

Violence against the Person

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- 11** **Cruelty to and Neglect of Children**
- 12** **Abandoning Child Under Two Years**
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*Classification 10B has been included in Violence Against the Person for ease of reference but the Home Office will count these offences in the “Other Offences” category.

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Other Offences on 1 April 2008)
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1 Murder Classification (1 of 1)

1/1 Murder - of persons aged 1 year or over.
(V) *Common Law.*

1/2 Murder - of persons under 1 year of age.
(V) *Common Law.*

CLASSIFICATION: DIMINISHED RESPONSIBILITY MANSLAUGHTER

HOMICIDE ACT 1957 SEC 2

These crimes should not be counted separately under classification 4/5, as they will be already have been counted as murder (class 1).

COVERAGE: MURDER

Only the Common Law definition applies to recorded crime.

Sections 9 and 10 of the Offences against the Person Act 1861 gives English courts jurisdiction where murders are committed abroad, but these crimes should not be included in recorded crime.

DEFINITION - RECORDED CRIME: HOMICIDE

Homicide comprises:

- 1 Murder.
- 4/1 Manslaughter.
- 4/2 Infanticide.
- 4/10 Corporate Manslaughter.

1 Murder

Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH PERSON MURDERED.

EXAMPLE 1: Four bodies are discovered murdered at the same address.
Four crimes (class 1).

APPLICATION OF THE RULE

Victims injured should be counted in addition to those murdered.

Example 1: 'A' places a bomb in a public house. The bomb explodes killing ten people and wounding a further 15, with the remaining four people escaping unhurt.

Ten crimes (class 1) plus 19 crimes (class 2) as the uninjured are targeted victims.

Example 2: 'A' places a bomb on a bus. It explodes, killing four people on the bus. A further ten people travelling on the bus are wounded and five pedestrians are injured when the bus explodes.

Four crimes of murder (class 1), ten crimes (class 2) and five crimes (class 5A or 8G) for the pedestrians depending on the level of injury.

Example 3: 'A' places a bomb in a railway carriage on a train. It explodes killing five, and injuring another ten passengers in that carriage. Two passengers in that carriage escape with no injury. Five people in other carriages were also injured.

Five crimes (class 1), 12 crimes (class 2) (the uninjured passengers in that carriage are targeted victims) and five crimes (class 8F or 8G) for passengers in other carriages depending on the level of injury.

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

Example 1: 'A' robs a bank and deliberately shoots dead a cashier.

One crime (class 1).

Example 2: 'A' rapes 'B' and causes her death by strangulation.

One crime (class 1).

Re-classification: see General Rules Section B.

Example 1: 'A' seriously wounds 'B' who subsequently dies in hospital from the injuries inflicted.

One crime (class 1). If class 5A already recorded, the FCR should re-classify to class 1 unless the wounding has been recorded in a previous financial year. In this instance the recorded class 5A should be no crimed and an additional crime (class 1) should be recorded in the current year's crime figures.

2 **Attempted Murder Classification (1 of 1)**

2 Attempted murder.
(V) *Criminal Attempts Act 1981.*
Common Law.

CLASSIFICATION: ATTEMPTS

CRIMINAL ATTEMPTS ACT 1981

Attempts are defined under the Criminal Attempts Act 1981. Normally, attempts are defined under the substantive crime type. Murder is an exception, as the crime is classified separately.

2 Attempted Murder Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH IDENTIFIED VICTIM.

EXAMPLE 1: 'A' attempts to murder both 'B' and 'C' by attacking them with a knife.

Two crimes (class 2).

APPLICATION OF THE RULE

All identified victims who were targeted or injured should be counted.

Example 1: Terrorists plant a bomb under a jeep containing five soldiers. The bomb explodes killing two, seriously injuring two, and one escapes unharmed.

Two crimes (class 1), plus three crimes (class 2). (The soldiers can be identified as targeted victims.)

Example 2: The water supply of a village is deliberately poisoned. Four people die, three are left seriously ill and the rest of the village escape unharmed.

Four crimes (class 1), plus three crimes (class 2).

Example 3: Lethal gas is released in the carriage of an underground train. Four people die, 30 are injured and six escape unharmed.

Four crimes (class 1), plus 36 crimes (class 2).

If no identified or injured victims, then count one crime only.

Example 1: 'A' places a bomb in a restaurant but owing to its early discovery, nobody was injured in the subsequent explosion.

One crime (class 2).

Example 2: Shots are fired directly at a group of people in circumstances that suggest that it was intended that one or more was killed. There is no information to suggest whether one or more was the specific intended victim.

One crime (class 2).

Example 3: Shots are fired at a group of people in circumstances that suggest that it was intended that one or more was killed. Initial investigation suggests that two of them were the intended victims.

Two crimes (class 2).

Example 4: Shots are fired at close range into a car that is clearly occupied. No specific victim is identified. Damage is caused to the car but the occupants are uninjured.

One crime (class 2).

Example 5: Shots are fired towards an individual at close range in circumstances where the intended outcome appears to have been to kill. The individual moves rapidly and escapes uninjured.

One crime (class 2).

2 Attempted Murder Counting Rules (2 of 2)

Finished Incident: see also General Rules Section E.

Example 1: The police receive a report that 'A' has attempted to murder 'B' by adding poison to food over a period of six weeks.

One crime (class 2).

Example 2: 'A' attempts to murder 'B' twice and succeeds on the second occasion.

(i) The initial attempt was reported at the time.

One crime (class 2) and one crime (class 1).

(ii) The initial attempt was not reported at the time.

One homicide only.

Re-classification: see General Rules Section B.

Example 1: 'A' attempts to murder 'B' and seriously injures him. 'B' dies of his injuries several days later.

One crime (class 1). If class 2 already recorded, the FCR should re-classify to class 1.

3 Threat or Conspiracy to Murder

No longer used from 1 April 2008. This is irrespective of whether an offence occurs before or after 1 April 2008.

Use codes 3A or 3B.

3A Conspiracy to Murder Classification (1 of 1)

3/2 (V)	Soliciting to commit murder. <i>Offences against the Person Act 1861 Sec4.</i>	3/4 (V)	Intentionally encouraging or assisting commission of murder. <i>Serious Crime Act 2007 Sec 44(pt).</i>
3/2 (V)	Conspiracy to commit murder. <i>Criminal Law Act 1977 Sec 1.</i>	3/5 (V)	Encouraging or assisting in the commission of murder believing it will be committed. <i>Serious Crime Act 2007 Sec 45(pt).</i>
3/3 (S)	Assisting offender by impeding his apprehension or prosecution In a case of murder. <i>Criminal Law Act 1967 Sec 4(1)(pt).</i>	3/6 (V)	Encouraging or assisting in the commission of one or more offences of murder believing one or more will be committed. <i>Serious Crime Act 2007 Sec 47(pt)</i>

CLASSIFICATION: CONSPIRACY

Conspiracy is defined under Section 1 of the Criminal Law Act 1977. Normally, conspiracy to commit a notifiable offence is classified with the substantive crime type. Murder is an exception, as the crime is classified separately.

DEFINITION – LEGAL: SOLICITING TO COMMIT MURDER

OFFENCES AGAINST THE PERSON ACT 1861 SEC 4

"Whosoever shall solicit, encourage, persuade, or endeavour to persuade, or shall propose to any person, to murder any other person ..."

3A Conspiracy to Murder Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH INTENDED VICTIM.

EXAMPLE 1: 'A' solicits 'B' to murder 'C'.

One crime (class 3A).

EXAMPLE 2: 'A' conspires with 'B' and 'C' to kill both 'D' and 'E'.

Two crimes (class 3A).

EXAMPLE 3: 'A' solicits 'B' to murder both 'C' and 'D'.

Two crimes (class 3A).

EXAMPLE 4: 'A' solicits 'B' to murder 'C' and separately solicits 'D' to murder 'C'.

One crime (class 3A).

APPLICATION OF THE RULE

Assisting an offender by impeding his apprehension or prosecution in a case of murder: Count one crime for each offender or group of offenders.

Example 1: 'A' and 'B' know that 'C' has committed a murder and with intent to impede the arrest or prosecution of 'C', dispose of the gun used by 'C' in the murder.

One crime (class 3A).

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

Example 1: 'A' solicits 'B' to murder 'C' and 'B' makes an attempt to murder 'C'.

One crime (class 2).

Example 2: 'A' solicits 'B' to murder 'C' and 'B' does murder 'C'.

One crime (class 1).

3B Threats to Kill Classification (1 of 1)

3/1 Threats to kill.
(V) *Offences against the Person Act 1861 Sec 16.*

CLARIFICATION: THREAT TO KILL

- 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.

DEFINITION – LEGAL: THREAT TO KILL

OFFENCES AGAINST THE PERSON ACT 1861 SEC 16

"A person who without lawful excuse makes to another a threat, intending that the other would fear it would be carried out, to kill that other or a third person shall be guilty ..."

3B Threats to Kill Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH INTENDED VICTIM.

EXAMPLE 1: 'A' threatens to kill 'B'.

One crime (class 3B).

EXAMPLE 2: 'A' threatens to kill both 'B' and 'C' (either separate or joint threats).

Two crimes (class 3B).

APPLICATION OF THE RULE

The intended victims may be unaware of the threat.

Example 1: 'A' wrote to 'B' threatening to murder his two three-year-old children. 'B' fears that the threat will be carried out.

Two crimes (class 3B) (the intended victims are the children).

If no specific intended victim, then count one crime only.

Example 2: 'A' threatens to kill one or more members of the staff of a certain political organisation unless his demands are met.

One crime (class 3B).

Finished Incident: see also General Rules Section E.

Example 1: 'A' threatens to kill 'B' on numerous occasions. 'B' reports it to the police for the first time.

One crime (class 3B).

4/1 Manslaughter Classification (1 of 1)

4/1 Manslaughter.
(V) Offences against the Person Act 1861 Sec 5.
Common Law.

CLASSIFICATION: MANSLAUGHTER DIMINISHED RESPONSIBILITY

HOMICIDE ACT 1957 SEC 2

These crimes should not be counted separately under classification 4/5, as they will already have been counted as murder (class 1).

COVERAGE: MANSLAUGHTER

Only the Common Law and Offences against the Person Act 1861 definitions apply to recorded crime.

Sections 9 and 10 of the Offences against the Person Act 1861 gives courts jurisdiction where manslaughters are committed abroad, but these crimes should not be included in recorded crime.

DEFINITION - RECORDED CRIME: HOMICIDE

Homicide comprises:

1 Murder.
4/1 Manslaughter.
4/2 Infanticide.
4/10 Corporate Manslaughter.

4/1 **Manslaughter Counting Rules (1 of 1)**

GENERAL RULE: **ONE CRIME FOR EACH VICTIM.**

EXAMPLE 1: A person unintentionally kills two people in a fight.

Two crimes (class 4/1).

APPLICATION OF THE RULE

Victims injured should be counted in addition to those killed.

Example 1: 'A' throws an object from a motorway bridge, causing an accident that kills two people and injures four others.

Two crimes (class 4/1), plus four crimes (class 5A or 8F).

Re-classification: see General Rules Section B.

Example 1: 'A' unintentionally injures 'B' seriously in a scuffle. 'B' subsequently dies in hospital from the injuries inflicted.

One crime (class 4/1). If class 5A already recorded, the FCR should re-classify to class 4/1.

4/2 **Infanticide**

4/3 **Intentional Destruction of a Viable Unborn Child**

Classification (1 of 1)

4/2 Infanticide.
(V) *Infanticide Act 1938 Sec 1(1).*

4/3 Child Destruction.
(V) *Infant Life (Preservation) Act 1929 Sec 1.*

DEFINITION – LEGAL: CAPABLE OF BEING BORN ALIVE

INFANT LIFE (PRESERVATION) ACT 1929

Capable of being born alive means capable of being born alive at the time the act was done. A child is capable of being alive when it has reached a state of development in the womb in which it is capable, if born then, of living and breathing through its own lungs without any connection with the mother. The Act provides a presumption that a child is capable of this after 28 weeks of pregnancy. The offence can be committed on a younger child if there is medical evidence available that the child was capable of being born alive.

DEFINITION – RECORDED CRIME: HOMICIDE

Homicide comprises:

- 1 Murder.
- 4/1 Manslaughter.
- 4/2 Infanticide.
- 4/10 Corporate Manslaughter.

4/2 Infanticide

4/3 Intentional Destruction of a Viable Unborn Child

Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH BABY.

EXAMPLE 1: A mother wilfully allows her six month old baby to die.

One crime (class 4/2).

EXAMPLE 2: A man deliberately shoots his pregnant girlfriend in the stomach. The baby is born dead when it would have been capable of being born alive.*

One crime (class 4/3) and one crime (class 5A).

EXAMPLE 3: A man deliberately shoots his pregnant girlfriend in the stomach. The baby is born alive but dies a week later.

One crime (class 4/1) and one crime (class 5A).

EXAMPLE 4: A man deliberately shoots his pregnant girlfriend in the stomach. One twin is born alive but dies after a week and the other twin is born dead when it would have been capable of being born alive.*

One crime (class 4/1), one crime (class 4/3) and one crime (class 5A).

* Refer to 4/3 Intentional destruction of a viable unborn child Classification (1 of 1) for the legal definition of "capable of being born alive".

Re-classification: see General Rules Section B.

Example 1: A mother seriously harms her two month old baby who subsequently dies in hospital from the injuries received.

One crime (class 4/2). If class 5A already recorded, the FCR should re-classify to class 4/2.

4/4 Causing Death by Dangerous Driving Classification (1 of 1)

4/4
(V) Causing death by dangerous driving.
*Road Traffic Act 1988 Sec 1
(as added by the Road Traffic Act 1991
Sec 1 and amended by Criminal Justice
Act 1993 Sec 67).*

4/4 Causing Death by Dangerous Driving Counting Rules (1 of 1)

GENERAL RULE: **ONE CRIME FOR EACH VICTIM.**

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.**

EXAMPLE 1: A driver causes the death of two of his passengers in a road
accident by dangerous driving.

Two crimes (class 4/4).

4/6 Causing Death by Careless Driving under Influence of Drink or Drugs Classification (1 of 1)

4/6
(V) Causing death by careless driving
when under the influence of drink or drugs.
*Road Traffic Act 1988 Sec 3A (as added by
the Road Traffic Act 1991 Sec 3 and amended
by Criminal Justice Act 1993 Sec 67).*

4/6 Causing Death by Careless Driving under Influence of Drink or Drugs Counting Rules (1 of 1)

GENERAL RULE: **ONE CRIME FOR EACH VICTIM.**

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.**

EXAMPLE 1: A driver causes the death of two of his passengers in a road
accident by careless driving. He is found to have over the legal
limit of alcohol in his blood.

Two crimes (class 4/6).

4/7 Causing or Allowing Death of Child or Vulnerable Person Classification (1 of 1)

4/7 Causing or allowing the death of a child or
(V) vulnerable person.
*Domestic Violence, Crime and Victims Act
2004 Sec 5.*

4/7 **Causing or Allowing Death of Child or
Vulnerable Person
Counting Rules (1 of 1)**

GENERAL RULE: ONE CRIME FOR EACH VICTIM.

4/8 Causing Death by Careless or Inconsiderate Driving Classification (1 of 1)

4/8 Causing death by careless or inconsiderate driving.
(V) *Road Traffic Act 1988 Sec 2B (as added
 by Road Safety Act 2006 Sec 20).*

DEFINITION – LEGAL: CAUSING DEATH BY CARELESS OR INCONSIDERATE DRIVING

ROAD TRAFFIC ACT 1988 SEC 2B (AS ADDED BY ROAD SAFETY ACT 2006 SEC 20)

“A person who causes the death of another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.”

4/8 Causing Death by Careless or Inconsiderate Driving Counting Rules (1 of 1)

GENERAL RULE: **ONE CRIME FOR EACH VICTIM.**

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.**

EXAMPLE 1: A driver causes the death of two of his passengers in a road
accident caused by his careless driving. He is found to have no
alcohol or drugs in his blood.

Two crimes (class 4/8).

4/9 **Causing Death by Driving: Unlicensed, Disqualified or Uninsured Drivers Classification (1 of 1)**

4/9
(V) Causing death by driving: unlicensed, disqualified or uninsured drivers.
Road Traffic Act 1988 (as added by Road Safety Act 2006 Sec 21).

DEFINITION – LEGAL: CAUSING DEATH BY DRIVING UNLICENSED, UNINSURED OR DISQUALIFIED DRIVERS

ROAD TRAFFIC ACT 1988 SEC 21 (AS ADDED BY ROAD SAFETY ACT 2006 SEC 3ZB)

“A person is guilty of an offence if he causes the death of another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under:

- (a) RTA 1988, s87(1) (driving otherwise than in accordance with a licence)
- (b) RTA 1988, s103(1)(b) (driving whilst disqualified); or
- (c) RTA 1988, s143 (using a motor vehicle while uninsured or unsecured against third party risks).”

4/9 Causing Death by Driving: Unlicensed, Disqualified or Uninsured Drivers Counting Rules (1 of 1)

GENERAL RULE: **ONE CRIME FOR EACH VICTIM.**

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.**

EXAMPLE 1: A driver causes the death of three pedestrians when his motor bike
has a puncture causing him to lose control. He is later found to be
disqualified from driving.

Three crimes (class 4/9).

4/10 Corporate Manslaughter Classification (1 of 1)

4/10 Corporate Manslaughter
(V) *Corporate Manslaughter and
Corporate Homicide Act 2007.*
Sec 1(1).

CORPORATE MANSLAUGHTER AND HOMICIDE ACT 2007 SEC 1(1)

“1 The offence

(1) An organisation to which this section applies is guilty of an offence if the way in which its activities are managed or organised -

(a) causes a person’s death, and

(b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.”

RECORDING PRACTICE – MANSLAUGHTER AND CORPORATE MANSLAUGHTER

Where there is an allegation made to Police of an offence of Manslaughter under class 4/1 that could also be considered as Corporate Manslaughter (class 4/10) under this section the HOCR general principles must be applied to the Manslaughter allegation and a crime recorded if appropriate.

4/10 Corporate Manslaughter Counting Rules (1 of 2)

GENERAL RULE: ONE CRIME FOR EACH VICTIM KILLED.

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.

EXAMPLE 1: A builder is killed on a building site whilst employed to work there. Following an investigation by the Police and Health and Safety Executive, the CPS prefer a charge of corporate manslaughter against the building company.

One crime (class 4/10) when the offence is made out.

EXAMPLE 2: An outbreak of Legionnaires disease is discovered in the air conditioning system of a central London Hotel. Six guests have returned to their countries and died abroad as a result of the outbreak. Following an investigation by the Police and the Health and Safety Executive, the CPS summons the air conditioning company for corporate manslaughter.

Six crimes (class 4/10) when the offence is made out.

EXAMPLE 3: A British registered ship leaves Southampton docks with American tourists on board. Shortly after departure, whilst in International waters there is an outbreak of food poisoning. Twelve guests die as a result and many others are affected. Investigation by the Police and Health and Safety Executive result in the Shipping Company being prosecuted for corporate manslaughter.

Twelve crimes (class 4/10) when the offence is made out.

APPLICATION OF THE RULE

If more than one organisation is charged with corporate manslaughter from the same incident: count one crime for each victim killed regardless of the number of organisations charged or summonsed.

Example 1: A passengers on a train is killed in a train crash. Following an investigation by Police and the Health and Safety Executive, Police charge two separate companies with corporate manslaughter.

One crime (class 4/10) when the offence is made out.

Subsequent deaths directly related to the original incident should be recorded.

Example 1: A passenger on a train is killed in a train crash. Following an investigation by Police and the Health and Safety Executive, CPS charge a company with corporate manslaughter. One of the other passengers who has serious head injuries dies after the conviction of the company from the injuries sustained in the crash, never having regained consciousness.

Two crimes (class 4/10) should be recorded.

4/10 Corporate Manslaughter Counting Rules (2 of 2)

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

Other homicide offences are the principal crime over corporate manslaughter. Should a charge of manslaughter and corporate manslaughter originate from the same incident, then only count the manslaughter.

Example 1: Two builders working on a construction site are killed in an accident. Two crimes of manslaughter are recorded with the site foreman shown as the suspect. Following a Police and Health and Safety Executive investigation the foreman is charged with two counts of manslaughter and the building firm is charged with corporate manslaughter.

The two recorded manslaughter offences can be detected, no additional crime (class 4/10) should be recorded.

Re-classification of other recorded offences: see also General Rules Section C.

It is possible that incidents that result in proceedings for corporate manslaughter may have already been recorded as a homicide offence. If the investigation and advice from the CPS results in only a corporate responsibility (and the case is made out), and no personal responsibility, the recorded crime should be no crimed and a new crime recorded for the corporate manslaughter.

Example 1: Two builders working on a construction site are killed in an accident. Two crimes of manslaughter are recorded with the site foreman shown as the suspect. Following a Police and Health and Safety Executive investigation a building firm is charged with corporate manslaughter. There is no evidence of any separate offence of manslaughter against the site foreman.

Both recorded offences can be no crimed and two new crimes (class 4/10) should be recorded and detected.

Example 2: A lorry driver falls asleep at the wheel and drives over the top of a car travelling in the opposite direction killing the two occupants. He is charged with Death by Dangerous Driving and two offences are recorded and detected. A subsequent investigation into the company reveals that all the drivers had been directed to work excessive hours with fraudulent tachographs submitted by each driver within the firm. Each driver has been summonsed for their respective fraudulent tachograph offences. A decision is also made to charge the directors of the company with corporate manslaughter offences.

Reclassify the originally recorded Death by Dangerous Driving offences to two offences of Corporate Manslaughter (Corporate Manslaughter being the principal crime – included within the homicide definition for Counting Rules purposes).

5 Wounding or Other Act Endangering Life

No longer used from 1 April 2008. This is irrespective of whether an offence occurs before or after 1 April 2008.

Use codes 5A, 5B or 5C.

5A **Wounding or Carrying out an act Endangering Life Classification (1 of 3)**

5/1 (V)	Wounding with intent to do grievous bodily harm. <i>Offences against the Person Act 1861</i> Sec 18.	5/8 (V)	Impeding the saving of life from shipwreck. <i>Offences against the Person Act 1861</i> Sec 17.
5/2 (S/V)	Shooting at naval or revenue vessels. <i>Customs & Excise Management Act 1979</i> Sec 85(2).	5/10 (V)	Administering poison so as to endanger life. <i>Offences against the Person Act 1861</i> Sec 23.
5/4 (V)	Attempting to choke etc in order to commit indictable offence. <i>Offences against the Person Act 1861</i> Sec 21.	5/26 (S/V)	Endangering safety at sea. <i>Aviation and Maritime Security Act 1990</i> Sec 1.
5/5 (V)	Using chloroform etc to commit indictable offence. <i>Offences against the Person Act 1861</i> Sec 22.	5/27 (V)	Torture. <i>Criminal Justice Act 1988</i> Sec 134.
5/6 (V)	Causing bodily injury by explosion. <i>Offences against the Person Act 1861</i> Sec 28.		
5/7 (V)	Causing explosions, sending explosive substance or throwing corrosive fluids with intent to do grievous bodily harm. <i>Offences against the Person Act 1861</i> Sec 29.		

5A Wounding or Carrying out an act Endangering Life Classification (2 of 3)

CLARIFICATION – LEGAL: "UNLAWFULLY & MALICIOUSLY"

OFFENCES AGAINST THE PERSON ACT 1861 SECS 17, 18, 23, 28 & 29

These Sections state that the action needs to have be carried out "unlawfully and maliciously". Stones' Justices' Manual defines 'maliciously' as satisfying one of two criteria:

- (i) an actual intention to do the particular kind of harm that in fact was done; or
- (ii) recklessness as to whether such harm should occur or not (ie the offender has foreseen that the particular kind of harm might be done and yet has gone on to take the risk of doing it).

It is neither limited to, nor does it indeed require, any ill-will towards the person injured.

CLASSIFICATION: GBH (CLASS 5A OR CLASS 8F)

OFFENCES AGAINST THE PERSON ACT 1861 SECS 18 & 20

Section 18 (class 5A): "... [to] wound or cause any grievous bodily harm ... with intent to do some grievous bodily harm ... or with intent to resist or prevent the lawful apprehension or detainer ..."

Section 20 (class 8F): "... [to] wound or inflict any grievous bodily harm ... either with or without any weapon or instrument ..."

If there is intent to commit GBH, record under class 5A, otherwise record under class 8F or 8G. The gravity of the injury resulting is not necessarily the determining factor.

The following circumstances **may** indicate intent:

- Use of a firearm
- Use of a knife
- Use of other made offensive weapons
- Other object used as a weapon but not necessarily during instant arming
- Glass/bottle smashed and used to assault
- Repeated kicks to the head
- Indication of pre planning
- Words spoken by the assailant
- Ferocity and/or length of time of any assault

When determining whether an offence under Section 5A should be recorded the circumstances surrounding the offence should be examined taking into account the guidance on actions/behaviour that may indicate an intent to commit GBH. If any of these factors are present and the actions result in really serious bodily harm then record an offence under class 5A. If the elements of intent are present and the actions of the offender clearly show a deliberate attempt to inflict serious bodily harm yet the resulting injury does not constitute serious bodily harm then record an offence under class 5A.

5A **Wounding or Carrying out an act Endangering Life Classification (3 of 3)**

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 (*R v Metharam* [1961]; *DPP v Smith* [1961]) “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.

These six bullet points also accord with the terms of the CPS Charging Standard as of January 2008.

5A Wounding or Carrying out an act Endangering Life Counting Rules (1 of 3)

GENERAL RULE: ONE CRIME FOR EACH VICTIM.

EXAMPLE 1: Three gang members (acting together) with intent to cause serious injury, ambush, attack and wound two rival gang members.

Two crimes (class 5A) (indication of pre planning).

EXAMPLE 2: One person armed with a sword attacks and wounds two others.

Two crimes (class 5A) (use of weapon).

EXAMPLE 3: Following a dispute in a public house 'A' breaks the bottom of a bottle on the bar and strikes 'B' in the face, causing a wound below the left eye.

One crime (class 5A) (glass bottle smashed).

EXAMPLE 4: 'A' punches 'B' on the chin knocking him out and causing him to fall to the ground. 'A' is then observed repeatedly kicking him in the head before he is arrested. 'B' has a fractured cheek bone amongst other lesser injuries.

One crime (class 5A) (repeated kicks to head).

EXAMPLE 5: A woman in a nightclub appears to provoke another woman she knows by pouring a drink over her head. She then picks up a bottle, and deliberately strikes it on the table and again deliberately strikes her with the broken bottle in the face. The victim suffered a cut to the bridge of her nose and a nose bleed.

One crime (class 5A) (intent to use broken bottle - attempt GBH).

EXAMPLE 6: A man shouts "I am going to scar you for life" picks up a bottle and throws it with force at the victim. The bottle hits him in the eye, luckily failing to break, causing a 'black eye' and a cut that is treated with a plaster.

One crime (class 5A) (words spoken).

EXAMPLE 7: 'A' stabs 'B' with a knife in the back. Fortunately 'B' moves at the last minute and the knife causes a wound requiring gluing at hospital.

One crime (class 5A) (use of weapon).

EXAMPLE 8: During the execution of a drug search warrant police search the husband and find a large bag of white powder in his pocket. As the officer begins to arrest and caution him, his wife slashes the officer in the face with a knife causing a cut above his eye intending to allow her husband to escape.

One crime (class 5A) (intent to prevent lawful apprehension).

5A Wounding or Carrying out an act Endangering Life Counting Rules (2 of 3)

APPLICATION OF THE RULE

Victims injured should be counted in addition to those murdered.

Example 1: 'A' places a bomb in a shopping centre and gives a precise telephone warning to the police. During evacuation of the shopping centre the bomb explodes prematurely injuring five people.

Five crimes (class 5A). If the placing of the explosive (class 5B) is already recorded it should remain.

Possession of Weapons: Specific guidance on counting these crimes can be found within the appropriate class (10A-10D)

Finished Incident: see also General Rules Section E.

Example 1: The Police discover that 'A' has been poisoning his wife over a period of weeks (endangering her life).

One crime (class 5A).

Re-classification: see also General Rules Section B.

Wounding offences can be re-classified as murder.

Example 1: 'A' seriously wounds 'B' who subsequently dies in hospital.

One crime (class 1). If class 5A already recorded, the FCR should re-classify to class 1, unless the 5A has been recorded in a previous financial year. In this instance the recorded wounding should be no crimed and an additional crime (class 1) should be recorded in the current year's crime figures.

5A Wounding or Carrying out an act Endangering Life Counting Rules (3 of 3)

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

Example 1: A wounding (class 5A) occurs in the course of a burglary.

One crime (class 5A) only.

Example 2: 'A' commits criminal damage in the course of causing serious bodily harm to 'B'.

One crime (class 5A) only.

Example 3: 'A' places several bombs around a building. They explode killing three people, and injuring two.

Three crimes (class 1), two crimes (class 2), but none for placing the explosive (class 5B) unless already recorded.

Example 4: 'A' attempts to choke 'B' with intent to kill him.

One crime (class 2).

Whether to record: see also General Rules Section A.

Example 1: A member of the public reports seeing a person being stabbed in the street from his flat window. The police receive no other reports, and they examine the scene.

- (i) The examination (and further enquiries) reveals no grounds to suggest the crime took place.

Register the incident and deal with in accordance with NSIR.

- (ii) The examination reveals some grounds to suggest that on the balance of probabilities, a crime took place. The police have made appropriate enquiries but have been unable to locate a victim or their representative.

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

5B Use of Substance or Object to Endanger Life Classification (1 of 1)

5/9 (S/V)	Placing explosives in or near buildings with intent to do bodily harm. <i>Offences against the Person Act 1861 Sec 30.</i>	5/22 (S/V)	Use etc of nuclear weapons. <i>Anti-Terrorism, Crime & Security Act 2001 Sec 47.</i>
5/11 (S/V)	Causing danger to road-users. <i>Road Traffic Act 1988 Sec 22a.</i>	5/23 (S/V)	Weapons related acts overseas. <i>Anti-Terrorism, Crime & Security Act 2001 Sec 50.</i>
5/17-19 (S/V)	Use of firearm to resist arrest. <i>Firearms Act 1968 Sec 17(1).</i>	5/24 (S/V)	Use of noxious substances or things to cause harm and intimidate. <i>Anti-Terrorism, Crime & Security Act 2001 Sec 113.</i>
5/20 (S/V)	Use of chemical weapons. <i>Chemical Weapons Act 1996 Sec 2.</i>		

CLARIFICATION: USE OF SUBSTANCE OR OBJECT TO ENDANGER LIFE

Class 5B offences should be used where an item has been used/placed, and there is a clear intent to endanger life or recklessness as to whether life has or will be endangered. If victims have been injured then an offence under Homicide or Class 5A should be considered and no offence under this section should be recorded.

5B Use of Substance or Object to Endanger Life Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.

EXAMPLE 1: 'A' places a small explosive device in the boardroom of a company just before they are due to meet, intending to cause bodily harm to all six members of the Board.

Six crimes (class 5B).

APPLICATION OF THE RULE

If there is intent but no specific victims, then count one crime only.

Example 1: 'A' places five bombs near a building with intent to do bodily harm.

One crime (class 5B).

Example 2: 'A' places a bomb near a building with intent to do bodily harm.

One crime (class 5B).

Example 3: 'A' removes all the warning signposting and barriers around an area of road subsidence on a busy minor road leaving an unmarked large hole in the roadway.

One crime (class 5B).

Use of firearm to resist arrest: Count one crime for each offender or group of offenders

Example 1: 'A' discharges a shotgun to enable him and three other armed robbers to escape from waiting police officers.

One crime (class 5B).

Example 2: During an armed robbery at a bank, two robbers shoot handguns above the heads of waiting police in order to escape from the scene.

One crime (class 5B) and one crime (class 34A).

5C Possession of items to Endanger Life Classification (1 of 1)

5/13 (S/V)	Possession of explosives with intent to endanger life. <i>Explosive Substances Act 1883 Sec 3(1)(b).</i>	5/21 (S/V)	Premises or equipment for producing chemical weapons. <i>Chemical Weapons Act 1996 Sec 11.</i>
5/14-16 (S/V)	Possession of firearm with intent to injure. <i>Firearms Act 1968 Sec 16.</i>	5/25 (S/V)	Performs an aviation function or ancillary function when impaired by drink or drugs. <i>Railways & Transport Safety Act 2003 Secs 92 & 95.</i>

CLARIFICATION: POSSESSION OF ITEMS TO ENDANGER LIFE

Classification 5C relate to offences involving the possession of items to endanger life. If an item has been used/placed, and there is a clear intent to endanger life or recklessness as to whether life has or will be endangered, consider an offence under class 5B Use of Substance or Object to Endanger Life. If victims have been injured then an offence under Homicide or class 5A should be considered.

5C Possession of items to Endanger Life Counting Rules (1 of 1)

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

EXAMPLE 1: Two men are arrested following forensic tests on a cache of explosives found concealed in woodland.

One crime (class 5C).

APPLICATION OF THE RULE

Example 1: A man is stopped when driving his car to his estranged wife's address whilst in possession of a loaded air weapon which he intended to use to harm her.

One crime (class 5C).

Example 2: A man is stopped when driving his car to his estranged wife's address whilst in possession of a loaded air weapon which he intended to use to threaten her.

One crime (class 10A).

Example 3: A person is found in possession of a large quantity of fertilizer which was intended to be converted into an explosive substance.

One crime (class 5C).

Example 4: A person is found wearing a jacket containing explosives in a busy shopping mall. He makes no attempt to explode the device.

One crime (class 5B) (clear intent to endanger life).

Example 5: A person is found wearing a jacket containing explosives in a busy shopping mall. When challenged the offender attempts to detonate the explosive with intent to kill, but it fails to explode.

One crime (class 2).

6 Endangering Railway Passengers Classification (1 of 1)

6/1 (S/V)	Endangering railway passengers by placing anything on railway, taking up rails, changing points and signals etc. <i>Offences against the Person Act 1861 Sec 32.</i>	6/3 (S/V)	Endangering railway passengers by unlawful acts, or by omission or neglect. <i>Offences against the Person Act 1861 Sec 34.</i>
6/2 (S/V)	Endangering railway passengers by throwing anything at railway carriages etc. <i>Offences against the Person Act 1861 Sec 33.</i>	6/4 (S/V)	Destroying, damaging etc a Channel Tunnel train or the Tunnel system or committing acts of violence likely to endanger safety of operation. <i>Channel Tunnel Act 1987 Sec 1(7).</i> <i>Channel Tunnel (Security) Order 1994 Art 6.</i>

CLASSIFICATION: ENDANGERING PASSENGERS ON PUBLIC TRANSPORT

Rail	Class 6
Ship	Class 7
Air	Class 36
Road	no separate classification

6 Endangering Railway Passengers Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS (NO SPECIFIC INTENDED VICTIM).

APPLICATION OF THE RULE

If two or more unlawful acts occur at the same time, eg omission and neglect of duty, these are part of the same crime and should not be counted separately.

Example 1: 'A' places a sleeper on a railway line and also jams points and tampers with the signals at the same time.

One crime (class 6).

Where a crime of endangering railways passengers (class 6) results in injuries that are not specific and intended, count the class 6 crime but not the injuries.

Example 2: 'A' places a sleeper on the line, which derails a train and injures 20 passengers.

One crime (class 6) only.

Finished Incident: see also General Rules Section E.

Example 1: 'A' places a sleeper on the line which fails to dislodge the train. He then tries again for another train.

One crime (class 6).

Example 2: Stones are thrown during the course of an afternoon at five different trains, run by the same company, passing one location and endangering the safety of passengers. The incidents are reported:

(i) At the same time.

One crime (class 6).

(ii) On the five occasions.

Five crimes (class 6).

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

Homicide or attempted murder takes precedence over endangering railway passengers. Therefore, if a crime of endangering railway passengers involves homicide or attempted murder, count the homicide or attempted murder only.

7 Endangering Life at Sea Classification (1 of 1)

7/1 (S/V)	Sending unseaworthy ship to sea. <i>Merchant Shipping Act 1995 Sec 98.</i>	7/10 (S/V)	Intentionally making false or fraudulent certificate (load lines etc). <i>Merchant Shipping Act 1995 Sch 3 (para 27).</i>
7/2 (S/V)	Not waiting to save lives in collision. <i>Merchant Shipping Act 1995 Sec 92(1)(3).</i>	7/11 (S/V)	Using unsafe lighter, barge etc, likely to endanger life. <i>Merchant Shipping Act 1995 Sec 99.</i>
7/3 (S/V)	Endangering ship, life or limb on shipboard by breach of duty. <i>Pilotage Act 1987 Sec 21.</i>	7/12 (S/V)	Disobedience, neglect of duty, impeding navigation of ship. <i>Merchant Shipping Act 1995 Sec 59.</i>
7/4 (S/V)	Failing to assist ships in distress or persons in danger at sea. <i>Merchant Shipping Act 1995 Sec 93 (1)(2)(4)(5)(6)(7).</i>	7/13 (S/V)	Master, Pilot or Seaman's ability to carry out duties impaired because of drink or drugs. <i>Railways & Transport Safety Act 2003 Secs 78-82.</i>
7/5 (S/V)	Taking or sending ship to sea with load line submerged. <i>Merchant Shipping Act 1995 Sch 3 (paras 3 & 4).</i>	7/14 (S/V)	Destroying ships or fixed platforms endangering their safety. <u>Cannot proceed without consent of Attorney General</u> <i>Aviation and Maritime Security Act 1990 Sec 11.</i>
7/6 (S/V)	Contravening cargo ship construction & survey rules. <i>Merchant Shipping Act 1964 Sec 7.</i>	7/15 (S/V)	Other acts endangering or likely to endanger safe navigation. <i>Aviation and Maritime Security Act 1990 Sec 12.</i>
7/7 (S/V)	Misconduct of master or crew likely to endanger ships, structures or individuals. <i>Merchant Shipping Act 1995 Sec 58.</i>	7/16 (S/V)	Inducing commission of offence relating to safety of ship, cargo or sea platform outside UK. <u>Cannot proceed without consent of Attorney General</u> <i>Aviation and Maritime Security Act 1990 Sec 14(4).</i>
7/8 (S/V)	Drunkenness etc on duty. <i>Merchant Shipping Act 1995 Sec 117.</i>	7/17 (S/V)	Assisting commission of offence relating to safety of ship, cargo or sea platform outside the UK <u>Cannot proceed without consent of Attorney General</u> <i>Aviation and Maritime Security Act 1990 Sec 14(4).</i>
7/9 (S/V)	Contraventions of deck cargo regulations (load lines etc). <i>Merchant Shipping Act 1995 Sch 3 (para 24).</i>		

7 Endangering Life at Sea Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS (NO SPECIFIC INTENDED VICTIM).

APPLICATION OF THE RULE

Where a crime of endangering life at sea (class 7) results in injuries that are not specific and intended, count the class 7 crime but not the injuries.

Example 1: A person sends an unseaworthy ship to sea, causing injury to 20 passengers.

One crime (class 7) only.

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

Homicide or attempted murder takes precedence over endangering life at sea. Therefore, if a crime of endangering life at sea involves homicide or attempted murder, count the homicide or attempted murder only.

- 8A Other Wounding**
- 8B Possession of Weapons**
- 8C Harassment**
- 8D Racially or Religiously Aggravated Other Wounding**
- 8E Racially or Religiously Aggravated Harassment**

No longer used from 1 April 2008. This is irrespective of whether an offence occurs before or after 1 April 2008.

For 8A use codes 8F, 8G, 8K.

For 8B use codes 10A, 10C, 10D.

For 8C use codes 8L, 9A.

For 8D use codes 8H, 8J.

For 8E use codes 8M, 9B.

8F Inflicting Grievous Bodily Harm without Intent Classification (1 of 2)

Classification 8F excludes less serious wounding under 8G.

8/1 Inflicting grievous bodily
(V) harm, without intent.
Offences against the Person Act 1861
Sec 20 (part code - excluding less serious wounding within class 8G)

CLASSIFICATION: GRIEVOUS BODILY HARM (GBH) (CLASS 5A OR 8F)

OFFENCES AGAINST THE PERSON ACT 1861 SECS 18 & 20

Section 18 (class 5A): "... [to] wound or cause any grievous bodily harm ... with intent to do some grievous bodily harm ... or with intent to resist or prevent the lawful apprehension or detainer ..."

Section 20 (class 8F): "... [to] inflict any grievous bodily harm ... either with or without any weapon or instrument ..."

If there is intent to commit GBH, record under class 5A, otherwise record under class 8F.

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.

These six bullet points also accord with the terms of the CPS Charging Standard as of January 2008.

DEFINITION – LEGAL: GRIEVOUS BODILY HARM (GBH)

To constitute grievous bodily harm, really serious bodily harm must be caused (*R v Metharam* [1961] 3 All ER 200, 125 JP 578; *DPP v Smith* [1961] AC 290, [1960] 3 All ER 161, 124 JP 473); "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".

DEFINITION – LEGAL: UNLAWFULLY & MALICIOUSLY

OFFENCES AGAINST THE PERSON ACT 1861 SECS 20

These sections state that the action needs to have be carried out "unlawfully and maliciously". Stones' Justices' Manual defines 'maliciously' as satisfying one of two criteria:

- (i) an actual intention to do the particular kind of harm that in fact was done; or
- (ii) recklessness as to whether such harm should occur or not (ie the offender has foreseen that the particular kind of harm might be done and yet has gone on to take the risk of doing it).

It is neither limited to, nor does it indeed require, any ill-will towards the person injured.

8F Inflicting Grievous Bodily Harm without Intent Classification (2 of 2)

RECORDING PRACTICE: WOUNDS

Wounds under Offences Against the Persons Act 1861 Sec 20 will be recorded under class 8G *unless* there is evidence of intent when class 5A should be recorded. Where serious bodily harm is caused without intent class 8F should be recorded.

8F Inflicting Grievous Bodily Harm without Intent Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH VICTIM.

EXAMPLE 1: A husband and wife get into an argument with a group of youths that results in the youths attacking them. The husband is kicked in the ankle causing it to break, and the wife has her wrist broken.

Two crimes (class 8F).

EXAMPLE 2: One person unexpectedly assaults a victim causing a wound under her eye. This requires stitching at hospital.

One crime (class 8F).

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

Example 1: A householder is punched in the face causing a broken jaw during the course of a burglary.

(i) The assault is in order to steal.

One crime (class 34A or 34B).

(ii) The assault is not in order to steal.

One crime (class 5A or 8F).

Example 2: An incident involves an assault causing GBH without intent and a crime of criminal damage to the same victim.

One crime (class 8F) only.

8G Actual Bodily Harm and other Injury Classification (1 of 3)

Classification 8G excludes GBH under 8F.

8/1 (V)	Malicious wounding. <i>Offences against the Person Act 1861 Sec 20 (part code – excluding GBH within 8F).</i> Note: If forces are unable to use the part code then this should be recorded under code 8/6	8/6 (V)	Assault occasioning actual bodily harm. <i>Offences against the Person Act 1861 Sec 47</i>
8/4 (V)	Drivers injuring persons by furious driving. <i>Offences against the Person Act 1861 Sec 35.</i>	8/21 (V)	Owner or person in charge allowing dog to be dangerously out of control in a public place injuring any person. <i>Dangerous Dogs Act 1991 Sec 3(1).</i>
8/5 (V)	Assault on person preserving wreck. <i>Offences against the Person Act 1861 Sec 37.</i>	8/22 (V)	Owner or person in charge allowing dog to enter a non-public place and injure any person. <i>Dangerous Dogs Act 1991 Sec 3(3).</i>

DEFINITION – LEGAL: WOUNDING

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**). A scratch is not sufficient.

8G Actual Bodily Harm and other Injury Classification (2 of 3)

RECORDING PRACTICE: MINOR INJURIES

Common assault (code 105/1) includes common assault with no injury.

Where battery results in injury, Actual Bodily Harm and Other Injury (class 8G) should be recorded even if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a 'black eye'.

In determining if a battery has resulted in an injury, care should be taken where there is no visible injury. Each case needs to be viewed on its own merits. Shock can be regarded as an injury when accompanied by expert psychological evidence. A joint could be struck with no visible injury but the victim has had to undergo a course of treatment to get better. This would indicate some form of internal injury. Examples like this should be recorded under Actual Bodily Harm and Other Injury (class 8G).

An application of force which generates a feeling of touch or a passing moment of pain should be recorded as an assault without injury (class 105A).

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding with intent/GBH classification (probably either class 5A or 8F).

RECORDING PRACTICE: WOUNDS

Wounds under Offences Against the Persons Act 1861 Sec 20 will be recorded under class 8G **unless** there is evidence of intent when class 5A should be recorded or serious bodily harm is caused in which case class 8F should be recorded.

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.

These six bullet points also accord with the terms of the CPS Charging Standard as of January 2008.

Bites

The likely outcome from most bites about the body, if the severity of the bite is such that it was likely to break the skin, is to cause a wound. The issue is whether there was an intent to cause GBH. The following should be used as guidance:

- Bite as part of a fight, reddening of the skin, bruising. Record an ABH (class 8G).
- Bite cutting the skin, bled but no medical intervention. Record an unlawful wounding (class 8G).
- Bite deeply cutting the skin, required stitching or gluing. Record a GBH (class 8F).
- As class 8F above but the part of the body bitten indicated intent from the outset to disfigure, cause GBH eg face, nose, ears, fingers. Record a GBH with intent (class 5A).

8G Actual Bodily Harm and other Injury Classification (3 of 3)

RECORDING PRACTICE: WOUNDS (CONTINUED)

Minor permanent visible disfiguration wounds

Great care should be taken when considering if the wound is minor. Class 8G should only be used for wounds that require basic first aid or minimal hospital treatment. Any cut that leaves the victim with an injury likely to leave a noticable scar should be classified under class 8F. If already recorded under class 8G the FCR should consider re-classification.

8G Actual Bodily Harm and other Injury Counting Rules (1 of 3)

Classification 8G excludes GBH under 8F.

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.

EXAMPLE 1: Three persons are assaulted and receive cuts and grazes.

Three crimes (class 8G).

EXAMPLE 2: An assault victim has a wound to the left eyebrow, a 'black eye' and a cut under the eye. The cuts are treated with a plaster.

One crime (class 8G).

EXAMPLE 3: The victim leaves a nightclub in a drunken state. He sees a group of people arguing and intervenes to try and calm the situation down but he is set upon by the group. The victim received a kick to the head and sustains minor bruises and grazes.

One crime (class 8G).

EXAMPLE 4: A woman in a nightclub appears to provoke another woman she knows by pouring a drink over her and striking her with a bottle. The victim suffered two cuts to the bridge of her nose which are treated with a plaster.

One crime (class 8G).

EXAMPLE 5: A woman in a nightclub appears to provoke another woman she knows by pouring a drink over her head. She then picks up a bottle, and deliberately strikes it on the table and again deliberately strikes her with the broken bottle in the face. The victim suffered bruising to the bridge of her nose and a nose bleed.

One crime (class 5A) (attempted GBH).

EXAMPLE 6: 'A' is approached by 'B' who asks for cigarette, the request is refused. 'A' becomes aware that 'B' is behind him and feels what he believes to be punches to the back. 'A' falls to the ground and bystanders who come to assist 'A' notice he is bleeding. He requires hospital treatment for a shallow puncture wound.

One crime (class 5A).

8G Actual Bodily Harm and other Injury Counting Rules (2 of 3)

APPLICATION OF THE RULE

Bites

Example 1: During a road rage incident the offender puts his head in through the window of a car and bites the top of the driver's head. This resulted in two distinct cuts that required gluing.

One crime (class 8F).

Example 2: During an argument that develops into pushing and shoving an offender bites the ear of another man. The man felt the offender pulling as he bit deeper. He bites straight through his ear lobe biting a section off.

One crime (class 5A).

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

Example 1: A householder is punched in the face causing a cut during the course of a burglary. The cut is treated with a plaster.

(i) The assault is in order to steal.

One crime (class 34A or 34B).

(ii) The assault is not in order to steal.

One crime (class 8G).

Example 2: An incident involves an assault causing an ABH and a crime of criminal damage to the same victim.

One crime (class 8G) only.

Example 3: A victim of assault has a wound on the chin. The injury is such that it requires stitching at hospital.

One crime (class 8F).

Re-classification: see General Rules Section B.

Class 8G offences can be re-classified to 8F offences by the FCR.

Example 1: 'A' is punched in the face by an assailant wearing a sovereign ring. The ring causes a circular wound under his eye. Initially this was thought to be a minor wound, however following treatment the victim has been left with a permanent visible disfiguring scar.

One crime (class 8F). If class 8G already recorded the FCR can re-classify to class 8F.

8G Actual Bodily Harm and other Injury Counting Rules (3 of 3)

Whether to record: see also General Rules Section A.

Example 1: A person reports sounds of a fight taking place next door. No other report is received, but the police contact the neighbours.

- (i) No-one admits being involved in a fight, and do not wish the matter to be taken further. The police see no signs of injury.

Classify the incident in accordance with NSIR but do not record a crime.

- (ii) They identify a victim who shows signs of recent injury (cuts, bruises), confirms that he has been assaulted, but does not wish the matter to be taken further.

One crime (class 8G).

8H Racially or Religiously Aggravated Inflicting Grievous Bodily Harm without intent Classification (1 of 2)

Classification 8H excludes less serious wounding under 8J.

8/59 (V) (Racially or religiously aggravated wounding or grievous bodily harm *Crime & Disorder Act 1998 Sec 29(1)(a) and (2)* (as added to by *Anti-terrorism, Crime and Security Act 2001 Sec 39*) (part code – excludes less serious wounding within 8J).

DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME & DISORDER ACT 1998 SEC 28 (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

- “(1) An offence is racially or religiously aggravated for the purposes of Sections 29 to 32 if-
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.
- (2) In subsection (1)(a) above-
- "membership", in relation to a racial or religious group, includes association with members of those groups; "presumed" means presumed by the offender.
- (3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
- (4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.
- (5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.”

8H Racially or Religiously Aggravated Inflicting Grievous Bodily Harm without intent Classification (2 of 2)

DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED GRIEVOUS BODILY HARM (GBH)

CRIME & DISORDER ACT 1998 SEC 29 (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

“(1) A person is guilty of an offence under this Section if he commits-

- (a) an offence under Section 20 of the Offences Against the Person Act 1861 (malicious wounding or grievous bodily harm); or
- (b) an offence under Section 47 of that Act (actual bodily harm)

which is racially or religiously aggravated for the purposes of this Section.”

RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED GRIEVOUS BODILY HARM WITHOUT INTENT

A crime of class 8H should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (Crime and Disorder Act 1998 Sec 28) exists at the time of recording.

RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED WOUNDING

See class 8G classification and counting rules pages for further details and examples of wounding recording practice.

Wounds under Offences Against the Persons Act 1861 Sec 20 will be recorded under class 8J (Racially or Religiously Aggravated Actual Bodily Harm and other Injury) **unless** there is evidence of intent when class 5A should be recorded or serious bodily harm is caused in which case class 8H should be recorded.

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;
- a psychiatric injury. As with assault occasioning actual bodily harm, appropriate expert evidence is essential to prove the injury.

These six bullet points also accord with the terms of the CPS Charging Standard as of January 2008.

8H Racially or Religiously Aggravated Inflicting Grievous Bodily Harm without intent Counting Rules (1 of 1)

Classification 8H excludes less serious wounding under 8J.

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.

Refer to 8F for examples.

8J Racially or Religiously Aggravated Actual Bodily Harm and other Injury Classification (1 of 2)

Classification 8J excludes GBH under 8H.

8/60 (V) (Racially or religiously aggravated assault (or assault occasioning actual bodily harm.
Crime & Disorder Act 1998 Sec 29(1)(b) and (2)
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39).

8/33 (Racially or religiously aggravated
8/40 (malicious wounding
8/46 ((malicious wounding
(V) *Crime & Disorder Act 1998 Sec 29(1)(a)*
(as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39) (part code – excludes GBH within 8H)

Note: If forces are unable to use the part code then this should be recorded under code 8/60.

DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED WOUNDING OR ACTUAL BODILY HARM

CRIME AND DISORDER ACT 1998 SEC 29 (AS ADDED TO BY ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 SEC 39)

“(1) A person is guilty of an offence under this Section if he commits-

- (a) an offence under Section 20 of the Offences Against the Person Act 1861 (malicious wounding or grievous bodily harm); or
- (b) an offence under Section 47 of that Act (actual bodily harm)

which is racially or religiously aggravated for the purposes of this Section.”

DEFINITION - LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME AND DISORDER ACT 1998 SEC 28 (AS ADDED TO BY ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 SEC 39)

See box on class 8H classification page (1 of 2).

8J Racially or Religiously Aggravated Actual Bodily Harm and other Injury Classification (2 of 2)

DEFINITION – LEGAL: WOUNDING

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). A scratch is not sufficient.

RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED WOUNDING OR ACTUAL BODILY HARM

A crime of class 8J should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (Crime and Disorder Act 1998 Sec 29) exists at the time of recording.

RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED WOUNDS

See section 8G for further details and examples of wounding recording practice.

Wounds under Offences Against the Persons Act 1861 Sec 20 will be recorded under class 8J (Racially or Religiously Aggravated Actual Bodily Harm) **unless** there is evidence of intent when class 5A should be recorded or serious bodily harm is caused in which case class 8H should be recorded.

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;
- a psychiatric injury. As with assault occasioning actual bodily harm, appropriate expert evidence is essential to prove the injury.

These six bullet points also accord with the terms of the CPS Charging Standard as of January 2008.

8J Racially or Religiously Aggravated Actual Bodily Harm and other Injury Counting Rules (1 of 1)

Classification 8J excludes GBH under 8H.

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.

Refer to 8G for examples.

8K Poisoning or Female Genital Mutilation Classification (1 of 1)

8/2 Administering poison with intent
(V) to injure or annoy.
Offences against the Person Act 1861
Sec 24.

8/52 Excise, infibulate, aid, abet, counsel.
(V) *Female Genital Mutilation Act 2003*
Sec 1(1), 2, 3 & 5.

8K **Poisoning or Female Genital Mutilation Counting Rules (1 of 1)**

GENERAL RULE: **ONE CRIME FOR EACH VICTIM.**

EXAMPLE 1: A rum punch at a party is spiked by an offender to cause annoyance. Six people drink the punch and become violently ill.

Six crimes (class 8K).

APPLICATION OF THE RULE

Administering poison with intent to injure or annoy: If the intentions of the offender (eg in drink spiking) are sexual, record one crime of 88/5 (administering a substance with intent) under class 88C. If the intentions are unknown, record under class 8K.

Example 1: A female's drink was spiked but the intentions of the offender, other than to annoy, are unknown.

One crime (class 8K).

Finished Incident: see also General Rules Section E.

Example 1: The police discover that 'A' has been poisoning his wife over a number of weeks (making her ill but not endangering her life).

One crime (class 8K).

8L Harassment Classification (1 of 3)

Classification 8L excludes harassment offences under 9A.

8/29 (S)	Breach of conditions of injunction against harassment. <i>Protection from Harassment Act 1997 Sec 3.</i>	125/68 (V)	Harassment etc. of a person in his home. <i>Criminal Justice and Police Act 2001 Sec 42A</i> <i>Serious Organised Crime and Police Act 2005 Sec 126.</i>
8/30 (V)	Putting people in fear of violence. <i>Protection from Harassment Act 1997 Sec 4.</i>	195/94 (V)	Harassment. <i>Protection from Harassment Act 1997 Sec 2.</i>
8/31 (S)	Breach of a restraining order. <i>Protection from Harassment Act 1997 Sec 5.</i>		

DEFINITION – LEGAL: HARASSMENT

PROTECTION FROM HARASSMENT ACT 1997 SEC 1 2 & 7 (AS AMENDED BY SERIOUS ORGANISED CRIME AND POLICE ACT 2005 SEC 125)

"1 Prohibition of harassment

(1) A person must not pursue a course of conduct –

(a) which amounts to harassment of another, and

(b) which he knows or ought to know amounts to harassment of the other.

(1A) A person must not pursue a course of conduct –

(a) which involves harassment of two or more persons, and

(b) which he knows or ought to know involves harassment of those persons, and

(c) by which he intends to persuade any person (whether or not one of those mentioned above) –

(i) not to do something that he is entitled or required to do, or

(ii) to do something that he is not under any obligation to do.

(2) For the purposes of this Section, the person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of the other.

(3) Subsection (1) does not apply to a course of conduct if the person who pursued it shows-

(a) that it was pursued for the purpose of preventing or detecting crime,

(b) that it was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment, or

(c) that in the particular circumstances the pursuit of the course of conduct was reasonable."

A person who pursues a course of conduct in breach of Section 1 is guilty of harassment (Sec 2). A course of conduct must involve (Sec 7):

(a) in the case of conduct in relation to a single person (see Sec 1(1)), "conduct on at least two occasions in relation to that person" or

(b) in the case of conduct in relation to two or more persons (see Sec 1(1A)), "conduct on at least one occasion in relation to each of those persons".

8L Harassment Classification (2 of 3)

CLASSIFICATION: NUISANCE TELEPHONE CALLS

Nuisance telephone calls come under Telecommunications Act 1984 Sec 43, the Communications Act 2003 Sec 127 and the Malicious Communications Act 1988 Sec 1. All these offences are **NON** notifiable.

A series of nuisance calls could, however, amount to a course of conduct, if the notifiable offence of harassment (class 8L) is made out then this **must** be recorded in these circumstances.

COVERAGE: HARASSMENT

The Protection from Harassment Act 1997 is designed to be used where no other substantive notifiable offence exists. 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.

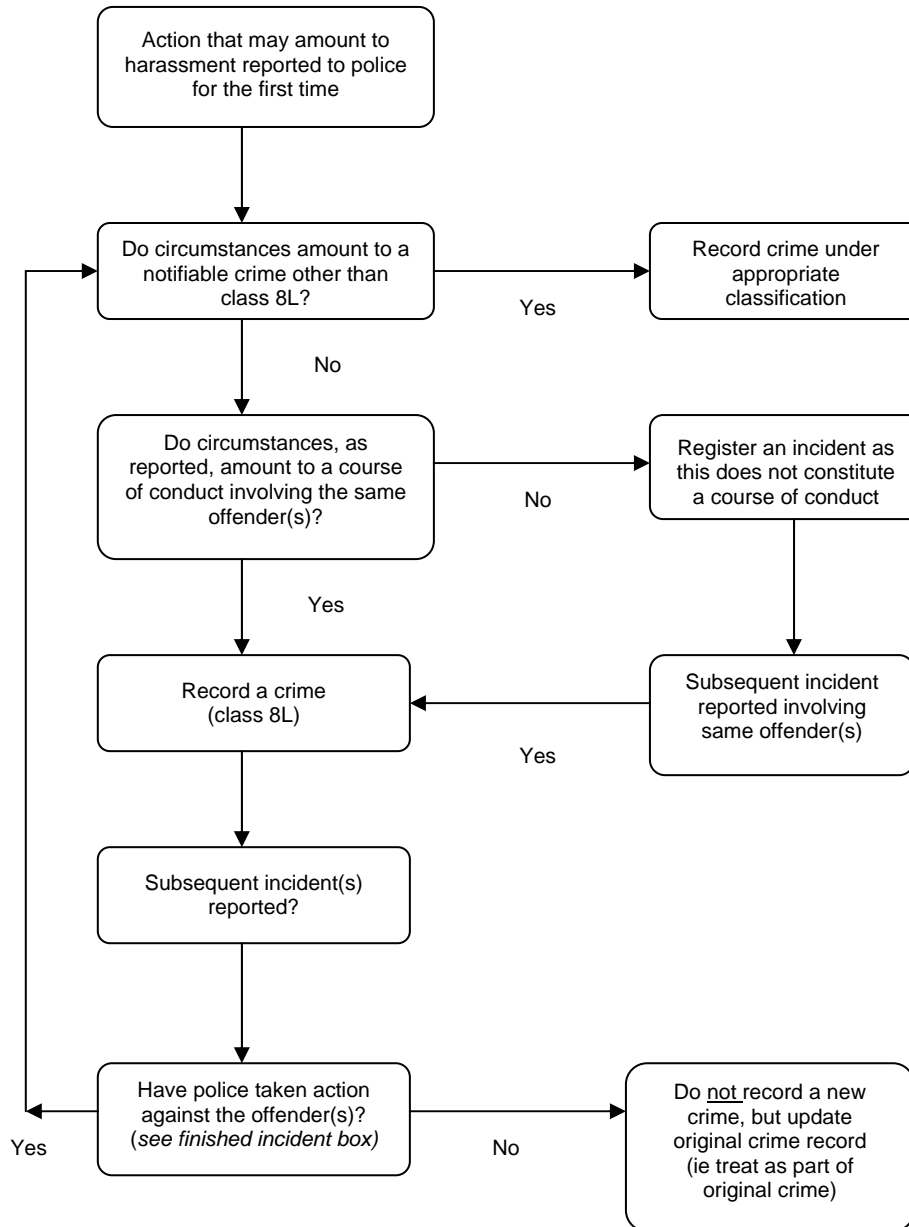
It is important that where evidence exists to support the report of another substantive crime, an offence under the Protection from Harassment Act is not recorded.

The Finished Incident Rule (General Rules, Section E) will be applied to recorded crimes of harassment at the point at which the police have in some way dealt with the offender; ie by means of charge, summons, caution etc. It does **not** include the issue of verbal warning after the first incident or complaint.

Sections 4, 4A and 5 of the Public Order Act 1986 under class 9A are also offences of harassment. Unlike offences under the Protection from Harassment Act, they do not require a course of conduct for them to be crimes.

8L Harassment Classification (3 of 3)

Harassment Act 1997: Recording Practice



8L Harassment Counting Rules (1 of 2)

Classification 8L excludes harassment offences under 9A.

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.
(WHERE THERE IS NO SPECIFIC INTENDED VICTIM, COUNT ONLY ONE CRIME.)

EXAMPLE 1: A man is reported to have harassed five women. (At least one related incident amounting to one course of conduct demonstrated for each).

Five crimes (class 8L).

EXAMPLE 2: A lady reports to police that she is aggrieved with the same suspect who keeps phoning her home address every night for the past week asking her what underwear she is wearing.

One crime (class 8L).

APPLICATION OF THE RULE

If a person is victim to separate offenders, count these crimes separately unless the offenders are part of a group.

Example 1: An elderly person is harassed by a group of five children. (At least two related incidents amounting to one course of conduct demonstrated for each).

One crime (class 8L).

Example 2: The same person is harassed by five children acting independently on separate occasions (all of whom has been responsible for at least two incidents, each amounting to one course of conduct).

Five crimes (class 8L).

Breach of Injunction or Restraining Order: one crime for each offender.

Location of Crimes: see also General Rules Section G.

Example 1: A victim in force area A is being harassed over the telephone (ie a course of conduct is established under the Protection of Harassment Act) by someone in force area B. The victim reports it to force A.

Force B to record.

Example 2: As above, but the offender's location is unknown.

Force A to record.

8L Harassment Counting Rules (2 of 2)

Whether to record: see also General Rules Section A and coverage box on class 8C classification page.

Example 1: Person 'A' reports that person 'B' has followed her/him home on one first occasion.

Register as an incident but do not record a crime. The course of conduct rule (ie at least two separate but related incidents) has not been met.

Example 2: Person 'A' reports for the first time that on six days over the past fortnight person 'B' has followed her home causing fear, alarm or distress.

Record one crime (class 8L). The course of conduct rule (see above) has been met.

Example 3: Person 'A' reports on two consecutive nights person 'B' has been banging on their door shouting abuse, causing fear, alarm or distress.

Record one crime (class 8L). The course of conduct rule (see above) has been met.

Example 4: As above, but next day person 'A' reports person 'B' has been back at the address repeating the behaviour. No action has yet been taken against person 'B'.

No new crime record as it should be considered as further evidence to support the first crime report.

Once a crime of harassment under the Protection from Harassment Act 1997 has been recorded, further incidents by the same offender or group of offenders against the same victim, up to the point when police take action against the offender (or offenders), should not be recorded separately.

Example 1: A woman reports for the first time that she has been harassed by the same person on numerous occasions.

- (i) The police decide not to take action against the offender but to monitor the situation (ie to be a substantive offence it is not required that the victim report to police on more than one occasion, only that the victim or empowered third person report at least one course of conduct).

One crime (class 8L).

- (ii) Further incidents of harassment occur and the police decide to take action.

No new crime record as it should be considered as further evidence to support the first crime report.

8M Racially or Religiously Aggravated Harassment Classification (1 of 2)

Classification 8M excludes offences under 9B.

8/56 (V) (Racially or religiously aggravated (Harassment or stalking without violence. *Crime & Disorder Act 1998 Sec 32(1)(a) And (4)* (as added to by *Anti-terrorism, Crime and Security Act 2001 Sec 39*).

8/58 (V) (Racially or religiously aggravated (Harassment or stalking with fear of violence. *Crime & Disorder Act 1998 Sec 32(1)(b) or (4)* as added to by *Anti-terrorism, Crime and Security Act 2001 Sec 39*).

COVERAGE: HARASSMENT

An incident of harassment is finished at the point at which the police have in some way dealt with the offender; ie by means of charge, summons, caution etc.

DEFINITION - LEGAL: HARASSMENT

PROTECTION FROM HARASSMENT ACT 1997 SECS 1, 2 & 7

See box on class 8L classification page 1 of 3.

DEFINITION - LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME AND DISORDER ACT 1998 SEC 28 (AS ADDED TO BY ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 SEC 39)

See box on class 8H classification page 1 of 2.

DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED HARASSMENT

CRIME & DISORDER ACT SECS 31(1) & 32(1) (AS ADDED TO BY ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 SEC 39)

32 (1) "A person is guilty of an offence under this Section if he commits-

- a) an offence under Section 2 of the Protection from Harassment Act 1997 (offence of harassment); or
- b) an offence under Section 4 of that Act (putting people in fear of violence), which is racially or religiously aggravated for the purposes of this Section."

Section 32(1) requires a course of conduct to exist.

8M Racially or Religiously Aggravated Harassment Classification (2 of 2)

RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED HARASSMENT

A crime of harassment should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (Crime and Disorder Act 1998 Sec 28) exists at the time of recording.

8M Racially or Religiously Aggravated Harassment Counting Rules (1 of 1)

Classification 8M excludes offences under 9B.

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM. (Where there is no specific intended victim, count only one crime).

EXAMPLE 1: A man is reported to have racially or religiously harassed five women. (At least two courses of conduct demonstrated for each).

Five crimes (class 8M).

EXAMPLE 2: Unidentified youths are heard shouting racial abuse at the proprietor of a shop. The proprietor of the shop and others present at the scene state they were not harassed alarmed or distressed by the action of the offenders.

No crime.

APPLICATION OF THE RULE

If a person is victim to separate offenders, count these crimes separately unless the offenders are part of a group.

Example 1: A person is racially or religiously harassed by a group of five children (involving at least two courses of conduct).

One crime (class 8M).

Example 2: The same person is harassed by five children acting independently on separate occasions (each of whom has been responsible for at least two courses of conduct).

Five crimes (class 8M).

Finished Incidents: see General Rules Section E. Once a crime of harassment under the Protection from Harassment Act has been recorded, further courses of conduct by the same offender or group of offenders against the same victim, up to the point when police take action against the offender (or offenders), should not be recorded separately.

Example 1: A woman reports for the first time that she has been racially or religiously harassed by the same person on numerous occasions.

(i) The police decide not to take action against the offender but to monitor the situation.

One crime (class 8M).

(ii) Further incidents of harassment occur and the police decide to take action.

No further crime.

9A Public Fear, Alarm or Distress Classification (1 of 1)

Classification 9A excludes harassment offences under 8L.

125/9 (V)	Causing intentional harassment, alarm or distress. <i>Public Order Act 1986 Sec 4A.</i>	125/12 (S)	Harassment, alarm or distress. <i>Public Order Act 1986 Sec 5.</i>
125/11 (V)	Fear or provocation of violence. <i>Public Order Act 1986 Sec 4.</i>		

CLARIFICATION: HARASSMENT, ALARM OR DISTRESS

PUBLIC ORDER ACT 1986 SEC 5

Where an identified victim **other than a police officer** confirms that they have been subject to harassment, alarm or distress (Sec 5), and there is no credible evidence to the contrary, a crime will be recorded. Where police officers find offenders committing this offence and they issue a warning and the behaviour stops and no further action is taken by the officers and there is no specific victim (other than the police officer) the offence should not routinely be recorded as a crime.

Where officers in response to such behaviour implement a local diversionary scheme (eg 'red' and 'yellow' card initiative) but no further action is taken and there is no specific victim (other than the police officer) the offence should not routinely be recorded as a crime.

DEFINITION – LEGAL: HARASSMENT, ALARM OR DISTRESS

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.

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."

PUBLIC ORDER ACT 1986 SEC 5

"A person is guilty of an offence if 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, within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby."

9A Public Fear, Alarm or Distress Counting Rules (1 of 2)

Classification 9A excludes harassment offences under 8L.

GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.
(Where there is no specific intended victim, count only one crime).

EXAMPLE 1: An elderly person has a group of youths outside her house swearing and shouting. She goes out and asks the youths to move away, but she receives abuse which distresses her and the police are called.

One crime (class 9A).

APPLICATION OF THE RULE

A Police Officer has the right to question anyone when investigating an incident, however that person has no duty to respond and no offence is committed if they fail to do so, indeed the caution before questioning about an offence reminds them that they do not have to say anything. Case law, including DPP v Orum and Southard v DPP should be considered. Some language, whilst unpleasant often forms part of day-to-day speech and the use of swear words or offensive gestures, without any aggravating factors does not constitute a notifiable offence, particularly when the only parties present are members of the Police Force.

Example 1: A report of a disturbance is made via CCTV, which is over upon arrival. Whilst making reasonable enquiries, the investigating officer approaches a bystander, who swears at the officer. The officer advises the person about his language and is again sworn at. The officer is annoyed and/or irritated by the person's behaviour.

This is not a crime, unless accompanied by aggravating factors as the mere use of swear words towards the officer does not constitute a notifiable offence.

Example 2: A report of a disturbance is made via CCTV, which is over upon arrival. Whilst making reasonable enquiries, the investigating officer approaches one of several bystanders, who swears at the officer. The officer advises the person about his language and is again sworn at and there is evidence that other persons present were harassed, alarmed or distressed by the disorderly behaviour or it is **likely** that persons present would be, having regard to the time, place and circumstances of the incident.

*An offence under class 9A may be a consideration. Any aggravating factors or how it was determined that the **likelihood** of harassment, alarm or distress being caused and the description or details of such persons should be recorded in auditable form.*

Example 3: An officer is conducting a lawful search of a person on the street and whilst doing so, is verbally abused by the detainee, but there are no aggravating factors and no other offences revealed.

This is not a crime, unless accompanied by aggravating factors as the mere use of swear words does not constitute a notifiable offence.

Example 4: An officer is conducting a lawful search of a person on the street and whilst trying to do so, is verbally abused by an associate of the detainee, to the extent where he feels threatened by the language and conduct of the associate and is impeded in the search.

An offence under class 9A may be considered, if the conduct was such that an offence of 'Obstructing a Constable' (non-notifiable) is not the most appropriate offence.

9A Public Fear, Alarm or Distress Counting Rules (2 of 2)

Whether to record: see also General Rules Section A and coverage box on class 8L classification page.

Example 1: Man urinating in a public place. Although apparent that this is what he is doing, he is off a main thoroughfare, his penis is not visible and there are not aggravating factors, irrespective of the fact that passing members of the public may see him if they look in his direction.

This does not constitute an offence under the Public Order Act and should be dealt with in accordance with other relevant legislation.

9B Racially or Religiously Aggravated Public Fear, Alarm or Distress Classification (1 of 2)

Classification 8M excludes offences under 9B.

8/55 (V) (Racially or religiously aggravated (intentional harassment, alarm or distress. *Crime & Disorder Act 1998 Sec 31(1)(b) and (4)* (as added to by *Anti-terrorism, Crime and Security Act 2001 Sec 39*).

125/82 (S) (Racially or religiously aggravated (harassment, alarm or distress. *Crime & Disorder Act 1998 Sec 31(1)(c) And (4)* (as added to by *Anti-terrorism, Crime and Disorder Act 2001 Sec 39*).

66/91 (V) (Racially or religiously aggravated fear or (provocation of violence *Crime & Disorder Act 1998 Sec 31(1)(a) And (4)* (as added to by *Anti-terrorism, Crime and Disorder Act 2001 Sec 39*).

DEFINITION – LEGAL: HARASSMENT, ALARM OR DISTRESS

PUBLIC ORDER ACT 1986 SEC 4, 4A and 5.

See box on class 9A classification page.

DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED HARASSMENT

CRIME AND DISORDER ACT SECS 31(1) & 32(1) (AS ADDED TO BY ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 SEC 39).

31. (1) "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."

Section 31(1) does not require a course of conduct to exist.

9B Racially or Religiously Aggravated Public Fear, Alarm or Distress Classification (2 of 2)

DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME & DISORDER ACT 1998 SEC 28 (AS ADDED TO BY ANTI-TERRORISM, CRIME AND SECURITY ACT 2001 SEC 39)

- “(1) An offence is racially or religiously aggravated for the purposes of Sections 29 to 32 if-
- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.
- (2) In subsection (1)(a) above-
- "membership", in relation to a racial or religious group, includes association with members of those groups; "presumed" means presumed by the offender.
- (3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
- (4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.
- (5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.”

9B Racially or Religiously Aggravated Public Fear, Alarm or Distress Counting Rules (1 of 1)

Classification 8M excludes offences under 9B.

**GENERAL RULE: ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM.
(WHERE THERE IS NO SPECIFIC INTENDED VICTIM, COUNT
ONLY ONE CRIME).**

10A Possession of Firearms with Intent Classification (1 of 1)

8/3 (S)	Setting spring guns etc with intent to inflict grievous bodily harm. <i>Offences against the Person Act 1861 Sec 31.</i>	8/23-25 (S)	Possessing firearm or imitation firearm with intent to cause fear of violence. <i>Firearms Act 1968 Sec 16A.</i>
8/13-15 (S)	Possessing firearm or imitation firearm while committing or being arrested for offence specified in Schedule 1 of the Act. <i>Firearms Act 1968 Sec 17(2).</i>	8/54 (S)	Using someone to look after a dangerous weapon firearm. <i>Violent Crime Reduction Act 2006 Sec 28.</i>
8/16-18 (S)	Possessing firearm or imitation firearm with intent to commit indictable offence or resist arrest. <i>Firearms Act 1968 Sec 18(1).</i>		

COVERAGE: FIREARMS

FIREARMS ACT 1968

Imitation firearms, conversions, rocket launchers, and mortars other than those designed for line throwing, pyrotechnics or signalling.

Shotguns as defined in Section 1(3)(a) of the Act, ie smooth-bore guns with a barrel not less than 24 inches in length and any barrel with a bore exceeding 2 inches diameter - not having an unapproved magazine - not being an airgun or a revolver.

Air weapons as defined in Section 1(3)(b) of the Act, ie an air rifle, air gun or air pistol not of a type declared by rules made by the Secretary of State under Section 53 of the Act to be specially dangerous.

COVERAGE: SPRING GUNS ETC

Section 31 of the Offences against the Person Act 1861 provides for the setting, or allowing to remain, spring guns, man traps and other engines with intent to inflict grievous bodily harm.

Albeit the circumstances where this offence will be charged have substantially reduced there may be occasions when man traps and springs have been used and it will be worth considering. Normally the substantive offence under class 5A will suffice.

DEFINITION – LEGAL: USING SOMEONE TO MIND A WEAPON

VIOLENT CRIME REDUCTION ACT 2006 SEC 28

(1) A person is guilty of an offence if –

- (a) he uses another to look after, hide or transport a dangerous weapon for him; and
- (b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.

In this section “dangerous weapon” means – a firearm other than an air weapon or a component part of, or accessory to, an air weapon.

SPECIFIED CRIMES: FIREARMS (8/13-15)

The full list of offences that are specified can be found in the Firearms Act 1968 Sch 1.

10A Possession of Firearms with Intent Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME SHOULD BE COUNTED WHERE THE POSSESSION OF A WEAPON OFFENCE UNDER THIS SECTION IS THE MOST SERIOUS CRIME DISCLOSED. ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS.

EXAMPLE 1: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found a loaded handgun.

One crime (class 10A).

APPLICATION OF THE RULE

Possession of Weapons: One crime for each time discovered and recorded by the police.

Example 1: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found two loaded handguns.

One crime (class 10A).

Example 2: A police officer in the execution of his duty is assaulted. The offender is arrested and searched. In his possession is found a loaded handgun and a flick knife.

One crime (class 10A).

Example 3: A man is arrested for armed robbery. Found at the time of his arrest is a loaded shotgun that was used in the robbery.

One crime (class 34).

Example 4: A man is arrested committing a section 18 assault. When searched a loaded handgun is found that was not used in the assault.

One crime (class 5A).

10B Possession of Firearms Offences Classification (1 of 1)

81/3 (S)	Possessing etc firearms or ammunition without firearm certificate. <i>Firearms Act 1968 Sec 1(1) (as amended by Criminal Justice & Public Order Act 1994 Sec 157 Sch 8 part III).</i>	81/35-37 (S)	Possession of firearms by persons previously convicted of crime. <i>Firearms Act 1968 Sec 21(4) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>
81/4 (S)	Possessing etc shotgun without certificate. <i>Firearms Act 1968 Sec 2(1) (as amended by Criminal Justice & Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/70 (S)	Possessing or distributing prohibited weapons designed for discharge of noxious substances etc. <i>Firearms Act 1968 Sec 5(1)(b) (as amended by Criminal Justice Act 2003 Sec 288).</i>
81/17 (S)	Possessing or distributing prohibited weapons or ammunition. <i>Firearms Act 1968 Sec 5(1) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/71 (S)	Possessing or distributing firearm disguised as other object. <i>Firearms Act 1968 Sec 5(1A)(a) (as amended by Criminal Justice Act 2003 Sec 288).</i>
81/26,27 (S)	Carrying loaded firearm or any other firearm (whether loaded or not) or loaded shotgun or any other firearm except imitation firearm or air weapon together with ammunition suitable for use in that firearm in a public place etc. <i>Firearms Act 1968 Sec 19 (as amended by the Anti Social Behaviour Act 2003 Sec 37).</i>	81/72 (S)	Possessing or distributing other prohibited weapons. <i>Firearms Act 1968 Sec 5(1A)(b)(c)(d)(e)(f) or (g) (as amended by Criminal Justice Act 2003 Sec 288).</i>
81/29,30 (S)	Trespassing with firearm or imitation firearm in a building. <i>Firearms Act 1968 Sec 20(1) (as amended by the Criminal Justice and Public Order Act 1994 Sec 157 Sch 8 Part III).</i>	81/77 (S)	Carrying a loaded or unloaded or imitation firearm or air weapon in public place. <i>Firearms Act 1968 as amended by Violent Crime Reduction Act 2006 Sec 19.</i>

Note: Classification 10B has been included in Violence against the Person for ease of reference but the Home Office will count these offences in the Other Offences category.

10B Possession of Firearms Offences Counting Rules (1 of 1)

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.

EXAMPLE 1: A youth is stopped in possession of a canister containing CS spray.
One crime (class 10B).

APPLICATION OF THE RULE

Example 1: A man is stopped and searched under the Drugs Act. He is found in possession of a Class 'A' drug and also a CS spray canister.

One crime (class 92D) and one crime (class 10B).

Example 2: A man commits ABH and is later arrested for it. Following a search, he is found in possession of pepper spray that was not used in the ABH.

One crime (class 8G) and one crime (class 10B).

Example 3: A man commits ABH and is later arrested for it. Following a search, he is found in possession of pepper spray and a lock knife that were not used in the ABH.

One crime (class 8G) and one crime (class 10B).

10C Possession of Other Weapons Classification (1 of 1)

8/11 Possession of offensive weapon without
(S) lawful authority or reasonable excuse.
Offensive Weapons Act 1996
Sec 2(1).

8/53 Using someone to look after a dangerous weapon –
(S) offensive/weapon/knife/bladed weapon
Violent Crime Reduction Act 2006 Sec 28.

8/28 Possession of other offensive weapon on
(S) school premises.
Offensive Weapons Act 1996 Sec 4(1).

DEFINITION – LEGAL: USING SOMEONE TO MIND A WEAPON

VIOLENT CRIME REDUCTION ACT 2006, SEC 28

“(1) A person is guilty of an offence if –

- (a) he uses another to look after, hide or transport a dangerous weapon for him; and
- (b) he does so under arrangements or in circumstances that facilitate, or are intended to facilitate, the weapon's being available to him for an unlawful purpose.”

In this section “dangerous weapon” means –

an air weapon or a component part of, or accessory to, an air weapon; or a weapon to which section 141 or 141A of the Criminal Justice Act 1988 (c. 33) applies (specified offensive weapons, knives and bladed weapons).

10C Possession of Other Weapons Counting Rules (1 of 1)

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 IRRESPECTIVE OF THE NUMBER OR TYPES OF WEAPON.

EXAMPLE 1: A man assaults another man with a knuckle duster. A number of injuries including a fractured cheek bone are sustained by victim.

One crime (class 5A).

EXAMPLE 2: Three men are stopped all wearing ninja gear and carrying kendo staffs in the street, one also has numchuckers. All are arrested for offensive weapon offences

Three crimes (class 10C).

EXAMPLE 3: Three youths, all wearing ninja gear, are seen by police passing a kendo staff between them. They all admit being in possession of the kendo staff.

One crime (class 10C). Joint possession, acting as a group of offenders.

APPLICATION OF THE RULE

Example 1: A man commits ABH and is later arrested for it. Following a search, he is found in possession of a knuckle duster that was not used in the ABH.

One crime (class 8G) and one crime (class 10C).

Example 2: A man is arrested for violent disorder. He is placed in handcuffs and searched before being placed in a police van. A flick knife is found in his sock. There is no evidence of this knife being used in the violent disorder.

One crime (class 65) and one crime (class 10C)

Example 3: A man is witnessed by Police using a kendo staff during the course of a violent disorder

One crime (class 65) as weapon used during the commission of the offence.

Example 4: A man is witnessed by Police using a kendo staff during the course of a violent disorder. He is arrested and searched. During the search a lock knife that has not been used in the violent disorder, is found in his sock.

One crime (class 65) and one crime (class 10C).

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

Example 1: A man waves a flick knife around in the street and slaps a female (common assault).

One crime (class 10C).

Example 2: As above but causes ABH.

One crime (class 8G).

10D Possession of Article with Blade or Point Classification (1 of 1)

8/26
(S) Having an article with a blade or point in a public place.
Offensive Weapons Act 1996 Sec 3.
As amended by the Violent Crime Reduction Act 2006 Sec 42.

8/27
(S) Having an article with a blade or point on school premises.
Offensive Weapons Act 1996 Sec 4(1).
As amended by the Violent Crime Reduction Act 2006 Sec 42.

RECORDING PRACTICE: USING SOMEONE TO MIND AN ARTICLE WITH A BLADE OR POINT.

Should this come to light, the offence should be recorded under class 10C.

10D Possession of Article with Blade or Point Counting Rules (1 of 1)

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 IRRESPECTIVE OF THE NUMBER OR TYPES OF WEAPON.

EXAMPLE 1: A person is arrested after stealing property from a shop. Upon arrest they are searched and found to have an article with a blade or point.

One crime (class 10D) and one crime (class 46).

11 Cruelty to and Neglect of Children Classification (1 of 1)

11/2 (V)	Neglecting to provide for apprentice or servant. <i>Offences against the Person Act 1861 Sec 26.</i>	109/5 (V)	Exposing child to risk of burning. <i>Children and Young Persons Act 1933 Sec 11.</i>
11/3 (V)	Cruelty to and neglect of children. <i>Children and Young Persons Act 1933 Sec 1.</i>	109/6 (V)	Allowing child or young person to be in brothel. <i>Children and Young Persons Act 1933 Sec 3.</i>
109/1 (V)	Allowing persons under 16 to take part in performances endangering life or limb. <i>Children and Young Persons Act 1933 Sec 23.</i>	109/7 (V)	Neglecting to provide for safety at children's entertainment. <i>Children and Young Persons Act 1933 Sec 12.</i>
109/1 (V)	Training of persons under 12 for dangerous performances. <i>Children and Young Persons Act 1933 Sec 24.</i>	109/8 (V)	Permitting child to be in verminous condition. <i>Education Act 1996 Sec 525.</i>
109/2 (V)	Taking children to nurse for reward. <i>Children Act 1989 Secs 70 & 73.</i>		

DEFINITION - LEGAL: CRUELTY AND NEGLECT OF CHILDREN

CHILDREN AND YOUNG PERSONS ACT 1933 SEC 1.

If any person who has attained the age of 16 years and has responsibility for any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanor.

11 Cruelty to and Neglect of Children Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH CHILD/YOUNG PERSON OR SERVANT/APPRENTICE.

EXAMPLE 1: An adult is reported for wilfully neglecting three children.

Three crimes (class 11).

EXAMPLE 2: A child under the age of three dies by suffocation while asleep in bed with a drunken person aged 16 or over.

One crime (class 11).

APPLICATION OF THE RULE

Neglecting to provide for children's safety: one crime (no specific victim).

Finished Incidents: see also General Rules Section E.

Example 1: A child reports for the first time having been subjected to a series of acts of wilful neglect and cruelty by the same person over several years.

One crime (class 11).

Example 2: A servant has been subjected to repeated acts of cruelty and neglect by her employers during her time of employment, and reports this for the first time.

One crime (class 11).

Principal crime: see also General Rules Section F and Annex F.

Example 1: Through wilful acts of cruelty, a child suffers actual bodily harm.

One crime (class 11).

Example 2: Through wilful acts of cruelty, a child suffers grievous bodily harm.

One crime (class 5A).

12 **Abandoning Child under Two Years Classification (1 of 1)**

12 Abandoning child under two years.
(V) *Offences against the Person Act 1861 Sec 27.*

DEFINITION – LEGAL: OFFENCES AGAINST THE PERSON ACT 1861 SEC 27

“...unlawfully abandoned a child under the age of two years, whereby the life of the said child was endangered or the health of the said child was or was likely to be permanently injured.”

12 Abandoning Child under Two Years Counting Rules (1 of 1)

GENERAL RULE: **ONE CRIME FOR EACH CHILD.**

EXAMPLE 1: Two children are abandoned at same time and place.

Two crimes (class 12).

13 Child Abduction Classification (1 of 1)

13/1
(V) Abduction of a child by parent.
Child Abduction Act 1984 Sec 1 (as amended by the Children's Act 1989).

13/2
(V) Abduction of child by other persons.
Child Abduction Act 1984 Sec 2 (as amended by the Children's Act 1989).

DEFINITION – LEGAL: ABDUCTION OF CHILD BY PARENT ETC

CHILD ABDUCTION ACT 1984 SEC 1

"... a person connected with the child under the age of 16 ... takes or sends the child out of the United Kingdom without the appropriate consent."

Person connected with the child includes a parent, the father, a guardian, or person with either a residence order or custody over the child.

Please note that if the child is NOT taken or sent out of the United Kingdom, it is not an offence under Section 1 of the above Act.

DEFINITION - LEGAL: ABDUCTION OF CHILD BY OTHER PERSONS

CHILD ABDUCTION ACT SEC 2

"... a person other than [the child's mother, father or others covered in Section 1], without lawful authority or reasonable excuse ... takes or detains a child under the age of 16 ..."

RECORDING PRACTICE: KIDNAPPING AND FALSE IMPRISONMENT

Where there is evidence that the child under 16 has been taken away unwillingly by the use of force (or fraud by another person), the common law offence of kidnapping (class 36) should be considered.

Where there is evidence that the child under 16 has been detained by force unlawfully, the common law offence of False Imprisonment (class 36) should be considered.

A parent or guardian may be guilty of false imprisonment of a child where the facts take the circumstances outside reasonable parental discipline.

The principal crime in these circumstances is one of class 36.

13 Child Abduction Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH CHILD ABDUCTED.

EXAMPLE 1: Following his divorce the father of 14 year old twins arranges to take them with him to New Zealand to live with him. The twins wish to live with their father and helped plan the move. The mother, who has custody of them, knew nothing of this and reports them missing to police.

Two crimes (class 13).

Principal crime: see also General Rules Section F and Annex F.

Example 1: The estranged father of the 12 year old victim grabs hold of his daughter outside school and forces her into his car. He then drives her, against her will, to a private airfield and forces her to fly out of the country with him.

One crime (class 36).

14 Procuring Illegal Abortion Classification (1 of 1)

14/1
(S) Administering drugs or using
instruments to procure abortion.
*Offences against the Person Act 1861
Sec 58 as amended by Abortion Act 1967.*

14/2
(S) Procuring drugs etc to cause abortion.
*Offences against the Person Act 1861
Sec 59.*

CLASSIFICATION – LEGAL: MEDICAL TERMINATION OF PREGNANCY

ABORTION ACT 1967 SEC 1

This Section contains conditions under which a pregnancy can be terminated within the law by a registered medical practitioner.

14 Procuring Illegal Abortion Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH PROSPECTIVE MOTHER.

APPLICATION OF THE RULE

Example 1: Drugs obtained for use in five abortions.

Five crimes (class 14).

Do not count a crime of class 14/2 if a crime of 14/1 is already counted.

Example 1: Drugs and instruments obtained and then used to procure an abortion.

One crime (class 14).

15 Concealment of Birth

Concealment of Birth moved to Other Offences on 1 April 2008.

37/1 Causing Death by Aggravated Vehicle Taking Classification (1 of 1)

37/1 Causing death by aggravated vehicle taking.
(V) *Theft Act 1968 Sec 12A (as added by the Aggravated Vehicle Taking Act 1992 Sec 2).*

CLASSIFICATION: AGGRAVATED VEHICLE TAKING (AVT)

A crime of theft or unauthorised taking of a vehicle should be recorded as AVT (class 37/2) if at the time of recording, one of the four circumstances that determine AVT under Theft Act 1968 Sec 12A is known to have applied. The four circumstances are:

- (i) the vehicle was driven dangerously on a road or other public place;
- (ii) owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;
- (iii) owing to the driving of the vehicle, an accident occurred by which damage was caused to any property other than the vehicle;
- (iv) 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.

37/1 Causing Death by Aggravated Vehicle Taking Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH DEATH CAUSED.

APPLICATION OF THE RULE

If theft or unauthorised taking of a vehicle, or AVT, has already been recorded when a death by AVT is discovered, then the death by AVT should be counted additionally.

Example 1: A pedestrian is accidentally knocked down and killed by a car being driven in an act of AVT.

One crime (class 37/1), whether or not theft already recorded.

Example 2: A vehicle is already reported stolen and recorded as a theft/unauthorised taking (class 48). It later emerges that the theft is an AVT, and an accidental death has resulted.

One crime (class 37/1), in addition to the crime of class 48 already recorded.

104 Assault without Injury on a Constable Classification (1 of 1)

104/23 (V)	Assault on a constable. <i>Police Act 1996 Sec 89(1)(pt).</i>	104/31 (V)	Vagrant violently resisting a constable. <i>Vagrancy Act 1824 Sec 4.</i>
104/25 (V)	Assaults a designated person or his assistant in the exercise of a relevant power. <i>Serious Organised Crime & Police Act 2005 Sec 51 (1)(4).</i>	104/36 (V)	Assaults a member of a joint investigation team carrying out his functions as a member of that team. <i>Serious Organised Crime & Police Act 2005 Sec 57(2)(4).</i>
104/30 (V)	Assault on a constable. <i>Local Acts.</i>	104/39 (V)	Assaults an officer of Revenue or Customs. <i>Commissioners for Revenue & Customs Act 2005 Sec 32.</i>

PLEASE NOTE: CRIMES OF RESISTING OR OBSTRUCTING A CONSTABLE IN THE EXECUTION OF HIS/HER DUTY (PREVIOUSLY CODES 104/33 AND 104/40) ARE NO LONGER NOTIFIABLE AND THEREFORE DO NOT FORM PART OF THE RECORDED CRIME SERIES.

RECORDING PRACTICE: ASSAULT ON A CONSTABLE

It is appropriate to record a crime of assault on a constable, providing the constable is acting in execution of his/her duty.

See note above in bold for resisting or obstructing a constable.

104 Assault without Injury on a Constable Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH CONSTABLE ASSAULTED.

EXAMPLE 1: Three constables are assaulted by a group of youths, but do not receive injuries.

Three crimes (class 104).

EXAMPLE 2: During an assault on a police officer permanent damage is caused to the officer's uniform.

One crime (class 104).

APPLICATION OF THE RULE

An assault on a constable in the process of apprehending someone for another crime should be counted separately, unless the constable is also the victim of the other crime, or the most serious offence disclosed is an offence under class 10A.

Example 1: An officer is assaulted when arresting a suspect of a previously recorded burglary.

One crime (class 104) in addition to the original burglary.

Example 2: An officer is assaulted when apprehending a person in the process of robbing a member of the public.

One crime (class 104) and one crime (class 34B).

Example 3: An officer is assaulted when apprehending a person in the process of vandalising his squad car.

One crime (class 104) and one crime (class 58C). (The force, rather than the constable, is considered to be the victim of the criminal damage).

Example 4: An officer is assaulted when apprehending a person for vandalising his own car.

One crime (class 58C) only. (The constable is the victim of both crimes, and therefore the principal crime rule applies.)

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

Example 1: A constable is assaulted and robbed.

One crime (class 34B).

Example 2: A person assaults a constable and inflicts GBH.

One crime (class 5A or 8F depending on intent).

105A Assault without Injury Classification (1 of 1)

105/1 (V)	Common assault and battery. <i>Criminal Justice Act 1988 Sec 39.</i>	105/7 (V)	Resisting or wilfully obstructing court security officer. <i>Criminal Justice Act 1991 Sec 78(2).</i>
105/2 (V)	Assault on County Court officer. <i>County Courts Act 1984 Sec 14.</i>	105/8 (V)	Assaulting a designated or accredited person in the execution of their duty. <i>Police Reform Act 2002 Sec 46(1).</i>
105/3 (V)	Assault on person assisting a constable. <i>Police Act 1996 Sec 89(1)(pt).</i>	105/9 (V)	Resisting or wilfully obstructing a designated or accredited person in the execution of their duty. <i>Police Reform Act 2002 Sec 46(2).</i>
105/4 (V)	Assault on prison custody officer. <i>Criminal Justice Act 1991 Sec 90(1).</i>	105/10 (V)	Assault on a traffic officer. <i>Traffic Management Act 2004 Sec 10(1).</i>
105/4 (V)	Assault on officer in secure training centre. <i>Criminal Justice & Public Order Act 1994 Sec 13.</i>	105/11 (V)	Resisting or wilfully obstructing a traffic officer in the execution of their duties. <i>Traffic Management Act 2004 Sec 10(2).</i>
105/5 (V)	Resisting or wilfully obstructing a prisoner custody officer. <i>Criminal Justice Act 1991 Sec 90(3).</i>	105/12 (V)	Assaulting an immigration officer exercising S2 detention powers. <i>UK Borders Act 2007 Sec 3(10)(b) & (2).</i>
105/5 (V)	Resisting or wilfully obstructing a custody officer. <i>Criminal Justice & Public Order Act 1994 Sec 13(2).</i>	105/13 (V)	Assaulting an immigration officer. <i>UK Borders Act 2007 Sec 22.</i>
105/6 (V)	Assault on court security officer. <i>Courts Act 2003 Sec 57.</i>		

RECORDING PRACTICE: COUNTER ALLEGATIONS OF ASSAULT

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

RECORDING PRACTICE: MINOR INJURIES

Common assault (code 105/1) includes common assault with no injury.

Where battery results in injury, other wounding (class 8G) should be recorded even if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a 'black eye'.

In determining if a battery has resulted in an injury, care should be taken where there is no visible injury. Each case needs to be viewed on its own merits. Shock can be regarded as an injury when accompanied by expert psychological evidence. A joint could be struck with no visible injury but the victim has had to undergo a course of treatment to get better. This would indicate some form of internal injury. Examples like this should be recorded under other wounding (class 8G).

An application of force which generates a feeling of touch or a passing moment of pain should be recorded as an assault without injury (class 105A).

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding classification (probably either class 5A or 8G).

105A Assault without Injury Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH PERSON ASSAULTED, OBSTRUCTED ETC.

EXAMPLE 1: Person working at a takeaway restaurant is assaulted and permanent damage caused to his uniform. The uniform is supplied to the employee by the company.

One crime (class 105A).

Finished Incidents: see also General Rules Section E.

Example 1: A victim reports for the first time having been the victim of common assault by the same offender on numerous occasions.

One crime (class 105A).

Example 2: A victim reports for the first time having been the victim of a variety of crimes of violence against the person by the same offender.

One crime (record the most serious, ie the principal crime).

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

Example 1: A person receives minor abrasions while being robbed.

One crime (class 34B).

Example 2: A person receives minor abrasions as a result of force being applied to them by another person while unsuccessfully preventing the theft of his/her car.

One crime (class 34B).

Re-classification: see also General Rules Section B.

A person is assaulted and apparently receives no injury. A crime of assault without injury (class 105A) is recorded. An injury becomes apparent later (although not life threatening) and the victim is admitted to hospital. The FCR should re-classify the recorded crime to class 8F or 8G as appropriate.

105B Racially or Religiously Aggravated Assault without Injury Classification (1 of 2)

8/57 (Racially or religiously
(V) (aggravated common assault or beating
Crime & Disorder Act 1998 Sec 29(1)(c)
and (3)
(as added to by *Anti-terrorism, Crime and Security Act 2001 Sec 39*).

DEFINITION - LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED

CRIME & DISORDER ACT 1998 SEC 28 (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

- (1) An offence is racially or religiously aggravated for the purposes of sections 29 to 32 if-
 - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of a racial or religious group; or
 - (b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of those groups.
- (2) In subsection (1)(a) above-
"membership", in relation to a racial or religious group, includes association with members of those groups; "presumed" means presumed by the offender.
- (3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
- (4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.
- (5) In this section "religious group" means a group of persons defined by reference to religious belief or lack of religious belief.

DEFINITION - LEGAL: RACIALLY AND RELIGIOUSLY AGGRAVATED ASSAULT WITHOUT INJURY

CRIME & DISORDER ACT 1998 SEC 29 (as added to by Anti-terrorism, Crime and Security Act 2001 Sec 39)

“(1) A person is guilty of an offence under this Section if he commits- ...

... (c) common assault

which is racially or religiously aggravated for the purposes of this Section.”

105B Racially or Religiously Aggravated Assault without Injury Classification (2 of 2)

RECORDING PRACTICE: MINOR INJURIES

Common assault (code 105/1) includes common assault with no injury.

Where battery results in injury, ABH and Other Injury (class 8G) should be recorded if the injury amounts to no more than grazes, scratches, abrasions, minor bruising, swellings, reddening of the skin, superficial cuts, or a black eye.

In determining if a battery has resulted in an injury, care should be taken where there is no visible injury. Each case needs to be viewed on its own merits. Shock can be regarded as an injury when accompanied by expert psychological evidence. A joint could be struck with no visible injury but the victim has had to undergo a course of treatment to get better. This would indicate some form of internal injury. Examples like this should be recorded under Actual Bodily Harm and Other Injury (class 8G).

An application of force which generates a feeling of touch or a passing moment of pain should be recorded as an assault without injury (class 105A).

Crimes which result in injuries more serious than those listed above should be recorded under the appropriate wounding with intent/GBH classification (consider either class 5A or 8F).

RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED ASSAULT WITHOUT INJURY

A crime of assault without injury should be recorded as racially or religiously aggravated if evidence of racial or religious aggravation (Crime and Disorder Act Sec 28) exists at the time of recording.

105B Racially or Religiously Aggravated Assault without injury Counting Rules (1 of 1)

GENERAL RULE: ONE CRIME FOR EACH PERSON ASSAULTED, OBSTRUCTED ETC.

EXAMPLE 1: Three persons are assaulted because of their racial or religious group but receive no visible injuries.

Three crimes (class 105B).

Finished Incidents: see also General Rules Section E.

Example 1: A person reports for the first time having been the victim of racially or religiously aggravated common assault by the same offender on numerous occasions.

One crime of racially or religiously aggravated assault without injury (class 105B).

Example 2: A victim reports for the first time having been the victim of a variety of crimes of racially or religiously aggravated violence against the person by the same offender.

One crime (record the most serious, ie the principal crime).

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

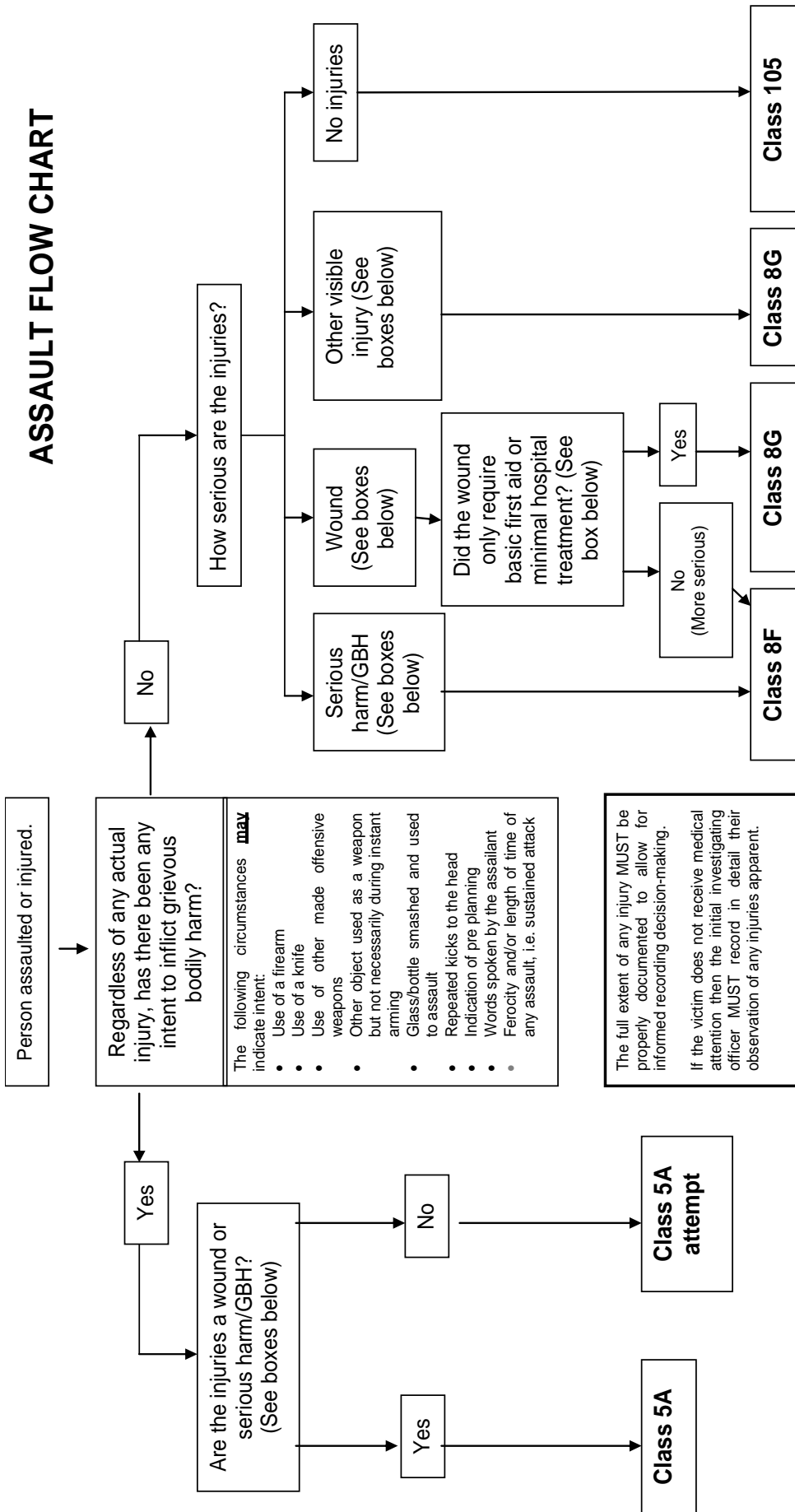
Re-classification: see also General Rules Section B.

A person suffers a racially or religiously aggravated assault and apparently receives no injuries. A crime of assault without injury (class 105B) is recorded. An injury becomes apparent later (although not life threatening) and the victim is admitted to hospital.

FCR should re-classify to class 8H.

ANNEX A

ASSAULT FLOW CHART



The following circumstances **may** indicate intent:

- Use of a firearm
- Use of a knife
- Use of other made offensive weapons
- Other object used as a weapon but not necessarily during instant arming
- Glass/bottle smashed and used to assault
- Repeated kicks to the head
- Indication of pre planning
- Words spoken by the assailant
- Ferocity and/or length of time of any assault, i.e. sustained attack

The full extent of any injury **MUST** be properly documented to allow for informed recording decision-making.

If the victim does not receive medical attention then the initial investigating officer **MUST** record in detail their observation of any injuries apparent.

<p>SERIOUS HARM Sec 20 GBH (Serious Harm) Sec 18 (with intent)</p> <ul style="list-style-type: none"> • 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. 	<p>MINOR WOUNDING</p> <p>Great care should be taken when considering if the wound is minor. Wounding (8G) should only be used for wounds that require basic first aid or minimal hospital treatment. Any cut that leaves the victim with an injury likely to leave a noticeable scar or permanent disfigurement should be classified under class GBH (8F).</p>	<p>VISIBLE INJURY (Class 8G)</p> <p>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 or broken teeth Broken finger or toe where there are no complications and no intent to inflict more serious harm Non-visible injury, causing substantial pain or discomfort, which has an adverse impact on the victim.</p>	<p>ASSAULT WITHOUT INJURY</p> <p>Slap, Punch, or other attack leaving no visible mark or injury or a passing moment of pain.</p> <p>NB The offence of common assault can occur even if there is no physical contact.</p>
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Maximum Sentence - Violence against the Person

Life	14 years	10 years	7 years	5 years	4 years	2 years	1 year	6 months	3 months	1 month	Fine
1	4/4,6	3/1,3	5/11	4/8	8/11	4/9	104/25	104/23	104/31	105/3	4/10
2	4/7	5/10	8/5	5/2	8/26	5/25	104/36	104/30	105/2	105/9	7/5-7/6
3/2,3/4-6	5/9	8/23-8/25	8/33, 8/40, 8/46	8/1-8/2	8/27	6/3		105/1			7/9
4/1-4/3	5/24	8/54	8/58-60	8/3	8/28	7/1-7/4		105/4,6,8			7/11
5/1	8/52	11/3	13/1	8/6	8/53	7/7-7/8		105/12-13			105/5,7
5/4-5/8	37/1		13/2	8/29-8/31		7/10,12,13		109/2			109/1
5/13-5/23			81/77*	11/2		8/4		105/10			109/5
5/26,27				12		8/20-8/22		109/6			109/7-8
6/1-6/2				14/2		8/55-57		125/9,11			125/12
6/4						66/91		125/68			125/82
7/14 - 7/17								195/94			
8/13-8/18											
14/1											

*Possession of an air weapon is a summary only offence with a maximum sentence of 6 months. It is however notifiable and should be recorded under offence code 81/77.

NB: Classification 10B Possession of Firearms Offences has been included in Violence Against the Person Section for ease of reference but the Home Office will count these offences in the Other Offences Section. Maximum sentences for offences under 10B Possession of Firearms Offences (codes 81/3-4, 17, 26-27, 29, 30, 35-37, 70-72) can be found at the end of the Other Offences Section.