

## Criminal damage (other than by fire)

Criminal Damage Act 1971, s.1(1)

## Racially or religiously aggravated criminal damage

Crime and Disorder Act 1998, s.30

**Criminal damage:** triable only summarily if value involved does not exceed £5,000:  
Maximum: Level 4 fine and/or 3 months

Triable either way if value involved exceeds £5,000:  
Maximum when tried summarily: Level 5 fine and/or 6 months  
Maximum when tried on indictment: 10 years

**Racially or religiously aggravated criminal damage:** triable either way  
Maximum when tried summarily: Level 5 fine and/or 6 months  
Maximum when tried on indictment: 14 years

Where offence committed in domestic context, refer to page 177 for guidance

### Offence seriousness (culpability and harm)

#### A. Identify the appropriate starting point

Starting points based on first time offender pleading not guilty

Examples of nature of activity	Starting point	Range
Minor damage e.g. breaking small window; small amount of graffiti	Band B fine	Conditional discharge to band C fine
Moderate damage e.g. breaking large plate-glass or shop window; widespread graffiti	Low level community order	Band C fine to medium level community order
Significant damage up to £5,000 e.g. damage caused as part of a spree	High level community order	Medium level community order to 12 weeks custody
Damage between £5,000 and £10,000	12 weeks custody	6 to 26 weeks custody
Damage over £10,000	Crown Court	Crown Court

### Offence seriousness (culpability and harm)

#### B. Consider the effect of aggravating and mitigating factors (other than those within examples above)

Common aggravating and mitigating factors are identified in the pullout card – the following may be particularly relevant but **these lists are not exhaustive**

<b>Factors indicating higher culpability</b> <ol style="list-style-type: none"><li>1. Revenge attack</li><li>2. Targeting vulnerable victim</li></ol> <b>Factors indicating greater degree of harm</b> <ol style="list-style-type: none"><li>1. Damage to emergency equipment</li><li>2. Damage to public amenity</li><li>3. Significant public or private fear caused e.g. in domestic context</li></ol>	<b>Factors indicating lower culpability</b> <ol style="list-style-type: none"><li>1. Damage caused recklessly</li><li>2. Provocation</li></ol>
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**Form a preliminary view of the appropriate sentence**  
**If offender charged and convicted of the racially or religiously aggravated offence, increase the sentence to reflect this element**

Refer to pages 178-179 for guidance

#### Consider offender mitigation

Common factors are identified in the pullout card

#### Consider a reduction for a guilty plea

#### Consider ancillary orders, including compensation

Refer to pages 168-174 for guidance on available ancillary orders

#### Decide sentence Give reasons