

Theft

Theft from the Person

Bicycle Theft

Shoplifting

Other theft

Theft from the Person

39 **Theft from the Person**

39 Theft from the Person Classification (1 of 1)

39 Theft from the person of another.
(V) *Theft Act 1968 Sec 1(pt).*

CLARIFICATION - RECORDED CRIME: ROBBERY OR THEFT FROM THE PERSON

The use or threat of force in a theft from the person, in order to commit the theft, should be recorded as a robbery. For example, if the victim or a third party offers any resistance that needs to be overcome, or if anyone is assaulted in any way, then this constitutes force. Similarly, if a victim is under any impression from the offender's words or actions that the offender may use force, then this constitutes threat of force.

Where property is stolen from the physical possession of the victim and some degree of force is directed to the property but not to the victim (e.g. a bag is taken cleanly from the shoulder of a victim or a phone is taken cleanly from the hand) the allegation should be classified as theft from the person and not a robbery.

CLARIFICATION - RECORDED CRIME: THEFT FROM THE PERSON OR OTHER THEFT

A theft without the use or threat of force should be recorded as a theft from the person if one of the following circumstances applies at the time of the theft:

- (i) The goods stolen were being worn by the victim; or
- (ii) The goods stolen were physically attached in some way to the victim, or carried by the victim; or
- (iii) The goods stolen were contained in an article of clothing being worn by the victim.

If none of these circumstances apply, the theft should be recorded under one of the other theft codes as appropriate.

DEFINITION - LEGAL: THEFT

THEFT ACT 1968 SEC 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it".

The terms in this basic definition are amplified in Sections 2-6 of the Theft Act.

39 Theft from the Person Counting Rules (1 of 2)

GENERAL RULE: **ONE CRIME FOR EACH PERSON
(from whom a theft has been made).**

EXAMPLE 1: Ten people on a crowded train report having their pockets picked.
None report any force being used.

Ten crimes (class 39).

APPLICATION OF THE RULE

Items stolen from a person, but belonging to others, should not be counted additionally.

Example 1: A bag is snatched from a woman's shoulder and it contains items that belong to her and two friends.

One crime of theft from the person (class 39).

Robbery or Theft from the Person: see note on class 39 classification page 1 of 1.

A victim is 'asked' to turn out his/her pockets in order to steal from him/her.

One crime of robbery [Nobody consents to such action unless they have been put in fear at the time of the offence. Where the actions of the suspect alone cause the victim to fear he/she may be subjected to force and in doing so, give up his/her property, a robbery has occurred.]

Example 1: A victim is walking down the street and the suspect grabs his/her shoulder bag.

(i) The grab is insufficient to pull the victim off-balance.

One crime of theft from the person (class 39).

(ii) The grab pulls the victim off balance but force is not applied directly to the victim.

One crime of robbery (class 34B).

(iii) The grab causes the victim to be knocked over, swung around or injured in any way.

One crime of robbery (class 34B).

Example 2: Suspects approach the victim and ask for the time. While victim takes her phone out of her handbag to check this, suspects grab the phone and run off.

One crime of theft from the person (class 39).

Example 3: Suspect sits next to victim on a bus. Victim has phone in her hand. Suspect tries to grab phone, after a tussle victim keeps hold of it, and suspect runs off bus.

One crime of attempted robbery (class 34B).

Example 4: A man has his pocket picked.

(i) He feels it but cannot prevent it.

One crime of theft from the person (class 39).

(ii) He feels it and his wallet is stolen only after a tussle.

One crime of robbery (class 34B).

39 Theft from the Person Counting Rules (2 of 2)

APPLICATION OF THE RULE (CONTINUED)

- (iii) He manages to keep hold of his wallet after a tussle.

One crime of assault with intent to rob (class 34B).

- (iv) He is barged with intent to steal his wallet.

One crime of attempted robbery (class 34B).

Theft from the Person or Other Theft: see note on class 39 classification page 1 of 1.

Example 1: Five people have possessions stolen from the changing room of a swimming pool while they are swimming.

Five crimes of other theft (class 49).

Example 2: A purse is stolen from a shopping trolley:

- (i) While being pushed around a supermarket.

One crime of theft from the person (class 39).

- (ii) When left momentarily.

One crime of other theft (class 49).

Whether to record: see also General Rules Section A.

Example 1: CCTV picks up an apparent pick-pocketing, but neither the victim nor persons acting on their behalf come forward to report it. No other information is available.

Classify as a crime related incident but do not record the crime.

Example 2: As above, but further investigation locates the victim who confirms the loss of valuables around the same time and location. On the balance of probabilities the officer decides that a crime has occurred.

One crime of theft from the person (class 39).

Example 3: A man reports having a wallet stolen from his possession. He was not aware of it actually being taken.

- (i) During the initial reporting of the circumstances with the police, he realises that it is more likely, on the balance of probabilities, that he has lost the wallet.

Register the incident and deal with in accordance with NSIR.

- (ii) As above, but after providing details he still thinks that it is more likely to have been stolen. On the balance of probabilities the officer decides that a crime has occurred.

One crime of theft from the person (class 39).

- (iii) The wallet is later handed in, with its contents intact and the additional verifiable information determined that it was lost and no notifiable crime occurred.

C2 - Cancel the theft (if it has already been recorded).

Bicycle Theft

44 Theft or Unauthorised Taking of a Pedal Cycle

44 Theft or Unauthorised Taking of a Pedal Cycle Classification (1 of 1)

44
(V) Theft of a pedal cycle.
Theft Act 1968 Sec 1(pt).

137/18
(V) Take or ride a pedal cycle without
consent etc.
Theft Act 1968 Sec 12(5) or By-law.

DEFINITION - LEGAL: TAKING OR RIDING A PEDAL CYCLE WITHOUT AUTHORITY

THEFT ACT 1968 SEC 12(5)

"... a person who without having the consent of the owner or other lawful authority, takes a pedal cycle for his own or another's use, or rides a pedal cycle knowing it to have been taken without such authority ...".

DEFINITION - LEGAL: THEFT

THEFT ACT 1968 SEC 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it".

The terms in this basic definition are amplified in Sections 2-6 of the Theft Act.

44 Theft or Unauthorised Taking of a Pedal Cycle Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH PEDAL CYCLE OWNER.

EXAMPLE 1: Three bicycles are reported stolen from a bike rack.

- (i) The three cycles are separately owned.

Three crimes (class 44).

- (ii) The three are rented from the same company.

One crime (class 44).

EXAMPLE 2: A pedal cycle is taken without consent and later returned.

One crime of taking without consent (class 44).

APPLICATION OF THE RULE

Entry into a building as a trespasser to steal a pedal cycle is a burglary.

Example 1: A college bike shed (not adjoining a main building) is broken into and three cycles are stolen.

One crime of burglary other than in a dwelling (class 30A).

Pedal cycles belonging to several members of the same family are stolen at the same time, count one offence only as the ownership is treated as common within a household.

Shoplifting

46 **Shoplifting**

46 **Shoplifting**

Classification (1 of 1)

46 Theft from shops and stalls.
(V) *Theft Act 1968 Sec 1(pt).*

CLARIFICATION - RECORDED CRIME: SHOP UNIT

For the purpose of recording crime, the following should be regarded as shop units:

- a) Individual shops
- b) Individual market stalls
- c) Department stores
- d) Separate branches of a chain

The following should not be counted as shop units:

- e) Departments within a department store
- f) Franchises within a store

CLARIFICATION: THEFT FROM A SHOP

Theft of any property within a shop, whether or not it is for sale, should be recorded as theft from a shop (class 46).

DEFINITION - LEGAL: THEFT

THEFT ACT 1968 SEC 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it".

The terms in this basic definition are amplified in Sections 2-6 of the Theft Act.

46 Shoplifting Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH SHOP UNIT.

EXAMPLE 1: A large shop grants exclusive franchises for individual perfume counters and an offender steals from five of these counters.

One crime (one shop unit) - (class 46).

EXAMPLE 2: An offender admits to stealing videos from three branches of the same store - the stores confirm the thefts.

Three crimes (class 46).

APPLICATION OF THE RULE

Entry into a shop as a trespasser with intent to steal should be counted as a shop theft, unless the offender has already been charged with burglary at the time of recording.

Example 1: A person has been banned from entering a particular store. He is then caught shoplifting in a store and reported to the police.

One crime of shoplifting (class 46) - (unless the offender has already been charged with burglary).

Theft from a shop by an employee of that shop is classified as theft by an employee.

Theft from the non-public areas of a shop or from tills.

Example 1: A person is caught stealing from the staff room of a large store.

One crime of burglary (class 30C).

Example 2: A person on the opposite side to the checkout grabs money from the till while the checkout person is dealing with a customer.

One crime of burglary (class 30C).

Example 3: A person takes money from an open till to which members of the public have ready access.

One crime of theft from shop (class 46).

Finished Incident: see also General Rules Section E.

Example 1: A person is caught shoplifting and admits stealing from the same store every Saturday for 20 weeks. None of these crimes had been previously reported.

One crime (class 46).

46 Shoplifting Counting Rules (2 of 2)

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

If any force is used during a theft, and in order to commit the theft, then one crime of robbery should be counted. The individual circumstances of each incident should be considered to decide when an appropriation has taken place.

Example 1: A shoplifter pushes a shop assistant (causing minor bruising) while placing an item into their jacket from the display in a shop and then runs from the premises without paying.

One crime of robbery (class 34A).

Example 2: A shoplifter places articles into their bag in an aisle and notices the store detective watching them, as the store detective approaches them the shoplifter strikes them and leaves the store without paying.

One crime of robbery (class 34A).

Example 3: A shoplifter has taken articles from a display in the store and hidden them in a bag. The store detective is informed and waits at the exit. The shoplifter goes beyond the tills and when the store detective approaches, punches him in the face causing a black eye and runs out of the shop.

One crime of assault Sec 47 ABH – (class 8N) and one crime of shoplifting (class 46).

Example 4: A person is reported stealing various items from a shop on five different occasions. In between times she returns to shop and gains refund for goods previously stolen.

One crime of fraud recorded by Action Fraud.

Example 5: A person approaches a shop till and requests change of a £20 note. They then keep changing their mind and ask for different denominations of change until the staff member becomes confused and hands over too much money.

One crime of fraud recorded by Action Fraud.

Other Theft

- 35** **Blackmail**
- 40** **Theft in a Dwelling other than from an Automatic Machine or Meter**
- 41** **Theft by an Employee**
- 42** **Theft of Mail**
- 43** **Dishonest use of Electricity**
- 47** **Theft from an Automatic Machine or Meter**
- 49** **Other Theft**
- 49A** **Theft – Making Off Without Payment**

35 **Blackmail**

Classification / Counting Rule (1 of 1)

35 **Blackmail.**
(V) *Theft Act 1968 Sec 21.*

DEFINITION - LEGAL: BLACKMAIL

THEFT ACT 1968 SEC 21

- (1) “A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief-
- (a) that he has reasonable grounds for making the demand; and
- (b) that the use of the menaces is a proper means of reinforcing the demand.
- (2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand ...”.

GENERAL RULE: **ONE CRIME FOR EACH SPECIFIC, INTENDED VICTIM.**

EXAMPLE 1: A person makes demands against three others with menaces.

Three crimes (class 35).

EXAMPLE 2: An offender sends a letter which amounts to a blackmail to a victim who lives in PFA ‘A’. The letter has a postmark. The offender’s location cannot be determined from the postmark.

Even on the balance of probabilities it is not clear where the offence has been committed. From a victim care perspective, unless and until the offender location is identified this crime should not be transferred. One crime (class 35) should be recorded by PFA ‘A’.

Location of Crimes: see also General Rules Section G.

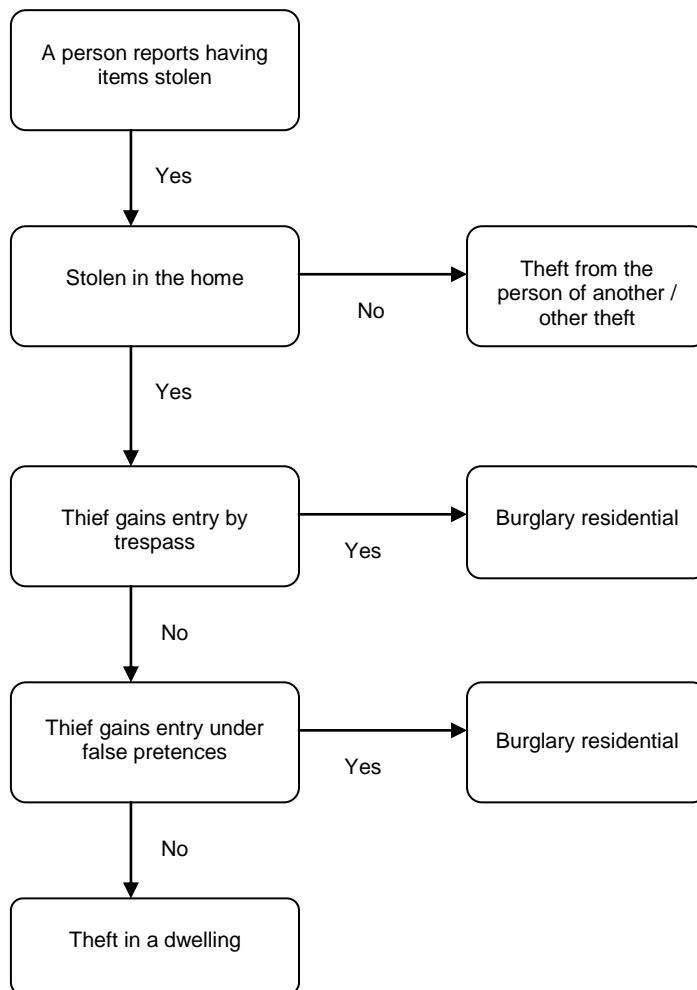
Example 1: A victim receives by e-mail an unwarranted demand with menaces amounting to blackmail. The matter is reported to the police. The source of the e-mail is unknown.

One crime of blackmail (class 35) where the demand was received.

40 Theft in a Dwelling other than from an Automatic Machine or Meter Classification (1 of 1)

40 (V) Theft in a dwelling other than from automatic machine or meter.
Theft Act 1968 Sec 1(pt).

Theft in a Dwelling: Classification



40 Theft in a Dwelling other than from Automatic Machine or Meter Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OWNER OF PROPERTY STOLEN.

EXAMPLE 1: A house is occupied jointly by four tenants one of whom steals possessions from bedrooms of the other three.

Three crimes (class 40).

APPLICATION OF THE RULE

If a person is victim to more than one thief, count separately for each thief acting independently.

Example 1: A woman throws a party in her own home. Two of those invited steal from her home, and it is established that they acted independently.

Two crimes (class 40).

Items belonging to several members of the same family are stolen at the same time from a dwelling, count one offence only as the ownership is treated as common within a household.

Finished Incident: see also General Rules Section E.

Example 1: 'A' steals from 'B's' home on numerous occasions. 'B' eventually realises and reports the thefts.

One crime (class 40).

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

Example 1: A person reports that a fellow guest at a party has taken his house keys left in a bag and has used them to burgle his house.

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

41 Theft by an Employee Classification / Counting Rule (1 of 1)

41 Theft by an employee.
(V) *Theft Act 1968 Sec 1(pt).*

CLARIFICATION - RECORDED CRIME: THEFT BY AN EMPLOYEE

The theft should be known at the time of recording to have been by an employee or group of employees.

The owner of the property stolen should be the employee's employer.

DEFINITION – LEGAL: THEFT

THEFT ACT 1968 SEC 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; ...".

The terms in this basic definition are amplified in Sections 2-6 of the Theft Act.

GENERAL RULE: **ONE CRIME FOR EACH EMPLOYEE OR GROUP OF EMPLOYEES.**

EXAMPLE 1: A group of employees are caught stealing from their employer and reported to the police.

One crime (class 41).

EXAMPLE 2: A group of employees steal from their employer on three occasions. The thefts are reported on each occasion they occur.

Three crimes (class 41).

APPLICATION OF THE RULE

If the employee or group of employees work for more than one employer (including separate branches of the same company) and steal from them, count separate crimes for each company.

Example 1: A cleaner admits to the police to stealing from the five companies he/she has worked for. None of these thefts has previously been reported.

Five crimes (class 41).

Finished Incident: see also General Rules Section E.

Example 1: A factory worker admits for the first time to stealing from his work over a number of years, various parts for himself and his friends.

One crime (class 41).

42 Theft of Mail Classification / Counting Rule (1 of 1)

42 Theft of mailbag or postal packet.
(V) *Theft Act 1968 Sec 1(pt).*

CLARIFICATION - RECORDED CRIME: THEFT OF MAIL

This section should be used for all thefts of letters or parcels which are in the process of being delivered by way of a business; that is from the time they leave the originator to the time they reach the recipient address. With the end of the Post Office monopoly, it now includes all carriers such as DHL, UPS and Fed Ex.

DEFINITION - LEGAL: THEFT

THEFT ACT 1968 SEC 1(1)

"A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; ...".

The terms in this basic definition are amplified in Sections 2-6 of the Theft Act.

GENERAL RULE: ONE CRIME FOR EACH INCIDENT OF THEFT OF MAIL BAGS OR POSTAL PACKETS.

EXAMPLE 1: Postal packets in transit are stolen from a Post Office van by a non-employee of the Post Office.

One crime (class 42).

EXAMPLE 2: Postal packets in transit are stolen from a DHL van by a non-employee of DHL.

One crime (class 42).

EXAMPLE 3: As above, but the missing mail is initially reported to the force covering the destination area of the van, which is different from the location of the theft.

One crime (class 42), to be recorded by the force covering the location of the theft.

EXAMPLE 4: UPS have delivered a parcel for the manager of a service station. The cashier has signed for it and left it on the counter. A customer, paying for petrol has stolen it from the counter.

One crime (class 49 other theft). The parcel has been delivered. It is not in the process of being delivered.

APPLICATION OF THE RULE

If there is evidence at the time of recording that the bags or packets have been stolen by an employee of the mail company, classify as theft by an employee (class 41).

Example 1: Postal packets in transit are stolen by a Post Office employee.

One crime of theft by an employee (class 41).

If there is evidence of an employee of a postal operator interfering with the mail then an offence under class (99/81) interfering with the mail: postal operators *Postal Services Act 2000 sec 83* should be considered.

If the circumstances of the taking amount to a robbery then the crime should be recorded as a robbery (class 34A).

Example 1: A motorcycle courier is pushed from his motor bike and threatened with a knife whilst the parcels in the pannier are stolen.

One crime of robbery (class 34A).

43 Dishonest use of Electricity Classification (1 of 1)

43 Abstracting electricity.
(V) *Theft Act 1968 Sec 13.*

CLASSIFICATION: MISUSE OF TELEPHONE EQUIPMENT

Crimes under the Telecommunications Act 1984 and 1997 should be recorded in class 99 and NOT in class 43.

DEFINITION - LEGAL: ABSTRACTING OF ELECTRICITY

THEFT ACT 1968 SEC 13

"A person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity ...".

43 Dishonest use of Electricity Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS.

EXAMPLE 1: Five flat-owners are reported to the police at the same time for abstracting electricity from a local sub-station.

(i) They acted independently.

Five crimes (class 43).

(ii) They acted as a group.

One crime (class 43).

EXAMPLE 2: A family on a caravan site reported to the police for abstracting of electricity from a street lamp.

One crime (class 43).

APPLICATION OF THE RULE

If a person has abstracted electricity from more than one electricity company, count separate crimes for each company.

Example 1: A person is caught abstracting electricity. He admits to the police that he has committed the same crime against three other electricity companies in other parts of the country, but they were not reported to the police.

Four crimes (class 43) - (three of which should be referred to the respective police forces).

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

Example 1: An offender steals money from an electricity meter and then by-passes meter thus stealing electricity. Both crimes reported to the police at the same time.

One crime of theft from automatic machine or meter (class 47).

Crimes dealt with by Other Agencies: see also General Rules Section I.

Example 1: An electricity board discovers ten flat-owners abstracting electricity, and takes action against them. The police are given their names, but merely undertake a PNC check.

Ten crimes of dishonest use of electricity (class 43).

47 Theft from an Automatic Machine or Meter Classification (1 of 2)

47 Theft from automatic machine or
(V) meter.
Theft Act 1968 Sec 1(pt).

RECORDING PRACTICE: DEVICES FOUND ON ATM MACHINES OR HANDHELD CHIP AND PIN MACHINES

Placing of devices on cash machines or chip and pin machines in order to obtain card details should be recorded as making or supplying article for use in fraud (class 33A).

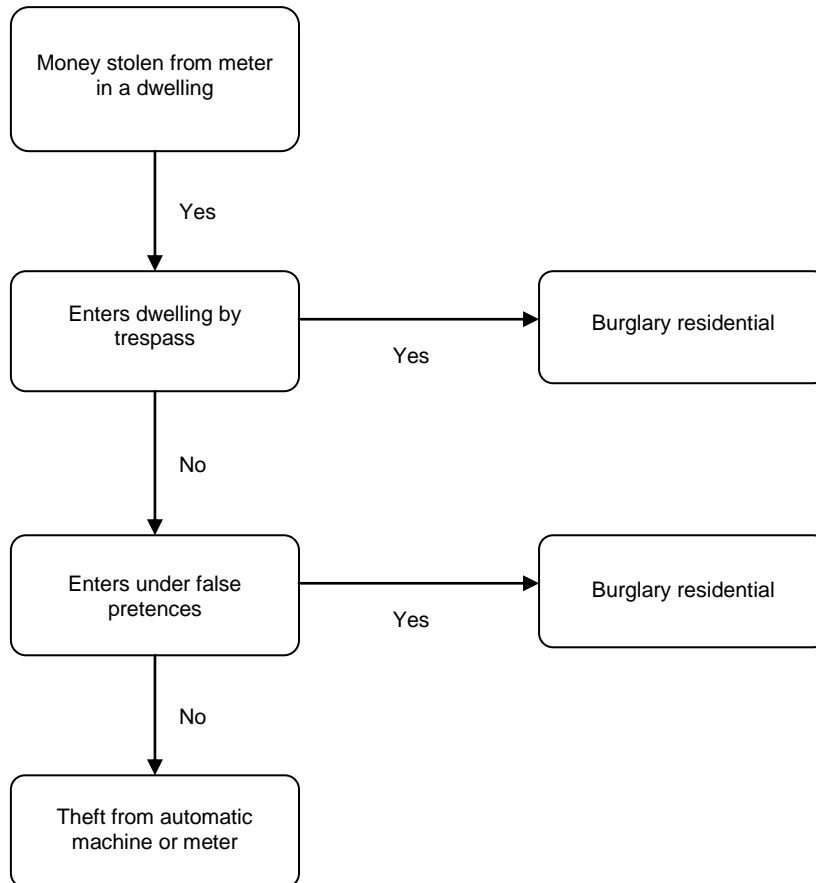
RECORDING PRACTICE: THEFT FROM AN AUTOMATIC MACHINE OR METER

Crimes recorded should be limited to those which are the subject of police action. They should not include any that may have been brought to the police's attention but have been dealt with entirely by the owner of the machine/meter (e.g. by civil action).

See also General Rules Section A.

47 Theft from an Automatic Machine or Meter Classification (2 of 2)

Theft from an Automatic Machine or Meter: Classification for Recorded Crime



47 Theft from an Automatic Machine or Meter

Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH OWNER OF CONTENTS STOLEN.

EXAMPLE 1: A meter is broken into by someone residing in, or lawfully admitted to, the premises.

One crime (class 47).

EXAMPLE 2: A gas and electricity meter in the same house are broken into by a resident (the gas and electricity are supplied by different companies).

Two crimes (class 47).

EXAMPLE 3: A stolen cash card is used to obtain money from four cash machines, one inside a supermarket and three outside separate branches of a bank.

One crime of other theft (class 49) covering theft of the card recorded by the police, plus one crime of fraud by false representation recorded by Action Fraud. There is one account defrauded.

EXAMPLE 4: A stolen cash card is used in several different telephone boxes in the same area.

One crime of other theft (class 49) for the theft of the card recorded by the police plus one crime of fraud recorded by Action Fraud. There is one account defrauded.

EXAMPLE 5: Cardholder reports to Force A that a fraudulent transaction has occurred at an ATM in Force B. Cardholder is still in possession of his/her card. ('Cloned Card'). Force A tells the account holder to report the matter to his/her Financial Institution who will deal with the matter.

Record a crime related incident.

Finished Incident: see General Rules Section E.

Example 1: A person visits an amusement arcade on four occasions and steals money out of two machines in the arcade owned by the same company. The crimes are reported to the police for the first time.

One crime (class 47).

Example 2: A group of offenders admit to breaking into six parking meters in two local authority areas over a period of a couple of weeks. One local authority had already reported the crimes on its meters. (The meter contents assumed to be the ownership of each local authority).

One crime in addition to the one crime already recorded.

47 Theft from an Automatic Machine or Meter

Counting Rules (2 of 2)

Principal Crime: see General Rules Section F and Annex C

Example 1: An offender steals money from an electricity meter and then by-passes meter thus stealing electricity.

One crime of theft from automatic machine or meter (class 47).

If on the schedule of usage there is evidence of false representation and usage from ATM machines then one crime of Fraud by False Representation should be recorded by Action Fraud.

Example 1: A schedule of usage reported by the bank shows a number of ATM withdrawals and fraud by false representation offences committed on this account throughout the different force areas. The fraud is reported to Force C.

One crime of fraud by false representation should be recorded by Action Fraud.

49 Other Theft Classification (1 of 1)

| | | | |
|--------------|--|--------------|--|
| 49/10 (V) | Theft if not classified elsewhere. <i>Theft Act 1968 Sec 1(pt).</i> | 49/12 (V) | Theft of conveyance other than a motor or pedal cycle. <i>Theft Act 1968 Sec 1(pt).</i> |
| 49/11 (V) | Removal of articles from places open to the public. <i>Theft Act 1968 Sec 11.</i> | 130/2 (V) | Unauthorised taking of conveyance other than a motor vehicle or pedal cycle. (does not include being found with a conveyance that has already been stolen). <i>Theft Act 1968 Sec12(pt) as amended by Criminal Justice Act 1988 Sec 37.</i> |
| 45/11 (V) | Theft from vehicle other than a motor vehicle. <i>Theft Act 1968 Sec 1 (pt).</i> | | |

DEFINITION - LEGAL: CONVEYANCE

THEFT ACT 1968 SEC 12(7)

"... 'conveyance' means any conveyance constructed or adapted for the carriage of a person or persons whether by land water or air, except that it does not include a conveyance constructed or adapted for use only under the control of a person not carried in or on it, and 'drive' shall be construed accordingly; ...".

DEFINITION - LEGAL: MOTOR VEHICLE

A "motor vehicle" is a mechanically propelled vehicle made intended or adapted for use on roads.

It should also satisfy the test as to whether or not a reasonable person would say that one of the vehicle's uses would be some general use on the road.

49 Other Theft Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH OWNER OF GOODS STOLEN.

EXAMPLE 1: A man collects money for a club fund over a period of time and later decides to abscond with it.

One crime (class 49) - (the club is considered to be the owner of money stolen).

EXAMPLE 2: Milk money left outside five houses is stolen.

Five crimes (class 49).

EXAMPLE 3: A group of people go into back gardens, going over fences, stealing ladders, etc.

One crime (class 49/10) for each garden stolen from (assuming the householder is the owner of the goods stolen).

EXAMPLE 4: A person, or group of persons, steals from outside a stockyard on several occasions at intervals of a few days. All crimes reported at the same time.

One crime (class 49).

EXAMPLE 5: Mrs 'X' selects two dresses in a department store. One is twice the price of the other. She goes to the fitting room to try them on. In the fitting room she swaps the pricing labels over, leaves the cheap dress behind and approaches the till and attempts to pay the cheap price for the expensive dress. The sales staff realise what she has done and Police are called.

One crime (class NFIB3G) recorded by Action Fraud.

EXAMPLE 6: Two sailing boats (not used as residences) on a harbour mooring are entered and navigation equipment is stolen from both (separate owners).

Two crimes (class 49).

APPLICATION OF THE RULE

Theft from the structure of non owner occupied property: Where property is stolen from the structure of a non owner occupied property, i.e. lead from the roof or outside copper piping, the resident(s) should be considered as the victim for the purposes of this section. If the property is vacant, then the landlord is the victim.

Example 1: Lead is stripped from the roof of ten council houses in one street over night. Six of the properties have tenants residing in them and four are vacant.

Seven crimes (class 49). The victims are the six tenants and the council for the remaining four vacant properties.

Offences of theft from an aircraft committed in England and Wales should be recorded as class 49/10 - General Rule J applies.

Conveyance includes boats.

Example 1: A motor boat is stolen from a harbour mooring.
One crime (class 49).

49 Other Theft Counting Rules (2 of 2)

THEFTS OF PLASTIC CARDS OR CHEQUES RESULTING IN FRAUDULENT USE

In all cases Police to record the theft of the item (s) and Action Fraud to record any subsequent fraudulent use.

Example 1: A stolen benefit cheque issued by the DSS is cashed at a post office.

One crime (class 49) recorded by Police and one crime of fraud recorded by Action Fraud.

Example 2: A stolen credit card is used to obtain goods from five separate shops.

One crime (class 49) recorded by Police and one crime of fraud recorded by Action Fraud.

Example 3: A stolen credit card is used to obtain money from a cash machine. The bank refuse to refund the account holder.

One crime (class 49) recorded by Police

Finished Incident: see also General Rules Section E.

Example 1: A hospital porter admits stealing from 20 patients' lockers on different occasions. Crimes reported to the police for the first time.

Twenty crimes (class 49).

Example 2: As above, but five other lockers damaged.

Twenty crimes of other theft (class 49) plus ...

(i) Evidence of intent to steal from lockers.

Five crimes of attempted other theft (class 49).

(ii) No evidence of intent to steal from lockers.

One crime of criminal damage (class 58D) (the hospital is the victim).

A person with custody care and control of another person's possessions should be considered as the owner of those possessions for the purpose of crime recording.

Example 1: In a hospital, items are stolen from a patient's locker belonging to the patient and a friend.

One crime (class 49).

Thefts of personal property from public transport where the public have access, should be classified as other theft (class 49) rather than theft from a vehicle (class 45). Thefts from public transport from areas to which the public do not have access i.e. drivers cabs, locked luggage compartments etc, should be classified as theft from vehicles (class 45).

Example 1: A man leaves a wallet on a bus. It is not found later and on balance of probabilities is considered to have been stolen.

One crime (class 49).

49A Theft – Making Off Without Payment Classification (1 of 1)

53/25 Making off without payment.
(V) Theft Act 1978 Sec 3.

DEFINITION - LEGAL: MAKING OFF WITHOUT PAYMENT

THEFT ACT 1978 SEC 3

"... a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due."

RECORDING PRACTICE: MAKING OFF WITHOUT PAYMENT (MOWP)

Where a victim or their representative reports a making off without payment from a garage forecourt, the incident will be recorded in accordance with the basic principle of NCRS. Recording should not be delayed to allow the matter to be fully investigated nor should it be treated as purely a civil matter. The fact that a making off occurred will usually be sufficient to require the recording of a crime unless there is credible evidence to show the act was an innocent mistake. Where a suspect returns and pays prior to any police interaction this is sufficient AVI to support the removal (cancellation) of the crime and no further information is required. However, the fact a person pays up only because of police interaction will not necessarily and by itself constitute AVI to determine that it was a mistake.

Clarification:

1. A garage reports a driver has obtained fuel at the pump and driven off without making any attempt to pay. There is no credible evidence available at the time of the report to show that this was a mistake.

One crime class 49A

1A Before the Police take any action the garage reports the driver, realising their error, has returned and paid.

The previously recorded crime may be removed (cancelled) under the provisions of Section C HOOCR – there is no requirement to obtain statements of other formal confirmation from either the garage or the driver.

2. The Police send a letter to the registered keeper of the vehicle. Following this the garage reports the debt has been paid.

This does not by itself constitute AVI to cancel the previously recorded crime.

3. The Police visit the registered keeper. The address and details of the keeper are known to the Police for other matters. The keeper claims it was a mistake and says they will pay.

This does not by itself constitute AVI to cancel the previously recorded crime.

3A The garage then reports that the same keeper has in fact returned and paid.

This does not by itself constitute AVI to cancel the previously recorded crime.

4. The Police visit the registered keeper, who has no previous history of dishonesty. The registered keeper confirms that they were the driver at the time of the incident and explain that this was a genuine mistake on their part. They return to the garage and pay for the fuel. From enquiries made the officers are completely satisfied that a genuine error has occurred and provide a clear and justified rationale which amounts to AVI. When contacted the original complainant (or representative) confirms that they are satisfied that a genuine error was made.

The FCR may consider all these facts and acting as final arbiter may then cancel the previously recorded crime. For this offence the suspect has to 'make off' otherwise a Fraud by False Representation offence should be recorded by Action Fraud.

49A Theft – Making Off Without Payment Counting Rules (1 of 2)

GENERAL RULE

ONE CRIME FOR EACH MAKING OFF

EXAMPLE 1:

A garage reports that a car has filled up with petrol and driven off without paying for the petrol.

One crime (class 49A).

- i) No credible evidence is immediately available to show that this was an innocent mistake.

One crime (class 49A).

- ii) On contacting the car owner police discover that, realising their mistake, they have already returned to pay after realising their mistake.

This is sufficient AVI to cancel the offence.

- iii) On contacting the car owner they now return to the forecourt to pay for their petrol.

This does not constitute sufficient AVI by itself to cancel the offence.

EXAMPLE 2:

A fuel retailer reports that a car has filled up with fuel and driven off without paying for the fuel.

- i) No further details are available

One crime (class 49A).

- ii) Enquiries reveal that registration plates on the car have been covered or tampered with to avoid identification or are 'false plates' from another vehicle.

One crime for Theft (class 49) – on the balance of probabilities the intent to steal was present before fuel was drawn.

- iii) Before driving off, the customer enters the shop and declares they have forgotten their wallet and have no means to pay. Their details are obtained, with a proviso that they must return and pay within a set time period.

No crime should be recorded at this time.

- a) Enquiries reveal that the data given is false.

One crime (class NFIB3G) recorded by Action Fraud.

- b) No payment is made within the agreed time limit.

This remains a civil debt unless information is received to show that information given is false or there is intelligence to suggest repeat offending or other information to suggest that on the balance of probabilities they had no intention to pay, as the 'dishonesty' element required for fraud is not met.

49A Theft – Making Off Without Payment Counting Rules (2 of 2)

EXAMPLE 3: Father enters a restaurant with his family, and orders a meal without any intention or means to pay for that meal. He states that he has no means of paying when the bill is presented.

One crime (class NFIB3G) recorded by Action Fraud.

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

Example 1: A garage reports that a man drove up and filled his car with petrol. He then had a cup of coffee in the shop and went up to the cashier to pay for the coffee. The cashier asked him if he wished to pay for the petrol now as well. He replied that he had not filled up with petrol. The cashier indicated his car at the pump and again was told that no petrol had been taken for the car. He paid for the coffee and drove off. When the assistant looked at the CCTV it was clear that £35 of petrol had been placed in the vehicle.

One crime (class NFIB3G) recorded by Action Fraud. This should be recorded as a false representation and not making off without payment.

| Maximum sentence - Theft | | | | | | |
|---------------------------------|----------------|----------------|----------------|-----------------|-----------------|-------------|
| 14 years | 7 years | 5 years | 2 years | 6 months | 3 months | Fine |
| 35 | 39-44 | 43 | 53/25 | 130/02 | 126 | 137/18 |
| | 45/11 | 49/11 | | | | |
| | 46-47 | | | | | |
| | 49/10 | | | | | |
| | 49/12 | | | | | |
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