

Criminal damage (other than by fire)

Criminal Damage Act 1971, s.1(1)

Racially or religiously aggravated criminal damage

Crime and Disorder Act 1998, s.30

Criminal damage: triable only summarily if value involved does not exceed £5,000:
Maximum: Level 4 fine and/or 3 months

Triable either way if value involved exceeds £5,000:
Maximum when tried summarily: Level 5 fine and/or 6 months
Maximum when tried on indictment: 10 years

Racially or religiously aggravated criminal damage: triable either way
Maximum when tried summarily: Level 5 fine and/or 6 months
Maximum when tried on indictment: 14 years

Where offence committed in domestic context, refer to page 177 for guidance

Offence seriousness (culpability and harm)

A. Identify the appropriate starting point

Starting points based on first time offender pleading not guilty

Examples of nature of activity	Starting point	Range
Minor damage e.g. breaking small window; small amount of graffiti	Band B fine	Conditional discharge to band C fine
Moderate damage e.g. breaking large plate-glass or shop window; widespread graffiti	Low level community order	Band C fine to medium level community order
Significant damage up to £5,000 e.g. damage caused as part of a spree	High level community order	Medium level community order to 12 weeks custody
Damage between £5,000 and £10,000	12 weeks custody	6 to 26 weeks custody
Damage over £10,000	Crown Court	Crown Court

Offence seriousness (culpability and harm)

B. Consider the effect of aggravating and mitigating factors (other than those within examples above)

Common aggravating and mitigating factors are identified in the pullout card – the following may be particularly relevant but **these lists are not exhaustive**

Factors indicating higher culpability <ol style="list-style-type: none">1. Revenge attack2. Targeting vulnerable victim Factors indicating greater degree of harm <ol style="list-style-type: none">1. Damage to emergency equipment2. Damage to public amenity3. Significant public or private fear caused e.g. in domestic context	Factors indicating lower culpability <ol style="list-style-type: none">1. Damage caused recklessly2. Provocation
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Form a preliminary view of the appropriate sentence
If offender charged and convicted of the racially or religiously aggravated offence, increase the sentence to reflect this element

Refer to pages 178-179 for guidance

Consider offender mitigation

Common factors are identified in the pullout card

Consider a reduction for a guilty plea

Consider ancillary orders, including compensation

Refer to pages 168-174 for guidance on available ancillary orders

Decide sentence Give reasons