

Anti-social Behaviour, Crime and Policing Bill

Fact sheet: Low-value shop theft

Background

1. As part of wider reform of the criminal justice system (CJS), the police, the Crown Prosecution Service (CPS) and HM Courts and Tribunals Service have been working closely together to improve the management of high-volume criminal cases.
2. We are determined to improve the response of the whole CJS to these crimes and empower the police to deal with cases more expeditiously, benefiting the victims.
3. The police have always been able to prosecute some low-level offences, such as speeding, themselves where the offender pleads guilty. Last year we extended these powers to new offences including criminal damage under £5,000 and a number of alcohol and public order offences. We have also enabled the police to continue the prosecution where a person does not respond to a summons or pleads exceptional hardship to avoid a driving ban.
4. The police-led approach only applies to uncontested cases. Cases that are contested are automatically passed to the CPS for prosecution. A streamlined approach to police prosecutions has been implemented in nine local areas to improve these processes.
5. Our intention is to transfer responsibility back to where it belongs, empowering frontline officers, restoring power and discretion to the police and reducing bureaucracy and delays in the CJS.
6. Theft from shops causes huge harm to communities, businesses and the economy: over 75,000 cases of shop theft come before the courts each year. The vast majority of these are already dealt with in magistrates' courts; only about 1 per cent (700 in 2012) go to the Crown Court. However, because shoplifting cases can be heard and sentenced in either the magistrates' court or the Crown Court, they are subject to procedures that act as a barrier to adopting the simpler, more proportionate police-led approach, even though shoplifting is an offence which the police can already choose to deal with by means of a Penalty Notice for Disorder where this is deemed appropriate.
7. The provision in this Bill is designed to lift these barriers by making low-value shop theft a summary-only offence (whilst preserving the defendant's right to elect a Crown Court trial). This change ensures that such cases are dealt with proportionately and lay the ground for the police to prosecute uncontested cases in the future.

8. The provision merely gives the police the option of using streamlined procedures for prosecution. It is not designed to reduce the number of prosecutions for shop theft or to reduce the penalty imposed.

The monetary threshold

9. The provisions make shop theft involving property with a value of £200 or less (low-value shoplifting) a summary-only offence, although defendants would still be able to choose (elect) to be tried by judge and jury in the Crown Court. This means that shoplifting cases with a value of £200 or less would potentially be subject to more efficient procedures, and could be added to those offences that the police can prosecute directly without the involvement of the CPS. Such cases could no longer be sent to the Crown Court for trial (unless the defendant elects), or be committed there for sentence.
10. The threshold of £200 is based on research done in 2006 for the Sentencing Advisory Panel, which showed that the median value of goods stolen was £40, and that 90 per cent of cases involved property worth under £200.¹ A threshold set at £200 could capture the vast majority of the cases heard in magistrates' courts, as well as 80 per cent of the much smaller number that go to the Crown Court.
11. This change builds on an ongoing programme of work to improve criminal justice procedures and, in particular, to simplify and expand the police-led approach in specified proceedings.
12. Introducing a monetary threshold for shoplifting will mean the CPS can focus their resources on more serious and contested cases, where their independence and specialist skills add most value. It also offers the chance to generate efficiencies in the CJS by eliminating the need to hand over cases between agencies, reducing bureaucracy and stripping out duplication.

Home Office/Ministry of Justice
October 2013

¹ Research for the Sentencing Advisory Panel in 2006
<http://www.lccsa.org.uk/assets/documents/consultation/researchreport-theft0806.pdf>