7. Criminal Damage & Theft

Criminal Damage

Criminal Damage is the "deliberate or reckless damage" of property without lawful excuse. The damage does not have to be permanent – people have been accused of this offense after using chalk on paving stones. It includes interfering with property in a manner that causes loss, which could include loss of profit (e.g. by setting off a fire alarm). Defence can often hinge on the 'lawful excuse' aspect of this offence.

The magnitude of the possible penalty, and whether or not you would be tried in the Magistrate or Crown Court, depends on whether the damage is more, or less, than £5000 (unless the damage is to a memorial or caused by fire, in which case it is treated as if over £5000).

The maximum penalty where value of damage is less than £5000 is 3 months imprisonment and/or £2500 fine. Where the damage is more than £5000 the maximum penalty is ten years imprisonment. However, the likely penalty for first time offenders is a lot lower than the maximum penalty. For first time offenders, it is highly dependent on the cost of the damage you supposedly committed. If it was low the penalty could be anything from a conditional discharge, to community service or a fine of around several hundred pounds.

Having items with intent to cause Criminal Damage

Activists found on their way to an action with bolt-croppers have been charged with having items with intent to cause Criminal Damage. The most ridiculous arrests we've seen for this were for having permanent markers!

Theft

This is "dishonestly appropriating another's property with intent to permanently deprive them of it". Maximum penalty is 7 years prison but this would involve property worth millions of pounds. There is a separate offence of possessing items of police uniform s90 Police Act 1996 with a maximum penalty of a fine.