**New burglary offences**

In July 2022 the sentencing council published a revised guidelines for burglary offences which superseded the previous sentencing guidelines.

Within the new guidelines culpability C for aggravated burglary has been changed to:

* Involved through coercion, intimidation or exploitation.
* Mental disorder or learning disability, where linked to the commission of the offence.

Based on this alteration the new starting point sentence will be based on culpability B which does not contain the mitigating factors described in new culpability C category for aggravated burglary.

Within the new guidelines culpability C for domestic burglary and non-domestic burglary has been changed to:

* Involved through coercion, intimidation or exploitation.
* Mental disorder or learning disability, where linked to the commission of the offence.
* Offence committed on impulse with limited intrusion into the property

Based on this alteration the new starting point sentence will be based on culpability B which does not contain the mitigating factors described in new culpability C category for domestic and non-domestic burglary.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 2012 starting point sentence | Former CCHI score | 2022 starting point sentence | Updated CCHI score |
| Aggravated burglary | 2 years | 730 | 4 years  | 1460 |
| Domestic burglary*(Formerly burglary dwelling)* | High level community order | 19 | 1 years | 365 |
| Non domestic burglary *(Formerly burglary non dwelling)* | Medium level community order | 10 | Medium level community order | 10 |

**New Offence of Non-Fatal Strangulation**

At this time (May 2023) there is no sentencing guidelines available for this offence. Currently the only guidance states that:

*These offences are triable either way. A person found guilty of this offence is liable on summary conviction to a term not exceeding 12 month, or a fine or both, and on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine or both.*

CCEBP and colleagues have debated whether we could use Grievous Bodily Harm (GBH) with intent as a proxy offence for this new offence, however given the maximum sentence for non-fatal strangulation is 5 years under this current guidance GBH with intent would score too high. Therefore, we have looked at other offences that could be used as a proxy. Currently the decision is to use ABH as a proxy offence. In the guidance for ABH there is a culpability category which includes strangulation as an aggravating factor. This would give the offence of non-fatal strangulation a CCHI score of 252 points.