence table.

3.8 At the last meeting the Council discussed whether or not to include a factor of '*loss or damage caused to heritage and/or cultural assets*' either at step one harm or as an aggravating factor. The discussion noted that the factor occurs at step two within arson and criminal damage, and as a harm factor at step one within the handling and general theft guidelines. After a majority vote the Council decided not to include it, stating it was not necessary to include it. Because the factor does appear within other acquisitive offences guidelines, it will be necessary to explain fully in the consultation response the rationale for not including it within this guideline. This issue is very important to English Heritage who raised this in consultation, and whom we have a good working relationship with.

3.9 In addition, looking at the factors in harm, is there a possibility that heritage and cultural assets may not come within the definition of the harm factor '*theft of/damage to property causing a substantial degree of loss to the victim (whether economic, commercial or personal value?)*' so perhaps could not be taken into account at step one?

Question 3: Could the Council articulate the rationale for not including this factor within this guideline, when it occurs within other similar guidelines? And is the Council of the view that the factor would fall within the definition of 'economic, commercial or personal value'?

Question 4: Is the Council content to sign the three guidelines off ahead of the publication of the definitive guideline?

Final resource assessment

3.10 The final resource assessment can be seen at **Annex D**.

3.11 There have been several changes to the placement of factors in the revised guidelines. These include the factor related to group offending within the non-domestic and domestic burglary guidelines. Additionally, some new wording related to alcohol dependency/ misuse has been added to the domestic and non-domestic burglary guidelines, with the intention that this might encourage more community orders to be given at the lower end of offence severity. Analysis carried out during the development of the guideline and during the consultation stage, involving sentencing remarks and interviews with sentencers, showed evidence that very little change is expected in sentencing for these offences and therefore minimal resource impact is expected.

3.12 The factor related to a weapon carried when entering the premises in the aggravated burglary guideline has been moved from step one to step two of the guideline, and the step one harm factor reworded to avoid any possible double counting of this factor. Analysis suggests that there may be a slight decrease in sentence severity due to this change. However, the sample size analysed was small and therefore while any resource impact is not expected to be substantial, the findings in relation to this should be interpreted as indicative of the expected impacts only.

3.13 Overall, for all three offences (non-domestic, domestic and aggravated burglary), analysis suggests that sentences should remain similar under the revised guidelines to sentencing levels under the previous guidelines, and there is no conclusive evidence to suggest that the guidelines will have a notable impact on prison or probation resources.

Question 5: Does the Council have any comments on the final resource assessment?

4. EQUALITIES

4.1 The available demographic data is provided for each guideline within **Annex E**. The work carried out since the consultation that was discussed last month will be outlined in the response to consultation paper. No strong evidence of disparities in sentencing relating to ethnicity were found as a result of this further analysis.

Question 6: Does the Council have any comments or concerns on the equalities?

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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.

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

| | |
|------------|---|
| | <ul style="list-style-type: none"> Theft of/damage to property causing <u>a moderate</u> some degree of loss to the victim (whether economic, commercial or personal value) <u>Moderate damage or disturbance</u> 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 <u>impact</u> emotional or other 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

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

| Harm | Culpability | | |
|-------------------|---|--|--|
| | A | B | C |
| 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:

- In a s.9(1)(b) offence, weapon carried when entering premises
- ('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 already taken into account 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
- 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 minimum sentence after any reduction for a guilty plea.

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. Where the offence has resulted in personal injury, loss or damage the court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).

- [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](#).

Annex B

Domestic burglary

Theft Act 1968 (section 9)

Triable either way (except as noted below)

Maximum: 14 years' custody

Offence range: Community order- 6 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 (see step six on totality when sentencing more than one offence) |
| 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">• Violence used/serious violence threatened against the victim• Substantial physical or psychological injury or substantial emotional or other impact on the victim• Persons(s) on premises or returns or attends while offender present• 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• Offence committed in the context of public disorder |

| | |
|-------------------|--|
| Category 2 | <ul style="list-style-type: none"> • Violence threatened but not used against the victim (where not at category 1) • Moderate physical or psychological injury or some emotional or other impact on the victim • 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 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.

| 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 1 year 6 months' custody | Starting Point 1 year's custody Category Range |

| | | | |
|-------------------|---|---|---|
| | Category Range 1 -4 years' custody | Category Range 6 months – 3 years' custody | 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 year's 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
- 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 minimum sentence 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. Where the offence has resulted in personal injury, loss or damage 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](#).

Annex C

Non-domestic burglary

Theft Act 1968 (section 9)

Triable either way (except as noted below)

Maximum: 10 years' custody

Offence range: Discharge – 5 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 (see step 6 on totality when sentencing more than one offence) |
| 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">• Violence used/serious violence threatened against the victim• Substantial physical or psychological injury or substantial emotional or other impact on the victim• Person(s) on premises or returns or attends while offender present• 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• Offence committed in the context of public disorder |
| Category 2 | <ul style="list-style-type: none">• Violence threatened but not used against the victim (where not at category 1)• Moderate physical or psychological injury or some emotional or other impact on the victim |

| | |
|------------|---|
| | <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 | <p>Starting Point 2 years' custody</p> <p>Category Range 1 -5 years' custody</p> | <p>Starting Point 1 year's custody</p> <p>Category Range High level community order - 2 years' custody</p> | <p>Starting Point 6 months' custody</p> <p>Category Range Medium level community order - 1 year's custody</p> |
| Category 2 | <p>Starting Point 1 years' custody</p> <p>Category Range High level community order - 2 years' custody</p> | <p>Starting Point 6 months' custody</p> <p>Category Range Medium level community order - 1 year's custody</p> | <p>Starting Point Medium level community order</p> <p>Category Range Low level community order - High level community order</p> |
| Category 3 | <p>Starting Point 6 months' custody</p> <p>Category Range</p> | <p>Starting Point Medium level community order</p> <p>Category Range</p> | <p>Starting Point Band B fine</p> <p>Category Range</p> |

| | | | |
|--|---|---|--------------------------------------|
| | Medium level community order - 1 year's custody | Low level community- High level community order | Discharge –Low level community order |
|--|---|---|--------------------------------------|

Below is a **non-exhaustive** list of additional elements providing the context of the offence and factors relating to the offender. Identify whether a combination of these or other relevant factors should result in any upward or downward adjustment from the sentence arrived at so far.

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the **nature** of the offence to which the conviction relates and its **relevance** to the current offence; and b) the **time** that has elapsed since the conviction
- Offence committed whilst on bail
- Offence motivated by, or demonstrating hostility based on any of the following characteristics or presumed characteristics of the victim: religion, race, disability, sexual orientation or transgender identity

Other aggravating factors:

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

Factors reducing seriousness or reflecting personal mitigation

- Offender has made voluntary reparation to the victim
- The offender was in a lesser or subordinate role if acting with others/performed limited role under direction
- No previous convictions **or** no relevant/recent convictions
- Remorse
- Good character and/or exemplary conduct
- Determination, and/or demonstration of steps taken to address addiction or offending behaviour
- Physical disability or serious medical conditions requiring urgent, intensive or long-term treatment

- Mental disorder or learning disability, where not linked to the commission of the offence
- Age and/or lack of maturity
- 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. Where the offence has resulted in personal injury, loss or damage 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](#).

Final Resource Assessment

Burglary Offences

Introduction

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

Rationale and objectives for new guideline

In January 2012, the Sentencing Council's definitive *Burglary Offences* guideline came into force. As evaluation of the guideline published in January 2016 found that sentencing severity had increased beyond that which was expected for non-domestic burglary offences.² Sentences were also found to have increased beyond what was expected for aggravated burglary, although due to low volumes for this offence, the findings were less conclusive.

A further evaluation published in July 2017 found that the guideline may have contributed to increases in sentencing severity for all three burglary offences.³ The increase in domestic burglary was within the expected range, but numbers for aggravated burglary were still too low to be conclusive. For non-domestic burglary, the evaluation found that aggregate sentencing severity had increased. However, further work was carried out to understand current sentencing practice in more detail, and based on this, the Council took the view that in most cases reviewed, sentences appeared to be proportionate to the seriousness of the offence.

Given the findings of the evaluation for non-domestic burglary, for the more serious cases, the Council has decided to retain the current sentencing levels. However, at the lower end of offence seriousness, the Council decided it would be helpful to provide further guidance for disposals that may be appropriate when non-custodial options are being considered and have made changes to the guideline to reflect this.

The Council also decided to bring the guidelines into line with the structure now used for most guidelines. Previously, there were two levels of culpability and two levels of harm, leading to a sentencing table with three starting points. In the guidelines, there

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

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

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

are now medium levels of culpability and medium levels of harm leading to nine possible starting points in the sentencing table.

The Council's aim in developing the guidelines has been to ensure that sentencing for these offences is proportionate to the offence committed and to promote a consistent approach to sentencing. It was acknowledged by the Council that sentencing levels had increased since the guideline came into force. On reflection the Council considered that current levels, broadly speaking, were not disproportionate to the offences committed and so the revised guidelines have been developed with recent sentencing levels in mind.

Scope

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

This resource assessment covers the following offences:

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

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

Current sentencing practice

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

The intention is that the revised guidelines will encourage consistency of sentencing and in the vast majority of cases will not change overall sentencing practice from the current levels under the previous guideline. In order to develop a guideline that maintains current practice, knowledge of recent sentencing was required.

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

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

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

Detailed sentencing statistics for burglary offences covered by the guidelines have been published on the Sentencing Council website at the following link:

<https://www.sentencingcouncil.org.uk/research-and-resources/publications?s&cat=statistical-bulletin>.

Non-domestic burglary

Around 4,400 adults were sentenced for a non-domestic burglary offence in 2020.⁵ This number has been decreasing since 2011 when 8,900 adults were sentenced for this offence. Around 65 per cent of offenders were sentenced in magistrates' courts in 2020; the remaining 35 per cent were sentenced in the Crown Court.

Just over half (55 per cent) of those sentenced for non-domestic burglary in 2020 were sentenced to immediate custody. A further 20 per cent and 18 per cent of adults received a suspended sentence order and a community order, respectively. The rest received a fine (3 per cent), a discharge (2 per cent) or were 'otherwise dealt with'⁶ (2 per cent).

The statutory maximum sentence for this offence is 10 years' custody. In 2020, the average custodial sentence length (ACSL)⁷ was 10.6 months (after any reduction for a guilty plea).

Domestic burglary

Around 3,700 adults were sentenced for a domestic burglary offence in 2020. This has been sharply decreasing since a high of 11,100 in 2011. Around 87 per cent of offenders were sentenced in the Crown Court; the remaining 13 per cent were sentenced in magistrates' courts in 2020.

Around 75 per cent of those adults sentenced for domestic burglary in 2020 received an immediate custodial sentence.⁸ This was followed by 14 per cent receiving a

⁵ 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.

⁶ The category 'Otherwise dealt with' in this case includes: one day in police cells; hospital order; forfeiture of property; restraining order; a deferred sentence; compensation; and other miscellaneous disposals. Due to a data issue currently under investigation, there are several non-domestic burglary cases which are incorrectly categorised in the CPD as 'Otherwise dealt with'. The figures shown for 'Otherwise dealt with' should therefore be treated with caution.

⁷ The average custodial sentence lengths referred to in this resource assessment are the mean average, which is calculated by adding all the individual values and dividing the total by the number of values.

⁸ The Court Proceedings Database does not include any information on the offending histories of the offenders sentenced, so there are no figures from this source on the number or proportion of offenders sentenced for a qualifying third domestic burglary (known as 'third strike' domestic burglary) under section 111 of the Powers of Criminal Courts (Sentencing) Act 2000. However, figures are available on this from a different source – the Police National Computer. These figures show that there were 327 third-time burglary offenders in 2020. Of these, 57 per cent received a custodial sentence of 28.8 months or more (a three-year sentence with a 20 per cent discount for a guilty plea). More detail can be found in the 'Offending Histories' link on the following

suspended sentence order and 9 per cent receiving a community order. The rest received a fine (less than 0.5 per cent), a discharge (less than 0.5 per cent) or were 'otherwise dealt with'⁹ (2 per cent).

The statutory maximum sentence for this offence is 14 years' custody. The ACSL in 2020 was 2 years 4 months (after any reduction for a guilty plea).

Aggravated burglary

Around 200 adults were sentenced for an aggravated burglary in 2020. This is a reduction from 2011 when 320 adults were sentenced for the same offence. This offence is indictable only and therefore all offenders are sentenced in the Crown Court.

Nearly all (94 per cent) of the offenders sentenced in 2020 received an immediate custodial sentence, with the remaining offenders either receiving a suspended sentence order, a community order or were 'otherwise dealt with'.¹⁰

The statutory maximum sentence for this offence is life imprisonment. The ACSL in 2020 was 7 years 2 months (after any reduction for a guilty plea).

Key assumptions

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

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

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

webpage: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2021>.

Note that as these figures and those given in the rest of this document are from different sources, they are not directly comparable.

⁹ The category 'otherwise dealt with' for this offence includes: one day in police cells; hospital order; compensation; restraining order; and other miscellaneous disposals. Due to a data issue currently under investigation, there are several domestic burglary cases which are incorrectly categorised in the CPD as 'otherwise dealt with'. The figures shown for 'otherwise dealt with' should therefore be treated with caution.

¹⁰ The category 'otherwise dealt with' for this offence includes otherwise dealt with on conviction (or finding of guilt). Due to a data issue currently under investigation, there are several 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.

While data exists on the number of offenders and the sentences imposed, assumptions have been made about how current cases would be categorised across the levels of culpability and harm proposed in the new guidelines, due to a lack of data available regarding the seriousness of current cases. Additionally, the new guidelines have introduced a medium level of culpability and a medium level of harm, which did not exist in the previous guideline. This means that it is difficult to foresee how offences will 'map' from the previous to the revised guidelines. Consequently, it is difficult to ascertain how sentence levels may change under the new guidelines.

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

Resource impacts

This section should be read in conjunction with the guidelines available at: <https://www.sentencingcouncil.org.uk/crown-court/>

Summary

There have been several changes to the placement of factors in the revised guidelines. These include the factor related to group offending within the non-domestic and domestic burglary guidelines. Additionally, some new wording related to alcohol dependency/ misuse has been added to the domestic and non-domestic burglary guidelines, with the intention that this might encourage more community orders to be given at the lower end of offence severity. Analysis carried out during the development of the guideline and during the consultation stage, involving sentencing remarks and interviews with sentencers, showed evidence that very little change is expected in sentencing for these offences and therefore minimal resource impact is expected.

The factor related to a weapon carried when entering the premises in the aggravated burglary guideline has been moved from step one to step two of the guideline, and the step one harm factor reworded to avoid any possible double counting of this factor. Analysis suggests that there may be a slight decrease in sentence severity due to this change. However, the sample size analysed was small and therefore while any resource impact is not expected to be substantial, the findings in relation to this should be interpreted as indicative of the expected impacts only.

Overall, for all three offences (non-domestic, domestic and aggravated burglary), analysis suggests that sentences should remain similar under the revised guidelines to sentencing levels under the previous guidelines, and there is no conclusive evidence to suggest that the guidelines will have a notable impact on prison or probation resources.

Non-domestic burglary

The resource assessment published in 2012 for the previous guideline estimated that no change in sentencing severity was expected as a result of the guideline. The

Council has since considered evidence both from the evaluations and additional work undertaken, including analysis of transcripts of Crown Court judges' sentencing remarks and analysis of data from the CPD and the Crown Court Sentencing Survey.¹¹ The evaluations found that aggregate sentencing severity increased following the introduction of the guideline. However, as a result of the additional work undertaken, whilst the aggregate impact of the original guideline was higher than predicted, the Council is content to retain the current levels for most cases as analysis indicates that for most individual cases, sentencing is proportionate to the seriousness of the offence.

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

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

The Council decided to look carefully at the top categories of culpability and harm within the guideline, to ensure that only the most serious offences lead to the highest sentences. Accordingly, some changes to the factors in these categories were made. This would ensure that proportionate sentences were imposed relative to the seriousness of the offence. The Council also decided that sentences at the lower end of offending could better address the causes of the offending behaviour. Therefore, it was decided to include a new reference to alcohol treatment requirements alongside the previous reference to drug treatment requirements in the guideline, as alternatives to short or moderate custodial sentences in appropriate cases. It was acknowledged that this may lead to decreases in sentence severity in some cases at the lower end of offending but is intended to help reduce future offending. Furthermore, the Council hope that by not including custody in the B3 or C2 sentencing ranges, this might also encourage more community orders to be given at this lower end of offence severity.

Several other changes have also been made to the wording and placement of the factors in the guideline. For example, the culpability factor of 'member of a group or gang' has been re-worded to 'offence was committed as part of a group' and has been moved from step one to step two of the guideline. Also, 'premises or victim deliberately targeted'¹² has been removed from the guideline factors. Several of the harm factors and aggravating and mitigating factors have also been re-worded.

An analysis of a small sample¹³ of transcripts of Crown Court judges' sentencing remarks was undertaken to assess whether there might be any potential resource

¹¹ During the period 1 October 2010 to 31 March 2015, the Sentencing Council conducted a data collection exercise called the Crown Court Sentencing Survey (CCSS). The CCSS recorded details on the factors taken into account by the judge when determining the appropriate sentence for an offender (such as harm and culpability factors, and aggravating and mitigating factors), and the final sentence given. For further information see <http://www.sentencingcouncil.org.uk/analysis-and-research/crown-court-sentencing-survey/>.

¹² The factor 'vulnerable victim' appears instead at step two under aggravating factors.

¹³ A total of 15 transcripts were analysed for this offence, of which 9 transcripts covering 19 offenders contained enough detail to provide evidence of the possible impact of the revised guideline on sentences.

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

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

One particular change of interest in the revised guideline was the movement of the factor relating to group offending from step one to step two. In the transcript analysis, there were several cases where the judge had placed the offence within the higher culpability category under the previous guideline, where one of the relevant factors was that the offender committed the offence as part of a group. Nevertheless, under the revised guideline, the analysis found that other higher culpability factors (such as 'significant planning was involved') would also be applicable in most cases, which would serve to keep the offender within this higher culpability category. This suggests that the movement of the factor relating to group offending to step two of the guideline will not lead to a reduction in sentences in most cases.

This is supported by research with sentencers during the consultation stage. A scenario involving group offending was found to be sentenced consistently between the previous and revised guideline, which further suggests that the movement of this factor is unlikely to lead to a substantial impact on prison or probation resources.

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

Domestic burglary

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

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

The revised guideline has three levels of culpability and three levels of harm, leading to nine possible starting points and ranges. This goes from the same starting point as the previous guideline (high level community order for the least serious offences) up to, again, the same starting point for the most serious offences (three years' custody).

Several changes have been made to the wording and placement of the factors in the guideline. For example, similarly to the non-domestic burglary guideline, the culpability factor of 'member of a group or gang' has been re-worded to 'offence was committed as part of a group' and moved from step one of the guideline to step two. Several of the harm factors and aggravating and mitigating factors have also been re-worded.

An analysis of a small sample¹⁴ of transcripts of Crown Court judges' sentencing remarks was undertaken to assess whether there might be any potential resource impact related to these changes. As the majority of offenders are sentenced at the Crown Court for this offence (87 per cent in 2020), it is expected that these transcripts should be broadly representative of most types of offending for this offence, except for those with the very lowest levels of seriousness. However, as this is a high-volume offence and the sample was small, it is unlikely that all types of offending have been captured within the analysis. Therefore, further research was conducted during the consultation stage to better understand the possible impact of the guideline on sentencing.

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

The analysis found that in some cases, the movement of the factor related to group offending from step one to step two of the guideline could lead to a lowering of the culpability category under the guideline. Sentencers may consider the relevant aggravating factor, but this may not fully offset any decrease to sentences caused by the lower culpability categorisation. This was tested through research with

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

sentencers during the consultation, using scenarios of offending. In the relevant scenario, there was no evidence that the movement of this factor led to a lowering of the final sentence; the scenario was found to be sentenced consistently when using the previous guideline compared with the revised guideline, in the vast majority of cases. This was because sentencers considered other factors were present in the case which maintained the highest level of culpability.

A few of the transcripts of sentencing remarks mentioned the offender having an issue with alcohol addiction. The text above the sentencing table in the guideline has been revised in the same way as within the non-domestic burglary guideline, to capture dependency on or propensity to misuse alcohol. Similarly, there is the expectation that this may lead to a greater use of community orders for this offence. In the research with sentencers, many sentencers felt that they would follow this guidance but may need evidence that addiction was the root cause of the offending behaviour. As such, this change is unlikely to lead to substantial resource impacts.

Aggravated burglary

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

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

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

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

An analysis of a small sample¹⁵ of transcripts of Crown Court judges' sentencing remarks was undertaken to assess whether there might be any potential resource impact related to these changes. As all offenders are sentenced at the Crown Court for this offence, the sample should broadly represent the full range of offending, although, as with the burglary offences covered earlier, it is possible that some types

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

of offending have not been captured by these transcripts given that the sample is very small.

Based on this analysis of a sample of cases, the movement of the ‘weapon carried when entering premises’ factor from step one to step two amid concerns of double counting¹⁶ may mean some cases are put into a lower level of culpability at step one, when under the previous guideline they were put into higher culpability. In three of the transcripts analysed, the removal of this factor, ‘weapon carried when entering premises’, from step one led to a lower final sentence. However, in the majority of transcripts analysed, the culpability stayed at the same level due to the ‘significant degree of planning’ factor being present in the case. This was supported by research with sentencers during consultation: the sentencers’ assessment of the degree of planning seemed to drive their culpability categorisations.

Finally, the factor ‘Violence used or threatened against the victim, particularly involving a weapon’ has been amended to remove explicit reference to a weapon, to avoid double counting, whilst ensuring that the most serious cases remain within the higher end of the sentencing table.

Risks

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

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

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

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

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

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

¹⁶ Following *R v Sage*; AG’s Ref Sage [2019] EWCA Crim 934 [2019] 2 Cr App R (S) 50, paras 38 and 45.

helped to identify issues with implementation and application of the guidelines, and some amendments have been made. The Council also uses data from the Ministry of Justice as well as a data collection for certain offences including burglary to monitor the effects of its guidelines.

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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

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| 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

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

Section 3: Aggravated burglary

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| Table 3 1 | Number of adult offenders sentenced for aggravated burglary covered by the definitive guideline, all courts, 2010-2020 |
| Table 3 2 | Number and proportion of adult offenders sentenced for aggravated burglary covered by the definitive guideline, by sentence outcome, 2010-2020 |
| Table 3 3 | Average custodial sentence lengths (ACSL) received by adult offenders sentenced for aggravated burglary covered by the definitive guideline, 2010-2020 |
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Notes

Annex E

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

Statistical contact: Kate Kandasamy

Tel: 07903 107 126

Email: research@sentencingcouncil.gov.uk

Press Office enquiries: Kathryn Montague

Tel: 020 7071 5792

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

[Index](#)

| 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}

[Index](#)

| 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 send 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 | - | - |

| Ethnicity⁴ | 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 its 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.

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| 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