



The Sentencing Guidelines Committee

## Annex One: General Principles Guideline

1. When sentencing offences for which there is no offence specific sentencing guideline these general principles should be applied.

### Stages Two and Three – Determining the offence category and starting point

2. Throughout the sentencing process sentencers should consider which of the five purposes of sentencing (below) they are seeking to achieve through the sentence that is imposed. More than one purpose might be relevant and the importance of each must be weighed against the particular offence and offender characteristics when determining sentence.
  - The punishment of offenders
  - The reduction of crime (including its reduction by deterrence)
  - The reform and rehabilitation of offenders
  - The protection of the public
  - The making of reparation by offenders to persons affected by their offences
3. Where there is no definitive sentencing guideline for the offence, to determine the starting point and complete stages one, two and three of the stages of sentencing, sentencers should take account of all of the following (if they apply):
  - the statutory maximum sentence for the offence;
  - relevant case law; and
  - definitive sentencing guidelines for analogous offences.
4. For the avoidance of doubt sentencers should not take account of any draft sentencing guidelines.
5. When considering definitive guidelines for analogous offences sentencers must apply these carefully, making adjustments for any differences in the statutory maximum sentence and in the elements of the offence. This will not be a merely arithmetical exercise.
6. The seriousness of the offence is assessed by considering the culpability of the offender and the harm caused by the offending. The initial assessment of harm and culpability should take no account of plea or previous convictions.

## Stage Four – Aggravating and mitigating factors

7. Once the starting point has been determined sentencers should take into account factors that may make the offence more serious and factors which may reduce seriousness or reflect personal mitigation.
8. Sentencers should identify whether a combination of these or other relevant factors should result in any upward or downward adjustment from the starting point.
9. It is for the sentencer to determine how much weight should be assigned to the aggravating and mitigating factors taking into account all of the circumstances of the offence and the offender. Not all factors that apply will necessarily influence the sentence.

### Factors increasing seriousness

(Factors are not listed in any particular order and are not exhaustive)

- 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
- Offence was committed against an emergency worker acting in the exercise of functions as such a worker
- Commission of offence whilst under the influence of alcohol or drugs
- Offence was committed as part of a group
- Offence involved use or threat of a weapon
- Planning of an offence
- Commission of the offence for financial gain
- High level of profit from the offence
- Abuse of trust or dominant position
- Restraint, detention or additional degradation of the victim
- Vulnerable victim
- Victim was providing a public service or performing a public duty at the time of the offence
- Other(s) put at risk of harm by the offending
- Offence committed in the presence of other(s) (especially children)

- Actions after the event including but not limited to attempts to cover up/conceal evidence
- Blame wrongly placed on other(s)
- Failure to respond to warnings or concerns expressed by others about the offender's behaviour
- Offence committed on licence or while subject to court order(s)
- Offence committed in custody
- Offences taken into consideration
- Offence committed in a domestic context
- Offence committed in a terrorist context
- Location and/or timing of offence
- Established evidence of community/wider impact
- Prevalence (see guidance)

#### Factors reducing seriousness or reflecting personal mitigation

(Factors are not listed in any particular order and are not exhaustive)

- No previous convictions or no relevant/recent convictions
- Good character and/or exemplary conduct
- Remorse
- Self-reporting
- Cooperation with the investigation/early admissions
- Little or no planning
- The offender was in a lesser or subordinate role if acting with others/performed limited role under direction
- Involved through coercion, intimidation or exploitation
- Limited awareness or understanding of the offence
- Little or no financial gain
- Delay since apprehension
- Activity originally legitimate
- Age and/or lack of maturity
- Sole or primary carer for dependent relatives
- Physical disability or serious medical condition requiring urgent, intensive or long-term treatment
- Mental disorder or learning disability
- Determination and/or demonstration of steps having been taken to address addiction or offending behaviour

### **Stage Five – Reduction for guilty pleas**

10. Sentencers should take account of any potential reduction for a guilty plea in accordance with this guideline.

### **Stage Six – Reduction in sentence – bail conditions (curfew)**

11. The court should consider whether to give credit for time spent on bail with a curfew condition.

### **Stage Seven – Consider totality**

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

### **Stage Eight – Consider ancillary orders**

13. In all cases sentencers should consider whether to make compensation and/or other ancillary orders.

### **Stage Nine – Reasons**

14. Sentencers should give reasons for, and explain the effect of, the sentence and any ancillary orders.