

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

First name

Surname

Date of birth

DD/MM/YY

Gender

☐

Male

☐

Female

Libra case ID

Sentencing date

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 osc@rand.org or on 01223 353 329

Form ID

1. Culpability

Please tick all the factors that were taken into consideration 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

- ☐ Sophisticated nature of offence
☐ 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
☐ Mental disorder/ learning disability where linked to commission of the offence

2. Value

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

- ☐ Up to £10 ☐ £101-£200 ☐ More than £1000
☐ £11-£50 ☐ £201-£500
☐ £51-£100 ☐ £501-£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
☐ Particularly vulnerable victim
☐ A greater impact on the victim due to the **size** or **type** of business
☐ Damage to property
☐ Effect on business
☐ Other factors (Please specify below)

- ☐ No additional harm factors

4. Offence category and starting point

What offence category do you think applied to this offence? *Please tick two boxes, one for culpability and one for harm*

Culpability category **Harm category**

- ☐ A - High ☐ Category 1
☐ B - Medium ☐ Category 2
☐ C - Lesser ☐ Category 3

What was your sentence starting point for this offence before considering factors increasing or reducing seriousness?

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
☐ Prevalence - exceptional local circumstances that arise which cause harm to the community
☐ Professional offending
☐ Stealing goods to order
☐ Steps taken to prevent 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: religion, race, disability, sexual orientation, transgender identity
☐ Other factors (Please specify below)

- ☐ 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
- ☐ Steps to address addiction or offending behaviour
- ☐ Mental disorder or learning disability
- ☐ Remorse
- ☐ Voluntary return of stolen property
- ☐ Serious medical condition
- ☐ Sole or primary carer for dependent relatives
- ☐ Other factors *(Please specify below)*

- ☐ No relevant mitigating factors

7. Sentence *before* guilty plea (for the **PRINCIPAL OFFENCE ONLY**)

Please tick the relevant box to reflect the main sentence imposed *before* guilty plea. *Please select one option only*

- 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*

Days/ weeks *(please delete as appropriate)*

Was the custodial sentence suspended? ☐ Yes ☐ No

If yes, please state suspension period

Months

- v) Committal to the Crown Court for sentence ☐

- vi) Other sentence (e.g. Hospital Order) ☐

Please only select when options listed above do not apply

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 main sentence imposed after accounting for any guilty plea.

Please select one option only

- 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*

Days/ weeks *(please delete as appropriate)*

Was the custodial sentence suspended? ☐ Yes ☐ No

If yes, please state suspension period

Months

- v) Committal to the Crown Court for sentence ☐

- vi) Other sentence (e.g. Hospital Order) ☐

Please only select when options listed above do not apply

Please specify

11. Single most important factor

What was the single most *important* factor affecting your sentence?

Please specify

12. Totality

Did you adjust the sentence to reflect totality?

Please only complete where there are multiple offences

- ☐ 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 guideline 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 assurances 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

- **Sections 7 and 10:** Please state the sentence for the principal offence, selecting one option only for the main sentence imposed. Do not include ancillary orders. 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. Please only select 'Other Sentence' for hospital orders, compensation as a sentence in its own right and any other sentence that is not listed on the form.
- **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.

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