

The Sentencing Council's *Theft Offences Definitive Guideline* came into force in **February 2016**. It includes six guidelines for sentencing theft offences: general theft, theft from a shop or stall, handling stolen goods, going equipped for theft or burglary, abstracting electricity and making off without payment. The guideline was not intended to change sentencing severity but rather to ensure consistency in sentencing practice. This is an overview of the findings from the assessment of the guideline's impact which includes information that sentencers kindly provided when the Council collected survey data at magistrates' courts before and after the guideline came into force.

### What happened to sentencing after the guideline was introduced?

For all theft offences, it was found that sentencing increased beyond the upper boundary of what we might expect at some point in the year after the guideline was introduced. However, for most offences there was no clear-cut evidence that the guideline caused the uplift. For example, for some offences the increase happened some months after the guideline was introduced, rather than immediately, as would normally be expected if the guideline caused the uplift. For two low volume offences (abstracting electricity and going equipped for theft or burglary) there did appear to be an increase in sentencing severity as a result of the guideline.

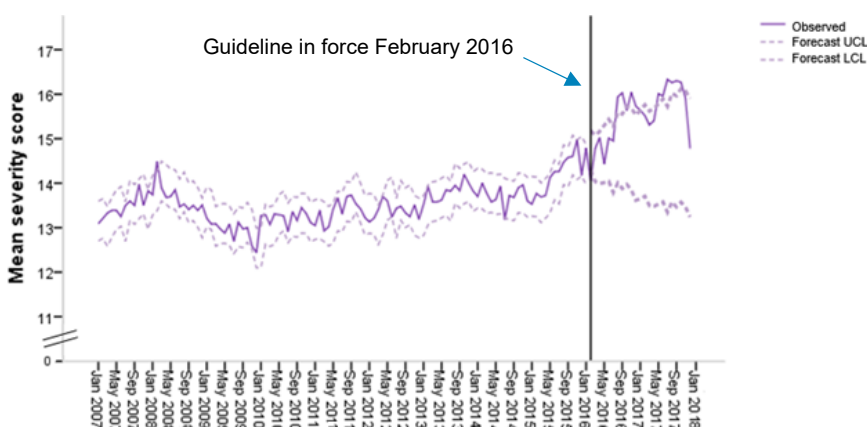
### What do you mean by sentencing severity?

When we evaluate guidelines, we convert all types of sentence into a severity scale with scores ranging from 0 to 100, representing the full range of sentencing outcomes from discharge (at 0) to 20 years' custody (at 100). This allows us to compare different types of sentence, as well as different sentence lengths, in a meaningful way.

### What about individual offences?

For theft from a shop or stall sentencing severity (the solid purple line) increased beyond what we would expect (illustrated by the dashed purple lines) by a small amount, six months after the introduction of the guideline (solid black line). This was driven by small increases in the use of immediate custody (23 percent to 25 per cent) and suspended sentence orders (10 per cent to 12 per cent) between July 2016 and August 2016. This shows that sentencing severity was higher than our expectations had the guideline not been introduced.

**Figure 1: Sentencing severity for theft from a shop or stall**

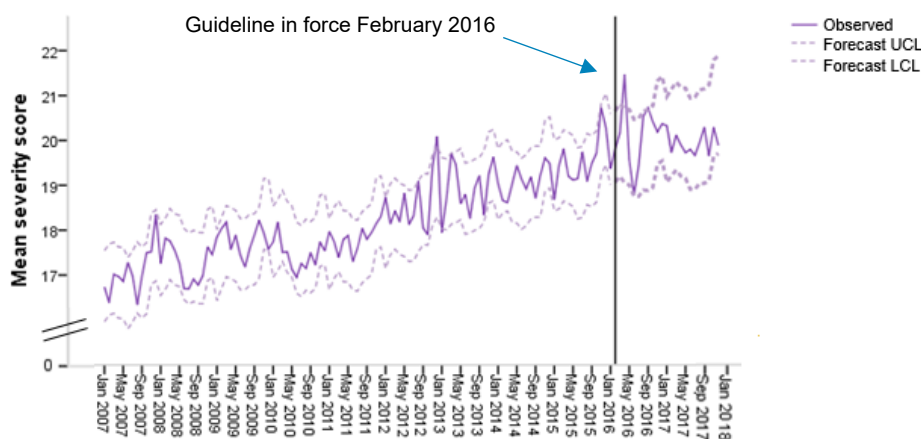


Whilst there was some fluctuation in and out of the expected region until the end of 2017 there was a drop at the end of the period back into the expected region, which meant sentencing severity returned to around the same level as it had been before the sudden increase.

The data from magistrates' courts suggests that the increase in sentencing severity could be related to previous convictions and value of goods being more influential post-guideline, however, it does not explain why this increase was delayed by six months.

For general theft, immediately following guideline implementation there was a sharp increase in sentencing severity which crossed the upper boundary of the forecast range (represented by the dashed line in Figure 2) and, shortly afterwards, a sharp decrease to the lower boundary. Shortly after this fluctuation the trend then decreased to stay within the forecast range for the remainder of 2016 and 2017.

**Figure 2: Sentencing severity for general theft**



Source: MoJ CPD data

### What happened to sentencing severity for abstracting electricity and going equipped for theft or burglary?

Sentencing severity for these two offences increased immediately after the guideline came into force and remained high or fluctuated at a high level across the period analysed. However, these are the two lowest volume theft offences (representing two per cent of all adult offenders sentenced for theft offences covered by the guideline over the past 10 years) and they therefore had a minor impact on the overall theft trend.

### Conclusion

In conclusion, the effect of the *Theft Offences Definitive Guideline* on sentencing severity varied by individual offence. However, when considering the overall theft picture, although sentence severity exceeded the upper limit of where we would expect sentencing to sit had the guideline not been introduced, this was by less than one severity score point from a scale of 0-100. To put this into context a community order has a severity score of around 15 and a suspended sentence order has a score of around 31. Additionally, the trend then returned to the expected sentencing severity region by the end of 2017.

### What next?

Given that the overall trend returned to the expected sentencing severity region only at the end of 2017 the Council has decided to continue to monitor the trend over time before deciding on whether or not to revisit the guideline.

**The findings discussed above are just a snapshot of the full report. Please find this at:** <https://www.sentencingcouncil.org.uk/publications/item/theft-offences-assessment-of-guideline/>