

Step 1 – Determining the offence category

In order to determine the category the court should assess culpability and harm. The court should determine the offence category with reference only to the factors listed in the table below.

Culpability	
A	<ul style="list-style-type: none"> All cases not falling within Culpability B
B	<ul style="list-style-type: none"> Very brief incident and voluntary desistance Mental disorder or learning disability, where linked to the commission of the offence Excessive self defence

Harm	
All cases of strangulation involve a very high degree of inherent harm. The court should assess the level of harm caused with reference to the impact on the victim.	
1	<ul style="list-style-type: none"> Offence results in a severe physical injury or psychological condition which has a substantial and long-term effect on the victim's ability to carry out their normal day to day activities or on their ability to work.
2	<ul style="list-style-type: none"> All other cases

Step 2 – Starting point and category range

Having determined the category, the court should use the corresponding starting points 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
Harm 1	<p>Starting point 4 years' custody</p> <p>Category Range 3 – 4 years 6 months' custody</p>	<p>Starting point 2 years 6 months' custody</p> <p>Category Range 1 – 3 years 6 months' custody</p>
Harm 2	<p>Starting point 2 years 6 months' custody</p> <p>Category Range 1 – 3 years 6 months' custody</p>	<p>Starting point 1 year 6 months' custody</p> <p>Category Range High Level Community Order – 2 years 6 months' custody</p>

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: disability, sexual orientation or transgender identity

Other aggravating factors:

- Offence was committed against person providing a public service, performing a public duty or providing services to the public
- Offence committed in domestic context

- Victim isolated and unable to seek assistance
- History of violence or abuse towards victim by offender
- Presence of children
- Gratuitous degradation of victim
- Abuse of trust or power
- Use of ligature or other item
- Any steps taken to prevent the victim reporting an incident, obtaining assistance and/or from assisting or supporting the prosecution
- Commission of offence whilst under the influence of alcohol/drugs
- Offence committed whilst on licence or post sentence supervision
- Failure to comply with current court orders

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Remorse
- Good character and/or exemplary conduct
- Age and/or lack of maturity
- Mental disorder or learning disability, where not linked to the commission of the offence
- Sole or primary carer for dependent relative(s)
- Determination and/or demonstration of steps taken to address addiction or offending behaviour
- Serious medical conditions requiring urgent, intensive or long-term treatment

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