

# 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 5)

**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 \(CPVC\)](#). This seeks to ensure that those reporting crimes will be treated with empathy and their allegations will be taken seriously. Any investigation which follows is then taken forward with an open mind to establish the truth. added September 2019

- 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.

## 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.

## National Crime Recording Standard (2 of 5)

- 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.
- 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. **Recording Without Victim Confirmation is Appropriate/Necessary :** If, having applied the principle outlined at 2.2 and 3.5 i, there is clear evidence or significant grounds to show that a victim based crime has been committed, police should consider whether it is either necessary or appropriate to record that crime even though the victim has declined to confirm or cannot be found.

## National Crime Recording Standard (3 of 5)

- 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.

- 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.

## National Crime Recording Standard (4 of 5)

- 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.







































## 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.

### Suspect Location

- **The location of the suspect(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 suspect(s) at the time of the offence is clearly evidenced:

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

#### Example of Suspect Location

Example 1: The suspect 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: A suspect 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 suspect'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 the suspect came into the possession of the drugs following arrest.

#### Suspect 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)**

#### Example of Location Being Determined to be Outside of England and Wales

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)

### Suspect Location

- **A crime committed, where the suspect 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 suspect 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.

#### Examples

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 suspect who is using a fixed line telephone. The location of the suspect 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.

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 suspect 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.

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 suspect 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.

### Suspect Location Cannot Be Determined Or the Location of Both the Victim and Suspect 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 or attempt to transfer any crime 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. (amended November 2019).

#### 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 suspect 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

## G Location of Crimes (3 of 6)

### Suspect Location

#### For Crimes Dependent on Mobile/Internet Devices:

- 1st The location of the suspect at the time of the offence
  - 2nd The most recent confirmed residence for the suspect at or around the time of the offence
  - 3rd The force with the greatest volume of apparent usages of the device
  - 4th The usual home address of the victim – where appropriate forces can agree an alternate recording location on a case by case basis if there is a rationale to do so in order to best serve the victim or investigation. This decision must be agreed between DDMs or FCRs in both forces.
- **If the suspect is in Scotland or Northern Ireland then Police Scotland or the PSNI should be given the opportunity to record the crime by transfer. If they decline, then it will be recorded by the force covering the victim location at the time the offence is committed.** added April 2020.

#### Examples where suspect location cannot be determined

- 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 suspect who is using a mobile telephone. The location of the suspect at the time of the calls cannot be determined but it is confirmed that he resided in PFA 'C' at or around the time of the offence.

PFA 'C' must record the appropriate crime of unlawful harassment.

- 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 suspect 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.

- 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.

#### Examples where suspect location cannot be determined

- 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. The most recent confirmed residence for the suspect at or around the time of the offence is in PFA 'B'.

PFA 'B' must record the appropriate crime on the basis of the most recent confirmed address of the suspect at or around the time of the offence.

- 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)

### Examples where suspect location cannot be determined

- 6: Person X posts on social media a comment which clearly constitutes an offence such as a public order, and/or a racially motivated matter. A number of people in forces A, B, C, D, E and F report this to those forces and say they have been offended and consider themselves victims.

One crime to be recorded by each of forces A-F based on the location of the first person in each area making the report. All subsequent reports to be recorded as CRIs linked to the recorded crime.

7. It is subsequently established that the offender is in force G at the time the offence is committed.

One crime by force G based on the offenders established location. Forces A-F to transfer their crimes to force G who links all reporting persons to their crime. Once transferred the crimes can be shown as cancelled by transfer. Added April 2019

### Example where victim location cannot be determined

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 where victim and suspect location cannot be determined

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.

## **G Location of Crimes (5 of 6)**

### **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 suspect(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.

### **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 suspect / 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.**

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

- 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.

- 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.

- 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.

- 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 10)

## Outcome Types

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 discontinuation or acquittal at court).**

### 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 10)

### 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 10)

### 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 10)

### Application of the Rule Examples

- 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).

- 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.

- 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).

### 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.

## H Recorded Crime Outcomes (5 of 10)

### Outcome Type 4 Clarification (continued)

- 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 Examples

- 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.

- 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.

- 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.

- 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.

# H Recorded Crime Outcomes (6 of 10)

## 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.**

**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.**

## H Recorded Crime Outcomes (7 of 10)

**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).**

**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).

## H Recorded Crime Outcomes (8 of 10)

**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.

**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 (9 of 10)

## Outcome Type 22

**Diversionsary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action.**

**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.

**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 an accredited Force Crime Register, 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. Amended April 2019.

### 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 HOCR 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 Examples

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.

## H Recorded Crime Outcomes (10 of 10)

### Application of the Rule Examples – (continued).

- 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.

- 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.

- 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.

- 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

**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)

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

- The police are leading an investigation into a suspected murder in a prison.
- The police in partnership with the Department for Business, Innovation & Skills (BIS) are investigating a fraud and the police have lead responsibility.
- 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.
- 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

- 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.
- The police provide PNC information, but no other assistance, to a BIS fraud investigation. The DBERR has primacy of investigation.
- The police offer custody facilities to customs officials who have apprehended smugglers and HM Revenue & Customs has primacy of investigation.
- The police accompany customs officials in raiding a ship suspected of smuggling and HM Revenue and Customs (HMRC) has primacy of investigation.
- 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.
- 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)  
 Gangmaster and Labour Abuse Authority (GLAA) amended April 2019  
 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 [Referral Agreement](#) relating to offences that occur in Prisons. All referrals sent to police under this protocol are expected to be recorded as crimes irrespective of any decision to deal with them internally. Added May 2019

## 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.)*

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<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 2020

- **Crimes committed before 1 April 2020, which are recorded on or after that date, will be recorded according to the rules for counting and coverage that applies from 1 April 2020.**

Under this rule, a crime committed in March 2020 but not coming to the police's notice until April 2020 will be recorded in April 2020 and can therefore be reclassified if appropriate.

### Crimes Recorded before 1 April 2020

- **Crimes recorded before 1 April 2020 will be counted according to the rules that applied before 1 April 2020, 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 2020, 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.

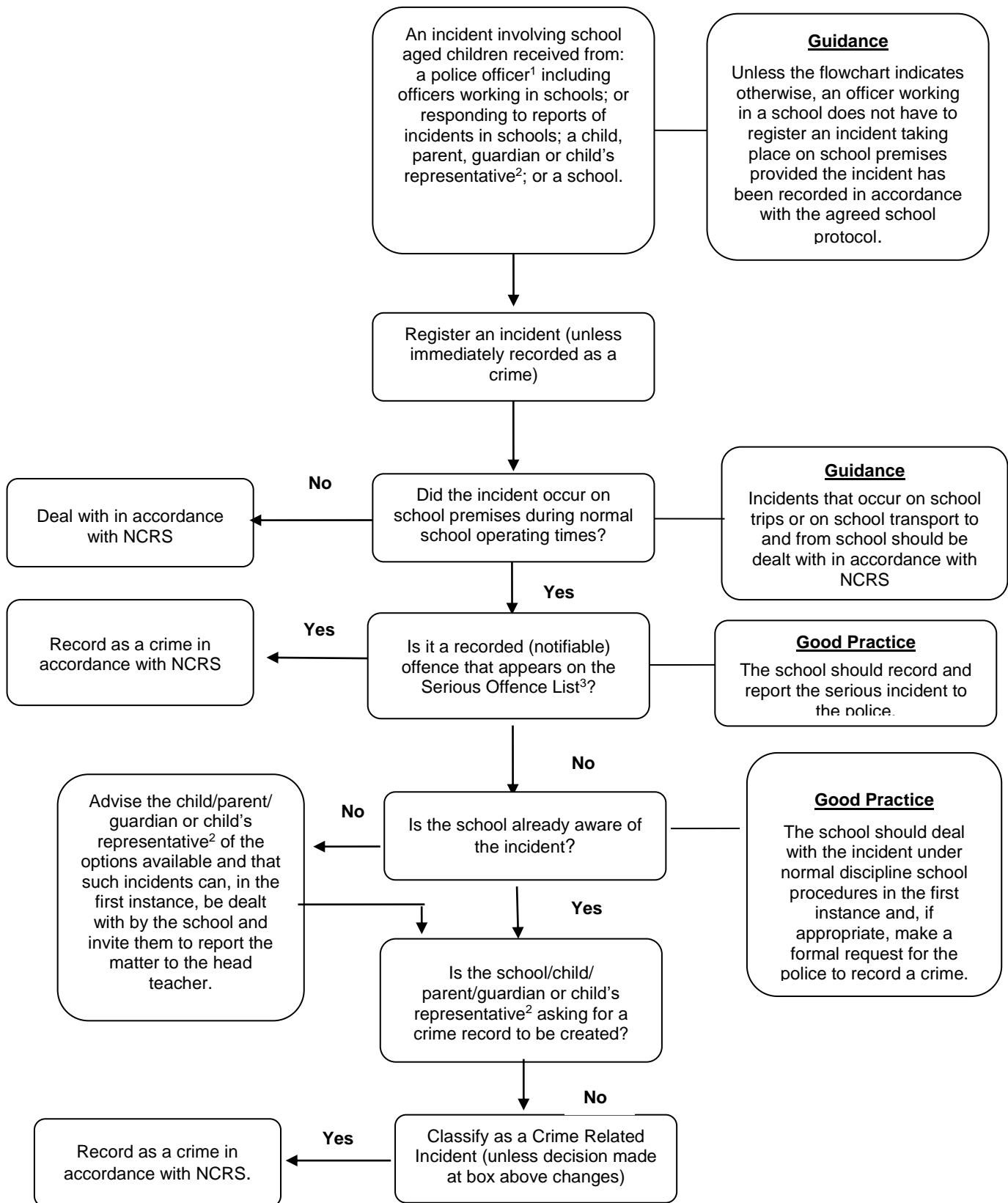
<sup>1</sup> References to police forces in this document should be interpreted to include the British Transport Police, the MOD Police and the Civil Nuclear Constabulary.

<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.

## 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 Sexual Exploitation),
  - 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.