

STATISTICAL BULLETIN: ARSON AND CRIMINAL DAMAGE OFFENCES

Introduction

This bulletin provides information on volumes and sentence outcomes for adult offenders¹ sentenced for offences covered by the Sentencing Council's draft guideline on arson and criminal damage offences. There are five draft guidelines covering the following offences:

- Arson;
- Criminal damage under £5,000/ Racially or religiously aggravated criminal damage;
- Criminal damage over £5,000/ Racially or religiously aggravated criminal damage;
- Criminal damage/arson with intent to endanger life, or reckless as to whether life endangered; and
- Threats to destroy or damage property.

These offences are covered by sections 1 and 2 of the Criminal Damage Act 1971, and section 30 of the Crime and Disorder Act 1998.

The Court Proceedings Database (CPD), maintained by the Ministry of Justice, is the data source for this bulletin.

Additional figures are available to download as Excel spreadsheets at the following link:
<http://www.sentencingcouncil.org.uk/publications/?type=publications&s&cat=statistical-bulletin>

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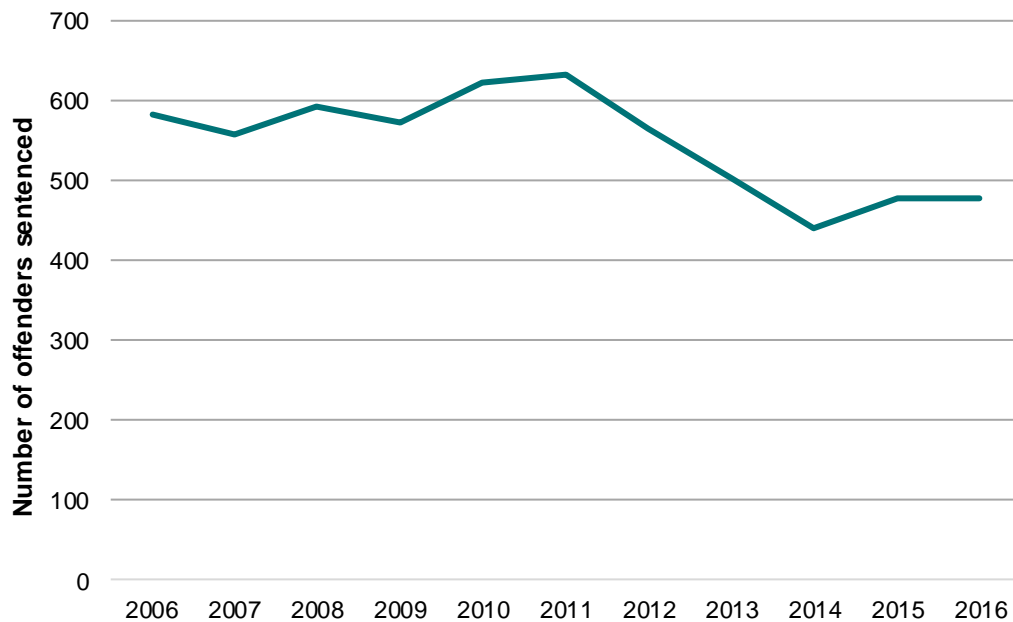
¹ Offenders aged 18 or over at the time of conviction.

Arson

Sentence volumes

- Between 2006 and 2011, the number of adult offenders sentenced for arson fluctuated between 560 and 630 per year (see figure 1). The volume then decreased steadily over the next few years, to 440 in 2014, before increasing again slightly to 480 in 2015. Just over half of offenders sentenced for arson are sentenced in the Crown Court (54 per cent in 2016).

Figure 1: Number of adult offenders sentenced for arson, 2006-2016

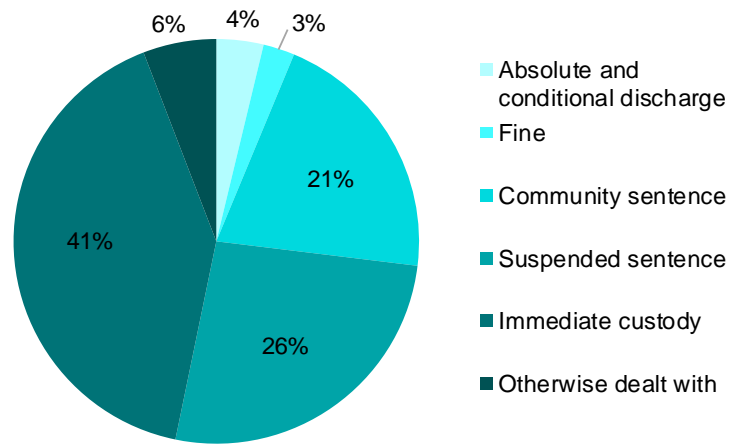


Sentence outcomes

- The highest frequency sentence outcome for arson in 2016 was immediate custody, comprising 41 per cent. This has been the most frequently used sentence for most years over the last decade. Suspended sentences accounted for a further 26 per cent of outcomes in 2016, and 21 per cent were community sentences (see figure 2).
- Between 2010 and 2015 the use of community sentences decreased, from 37 per cent in 2010 to 19 per cent in 2015, before increasing slightly to 21 per cent in 2016. Conversely, the use of suspended sentences increased over the same period, from 16 per cent in 2010 to 27 per cent in 2015, before decreasing slightly in 2016 (to 26 per cent). These trends in community sentences and suspended sentences are consistent with those seen across the whole criminal justice system.²

² <https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly>

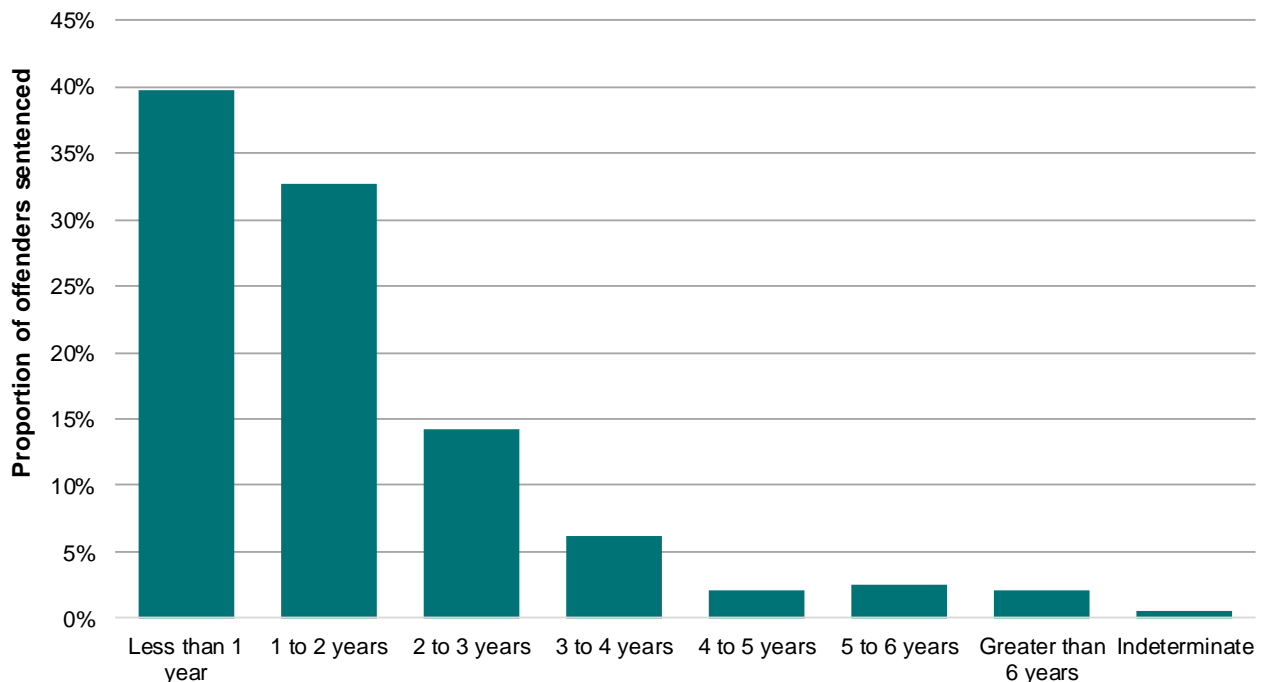
Figure 2: Sentence outcomes received by adult offenders sentenced for arson, 2016³



Sentence lengths⁴

- In 2016, the average (mean⁵) custodial sentence length for arson was 1 year 9 months (after any reduction for guilty plea); since 2006 this has fluctuated between 1 year 5 months and 1 year 11 months. The median⁶ sentence length in 2016 was 1 year 6 months; again this has fluctuated over the last decade (between 1 year 2 months and 1 year 6 months).
- In 2016, 40 per cent of offenders sentenced to immediate custody for arson received a sentence length of one year or less (see figure 3). Seven per cent of offenders were sentenced to over four years' custody (around 10 offenders).

Figure 3: Sentence lengths received by adult offenders sentenced to immediate custody for arson, after any reduction for guilty plea, 2016



Note: 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 years” includes sentence lengths over 1 year, and up to and including 2 years.

³ “Otherwise dealt with” is a category in the data which includes: one day in police cells, hospital order, disqualification order, restraining order, confiscation order, travel restriction order, disqualification from driving, recommendation for deportation, compensation and other miscellaneous disposals.

⁴ Averages exclude life and indeterminate sentences.

⁵ The mean is calculated by taking the sum of all values and then dividing by the number of values.

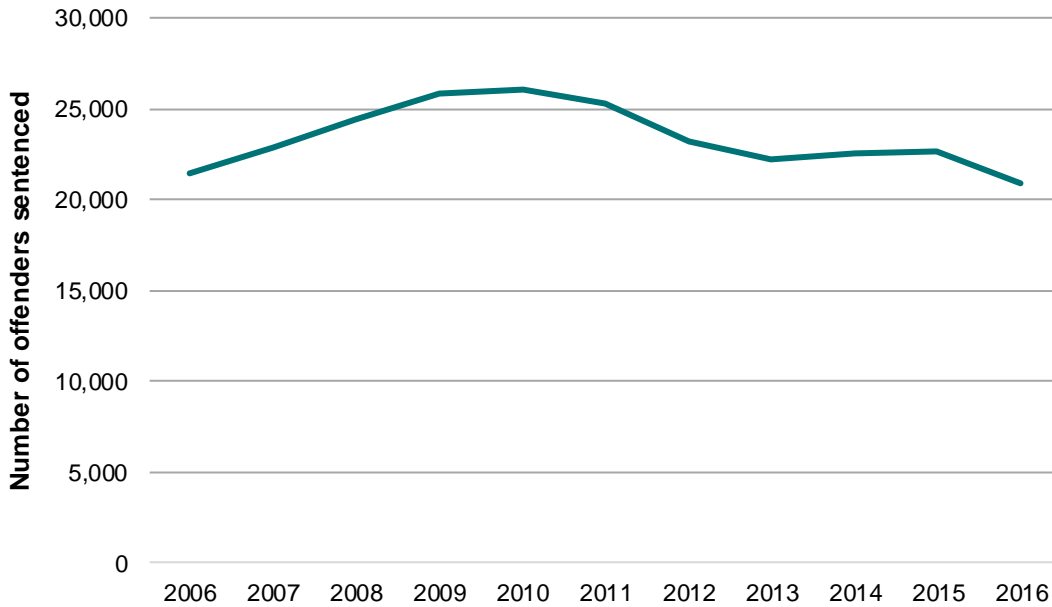
⁶ The median is the value which lies in the middle of a set of numbers when those numbers are placed in ascending or descending order.

Criminal damage⁷

Sentence volumes

- Criminal damage under £5,000 is a high volume offence. Between 2006 and 2010, the number of offenders sentenced increased from 21,500 in 2006 to 26,000 in 2010. Since then volumes have generally been decreasing, with around 20,900 offenders sentenced in 2016 (see figure 4).

Figure 4: Number of adult offenders sentenced for criminal damage under £5,000, 2006-2016



- The more serious offence of criminal damage over £5,000 is lower in volume, with around 330 offenders sentenced in 2016.
- An additional 490 offenders were sentenced in 2016 for offences where the value of the damage caused was unknown,⁸ and 130 offenders were sentenced for racially or religiously aggravated criminal damage.

Sentence outcomes

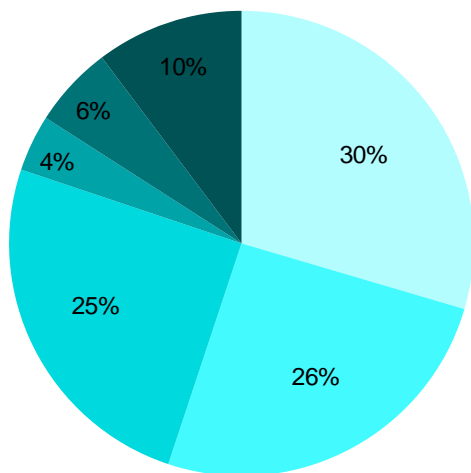
- The most common sentence outcome for criminal damage under £5,000 in 2016 was a discharge (30 per cent of all offenders sentenced), followed by a fine and a community sentence (around one quarter each), see figure 5. Over the last decade, discharges have consistently been the most commonly used sentence outcome for this offence.
- For criminal damage over £5,000, around a fifth of offenders each received either a community sentence, a suspended sentence, or were sentenced to immediate custody (see figure 5). Over the last few years, the use of community sentences for this offence has decreased, from 37 per cent in 2013 to 22 per cent in 2016.

⁷ Figures shown in this bulletin for criminal damage under £5,000 differ from those published by the MoJ, as the bulletin excludes records where the sentence length was shown in the CPD to be over 3 months' custody (the statutory maximum sentence for this offence).

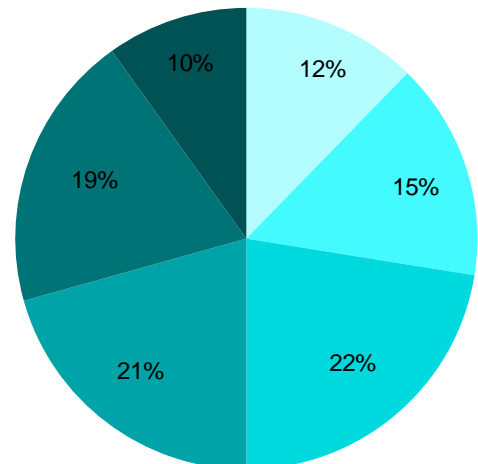
⁸ In some criminal damage cases before the courts, the value of the damage caused is unknown.

Figure 5: Sentence outcomes received by adult offenders sentenced for criminal damage under £5,000, and over £5,000, 2016

Criminal damage under £5,000



Criminal damage over £5,000



- Absolute and conditional discharge
- Fine
- Community sentence
- Suspended sentence
- Immediate custody
- Otherwise dealt with

- For criminal damage offences where the value was unknown, 28 per cent of offenders received a discharge in 2016. A further 22 per cent of offenders received a community sentence, and seven per cent were sentenced to immediate custody. As with criminal damage over £5,000, the use of community sentences for these offences has generally decreased over the last few years, from 32 per cent in 2011 to 22 per cent in 2016.
- Almost half of offenders sentenced for racially or religiously aggravated criminal damage in 2016 received a community sentence (46 per cent); this has been the most frequently used sentence outcome for these offences over the last decade. A further 21 per cent of offenders received a fine in 2016, and 10 per cent were sentenced to immediate custody (around 10 offenders).

Sentence lengths⁹

- The statutory maximum sentence for criminal damage under £5,000 is three months' custody. Over the last decade, the average custodial sentence length for this offence has remained around one month (both the mean and median), after any reduction for guilty plea.
- Criminal damage over £5,000 has a higher statutory maximum sentence; six months' custody when the offence is tried summarily, or 10 years when tried on indictment. Since 2011, the average custodial sentence length (mean) for this offence has remained within the range of five to seven months. During the same period, the median has ranged from two to four months.
- For offences involving criminal damage where the value was unknown, the mean and median in 2016 were three months and one month, respectively.
- Racially or religiously aggravated criminal damage had a slightly higher average custodial sentence length of around four months in 2016, and the median was three months.

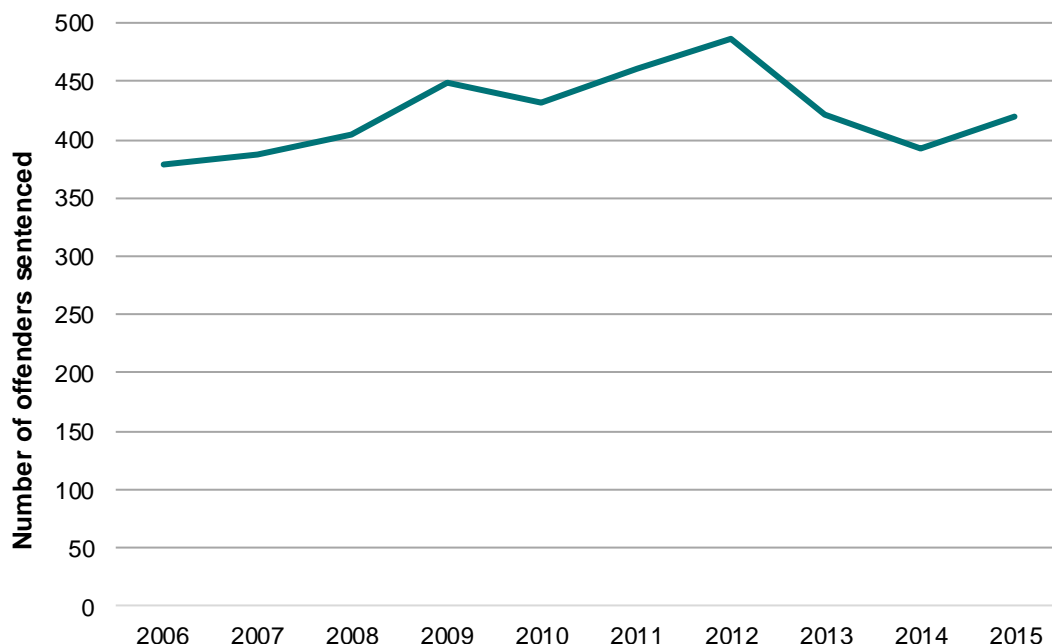
⁹ Averages exclude life and indeterminate sentences.

Criminal damage/arson endangering life^{10, 11}

Sentence volumes

- Criminal damage endangering life cases are low in volume, with fewer than 30 adult offenders sentenced each year. Arson cases are more common, with 420 offenders sentenced in 2015 (see figure 6).

Figure 6: Number of adult offenders sentenced for arson endangering life offences, 2006-2015¹⁰



Sentence outcomes

- For both types of this offence, custodial sentences have been the most frequent sentence outcome over the last decade. In 2015, immediate custody accounted for 62 per cent of criminal damage endangering life sentences, and suspended sentences accounted for a further 27 per cent (although it should be noted that overall numbers for these offences are low, and these figures should therefore be treated with caution).
- For arson endangering life offences, 67 per cent of outcomes in 2015 were immediate custody and 15 per cent suspended sentences.

Sentence lengths¹²

- The average (mean) sentence length for criminal damage endangering life in 2015 was 2 years 7 months (as was the median). For arson endangering life, the average sentence length was slightly higher, at 3 years 2 months (the median was three years). Again, figures for criminal damage endangering life should be treated with caution due to the low number of cases.

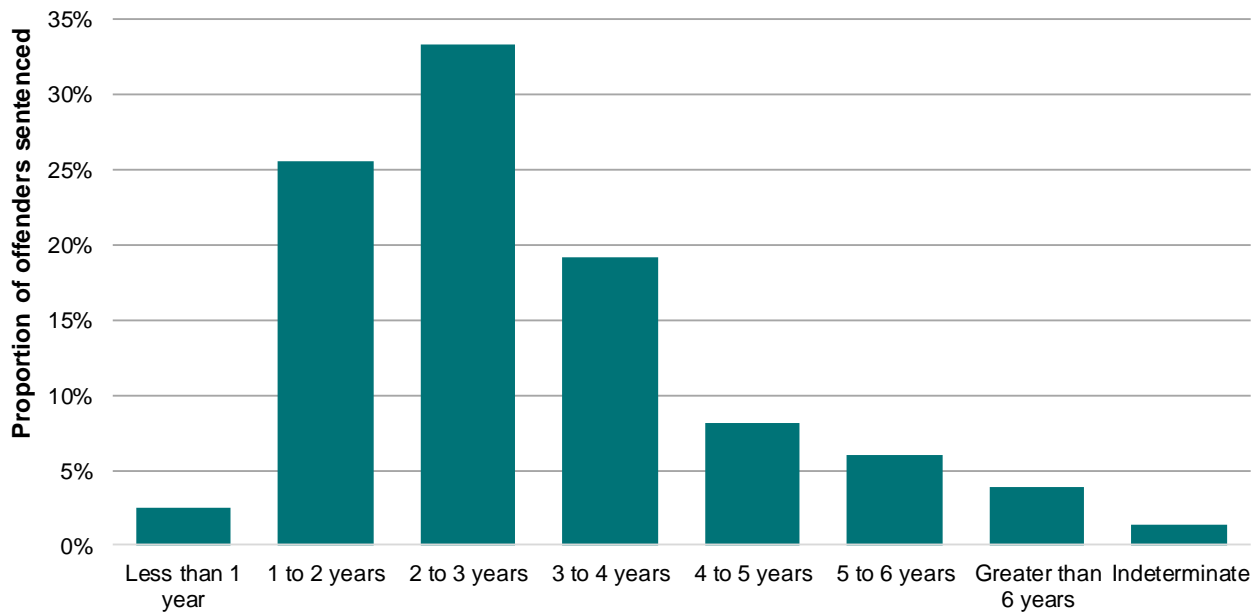
¹⁰ Due to a data issue, figures for these offences are not presented for 2016.

¹¹ Figures shown here differ from those published by the MoJ, as MoJ figures include other criminal damage endangering life offences, which are not covered by the Sentencing Council's draft guideline. For example, the offence 'Cause an explosion likely to endanger life / injure property' under Section 2 of the Explosive Substances Act 1883 is not covered by the draft guideline so is not included in this bulletin. This offence is, however, included in MoJ figures. In addition, there are a small number of criminal damage/arson endangering life cases in the CPD which indicate that the offender was sentenced in a magistrates' court. These cases have been excluded from this bulletin as these offences are indictable only, and can therefore only be sentenced in the Crown Court.

¹² Averages exclude life and indeterminate sentences.

- In 2015, over three quarters of offenders sentenced to immediate custody for arson endangering life offences received a sentence length of between one and four years (after any reduction for guilty plea), see figure 7. Four per cent were sentenced to over six years' custody and one per cent (fewer than five offenders) received an indeterminate sentence.

Figure 7: Sentence lengths received by adult offenders sentenced to immediate custody for arson endangering life offences, after any reduction for guilty plea, 2015



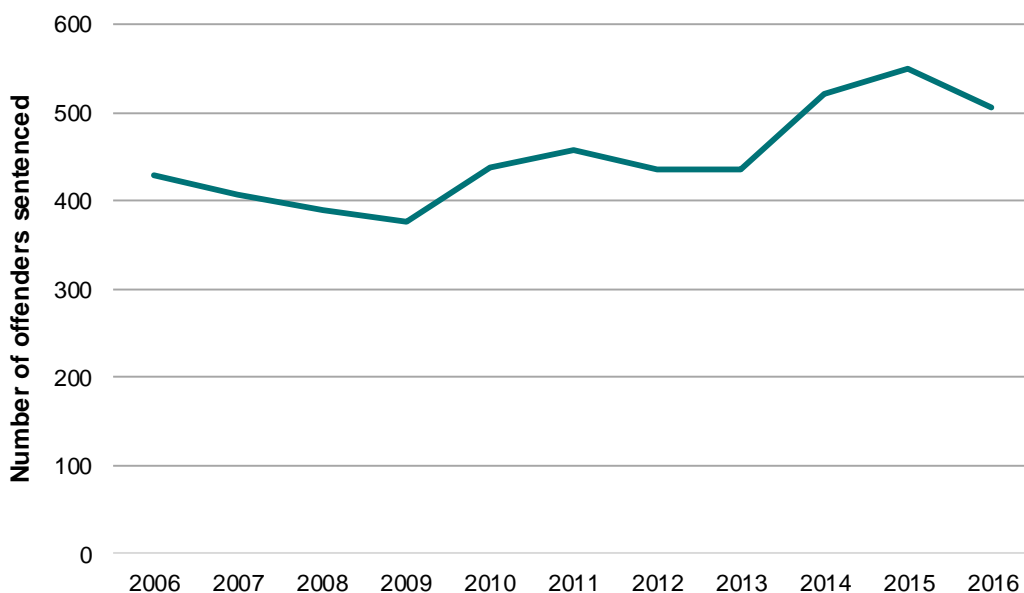
Note: Sentence length intervals do not include the lower bound, but do include the upper bound sentence length. For example, the category “Less than 1 year” includes sentence lengths less than, and equal to, 1 year, and “1 to 2 years” includes sentence lengths over 1 year, and up to and including 2 years.

Threats to destroy or damage property

Sentence volumes

- Overall, over the last decade, the number of adult offenders sentenced for threats to destroy or damage property has increased, from 430 in 2006 to 510 in 2016 (see figure 8). The majority of offenders are sentenced in magistrates' courts (83 per cent in 2016).

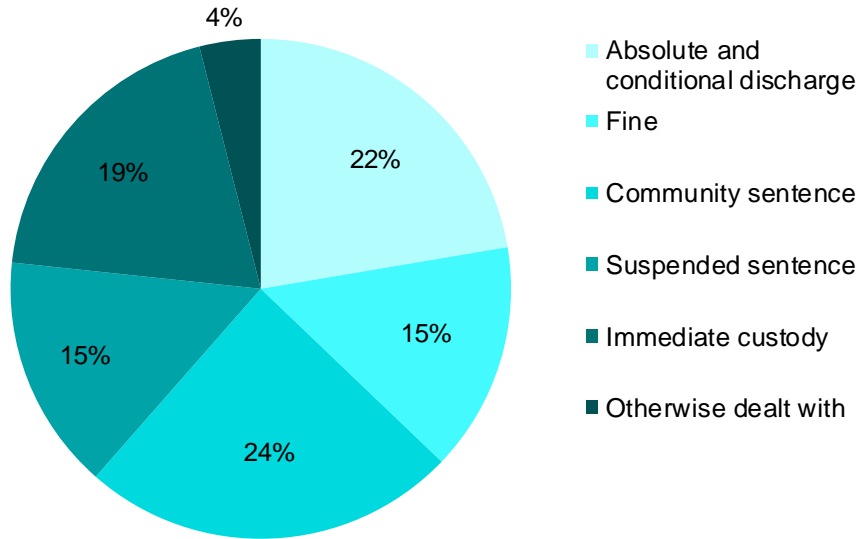
Figure 8: Number of adult offenders sentenced for threats to destroy or damage property, 2006-2016



Sentence outcomes

- Community sentences are the most frequently used sentence outcome for these offences. The use of community sentences has, however, generally been declining since 2010, from 40 per cent in 2010 to 24 per cent in 2016 (see figure 9).
- Over the same period, the use of both fines and suspended sentences have increased, and each of these sentence outcomes comprised 15 per cent of offenders sentenced in 2016.

Figure 9: Sentence outcomes received by adult offenders sentenced for threats to destroy or damage property, 2016



Sentence lengths¹³

- In 2016, the average (mean) custodial sentence length for threats to destroy or damage property was five months (after any reduction for guilty plea); since 2006 this has fluctuated between five and nine months. The median has remained relatively stable over the last decade at around three to four months (in 2016 it was three months).
- Over half of offenders sentenced to immediate custody in 2016 received a sentence length of three months or less. Eleven per cent (around 10 offenders) were sentenced to over one year in custody.

¹³ Averages exclude life and indeterminate sentences.

Further information

Volumes of sentences

The data presented in this bulletin only include cases where the offence detailed was the principal offence committed. When a defendant has been found guilty of two or more offences this is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. Although the offender will receive a sentence for each of the offences that they are convicted of, it is only the sentence for the principal offence that is presented in this bulletin.

Sentence outcomes

The outcomes presented are the final sentence outcomes, after taking into account all factors of the case, including whether a guilty plea was made. This is because the sentence length information available in the Court Proceedings Database is the final sentence imposed, after any reduction for guilty plea.

General conventions

Actual numbers of sentences have been rounded to the nearest 100, when more than 1,000 offenders were sentenced, and to the nearest 10 when less than 1,000 offenders were sentenced.

Data sources and quality

The source of data for this bulletin is the Court Proceedings Database (CPD), which is maintained by the Ministry of Justice (MoJ). Every effort is made by MoJ and the Sentencing Council to ensure that the figures presented in this publication are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used. Subsequently, although numbers in the accompanying tables available online are shown to the last digit in order to provide a comprehensive record of the information collected, they are not necessarily accurate to the last digit shown.

Further details of the processes by which MoJ validate the records in the CPD can be found within the guide to their Criminal Justice Statistics publication which can be downloaded via the link: <https://www.gov.uk/government/collections/criminal-justice-statistics>

Contact points for further information

We would be very pleased to hear your views on our statistical bulletins. If you have any feedback or comments, please send them to: research@sentencingcouncil.gov.uk

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Further information on the Sentencing Council and its work can be found at: <http://www.sentencingcouncil.org.uk/>