

# **Possession of false identity documents etc with improper intention**

**Identity Documents Act 2010 section 4**

**Triable either way**

**Maximum: 10 years' imprisonment**

**Offence range: High level community order- 8 years' custody**

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**STEP ONE****Determining the offence category**

<b>CULPABILITY</b>	
<b>A-</b>	<ul style="list-style-type: none"> <li>• Possession of a large number of documents used for commercial scale criminal activity</li> <li>• Substantial financial gain/ expectation of substantial financial gain</li> <li>• A leading role where offending is part of a group activity</li> <li>• Sophisticated nature of offence/significant planning</li> </ul>
<b>B-</b>	<ul style="list-style-type: none"> <li>• Possession of multiple documents intended for the use of others</li> <li>• Financial gain/ expectation of financial gain</li> <li>• A lesser role where offending is part of a group activity</li> </ul>
<b>C-</b>	<ul style="list-style-type: none"> <li>• Possession of one or two false documents for own use</li> <li>• Involved due to coercion or pressure</li> </ul>

<b>HARM</b>	
Category 1	<ul style="list-style-type: none"> <li>• Document(s) used to evade immigration controls</li> </ul>
Category 2	<ul style="list-style-type: none"> <li>• Document used to assist criminal activity (other than that described in category 1 or 3)</li> <li>• Document used to evade responsibility for criminal activity</li> </ul>
Category 3	<ul style="list-style-type: none"> <li>• Document used to obtain rights, services or benefits [such as employment, accommodation, bank accounts etc]</li> </ul>
Category 4	<ul style="list-style-type: none"> <li>• All other cases</li> </ul>

**STEP TWO****Starting point and category range**

Having determined the category at step one, the court should use the corresponding starting point 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	C
<b>Category 1</b>	<b>Starting Point</b> 7 years' custody  <b>Category Range</b> 5 – 8 years' custody	<b>Starting Point</b> 3 years' custody  <b>Category Range</b> 2 – 4 years' custody	<b>Starting Point</b> 2 years' custody  <b>Category Range</b> 18 months – 30 months years' custody
<b>Category 2</b>	<b>Starting Point</b> 3 years' custody  <b>Category Range</b> 2 – 4 years' custody	<b>Starting Point</b> 18 months' custody  <b>Category Range</b> 1 – 2 years' custody	<b>Starting Point</b> 1 year custody  <b>Category Range</b> 6 months' – 18 months' custody
<b>Category 3</b>	<b>Starting Point</b> 18 months' custody  <b>Category Range</b> 1 – 2 years' custody	<b>Starting Point</b> 1 year custody  <b>Category Range</b> 6 months' – 18 months' custody	<b>Starting Point</b> 9 months' custody  <b>Category Range</b> 6 - 12 months' custody
<b>Category 4</b>	<b>Starting Point</b> 1 year custody  <b>Category Range</b> 6 months' – 18 months' custody	<b>Starting Point</b> 9 months' custody  <b>Category Range</b> 6 - 12 months' custody	<b>Starting Point</b> 6 months' custody  <b>Category Range</b> High level CO - 9 months' custody

Where another offence or offences arise out of the same incident or facts concurrent sentences **reflecting the overall criminality** of offending will ordinarily be appropriate: please refer to the *Totality* guideline and step five of this guideline.

Below is a **non-exhaustive** list of additional elements providing the context of the offence and factors relating to the offender. Identify whether a combination of these or other relevant factors should result in any upward or downward adjustment from the sentence arrived at so far.

**Care should be taken to avoid double counting factors already taken into**

## account in assessing culpability

### 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: religion, race, disability, sexual orientation or transgender identity

#### *Other aggravating factors:*

- Offending conducted over a sustained period
- Involvement of others through pressure, influence
- Offender not lawfully present in the UK
- Obtained document from a forger – unless already taken into account at step one

### Factors reducing seriousness or reflecting personal mitigation

- No recent or relevant convictions
- Good character and/or exemplary conduct
- Remorse
- Sole or primary carer for dependent relatives
- Age/lack of maturity
- Mental disorder or learning disability
- Physical disability or serious medical condition requiring urgent, intensive or long-term treatment
- Offender co-operated with investigation, made early admissions and/or voluntarily reported offending
- Limited understanding of scale of activity

**STEP THREE**

**Consider any factors which indicate a reduction for assistance to the prosecution**

The court should take into account section 74 of the Sentencing Code (reduction in sentence for assistance to prosecution) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

**STEP FOUR**

**Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 73 of the Sentencing Code and the *Reduction in Sentence for a Guilty Plea* guideline.

**STEP FIVE**

**Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the Totality guideline.

**STEP SIX**

**Ancillary orders**

In all cases, the court must consider whether to make a compensation order and/or other ancillary orders.

**STEP SEVEN**

**Reasons**

Section 52 of the Sentencing Code imposes a duty to give reasons for, and explain the effect of, the sentence.

**STEP EIGHT**

**Consideration for time spent on bail**

The court must consider whether to give credit for time spent on bail in accordance with section 240A of the Criminal Justice Act 2003 and section 325 of the Sentencing Code.

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