

CONSULTATION ON A REVISED FRAMEWORK FOR RECORDED CRIME OUTCOMES



Home Office

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Ministerial foreword



It is a key priority for the government to bring an end to bureaucratic accountability and introduce democratic accountability, whereby Whitehall withdraws from the day-to-day interference and micro-management of policing. We have already removed central crime and detections targets and performance indicators, and moved away from a regime that focused on hitting targets rather than cutting crime. The government is clear that the aim of the police is to cut crime.

We now want to go further. We want to broaden the current ‘sanction detections’ framework to better reflect all of the work that the police do to solve and resolve crime.

A revised framework for recorded crime outcomes, which provides information on the outcomes of 100% of crimes, will support police officers to use their professional judgement to ensure a just and timely outcome which reflects the harm to the victim, the seriousness of the behaviour, the impact on the community, and which deters future offending. Furthermore, it will also give the public more detailed information about the work their police forces are doing, by providing a more detailed and meaningful picture of crime in England and Wales. This information will compliment the work already done to make local crime information and justice outcomes transparent and accessible through the crime maps on police.uk, and so further empower local communities to hold their chief officer and police and crime commissioner to account for tackling crime locally.

A handwritten signature in black ink that reads "Damian Green". The signature is written in a cursive, flowing style.

Rt Hon Damian Green MP
Minister of State for Policing and Criminal Justice

Consultation summary

WHY ARE WE CONSULTING?

We are consulting on proposals for a revised framework as it provides an opportunity for the government to pull together the knowledge, expertise and opinions of policing and criminal justice stakeholders, and the public more widely, to ensure that the final framework is as accurate and meaningful as possible, and based on full consideration of the potential impact of the changes on all affected parties.

SCOPE OF THE CONSULTATION

Topic of this consultation:	This consultation contains proposals for revising the current framework for recorded crime outcomes. It proposes adding new categories with the aim of improving transparency of crime data and supporting police officer discretion in choosing most appropriate disposals in response to crime.
Scope of this consultation:	To seek views on the proposed new disposal categories, to ensure the final framework is based on a full consideration of the impact of these changes, and that it is clear, accessible and meaningful to the widest possible audience.
Geographical scope:	England and Wales

BASIC INFORMATION

To:	This is a targeted consultation to seek the views of key partners and directly affected parties, including the police and criminal justice practitioners, victims groups, the voluntary and community sector, other government departments, and organisations with a direct interest in crime data. We also invite comments from members of the public.
Duration:	19 October – 7 December 2012
Enquiries and responses:	<p>You can respond to any or all of the sections in the consultation by completing the online form at www.homeoffice.gov.uk/about-us/consultations/</p> <p>You can also send your written responses to: Consultation on the recorded crime outcomes framework Home Office Police Transparency Unit 6th Floor Fry 2 Marsham Street London SW1P 4DF crimeoutcomes@homeoffice.gsi.gov.uk</p> <p>Enquiries about the scope of the consultation or requests for hard copies should also be addressed to the contact details above.</p>

Alternative formats	Contact the Police Transparency Unit (see details above) should you require a copy of this consultation paper in any other format, e.g. Braille, Large Font, or Audio.
Additional ways to become involved:	In addition to holding workshops with police force crime statistics representatives, we will establish discussion forums on the Police Online Knowledge Area (POLKA) so police officers and staff, and other government departments, can share their views.
After the consultation:	Following the public consultation period, responses will be collated and analysed. The steering group will review this analysis and use this as the basis for finalising the framework. The government's response to the consultation, and the final framework, will be published in early 2013 on the Home Office website so forces have a chance to prepare for the first round of data collection that, depending on the outcome of the consultation, should begin in April 2013. The first set of data using the new framework would then be available in the July 2014 crime statistics.

BACKGROUND

Getting to this stage:	In April 2011 the Home Office introduced provision for all police forces to voluntarily submit all restorative justice and community resolution outcomes as part of their detections data returns, to address the fact that the current sanction detection framework prevents recognition for these disposals. To build on this work, ministers approved the establishment of a taskforce made up of policing and criminal justice partners, to develop proposals to replace the current sanction detection categories with a broader framework that recognises all crime disposals. In July 2012 the Home Office announced its intention to revise the framework, and signalled that a public consultation on proposals developed by the taskforce, would take place in the autumn.
Previous engagement:	<p>The current proposals have been developed with the help of a taskforce of policing and criminal justice partners from the Home Office's National Crime Registrar, ACPO, NPIA, HMIC, the CPS and the Ministry of Justice.</p> <p>We have also presented our plans and gathered views on broadening the current detections framework at a series of workshops in September 2012, run by the Office for National Statistics. The workshops were attended by police force crime statistics representatives and took place at various venues across the country.</p>

1. Introduction

- 1.1. The Home Office has been undertaking a review of the current framework for recorded crime outcomes, as set out in the Home Office Counting Rules (HOCRs), which reflects former performance and target-based arrangements and which does not paint a complete picture of the different outcomes across all recorded crime. There is growing support from policing and criminal justice partners to replace the current sanction detection categories with a broader framework that improves transparency by providing the public with more detailed information about how the police are responding to crime, and enables police officers to use their professional judgement to determine the most appropriate response to crime, for the victim and the wider community.
- 1.2. This consultation paper sets out the problems with the current framework, and the aims of revising it, before presenting the proposed revisions to the framework that includes a broader suite of outcomes and recognises:
 - the use across the service of ‘community resolutions’, which also often include the use of restorative justice techniques, by adding it as a new category;
 - the reasons behind why ‘prosecution is not possible or advisable’ in the case of certain crimes;
 - those crimes that have been investigated as far as possible and therefore closed; and
 - those crimes that remain under investigation.
- 1.3. Other than ceasing to describe them as ‘detections’ the consultation proposals do not include revising the current detection categories. These disposals will continue to be presented in statistical releases alongside the new categories introduced following this consultation. The existing counting rules for current methods of detection will be largely retained although some amendments will be necessary once a final decision is made.
- 1.4. The Home Office welcomes views on these proposals from all interested policing, criminal justice and voluntary sector partners, as well as from the public more widely.
- 1.5. Following the consultation period, responses will be analysed and used to develop the revised outcomes framework. A government response to the consultation will be presented in early 2013, so data collection by forces using the new framework can begin in April 2013. The resulting data would then be published as part of national statistics in July 2014.

2. The current ‘detection’ framework

- 2.1. The 43 territorial police forces in England and Wales and the British Transport Police provide the Home Office with aggregate returns on the number of notifiable crimes and number of detections they have recorded each year. Detected crimes are those crimes that have been ‘cleared up’ by the police.
- 2.2. The current ‘detection’ framework for recording crime outcomes is divided into two categories: sanction and non-sanction detections. The former occurs where the offender receives some formal sanction and the latter occurs in certain circumstances where the offence was ‘cleared up’ but either no further action is taken against an offender or, for example, where the alleged offender has died.

Current detection framework				
1	Charge/Summons		Sanction detections	
2	Taken into consideration			
3	Caution/Reprimand/Warning			
4	Penalty Notice for Disorder			
5	Cannabis Warning			
6	No further action	6a	Offender dead	Non sanction detections
		6b	CPS decides not to prosecute	

- 2.3. Further detail on each of the detection categories is set out at Annex A. A table showing how this data is currently presented is set out at Annex B (Table A).
- 2.4. From April 2011 the Home Office has also been receiving data (on a voluntary basis by 22 police forces) on crimes ‘cleared up’ by the application of locally based community resolutions or restorative justice. Restorative justice is a more formal course of action administered by trained practitioners whereas less formal community-based resolutions are where the offender has made an admission and the victim is satisfied that such a resolution may be used. The resolutions are variable and may amount to an apology to the victim or agreement to carry out some activity such as repairing damage caused.
- 2.5. HOCR provides detailed guidance to forces on the principles for detecting crime and the requirements that must be met for each of the detection categories.
- 2.6. In recent years there has been growing criticism of the current detection framework, with calls from across the police service and wider criminal justice partners that it skews the public perception of policing activity.

THE CURRENT FRAMEWORK HINDERS POLICE DISCRETION TO CHOOSE THE APPROPRIATE OUTCOME

- 2.7. The current detection framework reflects former performance indicators and targets, and has arguably continued to nurture a performance culture within forces that results in perverse incentives for officers to chase ‘easy’ detections, rather than using their professional discretion to push for the most appropriate and proportionate response to crime and its resolution, that meets the needs of the victim.

2.8. It has been suggested that since the current framework fails to recognise other out-of-court disposals, such as community resolutions, this in turn presents barriers to their effective implementation and to the exercise of discretion by police officers. There is widespread support for recognising the validity of alternative disposals; they secure high levels of victim satisfaction as they take the needs of the victim into account and ensure swift and cost effective application of ‘justice’.

THE CURRENT FRAMEWORK DOES NOT PROVIDE A FULL PICTURE OF 100% OF CRIME OUTCOMES¹

2.9. As well as failing to fully recognise community resolutions, at present, no explanation is given in the crime statistics for what happens to the majority of crimes, and these are currently recorded as ‘undetected’. This accounts for approximately 70% of all recorded crimes. Crimes are ‘undetected’ for a variety of reasons, for example, where they have been resolved by an alternative disposal or where a victim does not support any further investigation even where it is clear who the offender is.

2.10. This current lack of transparency on ‘undetected’ crimes means the public have an incomplete story about the clear up of crime by the police service, as they do not have a sufficiently rich explanation of what has happened in 100% of cases. This situation hinders the public’s, and incoming police and crime commissioners’, ability to hold police forces to account for how they are responding to crime locally.

1 While 100% of crimes would have an outcome, outcomes would frequently occur in different time periods from the matched crime

3. Proposals for a revised framework for recorded crime outcomes

3.1. The broad aims of a revised outcomes framework are:

- To **strengthen police discretion** by recognising the full range of possible disposals, including community resolutions, rather than incentivising police officers to pursue a particular outcome because it is perceived as ‘better’ than others. This will empower them to exercise their professional judgement to ensure that offenders are dealt with by the most appropriate disposal available, in the knowledge that no one outcome is favoured over others – the emphasis should shift from hitting targets to appropriateness.
- By strengthening police discretion, the framework should in turn **promote a more victim-oriented approach**, focused on providing a better service to victims of crime by removing perverse incentives for forces to record and pro-actively pursue certain crimes on the basis of locally-set detection targets, and encouraging police officers to consider the needs of victims, and the potential for engaging them in the process.
- To further **increase transparency** in policing, and trust in national statistics, by providing the public with a richer picture of crime, and how it is dealt with in their area. This broader set of information could be used as tool by which the public can hold the police to account, and as a basis for constructive engagement between communities, the police, and – come November – police and crime commissioners. By giving every crime an outcome, we will help the public understand – and therefore support or challenge – police activity.

3.2. We have sought to develop a straightforward list, retaining the existing detection categories but adding richer detail on other disposals and outcomes to enable the police to fully account for those crimes that are not resolved, and which are currently labelled ‘undetected’.

Proposed recorded crime outcomes framework				
1	Charge/Summons		Existing detection categories	
2	Taken into consideration			
3	Caution/Reprimand/Warning			
4	Penalty Notice for Disorder			
5	Cannabis Warning			
6	Community Resolution		To capture informal disposals	
7	Prosecution not possible or advisable	7a	Evidential difficulties in proceeding	To explain in more detail why some cases are not possible to resolve
		7b	Unable to prosecute offender (e.g. age/health/deceased)	
		7c	Prosecution unlikely to succeed or not in the public interest – CPS	
		7d	Prosecution unlikely to succeed or not in the public interest – Police	
		7e	Time limit expired	
8	Crime investigated as far as possible, case closed		To ensure the statistics capture 100% of crimes	
9	Crime remains under active investigation			

- 3.3. The new framework, and accompanying guidance, should be set out in such a way that it is easy to understand and use, and **limits additional bureaucratic and financial burden** on police forces as far as possible.
- 3.4. We have attempted to strike a balance between including sufficient detail on disposal types to provide a richer picture of crime that recognises 100% of crime outcomes (including those that do not yet have a formal outcome, as they are still under investigation), whilst limiting the number of sub categories so as not to make the picture too complex or too bureaucratic to complete.
- 3.5. The list includes the proposed recorded crime outcome categories that might be included in a revised framework, and is based on in depth discussions with policing and criminal justice stakeholders. Tables showing how the data might be presented with the revised framework are at Annex B (Tables B and C).

OUTCOMES 1 TO 5: NO CHANGES TO EXISTING DETECTION CATEGORIES

- 3.6. To provide continuity of data across national statistics and police.uk, and due to the upcoming changes to the policing and criminal justice landscape, we do not propose to make wholesale changes to these existing categories, or the guidance within the HOCR, although some changes to those counting rules would be needed to reflect revised terminology and landscape. This aspect of the framework, and the guidance, is an area we may revisit once the proposed changes have been embedded. As such, changes to these outcomes are not under consideration as part of the current consultation although they will cease to be known as 'detections' and be referred to as 'outcomes'.²

OUTCOME 6: ADDITIONAL 'COMMUNITY RESOLUTION' CATEGORY

- 3.7. A community resolution is the nationally recognised term for the resolution of a less serious offence or anti-social behaviour incident where an offender has been identified, through informal agreement between the parties involved as opposed to progression through the traditional criminal justice system. Community resolutions are primarily aimed at first time offenders where genuine remorse has been expressed, and where the victim has agreed that they are content for the police to take this approach.
- 3.8. A community resolution provides the police with a swift, effective and transparent means for dealing with less serious crime and anti-social behaviour incidents by providing a tool that enables police officers to use their professional judgement to assess an offence, the wishes of the victim, and the offender's history, and decide on an outcome which best meets the interests of the victim and the wider community. This additional category will be supported by new ACPO guidance on community resolutions.
- 3.9. These disposals are included on police.uk and since April 2011 all police forces that engage in restorative justice or community resolutions have been encouraged to submit these outcomes to the Home Office. As the majority of forces already submit this data voluntarily we intend to formalise this arrangement to ensure these outcomes are reflected in the national statistics. We welcome views and opinions on the decision to add this outcome to the revised framework.

² The Legal Aid, Sentencing and Punishment of Offenders Act 2012 contains amendments to provisions on conditional cautions, but these changes are not considered as part of this consultation.

3.10. Note: Although current voluntary outcome submissions include either community resolutions and/or restorative justice outcomes, we will use ‘community resolution’ as a catch-all term in the revised framework, for all those informal resolutions that may or may not use restorative justice techniques³ to achieve crime outcomes.

OUTCOME 7, INCLUDING 7A TO 7E: ‘PROSECUTION IS NOT POSSIBLE OR ADVISABLE’

3.11. The term ‘no further action’ provides insufficient explanation as to why no further action has been taken by the police for these crimes. In many instances, cases remain unresolved where there would in normal circumstances be an adequate evidential basis for the case to proceed, but for legitimate reasons cannot. We believe these reasons should be reflected in the revised crime outcome statistics, to provide richer detail about why some cases remain unresolved even though, in some cases, a suspect may have been identified. However, we need to ensure that we find an appropriate balance between providing sufficient detail and information to satisfy the interests of public transparency, and providing such a large number of sub-categories that they would serve to complicate rather than clarify the picture, and become an unreasonable bureaucratic burden on police forces.

3.12. The proposals set out below reflect sub-categories developed by the taskforce of policing and criminal justice partners, and are included as a basis for garnering responses. All are open to change as a result of the consultation. The table below includes detail on the rationale for inclusion of each category, and issues relating to content and terminology. We welcome input from respondents on:

- the appropriate level of detail, in terms of how many sub-categories there should be, and how outcomes might best be grouped;
- the appropriate terminology used to describe this category, and sub-categories (e.g. will it be meaningful to the public).

³ Restorative justice techniques involve the victim in the outcome of the offence, and help the offender to understand the impact of their behaviour and take responsibility for making good the harm they have caused. These techniques might include a letter of apology to the victim, reparative work in the community or more formal restorative justice conferencing, and can be used to compliment a variety of crime and justice outcomes across the criminal justice process.

Proposed categories		Detail / issues
7	Prosecution not possible or advisable	An overarching category to describe those crimes where a suspect has been identified but for various reasons (as set out in the sub categories below) prosecution or disposal is unlikely, so the case is closed for one of the reasons set out below.
7a	Evidential difficulties in proceeding Or unwilling victim and other sub categories	<p>This sub-category would include crimes where a juvenile is not permitted to be witness or where the complainant/essential witness has died. Difficulties presented by victims themselves could be shown in this category under a general heading or more specifically.</p> <p>There is concern in the police service that a very subjective category such as “unwilling victim” or “uncooperative victim” could result in a bureaucracy associated with certifying that a victim has truly withdrawn co-operation and/or to an extent which renders a prosecution impossible rather than simply more difficult. The audit and inspection regime associated with ‘policing’ a category of this nature could be significant. It is also complicated by the fact that the police and CPS will prosecute in the public interest without any co-operation from the victim e.g. domestic violence. If the outcome is published on police.uk (at a local level) it will need to be couched in language that ensures there is no adverse impact on the victim.</p>
7b	Unable to prosecute offender (e.g. age/health/deceased)	<p>In an attempt to keep the list as succinct as possible, this category is based on an amalgamation of a number of sub categories that police forces already use to describe the reasons for ‘no further action’ in a number of circumstances:</p> <ul style="list-style-type: none"> • a crime has been committed by a child under the age of criminal responsibility • the suspect is ill and unlikely to recover or has limited mental capacity • the suspect is dead <p>Concerns have been raised that an outcome for recording when a suspect is ill or has limited capacity which results in no further action could result in additional and complex processes around medical reports; recording offences committed by a child under the age of ten highlights the fact that in law, these offences cannot be proceeded to court.</p>
7c	Prosecution unlikely to succeed or not in the public interest – CPS	The CPS decides by virtue of the powers available to them that a prosecution is not in the public interest. For example a suspect may already be serving a prison sentence for other matters and the CPS determines that a further prosecution would not result in any longer sentence than already being served.
7d	Prosecution unlikely to succeed or not in the public interest – police	The police decide that a prosecution (or other form of action) is unlikely to succeed or is not in the public interest.
7e	Time limit expired	The time limit for commencement of prosecution has expired. For example in the case of summary only offences heard at magistrate’s courts the law provides certain time limits in which the prosecution must proceed.

OUTCOME 8: 'INVESTIGATED AS FAR AS POSSIBLE, CASE CLOSED'

3.13. This will include those cases where despite a full and extensive investigation the police are unsuccessful in identifying an offender or where at an early stage it becomes apparent that there are no realistic investigative lines to follow. This category could therefore include cases where the absence of suitable cooperation from the victim and/or witnesses makes further progress impossible or impractical (as an alternative to inclusion under 7a).

3.14. There will be circumstances when crimes concluded in this category may, at some later date, be reopened and finally reclassified into one of the other outcome types as a result of further investigation (for example, cold case reviews or if new DNA evidence comes to light).

OUTCOME 9: 'CRIME REMAINS UNDER ACTIVE INVESTIGATION'

3.15. In order to ensure that the crime statistics are able to provide information on what happens in 100% of crimes, and so reconcile crimes with their outcomes, we propose to add this new category to the framework. It is important to note, however, that this category has a high degree of movement as crimes will move from this into other disposal categories.

4. Consultation questions

ABOUT YOU

These details are voluntary and will be treated as personal data by the Home Office in compliance with government guidance on holding personal information.

1) Which of the following best describes your organisation or the professional interest that you represent?* Please select one option.

- a. Police force
- b. Police authority
- c. Police and crime commissioner (PCC)/ PCC Candidate
- d. Victims group
- e. Voluntary sector / community organisation
- f. Community Safety partnership or body
- g. Government department or agency
- h. ONS or other statistical organisation
- i. Academic institution or think tank
- j. None – I am responding as a member of the public
- k. Prefer not to say
- l. Other (please specify)

2) Which organisation do you represent? Providing this information is optional.

3) In which of the following areas are you based? Please select one option.

- a. East Midlands
- b. East of England
- c. Greater London
- d. North East England
- e. North West England
- f. South East England
- g. South West England
- h. Wales
- i. West Midlands
- j. Yorkshire and the Humber
- k. Prefer not to say
- l. Other (please specify)

YOUR FEEDBACK

4) The consultation document contains proposals for revising the current framework for recording crime outcomes.

To what extent do you support or oppose the proposals to change the framework for recording crime outcomes? * Please select one option.

- a. Strongly support
- b. Tend to support
- c. Tend to oppose
- d. Strongly oppose
- e. Not sure

Please give reasons for your answer:

5) To what extent do you agree or disagree with the following statements on the proposed new framework for recording crime outcomes: Please tick one option for each statement.

Statement	Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Not sure
It will increase transparency on crime outcomes					
It will support police officer discretion and professional judgement when deciding on the most appropriate response to a crime					
It will reduce the bureaucracy associated with crime recording					
It will reduce the financial burden for forces associated with crime recording					
It will be possible to deliver the required changes to police IT systems within the proposed timescales					

Please give reasons for your answers above:

6) If you have any further suggestions or proposals for consideration, particularly in terms of proposing alternative categories and/or sub-categories under outcomes 7, 8 and 9 of the proposed framework, please outline them below:

7) Is there any other issue with the proposed disposal framework that you would like to bring to our attention? For example, impact on you or your organisation or consideration of any potential implications from additional series of disposals that will be recorded.

8) If you are happy to be contacted should we have queries about any of your responses, please provide your email address. This is optional.

If you provide your email address we may use it to ask you for further information about your response. We will also send you a copy of (or a link to) the consultation response.

Providing your contact details is voluntary. Please be assured that they will be treated as personal data by the Home Office in compliance with Government guidance on holding personal information.

Many thanks for your time in completing this survey; we appreciate your feed back.

If you have any queries or would like any further information at this stage, please contact: the Police Transparency Unit at crimeoutcomes@homeoffice.gsi.gov.uk

Consultation information

‘RESPONSES’: CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the government or related agencies.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

CONSULTATION COORDINATOR

If you have a complaint or comment about the Home Office’s approach to consultation, you should contact the Home Office Consultation Coordinator, Adam McArdle. Please **DO NOT** send your response to this consultation to Adam McArdle. The coordinator works to promote best practice standards set by the government’s code of practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The coordinator can be emailed at: Adam.Mcardle2@homeoffice.gsi.gov.uk or alternatively you can write to him at:

Adam McArdle, Consultation Coordinator
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Annex A: Note on detections

Detection rates are not a direct measure of police investigative performance and need to be interpreted with care. For example, some of the offences with the highest detection rates are the offences most influenced, in terms of their recorded numbers, by proactive policing to apprehend offenders (for example, drug offences and many of the offences in the ‘other offences’ category). Overall detection rates can be influenced by the extent to which police prioritise action against different types of offending. There may also be circumstances in which a crime may be considered ‘solved’ but where a detection is not claimed – for example, where the police are satisfied that they have identified the offender but the victim is unwilling to cooperate further in an investigation or does not wish for formal action to be taken.

Not every case where the police know, or think they know, who committed a crime can be counted as a detection and some crimes are counted as detected when the victim might view the case as far from solved. For any crime to be counted as detected sufficient evidence must be available to claim a detection and all of the following conditions must be met:

- a notifiable offence has been committed and recorded;
- a suspect has been identified and has been made aware that they will be recorded as being responsible for committing that crime and what the full implications of this are; and
- one of the methods of detection listed below applies.

The police may use one of several methods to count a crime as detected. They fall into two broad categories; sanction and non-sanction detections.

Once a detection has been claimed, any identifiable victim must be informed that the crime has been detected, or in the case of a child, their parent or guardian.

The detection (or clear-up) rate is the number of detections recorded in a given year as a percentage of the total number of crimes recorded in the same period. See General Rules section H of Home Office Counting Rules (2012) for information on counting detections.

Sanction detections include offences that are cleared up through a formal sanction to the offender. Not all sanction detections will necessarily result in a subsequent conviction. In cases detected by charge or summons, the Crown Prosecution Service (CPS) may not take forward proceedings or the offender might be found not guilty.

SANCTION DETECTIONS

A sanction detection can be claimed when an offender has:

Been charged or summonsed

An offence is deemed to be detected if a person has been charged or summonsed for the crime (irrespective of any subsequent acquittal at court).

Been cautioned, reprimanded or given a final warning

An offence is deemed to be detected if an offender has been cautioned by the police (including conditional cautions) or given a reprimand or warning under the Crime and Disorder Act 1998. A caution may be given by, or on the instructions of, a senior police officer when an offender admits guilt, where there is sufficient evidence for a realistic prospect of conviction and where the offender consents to the caution being issued. Guidance on administering cautions was published in 2005 and later revised in 2008.

Had an offence taken into consideration

An offence is deemed to be detected if the offender admits the crime and asks for it to be taken into consideration by the court and where there is additional verifiable information linking that offender to that crime.

Received a Penalty Notice for Disorder

An offence is deemed to be detected if the police issue a Penalty Notice for Disorder (PND). Such a notice must be issued in accordance with any operational guidance to the police (e.g. Police Operational Guidance on PNDs issued by the Home Office in March 2005). A detection is counted if the penalty notice is not contested, is contested but the CPS proceeds with the case, or, in discontinued cases, the force's decision maker for PNDs (referred to as a 'dedicated decision maker') reviews the case and stands by the original decision.

With effect from 26 January 2009, it became possible for a PND to be given for an offence of cannabis possession. For central reporting purposes any such PNDs were counted as Cannabis Warnings for the period January to March 2009; from April 2009 a system was put in place to correctly record them as PNDs for the relevant offence.

Received a warning for cannabis possession

Prior to January 2007 this detection method was known as a 'formal warning for cannabis possession'. From April 2004 information on police formal warnings for cannabis possession started to be collected centrally (prior to this a pilot scheme was run in parts of London). Those aged 18 and over who are caught in simple possession of cannabis can be eligible for a police Cannabis Warning, which would not involve an arrest. An offence is deemed to be cleared up if a Cannabis Warning has been issued in accordance with guidance from the Association of Chief Police Officers (ACPO).

NON-SANCTION DETECTIONS

Non-sanction detections comprise those where the offence is counted as cleared up but either no further action was taken against the offender or the matter has been resolved by the use of a locally based community resolution or the application of Restorative Justice (RJ) techniques.

Non-sanction detections – by no further action

Prior to April 2007 various reasons were allowed for claiming non-sanction detections where no further action was taken against the offender including where the:

- offender was too ill or mentally disturbed for proceedings to take place;
- complainant or an essential witness was dead;
- victim refused or was unable to give evidence;
- offender was under the age of criminal responsibility;
- police or the CPS decided that it would not be in the public interest to proceed; and
- time limit of six months for commencing prosecution had been exceeded.

Since April 2007, there are only two ways in which non-sanction detections involving no further action may be claimed:

- where the offender dies before proceedings could be initiated or completed;
- where the CPS decides not to prosecute (by virtue of its powers under the Criminal Justice Act 2003).

The use of non-sanction detections involving no further action is now restricted to ‘indictable only’ offences (those offences which must be tried at Crown Court).

Non-sanction detections – by local resolution

A special arrangement has been in place since 2008/09 to allow eight forces piloting Youth Restorative Disposals (YRDs) to record their disposals under this category. Youth Restorative Disposals (YRDs) allow operational officers to dispose of low-level crime and neighbourhood disorder where it is not considered to be in the public interest to prosecute. The process involves a meeting between the offender and the victim, an apology and may also include additional action to right the wrong caused (e.g. a form of community payback).

From April 2011, forces may voluntarily submit additional data on crimes ‘cleared up’ by the application of a form of Restorative Justice (RJ). RJ includes formal action, such as the Youth Restorative Disposal, administered by trained practitioners, as well as less formal community-based resolutions where the offender has made an admission and the victim is satisfied that such a resolution may be used. This may amount to an apology or agreement to carry out some activity, such as repairing damage caused. Such ‘clear ups’ are included as non-sanction detections in this bulletin.

THE RELATIONSHIP BETWEEN SANCTION DETECTIONS AND OFFENCES BROUGHT TO JUSTICE

Figures on offences brought to justice (OBTJ) are now published by the Ministry of Justice. An offence is considered to have been brought to justice when an offender has been cautioned, convicted or had the offence taken into consideration by the court. In addition, penalty notices for three notifiable disorder offences and cannabis warnings are included following their introduction nationally during 2004 (see Section 3.3 for more information on cannabis warnings and PNDs).

Care should be taken when comparing detection data with conviction data, as the latter count individual offenders where the former count crimes. A single recorded crime can result in more than one conviction or caution and can therefore lead to more than one offence being counted as 'brought to justice'. For example, if a crime is recorded and, as a result, three offenders are convicted, each for two offences, this counts as a single recorded crime (and a single detection) but as six offences brought to justice. In addition, for most offences, there will be a delay between the offence being recorded and it being brought to justice; this may result in it being included in the recorded crime figures for one period and the OBTJ figures for a later period.

For the OBTJ measure the offence also reflects that for which an offender is charged rather than that for which a crime has been originally recorded (e.g. taking into account the relevant charging standards that apply and the different evidential standards). The OBTJ measure only makes use of the crime detection figures for crime detected as 'taken into consideration by the court' and cannabis warnings, but otherwise relies on figures collected by court systems and separate returns for PNDs and cautions. These above factors should be borne in mind when the two series are being compared. See Ministry of Justice (2011) for further information on offences brought to justice.

Annex B: Presentation of the data

TABLE A: DETECTIONS BY OFFENCE GROUP AND METHOD OF DETECTION, 2006/07 TO 2011/12

Total offences

Method of detection	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Number of detections						
Charge/summons	693,808	674,307	698,464	666,948	675,063	648,482
Cautions	357,898	358,295	319,161	269,728	236,773	209,764
TICs ¹	121,417	107,174	102,046	79,596	74,451	65,960
PNDs ^{2,3}	139,735	129,018	108,305	102,766	86,074	73,807
Cannabis Warnings ³	80,653	103,804	107,241	87,332	80,659	77,914
Total sanction detections	1,393,511	1,372,598	1,335,217	1,206,370	1,153,020	1,075,927
Non-sanction detections ^{4,5,6}	81,904	865	2,906	6,834	9,697	54,183
All detections	1,475,415	1,373,463	1,338,123	1,213,204	1,162,717	1,130,110
Total recorded offences	5,427,558	4,952,277	4,702,697	4,338,295	4,150,915	3,976,312
Detection rate (%)						
Charge/summons	12.8	13.6	14.9	15.4	16.3	16.3
Cautions	6.6	7.2	6.8	6.2	5.7	5.3
TICs ¹	2.2	2.2	2.2	1.8	1.8	1.7
PNDs ^{2,3}	2.6	2.6	2.3	2.4	2.1	1.9
Cannabis Warnings ³	1.5	2.1	2.3	2.0	1.9	2.0
Total sanction detections	25.7	27.7	28.4	27.8	27.8	27.1
Non-sanction detections ^{4,5,6}	1.5	0.0	0.1	0.2	0.2	1.4
All detections	27.2	27.7	28.5	28.0	28.0	28.4

1. Offences asked to be taken into consideration by a court.
2. Penalty Notices for Disorder (formerly known as fixed penalty notices) were introduced in several forces in 2003/04 and nationally in 2004/05.
3. Cannabis Warnings for possession of cannabis were introduced in 2004/05. Since 26 January 2009, Penalty Notices for Disorder (PNDs) can also be given for an offence of cannabis possession. Up to the end of March 2009 such PNDs were counted in the same category as Cannabis Warnings.
4. From 1 April 2007, new rules governing non-sanction detections significantly limited the occasions for which such administrative disposals can be applied.
5. Includes data on Youth Restorative Disposals (YRDs) submitted to the Home Office as non-sanction detections from pilots in eight police force areas (Avon and Somerset, Cumbria, Greater Manchester, Lancashire, Metropolitan, Norfolk, North Wales, Nottinghamshire). The pilot was introduced in 2008/09.
6. Includes Restorative Justice and community resolution data submitted on a voluntary basis by 22 forces in 2011/12.

TABLE B: PRESENTATION OF DATA FOR RECORDED CRIME OUTCOMES 2008/09 – 2013/14 (DATA FOR ILLUSTRATION PURPOSES)

Outcome	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Number of outcomes						
Charge/summons	698,464	666,948	675,063	648,482	xxx,xxx	xxx,xxx
Cautions/reprimands/warnings	319,161	269,728	236,773	209,764	xxx,xxx	xxx,xxx
Taken into consideration ¹	102,046	79,596	74,451	65,960	xx,xxx	xx,xxx
Penalty Notices for Disorder ²	108,305	102,766	86,074	73,807	xx,xxx	xx,xxx
Cannabis Warnings ²	107,241	87,332	80,659	77,914	xx,xxx	xx,xxx
Community Resolutions ^{3 4}	2,906	6,834	9,697	54,183	xx,xxx	xx,xxx
Prosecution not possible or advisable:						
Evidential difficulties in proceeding	..	..	..	..	..	xx,xxx
Unable to prosecute offender (e.g. age/health/deceased)	..	..	..	..	..	xx,xxx
Prosecution unlikely to succeed or not in the public interest – CPS	..	..	..	..	..	xx,xxx
Prosecution unlikely to succeed or not in the public interest – Police	..	..	..	..	..	xx,xxx
Time limit expired	..	..	..	..	..	xx,xxx
Crime investigated as far as possible – case closed	..	..	..	..	..	xx,xxx
Crime remains under active investigation	..	..	..	..	..	xx,xxx
All outcomes ⁵	1,338,123	1,213,204	1,162,717	1,130,110	1,121,110	3,999,500

Outcome	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Percentages						
Charge/summons	14.9	15.4	16.3	16.3	xx.x	xx.x
Cautions/reprimands/warnings	6.8	6.2	5.7	5.3	x.x	x.x
Taken into consideration ¹	2.2	1.8	1.8	1.7	x.x	x.x
Penalty Notices for Disorder ²	2.3	2.4	2.1	1.9	x.x	x.x
Cannabis Warnings ²	2.3	2.0	1.9	2.0	x.x	x.x
Community Resolutions ^{3 4}	0.1	0.2	0.2	1.4	x.x	x.x
Prosecution not possible or advisable:						
Evidential difficulties in proceeding	..	..	..	..	..	x.x
Unable to prosecute offender (e.g. age/health/deceased)	..	..	..	..	..	x.x
Prosecution unlikely to succeed or not in the public interest – CPS	..	..	..	..	..	x.x
Prosecution unlikely to succeed or not in the public interest – Police	..	..	..	..	..	x.x
Time limit expired	..	..	..	..	..	x.x
Crime investigated as far as possible – case closed	..	..	..	..	..	x.x
Crime remains under active investigation	..	..	..	..	..	x.x
All outcomes ⁵	28.5	28.0	28.0	28.4	28.4	100.0

1. Offences asked to be taken into consideration by a court.

2. Cannabis Warnings for possession of cannabis were introduced in 2004/05. Since 26 January 2009, Penalty Notices for Disorder (PNDs) can also be given for an offence of cannabis possession. Up to the end of March 2009 such PNDs were counted in the same category as Cannabis Warnings.

3. Includes data on Youth Restorative Disposals (YRDs) submitted to the Home Office as non-sanction detections from pilots in eight police force areas (Avon and Somerset, Cumbria, Greater Manchester, Lancashire, Metropolitan, Norfolk, North Wales, Nottinghamshire). The pilot was introduced in 2008/09.

4. Includes Restorative Justice and community resolution data submitted on a voluntary basis by 22 forces in 2011/12 and xx in 2012/13.

5. Data for 2008/09 to 2011/12 relates to the total number of detections only.

.. Not available.

TABLE C: PRESENTATION OF DATA FOR RECORDED CRIME OUTCOMES – 2013/14

Outcome	Number of outcomes	Percentages
Charge/summons	xxx,xxx	xx.x
Cautions/reprimands/warnings	xxx,xxx	xx.x
Taken into consideration ¹	xx,xxx	x.x
Penalty Notices for Disorder	xx,xxx	x.x
Cannabis Warnings	xx,xxx	x.x
Community Resolutions	xx,xxx	x.x
Prosecution not possible or advisable:		
Evidential difficulties in proceeding	xx,xxx	x.x
Unable to prosecute offender (e.g. age/health/deceased)	xx,xxx	x.x
Prosecution unlikely to succeed or not in the public interest – CPS	xx,xxx	x.x
Prosecution unlikely to succeed or not in the public interest – Police	xx,xxx	x.x
Time limit expired	xx,xxx	x.x
Crime investigated as far as possible – case closed	xx,xxx	x.x
Crime remains under active investigation	xx,xxx	x.x
All outcomes	3,999,500	100.0

1. Offences asked to be taken into consideration by a court.



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