

Crown Court Sentencing Survey

OFFICIAL WHEN COMPLETE

Arson & Criminal Damage [PRINCIPAL OFFENCE ONLY]

Form Details

Form ID	<input type="text"/>
Issued	<input type="text"/>

Please refer to guidance on completing this form overleaf
COMPLETE FOR THE PRINCIPAL OFFENCE ONLY

**Part A: To be completed by the
sentencing Judge/Recorder or Court Clerk**
PLEASE COMPLETE IN CAPITALS

Case Details

Sentence date	<input type="text" value="Day"/> / <input type="text" value="Month"/> / <input type="text" value="Year"/>
CREST case ID	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Offender Details

Offender name	<input type="text" value="Surname"/>
	<input type="text" value="Forename"/>
Offender DOB	<input type="text" value="Day"/> / <input type="text" value="Month"/> / <input type="text" value="Year"/>
Offender gender	<input type="checkbox"/> Male <input type="checkbox"/> Female

If you have any queries when completing this form or on the Crown Court Sentencing Survey in general, you can contact the Office of the Sentencing Council at research@sentencingcouncil.gsi.gov.uk or 020 7071 5793

1. Type of offence FOR BREACHES, SEE NOTES OVERLEAF

- Single offence
- Multiple offences - ANSWER FOR THE PRINCIPAL OFFENCE ONLY
- Arson endangering life
- Arson not endangering life
- Threat with intention to commit criminal damage
- Possession with intention to commit criminal damage
- Criminal damage endangering life (excl. arson)
- Summary criminal or malicious damage offence
- Other (please specify in box below)

2. Sentence outcome (for the PRINCIPAL OFFENCE ONLY)

SEE NOTES OVERLEAF, TICK ALL THAT APPLY

(a) Custodial Sentence

- Determinate
- Extended
- Life
- Hospital Order

(b) Suspended Sentence Order or Community Order

- SSO
- Community Order

*Requirements of Suspended Sentence Order or Community Order
TICK ALL ADULT REQUIREMENTS GIVEN OR NEAREST YRO EQUIVALENT*

- Supervision
- Unpaid work
- Curfew
- Activity
- Prohibited activity
- Exclusion
- Residence
- Foreign travel prohibition
- Attendance centre
- Programme(s) (please specify in box below)
- Mental health treatment
- Drug rehabilitation
- Alcohol treatment
- Alcohol abstinence and monitoring (pilot scheme)

(c) Other outcome

- Fine
- Conditional discharge
- Absolute discharge

RECORD COMPENSATION, CONFISCATION & COSTS IN SECTION 8

3. Offence seriousness SEE NOTES OVERLEAF, INCLUDING GUIDANCE ON OFFENCES THAT FALL BETWEEN TWO CATEGORIES

- Level 1 – most serious
- Level 2
- Level 3
- Level 4 – least serious
- No existing guideline

4. Previous convictions

- Did the offender have any recent and relevant previous convictions?
 - Yes
 - No
- If yes... How many did the court state it has taken into account?
 - None
 - 1-3
 - 4-9
 - 10+

5. Aggravating factors indicating higher culpability and harm

PLEASE SELECT THE FACTORS THAT WERE STATED AS HAVING HAD A SIGNIFICANT IMPACT ON THE SENTENCE

- Pre-planning or premeditation
- Member of group or gang
- Damage of high value
- Offence motivated by/demonstrating hostility to race/religion
- Victim particularly vulnerable
- Offender was under the influence of alcohol/drugs
- Act of revenge
- Damage to emergency equipment or a public amenity
- Significant public or private fear caused
- Offender was on bail or licence
- More than one victim
- Other factors (please specify in box below)

6. Mitigating and personal factors indicating lower culpability and harm

PLEASE SELECT THE FACTORS THAT WERE STATED AS HAVING HAD A SIGNIFICANT IMPACT ON THE SENTENCE

- Age
- Genuine remorse
- Offender responding well to existing order/sentence
- Offender can/is addressing needs/addiction
- Offender is main carer/has responsibilities
- Currently in, or prospects of work/training
- Loss of job or reputation
- Physical or mental illness
- Difficult/deprived background
- Offence out of character
- Co-operation with authorities
- Provocation
- Other factors (please specify in box below)

7. Indication of guilt/guilty plea SEE NOTES OVERLEAF

- Was guilt indicated at police station?
 - Yes
 - No
 - Don't know

- Was a guilty plea entered for the principal offence?
 - Yes
 - No

- Where was guilty plea indicated in the court process?
 - At magistrates' court
 - At preliminary hearing
 - Between preliminary hearing and PCMH
 - At PCMH
 - After PCMH/prior to day of trial
 - At/after day of trial

- Was the guilty plea entered at the first reasonable opportunity?
 - Yes
 - No

- Approximately what reduction for guilty plea was given?

8. Additional factors

Were any of the following other factors present or stated to have influenced the sentence imposed?

DO NOT INCLUDE ANYTHING THAT IS COVERED ELSEWHERE ON THIS FORM

- Totality principle
- Consecutive sentence
- Concurrent sentence
- Multiple defendants
- Ancillary Order
- Other factors that you stated and are relevant to the sentencing decision, for example S.116 Return to Custody, TICs (please specify in box below)
- Compensation Order
- Confiscation Order
- Costs
- Serving another sentence

RELATIONSHIP OF FORM TO SENTENCING REMARKS

The form is designed to record the basis upon which the Judge/Recorder approached the task of passing sentence; fundamental to the principles of open justice, it is important that nothing is included on the form which is not reflected in the sentencing remarks. Judges may therefore find it helpful to complete the form and use it as a checklist when passing sentence. The majority of the information for Part A will be contained in or on the front of the case file.

- You should complete only **ONE** form for the **principal offence** where more than one offence appears on a single indictment in a sentenced case (including committal for sentence cases). However, if on a single sentencing occasion you have more than one indictment for unrelated cases, complete a form for the principal offence on each indictment.
- If an offender is being sentenced for more than one offence, the principal offence will be the offence which attracts the **highest** sentence.
- If there is more than one offence attracting the highest sentence, the principal offence should be the one for which the highest maximum penalty exists.
- If the offences have the same maximum penalty you are asked to (randomly) select one as the principal offence.
- If there are **multiple offenders** in a case a form must be completed for the principal offence for **each offender**.

Breaches: You do not need to complete a separate form for breach proceedings unless the breach attracts a sentence in its own right, e.g. breach of Protective Order or ASBO. In which case use the 'Other Offences' form (light brown).

OFFENCE FORMS AVAILABLE

Arson & Criminal Damage (violet)	Robbery & Assault with Intent to Rob (orange)
Assault & Public Order (blue)	Sexual Offences (turquoise)
Burglary (green)	Indecent Photographs of Children (light turquoise)
Driving Offences (dark brown)	Theft, Dishonesty, Fraud (purple)
Drug Offences (maroon)	Other Offences (light brown)

ARSON & CRIMINAL DAMAGE

GUIDANCE ON COMPLETION

Section 1: Type of offence

Tick the relevant box to reflect the **principal offence** for which the offender is being sentenced. If the principal offence is not listed please tick 'Other' and specify the offence, but please confirm that there is not another offence form that would be more appropriate.

Section 2: Sentence outcome

Tick the relevant box to reflect the sentence/s imposed. In all cases where a length, term, extension period etc. is given, please ensure that the measurement is also included e.g. hours, days, weeks, years. If a programme requirement was given, please specify what the specific accredited programmes were. If you impose a curfew, specify the length of the curfew only, do not provide the time of day for which the curfew is in force. If you have imposed an

Ancillary Order, Compensation or Confiscation Order this should be recorded under Section 8 'Additional factors'. Please record the actual sentence imposed without taking into account the period credited for remand time.

Section 3: Offence seriousness

Not all the guidelines have numbering attached to levels of seriousness. If this is the case, consider the most serious level at the top of the table as 'Level 1'. Tick the box relating to the level of offence seriousness that you stated in your sentencing remarks – wherever possible tick only one box, unless the seriousness level of the offence is so unclear, in which case tick two adjacent levels. If the offence is not yet covered by a sentencing guideline then tick the box 'No existing guideline'.

Section 4: Previous convictions

Tick the box to reflect whether the offender had any recent and relevant previous convictions that were taken into account. If there were recent and relevant previous convictions state how many were taken into consideration. If no specific number was stated, tick the box '1-3' for 'few', '4-9' for 'many' and '10+' for 'substantial'.

Sections 5 and 6: Aggravating and mitigating factors

Tick all the relevant aggravating and mitigating factors that you stated you took into account as having had a significant impact on the sentence imposed. Any additional factors should be inserted under 'Other factors' and specified. A full list of aggravating and mitigating factors can be found in offence specific guidelines and the guideline on 'Overarching Principles: Seriousness'. If no factors were stated in court, leave blank.

Section 7: Indication of guilt/guilty plea

Tick the relevant box to reflect whether there was an indication of guilt at the police station and if a guilty plea was entered for the principal offence. If a guilty plea was entered, tick the relevant box to indicate; at which proceedings it was entered and whether it was entered at the first reasonable opportunity. Write the percentage reduction that was in mind for the guilty plea only, and ignore any other discounts applied. Where a percentage reduction is not appropriate given the nature of the sentence/s imposed, please write in 'Full credit' or 'Not applicable'. If a guilty plea was not entered, only answer the first two questions in this section.

Section 8: Additional factors

A number of other factors may have been present in the case or have influenced the final sentence imposed, if so tick all of the boxes that apply to those stated in your sentencing remarks. You should use this section to record compensation and confiscation orders and any costs imposed. Any additional factors (which have not been specified or could not be included elsewhere on the form) that you stated and which you think were relevant should be inserted under 'Other factors'. This may include, among others, S.116 Return to Custody.

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