

# **Burglary**

## **Burglary – Residential**

## **Burglary – Business and Community**

# Burglary – Classification Rules and Guidance

## (1 of 3)

The following rules and guidance should be applied to Burglary.

### CLASSIFICATION: RESIDENTIAL

The classification of residential burglary includes all buildings or parts of buildings that are within the boundary of, or form a part of, a dwelling and includes the dwelling itself, vacant dwellings, sheds, garages, outhouses, summer houses and any other structure that meets the definition of a building. It also includes other premises used for residential purposes such as houseboats, residential care homes and hostels. Where an outbuilding **within such a boundary but not forming part of the dwelling building**, such as a garage or workshop is used solely for business purposes this should be recorded as burglary – business and community. Where both a dwelling house and an outbuilding used for business purposes (**belonging to the same victim**) are subject of a burglary at the same time, then only the residential burglary is to be recorded.

**Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.**

All buildings which are not on a plot of land where a residential building stands and which are not used for Business and Community use will be classified with the Residential groups.

### CLASSIFICATION: BUSINESS AND COMMUNITY

The classification of business and community burglary includes all buildings or parts of buildings that are used **solely and exclusively for business purposes** or are otherwise entirely outside the classification of residential burglary such as a place of worship. Where an outbuilding is **within the boundary of a dwelling, but not forming part of the dwelling building**, such as a garage or workshop and is used solely for business purposes this should be recorded as burglary – business and community. Where both a dwelling house and an outbuilding used for business purposes (**belonging to the same victim**) are subject of a burglary at the same time then only the residential burglary is to be recorded.

**Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.**

### DEFINITION – LEGAL: BURGLARY

THEFT ACT 1968 SEC 9(1,2)

- (1) “A person is guilty of a burglary if -
- (a) he enters any building or part of a building as a trespasser and with intent to commit any such offence as is mentioned in subsection (2) below; or
  - (b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.
- (2) The offences referred to in subsection (1)(a) above are offences of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm or of doing unlawful damage to the building or anything therein.”

### DEFINITION - LEGAL: BURGLARY IN A CARAVAN, HOUSEBOAT ETC

THEFT ACT 1968 SEC 9(4)

References [in the statutory definition of burglary] to a building ...or to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as times when he is.

# Burglary – Classification Rules and Guidance (2 of 3)

The following rules and guidance should be applied to Burglary.

## CLASSIFICATION - RECORDED CRIME: BURGLARY IN A HOTEL

A burglary in a 'long-stay hotel' whose rooms are let out on a permanent basis (**i.e. so that the hotel is the resident's permanent postal address**) should be recorded as a burglary (or aggravated burglary) - residential.

A burglary in a hotel whose rooms are let out to guests on a 'short-stay' basis (i.e. so that the hotel is not the guest's permanent address) should be recorded as a burglary (or aggravated burglary) – business and community.

A combination of the above two types should be classified according to the victim or victims. In general, burglary of common areas in hotels should be classified as burglary – business and community; and burglary of living quarters inhabited by the proprietor, manager or employees (**so that the hotel is their permanent postal address**) should be recorded as burglary residential.

## RECORDING PRACTICE: BURGLARY

**Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.**

**If force or the threat of force is used in order to steal during the course of a burglary then it should be classified as a robbery.**

If a person enters a building as a trespasser and commits or attempts to commit grievous bodily harm, this constitutes burglary under Section 9 of the Theft Act 1968, but should be recorded as GBH. Trespass with intent to commit a sexual offence should be recorded under Other Miscellaneous Sexual Offences (class 88C).

If entry as a trespasser is gained or attempted and there is evidence of intent to steal but only criminal damage is caused, then this should be recorded as burglary rather than criminal damage.

## CLARIFICATION – RECORDING BURGLARIES IN FARMS

Any burglary to the farmhouse or other dwellings used by the farmer or staff as their place of residence will be recorded as Burglary – Residential. If at the same time outbuildings such as barns are also burgled no additional report is required. If the burglary is only to an outbuilding on the farm the crime to be recorded will be in accordance with the use to which it is put.

## DEFINITION – GENERAL: DISTRACTION BURGLARY

Is any crime where a falsehood, trick or distraction is used on an occupant to gain, or try to gain, access to the premises to commit burglary. It includes cases where the offender first enters premises and subsequently uses distraction burglary methods in order to remain on the premises and/or gain access to other parts of the premises in order to commit burglary.

## DEFINITION – LEGAL: AGGRAVATED BURGLARY (THEFT ACT 1968 SEC 10(1)).

A person is guilty of aggravated burglary if he commits any burglary and at the time he has with him any firearm or imitation firearm, any weapon of offence, or any explosive.

# Burglary – Classification Rules and Guidance (3 of 3)

The following rules and guidance should be applied to Burglary.

Break-ins to Various Types of Premises: Classification					
STATUS OF HABITATION					
Premises	In Use By Owner For Habitation Only	Rented To Occupier On Long-Stay Basis for habitation only	Rented To Occupier On Short-Stay Basis	Vacant But Habitable	Vacant But Not Habitable
<b>House, self-contained flat, houseboat**</b>	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (class 28E)
<b>Room in hostel, nursing home, children's home, hall of residence etc</b>	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary residential (Class 28E)	Burglary residential (class 28E)
<b>Room in a hotel holiday home, chalet etc *</b>	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary business and community (class 30C)	Burglary business and community (class 30C)	Burglary business and community (class 30C)
<b>Caravan, holiday cruising boat etc</b>	Burglary residential (class 28E)	Burglary residential (class 28E)	Burglary business and community (class 30C)	Other theft (class 49)	Other theft (class 49)

\* For distinction between short-stay and long-stay hotel rooms, see box in burglary – classification rules and guidance page 2 of 3.

\*\* Houseboats used as a main home by the owner but which may be left vacant for longer periods of time are to be recorded as Burglary – Residential (class 28E).

## **Burglary – Residential**

**28E**      **Burglary- Residential**

**28F**      **Attempted Burglary – Residential**

**28G**      **Distraction Burglary – Residential**

**28H**      **Attempted Distraction Burglary – Residential**

**29A**      **Aggravated Burglary – Residential**

## 28E Burglary – Residential Counting Rules (1 of 6)

28/3 Burglary  
(V) Theft Act 1968 Sec 9 (pt)

**Crimes of attempted burglary (28F), distraction burglary (28G), attempted distraction burglary (28H) or aggravated burglary (29A) should not be recorded under Classification 28E.**

**GENERAL RULE: ONE CRIME FOR EACH HOUSEHOLD BURGLED.**

**EXAMPLE 1:** A person burgles five houses in a street.

*Five crimes of burglary – residential (class 28E).*

**EXAMPLE 2:** A person caught burgling a house has cannabis in his possession.

*One crime of burglary – residential (class 28E) and one crime possession of cannabis (class 92E).*

**EXAMPLE 3:** A person reports having the front door to his house kicked in, keys to his car taken, and his car driven away. The car is found a few days later.

*One crime of burglary – residential (class 28E).*

### DEFINITION OF 'HOUSEHOLD' FOR CRIME RECORDING PURPOSES

The term 'household' traditionally refers to a family who live together in the same house. For crime recording purposes it also refers to circumstances where a group of people co-habit in the same house as a 'non-family household'. They have joint responsibility for meeting the household costs (rent, utilities etc) and have common access to the house as a whole; although, as within a 'family' setting, there may be explicit / implicit access restrictions to some parts e.g. bedrooms occupied by individual group members that may or may not be protected by a lock, that may or may not be normally used.

Where separate rooms, lockable or not, within a house are let out to residents on an individual basis, whether sharing communal facilities or not, the same rule for halls of residence applies. Generally in these circumstances each resident is individually financially liable for the agreed costs. They are not living in common as a 'non family household'.

### CLARIFICATION

Where a group of people (such as, but not limited to, students) agree to jointly rent a property and share responsibility for household costs, and where the landlord cannot impose any other tenant on the group, they will be deemed a household for this purpose.

While a single crime report is all that is required it must name each individual victim.

## 28E Burglary – Residential Counting Rules (2 of 6)

### APPLICATION OF THE RULE

**If a household is victim to more than one burglar, count crimes separately only if each burglar is acting independently.**

Example 1: A house inhabited by one person is burgled by a group of five people.

*One crime of burglary – residential (class 28E).*

Example 2: Four people sharing a house who live together as a household (as defined at 28E Counting Rules 1 of 6) are burgled by a group of five people.

*One crime of burglary – residential (class 28E).*

**A guest staying in a household is treated as part of the household.**

Example 1: Two relatives of the householder who are staying overnight have property stolen when the house is burgled.

*One crime of burglary – residential (class 28E).*

**If force or the threat of force is used in order to steal during the course of a burglary then it should be classified as a robbery.**

Example 1: During the course of a burglary, an offender uses force in order to steal a mobile phone from a guest staying at the house.

*One crime of robbery (class 34B).*

Example 2: A person enters a house as a trespasser while the victim is present. He uses a weapon to threaten the victim to keep quiet so he can continue with the burglary.

*One crime of robbery (class 34B).*

Example 3: A person enters a house as a trespasser while the victim is present. He uses a weapon in order to steal items from the house and items from the three victims present.

*Three crimes of robbery (class 34B).*

Example 4: A person enters a house as a trespasser while the victim is present. The victim is tied up and threatened with violence whilst the burglary continues.

*One crime of robbery (class 34B).*

Example 5: A person enters a house as a trespasser and confronts the male and female occupiers. They are both threatened with violence and as a result of this threat hand over their watches before the suspect leaves.

*Two crimes of robbery (class 34B).*

Example 6: A person enters a house as a trespasser and confronts five occupants – the male and female householders, their son and two friends of their son who are staying the night. They are all threatened with force and as a result items of property belonging to the householders are stolen, the son hands over his mobile phone and one of the two friends hands over his laptop which he had brought with him on the visit. Whilst threatened the other friend does not lose any of his personal property.

*Five crimes of robbery (class 34B).*

## 28E Burglary – Residential Counting Rules (3 of 6)

**Burglary in a Caravan, Houseboat etc: see also box in Burglary Classification Rules and Guidance page 3 of 3.**

Example 1: A person enters a caravan by trespass. The caravan is parked on a drive and is not in use by the owner or another person and is not used to rent to others. A tablet is stolen by the person from the caravan.

*One crime of other theft (class 49).*

Example 2: The caravan described above is towed by its owners to a caravan park for a week's holiday. Owing to the late hour of their arrival they decide to eat at a local restaurant. Whilst out a thief breaks in and steals a portable television.

*One crime of burglary – residential (class 28E).*

Example 3: A fully furnished houseboat moored on the Thames is entered by a trespasser for the purpose of stealing. The owner, who uses the houseboat as their only UK residence, lives in Spain for six months of the year and is currently in Spain.

*One crime of burglary – residential (class 28E).*

Example 4: Whilst a circus family are performing, the caravan they own and in which they sleep is entered and cash stolen. The same thief then breaks into a caravan, owned by the circus for business purposes only.

*One crime of burglary – residential (class 28E) unless the caravan used for business purposes is not owned by the same person (s). If this is the case an additional crime of burglary – business and community (class 30C) requires recording.*

Example 5: A house, used as a holiday home or a weekend second home, is entered by a trespasser during the owner's absence and electrical goods are stolen from it. The house has not been occupied or visited for six weeks by the owner.

*One crime of burglary – residential (class 28E).*

Example 6: A flat is entered by a trespasser and property stolen from it. The flat is used by the owner as a holiday home and at the time of the burglary was occupied for a week's holiday by a family who rented it via a holiday company.

*One crime of burglary – residential (class 28E).*

**Burglary to a building that is not within the boundary of or forms part of a dwelling and is not used for a business or community purpose.**

Example 1: A garage is burgled which is used to store excess household items and is situated away from the boundary of the owner's dwelling.

*One crime of burglary – residential (class 28E).*



## 28E Burglary – Residential Counting Rules (4 of 6)

### APPLICATION OF THE RULE

**Shared Accommodation: Not defined as a ‘household’ - Where separate flats/ rooms are burgled within a house which are let out to residents on an individual basis, whether sharing communal facilities or not, a crime of residential burglary should be recorded for each victim. The same rule applies for halls of residence.**

Example 1: A residential property rented jointly by two tenants is burgled.

*One crime of burglary – residential (class 28E).*

Example 2: A person enters a block of flats as a trespasser with intent to steal.

(i) Entry to common hallway only.

*One crime of burglary – residential (class 28E).*

(ii) Entry via hallway, then three flats burgled.

*Three crimes of burglary – residential (class 28E).*

**Residential care homes, children’s homes, halls of residence, hostels etc. should be classified as burglary – residential and NOT burglary – business and community (irrespective of the length of time the person has been resident at the premises).**

**Exception:** Where both residents room(s) and rooms which are used to service the business, e.g.an administration office are burgled, count both the burglary – residential and burglary – business and community.

Example 3: Entrance to a communal hallway is gained by forced entry and a pedal cycle is stolen. The offender is clearly trespassing and committed theft.

*One crime of burglary – residential (class 28E).*

Example 4: Five students reside in a shared flat and live together as a household (as defined in 28E Counting Rules 1 of 6). A person gains entry to the flat and steals property belonging to 3 of the students.

*One crime of burglary – residential (class 28E).*

Example 5: A pedal cycle is stolen from a communal hallway. Access to the building and the hallway is shared. There is no sign of forced entry and it is unclear how the offender gained entry to the hallway. On the balance of probabilities, the offender is more likely to be a trespasser than a resident.

*One crime of burglary – residential (class 28E).*

## 28E Burglary – Residential Counting Rules (5 of 6)

Example 6: A person enters a university hall of residence in term time with intent to steal.

(i) Entry to common hallway area only.

*One crime of burglary – residential (class 28E).*

(ii) Entry via common lounge area, then three study-bedrooms burgled.

*Three crimes of burglary – residential (class 28E).*

(iii) One of the three study-bedrooms is vacant.

*Three crimes of burglary – residential (class 28E).*

(iv) Property belonging to four students is stolen from three rooms and the communal lounge.

*Four crimes of burglary – residential (class 28E).*

Example 7: A communal cycle storage shed, within the boundary of a shared house is burgled and bicycles belonging to three residents are stolen.

*One crime of burglary – residential (class 28E).*

Example 8: A residential care home is burgled. The manager's office door is forced and cash stolen from within. The suspect then enters three residents rooms and steal jewellery.

*One crime of burglary – business and community (class 30C) and three crimes of burglary – residential (class 28E).*

Finished Incident: see also General Rules Section E.

Example 1: A burglar admits to police that he has entered the same house on four separate occasions to burgle it.

(i) Each burglary separately reported by the victim.

*Four crimes of burglary – residential (class 28E).*

(ii) Only the first one reported.

*One crime of burglary – residential (class 28E).*

(iii) None of the burglaries reported but the victim confirms the crime.

*One crime of burglary – residential (class 28E).*

## 28E Burglary – Residential Counting Rules (6 of 6)

**Principal Crime:** see also General Rules Section F and Annex C. Generally, the most serious violent crime (apart from assault without injury and assault on a constable) takes precedence over burglary. For aggravated burglaries only assault amounting to GBH (Section 20 and above) will generally take precedence.

Example 1: An offence amounting to GBH with intent occurs in the course of a burglary, but not in order to steal.

*One crime (class 5D). (If the GBH is committed in order to steal, it is a robbery).*

Example 2: An offence of ABH occurs in the course of a burglary, but not in order to steal.

*One crime of assault with injury Sec 47 ABH – class 8N. (See comment above).*

Example 3: A person reports having his house burgled and car stolen from the drive.

*One crime of burglary – residential (class 28E).*

**Whether to record:** see also General Rules Section A.

Example 1: A person (not acting on behalf of the victim) reports a gang of youths trying to enter a house, while the owners are away.

- (i) Police attend the scene and can find no signs of attempted entry.

*Register an incident and deal with in accordance with NSIR .*

- (ii) Police attend and find the house in question insecure, having been subject to an untidy search.

*One crime of burglary – residential (class 28E). On the balance of probabilities a burglary has occurred.*

## 28F Attempted Burglary - Residential Counting Rules (1 of 2)

28/3 Burglary  
(V) *Theft Act 1968 Sec 9(pt)*

**Crimes of burglary (28E), distraction burglary (28G), attempted distraction burglary (28H) or aggravated burglary (29A) should not be recorded under Classification 28F.**

**GENERAL RULE: ONE CRIME FOR EACH HOUSEHOLD WHERE BURGLARY ATTEMPTED.**

**EXAMPLE 1:** The owner of a house returns home from work to find damage to his front door. The frame has splintered by the locks and the hinges are bent from repeated kicking. The door held and no entry was gained.

*One crime of attempted burglary – residential (class 28F).*

**How to Classify:** see also General Rules Section B. Any damage to an entry point of a house should be assumed to be an attempt to enter and burgle the house, if on balance of probabilities, attempted burglary is considered to be the more likely offence than criminal damage.

Example 1: The lock to a front door has been damaged. On the balance of probabilities, attempted burglary is considered more likely than criminal damage.

*One crime of attempted burglary – residential (class 28F).*

Example 2: A ground floor window has been broken. It could have been used to enter the house. The house is in an isolated location and it is considered burglary the more likely intent than mere vandalism.

*One crime of attempted burglary – residential (class 28F).*

Example 3: Tools from a shed (not connected to the main house) are taken in order to burgle the house and are left behind. The attempt is unsuccessful.

*One crime of burglary – residential (class 28F).*

**Shared Accommodation:** Not defined as a 'household' - Where attempts are made to burgle separate flats/ rooms within a house which are let out to residents on an individual basis, whether sharing communal facilities or not a crime of attempted residential burglary should be recorded for each victim. The same rule applies for halls of residence.

Example 1: A burglar has entered the common stairwell of a block of three flats. The front door of the top floor flat has been damaged with a crowbar in the door jamb by the lock. Similar damage is apparent to the middle floor flat. Entry to both was unsuccessful. The occupiers of the ground floor flat disturbed the burglar smashing the window next to the front door of their flat. The burglar fled and all households confirmed the damage to their property.

*Three crimes of attempted burglary – residential (class 28F).*

## 28F Attempted Burglary - Residential Counting Rules (2 of 2)

**Rooms in hostels, nursing homes, children's homes, halls of residence, 'long-stay' hotels etc: For a definition of a 'long-stay' hotel, see box on Burglary – classification rules and guidance page 2 of 3.**

Example1: A suspect kicks in the front door of halls of residence that has been divided into twelve separate bed-sits. There is evidence of attempts to force the doors of two bed-sits. A third bed-sit has had its front door opened and property has been stolen from it.

*Two crimes of attempted burglary – residential (class 28F) and one crime of burglary – residential (class 28E).*

Example 2: A burglar enters the insecure door of a homeless hostel. Once inside he attempts to force the doors on two of the residents rooms with intent to steal from within. The night manager disturbs the burglar. Before leaving the scene the burglar enters the office and takes a petty cash tin before running away.

*Two crimes of attempted burglary – residential (class 28F) and one crime of burglary – business and community (class 30C)*

## 28G Distraction Burglary – Residential Counting Rules (1 of 1)

28/3 Burglary  
(V) *Theft Act 1968 Sec 9(pt)*

Crimes of burglary (28E), attempted burglary (28F) attempted distraction burglary (28H) or aggravated burglary (29A) should not be recorded under Classification 28G.

**GENERAL RULE: ONE CRIME FOR EACH HOUSEHOLD BURGLED.**

**EXAMPLE 1:** A bogus gas board official has gained entry to an elderly person's flat by pretending to read the meter. Once inside the suspect has stolen a pension book and cash before leaving.

*One crime of distraction burglary – residential (class 28G).*

**EXAMPLE 2:** A door to door salesman has been invited into the front room to sell his goods. After a short while he asks for a glass of water. As soon as the householder leaves the room he quickly enters the dining room and steals some cash that was visible on the sideboard. He then returns to his seat, drinks the water that was provided by the householder on their return and leaves the house.

*One crime of distraction burglary – residential (class 28G).*

**How to classify: Distraction Burglary - residential or attempted Distraction Burglary - residential**

**Where suspects enter dwellings by distraction but are unable to commit theft a distraction burglary - residential (class 28G) should be recorded.**

Example 1: A bogus gas board official has gained entry to an elderly person's flat by pretending to read the meter. Once inside the householder has suspected something was wrong and escorted the suspect out before anything could happen.

*One crime of distraction burglary – residential (class 28G).*

Example 2: A bogus electricity official has gained entry to a house. He asks if he could use the toilet. On his way upstairs the householder sees him attempting to steal a wallet from a jacket on the banister and cries out. The suspect then runs from the property empty handed.

*One crime of distraction burglary – residential (class 28G).*

## 28H Attempted Distraction Burglary – Residential Counting Rules (1 of 1)

28/3 Burglary.  
(V) *Theft Act 1968 Sec 9(pt).*

Crimes of burglary (28E), attempted burglary (28F) distraction burglary (28G) or aggravated burglary (29A) should not be recorded under Classification 28H.

**GENERAL RULE:** ONE CRIME FOR EACH HOUSEHOLD WHERE BURGLARY ATTEMPTED.

**EXAMPLE 1:** A bogus utility official knocks on the door of a house and asks the householder if they can read the meter. The householder asks to see their identity. A piece of paper is produced. When further questions are asked the suspect runs away.

*One crime of attempted distraction burglary – residential (class 28H).*

## 29A Aggravated Burglary – Residential Counting Rules (1 of 1)

29 Aggravated burglary  
(V) Theft Act 1968 Sec 10(pt)

**GENERAL RULE:** ONE CRIME FOR EACH HOUSEHOLD BURGLED.

**EXAMPLE 1:** A person burgles five houses in a street. He has a weapon on him but does not use it.

*Five crimes of aggravated burglary – residential (class 29A).*

### APPLICATION OF THE RULE

**If a household is victim to more than one burglar, count crimes separately only if each burglar is acting independently.**

Example 1: A house inhabited by one person is burgled by a group of five people possessing (but not using) offensive weapons.

*One crime of aggravated burglary – residential (class 29A).*

Example 2: Four people sharing a house (a family or house-mates) are victims of aggravated burglary by a group of five people.

*One crime of aggravated burglary – residential (class 29A).*

**Other counting rules and examples given for burglary - residential (class 28E) can be applied to aggravated burglary as well.**

**Principal Crime:** see also General Rules Section F and Annex C. Assaults amounting to section 20 or above during an aggravated burglary will generally take precedence.

Example 1: A burglar wounds a house occupant with the weapon he has brought on the burglary.  
*One crime of assault (class 5D or 8N according to circumstances).*

Example 2: Criminal damage occurs in the course of an aggravated burglary.  
*One crime of aggravated burglary (class 29A or 31A).*

Example 3: Three members of the same household are wounded in the course of an aggravated burglary.  
*Three crimes of assault (class 5D or 8N according to circumstances)(same victims).*

Example 4: Two people staying with friends are wounded in the course of an aggravated burglary.  
*Two crimes of assault (class 5D or 8N according to circumstances) and one crime of aggravated burglary – residential (class 29A).*

Example 5: A person enters a house as a trespasser armed with a knife and confronts the male and female occupiers. They are both threatened with violence and as a result hand over their watches before the suspect leaves.

*Two crimes of robbery (class 34B).*



## **Burglary – Business and Community**

**30C**      **Burglary – Business and Community**

**30D**      **Attempted Burglary – Business and Community**

**31A**      **Aggravated Burglary – Business and  
Community**

## 30C Burglary – Business and Community Counting Rules (1 of 3)

30/2 Burglary.  
(V) Theft Act 1968 Sec 9 (pt).

**Crimes of attempted burglary - business (30D) should not be recorded under Classification 30C.**

**GENERAL RULE: ONE CRIME FOR EACH BUILDING BURGLIED.**

**EXAMPLE 1:** A person burgles five units on an industrial estate.

*Five crimes of burglary – business and community (class 30C).*

**EXAMPLE 2:** A person burgles a pub while the owner is asleep in the adjoining living quarters.

*One crime of burglary – business and community (class 30C).*

**EXAMPLE 3:** A person burgles the living quarters of a pub but not the adjoining pub itself which are not entered.

*One crime of burglary – residential (class 28E).*

**EXAMPLE 4:** A person burgles four sheds belonging to four separate owners situated on a shared allotment.

*Four crimes of burglary – business and community (class 30C).*

### APPLICATION OF THE RULE

**If a building is burgled more than once, count crimes separately only for each burglar acting independently.**

Example 1: A warehouse is burgled by a group of five people.  
*One crime of burglary – business and community (class 30C).*

**Commercial Blocks: one crime for each suite of offices or other premises in a building that are inhabited by a separately registered company and which are also separately lockable.**

Example 2: A commercial property rented jointly by two tenants is burgled. The tenants use different parts of the property.

*One crime of burglary – business and community (class 30C).*

Example 3: A person burgles an office block.

(i) Entry to reception area only.  
*One crime of burglary – business and community (class 30C).*

(ii) Entry via hallway, then lockable offices belonging to three different companies are burgled.  
*Three crimes of burglary – business and community (class 30C).*

(iii) Entry direct to above offices.  
*Three crimes of burglary – business and community (class 30C).*

(iv) Offices of one of the companies are vacant.  
*Three crimes of burglary – business and community(class 30C).*

## 30C Burglary – Business and Community Counting Rules (2 of 3)

### APPLICATION OF THE RULE (CONTINUED)

**Residential care homes, children’s homes, halls of residence, hostels etc. should be classified as burglary – residential and NOT burglary – business and community (irrespective of the length of time the person has been resident at the premises).**

**Exception:** Where both residents room(s) and rooms which are used to service the business, e.g. an administration office are burgled, count both the burglary – residential and burglary – business and community.

Example 4: A residential care home is entered by a trespasser. The lock to the manager’s office is forced and cash stolen from within. The suspect then goes on to enter three residents’ rooms and steal jewellery and cash from within.

*One crime of burglary – business and community (class 30C) and three crimes of burglary – residential (class 28E).*

**Sites under Common Ownership: groups of buildings on the same site and belonging to the same owner should be counted as one crime if burgled.**

Example 1: Three of a company’s buildings on the same factory site are burgled by a group of four people.

*One crime of burglary – business and community (class 30C).*

Example 2: Four huts on a building site are burgled.

*One crime of burglary – business and community (class 30C).*

Example 3: Six chalets on the same holiday camp site are burgled.

(i) All the chalets are vacant and not fit for habitation at the time.

*One crime of burglary – business and community (class 30C).*

(ii) Three chalets are rented out at the time on a long-stay basis, and three are vacant but fit for habitation.

*Three crimes of burglary – residential (class 28E) and one crime burglary – business and community (class 30C).*

**‘Short-stay’ Hotels:** A burglary in a hotel whose rooms are let out to guests on a ‘short-stay’ basis (i.e. so that the hotel is not the guest’s permanent address) should be recorded as a burglary (or aggravated burglary) – business and community.

Example 1: A person enters a hotel with intent to steal.

(i) Entry to common area only.

*One crime of burglary – business and community (class 30C).*

(ii) Entry via common area, then three bedrooms burgled.

*One crime – burglary business and community (class 30C).*

## 30C Burglary – Business and Community Counting Rules (3 of 3)

Example 2: A person enters a university hall of residence with intent to steal. It is the summer holiday period, and the hall is being used for a conference.

- (i) Entry to common area only.

*One crime of burglary – business and community (class 30C).*

- (ii) Entry via common area, then three study-bedrooms burgled.

*One crime of burglary – business and community (class 30C).*

### **Whether to record: see also General Rules Section A.**

Example 1: A person reports a gang of youths trying to enter a warehouse, while it is closed for the night.

- (i) Police attend the scene and can find no signs of attempted entry.

*Register an incident and deal with in accordance with NSIR.*

- (ii) Police attend and find the warehouse in question insecure, having been subject to an untidy search.

*One crime of burglary – business and community (class 30C). On the balance of probabilities a burglary has occurred.*

### **Principal Crime: see also General Rules Section F and Annex C.**

Example 1: A company reports having a warehouse burgled and several of its vans stolen both from inside and outside the warehouse.

*One crime of burglary – business and community (class 30C). (The victim of the burglary and the vehicle theft, which applies to the outside vans, is the company).*

## 30D Attempted Burglary – Business and Community Counting Rules (1 of 1)

30/2 Burglary  
(V) Theft Act 1968 Sec 9 (pt).

**Crimes of burglary - business and community (30C) or aggravated burglary business and community (31A) should not be recorded under Classification 30D.**

**GENERAL RULE: ONE CRIME FOR EACH BUILDING WHERE BURGLARY ATTEMPTED.**

**EXAMPLE 1:** A crowbar has been used to attempt to force the steel shutters on a shop door. The suspect has fled when the alarm was activated.

*One crime of attempted burglary- business and community (class 30D).*

**How to Classify:** see also General Rules Section B. Any damage to an entry point of a building should be assumed to be an attempt to enter and burgle the building, if on balance of probabilities, attempted burglary is considered to be the more likely offence than criminal damage.

Example 1: The lock to the entrance to a commercial building has been damaged. On the balance of probabilities, attempted burglary is considered more likely than criminal damage.

*One crime of attempted burglary – business and community (class 30D).*

Example 2: A ground floor window of an office block has been broken. It could have been used to enter the building, and this is considered the more likely intent than mere vandalism.

*One crime of attempted burglary – business and community (class 30D).*

**Whether to record:** see also General Rules Section A

Example 1: A person reports a gang of youths trying to enter a church, while it is closed for the night.

- (i) Register a crime related incident report but do not record the crime.
- (ii) As above, but on their return the church warden confirms that an attempt to enter has been made.

*One crime of attempted burglary – business and community (class 30D)*

## 31A Aggravated Burglary – Business and Community Counting Rules (1 of 1)

31 Aggravated burglary  
(V) *Theft Act 1968 Sec 10(pt).*

**GENERAL RULE: ONE CRIME FOR EACH BUILDING BURGLIED.**

**EXAMPLE 1:** A person burgles five separately leased and lockable stalls in a market hall. He has a weapon on him but does not use it.

*Five crimes of aggravated burglary – business and community (class 31A).*

### APPLICATION OF THE RULE

**If a building is burgled more than once, count crimes separately only for each burglar acting independently.**

Example 1: A shop is burgled by a group possessing weapons and the door left open. The CCTV later shows another apparently unconnected person entering to steal - no sign of a weapon.

*One crime of aggravated burglary – business and community (class 31A) and one of burglary – business and community (class 30C).*

**Other counting rules and examples given for burglary (class 30C) can be applied to aggravated burglary as well.**

### **Principal Crime: see also General Rules Section F and Annex C.**

Example 1: A burglar wounds a security guard with the weapon he has brought on the burglary.

*One crime of assault (class 5D or 8N according to circumstances) and one crime of aggravated burglary – business and community (class 31A). Assumes the security guard is not the owner of the business.*

Example 2: The owner of a shop is wounded in the course of an aggravated burglary.

*One crime of assault (class 5D or 8N according to the circumstances).*

Example 3: Criminal damage occurs in the course of an aggravated burglary.

*One crime of aggravated burglary (class 29A or 31A).*

Example 4: An armed gang force the front door of a property used as a massage parlour. They threaten the receptionist with a firearm and as a result she hands over the business money from the safe. They then confront two working girls and threaten them with the firearm demanding their credit cards, watches and mobile phones. These are handed over and the suspects leave.

*One crime of robbery of business property (class 34A) and two crimes of personal robbery (class 34B).*

<b>Maximum Sentence - Burglary</b>		
<b>Life</b>	<b>14 years</b>	<b>10 years</b>
29	28/2	30/2
31	28/3	