



Home Office

Crime Recording Rules for Front line Officers and Staff

2023/24

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Crime Recording General Rules

Vision 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.

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:

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

National Crime Recording Standard

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.

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 report by the police. There will be instances where a report is received by the police which may relate to a notifiable crime, but a decision is made not to record the crime. Circumstances include:

- Report by a person other than the victim
- Incident already being dealt with, and crime recorded by another force
- Certain crimes under schools' protocol
- Certain crimes committed in Prison
- Some death/serious injury road traffic crimes
- Corporate/gross negligence manslaughter
- Certain crimes disclosed to Sexual Assault Referral Units (SARC)

Whether to record a crime?

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 the counting rules); and
- (b) there is no credible evidence to the contrary immediately available.

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.

* 'Crime defined by Law' means a crime which is determined to be notifiable. Notifiable offences do not cover all criminal offences as most summary offences are not notifiable. A full list can be found [here](#).

The crime recording steps

Step 1 – the victim is to be believed.

Step 2 – on the balance of probability a crime in law has been committed, and

Step 3 – there is no credible evidence which points to the crime not having been committed.

It is important that any investigation which follows is taken forward with an open mind to establish the truth.

For 'offences against the state' the points to prove evidencing the offence must clearly be made out before the crime is recorded.

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, or where it has been determined that the offender [acted in self-defence](#).

No victim – no crime

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), can immediately be found or identified, then 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.

This does not include unwilling victims. If a victim confirms that a crime has occurred but declines to support an investigation or prosecution the crime must still be recorded.

Recording without victim confirmation

There may be occasions where it is deemed appropriate to record a crime without victim confirmation. These are outlined below:

Appropriate/Necessary – 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, a force must record a crime. This could be to enable effective investigation, the apprehension of offender(s) or is otherwise in the public interest to do so. It can include incidents where the victim has declined to confirm or cannot be found taking the potential risks to, or apparent vulnerability of, the victim into consideration.

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 report 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 not be recorded as a crime without victim confirmation unless it is thought to be appropriate and/or necessary.

CCTV evidence – recording practice

CCTV reports inform operational activity but in their own right are not a ‘Third Party’ report. Such reports will be treated as matters requiring victim confirmation for victim-based crime or, for state-based crime, the points to prove must be made out. Reasonable enquiries must be made to establish the facts, identify victims and/or offenders. As a minimum an auditable record must be made. If, after conducting reasonable enquiries, it is believed a victim-based crime has occurred, but no victim can be found it may be that it is appropriate and/or necessary to record the crime.

Recording offences against the state

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.

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.

Drunkenness or impairment

The fact that a person is drunk or otherwise impaired might have a bearing on the balance of probability test. 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 remains that victim reports should be believed.

Public order offences

In the case of a public order incident where, on the arrival of the police, there is no continuing disorder and no obvious 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. Where enquiries fail to identify any victim or produce supporting evidence this will remain an incident. Where police arrive at a scene and witness disorder, they will deal with the matter appropriately and, where notifiable offences are apparent, record any crimes accordingly.

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.

When to record?

Crimes should be recorded as soon as sufficient information exists to meet the crime recording steps and this should be on the same day the report is received and no later than 24 hours after the initial report was received. There are only some rare exceptions to this. 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.

Victims 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 decision is to not record it, then an auditable record of that decision must be made, and the victim or person reporting must be informed of that decision. They have a right to appeal the decision or to provide further supporting information.

Schools protocol

In relation to incidents which took place on school premises during normal school hours, the expectation is that in the first instance, it is 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. When police have reported to them an incident which took place on school premises during normal school hours, 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 the [School Protocol](#); 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.

How many crimes to record?

One Crime per Victim

The general rule of one crime per victim applies to crimes with specific, intended, or identifiable victims. 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.

If there is no obvious victim of a crime, or if the crime is 'victimless,' then one crime must be counted for each offender or group of offenders.

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 offenders per victim relationship.'

The general rule for the number of crimes to record (including any exceptions) can be found in each crime type.

The Finished Incident Rule

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.

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 notice of the police then further crimes should be recorded when they are brought to the notice of the police.

The Principal Crime Rule

If the sequence of crimes in an incident contains more than one type of crime, then count the most serious crime. (NB: as it states in the Finished Incident Rule section, 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 only exception to this is where conduct crimes are disclosed in addition to other more serious crimes. The [look up table](#) is a guide to which crimes to record.

Exceptions to the 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. For further clarification, contact the Force Crime Registrar.

Classification and reclassification

The classification of a recorded crime must be made at the time of recording. The crime type chosen must be determined by applying the crime recording rules, using 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).

If further substantive information becomes known after a crime is recorded or if the original classification is discovered to be in error, it may be re-classified by an FCR or DDM if it is considered appropriate to do so. Justification for the re-classification must be recorded within the crime record in an auditable form.

Principal crime look-up table

Offence	HO Class	H.O. Classification	Maximum sentence	State or victim based
Homicide	1	001/01	Life	V
Attempted murder	2	002/00	Life	V
Rape (including attempted rape)	19C-K	019/07 - 019/19	Life	V
Robbery	34	034/01 - 034/02	Life	V
Conspiracy to murder	3A	003/02 – 003/06	Life	S
Assault by penetration	17A-B	017/13 -017/14	Life	V
	20A-B	020/03-020/04		
Grievous bodily harm with intent (S18)	5D	005/01	Life	V
Sexual assault on male/female child under 13	17B, 20B	017/16, 020/06	14 yrs	V
Criminal damage endangering life	57	057/00	Life	V
Arson	56	056/01-056/02	Life	V
Racially or Religiously Aggravated harassment or stalking with fear of violence	8M	008/58	14 yrs	V
Stalking (Sec 4A) – fear of violence	8Q	008/65	10 yrs	V
Stalking (Sec 4A) – Serious Alarm/Distress or Fear of Violence	8Q	008/66	10 yrs	V
Harassment (Sec 4) - fear of violence	8L	008/30	10 yrs	V
Controlling & Coercive Behaviour	8U	008/67	5 yrs	V
Sexual assault on male/female aged 13 or over	17A, 20A	017/15, 020/05	10 yrs	V
Grievous bodily harm (S20) only	8N	008/01	5 yrs	V
Non-Fatal Strangulation	8N	008/77	5 yrs	V
Encouraging or assisting serious self-harm	5E	005/30	5 yrs	V
Sending or showing flashing images electronically	5E	005/29	5yrs	V
Aggravated burglary	29A, 31A	029/00, 031/00	Life	V
Threats to kill	3B	003/01	10 yrs	V
Threatening Communications Offence	8R	005/28	5 yrs	V
Racially or Religiously Aggravated harassment or stalking without violence	8M	008/56	2 yrs	V
Sharing or threatening to share intimate photographs or film	88C	88/15	2 yrs	V
Sending etc photograph or film of genitals	88E	88/14	2 yrs	V
Sharing or threatening to share intimate photographs or film without consent	88C	175/08	51 weeks	V
Stalking (Sec 2A) – A course of conduct in breach of Sec 1 (1)	8Q	195/12	6 months	V
Harassment (Sec 2) – without violence	8L	195/94	6 months	V
Actual bodily harm	8N	008/06	5 yrs	V
Threats/Possession with intent to commit criminal damage	59	059/11	10 yrs	V
Burglary Residential	28E	028/03	14 yrs	V
Criminal damage (Over £5000)	58A-D, J	058/00	10 yrs	V
Theft from person	39	039/00	7 yrs	V
Theft of vehicle	48	048/01	7 yrs	V
Sending letters etc. with intent to cause distress or anxiety	8R	008/72	2 yrs	V
False Communications	8R	138/52	51 weeks	V
Assault without injury	105A	105/01	6 months	V
Criminal damage (Under £5000)	149	149/00	3 months	V

Location of offence

Crimes within England and Wales

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:

- 1st The location of the suspect(s) at the time of the offence is clearly evidenced
- 2nd The location of the victim at the time of the offence is clearly evidenced
- 3rd For Personal crime where the victim is normally resident
- 4th For Body Corporate the relevant place of business for the crime in question

If during 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 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 to best serve the victim or investigation. This decision must be agreed between DDMs or FCRs in both forces.

Suspect location determined to be outside England and Wales

If the suspects location has been determined to be outside England and Wales a crime must be recorded if it either involves an investigation by the force to which it is reported (this does not include homicide, which is already covered by law) or if the victim is inside England and Wales at the time the offence is committed. It is intended to only cover offences where an interaction between the suspect and victim is required at the time the offence is committed.

Some sexual and violence crimes committed outside the UK by a suspect who is a United Kingdom national or is habitually resident in England and Wales may be a crime which must be recorded in England and Wales. For further advice, contact the Force Crime Registrar.

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.

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 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.

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 district 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 and there is a different suspect/victim relationship, 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.**

Location under British Transport Police

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'.

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.
- **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.

Other investigating authorities

Most criminal proceedings are instituted by the police, however criminal proceedings can also be instituted by Other Investigating Authorities where the body concerned has a particular expertise or statutory interest.

However, where an Other Investigating Authority is the victim or is acting or reporting on behalf of the victim then the crime must be recorded.

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 Crime Recording Rules.

- **Police investigating** – If the police have primacy of investigation, they must record a crime.
- **Joint investigation** - 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.
- **Police assistance requested** - 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.
- **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 are shown to be false or malicious or are determined to have been lawful actions. 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 2020](#).

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 Crime Recording Rules.

If you are unsure who constitutes as an Other Investigative Authority, please contact your Force Crime Registrar.

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, HOCR 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 HOCR 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

Principal Crime Related Offence Rule

Related Crime Definition – Is any crime within a series of crimes arising from the same incident that involves the same victim and offender(s) which under the rules cannot ordinarily be recorded (Principal Crime/Finished Incident rules). 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 (sometimes referred to as included classifications) and not recorded in addition to the Principal Crime unless the following conditions apply:

1. Where there is **only evidence to charge** one of the related crimes then the principal crime cannot be allocated an outcome under type 1,2, (charge, caution or TIC) and should be allocated the appropriate alternative outcome (outcome 15 for example).
2. The related crime for which there **is sufficient evidence to charge** should then be additionally recorded and assigned outcome 1.
3. If there is evidence to charge more than one related crime the principal crime rule should be re-applied to the related crimes.

Example: 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 (Charged with alternate offence) 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.

Alternate Charge Requirements for Rape or Homicide

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

An **FCR** 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.

Example:

1. A crime of murder is recorded and investigated. CPS advise that there is insufficient evidence to secure a conviction for murder and advise a charge of manslaughter.

The murder remains recorded and can be assigned outcome type 1A under the alternate offence.

2. A victim dies following an assault. A crime of murder is recorded and investigated. CPS advise that there is insufficient evidence to secure a conviction for murder and advise a charge of Section 18 GBH.

There are no grounds for reclassification. Applying the principal crime related offence rule the murder cannot be allocated outcome 1A (Charged with alternate offence) and must be allocated an appropriate alternative outcome. An additional crime of S18 GBH assault may be recorded and can be allocated outcome 1 if the suspect is charged.

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.

Examples:

- 1: A 12-year-old girl willingly participates in intercourse with her 15-year-old boyfriend. This is correctly recorded as Rape as she is under the age to legally consent. 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: An offence of rape of a female is recorded and investigated. During the investigation the victim also discloses that two weeks prior, the alleged offender punched her to the face following an argument. The alleged offender admits the assault but claims the victim consented to the sexual intercourse. The victim denies having consented. CPS advise there is sufficient evidence to secure a conviction for the assault only and advice police to charge the alleged offender for assault.

There are no grounds for reclassification. Applying the principal crime related offence rule the rape cannot be allocated outcome 1A (Charged with alternate offence) and must be allocated an appropriate alternative outcome. An additional crime of assault may be recorded and can be allocated outcome 1 if the suspect is charged.

Alternate Offence Rule - 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.

Rape and High-risk DA – Closure requirements for Outcomes 15 and 16

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.

In Outcome 15, the term 'Named Suspect' assumes the suspect's true identify 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.

The decision maker for rape and high-risk domestic abuse crimes (as assessed by the force DA risk management process) must be of the rank of police inspector or police staff equivalent or be part of an independent decision-making team working directly to the Force Crime Registrar Unit.

Chief Officers must ensure that the FCR has the capacity and expertise to maintain oversight of all rape and high-risk DA offences where Outcome 15 is applied.

Official

It is the role of the supervisor in seeking to apply an outcome 15 to ensure the following principles have been considered throughout the investigation from report to finalisation:

- Safety of everyone involved comes first and will be considered continually throughout an investigation.
- Investigations will focus on the allegations not the victim.
- Victims will be kept updated throughout an investigation.
- The views of victims will be central to decisions about how to proceed with cases but may not always be determinative.
- Investigating officers and staff must be aware of the impact of trauma on victims and take this into account.
- The policing system must support effective investigations of rape and high-risk DA crimes and incidents: chief officers must have the data and other information so that they can be assured that the arrangements in their force are sufficient.

The FCR should have oversight of the application of all outcomes through effective audit.

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 Outcome 16, the term 'Named Suspect' assumes the suspect's true identify 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.

To apply Outcome 16, there must be an auditable record that demonstrates the victim does not support (or has withdrawn support for) police action.

The decision maker for rape and high-risk domestic abuse crimes (as assessed by the force DA risk management process) must be of the rank of police inspector or police staff equivalent or be part of an independent decision-making team working directly to the Force Crime Registrar Unit.

Chief Officers must ensure that the FCR has the capacity and expertise to maintain oversight of all rape and high-risk DA offences where Outcome 16 is applied.

It is the role of the supervisor in seeking to apply an outcome 16 to ensure the following principles have been considered throughout the investigation from report to finalisation:

- Safety of everyone involved comes first and will be considered continually throughout an investigation.
- Investigations will focus on the allegations not the victim.
- Victims will be kept updated throughout an investigation.
- The views of victims will be central to decisions about how to proceed with cases but may not always be determinative.
- Investigating officers and staff must be aware of the impact of trauma on victims and take this into account.
- The policing system must support effective investigations of rape and high-risk DA crimes and incidents: chief officers must have the data and other information so that they can be assured that the arrangements in their force are sufficient.

The FCR should have oversight of the application of all outcomes through effective audit.

Outcome Types

For full information refer to your force local requirements for applying outcomes at the conclusion of your investigation.

For Home Office purposes, all recorded crimes will be assigned one of the following outcome types.

- Outcome 1 Charge or summons
- Outcome 1A Charge with alternative offence
- Outcome 2 Youth Caution
- Outcome 2A Youth Caution with alternative offence
- Outcome 3 Adult Caution
- Outcome 3A Adult Caution with alternative offence
- Outcome 4 TIC (taken into consideration)
- Outcome 5 Offender has died
- Outcome 6 PND (penalty notice for disorder)
- Outcome 7 Cannabis or Khat warning
- Outcome 8 Community resolution (with or without restorative justice)
- Outcome 9 Prosecution not in the public interest (CPS decision)
- Outcome 10 Prosecution not in the public interest (Police Decision)
- Outcome 11 Suspect below age on criminal responsibility (under 10)
- Outcome 12 Suspect too ill or died before crime was reported to police
- Outcome 13 Victim or key witness dead or too ill
- Outcome 14 Suspect not known – victim does not support or does not engage
- Outcome 15 Suspect known but evidential difficulties
- Outcome 16 Suspect known – victim does not support or does not engage
- Outcome 17 Prosecution time limit has expired
- Outcome 18 – Suspect not known
- Outcome 19 NFIB – Fraud case
- Outcome 20 Other agency dealing
- Outcome 21 Not in the public interest to investigate further
- Outcome 22 Diversionary, educational or intervention activity has been taken

Cancellations

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

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.

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.

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.

It is the responsibility of the DDM a Force Designated Decision Maker to evaluate the information and the reliability of the source and take a **proportionate** approach which recognises the seriousness of the allegation, and the potential impact of an incorrect decision based on that information (and in doing so fully assessing the level of risk). In most cases the level of risk to the victim, the community and the reputation of the Force will be low, and cases should be treated accordingly.

Rape and homicide crimes – authorised by Force Crime Registrar

Decision making for all offences of rape and homicide (where C2 AVI cancellations are considered) should only be taken by a Force Crime Registrar (FCR) who is listed on the College of Policing professional register. Where a force has no FCR 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. The FCR should be the decision maker and should not be required to submit the case to any other person (or group) to seek advice.

The threshold for such cancellations is, of necessity, very high. The AVI to support a cancellation must therefore be compelling, and carefully recorded and must convince the FCR that no crime has taken place.

Cancelling a crime of modern slavery

A negative Conclusive Grounds decision made in relation to a submission to the National Referral Mechanism (NRM) may be classed as AVI for the purpose of cancelling a crime recorded after 1 April 2020.

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

Crime Flags

Within the HOCR, there are 9 mandatory crime flags which allows the Home Office and forces to collate data in key areas. Collating this data allows the Home Office and forces to test the robustness of legislation and analysis of trends, but most importantly assists in the identification and subsequent safeguarding of vulnerable victims and to put preventative interventions in place.

- [Hate Crime](#)
- [Metal Theft](#)
- [Domestic Abuse](#)
- [Online Crime](#)
- [Child Sexual Abuse](#)
- [Child Sexual Exploitation](#)
- [Alcohol](#)
- [Corrosive Based Offences](#)
- [So called 'Honour Based' Abuse](#)

Hate Crime

Hate Crime Definition

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender."

This collection requires offences aggravated by hate or prejudice (for the five strands outlined below) to be flagged on Data Hub extracts provided to the Home Office.

- Disability
- Transgender
- Racial
- Religion / beliefs
- Sexual orientation

Note that multiple aggravating factors may be recorded against an individual offence, including multiple hate crime indicators (for example both race and religion/belief may be recorded against a single offence).

Where the Religion flag has been applied, one of the following flags should also be applied to capture the **perceived** religion (or belief or faith) of the victim:

Official

- Christian
- Buddhist
- Hindu
- Jewish
- Muslim
- Sikh
- Other
- No religion
- Unknown

Please note that where one of these flags is applied, the 'Religion' flag must also be applied.

Perceived religion means the targeted religion of the offender when known. For example, if Islamophobic graffiti is sprayed on a Gurdwara (Sikh temple), then the targeted perceived religion should be recorded as Muslim.

Purpose

The data will be used to inform policy and stakeholders on the levels of police recorded hate crime and will be published in the annual Home Office hate crime statistics publication.

The data will also help forces to understand the volume and nature of hate crime offences committed and understand their approach to policing such incidents and identify vulnerable victims to ensure safeguarding.

Metal Theft

Offences should be flagged as Metal Theft if the police employee filing the crime report believes that the intent for committing the offence was to remove the item for its scrap metal value rather than the acquiring of the item (s). Offences of attempted metal theft should also be flagged. One and only one of the following two flags should be used:

1) Metal theft (infrastructure related)

The removal of metal that has a direct impact on the functioning of infrastructure and/or fabric of a building or machinery. This includes all metals that are connected to live services such as water, heating, electricity, other service cabling and railway cabling; roofing lead, a catalytic converter removed from a vehicle and manhole covers.

2) Metal theft (non-infrastructure)

The removal of metal that has no direct impact on the functioning of infrastructure and/or fabric of a building or machinery. This includes metal that is not connected to services, redundant metal, war memorial plaques, and metal gates/fencing.

If it is considered challenging to determine which of the two flags is appropriate then the infrastructure related flag should be used as a default. Only one flag (and not both) should be applied.

Purpose

Tackling acquisitive crime, including metal theft, continues to be a priority for the Government. Ministers, in particular there is a focus on reducing the theft of catalytic converters.

This flag provides significant insight into the scale of these crimes, enabling the Home Office, police and other agencies to develop their approach accordingly and allows the Home Office to test whether the legislation remains sufficiently robust to stand up to the pressures of increasing global metal prices which could lead to a rise in the number of incidents of metal theft.

Domestic Abuse

The Domestic Abuse Act created, for the first time, across-government statutory definition of domestic abuse, to ensure that domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes.

Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if:

- (a) A and B are each aged 16 or over and are personally connected to each other, and
- (b) the behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following:

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse;
- (e) psychological, emotional, or other abuse.

It does not matter whether the behaviour consists of a single incident or a course of conduct.

“Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to:

- (a) acquire, use or maintain money or other property, or
- (b) obtain goods or services.

For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

Two people are “personally connected” to each other if any of the following applies:

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child; or
- (g) they are relatives, including in-laws and ex-in-laws.

“Relative”, in relation to a person, means:

the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person’s spouse, former spouse, civil partner or former civil partner, or the brother, sister, uncle, aunt, niece, nephew or first cousin (whether of the full blood or of the half blood)

or by marriage (in-laws) or civil partnership) of that person or of that person’s spouse, former spouse, civil partner or former civil partner.

This includes, in relation to a person who is cohabiting or has cohabited with another person, any person who would fall within paragraph (a) or (b) if the parties were married to each other or were civil partners of each other.

Purpose

The flag will help forces to understand the volume and nature of domestic abuse offences committed and understand their approach to policing such incidents and identify vulnerable victims to ensure safeguarding.

Online Crime

Online Flag Definition:

An offence should be flagged where any element of the offence was committed online or through internet-based activities (e.g. through email, social media, websites, messaging platforms, gaming platforms or smart devices).

Purpose

This flag is to help understand the volume and nature of offences committed online. It refers to any crime committed either in full, or in part, through use of online methods or platforms. The online crime flag helps provide a national and local picture of how internet and digital communications technology are being used to commit crimes, and an understanding of the prominence of certain crimes that are happening online, compared to offline. The flag will help us prioritise spending and direct appropriate resources to tackle online crimes, e.g. in terms of technology, training, digital forensics capacity, and staff. It also gives an insight into the scale and nature of online crime and can help enhance the development of policies to tackle them and protect victims.

Child Sexual Abuse

Child sexual abuse (CSA) is defined as:

'Forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (e.g. rape or oral sex) or non-penetrative acts (e.g. masturbation, kissing, rubbing, touching outside of clothing etc.) They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet)'.

Child Sexual Exploitation (CSE) is a clearly defined as a subset of CSA and so all offences flagged as being related to CSE should also be flagged as CSA (but not all offences flagged as relating to CSA will be flagged as CSE).

Child Sexual Exploitation

'**Child sexual exploitation (CSE)** is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.'

CSE is a subset of CSA and all offences flagged as being related to CSE should also be flagged as CSA (but not all offences flagged as relating to CSA will be flagged as CSE).

Purpose

The collection of CSA and CSE data increases police, government and public understanding of the scale of CSA and CSE in response to a recommendation by the Office of the Children's Commissioner to improve the recording of crimes involving CSA. The data will be included in future statistical outputs published by the Home Office and ONS.

The full scale of CSA and CSE is notoriously difficult to measure given the hidden nature of the crime and there is a gap in our knowledge regarding the precise number of cases of CSA and CSE recorded by the police. During the development stages of the ADR, we considered all possibilities to collect data on CSA centrally. However, the current data collected by police recorded crime statistics does not allow for all sexual offences against children to be identified (e.g. obscene publication offences that are specifically related to children). There is also an issue with offences where it is known that the victim is

under age, but the exact date of birth is not known. Using current data therefore provides an underestimate of CSA.

Alcohol

Definition:

“any notifiable offence (crime) where it is perceived, by the victim or any other person, that the effects of alcohol consumption on the offender or victim was an aggravating factor”.

The qualifier should be used where the consumption of alcohol has been associated with the offence.

Purpose

This recorded crime collection provides the numbers of crimes directly attributable to alcohol via the Home Office Data Hub, which assists in assessing the impact of alcohol on crime and policing, improves transparency and provides improved information for the public on the scale of the problem.

Corrosive Based Offences

Definition

“All notifiable violence against the person and robbery, involving the throwing, spraying or pouring of acid or a similarly corrosive substance onto the body of another with the intention to disfigure, torture, kill or otherwise incapacitate for criminal purposes.”

Acid or corrosive substances are defined as those that cause visible destruction and/or permanent change in human skin tissue at the site of contact.

Data collection is specifically focused on cases where verifiable evidence exists that an acid/corrosive substance has been used or attempted to be used against the person with criminal intent as described. This will include offences where it can be demonstrated:

- a) Visible destruction or permanent change in skin tissue has occurred at site of contact of substance used by offender/s
- b) Permanent destruction of clothing at site of contact of substance used by offender/s (e.g burning) and with supporting scientific evidence of acid/alkali having been used for forensic testing.
- c) That an attempted (more than merely preparatory) act of throwing, spraying or pouring of an acid/corrosive substance towards another person has occurred but the substance missed or fails to discharge such that harm outlined in (a) or (b) does not occur. Forensic testing fully corroborates the attempted use of an acid/corrosive substance which in a forensic scientist’s opinion would have caused harm as outlined in (a) and (b).

Purpose

This data collection seeks to identify all relevant offences of violence against the person where corrosives have been used or have attempted to be used.

This definition deliberately avoids inclusion of attacks against property only, use of noxious (but not corrosive substance) and offences involving threats to deploy corrosive substances where there is no way of knowing whether hoax or genuine.

This approach means data collection efforts are focused on the most serious offences against the person where there can be no doubt that a corrosive substance has been used or attempted to be used with criminal intent as described.

So called 'Honour Based' Abuse

Definition

So called 'Honour-based' abuse is a crime or incident involving violence, threats of violence, intimidation, coercion or abuse (Including psychological, physical, sexual or emotional abuse), which has or may have been committed to protect or defend the honour of an individual, family and or community for alleged or perceived breaches of the family and/or community's code of behaviour"

Please note this includes, but is not limited to, crimes of forced marriage and female genital mutilation. If a forced marriage or FGM offence is recorded this should always be marked with an HBA flag.

Purpose

This data seeks to measure the level of so-called honour-based abuse dealt with by the police and understand their approach to policing such incidents and identify vulnerable victims to ensure safeguarding.

Violence against the Person

Violence Against Women and Girls (VAWG)

Violence Against Women and Girls (VAWG) summarises a range of offences which disproportionately, but not exclusively, impact women and girls. It is clear that men and boys can be victims of violence including serious sexual violence, but women and girls are disproportionately affected. Where men and boys are victims, they should be afforded the same level of service, safeguarding and investigation.

There is not a definitive list as there are many offences that could be classified as VAWG related depending on the circumstances. Examples would include domestic abuse offences committed against women and girls and many sexual offences including rape where women and girls are disproportionately offended against.

From a Home Office perspective, these offences could be considered VAWG related:

- All DA flagged offences, including domestic homicide
- All HBA flagged offences, including forced marriage and FGM
- All sexual offences
- Stalking
- Coercive and Controlling Behaviour
- Harassment (8L only)
- Threaten to/disclose private images (Revenge Porn)
- Up-skirting

We recognise there might be some other offences that are VAWG related but not captured by the above list, however, it is expected the above will capture the vast majority of relevant offences.

The list is likely to increase as further legislation is developed to protect women and girls from this epidemic of violence including sexual violence.

In relation to rape and high-risk DA cases, which are to be closed with an Outcome 15 or 16, the dedicated decision maker must be of the rank of police inspector or police staff equivalent or be part of an independent decision-making team working directly to the Force Crime Registrar Unit (see [Rape and High-risk DA – Closure requirements for Outcomes 15 and 16](#)).

Honour Based Abuse

There is no specific offence of 'honour-based' abuse.

'Honour-based' abuse is a crime or incident involving violence, threats of violence, intimidation, coercion, or abuse (including psychological, physical, sexual or emotional abuse), which has or may have been committed to protect or defend the honour of an individual, family, and/or community for alleged or perceived breaches of the family and/or community's code of behaviour.

Honour' can be the motivation, excuse, or justification behind a range of violent acts against women, girls, men and boys.

Please note this includes, but is not limited to, crimes of forced marriage and female genital mutilation (FGM). If a forced marriage or FGM offence is recorded this should always be marked with an HBA flag.

Additionally, honour-based abuse crimes could include:

- Attempted murder;
- Manslaughter;
- Procuring an abortion;
- Encouraging or assisting suicide;
- Conspiracy to murder;
- Conspiracy to commit a variety of assaults
- Controlling and Coercive Behaviour (which could include controlling finances)
- Stalking or Harassment
- Rape or Sexual Offences

Triggers

Trigger signs that may put a person at risk of HBA include:

- discovery of an intimate relationship [this can be online]
- talking/seen with the opposite gender
- females speaking freely with the opposite gender
- sexualised social media presence discovered
- sexual intercourse, inc sex with a partner before marriage
- choosing a partner of their own choice
- choosing a partner from a different community [by religion or ethnicity, nationality] or a partner from the same community, but from a different caste or tribe
- discovery of non-heterosexual sexual orientation [i.e. LGBTQ+]
- pregnancy outside of marriage
- separation or divorce

Warning signs and high risk indicators

- Signs a person is at risk of HBA include:
- fear of harm
- forced marriage
- deportation
- child abduction
- escalation of threats, violence
- restrictions imposed upon victim, such as being kept at home by parents/family members, constantly chaperoned or other coercive, controlling behaviours
- truancy/absence from school or college
- anxiety/depression
- self-harm/attempted suicide/assisted/encouraging suicide
- failing to conceive sons or giving birth to females only
- late disclosure of pregnancy/seeking medical help

Official

- being pressured into going abroad
- disclosures that a girl has been taken to a doctor to be examined to see if she is a virgin/disclosure of hymen repair surgery
- separation/divorce
- secret relationship

There are an array of reasons preventing the victim from reporting HBA, including fear of the authorities, fear of reprisals from their family or community or language/immigration status.

Victims may seem hostile or reluctant to engage and careful, sensitive communication will be required to build trust and confidence.

Further guidance can be found in the College of Policing, [Honour-based abuse – Advice for first responders](#).

Where an honour-based abuse crime is recorded, ensure that the honour-based abuse flag has been selected on the force crime recording system.

Homicide

Before recording any of the following offences, seek guidance either from the on-call Senior Detective Officer or the Force Crime Registrar.

- 1 Murder
- 2 Attempted Murder
- 4/1 Manslaughter
- 4/10 Corporate Manslaughter

Death or serious injury caused by unlawful driving

General Rule: Once crime for each victim killed or seriously injured.

A crime related incident should be registered and should remain so until the investigation confirms that the offence is made out. A crime should then be recorded under one of the following classifications:

- 4/4 Causing Death or Serious Injury by Dangerous Driving
- 4/6 Causing Death by Careless Driving under the Influence of Drink or Drugs
- 4/8 Causing Death or serious injury by Careless or Inconsiderate Driving
- 4/9 Causing Death or Serious Injury by Driving: Unlicensed, Disqualified or Uninsured Drivers
- 37/1 Causing Death by Aggravated Vehicle Taking

3B - Threats to kill

General Rule: One crime for each person to whom the threat is made.

- For an offence to be recorded, the offender's intent to cause the other to fear that it would be carried out must be present. A judgement needs to be made on the intent of the offender.
- Mere use of the word 'kill' is insufficient to record
- The circumstances of the offence and victim's report need to be considered.

If you do not believe that the criteria for recording threats to kill has been met, then instead consider recording Section 4 or 4a public order, or common assault if the incident happened within a dwelling.

If a threat to kill has been made during a telephone call, in a letter, email, text message or social media post then the crime is more likely to be malicious communications.

11A Cruelty to children/young persons

General Rule: One crime for each child/young person

Any person aged 16 years or above who has responsibility for any child or young person under that age, wilfully assaults, ill-treats (whether physically or otherwise), neglects, abandons, or exposes a child/young person, or causes or procures the child/young person to be subjected to the above, in a manner likely to cause them unnecessary suffering or injury to health (whether the suffering or injury is of a physical or a psychological nature), that person shall be guilty of an offence.

Examples of what may amount to neglect or cruelty:

- Assault
- Unexplained injuries
- Emotional cruelty
- Poor home conditions
- Soiled / limited clothing
- Lack of food in the house
- Malnourishment
- Exposure to domestic violence
- Exposure to drug abuse
- Failing to attend school
- Failing to attend medical appointments
- Leaving children unaccompanied

36 Kidnapping and false imprisonment

General Rule: One crime for each specific, intended victim.

Kidnapping

The common law offence of kidnapping is an attack on, and infringement of, the personal liberty of an individual. The crime contains four ingredients:

- the taking away of one person by another,
- by force or fraud,
- without the consent of the person so taken or carried away and
- without lawful excuse.

False Imprisonment

The common law offence of false imprisonment comprises unlawful detention, compulsion, restraint of personal liberty but is not committed merely by preventing someone from proceeding along a particular way. A parent may be guilty of false imprisonment of a child where the facts take the circumstances outside reasonable parental discipline.

Please note if an offence of kidnapping or false imprisonment involving a child has not been made out consideration should be given to recording Child Abduction (class 13).

36 Forced Marriage

A forced marriage is where one or both people do not or cannot consent to the marriage and pressure or abuse is used to force them into the marriage. It is also when anything is done to make someone marry before they turn 18, even if there is no pressure or abuse.

Forced marriage is illegal in the UK. It is a form of domestic abuse and a serious abuse of human rights. The pressure put on people to marry against their will may be:

- physical: for example, threats, physical violence or sexual violence
- emotional and psychological: for example, making someone feel like they are bringing 'shame' on their family

Financial abuse, for example taking someone's wages, may also be a factor. Further information can be found [here](#).

With effect from June 2023

Forced Marriage - The Marriage and Civil Partnership (Minimum Age) Act 2022

From 27 February 2023 the above act expanded the criminal offence of forced marriage in England and Wales to make it an offence in all circumstances to do anything intended to cause a child to marry before they turn 18. It is now an offence to cause a child under the age of 18 to enter a marriage in any circumstances, without the need to prove that a form of coercion was used.

Where Forced Marriage stems from concepts of family honour and the regulation of behaviour that may bring shame on the family, it may be viewed as a form of honour-based violence or abuse and also violence against women and girls (VAWG).

Where a crime of forced marriage is recorded, ensure that the honour-based abuse and domestic abuse flags have been selected on the force crime recording system.

5E Causing danger to road-users

A person is guilty of an offence of causing danger to road-users if they intentionally and without lawful authority or reasonable cause:

- (a) causes anything to be on or over a road, or
- (b) interferes with a motor vehicle, trailer or cycle, or
- (c) interferes (directly or indirectly) with traffic equipment, in such circumstances that it would be obvious to a reasonable person that to do so would be dangerous.

This would include where persons throw items into the road from over a bridge or whilst stood at the side of the road.

5E Sending or showing flashing images electronically

Section 183 On-line Safety Act 2023 creates two specific offences of sending or showing flashing images electronically to people with epilepsy intending to cause them harm.

“Harm” means a seizure, or alarm or distress.

Subsection (1) creates an offence of sending a communication by electronic means which consists of or includes flashing images, where one of two conditions set out in either subsection (2) or subsection (3) are met, without a reasonable excuse. The crime is completed where either condition 1 or condition 2 are met.

- Condition 1 - is that, at the time the communication is sent, it is reasonably foreseeable that an individual with epilepsy would be among the individuals who would view the communication, and the communication is sent with the intention that such an individual will suffer harm as a result of viewing the flashing images.

Condition 1 is intended to capture speculative messages sent to multiple people, for example on social media.

- Condition 2 - is that, when sending the communication, the person sending it believes that an individual whom the sender knows or suspects to be an individual with epilepsy will, or might, view it and intends that individual to suffer harm as a result of viewing the flashing images.

Condition 2 is intended to capture the more targeted sending of flashing images to an individual who the sender knows, or suspects, has epilepsy.

Viewing the communication includes viewing a subsequent communication, forwarding or sharing the content of the communication. The offence in subsection may therefore be committed by a person who forwards or shares the electronic communication, as well as by the person sending it.

Exemptions: An offence of sending flashing images electronically cannot be committed: by recognised news publishers; by those with licences under the Broadcasting Acts 1990 or 1996; by the holder of a multiplex licence; by the providers of on-demand programme services; or in connection with the showing to members of the public of a film that was made for cinema.

Subsection (8) creates an offence of showing another person flashing images by means of an electronic communications device. The offence is committed if a person shows an individual flashing images, for example on a mobile phone screen, when showing the images knows or suspects that the individual concerned is an individual with epilepsy, intends that that individual will suffer harm as a result of viewing them, and if the person has no reasonable excuse for showing the images.

5E Encouraging or assisting serious self-harm

Section 184 On-line Safety Act 2023 creates an offence of encouraging or assisting the serious self-harm of another person.

A person commits an offence if they do a relevant act capable of encouraging or assisting the serious self-harm of another person; and their act was intended to encourage or assist the serious self-harm of another person. The offence can be committed whether or not serious self-harm occurs.

This would also cover instances of threatening another person or otherwise putting pressure on another person to seriously self-harm.

An “act” of self-harm includes an omission. So, for example, a person who encourages another person not to eat, not to drink or not to take required prescription medication would be captured by the offence.

Serious self-harm means self-harm amounting to, in England and Wales and Northern Ireland, grievous bodily harm within the meaning of the Offences Against the Person Act 1861 and, in Scotland, severe injury; and includes successive acts of self-harm which cumulatively reach that threshold.

Means of communication is defined as:

- (a) communicates in person,
- (b) sends, transmits or publishes a communication by electronic means,
- (c) shows a person such a communication,
- (d) publishes material by any means other than electronic means,
- (e) sends, gives, shows or makes available to a person—
 - (i) material published as mentioned in paragraph (d), or
 - (ii) any form of correspondence, or
- (f) sends, gives or makes available to a person an item on which data is stored electronically

The person committing the offence need not know, or even be able to identify, the person or persons who receive the communication. So, a person who intends that a recipient or recipients of their communication will seriously harm themselves is guilty of an offence, even though he or she may never know the identity of those who receive the communication.

A person who arranges for someone else to do an act capable of encouraging or assisting the serious self-harm of another person will also be committing an offence if the other person does that act.

A person commits an offence even if the content of their communication or publication was not created by them. For example, the offence may be committed online where someone forwards another person’s direct message or shares another person’s post, and it will also be committed where a person publishes a physical document such as a pamphlet or booklet even if they did not write the material.

Exemptions: an internet service provider does not commit the offence merely for providing a means through which others can publish content that is capable of encouraging or assisting serious self-harm.

Assaults

General Rule: One crime for each victim.

5D Assault with intent to cause serious harm

Section 18 Assault – Wounding with intent to do grievous bodily harm

This level of assault likely results in serious harm to the victim. However, for crime recording purposes the intent of the offender must also be considered and can still be recorded for lower-level injuries if the intent to cause serious harm is evident. For example, if the offender uses a knife to stab the victim but only causes minor injuries, the intent is likely to have been to cause greater harm.

Definition – Legal: Wound or Grievous bodily harm (GBH)

To constitute a “wound” there must be “the breaking of the continuity of the whole of the outer skin, or the inner skin within the cheek or lip. It does not include the rupturing of internal blood vessels” (Archbold).

To constitute grievous bodily harm, really serious bodily harm must be caused. “Grievous” means no more and no less than “really serious”, and there is no distinction between the phrases “serious bodily harm” and “really serious bodily harm”.

Examples of what would usually amount to serious harm include:

- injury resulting in permanent disability or permanent loss of sensory function;
- injury which results in more than minor permanent, visible disfigurement; broken or displaced limbs or
- bones, including fractured skull;
- compound fractures, broken cheek bone, jaw, ribs, etc;
- injuries which cause substantial loss of blood, usually necessitating a transfusion;
- injuries resulting in lengthy treatment or incapacity;
- psychiatric injury. As with assault occasioning actual bodily harm, appropriate expert evidence is essential to prove the injury.

8N Assault with Injury

Section 20 Assault – malicious wounding – wounding or inflicting grievous bodily harm

This offence results in serious harm / grievous bodily harm to the victim but where the intention of the offender was not to cause such injuries. For example, if an offender punches the victim to the face and the victim then falls over and breaks their leg. The injury is serious, but the offender’s intention was merely to punch the victim.

Non-fatal strangulation and suffocation (Section 75(A) Serious Crime Act)

The offence will apply to any case where a person intentionally strangles or suffocates another person, including in cases of domestic abuse. The offence will also apply where strangulation or suffocation is committed abroad by a British national or by a person who is habitually resident in England or Wales, as if the offence had happened in England and Wales.

A person (“A”) commits an offence if:

- A intentionally strangles another person (“B”), or
- A does any other act to B that –
 - affects B’s ability to breathe, and
 - constitutes a battery of B.

Definition of strangulation

The legislation does not provide a definition of 'strangulation' or 'strangles'. The word should be given its ordinary meaning which is the obstruction or compression of blood vessels and/or airways by external pressure to the neck impeding normal breathing or circulation of the blood. This offence applies where strangulation is non-fatal and does not result in death of the victim.

Applying any form of pressure to the neck whether gently or with some force could obstruct or compress the airways or blood flow. Strangulation does not require a particular level of pressure or force within its ordinary meaning, and it does not require any injury.

The common methods of non-fatal strangulation are:

- manual – one or two hands held around the neck of a person
- chokehold or head lock – external pressure applied by an arm around the neck
- ligature – for example a scarf or belt tightened around the neck
- hanging
- pressure on the neck from a foot or knee

This list is not exhaustive.

Definition of suffocation

The legislation does not provide a definition of 'suffocation'. The word should be given its ordinary meaning which is to deprive a person of air which affects their normal breathing. This definition is wider than that of non-fatal strangulation which requires pressure to the neck.

Methods of non-fatal suffocation could include:

- putting a hand over the mouth and nose
- compressing the chest
- any other force or suppression applied to a person to cause a restriction of breath

The above list is not exhaustive: the legislation is widely drafted to include someone who 'does any other act'. Therefore, any action that causes a person to be deprived of air which affects their normal breathing could be considered to fall within the definition.

Further information can be found in the [CPS guidance on non-fatal strangulation and suffocation laws](#)

Section 47 assault – assault with injury occasioning actual bodily harm

This offence results in injuries to the victim which are not considered to be examples of "serious harm". This includes bruises, cuts, reddening to the skin, cut lip, broken nose (as a nose is cartilage and not bone), black eye and any lasting pain or soreness as a result of the assault. Where it has been determined that either the malicious wounding or assault occasioning actual bodily harm was racially or religiously aggravated, the crime should be recorded under 8P Racially or Religiously Aggravated Assault with Injury.

8N Administering poison with intent to injure or annoy (drink spiking)

This can be done in several ways, but the most common methods are drink spiking and needle spiking.

Before deciding on the appropriate classification, the intent of the suspect will need to be understood

Official

- If the suspect's intent is to injure or annoy, record one crime of 8/2 (administering substance with intent to injure or annoy) under class 8N Assault with Injury.
- If the suspect's intent is to endanger crime, record one crime of 5/2 (administering poison as to endanger life) under class 5E Endangering Life
- If the intentions of the suspect are sexual, record one crime of 88/5 (administering a substance with intent) under class 88C Other Miscellaneous Sexual Offences.
- If the intentions are unknown, record one crime of 8/2 (administering substance with intent to injure or annoy under class 8N Assault with Injury.

8N Owner or person in charge allowing dog to be dangerously out of control

It's against the law to let a dog be dangerously out of control anywhere, such as:

- in a public place
- in a private place, for example a neighbour's house or garden
- in the owner's home

A dog is considered dangerously out of control if it:

- injures a person
- injures an assistance dog

The law applies to all dogs.

8N Female Genital Mutilation

What is Female Genital Mutilation (FGM)?

FGM stems from concepts of chastity, family honour and the importance of marriage in societies where security and survival depend largely on making a good marriage. In some communities only a woman who has undergone FGM is deemed suitable for marriage as it demonstrates chastity and purity. As a result, mothers allow or actively require their daughters to undergo FGM as a way of protecting their future. These concepts are underpinned by beliefs regarding the position of women and girls within those cultures. FGM is not limited by social class or education. Further information can be found [here](#).

Where FGM stems from concepts of family honour and the regulation of behaviour that may bring shame on the family, it may be viewed as a form of honour-based violence or abuse and also violence against women and girls (VAWG).

Acts of FGM committed outside the UK may still amount to a crime in law to be recorded.

Extension of sections 1 to 3 to extra-territorial acts

4 (1) Sections 1 to 3 extend to any act done outside the United Kingdom by a United Kingdom national or United Kingdom resident.

4 (2) If an offence under this Act is committed outside the United Kingdom –

(a) proceedings may be taken, and

(b) the offence may for incidental purposes be treated as having been committed, in any place in England and Wales or Northern Ireland.

Recording Practice: FGM Reports

All regulated health and social care professionals and teachers in England and Wales are legally required to report 'known' cases of FGM in girls under 18 to the police. All reports made under this duty must be recorded as crimes without delay or waiting for further investigation (unless there is immediately available credible evidence to show that a crime has not occurred). This applies to all cases including those where it is suspected that the FGM occurred outside of England and Wales. This is an exception to the usual crime recording requirements for offences committed elsewhere. In the event it is determined the child in question has not suffered FGM the recorded crime can be cancelled on the authority of the Force Crime Registrar.

Where a crime of female genital mutilation is recorded, ensure that the honour-based abuse and domestic abuse flags (where appropriate) have been selected on the force crime recording system.

105A Assault without injury

Section 39 Assault / common assault – violence without injury

To record this offence the victim must have sustained no injuries, which includes bruises or reddening. They must also not have felt any lasting pain or soreness as a result of the assault. If so, the classification should be higher. Section 39 assault should also be recorded when someone reports that they have been verbally or physically threatened (amounting to fear of violence) in a private place, i.e. inside a dwelling. This would otherwise be recorded as a public order offence if happening in a public place. Other examples of common assault including spitting and throwing items at the victim.

Where it has been determined that the assault was racially or religiously aggravated, the crime should be recorded under 105B Racially or Religiously Aggravated Assault without Injury.

Assaults on emergency workers or constables

The same legal definitions and recording practices apply as those already outlined, however where an emergency worker (outlined below) is assaulted whilst in the execution of their duty, the crime should be recorded under the appropriate offence classification:

- 8T Assault with Injury on an Emergency Worker (other than a constable)
- 105A Assault or assault by beating on an emergency worker (other than a constable)

Where a police officer has been assaulted the crime should be recorded under the appropriate offence classification:

- 8S Assault with Injury on a Constable
- 104 Assault without Injury on a Constable

Assaults on Emergency Workers (Offences) Act 2018 - meaning of ['emergency workers'](#)

Counter allegations

When assaults are alleged to have taken place, these should be recorded in accordance with the NCRS. Often, however, offenders claim that they were acting in self-defence and make counter allegations.

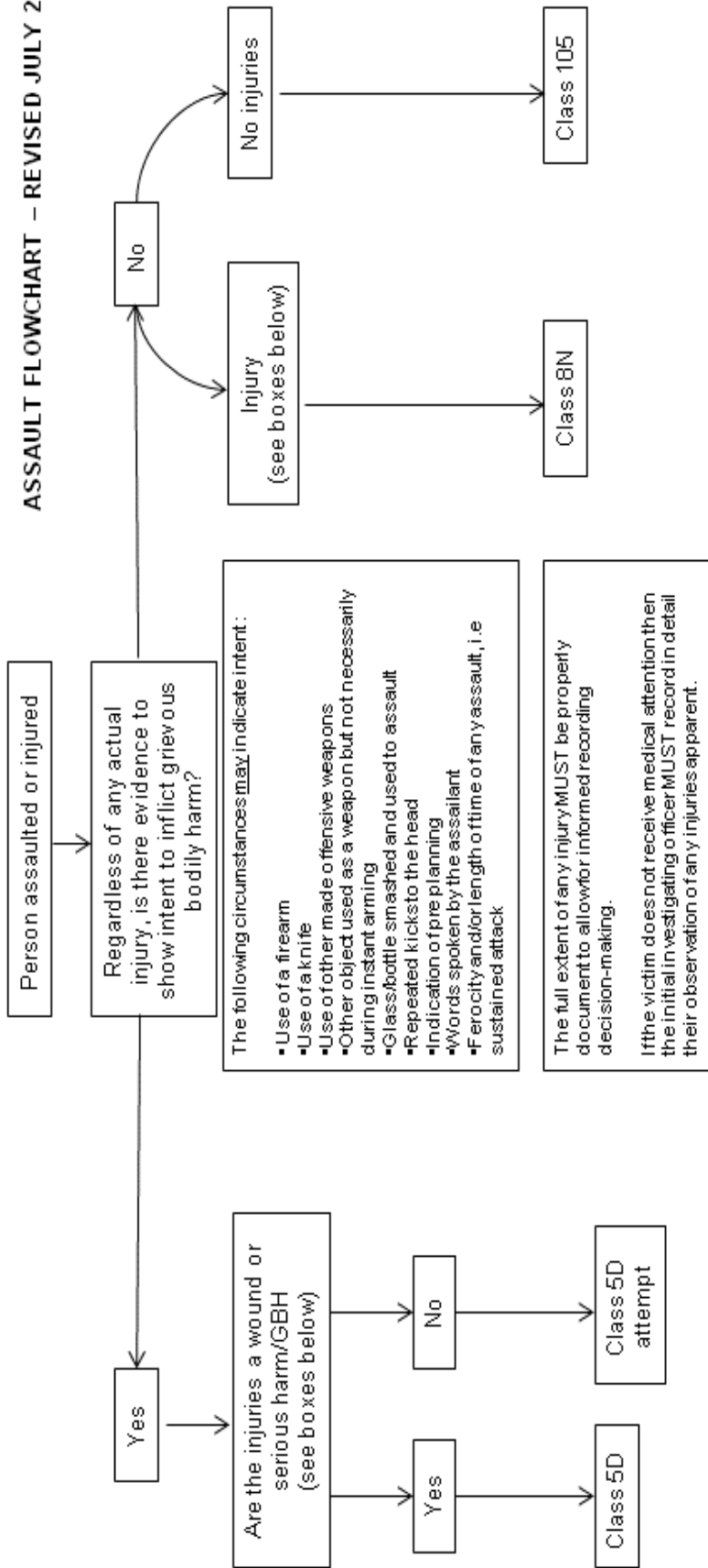
Great care should be taken before routinely recording such allegations as crime. For example, when the offender in a case of GBH or ABH makes a counter allegation of assault this should only be recorded as such if on the balance of probability, the offence took place (in accordance with the NCRS).

Official

The absence of any evidence such as personal injury or independent witnesses may show that the allegation is false, and care should be taken before recording as a crime. Each case should be treated on its own merits. It should be noted that any decision not to record such counter allegations as a crime should be recorded for disclosure purposes.

Assault Flowchart

ASSAULT FLOWCHART – REVISED JULY 2012



ASSAULT WITHOUT INJURY
 Sec 39 Common Assault (Class 105)

Slap, punch or other attack that leaves no visible mark or injury and does not cause more than a passing moment of pain, e.g a minor sting.

NB The offence of common assault can occur even if there is no physical contact.

OTHER INJURY
 Sec 47 ABH (Class 8N)

- Grazes
- Scratches i.e cut not breaking all layers of skin
- Bruising
- Reddening of the skin
- Swelling
- Black eye
- Simple broken nose
- Shock – appropriate expert evidence required
- Loss of broken teeth
- Broken finger or toe where there are no complications and no intent to inflict more serious harm
- Non-visible injury, causing more than a passing moment of pain or discomfort, which has an adverse impact on the victim

WOUND
 Sec 20 Wound (Class 8N)
 Sec 18 (Class 5D)

To constitute a wound there must be "the breaking of the continuity of the whole or the outer skin, or the inner skin within the cheek or lip. It does not include the rupturing of internal blood vessels" (Archbold)

SERIOUS HARM/GBH
 Sec 20 GBH without intent (Class 8N)
 Sec 18: GBH with intent (Class 5D)

- Injury resulting in permanent disability or permanent loss of sensory function
- Injury that results in more than a minor permanent, visible disfigurement, broken or displaced limbs or bones, including fractured skull
- Compound fractures, broken cheek bone, jaw ribs etc
- Injuries which cause substantial loss of blood, usually necessitating a transfusion
- Injuries resulting in lengthy treatment or incapacity
- Psychiatric injury. As with assault occasioning actual bodily harm, appropriate expert evidence is essential to prove the injury

106 Modern Slavery

Modern Slavery is defined as the exploitation of an individual by others for personal or commercial gain. Whether tricked, coerced or forced; they lose their freedom. This includes but is not limited to human trafficking, forced labour (including prostitution) and debt bondage.

General Rule: One crime for each person subjected to modern slavery.

1. All referrals made by the police into the National Referral Mechanism (NRM) (including all cases where a Duty to Notify submission is made) must be subject of a recorded crime of Modern Slavery (class 106), unless it is determined that all Modern Slavery criminality occurred outside England and Wales in which case an N200/04 must be recorded.
2. Where police receive a positive reasonable grounds decision from the NRM, a crime of Modern Slavery (class 106) must be recorded.

Where the referral from the NRM has either:

- A reasonable grounds decision pending or,
- a negative reasonable grounds decision or,
- is a Duty to Notify referral (not submitted by the police) only or,
- has all MS criminality entirely outside of England and Wales.

Then an N200 Reported Incident of Modern Slavery must be recorded, unless the FCR considers it appropriate or necessary to record a crime.

Modern Slavery in all cases should be recorded in addition to the most serious additional victim-based offence involving the same victim-offender relationship.

N200 Reported Incident of Modern Slavery

General Rule: One record for each NRM referral received.

NRM referral by the Competent Authority

Where the force receives an NRM referral from the competent Authority, it will initially be recorded under classification N200/01 on the force crime system pending the receipt of the reasonable grounds decision.

Once the reasonable grounds decision is received, the incident must be reclassified against one of the listed specific codes below.

106 Modern Slavery – Positive reasonable grounds (inside England and Wales)

N200/02 – reported incident – NRM referral negative reasonable grounds decision

N200/03 – reported incident – NRM referral - Duty to notify only

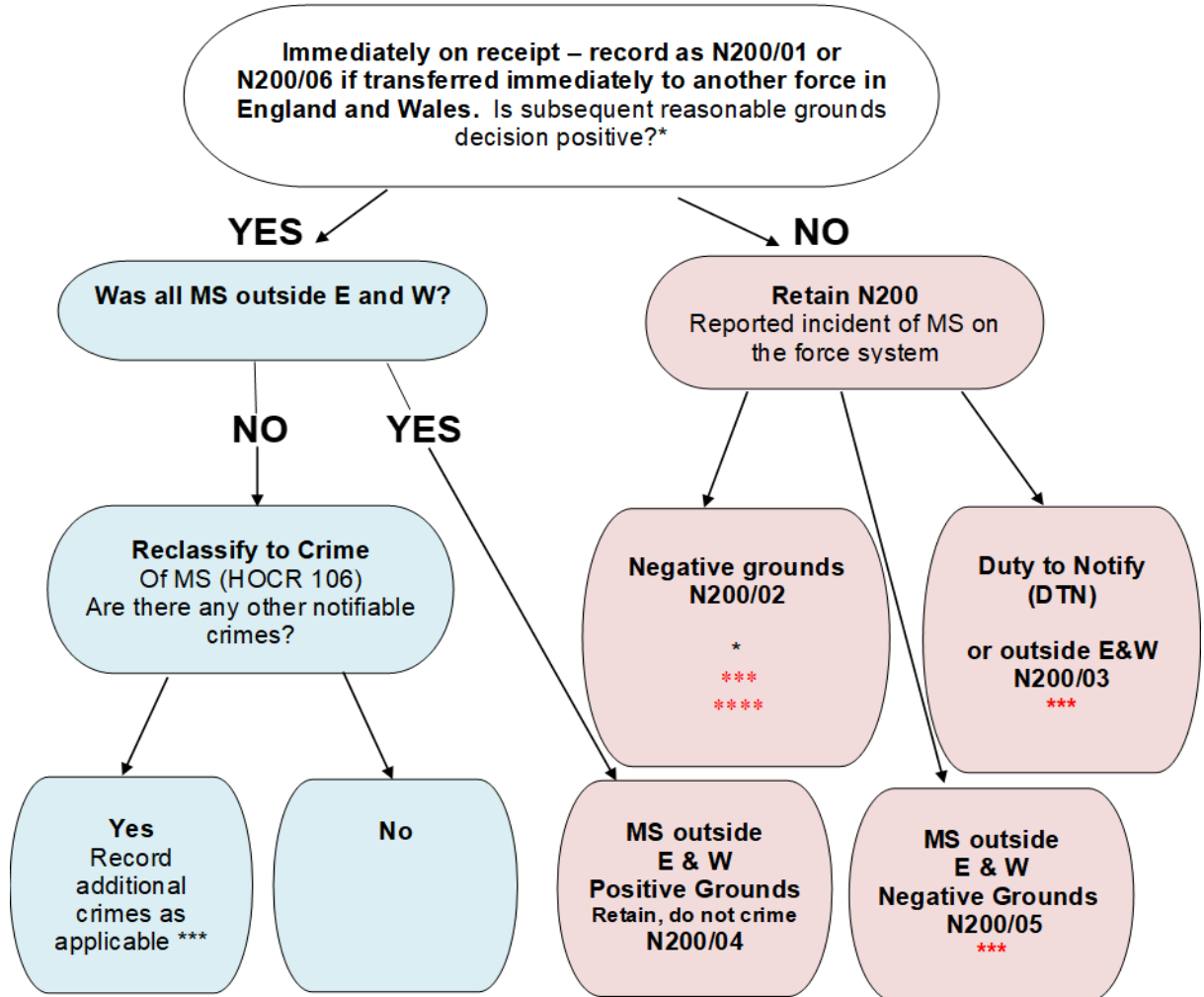
N200/04 – reported incident – NRM referral – Positive reasonable Grounds/Police Referral – Outside England and Wales

N200/05 – reported incident – NRM referral – Negative reasonable Grounds – Outside England/Wales

N200/06 – reported incident – NRM referral – transferred to another force in England and Wales

Referrals made by police into the NRM

All referrals made by the police into the NRM (including Duty to Notify submissions) and/or incidents where victims report to police direct must be subject of a recorded crime of Modern Slavery (class 106) unless it is determined that all Modern Slavery criminality occurred outside England and Wales in which case an N200/04 must be recorded.



* Subsequent withdrawal from the NRM does not provide a reason to cancel a crime.

** Police submitted DTNs must be subject of a recorded crime (unless it is determined that any criminality occurred outside England/Wales – in which case an N200/04 must be recorded).

*** Any additional notifiable crimes within England and Wales must be recorded in accordance with NCRS/HOCR.

****A negative Conclusive Grounds decision made in relation to a submission to the National Referral Mechanism (NRM) may be classed as AVI for the purpose of cancelling a crime recorded after 1 April 2020.

Principal Crime

Modern Slavery in all cases should be recorded in addition to the most serious additional victim-based offence involving the same victim-offender relationship. Such offences may include assaults, exploitation of prostitution or child abuse etc.

24 Exploitation of prostitution

General Rule: One crime for each prostitute exploited.

Offences under this classification include:

- Causing or inciting prostitution for gain
- Controlling prostitution for gain
- Keeping a brothel used for prostitution (one crime should be recorded for each offender or group of offenders)

27 Soliciting for prostitution

General Rule: One crime for each offender.

Whilst prostitution per se is not a notifiable offence, the solicitation of prostitution is.

Offences under this classification include:

- Soliciting another for the purpose of obtaining their sexual services as a prostitute in a street or public place
- Paying or promising to pay a person to provide sexual services, where that person is subject to exploitative conduct to induce or encourage them to provide those services

Points to consider

Class 24 Exploitation of Prostitution and class 27 Soliciting for Prostitution are closely aligned with Modern Slavery. When dealing with cases of Modern Slavery, consideration should be given if there is any evidence of the offences outlined above.

Conduct Crime

Conduct crime is defined as those offences where there has been a course of conduct i.e. Stalking, Harassment and Controlling or Coercive Behaviour.

Harassment, Stalking and Controlling or Coercive Behaviour

Harassment

Harassment is behaviour intended to cause a person alarm or distress. The behaviour must occur on more than one occasion, but it does not have to be the same kind of behaviour on each occasion. It addresses series of incidents that do not amount to the commission of a substantive offence per se, but when looked at as a course of conduct are likely to cause fear, alarm or distress.

Harassment may include:

- bullying at school or in the workplace
- cyber stalking (using the internet to harass someone)
- antisocial behaviour
- sending abusive text messages
- sending unwanted gifts
- unwanted phone calls, letters, emails or visits

Harassment involving putting people in fear of violence is a more serious offence. It involves two or more harassment incidents that leave the victim fearing that violence will be used against them.

With effect from June 2023

Stalking

Stalking is like harassment, but it's more aggressive. The stalker will be obsessed with the person they're targeting. Stalking involves persistently following someone. It does not necessarily mean following them in person and can include watching, spying, or forcing contact with the victim through any means, including through social media.

Stalking involving fear of violence or serious alarm or distress is a more serious offence. It involves two or more occasions that have caused the victim to fear that violence will be used against them or the actions of the offender have had a substantial adverse effect on the day-to-day activities of the victim, even where the fear is not explicitly of violence. Evidence that the stalking has caused this level of fear could include the following behaviour:

Stalking may include:

- following the victim
- repeatedly going uninvited to the victim's home
- checking the victim's internet use, email or other electronic communication
- hanging around somewhere they know the victim often visits
- interfering with the victim's property
- watching or spying on the victim
- identity theft (signing-up to services, buying things in the victim's name)

It's stalking if the unwanted behaviour has happened more than once.

The four warning signs of stalking

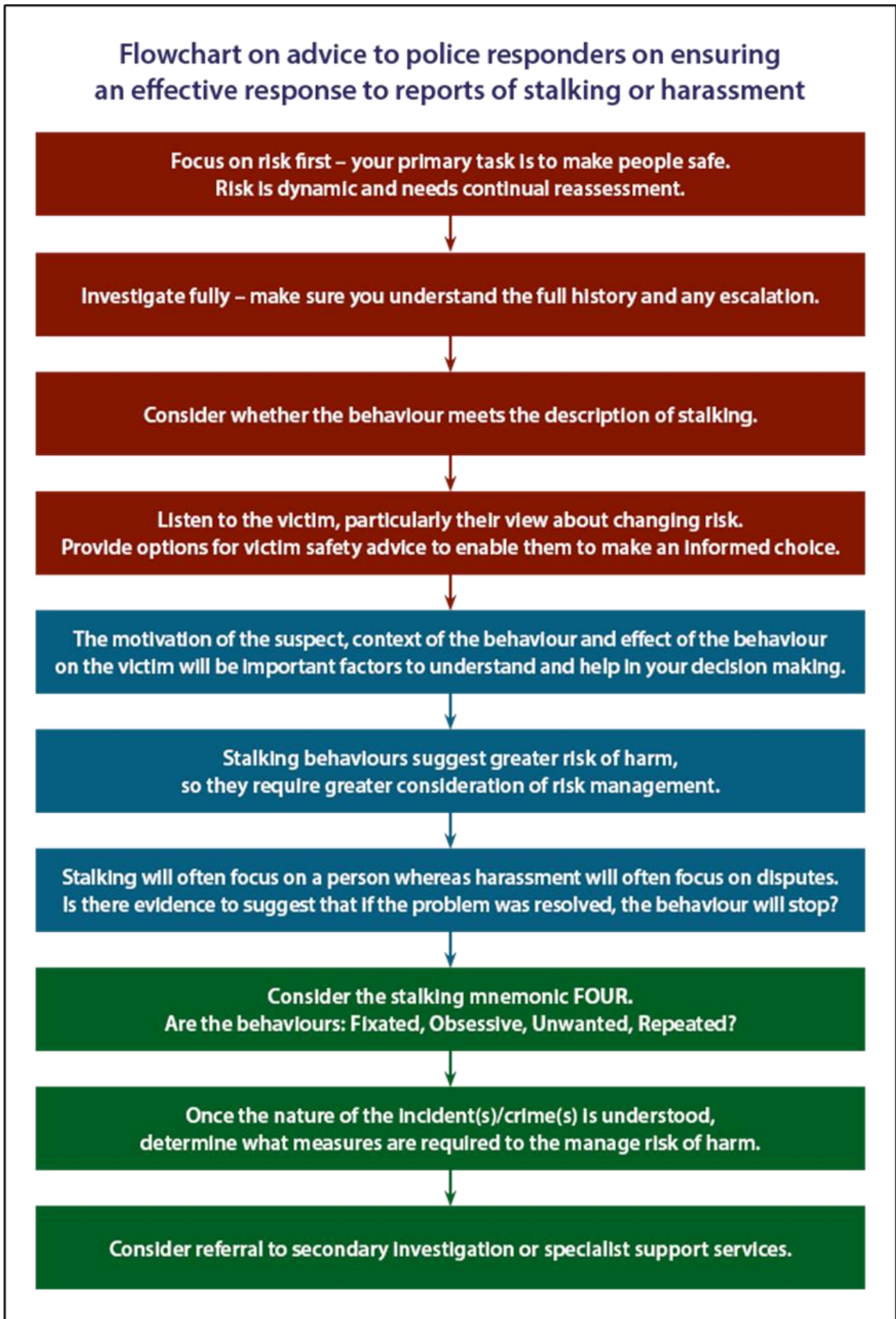
The use of the acronym FOUR is helpful in differentiating between these closely linked offences. Advice from the College of Policing assists in explaining the key differences

https://library.college.police.uk/docs/appref/Stalking_or_harassment_guidance_200519.pdf



For both harassment and stalking, the offence is more serious if it is racially or religiously motivated, that is carried out because of someone's racial or ethnic origin or their religion or lack of religion.

Flow chart – Response to reports of stalking or harassment



Controlling or Coercive Behaviour

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: a continuing act or a pattern of acts of assault, threats humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Examples of controlling or coercive behaviour

These may include:

- constant criticism
- humiliation
- jealous or possessive behaviour, for example, frequent phone calls to check where the victim is and what they are doing, or checking activity on the victim's phone or social networking accounts
- controlling family finances and withholding money from the victim
- isolating the victim by not allowing them to visit friends and family
- restricting a victim's movements, for example, confining them to a room
- dictating what a victim wears or how they do their hair
- dictating a victim's routine or schedule, for example, timing school runs or shopping trips
- preventing the victim from working outside the home or monitoring them at work
- restricting access to communications, for example, phone or computer
- manipulating the police, for example, scene-setting or getting into character before they arrive, reinforcing the victim's fear that they will not be believed

Section 76 SCA 2015 provides that an offence is committed by a suspect ("A") against a victim ("B") if:

- A repeatedly or continuously engages in behaviour towards another person, B, that is controlling or coercive
- at the time of the behaviour, A and B are personally connected*
- the behaviour has a serious effect on B, and
- A knows or ought to know that the behaviour will have a serious effect on B

*Personally connected

A suspect and victim are personally connected if

- they are, or have been, married to each other
- they are, or have been, civil partners of each other
- they have agreed to marry one another (whether or not the agreement has been terminated)
- they have entered into a civil partnership agreement (whether or not the agreement has been terminated)
- they are, or have been, in an intimate personal relationship with each other
- they each have, or there has been a time when they each have had, a parental relationship in relation to the same child, or
- they are relatives
- "Intimate personal relationship" is not defined in statute. Therefore, the ordinary dictionary meaning of the words should be adopted. While many intimate personal relationships will involve a sexual relationship this is not a requirement. It can also include relationships where some other form of personal or emotional intimacy exists, for example if the victim and suspect are dating, or share a bed. The key question is intimacy: the victim and suspect do not have to cohabit nor have a particular form of relationship.

The offence targets persistent patterns of abuse that occur over time in order for an individual to exert power, control or coercion over another.

With effect from June 2023

The offence would not apply where:

- the victim and the perpetrator were not “personally connected” at the time the behaviour
- occurred. In such circumstances it should be considered whether a course of conduct can be evidenced with a view to bringing charges under existing stalking and harassment legislation;
- the behaviour in question is perpetrated against a child under 16 by someone aged 16 or over who has responsibility for that child (see subsection (3)). This is because the
- criminal law, in particular the child cruelty/ neglect offence in section 1 of the Children and Young Persons Act 1933 as amended by section 66 of the 2015 Act, already covers such behaviour;
- the behaviour is not taking place repeatedly or continuously, for example, it was truly one off behaviour;
- the behaviour does not have a “serious effect” on the victim as defined by the law.

This is not an exhaustive list.

Please see the [Controlling or Coercive Behaviour: statutory guidance framework](#) for further information.

Recording Conduct Crimes

General Rule: One crime for each specific intended victim

Principal Crime for Stalking (Classification 8Q), Harassment (Classification 8L), Controlling or Coercive Behaviour (Classification 8U)

Where a conduct crime has been disclosed by a victim at the same time as other crimes committed by the same offender, in most cases the principal crime should be the conduct crime.

Application of this rule does not mean that the other crimes should be forgotten. There is still an expectation that all crimes will be documented within the crime record and investigated fully.

In cases where the conduct crime is not recorded as the principal crime, any subsequent referral of the case to CPS must include a clear reference to the fact that a conduct crime has been disclosed.

Where there is a course of conduct amounting to either stalking, harassment or controlling or coercive behaviour reported by a victim, then in most cases the relevant course of conduct crime should be recorded as the principal crime. Generally, this will be in preference to other more serious notifiable crimes reported at the same time and committed by the same offender.

Where there is a course of conduct that involves a combination of 8Q Stalking, 8L Harassment or 8U Control and Coercive Behaviour offences between the same victim and offender then only the most serious conduct offence needs to be recorded.

All cases where a course of conduct is reported between a victim and their former partner (except where one or both parties is aged under 16) must be recorded as stalking unless the FCR is satisfied that the matter amounts to harassment in law only. In cases where one or both parties is aged under 16 years additional consideration should be applied during the crime recording decision making process to establish if the matter amounts to stalking rather than harassment.

Official

The principal crime rules below for conduct crimes are listed in order of gravity and it is only when a rule cannot be achieved that the next one will apply:

1st - 8M Racially or Religiously Aggravated Harassment - Sec 32 (1b) Crime & Disorder Act 1988

8/58 Racially or religiously aggravated harassment or stalking with fear of violence (14 yrs.)

This will be the principal crime over all;

- 8Q Stalking,
- 8U Controlling or Coercive Behaviour and
- 8L Harassment offences

Where more than one type of crime has been reported, 8M (class 8/58), will be the principal crime over all offences up to and including 8N Assault with Injury or any sexual offences where sentencing is under 14 years.

NB. Any notifiable breach offences should be recorded in addition to any course of conduct offence.

2nd - 8Q Stalking and 8L Harassment Sec 4 & 4A Protection from Harassment Act 1997 Offences

8/65 Stalking involving fear of violence (10yrs)

8/66 Stalking involving serious alarm/distress (10yrs)

8/30 Harassment involving fear of violence (10 yrs).

This will be the principal crime over all;

- 8U Controlling or Coercive Behaviour and
- 8L Harassment offences (with the exception of class 8L Harassment class 8/30).

Where more than one type of crime has been reported, the above 8Q Stalking offences or 8L Harassment class 8/30 will be the principal crime over all offences up to and including 8N Assault with Injury or any sexual offences where sentencing is 10 years or under.

NB. Any notifiable breach offences should be recorded in addition to any course of conduct offence.

3rd – 8U Controlling or Coercive Behaviour

8/67 Engage in controlling/ coercive behaviour in an intimate/family relationship (5yrs)

This will be the principal crime over all;

- 8L Harassment offences (with the exception of class 8/30) and
- 8M Racially or Religiously aggravated harassment/stalking offences (with the exception of class 8/58).

Where more than one type of crime has been reported, 8U will be the principal crime over all offences up to and including 8N or any sexual offences where sentencing is 10 years or under.

NB. Any notifiable breach offences should be recorded in addition to any course of conduct offence.

4th – 8M Racially or Religiously Aggravated Harassment – Sec 32 (1a) Crime & Disorder Act 1988

8/56 Racially or religiously aggravated harassment or stalking without violence (2yrs)

This will be the principal crime over all;

- 8L Harassment offences (with the exception of class 8/30).

Where more than one type of crime has been reported, 8M Racially or Religiously aggravated harassment/stalking 8/56 will be the principal crime over all offences up to and including 8N Assault with Injury (with the exception of class 8/01) or any offence where sentencing is under 5 years.

NB. Any notifiable breach offences should be recorded in addition to any course of conduct offence.

5th – 8Q Stalking and 8L Harassment Sec 2 and 2A Protection from Harassment Act 1997

195/12 – Pursue course of conduct in breach of Sec 1 (1) which amounts to stalking.

195/94 – Harassment

These will be the principal crime over the following offences:

- Theft offences
- Damage offences (other than endangering life)
- Public Order Offences
- Assault without Injury Offences
- Assault Occasioning Actual Bodily Harm (5yrs)
- All other 8N Assault with Injury classifications (Other than 8N Class 8/01 and 08/77)
- Malicious Communications Offences (other than threatening messages 8R HO Class 005/28)

NB. Any notifiable breach offences should be recorded in addition to any course of conduct offence.

Note that 8L Harassment is a summary only crime where the statute of limitations on investigation applies and officers should be cognisant of this fact and ensure investigations are progressed promptly. Should the investigation extend beyond the statute of limitations there is still a requirement to investigate other triable either way or indictable only crimes disclosed at the time of recording.

For all offences not listed above, where more than one offence has been reported and it is unclear which should be recorded then it should be referred to the FCR (or their delegated authority) to make the final classification decision. This should be based on victim's account and investigation details and appropriate rationale should be provided to support the decision making. Once the FCR has determined the classification then that decision should not be subject to failure in any audit or inspection unless it is apparent that the decision is so irrational or perverse as to be unsustainable or has been made under some undue pressure from elsewhere.

Finished incident rule for conduct crime

The normal finished incident rule will apply in so much as once a course of conduct crime has been recorded any future offending by the same offender against the victim (other than 8L harassment, 8Q stalking or 8U controlling or coercive behaviour) will result in a new crime recording decision and process.

The only exception to this will be where the future offending amounts to a crime of Malicious Communications (HO CR Class 8/72 Sending letters etc with intent to cause distress or anxiety, or HO CR Class 138/52 False Communication only) and it is clear that the new crime is a continuation of the conduct crime already recorded. Any further Malicious Communications (HO CR Class 8/72 or HO CR 138/52) received should be included in the original recorded crime unless a period of 3 months has passed from the last recorded incident when a new CRDMP should be undertaken.

If the future offending by the same offender against the victim amounts to a continuation of the 8Q Stalking, 8U Controlling or Coercive Behaviour or 8L Harassment, the continuation of the conduct should be added on to the crime already recorded, unless police have in some way dealt with the offender i.e. by means of charge, summons caution etc., or unless a period of 3 months has passed from the last recorded incident when a new CRDMP should be undertaken

NB: the above paragraph relates to the recording of a new behaviour crime only i.e., Stalking/Controlling or Coercive behaviour/Harassment.

If the future offending amounts to a notifiable offence for example, Section 47 Assault, Criminal, Damage, Theft etc. these must be recorded additionally, in line with the normal finished incident rule, and the circumstances of that offence should be added to the already recorded behaviour crime.

Where future offending takes place following a course of conduct crime being recorded, there is an expectation that the circumstances are reviewed to determine whether the crime needs to be reclassified to a higher classification i.e Section 2 Stalking/Harassment may need to be reclassified to a Section 4 Stalking/Harassment if the circumstances have escalated.

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 the [Principal Crime Rule](#) 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.**

8R Malicious communications

General Rule: One crime for each recipient of the communications.

Where the communication:

- a) forms part of a course of conduct by the offender(s) against a victim then the principal crime rule for conduct crimes applies and there is no requirement to record the malicious communication crime but the relevant conduct crime must be recorded.

(See exception to [finished incident rule for conduct crime](#) re continued offending).

- b) conveys a threat of death or serious harm the crime recording decision maker must consider if the person intended that the recipient would fear that the threat would be carried out (whether or not by the person sending the message) or was reckless as to whether the person threatened would fear that the threat would be carried out. "Serious harm" means serious injury within the meaning of the Offences against the Person Act 1861, rape, assault by penetration within the meaning of sec 2 of the Sexual Offences against the Person Act 1861, or serious financial loss.

Official

- c) is indecent then this should be judged on what the 'average person in the street' would consider to be indecent.
- d) is false the crime recording decision maker must be sure that the offender knew or believed that the content of the communication is false and at the time of sending it intended to cause non trivial psychological or physical harm to a likely audience (i.e someone who could reasonably be foreseen to encounter the message) and they had no reasonable excuse for sending it.
- e) is grossly offensive then this should be judged on what the 'average person in the street' would consider to be grossly offensive.
- f) is one that forms part of an online engagement, chat or discussion the crime recording decision maker must consider whether the communication is sent in order to cause distress or anxiety.

The crime recording decision maker must consider whether the communication may be an expression which would be considered to be freedom of speech. Whilst it may be unacceptable to be rude or offensive it is not unlawful – unless the communication is 'grossly offensive'.

In practice the crime decision maker should start with a belief in what the victim says. The key decision point though will be deciding whether the communication is a crime in law on the balance of probabilities.

There is no definition of what the 'average person in the street' means and this will be a common-sense test for decision makers.

Freedom of speech is enshrined within our society and whilst some people may find communications rude, impolite or offensive, they may not necessarily be unlawful. In arriving at a decision to not record a crime then the rationale must be fully documented, and the person reporting must be told that no crime will be recorded.

Principle Crime in conduct crimes cases are highlighted in yellow on the following table. This is designed to provide a comparison with the most common crime types likely to be reported at the same time as a conduct crime.

Send letters etc with intent to cause distress or anxiety

Section 1(a) Malicious Communications Act 1988 creates a criminal offence of sending letters etc with intent to cause distress or anxiety.

A person is guilty of an offence if they:

- Send a letter, electronic communication or article of any description which is a message which is indecent or grossly offensive
- If the purpose, or one of its purposes was to cause distress or anxiety to the recipient or to any other person to whom they intended that it or its contents or nature should be communicated

Send False Communication with intent to cause serious harm

Section 179 On-line Safety Act 2023 creates a criminal offence for the sending of false communications that meet the threshold of the offence.

A person is guilty of the offence if, without reasonable excuse, they:

- send a message conveying information that they know to be false, and
- at the time of sending it they intend the message to cause non-trivial psychological or physical harm to a likely audience - i.e. someone who could reasonably be foreseen to encounter the message or its content.

For the purposes of this offence an individual is a “likely audience” of a message if, at the time the message is sent, it is reasonably foreseeable that the individual—

- a) would encounter the message, or
- b) in the online context, would encounter a subsequent message forwarding or sharing the content of the message.

This offence replaces the offence in section 1(a)(iii) of the Malicious Communications Act 1988 and (for England and Wales and Northern Ireland) the offence in section 127(2)(a) and (b) of the Communications Act 2003. The relevant repeals are made by section 189 of the Act.

Send Communication threatening death or serious harm

Section 181 On-line Safety Act 2023 creates a criminal offence for the sending of threatening communications that meet the threshold in the offence. A person is guilty of this offence if they send a message conveying a threat of death, serious injury, rape, assault by penetration, or serious financial loss, and intends that (or is reckless as to whether) someone encountering the message will fear the threat will be carried out.

Serious harm means:

- a) Serious injury amounting to grievous bodily harm within the meaning of the Offences against the Person Act 1861
- b) Rape,
- c) Assault by penetration within the meaning of Section 2 of the Sexual Offences Act 2003
- d) Serious financial loss

In proceedings for an offence under this section relating to a threat of serious financial loss, it is a defence for the person to show that—

- a) the threat was used to reinforce a reasonable demand, and
- b) the person reasonably believed that the use of the threat was a proper means of reinforcing the demand.

What if the threats do not meet the threshold?

Where the threats do not meet the threshold of the Act, other offences should be considered where appropriate, such as Section 4 Public Order Act, Blackmail and where a message has been sent on more than one occasion then the relevant conduct crime should be recorded.

Threatening Communication vs Threat to Kill

Threats to Kill - A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years.

- The threat can be made in person or online
- Must intend that the other would fear that the threat would be carried out
- Can be directed towards the victim or any other person

Threatening Communication (Threat of death) – A person who sends a message conveying a threat of death, and intends that (or is reckless as to whether) someone encountering the message will fear the threat will be carried out, is guilty of the offence.

- Must be a message:
 - (a) sends, transmits or publishes a communication (including an oral communication) by electronic means, or
 - (b) sends, or gives to an individual, a letter or a thing of any other description, and references to a message are to be read accordingly.

- A person also “sends a message” if the person—
 - (a) causes a communication (including an oral communication) to be sent, transmitted or published by electronic means, or
 - (b) causes a letter or a thing of any other description to be—
 - (i) sent, or
 - (ii) given to an individual.
- Must intend someone encountering the message will fear the threat will be carried out OR,
- Is reckless if someone encountering the message will fear the threat will be carried out

Note: There may be some cases where either crime could be considered and given the difference in sentencing it may be appropriate to consider the severity of the allegation before deciding on the classification of the crime.

Breaches

General Rule: One crime for per offender.

Recordable breaches are state-based offences, so need to be recorded together with the most serious notifiable offence reported at the same time.

The main recordable breaches relate to breaches of the following Orders as outlined below:

- Restraining Order (8L):
- Protection from Harassment Order (8L):
- Stalking Order (8Q):
- Non-Molestation Order (66):
- Criminal Behaviour Order (66):
- Sex Offender Notification Order (66):
- Sexual Harm Prevention Order (66).

However, not all Breaches are notifiable offences as outlined below:

- Generic ‘Breach of Court Order’ when none of the above apply (often related to child access)
- Breach of Bail
- Breach of Domestic Violence Protection Notice
- Breach of Domestic Violence Protection Order
- Breach of Prison Licence

83 Bail Offences

General Rule: Once crime for each offender or group of offenders.

Breach of bail is not a notifiable offence. The only offences notifiable under Class 83 Bail Offences are:

- Agreeing to indemnify sureties in criminal proceedings
- Acknowledging bail in false name
- Disclose information acquired in employment at directly managed secure college relating to detainee

- Disclose information acquired in employment at contracted out secure college relating to detainee
- Offence of pre-charge bail conditions relating to travel

Sexual Offences

Rape

General rule: One crime for each person who has penetrated the victim.

Rape Legal Definitions – Sexual Offences Act 2003 Sec 1

1 (1) "A person 'A' commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person 'B' with his penis, (b) 'B' does not consent to the penetration, and (c) 'A' does not reasonably believe that 'B' consents."

Rape of a Child Under 13 – Sec 5

"A person commits an offence if (a) he intentionally penetrates the vagina, anus or mouth of another person with his penis, and (b) the other person is under 13."

Note: A willing participant is not required for this offence if the boy or girl is under 13 years of age.

Attempted Rapes: Every allegation of attempted rape should be viewed on its own merits to determine if the act is 'more than merely preparatory.'

Rape Crime Classifications

19C	Rape of a female aged 16 and over	19F	Rape of a male aged 16 and over
19D	Rape of a female child under 16	19G	Rape of a male child under 16
19E	Rape of a female child under 13	19H	Rape of a male child under 13
19J	Rape of a female – multiple undefined offenders	19K	Rape of a male – multiple undefined offenders

Rape and sexual assault referrals

Reports of rape via Sexual Assault Referral Centres (SARC): 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 SARC 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).

Rape – 19J/19K Multiple undefined offenders

“Undefined Offender” is only to be used in circumstances where the victim (or person representing the victim) cannot identify individual multiple offenders as being different or distinct.

There is no expectation that the victim needs to be able to provide extensive descriptions for separate offenders only that there is sufficient supporting information for the recording person to be satisfied that on the balance of probability a distinct offender is identified. If the victim is able to provide a number of offenders with a rationale as to why but with no further description, then the belief of the victim will usually be sufficient, and the relevant number of crimes recorded.

Where a victim can provide sufficient information on some offenders but not others then the appropriate number of identified offender crimes should be recorded under classifications 19C-19H as well as a single additional 19J or 19K classification.

There is an expectation that if after the initial report further information comes to light where the number of defined offenders is increased then further crimes should be recorded as appropriate.

Consent

Where the issue is over consent, the NCRS victim focussed approach should be taken and a rape offence should be recorded.

Consent is defined by [Section 74 Sexual Offences Act 2003](#)

Rape and modern slavery

Where rape has taken place in circumstances which would amount to Modern Slavery the exceptions to the [Finished Incident Rule](#) would apply, whereby 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. For further clarification, contact the Force Crime Registrar.

N100 Reported Incident of Rape

General rule: One record for each reported victim offender relationship.

All reported incidents of rape or attempted rapes, whether from victims, witnesses or third parties which are not immediately recorded as a confirmed crime (or attempted rape) must be recorded under this classification at the time the report is initially made to the relevant force.

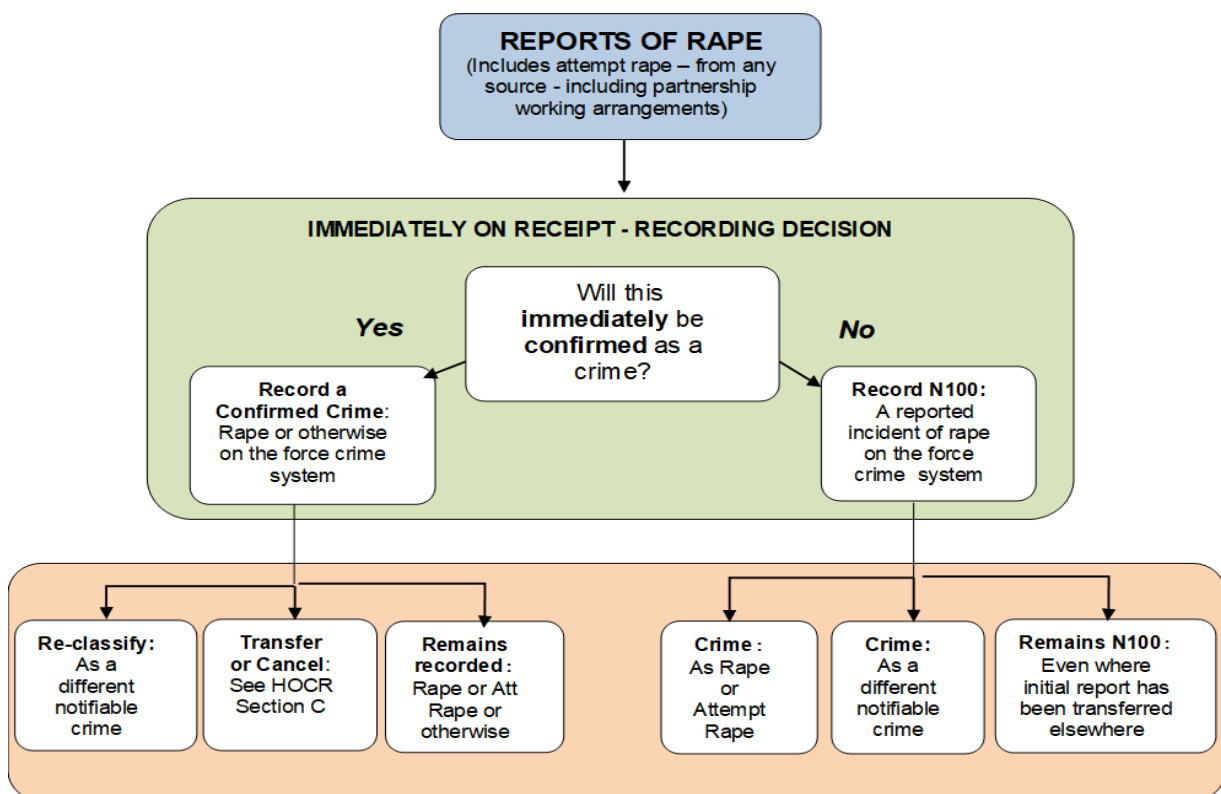
The expectation is that once a reported incident of rape is confirmed to be a notifiable crime it will be reclassified as such at the earliest opportunity and without any delay. There should be no delay for any investigation to occur beyond establishing the circumstance of the incident to inform the NCRS crime recording decision.

If on speaking with the victim, a notifiable offence is not confirmed, the reported incident of rape will remain on the force crime system against one of the listed specific codes:

- 100/1 reported incident – victim (or third party acting on their behalf) has not confirmed the offence or cannot be traced
- 100/2 reported incident – credible evidence to the contrary exist
- 100/3 reported incident – offence committed in another police force area/outside the UK

Reported incident of rape in another force area

Where the victim reports an incident of rape, but it has been determined from the outset that the rape took place in another force area, there is an expectation that the force receiving the initial allegation records an N100/03 on their force crime system as soon as the allegation is received before transferring the incident to the relevant force.



Other Sexual Offences

Sexual Assault

“Sexual Assault” is the sexual touching of a person without their consent and can also include sexual assault by penetration.

Sexual Assault– “A person ‘A’ commits an offence if - (a) he intentionally touches another person ‘B’, (b) the touching is sexual, (c) ‘B’ does not consent to the touching and (d) ‘A’ does not reasonably believe that ‘B’ consents”.

Assault by Penetration – “A person ‘A’ commits an offence if - (a) he intentionally penetrates the vagina or anus of another person ‘B’ with a part of his body or anything else, (b) the penetration is sexual, (c) ‘B’ does not consent to the penetration, and (d) ‘A’ does not reasonably believe that ‘B’ consents.”

Note: The offence is non-gender-specific so can be committed by males and females.

Sexual Assault Classifications

- 17A Sexual assault on a male aged 13 and over
- 17B Sexual assault on a male child under 13
- 20A Sexual assault on a female aged 13 and over
- 20B Sexual assault on a female child under 13

Sexual Activity

Sexual Activity without consent” is where a person is compelled against their will to perform a sexual activity.

Causing Sexual Activity without Consent – “...where ‘A’ intentionally causes another person ‘B’ to engage in an activity, the activity is sexual, ‘B’ does not consent and ‘A’ does not reasonably believe that ‘B’ consents”.

Recording Age Related Offences - Willing Participation

These offences are where the person aged 13, 14 or 15 is a willing participant to the sexual behaviour. The offences are non-gender-specific so can be committed by males and females on males and females.

Police should only record offences in the following circumstances:

- A parent or guardian reports the matter to police, or
- A person in the relationship reports the matter to police, or
- Where a multi-agency panel refers a case to police.
- For penetration offences only, where a 3rd party refers the matter to police where the points to prove to evidence the offence are made out.

Sexual Activity Classifications

- 21 Sexual activity involving a child under 13
- 22A Causing sexual activity without consent
- 22B Sexual activity involving a child under 16

For the full list of offences under the Sexual Activity classifications, please see the [notifiable offence list](#) or contact the Force Crime Registrar.

86 Sexting and Obscene Publications

Forces receive many reports of "sexting" offences involving teenagers taking photographs of their breasts or genitals and sending them, willingly and without coercion, to others over the internet or using their smart phones.

Whilst they may technically have committed offences related to the making or sending of obscene images ACPO guidance advises against prosecution for these offences. However, the crimes still need to be recorded in accordance with National Crime Recording Standards and the relevant crime outcome type applied.

Example

A 13-year-old boy is asked separately by two 15-year-old girls he attends a sports club with to send indecent photographs. He sends the same indecent photograph to two 15-year-old girls at the same time using a social media messaging application.

In this scenario, a total of 3 crimes is required. Two crimes of Sexual Activity involving a child under 16) against the females who requested that the male send an image as they have incited him to commit a sexual act.

One crime of Obscene Publications in respect of the male who sent the image (unless he was unduly forced into doing so) as he had both made and distributed an indecent image of a child.

Where an individual is unduly forced into sending an image, there is no requirement to record an additional crime of Obscene Publications.

88A Sexual grooming/sexual communication

General Rule: One crime for each child

Meeting a Child following Sexual Grooming etc Sec 15 – amended by Criminal Justice and Courts Act 2015

“A person aged 18 or over ‘A’ commits an offence if:

- (a) having met or communicated with another person ‘B’ on one or more occasions, he -
 - (i) intentionally meets ‘B’, or
 - (ii) travels with the intention of meeting ‘B’ in any part of the world, or arranges to meet B in any part of the world, or
 - (iii) B travels with the intention of meeting A in any part of the world,
- (b) at the time, he intends to do anything to or in respect of ‘B’, during or after the meeting mentioned in paragraph (a) (i) to (iii) and in any part of the world, which if done will involve the commission by ‘A’ of a relevant offence,
- (c) ‘B’ is under 16, and
- (d) ‘A’ does not reasonably believe that ‘B’ is 16 or over.”

If a person has sexual activity with a child following grooming, record the substantive sexual offence only.

Engage in Sexual Communication with a child - Sexual Offences Act 2003 Sec 15A (1) and (3)

It is an offence for a person aged 18 or over to intentionally communicate with a child under 16:

- (a) for the purpose of obtaining sexual gratification
- (b) the communication is sexual or is intended to encourage the recipient to make (whether to the offender or to another) a communication that is sexual, and
- (c) the recipient is under 16 and the offender does not reasonably believe that recipient is 16 or over

88C Other Miscellaneous Sexual Offences

88C Sharing or threatening to share intimate photograph or film

This section creates four specific offences of sharing or threatening to share intimate photographs or film which comes under two offence codes: HO Class 175/08 and HO Class 088/15.

Offence code 175/08 is a summary only offence and is committed if a person intentionally shares a photograph or film which shows, or appears to show, another person in an intimate state, without the

consent, or a reasonable belief in the consent of that person. There is no requirement to prove the sharing was done for a particular reason.

- (1) An offence is committed if a person (A) intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state, without the consent, or a reasonable belief in the consent of that person. **There is no requirement to prove the sharing was done for a particular reason.** The focus on photographs and films which “shows or appears to show” ensures that the offence is made out, not just in scenarios where the photograph or film shared is a genuine photograph or film of B, but also, for example, where the photograph or film shows someone who appears to be B but might not, in fact, be B (for example, if the photograph or film depicts either B, or B’s identical twin C), and photographs and film that , have been altered or manufactured so that it appears to be a genuine photograph or film of B. This approach is taken in all the offences in this section.

Offence code 088/15 is a triable either way offence and should be used where the sharing was done with the intention of causing the alarm, distress or humiliation or for sexual gratification as outlined below.

- (2) An offence is committed if a person (A) intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state, without the consent of B, with the **intent to cause alarm, distress or humiliation to B.**
- (3) An offence is committed if a person (A) intentionally shares a photograph or film which shows, or appears to show, another person (B) in an intimate state, without the consent or a reasonable belief in the consent of B, for the **purpose of obtaining sexual gratification** for the person doing the sharing, or another person.
- (4) An offence is committed if a person (A) threatens to share a photograph or film which shows or appears to show another person (B), and where the perpetrator intended that B or someone who knows B will fear the threat will be carried out, or was reckless as to that result.

The threat offence can be made out even if the photograph or film does not exist, or where the photograph or film does exist, it is not in fact a photograph or film which shows or appears to show a person in an intimate state.

“**Photograph and film**” include an image, whether made or altered by computer graphics or in any other way, which appears to be a photograph or film; a copy of such an image, photograph, or film, and data stored by any means which is capable of conversion into such an image; photograph, or film. A photograph includes the negative as well as the positive version. A film refers to a moving image.

Definition of intimate state:

- (a) a photograph or film which shows or appears to show a person in an “intimate state” if it shows or appears to show them;
- (b) participating or engaging in an act which a reasonable person would consider to be a sexual (for example, engaging in sexual intercourse);
- (c) doing a thing which a reasonable person would consider to be sexual (for example, posing in a sexually explicit way);
- (d) all or part of their exposed genitals, buttocks or breasts;
- (e) in an act of urination or defecation, or
- (f) carrying out an act of personal care associated with their urination, defecation or genital or anal discharge.

Exposed: A person’s genitals, buttocks or breasts are still considered to be “exposed” if, although covered by clothing, their genitals, buttocks or breasts are visible through wet or otherwise transparent clothing.

"Exposed" also captures a case where a person's genitals, buttocks or breasts are covered only by underwear. It would also capture the case where those parts of the anatomy would be exposed but for the fact that they are obscured by something (other than clothing that the person is wearing) which provides a similar or smaller degree of coverage than underwear. The relevant part of anatomy can be "obscured" by any means (other than clothing that the person is wearing) including by part of their body, or by digital alteration (for example, if the photograph included an 'emoji' on the person's breasts).

Exemption

The Act specifically excludes photographs and film that show, or appear to show, anything that would otherwise meet this definition but that would be ordinarily seen in public (with the exception of breastfeeding).

88E Exposure and voyeurism

General Rule: One crime for each offender or group of offenders.

Exposure: Sexual Offences Act 2003 Sec 66

Sexual Exposure is committed by a person who intentionally exposes their genitals in a sexual way intending that someone will see them and be caused alarm or distress. This offence can be committed by a male or female against a male or female.

Where in exposure the offender is masturbating in a public place and two or more people could have witnessed the offence, an offence under Class 66 (66/21 - committing an act outraging public decency) should be recorded.

Voyeurism: Sexual Offences Act 2003 Sec 67

Voyeurism is committed when a person observes another person doing a private act and knows that the other person does not consent to being observed for their own sexual gratification. Either by watching the private act directly or by operating equipment in order to record or observe the act.

Up-skirting: Sexual Offences Act 2003 Sec 67A

"Up-skirting" is a colloquial term referring to the action of placing equipment such as a camera or mobile phone beneath a person's clothing to take a voyeuristic photograph without their permission. It is not only confined to victims wearing skirts or dresses and equally applies when men or women are wearing kilts, cassocks shorts or trousers. It is often performed in crowded public places, for example on public transport or at music festivals, which can make it difficult to notice offenders.

Using equipment to film or observe another whilst breastfeeding: Sexual Offences Act 2003 Sec 67A

It is an offence to "record images of, or otherwise observing, breastfeeding without consent or a reasonable belief as to consent" and to be found guilty, the perpetrator "must be acting for the purpose of obtaining sexual gratification or of humiliating, alarming or distressing the victim"

Sending etc photograph or film of genitals: Sexual Offences Act 2003 Sec 66A

This section creates a new offence of sending etc a photograph or film of a person's genitals to another person, in England and Wales. It inserts a new section 66A into the Sexual Offences Act 2003.

Section 66A(1) provides that where a person

- (a) intentionally sends or gives a photograph or film of any person's genitals to another person (B), and either A intends that B will see the genitals and be caused alarm, distress or humiliation, or
- (b) A sends or gives the photograph or film for the purpose of obtaining sexual gratification and is reckless as to whether B will be caused alarm, distress or humiliation, A commits an offence.

“Sending or giving” a photograph or film includes, in particular, sending it to another person by any means, electronically or otherwise, showing it to another person, and placing it for a particular person to find.

“Photograph and film” include an image, whether made or altered by computer graphics or in any other way, which appears to be a photograph or film; a copy of such an image, photograph, or film, and data stored by any means which is capable of conversion into such an image; photograph, or film. A photograph includes the negative as well as the positive version. A film refers to a moving image.

What if the ‘sending’ does not meet the definition?

Where the sending does not meet the definition of Section 187 On-line Safety Act 2003, other offences should be considered where appropriate, such as Obscene Publications or Malicious Communications, and where a message has been sent on more than one occasion then the relevant conduct crime should be recorded.

Sending etc photograph or film of genitals vs Obscene Publications and Malicious Communications

Sending etc photograph or film of genitals

- Intentionally cause alarm or distress or humiliation to the recipient OR,
- For the purpose of obtaining sexual gratification, is reckless as to whether the recipient would be caused alarm, distress or humiliation
- No age limit on the subject of the image
- Restricted to images of genitals

Obscene Publications

- No intention to cause alarm or distress or humiliation to the recipient
- Image must be of a child
- Not restricted solely to genitals
- Offence covers a number of scenarios including the taking, making or distribution and possession of an indecent image of a child
- This offence is more about the possessing and sharing of indecent images of children

Malicious Communications

- Intends to cause distress or anxiety to recipient
- Communication is indecent or grossly offensive

Outraging public decency

It is an offence at common law to do in public any act of a lewd, obscene, or disgusting nature that outrages public decency. This offence should only be considered if the incident falls outside the statutory offences, for example if it is not possible to prove the mental element required for an exposure offence or exceptionally, if the offence merits a higher penalty than that available in relation to the statutory offence.

What is “Public Decency”?

The phrase “public decency” refers to a level of public behaviour that we deem to be socially acceptable. This means that the behaviour isn’t upsetting, obscene or shocking. To outrage public decency is to go against the social norm by displaying acts that may offend members of the public.

These are forms of criminal behaviour that are lewd and take place in public settings. Some acts of may include:

- Having sex in public
- Urinating on statues or war memorials
- Wearing attire that provokes upset or disgust, often of an extreme socio-political nature
- Publishing outrageous material such as pornography or paedophilia
- Masturbating in public

What is classed as outraging public decency?

To be guilty of outraging public decency, the following criterion must apply:

- you must carry out an act which is lewd, obscene or of disgusting character, which outrages minimum standards of public decency as assessed by the jury;
- the act must take place in a public place, or a place which is accessible to, or within view of, the public;
- the act must take place in the actual presence of two or more persons who are capable of seeing it – it is irrelevant whether these people actually saw the act or were outraged by

Offences of Committing or conspiring to an act outraging public decency under Common Law should be recorded under HO Class 66/21

For example:

A group of ladies are sitting in a park when their attention is drawn to a male who jumps out from a bush shouting at them. He is masturbating his exposed erect penis.
One crime, class 66/21.

Child Sexual Abuse (CSA) is defined as:

'Forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (e.g. rape or oral sex) or non-penetrative acts (e.g. masturbation, kissing, rubbing, touching outside of clothing etc.) They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet)'.

Child Sexual Exploitation (CSE) is defined as:

'Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.'

Where a crime involves Child Sexual Abuse and/or Child Sexual Exploitation ensure that the relevant flags are selected on the force crime recording system.

To note: CSE is a subset of CSA and all offences flagged as being related to CSE should also be flagged as CSA (but not all offences flagged as relating to CSA will be flagged as CSE).

Robbery

34A Robbery of business property

General Rule: One crime for each business whose property is robbed.

Any robbery where the goods stolen belong to a business or other corporate body, regardless of the location of the robbery.

34B Robbery of personal property

General Rule: One crime for each person robbed.

A robbery where the goods stolen belong to an individual or group of individuals, rather than a corporate body, regardless of the location of the robbery, or whether the personal property actually belongs to the person being robbed.

Goods that are the property of business but would generally be regarded as personal property should be treated as personal property if robbed from the person. Examples of such items are mobile phones, laptop computers and pagers.

If a person is robbed of both personal and business property, then the decision whether to classify under robbery of business property (class 34A) or robbery of personal property (class 34B) depends on the respective values of the goods stolen.

If people are injured immediately before or at the time of the robbery, count the robbery only.

Burglary

28I Residential burglary of a home

General Rule: One crime for each household burgled.

This classification includes all buildings that form part of the home and buildings attached directly to the home that provide access (to the home) via a connecting door. It also includes other premises used for residential purposes such as houseboats, residential care homes and hostels.

Shared Accommodation: Not defined as a 'household' - Where separate flats/ rooms are burgled within a house which are let out to residents on an individual basis, whether sharing communal facilities or not, a crime of residential burglary should be recorded for each victim. The same rule applies for halls of residence.

If force or the threat of force is used in order to steal during the course of a burglary then it should be classified as a robbery.

28M Residential burglary of unconnected building

General Rule: One crime for each household burgled.

This classification includes residential buildings within the boundary of a victim's property that: do not form part of the home; are not attached directly to the home; are attached directly to the home, but do not provide access (to the home) via a connecting door, such as sheds, garages, outhouses, summer houses and any other structure that meets the definition of a building.

Where an outbuilding not forming part of the home, such as a garage or workshop is used solely for business purposes this should be recorded as burglary – business and community. Where a residential home and an unconnected building and or an outbuilding used for business purposes (belonging to the same household) are subject of a burglary at the same time, then only the residential burglary is to be recorded.

All buildings such as unconnected garage blocks, sheds on allotments, long-term residential caravan sites etc which are not on a plot of land where a residential building stands and which are not used for business and community use will be classified with the Residential groups.

30C Burglary – business and community

General Rule: One crime for each building burgled.

The classification of business and community burglary includes all buildings or parts of buildings that are used solely and exclusively for business purposes or are otherwise entirely outside the classification of residential burglary such as a place of worship. Where an outbuilding not forming part of the home, such as a garage or workshop is used solely for business purposes this should be recorded as burglary – business and community. Where both a residential home and an outbuilding used for business purposes (belonging to the same household) are subject of a burglary at the same time then only the residential burglary is to be recorded.

28J Attempted residential burglary of a home

28N Attempted residential burglary of unconnected building

30D Attempted burglary – business and community

Any damage to an entry point of a house should be assumed to be an attempt to enter and burgle the house, if on balance of probabilities, attempted burglary is considered to be the more likely offence than criminal damage.

28K Distraction burglary – residential (home)

28O Distraction burglary – residential (unconnected building)

Is any crime where a falsehood, trick or distraction is used on an occupant to gain, or try to gain, access to the premises to commit burglary. It includes cases where the offender first enters premises and subsequently uses distraction burglary methods in order to remain on the premises and/or gain access to other parts of the premises in order to commit burglary.

29B Aggravated burglary – residential (home)

29C Aggravated burglary – residential (unconnected building)

31A Aggravated burglary – business and community

A person is guilty of aggravated burglary if they commit any burglary and at the time, they have with them any firearm or imitation firearm, any weapon of offence, or any explosive.

Where a victim has been assaulted during the course of an aggravated burglary, assaults amounting to section 20 or above during an aggravated burglary will generally take precedence.

If force or the threat of force is used in order to steal during the course of a burglary, then it should be classified as a robbery.

Break-ins to Various Types of Premises: Classification					
STATUS OF HABITATION					
Premises	In Use By Owner For Habitation Only	Rented To Occupier On Long-Stay Basis for habitation only	Rented To Occupier On Short-Stay Basis	Vacant But Habitable	Vacant But Not Habitable
House, self-contained flat, houseboat**	Residential burglary of a home (class 28I)	Residential burglary of a home (class 28I)	Residential burglary of a home (class 28I)	Residential burglary of a home (class 28I)	Residential burglary of a home (class 28I)
Room in hostel, nursing home, children's home, hall of residence etc	Residential burglary of a home (class 28I)	Residential burglary of a home (class 28I)	Residential burglary of a home (class 28I)	Residential burglary of a home (Class 28I)	Residential burglary of a home (class 28I)
Room in a hotel holiday home, chalet etc *	Residential burglary of a home (class 28I)	Residential Burglary of a home (class 28I)	Burglary business and community (class 30C)	Burglary business and community (class 30C)	Burglary business and community (class 30C)
Caravan, holiday cruising boat etc	Residential burglary of a home (class 28I)	Residential burglary of a home (class 28I)	Burglary business and community (class 30C)	Other theft (class 49)	Other theft (class 49)

Vehicle Offences

37/2 Aggravated vehicle taking

General Rule: One crime for each vehicle owner.

A crime of theft or unauthorised taking of a vehicle should be recorded as AVT if, at the time of recording, one or more of the four circumstances that determine AVT under the Theft Act 1968 Sec 12A is known to have applied. The four circumstances are:

- The vehicle was driven dangerously on a road or other public place, or
- That owing to the driving of the vehicle, an accident occurred causing injury to any person, or
- That owing to the driving of the vehicle, an accident occurred by which damage was caused to any property other than the vehicle, or
- Damage was caused to the vehicle.

If death results from the second circumstance and the link is known at the time of recording, then a crime of causing death by AVT (class 37/1) should be recorded.

45 Theft from a motor vehicle

General Rule: One crime for each vehicle owner.

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

All thefts of letters or packages from delivery vehicles are to be recorded under classification 42 (theft of mail) and not as a theft from a motor vehicle.

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

48 Theft or unauthorised taking of a motor vehicle

General Rule: One crime for each vehicle owner.

A person shall be guilty of an offence if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any motor vehicle has been taken without such authority, drives it or allows himself to be carried in or on it.

NB: Only the unauthorised taking of a motor vehicle is notifiable. Driving or being carried is not notifiable.

Definition - Legal: Motor Vehicle

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

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

126 Interference with a motor vehicle

General Rule: One crime for each vehicle owner.

Definition - Legal: Interference with a Motor Vehicle

Criminal Attempts Act 1981 Sec 9

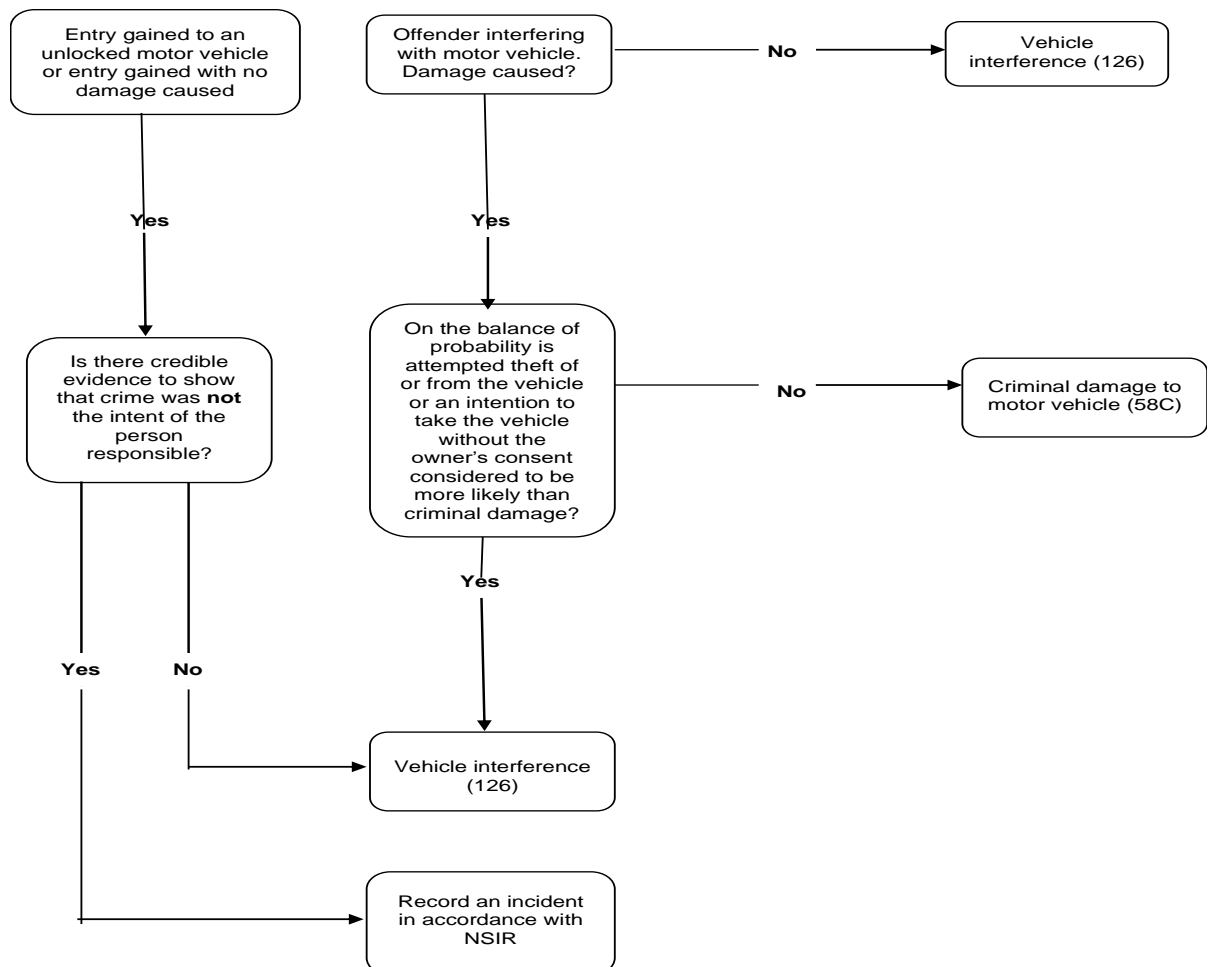
- (1) "A person is guilty of the offence of vehicle interference if he interferes with a motor vehicle or trailer or with anything carried in or on a motor vehicle or trailer with the intention that an offence specified in subsection (2) below shall be committed by himself or some other person."
- (2) The offences mentioned in subsection (1) above are:
 - (a) Theft of the motor vehicle or trailer or part of it.
 - (b) Theft of anything carried in or on the motor vehicle or trailer; and
 - (c) The offence under Section 12(1) of the Theft Act 1968 (taking and driving away without consent).

Definition - Legal: Tampering with Motor vehicles

Road Traffic Act 1988 Sec 25

- "If, while a motor vehicle is on a road or on a parking place provided by a local authority, a person
- (a) gets on to the vehicle, or
 - (b) tampers with the brake or other part of its mechanism, without lawful authority or reasonable cause"

Motor Vehicle Crime: Classification for Recorded Crime



Theft

39 Theft from the person

General Rule: One crime for each person from whom the theft has been made

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

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

Clarification - Recorded Crime: Robbery or Theft from the Person

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

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

44 Bicycle theft

General Rule: Once crime for each pedal cycle owner.

Theft Act 1968 Sec 12(5)

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

Where pedal cycles belonging to several members of the same family are stolen at the same time, there is only a requirement to record one offence, as the ownership is treated as common within a household.

46 Shoplifting

General Rule: Once crime for each shop unit.

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

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

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

The following should **not** be counted as shop units:

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

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

Where an offence of theft from a shop has been committed by an employee of that shop a crime of [theft by employee](#) (class 41) should be recorded.

Where a member of the public enters a non-public area of a shop or removes items from a till, a crime of burglary – [business and community](#) (class 30C) should be recorded.

If any force is used during a theft, and in order to commit the theft, then one crime of robbery should be counted.

35 Blackmail

General Rule: One crime for each specific, intended victim.

Section 21 of the Theft Act 1968 creates the offence of blackmail.

21(1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief -

- (a) that he has reasonable grounds for making the demand; and
- (b) that the use of the menaces is a proper means of reinforcing the demand.

Gain or loss: The gain can be either to the person making the threats or to a 3rd party and likewise the loss can be by the 3rd party. The offence is not confined to successfully obtaining physical possession of property by menaces, a demand is sufficient. The offence does not include demanding sexual favours (which would almost certainly be attempted rape or a similar offence as there could be no true consent). Dishonesty is not essential for blackmail, but could be present.

Unwarranted demand: A demand with menaces will be unwarranted unless the demander genuinely believes both of the following:

- That he has reasonable grounds for making the demand.
- That it is proper to reinforce it with those particular menaces.

Where the threatener knows that the demand is unlawful in the sense that it would be criminal to carry it out, he cannot believe that the threat is a proper one.

Menaces: The term is not defined in the Act but has been held to be a threat. In *Thorne v Motor Trade Ass.* 1937 (3 AER 157) it was explained as -

A threat (including a veiled one) of any action detrimental or unpleasant to the person addressed; or something which would intimidate or influence his response.

Gain for himself or another: The motive of the defendant is important. The act must be done in order that someone will profit but it does not have to be the suspect. The gain must be in money or other property (but see the case of *R v Bevans* in which the courts showed their willingness to extend the concept as far as possible) and can be temporary or permanent. It includes a gain by keeping hold of what one has as well as gaining what one has not. The gain can benefit a 3rd party.

Intent to cause loss to another: The loss must be in money or other property and can be temporary or permanent. It includes a loss by not getting what one might be expected to get as well as parting with what one has. The term covers the concealment of a deficiency even where there is an intention to make good the loss later. As with gain, the loss can be by a third party.

Hacking (Sextortion)

Where a threat or an unwarranted demand with menaces is connected to anything obtained as a result of hacking, or involves an unwarranted demand made with the threat of computer hacking Class NFIB52E (to be recorded by Action Fraud) is the principal crime over an offence of Blackmail class 35 unless the victim has complied with the demands made or suffered other direct losses.

40 Theft in a dwelling other than from an automatic machine or meter

General Rule: One crime for each owner of property stolen.

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

41 Theft by an employee

General Rule: One crime for each employee or group of employees.

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

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

42 Theft of mail

General Rule: One crime for each incident of theft of mail bags or postal bags.

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

All thefts of such letters or packages from the delivery vehicle are to be recorded under this classification and not as a theft from a vehicle.

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

43 Dishonest use of electricity

General Rule: One crime for each offender or group of offenders.

Theft Act 1968 sec 13

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

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

47 Theft from an automatic machine or meter

General Rule: One crime for each owner of contents stolen.

Recording Practice: Devices found on ATM machines or handheld chip and pin machines.

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

Recording Practice: Theft from an Automatic Machine or Meter

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

49 Other theft

General Rule: One crime for each owner of goods stolen.

This classification should be used for any thefts not classified elsewhere.

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

49A Making off without payment

General Rule: One crime for each making off

Where a victim or their representative reports a making off without payment from a garage forecourt, the incident will be recorded in accordance with the basic principle of NCRS. Recording should not be delayed to allow the matter to be fully investigated nor should it be treated as purely a civil matter.

The fact that a making off occurred will usually be sufficient to require the recording of a crime unless there is credible evidence to show the act was an innocent mistake.

Where a suspect returns and pays prior to any police interaction this is sufficient AVI to support the cancellation of the crime and no further information is required. However, the fact a person pays up only because of police interaction will not necessarily constitute AVI to determine that it was a mistake.

33 Going equipped for stealing

General Rule: One crime for each offender or group of offenders.

Theft Act 1968 Sec 25

"A person shall be guilty of an offence if, when not at his place of abode, he has with him any article for use in the course of or in connection with any burglary or theft."

If there is a related crime of burglary or theft then the crime of going equipped should not be recorded.

54 Handling stolen goods

General Rules: One crime for each offender or group of offenders

Theft Act 1968 Sec 22 (1)

A person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so.

With effect from June 2023

Arson and Criminal Damage

56A Arson endangering life

General Rule: One crime for each specific, intended owner of property damaged where life is endangered.

'Endangering life' does not require an attempt to kill, and there is no requirement for any injury. It is sufficient that life was endangered. If there was an attempt to kill, then an offence under attempted murder (class 2) should be considered.

56B Arson not endangering life

General Rule: One crime for each specific, intended owner of property damaged.

An offence committed under this section by destroying or damaging property by fire shall be recorded as arson where there is no endangerment to life.

58A Criminal damage - residential

General Rule: One crime for each household whose residence is damaged.

The classification of residential criminal damage includes all buildings or parts of buildings that are within the boundary of, or form a part of, a dwelling and includes the dwelling itself, vacant dwellings, sheds, garages, outhouses, summer houses and any other structure that meets the definition of a building.

It also includes other premises used for residential purposes such as houseboats, residential care homes and hostels.

Where an outbuilding within such a boundary but not forming part of the residential building, such as a garage or workshop is used solely for business purposes this should be recorded as criminal damage to a building – business and community.

Where both a residential house and an outbuilding used for business purposes (belonging to the same victim) are subject of criminal damage at the same time, then only the residential criminal damage is to be recorded.

All buildings which are not on a plot of land where a residential building stands and which are not used for business and community use will be classified with the Residential groups.

Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.

All buildings which are not on a plot of land where a residential building stands and which are not used for business and community use will be classified with the Residential groups.

If racially or religiously aggravated, record under 58J racially or religiously aggravated criminal damage.

58B Criminal damage to a building business and community

General Rule: One crime for each owner of property damaged.

The classification of criminal damage to a building business and community includes all buildings or parts of buildings that are used solely and exclusively for business purposes or are otherwise entirely outside the classification of residential criminal damage such as a place of worship.

Where an outbuilding is within the boundary of a residence, but not forming part of the residential building, such as a garage or workshop and is used solely for business purposes this should be recorded as criminal damage to a building – business and community.

Where both a residential house and an outbuilding are used for business purposes (belonging to the same victim) are subject of criminal damage at the same time then only the residential criminal damage should be recorded.

Vacant, new build, partially complete or properties under renovation will be recorded according to the purpose for which they are intended.

If racially or religiously aggravated, record under 58J racially or religiously aggravated criminal damage.

58C Criminal damage to a vehicle

General Rule: One crime for each owner of vehicle damaged.

If racially or religiously aggravated, record under 58J racially or religiously aggravated criminal damage.

58D Other criminal damage

General Rule: One crime for each owner of property damaged.

This classification should be used for any incidents of criminal damage not classified elsewhere.

If racially or religiously aggravated, record under 58J racially or religiously aggravated criminal damage.

59 Threat or possession with intent to commit criminal damage

General Rule: One crime for each offender or group of offenders (where there is no specific victim).

Section 2 of the Criminal Damage Act 1971 creates offences relating to threats to destroy or damage property.

2 A person who without lawful excuse makes to another a threat, intending that the other would fear it would be carried out, -

(a) to destroy or damage any property belonging to that other or a third person; or

(b) to destroy or damage his own property in way which he knows is likely to endanger the life of that other or a third person;

shall be guilty of an offence.

Notes

(i) It is not necessary to show the other is actually in fear that the threat will be carried out. What has to be proved is that the accused intends the other to fear it will be carried out. The test for whether the action amounts to a threat is objective i.e. "would the reasonable man conclude that a threat had been made?"

With effect from June 2023

(ii) The threat must be to another person, and can relate to a third party, such as - "I will smash up your son's car if you don't do what I say." - the threat is to one person about a third person's property.

(iii) This offence can't be recorded if the offender is threatening to damage their own property, unless the offender threatened to damage/destroy his own property to endanger the life of another, such as - a landlord threatening to burn down a house he owns if a tenant will not leave.

(iv) If threats to damage are made during a phone call, in a letter or in an electronic communication then this offence will be recorded instead of Malicious Communications.

Clarification: Non-permanent Criminal Damage

If the damage is easily rectified and non-permanent, i.e. it can be cleaned off or removed at no cost and with little effort, record an incident and deal with in accordance with NSIR but do not record a crime.

Clarification - Jointly Owned Property

Any damage caused to jointly owned property by one of the joint owners should be recorded as a crime.

Public Order Offences

9A Public fear, alarm or distress

General Rule: One crime for each specific intended victim (Where there is no specific intended victim, count only one crime)

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. 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 record a crime in accordance with the Home Office Counting Rules (HOCR).

NB. S5 Public Order Act – causing harassment, alarm or distress is no longer notifiable unless racially or religiously aggravated.

Fear or provocation of violence. Public Order Act 1986 Sec 4

A person is guilty of an offence if he:

- (a) uses towards another person threatening, abusive or insulting words or behaviour, or
- (b) distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting,

with intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.

Intentional harassment, alarm or distress. Public Order Act 1986 Sec 4A

A person is guilty of an offence if, with intent to cause a person harassment, alarm or distress, he:

- (a) uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or
- (b) displays any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing that or another person, harassment, alarm or distress.

9B Racially or religiously aggravated public fear alarm or distress

General Rule: One crime for each specific intended victim (where there is no specific victim, count only one crime).

"A person is guilty of an offence under this Section if he commits-

- a) an offence under Section 4 of the Public Order Act 1986 (fear or provocation of violence);
 - b) an offence under Section 4A of that Act (intentional harassment, alarm or distress); or
 - c) an offence under Section 5 of that Act (harassment, alarm or distress),
- which is racially or religiously aggravated for the purposes of this Section."

There are also additional Public Order Offences to consider:

62A Violent disorder

Riot: Public Order Act 1986 Sec 1

Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety ...

Violent Disorder: Public Order Act 1986 Sec 2

Where three or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety ...

Injuries in a Riot or Violent Disorder: Where crimes of violence against the person are connected with either a riot or violent disorder, count them in addition to the crime of riot or violent disorder.

66 Affray

Public Order Act 1986 Sec 3

A person is guilty of affray if he uses or threatens unlawful violence towards another and his conduct is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety.

Affray: One crime for each incident of affray. Where crimes of violence against the person are connected with an affray, count the violence against the person offences but not the affray.

Several breach offences are also recorded under the affray classification. For further information, contact the Force Crime Registrar.

Non-Crime Hate Incident

Hate crimes are acts of violence or hostility directed at people because of who they are. The police and CPS, in general, record data on hate crimes for five protected characteristics:

- Disability
- Transgender status
- Race
- Religion
- Sexual orientation

Not all incidents reported need to be recorded. A record should only be made where it meets the threshold, as set out in the national standard for incident recording (NSIR).

Those non-crime hate incidents that meet the recording threshold should not be dismissed as unimportant – they can cause extreme distress to complainants and communities.

They may also be the precursor to more serious or escalating incidents. Non-crime hate incidents may form part of a series of incidents that, together, may constitute a crime, such as harassment. A retrospective review of crimes will often highlight earlier non-crime hate incidents that could have presented opportunities to intervene to reduce threat, risk and harm.

Officers and staff must apply proportionality, common sense and discretion when deciding, based on the available facts, whether a report, perceived by the reporting person as motivated by hostility, should, or should not be recorded as a non-crime hate incident.

- A non-crime hate incident must not be recorded as such where it is trivial.
- A hostility qualifier, which would denote the incident as a non-crime hate incident, should not be added where it is irrational, and/or there is no evidence to support the perception of the complainant or other person that the incident is motivated by hostility against a monitored strand or protected characteristic.

For further information, see [Responding to non-crime hate incidents](#)

Where a non-crime hate incident is recorded, ensure that the relevant hate flag is selected on the force crime recording system.

Drug Offences

92A Trafficking in controlled drugs

92D Possession of controlled drugs (excluding cannabis)

92E Possession of controlled drugs (cannabis)

General Rule: One crime for each offender or group of offenders.

As drug offences is a victimless crime, it should be counted in addition to crimes with a victim.

92C Other drug offences

This would include where an occupier knowingly permits or suffers any of the following activities to take place on a premises:

- (a) producing or attempting to produce a controlled drug ...;

With effect from June 2023

(b) supplying or attempting to supply a controlled drug to another ... or offering to supply a controlled drug to another ...;

(c) preparing opium for smoking;

(d) smoking cannabis, cannabis resin, or prepared opium.

It also includes the offence of supplying a substance other than a controlled drug whereby they believe that the substance is, or its fumes are, likely to be inhaled by the person under the age of 18 for the purpose of causing intoxication.

38 Profiting from or concealing knowledge of the proceeds of crime

General Rule: One crime for each offender or group of offenders.

Proceeds of crime refer to the assets, funds and property gained whilst undertaking criminal activity.

Often people profiting from drug supply may be in possession of large amounts of money so consider the potential for a proceeds of crime offences.

When dealing with any person for a crime who is in possession of a large quantity of money, once again, consider if a crime of proceeds of crime may be appropriate.

Money laundering that relates to drug trafficking should be coded under class 38 codes 38/1-8. There is no longer specific codes for money laundering that is linked to drug trafficking.

For further advice, you should speak to your Economic Crime Unit (or equivalent) or to your Supervisor.

Possession of Weapons

General Rule: Provided that the weapon has not been used during the commission of another notifiable offence: one crime for each offender or group of offenders.

Possession of drugs and weapons at the same time

Where the suspect is found in possession of both drugs and weapons, record both offences as they are distinct from each other (unless the weapon has been used during the commission of another notifiable offence).

Possession of Weapons contains the following classifications:

10A Possession of Firearms with Intent

10B Possession of Firearms Offences

10C Possession of Other Weapons

10D Possession of Article with Blade or Point

81 Other Firearms, Knives and Offensive Weapon Offences

Threaten a person with an offence weapon/blade or sharply pointed article

Threatening with an Offensive Weapon etc in a Public Place

Section 50 of the Offensive Weapons Act 2019 amended the legal test for threatening with an offensive weapon (or article with blade or point) in a public place. It replaced the requirement of the threat causing immediate risk of serious physical harm to the victim, with a new test that the threat is such that a reasonable person who was exposed to this threat would think that they were at a risk of immediate physical harm.

Threatening with an Offensive Weapon etc in a Private place

It is an offence for a person to unlawfully and intentionally threaten another person with a corrosive substance, a bladed or pointed article or an offensive weapon in a way that there is an immediate risk of serious physical harm to that person. Serious physical harm is defined as amounting to grievous bodily harm for the purposes of the Offences against the Person Act 1861. Grievous bodily harm is defined in case law as really serious harm as assessed by a jury, and a wound defined as a break in the continuity of the skin falls within the parameters of grievous bodily harm. The offence of threatening in a private place adopts a higher test in respect of serious physical harm than the offence of threatening in a public place, school, or further education premises

Section 52 of the Offensive Weapons Act 2019 sets out the definition for a private place. For bladed and pointed articles and offensive weapons this means anywhere other than a public place or school or further education premises, where it is already an offence. For corrosive substances¹, a private place means anywhere other than a public place, so it would be an offence under section 52 to threaten someone with a corrosive substance in a school or further educational premises for example.

For further guidance see [The Offensive Weapons Act 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/legislation/the-offensive-weapons-act-2019)

1 – A list of corrosive substances can be found in [schedule 1 at Offensive Weapons Act 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2019/16/schedule/1)

Miscellaneous Crimes Against Society

69 Offender management act

General Rule: One crime for each offender.

Crimes committed in prison contact your local prison liaison team or speak to a supervisor.

79 Perverting the course of justice

General Rule: One crime for each offender or group of offenders.

The offence of perverting the course of justice is a state-based offence, however if a crime of perverting the course of justice results in a witness or juror being injured, record one crime of perverting the course of justice (class 79), which is victimless, plus one crime for the assault (classification depending on the nature of the assault).

The common offences reported under this classification include:

- Attempting to Pervert the Course of Justice (Fabrication of false evidence, cause person to be wrongly convicted, interference with witness)
- Intimidating a juror or witness or person assisting in investigation of offence
- Harming or threatening to harm a witness, juror or person assisting in investigation
- Intimidating or intending to intimidate a witness

Harming of Witnesses, Jurors and Others

Criminal Justice and Public Order Act 1994 Sec 51 (2)

“A person who does or threatens to do to another person -

- (a) an act which harms or would harm, and is intended to harm, that other person;
- (b) knowing or believing that the other person, or some other person, has assisted in an investigation into an offence or has given evidence or particular evidence in proceedings for an offence, or has acted as a juror or concurred in a particular verdict in proceedings for an offence; and
- (c) does or threatens to do the act because of what (within paragraph (b) he knows or believes, commits an offence

Intimidation of Witnesses, Jurors and Others

Criminal Justice and Public Order Act 1994 Sec 51 (1)

“A person who does to another person –

- (a) an act which intimidates, and is intended to intimidate, that other person;
- (b) knowing or believing that the other person is assisting in the investigation of an offence or is a witness or potential witness or a juror or potential juror in proceedings for an offence; and
- (c) intending thereby to cause the investigation or the course of justice to be obstructed, perverted, or interfered with, commits an offence.”

For further information on the full list of offences under Class 79 Perverting the Course of Justice, see the [notifiable offence list](#) or contact the Force Crime Registrar.

802 Dangerous driving

General Rule: One crime for each driver.

Note: A crime related incident should be registered and it should remain as such until the investigation confirms that the offence is made out at which stage a crime should be recorded.

Meaning of Dangerous Driving

Road Traffic Act 1988 Sec 2A

- (1) “For the purposes of Section 1 and 2 above a person is to be regarded as driving dangerously if (and, subject to subsection (2) below, only if) –
 - (a) the way he drives falls far below what would be expected of a competent and careful driver, and
 - (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.
- (2) A person is also to be regarded as driving dangerously for the purposes of Sections 1 and 2 above if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.
- (3) In subsections (1) and (2) above “dangerous” refers to danger either of injury to any person or of serious damage to property; and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard

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shall be had not only to the circumstances of which he could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

- (4) In determining for the purposes of subsection (2) above the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.”

If injuries are intentionally caused by dangerous (or furious) driving, record two crimes - one crime (class 5D Assault with intent to cause serious harm) plus one crime (class 802 Dangerous Driving). If the only evidence for any dangerous driving was the intentional injuries, then only count one crime (class 5D Assault with intent to cause serious harm).

If a vehicle being driven dangerously is known to be stolen at the time of recording, record as aggravated vehicle taking (class 37/2).

Fraud/Cyber

All fraud and Cyber (other than those allegations listed at the bottom of this section) must be reported to Action Fraud.

In most cases, Police can refer persons reporting a fraud directly to Action fraud. However, there are certain situations where Police will, in addition to reporting to Action Fraud, need to record the allegation locally and deal as with any reported crime / incident. These are:

- Calls for service i.e:
 - Offender(s) arrested by police or
 - There is a call for service to the police and the offender is committing or has recently committed at the time of the call for service or
 - There is a local suspect

'Local suspect' is where through viable investigative leads;

- Police can or could locate a suspect with the details provided, or
- have sufficient details to apprehend an offender

The word “local” has its everyday meaning and has been used to ensure that like any other type of crime reported directly to police, where there are local viable investigative leads police should consider the crime for investigation. This is intended to provide the same policing response as with other crime types. For example: If following an assault, a suspect can be apprehended, police could respond to that policing demand. It should be the same for fraud offences.

- PNC registered items – Where a vehicle (including, plant or something else requiring a PNC report) is obtained by fraud and reported to Police, the force will need to create a PNC record in the usual way prior to reporting to Action Fraud (Action Fraud Staff do not have PNC access).

In addition, reports can be made by Police on behalf of the Victim (including vulnerable victims) to Action Fraud. In these circumstances, if no 'Call for Service' exists (see above) then there is no requirement (other than providing safeguarding or protect advice) to record on a local crime management system or investigate further.

Police reporting fraud to Action Fraud must do so via the web reporting tool and not via phone to the Action Fraud call centre.

The National Fraud Intelligence Bureau (NFIB), assess all reports made to Action Fraud. The NFIB will disseminate investigation packages to forces. The receiving force will be responsible for the investigation of all frauds contained within the package sent to them.

Offences that should NOT be referred to Action Fraud:

The following crimes should be recorded locally and NOT referred to Action Fraud

- Making or Supplying Articles for use in Fraud e.g. making cloned credit cards / devices to obtain card details on ATM's or chip & pin machines
- Possession of Articles for Use in Fraud e.g. possession of cloned credit cards (unless used to commit a fraud)
- Forgery Offences – including forgery of / use of forged Drug Prescription
- Possession of False Documents e.g false passports, driving licences, immigration documents etc
- Fraud / Forgery Associated with Driver / Vehicle Records e.g. driver hour records,
- Making off Without payment e.g. petrol station drive outs

For further information, contact the force Economic Crime Unit or Force Crime Registrar.