

# **Violence against the Person**

## **Homicide**

## **Violence with injury**

## **Violence without injury**

# **Homicide**

**1**        **Murder**

**4/1**      **Manslaughter**

**4/10**    **Corporate Manslaughter**

**4/2**      **Infanticide**

# 1 Murder Classification (1 of 1)

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

1/1 Genocide or crime against humanity.  
(V) *International Criminal Court Act 2001.*  
*Secs 51 & 53.*

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 as they will 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 5D or 8N) 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 5D or 8N) for passengers in other carriages.*

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

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 5D 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 5D should be cancelled from the previous year's figures and an additional crime (class 1) should be recorded in the current year's crime figures.*

# 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 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 5D or 8N).*

### **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 8N (or any other violence against the person offence) already recorded, the FCR should re-classify to class 4/1 unless the previously recorded crime has been recorded in a previous financial year. In this instance the recorded crime should be cancelled from the previous year's figures and an additional crime (class 4/1) recorded in the current year's crime figures.*

## 4/10 Corporate Manslaughter Classification (1 of 1)

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

### **DEFINITION – LEGAL: 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 passenger 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 C.

**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 assigned outcomes; 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 cancelled and two new crimes (class 4/10) should be recorded and assigned outcomes.*

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 assigned outcomes. 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.

*Re-classify 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).*

## 4/2      **Infanticide**

### **Classification (1 of 1)**

4/2      Infanticide.  
(V)      *Infanticide Act 1938 Sec 1(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 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 in circumstances consistent with the legal definition of infanticide.

*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 5D).*

**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 5D).*

**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 5D).*

\* 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 5D already recorded, the FCR should re-classify to class 4/2.*

## **Violence with injury**

- 2**      **Attempted Murder**
- 4/3**    **Intentional Destruction of a Viable Unborn Child**
- 4/4**    **Causing Death or Serious Injury by Dangerous Driving**
- 4/6**    **Causing Death by Careless Driving under the Influence of Drink or Drugs**
- 4/7**    **Cause or Allow Death or Serious Physical Harm to Child or Vulnerable Person**
- 4/8**    **Causing Death by Careless or Inconsiderate Driving**
- 4/9**    **Causing Death or Serious Injury by Driving: Unlicensed, Disqualified or Uninsured Drivers**
- 5D**    **Assault with Intent to cause Serious Harm**
- 5E**    **Endangering Life**
- 8N**    **Assault with injury**
- 8P**    **Racially or Religiously Aggravated Assault with injury**
- 8S**    **Assault with Injury on a Constable**

# **Violence with injury**

**37/1**      **[Causing Death by Aggravated Vehicle Taking](#)**

**Annex A** **[Assault Flowchart](#)**

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

- 2 (V) Attempted murder.  
*Criminal Attempts Act 1981.*  
*Common Law.*
  
- 2 (V) Attempted genocide or crime against humanity.  
*International Criminal Court Act 2001.*  
*Secs 52, 53 & 55.*

### **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 unless the attempted murder has been recorded in a previous financial year. In this instance the recorded class 2 should be cancelled from the previous year's figures and an additional crime (class 1) should be recorded in the current year's crime figures.*

## 4/3 Intentional Destruction of a Viable Unborn Child Classification (1 of 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.

## 4/3 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 in circumstances consistent with the legal definition of infanticide.

*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 5D).*

**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 5D).*

**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 5D).*

\* 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 5D already recorded, the FCR should re-classify to class 4/2.*

## **4/4      Causing Death or Serious Injury by Dangerous Driving Classification/ Counting Rules (1 of 1)**

4/4      Causing death by dangerous driving.  
(V)      *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).*

4/12     Causing serious injury by dangerous driving.  
(V)      *Road Traffic Act 1988 (as added by Legal Aid,  
            Sentencing and Punishment of Offenders  
            Act 2012 Sec 143).*  
            CJS: RT88965

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

4/6 (V)	Causing death by careless driving when under the influence of drink or drugs. <i>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).</i>	4/13 (V)	Cause death by driving without due care / consideration while over prescribed limit - specified controlled drug. <i>Road Traffic Act 1988 3A 1(b)</i> <i>CJS Code: RT88527</i>
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**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 Cause or Allow Death or Serious Physical Harm to a Child or Vulnerable Person Classification/ Counting Rules (1 of 1)**

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

4/11  
(V) Cause or allow a child or vulnerable adult to suffer serious physical harm.  
*Domestic Violence, Crime and Victims Act 2004 Sec 5 (1) (8) as added by Domestic Violence, Crime and Victims (Amendment) Act 2012.*

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

## **4/8 Causing Death by Careless or Inconsiderate Driving Classification/ Counting Rules (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.”

**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 or Serious Injury by Driving: Unlicensed, Disqualified or Uninsured Drivers Classification/Counting Rules (1 of 1)

4/9  
(V) Causing death by driving: unlicensed,  
or uninsured drivers.  
*Road Traffic Act 1988 Sec 3ZB (as added by  
Road Safety Act 2006 Sec 21).*

4/17  
(V) Cause death by driving whilst disqualified.  
*Road Traffic Act 1988 Sec 3ZC as added  
by Criminal Justice and Courts Act 2015 Sec 29.  
CJS Code: RT88530*

4/18  
(V) Causing serious injury by driving whilst  
disqualified..  
*Road Traffic Act 1988 Sec 3ZD (as added by  
Criminal Justice and Courts Act 2015 Sec 29).*

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

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

“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, s143 (using a motor vehicle while uninsured or unsecured against third party risks).”

### **DEFINITION – LEGAL: CAUSING DEATH OR SERIOUS INJURY BY DISQUALIFIED DRIVERS**

ROAD TRAFFIC ACT 1988 Sec 3ZC AND 3ZD (AS ADDED BY CRIMINAL JUSTICE AND COURTS ACT 2015 SEC 29)

“A person is guilty of an offence if he causes the death or serious injury of another person by driving a motor vehicle on a road, and whilst do so commits an offence under Sec 103 (1) (b) of this Act (driving while disqualified).”

**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).*

## **5D Assault with Intent to cause Serious Harm Classification (1 of 3)**

5/1  
(V) Wounding with intent to do grievous  
bodily harm.  
*Offences against the Person Act 1861*  
*Sec 18.*

5/6  
(V) Causing bodily injury by explosion.  
*Offences against the Person Act 1861*  
*Sec 28.*

5/27  
(V) Torture.  
*Criminal Justice Act 1988*  
*Sec 134.*

## 5D Assault with Intent to cause Serious Harm 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 been 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 (i.e. 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 5D OR CLASS 8N)

OFFENCES AGAINST THE PERSON ACT 1861 SECS 18 & 20

Section 18 (class 5D): "... [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 8N): "... [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 5D, otherwise record under class 8N. 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 class 5D 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 5D. 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 5D.

## 5D Assault with Intent to cause Serious Harm 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.

## 5D Assault with Intent to cause Serious Harm 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 5D) (indication of pre planning).*

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

*Two crimes (class 5D) (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 5D) (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 5D) (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 5D) (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 5D) (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 5D) (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 5D) (intent to prevent lawful apprehension).*

## 5D Assault with Intent to cause Serious Harm 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 5D). If the placing of the explosive (class 5E) 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 5D).*

**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 5D already recorded, the FCR should re-classify to class 1, unless the 5D has been recorded in a previous financial year. In this instance the recorded recorded wounding should be cancelled from the previous year's figures and an additional crime (class 1) should be recorded in the current year's crime figures.*

## 5D Assault with Intent to cause Serious Harm Counting Rules (3 of 3)

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

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

*One crime (class 5D) only.*

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

*One crime (class 5D) 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 5E) unless already recorded.*

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

*One crime (class 2).*

Example 5: A person deliberately drives a vehicle into the side of a house causing the wall to collapse and seriously injuring the two occupants.

*Two crimes (class 5D).*

Example 6: After following his ex-wife home on several occasions, on the most recent occasion he armed himself with a knife and used this to assault her causing her serious bodily harm.

*One crime (Class 5D).*

**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.*

## 5E Endangering Life Classification (1 of 2)

5/2 (S/V)	Shooting at naval or revenue vessels. <i>Customs &amp; Excise Management Act 1979 Sec 85(2).</i>	5/23 (S/V)	Weapons related acts overseas. <i>Anti-Terrorism, Crime &amp; Security Act 2001 Sec 50.</i>
5/4 (V)	Attempting to choke etc. in order to commit indictable offence. <i>Offences against the Person Act 1861 Sec 21.</i>	5/24 (S/V)	Use of noxious substances or things to cause harm and intimidate. <i>Anti-Terrorism, Crime &amp; Security Act 2001 Sec 113.</i>
5/5 (V)	Using chloroform etc. to commit indictable offence. <i>Offences against the Person Act 1861 Sec 22.</i>	5/25 (S/V)	Performs an aviation function or ancillary function when impaired by drink or drugs. <i>Railways &amp; Transport Safety Act 2003 Secs 92 &amp; 95.</i>
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 Sec 29.</i>	5/26 (S/V)	Endangering safety at aerodromes. <i>Aviation and Maritime Security Act 1990 Sec 1.</i>
5/8 (V)	Impeding the saving of life from shipwreck. <i>Offences against the Person Act 1861 Sec 17.</i>	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>
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>	6/2 (S/V)	Endangering railway passengers by throwing anything at railway carriages etc. <i>Offences against the Person Act 1861 Sec 33.</i>
5/10 (V)	Administering poison so as to endanger life. <i>Offences against the Person Act 1861 Secs 23 &amp; 24.</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>
5/11 (S/V)	Causing danger to road-users. <i>Road Traffic Act 1988 Sec 22a.</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). Channel Tunnel (Security) Order 1994 Art 6.</i>
5/13 (S/V)	Making, possessing or controlling explosive substance with intent to endanger life <i>Explosive Substances Act 1883 Sec 3(1)(b).</i>	7/1 (S/V)	Sending unseaworthy ship to sea. <i>Merchant Shipping Act 1995 Sec 98.</i>
5/14-16 (S/V)	Possession of firearm with intent to injure. <i>Firearms Act 1968 Sec 16.</i>	7/2 (S/V)	Not waiting to save lives in collision. <i>Merchant Shipping Act 1995 Sec 92(1)(3).</i>
5/17-19 (S/V)	Use of firearm to resist arrest. <i>Firearms Act 1968 Sec 17(1).</i>	7/3 (S/V)	Endangering ship, life or limb on shipboard by breach of duty. <i>Pilotage Act 1987 Sec 21.</i>
5/20 (S/V)	Use of chemical weapons. <i>Chemical Weapons Act 1996 Sec 2.</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>
5/21 (S/V)	Premises or equipment for producing chemical weapons. <i>Chemical Weapons Act 1996 Sec 11.</i>	7/5 (S/V)	Taking or sending ship to sea with load line submerged. <i>Merchant Shipping Act 1995 Sch 3 (paras 3 &amp; 4).</i>
5/22 (S/V)	Use . of nuclear weapons. <i>Anti-Terrorism, Crime &amp; Security Act 2001 Sec 47.</i>		

## 5E Endangering Life Classification (2 of 2)

7/6 (S/V)	Contravening cargo ship construction & survey rules. <i>Merchant Shipping Act 1964 Sec 7.</i>	7/13 (S/V)	Master, Pilot or Seaman's ability to carry out duties impaired because of drink or drugs. <i>Railways &amp; Transport Safety Act 2003 Secs 78-82.</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>	7/14 (S/V)	Destroying ships or fixed platforms endangering their safety. <b><u>Cannot proceed without consent of Attorney General</u></b> <i>Aviation and Maritime Security Act 1990 Sec 11.</i>
7/8 (S/V)	Drunkenness etc. on duty. <i>Merchant Shipping Act 1995 Sec 117.</i>	7/15 (S/V)	Other acts endangering or likely to endanger safe navigation. <i>Aviation and Maritime Security Act 1990 Sec 12.</i>
7/9 (S/V)	Contraventions of deck cargo regulations (load lines etc). <i>Merchant Shipping Act 1995 Sch 3 (para 24).</i>	7/16 (S/V)	Inducing commission of offence relating to safety of ship, cargo or sea platform outside UK. <b><u>Cannot proceed without consent of Attorney General</u></b> <i>Aviation and Maritime Security Act 1990 Sec 14(4).</i>
7/10 (SV)	Intentionally making false or fraudulent certificate (load lines etc). <i>Merchant Shipping Act 1995 Sch 3 (para 27).</i>	7/17 (S/V)	Assisting commission of offence relating to safety of ship, cargo or sea platform outside the UK <b><u>Cannot proceed without consent of Attorney General</u></b> <i>Aviation and Maritime Security Act 1990 Sec 14(4).</i>
7/11 (S/V)	Using unsafe lighter, barge etc, likely to endanger life. <i>Merchant Shipping Act 1995 Sec 99.</i>		
7/12 (S/V)	Disobedience, neglect of duty, impeding navigation of ship. <i>Merchant Shipping Act 1995 Sec 59.</i>		

### CLARIFICATION: USE OF SUBSTANCE OR OBJECT TO ENDANGER LIFE

Class 5E 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 5D must be considered and no offences under this classification should be recorded.

### CLARIFICATION: POSSESSION OF ITEMS TO ENDANGER LIFE

Classification 5E also relates to offences involving the possession of items to endanger life. If victims have been injured then an offence under Homicide or class 5D must be considered.

### CLASSIFICATION: ENDANGERING PASSENGERS ON PUBLIC TRANSPORT

Rail	Class 5E
Ship	Class 5E
Air	Class 36
Road	No separate classification

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

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

## 5E Endangering Life Counting Rules (1 of 3)

**GENERAL RULE:** ONE CRIME FOR EACH SPECIFIC INTENDED VICTIM (WHERE A SPECIFIC INTENDED VICTIM CAN BE IDENTIFIED OR ONE CRIME FOR EACH OFFENDER OR GROUP OF OFFENDERS.

**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 5E).*

**EXAMPLE 2:** Two men are arrested following forensic tests on a cache of explosives found concealed in woodland.

*One crime (class 5E).*

### **APPLICATION OF THE RULE: POSSESSION OF ITEMS TO ENDANGER LIFE**

**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 5E).*

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

*One crime (class 5E).*

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 5E).*

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

Example 4: 'A' discharges a shotgun to enable him and three other armed robbers to escape from waiting police officers.

*One crime (class 5E).*

Example 5: 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 5E) and one crime (class 34A).*

## 5E Endangering Life Counting Rules (2 of 3)

### APPLICATION OF THE RULE (CONTINUED)

- Example 6: 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 5E).*
- Example 7: 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 8: 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 5E).*
- Example 9: 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 5E) (clear intent to endanger life).*
- Example 10: 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).*

### APPLICATION OF THE RULE – ENDANGERING A RAILWAY PASSENGER

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

- Example 11: 'A' places a sleeper on a railway line and also jams points and tampers with the signals at the same time.  
*One crime (class 5E).*

**Where a crime of endangering railways passengers (class 5E) results in injuries that are not specific and intended, count the class 5E crime but not the injuries.**

- Example 12: 'A' places a sleeper on the line, which derails a train and injures 20 passengers.  
*One crime (class 5E).*

## 5E Endangering Life Counting Rules (3 of 3)

### APPLICATION OF THE RULE – ENDANGERING LIFE AT SEA

**Where a crime of endangering life at sea (class 5E) results in injuries that are not specific and intended, count the class 5E crime but not the injuries.**

Example 13: A person sends an unseaworthy ship to sea, causing injury to 20 passengers.

*One crime (class 5E).*

### **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 5E).*

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 5E).*

(ii) On the five occasions.

*Five crimes (class 5E).*

## 8N Assault with Injury Classification (1 of 3)

8/1 (V)	Malicious wounding: wounding or inflicting grievous bodily harm. <i>Offences against the Person Act 1861 Sec 20.</i>	8/20 (V)	Assault with intent to resist apprehension. <i>Offences against the Person Act 1861 Sec 38.</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 any place in England or Wales (whether or not a public place) injuring any person or assistance dog. <i>Dangerous Dogs Act 1991 Sec 3(1) as amended by Anti-Social Behaviour Crime and Policing Act 2014 Sec 106</i>
8/5 (V)	Assault on person preserving wreck. <i>Offences against the Person Act 1861 Sec 37.</i>	8/69 (V)	Care worker ill-treat/wilfully neglect an individual. <i>Criminal Justice and Courts Act 2015 Sec 20 (1) and (2).</i> CJS Code: CJ15001
8/6 (V)	Assault occasioning actual bodily harm. <i>Offences against the Person Act 1861 Sec 47</i>	8/70 (V)	Care provider breach duty of care resulting in ill-treatment / neglect of individual. <i>Criminal Justice and Courts Act 2015 Sec 21 (1) &amp; (23) (1).</i> CJS Code: CJ15002
8/52 (V)	Excise, infibulate, aid, abet, counsel. <i>Female Genital Mutilation Act 2003</i>		
8/68 (V)	Fail to protect girl from risk of genital mutilation. <i>Female Genital Mutilation Act 2003 Sec 3A (1) and 5 (2) as amended by Serious Crime Act 2015 Sec 72.</i> CJS Code: FG03005		
8/2 (V)	Administering poison with intent to injure or annoy. <i>Offences against the Person Act 1861 Sec 24</i>		

### **CLASSIFICATION: GRIEVOUS BODILY HARM (GBH) (CLASS 5D OR 8N)**

#### OFFENCES AGAINST THE PERSON ACT 1861 SECS 18 & 20

Section 18 (class 5D): "... [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 8N): "... [to] inflict any grievous bodily harm ... either with or without any weapon or instrument ...".

If there is intent to commit GBH, record under class 5D, otherwise record under class 8N.

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.

## 8N Assault with Injury Classification (2 of 3)

### 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 (i.e. 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.

### RECORDING PRACTICE: WOUNDS

Wounds under Offences Against the Persons Act 1861 Sec 20 will be recorded under class 8N **unless** there is evidence of intent when class 5D should be recorded.

### 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.

### CLARIFICATION FEMALE GENITAL MUTILATION

DEFINITION LEGAL - FEMALE GENITAL MUTILATION ACT 2003 SECTION 4

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

Extension of sections 1 to 3 to extra-territorial acts

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

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

(a) proceedings may be taken, and

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

## 8N Assault with Injury Classification (3 of 3)

### RECORDING PRACTICE: FGM REPORTS

From 31 October 2015, all regulated health and social care professionals and teachers in England and Wales have been legally required to report 'known' cases of FGM in girls under 18 to the police. All reports made under this duty must be recorded as crimes without delay or waiting for further investigation (unless there is immediately available credible evidence to show that a crime has not occurred). This applies to all cases including those where it is suspected that the FGM occurred outside of England and Wales. This is an exception to the usual crime recording requirements for offences committed elsewhere. In the event it is determined the child in question has not suffered FGM the recorded crime can be cancelled on the authority of the Force Crime Registrar. (Added July 2016)

### RECORDING PRACTICE: MINOR INJURIES

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

Where battery results in injury, assault with injury (class 8N) 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 assault with injury (class 8N).

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 assault classification (probably either class 5D or 8N).

### RECORDING PRACTICE: 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 assault with injury (Sec 47 ABH class 8N).
- Bite cutting the skin, bled but no medical intervention. Record assault with injury (Sec 47 ABH class 8N).
- Bite deeply cutting the skin, required stitching or gluing. Record assault with injury (Sec 20 GBH class 8N).
- As class 8N above but the part of the body bitten indicated intent from the outset to disfigure, cause GBH e.g. face, nose, ears, fingers. Record a GBH with intent (class 5D).

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 (Sec 20 GBH - class 8N).*

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 (Sec 18 GBH - class 5D).*

## 8N Assault with Injury Counting Rules (1 of 3)

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

**EXAMPLE 1:** A husband and wife get into an argument with a group of youths that result 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 (Sec 20 GBH class 8N).*

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

*One crime (Sec 20 GBH class 8N).*

**EXAMPLE 3:** Three persons are assaulted and receive minor cuts and grazes which require no treatment.

*Three crimes (Sec 47 ABH class 8N).*

**EXAMPLE 4:** An assault victim has a wound to the left eyebrow, a 'black eye' and a cut under the eye.

*One crime (Sec 20 GBH class 8N).*

**EXAMPLE 5:** 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 (Sec 47 ABH class 8N).*

**EXAMPLE 6:** 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 minor cuts to the bridge of her nose which are treated with a plaster.

*One crime (Sec 47 ABH class 8N).*

**EXAMPLE 7:** 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 (Attempted Sec 18 GBH class 5D).*

**EXAMPLE 8:** '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 as a result of being stabbed with a pointed blade.

*One crime (Sec 18 GBH class 5D).*

## 8N Assault with Injury Counting Rules (2 of 3)

### APPLICATION OF THE RULE – FEMALE GENITAL MUTILATION (FGM)

**An act done outside the UK by a UK national or person permanently resident in the UK can still be treated as if it occurred in England, Wales or Northern Ireland.**

Example 1: 'A' and 'B' are the parents of 'C' a female child and are all UK nationals. 'A' and 'B' take 'C' to a country outside the UK to visit relatives and whilst there arrange for 'C' to undergo FGM.

*One crime (class 8N – 8/52).*

Example 2: 'A' and 'B' are the parents of 'C' a female child and are all UK nationals. 'D' the child's aunt is a national of a country outside the UK. 'D' visits 'A' and 'B' who agree that 'D' may take 'C' with her to her home country to meet relatives and whilst there that 'C' should undergo FGM.

*One crime (class 8N – 8/52).*

### APPLICATION OF THE RULE - POISONING

**Administering poison with intent to injure or annoy: If the intentions of the offender (e.g. 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 8N.**

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

*One crime (class 8N – 8/2).*

Example 2: 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 8N - 8/2).*

### **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 8N – 8/2).*

## 8N Assault with Injury Counting Rules (3 of 3)

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

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 (Sec 20 GBH class 8N or Sec 18 GBH class 5D).*

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

*One crime (Sec 20 GBH class 8N) 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 (Sec 20 GBH class 8N).*

Example 4: After following his ex-wife home for the fourth time he assaults her causing GBH without intent.

*One crime (class 8Q).*

### **Controlling and Coercive Behaviour**

Controlling and coercive behaviour should be considered the most serious violent crime over assaults up to and including offences contrary to section 20 of the Offences Against the Person Act. Controlling or coercive behaviour should therefore be recorded where other 105A or 8N offences have also been committed. Where a Sec 18 offence (class 5D) has been committed this should take precedence over controlling and coercive behaviour. Controlling and coercive behaviour should be considered the most serious crime over offences of criminal damage, theft and sexual offences amounting to voyeurism or exposure. Where offences contrary to the computer misuse act are committed as part of the controlling and coercive behaviour then only the controlling and coercive behaviour should be recorded. Where a report between the same victim and offender involves stalking and controlling and coercive behaviour the most recent offence should be recorded.

For examples and further guidance about controlling and coercive behaviour see 105A. (Added July 2016).

### **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 (Sec 47 ABH class 8N).*

## 8P Racially or Religiously Aggravated Assault with Injury Classification (1 of 2)

- 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)*
- 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).*

### 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.”

## 8P Racially or Religiously Aggravated Assault with Injury Classification (2 of 2) / Counting Rules (1 of 1)

### DEFINITION – LEGAL: RACIALLY OR RELIGIOUSLY AGGRAVATED GRIEVOUS BODILY HARM (GBH) AND ACTUAL BODILY HARM (ABH)

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 ASSAULT WITH INJURY

A crime of class 8P 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 8N 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 8P (Racially or religiously aggravated assault with injury) **unless** there is evidence of intent when class 5D should be recorded.

### 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.

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

Refer to 8N for examples.

## 8S Assault with Injury on a Constable Classification (1 of 1)

8/1 (V)	Malicious wounding: wounding or inflicting grievous bodily harm. <i>Offences against the Person Act 1861 Sec 20. (pt)</i>	8/6 (V)	Assault occasioning actual bodily harm. <i>Offences against the Person Act 1861 Sec 47 (pt)</i>
5/1 (V)	Cause GBH with intent to resist/prevent arrest. <i>Offences against the person Act 1861 Sec 18 (pt)</i>	5/1 (V)	Wounding with intent to resist/prevent arrest. <i>Offences against the person Act 1861 Sec 18 (pt)</i>
5/1 (V)	Wounding with intent to do grievous bodily harm. <i>Offences against the Person Act 1861 Sec 18 (pt)</i>		

### DEFINITIONS

The same legal definitions and recording practices shall apply as for 8N: Assault with Injury. Classification 8S should be used when the circumstances are the same as for classification 8N, and it is known that the victim is a police constable, or a PCSO and they were on duty and acting in the execution of their duty.

For this purpose the term “constable” refers to all warranted police officers of any rank and includes special constables.

### RECORDING PRACTICE: RACIALLY OR RELIGIOUSLY AGGRAVATED ASSAULT WITH INJURY ON A CONSTABLE OR PCSO

A crime of assault with injury on a constable or PCSO which is racially or religiously aggravated should be recorded as a crime under 8S and flagged under the relevant hate crime marker. This does not prevent a suspect from being charged or otherwise dealt with for the aggravating offence.

## 8S Assault with Injury on a Constable Counting Rule (1 of 1)

**GENERAL RULE:** ONE CRIME FOR EACH CONSTABLE, OR PCSO ASSAULTED DURING THE COURSE OF THEIR DUTY. THIS INCLUDES CASES WHERE THEY ARE NOT OFFICIALLY ON DUTY, BUT PLACE THEMSELVES ON DUTY BY INTERVENING IN A SITUATION OR APPREHENDING AN OFFENDER.

### APPLICATION OF THE RULE

Example 1: Three Constables are assaulted by a group of youths, causing Grievous Bodily Harm.

*Three crimes (class 8S).*

Example 2: An off duty officer is wounded with a sharp instrument while apprehending an individual, breaking the skin.

*One crime (class 8S).*

Example 3: A police officer is bitten while making an arrest, causing bruising.

*One crime (class 8S).*

**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.**

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

*One crime (class 8S) 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 8S) 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 8S) 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 vandalising the officer's private car.

*One crime (class 8S) only. (The constable is the victim of both crimes, and therefore the principal crime rule applies). The officer has placed themselves on duty by apprehending the person.*

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

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 8S).*

## 37/1 Causing Death by Aggravated Vehicle Taking Classification/ Counting Rules (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.

### **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.*

## **Violence without injury**

- 3A**      **Conspiracy to Murder**
- 3B**      **Threats to Kill**
- 8L**      **Harassment**
- 8M**      **Racially or Religiously Aggravated Harassment**
- 8Q**      **Stalking**
- 8R**      **Malicious Communications**
- 11A**     **Cruelty to Children/Young Persons**
- 13**      **Child Abduction**
- 14**      **Procuring Illegal Abortion**
- 36**      **Kidnapping**
- 104**     **Assault without Injury on a Constable**
- 105A**   **Assault without Injury**
- 105B**   **Racially or Religiously Aggravated Assault without Injury**
- 106**     **Modern Slavery**

## 3A Conspiracy to Murder Classification (1 of 1)

3/2 (V)	Soliciting to commit murder. <i>Offences against the Person Act 1861 Sec4.</i>	3/3 (S)	Concealing commission of genocide or crime against humanity. <i>International Criminal Court Act 2001 Secs 52, 53 &amp; 55</i>
3/2 (V)	Conspiracy to commit murder. <i>Criminal Law Act 1977 Sec 1.</i>	3/4 (V)	Intentionally encouraging or assisting commission of murder. <i>Serious Crime Act 2007 Sec 44(pt).</i>
3/2 (S)	Conspiring, aiding, abetting, counselling, procuring or inciting commission of genocide or crime against humanity. <i>International Criminal Court Act 2001. Secs 52, 53 &amp; 55.</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 C.**

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 PERSON TO WHOM A THREAT IS MADE.

**EXAMPLE 1:** 'A' threatens to kill 'B'.  
*One crime (class 3B).*

**EXAMPLE 2:** 'A' threatens 'B' that he will kill both 'C' and 'D' (a joint threat).  
*One crime (class 3B).*

### APPLICATION OF THE RULE

#### The intended victims may be unaware of the threat.

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

*One crime (class 3B) the victim is B.*

'A' then writes to C (his ex wife and the children's mother) threatening to murder them both. C fears the threat will be carried out.

*One additional crime (class 3B) – the victim is C.*

#### 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).*

## 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 SECS 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)

### 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.

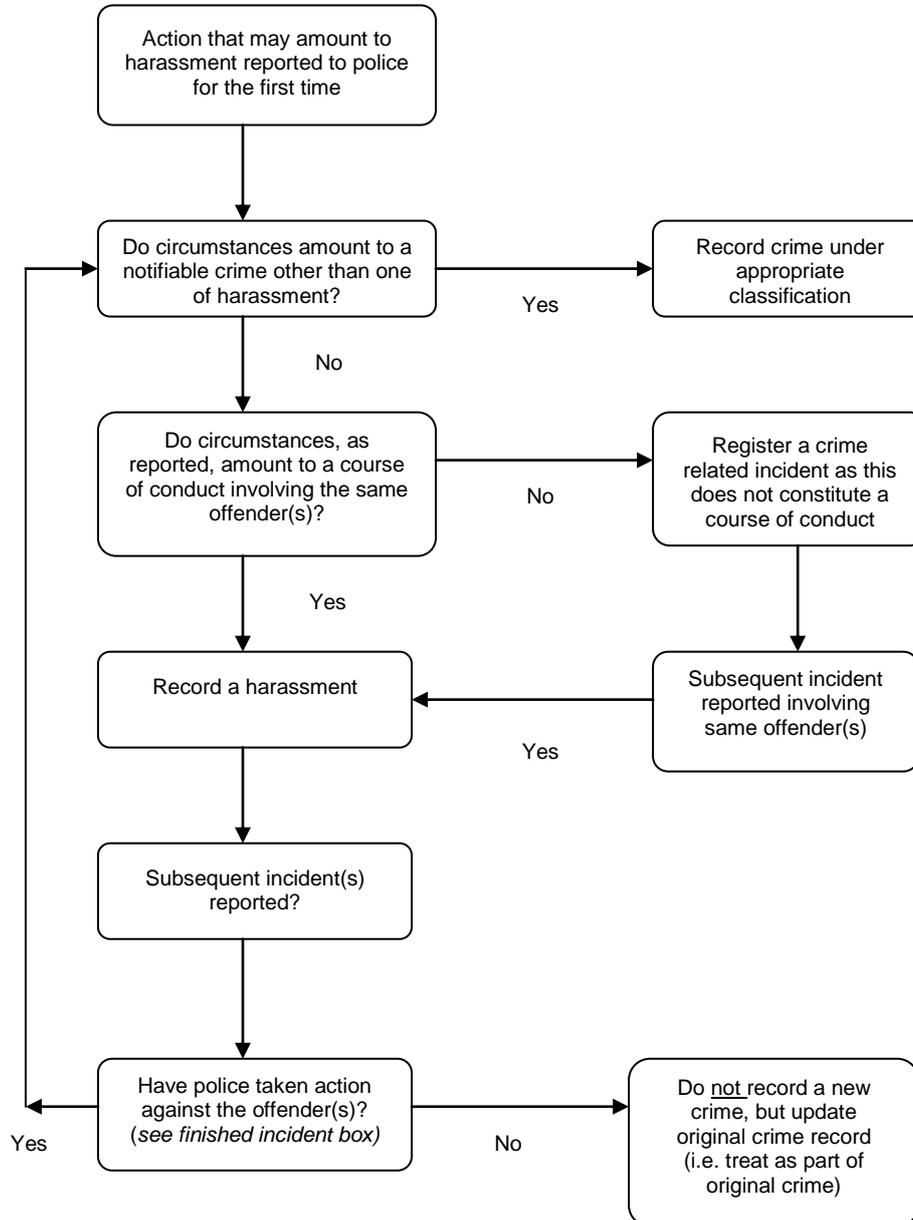
It is important that where evidence exists to support the report of another substantive crime, an offence under the Protection from Harassment Act is not recorded. This act also does not apply to controlling or coercive behaviour that takes place in an ongoing intimate relationship. Reports of this nature should be recorded under offence code 8/67 if this is the principal crime.

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; i.e. 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 : 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 195/94).*

**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 195/94).*

### 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 195/94).*

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 195/94).*

**Breach of Harassment Injunction, Non Molestation or Restraining Order: one crime for each offender.**

**If a person commits offences whilst in breach of a harassment injunction/restraining **or non molestation order**, and these offences are distinct from the breach, then count them in addition to the breach.** Updated July 2017.

Example 1: A person enters a prohibited area identified in a harassment injunction against him/her and commits a common assault against the victim they were forbidden from contacting.

*Two crimes: one of breach of harassment injunction (class 8L 8/29) and one common assault under 105A (105/1).*

**If the condition of a harassment injunction is not to commit a notifiable crime and such a crime is committed, count the notifiable crime but not the breach of the harassment injunction/restraining order.**

Example 1: A person burgles a house in breach of a harassment injunction/restraining order.

*One crime of burglary – residential (class 28E 28/3).*

## 8L Harassment Counting Rules (2 of 2)

### **Location of Crimes: see also General Rules Section G.**

Example 1: A victim in force area A is being harassed over the telephone (i.e. 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. (One Crime 8L 195/94)*

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

*Force A to record. (One Crime 8L 195/94)*

### **Whether to record: see also coverage box and General Rules Section A.**

Example 1: Person 'A' reports a number of instances over a period of time where person 'B' has done acts including repeatedly banging on their house door and interfering with property in their garden. Person A doesn't know Person B and is upset and concerned by their behaviour.

*Record one crime (class 8L 125/68). The course of conduct rule has been met.*

Example 2: As above, the following day, person 'A' reports that person 'B' is trespassing in their garden and refuses to explain why when challenged. 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 against Person B.*

### **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 3: 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 (i.e. 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 195/94).*

(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 (Racially or religiously aggravated Harassment or stalking with fear of violence) *Crime & Disorder Act 1998 Sec 32 (1b) (b) or (4) as added 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; i.e. 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 4.

#### 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 8P 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*

## 8Q Stalking Classification (1 of 3)

8/65 Stalking involving fear of violence.  
(V) Protection from Harassment Act 1997  
Sec4A(1) (a) (b) (i) as inserted by the  
Protection of Freedoms Act 2012 Sec 111

195/12 Pursue course of conduct in breach  
(V) of Sec 1 (1) which amounts to stalking  
Protection from Harassment Act 1997  
Sec 2A (1) as inserted by Protection of  
Freedoms Act 2012 Sec 111.

8/66 Stalking involving serious  
(V) alarm/distress.  
*Protection from Harassment Act 1997*  
*Sec 4A (1)(a) (b) (ii) as inserted by the*  
Protection of Freedoms Act 2012 Sec 111

### DEFINITION – LEGAL: STALKING

PROTECTION FROM HARASSMENT ACT 1997 Sec 2A and 4A (AS AMENDED BY PROTECTION OF FREEDOMS ACT 2012 Sec 111)

#### 2A Offence of Stalking

- (1) A person is guilty of an offence if –
- (a) The person pursues a course of conduct in breach of section 1 (1) and
  - (b) The course of conduct amounts to stalking.
- (2) For the purpose of subsection (1) (b) (and section 4A (1) (a) a person's course of conduct amounts to stalking of another person if -
- (a) it amounts to harassment of that person,
  - (b) the acts or omissions involved are ones associated with stalking, and
  - (c) the person whose course of conduct it is knows or ought to know that the course of conduct amounts to harassment of the other person.
- (3) The following are examples of acts or omissions which, in particular circumstances are ones associated with stalking -
- (a) following a person,
  - (b) contacting, or attempting to contact, a person by any means,
  - (c) publishing any statement or other material –
    - (i) Relating or purporting to relate to a person, or
    - (ii) Purporting to originate from a person,
  - (d) monitoring the use of a person on the internet, email or any other form of electronic communication,
  - (e) loitering in any place (whether public or private),
  - (f) interfering with any property in the possession of a person,
  - (g) watching or spying on a person.

#### 4A Stalking involving fear of violence or serious alarm or distress

- (1) A person (A) whose course of conduct –
- (a) amounts to stalking, and
  - (b) either –
    - (i) causes another (B) to fear, on at least two occasions, that violence will be used against B, or
    - (ii) causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities,
- is guilty of an offence if A knows or ought to know that A's course of conduct will cause B so to fear on each occasions or (as the case may be) will cause alarm or distress.

## **8Q            Stalking Classification (2 of 3)**

### **DEFINITION – LEGAL STALKING (CONTINUED)**

For the purpose of this section A ought to know that A's course of conduct will cause B so to fear on each of those occasions or (as the case may be) will cause such alarm or distress.

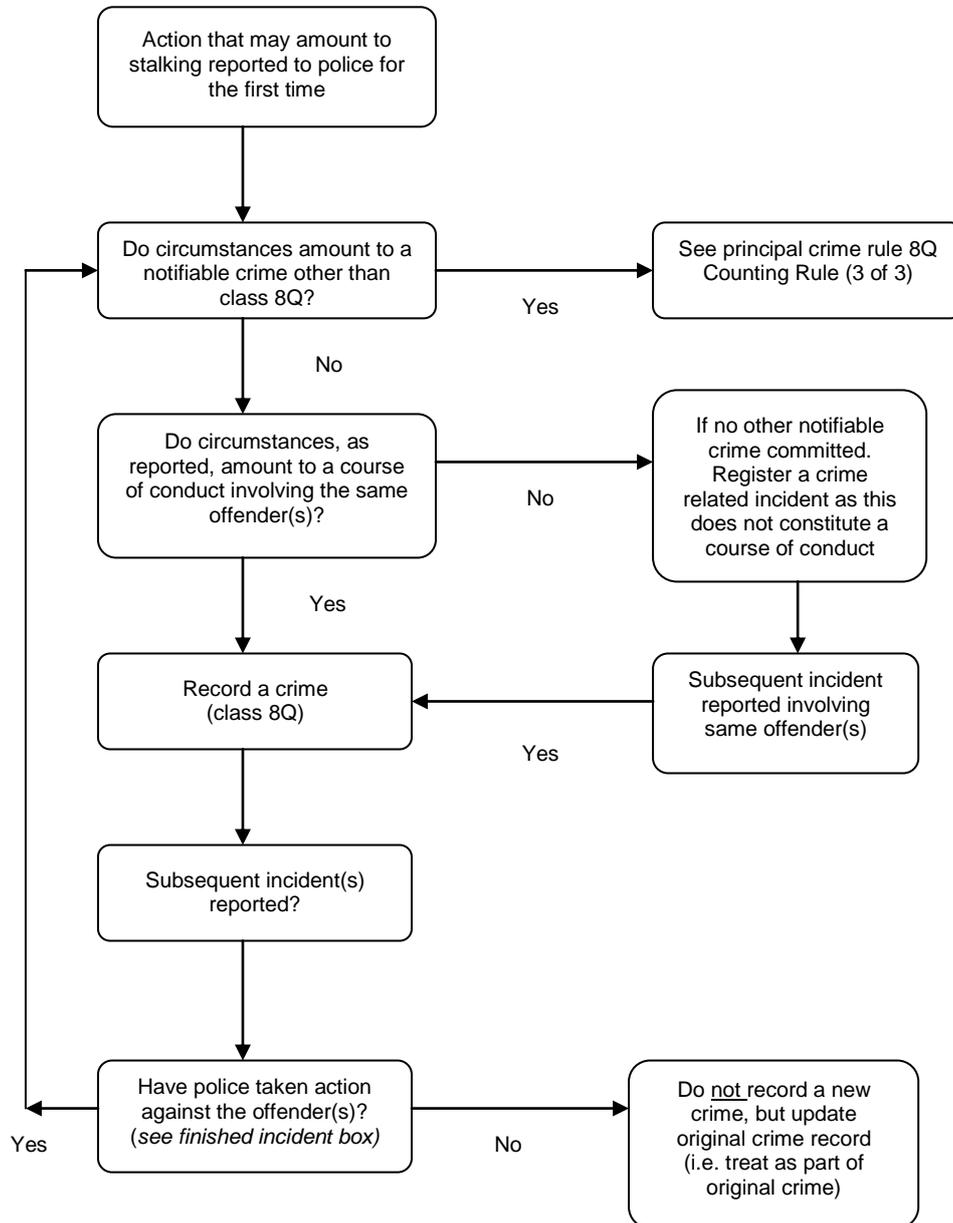
For the purpose of this section A ought to know that A's course of conduct will cause B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities if a reasonable person in possession of the same information would think the course of conduct would cause B such alarm or distress.

It is a defence for A to show that –

- (a) A's course of conduct was pursued for the purpose of preventing or detecting crime.
- (b) A's course of conduct was pursued under any enactment or rule of law or to comply with any person under any enactment, or
- (c) the pursuit of A's course of conduct was reasonable for the protection of A or another or for the protection of A's or another's property.

# 8Q Stalking Classification (3 of 3)

## Harassment Act 1997: Recording Practice



## 8Q Stalking Counting Rules (1 of 3)

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

**EXAMPLE 1:** A woman's ex partner sits in his car outside her house and spys on her and her new partner on a daily basis. (At least one related incident amounting to one course of conduct demonstrated for each).

*Two crimes (class 8Q).*

### 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 2: A female celebrity is stalked by three men acting independently on separate occasions (all of whom has been responsible for at least two incidents, each amounting to one course of conduct).

*Three crimes (class 8Q).*

**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 stalked over the telephone (i.e. 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.*

## 8Q Stalking Counting Rules (2 of 3)

### **Whether to record: see also General Rules Section A.**

- 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 (i.e. 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 8Q). The course of conduct rule (see above) has been met.*
- Example 3: Person 'A' reports on two consecutive nights person 'B' has followed A home causing fear, alarm or distress.  
*Record one crime (class 8Q). The course of conduct rule (see above) has been met.*
- Example 4: As above, but next day person 'A' reports person 'B' has followed her home again. 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 stalked by the same person on numerous occasions.
- (i) The police decide not to take action against the offender but to monitor the situation (i.e. 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 8Q).*
- (ii) Further incidents of stalking 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.*

## 8Q Stalking Counting Rules (3 of 3)

### Principal Crime

Stalking should be considered the most serious violent crime over assaults up to and including offences contrary to Section 20 of the Offences against the Person Act. 8Q stalking offences should therefore be recorded where Class 105A or 8N offences have also been committed. Where a Sec 18 offence (class 5D) has been committed this should take precedence over stalking 8Q. Stalking should be considered the most serious crime over offences of criminal damage, theft and sexual offences amounting to voyeurism or exposure. Where offences contrary to the computer misuse act are committed as part of a stalking event then only the stalking should be recorded.

### Application of the Rule

Example 1: A female reports she has been stalked by her ex-husband who has followed her home on several occasions and that on the most recent occasion when she challenged him over his actions he assaulted her causing injuries amounting to GBH.

*One crime class 8Q.*

Example 2: A male reports he is being stalked by his former partner and that as part of this stalking on two occasions his car has been damaged.

*One crime class 8Q.*

Example 3: A female reports that her Facebook account has been hacked by a former partner and this is established as being part of a wider stalking occurrence.

*One crime Class 8Q.*

## 8R Malicious Communications Classification (1 of 1)

8/71  
(V) Disclose private sexual photographs with intent to cause distress.  
*Criminal Justice and Courts Act 2015 Sec 33 (1) & (9)*

CJS Code: CJ15005

8/72  
(V) Sending letters etc with intent to cause anxiety.  
*Malicious Communications Act 1988 Sec 1 as amended by Criminal Justice and Courts Act 2015 Sec 32*

CJS Code: MT88001-MT88004

### CLASSIFICATION: NUISANCE TELEPHONE CALLS

Offences relating to nuisance telephone calls come under the Communications Act 2003 Sec 127 and the Malicious Communications Act 1988 Sec 1. Where the victim reports suffering anxiety or distress, the 8/72 offence **must** be recorded.

Where the victim reports the calls as causing a nuisance or inconvenience only, an offence does not need recording and the incident should be classified with the appropriate Anti Social Behaviour category in accordance with NSIR.

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.

### DEFINITION – LEGAL: MALICIOUS COMMUNICATIONS

#### MALICIOUS COMMUNICATIONS ACT 1988 SEC 1

1(1) Any person who sends to another person -

(a) a letter, electronic communication or article of any description which conveys -

- (i) a message which is indecent or grossly offensive;
- (ii) a threat; or
- (iii) information which is false and known or believed to be false by the sender; or

(b) any article or electronic communication which is, in whole or in part, of an indecent or grossly offensive nature,

is guilty of an offence if his purpose, or one of his purposes, in sending it is that it should, so far as falling within paragraph (a) or (b) above, cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated.

1(2) A person is not guilty of an offence by virtue of subsection 1(a)(ii) above if he shows -

- (a) that the threat was used to reinforce a demand made by him on reasonable grounds; and
- (b) that he believed and had reasonable grounds for believing that the use of the threat was a proper means of reinforcing the demand.

1(2A) In this section **electronic communication** includes -

- (a) any oral or other communication by means of an electronic communications network and
- (b) any communication (however sent) that is in electronic form.

## 8R Malicious Communications Counting Rules (1 of 1)

### Malicious Communications

On the 13th April 2015 the offence of sending letters etc with intent to cause distress or anxiety under Sec 1 of the Malicious Communications Act 1988 became notifiable. From that date each and every report, where the provision of NCRS/HOCR are met and the offence amounts to a crime under 8/72, must be recorded as notifiable. In cases where a number of malicious communications are reported all at the same time and which might be considered to form a course of conduct the crime to be recorded is one of 8/72 under the Malicious Communications Act.

Example 1: A sends B a single communications that meets the test to be determined as malicious under the act and reports this to police.

One crime (class 8R – 8/72).

Example 2: A sends B a number of such communications and B reports this to police for the first time.

One crime (class 8R – 8/72).

Example 3: Following on from example 1 above A sends B a further communication and B reports this to police.

One further crime (Class 8R – 8/72).

# 11A Cruelty to Children/Young Persons 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 a brothel. <i>Children and Young Persons Act 1933 Sec 3.</i>
12 (V)	Abandoning child under two years. <i>Offences against the Person Act 1861 Sec 27.</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)	Allowing persons under 16 to take part in performances endangering life or limb. <i>Children and Young Persons Act 1933 Sec 23.</i>	109/8 (V)	Permitting child to be in verminous condition. <i>Education Act 1996 Sec 525.</i>
109/1 (V)	Training of persons under 12 for dangerous performances. <i>Children and Young Persons Act 1933 Sec 24.</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 (whether physically or otherwise), neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated (whether physically or otherwise), neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (whether the suffering or injury is of a physical or a psychological nature), that person shall be guilty of an offence.

## 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.”

# 11A Cruelty to Children/Young Persons 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 11A).*

**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 11A).*

**EXAMPLE 3:** Two children are abandoned at same time and place.  
*Two crimes (class 11A).*

## 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 11A).*

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 11A).*

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

Example 1: Through wilful acts of cruelty, a child suffers actual bodily harm.  
*One crime (class 11A).*

Example 2: Through wilful acts of cruelty, a child suffers grievous bodily harm.  
*One crime (class 5D).*

# 13 Child Abduction Classification (1 of 1)

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

13/2 Abduction of child by other persons.  
(V) *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 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 C.**

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).*

## 36 Kidnapping Classification (1 of 2)

36/1 (V)	Kidnapping. <i>Common Law.</i>	36/2 (V)	Other acts endangering safety of aircraft. <i>Aviation Security Act 1982 Sec 3 6(pt)</i>
36/2 (V)	Hijacking of ships or fixed sea platform. <i>Aviation and Maritime Security Act 1990 (Channel Tunnel Act 1987 Sec 1(7)). Sub Secs 9 &amp; 10.</i>	36/2 (V)	Seizing an aircraft in flight by unlawful use of force or threats by person on board the aircraft. <i>Aviation Security Act 1982 Sec 1</i>
36/2 (V)	Destroying, damaging or endangering <i>safety or aircraft.</i> <i>Aviation Security Act 1982 Sec 2, 6(pt)</i>	36/3 (V)	False imprisonment. <i>Common Law.</i>
36/2 (V)	Hijacking, destroying or damaging Channel Tunnel train or system. <i>Channel Tunnel (Security) Order 1994 Articles 4,5, 7,8 (Channel Tunnel Act 1987 Sec 1 (7) ).</i>	36/4 (V)	Detaining and threatening to kill or injure a hostage. <i>Taking of Hostages Act 1982 Sec 1.</i>
		36/5 (V)	Forced marriage offences under <i>Anti-social Behaviour Crime and Policing Act 2014 Sec 121 (1) (3) CJS Code AS14012 &amp; AS14013</i>

### DEFINITION - LEGAL: KIDNAPPING

The common law offence of kidnapping is an attack on, and infringement of, the personal liberty of an individual. The crime contains four ingredients: the taking away of one person by another, by force or fraud, without the consent of the person so taken or carried away and without lawful excuse.

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

### DEFINITION - LEGAL: FALSE IMPRISONMENT

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

### DEFINITION - LEGAL: HIJACKING

#### AVIATION SECURITY ACT 1982 SEC 1

“A person on board an aircraft in flight who unlawfully, by the use of force or by threats of any kind, seizes the aircraft or exercises control of it ...”

Section 1 also stipulates the circumstances under which the hijacker must be a UK national, the plane must be registered in the UK, the Act must be committed in the UK, and it specifies the aircraft's terms of registration.

## 36 Kidnapping Counting Rules (1 of 1)

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

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

*Three crimes (class 35).*

**EXAMPLE 2:** A person locks five people in a room against their will.

*Five crimes (class 36).*

**EXAMPLE 3:** An offender sends a letter which amounts to a blackmail to a victim who lives in PFA 'A'. The letter has a postmark. The offender's location cannot be determined from the postmark.

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

### APPLICATION OF THE RULE

**If no specific, intended victim, count one crime for each offender or group of offenders.**

Example 1: A person hijacks a plane containing 150 passengers.

*One crime (class 36).*

Example 2: A group of passengers damage a plane, so as to endanger the safety of all on the plane.

*One crime (class 36).*

### **Re-classification: see General Rules Section B.**

Example 1: A person is kidnapped and found dead several weeks later.

*The FCR should re-classify the crime of kidnapping (if already recorded) as homicide (class 1 or 4/1).*

### **Principal Crime: see also General Rules Section F & Annex C.**

Example 1: A woman is kidnapped and forced to withdraw money from her account.

*One crime of robbery (class 34B).*

### **Location of Crimes: see also General Rules Section G.**

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

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

# 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 &amp; 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 &amp; Police Act 2005 Sec 57(2)(4).</i>
		104/39 (V)	Assaults an officer of Revenue or Customs. <i>Commissioners for Revenue &amp; 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 vandalising the officer's car.

*One crime (class 104) 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 C.**

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 5D or Sec 20 GBH - 8N depending on intent).*

## 105A Assault without Injury Classification (1 of 2)

105/1 (V)	Common assault and battery. <i>Criminal Justice Act 1988 Sec 39.</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>
105/2 (V)	Assault on County Court officer. <i>County Courts Act 1984 Sec 14.</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>
105/3 (V)	Assaulting a person assisting a constable. <i>Police Act 1996 Sec 89(1).</i>	105/10 (V)	Assault on a traffic officer. <i>Traffic Management Act 2004 Sec 10(1).</i>
105/4 (V)	Assault on prison custody officer. <i>Criminal Justice Act 1991 Sec 90(1).</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>
105/4 (V)	Assault on officer in secure training centre. <i>Criminal Justice &amp; Public Order Act 1994 Sec 13.</i>	105/12 (V)	Assaulting an immigration officer exercising S2 detention powers. <i>UK Borders Act 2007 Sec 3(10)(b) &amp; (2).</i>
105/5 (V)	Resisting or wilfully obstructing a prisoner custody officer. <i>Criminal Justice Act 1991 Sec 90(3).</i>	105/13 (V)	Assaulting an immigration officer. <i>UK Borders Act 2007 Sec 22.</i>
105/5 (V)	Resisting or wilfully obstructing a custody officer. <i>Criminal Justice &amp; Public Order Act 1994 Sec 13(2).</i>	8/67 (V)	Engage in controlling/ coercive behaviour in an intimate/family relationship. <i>Serious Crime Act 2015 Sec 76.</i> CJS Code: SC15004
105/6 (V)	Assault on court security officer. <i>Courts Act 2003 Sec 57.</i>		
105/7 (V)	Resisting or wilfully obstructing a court security officer. <i>Courts Act 2003 Sec 57 (3).</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 8N) 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 assault with injury (classification in accordance with the level of injury determined).

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 5D or 8N).

## 105A Assault without Injury Classification (2 of 2)

### DEFINITION – LEGAL ENGAGE IN CONTROLLING/COERCIVE BEHAVIOUR IN AN INTIMATE / FAMILY RELATIONSHIP

Serious Crime Act 2015 Sec 76

- (1) A person (A) commits an offence if—
- (a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,
  - (b) at the time of the behaviour, A and B are personally connected,
  - (c) the behaviour has a serious effect on B, and
  - (d) A knows or ought to know that the behaviour will have a serious effect on B.
- (2) A and B are “personally connected” if—
- (a) A is in an intimate personal relationship with B, or
  - (b) A and B live together and—
    - (i) they are members of the same family, or
    - (ii) they have previously been in an intimate personal relationship with each other.
- (3) But A does not commit an offence under this section if at the time of the behaviour in question—
- (a) A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and
  - (b) B is under 16.
- (4) A’s behaviour has a “serious effect” on B if—
- (a) it causes B to fear, on at least two occasions, that violence will be used against B, or
  - (b) it causes B serious alarm or distress which has a substantial adverse effect on B’s usual day-to-day activities.

For the purposes of subsection (1)(d) A “ought to know” that which a reasonable person in possession of the same information would know.

- (6) For the purposes of subsection (2)(b)(i) A and B are members of the same family if—
- (a) they are, or have been, married to each other;
  - (b) they are, or have been, civil partners of each other;
  - (c) they are relatives;
  - (d) they have agreed to marry one another (whether or not the agreement has been terminated);
  - (e) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
  - (f) they are both parents of the same child;
  - (g) they have, or have had, parental responsibility for the same child

This offence came into force on 29 December 2015 and does not have retrospective effect. (Added July 2016)

### CLARIFICATION: CONTROLLING OR COERCIVE BEHAVIOUR

The cross-government definition of domestic violence and abuse outlines controlling or coercive behaviour as follows:

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

Coercive behaviour is: a continuing act or a pattern of acts of assault, threats humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. (Added July 2016)

## 105A Assault without Injury Counting Rules (1 of 2)

**GENERAL RULE:** ONE CRIME FOR EACH PERSON ASSAULTED, OBSTRUCTED, CONTROLLED 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) code 105/1 or 8/67 if the victim and offender were personally connected when the assaults took place and this had a serious effect on the victim.*

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, i.e. the principal crime).*

Example 3: A victim reports for the first time that they have been the victim of controlling behaviour from their partner on numerous recent occasions which has had a substantial adverse effect on their usual day to day activities.

One crime (class 105A – 8/67)

A further incident of controlling behaviour is reported by the victim against the same current partner which does not constitute another notifiable offence.

*Record in line with the finished incident rule for harassment (i.e apply at the point at which the police have in some way dealt with the offender such as a charge, summons, caution etc).*

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

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).*

Example 3: A victim reports for the first time being assaulted by her ex-partner after he followed her home for the fourth time that week. No visible injuries were sustained.

*One crime (class 8Q).*

## 105A Assault without Injury Counting Rules (2 of 2)

### Principal Crime (continued)

#### Controlling and Coercive Behaviour

Controlling and coercive behaviour should be considered the most serious violent crime over assaults up to and including offences contrary to section 20 of the Offences Against the Person Act. Controlling or coercive behaviour should therefore be recorded where other 105A or 8N offences have also been committed. Where a Sec 18 offence (class 5D) has been committed this should take precedence over controlling and coercive behaviour. Controlling and coercive behaviour should be considered the most serious crime over offences of criminal damage, theft and sexual offences amounting to voyeurism or exposure. Where offences contrary to the computer misuse act are committed as part of the controlling and coercive behaviour then only the controlling and coercive behaviour should be recorded. Where a report between the same victim and offender involves stalking and controlling and coercive behaviour the most recent offence should be recorded.

Example 4: A victim reports that since 29 Dec 2015 her husband has repeatedly told her that she is worthless, forbidden her from seeing her family and on one occasion assaulted her causing injuries amounting to GBH.

*One crime (Class 105A 8/67).*

Example 5: A victim reports that her ex-husband has stalked her on several occasions since their separation and previously (but still after 29 Dec 2015) had repeatedly engaged in controlling and coercive behaviour whilst they were married.

*One crime (Class 8Q – code according to seriousness).*

Example 6: A victim reports that her ex-partner has repeatedly harassed her since they separated and had previously (but still after 29 Dec 2015) engaged in coercive behaviour whilst they were in an intimate relationship on numerous occasions.

*One crime (Class 105A 8/67).*

#### **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 8N – either Sec 20 GBH or Sec 47 ABH according to the level of injuries.

## 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, assault with injury (Sec 47 ABH - class 8N), 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 assault with injury (classification in accordance with the level of injury determined).

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 5D or 8N).

### 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, i.e. the principal crime).*

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

**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 8P.*

# 106 Modern Slavery Classification (1 of 1)

**FOR HISTORIC ALLEGATIONS COMMITTED UNDER PREVIOUS LEGISLATION, RECORD AND ASSIGN OUTCOME AS IF COMMITTED TODAY**

36/06 (V)	Hold person in slavery or servitude. <i>Modern Slavery Act 2015 Sec 1 (1) (a) &amp; 5 (1)</i> CJS:MS15001	36/11 (V)	Commit offence of kidnapping or false imprisonment with intention of arranging travel with view to exploitation. Modern Slavery Act 2015 Sec 4 & 5 (3) CJS: MS 15006
36/07 (V)	Require person to perform forced or compulsory labour. Modern Slavery Act 2015 Sec 1 (1) (b) & 5 (1) CJS: MS15002	36/12 (S)	Do act prohibited by slavery and trafficking risk or prevention order. Modern Slavery Act 2015 Sec 30 (1) & (3) CJS: MS 15007
36/08 (V)	Arrange or facilitate the travel of another person with a view to exploitation. <i>Modern Slavery Act 2015 Sec 2 (1) &amp; (5) (1)</i> CJS:MS15003	36/13 (S)	Fail to comply with requirement to surrender passport under Modern Slavery Act 2015 Sec 30 (2) (a) & 30 (3) CJS: MS15008
36/10 (V)	Commit Offence other than kidnapping or false imprisonment with intention of arranging travel with intention of arranging travel with view to exploitation. Modern Slavery Act 2015 Sec 4 & 5 (2) CJS: MS15005	36/14 (S)	Fail to comply with requirement to provide name and address under Modern Slavery Act 2015 Sec 30 (2) (b) & 30 (3) CJS: MS15009

**The above Modern Slavery Act offences commenced on the 31 July 2015 replacing all the offence codes previously listed under this classification.**

## **RECORDING PRACTICE: NATIONAL REFERRAL MECHANISM**

All referrals made by the police **into** the NRM must be subject of a recorded crime of MS unless it is determined that any MS criminality occurred outside the UK in which case a CRI must be recorded.

For referrals the police receive **from** the NRM all those with a **positive reasonable grounds** decision applied must be subject of a recorded crime of MS. Where the referral from the NRM has either:

A negative reasonable grounds decision or,  
Is a Duty to Notify referral only or,  
Has any MS criminality entirely outside of the UK.

Then a CRI must be recorded unless the FCR considers it appropriate or necessary to record a crime.

As provided by the HOCR any other crime(s) disclosed must be recorded in addition to the MS by applying the relevant rules. Updated July 2017

# 106 Modern Slavery Counting Rules (1 of 1)

## GENERAL RULE: ONE CRIME FOR EACH PERSON SUBJECTED TO MODERN SLAVERY

### Location of offence: see General Rules Section G.

Example 1: A minibus is stopped by Force A leaving a ferry port. Following questioning of three female passengers it is established that an offence under this section is being committed. The person responsible for the offence is abroad.

*Three crimes (class 106) by Force A.*

Example 2: Police in Force B raid a brothel and establish from two girls working there that they were the victims of an offence under this section. They had entered the country through a port in Force A and the person responsible is living abroad.

*Two crimes (class 106) by Force B.*

### Principal Crime

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

#### Application of the Rule

Example 1: A brothel is raided in force A and three working females there report they have been subject of modern slavery arranged by persons who are abroad and also that they were all raped by a male in this country when they arrived.

*Six crimes – 3 class 106 and 3 rapes (classification according to ages of victims) by Force A.*

Example 2: A remote farm is raided by Force B and a group of 4 males are found living in a shipping container. It is established they are victims of modern slavery. 1 male provides details that he has been assaulted as part of efforts to force him to work and the injuries are consistent with a section 18 offence.

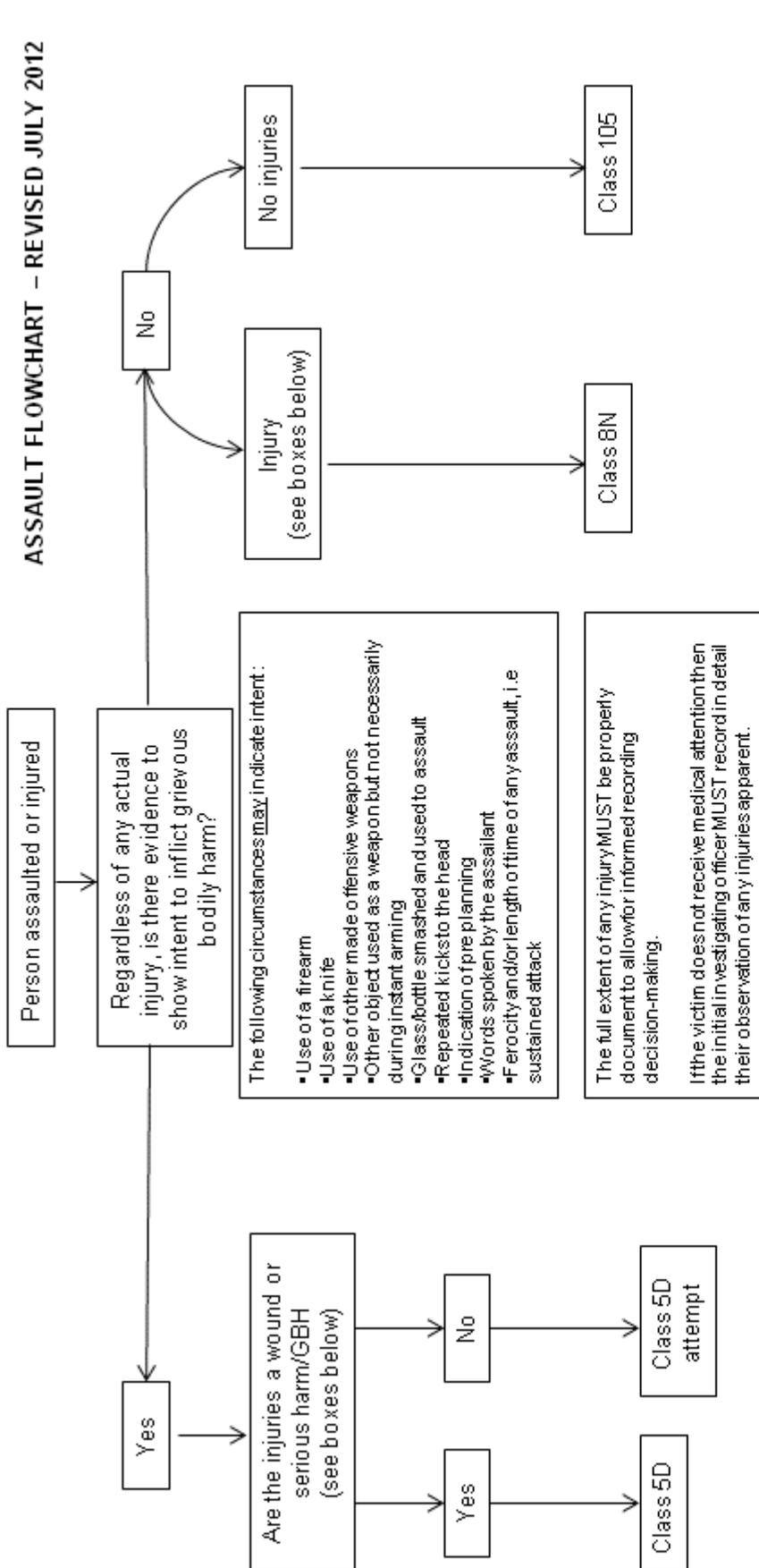
*Five crimes – 4 class 106 and 1 class 5D by force B.*

Example 3: A take away restaurant is raided by Force C and a group of 5 females is found and it established they have been subject of modern slavery. In addition 3 of them report that items of personal property have been stolen from them by the owners of the restaurant.

*Five crimes Class 106 and three crimes class 39 by force C*

**ANNEX A**

**ASSAULT FLOWCHART – REVISED JULY 2012**



<p><b>SERIOUS HARM/GBH</b> Sec 20 GBH without intent (Class 8N) Sec 18: GBH with intent (Class 5D)</p> <ul style="list-style-type: none"> <li>• Injury resulting in permanent disability or permanent loss of sensory function</li> <li>• Injury that results in more than a minor permanent, visible disfigurement, broken or displaced limbs or bones, including fractured skull</li> <li>• Compound fractures, broken cheek bone, jaw ribs etc</li> <li>• Injuries which cause substantial loss of blood, usually necessitating a transfusion</li> <li>• Injuries resulting in lengthy treatment or incapacity</li> <li>• Psychiatric injury. As with assault occasioning actual bodily harm, appropriate expert evidence is essential to prove the injury</li> </ul>	<p><b>WOULD</b> Sec 20 Wound (Class 8N) Sec 18 (Class 5D)</p> <p>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)</p>	<p><b>OTHER INJURY</b> Sec 47 ABH (Class 8N)</p> <ul style="list-style-type: none"> <li>• Grazes</li> <li>• Scratches i.e cut not breaking all layers of skin</li> <li>• Bruising</li> <li>• Reddening of the skin</li> <li>• Swelling</li> <li>• Black eye</li> <li>• Simple broken nose</li> <li>• Shock – appropriate expert evidence required</li> <li>• Loss of broken teeth</li> <li>• Broken finger or toe where there are no complications and no intent to inflict more serious harm</li> <li>• Non-visible injury, causing more than a passing moment of pain or discomfort, which has an adverse impact on the victim</li> </ul>	<p><b>ASSAULT WITHOUT INJURY</b> Sec 39 Common Assault (Class 105)</p> <p>Slap, punch or other attack that leaves no visible mark or injury and does not cause more than a passing moment of pain, e.g a minor sting.</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	2 years	6 months	3 months	1 month	Fine
1	4/4,6	3/1,3	5/11	4/8, 4/12	4/9	104/23	104/31	105/9	4/10
2	4/7, 4/13	5/10	8/5	5/2	5/25	104/25	105/2	105/11	7/5-7/6
3/2-6	5/9	4/11	8/58-60, 68	8/1-8/2	6/3	36,39			7/9
4/1-4/3	5/24	8/30, 8/65	13/1	8/6, 8/21	7/1-7/4	105/1			7/11
5/1	8/52	11/3	13/2	8/29, 8/31	7/7-7/8	105/3,4,6,8			8/70
5/4-5/8	37/1	4/17	36/5	8/65-67, 69	7/10,12,13	105/12-13			105/5,7
5/13- 5/23	72/4-6	36/10		11/2	8/4	105/10			109/1
5/26,27	78/19- 78/21			12	8/20	109/6			109/5
6/1-6/2	99/25-26			14/2	8/56-57	125/68			109/7-8
6/4				36/12-14	8/71-72	195/94			195/12*
7/14 - 7/17									
14/1									
36/1-4									
36/6-8 36/11									

\* 51 weeks or level 5 fine or both.