

# **Crime Recording General Rules**

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## **POINTS TO NOTE**

Although these general rules have an overall application, there are exceptions for certain types of crime. These exceptions are stated on the counting rules page for that particular crime type.

For this reason, counting rules for individual crime types should take precedence over the General Rules in cases where there is an apparent contradiction between the two.

The term 'crime' in these rules should be taken to mean a crime which is recorded (i.e. notifiable to the Home Office). It should not be confused with crimes which are 'recordable' on the Police National Computer.

## **Vision and Purpose Statements for Crime Recording**

**Vision:** That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.

**Purpose Statements:** Crime is recorded by the police and others to:

- ensure that victims of crime receive the service they expect and deserve;
- prioritise effective investigation of crime in keeping with national standards and the College of Policing's Code of Ethics;
- inform the public of the scale, scope and risk of crime in their local communities;
- allow PCCs, Forces and local partners to build intelligence on crime and criminal behaviour necessary for an efficient and effective response;
- enable Government, PCCs, Forces and their partners to understand the extent of demands made on them and the associated costs of service delivery; and
- inform the development of Government policy to reduce crime and to establish whether those policies are effective.

The importance of these objectives, and in particular the need for the public and victims of crime to have confidence in the police response when they report a crime, makes it imperative that crimes are recorded consistently and accurately.

**Policing Values:** The College of Policing's "Code of Ethics" set out nine explicit values that are intended to ensure standards of professional behaviour for both police officers and police staff:

- Accountability
- Integrity
- Openness
- Fairness
- Leadership
- Respect
- Honesty
- Objectivity
- Selflessness

These values underpin all policing functions and in respect of personal conduct require all persons working for the police service to "behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing" (See Standard 9 – Conduct).

The Code explicitly states that complying with the National Crime Recording Standard (NCRS), which is central to the Home Office Counting Rules for Recorded Crime (HOCR), is an example of meeting the standards.

Link to Code of Ethics: <http://www.college.police.uk/What-we-do/Ethics/Ethics-home/Pages/Code-of-Ethics.aspx>

# National Crime Recording Standard (1 of 4)

**Vision: *That all police forces in England and Wales have the best crime recording system in the world: one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core.***

## 1. AIMS

- To promote accurate and consistent crime recording between police forces; and
- To take a victim oriented approach to crime recording.

## 2. GENERAL PRINCIPLES

***The Standard directs a victim focused approach to crime recording. The intention is that victims are believed and benefit from statutory entitlements under the [Code of Practice for Victims of Crime \(CPVC\)](#).***

- 2.1 All reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will, unless immediately recorded as a crime, result in the registration of an auditable incident report by the police.
- 2.2 An incident will be recorded as a crime (notifiable offence) for 'victim related offences' if, on the balance of probability:
- (a) the circumstances of the victims report amount to a crime defined by law (the police will determine this, based on their knowledge of the law and counting rules); and
  - (b) there is no credible evidence to the contrary immediately available.
- 2.3 A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, (explained further at 3.6 ii), that a crime has occurred is usually sufficient to justify its recording.
- 2.4 For 'offences against the state' the points to prove *to evidence* the offence must clearly be made out, before a crime is recorded (see also 3.7).
- 2.5 Once recorded, a crime will remain recorded unless additional verifiable information (AVI) is found and documented which determines that no notifiable crime has occurred or crimes are transferred or cancelled i.e. where crimes are created in error, or as a duplicate of an existing crime.

## 3 GENERAL INTERPRETATION OF PRINCIPLES

- 3.1 **Auditable Records - Ensuring Consistency:** The reasons for recording crime are set out in the 'Vision and Purpose Statements (prior)'. The requirement for an auditable incident record is to enable effective review of the attrition between initial reports and the subsequent recording of a notifiable crime. Transparency of decision making contributes to trust and confidence in the accuracy and consistency of recording across England and Wales. Where a report is recorded as a crime at first point of contact (e.g. by an officer on a mobile device; by phone to a control room or direct to a Crime Recording Bureau or Crime Management Unit), it is not necessary that an incident report is also created. However, where the initial report is not recorded as a crime, an auditable incident report must be registered (whether in the force incident system or some other accessible system) and those systems must be auditable.
- 3.2 **Balance of Probability Test:** When examining a report of an incident regarding offences involving identified victims, the test to be applied in respect of recording a crime is that of the balance of probabilities: that is to say: *"is the incident more likely than not the result of a criminal act"*. A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a crime has occurred is usually sufficient to justify its recording as a crime. A victim focused approach is the standard to be applied based on a presumption that the victim should be believed.
- 3.3 **Initial Report – Informing the Crime Recording Decision:** A complaint should be considered as made at the first point of contact in keeping with guidance at paragraph 2.3 prior. Evidence indicates that the information obtained by the police at the point of first contact (from all channels / routes) will usually be sufficient to meet the 'balance of probability' crime recording decision making process (CRDMP). Where the CRDMP establishes that a crime has been committed then recording must take place and must not routinely be delayed to facilitate deployment of resources or to enable further investigation to take place. Reports received through partnership arrangements or by specialist units must be recorded on the force crime system at the first opportunity and must not be delayed to allow for further investigation. CRDMP oversight must be independent of operational or performance line management.

## National Crime Recording Standard (2 of 4)

- 3.4 **Timeliness of Recording:** Where the information obtained at the first point of contact satisfies the crime recording decision making process the expectation is that identified crimes will be recorded without delay. It is expected that such crimes will be recorded on the same day the report is received – and in any case recording must take place within 24 hours of the time the initial report was received. Exceptionally, in circumstances where a victim or person reasonably assumed to be acting on the victim's behalf, cannot be located to confirm that a victim related crime occurred then recording may be extended for up to 7 days. However, where the victim is not traced to confirm an initial report, (for a victim related crime); the expectation is that the CRDMP will be made on the basis of the available first contact information. All reports subject to delayed recording must contain an NCRS compliant rationale and have appropriate FCR oversight.
- 3.5 **Victim Focused Recording:** NCRS promotes a victim focused approach to crime recording. The intention is that victims are believed and able to benefit from their statutory entitlements under the Code of Practice for Victims of Crime (CPVC). This advice ensures consistency of victim focus:
- i. **No Victim - No Crime:** Where there are grounds to suspect that a 'victim related' crime i.e. a crime requiring victim confirmation may have taken place but no victim, (or person reasonably assumed to be acting on behalf of the victim), can immediately be found or identified, then subject to the exceptions identified at 3.6 (recording without victim confirmation), the matter must be recorded as a crime related incident until such time as the victim is located or comes forward to provide an account.
  - ii. **Unwilling Victims - Guidance:** Where apparent criminal activity comes to the attention of the police, and the victim confirms that a crime has taken place, but declines to support an investigation or prosecution a crime must still be recorded.
- 3.6 **Recording without Victim Confirmation:** The concept of 'no victim - no crime' is a guiding principle for 'victim related crimes' to deliver a consistent victim focus. However, there are two occasions where recording without victim confirmation is required:
- i. **Police Decide Recording is Appropriate/Necessary:** If, having applied the principle outlined at 2.2 and 3.5 i, police believe there is clear evidence or significant grounds to show that a victim based crime has been committed, and that it is either necessary or appropriate to record that crime, a force must record even though the victim has declined to confirm or cannot be found. For example, there are occasions where individuals may fail to recognise that they are victims in relation to some crimes such as domestic abuse or fraud. This must not be used as a reason for failing to record an identified notifiable crime. There is no requirement to record a crime where an individual reports in the belief they are the victim, but specific counting rule guidance identifies that the actual victim (or loser) is another party e.g. a financial institution. However, appropriate advice should be given and referrals made to the initial caller to ensure the right service delivery. The reason for recording without victim confirmation must be explained within the crime record, and be the subject of appropriate supervisory review and FCR quality assurance oversight.
  - ii. **Parents, Carers and Professional 'Third' Party Reports:** Crimes are often reported by individuals acting on behalf of victims. These may be referred to as 'Third Party' reports and commonly such reports include the following:
    - a) Persons acting in a professional capacity e.g. doctors, nurses, social workers and teachers reporting crimes, (often of a safeguarding nature), on behalf of victims of any age.
    - b) Parents or Carers acting as a guardian or responsible adult, reporting crime in the best interests of and/or to ensure that a child, or young person or adult at risk has appropriate access to police services.

When such persons reports crimes, they should always be regarded as acting on behalf of a victim. Where there is no doubt as to their status and/or position or the veracity of their report, those reports must be recorded as crimes. Such recording must occur regardless of whether the victim has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed.

Other 'Third Party' reports from persons acting on behalf of victims should be treated on their individual merit and in line with guidance at paragraph 2.2 and 3.6 i within the Standard.

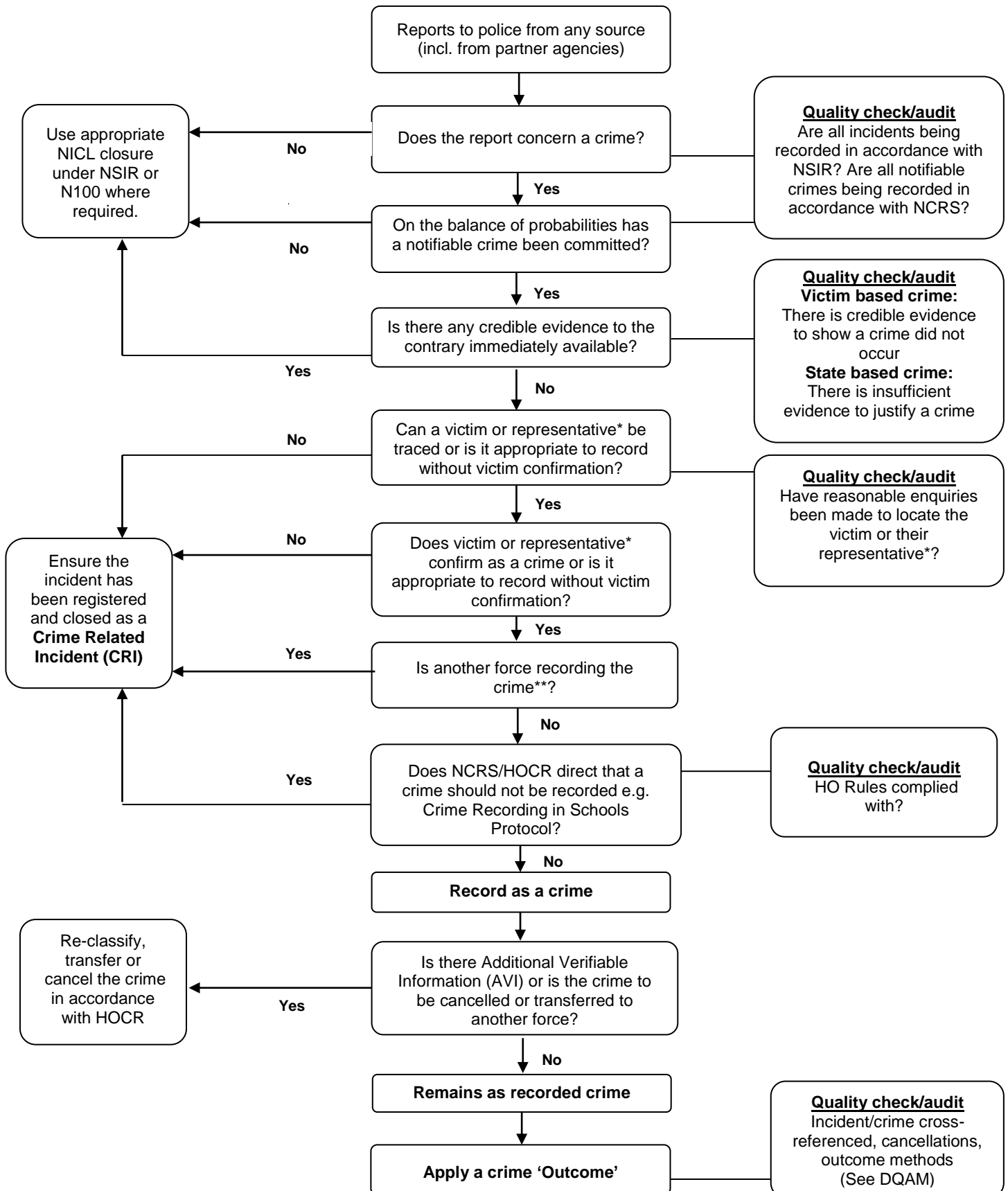
## National Crime Recording Standard (3 of 4)

- 3.7 **Recording Offences Against the State:** In circumstances where the police become aware of an incident where the points to prove to evidence an offence against the state are clearly made out a crime must be recorded, on the force crime recording system at the earliest opportunity, regardless of the fact that there may not be evidence to identify the offender(s); or where a suspected offender has been identified there may not be sufficient evidence to mount a successful prosecution.
- 3.8 **Drunkenness or Impairment:** The fact that a person is drunk or otherwise impaired *might* have a bearing on the balance of probability issue within the CRDMP. As a minimum an incident must be recorded and followed up by the police when the person is in a fit state. However, if at the time of reporting supporting evidence shows that on the balance of probability the crime happened then it must be recorded, regardless of the victim's condition – the presumption is that victim reports should be believed.
- 3.9 **Public Order Offences - Guidance on Recording:** In the case of a public order incident where on the arrival of the police there is no continuing disorder and no specific intended victim, the incident will not be routinely recorded as a crime. Reasonable enquiries should be undertaken to identify specific victims and secure any supporting evidence which would enable further police action in terms of arrest or summons. Where enquiries fail to identify any victim or produce supporting evidence this will remain as an incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and, where notifiable offences are apparent, subject to the exception at paragraph 3.10 below, record a crime in accordance with the Home Office Counting Rules (HOCR).
- 3.10 **Section 5 of the Public Order Act 1986:** In the case of such offences where there is no specific or intended victim (other than the police officer) and where an officer warns an offender to stop the unlawful behaviour and as a consequence of the offender heeding the warning, the police take no further action, the incident need not routinely be recorded as a crime.
- 3.11 **CCTV Evidence – Recording Practice:** It is not the intention of the NCRS to record as crimes all incidents that could be construed as crimes when viewed on CCTV. CCTV reports inform operational activity but in their own right will not be construed as a 'Third Party' report (as defined at 3.6 ii). Reports from CCTV systems will be treated as matters requiring victim confirmation and the CRDMP should follow the principles set out in either paragraph 3.5 above, when concerning victim related crime, or 3.7 when involving offences against the state e.g. where, as a result of events seen on CCTV, police officers attend the scene of a disturbance but all parties have left, there is no requirement to record a crime, although an auditable incident record must exist. There may be occasions when as a result of CCTV reports the police complete further appropriate or reasonable enquiries. If that activity results in victim confirmation of crime or establishes sufficient reason to record without victim confirmation (see 3.6 above) then crimes must be recorded in line with NCRS principles.
- 3.12 **Reasonable Enquiries:** In all cases where criminal activity is apparent i.e. suspected damage to property is reported by a witness or found by police but a crime is not initially recorded in keeping with NCRS principles the police would be expected to carry out reasonable enquiries to confirm whether a crime has been committed through seeking confirmation, on the balance of probability, from the victim, a person reasonably assumed to be acting on behalf of the victim or in the victims best interests, witnesses or via other supporting evidence. Where this cannot be confirmed, the incident report must be endorsed with the enquiries made and the reason why a crime was not recorded.
- 3.13 **Data Protection Advice:** Guidance received from The National Policing Data Protection Sub-Committee would indicate that the recording of a victim's personal details, possibly against their wishes, is permissible under either Section 29 of the Data Protection Act 1998 (necessary for the prevention or detection of crime) or Schedule 2 [4] (necessary to protect the vital interests of the subject).
- 3.14 **NCRSSG Oversight:** Definitive direction and guidance in relation to crime recording will continue to be contained within NCRS and HOCR. Examples will be included, as required, to facilitate clarification and specific interpretation of the rules. NCRS and the HOCR will be subject of ongoing and timely development, which will be managed by the National Crime Recording Strategic Steering Group (NCRSSG). Amendments will be made (and notified) on an annual basis usually for 1<sup>st</sup> April adoption. However, amendments may be made in year, if required, and will be promptly notified to forces.

# National Crime Recording Standard (4 of 4)

## Crime Recording Flowchart

*A belief by the victim, or person reasonably assumed to be acting on behalf of the victim, that a 'victim related' crime has occurred is usually sufficient to justify its recording.*



\* Paragraph 3.6 provides guidance on recording a crime - even though a victim has declined to confirm or cannot be found.

\*\* Disputes over location should be resolved in accordance with the protocol (HOCR, General Rules, Annex A)

# Crime Recording – Supporting Processes (1 of 2)

## 1. Leadership

The adoption of consistent and victim oriented crime recording will require an unequivocal statement and a clear continuing commitment from Chief Officers and local Commanders. Chief Officers must ensure on an ongoing basis that their force's position on crime recording is clearly articulated throughout the organisation, and that the Service and personal implications of such an approach are understood. Messages from Chief Officers and local commanders should include the following points as recommended by HMIC in their 2014 Thematic report – see Recommendation 11:

- A presumption that victims will be believed when reporting crime – institutionalised in practice.
- Reports of crime should be recorded as such at the earliest possible opportunity
- Decisions to record crimes must not be subject to undue operational or performance pressures, and
- Practices such as investigate to record (where the recording of crime is delayed until after the initial investigation of a complaint) are discontinued.

### 1.1 Force Crime Registrar (FCR)

To ensure NCRS and HOCR standards are applied with consistency locally and nationally, each force must appoint an FCR to act as final arbiter for the audit process, the interpretation of the counting rules and assigning outcomes. The expectation is that an FCR will have passed the College of Policing's national training course within 12 months of appointment and will thereafter maintain professional accreditation. The FCR will have due regard to advice on counting rules received via NCRSSG structures. The FCR must be outside operational line command for matters concerning NCRS and HOCR and answer to the Deputy Chief Constable (DCC) or an appropriate chief officer (who should not be responsible for force crime performance) designated by the Chief Constable. Formal interactions between Chief Officers and FCR must be evidenced and auditable. The FCR should also have direct access to the Chief Constable (or equivalent) where necessary. Chief Officers must ensure that the FCR has sufficient independence and authority so that high standards of adherence to NCRS and HOCR are attained and maintained. To ensure that the responsibilities of the post are effectively met a deputy or other identified person, will usually be appointed.

#### **Key tasks:**

- To understand all the routes (or channels) through which crime is reported to a force, the volumes of crime involved and the specific crime recording attrition (failure) risks associated with each route.
- The development, implementation and monitoring of crime recording and outcome policies and subsequent audit programmes, in line with the Data Quality Audit Manual, to ensure high standards of data integrity and the achievement of a consistent and accurate response to crime recording.
- Oversight and authorisation as appropriate of decisions made to delay recording or to record crime without victim confirmation.
- Oversight in respect of the transfer and cancellation of recorded crimes (C1- C5 inclusive) and the responsibility to authorise all cancelled rape crimes.
- Oversight of training resources produced and used in force to support NCRS/HOCR.
- To ensure prompt and adequate circulation of changes in counting rules, policy etc.
- To chair or be involved in force crime recording user group meetings.
- To act as force representative and Home Office contact on the subject of crime recording.
- To have regular contact with other FCRs through regional and national structures with the remit to consistently maintain NCRS/HOCR standards between forces.

## 2 Force Systems

### 2.1 The Incident Recording System

Forces must seek to capture all incidents coming to their notice so as to establish an accurate and timely picture of what is happening locally. This includes command and control systems and other IT systems used in specialist units e.g. Public Protection teams. It is envisaged that all future incident and crime recording systems will be fully integrated to facilitate tracking and audit between the systems. For audit purposes, where recorded incidents appear to be crime related, they will either result in a recorded crime being created or an NCRS compliant reason for not completing a crime report must be recorded.

# Crime Recording – Supporting Processes (2 of 2)

## Key aspects:

- Adequate distribution of access to systems to encourage full and accurate recording.
- Adequate guidance and supervision in respect of the classification and closing of incidents.
- Incident logs to be cross-referenced with the crime system and vice-versa.
- Appropriate query tool mechanisms to be in place with the system being able to adequately respond to different user requirements.
- Incidents that do not result in a recorded crime to include sufficient account to show that the force has complied with NCRS and NSIR.

## 2.2 The Crime Recording System

A modern crime recording system, available force wide, is essential to the proper implementation of the National Crime Recording Standard.

### Key aspects:

- An efficient and fit for purpose crime recording system.
- The crime recording system must be capable of proper audit.
- Ideally, there will be an automatic link between incident recording and crime recording systems.
- Any future development of crime recording systems, be it at a national or force level, will need to take account of the National Crime Recording Standard, the HOCR and any associated audit requirement.

## 2.3 The Crime Recording Process

Responsibility for the recording of crime must be placed in the hands of trained officers and staff, such as is common in specialised Crime Recording/Crime Management Units, whether centrally or locally based. Where this is locally based and requires the involvement a large number of personnel across a force there must be appropriate provisions for data quality assurance oversight at critical process stages.

### Key aspects:

- Adequate supervision to ensure a competent and consistent service.
- All stages of the process from initial recording to final disposal must be subject to scrutiny by trained staff.
- All decisions made must be auditable.

## 2.4. Data Quality Assurance

The National Crime Recording Strategic Steering Group jointly with the national policing lead will own and maintain a Data Quality Assurance Manual (DQAM). The Data Quality Assurance Working Group will be responsible for the on-going development of the DQAM on behalf of the NCRSSG. The DQAM will set out a minimum framework of audit and data quality checks consistent with that needed to allow the public to be reassured that the statistics and data made available to them can be trusted.

- 2.5 Force compliance with the NCRS and the maintenance of data quality may be subject to external review by Her Majesty's Inspectorate of Constabulary or other external bodies as part of their respective statutory powers. However, primary responsibility for the maintenance of crime data quality rests with the nominated Chief Officer with overall responsibility for the accuracy and integrity of crime recording processes within individual forces. FCRs play a key role in support of their nominated Chief Officer to ensure that adequate arrangements are in place for local data quality reviews through effective quality assurance and audit processes.



# A Whether & When to Record (1 of 7)

## INCIDENT REPORTS

- **ALL REPORTS OF INCIDENTS, WHETHER FROM VICTIMS, WITNESSES OR THIRD PARTIES AND WHETHER CRIME RELATED OR NOT, WILL, UNLESS IMMEDIATELY RECORDED AS A CRIME, RESULT IN THE REGISTRATION OF AN AUDITABLE INCIDENT /RECORD BY THE POLICE.**

The reasons for registering all incidents include the need to ensure forces have all the available information in relation to possible crimes in their area and to allow an audit trail to be created to ensure consistency of crime recording between forces. Where a report is recorded as a crime initially (e.g. by an officer on a PDA; by phone to a control room or direct to a Crime Recording Bureau or Crime Management Unit), it is not necessary that an incident report is also created. However, where the initial report is not recorded as a crime, an auditable incident report must be registered (whether in the force incident system or some other accessible or auditable means).

**REPORTED RAPE INCIDENTS:** All reported incidents of rape must immediately, be either recorded as a confirmed crime or as an N100 record on the force crime system in keeping with HO CR guidance.

**VICTIM MUST BE TOLD WHEN A DECISION IS TAKEN NOT TO RECORD A CRIME:** Where a report of a crime is made to police and the individual dealing decides not to record it as such then they must make an auditable record of that decision and inform the reporting person why they will not be recording a crime.

## WHETHER TO RECORD

**AN INCIDENT WILL BE RECORDED AS A CRIME (NOTIFIABLE OFFENCE) FOR 'VICTIM RELATED' OFFENCES IF, ON THE BALANCE OF PROBABILITY:**

- (A) **THE CIRCUMSTANCES OF THE VICTIMS REPORT AMOUNT TO A CRIME AS DEFINED BY LAW (THE POLICE WILL DETERMINE THIS, BASED ON THEIR KNOWLEDGE OF THE LAW AND COUNTING RULES); AND**
- (B) **THERE IS NO CREDIBLE EVIDENCE TO THE CONTRARY IMMEDIATELY AVAILABLE.**

**A BELIEF BY THE VICTIM (OR A PERSON REASONABLY ASSUMED TO BE ACTING ON BEHALF OF THE VICTIM, THAT A CRIME HAS OCCURRED IS USUALLY SUFFICIENT TO JUSTIFY ITS RECORDING.**

**FOR OFFENCES 'AGAINST THE STATE' THE POINTS TO PROVE "TO EVIDENCE THE OFFENCE MUST CLEARLY BE MADE OUT BEFORE A CRIME IS RECORDED,**

Any reference to a crime elsewhere in Section A ('Whether and When to Record') means a recorded crime or notifiable offence, as defined by the Home Office and detailed in HO CR. Notifiable offences do not cover all criminal offences, as most summary offences are not notifiable.

The police will determine whether the circumstances as reported amount to a crime defined by law, based on their knowledge of the law and the counting rules.

The test to be applied in respect of recording a crime is that of the **balance of probabilities** i.e. is the incident more likely than not the result of a criminal act? In most cases, the belief by the victim (or person reasonably assumed to be acting on behalf of the victim) that a crime has occurred is sufficient to justify its recording, although this may not be the case in all circumstances.

### **APPLICATION OF THE RULE**

**Where apparent criminal activity comes to the attention of the police, and the alleged victim confirms that a crime has taken place but declines to support any police action, a crime must be recorded.**

A victim's refusal to supply details is not reason in itself for failing to record a crime (NCRS 3.5ii).

Example 1: The police are called to the scene of a crime. The alleged victim is found, confirms that the crime took place (and there is no credible evidence to the contrary), but refuses to supply personal details and does not want the matter taken any further.

*Record a crime.*

# A Whether & When to Record (2 of 7)

## RECORDING WITHOUT VICTIM CONFIRMATION

- **REPORTS FROM UNWILLING VICTIMS:** Where apparent criminal activity comes to the attention of the police, and the victim confirms that a crime has taken place, but declines to support an investigation or prosecution a crime must still be recorded.
- **POLICE DECIDE RECORDING IS APPROPRIATE / NECESSARY:** The concept of 'No Victim No Crime' as contained within paragraph 3.5 i of the NCRS is a guiding principle. It is not the intention of NCRS that the police routinely record crimes without victim confirmation. However, NCRS acknowledges there will be circumstances where the police decide recording is necessary without victim confirmation as set out in paragraphs 3.6 i and ii. To ensure consistency of decision making crimes recorded in such circumstances should be subject of appropriate FCR review.

### Clarification

- Where the police believe there is clear evidence or significant grounds to show that a crime against an identifiable victim has been committed, and that it is either necessary or appropriate to record that crime, (to enable effective investigation, the apprehension of offender(s) or that it is otherwise in the public interest to do so), a force must record even where the victim has declined to confirm or cannot be found. The circumstances of the crime do not need to be deemed 'exceptional' for this criterion to be applied.
  - Auditors will consider each case, but will not as a rule find fault if the reason for non compliance i.e. an apparent over-recording of crime is acceptable, where appropriately recorded and there is evidence of FCR review.
- **PARENT, CARER AND PROFESSIONAL 'THIRD PARTY' REPORTS**

Crimes are often reported by individuals acting on behalf of victims. These may be referred to as 'Third Party' reports and commonly such reports include the following:

- **Persons acting in a professional capacity** e.g. doctors, nurses, social workers and teachers reporting crimes, (often of a safeguarding nature), on behalf of victims of any age; or
- **Parents or Carers acting as a guardian or responsible adult**, reporting crime in the best interests of and/or to ensure that a child young person or adult at risk has appropriate access to police services.

When such persons reports crimes, they should always be regarded as acting on behalf of a victim. Where there is no doubt as to their status and/or position or the veracity of their report, those reports must be recorded as crimes.

Such recording must occur regardless of whether the victim is aware of the relevant third party's intention(s) or has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed.

### Clarification:

- Where there are grounds to suspect that a 'victim related crime' may have taken place but no victim (or person reasonably assumed to be acting on behalf of the victim or reporting in circumstances outlined in NCRS paragraph 3.6 ii) can immediately be found or identified, the matter should be recorded as a crime related incident until such time as the victim is located or comes forward.

## OFFENDER AGED LESS THAN 10 YEARS

All reports of crimes made where the offender (if age known or otherwise) is under the age of 10 years must be recorded as a crime. It is a matter for Chief Officers to decide the extent to which any such report is investigated.

## MENTAL CAPACITY

All reports of crime made where the offender lacks the mental capacity to form the necessary criminal intent (the 'Mens Rea') must be recorded by the police.

# A Whether & When to Record (3 of 7)

## CRIME RELATED INCIDENTS

This term is used to describe a record of an incident where a report has come to police attention which, on the balance of probabilities, would amount to a notifiable crime, but a resultant crime has not been recorded. Some circumstances where this would happen are:-

1. The incident is reported by a party **other** than the alleged victim (or person reasonably assumed to be acting on behalf of the victim or a person fitting the 'Third Party' criteria) and having applied NCRS paragraph 3.6; **and either**
  - the victim, when traced, fails or decline to confirm the crime; or
  - the victim cannot be traced and the police are satisfied that recording is neither appropriate nor necessary;

OR

2. The incident is being dealt with and recorded by another police force;

OR

3. The NCRS or a specific rule within HOCR, or appendix thereto directs that a crime need not be recorded (e.g. DCSF Crime Recording by Police Officers Working in Schools Guidance).

**REFERRALS:** Cases involving crimes committed against vulnerable persons that are referred to the police must be recorded regardless of any decision to resolve it by the other organisation. Where following Multi-Agency Risk Assessment Conference (MARAC) procedures, police become aware of an allegation of a previously unrecorded notifiable offence they must deal with the recording of such crime in accordance with NCRS by applying the 'Third Party' criteria (see 3.6ii). The level of subsequent investigation remains a matter for the relevant force Chief Officer(s).

**Reports of rape via 'Third Parties' (as specified in NCRS paragraphs 3.6i or ii) or from Sexual Assault Referral Centres (SARCs):** A report of rape must be recorded as a crime in the following instances:

- The victim provides personal details and seeks a police investigation; or
- The victim (whether anonymous or not) provides details of the Report to be passed to the police but decides not to pursue the case; or
- The victim undergoes a forensic examination with samples submitted to the police for analysis (whether or not personal details are passed to the police); or
- The report is received from a parent, carer or professional third party and there is no reason to doubt the veracity of their report.

**A report of rape received from a third party (other than specified in NCRS paragraphs 3.6i or ii) and including reports from SARCs** must be recorded as a Reported Incident of Rape (Classification N100) in the following instances:

- The victim does not seek a police investigation but is happy for some depersonalised data to be passed to the police **for intelligence purposes**; or
- The victim wishes to remain anonymous and does not want details of the allegation passed to police (if any information at all received by police); or
- The victim undergoes a forensic examination and samples are frozen at the SARC in case the victim decides to pursue the case at a later date (forensic samples are not passed to the police).

## RECORDING STATE BASED OFFENCES

**Evidence based recording:** Offences against the State (NCRS Para 2.4) are offences where the offence is made out notwithstanding the fact that the crime in question is not directed toward a specific intended victim. Offences of this nature may be discovered by the police but may equally be brought to our attention by members of the public. Regardless of how the police are made aware of the offence the decision to record the crime will be based on the evidence available; this will include the evidence of members of the public and police officers who have witnessed criminal behaviour; as well as physical evidence such as the discovery of a Cannabis Factory in a disused premise.

## A Whether & When to Record (4 of 7)

There will be circumstances where there is evidence to show that an offence has been committed against the State although the identity of the offender(s) hasn't been established; the discovery of article used in connection with producing counterfeit currency will be evidence of an unlawful operation regardless of the fact that the offenders aren't known. However, there will be cases where the offence is only made out if the criminal liability of the offender can be proven. The fact that an offender is found in possession of controlled drugs won't amount to a notifiable crime if it cannot be established that the person's possession is unlawful; i.e. he/she was ignorant of the nature of the substance. A person found to be unwittingly in possession of a banknote stained with cocaine isn't criminally liable therefore a crime need not be recorded.

The **points to prove to evidence the** offence in each case must be assessed on their merit(s); this may involve an assessment of the evidence by the Crown Prosecution Service. If the role of the alleged offender is critical to establishing the offence a crime need not be recorded if the collated evidence fails to establish a bone fide case against a person. If previously recorded the offence could be considered for cancellation.

**RECORDING PUBLIC ORDER ACT OFFENCES:** Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and where notifiable offences are apparent record a crime in line with the NCRS. With the exception of offences contrary to Sections 4 and 4a, which are victim based, the offences covered by the Public Order Act 1986 (POA) fall within the Offences against the State category. In the majority of cases the behaviour supporting the contravention of the Act will be directly witnessed by persons who are adversely affected by the behaviour. The evidence provided by such witnesses must always be fully considered when assessing evidence for crime recording purposes. Where witnesses provide clear evidence that they were alarmed, harassed, distressed, threatened, or given cause to fear for their personal safety etc. the circumstances will normally amount to a crime being recorded; unless another essential element of the offence is missing. Alternatively where there is no direct evidence from witnesses to support a breach of the POA a crime need not be recorded unless there is other reliable and admissible evidence to prove a breach of the Act.

In public order incidents (see NCRS paragraphs 3.9 and 3.10), reasonable enquiries should be undertaken, where appropriate, to identify specific victims and secure any supporting evidence which would enable further police action in terms of arrest or summons. Where enquiries fail to identify any victim, the record should be closed as Anti-social behaviour in accordance with the provisions of the NSIR.

### Clarification

- In the case of a public order incident where on the arrival of the police there is no continuing disorder and no specific intended victim, the incident will not be routinely recorded as a crime.
- Where the only witness to a Section 5 Public Order Act offence is a Police Officer, due regard must be given to the stated case of R v Orum.
- In the case of offences under Section 5 of the Public Order Act 1986 where there is no specific or intended victim, other than the police officer, where an officer warns an offender to stop the unlawful behaviour and as a consequence of the offender heeding the warning, no further action is taken (other than implementing local diversionary initiatives excluding Penalty Notices for Disorder), the incident must not routinely be recorded as a crime but as an incident of Anti-social Behaviour (ASB).

# A Whether & When to Record (5 of 7)

## WHEN TO RECORD

- **A CRIME MUST BE RECORDED AS SOON AS POSSIBLE AFTER THE PERSON RECEIVING THE REPORT IS SATISFIED THAT IT IS MORE LIKELY THAN NOT THAT A CRIME HAS BEEN COMMITTED.**

Where the information obtained at the first point of contact satisfies the CRDMP the expectation is that identified crimes will be recorded without delay. It is expected that such crimes will be recorded on the same day the report is received – and be recorded, with a crime number, on the force crime system within 24 hours of the time the initial report was received. Exceptionally, in circumstances where a victim or person reasonably assumed to be acting on the victim's behalf, cannot be located to confirm that a victim related crime occurred then recording may be extended for up to 7 days. However, where the victim is not traced to confirm an initial report, (for a victim related crime); the expectation is that the CRDMP will be made on the basis of the available first contact information. All reports subject to delayed recording must contain an NCRS compliant rationale and have appropriate FCR oversight. Recording must not be delayed in order to carry out an investigation.

- **THE TIMING OF A RECORDED CRIME, FOR THE HOME OFFICE STATISTICAL RETURNS, WILL RELATE TO THE DATE IT IS RECORDED.**
  - So, for example, a crime that was committed in September, but reported to the police and recorded as a crime in October, will be included in the recorded crime total for October.
  - The 24 hour provision doesn't necessarily mean that the crime classification must be **confirmed** for the purpose of statistical return within 24 hours; just that a notifiable crime is recorded on the crime system.
- **ONCE RECORDED, A CRIME MUST REMAIN RECORDED UNLESS THERE IS ADDITIONAL VERIFIABLE INFORMATION THAT DETERMINES THAT NO NOTIFIABLE CRIME HAS BEEN COMMITTED. (See Section C for further details).**
- **FOR CRIME COMMITTED OUTSIDE ENGLAND AND WALES REFER TO SECTION G LOCATION OF CRIMES (1 OF 6).**

## COVERT OPERATIONS

The only exception to this requirement for recording crime is for undercover operations. Where the Force Crime Registrar is satisfied that compliance is not possible due to the complexity, or possible compromise, of the investigation they (the FCR) should ensure compliance within the above timescales, immediately following the conclusion of the investigation. Furthermore, where an exception has been granted the FCR, in liaison with the authorising officer, must ensure that all crimes have been recorded applying all the General Principals.

### **APPLICATION OF THE RULE**

Example 1: During a police operation an offender supplies cannabis to an undercover police officer on three occasions.

*Three crimes of trafficking (class 92/46).*

Example 2: During a police operation an offender supplies heroin and cannabis to an undercover police officer on three occasions.

*Three crimes of trafficking (class 92/31). As Class A drug Heroin is the principal crime.*

Example 3: Police install covert surveillance equipment in a warehouse where employees are suspected of thefts. After a week they view the tape recording and observe John committing thefts on two days and Paul committing a theft on one day.

*Two crimes of theft employee must be recorded (class 41) one for each offender. All offences were reported to police at the same time.*

## A Whether & When to Record (6 of 7)

Example 4:	<p>Police install covert surveillance equipment in a warehouse where employees are suspected of thefts. Each night they view the tape recording and observe John committing thefts on two separate days and Paul committing a theft on another day.</p> <p><i>Three crimes of theft employee must be recorded (class 41). Two for John and one for Paul. Offences were recorded by police daily.</i></p>
Example 5:	<p>During an undercover operation, police purchase (what the offender admits to be) stolen goods in the following circumstances:</p> <p>(i) Brian and David sell stolen goods on four separate occasions admitting that the property was stolen by them by means of domestic burglaries. Following arrest at the end of the operation they are charged with four counts of burglary for offences already recorded by Police.</p> <p><i>The four recorded burglary offences can be assigned an outcome under Outcome Type 1. No additional offences of handling stolen goods must be recorded.</i></p> <p>(ii) Fiona sells stolen goods to police on six separate occasions.</p> <p><i>Six crimes of handling stolen goods (class 54).</i></p> <p>(iii) Twelve different offenders sell stolen goods to police during a covert operation. Only six offenders are arrested and charged at the conclusion of the operation.</p> <p><i>The FCR must ensure that all offences are recorded under (class 54). That is all the separate offences for each of the twelve identified suspects.</i></p>

### **NATIONAL CRIME AGENCY (NCA)**

Where the NCA is responsible for an investigation the following rules will apply:

- If NCA is investigating a previously recorded notifiable offence, HOCA must be applied in the same way as for an offence being dealt with by the force.
- Where the NCA brings a suspect into a force custody centre the NCA SPOC will notify the force FCR of the details in order to allow the correct crime recording decision to be made.

For all other NCA investigations and reporting the HOCA must be applied in all cases, however if the senior investigator believes that recording the allegation on the relevant force crime system:

- would not be in the public interest **or**
- doing so may compromise the investigation **or**
- could risk the safety of NCA operatives or other parties to the investigation.

The recording may be delayed until the conclusion of the investigation, or at a point in the investigation when the criteria for not recording, as previously described, cease to exist; at which time:

- The NCA must ensure that details of the investigation or reports are made available to the relevant FCR so that a crime recording decision can be made; and all relevant crimes are recorded in accordance with the general principles.
- The NCA will provide a SPOC for FCRs to resolve queries.

### **Outcomes**

The case papers relevant to NCA investigations will normally be retained by the Agency. It is therefore essential that force systems capture sufficient details to provide an audit trail which enables future validation of both the recorded crime and any linked outcome.

# A           **Whether & When to Record (7 of 7)**

## **CRIME RECORDING - SCHOOLS PROTOCOL (See Annex B)**

In 2004 the Association of Chief Police Officers, the Department for Education and Skills (as it then was) and the Home Office (NCRSG) developed an protocol to address crime recording by police officers working in schools in England and Wales. The protocol which was revised in 2007 presupposes that it is, in the first instance, the responsibility of school managers and staff, not police officers, to deal with and record behavioural incidents involving children and young people on a school site, even though it may be decided later that some cases amount to criminal conduct. Originally this protocol focussed on police officers working, or permanently based, in schools however it is now equally applicable to incidents in schools which officers respond to.

When requested by the school, officers will consider the nature and seriousness of an incident following the schools protocol criteria before deciding whether to officially record the matter, immediately or at a later stage, as a recordable crime. A list of serious incidents is shown at Annex B (2 of 2). In addition, a serious incident is one which in the view of the child, guardian or the child's representative any incident that has led or intended to, or is likely to or threatened to lead to serious harm or loss to any child or young person.

In order to sustain the disciplinary authority of schools, the protocol clarifies the general principles of NCRS as they apply to incidents on school premises. When police have reported to them an incident which took place on school premises during normal school hours, including those witnessed by, or reported directly to, officers working in the school, which they would normally record as a notifiable offence they will, in the first instance, invite the victim or the person acting on their behalf to report the matter to the head teacher to be dealt with under normal school discipline procedures. Such reports must be recorded as a crime related incident only, until or unless:-

- (a) they judge it to be a serious incident as defined in Annex B; or
- (b) having brought the matter to the attention of the school in line with good practice, they receive a formal request from the school to create a crime record; or
- (c) the child, parent or guardian or the child's representative asks the police to create a crime record.

To assist police responding to such incidents reference is made to the current guidance issued by the DfE, and Ofsted that can be found on their websites, on responsibilities for and dealing with behaviour in schools.

## B Classification & Re-classification (1 of 1)

### WHEN TO CLASSIFY

- **CLASSIFICATION OF A RECORDED CRIME MUST BE MADE AT THE TIME OF RECORDING.**

This is the point at which the crime is confirmed i.e. a nominated officer (and ultimately the FCR) has checked the crime record to satisfy himself/herself that the procedure has been undertaken correctly.

### HOW TO CLASSIFY: RECORD ACCORDING TO THE COUNTING RULES

- **THE CRIME TYPE CHOSEN must BE DETERMINED BY APPLYING THE COUNTING RULES, GIVEN THE INFORMATION AVAILABLE AT THE TIME OF RECORDING.**

This means that there will be occasions where the crime type recorded does not equate with the crime type with which a suspect is actually charged (or dealt with by other method of outcome).

Where there is doubt about which crime type to choose, the test to apply is that of balance of probabilities (as with the decision to record an incident as a crime – see Section A).

### RE-CLASSIFICATION

- **IF FURTHER SUBSTANTIVE INFORMATION COMES TO LIGHT AFTER A CRIME IS RECORDED OR IF THE ORIGINAL CLASSIFICATION IS DISCOVERED TO BE IN ERROR, IT MAY BE RE-CLASSIFIED IF IT IS CONSIDERED APPROPRIATE TO DO SO.**

When considering re-classification the police will apply their knowledge of the law and Home Office Counting Rules to the information or evidence obtained since the original classification was made. If having regard to the new information or evidence the original classification is no longer deemed to be accurate the offence will be re-classified or dealt with under Rule C2 if appropriate. Justification for the re-classification must be recorded within the crime record in an auditable form.

- **ONLY AN FCR OR A DDM CAN AUTHORISE THE RE-CLASSIFICATION OF A RECORDED CRIME.**

Where the decision maker is a DDM the FCR must have appropriate oversight of the process.

Exceptionally only a College of Policing accredited crime registrar may authorise the re-classification of a recorded rape or homicide.

### APPLICATION OF THE RULE

**A crime is initially recorded and classified as crime type A. The FCR considers crime type B to be more appropriate.**

Example: (i) The FCR/DDM is validating the crime before confirmation.

*The crime must be classified as crime type B.*

Example: (ii) The crime has already been confirmed, but new information supporting crime type B has emerged later.

*The FCR/DDM may re-classify to crime type B.*

Example: (iii) As (ii), but crime type B is not notifiable.

*The FCR/DDM must cancel the offence type A.*

Example: (iv) Crime type B is entered in error as crime type A.

*The FCR/DDM must re-classify to crime type B.*



## C Removing Crime Records (1 of 3)

### WHEN TO CLASSIFY

There are five criteria when crimes which are already recorded may either; be cancelled from local records or transferred to a force that it has already been established owns the crime. Removing records appropriately ensures both that locally reported crime and national crime data are accurate and promote the trust and confidence of victims and the public.

- **CRITERIA TO TRANSFER OR CANCEL**

**C1: TRANSFERRED: CRIME COMMITTED OUTSIDE THE JURISDICTION OF THE POLICE FORCE IN WHICH IT WAS RECORDED – PASSED TO THAT FORCE.**

Crimes committed within the jurisdiction of another police force area in England and Wales should be referred to the respective force – and the record may only be removed once a crime reference has been obtained from the receiving force and the victim has been advised of that new crime number.

**Clarification:**

- It is expected that once a force has determined that a crime is made out in accordance with NCRS and records it – then any subsequent transfer to another force would ordinarily result in the immediate recording of a confirmed crime by the force accepting the transfer – unless the FCR in the receiving force is entirely satisfied that no notifiable crime has been committed in their force area.

**C2: CANCELLED: ADDITIONAL VERIFIABLE INFORMATION THAT DETERMINES THAT NO NOTIFIABLE CRIME OCCURRED BECOMES AVAILABLE.**

Where following the report and recording of a crime additional verifiable information (AVI) is available that **determines** that no notifiable offence has occurred the crime may be removed.

**C3: CANCELLED: DUPLICATE RECORD OR PART OF A CRIME ALREADY RECORDED.**

Crimes which constitute a duplicate record of a crime, or part of a crime that is already recorded within a force, must be cancelled to avoid duplication of statistics.

**C4: CANCELLED: CRIME RECORDED IN ERROR.**

Crimes which have been recorded in error or by mistake as a notifiable crime should be cancelled to ensure accuracy of statistical records.

**C5: CANCELLED: SELF DEFENCE CLAIMED (FOR SPECIFIC RECORDED ASSAULTS).**

Where the recorded crime is one of assault within classification 8N (Section 47 ABH only) or classification 104 or 105A **and** evidence shows an offender has acted in self defence a crime record may be cancelled.

- **RESPONSIBILITY FOR DECISION MAKING**

Decision making in relation to the use of classifications C2 – C5 inclusive should only be undertaken by individuals who are independent of the investigation of a particular crime or crimes. All such decision makers must be properly trained in respect of the application of Section C of the HOCR and the Force Crime Registrar should have appropriate and direct oversight of their decision making. C5 cancellations must be authorised by trained DDM or the FCR.

- **RAPE AND HOMICIDE CRIMES – AUTHORISED BY FCR**

Decision making for all offences of rape and **homicide** (where C2 AVI cancellations are considered) should only be taken by a Crime Registrar who is listed on the College of Policing professional register. Where a force has no crime registrar on the register the decision maker for forces in England and Wales must be the Chief Officer responsible for crime recording who must receive advice from the Crime Registrar. (updated July 2018).

## C Removing Crime Records (2 of 3)

### • NOTIFYING VICTIMS - AND RECORDING ACTION TAKEN

Where a decision is taken to either transfer (C1) or cancel (C2 and C5 only) a recorded crime the decision maker must assure themselves that the victim(s) have been informed of the police decision and that there is an auditable record providing details of that notification. That notification must have been made prior to the cancellation from the statistical records.

### • CANCELLING REPORTS – NO VICTIM BASED NOTIFIABLE CRIME COMMITTED

In all cases where there is additional verifiable information that determines that no victim based notifiable crime has been committed, the report must be cancelled under C2.

Where the person, who was originally shown as the 'victim' of the cancelled notifiable crime, is believed to have committed a notifiable state-based crime, an additional report must be recorded in relation to that offence.

### • STATISTICAL CONSIDERATIONS

- These criteria can be applied to crimes recorded at any time during the financial year and may include offences recorded in previous financial years.
- Where a transfer / cancellation relates to a previous financial year's recorded crime, forces should re-submit an adjusted end of year Home Office return for that financial year. The current year's crime figures must not be understated by including records that were cancelled or transferred in previous years.

#### APPLICATION OF THE RULE

##### Examples of crime fitting Section C criteria:

Example 1: A man reports that he has been blackmailed. The crime is recorded and investigated but the complaint is shown to be false. The complainant is prosecuted for wasting police time.

*C2: Cancelled: Additional Verifiable Information determines that blackmail crime was falsely reported.*

Example 2: A burglary is reported and recorded but the subsequent investigation reveals that the report was false and a fraudulent insurance claim has been made.

*C2: Cancelled: Additional Verifiable Information determines that the burglary report was false – in addition one crime of fraud to be recorded by Action Fraud.*

Example 3: A theft in a dwelling is discovered to have been recorded subsequent to the burglary of which it forms part.

*C3: Cancelled: Duplicate Record - the theft in a dwelling relates to a burglary crime already recorded.*

Example 4: An ABH is recorded but is discovered to have occurred during the course of a robbery which is already recorded.

*C3: Cancelled: Duplicate Record - the ABH relates to a robbery crime already recorded.*

## C Removing Crime Records (3 of 3)

### APPLICATION OF THE RULE (Continued)

Example 5: An offender burgles a dwelling, rapes the occupant and steals her car from the driveway. All are reported together and under the Principal Crime Rule (see Section F), the rape is recorded. One of the other constituent crimes of the incident is subsequently recorded.

*C3: Cancelled: Duplicate Record – the subsequent record was erroneously recorded.*

Example 6: An abandoned vehicle is found burnt out. No report of the vehicle being stolen has been received and extensive enquiries failed to establish an owner for the vehicle. Police initially recorded an offence of arson.

*C4: Cancelled: Recorded in Error - In these circumstances, no notifiable crime has been committed in law. It should be treated as having been crimed in error. .*

Example 7: Following the submission of case papers in relation to an ABH the CPS endorse the MG3 with 'no evidence of an offence having been committed'.

*C5: Cancelled: Self Defence - If the police decide the self defence criteria are met then a trained DDM or FCR may authorise the cancellation.*

### **Example of a crime which should remain recorded:**

Example 1: A rape is reported to and recorded by the police. Following investigation, the police are unclear whether a crime actually took place.

*The rape must remain recorded.*

## D One Crime per Victim (1 of 1)

- **THE GENERAL RULE OF ONE CRIME PER VICTIM APPLIES TO CRIMES WITH SPECIFIC, INTENDED OR IDENTIFIABLE VICTIMS.**

The rule for each type of crime (including any exception to the General Rules stated here) can be found on the counting rule page for that specific crime.

For crimes against the person, the victim is the person assaulted or threatened.

Where there are grounds to suspect that a victim related crime has taken place the victim or a person acting on behalf of the victim must confirm the circumstances relating to that crime for a crime to be recorded. It is not necessary for the victim to provide personal details or wish police to pursue the matter, only for them to confirm the circumstances surrounding the crime.

NCRS specifies at paragraph 3.6 certain criteria in which it is appropriate to record victim based crimes without the confirmation of the victim (see also 3.6 i and 3.6 ii).

For crimes against property, the victim is generally the owner of the property targeted. In vehicle crime, for example, the crimes are counted in terms of numbers of registered owners' vehicles, which may not exactly coincide with numbers of vehicles (as more than one vehicle may be owned by one person or company). The victim of a burglary in a dwelling is the household targeted, rather than individual owners of property.

### APPLICATION OF THE RULE

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

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

- **IF THERE IS NO SPECIFIC, INTENDED VICTIM OF A CRIME, OR IF THE CRIME IS 'VICTIMLESS', THEN ONE CRIME must BE COUNTED FOR EACH OFFENDER OR GROUP OF OFFENDERS.**

This rule is clarified when applied to the relevant crime type.

In general, for offenders to constitute a group, three characteristics need to be established.

- (i) The offenders need to have a common purpose.
- (ii) There must be an element of conspiracy.
- (iii) They need to have more than mere common knowledge of the victim (in crimes where there is a victim).

- **IF A PERSON IS A VICTIM OF MORE THAN ONE CRIME, COUNT THE OFFENCES SEPARATELY IF THERE IS EVIDENCE THAT THE OFFENDER OR OFFENDERS HAVE ACTED INDEPENDENTLY.**

This rule can be viewed alternatively by considering the counting of crimes in terms of 'offender or group of offender/victim relationships'. In most cases any repeat crimes are likely to be carried out either by the original offender or by someone in league with the original offenders. However, if a completely independent person commits a second crime, then this constitutes a second offender/victim relationship and so must be counted separately.

## E The Finished Incident Rule (1 of 1)

- **AN INCIDENT COMPRISING A SEQUENCE OF CRIMES BETWEEN THE SAME OFFENDER (OR GROUP OF OFFENDERS) AND THE SAME VICTIM SHOULD BE COUNTED AS ONE CRIME IF REPORTED TO THE POLICE ALL AT ONCE.**

The incident can comprise crimes of different types. Classification then depends on the Principal Crime Rule (see Section F).

- **AN INCIDENT WILL BE REGARDED AS FINISHED WHEN IT COMES TO THE NOTICE OF THE POLICE.**

If the offending resumes after it comes to the police's notice, then further crimes are recorded whenever they come to the police's notice.

### **APPLICATION OF THE RULE**

#### **Examples of the Finished Incident Rule**

Example 1: 'A' threatens 'B' on three occasions.

- (i) 'B' reports the threats to the police on each occasion a threat is made.

*Three crimes.*

- (ii) 'B' reports the three occurrences at the same time.

*One crime.*

Example 2: During a police operation an offender is observed to commit a number of crimes against the same victim.

*Each incident to be considered finished as it comes to the notice of the police. Separate crimes to be recorded.*

## F The Principal Crime Rule (1 of 2)

- **IF THE SEQUENCE OF CRIMES IN AN INCIDENT, OR A COMPLEX CRIME, CONTAINS MORE THAN ONE TYPE OF CRIME, THEN COUNT THE MOST SERIOUS CRIME.**  
(NB: as it states in Section E, these incidents must involve the same offender and victim.)

In determining the most serious crime, the most serious violent crime (including rape) WILL generally take precedence over the most serious property crime. If it is not possible to do this, regard must be taken of the maximum sentence or, where equal sentences are prescribed, the maximum sentence likely to be imposed on an offender.

The end pages of each crime group chapter contain look-up tables of maximum sentences and Annex C of the General Rules contains a Principal Crime Look up Table which clarifies precedence, particularly for crime types with the same (or similar) maximum sentences.

This Principal Crime Rule would not normally be applied to victimless crimes. If one considers the state or Regina as the victim in these crimes, then it is distinct from a specific victim. It follows that the victimless crime is counted in addition to the one with a victim. If there are two or more victimless crimes, then they must be counted separately, providing that they are distinct in nature (e.g. different crime classification).

It is difficult to provide a look-up table to cover all crimes. Violent crimes usually take precedence but with theft, when all else has been considered, the value becomes important.

### **APPLICATION OF THE RULE**

#### **Examples of the Principal Crime Rule**

Example 1: A house is entered, the female occupant is raped and her car is stolen from the driveway. All reported together.

*One crime of rape (class 19).*

Example 2: A householder is repeatedly victimised by a gang. Greenhouse glass is smashed on one occasion; garden furniture stolen on another occasion and the householder is assaulted. The incidents are reported to the police all at the same time.

*One crime of assault unless this is clearly not the most serious crime committed on the victim in which case record one criminal damage or one theft depending on the principal crime look up table (Annex C).*

### **EXCEPTIONS TO GENERAL RULE**

- **MODERN SLAVERY (CLASSIFICATION 106)**

When considering classification issues in relation to Modern Slavery it is necessary to record both Modern Slavery as well as the most serious additional victim based offence, where the circumstances involve the same victim-offender relationship. More detail can be found in the HOCR Classification 106.

- **PASSPORT APPLICATION FRAUD (CLASSIFICATION NFIB12)**

Crimes within this class should be counted in addition to any other Notifiable Offence(s) disclosed.

## **F            The Principal Crime Rule (2 of 2)**

### **EXCEPTIONS TO GENERAL RULE (Continued).**

- **STALKING (CLASSIFICATION 8Q)**
- **HARASSMENT (CLASSIFICATION 8L)**
- **CONTROLLING AND COERCIVE BEHAVIOUR (CLASSIFICATION 105A- 8/67)**

Where there is a course of conduct amounting to either stalking or harassment or controlling and coercive behaviour the relevant course of conduct crime (stalking or harassment or controlling and coercive behaviour) should be recorded in addition to the most serious additional notifiable crime reported at the same time (per victim-offender relationship).

Where there is a course of conduct that involves a combination of 8Q, 8L or 105A 8/67 offences between the same victim and offender then only the most serious offence needs to be recorded.

(added July 2018)

## G Location of Crimes (1 of 6)

- **THE PRINCIPLES SET OUT IN THIS SECTION WILL PROVIDE THE BASIS ON WHICH THE CRIME RECORDING LOCATION IS DETERMINED.**

If there are practical difficulties in agreeing which force should record a crime, then some negotiation can be made, particularly on the basis of who is taking the lead in investigating it.

### OFFENDER LOCATION

- **THE LOCATION OF THE OFFENDER(S) AT THE TIME THEY COMMITTED THE OFFENCE WILL DETERMINE THE CRIME RECORDING LOCATION.**

#### Clarification

- At the time the report is received by the police the location of the offender(s) at the time of the offence is clearly evidenced:

The crime will be recorded as having occurred at that location.

#### **APPLICATION OF THE RULE**

##### **Example of offender location**

Example 1: The offender is seen by several witnesses to break the window of a car which is parked in the High Street.

*The crime will be recorded by the Police Force Area (PFA) covering the High Street.*

Example 2: An offender is arrested in PFA 'A' and taken to a custody centre in PFA 'B'. When searched in the custody centre the detainee is found to be in possession of a quantity of controlled drugs. There is no evidence to suggest that the drugs came into the offender's possession since they were detained.

*PFA 'A' must record the appropriate crime of unlawful possession of controlled drugs at the location of arrest as no evidence to suggest offender came into possession of the drugs following arrest.*

### **OFFENDER LOCATION DETERMINED TO BE OUTSIDE ENGLAND AND WALES**

- **A CRIME COMMITTED OUTSIDE ENGLAND AND WALES MUST BE RECORDED IF IT INVOLVES AN INVESTIGATION BY THE FORCE TO WHICH IT IS REPORTED (This does not include homicide, which is already covered by law)**

#### **APPLICATION OF THE RULE**

##### **Example of location being determined to be outside of England and Wales**

Example 1: The victim who lives in PFA 'A' whilst on holiday in Spain is victim to a robbery during which their mobile phone is stolen. On returning home from holiday the offence is reported to PFA 'A'.

*PFA 'A' must record an incident and should assist the victim in relation to reporting the crime to the Spanish authorities if this has not already been done. There is no requirement to record the crime as both victim and offender were outside of England & Wales when the offence was committed.*



## G Location of Crimes (2 of 6)

- **A CRIME COMMITTED, where the offender is determined to be, OUTSIDE ENGLAND, WALES, SCOTLAND and NORTHERN IRELAND at the time the offence is committed MUST BE RECORDED IF the victim is inside England and Wales at the time the offence is committed.**

### Clarification

- It is intended to only cover offences where an interaction between the offender and victim is required at the time the offence is committed
- This is not intended to cover offences, such as Burglary, where the victim is not required to be involved at the time.

Example 1: The victim who lives in PFA 'A' whilst at their place of work in PFA 'B' receives a number of telephone calls, which amount to harassment, from the same offender who is using a fixed line telephone. The location of the offender at the time of the calls is determined to be in Spain.

*PFA 'B' must record the appropriate crime of unlawful harassment based on the location of the victim at the time the course of conduct is complete.*

Example 2: The victim who lives in PFA 'A' whilst at their home receives a telephone call which amounts to an offence under Section 1 Malicious Communication Act 1988. The location of the offender at the time of the call is determined to be in the Republic of Ireland.

*PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the call.*

Example 3: The victim, a child aged 15, whilst at their home in PFA 'A' has been in communication via social media with a suspect who has incited the child to engage in sexual activity in front of the camera. The location of the offender at the time of the contact is determined to be in the Far East.

*PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the on-line contact.*

## G Location of Crimes (3 of 6)

### **OFFENDER LOCATION CANNOT BE DETERMINED OR THE LOCATION OF BOTH THE VICTIM AND OFFENDER CANNOT BE DETERMINED**

The following crime recording location rules and examples cannot cover each and every situation that police may have reported to them. Nothing contained in these rules should prevent police from acting in the best interests of justice or providing appropriate service to victims. There is an expectation that forces will not merely reject any transfer solely on the grounds that these rules allow them to do so but will also have considered collaboratively what is most appropriate in each case. (added July 2018).

#### **Clarification**

The location of a crime will be determined from the following set of principles. The principles are listed in order of priority and it is only when a principle cannot be achieved or is unknown that the next principle will apply:

- 1<sup>st</sup> The location of the offender at the time of the offence is clearly evidenced
- 2<sup>nd</sup> The location of the victim at the time of the offence is clearly evidenced
- 3<sup>rd</sup> For Personal crime where the victim is normally resident  
For Body Corporate the relevant place of business for the crime in question

#### **APPLICATION OF THE RULE**

##### **Example of offender location cannot be determined**

Example 1: The victim who lives in PFA 'A' whilst at their place of work in PFA 'B' receive a number of telephone calls, which amount to harassment, from the same offender who is using a mobile telephone. The location of the offender at the time of the calls cannot be determined.

*PFA 'B' must record the appropriate crime of unlawful harassment based on the location of the victim at the time of receipt.*

Example 2: The victim who lives in PFA 'A' whilst at their home receives a telephone call which amounts to an offence under Section 1 Malicious Communication Act 1988. The location of the offender at the time of the call cannot be determined, but is believed to be outside the United Kingdom.

*PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the call.*

Example 3: The victim, a child aged 15, whilst at their home in PFA 'A' has been in communication via social media with a suspect who has incited the child to engage in sexual activity in front of the camera. It is not known where the suspect was at the time of the contact but it is believed to be outside the United Kingdom.

*PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the on-line contact.*

Example 4: The victim, a child aged 15, whilst at their home in PFA 'A' has been in communication via social media with a suspect who has incited the child to engage in sexual activity in front of the camera. The suspect has a dynamic IP address therefore unable to establish where the suspect was when connected to the internet.

*PFA 'A' must record the appropriate crime on the basis of the victim's location at the time they received the on-line contact.*

Example 5: A bomb threat is made against a newspaper in PFA 'A'. The paper reports this to PFA 'A' however they have not logged the telephone number of the caller making the threat.

*PFA 'A' must record the appropriate crime on the basis of the victim's location at the time the threat was received.*

## G Location of Crimes (4 of 6)

### **Example of victim location cannot be determined**

Example 1: The victim who lives in PFA 'A' boards a bus in PFA 'D' to return home. The bus journey travels through PFA 'B' and 'C' during the journey. On arriving home in PFA 'A' the victim realises their laptop is missing but knows it was in their possession when they boarded the bus. It is not possible to establish where or when during the journey the laptop went missing.

*PFA 'A' to record (as it is the PFA where the victim is normally resident as the location of neither the suspect nor the victim at the time of the offence can be clearly evidenced).*

### **Example of victim and offender location cannot be determined**

Example 1: A blackmail demand is received by letter (e-mail, fax etc.) at a store in High Street PFA 'A' Area 'A'. The store is part of a national chain with its registered office in PFA 'B' and a regional office in PFA 'A' Area 'B'. It cannot be determined from where the letter was sent.

*PFA 'A' Area 'A' must record the appropriate crime regardless of the nature of the menaces.*

### **VICTIM**

**For crime recording purposes a victim is defined as the subject against whom the crime was committed.**

- **For property crime** this will be the person who had custody/control or proprietary rights in the property at the time the crime was committed.
- **For offences against the person** the specific intended victim

### **CRIMES IN SCOTLAND OR NORTHERN IRELAND**

Where a crime is reported to a force in England and Wales but was committed in either Scotland or Northern Ireland the force taking the report must record a Crime Related Incident and refer those details onto either the PSNI or Police Scotland. Both these forces have FCRs who can assist in resolving disputes or issues.

### **CRIME LOCATION DETERMINED BY INVESTIGATION**

If during the course of any subsequent investigation the location of the offender(s) at the time of the crime is determined as being at a different location to that recorded consideration should be given to transferring the crime to the police force area covering the identified location.

## G Location of Crimes (5 of 6)

### **CRIMES IN MORE THAN ONE FORCE**

- **WHERE A CRIME AFFECTS THE DISTRICTS OF MORE THAN ONE POLICE FORCE, ONE CRIME MUST BE RECORDED BY THE FORCE WHO FIRST BECAME AWARE OF THE OFFENCE.**

If there are any difficulties in determining the location of such crimes (e.g. crimes committed on a train, or by mail), then again some negotiation can be made on the basis of the force or forces investigating the respective crimes.

- **WHERE SEPARATE CRIMES HAVE BEEN COMMITTED IN DIFFERENT POLICE FORCE AREAS, THEY MUST BE RECORDED BY THE RESPECTIVE POLICE FORCES.**
- **WHERE A REPORT COVERS A SERIES OF CRIMES THAT HAVE BEEN COMMITTED IN DIFFERENT POLICE FORCE AREAS AND THE OFFENDER / VICTIM RELATIONSHIP IS THE SAME, THE PRINCIPAL CRIME RULE MUST BE APPLIED TO THE WHOLE SERIES REPORTED AND ONE CRIME RECORDED BY THE FORCE COVERING THE MOST RECENT PRINCIPAL CRIME.**

#### **APPLICATION OF THE RULE**

##### **Examples of Crimes in More Than One Force**

Example 1: Goods are discovered to have been stolen from a lorry on arrival in force area 'B' having travelled from force area 'A'. Force 'B' is investigating.

*Force B to record.*

Example 2: As above, but new evidence suggests that the theft took place in force 'A'. Force 'A' is taking over the investigation.

*Force 'B' to show crime as transferred.*

Example 3: A man is arrested for rape and admits raping three other women in different parts of the country – those crimes not previously reported.

*Each force to record the rapes committed in their area.*

Example 4: A riot occurring on or over the border of two police force areas.

*One crime recorded by the force in which it first comes to notice (probably where it started).*

## G Location of Crimes (6 of 6)

- **CRIMES COMMITTED IN LOCATIONS UNDER THE JURISDICTION OF THE BRITISH TRANSPORT POLICE (BTP), MUST BE RECORDED BY THEM AND NOT BY THE HOME OFFICE FORCE IN WHOSE AREA THE CRIME WAS COMMITTED.**

The locations under BTP jurisdiction are as described in [Home Office circular 25/2002](#): 'A Protocol between British Transport Police and Home Office Police Forces'.

**CRIMES COMMITTED ON MOD PROPERTY WILL BE RECORDED BY THE HOME OFFICE FORCE FOR THAT AREA, UNLESS THE FORCE HAS AGREED FOLLOWING A REQUEST BY THE MINISTRY OF DEFENCE POLICE (MDP), TO CEDE PRIMACY OF INVESTIGATION IN ACCORDANCE WITH THE TERMS OF THE POLICING PROTOCOL BETWEEN HOME OFFICE FORCES AND THE MOD, IN WHICH CASE THE CRIME WILL BE RECORDED BY THE MDP.**

Home Office circular 28/2008 refers to protocols between Home Office forces and the MOD.

- **CRIMES COMMITTED IN LOCATIONS WHERE A POLICING FACILITY IS PROVIDED BY THE CIVIL NUCLEAR CONSTABULARY (CNC) MUST BE RECORDED BY THE HOME FORCE IN WHOSE AREA THE CRIME WAS COMMITTED AND NOT BY THE CNC.**

A protocol between Chief Constables and the CNC in August 2011 set out the responsibility for the investigation of crimes committed within civil nuclear sites rests with Home Office forces.

- **CRIMES THAT CROSS THE BORDER BETWEEN THESE FORCES AND HOME OFFICE FORCE JURISDICTION MUST BE TREATED AS 'CRIMES IN MORE THAN ONE FORCE' UNDER THE RULES ABOVE.**

**SEE ANNEX A FOR NCRSSG PROTOCOL FOR MANAGING REPORTS OF CRIME OCCURRING IN OTHER POLICE FORCE AREAS.**

### **Agreed procedure for dealing with crimes committed in the Air or at Sea**

Where a crime is reported on an aircraft in flight and it is not clear where that offence occurred it shall be recorded as follows:

**For internal UK flights:** the force covering the aircraft's departure location must record the crime. Offences reported to third party forces will be made subject of a crime-related incident and referred for crime recording to the force covering the airport of departure;

**For international flights arriving in the UK:** classify as a crime related incident but do not record the crime.

**For aircraft on international flights departing the UK:** the force covering the airport of departure.

### **Clarification:**

The crime recording location will be the airport of departure in cases where there is a stop-over(s) on route during which the victim has no access to that baggage, unless there is evidence to show the theft occurred elsewhere.

Example: A passenger flies from a UK airport (in force A area) to China but stops in Paris to change planes. The baggage is ticketed directly to the end destination and the passenger has no access to that baggage during the stop. On arrival at the end destination items have been stolen and this is reported to the Police at Force A. There is no evidence to show where the theft occurred.

*One crime to be recorded by force A.*

**For all offences in transit reported on British registered aircraft anywhere in the world:** the force covering the airport from which the aircraft last departed the UK.

NOTE: THE ABOVE PROCEDURES ALSO APPLY TO CRIMES COMMITTED AT SEA – I.E. REPLACE 'AIRCRAFT' WITH 'SHIP' AND 'AIRPORT' WITH 'SEAPORT'.

## H Recorded Crime Outcomes (1 of 12)

### TYPES OF OUTCOME

FOR HOME OFFICE PURPOSES, ALL RECORDED CRIMES WILL BE ASSIGNED ONE OF THE FOLLOWING OUTCOME TYPES:

#### Outcome Type 1

**A PERSON HAS BEEN CHARGED OR SUMMONSED FOR THE CRIME (irrespective of any subsequent acquittal at Court).**

#### Clarification

- If the CPS, when presented with the case file, discontinues the case on the grounds of insufficient evidence, a Designated Decision Maker (DDM – see role description, on page 10 of 12) must review the reasons for the charge.
  - The DDM must not have been in any way involved in the original decision.
  - If the DDM agrees that there was not sufficient evidence to pass the CPS evidential test then the outcome under Type 1 must be cancelled and an alternative outcome allocated.
  - If the DDM stands by the original decision, this must be recorded together with the grounds for the decision in an auditable form and the outcome can still be counted as Type 1 charge/summons.
- Where the charge was preferred by the CPS using the threshold test and the case is discontinued because the full evidential test has not been met the outcome by Type 1 must be cancelled and an alternative outcome allocated.
- If the case is discontinued at a later stage, i.e. after the initial CPS evidential test has been passed, then the outcome must not be cancelled unless the charge was preferred by the CPS using the threshold test in which case an alternative outcome must be allocated.

#### Outcome Type 1A

**A PERSON HAS BEEN CHARGED OR SUMMONSED FOR THE CRIME, BUT FOLLOWING THE APPLICATION OF THE CPS CHARGING STANDARDS AND THE PROVISIONS OF THE HOCR, THE CHARGE/SUMMONS RELATES TO AN ALTERNATE OFFENCE TO THAT RECORDED (IRRESPECTIVE OF ANY SUBSEQUENT ACQUITTAL AT COURT).**

- All of the clarification stipulations in respect of Outcome Type 1 also apply to Outcome Type 1A.

#### Outcome Type 2

**A YOUTH OFFENDER HAS BEEN CAUTIONED BY THE POLICE.**

#### Outcome Type 2A

**A YOUTH OFFENDER HAS BEEN CAUTIONED BY THE POLICE, BUT FOLLOWING THE APPLICATION OF THE CPS CHARGING STANDARDS AND THE PROVISIONS OF THE HOCR, THE CAUTION RELATES TO AN ALTERNATE OFFENCE TO THAT RECORDED.**

#### Outcome Type 3

**AN ADULT OFFENDER HAS BEEN CAUTIONED BY THE POLICE.**

#### Outcome Type 3A

**AN ADULT OFFENDER HAS BEEN CAUTIONED BY THE POLICE, BUT FOLLOWING THE APPLICATION OF THE CPS CHARGING STANDARDS AND THE PROVISIONS OF THE HOCR, THE CAUTION RELATES TO AN ALTERNATE OFFENCE TO THAT RECORDED.**

## H Recorded Crime Outcomes (2 of 12)

### Clarification

#### **Outcome Types 1A, 2A and 3A**

Where a crime (other than Murder or Rape), is recorded in accordance with the HOCRs, there is no justification for reclassifying the crime and:

- the offender is involved as a principal or accessory to that offence rather than associated offences which would require additionally recording under NCRS

#### AND

- an alternative offence using the same material facts has been charged or cautioned

**THEN** the principal crime can be counted as Outcome Type 1A, 2A, or 3A. The FCR will have quality assurance oversight of the process.

Example 1: An allegation of a robbery of mobile phone is recorded and investigated:

- Two days later an offender is arrested in possession of the mobile phone and subsequently charged with Handling Stolen Goods (HSG). There is no evidence to indicate that the offender was either a principal, or an accessory to the original recorded Robbery.

*The offence of robbery remains recorded but cannot have an Outcome type 1A assigned to it. A further offence of HSG must be recorded and an Outcome type 1 applied to it.*

- An offender is then arrested for the Robbery. The CPS reviews the evidence and decides that it may be more appropriate to prosecute for theft. There is no justification for reclassifying the crime. The material facts associate the offender as a principal or accessory to the original recorded Robbery.

*The robbery classification remains valid and can be counted as Outcome type 1A.*

Example 2: A group of offenders are responsible for several burglaries, each of which has been recorded. There is sufficient evidence that the group is responsible for the burglaries but the police are unable to match individuals in the group to individual properties. CPS advises charging each member of the group with conspiracy to burgle.

*The burglaries can all be counted as Outcome type 1A.*

Where the alternate offence is consequential to the principal crime then the principal crime related offence rule must be applied.

Example: 3: A person is assaulted and during that assault their mobile phone is damaged. A crime under classification 8N is recorded. Following investigation the police consider that the suspect can be charged for the damage but not the assault. Applying the principal crime related offence rule the assault cannot be allocated outcome 1A and must be allocated an appropriate alternative outcome. An additional crime of criminal damage may be recorded and can be allocated outcome 1 if the suspect is charged.

**The above provisions in respect of alternate offences may also be applied to Outcome type 8.**

## H Recorded Crime Outcomes (3 of 12)

### MURDER OFFENCES - ALTERNATE OFFENCE

Where the recorded crime is for an offence of Murder the alternate offence can only be applied where the offence charged is one of the four following offences:

Manslaughter 4/1,  
 Infanticide 4/2,  
 Child Destruction 4/3 or  
 Causing or Allowing Death of Child or Vulnerable Person 4/7.

A DDM must ensure that all the three points below apply:

1. The Crown Prosecution Service confirms the offence of murder has been established.
2. There is evidence to show that the alternate offence(s) with which the person or persons are charged are directly related to the death of the victim.
3. The Crown Prosecution Service is satisfied that prosecution for the alternate offence(s) is in the public interest.

If all the above apply and the crime record is endorsed to that effect by a DDM, then the alternate offence can be applied to a recorded crime of murder.

### RAPE OFFENCES - ALTERNATE OFFENCE

#### In the case of Rape -

- where the victim is a **child aged under 13** and the offence charged is one of the following offences under the Sexual Offences Act 2003, involving penetration of the mouth, vagina or anus with a penis:
  1. Sec 6 (1) Assault of a child by penetration.
  2. Sec 8 (1) and (2) Causing or inciting a child under 13 to engage in sexual activity.
  3. Sec 9(2) Sexual activity with a child.
  4. Sec 13 Child sex offences committed by children or young persons.
  5. Sec 25(6) Sexual activity with a child family member.

OR

- where the CPS have indicated on an MG3 that on public interest grounds to charge with an alternate sexual offence.

OR

- where a charge is brought under
  1. Sec 2 Sexual Offences Act 2003, assault by penetration.
  2. Sec 30(3) Sexual activity with a person with a mental disorder impeding choice.
  3. Sec 34(2) Inducement, threat or deception to procure sexual activity with a person with a mental disorder.

#### In the case of Attempted Rape -

- where the CPS have indicated on an MG3 that an alternate sexual offence should be charged.

### FCR discretion

**An accredited FCR (and only an FCR) may authorise the application of an alternate offence to any case of rape (or attempted rape) where that alternate offence is a sexual offence.**



## H Recorded Crime Outcomes (4 of 12)

### APPLICATION OF THE RULE

Example 1: A 12 year old girl willingly participates in intercourse with her 15 year old boyfriend. This is correctly recorded as Rape under class 19/16. The CPS advises a charge under Section 13 of the Sexual Offences Act 2003.

*The rape remains recorded and can be assigned outcome type 1A under the alternate offence (the victim is a willing participant).*

Example 2: A. An offence of rape of a 15 year old is recorded and investigated. The alleged offender aged 17 admits sexual intercourse but claims the victim consented. The victim denies having consented. CPS advise that there is insufficient evidence to secure a conviction for rape and prosecution for an alternate offence is not in the public interest.

*There are no grounds for reclassification. The rape remains recorded and cannot have an outcome type 1 assigned to it and should be allocated the appropriate alternative outcome. (There is no justification for additionally criming an offence of causing sexual activity (class 22B) because the victim has confirmed the rape).*

B. In the same circumstances if the CPS advises a charge under section 13 of the Sexual Offences Act 2003 outcome type 1A may be assigned to the recorded rape.

Example 3: An offence of rape of a 15 year old is recorded and investigated. The alleged offender admits sexual intercourse but claims the victim consented. The victim denies having consented. CPS advise there is sufficient evidence to secure a conviction for rape, but on public interest grounds decide it is more appropriate to charge an alternative offence under class 22B (recorded on the MG3).

*There are no grounds for reclassification. The rape remains recorded and can be counted as Outcome Type 1A by way of the alternate offence (CPS advise there is sufficient evidence to secure a conviction for rape, but on public interest grounds decide it is more appropriate to charge an alternative offence).*

## H Recorded Crime Outcomes (5 of 12)

### Outcome Type 4

**THE OFFENDER ADMITS THE CRIME BY WAY OF A PACE COMPLIANT INTERVIEW AND ASKS FOR IT TO BE TAKEN INTO CONSIDERATION BY THE COURT ON FORM MG18.**

### EVIDENCE

**THERE MUST BE A PACE COMPLIANT INTERVIEW WHERE THE SUSPECT HAS MADE A CLEAR AND RELIABLE ADMISSION OF THE OFFENCE AND WHICH IS CORROBORATED WITH ADDITIONAL VERIFIABLE AUDITABLE INFORMATION CONNECTING THE SUSPECT TO THE CRIME.**

### Clarification

- The offences taken into consideration **must** be similar to, but not more serious than, the offence charged.
- The offender must be appearing before a court to have the matters taken into consideration.
- Crimes can be counted under this outcome type once there is a PACE compliant admission, the TIC acceptance form (MG18) has been signed and the DDM is satisfied that there is additional information connecting the person to the crime. For TIC(s) in other Police Force Areas it is acceptable for the originating Force's DDM to state that this requirement has been met. It is not necessary for the receiving Force's DDM to perform the same task.
- In exceptional circumstances crimes can also be counted under this outcome type once there is a PACE compliant admission and the offender, having previously failed or declined to sign the TIC acceptance form (MG18), whilst at court during sentencing asks for the offence(s) to be taken into consideration by the court, and the DDM is satisfied that there is additional information connecting the person to the crime. In these circumstances it is preferable for the TIC acceptance form to be signed during the proceedings; where for any reason this doesn't happen the force must prove the offence(s) were taken into consideration by the court, before assigning an outcome.
- If the offender is found to be not guilty, provided that the preceding requirements have been complied with the outcome can remain.
- Providing the victim confirms that the offence occurred, crimes that have not previously been recorded but which are taken into consideration, must be recorded and the outcome assigned to them. If the victim cannot be traced or does not confirm the crime then it need neither be recorded nor assigned an outcome.

### **APPLICATION OF THE RULE**

Example 1: An offender awaiting sentence on a burglary charge admits, during a PACE compliant interview, committing five other reported burglaries. On four of the offences he is able to provide police with the exact method of entry and details of the property stolen. On the fifth burglary all he can say is that he did it. He has signed an MG18 for all the offences.

*The DDM is able to authorise four TIC outcomes for burglary. There is no additional evidence linking the offender to the fifth burglary.*

## H Recorded Crime Outcomes (6 of 12)

### APPLICATION OF THE RULE (continued)

Example 2: A prolific thief is asked during a PACE compliant interview about auto crime offences last year. He states "I only stole from Renaults. I bent the door back to get in. Any in this area will be done by me". He cannot remember any further details except there was one in Station Road where the car was pink and he stole a saddle. There are 25 crimes with this method and one was from a pink Renault and a saddle was stolen. He signs the MG18 for all of the offences.

*The DDM is only able to authorise one TIC outcome for the Pink Renault. There is no additional evidence linking the offender to the other crimes.*

Example 3: A shoplifter wishes to have five street robbery offences taken into consideration. He signs the MG18.

*Firstly Robbery is an indictable only offence and must be referred to the CPS for a decision under the Directors Guidance on Charging. Secondly, Robbery is not proportionate with a shoplifting charge. No TIC outcomes can be claimed at this time.*

Example 4: An offender admits in an interview to a crime that has not been recorded, and of which there is no evidence apart from the admission. The alleged victim is informed, but cannot confirm the crime.

*The crime need be neither recorded nor assigned an outcome.*

### Outcome Type 5

#### **THE OFFENDER HAS DIED – all offences.**

#### Clarification

Forces must ensure that the DDM involved in this decision making process is at an appropriate level for the seriousness of the offence being considered.

- The supporting documentation or case papers must contain sufficient evidence to charge had the offender not have died before proceedings could be initiated.
- The victim (where applicable) has been informed of the fact that the case will be dealt with by way of a no further action outcome.
- The date and circumstances of the death together with details of the information source must be recorded in clear and auditable form.

### Outcome Type 6

#### **A PENALTY NOTICE FOR DISORDER (OR OTHER RELEVANT NOTIFIABLE OFFENCE) HAS BEEN LAWFULLY ISSUED UNDER S1-11 OF THE CRIMINAL JUSTICE AND POLICE ACT 2001.**

The latest guidance '[Penalty Notices for Disorder](#)' was published by the Ministry of Justice in June 2014.

**Where it is later established that the PND guidance has not been followed the outcome applied to the crime report will remain unchanged unless the police revoke the PND in which case the outcome must be amended.**

## H Recorded Crime Outcomes (7 of 12)

### Outcome Type 7

**A WARNING FOR CANNABIS OR KHAT POSSESSION HAS BEEN ISSUED IN ACCORDANCE WITH COLLEGE OF POLICING GUIDANCE.**

### Outcome Type 8

**A COMMUNITY RESOLUTION (WITH OR WITHOUT FORMAL RESTORATIVE JUSTICE) HAS BEEN APPLIED IN ACCORDANCE WITH COLLEGE OF POLICING GUIDANCE.**

### Outcome Type 9

**PROSECUTION NOT IN THE PUBLIC INTEREST - CPS DECISION.**

**The Crown Prosecution Service (CPS) by virtue of their powers under the Criminal Justice Act 2003 decides not to prosecute or authorise any other formal action.**

#### Clarification

- The supporting case papers must include a copy of the MG3 certified by the Crown Prosecutor that there is sufficient evidence to charge the offender but prosecution is not in the public interest.

### Outcome Type 10

**FORMAL ACTION AGAINST THE OFFENDER IS NOT IN THE PUBLIC INTEREST - POLICE DECISION.**

#### Clarification

- Where police determine there is sufficient evidence to charge but the Director's Guidance on Charging Requires the case is to be referred to the CPS for a charge decision, the Public Interest judgement must be made by a prosecutor and **in such cases then Outcome Type 9 applied.**

### Outcome Type 11

**PROSECUTION PREVENTED – NAMED SUSPECT IDENTIFIED BUT IS BELOW THE AGE OF CRIMINAL RESPONSIBILITY.**

### Outcome Type 12

**PROSECUTION PREVENTED – NAMED SUSPECT IDENTIFIED BUT IS TOO ILL (PHYSICAL OR MENTAL HEALTH) TO PROSECUTE.**

### Outcome Type 13

**PROSECUTION PREVENTED – NAMED SUSPECT IDENTIFIED BUT VICTIM OR KEY WITNESS IS DEAD OR TOO ILL TO GIVE EVIDENCE.**

### Outcome Type 14

**EVIDENTIAL DIFFICULTIES VICTIM BASED – SUSPECT NOT IDENTIFIED – The crime is confirmed but the victim declines or is unable to support further police action to identify the offender.**

## H Recorded Crime Outcomes (8 of 12)

### Outcome Type 15

**EVIDENTIAL DIFFICULTIES NAMED SUSPECT IDENTIFIED – The crime is confirmed and the victim supports police action (or the points to prove to evidence the offence in respect of state based matters have been made out) but evidential difficulties prevent further action.** This includes cases where the suspect has been identified, the victim supports action, the suspect has been circulated as wanted but cannot be traced and the crime is finalised pending further action.

#### Clarification: State based offences

When considering state based offences the decision maker (who must be appropriate for the seriousness of the offence in question) must satisfy themselves that the points to prove the offence are made out. If the decision maker does not believe that the offence is made out consideration should be given to cancelling the crime in accordance with General Rules C. Outcome 15 should only be applied if the decision maker is satisfied that the offence is made out but the evidential standard for further action is not met.

### Outcome Type 16

**EVIDENTIAL DIFFICULTIES VICTIM BASED – NAMED SUSPECT IDENTIFIED – The victim does not support (or has withdrawn support) police action.**

#### Clarification: Named Suspect

In Outcomes 11, 12, 13, 15 and 16, the term “Named Suspect” assumes the suspect’s true identity will have been established. For other outcomes using this term it is only necessary for police to have sufficient information to identify and apprehend the suspect”.

### Outcome Type 17

**PROSECUTION TIME LIMIT EXPIRED - Suspect identified but the time limit for prosecution has expired.**

#### Clarification:

This outcome may only be applied to a recorded crime where either;

The recorded crime is for a matter which, when charged can **only** be dealt with at a magistrates court (summary only);

Or

Having applied CPS standards the crime that would have been charged is a matter which can **only** be dealt with at a magistrates court (summary only).

### Outcome Type 18

**INVESTIGATION COMPLETE – No suspect identified. Crime investigated as far as reasonably possible – case closed pending further investigative opportunities becoming available.**

#### Clarification:

Where a crime is assigned Outcome Type 18 and the investigation is subsequently re-opened with the result that an offender is identified the type 18 Outcome should be re-classified to the appropriate alternative.

## H Recorded Crime Outcomes (9 of 12)

### Outcome Type 19

#### **NATIONAL FRAUD INTELLIGENCE BUREAU FILED (NFIB ONLY)**

**19A - A crime of fraud having been recorded has not been allocated for investigation because the assessment process at the NFIB has determined there are insufficient lines of enquiry to warrant such dissemination and has not sent the crime to be reviewed by NFIB staff.**

**19B – A crime of fraud and cyber having been recorded and reviewed by NFIB staff, has not been allocated for investigation because the assessment by NFIB staff, has determined there are insufficient viable lines of enquiry to warrant such dissemination.**

### Outcome Type 20

**Further action resulting from the crime report will be undertaken by another body or agency subject to the victim (or person acting on their behalf) being made aware of the action to be taken.** It is not necessary for that further action to amount to criminal processes.

#### Clarification:

The force must ensure appropriate arrangements are in place with regard to meeting the requirements of the Victims Code. This will include ensuring that victims are told when another agency has primacy for investigation as well as supplying appropriate contact details for such agencies.

The objective is that the agency or body will work to ensure that safeguarding is addressed; the victim is supported and in cases where there is a named and identified person responsible that their behaviour will be managed (and where the agency holds relevant powers that a criminal investigation will be undertaken).

### Outcome Type 21

**Further investigation, resulting from the crime report, which could provide evidence sufficient to support formal action being taken against the named suspect, is not in the public interest – police decision.**

#### Clarification

Before deciding that no investigation will be undertaken in relation to a notifiable offence with a named suspect, police must have due regard to the public interest test considerations set out in the Code for Crown Prosecutors Para 4.12 a-g:

[https://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/codetest.html](https://www.cps.gov.uk/publications/code_for_crown_prosecutors/codetest.html)

The views of the victim, or their representative, will always be an important consideration when taking the decision not to investigate an offence where there is a named suspect. However, there will be circumstances when it would be in the public interest to investigate an offence against the wishes of the victim. Conversely there may be exceptional circumstances where police believe that further investigation is not in the public interest, contrary to the victim's wishes. Where this is the case, the decision must be endorsed by a supervisory officer with the rationale fully documented in the crime record.

Outcome 21 is also used operationally as an indication to Disclosure and Barring staff, that care should be taken before routinely disclosing the information. It will not, therefore, normally be appropriate in relation to 'serious' offences such as domestic abuse, hate crime, child abuse or any indictable only matter; nor to any offence, e.g dishonesty, where the nature of the offending may be relevant to future employment with children and/or vulnerable adults. If, in exceptional circumstances, use of Outcome 21 is deemed appropriate for a 'serious' or 'relevant' offence, the decision maker must be appropriate for the seriousness of the offence in question and the rationale sufficient for future DBS staff consideration. It will usually be necessary for police to speak to the suspect and/or to their appropriate adult (parent/carer etc) to explain the implications. The FCR must maintain oversight of all records where Outcome 21 is applied.

## H Recorded Crime Outcomes (10 of 12)

**IN RESPECT OF OUTCOME TYPES 1-4 AND 6-10 INCLUSIVE THE SUSPECT MUST HAVE BEEN MADE AWARE THAT THEY WILL BE RECORDED AS BEING RESPONSIBLE FOR COMMITTING THAT CRIME AND WHAT THE FULL IMPLICATIONS OF THIS MAY BE.**

### Clarification

The suspect, or appropriate person, must be made aware in person of all Legal implications that being held responsible for the crime means.

- That a crime has been recorded and they will be held as responsible for it.
- That such material is available for disclosure and information sharing purposes where appropriate.

### **NOTE**

The [Director's Guidance on Charging](#) issued under s37A of the Police and Criminal Evidence Act 1984 (Fifth Edition: May 2013) must be applied to all cases.

### **Designated Decision Maker (DDM)**

**The DDM should not have been involved in any way with the original decision. Forces must ensure the DDM is at an appropriate level for the seriousness of the case.**

Persons undertaking the role must be approved by the Chief Officer responsible for crime recording, and may be a police officer or civilian staff member. The DDM role may be undertaken by more than one person according to the individual needs of the force. However, they must be totally independent from the original investigation. An FCR is considered by the Home Office to be a DDM for this purpose.

## H Recorded Crime Outcomes (11 of 12)

### PRINCIPAL CRIME RELATED OFFENCE RULE

#### Related Crime Definition

*'Any crime within a series of crimes arising from the same incident that involves the same victim and offender(s) which by virtue of HOOCR General Rule F cannot ordinarily be recorded. In addition; where, during the course of an investigation, the victim alleges a more serious historic crime against the same offender which results in the reclassification of the original recorded crime'. These less serious crimes should be regarded as related crimes.*

- **Where there is only evidence to charge one of the related crimes the principal crime cannot be allocated an outcome under type 1, 2, 3, 4 or 6 and should be allocated the appropriate alternative outcome.**
- **The related crime for which there is sufficient evidence should be additionally recorded and assigned the relevant outcome.**
- **If there is evidence to charge more than one related crime the principal crime rule should be re-applied to the related crimes.**

#### APPLICATION OF THE RULE

Example 1: The police are investigating a burglary, which has been recorded. A suspect is found with the stolen goods, but there is evidence of handling only (which he admits). The police decide to charge the suspect.

*The burglary cannot have an outcome under type 1 assigned to it. An extra crime of handling should be recorded and counted as type 1. The burglary must have the relevant alternative outcome assigned to it.*

Example 2: A person reports a GBH, criminal damage to their vehicle and theft from their vehicle, taking place at the same time and committed by the same offender. The police record the GBH. A suspect admits the criminal damage and is charged for it but there is insufficient evidence to charge for the other two crimes.

*The GBH cannot have an outcome type 1 assigned to it. An extra crime of criminal damage must be recorded and counted as Outcome type 1. The GBH must be allocated the appropriate alternative outcome.*

Example 3: A person reports a GBH, minor criminal damage to their vehicle and theft from their vehicle, but is uncertain of when the damage or theft was committed, or by whom. A suspect admits the criminal damage and theft, but denies the GBH, alleging it was committed by another person (i.e. a separate incident).

*Assuming NCRS is met, one crime of GBH which cannot have an outcome type 1 assigned to it and one crime of theft (principal crime rule applies) counted as Outcome type 1 provided there is sufficient evidence to charge.*

Example 4: An affray involving two offenders occurs where damage is caused to a shop window and a passer-by is assaulted. The damage and the assault are both recorded (different victims). The investigation reveals sufficient evidence to charge the offenders jointly with affray but there is insufficient evidence to show which offender actually caused the damage or carried out the assault although there is evidence to show that the damage and the assault were as a direct consequence of the affray.

*The damage and the assault can both be assigned with Outcome type 1.*



## H Recorded Crime Outcomes (12 of 12)

### APPLICATION OF THE RULE (Continued)

Example 5: A woman makes a clear allegation of being assaulted by being punched in the face by her partner causing injuries consistent with ABH. A crime is recorded under class 8N. During the investigation she alleges that the same partner raped her two months ago. On submission to the FCR the original crime is reclassified to an offence of Rape (class 19C). An investigation finds no evidence to support a prosecution of Rape but the partner is charged with ABH.

*The offence of Rape remains recorded and cannot have an outcome type 1 assigned to it. An additional offence of ABH must be recorded and counted as Outcome type 1.*

**A CRIME COMMITTED BY A GROUP OF PEOPLE CAN BE ASSIGNED AN OUTCOME WHEN ONE MEMBER OF THE GROUP HAS BEEN DEALT WITH FOR THE CRIME UNDER ANY OF THE OUTCOME TYPES 1-10. WHERE A SECOND OR SUBSEQUENT MEMBER OF THE GROUP IS LATER DEALT WITH UNDER A DIFFERENT OUTCOME TYPE THEN THE FORCE MAY IF THEY SO WISH CHANGE THE OUTCOME TYPE ALLOCATED TO THE RECORDED CRIME.**

The characteristics of a group are listed in Section D.

### APPLICATION OF THE RULE

Example 1: **The police are investigating a theft by a group of offenders. The theft has been recorded. One member of the group is apprehended and issued a community resolution.**

*One theft counted as Outcome Type 8 (community resolution).*

*A further member is later charged. The force may reallocate the outcome to type 1*

**WHERE A CRIME HAS BEEN ALLOCATED AN OUTCOME, BUT SUBSEQUENTLY A DIFFERENT OUTCOME IS APPLIED, IT MUST BE RECLASSIFIED TO REFLECT THE LATEST OUTCOME. FOR EXAMPLE, IF OUTCOME 18 IS APPLIED INITIALLY (INVESTIGATION COMPLETE) AND SUBSEQUENTLY AN OFFENDER IS IDENTIFIED, FORCES must RECLASSIFY THE OUTCOME FROM 18 TO THE APPROPRIATE ALTERNATIVE, AND PROVIDE THAT DETAIL TO THE HOME OFFICE.**

# I Other Investigating Authorities (1 of 4)

The majority of criminal proceedings are instituted by the police i.e. cases where the police have investigated, arrested and brought the arrested person to the custody officer (*R v Stafford Justices, 1991*) and the Crown Prosecution Service (CPS) has a statutory duty to take over such proceedings. However, criminal proceedings can also be instituted by Other Investigating Authorities where the body concerned has a particular expertise or statutory interest.

- **IF THE POLICE HAVE PRIMACY OF INVESTIGATION, THEY MUST RECORD A CRIME.**
- **WHERE A VICTIM OR THEIR REPRESENTATIVE CONTACTS POLICE THEY MAY BE INVITED, ONCE ANY NECESSARY RISK ASSESSMENT HAS BEEN MADE, TO REPORT THE MATTER TO THE APPROPRIATE OTHER INVESTIGATING AUTHORITY AND WHERE THEY AGREE A CRIME NEED NOT BE RECORDED. IN ACCORDANCE WITH THE VICTIM BASED APPROACH OF THE NCRS IF THE VICTIM OR THEIR REPRESENTATIVE DECLINES THIS FACILITY A CRIME MUST BE RECORDED ALBEIT THE MATTER MAY BE REFERRED FOR INVESTIGATION, EITHER COMPLETELY OR PRIMARILY TO ONE OF THE OTHER INVESTIGATING AUTHORITIES. IN ALL CASES THE REQUIREMENTS OF THE VICTIM'S CODE must BE CONSIDERED.**

## Clarification

In these instances such cases will be by nature a type the Other Investigating Authority has a statutory duty to deal with or it is accepted practice for them to do so.

If a victim or their representative contacts the police they should be invited to report the matter to the appropriate authority, however, if the victim or their representative wish to make a formal allegation to the police this must be recorded.

- **IN ALL OTHER CIRCUMSTANCES WHERE THE POLICE ARE INVOLVED IN A JOINT INVESTIGATION WITH ONE OR MORE OF THE INVESTIGATING AUTHORITIES, THE LEAD BODY (I.E. WITH PRIMACY OF INVESTIGATION) WILL BE RESPONSIBLE FOR RECORDING A CRIME.**

## Clarification

On the rare occasions where joint investigations are deemed inappropriate, the police will be responsible for recording a crime for the specific offences where they have primacy of investigation while the Other Investigating Authority will be responsible for recording a crime in relation to specific offences for which they have primacy of investigation.

- **WHERE AN OTHER INVESTIGATING AUTHORITY PRESENTS DETAILS OF AN INCIDENT AMOUNTING TO A CRIME AND REQUESTS POLICE ASSISTANCE, ANY DECISION TO RECORD WILL BE MADE IN ACCORDANCE WITH THE GUIDANCE CONTAINED IN THIS SECTION.**

## Clarification

If a potential incident of crime occurs that relates to an Other Investigating Authority falls outside the scope of this section (eg burglary in an HM Revenue & Customs building), the Authority will be dealt with as a victim in the normal way. A decision to record must be made in accordance with paragraph 2.2 of the NCRS.

Where an Other Investigating Authority is the victim or is acting on behalf of the victim then the crime must be recorded in accordance with NCRS. Where an Other Investigating Authority is potentially both the victim and also the investigating body any formal request to record a crime must be considered in accordance with NCRS and this section of the Counting Rules.

Where an Other Investigating Authority brings a series of crimes to police attention as part of an exchange of information agreement or on an ad hoc basis, such data must be considered in its entirety and as intelligence. As a consequence such provision does not place a requirement on police to separately record crime.

# I Other Investigating Authorities (2 of 4)

Where victims report crimes to community support officers or their equivalent these must be recorded by the police (subject to the exception above in relation to an Other Investigating Authority bringing a series of crimes to police attention).

## **An allegation of a crime made against a police officer or a member of police staff in the execution of his or her duty:**

It is recognised that by the very nature of their work officers and staff will be subject of complaints. Many of them are shown to be false or malicious or are determined have been lawful actions, such as in cases where the use of force is questioned. It is not the intention to record as crimes all such allegations unless or until it is determined there is a criminal case to answer. There is no requirement to record such matters within the general NCRS provisions within 24 hours of the report being made.

The point at which a crime will be recorded will be when:

- The Appropriate Authority determines that there may be a case to answer criminally and requests Crown Prosecution Service advice; or
- The Appropriate Authority determines, in accordance with the DPP Charging Guidance, that a charge or summons or out of court disposal should be issued in relation to a criminal matter; or
- The Appropriate Authority determines, on the balance of probabilities, that there is a case to answer for misconduct or gross misconduct and the nature of the conduct is such that it would amount to a notifiable offence for the purposes of HOCR.

The appropriate authority is as defined in The [Police \(Conduct\) Regulations 2012](#).

Any allegation of a crime against a police officer or member of police staff which solely relates to his/her off duty activities or is other than in the execution of his/her duties should be dealt with in accordance with the NCRS and the Counting Rules.

### Clarification

- The term 'police staff' includes any non-sworn employee of a force and will include Police Community Support Officers and Custody Detention Officers as well as staff employed in other roles.
- Where criminal offences are being covertly investigated, notwithstanding a formal assessment of criminal conduct there is no requirement to record a crime until such time as the investigation progresses to a formal stage.

# I Other Investigating Authorities (3 of 4)

## APPLICATION OF THE RULE

### Examples of crimes which must be recorded by the Police

- Example: The police are leading an investigation into a suspected murder in a prison.
- Example: The police in partnership with the Department for Business, Innovation & Skills (BIS) are investigating a fraud and the police have lead responsibility.
- Example: Police are investigating an allegation of assault committed in a prison which has been brought to their attention by the Governor in line with the Prison Crime Recording Protocols.
- Example: Police attend the scene of a fire at the headquarters of the Department for Environment, Food & Rural Affairs (DEFRA) which is designated as arson.

### Examples of crimes which SHOULD NOT be recorded by Police

- Example: The Serious Fraud Office (SFO) has been solely responsible for the investigation and arrest of a suspect, although the police charge the suspect and submit papers to the CPS on behalf of the agency. The SFO has primacy of investigation.
- Example: The police provide PNC information, but no other assistance, to a BIS fraud investigation. The DBERR has primacy of investigation.
- Example: The police offer custody facilities to customs officials who have apprehended smugglers and HM Revenue & Customs has primacy of investigation.
- Example: The police accompany customs officials in raiding a ship suspected of smuggling and HM Revenue and Customs (HMRC) has primacy of investigation.
- Example: The Department of Work & Pensions (DWP) provides the police with the names of benefit fraud offenders for intelligence purposes. The DWP has primacy of investigation.
- Example: The police assist DWP officials in surveillance work that leads to the apprehension of benefit fraudsters. DWP has primacy of investigation.

# I Other Investigating Authorities (4 of 4)

A list of organisations has been compiled which are defined as “Other Investigating Authorities” for the purpose of the Home Office Counting Rules and issues surrounding crime recording<sup>1</sup>:

Attorney General’s Office  
 Department for Business, Innovations and Skills (BIS)  
 Department for Work & Pensions (DWP)  
 Department for the Environment, Food and Rural Affairs (DEFRA)  
 Environment Agency (EA)  
 Financial Conduct Authority (FCA)  
 Gangmasters Licensing Authority (GLA)  
 Prudential Regulation Authority (PRA)  
 Health & Safety Executive (HSE)  
 HM Revenue and Customs (HMRC)  
 Maritime & Coastguard Agency (MCA)  
 Office of Fair Trading (OFT)  
 Office of Rail Regulation (ORR)  
 Serious Fraud Office (SFO)  
 Trading Standards  
 United Kingdom Border Force (UKBF)\*  
 National Offender Management Service (NOMS) – subject to the provisions of the joint tripartite  
 Prison Recording Protocol

In addition to those authorities listed above these rules can be applied to other bodies with statutory powers to investigate and prosecute specific offences (eg local authorities) as well as agencies who do not have statutory powers to prosecute but where it is accepted practice for them to investigate and institute private prosecutions for specific offences (eg RSPCA).

FCRs should seek Home Office advice if it is unclear whether a particular agency not included in the above list meets the criteria contained in this Section.

NOMS, CPS and Chief Officers have agreed a [Crime Recording Protocol](#) relating to offences that occur in Prisons.

## APPLICATION OF THE RULE

### UK Border Force

\* In the case of the UKBF this does not include crimes where the victim is a person being held in detention by them where the alleged offender is either:

- a member of UKBF staff or:
- a member of staff of a contractor organisation providing services to UKBF or
- another person being held in detention by or on behalf of UKBF.

Example 1: ‘A’ is being detained by UKBF at a detention centre pending removal from the UK. Whilst there ‘A’ reports that an iPod has been stolen from him and states that ‘B’, another detainee, is responsible. UKBF report this to Police.  
*One crime (class 49).*

Example 2: ‘C’ is being detained by UKBF at a detention centre pending removal from the UK. Whilst there ‘C’ reports that he has been assaulted by ‘D’ a security guard employed by a contractor organisation working for UKBF. UKBF report this to Police.  
*One crime (class according to level of injury.)*

<sup>1</sup> The Attorney General’s Office (AGO) led the development of the Prosecutors Convention 2009, a formal agreement between various authorities with investigative and/or prosecutorial functions. The aim of the Convention is for the parties signed up to it to work together to ensure cases are conducted in a way which best serves the overall public interest. *[The Schedule to the Prosecutors Convention has been used as an initial framework for this Section until the proposed Investigators Convention has been agreed.]*

## J Other Issues (1 of 1)

### Attempts etc.

In general, attempting, conspiring, inciting, aiding, abetting, causing or permitting a crime is classified under the heading of the crime itself, though in certain cases it is shown separately.

### Crimes Committed before 1 April 2018

- **CRIMES COMMITTED BEFORE 1 APRIL 2018, WHICH ARE RECORDED ON OR AFTER THAT DATE, WILL BE RECORDED ACCORDING TO THE RULES FOR COUNTING AND COVERAGE THAT APPLIES FROM 1 APRIL 2018.**

Under this rule, a crime committed in March 2017 but not coming to the police's notice until April 2018 will be recorded in April 2018 and can therefore be reclassified if appropriate.

### Crimes Recorded before 1 April 2018

- **CRIMES RECORDED BEFORE 1 APRIL 2018 WILL BE COUNTED ACCORDING TO THE RULES THAT APPLIED BEFORE 1 APRIL 2018, EVEN IF THEY ARE ASSIGNED AN OUTCOME ON OR AFTER THAT DATE.**
- **THE ABOVE RULES ALSO APPLY TO ANY COUNTING RULES REVISION OR AMENDMENT DATE.**

For example, crimes committed before 1 April 1998 which are recorded after 1 April 2018, will be recorded according to the current rules.

### The Code of Practice for Victims of Crime

The Code of Practice for Victims of Crime places certain obligations on service providers (which includes the Police) to provide a minimum level of service to victims of crime.

This Code does not form part of the Home Office Counting Rules, but full details can be found at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/254459/code-of-practice-victims-of-crime.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254459/code-of-practice-victims-of-crime.pdf)

**ANNEX A**

# National Crime Recording Steering Group Protocol for Managing Reports of Crime Occurring in Other Police Force Areas (1 of 1)

**Aims:** To establish a consistent approach by police forces<sup>1</sup> in managing reports of crimes and crime-related incidents<sup>2</sup> occurring in other police force areas whilst adhering to the aims and principles of the National Crime Recording Standard (NCRS). *NB This protocol does not seek to address any operational considerations in relation to resource deployment, preservation of evidence or dealing with offenders.*

- To ensure that the needs of the victim are met by the provision of a professional high quality service.
- Provide a mechanism for resolving disagreements between forces in relation to transfers of crimes between forces.

**General Principles:** all reports of incidents occurring in a police force area other than that covered by the force receiving the first report, will result in the creation of a crime-related incident<sup>2</sup> report in accordance with NCRS General Principle 2.1.

- Following the initial report, details of the incident will be transferred to the force identified as being the owning force. The victim, or person making the report, will be advised of the action to be taken.
- Upon receipt of the details the owning force will either record the crime or, in appropriate cases, create a crime related incident report.
- The crime related incident<sup>2</sup> or crime reference number of the force having ownership will be supplied to the force who received the original report to provide a cross-reference to the original crime related incident report thus providing an audit trail across the forces.
- The force having ownership will be responsible for further contact with the victim or person making the original report.
- If the circumstances are such that clear ownership cannot be established, the incident or crime will be recorded and dealt with by the force receiving the first notification.
- A force declining to accept a transfer will create a Crime Related Incident<sup>2</sup> documenting the reasons why they are refusing. Reports will be cross-referenced between the forces.

**Conflict Resolution:** Where there is disagreement between the force receiving the original report and the force identified as having ownership, the following action will be taken:

- The force receiving the original report will refer the case to their Crime Registrar for review.
- The Crime Registrar from the original force will review the circumstances and decide, in consultation with the other force Registrar, if the case is suitable for transfer.
- If the Registrars cannot reach agreement within two working days, the force taking the original report will be responsible for finally recording the incident or crime.
- Whilst the question of ownership is being resolved the original force has a duty to ensure that all necessary steps are taken in relation to victim care, preservation of evidence and meeting the immediate needs of the investigation.

Where cases are disagreed locally they may be referred to Regional Representatives/NCR for clarification.

<sup>1</sup> References to police forces in this document should be interpreted to include the British Transport Police, the MOD Police and the Civil Nuclear Constabulary.

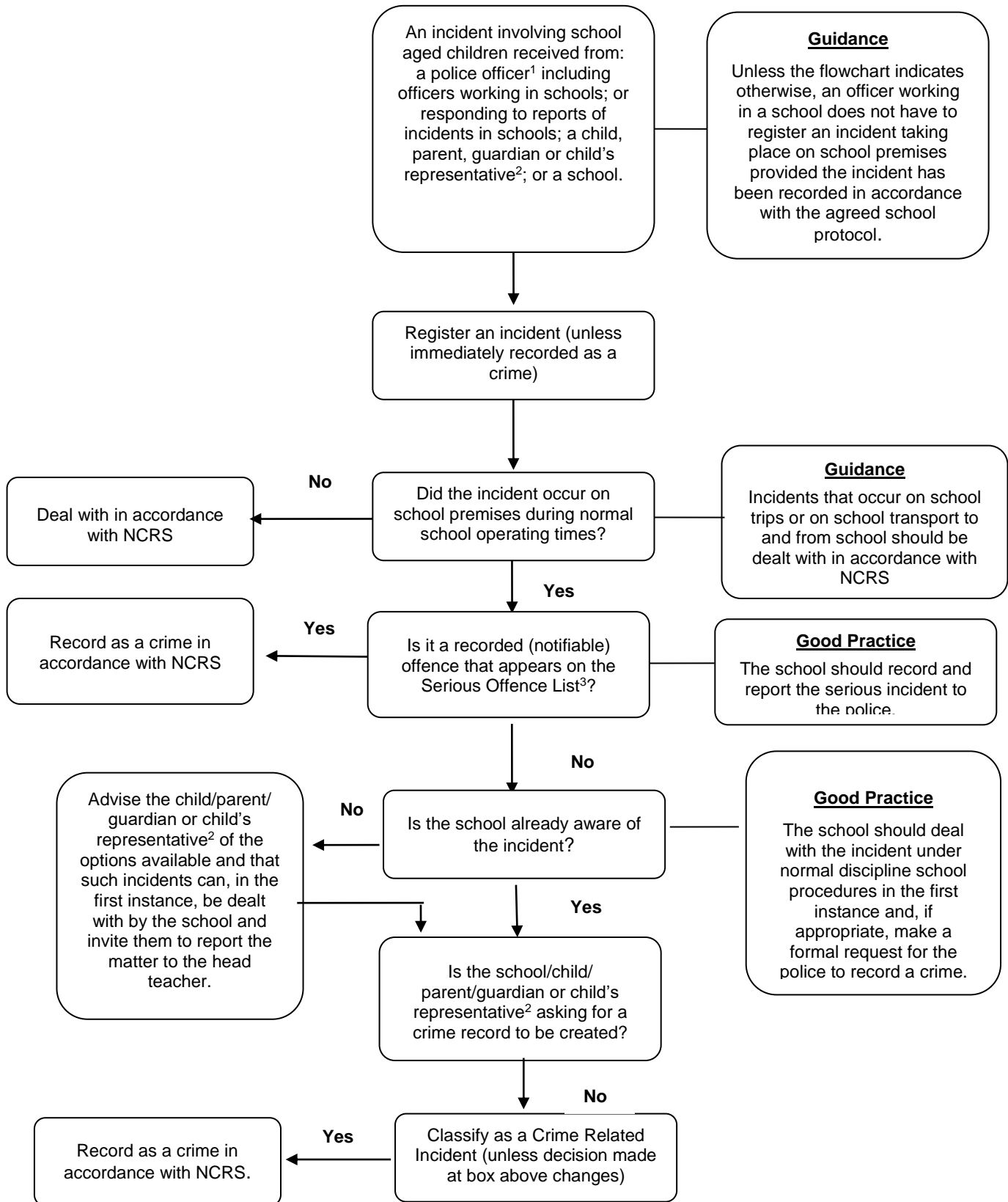
<sup>2</sup> Crime related incidents. This term is used to describe a record of an incident where a report has come to police attention which, on the balance of probabilities, would amount to a notifiable crime, but a resultant crime has not been recorded. The specific circumstances where this would happen are:-

- The incident is reported by a party **other** than the alleged victim (or person reasonably assumed to be acting on behalf of the victim) or a person fitting the 'Third Party' criteria) and having applied NCRS paragraph 3.6; **either:**
  - the victim, when traced, fails or decline to confirm the crime; or
  - the victim cannot be traced and the police are satisfied that recording is neither appropriate nor necessary; or
  - the incident is being dealt with and recorded by another police force; or
  - the NCRS or a specific rule within HOCR, or appendix thereto directs that a crime need not be recorded (e.g DCSF Crime Recording by Police Officers Working in Schools Guidance).

**ANNEX B**

**Crime Recording (Schools Protocol) (1 of 2)**

**Recording of incidents on school premises**



<sup>1</sup> Police officer includes appropriate members of the extended police family e.g. Special Constables, PCSOs.

<sup>2</sup> Representative means "A person reasonably assumed to be acting on behalf of the victim".

<sup>3</sup> A list of serious incidents (previously known as "serious arrestable offences") is defined on page 2 of 2. The list is extracted from the annex to the revised Crime Recording by Police Officers Working in Schools document jointly issued by the Department of Children, Schools and Families, the Home Office and the Association of Chief Police Officers in July 2007.



**ANNEX B****Crime Recording (Schools Protocol) (2 of 2)**

**Serious incidents referred to within the 'Crime Recording by Police Officers Working in Schools' guidance are defined as:**

- (a) All Indictable Only offences.
- (b) All offences within HOCR classifications;
  - a. 5D (Assault with Intent to Cause Serious Harm),
  - b. 10B (Possession of Firearms),
  - c. 10C (Possession of other Weapons),
  - d. 10D (Possession of Article with Blade or Point).
  - e. 11A (Cruelty to Children),
  - f. 13 (Child Abduction),
  - g. 23 (Incest),
  - h. 36 (Kidnapping),
  - i. 70 (Sexual Activity with a Person with a Mental Disorder),
  - j. 71 (Abuse of Children through Prostitution/Pornography),
  - k. 86 (Obscene Publications),
  - l. 88A (Sexual Grooming),
  - m. 92A (Trafficking in Controlled Drugs),
  - n. 92D (Possession of Controlled Drugs),
  - o. 92E (Possession of Cannabis),
  - p. 106 (Modern Slavery),
- (c) All sexual assaults.

Any other offence is serious only if its commission has led to any of the consequences set out below, or is intended to lead to any of those consequences:

- (a) serious harm to the security of the State or to public order;
- (b) serious interference with the administration of justice or with the investigation of offences or of a particular offence;
- (c) the death of any person;
- (d) serious injury to any person;
- (e) substantial financial gain to any person; and
- (f) serious financial loss to any person.

If any other offence consists of making a threat, it is 'serious' if the consequences of carrying out the threat would be likely to lead to one of the consequences set out above at (a) to (f).

The term 'injury' includes any disease and any impairment of a person's physical or mental condition. Financial loss is 'serious' for the purpose of the section if, having regard to all the circumstances, it is serious for the person who suffers it. Whether or not a loss, actual or intended, is serious will depend partly on the victim's circumstances.

**ANNEX C****Principal Crime Look-up Table (1 of 1)**

<b>Principal Crime Look-up Table</b>		
<b>Crime type</b>	<b>Home Office classification</b>	<b>Maximum sentence</b>
Homicide	1	Life
Attempted murder	2	Life
Rape	19/7-19/14	Life
Robbery	34	Life
Conspiracy to murder	3/2	Life
Assault by penetration	17/13-14, 20/03-04	Life
Grievous bodily harm with intent	5/1	Life
Sexual assault on male/female child under 13	17/16, 20/06	14 yrs
Sexual assault on male/female aged 13 or over	17/15, 20/5	10 yrs
Grievous bodily harm (s20) only	8/1	5 yrs
Criminal damage endangering life	57	Life
Arson	56	Life
Aggravated burglary	29A/31A	Life
Actual bodily harm	8/6	5 yrs
Burglary residential	28E	14 yrs
Criminal damage <sup>(1)</sup> (Over £5000)	58	10 yrs
Theft from person	39	7 yrs
Theft of vehicle	48	7 yrs
Assault without injury	105A	6 months
Criminal damage (Under £5000)	149(pt)	3 months

(1) Excludes crimes charged under Magistrates' Courts Act 1980 Sec 22.