

Sentencing Council meeting:
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Lead Council member:
Lead official:

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SC(23)MAY06 - Blackmail, kidnap, false imprisonment and threats to disclose private sexual images
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1 ISSUE

1.1 This is the fifth meeting to discuss the offences and will focus on draft guidelines for kidnap and false imprisonment and a revised version of the disclosing private sexual images guideline. On the current schedule there will then be one further meeting to sign the guidelines off ahead of a consultation in the summer.

2 RECOMMENDATION

2.1 At today's meeting the Council is asked:

- To consider the results of the second re sentencing exercise on the draft combined kidnap and false imprisonment guidelines
- To consider and agree a revised version of the disclosing private sexual images guideline

3 CONSIDERATION

Kidnap and false imprisonment offences

3.1 At the last meeting the results of the first resentencing exercise on the combined guideline were discussed, and changes were agreed to try to resolve the issues highlighted by the exercise- namely that sentences were considerably higher using the draft guideline. It was agreed that a second resentencing exercise would take place with Judicial members- to test a revised version of the combined guideline.

3.2 This exercise has taken place and the results have been analysed, the results of the exercise are attached at **Annex A**, and the guideline used in the exercise is attached at **Annex B**. Six different scenarios were tested, three kidnap and three false imprisonment cases- and these scenarios covered a range of offending- from very serious cases to less serious ones.

3.3 The results show that the changes made to the guideline have largely had the desired effect- sentences using the revised version were much closer to the sentences

imposed in the actual cases. Council may recall from the first sentencing exercise that nearly all the sentences were higher, in some cases considerably so, than the actual sentence imposed in the case.

3.4 Notably, in the first exercise, nearly all scenarios across both offences were categorised as culpability A, high culpability, despite cases ranging in levels of seriousness. This seemed primarily due to issues around the wording of the factor relating to violence and use of a weapon- so at the last meeting changes were agreed to remedy this problem.

3.5 This time, cases were more appropriately categorised across the scenarios- the most serious cases for kidnap and false imprisonment, scenarios A and D were still categorised as culpability A, but the less serious cases, scenarios B, E and F were categorised as culpability B or C.

3.6 The only scenario which was sentenced considerably higher than in the original case was scenario C. However, it is arguable that the original case was lightly sentenced, given that a brick was used to hit the victim with, he was kicked, beaten and had suspicious liquid sprayed on him, with threats to cut open his arteries. All of the participants categorised the case as A2- which has a range of 5-10 years with a starting point of seven years, so the actual sentence given in the case (5 years) was within the range- albeit at the very bottom. Participants did note that it was on the cusp of A/B or at the very bottom of culpability A. So although the sentence using the guideline was some way off from the original sentence, for only one case given its particular facts it is suggested that the draft guideline should not be amended.

3.7 However when amendments such as additional aggravating factors or increases to the ranges are considered in the discussion below, the results of this case should be borne in mind- and may be a reason why further amendments which could increase sentences may not be appropriate.

3.8 Generally, the improvement to the categorisation of cases was seen even with retaining multiple culpability A factors such as 'offence motivated by expectation of financial gain' and 'offence committed in the context of other criminal activity.' At the last meeting it was debated whether or not these factors should be moved to step two- the thought being that possibly there were too many factors within culpability A, which might have been contributing to the problem. It was decided on balance however to retain them, as these are factors often present in the more serious kidnap cases.

3.9 One of the issues the Council has also been considering was whether or not combining the kidnap and false imprisonment guidelines together would inflate sentences for false imprisonment. In the last sentencing exercise sentences increased so much for all cases that it wasn't possible to see whether or not sentences increased more for false imprisonment cases than for kidnap. Considering the results of this very small sample from

the second exercise it seems false imprisonment cases haven't increased much higher than the kidnap cases- but there **may** be slightly higher increases- with such a small sample of cases it is difficult to draw any firm conclusions. It is proposed that the Council continues with the combined version of the guideline and seeks views during the consultation on its structure.

3.10 Overall it is suggested therefore that the changes made to the combined guideline since the last meeting have largely had the desired effect, with the caveat that only a small sentencing exercise was conducted so the results are indicative only. Subject to considering some other minor issues highlighted in the second exercise discussed below, the Council are asked to agree that this guideline can form the basis for consultation.

Question 1: Does the Council agree with the recommendation to proceed to consultation with this version of the combined guideline- subject to some minor changes discussed below?

3.11 During the second resentencing exercise two participants mentioned that there may be a need for an aggravating factor of vulnerable victim, as the high culpability factor of 'deliberate targeting of particularly vulnerable victim' may not apply to all vulnerable victims, especially if there was no deliberate targeting. The suggestion therefore is that there is a new aggravating factor of 'vulnerable victim (where not taken into account at step one)'. But as noted above- there is a concern about adding too many additional aggravating factors- and potentially increasing sentences using the guideline, particularly as no new mitigating factors were suggested by participants. As step two is exhaustive courts could still take this into account if appropriate, without adding it as a factor.

Question 2: Does the Council agree not to add a new aggravating factor of vulnerable victim?

3.12 There was also a suggestion by one participant that the age of a victim could be an explicit aggravating factor. This presumably could be either due to being young- or elderly. Again, for the reasons set out above- it is recommended that an additional factor is not added.

Question 3: Does the Council agree not to add an aggravating factor specifically relating to age?

3.13 One participant in the exercise suggested that threats to family members should be

an aggravating factor. There previously was a reference of threats to others at step one- as the first factor in culpability B was 'threat of violence to victim and/or others' – but it was amended at the last meeting to 'very significant violence threatened'. The factor could be further amended threats to 'very significant violence threatened to victim and/or others'. Or there could be a new aggravating factor of 'threats to family members'. Another participant questioned whether filming of the offence should be added as an aggravating factor- but there is perhaps less of a strong argument for adding this factor. For the reasons set out above, it is suggested that this factor is not added – step two is non exhaustive so courts could take this into account without adding it as a factor.

Question 4: Does the Council wish to amend the step one factor to incorporate threats to others- or add a new aggravating factor of 'threats to family members'? Does the Council agree not to add a new aggravating factor of 'filming of the offence'?

3.14 One participant questioned whether the aggravating factor of 'offender involves others in the conduct' needed further thought- whether it could apply to others joining in with the offenders, others being adversely affected by the offending, or both. Now that there are two new factors regarding group offending at step one- 'leading role in group offending' and 'offence was committed as part of a group (where not at A)' it is probably unnecessary to have this step two factor, especially if it is open to misinterpretation.

Question 5: Does the Council agree that the aggravating factor of 'offender involves others in the conduct' should be removed?

3.15 Another participant suggested that threats to kill should be incorporated within the harm factors, specifically that the harm two factor is amended so that it becomes 'threat of torture or to kill'.

Question 6: Does the Council wish to amend the harm two factor to 'threat of torture or to kill'?

3.16 One participant noted that in one of the scenarios the offender was also convicted of committing an offence with intent to commit a sexual offence (s.62 of the Sexual Offences Act 2003). The maximum penalty for the s.62 offence is 10 years- but life imprisonment if kidnapping or false imprisonment is the offence intended- suggesting a close relationship between that offence and kidnapping/false imprisonment. They noted that there was nothing in the draft which refers to an intent to commit a sexual offence- and questioned whether it

would be useful to add something on this -at either step one or two, and/or cross refer to the [s.62 offence guidance note](#). Another participant asked whether sexual motive should be a high culpability factor or an aggravating factor- or whether to rely on being charged separately. It is suggested that if the Council wish to do anything on this point it may be more appropriate to refer to the s.62 guidance rather than add additional factors, adding another high culpability factor would risk increasing sentences .

Question 7: Does the Council wish to cross refer to the s.62 guidance? But not add any additional factors?

3.17 A participant commented on sentence levels for category two harm as the category has to cover a wide range of harm, so wondered whether a year should be added to the upper end of the category range for each of the harm 2 boxes. To do so would reverse the decrease to these ranges agreed at the last meeting- as originally the top of the range in B2 was eight years- this was reduced to seven at the last meeting (and the same for 1C and 3A). The top of the range in C2 was also reduced from four years to three- and in 2B at the last meeting.

3.18 This was done as part of the attempts to reduce the sentence inflation seen after the first sentencing exercise- this revised table with the decreased ranges used in the second exercise can be seen at **Annex B**. To add an extra year to the top of the range for all harm two would mean restoring those decreases, and additionally increasing the top of the range in A2 to 11 years from 10- and if following ‘the law of the diagonal’ also increasing the top of the range in B1 to 11 years. Potentially this would also mean increasing the starting point in A2/B1 to 8 years to be more mid range. How the sentence table would look with those increases can be seen below.

Harm	Culpability		
	A	B	C
Category 1	Starting Point 11 years’ custody Category Range 8 – 16 years’ custody	Starting Point 8 years’ custody Category Range 5 -11 years’ custody	Starting Point 5 years’ custody Category Range 3 - 8 years’ custody
Category 2	Starting Point 8 years’ custody Category Range	Starting Point 5 years’ custody Category Range	Starting Point 2 years’ 6 months custody Category Range

	5 -11 years' custody	3 – 8 years' custody	1- 4 years' custody
Category 3	Starting Point 5 years' custody Category Range 3 – 8 years' custody	Starting Point 2 years' 6 months custody Category Range 1- 4 years' custody	Starting Point 1 years' custody Category Range 6 months' - 2 year's custody

3.19 As noted earlier- one case was sentenced considerably higher using the draft guideline- and this case fell into A2- and under this proposal the ranges in A2 would be increased. It is possible that quite a few cases would be categorised as A2 using the guideline- so this may be a reason to be cautious about making any increases to these ranges. Also, to increase the ranges in this way could risk inflating the sentences again in the way seen after the first sentencing exercise. It is difficult to quantify what the risk would be given we have now made substantial changes to the culpability A factors and so on, but after analysing the results of the first sentencing exercise we thought there would likely be an impact on resources if the sentence inflation was not addressed.

3.20 The statistics show that for adults sentenced for kidnapping in 2020 the estimated average (mean) custodial sentence length (ACSL) pre- guilty plea was 7 years 3 months, with an ACSL post-guilty plea of 5 years 9 months (tab 1.3 of **Annex C.**). For false imprisonment, in 2020, the estimated ACSL pre-guilty plea was 4 years 8 months, with an ACSL post-guilty plea of 3 years 7 months (tab 2.3). Given the concern of sentence inflation, which is why the Council agreed to reduce the ranges last month, it is recommended that the ranges are not increased back to the previous levels. Using the slightly reduced levels agreed last month helped bring the sentences seen in the second sentencing exercise closer to the sentences imposed in the actual cases. There is potentially an argument for reducing the ranges further in category A2, rather than increasing them.

Question 8: Does the Council agree not to increase all the ranges within harm 2, and the consequential increases to other ranges, given the potential risk of sentence inflation?

Disclosing private sexual images

3.21 The [guideline for disclosing private sexual images](#) was published in 2018. As part of the Domestic Abuse Act 2021 the offence of disclosing private images was expanded to include threats to disclose private sexual images, this commenced in June 2021. Campaign groups had called for this change for a number of years- arguing that it was a common feature within this type of offending- with victims living in fear that the threat to release the images would be carried out, but not knowing when or how. It was decided to revise the existing guideline as part of this project as it was thought there is some synergy with blackmail offences. The draft blackmail guideline is attached at **Annex D**.

3.22 This is an either way offence with a maximum penalty of two years. Sentencing data attached at **Annex C** (tab 6.1) shows that around 200 offenders were sentenced in 2021. The estimated (mean) ACSL pre-guilty plea was 9 months and the ACSL post-guilty plea was 7 months. As part of this project a small number of sentencing transcripts for this offence have been considered, this included two or three examples of cases where the offender had threatened to release the images. This occurred sometime before releasing the images, but in one case the offender didn't actually have the images- but the victim thought they did and so the threat was very real. It is suggested that any changes to the guideline need only to be minor ones, the guideline is fairly recent and it is only a small change to legislation.

3.23 One option would be to add in two new culpability factors- in medium culpability 'threat/s to disclose images widely' and in high culpability 'repeated threats to disclose images over a sustained period'. This is to try and capture the gradations within the offending, with the high culpability factor for repeated threats over a sustained period. This can be seen within the guideline at **Annex E**. However, another option is to do nothing, as arguably two of the factors in high culpability could already apply to threats- significant planning and conduct intended to maximise distress/humiliation. The title of the guideline will be changed to include reference to threats to disclose images, so it becomes 'Disclosing, or threatening to disclose private sexual images'. But, other than a change to the title and possibly to add the two culpability factors discussed above, no other changes are considered necessary, as there has been just a minor change to the legislation.

Question 9: Does the Council wish to add the two culpability factors- or leave the guideline without amendment?

3.24 Looking at the two guidelines of blackmail and disclosing private sexual images together there may be a need to have some symmetry between guidelines - where it is appropriate. The Council may recall in early discussions about blackmail that some of the newer types of offences include blackmailing the victim with sensitive information they have

acquired about them- activity on certain dating websites and so on. The high culpability factor within disclosing private sexual images 'conduct intended to maximise distress and/or humiliation' is an aggravating factor in the blackmail guideline, potentially it should be a high culpability within both guidelines. Additionally for the first high culpability factor within both guidelines, although worded slightly differently it may be appropriate to use the same term- either 'sustained' or 'substantial'.

Question 10: Does the Council wish to move the factor from step two to high culpability in the blackmail guideline? Does the Council think the same word should be used within both guidelines- either substantial or sustained?

3.25 The disclosing images guideline has more factors in culpability- factors relating to planning within medium and lower culpability, it may be appropriate to add them to the blackmail guideline.

Question 11: Does the Council wish to add the same factors regarding planning within the blackmail guideline? Are there any other changes the Council thinks should be made to appropriately reflect points of commonality between the two guidelines?

3.26 Other than the issues discussed above- it is suggested that for such a minor change to the offence of disclosing private sexual images that there are no other changes necessary to the guideline.

Question 12: Does the Council agree no other changes are necessary to this guideline as a result of the small change to legislation?

4. EQUALITIES

4.1 As part of the development of these guidelines, the available equalities data will be examined for any disparities within the sentencing of these offences. This data will be presented to Council at a future meeting.

4 IMPACT AND RISKS

4.1 It is anticipated that the development of these new guidelines will be welcomed by stakeholders. Blackmail, kidnap and false imprisonment are some of the few remaining serious offences without a guideline, so producing a guideline ends that gap.

Annex A - Results of the second sentencing exercise for a combined kidnap and false imprisonment guideline

Kidnap cases	A,B,C							
	Culpability	Harm	SP	After aggravating/mitigating factors	GP	Final sentence	Key observations by participants	Actual sentence in case
Scenario A								10 yrs 10 mths
Participant 1	A, detention over protracted time, leading role in large group	1, severe psych injury- also psych harm caused to mother	11yrs	12 yrs 6 mths, age of victim-17-detention in isolated place, threats to family members. Mit- no relevant previous, poss exemplary conduct (charity work)	10%	11 yrs 3 mths	Should threats to family members be an agg factor? Should age of victim be an explicit agg factor?	
Participant 2	High, detention over protracted period, leading role in group, use of weapon, motivated by financial gain	1, very serious distress caused to victim and others	12 yrs	No mitigation, 1 precon but not significant	10%	10 yrs 9 mths	Is detention over 3hrs protracted period of time? Should there be an agg factor of vulnerable victim? Not all vul victims will fall into the high culp factor	
Participant 3	A, leading role, use of sig force, motivated by financial gain, Some B factors –	1, serious psych harm/v severe distress caused to the	14 yrs	Multiple culp A factors resulted in upward adjustment from A1 starting point. Element of detention in isolated	10%	12.5 yrs	Possibly no deliberate targeting of the victim- a culp A factor- so	

	use of weapon to make threats -but on balance Culp A	victim/others, serious injury/pain caused to the victim		location but it was limited in duration			should there be an agg factor of vulnerable victim (not taken into account at step 1?). There was a threat to kill - should the cat 2 harm factor be threat of torture or to kill?	
Participant 6	A, leading role, motivated by expectation of financial gain.	1, serious psychological harm, very severe distress	11 yrs	12 yrs, number of others who joined in the violence, use of weapon to threaten by one of them, victim felt obliged to move house, movement between vehicles and location over 3 hrs, little or no apparent mitigation	10%	10yrs 9 mths	Further thought to agg factor of 'offender involves others in conduct- could apply to others joining in with the offenders, others being adversely affected by the offending, or both	
Scenario B								20 mths susp for 2yrs
Participant 4	C, limited force, limited duration	3, limited effects	1 yr	16mths, on bail- domestic context, mit-	25%	12 mths		

				lack of previous convictions				
Participant 5								
Participant 6	C, limited use of force, limited in duration	2, some distress	2yrs- harm was low in the scale for cat 2	2yrs, young, immature, lack of support, but domestic context and in breach of a bail condition in relation to the victim	20%	18 mths	Harm 2 has to cover a wide range of harm	
Participant 3	C, limited use of force, limited in scope/duration	3, limited effects of the offence	1 yr	9mths, offence committed on bail, domestic context but no previous convictions, age/lack of maturity, age significant and outweighed the agg factors	20%	7 mths custody- possibly suspended or CO- due to time remanded in custody		
Scenario C								5 yrs
Participant 1	A, use of weapon to inflict violence	2- some injury/pain, some psych harm	7yrs	8yrs- on licence- leading role being the oldest, driving the car, hitting with brick. Previous cons? No mit	N/A	8yrs		
Participant 4	A, leading role, use of a weapon to inflict violence. Of limited duration in cat C but the cat A factors outweighed this	2 some distress caused	7yrs	8yrs -on licence- previous convictions. No mit	N/A	8yrs		
Participant 7	Borderline between A/B.	Between 2/3. Victim said	8 yrs	9yrs. No mit factors apparent. Agg-	N/A	9yrs		

	A:Use of weapon to inflict injury. Offence committed in furtherance of criminal activity. B: other violence threatened/offence committed by group. C: offence of limited duration	kidnap was the most horrific event he'd ever experienced- but no evidence of anything other than limited effects		previous cons but limited to avoid double counting with step 1- offence on licence- offended wielded the brick				
Participant 8	A-use of brick and violence	2- injuries	7yrs	On licence and pre-cons-fear of being doused in petrol- but short lived and not part planned -up to 8yrs	N/A	8yrs		
False Imprisonment cases	D,E,F							
Scenario D								11yrs custody plus extended licence 4 yrs
Participant 1	A, planned, 'devious', more than some element of planning	Between 1-2, no VPS, but 'absolutely terrified'	10	14 yrs, sexual motive, attempt to inflict GBH. Stat agg of previous similar offending against women. No mit.			Should sexual motive be a high culp factor? Or agg factor? Or rely on being	

							charged separately?	
Participant 2	High, planned, use of weapon	2, v. limited information about effect on victim	5 yrs	7yrs- amount and nature of pre-cons-significant risk to women, and sexual motive. No mit factors	N/A	7yrs	No info from the PSR or psych assessment so difficult to make a full assessment of the case.	
Participant 3	A, elements of A and B, A-vulnerable victim-sophisticated planning-he was intending to commit a sexual offence, B- use of weapon to make threats. On balance a cat A case	2, v. limited info so difficult to assess- assume some psych harm/distress	7 yrs	12 yrs- uplift of 2 yrs to reflect intent to commit a sexual offence (as per guidance note for s.62 SOA 2003). Further 3 yrs to reflect aggravation of the previous conviction, similarity of earlier offence but 20 yrs ago	N/A	12 yrs - possibly an extended sentence if further info available	Nothing currently in g'line which refers to an intent to commit a sexual offence-useful to add something on this- at either step 1 or 2? And/or cross refer to s.62 SOA 2003 note? Sentence using this draft lower than I would have expected	
Participant 8	High, planning and degree of violence	2-due to lack of VPS- with which it may have been 1	7yrs	10yrs due to aggravating factors- possibly an extended sentence	N/A	10yrs		

Scenario E								4yrs custody plus extended licence 3yrs
Participant 4	A, leading role, detention over a protracted period	1, V.serious distress caused? Hard to assess on limited evidence. Or 2?	11yrs	12 yrs, previous cons, possible mit on the psychiatric disorder? But no evidence so cannot assess it	33%	8yrs	V difficult to assess just using limited sentencing remarks	
Participant 6	B, v.sig violence threatened, use of weapon to make threats, offence committed as part of a group	2, some psych harm/distress caused, some injury caused, threats of torture, all present, harm 1 factors not established	5 yrs- adjusted to 6yrs due to multiple culp/harm factors	7yrs, previous cons, victim's vulnerability, filming, no mit of nay significance	33%	4yrs 8mths	Cat 2 harm has to cover a wide range of harm-should we add a year to the upper end of the cat range for each of the harm 2 boxes. 7yrs on the low side- but not app to go outside of the cat range. Add filming as an agg factor?	
Participant 7	Between A/B. Closer to A because of multiple B factors. A factors: detention over prolonged	Between 1/2 could be argued v severe distress but no evidence	9yrs	Previous convictions- not directly relevant/limited effect. Mit was effect on def's children-factors	33%	EDS- 6 yrs cust plus 3 yrs extended licence	Mental disorder not relevant as operative only as failed to	

	period/deliberate targeting of vul victim. B: v.sig violence threatened/use of weapon to make threats/group offence	of long term effect so arguable that harm better described as some distress		balance each other out.			take medication	
Scenario F								10mths custody
Participant 2	Medium-balance of high factor- detention and low factor- offender's resp reduced by MD	3-limited effects, no VPS, no evidence of distress caused to children	1 yr-	Agg/mit factors balance one another out-domestic/children and lack of precons	33%	8mths		
Participant 7	Between B/C. Detention between protracted and limited. No high cul. Factors. Resp reduced by his MD so C	2. Some distress caused to victim and children	2 yrs 9 mths	2yrs 3 mths. Domestic context agg factor. No previous convictions/remorse-mit factors. Mit factors outweigh agg	33%	18mths cust		
Participant 8	B-balance of factors esp MH in low but being locked in overnight with children is A	2, some harm	7yrs	Remorse and character (DA taken into account at step 1) down to 5yrs	33%	3yrs	Difficult to assess harm effectively without VPS and with poor sentencing remarks	

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Kidnap False Imprisonment

Common Law

Triable only on indictment

Maximum: Life Imprisonment

These are [Schedule 19](#) offences for the purposes of sections [274](#) and [285](#) (required life sentence for offence carrying life sentence) of the Sentencing Code.

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

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

Where the offence is committed in a criminal context, also refer to the [Overarching Principles-Domestic Abuse guideline](#)

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">• Detention over a <u>protracted</u> period of time• Sophisticated and/or planned nature of conduct• <u>Leading role in group offending</u>• Deliberate targeting of particularly vulnerable victim• Use of <u>very significant force</u>• Use of a weapon <u>to inflict violence</u>• Offence motivated by expectation of financial gain• Offence committed in context of other criminal activity•
B- Medium culpability	<ul style="list-style-type: none">• <u>Very significant violence threatened</u> Threat of violence to victim and/or others• <u>Use of a weapon to make threats</u>• <u>Some element of planning in the offence</u>• <u>Offence was committed as part of a group (where not as A)</u>• 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">• <u>Limited use of force in the commission of the offence</u>• <u>Non violent threats</u>• Limited in scope <u>or</u> and duration• Involved through coercion, intimidation or exploitation• Offender's responsibility substantially reduced by mental disorder or learning disability

HARM

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

Category 1	<ul style="list-style-type: none">• Serious psychological harm <u>or very severe distress</u> caused to the victim and/or others• Serious injury/<u>severe pain</u> caused to the victim• Use of torture, humiliation or degrading treatment•
Category 2	<ul style="list-style-type: none">• Some psychological harm <u>or some distress</u> caused to the victim and/or others

	<ul style="list-style-type: none"> • Some injury <u>or some pain</u> caused to the victim • Threat of torture
Category 3	<ul style="list-style-type: none"> • Limited effects of the offence

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 convictions

Harm	Culpability		
	A	B	C
Category 1	Starting Point 11 years' custody Category Range 8 – 16 years' custody	Starting Point 7 years' custody Category Range 5 -10 years' custody	Starting Point 5 years' custody Category Range 3 - 7 8 years' custody
Category 2	Starting Point 7 years' custody Category Range 5 -10 years' custody	Starting Point 5 years' custody Category Range 3 – 7 8 years' custody	Starting Point 2 years' 6-months custody Category Range 1- 3 4 years' custody
Category 3	Starting Point 5 years' custody Category Range 3 – 7 8 years' custody	Starting Point 2 years' 6-months custody Category Range 1- 3 4 years' custody	Starting Point 1 years' custody Category Range 6 months' - 2 year's custody

[Where another offence or offences arise out of the same incident or facts concurrent sentences **reflecting the overall criminality** of offending will ordinarily be appropriate: please refer to the Totality guideline and step five of this guideline.]

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 was committed against an emergency worker acting in the exercise of functions as such a worker (**kidnap only**)

Other aggravating factors:

- Offence was committed against an emergency worker acting in the exercise of functions as such a worker (**false imprisonment only**)
- Detention in an isolated location (where not taken into account at step one)
- Blame wrongly placed on others
- Offence committed in a domestic context (where not taken into account at step one)
- Commission of offence whilst under the influence of alcohol or drugs
- ~~Leading role in group~~
- Abuse of trust or dominant position
- Offender involves others in the conduct
- Offence committed on licence or while subject to court order(s)

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse
- The offender was in a lesser or subordinate role if acting with others/performed limited role under direction
- Good character and/or exemplary conduct
- Co-operation with the investigation/early admissions
- Physical disability or serious medical conditions requiring urgent, intensive or long-term treatment
- Mental disorder or learning disability (where not taken into account at step 1)
- Age and/or lack of maturity
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP 3**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 4**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 5**Dangerousness**

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

When sentencing offenders to a life sentence under these provisions, the notional determinate sentence should be used as the basis for the setting of a minimum term.

STEP 6**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 7**Compensation and ancillary orders**

Where the offence has resulted in loss or damage the court must consider whether to make a compensation order and must give reasons if it does not do so ([section 55 of the Sentencing Code](#)).

STEP 8**Reasons**

[Section 52 of the Sentencing Code](#) imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP 9**Consideration for time spent on bail (tagged curfew)**

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

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Kidnapping, false imprisonment, abduction of child by parent, etc, abduction of child by other persons, blackmail and disclosing private sexual images offences Annex

Section 1: Kidnapping

- [Table 1 1](#) Number of adult offenders sentenced for kidnapping, Crown Court, 2010-2020
- [Table 1 2](#) Number and proportion of adult offenders sentenced for kidnapping, by sentence outcome, 2010-2020
- [Table 1 3](#) Average custodial sentence lengths (ACSL) received by adult offenders sentenced for kidnapping, 2010-2020
- [Table 1 4a](#) Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for kidnapping, 2010-2020
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Section 2: False imprisonment

- [Table 2 1](#) Number of adult offenders sentenced for false imprisonment, Crown Court, 2010-2020
- [Table 2 2](#) Number and proportion of adult offenders sentenced for false imprisonment, by sentence outcome, 2010-2020
- [Table 2 3](#) Average custodial sentence lengths (ACSL) received by adult offenders sentenced for false imprisonment, 2010-2020
- [Table 2 4a](#) Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for false imprisonment, 2010-2020
- [Table 2 4b](#) Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for false imprisonment, 2010-2020

Section 3: Abduction of child by parent

- [Table 3 1](#) Number of adult offenders sentenced for abduction of child by parent, etc, all courts, 2010-2020
- [Table 3 2](#) Number and proportion of adult offenders sentenced for abduction of child by parent, etc, by sentence outcome, 2010-2020
- [Table 3 3](#) Average custodial sentence lengths (ACSL) received by adult offenders sentenced for abduction of child by parent, etc, 2010-2020
- [Table 3 4a](#) Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for abduction of child by parent, etc, 2010-2020
- [Table 3 4b](#) Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for abduction of child by parent, etc, 2010-2020

Section 4: Abduction of child by other persons

- [Table 4 1](#) Number of adult offenders sentenced for abduction of child by other persons, all courts, 2010-2020
- [Table 4 2](#) Number and proportion of adult offenders sentenced for abduction of child by other persons, by sentence outcome, 2010-2020
- [Table 4 3](#) Average custodial sentence lengths (ACSL) received by adult offenders sentenced for abduction of child by other persons, 2010-2020
- [Table 4 4a](#) Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for abduction of child by other persons, 2010-2020
- [Table 4 4b](#) Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for abduction of child by other persons, 2010-2020

Section 5: Blackmail

- [Table 5 1](#) Number of adult offenders sentenced for blackmail, Crown Court, 2010-2020
- [Table 5 2](#) Number and proportion of adult offenders sentenced for blackmail, by sentence outcome, 2010-2020
- [Table 5 3](#) Average custodial sentence lengths (ACSL) received by adult offenders sentenced for blackmail, 2010-2020
- [Table 5 4a](#) Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for blackmail, 2010-2020
- [Table 5 4b](#) Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for blackmail, 2010-2020

Section 6: Disclosing private sexual images

- [Table 6 1](#) Number of adult offenders sentenced for disclosing private sexual images, all courts, 2015-2021
- [Table 6 2](#) Number and proportion of adult offenders sentenced for disclosing private sexual images, by sentence outcome, 2015-2021
- [Table 6 3](#) Average custodial sentence lengths (ACSL) received by adult offenders sentenced for disclosing private sexual images, 2015-2021
- [Table 6 4a](#) Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for disclosing private sexual images, 2015-2021
- [Table 6 4b](#) Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for disclosing private sexual images, 2015-2021

Table 1.1: Number of adult offenders sentenced for kidnapping, Crown Court, 2010-2020¹

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ²
Crown Court	147	128	123	95	122	134	136	121	120	98	69

Notes:

1) Figures shown here differ from those published by the MoJ, as there was one kidnapping case in the CPD in 2019 which indicates that the offender was sentenced in a magistrates' court. This case has been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.

2) 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.

Table 1.2: Number and proportion of adult offenders sentenced for kidnapping, by sentence outcome, 2010-2020¹

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ²
Absolute and conditional discharge	0	1	0	0	0	1	0	0	0	0	0
Fine	0	0	0	0	0	1	0	0	0	0	0
Community sentence	3	1	0	3	1	3	0	1	3	1	2
Suspended sentence	8	6	8	10	7	10	11	8	4	3	5
Immediate custody	134	117	115	82	113	117	123	105	104	88	51
Otherwise dealt with ³	2	3	0	0	1	2	2	7	9	6	11
Total	147	128	123	95	122	134	136	121	120	98	69

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ²
Absolute and conditional discharge	0%	1%	0%	0%	0%	1%	0%	0%	0%	0%	0%
Fine	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%
Community sentence	2%	1%	0%	3%	1%	2%	0%	1%	3%	1%	3%
Suspended sentence	5%	5%	7%	11%	6%	7%	8%	7%	3%	3%	7%
Immediate custody	91%	91%	93%	86%	93%	87%	90%	87%	87%	90%	74%
Otherwise dealt with ³	1%	2%	0%	0%	1%	1%	1%	6%	8%	6%	16%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

1) Figures shown here differ from those published by the MoJ, as there was one kidnapping case in the CPD in 2019 which indicates that the offender was sentenced in a magistrates' court. This case has been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.

2) 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.

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 kidnapping, 2010-2020

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Estimated pre-guilty plea

ACSL (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Mean	6.02	5.41	4.8	4.9	6.8	6.6	5.8	6.0	7.6	6.6	7.2
Median	5.3	4	3.8	4.0	5.6	4.5	5.0	4.5	6.8	6.0	6.9

Post-guilty plea

ACSL (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Mean	4.88	4.39	3.8	4.0	5.6	5.8	4.8	5.3	6.7	5.9	5.8
Median	5.0	3.5	3.0	3.3	4.0	4.0	4.0	4.0	6.0	5.5	5.6

Notes:

- 1) The ACSL calculation excludes life and indeterminate sentences, for offences where these types of sentences apply.
- 2) Figures shown here differ from those published by the MoJ, as there was one kidnapping case in the CPD in 2019 which indicate that the offender was sentenced in a magistrates' court. This case has been excluded from the above table as this offence is indictable only, and can therefore only be
- 3) The statutory maximum sentence for this offence is life imprisonment.
- 4) 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.

Table 1.4a: Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for kidnapping, 2010-2020

Sentence length (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Less than 2 years	23	20	27	15	12	23	18	15	7	11	5
2 to 4	27	37	32	27	24	30	35	31	24	26	6
4 to 6	25	23	18	19	27	17	18	19	20	10	13
6 to 8	21	11	8	5	14	7	22	11	11	12	10
8 to 10	12	4	9	4	12	14	12	8	12	10	7
10 to 12	8	4	5	6	7	6	13	7	16	12	4
12 to 14 years	2	3	3	1	5	5	1	3	7	1	1
Greater than 14 years	7	7	2	1	10	13	3	7	6	5	4
Indeterminate	9	8	11	4	2	2	1	4	1	1	1
Total	134	117	115	82	113	117	123	105	104	88	51

Sentence length (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Less than 2 years	17%	17%	23%	18%	11%	20%	15%	14%	7%	13%	10%
2 to 4	20%	32%	28%	33%	21%	26%	28%	30%	23%	30%	12%
4 to 6	19%	20%	16%	23%	24%	15%	15%	18%	19%	11%	25%
6 to 8	16%	9%	7%	6%	12%	6%	18%	10%	11%	14%	20%
8 to 10	9%	3%	8%	5%	11%	12%	10%	8%	12%	11%	14%
10 to 12	6%	3%	4%	7%	6%	5%	11%	7%	15%	14%	8%
12 to 14 years	1%	3%	3%	1%	4%	4%	1%	3%	7%	1%	2%
Greater than 14 years	5%	6%	2%	1%	9%	11%	2%	7%	6%	6%	8%
Indeterminate	7%	7%	10%	5%	2%	2%	1%	4%	1%	1%	2%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

- 1) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Less than 2 years' includes sentence lengths less than and equal to 2 years, and '2 to 4' includes sentence lengths over 2 years, and up to and including 4 years.
- 2) Figures shown here differ from those published by the MoJ, as there was one kidnapping case in the CPD in 2019 which indicate that the offender was sentenced in a magistrates' court. This case has been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.
- 3) The statutory maximum sentence for this offence is life imprisonment.
- 4) 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.

Table 1.4b: Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for kidnapping, 2010-2020

Sentence length (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Less than 2 years	35	31	39	22	16	31	28	23	11	13	7
2 to 4	25	41	36	31	40	29	34	30	29	27	9
4 to 6	27	16	14	14	22	13	23	18	18	9	15
6 to 8	23	7	4	4	5	8	26	12	10	17	10
8 to 10	6	6	5	3	13	13	6	5	12	10	4
10 to 12	3	5	4	2	9	7	5	7	14	8	4
12 to 14 years	5	2	1	2	2	6	0	1	5	2	1
Greater than 14 years	1	1	1	0	4	8	0	5	4	1	0
Indeterminate	9	8	11	4	2	2	1	4	1	1	1
Total	134	117	115	82	113	117	123	105	104	88	51

Sentence length (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Less than 2 years	26%	26%	34%	27%	14%	26%	23%	22%	11%	15%	14%
2 to 4	19%	35%	31%	38%	35%	25%	28%	29%	28%	31%	18%
4 to 6	20%	14%	12%	17%	19%	11%	19%	17%	17%	10%	29%
6 to 8	17%	6%	3%	5%	4%	7%	21%	11%	10%	19%	20%
8 to 10	4%	5%	4%	4%	12%	11%	5%	5%	12%	11%	8%
10 to 12	2%	4%	3%	2%	8%	6%	4%	7%	13%	9%	8%
12 to 14 years	4%	2%	1%	2%	2%	5%	0%	1%	5%	2%	2%
Greater than 14 years	1%	1%	1%	0%	4%	7%	0%	5%	4%	1%	0%
Indeterminate	7%	7%	10%	5%	2%	2%	1%	4%	1%	1%	2%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

- 1) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Less than 2 years' includes sentence lengths less than and equal to 2 years, and '2 to 4' includes sentence lengths over 2 years, and up to and including 4 years.
- 2) Figures shown here differ from those published by the MoJ, as there was one kidnapping case in the CPD in 2019 which indicate that the offender was sentenced in a magistrates' court. This case has been excluded from the above table as this offence is indictable only, and can therefore only be sentenced in the Crown Court.
- 3) The statutory maximum sentence for this offence is life imprisonment. In 2020 the longest post-guilty plea determinate sentence given was 13 years.
- 4) 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.

Table 2.1: Number of adult offenders sentenced for false imprisonment, Crown Court, 2010-2020¹

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Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ²
Crown Court	199	202	196	171	155	191	189	112	94	113	82

Notes:

1) Figures shown here differ from those published by the MoJ, as there were three false imprisonment cases in the CPD between 2018-2020 which indicate that the offenders were 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.

2) 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.

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

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ²
Absolute and conditional discharge	1	1	1	1	1	0	7	3	0	0	0
Fine	0	1	0	0	0	0	0	0	0	0	0
Community sentence	11	11	19	7	6	7	2	3	3	4	2
Suspended sentence	20	21	32	15	26	22	27	12	5	4	5
Immediate custody	159	158	137	144	120	149	141	89	76	97	70
Otherwise dealt with ³	8	10	7	4	2	13	12	5	10	8	5
Total	199	202	196	171	155	191	189	112	94	113	82

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ²
Absolute and conditional discharge	1%	<0.5%	1%	1%	1%	0%	4%	3%	0%	0%	0%
Fine	0%	<0.5%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Community sentence	6%	5%	10%	4%	4%	4%	1%	3%	3%	4%	2%
Suspended sentence	10%	10%	16%	9%	17%	12%	14%	11%	5%	4%	6%
Immediate custody	80%	78%	70%	84%	77%	78%	75%	79%	81%	86%	85%
Otherwise dealt with ³	4%	5%	4%	2%	1%	7%	6%	4%	11%	7%	6%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

1) Figures shown here differ from those published by the MoJ, as there were three false imprisonment cases in the CPD between 2018-2020 which indicate that the offenders were 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.

2) 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.

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 2.3: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for false imprisonment, 2010-2020

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Estimated pre-guilty plea

ACSL (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Mean	4.28	4.7	3.6	4.3	4.6	4.6	4.5	5.1	5.0	6.6	4.7
Median	3.3	4	3.1	3.4	3.8	3.3	3.8	4.0	4.0	5.0	3.5

Post-guilty plea

ACSL (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Mean	3.29	3.72	2.8	3.2	3.6	3.9	3.6	4.2	4.1	5.2	3.6
Median	2.7	3	2.5	2.8	2.7	2.7	3.0	3.0	3.0	4.0	3.0

Notes:

- 1) The ACSL calculation excludes life and indeterminate sentences, for offences where these types of sentences apply.
- 2) Figures shown here differ from those published by the MoJ, as there were three false imprisonment cases in the CPD between 2018-2020 which indicate that the offenders were 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 statutory maximum sentence for this offence is life imprisonment.
- 4) 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.

Table 2.4a: Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for false imprisonment, 2010-2020

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Sentence length (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Less than 2 years	33	25	37	33	25	38	32	23	17	13	13
2 to 4	50	52	48	50	45	50	42	22	21	24	24
4 to 6	24	39	28	37	22	23	37	18	22	20	17
6 to 8	13	18	9	9	11	13	15	10	3	14	8
8 to 10	5	11	2	7	9	5	6	7	5	9	3
10 to 12	3	5	4	4	6	7	0	4	1	5	1
12 to 14 years	2	0	0	2	1	4	4	2	2	6	3
Greater than 14 years	3	1	0	1	1	4	2	3	4	6	1
Indeterminate	26	7	9	1	0	5	3	0	1	0	0
Total	159	158	137	144	120	149	141	89	76	97	70

Sentence length (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Less than 2 years	21%	16%	27%	23%	21%	26%	23%	26%	22%	13%	19%
2 to 4	31%	33%	35%	35%	38%	34%	30%	25%	28%	25%	34%
4 to 6	15%	25%	20%	26%	18%	15%	26%	20%	29%	21%	24%
6 to 8	8%	11%	7%	6%	9%	9%	11%	11%	4%	14%	11%
8 to 10	3%	7%	1%	5%	8%	3%	4%	8%	7%	9%	4%
10 to 12	2%	3%	3%	3%	5%	5%	0%	4%	1%	5%	1%
12 to 14 years	1%	0%	0%	1%	1%	3%	3%	2%	3%	6%	4%
Greater than 14 years	2%	1%	0%	1%	1%	3%	1%	3%	5%	6%	1%
Indeterminate	16%	4%	7%	1%	0%	3%	2%	0%	1%	0%	0%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

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

2) Figures shown here differ from those published by the MoJ, as there were three false imprisonment cases in the CPD between 2018-2020 which indicate that the offenders were 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 statutory maximum sentence for this offence is life imprisonment.

4) 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.

Table 2.4b: Post guilty-plea sentence lengths received by adult offenders sentenced to immediate custody for false imprisonment, 2010-2020

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Sentence length (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Less than 2 years	54	39	56	52	47	59	47	33	27	19	20
2 to 4	48	68	54	59	37	49	48	25	21	31	31
4 to 6	18	26	8	20	21	11	27	14	14	13	12
6 to 8	4	11	9	6	9	9	9	7	5	14	2
8 to 10	5	5	1	4	4	4	3	4	3	14	3
10 to 12	3	1	0	1	1	5	1	2	1	2	1
12 to 14 years	0	0	0	1	1	3	3	2	2	1	1
Greater than 14 years	1	1	0	0	0	4	0	2	2	3	0
Indeterminate	26	7	9	1	0	5	3	0	1	0	0
Total	159	158	137	144	120	149	141	89	76	97	70

Sentence length (years)^{1,2,3}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Less than 2 years	34%	25%	41%	36%	39%	40%	33%	37%	36%	20%	29%
2 to 4	30%	43%	39%	41%	31%	33%	34%	28%	28%	32%	44%
4 to 6	11%	16%	6%	14%	18%	7%	19%	16%	18%	13%	17%
6 to 8	3%	7%	7%	4%	8%	6%	6%	8%	7%	14%	3%
8 to 10	3%	3%	1%	3%	3%	3%	2%	4%	4%	14%	4%
10 to 12	2%	1%	0%	1%	1%	3%	1%	2%	1%	2%	1%
12 to 14 years	0%	0%	0%	1%	1%	2%	2%	2%	3%	1%	1%
Greater than 14 years	1%	1%	0%	0%	0%	3%	0%	2%	3%	3%	0%
Indeterminate	16%	4%	7%	1%	0%	3%	2%	0%	1%	0%	0%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

- 1) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Less than 2 years' includes sentence lengths less than and equal to 2 years, and '2 to 4' includes sentence lengths over 2 years, and up to and including 4 years.
- 2) Figures shown here differ from those published by the MoJ, as there were three false imprisonment cases in the CPD between 2018-2020 which indicate that the offenders were 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 statutory maximum sentence for this offence is life imprisonment. In 2020 the longest post-guilty plea determinate sentence given was 14 years.
- 4) 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.

Table 3.1: Number of adult offenders sentenced for abduction of child by parent, etc, all courts, 2010-2020

[Index](#)

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ¹
Magistrates' court	1	0	0	0	0	2	2	0	0	0	0
Crown Court	7	12	6	11	17	15	13	10	9	11	7
Total	8	12	6	11	17	17	15	10	9	11	7

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Magistrates' court	13%	0%	0%	0%	0%	12%	13%	0%	0%	0%	0%
Crown Court	88%	100%	100%	100%	100%	88%	87%	100%	100%	100%	100%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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.

Table 3.2: Number and proportion of adult offenders sentenced for abduction of child by parent, etc, by sentence outcome, 2010-2020

[Index](#)

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ¹
Absolute and conditional discharge	1	0	0	0	0	1	1	1	0	0	0
Fine	0	0	0	0	0	1	0	0	0	0	0
Community sentence	1	0	0	0	1	0	0	0	0	0	1
Suspended sentence	2	5	1	3	7	6	7	3	4	3	1
Immediate custody	3	7	5	8	9	9	7	6	5	8	5
Otherwise dealt with ²	1	0	0	0	0	0	0	0	0	0	0
Total	8	12	6	11	17	17	15	10	9	11	7

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ¹
Absolute and conditional discharge	13%	0%	0%	0%	0%	6%	7%	10%	0%	0%	0%
Fine	0%	0%	0%	0%	0%	6%	0%	0%	0%	0%	0%
Community sentence	13%	0%	0%	0%	6%	0%	0%	0%	0%	0%	14%
Suspended sentence	25%	42%	17%	27%	41%	35%	47%	30%	44%	27%	14%
Immediate custody	38%	58%	83%	73%	53%	53%	47%	60%	56%	73%	71%
Otherwise dealt with ²	13%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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 3.3: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for abduction of child by parent, etc, 2010-2020

[Index](#)

Estimated pre-guilty plea

ACSL (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Mean	2.15	3.03	3.2	2.1	4.0	2.7	3.1	2.4	3.2	2.2	3.4
Median	1.8	2.25	2.7	1.9	2.5	2.0	2.7	2.6	2.7	1.3	3.0

Post-guilty plea

ACSL (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Mean	1.83	2.06	2.2	1.7	3.3	2.1	2.3	1.9	2.3	1.6	3.0
Median	1.2	1.5	2.0	1.3	1.7	2.0	2.0	2.0	2.7	1.0	3.0

Notes:

- 1) The ACSL calculation excludes life and indeterminate sentences, for offences where these types of sentences apply.
- 2) The statutory maximum sentence for this offence is 7 years' custody.
- 3) 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.
- 4) For 2013 onwards this is calculated as the number of offenders given life sentences, out of the number of offenders given a sentence of immediate custody. For 2010-2012, this is calculated as the number of offenders sentenced to Imprisonment for Public Protection (IPP), Extended Sentences for Public Protection (EPP) and life sentences, out of the number of offenders given a sentence of immediate custody. IPP and EPP sentences were introduced in 2005 and abolished in 2012.

Table 3.4a: Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for abduction of child by parent, etc, 2010-2020

[Index](#)

Sentence length (years) ^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Less than 1 year	0	1	0	2	1	0	1	0	1	1	0
1 to 2	2	2	2	4	2	5	2	2	1	5	0
2 to 3	0	1	2	1	2	1	2	3	1	1	3
3 to 4	1	1	0	0	0	2	1	1	0	0	1
4 to 5	0	1	0	0	2	0	0	0	0	0	1
5 to 6	0	0	0	1	0	1	0	0	2	0	0
6 to 7	0	0	0	0	1	0	0	0	0	0	0
Greater than 7 years ⁴	0	1	1	0	1	0	1	0	0	1	0
Total	3	7	5	8	9	9	7	6	5	8	5

Sentence length (years) ^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Less than 1 year	0%	14%	0%	25%	11%	0%	14%	0%	20%	13%	0%
1 to 2	67%	29%	40%	50%	22%	56%	29%	33%	20%	63%	0%
2 to 3	0%	14%	40%	13%	22%	11%	29%	50%	20%	13%	60%
3 to 4	33%	14%	0%	0%	0%	22%	14%	17%	0%	0%	20%
4 to 5	0%	14%	0%	0%	22%	0%	0%	0%	0%	0%	20%
5 to 6	0%	0%	0%	13%	0%	11%	0%	0%	40%	0%	0%
6 to 7	0%	0%	0%	0%	11%	0%	0%	0%	0%	0%	0%
Greater than 7 years ⁴	0%	14%	20%	0%	11%	0%	14%	0%	0%	13%	0%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

- 1) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Less than 1 year' includes sentence lengths less than and equal to 1 year, and '1 to 2' includes sentence lengths over 1 year and up to and including 2 years.
- 2) The statutory maximum sentence for this offence is 7 years' custody.
- 3) 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.
- 4) While these sentences appear to exceed the statutory maximum, they are estimates only; there are no post guilty plea sentence lengths exceeding the statutory maximum.

Table 3.4b: Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for abduction of child by parent, etc, 2010-2020

[Index](#)

Sentence length (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Less than 1 year	1	2	2	2	3	1	1	1	2	5	0
1 to 2	1	2	2	5	2	5	3	4	0	2	1
2 to 3	0	2	0	0	0	1	2	1	1	0	2
3 to 4	1	0	0	0	0	2	0	0	2	0	2
4 to 5	0	1	1	0	2	0	0	0	0	0	0
5 to 6	0	0	0	1	0	0	1	0	0	1	0
6 to 7 years	0	0	0	0	2	0	0	0	0	0	0
Total	3	7	5	8	9	9	7	6	5	8	5

Sentence length (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Less than 1 year	33%	29%	40%	25%	33%	11%	14%	17%	40%	63%	0%
1 to 2	33%	29%	40%	63%	22%	56%	43%	67%	0%	25%	20%
2 to 3	0%	29%	0%	0%	0%	11%	29%	17%	20%	0%	40%
3 to 4	33%	0%	0%	0%	0%	22%	0%	0%	40%	0%	40%
4 to 5	0%	14%	20%	0%	22%	0%	0%	0%	0%	0%	0%
5 to 6	0%	0%	0%	13%	0%	0%	14%	0%	0%	13%	0%
6 to 7 years	0%	0%	0%	0%	22%	0%	0%	0%	0%	0%	0%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

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

2) The statutory maximum sentence for this offence is 7 years' custody. In 2020 the longest post-guilty plea determinate sentence given was 4 years.

3) 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.

Table 4.1: Number of adult offenders sentenced for abduction of child by other persons, all courts, 2010-2020

[Index](#)

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ¹
Magistrates' court	8	16	14	19	14	26	29	20	30	19	17
Crown Court	60	53	67	48	65	71	59	59	42	41	32
Total	68	69	81	67	79	97	88	79	72	60	49

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Magistrates' court	12%	23%	17%	28%	18%	27%	33%	25%	42%	32%	35%
Crown Court	88%	77%	83%	72%	82%	73%	67%	75%	58%	68%	65%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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.

Table 4.2: Number and proportion of adult offenders sentenced for abduction of child by other persons, by sentence outcome, 2010-2020

[Index](#)

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ¹
Absolute and conditional discharge	2	4	5	7	5	9	9	5	7	3	4
Fine	1	1	1	1	0	0	1	2	4	0	0
Community sentence	12	20	22	11	11	17	16	11	15	8	12
Suspended sentence	14	11	12	13	18	23	20	19	13	9	6
Immediate custody	38	28	40	30	43	44	40	36	25	32	24
Otherwise dealt with ²	1	5	1	5	2	4	2	6	8	8	3
Total	68	69	81	67	79	97	88	79	72	60	49

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ¹
Absolute and conditional discharge	3%	6%	6%	10%	6%	9%	10%	6%	10%	5%	8%
Fine	1%	1%	1%	1%	0%	0%	1%	3%	6%	0%	0%
Community sentence	18%	29%	27%	16%	14%	18%	18%	14%	21%	13%	24%
Suspended sentence	21%	16%	15%	19%	23%	24%	23%	24%	18%	15%	12%
Immediate custody	56%	41%	49%	45%	54%	45%	45%	46%	35%	53%	49%
Otherwise dealt with ²	1%	7%	1%	7%	3%	4%	2%	8%	11%	13%	6%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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 4.3: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for abduction of child by other persons, etc, 2010-2020**Estimated pre-guilty plea**

ACSL (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Mean	2.53	1.88	1.9	2.2	1.8	2.3	1.8	1.9	2.0	2.0	2.2
Median	2.3	2	1.7	1.6	1.5	1.9	1.5	1.5	1.3	1.8	1.8

Post-guilty plea

ACSL (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Mean	1.86	1.44	1.4	1.7	1.4	1.7	1.4	1.4	1.6	1.5	1.6
Median	1.6	1.33	1.2	1.3	1.2	1.5	1.1	1.1	1.0	1.3	1.2

Notes:

- 1) The ACSL calculation excludes life and indeterminate sentences, for offences where these types of sentences apply.
- 2) The statutory maximum sentence for this offence is 7 years' custody.
- 3) 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.
- 4) For 2013 onwards this is calculated as the number of offenders given life sentences, out of the number of offenders given a sentence of immediate custody. For 2010-2012, this is calculated as the number of offenders sentenced to Imprisonment for Public Protection (IPP), Extended Sentences for Public Protection (EPP) and life sentences, out of the number of offenders given a sentence of immediate custody. IPP and EPP sentences were introduced in 2005 and abolished in 2012.

Table 4.4a: Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for abduction of child by other persons, etc, 2010-2020

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Sentence length (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Less than 1 year	4	10	11	9	12	8	16	10	8	9	8
1 to 2	12	8	16	8	17	16	10	12	9	11	6
2 to 3	12	6	8	6	8	8	5	11	2	4	4
3 to 4	5	4	2	2	3	9	6	1	2	6	2
4 to 5	2	0	2	3	1	3	1	1	3	2	0
5 to 6	2	0	1	2	2	0	2	1	1	0	3
6 to 7	0	0	0	0	0	0	0	0	0	0	0
Greater than 7 years ⁴	1	0	0	0	0	0	0	0	0	0	1
Total	38	28	40	30	43	44	40	36	25	32	24

Sentence length (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Less than 1 year	11%	36%	28%	30%	28%	18%	40%	28%	32%	28%	33%
1 to 2	32%	29%	40%	27%	40%	36%	25%	33%	36%	34%	25%
2 to 3	32%	21%	20%	20%	19%	18%	13%	31%	8%	13%	17%
3 to 4	13%	14%	5%	7%	7%	20%	15%	3%	8%	19%	8%
4 to 5	5%	0%	5%	10%	2%	7%	3%	3%	12%	6%	0%
5 to 6	5%	0%	3%	7%	5%	0%	5%	3%	4%	0%	13%
6 to 7	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Greater than 7 years ⁴	3%	0%	0%	0%	0%	0%	0%	0%	0%	0%	4%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

- 1) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Less than 1 year' includes sentence lengths less than and equal to 1 year, and '1 to 2' includes sentence lengths over 1 year and up to and including 2 years.
- 2) The statutory maximum sentence for this offence is 7 years' custody.
- 3) 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.
- 4) While these sentences appear to exceed the statutory maximum, they are estimates only; there are no post guilty plea sentence lengths exceeding the statutory maximum.

Table 4.4b: Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for abduction of child by other persons, 2010-2020

[Index](#)

Sentence length (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Less than 1 year	10	11	19	14	21	15	20	18	15	12	11
1 to 2	16	12	14	9	14	15	10	12	3	12	6
2 to 3	8	3	5	2	5	11	7	3	4	8	3
3 to 4	3	2	2	2	3	3	1	3	1	0	3
4 to 5	1	0	0	2	0	0	2	0	2	0	0
5 to 6	0	0	0	1	0	0	0	0	0	0	1
6 to 7 years	0	0	0	0	0	0	0	0	0	0	0
Total	38	28	40	30	43	44	40	36	25	32	24

Sentence length (years)^{1,2}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ³
Less than 1 year	26%	39%	48%	47%	49%	34%	50%	50%	60%	38%	46%
1 to 2	42%	43%	35%	30%	33%	34%	25%	33%	12%	38%	25%
2 to 3	21%	11%	13%	7%	12%	25%	18%	8%	16%	25%	13%
3 to 4	8%	7%	5%	7%	7%	7%	3%	8%	4%	0%	13%
4 to 5	3%	0%	0%	7%	0%	0%	5%	0%	8%	0%	0%
5 to 6	0%	0%	0%	3%	0%	0%	0%	0%	0%	0%	4%
6 to 7 years	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Notes:

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

2) The statutory maximum sentence for this offence is 7 years' custody. In 2020 the longest post-guilty plea determinate sentence given was 5 years 9 months.

3) 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.

Table 5.1: Number of adult offenders sentenced for blackmail, Crown Court, 2010 to 2020^{1,2}

[Index](#)

Court	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Crown Court	170	147	143	137	202	220	179	149	158	134	108
Total	170	147	143	137	202	220	179	149	158	134	108

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 four blackmail 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. There was also an indeterminate sentence in 2012 which has been excluded from the above table.

Table 5.2: Number and proportion of adult offenders sentenced for blackmail, by sentence outcome, 2010-2020^{1,2}

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Community sentence	3	5	3	4	3	4	3	1	2	4	2
Suspended sentence	18	11	14	30	30	39	40	26	29	25	31
Immediate custody	146	126	125	99	168	177	135	120	125	103	70
Otherwise dealt with ³	3	5	1	4	1	0	1	2	2	2	5
Total	170	147	143	137	202	220	179	149	158	134	108

Outcome	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Community sentence	2%	3%	2%	3%	1%	2%	2%	1%	1%	3%	2%
Suspended sentence	11%	7%	10%	22%	15%	18%	22%	17%	18%	19%	29%
Immediate custody	86%	86%	87%	72%	83%	80%	75%	81%	79%	77%	65%
Otherwise dealt with ³	2%	3%	1%	3%	<0.5%	0%	1%	1%	1%	1%	5%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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 four blackmail 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. There was also an indeterminate sentence in 2012 which has been excluded from the above table.

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 5.3: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for blackmail, 2010-2020^{1,2,3}**Estimated pre-guilty plea**

ACSL (years)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Mean	3.5	3.8	3.3	3.8	3.9	3.4	3.7	3.5	3.7	3.8	3.7
Median	3.0	3.1	3.0	3.3	3.4	3.0	3.3	3.2	3.4	3.3	3.1

Post-guilty plea

ACSL (years)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ⁴
Mean	2.8	3.0	2.6	3.0	3.1	2.7	2.9	2.8	2.8	3.0	2.9
Median	2.5	2.5	2.0	2.5	2.7	2.3	2.5	2.4	2.5	2.3	2.3

Notes:

1) The ACSL calculation excludes life and indeterminate sentences, for offences where these types of sentences apply.

2) The statutory maximum sentence for this offence is 14 years.

3) Figures shown here differ from those published by the MoJ, as there were four blackmail 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.

4) 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.

Table 5.4a: Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for blackmail, 2010-2020^{1,2}

[Index](#)

Sentence length (years)^{3,4}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Up to 2 years	38	33	28	22	30	54	35	35	28	30	14
2 to 4	63	55	71	44	79	77	61	47	58	39	33
4 to 6	35	20	17	21	39	33	23	27	25	17	16
6 to 8	3	9	6	8	13	8	9	9	7	11	4
8 to 10	4	4	2	2	3	3	3	2	7	6	0
Greater than 10 years	3	5	1	2	4	2	4	0	0	0	3
Total	146	126	125	99	168	177	135	120	125	103	70

Sentence length (years)^{3,4}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Up to 2 years	26%	26%	22%	22%	18%	31%	26%	29%	22%	29%	20%
2 to 4	43%	44%	57%	44%	47%	44%	45%	39%	46%	38%	47%
4 to 6	24%	16%	14%	21%	23%	19%	17%	23%	20%	17%	23%
6 to 8	2%	7%	5%	8%	8%	5%	7%	8%	6%	11%	6%
8 to 10	3%	3%	2%	2%	2%	2%	2%	2%	6%	6%	0%
Greater than 10 years	2%	4%	1%	2%	2%	1%	3%	0%	0%	0%	4%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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 four blackmail 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. There was also an indeterminate sentence in 2012 which has been excluded from the above table.

3) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Up to 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 14 years.

Table 5.4b: Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for blackmail, 2010-2020^{1,2}

[Index](#)

Sentence length (years)^{3,4}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Up to 2 years	65	56	64	42	58	79	55	51	55	45	27
2 to 4	60	46	46	35	76	75	55	47	47	36	33
4 to 6	15	12	12	17	22	16	16	18	19	14	7
6 to 8	3	10	3	4	10	5	5	4	4	6	1
8 to 10	3	0	0	0	0	1	4	0	0	2	0
Greater than 10 years	0	2	0	1	2	1	0	0	0	0	2
Total	146	126	125	99	168	177	135	120	125	103	70

Sentence length (years)^{3,4}	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Up to 2 years	45%	44%	51%	42%	35%	45%	41%	43%	44%	44%	39%
2 to 4	41%	37%	37%	35%	45%	42%	41%	39%	38%	35%	47%
4 to 6	10%	10%	10%	17%	13%	9%	12%	15%	15%	14%	10%
6 to 8	2%	8%	2%	4%	6%	3%	4%	3%	3%	6%	1%
8 to 10	2%	0%	0%	0%	0%	1%	3%	0%	0%	2%	0%
Greater than 10 years	0%	2%	0%	1%	1%	1%	0%	0%	0%	0%	3%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

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 four blackmail 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. There was also an indeterminate sentence in 2012 which has been excluded from the above table.

3) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Up to 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 14 years. In 2020 the longest post-guilty plea determinate sentence given was 12 years.

Table 6.1: Number of adult offenders sentenced for disclosing private sexual images, all courts, 2015-2021¹

[Index](#)

Court	2015	2016	2017	2018	2019	2020 ²	2021
Magistrates' court	57	190	195	132	113	99	138
Crown Court	5	36	49	49	61	58	58
Total	62	226	244	181	174	157	196

Court	2015	2016	2017	2018	2019	2020 ²	2021
Magistrates' court	92%	84%	80%	73%	65%	63%	70%
Crown Court	8%	16%	20%	27%	35%	37%	30%
Total	100%	100%	100%	100%	100%	100%	100%

Notes:

1) This offence came into force in 2015 and the legislation was amended in 2021 to also include threats to disclose private sexual images. Therefore, tables for this offence are presented for the years 2015-2021. Currently, there is no way of disaggregating the threats to disclose offences from the substantive offence using the data, so the figures for 2021 may include some threats to disclose offences (if there were any).

2) 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.

Table 6.2: Number and proportion of adult offenders sentenced for disclosing private sexual images, by sentence outcome, 2015-2021^{1,2}

[Index](#)

Outcome	2015	2016	2017	2018	2019	2020 ³	2021
Conditional discharge	1	10	10	4	7	5	8
Fine	4	16	13	6	7	5	5
Community sentence	23	59	77	62	63	46	63
Suspended sentence	18	85	98	68	56	63	84
Immediate custody	16	52	45	40	41	37	35
Otherwise dealt with	0	4	1	1	0	1	1
Total	62	226	244	181	174	157	196

Outcome	2015	2016	2017	2018	2019	2020 ³	2021
Conditional discharge	2%	4%	4%	2%	4%	3%	4%
Fine	6%	7%	5%	3%	4%	3%	3%
Community sentence	37%	26%	32%	34%	36%	29%	32%
Suspended sentence	29%	38%	40%	38%	32%	40%	43%
Immediate custody	26%	23%	18%	22%	24%	24%	18%
Otherwise dealt with	0%	2%	<0.5%	1%	0%	1%	1%
Total	100%	100%	100%	100%	100%	100%	100%

Notes:

1) This offence came into force in 2015 and the legislation was amended in 2021 to also include threats to disclose private sexual images. Therefore, tables for this offence are presented for the years 2015-2021. Currently, there is no way of disaggregating the threats to disclose offences from the substantive offence using the data, so the figures for 2021 may include some threats to disclose offences (if there were any).

2) The statutory maximum sentence for this offence is 2 years' custody.

3) 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.

Table 6.3: Average custodial sentence lengths (ACSL) received by adult offenders sentenced for disclosing private sexual images, 2015-2021^{1,2}

[Index](#)

Estimated pre-guilty plea

ACSL (months)	2015	2016	2017	2018	2019	2020 ³	2021
Mean	7.3	7.6	7.9	8.4	8.7	9.6	9.3
Median	5.6	5.6	6.7	6.9	6.7	9.0	8.0

Post-guilty plea

ACSL (months)	2015	2016	2017	2018	2019	2020 ³	2021
Mean	5.2	5.5	5.7	6.1	6.3	6.9	6.8
Median	3.7	3.9	5.0	5.2	6.0	6.0	6.0

Notes:

- 1) This offence came into force in 2015 and the legislation was amended in 2021 to also include threats to disclose private sexual images. Therefore, tables for this offence are presented for the years 2015-2021. Currently, there is no way of disaggregating the threats to disclose offences from the substantive offence using the data, so the figures for 2021 may include some threats to disclose offences (if there were any).
- 2) The statutory maximum sentence for this offence is 2 years' custody.
- 3) 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.

Table 6.4a: Estimated pre-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for disclosing private sexual images, 2015-2021 ^{1,2}

[Index](#)

Sentence length (months) ³	2015	2016	2017	2018	2019	2020 ⁴	2021
Up to 3 months	3	9	11	4	3	2	3
3 to 6	7	21	7	13	16	12	12
6 to 9	4	12	17	13	8	9	7
9 to 12	1	2	1	2	5	2	5
12 to 15	0	2	6	2	4	7	2
15 to 18	0	4	0	4	4	3	3
18 to 21	0	0	2	1	1	2	2
21 to 24	0	1	1	0	0	0	0
Greater than 24 months ⁵	1	1	0	1	0	0	1
Total	16	52	45	40	41	37	35

Sentence length (months) ³	2015	2016	2017	2018	2019	2020 ⁴	2021
Up to 3 months	19%	17%	24%	10%	7%	5%	9%
3 to 6	44%	40%	16%	33%	39%	32%	34%
6 to 9	25%	23%	38%	33%	20%	24%	20%
9 to 12	6%	4%	2%	5%	12%	5%	14%
12 to 15	0%	4%	13%	5%	10%	19%	6%
15 to 18	0%	8%	0%	10%	10%	8%	9%
18 to 21	0%	0%	4%	3%	2%	5%	6%
21 to 24	0%	2%	2%	0%	0%	0%	0%
Greater than 24 months ⁵	6%	2%	0%	3%	0%	0%	3%
Total	100%	100%	100%	100%	100%	100%	100%

Notes:

1) This offence came into force in 2015 and the legislation was amended in 2021 to also include threats to disclose private sexual images. Therefore, tables for this offence are presented for the years 2015-2021. Currently, there is no way of disaggregating the threats to disclose offences from the substantive offence using the data, so the figures for 2021 may include some threats to disclose offences (if there were any).

2) The statutory maximum sentence for this offence is 2 years' custody.

3) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Up to 3 months' includes sentence lengths less than or equal to 3 months, and '3 to 6' includes sentence lengths over 3 months, and up to and including 6 months.

4) 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.

5) While these sentences appear to exceed the statutory maximum, they are estimates only; there are no post-guilty plea sentence lengths exceeding the statutory maximum.

Table 6.4b: Post-guilty plea sentence lengths received by adult offenders sentenced to immediate custody for disclosing private sexual images, 2015-2021^{1,2}

[Index](#)

Sentence length (months) ³	2015	2016	2017	2018	2019	2020 ⁴	2021
Up to 3 months	5	17	12	11	11	6	12
3 to 6	8	25	22	19	14	17	10
6 to 9	2	2	4	2	9	3	4
9 to 12	0	6	3	6	5	8	5
12 to 15	0	1	3	1	1	3	2
15 to 18	0	0	1	0	1	0	2
18 to 21	0	0	0	1	0	0	0
21 to 24	1	1	0	0	0	0	0
Total	16	52	45	40	41	37	35

Sentence length (months) ³	2015	2016	2017	2018	2019	2020 ⁴	2021
Up to 3 months	31%	33%	27%	28%	27%	16%	34%
3 to 6	50%	48%	49%	48%	34%	46%	29%
6 to 9	13%	4%	9%	5%	22%	8%	11%
9 to 12	0%	12%	7%	15%	12%	22%	14%
12 to 15	0%	2%	7%	3%	2%	8%	6%
15 to 18	0%	0%	2%	0%	2%	0%	6%
18 to 21	0%	0%	0%	3%	0%	0%	0%
21 to 24	6%	2%	0%	0%	0%	0%	0%
Total	100%	100%	100%	100%	100%	100%	100%

Notes:

1) This offence came into force in 2015 and the legislation was amended in 2021 to also include threats to disclose private sexual images. Therefore, tables for this offence are presented for the years 2015-2021. Currently, there is no way of disaggregating the threats to disclose offences from the substantive offence using the data, so the figures for 2021 may include some threats to disclose offences (if there were any).

2) The statutory maximum sentence for this offence is 2 years' custody. In 2021 the longest post-guilty plea determinate sentence given was 18 months.

3) Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category 'Up to 3 months' includes sentence lengths less than or equal to 3 months, and '3 to 6' includes sentence lengths over 3 months, and up to and including 6 months.

4) 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.

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Blackmail

Theft Act 1968 (section 21)

Triable only on indictment

Maximum: 14 years' custody

Offence range: x – xx years' custody

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

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">• Conduct <u>repeated or prolonged</u> over a <u>substantial sustained</u> period of time• Sophisticated and/or planned nature of conduct• Deliberate targeting of particularly vulnerable victim <u>and/or their family</u>• Use of violence
B- Medium culpability	<ul style="list-style-type: none">• Violence threatened• 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">• Unplanned and/or Offence was limited in scope and duration• Involved through coercion, intimidation or exploitation• Offender's responsibility substantially reduced by mental disorder or learning disability

HARM

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

Category 1	<ul style="list-style-type: none">• Serious distress <u>and or psychological harm</u> caused to the victim <u>and/or others</u>• Serious distress caused to others• Very large amount of money obtained• Serious consequential financial impact of the offence• <u>Property demanded or obtained is of substantial value (financial or otherwise) regardless of monetary worth to the victim and/or others</u>• Widespread public impact of the offence
Category 2	<ul style="list-style-type: none">• Some distress <u>and/or psychological harm</u> caused to the victim <u>and/or others</u>• Some distress caused to others

	<ul style="list-style-type: none"> • Some consequential financial impact of the offence • Considerable amount of money obtained • <u>Property demanded or obtained is of some value (financial or otherwise) regardless of monetary worth to the victim and/or others</u>
Category 3	<ul style="list-style-type: none"> • Limited effects of the offence • <u>Property demanded or obtained is of a small amount (financial or otherwise) regardless of monetary worth to the victim and/or others</u>

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 convictions

Harm	Culpability		
	A	B	C
Category 1	Starting Point 7 8 years' custody Category Range 4 - 12 0 years' custody	Starting Point 4 years' custody Category Range 2 - 6 8 years' custody	Starting Point 2 years' custody Category Range 1 - 4 5 years' custody
Category 2	Starting Point 4 years' custody Category Range 2 - 6 8 years' custody	Starting Point 2 years' custody Category Range 1 - 4 5 years' custody	Starting Point 1 years' custody Category Range 6 months' - 2 years' custody
Category 3	Starting Point 2 years' custody Category Range 1 - 4 5 years' custody	Starting Point 1 years' custody Category Range 6 months' - 2 years' custody	Starting Point 6 months' custody Category Range High level Community order - 1 year's custody

[Where another offence or offences arise out of the same incident or facts concurrent sentences **reflecting the overall criminality** of offending will ordinarily be appropriate: please refer to the Totality guideline and step five of this guideline.]

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:

- ~~Disturbing nature of the threat(s)~~
- Conduct intended to maximise distress and/or humiliation
- Offence committed in context of/in connection with ~~related to~~ other criminal activity
- Abuse of trust or dominant position or abuse of confidential information
- As a result of the offence victim (as a public official) forced to abuse their position
- Offence involved use or threat of a weapon
- Other(s) put at risk of harm by the offending
- Blame wrongly placed on others
- Offence committed in a domestic context (where not taken into account at step one)
- Commission of offence whilst under the influence of alcohol or drugs
- Leading role in group
- Offender involves others in the conduct
- Offence committed on licence or while subject to court order(s)

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Remorse
- The offender was in a lesser or subordinate role if acting with others/performed limited role under direction
- Good character and/or exemplary conduct
- ~~Co-operation with the investigation/early admissions~~
- Physical disability or serious medical conditions requiring urgent, intensive or long-term treatment
- Mental disorder or learning disability (where not taken into account at step 1)
- Age and/or lack of maturity
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

STEP 3

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 4

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 5

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 6

Compensation, [confiscation](#) and ancillary orders

Confiscation orders under the Proceeds of Crime Act 2002 may only be made by the Crown Court. The Crown Court must proceed with a view to making a confiscation order if it is asked to do so by the prosecutor or if the Crown Court believes it is appropriate for it to do so.

Confiscation must be dealt with before, and taken into account when assessing, any other fine or financial order (except compensation).

(See Proceeds of Crime Act 2002 sections 6 and 13)

Where the offence has resulted in loss or damage the court must consider whether to make a **compensation order**. The court must give reasons if it decides not to award compensation in such cases ([Sentencing Code, s.55](#)).

If the court makes both a confiscation order and an order for compensation and the court believes the offender will not have sufficient means to satisfy both orders in full, the court must direct that the compensation be paid out of sums recovered under the confiscation order (section 13 of the Proceeds of Crime Act 2002).

The court may also consider whether to make ancillary orders. These may include a deprivation order, a serious crime prevention order and disqualification from acting as a company director.

Serious Crime Prevention Order

The Crown Court may consider the criteria in section 19 of the Serious Crime Act 2007 for the imposition of a Serious Crime Prevention Order.

- [Ancillary orders - Crown Court Compendium](#)

STEP 7**Reasons**

[Section 52 of the Sentencing Code](#) imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP 8**Consideration for time spent on bail (tagged curfew)**

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

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**Disclosing or threatening to disclose
private sexual images**

Criminal Justice and Courts Act 2015 (section 33)

Triable either way

Maximum: 2 years' custody.

Offence range: Discharge to 1 year 6 months' custody

**Where offence committed in a domestic context, also refer to
the *Domestic Abuse: Overarching Principles* guideline**

STEP ONE

Determining the offence category

The court should determine the offence category with reference only to the factors in the tables 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

- [Repeated threats to disclose images over a sustained period](#)
- Conduct intended to maximise distress and/or humiliation
- Images circulated widely/publically
- Significant planning and/or sophisticated offence
- Repeated efforts to keep images available for viewing

B – Medium Culpability

- [Threat/s to disclose images widely](#)
- Some planning
- Scope and duration that falls between categories A and C
- All other cases that fall between categories A and C

C – Lesser Culpability

- Offender's responsibility substantially reduced by mental disorder or learning disability.
- Little or no planning
- Conduct intended to cause limited distress and/or humiliation
- Offence was limited in scope and duration

Harm

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

Category 1

- Very serious distress caused to the victim
- Significant psychological harm caused to the victim
- Offence has a considerable practical impact on the victim

Category 2

Harm that falls between categories 1 and 3, and in particular:

- Some distress caused to the victim
- Some psychological harm caused to the victim
- Offence has some practical impact on the victim

Category 3

- Limited distress or harm caused to 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 convictions.

Harm	Culpability		
	A	B	C
Category 1	<p>Starting point 1 year's custody</p> <p>Category range 26 weeks' - 1 year 6 months' custody</p>	<p>Starting point 26 weeks' custody</p> <p>Category range 12 weeks' custody -1 year's custody</p>	<p>Starting point 12 weeks' custody</p> <p>Category range High level community order - 26 weeks' custody</p>
Category 2	<p>Starting point 26 weeks' custody</p> <p>Category range 12 weeks' – 1 year's custody</p>	<p>Starting point 12 weeks' custody</p> <p>Category range High level community order - 26 weeks' custody</p>	<p>Starting point High level community order</p> <p>Category range Low level community order - 12 weeks' custody</p>
Category 3	<p>Starting point 12 weeks' custody</p> <p>Category range High level community order - 26 weeks' custody</p>	<p>Starting point High level community order</p> <p>Category range Low level community order - 12 weeks' custody.</p>	<p>Starting point Low level community order</p> <p>Category range Discharge - High level community order</p>

The court should then consider any adjustment for any aggravating or mitigating factors. Below is a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender.

Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point.

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:

- Impact of offence on others, especially children
- Victim is particularly vulnerable (not all vulnerabilities are immediately apparent)
- Failure to comply with current court orders
- Offence committed on licence or post sentence supervision
- Offences taken into consideration

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions **or** no relevant/recent convictions
- Offender took steps to limit circulation of images
- Remorse
- Good character and/or exemplary conduct
- Serious medical condition requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity
- Mental disorder or learning disability (where not taken into account at step one)
- Sole or primary carer for dependent relatives
- Determination and/or demonstration of steps having been taken to address offending behaviour

STEP THREE

Consider any factors which indicate a reduction, such as assistance to the prosecution

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) 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 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

STEP FIVE

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 *Offences Taken into Consideration and Totality* guideline.

STEP SIX

Compensation and ancillary orders

In all cases, the court must consider whether to make a compensation order and/or other ancillary orders.

Compensation order

The court should consider compensation orders in all cases where personal injury, loss or damage has resulted from the offence. The court must give reasons if it decides not to award compensation in such cases.

Other ancillary orders available include:

Restraining order

Where an offender is convicted of any offence, the court may make a restraining order (section 5 of the Protection from Harassment Act 1997).

The order may prohibit the offender from doing anything for the purpose of protecting the victim of the offence, or any other person mentioned in the order, from further conduct which amounts to harassment or will cause a fear of violence

The order may have effect for a specified period or until further order

STEP SEVEN

Reasons

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.

STEP EIGHT

Consideration for time spent on bail

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

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