

Theft from a shop or stall

This form is only to be completed where the PRINCIPAL OFFENCE (i.e. the offence which, on the facts of the case, has attracted the highest sentence) is **theft from a shop or stall** (shoplifting).

For more detailed guidance on completion, please refer to the back of the form.

Part A: To be completed by the sentencer or the legal adviser/ court associate PLEASE COMPLETE IN CAPITALS

Name of defendant	<i>First name</i>	<input type="text"/>
	<i>Surname</i>	<input type="text"/>
Date of birth	<input type="text" value="DD/MM/YY"/>	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female	
Libra 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"/> <input type="text"/> <input type="text"/>	
Sentencing date	<input type="text" value="DD/MM/YY"/>	

If you have any queries when completing this form, please contact either the Office of the Sentencing Council at research@sentencingcouncil.gsi.gov.uk, or RAND Europe at mdavies@rand.org or on 01223 227 588

Form ID

Part B: To be completed by the sentencer for the PRINCIPAL OFFENCE ONLY

1. Culpability

Please tick the relevant boxes to indicate whether any of the following were important factors when assessing culpability:

Please tick all the factors that were relevant, leaving blank any factors that were not relevant or where you have insufficient information to say

a) Planning

- High level of planning Some planning
 Little or no planning

b) Use of force/ threat

- High or significant level Limited or low level
 None

c) Role

- Leading role Significant role
 Limited role Lone offender

d) Other

- Use of a child to facilitate offence
 Offender subject to a banning order from the relevant store
 Involvement of others through coercion, intimidation or exploitation
 Involved through coercion, intimidation or exploitation

2. Value

Please indicate the total value of the goods stolen in the principal offence:

- Up to £50 £201-£500
 £51-£100 £501-£1000
 £101-£200 More than £1000

3. Harm

Please tick all the factors that were taken into consideration when assessing harm. *Any additional factors (not listed) should be inserted under 'other factors' and specified*

- Emotional distress Injury to victim
 'Offender targeted high value goods'
 Particularly vulnerable victim
 A greater impact on the victim due to the **size** of business
 A greater impact on the victim due to the **type** of business
 Damage to property
 Effect on business
 Other factors

Please specify

- No additional harm factors

4. Offence category and starting point

What offence category do you think applied to this offence? *Please tick only one*

- Category 1 - least serious Category 3
 Category 2 Category 4 - most serious

What was your sentence starting point for this offence?

Please specify

5. Previous convictions

Did the offender have any recent and relevant previous convictions?

- Yes No

If yes, how many previous convictions have you taken into account?

- None 1-3 4-9 10-19 20 or more

6. Other factors affecting offence seriousness

Please tick any factors that had an impact on the sentence. *Any additional factors (not listed) should be inserted under 'Other factors' and specified*

Aggravating factors *Please tick all that apply*

- Attempts to conceal/ dispose of evidence
 Failure to comply with current court orders
 Offender was on bail or licence
 Offences taken into consideration
 Offender motivated by intention to cause harm or out of revenge
 Established evidence of community/ wider impact (for issues other than prevalence)
 Prevalence - exceptional local circumstances that arise which cause harm to the community
 Professional offending
 Stealing goods to order
 Preventing the victim reporting or obtaining assistance and/ or from assisting or supporting the prosecution
 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 factors

Please specify

- No relevant aggravating factors

Mitigating factors *Please tick all that apply*

- Age and/ or lack of maturity
- Good character and/ or exemplary conduct
- No previous convictions or no relevant/ recent convictions
- Offender experiencing **exceptional** financial hardship
- Determination and/ or demonstration of steps having been taken to address addiction or offending behaviour
- Mental disorder or learning disability
- Remorse
- Voluntary return of stolen property
- Serious medical condition requiring urgent, intensive or long-term treatment
- Sole or primary carer for dependent relatives
- Other factors

Please specify

- No relevant mitigating factors

7. What was your sentence, before taking into account any guilty plea?

Please specify

8. Indication of guilt/ guilty plea

Was a guilty plea entered for the principal offence?

- Yes
- No

If yes, was the guilty plea entered at the first reasonable opportunity?

- Yes
- No

When was the guilty plea indicated in the court process?

- First hearing
- Subsequent hearing before trial
- On day of trial

9. Reductions for guilty plea

If a guilty plea was entered, what reduction or allowance did you make for the guilty plea?

- Fewer requirements in a community order
- Percentage reduction in sentence (e.g. length of custody, fine, number of hours of unpaid work)

Please state percentage %

- Dropped down a threshold (e.g. from custody to community order or community order to fine)

10. Final sentence outcome (for the PRINCIPAL OFFENCE ONLY)

Please tick the relevant box to reflect the sentence imposed after accounting for any guilty plea:

- i) Discharge Absolute Conditional

ii) Fine

Please state band (A to C) in box

iii) Community order

- High level
- Medium level
- Low level

iv) Custody *Please state length*

LENGTH

Days/ weeks (*please delete as appropriate*)

Was the custodial sentence suspended?

- Yes
- No

If yes, please state suspension period

LENGTH

Months

- v) Committal to the Crown Court for sentence

vi) Other sentence

Please specify

11. Single most important factor

Taking all things into consideration, what would you say was the single most *important factor* affecting your sentence?

Please specify

12. Totality

Please only complete where there are multiple offences

Did you adjust the sentence to reflect totality?

- Yes
- No

Theft Guideline Review

You are being asked to complete this form as part of the Sentencing Council's assessment of the theft offences guideline in order to understand how the guideline influences sentencing in magistrates' courts.

This form is designed to record the basis upon which the magistrates or district judge approached the task of passing sentence. Please fill out the form **after** you have sentenced the defendant or committed the defendant to the Crown Court for sentence.

The results of the review will be used to assess the guidelines and inform further Sentencing Council guidelines. The aim of the review is not to assess magistrates' and district judges' use of the guideline at individual or court level (the small amount of personal data about the defendant that the form collects is only used for technical, quality assurance purposes).

Additional notes on completing the form

- The majority of the information for Part A will be on your court list (consult your legal adviser or court associate if unclear).
- If a defendant faces more than one shop theft offence within one case please complete the form for the main theft offence (i.e. the one which, on the facts of the case, has attracted the highest sentence). If the theft offences attract the same sentence, simply select one (e.g. the most recent, if the theft offences are from different dates).
- If a defendant is being sentenced for more than one offence but the offences do not come under one case (each case will have a distinct Libra case number) please complete one form per case.
- If there are multiple defendants whose main offence is shop theft within one case, please complete one form for each defendant.
- Do not complete this form if the sentence was activated following a suspended sentence order or conditional discharge.

Additional notes to Sections 7, 9 and 10

- **Section 7:** Please state the sentence in broad terms. For example, please write in here '6 weeks' immediate custody', or 'high level community order'.
- **Section 9:** We wish to know the reduction or allowance you have made for a guilty plea. If the sentence has a quantifiable element like length of custody or hours of unpaid work, please tell us the **percentage reduction** you have applied, **not** the reduction in the number of hours or weeks in absolute terms.
- **Section 10:** Please state the sentence in broad terms. If you have sentenced the defendant to custody, immediate or suspended, we would like to know the length in days or weeks. However, for a community order and sentences below this level we do not need to know requirements such as number of hours or length of curfew.

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